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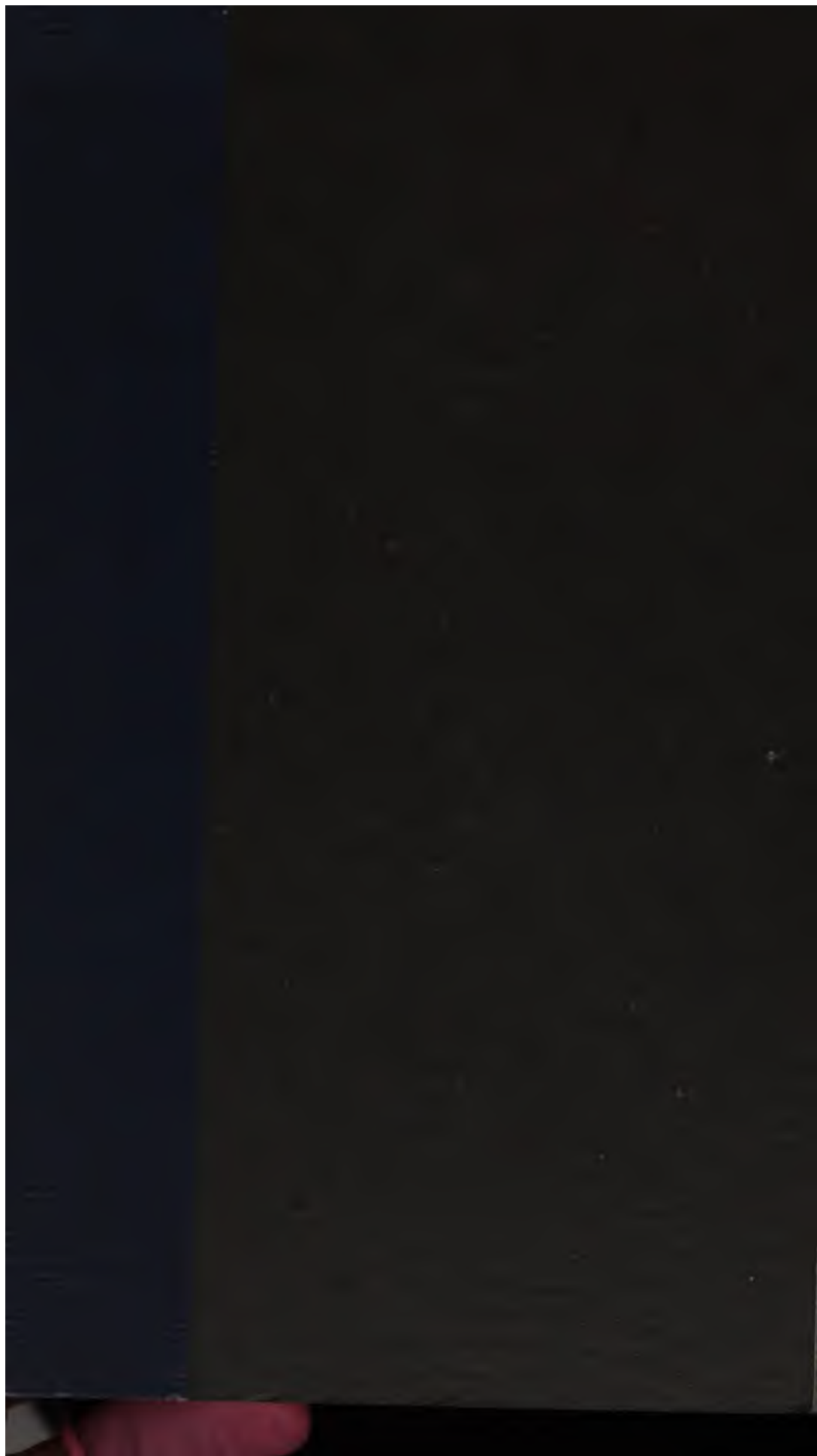
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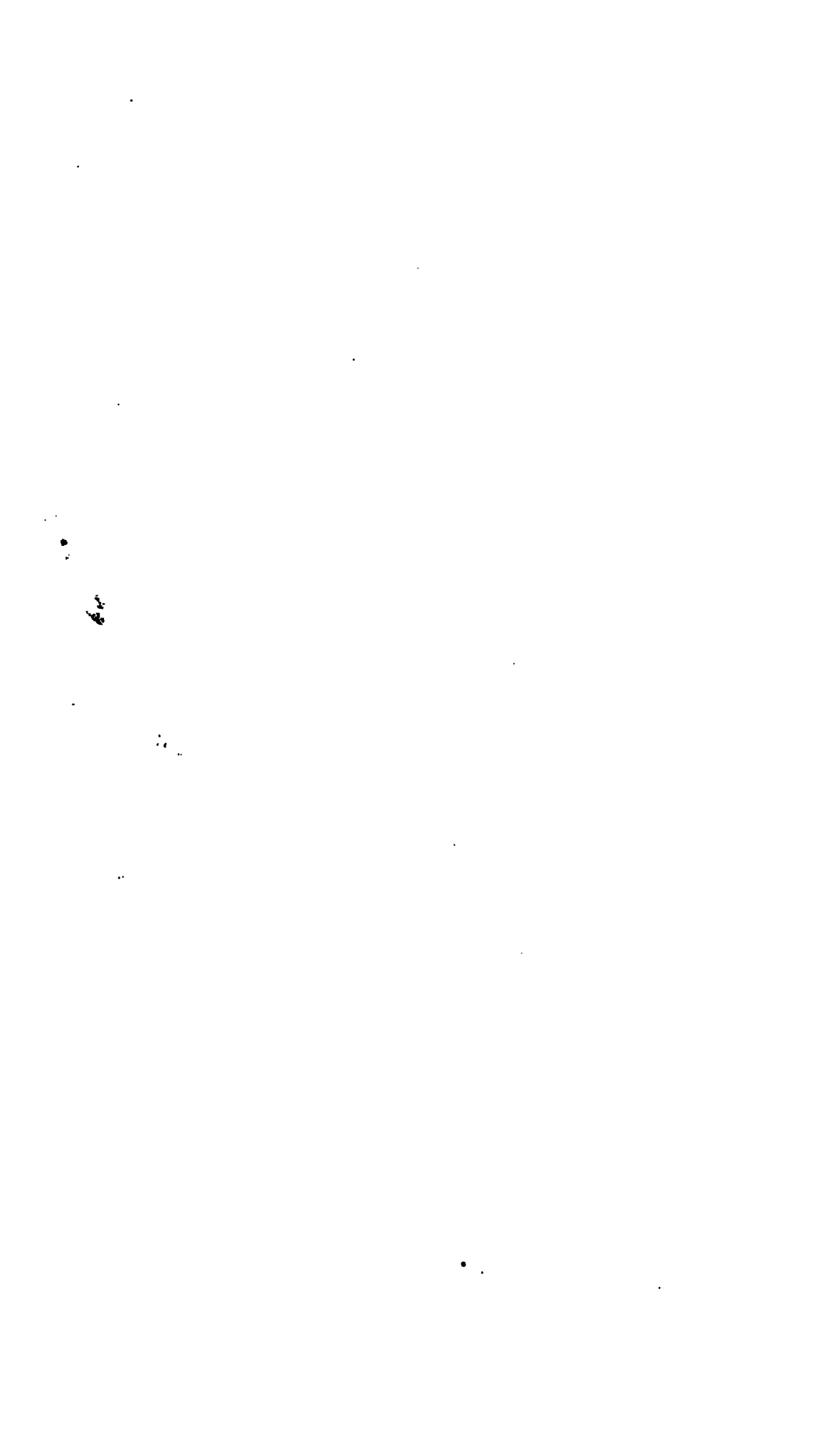
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MINERALOGY.

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J. B. Thomas

A

DICTIONARY

OF

GREEK AND ROMAN ANTIQUITIES.

EDITED BY WILLIAM SMITH, Ph.D.,

AND ILLUSTRATED BY NUMEROUS ENGRAVINGS ON WOOD.

Third American Edition, Carefully Revised,

AND

CONTAINING NUMEROUS ADDITIONAL ARTICLES RELATIVE TO THE BOTANY, MINERALOGY,
AND ZOOLOGY OF THE ANCIENTS.

BY

CHARLES ANTHON, LL. D.,

PROFESSOR OF THE GREEK AND LATIN LANGUAGES IN COLUMBIA COLLEGE, NEW-YORK, AND
RECTOR OF THE GRAMMAR SCHOOL.

NEW YORK:
HARPER & BROTHERS, PUBLISHERS,
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1870.

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eight hundred and forty-three, by

CHARLES ANTHON.

in the Clerk's Office of the District Court of the Southern District
of New York.

TO

WILLIAM B. ASTOR, ESQ.,

AN ALUMNUS OF OUR COMMON ALMA MATER, AND A STRIKING PROOF HOW GREATLY
AN UNCEASING ATTACHMENT TO CLASSICAL STUDIES TENDS TO ELEVATE
AND ADORN THE CHARACTER OF THE AMERICAN MERCHANT,

This Work is Inscribed,

BY

HIS FRIEND AND WELL-WISHER,

C. A

A. B. Thomas,

*Nat. Mil. Home.
Ohio.*



P R E F A C E

TO THE AMERICAN EDITION.

THE merits of the present work are so fully set forth in the preface of the London editor as to render any additional remarks on this subject almost unnecessary. The student has here a guide to an accurate knowledge of Greek and Roman Antiquities, before which the meager compilations of Potter and Adams must sink into utter insignificance; and he is put in possession of a vast body of information in a most interesting department of study, which it might otherwise have cost him the labour of a whole life to accumulate. All the most recent and valuable discoveries of the German scholars are here placed within his reach, and there is nothing to prevent their speculations becoming as familiar to him as household words. The work is, in truth, a German one in an English garb, and will be found to contain all that fineness and accuracy of detail for which the scholars of Germany have so long and justly been celebrated. It is equally intended, also, for the general reader, and as a work of popular reference will be found to be invaluable, not only from its accuracy of research, but from the wide field over which it ranges. In a word, the present volume supplies what has long been felt as a great desideratum in English literature.

In order to render the work, however, if possible, still more useful, the American editor has added a large number of articles relative to the Botany, Mineralogy, and Zoology of the ancients, topics interesting and curious in themselves, and which, it is conceived, fall naturally within the scope of such a work as the present one. The contributions by the American editor are distinguished from those of the English writers by having an asterisk prefixed. In preparing them, the editor has availed himself of various sources of information, but more particularly of three, which it affords him great pleasure to mention here. The first is the Collection of Scientific and other Terms, by his learned friend, Francis Adams, Esq., of Scotland, and which has appeared as an Appendix to the Greek Lexicon of Professor Dunbar. It embraces the opinions, not only of the ancient naturalists, but of the most celebrated, also, among the moderns, and has afforded the American editor the most numerous, as well as the richest materials for his labours. The second source whence information has been obtained on various topics connected with the natural history of the ancients is the noble edition of Cuvier's Animal Kingdom, by Griffith and others, in 16 volumes, 8vo, a work full of curious learning, and replete with interesting observations on the naturalists of antiquity and the opinions entertained by them. On the subject of Ancient Mineralogy, the editor acknowledges himself deeply indebted to the excellent work published some years ago by Dr. Moore, at that time Professor of Ancient Languages in Columbia College, now President of that institution; and he takes the greater pleasure in stating his obligations to the labours of this distinguished scholar, since it affords him, also, the opportunity of congratulating his Alma Mater on having her highest office filled by one so well qualified to advance her best interests, and to gain for her the esteem and approbation of all who wish her well.

As regards the general appearance of the work, some changes of form have been made which may here be enumerated. In the English edition, the articles relating to Grecian Antiquities have their heading in Greek characters. This, although no obstacle, of course, to the student or professed scholar, is a serious impediment in the way of the general reader, and might mar the popularity of the work. To guard against such a result, great care has been taken to change all the headings of the Greek articles (except such as relate to legal matters) to Roman characters, while, at the same time, in order to satisfy the scholar, the Greek title is written immediately after the Roman. Should any words, by this arrangement, be thrown out of the alphabetical order, their places can be discovered in an instant by the General Index at the end of the volume. In the English edition, again, the references and authorities are given in the body of the article, a plan calculated to deter the general reader, and which, at best, is one of very doubtful propriety, since it mars the ap

pearance of an English sentence, and destroys, in some degree, its continuity. This is remedied in the American edition by throwing all the authorities into foot-notes at the bottom of the page, an arrangement so natural, and, withal, so convenient, that it is surprising it should not have been adopted by the English editor.

Another blemish in the English edition is the plan of appending to each article the initials of the writer's name, which, to say the least of it, gives a very awkward and clumsy appearance to the page. In the American edition a different arrangement is adopted. A full reference is given at the end of the volume to the different articles furnished by the different contributors, and these are so classified that it can be ascertained at a glance what portions have been supplied by each. This, indeed, gives the American a decided advantage over the English edition.

We have remarked above, that the present work is intended to supersede the compilations of Potter and Adams. In order to facilitate this most desirable change, an Index Raisonné has been appended to the volume, in which the whole subject of Greek and Roman Antiquities is classified under appropriate heads, so that, by means of this index, the present work, though having the form of a Dictionary, may be made, with the utmost ease, to answer all the purposes of a College text-book. No conscientious and honest instructor, therefore, can hesitate for an instant between the work which is here presented to him and the ordinary text-books of the day. In the preparation of the indexes, and, indeed, in the arrangement of the entire work, the editor has to acknowledge the valuable aid of his friend, Mr. Henry Drisler, sub-rector of the Grammar-school of Columbia College, to whose accuracy and faithful care the previous volumes of the Classical Series are so largely indebted.

Before concluding the present preface, it may be proper to remark, that in a review of Mure's *Tour in Greece*, which appeared in the *London Quarterly* for June, 1842, mention is made of an ancient bridge, discovered by that traveller in Laconia, which the reviewer thinks disproves an assertion made in the present work relative to the arch, namely, that the Romans were *undoubtedly* the first people who applied the arch to the construction of bridges. The bridge discovered by Mr. Mure, over a tributary of the Eurotas, was regarded by him as a work of the remotest antiquity, probably of the heroic age itself; and he even goes so far as to suppose that either Homer himself or Telemachus may have crossed this bridge in travelling into Laconia! The visionary nature of such speculations must present itself to every mind; and we have preferred, therefore, waiting for farther information on this subject, and allowing the article in the Dictionary to remain unaltered. Mr. Mure's Homeric bridge may be found at last to be as modern a structure as Fourmont's temple of the goddess Oga or Onga, near Amyclæ, supposed to have been built about 1500 B.C., but which Lord Aberdeen proved to be a modern Greek chapel!

P R E F A C E

TO THE LONDON EDITION.

THE study of Greek and Roman Antiquities has, in common with all other philological studies, made great progress in Europe within the last fifty years. The earlier writers on the subject, whose works are contained in the collections of Groenovius and Grævius, display little historical criticism, and give no comprehensive view or living idea of the public and private life of the ancients. They were contented, for the most part, with merely collecting facts, and arranging them in some systematic form, and seemed not to have felt the want of anything more: they wrote about antiquity as if the people had never existed: they did not attempt to realize to their own minds, or to represent to those of others, the living spirit of Greek and Roman civilization. But, by the labours of modern scholars, life has been breathed into the study: men are no longer satisfied with isolated facts on separate departments of the subject, but endeavour to form some conception of antiquity as an organic whole, and to trace the relation of one part to another.

There is scarcely a single subject included under the general name of Greek and Roman Antiquities which has not received elucidation from the writings of the modern scholars of Germany. The history and political relations of the nations of antiquity have been placed in an entirely different light since the publication of Niebuhr's Roman History, which gave a new impulse to the study, and has been succeeded by the works of Böckh, K. O. Müller, Wachsmuth, K. F. Hermann, and other distinguished scholars. The study of the Roman law, which has been unaccountably neglected in this country, has been prosecuted with extraordinary success by the great jurists of Germany, among whom Savigny stands pre-eminent, and claims our profoundest admiration. The subject of Attic law, though in a scientific point of view one of much less interest and importance than the Roman law, but without a competent knowledge of which it is impossible to understand the Greek orators, has also received much elucidation from the writings of Meier, Schömann, Bunsen, Platner, Hudtwalcker, and others. Nor has the private life of the ancients been neglected. The discovery of Herculaneum and Pompeii has supplied us with important information on the subject, which has also been discussed with ability by several modern writers, among whom W. A. Becker, of Leipzig, deserves to be particularly mentioned. The study of ancient art likewise, to which our scholars have paid little attention, has been diligently cultivated in Germany from the time of Winckelmann and Lessing, who founded the modern school of criticism in art, to which we are indebted for so many valuable works.

While, however, so much has been done in every department of the subject, no attempt has hitherto been made, either in Germany or in this country, to make the results of modern researches available for the purposes of instruction, by giving them in a single work, adapted for the use of students. At present, correct information on many matters of antiquity can only be obtained by consulting a large number of costly works, which few students can have access to. It was therefore thought that a work on Greek and Roman Antiquities, which should be founded on a careful examination of the original sources, with such aids as could be derived from the best modern writers, and which should bring up the subject, so to speak, to the present state of philological learning, would form a useful acquisition to all persons engaged in the study of antiquity.

It was supposed that this work might fall into the hands of two different classes of readers, and it was therefore considered proper to provide for the probable wants of each, as far as was possible. It has been intended not only for schools, but also for the use of students at universities, and of other persons, who may wish to obtain more extensive information on the subject than an elementary work can supply. Accordingly, numerous references have been given, not only to the classical authors, but also to the best modern writers, which will point out the sources of information on each subject, and enable the reader to extend his inquiries farther if he wishes

At the same time, it must be observed, that it has been impossible to give at the end of each article the whole of the literature which belongs to it. Such a list of works as a full account of the literature would require would have swelled the work much beyond the limits of a single volume, and it has therefore only been possible to refer to the principal modern authorities. This has been more particularly the case with such articles as treat of the Roman constitution and law, on which the modern writers are almost innumerable.

A work like the present might have been arranged either in a systematic or an alphabetical form. Each plan has its advantages and disadvantages, but many reasons induced the editor to adopt the latter. Besides the obvious advantage of an alphabetical arrangement in a work of reference like the present, it enabled the editor to avail himself of the assistance of several scholars who had made certain departments of antiquity their particular study. It is quite impossible that a work which comprehends all the subjects included under Greek and Roman Antiquities can be written satisfactorily by any one individual. As it was therefore absolutely necessary to divide the labour, no other arrangement offered so many facilities for the purpose as that which has been adopted; in addition to which, the form of a Dictionary has the additional advantage of enabling the writer to give a complete account of a subject under one head, which cannot so well be done in a systematic work. An example will illustrate what is meant. A history of the patrician and plebeian orders at Rome can only be gained from a systematic work by putting together the statements contained in many different parts of the work, while in a Dictionary a connected view of their history is given, from the earliest to the latest times, under the respective words. The same remark will apply to numerous other subjects.

The initials of each writer's name are given at the end of the articles he has written, and a list of the names of the contributors is prefixed to the work. It may be proper to state, that the editor is not answerable for every opinion or statement contained in the work: he has endeavoured to obtain the best assistance that he could; but he has not thought it proper or necessary to exercise more than a general superintendence, as each writer has attached his name to the articles he has written, and is therefore responsible for them. It may also not be unnecessary to remark, in order to guard against any misconception, that each writer is only responsible for his own articles, and for no other parts of the work.

Some subjects have been included in the present work which have not usually been treated of in works on Greek and Roman Antiquities. These subjects have been inserted on account of the important influence which they exercised upon the public and private life of the ancients. Thus, considerable space has been given to the articles on Painting and Statuary, and also to those on the different departments of the Drama. There may seem to be some inconsistency and apparent capriciousness in the admission and rejection of subjects, but it is very difficult to determine at what point to stop in a work of this kind. A Dictionary of Greek and Roman Antiquities, if understood in its most extensive signification, would comprehend an account of everything relating to antiquity. In its narrower sense, however, the term is confined to an account of the public and private life of the Greeks and Romans, and it is convenient to adhere to this signification of the word, however arbitrary it may be. For this reason, several articles have been inserted in the work which some persons may regard as out of place, and others have been omitted which have sometimes been improperly included in writings on Greek and Roman Antiquities. Neither the names of persons and divinities, nor those of places, have been inserted in the present work, as the former will be treated of in the "Dictionary of Greek and Roman Biography and Mythology," and the latter in the "Dictionary of Greek and Roman Geography."

The subjects of the woodcuts have been chosen by the writers of the articles which they illustrate, and the drawings have been made under their superintendence. Many of these have been taken from originals in the British Museum, and others from the different works which contain representations of works of ancient art, as the Museo Borbonico, Museo Capitolino, Millin's *Peintures de Vases Antiques*, Tischbein's and D'Hancarville's engravings from Sir William Hamilton's *Vases*, and other similar works. Hitherto little use has been made in this country of existing works of art *for the purpose of illustrating antiquity*. In many cases, however, the representation of an object gives a far better idea of the purposes for which it was intended, and

the way in which it was used, than any explanation in words only can convey. Besides which, some acquaintance with the remains of ancient art is almost essential to a proper perception of the spirit of antiquity, and would tend to refine and elevate the taste, and lead to a just appreciation of works of art in general.

Considerable care has been taken in drawing up the list of articles, but it is feared that there may still be a few omissions. Some subjects, however, which do not occur in the alphabetical list, are treated of in other articles; and it will be found, by reference to the Index, that many subjects are not omitted which appear to be so. The reader will occasionally find some words referred for explanation to other articles, which are not treated of under the articles to which the references are made. Such instances, however, occur but rarely, and are rectified by the index, where the proper references are given. They have only arisen from the circumstance of its having been found advisable, in the course of the work, to treat of them under different heads from those which were originally intended. Some inconsistency may also be observed in the use of Greek, Latin, and English words for the names of the articles. The Latin language has generally been adopted for the purpose, and the subjects connected with Greek antiquity have been inserted under their Greek names, where no corresponding words existed in Latin. In some cases, however, it has, for various reasons, been found more convenient to insert subjects under their English names, but this has only been done to a limited extent. Any little difficulty which may arise from this circumstance is also remedied by the index, where the subjects are given under their Greek, Latin, and English titles, together with the page where they are treated of. The words have been arranged according to the order of the letters in the Latin alphabet.

Mr. George Long, who has contributed to this work the articles relating to Roman Law, has sent the editor the following remarks, which he wishes to make respecting the articles he has written, and which are accordingly subjoined in his own words:

"The writer of the articles marked with the letters G. L. considers some apology necessary in respect of what he has contributed to this work. He has never had the advantage of attending a course of lectures on Roman Law, and he has written these articles in the midst of numerous engagements, which left little time for other labour. The want of proper materials, also, was often felt, and it would have been sufficient to prevent the writer from venturing on such an undertaking, if he had not been able to avail himself of the library of his friend, Mr. William Wright, of Lincoln's Inn. These circumstances will, perhaps, be some excuse for the errors and imperfections which will be apparent enough to those who are competent judges. It is only those who have formed an adequate conception of the extent and variety of the matter of law in general, and of the Roman Law in particular, who can estimate the difficulty of writing on such a subject in England, and they will allow to him who has attempted it a just measure of indulgence. The writer claims such indulgence from those living writers of whose labours he has availed himself, if any of these articles should ever fall in their way. It will be apparent that these articles have been written mainly with the view of illustrating the classical writers; and that a consideration of the persons for whose use they are intended, and the present state of knowledge of the Roman Law in this country, have been sufficient reasons for the omission of many important matters which would have been useless to most readers, and sometimes unintelligible.

"Though few modern writers have been used, compared with the whole number who might have been used, they are not absolutely few, and many of them, to Englishmen, are new. Many of them, also, are the best, and among the best of the kind. The difficulty of writing these articles was increased by the want of books in the English language; for, though we have many writers on various departments of the Roman Law, of whom two or three have been referred to, they have been seldom used, and with very little profit."

It would be improper to close these remarks without stating the obligations this work is under to Mr. Long. It was chiefly through his advice and encouragement that the editor was induced to undertake it, and during its progress he has always been ready to give his counsel whenever it was needed. It is, therefore, as much a matter of duty as it is of pleasure to make this public acknowledgment to him.

WILLIAM SMITH.



A DICTIONARY

OF

GREEK AND ROMAN ANTIQUITIES, ETC

ABACUS.

***ABACULUS** (*ἀβακίσκος*), a diminutive of *Abacus*, is principally applied, when used at all, to the tiles or squares of a tessellated pavement. (*Vid. Abacus, II.*)

ABACUS (*ἀβάξ*) denoted generally and primarily a square tablet of any material. Hence we find it applied in the following special significations:

I. In architecture it denoted the flat square stone which constituted the highest member of a column, being placed immediately under the architrave. Its use is to be traced back to the very infancy of architecture. As the trunk of the tree, which supported the roof of the early log-hut, required to be lashed upon a flat square stone, and to have a stone or tile of similar form fixed on its summit to preserve it from decay, so the stone column in after days was made with a square base, and was covered with an *Abacus*. The annexed figure is drawn from that in the British Museum, which was taken from the Parthenon at Athens, and is a perfect specimen of the capital of a Doric column.



In the more ornamented orders of architecture, such as the Corinthian, the sides of the abacus were curved inward, and a rose or some other decoration was frequently placed in the middle of each side; but the name *Abacus* was given to the stone thus diversified and enriched, as well as in its original form.¹

II. The diminutive **ABACULUS** (*ἀβακίσκος*) denoted a tile of marble, glass, or any other substance used for making ornamental pavements.

Pliny, in his account of glass, says,² "It is artificially stained as in making the small tiles, which some persons call *abaculi*." Moschion says that the magnificent ship built by Archimedes for Hiero, king of Syracuse, contained a pavement made of such tiles, of various colors and materials.³

III. **ABACUS** was also employed in architecture to denote a panel, coffer, or square compartment in the wall or ceiling of a chamber. As panels are

ABACUS.

intended for variety and ornament, they were enriched with painting.¹ Pliny, in describing the progress of luxury with respect to the decoration of apartments, says that the Romans were now no longer satisfied with panels,² and were beginning even to paint upon marble.

IV. **ABACUS** farther denoted a wooden tray, *i. e.*, a square board surrounded by a raised border. This may have been the article intended by Cato, when, in his enumeration of the things necessary in furnishing a farm (*olivetum*), he mentions "one *abacus*."³

Such a tray would be useful for various purposes.⁴ It might very well be used for making bread and confectionary; and hence the name of *abacus* (*ἀβάξ*, *ἀβάκιον*) was given to the *μάκτρα*, *i. e.*, the board or tray for kneading dough.⁵

V. A tray of the same description, covered with sand or dust, was used by mathematicians for drawing diagrams.⁶

VI. It is evident that this contrivance would be no less serviceable to the arithmetician; and to this application of it Persius alludes, when *ix* censures the man who ridiculed "the numbers on the abacus and the partitions in its divided dust."⁷ In this instance the poet seems to have supposed perpendicular lines or channels to have been drawn in the sand upon the board; and the instrument might thus, in the simplest and easiest manner, be adapted for arithmetical computation.

It appears that the same purpose was answered by having a similar tray with perpendicular wooden divisions, the space on the right hand being intended for units, the next space for tens, the next for hundreds, and so on. Thus was constructed "the abacus on which they calculate,"⁸ *i. e.*, reckon by the use of stones.⁹ The figure following is designed to represent the probable form and appearance of such an abacus.

The reader will observe, that stone after stone might be put into the right-hand partition until they amounted to 10, when it would be necessary to take them all out as represented in the figure, and instead of them to put one stone into the next partition. The stones in this division might in like manner amount to 10, thus representing $10 \times 10 = 100$, when it would be necessary to take out the 10, and instead of them to put one stone into the third partition, and so on. On this principle, the stones in the abacus, as delineated in the figure, would be equivalent to 359,310.

1. (Plin., H. N., xxxiii., 56; xxxv., 13.)—2. ("Non placent jam abaci." H. N., xxxv., 1.)—3. (De Re Rust., 16.)—4. (*Vid. Cratin., Fragm., ed. Runkel, p. 27.—Pollux, vi., 90; x., 105.—Bekker, Anec. Græc., i., 27.*)—5. (Hesych., s. v. *Μάκτρα*.—*Schol. in Theoc., iv., 61.*)—6. (Eustath. in *Od., i., 107, p. 1397.*)—7. ("Abaco numeros, et secto in pulvere metas." *Pers., Sat., i., 131.*)—8. (*ἀβάκιον ἰσὶ σὺ ψηφίσκουσιν*: Eustath. in *Od., iv., 240, p. 1494.*)—9. (*ψηφοί, calculi*)

1. (Vitruv., III., 3; iv., 1, 7.)—2. (H. N., xxxvi., 67.)—3. (Scholion in *ἀβακίσκος ἀρχιμήδων ἐκ κερύκεων Ἀθην.* Apud *Allen., v., 207.*)

ABACUS.



It is evident that the same method might be employed in adding, subtracting, or multiplying weights and measures, and sums of money. Thus the stones, as arranged in the figure, might stand for 3 *stadia*, 5 *pletra*, 9 *fathoms*, 3 *cubits*, and 1 *foot*. The abacus, however, can never be much used by us at the present day, owing to our various divisions of weights and measures, &c. We should need one abacus for dollars, cents, &c.; another for avoirdupois weight; a third for troy weight, and so on. In China, however, where the whole system is decimal, that is, where every measure, weight, &c., is the tenth part of the next greater one, this instrument, called *Shwanpan*, is very much used, and with astonishing rapidity. It is said that, while one man reads over rapidly a number of sums of money, another can add them so as to give the total as soon as the first has done reading.

That the spaces of the abacus actually denoted different values, may be inferred from the following comparison in Polybius: "All men are subject to be elevated and again depressed by the most fleeting events; but this is particularly the case with those who frequent the palaces of kings. They are like the stones upon abaci, which, according to the pleasure of the calculator, are at one time the value of a small copper coin, and immediately afterward are worth a talent of gold." Thus courtiers at the monarch's nod may suddenly become either happy or miserable.

VII. By another variation the ABACUS was adapted for playing with dice or counters. The Greeks had a tradition ascribing this contrivance to Palamedes; hence they called it "the abacus of Palamedes." It probably bore a considerable resemblance to the modern backgammon-board, dice being thrown for the moves, and the "men" placed according to the numbers thrown on the successive lines or spaces of the board.

VIII. The term ABACUS was also applied to a kind of cupboard, sideboard, or cabinet, the exact form of which can only be inferred from the incidental mention of it by ancient writers. It appears that it had partitions for holding cups and all kinds of valuable and ornamental utensils:

"Nec per multiplices abaco splendente cavernas
Argenti nigri pocula defodiam."

This passage must evidently have referred to a piece of furniture with numerous cells, and of a complicated construction. If we suppose it to have been a square frame with shelves or partitions, in some degree corresponding to the divisions which have been described under the last two heads, we shall see that the term might easily be transferred from all its other applications to the sense now under consideration.

We are informed that luxuries of this description were first introduced at Rome from Asia Minor

ABLEGMINA.

after the victories of Cn. Manlius Vulso, A.U.C. 567.¹

In the above passage of Sidonius, the principal use of the abacus now described is indicated by the word *argenti*, referring to the vessels of silver which it contained, and being probably designed, like our word "plate," to include similar articles made of gold and other precious substances.²

The term abacus must, however, have been applicable to cupboards of a simple and unadorned appearance. Juvenal says of the triclinium and drinking-vessels of a poor man,

"Lectus erat Codro Procula minor, urceoli sex
Ornamentum abaci, necnon et parvulus infra
Cantharus."³

The abacus was, in fact, part of the furniture of a triclinium, and was intended to contain the vessels usually required at meals.

IX. Lastly, a part of the theatre was called *abakes*, "the abaci." It seems to have been on or near the stage; farther than this its position cannot be at present determined. We may, however, infer that the general idea, characteristic of abaci in every other sense, viz., that of a square tablet, was applicable in this case also.

ABALIENA'TIO. (Vid. MANCIPIUM; MANCIPIATIO.)

ABDICA'TIO. (Vid. MAGISTRATUS, APOCERYXIS.)

*ABIES, the "Fir," a genus of trees of the coniferous tribe, well known for the valuable timber which is produced by many of the species. The origin of the Latin name is unknown; that of the English appellation is the Saxon *firh-wudu*, "fir-wood." The *Abies Picea*, or "Silver Fir," is the kind styled by Virgil *pulcherrima* ("most beautiful"), and *ricca* merits the name. Antiquarians have lost themselves in vain attempts to reconcile the declaration of Cæsar (5, 12), that he found in Britain all the trees of Gaul except the beech and abies, with the well-known fact that fir-wood is abundant in the ancient English mosses, and has been met with even beneath the foundations of Roman roads. What Cæsar meant was, no doubt, that he did not meet with the *silver fir* in Britain; of the pine he says nothing, and therefore it is to be presumed that he found it.—The common *ἐλάτη* of the Greeks must have been either the *Pinus abies* or the *Pinus Orientalis* (Tournefort). There is some difficulty in distinguishing the male and female species of Theophrastus. Stackhouse holds the former to be the *Pinus abies*, or common "Fir-tree," and the latter the *Pinus picea*, or "Yellow-leaved Fir."⁴

*AB'IGA, the herb "ground-pine," called also "St. John's wort." The Latin name is derived from this plant's having been used to produce abortion.⁵ The Abiga is the same with the *Chamaepitys* (Χαμαπίτυς) of the Greeks. The three species of the latter described by Dioscorides have been the subject of much diversity of opinion. The 1st would seem to have been the *Ajiga Chamæpitys*; the 3d the *Ajiga iva* (according to Bauhin and Sprengel); while the 2d, according to the latter, is either the *Teucrium supinum* or *montanum*.⁶ These plants, rich in essential oil, are tonic and aromatic. All that we find in Dioscorides and in Pliny (who copies him), which does not refer to these properties, is merely hypothetical, and does not merit refutation.⁷

ABLEC'TI. (Vid. EXTRAORDINARI.)

ABLEG'MINA (*ἀπολεγμῖνα*) were the parts of the victim which were offered to the gods in sacrifice. The word is derived from *ablegere*, in imitation of

1. (v., 26.)—2. (ταῖς ἐπὶ τῶν ἀβακίων ψήφοις.)—3. (ἀμφι-
βαντος.)—4. (χαλκῶν.)—5. (τῶν ἀβαντων.)—6. (τὸ Παλαιῶν ἄβαν
ἀβαντων: Eustath. in Od., l., 107, p. 1396.)—7. (κίβη.)—8.
σεσολ.)—9. (Sidon. Apoll., Car xvii., 7, 8.)

1. (Liv., xxxix., 6.—Plin., H. N., xxxix., 8.)—2. (Vid. Cic.,
Tusc., v., 21.—Varro, de Ling. Lat., ix., 33, p. 489, ed. Speu-
gel.)—3. (Sat., iii., 187.)—4. (Adams, Append., s. v. ἐλάτη.)—5.
("Quod abigit partus." Vid. Plin., H. N., xxiv., 6.)—6. (Ad-
ams, Append., s. v. χαμαπίτυς.)—7. (Dioscorid., iii., 175.—Fes-
t. in Plin., l. c.)

the Greek ἀβράμεις, which is used in a similar manner. These parts were also called *Porricia*, *Proscida*, (*Vid. SACRIFICES*.)

ABOLLA, a woollen cloak or pall, is probably only a varied form of pallium (φάρος), with which this word is nearly, if not altogether, identical in signification. The form and manner of wearing the abolla may be seen in the figures annexed, which are taken from the bas-reliefs on the triumphal arch of Septimius Severus at Rome.



The word was in use before the Augustan age; it appears in a passage cited by Nonius Marcellus in one of the satires of Varro. Nonius Marcellus quotes the passage to show that this garment to worn by soldiers (*vestis militaris*), and thus opposed to the toga. There can be no doubt that it was more especially the dress of soldiers, because *abolla*, which was used instead of it in the time of peace, though of a similar form and application, was much too large, and wrapped in too many folds round the body to be convenient in time of war. It is also clear, from many passages in ancient writers, that the abolla was by no means confined to use on military occasions.¹

Juvenal speaking of a person who heard unexpectedly that it was necessary for him to attend on an emperor, says, "He took up his cloak in a hurry."² This action suited the use of a garment made simply to be thrown over the shoulders and fastened with a fibula. The same poet calls a cruel and base action *facinus majoris abollæ*, namely "a crime of a larger cloak." The expression has been explained as meaning "a crime of a petty tyrant," and "a crime committed by a philosopher of a graver character." Probably it meant a crime so enormous as to require a larger cloak to hide it. This is supported by the authority of the ancient scholiast on Juvenal, who explains *majoris abollæ* as equivalent to *majoris pallii*. (*Vid. PALLIUM*.)

The Peoples of the Erythrean Sea mentions *abolle* among the articles imported into the kingdom of the Aramæes in Abyssinia; and the expression *lanæ abollæ*, used by the writer, is an additional proof that the abolla was a kind of *ματίον*, i. e., a square or rectangular piece of woollen cloth, a tank, or pall.

ABRAMIS (Ἀβραμῖς), the name of a fish mentioned by Oppian³ and Athenæus.⁴ According to Cuvier it is the *Brama*, namely, the *Cyprinus Brama*, L. or *Abramis Vulgaris* (Cuvier). Rondelet, however, with whom Gesner is disposed to concur, supposed it a species or variety of the *Θρίσσα* (*Thryssa*).⁵

¹ *Thesaurus*, Colig. s. 35.—Martini, l. 133: viii. 48.—2. *Thesaurus*, *proscida*, s. 73.—3. *Ibid.*, l. 244.—4. *vi.*, l. 1.—5. *Adams*, *Append.*, s. 7.

ABROGATIO. (*Vid. LEX*.)

***ABROT'ONUM** (ἀβρότονον), a plant, of which two species are described by Dioscorides,¹ the male and the female. The former of these, by the almost general agreement of the commentators and botanical authorities, is referred to the *Artemisia Abrotanum*, L., or Southernwood. About the other species there is great diversity of opinion. Fuchsius makes it the *Artemisia Pontica*; Dodonæus, the *A. arborescens*; and Matthioli, the *Santolina Chamæcyparissus*, or common Lavender Cotton. Adams decides in favour of the last. Galen recognises the two species described by Dioscorides; but Nicander, Paulus Ægineta, and most of the other writers on the *Materia Medica*, notice only one species, which no doubt was the *A. abrotanum*.²

***ABSIN'THIUM** (ἀψίνθιον), a plant, of which Dioscorides describes three species. The first of these is pretty generally acknowledged to be the *Artemisia absinthium*, or common wormwood; but Sprengel hesitates whether he should not also comprehend the *A. Pontica* under it, which latter, indeed, Bauhin held to be the true Roman wormwood. The second species is the *Artemisia maritima*. The third is held by Sprengel to be the *A. palmata*, L., which, it appears, is indigenous in Santonge. The *A. santonica*, L., being confined to Tartary and the northern parts of Persia, it is not likely that the ancients were acquainted with it.³

ABSOLU'TIO. (*Vid. JUDICIUM*.)

ABSTINENDI BENEFIC'IUM. (*Vid. HERES*.)

***ACA'CALIS** or **ACALL'IS** (ἀκακαλίς, ἀκαλλίς), a plant; according to Sprengel, the *Tamarix Orientalis*, called *Tamarix articulata* by Vahl.⁴

***ACA'CIA** (ἀκακία), a plant, which, according to Sprengel, and most of the authorities, is the *Acacia Vera*, Willd.; but, according to Dierbach, it is the *Acacia Senegal*. Hill remarks, that the tree which produces the *succus acacia* is the same as that which yields the gum arabic. The acacia gets the English name of the Egyptian thorn.⁵

ACA'INA (ἀκαίνα), a measure of length, equivalent to ten Greek feet.

***ACALE'PHE** (ἀκαλήφη, or κνίδη), I. a kind of shellfish, belonging to the genus *Urtica* ("Sea-nettle"), of which there are several species. Linnæus places the *Urtica* among *Zoophyta*, but it belongs more properly to the class *Mollusca*. Sprengel decides, that the *Urtica marina* of the ancients is the *Actinia senilis*.⁶ Coray gives its French name as *Ortie de mer*. Pennant says, the ancients divided their κνίδη into two classes, those which adhere to rocks (the *Actinia* of Linnæus), and those that wander through the element. The latter are called by late writers *Urtica soluta*; by Linnæus, *Medusæ*; by the common people, "Sea jellies," or "Sea blubbers."⁷—II. A species of plant, the "nettle." Dioscorides describes two species, which Sprengel holds to be the *Urtica dioica* ("great nettle") and the *U. urens* ("little nettle").⁸

***ACANTHA** (ἀκανθα), the Thorn. Eight species are described by Theophrastus, none of which are satisfactorily determined by Stackhouse and Schneider. There is great diversity of opinion respecting the two species described by Dioscorides.⁹ Sprengel, upon the whole, inclines to the opinion of Sibthorp, that the ἀκανθα λευκή is the *Cirsium Acarna*, Cand.; and the ἀκανθα Ἀραβική the *Onopordum Arabicum*. Botanists even yet find great difficulty in distinguishing the different species and genera of Thorns and Thistles, and the nomenclature of this tribe of plants is very unsettled.¹⁰

***ACANTHIAS GAL'EOS** (ἀκανθίας γαλέος), π

1. (*Mat. Med.*, iii. 26.)—2. (*Adams*, *Append.*, s. v.)—3. (*Adams*, *Append.*, s. v. ἀψίνθιον.)—4. (*Adams*, *Append.*, s. v. ἀκαλλίς.)—5. (*Adams*, *Append.*, s. v. ἀκακία.)—6. (*Comment in Dioscorid.*)—7. (*Aristot.*, H. A., iv. 5.—*Adams*, *Append.*, s. v. ἀκαλήφη.)—8. (*Dioscor.*, iv. 72.—*Adams*, *Append.*, s. v.)—9. (*iii.*, 12.)—10. (*Adams*, *Append.*, s. v.)

ACATION.

species of fish, the *Squalus Acanthias*, L., or *Spinax Acanthias* of later authorities; in English, the "Piked Dog" or "Hound Fish." It is common on the shores of England and in the Mediterranean. Pennant also says that it swarms on the Scottish coast. It weighs about 20 lbs. This is the species of shark often taken between Edinburgh and Aberdeen.¹

*ACANTHIS (*ἀκανθίς*), so called by Aristotle, is probably the same plant as the *ἀκανθίς* of Aristophanes, and the *ἀκανθουλλίς* of Hesychius. It is the Acanthis of Pliny and Virgil. Gesner, with great probability, refers it to the "Siskin," namely, the *Pringilla spinus*, L., or *Carduelis spinus*, Cuvier. Professor Rennie says it is called "Aberdevine" near London.²

*ACANTHUS (*ἀκανθος*), I. the name by which the broad ruffled leaf used in the enrichment of the Corinthian capital is known. It is thus called because of its general resemblance to the leaves of a species of the Acanthus plant. (Vid. COLUMNNA.)

II. Under this name have been described by ancient authors at least three totally different plants. First, a prickly tree, with smooth evergreen leaves, and small, round, saffron-coloured berries, frequently alluded to by Virgil; this is conjectured to have been the *Holly*. Secondly, a prickly Egyptian tree, described by Theophrastus as having pods like those of a bean; it is probable that this was the *Acacia Arabica*. Thirdly, an herb mentioned by Dioscorides, with broad prickly leaves, which perish at the approach of winter, and again sprout forth with the return of spring. To this latter plant the name is now applied. The word in all cases alludes to the prickly nature of the leaves or stems. It is this last species which is usually supposed to have given rise to the notion of the Corinthian capital. But it appears from the investigation of Dr. Sibthorp, that it is nowhere to be found, either in the Greek islands, or in any part of the Peloponnesus; and that the plant which Dioscorides must have meant was the *Acanthus spinosus*, still called *ἀκανθα*, which is found, as he describes it, on the borders of cultivated grounds or of gardens, and is frequent in rocky moist situations.³

*ACANTHYLLIS (*ἀκανθουλλίς*). As has been stated under Acanthis, the *ἀκανθουλλίς* of Hesychius is most probably the "Siskin," but that of Aristotle is certainly different, being the *Picus varius* according to Camus.⁴

ACAPNA LIGNA (*α* priv., and *καπνός*), called also *cola*, were logs of wood dried with great care in order to prevent smoke. Pliny says that wood soaked with the lees of oil (*ἀμυρνα*) burned without smoke.⁵

Acapnon mel, which was considered the best kind of honey, was obtained without driving out the bees from their hives by smoke, which was the usual method of procuring it.⁶

ACATIŌN (*ἀκάτιον*, a diminutive of *ἀκατος*, a small vessel),⁷ a small vessel or boat, which appears to have been the same as the Roman *scapha*; since Suetonius,⁸ in relating the escape of Cæsar from Alexandria, says that he jumped into a *scapha*, which Plutarch, in narrating the same events, calls an *ἀκάτιον*. Thucydides⁹ speaks of *ἀκάτιον ἑμφορικόν*, which is explained by the scholiast, Πλοῦτιον ἐκατέρωθεν ἐρροσόμενον, ἐν ᾧ ἕκαστος τῶν ἑλλανόντων δικωπίας ἐρέττει.

The *ἀκάτια* were also sails, which, according to the description of Xenophon, were adapted for fast sailing. They are opposed by him to the *μεγάλα ἱστία*.¹⁰

1. (Adams, Append., s. v.)—2. (Adams, Append., s. v. *ἀκανθίς*)—3. (Theophrast., H. P., iii., 4. seqq.—Dioscor., iii., 119.)—4. (Aristot., H. A., viii., 5.)—5. (H. N., xv., 8.—Martial, xiii., 15.)—6. (Plin., H. N., xi., 15.—Colum., vi., 33.)—7. ('Εν τοῖσι συναγωγαῖσι ἀκάτια: Herod., vii., 186; compare Pindar, Pith., xi., 62; Nem., v., 5.)—8. (Jul., 64.)—9. (iv., 67.)—10. *Xen. Hell., vi., 2, § 27.*—Schneider, in loc.

ACCESSIO.

ACCENSI. I. The ACCENSUS was a public officer who attended on several of the Roman magistrates. He anciently preceded the consul, who had not the fasces, which custom, after being long disused, was restored by Julius Cæsar in his first consulship.¹ It was the duty of the accensi to summon the people to the assemblies, and those who had lawsuits to court; and also, by command of the consul and prætor, to proclaim the time, when it was the third hour, the sixth hour, and the ninth hour.² Accensi also attended on the governors of provinces,³ and were commonly freedmen of the magistrate on whom they attended. Varro describes the word from *acciendo*, because they summoned the people; other writers suppose it to come from *accensere*.

II. The ACCENSI were also a class of soldiers in the Roman army. It appears that after the full number of the legion had been completed, some supernumerary soldiers were enlisted, who might be always ready to supply any vacancies in the legion. These soldiers, who were called *adscriptivi* or *adscriptitii* (because, says Festus, *supplendis legionibus adscribebantur*), were usually unaccustomed to military service, and were assigned to different centurions to be instructed in their duties. After they had been formed into a regular corps, they obtained the name of *accensi*, and were reckoned among the light-armed troops.⁴ In later times they were also called *supernumerarii*.⁵ They were placed in battle in the rear of the army, behind the *triarii*.⁶ They had properly no military duty to perform, since they did not march in troops against the enemy. They were, according to the census of Servius Tullius, taken from the fifth class of citizens.⁷

ACCEPTILATIO is defined to be a release by mutual interrogation between debtor and creditor, by which each party is exonerated from the same contract. In other words, *acceptilatio* is the form of words by which a creditor releases his debtor from a debt or obligation, and acknowledges he has received that which in fact he has not received. This release of debt by *acceptilatio* applies only to such debts as have been contracted by stipulation, conformably to a rule of Roman law, that only contracts made by words can be put an end to by words. But the astuteness of the Roman lawyers found a mode of complying with the rule, and at the same time extending the *acceptilatio* to all kinds and to any number of contracts. This was the invention of Gallus Aquilius, who devised a formula for reducing all and every kind of contracts to the stipulation. This being done, the *acceptilatio* would immediately apply, inasmuch as the matter was by such formula brought within the general rule of law above mentioned. The *acceptilatio* must be absolute and not conditional. A part of a debt or obligation might be released as well as the whole, provided the thing was in its nature capable of division. A pupillus could not release a debt by *acceptilatio*, without the consent of his tutor, but he could be released from a debt. The phrase by which a creditor is said to release his debtor by *acceptilatio* is, *debitori acceptum*, or *accepto facere* or *ferre*, or *acceptum habere*. When anything which was done on the behalf of or for the state, such as a building, for instance, was approved by the competent authorities, it was said, in *acceptum ferri* or *referrri*.⁸

ACCES'SIO is a legal term, by which is expressed the produce or increase of anything, and, at the same time, the notion of such produce or in-

1. (Suet., Jul., 20.—Liv., iii., 33.)—2. (Varro, de Ling. Lat., v., 9.—Plin., vii., 60.)—3. (Cic. ad Fratr., i., 1, § 4.)—4. (Walch, in Tacit., Agric., c. 19.)—5. (Veget., ii., 19.)—6. (Liv., viii., 8, 10.)—7. (Liv., i., 43.—Niebuhr, Rom. Hist., i., p. 441, 2, transl.)—8. (Dig., 46, tit. 4; 48, tit. 11, s. 7.—Gaius, iii., 169, seqq.)

ACERRA.

ritense becoming the property of him to whom the thing itself belongs. The rule of law was expressed thus: *Accessio cedit principali*.¹ Examples of accessio are contained under the heads of ALLUVIO, CONFRATRO, FRUCTUS, &c.

*ACCIPEN'SER. (Vid. ACIPEN'SER.)

*ACCIPTER. (Vid. HIERAX.)

ACCLAMATIO was the public expression of approbation or disapprobation, pleasure or displeasure, by loud acclamations. On many occasions, there appear to have been certain forms of acclamations always used by the Romans; as, for instance, at marriages, *Io Hymen, Hymenæe, or Tulassio* (explained by Livy²); at triumphs, *Io triumphe, Io triumphe*; at the conclusion of plays the last actor called out *Plaudite* to the spectators; orators were usually praised by such expressions as *Bene et præclare, Belle et festivo, Non potest melius, &c.*³ Other instances of acclamations are given by Ferrarius, in his *De Veterum Acclamationibus et Plausu*; in Grævius, *Thesaur. Rom. Antiq.*, vol. vi.

ACCUBITA, the name of couches which were used in the time of the Roman emperors, instead of the triclinium, for reclining upon at meals. The mattresses and feather-beds were softer and higher, and the supports (*fulcræ*) of them lower in proportion, than in the triclinium. The clothes and pillows spread over them were called *accubitalia*.⁴

ACCUSATIO. (Vid. CRIMEN, JUDICIUM.)

*ACER. (Vid. SPHENDAMNUS.)

ACERRA (*λίβανωτις, λίβανωρίς*), the incense-tree used in sacrifices.

Horace,⁵ enumerating the principal articles necessary in a solemn sacrifice to Juno, mentions "Flowers and a box full of frankincense."⁶ In Virgil, Æneas worships "with corn and with frankincense from the full acerra."⁷

"*Ferre pio et plena supplex veneratur acerra.*"⁷

Servius explains the last word as meaning *arca libanæ*.

Pliny, enumerating the principal works of Parthenius of Ephesus, says that he painted *Sacerdotem libante puero cum acerra et corona*.⁸ The picture, therefore, represented a priest preparing to sacrifice, with the boy standing beside him, and holding the incense-box and a wreath of flowers. This was, no doubt, a very common and favourite subject for artists of every kind. It frequently occurs in bas-reliefs representing sacrifices, and executed on vases, friezes, and other ancient monuments. It occurs three times on the Columna Trajana at Rome, and once on the Arch of Constantine.

The annexed figure is taken from a bas-relief in the museum of the Capitol.



The acerra was also, according to Festus, a small altar placed before the dead, on which perfumes were burned. *Acerra ara, quæ ante mortuum ponit solent, in qua odores incendebantur*. There was a law in the Twelve Tables which restricted the use of acerra at funerals.⁹

1. (Dig. 24, tit. 2, s. 19, § 13.)—2. (l. 9.)—3. (Cic. de Orat., s. 28.)—4. (Lampridius, Hæliog., 19, 25.—Schol. in Jur., Sat. v., 7.)—5. (Ovid., *Met.*, viii., 2.)—6. ("Flores, et acerra turis ple-
na.")—7. (En., v., 745.)—8. (Plin., H. N., xxxv., 36, § 5.)—9. (Cic. de L. 9., s. 24.)

ACETABULUM.

ACETABULUM (*ὄξις, ὄξυβαφον, ὄξυβάριον*), a vinegar-cup.

Among the various ways in which the Greeks and Romans made use of vinegar (*acetum*) in their cookery and at their meals, it appears that it was customary to have upon the table a cup containing vinegar, into which the guests might dip their bread, lettuce, fish, or other viands, before eating them. Of this fact we have no direct assurance; but it is implied in one of the Greek names of this utensil, viz., *ὄξυβαφον*, from *ὄξυς*, *acid*, and *βάπτω*, *to dip or immerse*. It also suits the various secondary applications of these terms, both in Latin and in Greek, which suppose the vessel to have been wide and open above. In fact, the acetabulum must have been in form and size very like a modern teacup. It probably differed from the *τρούβλιον*, a vessel to which it was in other respects analogous, in being of smaller capacity and dimensions.

These vinegar-cups were commonly of earthenware,¹ but sometimes of silver, bronze, or gold.²

The accompanying figure is taken from Panofka's Work on the names and forms of Greek vases. He states that on the painted vase, belonging to a collection at Naples, from which he took this figure, the name *ὄξυβάφα* is traced underneath it. This may therefore be regarded as an authentic specimen of the general form of an antique vinegar-cup



From proper vinegar-cups, the Latin and Greek terms under consideration were transferred to all cups resembling them in size and form, to whatever use they might be applied.

As the vinegar-cup was always small, and probably varied little in size, it came to be used as a measure. Thus we read of an acetabulum of honey or of salt, which is agreeable to our practice of measuring by teacups, wine-glasses, or table-spoons. We are informed that, as a measure, the *ὄξυβαφον*, or *acetabulum*, was a cyathus and a half, or the fourth part of a *κοτύλη*, or *hemna*.³

The use of these cups by jugglers is distinctly mentioned. They put stones or other objects under certain cups, and then by sleight of hand abstracted them without being observed, so that the spectators, to their great amusement and surprise, found the stones under different cups from those which they expected. Those persons, who were called in Latin *acetabularii*, because they played with *acetabula*, were in Greek called *ψήφοπαίκται*, because they played with stones (*ψήφοι*); and under this name the same description of performers is mentioned by Sextus Empiricus.

In the Epistles of Alciphron,⁴ a countryman who had brought to the city an ass laden with figs, and had been taken to the theatre, describes his speechless astonishment at the following spectacle: "A man came into the midst of us and set down a three-legged table (*τρίποδα*). He placed upon it three cups, and under these he concealed some

1. (*κεράμεια μικρά*: Schol. Aristoph.—ἐστὶ τὸ ὄξυβαφον εἶδος κέλικος μικρῆς κεραμίας: Athenæus, xi., p. 494.)—2. (Athenæus, vi., p. 230.)—3. (Böckh, Gewichte, &c., p. 22.)—4. (iii 20.)

small white round pebbles, such as we find on the banks of rapid brooks. He at one time put one of these under each cup; and then, I know not how, showed them all under one cup. At another time he made them disappear altogether from under the cups, and showed them in his mouth. Then having swallowed them, and having caused those who stood near to advance, he took one stone out of a person's nose, another out of his ear, and a third out of his head. At last he caused them all to disappear entirely." In this passage Alciphron calls the cups μικράς παραψίδας. It may be observed, that παραψίδας was equivalent to ὀξύθαρον when used in its wider acceptation, and denoted a basin or cup set on the table by the side of the other dishes, to hold either vinegar, pickles (*acetaria*), sauce, or anything else which was taken to give a relish to the substantial viands. The word (*paropsis*) was adopted into the Latin language, and is found in Juvenal, Martial, and other writers of the same period.

*ACE'TUM (ὄξος), vinegar. The kinds most in repute among the ancients were the Ægyptian and Chidian.¹ Pliny gives a full account of the medical properties of vinegar. Among other applications, it was employed when leeches had been introduced into the stomach, or adhered to the larynx. Strong salt and water would, however, have been more efficacious in making these loosen their hold, and in facilitating the vomiting of them forth. Vinegar was also given in long-standing coughs, just as modern practitioners give oxymels in chronic catarrhs.²

*ACHA'INES (ἀχαινης), the Daguet or young stag.³

ACH'ANE (ἀχάνη). A Persian measure equivalent to 45 Attic μέδμνοι. According to Hesychius, there was also a Bœotian ἀχάνη equivalent to one Attic μέδμνος.⁴

*ACHA'TES (ἀχάτης), an agate, a precious stone or gem. The agate is a semi-pellucid stone of the flint class. Theophrastus describes it as a beautiful and rare stone from the river Achates in Sicily (now the *Drillo*, in the *Val di Noto*), which sold at a high price; but Pliny tells us that in his time it was, though once highly valued, no longer in esteem, it being then found in many places, of large size, and diversified appearance. The ancients distinguished agates into many species, to each of which they gave a name importing its difference from the common agate, whether it were in colour, figure, or texture. Thus they called the red, *Hæmachates*, which was sprinkled with spots of jasper, or blood-red chalcidony, and was the variety now called dotted agate. The white they termed *Leucachates*; the plain yellowish or wax-coloured, *Cerachates*, which was a variety little valued because of its abundance. Those which approached to or partook of the nature of other stones, they distinguished by names compounded of their own general name, and that of the stone they resembled or partook of; thus, that species which seemed allied to the Jaspers they called *Jaspachates* (the jasper-agate of modern mineralogists); that which partook of the nature of the Carnelian, *Sardachates*; and those which had the resemblance of trees and shrubs on them, they called for that reason *Dendrachates*. This last is what we call at the present denuditic agate, described in the Orphic poem under the name of ἀχάτης δεινδρήεις. The *Corallachates* was so called from some resemblance that it bore to coral. Pliny describes it as sprinkled like the sapphire with spots of gold. Dr. Moore thinks, that in this latter case the ancients confounded with agate the yellow

1. (Athenæus, 2, p. 67.—Juv., Sat., xiii., 85.—Mart., xiii., 122.)
—2. (Plin., H. N., xxiii., 27.—Fée, in loc.)—3. (Aristot., H. A., ix., 6.—Salmas., Exerc. Plin., p. 222.)—4. (Schol. in Aristoph., *Acharn.*, 108, who quotes the authority of Aristotle.—Wurm, de *Fond.*, &c., p. 133.)

fluor spar, containing, as it sometimes does, disseminated particles of iron pyrites. The agate was so called in Greek ἀσχήτης.¹

*ACHERD'US (ἀχερδος), the wild pea-tree,² also a kind of thorn of which hedges were made Sprengel suggests that it is the *Crataegus Azarulus*.³

*ACHERO'IS (ἀχερωίς), the white poplar-tree.⁴

*ACH'ETAS (ἀχετας), according to Hesychius, the male Cicada; but this is clearly either a mistake or an error of the text, as there can be no doubt that it is merely an epithet applied to the larger species of Cicada, and signifying "vocal."⁵ (Vid. Cicada.)

*ACHILLE'OS (Ἀχιλλεύος), a plant, fabled to have been discovered by Achilles, and with which he cured the wound of Telemachus.⁶ The commentators on Pliny make it the *Sideritis heraclea*. It is difficult, however, to decide the question from the text of the Roman writer merely. On recurring to that of Dioscorides, we may, perhaps, conclude as follows: the Achilleus with the golden flower is the *Achillea tomentosa* seu *Abrotanifolia*; the kind with the purple flower is the *A. lanacetifolia*; and the one with white flowers, the *A. nobilis* seu *magna*.⁷

AC'IES. (Vid. ARMY.)

ACIL'IA LEX. (Vid. REPETUNDE.)

ACIL'IA CALPUR'NIA LEX. (Vid. AMBITUS.)

ACI'NACES (ἀκινάκης), a poniard.

This word, as well as the weapon which it denotes, is Persian. Herodotus says,⁸ that when Xerxes was preparing to cross the Hellespont with his army, he threw into it, together with some other things, "A Persian sword, which they call an acinaces." As the root *ac*, denoting sharpness, an edge or a point, is common to the Persian, together with the Greek and Latin, and the rest of the Indo-European languages, we may ascribe to this word the same general origin with ἀκμή, ἄκομή, *acuo*, *acies*, and many other Greek and Latin words allied to these in signification. Horace⁹ calls the weapon *Medus acinaces*, intending by the mention of the Medes to allude to the wars of Augustus and the Romans against Parthia.

Acinaces is usually translated a *cimeter*, a *falchion*, a *sabre*, and is supposed to have been curved; but this assumption is unsupported by any evidence. It appears that the acinaces was short and straight. Julius Pollux describes it thus:¹⁰ "A Persian dagger fastened to the thigh." Josephus, giving an account of the assassins who infested Judæa before the destruction of Jerusalem by the Romans, says, "They used daggers, in size resembling the Persian acinaces; but curved, and like those which the Romans call *sica*, and from which robbers and murderers are called *sicarii*."¹¹ The curvature of the daggers here described was probably intended to allow them to fit closer to the body, and thus to be concealed with greater ease under the garments. Thus we see that the Persian acinaces differed from the Roman *sica* in this, that the former was straight, the latter curved.

Another peculiarity of the acinaces was, that it was made to be worn on the right side of the body, whereas the Greeks and Romans usually had their swords suspended on the left side. Hence Valerius Flaccus speaks of Myraces, a Parthian, as *Insignis manibus, insignis acinace dextro*.¹² The same fact is illustrated by the account given by Ammianus Marcellinus of the death of Cambyses, king of Persia, which was occasioned by an accidental wound from his own acinaces: "Sicomet pugione, quem ap-

1. (Theophrast., de Lapid., 58.—Hill, in loc.—Plin., H. N., xxxvii., 54.—Orph., Lith., v., 230.—Solin., Polyhist., c. xi.—Moore's Anc. Mineralogy, p. 178.)—2. (Soph., Græ. Col., 1592.)—3. (Adams, Append., s. v.)—4. (Spreng., i., 28.)—5. (Adams, Append., s. v.)—6. (Plin., H. N., xxv., 5.)—7. (Fée in Plin., l. c.)—8. (vii., 54.)—9. (Oj. I., xxvii., 5.)—10. (Περσικὸν ἔθνος τῶ μὲν προσηγοριεύον.)—11. (Joseph., Ant. Jud., xx., 7, seqq.)—12. (Argon., vi., 701.)

taken *femori dextro gestabat, subita vi ruinæ nudato, vulneribus.*¹ The Latin historian here gives *pugio* as the translation of the Persian term.

The form of the acinaces, with the method of using it, is illustrated in a striking manner by two classes of ancient monuments. In the first place, in the bas-reliefs which adorn the ruins of Persepolis, the acinaces is invariably straight, and is commonly suspended over the right thigh, never over the left, but sometimes in front of the body. The figures in the annexed woodcut are selected from engravings of the ruins of Persepolis, published by La Bruyn, Chardin, Niebuhr, and Porter.



A golden acinaces was frequently worn by the Persian nobility.² It was also often given to individuals by the kings of Persia as a mark of honour.³

After the defeat of the Persian army at the battle of Platæa, the Greeks found golden poniards on the bodies of the slain.⁴ That of Mardonius, the Persian general, was long kept as a trophy in the temple of Athena Parthenos, on the acropolis of Athens.⁵

The acinaces was also used by the Caspii.⁶ It was an object of religious worship among the Scythians and many of the northern nations of Europe.⁷

The second class of ancient monuments consists of sculptures of the god Mithras, two of which are in the British Museum. The annexed woodcut is taken from the larger of the two, and clearly shows the straight form of the acinaces.



*ACIPENSER (Ἀκκίπηςσιος), the Sturgeon, or Acipenser Sturio, L. Ludovicus Nonnius holds, that the *Sturio* of Ausonius is the sturgeon, but this opinion is very questionable. The ἔλωψ⁸ and the

γαλέος Ῥόδιος¹ were varieties of this fish. It is also called *δυσικός* by Durio in Athenæus.²

ACLIS, a kind of dart.

Virgil attributes this weapon to the Osci, one of the ancient nations of Italy:

"Tereles sunt acides illis

Tela, sed hæc lento mos est aptare flagello."³

From this account it appears that the peculiarity of the acilis consisted in having a leathern thong attached to it; and the design of this contrivance probably was, that, after it had been thrown to a distance, it might be drawn back again.

The acilis was certainly not a Roman weapon. It is always represented as used by foreign nations, and distinguishing them from Greeks and Romans.⁴

ACNA, ACNUA. (Vid. ACTUS.)

*AKOHN ΜΑΡΤΥΡΕΙΝ (ἀκοὴν μαρτυρεῖν). By the Athenian law, a witness could properly only give evidence of what he had seen himself, not of what he had heard from others;⁵ but when an individual had heard anything relating to the matter in dispute from a person who was dead, an exception was made to the law, and what he had heard from the deceased person might be given in evidence, which was called ἀκοὴν μαρτυρεῖν.⁶ It would appear, however, from a passage in Isæus, that a witness might give evidence respecting what he had not seen, but that this evidence was considered of lighter value.⁷

*AC'ONE (ἀκόνη), the whetstone or *Novaculite* (Kirman), the same as the *whet slate* of Jameson, and consisting principally of silex and alum. Theophrastus informs us that the Armenian whetstones were in most repute in his time. The Cyprian were also much sought after. Pliny confounds these with diamonds.⁸

*ACONITUM (ἀκόνιτον), a plant, of which Dioscorides enumerates two species, the *πάρδαλιαγγελος*, and the *λυκοκτόνον*. The latter of these is considered by Dodonæus, Woodville, Sprengel, and most of the authorities, to be the *Aconitum Napellus*, or Wolf's-bane. Respecting the former species there is greater diversity of opinion; however, Sprengel is inclined, upon the whole, to agree with Dodonæus and Sibthorp in referring it to the *Doronicum pardalianches*, or Leopard's-bane. It would seem to be the *κίμμηρον* of Hippocrates, and the *σκορπίος* of Theophrastus.⁹

*ACONTIAS (ἀκοντίας), the name of a serpent. There can be no doubt that this is the *Jaculus* of Lucan.¹⁰ Ælian is the only author who confounds it with the *Chersydrus*. Aëtius calls it *Cenchriles*, from the resemblance which its spots bear to the seeds of millet (κέγχρος). It is called *cafezate* and *alterarate* in the Latin translation of Avicenna. According to Belon, it is about three palms long, and the thickness of a man's little finger; its colour that of ashes, with black spots. Sprengel thinks it may have been a variety of the *Coluber Berus*, or *Viper*.¹¹

*AC'ORUS (ἄκορος), a plant, which most of the commentators hold to be the *Acorus Calamus*, or Sweet Flag. Sprengel, however, in his annotations on Dioscorides, prefers the *Pseudacorum*.¹²

ACQUISITIO is used to express the acquisition of ownership, or property generally. The several modes of acquiring property among the Romans, and the incidents of property when acquired, are treated of under the various heads of IN JURE CESSIO, MANCIPIATIO, USUCAPIO, ACCESSIO, &c., and see DOMINIUM.

*ACRATOPHORUM, a small vessel for hold-

1. (Athen., vii., p. 295.—2. (vii., p. 294.)—3. (Æn., vii., 730.)—4. (Sil. Ital., iii., 362.—Val. Flac., Argonaut., vi., 99.)—5. (Demosth., c. Steph., p. 1130.)—6. (Demosth., c. Steph., p. 1130.—Id., c. Leoch., p. 1097.—Id., c. Enbul., p. 1300.—Meyer and Schömann, Attisch. Proc., p. 669.—Petitus, Leg. Att., iv., 1, § 9, seq., p. 445, seq.)—7. (De Harred. Philoctem., p. 150.)—8. (Adams, Append., s. v.)—9. (H. P., ix., 18.—Adams, Append., s. v.)—10. (Pharsal., ix., 720, 823.)—11. (Spreng., Comment. in Dioscorid.—Ælian., N. A., viii., 13.)—12. (Theophrast., H. P., I, 22.—Dioscorid., i., 2.)

ing wine, a wine-cup. The name is derived from *ἀκράτον*, "unmixed wine," and *φέρειν*, "to bear." Pollux mentions it in his account of ancient drinking vessels, and describes it as resting, not on a flat bottom, but on small astragals. (*Vid.* TALUS.)¹

ACROAMA (*ἀκρόαμα*) signified among the Romans a concert of players on different musical instruments, and also an interlude, called *embolia* by Cicero,² which was performed during the exhibition of the public games. The word is also frequently used for the actors and musicians, who were often employed at private entertainments;³ and it is sometimes employed in the same sense as *anagnostæ*, who were usually slaves, whose duty it was to read or repeat passages from books during an entertainment, and also at other times.⁴

*ACROASIS (*ἀκρόασις*). I. A literary discourse or lecture. The term (itself of Greek origin) is applied by the Latin writers to a discourse or disputation, by some instructor or professor of an art, to a numerous audience. The corresponding Latin term is *Auditio*.⁵ II. It also signifies a place or room where literary men meet, a lecture-room or school.⁶

ACROLITHOI (*ἀκρόλιθοι*), statues, of which the extremities (head, feet, and hands) were only of stone, and the remaining part of the body of bronze or gilded wood.⁷

*ACROPODIUM (*ἀκροπόδιον*), the base or pedestal of a statue, so called from its supporting the extremities or soles of the feet (*ἄκρος*, *πόδις*).

ACROSTOLION (*ἀκροστόλιον*), the extremity of the *στόλος*. The *στόλος* projected from the head of the prow, and its extremity (*ἀκροστόλιον*), which was frequently made in the shape of an animal or a helmet, &c., appears to have been sometimes covered with brass, and to have served as an *εἰσβολή* against the enemy's vessels.⁸

*ACROSTICHIS, an acrostic, a number of verses so contrived, that the first letters of each, being read in the order in which they stand, shall form some name or other word. The word signifies literally the beginning of a line or verse (*ἄκρος*, *στίχος*). "According to some authorities, a writer named Porphyrius Optatianus, who flourished in the fourth century, has the credit of having been the inventor of the acrostic. It is very probably, however, of earlier date. Eusebius, the bishop of Cæsarea, who died in A.D. 340, gives, in his *Life of Constantine*, a copy of Greek verses, which he asserts were the composition of the Erythraean Sibyl, the initial letters of which made up the words *ἸΗΣΟΥΣ ΧΡΙΣΤΟΣ ΘΕΟΥ ΥΙΟΣ ΣΩΤΗΡ*, that is, *Jesus Christ, the Son of God, the Saviour*. These verses, which are a description of the coming of the day of judgment, have been translated into Latin hexameters, so as to preserve the acrostic in that language, in the words *JESUS CHRISTUS DEI FILIUS SERVATOR*. The translation, however, wants one of the peculiar qualities of the original; for it will be observed that the initial letters of the five Greek words, being joined together, form the word *ΙΧΘΥΣ*, that is, the *fish*, which St. Augustine, who quotes the verses in his work entitled *De Civitate Dei*, informs us is to be understood as a mystical epithet of our Saviour, who lived in this abyss of mortality without contracting sin, in like manner as a fish exists in the midst of the sea without acquiring any flavour of salt from the salt water. This may therefore be called an acrostic within an acrostic."⁹

ACROTERIUM (*ἀκροτήριον*) signifies the extremity of anything. I. It is used in Architecture to designate the statues or other ornaments placed

1. (Pollux, vi., 16.—Id., x., 20.)—2. (Pro Sext., c. 54.)—3. (Cic. 2 Verr., iv., 22.—Id., pro Arch., 9.—Suet., Octav., 74.—Macrobius, Sat., ii., 4.)—4. (Cic. ad Att., i., 12.—Id., ad Fam., v., 9.—Plin., Ep., i., 15.—Aul. Gell., ii., 19.—Nep., Att., 14.)—5. (Vitruv., 10, 11.—Sueton., Illust. Gram., c. 2.)—6. (Cic. ad Att., xvi., 17.)—7. (Vitruv., ii., 8.)—8. (χαλκήρης στόλος. *Ench. Pers.*, 414.)—9. (Gallus, de Sibilis Dissertat., p. 123, *see*—Penny Cyclo., vol. i. p. 99.)

on the summit of a pediment. According to some writers, the word only means the pediment on which the ornaments are placed.¹ II. It signified also the *ἀκροστόλιον* or *ἄφλαστον* of a ship, which were usually taken from a conquered vessel as a mark of victory.² III. It was also applied to the extremities of a statue, wings, feet, hands, &c.³

ACROTHYNION (*ἀκροθύμιον*), generally used in the plural, means properly the top of the heap (*ἀκροθύμις*), and is thence applied to those parts of the fruits of the earth, and of the booty taken in war, which were offered to the gods. In the Phœnissæ of Euripides, the chorus call themselves *δορὸς ἀκροθύμιον*.⁴

ACTA DIURNA (proceedings of the day) was a kind of gazette published daily at Rome under the authority of the government. It contained an account of the proceedings of the public assemblies of the law courts, of the punishment of offenders, and a list of births, marriages, deaths, &c. The proceedings of the public assemblies and the law courts were obtained by means of reporters (*actuaria*). The proceedings of the senate (*acta senatus*) were not published till the time of Julius Cæsar,⁵ and this custom was prohibited by Augustus.⁶ An account of the proceedings of the senate was still preserved, though not published, and some senate seems to have been chosen by the emperor to compile the account.⁷ The *acta diurna* were also called *acta populi*, *acta publica*, *acta urbana*, and usually by the simple name of *acta*. These *acta* were frequently consulted and appealed to by later historians.⁸

ACTA SENATUS. (*Vid.* ACTA DIURNA.)

ACTIA (*ἀκτία*) was a festival celebrated every three years at Actium in Epirus, with wrestling, horse-racing, and sea-fights, in honour of Apollo. There was a celebrated temple of Apollo at Actium which is mentioned by Thucydides⁹ and Strabo.¹⁰ After the defeat of Antony off Actium, Augustus enlarged the temple, and instituted games to be celebrated every five years in commemoration of his victory.¹¹

*ACTE (*ἀκτῆ*). Dioscorides describes two species of *Elder*, which are undoubtedly the *Sambucus nigra* and *obulus*, namely, the common and the dwarf elder. The *ἀκτῆ* of Theophrastus is the former of these.¹²

ACTIO is defined by Celsus¹³ to be the right of pursuing by judicial means what is a man's due.

With respect to its subject-matter, the *actio* was divided into two great divisions, the *in personam actio*, and the *in rem actio*. The *in personam actio* was against a person who was bound to the plaintiff by contract or delict; the *in rem actio* applied to those cases where a man claimed a corporeal thing (*corporalis res*) as his property, or claimed a right, as, for instance, the use and enjoyment of a thing, or the right to a road over a piece of ground (*actus*). The *in rem actio* was called *vindicatio*; the *in personam actio* was called *condictio*, because originally the plaintiff gave the defendant notice to appear on a given day for the purpose of choosing a *judex*.

The old actions of the Roman law were called *legis actiones*, or *legitimæ*, either because they were expressly provided for by the laws of the Twelve Tables, or because they were strictly adapted to the words of the laws, and therefore could not be varied. In like manner, the old writs in this country contained the matter or claim of the plaintiff expressed according to the legal form.¹⁴

1. (Vitruv., iii., 3.—Id., v., 12.)—2. (Xen., Hellen., ii., 3, & 4.—Herod., iii., 20.)—3. (Demosth., c. Timocr., p. 738.)—4. (Phœn., 289.)—5. (Sueton., Jul., 20.)—6. (Sueton., Octav., 36.)—7. (Tacit., Ann., v., 4.)—8. (Lipsius, Excurs. ad Tacit., Ann., v., 4.—Le Clerc, Journaux chez les Romains, p. 198, seq.)—9. (Steph. Byz., Ἄκτια.)—10. (i., 29.)—11. (Vit., p. 325.)—12. (Sueton., Octav., c. 18.)—13. (Theophrast., H. P., i., 5, seq.—Dioscor., iv., 171, seq.—Adams, Append., s. v. ἀκτῆ.)—14. (Dig. 44, tit. 7, s. 51.)—15. ("Breve quidem cum sit formatum ad similitudinem regulæ juris, quia breviter et paucis verbis intentionem profertentis exponit et explanat, sicut regulæ juris, tamen quæ breviter enarrat." Bracton, f. 413.)

The five modes of proceeding by legal action, as named and described by Gaius,¹ were SACRAMENTO, PER JUDICIS POSTULATIONEM, PER CONDICTIONEM, PER MANUS INJECTIONEM, PER PIGNORIS CAPTIONEM.

But these forms of action gradually fell into disuse, in consequence of the excessive nicety required, and the failure consequent on the slightest error in the pleadings; of which there is a notable example given by Gaius himself,² in the case of a plaintiff who complained of his vines (*vites*) being cut down, and was told that his action was bad, inasmuch as he ought to have used the term trees (*arbores*), and not vines; because the law of the Twelve Tables, which gave him the action for damage to his vines, contained only the general expression "trees" (*arborum*). The *Lex Æbutia* and two *Leges Juliae* abolished the old *legitima actiones*, except in the case of *damnum infectum* (*Vid. DAMNUM INFECTUM*), and in matters which fell under the cognizance of the *Centumviri*. (*Vid. CENTUMVIRI*.)

In the old Roman constitution, the knowledge of the law was most closely connected with the institutions and ceremonial of religion, and was accordingly in the hands of the patricians alone, whose all their clients were obliged to ask in all their legal disputes. Appius Claudius Cæcus, perhaps one of the earliest writers on law, drew up the various forms of actions, probably for his own use; and that of his friends: the manuscript was stolen or copied by his scribe Cp. Flavius, who made it public; and thus, according to the story, the plebeians became acquainted with those legal forms which hitherto had been the exclusive property of the patricians.³

Upon the old legal actions being abolished, it became the practice to prosecute suits according to certain prescribed forms, or formulae, as they were called, which will be explained after we have noticed various divisions of actions, as they are made by the Roman writers.

The division of *actiones* in the Roman law is somewhat complicated, and some of the divisions must be considered rather as emanating from the schools of the rhetoricians than from any other source. But this division, though complicated, may be somewhat simplified, or, at least, rendered more intelligible, if we consider that an action is a claim or demand made by one person against another, and that, in order to be a valid legal claim (*actio utilis*), it must be founded on a legal right. The main division of actions must therefore have a reference or analogy to the main division of rights; be in every system of law the form of the action must be the expression of the legal right. Now the general division of rights in the Roman law is into rights of dominion or ownership, which are rights against the whole world, and into rights arising from contract, and quasi contract, and delict. The *actio in rem* implies a complainant, who claims a certain right against every person who may dispute it, and the object and end of the action is to compel an acknowledgment of the right by the particular person who disputes it. By this action the plaintiff maintains his property in or to a thing, or his rights to a benefit from a thing (*servitutes*). Thus the *actio in rem* is not so called on account of the subject-matter of the action, but the term is a technical phrase to express an action which is in no way founded on contract, and therefore has no determinate individual as the other necessary party to the action; but every individual who disputes the right, becomes, by such act of disputing, a party liable to such action. The *actio in rem* does not ascertain the complainant's right, and from the nature of the action the complainant's right cannot be ascertained by it, for it is a right against all the

world; but the action determines that the defendant has or has not a claim which is valid against the plaintiff's claim. The *actio in personam* implies a determinate person or persons against whom the action lies, the right of the plaintiff being founded on the acts of the defendant or defendants; it is therefore in respect of something which has been agreed to be done, or in respect of some injury for which the plaintiff claims compensation. The *actio mixta* of Justinian's legislation¹ was so called from its being supposed to partake of the nature of the *actio in rem* and the *actio in personam*. Such was the action among co-heirs as to the division of the inheritance, and the action for the purpose of settling boundaries which were confused.

Rights, and the modes of enforcing them, may also be viewed with reference to the sources from which they flow. Thus the rights of Roman citizens flowed in part from the sovereign power, in part from those to whom power was delegated. That body of law which was founded on, and flowed from, the edicts of the prætors and curule ædiles, was called *jus honorarium*, as opposed to the *jus civile*, in its narrower sense, which comprehended the *leges, plebiscita, senatus consulta, &c.* The *jus honorarium* introduced new rights and modified existing rights; it also provided remedies suitable to such new rights and modifications of old rights, and this was effected by the actions which the prætors and ædiles allowed. On this jurisdiction of the prætors and ædiles is founded the distinction of actions into *civiles* and *honorariæ*, or, as they are sometimes called, *prætorie*, from the greater importance of the prætor's jurisdiction.

There were several other divisions of actions, all of which had reference to the forms of procedure.

A division of actions was sometimes made with reference to the object which the plaintiff had in view. If the object was to obtain a thing, the action was called *persecutoria*. If the object was to obtain damages (*pena*) for an injury, as in the case of a thing stolen, the action was *pænalis*; for the thing itself could be claimed both by the *vindicatio* and the *condictio*. If the object was to obtain both the thing and damages, it was probably sometimes called *actio mixta*, a term which had, however, another signification also, as already observed. The division of *actiones* into *directæ* or *vulgares*, and *utiles*, must be traced historically to the *actiones fictitiæ* or fictions, by which the rights of action were enlarged and extended. The origin of this division was in the power assumed by the prætor to grant an action in special cases where no action could legally be brought, and in which an action, if brought, would have been *inanis* or *inutilis*. After the decline of the prætor's power, the *actiones utiles* were still extended by the contrivances of the *juris prudentes* and the rescripts of the emperors. Whenever an *actio utilis* was granted, it was framed on some analogy to a legally recognised right of action. Thus, in the examples given by Gaius,² he who obtained the *honorum possessio* by the prætor's edict, succeeded to the deceased by the prætorian, and not the civil law; he had, therefore, no direct action (*directa actio*) in respect of the rights of the deceased, and could only bring his action on the fiction of his being what he was not, namely, *heres*.

Actions were also divided into *ordinariæ* and *extraordinariæ*. The *ordinariæ* were those which were prosecuted in the usual way, first before the prætor, *in jure*, and then before the *judex, in judicio*. When the whole matter was settled before or by the prætor in a summary way, the name *extraordinariæ* was applicable to such action. (*Vid. INTERDICT.*)

The foundation of the division of actions into *actiones stricti juris, bonæ fidei, and arbitrariæ*, is not quite clear. In the *actiones stricti juris*, it appears

¹ *Ist.*, 12.—² *Ist.*, 11.—³ *Cic.*, *de Orat.*, 1, 41.—*Id.*, *pro Murena*, c. 11.—*Dig.*, 1, tit. 2, s. 2, § 7.

1. (*Inst.*, iv., tit. 6, s. 20.)—2. (*iv.*, 34.)

That the formula of the prætor expressed in precise and strict terms the matter submitted to the judex, whose authority was thus confined within limits. In the *actiones bonæ fidei*, or *ex fide bona*,¹ more latitude was given, either by the formula of the prætor, or was implied in the kind of action, such as the action *ex empto, vendito, locato, &c.*, and the special circumstances of the case were to be taken into consideration by the judex. The *actiones arbitrarie* were so called from the judex in such case being called an arbiter, probably, as Festus says, because the whole matter in dispute was submitted to his judgment; and he could decide according to the justice and equity of the case, without being fettered by the prætor's formula. It should be observed, also, that the judex properly could only condemn in a sum of money; but the arbiter might declare that any particular act should be done by either of the parties, which was called his *arbitrium*, and was followed by the *condemnatio* if it was not obeyed.

The division of actions into *perpetua* and *temporales* had reference to the time within which an action might be brought, after the right of action had accrued. Originally those actions which were given by a *lex, senatus consultum*, or an imperial constitution, might be brought without any limitation as to time; but those which were granted by the prætor's authority were generally limited to the year of his office. A time of limitation was, however, fixed for all actions by the late imperial constitutions.

The division of actions into *actiones in jus* and *in factum* is properly no division of actions, but has merely reference to the nature of the formula. In the formula *in factum concepta*, the prætor might direct the judex barely to inquire as to the fact which was the only matter in issue; and on finding the fact, to make the proper *condemnatio*: as in the case of a freedman bringing an action against his patronus. In the formula *in jus* the fact was not in issue, but the legal consequences of the fact were submitted to the discretion of the judex. The formula *in factum* commenced with the technical expression, *Si paret, &c.*, "If it should appear," &c.; the formula *in jus* commenced, *Quod A. A., &c.*, "Whereas A. A. did so and so."²

The actions which had for their object the punishment of crimes were considered public, as opposed to those actions by which some particular person claimed a right or compensation, and which were therefore called *privata*. The former were properly called *judicia publica*; and the latter, as contrasted with them, were called *judicia privata*. (*Vid. JUDICIUM.*)

The actions called *noxales* were when a *filius familias* (a son in the power of his father), or a slave, committed a theft, or did any injury to another. In either case the father or owner might give up the wrong-doer to the person injured, or else he must pay competent damages. These actions, it appears, take their name either from the injury committed, or because the wrong-doer was liable to be given up to punishment (*noxæ*) to the person injured. Some of these actions were of legal origin, as that of theft, which was given by the Twelve Tables; that of *damnum injuriæ*, which was given by the Aquilia Lex; and that of *injuriarum et vi bonorum raptorum*, which was given by the edict, and therefore was of prætorian origin. This instance will serve to show that the Roman division and classification of actions varied according as the Roman writers contemplated the sources of rights of action, or the remedies and the modes of obtaining them.

An action was commenced by the plaintiff summoning the defendant to appear before the prætor or other magistrate who had *jurisdictio*: this process was called *in jus vocatio*; and, according to the

laws of the Twelve Tables, was in effect a dragging of the defendant before the prætor if he refused to go quietly. This rude proceeding was modified in later times, and in many cases there could be *in jus vocatio* at all, and in other cases it was necessary to obtain the prætor's permission under pain of a penalty. It was also established that a man could not be dragged from his own house; but a man kept his house to avoid, as we should say, being served with a writ, he ran the risk of a kind of sequestration (*actor in bona mittebatur*). The object of these rules was to make the defendant appear before the competent jurisdiction; the duty of entering an appearance for the defendant did not seem to have suggested itself to the Roman lawyers.¹ If the defendant would not go quiet the plaintiff called on any by-stander to witness (*antestari*) that he had been duly summoned, took the ear of the witness, and dragged the defendant into court.² The parties might settle their dispute on their way to the court, or the defendant might be bailed by a vindex.³ The vindex must not be confounded with the vades. This settlement of disputes on the way was called *transactio in itinere*, and serves to explain a passage in St. Matthew.

When before the prætor, the parties were *in jus agere*. The plaintiff then prayed for an action, and if the prætor allowed it (*dabat actionem*), he declared what action he intended to bring against the defendant, which was called *edere actionem*. This might be done in writing, or orally, or by the plaintiff taking the defendant to the *album*, and showing him which action he intended to rely on.⁴ The formula comprehended, or were supposed to comprehend, every possible form of action. If a plaintiff could be required by a plaintiff, it was presumed that he could find among all the formulae some which was adapted to his case, and he was accordingly supposed to be without excuse if he did not take pains to select the proper formula.⁵ If he selected the wrong one, or if he claimed more than his just claim, he lost his cause;⁶ but the prætor sometimes allowed him leave to amend his claim or *intentio*.⁷ For example, the contract between the parties was something *in genere*, and the plaintiff claimed something *in specie*, he lost his action: thus the contract might be, that the defendant undertook to sell the plaintiff a quantity of dyestuff or a slave; if the plaintiff claimed Tyrian purple or a particular slave, his action was bad; therefore, says Gaius, according to the terms of the contract, so ought the claim of the *intentio* to be. It will be observed, also, as the formulae were so numerous and comprehensive, the plaintiff had only to select the formula which he supposed to be suitable to his case, and would require no farther variation than the addition of the names of the parties and of the thing claimed, or the subject-matter of the suit, with the amount of damages, &c., as the case might be. When the prætor had granted an action, the plaintiff required the defendant to give security for his appearance before the prætor (*in jus*) on a certain day named, commonly the day but one after the *in jus vocatio*, unless the matter in dispute was settled once. The defendant, on finding a surety, was *vades dare*,⁸ *vadimonium promittere* or *facere*; the surety, *vas*, was said *spondere*; the plaintiff, if satisfied with the surety, was said *radari* *recusare* let him go on his sureties, or to have sureties for him. When the defendant promised to appear on a certain day *in jus*, without giving any surety, this was called *vadimonium purum*. In some cases *recuperatores* (*vid. JUDEX*) were named, who, in

1. (Dig. 2, tit. 4.)—2. (Hor., Serm. I., ix., 75., seqq.—1. *ius, Curcul., v., 2.*)—3. (Cic., Top., 2.—Gaius, iv., 46.)—4. 25.—It is not easy to state correctly the changes in procedure which took place after the abolition of the *legitima actio*. Compare Gaius, iv., 25, 46.)—5. (Dig. 2, tit. 13.)—6. (pro Ros. Com., c. 8.)—7. ("Causa cadebat." Cic., de Orat. 36.)—8. (Gaius, iv., 53, seqq.)—9. (Hor., Serm. I., i., 11.)

1 (Cic., Top., 17.)—2. (Gaius, iv., 46, 47.)

in the defendant making default, condemned him in the sum of money named in the *vadimonium*.

If the defendant appeared on the day appointed, he was said *vadimonium sistere*; if he did not appear, he was said *vadimonium deseruisse*, and the prætor gave to the plaintiff the *bonorum possessio*.¹ Both parties, on the day appointed, were summoned by a crier (*præco*), when the plaintiff made his claim or demand, which was very briefly expressed, and may be considered as corresponding to our declaration at law.

The defendant might either deny the plaintiff's claim, or he might reply to it by a plea, *exceptio*. If he simply denied the plaintiff's claim, the cause was at issue, and a *judex* might be demanded. The forms of the *exceptio* also were contained in the prætor's edict, or, upon hearing the facts, the prætor adapted the plea to the case. The *exceptio* was the defendant's defence, and was often merely an equitable answer or plea to the plaintiff's legal demand. The plaintiff might claim a thing upon his contract with the defendant, and the defendant might not deny the contract, but might put in a plea of fraud (*dolus malus*), or that he had been constrained to come to such agreement. The *exceptio* was in effect something which negated the plaintiff's demand, and it was expressed by a negative clause: thus, if the defendant should assert that the plaintiff fraudulently claimed a sum of money which he had not given to the defendant, the *exceptio* would run thus: *Sic ut se nihil dolo malo Auli Agerii factum sit neque scit*. Though the *exceptio* proceeded from the defendant, it was expressed in this form, in order to be adapted for insertion in the formula, and to render the *condemnatio* subject to the condition.

Exceptions were *peremptoria* or *dilatoria*. Peremptory exceptions were a complete and perpetual answer to the plaintiff's demand, such as an exception of *dolus malus* or of *res iudicata*. Dilatory exceptions were, as the name imports, merely calculated to delay the plaintiff's demand; as, for instance, by showing that the debt or duty claimed was not yet due. Gaius considers the *exceptio sine stiracibus et rei residua*² as belonging to this class. If a plaintiff prosecuted his action after a dilatory exception, he lost altogether his right of action. There might be dilatory exceptions, also, to the person of the plaintiff, of which class is the *exceptio cognititoria*, by which the defendant objects either that the plaintiff is not entitled to sue by a *creditor*, or that the cognitor whom he had named was not qualified to act as a cognitor. If the exception was allowed, the plaintiff could either sue himself, or name a proper cognitor, as the case might be. If a defendant neglected to take advantage of a peremptory *exceptio*, the prætor might afterward give him permission to avail himself of it; whether he could do the same in the case of a dilatory, was a doubtful question.³

The plaintiff might reply to the defendant's *exceptio*, for the defendant, by putting in his plea, became an actor. (*Vid. Actor*.) The defendant's plea might be good, and a complete answer to the plaintiff's demand, and yet the plaintiff might allege something that would be an answer to the plea. Thus, in the example given by Gaius,⁴ if the auctioneer (*argentiarius*) claimed the price of a thing sold by auction, the defendant might put in a plea, which, when inserted in the formula, would be of this shape: *Ut ita dicitur emptor damnetur, si ei res quam emerit tradita sit; et this would be in form a good plea. But if the conditions of sale were that the article should not be handed to the purchaser before the money was paid, the argentiarius might put in a *replectio* in this shape: *Nisi predictum est me aliter emptori res traderetur quam si pretium emptor solverit*.*

If the defendant answered the *replectio*, his answer was called *duplicatio*; and the parties might go on to the *triplicatio* and *quadruplicatio*, and even farther, if the matters in question were such that they could not otherwise be brought to an issue.

It remains to speak of the *præscriptio*, so called from being written at the head or beginning of the formula, and which was adapted for the protection of the plaintiff in certain cases.¹ For instance, if the defendant was bound to make to the plaintiff a certain fixed payment yearly or monthly, the plaintiff had a good cause of action for all the sums of money already due; but, in order to avoid making his demand for the future payments not yet due, it was necessary to use a *præscriptio* of the following form: *Ea res agatur cuius rei dies fuit*.

A person might maintain or defend an action by his *cognitor* or *procurator*, or, as we should say, by his attorney. The plaintiff and defendant used a certain form of words in appointing a cognitor, and it would appear that the appointment was made in the presence of both parties. The cognitor needed not to be present, and his appointment was complete when by his acts he had signified his assent.² No form of words was necessary for appointing a *procurator*, and he might be appointed without the knowledge of the opposite party.

In many cases both plaintiff and defendant might be required to give security (*satisdare*); for instance, in the case of an *actio in rem*, the defendant who was in possession was required to give security, in order that, if he lost his cause and did not restore the thing, nor pay its estimated value, the plaintiff might have an action against him or his sureties. When the *actio in rem* was prosecuted by the *formula petitoria*, that *stipulatio* was made which was called *judicatum solvi*. As to its prosecution by the *sponsio*, see *SPONSIO* and *CENTUMVIRI*. If the plaintiff sued in his own name, he gave no security; nor was any security required if a cognitor sued for him, either from the cognitor or the plaintiff himself, for the cognitor actually represented the plaintiff, and was personally liable. But if a procurator acted for him, he was obliged to give security that the plaintiff would adopt his acts; for the plaintiff was not prevented from bringing another action when a procurator acted for him. Tutors and curators generally gave security, like procurators. In the case of an *actio in personam*, the same rules applied to the plaintiff as in the *actio in rem*. If the defendant appeared by a cognitor, the defendant had to give security; if by a procurator, the procurator had to give security.

When the cause was brought to an issue, a *judex* or *judices* might be demanded of the prætor who named or appointed a *judex*, and delivered to him the formula which contained his instructions. The *judices* were said *dari* or *addicti*. So far the proceedings were said to be *in jure*: the prosecution of the *actio* before the *judex* requires a separate discussion.

The following is an example of a formula taken from Gaius:³ *Judex esto. Si paret Aulum Agerium apud Numerium Negidium mensam argenteam deposuisse eamque dolo malo Numerii Negidii Aulo Agerio redditam non esse quanti ea res erit tantam pecuniam judex Numerium Negidium Aulo Agerio condemnato si non paret, absolvo*.

The nature of the formula, however, will be better understood from the following analysis of it by Gaius: It consisted of four parts, the *demonstratio*, *intentio*, *adjudicatio*, *condemnatio*. The *demonstratio* is that part of the formula which explains what the subject-matter of the action is. For instance, if the subject-matter be a slave sold, the *demonstratio* would run thus: *Quod Aulus Agerius Numerio Negidio hom-*

1. (*Hor.*, *Serm.* I, i, 36, seqq.—*Cic.*, pro P. Quinctio, c. 6.)
—1 (*Or.*, 121.)—2. (*Gaius*, iv., 125.)—3. (*iv.*, 126.)

1. (*Gaius*, iv., 130, seqq.—*Cic.*, de *Orat.*, i., 37.)—2. (*Cic.*, *usu*
Q. Roscio, c. 2.—*Hor.*, *Serm.* I, v., 35.)—3. (*iv.*, 47.)

rem vendidit. The *intentio* contains the claim or demand of the plaintiff: *Si paret hominem ex jure Quiritium Auli Agerii esse.* The *adjudicatio* is that part of the formula which gives the *judex* authority to adjudicate the thing which is the subject of dispute to one or other of the litigant parties. If the action be among partners for dividing that which belongs to them all, the adjudication would run thus: *Quantum adjudicari oportet judex Titio adjudicatio.* The *condemnatio* is that part of the formula which gives the *judex* authority to condemn the defendant in a sum of money, or to acquit him: for example, *Judex Numerium Negidivum Aulo Agerio sestertium milia condemnata: si non paret, absolvet.* Sometimes the *intentio* alone was requisite, as in the formulae called *prejudiciales* (which some modern writers make a class of actions), in which the matter for inquiry was, whether a certain person was a freedman, what was the amount of a *dos*, and other similar questions, when a fact solely was the thing to be ascertained.

Whenever the formula contained the *condemnatio*, it was framed with the view to pecuniary damages; and, accordingly, even when the plaintiff claimed a particular thing, the *judex* did not adjudge the defendant to give the thing, as was the ancient practice at Rome, but condemned him in a sum of money equivalent to the value of the thing. The formula might either name a fixed sum, or leave the estimation of the value of the thing to the *judex*, who in all cases, however, was bound to name a definite sum in the condemnation.

The formula then contained the pleadings, or the statements and counter-statements, of the plaintiff and the defendant; for the *intentio*, as we have seen, was the plaintiff's declaration; and if this was met by a plea, it was necessary that this also should be inserted in the formula. The formula also contained the directions for the *judex*, and gave him the power to act. The resemblance between the English and Roman procedure is pointed out in a note in Starkie's *Law of Evidence*.¹

The following are the principal actions which we read of in the Roman writers, and which are briefly described under their several heads: *Actio—Aquæ pluviae arcendæ; Bonorum vi raptorum; Certi et Incerti; Commodati; Communis dividundo; Confessoria; Damni injuria dati; Dejecti vel effusi; Depensi; Depositi; De dolo malo; Empti et venditi; Exercitoria; Ad Exhibendum; Familiae eriscundæ; Fiduciaria; Fœnium regendorum; Furti; Hypothecaria; Injuriarum; Insultoria; Judiciæ; Quod jussu; Legis Aquilicæ; Locati et conducti; Mandati mului; Negativa; Negotiorum gestorum; Noxalis; De pauperie; De peculio; Pignoratitia or Pignoratitia; Publiciana; Quanti minoris; Rationibus distrahendis; De recepto; Redhibitoria; Rei uxoria or Dotis; Restitutoria and Rescissoria; Rutiliana; Serviana; Pro socio; Tributoria; Tutela.*

ACTOR signified generally a plaintiff. In a civil or private action, the plaintiff was often called *petitor*; in a public action (*causa publica*) he was called *accusator*.² The defendant was called *reus*, both in private and public causes: this term, however, according to Cicero,³ might signify either party, as indeed we might conclude from the word itself. In a private action the defendant was often called *adversarius*, but either party might be called *adversarius* with respect to the other. Originally, no person who was not *sui juris* could maintain an action; a *filius familias*, therefore, and a slave, could not maintain an action; but in course of time certain actions were allowed to a *filius familias* in the absence of his parent or his procurator, and also in case the parent was incompetent to act from madness or other like cause.⁴ Wards brought their actions by their guardian or tutor; and in case they

wished to bring an action against their tutor, prætor named a tutor for the purpose.¹ *Peregrini* or aliens, originally brought their action through their patronus; but afterward in their own name by a fiction of law, that they were Roman citizens. A Roman citizen might also generally bring his action by means of a *cognitor* or procurator. (ACTIO.) A *universitas*, or corporate body, sued was sued by their *actor* or *syndicus*.²

ACTOR has also the sense of an agent or manager of another's business generally. The *actor publicus* was an officer who had the superintendence or control of slaves and property belonging to the state.³

ACTOR. (Vid. HISTORIO.)

ACTUARI, short-hand writers, who took down the speeches in the senate and the public assemblies. In the debate in the Roman senate upon the punishment of those who had been concerned in the conspiracy of Catiline, we find the first mention of short-hand writers, who were employed by Cicero to take down the speech of Cato.

The ACTUARI MILITIE, under the Roman emperors, were officers whose duty it was to keep the accounts of the army, to see that the contractors supplied the soldiers with provisions according to agreement, &c.⁴

ACTUS, a Roman measure of length. "A vocabatur, in quo boves agerentur cum aratro, uno petu justo. Hic erat cxx pedum; duplicatusque longitudinem jugerum faciebat."⁵ This actus is called by Columella *actus quadratus*; he says,⁶ "A quadratus undique finitur pedibus cxx. Hoc duplicatus facit jugerum, et ab eo, quod erat junctum, jugeri non usurpavit; sed hunc actum provincia Bœtica rusticam acnam (or acnam) vocant." Varro⁷ says, "A quadratus qui et latus est pedes cxx, et longus totus is modus acnæ Latine appellatur." The *actus quadratus* was therefore equal to half a jugerum, or 14 square Roman feet. The *actus minimus* or *simpus* was 120 feet long and four broad, and therefore equal to 480 square Roman feet.

ACTUS. (Vid. SERVITUDES.)

ACUS, dim. ACICULA (βελόνη, βελονίς, βελόνη), a needle, a pin.

We may translate *acus* a needle, when we suppose it to have had at one end a hole or eye⁸ for the passage of thread; and a pin, when, instead of a hole, we suppose it to have had a knob, a small globe, or any other enlarged or ornamental termination.

The annexed figures of needles and pins, which taken from originals in bronze, vary in length from an inch and a half to about eight inches.



Pins were made not only of metal, but also of wood, bone, and ivory. Their principal use was to assist in fastening the garments, and more particularly in dressing the hair. The mode of plating the hair, and then fastening it with a pin or needle

1. (Gaius, i., 184.)—2. (Dig. 3, tit. 4.)—3. Tacit., Ann., 30; iii., 67.—Lips., Excurs. ad Tacit., Ann., ii., 30.)—4. (Seneca, Ep. 33.)—5. (Ammian., xx., 5.—Cod. tit. 37, s. 5, 16; xii., tit. 49.)—6. (Plin., H. N., xviii., 3.) (v., 1.)—8. (De Re Rust., i., 16.)—9. (Colum., v., l.—Vat. De Ling. Lat., iv., 4.)—10. (γράφημα, γρομαλία.)

1. (l., p. 4.)—2. (Cic. ad Att., i., 16.)—3. (De Orat., ii., 43.)—4. (Dig. 47, tit. 10, s. 17.)

is shown in the annexed figure of a female head, taken from a marble group which was found at Apt, in the south of France.¹



This fashion has been continued to our own times by the females of Italy. Martial alludes to it in the following epigram, in which he supposes the hair to be anointed with perfumes and decorated with ribbons:

*“Tenuia ne madidi violent bombycina crines,
Frigat acus tortas, sustineatque comas.”*²

The acus was employed as an instrument of torture, being inserted under the nails.

Honesty was enjoined upon children by telling them that it was wrong even to steal a pin.

*Μηδέ βελόνης ἔναμ' ἐπιθυμῆς, πάμφιλε,
Ὁ γὰρ θεὸς βλέπει σε πηλοῖον παρών.*³

*ADAMAS (ἀδάμας), a name given by the ancients to several hard substances, and among the most, probably to the Diamond. Psellus describes the gem *adamas* as follows: *χροιάν μὲν ἔχει ὑέλίζουσαν καὶ στιλπνὴν*, “its colour resembles crystal, and is splendid.”—“It is probable,” observes Dr. Moore, “that Pliny, when speaking of the gem called *adamas*, had in view, among other things, the diamond; but it is plain, from the fables he relates of it, that this substance ‘of highest value, not only among gems, but all human things, and for a long time known to kings only, and to very few of them,’ was unknown to him. He has evidently confounded in his description several widely different minerals; to which, from their hardness, or their, in some respect or other, indomitable nature, the Greeks gave the name *ἀδάμας*, ‘adamant.’ Thus steel was very frequently so called; and those grains of native gold, which, when the gangue containing them was reduced to powder in a mortar, resisted the pestle and could not be comminuted by it, were called *adamas*.” Something of this sort Pollux meant by that “flower of gold,” or choicest gold, which he calls *adamas*; and Plato, too, by the branch or root of gold,⁴ which, from its density, very hard and deep coloured, was called *adamas*.⁵ It was, no doubt, this native gold that was spoken of in the authors from whom Pliny drew, when he wrote that *adamas* is found in gold mines; that it accompanies gold; that it seems to occur nowhere but in gold; that it is not larger than a cucumber seed, nor unlike to it in colour. Of the six kinds he mentions, that described as occurring in India, not in gold, but bearing some resemblance to crystal, may have been the diamond; though even here it is probable that he, and those from whom he copies, mistook fine crystals of quartz for diamonds, or, rather, call such crystals *adamas*. The description given is

precisely that of a crystal of quartz, in which the prism has entirely disappeared, leaving a double six-sided pyramid upon a common base.¹ The manner in which Dionysius Periegetes characterizes *adamas* may lead us to suspect that he also spoke of crystals of quartz; for the diamond in its unpolished state, as known to the ancients, would hardly have been styled ‘all-resplendent,’² and afterward ‘brilliant.’³ The locality, too, in the former case, being Scythia. The variety of *adamas* which Pliny calls *siderites*, was magnetic iron ore;⁴ and the Cyprian was probably emery, or some similar substance used in engraving gems.⁵

*ADAR'KES (ἀδαρκης). Matthiolus admits his ignorance of what this substance is, and Matthias Faber was in error when he referred it to the *Lapis Spongites*.⁶ From the description of it given by Dioscorides and Paulus Ægineta, it was evidently nothing but the efflorescence which gathers about reeds in certain salt lakes.⁷

ADDIC'TI. (Vid. NEXI.)

ADDIC'TIO. (Vid. ACTIO.)

ADDIX, ADDIXIS (ἄδιξις, ἄδιξις), a Greek measure, according to Hesychius equal to four χοίνικες.

ADEIA (ἀδεῖα). When any one in Athens, who had not the full privileges of an Athenian citizen, such as a foreigner, a slave, &c., wished to accuse a person of any offence against the people, he was obliged to obtain first permission to do so, which permission was called *ἀδεῖα*.⁸ An Athenian citizen who had incurred ἀτιμία (vid. ATIMIA) was also obliged to obtain *ἀδεῖα* before he could lay an information against any one.⁹

ADEMP'TIO. (Vid. LEGATUM.)

ADGN'A'TIO. (Vid. HERES; TESTAMENTUM.)

ADGN'A'TI. (Vid. COGNATI.)

*ADANTON, a plant. There can be no doubt that it is the *Adiantum Capillus*, or “Maiden-hair.” Both Nicander and Theophrastus say of it, that it derives its name from the circumstance of its not being wet by rain (ἀ, neg., and δαίω, “to wet”). Apuleius mentions *Callitrichon*, *Polytrichon*, and *Asplenion* as synonyms of it.¹⁰

*ΔΑΙΚΤΙΑΣ πρὸς τὸν δῆμον γραφή, and ἀπατήσεως τοῦ δῆμον γραφή, were actions brought in the Athenian courts against persons who were considered to have misled the people, the courts of justice, or the senate of Five Hundred, by misrepresentations or false promises, into acts of injustice, or into measures injurious to the interests of Athens. If an individual was found guilty, he was punished with death. The law relating to these offences is preserved by Demosthenes.¹¹

ADIT'IO HEREDITA'TIS. (Vid. HEREDITAS.)

ADJUDICA'TIO. (Vid. ACTIO.)

ADLEC'TI were those persons who were admitted to the privileges and honours of the pretorship, quaestorship, aedileship, and other public offices, without having any duties to perform.¹² In inscriptions we constantly find, *adlectus inter tribunos, inter quaestores, inter praetores, &c.* The name also was applied, according to Festus, to those senators who were chosen from the equites on account of the small number of senators; but it appears more probable that the adlecti were the same as the conscripti. Livy says, *Conscriptos in novum senatum appellabant lectos*.¹³

*ADLEC'TOR, a collector of taxes in the provinces in the time of the Roman emperors.¹⁴

1. (Matthaeus, Ant. Exp. Suppl., iii, 3.)—2. (Lib. xiv, Epig. 28.)—3. (Metast. ex Phaedr., Rehg. a Meineke, p. 306.)—4. (H. N., xxviii, 15.)—5. (Ἀδάμας γίνεσθαι σίδηρον, Hesych.—Bentley, in Æsch., Prom. Vinct., 6.)—6. (Salmas., Exercit. Plin., p. 737.)—7. (Ἐρροσὶ ἔδαρος.)—8. (vid., 99.)—9. (Χρυσῶν Κεῖς—18. (Tit., l., c. 57, ad Taucha.)

1. (Plin., H. N., xxxvii., 15.)—2. (παμφανόοντα: Dion. Perieg., 318.)—3. (μαρμαίροντα: Id. ib., 1119.)—4. (Salmas., Exercit. Plin., p. 773, seq.—Jamieson, Mineral., i., 41.)—5. (Salmas., Exercit. Plin., p. 774.—Moore's Ancient Mineralogy, p. 143, seq.)—6. (Dioscor., v., 137.—Paul. Ægin., vii.—Mangeti, Bibl. Scrip. Med.)—7. (Adams, Append., s. v.)—8. (Plat., Pericl., c. 31.)—9. (Demosth., c. Timocr., 12, p. 715.—Plat., Phoc., c. 26.)—10. (Theophrast., H. P., vii., 14.—Nicand., Ther., 846.)—11. (Leptin., c. 21, p. 487.—Id. ib., c. 29, p. 498.—Id., c. Timoth., p. 1204.—Dinarch., c. Philoc., c. 1, p. 25.)—12. (Capitula, Pertus c. 6.)—13. (ii, 1.)—14. (Cod. Theod., xii., tit. vi., s. 12.)

ADOPTION.

ADMISSIONALES were chamberlains at the imperial court, who introduced persons to the presence of the emperor.¹ They were divided into four classes; the chief officer of each class was called *proximus admissionum*;² and the *proximi* were under the *magister admissionum*.³ The admissionales were usually freedmen.⁴

Friends appear to have been called *amici admissionis prima, secunda, or tertia*. According to some writers, they were so called in consequence of the order in which they were admitted; according to others, because the *atrium* was divided into different parts, separated from one another by hangings, into which persons were admitted according to the different degrees of favour in which they were held.⁵

ADONIA (*ἄδωνια*), a festival celebrated in honour of Aphrodite and Adonis in most of the Grecian cities.⁶ It lasted two days, and was celebrated by women exclusively. On the first day they brought into the streets statues of Adonis, which were laid out as corpses; and they observed all the rites customary at funerals, beating themselves and uttering lamentations.⁷ The second day was spent in merriment and feasting, because Adonis was allowed to return to life, and spend half of the year with Aphrodite.⁸

*ADONIS (*ἄδωνις, or ἐξώκοιτος*), the Flying-fish, or *Exocetus volitans*, L.⁹

ADOPTION (GREEK). Adoption was called by the Athenians *εἰσποίησις*, or sometimes simply *ποίησις* or *θέσις*. The adoptive father was said *ποιεῖσθαι, εἰσποιεῖσθαι*, or sometimes *ποιεῖν*; and the father or mother (for a mother after the death of her husband could consent to her son being adopted) was said *ἐκποιεῖν*: the son was said *ἐκποιεῖσθαι*, with reference to the family which he left; and *εἰσποιεῖσθαι* with reference to the family into which he was received. The son, when adopted, was called *ποιητός, εἰσποιητός, or θετός*, in opposition to the legitimate son born of the body of the father, who was called *γνήσιος*.

A man might adopt a son either in his lifetime or by his testament, provided he had no male offspring and was of sound mind. He might also, by testament, name a person to take his property, in case his son or sons should die under age.¹⁰ If he had male offspring, he could not dispose of his property. This rule of law was closely connected with the rule as to adoption; for if he could have adopted a son when he had male children, such son would have shared his property with the rest of his male children, and to that extent the father would have exercised a power of disposition which the law denied him.

Only Athenian citizens could be adopted; but females could be adopted (by testament at least) as well as males.¹¹ The adopted child was transferred from his own family and demus into those of the adoptive father; he inherited his property, and maintained the *sacra* of his adoptive father. It was not necessary for him to take his new father's name, but he was registered as his son. The adopted son might return to his former family, in case he left a child to represent the family of his adoptive father: unless he so returned, he lost all right which he might have had on his father's side if he had not been adopted; but he retained all rights which he might have on his mother's side, for the act of adoption had no effect so far as concerned the mother of

ADOPTION.

the adopted person; she still continued his mother after the act of adoption.

The next of kin of an Athenian citizen were entitled to his property if he made no disposition of it by will, or made no valid adoption during his lifetime; they were, therefore, interested in preventing fraudulent adoptions. The whole community were also interested in preventing the introduction into their body of a person who was not an Athenian citizen. To protect the rights of the next of kin against unjust claims by persons who alleged themselves to be adopted sons, it was required that the father should enter his son, whether born of his body or adopted, in the register of his phratría (*φρατρικὸν γραμματεῖον*) at a certain time, the Thargelia,¹ with the privacy of his kinsmen and phratores (*γεννήται, φράτορες*). Subsequently to this, it was necessary to enter him in the register of the adoptive father's demus (*ἀγχιρρικὸν γραμματεῖον*), without which registration it appears that he did not possess the full rights of citizenship as a member of his new demus.

If the adoption was by testament, registration was also required, which we may presume that the person himself might procure to be done if he was of age, or if not, his guardian or next friend. If a dispute arose as to the property of the deceased (*κλήρον διαδικασία*) between the son adopted by testament and the next of kin, there could properly be no registration of the adopted son until the testament was established. If a man died childless and intestate, his next of kin, according to the Athenian rules of succession,² took his property by the right of blood (*ἀγχιρρικία κατὰ γένος*). Though registration might in this case also be required, there was no adoption properly so called, as some modern writers suppose; for the next of kin necessarily belonged to the family of the intestate.

The rules as to adoption among the Athenians are not quite free from difficulty, and it is not easy to avoid all error in stating them. The general doctrines may be mainly deduced from the orations of Isæus, and those of Demosthenes against Macaratus and Leochares.

ADOPTION (ROMAN). The Roman relation of parent and child arose either from a lawful marriage or from adoption. *Adoptio* was the general name which comprehended the two species, *adoptio* and *adrogatio*; and as the adopted person passed from his own familia into that of the person adopting, *adoptio* caused a *capitis diminutio*, and the lowest of the three kinds. Adoption, in its specific sense, was the ceremony by which a person who was in the power of his parent (*in potestate parentium*), whether a child or grandchild, male or female, was transferred to the power of the person adopting him. It was effected under the authority of a magistrate (*magistratus*), the prætor, for instance, at Rome, or a governor (*præses*) in the provinces. The person to be adopted was emancipated (*vid. MANCIPATIO*) by his natural father before the competent authority, and surrendered to the adoptive father by the legal form called *in jure cessio*.³

When a person was *sui juris, i. e.*, not in the power of his parent, the ceremony of adoption was called *adrogatio*. Originally it could only be effected at Rome, and only by a vote of the *populus (populi auctoritate)* in the *comitia curiata (lege curiata)*; the reason of this being that the *caput* or status of a Roman citizen could not, according to the laws of the Twelve Tables, be affected except by a vote of the *populus* in the *comitia curiata*. Clodius, the enemy of Cicero, was adrogated into a plebeian family in order to qualify himself to be elected a *tribunus plebis*.⁴ Females could not be

1. (Lamprid., Sever., c. 4.—"Officium admissionis." Suet., Vesp., c. 14.)—2. (Ammian., xxii., 7.)—3. (Ammian., xv., 5.—Vop., Aurel., c. 12.)—4. (Cod. Theod., vi., tit. 2, s. 12; tit. 9, s. 2; tit. 35, s. 3.)—5. (Sen., de Benef., vi., 33, seq.—Clem., i., 10.)—6. (Aristoph., Pax, 412.—Schol. in loc.)—7. (Plutarch, Alc., c. 18.—Nic., c. 13.)—8. (For a fuller account, consult Anthon's Classical Dictionary, s. v.)—9. (Ælian, ix., 36.—Plin., H. N., ix., 19.)—10. (Demosth., κατὰ Στεφάνου Ψευδ., 13.)—11. (Isæus περὶ τοῦ Ἀγνίου Κλήρου.)

1. (Isæus, περὶ τοῦ Ἀπολλοδώρου Κλήρου, 3, 5.)—2. (Demosth., πρὸς Ἀλιεύου, c. 6.)—3. (A. Gell., v., c. 19.—Suet., Aug., c. 64.)—4. (Cic. ad Att., ii., 7.—Id., pro D. m.)

adopted by the adrogatio. Under the emperors it became the practice to effect the adrogatio by an imperial rescript (*principis auctoritate, ex rescripto principis*); but this practice had not been established in the time of Gaius, or, as it appears, of Ulpian.¹ It would seem, however, from a passage in Tacitus,² that Galba adopted a successor without the ceremony of the adrogatio. By a rescript of the Emperor Antoninus Pius, addressed to the pontifices, those who were under age (*impuberes*), or wards (*pupilli*), could, with certain restrictions, be adopted by the adrogatio. If a father who had children in his power consented to be adopted by another person, both himself and his children became in the power of the adoptive father. All the property of the adopted son became at once the property of the adoptive father.³ A person could not legally be adopted by the adrogatio till he had made out a satisfactory case (*justa, bona, causa*) to the pontifices, who had the right of insisting on certain preliminary conditions. This power of the pontifices was probably founded on their right to preserve the due observance of the sacra of each gens.⁴ It would, accordingly, have been a good ground of refusing their consent to an adrogatio, if the person to be adopted was the only male of his gens, for the sacra would in such case be lost. It was required that the adoptive father also had no children, and no reasonable hopes of any; and, as a consequence of this condition, that he should be older than the person to be adopted.

A woman could not adopt a person, for even her own children were not in her power.

Finally, all adoption was effected by the imperial rescript.

The effect of adoption was to create the legal relation of father and son, just as if the adopted son were born of the blood of the adoptive father in lawful marriage. The adopted child was entitled to the name and sacra privata of the adopting parent, and it appears that the preservation of the sacra privata, which by the laws of the Twelve Tables were made perpetual, was frequently one of the reasons for a childless person adopting a son. In case of intestacy, the adopted child might be the heir of his adoptive father. He became the brother of his adoptive father's daughter, and therefore could not marry her; but he did not become the son of the adoptive father's wife, for adoption only gave to the adopted son the *jura agnationis*.⁵

The phrase of "adoption by testament"⁶ seems to be rather a misapplication of the term; for, though a man or woman might by testament name a heres, and impose the condition of the heres taking the name of the testator or testatrix, this so-called adoption could not produce the effects of a proper adoption. It could give to the person so said to be adopted the name or property of the testator or testatrix, but nothing more. A person on passing from one gens into another, and taking the name of his new familia, generally retained the name of his old gens also, with the addition to it of the termination *anus*. Thus C. Octavius, afterward the Emperor Augustus, upon being adopted by the testament of his uncle the dictator, assumed the name of Gaius Julius Cæsar Octavianus; but he caused the adoption to be confirmed by the curia.⁷

ADORATIO (*προσκύνησις*) was paid to the gods in the following manner: The individual stretched out his right hand to the statue of the god whom he wished to honour, then kissed his hand and waved it to the statue. Hence we have in Apuleius,⁸ *Nihil Deus adiac supplicavit; nullum templum fre-*

quentavit; si Janum aliquod prætereat, nefas habet adorandi gratia manum labris admove.

The adoratio differed from the oratio or prayers, supplications, which were offered with the hands extended and the palms turned upward.² The adoration paid to the Roman emperors was borrowed from the eastern mode of adoration, and consisted in prostration on the ground, and kissing the feet and knees of the emperor.²

ADROGA'TIO. (*Vid. ADOPTION.*)

ADSCRIPTIVL (*Vid. ACCENSIL.*)

ADSTIPULA'TIO. (*Vid. STIPULATIO.*)

ADULTERIUM properly signifies, in the Roman law, the offence committed by a man having sexual intercourse with another man's wife. Stuprum (called by the Greeks *ἄστυ*) signifies the like offence with a widow or virgin. It was the condition of the female which determined the legal character of the offence; there was, therefore, no adultery unless the female was married.

In the time of Augustus a lex was enacted (probably about B.C. 17), entitled *Lex Julia de adulteriis coercendis*, the first chapter of which repealed some prior enactments on the same subject, with the provisions of which prior enactments we are, however, unacquainted. In this law the terms *adulterium* and *stuprum* are used indifferently; but, strictly speaking, these two terms differed as above stated. The chief provisions of this law may be collected from the Digest and from Paulus.⁴

It seems not unlikely that the enactments repealed by the Julian law contained special penal provisions against adultery; and it is also not improbable that, by the old law or custom, if the adulterer was caught in the fact, he was at the mercy of the injured husband, and that the husband might punish with death his adulterous wife.⁵ It seems, also, that originally the act of adultery might be prosecuted by any person, as being a public offence; but under the emperors the right of prosecution was limited to the husband, father, brother, patruus, and avunculus of the adulteress.

By the Julian law, if a husband kept his wife after an act of adultery was known to him, and let the adulterer off, he was guilty of the offence of *lenocinium*. The husband or father in whose power the adulteress was, had sixty days allowed for commencing proceedings against the wife, after which time any other person might prosecute.⁶ A woman convicted of adultery was mulcted in half of her dos and the third part of her property (*bona*), and banished (*relegata*) to some miserable island, such as Seriphos, for instance. The adulterer was mulcted in half his property, and banished in like manner. This law did not inflict the punishment of death on either party; and in those instances under the emperors in which death was inflicted, it must be considered as an extraordinary punishment, and beyond the provisions of the Julian law.⁷ But, by a constitution of Constantine⁸ (if it is genuine), the offence in the adulterer was made capital. By the legislation of Justinian,⁹ the law of Constantine was probably only confirmed; but the adulteress was put into a convent, after being first whipped. If her husband did not take her out in two years, she was compelled to assume the habit, and to spend the rest of her life in the convent.

The Julian law permitted the father (both adoptive and natural) to kill the adulterer and adulteress in certain cases, as to which there were several nice distinctions established by the law. If the

1. (Cassiodorus, *Gaius*, i., 98, with Gaius as cited in Dig. I, tit. 1, § 7; and Ulpian, *Frug.*, tit. 8.)—2. (*Hist.*, i., 15.)—3. (Gaius, i., 98.)—4. (*Cic.*, *pro Domo*, 13, seqq.)—5. (Gaius, i., 97-107.—Dig. I, tit. 7.—*Cicero*, *pro Domo*.)—6. (*Cic.*, *Brut.*, 38.)—7. (*Cic.*, *Ort.*, iii., 18.—*Id.*, *ad Att.*, vii., 8.—*Suet.*, *Jul.*, 63.—*Tib.*, 2, seq.—*Horace*, *Synagoga*—*Dig.* 36, tit. 1, § 63.)

1. (Apul., *Apolog.*, p. 406.—*Plin.*, *H. N.*, xxviii., 5.)—2. (*ἱεράματα χερῶν*: *Æsch.*, *Prom.* V., 1004.—*Lucret.*, v., 1199.—*Hor.*, *Carm.*, iii., 23, 1.)—3. (On this whole subject, consult Brouerius, *de Adorationibus*, *Amst.*, 1713.)—4. (48, tit. 5.—*Sentent. Recept.*, ii., tit. 26, ed. Schulting.)—5. (*Dion. Hal.*, ii., 25.—*Suet.*, *Tib.*, 35.)—6. (*Tacit.*, *Ann.*, ii., 85.)—7. (*Tacit.*, *Ann.*, ii., 50; iii., 24.—*Lips.*, *Excurs.* ad *Tacit.*, *Ann.*, iv., 42.—*Noodt*, *Op. Omn.*, i., 286, seqq.)—8. (*Cod.*, ix., 30.)—9. (*Nov.* 134, c. 10.)

father killed only one of the parties, he brought himself within the penalties of the Cornelian law De Sicariis. The husband might kill persons of a certain class, described in the law, whom he caught in the act of adultery with his wife; but he could not kill his wife. The husband, by the fifth chapter of the Julian law, could detain for twenty hours the adulterer whom he had caught in the fact, for the purpose of calling in witnesses to prove the adultery. If the wife was divorced for adultery, the husband was entitled to retain part of the dos.¹ Horace² is supposed to allude to this Julian law.

Among the Athenians, if a man caught another man in the act of criminal intercourse (*μοιχεία*) with his wife, he might kill him with impunity; and the law was also the same with respect to a concubine (*παλλακή*). He might also inflict other punishment on the offender. It appears that among the Athenians also there was no adultery, unless a married woman was concerned.³ But it was no adultery for a man to have connexion with a married woman who prostituted herself, or who was engaged in selling anything in the agora.⁴ The Roman law appears to have been pretty nearly the same.⁵ The husband might, if he pleased, take a sum of money from the adulterer by way of compensation, and detain him till he found sureties for the payment. If the alleged adulterer had been unjustly detained, he might bring an action against the husband; and if he gained his cause, he and his sureties were released. If he failed, the law required the sureties to deliver up the adulterer to the husband before the court, to do what he pleased with him, except that he was not to use a knife or dagger.⁶

The husband might also prosecute the adulterer in the action called *μοιχείας γραφή*. If the act of adultery was proved, the husband could no longer cohabit with his wife under pain of losing his privileges of a citizen (*ἀτιμία*). The adulteress was excluded even from those temples which foreign women and slaves were allowed to enter; and if she was seen there, any one might treat her as he pleased, provided he did not kill her or mutilate her.⁷

ADVERSA'RIA, note-book, memorandum-book, posting-book, in which the Romans entered memoranda of any importance, especially of money received and expended, which were afterward transcribed, usually every month, into a kind of ledger. (*Tabulae justae, codex accepti et expensi.*) Cicero describes the difference between the adversaria and tabulae in his *Oratio pro Rosc. Com.*, c. 3: *Quid est, quod negligenter scribamus adversaria? quid est, quod diligenter conscribamus tabulas? qua de causa? Quia haec sunt menstra, illa sunt aeterna; haec delentur statim, illa servantur sancte, &c.*

ADVERSA'RIUS. (*Vid. ACTOR.*)

ADUNATOI (*ἀδύνατοι*), were persons supported by the Athenian state, who, on account of infirmity or bodily defects, were unable to obtain a livelihood. The sum which they received from the state appears to have varied at different times. In the time of Lysias⁸ and Aristotle,⁹ one obolus a day was given; but it appears to have been afterward increased to two oboli. The bounty was restricted to persons whose property was under three minae; and the examination of those who were entitled to it belonged to the senate of the Five Hundred.¹⁰ Pisistratus is said to have been the first to introduce a law for the maintenance of those persons who had been mutilated in war.¹¹

1. (Ulpian, Fr., vi., 12.)—2. (Carm. iv., v. 21.)—3. (Lysias, *ἔπι τοῦ Ἐπιπροθέτου φόνου*.)—4. (Demosth., *κατὰ Νεαίρας*, c. 18.)—5. (Paulus, Sent. Recept., vi., tit. 26.)—6. (Demosth., *κατὰ Νεαίρας*, 18.)—7. (Demosth., *κατὰ Νεαίρας*, c. 22.—Æschin., *κατὰ Τιμαρχοῦ*, c. 26.)—8. (*ἔπι τοῦ Ἀδύνατου*, c. iv., p. 749.)—9. (Harpocrat., *Ἀδύνατοι*.)—10. (Æschin., *κατὰ Τιμαρχοῦ*, c. 21.)—11. (Plut., Solon., c. 31.—Lysias, *ἔπι τοῦ Ἀδύνατου*, c. 21.)—12. (Plut., Solon., c. 31.—Lysias, *ἔπι τοῦ Ἀδύνατου*, c. 21.)—13. (Plut., Solon., c. 31.—Lysias, *ἔπι τοῦ Ἀδύνατου*, c. 21.)—14. (Plut., Solon., c. 31.—Lysias, *ἔπι τοῦ Ἀδύνατου*, c. 21.)—15. (Plut., Solon., c. 31.—Lysias, *ἔπι τοῦ Ἀδύνατου*, c. 21.)—16. (Plut., Solon., c. 31.—Lysias, *ἔπι τοῦ Ἀδύνατου*, c. 21.)—17. (Plut., Solon., c. 31.—Lysias, *ἔπι τοῦ Ἀδύνατου*, c. 21.)—18. (Plut., Solon., c. 31.—Lysias, *ἔπι τοῦ Ἀδύνατου*, c. 21.)—19. (Plut., Solon., c. 31.—Lysias, *ἔπι τοῦ Ἀδύνατου*, c. 21.)—20. 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ence over buying and selling, and, as a consequence, the supervision of the markets, of things exposed to sale, such as slaves, and of weights and measures: from this part of their duty is derived the name under which the ædiles are mentioned by the Greek writers (*ἀγορανόμοι*). It was their business to see that no new deities or religious rites were introduced into the city, to look after the observance of religious ceremonies, and the celebrations of the ancient feasts and festivals. The general superintendence of police comprehended the care of preserving order, regard to decency, and the inspection of the baths and houses of entertainment, of brothels, and of prostitutes, who, it appears, were registered by the ædiles. The ædiles had various officers under them, as *præcones*, *scribæ*, and *tutores*.

The **ÆDILES CURULES**, who were also two in number, were originally chosen only from the patricians, afterward alternately from the patricians and the plebes, and at last indifferently from both.¹ The office of curule ædiles was instituted B.C. 365, and, according to Livy, on the occasion of the plebeian ædiles refusing to consent to celebrate the *ludi maximi* for the space of four days instead of three; upon which a *senatus consultum* was passed, by which two ædiles were to be chosen from the patricians. From this time four ædiles, two plebeian and two curule, were annually elected.² The distinctive honours of the ædiles curules were, the *stola curulis*, from whence their title is derived, the *toga prætexta*, precedence in speaking in the senate, and the *jus imaginis*.³ The ædiles curules only had the *jus edicendi*, or the right of promulgating edicts;⁴ but the rules comprised in their edicts served for the guidance of all the ædiles. The *edicta* of the curule ædiles were founded on their authority as superintendents of the markets, and of buying and selling in general. Accordingly, their edicts had mainly, or perhaps solely, reference to the rules as to buying and selling, and contracts for bargain and sale. They were the foundation of the *actiones ædilitiæ*, among which are included the *actio redhibitoria* and *quanti minoris*.⁵ A great part of the provisions of the ædiles' edict relate to the buying and selling of slaves. The persons both of the plebeian and curule ædiles were *sacrosancti*.⁶

It seems that, after the appointment of the curule ædiles, the functions formerly exercised by the plebeian ædiles were exercised, with some few exceptions, by all the ædiles indifferently. Within five days after being elected or entering on office, they were required to determine by lot, or by agreement among themselves, what parts of the city each should take under his superintendence; and each ædile alone had the care of looking after the paving and cleansing of the streets, and other matters, it may be presumed, of the same local character within his district. The other duties of the office seem to have been exercised by them jointly.

In the superintendence of the public festivals and solemnities, there was a farther distinction between the two sets of ædiles. Many of these festivals, such as those of Flora⁷ and Ceres, were superintended by either set of ædiles indifferently; but the plebeian games were under the superintendence of the plebeian ædiles, who had an allowance of money for that purpose; and the fines levied on the *pecuarii* and others, seem to have been appropriated to these among other public purposes.⁸ The celebration of the *ludi magni* or *Romani*, of the *ludi scenici* or dramatic representations, and the *ludi Megalesii*, belonged especially to the curule ædiles, and it was on such occasions that they

often incurred a prodigious expense, with the view of pleasing the people and securing their votes in future elections. This extravagant expenditure of the ædiles arose after the close of the second Punic war, and increased with the opportunities which individuals had of enriching themselves after the Roman arms were carried into Greece, Africa, and Spain. Even the prodigality of the emperors hardly surpassed that of individual curule ædiles under the Republic; such as C. J. Cæsar the dictator, P. C. Lentulus Spinther, and, above all, M. Æmilius Scaurus, whose expenditure was not limited to bare show, but comprehended objects of public utility, as the reparation of walls, dockyards, ports, and aqueducts.¹ An instance is mentioned by Dion Cassius² of the *ludi Megalesii* being superintended by the plebeian ædiles; but it was done pursuant to a *senatus consultum*, and thus the particular exception confirms the general rule.

In B.C. 45, J. Cæsar caused two curule ædiles and four plebeian ædiles to be elected; and thenceforward, at least so long as the office of ædile was of any importance, six ædiles were annually elected. The two new plebeian ædiles were called *Cereales*, and their duty was to look after the supply of corn. Though their office may not have been of any great importance after the institution of a *præfectus annonæ* by Augustus, there is no doubt that it existed for several centuries, and at least as late as the time of Gordian.

The ædiles belonged to the class of the *minores magistratus*. The plebeian ædiles were originally chosen at the *comitia centuriata*, but afterward at the *comitia tributa*,³ in which *comitia* the curule ædiles also were chosen. It appears that, until the *lex annalis* was passed, a Roman citizen might be a candidate for any office after completing his twenty-seventh year. This *lex annalis*, which was passed at the instance of the tribune L. V. Tappulus, B.C. 180, fixed the age at which each office might be enjoyed.⁴ The passage of Livy does not mention what were the ages fixed by this law; but it is collected, from various passages of Roman writers, that the age fixed for the ædileship was thirty-six. This, at least, was the age at which a man could be a candidate for the curule ædileship, and it does not appear that there was a different rule for the plebeian ædileship.

The ædiles existed under the emperors; but their powers were gradually diminished, and their functions exercised by new officers created by the emperors. After the battle of Actium, Augustus appointed a *præfectus urbis*, who exercised the general police, which had formerly been one of the duties of the ædiles. Augustus also took from the ædiles, or exercised himself, the office of superintending the religious rites, and the banishing from the city of all foreign ceremonials; he also assumed the superintendence of the temples, and thus may be said to have destroyed the ædileship by depriving it of its old and original functions. This will serve to explain the curious fact mentioned by Dion Cassius,⁵ that no one was willing to hold so contemptible an office, and Augustus was therefore reduced to the necessity of compelling persons to take it: persons were accordingly chosen by lot, out of those who had served the office of *quæstor* and tribune; and this was done more than once. The last recorded instance of the splendours of the ædileship is the administration of Agrippa, who volunteered to take the office, and repaired all the public buildings and all the roads at his own expense, without drawing anything from the treasury.⁶ The ædileship had, however, lost its true character before this time. Agrippa had already

1. (Livy, vi., 1.)—2. (Livy, vi., 42.)—3. (Cic., 2 Verr., v., 14.)—4. (Gloss., l., 6.)—5. (Dig. 21, tit. 1, De Ædificio Edicto.)—6. (Livy, ix., 2.)—7. (Livy, iii., 55.)—8. (Cic., 2 Verr., v., 14.—Dion. Hal., 178, seq.)—9. (Livy, x., 23; xxvii., 6.—Ovid, Fast., 278, seq.)

1. (Cic., Off., ii., 17.—Plin., H. N., xxxiii., 3; xxxvi., 15.—2. (xliii., 48.)—3. (Dion. Hal., vi., 90; ix., 43, 49.—Livy, ii., 56, seq.)—4. (Livy, xl., 44.)—5. (Livy, c. 24.)—6. (Dion. Cas., xlix., 43.—Plin., H. N., xxxvi., 15.)

time of the master, or by his testament. It prescribed certain formalities to be observed in the case of manumission when the owner of the slave (*dominus*) was under twenty; the effect of which was, that though a person of the age of fourteen could make a will, he could not by will give a slave his freedom.¹

ÆNEATORES (*ahenatores*²) were those who blew upon wind instruments in the Roman army; namely, the *buccinatores*, *cornicines*, and *tubicines*.³ Æneatores were also employed in the public games.⁴ A *collegium æneatorum* is mentioned in inscriptions.⁵

ÆOLIPYLÆ (*αἰόλον πύλαι*) were, according to the description of Vitruvius,⁶ hollow vessels, made of brass, which were used in explaining the origin, &c., of the winds. These vessels, which had a very small orifice, were filled with water and placed on the fire, by which, of course, steam was created.

ÆQUITAS. (*Vid. Jus.*)

ÆRA, a point of time from which subsequent or preceding years may be counted. The Greeks had no common æra till a comparatively late period. The Athenians reckoned their years by the name of the chief archon of each year, whence he was called *ἀρχων ἐπώνυμος*; the Lacedæmonians by one of the ephors; and the Argives by the chief priestess of Juno, who held her office for life.⁷ The following æras were adopted in later times: 1. The æra of the Trojan war, B.C. 1184, which was first made use of by Eratosthenes. 2. The Olympic æra, which began B.C. 776, and was first made use of by Timæus of Sicily, and was adopted by Polybius, Diodorus, Dionysius of Halicarnassus, and Pausanias. (*Vid. OLYMPIAD.*) 3. The Philippic or Alexandrian æra, which began B.C. 323. 4. The æra of the Seleucidæ, which began in the autumn of B.C. 312. 5. The æras of Antioch, of which there were three, but the one in most common use began in November, B.C. 49.

The Romans reckoned their years from the foundation of the city (*ab urbe condita*) in the time of Augustus and subsequently, but in earlier times the years were reckoned by the names of the consuls. We also find traces of an æra from the banishment of the kings, and of another from the taking of the city by the Gauls. The date of the foundation of Rome is given differently by different authors. That which is most commonly followed is the one given by Varro, which corresponds to B.C. 753.⁸ It must be observed that 753 A.U.C. is the first year before, and 754 A.U.C. the first year after the Christian æra. To find out the year B.C. corresponding to the year A.U.C., subtract the year A.U.C. from 754; thus, 605 A.U.C.=149 B.C. To find out the year A.D. corresponding to the year A.U.C., subtract 753 from the year A.U.C.; thus, 767 A.U.C.=14 A.D.

ÆRARII, those citizens of Rome who did not enjoy the perfect franchise; *i. e.*, those who corresponded to the *Isoteles* and *Atimi* at Athens. The name is a regular adjective formed from *æs* (bronze), and its application to this particular class is due to the circumstance that, as the ærarii were protected by the state without being bound to military service, they naturally had to pay the *æs militare*, which was thus originally a charge on them, in the same way as the sums for knights' horses were levied on the estates of rich widows and orphans.⁹ (*Vid. ÆS HORDEARIUM.*) The persons who constituted this class were either the inhabitants of other towns which had a relation of isopolity with Rome (the

inquilini), or clients and the descendants of freedmen. The decemvirs enrolled in the tribes all who were ærarians at that time:¹ and when the tribes comprised the whole nation, the degradation of a citizen to the rank of an ærarian (which was called *ærarium facere*;² *referre aliquem in ærarios*;³ or *in tabulas Cæritum referri jubere*⁴) might be practised in the case of a patrician as well as of a plebeian. Hence ærarians came to be used as a term of reproach. Thus Cicero, speaking of the corrupt judges who tried Clodius, says,⁵ *Maculosi senatores, nudi equites, tribuni non tam arati, quam, ut appellantur, ærarii*. He is alluding to the Aurelian law, which settled that the judges should be selected from the senators, the knights, and the tribuni ærarii. These *tribuni ærarii*, who constituted an order in the later days of the republic, and were, in fact, the representatives of the most respectable plebeians, were originally heads of tribes, who acted as general inspectors and collectors of the *æs militare* for the payment of the troops.⁶ In the same way the publicani, or farmers of the taxes, constituted a numerous class of the equestrian order.

ÆRARIIUM, the public treasury at Rome. After the banishment of the kings, the temple of Saturn was used as the place for keeping the public treasure, and it continued to be so till the later times of the empire.⁷ Besides the public money, the standards of the legions were kept in the ærarium;⁸ and also all decrees of the senate were entered there, in books kept for the purpose.⁹

The ærarium was divided into two parts: the common treasury, in which were deposited the regular taxes, and which were made use of to meet the ordinary expenses of the state; and the sacred treasury (*ærarium sanctum, sanctius*¹⁰), which was never touched except in cases of extreme peril. The twentieth part of the value of every slave who was enfranchised,¹¹ and some part of the plunder of conquered nations, were deposited in the sacred treasury.¹² Augustus established a separate treasury under the name of *ærarium militare*, to provide for the pay and support of the army, and he imposed several new taxes for that purpose.¹³

The *ærarium*, the public treasury, must be distinguished from the *fiscus*, the treasury of the emperors.¹⁴ (*Vid. FISCUS.*)

The charge of the treasury was originally intrusted to the quæstors and their assistants, the tribuni ærarii; but in B.C. 49, when no quæstors were elected, it was transferred to the ædiles, in whose care it appears to have been till B.C. 28, when Augustus gave it to the prætors, or those who had been prætors.¹⁵ Claudius restored it to the quæstors;¹⁶ but Nero made a fresh change, and committed it to those who had been prætors, and whom he called *præfecti ærarii*.¹⁷ In the time of Vespasian, the charge of the treasury appears to have been again in the hands of the prætors;¹⁸ but in the time of Trajan, if not before, it was again intrusted to the præfects, who appear to have held their office for two years.¹⁹

*ÆRUGO (*ἰός*), Verdigris. "Among the ancients, as it still is, verdigris was a common green pigment; and Dioscorides²⁰ and Pliny²¹ specify several varieties of native *æruga*, or *lös*, classing with it, in this case, what we may suppose to have been green carbonate, instead of acetate of copper; as,

1. (Gaius, lib. i.—Ulp., Frag., tit. 1.—Dig. 28, tit. 5, s. 57, 60.—Tacit., Ann., xv., 55.)—2. (Ammian., xxiv., 4.)—3. (Suet., Jul., 32.)—4. (Sen., Ep., 84.)—5. (Orelli, 4059.—Gruter, 264, No. 1.)—6. (i., 6.)—7. (Thucyd., ii., 2.—Pausan., iii., 11, § 2.)—8. (Niebuhr, Hist. Rom., vol. i., p. 258–269, transl.)—9. (Niebuhr, Hist. Rom., i., p. 465.)

1. (Niebuhr, Hist. Rom., ii., p. 317.)—2. (Aul. Gell., iv., 12.)—3. (Cic., pro Cluent., 43.)—4. (Aul. Gell., xvi., 13.)—5. (Ac Attic., i., 16.)—6. (Dion. Hal., iv., 14.)—7. (Plut., Popl., 12.—Plin., Paneg., 91, seq.)—8. (Liv., iii., 69; iv., 22; vii., 23.)—9. (Cic., de Leg., iii., 4.—Tac., Ann., iii., 51; xiii., 20.)—10. (Liv., xxvii., 10.—Flor., iv., 2.—Cæsar., Bell. Civ., i., 14.)—11. (Liv., vii., 16; xxvii., 10.)—12. (Lucan., Phars., iii., 155.)—13. (Suet., Octav., 49.—Dion. Iv., 24, 25, 32.)—14. (Sen., de Ben., v. i., 6.—Plin., Pan., 36, 42.—Suet., Octav., 101.—Tac., Ann., ii., 47; vi., 2.)—15. (Suet., Octav., 36.)—16. (Suet., Claud., 24.—Dion. Iv., 24.)—17. (Tac., Ann., xiii., 29.)—18. (Tac., Hist., iv., 93.—19. (Plin., Pan., 91, 92.—Lips., Excurs. ad Tac., Ann. xiii., 29.)—20. (Dioscor., v., 91.)—21. (Vie. H. N., xxxi., 26.)

for example, 'the efflorescence upon stones which contained copper,' and what was 'scraped from the stone out of which copper was melted.' Various modes of making verdigris are described by Theophrastus, Dioscorides, and Pliny, which agree in principle, and some of them even as to their details, with the processes now employed. Among the various adulterations of it, that which was made with the sulphate of iron (*alrumentum sutorium*) was, as we learn from Pliny, the one best calculated to deceive; and the mode of detecting it, suggested by him, deserves notice. It was to rub the counterfeit ærugo on papyrus steeped with the gallum, which immediately thereon turned black.¹

ÆRUSCATORÆS were vagrants who obtained their living by fortune-telling and begging.² They were called by the Greeks *ἀγύρται*. (Vid. AGURTAL.) Pessus explains *æruscare* by *ara undique colligere*.

ÆS (*χαλκός*), a composition of metals, in which copper is the predominant ingredient. Its etymology is not known. The Italians and French often use the words *rame* and *otone*, and *airain*, to translate the word *æs*; but, like the English term *brass*, which is also employed in a general way to express the same composition, all are incorrect, and are calculated to mislead. Brass, to confine ourselves to our own language, is a combination of *copper* and *zinc*, while all the specimens of ancient objects formed of the material called *æs*, are found upon analysis to contain no zinc; but, with very limited exceptions, to be composed entirely of *copper and tin*. To this mixture the term *bronze* is now exclusively applied by artists and founders; and it is desirable that, being now generally received, it should always be used, in order to prevent misapprehension, and to distinguish at once between the two compositions. The word *bronze* is of Italian origin, and of comparatively modern date, and derived in all probability from the brown colour (*bruno*) which the artists of the period of the revival (as it is called) of the Arts, and those who followed them, gave their metal works; various fine specimens of such productions of the *cinque-cento* age are still preserved in the Museum of Florence and in other collections; and when the surface of the cast has not been injured by accident or by exposure to the weather, the rich brown tint originally imparted to them is as perfect as when it was first produced. The natural colour of bronze, when first cast, is a reddish brown; the different tints which are seen on works of sculpture of this class being almost always given by artificial means: that which modern taste prefers, and which is now usually seen on bronze works, namely, a bright bluish green, may, however, be considered natural to it, as it is simply the effect of oxidation, from exposure to the influence of the atmosphere. Sometimes the operations of time and weather are anticipated by the skillful application of an acid over the surface of the metal. The finest bronzes of antiquity are remarkable for the colour of this *patina*, as it is called by antiquaries.

The employment of *æs* (*bronze*) was very general among the ancients; money, vases, and utensils of all sorts, whether for domestic or sacrificial purposes, ornaments, arms offensive and defensive, furniture, tablets for inscriptions, musical instruments, and, indeed, every object to which it could be applied, being made of it. The proportions in which the component parts were mixed seem to have been much studied; and the peculiarities and excellence of the different sorts of bronze were marked by distinctive names, as the *æs Corinthiacum*, *æs Deliacum*, *æs Ægineicum*, *æs Hepatizon*, and others; but of which, it must be confessed, we know little or nothing beyond the titles, except that

we collect from some of the writers of antiquity, that, with the view of producing effects of colour or variety of texture, the artists sometimes mixed small proportions of gold, silver, lead, and even iron, in the composition of their bronze.

No ancient works in brass, properly so called, have yet been discovered, though it has been affirmed that zinc was found in an analysis made of an antique sword;³ but it appeared in so extremely small a quantity, that it hardly deserved notice; if it was indeed present, it may rather be attributed to some accident of nature than to design. For farther particulars on the composition of bronze, and the practice of the ancients in different processes of metal-working, the reader is referred to the article on bronze.

ÆS (money, *nummi aenei* or *arēi*). Since the most ancient coins in Rome and the old Italian states were made of *æs*, this name was given to money in general, so that Ulpian says, *Eliam aureos nummos æs dicimus*.⁴ For the same reason we have *as alienum*, meaning debt, and *ara* in the plural, pay to the soldiers.⁵ The Romans had no other coinage except bronze or copper (*as*) till A.U.C. 485 (B.C. 269), five years before the first Punic war, when silver was first coined; gold was not coined till sixty-two years after silver.⁶ For this reason, *Argentūnus*, in the Italian mythology, was made the son of Æsculanus.⁷

The earliest copper coins were cast, not struck. In the collection of coins at the British Museum there are four ases joined together, as they were taken from the mould, in which many were cast at once. In most ases the edge shows where they were severed from each other. The first coinage of *æs* is usually attributed to Servius Tullius, who is said to have stamped the money with the image of cattle (*pecus*), whence it was called *pecunia*.⁸ According to some accounts, it was coined from the commencement of the city;⁹ and according to others, the first coinage was attributed to Janus or Saturn.¹⁰ We know that the old Italian states possessed a bronze or copper coinage from the earliest times.

The first coinage was the *as* (*vid. As*), which originally was a pound weight; but *as*, in course of time, the weight of the *as* was reduced not only in Rome, but in the other Italian states, and this reduction in weight was not uniform in the different states, it became usual in all bargains to pay the ases according to their weight, and not according to their nominal value. The *as grave*¹¹ was not, as has been supposed by some, the old heavy coins as distinguished from the lighter modern; but, as Niebuhr¹² has remarked, it signified any number of copper coins reckoned according to the old style, by weight. There was, therefore, no occasion for the state to suppress the circulation of the old copper coins, since in all bargains the ases were not reckoned by tale, but by weight. The weight thus supplied a common measure for the national money, and for that of the different states of Italy; and, accordingly, a hundred pounds, whether of the old or modern money, were of the same value. The name of *æs grave* was also applied to the uncoined metal.¹³

Under the Roman empire, the right of coining silver and gold belonged only to the emperors; but the copper coinage was left to the *ærarium*, which was under the jurisdiction of the senate.

Bronze or copper (*χαλκός*) was very little used

1. (Theophrast., *et al. A. D.*, c. 102.—Vitruv., *vii.*, 12.—Moore's *Æt. Nummology*, p. 64, seq.)—2. (Gell., *xiv.*, 1; *ix.*, 2.—Sen. *de Cons.*, *ii.*, 4.)

1. (Mongez, *Mem. de l'Institut.*)—2. (Dig. 50, tit. 16, s. 159.—Compare Hor., *Ep. ad Pis.*, 345.—Id., *Ep. 1*, *vii.*, 23.)—3. (Liv., *v.*, 4.—Plin., *H. N.*, xxxiv., 1.)—4. (Plin., *H. N.*, xxxiii., 13.)—5. ("Quia prius urea pecunia in usu esse copit, post argentea:." August., *de Civ. Dei*, *iv.*, 21.)—6. (Plin., *H. N.*, xxxiii., 13; xviii., 3.—Varro, *de Re Rust.*, *ii.*, 1.—Ovid., *Fast.*, *v.*, 281.)—7. (Plin., *H. N.*, xxxiv., 1.)—8. (Macrob., *Satur.*, *i.*, 7.)—9. (Liv., *iv.*, 41, 60; *v.*, 2; xxxii., 26.—Sen. *ad Helv.*, 12.)—10. (Rom. *Hist.*, *i.*, p. 458.)—11. (Servius, in Virg., *Æn.*, *vi.*, 862.—"Massa, *as rude, metallum infectum*." Isidor., *xvi.*, 18, 13.)

by the Greeks for money in early times. Silver was originally the universal currency, and copper appears to have been seldom coined till after the time of Alexander the Great. At Athens a copper coinage was issued as early as B.C. 406, in the archonship of Callias;¹ but it was soon afterward called in, and the silver currency restored.² It is not improbable, however, that the copper coin called *χαλκοῦς* was in circulation in Athens still earlier. The smallest silver coin at Athens was the quarter obol, and the *χαλκοῦς* was the half of that, or the eighth of an obol. The copper coinage issued in the archonship of Callias probably consisted of larger pieces of money, and not merely of the *χαλκοῦς*, which appears to have been used previously on account of the difficulty of coining silver in such minute pieces. The *χαλκοῦς* in later times was divided into *lepta*, of which, according to Suidas (*s. v. Τάλαντον* and *Ὀβολός*), it contained seven. There was another copper coin current in Greece, called *τύμβολον*, of which the value is not known. Pollux³ also mentions *κόλλυθος* as a copper coin of an early age; but, as Mr. Hussey has remarked, this may have been a common name for small money; since *κόλλυθος* signified generally "changing money," and *κόλλυθιστής* "a money-changer." In later times, the obol was coined of copper as well as silver. As early as B.C. 185, we find talents paid in copper by Ptolemy Epiphanes.⁴

ÆS CIRCUMFORANEUM, money borrowed from the Roman bankers (*argentarii*), who had shops in porticos round the forum.⁵

ÆS EQUESTRE, the sum of money given by the Roman state for the purchase of the knight's horse (*ea pecunia, qua equus emendus erat*).⁶ This sum, according to Livy,⁷ amounted to 10,000 ases.

ÆS HORDEARIUM, or HORDIARIUM, the sum of money paid yearly for the keep of a knight's horse; in other words, a knight's pay.⁸ This sum, which amounted to 2000 ases for each horse, was charged upon the rich widows and orphans, on the principle that, in a military state, the women and children ought to contribute largely for those who fought in behalf of them and the commonwealth.⁹ The knights had a right to distrain for this money, if it was not paid, in the same manner as they had the right to distrain for the *æs equestre*, and the soldiers for the *æs militare*.¹⁰ It has been remarked by Niebuhr,¹¹ that a knight's monthly pay, if his yearly pension of 2000 ases be divided by twelve, does not come to anything like an even sum; but that, if we have recourse to a year of ten months, which was used in all calculations of payments at Rome in very remote times, a knight's monthly pay will be 200 ases, which was just double the pay of a foot soldier.

ÆS MILITARE. (*Vid. ÆRARIUM*.)

ÆS MANUARIUM was the money won in playing with dice, *manibus collectum*. *Manus* was the throw in the game. All who threw certain numbers were obliged to put down a piece of money; and whoever threw the Venus (the highest throw) won the whole sum, which was called the *æs manuarium*.¹²

ÆS UXORIUM. (*Vid. MARRIAGE*.)

*ÆSCULUS, a species of tree commonly ranked in the family of oaks. Martyn¹³ is inclined to make it the same with what is called, in some parts of England, the bay-oak, and corresponds to the

Quercus latifolia mas, quæ brevi petiolo est, as described by Bauhin. Fée, however,¹ condemns this opinion, on the ground that Virgil, in the passage on which Martyn is commenting, places the *Æsculus* and *Quercus* in opposition to each other, as distinct kinds of trees. Martyn therefore is wrong, according to this writer, in making the *Æsculus* identical with the *Quercus latifolia* of Bauhin, since this last is only a variety of, and very little distinct from, the *Quercus arbor*. If it were certain that the *æsculus* of Virgil was the same with that of Pliny,² there would be no difficulty whatever in determining its botanical character; for the *æsculus* of Pliny is well known being the *σηγός* of Theophrastus,³ or our *Quercus Æsculus*. Pliny's *Fagus* is our beech, and not an oak; and the description which he gives of the tree shows this very clearly. On the other hand, Theophrastus ranks his *σηγός* among oaks. Pliny thus places his *æsculus* between the *quercus*, the *robur*, the *ilex*, and the *suber*. Everything then agrees; and, besides, the etymology of *æsculus* from *esca* ("food"), like that of *σηγός* from *εάγω* ("to eat"), is not unreasonable. But the *æsculus* of Pliny does not correspond to the *æsculus* of Virgil. The former is one of the smallest kinds of oak, whereas the latter is described by the poet as "*mazima*," and in figurative language as touching the skies with its top, and reaching to Tartarus with its roots. Pliny, too, considers the *æsculus* as rare in Italy, whereas Horace speaks of wide groves of the *æsculus* in Daunia. This poet, therefore, like Virgil, takes the term *æsculus* in a different sense from the naturalist. In order to relieve the question from the embarrassment in which it is thus left, some botanists have imagined that Virgil means the chestnut, a bold but not very reasonable idea.

ÆSTIMATIO LITIS. (*Vid. JUDEX*.)

ÆSYMNETES. (*Vid. AISUMNETES*.)

*ÆΤΙΤΕΣ (*αἰτίτης*), the Eagle-stone. It is the same with the *ἡ τῶν τικτων* of Theophrastus, or the Prolific stone, of which the ancients give such wonderful accounts, making it famous for assisting in delivery, preventing abortions, and discovering thieves! Pliny⁴ says of it, "*Est autem lapis iste prægnans intus; quum quatuor, alio velut in utero sonante*;" and Dioscorides⁵ remarks, *αἰτίτης λίθος ὡς ἑτέρον ἐγκύμων λίθον ὑπάρχων*. Sir John Hill⁶ says, that custom has given the name of *Ætites* to every stone having a loose nucleus in it. Cleaveland observes, that the ancients gave it the name of *Eagle-stone* (*αἰτός*, "an eagle"), from an opinion that this bird transports them to its nest to facilitate the laying of its eggs. It is an argillaceous oxyde of iron.⁷

*ÆΤΟΣ (*αἰτός*). I. The Eagle. (*Vid. AQUILA*.)

II. A species of Ray fish, called by Pliny *Aquila*, and now known as the *Raja Aquila*, L. Oppian enumerates it among the viviparous fishes.⁸

AFFINES, AFFINITAS, or ADFINES, AFFINITAS. Affines are the cognati of husband and wife; and the relationship called *affinitas* can only be the result of a lawful marriage. There are no degrees of *affinitas* corresponding to those of *cognatio*, though there are terms to express the various kinds of *affinitas*. The father of a husband is the *socer* of the husband's wife, and the father of a wife is the *socer* of the wife's husband; the term *socrus* expresses the same affinity with respect to the husband's and wife's mothers. A son's wife is *nurus* or daughter-in-law to the son's parents; a wife's husband is *gener* or son-in-law to the wife's parents.

Thus the *avus*, *avia*; *pater*, *mater*; of the wife

1. (Schol. in Aristoph., *Ran.*, 737.)—2. (Aristoph., *Ecclesiaz.*, 815-822.)—3. (*iii.*, 9.)—4. (Polyb., *xiii.*, 9, 3.—Hussey, *Ancient Weights and Money*, p. 115.—Böckh, *Publ. Econ. of Athens*, vol. ii., p. 384.—Id., *Ueber Gewichte, Münzfüsse, &c.*, p. 142, 342, &c.)—5. (*Cic. ad Att.*, ii., 1.)—6. (Gaius, *iv.*, 27.)—7. (*ii.*, 43.)—8. ("*Ea pecunia, ex qua hordeum equis erat comparandum*," Gaius, *iv.*, 27.)—9. (*Liv.*, i., 43.—*Cic.*, *de Rep.*, ii., 20.)—10. (Gaius, *iv.*, 27.—Cato *ap. Gell.*, vii., 10.—Niebuhr, *Hist. Rom.*, i., 460, 461.)—11. (*Hist. Rom.*, ii., 439.)—12. (Gell., *xvii.*, 13.—Suet., *Octav.*, 72.)—13. (in *Virg.*, *Georg.*, ii., 15.)

1. (Flore de Virgile, p. 11.)—2. (H. N., *xvi.*, 6, 2; 79, 4; 43, 1, xvii., 34, 3.)—3. (H. P., *iii.*, 9.)—4. (H. N., *i.*, 4, 1; *xxx.*, 44, 1, xxxvi., 39, 1.)—5. (Dioscor., *v.*, 160.)—6. (Theophrast., *περί Λιθ.*, c. 11.)—7. (Adams, *Append.*, s. v.)—8. (Adams, *Append.*, s. v.)

become by the marriage respectively the soer magnus, prosoerus, or soerus magna—soer, soerus—of the husband, who becomes with respect to them severally progener and gener. In like manner, the corresponding ancestors of the husband respectively assume the same names with respect to the son's wife, who becomes with respect to them pronurus and nurus. The son and daughter of a husband or wife born of a prior marriage are called privignus and privigna with respect to their stepfather or stepmother; and, with respect to such children, the stepfather and stepmother are severally called vitricus and noverca. The husband's brother becomes levir with respect to the wife, and his sister becomes glos (the Greek γλώσς). Marriage was unlawful among persons who had become such affines as above mentioned. A person who had sustained such a capitis diminutio as to lose both his freedom and the civitas, lost also all his affines.¹

*AGALL' OCHON (ἀγάλλοχον), the *Lignum Aloes*, or *Aloesylon Agallochum*, Lour. Such, at least, is the opinion of the commentators on Mesue, of Celsius, Bergius, Matthioli, Lamarck and Sprengel. Avicenna and Abu'l Fadl describe several species, or, more properly, varieties of it.²

ΑΓΑΜΙΟΥ ΓΡΑΦΗ (ἀγαμίον γραφή). (Vid. MAR-
SHAGE.)

*AGAR'IKON (ἀγαρικόν), the *Bolctus igniarius*, called in English *Touchwood* or *Spunk*, a fungous excrescence, which grows on the trunk of the oak and other trees. Dioscorides, Paulus Ægineta, and other writers on Toxicology, make mention of a black or poisonous Agaric, which may be decided to have been the *Agaricus Muscarius*. Dr. Christison confirms the ancient statements of its poisonous nature.³

AGA'SO, a groom, a slave whose business it was to take care of the horses. The word is also used for a driver of beasts of burden, and is sometimes applied to a slave who had to perform the lowest menial duties.⁴

*AGASSEUS (ἀγασσεύς), a species of dog described by Oppian.⁵ It may be conjectured to have been either the Harrier or the Beagle. Pennant is in favour of the latter.⁶

AGATHOERGOI (ἀγαθοεργοί). In time of war the kings of Sparta had a body-guard of three hundred of the noblest of the Spartan youths (ἱππείς), of whom the five eldest retired every year, and were employed for one year, under the name of ἀγαθοεργοί, in missions to foreign states.⁷ It has been maintained by some writers that the ἀγαθοεργοί did not attain that rank merely by seniority, but were selected from the ἱππείς by the ephors without reference to age.⁸

AG'ELE (ἀγέλη), an assembly of young men in Crete, who lived together from their eighteenth year till the time of their marriage. An ἀγέλη consisted of the sons of the most noble citizens, who were usually under the jurisdiction of the father of the youth who had been the means of collecting the ἀγέλη. It was the duty of this person, called ἀγέλαρχος, to superintend the military and gymnastic exercises of the youths (who were called ἀγέλαστοί), to accompany them to the chase, and to punish them when disobedient. He was accountable, however, to the state, which supported the ἀγέλαι at the public expense. All the members of an ἀγέλη were obliged to marry at the same time.⁹ In Sparta the youths entered the ἀγέλαι, usually called βούται, at the end of their seventh year.

AGEMA (ἀγμα, from ἄγω), the name of a chosen

body of troops in the Macedonian army, which usually consisted of horsemen. The agema seems to have varied in number; sometimes it consisted of 150 men, at other times of 300, and in later times it contained as many as 1000 or 2000 men.¹

*AGERATON (ἀγήρατον), a plant, which Matthioli and Adams make to have been the *Achillea ageratum*. Dodonæus and Sprengel, however, are undecided about it. It would appear to be the *Eupatorium* of the translator of Mesue.²

ΑΓΕΩΡΤΙΟΥ ΔΙΚΗ (ἀγεωργίον δίκη), an action which might be brought in the Athenian courts by a landlord against the farmer who had injured his land by neglect, or an improper mode of cultivation.³

AGER ARCIFINIUS. (Vid. AGRIMENSORES.)

AGER DECUMANUS. (Vid. AGRARIE LEGES.)

AGER LIMITATUS. (Vid. AGRIMENSORES.)

AGER PUBLICUS. (Vid. AGRARIE LEGES.)

AGER RELIGIOSUS. (Vid. AGRARIE LEGES.)

AGER SACER. (Vid. AGRARIE LEGES.)

AGER SANCTUS (τέμενος). Τέμενος originally signified a piece of ground, appropriated for the support of some particular chief or hero.⁴ In the Homeric times, the kings of the Greek states seem to have been principally supported by the produce of these demesnes. The word was afterward applied to land dedicated to a divinity. In Attica, there appears to have been a considerable quantity of such sacred lands (τέμνη), which were let out by the state to farm; and the income arising from them was appropriated to the support of the temples and the maintenance of public worship.⁵

According to Dionysius,⁶ land was set apart at Rome as early as the time of Romulus for the support of the temples. The property belonging to the temples increased considerably in later times, especially under the emperors.⁷

Lands dedicated to the gods were also called *Agri consecrati*. Houses, also, were consecrated; as, for instance, Cicero's, by Clodius. By the provisions of the *Lex Papiria*, no land or houses could be dedicated to the gods without the consent of the plebs.⁸ The time when this law was passed is uncertain; but it was probably brought forward about B.C. 305, if Livy⁹ alludes to the same law.

AGER VECTIGALIS. (Vid. AGRARIE LEGES.)

AGETORIA (αγητορία). (Vid. CARNEIA.)

AGGER (χώμα), from *ad* and *gero*, was used in general for a heap or mound of any kind. It was more particularly applied to a mound, usually composed of earth, which was raised round a besieged town, and was gradually increased in breadth and height till it equalled or overtopped the walls.¹⁰ At the siege of Avaricum, Cæsar raised in 25 days an agger 330 feet broad and 80 feet high.¹¹ The agger was sometimes made not only of earth, but of wood, hurdles, &c.; whence we read of the agger being set on fire.¹² The agger was also applied to the earthen wall surrounding a Roman encampment, composed of the earth dug from the ditch (*fossa*), which was usually 9 feet broad and 7 feet deep; but, if any attack was apprehended, the depth was increased to 12 feet, and the breadth to 13 feet. Sharp stakes, &c., were usually fixed upon the agger, which was then called *vallum*. When both words are used (as in Cæsar, *agger ac vallum*¹³), the agger means the mound of earth, and the vallum the sharp stakes, &c., which were fixed upon the agger.

AGITATOIRES. (Vid. CIRCUS.)

1. (Diod. Sic., xix., 27, 28.—Liv., xxxvii., 40; xliii., 51, 58.—Curt., iv., 13.)—2. (Dioscor., i., 21.—Adams, Append., s. v.)—3. (Bekker, Anecd. Gr., 336.—Meier, Att. Process, p. 532.)—4. (Hom., II., vi., 194; ix., 578; xiii., 313.)—5. (Xen., Vectig., iv., 19.—Didymus ap. Harpocrat., s. v. Ἀπὸ Μισθωμάτων.—Böckh, Publ. Econ. of Athens, vol. ii., p. 10, transl.)—6. (ii., 7.)—7. (Vid. Suet., Oct., 31.—Tac., Ann., iv., 16.)—8. (Cic., pro Dom., c. 49, seq.)—9. (ix., 46.)—10. (Liv., v., 7.)—11. (Bell. Gall., vii., 24.)—12. (Liv., xxxvi., 23.—Cæsar, Bell. Gall., vii., 24.—Id., Bell. Civ., ii., 14, seq.)—13. (Bell. Gall., vii., 24.)

AGMEN (*agmen proprie dicitur, cum exercitus iter facit, ab agendo, id est, evendo vocabus*¹), the marching order of the Roman army. According to Polybius,² the Roman armies commonly marched in his time in the following manner: "In the van are usually placed the extraordinaries (*ἐπιλεκτοί, extraordinarii*); and after these the right wing of the allies, which is followed by the baggage of both these bodies. Next to these marches the first of the Roman legions, with its baggage also behind it. The second legion follows, having behind it, likewise, both its own baggage and the baggage of the allies, who are in the rear; for the rear of all the march is closed with the left wing of the allies. The cavalry marches sometimes in the rear of the respective bodies to which it belongs, and sometimes on the flanks of the beasts that are loaded with the baggage, keeping them together in due order, and covering them from insult. When any attack is expected to be made upon the rear, the extraordinaries of the allies, instead of leading the van, are posted in the rear; in all the other parts the disposition remains the same. Of the two legions, and the two wings of the allies, those that are on one day foremost in the march, on the following day are placed behind; that, by thus changing their rank alternately, all the troops may obtain the same advantage in their turn of arriving first at water and at forage. There is also another disposition which is used when any immediate danger threatens, and the march is made through an open country. At such times, the hastati, the principes, and the triarii are ranged in three parallel lines, each behind the other, with the baggage of the hastati in the front. Behind the hastati is placed the baggage of the principes, who are followed likewise by that of the triarii; so that the baggage of the several bodies is placed in alternate order. The march being thus disposed, the troops, as soon as any attack is made, turning either to the left or to the right, advance forward from the baggage towards that side upon which the enemy appears; and thus, in a moment of time, and by one single movement, the whole army is formed at once in order of battle, except only that the hastati are perhaps obliged to make an evolution; and the beasts of burden, also, with all those that attend upon the baggage, being now thrown into the rear of all the troops, are covered by them from danger."—(Hampton's translation.) An account of the marching order of a Roman army is also given by Cæsar,³ Josephus,⁴ and Vegetius.⁵

The form of the army on march differed, however, according to circumstances, and the nature of the ground. An *agmen pilatum* was an army in close array, *quod sine jumentis incedit, sed inter se densum est, quo facilius per iniquiora loca transmittatur*.⁶ The *agmen quadratum* was the army arranged in the form of a square, with the baggage in the middle.⁷

The form of the Grecian army on march in the time of Xenophon is described in the *Anabasis*.⁸ It appears that, during a march in the daytime, either the cavalry or the heavy-armed, or the targeteers, marched in the van, according to the nature of the ground; but that in the nighttime the slowest troops always marched first, by which plan the army was less likely to be separated, and the soldiers had fewer opportunities of leaving the ranks without discovery.

AGNATI. (*Vid. COGNATI.*)

AGNOMEN. (*Vid. COGNOMEN.*)

*AGNUS (*ἄγνος*). All are agreed, as Schneider

remarks, that this is the *Vitex agnus castus*, L., or Chaste-tree. Galen makes it to be the same as the *λύγος*. The latter occurs in the *Odyssey* of Homer,⁹ and also in the *Iliad*,² and may there mean any flexible twig.³

AGONALIA, AGONIA,⁴ or AGONIUM,⁵ a Roman festival, instituted by Numa Pompilius in honour of Janus,⁶ and celebrated on the 9th of January, the 20th of May, and the 10th of December. The morning of these festivals, or, at least, the morning of the 10th of December, was considered a *dies nefastus*. The etymology of this name was differently explained by the ancients: some derived it from *Agonius*, a surname of Janus; some from the word *agone*, because the attendant, whose duty it was to sacrifice the victim, could not do so till he had asked the *rex sacrificulus*, *Agone?* and others from *agonia*, because the victims were formerly called by that name.⁷ The *Circus Agonalis*, built by the Emperor Alexander, is supposed by some writers to have been erected on the spot where the victims were sacrificed during the *agonalia*.

ΑΓΩΝΕΣ *ἀτιμητοὶ καὶ τιμητοί*. All causes in the Athenian courts were distinguished into two classes: *ἀγῶνες ἀτιμητοί, suits not to be assessed*, in which the fine or other penalty was determined by the laws; and *ἀγῶνες τιμητοί, suits to be assessed*, in which the penalty had to be fixed by the judges. When the judges had given their votes in favour of the plaintiff, they next had to determine, provided that the suit was an *ἀγὼν τιμητός*, what fine or punishment was to be inflicted on the defendant (*παθεῖν ἢ ἀποτίσαι*).⁸ The plaintiff generally mentioned in the pleadings the punishment which he considered the defendant deserved (*τιμᾶσθαι*); and the defendant was allowed to make a counter-assessment (*ἀντιτιμᾶσθαι, ἢ υποτιμᾶσθαι*), and to argue before the judges why the assessment of the plaintiff ought to be changed or mitigated.⁹ In certain causes, which were determined by the laws, any of the judges was allowed to propose an additional assessment (*προστιμῆμα*); the amount of which, however, appears to have been usually fixed by the laws. Thus, in certain cases of theft, the additional penalty was fixed at five days' and nights' imprisonment. Demosthenes¹⁰ quotes the law: *Δεδέσθαι δ' ἐν τῇ ποδοκίχῃ τὸν πόδα πένθ' ἡμέρας καὶ νύκτας ἰσας, ἐὰν προσημῶσῃ ἢ ἡλιαία, προστιμᾶσθαι δὲ τὸν βουλομένον, ὅταν περὶ τοῦ τιμηματος ᾖ*. In this passage we perceive the difference between the active *προστιμῆν*, which is used of the assessment of the *Heliaia* (the court), and the middle *προστιμᾶσθαι*, which means the assessment proposed by one of the judges. In the same manner, *τιμῆν* is used of the assessment made by the court, and *τιμᾶσθαι* of that proposed by the plaintiff.¹¹

According to some writers, the penalty was fixed in all private causes by the laws, with the exception of the *αἰκίας δίκη*;¹² and if not absolutely, it was fixed in proportion to the injury which the defendant had received. Thus, in the action for injury (*βλάβης δίκη*), if the injury had been done unintentionally, the single, and if intentionally, the double assessment was to be made.¹³ But, on the other hand, all penalties which had not the character of compensation were fixed absolutely; as, for instance, in the case of libellous words (*κακηγορία*), at 500 drachmas;¹⁴ and in the action for non-ap-

1. (Isidor., ix., 3.)—2. (vi., 40.)—3. (Bell. Gall., ii., 17, 19.)—4. (Bell. Jud., iii., 6, § 2.)—5. (iii., 6.)—6. (Serv. in Virg., Æn., xii., 121.—Compare Virg., Æn., ii., 450; v., 333.)—7. (Liv., xxxi., 37; xxxix., 30.—Hirt., Bell. Gall., viii., 8.—Tibull., iv., 1, 101.—Tac., Ann., i., 51.)—8. (vii., 3, § 37, seq.)

1. (ix., 427.)—2. (xi., 105.)—3. (Dioscor., iv., 134.—Theophrast., i., 3.)—4. (Ovid., Fast., v., 721.)—5. (Fest., s. v.)—6. (Macrob., Saturn., i., 4.)—7. (Ovid., Fast., i., 319-332.—Fest., s. v.)—8. (Plat., Apol. Socr., c. 25.—Demosth. in Mid., p. 523.)—9. (Plat., Apol. Socr., c. 25.)—10. (in Timocr., p. 733.)—11. (Demosth. in Mid., p. 529; in Timocr., p. 720; in Aristogit., i., p. 794; in Theocrat., 1339, 1343; in Nær., 1347.)—12. (Harpoerat., s. v.—Ulpian, in Demosth., Mid., p. 523.)—13. (Demosth. in Mid., p. 528.)—14. (Isocr. in Loch., p. 378.)

pearance of a witness (*λειπομαρτυρίον δίκη*), at 1000 drachmas.¹

AGONOTHĒTAI (*ἀγωνοθέται*) were persons, in the Grecian games, who decided disputes and adjudged the prizes to the victors. Originally, the person who instituted the contest and offered the prize was the *ἀγωνοθέτης*, and this continued to be the practice in those games which were instituted by kings or private persons. But in the great public games, such as the Isthmian, Pythian, &c., the *ἀγωνοθέται* were either the representatives of different states, as the Amphictyons at the Pythian games, or were chosen from the people in whose country the games were celebrated. During the flourishing times of the Grecian republics, the Eleans were the *ἀγωνοθέται* in the Olympic games, the Corinthians in the Isthmian games, the Amphictyons in the Pythian games, and the Corinthians, Argives, and inhabitants of Cleonæ in the Nemean games. The *ἀγωνοθέται* were also called *ἀκροῖται*, *ἀγωνάρχαι*, *ἀγωνοδίκαι*, *ἀλλοθῆται*, *ραβδῶχοι* or *δαδονόμοι* (from the staff they carried as an emblem of authority), *βραβεῖς*, *βραβευταί*.

AGORA (*ἀγορά*) properly means an assembly of any nature, and is usually employed by Homer for the general assembly of the people. The *ἀγορά* seems to have been considered an essential part in the constitution of the early Grecian states, since the barbarity and uncivilized condition of the Cyclopes is characterized by their wanting such an assembly.² The *ἀγορά*, though usually convoked by the king, as, for instance, by Telemachus in the absence of his father,³ appears to have been also summoned at times by some distinguished chiefs, as, for example, by Achilles before Troy.⁴ The king occupied the most important seat in these assemblies, and near him sat the nobles, while the people sat or stood in a circle around them. The power and rights of the people in these assemblies have been the subject of much dispute. Platner, Tilmann, and more recently Nitzsch, in his commentary on the *Odyssey*, maintain that the people were allowed to speak and vote; while Heeren⁵ and Müller⁶ think "that the nobles were the only persons who proposed measures, deliberated, and voted, and that the people were only present to hear the debate, and to express their feeling as a body; which expressions might then be noticed by a prince of a mild disposition." The latter view of the question is confirmed by the fact, that in no passage in the *Odyssey* is any one of the people represented as taking part in the discussion; while, in the *Iliad*, Ulysses inflicts personal chastisement upon Thersites for presuming to attack the nobles in the *ἀγορά*.⁷ The people appear to have been only called together to hear what had been already agreed upon in the council of the nobles, which is called *βουλή*⁸ and *θώκος*,⁹ and sometimes even *ἀγορά*.¹⁰

Among the Athenians, the proper name for the assembly of the people was *ἐκκλησία*, and among the Romans *ἀλία*. The term *ἀγορά* was confined at Athens to the assemblies of the phylæ and demi.¹¹ In Crete the original name *ἀγορά* continued to be applied to the popular assemblies till a late period.¹²

The name *ἀγορά* was early transferred from the assembly itself to the place in which the assembly was held; and thus it came to be used for the market-place, where goods of all descriptions were bought and sold. The expression *ἀγορά πλήθουσα*,

"full market," was used to signify the time from morning to noon, that is, from about nine to twelve o'clock.

AGORANOMI (*ἀγορανόμοι*) were public functionaries in most of the Grecian states, whose duties corresponded in many respects to those of the Roman *ædiles*. At Athens their number was ten, five for the city and five for the Piræus, and not twenty, as Meier erroneously states, misled by a false reading in Harpocration. They were chosen by lot.¹ Under the Roman empire, the *agoranomi* were called *λογισταί*.² They corresponded in the provinces to the *curatores civitatis* or *reipublicæ*.³

The principal duty of the *agoranomi* was, as their name imports, to inspect the market, and to see that all the laws respecting its regulation were properly observed. They had the inspection of all things which were sold in the market, with the exception of corn, which was subject to the jurisdiction of the *σιτοφύλακες*.⁴ They regulated the price and quantity of all things which were brought into the market, and punished all persons convicted of cheating, especially by false weights and measures. They had, in general, the power of punishing all infraction of the laws and regulations relating to the market, by inflicting a fine upon the citizens, and personal chastisement upon foreigners and slaves, for which purpose they usually carried a whip.⁵ They had the care of all the temples and fountains in the market-place,⁶ and received the tax (*ξενικὸν τέλος*) which foreigners and aliens were obliged to pay for the privilege of exposing their goods for sale in the market. The public prostitutes were also subject to their regulations.⁷

AGRA'NIA (*ἀγρανία*), a festival celebrated at Argos, in memory of one of the daughters of Prætus, who had been afflicted with madness.

ΑΓΡΑΦΙΟΥ ΓΡΑΦΗ (*ἀγραφίου γραφή*). The names of all persons at Athens who owed any sum of money to the state (*οἱ τῷ δημοσίῳ ὀφειλόντες*) were registered by the *practores* (*πράκτορες*) upon tablets kept for that purpose in the Temple of Minerva, on the Acropolis;⁸ and hence the expression of being registered on the Acropolis (*ἐγγεγραμμένος ἐν Ἀκροπόλει*) always means indebted to the state.⁹ If the name of an individual was improperly erased, he was subject to the action for non-registration (*ἀγραφίου γραφή*), which was under the jurisdiction of the *thesmothetæ*; but if an individual was not registered, he could only be proceeded against by *ἐνδείξις*, and was not liable to the *ἀγραφίου γραφή*.¹⁰ Hesychius, whose account has been followed by Hemsterhuys and Wesseling, appears to have been mistaken in saying that the *ἀγραφίου γραφή* could be instituted against debtors who had not been registered.¹¹

ΑΓΡΑΦΟΙ ΝΟΜΟΙ (*Vid. NOMOI*.)

ΑΓΡΑΦΟΥ ΜΕΤΑ' ΑΛΟΥ ΓΡΑΦΗ (*ἀγράφου μεταλίου γραφή*) was an action brought before the *thesmothetæ* at Athens, against an individual who worked a mine without having previously registered it. The state required that all mines should be registered, because the twenty-fourth part of their produce was payable to the public treasury.¹²

AGRARIÆ LEGES. It is not exactly true that the agrarian law of Cassius was the earliest that was so called: every law by which the commonwealth disposed of its public land bore that

1. (Demosth., c. Timocr., c. 29, p. 735.—Aristoph., *Acharn.*, 689.)—2. (Schol. in Aristoph., *Acharn.*, 658; *ἀγορανόμοι*. οἳ εἰν λογιστὰς καλοῦνται: Müller, *Æginetica*, p. 138.)—3. (*Cred. l.*, tit. 54, s. 3.)—4. (Lysias, *κατὰ τῶν Σιστοῦ*, c. 6, p. 722.)—5. (Schol. in Aristoph., *Acharn.*, 688.)—6. (Plato, *Legg.*, vi., 10.)—7. (Justin., xxi., 5.—Meier, *Att. Process.*, p. 89-92.—Petitus, *Leg. Att.*, v., tit. 3, s. 2, p. 495.)—8. (Demosth. in *Aristog.*, i., c. 13, p. 791.—Harpocr. et Suid., sub *ψευδογγραφῆ*.)—9. (Demosth. in *Theocr.*, c. 13, p. 1337.)—10. (Demosth. in *Theocr.*, c. 13, p. 1338.)—11. (Meier, *Att. Process.*, p. 353, 354.—Böckh, *Publ. Econ. of Athens*, ii., p. 118-122, transl.)—12. (Böckh, *Publ. Econ. of Athens*, ii., p. 478.—Meier, *Att. Process.*, p. 354.)

name; as, for instance, that by which the domain of the kings was parcelled out among the commons, and those by which colonies were planted. Even in the narrower sense of a law whereby the state exercised its ownership in removing the old possessors from a part of its domain, and making over its right of property therein, such a law existed among those of Servius Tullius.¹

The history of the enactments called agrarian laws, either in the larger and more correct sense, or in the narrower sense of the term, as explained in this extract, would be out of place here. The particular objects of each agrarian law must be ascertained from its provisions. But all these numerous enactments had reference to the public land; and a great majority of them were passed for the purpose of settling Roman colonies in conquered districts, and assigning to the veteran soldiers, who formed a large part of such colonists, their shares in such lands. The true meaning of all or any of these enactments can only be understood when we have formed a correct notion of property in land, as recognised by Roman law. It is not necessary, in order to obtain this correct notion, to ascend to the origin of the Roman state, though, if a complete history of Rome could be written, our conception of the real character of property in land, as recognised by Roman law, would be more enlarged and more precise. But the system of Roman law, as it existed under the emperors, contained both the terms and the notions which belonged to those early ages, of which they are the most faithful historical monuments. In an inquiry of the present kind, we may begin at any point in the historical series which is definite, and we may ascend from known and intelligible notions which belong to a later age, towards their historical origin, though we may never be able to reach it.

Gaius,² who probably wrote under the Antonines, made two chief divisions of Roman land; that which was *divini juris*, and that which was *humani juris*. Land which was *divini juris* was either *sacer* or *religiosus*.³ Land which was *sacer* was consecrated to the *Dii Superi*; land which was *religiosus* belonged to the *Dii Manes*. Land was made *sacer* by a *lex* or *senatus consultum*; and, as the context shows, such land was land which belonged to the state (*populus Romanus*). An individual could make a portion of his own land *religiosus* by the interment in it of one of his family: but it was the better opinion that land in the provinces could not thus be made *religiosus*; and the reason given is this, that the ownership or property in provincial lands is either in the state (*pop. Rom.*) or in the *Cæsar*, and that individuals had only the possession and enjoyment of it (*possessio et usus fructus*). Provincial lands were either *stipendiaria* or *tributaria*: the *stipendiaria* were in those provinces which were considered to belong to the Roman state; the *tributaria* were in those provinces which were considered as the property of the *Cæsar*. Land which was *humani juris* was divided into public and private: the former belonged to the state, the latter to individuals.

It would seem to follow, from the legal form observed in making land *sacer*, that it thereby ceased to be publicus; for if it still continued publicus, it had not changed its essential quality. Niebuhr⁴ has stated that "all Roman land was either the property of the state (common land, domain) or private property—*aut publicus aut privatus*;" and he adds that "the landed property of the state was either consecrated to the gods (*sacer*), or allotted to men to reap its fruits (*profanus, humani juris*)." Niebuhr then refers to the view of Gaius, who makes the latter the primary division; but he relies

on the authority of Frontinus, supported by Livy,⁵ as evidence of the correctness of his own division. It is obvious, however, on comparing two passages in Frontinus (*De Re Agraria*, xi., xiii.), that Niebuhr has mistaken the meaning of the writer, who clearly intends it to be inferred that the sacred land was not public land. Besides, if the meaning of Frontinus was what Niebuhr has supposed it to be, his authority is not equal to that of Gaius on a matter which specially belongs to the province of the jurist, and is foreign to that of the agrimensor. The passage of Livy, also, certainly does not prove Niebuhr's assertion. The form of *dedition* in Livy⁶ may be easily explained.

Though the origin of that kind of property called public land must be referred to the earliest ages of the Roman state, it appears from Gaius that under the emperors there was still land within the limits of the Empire, the ownership of which was not in the individuals who possessed and enjoyed it, but in the *populus Romanus* or the *Cæsar*. This *possessio* and enjoyment are distinguished by him from ownership (*dominium*). The term *possessio* frequently occurs in those jurists from whom the *Digest* was compiled; but in these writers, as they are known to us, it applies only to private land, and the *ager publicus* is hardly, if at all, ever noticed by them. Now this term *Possessio*, as used in the *Digest*, means the occupation of private land by one who has no kind of right to it; and this *possessio* was protected by the *prætor's interdict*, even when it was without *bona fides* or *justa causa*: but the term *Possessio* in the Roman historians—Livy, for instance—signifies the occupation and enjoyment of public land; and the true notion of this, the original *possessio*, contains the whole solution of the question of the agrarian laws. For this solution we are mainly indebted to Niebuhr and Savigny.

This latter kind of *possessio*, that which has private land for its object, is demonstrated by Savigny (the term here used can hardly be said to be too strong) to have arisen from the first kind of *possessio*: and thus it might readily be supposed that the Roman doctrine of *possessio*, as applied to the occupation of private land, would throw some light on the nature of that original *possessio* out of which it grew. In the imperial period, public land had almost ceased to exist in the Italian peninsula, but the subject of possession in private lands had become a well-understood branch of Roman law. The remarks in the three following paragraphs are from Savigny's valuable work, *Das Recht des Besizes*.⁷

1. There were two kinds of land in the Roman state, *ager publicus* and *ager privatus*: in the latter alone private property existed. But, conformably to the old constitution, the greater part of the *ager publicus* was given over to individual citizens to occupy and enjoy; yet the state had the right of resuming the possession at pleasure. Now we find no mention of any legal form for the protection of the occupier, or possessor as he was called, of such public land against any other individual, though it cannot be doubted that such a form actually existed. But if we assume that the *interdict* which protected the possession of an individual in private land was the form which protected the possessor of the public land, two problems are solved at the same time: an historical origin is discovered for possession in private land, and a legal form for the protection of possession in public land.

An hypothesis, which so clearly connects into one consistent whole facts otherwise incapable of such connexion, must be considered rather as evolving a latent fact, by placing other known facts in their true relative position, than as involving any independent assumption. But there is historical evidence in support of the hypothesis.

1 (Nieb., *Rom. Hist.*, vol. ii., p. 123, transl.)—2. (ii., 2, seq.)
3. (Compare Frontinus, *de Re Agraria*, xiii.)—4. (Appendix, vii. ii.)

1. (viii., 14.)—2. (i., 38.)—3. (5th edit., p. 172.)

2. The words *possessio*, *possessor*, and *possidere* are the technical terms used by writers of very different ages, to express the occupation and the enjoyment of the public lands; that is, the notion of a right to occupy and enjoy public land was in the early ages of the Republic distinguished from the right of property in it. Nothing was so natural as to apply this notion, when once fixed, to the possession of private land as distinct from the ownership; and, accordingly, the same technical terms were applied to the possession of private land. Various applications of the word *possessio*, with reference to private land, appear in the Roman law, in the bonorum *possessio* of the prætorian heres and others. But all the uses of the word *possessio*, as applied to *ager prætorius*, however they may differ in other respects, agreed in this: they denoted an actual exclusive right to the enjoyment of a thing, without the strict Roman (Quiritarian) ownership.

3. The word *possessio*, which originally signified the right of the possessor, was in time used to signify the object of the right. Thus *ager* signified a piece of land, viewed as an object of Quiritarian ownership; *possessio*, a piece of land, in which a man had only a bonitarian or beneficial interest, as, for instance, Italic land not transferred by *mancipatio*, or land which from its nature could not be the subject of Quiritarian ownership, as provincial lands and the old *ager publicus*. *Possessio* accordingly implies *usus*; *ager* implies *proprietas* or ownership. The explanation of the terms *ager* and *possessio* is from a jurist of the imperial times, quoted by Saviigny¹; but its value for the purpose of the present inquiry is not on that account the less. The *ager publicus*, and all the old notions attached to it, as already observed, hardly occur in the extant Roman jurists; but the name *possessio*, as applied to private land, and the legal notions attached to it, are of frequent occurrence. The form of the interdict *uti possidetis*—as it appears in the Digest, is this: *Uti eis aedes...possidetis...vim fieri veto*. But the original form of the interdict was: *Uti nunc possidetis eum fundum*, &c. (Festus in *Possessio*); the word *fundus*, for which *aedes* was afterward substituted, appears to indicate an original connexion between the interdict and the *ager publicus*.

We know nothing of the origin of the Roman public land, except that it was acquired by conquest, and when so acquired it belonged to the state, that is, to the *populus*, as the name *publicus* (*populicus*) imports. We may suppose that in the early periods of the Roman state, the conquered lands being the property of the *populus*, might be enjoyed by the members of that body, in any way that the body might determine. But it is not quite clear how these conquered lands were originally occupied. The following passage from Appian² appears to give a probable account of the matter, and one which is not inconsistent with such facts as are otherwise known: "The Romans," he says, "when they conquered any part of Italy, seized a portion of the lands, and either built cities in them, or sent Roman colonists to settle in the cities which already existed. Such cities were considered as garrison places. As to the land thus acquired from time to time, they either divided the cultivated part among the colonists, or sold it, or let it to farm. As to the land which had fallen out of cultivation in consequence of war, and which, indeed, was the larger part, having no time to allot it, they gave public notice that any one who chose might in the mean time cultivate this land, on payment of part of the yearly produce, namely, a tenth of the produce of arable land, and a fifth of the produce of oliveyards and vineyards. A rate was also fixed to be paid by those who pastured cattle on this undivided land, both for the larger and smaller ani-

mals. The rich occupied the greater part of this undivided land, and at length, feeling confident that they should never be deprived of it, and getting hold of such portions as bordered on their shares, and also of the smaller portions in the possession of the poor, some by purchase and others by force, they became the cultivators of extensive districts instead of mere farms. And, in order that their cultivators and shepherds might be free from military service, they employed slaves instead of freemen; and they derived great profit from their rapid increase, which was favoured by the immunity of the slaves from military service. In this way the great became very rich, and slaves were numerous all through the country. But this system reduced the numbers of the Italians, who were ground down by poverty, taxes, and military service; and whenever they had a respite from these evils, they had nothing to do, the land being occupied by the rich, who also employed slaves instead of freemen."³ This passage, though it appears to contain much historical truth, leaves the difficulty as to the original mode of occupation unsettled; for we can scarcely suppose that there were not some rules prescribed as to the occupation of this undivided land more precise than such a permission or invitation for a general scramble. It must, indeed, have happened occasionally, particularly in the later times of the Republic, that public land was occupied, or squatted on (to use a North American phrase), by soldiers or other adventurers.

But, whatever was the mode in which these lands were occupied, the possessor, when once in possession, was, as we have seen, protected by the prætor's interdict. The patron who permitted his client to occupy any part of his possessions as tenant at will (*precario*), could eject him at pleasure by the *interdictum de precario*; for the client did not obtain a possession by such permission of his patron. The patron would, of course, have the same remedy against a trespasser. But any individual, however humble, who had a possession, was also protected in it against the aggression of the rich; and it was "one of the grievances bitterly complained of by the Gracchi, and all the patres of their age, that while a soldier was serving against the enemy, his powerful neighbour, who coveted his small estate, ejected his wife and children."⁴—(Nieb.) The state could not only grant the occupation or possession of its public land, but could sell it, and thus convert public into private land. A remarkable passage in Orosius⁵ shows that public lands, which had been given to certain religious corporations to *possess*, were sold in order to raise money for the exigencies of the state. The selling of that land which was *possessed*, and the circumstance of the possession having been a *grant* or public act, are both contained in this passage.

The public lands which were occupied by possessors were sometimes called, with reference to such possession, *occupatorii*; and, with respect to the state, *concessi*. Public land which became private by sale was called *questorius*; that which is often spoken of as assigned (*assignatus*) was marked out and divided (*limitatus*) among all the plebeians in equal lots, and given to them in absolute ownership, or it was assigned to the persons who were sent out as a colony. Whether the land so granted to the colony should become Roman or not, depended on the nature of the colony. The name *ager publicus* was given to public lands which were acquired even after the plebs had become one of the estates in the Roman Constitution, though the name *publicus*, in its original sense, could no longer be strictly applicable to such public lands. It should be observed, that after the establishment of the plebs, the possession of public land was the peculiar privi-

1. *Jandevia Dig. 50, tit. 16, s. 115.*—2. (Bell. Civ., i., 7.)

1. (Saviigny, p. 176, note.)

lege of the patricians, as before the establishment of the plebs it seems to have been the only way in which public lands were enjoyed by the populus: the assignment, that is, the grant by the state of the ownership of public land in fixed shares, was the privilege of the plebs. In the early ages, when the populus was the state, it does not appear that there was any assignment of public lands among them, though it may be assumed that public lands would occasionally be sold; the mode of enjoyment of public land was that of *possessio*, subject, as already observed, to an annual payment to the state. It may be conjectured that this ancient *possessio*, which we cannot consider as having its origin in anything else than the consent of the state, was a good title to the use of the land so long as the annual payments were made. At any rate, the plebs had no claim upon such ancient possessions. But with the introduction of the plebs as a separate estate, and the constant acquisition of new lands by conquest, it would seem that the plebs had as good a title to a share of the newly-conquered lands, as the patricians to the exclusive enjoyment of those lands which had been acquired by conquest before the plebs had become an estate. The determination of what part of newly-conquered lands (arable and vineyards) should remain public, and what part should be assigned to the plebs, which, Niebuhr says, "it need scarcely be observed, was done after the completion of every conquest," ought to have been an effectual way of settling all disputes between the patricians and plebs as to the possessions of the former; for such an appropriation, if it were actually made, could have no other meaning than that the patricians were to have as good title to possess their share as the plebs to the ownership of their assigned portions. The plebs, at least, could never fairly claim an assignment of public land, appropriated to remain such, at the time when they received the share of the conquered lands to which they were entitled. But the fact is, that we have no evidence at all as to such division between lands appropriated to remain public and lands assigned in ownership, as Niebuhr assumes. All that we know is, that the patricians possessed large tracts of public land, and that the plebs from time to time claimed and enforced a division of part of them. In such a condition of affairs, many difficult questions might arise; and it is quite as possible to conceive that the claims of the plebs might in some cases be as unjust and ill-founded as the conduct of the patricians was alleged to be rapacious in extending their possessions. It is also easy to conceive that, in the course of time, owing to sales of possessions, family settlements, and other causes, boundaries had often become so confused that the equitable adjustment of rights under an agrarian law was impossible; and this is a difficulty which Appian¹ particularly mentions.

Pasture-lands, it appears, were not the subject of assignment, and were probably possessed by the patricians and the plebs indifferently.

The property of the Roman people consisted of many things besides land. The conquest of a territory, unless special terms were granted to the conquered, seems to have implied the acquisition by the Roman state of the conquered territory and all that it contained. Thus not only would land be acquired, which was available for corn, vineyards, and pasture, but mines, roads, rivers, harbours, and, as a consequence, tolls and duties. If a Roman colony was sent out to occupy a conquered territory or town, a part of the conquered lands was assigned to the colonists in complete ownership. (*Vid. COLONIA.*) The remainder, it appears, was left or restored to the inhabitants. Not that we are to understand that they had the property in the land as

they had before; but it appears that they were subject to a tax, the produce of which belonged to the Roman people. Niebuhr seems to suppose that the Roman state might at any time resume such restored lands; and, no doubt, the right of resumption was involved in the tenure by which these lands were held; but it may be doubted if the resumption of such lands was ever resorted to except in extraordinary cases, and except as to conquered lands which were the public lands of the conquered state. Private persons, who were permitted to retain their lands subject to the payment of a tax, were not the possessors to whom the agrarian laws applied. In many cases, large tracts of land were absolutely seized, their owners having perished in battle or been driven away, and extensive districts, either not cultivated at all or very imperfectly cultivated, became the property of the state. Such lands as were unoccupied could become the subject of *possessio*; and the possessor would in all cases, and in whatever manner he obtained the land, be liable to a payment to the state, as above mentioned in the extract from Appian. This *possessio* was a real interest, for it was the subject of sale: it was the *usus* of the land; but it was not the *ager* or property. The *possessio* strictly could not pass by the testament of the possessor, at least not by the *manipatio*.¹ It is not easy, therefore, to imagine any mode by which the possession of the heres was protected, unless there was a legal form, such as Savigny has assumed to exist for the general protection of possessions in the public lands.

The possessor of public land never acquired the ownership by virtue of his possession; it was not subject to usucapion. The ownership of the land which belonged to the state could only be acquired by the grant of the ownership, or by purchase from the state. The state could at any time, according to strict right, sell that land which was only possessed, or assign it to another than the possessor. The possession was, in fact, with respect to the state, a *precarium*; and we may suppose that the lands so held would at first receive few permanent improvements. In course of time, and particularly when the possessors had been undisturbed for many years, possession would appear, in an equitable point of view, to have become equivalent to ownership; and the hardship of removing the possessors by an agrarian law would appear the greater, after the state had long acquiesced in their use and occupation of the public land.

In order to form a correct judgment of some of those enactments which are most frequently cited as agrarian laws, it must be borne in mind that the possessors of public lands owed a yearly tenth, or fifth, as the case might be, to the state. Indeed, it is clear, from several passages,² that, under the Republic at least, the receipt of anything by the state from the occupier of land was a legal proof that the land was public; and conversely, public land always owed this annual payment. These annual payments were, it seems, often withheld by the possessors, and thus the state was deprived of a fund for the expenses of war.

The object of the agrarian law of Sp. Cassius is supposed by Niebuhr to have been "that the portion of the populus in the public lands should be set apart; that the rest should be divided among the plebeians; that the tithe should again be levied, and applied to paying the army." The agrarian law of Licinius Stolo limited each individual's possession of public land to 500 jugera, and imposed some other restrictions; but the possessor had no better title to the 500 jugera which the law left him than he formerly had to what the law took from him. The surplus land, according to the provisions of the law, was to be divided among the plebeians.

The Licinian law not effecting its object, T. S. Gracchus revived the measure for limiting the possession of public land to 500 jugera. The arguments of the possessors against this measure, as they are stated by Appian,¹ are such as might reasonably be urged; but he adds that Gracchus proposed to give to each possessor, by way of compensation for improvements made on the public land, the full ownership of 500 jugera, and half that quantity to each of his sons, if he had any. If it is true, as Appian states, that the law of Gracchus forbade the rich from purchasing any of the lands which might be allotted to the plebeians by his agrarian law, this part of the measure was as unjust as it was impolitic. The lands which the Roman people had acquired in the Italian peninsula by conquest were greatly reduced in amount by the laws of Gracchus and by sale. Confiscations in the civil wars, and conquests abroad, were indeed continually increasing the public lands; but these lands were allotted to the soldiers and the numerous colonies to whom the state was continually giving lands (see the list in Frontinus, *De Colonia Italia*). The system of colonization which prevailed during the Republic was continued under the emperors, and considerable tracts of Italian land were disposed of in this manner by Augustus and his successors. Vespasian assigned lands in Samnium to his soldiers, and grants of Italian lands are mentioned by subsequent emperors, though we may infer that at the close of the second century of our era, there was little public land left in the peninsula. Vespasian sold part of the public lands called *ademptæ*, a term which expressed such parts as had not been assigned, when the other parts of the same district had been measured and distributed. Domitian, according to Aggenus, gave the remainder of such lands all through Italy to the possessors. The requests beyond the limits of Italy furnished the emperors with the means of rewarding the veterans by grants of land; and in this way the institutions of Rome were planted on a foreign soil. But, according to Gaius, property in the land was not acquired by such grant; the ownership was still in the state, and the provincial landholder had only the possession. If this be true, as against the Roman people under the Caesars, his interest in the land was one that might be resumed at any time, according to the best rules of law, though it is easily conceived that such foreign possessions would daily acquire strength, and could not safely be dealt with as possessions had been in Italy by the various agrarian laws which had convulsed the Roman state. This assertion of the right of the *populus Romanus* and of the emperors might be no wrong "inflicted on provincial land-owners by the Roman jurisprudence," as Niebuhr affirms. This same writer also observes, that Frontinus speaks of the "*arva publicæ* in the provinces, in contradistinction to the *agri privati* there;" but this he does not. This contradiction is made by his commentator Aggenus, who, as he himself says, only conjectures the meaning of Frontinus; and, as we think, he has not discovered it.² The tax paid by the holders of *ager publicus* in the provinces was the only thing which distinguished the beneficial interest in such land from public land, and might be, in legal effect, a recognition of tax ownership according to Roman law. And this was Savigny's earlier opinion with respect to the tax paid by provincial lands; he considered such tax due to the Roman people, as the sovereign ultimate owner of the lands. His later opinion, as expressed in the *Zeitschrift für Geschichtliche Rechtswissenschaft*,³ is, that under the Caesars a uniform system of direct taxation was established in the provinces, to which all provincial land was subject; but land in Italy was free from this tax,

and a provincial town could only acquire the like freedom by receiving the privilege expressed by the term *jus italicum*. The complete solution of the question here under discussion could only be effected by ascertaining the origin and real nature of this provincial land-tax; and as it may be difficult, if not impossible, to ascertain such facts, we must endeavour to give a probable solution. Now it is consistent with Roman notions that all conquered land should be considered as the property of the Roman state; and it is certain that such land, though assigned to individuals, did not by that circumstance alone become invested with all the characters of Roman land which was private property. It had not the privilege of the *jus italicum*, and, consequently, could not be the object of Quiritarian ownership, with its incidents of *mancipatio*, &c. All land in the provinces, including even that of the *liberæ civitates*, and the *ager publicus* properly so called, could only become an object of Quiritarian ownership by having conferred upon it the privilege of *Italic* land, by which it was also released from the payment of the tax. It is clear that there might be and was *ager privatus*, or private property, in provincial land; but this land had not the privileges of *Italic* land, unless such privilege was expressly given to it, and, accordingly, it paid a tax. As the notions of landed property in all countries seem to suppose a complete ownership residing in some person, and as the provincial landowner, whose lands had not the privilege of the *jus italicum*, had not that kind of ownership which, according to the notions of Roman law, was complete ownership, it is difficult to conceive that the ultimate ownership of provincial lands (with the exception of those of the *liberæ civitates*) could reside anywhere else than in the *populus Romanus*, and, after the establishment of the imperial power, in the *populus Romanus* or the *Cæsar*. This question is, however, one of some difficulty, and well deserves farther examination. It may be doubted, however, if Gaius means to say that there could be no Quiritarian ownership of private land in the provinces; at least this would not be the case in those districts to which the *jus italicum* was extended. The case of the *Recentoric* lands, which is quoted by Niebuhr,¹ may be explained. The land here spoken of was land in Sicily. One object of the measure of Rullus was to exact certain extraordinary payments (*vectigal*) from the public lands, that is, from the possessors of them; but he excepted the *Recentoric* lands from the operation of his measure. If this is private land, Cicero argues, the exception is unnecessary. The argument, of course, assumes that there was or might be private land in Sicily; that is, there was or might be land which would not be affected by this part of the measure of Rullus. Now the opposition of public and private land in this passage certainly proves, what can easily be proved without it, that individuals in the provinces owned land as individuals did in Italy; and such land might with propriety be called *privatus*, as contrasted with that called *publicus* in the provinces; in fact, it would not be easy to have found another name for it. But we know that *ager privatus* in the provinces, unless it had received the *jus italicum*, was not the same thing as *ager privatus* in Italy, though both were private property. Such a passage, then, leads to no necessary conclusion that the ultimate ownership or dominion of this private land was not in the Roman people. It may be as well here to remark farther, that any conclusions as to Roman law, derived solely from the orations of Cicero, are to be received with caution; first, because on several occasions (in the *Pro Cæcina* for instance) he states that to be law which was not, for the purpose of

1. (D. C. l. 10.)—2. (Frontinus, *de Re Agraria*.)—3. (vol. 1. p. 234.)

1. (Cic. *Pro Rull.*, l. 4.)

maintaining his argument; and, secondly, because it was a subject on which his knowledge was probably not very exact.

It only remains briefly to notice the condition of the public land with respect to the *fructus*, or *vectigal*, which belonged to the state. This, as already observed, was generally a tenth, and hence the *ager publicus* was sometimes called *decumanus*; it was also sometimes called *ager vectigalis*. The tithes were generally farmed by the *publicani*, who paid their rent mostly in money, but sometimes in grain. The letting was managed by the censors, and the lease was for five years. The form, however, of leasing the tenths was that of a sale, *mancipatio*. In course of time, the word *locatio* was applied to these leases. The phrase used by the Roman writers was originally *fructus locatio*, which was the proper expression; but we find the phrase *agrum fruendum locare* also used in the same sense, an expression which might appear somewhat ambiguous; and even *agrum locare*, which might mean the leasing of the public lands, and not of the tenths due from the possessors of them. It is, however, made clear by Niebuhr, that in some instances, at least, the phrase *agrum locare* does mean the leasing of the tenths; whether this was always the meaning of the phrase, it is not possible to affirm.

Though the term *ager vectigalis* originally expressed the public land, of which the tithe was leased, it afterward came to signify lands which were leased by the state or by different corporations. This latter description would comprehend even the *ager publicus*; but this kind of public property was gradually reduced to a small amount; and we find the term *ager vectigalis*, in the later period, applied to the lands of towns which were so leased to the lessee, or those who derived their tithe from him, could not be ejected so long as they paid the *vectigal*. This is the *ager vectigalis* of the Digest,¹ on the model of which was formed the *emphyteusis*, or *ager emphyteuticarius*. (*Vid. EMPHYTEUSIS*.) The rights of the lessee of the *ager vectigalis* were different from those of a possessor of the old *ager publicus*, though the *ager vectigalis* was derived from, and was only a new form of, the *ager publicus*. Though he had only a *ius in re*, and though he is distinguished from the owner (*dominus*), yet he was considered as having the possession of the land. He had, also, a right of action against the town, if he was ejected from his land, provided he had always paid his *vectigal*.²

AGRAULIA (*ἀγραυλία*) was a festival celebrated by the Athenians in honour of Agrauios, the daughter of Cecrops. We possess no particulars respecting the time or mode of its celebration; but it was, perhaps, connected with the solemn oath, which all Athenians, when they arrived at manhood (*ἑφηβοί*), were obliged to take in the temple of Agrauios, that they would fight for their country, and always observe its laws.³

Agrauios was also honoured with a festival in Cyprus, in the month Aphrodisius, at which human victims were offered.⁴

AGRETAI (*ἀγρέται*), the name of nine maidens, who were chosen every year, in the Island of Cos, as priestesses of Athena (Minerva).

AGRIANIA (*ἀγριανία*) was, according to Hesychius, a festival celebrated at Argos, in memory of a deceased person, and was, probably, the same as the festival called AGRANIA. The Agriania was also celebrated at Thebes, with solemn sports.

AGRIMENSORES, or "land-surveyors," a col-

lege established under the Roman emperors. Like the juriconsults, they had regular schools, and were paid handsome salaries by the state. Their business was to measure unassigned lands for the state, and ordinary lands for the proprietors, and to fix and maintain boundaries. Their writings on the subject of their art were very numerous; and we have still scientific treatises on the law of boundaries, such as those by Frontinus and Hyginus. They were sometimes vested with judicial power, and were called *spectabiles* and *clarissimi* in the time of Theodosius and Valentinian. As partitioners of land, the agrimensores were the successors of the augurs, and the mode of their *limitatio* was derived from the old augurial method of forming the *templum*. The word *templum*, like the Greek *τέμενος*, simply means a division; its application to signify the vault of the heavens was due to the fact that the directions were always ascertained according to the true cardinal points. At the inauguration of a king¹ or consul,² the augur looked towards the east, and the person to be inaugurated towards the south. Now, in a case like this, the person to be inaugurated was considered the chief, and the direction in which he looked was the main direction. Thus we find that in the case of land-surveying the augur looked to the south:³ for the gods were supposed to be in the north, and the augur was considered as looking in the same manner in which the gods looked upon the earth.⁴ Hence the main line in land-surveying was drawn from north to south, and was called *cardo*, as corresponding to the axis of the world; the line which cut it was termed *decumanus*, because it made the figure of a cross, like the numeral X. These two lines were produced to the extremity of the ground which was to be laid out, and parallel to these were drawn other lines, according to the size of the quadrangle required. The limits of these divisions were indicated by balks, called *limites*, which were left as high roads, the ground for them being deducted from the land to be divided. As every sixth was wider than the others, the square bordering upon this would lose *pro tanto*. The opposition of *via* and *limes* in this rectangular division of property has not been sufficiently attended to by scholars. It appears that, if the line from north to south was called *limes*, that from east to west would be named *via*, and *vice versa*. Virgil was, as is well known, very accurate in his use of words, and we may entirely depend on inferences drawn from his language. First, he uses *limes* in its stricter sense as a term of land-surveying:

"Ante Jovem nulli subiegebant arva coloni,
Nec signare quidem, aut partiri limite campum
Fas erat."⁵

Again, in speaking of planting vines in regular rows, he says:

"Omnis in unguem
Arboribus positus secto via limite quadret;"⁶

i. e., "let every *via* be exactly perpendicular to the *limes* which it cuts." He says *quadret*, for the term *via* might be used in speaking of a line which cut another obliquely, as it is used in the description of the ecliptic, in Virgil:

"Via secta per ambas,
Obliquus qua se signorum verteret ordo."⁷

These passages are sufficient to prove that *via* and *limes* are used in opposition to one another. The following authorities will show that *via* means the principal or high road; and *limes*, a narrower cross road, where roads are spoken of. In the first place, the Twelve Tables laid down that the *via* should be eight feet wide when straight, but twelve

1. (vi., tit. 3.)—2. (Niebuhr, Rom. Hist.—Savigny, das Recht des Besitzes, 5th ed.—Cicero, c. Rull.; and the other authorities already referred to in the course of the article.)—3. (Lycurg., c. Leocr., c. 18, p. 189.—Demosth., de Legat., c. 84, p. 438.—Plut., Alcib., c. 15.—Stobæus, Serm., xli., 141.—Schömann, de Comit. Athen., p. 331.—Wachsmuth, Hellen. Alterth., l. i., p. 232.)—4. (Porphyrt., de Abst. ab Anim., l. 2.)

1. (Liv., i., 18.)—2. (Dionys., ii., 5.)—3. (Varro, ap. Frontin., p. 215.)—4. (Festus, s. v. Sinistræ.)—5. (Georg., i., 126.)—6. (Georg., ii., 278.)—7. (Georg., i., 238.)

feet at the turning; and it is expressly distinguished by Festus from the *iter* of two feet wide, and the *actu* of four feet wide. Secondly, in Livy¹ we have "*intra eam (portam) extraque lata sunt via, et extra limites,*" &c., "*eo limite,*" &c.; and in the same author,² "*transversis limitibus in viam Latinam est cinctus*," and Tacitus³ says, "*Per limitem via purgantur festinatione consecrandi victores.*" When land was not divided, it was called *arcifinius*, or *amifualis*; the *ager publicus* belonged to this class.

The reader will find two very valuable articles on the *Limitatio* and the *Agrimensores* in the Appendix to Niebuhr's *Roman History*, vol. ii.

***AGRIMONIA**, the herb *Agrimony*, called also *Eupatorium* (Ἐυπατόριον), from its having been discovered by Mithradates Eupator.⁴

AGRIÓNIA (ἀγρίωνια), a festival which was celebrated at Orchomenus, in Bœotia, in honour of Dionysus, surnamed Ἀγρίωνος. It appears from Plutarch⁵ that this festival was solemnized only by women and priests of Dionysus. It consisted of a kind of game, in which the women for a long time acted as if seeking Dionysus, and at last called out to some another that he had escaped to the Muses, and had concealed himself with them. After this they prepared a repast; and having enjoyed it, amused themselves with solving riddles. This festival was remarkable for a feature which proves its great antiquity. Some virgins, who were descended from the Minyans, and who probably used to assemble around the temple on the occasion, fled, and were followed by the priest armed with a sword, who was allowed to kill the one whom he first caught. This sacrifice of a human being, though originally it must have formed a regular part of the festival, seems to have been avoided in later times. One instance, however, occurred in the days of Plutarch.⁶ But, as the priest who had killed the woman was afterward attacked by disease, and several extraordinary accidents occurred to the Minyans, the priest and his family were deprived of their official power. The festival is said to have been derived from the daughters of Minyas, who, after having for a long time resisted the Bacchanalian fury, were at length seized by an invincible desire of eating human flesh. They therefore cast lots on their own children, and as Hippasus, son of Leucippe, became the destined victim, they killed and ate him, whence the women belonging to that race were at the time of Plutarch still called the destroyers (δολεῖαι or αἰολαῖαι), and the men mourners (ψολαῖαι).⁷

***AGRIOPHYLL'ON** (ἀγριοφύλλον), a plant, the same with the *Peucedanum* (Πευκέδανον), our "Hogs-Snail" or "Sulphur-wort."⁸

AGRONOMI (ἀγρονόμοι) are described by Aristotle as the country police, whose duties corresponded in most respects to those of the *astynomi* in the city.⁹ They appear to have performed nearly the same duties as the *hylori* (ὕλωροι). Aristotle does not inform us in what state they existed; but, from the frequent mention of them by Plato, it appears probable that they belonged to Attica.¹⁰

***AGROSTIS** (ἀγροστis), a plant. Schneider and Sprengel remark, that nearly all the commentators agree in referring it to the *Triticum repens*, L., or Couch-grass. Stackhouse, however, is content with simply marking the *ἀγροστis* of Theophrastus as the *Agrostis*. The brief description of the *ἀγροστis ἐν τῷ Πarnassia*, given by Dioscorides, would seem to point to the *Parnassia palustris*, or "Grass of Parnassus."¹¹

ΑΓΡΟΤ'ΕΡΑΣ ΘΥ'ΣΙΑ (ἀγροτέρας θυσία), a festival celebrated every year at Athens in honour of Artemis, surnamed *Agrotera* (from ἄγρρα, chase). It was solemnized, according to Plutarch,¹ on the sixth of the month of Boëdromion, and consisted in a sacrifice of 500 goats, which continued to be offered in the time of Xenophon.² Its origin is thus related: When the Persians invaded Attica, Callimachus the polemarch, or, according to others, Miltiades, made a vow to sacrifice to Artemis *Agrotera* as many goats as there should be enemies slain at Marathon. But when the number of enemies slain was so great that an equal number of goats could not be found at once, the Athenians decreed that 500 should be sacrificed every year. This is the statement made by Xenophon; but other ancient authors give different versions. Ælian, whose account, however, seems least probable, states³ the time of the festival to have been the sixth of Thargelion, and the number of goats yearly sacrificed 300. The scholiast Aristophanes⁴ relates that the Athenians, before the battle, promised to sacrifice to Artemis one ox for every enemy slain; but when the number of oxen could not be procured, they substituted an equal number of goats.

AGRUP'NIS (ἀγρυνίς), a nocturnal festival celebrated at Arbelæ, in Sicily, in honour of Dionysus.⁵

AGUR'MOS (ἀγυρμός). (Vid. *ELUSINIA*.)

AGUR'TAI (ἀγύρται), mendicant priests, who were accustomed to travel through the different towns of Greece, soliciting alms for the gods whom they served. These priests carried, either on their shoulders or on beasts of burden, images of their respective deities. They appear to have been of Oriental origin, and were chiefly connected with the worship of Isis,⁶ Opis, and Arge,⁷ and especially of the great mother of the gods; whence they were called *μητραγύρται*. They were, generally speaking, persons of the lowest and most abandoned character. They undertook to inflict some grievous bodily injury on the enemy of any individual who paid them for such services, and also promised, for a small sum of money, to obtain forgiveness from the gods whom they served for any sins which either the individual himself or his ancestors had committed.⁸ Thus Œdipus calls Tiresias,

Μάγον τοῖόνδε μηχανορῥόφον
δόλον ἀγύρτην.⁹

These mendicant priests came into Italy, but at what time is uncertain, together with the worship of the gods whom they served.¹⁰

The name of *ἀγύρται* was also applied to those individuals who pretended to tell people's fortunes by means of lots. This was done in various ways. The lots frequently consisted of single verses taken from well-known poems, which were thrown into an urn, whence they were drawn either by the persons who wished to learn their fortunes or by boys. It was also usual to write the verses on a tablet,¹¹ and those who consulted them found out the verses which foretold their destinies by throwing dice.

ΑΙΑΚΕΙΑ (Αἰάκεια), a festival of the Æginetans in honour of Æacus, the details of which are not known. The victor in the games which were solemnized on the occasion, consecrated his chaplet in the magnificent temple of Æacus.¹²

ΑΙΑΝΤΕΙΑ (Αἰάντεια), a festival solemnized in Salamis in honour of Ajax, of which no particulars are known.¹³

***AIGEIROS** (αἰγεῖρος), without doubt the *Populus nigra*, or Black Poplar.¹⁴

1. (Liv. 24.)—2. (Liv. 12.)—3. (Hist. iii., 25.)—4. (Dioscor. vi., 41.—Plin. H. N. xxv., 6.)—5. (Quæst. Rom., 102.)—6. (Quæst. Græc., 38.)—7. (Müller, Die Minyen, p. 166, seqq.)—8. (Agel. de Herb., c. 95.—Theophrast., H. P., i., 14.—Dioscor., ii., 82.)—9. (Pollux, vi., 5.)—10. (Plato, Legg., vi., 9.—Timæus Læcius, and Balthusken's note, in which several passages are quoted from Plato.)—11. (Dioscor., iv., 30, 32.—Theophrast., H. P., i., c. 200.)

1. (De Maligna, Herod., 26.)—2. (Xenoph., Anab., iii., 2, § 12.)—3. (V. H., ii., 15.)—4. (Æquit., 666.)—5. (Vid. Hesych., s. v.)—6. (Suid., sub Ἀγύρται.)—7. (Herod., iv., 35.)—8. (Ruhnken ad Timæi Lex. Plat., sub ἀγύρταιν and ἐταγύραι.)—9. (Soph., Œd. Tyr., 387.)—10. (Cic., de Legg., ii., 16.—Heindorf, in Hor., Serm., l., ii., 2.)—11. (ἀγυρτικός πίναξ, or ἀγυρτική σάβη.)—12. (Müller, Æginetica, p. 140.)—13. (Vid. Hesych., s. v.)—14. (Dioscor., i., 109.—Theophrast.—H. P., i., 8: ii., 3 &c.)

ΑΙΣΙΘΕΛΙΟΣ (*aisithelios*), a species of bird. Demosthenes applies this term to the genus *Parus*, of which he describes the following species: 1. The *αἰσθητός*, which is the *Parus major*, L., the Great Titmouse or Ox-eye. 2. The *ἄσπερος*, which would seem to correspond to the *Parus caudatus*, L., or Long-tailed Titmouse. 3. The *εὐαίσιτος*, which answers to the *Parus caeruleus*, L., or Blue Titmouse.¹

ΑΙΣΙΤΙΛΟΣ (*aisitilos*), a plant about which there has been great diversity of opinion. Robert Stephens and most of the older commentators contend that it is the *Amygd. nerioides*, or *Folle avoine* of the French. Matthioli rejects this opinion, and holds it to be an herb called *Corydalis* in French, which grows in fields of barley. Dodonæus, Sibthorp, Stackhouse, and Sprengel agree in referring it to the *Agrostis ovina*. Theophrastus farther applies the name to a species of Oak, which Stackhouse makes to be the *Quercus Egilops*.²

ΑΙΣΙΠΥΡΟΣ (*aisipyros*), Buckwheat. Sprengel mentions that the learned Anaguillara believed it to be the *Oenosis Aristivornis*, or Rest-harrow; he himself, however, in the second edition of his "*Rei Herbariorum Historia*," inclines to a species of *Eryngium*. All this, however, is merely conjectural.³

ΑΙΓΟΘΗΛΑΣ (*aiqothelas*), the Goat-sucker, a bird of the genus *Carpodacus*. It applies more especially to the species called Fern-owl in England, to which Professor Rennie gives the scientific name of *Nachtaloides Europæus*.⁴

ΑΙΓΥΨΙΟΣ (*aiqypsios*). Elian describes it as being a bird intermediate between the Eagle and the Vulture.⁵ Gesner decides that it is the same as the *υαυαίτιος* and the *Falco niger* of Pliny; and Schneider suggests that it probably was the *Vultur percnopterus*, or Alpine eagle. (*Vid. Gyrs*.)⁶

ΑΙΓΥΛΙΟΣ (*aiqylios*), a bird of the rapacious tribe, briefly noticed by Aristotle.⁷ It is rendered *Ébis* by Gaza, but cannot be satisfactorily determined. (*Vid. GLAUC*.)⁸

ΑΙΚΙΑΣ ΔΙΚΗ (*aikias dikē*), an action brought at Athens before the court of the Forty (*οἱ τετταράκοντα*) against any individual who had struck a citizen of the state. Any citizen who had been thus insulted might proceed in two ways against the offending party, either by the *aikias dikē*, which was a private action, or by the *ἕθερος γραφή*, which was looked upon in the light of a public prosecution, since the state was considered to be wronged in an injury done to any citizen. It appears to have been a principle of the Athenian law, to give an individual who had been injured more than one mode of obtaining redress.⁹

It was necessary to prove two facts in bringing the *aikias dikē* before the Forty. First, That the defendant had struck the plaintiff with the intention of insulting him (*ἵς ἕθερος*), which, however, was always presumed to have been the intention, unless the defendant could prove that he only struck the plaintiff in joke. Thus Ariston, after proving that he had been struck by Conon, tells the judges that Conon will attempt to show that he had only struck him in play.¹⁰ Secondly, It was necessary to prove that the defendant struck the plaintiff first, and did not merely return the blows which had been given by the plaintiff (*ἀρχαῖον χειρῶν ἀδικῶν*, or merely *ἀδικῶν ἀρχαῖον*).¹¹

In this action, the sum of money to be paid by the defendant as damages was not fixed by the laws; but the plaintiff assessed the amount according to the injury which he thought he had re-

ceived, and the judges determined on the justice of the claim.¹

ΑΙΚΛΟΝ (*aiklon, aiklon, or aiknon, aiknon*),² is said by Polemo³ to be a Doric word; its derivatives, *ἐπαίκλια* and *μεσαικίλια*, were used only by the Dorians. Modern writers differ greatly respecting its meaning; but, from an examination of the passages in which it occurs, it appears to be used in two senses: I. A meal in general. Thus Alcman uses *συναίκλια* for *συνδείπνια*.⁴ II. The chief dish or course in a meal. The dessert or after-course was called *ἐπαίκλον*.⁵ The *αἰκλον* among the Spartans was composed of the contributions which every one who came to the public banquets (*φειδίτια*) was bound to bring, and consisted chiefly of pork and black broth, or blood-broth (*μελας ζυμός, αίμάτια*), with the addition of cheese and figs; sometimes, but rarely, they received contributions of fish, hares, and poultry. The *ἐπαίκλον*, or dessert, which varied the plainness of the meal, consisted of voluntary gifts to the table. The richer citizens sent maize bread, fowls, hares, lambs, and other dishes, cooked in a superior manner, a part of a sacrifice, or the fruits of the season, while others contributed the proceeds of the chase. It was the custom, when one of these presents was helped round, to name the person who sent it.⁶ Sometimes they procured a good dessert by imposing penalties on each other, or by giving the place of honour at the table to him who contributed the best dish.⁷ The contributions were eaten as they were sent; or, if their flavour was not approved, they were made up afresh into a savoury mess called a *ματτήη*. Boys were allowed an *ἐπαίκλον* consisting of barley meal kneaded with oil, and baked in laurel leaves.⁸

ΑΙΓΙΝΗΤΩΝ ΕΟΡΤΗ (*Αιγινητων εορτή*), a festival of the Æginetans in honour of Poseidon, which lasted sixteen days, during which time every family took its meals quietly and alone, no slave being allowed to wait, and no stranger invited to partake of them. From the circumstance of each family being closely confined to itself, those who solemnized this festival were called *μονοβάγιοι*. Plutarch⁹ traces its origin to the Trojan war, and says that, as many of the Æginetans had lost their lives, partly in the siege of Troy and partly on their return home, those who reached their native island were received indeed with joy by their kinsmen; but, in order to avoid hurting the feelings of those families who had to lament the loss of their friends, they thought it proper neither to show their joy nor to offer any sacrifices in public. Every family, therefore, entertained privately their friends who had returned, and acted themselves as attendants, though not without rejoicings.

***ΑΙΘΥΙΑ** (*aiqthia*), the *Mergus* of the Latins, the modern Cormorant. As there are several species of this genus, it is difficult to say, in general, to which of them the ancient name is most applicable. The *Pelicanus corbo* is a common species.¹⁰

***ΑΙΧ** (*aiq*). I. (*Vid. TRAGOS*).—II. The name of a bird briefly noticed by Aristotle.¹¹ Belon conjectures that it was the Lapwing, namely, the *Vanellus Cristatus*.¹²

***ΑΙΛΟΥΡΟΣ** (*ailouros*), the *Felis Catus*, or Wild Cat. Some apply the name *κάττης* to the Domestic Cat.¹³ (*Vid. FELIS*.)

***ΑΙΜΑΤΙΤΗΣ** (*aimatites*), the well-known stone called Bloodstone. (*Vid. ΗΕΜΑΤΙΤΗΣ*.)

1. (Ar. Met., H. A., iv., 16.—Adams, Append., s. v.)—2. (Dioscorid., iv., 137.—Theophrast., H. P., iv., 16.—Adams, Append., s. v.)—3. (Theocrit., Id., iv., 25.—Theophrast., H. P., ii., 8.—Adams, Append., s. v.)—4. (Elian, N. A., iii., 39.)—5. (N. A., iv., 24.)—6. (Adams, Append., s. v.)—7. (H. A., vi., 6.)—8. (Adams, Append., s. v.)—9. (Demosth., adv. Androt., c. 8, p. 1361.)—10. (Demosth., adv. Conon., c. 5, p. 1361.)—11. (Demosth., adv. P. Amy., c. 3, p. 1141, c. 11, p. 1151.)

1. (Demosth., adv. Conon.—Isocrates, adv. Lochit.—Meier, Act. Process, p. 547.—Böckh, Public Econ. of Athens, vol. ii., p. 101, transl.)—2. (Eustath. in Il., xviii., 245.)—3. (Athenæus, p. 140, c.)—4. (Athenæus, p. 140, c.—See also Epicarmus and Alcman in Athenæus, p. 139, d, and p. 140, c.)—5. (Polemo in Athen., p. 140, c.)—6. (Polemo in Athen., p. 139, c.)—7. (Athen., p. 140, f.)—8. (Müller, Dorians, iii., x., 7; iv., iii., 3.—Wachsmuth, Hellen. Alterthum., II., ii., p. 24.)—9. (Quæst. Græc., 44.)—10. (Aristot., H. A., v., 8.—Elian, N. A., iv., 5.)—11. (H. A., viii., 3.)—12. (Adams, Append., s. v.)—13. (Aristot., H. A., v., 2.—Suid., s. v. *κάττης* et *οἰκοκνήτης*.—Toap in Suid., l. c.—Adams, Append., s. v. *αἰλουρος*.)

* **ΑΙΟΜΠΡΟΥΣ** (*αἰομπρός*), (-οίς, or -ος), a species of Serpent. The celebrated Paul Hermann and Dr Mead that he had found in Africa a serpent the poison of which was immediately followed by hæmorrhages from all the pores of the body, and which he concluded to be the same as the hæmorrhus of antiquity. It should also be remarked, that the effects produced by the poison of the *Coluber areus* of India are said to be very similar to those of the Hæmorrhus as described by the ancients.¹

* **ΑΙΡΑ** (*αἶρα*), a plant, the same with the *Lolium temulentum*, L., or Darnel. It may be confidently pronounced to be the "*infelix lolium*" of Virgil; and that it is the *ζιζανία* of Scripture was first suggested by Isidorus, an opinion which has been espoused, without acknowledgment, by Henry Stephens, and by Dr. Campbell of Aberdeen, and other Biblical commentators. It farther deserves to be mentioned, that the translators of the works of the Arabian medical authors render the *αἶρα* of the Greeks by *hæmorrhus*.²

ΑΙΣΥΜΝΗΤΕΣ (*αἰσυνήτης*), an individual who was sometimes invested with unlimited power in the Greek states. His power, according to Aristotle partook in some degree of the nature both of kingly and tyrannical authority, since he was appointed legally, and did not usurp the government, but, at the same time, was not bound by any laws as his public administration.³ Hence Theophrastus⁴ calls the office *τυραννίς αἰσυρή*. It was not hereditary, nor was it held for life; but it only continued for a certain time, or till some object was accomplished. Thus we read that the inhabitants of Mytilene appointed Pittacus *αἰσυνήτης*, in order to prevent the return of Alcæus and the other exiles.⁵ Dionysius compares it with the dictatorship of Rome. In some states, such as Cyme and Chalcidion, it was the title borne by the regular magistrates.⁶

ΑΙΟΨΑ, or **ΕΟΨΑ** (*αἰόψα, εὐόψα*), a festival at Athens, accompanied by sacrifices and banquets, whence it is sometimes called *εὐδελπικος*. The common account of its origin is as follows: Icarus was killed by shepherds to whom he had given wine, and who, being unacquainted with the effects of this beverage, fancied, in their intoxication, that he had given them poison. Erigone, his daughter, guided by a faithful dog, discovered the corpse of her father, whom she had sought a long time in vain; and, warning to the gods that all Athenian maidens might perish in the same manner, hung herself. After this occurrence, many Athenian women actually hung themselves, apparently without any motive whatever; and when the oracle was consulted respecting it, the answer was, that Icarus and Erigone must be propitiated by a festival.⁷ According to the *Etymologicum Magnum*, the festival was celebrated in honour of Erigone, daughter of Ægisthus and Clytemnestra, who came to Athens to bring the charge of matricide against Orestes before the Areopagus; and, when he was acquitted, hung herself, with the same wish as the daughter of Icarus, and with the same consequences. According to Hesychius, the festival was celebrated in commemoration of the tyrant Temaleus, but no reason is assigned. Eustathius⁸ calls the maiden who hung herself Acora. But, as the festival is also called *Ἀλφειός* (apparently from the wanderings of Erigone, the daughter of Icarus), the legend which was first mentioned seems to be the most entitled to belief. Pollux⁹ mentions a song made by

Theodorus of Colophon, which persons used to sing while swinging themselves (*ἐν ταῖς αἰόψαις*). It is therefore probable that the Athenian maidens, in remembrance of Erigone and the other Athenian women who had hung themselves, swung themselves during this festival, at the same time singing the above-mentioned song of Theodorus.¹

ALABASTER, the name usually given by artists and antiquaries to that variety of marble which mineralogists call *gypsum*. Alabaster is sometimes described as of two kinds; but this is an error, as one of the substances so called is a *carbonate* of lime, and therefore not alabaster in the common acceptation of the term; while the other, the real alabaster or *gypsum*, is a *sulphate* of lime. Alabaster (*gypsum*) is translucent or semi-transparent, and is usually of a white—a yellowish white—and greenish colour, though sometimes strong brown tints and spots appear in it. When the varieties of colour occur in the same stone, and are disposed in bands or horizontal strata, it is often called *onyx alabaster*; and when dispersed irregularly, as if in clouds, it is in like manner distinguished as *agate alabaster*. These varieties in the colour are alluded to by Pliny: "*Candore interstincto variis coloribus*."² Though much softer than other marbles, and on that account ill adapted for sculpture on a large scale, it is capable of being worked to a very fine surface, and of receiving a polish.

Alabaster has been supposed to derive its name originally from Alabastron, a town of Egypt, where there was a manufactory of vessels made of a stone which was found in the neighbouring mountains. Pliny³ speaks of *alabastrites*, using that term for the various kinds of this marble, as well as *onyx*, probably from the texture being somewhat different from that of the Greek, Sicilian, and Italian marbles, which he was more accustomed to see, and which were commonly used by sculptors, and from which he thus desired to distinguish it. He observes that it was chiefly procured in his time from Alabastron and Damascus.⁴

Alabaster, both in its form of carbonate of lime and gypsum (for, from the confusion that exists in the description of some monuments of antiquity, it becomes necessary to advert to both varieties under that denomination), was employed very extensively by the ancients. It was much used by the Egyptians for different sorts of vases, rilievi, ornaments, covers of sarcophagi, canopies, and sculpture in general; but, from the absence of any remains of sculpture in that material, it may be assumed that alabaster (*gypsum*) was little, if ever, used by the artists of ancient Greece and Italy for statues, rilievi, or busts. Vessels or pots used for containing perfumes, or, rather, ointments, were often called by the ancients *alabastra* or *alabastræ*. It appears, from the account of Pliny, that these pots were usually made of the *onyx alabaster*, which was considered to be better adapted than any other stone for the preservation of perfumes.⁵ Martial says *cosmis redolent alabastra*,⁶ and Horace appears to allude to the same vessels in his invitation to Virgil.⁷ The term seems to have been employed to denote vessels appropriated to these uses, even when they were not made of the material from which it is supposed they originally received their name. Theocritus thus speaks of golden alabastra (*χρυσέαι ἄλαβαστρα*).⁸ These vessels were of a tapering shape, and very often had a long narrow neck, which was sealed; so that when Mary, the sister of Lazarus, is said by St. Mark⁹ to break the alabaster-box of ointment for the purpose of anointing our Saviour, it appears probable that she only broke the extremity of the neck, which was thus

1. (Nesand, *Theor.*, 282.—Adams, *Append.*, s. v.)—2. (Theophrast., *H. P.*, l. 5.—Dioscor., *ii.*, 122.—Matth., *xiii.*, 25.—Adams, *Append.*, s. v.)—3. (Pollux, *iv.*, 8, § 2.)—4. (Apud Dionys., *Halic.*, v. 72.)—5. (Theophrast., *sp. Dionys. Halic.*, v. 72.)—6. (Wachsmuth, *Hellen. Archæom.*, l. 1, p. 200.—Hermann, *Pol. Ann. of Greece*, § 63.)—7. (Hesych., *Pol. Astron.*, *ii.*, 4.)—8. (Theocrit., *idyl.*, p. 368.—9. *iv.*, 7, § 33.)

1. (Vil. etiam Athen., *xiv.*, p. 618.)—2. (H. N., *xxxvi.*, 12, *xxxvii.*, 54.)—3. (H. N., *xxxvi.*, 12.)—4. (H. N., *xxxvii.*, 54.)—5. (H. N., *xiii.*, 3; *xxxvi.*, 12.)—6. (*xi.*, *viii.*, 9.)—7. (Carm. *iv.*, *xii.*, 7.)—8. (*Idyl.*, *xv.*, 114.)—9. (*xiv.*, 3.)

closed. The alabastron mentioned by the Evangelists was, according to Epiphanius, a measure, which contained $\frac{1}{2}$ ξέστηρ, or one κοτύλλη (16.47 cubic inches, or .48 pints).

ALABASTRITES. (Vid. ALABASTER.)

ALAIÁ (άλαια) is the name of the games which were annually celebrated at the festival of Minerva, surnamed Alea, near Tegea, in the neighbourhood of the magnificent temple of the same goddess.¹

ALARII were the troops of the allies in the Roman army, and were so called because they were usually stationed in the wings (Ala²). The alarii consisted both of horse and foot soldiers, and were commanded by præfecti, in the same manner as the legions were commanded by tribuni.³ The cavalry of the allies was called equites alarii, to distinguish them from the cavalry of the legions (equites legionarii⁴); and the infantry was called cohortes alariae,⁵ to distinguish them from the cohortes legionariae.

*ALAU'DA (κόρυδος, κορύδαλος, and κορύδων), the Lark. Aristotle describes two species of this bird, the one of which is evidently the *Alauda cristata*, L., or Crested Lark; the other the *Alauda campestris*, or Field Lark. The former is the *Galerita* of Pliny, and is clearly the species alluded to by Aristophanes in his *Aves*.⁶

ALBUM is defined to be a tablet of any material on which the prætor's edicts, and the rules relating to actions and interdicts, were written. The tablet was put up in a public place, in order that all the world might have notice of its contents. According to some authorities, the album was so called, because it was either a white material or a material whitened, and, of course, the writing would be a different colour. According to other authorities, it was so called because the writing was in white letters. If any person willfully altered or erased (*corrupti*) anything in the album, he was liable to an action *albi corrupti*, and to a heavy penalty.⁷

Probably the word album originally meant any tablet containing anything of a public nature. Thus, Cicero informs us that the *Annales Maximi* were written on the album by the pontifex maximus.⁸ But, however this may be, it was, in course of time, used to signify a list of any public body; thus we find the expression *album senatorium*, used by Tacitus,⁹ to express the list of senators, and corresponding to the word *leucoma* used by Dion Cassius.¹⁰ The phrase *album decurionum* signifies the list of decuriones whose names were entered on the album of a municipium, in the order prescribed by the *lex municipalis*, so far as the provisions of the *lex* extended.¹¹

ALBUS GALETERUS, or ALBOGALETERUS, a white cap worn by the flamen dialis at Rome.¹² According to Festus (*s. v.*), it was made of the skin of a white victim sacrificed to Jupiter, and had an olive twig inserted in the top. Its supposed form, as derived from coins, and from a bas-relief on a Roman temple, is that of a cap fitted closely to the head, and tied under the chin.¹³ (Vid. APEX.)

ALCATHOÏA (ἀλκαθοΐα) is the name of games celebrated at Megara, in commemoration of the hero Alcathous, son of Pelops, who had killed a lion which had destroyed Euippus, son of King Megareus.¹⁴

*AL'CE or ALCES¹⁵ (in Greek ἄλκη), the name of an animal described by Cæsar and other ancient writers, and the same with the modern *Elk* or *Moose Deer*. "It was the opinion of Buffon, that the Euro-

pean Elk was not known to the Greeks, nor does it appear to have been noticed by Aristotle. That was, however, the ἄλκη of Pausanias, the Ale of Cæsar and Pliny, the Elch of the Celts, and the Ælg or Elg of the northern Europeans, there can be little doubt. Pausanias describes it as being "between a stag and a camel;"¹⁶ and though the accounts of Cæsar¹⁷ and Pliny¹⁸ are mingled with fable, and the former states that his *Alces* are "*mixta cornibus*" (which might arise from the account of those who had seen the animal at the period when the horns had exfoliated), the general description and the localities given by both are almost conclusive as to the animal meant to be designated. The "*labrum superius prægrande*," "*the upper lip*," of Pliny is very expressive, and the extraordinary development of this part might well recall to a casual observer the general traits of the head of a camel. Whether it was the *ἵππελαφος* (*hippelaphus*) of Aristotle, is a question which will admit of much discussion. (Vid. HIPPELAPHUS.)—The movements of the Elk are rather heavy, and the shoulders being higher than the croup, it can never gallop, but shuffles or ambles along, its joints cracking at every step, with a sound heard to some distance. Increasing its speed, the hind feet straddle to avoid treading on its fore heels, and it tosses the head and shoulders like a horse about to break from a trot to a gallop. It does not leap, but steps without effort over a fallen tree, a gate, or a split fence. During its progress, it holds the nose up, so as to lay the horns horizontally back. This attitude prevents its seeing the ground distinctly, and, as the weight is carried very high upon the elevated legs, it is said sometimes to trip by treading on its fore heels, or otherwise, and occasionally to give itself a heavy fall. It is probably owing to this occurrence that the Elk was believed by the ancients to have frequent attacks of epilepsy, and to be obliged to smell its hoof before it could retrace its steps; hence the Teutonic name of *Elend* ("miserable"), and the reputation especially of the fore hoof as a specific against the disease.¹⁹

*AL'CEA (ἀλκία or ἀλκία), most probably the *Melva alcea*, or Vervain Mallow.⁴

*ALCE'DO. (Vid. HALCYON.)

*ALCIBIAD'TUM (Ἀλκιβιάδιον), a species of *Anchusa*. (Vid. ANCHUSA.)

*ALCY'ONE. (Vid. HALCYON.)

ALEA, gaming, or playing at a game of chance of any kind. Hence *alea*, *aleator*, a gamester, gambler. Playing with *tali*, or *lessera*, was generally understood, because this was by far the most common game of chance among the Romans.

Gaming was forbidden by the Roman laws, both during the times of the Republic and under the emperors.⁵ Hence Horace, alluding to the progress of effeminate and licentious manners, says the boys of rank, instead of riding and hunting, now showed their skill in playing with the hoop, or even at games of chance, although they were illegal (*vetula legibus alca*⁶). Gaming was also condemned by public opinion. "*In his gregibus*," says Cicero, "*omnes aleatores, omnes adulteri, omnes impuri et pudicique versantur*."⁷ To detect and punish the excesses of this description belonged to the office of the *ædiles*.⁸

Games of chance were, however, tolerated in the month of December at the Saturnalia, which was a period of general relaxation;⁹ and among the Greeks, as well as the Romans, old men were allowed to amuse themselves in this manner.¹⁰

The following line of Publius Syrus shows the

1. (Paus., viii., 47, § 3.)—2. (Liv., x., 43; xxxi., 21.—Cæs., Bell. Gall., i., 51.—Cicero, ap. Gell., xvi., 4.)—3. (Cæs., Bell. Gall., i., 39.—Suet., Octav., 35.—Plin., Ep., x., 19.)—4. (Liv., xxxv., 3; xl., 40.)—5. (Cæs., Bell. Civ., i., 73, 83; ii., 18.)—6. (Aristot., H. A., i., 19.—Aristoph., Av., 472.)—7. (Dig. 2, tit. 1, § 79.)—8. (De Orat., ii., 12.)—9. (Ann., iv., 42.)—10. (Iv., 3.)—11. (Dig. 50, tit. 2.)—12. (Varro, ap. Gell., x., 16.)—13. (Cassius, Mus. Rom.—Sigonius, de Nom. Rom., §.—Hope, Cosmograph., ii., 266.)—14. (Plin., Isthm., viii., 148.—Paus., i., 42, § 1.)—15. (Salmas. ad Solin., 20.)

1. (ix., 21.)—2. (Bell. Gall., vi., 26.)—3. (H. N., viii., 15.)—4. (Dioscor., iii., 154.)—5. (Cic., Philip., ii., 23.—Cod. 3, tit. 1.)—6. (Carm. iii., 24.)—7. (in Cat., ii., 10.)—8. (Martial., xiv., 9.)—9. (Martial., iv., 14.—Gellius, xviii., 13.)—10. (Eurip., Med. 47.—Cic., Senect., 16.—Juv., xv., 4.)

professed gamblers made a regular study of their art:

"*Aliter, quanto in arte est melior, tanto nequior.*"

Oriz alludes to those who wrote treatises on the subject:

"*Sunt alii scriptæ, quibus alea luditur, artes.*"¹

These were the Hoyles of ancient times, among whom we find no less a personage than the Emperor Claudius himself: "*Aleam studiosissime ludit, de cuius arte librum quoque emisit.*"² The Emperors Augustus and Domitian were also fond of gaming.³

Alea sometimes denotes the implement used in playing, as in the phrase *facta alea est*, "the die is cast," uttered by Julius Cæsar immediately before he crossed the Rubicon;⁴ and it is often used for chance, or uncertainty in general.⁵

*ALEKTOR (*ἄλεκτωρ*), the Cock. (*VID. GAL.*)

ALEKTUOMANTEIA (*ἄλεκτρομαντεία*), a mode of divination practised by the Greeks. The letters of the alphabet were written in a circle; a grain of wheat or barley was laid upon each letter; and a cock, consecrated or provided for the occasion, was placed within the circle. The required information was obtained by putting together those letters off which the cock picked the grains of corn. To obtain a fuller answer, they laid grains of corn upon the letters a second time, and repeated the process.

ALEKTPYONON AIΩN, or ALEKTPYONOMAXIA (*ἄλεκτρονίων ἀγων, or ἄλεκτρονομαιχία*), a public cockfight, which was held every year in one of the theatres of Athens. Cockfights, in general, were exceedingly common among the Greeks and Romans; but the origin of this one in particular, which was sanctioned by the laws of the state, is unknown; for the account of its origin given by Elian⁶ is too absurd and improbable to deserve notice. He says that, when Themistocles marched with his Athenians against the Persians, he saw two cocks fighting against each other, and took the opportunity of addressing his soldiers, and reminding them that these cocks were neither fighting for their country nor for the gods, but only for victory, &c. This speech is said to have greatly animated the courage of the Athenians; and, after the war, was commemorated the event which had proved a success to them by the annual festival in the theatre.⁷

ALIEPTERION. (*VID. ALIPTÆ.*)

ALGÆ, a general name given by the Latin poets to all aquatic plants, which, living in the water, are accustomed to be thrown up on the banks of rivers or the shores of the sea. Such, in the case of fresh water, are the *Confervæ*, the *Potamogetons*, the *Najas*, &c.; and in that of the salt water, the *Phæe* of marine plants, and especially the *Fucus*.⁸ The term *ἄλιον* is applied to the sea-algæ by Theophrastus.⁹

ALICA (*ἀλική, χυμόρος*), I. A kind of grain resembling spelt, which was also called *zea*.¹⁰ II. A bread, soup, or porridge made out of this grain, and very highly esteemed by the Romans. Pliny states that it was a Roman invention, and that, in his opinion, it was not in use till after the time of Pompey the Great.¹¹ The Greeks had a somewhat similar preparation, which they called *πιτσάνη*. Alica was raised from the neighbourhood of Verona and Pisa, and other parts of Italy, and from Egypt. The best came from Campania; that from Egypt was the inferior. It was prepared by first bruising the grain in a wooden mortar to separate the husks, and then pounding it a second and third time to break it

into smaller pieces. The different qualities of alica made by each of these processes were called respectively *grandissima* or *aphærema* (*ἀφαίρεμα*), *secundaria*, and *minima*. In order to make the alica white and tender, it was mixed with chalk from the hills between Naples and Puteoli.¹² It was used as a medicine, for which purpose it was either soaked in water mixed with honey (mead, *aqua mulsa*), or boiled down into a broth, or into porridge. Pliny gives a full account of the mode of preparing and administering it, and of the diseases in which it was employed.¹³

A spurious kind of alica was made from the inferior spelt (*zea*) of Africa, the ears of which were broader and blacker, and the straw shorter, than in the Italian plant. Pliny mentions also another spurious kind of alica, which was made from wheat.¹⁴ Another sort of alica was made from the juice of the plantain.¹⁵

AL'IMA, or AATMOΣ ΤΡΟΦΗ (*ἄλιμα, or ἄλιμος τροφή*), (from *a*, negative, and *λιμός*, "hunger"), a refreshment used by Epimenides, Pythagoras, and other philosophers. Plato states, in his *Dialogue on Laws*, that the *ἄλιμα* of Epimenides was composed of mallows and asphodel. Suidas explains it as a plant which grew near the sea (probably the sea-leek), which was the chief ingredient in the *φάρμακον Ἐπιμενίδιον*, and was thought to promote long life. Hesychius interprets *σφόδελος* by *ἄλιμος*. Pliny states that some said that alimon was called asphodelos by Hesiod, which he thinks an error; but that the name *alimon* was applied by some to a dense white shrub, without thorns, the leaves of which resembled those of the olive, but were softer, and were used for food; and by others to a potherb which grew by the sea, "whence," says Pliny, "its name," confounding *ἄλιμος*, from *a* and *λιμός*, with *ἄλιμος* from *ἄλις*.¹⁶ The name appears generally to signify a medicinal preparation of equal weights of several herbs, pounded and made into a paste with honey. A similar preparation for quenching thirst (*ἄδιψος τροφή*) was used by Pythagoras.

ALIMENTARIUM PUERI ET PUELLÆ. In the Roman republic, the poorer citizens were assisted by public distributions of corn, oil, and money, which were called *congiaria*. These distributions were not made at stated periods, nor to any but grown-up inhabitants of Rome. The Emperor Nerva was the first who extended them to children, and Trajan appointed them to be made every month, both to orphans and to the children of poor parents. These children were called *pueri et puellæ alimentarii*, and also (from the emperor) *pueri puellæque Ulpiani*; and the officers who administered the institution were called *questores pecuniæ alimentariæ*, *questores alimentorum*, *procuratores alimentorum*, or *praefecti alimentorum*.

The fragments of an interesting record of an institution of this kind by Trajan have been found at Velleia, near Placentia, from which we learn the sums which were thus distributed. The money was raised in this case by lending out a sum on interest at five per cent., from the treasury of the town, on the security of lands and houses. A similar institution was founded by the younger Pliny at Comum.¹⁷ Trajan's benevolent plans were carried on upon a larger scale by Hadrian and the Antonines. Under Commodus and Pertinax the distribution ceased. In the reign of Alexander Severus, we again meet with *alimentarii pueri et puellæ*, who were called *Mammaeani*, in honour of the emperor's mother. We learn, from a decree of Hadrian,¹⁸ that boys enjoyed the benefits of this institution up to their eighteenth, and girls up to their

¹ *Trac.* ii. 471.)—² (*Sost. Claud.*, 23.)—³ (*Suet.*, Aug., 57.—*Sost.*, 21.)—⁴ (*Sost.*, Jul., 32.)—⁵ (*Hor.*, *Carm.* ii., *Al. Varr.*, de *Re Rust.*, l. 18.—*Colum.*, l. *Præf.*—*Cic.*, *Div.*, ii. 138.)—⁶ (*V. H.*, ii. 32.)—⁷ (*Flor.*, *Flor.* de *Virgilio*, p. xii.)—⁸ (*Plin.*, *Epist.*, vii., 18; i., 8; and the inscription in *Or.*, ii., 25, 67.)

1. (*Plin.*, *H. N.*, xviii., 11, 29.)—2. (*H. N.*, xvii., 24, 51; 25, 61, 66; xxvi., 7, 18; xxviii., 17, 67.)—3. (*H. N.*, xviii., 11, 29.)—4. (*Plin.*, *H. N.*, xxvi., 8, 28.)—5. (*Plin.*, *H. N.*, xxi., 22, 33.)—6. (*Plin.*, *Epist.*, vii., 18; i., 8; and the inscription in *Or.*, ii., 25, 67.)—7. (*Ulp.*, in *Dig.* 34, tit. 1, s. 14.)

fourteenth year; and, from an inscription,¹ that a boy four years and seven months old received nine times the ordinary monthly distribution of corn.²

ALIP'TÆ (ἀλείπτραι), among the Greeks, were persons who anointed the bodies of the athlete preparatory to their entering the palastra. The chief object of this anointing was to close the pores of the body, in order to prevent much perspiration, and the weakness consequent thereon. To effect this object, the oil was not simply spread over the surface of the body, but also well rubbed into the skin.³ The oil was mixed with fine African sand, several jars full of which were found in the baths of Titus, and one of these is now in the British Museum. This preparatory anointing was called ἡ παρασκευαστικὴ τρίψις. The athlete was again anointed after the contest, in order to restore the tone of the strained muscles: this anointing was called ἡ ἀποθεραπεία. He then bathed, and had the dust, sweat, and oil scraped off his body, by means of an instrument similar to the strigil of the Romans, and called στήλεγγις, and afterward ξύστρα. The aliptæ took advantage of the knowledge they necessarily acquired of the state of the muscles of the athlete, and their general strength or weakness of body, to advise them as to their exercises and mode of life. They were thus a kind of medical trainers, ἰατροαλείπται.⁴ Sometimes they even superintended their exercises, as in the case of Milesias.⁵

Among the Romans, the aliptæ were slaves, who scrubbed and anointed their masters in the baths. They, too, like the Greek ἀλείπτραι, appear to have attended to their masters' constitution and mode of life.⁶ They were also called unctores. They used in their operations a kind of scraper called strigil, towels (lintea), a cruise of oil (guttula), which was usually of horn, a bottle (vid. AMPULLA), and a small vessel called lenticula. (Vid. BATHS.)

The apartment in the Greek palastra where the anointing was performed was called ἀλείπτήριον; that in the Roman baths was called unctuarium.

*ALIS'MA, an aquatic herb, supposed to be the same with the Water Plantain. Pliny speaks of it as an antidote against certain venomous creatures, and also against the bite of a rabid dog. For this he is not so much to be blamed, since even some modern practitioners have recommended it as anti-hydrophobic. Sprengel makes the Alisma of which Pliny speaks the *A. Parnassifolium*; this species, however, has never been found in Greece. Sibthorp is more correct in designating it the *A. plantago*.⁷

*ALLIUM (σκόροδον), Garlic. There seems no reason to doubt that the σκόροδον of Theophrastus and Dioscorides is the *Allium sativum*, manured Garlic, although Stackhouse prefers the *A. scorodoprasum*. R. Stephens suggests that the wild Garlic should be called ἀρροσκοροδον, and not ὀθισκόροδον. Pliny informs us that garlic was much used among the Italian rustics as a medicine.⁸ Galen also speaks of it as such.⁹ Among the Athenians it was a great favourite as an article of food, and seems to have been sold at the same shops with bread and wine.¹⁰ Fighting-cocks were also fed upon it, to make them more pugnacious.¹¹ Great prophylactic virtues were formerly ascribed to this plant, and, among other active properties, that, in particular, of neutralizing the venom of serpents.¹²

1. (Fabretti, 225, 619.)—2. (Aurel. Viet., Epit. xii., 4.—Capitolinus, Ant. Pi., 8.—Id., M. Aur., 26.—Id., Pert., 9.—Spart., Ind., 7.—Lamprial., Sev. Alex., 27.—F. A. Wolf, "Von einer milden Stiftung Trajans.")—3. (Plutarch, de Tuenda Sanitate, c. 15, p. 302, Trauch.)—4. (Celsus, l., 1.—Plin., H. N., xxix., 1, 2.)—5. (Pindar, Olymp. viii., 54-71, and Böckh's note.)—6. (Cicero, Ep. Fam., i., 9, 35.—Seneca, Ep. 96.—Juvenal, Sat. vi., 76; vi., 422.)—7. (Plin., H. N., xxx., 10.—Fée, in Plin., l. c.—Sprengel, H. R. H., i., 171.—Adams, Append., s. v. ἄρροσκοροδον.)—8. (H. N., xix., 6.)—9. (Meth. Med., xii., 18.)—10. (Mitchell, in Aristoph., Acharn., 150 (174).)—11. (Aristoph., Eq., 492.)—12. (Æmil. Macer, as cited by Fée.)

So diversified, indeed, were its characteristics, that it need excite no surprise to find it adored on the one hand, along with the other species of *allium*, by the people of Egypt, and banished on the other from the tables of the delicate at Rome. Horace assigns it as fit food only for reapers;¹ it was, however, a great favourite also with the Roman soldiers and sailors.² The inhabitants of the southern countries of Europe, who often experience the need of exciting the digestive powers of the stomach, hold garlic in much higher estimation, on this account, than those of more northern regions. Theophrastus makes the *Allium cypricum* the largest in size of the several species of this plant.³

ALLUVIO. "That," says Gaius,⁴ "appears to be added to our land by alluvio, which a river adds to our land (*ager*) so gradually that we cannot estimate how much is added in each moment of time; or, as it is commonly expressed, it is that which is added so gradually as to escape observation. But if a river (at once) takes away a part of your land, and brings it to mine, this part still remains your property."⁵ There is the same definition by Gaius in his *Res Cotidianæ*,⁶ with this addition: "If the part thus suddenly taken away should adhere for a considerable time to my land, and the trees on such part should drive their roots into my land, from that time such part appears to belong to my land."⁷ The *acquisitio per alluvionem* was considered by the Roman jurists to be by the *jus gentium*, in the Roman sense of that term.

According to a constitution of the Emperor Antoninus Pius, there was no *jus alluvionis* in the case of *agri limitati*.⁸ *Circumlvio* differs from *alluvio* in this, that the whole of the land in question is surrounded by water, and subject to its action. Cicero⁹ enumerates the *jura alluvionem* and *circumlvionem* as matters included under the head of *causa centumviralis*.

The doctrine of *alluvio*, as stated by Bracton in the chapter *De acquirendo Rerum Dominio*,¹⁰ is taken from the Digest,¹¹ and is in several passages a copy of the words of Gaius, as cited in the Digest.

*ALNUS (ἀλθρα¹²), the Alder. The wood of this tree, which is lighter than that of many others, was first employed, according to the poets, for the purposes of navigation.¹³ It was also much used among the Romans for water-pipes,¹⁴ and is still ranked among the best materials, next to metal, for these, and for under-ground purposes generally. The alder is an inhabitant of swamps and meadows in all Europe, the north of Africa and Asia, and North America. Virgil is not consistent with himself as regards the name of this tree. In his sixth Eclogue¹⁵ he makes the sisters of Phaëthon to have been changed into alders; but in the *Æneid*¹⁶ he gives the poplar, as Ovid does.¹⁷ The species of alder most common in Greece is the *Alnus oblongata*, Wild.

*AL'OE, the Aloe, or Aloes-tree. Neither Hippocrates nor Theophrastus notices this plant, but Dioscorides, on the other hand, describes two kinds of it.¹⁸ He says it is mostly brought from India but that the plant grows in Arabia and the maritime parts of Asia. The story related by some writers that Aristotle recommended the aloe to Alexander as one of the most valuable products of Socotora appears unworthy of belief, and yet it probably was the Socotorene aloe with which the ancients were most familiar. Fée thinks that the African aloe was unknown to the Greeks and Romans, but

1. (Epid. iii., 4.)—2. (Plaut., *Poen.*, v., 5, 54.—Arist. *Acharn.*, l. c.)—3. (Theophrast., H. P., vii., 4.—Dioscor. 181.)—4. (ii., 70, seqq.)—5. (Dig. 40, tit. 1, s. 7.)—6. (Dig. tit. 1, s. 16.)—7. (De Orat., i., 38.)—8. (fol. 9.)—9. (di. tit. 7.)—10. (Theophrast., H. P., i., 4; iii., 3.—Hom., *Odysse* 64.)—11. (Fée, *Flora de Virgile*, p. xiv.)—12. (Plin., H. N., xl., 42.)—13. (v. 63.)—14. (v., 190.)—15. (Mæc., *l.*, 240, s. 16. (iii., 22.)

a species quite rare at the present day ("aloes lucide, ou en larmes") was one of the kinds employed by them.¹ Aloes, though still much used in medicine, are prescribed in very few of the cases mentioned by Pliny.² According to Ainslie, however, the inhabitants of India still use them with great success in affections of the eyes. Olaus Celsius³ derives the word *aloe* from the Arabic *alloeoh*. Pliny mentions a mineral substance called *aloe*, which is the same with the bitumen of Judæa, and which was employed in Egypt in embalming bodies.⁴

ΑΛΥΣΣΑ (*άλυσσα* or *άλωσα*), an Attic festival, but celebrated principally at Eleusis, in honour of Demeter and Dionysus, the inventors of the plough and producers of the fruits of the earth. It took place every year after the harvest was over, and only fruits were offered on this occasion, partly as a grateful acknowledgment for the benefits the husbandman had received, and partly that the next harvest might be plentiful. We learn from Demosthenes⁵ that it was unlawful to offer any bloody sacrifices on the day of this festival, and that the priests alone had the privilege to offer the fruits. The festival was also called *θαλώσια*,⁶ or *συγκομιτήριον*.

ΑΛΟΓΙΟΥ ΓΡΑΦΗ (*άλογιον γραφή*), an action which might be brought before the logistæ (*λογισται*) at Athens, against all ambassadors who neglected to pass their accounts when their term of office expired.⁷

*ALOPECIAS, a species of fish, called by Pliny the Sea-fox (*Vulpes marina**), and the same, probably, with the Fox-shark of modern naturalists.⁸ The name comes from the Greek *άλωπηξ*, "a fox."

*ALYPECIS (*άλωπεκίς*), a species of vine producing clusters of grapes resembling the tail of a fox. It is now extinct.¹⁰

*ALOPECURUS (*άλωπέκουρος*), a plant, which Sprengel suggests may be the *Saccharum cylindricum*, and Stackhouse the *Phleum crinitum*, Fl. Græc., or Hairy Cat's-tail grass. Its spike is described by Theophrastus as being "soft, downy, like, and like the tails of foxes."¹¹ This agrees well with the spike of the *Alopecurus*, L., or Foxtail grass.¹² The name comes from *άλωπηξ*, "a fox," and *κουρα*, "a tail."

*ALOPEX. (Vid. VULPES.)

*ALSINE (*άλσίνη*), an herb, which Sprengel, in his History of Botany, recognises as the *Stellaria media*, or Wood Stitchwort; but, in his notes to Dioscorides, he expresses himself doubtfully concerning it. Schneider is undecided whether the *Alsine* of Theophrastus be the same as that of Dioscorides.¹³

ALTA'RE. (Vid. ARA.)

*ALTER'CUM, the Arabian (?) name, according to Pliny, of the Hyoscyamus.¹⁴

*ALUM, a plant. (Vid. SMYRNYTON.)

*ALUMEN. (Vid. STYRTERIA.)

*ALY'PON (*άλυπον*), an herb, supposed to be the same with that which produced Turbit. Sprengel and Stackhouse mark it as the *Globularia alypum*.¹⁵

*ALYSSON (*άλυσσον*), a plant. The *άλυσσον* of Galen and Paulus Ægineta is the *Manabium alyssum*, vulgarly called Galen's Madwort. That of Dioscorides is a very different plant, and cannot be very satisfactorily determined. Sprengel hesitates whether to refer it, with Dodonæus, to the *Farselia bipartita*, or, with Columna, to the *Veronica arvensis*, or *montana*, L., our Speedwell.¹⁶

ALUTA. (Vid. CALCEUS.)

ALUTAI (*άλυται*), persons whose business it was to keep order in the public games. They received their orders from an *άλυτάρχης*, who was himself under the direction of the agonothetæ, or hellanodicæ. They are only found at Olympia; in other places, the same office was discharged by the *μαστιγοφόροι*.

*ALPHESTES (*άλψηστής*), a species of fish, the same with the *Cynedus* of Pliny. It is the *Labrus cynedus*, L., in French *Canude*. According to Rondelet, it is about a foot long, and its flesh is easy of digestion. In the *Dict. of Nat. Hist.*, the Alphest is described as being a small fish, having a purple back and belly, with yellow sides.¹

AMANUENSIS, or AD MANUM SERVUS, a slave or freedman, whose office it was to write letters and other things under his master's direction. The amanuensis must not be confounded with another sort of slaves, also called *ad manum servi*, who were always kept ready to be employed in any business.²

*AMARACUS (*άμάρακος*), a plant. Dioscorides and the scholiast on Nicander³ state that the *Amaracus* is the same as the *Sampsuchus* (*σάμψυχον*); and yet Galen and Paulus Ægineta treat of them separately. Matthioli seems to think it highly probable that it is the common *Marjoram*, but the late commentators are much at variance about it. Thus Sprengel, in the first edition of his R. H. H., marks it as the *Origanum marjoranoides*, but in the second, according to Schneider, he is disposed to refer the *άμάρακος χλωρός* of Theophrastus to the *Hyacinthus Comosus*. Stackhouse prefers the *Origanum Ægyptiacum*, and Dierbach the *Teucrium Marum*, or Mastich. Upon reference to the Commentary of Matthioli on the *μάρον* of Dioscorides,⁴ it will be seen that this last opinion had been formerly entertained, and it would appear to be a very plausible one.⁵

*AMARANTHUS (*άμάρανθος*), the Amaranth, or Never-fading, as its name indicates, from *ά*, priv., and *μαραίνω*, "to wither." According to Pliny,⁶ the amaranth appears in the month of August, and lasts until autumn. That of Alexandria was the most esteemed. What the same writer, however, states, that the flowers of the amaranth bloom anew on being plunged into water, is not very exact. As the flowers are of a very dry kind, they have not much humidity to lose, and therefore may be preserved merely for a long time. The description which Pliny gives of his *Amaranthus*, which is also that of Theophrastus, points at once to the *Celosia cristata*, a plant originally from Asia, but cultivated in Italy a long time before Pliny's day. Bauhin believes that this plant is to be found in Theophrastus⁷ under the name of *φλόξ*, which Theodore Gaza translates by *flamma*. The *άμάρανθος* of Dioscorides⁸ is another plant, probably the *Gnaphalium Stachas* of Linnæus. The ancients, far less advanced than the moderns in the art of manufacturing stuffs, were unable, as Pliny informs us, to imitate the softness of the amaranth. The moderns, however, have succeeded in this, and have even surpassed, in the fabrication of their velvet, the beautiful downy surface of this flower. The common name of the plant, therefore, *panse-velours*, given to it when the art of fabricating stuffs was yet in its infancy, suits no longer, and the Italian appellation, *fior di velluto* ("velvet-flower"), is much more applicable.⁹

AMARUNTHIA or AMARUSIA (*άμάρυνθια* or *άμάρυσια*), a festival of Artemis Amarynthia, or Amarsia, celebrated, as it seems, originally at Ama-

1. In Plin., H. N., xviii., 4, p. 294.—2. (H. N., xvii., 4.)—3. (H. N., xviii., 4.) (Fæe, in Plin., l. c.)—5. (C. Nepi., p. 1382.)—6. (Pliny, s. v.)—7. (Suid.—Hesych.—Meier, Att. Process., s. 32.)—8. (Plin., H. N., ix., 43.)—9. (Adams, Append., s. v.)—10. (Fæe, in Plin., H. N., xiv., 3.)—11. (Theophrast., H. P., s. 12.)—12. (Adams, Append., s. v.)—13. (Theophrast., H. P., s. 12.)—14. (Plin., H. N., xv., 4.)—15. (Adams, Append., s. v.)—16. (Dioscor., iii., 25.—Adams, Append., s. v.)

1. (Adams, Append., s. v.)—2. (Suet., Jul., 74; Octav., 67; Ner., 44; Tit., 3; Vesp., 3.—Cic., De Orat., iii., 60, 225.—Pignori, De Servis, 109.)—3. (Ther., 503.)—4. (iii., 42.)—5. (Adams, Append., s. v.)—6. (H. N., xxi., 8.)—7. (vi., 6.)—8. (iv., 57.)—9. (Fæe, in Plin., l. c.)

rynthus, in Eubœa, with extraordinary splendour; but it was also solemnized in several places in Attica, such as Athmone;¹ and the Athenians held a festival, as Pausanias says, in honour of the same goddess, in no way less brilliant than that in Eubœa.² The festival in Eubœa was distinguished for its splendid processions; and Strabo himself³ seems to have seen, in the temple of Artemis Amarynthia, a column on which was recorded the splendour with which the Eretrians at one time celebrated this festival. The inscription stated that the procession was formed of three thousand heavy-armed men, six hundred horsemen, and sixty chariots.⁴

AMBARVALIA. (Vid. ARVALES FRATRES.)

*AMBER. (Vid. ELECTRUM.)

AMBILUS TRIUM. (Vid. LUSTRUM.)

AMBITUS, which literally signifies "a going about," cannot, perhaps, be more nearly expressed than by our word *canvassing*. After the plebs had formed a distinct class at Rome, and when the whole body of the citizens had become very greatly increased, we frequently read, in the Roman writers, of the great efforts which it was necessary for candidates to make in order to secure the votes of the citizens. At Rome, as in every community into which the element of popular election enters, solicitation of votes, and open or secret influence and bribery, were among the means by which a candidate secured his election to the offices of state.

Whatever may be the authority of the piece entitled "Q. Ciceronis de Petitione Consulatus ad M. Tullium Fratrem," it seems to present a pretty fair picture of those arts and means by which a candidate might lawfully endeavour to secure the votes of the electors, and also some intimation of those means which were not lawful, and which it was the object of various enactments to repress. As the terms which relate to the canvassing for public places often occur in the Roman writers, it may be convenient to mention the principal among them here.

A candidate was called *petitor*, and his opponent, with reference to him, *competitor*. A candidate (*candidatus*) was so called from his appearing in the public places, such as the fora and Campus Martius, before his fellow-citizens, in a whitened toga. On such occasions, the candidate was attended by his friends (*deductores*), or followed by the poorer citizens (*sectatores*), who could in no other manner show their good-will or give their assistance.⁵ The word *assiduus* expressed both the continual presence of the candidate at Rome, and his continual solicitations. The candidate, in going his rounds or taking his walk, was accompanied by a *nomenclator*, who gave him the names of such persons as he might meet; the candidate was thus enabled to address them by their name, an indirect compliment which could not fail to be generally gratifying to the electors. The candidate accompanied his address with a shake of the hand (*prensatio*). The term *benignitas* comprehended generally any kind of treating, as shows, feasts, &c. Candidates sometimes left Rome, and visited the colonies and municipia, in which the citizens had the suffrage; thus Cicero proposed to visit the Cisalpine towns when he was a candidate for the consulship.⁶

That ambitus, which was the object of several penal enactments, taken as a generic term, comprehended the two species, *ambitus* and *largitiones* (bribery). *Liberalitas* and *benignitas* are opposed by Cicero, as things allowable, to *ambitus* and *largitio*, as things illegal.⁷ Money was paid for votes; and in order to ensure secrecy and secure the elector, persons called *interpretes* were employed to make the bargain, *sequestres* to hold the money till it was

to be paid,¹ and *divisores* to distribute the offence of ambitus was a matter which the *judicia publica*, and the enactment were numerous. One of the earliest, the earliest of all, the Lex Emilia Bœbia was specially directed against *largitiones*. Cornelia Fulvia (B.C. 159) punished with exile. The Lex Acilia Calpurni imposed a fine on the offending party, withdrawn from the senate and all public offices. Tullia (B.C. 63), passed in the consulship in addition to the penalty of the Acilian law ten years' *exilium* on the offender; and other things, forbade a person to exhibit shows (*gladiatores dare*) within any town which he was a candidate, unless he went to do so, on a fixed day, by a testator's will ten years afterward, the Lex Aufidia was passed, which, among other things, it was provided a candidate promised (*pronuntiavit*) a tribe, and did not pay it, he should be unforgotten if he did pay the money, he should forfeit each tribe (annually?) 3000 sesterces as a fine. This enactment occasioned the violation of Cicero, who said that Clodius observed the anticipation, for he promised, but did not pay. Lex Licinia (B.C. 58) was specially directed against the offence of *sodalitium*, or the wholesaling of a tribe by gifts and treating;² and a law passed (B.C. 52) when Pompey was consul, had for its object the establishment of a course of proceeding on trials for ambition. These enactments failed in completely attaining their object. That which no law could so long as the old popular forms retained their pristine vigour, was accomplished by a trial usurpation. Julius Cæsar, when dictator, divided half the candidates for public offices, the candidates for the consulship, and the candidates for the prætorship, into two classes, and gave pleasure to the tribes by a civil circular law, which chose the other half.³ The Lex Julia was passed in the time of Augustus; but the offence of ambitus, in its proper sense, soon disappeared in consequence of all elections being made from the *comitia* to the senate, which, in speaking of Tiberius, briefly expresses that the *comitia* were transferred from the *campus Martius* to the senate.

While the choice of candidates was in the hands of the senate, bribery and still influenced the elections, though the offence of ambitus was, strictly speaking, no longer committed. But in a short time, the appointment to public offices was entirely in the power of the emperor, and the magistrates of Rome, as well as the prætor, were merely the shadow of that which had obtained in its substantial form. A Roman jurist of the period (Modestinus), in speaking of the offence of ambitus, observes, "This law is now inoperative in the city, because the creation of magistracies is in the hands of the princeps, and does not depend on the pleasure of the populus; but if any one should offend against this law in respect of a sacerdotium or magistratus, he is liable according to a *senatus consultum*, with which he is subjected to a penalty of 100 aurei."⁴

The trials for ambitus were numerous in the latter part of the Republic. The oration of Cicero against L. Murena, who was charged with an offence of this kind, that in defence of Cn. Plancius, who was charged with that offence specially called *sodalitium*, is extant.⁵

ΑΜΒΑΘΥΕΩΣ ΤΡΑΦΗ (*ἀμβλῶσεως*) ; action brought in the Athenian courts against an individual who had procured the abortion

1. (Paus., l. 31, s. 3.)—2. (Hesych., s. v. Ἀμπίστια.)—3. (Cic., l. 1, p. 324, ed. Tauchn.)—4. (Compare Schol. in Pind., Ol. xiii., sub fin.)—5. (Cic., pro Murena., c. 24.)—6. (Cic., ad Att., l. 1, s. 7.)—7. (Cic., De Orat., li. 25.—Compare pro Murena., c. 36.)

1. (Cic., pro Cluent., 26.)—2. (Cic., ad Att., l. 1, s. 11 in Vatican., 13.)—3. (Cic., ad Att., l. 1, s. 16.)—4. (Cic., pro Plancio., 15.)—5. (Suet., Jul., c. 41.)—6. (Dion., l. 48, tit. 6.)—7. (De Antiquo Jure Pop. Rom., p. 545.)

AMENTUM.

means of a potion (*ἀμβλωθρίδιον*). The loss of Lysias on this subject has deprived us of opinions of the Athenians on this crime. It does not appear, however, to have been looked upon as a capital offence.¹

Among the Romans, this crime (*partus abactio*, or *præcursatio*) seems to have been originally unknown by the laws. Cicero relates that, when he was in Asia, a woman who had procured the abortion of her offspring was punished with death;² but this does not appear to have been in accordance with the Roman law. Under the emperors, a woman who had procured the abortion of her own child was punished with exile;³ and those who gave occasion to the abortion were condemned to the mines if of low rank, or were banished to an island, with the loss of part of their property, if they were in respectable circumstances.⁴

AMBROSIA (*ἀμβροσία*), festivals observed in honour of Dionysus, which seem to have derived their name from the luxuries of the table, and the indulgence of drinking. According to Hesiod,⁵ these festivals were solemnized on the eighth of Lenæon, during the vintage.

AMBROSIA (*ἀμβροσία*). I. The food of the gods, conferred upon them eternal youth and immortality, and was brought to Jupiter by pigeons,⁶ and so used by the gods for anointing their bodies;⁷ whence we read of the ambrosial locks of the gods (*ἀμβροσία: χεῖρας*).⁸ II. A plant, the same as *Ambrosia maritima*.⁹

AMBURBIUM or **AMBURBIALE**, a sacrifice was performed at Rome for the purification of the city, in the same manner as the *ambarbæ* intended for the purification of the countrypersons; the victims were carried through the whole of the sacrifice was usually performed when a prodigy was apprehended in consequence of the appearance of prodigies, or other circumstances.¹⁰

Varro supposes that the *amburbium* and *ambarbæ* are the same, but their difference is expressly mentioned by Servius¹¹ and Vopiscus (*amburbium celestibus, ambarbæ mortalibus*).¹²

AMBURBIUM (*ἀμβυρβίον δίκη*), an action mentioned by Hesychius, which appears to have been instituted by a landlord against his tenant, for the non-payment of the rent: at least we have no mention of the difference between them, and it is probable that some existed. (Vid. *AMBURBIUM*.)

AMENTUM, a leathern thong, either applied to the sandal to assist in throwing it, or to the spear, to assist in throwing it. The word is more frequently called *amentum*, or *amentum*; so that *amentum* is employed in the latter of the two significations expressed: e. g.,

*amentum arcus, amentaque torquent.*¹³

*Amentum digitis tende prioribus,
Et totis jaculum dirige viribus.*¹⁴

It is not informed how the *amentum* added to the spear, or to the sandal, was used; perhaps it was used for rotation, and hence a greater degree of accuracy and directness in its flight, as in the case of a shot from a rifle-gun. This supposition is supported by the expressions relative to the insertion of the *amentum*, and accounts for the frequent use of *torquere*, to whirl or twist, in connexion with the subject. Compare the above-cited passage with such as the following: *Amentatas* *probat.*¹⁵

1. Att. Proccus, p. 310.—2. (Pro Cluent., c. 11.)—3. Dig. l. 1, c. 4; 48, tit. 8, s. 8; tit. 19, s. 29.—4. (Dig. l. 2, s. 2.)—5. (Op. et D., v., 504.)—6. (Od., v., 93; 11, s. 279.)—7. (Il., i., 529.)—8. (Dionys. Halic., l. 1, c. 43.—Apol., Metamorph., l. 1, c. 43.—Bæon., Lucan., i., 593.)—9. (In Virg., Georg., i., 20.)—10. (Virg., Æn., ix., 605.)—11. (Virg., Æn., i., 57.)—12. (Virg., Æn., i., 57.)—13. (Virg., Æn., i., 57.)—14. (Virg., Æn., i., 57.)—15. (Virg., Æn., i., 57.)

AMETHYSTUS.

*Inserit amento digitus, nec plura locutus
In juvenem torsit jaculum.*¹

In the annexed figure, taken from Sir W. Hamilton's Etruscan Vases,² the *amentum* seems to be attached to the spear at the centre of gravity, a little above the middle.



***AMETHYSTUS** (*ἀμέθυστος* or *-ος*), the Amethyst, a precious stone of a purple or violet colour in different degrees of deepness. In modern mineralogy, the name has been applied to two precious stones of essentially different natures: 1. the Oriental amethyst, which is a rare variety of adamantine spar or corundum; and, 2. the Occidental or common amethyst.³ The ancients, on the other hand, reckoned five species, differing in degrees of colour. Their Indian amethyst, to which Pliny assigns the first rank among purple or violet-coloured gems, appears to have been our Oriental species, which is nothing more than a violet-coloured sapphire. "Those amethysts, again, which Pliny describes as easily engraved (*scalpturis faciles*), may have been the violet-coloured fluor spar, now called false amethyst; and the variety of quartz which is now commonly styled amethyst, is well described by the Roman writer as that fifth kind, which approaches crystal, the purple vanishing and fading into white. Some mineralogists think that the amethyst of the ancients was what we call garnet; but there seems little in its description resembling the garnet, except that one kind of it approached the hyacinth in colour, as Pliny and Epiphanius observe; that is, had a very strong shade of red; and so, sometimes, has our amethyst. We see our amethyst, indeed, plainly indicated in one of the reasons assigned by Pliny for its name, that it does not reach the colour of wine (*ἀ, priv., and μέθυ, "wine"*), but first fades into violet. He afterward suggests another, which is the more common derivation, saying that the Magi falsely asserted that these gems were preservative against intoxication (*ἀ, priv., and μέθυ, "to intoxicate"*). Theophrastus twice mentions the amethyst (*ἀμέθυστος*), but not in such a way as to determine it; classing it in one place with crystal, as diaphanous, and afterward observing that it is wine-coloured.⁴

1. (Ovid, Met., xii., 321.)—2. (iii., pl. 33.)—3. (Pée in Plin., xxxvii., 9.)—4. (Moore's Anc. Mineral., p. 168.—De Laet & Gemm., i., 5.)

AMPHICTYONS.

AMPHICTYONS.

original members were Epidaurus, Hermæum, Nauplia, Prasie in Laconia, Ægina, Athens, and the Boeotian Orchomenus,¹ whose remoteness from each other makes it difficult to conceive what could have been the motives for forming the confederation, more especially as religious causes seem pre-ferred, by the fact that Trœzen, though so near to Laconia, and though Poseidon was its tutelary deity, was not a member. In after times, Argos and Achaia took the place of Nauplia and Prasie, and religious ceremonies were the sole object of the sittings of the association. There also seems to have been another in Argolis,² distinct from that of Achaia, the place of congress being the 'Hpaïov, temple of Hera. Delos,³ too, was the centre of an Amphictyony—the religious metropolis, or the centre of the neighbouring Cyclades, where states and embassies (*θῆραι*) met to celebrate religious solemnities in honour of the Dorian Apollo, apparently without any reference to political ends.

It was the system confined to the mother-coun-try for the federal unions of the Dorians, Ionians, Æolians, living on the west coast of Asia Minor, seem to have been Amphictyonic in spirit, though modified by exigences of situation. Their essence consisted in keeping periodical festivals in honour of the acknowledged gods of their entire nations. Thus the Dorians⁴ held a national festival, and celebrated religious games at Delphi, uniting with the worship of their national Apollo that of the more ancient and Pelasgic Æta. The Ionians met for similar purposes, in honour of the Heliconian Poseidon at Mycale; the place of assembly being called the Panionium, their festival Panionia. (Poseidon was the tutelary deity of the Ionians, as Apollo of the Dorians.)⁵ The Æolians assembled at Gryneum, in honour of Apollo. That these confederacies were merely for offensive and defensive purposes may be inferred from their existence after the conquest of these colonies by Croesus; and we know that Halicarnassus was excluded from the union, merely because one of its citizens had made the usual offering to Apollo of the tripod he had won in the Triopic contests. A confederacy somewhat similar, but more political in character, existed in Lycia:⁶ it was called the Lycian system,⁷ and was composed of twenty-two states.

Besides these and others, there was one Amphictyony of greater celebrity than the rest, and more lasting in its duration. This was, by eminence, called the Amphictyonic League; its sphere of action, its acknowledged tutelary deity, and its discharge of them, we shall obtain precise notions of such bodies in general. However, differed from the other associations in that it had two places of meeting, the sanctuaries of Æta and Apollo, which were the temple of Demeter, at Anthela, near Thermopylae,⁸ where the states met in autumn, and that of Apollo at Delphi, where they assembled in spring. The connexion of this Amphictyony with the latter not only added to its dignity, but also to its permanency.

With respect to its early history, Strabo⁹ has not even in his days it was impossible to trace its origin. We know, however, that it was originally composed of twelve tribes (not cities or states, as must be observed), each of which tribes included various independent cities or states. It is mentioned by Æschines,¹⁰ a most competent authority (B.C. 343), that eleven of these tribes were the Thessalians, Bœotians (not Thebans

only), Dorians, Ionians, Perrhæbians, Magnetes, Locrians, Ceteans or Enebianians, Phthiots or Achaean of Phthia, Malians, and Phocians; other lists leave us in doubt whether the remaining tribe were the Dolopes or Delphians; but, as the Delphians could hardly be called a distinct tribe, their nobles appearing to have been Dorians, it seems probable that the Dolopes were originally members, and afterward supplanted by the Delphians.¹¹ The preponderance of Thessalian tribes proves the antiquity of the institution; and the fact of the Dorians standing on an equality with such tribes as the Malians, shows that it must have existed before the Dorian conquest, which originated several states more powerful, and, therefore, more likely to have sent their respective deputies, than the tribes mentioned.

We also learn from Æschines that each of these tribes had two votes in congress, and that deputies from such towns as (Dorium and²) Cytinium had equal power with the Lacedæmonians, and that Eretria and Priene, Ionian colonies, were on a par with Athens (*ισόψηφοι τοῖς Ἀθηναίοις*). It seems, therefore, to follow, either that each Amphictyonic tribe had a cycle,³ according to which its component states returned deputies, or that the vote of the tribe was determined by a majority of votes of the different states of that tribe. The latter supposition might explain the fact of their being a larger and smaller assembly—a *βουλὴ* and *ἐκκλησία*—at some of the congresses; and it is confirmed by the circumstance that there was an annual election of deputies at Athens, unless this city usurped functions not properly its own.

The council itself was composed of two classes of representatives, one called pylagoræ, the other hieromnemones. Of the former, three were annually elected at Athens to act with one hieromnemon appointed by lot.⁴ That his office was highly honourable we may infer from the oath of the Heliasts,⁵ in which he is mentioned with the nine archons. On one occasion we find that the president of the council was a hieromnemon, and that he was chosen general of the Amphictyonic forces, to act against the Amphiassians.⁶ Hence it has been conjectured that the hieromnemones, also called *επιγραμματεῖς*, were superior in rank to the pylagoræ.⁷ Æschines also contrasts the two in such a way as to warrant the inference that the former office was the more permanent of the two. Thus he says,⁸ "When Diognetus was hieromnemon, ye chose me and two others pylagoræ." He then contrasts "the hieromnemon of the Athenians with the pylagoræ for the time being." Again, we find inscriptions⁹ containing surveys by the hieromnemones, as if they formed an executive; and that the council concluded their proceedings on one occasion¹⁰ by resolving that there should be an extraordinary meeting previously to the next regular assembly, to which the hieromnemones should come with a decree to suit the emergency, just as if they had been a standing committee. Their name implies a more immediate connexion with the temple, but whether they voted or not is only a matter of conjecture; probably they did not. The *ἐκκλησία*, or general assembly, included not only the classes mentioned, but also those who had joined in the sacrifices, and were consulting the god. It was convened on extraordinary occasions by the chairman of the council (*Ὁ τῶν γνώμας ἐπιψηφίζων*).¹¹

Of the duties of this latter body, nothing will give us a clearer view than the oaths taken and the de-

Herodotus, ii. G., vol. i., p. 375.—2. (Strabo, l. c.)—3. (Callim., Hymn., 325.)—4. (Herodotus, i. c. 10, s. 7.)—5. (Strabo, viii., 7.)—6. (Herodotus, vii., 200.)—7. (Herodotus, vii., 200.)—8. (ix., 259.)—9. (De Bœotia, Bekker.)

1. (Titmann, p. 39.)—2. (There is a doubt about the reading. Vid. Thucyd., iii., 95.—Strabo, ix., 4.)—3. (Strabo, ix., c. 3.)—4. (Aristoph., Nub., 607.)—5. (Demosthenes, c. Timæus, 170, Bekker.)—6. (Æschines, de F. L.)—7. (Titmann, iv., 4.)—8. (C. Ctes., 115, Bekker. The scholiast on Aristoph., Nub., says, that the hieromnemon was elected for life. This is the opinion of Titmann: Ueber den Bund der Amphictyonen. See Schömann, On the Assemblies, &c., p. 270, transl.)—9. (Bœckh, Corpus Inscript., No. 1711, quoted by Müller.)—10. (Æschines, c. Ctes., 124, Bekker.)—11. (Æschines, c. Ctes., 124.)

crees made. The oath was as follows:¹ "They would destroy no city of the Amphictyons, nor cut off their streams in war or peace; and if any should do so, they would march against him and destroy his cities; and should any pillage the property of the god, or be privy to or plan anything against what was in his temple (at Delphi), they would take vengeance on him with hand, and foot, and voice, and all their might." There are two decrees given by Demosthenes, both commencing thus:² "When Deinagoras was priest, at the spring meeting, it was resolved by the Pythagoræ and their assessors, and the general body of the Amphictyons," &c. The resolution in the second case was, that as the Amphissians continued to cultivate the sacred district, Philip of Macedon should be requested to help Apollo and the Amphictyons, and was thereby constituted absolute general of the Amphictyons. He accepted the office, and soon reduced the offending city to subjection. From the oath and the decrees, we see that the main duty of the deputies was the preservation of the rights and dignity of the temple at Delphi. We know, too, that after it was burned down (B.C. 548), they contracted with the Alcmaeonidæ for the rebuilding;³ and Athenæus (B.C. 160) informs us,⁴ that in other matters connected with the worship of the Delphian god, they condescended to the regulation of the minutest trifles. History, moreover, teaches that, if the council produced any palpable effects, it was from their interest in Delphi; and though it kept up a standing record of what ought to have been the international law of Greece, it sometimes acquiesced in, and at other times was a party to, the most iniquitous and cruel acts. Of this the case of Crissa is an instance. This town lay on the Gulf of Corinth, near Delphi, and was much frequented by pilgrims from the West.⁵ The Crissæans were charged by the Delphians with undue exactions from these strangers. The council declared war against them, as guilty of a wrong against the god. The war lasted ten years, till, at the suggestion of Solon, the waters of the Pleistus were turned off, then poisoned, and turned again into the city. The besieged drank their fill, and Crissa was soon razed to the ground; and thus, if it were an Amphictyonic city, was a solemn oath doubly violated. Its territory—the rich Cirrhæan plain—was consecrated to the god, and curses imprecated upon whomsoever should till or dwell in it. Thus ended the First Sacred War (B.C. 585), in which the Athenians were the instruments of Delphian vengeance.⁶ The Second, or Phocian War (B.C. 350), was the most important in which the Amphictyons were concerned;⁷ and in this the Thebans availed themselves of the sanction of the council to take vengeance on their enemies, the Phocians. To do this, however, it was necessary to call in Philip of Macedon, who readily proclaimed himself the champion of Apollo, as it opened a pathway to his own ambition. The Phocians were subdued (B.C. 346), and the council decreed that all their cities, except Abæ, should be razed, and the inhabitants dispersed in villages not containing more than fifty inhabitants. Their two votes were given to Philip, who thereby gained a pretext for interfering with the affairs of Greece, and also obtained the recognition of his subjects as Hellenes. To the causes of the Third Sacred War, allusion has been made in the decrees quoted by Demosthenes. The Amphissians tilled the devoted Cirrhæan plain, and behaved, as Strabo⁸ says, worse than the Crissæans of old (*χείρωτε ἢσαν περὶ τοὺς ξένους*). Their submission to Philip was immediately followed by the

1. (*Æsch.*, de F. L., 121.)—2. (*Demosth.*, de Cor., 196, Bekker.)—3. (*Herod.*, ii., 180.)—4. (*iv.*, 173, 'Ὁ τῶν Ἀμφικτυόνων νόμος κελεύων οὐδὲν παρέχειν ἰσοδότης. This seems to refer to the Delians only.)—5. (*Æschines*, c. Ctes, 125, gives the whole history. In early times, Crissa and the temple were one state.—*Müller, Doriæans*.)—6. (*Paus.*, x., 37, s. 4.)—7. (*Thirlwall, Hist. of Greece*, vol. v., p. 267-372.)—8. (*ix.*, 3)

battle of Chæronea (B.C. 338), and the extinction of the independence of Greece. In the following year a congress of the Amphictyonic states was held, in which war was declared as if by the Greeks against Persia, and Philip elected commander-in-chief. On this occasion the Amphictyons assumed the character of national representatives of old,¹ when they set a price upon the head of Ephialtes for his treason to Greece at Thermopylæ.

We have sufficiently shown that the Amphictyons themselves did not observe the oaths they took; that they did not much alleviate the horrors of war, or enforce what they had sworn to do, in prove many instances. Thus, for instance, Mycenæ was destroyed by Argos (B.C. 535), Thebes and Phocia by Thebes, and Thebes herself swept from the face of the earth by Alexander (*ἐκ μέσης τῆς Ἑλλάδος ἀνηράσθη*).² Indeed, we may infer from Thucydides,³ that a few years before the Peloponnesian war, the council was a passive spectator of what he calls *ὁ ἰερός πόλεμος*, when the Lacedæmonians sent an expedition to Delphi, and put the temple into the hands of the Delphians, the Athenians, after the departure, restoring it to the Phocians; and yet the council is not mentioned as interfering. It will be profitable to pursue its history farther; it can only be remarked, that Augustus wished his city, Nicopolis (A.D. 31), to be enrolled among the members; and that Pausanias, in the second century of our era, mentions it as still existing, but deprived of all power and influence. In fact, even Demosthenes spoke of it as the shadow at Delphi.⁴

After these remarks, we may consider two points of some interest; and, first, the etymology of the word Amphictyons. We are told⁵ that Theopompus thought it derived from the name of Amphictyon, prince of Thessaly, and the supposed author of its institution. Others, as Anaximenes of Lampsacus connected it with the word *ἀμφικτυόνες*, or neighbours. Very few, if any, modern scholars doubt that the latter view is correct; and that Amphictyon with Hellen, Dorus, Ion, Xuthus, Thessalus, Lycaon, and Pelasgus, and others, are historical, but mythic personages—the representatives, or poetic personifications, of their alluvial foundations or offsprings. As for Amphictyon, it is too marvellous a coincidence that his name should be significant of the institution itself; and, as he was the son of Deucalion and Pyrrha, it is difficult to guess of whom his council consisted. True that he also appears in Athenian history;⁶ but little is said of him; and the company he keeps there, though kingly, is far from historical. Besides, though Herodotus⁷ and Thucydides⁸ had the opportunity, they yet make no mention of him. We conclude, therefore, that the word should be written amphictyons, from *ἀμφικτυόνες*, or those that dwell around some particular locality.⁹

The next question is one of greater difficulty:—is this: Where did the association originate?—were its meetings first held at Delphi or at Thermopylæ? There seems to us a greater amount of evidence in favour of the latter. In proof of this, we may mention the preponderance of Thessalian tribes from the neighbourhood of the Malic Bay, and the comparative insignificance of many of them; the assigned birthplace and residence of the mythic Amphictyon, the names Pythagoræ and Pylæa. Besides, we know that Thessaly was the theatre and origin of many of the most important events of early Greek history, whereas it was only in later times, and after the Dorian conquest of Peloponnesus, that D

1. (*Herodotus*, vii., 214, speaks of the Amphictyons as ἑλλήνων Πυλαγόρου.)—2. (*Æschin.*, c. Ctes., 1.—3. (*i.*, 11.)—4. (*de Pace*.)—5. (*ἢ ἐν Δελφοῖς*; *scilicet*—6. (*Harporat.*, *Antiquar.*—See *Maus.* notes.)—7. (*Thirlwall, Hist. Gr.*, vol. i., 273.)—8. (*Phil. Mus.*, vol. ii., p. 359.)—9. (*i.*, 56.)—10. (*Thuc. Pindar.*, *Nem.*, 6, 42, ἐν ἀμφικτυόνων ταυρῶν τριτηρικῶν. Vid. *Eöckh*, in loc.)

the worship of the Hellenic Apollo with Thessalian Demeter, as celebrated by the Thessalians. Equally doubtful is the respecting the influence of Acrisius, king of Argos, and how far it is true that he first confederacy into order, and determined connected with the institution.²

ΚΥΠΕΛΛΟΝ ΔΕΠΙΑΣ (*ἀμφικύπελλον* drinking-vessel, often mentioned by Homer. It has been the subject of various conjectures; it seems to indicate well enough what it is.

Κύπελλον is found separately as well as in composition, and is evidently a diminutive of the root signifying a hollow, which we find in the Greek κύβη, and the dialectic form κύβη, in *cura*; German, *kufe*, *kübel*; French, *cuve*; and English, *cup*: it means, therefore, a vessel or cup. *Ἀμφικύπελλος*, therefore, the analogy of *ἀμφίστομος*, *ἀμφωτός*, &c., it has a *κύπελλον* at both sides or both ends. *ἑξάπλευρος ἀμφικύπελλον* is a drinking-vessel, with a *κύπελλον* at both ends. That this was the form of the vessel is shown by a passage in Aristotle,³ describing the cells of bees as having the cells divided by a floor "like the *ἀμφικύ-*

truth.⁴ According to Pollux,⁵ the *ἀμφιορκία* also included the oath which the judges took, that they would decide according to the laws; or, in case there was no express law on the subject in dispute, that they would decide according to the principles of justice.

ΑΜΦΙΠΠΟΙ. (*Vid. DESULTORES.*)

ΑΜΦΙΠΡΥΜΝΟΙ ΝΗΕΣ (*ἀμφίπρυμνοι νῆες*), also called ΔΙΠΡΩΠΟΙ, ships in which the poop and the prow were so much alike as to be applicable to the same use. A ship of this construction might be considered as having either two poops or two prows. It is supposed to have been convenient in circumstances where the head of the ship could not be turned about with sufficient celerity.⁶

*ΑΜΦΙΣΒΕΝΑ (*ἀμφίσβαινα*), sometimes called the Double-headed Serpent. Buffon says of it, that it can move along with either the head or the tail foremost, whence it had been thought to have two heads. Avicenna says, that it is of equal thickness from head to tail, and that from this appearance it had been supposed to have two heads. Schneider states, that Linnæus⁷ describes a serpent which agrees very well with the ancient accounts of the *amphisbæna*; its tail is obtuse, and as thick as its body, and it moves along either forward or backward;⁸ but, according to Dr. Trail, it is an American species. The *amphisbæna* was probably a variety of the *Anguis fragilis*, L., or Blind Worm. The *Aberdeen serpent* of Pennant, of which mention is made in Linnæus's correspondence with Dr. David Skene of Aberdeen, is a variety of the *Anguis fragilis*. Linnæus denies that the *amphisbæna* is venomous, but many authors, even of modern times, are of a contrary opinion.⁹

ΑΜΦΙΤΗΕΑΤΡΟΝ was a place for the exhibition of public shows of combatants and wild beasts, entirely surrounded by seats for the spectators; whereas, in those for dramatic performances, the seats were arranged in a semicircle facing the stage. It is, therefore, frequently described as a double theatre, consisting of two such semicircles, or halves, joined together, the spaces allotted to their orchestras becoming the inner enclosure or area, termed the *arena*. The form, however, of the ancient amphitheatres was not a circle, but invariably an ellipse, although the circular form appears

ΡΟΜΙΑ, or ΔΡΟΜΙΑΜΦΙΟΝ ΗΜΑΡ (*οἱ δρομιάμφοι ἡμῆρ*), a family festival of the Romans, at which the newly-born child was introduced into the family and received its name. The day was fixed for this solemnity; but the place very soon after the birth of the child. It was believed that most children died on the seventh day, and the solemnity was, therefore, generally deferred till after that period, although it might be, at least, some probability of the child being alive. But, according to Suidas, the solemnity was held on the fifth day, when the parents had lent their assistance at the birth of the child in their hands. This purification, however, was the real solemnity. The friends and relations of the parents were invited to the festival of the *idromia*, which was held in the evening, and the guests generally appeared with presents, among which were mentioned the cuttlefish and the marine shells. The house was decorated on the outside with garlands, and the child was a boy or

built a wooden theatre in the Campus Martius, for the purpose of exhibiting hunts of wild beasts,¹ "which was called amphitheatre because it was surrounded by seats without a scene."² Most of the early amphitheatres were merely temporary, and made of wood; such as the one built by Nero at Rome,³ and that erected by Atilius at Fidenæ during the reign of Tiberius, which gave way while the games were being performed, and killed or injured 50,000 persons.⁴

The first stone amphitheatre was built by Statilius Taurus, at the desire of Augustus.⁵ This building, which stood in the Campus Martius, near the circus called Agonale, was destroyed by fire in the reign of Nero;⁶ and it has, therefore, been supposed that only the external walls were of stone, and that the seats and other parts of the interior were of timber. A second amphitheatre was commenced by Caligula; but by far the most celebrated of all was the Flavian amphitheatre, afterward called the Coliseum, which was begun by Vespasian, and finished by his son Titus, who dedicated it A.D. 80, on which occasion, according to Eutropius, 5000, and according to Dion, 9000, beasts were destroyed.⁷

This immense edifice, which is even yet comparatively entire, was capable of containing about 87,000 spectators, and originally stood nearly in the centre of the city, on the spot previously occupied by the lake or large pond attached to Nero's palace,⁸ and at no very great distance from the Baths of Titus. It covers altogether about five acres of ground; and the transverse, or longer diameter of the external ellipse, is 615 feet, and the conjugate, or shorter one, 510; while those of the interior ellipse, or arena, are 281 and 176 feet respectively. Where it is perfect, the exterior is 160 feet high, and consists of four orders, viz., Doric, Ionic, and Corinthian, in attached three-quarter columns (that is, columns one fourth of whose circumference appears to be buried in the wall behind them), and an upper order of Corinthian pilasters. With the exception of the last, each of these tiers consists of eighty columns, and as many arches between them, forming open galleries throughout the whole circumference of the building; but the fourth has windows instead of large arches, and those are placed only in the alternate inter-columns, consequently, are only forty in number; and this upper portion of the elevation has, both on that account and owing to the comparative smallness of the apertures themselves, an expression of greater solidity than that below. The arches formed open external galleries, with others behind them; besides which, there were several other galleries and passages, extending beneath the seats for the spectators, and, together with staircases, affording access to the latter. At present, the seats do not rise higher than the level of the third order of the exterior, or about half its entire height; therefore, the upper part of the edifice appears to have contributed very little, if at all, to its actual capacity for accommodating spectators. Still, though it has never been explained, except by conjecturing that there were upper tiers of seats and galleries (although no remains of them now exist), we must suppose that there existed some very sufficient reason for incurring such enormous expense, and such prodigal waste of material and labour beyond what utility seems to have demanded. This excess of height, so much greater than was necessary, was perhaps, in some measure, with the view that, when the building was covered in with a temporary roofing or awning (*velarium*), as a defence against the sun or rain, it should seem well proportioned as to

height; and also, perhaps, in order to allow those who worked the ropes and other mechanism by which the velarium was unrolled or drawn back again, to perform those operations without incommoding the spectators on the highest seats.

With regard to the velarium itself, nothing at all conclusive and satisfactory can now be gathered; and it has occasioned considerable dispute among the learned, how any temporary covering could be extended over the whole of the building. Some have imagined that the velarium extended only over part of the building; but, independent of other objections, it is difficult to conceive how such an extensive surface could have been supported along the extent of its inner edge or circumference. The only thing which affords any evidence as to the mode in which the velarium was fixed, is a series of projecting brackets, or corbels, in the uppermost story of the exterior, containing holes or sockets, to receive the ends of poles passing through holes in the projection of the cornice, and to which ropes from the velarium were fixed; but the whole of the upper part of the interior is now so dismantled as to render it impossible to decide with certainty in what manner the velarium was fixed. The velarium appears usually to have been made of wool, but more costly materials were sometimes employed. When the weather did not permit the velarium to be spread, the Romans used broad-brimmed hats or caps, or a sort of parasol, which was called *umbrella*, from *umbra*, shade.¹

Many other amphitheatres might be enumerated, such as those of Verona, Nismes, Catania, Pompeii, &c.; but, as they are all nearly similar in form, it is only necessary to describe certain particulars, so as to afford a tolerably correct idea of the respective parts of each.

The interior of the amphitheatre was divided into three parts, the *arena*, *podium*, and *gradus*. The clear open space in the centre of the amphitheatre was called the arena, because it was covered with sand or sawdust, to prevent the gladiators from slipping, and to absorb the blood. The size of the arena was not always the same in proportion to the size of the amphitheatre, but its average proportion was one third of the shorter diameter of the building.

It is not quite clear whether the arena was no more than the solid ground, or whether it had an actual flooring of any kind. The latter opinion is adopted by some writers, who suppose that there must have been a souterrain, or vaults, at intervals at least, if not throughout, beneath the arena, as sometimes the animals suddenly issued apparently from beneath the ground; and machinery of different kinds was raised up from below, and afterward disappeared in the same manner. That there must have been some substruction beneath the arena, in some amphitheatres at least, is evident, because the whole arena was, upon particular occasions, filled with water, and converted into a naumachia, where vessels engaged in mimic sea-fights, or else crocodiles and other amphibious animals were made to attack each other. Nero is said to have frequently entertained the Romans with spectacles and diversions of this kind, which took place immediately after the customary games, and were again succeeded by them; consequently, there must have been not only an abundant supply of water, but mechanical apparatus capable of pouring it in and draining it off again very expeditiously.

The arena was surrounded by a wall, distinguished by the name of *podium*, although such appellation, perhaps, rather belongs to merely the upper part of it, forming the parapet or balcony before the first or lowermost seats, nearest to the arena. The latter, therefore, was no more than an open oval court,

1. (*Σταρπὸν κυνηγετικόν*).—2. (Dion., xliii., 22.)—3. (Suet., Ner., c. 12.—Tacit., Ann., xiii., 31.)—4. (Tacit., Ann., iv., 62.—Suet., Tib., c. 40.)—5. (Suet., Octav., c. 29.—Dion., li., 23.)—6. (Dion., lxii., 18.)—7. (Suet., Vesp., 9.—Id., Tit., 7.—Eutrop., vii., 21.—Dion., lxvi., 25.)—8. (Suet., Ner., 31.)

1. (Dion., lix., 7.—Martial, xiv., 27, 28.)

anded by a wall about eighteen feet high, measured from the ground to the top of the parapet; a considered necessary, in order to render the tiers perfectly secure from the attacks of the beasts. There were four principal entrances into the arena, two at the ends of each axis of it, to which as many passages led from the exterior of the building; besides sections, intervening between them, and communicating with the corridors beneath the seats on the

wall or enclosure of the arena is supposed to be faced with marble more or less sumptuous besides which, there appears to have been, in instances at least, a sort of network affixed to the top of the podium, consisting of railing, or open trellis-work of metal. From the nature made of this network by ancient writers, more can now be gathered respecting it than at the time of Nero, such netting, or whatever it have been, was adorned with gilding and a circumstance that favours the idea of its being gilt metal-work, with bosses and ornaments of the other material. As a farther defence, it was called *curipi*, sometimes surrounded the

term podium was also applied to the terrace, very itself, immediately above the lower enclosure which was no wider than to be capable of being two, or, at the most, three ranges of movable seats or chairs. This, as being by far the best for distinctly viewing the sports in the arena, also more commodiously accessible than the higher up, was the place set apart for senators and persons of distinction, such as the ambassadors of foreign parts;² and it was here, also, that the emperor himself used to sit, in an elevated place *suggestus*³ or *cubiculum*;⁴ and likewise the who exhibited the games, on a place elevated a pulpit or tribunal (*editoris tribunal*). The virgins also appear to have had a place allotted them in the podium.⁵

On the podium were the *gradus*, or seats of the spectators, which were divided into *mæniana*, or tiers. The first *mænianum*, consisting of four rows of stone or marble seats, was appropriated to the equestrian order. The seats appropriated to senators and equites were covered with cushions (*culivillis*), which were first used in the time of Augustus.⁶ Then, after an interval or space, termed *actio*, and forming a continued landing-place by several staircases in it, succeeded the second *mænianum*, where were the seats called *populati*, or the third class of spectators, or the *populus*. This was the second precinct, bounded by a high wall, above which was the third *mænium*, where there were only wooden benches for the *pullati*, or common people.⁷ The next and last tier, namely, that in the highest part of the arena, consisted of a colonnade or gallery, where the spectators were allowed to witness the spectacles of the amphitheatre,⁸ some parts of which were also appropriated to the *pullati*. At the very summit was a narrow platform for the men who had to attend the *velarium*, and to expand or withdraw the awning, as there might be occasion. Each *mæniana* was not only divided from the other by the *praefrons*, but was intersected at intervals by spaces or passages left between the seats, called *scalæ* or *curves*; and the portion between two such passages called a *cuneus*, because this space graduated, like a wedge, from the podium to the top of the building.¹⁰ The entrances to the seats

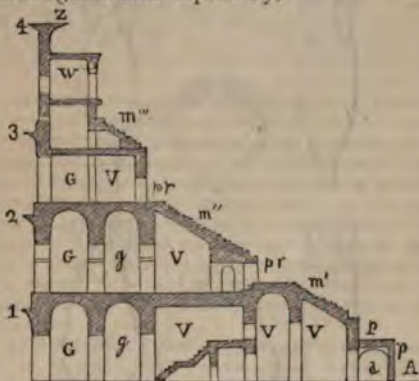
from the outer porticoes were called *vomitoria*, because, says Macrobius,¹ *Homines glomeratim ingredientes in sedilia se fundunt*.

The situation of the dens wherein the animals were kept is not very clear. It has been supposed that they were in underground vaults, near to, if not immediately beneath, the arena; yet, admitting such to have been the case, it becomes more difficult than ever to understand how the arena could have been inundated at pleasure with water; nor was any positive information obtained from the excavations made several years ago in the arena of the Colisæum. Probably many of the animals were kept in dens and cages within the space immediately beneath the podium (marked *d* in the cut), in the intervals between the entrances and passages leading into the arena, and so far a very convenient situation for them, as they could have been brought immediately into the place of combat.

There were in the amphitheatres concealed tubes, from which scented liquids were scattered over the audience, which sometimes issued from statues placed in different parts of the building.²

Vitruvius affords us no information whatever as to amphitheatres; and, as other ancient writers have mentioned them only incidentally and briefly, many particulars belonging to them are now involved in obscurity.

The annexed woodcut, representing a section, not of an entire amphitheatre, but merely of the exterior wall, and the seats included between that and the arena, will serve to convey an idea of the arrangement of such structures in general. It is that of the Colisæum, and is given upon the authority of Hirt; but it is in some respects conjectural, particularly in the upper part, since no traces of the upper gallery are now remaining. The extreme minuteness of the scale renders it impossible to point out more than the leading form and general disposition of the interior; therefore, as regards the profile of the exterior, merely the heights of the cornices of the different orders are shown, with the figures 1, 2, 3, 4 placed against them respectively.



EXPLANATIONS.

- A, The arena.
- P, The wall or podium enclosing it.
- P', The podium itself, on which were chairs or seats for the senators, &c.
- M', The first mænianum, or slope of benches, for the equestrian order.
- M'', The second mænianum.
- M''', The third mænianum, elevated considerably above the preceding one, and appropriated to the pullati.
- G, The colonnade, or gallery, which contained seats for women.
- Z, The narrow gallery round the summit of the in-

1. H. N., viii., 7.—2. (Suet., Octav., 44.—Juv., Sat. viii., 3.—(Suet., Jul., 76.—Plin., Paneg., 51.)—4. (Suet., 12.)—5. (Suet., Octav., 44.)—6. (Juv., Sat. iii., 10.)—7. (Suet., Domit., 4.)—8. (Suet., Octav., 44.)—9. (Suet., Octav., 44.)—10. (Suet., Octav., 44.—Juv., Sat.

AMPHORA.

terior, for the attendants who worked the velarium.

pr, pr, The præcinctiones, or landings, at the top of the first and second mænianum, in the pavement of which were grated apertures, at intervals, to admit light into the vomitoria beneath them.

V V V V, Vomitoria.

G G G, The three external galleries through the circumference of the building, open to the arcades of the first three orders of the exterior.

g g, Inner gallery.

Owing to the smallness of the cut, the situation and arrangement of staircases, &c., are not expressed, as such parts could hardly be rendered intelligible except upon a greatly increased scale, and then not in a single section, nor without plans at various levels of the building.

For an account of the games of the amphitheatre, see **GLADIATOIRES.**

AMPHIBETE'SIS. (*Vid. HEREDITAS.*)

AMPHI'STOMOS. (*Vid. ANCORÆ.*)

AMPHOMO'SIA. (*Vid. AMPHIORKIA.*)

AMPHORA (in Greek *ἀμφορεύς*, or in the full form, as we find it in Homer, *ἀμφιφορεύς*¹), a vessel used for holding wine, oil, honey, &c.

The following cut represents amphoræ from the Townley and Elgin collections in the British Museum. They are of various forms and sizes; in general they are tall and narrow, with a small neck, and a handle on each side of the neck (whence the name, from *ἀμφι*, on both sides, and *φέρειν*, to carry,) and terminating at the bottom in a point, which was let into a stand or stuck in the ground, so that the vessel stood upright: several amphoræ have been found in this position in the cellars at Pompeii. Amphoræ were commonly made of earthenware; Homer mentions amphoræ of gold and stone, and the Egyptians had them of brass; glass vessels of this form have been found at Pompeii. The name of the maker or of the



place where they were made was sometimes stamped upon them; this is the case with two in the Elgin collection, Nos. 238 and 344. The most common use of the amphora, both among the Greeks and Romans, was for keeping wine. The cork was covered with pitch or gypsum, and (among the Romans) a label (*pittacium*) was attached to the amphora, inscribed with the names of the consuls under whom it was filled. The following cut represents the mode of filling the amphora from a wine-cart, and is taken from a painting on the wall of a house at Pompeii.

¹ (Il., xxiii., 170—Od., i., 164, 204.—Schol. in Apoll. Rhod., v., 1187.)

AMPYX.



The amphora was also used for keeping, and molten gold. A remarkable discovery at Salona in 1825, proves that amphoræ were used as coffins. They were divided in half length, in order to receive and the two halves were put together and buried in the ground; they were found with skeletons.¹

There is in the British Museum a vessel resembling an amphora, and of fine African sand which was mixed with which the athlete rubbed their bodies, with seventy others, in the Tuscan, in the year 1772. The amphora of Chios, and on some silver coins.

The Greek *ἀμφορεύς* and the Roman *amphora* were also names of fixed measures. The Greek *ἀμφορεύς* was also called *μετρητής* and equal to 3 Roman urnæ = 8 gallons 7 1/2 perial measure. The Roman amphora was equal to the *ἀμφορεύς*, and was equal to 8 congii = 5 gallons 7 5/7 pints; its capacity was exactly a Roman cubic foot. An amphora was kept in the Capitol, and dedicated to Jupiter. The size of a ship was estimated by the number of amphoræ; and the produce of a vineyard was sometimes by the number of amphoræ and sometimes by the *culeus* of twenty amphoræ.

AMPHOTIDES. (*Vid. PUGILATUS.*)

AMPLIATIO. (*Vid. JUDICIUM.*)

AMPULLA (*ἀμπύλλος, βουβύλλος*), a

The Romans took a bottle of oil with them for anointing the body after a bath, and also used bottles for holding wine or vinegar, and occasionally for other purposes. The bottles were made either of glass or of earthenware, and rarely of more valuable materials.

The dealer in bottles was called *amphorarius*, part of his business was to cover them with *corium*. A bottle so covered was called *coriata*.

As bottles were round and swollen in the middle, Horace metaphorically describes *amphorarius* language by the same name:

“ Projicit ampullas et sesquipedalia

“ An tragica desavit et ampullatur

Bottles of both glass and earthenware were used in great quantities in our antiquities, and their forms are very various, and generally narrow-mouthed, and generally approaching to globular.

AMPYX, AMPYKTER, (*ἀμπύξ, ἀμπύκτη*), a frontal.

This was a broad band or plate of ladies' rank wore above the forehead.

¹ (Steinbüchle's Alterthum., p. 67.)—2. (Plin., i., 51, and Stuck., i., 3, 77, compared with Festus.)—3. (Ep. ad Pis., 97.)—4. (Epist. l., iii., 14.)

AMULETUM.

didra.s.¹ Hence it is attributed to the female
es. Artemis wears a frontal of gold;² and
the χρυσάμυκτες is applied by Homer, He-
and Pindar to the Muses, the Hours, and the
From the expression τὴν κινάμυκτα Θήβαν
gment of Euripides asserts that it was some-
times made of blue steel (κίανος)
of gold; and the scholiast on the above-ci-
sage of Euripides asserts that it was some-
times enriched with precious stones.

frontal of a horse was called by the same
and was occasionally made of similar rich
ls. Hence, in the Iliad, the horses which
e chariots of Juno and of Mars are called
μυκτες. Pindar³ describes the bridle with a
frontal (χρυσάμυκτα χαλινῶν), which was
Bellerophon to curb the winged horse Peg-

annexed woodcut exhibits the frontal on the
Pegasus, taken from one of Sir William
on's vases, in contrast with the correspond-
ment as shown on the heads of two fe-
a the same collection.



als were also worn by elephants.⁴ Hesychi-
oses the men to have worn frontals in Lydia.
appear to have been worn by the Jews and
tions of the East.⁵

LETUM (περίπτου, περίαμμα, φυλακτή-
r amulet.

word in Arabic (*Hamalet*) means *that which*
ealed. It was probably brought by Arabian
its, together with the articles to which it
lled, when they were imported into Europe
East. It first occurs in the Natural His-
Pliny.

amulet was any object—a stone, a plant, an
production, or a piece of writing—which
ended from the neck, or tied to any part of
r, for the purpose of counteracting poison,
or preventing disease, warding off the evil
women in childbirth, or obviating calam-
securing advantages of any kind.

in the virtues of amulets was almost univer-
the ancient world, so that the whole art of
e consisted in a very considerable degree
ions for their application; and in propor-
quantity of amulets preserved in our col-
of antiquities, is the frequent mention of
ancient treatises on natural history, on the
of medicine, and on the virtues of plants
es. Some of the amulets in our museums
ely rough, unpolished fragments of such
as amber, agate, carnelian, and jasper; oth-
wrought into the shape of beetles, quadru-
ges, fingers, and other members of the body.
can be no doubt that the selection of stones,
to be set in rings or strung together in neck-
es often made with reference to their repu-
es as amulets.

AMOMON.

The following passages may ex-¹mply the use of
amulets in ancient times. Pliny¹ says, that any
plant gathered from the bank of a brook or river
before sunrise, provided that no one sees the person
who gathers it, is considered as a remedy for tertian
ague when tied (*adalligata*) to the left arm, the pa-
tient not knowing what it is; also, that a person
may be immediately cured of the headache by the
application of any plant which has grown on the
head of a statue, provided it be folded in the shred
of a garment, and tied to the part affected with a
red string. Q. Serenus Sammonicus, in his poem
on the art of healing, describes the following charm,
which was long celebrated as of the highest repute
for the cure of various diseases: Write *abracadabra*
on a slip of parchment, and repeat the word on other
slips, with the omission of the last letter of each
preceding slip, until the initial A alone remains.
The line so written will assume the form of an
equilateral triangle. Tie them together, and sus-
pend them from the neck of the patient by means of
linen thread.

According to the scholiast on Juvenal,² athletes
used amulets to ensure victory (*niceteria phylacteria*),
and wore them suspended from the neck; and we
learn from Dioscorides³ that the efficacy of these
applications extended beyond the classes of living
creatures, since selenite was not only worn by wom-
en, but was also tied to trees, for the purpose of mak-
ing them fruitful.

Consistently with these opinions, an acquaintance
with the use of amulets was considered as one of
the chief qualifications of nurses. If, for example,
an attempt was made to poison a child, if it was in
danger of destruction from the evil eye, or exposed
to any other calamity, it was the duty of the nurse
to protect it by the use of such amulets as were
suited to the circumstances.⁴

From things hung or tied to the body, the term
amulet was extended to charms of other kinds.
Pliny⁵ having observed that the cyclamen was cul-
tivated in houses as a protection against poison,
adds the remark, *Amuletum vocant*. The following
epigram by Lucilius contains a joke against an un-
fortunate physician, one of whose patients, having
seen him in a dream, "awoke no more, even though
he wore an amulet."⁶

Ἐρωγένη τὸν ἰατρὸν ἰδὼν Διόφαντος ἐν ἔπνοισ
Οὐκ ἐτ' ἀνηγέρθη, καὶ περιάμμα φέρων.

*AMYGDALUS (αμυγδαλή), the Almond-tree,
or *Amygdalus communis*. The Almond-tree is a na-
tive of Barbary, whence it had not been transferred
into Italy down to the time of Cato. It has, how-
ever, been so long cultivated all over the south of Eu-
rope, and the temperate parts of Asia, as to have
become, as it were, naturalized in the whole of the
Old World from Madrid to Canton. For some re-
marks on the *Amygdalus Persica*, or Peach, *vid.*
PERSICA.⁶

*AMOMON (άμωμον), a plant, and perfume, with
regard to which both commentators and botanical
writers are very much divided in opinion. Scaliger
and Cordus make it the Rose of Jericho (*Rosa Hie-
richuntica* of Bauhin; *Anastatica hierichuntica* of Lin-
næus; *Bunias Syriaca* of Gärtner); Gesner takes it
for the Pepper of the gardens (the *Solanum bacciferum*
of Tournefort); Cæsalpinus is in favour of the *Piper*
Cubeba; and Plukenet and Sprengel, with others, of
the *Cissus vitiginea*. The most probable opinion is
that advanced by Fée, who makes the plant in ques-
tion the same with our *Amomum racemosum*. The
Romans obtained their *amomum* from Syria, and it
came into the latter country by the overland trade
from India.⁷ It is said to have been used by the
Eastern nations for embalming; and from this word

xiii., 468-470.—Esehyl., Suppl., 434.—Theocrit., i.,
χρυσάμυκτα. Ευστρ., Hec., 464.)—3. (Olymp.,
—4. (Liv., xxxvii., 40.)—5. (s. v. Αὐδὴρ Νόρμ.)—6.
*, xi., 18.)

1. (H. N., xxiv., 19.)—2. (iii., 68.)—3. (Lib. v.)—4. (Hom.,
Hymn. in Cer., 227.—Orph., Lith., 222.)—5. (Plin., H. N., xxxv.,
9.)—6. (Dioscor., i., 176.)—7. (Fée, Flore de Virgile, p. 16.)

some have derived, though by no means correctly, the term *μυμμη*. The taste of the grains of amomum is represented by Charras as tart, fragrant, very aromatic, and remaining a good while in the mouth.¹ The name *amomum* is supposed to come from the Arabic *hhamāma*, the ancient Arabians having been the first who made this aromatic known to the Greeks. The root of the Arabic term has reference to the warm taste peculiar to spices. The cardamums, grains of Paradise, and mellagetta pepper of the shops, a class of highly aromatic pungent seeds, are produced by different species of *amomum*, as botanists now employ the term.²

ANA'BOLEUS (*ἀναβολεύς*). As the Greeks were unacquainted with the use of stirrups, they were accustomed to mount upon horseback by means of a slave, who was termed *ἀναβολεύς* (from *ἀναβάλλειν*). This name was also given, according to some writers, to a peg or pin fastened on the spear, which might serve as a resting-place to the foot in mounting the horse.³

ANAKALUPTE'RIA. (*Vid.* MARRIAGE.)

ANAKEIA or **ANAKEI'ON** (*ἀνάκεια* or *ἀνάκειον*), a festival of the Dioscuri, or *Ἀνακτες*, as they were called, at Athens. Athenæus⁴ mentions a temple of the Dioscuri, called *Ἀνάκτειον*, at Athens; he also informs us⁵ that the Athenians, probably on the occasion of this festival, used to prepare for these heroes in the Prytaneum a meal consisting of cheese, a barley-cake, ripe figs, olives, and garlic, in remembrance of the ancient mode of living. These heroes, however, received the most distinguished honours in the Dorian and Achæan states, where it may be supposed that every town celebrated a festival in their honour, though not under the name of *Ἀνάκεια*. Pausanias⁶ mentions a festival held at Amphissa, called that of the *ἀνάκτων παίδων*; but adds that it was disputed whether they were the Dioscuri, the Curetes, or the Cabiri. (*See* DIOSCURIA.)

ANAKEI'MENA. (*Vid.* DONARIA.)

ANAKLETE'RIA (*ἀνακλητήρια*) was the name of a solemnity at which a young prince was proclaimed king, and at the same time ascended the throne. The name was chiefly applied to the accession of the Ptolemaic kings of Egypt.⁷ The prince went to Memphis, and was there adorned by the priests with the sacred diadem, and led into the Temple of Phtha, where he vowed never to make any innovations either in the order of the year or of the festivals. He then carried to some distance the yoke of Apis, in order to be reminded of the sufferings of man. Rejoicings and sacrifices concluded the solemnity.⁸

ANAKOMIDE (*ἀνακομιδή*). When an individual had died in a foreign country, it was not unusual for his fellow-citizens or relatives to remove his ashes or body to his own country, which was called *ἀνακομιδή*. Thus the dead body of Theseus was removed from Scyros to Athens, and that of Aristomenes from Rhodes to Messenia.

ANA'CRISIS (*ἀνάκρισις*), the pleadings preparatory to a trial at Athens, the object of which was to determine, generally, if the action would lie (*ἔξετάζουσι δὲ καὶ εἰ ὅλος εἰσάγειν χρή*).⁹ The magistrates were said *ἀνακρίνειν τὴν δίκην*, or *τοὺς ἀντιδίκους*, and the parties *ἀνακρίνεσθαι*. The process consisted in the production of proofs, of which there were five kinds: 1. the laws; 2. written documents, the production of which, by the opposite party, might be compelled by a *δίκη εἰς ἐμφανῶν καταστάσιν*; 3. testimonies of witnesses present (*μαρτυρία*), or affidavits of absent witnesses (*ἐκ-*

μαρτυρία); 4. depositions of slaves extorted by the rack; 5. the oath of the parties.¹ All these proofs were committed to writing, and placed in a box secured by a seal (*ἐγγύος*) till they were produced at the trial. The name *ἀνάκρισις* is given to the pleadings, considered expressly as a written document, in Isæus.² If the evidence produced at the anacrisis was so clear and convincing that there could not remain any doubt, the magistrate could decide the question without sending the cause to be tried before the dicasts: this was called *διαμαρτυρία*. In this case, the only remedy for the person against whom the decision was given, was to bring an action of perjury against the witnesses (*ψευδομαρτυρῶν δίκη*). These pleadings, like our own, were liable to vexatious delays on the part of the litigants, except in the case of actions concerning merchandise, benefit societies, mines, and dowries, which were necessarily tried within a month from the commencement of the suit, and were therefore called *ἐμμηνοὶ δίκαι*. The word *ἀνάκρισις* is sometimes used of a trial in general (*μηδ' εἰς ἄγκρισιν ἐλθεῖν*).³ The archons were the proper officers for the *ἀνάκρισις*: they are represented by Minerva, in the *Eumenides* of Æschylus, where there is a poetical sketch of the process in the law courts.⁴ (*Vid.* ANTIGRAPHÆ, ANATOMOSIA.) For an account of the *ἀνάκρισις*, that is, the examination which each archon underwent previously to entering on office, see the article ARCHON.

ANADIK'IA. (*Vid.* APPELLATIO.)

***ANAGALL'IS** (*ἀναγάλις*), a plant, of which Dioscorides and Galen describe two species, the male and the female, as distinguished by their flowers, the former having a red flower, and the latter a blue. These are evidently the *Anagallis Arvensis* and *Cærulea*, the Scarlet and Blue Pimpernels.⁵

ANAGNOST'ES. (*Vid.* ACROAMA.)

ΑΝΑΓΩΓΗΣ ΔΙ'ΚΗ (*ἀναγωγῆς δίκη*). If an individual sold a slave who had some secret disease—such, for instance, as epilepsy—without informing the purchaser of the circumstance, it was in the power of the latter to bring an action against the vendor within a certain time, which was fixed by the laws. In order to do this, he had to report (*ἀνάγειν*) to the proper authorities the nature of the disease, whence the action was called *ἀναγωγῆς δίκη*. Plato supplies us with some information on this action; but it is uncertain whether his remarks apply to the action which was brought in the Athenian courts, or to an imaginary form of proceeding.⁷

ANAGO'GIA (*ἀναγωγή*), a festival celebrated at Eryx, in Sicily, in honour of Aphrodite. The inhabitants of the place believed that, during this festival, the goddess went over into Africa, and that all the pigeons of the town and its neighbourhood likewise departed and accompanied her.⁸ Nine days afterward, during the so-called *καταγωγή* (return), one pigeon having returned and entered the temple, the rest followed. This was the signal for general rejoicing and feasting. The whole district was said at this time to smell of butter, which the inhabitants believed to be a sign that Aphrodite had returned.⁹

***ANAGY'RIS** (*ἀνάγυρις*), a shrub, which Nicander¹⁰ calls "the acrid Onogyris." It is the *Anagyris fetida*, L., or Fetid Bean-trefoil. Hardouin says its French name is *Bois puant*. According to Lamarck, it is a small shrub, having the port of a Cytisus, and rising to the height of five or seven feet.¹¹

1. (Royal Pharmacop., p. 139.)—2. (Fée, l. c.)—3. (Xen., De Re Eq., vi., 12.—Id., Hipp., i., 17.—Appian., Pun., 106.)—4. (Xen., De Re Eq., vii., 1.)—5. (vi., p. 235.)—6. (iv., p. 137.)—7. (x., 38, 3.)—8. (Polyb., Reliq., xviii., 38; xxviii., 10.)—9. (Diod. Sic., Frag., lib. xxx.)—10. (Harpocrat., s. v.)

1. (Aristot., Rhet., I., xv., 2.)—2. (Schol. in Aristoph., Vesp., 1436.)—3. (De Aristarch. Hered., p. 79, 11.)—4. (Æschyl., Eumen., 355.)—5. (Müller, Eumeniden, § 70.)—6. (Dioscor., ii., 309.—Adams, Append., s. v.)—7. (Plato, Legg., xi., 2, p. 916.—Ast in Plat., l. c.—Meier, Att. Process., p. 225.)—8. (Ælian, V. H., l., 14.—Atheneus, ix., p. 394.)—9. (Atheneus, ix., p. 395.)—10. (Theriac., 71.)—11. (Dioscor., ii., 158.—Adams, Append., s. v.)

ANARRHUSIS. (Vid. APATURIA.)

*ANAS (ἄνασσα or ἄνασσα), the genus Duck. The ancients must have been well acquainted with many species of Duck; but, from the brief notices they have given of them, we have no great difficulty in recognizing these. 1. The *βοσκᾶς* is described by Aristotle¹ as being like the ἄνασσα, but a little smaller; it may therefore be supposed a mere variety of the *Anas Boscas*, or Wild Duck. 2. The *Καυροπτερίς* of Varro is referred by Turner to the species of duck called Teal in England, namely, the *Anas crecca*, L. 3. The *πηνίλοψ*, which is enumerated by Aristotle² among the smaller species of *πτερεῖς*, was probably a duck, as Gesner suggests. It may therefore be referred to the *Anas Penelops*, L., or Widgeon. (In modern works on Natural History it is incorrectly written *Penelope*.) 4. The *ἀνίλοψ* of Aristotle and *Ælian*, and *βρίνθος* of Philo, although ranked with ducks by Aristotle and Pliny, was probably the *Anser Brenta*, or Brent Goose. 5. The *χρηαλώπηξ* of Aristotle³ and of *Ælian*⁴ is held to be the *Anas Bernicula*, or Bernicle Goose, by Eliot. Schneider and Pennant, however, prefer the *Anas Tadorna*, or Sheldrake. 6. The Sacred Goose of Egypt was a particular species, the *Anas Egypciaca*, allied to the Bernicle, but distinguished by brighter plumage, and by small spurs on its wings.⁵

ANATHEMATA. (Vid. DONARIA.)

ANATOCISMUS. (Vid. INTEREST ON MONEY.)

ANAYMAXIOY ΓΡΑΦΗ (*ἀναμαχίου γραφή*) was an impeachment of the trierarch who had kept aloof from action while the rest of the fleet was engaged. From the personal nature of the offence, and the punishment, it is obvious that this action could only have been directed against the actual commander of the ship, whether he was the sole person appointed to the office, or the active partner of the perhaps many *συντελείς*, or the mere contractor (*ὁ μισθωόμενος*). In a cause of this kind, the *strategi* would be the natural and official judges. The punishment prescribed by law for this offence was a modified *atimia*, by which the criminal and his descendants were deprived of their political franchise, but, as we learn from *Andocides*, were allowed to retain possession of their property.⁶

ANAXAGOREIA (*Ἀναξαγόρεια*), a day of recreation for all the youths at Lampsacus, which took place once every year, in compliance, it was said, with a wish expressed by *Anaxagoras*, who, after being expelled from Athens, spent here the remainder of his life. This continued to be observed even in the time of *Diogenes Laërtius*.⁷

*ANAXURIS, a species of Dock; the *Rumex diversifolius* according to *Sprengel*.⁸

*ANCHUSA (*ἀγγουσα*), the herb Alkanet. Four kinds of alkanet are described by *Dioscorides*⁹ and *Galen*.¹⁰ With regard to the first, *Sprengel* hesitates between the *Anchusa tinctoria* and *Lithospermum tinctorium*; the second is the *Echium italicum*, *Silthorp*; the third, or *Alcibiades*, the *Echium diffusum*; and the fourth, or *Lycopsis*, the *Lithospermum frutescens*. This is a plausible account of the ἄγγουσα of *Dioscorides*, but is not unattended with difficulties. That of *Theophrastus*¹¹ seems indisputably to be the *Anchusa tinctoria*. The *Anchusa perperivirens* does not seem to be described by any ancient author.¹²

ANCIPLE, the sacred shield carried by the *Salii*. According to *Plutarch*,¹³ *Dionysius of Halicarnassus*,¹⁴ and *Festus*,¹⁵ it was made of bronze, and its form was oval, but with the two sides receding inward with an even curvature, and so as to make

it broader at the ends than in the middle. Its shape is exhibited in the following woodcut.

The original ancile was found, according to tradition,¹ in the palace of *Numa*; and, as no human hand had brought it there, it was concluded that it had been sent from heaven, and was an *ὄπλον διοπετές*. At the same time, the *haruspices* declared that the Roman state would endure so long as this shield remained in Rome. To secure its preservation in the city, *Numa* ordered eleven other shields, exactly like it, to be made by the armorer *Mamurius Veturius*; and twelve priests of *Mars Gradivus* were appointed under the denomination of *Salii*, whose office it was to preserve the twelve ancilia. They were kept in the temple of that divinity on the *Palatine Mount*, and were taken from it only once a year, on the calends of *March*. The feast of the god was then observed during several days, when the *Salii* carried their shields about the city, singing songs in praise of *Mars*, *Numa*, and *Mamurius Veturius*, and at the same time performing a dance, which probably, in some degree, resembled our *moris-dances*, and in which they struck the shields with rods, so as to keep time with their voices and with the movements of their dance. The accompanying figure shows one of these rods, as represented on the tomb of a *Pontifex Salius*, or chief of the *Salii*.² Its form, as here exhibited, both illustrates the manner of using it, and shows the reason why different authors call it by different names, as *ἐχειρίδιον*, *λόγχη*, *ῥάβδος*, *virga*.



Besides these different names of the rod, which was held in the right hand, we observe a similar discrepancy as to the mode of holding the shield. *Virgil*, describing the attire of *Picus*, a mythical king of *Latium*, says he held the ancile in his left hand (*lanceaque ancile gerebat*).³ Other authors represent the *Salii* as bearing the ancilia on their necks or on their shoulders.⁴ These accounts may be reconciled on the supposition advanced in the article *Ægis*, that the shield was suspended by a leathern band (*lorum*)⁵ proceeding from the right shoulder, and passing round the neck. That the weight of the ancile was considerable, and that the use of it in the sacred dance required no small exertion, is apparent from *Juvenal's* expression, "*sudavit clypeis ancilibus*."⁶

Besides the *Salii*, who were men of patrician families, and were probably instructed to perform their public dances in a graceful as well as animated manner, there were servants who executed inferior offices. An ancient gem in the *Florentine cabinet*, from which the preceding cut has been copied, represents two of them carrying six ancilia on their shoulders, suspended from a pole; and the representation agrees exactly with the statement of *Dionysius of Halicarnassus*, *πέλτας ἕννετράι ἡρημένας ἀπὸ κανόνων κομίζουσι*.

1. (*Dions.*, l. c.—*Plut.*, l. c.—*Florus*, i., 2.—*Serv.* in *Æn.*, viii., 664.)—2. (*Gruter*, *Inscr.*, p. cccclxiv., note 3.)—3. (*Æn.*, vii., 187.)—4. (*Stat.*, *Sylv.*, ii., 129.—*Lucan*, i., 603; ix., 460.—*Lactant.*, *De Fals. Rel.*, i., 21.)—5. (*Juv.*, ii., 125.)—6. (*ii.*, 126.)

1. (*Il. A.*, viii., 5.)—2. (*Il. A.*, viii., 5.)—3. (*Il. A.*, viii., 5.)—4. (*Il. A.*, v., 30.)—5. (*Adams*, *Append.*, s. v.)—6. (*De Myst.*, 86, *Zeller*, s. v., 1838.—*Patil.*, *Leg. Att.*, 607.)—7. (*Anaxag.*, c. 10.)—8. (*Dioscor.*, ii., 140.)—9. (*IV.*, 23.)—10. (*De Simpl.*, v.)—11. (*Il. P.*, viii., 9.)—12. (*Adams*, *Append.*, s. v.)—13. (*Vit. Tit.*)—14. (*Ant.*, ii., 12.)—15. (*s. v.* *Mamur. Vetur.*)

ANCORA.

During the festival, and so long as the Salii continued to carry the ancilia, no expedition could be undertaken. It was thought ominous to solemnize marriages at that time, or to engage in any undertaking of great importance.¹

When war was declared, the ancilia were purposely shaken in their sacred depository.² But it is alleged that, towards the close of the Cimbric war, they rattled of their own accord.³

ANCORA (*ἀγκυρα*), an anchor.

The anchor used by the ancients was, for the most part, made of iron, and its form, as may be seen from the annexed figure, taken from a coin, resembled that of the modern anchor. The shape of the two extremities illustrates the *unco morsu* and *dente tenaci* of Virgil.⁴ Indeed, the Greek and Latin names themselves express this essential property of the anchor, being allied to *ἀγκύλος*, *ἀγκών*, *angulus*, *uncus*, &c.



The anchor, as here represented and as commonly used, was called *bidens*, *διπλή*, *ἀμφιβολος*, or *ἀμφίστομος*, because it had two teeth or flukes. Sometimes it had one only, and then had the epithet *ἑρεροστόμος*. The following expressions were used for the three principal processes in managing the anchor:

Ancoram solvere, *ἀγκυραν χαλᾶν*, to loose the anchor.

Ancoram jacere, *βάλλειν*, *ῥίπτειν*, to cast anchor.

Ancoram tollere, *αἶρειν*, *ἀναρῆσθαι*, *ἀνασπάσθαι*, to weigh anchor.

Hence *αἶρειν* by itself meant to set sail, *ἀγκυραν* being understood.

The qualities of a good anchor were *not to slip*, or lose its hold, and *not to break*, i. e., to be *ἀσφαλῆ τε καὶ βέβαια*.⁵

The following figure, taken from a marble at Rome, shows the cable (*funis*) passing through a hole in the prow (*oculus*).



We may suppose the anchor to be lying on the deck, in the place indicated by the turn of the cable; and if the vessel be approaching the port, the steps taken will be as Virgil describes:

"Obvertunt pelago proras; tum dente tenaci
Ancora fundabat naves, et litora curvae
Præterunt puppes."⁶

And

"Ancora de prora jacitur, stant litore puppes."⁷

1. (Ovid, *Fast.*, iii., 303.)—2. (Serv. in *Æn.*, vii., 603; viii., 2.)—3. (Jul. Obsequens, *De Prodig.*—Liv., *Epit.*, 68.)—4. (*Æn.*, i., 109; vi., 3.)—5. (Hob., vi., 19.)—6. (*Æn.*, vi. 3-5.)—7. (*Æn.*, iii., 277; vi., 901.)

ANDROGEONIA.

The prow being turned towards the deep (*pelago*) and the stern towards the land, the extremity is fixed upon the shore (*stal liton*) that the collected ships, with their *aplustria*, it, as it were, with a fringe or border (*pra*). The prow remains in the deeper water, and fore the anchor is thrown out to attach it to ground (*fundare*).

When a ship was driving before the wind, danger of foundering upon shoals, its course be checked by casting anchor from the stern. was done when Paul was shipwrecked at M Four anchors were dropped on that occasion. natus² mentions a ship which had eight anchors. The largest and strongest anchor, the "hope" of the ship, was called *ἑρᾶ*: and, as only used in the extremity of danger, the "sacram ancoram solvere" was applied to a sons similarly circumstanced.

To indicate the place where the anchor bundle of cork floated over it, on the surface water,³ being attached, probably, to the ring in the preceding figure, is seen fixed to the end of the shank; and we may conjecture that this tied to that ring was also used in drawing the anchor out of the ground previously to weighing anchor.

In the heroic times of Greece, it appears that anchors were not yet invented: large stones, *εἰναί* (*sleepers*), were used in their stead.⁴ In later times, bags of sand, and baskets filled with stones, were used in cases of necessity. According to Pliny,⁵ the anchor was first invented by Palamus, and afterward improved by Anacharsis.

*ANDRAPHAX'YS (*ἀνδράφαξ* or *ἀνδράφαξ*) an herb, the same with our *Atriplex hortensis*, according to Sprengel, Stackhouse, and Dioscori who agree in this with the earlier commentators. All the ancient authorities, from Dioscori Macer, give it the character of an excellent medicinal herb. It is still cultivated in some garden culinary herb; its English name is *Orach*.⁶

*ANDRACH'NE, Purslane, or *Portulaca oca*, L.⁷

ΑΝΔΡΑΠΟΔΙΣΜΟΤ or ΑΝΔΡΑΠΟΔΙΣΜΟΥ ΓΡΑΦΗ (*ἀνδραποδισμοῦ* or *ἀνδραποδίσμους*) was an anchor brought before the court of the *οἱ ἑνδεκα*, against all persons who carried off from their masters, or reduced free men to a state of slavery. The grammarians mention an example of Antiphon on this subject, which has not come down to us.⁸

ΑΝΔΡΑΠ'ΟΔΩΝ ΔΙΚΗ (*ἀνδραπόδων δίκη*) the peculiar title of the *δαιδικασία* when a private citizen was the subject of contending causes. The cause belonged to the class of *δικαι πρόβου* and was one of the private suits that came under the jurisdiction of the *thesmothetæ*. It is recorded to have been the subject of a lost speech of Demosthenes,⁹ and is clearly referred to in one still extant of Demosthenes.¹⁰

ANDRE'IA. (*Vid. SYSSITIA*.)

*ANDRODAMAS, one of Pliny's varieties of hæmatite. (*Vid. ΑΙΜΑΤΙΤΗΣ*.) It was of a dark colour, of remarkable weight and hardness, attracted silver, copper, and iron. When dissolved in its fabulous properties, it appears to have been magnetic oxide of iron.¹¹

ANDROGEONIA (*Ἀνδρογεώνια*), a festival celebrated in the Ceramicus at Athens, in honour of the hero Androgeus, son of Minos, who had overcome all his adversaries in the

1. (Acts, xvii., 29.)—2. (Athenaus, v., 43.)—3. (Pausanias, ii., 12.—Plin., H. N., xvi., 8.)—4. (See II., i., 436; xiv., 77; ix., 137; xv., 498.—Apollon. Rhod., i., 1277.)—5. (vii., 1; Dioscor., ii., 145.—Theophrast., H. P., i., 18.—Adrianus, *penit.*, s. v.)—6. (Theophrast., H. P., i., 15; iii., 4, &c.—cor., ii., 150.)—7. (Bekker, *Anecd. Gr.*, i., 352.)—8. (Lysiclide.)—9. (c. Atyob., i., 821, l. 7.)—10. (Moore's *Mineral.*, p. 131.)

games of the Panathæa, and was afterward killed by order of Ægeus.¹ According to Hesychius, the hero also bore the name of Eurygyes (the possessor of extensive lands), and under this title games were celebrated in his honour, ὁ ἐπ' Εὐρυγῆ ἀγών.

ANDROLEPS'IA or ANDROLEPS'ION (ἀνδρολεψία or ἀνδρολεψίον), the right of reprisals, a custom recognised by the international law of the Greeks, that, when a citizen of one state had killed a citizen of another, and the countrymen of the former would not surrender him to the relatives of the deceased, it should be lawful to seize upon three, and not more, of the countrymen of the offender, and keep them as hostages till satisfaction was afforded, or the homicide given up.² The trierarchs and the commanders of the ships of war were the persons intrusted with this office. The property which the hostages had with them at the time of seizure was confiscated, under the name of σῦλα or σῦλας.³

*ANDROSEM'ON (ἀνδρόσαιμον), a species of St. John's-wort, but not the *Hypericum androsaemum* of modern botanists. Such, at least, is the opinion of Sibthorp, who refers it to the *H. ciliatum*, Lam. Stephens and Matthioli give it the French name of *Millepertuis*.⁴

*ANDROSACES (ἀνδρόσακες). Sprengel justly pronounces this the "crux exegetarum!" In his History of Botany he inclines to the opinion of Gouanus, that it is the *Madrepora acetabulum*, a zoophyte; a most improbable conjecture. But, in his edition of Dioscorides, he prefers the plant named *Olivia Androsacea*, Brestol. The ἀνδρόσακες occurs in the *Materia Medica* of Dioscorides, Galen, Oribasinus, and Paulus Ægineta.⁵

*ANEMONE (ἀνεμώνη), the Anemone or Wind-rose. Dioscorides describes three species: the first, which he calls ἡμερος, or cultivated, is, according to Sprengel, the *Anemone coronaria*; the second kind, denominated ὄπρια, or wild, is the *A. stellata*; the third kind, with dark leaves, is the *A. nemorosa*, or Wood Anemone. The cultivated kind was very variable in the colour of its flowers, these being either blue, violet, purple, or white, whereas the wild kind has merely a flower of purple hue. This may serve to explain the discrepancy in the poetic legends respecting the origin of the anemone. According to one account,⁶ it sprang from the tears shed by Venus for the loss of Adonis when slain by the wild boar; according to another,⁷ from the blood of Adonis himself. The reference may be, in the one case, to the white flower of the wind-rose; in the other, to that of purple hue. The anemone has its name from the Greek term ἀνεμος, "wind." The cause of this name's having been given is differently stated. Pliny⁸ says that the flower was so styled, because it never opens except when the wind blows; Hesychius,⁹ because its leaves are quickly scattered by the wind. The best explanation, however, is the following: the blossoms of the anemone contain no distinct calyx, and are succeeded by a cluster of grains, each terminated by a long, silky, feathery tail. As the species generally grow on open plains, or in high, exposed situations, their feathery grains produce a singular shining appearance when waved by the breeze, and hence, no doubt, the name of the flower has originated, for it means, literally, "Wind-flower;" and this is the appellation actually bestowed upon it by the English.—Sibthorp found the anemone on Mount Paros.

*ANETHUM (ἀνηθον), the herb Anise or Dill. Sprengel makes the ἀνηθον of Dioscorides and The-

ophrastus the *Anethum graveolens*; but, according to Stackhouse, the ἀνηθον of Theophrastus is the *A. hortense*, or Garden Dill.¹

ANGOTHE'KE (ἀγγοθήκη). (Vid. INCITEGA.)

*ANGUILL'A (ἄγγελλος), the *Muræna anguilla*, L., or Eel. (Vid. CONGER and MURENA.) Volumes have been written respecting the mode of reproduction on the part of eels. Aristotle believed that they sprang from the mud; Pliny, from fragments which they separated from their bodies by rubbing them against the rocks; others of the ancient writers supposed that they came from the carcasses of animals. The truth is, that eels couple after the manner of serpents; that they form eggs, which, for the most part, disclose in their belly; and that in this case they are viviparous, after the manner of vipers.

*ANGUIS (ὄφις), the Snake. (Vid. ASPIS, DRACO, &c.)

ANGUSTICLAV'IL. (Vid. CLAVUS.)

*ANISUM (ἀνισον) the *Pimpinella anison*, or Anise. It is described by Theophrastus, Dioscorides, Galen, and the other writers on the *Materia Medica*.

ANNA'LES (i. e., annales libri, year-books) were records of the events of each year, which were kept by the chief pontiff (*pontifex maximus*) at Rome, from the commencement of the state to the time of the chief pontiff Publius Mucius Scaevola (consul in 621 A.U.C., 133 B.C.). They were written on a white board (*album*), which the chief pontiff used to put in some conspicuous place in his house, that the people might have the opportunity of reading them. They were called *annales maximi*, or *annales pontificum maximorum*; and the *commentarii pontificum* mentioned by Livy² are in all probability the same. These documents appear to have been very meager, recording chiefly eclipses, prodigies, and the state of the markets;³ but they were the only historical records which the Romans possessed before the time of Fabius Pictor.⁴ The greater part of those written before the burning of Rome by the Gauls, perished on that occasion; but some fragments seem to have escaped destruction.⁵ This circumstance is a chief cause of the uncertainty of the early history of Rome.⁶

In process of time, individuals undertook to write portions of the Roman history, in imitation of the pontifical annals.⁷ The first of these was Quintus Fabius Pictor, who lived during the second Punic War, and wrote the history of Rome from its foundation down to his own time.⁸ Contemporary with him was Lucius Cincius Alimentus, whose annals embraced the same period.⁹ Dionysius states that both Fabius and Cincius wrote in Greek; but it would seem that Fabius wrote in Latin also.¹¹ Marcus Porcius Cato, consul in 559 A.U.C., and afterward censor, wrote an historical work in seven books, which was called "Origines."¹² Aulus Postumius Albinus, consul in 603 A.U.C., wrote annals of the Roman history in Greek.¹³ Lucius Calpurnius Piso Frugi, consul in 621 A.U.C., and afterward censor, wrote annals.¹⁴ Quintus Valerius Antias (about 672 A.U.C.) is frequently cited by Livy, and contemporary with him was Caius Licinius Macer.¹⁵ The Roman annalists were Lucius Cassius Hemina (A.U.C. 608), Quintus Fabius

1. (Dioscor., iii., 60.—Theophrast., H. P., vii., 1.—Adams, Append., s. v.)—2. (Cic., de Orat., ii., 12.—Id., de Legg., i., 2.)—3. (vi., 1.)—4. (Cato in Aul. Gell., ii., 28.)—5. (Cic., de Legg., i., 2.)—6. (Liv., i., 6.—Cic., de Rep., i., 16.)—7. (Niebuhr, vol. i., p. 212.)—8. (Cic., de Orat., ii., 12.)—9. (Cic., de Legg., i., 2.—Polyb., i., 14; iii., 8, 9.—Dionys., i., 6; vii., 71.—Liv., i., 44; ii., 40.)—10. (Dionys., i., 6, 74.—Liv., viii., 3; xxi., 38.)—11. (Cic., de Orat., ii., 12.—Aul. Gell., x., 15.)—12. (Cic., de Orat., ii., 12.—De Legg., i., 2.—Liv., xxxix., 40.—Corn. Nep., Cato, c. 3.)—13. (Gell., xi., 8.—Cic., Brut., c. 21.—Macrob., Sat. Pr. em., i.; ii., 16.—Plutarch, Cat. Maj., c. 12.)—14. (Cic., de Orat., ii., 12.—Ep. ad Div., ix., 22.—Varro, de L. ling. Lat., iv., 42.—Dionys., ii., 38; iv., 7.)—15. (Cic., de L. ling. Lat., ii., 2.—Liv., vii., 9.)

Maximus Servilianus (612), Caius Fannius (618), Caius Sempronius Tuditanus (625), Lucius Cœlius Antipater (631), Caius Sempronius Asellio (620), and, about the end of the same century, Publius Rutilius Rufus, Lucius Cornelius Sisenna, and Quintus Claudius Quadrigarius. Farther information concerning these writers will be found in Clinton's *Fasti Hellenici*, vol. iii.

The precise difference between the terms *annales* and *historia* is still a matter of discussion. Cicero says that the first historical writers among the Romans composed their works in imitation of the *annales maximi*, and merely wrote memorials of the times, of men, of places, and of events, without any ornament; and, provided that their meaning was intelligible, thought the only excellence of style was brevity;¹ but that, in history, ornament is studied in the mode of narration, descriptions of countries and battles are often introduced, speeches and harangues are reported, and a flowing style is aimed at.² Elsewhere he mentions history as one of the highest kinds of oratory, and as one which was as yet either unknown to, or neglected by, his countrymen.³ Aulus Gellius⁴ says that the difference between annals and history is, that the former observe the order of years, narrating under each year all the events that happened during that year. Servius⁵ says that history (*ἀπὸ τοῦ ἱστορεῖν*) relates to events which have happened during the writer's life, so that he has, or might have, seen them; but annals to those things which have taken place in former times. The true distinction seems to be that which regards the annalist as adhering to the succession of *time*, while the historian regards more the succession of *events*; and, moreover, that the former relates bare facts in a simple, straightforward style, while the latter arranges his materials with the art of an orator, and traces the causes and results of the events which he records. (See a paper by Niebuhr in the *Rheinisches Museum*, ii., 2, p. 283, translated by Mr. Thirlwall in the *Philological Museum*, vol. ii., p. 661.)

ANNO'NA (from *annus*, like *pomona* from *pomum*) is used, 1. for the produce of the year in corn, fruit, wine, &c., and hence, 2. for provisions in general, especially for the corn which, in the latter years of the Republic, was collected in the storehouses of the state, and sold to the poor at a cheap rate in times of scarcity; and which, under the emperors, was distributed to the people gratuitously, or given as pay and rewards. 3. For the price of provisions. 4. For a soldier's allowance of provisions for a certain time. It is used also in the plural for yearly or monthly distributions of pay in corn, &c.⁶ Similar distributions in money were called *annonæ æraria*.⁷ In the plural it also signifies provisions given as the wages of labour.⁸

Annona was anciently worshipped as the goddess who prospered the year's increase. She was represented on an altar in the Capitol, with the inscription "Annona Sanctæ Ælii Vitalio," &c.,⁹ as a female with the right arm and shoulder bare, and the rest of the body clothed, holding ears of corn in her right hand, and the cornucopia in her left.

ANNALIS LEX. (Vid. ÆDILES, p. 25.)

ANNULI. (Vid. RINGS.)

AN NUS. (Vid. YEAR.)

*ANO'NIS (*ἀνωρίς*), a plant. Stephens says its popular name is *Resta bovis*, i. e., Rest-harrow. Modern botanists have accordingly given the name of *Anonis antiquorum* to the Rest-harrow of English herbalists.¹⁰ The popular name is derived from the circumstance of this plant's stopping the plough, or harrow, in its progress, by its stringy roots.

1. (De Orat., ii., 12.)—2. (Orator., c. 20.)—3. (De Legg., i., 2.)—4. (v., 18.)—5. (in Æn., i., 373.)—6. (Cod. Just., i., tit. 48, x., tit. 16; xi., tit. 24.)—7. (Cod. Theodos., vii., i., tit. 4, s. 34, 35, 36.)—8. (Salmas. in Lamprid., Alex. Sev., c. 41.)—9. (Gruter, p. 8, n. 10.)—10. (Dioecor., iii., 17.—Adams, Append., s. v.)

ANQUI'SITIO. In criminal trials at Rome, the accuser was obliged, after the day for the trial (*die dictio*) had been fixed, to repeat his charge three times against the accused, with the intervention of a day between each.¹ The *anquisitio* was that part of the charge in which the punishment was specified. The accuser could, during this repetition of the charge, either mitigate² or increase the punishment.³ After the charge had been repeated three times, the proper bill of accusation (*rogatio*) was then first introduced. (Vid. JUDICIUM.) Under the emperors, the term *anquisitio* lost its original meaning, and was employed to indicate an accusation in general;⁴ in which sense it also occurs even in the times of the Republic.⁵

ANSA, the handle of any thing, more particularly of a cup or drinking-vessel; also, the handle of a rudder, called by us the tiller.⁶ Ennius speaks of the *ansa* or handle of a spear: "*Hastis ansatis concurrunt undique telis.*"⁷ "*Ansatas mittunt e turribus hastas.*"⁸

The *ansa* must have been different from the *amentum* of a spear. Perhaps it was a rest for the hand, fixed to the middle of the shaft, to assist in throwing it. On this supposition, the *hasta ansata* of Ennius was the same with the *μεσάγκυλον* οὐ δόρυ ἀγκυλήπτον of Greek authors.⁹ Euripides calls the same weapons simply *ἀγκύλας*.¹⁰

Xenophon, speaking of the large arrows of the Carduchi, says that his soldiers used them as darts (*ἀκόντιοις*), by fixing the *ἀγκύλη* upon them (*ἐναγκυλῶντες*).¹¹ Plutarch¹² relates that Alexander the Great, observing one of his soldiers to be attaching the *ἀγκύλη* to his dart (*τὸ ἀκόντιον ἐναγκυλοῦμενον*), obliged him to leave the ranks, for preparing his arms at a moment when he ought to have had them ready for use. These authorities show that the *ἀγκύλη* was something fastened to the dart, about the middle of the shaft, before the engagement commenced. That it was crooked, or curved, may be concluded from the term itself; and, if so, it would agree with the Latin *ansa*, a *handle*, though not with *amentum*, which was a leather thong fastened to the same part of the lance. (Vid. AMENTUM.)

*ANSER (*χίψ*), the Goose. Aristotle briefly describes two species, the Great and the Small gregarious goose.¹³ The latter, no doubt, is the Brent Goose, or *Anas Bernicula*. The other cannot be satisfactorily determined; but it is not unlikely that it was the *Anas anser*. Dr. Trail, however, is inclined rather to think that it was the *Anas Ægyptiaca*, or Sacred Goose of Egypt.¹⁴

ANTÆ (*παραστάδες*), square pillars (*quadra columnæ*, Nonius). They were commonly joined to the side walls of a building, being placed on each side of the door, so as to assist in forming the portico. These terms are seldom found except in the plural, because the purpose served by *antæ* required that, in general, two should be erected corresponding to each other, and supporting the extremities of the same roof. Their position, form, and use will be best understood from the following woodcut, in which A A are the *antæ*.

Vitruvius¹⁵ describes the temple in *antis* (*ναὸς ἐν παραστάσι*) to be of the simplest kind. It had, as he says, in front, *antæ* attached to the walls which enclosed the cella; and in the middle, between the *antæ*, two columns supporting the architrave. According to him,¹⁶ the *antæ* ought to be of the same thickness as the columns. The three spaces (*intercolumnia*) into which the front of the

1. (Cic., pro. Dom., c. 17.)—2. (Liv., ii., 52.)—3. (Liv., xxvi., 3.)—4. (Tacit., Ann., iii., 12.)—5. (Liv., vi., 20; viii., 33.)—6. (Vitruv., x., 8.)—7. (Ap. Macrob., Saturn., vi., 1.)—8. (Ap. Nonium.)—9. (Athenæus, xi.—Eurip., Phœn., 1148.—Androm., 1133.—Schol. in loc.—Menander, p. 210, ed. Meineke.—Gell., x., 25.—Festus, s. v. Mefancium.)—10. (Orest., 1477.)—11. (Anab., iv., 2, § 28.)—12. (Apophth.)—13. (Aristot., H. A., viii., 5.)—14. (Adams, Append., s. v.)—15. (iii., 1.)—16. (iv., 4.)

ANTEAMBULONES.

os was divided by the two columns, were times occupied by marble balustrades, or by kind of rails, with doors or gates. The ruins pies, corresponding to the description of Vitruvius found in Greece and Asia Minor; and we exhibit as a specimen a restoration of the of the temple of Artemis Propylæa at Eleusis, er with a plan of the pronaos:



the antæ; B B, the cella or vaos; O, the altar.

ancient inscription respecting the temple of s at Puteoli, contains the following direction antæ to one of the walls; EX. EO. PARIETE. DUAS. AD. MARE. VORSUM. PROJICITO. LONGAS. PARSAS. P. I.

en Neoptolemus is attacked by Orestes in tible of the temple at Delphi, he seizes the which were suspended by means of nails or om one of the antæ (παρὰστάδος κρηματώ'), is station upon the altar, and addresses the in his own defence. In two other passages, es uses the term by metonymy, to denote the pronaos of a temple⁶ or the vestibule of a ⁷ s. e., in each case the portico, or space en- between the antæ.⁴

n parastās came the adjective parastaticus, and we find parastatica employed as the term for a r, which may be considered as the section of re pillar attached to the wall of a building. rains of a ceiling were laid upon three kinds ports, viz., columns, antæ, and parastaticæ or ts.⁵

TACÆUS (ἀνράκατος), a variety of the *Ac- Hias*, or Isinglass Fish. This would appear the fish of whose name a poet in Athens aims that it was inadmissible into heroic

TEAMBULONES were slaves who were ormed to go before their masters, in order to way for them through the crowd.¹ They y called out *datis locum domino meo*; and if this ot sufficient to clear the way, they used their and elbows for that purpose. Pliny relates asing tale of an individual who was roughly

1. (Ep. iii., 14, sub fin.)—2. (Iph. in Taur., 1126.)—3. 437.—4. (Vid. Cratini, Fragm., ed. Runkel, p. 16.—5. in Xen., Mem., p. 277.—Id., in Vitruv., vi., 7, 1.)—5. p. 19, 2, p. 94; 7. 1., p. 116, 117, ed. Schneider.—Plin., 8, 1.—6. (Athenens., vi., p. 284, e.—Schweigh. in loc.; N. A., xv., 22.)—7. (Suet., Vesp., c. 2.)

ANTEFIXA.

handled by a Roman knight, because his slave had presumed to touch the latter in order to make way for his master.¹ The term *anteambulones* was also given to the clients, who were accustomed to walk before their patroni when the latter appeared in public.²

ANTECESSORES, called also ANTECURSORES, were horse-soldiers, who were accustomed to precede an army on march in order to choose a suitable place for the camp, and to make the necessary provisions for the army. They do not appear to have been merely scouts, like the *speculatores*.³ This name was also given to the teachers of the Roman law.⁴

ANTECÆNA. (Vid. CÆNA.)

ANTEFIXA, terra-cottas, which exhibited various ornamental designs, and were used in architecture to cover the frieze (*zophorus*) of the entablature. These terra-cottas do not appear to have been used among the Greeks, but were probably Etrurian in their origin, and were thence taken for the decoration of Roman buildings. Festus describes them in the following terms: *Antefixa quæ ex opere figulina tectis adfiguntur sub stillicidio*.

The name *antefixa* is evidently derived from the circumstance that they were fixed before the buildings which they adorned; and the manner of fixing them, at least in many cases, appears from the remains of them still existing. At Scrofano, supposed to be the ancient Veii, they were found fastened to the frieze with leaden nails. At Velletri, formerly a city of the Volsci, they were discovered (see the following woodcut) with holes for the nails to pass through. They were formed in moulds, and then baked by fire, so that the number of them might be increased to any extent; and copies of the same design were no doubt frequently repeated on the same frieze. Of the great variety and exquisite beauty of the workmanship, the reader may best form an idea by inspecting the collection of them in the British Museum, or by studying the engravings and description of that collection published by Dr. Taylor Combe.

The two imperfect antefixa here represented are among those found at Velletri, and described by Carloni (*Roma*, 1785).



The first of them must have formed part of the upper border of the frieze, or, rather, of the cornice. It contains a panther's head, designed to serve as a spout for the rain-water to pass through in descending from the roof. Similar antefixa, but with comic masks instead of animals' heads, adorned the Temple of Isis at Pompeii.⁵

The second of the above specimens represents two men who have a dispute, and who come before the sceptre-bearing kings or judges to have their cause decided. The style of this bas-relief indicates its high antiquity, and, at the same time,

1. (Ep. iii., 14, sub fin.)—2. (Martian, ii., 18; iii., 7; x., 74.)—3. (Hirt., Bell. Afr., 12, who speaks of speculatores et antecessores equites.—Suet., Vitell., 17.—Cass., B. G., v., 47.)—4. (Cod. 1, tit. 17, s. 2, § 9, 11.)—5. (Pompeii, Lond., 1836, vol. i, p. 281.)

ANTENNA.

proves that the Volsci had attained to considerable taste in their architecture. Their antefixa are remarkable for being painted: the ground of that here represented is blue; the hair of the six men is black or brown; their flesh red; their garments white, yellow, and red; the chairs are white. The two holes may be observed by which this slab was fixed upon the building.

Cato the Censor complained that the Romans of his time began to despise ornaments of this description, and to prefer the marble friezes of Athens and Corinth.¹ The rising taste which Cato deplored may account for the superior beauty of the antefixa preserved in the British Museum, which were discovered at Rome. A specimen of them is here given. It represents Minerva superintending the



construction of the ship Argo. The man with the hammer and chisel is Argus, who built the vessel under her direction. The pilot Tiphys is assisted by her in attaching the sail to the yard. The borders at the top and bottom are in the Greek style, and are extremely elegant. Another specimen of the antefixa is given under the article *ΑΝΤΡΧ*.

ANTENNA (*κεραία, κέρα*), the yard of a ship.

The ships of the ancients had a single mast in the middle, and a square sail, to raise and support which a transverse pole or yard was extended across the mast not far from the top. In winter the yard was let down, and lodged in the vessel or taken on shore. "*Effugit hybernas demissa antenna procellas.*"²

When, therefore, the time for leaving the port arrived, it was necessary to elevate the yard, to which the sail was previously attached. For this purpose a wooden hoop was made to slide up and down the mast, as we see it represented in an antique lamp, made in the form of a ship.³ To the two extremities of the yard (*cornua, ἀκροκέραται*) ropes were attached, which passed over the top of the mast; and by means of these ropes, and the pulleys (*brochleæ*) connected with them, the yard and sail, guided by the hoop, were hoisted to a sufficient height. The sail was then unfurled, and allowed to fall to the deck of the vessel.⁴

Cæsar informs us⁵ that, in order to destroy the fleet of the Veneti, his soldiers made use of sharp sickles fastened to long poles. With these they cut the ropes (*funes*) by which the yard of each ship was suspended from the mast. The consequence was, that the yard, with the sail upon it, immediately fell, and the ship became unmanageable. These ropes appear to have been called in Greek *κεροῦχοι*, whence in Latin *summi ceruchi*.⁶

Besides the ropes already mentioned, two others

1. (Liv., xxxiv., 4.)—2. (Ovid, Trist., III., iv., 9.)—3. (Bartoli, *Lucrea*, iii., 31.—Compare *Isid.*, Hisp. Orig., xx., 15.)—4. (Val. Flacc. i., 313.—Ovid, Met., xi., 477.)—5. (B. G., iii., 14.)—6. (Lucan., viii., 177.—Val. Flacc., i., 469.)

ANTHERICUS.

hung from the horns of the antenna, the use of was to turn it round as the wind veered, so keep the sail opposite to the wind. This operation is technically described by Virgil in the following line: "*Cornua velatarum obvertimus antenna*" And more poetically where he uses *brachia antenna*, and adds, "*Una ardua torquent Cornu torquentque.*"¹

When a storm arose, or when the port was gained, it was usual to lower the antenna (*δεκαθέλεισθαι, ὑφίεναι*), and to reef the sail: "*jam dudum demittite cornua, rector Clamatis, et a lotum subnectite velum.*"²

Also before an engagement the antenna was reared to the middle of the mast (*Antennis ad medium malum demissis.*³) We may observe that the last-cited authors use *antennæ* in the plural, yard of a single ship, probably because they considered it as consisting of two arms united in the middle.

From numerous representations of ships, antique coins, intaglios, lamps, and bas-reliefs here select two gems, both of which show the antenna, but with the sail reefed in the one, the other expanded and swollen with the wind.



The former represents Ulysses tied to the mast in order to effect his escape from the Sirens; it shows the *cornua* at the extremities of the yard, the two *ceruchi* proceeding from thence to the top of the mast. Besides these particulars, the other represents also the ropes used for turning the antenna so as to face the wind.

ANTEPAGMENTA, doorposts, the jamb of a door.

The inscription quoted in the article *ΑΝΤΡΧ* contains also a direction to make jambs of sill (*antepagmenta abiagna*). Cato,⁴ speaking of the construction of a farmhouse, mentions stone jambs (*jugumenta et antepagmenta ex lapide*). Vitruvius⁵ gives minute instructions respecting the form and proportions of the antepagmenta of doors of temples; and these are found, in general, to correspond with the examples preserved among the remains of Grecian architecture.⁷ The common term for a doorpost is *postis*.

ANTESIGNANI appear to have been a class of troops, selected for the defence of the standards (*signum*), before which they were stationed.⁸

ANTESTARI (*Vid. Actio*, p. 18.)

***ANTHEMIS** (*ἀνθεμίς*), a species of plant. (*CHAMAIMELON*.)

***ANTHEMUM** (*ἀνθεμιον, -ος, or -ιον*), a species of plant, about which some uncertainty prevails. It is in favour of its being the genus *Mate* or Wild Chamomile. Sprengel, however, refers several species of this plant noticed by Theophrastus to the *Anthemis Cotta*. Stackhouse also is unsatisfactory in his views on this subject.⁹

***ANTHERICUS** (*ἀνθέρικος*), a plant. Sprengel, in the first edition of his R. H. H., compares *Anthericus Græcus* with it, but in his second edition *Asphodelus fistulosus*. Thiebault makes it to be *Ornithogalum Pyrenaicum*, and Stackhouse the

1. (Æn., iii., 549.)—2. (Æn., v., 829, seqq.)—3. (Ovid, xi., 483.)—4. (Hirt., De Bell. Alex., 45.)—5. (De Re Rustic., xiv.)—6. (iv., 6.)—7. (Vid. Hirt., Baukunst nach den Ansichten der Alten, xvi.)—8. (Liv., iv., 37.—Cæs., Bell. C., 75, 84.)—9. (Theophrast., H. P., i., 22; vii., 9-14.—Adrianus Pand., s. v.)

deus innox. In a word, all is mere conjecture with regard to it, the description of it by Theophrastus being so imperfect.¹

ANTHESPHOR'IA (*Ἀνθησφόρια*), a flower-festival, principally celebrated in Sicily in honour of Demeter and Persephone, in commemoration of the return of Persephone to her mother in the beginning of spring. It consisted in gathering flowers and weaving garlands, because Persephone had been carried off by Pluto while engaged in this occupation.² Strabo³ relates that at Hipponium the women celebrated a similar festival in honour of Demeter, which was probably called anthesphoria, since it was derived from Sicily. The women themselves gathered the flowers for the garlands which they wore on the occasion, and it would have been a disgrace to lay the flowers for that purpose. Anthesphoria were also solemnized in honour of other deities, especially in honour of Juno, surnamed *Ἀνθεια*, at Argos,⁴ where maidens, carrying baskets filled with flowers, went in procession, while a tune called *ἰσικίον* was played on the flute. Aphrodite, too, was worshipped at Cnossus, under the name *Ἀνθία*,⁵ and has therefore been compared with Flora, the Roman deity, as the anthesphoria have been with the Roman festival of the *floriferum*.

ANTHESTERIA. (*Vid. DIONYSIA.*)

ANTHESTERION. (*Vid. CALENDAR, Greek.*)

ANTHIAS (*ἀνθίας*), a species of fish, the same with the *Labrus anthias*, L., or *Serranus anthias* of Cuvier. Its French name is *Barbier*. The ancients describe several species of this fish, one of which is the *καλλιχθύς*.⁶ Cuvier describes this as a most beautiful fish, of a fine ruby red, changing to gold and silver, with yellow bands on the cheek.⁷

ANTHOS, a bird, which, according to Pliny, feeds on flowers, and imitates the neighing of a horse.⁸ Belon would have it to be the *Emberizza citrinella*, or Yellow Bunting, called in England the Yellow Hammer, and in France *Bruant*. This opinion, however, is somewhat doubtful, since Aristotle describes the *Anthos* as frequenting rivers, whereas the Yellow Hammer delights in trees.⁹

ANTHRAX (*ἀνθραξ*), the Carbuncle. (*Vid. CARUNCULUS.*)

ANTHRAK'ION, a species of carbuncle, found, according to Theophrastus, in the island of Chios. Beckmann¹⁰ thinks that Theophrastus¹¹ names the well-known black marble of that island, which, from its resemblance to an extinguished coal, was designated *ἀνθράκιον* (from *ἀνθραξ*, "a coal"), just as the ruby took its name from one burning. He supposes, moreover, that of this marble were made the mirrors mentioned by Theophrastus; and that Pliny misinterprets him in stating that they were of the *ἀνθράκιον* of Orchomenus.¹²

ANTHRENE (*ἀνθρήνη*), the Hornet, or *Vespa Crabro*, L. Its nest is called *ανθρήνιον* by Suidas.

ANTHYLLIS (*ἀνθύλλις*), a species of plant. Sprengel agrees with Prosper Alpinus, that the first species of Dioscorides is the *Cressa Cretica*; and with Climax, that the second is the *Ajuga Iva*. Linnaeus would seem to countenance this opinion in regard to the first species, by giving it the name of *Cressa Anthyllis* in his *Gen. Plant.*¹³

ANTHYPOMOS'IA. (*Vid. HYPOMOSIA.*)

ANTIDOSIS (*ἀντίδοσις*), in its literal and general meaning, "an exchange," was, in the language of the Attic courts, peculiarly applied to proceedings under a law which is said to have originated

with Solon.¹ By this, a citizen nominated to perform a leiturgia, such as a trierarchy or choregia, or to rank among the property-tax payers in a class disproportioned to his means, was empowered to call upon any qualified person not so charged to take the office in his stead, or submit to a complete exchange of property; the charge in question, of course, attaching to the first party, if the exchange were finally effected.² For these proceedings the courts were opened at a stated time every year by the magistrates that had official cognizance of the particular subject, such as the strategi in cases of trierarchy and rating to the property-taxes, and the archon in those of choregia; and to the tribunal of such an officer it was the first step of the challenger to summon his opponent.³ It may be presumed that he then formally repeated his proposal, and that the other party stated his objections, which, if obviously sufficient in law, might perhaps authorize the magistrate to dismiss the case; if otherwise, the legal resistance, and preparations for bringing the cause before the dicasts, would naturally begin here. In the latter case, or if the exchange were accepted, the law directed the challenger to repair to the houses and lands of his antagonist, and secure himself, as all the claims and liabilities of the estate were to be transferred, from fraudulent encumbrances of the real property, by observing what mortgage placards (*ὑποί*), if any, were fixed upon it, and against clandestine removal of the other effects, by sealing up the chambers that contained them, and, if he pleased, by putting bailiffs in the mansion.⁴ His opponent was at the same time informed that he was at liberty to deal in like manner with the estate of the challenger, and received notice to attend the proper tribunal on a fixed day to take the usual oath. The entries here described seem, in contemplation of law, to have been a complete effectuation of the exchange,⁵ and it does not appear that primarily there was any legal necessity for a farther ratification by the dicasts; but, in practice, this must always have been required by the conflict of interests between the parties. The next proceeding was the oath, which was taken by both parties, and purported that they would faithfully discover all their property, except shares held in the silver mines at Laurion; for these were not rated to leiturgiæ or property taxes, nor, consequently, liable to the exchange. In pursuance of this agreement, the law enjoined that they should exchange correct accounts of their respective assets (*ἀποφάσεις*) within three days; but, in practice, the time might be extended by the consent of the challenger. After this, if the matter were still uncompromised, it would assume the shape and follow the course of an ordinary lawsuit (*Vid. ΔΙΚΗ*), under the conduct of the magistrate within whose jurisdiction it had originally come. The verdict of the dicasts, when adverse to the challenged, seems merely to have rendered imperative the first demand of his antagonist, viz., that he should submit to the exchange, or undertake the charge in question; and as the alternative was open to the former, and a compromise might be acceded to by the latter at any stage of the proceedings, we may infer that the exchange was rarely, if ever, finally accomplished.⁶ The irksomeness, however, of the sequestration, during which the litigant was precluded from the use of his own property, and disabled from bringing actions for embezzlement and the like against others (for his prospective reimbursement was reckoned a part of the sequestered estate⁷), would invariably cause a speedy—perhaps,

1. (Theophrast., II. P., i., 4; viii., 13.—Adams, Append., s. v.)—2. (Pallad., Ocean., i., 1, 37.)—3. (vi., p. 256.)—4. (Paus., ii., 2, 1.)—5. (Heych., s. v.)—6. (Athenæus, vii., 16.—Aristot., II. A., vi., 17; ix., 2 et 37.—Elian, N. A., i., 4; viii., 28; xii., 7.—Plin., II. N., ix., 58.)—7. (Adams, Append., s. v.)—8. (Plin., II. N., s. 42.)—9. (Aristot., II. A., ix., 5.—Adams, Append., s. v.)—10. (Hist. of Dav., vol. iii., p. 178.)—11. (Lith., c. 61.)—12. (Wood's Anc. Mineral, p. 79.)—13. (Dioscor., iii., 143.—Adams, Append., s. v.)

1. (Demosth. in Phœnipp., init.)—2. (Böckh, Pub. Econ. of Athens, vol. ii., p. 369.)—3. (Demosth. in Phœnipp., p. 1040.—Meier, Att. Process., p. 471; προκαλιέσθαι τινα εἰς ἀντίδοσιν Lysias, ἐπὶ τοῦ Ἀδωνίου, p. 745.)—4. (Demosth. in Phœnipp., p. 1040, seq.)—5. (Demosth. in Mid., p. 540; in Phœnipp., p. 1041, 25.)—6. (Böckh, Econ. of Athens, vol. ii., p. 370.)—7. (Demosth. in Aphob., ii., p. 841; in Mid., p. 540.)

in most cases, a fair—adjustment of the burdens incident to the condition of a wealthy Athenian.

ANTIGRAPHE (*ἀντιγραφή*) originally signified the writing put in by the defendant, in all causes, whether public or private, in answer to the indictment or bill of the prosecutor. From this signification it was applied, by an easy transition, to the substance as well as the form of the reply, both of which are also indicated by *ἀντιμωσία*, which means primarily the oath corroborating the statement of the accused. Harpocration has remarked that *antigraphe* might denote, as *antimosia* does in its more extended application, the bill and affidavit of either party; and this remark seems to be justified by a passage of Plato.¹ Schömann, however, maintains² that *antigraphe* was only used in this signification in the case of persons who laid claim to an unassigned inheritance. Here neither the first nor any other claimant could appear in the character of a prosecutor; that is, no *δίκη* or *ἐγκλημα* could be strictly said to be directed by one competitor against another, when all came forward voluntarily to the tribunal to defend their several titles. This circumstance Schömann has suggested as a reason why the documents of each claimant were denoted by the term in question.

Perhaps the word "plea," though by no means a coincident term, may be allowed to be a tolerably proximate rendering of *antigraphe*. Of pleas there can be only two kinds, the dilatory, and those to the action. The former, in Attic law, comprehends all such allegations as, by asserting the incompetency of the court, the disability of the plaintiff, or privilege of the defendant and the like, would have a tendency to show that the cause in its present state could not be brought into court (*μὴ εἰσαγώγιμον εἶναι τὴν δίκην*): the latter, everything that could be adduced by way of denial, excuse, justification, and defence generally. It must be, at the same time, kept in mind, that the process called "special pleading" was at Athens supplied by the magistrate holding the anacrisis, at which both parties produced their allegations, with the evidence to substantiate them; and that the object of this part of the proceedings was, under the directions and with the assistance of the magistrate, to prepare and enucleate the question for the dicasts. The following is an instance of the simplest form of indictment and plea: "Apollodorus, the son of Pasion of Acharmæ, against Stephanus, son of Meneclæus of Acharmæ, for perjury. The penalty rated, a talent. Stephanus bore false witness against me when he gave in evidence the matters in the tablets. Stephanus, son of Meneclæus of Acharmæ. I witnessed truly when I gave in evidence the things in the tablet."³ The pleadings might be altered during the anacrisis; but, once consigned to the echinus, they, as well as all the other accompanying documents, were protected by the official seal from any change by the litigants. On the day of trial, and in the presence of the dicasts, the echinus was opened, and the plea was then read by the clerk of the court, together with its antagonist bill. Whether it was preserved afterward as a public record, which we know to have been the case with respect to the *γραφὴ* in some cases,⁴ we are not informed.

From what has been already stated, it will have been observed that questions requiring a previous decision would frequently arise upon the allegations of the plea, and that the plea to the action in particular would often contain matter that would tend essentially to alter, and, in some cases, to reverse the relative positions of the parties. In the first case, a trial before the dicasts would be granted by the magistrate whenever he was loath to incur the responsibility of decision; in the second, a cross-

action might be instituted, and carried on separately, though perhaps simultaneously with the original suit. Cases, also, would sometimes occur, in which the defendant, from considering the indictment as an unwarrantable aggression, or, perhaps, one best repelled by attack, would be tempted to retaliate upon some delinquency of his opponent, utterly unconnected with the cause in hand, and to this he would be, in most cases, able to resort. An instance of each kind will be briefly given by citing the common *παράγραφὴ* as a cause arising upon a dilatory plea; a cross-action for assault (*αἰκία*) upon a primary action for the same;¹ and a *δοκιμωσία*, or "judicial examination of the life or morals" of an orator upon an impeachment for misconduct in an embassy (*παρὰπρεσβεία*).² All causes of this secondary nature (and there was hardly one of any kind cognizable by the Attic courts that might not occasionally rank among them) were, when viewed in their relation with the primary action, comprehended by the enlarged signification of *antigraphe*; or, in other words, this term, inexpressive of form or substance, is indicative of a repellent or retaliative quality, that might be incidental to a great variety of causes. The distinction, however, that is implied by *antigraphe* was not merely verbal and unsubstantial; for we are told, in order to prevent frivolous suits on the one hand, and unfair elusion upon the other, the loser in a *παράγραφῃ*, or cross-action upon a private suit, was condemned by a special law to pay the *ἰποβελία* (*vid. ΕΡΩΤΗΤΙΑ*), ratable upon the valuation of the main cause if he failed to obtain the votes of one fifth of the jury, and certain court fees (*πρωτανεία*) not originally incident to the suit. That there was a similar provision in public causes we may presume from analogy, though we have no authority to determine the matter.³

ANTIGRAPHEIS (*ἀντιγραφεῖς*) were public clerks at Athens, of whom there were two kinds. The first belonged to the *βουλὴ*: his duty was to give an account to the people of all the moneys paid to the state. ("Ὁς καθ' ἐκάστην πρωτανείαν ἀπέλογίζετο τὰς προσόδους τῷ δήμῳ.")⁴ In the time of Æschines, the *ἀντιγραφεὺς τῆς βουλῆς* was *χειροτονήτος*;⁵ but in later times he was chosen by lot.⁶ The second belonged to the people, and his duty was to check the accounts of the public officers, such as the treasurers of the sacred moneys, of the war taxes, &c. (*Διττοὶ δὲ ἦσαν ἀντιγραφεῖς, ὁ μὲν τῆς διοικήσεως, ὁ δὲ τῆς βουλῆς.*)⁷

ANTINOËIA (*Ἀντινοεία*), annual festivals and quinquennial games, which the Roman emperor Hadrian instituted in honour of his favourite Antinous, after he was drowned in the Nile, or, according to others, had sacrificed himself for his sovereign, in a fit of religious fanaticism. The festivals were celebrated in Bithynia and at Mantinea, in which places he was worshipped as a god.⁸

*ANTIP'ATHES, the sort of Coral called *Antipathes fomiculaceum*, Pall.⁹

ANTIPHER'NA. (*Vid. DOS.*)

ANTIQUARIÏ. (*Vid. LIBRARIÏ.*)

*ANTIRRHÏNON (*ἀντίρρῖνον* or *ἀντίρρῖνον*). A plant, which Sprengel makes the same with the *Antirrhinum Orontium*. Hardouin calls it by the French name of *Mufle de veau*, or Calf's Snout, but Stephens and Matthioli by that of *Mouron violet*. Its ordinary name in English is *Snardragon*.¹⁰

ANTLIA (*ἀντλία*), any machine for raising water; a pump.

1. (Demosth. in Ev. et Mnesib, p. 1153.)—2. (Æsch. in Timarch.)—3. (Meier, Att. Process, p. 652.)—4. (Æsch. in Ctes., c. 11, p. 375.)—5. (Æsch., l. c.)—6. (Pollux, Onom., vii, 8, § 12.)—7. (Harpocrat., s. v.)—8. (Æl. Spartianus, Hadr., vi, 14.)—9. (Dion., lxxi, 10.—Ptole., vii, 9, § 4.)—9. (Dioscor. v. 14.—Adams, Append., s. v.)—10. (Theophrast., II. P., ix, 15.—Dionys. Perieget., iv, 131.—Adams, Append., s. v.)

1. (Apolog. Socr., p. 27, c.)—2. (Att. Process, p. 465.)—3. (Demosth. in Steph., l., 1115.)—4. (Diog. Laert., iii, c. 5, s. 19.)

ANTLIA.

The annexed figure shows a machine which is still used on the river Eissach, in the Tyrol, the ancient *Atags*. As the current puts the wheel in motion, the jars on its margin are successively immersed and filled with water. When they reach the top, the centrifugal force, conjoined with their oblique position, sends the water sideways into a trough, from which it is conveyed to a distance, and chiefly used for irrigation. Thus, by the incessant action of the current itself, a portion of it is every instant rising to an elevation nearly equal to the diameter of the wheel.



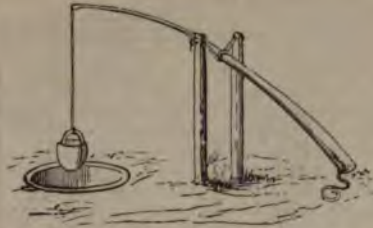
Lucretius¹ mentions a machine constructed on this principle: "*Ut fluvius versare rotas aque hanstra rotas.*" The line is quoted by Nonius Marcellus,² who observes that the jars or pots of such wheels (*rotarum cadi*) are properly called "*hanstra* *hauriendo*," as in Greek they are called *άντλια*.

In situations where the water was at rest, as in a pond or a well, or where the current was too slow and feeble to put the machine in motion, it was so constructed as to be wrought by animal force, and slaves or criminals were commonly employed for the purpose. Five such machines are described by Vitruvius, in addition to that which has been already explained, and which, as he observes, was named *inter operarum calcatura, ipsius fluminis impulsu*. These five were: 1. the tympanum; a tread-wheel, wrought *hominibus calcantibus*: 2. a wheel resembling that in the preceding figure, but having, instead of pots, wooden boxes or buckets (*modioli pistrati*), so arranged as to form steps for those who toad the wheel: 3. the chain-pump: 4. the *cochlea*, or Archimedes's screw; and, 5. the *clesibica machina*, or forcing-pump.³

Suetonius⁴ mentions the case of a man of equestrian rank condemned to the antlia. The nature of the punishment may be conceived from the words of Arsenidorus.⁵ He knew a person who dreamed that he was constantly walking, though his body did not move; and another who dreamed that water was flowing from his feet. It was the lot of each to be condemned to the antlia (*εις άντλιαν καταδικασθεις*), and thus to fulfil his dream.

On the other hand, the antlia with which Martial⁶ watered his garden was probably the pole and bucket universally employed in Italy, Greece, and Egypt. The pole is curved, as shown in the annexed figure; because it is the stem of a fir, or some other tapering tree. The bucket, being attached to

ANTYX



the top of the tree, bends it by its weight, and the thickness of the other extremity serves as a counterpoise. The great antiquity of this method of raising water is proved by representations of it in Egyptian paintings.¹

ANTOMOSTIA (*άντομοσία*), a part of the *άνάκρισις*, or preliminary pleadings in an Athenian lawsuit. The term was used of an oath taken by both parties; by the plaintiff, that his complaint was well-founded, and that he was actuated by no improper motives; and by the defendant, that his defence was true. It was also called *διωμοσία*. The oath might contain either the direct affirmative or negative, in which case it was called *ειθυδικία*; or amount to a demurrer or *παράγραφή*. The *άντομοσία* of the two parties correspond to our bills or declarations on the one side, and to the replies, replications, or rejoinders on the other. (*Vid. ANTIGRAPHE.*)

ANTYX (*άντυξ*), (probably allied etymologically to AMPYX (*άμπυξ*), the rim or border of anything, especially of a shield or chariot.

The rim of the large round shield of the ancient Greeks was thinner than the part which it enclosed. Thus the ornamental border of the shield of Achilles, fabricated by Vulcan, was only threefold, the shield itself being sevenfold.² In another part of the *Iliad*,³ Achilles sends his spear against Æneas, and strikes his shield *άντυξ* *ύπό πρώτην*, i. e., "on the outermost border," where (it is added) the bronze was thinnest, and the thinnest part of the ox-hide was stretched over it. In consequence of the great size of this round shield, the extreme border (*άντυξ περιμάτη*)⁴ touched the neck of the wearer above, and the lower part of his legs below. In the woodcut, in the article ANTEFIXA, we see the *άντυξ* on one side of Minerva's shield.

On the other hand, the *άντυξ* of a chariot must have been thicker than the body to which it was attached, and to which it gave both form and strength. For the same reason, it was often made double, as in the chariot of Juno (*Διοιαι δέ περιδρομοι άντυγες εισι*)⁵. In early times, it consisted of the twigs or flexible stem of a tree (*δρυπηκε*)⁶, which were polished and shaped for the purpose. Afterward, a splendid rim of metal formed the summit of the chariot, especially when it belonged to a person of wealth and rank.

In front of the chariot, the *άντυξ* was often raised above the body, into the form of a curvature, which served the purpose of a hook to hang the reins upon when the charioteer had occasion to leave his vehicle.⁷ Hence Euripides says of Hippolytus, who had just ascended his chariot, *Μάρπητι δέ χειρσιν ήνυλας άπ' άντυγος*⁸.

On Etruscan and Greek vases, we often see the chariot painted with this appendage to the rim much elevated. The accompanying woodcut shows it in a simpler form, and as it appears in the ANTEFIXA, engraved in the work of Carloni, which has been already quoted.

By Synecdoche, *άντυξ* is sometimes used for a chariot, the part being put for the whole.⁹ It is

1. (v. 317.)—2. (lib. i.)—3. (Vitruv., x., c. 4-7.—Driesberg, *Formen Entstellungen der Griechen*, p. 44-50.)—4. (Tiber., 51.)—5. (Dionysius, i., 20.)—6. (il., 19.)

1. (Wilkinson, *Manners and Cust. of Anc. Egypt*, ii., 1-4.)—2. (Il., xviii., 479.)—3. (xx., 275.)—4. (Il., vi., 118.)—5. (Il., v. 728.)—6. (Il., xxi., 38.)—7. (Il., v., 262, 322.)—8. (1178.)—9. (Callim., *Hymn. in Dian.*, 140.)



also used metaphorically, as when it is applied by Moschus¹ to the horns of the new moon, and by Euripides² to the frame of a lyre.

Likewise the orbits of the sun and planets, which were conceived to be circular, were called *ἀντρογες οὐρανοί*. The orbit of Mars is so denominated in the Homeric Hymn to Mars;³ and the zodiac, in an epigram of Synesius, descriptive of an astrolabe.⁴ Alluding to this use of the term, a celebrated philosopher, having been appointed Prefect of Rome by the Emperor Julian, and having thus become entitled to ride in a chariot with a silver rim, laments that he was obliged to relinquish an ethereal for a silver *ἀντροξ*.⁵

APAGELOI (*ἀπάγελοι*), the name of those youths among the Cretans who had not reached their eighteenth year, and therefore did not belong to any *ἀγέλη*. (Vid. ΛΟΓΕΙ.) As these youths usually lived in their father's house, they were called *σκοτοί*.⁶

APAGOGE (*ἀπαγωγή*), a summary process, allowed in certain cases by the Athenian law. The term denotes not merely the act of apprehending a culprit caught *in ipso facto*, but also the written information delivered to the magistrate, urging his apprehension.⁷ We must carefully distinguish between the *apagoge*, the *endeixis*, and the *ephegesis*. The *endeixis* was an information against those who took upon themselves some office, or exercised some right, for which they were by law disqualified; or those whose guilt was manifest, so that the punishment only, and not the fact, was to be determined. Pollux says that the *endeixis* was adopted when the accused was absent, the *apagoge* when he was present. Demosthenes distinguishes expressly between the *endeixis* and the *apagoge*.⁸ When the complainant took the accused to the magistrate, the process was called *apagoge*; when he led the magistrate to the offender, it was called *ephegesis*; in the former case, the complainant ran the risk of forfeiting 1000 drachmæ if his charge was ill-founded.⁹ The cases in which the *apagoge* was most generally allowed were those of theft, murder, ill-usage of parents, &c. The punishment in these cases was generally fixed by law; and if the accused confessed, or was proved guilty, the magistrate could execute the sentence at once, without appealing to any of the jury-courts; otherwise it was necessary that the case should be referred to a higher tribunal.¹⁰ The magistrates who presided over the *apagoge* were generally the Eleven (*οἱ ἐνδεκα*);¹¹ sometimes the chief archon,¹² or the thesmothetæ.¹³ The most important passage with regard to the *apagoge*¹⁴ is unfortunately corrupt and unintelligible.¹⁵ The com-

plainant was said *ἀπάγειν τὴν ἀπαγωγή* *κῆρας*, when they allowed it, *παρέδωκε τὴν ἀπαγωγή*.

*APARINE (*ἀπαρίνη*), a species same with the *Lappa* of the Romans called *Cleavers*, *Clivers*, or *Goose-grass* in the first edition of his R. H. H., he *Arctium Lappa*, or Burdock; a mis-silently corrects in his edition of Dio-cording to Galen, it is the *φιλιστιον* of Hippocrates.²

*AP'ATE (*ἀπάτη*), the name of a festival in Theophrastus.³ Great diversity of views, however, with respect to the precise meaning, some making it *ἀπάτη*, and others *ἀφάρτη*; refers it to the *Leontodon Taraxacum*, but Stackhouse hesitates between it and the *Hieracium* or *Hawkweed*.⁴

ΑΠΑΤΗ ΣΕΩΣ τοῦ δήμου γραφή. (πρὸς τὸν δῆμον γραφή.)

APATURIA (*ἀπαυρία*) was a festival which the Athenians had in common with the Greeks of the Ionian name,⁵ with those of Colophon and Ephesus. It was celebrated in the month of Pyanepsion, and lasted three days. The origin of this festival is not known in the following manner: About the year 480 B.C. the Athenians were carrying on a war with the Boeotians, concerning the district of Thebes. According to others, respecting the Boeotians. The Boeotian Xanthius or Xanthus, king of Attica, to whom Melanthus, a Boeotian, offered himself for Thymætes, on condition that, if he should be the successor to Thymætes, he would be accepted; and when Xanthius began the engagement, there appeared to him a man in the *τραγῆ*, the skin of a goat. Melanthus reminded his adversary that he was violating the laws of single combat, and while Xanthius was engaged with him, Melanthus slew the *deceitful* Xanthus. At this time the Athenians celebrated two festivals, the *Apaturia*, and that of Dionysus Melanthus was believed to have been the man behind Xanthus. This is the story told by a scholiast on Aristophanes.⁶ This tradition is a false etymology of the name, which was formerly considered to be *ἀπατήν*, to deceive. All modern critics agree that the name is composed of *πατήρια*, which is perfectly consistent with Xenophon⁷ says of the festival: *Ἐν οἷσιν οἱ πατέρες καὶ οἱ συγγενεῖς ξύνεισι*. According to this derivation, it is a festival at which the phratræ met, to discuss their own affairs. But, as every citizen belongs to a phratría, the festival extended to all the citizens, who assembled according to phratría, on account of the prominent part which they take in the legend respecting the origin of the festival. Apaturia, conceives that it arose from the circumstance that families belonging to the tribe of the Ægicoræ had been registered as citizens.

The first day of the festival, which was celebrated on the eleventh of the month of Pyanepsion, called *δορπία* or *δορπεία*;¹⁰ on which day the citizens went in the evening to the phratrion, of some wealthy member of his own phratría there enjoyed the supper prepared for

1. (ii., 88.)—2. (Hippol., 1135.)—3. (l. 8.)—4. (Brunck, Ant., ii., 449.)—5. (Themistius, Brunck, Anthol., ii., 404.)—6. (Schol. in Eurip., Alcest., 1009.)—7. (Suidas: 'Απαγωγή μῆνας Ἐργαφῶς εὐδομένη τῷ ἀρχόντι περὶ τοῦ δαῖν ἀποσθῆναι τὸν δαῖνα.)—8. (c. Timocr., p. 745, 29.)—9. (Demosth., c. Androt., p. 601, 20. 'Ἐβήσομαι, καὶ συντῶ πιστεύεις; ἀπαγετὶ ἐν χιλίοις δὲ ὁ κίνδυνος ἀδελφώτερος εἰς τοὺς ἀρχόντας ἰθὺς τὸν ποσῆσοντα ἑαίνου.)—10. (Æsch., c. Timarch., c. 37.—Demosth., de Fals. Legat., 431, 7.)—11. (Demosth., c. Timocr., 736.—Lys. adv. Agorast., c. 83.)—12. (Æsch., c. Timarch., c. 64.)—13. (Demosth., c. Aristocr., 630, 16.)—14. (Lysias, c. Agorast., § 85, 86.)—15. (Vid. Slufter, Lect. Andocid., p. 254, &c.)

1. (Martyn in Virg., Georg., i., 153.)—2. (Theophrast., H. P., vii., 8.—Adams, Appendix, vii., 8.)—3. (Adams, Appendix, s. v.)—4. (H. (Archæol., 146.)—5. (Müller, Doria, i., 5, 4.—Titl., p. 288.)—6. (Hellen., i., 7, § 8.)—7. (p. 200.)—8. (Philvll. in Herod., in Adria., s. v.)—9. (Aristot., Achæol., 146)

APEX.

bearers (*οὐνόπται*) were not idle on this occasion; they may be seen from Photius.¹ The second day was called 'Ανάβρυσος (*ἀναβρῦστος*), or sacrifice offered on this day to Zeus, *σὺρ-βράτρουρος*, and to Athena, and sometimes to Melanægis. This was a state sacrifice, and all citizens took part. The day was chiefly to the gods, and to it must, perhaps, be contrasted Harpocratio² mentions, from the Atthis, that the Athenians at the apaturia used to lendidly, kindle torches on the altar of Zeus, and sacrifice and sing in honour of him. On Plato,³ in opposition to all other authorities the first day of the Apaturia 'Ανάβρυσος, second *δορτία*, which is, perhaps, nothing more than a slip of his pen.

The third day, called *κουρεῶτις* (*κούρος*), children in that year, in the families of the phratry as were not yet registered, were taken to the altar, or, in their absence, by their representatives (*κύριοι*), before the assembled members of the phratry. For every child, a sheep or goat was sacrificed. The victim was called *μείον*, and sacrificed it *μειγαγωγός*, *μειγαγωγέιν*. It is said that the victim was not allowed to be below, according to Pollux,⁴ above a certain weight. If any one thought he had reason to oppose the reception of the child into the phratry, he stated his objections, and, at the same time, led away the victim to the altar.⁵ If the members of the phratry raised objections to the reception of the child to the altar, the victim was removed; when no objections were raised, the father, or he who supplied the victim, was obliged to establish by oath that the child was the offspring of free-born parents and of Athens.⁶ After the victim was sacrificed, the phratores gave their votes, which they cast in the altar of Jupiter Phratrius. When the majority voted against the reception, the cause was tried before one of the courts of Athens; if the claims of the child were found unobjectionable, its name, as well as that of the father, was entered in the register of the phratry, and the child was liable to effect the exclusion of the father, or he who had wished to effect the exclusion of the child, was liable to be punished.⁷ Then followed the libation of wine and of the victim, of which the sacrificer received his share; and poems were recited by the elder boys, and a prize was given to the best. On this day, also, illegitimate children, on the privileges of Athenian citizens were to be admitted, as well as children adopted by citizens and newly-created citizens, were introduced; last, it appears, could only be received into the phratry when they had previously been adopted as citizens; and their children, when born by a citizen, who was a citizen, had a legitimate claim to be admitted in the phratry of their grandfather, or their mother's side.⁸ In later times, however, the culties of being admitted into a phratry have been greatly diminished.

Some writers have added a fourth day to this festival, under the name of *ἐπιθδα*;⁹ but this is not a day of the festival, for *ἐπιθδα* signifies either a day subsequent to any festival.¹⁰

LEUTHEROI. (Vid. LIBERTI.)

ER. (Vid. ΚΑΡΟΣ.)

RTA NAVIS. (Vid. ΑΦΡΑΚΤΟΣ.)

X, a cap worn by the flamines and salii at the Apaturia. The use of it was very ancient, being mentioned among the primitive institutions of Numa.

APHIA.

"Hinc ancilia, ab hoc apices, capidisque repetas."¹

The essential part of the apex, to which alone the name properly belonged, was a pointed piece of olive-wood, the base of which was surrounded with a lock of wool. This was worn on the top of the head, and was held there either by fillets only, or, as was more commonly the case, by the aid of a cap, which fitted the head, and was also fastened by means of two strings or bands (*amenta*, *lora*).² These bands had, it appears, a kind of knot or button, called *offendix* or *offendiculum*.³

The flamines were forbidden by law to go into public, or even into the open air, without the apex.⁴ Sulpicius was deprived of the priesthood only because the apex fell from his head while he was sacrificing.⁵

Dionysius of Halicarnassus describes the cap as being of a conical form.⁶ On ancient monuments we see it round as well as conical. From its various forms, as shown on bas-reliefs and on coins of the Roman emperors, who, as priests, were entitled to wear it, we have selected six for the annexed woodcut. The middle figure is from a bas-relief showing one of the salii with the rod in his right hand. (Vid. ANCHLE.)



From apex was formed the epithet *apicatus*, applied to the flamen dialis by Ovid.⁷

*APH'ACE (*ἀφάκη*), a kind of pulse or vetch. Fuchsius and Matthioli refer it to the *Vicia sepium*; Dalechamp to the *Vicia angustifolia*; Dodonæus and Stackhouse to the *Lathyrus aphacc*. To this last Sprengel refers it in the first edition of his R. H. H., but in his edition of Dioscorides he hesitates as to whether it was the *Vicia Bithymica*, the *V. lutea*, or the *V. hybrida*.⁸

*APHAR'CE (*ἀφάρκη*), a plant mentioned by Theophrastus,⁹ which Stackhouse suggests may be the *Rhamnus alaternus*, or Evergreen Privet. Sprengel, however, is in favour of the *Philyrea angustifolia*. Schneider remarks, that some of the characters given by Theophrastus are wanting in the *Philyrea*.¹⁰

ΑΦ'ΕΤΟΙ ΗΜΕΡΑΙ (*ἀφ'ετοὶ ἡμέραι*) were the days, usually festivals, on which the *βουλή* did not meet at Athens.¹¹

*APH'IA (*ἀφία*), a plant mentioned by Theophrastus, but of which nothing can be made satisfactorily, in consequence of the short notice given by him. Stackhouse suspects that it may be a false reading for *ἀφία*. In another place he suggests that it may be the *Caltha palustris*, or Marsh Marigold.¹²

1. (Lucilius, Sat. ix.—Compare Virgil, *Æn.*, viii., 663.)—2. (Serv. in Virg., l. c.)—3. (Festus, s. v. Offendices.)—4. (Scaliger in Fest., s. v. Apiculum.)—5. (Val. Max., i., 1.)—6. (Ant. Rom., ii.)—7. (Fast., iii., 369.)—8. (Dioscor., ii., 177.—Theophrast., H. P., viii., 8.—Adams, Append., s. v.)—9. (H. P., i., 9; vii., 3, &c.)—10. (Adams, Append., s. v.)—11. (Pollux, viii., 95.—Demosth., c. Timocr., c. 7, p. 708.—Xen., Rep. Athen. iii., 2, 8.—Aristoph., Thesmoph., 79, 80.)—12. (Theophrast., H. P., vii., 8.—Adams, Append., s. v.)

APHLASTON. (*Vid.* APLUSTRE.)

ΑΦΟΡΜΗΣ ΔΙΚΗ (*ἀφορμῆς δίκη*) was the action brought against a banker or money-lender (τραπέζιτης) to recover funds advanced for the purpose of being employed as banking capital. Though such moneys were also styled παρακαθήκαι, or deposits, to distinguish them from the private capital of the banker (*ἰδία ἀφορμή*), there is an essential difference between the actions ἀφορμῆς and παρακαθήκας, as the latter implied that the defendant had refused to return a deposit entrusted to him, not upon the condition of his paying a stated interest for its use, as in the former case, but merely that it might be safe in his keeping till the affairs of the plaintiff should enable him to resume its possession in security.¹ The former action was of the class πρὸς τινα, and came under the jurisdiction of the thesmothetæ. The speech of Demosthenes in behalf of Phormio was made in a παραγραφή against an action of this kind.

APHRACTUS (*ἀφρακτος ναῦς*), called also *navis aperta*, a ship which had no deck, but was merely covered with planks in the front and hinder part, as is represented in the following cut, taken from a coin of Coreyra.



The ships which had decks were called *κατάφρακτοι*, and *tectæ* or *stratæ*.² At the time of the Trojan war, the Greek ships had no decks,³ but were only covered over in the prow and stern, which covering Homer calls the *ἰκρία νηός*. Thus Ulysses, when preparing for combat with Scylla, says, *Εἰς ἰκρία νηός ἔβαινον Πηρώης*.⁴ Even in the time of the Persian war, the Athenian ships appear to have been built in the same manner, since Thucydides expressly says that "these ships were not yet entirely decked."⁵

APHRODISIA (*Ἀφροδίσια*) were festivals celebrated in honour of Aphrodite in a great number of towns in Greece, but particularly in the island of Cyprus. Her most ancient temple was at Paphos, which was built by Aërias or Cinyras, in whose family the priestly dignity was hereditary.⁶ No bloody sacrifices were allowed to be offered to her, but only pure fire, flowers, and incense;⁷ and, therefore, when Tacitus⁸ speaks of victims, we must either suppose, with Ernesti, that they were killed merely that the priests might inspect their intestines, or for the purpose of affording a feast to the persons present at the festival. At all events, however, the altar of the goddess was not allowed to be polluted with the blood of the victims, which were mostly he-goats. Mysteries were also celebrated at Paphos in honour of Aphrodite; and those who were initiated offered to the goddess a piece of money, and received in return a measure of salt and a phallus. In the mysteries themselves,

1. (Herald., Animadv. in Salm., 182.)—2. (Compare Cic., Att., v., 11, 12, 13; vi., 8.—Liv., xxxi., 22.—Hirt., Bell. Alex., 11, 13.—Cass., Bell. Civ., i., 56.—) Atque contexerant, ut essent ab lecta telorum remiges totæ." ii., 4.—Polyb., i., 20, § 15.)—3. (Ὅμοιὰ τὰ πλοῖα κερὰ φρακτὰ ἔχοντα, Thucyd., i., 10.)—4. (Od., xii., 229.)—5. (αὐτὰ οὐκ εἶχον διὰ πάσης καταστρώματα, Thucyd., i., 14.—Vid. Scheffer, de Militia Navali, ii., c. 5, p. 130.)—6. (Tacit., Hist., ii., 3.—Annal., iii., 62.)—7. (Virg., Æn., i., 116.)—8. (Hist., ii., 3.)

they received instructions *ἐν τῇ τέχνῃ μοιχικῇ*. A second or new Paphos had been built, according to tradition, after the Trojan war, by the Arcadian Agapenor; and, according to Strabo,¹ men and women from other towns of the island assembled at New Paphos, and went in solemn procession to Old Paphos, a distance of sixty stadia: and the name of the priest of Aphrodite, *ἀγήτωρ*,² seems to have originated in his heading this procession. Aphrodite was worshipped in most towns of Cyprus and in other parts of Greece, such as Cythera, Sparta, Thebes, Elis, &c.; and though no Aphrodisia are mentioned in these places, we have no reason to doubt their existence: we find them expressly mentioned at Corinth and Athens, when they were chiefly celebrated by the numerous prostitutes.³ Another great festival of Aphrodite at Adonis, in Sestus, is mentioned by Musæus.⁴

*APIASTELLUM, the herb *Crow-foot*, *Gold Knop*, or *Yellow Crow*. It is the same with the *Batrachium* and *Apium rusticum*.⁵ This same name is also applied sometimes to the *Briony*. Humelbergius, however, thinks that in this latter case *Apiastellum* is corrupted from *Ophiostophyle*, which last is enumerated by Dioscorides among the name of the *Briony*.⁶

*APIASTER, the Bee-eater, a species of bird (*Vid.* MEROPS.)

*APIASTRUM. (*Vid.* MELISSOPHYLLUM.)

*APION (*ἄπιον*), the *Pyrus communis*, or Pear tree.⁷ (*Vid.* PYRUS.)

*APIOS (*ἄπιος*), a species of Spurge, the *Euphorbia apios*.⁸

*APIS (*μέλισσα* or *-ίτρα*), the Bee. "The natural history of the common hive-bee (*Apis mellifica*) is so remarkable, that it need not excite surprise that the ancients were but imperfectly acquainted with it. Among the earliest of the observers of the bee may be enumerated Aristotle⁹ and Virgil,¹⁰ as also Aristomachus of Soli in Cilicia, and Philiscus the Thasian. Aristomachus, we are told by Pliny, attended solely to bees for fifty-eight years; and Philiscus, it is said, spent the whole of his time in forests, investigating their habits.¹¹ Both these observers wrote on the bee. Aristotle notices several other species besides the honey-bee, but in so brief a manner that they cannot be satisfactorily determined." The bee plays an important part among the religious symbols of antiquity, and there appears, according to some inquirers, a resemblance more than accidental between its Latin name and that of the Egyptian *Apis*.¹²

*APIUM (*σέλινον*), a well-known plant. Theophrastus speaks of several sorts: the *σέλινον ἡμερων*, which is generally thought to be our common Parsley; the *ἵπποσέλινον*, which seems to be what is now called *Alexanders*; the *ἑλειοσέλινον*, *Wild Celery* or *Smallage*; and the *ὄρεοσέλινον*, or *Mountain-parsley*. Virgil is generally thought by *Apium* to mean the first sort, that being principally cultivated in gardens. Martyn, however, thinks he means the *Smallage*, which delights in the banks of rivulets, and hence the language of the poet, "*vis des apio ripæ*," and "*potis gauderent rivis*." Fé also makes the *Apium* of Virgil the same with the *Apium graveolens*, L., or *ἑλειοσέλινον*. Our celery is that variety of the *A. graveolens* which is called *dulce* by Miller. The wild species has a bitter acrid taste, and is unfit to eat.—According to the generality of writers, the term *apium* comes from *apis*, because bees are fond of this plant. A much better derivation, however, is from the Celtic *apion*

1. (xiv., p. 244, ed. Tauchnitz.)—2. (Hesych., s. v.)—3. (Atheneus, xiii., p. 574, 579; xiv., p. 659.)—4. (Héroet Lezard 42.)—5. (Apul., de Herb., c. 8.)—6. (Dioscor., iv., 184.—Hemelberg, in loc.)—7. (Dioscor., i., 167.)—8. (Dioscor., iv., 174.)—9. (H. A., v., 19.)—10. (Georg., iv.)—11. (Plin., H. N., xl., § 12.)—12. (Creuzer, Symbolik, ii., 183; iii., 354; iv., 391, &c.)

APLUSTRE.

ter." The French term *ache* comes from *aches*, the same language, signifying "a brook."
PLUSTRE (ἀφλάστον), an ornament of wooden staves, which constituted the highest part of the stern of a ship.
 The position of the aplustre is shown in the representations of ancient vessels in the articles **ANAKLISMA** and **ANTENNA**. The forms there exhibited correspond to a general appearance which is effected between the aplustre which terminated the stern, and the ἀκροστόλιον which advanced to the prow, proceeding from the prow. (Vid. **ACROSOMA**.) At the junction of the aplustre with the stern on which it was based, we commonly observe an ornament resembling a circular shield: this was the ἀσπίδιον or ἀσπίδοσκη. It is seen on the aplustria here represented.



In the history of the Argonautic expedition, Athena is described, which perches on the aplustre of the ship Argo, and delivers oracular counsel.¹ At the battle, the extremities of this appendage to the stern are smashed by the collision of the Symplegades, while the body of the vessel narrowly escapes passage between those islands.² In the battle at the ships related by Homer,³ as Hector takes a firm hold of one by its aplustre, while he incites his followers to bring fire upon them. After the battle of Marathon, a similar incident is mentioned by Herodotus, especially the distinguished bravery of Cynætes, brother of the poet Æschylus, who, having the aplustre of a Persian ship, had his hand cut off by a hatchet. In these cases we must suppose the aplustre to have been directed, not towards the stern of the vessel, but in the opposite direction.

The aplustre rose immediately behind the gubernator, who held the rudder and guided the ship, and was in some degree to protect him from the wind and rain. The figure introduced in the ἀρκαδικὸν shows that a pole, spear, or standard (ἄσπεδος) was sometimes erected beside the stern, to which a fillet or pennon (ραβία) was attached. This served both to distinguish and to ornament the vessel, and also to show the direction of the wind. In the figure of a ship, sculptured on the arch of Trajan, we see a lantern suspended from the stern so as to hang over the deck below the gubernator. In like manner, when we read in Virgil *Puppibus et lateri navite imponere coronas*, we suppose the garlands, dedicated to the domes-

APOCYNON.

tic or marine divinities, and regarded as symbols of a prosperous voyage, to be attached to the aplustria; and to these and similar decorations, expressive of joy and hope, Gregory Nazianzen appears to allude in the phrase *ἀνθεα πρίμνης*,¹ and Apollonius Rhodius² in the expression *ἀφλάστοιο κόρυμβα*.

It is evident that the aplustre, formed of comparatively thin boards, and presenting a broad surface to the sky, would be very apt to be shaken by violent and contrary winds. Hence Rutilius, describing a favourable gale, says: "*Inconcusca vehit tranquillus aplustria flatus; Mollia securo vela rudente tremunt.*"

In consequence of its conspicuous position and beautiful form, the aplustre was often taken as the emblem of maritime affairs. It was carried off as a trophy by the conqueror in a naval engagement. Juvenal³ mentions it among the decorations of a triumphal arch.

Neptune, as represented on gems and medals, sometimes holds the aplustre in his right hand; and



in the celebrated Apotheosis of Homer, now in the British Museum, the female who personates the Odyssey exhibits the same emblem in reference to the voyages of Ulysses.

ΑΠΟΒΑΤΕ (ἀποβάτης). (Vid. **DESULTORES**.)

ΑΠΟΚΕΡΥΞΙΣ (ἀποκέρυξις) implies the method by which a father could at Athens dissolve the legal connexion between himself and his son. According to the author of the declamation on the subject (*Ἀποκερυττόμενος*), which has generally been attributed to Lucian, substantial reasons were required to ensure the ratification of such extraordinary severity. Those suggested in the treatise referred to are, deficiency in filial attention, riotous living, and profligacy generally. A subsequent act of pardon might annul this solemn rejection; but if it were not so avoided, the son was denied by his father while alive, and disinherited afterward. It does not, however, appear that his privileges as to his tribe or the state underwent any alteration. The court of the archon must have been that in which causes of this kind were brought forward, and the rejection would be completed and declared by the voice of the herald. It is probable that an adoptive father also might resort to this remedy against the ingratitude of a son.⁴

ΑΠΟΧΕΙΡΟΤ'ΟΝΕΙΝ (ἀποχειροτονεῖν). (Vid. **ARCHAIRESIA**.)

***ΑΠΟ'ΚΥΝΟΝ** (ἀπόκυνον), a species of plant, which Matthioli informs us he long despaired of discovering; but that, at last, he was presented with a specimen of a plant which he was satisfied was it. He refers to the *Cynanchus erectus*, L. Dodonæus confounds it with the *Periploca*, to which, as Miller remarks, it bears a striking resemblance. Stephens describes it as being frequent in Burgundy, having an ivy leaf, white flower, and fruit like a bean.⁵

1. (Carm. x., 5.)—2. (I. c.)—3. (x., 135.)—4. (Demosth. in Spud., 1029.—Petit., Leg. Att., 235.)—5. (Dioscor., iv., 91. Adams, Append., s. v.)

1. (Carm. x., 5.)—2. (I. c.)—3. (x., 135.)—4. (Demosth. in Spud., 1029.—Petit., Leg. Att., 235.)—5. (Dioscor., iv., 91. Adams, Append., s. v.)

ΑΠΟΔΕΚΤΑΕ (ἀποδέκται) were public officers at Athens, who were introduced by Cleisthenes in the place of the ancient colacretæ (κολακρήται). They were ten in number, one for each tribe, and their duty was to collect all the ordinary taxes, and distribute them to the separate branches of the administration which were entitled to them. They had the power to decide causes connected with the subjects under their management; though, if the matters in dispute were of importance, they were obliged to bring them for decision into the ordinary courts.¹

ΑΠΟΓΡΑΦΗ ἀπογραφῆ) is, literally, a "list or register;" but, in the language of the Attic courts, the terms ἀπογράφειν and ἀπογράφεσθαι had three separate applications: 1. Ἀπογραφῆ was used in reference to an accusation in public matters, more particularly when there were several defendants; the denunciation, the bill of indictment, and enumeration of the accused, would in this case be termed apographe, and differ but little, if at all, from the ordinary graphe.² 2. It implied the making of a solemn protest or assertion before a magistrate, to the intent that it might be preserved by him till it was required to be given in evidence.³ 3. It was a specification of property, said to belong to the state, but actually in the possession of a private person; which specification was made with a view to the confiscation of such property to the state.⁴

The last case only requires a more extended illustration. There would be two occasions upon which it would occur: first, when a person held public property without purchase, as an intruder; and, secondly, when the substance of an individual was liable to confiscation in consequence of a judicial award, as in the case of a declared state debtor. If no opposition were offered, the ἀπογραφῆ would attain its object, under the care of the magistrate to whose office it was brought; otherwise a public action arose, which is also designated by the same title.

In a cause of the first kind, which is said in some cases to have also borne the name πῶθεν ἔχει τὰ χρήματα καὶ πόσα ταῦτα εἶη, the claimant against the state had merely to prove his title to the property; and with this we must class the case of a person that impugned the ἀπογραφῆ, whereby the substance of another was, or was proposed to be, confiscated, on the ground that he had a loan by way of mortgage or other recognised security upon a portion of it; or that the part in question did not in any way belong to the state debtor, or person so mulcted. This kind of opposition to the ἀπογραφῆ is illustrated in the speech of Demosthenes against Nicostratus, in which we learn that Apollodorus had instituted an ἀπογραφῆ against Arethusius, for non-payment of a penalty incurred in a former action. Upon this, Nicostratus attacks the description of the property, and maintains that three slaves were wrongly set down in it as belonging to Arethusius, for they were, in fact, his own.

In the second case, the defence could, of course, only proceed upon the alleged illegality of the former penalty; and of this we have an instance in the speech of Lysias for the soldier. There Polyæmus had been condemned by the generals to pay a fine for a breach of discipline; and, as he did not pay it within the appointed time, an ἀπογραφῆ to the amount of the fine was directed against him, which he opposes, on the ground that the fine was illegal. The ἀπογραφῆ might be instituted by an Athenian citizen; but if there were no private prosecutor, it became the duty of the demarchi to proceed with it officially. Sometimes, however, extra-

ordinary commissioners, as the συλλογείς and ὁμοῖται, were appointed for the purpose. The suits instituted against the ἀπογραφῆ belonged to the jurisdiction of the Eleven, and, for a while, to that of the Syndici.¹ The farther conduct of the causes would, of course, in a great measure, depend upon the claimant being or not being in possession of the proscribed property. In the first case ἀπογράφων, in the second the claimant, would appear in the character of a plaintiff. In a case, that of Nicostratus above cited, the claimant would be obliged to deposit a certain sum, which he forfeited if he lost his cause (παρακαταβολή); in the second he would probably be obliged to pay the costs of the court fees (πρυτανεῖα) upon the same contingency.

A private citizen, who prosecuted an individual by means of ἀπογραφῆ, forfeited a thousand drachmæ if he failed to obtain the votes of one fifth of the dicasts, and reimbursed the defendant his prytan upon acquittal. In the former case, too, he would probably incur a modified atimia, i. e., a restriction from bringing such actions for the future.

ΑΠΟΛΕΪΨΕΩΣ ΔΙΚΗ (ἀπολείψεως δίκη). The laws of Athens permitted either the husband or wife to call for and effect a separation. If originated with the wife, she was said to leave her husband's house (ἀπολείπειν); if otherwise, to be dismissed from it (ἀποπεμπέσθαι). The dismissal of the wife seems to have required little, if any, formality; but, as in one instance we find that the husband called in witnesses to attest it, we may infer that their presence upon such an occasion was customary, if not necessary.² If, however, it was originated by the wife that first moved in the matter, there were other proceedings prescribed by a law of Solon; and in the case of a virtuous matron like Hipparete, driven from the insulping profligacy of her husband Alcibiades to appear before the archon sitting in his court, she there relate her wrongs and dictate their enrolment, which must have been trying in the extreme. No action was permitted to speak for her upon this occasion, until the separation was completed, her husband was her legal protector, and her husband was her opponent.³ Whether the divorce was voluntary or otherwise, the wife resorted to the male relative with whom she would have remained if she had never quitted her maiden state; and it then became his duty to receive or recover from her late husband all the property that she had brought to him in her dowry, and to add to it the dowry upon their marriage. If, in this, both parties were satisfied, the divorce was complete and final; if otherwise, an action ἀποπέμψεως or ἀποπέμψεως would be instituted, as the case might be, by the party opposed to the separation. In this the wife would appear by her representative, as above mentioned; but of the forms of trial and its results we have no information.

ΑΠΟΛΛΟΝΙΑ (Ἀπολλώνια) is the name of a propitiatory festival solemnized at Sicyon in honor of Apollo and Artemis, of which Pausanias⁴ gives the following account: Apollo and Artemis, at the destruction of the Python, had wished to be sacrificed at Sicyon (Ægialea); but, being driven away by a phantom (whence, in aftertimes, a certain place in the town was called φόβος), they proceeded to Carmanos in Crete. Upon this, the inhabitants of Sicyon were attacked by a pestilence, and the king ordered them to appease the deities. Seven girls and the same number of girls were ordered to go to the river Sythas, and bathe in its waters; they were to carry the statues of the two deities into the temple of Peitho, and thence back to that of Similar rites, says Pausanias, still continue to be observed; for, at the festival of Apollo, the girls go to the river Sythas, and carry the two dei

1. (Psilax, Onom., viii., 97.—Etymolog. Mag.—Harpocrat.—Aristot., Pol., vi., 5, 4.—Demosth., c. Timocr., p. 750, 762.—Æsch., c. Ctes., p. 375.)—2. (Andoc., De Myst., 13.—Antiph., De Choret., 783.)—3. (Demosth. in Phanipp., 1040.)—4. (Lysias, De Aristoph. Bonis.)

1. (Πρὸς τοῖς ἐνδίκαις ἀπογραφῆς ἀπογράφων. Edited by Harpocration.)—2. (Lysias in Alcib., 541, l. 7; in Alc.)—4. (ii., 7, § 7.)

mpire of Peitho, and thence back to that of
ough festivals under the name of Apollonia,
our of Apollo, are mentioned in no other
still it is not improbable that they existed
the same name in other towns of Greece.

MOS'IA (ἀπιμοσία) denoted the affidavit of
grant who impugned the allegations upon
the other party grounded his petition for
ement of the trial. (Vid. HYPOMOSIA.) If
insisted upon, it would lead to a decision of
sion of delay by the court before which the
was preferred.¹

ΠΕΜΨ'ΕΩΣ ΔΙΚΗ. (Vid. ΑΠΟΛΕΨΕΩΣ

PHAN'SIS or APOPH'ASIS (ἀπόφανσις or
ς) was used in several significations in the
courts. I. It signified the proclamation of
sion which the majority of the judges came
end of a trial. This proclamation appears
been made by means of a herald.² II. It
ed to signify the day on which the trial took

III. It was employed to indicate the ac-
f a person's property, which was obliged to
n when an ἀντίδοσις was demanded. (Vid.
SIS.)

PH'ORA (ἀποφορά), which properly means
ce or profit' of any kind, was used at Ath-
signify the profit which accrued to masters
eir slaves.³ It thus signified the sum which
aid to their masters when they laboured on
n account, and the sum which masters re-
when they let out their slaves on hire, either
mines or any other kind of labour, and also
ey which was paid by the state for the use
slaves who served in the fleet.⁴ The term
was also applied to the money which was
the allied states to Sparta, for the purpose
ing on the war against the Persians. When
acquired the supremacy, these moneys were
ora.

PHORETA (ἀποδόρητα) were presents,
were given to friends at the end of an en-
er to take home with them. These presents
have been usually given on festival days,
lly during the Saturnalia.⁵

ΦΡΑΔΕΣ ΉΜΕΡΑΙ (ἀποφράδες ἡμέραι)
lucky or unfortunate days, on which no pub-
ness, nor any important affairs of any kind,
acted at Athens. Such were the last three
t one of every month,⁶ and the twenty-fifth
the month Thargelion, on which the plynte-
e celebrated.⁷

ΠΡΡΗΑΪΔΕΣ (ἀποβράϊδες), a species of sea-
noticed by Aristotle, belonging to the genus
according to Rondolet and Gesner. Lin-
alls it *Cochlea aporrhais*.⁸

ΠΡΡΗΕΤΑ (ἀπόρητα), literally "things for-
" has two peculiar but widely different ac-
ms in the Attic dialect. In one of these it
contraband goods, an enumeration of which,
different periods of Athenian history, is given
th.⁹ In the other it denotes certain contume-
pious, from the application of which both
ing and the dead were protected by special

Among these, ἀνόροφος, παραλοῖος, and
ως are certainly to be reckoned; and other
as ῥέφασπις, though not forbidden *nominatim*

by the law, seem to have been equally actionable.
The penalty for using these words was a fine of 500
drachmæ,² recoverable in an action for abusive lan-
guage. (Vid. ΚΑΚΕΓΟΡΙΑΣ.) It is surmised that
this fine was incurred by Midias in two actions on
the occasion mentioned by Demosthenes.³

ΑΠΟΣΤΑΣΪΟΥ ΔΙΚΗ (ἀποστασίον δίκη). This is
the only private suit which came, as far as we know,
under the exclusive jurisdiction of the polen.arch.⁴
It could be brought against none but a freedman
(ἀπελεύθερος), and the only prosecutor permitted to
appear was the citizen to whom he had been in-
debted for his liberty, unless this privilege was
transmitted to the sons of such former master. The
tenour of the accusation was, that there had been a
default in duty to the prosecutor; but what atten-
tions might be claimed from the freedman, we are
not informed. It is said, however, that the great-
est delict of this kind was the selection of a patron
(προστάτης) other than the former master. If con-
victed, the defendant was publicly sold; but if ac-
quitted, the unprosperous connexion ceased forever,
and the freedman was at liberty to select any citizen
for his patron. The patron could also summarily
punish the above-mentioned delinquencies of his
freedman by private incarceration without any le-
gal award.⁵

APOST'OLEIS (ἀποστολεῖς) were ten public offi-
cers at Athens, whose duty was to see that the ships
were properly equipped and provided by those who
were bound to discharge the trierarchy. They had
the power, in certain cases, of imprisoning the trier-
archs who neglected to furnish the ships properly;⁶
and they appear to have constituted a board in con-
junction with the inspectors of the docks (οἱ τῶν
νεωρίων ἐπιμεληταί) for the prosecution of all mat-
ters relating to the equipment of the ships.⁷

ΑΠΟΘΕ'CA (ἀποθήκη) was a place in the upper
part of the house, in which the Romans frequently
placed the earthen amphoræ in which their wines
were deposited. This place, which was quite dif-
ferent from the *cella vinaria*, was above the *fuma-
rium*, since it was thought that the passage of the
smoke through the room tended greatly to increase
the flavour of the wine.⁸

ΑΠΟΘΕΟ'ΣΙΣ (ἀποθέωσις), the enrolment of a
mortal among the gods. The mythology of Greece
contains numerous instances of the deification of
mortals, but in the republican times of Greece we
find few examples of such deification. The inhabi-
tants of Amphipolis, however, offered sacrifices to
Brasidas after his death;⁹ and the people of Egeste
built a *heroum* to Philippus, and also offered sacri-
fices to him on account of his personal beauty.¹⁰ In
the Greek kingdoms, which arose in the East on the
dismemberment of the empire of Alexander, it does
not appear to have been uncommon for the success-
or to the throne to have offered divine honours to
the former sovereign. Such an apotheosis of Ptol-
emy, king of Egypt, is described by Theocritus in
his 17th Idyl.¹¹

The term apotheosis, among the Romans, pro-
perly signified the elevation of a deceased emperor
to divine honours. This practice, which was com-
mon upon the death of almost all the emperors, ap-
pears to have arisen from the opinion, which was
generally entertained among the Romans, that the
souls or manes of their ancestors became deities;
and, as it was common for children to worship the
manes of their fathers, so it was natural for divine

lex, viii., 56.—2. (Ὅσταν τὰς ψήφους ἀνακρίπτῶσι
Lex. Lucian., pro Imagin., c. 29.)—3. (Demosth., c.
e. 13, p. 1153.—Lex. Rhet., p. 210.)—4. (ἀποφορά
ἐπὶ τῶν ἀδελφῶν τοῖς δεσποταῖς παρεχόμενα χρήματα.
s.—3. (Demosth., c. Aphob., i., c. 6, p. 819; c. Ni-
s., p. 1222.—Andoc., De Mystec., c. 9, p. 19.—Xen.,
i., c. 11.)—5. (Suet., Vesp., 19.—Cic., 55.—Octav., 75.
E. tit., i., 7, 8.)—7. (Etymol. Mag.)—8. (Plut., Alcib.,
Sisinn., Pseudolog., c. 13.—Schömann, De Com. Ath.,
s. 1. (Adrian., Append., s. v.)—10. (Pub. Econ. of Athens,
—11. (Meier, Att. Process., p. 482.)

1. (Lysias, c. Theomn., i., 353; ii., 377.—Vid. Herald., Ani-
mad., in Salmas., c. 13.)—2. (Isocr. in Loch., 396.)—3. (in Mid.,
540, 543.—Vid. etiam Hudtwalcker, de Dietet., p. 150.)—4.
(Aristot., De Ath. Rep., quoted by Harpocrat.)—5. (Petit.,
Legr. Attic., p. 261.)—6. (Demosth., pro Cor., p. 262.)—7. (De-
mosth., c. Euerg., p. 1147.—Meier, Att. Process., p. 112.)—8.
(Colum., i., 6, § 20.—Hor., Carm. iii., 8, 11; Sat. ii., 5, 7.—
Heindorf in loc.)—9. (Thucyd., vi., 11.)—10. (Herod., v., 48.)—
11. (Cassubon in Suet., Jul., 68.)

honours to be publicly paid to a deceased emperor, who was regarded as the parent of his country. This apotheosis of an emperor was usually called *consecratio*; and the emperor who received the honour of an apotheosis was usually said in *deorum numerum referri*, or *consecrari*. Romulus is said to have been admitted to divine honours under the name of Quirinus.¹

None of the other Roman kings appears to have received this honour; and also in the republican times we read of no instance of an apotheosis. Julius Cæsar was deified after his death, and games were instituted to his honour by Augustus.² The ceremonies observed on the occasion of an apotheosis have been minutely described by Herodian³ in the following passage: "It is the custom of the Romans to deify those of their emperors who die leaving successors, and this rite they call apotheosis. On this occasion a semblance of mourning, combined with festival and religious observances, is visible throughout the city. The body of the dead they honour after human fashion, with a splendid funeral; and, making a waxen image in all respects resembling him, they expose it to view in the vestibule of the palace, on a lofty ivory couch of great size, spread with cloth of gold. The figure is made pallid, like a sick man. During most of the day senators sit round the bed on the left side, clothed in black, and noble women on the right, clothed in plain white garments, like mourners, wearing no gold or necklaces. These ceremonies continue for seven days; and the physicians severally approach the couch, and, looking on the sick man, say that he grows worse and worse. And when they have made believe that he is dead, the noblest of the equestrian and chosen youths of the senatorial orders take up the couch, and bear it along the Via Sacra, and expose it in the old forum. Platforms, like steps, are built upon each side, on one of which stands a chorus of noble youths, and on the opposite a chorus of women of high rank, who sing hymns and songs of praise to the deceased, modulated in a solemn and mournful strain. Afterward they bear the couch through the city to the Campus Martius, in the broadest part of which a square pile is constructed entirely of logs of timber of the largest size, in the shape of a chamber, filled with fagots, and on the outside adorned with hangings interwoven with gold, and ivory images, and pictures. Upon this a similar but smaller chamber is built, with open doors and windows, and above it a third and fourth, still diminishing to the top, so that one might compare it to the lighthouses which are called Phari. In the second story they place a bed, and collect all sorts of aromatics and incense, and every sort of fragrant fruit, or herb, or juice; for all cities, and nations, and persons of eminence emulate each other in contributing these last gifts in honour of the emperor. And when a vast heap of aromatics is collected, there is a procession of horsemen and of chariots around the pile, with the drivers clothed in robes of office, and wearing masks made to resemble the most distinguished Roman generals and emperors. When all this is done, the others set fire to it on every side, which easily catches hold of the fagots and aromatics; and from the highest and smallest story, as from a pinnacle, an eagle is let loose, to mount into the sky as the fire ascends, which is believed by the Romans to carry the soul of the emperor from earth to heaven, and from that time he is worshipped with the other gods."

In conformity with this account, it is common to see on medals struck in honour of an apotheosis an altar with fire on it, and an eagle, the bird of Jupiter, taking flight into the air. The number of medals of this description is very numerous. We can,

from these medals alone, trace the names of sixty individuals who received the honours of an apotheosis, from the time of Julius Cæsar to that of Constantine the Great. On most of them the word *CONSECRATIO* occurs, and on some Greek coins the word ΑΠΙΕΡΩΣΙΣ. The following woodcut is taken



from an agate, which is supposed to represent the apotheosis of Germanicus.¹ In his left hand he holds the cornucopia, and Victory is placing a laurel crown upon him.

A very similar representation to the above is found on the triumphal arch of Titus, on which Titus is represented as being carried up to the skies on an eagle.

Many other monuments have come down to us which represent an apotheosis. Of these the most celebrated is the bas-relief in the Townley gallery in the British Museum, which represents the apotheosis of Homer. It is clearly of Roman workmanship, and is supposed to have been executed in the time of the Emperor Claudius. An interesting account of the various explanations which have been proposed of this bas-relief is given in the *Townley Gallery*, published by the Society for the Diffusion of Useful Knowledge, vol. ii., p. 119, &c.

There is a beautiful representation of the apotheosis of Augustus on an onyx-stone in the royal museum at Paris.

The wives, and other female relatives of the emperors, sometimes received the honour of an apotheosis. This was the case with Livia Augusta, with Poppæa the wife of Nero, and with Faustina the wife of Antoninus.²

For farther information on this subject, see Mencken, *Disputatio de Consecratione*, &c.; and Schœpflin, *Tractatus de Apotheosi*, &c., Argent., 1730.

APPARITORES, the general name for the public servants of the magistrates at Rome, namely, the ACCENSI, CARNIFEX, COACTORES, INTERPRETES, LICITORES, PRECONES, SCRIBÆ, STATOR, STRATOR, VIATORES, of whom an account is given in separate articles. They were called apparitores because they were at hand to execute the commands of the magistrates.³ Their service or attendance was called *apparitio*.⁴ The servants of the military tribunes were also called apparitores. We read that the Emperor Severus forbade the military tribunes to retain the apparitores, whom they were accustomed to have.⁵

Under the emperors, the apparitores were divided into numerous classes, and enjoyed peculiar privileges, of which an account is given in *Just., Cod.* 12, tit. 52-59.

APPELLATIO (GREEK), (ἐφεσις or ἐνάδικια). Owing to the constitution of the Athenian tribunals, each of which was generally appropriated to its

1. (Montfaucon, *Ant. Expl. Suppl.*, vol. v., p. 137.—2. (Suet., *Claud.*, 11.—Dion., ix., 5.—Tac., *Ann.*, xvi., 21.—Cephalon., *Anton. Philos.*, 26.)—3. ("Quod iis apparebant et præsto erant ad obsequium." Serv. in Virg., *Æn.*, xii., 850.—Cic., *pro Clu. ent.*, c. 53.—Liv., i., 8.)—4. (Cic., *ad Fam.*, xiv., 54, *ad Qu. Fr.*, i., 1, § 4.)—5. (Lamprid., *Sev.*, c. 52.)

1. (Plut., *Rom.*, 27, 28.—Liv., i., 16.—Cic., *De Rep.*, ii., 10.)
2. (Suet., *Jul.*, 81.)—3. (iv., 3.)

riticular subjects of cognizance, and, therefore, could not be considered as homogeneous with, or subordinate to, any other, there was little opportunity for bringing appeals, properly so called. It is to be observed, also, that in general a cause was finally and irrevocably decided by the verdict of the *dicasts* (*δικαὶ αὐτοτελής*). There were, however, some exceptions, in which appeals and new trials might be resorted to.

A new trial to annul the previous award might be obtained, if the loser could prove that it was owing to his negligence that judgment had gone by default, or that the dicasts had been deceived by false witnesses. (Compare *ΕΡΗΜΟΣ ΔΙΚΗ, ΚΑΤΟΤΕΧΝΙΩΝ, and ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ ΔΙΚΑΙ.*) And upon the expulsion of the thirty tyrants, a special law annulled all the judgments that had been given during the usurpation.¹ The peculiar title of the above-mentioned causes was *ἀνάδικοι δίκαι*, which was also applied to all causes of which the subject-matter was by any means again submitted to the decision of a court.

An appeal from a verdict of the heliasts was allowed only when one of the parties was a citizen of a foreign state, between which and Athens an agreement existed as to the method of settling disputes between individuals of the respective countries (*δικαὶ ἀπὸ συμβόλων*). If such a foreigner lost his case at Athens, he was permitted to appeal to the *prova* court in another state, which (*ἐκκλητος* *πρωτο*) Bockh, Schömann, and Hudtwalcker suppose to have been the native country of the litigant. Platner, on the other hand, arguing from the intention of the regulation, viz., to protect both parties from the partiality of each other's fellow-citizens, contends that some disinterested state would probably be selected for this purpose. The technical words employed upon this occasion are *ἐκκαλεῖσθαι, ἐκαλεῖσθαι, and ἡ ἐκκλητος*, the last used as a substantive, probably by the later writers only, for *πρωτος*.² Thus, as well as the other cases of appeal, are noticed by Pollux³ in the following words:

Ἐπίσης is when one transfers a cause from the arbitrators (*διαίτηται*), or archons, or men of the assembly (*δημόται*), to the dicasts, or from the senate to the assembly of the people, or from the assembly to a court (*δικαστήριον*), or from the dicasts to a foreign tribunal; and the cause was then termed *ἐπίσης*. Those suits were also called *ἐκκλητοι* *δικαί*. The deposit staked in appeals, which we now call *παρόβολον*, is by Aristotle styled *παρόβολον*.⁴ The appeals from the *diatetes* are generally mentioned by Demosthenes;⁵ and Hudtwalcker supposes that they were allowable in all cases except when the *μη οὐσα δίκη* was resorted to. (*Vid. tit.*)

It is not easy to determine upon what occasions appeal from the archons could be preferred; for, at the time of Solon, their power of deciding cases had degenerated into the mere presidency of court (*ἀρχοντία δικαστηρίων*), and the conduct of a previous examination of causes (*ἀνάκρισις*). It has been also remarked,⁶ that upon the plaintiff's not being rejected in this previous examination as fit to be brought before a court, he would most probably proceed against the archon in the assembly of the people for denial of justice, or would wait till the expiration of his year of office, and attack him when he came to render the account of his conduct in the magistracy (*εὐθύναι*). An appeal, however, from the archons, as well as from other officers, was very possible, when they imposed a fine of their own authority, and without sanction of a court; and it might also take

place when the king archon had by *ἑστ* sole voice made an award of dues and privileges (*γέγρα*) contested by two priesthoods or sacerdotal races.¹

The appeal from the *demotæ* would occur when a person, hitherto deemed one of their members, had been declared by them to be an intruder, and no genuine citizen. If the appeal were made, the *demotæ* appeared by their advocate as plaintiff, and the result was the restitution of the franchise, or thenceforward the slavery of the defendant.

It will have been observed, that in the last three cases, the appeal was made from few, or single, or local judges to the heliasts, who were considered the representatives of the people or country. With respect to the proceedings, no new documents seem to have been added to the contents of the *echinus* upon an appeal; but the *anacrisis* would be confined merely to an examination, as far as was necessary, to those documents which had been already put in by the litigants.

There is some obscurity respecting the two next kinds of appeal that are noticed by Pollux. It is conjectured by Schömann² that the appeal from the senate to the people refers to cases which the former were, for various reasons, disinclined to decide, and by Platner,³ that it occurred when the senate was accused of having exceeded its powers.

Upon the appeal from the assembly to court, there is also a difference of opinion between the two last-mentioned critics, Schömann⁴ maintaining that the words of Pollux are to be applied to a voluntary reference of a cause by the assembly to the dicasts, and Platner suggesting the possible case of one that incurred a *præjudicium* of the assembly against him (*προβολή, καταχειροτονία*), calling upon a court (*δικαστήριον*) to give him the opportunity of vindicating himself from a charge that his antagonist declined to follow up. Platner also supposes the case of a magistrate summarily deposed by the assembly, and demanding to prove his innocence before the heliasts.

APPELLATIO (ROMAN). This word, and the corresponding verb *appellare*, are used in the early Roman writers to express the application of an individual to a magistrate, and particularly to a tribune, in order to protect himself from some wrong inflicted, or threatened to be inflicted. It is distinguished from *provocatio*, which in the early writers is used to signify an appeal to the *populus* in a matter affecting life. It would seem that the *provocatio* was an ancient right of the Roman citizens. The surviving Horatius, who murdered his sister, appealed from the *duumviri* to the *populus*.⁵ The *decemviri* took away the *provocatio*; but it was restored by a *lex consularis provocacione*, and it was at the same time enacted that in future no magistrate should be made from whom there should be no appeal. On this Livy⁶ remarks, that the plebes were now protected by the *provocatio* and the *tribunicium auxilium*; this latter term has reference to the *appellatio*, properly so called. Appius⁷ applied (*appellavit*) to the tribunes; and when this produced no effect, and he was arrested by a *viator*, he appealed (*provocavit*). Cicero⁸ appears to allude to the re-establishment of the *provocatio*, which is mentioned by Livy.⁹ The complete phrase to express the *provocatio* is *provocare ad populum*; and the phrase which expresses the *appellatio* is *appellare ad, &c.* It appears that a person might *appellare* from one magistrate to another of equal rank; and, of course, from an inferior to a superior magistrate, and from one tribune to another.

When the supreme power became vested in the emperors, the terms *provocatio* and *appellatio* lost their original signification. In the Digest,¹⁰ *provo-*

¹ Demosth., c. Timocr., 718, 8-19.—² (Harpor.—Hudtw., *Democ.* 123.)—³ (viii., 62, 63.)—⁴ (c. Aphob., 862.—c. 863, De Pace, 1912, 1917, 1924.)—⁵ (Platner, Proc und Sc., 1, 262.)—⁶ (Antiph., De Choreut., 788.)

1. (Lex. Rhet., 219, 19.)—2. (Att. Process, 771.)—3. (i., 427.—4. (Att. Process, 771.)—5. (Liv., i., 26.)—6. (iii., 55.)—7. (Liv., iii., 56.)—8. (De Orat., ii., 48.)—9. (iii., 55.)—10. (49 tit. 1, De Appellationibus.)

catio and appellatio are used indiscriminately, to express what we call an appeal in civil matters; but provocatio seems so far to have retained its original meaning as to be the only term used for an appeal in criminal matters. The emperor centred in himself both the power of the populus and the veto of the tribunes; but the appeal to him was properly in the last resort. Appellatio among the Roman jurists, then, signifies an application for redress from the decision of an inferior to a superior, on the ground of wrong decision, or other sufficient ground. According to Ulpian,¹ appeals were common among the Romans, "on account of the injustice or ignorance of those who had to decide (*iudicantes*), though sometimes an appeal alters a proper decision, as it is not a necessary consequence that he who gives the last gives also the best decision." This remark must be taken in connexion with the Roman system of procedure, by which such matters were referred to a *judex* for his decision, after the pleadings had brought the matter in dispute to an issue. From the emperor himself there was, of course, no appeal; and, by a constitution of Hadrian, there was no appeal from the senate to the emperor. The emperor, in appointing a *judex*, might exclude all appeal, and make the decision of the *judex* final. The appeal, or *libellus appellatorius*, showed who was the appellant, against whom the appeal was, and what was the judgment appealed from.

Appellatio also means to summon a party before a *judex*, or to call upon him to perform something that he has undertaken to do.² The debtor who was summoned (*appellatus*) by his creditor, and obeyed the summons, was said *respondere*.

APPLICATIONIS JUS. (*Vid.* BANISHMENT.)

APPULEIA LEX. (*Vid.* MAJESTAS.)

APRILIS. (*Vid.* CALENDAR, ROMAN.)

ΑΠΡΟΣΤΑΣΙΟΥ ΓΡΑΦΗ (*ἀπροστασίου γραφή*), an action brought against those *metœci*, or resident aliens, who had neglected to provide themselves with a patron (*προστάτης*), or exercised the rights of full citizens, or did not pay the *μετοίκιον*, a tax of twelve drachmæ exacted from resident aliens. Persons convicted under this indictment forfeited the protection of the state, and were sold as slaves.³

*ΑΠΥΣ (*ἀπυς*), a species of bird, called also *κίψελλος*.⁴ It is thought to have been the same with the Swift, or *Hirundo apus*, L. Pennant, however, contends that the Cypselus of Aristotle and Pliny was the *Procellaria pelagica*, or Stormy Petrel.⁵

AQUÆ DUCTUS usually signifies an artificial channel or water-course, by which a supply of water is brought from a considerable distance upon an inclined plane raised on arches, and carried across valleys and uneven country, and occasionally under ground, where hills or rocks intervene.

As nearly all the ancient aquæducts now remaining are of Roman construction, it has been generally imagined that works of this description were entirely unknown to the Greeks. This, however, is an error, since some are mentioned by Pausanias and others, though too briefly to enable us to judge of their particular construction; whether they consisted chiefly of subterraneous channels bored through hills, or, if not, by what means they were carried across valleys, since the use of the arch, which is said to have been unknown to the Greeks, was indispensable for such a purpose. Probably those which have been recorded—such as that built by Pisistratus at Athens, that at Megara, and the celebrated one of Polycrates at Samos⁶—were rather conduits than ranges of building like the Roman ones. Of the latter, few were constructed in the times of the Republic. We are informed by Fron-

tinus that it was not until about B.C. 313 that were erected, the inhabitants supplying them up to that time with water from the Tiber, or king use of cisterns and springs. The first aquæduct was begun by Appius Claudius the Cæcilianus and was named, after him, the *Aqua Appia*.¹ In this aquæduct the water was conveyed from the district of between seven and eight miles from the city most entirely under ground, since, out of 100 passus, its entire extent, the water was above ground only 60 passus before it reached the Porta Capena, and then was only partly carried on arches. Remains of this work no longer exist.

Forty years afterward (B.C. 273) a second aquæduct was begun by M. Curius Dentatus, by which the water was brought from the river Anio, 20 miles above Tibur (now Tivoli), making an extent of 43,000 passus, of which only 702 were above ground and upon arches. This was the one afterwards known by the name of *Anio Vetus*, in order to distinguish it from another aquæduct brought from the same river, and therefore called *Anio Novus*. Of the *Anio Vetus* considerable remains may yet be traced, both in the neighbourhood of Tivoli and in the vicinity of the present Porta Maggiore at Rome. It was constructed of blocks of Peperino stone, the water-course was lined with a thick coating of cement.

In B.C. 179, the censors M. Æmilius Lepidus and M. Flaccus Nobilior proposed that another aquæduct should be built; but the scheme was defeated in consequence of Licinius Crassus refusing to have it be carried through his lands.² A more abundant supply of water being found indispensable, particularly as that furnished by the *Anio Vetus* was such bad quality as to be almost unfit for drinking, the senate commissioned Quintus Marcius Rex, prætor, who had superintended the repairs of the two aquæducts already built, to undertake a third, which was called, after him, the *Aqua Marcia*. This was brought from Sublaqueum (Subura) along an extent of 61,710 passus; viz., 54,200 under ground, and 7443 above ground, and chiefly on arches; and was of such elevation that water could be supplied from it to the loftiest part of the Capetian Mount. Of the arches of this aquæduct a considerable number are yet standing. Of those, the most famous, called the *Aqua Tepula* (B.C. 127), and the *Aqua Julia* (B.C. 35), which are next in point of date, remains are still existing; and in the vicinity of the city, these two aquæducts and the *Marcia* were all united in one line of structure, forming three separate water-courses, one above the other, the lowermost of which formed the channel of the *Aqua Marcia*, and the uppermost that of the *Aqua Julia*, and they discharged themselves into one reservoir in common. The *Aqua Julia* was erected by M. Agrippa during his ædileship, who, besides repairing both the *Anio Vetus* and the *Aqua Marcia*, supplied both the city with seven hundred wells (*lacus*), one hundred and fifty springs or fountains, and one hundred and thirty reservoirs.

Besides repairing and enlarging the *Aqua Marcia*, and, by turning a new stream into it, increasing its supply to double what it formerly had been, Augustus built the aquæduct called *Alsietina*, which was sometimes called *Augusta* after its founder. The water furnished by it was brought from the Lake of Alsietinus, and was of such bad quality as to be scarcely fit for drinking; on which account it has been supposed that Augustus intended it chiefly for irrigating his *naumachia*, which required more water than could be spared from the other aquæducts, its length being 1800 feet in length and 1200 in breadth. It was in the reign, too, of this emperor that M. A. Balbus built the aquæduct called the *Aqua Virgo*, which

1. (Dig. 49, tit. 1.—2. (Cic., ad Att., i. 8.)—3. (Phot., p. 478, *Phot.—Bekker, Anecd. Gr.*, p. 291, 434, 440.)—4. (Aristot., *H. A.*, ix. 21.)—5. (*British Zoology*, p. 554.)—6. (Herod., iii. 90.)

1. (Liv., ix. 39.—Diod. Sic., xx., 36.)—2. (Liv., vi., 5.)—3. (Liv., xxxvi., 24, § 9.)

name it is said to have obtained because the spring which supplied it was first pointed out by a girl to some soldiers who were in search of water. Pliny, however, gives a different origin to the name.¹ Its length was 14,105 passus, of which 12,865 were under ground; and, for some part of its extent above ground, it was decorated with columns and statues. This aqueduct still exists entire, having been restored by Nicholas V., although not completely until the pontificate of Pius IV., 1568, and it still bears the name of *Aqua Vergine*. A few years later, a second aqueduct was built by Augustus, for the purpose of supplying the *Aqua Marcia* in times of drought.

The two gigantic works of the Emperor Claudius, viz. the *Aqua Claudia* and *Anio Novus*, doubled the former supply of water; and although none of the later aqueducts rivalled the *Marcia* in the vastness and solidity of its constructions, they were of considerably greater extent. The *Claudia* had been begun by Caligula in the year A.D. 38, but was completed by his successor, and was, although less copious in its supply, not at all inferior to the *Marcia* in the excellence of its water. The other was, long so celebrated for the quality of the water itself, remarkable for the quantity which it conveyed to the city, it being in that respect the most copious of them all. Besides which, it was by far the grandest point of architectural effect, inasmuch as it presented, for about the extent of six miles before it reached the city, a continuous range of exceedingly lofty structure, the arches being in some places 109 feet high. It was much more elevated than any of the other aqueducts, and in one part of its course was carried over the *Claudia*. Nero afterward made additions to this vast work, by continuing it to Mount *Cælius*, where was a temple erected to *Claudius*.

The *Aqua Trajana*, which was the work of the emperor whose name it bears, and was completed A.D. 111, was not so much an entirely new and distinct aqueduct as a branch of the *Anio Novus* brought from *Sublaqueum*, where it was supplied by issuing of purer water than that of the *Anio*. It was in the time of this emperor, and of his predecessor *Nerva*, that the superintendence of all the aqueducts was held by *Sextus Julius Frontinus*, whose treatise *De Aquæductibus* has supplied us with the fullest information now to be obtained relative to their history and construction.

In addition to the aqueducts which have been already mentioned, there were others of later date: namely, the *Antoniana*, A.D. 212; the *Alexandrina*, A.D. 230; and the *Jovia*, A.D. 300; but these seem to have been of comparatively little note, nor have we any particular account of them.

The magnificence displayed by the Romans in their public works of this class was by no means confined to the capital; for aqueducts more or less stupendous were constructed by them in various and even very remote parts of the empire—at *Nicomedia*, *Ephesus*, *Smyrna*, *Alexandrea*, *Syracuse*, *Metz*, *Nismes* (the *Pont du Gard*), *Lyons*, *Evora*, *Merida*, and *Segovia*. That at *Evora*, which was built by *Quintus Sertorius*, is still in good preservation; and at its termination in the city has a very elegant *castellum* in two stories, the lower one of which has Ionic columns. *Merida* in Spain, the *Agræta Emerita* of the Romans, who established a colony there in the time of Augustus, has among its other antiquities the remains of two aqueducts, of one of which thirty-seven piers are standing, with three tiers of arches; while of the other there are only two which form part of the original construction, the rest being modern. But that of *Segovia*, in which some Spanish writers have claimed an antiquity anterior to the sway of the Romans in Spain, is one of the most perfect and magnificent

works of the kind anywhere remaining. It is entirely of stone, and of great solidity, the piers being eight feet wide and eleven in depth; and where it traverses a part of the city, the height is upward of a hundred feet, and it has two tiers of arches, the lowermost of which are exceedingly lofty.

After this historical notice of some of the principal aqueducts both at Rome and in the provinces, we now proceed to give some general account of their construction. Before the mouth or opening into the aqueduct was, where requisite, a large basin (*piscina limosa*), in which the water was collected, in order that it might first deposit its impurities; and similar reservoirs were formed at intervals along its course. The *specus*, or water-channel, was formed either of stone or brick coated with cement, and was arched over at top, in order to exclude the sun, on which account there were apertures or vent-holes at certain distances; or where two or more such channels were carried one above the other, the vent-holes of the lower ones were formed in their sides. The water, however, besides flowing through the *specus*, passed also through pipes either of lead or burned earth (*terra-cotta*), which latter were used not only on account of their greater cheapness, but as less prejudicial to the freshness and salubrity of the water. As far as was practicable, aqueducts were carried in a direct line; yet they frequently made considerable turns and windings in their course, either to avoid boring through hills, where that would have been attended with too much expense, or else to avoid, not only very deep valleys, but soft and marshy ground.

In every aqueduct, the *castella* or reservoirs were very important parts of the construction; and besides the principal ones—that at its mouth and that at its termination—there were usually intermediate ones at certain distances along its course, both in order that the water might deposit in them any remaining sediment, and that the whole might be more easily superintended and kept in repair, a defect between any two such points being readily detected. Besides which, these *castella* were serviceable, inasmuch as they furnished water for the irrigation of fields and gardens, &c. The principal *castellum* or reservoir was that in which the aqueduct terminated, and whence the water was conveyed by different branches and pipes to various parts of the city. This far exceeded any of the others, not in magnitude alone, but in solidity of construction and grandeur of architecture. The remains of a work of this kind still exist in what are called the *Nove Sale*, on the *Esquiline Hill* at Rome; while the *Piscina Mirabile*, near *Cuma*, is still more interesting and remarkable, being a stupendous construction about 200 feet in length by 130 in breadth, whose vaulted roof rests upon forty-eight immense pillars, disposed in four rows, so as to form five aisles within the edifice, and sixty arches.

Besides the principal *castellum* belonging to each aqueduct (excepting the *Alsiatina*, whose water was conveyed at once to the baths), there were a number of smaller ones—altogether, it has been computed, 247—in the different regions of the city, as reservoirs for their respective neighbourhoods.

The declivity of an aqueduct (*libramentum aquæ*) was at least the fourth of an inch in every 100 feet,¹ or, according to *Vitruvius*,² half a foot.

During the times of the Republic, the censors and ædiles had the superintendence of the aqueducts; but under the emperors particular officers were appointed for that purpose, under the title of *curatores*, or *prefecti aquarum*. These officers were first created by Augustus,³ and were invested with considerable authority. They were attended outside the city by two lictors, three public slaves, a secretary, and other attendants.

In the time of *Nerva* and *Trajan*, about seven

1. (H. N., xxxi., 25.)

1. (Plin., H. N., xxxi., 31.)—2. (viii., 7.)—3. (Suet., Aug., 37.)

worked architects and others were constantly employed, under the orders of the curatores aquarum, in attending to the aqueducts. The officers who had charge of these works were, 1. The *villici*, whose duty it was to attend to the aqueducts in their course to the city. 2. The *castellarii*, who had the superintendence of all the castella both within and without the city. 3. The *circutores*, so called because they had to go from post to post, to examine into the state of the works, and also to keep watch over the labourers employed upon them. 4. The *silicarii*, or paviours. 5. The *lectores*, or plasterers. All these officers appear to have been included under the general term of *aquarii*.¹

AQUÆ DUCTUS. (Vid. SERVITUTES.)

AQUÆ ET IGNIS INTERDICTIO. (Vid. BANISHMENT.)

AQUÆ HAUSTUS. (Vid. SERVITUTES.)

AQUÆ PLUVIÆ ARCENTÆ ACTIO. That water was called *aqua pluvia* which fell from the clouds, and the prevention of injury to land from such water was the object of this action. The action *aqua pluvia* was allowed between the owners of adjoining land, and might be maintained either by the owner of the higher land against the owner of the lower land, in case the latter, by anything done to his land, prevented the water from flowing naturally from the higher to the lower land, or by the owner of the lower land against the owner of the higher land, in case the latter did anything to his land by which the water flowed from it into the lower land in a different way from what it naturally would. In the absence of any special custom or law to the contrary, the lower land was subject to receive the water which flowed naturally from the upper land; and this rule of law was thus expressed: *aqua inferior superiori servit*. The fertilizing materials carried down to the lower land were considered as an ample compensation for any damage which it might sustain from the water. Many difficult questions occurred in the application to practice of the general rules of law as to *aqua pluvia*; and, among others, this question: What things done by the owners of the land were to be considered as preventing or altering the natural flow of the waters? The conclusion of Ulpian is, that acts done to the land for the purposes of cultivation were not to be considered as acts interfering with the natural flow of the waters. Water which increased from the falling of rain, or in consequence of rain changed its colour, was considered within the definition of *aqua pluvia*; for it was not necessary that the water in question should be only rain-water, it was sufficient if there was any rain-water in it. Thus, when water naturally flowed from a pond or marsh, and a person did something to exclude such water from coming on his land, if such marsh received any increase from rain-water, and so injured the land of a neighbour, the person would be compelled by this action to remove the obstacle which he had created to the free passage of the water.

This action was allowed for the special protection of land (*ager*): if the water injured a town or a building, the case then belonged to *flumina* and *stillicidia*. The action was only allowed to prevent damage, and, therefore, a person could not have this remedy against his neighbour, who did anything to his own land by which he stopped the water which would otherwise flow to his neighbour's land, and be profitable to it. The title in the Digest contains many curious cases, and the whole is well worth perusal.²

AQUARIJ were slaves who carried water for bathing, &c., into the female apartments.³ The *aquarii* were also public officers who attended to the aqueducts. (Vid. AQUÆ DUCTUS.)

1. (Cic., ad Fam., viii., 6.—Cod. xii., tit. 42 or 43, s. 10.)—2. (Dig. 39, tit. 3.—Cic., pro Muræna, c. 10.—Topic, c. 9.—Boethius, Comment. in Cic., Top., iv., c. 9.)—3. (Juv., vi., 332.)

*AQUILA. I. A Roman military standard. (Vid. SIGNA MILITARIA.) II. The Eagle. The ancient naturalists have described several species. Aristotle divided the *Falconidæ* into 'Αετοί (Eagles), 'Ιερακες (Hawks), and 'Ικτίνοι (Kites), with many subdivisions. M. Vigors is of opinion, that the division 'Ιέραξ (Hierax) of Aristotle comprises all the *Falconidæ* of Vigors which belong to the stirpes or sub-families of *Hawks*, *Falcons*, and *Buzzards*. Pliny separates the group into *Aquilæ* (Eagles) and *Accipitres*, a general term comprising, as used by him, the rest of the *Falconidæ*. The subdivisions of both Aristotle and Pliny do not differ much from those of some of the modern zoologists.—We will now proceed to particulars. 1. The *μύρνος*, called also *πλάγγος* or *νηττοφόνος* by Aristotle,¹ would appear to be that species of *Falco* which bears the English names of *Bald Buzzard* and *Osprey*, namely, the *Falco Haliaeetus*, L., or *Pandion Haliaeetus*, Savigny.² It would seem to be the *περκνός* of Homer.³ 2. The *περκνόπτερος*, said by Aristotle to resemble the *Vulture*, was, most probably that species of *Vulture* which gets the name of *Vulturine Eagle*. Its French name, according to Belon, is *Boudrée*. It is called also *γρυπαιετός* and *δρυπέλαργος* by Aristotle. 3. The *ἀλκίαιετός* of Aristotle would appear to be the *Osprey*.⁴ This bird is the "Nisus" of Virgil and Ovid. Naturalists have recently adopted the opinion that the *Osprey* is the same as the *Sea-eagle*. Its scientific name is *Pandion Haliaeetus*, Savigny. 4. The *μελαναίετός* of Aristotle, called also *λαγοφόνος* by him, is referred by Hardouin⁵ to the small Black Eagle, which the late authorities on Ornithology hold to be only a variety of the Golden Eagle, or *Aquila Chrysaetos*. It is deserving of remark, however, that the learned Gesner seems disposed to refer the *μελαναίετός* to the Erne, or *Aquila Albicilla* of late ornithologists. 5. The *θήνη* of Aristotle is undoubtedly the *Ossifraga* of Pliny, and the *θήνις* of Dioscorides.⁶ It is the *Falco Ossifragus*, L. 6. The *πύραργος* is supposed by Hardouin to be the eagle called *Jean le blanc*. Turner suggests that it may have been the Erne, and Elliot the Ring-tail. All point to the same bird, namely, the *Haliaeetus Albicilla*, Savigny; for the Ring-tail is now held to be merely a variety of the Erne. The term *πύραργος* signifies "White-tailed." 7. The species called *γρήσιος* by Aristotle is confidently referred by Hardouin to the Golden Eagle, which, as Buffon remarks, is the noblest and largest of the genus. It is the *Aquila Chrysaetos*, Vigors.⁷

AQUILLIÆ LEX. (Vid. DAMNUM.)

ARA (βαμός, θυτήριον), an altar.

Ara was a general term denoting any structure elevated above the ground, and used to receive upon it offerings made to the gods. *Altare*, probably contracted from *alta ara*, was properly restricted to the larger, higher, and more expensive structures. Hence Menalcas,⁸ proposing to erect four altars, viz., two to Daphnis, and two, which were to be high altars, to Apollo, says, "En quatre aras: Ece duas tibi, Daphni; duas, altaria, Phæbo." Servius, in his commentary on the passage, observes, that *altaria* were erected only in honour of the superior divinities, whereas *ara* were consecrated not only to them, but also to the inferior, to heroes, and to demigods. On the other hand, sacrifices were offered to the infernal gods, not upon altars, but in cavities (*scrobex*, *scrobiculi*, *βόθροι*, *λάκκοι*) dug in the ground.⁹ Agreeably to this distinction, we find that in some cases an altar was erected upon an *ara*, or even several high altars upon one of inferior elevation.

1. (H. A., ix., 22.)—2. (Willoughby's Ornithology, lib. ii. art. 5.)—3. (Il., xxiv., 316.)—4. (Gesner, de Avibus.—Brooke's Nat. Hist., vol. ii., p. 4.)—5. (in Plin., H. N., x., 1.)—6. (ib. 58.)—7. (Adams, Append., s. v.—8. (Virg., Eclog., v. 65.)—9. (Festus, s. v. Altaria.)

of more than one divinity. It was, however, necessary that such divinities should have something in common, so that they might be properly associated; and deities having this relation to one another were called *Dii communes*, θεοὶ συνόμοιοι, ὁμόμοιοι,¹ or κοινωμόμοιοι.² At Olympia there were six altars, each sacred to two divinities, so as to make twelve gods in all.³

On the other hand, we find that it was not unusual to erect two or more altars to the same divinity, on the same spot and on the same occasion. We have already produced an example of this from Virgil's fifth eclogue; and the very same expression is in part repeated by him in the Æneid: "En quattuor aras—Neptuno."⁴ In Theocritus,⁵ three bacchantes, having collected verbenæ, as we have before stated, erect twelve altars, viz., three to Semele and nine to Dionysus. But the most remarkable instances of this kind occurred when hecatombs were sacrificed; for it was then necessary that the number of altars should correspond to the multitude of the victims. A ceremony of this description, recorded by Julius Capitolinus, seems to have been designed in imitation of the practice of the heroic ages. He says that, when the head of the tyrant Maximin was brought to Rome, Balbinus, to express the general joy, built in one place 100 altars of turf (*aras cespitias*), on which were slain 100 hogs and 100 sheep. But a more distinct exhibition of the scene is given in the Iliad,⁶ when the Greeks assembled at Aulis present a hecatomb. A beautiful plane-tree is seen beside a clear fountain; the chieftains and the priests are assembled under its wide-spreading branches; the spot is encircled with altars (ἄμφοι περὶ κρήνην), and the victims are slain along the altars (κατὰ βωμόν).⁷

Vitruvius⁸ directs that altars, though differing in elevation according to the rank of the divinities to whom they were erected, should always be lower than the statues (*simulacra*) before which they were placed. Of the application of this rule we have an example in a medallion on the arch of Constantine at Rome. See the annexed woodcut.



We see here Apollo with some of his attributes, viz., the stag, the tripod, the cithara, and plectrum.

1. (Thucyd., iii., 59.)—2. (Æschyl., Suppl., 225.)—3. (Scho-liast in Pind., Olymp., v., 10.)—4. (Æn., v., 639.)—5. (l. c.)—6. (ii., 305-307.)—7. (Compare Num., xxiii., 1, "seven altars.")—8. (i., 2.)

The altar is about half as high as the pedestal of the statue, placed immediately in front of it, and adorned with a wreath of verbenæ. The stam stands in an ἄλσος, or grove of laurel. One of the sacrificers, probably the Emperor Trajan, appears to be taking an oath, which he expresses by lifting up his right hand and touching the altar with his spear. This sculpture also shows the appearance of the tripods, which were frequently used instead of altars, and which are explained under the article ΤΑΪΡΟΣ.

We have already had occasion to advert, in several instances, to the practice of building altars to the open air wherever the occasion might require, as on the side of a mountain, on the shore of the sea, or in a sacred grove. But those altars which were intended to be permanent, and which were consequently, constructed with a greater expense of labour and of skill, belonged to temples; as they were erected either before the temple, as shown in the woodcut in the article ΑΝΤΕ, and beautifully exemplified in the remains of temples at Pompeii, or within the cella of the temple, and principally before the statue of the divinity to whom it was dedicated. The altars in the area before the temple (βωμοὶ προναοῖ) were altars of burnt-offerings, which animal sacrifices (*victimæ*, σφάγια, ἑρπεταί) were presented: only incense was burned, or cereals and bloodless sacrifices (θυσίματα, θύα) offered at the altars within the building.

Altars were also placed before the doors of private houses. In the *Andria* of Terence,⁹ a woman is asked to take the verbenæ from an altar so situated in order to lay a child upon them before the door of the house. A large altar to Zeus the Protector stood in the open court before the door of Priam's palace in Ilium.¹⁰ Hither, according to the story of Priam, Hecuba, and their daughters fled when the citadel was taken; and hence they were drawn with impious violence by Neoptolemus, the son of Achilles, and some of them put to death. All altars were places of refuge. The supplicants were considered as placing themselves under the protection of the deities to whom the altars were consecrated, and violence to the unfortunate, even to slaves and criminals, in such circumstances, was regarded as violence towards the deities themselves.

As in the instance already produced, in which the gods conspired against the Titans, men likewise were accustomed to make solemn treaties and engagements, by taking oaths at altars. Thus Virgil represents the kings entering into a league before the altar of Jupiter, by immolating a sow, while the Romans hold the pateras for libation in their hands.¹¹ The story of Hannibal's oath at the altar, when a horse is well known.

Another practice, often alluded to, was that of touching altars in the act of prayer.¹² Marriages also were solemnized at the altars; and, indeed, the obvious reason, that religious acts were almost universally accompanied by sacrifice as an essential part of them, all engagements which could be made more binding by sacred considerations were often formed between the parties before an altar.

*ARABICA, called also *Arabicus lapis*, and *Arabica gemma*. It is spoken of by Dioscorides and Galen, and was probably a fine white marble.¹³

*ARACHNE (ἀράχνη or -ης), the Spider, or *Aranea*, L. Several species are mentioned by Aristotle,¹⁴ but so briefly that they cannot be satisfactorily ascertained. Dioscorides describes two species by the names of ὄλλκος and λύκος.¹⁵ The former, according to Sprengel, is the *Aranea reticularis*;

1. (Gell's Pompeians, 1819, Plates 43, 62, 68.)—2. (Suppl., 497.)—3. (l. c.)—4. (Virg., Æn., ii., 500-525, Excurs., ad loc.)—5. (Æn., viii., 640.—Compare the last, and Æn., xii., 201.)—6. (Æn., Carm. III., xliii., (Dioscor., v., 149.—Plin., H. N. xxxviii., 41.)—8. (H. 26.)—9. (ii., 65.)

ARATRUM.

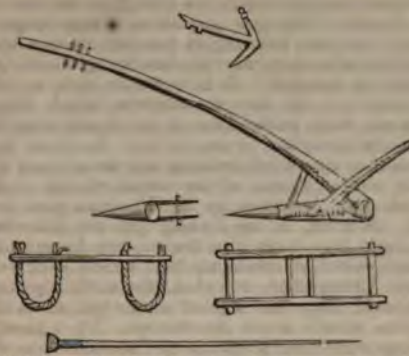
the *branca domestica*. Sprengel is farther of opinion that no ancient author has noticed the *Aranea* species. But *vid.* PHALANGION.¹ RACHIDNA (*ἀράχιδνα*), a species of Pea, the according to Stackhouse and Sprengel, with *allhus amphicaropus*. Stackhouse proposes to *ἀράχιδνα* in the text of Theophrastus.² PACUS (*ἀρακος*), a plant, which Sprengel, in the edition of his R. H. H., marks as the *Lathyrenus*; but in his second, he inclines to the *varreus*. Stackhouse hesitates about acknowledging it as the *Vicia cracca*, or Tufted Vetch.³ PANEA. (*Vid.* ARACHNE.)

ARATEIA (*ἀράτεια*), two sacrifices offered every year by the Sicyonians in honour of Aratus, the great general of the Achaean League, who, after his death, was honoured by his countrymen as a hero, in consequence of the fulfilment of an oracle.⁴ The full account of the two sacrifices is preserved in Plutarch's Life of Aratus. The Sicyonians, says he, offer to Aratus two sacrifices every year, the one on the day on which he was banished from his native town from tyranny, which is the month of Daisius, the same which the Athenians call Anthesterion; and this sacrifice is called *ἀράτεια*. The other they celebrate in the month in which they believe that he was born. On this day, the priest of Zeus offered the sacrifices; second, the priest of Aratus, wearing a white robe with purple spots in the centre, songs being sung by the actors of the stage. The teacher (*γυμνασιάρχος*) led his boys and the citizens in procession, probably to the heroum of Aratus, followed by the senators adorned with garlands, whom came those citizens who wished to be in the procession. The Sicyonians still observe these sacrifices, some parts of the solemnity, but the honours have been abolished by time and circumstances.⁵

ARATRON (*ἀράτρον*), a plough. The Greeks appear to have had, from the earliest times, diversities in the fashion of their ploughs. Plutarch advises the farmer to have always two ploughs, so that if one broke, the other might be used; and they were of two kinds, called *ἀντότρον*, because in it the ploughshare, *buris*, (*βυρία*) was of the same piece of wood with the share-beam (*ἐλγμα*, *dens*, *dentale*); and the other, *ἑκτότρον*, *i. e.*, compacted, because in it the two mentioned parts, which were, moreover, of three different kinds of timber, were added to one another, and fastened together by iron nails (*γρόφοισιν*).

The method of forming a plough of the former kind was by taking a young tree with two branches growing from its trunk in opposite directions, so that in ploughing the trunk was made to serve as the pole, one of the two branches stood upward and formed the tail, and the other penetrated the ground, being covered sometimes with bronze and fulfilled the purpose of a share. This method is illustrated in the uppermost figure of the annexed woodcut, taken from a medal. The next figure illustrates the plough still used in Mysia, as described by a late traveller in that country, Mr. Fellows. It is a little more complicated than the first plough, inasmuch as it consists of two pieces of timber instead of one, a handle (*ἐχέρλας*), being inserted into the larger piece at one side. Mr. Fellows observes that each portion of the plough is still called by its ancient Greek name, and adds, that it seems suited only to the soil prevailing where he observed it; that it is

ARATRUM.



held by one hand only; that the form of the share (*ἄντις*) varies; and that the plough is frequently used without any share. "It is drawn by two oxen, yoked from the pole, and guided by a long reed or thin stick (*κάτρινος*), which has a spud or scraper at the end for cleaning the share." See the lowest figure in the woodcut.

Another recent traveller in Greece gives the following account of the plough which he saw in that country, a description approaching still nearer to the *πηκτόν ἀράτρον* of Homer and Hesiod. "It is composed," says he, "of two curved pieces of wood, one longer than the other. The long piece forms the pole, and one end of it being joined to the other piece about a foot from the bottom, divides it into a share, which is cased with iron, and a handle. The share is, besides, attached to the pole by a short crossbar of wood. Two oxen, with no other harness than yokes, are joined to the pole, and driven by the ploughman, who holds the handle in his left hand, and the goad in his right."¹ A beautiful view of the plain of Elis, representing this plough in use, is given by Mr. S. Stanhope in his *Olympia*.²

The yoke and pole used anciently in ploughing did not differ from those employed for draught in general. Consequently, they do not here require any farther description. (*Vid.* JUGUM.)

To the bottom of the pole, in the compacted plough, was attached the *ploughtail*, which, according to Hesiod, might be made of any piece of a tree (especially the *πρίνος*, *i. e.*, the ilex, or holm-oak), the natural curvature of which fitted it to this use. But in the time and country of Virgil, pains were taken to force a tree into that form which was most exactly adapted to the purpose.

"*Continuo in silvis magna vi flexa domatur
In burim, et curvi formam accipit ulmus aratri.*"³

The upper end of the *buris* being held by the ploughman, the lower part, below its junction with the pole, was used to hold the *share-beam*, which was either sheathed with metal, or driven bare into the ground, according to circumstances.

To these three continuous and most essential parts, the two following are added in the description of the plough by Virgil:

1. The *earth-boards* or *mould-boards*, rising on each side, bending outwardly in such a manner as to throw on either hand the soil which had been previously loosened and raised by the share, and adjusted to the share-beam, which was made double for the purpose of receiving them: "*Binæ aures, duplici aptantur dentalia dorso.*" According to Palladius,⁴ it was desirable to have ploughs both with earth-boards (*aurita*) and without them (*simplicia*).
2. The *handle*, which is seen in Mr. Fellows's woodcut, and likewise in the following representation of an ancient Italian plough. Virgil considers

1. (Hobhouse, Journey through Albania, &c., vol. i., p. 140.)
2. (p. 42.)—3. (Georg., i., 169, 170.)—4. (i., 43.)

See Appendix, s. v.—2. (Theophrast., H. P., i., 6.—Sprengel, s. v.)—3. (Theophrast., H. P., i., 6.)—4. (Pans., i., 3. (p. 53.)—6. (Wachsmuth, Hellen. Alterthum., 85.)—7. (Op. et Dies, 432.)—8. (Compare Schol. in Hesiod., 237.—Horn., Il. x., 353: xiii., 703; and Schol. in Hesiod., in Asia Minor, 1838, p. 71.)

this part as used to turn the plough at the end of the furrow: "*Stivaque, quæ curvus a tergo torqueat imas.*" Servius, however, in his note on this line, explains *stiva* to mean "the handle by which the plough is directed." It is probable that, as the *dentalia*, *i. e.*, the two share-beams, which Virgil supposes, were in the form of the Greek letter Λ , which he describes by *duplici dorso*, the buris was fastened to the left share-beam, and the *stiva* to the right; so that, instead of the simple plough of the Greeks, that described by the Mantuan poet, and used, no doubt, in his country (see the following woodcut), was more like the modern Lancashire plough, which is commonly held behind with both hands. Sometimes, however, the *stiva* ($\epsilon\chi\epsilon\tau\lambda\eta$) was used alone and instead of the tail, as in the Mysian plough above represented. To a plough so constructed, the language of Columella was especially applicable: "*Arator stiva pane rectus innititur*;"¹ and the expressions of Ovid, "*Stivaque innivus arator*,"² and "*Inde premens stivam designat mania sulco*,"³ In place of "*stiva*," Ovid also uses the less appropriate term "*capulus*;"⁴ "*Ipsæ manu capulum premsi moderatus aratri*." When the plough was held either by the *stiva* alone, or by the buris alone, a piece of wood (*manicula*) was fixed across the summit, and on this the labourer pressed with both hands. Besides guiding the plough in a straight line, his duty was to force the share to a sufficient depth into the soil. Virgil alludes to this in the phrase "*Depresso aratro*,"⁵

The crossbar, which is seen in Mr. Fellows's drawing, and mentioned in Sir J. C. Hobbhouse's description, and which passes from the pole to the share for the purpose of giving additional strength, was called $\sigma\tau\alpha\theta\eta$, in Latin *fulcrum*.

The coulter (*culler*) was used by the Romans as it is with us. It was inserted into the pole so as to depend vertically before the share, cutting through the roots which came in its way, and thus preparing for the more complete loosening and overturning of the soil by the share.

About the time of Pliny, two small wheels (*rotæ, rotulæ*) were added to the plough in Rhætia; and Servius mentions the use of them in the country of Virgil. The annexed woodcut shows the form of a wheel-plough, as represented on a piece of engraved jasper, of Roman workmanship. It also shows distinctly the coulter, the share-beam, the plough-tail, and the handle or *stiva*.⁶ The plough corresponds in all essential particulars with that now used about Mantua and Venice, of which Martyn has given an engraving in his edition of Virgil's *Georgics*.



The Greeks and Romans usually ploughed their land three times for each crop. The first ploughing was called *proscindere*, or *novare* ($\nu\epsilon\omicron\upsilon\sigma\theta\alpha\iota$, $\nu\epsilon\acute{\alpha}\zeta\epsilon\sigma\theta\alpha\iota$); the second, *offringere*, or *iterare*; and the third, *lirare*, or *tertiare*.⁷ The field which under-

1. (Hes., Op. et Dies, 467.)—2. (i. 9.)—3. (Met., viii., 218.)—4. (Fast., iv., 825.)—5. (Epist. de Ponto, l., 8, 61.)—6. (Varro, De Ling. Lat., iv., 7. (Georg., l., 45.)—8. (Plin., H. N., xviii., 45.)—9. (l. c.)—10. (Caylus, Rec. d'Ant., v., pl. 83, No. 6.)—11. (Arat., Dios., 321.—Ovid, Met., vii., 119.—Varro, De Re Rust., l., 29.—Colum., De Re Rust., ii., 4.)

went the "*proscissio*" was called *vervactum vale* ($\nu\epsilon\omicron\varsigma$), and in this process the coulter was employed, because the fresh surface was covered with numberless roots, which required to be cut before the soil could be turned up by the plough. The term "*offringere*," from *ob* and *frange*, applied to the second ploughing, because the parallel clods already turned up were broken cut across, by drawing the plough through them at right angles to its former direction.⁸ The third, which underwent this process was called *ager tus*— $\delta\iota\pi\omicron\lambda\omicron\varsigma$.⁹ After the second ploughing, the farmer cast his seed. Also the clods were often, not always, broken still further by a wooden harrow, or by harrowing (*occatio*). The Roman ploughman then, for the first time, attached the earth-beam to his share (*tabula adnecta*).¹⁰ The effect of this adjustment was to divide the level surface into "*ager iteratus*" into ridges. These were called *porca*, and also *lira*, whence came the verb *lirare* to make ridges, and also *delirare*, to decline from a straight line.¹¹ The earth-boards, by throwing earth to each side in the manner already explained, both covered the newly-scattered seed, and separated between the ridges furrows (*αὐλακες, sulci*) for carrying off the water. In this state the field was called *seges* and $\tau\rho\iota\pi\omicron\lambda\omicron\varsigma$. The use of this triple ploughing was practised as early as their age.

When the ancients ploughed three times for one crop, it was done in the spring, summer, and autumn of the same year. But, in order to obtain a still better crop, both the Greeks and the Romans ploughed four times, the *proscissio* being performed the latter part of the preceding year, so that but one crop and another two whole years intervened. A field so managed was called $\tau\epsilon\tau\rho\acute{\alpha}\pi\omicron\lambda\omicron\varsigma$.¹²

When the ploughman had finished his day's labour, he turned the instrument upside down, and the oxen went home dragging its tail and handling the surface of the ground—a scene exhibited in the following lines:

"*Videre fessos vomerem inversum boves
Collo trahentes languido!*"¹³

The Greeks and Romans commonly employed oxen in ploughing; but they also used asses and light soils.¹⁴ The act of yoking together an ass and an ox, which was expressly forbidden by the law of Moses,¹⁵ is made the ground of a ludicrous parison by Plautus.¹⁶ Ulysses, when he was driven to madness in order to avoid going on the Trojan expedition, ploughed with an ox and a horse together.¹⁷

A line has been already quoted from Ovid, which mentions the use of the plough by Romulus for marking the site of Rome. On this occasion a white bull and a white cow were yoked together: "*Alba jugum niveo cum bove vacca tulit.*"¹⁸ In this ceremony at the foundation of cities, the plough was drawn over the walls of the cities they were conquered by the Romans.¹⁹

ARBITER. (Vid. JUDEX.)

ARBITRARIA ACTIO. (Vid. ACTIO.)

*ARBUTUM ($\mu\upsilon\mu\alpha\iota\kappa\upsilon\lambda\omicron\nu$ or $\kappa\omicron\mu\alpha\rho\omicron\nu$), the Wild Strawberry-tree, or *Arbutus*. The name is very much the appearance of our strawberry, except that it is larger, and has not the seeds outside of the pulp, like that fruit. The arbutus grows plentifully in Italy, and the poets have supposed that the early race of men lived on it, and the fruit of this tree before the discovery

1. (Plin., H. N., xviii., 49.)—2. (Plin., l. c.—Virg., G. 97, 98.—Festus, s. v. Offringere.)—3. (Cic., De Orat., ii., 17.)—4. (Plin., l. c.)—5. (Col., l. c.)—6. (Theophrast., De C. iii., 5.—Virg., Georg., l., 47—49.)—7. (Theocr., xxxv., 10.)—8. (Hor., Epod., ii., 63.)—9. (Varro, De Re Rust., ii., 6.—N., viii., 65.—Col., vii., 1.)—10. (Deut., xxii., 10.)—11. (i., 2, 51—53.)—12. (Hygin., Fab., 95.)—13. (Compos. Æn., v., 755.—Cic., Phil., ii., 40.)—14. (Hor., Od., l., 1. Propert., iii., 7, 41.)

ration of corn. The berries of the arbuté, ever, are hardly eatable; when taken in too great quantities, they are said to be narcotic; and it informs us that the term *unedo* was familiarly applied to the fruit of this tree, because it was unknown to eat more than one (*unus*, "one," and *edo*, "eat"). The same writer² describes the fruit as digestible and unwholesome, and yet, in the island of Corsica, an agreeable wine is said to be made from it. The term *unedo* was also given to the tree itself, and this is retained in the Linnaean nomenclature, *Arbutus unedo*. The peculiar qualities ascribed to the fruit of the arbuté-tree in several other plants of the same order. The general qualities are said to be astringent and aëretic. The *Ledum palustre* renders beer when used in the manufacture of that beverage; *Rhododendron ponticum* and *maximum*, *Kalmifolia*, and some others, are well known to be poisonous. The honey which poisoned some of the soldiers in the retreat of the ten thousand in Pontus, was gathered by bees from the flowers of the *Azalea pontica*. The shoots of *Androsalifolia* poison goats in Nipal.³ (*Vid. ARBUS.*)

ARBUTUS (*κόμματος*), the Arbuté or Wild Strawberry-tree, *Arbutus unedo*, L. Its fruit is called in Latin *arbutum*, in Greek *κόμματος* and *μυακνυτόν* in English the wild strawberry, from the resemblance it bears to that well-known berry. (*Αρβυττιν.*) Virgil, in speaking of the Arbuté, uses the epithet *horrida*,⁴ about the meaning of which commentators are not agreed.⁵ The best opinion, however, is that which refers the term in question to the ruggedness of the bark, which is the sense in which Servius also seems to take it.⁶ Fée, however, is for making the epithet apply to the rough, pungent taste of the arbuté. In fact, the leaves, and fruit afford a very strong astringent, and are used for this purpose in medicine.—There does not seem to be any notice of the *Fragaria vesca*, or Wild Strawberry, in the Greek classics. It is described by Pliny, and had been previously mentioned by Ovid.⁷

ARCA (*κιβωτός*), a chest or coffer, is used in several significations, of which the principal are, 1. A chest, in which the Romans were accustomed to place their money; and the phrase *ex arca* had the meaning of paying in ready money. Cicero presses Atticus to send him some money from Greece, he says, "*Ne dubitatis mittere nostras confidite.*"⁸ These chests were either of iron or bound with iron or other metals.⁹ The *arca* was usually applied to the chests in which the rich kept their money, and was opposed to smaller *loculi*,¹⁰ *sacculi*,¹¹ and *crumena*. The *arca* was frequently used in later times as equivalent to the *fiscus*, that is, the imperial treasury.¹²

The *Arca* also signified the coffin in which the dead were buried,¹³ or the bier on which the dead was placed previously to burial.¹⁴

The *Arca* was also a strong cell made of iron in which criminals and slaves were confined.¹⁵

ARKEUTHOS. (*Vid. JUNIPERUS.*)

ARCERA was a covered carriage or litter, covered with cloths, which was used in ancient times to carry the aged and infirm. It is said to have obtained the name of *arcera* on account of its resemblance to an *arca*.¹⁶

ARCHAIRESIAI (*ἀρχαιρεσίαι*) were the assemblies of the people which were held for the election of those magistrates at Athens who were not chosen by lot. The principal public officers were chosen by lot (*κλήρωτοι*), and the lots were drawn annually in the temple of Theseus by the thesmothetæ. Of those magistrates chosen by the general assembly of the people (*χειροτονητοί*), the most important were the strategæ, taxiarchi, hipparchi, and phylarchi. The public treasurers (*ταμίαι*), and all the officers connected with the collection of the tribute, all ambassadors, commissioners of works, &c., were appointed in the same manner.

The people always met in the *Prætorium* for the election of these magistrates, even in later times, when it became usual to meet for other purposes in the Temple of Dionysus.¹ It is not certain at what time of the year they met for this purpose, nor who presided over the assembly, but most probably the archons. The candidates for these offices, especially for that of strategus, had recourse to bribery and corruption to a great extent, although the laws awarded capital punishment to that offence, which was called by the Athenians *δεκασμός*. The canvassing of the electors and the solicitation of their votes was called *ἀρχαιρεσίαι*. The magistrates who presided over the assembly mentioned the names of the candidates (*προβάλλεσθαι*), and the people declared their acceptance or rejection of each by a show of hands. They never appear to have voted by ballot on these occasions.

Those who were elected could decline the office, alleging upon oath some sufficient reason why they were unable to discharge its duties, such as labouring under a disease, &c.: the expression for this was *ἐξόμνησθαι τὴν ἀρχήν*, or *τὴν χειροτονίαν*.² If, however, an individual accepted the office to which he was chosen, he could not enter upon the discharge of his duties till he had passed his examination (*δοκιμασία*) before the thesmothetæ. If he failed in passing his examination (*ἀποδοκιμασθήναι*), he incurred a modified species of *ἀτιμία*.³ All public officers, however, were subject to the *ἐπιχειροτονία*, or confirmation of their appointment by each successive prytany at the commencement of its period of office, when any magistrate might be deprived of his office (*ἀποχειροτονεῖσθαι*). In the Attic orators, we not unfrequently read of individuals being thus deprived of their offices.⁴ (*Vid. ARCHON*, p. 83.)

***ARKEION.** (*Vid. ARKTION.*)

ARCHEION (*ἀρχεῖον*) properly means any public place belonging to the magistrates, but is more particularly applied to the archive office, where the decrees of the people and other state documents were preserved. This office is sometimes called merely *τὸ δημοσίον*.⁵ At Athens the archives were kept in the temple of the mother of the gods (*μήτρων*), and the charge of it was intrusted to the president (*ἐπιστάτης*) of the senate of the Five Hundred.⁶

ARCHIATER (*ἀρχίατρος*, compounded of *ἀρχός* or *ἀρχων*, a chief, and *ίατρός*, a physician), a medical title under the Roman emperors, the exact signification of which has been the subject of much discussion; for while some persons interpret it "the chief of the physicians" (*quasi ἀρχων τῶν ἱατρῶν*), others explain it to mean "the physician to the prince" (*quasi τοῦ ἀρχοντος ἱατρός*). Upon the whole, it seems much more probable that the former is the true meaning of the word, and for these reasons: 1. From its etymology it cannot

1. H. N., vii., 24.—2. (xxiii., 8.)—3. (Lindley's Bot. 288.)—4. (*Geogr.*, ii., 69.)—5. (Fée, *Flore de Virgile*, p. 106.) (in *Virg.*, l. c.—Martyn in *Virg.*, Georg., ii., 69.)—6. (*Append.*, s. v. *κόμματος*.)—7. (*Cic. ad Att.*, i., 9.—*Colonus*, iii., 2. * *Es res arcam patrisfamilias exhaurebat.* (*Juv.*, xi., 26; xiv., 259.)—10. (*Juv.*, i., 89.)—11. (*Juv.*, xi., 26.)—12. (*Symon.*, x., 33.—Compare *Virg.*, iii., 736.)—13. (*Virg.*, *Æneid.*, de *Vir. Ill.*, c. 42.—Lucan., viii., 736.)—14. (*Cic.*, *de Off.*, i., 7.)—15. (*Cic.*, *pro Milon.*, c. 22.—*Festus*, s. v. *Arca*.)—16. (*Varron.*, de *Ling. Lat.*, iv., 31.—*Gell.*, ix., 1.)

1. (Pollux, viii., 134.)—2. (Demosth., *De Coron.*, p. 277.)—3. (Demosth., *περὶ Παράτρ.*, p. 379.)—4. (Demosth. in *Aristog.*, i., p. 779.)—5. (*Vid. Demosth.*, c. *Timoth.*, p. 1187; c. *Theocrin.*, p. 1330.—*Dinarch.* in *Philocl.*, c. 4.—Compare *Schömann.*, *de Comitibus Ath.*, p. 320—330.)—6. (Demosth., *De Cor.*, p. 275.)—7. (Demosth., *περὶ Παράτρ.*, p. 381; in *Aristog.*, i., p. 799.—*Paus.*, i., 3, § 4.)

shed the property qualification, throwing open citizenship and other magistracies to all the citizens; that is, to the Thetes as well as the other classes, the former of whom were not allowed by the laws to hold any magistracy at all; in conformity with which, we find that, even in the time of the archons, the archons were chosen by lot from the highest class of citizens (οἱ πεντακοσιομέδιμ-

μοι) after the removal of the old restrictions, security was left to ensure respectability; for, as to an archon entering on office, he underwent an examination, called the ἀνάκρισις,² as to being a legitimate and a good citizen, a good and qualified in point of property: εἰ ἔχει τὸ πῦρ was the question put. Now there are several reasons for supposing that this form of examination continued even after the time of Aristarchus and if so, it would follow that the right in a citizen was not given to the Thetes promiscuously, but only to such as possessed a certain amount of property. But even if it were so, it is admitted that the latter limitation soon became obsolete; for in Lysias⁴ that a needy old man, so poor as to receive a state allowance, was not disqualified from being archon by his indigence, but only by his infirmity; freedom from all such defects being required for the office, as it was in some respect a sacred character. Yet, even after satisfactory ἀνάκρισις, each of the archons, in common with other magistrates, was liable to be removed, on complaint of misconduct made before the people, at the first regular assembly in each month. On such an occasion, the ἐπιχειροτονία, as called, took place; and we read⁵ that, in consequence, the whole college of archons was deprived of office (ἀπεχειροτονήθη) for the misbehaviour of one of their body: they were, however, reinstated, on promise of better conduct for the future. (Vid. *RES. GREC.*)

As respects to the later ages of Athenian history, we learn from Strabo⁶ that even in his day (πρὸς τὸν αἰῶνα) the Romans allowed the freedom of citizenship; and we may conclude that the Athenians fondly cling to a name and office associated with some of their most cherished remembrances. The archonship, however, though still in existence, was merely honorary, we might expect the analogy of the consulate at Rome; and, in fact, we learn that it was sometimes filled by foreigners, as Hadrian and Plutarch. Such, moreover, was the democratical tendency of the assemblies and courts of justice established by Solon,⁷ even in earlier times, the archons had lost the political power which they at one time possessed⁸ and that, too, after the division of their duties among nine. They became, in fact, not only directors of the government, but merely old magistrates, exercising functions and duties which we will proceed to describe.

As has been already stated that the duties of the archons were shared by a college of nine. The first, or president of this body, was called ἀρχων ἡγεμῶν, or ἀρχων ἐπώνυμος, the year being distinguished by and registered in his name. The second was styled ἀρχων βασιλευσίων, the king archon; the third, πολέμαρχος, or commander-in-chief; the remaining six, θεσμοθέται, or lawgivers. As regards the duties of the archons, it is sometimes difficult to distinguish what belonged to them individually and what collectively.⁹ It is, however, that a considerable portion of the

judicial functions of the ancient kings devolved upon the ἀρχων ἐπώνυμος, who was also constituted a sort of state protector of those who were unable to defend themselves.¹ Thus he was to superintend orphans, heiresses, families losing their representatives (οἴκοι οἱ ἐξερημομένοι), widows left pregnant, and to see that they were not wronged in any way. Should any one do so, he was empowered to inflict a fine of a certain amount, or to bring the parties to trial. Heiresses, indeed, seem to have been under his peculiar care; for we read² that he could compel the next of kin either to marry a poor heiress himself, even though she were of a lower class, or to portion her in marriage to another. Again, we find³ that, when a person claimed an inheritance or heiress adjudged to others, he summoned the party in possession before the archon eponymus, who brought the case into court, and made arrangements for trying the suit. We must, however, bear in mind that this authority was only exercised in cases where the parties were citizens, the polemarch having corresponding duties when the heiress was an alien. It must also be understood that, except in very few cases, the archons did not decide themselves, but merely brought the causes into court, and cast lots for the deists who were to try the issue.⁴ Another duty of the archons was to receive εἰσαγγέλια, or informations against individuals who had wronged heiresses, children who had maltreated their parents, guardians who had neglected or defrauded their wards.⁵ Informations of another kind, the ἐνδείξεις and φάσεις, were also laid before the eponymus, though Demosthenes assigned the former to the thesmothete. The last office of the archon which we shall mention was of a sacred character; we allude to his superintendence of the greater Dionysia and the Thargelia, the latter celebrated in honour of Apollo and Artemis.

The functions of the ἀρχων βασιλεύς were almost all connected with religion: his distinguishing title shows that he was considered a representative of the old kings in their capacity of high-priest, as the *Rex Sacrificus* was at Rome. Thus he presided at the Lenæan, or older Dionysia; superintended the mysteries and the games called λαμπροδρομία, and had to offer up sacrifices and prayers in the Eleusinium, both at Athens and Eleusis. Moreover, indictments for impiety, and controversies about the priesthood, were laid before him; and, in cases of murder, he brought the trial into the court of the areopagus, and voted with its members. His wife, also, who was called βασίλισσα, had to offer certain sacrifices, and therefore it was required that she should be a citizen of pure blood, without stain or blemish. His court was held in what was called ἡ τοῦ βασιλέως στοά.⁶

The polemarch was originally, as his name denotes, the commander-in-chief;⁷ and we find him discharging military duties as late as the battle of Marathon, in conjunction with the ten στρατηγοί: he there took, like the kings of old, the command of the right wing of the army. This, however, seems to be the last occasion on record of this magistrate, appointed by lot, being invested with such important functions; and in after ages we find that his duties ceased to be military, having been in a great measure transferred to the protection and superintendence of the resident aliens, so that he resembled in many respects the prætor peregrinus at Rome. In fact, we learn from Aristotle, in his

1. (Arist., *ad. hist.*)—2. (Pollux, *Onom.*, viii., 96.—Dionysius, *Ant.*, p. 107; τὸν ἐπὶ τῶν ἀρχόντων ἀνάκρισιν ἐξέτερον ἐξέτερον.)—3. (Demosth., *Epul.*, 1320.)—4. (Schömann, *de. Ant.*, 226, transl.—Böckh, *ii.*, 277.)—5. (ἐπὶ τῶν ἀρχόντων, p. 169.)—6. (Demosth., c. Theocr., 1230.—Pollux, *de. Harpoc.*, in *Κατὰ ἐκκλησίαν*.)—7. (ix., c. 1.)—8. (Plat., *de. Rep.*, i., 126.)—9. (Schömann, 174, transl.)

1. (Demosth., *Macar.*, *Nόμος*, p. 1076.—Pollux, viii., 89.)—2. (Demosth., *Macar.*, p. 1052.)—3. (Id., p. 1055.—Pollux, *Onom.*, viii., 52.)—4. (Demosth., c. Steph., 2, p. 1136.)—5. (Κάκωσις ἐπιπέλοισι, γονίων, ἑρβανῶν. Pollux, *Onom.*, viii., 48, 49.—Demosth., *Timoer.*, 707.—Schömann, 174.)—6. (Demosth., *Lucr.*, 940.—Androt., 601.—Neera, 1370.—Lysias, *And.*, 103, where the duties are enumerated.—Einsley ad Aristoph., *Acharn.*, 1143, scholia.—Clinton, *F. H.*, 468, 4.—Harpoc. in *Ἐπιμελητῆς τῶν μυστηρίων*.—Plato, *Euthy.* et *Thest.*, ad fin.—Pollux, *Onom.*, viii., 90.)—7. (Herod., vi., 109, 111.—Pollux, *Onom.*, viii., 91.)

ARCHON.

ARKTOS.

"Constitution of Athens," that the polemarch stood in the same relation to foreigners as the archon to citizens.¹ Thus, all actions affecting aliens, the *isoteles* and *proxeni*, were brought before him previously to trial; as, for instance, the *δίκη ἀποστασιῶν* against a foreigner for living in Athens without a patron; so was also the *δίκη ἀποστασιῶν* against a slave who failed in his duty to the master who had freed him. Moreover, it was the polemarch's duty to offer the yearly sacrifice to Artemis, in commemoration of the vow made by Callimachus at Marathon, and to arrange the funeral games in honour of those who fell in war. These three archons, the *ἐπίωνμος*, *βασιλεύς*, and *πολέμαρχος*, were each allowed two assessors to assist them in the discharge of their duties.

The thesmothetæ were extensively connected with the administration of justice, and appear to have been called legislators,² because, in the absence of a written code, they might be said to make laws, or *θεσμοί*, in the ancient language of Athens, though, in reality, they only declared and explained them. They were required to review, every year, the whole body of laws, that they might detect any inconsistencies or superfluities, and discover whether any laws which were abrogated were in the public records among the rest.³ Their report was submitted to the people, who referred the necessary alterations to a legislative committee chosen for the purpose, and called *νομοβέται*.

The chief part of the duties of the thesmothetæ consisted in receiving informations, and bringing cases to trial in the courts of law, of the days of sitting in which they gave public notice.⁴ They did not try them themselves, but seem to have constituted a sort of grand jury, or inquest. Thus they received *ἐνδείξεις* against parties who had not paid their fines, or owed any money to the state, and *ἐπαγγελία* against orators guilty of actions which disqualified them from addressing the people; and in default of bringing the former parties to trial, they lost their right of going up to the areiopagus at the end of their year of office.⁵ Again, indictments for personal injuries (*ὕβρις γραφαί*) were laid before them, as well as informations against olive growers, for rooting up more trees than was allowed to each proprietor by law.⁶ So, too, were the indictments for bribing the Helicæ, or any of the courts of justice at Athens, or the senate, or forming clubs for the overthrow of the democracy, and against retained advocates (*συνήγοροι*) who took bribes either in public or private causes. Again, an information was laid before them if a foreigner cohabited with a citizen, or a man gave in marriage as his own daughter the child of another, or confined as an adulterer one who was not so. They also had to refer informations (*εἰσαγγελία*) to the people; and where an information had been laid before the senate, and a condemnation ensued, it was their duty to bring the judgment into the courts of justice for confirmation or revision.

A different office of theirs was to draw up and ratify the *σύμβολα*, or agreements with foreign states, settling the terms on which their citizens should sue and be sued by the citizens of Athens.⁷ In their collective capacity, the archons are said to have had the power of death in case an exile returned to an interdicted place: they also superintended the *ἐπιχειρονομία* of the magistrates, held every prytny,⁸ and brought to trial those whom the

people deposed, if an action or indictment were consequence of it. Moreover, they allotted dicasts or jurymen, and probably presided at annual election of the *strategi* and other military officers.

In concluding this enumeration of the duties of the archons, we may remark that it is necessary to be cautious in our interpretation of the words *ἀρχόντες* and *ἀρχόντες*: the fact is, that in the Attic oration they have a double meaning, sometimes referring to the archons peculiarly so called, and sometime any other magistracy. Thus, in Isæus,¹ we might on a cursory perusal, infer, that when a testator gives his property away from his heir-at-law, by will was technically called a *δόσις*,² the archon took the original will into custody, and was required to be present at the making of any addition or codicil to it. A more accurate observation proves that by *τῶν ἀρχόντων* is meant one of the *ὑστνώμοι*,³ formed a magistracy (*ἀρχή*) as well as the nine archons.

A few words will suffice for the privileges and honours of the archons.³ The greatest of them was the exemption from the trierarchies; a benefit not allowed even to the successors of Harmo and Aristogeiton. As a mark of their office, they wore a chaplet or crown of myrtle; and if any struck or abused one of the thesmothetæ or archon, when wearing this badge of office, he came *ἀτιμῶς*, or infamous in the fullest extent, thereby losing his civic rights. The archons, at the close of their year of service, were admitted among the members of the areiopagus. (*Vid. AREIOPAGUS*) The principal authority on the subject of the archons and their duties is Julius Pollux, in a work called *Ἱστορικόν*: he was a professor of rhetoric at Athens in the time of the Emperor Commodus A.D. 190, to whom he inscribed his work, and generally believed to have borrowed his information from a lost treatise of Aristotle on the "Constitution of Athens." It is, however, necessary to compare the Attic orators, as will be seen from the references which are given in the course of this article. Among the modern writers, Böckh and Scham are occasionally useful, though they give no real account of the archonship.

ARCHONES (*ἀρχόντες*). The taxes at Athens were let out to contractors, and were frequently farmed by a company under the direction of *ἀρχωντής*, or chief farmer, who was the person responsible to the state.⁴

ARCFIN'US AGER. (*Vid. AGRIMENSORIUM*)
 *ARKTION and ARKEION (*ἀρκτιον* and *κειον*). There is great confusion of names and uncertainty in respect to these plants. Alston marks that Dioscorides' description of the *ἀρκτιον* agrees better with the character of the *Arcti Lappa*, or Burdock, than his description of *ἀρκτιον*. Sprengel, accordingly, holds the first to be the *Arctium Lappa*, and suggests that the latter may be the *Verbascum ferrugineum*.⁵

*ARKTOS (*ἄρκτος*). I. The common Bear, *Ursus Arctos*, L. The Greeks and Romans were scarcely acquainted with the *U. maritimus*. II. *ἄρκτος* of Aristotle is the ordinary Brown Bear, the habits of the animal are well described by him. "The bear," observes this writer, "is an omnivorous animal, and, by the suppleness of its back, climbs trees, and eats the fruits, and also legumes. It also devours honey, having first broken up the hives; crabs, too, and ants it eats, and also feeds upon flesh." Aristotle then describes how the animal attacks the stag, the boar, and even the bull.

1. (Demosth., *Lacr.*, 940.—Arist. ap. Harpocr., s. v. *Polemarch.*—Pollux, viii., § 92, 93.)—2. (Thirlwall, *Hist. of Greece*, vol. ii., p. 17.)—3. (*Æsch.*, c. *Ctesiph.*, 59.)—4. (Pollux, *Onom.*, viii., 87, 88.)—5. (Demosth., *Mid.*, 529, 530.—Macar., 1073.—Timocr., 707.—Böckh, vol. i., p. 59; ii., p. 72, transl.—*Æschin.*, *Timarch.*, p. 5.)—6. (Demosth., c. *Steph.*, ii., 1137.—*Neera*, 1351, 1363, 1368.—*Timocr.*, 720.—Pollux, viii., 88.—Schömann, 371.—Böckh, i., 259, 317.)—7. (Pollux, *Onom.*, viii., 87.—*Harpocr.*, s. v. *Καταχειρονομία*.—Schömann, 224.—Demosth., *Arist.*, 630.)—8. (*Ἐπιχειρονομία* ἐπὶ δόκις καλῶς ἀρχεῖν.)

1. (De *Cleonymis* Hæred.)—2. (Harpocr., s. v.—*Isæus*, *κλήρων*.)—3. (Böckh, ii., 322.—Demosth., *Lep.*, 462, 464.—*Mid.*, 524.—Pollux, *Onom.*, viii., 86.)—4. (*Andoc.*, *De M.*, 65.—Böckh, *Publ. Econ. of Ath.*, vol. ii., p. 26, 28, 33.)—5. (*oscor.*, iv., 104, 105.—*Adams*, *Ἀρχαῖα*, s. v.)—6. (*Andoc.*, A., viii., 5.—*Penny Cyclop.*, vol. iv., p. 24.)

ARCUS.

1. A crustaceous fish, described by Aristotle. Most probably the *Cancer Arctus*, or Broad Lobster of Pennant.¹

ARCUS (also *formix*² and *καυάρα*), an arch suspended over the head of an aperture, or carried on one side of a wall to another, and serving as a roof or ceiling to the space below. An arch is formed of a series of wedge-like stones or of bricks, supporting each other, and all bound firmly together by the pressure of the centre one upon them, which is therefore distinguished by the name of key-stone.

It would seem that the arch, as thus defined, and used by the Romans, was not known to the Greeks in the early periods of their history, otherwise a language so copious as theirs, and of such ready application, would not have wanted a name properly Greek by which to distinguish it. The word of both arches and vaults appears, however, to have existed in Greece previously to the Roman conquest, though not to have been in general practice.

But the constructive principle by which an arch is made to hold together, and to afford a solid resistance against the pressure upon its circumference, was known to them even previously to the Trojan war, and its use is exemplified in two of the finest buildings now remaining: the chamber built at Orchomenus by Minyas, king of Bœotia, described by Pausanias,⁴ and the treasury of Atreus at Mycenæ.⁵ Both these works are constructed over ground, and each of them consists of a circular chamber formed by regular courses of stones laid horizontally over each other, each course projecting towards the interior, and beyond the one below it, till they meet in an apex over the centre, which was capped by a large stone, and thus resembled the inside of a dome. Each of the horizontal courses of stones formed a perfect circle, or a semicircular arches joined together, as the joined plan of one of these courses will render evident.



It will be observed that the innermost end of each stone is bevelled off into the shape of a wedge, the apex of which, if continued, would meet in the centre of the circle, as is done in forming an arch; and the outer ends against the earth are left rough,

and their interstices filled up with small irregular-shaped stones, the immense size of the principal stones rendering it unnecessary to continue the second cutting throughout their whole length. In fact, if these chambers had been constructed upon another principle, it is clear that the pressure of the stones all round them would have caused them to open. The method of construction here detailed was communicated to the writer of the present article by the late Sir William Gell. Thus it seems that the Greeks did understand the constructive principle upon which arches are formed,

ARCUS TRIUMPHALIS.

even in the earliest times; although it did not occur to them to divide the circle by a diameter, and set the half of it upright to bear a superincumbent weight. But they made use of a contrivance, even before the Trojan war, by which they were enabled to gain all the advantages of our archway in making corridors, or hollow galleries, and which, in appearance, resembled the pointed arch, such as is now termed Gothic. This was effected by cutting away the superincumbent stones in the manner already described, at an angle of about 45° with the horizon. The mode of construction and appearance of the arches are represented in the annexed drawing of the walls of Tiryns, copied from Sir William Gell's *Argolis*. The gate of Signia (*Segni*) in Latium exhibits a similar example.



Of the different forms and curves of arches now in use, the only one adopted by the Romans was the semicircle; and the use of this constitutes one leading distinction between Greek and Roman architecture, for by its application the Romans were enabled to execute works of far bolder construction than those of the Greeks: to erect bridges and aqueducts, and the most durable and massive structures of brick. * (On the antiquity of the Arch among the Egyptians, Mr. Wilkinson has the following remarks: "There is reason to believe that some of the chambers in the pavilion of Remeses III., at Medeenet Haboo, were arched with stone, since the devices on the upper part of their walls show that the fallen roofs had this form. At Saggara, a stone arch still exists of the time of the second Psammiticus, and, consequently, erected 600 years before our era; nor can any one, who sees the style of its construction, for one moment doubt that the Egyptians had been long accustomed to the erection of stone vaults. It is highly probable that the small quantity of wood in Egypt, and the consequent expense of this kind of roofing, led to the invention of the arch. It was evidently used in their tombs as early as the commencement of the eighteenth dynasty, or about the year 1540 B.C.; and, judging from some of the drawings at Beni Hassan, it seems to have been known in the time of the first Osirtasen, whom I suppose to have been contemporary with Joseph."—*Manners and Customs of the Anc. Egyptians*, vol. ii., p. 116, 117, 1st series.)

ARCUS TRIUMPHALIS (a triumphal arch), an entire structure, forming a passage-way, and erected in honour of an individual, or in commemoration of a conquest. Triumphal arches were built across the principal streets of the city, and, according to the space of their respective localities, consisted of a single archway, or a central one for carriages, and two smaller ones on each side for

¹ *Arctus*, H. A., v., 15; viii., 7.—² (Virg., *Æn.*, vi., 631, & in *Virg.*, l., 7.)—³ (Miford, *Principles of Design in Architecture*, l., 4. (Pl., 33.)—⁴ (Paus., ii., 16.)

foot-passengers, which sometimes have side communications with the centre. Those actually made use of on the occasion of a triumphal entry and procession were merely temporary and hastily erected, and, having served their purpose, were taken down again, and sometimes replaced by others of more durable materials.

Stertinius is the first upon record who erected anything of the kind. He built an arch in the Forum Boarium, about B.C. 196, and another in the Circus Maximus, each of which was surmounted by gilt statues.¹ Six years afterward, Scipio Africanus built another on the Clivus Capitolinus, on which he placed seven gilt statues and two figures of horses;² and in B.C. 121, Fabius Maximus built a fourth in the Via Sacra, which is called by Cicero³ the *Fornix Fabianus*. None of these remain, the Arch of Augustus at Rimini being one of the earliest among those still standing.

There are twenty-one arches recorded by different writers as having been erected in the city of Rome, five of which now remain: 1. *Arcus Drusi*, which was erected to the honour of Claudius Drusus on the Appian Way.⁴ 2. *Arcus Titi*, at the foot of the Palatine, which was erected to the honour of Titus, after his conquest of Judæa, but does not appear to have been finished till after his death; since in the inscription upon it he is called *Divus*, and he is also represented as being carried up to heaven upon an eagle. The bas-reliefs of this arch represent the spoils from the Temple of Jerusalem carried in triumphal procession. This arch has only a single opening, with two columns of the Roman or Composite order on each side of it. 3. *Arcus Septimii Severi*, which was erected by the senate (A.D. 207) at the end of the Via Sacra, in honour of that emperor and his two sons, Caracalla and Geta, on account of his conquest of the Parthians and Arabians. 4. *Arcus Gallieni*, erected to the honour of Gallienus by a private individual, M. Aurelius Victor. 5. *Arcus Constantini*, which is larger and more profusely ornamented than the Arch of Titus. It has three arches in each front, with columns similarly disposed, and statues on the entablatures over them, which, with the other sculptured ornaments, originally decorated the Arch of Trajan.

ARCUS (*βίος, τόξον*), the bow used for shooting arrows. The bow is one of the most ancient of all weapons, and has been, from time immemorial, in general use over the globe, both among civilized and barbarous nations. Hence the Greeks and Romans ascribed to it a mythical origin, some saying that it was the invention of Apollo, who taught the use of it to the Cretans,⁵ and others attributing the discovery either to Scythes the son of Jupiter, or to Perseus the son of Perseus.⁶ These several fables indicate nothing more than the very superior skill and celebrity of the Cretans, the Scythians, and the Persians in archery. The use of the bow is, however, characteristic of Asia rather than of Europe. In the Roman armies it was scarcely ever employed except by auxiliaries; and these auxiliaries, called *sagittarii*, were chiefly Cretans and Arabians.⁷

Likewise in the Grecian armies, archers acted only a subordinate though important part. Their position was in the rear; and, by taking advantage of the protection afforded by the heavy-armed soldiers, who occupied the front ranks, their skill was rendered very effective in the destruction of the enemy. Thus Homer⁸ gives a long list of names in the Trojan army of men slain by the arrows of Teucer, the son of Telamon, who accomplished

this object by sheltering himself under the shield of his brother Ajax.

Among the Scythians and Asiatics, archery was universally practised, and became the principal method of attack. In the description given by Herodotus⁹ of the accoutrements of the numerous vast nations which composed the army of Xerxes we observe that not only Arabians, Medes, Persians, and Scythians, but nearly all the troops without exception, used the bow; and there were differences characteristic of the different countries in respect to its size, its form, and the materials of which it was made. Thus the Scythians and some others had bows, as well as arrows, of a cane (*κύλαμος*), which was perhaps the most common.

Herodotus also alludes to the peculiar form of the Scythian bow. Various authorities concur that it corresponded with the upper of the figures here exhibited, which is taken from an



W. Hamilton's fictile vases. It shows the form of the Scythian or Parthian bow unstrung, and agrees with the form of that now used by the Tartars, the most modern representatives of the ancient Scythæ. In conformity with this delineation, an unlettered rustic, who has seen the name of Theseus (ΘΗΣΕΥΣ), says that the third letter was like a Scythian bow.¹⁰

On the other hand, the Grecian bow, the use of which is shown in the lower of the preceding figures, has a double curvature, consisting of two equal portions united by the handle. The invention and use of bows of this kind are described by Homer¹¹ in the following manner: Pandarus, a Lycian archer, having obtained the long horn of a species of wild goat, had them smoothed and fitted by a bowman (*κεραόδοος τέκτων*), fitted another at the base, and fastened together both by a ring of gold (*χρυσήν κορῶνην*). Prepared to shoot, he lowers his body (*ποτι γαίη ἀγκλίνα*) to the next woodcut. His companion Patroclus, having fitted the bow, draws the string towards his breast (*πρὸς στήθεσιν*). The bow (*βίος*), as opposed to the twangs, the string resounds, and the arrows reach their mark. We see this action exhibited in the following outline of a statue belonging to



group of the Ægina marbles, and perhaps from

1. (Liv., xxiii., 27.)—2. (Liv., xxxvii., 3.)—3. (in Verr., l., 1.)—4. (Suet., Claud., i.)—5. (Diod. Sic., v., 74.)—6. (Plin., H. N., vii., 56.)—7. (Liv., xxxvii., 40; xlii., 35.—Compare Xen., Anab., i., 2, § 9: *Κρήτες τοξόται*.—Arrian, Exp. Al., i., 8, § 8: *Ἐρυθρότατος, ὁ Κρητὴν ἡγούμενον τῶν ἀρχερῶν*." *Ἐκθύβωρος*, * *Κρήτες ἢ τοξόχοι*.—8. (Il., viii., 266—315.)

1. (vii., 61—80.)—2. (Ap. Athen., x., p. 454, *d.*—Theocr., xiii., 56, and Schol. in loc.—Lycophr., 91—Marcell., xii., 8.—Diod. Sic., l. c.)—3. (Al., iv., 102—

old as the age of Homer himself.¹ The bow, placed in the hands of this statue, was probably of bronze, and has been lost.

It is evident that a bow, made and handled in the manner here described, could not be longer than three or four feet, and must have been far less powerful than the Scythian bow. On account of the material, it is often called by the classical authors *κέρως* (*kerōs*, *cornu*²).

This difference of size and form caused a difference also in the mode of drawing the bow. The Greek, with one knee on the ground, drew his right hand with the string towards his breast, as represented in the Eginetan statue, in Homer's account of Pandarus, and in Virgil's description³ of Camilla; the Scythian, on the contrary, advancing boldly towards the enemy, and often on horseback, obliged by the length of his bow, which he held vertically, would stooping and to elevate his left hand, drew it either up to his right ear, as is practised by our archers in the present day.⁴ The Oriental arrow was long and heavy in proportion to the bow,⁵ and was sent, as Procopius observes, with such force that no shield or thorax could resist it.

The bow was sometimes adorned with gold (see *anceps arcus*⁶). The golden ring, or handle, has been already mentioned. Apollo is called by Blauer⁷ "the god of the silver bow" (*ἀργυροτόξος*).

The bowstring was twisted, and was made either of thongs of leather (*βεῖρα βότεια*⁸), of horse-hair (*ἰνέα πρίμασις*⁹), or of the hide, or perhaps the intestine, of the horse (*nervus equinus*¹⁰).

When not used, the bow was put into a case (*τοξόφυλον*, *γυμνός*, *Corymbus*), which was made of leather (*κεύρα*¹¹), and sometimes ornamented (*φαεινός*¹²). The bowcase is often repeated and very conspicuous in the sculptured bas-reliefs of Persepolis. Thus mounted, the bow was either hung upon a peg¹³ or carried on the shoulders.¹⁴

Among the Greek and Roman divinities, the use of the bow is attributed to Apollo, Diana, Cupid, and Hercules; and they are often represented armed with it in ancient works of art. (Vid. ΣΑΓΙΤΤΑ.)

ARDA'LION (*ἀρδάλιον* or *ἀρδάνιον*), also called *heros* from the materials of which it was made, was a vessel of water, which stood before the door of a house in which there was a dead body, in order that those who had been with the corpse might purify themselves by sprinkling the water on their persons.¹⁵

ARDEA (*ἀρδιός*), the Heron. Aristotle¹⁶ denotes three species: 1. The *ἰρδιός πᾶλλος*, the *Ardea cristata*, L., or common Heron. 2. The *ἰρδιός*, the *Ardea alba*, or Great Egret. 3. The *ἰρδιός*, the *Ardea stellaris*, or European Bittern. The last is remarkable for flying very high, and bears its name (*ἀστέριας*, *stellaris*), as if it flew up like very stars. Its attitude also, when at rest, is very singular, the beak being raised up to the heavens.¹⁷ Virgil's description of the soaring flight of the Heron is admirably true to nature:

"*Notasque paludes*

Desert, atque altam supra volat ardea nubem."¹⁸

There is a small species of heron which Gesner supposes may have been the *ἐλαφίς* of Oppian. Some late authors, however, would rather refer the *ἐλαφίς* to the Coot, or *Fulica atra*, L.¹⁹

AREA (*ἄρος* or *ἀλωή*), the threshing-floor, was a raised place in the field, open on all sides to the

wind. Great pains were taken to make this floor hard; it was sometimes paved with flint stones,¹ but more usually covered with clay and smoothed with a great roller.² It was also customary to cover it with lees of oil, which prevented insects injuring it, or grass growing upon it.³ The grains of the corn were beaten out by the hoofs of cattle treading upon it, or by flails (*fustes*⁴).

AREIOP'AGUS (*ὁ Ἄρειος πάγος*, or hill of Ares), at Athens, was a rocky eminence, lying to the west of, and not far from, the Acropolis. To account for the name, various stories were told. Thus, some said that it was so called from the Amazons, the daughters of Ares, having encamped there when they attacked Athens; others again, as Æschylus, from the sacrifices there offered to that god; while the more received opinion connected the name with the legend of Ares having been brought to trial there by Poseidon, for the murder of his son Halirrothius.⁵ To none, however, of these legends did the place owe its fame, but rather to the council (*Ἡ ἐν Ἄρειῳ πάγῳ βουλή*) which held its sittings there, and was sometimes called *Ἡ ἄνω βουλή*, to distinguish it from the senate of Five Hundred, which sat in the Cerameicus within the city. That it was a body of very remote antiquity, acting as a criminal tribunal, was evidently believed by the Athenians themselves. In proof of this, we may refer to the express assertions of the orators, and the legend of Orestes having been tried before the council for the murder of his mother: a trial which took place before Athena, and which Æschylus represents as the origin of the court itself. Again, we find that, even before the first Messenian war (B.C. 740) began, the Messenian king offered to refer the points in dispute to the Argive Amphictiony, or the Athenian Areiopagus;⁶ a proof not only of the existence of the body, but also that it had already obtained considerable reputation for equity in its decisions; a reputation which it must have taken some time to establish.

There is sufficient proof, then, that the Areiopagus existed before the time of Solon, though he is admitted to have so far modified its constitution and sphere of duty that he might almost be called its founder. What that original constitution was must in some degree be left to conjecture, though there is every reason to suppose that it was aristocratical, the members being taken, like the Ephete, from the noble patrician families (*ἀριστογένειαι*). We may remark that, after the time of Solon, the Ephete, fifty-one in number, sat collectively in four different courts, and were charged with the hearing of such cases of accidental or justifiable homicide as admitted of or required expiation before the accused could resume the civil and religious rights he had lost: a resumption impossible in cases of wilful murder, the capital punishment for which could only be escaped by banishment for life, so that no expiation was required or given.⁷ Now the Ephete formerly administered justice in five courts, and for this and other reasons it has been conjectured that they and the Areiopagus then formed one court, which decided in all cases of murder, whether wilful or accidental. In support of this view, it has been urged that the separation of functions was rendered necessary by that change of Solon which made the Areiopagus no longer an aristocratic body, while the Ephete remained so, and, as such, were competent to administer the rites of expiation, forming, as they did, a part of the sacred law of Athens, and therefore left in the hands of the old patricians, even after the loss of their political privileges. On this point we may remark, that the connexion insisted

1. (Colum., i., 6.)—2. (Virg., Georg., i., 178.)—3. (Cato, De Re Rust., 91, 129.)—4. (Colum., ii., 21.)—5. (Demosth., Arist., p. 642.—Æschyl., Eumen., 650.)—6. (Paus., iv., 5, 1.—Thirlwall, Hist. Greece, vol. i., p. 345.)—7. (Müller, Eumen., 64.—Pollux, Onom., viii., 125.)

on may to a great extent be true; but that there was not a complete identity of functions is proved by Plutarch (*Solon*), in a quotation from the laws of Solon, showing that even before that legislator the Areiopagites and Ephetæ were in some cases distinct.

It has been observed, in the article *ARCHON*, that the principal change introduced by Solon in the constitution of Athens was to make the qualification for office depend, not on birth, but property; also that, agreeably to his reforms, the nine archons, after an unexceptionable discharge of their duties, "went up" to the Areiopagus, and became members of it for life, unless expelled for misconduct.¹

The council then, after his time, ceased to be aristocratic in constitution; but, as we learn from Attic writers, continued so in spirit. In fact, Solon is said to have formed the two councils, the senate and the Areiopagus, to be a check upon the democracy; that, as he himself expressed it, "the state, riding upon them as anchors, might be less tossed by storms." Nay, even after the archons were no longer elected by suffrage, but by lot, and the office was thrown open by Aristides to all the Athenian citizens, the "upper council" still retained its former tone of feeling. We learn, indeed, from Isocrates,² that no one was so bad as not to put off his old habits on becoming an Areiopagite; and, though this may refer to private rather than public conduct, we may not unreasonably suppose that the political principles of the younger would always be modified by the older and more numerous members: a modification which, though continually less in degree, would still be the same in direction, and make the Areiopagus what Pericles found it, a counteracting force to the democracy. Moreover, besides these changes in its constitution, Solon altered and extended its functions. Before his time it was only a criminal court, trying cases of "wilful murder and wounding, of arson and poisoning,"³ whereas he gave it extensive powers of a censorial and political nature. Thus we learn that he made the council an "overseer of everything, and the guardian of the laws," empowering it to inquire how any one got his living, and to punish the idle.⁴

We learn from other authorities that the Areiopagites were "superintendents of good order and decency," terms rather unlimited and undefined, as it is not improbable Solon wished to leave their authority. There are, however, recorded some particular instances of its exertion.⁵ Thus we find that they called persons to account for extravagant and dissolute living, and that, too, even in the later days of Athenian history. On the other hand, they occasionally rewarded remarkable cases of industry, and, in company with certain officers called *γυνακονόμοι* made domiciliary visits at private entertainments, to see that the number of guests was not too large, and also for other purposes. But their censorial and political authority was not confined to matters of this subordinate character. We learn from Aristotle,⁶ that, at the time of the Median invasion, when there was no money in the public treasury, the Areiopagus advanced eight drachmæ a man to each of the sailors: a statement which proves that they had a treasury of their own, rather than any control over the public finances, as some have inferred from it.⁷ Again we are told⁸ that, at the time of the battle of Chæroneia, they seized and put to death those who deserted their country, and that they were thought by some to have been the chief preservation of the city.

It is probable that public opinion supported them in acts of this kind, without the aid of which they must have been powerless for any such objects. In connexion with this point, we may add that, when heinous crimes had notoriously been committed, the guilty parties were not known, or no accuser appeared, the Areiopagus inquired into the subject and reported (*ἀποφαίνεω*) to the demus. The report or information was called *ἀπόφασις*. This was a duty which they sometimes undertook on their own responsibility, and in the exercise of an established right, and sometimes on the order of the demus.⁹ Nay, to such an extent did they carry their power, that on one occasion they apprehended an individual (Antiphon) who had been acquitted by the general assembly, and again brought him to trial, which ended in his condemnation and death. Again we find them revoking an appointment whereby Æschines was made the advocate of Athens before the Amphictyonic council, and substituting Hyperides in his room. In these cases, also, they were most probably supported by public opinion, or by a strong party in the state.

They also had duties connected with religion, one of which was to superintend the sacred groves growing about Athens, and try those who were charged with destroying them.¹⁰ We read, also, that in the discharge of their duty as religious officers, they on one occasion examined whether the wife of the king archon was, as required by law, an Athenian; and finding she was not, imposed a fine upon her husband.¹¹ We learn from the same authority that it was their office generally to punish the impious and irreligious. Again we are told, that rather in a rhetorical way, that they relieve the needy from the resources of the rich, control the studies and education of the young, and interfere with and punished public characters as such.¹²

Independent, then, of its jurisdiction as a criminal court in cases of wilful murder, which it continued to the Areiopagus, its influence may have been sufficiently great to have been a considerable obstacle to the aggrandizement of the democracy at the expense of the other parties in the state. In fact, Plutarch¹³ expressly states that Solon had this object in view in its reconstruction, and, accordingly, we find that Pericles, who was an archon or Areiopagite, and who was opposed to the aristocracy for many reasons, resolved to diminish its power and circumscribe its sphere of action. His coadjutor in this work was Ephialtes, a statesman of inflexible integrity, and also a great commander.¹⁴ They experienced much opposition in their attempts; not only in the assembly, but on the stage, where Æschylus produced his tragedy of the Eumenides, the object of which was to press upon the Athenians the dignity, the sacredness, and constitutional worth of the institutions which Pericles and Ephialtes wished to reform. He reminds the Athenians that it was a trial instituted by their patron goddess Athena, and that into her mouth a popular harangue full of warnings against innovations, and admonishing them to leave the Areiopagus in possession of its old and ungrounded rights, that under its watchful guardianship they might sleep in security.¹⁵ Still the opposition failed: a decree was carried, by which Aristotle says, the Areiopagus was "mutated" and many of its hereditary rights abolished.¹⁶ Cicero, who in one place speaks of the council governing Athens, observes in another, that "at that time all authority was vested in the eccle-

1. (Dinarch., c. Demosth., p. 97.—Plutarch, Vit. Sol.)—2. (Areiop., 147.)—3. (Pollux, Onom., viii., 117.—Demosth., Aris., 627.)—4. (Plutarch, Vit. Sol.—Isocr., Areiop., 147.)—5. (Athenæus, iv., p. 167, e.; 168, b.; ed. Dindorf., vi., 245, c.—Pollux, Onom., viii., 112.)—6. (Plutarch, Them., 10.—Vid. Böckh, Public Econ. of Athens, vol. i., p. 208, transl.)—7. (Thirlwall, Hist. Greece, vol. iii., App. 1.)—8. (Lycurg., c. Leoc., 154.)

1. (Dinarchus, c. Demosth., 97.—Schömann, De C. Athen., 217, transl.)—2. (Demosth., De Cor., 271, 272, narch., c. Demosth., p. 98.)—3. (Demosth., Ibid.)—4. (Isocr., Aris., 109-111.)—5. (Demosth., Neer., 1373.)—6. (Areiop., p. 151.)—7. (Solon, Pericel.)—8. (Plutarch, Pericel.)—9. (Müller, Eumen., 35.)—10. (Aristot., Polit., —Cic., De Nat. Deor., ii., 29; De Rep., i., 27.)

state robbed of its ornament and honour. It tells us that the people deprived the state of nearly all its judicial authority (ὅτι πλὴν ὀλίγων ἀπάσας), establishing a democracy, and making themselves supreme courts of justice, as if there had formerly been a superior tribunal. But we infer from the passage that the council lost considerable influence in matters of state; for we learn that it entered upon a career of conquest and conquest to which she had previously been subject; that, "like a rampant horse, she would leap from her reins, and be snatched at Eubœa, and leap to the neighbouring islands." These achievements, and as compared with others, are entirely vague and inconsistent to perplex the reader; accordingly, there has been much discussion as to the precise nature of the alterations effected; some, among whom we may name Müller,² are of opinion that he deprived the Areiopagus of their old jurisdiction in cases of murder; and one of his chief arguments was evidently the design of Æschylus to diminish in this prerogative, which therefore had been assailed. For a sufficient answer we would refer our readers to Mr. Thirlwall's² merely stating, in addition, that he expressly affirms, that neither tyrant nor democracy had ever dared to take away from the Areiopagus its jurisdiction. In addition to which, it may be said, that the consequences ascribed to it do not seem to us to indicate that the Areiopagus its authority as a criminal tribunal, but that it was shorn of its power as superintendent of the morals and conduct of the citizens, both in civil and religious matters, and as exercising control over their decisions. Now an authority of a former kind seems far removed from any influence, and the popular belief as to its influence had made it a dangerous object of attack; say nothing of the general satisfaction which it had always given. We may observe, however, one of the chief features of a democracy is that all the officers of the state responsible; it is not improbable that one of the changes introduced by Ephialtes was to make the Areiopagus and other functionaries, accountable to the democratic administration, as, indeed, we know and were.³ This simple regulation would have made them subservient, as they seem to have been, to public opinion; whereas no such change is recorded in criminal matters, their jurisdiction, on the contrary, being always spoken of as sacred and holy; so much so, that Demosthenes did not even the condemned whispered an appeal against the righteousness of their verdict, the proceedings before the Areiopagus of murder, were, by their solemnity and sacredness, well calculated to ensure just decisions. The process was as follows: The king presided in the case into court, and sat as one of the judges; who were assembled in the open air, and were guarded against any contamination from foreigners. The accuser, who was said εἰς τὸν ἀγορῆν ἐπισηκῆσθαι, first came forward to take the solemn oath (διωμοσία) that his accusation was true, standing over the slaughtered victims, and saying extirpation upon himself and his family were it not so. The accused then came forward to charge with the same solemnity and sacredness. Each party then stated his case with

all possible plainness, keeping strictly to the subject, and not being allowed to appeal in any way to the feelings or passions of the judges.¹ After the first speech,² a criminal accused of murder might remove from Athens, and thus avoid the capital punishment fixed by Draco's *θεσμοί*, which on this point were still in force. Except in cases of parricide, neither the accuser nor the court had power to prevent this; but the party who thus evaded the extreme punishment was not allowed to return home;³ and when any decree was passed at Athens to legalize the return of exiles, an exception was always made against those who had thus left their country.⁴

The reputation of the Areiopagus as a criminal court was of long continuance, as we may learn from an anecdote of Aulus Gellius, who tells us⁵ that C. Dolabella, proconsul of the Roman province of Asia, referred a case which perplexed himself and his council to the Areiopagus (*ut ad iudices graviores exercitatioresque*); they ingeniously settled the matter by ordering the parties to appear that day 100 years (*centesimo anno adesse*). They existed in name, indeed, till a very late period. Thus we find Cicero mentions the council in his letters;⁶ and under the Emperors Gratian and Theodosius (A.D. 380), *Ῥούφιος Φηστος* is called proconsul of Greece, and an Areiopagite.⁷

Of the respectability and moral worth of the council, and the respect that was paid to it, we have abundant proof in the writings of the orators, where, indeed, it would be difficult to find it mentioned except in terms of praise. Thus Lysias speaks of it as most righteous and venerable;⁸ and so great was the respect paid to its members, that it was considered rude in the demus laughing in their presence, while one of them was making an address to the assembly on a subject they had been deputed to investigate. This respect might, of course, facilitate the resumption of some of their lost power, more especially as they were sometimes intrusted with inquiries on behalf of the state, and on the occasion to which we have just alluded, when they were made a sort of commissioners to inquire into the state of the buildings about the Pnyx, and decide upon the adoption or rejection of some proposed alterations. Isocrates, indeed, even in his time, when the previous inquiry or *δοκιμασία* had fallen into disuse, speaks well of their moral influence; but, shortly after the age of Demetrius Phalereus, a change had taken place; they had lost much of their respectability, and were but ill fitted to enforce a conduct in others which they did not observe themselves.

The case of St. Paul is generally quoted as an instance of their authority in religious matters; but the words of the sacred historian do not necessarily imply that he was brought before the council. It may, however, be remarked, that they certainly took cognisance of the introduction of new and unauthorized forms of religious worship, called *ἐπιθετα ἱερά*, in contradistinction to the *πάτρια* or older rites of the state.⁹ There was also a tradition that Plato was deterred from mentioning the name of Moses as a teacher of the unity of the Godhead, by his fear of the Areiopagus.¹⁰

With respect to the number of the Areiopagus in its original form, a point of no great moment, there are various accounts; but it is plain that there could have been no fixed number when the archons became members of this body at the expiration of

1.—2. (Euz., 371.)—3. (Hist. Greece, vol. iii., p. 641.) For an able vindication of this statement, the reader is referred to Hermann, p. 299.—4. (Æschin., c. Ctes., p. 56.—Böckh, *de Athenis*, vol. i., p. 353, transl.)—5. (Aristot., p. 120, 30.—Demosth., c. Arist., l. c.—Pollux,

1. (προσημασθεσθαι εἰς τὴν ἀγορῆν ἀκρίβως: Aristot., *Rhet.*, i., 1.—Pollux, *Onom.*, viii., 117.)—2. (μετὰ τὸν πρῶτον λόγον.)—3. (σεῖς δὲ ἀκούσαντες.)—4. (οἱ κτ' Ἀρείου πάγου φεύγοντες.—*Vid.* Plato, *Legg.*, ix., 11.)—5. (xii., 7.)—6. (*ad Fam.*, xiii., 1; *ad Att.*, v., 11.)—7. (Meursius, *Areiop.*)—8. (*Andoc.*, 104.—Compare Æsch., c. Timarch., 12.—Isocr., *Areiop.*, 148.—*Athenens.*, iv., p. 167.)—9. (Harpoer., s. v. *Ἐπιθετα ἱερά*.—Schömann, *De Comit. Ath.*, 288, transl.)—10. (Justin Martyr, *Cohor. ad Græc.*, p. 22.)

their year of office. Lysias, indeed, speaks of them¹ as forming a part of the Areiopagus even during that time; a statement which can only be reconciled with the general opinion on the subject, by supposing that they formed a part of the council during their year of office, but were not permanent members till the end of that time, and after passing a satisfactory examination.

ARENÆ. (*Vid.* AMPHITHEATRUM.)

ARETALOGI were persons whose occupation appears to have been to amuse the company at the Roman dinner-tables.² They seem to have been looked upon with some contempt, as Juvenal speaks of the *mendax aretalogus*.³ Casaubon thinks that they were poor philosophers, of the Cynic and Stoic schools, who, being unable to procure followers, delivered their discourses on virtue and vice at the dinners of the rich, and that they were the same as those whom Seneca⁴ calls *circulatores philosophos*.⁵ Ruperti says that they were persons who boasted of their own valour (*ἀρετή*), like the *Miles gloriosus* of Plautus.⁶ Turnebus takes the word to mean "sayers of pleasant things," from *ἀρετός*, pleasant.⁷

ARGEI. We learn from Livy⁸ that Numa consecrated places for the celebration of religious services, which were called by the pontifices "argei." Varro calls them the chapels of the argei, and says they were twenty-seven in number, distributed in the different districts of the city. We know but little of the particular uses to which they were applied, and that little is unimportant. Thus we are told that they were solemnly visited on the Liberalia, or festival of Bacchus; and also, that whenever the flamen dialis went (*ivit*) to them, he was to adhere to certain observances. They seem also to have been the depositaries of the topographical records. Thus we read in Varro, "*In sacris Argeorum scriptum est sic: Oppius mons princeps*," &c., which is followed by a description of the neighbourhood. There was a tradition that these argei were named from the chieftains who came with Hercules, the Argei, to Rome, and occupied the Capitoline, or, as it was anciently called, Saturnian Hill. It is impossible to say what is the historical value or meaning of this legend; we may, however, notice its conformity with the statement that Rome was founded by the Pelasgians, with whom the name of Argos was connected.⁹

The name argei was also given to certain figures thrown into the Tiber from the Sublician bridge, on the Ides of May in every year. This was done by the pontifices, the vestals, the prætors, and other citizens, after the performance of the customary sacrifices. The images were thirty in number, made of bulrushes, and in the form of men (*εἰδωλα ἄνδρεικελα*). Ovid makes various suppositions to account for the origin of this rite; we can only conjecture that it was a symbolical offering to propitiate the gods, and that the number was a representative either of the thirty patrician curiæ at Rome, or perhaps of the thirty Latin townships.¹⁰

*ARGEMONE (*ἀργεμόνη*), a species of plant, which Dodonæus is almost disposed to regard as identical with the *Glucium*, or Horned Poppy. Sprengel sets it down for the *Papaver argemone*. The paragraph in Dioscorides, in which the second species is described, would seem to be spurious. Pliny calls this plant *Argemomia*, and assigns it various curative properties in affections of the nervous system, gout, angina, &c.¹¹

1. (*περὶ τοῦ Ἰσηκού*, p. 110, 111.—*Vid.* Argum. Orat., c. Androt.)—2. (Suet., Octav., 74.)—3. (Sat. xv., 15, 16.)—4. (Ep. 29.)—5. (Casaub. in Suet., Octav., 74.)—6. (Ruperti in Juv., xv., 16.)—7. (Adversaria, x., 12.)—8. (i., 22.)—9. (Varro, De Ling. Lat., iv.—Ovid, Fast., iii., 791.—Aul. Gell., x., 15.—Niebuhr, Rom. Hist., i., p. 214, transl.)—10. (Varro, De Ling. Lat., vi.—Ovid, Fast., v., 621.—Dionys. Halicarn., i., 19, 38.—Plutarch, Quæst. Rom., p. 102, Reiske.—Arnold, Rom. Hist., vol. i., p. 67.—Bunsen und Plattner, Beschreibung Roms, vol. i., p. 468-702.)—11. (Dioscor., ii., 208.—Adams, Append., s. v.)

ARGENTA'RII, bankers or money-changers at Rome. The public bankers, or *mensarii*, are to be distinguished from the *argentarii*. The highest class of *mensarii*, the *mensarii quinqueviri* or *triumviri*, were a sort of extraordinary magistrates, the office being generally filled by persons of high rank; their business was to regulate the debts of the citizens, and to provide and distribute specie on emergencies.¹ There were other *mensarii*, who stood lower than these, and whose office approximated to that of the *argentarii*; and still lower stood the *nummularii*, though these were also public functionaries. The *argentarii*, on the contrary, were private bankers, who did all kinds of broking, commission and agency business for their customers. They are called *argentarii*; *argentea mensa exercitores argenti distratores*; *negotiatores stipis argenteæ*. Their private character is clear, from what Ulpian says:—"Taberna (i. e., *argenteria*) publica non quarum usus ad privatos pertinet." Almost all money transactions were carried on through their intervention, and they kept the account-books of their customers. Hence all terms respecting the relation between debtor and creditor were borrowed from banking business: thus, *rationem accepti scribere* ("to put down on the debtor's side in the banker's book") means "to borrow money;" *rescribere*, "to pay back again;" *nomen* (an item in the account) is "a debt," or even "a debtor," as when Cicero says—"Ego meis rebus gestis hoc sum assensus ut bene nomen existimer."² On these books of account which have given rise to the modern Italian system of book-keeping by double entry, see Pliny, *Hist. Nat.*, ii., 7.

The functions of the *argentarii*, besides the original occupation of money-changing (*permutatio argenti*), were as follows: 1. Attending public sales as agents for purchasers, in which case they were called *interpres*.³ 2. Assaying and proving money (*probatio nummorum*). 3. Receiving deposits, or keeping a bank in the modern sense of the word. If the deposit was not to bear interest, it was called *depositum*, or *vacua pecunia*;⁴ if it was to bear interest, it was called *credendum*.⁵ The *argentarii* were said not only *recipere*, but also *constituere*, so that an action *constituta pecunia* would lie against them.⁶

The shops of the bankers were in the cloister round the forum: hence money borrowed from a banker is called *as circumforaneum*; and the phrase *foro cedere* or *abire*, *foro mergi*, &c., mean "to come bankrupt." The *argentarii* at Rome were divided into corporations (*societates*), and formed a *collegium* like the *mensarii* and *nummularii*. The *argentarius* was necessarily a freeman.

ARGENTUM (*ἀργυρος*), silver. According to Herodotus,⁷ the Lydians were the first people who put a stamp upon silver; but, according to the testimony of most ancient writers, silver money was first coined at Ægina, by order of Pheidon, about B.C. 869.⁸ The silver coins of Greece may be divided into three kinds, which differ in appearance according to the age in which they were struck. The most ancient are very thick, and of rude workmanship; those of Ægina usually bear on the upper side the figure of a turtle or a tortoise, and on the under an indented mark, as if the coin at the time of striking the metal had been placed upon a puncheon, and had received a mark from the weight of the blow. The second kind, which appears to belong to the age of Pericles and Xenophon

1. (Læv., xxiii., 21: "Propter penariam argenti et mensarii facti."—*Vid.* etiam Budæus, De Asse, v., p. Salmasius, De Modo Usur., p. 500.)—2. (Orelli, Insc. 4060.)—3. (Dig. 18, tit. 1, s. 32.)—4. (ad Fam., v., 6.)—5. Bentley's note on Horace, Epist. II., i., 105.)—6. (Plaut. cul. iii., l. 63, seq.)—7. (Plaut., Curcul., ii., l. 3, 66-69; i., iv., 3, 3.)—8. (Suet., Octav., 39.)—9. (*Vid.* Salmas., De Usur., p. 722.)—10. (i., 94.)—11. (Ephorus, ap. Strab., l. 376.—Æl., Var. Hist., xii., 10.—Vollus, Orat., ix., 83.—Thon's Class. Dict., s. v. Phidona.)

ket; but this remark should probably be of the coinage of his own time. * (Mr. Huskisson's experiments with three Attic drachmæ of different ages: the first was a thick one of the oldest style; the second, a little later, of a thick form, with the head of Minerva, and that of the oldest coins, but not quite so thick; the third, of the latest kind, broad and thin, with the owl standing on the diota, the helmet of Athena's head surmounted by a high crest, and the other characteristics of the later coinage of Athens.)

After stating the results, as given above, Huskisson goes on to remark as follows: "Now, three drachmæ, the first and third are less valuable than the other Greek money. Out of nine trials of the value of one of Roman silver, the third of the Attic coins in question is considerably the most valuable; and the first of them is likewise in all but two. The second, on the contrary, is the least valuable, and therefore this alone is the standard to which Xenophon refers in speaking of the coinage of which he speaks."

And, as the other two must be of different ages, the first belongs to an age earlier than Xenophon's, and the second to a later. Thus it appears that the second drachma belongs to the middle class of Attic silver, between the best and the rudest of all, and the broad, thin one may be set down as contemporary with the best and Xenophon: the very clumsy and debased pieces, from which the first was taken, belong to an inferior coinage of an earlier age; and the broad, thin coins to later times, when the money of Athens at least, considerably debased. The comparative value of these coins proves also that it was the practice among the Greeks to alloy their money, even where the currency had good circulation; and, therefore, those who are mistaken who have reckoned the worth of silver as if it were all, without exception, fine silver. It is conceivable that the alloy in the Attic coins is due to want of skill to refine the metal, yet, when the later coins are baser than the Attic, this can only be because they were intentionally alloyed.¹²)

It has been already remarked under *Æs*, that silver was originally the universal currency in

the Athenians obtained their silver from the silver mines at Laurion, which were generally regarded as the chief source of the wealth of Athens. We learn from Xenophon³ that these mines had been worked in remote antiquity; and Xenophon speaks of them as if he considered them inexhaustible. In the time of Demosthenes, however, the profit arising from them had greatly diminished; and in the second century of the Christian æra they were no longer worked.⁴ The ore from which the silver was obtained was called *silver earth* (*ἀργυρίτις γῆ*, or simply *ἀργυρίτις*⁴). The same term (*terra*) was also applied to the ore by the Romans, who obtained most of their silver from Spain.⁵

The relative value of gold and silver differed considerably at different periods in Greek and Roman history. Herodotus mentions it⁶ as 1 to 13; Plato⁷ as 1 to 12; Menander⁸ as 1 to 10; and Livy⁹ as 1 to 10, about B.C. 169. According to Suetonius,¹⁰ Julius Cæsar, on one occasion, exchanged gold for silver in the proportion of 1 to 9; but the most usual proportion under the early Roman emperors was about 1 to 12; and from Constantine to Justinian about 1 to 14, or 1 to 15.¹¹

***ARGENTUM VIVUM**, Quicksilver or Mercury. It is first spoken of by Aristotle and Theophrastus under the name of fluid silver (*ἀργυρος χυρτός*), and the mode of obtaining it is thus described by the latter: "This is procured when a portion of cinnabar is rubbed with vinegar in a brass mortar and with a brass pestle." All the modern processes, on the other hand, that are adopted for separating the mercury from the ore, depend upon the volatility of the metal, its conversion into vapour in distilling vessels or retorts, and its condensation by cold. The nature of this mineral, however, does not seem to have been much understood even four centuries later; for Pliny¹² distinguishes between quicksilver (*Argentum vivum*) and the liquid silver (*Hydrargyrum*) procured by processes which he describes from minium, or native cinnabar. This hydrargyrum he supposes to be a spurious imitation of quicksilver, and fraudulent substitute for it in various uses to which it was applied.¹³ Dioscorides, however, who is generally supposed to have written about the same time with Pliny, means,

drachmæ for the first conviction, and a loss of civic rights (*ἀρτία*) if the same person was convicted three times of indolence.¹ According to Julius Pol-lux,² Draco did not impose a severer punishment than *ἀρτία*, and Solon did not punish it at all till the third offence.³

***ARGILLA**, Potters' Clay, included frequently by the Latin writers under the general name of *Creta*. Thus Palladius says, "*Creta, quam argillam dicimus*;" and Columella, "*Creta, qua utuntur figuli, quamque nonnulli argillam vocant*."⁴ These writers speak repeatedly of "*creta figularis*," "*creta qua fiunt amphoræ*." Celsus, too, speaks of "*creta figularis*,"⁵ and Vitruvius of "*vas ex creta factum, non coctum*."⁶ By the term *Creta*, therefore, was generally meant some whitish clay, such as potters' clay, pipe-clay, or fullers' earth. (*Vid. CRETA*.)

***ARGYTIS**, a species of wine, celebrated by Virgil⁷ for its extraordinary durability, and pro-cured from a small grape abounding in juice. It is believed to have been a white wine. If this con-jecture be well founded, we may discover some analogy between it and the best growths of the Rhine, which are obtained from a small white grape, and are remarkable for their permanency.¹⁰

ΑΡΓΥΡΙΟΥ ΔΙΚΗ (*ἀργυρίου δίκη*) was a civil suit of the class *πρός τινα*, and within the jurisdiction of the thesmothetæ, to compel the defendant to pay moneys in his possession, or for which he was lia-ble, to the plaintiff. This action is casually alluded to in two speeches of Demosthenes,¹¹ and is treated of at large in the speech against Callippus.

***ARGYRTIS** (*ἀργυρτίτις*), a name given to the ore from which silver was obtained. (*Vid. ARGEN-TUM*.)

ΑΡΓΥΡΟΚΟΠΕΙΟΝ (*ἀργυροκοπεῖον*), the place where money was coined, the mint. That at Athens appears to have been in or adjoining to the chapel (*ἕρῳον*) of a hero named Stephanephorus. In it were kept the standard weights for the coins.¹²

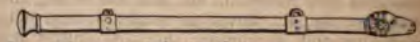
ΑΡΓΥΡΑΣ ΠΙΔΕΣ (*ἀργυράσπιδες*), a division of the Macedonian army, who were so called because they carried shields covered with silver plates. They were held in high honour by Alexander the Great, after whose death they went over to Antigon-us.¹³ Livy mentions them as the royal cohort in the army of Antigonus.¹⁴ The Emperor Alexander Severus had in his army a body of men who were called *argyroaspides*.¹⁵

***ΑΡΙΑ** (*ἀρία*), a species of plant. Bauhin held it to be a kind of pear-tree, and Miller makes it to be that kind which gets the English name of White Beam-tree, namely, the *Pyrus Aria* of Hooker. But Schneider, upon the authority of Sibthorp, holds it to be a variety of the *Quercus Ilex*.¹⁶

ARIADNEIA (*Ἀριάδνεια*), festivals solemnized in the island of Naxos in honour of Ariadne, who, according to one tradition, had died here a natural death, and was honoured with sacrifices, accom-panied by rejoicings and merriment.¹⁷ Another festi-val of the same name was celebrated in honour of Ariadne in Cyprus, which was said to have been instituted by Theseus in commemoration of her death in the month of Gorpiseus. The Amathu-sians called the grove in which the grave of Ari-adne was shown, that of Aphrodite-Ariadne. This is the account given by Plutarch¹⁸ from Pæon, an Amathusian writer.

1 (Lys., c. Nic., *ἀρτίας*.—Ap. Diog. Laert. in Solone.—Har-pocr., s. v. *Κηροί et πάραμος*.—Val. Max., ii., 6, 3.)—2. (Onom., viii., 6, § 42.)—3. (*Vid. Taylor, Lect. Lysiacæ*, p. 707, 708.)—4. (Pallad., i., 34, 3.—Colum., iii., 11, 9.)—5. (Colum., iii., 11, 9; vi., 17, 6; viii., 2, 3.—Veget., iii., 4.)—6. (Colum., xii., 4, 5.)—7. (i., 3.)—8. (viii., 1, 5.)—9. (Georg., ii., 99.)—10. (Henderson's *Anc. Wines*, p. 78.)—11. (in *Boet.*, 1002; in *Olympiod.*, 1179.)—12. (Pollux, *Onom.*, vii., 103.—Böckh, *Pub. Econ. of Athens*, vol. i., p. 194, transl.)—13. (Justin., xii., 7.—Curtius, iv., 13.—Plutarch, *Eumen.*, 13, &c.)—14. (Liv., xxvii., 40.)—15. (Lam-prid, *Alex. Sev.*, 50.)—16. (Theophrast., *H. P.*, iv., 7.—Adams, *Append.*, s. v.)—17. (Plutarch, *Thes.*, 20.)—18. (*Thes.* 90.)

ARTES (*κρίος*), the battering-ram, was used to shake, perforate, and batter down the walls of be-sieged cities. It consisted of a large beam, made of the trunk of a tree, especially of a fir or an ash. To one end was fastened a mass of bronze or iron (*κεφαλή, ἔμβολή, προτομή*), which resembled in its form the head of a ram; and it is evident that this shape of the extremity of the engine, as well as its name, was given to it on account of the resemblance of its mode of action to that of a ram butting with its forehead. The upper figure in the annexed wood-cut is taken from the bas-reliefs on the column of Trajan at Rome. It shows the aries in its simplest state, and as it was borne and impelled by human hands, without other assistance. Even when the art of war was much advanced, the ram must have been frequently used in this manner, both whenever time was wanting for more complicated arrange-ments, and wherever the inequality of the ground rendered such arrangements impracticable. This sculpture shows the ram directed against the angle of a wall, which must have been more vulnerable than any other part. ("*Angularem turrin ictus fo-ravit arietis violentior*."¹²)



In an improved form, the ram was surrounded with iron bands, to which rings were attached, for the purpose of suspending it by ropes or chains from a beam fixed transversely over it. See the lower figure in the woodcut. By this contrivance the sol-diers were relieved from the necessity of supporting the weight of the ram, and they could with ease give it a rapid and forcible motion backward and forward, so as to put the opposite wall into a state of vibration, and thus to shatter it into fragments.

The use of this machine was farther aided by placing the frame in which it was suspended upon wheels, and also by constructing over it a wooden roof, so as to form a "*testudo*" (*χελώνη κρισφόρος*),² which protected the besieging party from the defen-sive assaults of the besieged. Josephus informs us that there was no tower so strong, no wall so thick, as to resist the force of this machine, if its blows were continued long enough.⁴

The beam of the aries was often of great length, e. g., 80, 100, or even 120 feet. The design of this was both to act across an intervening ditch, and to enable those who worked the machine to remain in a position of comparative security. A hundred men, or even a greater number, were sometimes employed to strike with the beam.

The besieged had recourse to various contrivances in order to defend their walls and towers from the attacks of the aries. 1. They attempted, by throwing burning materials upon it, to set it on fire; and, to prevent this from being effected, it was covered with sackcloth (*δέβηται, cilicibus*)⁶ or with hides

1. (Josephus.—Suidas.)—2. (Amm. Marcell., xxiv., 2.)—3. (Appian, *Bell. Mithrid.*)—4. (Bell. Jud., iii.)—5. (Joseph., l. c.—6. (Veget., iv., 23.)

balist¹), which were sometimes moistened in *laurinis ezuvius*²). 2. They threw down axes, so as to break off the iron head of the 3. To accomplish the same purpose, they beams turning upon upright posts (*tolleum* the extremities of these beams they suspended of lead, trunks of trees, stones, or columns. They then caused these ponderes to fall repeatedly upon the head of the pile the opposite party attempted to defeat it by means similar to those mentioned under article ANTENNA, viz., by the use of sickles the ends of long poles (*asseribus falcatis*), employed to cut the ropes by which the stones or weights were suspended. 4. They caught the ram in a noose (*λαμα*,³ βρόχοις⁴), and thus enabled to draw it on one side and blows, or even to overturn it and prevent it altogether.⁵ 5. They seized the head with forceps armed with teeth, and called the *κασ*⁶), and they thus baffled the efforts of the ram in the same way as by using the noose, filled sacks with chaff, or stuffed them with soft materials, and suspended them by ropes from the ram was expected to strike, so as to break blows and break their force, the besiegers employed the sickles, as already mentioned, to cut the ropes.⁷ This provision of sickles, applied to the ram, belonged to the more common engine, called *testudo arietaria*.

Larger machines of this class were so constructed as to be taken to pieces in order to be conveyed to some place to place, and were put together when required for use.¹⁰

It is certainly chargeable with an anachronism when he speaks of the aries as employed at the siege of Ilium and of Laurentum.¹¹ Thucydides mentions the use of it by the Peloponnesians at the siege of Plataea.¹² But it first became an important engine in the hands of the Macedonian and Carthaginians. (Vid. FALX, HELIOPOLIS, &c.)

ARIS (κρίσις), the ordinary ram. (Vid. OVIS.)

ARION (ἀρίων or ἀρίων), a shellfish noticed by Aristotle.

It is now applied to a genus of the class Mollusca, which was formerly placed under the *Limacina*.¹³

ARISARUM (ἀρίσαρον), a species of plant. It now makes out its alliance with the *Arum*, and accordingly, modern botanists give it the name *arisarum*. Miller calls it Friar's Cowl in the north.

ARISTOLOCHIA (ἀριστολόχια), a species of the modern Birthwort. There is some difficulty in recognising the three kinds described by the ancients. Adams thinks there is little reason for regarding the *στρογγύλη* as being the *Aristolochia*, and the *μακρά* as being the *Longa* of modernists; and yet Sprengel inclines to refer the *A. pallida*, and the other to the *A. Cretica*, and the *κλιμακίτις* is unquestionably the *Aristolochia*, or Climbing Birthwort.¹⁴ The Birthwort possess in general tonic and stimulating properties. Pliny, among other complaints in which the Birthwort was found useful, notices severe dyspnoea, difficulty of breathing, hip-gout, the scorpion, &c.; and in Peru, at the present day, it is used as a remedy against dysenteries, malignant fevers, colds, rheumatic pains, &c. (Vid. the part used).¹⁵

A. fragrantissima (called in that country *la Estrella*, or Star-Reed) is highly esteemed as a remedy against dysenteries, malignant fevers, colds, rheumatic pains, &c. (Vid. the part used).¹⁶

1.—2. (Amm. Marcell., xx., 7.)—3. (ἀποβήξαι τὴν βρογχίτιδα; Joseph., l. c.)—4. (Liv., xxxviii., 5.)—5. (l. c.)—6. (Appian., l. c.)—7. (Amm. Marcell., xx., 7.)—8. (Joseph., Veget., Appian., ll. cc.)—9. (Amm. Marcell., xx., 11.)—10. (Liv., ii., 491; xii., 706.)—11. (ii., 491.)—12. (ii., 491.)—13. (Linn., Append., s. v.)—14. (Dioscor., ii., 198.)—15. (Linn., Append., s. v.)—16. (Lindley, p. 71.)

ARMA, ARMATU'RA (ἄρμα, τεύχεα, Hom. ὄπλα), arms, armour.

There can be no doubt that, in the earliest times, the Greeks, as well as other nations, used stones and clubs for their weapons, and that they wore the skins of the wild beasts which they had slain, at once as proofs of their strength and prowess, and as a protection to their bodies. Hence Hercules was commonly represented clad in the spoils of the Nemean lion, as well as carrying a club.¹ The use of the goatskin for a similar purpose has been noticed under the article ÆGIS. Theocritus, in the following lines, describes the savage wrestler Amycus as wearing the skin of a lion, which was fastened over his breast by two of the paws, and depended from thence over his back:

Ἀὐτὸρ ὑπὲρ νῶτοιο καὶ ἀνέχονος ἦρεϊτο
ἄκρων δέρμα λέοντος ἀφημένον ἐκ ποδῶνων.²

This mode of wearing the lion's skin is displayed in two small bronzes of very high antiquity, which have been published by Micali,³ and which are copied in the annexed woodcut.



In the Homeric battles, we have some traces of the use of hides for defensive armour, as in the third book of the Iliad,⁴ where Paris appears lightly armed with a bow and panther's skin upon his shoulders. In the Argonautic expedition, Ancæus, the Arcadian, always wore for the same purpose the shaggy hide of a bear, and Argus that of a black bull.⁵ Even as late as the Messenian war, the mountaineers of Arcadia, serving under Aristodemus as light-armed soldiers, wore the skins both of sheep and goats, and also of bears, wolves, and other wild beasts.⁶

Nevertheless, the armour both of the Greek and Trojan armies, as represented by Homer, was complete and elaborate. In various passages he describes the entire suit of armour of some of his greatest warriors, viz., of Achilles, Patroclus, Agamemnon, Menelaus, and Paris;⁷ and we observe that it consisted of the same portions which were used by the Greek soldiers ever after. Moreover, the order of putting them on is always the same. The heavy-armed warrior, having already a tunic around his body, and preparing for combat, puts on, first, his greaves (*κνημίδες*, *ocrea*); secondly, his cuirass (*θώραξ*, *lorica*), to which belonged the *μίτρα* underneath, and the zone (*ζώνη*, *cingulum*) above; thirdly, his sword (*ξίφος*, *ensis*, *gladius*), hung on the left side of his body by means of a belt which

1. (Vid. Theocr., xxv., 279.)—2. (Id., xxii., 52.)—3. (Italia avanti il Dominio dei Romani, pl. xiv., fig. 3, and pl. xvi., 1, fig. 7.)—4. (iii., 17.)—5. (Orph., Argon., 199.—Apoll. Rhod., i., 324.—Schol. in loc.)—6. (Paus., iv., 11, § 1.)—7. (Il., iii., 328—330 iv., 132—138; xi., 13—45; xvi., 130—142; xix., 364—391.)

passed over the right shoulder; fourthly, the large round shield (*σάκος, ασπίς, clipeus, scutum*), supported in the same manner; fifthly, his helmet (*κόρυς, κνήρη, cassis galea*); sixthly and lastly, he took his spear (*ἔγχος, ὄρνυ, hasta*), or, in many cases, two spears (*δοῦρε δύο*). Virgil represents the outfit of a warrior as consisting of the same six portions, when he describes the armour made by Vulcan for Æneas, and brought to him by his mother.¹ The form and use of these portions are described in separate articles under their Latin names. The annexed woodcut exhibits them all in the form of a Greek warrior attired for battle, as shown in Hope's *Costume of the Ancients* (i., 70).



Those who were defended in the manner which has now been represented, are called by Homer *ἀσπισταί*, from their great shield (*ἀσπίς*); also *ἀρχεμάχοι*, because they fought hand to hand with their adversaries; but much more commonly *πρόμαχοι*, because they occupied the front of the army: and it is to be observed that these terms, especially the last, were honourable titles, the expense of a complete suit of armour (*πανοπλίη*²) being of itself sufficient to prove the wealth and rank of the wearer, while his place on the field was no less indicative of strength and bravery.

In later times, the heavy-armed soldiers were called *ὀπλιται*, because the term *ὀπλα* more especially denoted the defensive armour, the shield and thorax. By wearing these they were distinguished from the light-armed, whom Herodotus,³ for the reason just mentioned, calls *ἀνοπλοί*, and who are also denominated *ψιλοί* and *γυμνοί*, *γυμνήται* or *γυμνήτες*. Instead of being defended by the shield and thorax, their bodies had a much slighter covering, sometimes consisting of skins, as in the above-mentioned instance of the Arcadians, and sometimes of leather or cloth; and, instead of the sword and lance, they commonly fought with darts, stones, bows and arrows, or slings. Though greatly inferior in rank and prowess to the heavy-armed soldiery, it is probable that they often surpassed them in numbers; and by their agility, by their rapid movements from place to place, and by embracing every opportunity of assailing the enemy, coming towards the front under the protection of the heavy-

armed, and again retreating for safety into the rear, they rendered important service to their employers.

We are justified in using the term "employers," because the light-armed were commonly attached in a subordinate capacity to individuals of the heavy-armed soldiery. In this manner the Helots were compelled to serve in the Spartan army. At the battle of Plataea, each Spartan had an appointment of no less than seven Helots to carry his arms, to protect him in danger, to assist him in conquering his opponent, and also to perform every menial service.⁴ On the same occasion, as we are informed by Herodotus,⁵ the other divisions of the Greek army had only one light-armed to one heavy-armed soldier. In after times, also, the Athenian hoplite had usually one attendant, and received as wages for both himself and his servant two drachmæ per day.⁶

Besides the heavy and light armed soldiers, the *ὀπλιται* and *ψιλοί*, who, in general, bore towards one another the intimate relation now explained, another description of men, the *πελτασταί*, also formed a part of the Greek army, though we do not hear of them in early times. Instead of the large round shield, they carried a smaller one called the *πέληνη*, and in other respects their armour, though heavier and more effective than that of the *ψιλοί*, was much lighter than that of the hoplites. The weapon on which they principally depended was the spear.

The cities of Eubœa agreed to go to battle only as hoplites, discarding the use of light armour, depending on the sword and lance, and handling the latter as a pike.⁴ The Eubœans were probably induced to form this agreement in consequence of the richness of their island in the ores of copper and iron. On the other hand, those nations which had neither mines, nor any considerable wealth of other kinds, could scarcely send any but light-armed soldiers, who commonly served as mercenaries.

The Roman legions consisted, as the Greek infantry for the most part did, of heavy and light armed troops (*cravis et levis armatura*). But they were not formed upon the same system of attaching individuals to one another, in the relation of the master or employer and his servant. At all events, this system did not prevail among the Romans to any extent; and when Virgil, in the *Æneid*, mentions the armour-bearer or squire (*armiger*), we must understand him to allude to the Grecian or Oriental practice, or to attribute such attendance and state to kings and generals only.

When a legion was drawn up in order of battle, the heavy-armed were posted in front in three divisions, viz., the *principes*, the *hastati*, and the *triarii*, and behind them were placed the light-armed in two divisions, called the *rorarii*, and the *accensi* or *velites*, the weight and strength of the arms decreasing gradually in these five divisions, until the rear consisted only of archers, slingers, and other troops, who might leave their place whenever occasion required, and make swift excursions for the purpose of attacking and annoying the enemy. Especially in commencing an engagement, the light-armed troops advanced to the front, strove to put the enemy to flight, and, if successful, pursued them. If, on the other hand, they were worsted, they retreated again in a body behind the heavy troops, on whom as the main stay of the army, depended the decision of the conflict. If the heavy-armed were victorious, the light-armed again rushed forward to aid in breaking the ranks of the enemy, and the pursuit was left to them and to the cavalry, while the *principes*, *hastati*, and *triarii* maintained their original position.⁵

1. (Herod., ix., 10, 28-30.—Manso, Sparta, i., 1, p. 136, 137.

2. (l. c.)—3. (Thucyd., iii., 17.)—4. (Strabo, x., 1, 12, 13.)

5. (Veget., De Re Milit., ii., 15-17.)

1 (Æn., viii., 615-625).—2. (Herod., i., 60.)—3. (ix., 62, 63.)

annexed figure is taken from the arch of *severus* at Rome. On comparing it with the Greek hoplite in the last woodcut, we see that, while the national character is distinguished by a wide difference in the attitude and expression, the several parts of the armour correspond, except only that the Roman soldier wears a dagger (*pugio*) on his right side instead of a sword on his left, and, instead of greaves upon his legs, he wears *semoralia* and *caligæ*. All the essential parts of the Roman heavy armour (*lorica, ensis, clipeus, hasta*) are mentioned together in an epigram of Martial,¹ and all except the spear in a well-known passage of St. Paul,² whose enumeration coincides with the figures on the arch of *severus*, and who makes mention, not of greaves, but of shoes or sandals for the feet.



soft or flexible parts of the heavy armour made of cloth or leather. The metal principally used in their formation was that compound of copper and tin which we call bronze, or, more properly, brass. (Vid. *Æs.*) Hence the names for brass (*χαλκός, æs*) are often used to mean armour, the light reflected from the arms of a warlike man being called *ἀργή χαλκείη* by Homer, and *lux ænea* by Virgil.³ Instead of copper, iron afterward came to be extensively used in the manufacture of armour, though articles made of it are much more liable to rust, because iron is, by exposure to moisture, exceedingly liable to corrosion. Gold and silver, and tin unmixed with iron, were also used, more especially to enrich the metal in the armour. When the Cyclopes, under the direction of Vulcan, make the suit for Æneas, as is mentioned, they employ these various

masters at arms were called *armidoctores* and *campidoctores* (*ὀπλοδιδάκται, ὀπλοδιδασκαλοί*).

The armory or arsenal, in which arms of all kinds were kept, was called *armamentarium* (*ὀπλοθήκη, ὀπλοφυλάκιον*).⁴ The marine arsenal at the Piræus, built by the architect Philo, was the glory of the Athenians.⁵

In rude states of society, when the spirit of violence rendered life and property insecure, both Greeks and the nations around, whom they called barbarians, constantly carried arms for their defence.⁶ In the time of Thucydides⁷ the Athenians had discontinued this practice, because the necessity for being always armed existed no longer; but they all bore spears and shields in the public processions.

ARMARIUM, originally a place for keeping arms, afterward a cupboard, in which were kept, not only arms, but also clothes, books, money, ornaments, images, pictures, and other articles of value. The armarium was generally placed in the atrium of the house.⁸ The divisions of a library were called *armaria*.⁹ We find *armarium distegum* mentioned as a kind of sepulchre in an inscription in Gruter.¹⁰

ARMAMENTARIUM. (Vid. ARMA, p. 95.)

*ARMENIACA MALA (*μήλα Ἀρμενιᾶκα*), a fruit, which Dioscorides makes the same with the *præcocia* of the Romans. There seems little reason to doubt that it is identical with our *Apricot*.¹¹

*ARMENIUM (*Ἀρμένιον*), a blue pigment called after the country whence it came. The kind which by Dioscorides is esteemed the best, appears to have been an earth; for he requires it to be smooth, friable, and free from stone. Adams makes it to have been an impure carbonate of copper, like the *Lapis Lazuli*. Hill, however, maintains that it was a yellow earth or ochre of copper. The *Armenium* must not be confounded with the *Lapis Armenius* (*λίθος Ἀρμενιᾶκός*), or Armenian stone, first noticed by Paulus Ægineta, and which is called *λίθος λαζούριος* by Myrepsus. Jameson says the Armenian stone of the ancients was a limestone impregnated with earthy azure copper, and in which copper and iron pyrites were sometimes disseminated.¹²

ARMILLA (*ψάλιον, ψέλιον, or ψέλλιον, χλιδών, ἀμφιδεύ*), a bracelet or armband.

Among all the nations of antiquity, the Medes and Persians appear to have displayed the greatest taste for ornaments of this class. They wore not only armillæ on their wrists, and on the arm a little below the shoulder, but also earrings, collars or necklaces, and splendid turbans. These portions of their dress often consisted of strings of valuable pearls, or were enriched with jewels. They were intended to indicate the rank, power, and wealth of the wearer, and this use of them has continued through successive generations down to the present day.¹³

In Europe, golden armillæ were worn by the Gauls both on their arms and on their wrists.¹⁴ The Sabines also wore ponderous golden armillæ on the left arm, about the time of the foundation of Rome;¹⁵

¹ *Fluit ex rivis, aurique metallum: hæc hæcque chalybs vasta fornacis liquescit.*"

It is not to be supposed that the Roman soldiers acquired their high renown as conquerors by being regularly instructed in the use of arms. Vegetius accordingly, in his first book, devotes several chapters to an account of the exercises for this purpose. The recruits were provided with shields, spears, and other weapons of unwarlike and weight, and in other respects adapted for the discipline of the drill. The

1. (Vid. Liv., xxxi., 23.—Juv., xiii., 83.)—2. (Strab., ix., 1, 15.—Plin., H. N., vii., 38.—Val. Max., viii., 12.—Cic., De Orat., i., 14.)—3. (Thucyd., i., 6.)—4. (vi., 58.)—5. (Dig. 33, tit. 10, s. 3.—Cic., pro Cluent., c. 64.—Petron., Sat., 29.—Plin., H. N., xxix., 17, 32; xxxv., 2, 2.)—6. (Vitruv., vii., Pref.—Vergil., Tac., 8.)—7. (p. 383, No. 4.)—8. (Dioscor., 1, 165.—Hardouin in Plin., H. N., xv., 21.—Casiri, Biblioth. Hispan. Arab., vol. i., p. 330.—Gesner, Lex. Rusticum.)—9. (Dioscor., v., 105.—Vitruv., 7, 9.—Plin., H. N., xxxv., 28.—Adams, Append., s. v.—Moore's Anc. Mineral., p. 68, 69.)—10. (Herod., viii., 113; ix., 80.—Xen., Anab., i., 2, 27; i., 8, 29.—Cyrus., i., 3, 2, 3; vi., 4, 2, et alibi.—Chares Mytil., ap. Athen., iii., 14.—Diod. Sic., v., 45.—Corn. Nep., Dat., iii.—Amm. Marcell., xxiii., sub fin.—Compara Gen., xxiv., 22, 30, 47.—Ezek., xxiii., 42.—2 Sam., i., 10.—Wilson's Customs of Anc. Egypt, vol. iii., p. 374, 375.)—11. (Cl. Quadrig., ap. Aul. Gell., ix., 13.—Περὶ τοῖς βροχίοις καὶ τοῖς καρποῖς ψάλα: Strabo, iv., 4, 5.)—12. (Liv., i., 11.—Flot., i., 1.—Val. Max., ix., 6, 1.)

ARMILLA.

and at the same early period, the Samians wore richly-ornamented armlets at the solemn festivals in honour of Juno.¹

It does not appear that armillæ were subsequently worn among the Greeks by the male sex. But those ladies who aimed at elegance and fashion had both *armlets* (περιβραχιόνια²) and *bracelets* (περικάρπια, περιχέρια, ἀκροχέρια), of various materials, shapes, and styles of ornament. In a comedy of Plautus, formed upon a Greek model,³ armillæ are mentioned as parts of female attire, and one kind is distinguished by the name of *spinter*. This term (σπίγκτις) is manifestly derived from σφίγγω (to compress), and its application is explained from the circumstance that the bracelet so denominated kept its place by compressing the arm of the wearer. The armilla was, in fact, either a thin plate of metal, or a wire of considerable thickness; and, although sometimes a complete ring, it was much more frequently made without having its ends joined; it was then curved, so as to require, when put on, to be slightly expanded by having its ends drawn apart from one another;⁴ and, according to its length, it went once, twice, or thrice round the arm, or even a greater number of times. When it made several turns, it assumed the form so clearly defined by Homer in the expression γναμπτίας ἑλικας, "twisted spirals;"⁵ a form illustrated by numerous armillæ of gold and bronze in our collections of antiques, and exhibited very frequently upon the Greek painted vases. (See the annexed woodcut, from Sir William Hamilton's great work, vol. ii., pl. 35.)



These spiral wires were sometimes engraved so as to exhibit the form of a serpent, and bracelets of this description were called *snakes* by the Athenian ladies.⁶

As in regard to the frontal (*vid.* AMPYX), so also in respect of armillæ, the Greeks conceived the attire of a goddess to resemble that of a lady of superior state and beauty. Hence they attributed these decorations to Aphrodite,⁷ and traces of a metallic armlet are seen upon the celebrated marble statue of that divinity preserved at Florence. In the British Museum is an inscription,⁸ found among the ruins of the Parthenon at Athens, which makes distinct mention of the ἀμφιδεαί upon both the arms of a golden Victory preserved in that temple.⁹

1. (Asii Samii Corn. & Bachio, p. 146.)—2. (Xen., Cyrop., vi., 4, 2.—Chariton, a Dorville, p. 110.)—3. (Men., iii., 2.)—4. (Isid., Orig., xix., 20.)—5. (Il., xviii., 401.)—6. (Meris and Hesychius, s. v. ἄσπιδος.)—7. (Plutarch, De Fort. Rom.)—8. (Elgin Coll., No. 207.)—9. (Böckh, Staatsh., ii., p. 291, 293.—Id., Corpus Inscr., i., p. 235.)

ARMILLA.

Among the Romans we most commonly armillæ as conferred upon soldiers for extraordinary merit.¹ (See the next woodcut.) Instance of this occurs in Livy,² where, after a battle, one of the consuls bestows golden crowns and bracelets upon two officers, four centurions, and gives silver bracelets to others, who were either foreign or of inferior rank. Pliny says that crowns and bracelets of gold were given to soldiers and not to foreigners. These military honours are enumerated in the inscriptions upon various monuments raised to the memory of Roman soldiers, stating that the emperor had presented them *torquibus, armillis, phaleris, &c.*, and according to the exact number of these several distinctions.³ The following form of words used by Valerius Maximus is preserved by the inscription: "Imperator te argenteis armillis donat."

The Roman females wore bracelets for use and partly for ornament. The use was to hold amulets. (*Vid.* AMULETUM.) gives a variety of directions respecting the use to be effected by inserting particular things into the bracelets (*armilla, brachialia*), and wearing them constantly upon the arm. On the same print Emperor Nero, in compliance with the wish of his mother, sometimes wore on his right arm a bracelet of a serpent, enclosed in a golden plate.⁴

As ornaments, armillæ were worn at Rome by women of considerable rank. The metal was, for this purpose, frequently enriched with precious stones and other beautiful objects. Instances of amber, *succina grandia*, mentioned by Pliny as sent to a lady on her birthday, probably bracelets set with amber.⁵ In the woodcut, the first figure represents a golden bracelet discovered at Rome, on the Palatine Hill. The rosette in the middle is composed of



and very delicate leaves. The two starlike ornaments on each side have been repeated where the bracelet is securing them are still visible. The second figure represents a gold bracelet found in Britain, preserved in the British Museum. It appears

1. (Festus, s. v.—Isid., Orig., l. c.)—2. (Livy, x., 41 N., xxxiii., 10.)—3. (Bartholinus, De Armillis, p. 52, 98—5. (viii., 14, 5.)—6. (H. N., xxviii., 9, 47.)—7. (Ibid., 3.)—8. (Suet., Ner., 6.)—9. (ix., 50, 10. ("gemma chera." Schol. in loc.)—11. (Cassius, Rec. d'Ant., t.

two gold wires twisted together, and the fastening it upon the arm by a clasp, is of observation. It has evidently been a lady's ornament. Besides objects finely wrought in gold, most beautiful pearls and jewels, ladies' ornaments were also formed to display other exquisite art. Böttiger says¹ "it can scarcely be that the most splendid gems, with figures in relief, were designed to be worn in bracelets, pendants, and other women of high rank in Rome." The same author observes² "that the large armlets made with three or four coils, were in rewards for the soldiers," and that it would be absurd to suppose such massive ornaments to be designed for women. A specimen of a curious and highly valuable armilla is represented in the third of the preceding figures. The one of pure gold, is more than twice the length of the other, and was found in Cheshire.³ Armlets were worn by a Caligula,⁴ it was regarded as a sign of extravagance and effeminacy, and opposed to Roman ideas and customs. In the epithet *armillatus* denoted a servile condition.⁵

The *armilla* and *ψέλιον* are used for ornaments of the same kind as those already explained, and were worn upon the ankles, very commonly by the Greeks and Asiatics, rarely by Europeans.⁶ An *armilla* is also called *armilla (armillatus canes?)*, and was worn by carpenters.⁷

ARMILUM TRIUM, a Roman festival for the arms. It was celebrated every year before the calends of November (October), the citizens assembled in arms, and offered sacrifices in the place called *Armillum*, or *milistrum*, in the 13th region of the city.⁸

ARABICA (*ἀραβική*), Horseradish. (*Vid. Arabica*.)

(GREEK). In the petty states of Greece, a period long subsequent to their establishment, and beyond the walls of a town, constant danger of being surprised by an enemy, often the labours of husbandry were carried on with arms in their hands.¹⁰ This state of liberty and life must have tended to imbue the people with a martial spirit among the Greeks, though they may have borrowed the principles of war from the nations of the East, it is evident from them that the organization of a military force, and the tactics of the field, were brought near to a degree of perfection as was consistent with the nature of the arms in use before the invention of gunpowder.

The sack of Thebes and the war of Troy are the most striking instances in the Grecian history of actions performed on a considerable scale; and the latter occasion (probably about B.C. 1184) an army of 100,000 men is supposed to have been employed. It would seem that the troops of the petty states engaged in this war were at first arrayed with each other; for, in the second book of the Iliad, Nestor is represented as advising Agamemnon to divide the army into several bodies, according to the nations or tribes of which it was composed, and to place each division under its own chief. It is scarcely conceivable, however, that such a distribution did not always subsist when nations were united together for one object; and, as the several states appear to have been organized separately, probably the mixture of the troops was only an accidental circumstance, arising from necessity in which the army had for some

time previously remained. It may be imagined, therefore, that the advice of Nestor was only intended as a regular notice for re-forming the army preparatory to inspection, and previously to a return to active service: be that as it may, the practice was afterward general, as well in the East as in the Greek states of Europe.

In the fourth book of the Iliad,¹ the arrangement of the army previously to an engagement is distinctly described. A line of war-chariots, in which the chiefs fought, formed the front; the heavy-armed foot were in the rear; and the middle space was occupied by archers or light-armed men, on whom less reliance could be placed. The warriors were protected by cuirasses, greaves, and helmets, all of bronze; they carried strong bucklers, and their offensive arms were javelins or pikes, and swords. The battle began by darts being thrown from the chariots as the latter advanced to break the ranks of the enemy: the chariots probably then fell into the intervals between the divisions of the troops who fought on foot; for the latter are said to have moved up in close order and engaged, shield touching shield, and lance opposed to lance, while the light-armed troops, now in the rear of all, or behind the chariots, discharged their arrows and stones over the heads of the combatants in front. The precept of Nestor, that the warriors should keep their ranks in action, according to the manner of their ancestors, indicates that a certain degree of regularity had long before been observed in the march of armies, or in the collisions of hostile troops.

On contemplating the account given by Homer, it must appear evident that the practice of war in his age differed from that which was followed by the Asiatics, Egyptians, and Greeks of a much later period, chiefly in the absence of cavalry: a circumstance which seems to prove that the art of horsemanship, though not wholly unknown, since Diomed rides on one of the horses which had been taken from the car of Rhesus,² must have been then very imperfect. The dense array in which the Greeks are represented as formed, in the fourth and thirteenth books of the Iliad, corresponds to that of the body of troops subsequently denominated a phalanx; and these are the first occasions on which great bodies of men are said to have been so drawn up. But, at the same time, it must be remarked, that though the poet seems in some passages to consider the compact arrangement of troops as a matter of great importance; yet the issue of the battle is almost always decided by the personal prowess of individual chieftains, who are able to put to flight whole troops of ordinary soldiers.

From a passage in the last book of the Iliad,³ it appears that during the heroic ages, as they are called, every family in a state was obliged to furnish one man, or more, who were chosen by lot, when a chieftain intended to set out on a military expedition. While absent from home, the troops subsisted by supplies brought up from their own district, or raised in that of the enemy. In the manner last mentioned, and by the plunder obtained in piratical excursions to the neighbouring coasts, the Greek army supported itself during the ten years of the Trojan war.

When, after the return of the Heraclidae, the states of Greece had acquired some stability, the great lawgivers of Sparta and Athens, while forming constitutions for their several people, are said to have made regulations for the military service. To the free citizens only was it thought proper to grant the honour of serving their country in complete armour; and we learn from Herodotus that slaves were made to act as light-armed troops. In the action at Plataea against Mardonius, the right wing of the Grecian army was composed of 10,000 La-

1. *Il.*, 159.—2. (*p.* 157).—3. (*Archæologia*, xxvii., *Suet.*, *Cal.*, 32.)—4. (*Suet.*, *Ner.*, 30.—*Mart.*, xi., 22.)—5. (*Plin.*, 168.)—6. (*Propert.*, iv., 8, 24.)—7. (*Vitruv.*, *Archit.*, v., 1.—*Varro*, *De Ling. Lat.*, iv., 32; v., 3.—*Plin.*, 168.)—8. (*Plin.*, 168.)—9. (*Plin.*, 168.)—10. (*Plin.*, 168.)

cedæmonians, of whom half were Spartans, and each of these was accompanied by seven Helots; the remaining 5000, who were furnished by the other towns of Laconia, were each accompanied by one Helot.¹ The employment of slaves in the ancient armies was, however, always considered as a dangerous measure; and it was apprehended, with reason, that they might turn against their masters, or desert to the enemy.

The organization of the Lacedæmonian army was more perfect than that of any other in Greece. It was based upon a graduated system of subordination, which gave to almost every individual a degree of authority, rendering the whole military force a community of commanders,² so that the signal given by the king ran in an instant through the whole army.³ The foundation of this system is attributed to Lycurgus, who is said to have formed the Lacedæmonian forces into six divisions (*μόραι*). Each *μόρα* was commanded by a *πολιμαρχος*, under whom were four *λοχαγοί*, eight *πεντηκοστήρες*, and sixteen *ἐνωμοτάρχαι*;⁴ consequently, two *ἐνωμοτία* formed a *πεντηκοστής*, two of these a *λόχος*, and four *λόχοι* made a *μόρα*. The regular complement of the *enomotia* appears to have been twenty-four men besides its captain. The *lochus*, then, consisted ordinarily of 100, and the *mora* of 400 men. The front row of the *enomotia* appears to have consisted of three men, and the ordinary depth of the line of eight men. The number of men in each *enomotia* was, however, not unfrequently increased. Thus, at the battle of Mantinea, another file was added; so that the front row consisted of four men, and each *enomotia* consequently contained thirty-two men.⁵ At the battle of Leuctra, on the contrary, the usual number of files was retained, but the depth of its ranks was increased from eight to twelve men, so that each *enomotia* contained thirty-six men.⁶ In the time of Xenophon, the *mora* appears to have consisted usually of 600 men.⁷ The numbers seem, however, to have fluctuated considerably, according to the greater or less increase in the number of the *enomotia*. Ephorus makes the *mora* to consist of 500 men, and Polybius⁸ of 900.

At the battle of Mantinea there were seven *lochi*, and the strength of the *lochus* was doubled by being made to consist of four pentecostes and eight *enomotia*.⁹ Upon this account Dr. Arnold remarks:¹⁰ "A question here arises why Thucydides makes no mention of the *mora*, which, according to Xenophon, was the largest division of the Lacedæmonian army, and consisted of four *lochi*; the whole Spartan people being divided into six *mora*. The scholiast on Aristophanes¹¹ says that there were six *lochi* in Sparta, others say five, and Thucydides here speaks of seven; but I think he means to include the Brasidian soldiers and the neodamodes; and, supposing them to have formed together one *lochus*, the number of the regular Lacedæmonian *lochi* would thus be six. These *lochi*, containing each 512 men, are thus much larger than the regular *mora*, which contained only 400, and approach more nearly to the enlarged *mora* of 600 men, such as it usually was in active service in the time of Agesilaus. Was it that, among the many innovations introduced into Sparta after the triumphant close of the Peloponnesian war, the term *lochus* was henceforward used in the sense in which the other Greeks commonly used it, that is, as a mere military division, consisting properly of about 100 men; and that, to avoid confusion, the greater divisions, formerly called *lochi*, and whose number, as being connected

1. (Herod., ix., 28.)—2. (*τὸ στρατιωτικὸν τῶν Λακεδαιμονίων ἀρχόντων εἶσι*: Thucyd., v., 66.)—3. (Heeren, Polit. Antiq., § 29.)—4. (Xen., De Rep. Laced., xi., 4.)—5. (Thucyd., v., 68.)—6. (Xen., Hellen., vi., 4, § 12.)—7. (Ibid., iv., 5, § 11, 12.)—8. (quoted by Plutarch, Pelop., 17.)—9. (Thucyd., v., 68.)—10. (Note on Thucyd., v., 68.)—11. (Lysistrat., 454.)

with old traditions and political divisions, was not variable, were for the future called by the less equivocal name of *mora*?"

To each *mora* of heavy-armed infantry there belonged a body of cavalry bearing the same name, consisting at the most of 100 men, and commanded by the *hipparnost* (*ἵππαρμωστής*).¹ The cavalry is said, by Plutarch, to have been divided in the time of Lycurgus into *oulami* (*οὐλαμοί*) of fifty men each,² but this portion of the Lacedæmonian army was unimportant, and served only to cover the wings of the infantry. The three hundred knights forming the king's body-guard must not be confounded with the cavalry. They were the choicest of the Spartan youths, and fought either on horseback or on foot, as occasion required.

Solon divided the Athenian people into four classes, of which the first two comprehended those persons whose estates were respectively equivalent to the value of 500 and 300 of the Attic measures called *medimni*. These were not obliged to serve in the infantry or on board ship, except in some command; but they were bound to keep a horse for the public, and to serve in the cavalry at their own expense. The third class, whose estates were equivalent to 200 such measures, were obliged to serve in the heavy-armed foot, providing their own arms; and the people of the fourth class, if unable to provide themselves with complete armour, served either among the light-armed troops or in the navy. The ministers of religion, and persons who danced in the festival of Dionysus, were exempt from serving in the armies; the same privilege was also accorded to those who farmed the revenues of the state. There is no doubt that, among the Athenians, the divisions of the army differed from those which, as above stated, had been appointed by the Spartan legislators; but the nature of the divisions is unknown, and it can only be surmised that they were such as are hinted at in the *Cyropædia*. In that work, Xenophon, who, being an Athenian, may be supposed to have in view the military institutions of his own country, speaking of the advantages attending the subdivisions of large bodies of men, with respect to the power of re-forming those bodies when they happen to be dispersed, states³ that the *τάξις* consists of 100 men, and the *λόχος* of twenty-four men (exclusive of their officer); and in another passage he mentions the *δεκάς*, or section of ten, and the *πεντάς*, or section of five men. The *τάξις* seems to have been the principal element in the division of troops in the Athenian army, and to have corresponded to the Peloponnesian *λόχος*. The infantry was commanded by ten *strategi* (*Ἰδ. STRATEGI*) and ten *taxiarchs*, and the cavalry by two *hipparchs* and ten *phylarchs*. These officers were chosen annually, and they appear to have appointed the subordinate officers of each *τάξις* or *λόχος*.

The mountainous character of Attica and the Peloponnesus is the reason that cavalry was never numerous in those countries. Previously to the Persian invasion of Greece, the number of horse-soldiers belonging to the Athenians was but ninety-six, each of the forty-eight *naucrariæ* (*ναυκραρίαί*), into which the state was divided, furnishing two persons; but soon afterward the body was augmented to 1200 *κατάφρακτοι*, or heavy-armed horsemen, and there was, besides, an equal number of *ἀκροβολισταί*, or archers, who fought on horseback. The horses belonging to the former class were covered with bronze or other metal, and they were ornamented with bells and embroidered clothing. Before being allowed to serve, both men and horses were subject to an examination before the *hipparchs*, and punishments were decreed against persons who should enter without the requisite qualifi-

1. (Xen., De Rep. Laced., xi., 4.)—2. (Xen., Hellen., vi., § 10; iv., 5, § 12.)—3. (Plut., Lycurg., 23.)—4. (ii., 1, 4.)

ARMY.

ns. It was also the duty of the hipparchs to the cavalry in time of peace.¹

Every free citizen of the Greek states was, according to Xenophon and Plutarch, enrolled for military service from the age of 18 or 20, to 58 or 60 years, and at Sparta, at least, the rule was common to the kings and the private people. The young men, previously to joining the ranks, were instructed in the military duties by the *τακτικοί* or teachers, who were maintained by the state for that purpose; and no town in Greece was without a gymnasium or school. The times appointed for forming the exercises, as well in the gymnasia in the camp, were early in the morning, and in the evening before going to rest. The first employment of the young soldiers was to guard the camp, in this duty they were associated with the veterans as, on account of their age, had been discharged from service in the field. At 20 years of age the Athenian recruit could be sent on foreign expeditions; but, among the Spartans, this was seldom till the soldier was 30 years old. No recruit beyond the legal age could be compelled to leave his country, except in times of public danger; but mention is occasionally made of such recruits being placed in the rear of the army during a campaign, and charged with the care of the baggage.

While the Athenians were engaged in a campaign against Ægina, the Peloponnesians sent a detachment of troops towards Megara, in expectation of surprising the place; but the young and valiant men who remained to guard Athens were led, under Myronides, against the enemy, and obtained the success of the enterprise.²

Attention to military duties, when the troops were unemployed, was strictly enforced in all the Greek armies; but a considerable difference prevailed in those of the two principal states with respect to the recreations of the soldiers. The Spartans were allowed to witness theatrical performances, and to have in the camp companies of musicians and dancers. In the Lacedæmonian army, on the contrary, all these were forbidden; the contract of temperance, and the observance of military discipline, being prescribed to the Spartan youth in order that they might excel in war (which was then considered as the proper occupation of freemen); and manly exercises alone were permitted in the intervals of duty. Yet, while engaged in the field, the young men were encouraged to use arms, and to wear costly armour, though the neglect of their persons when at home would subject them to the reproach of effeminacy. On going into action, they crowned themselves with olive branches, and marched with a regulated pace, a band of flutes playing the hymn of Castor.³

Military service was not always voluntarily performed by the Greek people, since it was found necessary to decree punishments against such as refused the conscriptions. These consisted in a deprivation of the privileges of citizenship, or in being placed in the hand. Deserters from the army were punished with death; and at home, when a soldier absent himself from the ranks, he was made to stand three days in a public place in women's apparel. It was held to be highly disgraceful in a soldier, after an action, to be without his buckler; and, for this reason, he was obliged to maintain his post till the last moment, or to make a precipitate retreat; a coward would throw away his buckler in order that he might run away.

In the infancy of the Greek republics, while the mode of war was almost at the gates of each city, the soldier served at his own expense in that class of militia which his fortune permitted him to join.

ARMY.

Both at Athens and Sparta the *ἵππεις*, or horsemen, consisted of persons possessing considerable estates and vigour of body; each man furnished and maintained his own horse, and he was, besides, bound to provide at least one foot-soldier as an attendant. In the time of Xenophon, however, the spirit of the original institution had greatly declined; not only was the citizen allowed to commute his personal services for those of a horseman hired in his stead, but the purchase and maintenance of the horses, which were imposed as a tax on the wealthy, were ill executed; the men, also, who were least able in body, and least desirous of distinguishing themselves, were admitted into the ranks of the cavalry.

The distress occasioned by the long continuance of the Peloponnesian war having put it out of the power of the poorer citizens of Athens to serve the country at their own expense, Pericles introduced the practice of giving constant pay to a class of the soldiers out of the public revenue; and this was subsequently adopted by the other states of Greece. The amount of the pay varied, according to circumstances, from two oboli to a drachma.¹ The commanders of the *λόχοι* received double, and the *στρατηγοί* four times, the pay of a private foot-soldier.² A truce having been made between the Athenians and Argives, it was appointed that, if one party assisted another, those who sent the assistance should furnish their troops with provisions for thirty days; and it was farther agreed, that if the succoured party wished to retain the troops beyond that time, they should pay, daily, one drachma (of Ægina) for each horseman, and three oboli for a foot-soldier, whether heavy-armed, light-armed, or archer.³ At Athens, by the laws of Solon, if a man lost a limb in war, one obolus was allowed him daily for the rest of his life at the public expense; the parents and children of such as fell in action were also provided for by the state. (*Vid. ADUNATOI.*)

With the acquisition of wealth, the love of ease prevailed over that of glory; and the principal states of Greece, in order to supply the places of such citizens as claimed the privilege of exemption from military service, were obliged to take in pay bodies of troops which were raised among their poorer neighbours. The Arcadians, like the modern Swiss, were most generally retained as auxiliaries in the armies of the other Greek states. In earlier times, to engage as a mercenary in the service of a foreign power was considered dishonourable; and the name of the Carians, who are said to have been the first to do so, became on that account a term of reproach.

The strength of a Grecian army consisted chiefly in its foot-soldiers; and of these there were at first but two classes: the *ὀπλίται*, who wore heavy armour, carried large shields, and in action used swords and long spears; and the *ψιλλοί*, who were light-armed, having frequently only helmets and small bucklers, with neither cuirasses nor greaves, and who were employed chiefly as skirmishers in discharging arrows, darts, or stones. An intermediate class of troops, called *πελτασταί*, or targeteers, was formed at Athens by Iphicrates, after the Peloponnesian war:⁴ they were armed nearly in the same manner as the *ὀπλίται*, but their cuirasses were of linen instead of bronze or iron; their spears were short, and they carried small round bucklers (*πέλται*). These troops, uniting in some measure the stability of the phalanx with the agility of the light-armed men, were found to be highly efficient; and from the time of their adoption, they were extensively employed in the Greek armies. A band of club-men is mentioned by Xenophon among the Theban troops at the battle of Leuctra.

Scarlet or crimson appears to have been the general colour of the Greek uniform, at least in the

¹ Xenophon's treatise entitled *Ἱεραρχικός*.—2. (Thucyd., i., 105.)—4. (Plutarch, Lycurg.)

1. (Thucyd., iii., 17.)—2. (Xen., Anab., vii., 6, § 1.)—3. (Thucyd., v., 47.)—4. (Xen., Hellen., iv., 4, § 16-18.)

days of Xenophon; for he observes¹ that the army of Agesilaus appeared all bronze and scarlet (*ἅπαντα μὲν χαλκόν, ἅπαντα δὲ ποινικὰ φαίνεσθαι*).

The oldest existing works which treat expressly of the constitution and tactics of the Grecian armies are the treatises of Ælian and Arrian, which were written in the time of Hadrian, when the art of war had changed its character, and when many details relating to the ancient military organizations were forgotten. Yet the systems of these tacticians, speaking generally, appear to belong to the age of Philip or Alexander; and, consequently, they may be considered as having succeeded those which have been indicated above.

Ælian makes the lowest subdivision of the army to consist of a *λόχος*, *δεκάς*, or *ἐνομοτία*, which he says were then supposed to have been respectively files of 16, 12, or 8 men; and he recommends the latter. The numbers in the superior divisions proceeded in a geometrical progression by doubles, and the principal bodies were formed and denominated as follow: Four *λόχοι* constituted a *τετραρχία* (=64 men), and two of these a *τάξις* (=128 men). The latter doubled, was called a *σύνταγμα* or *ξεναγία* (=256 men), to which division it appears that five supernumeraries were attached; these were the crier, the ensign, the trumpeter, a servant, and an officer, called *οὐραγός*, who brought up the rear. Four of the last-mentioned divisions formed a *χιλιάρχια* (=1024 men), which, doubled, became a *τέλος*, and quadrupled, formed the body which was denominated a *φάλαγξ*. This corps would therefore appear to have consisted of 4096 men; but, in fact, divisions of very different strengths were at different times designated by that name. Xenophon, in the *Cyropædia*, applies the term *phalanxes* to the three great divisions of the army of Croesus, and in the *Anabasis* to the bodies of Greek troops in the battle of Cunaxa, as well as upon many other occasions. It is evident, therefore, that before the time of Philip of Macedon, *phalanx* was a general expression for any large body of troops in the Grecian armies. That prince, however, united under this name 6000 of his most efficient heavy-armed men, whom he called his companions; he subjected them to judicious regulations, and improved their arms and discipline; and from that time the name of his country was constantly applied to bodies of troops which were similarly organized.

The numerical strength of the phalanx was probably the greatest in the days of Philip and Alexander; and, if the tactics of Ælian may be considered applicable to the age of those monarchs, it would appear that the corps, when complete, consisted of about 16,000 heavy-armed men. It was divided into four parts, each consisting of 4000 men, who were drawn up in files generally 16 men deep. The whole front, properly speaking, consisted of two grand divisions; but each of these was divided into two sections, and the two middle sections of the whole constituted the centre, or *ὀμφαλός*. The others were designated *κέρατα*, or wings; and in these the best troops seem to have been placed. The evolutions were performed upon the enomoty, or single file, whether it were required to extend or to deepen the line; and there was an interval between every two sections for the convenience of manœuvring.²

The smallest division of the *ψιλοί*, or light troops, according to the treatise of Ælian, was the *λόχος*, which in this class consisted of eight men only; and four of these are said to have formed a *σύστασις*. The sections afterward increased by doubling the numbers in the preceding divisions up to the *ἐπίταγμα*, which consisted of 8192 men; and this

was the whole number of the *ψιλοί* who were attached to a phalanx of heavy-armed troops.

The Greek cavalry, according to Ælian, was divided into bodies, of which the smallest was called *ἰλη*; it is said to have consisted of 64 men though the term was used in earlier times for a party of horse of any number.³ A troop called *ἐπιταρχία* contained two *ἰλαι*; and a division subsequently called *ταραντιναρχία* (from Tarentum in Italy) was double the former. Each of the succeeding divisions was double that which preceded it; and one, consisting of 2048 men, was called *τέλος*; finally, the *ἐπίταγμα* was equal to two *τέλος*, and contained 4096 men. The troops of the division or class, called by Ælian Tarentines, are supposed to have been similar to those which also bore the names of *διμάχαι* and *ὑπασπισταί*, and which corresponded to the present dragoons, since they engaged either on horseback or on foot, being attended by persons who took care of the horses when the riders fought dismounted. Their armour was heavier than that of the common horsemen, but lighter than that of the *ὀπλίται*; and their first establishment is ascribed to Alexander. It does not appear that war-chariots were used in Greece after the heroic ages; indeed, the mountainous nature of the country must have been unfavourable for their evolutions. In the East, however, the armies frequently coming to action in vast plains, not only did the use of chariots commence at a very early epoch, but they continued to be employed till the conquest of Syria and Egypt by the Romans. Numerous chariots formed the front of the Persian line when Alexander overthrew the empire of Darius. Divisions of chariots were placed at intervals before the army of Molon, when he was defeated by Antiochus the Great;⁴ and Justin relates⁵ that there were 600 in the army which Mithradates (Eupator) drew up against that of Ariarathes. In the engagements with Darius and Porus, the troops of Alexander were opposed to elephants; and subsequently to the reign of that prince, those animals were generally employed in the Greek armies in Asia. They were arranged in line in front of the troops and carried on their backs wooden turrets, in which were placed from 10 to 30 men, for the purpose of annoying the enemy with darts and arrows. They were also trained to act against each other: rushing together, they intertwined their trunks, and the stronger, forcing his opponent to turn his flank, pierced him with his tusks; the men, in the mean time, fighting with their spears.⁶ Thus, at the battle of Raphea, between Antiochus and Ptolemy, one wing of the Egyptian army was defeated in consequence of the African elephants being inferior in strength to those of India. Elephants were also employed in the wars of the Greeks, Romans, and Carthaginians with each other.

The four chief officers of a phalanx were disposed in the following manner: The first with respect to merit was placed at the extremity of the right wing; the second, at the extremity of the left; the third was placed on the right of the left wing; and the fourth on the left of the right wing; and a like order was observed in placing the officers of the several subdivisions of the phalanx. The reason given by Ælian for this fanciful arrangement is that thus the whole front of the line will be equally well commanded; since, as he observes, in even (arithmetical) progression, the sum of the extremes is equal to that of the mean terms: which may be the value of this reason, it must have a difficult task to determine the relative merit of the officers with the precision necessary for assigning them their proper places in the series. Experienced soldiers were also placed in the rear:

1. (Agesil., ii., 7.)—2. (Polyb., xi., ex. 3.)

1. (Xen., Anab., i., 2, § 11.)—2. (Polyb., τ., 5.)—3. (Xen., Anab., i., 2.)—4. (Polyb., v., 5.)

lanx; and Xenophon, in the *Cyropædia*, commands a body of troops thus officered to a house having a good foundation and roof.

Each soldier in the phalanx was allowed, when in order, a space equal to four cubits (5½ or 6 feet) each way; when a charge was to be made, the space was reduced to two cubits each way, and this was called *πύκνωσις*. On some occasions more cubit was allowed, and then the order was called *συνασπισμός*, because the bucklers touched each other.

When making or receiving an attack, when each soldier occupied about three feet in depth, and the front rank held the Ionian spear, or *αίρισσα*, which was 18 or 20 feet long, was held in a horizontal position, the front rank of that which was in the hands of a front-rank man might project about 14 feet from the line; that of that which was in the hands of a second-rank man might project about 11 feet, and so on. Therefore, of the sixteen ranks, which was the ordinary depth of the phalanx, those in rear of the front could not evidently contribute by their position to the annoyance of the enemy: they consequently kept their pikes in an inclined position, resting on the shoulders of the men in their front; thus they were enabled to arrest the enemy's pikes, which, after flying over the front ranks, would otherwise fall on those in the rear. The front rank, beyond the fifth pressing with all their force against the men who were in their front, while they prevented them from falling back, increased the force of the charge, or the resistance opposed to the front of the enemy;¹ and from a disposition similar to that which is here supposed in the Spartan troops at the battle of Plataea, the Persian infantry, ill equipped, and unskilled in close action, are said to have perished in vast numbers in the vain attempt to penetrate the dense masses of the Greeks.

In action, it was one duty of the officers to prevent the whole body of the men from inclining to the right hand; to this there was always a tendency, because every soldier endeavoured to cover himself that way, in order that he might be covered by his companion; and his danger was increased by having the army pushed towards its left by that of the enemy.

An engagement of this nature occurred to the army of the Spartans at the battle of Mantinea.² Previously to the battle, some particular word or sentence, *σύνθημα*, was given out by the commanders to the soldiers, who were enabled, on demanding it, to distinguish each other from the enemy.³

Greek tactics appear to have been simple, and the evolutions of the troops such as could be easily executed: the general figure of the phalanx was an oblong rectangle, and this could, when required, be thrown into the form of a solid or hollow square, a rhombus or lozenge, a triangle, or a portion of a circle. On a march it was capable of turning its front, according to the breadth of the column, along which it was to move. If the phalanx was drawn up so that its front exceeded its depth, it had the name of *πλινθιον*; on the other hand, when it advanced in column, or on a narrow front narrower than its depth, it was called *πύργος*. At the battle of Mantinea, the opposing armies were drawn up in two lines; but there was also an oblique order, one wing being advanced near the enemy, the other being kept retired; and this disposition was used when it was desired to induce an enemy to break his line. It is supposed to have been frequently adopted by the Thebans; and, at the battle of Delium, the Boeotians thus defeated the Athenians.⁴ At the Granicus, also, Alexander, according to it is said,⁵ the practice of Epaminondas,

did not attack at once the whole army of the enemy, but threw himself with condensed forces against the centre only of the Persian line.

Occasionally, the phalanx was formed in two divisions, each facing outward, for the purpose of engaging the enemy at once in front and rear, or on both flanks; these orders were called respectively *ἀμφίστομος* and *ἀντίστομος*. When the phalanx was in danger of being surrounded, it could be formed in four divisions, which faced in opposite directions. At the battle of Arbela, the two divisions of Alexander's army formed a phalanx with two fronts; and here the attack was directed against the right wing only of the Persians.

The manœuvres necessary for changing the front of the phalanx were generally performed by countermarching the files, because it was of importance that the officers or file leaders should be in the front. When a phalanx was to be formed in two parallel lines, the leaders commonly placed themselves on the exterior front of each line, with the *οὐραγοί*, or rear-rank men, who were almost always veteran soldiers, in the interior; the contrary disposition was, however, sometimes adopted.

The phalanx was made to take the form of a lozenge, or wedge, when it was intended to pierce the line of an enemy. At the battle of Leuctra, the Lacedæmonians, attempting to extend their line to the right in order to outflank the Thebans, Epaminondas, or, rather, Pelopidas, attacked them while they were disordered by that movement. On this occasion, the Boeotian troops were drawn up in the form of a hollow wedge, which was made by two divisions of a double phalanx being joined together at one end.¹

It may be said that, from the disposition of the troops in the Greek armies, the success of an action depended in general on a single effort, since there was no second line of troops to support the first in the event of any disaster. The dense order of the phalanx was only proper for a combat on a perfectly level plain; and even then the victory depended rather on the prowess of the soldier than on the skill of the commander, who was commonly distinguished from the men only by fighting at their head. But, when the field of battle was commanded by heights, and intersected by streams or defiles, the unwieldy mass became incapable of acting, while it was overwhelmed by the enemy's missiles: such was the state of the Lacedæmonian troops when besieged in the island of Sphacteria.² The cavalry attached to a phalanx, or line of battle, was placed on its wings, and the light troops were in the rear, or in the intervals between the divisions. An engagement sometimes consisted merely in the charges which the opposing cavalry made on each other, as in the battle between the Lacedæmonians and Olynthians.³

The simple battering-ram for demolishing the walls of fortresses is supposed to have been an invention of the earliest times: we learn from Thucydides⁴ that it was employed by the Peloponnesians at the siege of Plataea; and, according to Vitruvius,⁵ the ram, covered with a roof of hides or wood for the protection of the men, was invented by Cetrus of Chalcedon, who lived before the age of Philip and Alexander. (*Vid. ARTES.*) But we have little knowledge of what may be called the field-artillery of the Greeks at any period of their history. Diodorus Siculus mentions⁶ that the *καταπέλτης*, or machine for throwing arrows, was invented or improved at Syracuse in the time of Dionysius; but whether it was then used in the attack of towns, or against troops in the field, does not appear; and it is not till about a century after the death of Alexander that we have any distinct intimation of such

¹ *Xen.*, *vi.*, c. 2.—2. (*Thucyd.*, *v.*, 71, 72.)—3. (*Xen.*, *vi.*, c. 8, § 16.—*Cyrop.*, *i.*, 7, § 10.)—4. (*Thucyd.*, *iv.*, 96.)—5. (*Ep.*, *Δι.*, *l.*, 15.)

¹ (*Xen.*, *Hellen.*, *vii.*, 5.)—2. (*Thucyd.*, *iv.*, 32.)—3. (*Xen.*, *Hell.*, *v.*, 2.)—4. (*ib.*, 76.)—5. (*ix.*, 19.)—6. (*xiv.*, 42.)

machines being in the train of a Grecian army. According to Polybius,¹ there were with the troops of Machanidas many carriages filled with catapultæ and weapons; those carriages appear to have come up in rear of the Spartan army; but, before the action commenced, they were disposed at intervals along the front of the line, in order, as Philopœmen is said to have perceived, to put the Achæan phalanx in disorder by discharges of stones and darts. Against such missiles, as well as those which came from the ordinary slings and bows, the troops, when not actually making a charge, covered themselves with their bucklers; the men in the first rank placing theirs vertically in front, and those behind, in stooping or kneeling postures, holding them over their heads so as to form what was called a *χελώνη* (tortoise), inclining down towards the rear.

ARMY (ROMAN). The organization of the Roman army in early times was based upon the constitution of Servius Tullius, which is explained under the article *COMITIA CENTURIATA*; in which an account is given of the Roman army in the time of the kings and in the early ages of the Republic. It is only necessary to observe here, that it appears plainly, from a variety of circumstances, that the tactics of the Roman infantry in early times were not those of the legion at a later period, and that the phalanx, which was the battle-array of the Greeks, was also the form in which the Roman armies were originally drawn up. (*Clipeis antea Romani usi sunt; deinde, postquam stipendiarii facti sunt, acuta pro clipeis fecere; et quod antea phalanges similes Macedonicis, hoc postea manipulatim structa acies capit esse.*²) In Livy's description³ of the battle which was fought near Vesuvius, we have an account of the constitution of the Roman army in the year B.C. 337; but, as this description cannot be understood without explaining the ancient formation of the army, we shall proceed at once to describe the constitution of the army in later times.

In the time of Polybius, which was that of Fabius and Scipio, every legion was commanded by six military tribunes; and, in the event of four new legions being intended to be raised, 14 of the tribunes were chosen from among those citizens who had carried arms in five campaigns, and 10 from those who had served twice as long. The consuls, after they entered upon their office, appointed a day on which all those who were of the military age were required to attend. When the day for enrolling the troops arrived, the people assembled at the Capitol;⁴ and the consuls, with the assistance of the military tribunes, proceeded to hold the levy, unless prevented by the tribunes of the plebes.⁵ The military tribunes, having been divided into four bodies (which division corresponded to the general distribution of the army into four legions), drew out the tribes by lot, one by one; then, calling up that tribe upon which the lot first fell, they chose (*legerunt*, whence the name *legio*) four young men nearly equal in age and stature. From these the tribunes of the first legion chose one; those of the second chose a second, and so on: after this four other men were selected, and now the tribunes of the second legion made the first choice; then those of the other legions in order, and, last of all, the tribunes of the first legion made their choice. In like manner, from the next four men, the tribunes, beginning with those of the third legion and ending with those of the second, made their choice. Observing the same method of rotation to the end, it followed that all the legions were nearly alike with respect to the ages and stature of the men. Po-

1. (xi., ex. 3.)—2. (Liv., viii., 8.—Compare Niebuhr, Rom. Hist., vol. 1., p. 468.)—3. (viii., 8.)—4. (Liv., xxvi., 35.)—5.

6. (Liv., iv., 1.)

lybius observes¹ that, anciently, the cavalry were chosen after the infantry, and that 200 were allowed to every 4000 foot; but he adds it was then the custom to select the cavalry and to assign 300 of these to each legion. The citizen was obliged to serve in the army, required, between the ages of 17 and 46. Each foot-soldier was obliged to serve twenty campaigns, and each horseman durit And, except when a legal cause of exemption (*exemptio*) existed, the service was compulsory: persons who refused to enlist could be punished by imprisonment, and in some cases they might be sold as slaves.² The grounds of exemption were age,³ infirmity, and having served the appointed time. The magistrates and priests were exempted, in general, from serving in the wars; the same privilege was sometimes granted to the senate or the people to individuals who had rendered services to the state.⁴ In sudden emergencies or when any particular danger was apprehended in the case of a war in Italy or against the Gauls, both of which were called *tumultus*,⁵ no exemption could be pleaded, but all were obliged to be enrolled (*Senatus decrevit, ut delectus haberetur, vacatibus valerent.*⁶) Persons who were rated by the census below the value of 400 drachmæ, according to Polybius, were allowed to serve only in the rear, and these men formed what was called the *classica*.

In the first ages of the Republic, each consul usually the command of two Roman legions and two legions of allies; and the latter were raised in the states of Italy nearly in the same manner as the others were raised in Rome. The infantry of an allied legion was usually equal in number to that of a Roman legion, but the cavalry attached to the former was twice as numerous as that which was attached to the latter.⁷ The regulation of the allied legions was superintended by twelve officers called prefects (*praefecti*), who were selected from the allies for this purpose by the consuls.⁸ In the line of the two Roman legions formed the centre, and those of the allies were placed, one on the right and the other on the left flank; the cavalry was placed at the two extremities of the line; that of the allies in each wing, being on the outward flank. The legionary horsemen, on which account they were called *Alarii*. (*Vid. ALARII*.) A body of 1200 soldiers, both infantry and cavalry, consisting of volunteers or of veterans selected from the allies, guarded the consul in the camp, or acted about his person in the field; and these were called *extraordinarii*. (*Vid. EXTRAORDINARII*.)

The number of men in a Roman legion varied much at different times. When Camillus raised ten legions for the war against the Gauls, each consisted of 4200 foot-soldiers and 300 horse-soldiers, but, previously to the battle of Cannæ, the consuls decreed that the army should consist of four legions, and that the strength of each should be 5000 foot-soldiers.¹⁰ According to Livy,¹¹ Scipio's legions which went to Africa with Scipio consisted each of 6200 foot-soldiers and 300 horse-soldiers; the best commentators suppose that 5200 foot-soldiers are meant; and during the second year of the Macedonian war, the consul Æmilius Paulus had legions of 6000 foot each, besides the auxiliaries for service in that country.¹² The strength

1. (vi., ex. 2.)—2. (Liv., iv., 53; vii., 4.—Cic., pro Cæcio, 3. (Liv., xlii., 33.)—4. (Liv., xxix., 19.—Cic., Phil., v., Nat. Deor., ii., 2.)—5. (Cic., Phil., viii., 1.)—6. (Cic., i., 19.—Phil., viii., 1.—Liv., vii., 11; viii., 20.)—7. (Liv., vi., 24; viii., 36.)—8. (Polyb., vi., ex. 2.—Cæsar., Bell. Gall. iii., 7.)—9. (Liv., vii., 25.)—10. (Polyb., iii., 12.)—11. (Liv., xiv., 21.)

regional cavalry seems to have been always nearly the same.

The number of legions in the service of Rome went on increasing with the extent of its territory; and, after the Punic wars, when the state had acquired wealth by its conquests in the East, the military force became very considerable. Notwithstanding the losses sustained at the battle of Cannæ, we find that, immediately afterward, the Romans raised in the city four legions of infantry, with 1000 horsemen, besides arming 8000 slaves; the cities of Latium sent an equal force; and, supposing 10,000 men to have escaped from Cannæ, the whole would amount to above 50,000 men. In the second year after the battle, the Republic had on foot 18 legions;¹ and in the fourth year, 23 legions.² In the interview of Octavius with Antony and Lepidus, it was agreed that the two former should prosecute the war against Brutus and Cassius, each at the head of 20 legions, and that the other should be left with three legions to guard the city. At Philippi, Antony and Octavius had, in all, 19 legions, which are said to have been complete in number, and increased by supernumerary troops; and, therefore, their force must have amounted to at least 100,000 infantry. On the other hand, Brutus and Cassius had also an army of 19 legions to oppose them, with 20,000 cavalry from the eastern provinces. According to Appian, Octavius, after the death of Lepidus, found himself master of all the western provinces, and at the head of 45 legions, together with 25,000 horse and 37,000 light-armed troops; and there were, moreover, the legions serving under Antony. Under Tiberius there were 25 legions even in time of peace, besides the troops in Italy and the forces of the allies.³

Besides being designated by numbers, the legions bore particular names. In a letter from Galba to Cicero,⁴ mention is made of the *Martia legio* as being one of the veteran bodies engaged in an action between Antony and Pansa in the north of Italy.⁵ And while Cæsar was carrying on the war in Gaul, he gave the freedom of the city to a number of the natives of that country, whom he disciplined in the Roman manner, and imbedded in a legion which he designated *alauda*; because the men wore on their helmets a crest of feathers, like those on the heads of certain birds.⁶ The legions were also distinguished by the name of the place where they were raised or where they had served, as *Italica*, *Britannica*, *Parthica*, or by that of the emperor who raised them.

Tacitus, in the *Annals* and elsewhere, makes mention of bodies of troops called *vexillarii*; and, as no precise account is given of them, the place which they held in the Roman armies can only be known by conjecture. It appears, however, most probable, as Welch has observed in a note upon the *Agricola* of Tacitus,⁷ that the *vexillarii* were those veterans who, after the time of Augustus, were released from their military oath, but were retained, till their complete discharge, under a flag (*vexillum*) by themselves, free from all military duties, to render their assistance in the more severe battles, guard the frontiers of the empire, and keep in subjugated provinces that had been recently conquered. (*Extractorari, qui senadena fecissent, ac retineri sub vexillo, ceterorum immunis, nisi propulsandi hostis.*)⁸ We were a certain number of *vexillarii* attached to a legion; and, from a passage in Tacitus,⁹ it appears that they amounted to 500. They were sometimes detached from the legion, and

sometimes those belonging to several legions seem to have been united in one body (*tredecim vexillariorum milia*¹). (The *subsignani milites* in Tacitus may be looked upon as the same with the *vexillarii*.² In Livy the *triarii* are said to be *sub signis*,³ where we perceive a close analogy between the old *triarii* and the *vexillarii* or *subsignani* of the age of Tacitus, although we must not suppose that the *vexillarii* were the same as the *triarii*.)

After the selection of the men who were to compose the legion, the military oath was administered: on this occasion, one person was appointed to pronounce the words of the oath, and the rest of the legionaries, advancing one by one, swore to perform what the first had pronounced. The form of the oath differed at different times: during the Republic, it contained an engagement to be faithful to the Roman senate and people, and to execute all the orders that should be given by the commanders.⁴ Under the emperors, fidelity to the sovereign was introduced into the oath;⁵ and, after the establishment of Christianity, the engagement was made in the name of the Trinity and the majesty of the emperor.⁶ Livy says⁷ that this military oath was first legally exacted in the time of the second Punic war, B.C. 216, and that, previously to that time, each decuria of cavalry and centuria of foot had only been accustomed to swear, voluntarily among themselves, that they would act like good soldiers.

The whole infantry of the legion was drawn up in three lines, each consisting of a separate class of troops. In the first were the *hastati*, so called from the *hasta*, or long spear which each man carried, but which was afterward disused;⁸ these were the youngest of the soldiers. The second line was formed of the troops called *principes*; these were men of mature age, and from their name it would appear that anciently they were placed in the front line.⁹ In the third line were the *triarii*, so called from their position; and these were veteran soldiers, each of whom carried two pila, or strong javelins, whence they were sometimes called *pilani*, and the *hastati* and *principes*, who stood before them, *antepilani*.

When vacancies occurred on service, the men who had long been in the ranks of the first, or inferior of these three classes, were advanced to those of the second; whence again, after a time, they were received among the *triarii*, or veteran troops. In a legion consisting of 4000 men, the number of the *hastati* was 1200; that of the *principes* was the same; but the *triarii* amounted to 600 only: if the strength of the legion exceeded 4000 men, that of the several bodies was increased proportionally, the number of the last class alone remaining the same.

The usual depth of each of the three bodies, or lines of troops in a legion, was ten men; an interval, equal to the extent of the manipulus, was left between every two of these divisions in the first and second lines, and rather greater intervals between those in the third line. Every infantry soldier of the legion was allowed, besides the ground on which he stood, a space equal to three feet, both in length of front and in the depth of the files, between himself and the next man, in order that he might have room for shifting the position of his buckler according to the action of his opponent, for throwing his javelin, or for using his sword with advantage.¹⁰ The divisions of the second line were in general placed opposite the intervals of the first, and, in like manner, the divisions of the third were opposite the intervals in the second. At the battle

1.—2. (Livy, xxv., 3.)—3. (Tac., Ann., iv., 20.)—4. (Vid. Cic., Phil., iii., 3.)—5. (Veget., De Re Milit., ii., 5.)—6. (Tac., Ann., i., 36.—Com., iii., 21.)

1. (Tac., Hist., ii., 83.)—2. (Hist., i., 70; iv., 33.)—3. (Livy, viii., 8.)—4. (Polyb., vi., ex. 2.)—5. (Tac., Hist., iv., 31.)—6. (Veget., De Re Milit., ii., 5.)—7. (xxii., 38.)—8. (Varro, De Ling. Lat., iv., 16.)—9. (Livy, viii., 8.)—10. (Polyb., xvii., ex. 3.)

at Zama, however, the divisions of troops in the several lines were exactly opposite each other; but this was a deviation from the usual disposition, in order that the elephants of the Carthaginians might pass quite through to the rear. In an action, if the hastati were overpowered, they retired slowly towards the principes; and, falling into the intervals before mentioned, the two classes in conjunction continued the combat. In the mean time, the triarii, keeping one knee on the ground, covered themselves with their bucklers from the darts of the enemy; and, in the event of the first and second lines falling back, they united with them in making a powerful effort to obtain the victory.

The light-armed troops, bearing the name of *velites* and *ferentarii* or *rorarii*, did not form a part of the legion, but fought in scattered parties, wherever they were required. They carried a strong circular buckler three feet in diameter; the staff of their javelin was two cubits long, and about the thickness of a finger; and the iron was formed with a fine point, in order that it might be bent on the first discharge, and, consequently, rendered useless to the enemy.

The cavalry of the legion was divided into ten *turmæ*, each containing 30 men, and each *turma* into three *decuria*, or bodies of 10 men. Each horseman was allowed a space equal to five feet in length in the direction of the line. Each *turma* had three *decuriones*, or commanders of ten; but he who was first elected commanded the *turma*, and was probably called *dux turmæ*.¹

In the time of the Republic, the six tribunes who were placed over a legion commanded by turns. (*Vid. TRIBUNI MILITUM.*) To every 100 men were appointed two centurions, the first of whom was properly so called; and the other, called *optio*, *uragus*, or *subcenturio*, acted as a lieutenant, being chosen for the purpose of doing the duty in the event of the sickness or absence of the former.² The *optio* appears to have been originally chosen by the tribune, but afterward by the centurion. (*Vid. CENTURIO.*) The centurio also chose the standard-bearer, or ensign of his century (*signifer* or *vezillarius*). Each century was also divided into bodies of ten, each of which was commanded by a *decurio* or *decanus*. The first centurion of the triarii was called *primipilus*; he had charge of the eagle, and he commanded the whole legion under the tribunes.³ The light-armed troops were also formed into bands or centuries, each of which was commanded by a centurion.

To Marius or Cæsar is ascribed the practice of drawing up the Roman army in lines by cohorts, which gradually led to the abandonment of the ancient division of the legion into manipuli (*Vid. MANIPULI*), and of the distinctions of hastati, principes, and triarii. Each legion was then divided into ten cohorts, each cohort into three maniples, and each maniple into two centuries, so that there were thirty maniples and sixty centuries in a legion.⁴ (*Cohors* or *chors*, the Greek *χόρος*, originally signified an enclosure for sheep or poultry, and was afterward used to designate the number of men which could stand within such an enclosure.) From a passage in Livy, it appears that very anciently the allies or auxiliaries of Rome were arranged by cohorts: a disposition which is again referred to in the 23d and 28th books of his history,⁵ and in other places, whence it may be concluded that among

those troops it was ordinarily adopted. But, in the Commentaries of Cæsar, the divisions of all the legions, whether Roman or allied, are alike designated cohorts, and the term is also applied to the body of men (*prætoria cohors*) which was particularly appointed to attend on the consul or commander; for Cæsar⁶ tells his army, which had objected to march against Ariovistus, that if the other troops should refuse to follow him, he would advance with the tenth legion alone, and would make that legion his prætorian cohort.

It has been supposed that Marius, who, in order to recruit the forces of the Republic, was compelled to admit men of all classes indiscriminately into the ranks of the legions, diminished to two the three lines of troops in which the Roman armies had been previously drawn up for action; but, if such were the fact, the regulation could not have long remained in force, since Cæsar usually, as in the battle with the Helvetians,⁷ formed his army in three lines; and at Pharsalia he appears to have had a reserve, which constituted a fourth, or additional line. It may be added, that the name of one, at least, of the three classes of legionary troops continued to be applied till near the end of the Republic; for, in the first book of the *Civil War*,⁸ Cæsar, mentioning the loss of Q. Fulginius in an action against Afranius, designates him the first centurion of the hastati in the 14th legion.

The allied troops were raised and officered nearly in the same manner as those of the Roman legions, but probably there was not among them a division of the heavy-armed infantry into three classes. They were commanded by prefects (see page 102), who received their orders from the Roman consuls or tribunes. The troops sent by foreign states for the service of Rome were designated auxiliaries; and they usually, but not invariably, received their pay and clothing from the Republic.

According to Livy, the Roman soldiers at first received no pay (*stipendium*) from the state. It was first granted to the foot A.U.C. 347, in the war with the Volsci,⁹ and, three years afterward, to the horse, during the siege of Veii. Niebuhr, however, brings forward sufficient reasons for believing that the troops received pay at a much earlier period, and that the ærarians (*vid. ÆRARI*) had always been obliged to give pensions to the infantry, as single women and minors did to the knights; and he supposes that the change alluded to by Livy consisted in this, that every soldier now became entitled to pay, whereas previously the number of pensions had been limited by that of the persons liable to be charged with them.¹⁰ Polybius¹¹ states the daily pay of a legionary soldier to have been two oboli, which were equal to 3½ ases, and in thirty days would amount to 100 ases. A knight's yearly pay amounted to 2000 ases; and, since the Roman year originally consisted of only ten months, his monthly pay amounted to 200 ases, which was double the pay of a foot-soldier. Polybius¹² informs us that a knight's pay was three times as much as that of a foot-soldier; but this was not introduced till A.U.C. 354, and was designed, as Niebuhr has remarked, as a compensation for those who served with their own horses, which were originally supplied by the state.¹³ (Compare *ÆS HORDEARIUM*.) A centurion received double the pay of a legionary.

The pay of the soldiers was doubled by Julius Cæsar.¹⁴ In the time of Augustus, the pay of a legionary was 10 ases a day,¹⁵ which was increased still more by Domitian (*addidit quartum stipendium*

1. (Sall. Jug., 38.)—2. (Festus, s. v.—Veget., De Re Milit., 4, 7.)—3. (Liv., viii., 8; xxv., 5.—Tacit., Ann., ii., 81.)—4. (Liv., xxv., 19.—Veg., ii., 8.—Cæsar, Bell. Gall., ii., 25.)—5. ("In legione sunt centurie sexaginta, manipuli triginta, cohortes decem." Cincius, ap. Aul. Gell., xv. 4.)—6. (ii., 64.)—7. (xxiii., 14; xxviii., 45.)

1. (Bell. Gall., i., 40.)—2. (Ibid., i., 24.)—3. (c. 46.)—4. (Ibid., iv., 59.—5. (Rom. Hist., vol. ii., p. 438, transl.)—6. (vi., s. 3.)—7. (vi., ex. 2.)—8. (Liv. v., 12.)—9. (Suet., Jul., 26.) (Tac., Ann., i., 17.)

5). Besides pay, the soldiers received a month's allowance of corn, and the centurions double, and these triple, that of a legionary.²

The infantry of the allies was supplied with corn in a quantity to that of the Roman legionaries, but the cavalry had less than was distributed to Roman cavalry. These regulations subsisted during the time of the Republic, or before the time of the Italian cities were incorporated with Rome; and to the same age must be referred the orders of march and encampment described by Polybius. An account of the marching of a Roman army is given under the article

order of battle appears to have been exactly adhered to by the Romans during the time of the Republic, though, in general, their armies were drawn up in three extended lines of heavy-troops (*triplex acies*); the cavalry being on the wings, and the light troops either in front or in the rear, according to circumstances. At the battle of Cannæ, however, the infantry is said to have been drawn up in one line, and in close order. On this occasion, the Gauls and Spaniards, who were in the front of the Carthaginian army, at first drove the Romans; and the latter, drawing troops from their wings to strengthen their centre, formed a sort of phalanx, whose charge succeeded so far as to break the enemy's line was broken; but, pressed forward too far, the wings of the latter closed in on the disordered troops, and nearly surrounded them. In the engagement with Labienus, the army of the Romans, being attacked both in front and rear, was drawn up in two lines, which were faced in opposite directions; and, in the action with the Parthians, Crassus drew up the Roman army in one body, having twelve cohorts on each of the wings, with a division of cavalry between every two cohorts in each face.

The word of command was at first given aloud by the head of the army; but Æmilius Paulus introduced this custom, and caused the tribune of the legion to give it in a low voice to his primipilar, who transmitted it to the next centurion, and so on. It appears also that, anciently, the men on duty were at their posts during the whole day, and, in consequence, they sometimes fell asleep on their shields. Æmilius Paulus, in order to relieve the fatigue of the men and the chance of sleeping, appointed that they should be relieved every six hours, and that they should go on without their shields. (*Vid. CASTRA.*)

The legion, during the continuance of the ancient constitution, was found to be more than equal to the service of the Greeks for general service, and Pausanias sufficiently accounted for the fact. This he observes that, while the phalanx retained its full power of action, no force was able to make any impression upon it, or support the violence of the attack; but he adds that the phalanx required that the field of battle should be a nearly level plain; and that the enemy might avoid it; and, by making an attack on its flanks and rear, might cut off its retreat.

On an action taking place, the command of the Roman army similar to that of the Romans had it power to lead on to the attack a portion only of the legion, keeping the rest in reserve; in this case, the phalanx was broken by the legion, or the legion broke through any part of the enemy's phalanx, its peculiar advantages were lost; for the phalanx always be left spaces into which the enemy might penetrate and disperse the troops, and the legion was of no avail against men armed with pikes and strong swords. In this

manner, Æmilius obtained a victory over Perseus at Pydna,¹ and Philip was defeated by Flaminius at the battle of Cynocephalæ.²

The severity of the Roman discipline may be said to have been occasionally relaxed, at least in the provinces, even during the Republic; for Scipio Æmilianus, when he went to command the army in Spain, found that the legionary soldiers used carts to carry a portion of the burdens which formerly they had borne on their own shoulders.³ But, among the disorders which prevailed during the reigns of the successors of the Antonines, one of the greatest evils was the almost total neglect of warlike exercises among the troops which guarded the city of Rome. The legions on the frontiers alone, in those times, sustained their ancient reputation, and Severus, by their aid, ascended without difficulty the throne then occupied by the unworthy Julianus. The almost total abandonment of the ancient military institutions may be said to have taken place soon after the time of Constantine; for, according to Vegetius,⁴ who lived in the reign of Valentinian II., the soldiers of that age were allowed to dispense with the helmet and cuirass, as being too heavy to be worn; and he ascribes their frequent defeats by the Goths to the want of the ancient defensive armour.

Vegetius has given a description of the legion, which, though said to accord with that of the ancients, differs entirely from the legions of Livy and Polybius. He considers it as consisting of ten cohorts, and states that it was drawn up in three lines, of which the first contained five cohorts; the troops of this line were called principes, and were heavy-armed men, each carrying five arrows, loaded at one end with lead, in the hollow of the shield, besides a large and small javelin. The second line, consisting of the troops called hastati, is said to have been formed by the remaining five cohorts. Behind these were placed the ferentarii (a sort of light-armed troops, who performed the duty of a forlorn-hope); the target-men, who were armed with darts, arrows, and swords; and besides these there were slingers, archers, and crossbow-men. In rear of all came the triarii, who were armed like the principes and hastati.⁵ Now it was the general practice, during the Republic, to place the principes in the second line, in rear of the hastati; therefore, if the disposition given by Vegetius ever had a real existence, it can only be supposed to have been in an age preceding that to which the description given by Livy⁶ refers, or it was an arrangement adopted on the occasion of some temporary reform which may have taken place under the emperors. What follows may, perhaps, be readily admitted to appertain to the Empire under the greatest of its princes. The first of the cohorts, which bore the name of *cohors milliaria*, was superior to the others, both with respect to the number and quality of the soldiers; it had, also, the charge of the eagle and the standard of the emperor. Its strength was 1105 foot-soldiers, and 132 cuirassiers on horseback, and its post was on the right of the first line. The remaining four cohorts of the first line contained each 555 infantry and 66 cavalry, and the five cohorts of the second line contained each the same number of infantry and cavalry. Thus the whole legion was composed of 6100 foot-soldiers and 726 horsemen, not including either the triarii or the light troops.

After the establishment of the imperial authority, the sovereign appointed some person of consular dignity to command each legion in the provinces; and this officer, as the emperor's lieutenant, had

²Polyb., vi., ex. 2.)—3. (xvii., ex. 3.)

1. (Liv., xlv., 41.)—2. (Polyb., xvii., ex. 3.)—3. (Liv., Epit. 57.)—4. (i., 16.)—5. (Veget., ii., 6, 12.)—6. (viii., 8.)

the title of *praefectus*, or *legatus legionis*.¹ The first appointment of this kind appears to have taken place in the reign of Augustus, and Tacitus mentions the existence of the office in the reign of Tiberius. The authority of the *legatus* was superior to that of the tribunes, who before were responsible only to the consul. In speaking of the officers of a legion, Vegetius² mentions two tribunes (probably meaning two classes of tribunes), of which the first, called *tribunus major*, received his commission from the emperor; the other, called *tribunus minor*, rose to that rank by merit or length of service. Subordinate to the tribunes were, in each cohort, the several centurions, who bore the general name of *ordinarii*.³ To every hundred men there were probably, at one time, only the centurio, whose post was in front of the division, and the *optio*, who remained in the rear; but it appears that Augustus and Vespasian increased the number of officers of this class; for Vegetius observes that those whom these two emperors added to the *ordinarii* were called *Augustales* and *Flaviales*.⁴ The *decurions* or *decani* were, as formerly, the leaders of files. According to Dion Cassius, seven cohorts of troops were instituted by Augustus for the defence of the city, and these bore the name of *vigiles*. It appears, however, that in the time of Tacitus they ceased to be considered as soldiers; for that writer takes no notice of them when, in enumerating the guards of Rome, he mentions three urban and nine praetorian cohorts.⁵

In a fragment of Arrian (the author of the work on the Tactics of the Greeks) we have a brief notice of the constitution of a Roman army during the reign of Hadrian, and the description will probably serve for any age between that time and the dissolution of the Empire. It was so regulated that, when drawn up in order of battle, the legions should be in one line eight deep, and no mention is made of any division of the troops into *hastati*, *principes*, and *triarii*. The first four ranks were armed with the *pilum*, and the others with slender pikes or javelins. The men in the front rank were to present their *pila* at the level of the enemy's horses' breasts, and those in the second, third, and fourth ranks were to stand ready to throw theirs. A ninth rank was to consist of archers, and behind all were the *catapultæ* for projecting darts and arrows, and *ballistæ* for throwing stones, over the heads of the men in front. The cavalry were directed to be in the rear of the legions, probably in the event of being obliged to quit their stations on the wings. On the enemy making a charge, the second and third ranks were to close up to the first, and all these were to present their *pila*; the men in the fourth rank were to throw their weapons directly forward, and those in the rear were to discharge theirs over the heads of the others. The march of the army was made in one column. First came the Roman artillery, in two ranks; these were followed by archers on horseback and by the allied cavalry; then came the Armenian archers on foot, and half of the allied infantry, which was flanked by the cavalry of Achaia. The *élite* of the Roman cavalry marched at the head of the central division; after them came the ordinary cavalry, then the *catapultæ* and the light troops attached to the legions, followed by the legions themselves, in cohorts four men deep. At the head of the legion marched the *praefectus*, his *legatus*, the tribunes, and the centurions of the first cohort. The rear-guard consisted of the other half of the allied infantry and the baggage; and the whole was closed by the cavalry of the *Getæ*.

After the settlement of the Empire, Augustus united with the troops which, under the name of

the praetorian cohort, had attended him as his guard, two legions of infantry which had been raised in Italy, and placed the whole in garrison in the chief towns of that country, but never allowed more than three cohorts to be in one city.¹ Tiberius afterward assembled this body of men in a fortified camp at Rome,² but outside the walls of the city;³ and there, during 300 years, they were at times the guards and the masters of the sovereign. In the time of Tiberius there were nine praetorian cohorts,⁴ but their number was increased to sixteen under Vitellius, four of whom guarded the city.⁵ When Severus had got possession of the Empire, subsequently to the murder of Pertinax by these praetorians, he disarmed the latter, and banished them from Rome; but such an institution was too convenient to be neglected by the despotic monarch of a vast empire, and he immediately drew from the legions of the frontiers the men most remarkable for their strength and courage.⁶ With these he formed an army of 25,000 men, to whom he gave pay and privileges superior to those of the other troops; and their commander, the praetorian *praefectus*, was made both the head of all the military force and the chief minister of the Empire. By the arrangements of Diocletian, a praetorian *praefectus* was appointed, with both a military and a civil jurisdiction, in each of the four great provinces, Italy, Gaul, Illyria, and the East, into which the Empire was then divided; but a large body of guards, under the command of the *praefectus* of Rome, continued to form the garrison of the city. Engaged in the cause of Maxentius, these troops, almost alone, withstood for a time the shock of Constantine's Gallic army, and most of them are said to have covered with their dead bodies the ground which they occupied when in line;⁷ but, after the death of the former, the fortified camp of the praetorians was destroyed, and their institution was suppressed.⁸

The command of all the armies of the Empire was then committed by Constantine to two officers, who had the title of *magistri militum*; one of these was placed over the cavalry, and the other over the infantry, yet both commanded indifferently the troops of both classes in any one army.⁹ On the division of the Empire their number was doubled, and in the reign of Constantius it was increased to eight. According to Vegetius,¹⁰ the *magister militum* was a man of distinguished birth; but this writer observes that the troops were actually commanded by the *praefectus legionis*, who held an intermediate rank between the *magister militum* and the tribunes, who were placed over the cohorts.

The hope of preventing those acts of insubordination which had occurred among the legionary troops, appears to have induced Constantine, or his immediate successors, to diminish the strength of those bodies; and, from a computation founded on the number of the troops which garrisoned Amida when it was besieged by Sapor, it appears that a Roman legion could not then have consisted of more than 1500 men.¹¹ Of these comparatively small bodies there were about 132 in the whole Empire; they were, however, not only without the discipline which characterized the Roman line of battle in former times, but the progress of luxury had so far enervated the class of free citizens that a sufficient number could not be found to fill the ranks of the army. Slaves were admitted into every corps except the superior class of cavalry and the boldest of the Franks and Goths were a

1. (Suet., Octav., 49.)—2. (Suet., Tib., 37.)—3. (Suet., Ne 48.)—4. (Tacit., Ann., iv., 5.)—5. (Tacit., Hist., ii., 93.)—6. (Dion., lxxiv., 2.)—7. (Panegr. Vet., x., 17.)—8. (Zosimus, l. ii.,—Panegr. Vet., ix.)—9. (Zosimus, lib. ii.)—10. (ii., 9.)—11. (Amm. Marcell., xix., 2, 5)

1. (Tacit., Hist., i., 82.)—2. (ii., 7.)—3. (ii., 8.)—4. (ii., 7.)—5. (Tacit., Ann., iv., 5.—Lips. in loc.)

d, for the sake of their services, to attain the most military posts. In this age appear the first signs of the feudal tenures; for the lands belong to the veterans, as the reward of valour, granted on condition that the sons of those should, like their fathers, serve the state in the

reputation of the Roman arms was upheld in the West by the troops under Aëtius, the East by the martial virtues of Belisarius; the last notice we have of an engagement such in the spirit of the ancient battles, is that by Procopius, in his account of the Persian when, describing an action on the Euphrates among the troops of that nation and those of Justinian, he says the latter presented a front which led to the assaults of the enemy's cavalry an impenetrable line of pikes, while the bucklers of the protected them from the flights of arrows with which they would have otherwise been overwhelmed from this time a Roman army began to assimilate to that of an Asiatic people; its strength lying in its cavalry, which was armed with a helmet, and greaves, and which had adexterity in the use of the javelin and bow; the infantry, formed of men taken from the ranks in society, ill-armed and disciplined, chiefly as artificers or labourers, or attendants on the horsemen, and in action only engaged an infantry like themselves.

ARABO (ἀρνάβω), a medicinal substance known by Aëtius³ and Paulus Aegineta.⁴ It would seem that it is not noticed by the other medical writers, whether Greek, Roman, or Arabic, unless we are to suppose, with the commentators on Dioscorid. that it is the second Zerumbeth of Serapion, or the Zarnabum of Avicenna. It so, it must be the Zecuary, for this is the Zerumbeth of Serapion.

ARNOGLOS'SOS (ἀρνόγλωσσος or -ον), the herb known as Macer Floridus describes two species distinctly, namely, the *Plantago major* and *minor*. Adams sees no reason to doubt that these are the two species noticed by Dioscorid. ides, although Sprengel hesitatingly refers them to the *P. major* and *maritima*; and Sibthorp marks the *αρνογλωσσόν μικρόν* as being the *P. lagopus*. Stackhouse recognises the *δ.* of Theophrastus as being the *major*, or the *Greater Plantain*.⁵

ARON (ἄρον), a plant about which great uncertainties prevail. Woodville holds it to be the *Arum* of Linn. L., or the Wake-robin; but Alston says the Wake-robin is not the *ἄρον*, but the *ἀρτίσχορδίζης* in the opinion of many. "I can take out exactly," observes Adams, "what either Dodonæus or Matthioli points to; he mentions that Ghinius referred it to the *aris*, and Anguillara to the *Arum vulgare*; he is somewhat undecided as to the difference between the common *Arum* and the *Arum Dioscorid.* Stackhouse, without attempting to account for the transposition of terms, decides that the *ἄρον* of Theophrastus is the *Arum Dracunculoides*, or Little *Arum*, and the *δρακόντιον* the *Arum maculatum*. I regret that, after consulting all the best authorities on this subject, I must leave it in so uncertain a state."⁶

ARQUATUS, a person afflicted with the *arguata*,⁷ or jaundice.⁸ This disease (called also

ἰκτερός, *aurigo*, *regius morbus*) derives its name from the yellow tint diffused over the body, imitating in a manner the colours of the rainbow.¹ It is sometimes spelled *arcuatus*, but less correctly, as (according to Nonius²) *arcus* signifies any arch, but *arquis* only the iris, or rainbow; as Lucretius,³ "Tum color in virgibus existit nudibus arqui."

ARRA, AR'RABO, or ARRHA, AR'RHABO, is defined by Gaius⁴ to be the "proof of a contract of buying and selling;" but it also has a more general signification. That thing was called *arra* which the contracting parties gave to one another, whether it was a sum of money or anything else, as an evidence of the contract being made: it was no essential part of the contract of buying and selling, but only evidence of agreement as to price.⁵ If the *arra* was given as evidence of a contract absolutely made, it was called *arra pacto perfecto data*; if it was given as evidence of a contract to be made at a future time, it was called *arra pacto imperfecto data*. In the latter case, the party who refused to complete the contract lost the *arra* which he had given; and when he had received an *arra*, but given none, he was obliged to restore double the amount of the *arra*. Yet the bare restoration of the *arra* was sufficient, if both parties consented to put an end to the contract, or if performance of the contract was resisted by either party on sufficient grounds. In the former case, the *arra* only served, if dispute arose, as evidence of the unalterable obligation of the contract, and a party to the contract could not rescind the contract even with the loss of the *arra*, except by making out a proper case. Hence arose the division of the *arra* into *confirmatoria* and *penitentialis*. If, in the former case, the contract was not completely performed, the *arra* was restored, and the party who was in fault lost the *arra* which he had given. But when the contract was completely performed, in all cases where the *arra* was money, it was restored, or taken as part of the price, unless special customs determined otherwise; when the *arra* was a ring, or any other thing, not money, it was restored. The recovery of the *arra* was in all cases by a personal action.

The *arra* in some respects resembles the deposit of money which a purchaser of land in England generally pays, according to the conditions of sale, on contracting for his purchase.

The term *arra*, in its general sense of an evidence of agreement, was also used on other occasions, as in the case of betrothment (*sponsalia*). (Vid. MARRIAGE.) Sometimes the word *arra* is used as synonymous with *pignus*,⁶ but this is not the legal meaning of the term.⁷

ARRHEPHORIA (Ἀρρηφορία), a festival which, according to the various ways in which the name is written (for we find *εραρρηφορία* or *ερρηφορία*), is attributed to different deities. The first form is derived from *ἀρρηγναι*, and thus would indicate a festival at which mysterious things were carried about. The other name would point to Erse or Herse, who was believed to be a daughter of Cecrops, and whose worship was intimately connected with that of Athena. But, even admitting the latter, we still have sufficient ground for believing that the festival was solemnized, in a higher sense, in honour of Athena.⁸ It was held at Athens, in the month of

1. Theodos., lib. vii.—2. (i., 12.)—3. (xvi., 113.)—4. —5. (Adams, Append., s. v.)—6. (Dioscor., ii., 152.—Hist. P., vii., 8.—Adams, Append., s. v.)—7. (Theophr., l. p., 1.—Dioscor., ii., 198.)—8. (Cels., De Med., iii., 15.—Linnæus, iv., 333.—"Lurida præterea sunt quæcumque arguata." Varro, ap. Non. Marc., l., 151.—"Arquatus non sicut equæ at iutea videtur." Plin., H. N., xx., 2., ap. Non. Marc., l. c.)

1. (Isid., Orig., iv., 8.—Non. Marc., v., 14: "In arqui similitudinem.")—2. (l. c.)—3. (vi., 525.)—4. (iii., 139.)—5. (Gaius, Dig. 18, tit. 1, s. 35.)—6. (Terent., Heautont., iii., 3, 42.)—7. (Thibaut, System des Pandekten Rechts, § 144.—Dig. 18, tit. 1, s. 35; tit. 3, s. 6; 14, tit. 3, s. 5, § 15; 19, tit. 1, s. 11, § 6.—Cod. 4, tit. 21, s. 17.—Gellius, xvii., 2.—Compare Bracton, ii., c. 27: "De acquirendo rerum dominio in causa emptiois," and what he says on the *arra*, with the passage in Gaius already referred to.)—8. (Etymol. Mag., s. v. Ἀρρηφορία.)

Skirophorion. Four girls, of between seven and eleven years,¹ were selected every year from the most distinguished families, two of whom superintended the weaving of the sacred peplus of Athena, which was begun on the last day of Pyanepsion:² the two others had to carry the mysterious and sacred vessels of the goddess. These latter remained a whole year on the Acropolis, either in the Parthenon or some adjoining building;³ and, when the festival commenced, the priestess of the goddess placed vessels upon their heads, the contents of which were neither known to them nor to the priestess. With these they descended to a natural grotto within the district of Aphrodite, in the gardens. Here they deposited the sacred vessels, and carried back something else, which was covered, and likewise unknown to them. After this the girls were dismissed, and others were chosen to supply their place in the Acropolis. The girls wore white robes adorned with gold, which were left for the goddess; and a peculiar kind of cakes was baked for them. To cover the expenses of the festival, a peculiar liturgy was established, called *ἀρρηφορία*. All other details concerning this festival are unknown.

ARROGATIO. (Vid. *ΑΡΡΟΓΙΟ*.)

***ARSEN'IKON** (*ἀρσενικόν*) "does not mean what is commonly called *arsenic*, but the *sesqui-sulphuret of arsenic*, or *orpiment*." Celsus clearly indicates what it was when he says "*Auripigmentum, quod ἀρσενικόν a Græcis nominatur*."⁴ In a word, it is yellow orpiment, and this latter name itself is merely a corruption from *auripigmentum*, or "paint of gold." "It was called," observes Dr. Moore, "*auripigmentum*, perhaps, not merely from its golden colour and the use to which it was applied, but because the ancients thought it really contained that metal. Pliny mentions, among other modes of obtaining gold, that of making it from orpiment; and says that Caligula ordered a great quantity of what *ἀρσενικόν* to be reduced, and obtained excellent gold, but in such small proportion as to lose by an experiment which was not afterward repeated."⁵ Although no great reliance can be placed on this account, we are not, of necessity, to regard it as a fable; for the mass experimented on may have contained, as it is said this mineral sometimes does, a small portion of gold.⁶ The arsenic of the ancients, then, was considerably different from our oxide of arsenic, which is a factitious substance procured from cobalt by sublimation. The Arabian author Servitor, however, describes the process of subliming arsenic; and Avicenna makes mention of white arsenic, by which he no doubt meant sublimed arsenic, or the *Arsenicum album* of modern chymists. According to the analysis of Klapproth, yellow orpiment consists of 62 parts of arsenic and 38 of sulphur. The Greek name *ἀρσενικόν* (*masculine*) is said by some to have been given to it because of the potent qualities it was discovered to possess; qualities, however, which the arsenic of the shops exhibits in a more intense degree.⁷ "Galen" says it was commonly called *ἀρσενικόν* in his time, but *ὑπὸ τῶν ἄττικίζεν τὰ πάντα βουλομένων*, "by those who wished to make everything conform to the Attic dialect," *ἀρρηκόν*.⁸ According to Pliny, orpiment was dug in Syria, for the use of painters, near the surface of the ground; Vitruvius⁹ mentions Pontus as a locality, and Dioscorides¹⁰ names Mysia as the country whence the best was brought; that of Pontus holding the second rank.

1. (*ἀρρηφορία*, *ἱερὰφορία*, *ἰβήφορία*: Aristoph., *Lysist.*, 642.)
2. (Suid., s. v. *Χαλκία*.)—3. (Harpor., s. v. *Διπυρόφορος*:
—*ἱβή*, i., 27, § 4.)—4. (De Med., v., 5.)—5. (H. N., xxxiii., 4.)
6. (Anc. Mineralogy, p. 60.)—7. (Id. ib.)—8. (De Medicam.,
ὑπὸ γέν., iii., 2, p. 503, ed. Kühn.—Theophrastus has *ἀρρηκόν*.
c. 71, 89, 90.)—9. (vii., 7.)—10. (v., 121.—Moore, l. c.)

The red sulphuret of arsenic was called *Sandaracha*, and the ancients appear to have been well acquainted with the kindred nature of both the yellow and red. (Vid. *SANDARACHA*.)

ARTABA (*ἀρτάβη*), a Persian measure of capacity, which contained, according to Herodotus,¹ medimnus and 3 chœnice (Attic) = 102 Roman sextarii = 12 gallons 5 092 pints; but, according to Suidas, Hesychius, Polyænus,² and Epiphanius, it contained 1 Attic medimnus = 96 sextarii = 11 gallons 7 1456 pints. There was an Egyptian measure of the same name, of which there were two sorts, the old and the new artaba.³ The old artaba contained 4½ Roman modii = 72 sextarii = 8 gallons 7 359 pints. It was about equal to the Attic metretres; and it was half of the Ptolemaic medimnus, which was to the Attic medimnus as 3 : 2. The later and more common Egyptian artaba contained 3½ modii = 53½ sextarii = 6 gallons 4 8586 pints.⁴ It was equal to the Olympic cubic foot, and about half as large as the Persian artaba.⁵

ARTEMIS'IA (*Ἀρτεμισία*), a festival celebrated at Syracuse in honour of Artemis Potamia and Soiteira.⁶ It lasted three days, which were principally spent in feasting and amusements.⁷ Bread was offered to her under the name of *Λογία*.⁸ Festivals of the same name, and in honour of the same goddess, were held in many places in Greece; but principally at Delphi, where, according to Hege-sander,⁹ they offered to the god a mullet on this occasion, because it appeared to hunt and kill the sea-hare, and thus bore some resemblance to Artemis, the goddess of hunting. The same name was given to the festivals of Artemis in Cyrene and Ephesus, though in the latter place the goddess was not the Grecian Artemis, but a deity of Eastern origin.

*II. The name of an herb, commonly called *Mug-worth*, or *Motherwort*. Dioscorides describes three species, the *πολύκλωνος, μονόκλωνος, and λεπτιόκλωνος*. The first, according to Sprengel, is the *Artemisia arborescens*; the second, the *Artemisia spicata*; and the third, the *Artemisia campestris*. Dierbach seems to entertain much the same ideas regarding the species of wormwood comprehended under the *ἀρτεμισία* of Hippocrates. The Wormwood holds a prominent part in all the Herbals of antiquity, from Dioscorides to Macer Floridus.¹⁰

ARTE'RIA (*ἀρτηρία*), a word commonly (but contrary to all analogy) derived *ἀπὸ τοῦ αἵρα τρεῖν, ab aère sergando*; because the ancients, ignorant of the circulation of the blood, and finding the arteries always empty after death, supposed they were tubes containing air.¹¹ The word was applied to the trachea by Hippocrates¹² and his contemporaries, by whom the vessels now called *arteries* were distinguished from the *veins* by the addition of the word *σφύζω*. By later writers it is used to signify sometimes the *trachea*,¹³ and in this sense the epithet *τρηχεία, aspera*, is occasionally added;¹⁴ sometimes an *artery*;¹⁵ in which sense the epithet *λεῖα, laevis*, is sometimes added, to distinguish it from the *trachea*; and sometimes, in the plural number, the *bronchia*.¹⁶

1. (i., 192.)—2. (Strat., iv., 3, 32.)—3. (Didymus, c. 19.)—4. (Rheann. Fann., *Carmen de Pond. et Mens.*, v., 59, 90.—Hieron., ad *Ezech.*, 5.)—5. (Böckh, *Metrolog. Untersuch.*, p. 242.—Warm, de *Pond. &c.*, p. 133.)—6. (Pind., *Pyth.*, ii., 12.)—7. (Lav., xxv., 23.—Plot., *Marcell.*, 18.)—8. (Hesyeh., s. v.)—9. (Atheneus, vii., p. 325.)—10. (Dioscor., iii., 116, 117.—*Adama Append.*, s. v.)—11. (Cic., *De Nat. Deor.*, ii., 55: "Sanguis per venas in omne corpus diffunditur, et spiritus per arterias.")—Compare Seneca, *Quæst. Nat.*, iii., 15, § 2.—Plin., H. N., xi., 88, 89, 12. (*Epidem.*, vii., 654, 663, ed. Kühn.)—13. (Aristot., H. A. i., 13, § 5.—Macrob., *Satur.*, vii., 15.—Aret., p. 24, ed. Kühn.)—14. (Aret., p. 31.—Cic., *De Nat. Deor.*, ii., 54.—Cels., *De Med.* iv., 1.)—15. (Cels., *De Med.*, iv., 1, Art. *quas carpitidos ve cant.*—*Ibid.*, ii., 10.—Plin., H. N., xi., 88.—Aret., p. 31, 27 &c.)—16. (Auct. ad Herenn., iii., 12.—Aul. Gell., N. A., 26.—Aret., p. 25, &c.)

Notwithstanding the opinion of many of the ancients, that the arteries contained only air, it is certain that the more intelligent among them knew perfectly well, 1. That they contain blood,¹ and even that this is of a different nature from that which is in the veins.² Galen, from whom the last idea is obtained, calls the pulmonary artery *φλέψ ἀρτηρώδης*, because it conveys venous blood, although it has the form and structure of an artery. 2. That the section of an artery is much more dangerous and more difficult to heal than that of a vein.³ 3. That there is a pulsation in the arteries which does not exist in the veins, and of which the variations are of great value, both as assisting to form a correct diagnosis, and also as an indication of treatment.⁴

AROTPA. (Vid. ΠΙΣΤΟΝ.)

ARURA (*ἀρουρα*), a Greek measure of surface, which, according to Suidas, was the fourth part of the *πλήθρον*. The *πλήθρον*, as a measure of length, contained 100 Greek feet; its square, therefore, =10,000 feet, and therefore the arura =2500 Greek square feet.

Herodotus⁵ mentions a measure of the same name, but apparently of a different size. He says that it is a hundred Egyptian cubits in every direction. Now the Egyptian cubit contained nearly 17½ inches,⁶ therefore the square of 100 × 17½ inches, i. e., nearly 148 feet, gives the number of square feet (English) in the arura, viz., 21,904.⁷

ARUSPEX (Vid. HARUSPEX.)

ARVALES FRATRES. The fratres arvales formed a college or company of twelve in number, and were so called, according to Varro,⁸ from offering public sacrifices for the fertility of the fields [*sacra publica faciunt propterea, ut fruges ferant arva*]. That they were of extreme antiquity is proved by the legend which refers their institution to Romulus, of whom it is said, that when his nurse Acca Laurentia lost one of her twelve sons, he allowed himself to be adopted by her in his place, and called himself and the remaining eleven "Fratres Arvales."⁹ We also find a college called the *Sodales Titii*, and as the latter were confessedly of Sabine origin, and instituted for the purpose of keeping up the Sabine religious rites,¹⁰ there is some reason for the supposition of Niebuhr,¹¹ that these colleges corresponded one to the other: the Fratres Arvales being connected with the Latin, and the Sodales Titii with the Sabine, element of the Roman state, just as there were two colleges of the *Luperici*, namely, the *Fabii* and the *Quinctilii*, the former of whom seem to have belonged to the Sabines.

The office of the fratres arvales was for life, and was not taken away even from an exile or captive. They wore, as a badge of office, a chaplet of ears of corn (*spicea corona*) fastened on their heads with a white band.¹² The number given by inscriptions varies, but it is never more than nine; though, according to the legend and general belief, it amounted to twelve. One of their annual duties was to celebrate a three days' festival in honour of Dea Dia, supposed to be Ceres, sometimes held on the xvi., xiv., and xiii., sometimes on the vi., iv., and iii. Kal. Jun., i. e., on the 17th, 19th, and 20th, or the 27th, 29th, and 30th of May. Of this the master of the college, appointed annually, gave public notice (*iudicabat*) from the Temple of Concord on the Capitol. On the first and last of these days,

the college met at the house of their president, to make offerings to the Dea Dia; on the second they assembled in the grove of the same goddess, about five miles south of Rome, and there offered sacrifices for the fertility of the earth. An account of the different ceremonies of this festival is preserved in an inscription, which was written in the first year of the Emperor Elagabalus (A.D. 218), who was elected a member of the college under the name of M. Aurelius Antoninus Pius Felix.¹ The same inscription contains the following song or hymn, which appears to have been sung at this festival from the most ancient times:

"E nos, Lares, iuvate.

Neve luere, Marmor, sins incurrere in pleoris
Satur furere, Mars, limen sali, sta berber:
Semunis alternei advocapit conctos.

E nos, Marmor, iuvato:

Triumpe, triumpe, triumpe, triumpe, triumpe."

Klausen, in his work on this subject,² gives the following translation of the above:

"Age nos, Lares, iuvate.

Neve luem, Mars, sinas incurrere in plures:
Satur furere, Mars, pede pulsa limen, sta verber:
Semones alternei advocabite cunctos.

Age nos, Mars, iuvato:

Triumphe," &c.

But, besides this festival of the Dea Dia, the fratres arvales were required, on various occasions under the emperors, to make vows and offer up thanksgivings, an enumeration of which is given in Faucioli.³ Strabo, indeed,⁴ informs us that, in the reign of Tiberius, these priests (*λερουήμιονες*) performed sacrifices called the *ambarvalia* at various places on the borders of the *ager Romanus*, or original territory of Rome;⁵ and among others, at Festi, a place between five and six miles from the city, in the direction of Alba. There is no boldness in supposing that this was a custom handed down from time immemorial, and, moreover, that it was a duty of this priesthood to invoke a blessing on the whole territory of Rome. It is proved by inscriptions that this college existed till the reign of the Emperor Gordian, or A.D. 325, and it is probable that it was not abolished till A.D. 400, together with the other colleges of the pagan priesthoods.

The private *ambarvalia* were certainly of a different nature from those mentioned by Strabo, and were so called from the victim (*hostia ambarvalis*), that was slain on the occasion, being led three times round the cornfields before the sickle was put to the corn. This victim was accompanied by a crowd of merry-makers (*chorus et socii*), the reapers and farm-servants dancing and singing, as they marched along, the praises of Ceres, and praying for her favour and presence, while they offered her the libations of milk, honey, and wine.⁶ This ceremony was also called a *lustratio*,⁷ or purification; and for a beautiful description of the holyday, and the prayers and vows made on the occasion, the reader is referred to Tibullus, lib. ii., eleg. i. It is, perhaps, worth while to remark that Polybius⁸ uses language almost applicable to the Roman *ambarvalia* in speaking of the Mantineans, who, he says (specifying the occasion), made a purification, and carried victims round the city, and all the country: his words are, *Οἱ Μαντινεῖς καθαρμὸν ἐποιήσαντο, καὶ σφάγια περιήνεγκαν τῆς τε πόλεως κύκλῳ καὶ τῆς χώρας πύσης*.

There is, however, a still greater resemblance to

1. (Aret., p. 295, 303, where arteriotomy is recommended.)—2. (Galen, De Usu Part. Corp. Hum., vii., 8.)—3. (Cels., De Med. ii., 16.)—4. (Vid. Galen, De Usu Puls., De Causis Puls., &c., De Ven. et Arteriar. Dissect.)—5. (ii., 168.)—6. (Hansley, Account Weighs, &c.)—7. (Wurm, De Ponder., &c., p. 91.)—8. (De Long. Lat., v., 83, ed. Müller.)—9. (Masurius Sabinus, pp. Aul. Gell., vi., 7.)—10. (Tacit., Ann., i., 53.)—11. (Rom. Hist., i., c. 263, transl.)—12. (Plin., H. N., xviii., 2.)

1. (Marini, Atti e Monumenti degli Arvali, tab. xli.—Orelli, Corp. Inscr., nr. 2270.)—2. (De Carmine Fratrum Arvalium, p. 23.)—3. (Lex., s. v.)—4. (v., 3.)—5. (Arnold, Rom. Hist., i., p. 31.)—6. (Virg., Georg., i., 330.)—7. (Virg., Eclog., v., 83.)—8. (iv., 21, § 9.)

the rites we have been describing, in the ceremonies of the rogation or gang week of the Latin Church. These consisted of processions through the fields, accompanied with prayers (*rogationes*) for a blessing on the fruits of the earth, and were continued during three days in Whitsun-week. The custom was abolished at the Reformation in consequence of its abuse, and the perambulation of the parish boundaries substituted in its place.¹

*ARUNDO. (*Vid.* KAAAMOZ.)

AS, or *Libra*, a pound, the unit of weight among the Romans. (*Vid.* LIBRA.)

AS, the unit of value in the Roman and old Italian coinages, was made of copper, or of the mixed metal called .Es. The origin of this coin has been already noticed under .Es. It was originally of the weight of a pound of twelve ounces, whence it was called *as libralis* and *as grave*. The oldest form of it is that which bears the figure of an animal (a bull, ram, boar, or sow). The next and most common form is that described by Pliny,² as having the two-faced head of Janus on one side, and the prow of a ship on the other (whence the expression used by Roman boys in tossing up, *capita aut navim*³). The annexed specimen, from the British Museum, weighs 4000 grains: the length of the diameter in this and the two following cuts is half that of the original coins.



Pliny⁴ informs us that, in the time of the first Punic war (B.C. 264-241), in order to meet the expenses of the state, this weight of a pound was diminished, and ases were struck of the same weight as the sextans (that is, two ounces, or one sixth of the ancient weight); and that thus the Republic paid off its debts, gaining five parts in six: that afterward, in the second Punic war, in the dictatorship of Q. Fabius Maximus (about B.C. 217), ases of one ounce were made, and the denarius was decreed to be equal to sixteen ases, the Republic thus gaining one half; but that, in military pay, the denarius was always given for ten ases, and that, soon after, by the Papirian law (about B.C. 191), ases of half an ounce were made. Festus, also,⁵ mentions the reduction of the as to two ounces at the time of the first Punic war. There seem to have been other reductions besides those mentioned by Pliny, for there exist ases, and parts of ases, which show that this coin was made of 11, 10, 9, 8, 3, 11, 14 ounces, and there are copper coins of the Ferentian family

which show that it was depressed to $\frac{1}{4}$ and even $\frac{1}{5}$ of its original weight. Several modern writers have contended, chiefly from the fact of ases being found of so many different weights, that Pliny's account of the reductions of the coin is incorrect, and that these reductions took place gradually, in the lapse of successive centuries. But Böckh has shown⁶ that there is no trace in early times of a distinction between the *as grave* and lighter money; that the Twelve Tables know of no such distinction; that, even after the introduction of lighter money, fines and rewards were reckoned in *as grave*; and that the style of the true Roman coins which still remain by no means proves that the heavier pieces are much older than those of two ounces, but rather the contrary. His conclusion is, that all the reductions of the weight of the as, from a pound down to two ounces, took place during the first Punic war. Indeed, if the reduction had been very gradual, it is impossible that the Republic could have made by it that gain which Pliny states to have been the motive for the step.

The value of the as, of course, varied with its weight. Some writers, indeed, suppose that a rise took place in the value of copper, which compensated for the reduction in the weight of the as; so that, in fact, the *as libralis* of Servius Tullius was not of much greater value than the lighter money of later times. But this supposition is directly contradicted by Pliny's account of the reduction in the weight of the as; and it would appear that the value of copper had rather fallen than risen at the time when the reduction took place.⁷ Before the reduction to two ounces, ten ases were equal to the denarius = about 8½ pence English. (*Vid.* DENARIUS.) Therefore the as = 34 farthings. By the reduction the denarius was made equal to 16 ases; therefore the as = 2½ farthings.

The as was divided into parts, which were named according to the number of ounces they contained. They were the *as*, *as sextans*, *as dodrans*, *as bes*, *as septans*, *as semis*, *as quincunx*, *as triens*, *as quadrans* or *teruncius*, *as sextans*, *as uncia* or *as uncia*, consisting respectively of 12, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1½, and 1 ounce. Of these divisions the following were represented by coins; namely, the *as semis*, *as quincunx*, *as triens*, *as quadrans*, *as sextans*, and *as uncia*. There is a solitary instance of the existence of the *as dodrans*, in a coin of the Cassian family, bearing an S and three balls. We have no precise information as to the time when these divisions were first introduced, but it was probably nearly as early as the first coinage of copper money.

The *as semis*, *as semissis*, or *semi-as*, half the as, or six ounces, is always marked with an S to represent its value, and very commonly with heads of Jupiter, Juno, and Pallas, accompanied by strigils.

The *as quincunx*, or piece of five ounces, is very rare. There is no specimen of it in the British Museum. It is distinguished by five small balls to represent its value.

The *as triens*, the third part of the as, or piece of four ounces, is marked with four balls. In the annexed specimen from the British Museum, the balls



1. (Hooker, Eccl. Pol., v. 61, 62. Wheatley, Con. Præf., v. 20.)—2. (H. N., xxviii., 3.)—3. (Macrob., Sat., i., 7.)—4. (H. N., xxviii., 13.)—5. (s. v. Sextant. *Ases*.)

1. (Metzger, Numismat., i. 28.—2. Böckh, Metrolog. Untersuch., p. 368, 369.)

appear on both sides, with a thunderbolt on one side, and a dolphin, with a strigil above it, on the other. Its weight is 1571 grains.

The *quadrans* or *teruncius*, the fourth part of the *as*, or piece of three ounces, has three balls to denote its value. An open hand, a strigil, a dolphin, grains of corn, a star, heads of Hercules, Ceres, &c. are common devices on this coin. Pliny¹ says that both the *triens* and *quadrans* bore the image of a ship.

The *sextans*, the sixth part of the *as*, or piece of two ounces, bears two balls. In the annexed specimen from the British Museum, there is a caduceus and strigil on one side, and a cockle-shell on the other. Its weight is 779 grains.



The *uncia*, one ounce piece, or twelfth of the *as*, is marked by a single ball. There appear on this coin heads of Pallas, of Roma, and of Diana, ships, dogs, and ears of barley.

After the reduction in the weight of the *as*, coins were struck of the value of 2, 3, 4, and even 10 *ases*, which were called, respectively, *dussis* or *dupondius*, *trissa*, *quadrussis*, and *decussis*. Other multiples of the *as* were denoted by words of similar formation, up to *centussis*, 100 *ases*; but most of them do not exist as coins.

In certain forms of expression, in which *as* is used for money without specifying the denomination, we must understand the *as*. Thus *deni aris*, *decies aris*, *centies aris*, mean, respectively, 10, 1000, 1,000,000 *ases*.

The word *as* was used also for any whole which was to be divided into equal parts; and those parts were called *uncia*. Thus these words were applied not only to weight and money, but to measures of length, surface, and capacity, to inheritances, interest, houses, farms, and many other things. Hence the phrases *heres ex asse*, the heir to a whole estate; *heres ex duodecimo*, the heir to the ninth part, &c.² Pliny even uses the phrases *semissem Africa*,³ and *duodecimo et semissem horarum*.⁴

The *as* was also called, in ancient times, *assarius* (or *asommas*), and in Greek τὸ ἀσσάριον. According to Ptolemy,⁵ the *assarius* was equal to half the *obolus*. On the coins of Chios we find ἀσσάριον, ἀσσάριον ἑμισον, ἀσσάρια δύο, ἀσσάρια τρία.

*AS'ARUM (ἄσαρον), a plant. There can be no doubt, observes Adams, that it is the *Asarum Europæum*, or common Asarabacca. Dodonæus mentions that it had got the triviale name of *Baccara* in French, and hence supposes *Asarabacca* was a compound of the two terms. He denies, however, that it is the real *Baccharis* of the ancients. But Sprengel advocates this opinion, and mentions in confirmation of it, upon the authority of the *Flora Veronensis*, that the *Asarabacca* is called *baechera* and *baccara* by the inhabitants of the district around Verona.⁶ According to Sibthorp, it still grows in what was once the Laconian territory, and in the country around Constantinople.

ASBESTOS or AMIANTUS (ἄσβεστος, ἀμιάντος). This mineral, which is generally white, and has sometimes a greenish hue, and which consists of soft flexible fibres, was obtained by the ancients

from India, from the vicinity of Carpasus in Cyprus, and from Carystus in Eubœa. In consequence of being found in the two latter localities, it was sometimes called "the flax of Carpasus" (λίνον Καρπασίου¹), and also "the Carystian stone" (λίθος Καρύστου²). It was well adapted for making the wicks of lamps, because it is indestructible by fire; and hence the Greeks, who used it for this purpose, gave it the name "asbestos," which means inextinguishable. Pausanias³ mentions that the golden lamp which burned day and night in the temple of Athena Polias, at Athens, had a wick of this substance.

It was also spun and woven into cloth. Thus manufactured, it was used for napkins (χειρεκμαγεία, χειρόμακτρα⁴), which were never washed, but cleansed in a much more effective manner, whenever they required it, by being thrown into the fire.

Another use to which asbestine cloth was applied, was to preserve the remains of dead bodies burned in the funeral pile. The corpse, having been wrapped in a cloth of this substance, was consumed with the exception of the bones, which were thus kept together and preserved from being mingled with the ashes of the wood. But the expense of this kind of cloth was so great, that it could only be used at the obsequies of persons of the most exalted rank. The testimony of Pliny, who alone has transmitted to us the knowledge of this species of posthumous luxury, has been corroborated by the discovery of pieces of the cloth in ancient Roman or Italian sepulchres. The most remarkable specimen of this kind was found at Rome, A.D. 1702, in a marble sarcophagus. The skull and bones of the deceased were wrapped up in it. Its dimensions were about five feet by six and a half. Since its discovery, it has been carefully preserved in the Vatican Library; and Sir J. E. Smith, who saw it there, describes its appearance in the following terms:⁶ "It is coarsely spun, but as soft and pliant as silk. Our guide set fire to one corner of it, and the very same part burned repeatedly with great rapidity and brightness without being at all injured."

Although asbestos is still found naturally associated with rocks of serpentine in Cornwall, and in many foreign countries, it is now scarcely used except for some philosophical purposes, and, if made into cloth, it is only in very small quantities, and as a matter of curiosity.—II. The Greek medical writers use the term ἄσβεστος in a very different sense from the preceding. With them it indicates *Calcevia*, or Quicklime (λίανος being understood). By Dioscorides it is more specially applied to the lime of sea-shells. "I am not aware," observes Adams, "that any Greek author uses the term ἄσβεστος in the sense in which it is employed by the Latin writers and by modern naturalists."⁷

*ASCALABOTES (ἀσκαλαβότης), a species of Lizard. Its Greek names are ἀσκαλαβότης, ἀσκαλάδος, γαλέωτης, and κωλώτης, all of which appellations are given to one and the same animal, namely, the Spotted Lizard, the *Stellio* of the Latin writers, and the *Lacerta gecko* of Linnæus. The *Stellio* lived in walls, and was accustomed to run along these and on the roofs of houses.⁸ It was considered the enemy of man, venomous and cunning. Hence the term *stellionatus*, denoting all kinds of fraud in bargaining, and the old English word *stellionate*, or *Fraud in the contract*. The *Stellio* is the *Tarentole*, or *Gecko tuberculeux* of the south of Europe. It must not be confounded with the *Lacerta stellio*, L.,

1. (H. N., xxxiii., 13.)—2. (Vid. Cic., pro Cœcina, c. 6.)—3. (H. N., xiii., 6.)—4. (H. N., ii., 14.)—5. (H., 13.)—6. (Dioscorides, i., 2.—Galen, De Simplic., vi.—Adams, Append., s. v.—Bilberbeck, Flora Classica, p. 116.)

1. (Paus., i., 26, § 7.)—2. (Plut., De Orac. Def.)—3. (l. c.)—4. (Sotacus, ap. Ap. Dysc. H. Comment., c. 36.)—5. (Strabo, x.—Plut., l. c.—Mappa, Plin., H. N., xix., 4.)—6. (Tour on Continent, vol. ii., p. 201.)—7. (Dioscorides, v., 132.—Galen.—Adams.—P. Egin.—Oribasius—Purpure, Adams, Append., s. v.—8. (Aristoph., Nub., 170, &c.)

or the Stello of the Levant. This misapplication of the term was first made by Belon. The *Lucerta stellio* is of an olive colour, shaded with black, and is very common throughout the Levant, and particularly in Egypt. The *L. gecko*, on the other hand, is a spotted lizard, and some of the species, the *Platydaetyli* for instance, are painted with the most lively colours. The melancholy and heavy air of the Gecko, superadded to a certain resemblance which it bears to the salamander and the toad, have rendered it an object of hatred, and caused it to be considered as venomous, but of this there is no real proof.¹

*ASC'ARIS (*ἀσκαρίς*), the small intestinal worm formed in children and in adults afflicted with certain diseases. It is the *Ascaris vermicularis*, L.²

ASCIA, *dim.* ASCIOLA (*σκεπάρνον, σκεπάρνιον*), an adze.

Murato:³ has published numerous representations of the adze, as it is exhibited on ancient monuments. We select the three following, two of which show the instrument itself, with a slight variety of form, while the third represents a ship-builder holding it in his right hand, and using it to shape the rib of a vessel. The blade of the adze was frequently curved, as we see it in all these figures, in order that it might be employed to hollow out pieces of wood, so as to construct vessels either for holding water or for floating upon it. Calypso, in the *Odyssey*,⁴ furnishes Ulysses both with an axe (*πέλεκυς*) and with "a well-polished adze," as the most necessary instruments for cutting down trees and constructing a ship.



In other cases the curvature of the blade was much less considerable, the adze being used merely to cut off all inequalities, so as to make a rough piece of timber smooth (*asciare, dolare*), and, as far as possible, to polish it (*polire*). Cicero⁵ quotes from the Twelve Tables the following law, designed to restrain the expenses of funerals: *Rogum ascia ne iūto*.

In using the adze, the shipwright or carpenter was always in danger of inflicting severe blows upon his own feet if he made a false stroke. Hence arose a proverb applied to those who were their own enemies, or did themselves injury: *Ipse mihi asciam in crus impegi*.⁶ Another proverbial expression, derived from the use of the same tool, occurs in Plautus.⁷ The phrase *Jam hoc opus est exasciatum* means, "This work is now begun," because the rough-hewing of the timber by means of the ascia, the formation of balks or planks out of the natural trunk or branches of a tree, was the first step towards the construction of an edifice. On the other hand, we read in Sophocles of a seat not even thus rough-hewn.⁸ The expression used is equivalent

to *ἀξίστον πέτρον*,¹ and denoted a rock in its natural state.

Both the substantive *ascia*, and the verb *asciare* derived from it, retain the same signification in modern Italian which they had in Latin, as above explained.

Vitruvius and Palladius² give directions for using the ascia in chopping lime and mixing it so as to make mortar or plaster. For this purpose we must suppose it to have had a blunt, unpolished blade, and a long handle. In fact, it would then resemble the modern hoe, as used either by masons and plasterers for the use just specified, or by gardeners or agriculturists for breaking the surface of the ground and eradicating weeds. Accordingly, Palladius,³ in his enumeration of the implements necessary for tilling the ground, mentions hoes with rakes fixed to them at the back, *ascias in aversa parte referentibus rastros*.

Together with the three representations of the ascia, we have introduced into the preceding woodcut the figure of another instrument, taken from a coin of the Valerian family.⁴ This instrument was called *Acisculus*. It was chiefly used by masons, whence, in the ancient glossaries, *Aciscularius* is translated *λατόμος, a stone-cutter*. The *acisculus*, or pick, as shown in the above figure, was a little curved, and it terminated in a point in one direction, and was shaped like a hammer in the other. Its helve was inserted so that it might be used with the same kind of action as the adze. Also, as the substantive *ascia* gave origin to the verb *exasciare*, meaning to hew a smooth piece of wood out of a rough piece by means of the adze, so *acisculus* gave origin to *exacisculare*, meaning to hew anything out of stone by the use of the pick. Various monumental inscriptions, published by Muratori,⁵ warn persons against opening or destroying tombs by this process.

*AS'KION (*ἀσκιον*), a species or variety of *Trifolium*, mentioned by Theophrastus.⁶

*ASCLEPIAS (*ἀσκληπιός*), a plant, which Abston, Woodville, Billerbeck, and Sprengel agree in identifying with the *Asclepias vincetoxicum*, L., an official Swallow-wort. Stackhouse, however, prefers the *Thapsia Asclepinon*. It was used in cases of dropsy,⁷ and took its name from Asclepiades who first recommended its use.

ASCLEPIEIA (*Ἀσκληπιεία*) is the name of festivals which were probably celebrated in all places where temples of Asclepius (*Æsculapius*) existed. The most celebrated, however, was that of Epidaurus, which took place every five years, and was solemnized with contests of rhapsodists and musicians, and with solemn processions and games. *Ἀσκληπιεία* are also mentioned at Athens,⁸ which were, probably, like those of Epidaurus, solemnized with musical contests. They took place on the eighth day of the month of Elaphebolion.

*ASCYRON (*ἄσκυρον*), a plant. Dioscorides puts it beyond a doubt, that the *ἄσκυρον* is a species of *Hypericum*, or St. John's-wort; but which species it is cannot be satisfactorily determined. Sprengel, in the first edition of his R. H. H., prefers the *Hypericum Androsæum*, or Tutsan; but in his edition of Dioscorides he hesitates between the *H. perforatum* and the *H. montanum*. Dodonæus is for the former, and Matthioli for the latter. Adams thinks that the description of Dioscorides is more applicable to the *androsæum* than to the *perforatum*.

1. (Cuvier's Anim. Kingd., vol. ii., p. 38, transl.)—2. (Adams, Append., s. v.)—3. (Ins. Vet. Thes., i., 534-536.)—4. (v., 237.)—5. (De Leg., ii., 23.)—6. (Petron., Sat., 74.)—7. (Asin., ii., 2, 93.)—8. (*Βιβλίον ἀσκληπιῶν*: Oed. Col., 101.)

1. (l. 19.)—2. (Vitruv., vii., 2.—Pallad., i., 14.)—3. (l. 43.)—4. (Phil. a Turre, Mon. Vet. Anti., c. 2.)—5. (l. c.)—6. (H. P., i., 10.)—7. (Theophrast., H. P., ix., 12.—Dioscor., iii., 10.)—8. (Adams, Append., s. v.—Billerbeck, Flora Classica, (Æschines, c. Ctes., p. 455.—Bockh, Staatshandb. (Billerbeck, Flora Classica, p. 200.—Dionysius, Append., s. v.)

name *ἀνδρόσατον* (*ἀνδρόσαιμον*) was given to plant, because the bud, when indented with the exudes a blood-red colour (*ἀνδρός αίμα*, "h-blood"). A species of balsamic oil was ex from this plant. According to Sibthorp, the ron is called at the present day *Βάλσαμον* by onks of Mount Athos; *λειχηνόχορτον* in Zante, e it grows in the hedges; and *σκουδρίζα* in La-

SCOLIA (*ἀσκόλια*) (the leaping upon the leath- g) was one of the many kinds of amusements hich the Athenians indulged during the Aneria and other festivals in honour of Dionysus. Athenians sacrificed a he-goat to the god, a bag out of the skin, smeared it with oil, and tried to dance upon it. The various accidents mpanying this attempt afforded great amuse- to the spectators. He who succeeded was e, and received the skin as a reward.¹ The east, however, erroneously calls the ascolia a al; for, in reality, it only formed a part of

SEBEIAS ΓΡΑΦΗ (*ἀσεβείας γραφή*) was one e many forms prescribed by the Attic laws for mpeachment of impiety. From the various or of the accusations still extant, it may be gath- that this crime was as ill-defined at Athens, therefore, as liable to be made the pretext for ection, as it has been in all other countries in h the civil power has attempted to reach offen- much beyond the natural limits of its jurisd- ion. The occasions, however, upon which the aian accuser professed to come forward, may ased as, first, breaches of the ceremonial law blic worship; and, secondly, indications of that, b in analogous cases of modern times would bled heterodoxy or heresy. The former com- mended encroachment upon consecrated grounds, under or other injury of temples, the violation flums, the interruption of sacrifices and festi- the mutilation of statues of the gods, the in- ection of deities not acknowledged by the state, rarious other transgressions peculiarly defined e laws of the Attic sacra, such as a private riation of the Eleusinian mysteries and their gation to the uninitiated, injury to the sacred trees, or placing a suppliant bough (*ικετηρία*) particular altar at an improper time.² The eal delinquencies may be exemplified by the sion of Protagoras³ for writing that "he could arn whether the gods existed or not," in the ection of Anaxagoras,⁴ like that of Galileo in times, for impugning the received opinions e sun, and the condemnation of Socrates t holding the objects of the public worship to ds.⁵ The variety of these examples will have n that it is impossible to enumerate all the to which this sweeping accusation might be ed; and, as it is not upon record that reli- Athens' was scandalized at the profane jests ristophanes, or that it forced Epicurus to deny the gods were indifferent to human actions, it eadit to ascertain the limits at which jests and icism ended, and penal impiety began. ith respect to the trial, any citizen that pleased *ἀλαμνος*—which, however, in this, as in all oth- blic actions, must be understood of those only did not labour under an incapacitating disfran- ment (*ἀτιμία*)—seems to have been a compe- accuser; but, as the nine archons and the are- kes were the proper guardians of the sacred

olives (*μορταί, σηκοί*), it is not impossible that they had also a power of official prosecution upon casu ally discovering any injury done to their charge.

The cases of Socrates, Aspasia, and Protagoras may be adduced to show that citizens, resident aliens, and strangers were equally liable to this ac- cusion. And if a minor, as represented in the declamation of Antiphon, could be prosecuted for murder (*φόνου*), a crime considered by the early Greeks more in reference to its ceremonial pollu- tion than in respect of the injury inflicted upon so- ciety, it can hardly be concluded that persons under age were incapable of committing or suffering for this offence.⁶

The magistrate who conducted the previous ex- amination (*ἀνέκρισις*) was, according to Meier,⁷ in variably the king archon, but whether the court into which he brought the causes were the areiopagus or the common heliastic court, of both of which there are several instances, is supposed⁸ to have been determined by the form of action adopted by the prosecutor, or the degree of competency to which the areiopagus rose or fell at the different periods of Athenian history. From the *Apology of Socrates* we learn that the forms of the trial upon this occasion were those usual in all public actions (*vid.* GRAPHAI), and that, generally, the amount of the penalty formed a separate question for the dicasts after the conviction of the defendant. For some kinds of impiety, however, the punishment was fixed by special laws, as in the case of persons injuring the sacred olive-trees, and in that men- tioned by Andocides.⁹

If the accuser failed to obtain a fifth of the votes of the dicasts, he forfeited a thousand drachmae, and incurred a modified *ἀτιμία*. The other forms or prosecution for this offence were the *ἀπαγωγή*,¹⁰ *ἐφήγησις*,⁷ *ἐνδειξις*,⁸ *προβολή*,⁹ and, in extraordinary cases, *εἰσαγγελία*;¹⁰ besides these, Demosthenes mentions¹¹ two other courses that an accuser might adopt, *δικάζεσθαι πρὸς Εὐμολπίδας*, and *φράζειν πρὸς τὸν βασιλέα*, of which it is difficult to give a satis- factory explanation.

ASIARCHÆ (*ἀσιάρχαι*) were, in the Roman provinces of western Asia, the chief presidents of the religious rites, whose office it was to exhibit games and theatrical amusements every year, in honour of the gods and the Roman emperor, at their own expense, like the Roman ædiles. As the ex- hibition of these games was attended with great expense, wealthy persons were always chosen to fill this office; for which reason Strabo says that some of the inhabitants of Tralles, which was one of the most wealthy cities in Asia Minor, were always chosen asiarchs. They were ten in number, se- lected by the different towns of Asia Minor, and ap- proved of by the Roman proconsul; of these, one was the chief asiarch, and frequently, but not always, resided at Ephesus. Their office only lasted for a year; but they appear to have enjoyed the title as a mark of courtesy for the rest of their lives.¹² This title also occurs in a Greek inscription at Assos in Mysia, copied by Mr. Fellows.¹³ In the letter writ- ten by the Church of Smyrna respecting the mar- tyrdom of Polycarp,¹⁴ we read that Philip the asiarch was requested by the infuriated people to let loose a lion against Polycarp, which he said it was not lawful for him to do, as the exhibition of wild beasts (*κυνηγέσια*) had been finished. In another part of

¹ Suidas, *Plut.*, 1130.—Verg., *Georg.*, ii., 384.)
² *ib.*, 121.—Hesych., s. v. Ἀσκολιδέου.
³ *Mem.*, 119.—4. (Diog. Laert., IX., viii.,
s. 2.)—6. (Xen., *Apol. Socr.*)—7.

1. (Lysias, *Περὶ τοῦ Σηκοῦ*, 282.)—2. (Antiph., *Tetral.*, ii., p. 674.)—3. (*Att. Process.*, 300, 304, n. 34.)—4. (Meier, *Att. Pro- cess.*, 305.)—5. (*De Myst.*, 110.)—6. (Demosth., c. *Androt.*, 601, 626.)—7. (Meier, *Att. Process.*, 246.)—8. (Andoc., *De Myst.*, 8.)—9. (Libanius, *Argum. ad Demosth.*, in *Mid.*, 509, 10.)—10. (Andoc., *De Myst.*, 43.)—11. (c. *Androt.*, 601.)—12. (Strab. xiv., p. 649.—Acts, xix., 31.—Weistein et Kuinoel, in loc.)—13. (Excursion in Asia Minor, p. 49.)—14. (c. 12.)

this epistle ¹ Philip is called high-priest (ἀρχιερεύς), which appears to show that he must have been chief asiareh of the province.

ASILLA (ἀσίλλα) was a wooden pole or yoke, held by a man either on his two shoulders, or more commonly on one shoulder only, and used for carrying burdens.

The paintings in the ancient tombs of Egypt prove the general use of this implement in that country, especially for carrying bricks, water-pails to irrigate the gardens, and baskets with all kinds of provisions for the market. Mr. Burton found at Thebes a wooden yoke of this kind, with one of the leather straps belonging to it. The yoke (which is now in the British Museum) is about 3½ feet long, and the strap about 16 inches.²

We also find this instrument displayed in works of Grecian art. A small bronze lamp found at Stabizæ (see the annexed woodcut) represents a boy carrying two baskets suspended from a pole which rests upon his right shoulder. The two other representations here introduced, though of a fanciful or ludicrous character, show by that very circumstance how familiar the ancients must have been with the use of this piece of furniture. The first is from a beautiful sardonxy in the Florentine museum: it represents a grasshopper carrying two baskets, suspended each by three cords from the extremity of the yoke, and skilfully imitates the action of a man who is proceeding on a journey. The other is from a Greek painted vase,³ and, under the disguise of a satyr, shows the mode in which lambs



and other viands were sometimes carried in preparing for a sacrifice to Bacchus. In the collection of antique gems at Berlin there are no less than four representations of men carrying burdens in this manner.⁴

Aristotle⁵ has preserved an epigram of Simonides, which was probably inscribed upon the base of a statue erected at Olympia to the individual whom it celebrates. It begins thus:

Πρόσθε μὲν ἄμφ' ὤμοισιν ἔχων τροχηϊαν ἀσίλλαν,
Ἰχθὺς ἐξ' Ἀργούεις Τεγίαν ἔφερον.

This poor man, who had formerly obtained his living by bearing "a rough yoke" upon his shoulders, to carry fish all the way from Argos to Tegea, at length immortalized himself by a victory at the Olympic games.⁶

1. (c. 21.)—2. (Wilkinson, Manners and Customs of Ancient Egypt, vol. ii., p. 5, 99, 137, 138.)—3. (Sir W. Hamilton's Vases, ii., 40.)—4. (Winckelmann, Pierres gravées du Baron de Stosch, p. 517.)—5. (Rhet., ., 7.)—6. (Anthol. Græc., i., 80, ed. Jacobs.)

Aristophanes calls this implement ἀνάφορον: he introduces upon the stage a slave carrying a heavy load by means of it; and he describes the act of transferring it from one shoulder to another by the phrase μεταβάλλομενος τινάφορον.¹

*ASILUS, a species of Gaddy or Horsefly, accustomed to sting cattle. Virgil² makes it the same with the οἰστρος of the Greeks, and Varro³ gives to it the name of *Tabanus*. Pliny,⁴ on the other hand informs us that it was called both *tabanus* and *asilus*. As in Latin, so in Greek there are two names, οἰστρος and μύωψ. Bochart⁵ and Aldrovandi⁶ have proved very satisfactorily, that by the Greek poets and writers on Belles Lettres these two terms were used indiscriminately, but that Aristotle and other writers on matters of science apply the former (οἰστρος) to a species of gaddy, meaning, very probably, the *Æstrus bovis* or Breeze, and the latter to a species of horsefly, the *Tabanus bovinus*. This Adam considers the most satisfactory account of the matter; he deems it right, however, to mention, that Schneider, treating of the μύωψ of Ælian, professes himself unable to determine whether it was a species of *Æstrus*, *Tabanus*, or *Hippobosca*; and in another place he offers it as a conjecture, that the οἰστρος of Aristotle was a species of *Culex*, or gnat. It seems agreed that the Asilus of Virgil was the Breeze.⁷ Martyn⁸ gives a description of the *Asilus*, which he takes to be the same with the *Asilus* from an Italian author. He represents it as "a shape somewhat resembling a wasp or wild bee. It has two membranaceous wings, with which it makes a loud whizzing. The belly is terminated by three long rings, one less than the other, from the last of which proceeds a formidable sting. This sting is composed of a tube, through which the egg is emitted, and of two augers, which make way for the tube to penetrate into the skin of the cattle. These augers are armed with little knives, which prick with their points and cut with their edges, causing intolerable pain to the animal that is wounded by them. But this pain is not all; for at the end of the sting, as at the end of a viper's tooth, and of the sting of wasps, bees, and hornets, issues forth a venomous liquor, which irritates and inflames the fibres of the wounded nerves, and causes the wound to become fistulous. This fistula seems to be kept open by the egg, after the manner of an issue. The egg is hatched within the fistula, and the worm continues there till it is ready to turn to a chrysalis, receiving its nourishment from the juice which flows from the wounded fibres. These worms remain for nine or ten months under the skin, and then, being arrived almost to perfection, they come out of their own accord, and creep into some hole or under some stone, and there enter into the state of a chrysalis, in which condition they lie quiet for some time, and at last come forth in the form of the parent fly."

*ASINUS. (Vid. Onos.)

*ASPALATHUS (ἀσπάλαθος), a species of thorny shrub, bearing a flower which some call the Rose of Jerusalem, or Lady's Rose. Much uncertainty, however, exists on this point. "The *Aspalathus*," says Charas,⁹ "is the wood of a thorn-tree or bush, in virtues, taste, smell, and figure much resembling *Lignum aloes*." Matthioli is at great pains to prove that it is not the *Santalum rubrum*. Sprengel, in the first edition of his R. H. H., holds it to be the *Genista aspalathoides*, but in his edition of Dioscorides he inclines to the *Cytisus laniger*,

1. (Ran., 8.—Eccles., 828.—Schol. in loc.)—2. (Georg., i., 148.)—3. (De Re Rust., ii., 5.)—4. (H. N., xi., 28.)—5. (lib. iv., col. 546.)—6. (De Insect., lib. ii.)—7. (Adams, A. s. v.—Ælian, N. A., vi., 37.—Aristot., H. A., l., i.)—8. (L. Georg., iii., 148.)—9. (Royal Pharmacop., s. v.)

1. In the works of the Arabian writers on botany, it is said that the Aspalathus has a purplish and an acid taste, and has no fruit. According to Marius Atticista, the Attics used ἀσπάλου or ἀσπάλου εἶ the other Greeks. We may conclude, that it was often applied loosely to all of thorns.¹ The rind of the root of the Asus yielded an aromatic oil.

ASPALAX (ἀσπάλαις), a species of Mole, called ἄσπιδος by Aristotle,² σπάλαξ by Aristophanes,³ ἀσπίς by Lycophron.⁴ It is generally set as being the *Talpa Europea*, L., or common mole, but it is deserving of remark, that Olivier, in his *Travels*, has described a species or variety of mole found in Asia Minor, which, Dr. Traill of Edinburgh thinks, answers better to Aristotle's description than the common mole. Aristotle was mistaken that the Mole is not blind, although it has small eyes.⁵

PARAGUS (ἀσπάραγος or ἰσφάραγος), the asparagus, a well-known vegetable. Theophrastus remarks that Asparagus has thorns in place of leaves, so that it is easy to perceive he means the *asparagus officinalis*, L. The wild Asparagus, called ἰσφός by the Greeks, and *corruca* by the Romans, was more used in medicine. The Greeks applied the term ἀσπάραγος to all tender stalks which shoot up for the production of fruit or seed. The Attics wrote ἰσφάραγος with the aspi- letter, as the grammarians and also Galen indicate.⁶ The common name at present in Greece is ἀσπάραγος or σπαραγγία.

PHALTUS. (Vid. BITUMEN.)

PHODELUS (ἀσφόδελος), a plant, called by us "*Hastula regia*," and hence its English name "King's Spear." According to Sprengel, the Dioscorides of Galen is the *Ornithogalum Stachyoides*; that of Theophrastus and Dioscorides the *Asus ramosus*, L. This is the famous herb which Homer represents as growing in the meadows of Ithaca. Eustathius⁷ mentions that it was frequently planted in the neighbourhood of sepulchres. The common name of the *Ornithogalum* is the Star of Bethlehem.—The Asphodelus was used as a pot-herb at the time of Hesiod.⁸ According to Sibthorp, the common name for this plant at the present day is ἀσφάδα. In Laconia it is termed σπονδράκυντα, ἰσφάδα καραβοῦκι.

ASPIS (ἀσπίς), I. the Asp, a species of noxious serpent often mentioned by both Greek and Roman authors; and from the discrepancies which are observable in the accounts given by different authors, it would seem that several different species of poisonous serpents were known to the ancients under the common name. Galen, in fact, and the other medical authorities, describe three varieties of the asp, the Ptyas, Chersæa, and Chelidonia.¹¹ However, as Eustathius⁹ affirms that the Egyptians distinguished sixteen varieties of it,¹² "From various instances, and particularly from the description of Pliny,¹³ it is evident that the most common variety of the Asp species was that to which modern Arabs give the name of *El Haje*, or *Ascher*. This animal measures from three to four feet in length: it is of a dark green colour, and is marked obliquely with bands of brown; the scales on the neck, back, and upper surface of the tail are serrated, and the tail is about one fourth the length of the whole body. The *haje* is allied to the *cobra capello*, or spectacled

snake of India, the chief apparent difference being its want of the singular yellow mark on the back of the neck, from which the latter species derives its name. In other respects these two serpents are nearly of the same size; they are equally venomous, and both have the power of swelling out the neck when irritated, and raising themselves upright upon their tails, to dart by a single bound upon their enemies. The poison of the Asp is of the most deadly nature. The habit which this serpent has of erecting itself when approached, made the ancient Egyptians imagine that it guarded the places which it inhabited. They made it the emblem of the divinity whom they supposed to protect the world; and, accordingly, they have represented it on their temples, sculptured on each side of a globe."¹⁴—II. (Vid. CLIFEUS.)

* ASPLENIUM (ἀσπλήγιον), a plant, which Sprengel follows Tragus in referring to the *Asplenium ceterach*, or, as he proposes to call it, *Gymnogramma ceterach*, our Spleenwort or Milkwaste. He admits that he could not ascertain the origin of the term *ceterach*. Miller, however, says "the word *ceterach* is Arabic."¹⁵ The Asplenium took its name from its supposed utility in disorders of the spleen.

ASSARIUS NUMMUS. (Vid. AS.)

ASSERES LECTICARII. (Vid. LECTICÆ.)

ASSERTOR or ADSERTOR contains the same root as the verb *adserere*, which, when coupled with the word *manu*, signifies to lay hold of a thing, to draw it towards one. Hence the phrase *adserere in libertatem*, or *liberali adserere manu*, applies to him who lays his hand on a person reputed to be a slave, and asserts or maintains his freedom. The person who thus maintained the freedom of a reputed slave was called *adsertor*,² and by the laws of the Twelve Tables, it was enacted in favour of liberty, that such adsertor should not be called on to give security in the sacramenti actio to more than the amount of L. asses. The person whose freedom was thus claimed was said to be *adsertus*. The expressions *liberalis causa* and *liberalis manus*, which occur in classical authors in connexion with the verb *adserere*, will easily be understood from what has been said.³ Sometimes the word *adserere* alone was used as equivalent to *adserere in libertatem*.⁵

The expression *assere in servitute*, to claim a person as a slave, occurs in Livy.⁶

ASSESSOR or ADSESSOR, literally one who sits by the side of another. The duties of an assessor, as described by Paulus,⁷ related to "cognitiones, postulationes, libelli, edicta, decreta, epistole;" from which it appears that they were employed in and about the administration of law. The consuls, prætors, governors of provinces, and the judges, were often imperfectly acquainted with the law and the forms of procedure, and it was necessary that they should have the aid of those who had made the law their study. The præfectus prætorio and præfectus urbi, and other civil and military functionaries, had their assessors. An instance is mentioned by Tacitus⁸ of the Emperor Tiberius assisting at the judicium (*judicium adsidebat*), and taking his seat at the corner of the tribunal; but this passage cannot be interpreted to mean, as some persons interpret it, that the emperor sat there in the character of an assessor, properly so called: the remark of Tacitus shows that, though the emperor might have taken his seat under the name of assessor, he could be considered in no other light than as the head of the state.

1. (Penny Cyclopædia, vol. ii., p. 487.)—2. (Dioscorides, iit., 141.—Adams, Append., s. v.)—3. (Gæus, iv., 14.)—4. (Terent., Adelph., II., i., 40.—Plaut., Pœn., IV., ii., 83.—Vid. etiam Dig. 40, tit. 12, De liberali Causa.)—5. (Cic., pro Flacc., c. 17.)—6. (iii., 44; xxxiv., 18.)—7. (Dig. I, tit. 21, s. 1.)—8. (Aur., i., 75)

1. (Penny Cyclopædia, vol. ii., p. 487.)—2. (Dioscorides, iit., 141.—Adams, Append., s. v.)—3. (Gæus, iv., 14.)—4. (Terent., Adelph., II., i., 40.—Plaut., Pœn., IV., ii., 83.—Vid. etiam Dig. 40, tit. 12, De liberali Causa.)—5. (Cic., pro Flacc., c. 17.)—6. (iii., 44; xxxiv., 18.)—7. (Dig. I, tit. 21, s. 1.)—8. (Aur., i., 75)

ASTER ATTICUS.

The Emperor Alexander Severus gave the assessores a regular salary.¹ Freedmen might be assessores. In the later writers the assessores are mentioned under the various names of *conciliarii*, *juris studiosi*, *comites*, &c. The *studiosi juris*, mentioned by Gellius² as assistant to the judges (*quos adhibere in consilium judicatori solent*), were the assessores. Sabinus, as it appears from Ulpian,³ wrote a book on the duties of assessors. The assessors sat on the tribunal with the magistrate. Their advice or aid was given during the proceedings as well as at other times, but they never pronounced a judicial sentence. As the old forms of procedure gradually declined, the assessores, according to the conjecture of Savigny,⁴ took the place of the judges.

*ASSIUS LAPIS (*Ἀσσιος λίθος*), a kind of stone, deriving its name from Assos, a city in the Troad. Such, at least, is the account of Pliny.⁵ Dioscorides,⁶ however, calls it *Ἀσσιος λίθος*, and Celsus⁷ *Lapis Assius*, the Asian Stone; the last-mentioned author appearing to derive its name from Asia generally. All these writers agree in classing it with the stones which, from their consuming the bodies of the dead enclosed within them, were called *sarcophagi* (*σαρκόφαγοι*). The Assian stone was characterized by a laminated structure, a saline efflorescence of a sharp taste, and its styptic properties.⁸ Galen, in describing this stone, says that it is of a spongy substance, light and friable; that it is covered with a farinaceous kind of powder, called the Flower of the Assian stone; that the molecules of this flower are very penetrating; that they consume flesh; and that the stone has a similar property, but in a less degree. This efflorescence had, moreover, a saline taste. Galen adds, that it was of a yellow or whitish colour, and that, when mixed with resin of turpentine or with tar, it removed tubercles. Pliny repeats almost the same account.⁹

*ASTACUS (*ἀστᾶς*), a sea animal, described by Aristotle, Galen, Oppian, Ælian, and others. It belongs to the class *Crustacea*, and is called *Grampian* by the Italians, *Homar* by the French, and *Crab-fish* by the English. It is the *Astacus flavissimus*. L. Cuvier has shown that it is the *Elephantus* of Pliny.¹⁰

*ASTER (*ἀστέρ*). I. A species of bird, most probably the *Fringilla rubra*, or Smaller Redpole.—II. The genus *Stella*, or Star-fish. It has been variously classed under Zoophyta, Mollusca, and Crustacea, by both ancient and modern naturalists.—III. One of the varieties of the Samian earth was also called by this name. (Vid. SAMIA TERRA.)

*ASTER ATTICUS (*Ἀστὴρ Ἀττικῆς*), a plant. According to Apuleius, the *Astrixion*, *Asteriscion*, *Aster Atticus*, and *Inguinalia* are synonymous. Stackhouse and Schneider farther identify the *ἀστῆριον* of Theophrastus with it. Martyn is at great pains to prove that the "*Ameiwa*" of Virgil is the Aster Atticus. Botanists accordingly give to the Italian blue Starwort the name of *Aster ameianus*. The flower of the Aster has its leaves radiated like a star, whence its name (*ἀστέρ*, "a star"). This plant was employed in swellings of the groin, whence the names of *Inguinalia* and *Amoimion* that were sometimes applied to it. Another ancient appellation, *Ameiwa*, was derived from that of the river the *Mela*, in (Cisalpine Gaul) on the banks of which this plant grew very abundantly. The root of the Aster, cooked in old Assian wine, is mentioned by Columella as a good remedy for sickness

ASTRAGALUS.

among bees. The Aster grows in the hills of Italy and Sicily, frequent state. Sibthorp found it also near used to grow abundantly in Attica.

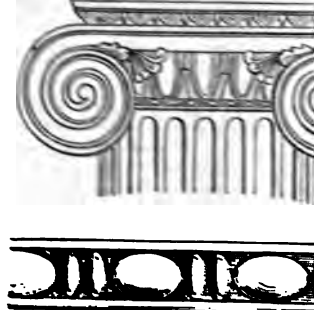
*ASTERIA, a gem, mentioned by Pliny as coming from India and from Carmania. Its name from its starlike lustre like the rays of the sun. Mineralogists have been that variety of opal which is caused from its reflecting a reddish light towards the sun. Pliny describes it as engrave; "the difficulty," observes "arising probably, not from its hardness the numerous minute fissures which in all directions, and to which it is subject the playful variation of its colours."¹

*ASTRIOS, a gem mentioned by Pliny which occurred in India and on the island of Ceylon, but of the best quality in Carmania. A Roman writer describes it as shining within it like a star, with the brightness of the moon." Dr. Moore considers Werner's most probable, that it is the same with the stone of Ceylon.²

ASTRAGALUS, an astragal, one of the orders of architecture, more especially of the Ionic order.

The astragal is always found as the member of the Ionic capital, forming the transition between it and the fluted shaft of the column. This we have a beautiful example in the Temple of Bacchus at Teos, which was informed by Vitruvius,³ was built by the architect of Alabanda, one of the most celebrated ancient architects, and of which he gives a description. One of the capitals of the temple is shown in the annexed woodcut. The astragal we see the echinus, and on each side of it, to which is added an ornament of the aplustre of a ship. (Vid. PLATE I.)

The astragal was used with a beautiful border or divide the three faces of the capital, and it was admitted under an echinus cornice. The lower figure in the woodcut shows a small portion of the astragal forming the member of an architrave, which is now in the museum, and which was part of the Temple of Bacchus at Athens. It is drawn of the marble itself. The term *astragalus* by Vitruvius,⁴ was no doubt borrowed



from the Greek writers on architecture, and denoted a base in the foot of certain columns, the form and use of which are explained in the corresponding Latin term *TALUS*. A

1. Lampson, *Alex. Sev.*, 66.—2. *ibid.*, 22.—3. *ibid.*, 67, 68, 69, 70.—4. *Geographia des Rom. Reichs im Mittelalter*, v. 79.—5. *Plin.*, H. N., *lib.*, 37.—6. *ibid.*, *lib.*, 10.—7. *ibid.*, 24.—8. *Moore's Anc. Mineral.*, p. 187.—9. *Galen. Simple Med. Fac.*, *lib.*, 11.—10. *Achama. Append.*, s. 1.

1. *Plin.*, H. N., *lib.*, 37.—2. *ibid.*, *lib.*, 37.—3. *ibid.*, *lib.*, 37.—4. *ibid.*, *lib.*, 37.—5. *ibid.*, *lib.*, 37.—6. *ibid.*, *lib.*, 37.—7. *ibid.*, *lib.*, 37.—8. *ibid.*, *lib.*, 37.—9. *ibid.*, *lib.*, 37.—10. *ibid.*, *lib.*, 37.

any citizen of the military age seems to have been able to be called upon for this service, with the exception of Choreutæ, who appear to have been excused when the concurrence of a festival campaign rendered the performance of both impossible,² and magistrates during their year of office, and farmers of the revenue, though the latter in Demosthenes³ suggests some doubts how far this last excuse was considered a valid plea. We may presume that the accuser as well as the defendant in the similar action for leaving the ranks (*ἀφιστάσις*), was any citizen that chose to come forward (*ὁ βουλόμενος, οἷς ἐξεστὶ*), and that the army was composed of soldiers who had served in the campaign. The presidency of the court, according to Meier, belonged to the generals.⁴ The defendant, if convicted, incurred disfranchisement;⁵ both in his own person and that of his heirs; and there were very stringent laws which even if they appeared at the public sacra, and even women and slaves were admitted.⁶ **FALCO**, the *Falco Palumbarius*, or Goshawk. (See **FAUCON**.) **FURCO**, a jennet, or Spanish horse. (*Vid.*

ΓΥΝΟΜΙ (*ἀστυνόμοι*), or street police of Athens, were ten in number, five for the city, and five for the Peiræus. Aristotle (as quoted by Cicero, *s. v.*) says that they had to attend to the regulation of the markets, to the scavengers, and such as in general, they had to take care of public order: thus they could punish a man for being drunk in the street.⁷ It would seem, from what Aristotle says,⁸ and from the functions which Plato assigns to his *astynomi*,⁹ that they had also the care of the fountains, roads, and public buildings; as supposed that Plutarch's words,¹⁰ *ὅτε τῶν ἐν πόλεω ἐπιστάτης ἦν*, mean "when he was appointed." The *astynomi* and *agoranomi* differed from them most of the functions of the *ἀστυνόμοι*. The *astynomi* at Thebes were called *ἐλάργοι*.¹¹ (*Vid.* **AGORANOMI**.) **ΛΥΜΕΝΑ** (*ἀσυλον*). In the Greek states, the altars, sacred groves, and statues of the gods generally possessed the privilege of protecting debtors, and criminals, who fled to them for refuge. The laws, however, do not appear to have secured the right of all such sacred places to

Poseidon in Calauria;⁶ and the Temple of Athena Alea in Tegea.⁷

It would appear, however, that all sacred places were supposed to protect an individual to a certain extent, even if their right to do so was not recognised by the laws of the state in which they were situated. In such cases, however, as the law gave no protection, it seems to have been considered lawful to use any means in order to compel the individuals who had taken refuge to leave the sanctuary, except dragging them out by personal violence. Thus it was not uncommon to force a person from an altar or a statue of a god by the application of fire. We read in the *Andromache* of Euripides,⁸ that Hermione says to Andromache, who had taken refuge at the statue of Thetis, *πῦρ σοὶ προσοίσω*: on which passage the scholiast remarks, "that it was the custom to apply fire to those who fled to an altar."⁹ In the same manner, in the *Mostellaria* of Plautus,¹⁰ Theuopides says to the slave Tranius, who had fled to an altar, "*Jam jubebo ignem et sarmeta, carnifex, circumdari.*"

In the time of Tiberius, the number of places possessing the *jus asyli* in the Greek cities in Greece and Asia Minor became so numerous as seriously to impede the administration of justice. In consequence of this, the senate, by the command of the emperor, limited the *jus asyli* to a few cities, but did not entirely abolish it, as Suetonius¹¹ has erroneously stated.¹²

The asylum which Romulus is said to have opened at Rome to increase the population of the city,¹³ was a place of refuge for the inhabitants of other states rather than a sanctuary for those who had violated the laws of the city. In the republican and early imperial times, a right of asylum, such as existed in the Greek states, does not appear to have been recognised by the Roman law. Livy seems to speak of the right¹⁴ as peculiar to the Greeks: "*Templum est Apollinis Delium—eo jure sancto quo sunt templa quæ asyla Græci appellant.*" By a constitution of Antoninus Pius, it was decreed that, if a slave in a province fled to the temples of the gods or the statues of the emperors to avoid the ill-usage of his master, the præses could compel the master to sell the slave;¹⁵ and the slave was not regarded by the law as a runaway—*fugitivus*.¹⁶ This constitution of Antoninus is quoted in Justinian's Insti-

emperor were considered to inflict disgrace on their master, as it was reasonably supposed that no slave would take such a step unless he had received very bad usage from his master. If it could be proved that any individual had instigated the slave of another to flee to the statue of an emperor, he was liable to an action *corrupti servi*.¹ The right of asylum seems to have been generally, but not entirely, confined to slaves.²

The term *ἀσυλία* was also applied to the security from plunder (*ἀσυλία καὶ κατὰ γῆν καὶ κατὰ θάλασσαν*) which was sometimes granted by one state to another, or even to single individuals.³

ATELEI'Α (*ἀτέλεια*), immunity from public burdens, was enjoyed at Athens by the archons for the time being; by the descendants of certain persons, on whom it had been conferred as a reward for great services, as in the case of Harmodius and Aristogeiton; and by the inhabitants of certain foreign states. It was of several kinds: it might be a general immunity (*ἀτέλεια ἀπάντων*), or a more special exemption, as from custom-duties, from the liturgies, or from providing sacrifices (*ἀτέλεια ἰεῶν*).⁴ The exemption from military service was also called *ἀτέλεια*.⁵

ATELLANÆ FABULÆ. The Atellane plays were a species of farce or comedy, so called from Atella, a town of the Osci, in Campania. From this circumstance, and from being written in the Oscan dialect, they were also called *Ludi Osci*. Judging from the modern Italian character and other circumstances, it is not unreasonable to suppose that they were at first, and in their native country, rude improvisatory farces, without dramatic connexion, but full of raillery and wit, suggested by the contemporary events of the neighbourhood. However this may be, the "Atellane fables" at Rome had a peculiar and dramatic character. Thus Macrobius⁶ distinguishes between them and the less elegant mimes of the Romans: the latter, he says, were acted in the Roman language, not the Oscan; they consisted of only one act, whereas the Atellane and other plays had five, with laughable exodia or interludes; lastly, as he thought, they had not the accompaniment of the flute-player, nor of singing, nor gesticulation (*motus corporis*). One characteristic of these plays was that, instead of the satyrs and similar characters of the Greek satyric drama, which they in some respects resembled, they had Oscan characters drawn from real life, speaking their language, and personating some peculiar class of people in a particular locality. Such, indeed, are the Harlequin and Pulcinello of the modern Italian stage, called *maschere* or masks, and supposed to be descended from the old Oscan characters of the Atellane. Thus, even now, *zanni* is one of the Harlequin's names, as *sannio* in the Latin farces was the name of a buffoon, who had his head shorn, and wore a dress of gay patchwork; and the very figure of Pulcinello is said to have been found in the stucco painting of Pompeii, in the old country of the Atellane.⁷ On this subject Lady Morgan⁸ speaks as follows: "The Pulcinello of Italy is not like the Polichinel of Paris, or the Punch of England; but a particular character of low comedy peculiar to Naples, as Pantalone is of Venice, Il Dottore of Bologna. Their name of *Maschere* comes from their wearing masks on the upper part of their faces. They are the remains of the Greek and Latin theatres, and are devoted to the depicting of national, or, rather, provincial ab-

surdities and peculiarities." Again, at C Köln, famous for its connexion with the there still exists a puppet theatre (*Puppen* where droll farces are performed by dolls dialogue, spoken in the patois or dialect of try, and full of satirical local allusions, is c by persons concealed.¹

These Atellane plays were not *prolesti* comedies in which magistrates and person were introduced; nor *tabernaria*, the char which were taken from low life: "they ra to have been a union of high comedy and dy." They were also distinguished from t by the absence of low buffoonery and ribal remarkable for a refined humour, such as understood and appreciated by educate Thus Cicero⁹ reproaches one of his corre for a coarseness in his joking, more like th of the mimes than the humour of the At bles, which in former times were the aft dramatic representations (*secundum Cœnom cum, non ut olim solebat Atellanum, sed ut mimum introduxisti*). This statement c agrees with a remark of Valerius Maxim these plays were tempered with an Italiar of taste; and Donatus also¹⁰ says of them, were remarkable for their antique eleganc of language, but of style and character.

gests an explanation of the fact that Atell not performed by regular actors (*histrionic*. Roman citizens of noble birth, who wer that account subjected to any degradatio tained their rights as citizens, and might the army.¹¹ This was not the case with c ors, so that the profession was confined t ers or freedmen. Niebuhr, however, is o that all the three kinds of the Roman nat ma, and not the Atellane only, might be ed by well-born Romans, without the riskin franchise.¹²

The Oscan or Opican language, in wh plays were written, was spread over all of Italy; and as some inscriptions in it a gible to us, we cannot wonder that plays Oscan were understood by the more educ mans. One peculiarity of it was the use qu: thus, *pid for quid*.¹³

However, in one part of these plays, c *canticum*,¹⁴ the Latin language, and some Greek,¹⁵ was used. Thus we are told¹⁶ th these *cantica* opened with the words *Venit a villa*, "The baboon is come from his house;" and as Galba was entering Rom time, the audience caught up the burde song, joining in chorus. It might be tho this is true only of the time of the empe we find that, even before then, the Latin was used, as in the instances given below, too, in other parts besides the *canticum*. nexion with this, it may be remarked, tha erything else at Rome, the Atellane de under the emperors, so as to become mor mimes, till they were at last acted by players.

They were written in verse, chiefly ian many trisyllabic feet. Lucius Sulla, the d believed to have written plays of this so statement in Athenæus,¹⁷ that he wrote comedies in his native, i. e., the Campanian Quintus Novius, who flourished about fifty

1. (Dig. 47, tit. 11, s. 5.)—2. (Dig. 48, tit. 19, s. 26, § 7.)—3. (Vid. Bœckh, Corp. Inscript., i., p. 725.)—4. (Vid. Demosth., c. Lept., § 105. Wolf.—Bœckh, Corp. Inscript., i., p. 122.)—5. (Demosth., c. Neer., p. 1333, 23.)—6. (Saturn., lib. iii.)—7. (Schlegel on Dram. Lit., lect. viii.)—8. (Italy, c. 34.)

1. (Murray's Handbook.)—2. (ad Fam., ix., 16.)—3. (Vita Terent.)—4. (Liv., vii., 2.)—5. (Hist. Rom 350, transl.)—6. (Nieb., Hist. Rom., vol. i., p. 68.)—7. (Opusc., i., 295. De Fabula Togata.)—8. (Suet., Ne 10.)—9. (Suet., Galba, c. 13.)—10. (Iv., p. 261.)—11. (Suet., Galba, c. 13.)—12. (Suet., Galba, c. 13.)—13. (Suet., Galba, c. 13.)—14. (Suet., Galba, c. 13.)—15. (Suet., Galba, c. 13.)—16. (Suet., Galba, c. 13.)—17. (Suet., Galba, c. 13.)

ter Sulla's abdication, is said to have written about the Attic plays; the names of some of these have come down to us, as *Macchus Exul*, or "Macchus in Exile;" *Gallinaria*, or the "Poulterer;" *Vindemiores*, "the Vintagers;" *Surdus*, the "Deaf-man;" *Percus*, the "Thrifty-man;" from this play has been preserved the line, "*Quod magnopere quaesiverat ut frumisci non queunt, Qui non parsit, apud se frumiscit est.*" *Frumiscor* is the same as *fruo*.¹

Lucius Pomponius, of Bononia, who lived about B.C. 90, wrote *Macchus Miles*, the *Pseudo-Agammemnon*, the *Bucco Adoptatus*, the *Aditimus* or *Sacristan*, &c. In the last the following verse occurred: "*Qui postquam tibi apparo, atque aditumor in templo tuo.*" *Apparo* here means "to attend upon." The *Macchus* was a common character in these plays, probably a sort of clown; the *Bucco* or *Babbler* was another.² These plays subsequently fell into neglect, but were revived by a certain Mummius, mentioned by Macrobius, who does not, however, state the time of the revival.

Subjoined is a specimen of Oscan, part of an inscription found at Bantia, in Lucania, with the Latin interpretation written underneath:

"In svz pis ionc fortis meddis moltaum herest
Et si quis eum fortis magistratus multare volet,
Anpert mistreis alteis cituas moltas moltaum licitud

Uta cum magistris altis ararii multa multare licito."
Herest is supposed to be connected with *χαρήσει*, *meddis* with *μέδων*, *anpert* with *ἀνοπέρι*.

For additional specimens of Oscan, the reader is referred to Grotefend's *Rudimenta Linguae Oscae*, from which is taken the example given above, and also the interpretation of it. The fragments of Pomponius have been collected and edited by Munk.

ATHENÆUM, a school (*ludus*) founded by the Emperor Hadrian at Rome, for the promotion of literary and scientific studies (*ingenuarum artium*),¹ and called Athenæum from the town of Athens, which was still regarded as the seat of intellectual refinement.² The Athenæum appears to have been situated in the Capitol.³ It was a kind of university, and a staff of professors, for the various branches of study, was regularly engaged. Under Theodosius II., for example, there were three orators, ten grammarians, five sophists, one philosopher, two lawyers or jurisconsults.⁴ Besides the instruction given by these magistri, poets, orators, and critics were accustomed to recite their compositions there, and these prelections were sometimes honoured with the presence of the emperors themselves.⁵ There were other places where such recitations were made, as the Library of Trajan (*vid. BIBLIOTHECA*); sometimes, also, a room was hired, and made into an auditorium, seats erected, &c. (*vid. AUDITORIUM*.) The Athenæum seems to have continued in high repute till the fifth century. Little is known of the details of study or discipline in the Athenæum, but in a constitution of the year 370,⁶ here are some regulations respecting students in Rome, from which it would appear that it must have been a very extensive and important institution, and this is confirmed by other statements contained in some of the Fathers and other ancient authors, from which we learn that young men from all parts, after finishing their usual school and college studies at their own town or province, used to resort to Rome, as a sort of higher university, for the purpose of completing their education.

*ATHERINA (*ἀθερίνη*), a species of small fish, supposed to be the *Atherina Hepsetus*, L., but uncer-

tain. Pennant says it is common on the coast of Southampton, where it is called a smelt. It is about four inches long. The *Atherina* is mentioned by Aristotle and Oppian.¹

ATHLETÆ (*ἀθληταί*, *ἀθλητῆρες*) were persons who contended in the public games of the Greeks and Romans for the prizes (*ἀθλα*, whence the name of *ἀθληταί*), which were given to those who conquered in contests of agility and strength. This name was, in the later period of Grecian history and among the Romans, properly confined to those persons who entirely devoted themselves to a course of training which might fit them to excel in such contests, and who, in fact, made athletic exercises their profession. The *athletæ* differed, therefore, from the *agonistæ* (*ἀγωνισταί*), who only pursued gymnastic exercises for the sake of improving their health and bodily strength, and who, though they sometimes contended for the prizes in the public games, did not devote their whole lives, like the *athletæ*, to preparing for these contests. In early times there does not appear to have been any distinction between the *athletæ* and *agonistæ*; since we find that many individuals, who obtained prizes at the great national games of the Greeks, were persons of considerable political importance, who were never considered to pursue athletic exercises as a profession. Thus we read that Phayllus of Crotona, who had thrice conquered in the Pythian games, commanded a vessel at the battle of Salamis;² and that Dorieus of Rhodes, who had obtained the prize in all of the four great festivals, was celebrated in Greece for his opposition to the Athenians.³ But as the individuals who obtained the prizes in these games received great honours and rewards, not only from their fellow-citizens, but also from foreign states, those persons who intended to contend for the prizes made extraordinary efforts to prepare themselves for the contest; and it was soon found that, unless they subjected themselves to a severer course of training than was afforded by the ordinary exercises of the gymnasia, they would not have any chance of gaining the victory. Thus arose a class of individuals, to whom the term *athletæ* was appropriated, and who became, in course of time, the only persons who contended in the public games.

Athletæ were first introduced at Rome B.C. 186 in the games exhibited by Marcus Fulvius, on the conclusion of the Ætolian war.⁴ Paulus Æmilius, after the conquest of Perseus, B.C. 167, is said to have exhibited games at Amphipolis, in which *athletæ* contended.⁵ A *certamen athletarum*⁶ was also exhibited by Scourus in B.C. 59; and among the various games with which Julius Cæsar gratified the people, we read of a contest of *athletæ* which lasted for three days, and which was exhibited in a temporary stadium in the Campus Martius.⁷ Under the Roman emperors, and especially under Nero, who was passionately fond of the Grecian games,⁸ the number of *athletæ* increased greatly in Italy, Greece, and Asia Minor; and many inscriptions respecting them have come down to us, which show that professional *athletæ* were very numerous, and that they enjoyed several privileges. They formed at Rome a kind of corporation, and possessed a *tabularium* and a common hall—*curia athletarum*,⁹ in which they were accustomed to deliberate on all matters which had a reference to the interests of the body. We find that they were called *Herculanei*, and also *xystici*, because they were ac-

1. (Aristot., H. A., vi., 17; ix., 2.—Oppian, Hal., i.—Adams, Append., s. v.)—2. (Herod., viii., 47.—Paus., x., 9, § 1.)—3. (Paus., vi., 7, § 1, 2.)—4. (Liv., xxxix., 22.)—5. (Liv., xlv., 32.)—6. (Val. Max., ii., 4, § 7.)—7. (Suet., Jul., 39.)—8. (Tacit. Ann., xiv., 20.)—9. (Orelli, Inscrip., 2588.)

customed to exercise, in winter, in a covered place called *xystus*;¹ and that they had a president, who was called *zystarchus*, and also *ἄρχιερεύς*.

Those athleteæ who conquered in any of the great national festivals of the Greeks were called *hieroniceæ* (*ἱερωνίκαί*), and received, as has been already remarked, the greatest honours and rewards. Such a conqueror was considered to confer honour upon the state to which he belonged; he entered his native city in triumph, through a breach made in the walls for his reception, to intimate, says Plutarch, that the state which possessed such a citizen had no occasion for walls.² He usually passed through the walls in a chariot drawn by four white horses, and went along the principal street of the city to the temple of the guardian deity of the state, where hymns of victory were sung. Those games, which gave the conquerors the right of such an entrance into the city, were called *iselastici* (from *ἰσσελαύνειν*). This term was originally confined to the four great Grecian festivals, the Olympian, Isthmian, Nemean, and Pythian; but was afterward applied to other public games, as, for instance, to those instituted in Asia Minor.³ In the Greek states, the victors in these games not only obtained the greatest glory and respect, but also substantial rewards. They were generally relieved from the payment of taxes, and also enjoyed the first seat (*προεδρία*) in all public games and spectacles. Their statues were frequently erected at the cost of the state, in the most frequented part of the city, as the market-place, the gymnasia, and the neighbourhood of the temples.⁴ At Athens, according to a law of Solon, the conquerors in the Olympic games were rewarded with a prize of 500 drachmæ; and the conquerors in the Pythian, Nemean, and Isthmian, with one of 100 drachmæ;⁵ and at Sparta they had the privilege of fighting near the person of the king.⁶ The privileges of the athleteæ were preserved and increased by Augustus;⁷ and the following emperors appear to have always treated them with considerable favour. Those who conquered in the games called iselastici received, in the time of Trajan, a sum from the state, termed *opsomnia*.⁸ By a rescript of Diocletian and Maximian, those athleteæ who had obtained in the sacred games (*sacri certaminis*), by which is probably meant the *iselastici ludi* not less than three crowns, and had not bribed their antagonists to give them the victory, enjoyed immunity from all taxes.⁹

The term athleteæ, though sometimes applied metaphorically to other combatants, was properly limited to those who contended for the prize in the five following contests: 1. *Running* (*δρόμος, cursus*), which was divided into four different contests, namely, the *stadiodρόμος*, in which the race was the length of the stadium; the *διαιτοδρόμος*, in which the stadium was traversed twice; the *δολιχοδρόμος*, which consisted of several lengths of the stadium, but the number of which is uncertain; and the *ὀπλιτοδρόμος*, in which the runners wore armour. 2. *Wrestling* (*πάλη, lucta*). 3. *Boxing* (*πυγμή, pugilatus*). 4. *The pentathlon* (*πένταθλον*), or, as the Romans called it, *quinquertium*. 5. *The pancratium* (*παγκράτιον*). Of all these an account is given in separate articles. These contests were divided into two kinds: the *severe* (*βαρέα, βαρύτερα*) and the *light* (*κοῦφα, κορυφότερα*). Under the former were included wrestling, boxing, and the exercises of the pancratium, which consisted of wrestling and boxing combined, and was also called *pammachion*.¹⁰

1 (Vitruv., vi., 10.)—2. (Suet., Ner., 25.—Plutarch, Symp., i., 5, § 2.)—3. (Plin., Ep., 119, 120.)—4. (Paus., vi., 13, § 1; vii., 17, § 3.)—5. (Diog. Laert., i., 55.—Plut., Sol., 23.)—6. (Plin., Lyc., 22.)—7. (Suet., Octav., 45.)—8. (Plin., Ep., 119, 120.—Compare Vitruv., ix., Pref.)—9. (Cod. X., tit. 53.)—10. (Plin., Euthyd., c. 3, p. 271.—Pollux, Onom., viii. 4.)

Great attention was paid to the training of the athleteæ. They were generally trained in the *γυμνασιαῖς*, which, in the Grecian states, were distinct places from the gymnasia, though they have been frequently confounded by modern writers. Thus Pausanias informs us,¹ that near the gymnasium at Olympia there were *palestræ* for the athleteæ; and Plutarch expressly says² that the place in which the athleteæ exercise is called a *palestra*.³ Their exercises were superintended by the *gymnasiarch* (*γυμνασιάρχης*), and their diet was regulated by the *alipites* (*ἀλείπτης*). (Vid. *ΔΙΑΙΤΑ*.) According to Pausanias,⁴ the athleteæ did not eat meat, but principally lived upon fresh cheese;⁵ and Diogenes Laertius⁶ informs us that their original diet consisted of dried figs,⁷ moist and new cheese,⁸ and wheat.⁹ The eating of meat by the athleteæ is said, according to some writers,¹⁰ to have been first introduced by Dromeus of Stymphlus, in Arcadia; and, according to others, by the philosopher Pythagoras, or by an alipites of the name.¹¹ According to Galen,¹² the athleteæ, who practised the severe exercises,¹³ ate pork and a particular kind of bread; and from a remark of Diogenes the Cynic,¹⁴ it would appear that in his time beef and pork formed the ordinary diet of the athleteæ. Beef is also mentioned by Plato¹⁵ as the food of the athleteæ; and a writer quoted by Athenæus relates, that a Theban who lived upon goats' flesh became so strong that he was enabled to overcome all the athleteæ of his time. At the end of the exercises of each day, the athleteæ were obliged to take a certain quantity of food, which was usually called *ἀναγκοραγία* and *ἀναγκορροφία*, or *βίαιος τροφή*, after which, they were accustomed to take a long sleep. The quantity of animal food which some celebrated athleteæ, such as Milo, Theagenes, and Astydamas, are said to have eaten, appears to be quite incredible.¹⁶ The food which they ate was usually dry, and is called by Juvenal¹⁷ *coliphia*, on the meaning of which word see Ruperti, *ad loc.*

The athleteæ were anointed with oil by the alipites previously to entering the palestra and contending in the public games, and were accustomed to contend naked. In the description of the games given in the twenty-third book of the Iliad,¹⁸ the combatants are said to have worn a girdle about their loins, and the same practice, as we learn from Thucydides,¹⁹ anciently prevailed at the Olympic games, but was discontinued afterward.

For farther information on the athleteæ, the reader is referred to the articles *ISTHMIAN*, *NEMEAN*, *OLYMPIAN*, and *PYTHIAN GAMES*; and to KRAUSE'S *Theagenes, oder wissenschaftl. Darstellung der Gymnastik, Agonistik, und Festspiele der Hellenen* (Halle, 1835); and *Olympia, oder Darstellung der grossen Olympischen Spiele* (Vienna, 1838).

ATHLOTHETÆ. (Vid. *AGONOTHETÆ*, *HELLANODICÆ*.)

ATILIA LEX. (Vid. *ΤΥΤΟΚ*.)

ATIMIA (*ἀτιμία*), or the forfeiture of a man's civil rights. It was either total or partial. A man was totally deprived of his rights, both for himself and for his descendants,²⁰ when he was convicted of murder, theft, false witness, partiality as arbiter of violence offered to a magistrate, and so forth. The highest degree of *atimia* excluded the person affected by it from the forum, and from all public assem-

1. (vi., 21, § 2.)—2. (Symp., ii., Quest. 4.)—3. (τὸν οὖν νότον ἐν ᾧ γυμνάζονται πάντες οἱ ἀθληταί, παλαιστράν κολασίαν.)—(vi., 7, § 3.)—5. (τὸν ἐκ τῶν ταλάρων.)—6. (viii., 12, 13.)—(ἰσχάσι ἔρπαις.)—8. (τοροῖς ὑγροῖς.)—9. (τοροῖς.)—10. (viii. l. c.)—11. (Diog. Laert., l. c.)—12. (De Val. Tuend., iii., l. 13.)—13. (βαρέας ἀθλητάς.)—14. (Diog. Laert., vi., 49.)—15. (De Rep. i., 12, p. 238.)—16. (viii., 14, p. 402, c. d.)—17. (Arist., Polit. viii., 4.)—18. (Athenæus, x., l. 2, p. 412, 413.)—19. (ii., 23.)—20. (l. 685, 710.)—21. (i., 6.)—22. (καθάρσις ἀτιμίας; Demosth. Mid., c. 10.)

from the public sacrifices, and from the law rendered him liable to immediate imprisonment if he was found in any of these places. It either temporary or perpetual; and either acquired or not with confiscation of property.

ἀτιμία only involved the forfeiture of some rights, as, for instance, the right of pleading in court.

Public debtors were suspended from their functions till they discharged their debt to the people who had once become altogether were very seldom restored to their lost private rights.

There is a *locus classicus* on the subject of *ἀτιμία* in Andocides.¹ The converse term to *ἀτιμία* is *τιμία*.

ATRYLIS (Vid. USUCAPIO.)

ANTES (*ἀτλαντες*), also called *Telamones*. These words are used, in a general sense, to anything which supports a burden, whether an animal, or an inanimate object; but in natural language they were specifically applied to designate those muscular figures which are represented as supporting the modillions of the corona, or upper member of a cornice: "*Telamones, Græci vero hos Atlantes vocant,*" Pliny.² The fable of Atlas, who bore the world on his shoulders, and of whom Homer says,

"Ἐχει δὲ τε κίονας αὐτὸς
τῆς αἰ γαῖαν τε καὶ οὐρανὸν ἀμφὸς ἔχουσι,"³

is an historical derivation for the name. They were distinguished from Caryatides, which are represented as female figures in an erect posture.

They were also applied as ornaments to the sides of a pediment, having the appearance of supporting it, as in the ship of Hiero, described by Pliny,⁴ in which instance he represents them six cubits in height, and sustaining the pediment and cornice.

At times, too, the term came to be used in irony (*εὐσεβῶς*), to ridicule a person of very diminished stature.

¹ *Namque ejusdam Atlanta vocamus: quæ cœcum; pravam extortantque puellam.* &c.⁵



A representation of these figures is given in the woodcut, copied from the *tepidarium* in the chamber at Pompeii. They are placed round the wall, and support a cornice, upon the vaulting of the roof rests, thus dividing the extent of the walls into a number of compartments, the uses of which are explained in the description of *tepidarium* in the article BATHS. ATRYLIS (*ἀτρακτυλίς*), a species of thistle, whence the Distaff-Thistle, from its resemblance

to a distaff (*ἀτρακτος*), for which its stalk was often employed. It is not improbable, as Adams thinks, that it was applied to several sorts of thistles, a tribe still very difficult to classify and distinguish. Ruellius and Hermolaus make it out to be the *Cnicus sylvestris*, but this opinion is rejected by Matthioli; and that of Fuchsius, who held it to be the *Carduus Benedictus*, does not seem less objectionable. Sprengel, in the first edition of his R. H. H., inclines to the *Carthamus Canatus*, and in the second to the *C. Creticus*; but in his edition of Dioscorides he proposes the *Carlina lanata*, L. Stackhouse hesitates about the *Atractylis gummifera*. The modern name in use among the Greeks is *ἀτρακτυλίς* or *σταυράγκαλι*. Sibthorp found it in Southern Greece.¹

ATRAMENTUM, a term applicable to any black colouring substance, for whatever purpose it may be used,² like the *μέλαν* of the Greeks.³ There were, however, three principal kinds of atramentum: one called *librarium* or *scriptorium* (in Greek, *γραφικὸν μέλαν*), another called *sutorium*, the third *tectorium*. *Atramentum librarium* was what we call writing-ink.⁴ *Atramentum sutorium* was used by shoemakers for dyeing leather.⁵ This atramentum sutorium contained some poisonous ingredient, such as oil of vitriol; whence a person is said to die of atramentum sutorium, that is, of poison, as in Cicero.⁶ *Atramentum tectorium* or *pictorium* was used by painters for some purposes, apparently⁷ as a sort of varnish. The scholiast on Aristophanes⁸ says that the courts of justice, or *δικαστήρια*, in Athens were called each after some letter of the alphabet: one alpha, another beta, a third gamma, and so on, and that against the doors of each *δικαστήριον*, the letter which belonged to it was written *πύρρον βαμματι*, in "red ink." This "red ink," or "red dye," could not, of course, be called atramentum. Of the ink of the Greeks, however, nothing certain is known, except what may be gathered from the passage of Demosthenes above referred to, which will be noticed again below. The ink of the Egyptians was evidently of a very superior kind, since its colour and brightness remain to this day in some specimens of papyri.⁹ The initial characters of the pages are often written in red ink.¹⁰ Ink among the Romans is first found mentioned in the passages of Cicero and Plautus above referred to. Pliny informs us how it was made. He says, "It was made of soot in various ways, with burned resin or pitch: and for this purpose," he adds, "they have built furnaces, which do not allow the smoke to escape. The kind most commended is made in this way from pine-wood: It is mixed with soot from the furnaces or baths (that is, the hypocausts of the baths: *vid. BATH*); and this they use *ad volumina scribenda*. Some also make a kind of ink by boiling and straining the lees of wine," &c. With this account the statements of Vitruvius¹¹ in the main agree. The black matter emitted by the cuttlefish (*sepia*), and hence itself called *sepia*, was also used for atramentum.¹² Aristotle, however, in treating of the cuttlefish,¹³ does not refer to the use of the matter (*θολός*) which it emits, as ink.¹⁴ Pliny observes¹⁵ that an infusion of wormwood with ink preserves a manuscript from mice.¹⁶

1. (Dioscor., iii., 37.—Theophrast., H. P., vi., 4; ix., 1.—Adams, Append., s. v.—Billerbek, Flora Classica, p. 211.)—2 (Plaut., Mostell., i., iii., 102.—Cic., De Nat. Deor., ii., 50.)—3 (Demosth., περὶ Στεφ., § 313, Bekk.)—4. (Vid. Hor., Epist., II., i., 236.—Petron., Sat., c. 102.—Cic., ad Quint. frat., ii., 15.)—5. (Plin., H. N., xxxiv., 12.)—6. (Ad Fam., ix., 21.)—7. (Plin., H. N., xxxv., 10.)—8. (Plut., v., 277.)—9. (British Museum Egyptian Antiq., vol. ii., p. 267.)—10. (Egypt. Antiq., ii., 270, 272.)—11. (viii., 10, 197.)—12. (Cic., De Nat. Deor., ii., 50.—Persius, Sat., iii., 12, 13.—Ausonius, iv., 76.)—13. (H. A.)—14 (Vid. Ælian., N. A., i., 34)—15 (H. N., xxvii., 7.)—16. (Vid. Isidor., xix., 17.)

1. (Vid. Vitruv., vi., 10.)—2. (Od., x., 42.)—3. (Iser., Sat., viii., 32.)

On the whole, perhaps, it may be said that the inks of the ancients were more durable than our own; that they were thicker and more unctuous, in substance and durability more resembling the ink now used by printers. An inkstand was discovered at Herculaneum, containing ink as thick as oil, and still usable for writing.¹

It would appear, also, that this gummy character of the ink, preventing it from running to the point of the pen, was as much complained of by the ancient Romans as it is by ourselves. Persius² represents a foppish writer sitting down to compose; but, as the ideas do not run freely,

*"Tunc queritur, crassus calamo quod pendeat humor;
Nigra quod infusa vaneſcat ſepia lympha."*

They also added water, as we do sometimes, to thin it. Mr. Lane³ remarks that the ink of the modern Egyptians "is very thick and gummy."

From a phrase used by Demosthenes, it would appear as if the colouring ingredient was obtained by rubbing from some solid substance, perhaps much as we rub Indian ink. Demosthenes⁴ is reproaching Æschines with his low origin, and says that, "when a youth, he was in a state of great want, assisted his father in his school, rubbed the ink (prepared the ink by rubbing, τὸ μέλαν τρίβων), washed down the forms, and swept the schoolroom," &c. It is probable that there were many ways of colouring ink, especially of different colours. Red ink (made of *minium*, vermilion) was used for writing the titles and beginnings of books,⁵ so also was ink made of *rubrica*, "red ochre,"⁶ and because the headings of *laws* were written with *rubrica*, the word *rubric* came to be used for the civil law.⁷ So *album*, a white or whited table, on which the prætors' edicts were written, was used in a similar way. A person devoting himself to *album* and *rubrica* was a person devoting himself to the law. (*Vid. ALBUM*.) There was also a very expensive red-coloured ink, with which the emperor used to write his signature, but which any one else was by an edict⁸ forbidden to use, excepting the sons or near relatives of the emperor, to whom the privilege was expressly granted. But if the emperor was under age, his guardian used a green ink for writing his signature.⁹ On the banners of Crassus there were purple letters, *φοινικῶν γράμματα*.¹⁰ On pillars and monuments, letters of gold and silver, or letters covered with gilt and silver, were sometimes used, as appears from Cicero¹¹ and Suetonius.¹² In writing, also, this was done at a later period. Suetonius¹³ says, that of the poems which Nero recited at Rome, one part was written in gold (or gilt) letters (*aureis litteris*), and consecrated to Jupiter Capitolinus.¹⁴ This kind of illuminated writing was more practised afterward in religious compositions, which were considered as worthy to be written in letters of gold (as we say even now), and, therefore, were actually written so. Something like what we call sympathetic ink, which is invisible till heat, or some preparation be applied, appears to have been not uncommon. So Ovid¹⁵ advises writing love-letters with fresh milk, which would be unreadable until the letters were sprinkled with coal-dust: "Tuta quoque est, fallitque oculos e lacte recenti Littera: carbonis pulvere tange; leges." Ausonius¹⁶ gives the same direction ("Lacte incide notas; areſcens charta tenebit Semper inadpicuas; pro-

dentur scripta favillis"). Pliny suggests that the milky sap contained in some plants might be used in the same way.²

An inkstand (*atramentarium*, used only by later writers; in Greek, *μελανδόχος*)³ was either single or double. The double inkstands were probably in-



tended to contain both black and red ink, much in the modern fashion. They were also of various shapes, as, for example, round or hexagonal. They had covers to keep the dust from the ink. The preceding cuts represent inkstands found at Pompeii.

ATRIUM, called *αὐλή* by the Greeks and by Virgil,⁴ and also *μεσάυλιον*, *περίστυλον*, *περίστυον*.

Two derivations of this word are given by the ancient writers. Festus and Varro refer it to the same origin: *Ab Atriæ populis, a quibus atrium exemplum desumpta fuerunt*;⁵ but Servius, on the contrary,⁶ derives the term *ab atro*, *propter fumum quod esse solebat in atris*; a remark which explains the allusion of Juvenal,⁷ *Fumosos equitum cum dictatorum magistros*, since it was customary among the Romans to preserve the statues of their ancestors in the atrium, which were blackened by the smoke of the fires kept there for the use of the household.

Atrium is used in a distinctive as well as collective sense, to designate a particular part in the private houses of the Romans (*vid. HOUSE*), and also, a class of public buildings, so called from their general resemblance in construction to the atrium of a private house. There is likewise a distinction between atrium and area; the former being an open area surrounded by a colonnade, while the latter had no such ornament attached to it. The atrium, moreover, was sometimes a building by itself, resembling, in some respects, the open basilica (*vid. BASILICA*), but consisting of three sides. Such was the Atrium Publicum in the Capitol, which Livy informs us was struck with lightning B.C. 216.⁸ It was at other times attached to some temple or other edifice, and in such case consisted of an open area and surrounding portico in front of the structure, like that before the Church of St. Peter in the Vatican.

Several of these buildings are mentioned by the ancient historians, two of which were dedicated to the same goddess, *Libertas*; and hence a difficulty is sometimes felt in deciding which of the two is meant when the atrium *Libertatis* is spoken of. The most celebrated, as well as the most ancient, was situated upon the Aventine Mount. Of this there is no doubt; for it is enumerated by Victor, in his catalogue of the buildings contained in the xiii. Regio, which comprises the Mons Aventinus, on which there was an *ædes Libertatis* built and dedicated by the father of Gracchus,⁹ to which the atrium was attached either at the same time or shortly afterward; for Livy also states¹⁰ that the hostages from Tarentum were confined in *atrio Libertatis*, which must refer to the atrium on the Aven-

1. (Winckelmann, vol. ii., p. 127.)—2. (Sat., iii., 12.)—3. (Med. Egyptians, ii., p. 288, smaller edit.)—4. (*περί Στεφ.*, § 313.)—5. (Ovid, *Trist.*, i., 1, 7.)—6. (Sidonius, vii., 12.)—7. (Quintil., xii., 3.)—8. (Cod. i., tit. 23, s. 6.)—9. (Montfaucon, *Palaog.*, p. 3.)—10. (Dion, xl., 18.)—11. (Verr., iv., 27.)—12. (Aug., c. 7.)—13. (Ner., c. 10.)—14. (Compare Plin., vii., 32.)—15. (Art. Am., iii., 627, &c.)—16. (Epist., xxiii., 21.)

1. (xxvi., 8.)—2. (*Vid. Caneparius, de Atramentis ejuſdem generis*, Lond., 1660.)—3. (Pollux, *Onom.*, x., 14.)—4. (*Æd.*, iii., 354.)—5. (Varro, *de Ling. Lat.*, vi., 33.)—6. (In *Virg.*, *Æn.*, iii., 353.)—7. (Sat., viii., 8.)—8. (Liv., xxiv., 10.)—9. (Liv., xxiv., 16.)—10. (xxv., 7.)

since their escape was effected by the corruption of the keepers of the temple (*corruptis aditu*is). In this atrium there was a tabularium, the legal tablets (*tabula*) relating to the centre preserved.¹ The *Germanici milites* were stationed at the same spot in the time of Galba, as is apparent from a passage in Suetonius,² in which he says that they arrived too late to prevent an order, which was perpetrated in the Forum, in consequence of their having missed their way round about. This could not have happened had they come from the other atrium *Libertatis*, which was close to the Forum Romanum.

The examination of slaves, when accompanied by torture, also took place, by a strange anomaly, in the atrium *Libertatis*,³ which must also be referred, for various reasons, to the atrium on the Aventine. In the plan of the atrium *Libertatis* is mentioned with the epithet to distinguish it, it may safely be inferred that the more celebrated one upon the Forum is meant. It was repaired, or, more probably, rebuilt, by Asinius Pollio,⁴ who also added to it a magnificent library (*bibliotheca*), which explains the allusion of Ovid.⁵

*Ecce me, quæ doctis patuerunt prima libellis,
Atria Libertatis tangere passa sua est.*"

The other atrium *Libertatis* is noticed by Clinton, in which place the mention of the *Basilica* in conjunction with the word *forum* (*ut forum suas et usque ad atrium Libertatis explicarcimus*), perplexed the commentators, and induced the learned Nardini to pronounce the passage inexplicable. He affirms that this instance is the only one to be found, among all the writers of antiquity, in which mention is made of an atrium *Libertatis* distinct from that on the Aventine; and hence he is inclined to think that there was no other, and to be reading into atrium *Minervæ*, which is alluded to by P. Victor as being in this (the eighth).

But in this he was mistaken, as is made evident by the subjoined fragment from a plan of the Forum discovered since the time of Nardini, which is situated upon a marble pavement during the reign of Septimius Severus and Caracalla, and is now preserved in the museum of the Capitol at Rome, and termed *la Pianta Capitolina*. As the plan is inscribed upon each of the buildings, no doubt can be felt as to their identity; and the forum which Cicero alludes to must be the Forum *Cæsareum*, neither the writers of the *Regiones*, nor any other ancient authors, ever mention a building of this name in the Forum Romanum. The Forum of *Libertatis* was situated in the rear of the edifices on

although the name of its founder is broken off, yet the open peristyles, without any surrounding wall, demonstrate what basilica was intended. Thus the passage of Cicero will be satisfactorily explained. In order to lay open the magnificent Basilica of Paullus to the Forum of Cæsar, he proposed to buy and pull down some buildings which obstructed the view, which would extend the small forum of Cæsar *usque ad Libertatis atrium*, by doing which he no doubt intended to court the favour of Cæsar, upon whose good-will he prides himself so much in the epistle.

The dotted lines represent a crack in the marble.

The senate was held in early times in atrium *Palatii*.⁶

*ATTAGEN (*ἀτταγήν* or *ἀττάγας*), the name of a bird mentioned by Aristotle, Aristophanes, Horace, and Martial. There have been various conjectures respecting it, some supposing it a pheasant, some a partridge, and others a woodcock. This last opinion is probably the most correct, although Adams inclines to agree with Pennant, that the Attagen was the same with the Godwit, or *Scolopax agcephala*. Walpole,⁷ on the other hand, thinks it was the *Tetrao Francolinus*. A writer, quoted by Athenæus,⁸ describes the Attagen as being a little larger than a partridge, having its back marked with numerous spots of a reddish colour. Hence the name of this bird is humorously applied by Aristophanes⁹ to the back of a runaway slave, scored by the lash. The same writer also informs us that the Attagen was highly esteemed by epicures.⁵

*ATTELEBUS (*ἀττελέβος*), generally taken for a species of Gnat, but referred by Stackhouse to the genus *Attelebus*, L., a class of insects that attack the leaves and most tender parts of plants.⁶

ATTHIS (*ἄτθις*), a name given to any composition which treated of the history of Attica.⁷ This name seems to have been used because Attica was also called *Ἄτθις*. Pausanias⁸ calls his first book *Ἄτθις συγγραφή*, because it treats chiefly of Attica and Athens. The *Atthides* appear to have been not strictly historical; but also geographical, topographical, mythological, and archæological. By preserving the local history, legends, traditions, and antiquities, and thus drawing attention to the ancient standing and renown of the country, and connecting the present with the past, they tended to foster a strong national feeling. From what Dionysius says,⁹ it would appear that other districts had their local histories as well as Attica.¹¹ The nature of the *Ἄτθιδες* we know only from a few fragments and incidental notices. The most ancient writer of these compositions would appear, according to Pausanias,¹² to have been Clitodemus—*Κλειτόδημος* or *Κλείδημος* (ὄνομασι τὰ Ἀθηναίων ἐπιχώρια ἔγραψαν, ὁ ἀρχαιότατος). His *Ἄτθις* was published about B.C. 378.¹³ Probably Pausanias means that Clitodemus was the first native Athenian who wrote an *Ἄτθις*, as Clinton observes, and not the first person; for Hellanicus, a native of Lesbos, had written one before him. Another writer of this class was Andron (*Ἀνδρών*), a native of Halicarnassus, as appears from Plutarch;¹⁴ also Androtion—*Ἀνδροτίων*;¹⁵ and Philochorus, who held the office of *ἱεροσκόπος* at Athens, B.C. 306.¹⁶ His *Ἄτθις* is quoted by the scholiast on Aristophanes¹⁷ and Euripides.¹⁸ Phanodemus, Demon, and Ister



the side of the Roman Forum;¹¹ so that the atrium *Libertatis* would be exactly as represented in the plan, behind the *Basilica Emilia*, an elevation of which is given in the article *BASILICA*; and,

1. (Serv. in Virg., *Æn.*, xi., 235.)—2. (Memoirs, &c., vol. 1., p. 262, in notis.)—3. (*ix.*, 39.)—4. (*Av.*, 761.)—5. (*Ap. Athen.*, xiv., 652.)—6. (*Aristot.*, *H. A.*, v., 17.—*Theophrast.*, *H. P.*, ii., 4.)—7. (*Strabo*, ix., p. 392, B, ed. Casaub.)—8. (*Strabo*, ix., p. 297, A.)—9. (*vii.*, 20, 3.)—10. (*De Thucyd. jud.*, v.)—11. (*Vid. Thirlwall's Greece*, vol. ii., p. 128.)—12. (*x.*, 15.)—13. (*Clinton*, *F. H.*, p. 373.)—14. (*Vit. Thes.*, 24.)—15. (*Vid. Schol. in Aristoph.*, *Av.*, 13.—*Nub.*, 549.)—16. (*Clinton*, 300, 3.)—17. (*Vesp.*, 716.—*Av.*, 767.)—18. (*Orest.*, 371.)

were also writers of Ἀριθμοί. Their date is uncertain; but it appears that Demon was nearly contemporary with Philochorus, and that Ister flourished B.C. 246-221, in the reign of Ptolemæus Euergetes, and was, as Suidas asserts, a pupil of Callimachus. The fragments of Philochorus and Androtion have been edited by C. G. Siebelis (Leipsig, 1811); and those of Phanodemus, Demon, Clitodemus, and Ister also (Leipsig, 1812).

ATTICURGES (τὸ Ἀττικουργές, in the Attic style. Vitruvius,¹ when treating of the different constructions of doorways to sacred edifices, enumerates three, the Doric, Ionic, and Attic (*Atticurges*). He first gives an account of the Doric, then the Ionic, and, lastly, states that the Attic follows generally the same rules as the Doric; and then, having instanced the points of difference between these two orders, he concludes by saying that he has laid down all the rules necessary for the construction of the Doric, Ionic, and Corinthian orders (*Doricis, Ionicis, Corinthisque operibus*), which would certainly seem to identify the Attic with the Corinthian. Pliny, however,² designates as Attic columns (*columnas Atticas*) those which have four angles and equal sides, i. e., a square pilaster, such as the order of columns in the upper story of the Coliseum, which have Corinthian capitals; but the projection of their sides is not equal to the fronts. There is much difficulty involved in this consideration; for if the people of Attica had an order of their own, distinct from the Doric, which they commonly adopted, as the Tuscan, Ionians, and Corinthians had, it is singular that we should not have any account of its distinctive properties, and that Vitruvius himself should not have described it as exactly as he has the other three. The only way to solve the difficulty is to adopt the explanation of Pliny, and to conclude that the Athenians had no distinct order of their own, with a peculiar character in all its component parts; but that they adopted a column expressly Attic, i. e., a square one, with a Corinthian capital and an Attic base, to the other parts and proportions of the Doric order. Thus Vitruvius may be reconciled with himself; for he only speaks of the Atticurges as used in doorways, where the square or Attic columns of Pliny would be admirably fitted for the upright jambs, which might be ornamented with a Corinthian capital and an Attic base, the proportions and component parts of which are enumerated by Vitruvius.³ The lowest he terms *plinthus*; the one above that, *torus inferior*; the next three divisions, *scotia cum suis quadris*; and the highest, the *torus superior*.



AUCTIO signifies generally "an increasing, an enhancement," and hence the name is applied to a public sale of goods, at which persons bid against one another. The term *auctio* is general, and comprehends the species *bonorum emptio* and *sectio*. As a species, *auctio* signifies a public sale of goods by the owner or his agent, or a sale of goods of a deceased person for the purpose of dividing the money among those entitled to it, which was called *auctio hereditaria*.⁴ The sale was sometimes conducted

by an argentarius, or by a magister auctioem the time, place, and conditions of sale were announced either by a public notice (*tabula*, &c.) or by a crier (*præco*).

The usual phrases to express the giving of a sale are *auctionem proscribere, prædicare*; to determine on a sale, *auctionem constituere*. The purchasers (*emptores*), when assembled, were sometimes said *ad tabulam adesse*. The phrases signifying to bid are *liceri, licitari*, which was done either by word of mouth, or by such significant hints known to all people who have attended an auction. The property was said to be knocked down to the purchaser, who either entered into an engagement to pay the money to the argentarius or magister, or it was sometimes a condition of sale that there should be no delivery of the thing before payment.¹ (*Vid. AUCTIO*.) An entry was made in the books of the argentarius of the sale and the money due, and credit was given in the same book to the purchaser when he paid the money (*expensæ pecunia lata, accepta relata*). Thus the book of the argentarius might be used as evidence for the purchaser, both of his having made a purchase, and having paid for the thing purchased. If the money was not paid according to the conditions of sale, the argentarius could sue for it.

The præco or crier seems to have acted the part of the modern auctioneer, so far as calling out the biddings² and amusing the company. Slaves, when sold by auction, were placed on a stone or other elevated thing, and hence the phrase *homo de lapide emptus*. It was usual to put up a spear, *hasta*, in auctions, a symbol derived, it is said, from the ancient practice of selling under a spear the booty acquired in war. By the *auctio*, the Quiritarian ownership in the thing sold was transferred to the purchaser. (*Vid. BONORUM EMPTIO, SECTIO*.)

AUCTOR, a word which contains the same element as *aug-eo*, and signifies generally one who enlarges, confirms, or gives to a thing its completeness and efficient form. The numerous technical significations of the word are derived from this general notion. As he who gives to a thing that which is necessary for its completeness, may in this sense be viewed as the chief actor or doer, the word *auctor* is also used in the sense of one who originates or proposes a thing; but this cannot be viewed as its primary meaning. Accordingly, the word *auctor*, when used in connexion with *lex* or *senatus consultum*, often means him who originates and proposes, as appears from numerous passages.³ When a measure was approved by the senate before it was confirmed by the votes of the people, the senate were said *auctores fieri*, and this preliminary approval was called *senatus auctoritas*.⁴ In the passage of Livy,⁵ there is an ambiguity in the use of the word, arising from the statement of the practice in Livy's time, and the circumstances of the peculiar case of the election of a king. The effect of what Livy states as to the election of Numa was a reservation of a veto: "Si dignum creaveritis, patres auctores fient." The meaning, however, of the whole passage is clearly this: the patres gave permission to elect, and if the person elected should be approved by them, that was to be considered equivalent to their nomination.

In the imperial time, *auctor* is often said of the emperor (*princeps*) who recommended anything to the senate, and on which recommendation that body passed a *senatus consultum*.⁶

When the word *auctor* is applied to him who recommends, but does not originate a legislative

1. (iii., 3.)—2. (H. N., xxxvi., 23.)—3. (iii., 3.)—4. (Cic., pro Cæcin., 5.)

1. (Gaius, iv., 126.)—2. (Cic., de Off., ii., 23.)—3. (Liv., vi., 36.—Cic., pro Dom., c. 30.)—4. (Cic., Brut., c. 14.)—5. (l., 17.)—6. (Gaius, i., 30, 80.—Sueton. Vesp., 11.)

measure, it is equivalent to *suasor*.¹ Sometimes both auctor and suasor are used in the same sentence, and the meaning of each is kept distinct.²

With reference to dealings between individuals, auctor has the sense of owner,³ and is defined thus:⁴ *Auctor meus a quo jus in me transit*. In this sense auctor is the seller (*venditor*), as opposed to the buyer (*emptor*): the person who joined the seller in a warranty, or as security, was called *auctor secundus*, as opposed to the seller, or *auctor primus*.⁵ The phrase *a malo auctore emere*,⁶ *auctorem laudare*⁷ will thus be intelligible. The testator, with respect to his heir, might be called auctor.⁸

Consistently with the meanings of auctor as already explained, the notion of consenting, approving, and giving validity to a measure affecting a person's status clearly appears in the following passage.⁹

Auctor is also used generally to express any person under whose authority any legal act is done. In this sense, it means a tutor who is appointed to aid or advise a woman on account of the infirmity of her sex;¹⁰ it is also applied to a tutor whose business it is to do or approve of certain acts on behalf of a ward (*pupillus*).

The term *auctores juris* is equivalent to jurisprudent,¹¹ and the law writers, or leaders of particular schools of law, were called *scholæ auctores*. It is unnecessary to trace the other significations of this word.

AUCTORITAS. The technical meanings of this word correlate with those of auctor.

The auctoritas senatus was not a *senatus consultum*; it was a measure, incomplete in itself, which received its completion by some other authority.

Auctoritas, as applied to property, is equivalent to legal ownership, being a correlation of auctor.¹² It was a provision of the laws of the Twelve Tables, that there could be no usurpation of a stolen thing,¹³ which is thus expressed by Gellius in speaking of the Atinian law:¹⁴ "*Quod subreptum erit ejus a terrea auctoritas esto*;" the ownership of the thing stolen was still in the original owner.¹⁵

Auctoritas sometimes signifies a warranty or collateral security, and thus correlated to auctor secundus. Auctoritatis actio means the action of warranty.¹⁶ The instrumenta auctoritatis are the acts or evidences of title.

The auctoritas of the prætor is sometimes used to signify the judicial sanction of the prætor, or his order, by which a person, a tutor for instance, might be compelled to do some legal act,¹⁷ or, in other words, "auctor fieri." The tutor, with respect to wards, both male and female (*pupilli, pupillæ*), is said *negotium gerere*, and *auctoritatem interponere*: the former phrase is applicable where the tutor does the act himself; the latter, where he gives his approbation and confirmation to the act of his ward. Though an infant had not a capacity to do any act which was prejudicial to him, he had a capacity to receive or assent to anything which was for his benefit, and in such case the auctoritas of the tutor was not necessary.

The authority of decided cases was called *similiter judicatoreum auctoritas*. The other meanings of auctoritas may be easily derived from the primary

meaning of the word, and from the explanations here given.

AUDITORIUM, a place where poets, orators, and critics were heard recite their compositions. There were places used expressly for this purpose, as the Athenæum. (*Vid. ΑΘΗΝÆΥΜ.*) Sometimes, also, a room was hired and converted to this object, by the erection of seats, and by other arrangements.¹ The term auditorium was also applied to a court, in which trials were heard.² Auditorium principis was the emperor's audience-chamber.³

***AVELLA'NA NUX**, the Filbert, the fruit of the *Corylus Avellana*, or Hazelnut-tree. It is the *κάρνον Ποντικόν* or *λεπτοκάρνον* of Dioscorides.⁴ According to Pliny,⁵ the earlier form of the Latin name was *Abellina nux*, an appellation coming very probably from the Samnian city of Abellinum, where this species of nut is said to have abounded, or else from the Campanian city of Abella. Servius is in favour of the latter.⁶ Pliny says the filbert came first from Pontus into Lower Asia and Greece, and hence one of its Greek names, as given above, *κάρνον Ποντικόν*.⁷ Macrobius styles it also *nux Prænestina*,⁸ but Pliny distinguishes between the *nuxes Avellanae* and *Prænestinae*.⁹ Theophrastus¹⁰ speaks of two varieties of this kind of nut, the one round, the other oblong; the latter is referred by Sprengel to the *Corylus tubulosa*, Willd.¹¹

***AUGITES** (*αὐγίτης*), a species of gem deriving its name from its brilliancy (*αὐγή*). Pliny says it was thought by many to be different from the Callais, and hence the inference has been drawn that it was generally the same with the latter, which was probably turquoise.¹²

AUGUR meant a diviner by birds, but was sometimes applied in a more extended sense. The word seems to be connected with *augeo*, *auguro*, in the same manner as *fulgur* with *fulgeo* and *fulguro*. *Augeo* bears many traces of a religious meaning, to which it may have been at first restricted.¹³ The idea of a second derivation from *avis*, confirmed by the analogy of *auspex* (*avispec*), may perhaps have limited the signification of augur. It is not improbable that this last etymology may be the true one; but if so, it is impossible to explain the second element of the word. "*Augur, quod ab avium garritu derivari grammatici garrunt*," says Salmasius.

The institution of augurs is lost in the origin of the Roman state. According to that view of the constitution which makes it come entire from the hands of the first king, a college of three was appointed by Romulus, answering to the number of the three early tribes. Numa was said to have added two,¹⁴ yet, at the passing of the Ogulnian law (B.C. 300), the augurs were but four in number: whether, as Livy¹⁵ supposes, the deficiency was accidental, is uncertain. Niebuhr supposes that there were four augurs at the passing of the Ogulnian law, two apiece for the Ramnes and Tities. But it seems incredible that the third tribe should have been excluded at so late a period; nor does it appear how it ever obtained the privilege, as the additional augurs were elected from the plebs. By the law just mentioned, their number became nine, five of whom were chosen from the plebs. The dictator Sulla farther increased them to fifteen,¹⁶ a multiple of their original number, which probably had a reference to the early tribes. This continued until the time of Augustus, who, among

1. (Cic., ad Att., i., 19.—Brutus, 25, 27.)—2. (Cic., Off., iii., 1.—2. (Cic., pro Cæcilio, 10.)—4. (Dig. 50, tit. 17, s. 175.)—5. (Cic., Tit. 1, s. 4, § 21; tit. 2, s. 4, § 51.)—6. (Cic., Verr., v., 1.—7. (Gell., ii., 10.)—8. (Ec. Corp. Hermogen. Cod., tit. 11.)—9. (Cic., pro Dom., c. 29.)—10. (Liv., xxxiv., 2.—Cic., pro Cæcilio, c. 25.—Gaius, i., 190, 195.)—11. (Dig. i., tit. 2, s. 2, § 13.—12. (Cic., Top., c. 4.—Pro Cæcilio, c. 26.)—13. (Gaius, ii., 45.)—14. (xvii., 7.)—15. (Cic., Off., i., 12.—Dirk's Uebersicht, &c., der Zwölf-Tafel Fragmente, p. 417.)—16. (Suet., Sentent. Recept., lib. 2, tit. 17.)—17. (Gaius, i., 190.—2, tit. 9, s. 5.)

1. (Compare Plin., Ep., i., 13.—Tacitus, De Orat., c. 9, 89, 6.—Suet., Tib., c., 11.)—2. (Paulus, Dig. 49, tit. 9, s. 1.)—3. (Ulpian, Dig. 4, tit. 4, s. 18.)—4. (i., 178.)—5. (H. N., xv., 22.)—6. (in Virg., Georg., ii., 65.)—7. (H. N., xv., 22.)—8. (Sat., ii., 14.)—9. (H. N., xvii., 13.)—10. (H. P., iii., 15.)—11. (Pée in Plin., H. N., xv., 22.)—12. (Moore's Anc. Mineral., p. 181.)—13. (Compare Ovid, Fast., i., 609.)—14. (Cic., De Rep., ii., 14.)—15. (x., 6.)—16. (Liv., Epit., 89.)

other extraordinary powers, had the right conferred on him of electing augurs at his pleasure, whether there was a vacancy or not, B.C. 29,¹ so that from this time the number of the college was unlimited.

According to Dionysius,² the augurs, like the other priests, were originally elected by the comitia curiata, or assembly of the patricians, in their curiæ. As no election was complete without the sanction of augury, the college virtually possessed a veto on the election of all its members. They very soon obtained the privilege of self-election (*ius co-optationis*), which, with one interruption, viz., at the election of the first plebeian augurs, they retained until B.C. 103, the year of the Domitian law. By this law it was enacted that vacancies in the priestly colleges should be filled up by the votes of a minority of the tribes, i. e., seventeen out of thirty-five, chosen by lot. The Domitian law was repealed by Sulla, but again restored B.C. 63, during the consulship of Cicero, by the tribune T. Annius Labienus, with the support of Cæsar. It was a second time abrogated by Antony; whether again restored by Hirtius and Pansa, in their general annulment of the acts of Antony, seems uncertain. The emperors, as mentioned above, possessed the right of electing augurs at pleasure.

The augurship is described by Cicero, himself an augur, as the highest dignity in the state,³ having an authority which could prevent the comitia from voting, or annul resolutions already passed, if the auspices had not been duly performed. The words *alio die* from a single augur might put a stop to all business, and a decree of the college had several times rescinded laws. Such exorbitant powers, as Cicero must have seen, depended for their continuance on the moderation of those who exercised them.

The augurs were elected for life, and, even if capitally convicted, never lost their sacred character.⁴ They were to be free from any taint of disease while performing their sacred functions, which Plutarch⁵ thought was designed to show that purity of mind was required in the service of the gods. When a vacancy occurred, the candidate was nominated by two of the elder members of the college,⁶ the electors were sworn,⁷ and the new member took an oath of secrecy before his inauguration. The only distinction among them was one of age, the eldest augur being styled *magister collegii*.⁸ Among other privileges, they enjoyed that of wearing the purple *prætecta*, or, according to some, the *trabea*. On ancient coins they are represented wearing a long robe, which veiled the head and reached down to the feet, thrown back over the left shoulder. They hold in the right hand a *lituus* or curved wand, hooked at the end like a crosier, and sometimes have the *capis*,⁹ or earthen water vessel, by their side.¹⁰ On solemn occasions they appear to have worn a garland on the head.¹¹ Although many of the augurs were senators, their office gave them no place in the senate.¹² The manner of taking the auspices is described under *AUSPICIUM*.

The chief duties of the augurs were to observe and report supernatural signs. They were also the repositories of the ceremonial law, and had to advise on the expiation of prodigies, and other matters of religious observance. The sources of their art were threefold: first, the formulas and traditions of the college, which in ancient times met on the nones of every month; secondly, the *augurales libri*, which were extant even in Seneca's time;¹³ thirdly, the

commentarii augurum, such as those of Messala and of Appius Claudius Pulcer, which seem to have been distinguished from the former as the treatises learned men from received sacred writings. The duties of the augurs were to assist magistrates and generals in taking the auspices. At the passing of a *lex curiata*, three were required to be present, a number probably designed to represent the three ancient tribes.

One of the difficulties connected with this subject is to distinguish between the religious duties of the augurs and of the higher magistrates. Under the latter were included consul, prætor, and censor; the *quæstor*, as appears from Varro,¹ being obliged to apply for the auspices to his superior. A single magistrate had the power of proroguing the comitia by the formula *se de calo servare*. (Vid. *AUSPICIA*.) The law obliged him to give notice beforehand,² that it can only have been a religious way of exercising a constitutional right. The *spectio*, as it is termed, was a voluntary duty on the part of the magistrate, and no actual observation was required. On the other hand, the augurs were employed in the virtue of their office: they declared the auspices from immediate observation, without giving any previous notice; they had the right of *nuntiatio*, or of *spectio*, at least in the comitia; in other words they were to report prodigies where they did not invent them where they did not exist.

The college of augurs possessed far greater power in the earlier than in the later period of Roman history. The old legends delighted to tell of the triumphs of religion: its first kings were augurs, and Romulus was believed to have founded the empire by a direct intimation from heaven. It seems natural that augury should have sprung amid the simple habits of a rustic people, and hence we should be inclined to refer it to a Sabine rather than an Etruscan origin. That a learned system should be grafted on a more simple one, such as that of the ancient Sabines, seems surely far more probable than the reverse. Yet the prevalence of Etruscan influence, during the second and the centuries of Roman history, must have greatly modified the primitive belief. It might almost appear that the conflict between the old and new religion was hinted at in the story of Attus Navius, especially when we remember that Tarquin, whether of Latin or Etruscan origin, is undoubtedly the representative of an Etruscan period. The Etruscans themselves, as Müller admits, distinguish between their own rites of augury and Etruscan divination. The separate origin of the Roman religion is implied in the tradition that Numa was of Sabine birth, not to mention that many of the names used by the augurs (such as *Sanguinalis avis*, from the Sabine god Sancus, *Titia avis*, *Sabinus cultus*) bear traces of a Sabine origin. Such a view is inconsistent with the incorporation of many parts of the Etruscan system, as the constitution of the college of augurs, or the divisions of the heavens.

Augury was one of the many safeguards which the wisdom of an oligarchy opposed to the freedom of the plebs.⁴ Of the three comitia—*curiata*, *tributa*, and *tributa*—the two former were subject to the auspices. As the favourable signs were known to the augurs alone, their scruples were a pretext for the government to put off an inconvenient assembly. Yet in early times the augurs were not the mere tools of the government, but formed by themselves, as is the case in almost all oligarchies, an important portion of the Roman state. The terrors of religion, which the senators and patricians used against the plebs, must of

1. (Dion, xli., 20.)—2. (ii., 22.)—3. (De Leg., ii., 12.)—4. (Plin., Ep., iv., 8.)—5. (Quæst. Rom., 72.)—6. (Cic., Phil., ii., 2.)—7. (Cic., Brut., i.)—8. (Cic., De Senect., 18.)—9. (Liv., x., 7.)—10. (Goltzi, Icones.)—11. (Plut., Cæs., p. 730.)—12. (Cic., ad Att., iv., 2.)—13. (Ep., 107.)

1. (Ling. Lat., vi., 9.)—2. (Cic., Phil., ii., 32.)—3. (Cic., Div., i., 2.)—4. (Liv., vi., 41.)

have been turned against themselves, especially during the period when the college enjoyed an absolute control over the election of its own members. Under the kings, the story of Attus Nævius seems to testify the independence of the augurs. During many centuries their power was supported by the voice of public opinion. Livy tells us that the first military tribunes abdicated in consequence of a decree of the augurs; and, on another occasion, the college boldly declared the plebeian dictator, M. C. Marcellus, to be irregularly created.¹ It was urged by the patricians, and half believed by the plebeians themselves, that the auspices would be profaned by the admission of the plebs to the rights of intermarriage or the higher magistracies. With the consulship the plebeians must have obtained the higher auspices; yet, as the magistrates were, in a great measure, dependant on the augurs, the plebs would not be, in this respect, on a level with the patricians until the passing of the Ogulnian law. During the civil wars, the augurs were employed by both parties as political tools. Cicero² laments the neglect and decline of the art in his day. The college of augurs was finally abolished by the Emperor Theodosius,³ but so deeply was the superstition rooted, that, even in the fourteenth century, a Christian bishop found it necessary to issue an edict against

For a view of the Roman augurs, which derives them from Etruria, see Müller's *Etrusker*, iii., 5.

AUGUSTALES (sc. *Iudi*, also called *Augustales*, sc. *certamina ludicra*, and by the Greek writers and in Greek inscriptions, *Σέβαστα*, *Σεβάσιμα*, *Ἀγωναύλια*) were games celebrated in honour of Augustus at Rome and in other parts of the Roman Empire. After the battle of Actium, a quinquennial festival (*πενήντηρις πεντετήρις*) was instituted; and the birthday (*γενέθλια*) of Augustus, as well as that on which the victory was announced at Actium, were regarded as festival days.⁴ In the provinces, also, in addition to temples and altars, quinquennial games were instituted in almost every town.⁵ On his return from Rome to Greece, in B.C. 19, after being absent from Italy for two years, the day on which he returned was made a festival, and called Augustalia.⁶ The Roman equites were accustomed, of their own accord, to celebrate the birthday of Augustus in every alternate year;⁷ and the pretors, before any decree had been passed for the purpose, were also in the habit of exhibiting games every year in honour of Augustus. According to Dion Cassius,⁸ it was not till B.C. 11 that the augustalia were established by a decree of the senate; by which augustalia he appears, from the connexion of the passage, to mean the festival celebrated on the birthday of Augustus. This account seems, however, to be at variance with the statement of Tacitus, who speaks of the augustales as first commenced in the reign of Tiberius (*Iudos Augustales tunc primum captos turbavit discordia*⁹), to reconcile which passage with the one quoted from Dion Cassius, Lipsius, without MS. authority, changed *captos* into *capta*; but Tacitus apparently uses his expression on account of the formal recognition of the games, which was made at the beginning of the reign of Tiberius,¹⁰ and thus speaks of them as not established at that time. They were exhibited annually in the circus, at first by the tribunes of the plebes, at the commencement of the reign of Tiberius, but afterward by the pretor peregrinus.¹¹ These games continued to be exhibited in the time of Dion Cassius, that is, about A.D. 230.¹²

1. (Suet., Octav., 95.)—2. (De Div., ii., 31, 34.)—3. (Zosim., lib. 1.)—4. (Montfaucon, Suppl. vol. i., 113.)—5. (Dion, li., 19.)—6. (Suet., Octav., 59.)—7. (Dion, li., 10.)—8. (Suet., Octav., 34.)—9. (Tacit., Ann., i., 54.)—10. (Tacit., Ann., 12.)—11. (Tacit., Ann., i., 15.—Dion, lvi., 46.)—12. (Siv., 34.)

The augustales or augustalia at Neapolis (Naples) were celebrated with great splendour. They were instituted in the lifetime of Augustus,¹ and were celebrated every five years. According to Strabo,² who speaks of these games without mentioning their name, they rivalled the most magnificent of the Grecian festivals. They consisted of gymnastic and musical contests, and lasted for several days.³ At these games the Emperor Claudius brought forward a Greek comedy, and received the prize.⁴

Augustalia (*Σέβαστα*) were also celebrated at Alexandria, as appears from an inscription in Gruter;⁵ and in this city there was a magnificent temple to Augustus (*Σεβαστειον, Augustale*). We find mention of Augustalia in numerous other places, as Pergamus, Nicomedia, &c.

II. AUGUSTALES were an order of priests in the municipia, who were appointed by Augustus, and selected from the libertini, whose duty it was to attend to the religious rites connected with the worship of the Lares and Penates, which Augustus put in places where two or more ways met (*in compositis*⁶). The name of this order of priests occurs frequently in inscriptions, from which we learn that the Augustales formed, in most municipia, a kind of corporation, of which the first six in importance had the title of *seviri*, and the remainder that of *compitales Larum Aug.*⁷ It has been maintained by some modern writers that these augustales⁸ were civil magistrates; but there is good reason for believing that their duties were entirely of a religious nature. The office, which was called *Augustalitas*, was looked upon as honourable, and was much sought after by the more wealthy libertini; and it appears that the decuriones in the municipia were accustomed to sell the dignity, since we find it recorded in an inscription that the office had been conferred gratuitously upon an individual on account of the benefits which he had conferred upon the town (*ordo decurionum ob merita ejus honorem Augustalitatit gratulium decrevit*⁹). The number of augustales in each municipium does not appear to have had any limitation; and it seems that, in course of time, almost all the respectable libertini in every municipium belonged to the order, which thus formed a middle class between the decuriones and plebs, like the equestrian order at Rome. We find in the inscriptions of many municipia that the decuriones, seviri or augustales, and plebs, are mentioned together, as if they were the three principal classes into which the community was divided.¹⁰

The augustales of whom we have been speaking should be carefully distinguished from the *sodales Augustales*, who were an order of priests instituted by Tiberius to attend to the worship of Augustus.¹¹ They were chosen by lot from among the principal persons of Rome, and were twenty-one in number, to which were added Tiberius, Drusus, Claudius, and Germanicus.¹² They were also called *sacerdotes Augustales*¹³ and sometimes simply *Augustales*.¹⁴ It appears that similar priests were appointed to attend to the worship of other emperors after their decease; and we accordingly find, in inscriptions, mention made of the *sodales Flavii, Hadrianales, Eliani, Antonini, &c.*¹⁵

It appears that the *flamines Augustales* ought to be distinguished from the *sodales Augustales*. We find that flamines and sacerdotes were appointed

1. (Suet., Octav., 95.)—2. (v., p. 246.)—3. (Strabo, l. c.)—4. (Suet., Claud., 11.—Compare Dion, ix., 6.)—5. (316, 2.)—6. (Schol. in Hor., Sat., II., iii., 251.)—7. (Orelli, Inscrip., 3959.—Compare Petron., Sat., c. 30.)—8. (Orelli, 3913.)—9. (Orelli, 3939.)—10. (Tacit., Ann., i., 54.—Compare Orelli, Inscrip., 2366, 2367, &c.)—11. (Tacit., l. c.)—12. (Tacit., Ann., ii., 83.)—13. (Tacit., Hist., ii., 95.)—14. (Orelli, Inscrip., 2371, &c.)

not coined at Athens in the period between Pericles and Alexander the Great, if we except the issue of debased gold in the year 407.

A question similar to that just discussed arises in respect to other Greek states, which we know did not have a silver currency, but of which a few coins are found. This is the case with Ægina, Argos, Carystus in Eubœa, Acarnania, and others.

But of these coins, all except two bear marks, in their weight or workmanship, of belonging to a period not earlier than Alexander the Great. There is great reason, therefore, to think that no gold coinage existed in Greece before the time of that monarch.

From a very early period the Asiatic nations, the Greek cities of Asia Minor and the adjacent islands, as well as Sicily and Cyrene, possessed a gold coinage, which was more or less current in the time of Alexander.

Herodotus² says that the Lydians were the first to coin gold, and the stater of Cræsus to have been the earliest gold coin known in Greece. The Daric was a Persian coin. The gold coinage of Cyzicus and Phocæa had a considerable circulation in Greece. There was a gold coinage in Asia Minor as early as the time of Polycrates.³ The gold coins of Siphnus and Thasos, which possessed a gold coinage, appear to have had a gold coinage at an early period. In most of the coins of the Greek cities of Asia Minor the metal is very base. The gold coinage came into circulation in the time of Philip, and continued in use until the conquest of Greece to the Romans. (*Vid.* STATER.)

GOLD MONEY.—The standard gold coin was the *aureus nummus*, or *denarius aureus*, according to Pliny,⁴ was first coined 62 years before the first silver coinage (*vid.* ARGENTUM), the year 207 B.C. The lowest denomination was the *scrupulum*, which was made equal to one-fourth of the *aureus*. The weight of the *scrupulum*, as determined by Mr. Hussey,⁵ was 18.06 grs. In the *aureus* there are gold coins of one, two, three, and four *scrupula*, the weights of which are 51.8, and 68.9 grains respectively. They bear the head of Mars on one side, and on the other standing on a thunderbolt, and beneath the inscription "ROMA." The first has the mark *tertii*; the second, *xxxx* (40 sestertii); the third, *xxx* (30 sestertii). Of the last we sub-

graveing:



graveing: *tertii*; the second, *xxxx* (40 sestertii); the third, *xxx* (30 sestertii). Of the last we sub-

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1. (Lamprid., Alex. Sev., c. 29.)—2. (Cod. x., tit. 70, s. 5.—Hussey on Ancient Weights and Money.—Wurm, De Pond., &c.)—3. (Liv., xxviii., 37; xxxix., 7.—Festus, s. v. Triumphales Coronæ.)—4. (ap. Athen., xii., p. 539, A.)—5. (Liv., xxxix., 7.)—6. (Cic., Leg. Agr., ii., 22.—Aul. Gell., v., 6.—Montan. Ancyr.)—7. (Cic. in Pis., c. 37.)—8. (Capitolin., Anton. Pius, c. 4.)—9. (Cod. x., tit. 74.)

Servius says¹ that aurum coronarium was a sum of money exacted from conquered nations, in consideration of the lives of the citizens being spared; but this statement does not appear to be correct.

AURUM LUSTRALE was a tax imposed by Constantine, according to Zosimus,² upon all merchants and traders, which was payable at every lustrum, or every four years, and not at every five, as might have been expected from the original length of the lustrum. This tax was also called *auri et argenti collatio* or *præstatio*, and thus, in Greek, ἡ συντέλεια ἢ τοῦ χρυσοργίου.³ It appears from an inscription in Gruter⁴ that there was a distinct officer appointed to collect this tax (*auri lustralis coactor*).

AUSPICIUM originally meant a sign from birds. The word is derived from *avis*, and the root *spec*. As the Roman religion was gradually extended by additions from Greece and Etruria, the meaning of the word was widened, so as to include any supernatural sign. The chief difference between *auspicium* and *augurium* seems to have been, that the latter term is never applied to the *spectio* of the magistrate. (Vid. AUGUR.)

Whoever has thought on this part of the Roman religion cannot but feel astonished at its exceeding simplicity. The rudest observations on the instinct of birds, such as the country people make in all ages, were the foundation of the Roman belief. The system outlived the age for which it was adapted and in which it arose. Its duration may be attributed to its convenience as a political instrument: at length, as learning and civilization increased, it ceased to be regarded in any other light.

Yet, simple as the system appears, of its innumerable details only a faint outline can be given.⁵ Birds were divided into two classes, *oscines* and *præpetes*; the former gave omens by singing, the latter by their flight and the motion of their wings. Every motion of every bird had a different meaning, according to the different circumstances or times of the year when it was observed. Many signs were supposed to be so obvious, that any, not blinded by fate, might understand them; and much was not reducible to any rule, the meaning of which could only be detected by the discrimination of augurs.

Another division of birds was into *dextra* and *sinistra*, about the meaning of which some difficulty has arisen, from a confusion of Greek and Roman notions in the writings of the classics. The Greeks and Romans were generally agreed that auspicious signs came from the east; but as the Greek priest turned his face to the north, the east was on his right hand; the Roman augur, with his face to the south, had the east on his left. The confusion was farther increased by the euphemisms common to both nations; and the rule itself was not universal, at least with the Romans: the jay when it appeared on the left, the crow on the right, being thought to give sure omens.⁶

The auspices were taken before a marriage,⁷ before entering on an expedition,⁸ before the passing of laws or election of magistrates, or any other important occasion, whether public or private. Candidates for public offices used to sleep without the walls on the night before the election, that they might take the auspices before daylight. In early times, such was the importance attached to them, that a soldier was released from the military oath if the auspices had not been duly performed.

The commander-in-chief of an army received auspices, together with the *imperium*, and a was therefore said to be carried on *ductu et auspice imperatoris*, even if he were absent from the army; and thus, if the legatus gained a victory in absence of his commander, the latter, and not the deputy, was honoured by a triumph.

The ordinary manner of taking the auspices was as follows: The augur went out before the dawn of day, and, sitting in an open place, with his back veiled, marked out with a wand (*lituus*) the divisions of the heavens. Next he declared, in a set form of words, the limits assigned, marked by shrubs or trees, called *tesquæ*,¹ his boundary on the east corresponding to that in the sky. The term *augurale*, which appears to have included both, was divided into four parts: those to the east and west were termed *sinistra* and *dextra*; to the north and south, *antica* and *postica*. (Vid. AGRIMENSIO.) If a breath of air disturbed the calmness of the heavens (*si silentium non esset*), the auspices could not be taken, and, according to Plutarch,² it was for this reason the augurs carried lanterns open to the wind. After sacrificing, the augur offered a prayer for the desired signs to appear, repeating, after an inferior minister, a set form: unless the first appearances were confirmed by subsequent ones, they were insufficient. If, in returning home, the augur came to a running stream, he again repeated a prayer, and purified himself in its waters; otherwise the auspices were held to be null.

Another method of taking the auspices, more usual on military expeditions, was from the feeding of birds confined in a cage, and committed to the care of the *pullarius*. An ancient decree of the college of augurs allowed the auspices to be taken from any bird.⁴ When all around seemed favourable (*silentio facto, h. e. quod omni vitio caret*), either at dawn⁵ or in the evening, the *pullarius* opened the cage, and threw to the chickens pulse, or a kind of soft cake. If they refused to come out,⁶ or if they eat, or uttered a cry (*occinerent*), or beat their wings, or flew away, the signs were considered unfavourable, and the engagement was delayed. On the contrary, if they ate greedily, so that something fell and struck the earth (*tripudium solistimum, tripudium quasi terripavium, solistimum, from solum*, the latter part of the word probably from the root of *solimulo*), it was held a favourable sign. Two other kinds of *tripudia* are mentioned by Festus, the *tripudium oscinum*, from the cry of birds, and *sonitimum*, from the sound of the pulse falling to the ground.⁷

The place where the auspices were taken, called *auguraculum, augurale, or auguratorium*, was open to the heavens: one of the most ancient of these was on the Palatine Hill, the regular station for the observations of augurs. Sometimes the auspices were taken in the Capitol, or in the pomerium. In the camp, a place was set apart to the right of the general's tent.⁹ On other occasions, when the auspices were taken without the walls, the augur pitched a tent after a solemn form: if he repassed the pomerium without taking the auspices, it was necessary that the tent should be taken down and dedicated anew.¹⁰

The *lex Ælia* and *Fufia* provided that no assemblies of the people should be held, *nisi prius de causis servatum esset*.¹¹ It appears to have confirmed in the magistrates the power of *obnunciatio*, or of interposing a veto. (Vid. AUGUR.)

Auspicia were said to be *clivica*, prohibitory, imp

1. (In Virg., *Æn.*, viii., 721.)—2. (ii., 38.)—3. (Cod. 11, tit. 1.—Cod. Theodos., 13, tit. 1.)—4. (p. 347, n. 4.)—5. (Vid. Niphus, *De Auguriis*—Bulengre, *De Aug.*—Dempster, *Antiq. Rom.*, lib. vi.)—6. (Hor., *Od.*, III., xxvii., 11–16.—*Ep.*, I., vii., 52.—Virg., *Æn.*, ii., 693.—*Eclog.*, ix., 15.—*Persius*, *Sat.*, v., 114.)—7. (Cic., *De Div.*, i., 11.)—8. *Plut. Marc. Crass.*)

1. (Varro, *De Ling. Lat.*, vi., 4.)—2. (Cic., *De Div.*, ii., 34.)—3. (Quæst. Rom.)—4. (Cic., *De Div.*, ii., 34.)—5. (Liv., 40.)—6. (Val. Max., i., 4.)—7. (Cic., *De Div.*, ii., 34.)—8. (Cic. *Ep. ad Fam.*, vi., 6.—*Serv.* in *Æn.*, iii., 90: "Prætere omnia visa repente.")—9. (Tacit., *Ann.*, ii., 13.)—10. (Val. Max., i., 1.)—11. (Cic., *Pro Sextio*, c. 17.—*Pro Vat.*, c. 9.)

tractata or *impetrata*, obtained by prayer, opposed to *Abstinere* spontaneous; *majora* those of the higher, *minora* of the inferior magistrates; *coacta*, when the chickens were starved by the pullarius into giving favourable signs; ¹ *ex acuminibus*, from the brightness or sharpness of weapons, an art which Cicero² laments as lost in his own day; *juge auspiciam*, from birds reappearing in pairs; *pedestre*, from animals; *caeleste* (*δίοσημία*), from lightning, &c.; *prætermona*, before passing the borders (*διαβατήρια*); *pertrans*, before crossing a river; *viale* (*εἰσόδιον*), an omen in the way.³

Agrorum salutis was taken once during the year, and only in time of peace,⁴ to inquire of the gods concerning the well-being of the state.

The *avis sangualis* (a kind of eagle, probably the osprey) was so called from the Sabine god Sancus, as were the *Titia aves*, according to Varro,⁵ from the *indales Titii*. Both were in high esteem with the augurs. The owl, the swallow, the jay, the woodpecker, were almost always inauspicious; the eagle, the bird of Jupiter, on the other hand, was generally a messenger of good, as also the heron. The crow, before a marriage, was considered an omen of matrimonial happiness.

The curious in such matters may find a vast number of similar particulars in Bulengre,⁶ which is printed in the fifth volume of the *Thesaurus of Trivius*.

*AUSTERA'LIS, a plant mentioned by Apuleius, and the same with the *Sisymbrium*. (*Vid. SISYMBRIUM*.)

*AUTACHATES (*αὐταχάτης*), a species of Agate, which diffused, when burned, according to Pliny, a fragrance resembling that of myrrh. Salmassius conjectures *stactachates*, in the text of Pliny, for *autachates*: "*Stactachates sic dictus, quod stactæ odorem, id est myrrhæ, haberet ustus*." He has no MS. authority, however, in his favour.⁷

AUTHEPTICA. (*Vid. NOVELLÆ*.)

AUTHEPSA (*αὐθέψης*), which literally means "self-boiling" or "self-cooking," was the name of a vessel, which is supposed by Böttiger to have been used for heating water, or for keeping it hot. Its use is not known for certain; but Böttiger⁸ conjectures that a vessel, which is engraved in Caylus, is a specimen of an authepsa.⁹

Cicero¹⁰ speaks of authepsæ among other costly cynthiaan and Delian vessels. In later times they are made of silver.¹¹ Voss, in his commentary on *Attalus*,¹² compares this vessel with the Greek *ἰταύη*, which occurs in Lucian¹³ and Athenæus.¹⁴

AΥΤΟΜΟΑΪΑΣ ΓΡΑΦΗ (*αὐτομολίας γραφή*) was the accusation of persons charged with having deserted and gone over to the enemy during war. There are no speeches extant upon this subject. Cicero, however, collects¹⁵ from the words of a commentator upon Demosthenes (Ulpian), that the punishment of this crime was death. Meier¹⁶ awards a presidency of the court in which it was tried to the generals; but the circumstance of persons who left the city in times of danger, without any intention of going over to the enemy, being tried by the *resopagus* as traitors (*προδοταί*¹⁷), will make us use before we conclude that persons not enlisted as soldiers could be indicted of this offence before a military tribunal.

AΥΤΟΝΟΜΙ (*αὐτονόμοι*) was the name given by

the Greeks to those states which were governed by their own laws, and were not subject to any foreign power.¹ This name was also given to those cities subject to the Romans, which were permitted to enjoy their own laws, and elect their own magistrates (*Omnes, suis legibus et judiciis usæ abromani adepta, revixerunt*²). This permission was regarded as a great privilege and mark of honour; and we accordingly find it recorded on coins and medals, as, for instance, on those of Antioch, ΑΝΤΙΟΧΕΩΝ ΜΗΤΡΟΠΟΛΙΣ ΑΥΤΟΝΟΜΟΥ; on those of Halicarnassus, ΑΛΙΚΑΡΝΑΚΕΩΝ ΑΥΤΟΝΟΜΩΝ, and on those of many other cities.³

ΑΥΤΟΤΕΛΕΗΣ ΔΙΚΗ. (*Vid. DIKE*.)

AUXILIARES. (*Vid. SOCII*.)

AXAMENTA. (*Vid. SALLI*.)

AXINE (*ἄξινη*). (*Vid. SECURIS*.)

AX'ONES (*ἄξονες*) were wooden tablets of a square or pyramidal form, made to turn on an axis, on which were written the laws of Solon. They were at first preserved in the Acropolis, but were afterward placed, through the advice of Ephialtes, in the Agora, in order that all persons might be able to read them.⁴ According to Aristotle,⁵ they were the same as the *κύβητες*. A small portion of them was preserved in the time of Plutarch (*l. c.*) in the Prytaneum.⁶

B.

BABYLO'NICUM, a Babylonian shawl. The splendid productions of the Babylonian looms, which appear, even as early as the days of Joshua, to have excited universal admiration,⁷ were, like the shawls of modern Persia, adorned both with gold and with variously coloured figures. Hence Publius Syrus⁸ compares a peacock's train to a figured Babylonian shawl, enriched with gold (*plumato aureo Babylonico*). Lucretius⁹ and Martial¹⁰ celebrate the magnificence of these textures, and Pliny¹¹ mentions the enormous prices of some which were intended to serve as furniture for triclinia (*tricliniaria Babylonica*). Nevertheless, Plutarch informs us, in his life of the elder Cato, that when one of these precious shawls (*ἐπιβλημα τῶν ποικίλων Βαβυλώνικον*) was bequeathed to him, he immediately gave it away. (*Vid. PALLIUM, PERISTROMA; STRAGULUM*.)

BACCA. (*Vid. INAURIS, MONILE*.)

*BACCAR or BACC'ARIS (*βάκχαρις*), a plant. "Even in ancient times," remarks Adams, "it was a matter of dispute what this was. Galen says that the term had been applied both to an herb and a Lydian ointment. Of modern authorities, some have supposed it to be *Clary*, some *Fox-glove*, and some *Atens*, or *Bennet*; but all these opinions are utterly at variance with its characters as given by Dioscorides.¹² Dr. Martyn remarks that many hold it to be spikenard, but he is rather inclined to identify it with the *Conyza* of the ancients.¹³ Matthioli, in like manner, and Bauhin, point to the *Conyza squarrosa*, L.; which I think the most probable conjecture that has been formed respecting it, though it does not satisfy Sprengel. Dierbach, however, contends for its being the *Gnaphalium sanguineum*, or Bloody Cudweed. Sprengel rakes the '*Baccar*' of Virgil¹⁴ to have been the *Valeriana Celtica*, Celtic Valerian."¹⁵ A species of aromatic oil or unguent was made out of the root of the *Baccar*, called *βακχάρινον μύρον*.

1. (Cic. De Div., ii., 25.)—2. (De Div., ii., 30.)—3. (Hor., i., iii., xxvii., 1-7.)—4. (Dion, ii., p. 457.)—5. (De Ling. Lat., i., 15; the name with *felæ*, a sort of dove.)—6. (De Auguriis, i., 7. (Plin., ii., N., xxxvii., 64.—Salmass. in loc.)—8. (Salmass. ad loc., p. 39.)—9. (Reinach d'Antiquités, vol. ii., tab. 27.)—10. (Pro Romæ, Amer., c. 46.)—11. (Lamprid., Heliogab., 19; reading is doubtful.)—12. (p. 318.)—13. (Lexiph., 8.)—14. (Athen., Animadv. in Athen., iii., 20.)—15. (Leg. Att., 6. (Att. Process., 365.)—17. (Æsch. in Ctes., 106; Young, v. Leocrati.)

1. (Thucyd., v., 18, 27.—Xen. Hellen., v., i., § 31.)—2. (Cic., ad Att., vi., 2.)—3. (Spanh., De Præst. at Usu Numism., p. 789, Amst., 1671.)—4. (Plut., Sol., 35.—Schol. in Aristoph., Av., 1360; and the authorities quoted in Petit., Leg. Att., p. 178, and Wachsmuth, i., 1, p. 266.)—5. (sp. Plut., Sol., 25.)—6. (Compare Paus., i., 18, § 3.)—7. (Josh., vii., 21.)—8. (sp. Petron., c. 55.)—9. (iv., 1023.)—10. (viii., 28.)—11. (viii., 74.)—12. (iii., 44.)—13. (in Virg., Ecol., iv., 19.)—14. (Virg., l. c.)—15. (Adams, Append., s. v. Billerbeck, Flora Classica, p. 215.)

BACCHANA'LIA. (Vid. DIONYSIA.)

BAC'ULUS, *dim.* BACILLUS, BACILLUM (βάκτρον, σκήπτρον), a staff, a walking-stick.

The aid afforded by the βάκτρον to the steps of the aged is recognised in the celebrated enigma of the Sphinx, which was solved by Œdipus.¹ In his old age, Œdipus himself is represented asking his daughter for the same support: Βάκτρα πρόσφερ', ὦ τέκνονι.² When, in Ovid's Metamorphoses, certain of the gods (*viz.*, Minerva³ and Vertumnus⁴) assume the garb of old women, they take the baculus to lean upon. On the other hand, an old man in Juvenal,⁵ describing himself as still hale and vigorous, says that he walked without a stick (*nullo dextram subeunte bacillo*).

If the loss of sight was added to infirmity, the staff was requisite for direction as well as for support. To the blind seer Tiresias one was given, which served him instead of eyes (μέγα βάκτρον, σκήπτρον⁶). Homer represents him as carrying it even in Erebus.⁷

A dutiful and affectionate daughter is figuratively called the staff of her aged parents. Thus Hecuba describes Polyxena (βάκτρον⁸), and the same beautiful metaphor is applied to Antigone and Ismene, the daughters of Œdipus (σκήπτρω⁹).

The staff and wallet were frequently borne by philosophers, and were more especially characteristic of the Cynics. (Vid. PERA.)

The shepherds also used a straight staff as well as a crook. The annexed woodcut, taken from a gem in the Florentine cabinet, shows the attire of a Roman shepherd in the character of Faustulus, who is contemplating the she-wolf with Romulus and Remus. It illustrates what Ovid¹¹ says of himself in his exile:

"*Ξ. se velim baculo pascere nixus oves.*"



Among the gods, Æsculapius,¹² Janus,¹³ and occasionally Somnus,¹⁴ were represented as old men leaning on a staff.

It appears that the kings of Sparta carried a truncheon (βάκτηρία) as the ensign of their authority.¹⁵ On the occasion of one of them lifting it up in a threatening attitude, Themistocles returned the celebrated answer, "Strike, but hear." In reference to this custom, the truncheon (*baculus*) was carried in the hand by actors on the Roman stage.¹⁶ The dicasts at Athens received, at the time of their appointment, a βάκτηρια and συμβόλον as a mark of their authority.¹⁷

Crooked sticks were carried by men of fashion at Athens (βάκτηριαί των σκολίων εκ Λακεδαιμονος¹⁸).

As *baculus* was a general term, its application in various specific senses is farther explained under LITUUS, PEDUM, SCEPTRUM, VIRGA.

BAKTE'RIA (βάκτηρία). (Vid. BACULUS.)

1. (Apolodor., iii., 5.—Schol. in Eurip., Phœn., 50.)—2. (Eurip., Phœn., 1742.—Compare 1560.)—3. (vi., 27.)—4. (xiv., 655.)—5. (Sat., iii., 27.)—6. (Callim., Lav. Pall., 127.)—7. (Apolodor., iii., 6.)—8. (Od., xi., 91.)—9. (Eurip., Hec., 278.)—10. (Soph., Ed. Col., 844, 1105.)—11. (De Ponto, i., 8.)—12. (Ovid, Met., xv., 655.)—13. (Fast., i., 177.)—14. (Bas-relief in Villa Albani.)—15. (Thucyd., viii., 84.—Duker in loc.)—16. (Suet., Ner., 24.)—17. (Demosth., De Cor., p. 298.—Taylor in loc.)—18. (Theophrast., Char., 5.)

BÆBIA ÆMILIA LEX. (Vid.

*BAL'E'NA (φάλαινα), the Whale, which Juvenal¹ alludes. The ancients acquainted with the Βαλανα Physalus fin-fish. (Vid. PHYSALUS.) There is, however, that the φάλαινα of Aristotle as well as of Xenocrates and Galen, *seter microps*, L., the Cachalot or Sperd.

*BAL'ANUS (βάλανος). I. A nut described by Aristotle and Xenocrac according to Coray, is the *Lepas Bal* in English the Barnacle.²

II. (Βάλανος μυρεφική), the Nut-B a perfume was obtained by the ancients says, "It is the fruit of a tree Myrica, like what is called the Pont ner part of which, when pressed, like emits a liquid that is used for prepa ements." Moses Charras says of it, ' called by the Greeks *Balanus Myreri mans Glans Unguentaria*, affords its in the same manner as other fruit which furnishes the Nut-Ben has g *Hyperanthera moringa*, Vahl., in Engli Bonduc-tree. "It is worthy of re Nut-Ben is called also *Myrobalanum* and Romans, a term which it is imp reader should not confound with the the Arabians and of the moderns. stone-fruits got from the East. T authors who make mention of the la rius, Zosimus Panopolita, and Myre

BAL'ATRO, a professional jester, asite.³ In Horace,⁴ Balatro is use name—Servilius Balatro. An old s menting on this word, derives the from the proper names; buffoons be trones, because Servilius Balatro w but this is opposed to the natural inf former passage, and was said to get culty. Festus derives the word fr supposes buffoons to have been cal because they were dirty fellows, and with spots of mud (*blateæ*), with w spattered in walking; but this is op etymology and common sense. Ano derived it from *barathrum*, and sup to have been called *balatrones*, beca speak, carried their jesting to marke very depth (*barathrum*) of the sham *macelli*⁵). According to some readi has *barathro* in a similar sense to *bal* balatro may be connected with *bala* a sheep, and hence) to speak sillily. connected with *blatero*, a busy-body, were paid for their jests, and the wealthy were generally open to the of the amusement they afforded the

*BAL'ERUS (βάλερος), a fish of the Ardi supposes it a species of *Cypr* French *Bordeliere*, and in German *B* BALIS'TA, BALLIS'TA. (Vid. ' *BALLOTE (βαλλωτή), a plant.

"*porrum nigrum*," confounding, appi with πράσιον. In another place¹² he

1. (Sat., x., 14.)—2. (Aristot., H. A., i., 5 N. A., ii., 52; v., 48; ix., 50.—Adams, A (Adams, Append., s. v.)—4. (Hor., Od., iii., 5 cor., iv., 157.—Paul. Ægin., vii.—Plin., H. N. Append., s. v.)—6. (Hor., Sat., i., ii., 2.)—7. (—5. (Hor., Ep., I., xv., 31.)—9. (iii., 966.)— 15.)—11. (Aristot., H. A., viii., 20.—Adams 12. (H. N., xxvii., 30.)—13. (H. N., xx., 89.)

a species of Horehound, under the name of "*Marrubium nigrum*," which, as Hardouin remarks, is evidently the *Ballote*.¹ Bauhin accordingly marks his sixth species of Marrubium, namely, his *Marrubium nigrum fatidum*, as the *Ballote Dioscor.* Sprengel refers it to the *Ballote nigra*, L., to which Miller gives the English name of "stinking Black Horehound." Sibthorp, however, prefers a species of Dead Nettle, namely, the *Lamium Striatum*.²

BALNEUM. (Vid. ΒΑΛΝ.)

*BALSAMUM (*βάλσαμον*), the Balsam-tree, and also the Balsam itself exuded from it. The latter, however, is more correctly called *Opobalsamum*. "Writers describe *Opobalsamum*," says Moses Charas, "as a thick, transparent juice or liquor, in smell resembling turpentine, but much more pleasing. It ought to distil, after incision made in the dog-days, from the branches of a shrub called *Balsamum*." Sprengel gives an interesting account of the Balsamum. He comes to the conclusion that the *Opobalsamum* is the product of two different species of shrub, namely, the *Amyrus Gileadensis* and the *A. Opobalsamum*, which, however, are referred to the same species by Belon. The most celebrated balsam among the Romans was the one to which we are now referring, and which is known at the present day by the names of Balsam of Judæa, Mecca, Egypt, and Syria. "There are different kinds of this that now form objects of commerce; but the one which the Romans prized most, namely, that obtained from the *Amyrus Opobalsamum*, rarely reaches Europe, being nearly all consumed in the East. What is sold in the shops is an inferior kind of Balsam, obtained by decoction. The Arabs at the present day call the *Amyrus Opobalsamum* by the name of *Ischâm*, which we may recognise as the *A. Gileadensis* in the description given of their *balsâm* or *balsâm* by Avicenna and Abdoul-Latif."³

BALTEUS (*τελαμών*), a belt, a shoulder-belt, a *baltic*.

This part of the ancient armour was used to suspend the sword; and, as the sword commonly hung beside the left hip, its belt was supported by the right shoulder, and passed obliquely over the breast, as is seen in the beautiful cameo here introduced from the Florentine Museum. This figure, executed by Quintus, the son of Alexander, is supposed to represent Achilles, and may be compared with that of the Greek warrior in p. 94, which shows the sword-belt descending obliquely over the back.



The figure of the Roman in page 95, on the other side, shows a belt passing over the left shoulder, when it was used to support a dagger or other weapon hanging on the right side.

¹ *ibid.*, H. N., xx., 89.—2. (*Dioscor.*, iii., 108.—*Adams*, s. v.)—3. (*Dioscor.*, i., 18.—*Theophrast.*, ix., 1; ix., 6.)

In the Homeric times the Greeks also used a belt to support the shield, which, as well as the sword, was worn by them on the left side; and this second belt lay over the other, and was larger and broader than it (*τελαμών ὀπίδος*; ¹ *πλατέος τελαμώνος*; ² *ὄσπις σὺν τελαμώνι*; ³ *Vid. Ægis*, p. 26). The two belts upon the breast of Ajax, the son of Telamon, who carried a remarkably heavy shield, are mentioned in the *Iliad*.⁴ But, although he was saved by this double covering from being wounded by Hector's spear, yet the language of Homer⁵ clearly implies that the practice alluded to was on the field of battle productive of great heat and annoyance; and this circumstance probably led to the disuse of the oppressive shield-belt, and to the invention of the Carian *ὄχανον* by which it was superseded. (*Vid. CLYPEUS*.) The ancient practice must also have occasioned some inconvenience in putting on the armour. The circumstance to which some of the Alexandrine critics objected, that Homer makes his heroes assume the shield before the helmet, may be explained from the impossibility of throwing the shield-belt over the lofty crest of the helmet, supposing the helmet to have been put on first; and yet a warrior, already encumbered with his large and ponderous shield, might have had some difficulty in putting on his helmet. The very early disuse of the shield-belt accounts for the fact, that, except in the case of the *Ægis*, which was retained on account of its mythological importance, this part of the ancient armour is never exhibited in paintings or sculptures. Even the author of the *Shield of Hercules*⁶ supposes it to be omitted.

A third use of the *balticus* was to suspend the quiver, and sometimes, together with it, the bow. Hence Nemesianus, describing the dress of Diana, when she attires herself for the chase, says,

"*Corrugate sinus gemmatus balticus ardet.*"⁷

And a similar expression (*balticus et revoct volucras in pectore sinus*) is used by Livius Andronicus;⁸ because the belt, besides fulfilling the purpose for which it was intended, of supporting the quiver, also confined the garments, and prevented them from being blown about by the wind. This belt passed over the right shoulder and under the left arm, in the same manner with the others.

According to Theocritus, Amphitryon used a sword-belt made of cloth, linen being probably intended (*νεοκλώστῳ τελαμώνος*).⁹ More commonly the belt, whether employed to support the sword, the shield, or the quiver, was made of leather (*τελαμώνισι σκντίνοισι*).¹⁰ It was ornamented (*φαεινός*,¹¹ *Insignis balticus auro*)¹². That which Agamemnon wore with his shield was plated with silver, and on it was also displayed a serpent (*δράκων*)¹³ wrought in blue steel. The three heads of the serpent (*κεφαλαὶ τρεῖς ἀμφιστρεφές*) were turned back, so as to form hooks for fastening the two ends of the belt together. When, in the shades below, Ulysses meets Hercules armed with his bow and arrows (*vid. Arcus*), he wears on his breast a golden belt for suspending his quiver (*δορτήρ χρύσεος τελαμών*)¹⁴, on which are embossed both the animals of the chase and exhibitions of the slaughter of men. In a passage already quoted, Diana's belt is described as enriched with jewels. In like manner, Æneas gives as a prize in the games at his father's tomb a quiver full of arrows, with the belt belonging to it, which was covered with gold, and had a buckle, or rath-

1. (Il., ii., 388; iii., 334.—*Schol. ad Ioc.*)—2. (Il., v., 796-798.)—3. (Il., xvi., 803)—4. (xiv., 404-406.)—5. (Il. cc.)—6. (I. 122-139.)—7. (*Cyneg.*, 91.)—8. (*ap. Terent. Maur.*)—9. (*Idyll.*, xxiv., 44.)—10. (*Herod.*, i., 171.)—11. (Il., xii., 401.)—12. (*Vak Flac.*, v., 139.)—13. (Il., xi., 39)—14. (*Od.*, xi., 699.)

er, perhaps, a button (*fibula*), enriched with a gem.¹ We may presume that, in the sword-belt described by Valerius Flaccus,²

"Qua carulus ambit
Balteus, et gemini committunt ora dracones,"

the fastening was made by the tasteful joining of the two dragons' heads. The annexed woodcut shows a bronze clasp, with three dragons' heads, which is in the collection of ancient armour at Goodrich Court, in Herefordshire, and which seems to have belonged to a Roman balteus.



A sword-belt enriched with gold, on which a celebrated sculptor had produced a representation of the Danaids murdering their husbands on the bridal night, gives occasion to the concluding incident of the *Æneid*.

That taste for richly-decorated sword-belts, the prevalence of which, in the Augustan age, may be inferred from the mention of them in the *Æneid*, did not decline under the succeeding emperors. It is, indeed, mentioned as an instance of the self-denial and moderation of Hadrian, that he had no gold on his belt.³ But Pliny⁴ records the common practice, in his time, of covering this part of the soldier's dress with *laminae* of the precious metals; and of the great intrinsic value and elaborate ornament of those which were worn by persons attached to the court, we may form some judgment from the circumstance that the *baltearius*, or master of the belts, was a distinct officer in the imperial household. Spon, who has published an inscription from the family tomb of one of these officers,⁵ remarks, that their business must have been to provide, prepare, and preserve all the belts in the *armamentarium*. This office will appear still more considerable from the fact that belts (*balteoli*) were occasionally given as military rewards, together with *torques* and *armillae*.⁶

In a general sense, "balteus" was applied not only to the simple belt, or the more splendid baldric which passed over the shoulder, but also to the girdle (*cingulum*) which encompassed the waist (*Coxa munimen utraque*).⁷ Hence the girdle of Orion, called *ζώνη* by Aratus, is rather incorrectly denominated balteus in the translations of that author by Germanicus and Avienus. The oblique arrangement of the balteus, in the proper sense of that term, is alluded to by Quintilian in his advice respecting the mode of wearing the toga: *oblique ducitur, velut balteus*.⁸

Vitruvius applies the term "baltei" to the bands surrounding the volute on each side of an Ionic capital.⁹ Other writers apply it to the large steps, presenting the appearance of parallel walls, by which an amphitheatre was divided into stories for the accommodation of different classes of spectators.¹⁰

Vitruvius calls these divisions *præcinctiones*.¹ (Via *ΑΜΦΙΤΗΑΤΡΟΝ*.) In the amphitheatre at Verona the baltei are found by measurement to be 2½ feet high, the steps which they enclose being one foot two inches high.

*BAMBAK'ION (*βαμβάκιον*), a term which occurs only in the works of Myrepsus, the last of the Greek physicians. It appears to be the seed of the *Gossypium*, or Cotton-plant.

BANISHMENT (GREEK), *φύγη*. Banishment among the Greek states seldom, if ever, appears as a punishment appointed by law for particular offences. We might, indeed, expect this; for the division of Greece into a number of independent states would neither admit of the establishment of penal colonies, as among us, nor of the various kinds of exile which we read of under the Roman emperors. The general term *φύγη* (flight) was, for the most part, applied in the case of those who, in order to avoid some punishment or danger, removed from their own country to another. Proof of this is found in the records of the heroic ages, and chiefly where homicide had been committed, whether with or without malice aforethought. Thus¹ Patroclus appears as a fugitive for life, in consequence of manslaughter (*ἀνδροκτασίη*) committed by him when a boy, and in anger. In the same manner,² Theoclymenus is represented as a fugitive and wanderer over the earth, and even in foreign lands haunted by the fear of vengeance from the numerous kinsmen of the man whom he had slain. The duty of taking vengeance was in cases of this kind considered sacred, though the penalty of exile was sometimes remitted, and the homicide allowed to remain in his country on payment of a *ποιμή*, the price of blood, or wehrgeld of the Germans,³ which was made to the relatives or nearest connexions of the slain.⁴ We even read of princes in the heroic ages being compelled to leave their country after the commission of homicide on any of their subjects,⁵ and even though there were no relatives to succour the slain man, still deference to public opinion imposed on the homicide a temporary absence,⁶ until he had obtained expiation at the hands of another, who seems to have been called the *ἀγυίτης*, or purifier. For an illustration of this, the reader is referred to the story of Adrastus and Cræsus.⁷

In the later times of Athenian history, *φύγη*, or banishment, partook of the same nature, and was practised nearly in the same cases as in the heroic ages, with this difference, that the laws more strictly defined its limits, its legal consequences, and duration. Thus an action for wilful murder was brought before the Areiopagus, and for manslaughter before the court of the Ephetae. The accused might, in either case, withdraw himself (*φύγειν*) before sentence was passed; but when a criminal evaded the punishment to which an act of murder would have exposed him had he remained in his own land, he was then banished forever (*φείγει ἀειφύγιαν*), and not allowed to return home even when other exiles were restored upon a general amnesty, since, on such occasions, a special exception was made against criminals banished by the Areiopagus (*οἱ ἐξ Ἀρείου πάγου φεύγοντες*). A convicted murderer, if found within the limits of the state, might be seized and put to death,⁸ and whoever harboured or entertained (*ὑπεδέξατο*) any one who had fled from his country (*τῶν φεύγοντων τὰς*!) to avoid a capital punishment, was liable to the same penalties as the fugitive himself.⁹

1. (*Æn.*, v., 311-313.)—2. (*iii.*, 190.)—3. (*Spartian.*, *Hadr.*, 10.)—4. (*H. N.*, xxxiii., 54.)—5. (*Miscellan. Erud. Ant.*, p. 253.)—6. (*Jul. Capitol.*, *Maximin.*, 2.)—7. (*Sil. Ital.*, x., 181.—*Lucan.*, ii., 361.—*Lydus*, *De Mag. Rom.*, ii., 13.—*Corippus*, i., 115.)—8. (*Institut. Or.*, xi., 3.)—9. (*De Arch.*, iii., 5, ed. Schneider.—*Genelli*, *Briefe über Vitruv.*, ii., p. 35.)—10. (*Calpurn.*, *Eclog.*, vii., 47.—*Tertullian*, *De S. ectac.*, 3.)

1. (*De Arch.*, v., 3, 8.)—2. (*Il.*, xxiii., 88.)—3. (*Hom.*, *Od.*, xv., 275.)—4. (*Tacit.*, *Germ.*, 21.)—5. (*Il.*, ix., 530.)—6. (*Parasan.*, v., 376-381, ed. Schubart.)—7. (*Od.*, xxiii., 119—*Schli.* in loc.)—8. (*Herod.*, i., 35.)—9. (*Demosth.*, c. *Arist.*, 629.)—10. (*Demosth.*, c. *Polycl.*, 1222, 2.)

Demosthenes¹ says that the word *φείγειν* was properly applied to the exile of those who committed murder with malice aforethought, whereas the term *μελισσασθαι* was used where the act was not intentional. The property, also, was confiscated in the former case, but not in the latter.

When a verdict of manslaughter was returned, it was usual for the convicted party to leave (*ἐξῆλθε*) his country by a certain road, and to remain in exile till he induced some one of the relatives of the slain man to take compassion on him (*εως ἂν εὐσπλαγῆται τινα τῶν ἐν γένει τοῦ πεπονθότος*). During his absence, his possessions were *ἐπίτιμα*, that is, not confiscated; but if he remained at home, or returned before the requirements of the law were satisfied, he was liable to be driven or carried out of the country by force.² It sometimes happened that a fugitive for manslaughter was charged with murder; in that case he pleaded on board ship, before a court which sat at Phreatto, in the Peisistras.³

We are not informed what were the consequences if the relatives of the slain man refused to make a reconciliation; supposing that there was no compassion, it is reasonable to conclude that the exile was allowed to return after a fixed time. In cases of manslaughter, but not of murder, this seems to have been usual in other parts of Greece as well as at Athens.⁴ Plato,⁵ who is believed to have copied many of his laws from the constitution of Athens, fixes the period of banishment for manslaughter at one year, and the word *ἀπειναντισμός*, explained to mean a year's exile for the commission of homicide (*πρὸς φόνον δρᾶσαι*), seems to imply that the custom was pretty general. We have, indeed, the authority of Xenophon⁶ to prove that at Sparta banishment was the consequence of involuntary homicide, though he does not tell us its duration.

Moreover, not only was an actual murder punished with banishment and confiscation, but also a *πρᾶγμα ἐκ προνοίας*, or wounding with intent to kill, though death might not ensue.⁷ The same punishment was inflicted on persons who rooted up the sacred olives at Athens,⁸ and by the laws of Solon every one was liable to it who remained neuter during political contentions.⁹

Under *φύγή*, or banishment, as a general term, is comprehended ostracism: the difference between the two is correctly stated by Suidas, and the scholiast on Aristophanes,¹⁰ if we are to understand by the former *ἀειφύγια*, or banishment for life. "*Φύγή* (say they) differs from ostracism, inasmuch as those who are banished lose their property by confiscation, whereas the ostracized do not; the former, also, have no fixed place of abode, no time of return assigned, but the latter have." This ostracism is supposed by some¹¹ to have been instituted by Cleisthenes after the expulsion of the Peisistratidæ; its nature and object are thus explained by Aristotle:¹² "Democratical states (he observes) used to ostracize, and remove from the city for a definite time, those who appeared to be pre-eminent above their fellow-citizens, by reason of their wealth, the number of their friends, or any other means of influence." It is well known, and implied in the quotation just given, that ostracism was not a punishment for any crime, but rather a precautionary removal of those who possessed sufficient power in the state to excite either envy or fear. Thus Plu-

tarch¹ says it was a good-natured way of allaying envy (*φθόνον παραμυθία φιλόανθρώπος*) by the humiliation of superior dignity and power. The manner of effecting it was as follows: A space in the *ἀγορά* was enclosed by barriers, with ten entrances for the ten tribes. By these the tribesmen entered, each with his *ὄστρακον*, or piece of tile, on which was written the name of the individual whom he wished to be ostracized. The nine archons and the senate, *i. e.*, the presidents of that body, superintended the proceedings, and the party who had the greatest number of votes against him, supposing that this number amounted to 6000, was obliged to withdraw (*μετασπῆναι*) from the city within ten days; if the number of votes did not amount to 6000, nothing was done.² Plutarch³ differs from other authorities in stating that, for an expulsion of this sort, it was not necessary that the votes given against any individual should amount to 6000, but only that the sum total should not be less than that number. All, however, agree, that the party thus expelled (*ὁ ἐκκηρυχθείς*) was not deprived of his property. The ostracism was also called the *κεραμική μᾶστιξ*, or earthenware scourge, from the material of the *ὄστρακον* on which the names were written.

Some of the most distinguished men at Athens were removed by ostracism, but recalled when the city found their services indispensable. Among these were Themistocles, Aristides, Cimon, and Alcibiades; of the first of whom Thucydides⁴ states that his residence during ostracism was at Argos, though he was not confined to that city, but visited other parts of Peloponnesus. The last person against whom it was used at Athens was Hyperbolicus, a demagogue of low birth and character; but the Athenians thought their own dignity compromised, and ostracism degraded by such an application of it, and accordingly discontinued the practice.⁵

Ostracism prevailed in other democratical states as well as Athens; namely, Argos, Miletus, and Megara: it was by some, indeed, considered to be a necessary, or, at any rate, a useful precaution for ensuring equality among the citizens of a state. But it soon became mischievous; for, as Aristotle⁶ remarks, "Men did not look to the interests of the community, but used ostracisms for party purposes" (*στρασιαστικῶς*).

From the ostracism of Athens was copied the petalism (*πεταλισμός*) of the Syracusans, so called from the *πέταλα*, or leaves of the olive, on which was written the name of the person whom they wished to remove from the city. The removal, however, was only for five years; a sufficient time, as they thought, to humble the pride and hopes of the exile. But petalism did not last long; for the fear of this "humbling" deterred the best qualified among the citizens from taking any part in public affairs, and the degeneracy and bad government which followed soon led to a repeal of the law, B. C. 452.⁷

In connexion with petalism, it may be remarked, that if any one were falsely registered in a *demus* or ward at Athens, his expulsion was called *ἐκφυλλοφορία*, from the votes being given by leaves.⁸

The reader of Greek history will remember that, besides those exiled by law, or ostracized, there was frequently a great number of political exiles in Greece; men who, having distinguished themselves as the leaders of one party, were expelled, or obli-

¹ Aris., 634.—2. (Demosth., c. Aris., 634 and 644.)—3. c. Aris., 646.—4. (Meursius, ad Lycophr., 282.—Plut., 37.—Schol. in loc.)—5. (Leg., ix., 865.)—6. (Arist., 13.)—7. (Lysias, c. Simon., p. 100.—Demosth., c. 10.)—8. (Lysias, Ὑπὲρ Σηκοῦ Ἀπολογία, 1083.)—9. Inris Att., p. 97.—Aul. Gell., ii., 12.)—10. (Suidam, V. H., xiii., 23.—Diod. Sic., xi., 55.)

1. (Peric., c. 10.)—2. (Schol. in Arist., Equit., 865.)—3. (Arist., c. 7.)—4. (i., 135.)—5. (Plut., Arist., c. 7.—Thucyd., viii., 73.)—6. (Polit., iii., 8.)—7. (Diod. Sic., xi., c. 87.—Niebuhr, Hist. Rom., i., 504, transl.)—8. (Meier, Hist. Juris Att., 83.—Lysias, c. Nicom., 844.)

ged to remove from their native city when the opposite faction became predominant. They are spoken of as *οἱ φεύγοντες* or *οἱ ἐκπεσόντες*, and as *οἱ κατελθόντες* after their return (*ἡ κάθοδος*), the word *κατάγειν* being applied to those who were instrumental in effecting it.¹

BANISHMENT (ROMAN). In the later imperial period, *exsilium* was a general term used to express a punishment, of which there were several species. Paulus,² when speaking of those *judicia publica*, which are *capitalia*, defines them by the consequent punishment, which is death, or *exsilium*; and *exsilium* he defines to be *aquæ et ignis interdictio*, by which the *caput* or citizenship of the criminal was taken away. Other kinds of *exsilium*, he says, were properly called *relegatio*, and the *relegatus* retained his citizenship. The distinction between *relegatio* and *exsilium* existed under the Republic.³ Ovid also⁴ describes himself, not as *exsul*, which he considers a term of reproach, but as *relegatus*. Speaking of the emperor, he says,

"*Nec vitam, nec opes, nec jus mihi civis ademit;*"

and a little farther on,

"*Nil nisi me patriis jussit abire focus.*"⁵

Marcianus⁶ makes three divisions of *exsilium*: it was either an interdiction from certain places named, and was then called *lata fuga* (a term equivalent to the *libera fuga* or *liberum exsilium* of some writers); or it was an interdiction of all places except some place named; or it was the constraint of an island (as opposed to *lata fuga*). Noodt⁷ corrects the extract from Marcian thus: "*Exsilium duplex est: aut certorum locorum interdictio, ut lata fuga; aut omnium locorum præter certum locum, ut insule vinculum,*" &c. The passage is evidently corrupt in some editions of the Digest, and the correction of Noodt is supported by good reasons. It seems that Marcian is here speaking of the two kinds of *relegatio*,⁸ and he does not include the *exsilium*, which was accompanied with the loss of the *civitas*; for, if his definition includes all the kinds of *exsilium*, it is manifestly incomplete; and if it includes only *relegatio*, as it must do from the terms of it, the definition is wrong, inasmuch as there are only two kinds of *relegatio*. The conclusion is, that the text of Marcian is either corrupt, or has been altered by the compiler of the Digest.

Of *relegatio* there were two kinds: a person might be forbidden to live in a particular province, or in Rome, and either for an indefinite or a definite time; or an island might be assigned to the *relegatus* for his residence. *Relegatio* was not followed by loss of citizenship or property, except so far as the sentence of *relegatio* might extend to part of the person's property. The *relegatus* retained his citizenship, the ownership of his property, and the *patria potestas*, whether the *relegatio* was for a definite or an indefinite time. The *relegatio*, in fact, merely confined the person within, or excluded him from, particular places, which is according to the definition of Ælius Gallus,⁹ who says that the punishment was imposed by a *lex*, *senatus consultum*, or the *edictum* of a magistratus. The words of Ovid express the legal effect of *relegatio* in a manner literally and technically correct.¹⁰ The term *relegatio*

is applied by Cicero¹¹ to the case of Titus Manlius, who had been compelled by his father to live in solitude in the country.

Deportatio in insulam, or *deportatio* simply, was introduced under the emperors in place of the *aquæ et ignis interdictio*.¹² The governor of a province (*præses*) had not the power of pronouncing the sentence of *deportatio*; but this power was given to the *præfectus urbi* by a rescript of the Emperor Severus. The consequence of *deportatio* was loss of property and citizenship, but not of freedom. Though the *deportatus* ceased to be a Roman citizen, he had the capacity to buy and sell, and do other acts which might be done according to the *ius gentium*. *Deportatio* differed from *relegatio*, as already shown, and also in being always for an indefinite time. The *relegatus* went into banishment; the *deportatus* was conducted to his place of banishment, sometimes in chains.

As the *exsilium* in the special sense, and the *deportatio* took away a person's *civitas*, it follows that, if he was a father, his children ceased to be in his power; and if he was a son, he ceased to be in his father's power; for the relationship expressed by the terms *patria potestas* could not exist when either party had ceased to be a Roman citizen.¹³ *Relegatio* of a father or of a son, of course, had not this effect. But the interdict and the *deportatio* did not dissolve marriage.¹⁴

When a person, either parent or child, was condemned to the mines or to fight with wild beasts, the relation of the *patria potestas* was dissolved. This, though not reckoned a species of *exsilium*, resembled *deportatio* in its consequences.

It remains to examine the meaning of the term *exsilium* in the republican period, and to ascend, so far as we can, to its origin. Cicero¹⁵ affirms that no Roman was ever deprived of his *civitas* or his freedom by a *lex*. In the oration *Pro Domo*¹⁶ he makes the same assertion, but in a qualified way; he says that no special *lex*, that is, no *privilegium*, could be passed against the *caput* of a Roman citizen unless he was first condemned in a *judicium*. It was, according to Cicero, a fundamental principle of Roman law,¹⁷ that no Roman citizen could lose his freedom or his citizenship without his consent. He adds, that Roman citizens who went out as *Latæ* colonists could not become Latin unless they went voluntarily and registered their names: those who were condemned of capital crimes did not lose their citizenship till they were admitted as citizens of another state; and this was effected, not by depriving them of their *civitas* (*ademptio civitatis*), but by the *interdictio tecti, aquæ et ignis*. The same thing is stated in the oration *Pro Cæcina*,¹⁸ with the addition, that a Roman citizen, when he was received into another state, lost his citizenship at Rome, because by the Roman law a man could not be a citizen of two states. This reason, however, would be equally good for showing that a Roman citizen could not become a citizen of another community. In the oration *Pro Balbo*,¹⁹ the proposition is put rather in this form: that a Roman who became a citizen of another state *thereby* ceased to be a Roman citizen. It must not be forgotten, that in the oration *Pro Cæcina*, it is one of Cicero's objects to prove that his client had the rights of a Roman citizen; and in the oration *Pro Domo*, to prove that he himself had not been an *exsul*, though he was interdicted to fire and water within 400 miles of Rome.²⁰ A

1 (Meursius, Att. Lect., v., 18.—Wachsmuth, Hell. Alterth., i., § 65; ii., § 95 and 98.—Meier and Schömann, Att. Process, p. 741.—Schömann, De Comit. Athen., p. 264, transl.—Timms, Lex. Platon.—Büchli, ii., 129, transl.)—2 (Dig. 48, tit. 1, § 2.)—3 (Liv., iii., 10; iv., 4.—Cic., pro P. Sext., 12.)—4 (Trist., v., 11.)—5 (Compare Trist., ii., 127.)—6 (Dig. 48, tit. 22, § 5.)—7 (Op. Omn., i., 58.)—8 (Compare Ulpian, Dig. 48, tit. 22, § 7.)—9 (Festus, s. v. *Relegatio*.)—10 (Instances of *relegatio* occur in the following passages: Suet., Octav., 16.—Tib., 50.—Tacit., Ann., iii., 17, 68.—Suet., Claud., c. 23, which last, as the historian remarks, was a new kind of *relegatio*.)

1. (Off., iii., 31.)—2. (Ulpian, Dig. 48, tit. 13, § 3; tit. 2.)—3. (Gaius, i., 128.)—4. (Cod. 5, tit. 16, § 24; tit. 17, Compare Gaius, i., 128, with the Institutes, i., tit. 19, in which the *deportatio* stands in the place of the *aquæ et ignis interdictio* of Gaius.)—5. (Pro Cæcina, c. 34.)—6. (c. 16, 17.)—7. (Pro Domo, c. 29.)—8. (c. 34.)—9. (c. 11.)—10 (Cic., ad Attic., iii., 4.)

as Cicero had been interdicted from fire and water, and as he evaded the penalty, to use his own words,¹ by going beyond the limits, he could only escape the consequences, namely, *exsilium*, either by relying on the fact of his not being received as a citizen into another state, or by alleging the illegality of the proceedings against him. But the latter is the ground on which he seems to maintain his case in the *Pro Domo*: he alleges that he was made the subject of a *privilegium*, without having been first condemned in a *judicium*.²

In the earlier republican period, a Roman citizen might have a right to go into *exsilium* to another state, or a citizen of another state might have a right to go into *exsilium* at Rome, by virtue of certain isopolitical relations existing between such state and Rome. (*Vid. ΜΟΝΙΤΙΟΝ*.) This right was called *jus exulandi* with reference to the state to which the person came; with respect to his own state, which he left, he was *exsul*, and his condition was *exsilium*: with respect to the state which he entered, he was *inquilinus*; and at Rome he might attach himself (*applicare se*) to a quasi-patronus, a relationship which gave rise to questions involving the *jus applicationis*. The word *inquilinus* appears, by its termination *inus*, to denote a person who was one of a class, like the word *libertinus*. The prefix *in* appears to be the correlative of *ex* in *exsul*, and the remaining part *quid* is probably related to *col*, in *colia* and *colonus*.

The sentence of *aqua et ignis*, to which Cicero adds³ *tecti interdictio*, was equivalent to the deprivation of the chief necessities of life, and its effect was to incapacitate a person from exercising the rights of a citizen within the limits which the sentence embraced. Supposing it to be true, that no Roman citizen could, in direct terms, be deprived of his *civitas*, it requires but little knowledge of the history of Roman jurisprudence to perceive that a way would readily be discovered of doing that indirectly which could not be done directly; and such in fact, was the *aqua et ignis interdictio*. The meaning of the sentence of *aqua et ignis interdictio* is clear when we consider the symbolical meaning of the *aqua et ignis*. The bride, on the day of her marriage, was received by her husband with fire and water,⁴ which were symbolical of his taking her under his protection and sustentation. Varro⁵ gives a different explanation of the symbolical meaning of *aqua et ignis* in the marriage ceremony: *Aqua et ignis* (according to the expression of Festus) *sunt duo elementa quae humanam vitam nutrire continent*. The sentence of interdict was first pronounced in a *judicium*, or it was the subject of a *lex*. The punishment was inflicted for various crimes, as *vis publica*, *peculatus*, *veneficium*, &c. The *Lex Julia de vi publica et privata* applied, among other cases, to any person *qui receperit, celaverit, tulerit*, the interdicted person;⁶ and there was a clause to this effect in the *lex* of Clodius, by which Cicero was banished.

The sentence of the interdict, which in the time of the Antonines was accompanied with the loss of citizenship, could hardly have had any other effect at the time of Cicero. It may be true that *exsilium*, that is, the change of *solum* or ground, was not in direct terms included in the sentence of *aqua et ignis interdictio*: the person might stay if he liked, and submit to the penalty of being an outcast, and being incapacitated from doing any legal act. Indeed, it is not easy to conceive that banishment can exist in any state, except such state has distant possessions of its own to which the offender can be

sent. Thus banishment, as a penalty, did not exist in the old English law. When isopolitical relations existed between Rome and another state, *exsilium* might be the privilege of an offender. Cicero might then truly say that *exsilium* was not a punishment, but a mode of evading punishment;⁷ and this is quite consistent with the interdict being a punishment, and having for its object the *exsilium*.

According to Niebuhr, the interdict was intended to prevent a person who had become an *exsul* from returning to Rome and resuming his citizenship; and the interdict was taken off when an *exsul* was recalled: an opinion in direct contradiction to all the testimony of antiquity. Farther, Niebuhr asserts that they who settled in an unprivileged place (one that was not in an isopolitical connexion with Rome) needed a decree of the people, declaring that their settlement should operate as a legal *exsilium*. And this assertion is supported by a single passage in Livy,⁸ from which it appears that it was declared by a plebiscitum, that C. Fabius, by going into exile (*exulatum*) to Tarquinii, which was a *municipium*,⁹ was legally in exile.

Niebuhr asserts that Cicero had not lost his franchise by the interdict, but Cicero says that the consequence of such an interdict was the loss of *caput*. And the ground on which he mainly attempted to support his case was, that the *lex* by which he was interdicted was in fact no *lex*, but a proceeding altogether irregular. Farther, the interdict did pass against Cicero, but was not taken off when he was recalled. It is impossible to caution the reader too much against adopting implicitly anything that is stated in the orations *Pro Cæcina*, *Pro Balbo*, and *Pro Domo*; and, indeed, anywhere else, when Cicero has a case to support.

BAPHIUM (*βαφίον, βαφικόν*), an establishment for dyeing cloth, a dyehouse.

An apparatus for weaving cloth, and adapting it to all the purposes of life, being part of every Greek and Roman household, it was a matter of necessity that the Roman government should have its own institutions for similar uses; and the immense quantity of cloth required, both for the army and for all the officers of the court, made it indispensable that these institutions should be conducted on a large scale. They were erected in various parts of the empire, according to the previous habits of the people employed and the facilities for carrying on their operations. Tarentum, having been celebrated during many centuries for the fineness and beauty of its woollen manufactures, was selected as one of the most suitable places for an imperial baphium.¹⁰ Traces of this establishment are still apparent in a vast accumulation near Taranto, called "Monte Testaceo," and consisting of the shells of the Murex, the animal which afforded the purple dye.

A passage in Ælius Lampridius¹¹ shows that these great dyehouses must have existed as early as the second century. It is stated that a certain kind of purple, commonly called "Probiana," because Probus, the superintendent of the dyehouses (*baphiis præpositus*), had invented it, was afterward called "Alexandrina," on account of the preference given to it by the Emperor Alexander Severus. Besides the officer mentioned in this passage, who probably had the general oversight of all the imperial baphia, it appears that there were persons called procurators, who were intrusted with the direction of them in the several cities where they were established. Thus the *Notitia Dignitatum utriusque Imperii*, compiled about A.D. 426, mentions the

¹ *Pro Cæcina*, c. 34.—2. *ic*, 17.—3. (*Pro Domo*, c. 30.)—⁴ *ibid.* 24, *tit.* 1, s. 28.—5. (*De Leg. Lat.*, *iv.*)—6. (*Paulus*, *lib. 2*, *de Sententiis*.)

1. (*Pro Cæcina*.)—2. (xxvi., 3.)—3. (*Pro Cæcina*, c. 4.)—4. (*Compare Horat.*, *Ep.*, II, ii., 207, with Servius in Virg., *Georg.* iv., 335.)—5. (*Alex. Sev.*, c. 40.)

a presentment of the Egyptian of Narmaine and Tinnis.

We learn from the *Copie Theophrastus* that the Egyptians of Phoenicia long retained their original superstitions, and that Egypt was sent to them from other places to be instructed in their art.

*BARBA (*βάρβα*), a mineral, mentioned by Pliny¹ is a thought from its description and its name to have been named after its streak of some other than its natural colour.²

ΒΑΡΒΙΤΕΡΗΜ. (Vid. ΒΑΡ.)

ΒΑΡΒΑΤΗΡΗΜ. (Vid. ΒΑΡΒΑ.)

ΒΑΡΒΑ (*βάρβα*, *βάρβα*, *βάρβα*), the beard. The barbarians whom we have noticed at different times and in different countries with respect to the beard have been very various. The most refined modern nations regard the beard as an emblem of age, without beauty or meaning; but the ancients generally cultivated its growth and form with special attention; and that the Greeks were not behindhand in this, any more than in other arts, is sufficiently shown by the statues of their philosophers. The *βάρβα* *πυρρὸς*, which is applied to letting the beard grow, implies a positive culture. Generally speaking, a thick beard, *πύρρον* *ζώριον* or *δασύς*, was considered as a mark of manliness. The Greek philosophers were distinguished by their long beards as a sort of badge, and hence the term which Festus³ applies to Socrates, *magister barbatus*. The Homeric heroes were bearded men; as Agamemnon, Ajax, Menelaus, Ulysses.⁴ According to Chrysippus, cited by Athenæus,⁵ the Greeks wore the beard till the time of Alexander the Great, and he adds that the first man who was shaven was called *εὐρα* after *κόρη*, "shaven" (from *κείρα*). Plutarch⁶ says that the reason for the shaving was that they might not be pulled by the beard in battle. The custom of shaving the beard continued among the Greeks till the time of Justinian, and during that period even the statues of the philosophers were without the beard. The philosophers, however, generally continued the old badge of their profession, and their ostentation in so doing gave rise to the saying that a long beard does not make a philosopher (*πυγώνοστροφιὰ φιλόσοφον οὐ ποιεῖ*), and a man whose wisdom stopped with his beard was called *ἐκ πυγώνοστροφίης*. So Aulus Gellius⁷ says, "*Video barbam et pallium, philosophum nondum video.*" Horace⁸ speaks of "feeding the philosophic beard."⁹ The Romans, in early times, wore the beard uncut, as we learn from the insult offered by the Gaul to Marcus Papirius,¹⁰ and from Cicero;¹¹ and, according to Varro¹² and Pliny,¹³ the Roman beards were not shaved till B. C. 300, when P. Titinius Mæna brought over a barber from Sicily; and Pliny adds, that the first Roman who was shaved (*rasus*) every day was Scipio Africanus. His custom, however, was soon followed, and shaving became a regular thing. The lower orders, then as now, were not always able to do the same, and hence the jeers of Martial.¹⁴ In the later times of the Republic, there were many who shaved the beard only partially, and trimmed it so as to give it an ornamental form; to them the terms *dene barbati*¹⁵ and *barbatuli*¹⁶ are applied. When in mourning, all the higher as well as the lower orders let their beards grow.

In the general way in Rome at this time, a long beard (*barba promissa*)¹⁷ was considered a mark of

slowness and avarice. The censors Lucius and P. Licinius compelled Marc who had been banished on his restoration to be shaved, and to pay aside his diadema (*comiti et squamam depone*), and not till then to come into the senate. The first time of shaving was regarded as the day of manhood, and the day on which this was celebrated as a festival.¹⁸ There was a regular time fixed for this to be done. However, it was done when the young man assumed the toga virilis.¹⁹ Augustus did it year. Calpurnia in his 30th. The hair on such occasions was consecrated to Mars. Thus Nero put his up in a gold box, set it up and dedicated it to Jupiter Capitolinus.²⁰ He mentions a person who sent his hair as to Esculapius Pergamensis, and request to write some dedicatory verses on it. He sent the hair with a box set with stones (*cum gemmata pyxide*) and a mirror.

With the Emperor Hadrian the beard revive.²¹ Plutarch says that the emperors hide some scars on his face. The practice became common, and till the time of the Great the emperors appeared and coins with beards. The Roman beards grow in time of mourning; so did²² for the death of Julius Cæsar, and when he had it shaved off he made a festivity.²³ The Greeks, on the other such occasions, shaved the beard close.²⁴ Plutarch says that the beards of the inhabitants of Scythia were like those of goats. Tacitus says that the Catti let their hair and beard grow, and would not have them cut till they had an enemy.

BARBERS. The Greek name for a barber is *κουρέτης*, and the Latin *tonsor*. The term is modern European languages is derived from Latin *barbatorius*, which is found in the works of the ancients was a far more important personage than his modern representative. Men had not often the necessary implements for various operations of the toilet: comb, perfumes, and tools for clipping, cutting, &c. Accordingly, the whole process was performed at the barber's, and hence the course of people who daily gossiped at the barber's shop, *strina*, or barber's shop. Besides the barber and hairdresser, strictly so called, the *tonsor* discharged other offices. He was also a nail-parer. He was, in fact, much more than an English barber was when he extracted the hair as cut and dressed hair. People with long hair used necessary instruments for all the different operations, generally having also slaves express purpose of performing them. The business of the barber was threefold. First, there was the cutting of hair: hence the barber's question, *πῶς κόβεις*. For this purpose, he used various knives of different sizes and shapes, and degrees of sharpness. Lucian,²⁵ in enumerating the apparatus of the barber's shop, mentions *πλήθος μαχαιριδίων* (*μάχαιρας*, *κουρίδες* are used also, in Latin *ci* scissors, *ψαλίς*, *διπλή μάχαιρα*²⁶ (in Latin *scissa*), were used too.²⁷ *Μάχαιρα* was the word. (Böttiger, however, says that they were merely used, forming a kind of sciss-

1. (H. N., xxviii., 55.)—2. (Moore's Anc. Mineral., p. 182.)—3. (Aristoph., *Lyssist.*, 1078.)—4. (Sat., iv., 1.)—5. (H., xxii., 74; xxiv., 816.—Oid., xvi., 176.)—6. (xiii., 565, ed. Casaub.)—7. (Theop., c. 5.)—8. (iv., 2.)—9. (Sat., II., ii., 35.)—10. (Compare Quintil., vi., 1.)—11. (Liv., v., 41.)—12. (Pro Cœl., 14.)—13. (De Re Rust., u., c. 11.)—14. (viii., 59.)—15. (vii., 95; xii., 59.)—16. (Cic., *Catil.*, ii., 10.)—17. (Cic., *Ep. ad Att.*, i., 14, 16.—Pro Cœl., 14.)—18. (Liv., xxvii., 34.)

1. (Liv., xxvii., 34.)—2. (Juv., Sat., iii., 186 Calig., 10.)—3. (Suet., Ner., 12.)—4. (Prof. ad Dion., lxxviii., p. 1132, c. 15.)—5. (Suet., Octav., Dion., lxxviii., 34.—Compare Cic. in Verr., ii., 1.)—6. Plutarch, Pelopid. and Alex.—Suet., Cal., 5.)—7. (—11. (Germ., c. 3.)—12. (Plut., De Garrul., 13 Indoct., c. 29.)—14. (Pollux., Onom., ii., 32.)—Aristoph., *Acharn.*, 846.—Lucian, *Pis.*, c. 46.)

elegant mode of cutting the hair was with a knife, *μία μαχαίρα*.¹) Irregularity and unevenness of the hair was considered a great fault, as appears generally, and from Horace;² accordingly, after the hair-cutting, the uneven parts were pulled out by tweezers, an operation to Pollux³ applies the term *παράλλευσθαι*. So the fingers on great men, who wished to look well, were accustomed to pull out the gray hairs. This was considered, however, a mark of old age.⁴ The person who was to be operated on by the barber had a rough cloth (*ὀμόλινον*, as in Plautus⁵) laid on his shoulders, and the hairs off his dress, &c. The second part of the business was shaving (*radere, rasitare*). This was done with a *ξυρόν*, a *novacula*,⁷ (as we, retaining the Latin root, call it), kept in a case, *θήκη, ξυροθήκη, ξυροδόκη, ξυροθήκη*.⁸ Some, who would not submit to the operation of the razor, used instead some powdery ointments or plasters, as *psilothron*;⁹ *ta*;¹⁰ *Venetum lutum*;¹¹ *δραραξ*.¹² Stray hairs which escaped the razor were pulled out with tweezers (*volsella, τριχολάβιον*). A part of the barber's work was to pare the hands, an operation which the Greeks expressed by the words *δονηρίζειν* and *ἀποδονηρίζειν*. The instruments used for this purpose were *δονηριστήρια, sc. μαχαίρια*.¹⁴ This practice, employing a man expressly to pare the nails, Plautus's humorous description of the *ucio* :

*ipsi quidem tonsor ungues dempserat, ut, omnia abstulit præsegmina.*¹⁵

The miser it did not occur to pare his nails, and save the money he would have to pay to collect the parings, in hope of making money by them. So Martial, in rallying a squire, tried to dispense with the barber's services, offering different kinds of plasters, &c., asks *quid facient ungues? What will your nails do if you get your nails pared? So Tiberius, quid (prodest) ungues artificis docti manu; from which it appears that the custom was in the habit of employing one or more fashionable tonsors. The instruments referred to by Martial.*

ΒΑΡΒΙΤΟΣ (*βάρβιτος* or *βάρβιτος*), a stringed instrument called by Theocritus *πολύχορδος*.¹⁶ The *βάρβιτος*¹⁷ led the grammarians to derive from *βαρής* and *μίτος*, a thread or string, according to Strabo,¹⁸ who, if the reader correct, makes it the same with *σαμβύκη*, it being of the same origin. Pindar, in a fragment quoted by Theocritus, refers the invention of it to Terpander in another place¹⁹ it is ascribed to Anaxagoras²⁰ tells us that in his day it was among the Greeks, but that the Romans had it from them, still retained it at ancient times.

It is impossible to determine its exact origin; later writers use the word *unquus* with *λύρα*. (*Vid. LYRA*.)

BOCCULLUS. (*Vid. COCCULLUS*.)

BOCCULLUS, a species of marble, as Pliny²¹

terms it, found in Æthiopia, of the colour and hardness of iron, whence its name, from an Oriental term *basalt*, signifying "iron." To what Eastern language this word belongs is not known; we may compare with it, however, the Hebrew *bazzel*. Pliny speaks of fine works of art in Egyptian basalt, and of these some have found their way to Rome, as the lions at the base of the ascent to the Capitol, and the Sphinx of the Villa Borghese.¹ Winckelmann distinguishes two kinds of this stone: the black, which is the more common sort, is the material of the figures just mentioned; the other variety has a greenish hue.² We must be careful not to confound the *basaltes* of the ancients with the modern *basalt*. The former was merely a species of syenite, commonly called basaltoid syenite, black Egyptian basalt, and "basalte antique." The basalt of the moderns is a hard, dark-coloured rock, of igneous origin.³

BASANISTAL. (*Vid. BASANOS*.)

***BASANITES LAPIS** (*βασανίτης λίθος*), called also *Basanos* and *Lapis Lydius*, the Touchstone. Its Greek and English names both refer to its office of trying metals by the touch. The appellation of "Lydia Stone" was derived from the circumstance of Lydia having been one of its principal localities. It was also obtained in Egypt, and, besides the use just mentioned, was wrought into various ornaments, as it still is at the present day. Other names for the Touchstone were *Chrysites*, from its particular efficacy in the trial of gold, and *Coticula*, because generally formed, for convenience' sake, into the shape of a small whetstone.⁴ The Basanite or Touchstone differs but little from the common variety of silicious slate. Its colour is grayish or bluish black, or even perfectly black. If a bar of gold be rubbed against the smooth surface of this stone, a metallic trace is left, by the colour of which an experienced eye can form some estimate of the purity of the gold. This was the ancient mode of proceeding. In modern times, however, the judgment is still farther determined by the changes produced in this metallic trace by the application of nitric acid (aqua fortis), which immediately dissolves those substances with which the gold may be alloyed. Basalt and some other varieties of argillite answer the same purpose. The touchstones employed by the jewellers of Paris are composed chiefly of hornblende. Brogniart calls it *Cornéenne Lydienne*.⁵

BASANOS (*βάσανος*), the general term among the Athenians for the application of torture. By a decree of Scamandrius, it was ordained that no free Athenian could be put to the torture;⁶ and this appears to have been the general practice, notwithstanding the assertion of Cicero⁷ to the contrary (*de institutis Atheniensium, Rhodiorum—apud quos liberi civesque torquentur*). The only two apparent exceptions to this practice are mentioned by Antiphon⁸ and Lysias.⁹ But, in the case mentioned by Antiphon, Böckh¹⁰ has shown that the torture was not applied at Athens, but in a foreign country; and in Lysias, as it is a Platæan boy that is spoken of, we have no occasion to conclude that he was an Athenian citizen, since we learn from Demosthenes¹¹ that all Platæans were not necessarily Athenian citizens. It must, however, be observed, that the decree of Scamandrius does not appear to have interdicted the use of torture as a means of execution, since we find Demosthenes¹² reminding the

1. (Moore's Mineralogy, p. 82.)—2. (Winckelmann, Werke, vol. v., p. 110, 409, &c.)—3. (Fée in Plin., l. c.)—4. (Hill's Theophrastus, p. 189, in notis.)—5. (Cleaveland's Mineralogy, p. 300.)—6. (Andoc., De Myst., 22.—Compare Lys., περί τριαντύ. 177.—c. Agorast., 462.)—7. (Orat. Prat., c. 34.)—8. (De Herod. cæd., 729.)—9. (c. Simon, 153.)—10. (Staatshaus der Athenen, i., p. 199; ii., p. 412.)—11. (c. Neur., 1381.)—12. (De Cor., 271.)

judges that they had put Antiphon to death by the rack (*στρεβλώσαντες*).¹

The evidence of slaves was, however, always taken with torture, and their testimony was not otherwise received.² From this circumstance their testimony appears to have been considered of more value than that of freemen. Thus Isæus³ says, "When slaves and freemen are at hand, you do not make use of the testimony of freemen; but, putting slaves to the torture, you thus endeavour to find out the truth of what has been done." Numerous passages of a similar nature might easily be produced from the orators.⁴ Any person might offer his own slave to be examined by torture, or demand that of his adversary, and the offer or demand was equally called *πρόκλησις εἰς βάσανον*. If the opponent refused to give up his slave to be thus examined, such a refusal was looked upon as a strong presumption against him. The *πρόκλησις* appears to have been generally made in writing,⁵ and to have been delivered to the opponent in the presence of witnesses in the most frequented part of the Agora;⁶ and as there were several modes of torture, the particular one to be employed was usually specified.⁷ Sometimes, when a person offered his slave for torture, he gave his opponent the liberty of adopting any mode of torture which the latter pleased.⁸ The parties interested either superintended the torture themselves, or chose certain persons for this purpose, hence called *βασανισταί*, who took the evidence of the slaves.⁹ In some cases, however, we find a public slave attached to the court, who administered the torture;¹⁰ but this appears only to have taken place when the torture was administered in the court, in presence of the judges.¹¹ This public mode of administering the torture was, however, certainly contrary to the usual practice.¹² The general practice was to read at the trial the depositions of the slaves, which were called *βασανοί*,¹³ and to confirm them by the testimony of those who were present at the administration of the torture.

BASCANIA. (*Vid. FASCINUM*.)

BASCAUDA, a British basket. This term, which remains with very little variation in the Welsh "basgawd" and the English "basket," was conveyed to Rome together with the articles denoted by it. We find it used by Juvenal¹⁴ and by Martial¹⁵ in connexions which imply that these articles were held in much esteem by the luxurious Romans. In no other manufacture did our British ancestors excel so as to obtain for their productions a similar distinction.¹⁶ In what consisted the curiosity and the value of these baskets, we are not informed; but they seem to be classed among vessels capable of holding water.

BASILEIA (*Βασιλεία*) was the name of a festival celebrated at Lebadeia, in Bœotia, in honour of Trophonius, who had the surname of *Βασιλεύς*. This festival was also called Trophonia—*Τροφώνια*;¹⁷ and was first observed under the latter name as a general festival of the Bœotians after the battle of Leuctra.¹⁸

BASILEUS (*Βασιλεύς*), ANAX (*ἄναξ*), titles originally given to any persons in authority, and ap-

plied in the first instance indiscriminately, without any accurate distinction. In the government of Phœacia, which was a mixed constitution, consisting of one supreme magistrate, twelve peers or councillors, and the assembly of the people, each of the twelve who shared, as well as the one who nominally possessed the supreme power, is designated by the word *βασιλεύς*,¹ which title became afterward strictly appropriated in the sense of our term king; but *ἄναξ* continued long to have a much wider signification. In the Œdipus Tyrannus, the title *ἄναξ* is applied to Apollo,² to Tiresias,³ to Creon and Œdipus,⁴ and to the Chorus.⁵ Isocrates⁶ uses *βασιλεύς* in the sense of king, and *ἄναξ* as exactly synonymous with prince, calling the king's sons *ἄνακτες*, and his daughters *ἄνασσαί*. The title of basileus was applied to magistrates in some republican states, who possessed no regal power, but who generally attended to whatever was connected with the religion of the state and public worship. Thus the second archon at Athens had the title of basileus (*vid. ΑΡΧΟΝ*), and we find magistrates with the same title in the republican states of Delphi,⁷ Siphnos,⁸ Chalcedon, Cyzicus, &c.⁹

After the introduction of the republican form of government into the Grecian communities, another term (*τύραννος*, *tyrannus*) came into use, in contradistinction to the other two, and was used to designate any citizen who had acquired and retained for life the supreme authority in a state which had previously enjoyed the republican form of government. The term tyrant, therefore, among the Greeks, had a different signification from its usual acceptance in modern language; and when used reproachfully, it is only in a political, and not a moral sense; for many of the Greek tyrants conferred great benefits upon their country.

BASILICA (*sc. aedes, aula, porticus*—*βασιλική*, also *regiā*), a building which served as a court of law and an exchange, or place of meeting for merchants and men of business. The term is derived, according to Philander,¹ from *βασιλεύς*, a king, in reference to early times, when the chief magistrate administered the laws he made; but it is more immediately adopted from the Greeks of Athens, whose second archon was styled *ἄρχων βασιλεύς*, and the tribunal where he adjudicated *στοὰ βασιλείου*,² the substantive *aula* or *porticus* in Latin being omitted for convenience, and the distinctive epithet converted into a substantive. The Greek writers, who speak of the Roman basilicæ, call them sometimes *στοὰ βασιλικαί*, and sometimes merely *στοαί*.

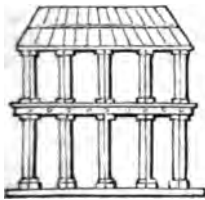
The first edifice of this description was not erected until B.C. 182;³ for it is expressly stated by the historian that there were no basilicæ at the time of the fire, which destroyed so many buildings in the Forum, under the consulate of Marcellus and Levinus, B.C. 212.⁴ It was situated in the Forum adjoining the Curia, and was denominated Basilica Porcia, in commemoration of its founder, M. Porcius Cato. Besides this, there were twenty others erected at different periods, within the city of Rome,⁵ of which the following are the most frequently alluded to by the ancient authors: 1. *Basilica Semproniana*, constructed by Titus Sempronius, B.C. 171,⁶ and supposed, by Donati and Nardini to have been between the vicus Tuscus and the Velabrum. 2. *Basilica Opimia*, which was about the Comitium. 3. *Basilica Pauli Æmilii*, or *Basilica*

1 (Compare Plutarch, Phoc., c. 35.)—2. (Antiph., Tetral., i., p. 633.)—3. (De Ciron. Herod., 202.)—4. (Compare Demosth., c. Oeonor., i., p. 874.—Antiphon, De Choreut., 778.—Lycourg., c. Leocr., 159—162.)—5. (Demosth., c. Pantaen., 978.)—6. (Demosth., c. Aphob., iii., 848.)—7. (Demosth., c. Steph., i., 1120.)—8. (Antiph., De Choreut., 777.)—9. (*Ἐθόμενοι βασανιστοί, ἀπληγήσαντες εἰς τὸ ἑφαστίον*: Isocr., Trap., c. 9.—Compare Demosth., c. Pantaen., 978, 979.—Antiph., *Κατηγορία φαρμακ.*, 609.)—10. (*παρίσταται δὲ ἥδη ὁ ἄναξ, καὶ βασανεῖ ἐναντίον ἑμῶν*: Æsch., De Leg., 284, ed. Taylor.)—11. (Æsch., l. c.—Demosth., c. Euerg., 1144.)—12. (*βασανίζετον οὐκ ἴσθιν ἐναντίον ἑμῶν*: Demosth., c. Steph., i., 1106.)—13. (Harpor., Suid., s. v.—Demosth., c. Nicostat., 1254.)—14. (xii., 46.)—15. (xiv., 99.)—16. (Henry's Hist. of Britain. b. i., c. 6, p. 226.)—17. (Pollux, Onom., i., 1, § 37.—18. (Diod. Sic., xv., 53.)

1. (Od., viii., 390.)—2. (l. 810.)—3. (l. 304.)—4. (l. 631.)—5. (l. 911.)—6. (Evag., vol. ii., p. 318, ed. Auger.)—7. (Plut. Quæst. Gr., vii., 177.)—8. (Isocr., Ægin., c. 17.)—9. (Waddsmuth, l. i., p. 148.)—10. (Stat., Silv., i., l. 30.—Suet., Octav. 31.)—11. (Comment. Vitruv.)—12. (Paus., i., 3, § 1.—Demosth. Aristogit., p. 776.)—13. (Liv., xxxix., 44.)—14. (Liv., xxvi., 77.—15. (Pitisc., Lex. Ant., s. v. Basilica.)—16. (Liv., xiv., 16.)

BASILICA.

is, called also *Regia Pauli* by Statius.¹ mentions two basilicæ of this name, of which the one was built, and the other only restored, by L. Æmilius. Both these edifices were in the Regia, and one was celebrated for its open peristyle, which Plutarch (*Cæs.*) mentions as erected by L. Æmilius Paulus during his consulship, at an expense of 1500 talents, sent to L. Cæsar from Gaul, as a bribe to gain him over to the aristocratical party. A representation of this building is given below. 4. *Basilica Pompeii*, or *regia*,² near the theatre of Pompey. 5. *Basilica Julia*, erected by Julius Cæsar, in the Forum opposite to the Basilica Æmilia. It was the roof of this building that Caligula scattered among the people for several successive years. 6. *Basilica Cæii et Lucii*, the grandsons of Cæsar, by whom it was founded.³ 7. *Basilica Trajani*, in the Forum of Trajan. 8. *Basilica Antonina*, erected by the Emperor Antonine, supposed to be the ruin now remaining on the site, near the Temple of Rome and Venus, and only called the Temple of Peace. Of all the magnificent edifices, nothing now remains but the ground plan, and the bases and some of the columns and superstructure of the last basilica at Pompeii is in better preservation. The external walls, ranges of columns, and the judges being still tolerably perfect on the ground floor. In the Forum, or, where there was more than one, which was in the most frequented and central part of the city, was always selected for the basilica; and hence it is that the classic order is not infrequently used in the terms *forum* and *basilica* synonymously, as in the passage of Claudian: *suetaque cingit Regius auratis fora fascibus* &c., where the Forum is not meant, but the basilica which was in it, and which was surrounded by the judges who stood in the Forum.⁴ Vitruvius⁵ directs that the most sheltered part of the Forum should be selected for the site of a basilica, so that the public might suffer as little as possible from exposure to bad weather, while going to or returning from, their place of business; he also has added, for their greater convenience, a portico, or arcade, ranged within, since many of these edifices, the more ancient ones, were entirely open to the external air, being surrounded and protected by an open peristyle of columns, as the representation of the Basilica Æmilia, from a drawing by Lepidus, with the inscription, clearly



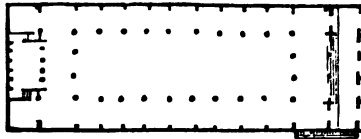
ÆMILIA, &c.

however, the Romans became wealthy and, consequently, more effeminate, a portico was substituted for the external peristyle, and the judges were confined to the interior; or, if not, really, it was only in decorating the portico of entrance. This was the only change which took place in the form of these buildings at the time of their first institution until

1. (*Ad Att.*, iv., 16.)—3. (*Plin.*, H. N., xxxvi., 24, *De Bell. Civ.*, lib. ii.)—4. (*Suet.*, Octav., 31.)—5. (*g.*, 37.)—6. (*Suet.*, Octav., 29.)—7. (*De Honor. 665.*)—8. (*Pitisc.*, *Lex. Ant.*, l. c.—*Nard.*, Rom., 1. c.)

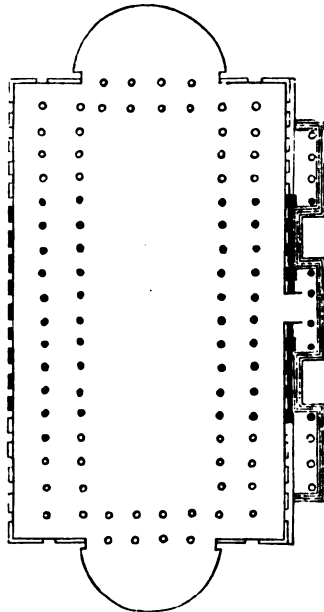
BASILICA.

they were converted into Christian churches. The ground plan of all of them is rectangular, and their width not more than half, nor less than one third of the length; but if the area on which the edifice was to be raised was not proportionably long, small chambers (*chalcidica*) were cut off from one of the ends, which served as conveniences for the judges or merchants. This area was divided into three naves, consisting of a centre (*media porticus*) and two side aisles, separated from the centre one each by a single row of columns: a mode of construction particularly adapted to buildings intended for the reception of a large concourse of people. At one end of the centre aisle was the tribunal of the judge, in form either rectangular or circular, and sometimes cut off from the length of the grand nave (as is seen in the annexed plan of the basilica at Pompeii, which also affords an example of the chambers of the judges or *chalcidica* above mentioned), or otherwise thrown out from the posterior



wall of the building, like the tribune of some of the most ancient churches in Rome, and then called the hemicycle: an instance of which is afforded in the Basilica Trajani, of which the plan is given below. It will be observed that this was a most sumptuous edifice, possessing a double tribune, and double rows of columns on each side of the centre aisle, dividing the whole into five naves.

The internal tribune was probably the original construction, when the basilica was simply used as a court of justice; but when those spacious halls were erected for the convenience of traders as well as loungers, then the semicircular and external tribune was adopted, in order that the noise and



confusion in the basilica might not interrupt the proceedings of the magistrates.⁶ In the centre of this tribune was placed the curule chair of the prætor, and seats for judges, who sometimes amount-

1. (*Vitruv.*, l. c.)—2. (*Vitruv.*, l. c.)—3. (*Vitruv.*, l. c.)

ea to the number of 180,¹ and the advocates; and round the sides of the hemicycle, called the wings (*cornua*), were seats for persons of distinction, as well as the parties engaged in the proceedings. It was in the wing of the tribune that Tiberius sat to overawe the judgment at the trial of Granius Marcellus.² The two side aisles, as has been said, were separated from the centre one by a row of columns, behind each of which was placed a square pier or pilaster (*parastata*³), which supported the flooring of an upper portico, similar to the gallery of a modern church. The upper gallery was in like manner decorated with columns, of lower dimensions than those below; and these served to support the roof, and were connected with one another by a parapet wall or balustrade (*pluteus*⁴), which served as a defence against the danger of falling over, and screened the crowd of loiterers above (*subbasilicani*⁵) from the people of business in the area below.⁶ This gallery reached entirely round the inside of the building, and was frequented by women as well as men, the women on one side and the men on the other, who went to hear and see what was going on.⁷ The staircase which led to the upper portico was on the outside, as is seen in the plan of the Basilica of Pompeii. It is similarly situated in the Basilica of Constantine. The whole area of these magnificent structures was covered with three separate ceilings, of the kind called *testudinatum*, like a tortoise-shell; in technical language now denominated *coved*, an expression used to distinguish a ceiling which has the general appearance of a vault, the central part of which is, however, flat, while the margins incline by a cylindrical shell from each of the four sides of the central square to the side walls; in which form the ancients imagined a resemblance to the shell of a tortoise.

From the description which has been given, it will be evident how much these edifices were adapted, in their general form and construction, to the uses of a Christian church; to which purpose some of them were, in fact, converted, as may be inferred from a passage in Ausonius, addressed to the Emperor Gratianus: *Basilica olim negotiis plena, nunc votis pro tua salute susceptis*.⁸ Hence the later writers of the Empire apply the term *basilicæ* to all churches built after the model just described; and such were the earliest edifices dedicated to Christian worship, which, with their original designation, continue to this day, being still called at Rome *basiliche*. A Christian basilica consisted of four principal parts: 1. *Πρόναος*, the vestibule of entrance. 2. *Ναός*, *navis*, and sometimes *gremium*, the nave or centre aisle, which was divided from the two side ones by a row of columns on each of its sides. Here the people assembled for the purposes of worship. 3. *Ἄμβων* (from *ἀναβαίνειν*, to ascend), *chorus* (the choir), and *suggestum*, a part of the lower extremity of the nave raised above the general level of the floor by a flight of steps. 4. *Ἱερατεῖον*, *ιερόν βῆμα*, *sanctuarium*, which answered to the tribune of the ancient basilica. In the centre of this sanctuary was placed the high altar, under a tabernacle or canopy, such as still remains in the Basilica of St. John of Lateran at Rome, at which the priest officiated with his face turned towards the people. Around this altar, and in the wings of the sanctuarium, were seats for the assistant clergy, with an elevated chair for the bishop at the bottom of the circle in the centre.⁹

1. (Plin., Ep., vi., 33.)—2. (Tacit., Ann., i., 75.)—3. (Vitruv., l. c.)—4. (Vitruv., l. c.)—5. (Plaut., Capt., IV., ii., 35.)—6. (Vitruv., l. c.)—7. (Plin., l. c.)—8. (Grat. Act. pro consulari.)—9. (Theatr. Basil. Pisan., cura Joseph. Marl. Canon., lib. p. 8.—Cicamp., Vet. Mon., i., ii., et De Sacr., Ed., passim.)

BASILICA (Βασιλικαὶ Διατάξεις). About A. 876, the Greek emperor Basilus, the Macedonian, commenced this work, which was completed by his son Leo, the philosopher. Before the reign of Basilus, there had been several Greek translations of the Pandect, the Code, and the Institutes; but there was no authorized Greek version of them. In numerous Constitutions of Justinian's successors and the contradictory interpretations of the jurists were a farther reason for publishing a revised Greek text under the imperial authority. This great work was called Basilica, or Βασιλικαὶ Διατάξεις: it was revised by the order of Constantinus Porphyrogeneta, about A.D. 945. The Basilica comprised the Institutes, Pandect, Code, the Novellæ, and the imperial Constitutions subsequent to the time of Justinian, in a Greek translation, in sixty books, which are subdivided into titles. The publication of this authorized body of law in the Greek language led to the gradual disuse of the original compilation in Justinian in the East.

The arrangement of the matter in the Basilica is as follows: All the matter relating to a given subject is selected from the Corpus Juris; the extracts from the Pandect are placed first under each title, then the constitutions of the Code, and next in order the provisions contained in the Institutes and the Novellæ, which confirm or complete the provisions of the Pandect. The Basilica does not contain all that the Corpus Juris contains; but it contains numerous fragments of the opinions of ancient jurists, and of imperial Constitutions, which are not in the Corpus Juris.

The Basilica was published, with a Latin version by Fabrot, Paris, 1647, seven vols. fol. Fabrot published only thirty-six books complete, and six others incomplete: the other books were made up from an extract from the Basilica and the scholia. Four of the deficient books were afterward found in MS., and published by Gerhard Meerman, with translation by M. Otto Reitz, in the fifth volume of his Thesaurus Juris Civilis et Canonici; and three were also published separately in London in 17 folio, as a supplement to Fabrot's edition. A new critical edition, by the brothers Heimbach, was commenced in 1833, and is now in progress.

*BASILISCUS (βασιλίσκος), the Basilisk, sometimes called Cockatrice, from the vulgar belief in modern times, that it is produced from the egg of a cock. "Nicander describes it," observes Dr. Adams, "as having a small body, about three palms long, and of a shining colour. All the ancient authors speak with horror of the poison of the Basilisk, which they affirm to be of so deadly a nature as prove fatal, not only when introduced into a wound, but also when transmitted through another object." Avicenna relates the case of a soldier, who, having transfixed a basilisk with a spear, its venom proved fatal to him, and also to his horse, whose lip was accidentally wounded by it. A somewhat similar story is alluded to by Lucan.¹ Linnæus, regarding, of course, all the stories about the Basilisk as utterly fabulous, refers this creature, as mentioned by the ancients, to the *Lacerta Iguana*. I cannot help thinking it very problematical, however, whether the *Iguana* be indeed the Basilisk of the ancients. Cuvier supposes the Scriptural basilisk to be the same with the *Cobra di Capello*, but I am not aware of its being found in Africa. The serpent which is described under the name of *Bushak* by Jackson would answer very well in most respects to the ancient descriptions of the Basilisk.²

BASTERNA, a kind of litter (*lectica*) in which women were carried in the time of the Roman Empire.

1. (Phars., ix., 736.)—2. (Jackson's Account of Morocco, 109.—Adams, Appendix, s. v.)

perors. It appears to have resembled the lectica (and *Lactica*) very closely; and the only difference apparently was, that the lectica was carried by slaves, and the basterna by two mules. Several etymologies of the word have been proposed. Salmassius supposes it to be derived from the Greek βαστέρω.¹ A description of a basterna is given by a poet in the Latin Anthology.²

BATHS.—*Balaneion*, *Balnearium*, *Balneum*, *Balnearium*, *Balnea*, *Balinea*, and *Therma*. These words are all commonly translated by our general term bath or baths; but in the writings of the earlier and better authors they are used with a nice discrimination. *Balneum* or *balneum*, which is derived from the Greek βαλανεῖον,³ signifies, in its primary sense, a bath or bathing-vessel, such as most persons of any consequence among the Romans possessed in their own houses; in which sense it is used by Cicero,⁴ *balneum calefacti jubebo*, and from that it came to signify the chamber which contained the bath⁵ (*labrum si in balneo non est*), which is also the proper translation of the word *balnearium*. The diminutive *balneolum* is adopted by Seneca⁶ to designate the bath-room of Scipio, in the villa at Liternum, and is expressly used to characterize the unassuming modesty of republican manners, as compared with the luxury of his own times. But when the baths of private individuals became more sumptuous, and comprised many rooms instead of the one small chamber described by Seneca, the plural *balnea* or *balinea* was adopted, which still, in correct language, had reference only to the baths of private persons. Thus Cicero terms the baths at the villa of his brother Quintus⁷ *balnearia*. *Balnea* and *balinea*, which, according to Varro,⁸ have no singular number, were the public baths. *Balnea* is, however, used in the singular, to designate a private bath, in an inscription quoted by Reinesius.⁹ Thus Cicero¹⁰ speaks of *balneas Senias*, *balneas publicas*, and in *vestibulo balnearum*,¹¹ and Julius Gellius¹² of *balneas Sitas*. But this accuracy of diction is neglected by many of the subsequent writers, and particularly by the poets, among whom *balnea* is not uncommonly used in the plural number to signify the public baths, since the word *balnea* could not be introduced in an hexameter verse. It may also, in the same sentence, makes use of the singular plural *balnea* for public, and of *balneum* for a private bath.¹³ *Therma* (from θερμῆ, warmth) mean, properly, warm springs or baths of warm water, but came afterward to be applied to the structures in which the baths were placed, and which were both hot and cold. There was, however, a material distinction between the *balnea* and *therma*, inasmuch as the former was the term used under the Republic, and referred to the public establishments of that age, which contained no appliances for luxury beyond the mere convenience of hot and cold baths, whereas the latter name was given to those magnificent edifices which grew up under the Empire, and which comprised within their range of buildings all the appendances belonging to the Greek gymnasium, as well as a regular establishment appropriated for bathing; which distinction is noticed by Juvenal.¹⁴

"*Domus petit aut thermas, aut Phœbi balnea.*"

Subsequent writers, however, use these terms with indistinction. Thus the baths erected by Clau-
dian, are styled by Statius¹ *balnea*, and by Martial² *Etrusci thermulae*. In an epigram, also, by Martial,³ "*subice balneum thermis*," the terms are not applied to the whole building, but to two different chambers in the same edifice.

Bathing was a practice familiar to the Greeks of both sexes from the earliest times, both in fresh water and salt, and in the natural warm springs as well as vessels artificially heated. Thus Nausicaë, daughter of Alcinous, king of Phœacia, goes out with her attendants to wash her clothes, and, after the task is done, she bathes herself in the river.⁴ Ulysses, who is conducted to the same spot, strips and takes a bath, while she and her servants stand aside.⁵ Europa also bathes in the river Anaurus,⁶ and Helen and her companions in the Eurotas.⁷ Warm springs were also resorted to for the purpose of bathing. The *Ἡράκλεια λουτρά* shown by Vulcan or Minerva to Hercules are celebrated by the poets. Pindar speaks of the hot bath of the nymphs—*θερμὰ Νυμφῶν λουτρά*,⁸ and Homer⁹ celebrates one of the streams of the Scamander for its warm temperature. The artificial warm bath was taken in a vessel called ἀσάμιθος by Homer,¹⁰ because it diminished the uncleanness of the skin, and ἐμβασις by Athenæus.¹¹ It would appear, from the description of the bath administered to Ulysses in the palace of Circe, that this vessel did not contain water itself, but was only used for the bather to sit in while the warm water was poured over him, which was heated in a large caldron or tripod, under which the fire was placed, and, when sufficiently warmed, was taken out in other vessels, and poured over the head and shoulders of the person who sat in the ἀσάμιθος.¹² Where cleanliness merely was the object sought, cold bathing was adopted, which was considered as most bracing to the nerves;¹³ but, after violent bodily fatigue or exertion, warm water was made use of, in order to refresh the body and relax the over-tension of the muscles.¹⁴ Thus the ἀσάμιθος is prepared for Peisistratus and Telemachus in the palace of Menelaus,¹⁵ and is resorted to by Ulysses and Diomed, when they return with the captured horses of Rhesus.¹⁶

"Ἐξ ἧ ἀσάμιθος βάντες εὐξέστας λούσαντο.

From which passage we also learn that the vessel was of polished marble, like the basins (*labra*) which have been discovered in the Roman baths. Andromache, in the 22d book of the *Iliad*, prepares a hot bath for Hector against his return from battle; and Nestor, in the 14th, orders Hecamele to make ready the warm bath (*θερμὰ λουτρά*); and the Phœacians are represented as being addicted to the vanities of dress, warm baths, and sexual indulgence.¹⁷

Εἰματά τ' ἐξημιοῦδ᾽, λουτρά τε θερμὰ, καὶ εἶναι.

It was also customary for the Greeks to take two baths in succession, first cold and afterward warm; thus, in the passage of the *Iliad* just referred to, Ulysses and Diomed both bathe in the sea, and afterward refresh themselves with a warm bath (*ἀσάμιθος*) upon returning to their tents. The custom of plunging into cold water after the warm bath mentioned by Aristides,¹⁸ who wrote in the second century, does not refer to the Greeks of this early age, but to those who lived after the subjugation of their country by the Romans, from whom the habit was most probably borrowed.

After bathing, both sexes anointed themselves,

1. (Sylv. i., 5, 13.)—2. (vi., 42.)—3. (ix., 76.)—4. (Od., vi., 58, 65.)—5. (Od., vi., 210-224.)—6. (Mosch. Id., ii., 31.)—7. (Theocr., Id., vii., 22.)—8. (Olymp., xii., 27.)—9. (Il., xxii., 149.)—10. (παρὰ τοῦ ἡνὶ δῶν μινθῶν.—Phavorinus, s. v. ἀσάμιθος.)—11. (l. c. 19, p. 24.)—12. (Od., x., 359-365.)—13. (ἡδύλιτα τοῖς νεύροις πρόσφορος: Athen., l. c.)—14. (Id. ibid.)—15. (Od., iv., 48.)—16. (Il., x., 576.)—17. (Od., viii., 248.)—18. (Tom. i., Orat. 2, Sac. Sermon., p. 515.)

1. (Lamprid., Heliog., c. 21.)—2. (iii., 183.)—3.

4. (Ep., 68, ed. Müller.)—4. (ad Alt., ii., 3.)—

5. (Ep., 20.)—6. (Ep., 86.)—7. (ad Q. Fratr., iii.,

8. (Lat., viii., 25; ix., 41, ed. Müller.)—9.

10. (Pro Col., 25.)—11. (ib., 26.)—12. (iii.,

7.)—14. (Sat. xii., 233.)

the women¹ as well as men, in order that the skin might not be left harsh and rough, especially after warm water.² Oil (*έλαιον*) is the only ointment mentioned by Homer as used for this purpose, and Pliny³ says that the Greeks had no better ointment at the time of the Trojan war than oil perfumed with herbs. In all the passages quoted above, the bathers anoint themselves with clear pure oil (*λίπ' ἐλαίω*); but in the 23d book of the Iliad,⁴ Venus anoints the body of Hector with oil scented with roses (*ἐλαίω ῥόδοντι*), and, in the 14th book of the same poem,⁵ Juno anoints herself with oil "ambrosial, sweet, and odoriferous" (*ἀμβροσίον, ἔθανόν, τεθνωμένον*): and elsewhere the oil is termed *ἐνώδες*, sweet-smelling, upon which epithet the commentators and Athenæus⁶ remark that Homer was acquainted with the use of more precious ointments, but calls them oil with an epithet to distinguish them from common oil. The ancient heroes, however, never used precious unguents (*μύρα*).

Among the Greeks as well as Romans, bathing was always a preliminary to the hour of meals. Indeed, the process of eating seems to have followed as a matter of course upon that of bathing; for even Nausicaæ and her companions, in the passage referred to above, immediately after they had bathed and anointed themselves, sat down to eat by the river's side while waiting for the clothes to dry.⁷

The Lacedæmonians, who considered warm water as enervating and effeminate, used two kinds of baths, namely, the cold daily bath in the Eurotas, which Agesilaus also used,⁸ and a dry sudorific bath in a chamber heated with warm air by means of a stove,⁹ and from them the chamber used by the Romans for a similar purpose was termed *Laconicum*.¹⁰

Thus it seems clear that the Greeks were familiar with the use of the bath, both as a source of health and pleasure, long before it came into general practice among the Romans, although they had no public establishments expressly devoted to the purpose of the same magnificence as the Romans had; in which sense the words of Artemidorus¹¹ may be understood, when he says, "They were unacquainted with the use of baths" (*βαλανεῖα οὐκ ᾔδεισαν*); for it appears that the Athenians, at least, had public baths (*λουτρώνας*) attached to the gymnasium, which were more used by the common people than by the great and wealthy, who had private baths in their own houses.¹²

The Romans, as well as Greeks, resorted to the rivers, in the earlier periods of their history, from motives of health or cleanliness, and not of luxury; for, as the use of linen was little known in those ages,¹³ health as well as comfort rendered frequent ablutions necessary. Thus we learn from Seneca¹⁴ that the ancient Romans washed their legs and arms daily, and bathed their whole body once a week.

It is not recorded at what precise period the use of the warm bath was first introduced among the Romans; but we learn from Seneca¹⁵ that Scipio had a warm bath in his villa at Liternum, which, however, was of the simplest kind, consisting of a simple chamber, just sufficient for the necessary purposes, and without any pretension to luxury. It was "small and dark," he says, "after the manner of the ancients." This was a bath of warm water; but the practice of heating an apartment with warm air by flues placed immediately under it,

so as to produce a vapour bath, is stated by Valerius Maximus¹ and by Pliny² to have been invented by Sergius Orata, who lived in the age of Crassus, before the Marsic war. The expression used by Valerius Maximus is *balnea pensilia*, and by Pliny *balneas pensiles*, which is differently explained by different commentators; but a single glance at the plans inserted below will be sufficient in order to comprehend the manner in which the flooring of the chambers was suspended over the hollow cells of the hypocaust, called by Vitruvius *suspensura caldarium*,³ so as to leave no doubt as to the precise meaning of the invention, which is more fully exemplified in the following passage of Ausonius:⁴

"Quid (memorem) quæ sulphurea substructa crepidum fumant

Balnea, ferventi cum Mulciber haustus aperto,

Volvit anhelatas tectoria per cava flammæ,

Inclusum glomerans æstu expirante vaporem?"

By the time of Cicero, the use of baths, both public and private, of warm water and hot air, had obtained very generally, and with a considerable degree of luxury, if not of splendour, as may be collected from a letter to his brother,⁵ in which he informs him that he had given directions for removing the vapour bath (*assa*) into the opposite angle of the undressing-room (*apodyterium*), on account of the flue being placed in an injudicious situation; and we learn from the same author that there were baths at Rome in his time—*balneas Senias*⁶—which were open to the public upon payment of a small fee.⁷

In the earlier ages of Roman history, a much greater delicacy was observed with respect to promiscuous bathing, even among the men, than was usual among the Greeks; for, according to Valerius Maximus,⁸ it was deemed indecent for a father to bathe in company with his own son after he had attained the age of puberty, or a son-in-law with his father-in-law: the same respectful reserve being shown to blood and affinity as was paid to the temples of the gods, towards whom it was considered as an act of irreligion even to appear naked in any of the places consecrated to their worship.⁹ But virtue passed away as wealth increased; and, when the *thermæ* came into use, not only did the men bathe together in numbers, but even men and women stripped and bathed promiscuously in the same bath. It is true, however, that the public establishments often contained separate baths for both sexes adjoining to each other,¹⁰ as will be seen to have been also the case at the baths of Pompeii. Aulus Gellius¹¹ relates a story of a consul's wife who took a whim to bathe at Teanum (Teano), a small provincial town of Campania, in the men's baths (*balneis virilibus*); probably because, in a small town, the female department, like that at Pompeii, was more confined and less convenient than that assigned to the men; and an order was consequently given to the quæstor, M. Marius, to turn the men out. But whether the men and women were allowed to use each other's chambers indiscriminately, or that some of the public establishments had only one common set of baths for both, the custom prevailed under the Empire of men and women bathing indiscriminately together.¹² This custom was forbidden by Hadrian¹³ and by M. Aurelius Antoninus;¹⁴ and Alexander Severus prohibited any baths, common to both sexes (*balnea mixta*), from being opened in Rome.¹⁵

1. (Od., vi., 96.)—2. (Athen., l. c.)—3. (H. N., xiii., 1.)—4. (I. 186.)—5. (I. 172.)—6. (xv., 11.)—7. (Od., vi., 97.)—8. (Xen., Hellen., v., 4, § 28.—Plut., Alc., 23.)—9. (Dion., liii., p. 515, ed. Hannover., 1606.)—10. (Compare Strabo, iii., p. 413, ed. Siebenkees.—Casaub. in loc.)—11. (i., 66.)—12. (Xen., De Rep. Ath., ii., 10.)—13. (Fabr., Descr. Urb. Rom., c. 18.)—14. (Ep., 36.)—15. (l. c.)

1. (ix., 1.)—2. (H. N., ix., 79.)—3. (v., 11.)—4. (Mosell., 237.)—5. (ad Q. Fratr., iii., 1, § 1.)—6. (Pro Cæc., 25.)—7. (Ib., 26.)—8. (ii., 1, 7.)—9. (Compare Cic., De Off., i., 35.—De Grat. ii., 55.)—10. (Vitruv., v., 10.—Varro, De Ling. Lat., ix., 68.)—11. (x., 3.)—12. (Plin., H. N., xxiii., 54.)—13. (Spart., Hadr. c. 1.)—14. (Capitolin., Anton. Philosoph., c. 23.)—15. (Lamprid. Alex. Sev., c. 42.)

in the public baths (*balneæ*) were first instituted were only for the lower orders, who alone were in public; the people of wealth, as well as those who formed the equestrian and senatorian orders, using private baths in their own houses. But the public bath was not long enjoyed; for, as early as the time of Julius Cæsar, we find no less a regard than the mother of Augustus making use of public establishments,¹ which were probably, at first, separated from the men's; and, in the time, even the emperors themselves bathed with the meanest of the people. Thus Augustus often bathed in public among the herd (*cum plebe*); and even the virtuous Alexander Severus took his bath among the populace in the thermae himself erected, as well as in those of his predecessors, and returned to the palace in his dress;² and the abandoned Gallienus amused himself by bathing in the midst of the young of both sexes—men, women, and children.³ Public baths were opened at sunrise and closed at sunset, but, in the time of Alexander Severus, it appears that they were kept open nearly all day, as he is stated⁴ to have furnished oil for his bath, which previously were not opened before sunrise (*ante auroram*), and were shut before sunset (*ante vesperum*); and Juvenal⁵ includes in his catalogue of female immoralities, that of taking the night bath (*balneæ nocte subit*), which may, however, refer to private baths.

The price of a bath was a quadrant, the smallest coined money from the age of Cicero down to the time of Augustus, which was paid to the keeper of the bath (*balnearius*); and hence it is termed by Cicero, in the just cited, *quadrantaria permutatio*, and by Pliny *res quadrantaria*. Children below a certain age were admitted free.⁶ The Romans were also, and foreigners, were admitted to the public baths, if not to all, without payment, as appears from an inscription found at Rome, and by Pitiscus.⁷

L. OCTAVIO. L. F. CAM.

BUFO. TRIB. MIL.

LABIATIONEM GRATUITAM MUNICIPIBUS, INCOLIS

HOSPITIIBUS ET ADVENTORIBUS.

Public baths were closed when any misfortune happened to the Republic;⁸ and Suetonius says that the Emperor Caligula made it a capital offence to indulge in the luxury of bathing upon any religious festival.⁹ They were originally placed under the patronage of the ædiles, whose business it was to keep them also in repair, and to see that they were kept clean and of a proper temperature.¹⁰ In the provinces, the same duty seems to have devolved upon the prætor, as may be inferred from an inscription already quoted from Aulus Gellius.¹¹ The time usually assigned by the Romans for taking the bath was the eighth hour, or shortly after

*quam poteris servare; lavabimur una; quæ sunt Stephani balneæ juncta mihi.*¹²

At that time none but invalids were allowed to bathe in public.¹³ Vitruvius reckons the best hours for bathing to be from midday until about sunset.¹⁴

Pliny took his bath at the ninth hour in summer, and at the eighth in winter;¹⁵ and Martia

speaks of taking a bath, when fatigued and weary, at the tenth hour, and even later.¹⁶

When the water was ready and the baths prepared, notice was given by the sound of a bell—*castra thermarum*.¹⁷ One of these bells, with the inscription *FIRMI BALNEATORIS*, was found in the thermae Diocletianæ, in the year 1548, and came into the possession of the learned Fulvius Ursinus.¹⁸

While the bath was used for health merely or cleanliness, a single one was considered sufficient at a time, and that only when requisite. But the luxuries of the Empire knew no such bounds, and the daily bath was sometimes repeated as many as seven and eight times in succession—the number which the Emperor Commodus indulged himself with.¹⁹ Gordian bathed seven times a day in summer, and twice in winter; the Emperor Gallienus six or seven times in summer, and twice or thrice in winter.²⁰ Commodus also took his meals in the bath;²¹ a custom which was not confined to a dissolute emperor alone, for Martial²² attacks a certain Æmilius for the same practice, which passage, however, is differently interpreted by some commentators.

It was the usual and constant habit of the Romans to take the bath after exercise, and previously to their principal meal (*cæna*); but the debauchees of the Empire bathed also after eating, as well as before, in order to promote digestion, so as to acquire a new appetite for fresh delicacies. Nero is related to have indulged in this practice,²³ which is also alluded to by Juvenal.²⁴

Upon quitting the bath, it was usual for the Romans, as well as Greeks, to be anointed with oil; to which custom both Pompey and Brutus are represented by Plutarch as adhering. But a particular habit of body, or tendency to certain complaints, sometimes required this order to be reversed; for which reason Augustus, who suffered from nervous disorders, was accustomed to anoint himself before bathing;²⁵ and a similar practice was adopted by Alexander Severus.²⁶ The most usual practice, however, seems to have been to take some gentle exercise (*exercitatio*) in the first instance, and then, after bathing, to be anointed either in the sun, or in the tepid or thermal chamber, and finally to take their food.

The Romans did not content themselves with a single bath of hot or cold water, but they went through a course of baths in succession, in which the agency of air as well as water was applied. It is difficult to ascertain the precise order in which the course was usually taken, if, indeed, there was any general practice beyond the whim of the individual. Under medical treatment, of course the succession would be regulated by the nature of the disease for which a cure was sought, and would vary, also, according to the different practice of different physicians. It is certain, however, that it was a general practice to close the pores and brace the body after the excessive perspiration of the vapour bath, either by pouring cold water over the head, or by plunging at once into the *piscina*, or into a river, as the Russians still do,²⁷ and as the Romans sometimes did, as we learn from Ausonius.

*Vidi ego defessos multo sudore lavacri
Fastidisse lacus, et frigora piscinarum,
Ut vivia fruerentur aquis; mox amne refotes
Plaudenti gelidum flumen pepulisse natatu.*²⁸

Musa, the physician of Augustus, is said to have

1. (Epigr., iii., 36; x., 70.)—2. (Mart., Ep., xiv., 163.)—3. (Append. ad Cinccon., De Triclin.)—4. (Lamprid., Commod., c. 2.)—5. (Capitol., Gall., c. 17.)—6. (Lamprid., l. c.)—7. (Epigr., xii., 19.)—8. (Suet., Nero, 27.)—9. (Sat., i., 142.)—10. (Suet., Octav., 82.)—11. (Lamprid., Alex. Sev., l. c.)—12. (Tooke's Russia.)—13. (Mosell., 311.)



introduced this practice,¹ which became quite the fashion, in consequence of the benefit which the emperor derived from it, though Dion² accuses him of having artfully caused the death of Marcellus by an improper application of the same treatment. In other cases it was considered conducive to health to pour warm water over the head before the vapour bath, and cold water immediately after it,³ and at other times a succession of warm, tepid, and cold water was resorted to.

The two physicians, Galen and Celsus, differ in some respects as to the order in which the baths should be taken; the former recommending first the hot air of the Laconicum (*ἀέρι θερμῷ*), next the bath of warm water (*ὕδαρ θερμὸν* and *λοῦτρον*), afterward the cold, and, finally, to be well rubbed;⁴ while the latter recommends his patients first to sweat for a short time in the tepid chamber (*tepidarium*) without undressing; then to proceed into the thermal chamber (*calidarium*), and, after having gone through a regular course of perspiration there, not to descend into the warm bath (*solium*), but to pour a quantity of warm water over the head, then tepid, and finally cold; afterward to be scraped with the strigil (*perfricari*), and finally rubbed dry and anointed.⁵ Such, in all probability, was the usual habit of the Romans when the bath was resorted to as a daily source of pleasure, and not for any particular medical treatment; the more so, as it resembles, in many respects, the system of bathing still in practice among the Orientals, who, as Sir W. Gell remarks, "succeeded by conquest to the luxuries of the enervated Greeks and Romans."⁶

In the passage quoted above from Galen, it is plain that the word *λοῦτρον* is used for a warm bath, in which sense it also occurs in the same author. Vitruvius,⁷ on the contrary, says that the Greeks used the same word to signify a cold bath (*frigida lavatio, quam Græci λοῦτρον vocitant*). The contradiction between the two authors is here pointed out, for the purpose of showing the impossibility, as well as impropriety, of attempting to fix one precise meaning to each of the different terms made use of by the ancient writers in reference to their bathing establishments.

Having thus detailed from classical authorities the general habits of the Romans in connexion with their system of bathing, it now remains to examine and explain the internal arrangements of the structures which contained their baths, which will serve as a practical commentary upon all that has been said. Indeed, there are more ample and better materials for acquiring a thorough insight into Roman

manners in this one particular, than for any of the usages connected with their domestic life. Lucian, in the treatise which is inscribed *Hypocaustum*, has given a minute and interesting description of a set of baths erected by an architect of that name, which it is to be regretted is much too long for insertion in this place, but which is well worth perusal; and an excavation made at Pompeii between the years 1824, '25, laid open a complete set of public baths (*balneæ*), with many of the chambers, to the ceilings, in good preservation, and consistent in all their important parts upon rules very similar to those laid down by Vitruvius.

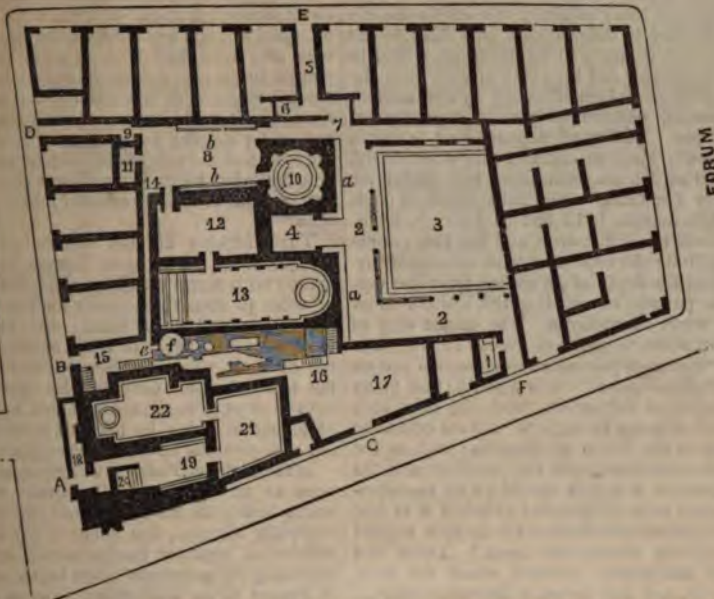
In order to render the subjoined remarks more easily intelligible, the preceding woodcut is inserted, which is taken from a fresco painting upon the walls of the thermæ of Titus at Rome.

The woodcut on the following page represents the ground-plan of the baths of Pompeii, which are entirely surrounded on three sides by houses and are thus forming what the Romans termed an *insula*.

The whole building, which comprises a distinct set of baths, has six different entrances from the street, one of which, A, gives admission to a smaller set only, which were appropriated to women, and five others to the male department, which two, B and C, communicate directly with the furnaces, and the other three, D, E, F, with the principal apartments, of which F, the nearest to the Forum, was the principal one; the other two, D and E, being on opposite sides of the building, set for the convenience of those who lived on the east and east sides of the city. To have a variety of entrances (*εἰσόδους πολλὰς τεθυρωμένον*) is one of the qualities enumerated by Lucian necessary to a well-constructed set of baths.¹ Passing through the principal entrance F, which is removed from the street by a narrow footway surrounding the building (the outer curb of which is marked upon the plan by the thin line drawn round it), and after descending three steps, the bather finds upon his left a small chamber (1), which contained a covered passage (*latrina*), and proceeds into a covered portico (2), which ran round three sides of an open courtyard (3), and these together formed the vestibule of the baths—*vestibulum balnearum*,² in which the servants belonging to the establishment, as well as such of the slaves and attendants of the great and wealthy whose services were not required in the bath, waited. There are seats for their accommodation placed underneath the portico (4). This compartment answers exactly to the *porticus* which is described by Lucian.³ Within this c

1. (Plin., H. N., xxv., 38.)—2. (Ibid., p. 517.)—3. (Plin., H. N., xxvii., 14.—Celsus, De Med., i., 2.)—4. (Galen, De Methodo Medendi, x., 10, p. 709, 709, ed. Kühn.)—5. (Cels., De Med., i., 4.)—6. (Gall's Pompeii, vol. 1, p. 86, ed. 1832.)—7. (v., 11.)

1. (Hippias, 8.)—2. (*Latrina* was also used, previously to the time of Varro, for the bathing-vessel, *quasi lavatrina*.—De Ling. Lat., ix., 68, ed. Müller.—Compare Lucil., ap. Cic., c. 3, n. 131.)—3. (Cic., Pro Cui., 23.)—4. (l. c., 5.)



keeper of the baths (*balneator*), who exacted the *rans* paid by each visitor, was also stationed; accordingly, in it was found the box for holding money. The room (4) which runs back from *ortico* might have been appropriated to him; not, it might have been an *acus* or *exedra*, for convenience of the better classes while awaiting the return of their acquaintances from the interior in which case it will correspond with the others mentioned by Lucian,¹ adjoining to the *ants'* waiting-place (*ἐν ἀριστερᾷ δὲ τῶν ἐς τρυπαροσχευασμένων οἰκημάτων*). In this court like-

as being the most public place, advertisements of the theatre, or other announcements of general interest, were posted up, one of which, announcing a gladiatorial show, still remains. (5) Is the corridor which conducts from the entrance E into the vestibule. (6) A small cell of similar use as the corresponding one in the opposite corridor (1). A passage of communication which leads into the chamber (8), the *frigidarium*, which also served as an *apodyterium* or *spoliatorium*, a room for undressing; and which is also accessible from the exterior by the door D, through the corridor (9), in which a small niche is observable, which probably served for the station of another *balneator*, who collected the money from those entering from the north side. Here, then, is the centre in which all the bathers must have met before entering into the interior of the baths; and its locality, as well as other characteristic features in its fittings up, leave no doubt that it served as an undressing-room in the baths of *balneae Pompeianae*. It does not appear that the general rule of construction was followed by architects of antiquity with regard to the local temperature best adapted for an *apodyterium*.

The word is not mentioned by Vitruvius, nor expressly by Lucian; but he says enough for us to know that it belonged to the *frigidarium* in the baths of *Poppia*.² "After quitting the last apartment, there is a sufficient number of chambers for the bathers to undress, in the centre of which is an *apodyterium* containing three baths of cold water." Pliny the younger says that the *apodyterium* at one of his villas adjoined the *frigidarium*,³ and it is plain,

from a passage already quoted, that the *apodyterium* was a warm apartment in the baths belonging to the villa of Cicero's brother Quintus (*assa in alterum apodyterii angulum promovi*), to which temperature Celsus also assigns it. In the *thermæ* at Rome, each of the hot and cold departments had probably a separate *apodyterium* attached to it; or, if not, the ground-plan was so arranged that one *apodyterium* would be contiguous to, and serve for both or either; but where space and means were circumscribed, as in the little city of Pompeii, it is more reasonable to conclude that the *frigidarium* served as an *apodyterium* for those who confined themselves to cold bathing, and the *tepidarium* for those who commenced their ablutions in the warm apartments. The bathers were expected to take off their garments in the *apodyterium*, it not being permitted to enter into the interior unless naked.⁴ They were then delivered to a class of slaves called *capsarii* (from *capsa*, the small case in which children carried their books to school), whose duty it was to take charge of them. These men were notorious for dishonesty, and leagued with all the thieves of the city, so that they connived at the robberies they were placed there to prevent. Hence the expression of Catullus, "*O furum optime balneariorum!*"⁵ and Trachilo, in the *Rudens* of Plautus,⁶ complains bitterly of their roguery, which, in the capital, was carried to such an excess that very severe laws were enacted against them, the crime of stealing in the baths being made a capital offence.

To return into the chamber itself: it is vaulted and spacious, with stone seats along two sides of the wall (*b, b*), and a step for the feet below, slightly raised from the floor (*pulvinus et gradus*).⁷ Holes can still be seen in the walls, which might have served for pegs on which the garments were hung when taken off; for in a small provincial town like Pompeii, where a robbery committed in the baths could scarcely escape detection, there would be no necessity for *capsarii* to take charge of them. It was lighted by a window closed with glass, and ornamented with stucco mouldings and painted yellow. A section and drawing of this interior is given

1 (Cic., *Pro Cæl.*, 26.)—2 (Ep., v., 6.)

1. (Cic., *Pro Cæl.*, 26.)—2. (Carm., xxxiii., 1)—3. (Il., xxxiii., 51.)—4. (Vitruv., v., 10.)

of the Villa of the Papyri. There are no less than six baths in this instance. One set in the entrance is reserved to the entrance is a bath in the same form, a bath in the furnace, a bath in the cold apartments, and the water opened upon the cold bath, is, except the opening of the ancient a cold bath, *balneum puerum, balneum puerum, balneum puerum*. The word *balneum* is not a bath sufficiently large to include the warm bath, but a vessel of labour, containing cold water for pouring over the head.¹ The bath, which a cold bath, while made, is 12 feet 10 inches in diameter, and about three feet deep, and has two marble steps to facilitate the descent into it, and a seat surrounding it at the depth of 10 inches from the bottom, for the purpose of enabling the bathers to sit down and wash themselves. The ample size of this bath explains to us what Cicero meant when he writes, "*laborem puerum coluissim, ubi jactata brachia non offenderent.*" It is probable that many persons contented themselves with the cold bath only, instead of going through the severe course of perspiration in the warm apartments; and as the *frigidarium* alone could have had no effect in baths like these, where it merely served as an *apodyterium*, the *natatio* must be referred to when it is said that at one period cold baths were in such request that scarcely any others were used.² There is a platform or ambulatory (*schola*) round the bath, also of marble, and four niches of the same material disposed at regular intervals round the walls, with pedestals, for statues probably, placed in them; according to Sir W. Gell,³ with seats, which he interprets *schola*, for the accommodation of persons waiting an opportunity to bathe; but a passage of Vitruvius,⁴ hereafter quoted, seems to contradict the use of the term; and seats were placed in the *frigidarium* adjoining, for the express purpose of accommodating those who were obliged to wait for their turn. The ceiling is vaulted, and the chamber lighted by a window in the centre. The annexed woodcut represents a *frigidarium*, with its

In the cold bath of Pompeii the water ran into the basin through a spout of brass, and was carried off again through a conduit on the opposite side. It was also furnished with a waste-pipe under the margin to prevent it from running over. No. 11 is a small chamber on the side opposite to the *frigidarium*, which might have served for shaving (*tonsura*), or for keeping unguents or strigils; and from the centre of the side of the *frigidarium*, the bather, who intended to go through the process of warm bathing and solution, entered into (12) the *tepidarium*.

This chamber did not contain water either at Pompeii or at the baths of Hippias, but was merely heated with warm air of an agreeable temperature, in order to prepare the body for the great heat of the vapour and warm baths; and, upon returning, to obviate the danger of a too sudden transition to the open air. In this respect it resembles exactly the tepid chamber described by Lucian,⁵ which he says was of a moderate and not oppressive heat, adjoining to which he places a room for anointing (*οἶκος ἀλειψασθαι προσηνῆς τροχόμορος*).

In the baths at Pompeii this chamber served likewise as an *apodyterium* for those who took the warm bath; for which purpose the fittings up are evidently adapted, the walls being divided into a number of separate compartments or recesses for receiving the garments when taken off, by a series of figures of the kind called *Atlantes* or *Telamones*, which project from the walls, and support a rich cornice above them. One of these divisions, with the *Telamones*, is represented in the article *ATTALANES*. Two bronze benches were also found in the room, which was heated as well by its contiguity to the hypocaust of the adjoining chamber, as by a brazier of bronze (*foculus*), in which the charcoal ashes were still remaining when the excavation was made. A representation of it is given in the annexed woodcut. Its whole length was seven feet, and its breadth two feet six inches.



cold bath⁶ at one extremity, supposed to have formed a part of the Forum villa of Cicero, to whose age the style of construction, and the use of the simple Doric order, undoubtedly belong. The bath itself, into which the water still continues to flow from a neighbouring spring, is placed under the alcove, and the two doors on each side opened into small chambers, which probably served as *apodyteria*. It is still to be seen in the gardens of the Villa Caponech, at Mola di Gaeta, the site of the ancient Forme.

In addition to this service, there can be little doubt that this apartment was used as a depository for unguents and a room for anointing (*ἀλειψήριον, unctuarium, elaothesium*), the proper place for which is represented by Lucian⁷ as adjoining to the *tepidarium*, and by Pliny⁸ as adjoining to the hypocaust; and for which purpose some of the niches between the *Telamones* seem to be peculiarly adapted. In the larger establishments, a separate chamber was allotted to these purposes, as may be seen by referring to the drawing taken from the *Thermae of Titus*; but, as there is no other spot within the circuit of the Pompeian baths which could be applied in the same manner, we may safely conclude that the inhabitants of this city were anointed in the *tepidarium*, which service was performed by slaves called *unctores* and *aliptæ*. (*Vid. ALIPTÆ*.) For this purpose the common people used oil simply or sometimes scented; but the more wealthy classes indulged in the greatest extravagance with regard to their perfumes and unguents. These they either procured from the *elaothesium* of the baths, or brought with them in small glass bottles (*ampullæ oleariae*), hundreds of which have been discovered in different excavations made in various parts of

1. (Plin., Ep., v., 6.) 2. (Compare also Plin., Ep., xiv., 2.) 3. (Gell., Pompeii, l. c.) 4. (Vitruv., v. 10.) 5. (l. c.) 6. (l. c.) 7. (Lucian., l. c.) 8. (Plin., Ep., v., 6.)

1. (l. c., 6.)—2. (l. c.)—3. (Ep., 2, 17.)

(*Fid. AMPULLA.*) The fifth book of Athenæus contains an ample treatise upon the numerous ointments used by the Romans; which is also fully treated by Pliny.¹ *Amulla* is mentioned by Suetonius² as having introduced a new luxury in the use of the bath, by using the water, whether hot or cold, by an infusion of precious odours, or, as Pliny relates the practice, he adds, which was adopted by the slaves of Nero, that the luxury should be confined to royalty (*ne principale videatur hoc*

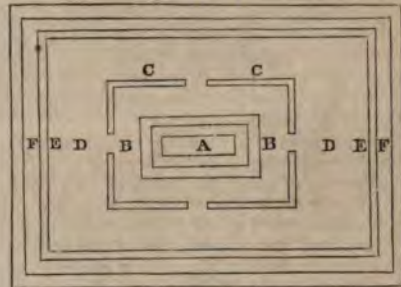
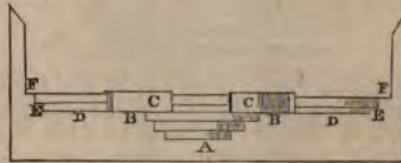
in this apartment, a door, which closed by its weight, to prevent the admission of cold air, into No. 13, the thermal chamber, or *conca sudatio* of Vitruvius;³ and which, in exact conformity with his directions, contains the warm alcove, or *caldā lavatio*,⁴ at one of its ends, and the semicircular vapour, or *Laconicum* the other; while the centre space between the two ends, termed *sudatio* by Vitruvius,⁵ and *solum* by Seneca, is exactly twice the length of the bath, according to the directions of Vitruvius. The object in leaving so much space between the bath and the *Laconicum* was to give room for gymnastic exercises of the persons within the bath, who were accustomed to promote a full perspiration by rapid movements of the arms, or by lifting weights; which practice is alluded to by Juvenal:⁷

"Magno gaudet sudare tumultu,
in lassata gravi ceciderunt brachia massa."

In the establishments, the conveniences contained in this apartment occupied two separate cells, which were appropriated to the warm bath, the apartment was then termed *caldarium*, *cella*, or *balneum*, and the other which comprised the *Laconicum* and *sudatio*—*Laconicum sudatio*—which part alone was then designated by the name of *concamerata sudatio*. This distribution is represented in the painting on the walls of the *Thermae* of Titus; in which there is also another peculiarity to be observed, viz., the passage of communication (*intercapedo*) between the two chambers, the flooring of which is suspended over the street. Lucian informs us of the use for which this apartment was intended, where he mentions of the characteristic conveniences in the *Thermae* of Hippias, that the bathers need not retrace their steps through the whole suite of apartments by which they had entered, but might return from the bath-chamber by a shorter circuit through a passage of gentle temperature (*δι' ἡρέμα θερμῶν οἰκημάτων*), which communicated immediately with the street.

The warm-water bath, which is termed *caldā lavatio* by Vitruvius,¹⁰ *balineum* by Cicero,¹¹ *piscina* or *balneum* by Pliny¹² and Suetonius,¹³ as well as *solium* by Cicero,¹⁴ appears to have been a spacious marble vase, sometimes standing on a raised floor, like that in the picture from the *Thermae* of Titus; and sometimes either partly above the floor, as it was at Pompeii, or sunk into it, as directed by Vitruvius.¹⁶ The *labrum* is generally used of a bath containing cold water, and *piscina* of one which contains hot water; the real distinction seems to be that the latter is larger than the former, as in the words already quoted, "*latiorem piscinam volu-*

scm." Pliny¹ uses the term *piscina* for a pond or tank in the open air (which was probably the accurate and genuine sense of the word); which, from being exposed to the heat of the sun, possessed a higher temperature than the cold bath, which last he distinguishes in the same sentence by the word *puteus*, "a well," which probably was that represented in the drawing from the bath at Mola.³ Mæcenas is said, by Dion,³ to have been the first person who made use of a *piscina* of warm water, called by Dion *κολυμβήθρα*.⁴—The words of Vitruvius,⁵ in speaking of the warm-water bath, are as follows: "The bath (*labrum*) should be placed underneath the window, in such a position that the persons who stand around may not cast their shadows upon it. The platform which surrounds the bath (*scholæ laborum*) must be sufficiently spacious to allow the surrounding observers, who are waiting for their turn, to stand there without crowding each other. The width of the passage or channel (*alveus*), which lies between the parapet (*pluteus*) and the wall, should not be less than six feet, so that the space occupied by the seat and its step below (*pulvinus et gradus inferior*) may take off just two feet from the whole width." The subjoined plans, given by Marini, will explain his meaning.



A, *labrum*, or bath; B, *schola*, or platform; C, *pluteus*, or parapet; D, *alveus*, passage between the *pluteus* and wall; F, *pulvinus*, or seat; and E, the lower step (*gradus inferior*), which together take up two feet.

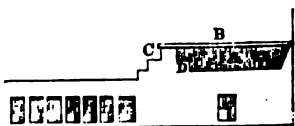
The warm bath at Pompeii is a square basin of marble, and is ascended from the outside by two steps raised from the floor, which answered to the parapet or *pluteus* of Vitruvius. Around ran a narrow platform (*schola*); but which, in consequence of the limited extent of the building, would not admit of a seat (*pulvinus*) all round it. On the interior, another step, dividing equally the whole length of the cistern, allowed the bathers to sit down and wash themselves. The annexed section will render this easily intelligible.

A, *labrum*; B, *schola*; C, *pluteus*; D, the step on the inside, probably called *solium*, which word is sometimes apparently used to express the bath itself; and Cicero⁶ certainly makes use of the term

N. xiii.)—2. (Cal., 37.)—3. (l. c.)—4. (v., 11.)—5. (l. c.)—6. (l. c.)—7. (Sat., vi., 420.)—8. (Vitruv., l. c.)—9. (7.)—10. (l. c.)—11. (ad Att., ii., 3.)—12. (Ep., ii., 1.)—13. (Nero, 27.)—14. (Cic., ad Fam., xiv., 16.)—15. (in Ep., ii., 1.)—16. (v., 10.)

1. (Ep., v., 6.)—2. ("Si naturo latius aut tepidius velis, in area *piscina* est, in proximo *puteus*, ex quo possis rursus adstringi si paniteat teporis.")—3. (lib. lv.)—4. (πρώτος τε κολυμβήθρας θερμῶν ὕδατος ἐν τῇ πόλει κατασκευασε.)—5. (v., 10.)—6. ("Pison, 27.")

BATHS.



to express a vessel for containing liquids. But the explanation given above is much more satisfactory, and is also supported by a number of passages in which it is used. It is adopted by Fulv. Ursinus,¹ who represents the *solium*, in a drawing copied from Mercurialis,² as a portable bench or seat, placed sometimes within and sometimes by the side of the bath. Augustus is represented³ as making use of a wooden *solium* (quod ipse Hispanico verbo *duretam* vocabat); in which passage it is evident that a seat was meant, upon which he sat to have warm water poured over him. In the women's baths of the opulent and luxurious capital, the *solia* were sometimes made of silver.⁴

We now turn to the opposite extremity of the chamber which contains the *Laconicum* or vapour bath, so called because it was the custom of the Lacedæmonians to strip and anoint themselves without using warm water after the perspiration produced by their athletic exercises;⁵ to which origin of the term Martial also alludes:⁶

"Ritus si placeant tibi Laconum,
Contentus potes arido vapore
Cruda Virgine Martiave mergi."

By the terms *Virgine* and *Martia* the poet refers to the *Aqua Virgo* and the *Aqua Martia*, two streams brought to Rome by the aqueducts.) (Vid. AQUADUCTUS.)

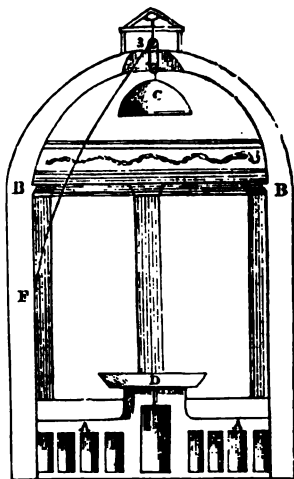
It is termed *assa* by Cicero,⁷ from ἄζω, to dry; because it produced perspiration by means of a dry, hot atmosphere; which Celsus⁸ consequently terms *sudationes assas*, "dry sweating," which, he afterward adds,⁹ was produced by dry warmth (*calore sicco*). It was called by the Greeks *πυρρατρίπιον*,¹⁰ from the fire of the hypocaust, which was extended under it; and hence by Alexander Aphrodis., *ξηρὸν θολόν*, "a dry vaulted chamber."

Vitruvius says that its width should be equal to its height, reckoning from the flooring (*suspensura*) to the bottom of the thole (*ima curvatura hemisphærii*), over the centre of which an orifice is left, from which a bronze shield (*clipeus*) was suspended. This regulated the temperature of the apartment, being raised or lowered by means of chains to which it was attached. The form of the cell was required to be circular, in order that the warm air from the hypocaust might encircle it with greater facility.¹¹ In accordance with these rules is the *Laconicum* at Pompeii, a section of which is given below, the clipeus only being added in order to make the meaning more clear.

A, The suspended pavement, *suspensura*; B, the junction of the hemispherium with the side walls, *ima curvatura hemisphærii*; C, the shield, *clipeus*; E and F, the chains by which it is raised and lowered; D, a *labrum*, or flat marble vase, like those called *tæze* by the Italians, into which a supply of water was introduced by a single pipe running through the stem. Its use is not exactly ascertained in this place, nor whether the water it contained was hot or cold.

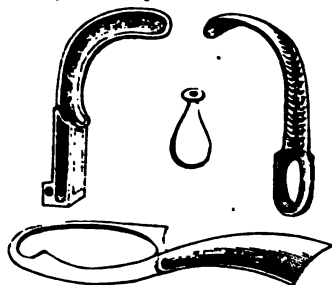
It would not be proper to dismiss this account of the *Laconicum* without alluding to an opinion adopted by some writers, among whom are Galiano and

BATHS.



Cameron, that the *Laconicum* was merely a cupola, with a metal shield over it, rising above flooring (*suspensura*) of the chamber, in the manner represented by the drawing from the *Therma* of Titus, which drawing has, doubtless, given rise to opinion. But it will be observed that the design question is little more than a section, and that artist may have resorted to the expedient in order to show the apparatus belonging to one end of the chamber, as is frequently done in similar pictures where any part which required to be represented upon a larger scale is inserted in full development within the general section; for in none of the numerous baths which have been discovered in Italy or elsewhere, even where the pavements were in perfect state, has any such contrivance been observed. Besides which, it is manifest that the *clipeus* could not be raised or lowered in the design alluded to, seeing that the chains for that purpose could be reached in the situation represented, or, if retained, could not be handled, as they must be hot from the heat of the hypocaust, into which they were inserted. In addition to which, the remains discovered tally exactly with the directions of Vitruvius, which this does not.

After having gone through the regular course of perspiration, the Romans made use of instruments called *strigiles* (or *strigiles*) to scrape off the perspiration, much in the same way as we are accustomed to scrape the sweat off a horse with a p of iron hoop after he has run a heat, or come from violent exercise. These instruments, a specimen of which are represented in the following woodcut, and many of which have been dis-



covered among the ruins of the various baths of antiquity, were made of bone, bronze, iron, and silver all corresponding in form with the epithet of *strigile*.

1. (Juv., Sat., lib. 2, 283.)

1. (Append. in Cascon. De Tridina.)—2. (De Art. Gram.)—3. (Suet., Octav., 82.)—4. (Plin., H. N., xxxiii., 54.)—5. (Dion., lib. p. 316.)—6. (Epiq., vi., lib., 16.)—7. (Ad Quint. Frat., lib. 1, § 1.)—8. (iii., cap. ult.)—9. (ii., 17.)—10. (Voss., Lex. Erym., s. v.)—11. (Vitruv., v., 10.—See also Athenæus, xi., p. 104.)

caro distinguere ferro."¹ The poorer class were obliged to scrape themselves, but the more fortunate took their slaves to the baths for the purpose, a fact which is elucidated by a curious story by Spartian.² The emperor, while bathing, observing an old soldier, whom he had found down among the legions, rubbing his back, cattle do, against the marble walls of the bath, asked him why he converted the wall into a strigil; and learning that he was too poor to keep a slave, he gave him one, and money for his maintenance.

On the following day, upon his return to the baths, he found a whole row of old men rubbing their backs in the same manner against the wall, in imitation of experiencing the same good fortune by the prince's liberality; but, instead of taking a slave, he had them all called up, and told them to go home.

The strigil was by no means a blunt instrument; but, to prevent its edge from being softened by the application of oil, its edge was softened by the application of a small piece of wood, which was dropped upon it from a small vessel called *guttus* (called also *ampulla*, *λίχνθος*, *μυροθήκη*, *Ελασφόρον*.³ *Vid. AMPULLA*.) This had a long neck, so as to discharge its contents drop by drop from whence the name is taken. A representation of a *guttus* is given in the preceding page. Augustus is related to have suffered from the over-violent use of this instrument.⁴ Indeed persons of a delicate habit made use of the strigil, which Pliny says answered for towels as strigils. They were finally dried with towels, and anointed.⁵

Common people were supplied with these strigils in the baths, but the more wealthy carried their own with them, as we infer from Persius:⁶ *strigiles Crispini ad balnea defer.*

It adds also soap and towels to the list. The operation of scraping and rubbing dry, which was done in the baths, or remained in, the *tepidarium* until it was prudent to encounter the open air. It does not appear to have been customary to change the water, when there was any, which was the case at Pompeii, nor in the baths of Hippias, the *tepidarium* or *frigidarium*; the purpose only of the atmosphere in these two baths being of consequence to break the sudden transition from the extreme of hot to cold.

Returning now back into the *frigidarium* (8), according to the directions of Vitruvius,⁷ the passage (14) communicating with the mouth of the furnace (c), which is also seen in the next page under the boilers, called *præfurnium*, *προπυργειον* (from *πρό*, before, and *πυργεύς*, furnace), and passing down that passage, we reach the chamber (15) into which the *præfurnium* protrudes, which has also an entrance from the street (B). It was appropriated to the use of those who charge the fires (*fornacatores*). There were two staircases in it; one of which leads to the upper baths, and the other to the coppers which were placed under the water. Of these there were three: the first which contained the hot water—*caldarium* or *abenium*; the second the tepid—*tepidarium*; and the last the cold—*frigidarium*. The water was introduced into the warm bath by a conduit pipe, marked on the plan, and led through the wall. Underneath the *caldarium* was placed the furnace (*furnus*¹¹), which served to heat the water, and give out streams of warm water into the hollow cells of the *hypocaustum* (from

ὑπό, under, and *καίω*, to burn). It passed from the furnace under the first and last of the caldrons by two flues, which are marked upon the plan. These coppers were constructed in the same manner as is represented in the engraving from the *Thermae* of Titus; the one containing hot water being placed immediately over the furnace; and, as the water was drawn out from thence, it was supplied from the next, the *tepidarium*, which was already considerably heated, from its contiguity to the furnace and the hypocaust below it, so that it supplied the deficiency of the former without materially diminishing its temperature; and the vacuum in this last was again filled up from the farthest removed, which contained the cold water received directly from the square reservoir seen behind them; a principle which has at length been introduced into the modern bathing establishments, where its efficacy, both in saving time and expense, is fully acknowledged. The boilers themselves no longer remain, but the impressions which they have left in the mortar in which they were imbedded are clearly visible, and enable us to ascertain their respective positions and dimensions, the first of which, the *caldarium*, is represented in the annexed cut.



Behind the coppers there is another corridor (16), leading into the court or atrium (17) appropriated to the servants of the bath, and which has also the convenience of an immediate communication with the street by the door at C.

We now proceed to the adjoining set of baths, which were assigned to the women. The entrance is by the door A, which conducts into a small vestibule (18), and thence into the *apodyterium* (19), which, like the one in the men's baths, has a seat (*pulvinus* et *gradus*) on either side built up against the wall. This opens upon a cold bath (20), answering to the *natatio* of the other set, but of much smaller dimension, and probably similar to the one denominated by Pliny⁸ *puteus*. There are four steps on the inside to descend into it. Opposite to the door of entrance into the *apodyterium* is another doorway which leads to the *tepidarium* (21), which also communicates with the thermal chamber (22), on one side of which is a warm bath in a square recess, and at the farther extremity the *Laconicum* with its *labrum*. The floor of this chamber is suspended, and its walls perforated for flues, like the corresponding one in the men's baths.

The comparative smallness and inferiority of the fittings-up in this suite of baths has induced some Italian antiquaries to throw a doubt upon the fact of their being assigned to the women; and among these the Abate Iorio⁹ ingeniously suggests that they were an old set of baths, to which the larger ones were subsequently added when they became too small for the increasing wealth and population of the city. But the story, already quoted, of the

1. (l. c.)—2. (Plan de Pompéii.)

1. (l. c.)—2. (Hadrian, c. 17.)—3. (Ruperti in l. c. 202.)—4. (Suet., Octav., 30.)—5. (Juv., Sat., iii., deus, Met., lib. ii.—Plin., H. N., xxxi., 47.)—6. (Sat., 7. (Lexiph., vol. ii., p. 320, ed. Reiz.)—8. (Lucian, l. i., 11.)—9. (Plin., Ep., ii., 17.)—10. (Hor., Ep., i.,

consul's wife who turned the men out of their baths at Teanum for her convenience, seems sufficiently to negative such a supposition, and to prove that the inhabitants of ancient Italy, if not more selfish, were certainly less gallant than their successors. In addition to this, Vitruvius expressly enjoins that the baths of the men and women, though separate, should be contiguous to each other, in order that they might be supplied from the same boilers and hypocaust; directions which are here fulfilled to the letter, as a glance at the plan will demonstrate.

It does not enter within the scope of this article to investigate the source from whence, or the manner in which, the water was supplied to the baths of Pompeii. But it may be remarked that the suggestion of Mazois, who wrote just after the excavation was commenced, and which has been copied from him by the editor of the volumes on Pompeii published by the Society for the Diffusion of Useful Knowledge, was not confirmed by the excavation; and those who are interested in the matter may consult the fourth appendix to the *Plan de Pompeii*, by the Abbate Jorio.

Notwithstanding the ample account which has been given of the plans and usages respecting baths in general, something yet remains to be said about that particular class denominated *Thermæ*; of which establishments the baths, in fact, constituted the smallest part. The *thermæ*, properly speaking, were a Roman adaptation of the Greek gymnasium, or *palæstra* (*vid. PALÆSTRA*), as described by Vitruvius; both of which contained a system of baths in conjunction with conveniences for athletic games and youthful sports, *exedræ* in which the rhetoricians declaimed, poets recited, and philosophers lectured, as well as porticoes and vestibules for the idle, and libraries for the learned. They were decorated with the finest objects of art, both in painting and sculpture, covered with precious marbles, and adorned with fountains and shaded walks and plantations, like the groves of the Academy. It may be said that they began and ended with the Empire, for it was not until the time of Augustus that these magnificent structures were commenced. M. Agrippa is the first who afforded these luxuries to his countrymen, by bequeathing to them the *thermæ* and gardens which he had erected in the *Campus Martius*.¹ The Pantheon, now existing at Rome, served originally as a vestibule to these baths; and, as it was considered too magnificent for the purpose, it is supposed that Agrippa added the portico and consecrated it as a temple, for which use it still serves. It appears from a passage in Sidonius Apollinaris,² that the whole of these buildings, together with the adjacent *Thermæ Neronianæ*, remained entire in the year A.D. 466. Little is now left beyond a few fragments of ruins, and the Pantheon. The example set by Agrippa was followed by Nero, and afterward by Titus; the ruins of whose *thermæ* are still visible, covering a vast extent, partly under ground and partly above the Esquiline Hill. *Thermæ* were also erected by Trajan, Caracalla, and Diocletian, of the last two of which ample remains still exist; and even as late as Constantine, besides several which were constructed by private individuals, P. Victor enumerated sixteen, and Panvinus³ has added four more.

Previously to the erection of these establishments for the use of the population, it was customary for those who sought the favour of the people to give them a day's bathing free of expense. Thus, according to Dion Cassius,⁴ Faustus, the son of Sulla, furnished warm baths and oil gratis to the

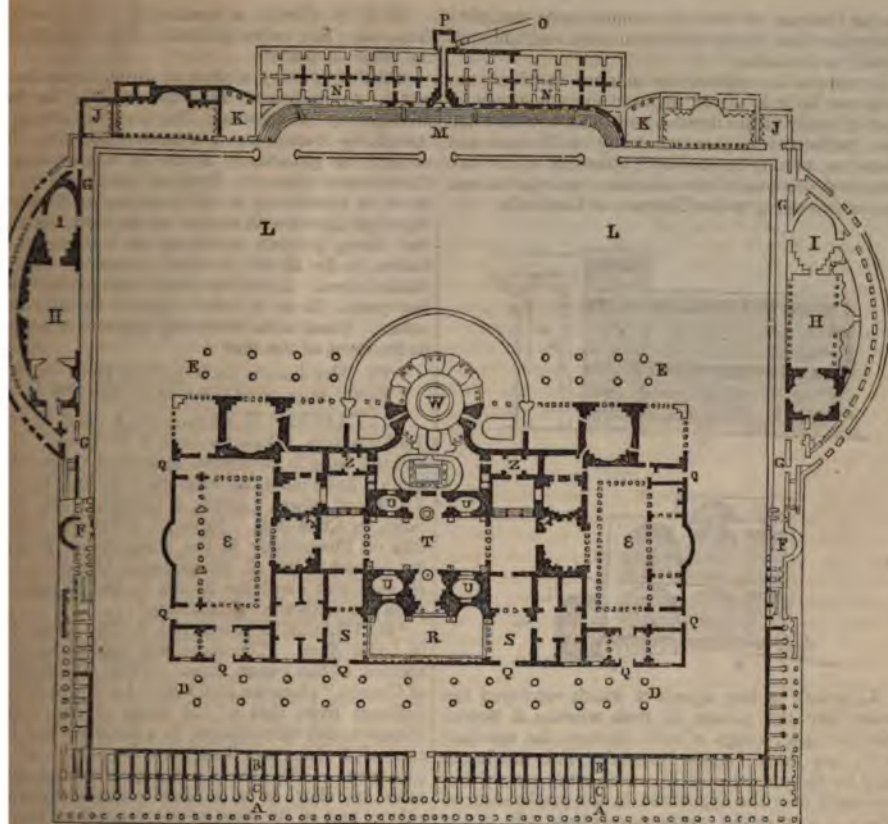
people for one day; and Augustus, on one occasion, furnished warm baths and barbers to the people for the same period free of expense,⁵ and at another time for a whole year to the women as well as men.⁶ From thence it is fair to infer that the quadrant paid for admission into the *balneæ* was not exacted at the *thermæ*, which, as being the works of the emperors, would naturally be opened with imperial generosity to all, and without any charge, otherwise the whole city would have thronged to the establishment bequeathed to them by Agrippa; and in confirmation of this opinion, it may be remarked, that the old establishments, which were probably erected by private enterprise,⁷ were termed *meritoria*.⁸ Most, if not all, of the other regulations previously detailed as relating to the economy of the baths, apply equally to the *thermæ*: but it is to these establishments especially that the dissolute conduct of the emperors, and other luxurious indulgences of the people in general, detailed in the compositions of the satirists and later writers, must be considered to refer.

Although considerable remains of the Roman *thermæ* are still visible, yet, from the very ruinous state in which they are found, we are far from being able to arrive at the same accurate knowledge of their component parts, and the usages to which they were applied, as has been done with respect to the *balneæ*; or, indeed, to discover a satisfactory mode of reconciling their constructive details with the description which Vitruvius has left of the baths appertaining to a Greek *palæstra*, or the description given by Lucian of the baths of Hippias. All, indeed, is doubt and guess-work; each of the learned men who have pretended to give an account of their contents differing in almost all the essential particulars from one another. And yet the great similarity in the ground-plan of the three which still remain cannot fail to strike even a superficial observer; so great, indeed, that it is impossible not to perceive at once that they were all constructed upon a similar plan. Not, however, to dismiss the subject without enabling our readers to form something like a general idea of these enormous edifices, which, from their extent and magnificence, have been likened to provinces (*in modum provinciarum exstructa*),⁹ a ground-plan of the *Thermæ* of Caracalla is annexed, which are the best preserved among those remaining, and which were, perhaps, more splendid than all the rest. Those apartments, of which the use is ascertained with the appearance of probability, will be alone marked and explained. The dark parts represent the remains still visible, the open lines are restorations.

A, Portico fronting the street made by Caracalla when he constructed his *thermæ*. B, Separate bathing-rooms, either for the use of the common people, or, perhaps, for any persons who did not wish to bathe in public. C, Apodyteria attached to them. D, D, and E, E, the porticoes.⁶ F, F, *Exedræ*, in which there were seats for the philosophers to hold their conversations.⁷ G, *Hypæthræ*, passages open to the air: *Hypæthræ ambulationes* quas Græci *περιπόδαρ*, nostri *xystos* appellant.⁸ H, H, *Stadia* in the *palæstra*—*quadrata sive oblonga*.⁹ I, I, Possibly schools or academies where public lectures were delivered. J, J, and K, K, Rooms appropriated to the servants of the baths (*balneatores*). In the latter are staircases for ascending to the principal reservoir. L, Space occupied by walks and shrubberies—*ambulationes inter platanones*.¹⁰ M, The arena or stadium in which the youth performed their ex-

1. (Vitruv., v., 10.)—2. (v., 11.)—3. (Dion, liv., tom. i., p. 759.—Plin., H. N., xxxvi., 64.)—4. (Carm. xxiii., 495.)—5. (Urb. Rom. De v.ript., p. 106.)—6. (xxxvii., p. 143.)

1. (Id., liv., p. 753.)—2. (Id., xlix., p. 600.)—3. (Compare Plin., H. N., ix., 79.)—4. (Plin., Ep., ii., 17.)—5. (Ann. Marcell., xvi., 6.)—6. (Vitruv., v., 11.)—7. (Vitruv., l. c.—Cic., De Orat., ii., 5.)—8. (Vitruv., l. c.)—9. (Vitruv., l. c.)—10. (Vitruv., l. c.)



es, with seats for the spectators,¹ called the *stadium*. N, N, Reservoirs, with upper stories, equal elevations of which are given in the two frequent woodcuts. O, Aquæduct which supplies the baths. P, The cistern or piscina. This total range of buildings occupies one mile in length.

Now come to the arrangement of the interior, which it is very difficult to assign satisfactory positions. Q represents the principal entrances, of which there were eight. R, the *natatio*, *piscina*, cold-water bath, to which the direct entrance the portico is by a vestibule on either side of S, and which is surrounded by a set of benches which served most probably as rooms for dressing (*apodyteria*), anointing (*unctuaria*), and resting for the *capsarii*. Those nearest to the portico were, perhaps, the *conisteria*, where the powders kept which the wrestlers used in order to get a firmer grasp upon their adversaries.

*Ille caris hausto spargit me pulvere palmis,
Inque vicem fulvæ tactu flavescit arena.*²

The inferior quality of the ornaments which these baths have had, and the staircases in two of them afford evidence that they were occupied by slaves. T is considered to be the *tepidarium*, four warm baths (u, v, v, v) taken out of its angles, and two *labra* on its two flanks. There are traces of the conduit are still manifest. Thus it would appear that the centre part of this apartment served as a *tepidarium*, having a *balneum* or *laratio* in four of its corners. The centre part,

like that also of the preceding apartment, is supported by eight immense columns.

The apartments beyond this, which are too much dilapidated to be restored with any degree of certainty, contained, of course, the laconicum and sudatories, for which the round chamber W, and its appurtenances seem to be adapted, and which are also contiguous to the reservoirs, Z, Z.³

e, e probably comprised the *ephebia*, or places where the youth were taught their exercises, with the appurtenances belonging to them, such as the *sphaeristerium* and *corycaum*. The first of these takes its name from the game at ball, so much in favour with the Romans, at which Martial's friend was playing when the bell sounded to announce that the water was ready.⁴ The latter is derived from *κάρυκος*, a sack,⁵ which was filled with bran and olive husks for the young, and sand for the more robust, and then suspended at a certain height, and swung backward and forward by the players.⁶

The chambers also on the other side, which are not marked, probably served for the exercises of the palaestra in bad weather.⁵

These baths contained an upper story, of which nothing remains beyond what is just sufficient to indicate the fact. They have been mentioned and eulogized by several of the Latin authors.⁶

It will be observed that there is no part of the bathing department separated from the rest which could be assigned for the use of the women exclusively. From this it must be inferred either that both sexes always bathed together promiscuously

1. (Vitruv., v., 11.)—2. (Ovid, Met., iv., 35.—Vid. etiam Salustius, Hist., p. 217—Mercurial., De Arte Gymn., i., 8.)

3. (Vitruv., v., 11.)—4. (Mart., Ep., xiv., 163.)—5. (Hesych., s. v.)—6. (Aulus, De Gymn. Const., p. 9.—Antill., ap. Orribas, Coll. Med., 6.)—7. (Vitruv., v., 11.)—8. (Spartian., Caracall., c. 9.—Lamprid., Heliogab., c. 17.—Alex. Sev., c. 25.—Eutrop., viii., 11.—Olymp., ap. Phot., p. 114, ed. Aug. Vindob., 1801.)

in the thermæ, or that the women were excluded altogether from these establishments, and only admitted to the *balnea*.

It remains to explain the manner in which the immense body of water required for the supply of a set of baths in the thermæ was heated, which has been performed very satisfactorily by Piranesi and Cameron, as may be seen by a reference to the two subjoined sections of the *castellum aquæductus* and *viscina* belonging to the Thermæ of Caracalla.



A, arches of the aquæduct which conveyed the water into the *piscina* B, from whence it flowed into the upper range of cells through the aperture at C, and thence again descended into the lower ones by the aperture at D, which were placed immediately over the hypocaust E, the præfurnium of which is seen in the transverse section at F, in the lower cut. There were thirty-two of these cells arranged in two rows over the hypocaust, sixteen on each side, and all communicating with each other; and over these a similar number similarly arranged, which communicated with those below by the aperture at D. The parting walls between these cells were likewise perforated with flues, which served to disseminate the heat all round the whole body of water. When the water was sufficiently warm, it was turned on to the baths through pipes conducted likewise through flues in order to prevent the loss of temperature during the passage, and the vacuum was supplied by tepid water from the range above, which was replenished from the *piscina*; exactly upon the principle represented in the drawing from the Thermæ of Titus, ingeniously applied upon a much larger scale.

BATILLUS (*ἀμυ*), a shovel. Pliny mentions the use of iron shovels, when heated, in testing silver and verdigris.¹ Horace ridicules the vain pomposity of a municipal officer in the small town of Fundi, who had a shovel of red-hot charcoal carried before him in public for the purpose of burning on it frankincense and other odours (*prunæ batillum*).² Varro points out the use of the shovel in the poultry-yard (*cum batillo circumire, ac sterces tollere*).³ The same instrument was employed, together with the spade, for making roads and for various agricultural operations (*ἀμυ*).⁴ "Hammæ" are also mentioned as utensils for extinguishing fires. These may have been wooden shovels, used for throwing water, as we now see them employed in some countries which abound in pools and canals.⁵

1. (Plin., H. N., xxxiii., 44; xxxiv., 26.)—2. (Sat., l., v., 26.)—3. (De Re Rust., iii., 6.)—4. (Xen., Cyrop., vi., 2.—Brunek, Anal., ii., p. 53.—Geoponica, ii., 22.)—5. (Juv., xiv., 305.)

***BATIS** (*βατίς*), a species of fish. *Raja batia*, L.; called in French *Coliart*, in the *Flair* or *Skate*.¹

***BATOS** (*βάτος*), a plant or shrub, the which, as described by Theophrastus,² arranged by Stackhouse: The first, or *ὄρη* the *Rubus fruticosus*, or Common Bramble second, or *χαμαίβατος*, is the *R. Chama* Cloud-berry (called in Scotland the *Avro* third, or *κυνόβατος*, is the *R. idæus*, or *R. Sprengel* agrees with almost all the author the *βάτος*, properly speaking, of Diosco Galen, is the *Rubus fruticosus*; and the *Rubus idæus*. It may be proper to remark the poets, *βάτος* is often applied to any shrub. Thus, in the following epigram, it to the stem of the rose:

"Τὸ ῥόδον ἀκμάζει βαῖὸν χρόνον, ἦν δὲ Ζητῶν εὐρήσεις οὐ ῥόδον ἀλλὰ βάτον."

***BATRACHIUM** (*βατράχιον*), a plant. Apuleius says, "*Nascitur sæpe in Sardinia*. Schultze, who is otherwise undecided respects it to be identical with the "*Sardoa* Virgil and others, namely, a species of the *culus*, or Crow-foot. Sprengel refers the species of Dioscorides to the *Ranunculus*, the second to the *R. lanuginosus*; the third *R. muricatus*; and the fourth to the *R.* upon the authority of Sibthorp.⁴

***BATRACHUS** (*βατράχος*), I. The *Rana* in Latin *Rana*. The name was applied to species of the genus *Rana*. "The com of Greece," observes Dodwell, "have a different from that of the frogs of the climates, and there cannot be a more perfection of it than the *Brekekekez koax koax tophanes*."—The *Rana arborea*, according same traveller, is of a most beautiful lilac colour, and in its form nearly resembles the common frog, but is of a smaller size; it longer claws, and a glutinous matter at the end of its tongue, with which it attaches itself with great tenacity to any substance that comes in its way. It is chiefly on trees, and jumps with surprising agility from branch to branch. Its colour is very variable, and it is difficult to distinguish the one from the other. The eyes are of a most beautiful vivacity, and are extremely cold that, when held in the hand, produces a chilly sensation like a piece of ice. Its song is surprisingly loud and shrill, and in some instances almost incessant and tiresome as that of the cicada. These animals are more common in some than in other parts of Greece.⁵

II. A species of fish, called in English the *fish*, *Frog-fish*, and *Sea-devil*. It is the *piscatorius*, L.; in French, *Bandroie*; in Italian, *Martino pescatore*. Aristotle calls it the *ἀλις*, Ælian the *β. ἀλιεῖς*. By Ovid it is called *Rana*; by Pliny, *Rana*, and also *Rana*; and by Cicero, *Rana marina*. Schneider's commentary on Aristotle, states that the *Rana* of Oppian would appear to be the *Lophius*, and that of Ælian the *L. vespertilio*.⁶

BAXA or **BAXEA**, a sandal made of the bark of the tree, leaves, twigs, or fibres. According to some authors, this kind of sandal was worn on the stage while the *cothurnus* was appropriate to the *tragedians*. When, therefore, one of the char-

1. (Aristot., H. A., l., 5, &c.—Ælian, N. A., xv., 11. P., i., 2, 8, 15, 16; iii., 18.—Dioscor., iv., 37, 28. thol. Grec., *ἀδερ.*, 39.)—4. (Dioscor., ii., 206.—Basil v., 3.—Martyn, ad Virg., *Ecolog.*, vii., 41.—Adams, J. v.)—5. (Dodwell's Tour, vol. ii., p. 44, 45.)—6. (Aristot., ix., 37.—Ælian, N. A.: ix., 24; xiii., 1.—Ovid, H. Plin., H. N., ix., 24; xxv., 10.—Cic., Nat. Deor., (Orig., xix., 33.)

† says, " *Qui extergentur baxæ?*" we may (him to point to the sandals on his feet.

sophers also wore sandals of this description at least in the time of Tertullian² and Apuleius probably for the sake of simplicity and

adds that *baxæ* were made of willow (b), and that they were also called *calones*; thinks that the latter term was derived from *ek κάλων*, wood. It is probable that in they were made of Spanish broom (*spartum*⁴). Numerous specimens of them discovered in tombs, we perceive that the Egyptians (and of palm-leaves and papyrus.⁵ They are less observable on the feet of Egyptian statues according to Herodotus, sandals of papyrus (*πα βόβλινα*⁶) were a part of the required characteristic dress of the Egyptian priests. I presume that he intended his words to include only sandals made, strictly speaking, of papyrus, but those also in which the leaves of the palm were an ingredient, and of which Apuleius makes mention, when he describes a young man covered with a linen sheet and wearing sandals (*lanteis amicalis inlectum, pedesque palis indutum*⁷). The accompanying woodcut shows two sandals exactly answering to this description, from the collection in the British Museum. The one was worn on the right foot. It has a strap on the right side for fastening the band which crosses the instep. This band, together with the sole, are connected with it, which was inserted between the great and the second toe, is made of papyrus, undivided and unwrought. The other figure shows a sandal in which the pores of the palm-leaf are interlaced with great neatness and regularity, the sewing and binding being done by fibres of papyrus. The three holes may be seen for the passage of the band and ligament as mentioned.



appears that these vegetable sandals were sometimes ornamented, so as to become expensive and valuable; for Tertullian says, "*Soccus et baxæ decorantur.*"⁸ The making of them, in all varieties, was the business of a class of men called *saxarii*; and these, with the *solararii*, who made other kinds of sandals, constituted a corporation at Rome.⁹

BDELLIA (*βδέλλα*), the common Leech, or *Hirudo medicinalis*. The application of leeches is often mentioned by Galen and the medical authors anterior to him. The poet Oppian alludes to the medicinal use of the leech, and describes very minutely the process by which it fills itself with

BDELLIUM (*βδέλλιον*), commonly called a gum,

but in reality a gum-resin, the origin of which is a subject of doubt. It would appear that there are two, if not more, kinds of bdellium, the source of one of which seems to be ascertained; the others are matters of controversy. The *Bdellium* of the ancients came from India, Arabia, Babylonia, and Bactriana. The last was the best.¹ It still comes, though not exclusively, from Asia. Adantou states that he saw in Africa the substance exude from a thorny species of *Amyris*, called by the natives *Niouttout*. From its resemblance to myrrh, the analogy is in favour of its being obtained from an *Amyris* or *Balsamodendron*. The opinion of its being obtained from a palm, either the *Leonturus domestica* (Gærtn.) or the *Borassus flabelliformis*, is very improbable. The Sicilian bdellium is produced by the *Drucus Hispanicus* (Decand.), which grows on the islands and shores of the Mediterranean. The Egyptian bdellium is conjectured to be produced by the *Borassus flabelliformis* already alluded to. Dioscorides and Galen describe two kinds of bdellium, the second of which is *Benzoin*, according to Hardouin and Sprengel.

II. A substance mentioned in the second chapter of Genesis,² and which has given rise to a great diversity of opinion. The Hebrew name is *bedolah*, which the Septuagint renders by *ἀβραξ*, "carbuncle;" the Syriac version, "beryll" (reading *berolah*³); the Arabic, "pearls;" Aquila, Theodotion, and Symmachus, "Bdellium;" while some are in favour of "crystal," an opinion which Reland, among others, maintains.⁴ There is nothing, however, of so much value in bdellium as to warrant the mention of this in the account of a particular region; it is more than probable, on the contrary, that pearls are meant, as expressed by the Arabic version. This view of the subject was maintained by many of the Jewish rabbins, and, among others, by Benjamin of Tudela. Bochart also advocates it with great learning; and it derives great support from another passage in the Sacred Writings, where Manna is compared with *Bdellium*. As the Manna is said to have been white and round, these two characteristics give rise at once to a resemblance between it and pearls.⁵

BEBAIΩΣΕΩΣ ΔΙΚΗ (*βεβαιώσεως δίκη*), an action to compel the vendor to make a good title, was had recourse to when the right or possession of the purchaser was impugned or disturbed by a third person. A claimant under these circumstances, unless the present owner were inclined to fight the battle himself (*αὐτομαχεῖν*), was referred to the vendor as the proper defendant in the cause (*εἰς πρᾶτῆρα ἀνάγειν*). If the vendor were then unwilling to appear, the action in question was the legal remedy against him, and might be resorted to by the purchaser even when the earnest only had been paid.⁶ From the passages in the oration of Demosthenes against Pantænetus that bear upon the subject, it is concluded by Heraldus⁷ that the liability to be so called upon was inherent in the character of a vendor, and, therefore, not the subject of specific warranty or covenants for title. The same critic also concludes, from the glosses of Hesychius and Suidas, that this action might in like manner be brought against a fraudulent mortgager.⁸ If the claimant had established his right, and been, by the decision of the dicasts, put in legal possession of the property, whether movable or otherwise, as appears from the case in the speech against Pantænetus, the ejected purchaser was entitled to sue for reim-

1. (Plin., H. N., xii., 9.—Peripl. Mar. Erythr., p. 21, 22, 28, 29.—Ctesias, Indic., 19.—Bähr in loc., p. 318.)—2. (v., 12.)—3. (Bochart, Hieroz., P. ii., col. 674.)—4. (Dissert. Miscell., P. i., p. 27, seq.—Rosenmüller, ad Gen., l. c.)—5. (Bochart, l. c.)—6. (Harpocrat., s. v. *αὐτομαχεῖν, βεβαιώσεως*.)—7. (Animadv. in Salm., iv., 3, 6.)—8. (Animadv. in Salm., iv., 3, in fin.)

1. (Plin., H. N., xii., 9.—Peripl. Mar. Erythr., p. 21, 22, 28, 29.—Ctesias, Indic., 19.—Bähr in loc., p. 318.)—2. (v., 12.)—3. (Bochart, Hieroz., P. ii., col. 674.)—4. (Dissert. Miscell., P. i., p. 27, seq.—Rosenmüller, ad Gen., l. c.)—5. (Bochart, l. c.)—6. (Harpocrat., s. v. *αὐτομαχεῖν, βεβαιώσεως*.)—7. (Animadv. in Salm., iv., 3, 6.)—8. (Animadv. in Salm., iv., 3, in fin.)

bursement from the vendor by the action in question.¹ The cause is classed by Meier² among the *dikai prós tina*, or civil actions that fell within the cognizance of the thesmothetai.

*BEL'ONE (*βελώνη*), the Gar-fish or Horn-fish, the *Esox Belone*, L. It is called Durio in Athenæus; *βελώνη θαλασσίη* by Ælian;³ *βαρίς* by Oppian;⁴ and *Acus sive Belone* by Pliny,⁵ who elsewhere says, "*Belone qui aculeati vocantur*."⁶ The Belone gets its name from its long and slender shape, like a "needle." The bones of this fish are remarkable for their colour, which is a beautiful green, not arising either from cooking or the spinal marrow, as some have believed. There is a long dissertation on this fish in the *Addenda* to Schneider's edition of Ælian, and in Gesner, *De Aquatilibus*.⁷

*BECHION. (*Vid.* BHXION.)

*BEMA (*βήμα*). (*Vid.* ECCLESIA.)

BENDIDEIA (*βενιδεία*), a Thracian festival in honour of the goddess *Βένις*, who is said to be identical with the Grecian Artemis⁸ and with the Roman Diana. The festival was of a bacchanalian character.⁹ From Thrace it was brought to Athens, where it was celebrated in the Peiræus, according to the scholiast on Plato,¹⁰ on the nineteenth, or, according to Aristoteles Rhodius and others, of *ἐπομηματισταί*, referred to by Proclus,¹¹ on the twentieth, of the month Thargelion, before the Panathenæa Minora.¹² Herodotus¹³ says that he knows that the Thracian and Pæonian women, when they sacrifice to the royal Artemis, never offer the victims without a wheat-stalk (*ἀνευ πύρων καλόμης*). This was probably at the *Βενιδεία*. The Temple of *Βένις* was called *Βενιδείον*.¹⁴

BENEFICIUM ABSTINENDI. (*Vid.* HERES.)

BENEFICIUM, BENEFICIARIUS. The word beneficium is equivalent to feudum or fief in the writers on the feudal law, and is an interest in land, or things inseparable from the land, or things immovable.¹⁵ The beneficiarius is he who has a beneficium. The term benefice is also applied to an ecclesiastical preferment.¹⁶

The term beneficium is of frequent occurrence in the Roman law, in the sense of some special privilege or favour granted to a person in respect of age, sex, or condition. But the word was also used in other senses, and the meaning of the term, as it appears in the feudal law, is clearly derivable from the signification of the term among the Romans of the later republican and earlier imperial times. In the time of Cicero, it was usual for a general or a governor of a province to report to the treasury the names of those under his command who had done good service to the state: those who were included in such report were said *in beneficiis ad ærarium deferri*.¹⁷ In *beneficiis* in these passages may mean that the persons so reported were considered as persons who had deserved well of the state, and so the word *beneficium* may have reference to the services of the individuals; but as the object for which their services were reported was the benefit of the individuals, it seems that the term had reference also to the reward, immediate or remote, obtained for their services. The honours and offices of the Roman state, in the republican period, were called the *beneficia* of the *Populus Romanus*.

Beneficium also signified any promotion conferred on, or grant made to soldiers, who were thence

called *beneficarii*: this practice was common. We see from inscriptions in Gruter,¹ in some of which the beneficiarius is represented by the letters B. F. In this sense we must understand the passage of Cæsar² when he speaks of the *beneficia* and the *magna clientela* of Pompey in Citerior Spain. Beneficiarius is also used by Cæsar³ to express the person who had received a beneficium. It does not, however, appear from these passages what the beneficium actually was. It might be any kind of honour, or special exemption from service.⁴

Beneficiarius is opposed by Festus⁵ to *manipularis* in the sense of one who is released from military service, as opposed to one who is bound to do military service.

It appears that grants of land and other things made by the Roman emperors were called *beneficia* and were entered in a book called *Liber Beneficiorum*.⁶ The secretary or clerk who kept this book was called a *commentarius beneficiorum*, as appears from an inscription in Gruter.⁷

*BER'BERI (*βέρβερι*), according to Rondelet, the *Concha margaritifera*, or Mother of Pearl, meaning, as Adams supposes, the *Avicula margaritifera* of later naturalists.⁸ Eustathius makes it an Indian name. It appears to be connected in some way with the commerce of the Eastern region, or seacoast, termed *Barbaria*.⁹

*BERRIKOK'KA (*βερικόκκα*), a synonyme of the *Malum Armeniacum*, or Apricot.

*BERYLLUS (*βήρυλλος*), the Beryl, a precious stone, forming a sub-species of emerald. The Romans would appear to have been in the habit of studding their cups with beryls, and hence Juvenal says, "*et inæquales beryllo Vitro tenet phialas*."¹⁰ The affinity between the beryl and the emerald was not unknown to the ancients, and hence Pliny remarks, "Beryls appear to many to have the same colour, at least, a like nature with emeralds."¹¹ According to this writer, they came from India, and were rarely found in other countries. At the present day, however, the finest beryls are obtained from Dauria, on the frontiers of China. They occur also, in the Uralian Mountains, and other parts of Siberia, in France, Saxony, the United States, and Brazil, especially the latter.¹² The normal type of the Beryl, as of the emerald, is the hexaëdral prism, more or less modified; the pointing, however, is not always complete.¹³ Pliny seems to regard this crystalline form of the stone as the result of the lapidary's art; he adds, however, that some suppose the Beryl to be naturally of that shape. The same writer enumerates eight different kinds: "The best were those of a pure sea-green, our *aqua marina*, or, as the French term it, *Beryl aigue-marine*. The next in esteem were called *Chrysoberyls*, and are somewhat vaguely described as '*paullo pallidiores, sed in aureum colorem exente fulgore*.'" This was probably the yellow emerald, such as occurs in Auvergne, or at Haddam in Connecticut. The third was called *Chrysoprase*, and would seem to have been, in fact, as Pliny says some considered it, a mineral *proprii generis*, different from the Beryl. It resembled in colour the juice of the leak, but with somewhat of a golden tinge, and hence its name. Although we are uncertain as to the mineral here described, yet it is not improbable that it was the same now called Chrysoprase, and to which Leh-

1. (Pellux, *Onom.*, viii., 6.)—2. (*Att. Process.*, 526.)—3. (*N. A.*, ix., 60.)—4. (*Hal.*, i.)—5. (*H. N.*, ix., 51.)—6. (*H. N.*, xxxii., 11.)—7. (*Adams, Append.*, s. v.)—8. (*Hezych.*, s. v. *Βήρυλλος*.)—9. (*Strabo*, x., p. 470, d.)—10. (*Repub.*, l., p. 354, s. 24, d. c. Bekk.)—11. (*Comm. in Plat.*, *Tim.*, lib. i.)—12. (*Clinton, F. H.*, p. 333, 334.)—13. (*iv.*, 33, sub fin.)—14. (*Xen.*, *Hellen.*, ii., s. p. 333, 334.)—15. (*iv.*, 33, sub fin.)—16. (*Xen.*, *Hellen.*, ii., s. p. 333, 334.)—17. (*Cic.*, *Pro Arch.*, c. 9.—*Ep. ad Fam.*, v., 10.)

1. (*Il.*, 4; cxxx., 5.)—2. (*Bell. Civ.*, ii., 18.)—3. (*Bell. Civ.*, i., 75.)—4. (*Bell. Civ.*, iii., 88.—*Suet.*, *Tib.*, 12.)—5. (*s. v.*)—6. (*Hyginus, De Limitibus Constit.*, p. 193, Goss.)—7. (*DLXXVIII.*, 1.)—8. (*Casaubon in Athen.*, p. 177.—*Adams, Append.*, s. v.)—9. (*Athenæus*, iii., p. 93, B.—*Eustrath. in Il.*, 9, 402, p. 759, 56.—*Vincent's Anc. Commerce*, vol. ii., p. 123.)—10. (*Sat.*, v., 25.)—11. (*H. N.*, xxxvii., 20.)—12. (*Cleaveland's Mineralogy*, vol. i., p. 343.)—13. (*Fee in Plin.*, l. c.)

was the first in modern times who gave the ancient name. The fourth variety of Beryl was of a colour approaching the hyacinth; the fifth were the *sericides*; the sixth were of a wax, the seventh of an olive colour. The last variety spoken of by Pliny resembled crystal, but contained hairy veins and impurities. These were probably such as quartz as are often found, rendered opaque by chlorite, or penetrated by capillary veins of epidote, actinolite, or other minerals. Pliny observes that the Indians stained rock-crystal in a way as to counterfeit other gems, and especially the Beryl.¹

STIARII (*θηριομάχοι*) were persons who fought with wild beasts in the games of the circus. They were either persons who fought for the sake of money (*auctoramentum*), and who were allowed to be criminals, who were usually condemned to have no means of defence against the beasts.² The bestiarii, who fought with the wild beasts for the sake of pay, and of whom there were many numbers in the latter days of the Republic under the Empire, are always spoken of as distinct from the gladiators, who fought with one another.

It appears that there were schools in Rome, in which persons were trained to fight with wild beasts (*scuola bestiarium* or *bestiariorum*).

ΒΑ (*τεύλος, -ου, -ιον, -ις, or τεύλον*), the *Beta vulgaris*. The Greeks distinguished several kinds of this vegetable by means of their colour, the Black and the White Beet, the latter of which was also called the Sicilian. The former was preferred to the other. The Romans distinguished two kinds, in name at least, the vernal and the autumnal, taking their names from the periods when they were sown. The largest beets were procured in Circæ.³

ΒΕΤΤΟΝΙΚΑ and **BRETTANICA** (*βεττονική τραυική*), a species of plant, commonly called betony. "It is almost incredible," observes Pliny, "how much of confusion and mistake has arisen about these terms. With respect to the name of Paul of Ægina, the most probable opinion is that held by Bauhin, namely, that it was either *Veronica officinalis*, common male Speedwell, or *V. serpyllifolia*, or smooth Speedwell. In *Gardener's Dictionary*, the former of these, the *Northern Flora* of Dr. Murray, the latter, the additional name of Paul's Betony.⁴ The name *βη*, which was merely a synonyme of the former, was most probably either the *Betonica officinalis*, as Sprengel rather thinks, the *B. alopecuroides* now come to the *Βρεττανική* of Dioscorid. This he describes as resembling wild Dock (*βήρυξ*), but having a larger and rougher leaf. He ascribes to it, also, a styptic power, which he says it well adapted for affections of the mouth and throat. Paul of Ægina, in like manner, compares *βρεττανική* to the wild Dock, and commends it for the cure of mortifications of the mouth, which he no doubt means Scurvy. This is the common use of the uses of which a small work was written by Antonius Musa, physician to Augustus. It was published at Zurich, A.D. 1537, and translated by Humelbergius. It is a tract, however, of little value, either in a philological or scientific point of view; and, indeed, there is much reason to doubt the genuineness of the work which we are now consulting.

Munting, in a very learned work, *De Vera Britanica Herba Britannica*, gives an interesting account of the opinions entertained by modern authorities on Betony respecting this herb. He shows that it has been referred to the *Cochlearia*, *Anagallis*, *Consolida*, *Veronica*, *Prunella*, &c. The most probable opinion, however, he thinks, is that it was some species of Dock or *Rumex*. Sprengel, too, inclines to the same opinion, that it was either the *Rumex hydrolapathum* or *Aquaticus*, L. In confirmation of this view of the matter, it may be proper to mention that the *Brettanica* is noticed under the name of 'the black Dock' by Aëtius.⁵ Another form of the ancient name is *Vettonica*, derived, according to Pliny, from the circumstance of the *Vettones* in Spain having discovered this herb. Its uses and virtue in medicine were almost countless, so that a proverb has arisen among the Italians respecting it: "*aver piu virtu che la bettonica*," "to possess more virtue than the bettonica."⁶

ΒΗΧΙΟΝ (*βήχιον*), a plant, which Woodville, Sprengel, Dierbach, and nearly all the commentators agree is the *Tussilago farfara*, or Colt's-foot. Galen says it derived its name from its being believed to possess the property of aiding coughs and difficulty of breathing (*βήξις, -ηχός*, being the Greek term for a cough⁷). A patent medicine, prepared from the Colt's-foot, is, according to Adams, much cried up in England at the present day as a cure for coughs.⁸

ΒΙΑΙΩΝ ΔΙΚΗ (*βιαιών δική*). This action might be brought whenever rapes of free persons, or the illegal and forcible seizure of property of any kind, were the subject of accusation; and we learn from Demosthenes⁹ that it came under the jurisdiction of the Forty. According to Plutarch,¹⁰ the law prescribed that ravishers should pay a fine of 100 drachmæ; but other accounts merely state generally that the convict was mulcted in a sum equal to twice that at which the damages were laid (*διπλάσιον τὴν βλάβην βόθειλεν*¹¹); and the plaintiff in such case received one half of the fine, and the state, as a party mediate injured, the other. To reconcile these accounts, Meier⁷ supposes the rape to have been estimated by law at 100 drachmæ, and that the plaintiff fixed the damages in reference to other injuries simultaneous with, or consequent upon, the perpetration of the main offence. With respect to aggressions upon property, the action *βιαιών* is to be distinguished from *ἐξούλης*, in that the former implies the employment of actual violence, the latter merely such detention of property as amounted to violence in the contemplation of law,⁸ as, for instance, the non-payment of damages and the like, to the successful litigant after an award in his favour by a court of justice.⁹

BIBASIS (*βίβασις*) was a kind of gymnastic dance, much practised among the Spartans, by both men and women. The dance consisted in springing rapidly from the ground, and striking the feet behind; a feat of which a Spartan woman in Aristophanes¹⁰ prides herself. The number of successful strokes was counted, and the most skillful received prizes. We are told by a verse which has been preserved by Pollux,¹¹ that a Laconian girl had danced the *bibasis* a thousand times, which was more than had ever been done before.¹² The *bibasis* appears to have been nearly the same as the *βαθαπνίξις*, which Pollux¹³ explains by *σιμῶ τῷ ποδὶ τὸν γλουτὸν παίνει*, on the meaning of which see Hesychius.¹⁴

1. (Dioscor., iv., 1.—Paul. Ægin., ii., 3.—Adams, Append., s. v.)—2. (*βήχιον ἀνδρομαται μὲν οὖτως ἀπὸ τοῦ πεπαισμένου βήχης τε καὶ ἀρθροπνοίας ἀφελθὲν*.)—3. (Dioscor., iii., 116.—Adams, Append., s. v.)—4. (C. Panten., 976, 11.—Compare Harpocrat., s. v.)—5. (Solon, 23.)—6. (Lys., De Cæde Eratosth., 33.—Demosth., c. Mid., 528, 20.)—7. (Att. Process, p. 543.)—8. (Meier, Att. Process, p. 546.)—9. (Demosth., c. Mid., 540, 24.)—10. (Lysistr., 28.)—11. (iv., 102.)—12. (Müller, Dorians, iv., 6, § 8, p. 351, 352, transl.)—13. (ix., 126.)—14. (s. v.—Schol. in Ar. stoph., Equit., 793.—Eustath. in Il., p. 861; in Od., p. 1818.)

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BIBLIOPOLA, a bookseller,¹ βιβλιοπώλης,² also called *librarius*,³ in Greek also βιβλίων κάπηλος, or βιβλιοκάπηλος.⁴ The shop was called *apotheca* (ἀποθήκη), or *taberna libraria*,⁵ or merely *libraria*.⁶ The Romans had their Paternoster Row; for the bibliopola or librarii lived mostly in one street, called Argiletum, to which Martial alludes⁷ when addressing his book on the prospect of the criticism it would meet with:

"Argiletanas *maxis habitare tabernas,*
Quum tibi, parve liber, scrinia nostra vacent."

Another favourite quarter of the booksellers was the Vicus Sandalarius.⁸ There seems also to have been a sort of bookstalls by the temples of Vertumnus and Janus, as we gather from Horace's address to his book of Epistles:⁹

"Vertumnum Janumque, liber, spectare videris."

Again, Horace¹⁰ prides himself on his books not being to be seen at the common shops and stalls, to be thumbed over by every passer-by:

"Nulla taberna meos habeat, neque pila libellos;
Quis manus insudet vulgi, Hermogenisque Tigelli."

Booksellers were not found at Rome only, though they were, of course, rare in smaller cities. Pliny¹¹ says he had not supposed that there were any booksellers at Lugdunum, but finds that there were; and that they even had his works on sale. Martial, in an amusing epigram,¹² tells a person called Quintus, who had asked him by a broad hint to give him a copy of his works, that he could get one at Tryphon's, the bookseller:

"Exigis ut donem nostros tibi, Quinte, libellos,
Non habeo, sed habet bibliopola Tryphon."

The booksellers not only sold books; they transcribed them also, and employed persons for the purpose; but they did not consider themselves answerable always for the correctness of the copy.¹³ Sometimes the author revised it to oblige a friend who might have bought it.¹⁴

On the shop-door or the pillar, as the case might be, there was a list of the titles of books on sale; allusion is made to this by Martial¹⁵ and by Horace.¹⁶

The remuneration of authors must have been very small, if we are to judge from the allusions of Martial, who says, for example, that a nice copy of his first book of Epigrams might be had for five denarii.¹⁷ Pliny the elder, however, when in Spain, was offered as much as four hundred thousand sesterces for his *Commentarii Electorum*.¹⁸

Books then, as now, often found their way into other shops besides book-shops, as waste paper; and schoolboys had frequently to go, for example, to the fishmonger's to see if he had the book they wanted.¹⁹ Mice, moths, beetles, and so forth, found plenty of food in musty unused books.²⁰

BIBLIOTHECA (βιβλιοθήκη, or ἀποθήκη βιβλίων), primarily, the place where a collection of books was kept; secondarily, the collection itself.²¹ Little as the states of antiquity dealt with the instruction of the people, public collections of books appear to have been very ancient. That of Pisistratus was intended for public use;²² it was subsequently removed to Persia by Xerxes. About the same time, Polycrates, tyrant of Samos, is said to

have founded a library. In the best days of Athens even private persons had large collections of books, the most important of which we know anything of belonged to Euclid, Euripides, and Aristotle.²³ Strabo²⁴ says²⁵ that Aristotle was the first who, to his knowledge, made a collection of books, and taught the Egyptian kings the arrangement of a library. The most important and splendid public library of antiquity was that founded by the Ptolemies at Alexandria, begun under Ptolemy Soter, but increased and rearranged in an orderly and systematic manner by Ptolemy Philadelphus, who also appointed a fixed librarian, and otherwise provided for the usefulness of the institution. The library of the Ptolemies contained, according to Aulus Gellius, 700,000 volumes; according to Josephus, 500,000 and according to Seneca,²⁶ 400,000. The different reckoning of different authors may be in some measure, perhaps, reconciled by supposing that it gave the number of books only in a part of the library; for it consisted of two parts, one in the quarter of the city called Brucheon, the other in the place called Serapeion. Ptolemy Philadelphus bought Aristotle's collection to add to the library, and Ptolemy Euergetes continued to add to the stock. A great part of this splendid library was consumed by fire in the siege of Alexandria by Julius Cæsar; some writers say that the whole was burned; but the discrepancy in the numbers stated above seem to confirm the opinion that the fire did not extend so far. At any rate, the library was soon restored and continued in a flourishing condition till it was destroyed by the Arabs A.D. 640.²⁷ Connected with the greater division of the library, in the quarter of Alexandria called Brucheon, was a sort of college, to which the name of Mousseion (or Museion) was given. Here many favoured literati pursued their studies, transcribed books, and so forth; lectures also were delivered. (Vid. ALEXANDRIA.) The Ptolemies were not long without a rival in Asia. Eumenes, king of Pergamus, became a patron of literature and the sciences, and established a library, which, in spite of the prohibition against exporting papyrus issued by Ptolemy, who was jealous of his success, became very extensive, and perhaps next in importance to the library of Alexandria. It remained, and probably continued to increase, until Antonius made it a present to Cleopatra.²⁸

The first public library in Rome was that founded by Asinius Pollio,²⁹ and was in the atrium Libertatis (vid. ATRIUM) on Mount Aventine.³⁰ Julius Cæsar had projected a Greek and Latin library; he had commissioned Varro to take measures for the establishment of it; but the scheme was prevented by his death.³¹ The library of Pollio was followed by that of Augustus, in the Temple of Apollo on Mount Palatine,³² and another, bibliotheca Octavianæ (so called from Augustus's sister Octavia) the theatre of Marcellus.³³ There were also libraries on the Capitol,³⁴ in the Temple of Peace,³⁵ the palace of Tiberius,³⁶ besides the Ulpian library which was the most famous, founded by Trajan, called Ulpian from his own name, Ulpianus. The library was attached by Diocletian as an ornament to his thermae.³⁷

Private collections of books were made at Rome soon after the second Punic war. The zeal of Cæro, Atticus, and others in increasing their libraries is well known.³⁸ It became, in fact, the fashion

1. (Martial, Ep., iv., 71; xiii., 3.)—2. (Pollux, Onom., xiii., 33.)—3. (Cic., De Leg., ii., 20.)—4. (Lucian, adv. Indoct., 24.)—5. (Cic., Phil., ii., 9.)—6. (Aul. Gell., v., 4.)—7. (Ep., i., 4.)—8. (Aul. Gell., xviii., 4.)—9. (Galen, De Lib. su., iv., p. 361.)—10. (Ep., i., 1.)—11. (Sat., i., iv., 71.)—12. (Ep., ix., 11.)—13. (Ep., ix., 1.)—14. (Mart., vii., 11, 16.)—15. (i., 118.)—16. (Ep. ad Pis., 372.—Sat., i., iv., 71.)—17. (Compare i., 67; xiii., 3.)—18. (Plin., Epist., iii., 5.)—19. (Mart., vi., 60, 7.)—20. (Vid. Juv., Sat., iii., 207.—Mart., iii., 2; xiii., 1.)—21. (Festus, s. v.)—22. (Aul. Gell., vi., 17.—Athenæus, i., p. 3.)

1. (Athen., i., c. 2.)—2. (xiii., 1.)—3. (vi., 17.)—4. (De T. An., c. 9.)—5. (Vid. Gibbon, c. 51.)—6. (Plut., Anton., Plin., H. N., vii., 30.—Isid., Orig., vi., 5, 1.)—7. (Ovid, T. iii., i., 71.—Martial, xii., 3, 5.)—8. (Suet., Jul., 44.)—9. (Suet., Octav., 29.—Dion, lxxiii., 1.)—10. (Plut., Marcus Ovid, Trist., III., i. 60, 69.)—11. (Suet., Dom., 20.)—12. (Aul. Gell., xvi., 18.)—13. (Aul. Gell., xiii., 18.)—14. (Aul. Gell., xviii., 18.)—15. (Aul. Gell., xviii., 16.)—16. (Vopisc., Prob., 2.)—17. (Cic. Att., i., 7, 10; iv., 5; ad Quint. Frat., iii.)

to have a room elegantly furnished as a library, and reserved for that purpose.¹ However ignorant or unstudious a person might be, it was fashionable to appear learned by having a library, though he might never even read the titles of the books. Seneca² condemns the rage for mere book-collecting, and rallies those who were more pleased with the outside than the inside. Lucian wrote a separate piece to expose this common folly (*πρὸς ἀπαιδείων καὶ πολλὰ βιβλία ὀνοόμενον*).

A library generally had an eastern aspect: "*Usus enim matutinus postulat lumen: item in bibliothecis libri non putrescent.*"³

In Herculaneum a library fully furnished was discovered. Round the walls it had cases containing the books in rolls (*vid. LIBER*); these cases were numbered. It was a very small room; so small that a person, by stretching out his arms, could touch both sides of it. The cases were called either *armaria*,⁴ or *loculamenta*,⁵ or *foruli*,⁶ or *nidi*.⁷ Asinus Pollio had set the fashion in his public library of adorning the room with the portraits and busts of celebrated men, as well as statues of Minerva and the Muses. This example was soon followed in the private libraries of the rich.⁸ Martial⁹ sends to his brother Turanius a copy of some verses, which he sent with a bust of himself to Avitus, who wished to have a bust of Martial in his library. So, is the library which Hadrian founded at Athens, there were *οὐκ ἄλλα ἡγάθησι κεκοσμημένα καὶ γραφῆαι κατασκευασταὶ δὲ ἐς αὐτὰ βιβλία*.¹⁰ The charge of the libraries in Rome was given to persons called *librarii*. (*VID. LIBRARIUS*.)

BĪKOS (*βίκος*), the name of an earthen vessel in common use among the Greeks.¹¹ Hesychius¹² defines it as a *στάμνος* with haudles. It was used for holding wine,¹³ and salted meat and fish.¹⁴ Herodotus¹⁵ speaks of *βίκους φοινικίους καταγόνους οἴνου πίνους*, which some commentators interpret by "vessels made of the wood of the palm-tree full of wine." But as Eustathius¹⁶ speaks of *οἴνου φοινικίου βίκου*, we ought probably to read in Herodotus *βίκου φοινικίου*, κ. τ. λ., "vessels full of palm wine." **BIDENS**. (*VID. RASTRUM*.)

BIDENTAL, the name given to a place where any one had been struck by lightning (*fulguritus*¹⁷), or where any one had been killed by lightning and buried. Such a place was considered sacred. Priests, who were called *bidentales* (i. e., *sacerdotes*), collected the earth which had been torn up by the lightning, and everything that had been scorched, and burned it in the ground with a sorrowful murmur.¹⁸ The officiating priest was said *condere fulgur*; he farther consecrated the spot by sacrificing a two-year-old sheep (*bidens*), whence the name of the place and of the priest, and also erected an altar, and surrounded it with a wall or fence. It was not allowable to tread on the place,¹⁹ or to touch it, or even to look at it.²¹ Sometimes a *bidental* which had nearly fallen to decay from length of time, was restored and renovated;²² but to remove the bounds of one (*movere bidental*), or in any way to violate its sacred precincts, was considered as sacrilege.²³ From the passage in Horace, it ap-

pears to have been believed, that a person who was guilty of profaning a *bidental* would be punished by the gods with phrensy; and Seneca¹ mentions another belief of a similar kind, that wine which had been struck by lightning would produce in any one who drank it death or madness. Persons who had been struck by lightning (*fulguriti*) were not removed, but were buried on the spot.²

BIDLĒI (*βιδιαῖοι*), called in inscriptions *βίδεοι* or *βίδνοι*, were magistrates in Sparta, whose business was to inspect the gymnastic exercises. Their house of meeting (*ἀρχεῖον*) was in the marketplace.³ They were either five⁴ or six in number,⁵ and had a president, who is called in inscriptions *πρέσβυς βιδέων*.⁶ Böckh conjectures that *βίδεοι* or *βίδνοι* is the Laconian form for *ἴδνοι* or *Ἰδνοί*, and signifies witnesses and judges among the youth.⁷

Valkenaer⁸ supposes that the *bidiaei* were the same as the *νομοφύλακες*, and that we ought to read in Pausanias, *καὶ νομοφύλακων καλουμένων βιδιαίων*, instead of *καὶ νομοφύλακων καὶ καλουμένων βιδιαίων*; but the inscriptions given by Böckh show that the *bidiaei* and *νομοφύλακες* were two separate classes of officers.

BIGA or **BIGE**, in Greek *συνωρία* or *συνωρίς* (*bijuge curriculum*¹⁰), a vehicle drawn by two horses or other animals. This kind of turn-out is said by Pliny (*bigas primum Phrygum junxit natio*¹¹) to have been invented by the Phrygians. It is one of the most ancient kinds, and in Homer by far the most common (*διζυγοὶ ἵπποι*¹²). Four-horse chariots are also mentioned.¹³ Pliny¹⁴ mentions a chariot drawn by six horses. This was the largest number usual under the emperors;¹⁵ but Suetonius speaks of one which Nero drove at the Olympic games, drawn by ten horses.¹⁶ The name *biga* was applied more to a chariot used in the circus, or in processions or triumphs, and on other public occasions, than to the common vehicles of every-day life.¹⁷ The form of the *biga* resembled that of the Greek *ἄρμα* or *δίφρος*, being a rather short carriage on two wheels, open above and behind, upon which the driver usually stood to guide the horses. See the cut in the next article. (*VID. BIGATUS*.)

BIGATUS (i. e., *nummus*), a silver denarius, on which the representation of a *biga* was stamped.¹⁸ This was an ancient stamp on Roman money, as we learn incidentally from Tacitus, who says¹⁹ that the Germans, although mostly practising barter, still had no objection to old and well-known coins (*pecuniam veterem et diu notam*), such as *bigati*. *Bigati* were also called *argentum bigatum*.²⁰ The value was different at different times. (*VID. DENARIUS*.) A denarius, on which the representation of a quadriga was stamped, was in the same manner called *Quadrigatus*. The annexed cuts, representing a *bigatus* and *quadrigatus*, are taken from coins in the British Museum.



BIPALIMUM. (*VID. PALA*.)

1. (Becker, Gallus, i., 160.)—2. (De Tranq. An., 9.)—3. (Vitruv., vi., 7.)—4. (Plin., Ep., ii., 17.—Vopisc., Tacit., 8.)—5. (Sueton., De Tranq. An., 9.)—6. (Juv., Sat., iii., 219.)—7. (Mart., i., 118, 15; vi., 17, 5.)—8. (Juv., Sat., ii., 7; iii., 219.—Plin., Ep., iii., 7.)—9. Cic., ad Fam., vii., 25.—Plin., H. N., xxxv., 2.—Sueton., Tib., 70.—Mart., ix., Ep. ad Turan., 9.—(Juv., ix., 1.)—10. (Pala., i., 18, § 9.)—11. (Pollux, Onom., vi., 14, § 10; 162; x., 72.)—12. (s. v.)—13. (Xen., Anab., i., 8, § 25.—14. (Atheniensis, iii., p. 116, F.)—15. (i., 194.)—16. (in Od., i., 1143.)—17. (Festus, s. v.)—18. (Lucan., i., 606.)—19. (Juv., Sat., vi., 257.—Compare Orelli, Inscr. Lat., i., p. 431, No. 2482.)—20. (Petrus, Sat., ii., 27.)—21. (Annus. Marcell., xxiii., 5.)—22. (Orelli, Inscr. Lat., i., p. 431, No. 2483.)—23. (Hor., Ep. ad Pis., 471.)

1. (Nat. Quest., ii., 53.)—2. (Pers., Sat., ii., 27.—Plin., H. N., xi., 54.)—3. (Paus., iii., 11, § 2.)—4. (Paus., l. c.)—5. (Böckh, Corp. Inscript., No. 1271, 1364.)—6. (Böckh, Corp. Inscript., p. 611.)—7. (Compare Müller, Dorians, iii., 7, § 8, p. 132, 133, transl.)—8. (in Herod., vi., 57.)—9. (l. c.)—10. (Suet., Calig., c. 19.)—11. (vii., 56.)—12. (ii., v., 195.)—13. (Compare II., viii., 185.—Od., xiii., 81.—Virg., Georg., iii., 18.)—14. (H. N., xxxiv., 5.)—15. (Isidor., Orig., xviii., 36.)—16. (Ner., c. 24.)—17. (Compare Suet., Tib., c. 26.—Domit., c. 4.)—18. (Plin., H. N., xxxiii., 3.—Liv., xxiii., 15; xxxvi., 40.)—19. (Germ., c. 5.)—20. (Liv., xxxiii., 23, 27; xxxiv., 46; xxxvi., 21)

BIPENNIS. (Vid. SECURIS.)

BIREMIS was used in two significations. I. It signified a ship with two banks of oars, an explanation of the construction of which is given in the article NAVIS. Such ships were called *dixpora* by the Greeks, which term is also used by Cicero (*Ipsæ Domitius dona plane habet dicota*¹) and Hirtius (*Capit ex eo praelio penterem unam, triremes duas, dicrotas octo*²). II. It signified a boat rowed by two oars,³ in which sense it must be used by Horace when he says:

"Tunc me, biremis præsidio scaphæ,
Tutum per Ægeos tumultus
Aura feret, gemitusque Pollux."⁴

BIRRHUS (βίρρος, βήρος), a cape or hood, which was worn out of doors over the shoulders, and was sometimes elevated so as to cover the head. On the former account it is classed by an ancient grammarian with the *lacernæ*, and on the latter with the cowl, or *cucullus*.⁵ It had a long nap (*amphiballus*, i. e., *amphimallus*, *villosus*⁶), which was commonly of sheep's wool, more rarely of beaver's wool (*birrhus castoreus*⁷). In consequence of its thickness, it was also rather stiff (*byrrhum rigidem*⁸). According to the materials of which it was made, it might be either dear,⁹ or so cheap as to be purchased by the common people.

These garments, as well as *lacernæ*, were woven at Canusium in Apulia; and probably their name (*byrrhus*, i. e., βίρρος) was derived from the red colour of the wool for which that district was celebrated. They were also made in different parts of Gaul, especially among the Atrebatæ.¹⁰ Soon afterward they came into general use, so that the birrhus is mentioned in the edict of Diocletian, published A. D. 303, for the purpose of fixing a maximum of prices for all the articles which were most commonly used throughout the Roman empire.

*BISON (βίσων), "the *βίαια* of a sub-genus of the genus *bos* ('ox'), comprehending two living species, one of them the European, now become very scarce, and verging towards extinction; the other the American, and notwithstanding the advances of man, still multitudinous. A good deal of conflicting opinion has thrown some obscurity over the European species. Pennant, in his 'British Zoology,' after stating his belief that the ancient wild cattle of Britain were the *Bisontes jubati* of Pliny, thus continues: 'The Urus of the Hercynian forest, described by Cæsar, was of this kind, the same which is called by the modern Germans *Aurochs*, i. e., *Bos sylvæstris*.' This opinion is not correct. Though there are parts of Cæsar's description applicable to the European Bison, there is one striking characteristic which forbids us to conclude that Cæsar's Urus was identical with it. A glance at the European Bison will convince us that it could never have afforded the horns whose amplitude Cæsar celebrates. In the *Archæologia* (vol. iii., p. 15) it is stated, that the Borstal horn is supposed to have belonged to the bison or buffalo. That it might have belonged to a buffalo is not impossible; but that it did not belong to a bison is sufficiently clear, from the following description: 'It is two feet four inches long on the convex bend, and twenty three inches on the concave. The inside at the large end is three inches diameter, being perforated there so as to leave the thickness of only half an inch for about three inches deep; but farther on it is thicker, being not so much

or so neatly perforated.' Such a horn might indeed have crowned the head of Cæsar's Urus, a species which Cuvier believes to be extinct. Cæsar's Urus, then, was not, as it would appear, the European Bison. There can be little doubt that the *Bison jubatus* of Pliny,¹ which he seems to distinguish from the Urus, was the European Bison, or *Aurochs*; and though, in the fifteenth chapter of the eighth book, he mentions the tradition of a wild beast in Præonia, called a *Bonassus*, after he has dismissed his *Bisontes jubati*, and with every appearance of a conclusion on his part that the *Bonassus* and Bison were not identical, his own description, when compared with that of Aristotle,² will leave little doubt that the *Bison jubatus* and *Bonassus* of Pliny and others, the *Βόνασσο* or *Βόνασο* of Aristotle (for that word is written both ways), and the *Βίστων* of Opiarian, were no other than the European Bison, the *Aurochs* (*Aurochs*) of the Prussians, the *Zubr* of the Poles, the *Taurus Paonius*, &c., of Jonston and others, the *Aurochs* and *le Bonassus* of Buffon, the *Urus* of Boddart, and *Bos Bonassus* of Linnæus. Cuvier considers it as certain, that the European Bison, the largest, or, at least, the most massive of all existing quadrupeds after the rhinoceros, an animal still to be found in some of the Lithuanian forests, and perhaps in those of Moldavia, Wallachia, and the neighbourhood of the Caucasus, is a distinct species, which man has never subdued. Following out this subject with his usual industry and ability, that great naturalist goes on to state, that if Europe possessed a *Urus*, a *Thur* of the Poles, different from the *Bison* or the *Aurochs* of the Germans, it is only in its remains that the species can be traced; such remains are found, in the skulls of a species of ox, different from the *Aurochs*, in the superficial beds of certain districts. This, Cuvier thinks, must be the Urus of the ancients, the original of our domestic Ox; the stock, perhaps, whence our wild cattle descended; while the *Aurochs* of the present day is nothing more than the Bison or *Bonassus* of the ancients, a species which has never been brought under the yoke.—The elevated ridge of the spine on the shoulders, long legs, a woolly fur, and its residence in mountain forests, cause the Bison to approach nearer the Damaline and Catoblepine genera than the Buffaloes."³ For some remarks on the knowledge possessed by the ancients of the latter, consult article *BUBALIS*.

BISSEXTUS. (Vid. CALENDAR, ROMAN.)

BISSEXTUM, or BISSEXTILIS ANNUS. (Vid. CALENDAR, ROMAN.)

*BITUMEN, a Latin word used by Tacitus, Pliny, and other Roman writers, to indicate a species of mineral pitch or oil. The term appears to have some analogy with the Greek *πίσσα*, *πίττα*, "pitch," its earlier form having probably been "*bitumen*." The corresponding Greek word is *ἀσφαλτός* (in modern Latin *asphaltum*), for which no satisfactory derivation has been assigned. The most approved kind of Bitumen was the Jewish, from Lake Asphaltites (Dead Sea); but Bitumen in various states, from that of fluid transparent naphtha, to that of dry, solid, black asphaltum, was well known and much used among the ancients. They appear to have employed both Maltha and melted Asphaltum as a cement in the construction of buildings, &c. Thus the bricks of which the walls of Babylon were constructed were cemented by a bitumen which was found abundantly in that vicinity, springs, or floating on the river Is, which fell the Euphrates. Asphaltum or Maltha, either or mixed with a liquid extracted from the cypress, was employed by the Egyptians in embalming

1. (Ad *Av.*, xvi., 4, § 4.)—2. (Bell. Alex., c. 47.)—3. (Lucan, viii., 562; x., 56.)—4. (Od., iii., xxix., 62.—Scheffer, De Militia Navali, ii., c. 2, p. 68.)—5. (Schol. in Juv., viii., 145.—Schol. in Pers., i., 51.)—6. (Papius, &c., ap. Adelung, Glossar. Manuale, vol. i., p. 220, 693.)—7. (Claudian, Epiqr., 37.)—8. (Sulp. Ser., Dial., 14.)—9. (Claudian, l. c.—¹ pretiosum: ² Augustin., *Serm.*)—10. (Vopisc., *Car.*, c. 20.)

1. (H. N., viii., 15; xviii., 10.)—2. (H. A., ii., 2.)—3. (Encyclopæd., w., p. 461.)

es! In Syria, Asphaltum was dug from quarries in a solid state.² In Zante (the ancient Zacynthus) there is a pitch spring, which we know to have been at work for above 2000 years.³ At Agrigento, in Sicily, a species of liquid bitumen was used in lamps as a substitute for oil.⁴ The principal ingredient in the celebrated Greek fire is supplied by Klapproth to have been some variety of asphaltum—*Bitumen* is now employed as a generic term comprehending several inflammable bodies of different degrees of consistency, namely, Naphtha, Petroleum, Mineral Tar, Mineral Pitch, and Asphaltum. From the description of *ἀσφαλτος* given by Aristotle, it would appear that he applied the term not only to the *Bitumen solidum*, or *Asphaltum*, but likewise to the more liquid sorts of it.⁵

ΒΗΣ ΔΙΚΗ (*βλάβης δίκη*). This action was used in all cases in which one person had sustained a loss by the conduct of another; and from instances that are extant, it seems that whether injury originated in a fault of omission or commission, or impaired the actual fortune of the plaintiff or his prospective advantage, the action lay, and might be maintained, against the defendant. It is, of course, impossible to enumerate particular cases upon which it would arise, but two great classes into which *βλάβαι* may be divided are the *ἐνθεσμοί* and the *ἀθεσμοί*. The first will include all causes arising from the non-performance of a contract to which a penal bond was attached, and those in which the law specified the sum to be paid by the defendant upon conviction; and, secondly, all injuries of property which the law specifies nominatim, but generally directed to be remedied by a fine equal to twice the estimated value of the property if the offence was intentional, if otherwise it is compensation.⁶ Besides the general *βλάβης*, others more specific, as to the nature of the case, are frequently added to the names of the actions of this kind, as *ἀνδραπόδων*, *τετραπόδων*, *μελισσῶν*, and the like. The declaration of the plaintiff is always to have begun with the words *βλάβη μου*, then came the name of the defendant, followed by a description of the injury, as *ὅτι ἀποδίδωμι τὸ ἀργύριον* in Demosthenes.⁷ The property was determined by the subject of litigation when we consider that the damage done to a slave or to the cake-woman's basket,⁸ and the various testimonies given in the name of another rendering such person liable to an action of *ἀπομαρτυριῶν*,⁹ were equally *βλάβαι* in Attic law. A variety of the actions, and, consequently, of the jurisdictions under which they fell, will be a sufficient excuse for the absence of farther specification upon this point.

BLATTA (*σίλφη*), a name given by the Latin to an insect of the family of the Orthoptera, to which they were acquainted with several species. From their shunning the light, Virgil¹⁰ has given them the epithet of *Lucifuga*. Our cockroach is the *Blatta*, being the *Blatta Americana*. Aristotle mentions several medical applications of it after having been either triturated or boiled. They were found serviceable in complaints of the head, ear, in cases of leprosy, and in removing the crusts. Schneider supposes the *σίλφη* of Lucian to be the class *Lepisma*, L. The *σίλφη* of Dioscoridus would seem to be the *Blatta Orientalis*.¹¹

¹ Strabo's Mineralogy, vol. ii., p. 491.—² (Vitruv., iv., 2. (Herod., iv., 195.)—³ (Dioscor., i., 99.)—⁴ (Aristot., s. v. ἀσφαλτος.)—⁵ (Meier, Att. Process, p. 188, § 2, seq.—Demosth., c. Mid., 528.)—⁶ (Pro Pharm., § 8. (Aristoph., Vesp.)—⁷ (Demosth., c. Aphob., iii., 39. (Georg., iv., 243.)—⁸ (xxix., 39.)—⁹ (Dioscor., i., 38.—Lucian, adv. Indoct., 18.—Adams, Append., s. v.

***BLENNUS** (*βλέννος*), called by Pliny *Blennius*, the Blenny or Butterly-fish (*Blennius ocellaris*, L.). It is about seven inches long, and has a slimy mucus smeared over the skin, to which it owes its name, from the Greek *βλέννα*, "mucus," "slime." Athenæus says it resembles the Gudgeon. Several of the Blenny kind are viviparous.¹

***BLETON, BLITON, or BLITION** (*βλήτων, βλίτων, βλίτιον*), the herb *Blite* or *Blites*, a kind of beet. Stackhouse and Dierbach agree with the older commentators, that it is the *Amaranthus Blitum*; and Sprengel inclines to this opinion in his notes to Dioscorides, although in his History of Medicine he had set it down as the *Blitum capitatum*.² The insipidity of the Blitum gave rise to an adage directed against the feeble in intellect, or the tame and spiritless in disposition.

***BOA.** (*Vid. DRACO.*)

BOËDROMIA (*Βοηδρόμια, ἡ and τὰ*), a festival celebrated at Athens on the seventh day of the month of Boëdromion, in honour of Apollo Boëdromius.³ The name Boëdromius, by which Apollo was called in Bœotia and many other parts of Greece,⁴ seems to indicate that by this festival he was honoured as a martial god, who, either by his actual presence or by his oracles, afforded assistance in the dangers of war. The origin of the festival is, however, traced by different authors to different events in Grecian story. Plutarch⁵ says that Theseus, in his war against the Amazons, did not give battle till after he had offered a sacrifice to Phobos; and that, in commemoration of the successful battle which took place in the month of Boëdromion, the Athenians, down to his own time, continued to celebrate the festival of the Boëdromia. According to Suidas, the Etymol. Magn., and Euripides,⁶ the festival derived its name and origin from the circumstance that when, in the reign of Erechtheus, the Athenians were attacked by Eumolpus, Xuthus or (according to Philochorus in Harpocration, s. v.) his son Ion came to their assistance, and procured them the victory. Respecting the particulars of this festival, nothing is known except that sacrifices were offered to Artemis.

BOËDROMION. (*Vid. CALENDAR, GREEK.*)

BOETHETICE. (*Vid. MEDICINA.*)

BEOI'ARCH (*Βοιωτάρχης or Βοιωτάρχος*). The Bœotians in ancient times occupied Arne in Thessaly.⁷ Sixty years after the taking of Troy they were expelled by the Thessalians, and settled in the country then called Cadmeis, but afterward Bœotia. This country, during their occupation of it, was divided into several states, containing each a principal city, with its *ξυντελείς* or *ξίμμοροι* (inhabitants of the same *μοῖρα* or district) living around it. Of these greater states, with dependant territories, there seem to have been in former times fourteen, a number which frequently occurs in Bœotian legends.⁸ The names are differently given by different writers on the subject; we know, however, for certain, that they formed a conspiracy called the Bœotian league, with Thebes at its head, the dependancies of which city formed about a third part of the whole of Bœotia. These dependant towns or districts were not immediately connected with the national confederacy, but with the neighbouring chief city, as Cynoscephalæ was with Thebes. In fact, they were obliged to furnish troops and money, to make up the contingent furnished by the state to which they belonged, to the general confederacy.⁹ Of the independent states, Thucydides¹⁰

1. (Pliny, H. N., xxxii., 9.—Athenæus, vii., c. 83.—Cuvier, An. King., vol. ii., p. 173.)—2. (Theophrast., H. P., vii., 1.—Dioscor., i., 143.)—3. (Müller, Dorians, ii., 8, § 5.)—4. (Paus., ix., 17, § 1.—Callim., Hymn. Apoll., 69.)—5. (Thea., 27.)—6. (Ion., 59.)—7. (Thucyd., i., 12.)—8. (Paus., ix., 3, § 4.)—9. (Arnold, Thucyd., iv., 76.)—10. (iv., 93.)

mentions seven by name; and gives us reasons for concluding that, in the time of the Peloponnesian war, they were ten or twelve in number, Thebes being the chief. Plataea had withdrawn from them, and placed itself under the protection of Athens as early as B.C. 519; and in B.C. 374, Thebes, another member of the league, was destroyed by the Thebans.¹

Each of the principal towns of Bœotia seems to have had its *δήμος* and *βουλή*.² The *βουλή* was succeeded over by an archon, who probably had succeeded to the priestly functions of the old kings, but possessed little, if any, executive authority. The polemarchs, who, in treaties and agreements, are mentioned next to the archon, had some executive authority, but did not command forces; *e. g.*, they could imprison,³ and they directed the levies of troops. But, besides the archon of each separate state, there was an archon of the confederacy—*ἀρχων ἐν κοινῷ Βοιωτῶν*, most probably always a Theban.⁴ His name was affixed to all alliances and compacts which concerned the whole confederacy, and he was president of what Thucydides⁵ calls the four councils, who directed the affairs of the league (*ἅπαν τὸ κῆρος ἔχουσι*). On important questions they seem to have been united; for the same author speaks of them as *ἡ βουλή*, and informs us that the determinations of the Bœotarchs required the ratification of this body before they were valid. We will now explain who these Bœotarchs were. They were properly the military heads of the confederacy, chosen by the different states; but we also find them discharging the functions of an executive in various matters. In fact, they are represented by Thucydides⁶ as forming an alliance with foreign states; as receiving ambassadors on their return home; as negotiating with envoys from other countries; and acting as the representatives of the whole league, though the *βουλή* refused to sanction the measures they had resolved on in the particular case to which we are now alluding. Another instance in which the Bœotarchs appear as executive is their interference with Agesilaus, on his embarking from Aulis for Asia (B.C. 396), when they prevented him offering sacrifice as he wished.⁷ Still the principal duty of the Bœotarchs was of a military nature: thus they led into the field the troops of their respective states; and when at home, they took whatever measures were requisite to forward the military operations of the league or of their own state: for example, we read of one of the Theban Bœotarchs ordering the Thebans to come in arms to the ecclesia for the purpose of being ready to attack Plataea.⁸ Each state of the confederacy elected one Bœotarch, the Thebans two;⁹ although on one occasion, *i. e.*, after the return of the exiles with Pelopidas (B.C. 379), we read of there being three at Thebes.¹⁰ The total number from the whole confederacy varied with the number of the independent states. Mention is made of the Bœotarchs by Thucydides,¹¹ in connexion with the battle of Delium (B.C. 424). There is, however, a difference of opinion with respect to his meaning: some understand him to speak of eleven, some of twelve, and others of thirteen Bœotarchs. Dr. Arnold is disposed to adopt the last number; and we think the context is in favour of the opinion that there were then thirteen Bœotarchs, so that the number of free states was twelve. At the time of the battle of Leuctra (B.C. 371), we find seven Bœ-

otarchs mentioned;¹ on another occasion, when Greece was invaded by the Gauls (B.C. 279), we read of four. Livy² states that there were twelve but, before the time (B.C. 171) to which his statement refers, Plataea had been reunited to the league. Still the number mentioned in any case is no test of the actual number, inasmuch as we are not sure that all the Bœotarchs were sent out by their respective states on every expedition or to every battle.

The Bœotarchs, when engaged in military service, formed a council of war, the decisions of which were determined on by a majority of votes, the president being one of the two Theban Bœotarchs who commanded alternately.³ Their period of service was a year, beginning about the winter solstice; and whoever continued in office longer than his time, was punishable with death both at Thebes and in other cities.⁴ Epaminondas and Pelopidas did so on their invasion of Laconia (B.C. 369), but their eminent services saved them; in fact, the judges did not even come to a vote respecting the former (*οὐδὲ ἀρχὴν περὶ αὐτοῦ θέσθαι τὴν ψήφον*).⁵ At the expiration of the year, a Bœotarch was eligible to office a second time, and Pelopidas was repeatedly chosen.⁶ From the case of Epaminondas and Pelopidas, who were brought before Theban judges (*δικαστῆς*) for transgression of the law which limited the time of office, we may conclude that each Bœotarch was responsible to his own state alone, and not to the general body of the four councils.

Mention is made of an election of Bœotarchs by Livy.⁷ He farther informs us that the league (*concilium*) was broken up by the Romans B.C. 171. Still it must have been partially revived, as we are told of a second breaking up by the Romans after the destruction of Corinth, B.C. 146.⁸

*BOCA or BOCE (*βώκη*, Aristot. : *βώξ*, Oppian : *βοῶν*, Athenæus), a small fish not exceeding a palm in length; but, according to Willoughby, its flesh is wholesome and pleasant. Oppian makes mention of two species. Rondelet conjectures that the second was a species of *Mæna*, meaning, as Adams supposes, the *Sparus Mæna*.

*BOITOS (*βοῖτος*), a species of fish, mentioned by Aristotle.⁹ It is supposed to be the *Cottus Gobio*, the Bull-head, or Miller's thumb. According to Artedi, an old MS. in the Vatican reads *κόβτος*.¹⁰

*BOLBOI (*βολβοί*), a general name for bulbous roots.¹¹ With regard to the *βολβός ἐσώδιμος*, Adams remarks as follows in his Commentary on Paul's *Ægina*: "It is not well ascertained what the excellent bulbi of the ancients were. Hardouin conjectures that they were a delicious kind of onion; Matthioli and Nonnius are wholly undecided. Sprengel inclines, with Dalechamp and Sibthorp, to thinking that they were a species of *Muscari*, or Musk Hyacinth. The account of them given by Serapion, who calls them '*Cepa sine tunicia*,' agrees better with the conjecture of Hardouin. Eustathius also says that the *Bulbus* was a wild onion."¹² The *βολβός ζυματικός* is referred by Matthioli to the *Muscari Moschatum*; by Dodonæus to the *Narcissus Jonquilla*; by Lonicer to the *Scilla bifolia*; by Sibthorp to the *Ornithogalum stychyoides*; and by Camerarius to the *Narcissus poeticus*. Sprengel rather inclines to the opinion of Dodonæus. Dioscoridius holds the *βολβός* of Hippocrates to be the

1 (Clinton, F. H., pt. ii., p. 366.—Thucyd., iii., 55.)—2. (Xen., Hell., v., 2, § 29.—Bœckh, Corp. Inscr.)—3. (Xen., Hell., i. c.)—4. (Bœckh, Inscr., 1593.)—5. (v., 38.)—6. (v., 38.)—7. (Plut., Ares., 6.—Xen., Hell., iii., 4, § 4.)—8. (Paus., ix., 1, § 3.)—9. (Thucyd., ii., 2; iv., 91; vii., 30.—Diod. Sic., xv., 51.)—10. (Plat., Pelop., 13.)—11. (iv., 91.)

1. (Diod. Sic., xv., 52, 53.—Paus., ix., 13, § 3.)—2. (Thucyd., iv., 91.—Diod. Sic., xv., 51.)—3. (Plut., 24.—Paus., ix., 14, § 3.)—4. (Paus., i. c.)—5. (Plut., 7. (xxiii., 27; xlii., 44.)—6. (Compare Polyb., xxviii., τὸ Βοιωτῶν ἔθνος κατελύθη.)—7. (Paus., vii., 16, § 2.)—8. (A., iv., 8.)—9. (Adams, Append., s. v.)—10. (Theophr. P., i., 69; vii., 13; viii., 8.—Dioscor., ii., 200, 201.)—11. (xxi., 1.—Comment. in Paul. Ægina, p. 98.)

this genus. Stackhouse hesitates between a species of Garlic and one of Squills. The truth of the matter would appear to be, that, as various bulbous roots are possessed of emetic powers, the term was applied in a loose manner by the ancients. Dioscorides and most of the medical authorities state that the esculent Bulbus is aphrodisiacal.¹

BOMBYLIUS (*Βομβύλιος*), a drinking-vessel with a very narrow mouth, whence it is called *οίστομος* or *οισότομος*.² The name is supposed to have been formed from the noise which water or any liquid makes in passing through a narrow opening (*βοβόν εν τῇ πύσει*).³

BOMBYLIUS (*βομβύλιος*), a species of insect, of the order *Diptera*, distinguished chiefly by having a long proboscis, with which they sip the sweets from flowers. In their flight they emit a humming sound, whence their name, from *βομβέω*, "to hum." Aristotle would appear to have been well acquainted with the three species which modern naturalists have named *Bombylius major*, *B. minor*, and *B. medius*. These, however, must not be confounded with the *Bombyx mori*, or Silkworm.

BOMBYX. (*Vid. SERICA.*)

BOMOS. (*Vid. ARA.*)

BONA. The word *bona* is sometimes used to express the whole of a man's property;⁴ and in the phrases *bonorum emtio*, *cessio*, *possessio*, *ususfructus*, the word "*bona*" is equivalent to property. It expresses all that a man has, whether as owner or merely as possessor, and everything to which he has any right. But the word *bona* is simply the property as an object; it does not express the nature of the relation between it and the person who has the ownership or the enjoyment of it, any more than the words "all that I have," "all that I am worth," "all my property," in English show the legal relation of a man to that which he thus designates. It is of some importance to understand the nature of the legal expression *in bonis*, as opposed to *dominium*, or *Quiritarian ownership*, and the nature of the distinction will be easily apprehended by any person who is slightly conversant with English law.

There is," says Gaius,⁵ "among foreigners (*peregrini*) only one kind of ownership (*dominium*), so that a man is either the owner of a thing or he is not. And this was formerly the case among the Roman people; for a man was either owner *ex jure Quiritium*, or he was not. But afterward the ownership was split, so that now one man may be the owner (*dominus*) of a thing *ex jure Quiritium*, and yet another may have it *in bonis*. For instance, if, in the case of a *res mancipi*, I do not transfer it to you by *mancipatio*, nor by the form *in jure cessio*, but merely deliver it to you, the thing, indeed, becomes your thing (*in bonis*), but it will remain mine *ex jure Quiritium*, until by possession you have it by *usucapio*. For when the *usucapio* is once complete, from that time it begins to be yours absolutely (*pleno jure*), that is, it is yours both *in bonis*, and also yours *ex jure Quiritium*, just as if it had been *mancipato* to you, or transferred to you by the *in jure cessio*." In this passage Gaius refers to the three modes of acquiring property which were the peculiar rights or privileges of Roman citizens, *mancipatio*, *in jure cessio*, and *usucapio*, which are particularly enumerated by him in another pas-

age. In this passage it appears that the ownership of certain kinds of things among the Romans, called *res mancipi* (*vid. MANCIPIUM*), could only be trans-

ferred from one person to another with certain formalities, or acquired by *usucapio*. But if it was clearly the intention of the owner to transfer the ownership, and the necessary forms only were wanting, the purchaser had the thing *in bonis*, and he had the enjoyment of it, though the original owner was still *legally* the owner, notwithstanding he had parted with the thing.

It thus appears that *Quiritarian ownership* of *res mancipi* originally and properly signified that ownership of a thing which the Roman law recognised as such; it did not express a compound, but a simple notion, which was that of absolute ownership. But when it was once established that one man might have the *Quiritarian ownership*, and another the enjoyment, and the sole right to the enjoyment of the same thing, the complete notion of *Quiritarian ownership* became a notion compounded of the strict legal notion of ownership, and that of the right to enjoy, as united in the same person. And as a man might have both the *Quiritarian ownership* and the right to the enjoyment of a thing, so one might have the *Quiritarian ownership* only, and another might have the enjoyment of it only. This bare ownership was sometimes expressed by the same terms (*ex jure Quiritium*) as the ownership which was complete, but sometimes it was appropriately called *nudum jus Quiritium*,¹ and yet the person who had such bare right was still called *dominus*; and by this term he is contrasted with the *usufructuarius* and the *bonæ fidei possessor*.

The historical origin of this notion, of the separation of the ownership from the right to enjoy a thing, is not known, but it may be easily conjectured. When nothing was wanting to the transfer of ownership but a compliance with the strict legal form, we can easily conceive that the Roman jurists would soon get over this difficulty. The strictness of the old legal institutions of Rome was gradually relaxed to meet the wants of the people, and in the instance already mentioned, the jurisdiction of the prætor supplied the defects of the law. Thus, that interest which a man had acquired in a thing, and which only wanted certain forms to make it *Quiritarian ownership*, was protected by the prætor. The prætor could not give *Quiritarian ownership*, but he could protect a man in the enjoyment of a thing—he could maintain his possession: and this is precisely what the prætor did with respect to those who were possessors of public land; they had no ownership, but only a possession, in which they were protected by the prætor's interdict. (*Vid. AGRARIÆ LEGES.*)

That which was *in bonis*, then, was that kind of interest or ownership which was protected by the prætor, which interest may be called *bonitarian* or *beneficial ownership*, as opposed to *Quiritarian* or *bare legal ownership*. It does not appear that the word *dominium* is ever applied to such *bonitarian ownership*, except it may be in one passage of Gaius,² the explanation of which is not free from difficulty.

That interest called *in bonis*, which arose from a bare tradition of a *res mancipi*, was protected by the *exceptio* and the *actio utilis in rem*.³ *Possessio* is the general name of the interest which was thus protected. The person who had a thing *in bonis* and *ex justa causa*, was also entitled to the *actio Publiciana* in case he lost the possession of the thing before he had gained the ownership by *usucapio*.⁴

The phrases *bonorum possessio*, *bonorum possessor*, might then apply to him who has had a *res mancipi* transferred to him by tradition only; but the phrase applies also to other cases, in which the

1. (Adams, Append., s. v.)—2. (Pollux, Onom., x., 68.)—3. (Pala, s. 93.—Hersch., s. v.—Vid. Casaub. in Athen., p. 35, 74.)—4. (Palsus, Recept. Sentent., v., 6, 16.—Dig. 37, tit. s. 2; 50, tit. 16, s. 43.)—5. (ii., 40.)—6. (ii., 65.)

1. (Gaius, iii., 100.)—2. (i., 54.)—3. (Dig. 41, tit. 1, s. 52.)—4. (Gaius, iv., 36.)

prætor, by the help of fictions, gave to persons the beneficial interest to whom he could not give the ownership. When the prætor gave the goods of the debtor to the creditor, the creditor was said *in possessionem rerum, or bonorum debitoris mitti*.¹ (*Vid. BONORUM EMPTIO, BONORUM POSSESSIO.*)

As to things nec mancipi, the ownership might be transferred by bare tradition or delivery, and such ownership was Quiritarian, inasmuch as the Roman law required no special form to be observed in the transfer of the ownership of res nec mancipi. Such transfer was made according to the jus gentium (in the Roman sense of that term).²

On this subject the reader may consult a long essay by Zimmern, *Ueber das Wesen des sogenannten bonitarischen Eigentums*.³

BONA CADUCA. *Caducum* literally signifies that which falls: thus *glans caduca*, according to Gaius,⁴ is the mast which falls from a tree. *Caducum*, in its general sense, might be anything without an owner, or what the person entitled to neglected to take;⁵ but the strict legal sense of *caducum* and *bona caduca* is that stated by Ulpian,⁶ which is as follows:

If a thing is left by testament to a person who has then a capacity to take it by the jus civile, but from some cause does not take it, that thing is called *caducum*: for instance, if a legacy was left to an unmarried person, or a Latinus Junianus, and the unmarried person did not, within a hundred days, obey the law by marrying, or if, within the same time, the Latinus did not obtain the Jus Quiritium, the legacy was *caducum*. Or if a *heres ex parte*, or a legatee, died after the death of the testator, and before the opening of the will, the thing was *caducum*. The thing which failed to come to a person in consequence of something happening in the life of the testator, was said to be *in causa caduci*; that which failed of taking effect between the death of the testator and the opening of the will, was called simply *caducum*.

The law above alluded to is the Lex Julia et Papia Poppæa, which is sometimes simply called Julia, or Papia Poppæa. This law, which was passed in the time of Augustus (B.C. 9), had the double object of encouraging marriages and enriching the treasury—*ærarium*,⁷ and contained, with reference to these two objects, a great number of provisions. Martial⁸ alludes to a person who married in order to comply with the law.

That which was *caducum*, came, in the first place, to those among the heredes who had children; and if the heredes had no children, it came among those of the legatees who had children. The law gave the jus accrescendi, that is, the right to the *caducum* as far as the third degree of consanguinity, both ascending and descending,⁹ to those who were made heredes by the will. Under the provisions of the law, the *caducum*, in case there was no prior claimant, belonged to the *ærarium*; or, as Ulpian¹⁰ expresses it, if no one was entitled to the *bonorum possessio*, or if a person was entitled, but did not assert his right, the *bona* became public property (*populo deferuntur*), according to the Lex Julia *caducaria*; but by a constitution of the Emperor Antoninus Caracalla, it was appropriated to the *fiscus*: the jus accrescendi above mentioned was, however, still retained. The lawyers, however (*viri prudentissimi*), by various devices, such as substitutions, often succeeded in making the law of no effect.

1. (Dig. 42, tit. 5, s. 14, &c.)—2. (Gaius, ii., 26, 41, 20.—Ulp., Frag., i., 16.)—3. (Rheinisch Museum, für Jurispr., iii., 3.)—4. (Dig. 50, tit. 16, s. 30.)—5. (Cic., Orat., iii., 31.—Phll., x., 5.)—6. (Frag., xvii.)—7. (Tacit., Ann., iii., 25.)—8. (Ep., v., 75.)—9. (Ulp., Frag., xviii.)—10. (xviii., 7.)

He who took the portion of a heres, which came *caducum*, took it by universal succession: the case of a legacy, the *caducum* was a singular succession. But he who took an hereditas *caduca* took it with the bequests of freedom, of legacies and fidei commissa with which it was burdened the legata and fidei commissa became *caduca*, charges with which they were burdened became *caduca* also. In the time of Constantine, both *cœlebs* and the *orbis*, or childless person (who under a limited incapacity), obtained the full capacity of taking the inheritance.¹ Justinian an end to the *caducum*, with all its legal consequences. In this last-mentioned title (*De Caducis testatis*) it is stated both that the name and the (*nomen et materia caducorum*) had their origin in civil wars, that many provisions of the law evaded, and many had become obsolete.² As to the *Dos Caduca*, see *DOS*.

BONA FIDES. This term frequently occurs in the Latin writers, and particularly in the Roman jurists. It can only be defined with reference to things opposed to it, namely, *mala fides*, and *dolus malus*, both of which terms, and especially the latter, are frequently used in a technical sense. (*Vid. DOLUS MALUS.*)

Generally speaking, *bona fides* implies the absence of all fraud, and unfair dealing or acting. In this sense, *bona fides*, that is, the absence of all fraud, whether the fraud consists in simulation or dissimulation, is a necessary ingredient in all contracts.

Bona fide possidere applies to him who has acquired the possession of a thing under a good title, as he supposes. He who possessed a thing *bona fide* had a capacity of acquiring the ownership by usucapion, and had the protection of the *actio Publiciana*. Thus a person who received a thing either *mancipio* or *nec mancipi*, not from the owner, but from a person whom he believed to be the owner, could acquire the ownership by usucapion.⁴ A thing which was *furtiva* or *vi possessa*, or the *res mancipi* of a female who was in the tutela of her agnati, unless it was delivered by her under the auctoritas of the tutor, was not subject to usucapion, and therefore, in these cases, the presence or absence of *bona fides* was immaterial.⁵ A person who bought from a pupillus without the auctoritas of his tutor, or with the auctoritas of a person whom he knew not to be the tutor, did not purchase *bona fide*; that is, he was guilty of a legal fraud. A sole tutor could not purchase a thing *bona fide* from his pupillus; and if he purchased it from another, to whom a non *bona fide* sale had been made, the transaction was null.⁶

A *bona fide possessor* was also protected as to property acquired for him by another person.⁷

In various actions arising out of mutual dealings, such as buying and selling, lending and hiring, partnership, and others, *bona fides* is equivalent to *æquum* and *justum*; and such actions were sometimes called *bonæ fidei actiones*. The formula of the prætor, which was the authority of the judge, empowered him in such cases to inquire and determine *ex bona fide*, that is, according to the real merits of the case.⁸

BONA RAPTA. The *actio vi bonorum raptorum* was granted by the prætor against those who had by force carried off a man's property. The offence was, in fact, a species of *furtum*. If the person injured brought his action within one year af-

1. (Cod. viii., 58.)—2. (Cod. vi., 51.)—3. (Gaius, ii., 144, 286.—Lipsius, Excurs. ad Tacit., Agn., iii., 25.)—4. (Lehrbuch der Institut. des Röm. Rechts.)—5. (Gaius, i., Ulp., Frag., xix., s. 8.)—6. (Gaius, i., 192; ii., 45, 5; ad Att., i., 5.—Pro Flacco, c. 34.)—7. (Dig. 26, tit. 8.)—8. (Vigny, Das Recht des Besitzes, p. 314, &c.)—9. (Gaius, i., Off., iii., 17.—Topic., c. 17.—Brissonius, De F. &c., lib. v.)

BONORUM CESSIO.

when he was first able to bring his action, he recovered fourfold; if after the year, he only double the value of the goods. If a slave was sold, the owner of the goods had a *noxalis actio* against the master.¹

VACANTIA was originally the property of a person left at his death without having disposed of it by will, and without leaving any *heredes*. The property was open to occupancy, and so long as the strict laws of inheritance existed, such an event was not have been uncommon. A remedy was never found for this by the *bonorum possessio* of the praetor.

It does not appear that the state originally claimed the property of a person who died intestate and without *heredes legitimi*. The claim of the state to the property seems to have been first established by the *Lex Julia et Papia Poppæa*. (*Vid. BONORUM CESSIO*.)

The state, that is, in the first instance the emperor, and afterward the *fiscus*, did not take the property as *heres*, but it took it *per universitatem*. In the later periods of the Empire, in the case of a person dying without *heredes*, the legions to which he belonged had a claim before the *fiscus*; and the same was the case with corporate bodies had a like preference over the *fiscus* in the case of a member of the corporation dying without *heredes*.²

BONORUM CESSIO. There were two kinds of *bonorum cessio*, *in jure* and *extra jus*. The first is treated under its proper head.

Bonorum cessio extra jus was introduced by a law, passed either in the time of Julius Cæsar or Augustus, which allowed an insolvent debtor to give up his property to his creditors. The debtor had to declare his willingness to give up his property either orally or by a verbal message. The debtor incurred the *infamia* consequent on the *bonorum cessio*, which was involuntary, and he was free from personal execution. He was also allowed to retain a small portion of his property for his support. An old gloss describes the *bonorum cessio* as *Cedere bonis est ab universitate rerum suarum*.³

The property thus given up was sold, and the proceeds distributed among the creditors. The debtor, of course, did not obtain the Quiritarian title of the property by the act of purchase. If the debtor subsequently acquired property, this was liable to the payment of his old debts, with interest, if they were not already fully satisfied.

The benefit of the *lex Julia* was extended by the emperor's constitutions to the provinces.

The history of the *bonorum cessio* does not seem to have varied. The Julian law, however, was not the enactment which relieved the person of the *infamia* from being taken in execution. The *lex Julia et Papiria* (B.C. 327) exempted the person of the *bonorum cessio* (*si nisi qui noxam meruisset*), and only made the property (*bona*) liable for his debts. It does not seem to have been the passage in Livy⁴ whether this was the *bonorum cessio* in the sense of the *bonorum cessio* of the Julian law, or only a *bonorum emptio* with the privilege of freedom from arrest. The *Tablet of Gaius*⁵ speaks of those *qui in jure bonam copiam habent*; a phrase which appears to be equivalent to the *bonorum cessio*, and was a declaration *in jure*, that is, before the praetor, by the debtor that his property was sufficient to pay his debts.

But this was still accompanied with *infamia*. So far as we can learn from Livy, no such exemption of solvency was required from the debtor by the *Petelia lex*. The Julian law rendered

BONORUM POSSESSIO.

the process of the *cessio bonorum* more simple, by making it a procedure *extra jus*, and giving farther privileges to the insolvent. Like several other Julian laws, it appears to have consolidated and extended the provisions of previous enactments.¹

BONORUM COLLATIO. By the strict rules of the civil law, an emancipated son had no right to the inheritance of his father, whether he died testate or intestate. But, in course of time, the praetor granted to emancipated children the privilege of equal succession with those who remained in the power of the father at the time of his death; and this grant might be either *contra tabulas* or *ab intestato*. But this favour was granted to emancipated children only on condition that they should bring into one common stock with their father's property, and for the purpose of an equal division among all the father's children, whatever property they had at the time of the father's death, and which would have been acquired for the father in case they had still remained in his power. This was called *bonorum collatio*. It resembles the old English hotch-pot, upon the principle of which is framed the provision in the statute 22 and 23 Charles II., c. 10, s. 5, as to the distribution of an intestate's estate.²

BONORUM EMPTIO ET EMTOR. The expression *bonorum emptio* applies to a sale of the property either of a living or of a dead person. It was in effect, as to a living debtor, an execution. In the case of a living person, his goods were liable to be sold if he concealed himself for the purpose of defrauding his creditors, and was not defended in his absence; or if he made a *bonorum cessio* according to the Julian law; or if he did not pay any sum of money which he was by judicial sentence ordered to pay, within the time fixed by the laws of the Twelve Tables³ or by the praetor's edict. In the case of a dead person, his property was sold when it was ascertained that there was neither *heres* nor *bonorum possessor*, nor any other person entitled to succeed to it. In this case the property belonged to the state after the passing of the *Lex Julia et Papia Poppæa*. If a person died in debt, the praetor ordered a sale of his property on the application of the creditors.⁴ In the case of the property of a living person being sold, the praetor, on the application of the creditors, ordered it to be possessed (*possideri*) by the creditors for thirty successive days, and notice to be given of the sale. The creditors were said *in possessionem rerum debitorum mitti*: sometimes a single creditor obtained the *possessio*. When several creditors obtained the *possessio*, it was usual to intrust the management of the business to one of those who was chosen by a majority of the creditors. The creditors then met and chose a *magister*, that is, a person to sell the property,⁵ or a *curator bonorum* if no immediate sale was intended. The purchaser, *emptor*, obtained by the sale only the *bonorum possessio*: the property was his in *bonis* until he acquired the Quiritarian ownership by *usucapion*. The foundation of this rule seems to be, that the consent of the owner was considered necessary in order to transfer the ownership. Both the *bonorum possessores* and the *emptores* had no legal rights (*directæ actiones*) against the debtors of the person whose property was possessed or purchased, nor could they be legally sued by them; but the praetor allowed *utiles actiones* both in their favour and against them.⁶

BONORUM POSSESSIO is defined by Ulpian⁷ to be "the right of suing for or retaining a patrimony."

¹—Dig. 47, tit. 8.—² (Marezoll, Lehrbuch des Rechts.)—³ (viii., 28.)—⁴ (Mazoechi,

1. (Gaius, iii., 28.—Dig. 42, tit. 3.—Cod. vii., tit. 71.)—2. (Dig. 36, tit. 8.—Cod. vi., tit. 20.)—3. (Aul. Gell., xv., 13; xx., 1.)—4. (Gaius, ii., 154, 167.)—5. (Cic., ad Att., i., 9; vi., 1.—Pro Quincto., c. 15.)—6. (Gaius, iii., 77; iv., 35, 65, and 111.—Dig. 42, tit. 4, 5.)—7. (Dig. 37, tit. 1, s. 3.)

ny or thing which belonged to another at the time of his death." The strict laws of the Twelve Tables as to inheritance were gradually relaxed by the prætor's edict, and a new kind of succession was introduced, by which a person might have a bonorum possessio who could have no hereditas or legal inheritance.

The bonorum possessio was given by the edict both *contra tabulas*, *secundum tabulas*, and *intestati*.

An emancipated son had no legal claim on the inheritance of his father; but if he was omitted in his father's will, or not expressly exheredated, the prætor's edict gave him the bonorum possessio *contra tabulas*, on condition that he would bring into hotchpot (*bonorum collatio*) with his brethren who continued in the parent's power, whatever property he had at the time of the parent's death. The bonorum possessio was given both to children of the blood (*naturales*) and to adopted children, provided the former were not adopted into any other family, and the latter were in the adoptive parent's power at the time of his death. If a freedman made a will without leaving his patron as much as one half of his property, the patron obtained the bonorum possessio of one half, unless the freedman appointed a son of his own blood as his successor.

The bonorum possessio *secundum tabulas* was that possession which the prætor gave, conformably to the words of the will, to those named in it as heredes, when there was no person entitled to make a claim against the will, or none who chose to make such a claim. It was also given *secundum tabulas* in cases where all the requisite legal formalities had not been observed, provided there were seven proper witnesses to the will.

In the case of intestacy (*intestati*), there were seven degrees of persons who might claim the bonorum possessio, each in his order, upon there being no claim of a prior degree. The first three classes were children, *legitimi heredes* and *proximi cognati*. Emancipated children could claim as well as those who were not emancipated, and adoptive as well as children of the blood; but not children who had been adopted into another family. If a freedman died intestate, leaving only a wife (in manu) or an adoptive son, the patron was entitled to the bonorum possessio of one half of his property.

The bonorum possessio was given either *cum re* or *sine re*. It was given *cum re* when the person to whom it was given thereby obtained the property or inheritance. It was given *sine re* when another person could assert his claim to the inheritance by the *jus civile*: as, if a man died intestate, leaving a *sua heres*, the grant of the bonorum possessio would have no effect; for the heres could maintain his legal right to the inheritance. Or, if a person who was named heres in a valid will was satisfied with his title according to the *jus civile*, and did not choose to ask for the bonorum possessio (which he was entitled to if he chose to have it), those who would have been heredes in case of an intestacy might claim the bonorum possessio, which, however, would be unavailing against the legal title of the testamentary heres, and, therefore, *sine re*.

Parents and children might claim the bonorum possessio within a year from the time of their being able to make the claim; others were required to make the claim within a hundred days. On the failure of such party to make his claim within the proper time, the right to claim the bonorum possessio devolved on those next in order, through the seven degrees of succession.

He who received the bonorum possessio was not thereby made heres, but he was placed *heredis loco*; for the prætor could not make a heres. The property of which the possession was thus given was

only in bonis, until, by usucapion, the possessio was converted into Quiritarian ownership (*dominium*). All the claims and obligations of the deceased person were transferred with the bonorum possessio to the possessor or prætorian heres; and he was protected in his possession by the *interdictum quorum bonorum*. The benefit of this interdict was limited to cases of bonorum possessio, and this was the reason why a person who could claim the inheritance in case of intestacy by the civil law sometimes chose to ask for the bonorum possessio also. The prætorian heres could only sue and be sued in respect of the property by a legal fiction. He was not able to sustain a *directa actio*; but, in order to give him this capacity, he was, by a fiction of law, supposed to be what he was not, heres; and he was said *ficto se herede agere*, or *intendere*. The actions which he could sustain or defend were *actiones utiles*.¹ A good general view of the bonorum possessio is given by Marezoll, *Lehrbuch der Institutionen des Röm. Rechts*, § 174.

*BONASSUS (*βόνασος*), a quadruped, the same with the Bison. (*Vid. BISON*.)

*BOSCAS (*βοσκός*), the Wild Duck, *Anas Boschas*. (*Vid. ANAS*.)

*BOSTRYCHITES (*βοστρυχίτης*), a stone resembling a lock of female hair.² It is supposed to have been amianthus.³

*BOS (*βόϋς*), a generic term, applied to several varieties of the ox and cow, namely, of the *Bos Taurus*, L. "The immense advantages derive from the domesticated ox in the beginning of human civilization," observes Lieut. Col. Smith, "may be gathered from the conspicuous part its name attributes perform in the early history of mankind. We find the Bull among the signs of the Zodiac; it typifies the sun in more than one system of mythology; it was personally worshipped among the Egyptians, and is still venerated in India. The Cow is repeatedly a mystical type of the earth in the mystical systems of ancient Greece, or a form of Bhavani with the Hindus. The Vedas consider it the primordial animal, the first created by the three kinds of gods who were directed by the Supreme Lord to furnish the earth with animated beings. The Ox first enabling man to till the ground was a direct cause of private territorial property and of its consequences, wealth, commerce, leisure, and learning; he was no less the means of abstracting mankind from the necessity of shedding blood, and thus he became the emblem of justice, the vehicle of Siva. This merited consideration we see dexterously used by ancient legislators, to soften the brutality of human manners, either by forbidding the flesh as food in those countries where his acknowledged utility was counteracted by obstacles in the increase, or by commanding the frequent use of sacrifices by a proper slaughter, where fire and salt should be employed to check horrid species of massacre and practice of devouring the flesh in a raw state.—The words *Thur*, *Taur*, *Toor*, *Tier*, *Deer*, *Stier*, *Steer*, in the northern dialects of Europe, in their early and in their latest accretions, are direct names of well-known ruminants, but in proportion as we pursue the root towards its origin in Central Asia, we find that the parent language of the Gothic and Slavonian, as well as those of the Hellenic and other tongues, unite in fixing it upon a larger bovine animal, perfectly applicable to that known in Cæsar's Commentaries by the name of *Urus*, implying, as some think, a primæval, ancient, sylvan, fierce, mysterious; retained in the Teutonic *ur* and its numerous

1. (Gaius, iii., 25-38; iv., 34.—Ulp., *Fragm.*, tit. 28, Dig. 37, tit. 4, s. 19; tit. 11.—Dig. 38, tit. 6.)—2. (Plin., xxxvii., 10.)—3. (Moore's *Anc. Mineral*, p. 182.)

common name among the Curds and casian tribes; while, on the other hand, the names βοῦς, *bos*, the Arabic *bakr*, as also the Cow, Gaur, and Ghai, are all evidently common root descriptive of the voice of the Ox. It has been conjectured that the original domestication of the common Ox (*Bos Taurus*) in Western Asia, and was performed by the Aryan nations, who thereby effected a lead- ing of that civilization which their descendants followed westward and to the southeast, where the Aryan races, not multiplying or yielding returns to human industry and human wants, retained the veneration in which they are held, and situated the prohibition of feeding on their flesh to these circumstances, also, that we find the domestication of the Buffalo, whose habits were suited to supply the deficiency of the Ox; and a similar effect has since taken place in Egypt; for, from the period of the introduction of the Buffalo into that country, domestic oxen are not only fewer, but far from deserving the honours bestowed upon them by the an-

character of domestic oxen is absolutely different from that of the wild breeds, as seen in the flexures of the horns and in external appearance, occasioned by the variations of climate and treatment. The hunched races of Africa are regarded as introduced with the Arabian oxen after the Hegira; for in the numerous monuments of Taurine animals, sacred victims, and of tillage upon the monuments of ancient Egypt, none occur. The breeds of the Kisil-Yul, Calmuc Tartars, those of Podolia and the Caucasus, of European Turkey, and the Roman breeds are among the largest known. They are distinguished by ample horns spreading outward and then forward and upward, with dark brown or black colour, passing to black in the Papal dominions, is not found represented in the ancient bas-reliefs of Rome, but was introduced most probably by the Goths, or at the same time with the Buffalo. Italy possesses ancient breeds presumed to have existed in ancient

when the Athenians, being commanded by an oracle to invoke their γαμβρός ἐπικουρος, prayed to Boreas. The fleet of Xerxes was soon afterward destroyed by a north wind, near Cape Sepias, and the grateful Athenians erected to his honour a temple on the banks of the Ilissus. But, considering that Boreas was intimately connected with the early history of Attica, since he is said to have carried off and married Oreithyia, daughter of Erechtheus,⁸ and that he was familiar to them under the name of *brother-in-law*, we have reason to suppose that even previous to the Persian wars certain honours were paid to him, which were, perhaps, only revived and increased after the event recorded by Herodotus. The festival, however, does not seem ever to have had any great celebrity, for Plato⁹ represents Phædrus as unacquainted even with the site of the Temple of Boreas. Particulars of this festival are not known, except that it was celebrated with banquets.

Pausanias¹⁰ mentions a festival celebrated with annual sacrifices at Megalopolis in honour of Boreas, who was thought to have been their deliverer from the Lacedæmonians.¹¹

Ælian¹² says that the Thurians also offered an annual sacrifice to Boreas, because he had destroyed the fleet with which Dionysius of Syracuse attacked them; and adds the curious remark, that a decree was made which bestowed upon him the right of citizenship, and assigned to him a house and a piece of land. This, however, is perhaps merely another way of expressing the fact that the Thurians adopted the worship of Boreas, and dedicated to him a temple, with a piece of land.

BOTANOMANTEΪΑ. (Vid. DIVINATION.)

BOTULUS (ἀλλᾶς, φόσκη), a sausage, was a very favourite food among the Greeks and Romans. The *tomaculum* was also a species of sausage, but not the same as the botulus, for Petronius¹³ speaks of *tomacula cum botulis*. The sausages of the ancients, like our own, were usually made of pork,¹⁴ and were cooked on a gridiron or frying-pan, and eaten warm (*fuere et tomacula supra eraticulam argenteam ferventia*¹⁵). They were sold in the streets and in the baths, and the botularius was accustomed to cry out his sausage for sale.¹⁶

ΒΟΥΛΗ' (ἡ τῶν πεντακσίων). In the heroic ages, represented to us by Homer, the βουλή is simply an aristocratical council of the elders among the nobles, sitting under their king as president, who, however, did not possess any greater authority than the other members, except what that position gave him. The nobles, thus assembled, decided on public business and judicial matters, frequently in connexion with, but apparently not subject to, nor of necessity controlled by, an ἀγορά, or meeting of the freemen of the state.¹ This form of government, though it existed for some time in the Ionian, Æolian, and Achæan states, was at last wholly abolished. Among the Dorians, however, especially with the Spartans, this was not the case; for it is well known that they retained the kingly power of the Heracleidæ, in conjunction with the γερουσία (vid. ΓΕΡΟΥΣΙΑ), or assembly of elders, of which the kings were members. At Athens, on the contrary, the βουλή was a representative, and in most respects a popular body (δημοτικόν), the origin, nature, and duties of which we proceed to describe.

Its first institution is generally attributed to Solon. There are, however, strong reasons for supposing that, as in the case of the areiopagus, he merely modified the constitution of a body which he found already existing. In the first place, it is improbable, and, in fact, almost inconsistent with the existence of any government, except an absolute monarchy, to suppose that there was no such council. Besides this Herodotus² tells us that in the time of Cylon (B.C. 620), Athens was under the direction of the presidents of the Naucræes (ναυκραῖται), the number of which was forty-eight, twelve out of each of the four tribes. Moreover, we read of the case of the Alcmeonidæ being referred to an aristocratical tribunal of 300 persons, and that Isagoras, the leader of the aristocratic party at Athens, endeavoured to suppress the council, or βουλή, which Cleisthenes had raised to 600 in number, and to vest the government in the hands of 300 of his own party.³ This, as Mr. Thirlwall⁴ remarks, can hardly have been a chance coincidence: and he also suggests that there may have been two councils, one a smaller body, like the Spartan γερουσία, and the other a general assembly of the eupatrids; thus corresponding, one to the senatus, the other to the comitia curiata, or assembly of the burghers at Rome. But, be this as it may, it is admitted that Solon made the number of his βουλή 400, taking the members from the first three classes, 100 from each of the four tribes. On the tribes being remodelled by Cleisthenes (B.C. 510), and raised to ten in number, the council also was increased to 500, fifty being taken from each of the ten tribes. It is doubtful whether the βουλευτῆαι, or councillors, were at first appointed by lot, as they were afterward; but as it is stated to have been Solon's wish to make the βουλή a restraint upon the people, and as he is, moreover, said to have chosen (ἐπιλεξάμενος⁵) 100 members from each of the tribes, it seems reasonable to suppose that they were elected, more especially when there is no evidence to the contrary.⁶ It is, at any rate, certain that an election, where the eupatrids might have used influence, would have been more favourable to Solon's views than an appointment by lot. But, whatever was the practice originally, it is well known that the appointment was in after times made by lot, as is indicated by the title (οἱ ἀπὸ τῶν κνίμου βουλευτῆαι), suggested by the use of beans in drawing the lots.⁷ The in-

dividuals thus appointed were required to go to a scrutiny, or δοκιμασία, in which they gave evidence of being genuine citizens (γνήσιοι ἐς ἀγὸν) of never having lost their civic rights by ἀπαιτία, also of being under 30 years of age. (Vid. ΜΑΣΤΑ.) They remained in office for a year, receiving a drachma (μισθὸς βουλευτικὸς) for each day, which they sat:¹ and independent of the public account, or εὐθύναι, which the whole body gave at the end of the year, any single member was liable to expulsion for misconduct by his colleagues.²

This senate of 500 was divided into ten sections of fifty each, the members of which were the prytanes (πρυτανεῖς), and were all of the same tribe; they acted as presidents both of the council and of the assemblies during 35 or 36 days, as the case might be, so as to complete the lunar year of 354 (12 × 29½). Each tribe exercised these functions in turn, and the period of office was called a πρυτανεία. The turn of each tribe was determined by lot, and the four supernumerary days given to the tribes which came last in the year. Moreover, to obviate the difficulty of having many in office at once, every fifty was subdivided into five bodies of ten each; its prytany also was portioned out into five periods of seven days each, so that only ten senators presided for a week, the rest, and were thence called πρόεδροι. Out of these proedri an ἐπιστάτης was chosen every day in the week, to preside as a chairman of the senate and the assembly of the people; during his day of office he kept the public records and seal.⁴

The prytanes had the right of convening the council and the assembly (ἐκκλησία). The duty of the proedri and their president was to propose subjects for discussion, and to take the votes both of the councillors and the people; for neglect of their duty they were liable to a fine.⁵ Moreover, when convened, either of the council or the assembly, the chairman of the proedri selected one or two, lot nine others, one from each of the non-presiding tribes: these also were called proedri, and possessed a chairman of their own, likewise appointed by lot from among themselves. On their functions and the probable object of their appointment, remarks are made in the latter part of this article.

We now proceed to speak of the duties of the senate as a body. It is observed under Aristophanes that the chief object of Solon in forming the senate and the areiopagus was to control the executive powers of the state; for this purpose Solon ordained that the senate should discuss and vote upon all matters before they were submitted to the assembly, so that nothing could be laid before the people on which the senate had not previously given its sanction. This decision or bill was called προβούλευμα, and if the assembly had not given its sanction, the senate was obliged either to acquiesce in any such proposition, or to gain the consent of the senate to their modification of it, the assembly and the senate would have been almost equal powers in the state, nearly related to each other, as our two houses in Parliament. But, besides the option of adopting or rejecting a προβούλευμα, or ψήφισμα as it was sometimes called, the people possessed and exercised the power of coming to a decision completely independent from the will of the senate, as expressed by the προβούλευμα. Thus, in matters relating to peace and war, and confederacies, it was the duty of the senators to watch over the interests of the peo-

1. (Il., ii., 53, 143; xviii., 503.—Od., ii., 239.)—2. (v., 71.)—3. (Herod., v., 72.—Plut., Sol., 12.)—4. (Hist. of Greece, ii., 41.)—5. (Plut., Sol., 19.)—6. (Thirlwall's Hist. of Greece, ii., 42.)—7. (Thucyd., viii., 69.)

1. (Böckh, i., 310, transl.)—2. (Harpor., s. v. Ἐπιτάτης.—Æsch., c. Ctes., p. 56, ed. Bekk.)—3. (Clinton, F. H., v., p. 346.)—4. (Suid.—Harpor.)—5. (Demosth., c. Timocr., 707.)

and they could initiate whatever measures, and come to whatever resolutions they might think necessary; but on a discussion before the people it was competent for any individual to move a different or even contrary proposition. To take an example: In the Eubœan war (B.C. 350), in which the Thebans were opposed to the Athenians, the senate voted that all the cavalry in the city should be sent out to assist the forces then besieged at Tamyra; a *προβούλευμα* to this effect was proposed to the people, but they decided that the cavalry were not wanted, and the expedition was not undertaken. Other instances of this kind occur in Xenophon.

In addition to the bills which it was the duty of the senate to propose of their own accord, there were others of a different character, viz., such as any private individual might wish to have submitted to the people. To accomplish this, it was first necessary for the party to obtain, by petition, the privilege of access to the senate (*πρόσδοσις γράψασθαι*), and leave to propose his motion; and if the measure met with their approbation, he could then submit it to the assembly.¹ Proposals of this kind, which had the sanction of the senate, were also called *προβουλεύματα*, and frequently related to the conferring of some particular honour or privilege upon an individual. Thus the proposal of Ctesiphon for crowning Demosthenes is so styled, as also that of Aristocrates for conferring extraordinary privileges on Charidemus, an Athenian commander in Thrace. Any measure of this sort, which was thus approved of by the senate, was then submitted to the people, and by them simply adopted or rejected; and "it is in these and similar cases that the statement of the grammarians is true, that no law or measure could be presented for ratification by the people without the previous approbation of the senate, by which it assumed the form of a decree passed by that body."²

In the assembly the bill of the senate was first read, perhaps by the crier, after the introductory ceremonies were over; and then the proedri put the question to the people, whether they approved of it, or wished to give the subject farther deliberation.³ The people declared their will by a show of hands (*προχειροτονία*). Sometimes, however, the bill was not proposed and explained by one of the proedri, but by a private individual—either the original applicant for leave to bring forward the measure, or a senator distinguished for oratorical power. Examples of this are given by Schömann.⁴ If the *προβούλευμα* of the senate were rejected by the people, it was, of course, null and void. If it happened that it was neither confirmed nor rejected, it was *ἐπίτερον*, that is, only remained in force during the year the senate was in office.⁵ If it was confirmed it became a *ψήφισμα*, or decree of the people, binding upon all classes. The form for drawing up such decrees varied in different ages. Before the archonship of Euclides (B.C. 403), they were generally headed by the formula, 'Ἐδοξε τῇ βουλῇ καὶ τῷ δήμῳ: then the tribe was mentioned in whose prytany the decree was passed; then the names of the γραμματεῖς or scribe, and chairman; and, lastly, that of the author of the resolution. Examples of this occur in Andocides; thus: 'Ἐδοξε τῇ βουλῇ καὶ τῷ δήμῳ, Αἰαντίς ἐπρυτάνευε, Κλεογένης ἐγραμμάτευε, Βοηθὸς ἐπισταίει, τὰδε Δημόφρανος συνέγραψε.'⁶ From the archonship of Euclides till about B.C. 325, the decrees commence with the name of

the archon; then come the day of the month, the tribe in office, and, lastly, the name of the proposer. The motive for passing the decree is next stated; and then follows the decree itself, prefaced with the formula *δεδοχθαι τῇ βουλῇ καὶ τῷ δήμῳ*. The reader is referred to Demosthenes, *De Corona*, for examples. After B.C. 325, another form was used, which continued unaltered till the latest times.¹ We will here briefly state the difference between the *νόμοι* and *ψήφισματα*: it is as follows: The former were constitutional laws; the latter, decrees of the people on particular occasions.²

Mention has just been made of the γραμματεῖς, whose name was affixed to the *ψήφισματα*, as in the example given above: it may be as well to explain that this functionary was a clerk chosen by lot by the senate in every prytany, for the purpose of keeping the records, and resolutions passed during that period; he was called the clerk according to the prytany (*ὁ κατὰ πρυτανείαν*), and the name of the clerk of the first prytany was sometimes used to designate the year.³

With respect to the power of the senate, it must be clearly understood that, except in cases of small importance, they had only the right of originating, not of finally deciding on public questions. Since, however, the senators were convened by the prytanes every day, except on festivals or *ἀφετοὶ ἡμέραι*,⁴ it is obvious that they would be fit recipients of any intelligence affecting the interests of the state, and it is admitted that they had the right of proposing any measure to meet the emergency; for example, we find that Demosthenes gives them an account of the conduct of Æschines and himself, when sent out as ambassadors to Philip, in consequence of which they propose a bill to the people. Again, when Philip seized on Elateia (B.C. 338), the senate was immediately called together by the prytanes to determine what was best to be done.⁵ But, besides possessing the initiatory power of which we have spoken, the senate was sometimes delegated by the people to determine absolutely about particular matters, without reference to the assembly. Thus we are told⁶ that the people gave the senate power to decide about sending ambassadors to Philip; and Andocides⁷ informs us that the senate was invested with absolute authority⁸ to investigate the outrages committed upon the statues of Hermes previously to the sailing of the Sicilian expedition.

Sometimes, also, the senate was empowered to act in conjunction with the nomothetæ (*συννομοθετεῖν*), as on the revision of the laws after the expulsion of the Thirty by Thrasybulus and his party, B.C. 403.⁹ Moreover, it was the province of the senate to receive *εἰσαγγελίαι*, or informations of extraordinary crimes committed against the state, and for which there was no special law provided. The senate in such cases either decided themselves, or referred the case to one of the courts of the *heliai*, especially if they thought it required a higher penalty than it was competent for them to impose, viz., 500 drachmæ. It was also their duty to decide on the qualification of magistrates, and the character of members of their own body. (*VID. DOXIMASIA.*) But, besides the duties we have enumerated, the senate discharged important functions in cases of finance. All legislative authority, indeed, in such matters rested with the people, the amount of expenditure and the sources of revenue being determined by the decrees which they passed; but the administration was intrusted to the senate, as the

1. (Hellen., i., 7, § 9; vii., 1, § 2.)—2. (Demosth., c. Timocr., 12.)—3. (Schömann, De Ath. Com., p. 103, transl.)—4. (Aristot., Theophr., 290.)—5. (De Ath. Com., p. 106, transl.)—6. (Demosth., c. Arist., 651.)—7. (De Myst., p. 13.)—8. (Compara Myst., p. 118.)

1. (Schömann, p. 136, transl.)—2. (Thucyd., iii., 36, ed. Arnold.)—3. (Pollux, Onom., viii., 98.—Böckh, vol. i., p. 250, transl.)—4. (Pollux, viii., 95.)—5. (Demosth., De Fals. Leg., 346.—De Cor., 284.)—6. (Demosth., De Fals. Leg., 359.)—7. (De Myst., p. 13.)—8. (ὅτι γὰρ ἀποκρίτωρ.)—9. (Andocid., De Myst., p. 12.—Demosth., c. Timocr., p. 708.)

executive power of the state, and responsible (*ὑπεθύστος*) to the people. Thus Xenophon¹ tells us that the senate was occupied with providing money, with receiving the tribute, and with the management of naval affairs and the temples; and Lysias² makes the following remark: "When the senate has sufficient money for the administration of affairs, it does nothing wrong; but when it is in want of funds, it receives informations, and confiscates the property of the citizens." The letting of the duties (*τελώναι*) was also under its superintendence, and those who were in possession of any sacred or public moneys (*ἱερά καὶ ὄσια*) were bound to pay them into the senate-house; and in default of payment, the senate had the power of enforcing it, in conformity with the laws for the farming of the duties (*οἱ τελωνικοὶ νόμοι*). The accounts of the moneys that had been received, and of those still remaining due, were delivered to the senate by the *ἀποδέκται*, or public treasurers. (*Vid. ΑΡΘΡΟΕΣΤ.Ε.*) "The senate arranged, also, the application of the public money, even in trifling matters, such as the salary of the poets, the superintendence of the cavalry maintained by the state, and the examination of the infirm (*ἀδύνατοι*) supported by the state, are particularly mentioned among its duties; the public debts were also paid under its direction. From this enumeration we are justified in inferring that all questions of finance were confided to its supreme regulation."³ Another very important duty of the senators was to take care that a certain number of *triremes* was built every year, for which purpose they were supplied with money by the state; in default of so doing, they were not allowed to claim the honour of wearing a crown or chaplet (*στέφανος*) at the expiration of their year of office.⁴

It has been already stated that there were two classes or sets of *proedri* in the senate, one of which, amounting to ten in number, belonged to the presiding tribe; the other consisted of nine, chosen by lot by the chairman of the presiding *proedri* from the nine non-presiding tribes, one from each, as often as either the senate or the people were convened. It must be remembered that they were not elected as the other *proedri*, for seven days, but only for as many hours as the session of the senate, or meeting of the people, lasted. Now it has been a question what were the respective duties of these two classes: but we have no hesitation in stating our conviction that it was the *proedri* of the presiding tribe who proposed to the people in assembly the subjects for discussion; recited, or caused to be recited, the previous bill (*προβούλευμα*) of the senate; officiated as presidents in conjunction with their *ἐπιστάτης*, or chairman, and discharged, in fact, all the functions implied by the words *χρηματίζειν πρὸς τὸν δῆμον*. For ample arguments in support of this opinion, the reader is referred to Schömann.⁵ It does indeed appear, from decrees furnished by inscriptions and other authorities, that in later times the *proedri* of the nine tribes exercised some of those functions which the orations of Demosthenes and his contemporaries justify us in assigning to the *proedri* of the presiding tribe. It must, however, be remarked, that all such decrees were passed after B.C. 308, when there were twelve tribes; and that we cannot, from the practice of those days, arrive at any conclusions relative to the customs of former ages.

If it is asked what, then, were the duties of these *proedri* in earlier times, the answer must be in a great measure conjectural; but the opinion of Schömann on this point seems very plausible. He ob-

serves that the *prytanes* had extensive and important duties intrusted to them; that they were all of one tribe, and therefore closely connected; that they officiated for thirty-five days as presidents of the representatives of the other tribes; and that they had ample opportunities of combining for the benefit of their own tribe at the expense of the community. To prevent this, and watch their conduct whenever any business was brought before the senate and assembly, may have been the reason for appointing, by lot, nine other quasi-presidents, representatives of the non-presiding tribes, who would protest and interfere, or approve and sanction, as they might think fit. Supposing this to have been the object of their appointment in the first instance, it is easy to see how they might at least have been united with the proper *proedri* in the performance of duties originally appropriated to the latter.

In connexion with the *proedri* we will explain what is meant by the phrase *ἡ προεδρεύουσα φυλή*. Our information on this subject is derived from the speech of Æschines against Timarchus, who informs us that, in consequence of the unseemly conduct of Timarchus on one occasion before the assembly, a new law was passed, in virtue of which a tribe was chosen by lot to keep order, and sit as presidents under the *βῆμα*, or platform on which the orators stood. No remark is made on the subject to warrant us in supposing that senators only were elected to this office; it seems more probable that a certain number of persons was chosen from the tribe on which the lot had fallen, and commissioned to sit along with the *prytanes* and the *proedri*, and that they assisted in keeping order. We may here remark, that if any of the speakers (*ρήτορες*) misconducted themselves either in the senate or the assembly, or were guilty of any act of violence to the *ἐπιστάτης*, after the breaking up of either, the *proedri* had the power to inflict a summary fine, or bring the matter before the senate and assembly at the next meeting, if they thought the case required it.⁶

The meetings of the senate were, as we learn from various passages of the Attic orators, open to strangers; thus Demosthenes⁷ says that the senate-house was, on a particular occasion, full of strangers (*μεσθὸν ἢν ἰδιωτῶν*): in Æschines⁸ we read of a motion "that strangers do withdraw" (*μετασπασόμενος τοὺς ἰδιώτας*). Nay, private individuals were sometimes, by a special decree, authorized to come forward and give advice to the senate.⁹ The senate-house was called *τὸ βουλευτήριον*, and contained two chapels, one of *Ζεὺς βουλευαῖος*, another of *Ἀθηνᾶ βουλαία*, in which it was customary for the senators to offer up certain prayers before proceeding to business.¹⁰

The *prytanes* also had a building to hold their meetings in, where they were entertained at the public expense during their *prytany*. This was called the *πρυτανεῖον*, and was used for a variety of purposes. (*Vid. ΠΡΥΤΑΝΕΙΟΝ*.) Thucydides,¹¹ indeed, tells us that, before the time of Theseus, every city of Attica had its *βουλευτήριον* and *πρυτανεῖον*; a statement which gives additional support to the opinion that Solon did not originate the senate at Athens.

The number of tribes at Athens was not always ten; an alteration took place in B.C. 306, when Demetrius Poliorettes had liberated the city from the usurpation of Cassander. Two were then added, and called Demetrias and Antigonis, in honour of Demetrius and his father.¹² It is evident that

1. (*De Rep. Ath.*, iii., 2.)—2. (*c. Nicom.*, 185.)—3. (*Hæckh.*, vol. 1., p. 208, transl.)—4. (*Arg. Orat.*, c. *Andrat.*)—5. (*De Ath. Com.*, p. 83, transl.)

1. (*Æsch.*, c. *Timarch.*, 5.)—2. (*De Fals. Leg.*, 346.)—3. (*c. Ctes.*, 71, 20.)—4. (*Dobree, Advers.*, i., 542.)—5. (*Andoc.*, *De Myst.*)—6. (*Antiph.*, *De Chor.*, p. 787.)—7. (*li.*, 15.)—8. (*Clinton, F. H.*, ii., 343.)

this change, and the consequent addition of 100 members to the senate, must have varied the order and length of the prytanes. The tribes just mentioned were afterward called Ptolemais and Attalis; and in the time of Hadrian, who beautified and improved Athens, a thirteenth was added, called from him Hadrianis. An edict of this emperor has been preserved, which proves that even in his time the Athenians kept up the show of their former institutions.

ΒΟΥΛΕΥΤΗΣΕΩΣ ΓΡΑΦΗ (*Bouleuteseos graphē*), an impeachment for conspiracy. *Bouleuteseos*, being in this case the abbreviated form of *ἐπιβουλεύσεως*, is the name of two widely different actions at Attic law. The first was the accusation of conspiracy against life, and might be instituted by the person thereby attacked, if competent to bring an action; otherwise, by his or her legal patron (*κύριος*). In case of the plot having succeeded, the deceased might be represented in the prosecution by near kinsmen (*οἱ ἐντός ἀνεπιότῃτος*), or, if they were incompetent, by the *κύριος*, as above mentioned.¹ The criminality of the accused was independent of the result of the conspiracy,² and the penalty, upon conviction, was the same as that incurred by the actual murderers.³ The presidency of the court, upon a trial of this kind, as in most *δίκαι φονικαί*, belonged to the king archon,⁴ and the court itself was composed of the *ephetai*, sitting at the Palladium, according to Isæus and Aristotle, as cited by Harpocration, who, however, also mentions that the Areiopagus is stated by Dinarchus to have been the proper tribunal.

The other action, *βουλεύσεως*, was available upon a person finding himself wrongfully inscribed as a state debtor in the registers or rolls, which were kept by the different financial officers. Meier,⁵ however, suggests that a magistrate that had so offended would probably be proceeded against at the *εἰδύοναι*, or *ἐπιχειροτονία*, the two occasions upon which the public conduct of magistrates was examined, so that, generally, the defendant in this action would be a private citizen, that had directed such an insertion at his own peril. From the passage in Demosthenes, it seems doubtful whether the disfranchisement (*ἀτιμία*) of the plaintiff as a state debtor was in abeyance while this action was pending. Demosthenes at first asserts,⁷ but afterward⁸ says that it was not. See, however, Meier,⁹ and Böckh's note.

There is no very obvious distinction laid down between this action and *ψευδεγγραφής*: but it has been conjectured by Suidas, from a passage in Lycurgus, that the latter was adopted when the defendant was a debtor to the state, but found his debt wrongly set down, and that *βουλεύσεως* was the remedy of a discharged debtor again registered in the debt already paid.¹⁰ If the defendant lost his cause, his name was substituted for that of the plaintiff.¹¹ The cause was one of the *γραφαὶ ἰδία*, that came under the jurisdiction of the *thesmochetai*.¹²

ΒΟΥΛΕΥΤΗΡΙΟΝ. (*Vid. BOULE.*)

BRACÆ or BRACCÆ (*ἀναξυρίδες*), trousers, pantaloons.

These, as well as various other articles of armour and of dress (*vid. ACINACES, ARCUS, ARMILLA*), were common to all the nations which encircled the Greek and Roman population, extending from the Indian to the Atlantic Ocean. Hence Aristagoras, king of Miletus, in his interview with Cleomenes,

king of Sparta, described the attire of a large portion of them in these terms: "They carry bows and a short spear, and go to battle in trousers and with hats upon their heads."¹³ Hence, also, the phrase *Braccati militis arcus*, signifying that those who wore trousers were in general armed with the bow.¹⁴ In particular, we are informed of the use of trousers or pantaloons among the following nations: 1. The Medes and Persians (*περὶ τὰ σκέλεα ἀναξυρίδας*).² 2. The Parthians and Armenians.³ 3. The Phrygians.⁴ 4. The Sacæ (*ἀναξυρίδας ἐνδεδύκεσαν*).⁵ 5. The Sarmatæ (*Sarmaticæ braccæ*).⁶ 6. The Dacians and Getæ.⁷ 7. The Teutones.⁸ 8. The Franks (*ἀναξυρίδας, οἱ μὲν λινῆς, οἱ δὲ σκυτίνας, διασπώννυμενοι τοῖς σκέλεσι περιεπιπύχοντα*).⁹ 9. The Belgæ (*ἀναξυρίσι χρώνται περιεταμέναις*).¹⁰ 10. The Britons (*veteres braccæ Britonibus pauperibus*).¹¹ 11. The Gauls (*Gallia Braccata*, now Provence; *καγαθὸν braccatoσθμει; χρώνται ἀναξυρίσι, ἅς ἐκείνοι βράκας προσαγορεύουσι*).¹²

The Gallic term "brakes," which Diodorus Siculus has preserved in the last-cited passage, also remains in the Scottish "brecks" and the English "breeches." Corresponding terms are used in all the northern languages.¹⁶ Also the Cossack and Persian trousers of the present day differ in no material respect from those which were anciently worn in the same countries.

In conformity with the preceding list of testimonies, the monuments of every kind which contain representations of the nations included in it, exhibit them in trousers, thus clearly distinguishing them from Greeks and Romans. An example is seen in the annexed group of Sarmatians, taken from the column of Trajan.



The proper braccæ of the eastern and northern nations were loose (*κεχλασμέναι; laxæ*), and they are therefore very aptly, though ludicrously, described in Euripides as "variegated bags" (*τοὺς θυλάκους τοὺς ποικίλους*).¹⁷ To the Greeks they must have appeared highly ridiculous, although Ovid mentions the adoption of them by the descendants of some of the Greek colonists on the Euxine.²⁰

Trousers were principally woollen; but Agathias states²¹ that in Europe they were also made of linen and of leather; probably the Asiatics made them of cotton and of silk. Sometimes they were striped (*virgata*),²² ornamented with a woof of various col-

1. (Herod., v., 49.)—2. (Propert., iii., 3, 17.)—3. (Herod., vii., 61, 62.—Xen., Cyrop., viii., 3, 13.—Diod. Sic., xvii., 77.—Persica braccæ? Ovid, Trist., v., 11, 34.—"Braccati Medii?" Pers., Sat., iii., 53.)—4. (Arrian, Tact., p. 79.)—5. (Val. Flacc., vi., 230.)—6. (Herod., vii., 64.)—7. (Val. Flacc., v., 424.—Lucan, i., 430.)—8. (Ovid, Trist., iii., 10, 19; v., 8, 49.)—9. (Propert., iv., 11.)—10. (Agath., Hist., ii., 5.)—11. (Strab., iv., 4, 9.—12. (Mart., xi., 22.)—13. (Pomp. Mel., ii., 5, 1.)—14. (Cic., Pro M. Font., 11.)—15. (Diod. Sic., iv., 30.)—16. (Hlud., Glossar., Sivo-Goth., v. Brackor.)—17. (Arrian.)—18. (Ovid and Lucan, *l. c.*)—19. (Cyclops, 182.)—20. (Trist., v., 11, 34.)—21. (*l. c.*)—22. (Propert., iv., 11, 43.)

ours,¹ or embroidered.² They gradually came into use at Rome under the emperors. Severus wore them, and gave them as presents to his soldiers,³ but the use of them was afterward restricted by Honorius.

BRACHIA'LE. (Vid. ARMILLA.)

BRASIDEIA (Βρασιδεΐα), a festival celebrated at Sparta in honour of their great general Brasidas, who, after his death, received the honours of a hero.⁴ It was held every year with orations and contests, in which none but Spartans were allowed to partake.

Brasideia were also celebrated at Amphipolis, which, though a colony of Athens, transferred the honour of κλισίας from Hagnon to Brasidas, and paid him heroic honours by an annual festival with sacrifices and contests.⁵

*BRASSICA (κράμβη), the Cabbage. Some varieties of this plant have been cultivated from the very earliest times of which we have any record. But the migrations and changes of the best sorts have not been traced; neither is it at all probable that the varieties which the ancients enjoyed have descended to us unaltered. Three kinds of cabbage were known to the Romans in the time of Cato:⁶ the first had a large stalk, and leaves also of considerable size; the second had crisped leaves; the third, which was the least esteemed, had small-sized leaves and a bitterish taste. According to Columella, the brassica or cabbage was a favourite edible with the Romans, and in sufficient plenty to be even an article of food for slaves. It was sown and cut all the year round; the best time, however, for planting it was after the autumnal equinox. When it had been once cut after this, it put forth young and tender shoots the ensuing spring. Apicius, however, the famous gourmand, disdained to employ these, and inspired the young prince Drusus with the same dislike towards them, for which, according to Pliny,⁷ he was reproved by his father Tiberius. This same writer mentions various kinds, of which the most esteemed was that of Aricia, with numerous and very thick leaves. Cato's second kind, the *Olus Apianum* (more correctly *Apiacon*), is the *Brassica viridis crispa* of Bauhin. The *Olus Aricium* is the *Brassica oleracea gongyloides*, L.; the *Brassica Halmlyridia* is thought to have been the *Crambe maritima*; some, however, are in favour of the *Convolvulus soldanella*. "It is uncertain," observes Beckmann, "whether we still possess that kind of cabbage which the ancients, to prevent intoxication, ate raw like salad."⁸ Of red cabbage no account is to be found in any ancient author. The ancient Germans, and, in fact, all the northern nations of Europe, cultivated the cabbage from very remote times. The Saxon name for February is *sprout-kale*, and that is the season when the sprouts from the old stalks begin to be fit for use. The Saxons must of course, therefore, have been familiar with the culture of cabbage or kale, as it is not at all probable that they invented the name after their settlement in Britain. We nowhere find among the Greeks and Romans any traces of that excellent preparation of cabbage called by the Germans *sour-kraut*, though the ancients were acquainted with the art of preparing turnips in the same manner.⁹ Whether *sour-kraut* be a German invention appears somewhat doubtful, if the statement of Belon be correct, who informs us that the Turks in

this time were accustomed to pickle cabbage for winter food.¹

*BRATHY (βράθυ), the Savine, or *Juniperus Sabina*, L. According to Pliny, there were two kinds the one resembling the tamarisk, the other the cypress; and hence some called the latter the Cretan cypress. The two species described by Dioscorides are hence supposed by Sprengel to be the *tamariscifolia* and *cypressifolia*.

BRAURO'NIA (Βραυρώνια), a festival celebrated in honour of Artemis Brauronia, in the Attic town of Brauron,² where, according to Pausanias,³ Orestes and Iphigenia, on their return from Tauria, were supposed by the Athenians to have landed, and left the statue of the Taurian goddess.⁴ It was held every fifth year, under the superintendance of ten *ιεροποιοί*;⁵ and the chief solemnity consisted in the circumstance that the Attic girls between the ages of five and ten years, dressed in crocus-coloured garments, went in solemn procession to the sanctuary,⁶ where they were consecrated to the goddess. During this act the *ιεροποιοί* sacrificed a goat, and the girls performed a propitiatory rite in which they imitated bears. This rite may have simply arisen from the circumstance that the bear was sacred to Artemis, especially in Arcadia; but a tradition preserved in Suidas⁸ relates its origin as follows: In the Attic town of Phanidæ a bear was kept, which was so tame that it was allowed to go about quite freely, and received its food from and among men. One day a girl ventured to play with it, and, on treating the animal rather harshly, it turned round and tore her to pieces. Her brothers, enraged at this, went out and killed the bear. The Athenians now were visited by a plague; and when they consulted the oracle, the answer was given that they would get rid of the evil which had befallen them if they would compel some of their citizens to make their daughters propitiate Artemis by a rite called *ἀρκτεῖν*, for the crime committed against the animal sacred to the goddess. The command was more than obeyed; for the Athenians decreed that from thenceforth all women, before they could marry, should have once taken part in this festival, and have been consecrated to the goddess. Hence the girls themselves were called *ἀρκτοι*, the consecration *ἀρκτεία*, the act of consecrating *ἀρκτεῖν*, and to celebrate the festival *ἀρκτεῖσθαι*.⁹ But as the girls, when they celebrated this festival, were nearly ten years old, the verb *ἀρκτεῖν* was sometimes used instead of *ἀρκτεῖσθαι*. According to Hesychius, whose statement, however, is not supported by any other ancient authority, the Iliad was recited on this occasion by rhapsodists.

There was also a quinquennial festival called Brauronia, which was celebrated by men and dissolute women, at Brauron, in honour of Dionysus.¹⁰ Whether its celebration took place at the same time as that of Artemis Brauronia (as has been supposed by Müller,¹¹ in a note, which has, however, been omitted in the English translation) must remain uncertain, although the very different characters of the two festivals incline us rather to believe that they were not celebrated at the same time.

BREVIARIUM or BREVIARIUM ALARICI-ANUM. Alaric the Second, king of the Visigoths, who reigned from A.D. 484 to A.D. 507, in the

1. (Eurip., l. c.—Xen., Anab., i., 5, § 8.—"Pictio subtemine:" Val. Flacc., vi., 230.)—2. (Virg., Æn., xi., 777.)—3. (Lampr., Al. Sev., 40.)—4. (Paus., iii., 14, § 1.—Arist., Eth. Nic., v., 7.)—5. (Thucyd., v., 11.)—6. (Plin., H. N., xix., 8.—Fée, ad loc.)—7. (Plin., l. c.)—8. (Niclas, in Geopon., v., 11, 3, p. 345.)—9. (Library of Ent. Knowl., vol. xv., p. 258.—Columella, xii., 54.—Pallad., Decem., 5, p. 1011.—Nicander, ap. Athen., iv., p. 133.)

1. (Belloni Observ. Itiner., iii., 27, p. 186.—Beckmann, Hist. Invent., vol. iv., p. 265, seqq.)—2. (Herod., vi., 138.)—3. (i., 23, § 9; 38, § 1; iii., 16, § 6; viii., 46, § 2.)—4. (Vid. Müller, Dorians, i., 9, § 5 and 6.)—5. (Pollux, Onom., viii., 9, 31.)—6. (Suidas, s. v. Ἀρκτος.—Schol. in Aristoph., Lysistr., 646.)—7. (Müller, Dorians, ii., 9, § 3.)—8. (s. v. Ἀρκτος.)—9. (Herodot.—Harpocrat.—Schol. in Aristoph., l. c.)—10. (Aristoph., Paus., 870.—Schol. in loc.—Suid., s. v. Βραυρών.)—11. (Dionys., ii., 9, § 5.)

ed as the compiler of the code. This code peculiar name, so far as we know: it was ex Romana, and, at a later period, frequent Theodosii, from the title of the first and most part of its contents. The name Breviarium Alaricianum, does not appear in the sixteenth century.

Following are the contents of the Breviarium, in order in the code: 1. Codex Theodosianus. 2. Novellæ of Theodosius II., Valentinian, Marcian, Majorian, Severus. 3. The works of Gaius. 4. Pauli Receptæ Sententiæ. 5. Codex Gregorianus, 13 titles. 6. Codex Hermogenianus, 2 titles. 7. Papinianus, lib. i., et sequentium.

The code was thus composed of two kinds of material: imperial constitutions, which, both in the form of the *Edictum* and the *commodianum* or notice prefixed to the laws, are called *Leges*; and the writings of the jurists, which are called *Jus*. Both the *Codex Hermogenianus* and *Hermogenianus*, being compilations made without any legal authority, are included under the head of *Jus*. The selections are extracts, and are accompanied with an interpretation, except in the case of the *Institutiones* of Gaius; as a rule, the text, so far as it was adopted, was retained. The *Institutiones* of Gaius, however, were abridged or epitomized, and such alterations as were considered necessary for the time are introduced into the text: this part of the work required no interpretation, and, accordingly, has none.

The code is of considerable value for the history of law, as it contains several sources of the law which otherwise are unknown, especially the first five books of the *Theodosian Code*. Since the discovery of the *Institutiones* of Gaius, that part of this code is of less value. The author of the *Epitome* of Gaius in the *Breviarium* paid little attention to retaining the words original, and a comparison of the *Epitome* with the MS. of Gaius is therefore of little advantage at this point of view. The *Epitome* is, however, useful in showing what subjects were discussed in Gaius, and thus filling up (so far as the contents are concerned) some of the lacunæ in the Verona MS.

A complete edition of this code was undertaken by the Emperor Justinian, in his *Codex Theodosianus*, Basilæ,

Temporary bridges constructed upon boats, called *σχεδιαί*,⁴ were also of very early invention. Darius is mentioned as having thrown a bridge of this kind over the Thracian Bosphorus;⁵ but we have no details respecting it beyond the name of its architect, Mandrocles of Samos.⁶ The one constructed by order of Xerxes across the Hellespont is more celebrated, and has been minutely described by Herodotus.⁷ It was built at the place where the Chersonese forms almost a right angle, between the towns of Sestos and Madytus on the one side, and Abydos on the other. The first bridge which was constructed at this spot was washed away by a storm almost immediately after it was completed,⁸ and of this no details are given. The subsequent one was executed under the directions of a different set of architects.⁹ Both of them appear to have partaken of the nature of *suspension* bridges, the platform which formed the passage-way being secured upon enormous cables formed by ropes of flax (*λευκολίνον*) and papyrus (*βυβλίνον*) twisted together, and then stretched tight by means of windlasses (*δύνοι*) on each side.

The bridges hitherto mentioned cannot be strictly denominated Greek, although the architects by whom the last two were constructed were natives of the Greek islands. But the frequent mention of the word in Homer proves that they were not uncommon in Greece, or, at least, in the western part of Asia Minor, during his time. The Greek term for a permanent bridge is *γέφυρα*, which the ancient etymologists connected with the *Gephyraei* (*Γεφυραίοι*), a people whom Herodotus¹⁰ states to have been Phœnicians, though they pretended to have come from Eretria; and the etymologists accordingly tell us that the first bridge in Greece was built by this people across the Cephissus; but such an explanation is opposed to sound etymology and common sense. As the rivers of Greece were small, and the use of the arch known to them only to a limited extent (*vid. Arcus*), it is probable that their bridges were built entirely of wood, or, at best, were nothing more than a wooden platform supported upon stone piers at each extremity, like that of Nitocris described above. Pliny¹¹ mentions a bridge over the Acheron 1000 feet in length, and also says¹² that the island Eubœa was joined to Bœotia by a bridge; but it is probable that both these works

this means the openings between the piers for the convenience of navigation, which in the bridges of Babylon and Greece must have been very narrow, could be extended to any necessary span.

The width of the passage-way in a Roman bridge was commonly narrow, as compared with modern structures of the same kind, and corresponded with the road (*via*) leading to and from it. It was divided into three parts. The centre one, for horses and carriages, was denominated *agger* or *iter*; and the raised footpaths on each side (*decursoria*), which were enclosed by parapet walls similar in use and appearance to the *pluteus* in the basilica. (*Vid. Basilica*, p. 142.)

Eight bridges across the Tiber are enumerated by P. Victor as belonging to the city of Rome. Of these, the most celebrated, as well as the most ancient, was the PONS SUBLICIUS, so called because it was built of wood; *sublicis*, in the language of the Formiani, meaning wooden beams.¹ It was built by Ancus Marcius, when he united the Janiculum to the city,² and became renowned from the well-known feat of Horatius Cocles in the war with Porsenna.³ In consequence of the delay and difficulty then experienced in breaking it down, it was reconstructed without nails, in such a manner that each beam could be removed and replaced at pleasure.⁴ It was so rebuilt by the pontifices,⁵ from which fact, according to Varro,⁶ they derived their name; and it was afterward considered so sacred, that no repairs could be made in it without previous sacrifice conducted by the pontifex in person.⁷ In the age of Augustus it was still a wooden bridge, as is manifest from the epithet used by Ovid:⁸

"*Tum quoque priscorum Virgo simulacra virorum
Mittere roboreo scirpea ponte solet;*"

in which state it appears to have remained at the time of Otho, when it was carried away by an inundation of the Tiber.⁹ In later ages it was also called *Pons Æmilius*, probably from the name of the person by whom it was rebuilt; but who this Æmilus was is uncertain. It may have been Æmilius Lepidus the triumvir, or probably the Æmilius Lepidus who was censor with Munatius Plancus, under Augustus, ten years after the *Pons Sublicius* fell down, as related by Dion Cassius.¹⁰ We learn from P. Victor, in his description of the Regio xi., that these two bridges were one and the same: "*Æmil-*

ius qui ante sublicius." It is called Æmilian by Juvenal¹¹ and Lampridius,¹² but is mentioned by Tacitus as the *Pons Sublicius*; which passage is alone sufficient to refute the assertion of some writers, that it was built of stone at the period when the name of Æmilus was given to it.¹³

This bridge was a favourite resort for beggars, who used to sit upon it and demand alms.¹⁴ Hence the expression of Juvenal,¹⁵ *aliquis de ponte*, for a beggar.¹⁶

It was situated at the foot of the Aventine, and was the bridge over which C. Gracchus directed his flight when he was overtaken by his opponents.¹⁷

II. PONS PALATINUS formed the communication between the Palatine and its vicinities and the Janiculum, and stood at the spot now occupied by the "Ponte Rotto." It is thought that the words of Livy¹⁸ have reference to this bridge. It was repaired by Augustus.¹⁹

III., IV. PONS FABRICIUS and PONS CESTIUS were the two which connected the Insula Tiberina with the opposite sides of the river; the first with the city, and the latter with the Janiculum. Both are still remaining. The Pons Fabricius was originally of wood, but was rebuilt by L. Fabricius, the *curator viarum*, as the inscription testifies, and a short time previous to the conspiracy of Catiline;²⁰ which passage of Dion Cassius, as well as the words of the scholiast on Horace,²¹ warrant the assumption that it was then first built of stone. It is now called "Ponte quattro capi." The Pons Cestius is by some authors supposed to have been built during the reign of Tiberius by Cestius Gallus, the person mentioned by Pliny,²² though it is more reasonable to conclude that it was constructed before the termination of the Republic, as no private individual would have been permitted to give his own name to a public work under the Empire.²³ The inscriptions now remaining are in commemoration of Valentinianus, Valens, and Gratianus, the emperors by whom it was restored. Both these bridges are represented in the annexed woodcut: that on the right hand is the Pons Fabricius, and is curious as being one of the very few remaining works which bear the date of the Republic; the Pons Cestius, on the left, represents the efforts of a much later age; and, instead of the buildings now seen upon the island, and the temples which originally stood there, as well as the island itself, have been restored.



v. PONS JANICULENSIS, which led direct to the Janiculum. The name of its founder and period of its construction are unknown; but it occupied the site of the present "Ponte Sisto," which was built by Sixtus IV. upon the ruins of the old bridge.

VI. PONS VATICANUS, so called because it formed the communication between the Campus Martius and Campus Vaticanus. When the waters of the Tiber are very low, vestiges of the piers are still discernible at the back of the Hospital of San Spir-

1. (*Pestus*, s. v. *Sublicium*).—2. (*Liv.*, i., 33.—*Dionys. Hal.*, iii., p. 183.)—3. (*Liv.*, ii., 10.—*Val. Max.*, iii., 2, 1.—*Dionys. Hal.*, v., p. 295, seq.)—4. (*Plin.*, H. N., xxxvi., 23.)—5. (*Dionys. Hal.*, p. 183.)—6. (*De Ling. Lat.*, v., 83.)—7. (*Dionys. Hal.*, l. c.)—8. (*Fast.*, v., 621.)—9. (*Tacit.*, *Hist.*, i. 86, who calls it *Pons Sublicius*.)—10. (p. 422, r.)

ito. By modern topographers this bridge is often called "Pons Triumphalis," but without any classical authority; the inference, however, is not improbable, because it led directly from the Campus to the Clivus Cinnae (now Monte Mario), from which the triumphal processions descended.

VII. PONS ÆLIUS, built by Hadrian, which led from the city to the Mausoleum (*vid. MAUSOLEUM*) of that emperor, now the bridge and castle of St. Au-

1. (*Sat.*, vi., 32.)—2. (*Hellog.*, c. 17.)—3. (*Antonin. Pius*, c. 8.)—4. (*Nardini, Rom. Ant.*, viii., 3.)—5. (*Senec.*, *De Vit. Beat.*, c. 25.)—6. (*xiv.*, 134.)—7. (*Compare also Sat.*, iv., 116.)—8. (*Plut.*, *Græch.*, p. 842, c.—*Compare Val. Max.*, iv., 7, 2.—*Orat. Fast.*, vi., 477.)—9. (*xi.*, 51.)—10. (*Inscrip. ap. Grut.*, p. 122 n. 1.)—11. (*Dion.*, xxxvii., p. 30.)—12. (*Sat.*, II., iii., 36.)—13. (*H. N.*, x., 60.—*Tacit.*, *Ann.*, vi., 31.)—14. (*Nardini*, l. c.)

BRIDGE.

A representation of this bridge is given in following woodcut, taken from a medal still existing. It affords a specimen of the style employed



at Molle, was built by Æmilius Scaurus the younger,² and is mentioned by Cicero³ about 45 years after its formation. Its vicinity was a favourite resort for pleasure and debauchery in the early reign of Nero.⁴ Upon this bridge the ambassadors of the Allobroges were arrested by Cicero, in connection with the conspiracy of Catiline.⁵ Julius Cæsar and Pompey encamped here against Lepidus when he attempted to annul the acts of Sulla.⁶ Finally, it was at this spot that the battle between Maximian and Constantine, which decided the fate of the Roman Empire, took place (A. D. 312). There are many other Roman bridges without the city were far too many to be enumerated here. They formed

at the period when the fine arts are considered to have been at their greatest perfection at Rome.

VIII. PONS MILVIUS, on the Via Flaminia, now

one of the chief embellishments in all the public roads; and their frequent and stupendous remains, still existing in Italy, Portugal, and Spain, attest, even to the present day, the scale of grandeur with which their works of national utility were always carried on. Subjoined is a representation of the bridge at Ariminum (*Rimini*), which remains entire, and was commenced by Augustus and terminated by Tiberius, as we learn from the inscription, which is still extant. It is introduced in order to give the reader an idea of the style of art during the age of Vitruvius, that peculiar period of transition between the austere simplicity of the Republic and the profuse magnificence of the Empire.



the bridge thrown across the Bay of Baïæ by Nero, the useless undertaking of a profligate emperor, does not require any farther notice; but the bridge which Trajan built across the Danube, is one of the greatest efforts of human ingenuity, and must not pass unmentioned. A full account of its construction is given by Dion Cassius,⁸ and it is also mentioned by Pliny.⁹ The form of it is shown in the following woodcut, from a representation of it on the column of Trajan at Rome, which has given rise to much controversy, as it does not in many respects with the description of Dion Cassius. The inscription, supposed to have belonged to this bridge, is quoted by Leunclavius¹⁰ by Gruter.¹¹

SUB JUGUM ECCE RAPITUR ET DANUVIUS.



was adorned with statues of sculpture. It was destroyed by Hadrian under the pretence that it would facilitate the passage of the barbarians into the Roman territory, but in reality, it is said, from jealousy and fear of being able himself to accomplish any great undertaking, which is supposed to be

It will be observed that the piers only are of stone, and the superstructure of wood.

The Conte Marsigli, in a letter to Montfaucon, gives the probable measurements of this structure, from observations made upon the spot, which will serve as a faithful commentary upon the text of Dion. He considers that the whole line consisted of 23 piers and 22 arches, making the whole bridge about 3010 feet long, and 48 in height, which are much more than the number displayed upon the column. But this is easily accounted for without impairing the authority of the artist's work. A fewer number of arches were sufficient to show the general features of the bridge, without continuing the monotonous uniformity of the whole line, which would have produced an effect ill adapted to the

¹ Suet., Hadr., c. 19.—Dion, l. ix., 797, E.—2 (Aur. Vict., de Romul., c. 27, § 8.)—3 (in Cat., iii., 2.)—4 (Tacit., Hist., vi., 5.)—5 (Cic. in Cat., iii., 2.)—6 (Florus, iii., 23.)—7 (Suet., Calig., 19.)—8 (l. xviii., 776.)—9 (Plin., viii., 4.)—Compare Procopius, De Ædificiis.—10 (Gruter., l. c.)—11 (p. 448, 2.)—12 (Dion, l. c.)

confirmed by the fact that he afterward put to death the architect, Artemidorus, under whose directions it was constructed.

The Romans also denominated by the name of *pontes* the causeways which in modern language are termed "viaducts." Of these, the *Pons ad Nonam*, now called Ponte Nono, near the ninth mile from Rome, on the *Via Prænestina*, is a fine specimen.

Among the bridges of temporary use, which were

1. (Giornale de' Letterati d'Italia, tom. xxii., p. 116.)

this means the openings between the convenience of navigation, which in Babylon and Greece must have been could be extended to any necessary

The width of the passage-way was commonly narrow, as compared with structures of the same kind, and the road (via) leading to and from it was into three parts. The centre only, for carriages, was denominated *agger*; the raised footpaths on each side were enclosed by parapet walls, and the appearance to the *pluteus* in the BASILICA, p. 142.)

Eight bridges across the Tiber by P. Victor as belonging to these, the most celebrated, was the Pons Sublicus, which was built of wood; *subiocus* Formiani, meaning wooden, was built by Ancus Marcius, when he founded the city,² and became a well-known feat of Horatius. The Pons Sublicus was destroyed by Lars Porsenna.³ In consequence of the difficulty then experienced in its reconstruction without nails, each beam could be removed and replaced as it was required. It was so rebuilt by Augustus, which fact, according to the name; and it was afterwards repaired that no repairs could be made without a sacrifice conducted by the pontifex. The age of Augustus it was as is manifest from the inscription

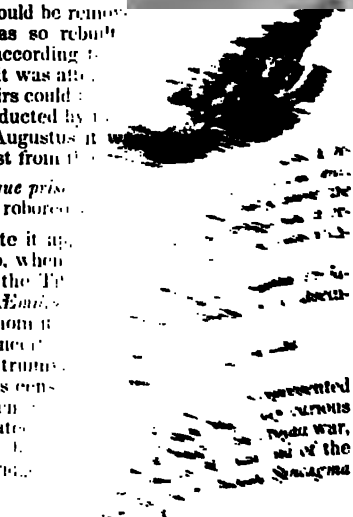
"Tum quoque prius
Mittere robora solent"

in which state it was at the time of Otho, when the foundation of the Pons Sublicus was called *Pons Sublicus* in person by whom it was repaired was Marcus Lepidus the triumvir, and Augustus, ten years after the P. Victor, in the reconstruction of these two bridges.

1. Pons Sublicus
Janiculum
its consist-
site of the
by Sixtus
VI.
the con-
and C.
Tiber
discern-

1. (P. Victor, iii., p. 1.)
Hal., v.
ays. II.
l. 1.
it Pons

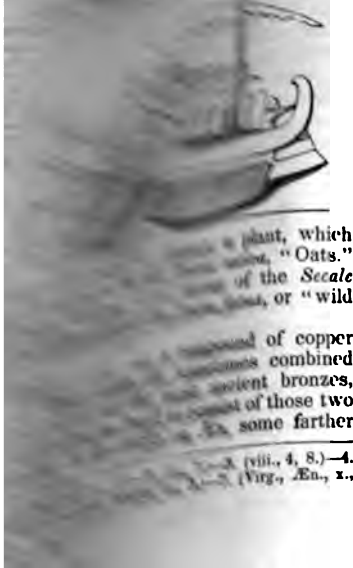
... substances are supplied respecting the different com-
... of bronze and brass. The distinctive terms
... always be observed in speaking of these
... as the indiscriminate use of them has
... great error and confusion in describing works
...
... There can be no question as to the remote anti-
... of metallurgy; though at what precise period
... the various metals were known, in what order they
... were discovered, and by what processes extracted
... after simply, or by reducing their ores when they
... were found in that state, there are no satisfactory
... means of judging. In the twenty-eighth chapter of
... the book of Job we read, "Surely there is a vein
... for the silver, and a place for gold where they fine
... This is taken out of the earth, and brass (cop-
... per) is molten out of the stone." This passage
... taken as a whole, and supported as it is by various
... indications throughout the Pentateuch, shows that
... at this early period greater advances had been made
... in mining and the metallurgic arts than is usually
... supposed. There is the same dearth of exact in-
... formation on the practice of the metal-founders and
... workers of the archaic ages, even after the different
... substances were known, and objects of imitative
... art had been executed in them.



The most ancient Greek bronzes extant are com-
posed simply of copper and tin; and it is remark-
able how nearly the relative proportions of the met-
als agree in all the specimens that have been ana-
lyzed. Some bronze nails from the ruins of the
Treasury of Atreus at Mycenæ; some ancient coins
of Corinth; a very ancient Greek helmet, on which
is a boustrophedon inscription, now in the British
Museum; portions of the breastplates of a piece of
armour called the Bronzes of Siris, also preserved
in our national collection; and an antique sword
found in France, produced in 100 parts,

87-43 and 88 copper
12-53 and 12 tin
99-96 100

At a later period than that to which some of the
above works may be referred, the composition of
bronze seems to have been a subject to which the
greatest attention was paid; and the addition of a
variety of metals seems to have been made to the
original (if it may be so called) combination of
copper and tin. The few writers on art whose
evidence has reached our times, make particular
mention of certain of these bronzes, which, not-
withstanding the changes they underwent by the
introduction of novel elements, were still ranked
under the words *χαλκός* and *αs*. That which ap-
pears to have held the first place in the estimation
of the ancients was the *αs Corinthiacum*, which
some pretended was an alloy made accidentally, in
the first instance, by the melting and running to-
gether of various metals (especially gold and bronze),
at the burning of Corinth by Lucius Mummius,
about 146 B.C. This account is obviously incor-
rect, as some of the artists whose productions are
mentioned as composed of this highly valued metal
lived long before the event alluded to. Pliny¹ par-
ticularizes three classes of the Corinthian bronze.
The first, he says, was white (*candidum*), the greater
proportion of silver that was employed in its com-
position giving it a light colour. In the second sort
or quality gold was introduced, in sufficient quan-
tity to impart to the mixture a strong yellow or
gold tint. The third was composed of equal pro-
portions of the different metals. The next bronze
of note among the ancient Greek sculptors is dis-
tinguished by the title of *hepatizon*, which it seems
it acquired from its colour, which bore some resem-



... a plant, which
... "Oats."
... of the *Secale*
... or "wild
... of copper
... combined
... of those two
... some farther

1. (H. N., xxiv., 3)

blance to that of the liver (*ήπαρ*). Pliny says it was inferior to the Corinthian bronze, but was greatly preferred to the mixtures of Delos and Ægina, which for a long period had a high reputation, and were much sought after. The colour of the bronze called *hepatizon* must have been very similar to that of the *cinque cento* bronzes—a dull, reddish brown. The next ancient bronze in order of celebrity seems to have been the *as Deliacum*. Its reputation was so great that the island of Delos became the mart to which all who required works of art in metal crowded, and led, in time, to the establishment there of some of the greatest artists of antiquity. Next to the Delian, or, rather, in competition with it, the *as Ægineticum* was esteemed. We are told that no metal was produced naturally in Ægina, but the founders and artists there were so skilful in their composition of bronze, that the island acquired great celebrity on that account. Two of the most distinguished among the sculptors of ancient times, Myron and Polyclethus, contemporaries of Phidias, not only showed their rivalry in producing the finest works of art, but also in the choice of the bronze they used. Myron, we are informed, always preferred the Delian, while Polyclethus adopted the Æginetan mixture—*emulatio autem et in materia fuit*.¹ From a passage in Plutarch, it has been supposed that this far-famed Delian bronze was of a light and somewhat sickly tint.² Plutarch says that in his time its composition was unknown.

Of some of the other bronzes enumerated in the writings of the ancients, little or nothing is known beyond the titles. Three of these are the *as Demostreum*,³ the *as nigrum*,⁴ and the Tartessian bronze (*Ταρτήσιος χαλκός*) mentioned by Pausanias.⁵

Before quitting the subject of mixtures of metals, it may be right to allude to a composition mentioned by Pliny⁶ under the title of *aurichalcum*, written also *nickalcum*, which some writers have supposed was an established bronze composed of gold and bronze, or, at least, of gold and copper. It is possible there may have been a factitious substance so designated; but the true meaning of the word appears to be *mountain-metal*, from the Greek words *ὄρος* or *βερα*, a mountain, and *χαλκός*: and the accidental similarity of sound has doubtless led modern writers into error respecting the meaning of the first two syllables, and into the belief that it was intended to designate the combination of the two metals alluded to. Reference to the passage in Pliny will make this clear to the reader. He says distinctly it was not found in his time, the mines which produced it being exhausted.

Although, strictly speaking, it does not belong to our subject, a mixture, which was employed and much esteemed by the ancients, may be mentioned in this place. It was called *electrum*, and was composed of gold and silver in certain proportions. It was, in all probability, only used for extraordinary purposes. Thus Helen is said to have dedicated, in the Temple of Minerva at Lindus, a cup made of *electrum*, of the exact size and form of one of her own breasts (*Minerva templum habet Lindos. . . . in quo Helena sacravit calicem ex electro. Adjicit historia, mamma sua mensura*).⁷

The ancients were partial to polychromic sculpture, as is evident from the variety of colours and materials they employed even in the best period of Greek art, namely, the age of Pericles, when Phidias, Ageladas, Myron, Polyclethus, Alcamenes, and Prikagoras, were in the zenith of their glory. This taste was carried into metal-works, and seems, if

the accounts that have been brought down to us are to be credited, to have existed in very early times. This is not the place to discuss the genuineness of the passage in Homer in which mention is made of the shield of Achilles. It is only necessary here to state, that in one of its compartments, oxen, sheep, and various other objects were represented, and that they were distinguished by variety of colour. Pliny¹ says that the artist Aristonidas made a statue of Athamas, in which he proposed to himself the difficult task of producing the effect of shame, or blushing, by using a mixture of iron with the bronze in which the work was executed (*Æs ferrumque miscuit, ut rubigine ejus per nitorem aris relucente exprimeretur verecundia rubor*). Plutarch tells us that a statuary called Silanio or Silanion made a statue of Jocasta dying, and so composed his metals that a pallid appearance or complexion was produced. This, it is said, was effected by the introduction of silver. Callistratus speaks of a statue of Cupid by Praxiteles, and another of Occasion (*Καίρος*), represented under the form of a youth; also one of Bacchus by Praxiteles; all of which were remarkable for the colour of the bronze imitating the appearance of nature. A bronze relief of the battle of Alexander and Porus is also referred to for its truth of effect, produced by the blending of colours, and which rendered it worthy to be compared with the finest pictures.

With the very limited data we possess, it is impossible to offer much conjecture upon these statements, or to say how much or how little they are to be relied upon. Some of the accounts are most probably inventions of the fancy; some of them may be founded on facts greatly overcharged, the effects described being produced by overlaying the metal with colour, or in some cases, perhaps, by what is now called plating. A slight acquaintance with the nature of metal, and the processes of founding, will be sufficient to convince any one of the impracticability of effecting (at least by melting the materials together, and so producing variety of tints) what it is pretended was done in some of the instances referred to.

The earliest mode of working in metal among the Greeks seems to have been with the hammer; by beating out lumps of the material into the form proposed, and afterward fitting the pieces together by means of pins or keys. It was called *σφυρήλατον*, from *σφίρα*, a hammer. Pausanias² describes this process in speaking of a very ancient statue of Jupiter at Sparta, the work of Learchus of Rhegium. With respect to its supposed antiquity, Pausanias can only mean that it was very ancient, and of the archaic style of art. The term *sphurelata* is used by Diodorus Siculus in describing some very ancient works which are said to have decorated the celebrated gardens and palace of Ninus and Semiramis at Babylon. Pliny³ mentions a statue of Diana Anaitis worked in the same way; and, that there may be no doubt that it was of solid hammer-work, he uses two expressions to convey his meaning. The statue was of gold, and the passage describing it has given rise to much discussion: "*Aurea statua prima nulla inaniitate, et antequam ex ære aliqua illo modo fieret quam vocant holosphyraton, in templo Anaitidis posita dicitur.*" A statue of Dionysius by Onassimedes, of solid bronze, is mentioned by Pausanias⁴ as existing at Thebes in his time. The next mode, among the Greeks, of executing metal-works seems to have been by plating upon a nucleus, or general form, of wood: a practice which was employed also by the Egyptians, as is proved by a specimen of their art preserved in the British

1. (Plin., H. N., xxxiv., 2).—2. (Vid. Quatremère de Quincy, *Parer Olympien*.—Plut., De Pyth. Orac.)—3. (Pollux.—Hephaest.)—4. (Philostat.)—5. (vi., 19, § 2).—6. (H. N., xxxiv., 2).—7. (Plin., H. N., xxxiii., 23.)

1. (xxxiv., 40).—2. (iii., 17, § 6).—3. (H. N., xxxiii., 24).—4. (ix., 12, § 3.)

Museum The subject is a small head of Osiris, and the wood is still remaining within the metal. It is probable that the terms *holosphyraton* and *sphyraton* were intended to designate the two modes of hammer-work; the first on a solid mass, and the other hammering out plates.

It is extremely difficult to determine at what date the casting of metal was introduced. That it was known at a very early period there can be no doubt, although it may not have been exercised by statuaries in European Greece till a comparatively late date. The art of founding may be divided into three classes or stages. The first is the simple melting of metals; the second, casting the fused metals into prepared forms or moulds; and the third, casting into a mould, with a core or internal nucleus, by which the metal may be preserved of a determined thickness. The first stage must have been known at a period of which we have no record beyond that intimation especially alluded to in Job, which establishes the fact that some of the processes of metallurgy were well known when that book was composed. The earliest works of art described as of hammer-work were probably executed in lumps of metal that had already undergone this simple preparation. The casting of metal into moulds must also have been practised very early. There are no means of knowing of what material or composition the forms or moulds were made, but in all probability clay (dried, and then perhaps baked) was employed for the purpose. The circumstance of a spot where clay abounded having been chosen for the founding of the bronze works for the Temple of Solomon supports this supposition. Of course, all the earliest works produced in this stage of the art must have been solid. The third process, that of casting into a mould with a core, was an important step in the statuary's art. Unfortunately, there is no record of the time, nor of the mode in which this was effected by the ancients, unless we consider the statements of Pausanias of sufficient authority for the date of the various discoveries among the Greeks. His account would imply that the art of casting was not known before the time of Theodorus of Samos, who probably lived between eight and seven hundred years before our era.¹ Herodotus,² Pliny,³ and Pausanias make honourable mention of Rhæcius and Theodorus. Pausanias says⁴ that they first invented *casting in bronze* (*διέχεαν χαλκὸν καὶ ἀγάλματα ἐκυνέουσαντο*). Pliny, who seems to have written down whatever he heard, says,⁵ "In Samo primos omnium 'plasticen' invenisse Rhæcium et Theodorum;" but he proves the incorrectness of this statement by recording an instance of the proficiency of Theodorus in his art, when he says "He cast a bronze statue of himself, holding in one hand a file (in allusion, probably, to his profession), and in the other a quadriga of such small dimensions that a fly might cover it with its wings:" an example of practical skill that at once places him in a much more advanced rank in his art than the inventor of its first and most simple process could have attained.

The ancients used something answering the purpose of a solder for fastening the different pieces of metal together; but it is difficult to determine whether the term *κόλλησις* means a solder or only a species of glue. Pausanias distinctly speaks of it as something different from nails or cramps, and gives us the name of its inventor, Glaucus of Chios. He is speaking of a vase of iron, which he says was the work Γλαύκου τοῦ Χίου, σιδήρου κόλλησιν ἀνδρὸς εἰρόντος μόνη δὲ ἡ κόλλα συνέχει τε, καὶ

ἔστιν αὐτῇ τῷ σιδήρῳ δεσμὸς.¹ Pliny, in like manner, speaks of a solder under the title of *plumbum argentarium*.² Many of the works in the British Museum, as well as in other collections, show the points of junction of the various pieces of which the objects are composed; but how they were fastened together is a matter of doubt, the rust that has accumulated, both within and without, quite precluding the possibility of minute and satisfactory examination. Some of them appear to have been fitted together somewhat in the manner called *done tailing*, and then *pinned*; but whether they were then soldered, or merely beaten together with the hammer, and then worked over to make the surface entire, cannot be determined. The modern practice of burning the parts together seems, as far as there are opportunities of judging, to have been quite unknown to the ancients.

The finest collection of ancient bronzes is in the Museo Borbonico at Naples. They have been found chiefly in the ruins of Herculaneum and Pompeii, and among them are some examples of great skill and beauty. A few of the heads offer peculiarities in the treatment of the hair, the small corkscrew curls, and the ends of the beards being formed of separate pieces of metal fastened on. Several of the statues have the eyes of paste and of stones, or sometimes of a different metal from the material of the rest of the work. Silver was often united with bronze. Cicero mentions a statue of "Apollo aneus, cuius in femore litterulis minutis argenticis nomen Myronis erat inscriptum."³ In a bronze statue of a youth, in the collection at Paris, are the remains of a Greek inscription in silver letters. They are inserted into the left foot. The Museo Borbonico possesses some examples of inlaid silver-work. There are also instances of it in the collection of bronzes in the British Museum.

The names of few sculptors, or, rather, statuaries of celebrity, have reached us who were not chiefly distinguished for the excellence of their works in bronze. Theodorus of Samos has already been mentioned; Gitiadas of Sparta and Glancias of Ægina may be added as holding an eminent place among the earlier artists in bronze. A list of the statuaries of Greece who excelled in works in metal would almost be a history of sculpture. It will be enough to state that Ageladas, the master of Phidias, Phidias, Alcámenes, Agoraeritus, Polyclethus, Myron, Praxiteles, and Lysippus exercised, and contributed to bring to perfection, this branch of art. Bronze-casting seems to have declined in Greece soon after the time of Alexander the Great, about 330 B.C. The accounts given of the number of works executed about that period almost exceed belief. Lysippus alone is said, according to Pliny, to have produced above 600, or, according to another reading, above 1500.⁴

The Romans were never distinguished for the cultivation of the arts of design; and, when statues were required by them in the earlier period of their history, they were obliged to call in the aid of Etruscan artists. Afterward, as their empire was extended, the city was filled with the works of the best schools of Greece, and numbers of artists of that country, no longer able to find employment at home, established themselves in the capital of the West. Zenodorus is said to have executed some magnificent works in the time of Nero; and the remains of art of the time of Trajan, Hadrian, and the Antonines, prove that artists of great skill were living at the date of those emperors. Many of the

1. (x., 16, § 1.—Compare Herodotus, i., 25, who speaks of ἐποικητήριον σιδήρου κολληθέν.)—2. (H. N., xxxiv., 17.)—3. (Verr., iv., 43.)—4. (Plin., H. N., xxxiv., 17.—Sillig, Cat. Artif., s. v. Lysippus.)

1. (Paus., iii., 12, § 8.)—2. (i., 51; iii., 41, 60.)—3. (H. N., xxxiv., 43, &c.)—4. (viii., 14, § 5.)—5. (l. c.)

examples of bronze works that have reached us exhibit signs of having been gilt, and the writers of antiquity refer occasionally to the practice. It does not seem to have been employed till taste had much deteriorated; probably when the value and richness of the material were more highly estimated than the excellence of the workmanship. Nero commanded a statue of Alexander, the work of Lysippus, to be gilt; but Pliny¹ tells us it was found to injure the beauty and effect of the work, and the gold was removed.

The greatest destruction, at one time, of ancient works of art is supposed to have occurred at the taking of Constantinople, in the beginning of the thirteenth century. The collection of statues had been made with great care, and their number had accumulated to an amount which seems quite surprising when it is considered how long a time had elapsed since art had been encouraged or protected. At the period alluded to we are told that some of the finest works of the ancient masters were purposely destroyed; either in mere wantonness, or with the view of turning the material into money, or for sale to the metal founders for the value of the bronze. Among the few works saved from this devastation are the celebrated bronze horses which now decorate the exterior of St. Mark's Church at Venice. They have been ascribed, but without sufficient authority, to Lysippus.

Before taking leave of the subject of metal-working, it may be right to add a few words upon *torcutive* art (*τορκευτική*). From the difference of opinion that exists among antiquaries and scholars, it is easier to say what it is not than what it is. Some believe it to be equivalent to the *calatura* of the Latins, which seems to mean *chasing*. Others suppose it means the art of turning, from *τόρνος*; and others think it applies to works in relieve, from *τόπος*, clear, distinct. Some believe it is the art of uniting two or more metals; and others, that it is the union of metal with any other material. Millingen, who is one of the best authorities on such subjects, says, "The art of working the precious metals either separately, or uniting them with other substances, was called *torcutive*. It was known at a very early epoch, as may be inferred from the shield of Achilles, the ark of Cypselus, and other productions of the kind."² There is an example of this kind of work, noticed by the above writer, in the British Museum. It is not cast, but consists of very thin laminated plates of silver, beaten or punched out, and chased. The relief is bold, and the accessories are of sheet gold, overlaid.

*BRUCUS or BRUCHUS (*βρούκος, βρούχος*), a very formidable species of locust, described by Theophrastus³ as the most destructive of their kind. The term, however, does not appear to have been very well defined by the Greek writers.⁴ The *Bruchus* in the Linnæan system is an insect that commits great ravages on the different grains of the majority of leguminous plants, and of some kernel fruits, and particularly on beans, lentils, vetches, and pease.⁵ The *βρούχος* of the ancients appears to have been the same with the *Cossus* of Pliny and Festus.⁶

*BRYON (*βρόνον*), a term used in a variety of senses: 1. As applied to the germe of a flower by Theophrastus.⁷ 2. To the male Catkins by the same writer.⁸ 3. To the flowers or corollæ by the same,⁹ and also by Nicander.¹⁰ 4. To the sea-algæ by The-

ophrastus.¹ 5. To the *Usnea* by Dioscorides, Galen, and Paulus Ægineta.² The term *Usnea* is borrowed from the Arabian medical authors, and applied to a genus of Lichens. 6. To the grape of the white poplar.³ 7. To a kind of shrub like lettuce.⁴

*BRYONIA (*βρωνία*), a species of wild vine, Bryony. The name *βρωνία* was applied to two kinds of vine, the *ἀμπέλος λευκή*, or white vine (the *Bryonia alba* of Pliny), and the *ἀμπέλος μέλαινα*, or black vine (*Bryonia nigra*). The term, however, is more properly applied to the latter of the two. It is the same with the *Tamus Communis*, L.⁵

*BU'BALIS or BU'BALUS (*βουβάλις* or *-ος*), I. names first applied by Aristotle⁶ and his successors to a species of Antelope, most probably the Stag-like Antelope. "How these writers," observes Lieutenant-colonel Smith, "came to designate such an animal by an appellation which is symphonic with that of the *Buffalo* in all the dialects of Northern and Central Asia, cannot be explained but by the supposition that Aristotle gave that name in consequence of some imperfect information which he may have obtained on this subject through the Macedonian invaders of Eastern Persia. It is worthy of remark, however, that in the case of those animals of a large size that used, until of late, to be classed with the antelope, the more equivocal characteristic approximates them to the Bovine nearly as much as to the Caprine nature. Hence the naturalists of the present day have found it necessary to interpose a new genus, the characters of which should embrace the evanescent distinctions of Antelope, Capra, and Ovis, together with the incipient characters which show the approximation to Bos. This is the *Genus Damalis*. The native names of the animals thus generically separated, import that they are considered distinct from the Antelope in their own countries; and although no great stress should usually be laid upon local names, yet it would be treating the knowledge and experience of the resident nations with an indiscriminating indifference, if, upon inquiry, it should be found that, from the earliest antiquity to the present time, every people who have intimate knowledge of the animals under consideration should agree in bestowing one general designation upon them, and yet that such designation should be rejected by systematic writers for one less analogous. Such, however, is the case with the groups of animals before us, which, whether they be Indian or African, have in their local names either something that shows their separation from Antelope, or, what is more common, a generic indication, which proves them to be regarded as more nearly allied to Bos than to Capra. Where the Persian, Arabo-Indee, and Eastern and Western Arabic are concerned, it appears that all the species we are about to enumerate will be found designated by the general word *Ghau*, 'ox' or 'cow;' *Bakr*, 'oxen,' 'cows,' in the Arabic, or *Bakrah* in the Persian. The appellation given by Aristotle may, after these remarks, be easily traced to its source."⁷

*II. The Buffalo. "The name *Bubalis* is asserted to have been transferred from the Antelope *Bubalis* of authors (*Genus Damalis*) to the animals of the Buffalo group, during the sixth century of the Roman Empire. It is true, as Buffon maintains, that Aristotle, Pliny, and Oppian did not know the Buffalo by the name of *Bubalis*, but it cannot be denied that, in the age of Martial,⁸ this name was vaguely applied even to the Urus, and, consequent-

1. (H. N., xxiii., 10, § 6.)—2. (Millingen, Anc. ined. Monumenta, p. 217.—Winckelmann, Storia delle Arti del Disegno.—Quarissenio de Quincy, Jup. Olymp.)—3. (De Animal. rep. app., 14, p. 322, ed. Schneider.)—4. (Adams, Append., s. v.)—5. (Griffith's Courier, vol. xv., p. 64.)—6. (Plin., H. N., xxx., 12.—Fest., s. v.)—7. (H. P., i., 1.)—8. (H. P., i., 2.)—9. (H. P., iii., 7.)—10. (Theocrit., v., 71.)

1. (H. P., iv., 6.)—2. (Dioscor., i., 20.—Galen, De Simpl., vi.—Paul Ægin., vi., 3.)—3. (Plin., H. N., xii., 28.)—4. (Plin., H. N., xiii., 25.)—5. (Plin., H. N., xxiii., 1.—Pée in Plin., l. c.)—6. (Aristot., H. A., iii., 6.)—7. (Smith in Griffith's Courier, vol. iv., p. 343.)—8. (De Spect. Ep., 23.)

He is known respecting the rites observed in these mysteries, as no-one was allowed to divulge them. Diagoras is said to have provoked the highest indignation of the Athenians by his having made these and other mysteries public.² The most celebrated were those of the island of Samothrace, which, if we may judge from those of Lemnos, were solemnized every year, and lasted for nine days. The admission was not confined to men, for we find instances of women and boys being initiated.³ Persons on their admission seem to have undergone a sort of examination respecting the life they had led hitherto,⁴ and were then purified of all their crimes, even if they had committed murder.⁵ The priest who undertook the purification of murderers bore the name of *κοίτης*. The persons who were initiated received a purple riband, which was worn around their bodies as an amulet to preserve them against all dangers and storms of the sea.⁶

Respecting the Lemnian Cabiria, we know that their annual celebration took place at night,⁷ and lasted for nine days, during which all the fires of the island which were thought to be impure were extinguished, sacrifices were offered to the dead, and a sacred vessel was sent out to fetch new fire from Delos. During these sacrifices the Cabiri were thought to be absent with the sacred vessel; after the return of which the pure fire was distributed, and a new life began, probably with banquets.⁸

The great celebrity of the Samothracian mysteries seems to have obscured and thrown into oblivion those of Lemnos, from which Pythagoras is said to have derived a part of his wisdom.⁹ Concerning the celebration of the Cabiria in other places, nothing is known, and they seem to have fallen into decay at a very early period.

*CACALIA (*κακαλία*), a plant mentioned by Dioscorides, Pliny, and others. It is supposed by Sprengel to be the *Mercurialis tomentosa*. Sibthorp and Fée, however, are undecided, though the latter inclines somewhat to the *Cacalia petasites sive albifrons*.¹

KAKHGORIAS DIKE (*κακηγορίας δίκη*) was an action for abusive language in the Attic courts, called, in one passage of Demosthenes,¹¹ *κακηγορίου δίκη*, and also called *λοιδορίας δίκη* (*διώκων λοιδορίας*),¹² and *κακολογίας δίκη*. This action could be brought against an individual who applied to another certain abusive epithets, such as *ἀνδρόφονος*, *πατραλοίας*, &c., which were included under the general name of *ἀπόρητα*. (*Vid.* ΑΠΟΡΗΤΑ.) It was no justification that these words were spoken in anger.¹³ By a law of Solon, it was also forbidden to speak evil of the dead; and if a person did so, he was liable to this action, which could be brought against him by the nearest relative of the deceased.¹⁴ If an individual abused any one who was engaged in any public office, the offender not only suffered the ordinary punishment, but incurred the loss of his rights as a citizen (*ἀτιμία*), since the state was considered to have been insulted.¹⁵

If the defendant was convicted, he had to pay a fine of 500 drachmæ to the plaintiff.¹⁶ Plutarch, however, mentions that, according to one of Solon's laws, whoever spoke evil of a person in the tem-

ples, courts of justice, public offices, or in public festivals, had to pay five drachmæ; but, as Platner¹ has observed, the law of Solon was probably changed, and the heavier fine of 500 drachmæ substituted in the place of the smaller sum. Demosthenes, in his oration against Meidias,² speaks of a fine of 1000 drachmæ; but this is probably to be explained by supposing that Demosthenes brought two actions *κακηγορίας*, one on his own account, and the other on account of the insults which Meidias had committed against his mother and sister.³

This action was probably brought before the thesmothetæ,⁴ to whom the related *ὕβρεως γραφή* belonged.

ΚΑΚΟΔΟΓΙΑΣ ΔΙΚΗ. (*Vid.* ΚΑΚΗΓΟΡΙΑΣ ΔΙΚΗ.)

ΚΑΚΟΤΕΧΝΙΩΝ ΔΙΚΗ (*κακοτεχνιών δίκη*) corresponds in some degree with an action for subornation of perjury. It might be instituted against a party to a previous suit, whose witnesses had already been convicted of falsehood in an action *ψευδομαρτυριών*.⁵ It has been also surmised that this proceeding was available against the same party when persons had subscribed themselves falsely as summoners in the declaration or indictment in a previous suit;⁶ and if Plato's authority with respect to the terms of Attic law can be considered conclusive, other cases of conspiracy and contrivance may have borne this title.⁷ With respect to the court into which these causes were brought, and the advantages obtained by the successful party, we have no information.⁸

ΚΑΚΟΣΙΣ (*κάκωσις*), in the language of the Attic law, does not signify every kind of ill-treatment, but

1. The ill-treatment of parents by their children (*κάκωσις γονέων*). 2. Of women by their husbands (*κάκωσις γυναικῶν*). 3. Of heiresses (*κάκωσις τῶν ἐπικληθῶν*). 4. Of orphans and widows by their guardians or any other persons (*κάκωσις τῶν ὀρφανῶν καὶ χηρηνουσιῶν γυναικῶν*).

1. *Κάκωσις γονέων* was committed by those who struck their parents, or applied abusive epithets to them, or refused them the means of support when they were able to afford it, or did not bury them after their death, and pay them proper honours.⁹ It was no justification for children that their parents had treated them badly. If, however, they were illegitimate, or had not received a proper education from their parents, they could not be prosecuted for *κάκωσις*.¹⁰

2. *Κάκωσις γυναικῶν* was committed by husbands who ill-treated their wives in any manner, or had intercourse with other women,¹¹ or denied their wives the marriage duties; for, by a law of Solon, the husband was bound to visit his wife three times every month, at least if she was an heiress.¹² In the comedy of Cratinus, called the "Wine Flask" (*Πυτίνη*), Comedy was represented as the wife of Cratinus, who brought an action against him because he neglected her, and devoted all his attention to the wine flask.¹³

3. *Κάκωσις τῶν ἐπικληθῶν* was committed by the nearest relatives of poor heiresses, who neither married them themselves, nor gave them a dowry in order to marry them to persons of their own rank in life;¹⁴ or, if they married them themselves, did not perform the marriage duties.¹⁵

4. *Κάκωσις τῶν ὀρφανῶν καὶ χηρηνουσιῶν γυναι-*

1. (Strabo, x., p. 365, ed. Tauchnitz.—Apollon. Rhod., i., 917.—Orph., Argon., 469.—Val. Flacc., ii., 435.)—2. (Athenag., Leg., ii., 5.)—3. (Schol. in Eurip., Phoen., 7.—Plut., Alex., 2.—Donatus in Terent., Phorm., i., 15.)—4. (Plut., Laced. Apophth. Antalcid., p. 141, ed. Tauchnitz.—5. (Liv., xlv., 5.—Schol. in Theocrit., ii., 12.—Hesych., s. v. Κοίτης.)—6. (Schol. in Apollon., l. c.—Diod. Sic., v., 49.)—7. (Cic., De Nat. Deor., i., 42.)—8. (Schol. in Apollon. Rhod., i., 608.)—9. (Iamblich., Vit. Pythag., c. 151.—Compare Muller's Prolegomena, p. 150.)—10. (Dioscor., iv., 121.—Plin., H. N., xv., 11.)—11. (c. Mid., 544.)—12. (Aristoph., Vesp., 1246.)—13. (Lys., c. Theomn., i., p. 372, 373.)—14. (Demosth., c. Leptin., 488.—c. Boet., 1022.—Plut., Sol., s. 21.)—15. (Demosth., c. Mid., 521.)—16. (Isocr., c. Loch., 396.—Lys., c. Theomn., 354.)

1. (Process bei den Attikern, ii., 192.)—2. (543.)—3. (Hudt. walcker, Dietet., 150.)—4. (Demosth., c. Mid., 541.)—5. (Harpoer., s. v.—Demosth., c. Ev. and Mnes., l. 39, 11.)—6. (Meier, Att. Process., 385.)—7. (Plato, Leg., x. 936, E.)—8. (Meier, Att. Process., 45, 386.)—9. (Aristoph., Av., 757, 1356.—Suid., s. v. Πελαργικός Νόμος.)—10. (Meier, Att. Process., p. 288.)—11. (Diog. Laert., iv., 17.—Compare Plut., Alcib., 8.)—12. (Plut., Sol., c. 20.—Eroitic., c. 23.)—13. (Schol. in Aristoph., Eq. it., 399.)—14. (Demosth., c. Macart., 1076.—Harpoer., s. v. Ἐπίδικον ὄρητες.—Suid., Phot., s. v. Ὀρητές.)—15. (Plut., Sol., c. 20.)

εἶν was committed by those who injured in any way either orphans or widows, both of whom were considered to be in an especial manner under the protection of the state.¹ The speech of Isæus on the inheritance of Hagnias, is a defence against an εἰσαγγελία κακώσεως of this kind.

All these cases of κακώσις belonged to the jurisdiction of the chief archon (ἀρχὸν ἐπιώνυμος). If a person wronged in any way orphans, heiresses, or widows, the archon could inflict a fine upon them himself; or, if he considered the person deserving of greater punishment, could bring him before the βήμα.² Any private individual could also accuse parties guilty of κακώσις by means of laying an information (εἰσαγγελία) before the chief archon, though sometimes the accuser proceeded by means of a regular indictment (γραφὴ), with an ἀνάκρισις before the archon.³ Those who accused persons guilty of κακώσις incurred no danger, as was usually the case, if the defendant was acquitted, and they did not obtain the fifth part of the votes of the dicasts.⁴

The punishment does not appear to have been fixed for the different cases of κακώσις, but it was generally severe. Those found guilty of κακώσις γυναικῶν lost their civil rights (ἀτιμία), but were allowed to retain their property (οὐτοὶ ἀτιμοὶ ἦσαν τὰ εἴματα, τὰ δὲ χρήματα εἶχον⁵); but if the κακώσις consisted in beating their parents, the hands of the offenders might even be cut off.⁶

*CACTUS (κάκτος), a species of plant. Sprengel inclines to the opinion that it was the kind of urchoke called Cardoon, namely, the *Cinara cardunculus*. Stackhouse suggests that it was the *Cactus ornatus*, or Indian Fig. The locality of the εἶδος of Theophrastus does not suit well with either of these plants. Schneider proposes the *Acarna saxifolia*. Sprengel's opinion is, perhaps, after all, the more correct one, and is advocated by Fée. Fée describes the Cactus as growing only in Sicily.⁷

CADAVER. (Vid. FUNUS.)

CADISKOI or CADOI, also CADDISKOI (καδίσει, κάδοι, καδίσκοι⁸), were small vessels or urns, in which the counters or pebbles of the dicasts were put, when they gave their votes on a trial.⁹ There were, in fact, usually two καδίσκοι: one, that in which the voting pebble was put; this was made of copper: the other, that in which the other pebble, which had not been used, was put; this was made of wood.¹⁰ Those who did not vote at all put both their pebbles into the latter, which was called the ἄκυρος καδίσκος, while the other was called κύριος καδίσκος. After all had voted, the presiding officer emptied the counters or pebbles from the metal urn, the κύριος καδίσκος, and counted them on a table, and judgment was then given accordingly.¹¹ The pebbles were distinguished from one another by proper marks. Formerly only one urn had been used; and the dicasts kept the counter which they did not use.¹² This vessel was called also ἀποδοτήρ. Sometimes, also, the dicasts had only one counter each, and there were two καδίσκοι, one for acquitting, the other for condemning.¹³

When there were several contesting parties, there were several καδίσκοι, according to the number of the parties; as in Demosthenes¹⁴ there were four.

The dicasts then had either one pebble, which they put into the καδίσκος of the party in whose favour they meant to vote; or they had as many pebbles as there were καδίσκοι (but only one favourable one among them), which they put in according to their opinion.¹ The pebble was dropped into the urn through a long tube, which was called κηρός.² The noise which the pebble made in striking against the bottom of the καδίσκος was represented by the syllable κόγξ.³

*CADMEIA or CADMIA (Καδμεία or -μία), a species of earth, as the ancients termed it; more correctly, however, Calamine, or an ore of zinc. Geoffroy says, "The dealers in metals call by the name of Cadmia the *Lapis Calaminaris*, used in making copper into brass." Dr. Kidd calls it a native oxide of zinc. According to Dr. Hill, the *Cadmia factitia* of the ancients was a recement of copper, produced in the furnaces where that metal was separated from its ore. According to Sprengel, the kind called βορνίτις, or clustered Cadmia, was our Tutty; it consists of zinc with a small proportion of copper. The καπνιτής, or Smoky Cadmia, according to Dr. Hill, was a fine powder collected at the mouths of the furnaces. The πλακίτις, or Crust-like Cadmia, was the coarsest and heaviest of all.⁴ "With Cadmia (or an ore of zinc)," observes Dr. Moore, "the ancients were well acquainted, though they are commonly supposed not to have known zinc itself, except as combined with copper in the form of brass. But a passage in Strabo authorizes the belief that they also knew this metal in its separate state. The geographer says,⁵ that near Andeira, a town of Troas, is found a stone, which, being burned, becomes iron, and distils false silver (ἀποσπάσει ψευδάργυρον) when heated in a furnace together with a certain earth, which, receiving the addition of copper, forms the alloy that some call brass (δρείχαλκον). He adds respecting this false silver, which was probably our zinc, that it occurs also near Tmolus. Stephanus states the same thing in somewhat clearer words, and refers to both Theopompus and Strabo as authorities.—This earth, which is supposed to derive its name, *Cadmia*, from Cadmus, son of Agenor,⁶ who first introduced at Thebes the making of brass,⁷ is spoken of by Aristotle,⁸ who informs us that the Mossynæcians had anciently prepared a brass of a pale colour and superior lustre, mixing it not with tin, but with a certain earth found among them. Theophrastus alludes to the same, but without naming it. Pliny⁹ repeatedly speaks of Cadmia, but it is evident that he does not always mean one and the same thing. Cadmia seems to have signified with him not only our Calamine, but a copper ore which contained zinc; and the same name was extended to what the Germans call *offenbruch*, 'furnace-calamine,' which, in melting ores that contain zinc, or in making brass, falls to the bottom of the furnace, and contains more or less of calcined zinc."¹⁰

CADUCEUS (κηρύκειον, κηρύκιον,¹¹ κηρυκίον¹²) was the staff or mace carried by heralds and ambassadors in time of war.¹³ This name is also given to the staff with which Hermes or Mercury is usually represented, as is shown in the following figure of Hermes, taken from an ancient vase, which is given in Millin's *Peintures de Vases antiques*.¹⁴

The caduceus was originally only an olive-branch

(Demosth., c. Macart., 1076.—ὁ ἀρχων, ὅστις ἐπιμελεῖτο τῶν καὶ τῶν ἀφανῶν: Ulpian., ad. Demosth., c. Timocr.)
(Demosth., c. Macart., 1076, Lex.)—3. (Demosth., c. Panop., 481.)—4. (Harpocr., v. Εἰσαγγελία.)—5. (Andoc., De 36.—Xen., Mem., ii., 2, § 13.)—6. (Meursius, Them., s. v.)—7. (Theophrast., H. P., vi., 4.—Theocr., l., x., 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.)

gustus, with the words *NIC CREMATUS EST*, which identifies that locality with the *bustum* of Augustus. The blocks are now preserved at the Vatican.

From this word three others derive their significations:

I. *BUSTUARIJ*, gladiators, who were hired to fight round the burning pyre of the deceased, in consequence of the belief that the Manes were gratified by blood.¹

II. *BUSTUARIÆ*, women of abandoned character, *enter busta ac monumenta prostantes*.²

III. *BUSTURAPI*,³ persons suffering the extreme of poverty; so called because they satisfied their cravings by snatching from the flames of the funeral pyre the bread and other eatables which the superstitious of the living dedicated to the dead.⁴

Bustum is also used for the hollow space on the top of an altar in which the fire was kindled.⁵

**BUTYRUM* (*βοῦτυρον*), Butter. "This substance," observes Beckmann, "though commonly used at present in the greater part of Europe, was known very imperfectly to the ancients; to some, indeed, it was not known at all. The translators of the Hebrew writings seem to have thought that they found it mentioned in Scripture,⁶ but those best acquainted with Biblical Criticism unanimously agree that the word *chamea* signifies milk or cream, or sour thick milk, and that, at any rate, it does not mean butter. The word plainly alludes to something liquid, as it appears that *chamea* was used for washing the feet, that it was drunk, and that it had the power of intoxicating; and we know that mare's milk, when sour, will produce the like effect. We can imagine streams of milk, but not streams of butter. This error has been occasioned by the seventy interpreters, who translate the Hebrew word by the term *boutyron* (*βοῦτυρον*). These translators, who lived two hundred years after Hippocrates, might, as Michaelis remarks, have been acquainted with butter, or have heard of it; but it is highly probable that they meant cream, and not our usual butter."

"The oldest mention of butter, though dubious and obscure, is in the account given of the Scythians by Herodotus.⁷ According to the historian, they poured the milk of mares into wooden vessels, caused it to be violently stirred or shaken by their blind slaves, and thus separated the part that arose to the surface, which they considered more valuable and more delicious than that which was collected below it. Herodotus here evidently speaks of the richest part of the milk being separated from the rest by shaking; and that what he alludes to here was actually butter, would plainly appear from comparing with what he says the much clearer account of his contemporary Hippocrates. 'The Scythians,' remarks this latter writer, 'pour the milk of their mares into wooden vessels, and shake it violently; this causes it to foam, and the fat part, which is light, rising to the surface, becomes what is called butter (*δὲ βοῦτυρον καλοῦσι*).' Mention of butter occurs several times, in fact, in the writings of Hippocrates,⁸ and he prescribes it externally as a medicine; he gives it, however, another name, *pikerion* (*πικέριον*), which seems to have been in use among the Greeks earlier than the former, and to have been afterward neglected. That this word

signified *butter*, and was no longer employed in the time of Galen, appears from his translating it, in his explanation of the obsolete expressions of Hippocrates, by the word *boutyron* (*βοῦτυρον*).¹ It was, even before that period, explained in the same manner by Erotian, in his Dictionary of the words used by that Greek physician; and he remarks from an ancient writer, that the Phrygians called butter *πικέριον* (*pikerion*), and that the Greeks seem to have borrowed the word from that people.² The poet Anaxandrides, who lived soon after Hippocrates, describing the wedding of Iphicrates, who married the daughter of Cotys, king of Thrace, and the Thracian entertainment given on that occasion, says that the Thracians ate butter, which the Greeks at that time considered a wonderful kind of food.³ It is very remarkable, that the word for butter does not occur in Aristotle, and that he even scarcely alludes to that substance, though we find in his works some very proper information respecting milk and cheese, which seems to imply careful observation. At first he gives only two component parts, the watery and caseous; but he remarks afterward, for the first time, in a passage where one little expects it, that in milk there is also a fat substance, which, under certain circumstances, is like oil.⁴ In Strabo there are three passages that refer to this subject, but from which little information can be obtained. This author says that the Lusitanians used butter instead of oil;⁵ he mentions the same circumstance respecting the Ethiopians;⁶ and he relates in another place, that elephants, when wounded, drank this substance in order to make the darts fall from their bodies.⁷ The use of butter by the Ethiopians or Abyssinians is confirmed by Ludolfus.⁸ Ælian also states that the Indians anointed the wounds of their elephants with butter. Aristotle, however, makes the wounded elephants drink oil, and not butter;⁹ but the difficulty may easily be obviated by supposing the butter spoken of by Strabo to have been in a liquid state.—We are told by Plutarch that a Spartan lady paid a visit to Berenice, the wife of Deiotarus, and that the one smelled so much of sweet ointment, and the other of butter, that neither of them could endure the other.¹⁰ Was it customary, therefore, at that period, for people to perfume themselves with butter?¹¹

"The remarks of Dioscorides and Galen on the present subject are of much more importance. The former says that good butter was prepared from the fattest milk, such as that of sheep or goats, by shaking it in a vessel till the fat was separated. To this butter he ascribes the same effects, when used externally, as those produced by our butter at present. He adds also, and he is the first writer that makes the observation, that fresh butter might be melted, and poured over pulse and vegetables instead of oil, and that it might be employed in pastry in the room of other fat substances.¹² Galen, who distinguishes and confirms, in a more accurate manner, the healing virtues of butter, expressly remarks that cow's milk produces the fattest butter; that butter made from sheep's or goat's milk is less rich, and that ass's milk yields the poorest. He expresses his astonishment, therefore, that Dioscorides should say that butter was made from the milk of sheep and goats. He assures us that he had seen it made from cow's milk, and he believes it thence acquired its name.¹³ This derivation of the term *boutyron*, from *βοῦς*, 'a cow,' and *τυρον*

1. (Serv. in *Æn.*, x., 519.—Compare Hor., Sat., II., iii., 85.—Flor., iii., 20.)—2. (Mart., III., xcii., 15; I., xxv., 8.—Kirchman, De Fun. Rom., iii., 22.)—3. (Plaut., Pseud., I., iii., 127.)—4. (Compare Terent., Eun., III., ii., 38.—Lucil., Sat., xxvii., 22, p. 71, ed. Dousa.—Catull., lix., 2.)—5. (Turneb., Advers., xix., 21.)—6. (Gen., xviii., 8.—Deuteron., xxxi., 14.—Judges, v., 25.—2 Samuel, xvii., 20.—Job, xx., 17.—Id., xxxi., 6, &c.—Compare Bochart, Hieroz., ii., 45, col. 473.)—7. (iv., 2.)—8. (De Morb., lib. iv., ed. 1595, fol. v., p. 67.—De Nat. Mul., sect. v., p. 137.—De Morb. Mul., 2, sect. v., p. 191, 235, &c.)

1. (ed. Basil., fol. v., p. 715.)—2. (Erot., Lex.—Fabric., Græc., iv., p. 571.)—3. (Atheneus, iv., p. 131)—4. (H. A., 20.)—5. (iii., p. 155.)—6. (xvii., p. 1176.)—7. (xv., p. 1031.)—8. (Hist. Æthiop., iv., 4, 12.)—9. (Ælian, N. A., xiii., 7.—Artemid., H. A., viii., 31.)—10. (Adv. Colotem., p. 1109.)—11. (De Med., ii., 81, p. 107.)—12. (De Simplic., Med. Facult., lib. 151.)

'coagulated milk,' was a favourite with Greek and Roman writers, but is altogether erroneous. The term is of foreign origin, and we may see some curious speculations on this in the Vorhalle of Ritter, who seeks to connect the name with the mythology of *Boudha*, and the germe of civilization introduced into the sacerdotal colonies from India.¹ In what has thus far been said, it would appear that butter must have been very little known to the Greeks and Romans, till the time of the latter, that is, at the end of the second century. It is also, that when they had learned the art of making it, they employed it only as an ointment for baths, and particularly in medicine. Pliny sends it, mixed with honey, to be rubbed over the gums, in order to ease the pain of teeth-ache, and also for ulcers in the mouth.² The Romans, in general, seem to have used butter for anointing the bodies of their children, to render them pliable;³ and we are told that the ancient Egyptians smeared their hair with it.⁴ If we trace the passage of Dioscorides already referred to, we find no proof whatever that it was used by the Greeks or Romans in cooking, or the preparation of food. No notice is taken of it by Apicius; nor is it mentioned by Galen for any other but medicinal purposes. This is easily accounted for by the fact, that the ancients were entirely accustomed themselves to the use of oil; and, in like manner, butter at present is little employed in Italy, Spain, Portugal, and the southern parts of France. One chief cause of the difficulty of preserving it for any length of time in warm countries; and it would seem that the ancients in the south of Europe it was a very oily state, and almost liquid. The nations, in modern times, cut, knead, and pound butter; the ancients poured it out as one and the same oil. Galen, for example, tells us, that to get rid of butter (which was used in curing inflammations of the eyes, and other disorders), the best way is to pour it into a lamp.⁵ For more information on this subject, the reader is referred to *Warton's History of Inventions*.⁶

BUXUM properly means the wood of the Box-tree, which was given as a name to many things made of wood. According to Strabo,⁷ the best box-wood in the district of Amastrine, in Paphlagonia, especially in the neighbourhood of Cytolium,⁸ also names the Gallic, Pyrenean, Berytan, Corsican, and Macedonian box-wood. Tablets used for writing on, and covered with wax (*tabulae ceratae*), were usually made of this wood. We read in Propertius,

*Vulgari buxo sordida cera fuit.*⁹

Tabulae were sometimes called *cerata buxa*. The same name the Greek *πυξίον*, formed from *buxum*, 'box-wood,' came to be applied to any tablet which they were made of this wood or any other substance; in which sense the word occurs in the *Septuagint* (*τὰ πυξία τὰ λιθίνα*).¹⁰

They were made of box-wood (*volubile buxum*);¹¹ or of *pygmaea flagello*¹²; and also all wind instruments, especially the flute, as is the case in the day (*Phrygiæque foramine buxi*).¹³ Combs, too, were made of the same wood; whence Juvenal speaks of *caput intactum buxo*.¹⁴

BUXUS (*πύξος*), the Box-tree, or *Buxus Semper-virens*. The Box loves cold and mountainous

situations; the pines most famed for its growth are mentioned in the beginning of the previous article. "Box-wood is a unique among timber, and combines qualities which are not found existing together in any other kind. It is as close and heavy as ebony; not very much softer than *lignum vitae*, it cuts better than any other wood; and, when an edge is made of the ends of the fibres, it stands better than lead or tin, nay, almost as well as brass. Like holly, the Box is very retentive of its sap, and warps when not properly dried; though, when sufficiently seasoned, it stands well. Hence, for the wooden part of the finer tools, for everything that requires strength, beauty, and polish in timber, there is nothing equal to it. This will explain why so many different articles among the ancients were made of this wood. (*Vid. BUXUM*.) There is one purpose for which box, and box alone, is properly adapted, and that is the process of xylography, or engraving on wood."

BYBLUS (*βύβλος*), the plant from which the Egyptians formed paper, the *Cyperus Papyrus*. (*Vid. PAPHYRUS*.)

BYSSUS (*βύσσος*). It has been a subject of some dispute whether the byssus of the ancients was cotton or linen. Herodotus¹ says that the mummies were wrapped up in *byssine sindon* (*σινώδον βυσσίνης τελαμῶσι*), which Rosellini and many modern writers maintain to be cotton. The only decisive test, however, as to the material of mummy-cloth, is the microscope; and from the numerous examinations which have been made, it is quite certain that the mummy-cloth was made of flax, and not of cotton; and, therefore, whenever the ancient writers apply the term byssus to the mummy-cloth, we must understand it to mean linen.²

The word byssus appears to come from the Hebrew *butz* (*בוצ*), and the Greeks probably got it through the Phœnicians.³ Pausanias⁴ says that the district of Elis was well adapted for growing byssus, and remarks that all the people whose land is adapted for it sow hemp, flax, and byssus. In another passage⁵ he says that Elis is the only place in Greece in which byssus grows, and remarks that the byssus of Elis is not inferior to that of the Hebrews in fineness, but not so yellow (*ξανθῆ*). The women in Patræ gained their living by making head-dresses (*κεκρόφαλοι*), and weaving cloth, from the byssus grown in Elis.⁶

Among later writers, the word byssus may, perhaps, be used to indicate either cotton or linen cloth. Böttiger⁷ supposes that the byssus was a kind of muslin, which was employed in making the celebrated Coan garments. It is mentioned in the Gospel of St. Luke⁸ as part of the dress of a rich man: *Ἐνεδιδύσκετο πορφύραν καὶ βύσσον*.⁹ It was sometimes dyed of a purple or crimson colour (*βύσσινον πορφύρου*).¹⁰ Pliny¹¹ speaks of it as a species of flax (*linum*), and says that it served *mulierum maxime deliciis*. Pollux,¹² also, says that it was a kind of *λίνον* grown in India; but he appears to include cotton under this term.

C., K., &c.

CABEIRIA (*Καβείρια*), mysteries, festivals and orgies solemnized in all places in which the Pelasgian Cabiri, the most mysterious and perplexing deities of Grecian mythology, were worshipped, but especially in Samothrace, Imbros, Lemnos, Thebes, Anthedon, Pergamus, and Berytos.¹³ Lit-

vorhalle, p. 121.)—2. (H. N., xxviii., 19.)—3. (Tertull., *de Spect.*, vi., 13.)—4. (Sidon. Apoll., *carmin.*, 12.)—5. (vol. *secc.*, 6.)—6. (xvi., 28.)—7. (H. N., xvi., 28.)—8. (III., 8. (Erad., xxiv., 12.—Compare Is., xxx., 8.—Hab., 8. (Vulg., *Gen.*, vii., 382.)—11. (Pers., iii., 51.)—12. (see *Paust.*, i., 1., 45.—Compare Met., xi., 158.—*Fast.*, *Vulg.*, *Gen.*, ix., 619.)—13. (Sat., xiv., 194.)—14. (Com., *Fast.*, vi., 229: "Detonsos crines depexere buxo.")

1. (ii., 86.)—2. (Egyptian Antiquities, vol. ii., p. 182—196, Lond., 1836.)—3. (*Vid. Gesenius, Thesaurus*.)—4. (vi., 26, § 4.—5. (v., 5, § 2.)—6. (Paus., vii., 21, § 7.)—7. (Sabina, ii., p. 105.—8. (xvi., 9.)—9. (Compare *Act.*, xvii., 12.)—10. (Hesych.)—11. (H. N., xix., 4.)—12. (Cron., vii., 75.)—13. (Paus., ix., 25, § 5: iv., 1, § 5; ix., 22, § 5; i., 4, § 6.—Euseb., *Præp. Evang.*, p. 31.)

CALATHUS.

original painting, which consists of many other female figures, engaged in the celebration of certain mysteries.

The mitra was originally the name of an eastern head-dress, and is sometimes spoken of as characteristic of the Phrygians.¹ Pliny² says that Polygnotus was the first who painted Greek women *mitris versicoloribus*.



It appears from a passage in Martial³ (*fortior intortos seruat vesica capillos*) that a bladder was sometimes used as a kind of covering for the hair.

CALATHUS, dim. CALATHIS'CUS (κάλαθος, καλαθίσκος), also called ΤΑ'ΑΛΠΟΣ, usually signified the basket in which women placed their work, and especially the materials for spinning. Thus Pollux⁴ speaks of both τάλαιος and κάλαθος as τῆς γυναικωνίτιδος σκευή: and in another passage⁵ he names them in connexion with spinning, and says that the τάλαιος and καλαθίσκος were the same. These baskets were made of osiers or reeds; whence we read in Pollux⁶ πλέκειν τάλαιου καὶ καλαθίσκου, and in Catullus,⁷

“Ante pedes autem candentis mollia lana
Vellera virgati custodibant calathisci.”

They appear, however, to have been made in earlier times of more valuable materials, since we read in Homer⁸ of a silver τάλαιος. They frequently occur in paintings on vases, and often indicate, as Böttiger⁹ has remarked, that the scene represented takes place in the gynæceitis, or women's apartments. In the following woodcut, taken from a painting on a vase,¹⁰ a slave, belonging to the class called quasillariae, is presenting her mistress with the calathus, in which the wool was kept for embroidery, &c.

Baskets of this kind were also used for other purposes,¹¹ such as for carrying fruits, flowers, &c.¹²

1. (Virg., Æn., ix., 616, seq.)—2. (H. N., xxxv., 25.)—3. (Virg., Æn., ix., 19.)—4. (x., 125.)—5. (vii., 29.)—6. (vii., 173.)—7. (l. xv., 319.)—8. (Od., iv., 125.)—9. (Vasengem., iii., 44.)—10. (Müller, Peintures de Vases Antiques, vol. i., pl. 4.)—11. (Müller, Sabines, v. l. ii., p. 252, 255.)—12. (Ovid, Art. Am., l., 264.)

CALCEUS.

The name of calathi was also given to cups for drinking wine.¹



Calathus was properly a Greek word, though by the Latin writers. The Latin word corresponding to it was *qualus*,² or *quasillus*.³ From *qualus* came *quasillaria*, the name of the slave who and who was considered the meanest of the slaves (*Convocat omnes quasillarias, familiarum dissimam partem*⁴).

CALCAR, a spur, that is, a goad attached to the heel (*calcx*) in riding on horseback, and used to urge the horse to greater swiftness.⁵

The early adoption of this contrivance by the Romans appears from the mention of it in Plautus and Lucretius.⁷ It is afterward often alluded to by Cicero,⁸ Ovid,⁹ Virgil,¹⁰ and subsequent Roman authors. On the other hand, we do not find the Greeks used spurs, and this may account for the fact that they are seldom, if ever, seen on Greek statues.

The spurs of a cock are called *calcaria*. CALCEUS (dim. CALCEOLUS), CALCEUM, CALCEAMENTUM (ὑπόδημα, πέδιλο), a shoe or boot, anything adapted to cover and protect the feet in walking.

The use of shoes was by no means unknown among the Greeks and Romans. The Homeric heroes are represented without shoes when entering battle. (*Vid. ARMA, BALTEUS*.) According to the institutions of Lycurgus, the young Spartans were brought up without wearing shoes (*ἀνυπόδητοι*), in order that they might have the full use of their feet in running, leaping, and climbing. Socrates, Plato, and Cato frequently went barefoot (*ἀπόδητοι*,¹² *pede nudo*¹⁴). The Roman slaves had no shoes (*nudo talo*¹⁵), their naked feet being marked with chalk or gypsum. The covering of the feet was not moved before reclining at meals. (*Vid. CENARE*.) To go barefoot also indicated haste, grief, or indignation of mind, or any violent emotion, as when the chorus of Oceanides hasten to the fettered Iphigenia (*ἀπέδιλοι*¹⁶); when Venus goes in quest of Adonis (*ἀπόδηλος*¹⁷), and when the vestals fled from Rome with the apparatus of sacred utensils.¹⁸ For similar reasons, sorceresses go with naked feet (*ἀπόδητοι* upon the exercise of magical arts¹⁹ (*nudum pedibus nudis*²¹), although sometimes they are represented as only being unshod (*unum exuta pedem vinculis*²² is so painted on fictile vases. That it was a rare thing at Rome to see a respectable female without shoes, is clear from the as

1. (Virg., Ecl., v., 71.)—2. (Hor., Carm., III., xii., 37.)—3. (Petron., c. 132.—Compare Tibull., IV., x., Heyne in loc.)—4. (Isidor., Orig., xx., 16.)—5. (Asin., 118.)—6. (v., 1074.)—7. (De Orat., iii., 9.—Ep. ad Alf., 9. (Ep. ex Ponto, ii., 6, 38; iv., 2, 35.)—8. (Virg., Æn., xi., 714.)—9. (Col., De Re Rust., viii., 12.)—10. (Xen., Rep. Lac., 2.)—11. (Aristoph., Nub., l. 3, 362. Mem., i., 6, § 2.—Plut., Phoc.—Id., Cat.)—12. (Epist., 12.)—13. (Juv., vii., 16.)—14. (Æsch., Prom. Vinct., Blomf.)—15. (Bion., i., 21.)—16. (Flor., i., 33.)—17. (S. dea, iv., 2, 14.)—18. (Ovid, Met., vii., 183.)—19. (Hor., viii., 24.)—20. (Virg., Æn., iv., 518.)

perienced by Ovid, until he was informed of it, in a particular instance.

*pede matronam vidi descendere nudo:
strepui tacitus, sustinuique gradum.*"

et were sometimes bare in attendance on

Thus the remains of Augustus were clothed in the pyra by noblemen of the first rank and feet.¹ A picture found at Herculaneum shows persons with naked feet engaged in the worship of Isis;² and this practice was observed at the honours of Cybele.³ In case of drought, and in and ceremonies, called Nudipedalia, were performed with a view to propitiate the gods by the display of grief and humiliation.⁴

The idea of the defilement arising from contact with things that had died, led to the entire disuse of leather by the priests of Egypt. Their shoes were made of vegetable materials (*calceos ex papyrus*). (Vid. BAKA.)

The Greeks and Romans who wore calcei, including generally all persons except youths, and ascetics, consulted their convenience, and varied their fancy, by inventing the greatest variety in the forms, colours, and materials of shoes. Hence we find a multitude of names, the meaning of which it is impossible to ascertain which were often derived either from persons who were supposed to have brought new kinds of shoes into fashion, or from the place they were procured. We read, for example, of "shoes of Alcibiades;" of "Sicyonian," "Asian," which were ladies' shoes;⁵ of "Lacedaemonian" which were men's shoes;⁶ and of "Cretilian," and "Athenian" shoes.

Distinctions depending upon form may be gen- erally applied to those in which the mere sole of the foot was attached to the sole of the foot by ties or by a covering for the toes or the instep (as, CREPIDA, SOCCUS); and those which were higher and higher, according as they covered the ankles, the calf, or the whole of the leg. Elements of the latter kind, i. e., to shoes and distinguished from sandals and slippers,



"calceus" was applied in its proper and sense.

1. (Ant. d'Ercol., i., tab. 21.)—2. (Ovid.)—3. (Aristoph., Equit., 321.)—4. (Char., 4.)—5. (Compare Hor., Sat., l., iii., 32.)—6. (De Art. Am., i., 516.)—7. (Ins. Or., xl., 3, p. 439, ed. Spalding.)—8. (Hor., Ep., l., x., 43.)—9. (Serv. in Æn., iv., 251.)—10. (Lamprid., Hellog., 23.—Alex. Sev., 4.)

Besides the difference in the intervals to which the calceus extended from the sole upward to the knee, other varieties arose from its adaptation to particular professions or modes of life. Thus the CALIGA was principally worn by soldiers; the PERE by labourers and rustics; and the COTHURNUS by tragedians, hunters, and horsemen.

Understanding "calceus" in its more confined application, it included all those more complete coverings for the feet which were used in walking out of doors or in travelling. As most commonly worn, these probably did not much differ from our shoes, and are exemplified in a painting at Herculaneum,¹ which represents a female wearing bracelets, a wreath of ivy, and a panther's skin, while she is in the attitude of dancing and playing on the cymbals. Her shoes are yellow, illustrating the fact that they were worn of various colours, especially by females. (Vid. preceding woodcut.) The shoe-ties (*corrigia*) are likewise yellow. These shoes appear light and thin, corresponding to the dress and attitude of the wearer. On the other hand, a marble foot in the British Museum exhibits the form of a man's shoe. Both the sole and the upper leather are thick and strong. The toes are uncovered, and a thong passes between the great and the second toe, as in a sandal.



For an example of calcei reaching to the middle of the leg, see the figure of Orestes in AMENTUM (p. 47). In the Panathenaic frieze of the Parthenon, boots much like his, but reaching still higher, are worn by many of the Athenian horsemen. They are fastened tightly below the knee, and fit closely in every part, showing how completely the sculptor avoided the reproach of making the foot "float" in the shoe (*natura, ερεον εν ταϊς εμβασιν*). In many statues the flaps are produced by turning down the head and claws of the quadruped out of whose hide the boot was made. We often see it laced in front. (Vid. COTHURNUS.)

Upon no part of their dress did the ancients bestow greater attention than upon this. Theophrastus⁴ considers it as a proof of rusticity to wear shoes larger than the foot.⁵ If, on the one hand, Ovid⁶ advises the lover, "*Nec vagus in lata pes tibi pelle natet,*" we find Quintilian, on the other hand, laying down similar maxims for the statesman and the orator.⁷ Overnicety produced the inconvenience of pinching shoes,⁸ especially when they were pointed at the toes and turned upward (*uncinati*). Besides the various and splendid colours of the leather, the patterns still existing on marble statues show that it was cut in a very elaborate manner. When Lucullus triumphed after his victories in Asia, he displayed fine shoes from Syria, painted with spots in imitation of jewels.⁹ Real gems and gold were added by some of the emperors, especially Heliogabalus, who wore beautiful camoes on his boots and shoes, but with the natural effect of exciting ridicule rather than admiration.¹⁰

The form and colour of the calceus were also

1. (Ant. d'Ercol., i., tab. 21.)—2. (Ovid.)—3. (Aristoph., Equit., 321.)—4. (Char., 4.)—5. (Compare Hor., Sat., l., iii., 32.)—6. (De Art. Am., i., 516.)—7. (Ins. Or., xl., 3, p. 439, ed. Spalding.)—8. (Hor., Ep., l., x., 43.)—9. (Serv. in Æn., iv., 251.)—10. (Lamprid., Hellog., 23.—Alex. Sev., 4.)

among the insignia of rank and office. Those who were elevated to the senate wore high shoes like buskins, fastened in front with four black thongs (*nigris pellibus*), and adorned with a small crescent.² Hence Cicero,³ speaking of the assumption of the senatorial dignity by Asinius, says *mutavit calceos*. Another man, in similar circumstances, was told that his nobility was in his heels.⁴ Among the calcei worn by senators, those called *mullei*, from their resemblance to the scales of the red mullet,⁵ were particularly admired; as well as others called *aluta*, because the leather was softened by the use of alum.⁶

CALCULATOR (*λογιστής*) signifies a keeper of accounts in general, but was also used in the signification of a teacher of arithmetic; whence Martial⁷ classes him with the *notarius*, or writing-master. The name was derived from *calculi*, which were commonly used in teaching arithmetic, and also in reckoning in general. (Vid. *ABACUS*, No. VI.) Among the Greeks the *λογιστής* and *γραμματιστής* appear to have been usually the same person.

In Roman families of importance there was a *calculator* or account-keeper,⁸ who is, however, more frequently called by the name of *dispensator* or *procurator*, who was a kind of steward.⁹

CALCULI were little stones or pebbles, used for various purposes; such, for example, as the Athenians used in voting (*vid. CADISKOI*), or such as Demosthenes put in his mouth when declaiming, in order to mend his pronunciation.¹⁰ Calculi were used in playing a sort of draughts. (Vid. *LATRUNCULI*.) Subsequently, instead of pebbles, ivory, or silver, or gold, or other men (as we call them) were used, but still called calculi. The calculi were *bicolores*.¹¹ Calculi were also used in reckoning, and hence the phrases *calculus ponere*,¹² *calculus subducere*.¹³ (Vid. *ABACUS*, No. VI.)

CALDA. (Vid. *CALIDA*.)

CALDA'RIMUM. (Vid. *BATHS*, p. 149.)

CALENDAR (GREEK). The Greek year was divided into twelve lunar months, depending on the actual changes of the moon. The first day of the month (*νομήνια*) was not the day of the conjunction, but the day on the evening of which the new moon first appeared; consequently full moon was the middle of the month, and is called *διχόμενις*, or "the divider of the month."¹⁴ The lunar month consists of 29 days and about 13 hours; accordingly, some months were necessarily reckoned at 29 days, and rather more of them at thirty days. The latter were called *full months* (*πληρείς*), the former *hollow months* (*κοίλοι*). As the twelve lunar months fell short of the solar year, they were obliged every other year to interpolate an intercalary month (*μην ἐμβολιμαῖος*) of 30 or 29 days. The ordinary year consisted of 354 days, and the interpolated year, therefore, of 384 or 383. This interpolated year (*τριέτηρος*) was seven days and a half too long; and, to correct the error, the intercalary month was from time to time omitted. The Attic year began with the summer solstice: the following is the sequence of the Attic months, and the number of days in each: Hecatombaeon (30), Metageitnion (29), Boedromion (30), Pyanepsion (29), Mæmacterion (30), Poseideon (29), Gamelion (30), Anthesterion (29), Elaphebolion (30), Munychion (29), Thargelion (30), Scirophorion (29). The intercalary month was a

second Poseideon inserted in the middle of year. Every Athenian month was divided into three decads. The days of the first decad were designated as *ισταμένοι* or *ἀρχομένοι μηνός*, and were counted on regularly from 1 to 10; thus, *πέρα ἀρχομένου* or *ισταμένου* is "the second day the month." The days of the second decad were designated as *ἐπι δέκα*, or *μεσοῦντος*, and were counted on regularly from the 11th to the 20th day, which was called *εἰκάς*. There were two ways of counting the days of the last decad: they were either reckoned onward from the 20th (thus *πρώτη εἰκάδι* was the 21st), or backward from the last day with the addition *φθίνοντος*, *πανομένου*, *λήγοντος*, *ἀπίοντος*; thus the 21st day of a hollow month was *ἐνάτη φθίνοντος*—of a full month, *δεκάτη φθίνοντος*. The last day of the month was called *ἐνη καὶ νεώτερος* "the old and new," because, as the lunar month really consisted of more than 29 and less than 30 days, the last day might be considered as belonging equally to the old and new month.¹

The first calendars of the Greeks were founded on rude observations of the rising and setting of certain fixed stars; as Orion, the Pleiades, Arcturus, &c. The earliest scientific calendar, which superseded these occasional observations, was that of Meton. He observed that 235 lunar months correspond very nearly to 19 solar years. Accordingly, he introduced a cycle of 19 years, or 6940 days distributed into months, so that they corresponded to the changes of the moon throughout the whole period. This cycle was called the year of Meton (*Μέτωνος ἐνιαυτός*), and the calendar based upon it was published at Athens in Ol. 86, 4. The calendar commenced with the month Scirophorion (18 July, B.C. 432). This cycle of 19 years was an extension of the octaeteris of Cleostratus, which contained 8 years, or 99 months, or 2922 days. Three of the months in the octaeteris were intercalary, occurring in the third, fifth, and eighth years of the cycle. If Meton had reckoned every month by his cycle would have contained 7050 days, or 7050—6940=110 days too much; consequently, it was necessary to take 110 hollow months in each cycle. Dividing 7050 by 110 we get the quotient 64, which denotes the interval between every two successive days to be rejected (*ἡμέραι ἐξαλείψιμοι*). Meton's canon begins with two full months, and then has hollow and full months alternately; but, as the interchange has taken place eight times, 16 full months come together, because there must be 17 full months in every 32. The Metonic cycle was corrected in Ol. 110, by Callippus of Cyrene. Meton had made the solar year $\frac{1}{8}$ of a day too long. Callippus accordingly assumed a $4 \times 19 = 76$ year cycle omitting one day, or 2753 days. The epoch of this cycle is 28th June, B.C. 330, Ol. 113, 3. A farther correction of the Metonic cycle was introduced by Hipparchus, the celebrated astronomer, even Callippus had still left the solar year too long $\frac{1}{300}$ of a day; he therefore assumed a cycle of $4 \times 19 = 4 \times 76$ years wanting one day, or 1113 days. This period of 304 years, with 112 intercalary months, is called the year of Hipparchus.

Separate years were designated at Athens by the name of the chief archon, hence called *ἀρχοντικὸν ἐτώνιον*, or "the name-giving archon," at Sparta by the first of the ephors; at Argos, by the ephors of Juno, &c. The method of reckoning Olympiads was brought into use by Tiræus of Tauromenium about Ol. 130. As this method of reckoning is still found in books, it will give the rules for converting Olympiads into year B.C., and *vice versa*.

1. (Hor., Sat., I, vi., 27.—Heindorf in loc.)—2. (Mart., ii., 29.—Juv., vii., 192.)—3. (Phil., xiii., 13.)—4. (Philostr., Her., viii., 5.—Isidor., Orig., xix., 14.)—5. (Mart., Juv., II. cc.—Lydus, De Mag., i., 32.—Ovid., De Art. Am., iii., 271.)—6. (x., 62.)—7. (Dig. 38, tit. i., s. 7.)—8. (Cic., ad Att., xi., 1.—Plin., Ep., ii., 19.—Suet., Gal., c. 12.—Vesp., c. 22.)—9. (Cic., De Orat., i., 61.)—10. (Suidas., Epist., viii., 12.—Ovid., Trist., ii., 477.—Mart., xiv., 17, 2; xiv., 20.)—11. (Colum., iii., 3.)—12. (Cic., De Fin., ii., 19, &c.)—13. (1. ad., Olymp., iii., 34.)

years, 20 to 16½; so that the former truce terminated in 314, the latter in 346. Similarly, the truce of eight years concluded with the Volscians in 323, extended, in fact, to no more than 6½ full years; and hence the Volscians resumed the war in 331, without exposing themselves to the charge of perjury.

These ingenious, and, perhaps, satisfactory speculations of the German critic, of course imply that the decimestrial year still survived long after the regal government had ceased; and, in fact, he believes that this year and the lunar year, as determined by Scaliger's proposed cycle of 22 years, co-existed from the earliest times down to a late period. The views of Niebuhr do not require that the months should have consisted of 31 or 30 days; indeed, it would be more natural to suppose that each month, as well as the year, contained a precise number of eight-day weeks; eight of the months, for instance, having four such weeks, the two others but three. Even in the so-called calendar of Numa we find the Etruscan week affecting the division of the month, there being eight days between the nones and ides, from which circumstances the nones received their name; and, again, two such weeks from the ides to the end of the month, and thus whether the whole month contained 31 or 29 days.

The Year of Numa.—Having described the Romulian year, Censorinus¹ proceeds thus: "Afterward, either by Numa, as Fulvius has it, or, according to Junius, by Tarquin, there was instituted a year of twelve months and 355 days, although the moon in twelve lunations appears to complete but 354 days. The excess of a day was owing either to error, or, what I consider more probable, to that superstitious feeling, according to which an odd number was accounted full (*plenus*) and more fortunate. Be this as it may, to the year which had previously been in use (that of Romulus) one-and-fifty days were now added; but, as these were not sufficient to constitute two months, a day was taken from each of the before-mentioned hollow months, which, added thereto, made up 57 days, out of which two months were formed, *Januarius* with 29, and *Februarius* with 28 days. Thus all the months henceforth were full, and contained an odd number of days, save *Februarius*, which alone was hollow, and hence deemed more unlucky than the rest." In this passage it is fitting to observe, that the terms *pleni* and *cavi menses* are applied in a sense precisely opposite to the practice of the Greek language in the phrases *μήνες πληρείς* and *κοίλοι*. The mysterious power ascribed to an odd number is familiar from the *Numero deus impar* *gaudet* of Virgil. Pliny also² observes, "*Impares numeros ad omnia vehementiores credimus.*" It was, of course, impossible to give an odd number of days, at the same time, to the year on the one hand, and to each of the twelve months on the other; and yet the object was in some measure effected by a division of February itself into 23 days, and a supernumerary period of five days. (See the mode of intercalation below.) The year of Numa, then, according to Censorinus, contained 355 days. Plutarch tells us that Numa estimated the anomaly of the sun and moon, by which he means the difference between twelve lunations and the sun's annual course, at eleven days, i. e., the difference between 354 and 355 days. Macrobius, too, says that the *annus Numanus* amount to 354 days, 8h., 48'. The so-called year of Numa was a tol-

erably correct lunar year, though the months would have coincided more accurately with the single lunations if they had been limited to 30 and 29 days, instead of 31, 29, and 28 days. That it was, in fact, adapted to the moon's course, is the concurrent assertion of ancient writers, more particularly of Livy, who says: "*(Numa) omnium primum ad cursum lunæ in duodecim mensis describit annum.*" Unfortunately, however, many of the same writers ascribe to the same period the introduction of such a system of intercalation as must at once have dislocated the coincidence between the civil month and the lunar period. At the end of two years the year of Numa would have been about 22 days in arrears of the solar period, and, accordingly, it is said an intercalary month of that duration, or else of 23 days, was inserted at or near the end of February, to bring the civil year into agreement with the regular return of the seasons. Of this system of intercalation a more accurate account shall presently be given. But there is strong reason for believing that this particular mode of intercalation was not contemporary in origin with the year of Numa.

In antiquarian subjects it will generally be found that the assistance of etymology is essential; because the original names that belong to an institution often continue to exist, even after such changes have been introduced, that they are no longer adapted to the new order of things; thus they survive as useful memorials of the past. In this way we are enabled, by the original meaning of words, aided by a few fragments of a traditional character, to state that the Romans in early times possessed a year which altogether depended upon the phases of the moon. The Latin word *mensis*,¹ like the Greek *μήν* or *μείς*, and the English *month*, or German *monath*, is evidently connected with the word *moon*. Again, while in the Greek language the name *μηνία* (new moon), or *ἐνῆ καὶ νῆα*, given to the first day of a month, betrays its lunar origin, the same result is deduced from the explanation of the word *kalendæ*, as found in Macrobius.² "In ancient times," says that writer, "before Cn. Plautius the scribe, against the pleasure of the patricians, made the *fasti* known to the whole people (the end of the 4th century B.C.), it was the duty of one of the pontifices minores to look out for the first appearance of the new moon, and, as soon as he described it, to carry word to the *rex sacrificum*. Then a sacrifice was offered by these priests; after which, the same pontifex, having summoned the plebs (*calata plebe*) to a place in the Capitol near the Curia Calabra, which adjoins the Casa Romæ, there announced the number of days which still remained to the nones, whether five or seven, by often repeating the word *καλῶ*." There was a necessity to write this last word in Greek characters, as it belonged to the old Latin. In fact, this very passage it occurs in both *calata* and *calabra*; and again, it remained to the latest times the word *nomenclator*. In regard to the passage here quoted from Macrobius, it must be recollected that, while the moon is in the immediate vicinity of the sun, it is impossible to see it with the naked eye, so that the day on which it is first seen is, of necessity, the day of the actual conjunction. We learn elsewhere, that, as soon as the pontifex discovered the thin disc, a hymn was sung, beginning *Jana novella*, the word *Jana*³ being only a dialect variety of *Diana*, just as *Dispiter* or *Diupiter* corresponds to *Jupiter*; and other examples might readily be given, for the change occurs in almost every word which has the syllables *de* or *di* before a vowel. Again, the consecration of the kalends

1. (Compare Liv., i., 19.—*Fasti*, vi., c. 3.—Florus, i., 2.

1. (Varro, De Ling. Lat., vi., or, in the old editions, v., 54, 2. (i., 13.)—3. (Macrobius, Sat., i., 9.—Varro, De Re Rust., i., 3.

merely *speciem*, is in accordance with those notions which prevailed in all ancient attempts at chronology. But, though the derivation is of groundless, it is of historical value, as showing a notion connected with the term *ides*.

For the same reason, probably, the *ides* of March were dedicated to the sacrifice to the goddess Anna Perenna, in whose name we have nothing more than the feminine form of the word *annus*, which, when written with one *n* or two, whether in its form *annus* or diminutive *annulus*, still signifies a circle. Hence, as the masculine was easily adopted to denote the *period* of the moon's course, so the feminine, in like manner, might be employed to signify, first, the moon's revolution, and then the moon herself. The tendency of the Romans to have the same word repeated as a male, and then as a female deity, has been noticed by Niebuhr; and there occurs a parallel in the name *Dianus*, afterward *Janus*, the god of *dies*, or light, the sun; *Diana*, afterward *Iana*, for the goddess of light, the moon, the thing of the words *Jupiter* and *Juno*. That the month of March should have been selected from its being the first of the year, and a sacrifice to the moon might well take place on the day when her power is fully displayed to man. The name *Perenna* itself means no more than *ever-circulating*. Nay, Macrobius himself* connects the two with *annus*, when he states the object of the sacrifice to be, *ut annare perennareque commode*

Another argument in favour of the lunar origin of the Roman month is deducible from the practice of counting the days backward from the *kalends*, *nonas*, and *ides*; for the phrases will then amount to this, "It wants so many days to the new moon, to the first quarter, to full moon." It would be difficult, on any other hypothesis, to account for the adoption of a mode of calculation, which, to our knowledge, at least, is so inconvenient; and, indeed, it is expressly recorded that this practice was derived from Greece, under which term the Athenians probably are meant; and by these we know that a lunar year was employed down to a late

convenient cycle for the conjunction of a lunar and solar year. A mean lunation, or synodic month, according to modern astronomy, is 29d., 12h., 44' 3", and a mean tropical year 365d., 5h., 48' 48". Hence it will be found that 235 lunations amount to 6939d., 16h., 31' 45", while 19 tropical years give 6939d., 14h., 27' 12", so that the difference is only 2h., 4' 33". Although it was only in the second century B.C. that Hipparchus gave to astronomical observations a nicety which could pretend to deal with seconds (his valuation of the synodic month was 29d., 12h., 44' 31"), yet, even in the regal period of Rome, the Greek towns in the south of Italy must already have possessed astronomers, from whom the inhabitants of Latium could have borrowed such a rough practical knowledge of both the moon and sun's period as was sufficient to show that at the end of 19 solar years the moon's age would be nearly what it was at the commencement; and it should be recollected that the name of Numa is often connected by tradition with the learning of *Magna Græcia*. At any rate, a cycle of 19 years was introduced by Meton, at Athens, in the year 432 B.C.; and the knowledge of it among the learned may probably have preceded, by a long period, its introduction into popular use, the more so as religious festivals are generally connected with the various divisions of time, and superstition, therefore, would be most certainly opposed to innovations of this nature. How the Romans may have intercalated in their 19 lunar years the seven additional months which are requisite to make up the whole number of 235 (=12×19+7) lunations, is a subject upon which it would be useless to speculate. From a union of these various considerations, it must be deemed highly probable that the Romans at one period possessed a division of time dependent upon the moon's course.

Year of the Decemviri (so called by Ideler).—The motives which induced the Romans to abandon the lunar year are nowhere recorded, nor, indeed, the date of the change. We have seen, however, that even in the year 448 B.C., the year was still regulated by the moon's course. To this must be added that, according to Tacitus and Cassius Hemi-

Latin from the text of Macrobius,¹ because their import is doubtful. If we are right in interpreting them thus, "the date upon which is expressed by a month called *intercalary*," all that is meant may be one of the intercalary lunations, which must have existed even in the old lunar year. At the period of the decemviral legislation there was probably instituted that form of the year of 354 days, which was corrected by the short intercalary month called Mercedonius or Mercedinus; but so corrected as to deprive the year and month of all connexion with the moon's course. The length of the several ordinary months was probably that which Censorinus has erroneously allotted to the months of Numa's lunar year, viz.:

Martius	31 days.	September	29 days.
Aprilis	29 "	October	31 "
Maius	31 "	November	29 "
Junius	29 "	December	29 "
Quinctilis	31 "	Januarius	29 "
Sextilis	29 "	Februarius	28 "

Such, at any rate, was the number of days in each month immediately prior to the Julian correction; for both Censorinus and Macrobius say that Cæsar added two days to Januarius, Sextilis, and December, and one to Aprilis, Junius, September, and November. Hence Niebuhr appears to have made an error when he asserts² that July acquired two more days at the reformation of the calendar, and founds thereon a charge of carelessness against Livy. That November had but 29 days prior to the correction—in other words, that the XVII. Kal. Dec. immediately followed the Idus Nov., appears likewise, from a comparison of Cicero's letters to Tiro;³ for he reaches Corcyra a. d. V. Id. Nov., and on the XV. Kal. Dec. complains, "*Septimum jam diem enabamur.*" The seven days in question would be IV. Id., III. Id., Prid. Id., Id. Nov., XVII. Kal. Dec., XVI. Kal. Dec., XV. Kal. Dec. That the place of the nones and ides was in each month the same before the Julian correction as afterward, is asserted by Macrobius.

The main difficulty is with regard to the mode of intercalation. Plutarch, we have already observed, speaks of an intercalation, by him referred to Numa, of 22 days in alternate years in the month of February. Censorinus, with more precision, says that the number of days in each intercalation was either 22 or 23, and Macrobius agrees with him in substance. Of the point at which the supernumerary month was inserted, the accounts are these: Varro⁴ says the twelfth month was February; and when intercalations take place, the last five days of this month are removed. Censorinus agrees herewith, when he places the intercalation generally (*potissimum*) in the month of February, between the Terminalia and the Regifugium, that is, immediately after the day called by the Romans a. d. VI. Kal. Mart., or by us the 23d of February. This, again, is confirmed by Macrobius. The setting aside of the last five days agrees with the practice which Herodotus ascribes to the Egyptians, of considering the five days over the 360 as scarcely belonging to the year, and not placing them in any month. So completely were these five days considered by the Romans to be something extraneous, that the soldier appears to have received pay only for 360 days. For in the time of Augustus the soldier received *deni asses* per day, i. e., $\frac{1}{16}$ of a denarius; but Domitian⁵ *addidit quartum stipendium aureos ternos*. Thus, as 25 denarii made an aureus, the annual pay prior to Domitian was $\frac{360 \times 10}{16}$ de-

narii, or $\frac{360 \times 10}{16 \times 25}$ aurei = 9 aurei; and thus the addition of three aurei was precisely a fourth more. Lastly, the festival Terminalia, as its name implies, marked the end of the year; and this, by-the-way, again proves that March was originally the first month.

The intercalary month was called *Μερκιδώνιος*, or *Μερκιδόνιος*.¹ We give it in Greek characters, because it happens somewhat strangely that no Latin author has mentioned the name, the term *mensis intercalaris* or *intercalarius* supplying its place. Thus, in the year of intercalation, the day after the ides of February was called, not, as usual, a. d. XVI. Kalendas Martius, but a. d. XI. Kalendas intercalaris. So, also, there were the Nonæ intercalares and Idus intercalares, and after this last came either a. d. XV. or XVI. Kal. Mart., according as the month had 22 or 23 days; or, rather, if we add the five remaining days struck off from February, 27 or 28 days. In either case the Regifugium retained its ordinary designation a. d. VI. Kal. Mart.² When Cicero writes to Atticus, "*Accepi tuas litteras a. d. V. Terminalia*" (i. e., Feb. 19), he uses this strange mode of defining a date, because, being then in Cilicia, he was not aware whether any intercalation had been inserted that year. Indeed, he says, in another part of the same letter, "*Ea sic observato, quasi intercalatum non sit.*"

Besides the intercalary month, mention is occasionally made of an intercalary day. The object of this was solely to prevent the first day of the year, and perhaps also the nones, from coinciding with the *nundinæ*, of which mention has been already made.³ Hence, in Livy,⁴ "*Intercalatum eo anno; postridie Terminalia intercalares fuerunt.*" This would not have been said had the day of intercalation been invariably the same; and, again, Livy,⁵ "*Hoc anno intercalatum est. Tertio die post Terminalia Calenda intercalares fuere,*" i. e., two days after the Terminalia, so that the dies intercalaris was on this occasion inserted, as well as the month so called. Nay, even after the reformation of the calendar, the same superstitious practice remained. Thus, in the year 40 B.C., a day was inserted for this purpose, and afterward an omission of a day took place, that the calendar might not be disturbed.⁶

The system of intercalating in alternate years 22 or 23 days, that is, of ninety days in eight years was borrowed, we are told by Macrobius, from the Greeks; and the assertion is probable enough, first because from the Greeks the Romans generally derived all scientific assistance; and, secondly, because the decemviral legislation was avowedly deduced from that quarter. Moreover, at the very period in question, a cycle of eight years appears to have been in use at Athens, for the Metonic period of 19 years was not adopted before 432 B.C. The Romans, however, seem to have been guilty of some clumsiness in applying the science they derived from Greece. The addition of ninety days in a cycle of eight years to a lunar year of 354 days would in substance, have amounted to the addition of 11 ($=90 \div 8$) days to each year, so that the Roman would virtually have possessed the Julian calendar. As it was, they added the intercalation to a year of 355 days; and, consequently, on an average, every year exceeded its proper length by a day, if we neglect the inaccuracies of the Julian calendar. Accordingly, we find that the civil and solar year were greatly at variance in the year 564 A.U.C. On the 11th of Quinctilis in that year, a remarkable

1. (c. 13.)—2. (ii., 531, note 1179.)—3. (ad Fam., xvi., 7, 9.)—4. (De Ling. Lat., vi., 53.)—5. (Suet., Dom., 7.)

1. (Plutarch, Numa, 19.—Cæs., 59.)—2. (Vid. Ascon., ad Orat. pro Milon.—Fast. Triumphal., 493 A.U.C.)—3. (Macrobius, c. 1—4. (xlv., 44.)—5. (xliii., 11.)—6. (Dion, xlviii., 33.)

of the sun occurred.¹ This eclipse, says Pliny, can have been no other than the one which occurred on the 14th of March, 190 B.C. of the Julian calendar, and which at Rome was nearly total. The same historian² mentions an eclipse of the moon, which occurred in the night between the 4th and 5th of September, in the year of the city 586. It must have been the total eclipse in the night between the 21st and 22d of June, 168 B.C. The first attempts at legislation for the purpose of correcting so serious an error were actually made, as from Macrobius, who, aware himself of the nature of the error, says that, by way of correction, every third octennial period, instead of 90 intercalary days, only 60 were inserted. Again, it appears that M. Acilius Glabrio, in his consulship 169 B.C. that is, the very year before that in which the mentioned lunar eclipse occurred, introduced a legislative measure upon the subject of intercalation.³ According to the above statement of Macrobius, a cycle of 24 years was adopted, and it was in every fourth passage which has induced the editors to insert the word *quarto* in the text already

concerning the festivals of the Romans were for the most part dependent upon the calendar, the regulation of which was intrusted to the college of pontifices, and in early times were chosen exclusively from among the patricians. It was, therefore, in the hands of the college to add to their other means of regulating the plebeians, by keeping to themselves the knowledge of the days on which justice could be administered, and assemblies of the people could be held. In the year 304 B.C., one Cn. Flavius, a *scriba* (clerk) of Appius Claudius, is said fraudulently to have made the *Fasti* public.⁴ It appears, however, from the last passage, that Atticus doubts the truth of the story. In either case, the other mode of regulating the year by the insertion of an intercalary month gave them great political advantages, which they were not backward to employ. Being connected with the matter of intercalation, as left, says Censorinus,⁵ to the unrestrained discretion of the pontifices; and the majority of these, on special grounds, added to or took from the year various intercalations, so as to lengthen or shorten the period during which a magistrate remained in office, and seriously to benefit or injure the farmer of the public revenue. Similar to this language employed by Macrobius,⁶ Ammianus Solinus,⁷ Plutarch,⁸ and their assertions are confirmed by the letters of Cicero, written during his consulship in Cilicia, the constant burden of which was a request that the pontifices will not add any year of government by intercalation.

The consequence of this license, says Suetonius,¹⁰ was that the festivals of the harvest coincided with summer, nor those of the vintage with the autumn. But we cannot desire a better proof of the truth of this than a comparison of three short passages in the third book of Cæsar's *Bell. Civ.*¹¹ "*Præter Januarias navis solvit,*"¹² "*jamque hiems advenabat,*"¹³ "*multi jam menses transierant et hiems accipitærat.*"

of Julius Cæsar.—In the year 46 B.C., Cæsar, now master of the Roman world, crowned himself with great services to his country by employing himself as pontifex maximus, in the correction of the calendar, a serious evil. For this purpose he availed himself of the services of Sosigenes the peripatetic,

and a *scriba* named M. Flavius, though he himself too, we are told, was well acquainted with astronomy, and, indeed, was the author of a work of some merit upon the subject, which was still extant in the time of Pliny. The chief authorities upon the subject of the Julian reformation are Plutarch,¹ Dio Cassius,² Appian,³ Ovid,⁴ Suetonius,⁵ Pliny,⁶ Censorinus,⁷ Macrobius,⁸ Ammianus Marcellinus,⁹ Solinus.¹⁰ Of these, Censorinus is the most precise. "The confusion was at last," says he, "carried so far, that C. Cæsar, the pontifex maximus, in his third consulate, with Lepidus for his colleague, inserted between November and December two intercalary months of 67 days, the month of February having already received an intercalation of 23 days, and thus made the whole year to consist of 445 days. At the same time, he provided against a repetition of similar errors by casting aside the intercalary month, and adapting the year to the sun's course. Accordingly, to the 355 days of the previously existing year, he added ten days, which he so distributed between the seven months having 29 days, that January, Sextilis, and December received two each, the others but one; and these additional days he placed at the end of the several months, no doubt with the wish not to remove the various festivals from those positions in the several months which they had so long occupied. Hence, in the present calendar, although there are seven months of 31 days, yet the four months which from the first possessed that number are still distinguishable by having their nones on the seventh, the rest having them on the fifth of the month. Lastly, in consideration of the quarter of a day, which he considered as completing the true year, he established the rule, that at the end of every four years a single day should be intercalated where the month had been hitherto inserted, that is, immediately after the Terminalia; which day is now called the Bissextum."

This year of 445 days is commonly called by chronologists the year of confusion; but by Macrobius, more fitly, the last year of confusion. The kalends of January, of the year 708 A.U.C., fell on the 13th of October, 47 B.C. of the Julian calendar; the kalends of March, 708 A.U.C., on the 1st of January, 46 B.C.; and, lastly, the kalends of January, 709 A.U.C., on the 1st of January, 45 B.C. Of the second of the two intercalary months inserted in this year after November, mention is made in Cicero's letters.¹¹

It was probably the original intention of Cæsar to commence the year with the shortest day. The winter solstice at Rome, in the year 46 B.C., occurred on the 24th of December of the Julian calendar. His motive for delaying the commencement for seven days longer, instead of taking the following day, was probably the desire to gratify the superstition of the Romans, by causing the first year of the reformed calendar to fall on the day of the new moon. Accordingly, it is found that the mean new moon occurred at Rome on the 1st of January, 45 B.C., at 6h. 16' P.M. In this way alone can be explained the phrase used by Macrobius: "*Annun civilem Cæsar, habitis ad lunam dimensionibus constitutum, edicto palam proposito publicavit.*" This edict is also mentioned by Plutarch where he gives the anecdote of Cicero, who, on being told by some one that the constellation Lyra would rise the next morning, observed, "Yes, no doubt, in obedience to the edict."

The mode of denoting the days of the month will

1. (Cæs., c. 59.)—2. (xliii., 26.)—3. (De Bell. Civ., ii., ad extr.)—4. (Fasti, iii., 155.)—5. (Jul., c. 40.)—6. (H. N., xviii., 57.)—7. (c. 20.)—8. (Sat., i., 14.)—9. (xxvi., 1.)—10. (i., 45.)—11. (Ad Fam., vi., 14.)

CALENDAR.

Calendarium a Gregorio XIII. P.M. restitutum Explicatum. As the Gregorian calendar has only 97 leap-years in a period of 400 years, the mean Gregorian year is $(303 \times 365 + 97 \times 366) \div 400$, that is, 365d., 48' 12", or only 24" more than the mean tropical year. This difference, in sixty years, would amount to 24', and in 60 times 60, or 3600 years, 4 hours, or a day. Hence the French astronomer, Delambre, has proposed that the years 3600, 7200, 10,800, and all multiples of 3600, should not be leap-years. The Gregorian calendar was introduced into the greater part of Italy, as well as in Spain and Portugal, on the day named in the bull. France, two months after, by an edict of Henry the 9th of December was followed by the 20th. Catholic parts of Switzerland, Germany, and Low Countries adopted the correction in 1583, and in 1586, Hungary in 1587. The Protestant parts of Europe resisted what they called a papish invention for more than a century. At last, in 1700, Protestant Germany, as well as Denmark and Holland, allowed reason to prevail over prejudice, and the Protestant cantons of Switzerland followed their example the following year.

England, the Gregorian calendar was first introduced in 1752, and in Sweden in 1753. In Russia and those countries which belong to the Greek Church, the Julian year, or *old style* as it is called, prevails.

In this article free use has been made of Ideler's *Lehrbuch der Chronologie*. For other information connected with the Roman measurement of time, see CLEPSYDRA, DIES, HORA, HOROLOGIA, KALENDAR, NUNDINÆ, SÆCULUM, SIDERA. The following Calendar, which gives the rising and setting of the stars, the Roman festivals, &c., taken from an article on the Roman Calendar in *Wolff's Real-Encyclopædie der classischen Alterthumswissenschaft*. It has been principally compiled from Ovid's *Fasti*, Columella, and Pliny's *Natural History*. The letter O. signifies Ovid, C. Columella, I. Iulian; but when C. is placed immediately after late, it signifies a day on which the Comititia held.

JANUARIUS.

- 1 Jan. Kal. F.
- 2 IV. F.
- 3 III. C. Cancer occidit.
- 4 Prid. C. Cæsari Delphinus matutino exoritur. Pl.
- 5 Non. F. Lyra oritur. O. et P. tempestatem significat. O. Atticæ et finitimis regionibus aquila vesperi occidit.
- 6 VIII. F.
- 7 VII. C.
- 8 VI. C. Delphini vespertino occasu continui dies hiemant Italiæ. Pl.
- 9 V. Agon. Delphinus oritur. O.
- 10 IV. En. Media hiems. O.
- 11 III. Car. Np.
- 12 Prid. C.
- 13 Id. Np.
- 14 XIX. En. Dies vitios. ex SC.
- 15 XVIII. Car. Tempestas incerta. C.
- 16 XVII. C. Sol in Aquarium transit, Leo mane incipit occidere; africanus, interdum auster cum pluvia. C.
- 17 XVI. C. Sol in Aquario. O. et P. Cancer desinit occidere; hiemat. C.
- 18 XV. C. Aquarius incipit oriri, ventus africanus tempestatem significat. C.
- 19 XIV. C.
- 20 XIII. C.
- 21 XII. C.

CALENDAR.

- F. 22 XI. C. Fidicula vesperi occidit, dies pluvius. C.
- G. 23 X. Lyra occidit. O.
- H. 24 IX. C. Leonis, quæ est in pectore, clara stella occidit. O. Ex occasu pristini sideris significat tempestatem; interdum etiam tempestas. C.
- A. 25 VIII. C. Stella regia appellata Tuberoni in pectore Leonis occidit matutini no. P.
- B. 26 VII. C.
- C. 27 VI. C. Leonis, quæ est in pectore, clara stella occidit, nonnunquam significatur hiems bipartita. C.
- D. 28 V. C. Auster, aut africanus, hiemat: pluvius dies. C.
- E. 29 IV. F.
- F. 30 III. N. Delphinus incipit occidere, item Fidicula occidit. C.
- G. 31 Prid. C. Eorum, quæ supra sunt, siderum occasus tempestatem facit: interdum tantummodo significat. C.

FEBRUARIUS.

- H. 1 Feb. Kal. N. Fidis incipit occidere, ventus eurinus et interdum auster cum grande est. C.
- A. 2 IV. N. Lyra et medius leo occidunt. O.
- B. 3 III. N. Delphinus occidit. O. Fidis tota et Leo medius occidit. Corus aut septentrio, nonnunquam favonius. C.
- C. 4 Prid. N. Fidicula vesperi occidit. P.
- D. 5 Non. Aquarius oritur, zephyrus flare incipit. O. Mediæ partes Aquarii oritur, ventosa tempestas. C.
- E. 6 VIII. N.
- F. 7 VII. N. Calisto sidus occidit: favonii spirare incipiunt. C.
- G. 8 VI. N. Ventosa tempestas. C.
- H. 9 V. N. Veris initium. O.
- A. 10 IV. N.
- B. 11 III. N. Arctophylax oritur. O.
- C. 12 Prid. N.
- D. 13 Id. Np.
- E. 14 XVI. N. Corvus, Crater, et Anguis oriuntur. O. Vesperis Crater oritur. venti mutatio. C.
- F. 15 XV. Luper. Np. Sol in Pisces transitum facit: nonnunquam ventosa tempestas.
- G. 16 XIV. En. Venti per sex dies vehementius flant. Sol in Piscibus. O.
- H. 17 XIII. Quir. Np. Favonius vel auster cum grandine et nimbis ut et sequenti die. C.
- A. 18 XII. C.
- B. 19 XI. C.
- C. 20 X. C. Leo desinit occidere; venti septentrionales, qui dicuntur ornithiæ, per dies triginta esse solent: tum et hirundo advenit. C.
- D. 21 IX. Feral. F. Arcturus prima nocte oritur: frigidus dies: aquilone, vel corvo, interdum pluvia. C.
- E. 22 VIII. C. Sagitta crepusculo incipit oriri; variæ tempestates: halcyonei dies vocantur. C.
- F. 23 VII. Ter. Np. Hirundinum adventus. O. Ventosa tempestas. Hirundo conspicitur. C. Arcturi exortus vespertinus. P.
- G. 24 VI. Regif. N.
- H. 25 V. C.
- A. 26 IV. En

CALENDAR.

- B. 27 III. Eq. Np.
 C. 28 Prid. C.
- MARTIUS.
- D. 1 Mart. Kal. Np.
 E. 2 VI. F.
 F. 3 V. C. Alter e Piscibus occidit. O.
 G. 4 IV. C.
 H. 5 III. C. Arctophylax occidit. Vindemiator oritur. O. Cancer oritur Cæsari. P.
- A. 6 Prid. Np. Hoc die Cæsar Pontifex Maximus factus est.
 B. 7 Non. F. Pegasus oritur. O.
 C. 8 VIII. F. Corona oritur. O. Piscis aquilonius oritur. P.
 D. 9 VII. C. Orion exoritur. In Attica Milvius apparere servatur. P.
- E. 10 VI. C.
 F. 11 V. C.
 G. 12 IV. C.
 H. 13 III. En.
 A. 14 Prid. Eq. Np.
 B. 15 Id. Np. Nepa incipit occidere, significat tempestatem. C. Scorpius occidit Cæsari. P.
- C. 16 XVII. F. Scorpius medius occidit. O. Nepa occidit, hiemat. C.
 D. 17 XVI. Lib. Np. Milvius oritur. O. Sol in Arietem transitum facit. Favonius vel corus. C.
 E. 18 XV. N. Sol in Ariete. O. Italiæ Milvius ostenditur. P.
- F. 19 XIV. Quin. N.
 G. 20 XIII. C.
 H. 21 XII. C. Equus occidit mane. C. P. septentrionales venti. C.
- A. 22 XI. N.
 B. 23 X. Tubil. Np. Aries incipit exoriri, pluvius dies, interdum ningit. C.
 C. 24 IX. Q. Rex C. F. Hoc et sequenti die æquinoctium vernum tempestatem significat. C.
- D. 25 VIII. C. Æquinoctium vernum. O. P.
 E. 26 VII. C.
 F. 27 VI. Np. Hoc die Cæsar Alexandriam recepit.
 G. 28 V. C.
 H. 29 IV. C.
 A. 30 III. C.
 B. 31 Prid. C.

APRILIS.

- C. 1 Apr. Kal. N. Scorpius occidit. O. Nepa occidit mane, tempestatem significat. C.
- D. 2 IV. C. Pleiades occidunt. C.
 E. 3 III. C. In Attica Vergiliæ vesperi occultantur. C.
 F. 4 Prid. C. Ludi Matr. Mag. Vergiliæ in Bœotia occultantur vesperi. P.
 G. 5 Non. Ludi. Favonius aut auster cum grandine. C. Cæsari et Chaldæis Vergiliæ occultantur vesperi. Ægypto Orion et Gladius ejus incipiunt abscondi. P.
- H. 6 VIII. Np. Ludi. Vergiliæ vesperi celantur. Interdum hiemat. C.
 A. 7 VII. N. Ludi. Hoc die et duobus sequentibus austri et africi, tempestatem significant. C.
 B. 8 VI. N. Ludi. Significatur imber Libræ occasu. P.
 C. 9 V. N. Ludi.
 D. 10 IV. N. Ludi in Cir.
 E. 11 III. N. Ludi.

CALENDAR.

- F. 12 Prid. N. Ludi Cereri. Suculæ cæhiemat. C.
 G. 13 Id. Np. Ludi. Libra occidit: hiemat.
 H. 14 XVIII. N. Ludi. Ventosa tempestatem: nec hoc constanter. C.
- A. 15 XVII. Ford. Np. Lud.
 B. 16 XVI. N. Ludi. Suculæ occidunt Atticæ. P.
- C. 17 XV. N. Ludi. Sol in Taurum transitum facit, pluviam significat. C. læ occidunt vesperi Cæsari est palladium sidus. P.
- D. 18 XIV. N. Ludi. Suculæ se vesperi pluviam significat. C. læ occidunt vesperi. P.
- E. 19 XIII. Cer. N. Ludi in Cir. Sol in O.
 F. 20 XII. N. Assyriæ Suculæ occidunt peri. C.
 G. 21 XI. Par. Np. Ver bipartitur, pluviam nonnunquam grandio. C.
 H. 22 X. N. Vergiliæ cum Sole oriuntur auster vel auster: dies humilis.
- A. 23 IX. Vin. Np. Prima nocte Fidis paret: tempestatem significat.
 B. 24 VIII. C. Palladium sidus oritur Cæsari.
 C. 25 VII. Rob. Np. Medium ver, Arietem transitum facit, tempestatem significat oritur. O. Hædi exoriuntur.
- D. 26 VI. F. Bœotiæ et Atticæ Canes occidunt. Fidicula oritur. P.
 E. 27 V. C. Assyriæ Orion totus adestur. P.
 F. 28 IV. Np. Ludi flor. Auster felix pluvia. C.
 G. 29 III. C. Ludi. Mane Capra austrina dies, interdum C. Assyriæ totus Canis adestur. P.
- H. 30 Prid. C. Ludi. Canis se vesperi tempestatem significat.

MAIUS.

- A. 1 Mai. Kal. N. Capella oritur. C.
 B. 2 VI. F. Comp. Argestes flare Hyades oriuntur. O. Sole exoritur, septentrionalis. C. Suculæ matutina occidunt. P.
- C. 3 V. C. Centaurus oritur. O. Centaurus totus apparet, tempestatem significat. C.
- D. 4 IV. C.
 E. 5 III. C. Lyra oritur. O. Centaurus viam significat. C.
- F. 6 Prid. C. Scorpius medius occidit. O. Nepa medius occidit, tempestatem significat. C.
 G. 7 Non. N. Vergiliæ exoriuntur matutina. C.
 H. 8 VIII. F. Capella pluvialis oritur Ægypto vero eodem die vesperi occultatur. P.
- A. 9 VII. Lem. N. Æstatis initium, fides aut corus, interdum etiam C.
 B. 10 VI. C. Vergiliæ totæ apparent; us aut corus: interdum etiam C. Vergiliarum exortus.
 C. 11 V. Lem. N. Orion occidit. O. occasus matutinus Cæsariatem significat. P.
- D. 12 IV. Np. Ludi Mart. in Cir.
 E. 13 III. Lem. N. Pleiades oriuntur matutina initium. O. Fidis man-

CALENDAR.

significat tempestatem. C. Fiduculæ exortus. P.

F. 14 Prid. C. Taurus oritur. O.

G. 15 Id. Np. Fidis mane exoritur, auster, aut euro-notus interdum, dies humidus. C.

H. 16 XVII. F.

A. 17 XVI. C. Hoc et sequenti die euro-notus vel auster cum pluvia. C.

B. 18 XV. C.

C. 19 XIV. C. Sol in Geminis. O. et C.

D. 20 XIII. C.

E. 21 XII. Agon. Np. Canis oritur. O. Suculæ exoriuntur, septentrionales venti: nonnunquam auster cum pluvia. C. Capella vesperi occidit et in Attica Canis. P.

F. 22 XI. N. Hoc et sequenti die Arcturus mane occidit; tempestatem significat. C. Orionis Gladius occidere incipit. P.

G. 23 X. Tub. Np.

H. 24 IX. Q. Rex. C. F.

A. 25 VIII. C. Aquila oritur. O. Hoc die et biduo sequenti Capra mane exoritur, septentrionales venti. C.

B. 26 VII. C. Arctophylax occidit. O.

C. 27 VI. C. Hyades oriuntur.

D. 28 V. C.

E. 29 IV. C.

F. 30 III. C.

G. 31 Prid. C.

JUNIUS.

H. 1 Jun. Kal. N. Aquila oritur. O. Hoc et sequenti Aquila oritur; tempestas ventosa et interdum pluvia. C.

A. 2 IV. F. Mart. Car. Monet. Hyades oriuntur, dies pluvius. O. Aquila oritur vesperi. P.

B. 3 III. C. Cæsari et Assyriæ Aquila vesperi oritur. P.

C. 4 Prid. C.

D. 5 Non.

E. 6 VIII. N. Arcturus matutino occidit. P.

F. 7 VII. N. Arctophylax occidit. O. Arcturus occidit, favonius aut corus. C.

G. 8 VI. N. Menti. in capit. Delphinus vesperi exoritur. P.

H. 9 V. Vest. N. Fer.

A. 10 IV. N. Delphin. vesperi oritur. O. et C. et P. Favonius, interdum rorat. C.

B. 11 III. Matr. N.

C. 12 Prid. N.

D. 13 Id. N. Calor incipit. C.

E. 14 XVIII. N.

F. 15 XVII. Q. St. D. F. Hyades oriuntur. O. Gladius Orionis exoritur. P.

G. 16 XVI. G. Zephyrus flat. Orion oritur. O.

H. 17 XV. C. Delphinus totus apparet. O.

A. 18 XIV. C.

B. 19 XIII. C. Minervæ in Aventino. Sol in Cancro. O. et C. In Ægypto Gladius Orionis oritur.

C. 20 XII. C. Summano ad Circ. Max. Ophiuchus oritur. O.

D. 21 XI. C. Anguifer, qui a Græcis dicitur 'Οφιούχος, mane occidit, tempestatem significat. O.

E. 22 X. C.

F. 23 IX. C.

G. 24 VIII. C. Hoc et biduo sequenti solstitium, favonius et calor. C. Longissima dies totius anni et nox brevissima solstitium conficiunt. P.

CALENDAR.

H. 25 VII. C.

A. 26 VI. C. Orionis Zona oritur: solstitium O. Orion exoritur Cæsari. P

B. 27 V. C.

C. 28 IV. C.

D. 29 III. C. Ventosa tempestat. C.

E. 30 Prid. F.

JULIUS.

F. 1 Jul. Kal. N. Favonius vel auster et calor. C

G. 2 VI. N.

H. 3 V. N.

A. 4 IV. Np. Corona occidit mane. C. Zona Orionis Assyriæ oritur. P. Ægypto Procyon matutino oritur. P.

B. 5 III. Popl. N. Chaldæis Corona occidit matutino. Atticæ Orion eo die exoritur.

C. 6 Prid. N. Ludi Apollin. Cancer medius occidit, calor. C.

D. 7 Non. N. Ludi.

E. 8 VIII. N. Ludi. Capricornus medius occidit. C.

F. 9 VII. N. Ludi. Cepheus vesperi exoritur, tempestatem significat. C.

G. 10 VI. C. Ludi. Prodrumi flare incipiunt. C.

H. 11 V. C. Ludi.

A. 12 IV. Np. Ludi.

B. 13 III. C. Ludi in Cir.

C. 14 Prid. C. Merk. Ægyptiis Orion desinit exoriri. P.

D. 15 Id. Np. Merk. Procyon exoritur mane, tempestatem significat. C.

E. 16 XVII. F. Merk.

F. 17 XVI. C. Assyriæ Procyon exoritur. P.

G. 18 XV. C. Merk.

H. 19 XIV. Lucar. Np. Merk.

A. 20 XIII. C. Ludi Vict. Cæsar. Sol in Leonem transitum facit, favonius. C. Aquila occidit. P.

B. 21 XII. C. Lucar. Ludi.

C. 22 XI. C. Ludi.

D. 23 X. Nept. Ludi. Prodrumi in Italia sentiuntur. P.

E. 24 IX. N. Ludi. Leonis in pectore clara stella exoritur, interdum tempestatem significat. C.

F. 25 VIII. Fur. Np. Ludi. Aquarius incipit occidere clare: favonius, vel auster. C.

G. 26 VII. C. Ludi. Canicula apparet; caligo æstuosa. C.

H. 27 VI. C. In Circ. Aquila exoritur. C.

A. 28 V. C. In Circ.

B. 29 IV. C. In Circ. Leonis in pectore claræ stellæ exoriuntur, interdum tempestatem significat. C.

C. 30 III. C. In Circ. Aquila occidit, significat tempestatem. C.

D. 31 Prid. C.

AUGUSTUS.

E. 1 Aug. Kal. N. Etesiæ. C.

F. 2 IV. C. Fer.

G. 3 III. C.

H. 4 Prid. C. Leo medius exoritur; tempestatem significat. C.

A. 5 Non. F.

B. 6 VIII. F. Arcturus medius occidit. P.

C. 7 VII. C. Aquarius occidit medius, nebulosus æstus. C.

D. 8 VI. C. Vera ratione autumnus initium Fiduculæ occasu. P.

E. 9 V. Np.

F. 10 IV. C.

CALENDAR.

CALIDA.

- 1 VII. C. Nepæ frons exoritur, tempestatem significat. C.
- 2 VI. C. Suculæ vesperi exoriuntur. P.
- 3 V. C. Vergiliæ occidunt, hiemat cum frigore et gelididiis. C.
- 4 IV. C. Arcturus vesperi occidit, ventosus dies. C.
- 5 III. C. Hoc et sequenti die Cassiope incipit occidere, tempestatem significat. C.
- 6 Prid. C. Cæsari Arcturus occidit, et Suculæ exoriuntur cum Sole. P.

NOVEMBER.

- Nov. Kal. N. Hoc die et postero caput Tauri occidit, pluviam significat. P.
- IV. Arcturus occidit vesperi. P.
- III. Ffidicula mane exoritur, hiemat et pluit. C.
- Prid.
- Non. F.
- VIII. F. Ludi. Ffidiculæ sidus totum exoritur, auster, vel favonius, hiemat. C.
- VII. C. Ludi.
- VI. C. Ludi. Stella clara Scorpionis exoritur, significat tempestatem, hiemat. C.
- V. C. Ludi. Hiemis initium, auster aut eurus, interdum rotrat. C. Gladius Orionis occidere incipit. P.
- IV. C. Ludi.
- III. C. Ludi. Vergiliæ occidunt. P.
- Prid. C. Ludi.
- Id. Np. Epul. Indict. Dies incertus, sæpius tamen placidus. C.
- XVIII. F.
- XVII. C. Ludi. Pleb. in Circ.
- XVI. C. In Circ. Ffidis exoritur mane, auster, interdum aquilo magnus. C.
- XV. C. In Circ. Aquilo, interdum auster cum pluvia. C.
- XIV. C. Merk. Sol in Sagittarium transitum facit. Suculæ mane oriuntur, tempestatem significat. C.
- XIII. C. Merk.
- XII. C. Merk. Tauri cornua vesperi occidunt, aquilo frigidus et pluvia. C.
- XI. C. Sucula mane occidit, hiemat. C.
- X. C. Lepus occidit mane, tempestatem significat. C.
- IX. C.
- VIII. C.
- VII. C. Canicula occidit Solis ortu, hiemat. C.
- VI. C.
- V. C.
- IV. C.
- III. C.
- Prid. C. Totæ suculæ occidunt, favonius aut auster, interdum pluvia. C.

DECEMBER.

- 1 Dec. Kal. N. Dies incertus, sæpius tamen placidus.
- 2 IV.
- 3 III.
- 4 Prid.
- 5 Non. F.
- 6 VIII. Sagittarius medius occidit, tempestatem significat. C.
- 7 VII. C. Aquila mane oritur. Africus, interdum auster, irrorat. C.
- 8 VI. C.
- 9 V. C.
- 10 IV. C.

Cc

- A. 11 III. Agon. Np. Corus vel septentrio, interdum auster cum pluvia C.
- B. 12 Prid. En.
- C. 13 Id. Np. Scorpio totus mane exoritur, hiemat. C.
- D. 14 XIX. F.
- E. 15 XVIII. Cons. Np.
- F. 16 XVII. C.
- G. 17 XVI. Sat. Np. Feriæ Saturni. Sol in Capricornum transitum facit, brumale solstitium ut Hipparcho placet. C.
- H. 18 XV. C. Ventorum commutatio. C.
- A. 19 XIV. Opal. Np.
- B. 20 XIII. C.
- C. 21 XII. Div. Np.
- D. 22 XI. C.
- E. 23 X. Lar. Np. Capra occidit mane, tempestatem significat. C.
- F. 24 IX. C. Brumale solstitium, sicut Chaldæi observant, significat. C.
- G. 25 VIII. C.
- H. 26 VII. C.
- A. 27 VI. C. Delphinus incipit oriri mane, tempestatem significat. C.
- B. 28 V. C.
- C. 29 IV. F. Aquila occidit, hiemat. C.
- D. 30 III. F. Canicula occidit vesperi, tempestatem significat. C.
- E. 31 Prid. C. Tempestatem ventosa. C.

EXPLANATION OF ABBREVIATIONS.

A, B, C, D, E, F, G, H. These letters are found in all the old calendars, and no doubt were used for the purpose of fixing the *nundines* in the week of eight days; precisely in the same way in which the first seven letters are still employed in ecclesiastical calendars to mark the days of the Christian week.

Agon., *Agonalis*.—Arm., *Armlustrum*, Varro.—Apollin., *Apollinares*.—August., *Augustalia*.—C., *Comitialis*, *Comitiavit*.—Cæs., *Cæsaris*.—Capit., *Capitolio*.—Car., *Carmentalia*.—Car., *Carnæ*.—Cer., *Cerealia*, Varro.—Cir. and Circ., *Circenses*, *Circo*.—Comp., *Compitalia*.—Con., *Consualia*, Plutarch.—Div., *Divalia*, Festus.—Eid., *Eidus*.—En., *Endotercisus*, that is, *interciscus*.—Epul., *Epulum*.—Eq., *Equiria*, Varro, Ovid, Festus.—Equor. prob., *Equorum probandorum*, Valer. Max. (lib. 2.)—F., *Fastus*.—F. p., *Fastus primo*.—Fp., *Fas Pratori*.—Fer., *Feriæ*.—Fer. or Feral., *Feralia*.—Flor., *Floralia*, Ovid, Pliny.—Font., *Fontanalia*, Varro.—Ford., *Fordicidia*, Varro.—H. D., *Hoc Die*.—Hisp., *Hispaniam vicit*.—Id., *Idus*.—Indict., *Indictum*.—Kal., *Kalendæ*.—Lar., *Larentalia*, Varro, Ovid, Plutarch.—Lem., *Lemuria*, Varro, Ovid.—Lib., *Liberaltia*, Varro.—Lud., *Ludi*.—Luper., *Lupercalia*, Varro.—Mart., *Marti*, Ovid.—Mat., *Matri Matuta*, Ovid.—Max., *Maximum*.—Medit., *Meditrinalia*, Varro.—Merk., *Merkatus*.—Monet., *Monetæ*.—N., *Nefastus*.—N. F., *Nefas*.—Np., *Nefastus primo*.—Nept., *Neptunalia*, *Neptuno*.—Non., *Nonæ*.—Opal., *Opalia*, Varro.—Opic., *Opiconsiva*, Varro.—Par., *Parilia*, Varro, Ovid, Festus.—Pleb., *Plebeii*, *Plebis*.—Poplif., *Poplifugium*.—Port., *Portunalia*.—Pr., *Pratori*.—Prob., *Probandorum*.—Q., *Quando*.—Q. Rex c. F., *Quando rex comitiavit fas*, Varro, Festus.—Q. St. d., *Quando stercus defertur*, Varro, Ovid, Festus.—Quin., *Quinquatrus*, Varro.—Quir., *Quirinalia*.—Regif., *Regifugium*, or, according to Ovid, the 23d of February.—Rob., *Robigalia*, Varro.—Satur., *Saturalia*, Macrobius.—St., *Stercus*.—Ter., *Terminalia*.—Tubil., *Tubilistrum*, Varro, Ovid, Festus.—Vest., *Vestæ*.—Vict., *Victoria*.—Vin., *Vinalia*, Varro.—Volc., *Volcanalia*, Varro.—Vol., *Volturnalia*, Varro.

CALIDA, or CALDA, the warm drink of the Greeks and Romans, which consisted of warm wa-

CALENDAR.

- G. 11 III. C. Fidicula occasu suo autumnum inchoat Cæsari. P.
 H. 12 Prid. C. Fidis occidit mane et autumnus incipit. C. Atticæ Equus oriens tempestatem significat et vesperi Ægypto et Cæsari Delphinus occidens. P.
 A. 13 Id. Np. Delphini occasus tempestatem significant. C.
 B. 14 XIX. F. Delphini matutinus occasus tempestatem significat. C.
 C. 15 XVIII. C.
 D. 16 XVII. C.
 E. 17 XVI. Port. Np.
 F. 18 XV. C. Merk.
 G. 19 XIV. Vin. F. P.
 H. 20 XIII. C. Sol in Virginem transitum facit, hoc et sequenti die tempestatem significat, interdum et tonat. Eodem die Fidis occidit. C.
 A. 21 XII. Cons. Np.
 B. 22 XI. En. Cæsari et Assyriæ Vindemiator oriri mane incipit. P.
 C. 23 X. Volc. Np. Fidis occasu tempestatumque oritur, et pluvia. C.
 D. 24 IX. C.
 E. 25 VIII. Opic. Np.
 F. 26 VII. C. Vindemiator exoritur mane, Arcturus incipit occidere, interdum pluvia. C.
 G. 27 VI. Volt. Np.
 H. 28 V. Np. H. D. Ara Victoriæ in Curia dicata est. Sagitta occidit: I desinunt. P.
 A. 29 IV. F.
 B. 30 III. F. Humeri Virginis ex Etesis desinunt flare, et hiemat. C.
 C. 31 Prid. C. Andromeda vesperis occidit, et hiemat. C.

SEPTEMBER.

- D. 1 Sept. Kal. N.
 E. 2 IV. N. Hoc die Fer. Nep- nus desinit occidere.
 F. 3 III. Np.
 G. 4 Prid. C. Ludi Romani.
 H. 5 Non. F. Ludi. Vindemiti- ticæ Arcturus in Sagitta occidit.
 A. 6 VIII. F. Ludi.
 B. 7 VII. C. Ludi. Piscis occidere et tempestatem signifi- cant.
 C. 8 VI. C. Ludi.
 D. 9 V. C. Ludi. Cæsari. P.
 E. 10 IV. C. Ludi.
 F. 11 III. C. Ludi. Favonius exoritur.
 G. 12 Prid. N. Ludi. Vindemiti- ticæ Arcturus in Sagitta occidit.
 H. 13 Id. Np. Ex pri- mo tempestatem significat.
 A. 14 XVIII. F. Equor. P.
 B. 15 XVII. N. Ludi Romani.
 C. 16 XVI. C. In Circo tenet Virginitatem. P.
 D. 17 XV. C. In Circo tenet Virginitatem. P.
 E. 18 XIV. C. In Circo tenet Virginitatem. P.

... *Calones militum* ... *quæ Græci κάλα* ... *Calas dicebant ma* ... *serui sequentes* ... the same word *καλον* ... These calo- ... have been slaves, ... the army, as we ... *Cæsar*: in fact, we ... living always with ... at their exercises, ... in skill and valour. ... not confined to this ... applied to farm-servants, ... found in Horace.³ ... generally found by itself; ... and *lixa* were not the ... were freemen, who mere- ... the purposes of gain and ... far from being indispen- ... were sometimes forbid- ... *sequerentur exercitum* ... *lixa mercatoresque, qui* ... words which plainly ... traders and dealers. Livy ... on business. The ... to be connected with *lixa*, ... inasmuch as the *lixa* ... soldiers: since, however, ... ready-cooked provisions ... not unlikely that their ap- ... allusion to this circum-

CAPODITIUM. (*Vid. FORMA.*)
Capoditari is defined by Mar- ... *capoditare*;" a definition which ... intended to apply to crim- ... definition of Paulus⁹ applies to ... and civil: "*Calumniosus est* ... *per fraudem negotium alicui* ... speaks of "calumnia," and of ... *malitiosa juris interpretatio*," as ... says, "*Calumnia in adfectu* ... the criminality was to be de-

... failed in his proof, and the *reus* ... might be an inquiry into the ... of the accuser. If the person ... inquiry (*qui cognovit*) found ... merely acted from error of ... him in the form *non pro-* ... of evil intention, he de- ... in the words *calumniatus es*, ... was followed by the legal punish- ... Marcian, as above quoted, the pun- ... was fixed by the *lex Rem-* ... is sometimes, perhaps incorrectly, ... *Memmia*.¹¹ But it is not known ... was passed, nor what were its pen- ... of Cicero¹² that the false ac- ... branded on the forehead with the ... of *Kalumnia*; and it has been ... though it is a mere conjecture, that ... was inflicted by the *lex Remmia*. ... for calumnia was also *exsilium*, ... *insulam*, or loss of rank (*ordinis amis-* ... probably only in criminal cases, or in mat- ... to status.¹³

In the case of actiones, the calumnia of the actor was checked by the calumniae iudicium, the iudicium contrarium, the iusjurandum calumniae, and the restipulatio, which are particularly described by Gaius.¹ The defendant might in all cases avail himself of the calumniae iudicium, by which the plaintiff, if he was found to be guilty of calumnia, was mulcted to the defendant in the tenth part of the value of the object-matter of the suit. But the actor was not mulcted in this action, unless it was shown that he brought his suit without foundation, knowingly and designedly. In the contrarium iudicium, of which the defendant could only avail himself in certain cases, the rectitude of the plaintiff's purpose did not save him from the penalty. Instead of adopting either of these modes of proceeding, the defendant might require the plaintiff to take the oath of calumnia, which was to the effect, "*Se non calumnia causa agere.*" In some cases the defend- ant also was required by the prætor to swear that he did not dispute the plaintiff's claim, *calumnia causa*. Generally speaking, if the plaintiff put the defendant to his oath (*iusjurandum ei defererebat*), the defendant might put the plaintiff to his oath of calumny.² In some actions, the oath of calumny on the part of the plaintiff was a necessary prelimi- nary to the action. In all iudicia publica, it seems that the oath of calumnia was required from the accuser.

If the restipulationis pena was required from the actor, the defendant could not have the benefit of the calumniae iudicium, or of the oath of calumny; and the iudicium contrarium was not applicable to such cases.

Persons who for money either did or neglected to do certain things, calumniae causa, were liable to certain actions.³

CA'MARA (καμάρα) or CAMERA is used in two different senses:

I. It signifies a particular kind of arched ceiling in use among the Romans,⁴ and, most probably, common also to the Greeks, to whose language the word belongs. It was formed by semicircular bands or beams of wood, arranged at small lateral distan- ces, over which a coating of lath and plaster was spread, and the whole covered in by a roof, resem- bling in construction the hooped awnings in use among us,⁵ or like the segment of a cart-wheel, from which the expression *rotatio camararum* is de- rived.⁶ Subsequently to the age of Augustus, it be- came the fashion to line the *camaræ* with plates of glass; hence they are termed *vitrea*.⁷

II. Small boats used in early times by the people who inhabited the shores of the Palus Mæotis, ca- pable of containing from twenty-five to thirty men, were termed *καμάραι* by the Greeks.⁸ They were made to work fore and aft, like the fast-sailing proas of the Indian seas, and continued in use until the age of Tacitus, by whom they are still named *camaræ*,⁹ and by whom their construction and uses are described.¹⁰

*CAMELOPARD'ALIS (καμηλοπάρδαλις), the Camelopard or Giraffe, the *Giraffa Camelopardalis*, L. "The name Giraffa," observes Lt. Col. Smith, "is derived from the Arabic *Zuraphâhta*, which is itself corrupted from *Amharis Zirataka*; and the Romans, who had seen this animal several times exhibited from the period when Julius Cæsar first displayed one to the people, described it under the name of Camelopardalis, on account of its similar- ity to the Camel in form, and to the Panther or

1.)—2. (Plato, Symp.)—3. (Epist., l. xiv., 3.)—4. (Sall., Bell. Jug., c. 45.)—5. (Hirtius, c. 75.)—6. (v., 8.)—7. (Vid. Sall., l. c.)—8. 1.)—9. (Sentent. Recept., i., tit. 5.)—10. 1. (Val. Max., iii., 7, 9.)—11. (Pro Sext., 10.)—12. (Paulus, Sentent. Recept., v., 1,

1. (iv., 174-181.)—2. (Dig. 12, tit. 2, s. 37.)—3. (Dig. 3, tit. 6.)—4. (Cic., ad Quint. Frat., iii., 1, § 1.—Propert., III., ii., 10.—Plin., H. N., xxxvi., 64.)—5. (Vitruv., vii., 3.)—6. (Salmas. in Spart., Hadr., c. 10.)—7. (Plin., l. c.—Compare Statius, Syv., I., ii., 53.)—8. (Strabo, xi., p. 388, ed. Siebenkees.)—9. (Hæc., iii., 47.)—10. (C. apud Gell., x., 25

ter mixed with wine, with spices. This was a vessel with the ancients, and certain shops or taverns. Claudius commanded to his reign.³ The vessel was kept hot appearance, and not time appearance and construction of these vessels is given from which the following



middle of the vase, in which the heating the water there are for through. On the is a kind of cup, rounding the top filia without the side there is, be for drawing up cover, and on the there is a more middle, which is mouth of the vase.

Though these was used for the ed, it is difficult it was probably Pollux⁴ mentions to the vessels *καλοδρέμης*, which answer best to the above.⁵

*CALIDRIS mentioned by Aristotle a bird called *Calidris* is now

CA'LIGA, a name Roman soldiers.

Although the name extended to the superior officers, including centurions

1. (Plaut., Cur., V. 45.)—2. (Dion., lxxv. 1.) (Lexiph., 8.)—6. (Dion., lxxv. 1.) p. 175.)

in the passage of Festus just cited ;¹ whenever the word is so used, it is fartius which is to be understood as d to.

l designation Campus Martius comins, which, though generally spoken ; are sometimes distinguished.² The e was the so-called ager Tarquinio- Juvenal³ refers, *inde Superbi Totum* the other was given to the Roman estal virgin Caia Taratia or Suffetia,⁴ mes called *Campus Tiberinus*,⁵ and *mpus Minor*.⁶

t to determine the precise limits of fartius, but in general terms it is s situated between the *Via Lata* and on the north, the *Via Recta* on the nded by the Tiber on the west, and and gardens of Agrippa towards the : *Campus Minor*, or *Tiberinus*, occur portion of the circuit towards the n the Pons Ælius to the Pons Janic- . *BRIDGE*.)⁷

mpus Martius was originally *without* parent, first, from the passages of ysius above referred to ; secondly, m of holding the Comitia Centuriata ould not be held within the *Pomari-* : word *campus* is put for the comitia,⁸ plains the expression of Cicero,⁹ *fors* ind of Lucan,¹⁰ *venalis campus*, which upt voter ;" thirdly, because the gen- anded a triumph, not being allowed y ; remained with their armies in the us ; and, finally, because it was not within the city, whereas the monu- llustrious dead were among the most ents with which it was embellished.¹¹

But it was included in the city by he enlarged the walls.¹²

d edifices which adorned this famous iber by Strabo,¹³ and are amply treat- i.¹⁴ It was covered with perpetual was a favourite resort for air, exertion, when the labours of the day Its ample area was crowded by the re initiated themselves in all warlike xercises, and in the games usual to

for which purpose the contiguous d it peculiarly appropriate in early ublic baths were established.¹⁵ Hence as "a field" for any exercise, mental Wooden horses were also kept in the us, under porticoes in winter, and in during summer, in order to give nounting and dismounting ; a neces- sary stirrups were not in use.¹⁶ *quiria*) also took place here, unless pus was overflowed, upon which ocere removed to the Campus Martialis¹⁷

CELERATUS was a spot within the e by the Porta Collina, where those virgins who had transgressed their stombed alive, from which circum-

stance it takes its name.¹ As it was unlawful to bury within the city, or to slay a vestal, whose person, even when polluted by the crime alluded to, was held sacred, this expedient was resorted to in order to elude the superstition against taking away a consecrated life, or giving burial within the city.²

CANABOS or CINNABOS (κάναβος or κίνναβος) was a figure of wood, in the form of a skeleton, round which the clay or plaster was laid in forming models. Figures of a similar kind, formed to display the muscles and veins, were studied by painters in order to acquire some knowledge of anatomy.³

CANA'LIS, which means properly a pipe or gutter for conveying water, is also used in three specific significations :

I. To designate a particular part of the Forum Romanum.⁴

" *In foro infimo boni homines atque diles ambulant ; In medio propter canalem, ibi ostentatores meri.*"

The immediate spot so designated is not precisely known ; but we can make an approximation which cannot be far from the truth. Before the *Cloaca* were made, there was a marshy spot in the Forum called the *Lacus Curtius* ;⁵ and as the *Cloaca Maxima* was constructed for the purpose of draining off the waters which flowed down from the Palatine Hill into the Forum, it must have had a mouth in it, which was probably near the centre. The "ken- nel," therefore, which conducted the waters to this embouchure, was termed *Canalis in Foro* ; and because the idle and indigent among the lower classes were in the habit of frequenting this spot, they were named *CANALICOLÆ*.⁶ The *canalis* appears to have had gratings (*cancelli*) before it, to which Cicero⁷ refers when he says, that after the tribune P. Sextus had arrived at the Columna Menia, "*tantus est ex omnibus spectaculis usque a Capitolio, tantus ex fori cancellis plausus excitatus ;*" by which he means all classes, both high and low : the upper, who sat between the Columna Menia and the Capitol ; and the lower, who were stationed near the *cancelli* of the *canalis*. In the modern city of Rome, the foul waters empty themselves into the sewers through an archway nearly six feet high, the mouth of which is closed by an iron grating called *cancelli*, so that the passer-by is annoyed by the effluvia ex- haling from them ; which, we learn from a passage in Tertullian,⁸ was also the case in the ancient city.

II. *CANALIS* is used by Vitruvius⁹ to signify the channel which lies between the volutes of an Ionic capital, above the cymatium or echinus, which may be understood by referring to the representation of an Ionic capital given in the article *ASTRAGALUS*.

III. In reference to aquæducts, *CANALIS* is used by Frontinus¹⁰ for a conduit of water running parallel to the main course (*specus*), though detached from it. Accurately speaking, it therefore means a pipe of lead or clay,¹¹ or of wood,¹² attached to the aquæduct, which brought a stream of water from the same source, but for some specific use, and not for general distribution ; though the word is some- times used for a watercourse of any kind.

CANATHRON (κάναθρον), a carriage, the upper part of which was made of basket-work, or, more properly, the basket itself, which was fixed in the carriage.¹³ Homer calls this kind of basket *πέρινον*.¹⁴

16, 34.—Ovid, *Fast.*, vi., 237.—Liv., xl., 45.—Hor., *Carm.*, III., i., 10.—Cic., *Cat.*, i., 5.—2. (Strabo, v., 8.)—3. (Sat., vi., 525.)—4.—Plin., II. N., xxxiv., 11.—5. (Gell. et Plin., i., iv., 3.)—6. (Nardini, *Rom. Ant.*, vi., 5.—Lom., i., 8.)—7. (Cic., *De Orat.*, iii., 42.)—8. (l. c.)—9. (Strabo, l. c.—Plut., *Pomp.*, p. Bell. Civ., i., p. 418.—Suet., *Aug.*, c. 100.—Nardini, *Rom. Ant.*, i., 8.)—10. (v., 8.)—11. (l. c.)—12. (Hor., *Carm.*, III., vii., 25.)—13. (ii., 59.)—14. (Strabo, l. c.—Veget., i., 10.)—i., 18.—Acad., ii., 33.—Pro Muræn., 8.)—19. O. (Festus, s. v.)

1. (Liv., viii., 15.)—2. (Compare Festus, s. v. *Probrum*.)—3 (Aristot., II. An., iii., 5.—Id., *De Gen. An.*, ii., 6.—Pollux, *Onom.*, vii., 164 ; x., 189.—Suid. et Hesych., s. v.—Müller, *Archæol. des Kunst.*, § 305, n. 7.)—4. (Plaut., *Cureul.*, IV., i., 14.)—5. (Varro, *De Ling. Lat.*, v., 149, ed. Müller.)—6. (Festus, s. v.—Com pare Aul. Gel., iv., 20.)—7. (Pro Sert., 58.)—8. (De Pall., c. 4.—9. (iii., 3, p. 97, ed. Bipont.)—10. (c. 67.)—11. (Vitruv., viii., 7.)—12. (Palladio, ix., 11.)—13. (Xen., *Agæ.*, viii., 7.—Plut. *Agæ.*, c. 19.)—14. (II., xxiv., 190, 267.—Eustath., ad loc.—Com pare Sturz, *Lex. Xenoph.*, s. v. *κάναθρον*.—Scheffer, *De Re Ve hic.*, p. 68.)

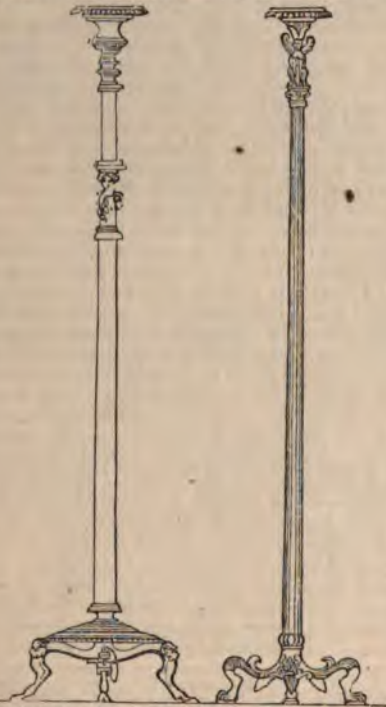
CANDELABRUM.

*CANCER, the Crab. (Vid. CARCINUS.)

CANDELA, a candle, made either of wax (*cerea*) or tallow (*sebacea*), was used universally by the Romans before the invention of oil lamps (*lucernæ*).¹ They used for a wick the pith of a kind of rush called *scirpus*.² In later times candelæ were only used by the poorer classes; the houses of the more wealthy were always lighted by lucernæ.³

CANDELABRUM was originally used as a candlestick, but was afterward used to support lamps made of wood;⁴ but those which have been found in Herculaneum and Pompeii are mostly of bronze. Sometimes they were made of the more precious metals, and even of jewels, as was the one which Antiochus intended to dedicate to Jupiter Capitolinus.⁵ In the temples of the gods and palaces there were frequently large candelabra made of marble, and fastened to the ground.⁶

There is a great resemblance in the general plan and appearance of most of the candelabra which have been found. They usually consist of three parts: 1. the foot (*βάσις*); 2. the shaft or stem (*καυλός*); 3. the plinth or tray (*δισκός*), large enough for a lamp to stand on, or with a socket to receive a wax candle. The foot usually consists of three lions' or griffins' feet, ornamented with leaves; and the shaft, which is either plain or fluted, generally ends in a kind of capital, on which the tray rests for supporting the lamp. Sometimes we find a figure between the capital and the tray, as is seen in the candelabrum, on the right hand, in the annexed wood-



cut, which is taken from the *Museo Borbonico*,⁷ and represents a candelabrum found in Pompeii. The

1. (Varro, De Ling. Lat., v., 34.—Martial, xiv., 43.—Athen., xv., p. 700.)—2. (Plin., H. N., xvi., 70.)—3. (Juv., Sat., iii., 287.)—4. (Cic., ad Quint. Fratr., iii., 7.—Martial, xiv., 44.—Petron., c. 95.—Athen., xv., p. 700.)—5. (Cic., Veir., iv., 28.)—6. (Museo, Pio-Clem., iv., 1, 5; v., 1, 3.)—7. (iv., pl. 57.)

CANDELABRUM.

one on the left hand is also a representation of a candelabrum found in the same city,¹ and with a sliding shaft, by which the light is raised or lowered at pleasure.

The best candelabra were made at Æg Tarentum.²

There are also candelabra of various other kinds, though those which have been given above are the most common. They sometimes consist of a figure supporting a lamp,³ or of a figure, the side of which the shaft is placed with two branches, each of which terminates in a flat disc, upon



a lamp was placed. A candelabrum of this kind is given in the preceding woodcut.⁴ This is formed of a liliaceous plant; and at the base is a mass of bronze, on which a Silenus is engaged in trying to pour wine from a skin which he holds in his left hand, into a cup in his right hand.

There was another kind of candelabrum,



different from those which have been described, which did not stand upon the ground, but were

1. (Mus. Borb., vi., pl. 61.)—2. (Plin., H. N., xxxiv., 15.)—3. (Mus. Borb., vii., pl. 15.)—4. (Mus. Borb., iv., pl. 59.)

CANEPHOROS.

d upon the table. These candelabra usually consist of pillars, from the capitals of which several lamps hang down, or of trees, from whose branches lamps also are suspended. The preceding woodcut presents a very elegant candelabrum of this kind, and in Pompeii.¹

The original, including the stand, is three feet high. The pillar is not placed in the centre, but at one end of the plinth, which is the case in almost every candelabrum of this description yet found. The plinth is inlaid in imitation of a vine, the leaves of which are of silver, the stem and fruit of bright bronze. On one side is an altar with wood and fire upon it, and on the other a Bacchus riding on a tiger.

CANDYS (κάνδης), a gown worn by the Medes and Persians over their trousers and other garments.² It had wide sleeves, and was made of woollen cloth, which was either purple or of some other splendid colour. In the Persepolitan sculptures, nearly all the principal personages are clothed in it. The three here shown are taken from Sir K. Porter's Travels.³



We observe that the persons represented in these sculptures commonly put their hands through the sleeves (καταστρέφει τὰς χεῖρας διὰ τῶν κανδύων), but sometimes keep them out of the sleeves (ἔξω τῶν κανδύων); a distinction noticed by Xenophon.⁴ The Persian candys, which Strabo⁵ describes as a "flowing tunic with sleeves," corresponded to the woolen tunic worn by the Babylonians over their linen tunic (ἀπὸ τοῦ κινθῶνα ἐπερδύοντες; ἐπερδύτης ἑρεοῦς⁶). A gown of the same kind is still worn by the Arabs, Turks, and other Orientals, and by both sexes.

CANEPHOROS (κανηφόρος). When a sacrifice was to be offered, the round cake (τροχία θοοῖς;⁷ ἄρτος;⁸ ἄρτι, *mola salsa*), the chaplet of flowers, and the knife used to slay the victim, and sometimes the frankincense, were deposited in a flat circular basket (civière, *canistrum*), and this was frequently carried by a virgin on her head to the altar. The service was observed more especially at Athens. When a private man sacrificed, either his daughter or some unmarried female of his family officiated as his canephoros;⁹ but in the Panathenaia, the Thesmophoria, and other public festivals, two virgins of the first Athenian families were appointed for the purpose. Their function is described by Ovid in the following lines:

*Ille forte die casta de more puella
Vertice supposito festas in Palladis arces
Para evocantis portabant sacra canistris.*¹⁰

That the office was accounted highly honourable appears from the fact that the resentment of Harmodius, which instigated him to kill Hipparchus, was from the insult offered by the latter in forbid-

¹ Mus. Borgh., v., pl. 12.—2. (Xen., Cyr., i., 2, 6 2.—Anab., i., 10.—Diod. Sic., xv., 77.)—3. (vol. I., pl. 49.)—4. (Cyprius, 2, 8 10, 12.)—5. (xv., 2, 19.)—6. (Herod., i., 195.)—7. (Ovid., 1, 26.)—8. (Addis. Epigr., Brunck, ii., 241.)—9. (see V. H., xi., 5.)—10. (Aristoph., Acharn., 241—252.)—11. (see V. H., xi., 5.)—12. (Aristoph., Acharn., 241—252.)—13. (see V. H., xi., 5.)

CANIS.

ding the sister of Harmodius to walk as canephoros in the Panathenaic procession.¹ An antefixa in the British Museum (see woodcut) represents the two canephoros approaching a candelabrum. Each of them elevates one arm to support the basket, while



she slightly raises her tunic with the other. This attitude was much admired by ancient artists. Pliny² mentions a marble canephoros by Scopas, and Cicero³ describes a pair in bronze, which were the exquisite work of Polykletus. (Vid. CARYATIS.)

*CAN/CAMUM (κάνκαμον), a substance mentioned by Dioscorides,⁴ and which Paul of Ægina⁵ describes as the gum of an Arabian tree, resembling myrrh, and used in perfumes. Avicenna calls it a gum of a horrid taste. Alston remarks that "some have taken *Lacca* to be the *Canicum Dioscoridis*; but it seems to have been unknown to the ancient Greeks." Upon the whole, Sprengel inclines to the supposition that it may have been a species of the *Amyris Kataf*.⁶

CANIC'OLÆ. (Vid. CANALIS.)

*CANIC'ULA. (Vid. SIRIUS.)

*CANIS (κύων), the Dog. "The parent-stock of this faithful friend of man must always remain uncertain. Some zoologists are of opinion that the breed is derived from the wolf; others, that it is a familiarized jackal: all agree that no trace of it is to be found in a primitive state of nature. That there were dogs, or, rather, animals of the canine form, in Europe long ago, we have evidence from their remains; and that there are wild dogs we also know. India, for example, affords many of them, living in a state of complete independence, and without any indication of a wish to approach the dwellings of man. These dogs, however, though they have been accurately noticed by competent observers, do not throw much light upon the question. The most probable opinion is that advanced by Bell, in his 'History of British Quadrupeds.' This author thus sums up: 'Upon the whole, the argument in favour of the view which I have taken, that the wolf is probably the original of all the canine races, may be stated as follows: the structure of the animal is identical, or so nearly so as to afford the strongest *à priori* evidence in its favour. The Dog must have been derived from an animal susceptible of the highest degree of domestication, and capable of great affection for mankind; which has been abundantly proved of the wolf. Dogs having returned to a wild state, and continued in that condition through many generations, exhibit characters which approximate more and more to those of the wolf, in proportion as the influence of domestication ceases to act. The two animals, moreover, will breed together, and produce fertile young; and the period of gestation is the same. The period at which the domestication of the Dog first took place is wholly lost in the mist of antiquity. The earliest mention of it in the

1. (Thucyd., vi., 56.—Ælian., V. H., xi., 8.)—2. (H. N., xxi., 4, 7.)—3. (Verr., II., iv., 3.)—4. (i., 23.)—5. (xv., 3.)—6. (Adams, Append., s. v.)

CANNABIS.

Scriptures occurs during the sojourn of the Israelites in Egypt: 'But against Israel shall not a dog move his tongue.' It is again mentioned in the Mosaic law in a manner which would seem to show that dogs were the common scavengers of the Israelitish camp, as they still are in many cities of the East: 'Neither shall ye eat any flesh that is torn of beasts in the field; ye shall cast it to the dogs.' A similar office seems to be repeatedly alluded to in the course of the Jewish history. The Dog was considered by the Jews as eminently an unclean animal, and was the figure selected for the most contemptuous insults. It is impossible not to be struck with the similarity which exists in the feelings of many Oriental nations at the present day, among whom the very phraseology of the Scriptures is, with little modification, applied to a similar purpose.¹ The Dog was held in great veneration in many parts of Egypt, particularly at the city of Cynopolis, where it was treated with divine honours. According to Plutarch, however, the annual fast this high rank by reason of its eating the flesh of Apis, after Cambyes had slain the latter and thrown it out, on which occasion no other animal would taste or even come near it. But considerable doubt has been thrown on this story, and the idea seems so nearly connected, as Wilkinson remarks, with the group of the god Mithras, where the dog is represented feeding on the blood of the slaughtered ox, that there is reason to believe the story derived its origin from the Persian idol. The Egyptians, as appears from the monuments, had several breeds of dogs: some solely used for the chase; others admitted into the parlour, or selected as the companions of their walks; and some, as at the present day, chosen on account of their peculiar ugliness. The most common kinds were a sort of fox-dog and a hound; they had also a short-legged dog, not unlike our turnspit, which was a great favourite in the house. The fox-dog appears to have been the parent-stock of the modern red wolf dog of Egypt, which is so common at Cairo and other towns of the lower country.²—The Albanian dog has been noticed by historians, naturalists, and poets, ever since Europe first began to be raised into consequence and importance. A supernatural origin and infallible powers have been attributed to it. Diana is said to have presented Procris with a dog which was always sure of its prey, and to this animal the canine genealogists of antiquity attributed the origin of the celebrated race of the southeast of Europe, particularly of Molossus and Sparta. The very fine breed of dogs now found very plentifully in this corner of Europe, particularly in Albania, accords with the descriptions existing of its progenitors, indigenous in the same countries, and does not seem to have degenerated. The Mastiff (*Canis Anglicus*, L.) is another fine and powerful species. This breed was assiduously fostered by the Romans while they had possession of Britain, and many of them were exported to Rome, to combat wild animals in the amphitheatre. The *catuli Meditari* were a small species, or a kind of lap-dog. The modern Maltese dog is a small species of the Spaniel, and so, perhaps, was the ancient.³

*CANNA, a Cane or Reed. (Vid. CALAMUS.)

*CANNABIS (κάνναβις), Hemp. The *κάνναβις ἕμπος* of Dioscorides and Galen is evidently the *Cannabis sativa*, or Hemp. Sprengel agrees with O. Bauhin, that the *κάνναβις ἄγρια* is the *Azlas cannabina*.⁴

1. (Penny Cyclopaedia, vol. i., p. 57, seqq.)—2. (Wilkinson, Manners and Customs, &c., vol. iii., p. 32.)—3. (Griffith's Cypriote, vol. ii., p. 237.)—4. (Dioscor., iii., 155.—Adams, Append., s. v.)

CANTICUM.

*CANTH'ARIS (κάνθαρις). From authorities having stated of the *can* found among grain (Nicaner apply thet *σπηράγος*), it has been inferred not have been what is now called the Spanish Fly, since this latter is found upon the ash, the privet, and the eld or never among grain. Sprengel th that Dioscorides¹ was acquainted w of Cantharides; the one he pronou *Mylabris Dioscoridis* (the same, prob *labris cichorii* of Latreille and Wilson is confident was not the *Lytta vesu* hesitates whether to call it the *Melo* Stackhouse, again, suggests that t Theophrastus² was the *Curculio gr* me it now appears," observes Ad common *κάνθαρις* of the Greeks wa *cichorii*. It is still extensively used making blistering plasters.³

CANTHARUS (κάνθαρος), I. was ing-cup, furnished with handles (ca It is said by some writers to have de from one Cantharus, who first mad form.⁴ The cantharus was the cup chus,⁵ who is frequently represent vases holding it in his hand, as i woodcut, which is taken from a pain cient vase.⁶



*II. CANTHARUS was also the ne which Elian calls *κάνθαρος θαλάρι*. Sparus cantharus, L. Its flesh is li Gilt-head in taste and other qualitie:

*III. CANTHARUS, the Beetle. (Vid. CANTICUM. In the Roman th the first and second acts, flute mu have been introduced,⁷ which was a kind of recitative, performed by a if there were two, the second was speak with the first. Thus Diomed *canticis una tantum debet esse persona crini, ita debent esse, ut ex oculo una loquatur, sed secum, si opus fuerit, et*

1. (ii., 64.)—2. (ii. P. viii., 10.)—3. (Ada —4. (Virg., Ecl., vi., 17.)—5. (Alben., xi., Osmo., vi., 96.—Plin., H. N., xxxiv., 19, 4 Sat., v., 21.—Plin., H. N., xxxiii., 53.)—7. (M Antiquae, pl. 53.)—8. (Aristot., H. A., viii. pend., s. v.)—9. (Plut., Paenol., i., v., 100 cl. Putsch.)

seum, as violent gesticulation was required, as to have been the custom, from the time of Andronicus, for the actor to confine himself to gesticulation, while another person sang the dialogue.¹ The canticum always formed a part of the Roman comedy. Diomedes observes that a comedy consists of two parts, dialogue and song (*Latina comædia duobus tantum membris, discerbitur et cantico*). Wolf² endeavors to show that cantica also occurred in tragedies and Atticæ fabulæ. There can be no doubt of their use in the latter; they were usually common to the Latin, and sometimes in the Greek, whereas the other parts of the Atticæ comedies are written in Oscan. (*Vid. ATELLANÆ*.)

LEPUS. (*Vid. CAURONA.*)
CAPRUS (τράγος), the he-Goat. *Capra* is the female, to which αἴς corresponds in the generic appellation in the Linnæan system, *Capra hircus*. The ancients were likened to the wild Goat, or *Capra ibex*; ascribed to be the *Ako* or *Akko* of Deuteronomy, the τραπελάφος of the Septuagint and of Siculus.⁴ Among the Egyptians, the Goat was regarded as the emblem of the generative and was held sacred in some parts of the Desert, or wild goat of the Desert, howbeit not sacred. It occurs sometimes in sacred subjects, and is frequently represented as animals slaughtered for the table and the sacrifice in the Thebaid and in Lower Egypt.⁵ "Object of a singular nature," observes Lt. Col. H. Smith, "as far as geological observations have been made over fossil organic remains, among the remains of extinct and existing genera, and species of ferocious animals, which the exercised eye of comparative anatomists has detected, no portions of the Caprine or Ovine races have yet been satisfactorily identified; yet, in a wild state, the first are to be found in three quarters of the globe, and perhaps in every part; and the second most certainly everywhere great portion of the earth, New-Holland, excepted. It would almost seem as if the Goat of animals were added by Providence as the first of other creatures for the express purpose of furnishing the instruments which should lead to the discovery of dust and peace; at least such an effect might be ascribed to them; and, as the first companion, the Goat may nevertheless be regarded as the earliest passive means by which mankind entered upon an improving state of civilization." The skins of these animals were probably the first materials employed for clothing; and the long hair of the goat was mixed with the short and soft fur of other animals, and fastened with the gum of trees or animal glue, and pressed into that coarse but solid felt known in Asia from the earliest ages, and noticed by the ancients and poets. It was probably of this that the black war-tunics of the Cimbri were made, in their conflicts with Marius; and we find it was the winter dress of the auxiliary cohorts even of the Roman legions in Britain, at the close of the period of Constantine. But, long before the gradual advance of art was felt, even in the north of Northern Europe, the distaff had been used by the Scandinavian nations; and the thread, spun into ribands, afterward enlarged, and fastened into a kind of thrum, was at first used into narrow, and, last of all, into broad cloth. In the riband plat (*i. e.*, plaid) we

see the origin of the check dresses common to most nations of northern latitudes during their incipient state of civilization; for these were made by plating the ribands into broader and warmer pieces. The stripes, almost universal in the South, were the same plats sewed together. That goat's hair was the chief ingredient among the Scandinavians, is proved by their divinities being dressed in *Geita Kurtlu*. The domestic goat in the north and west of the Old World preceded sheep for many ages, and predominated while the country was chiefly covered with forests; nor is there evidence of wool-bearing animals crossing the Rhine or the Upper Danube till towards the subversion of the Roman Empire.⁷

***CAPHURA** (καφουρά), the Camphor-tree. Symeon Seth is the first Greek who makes mention of the Camphor-tree, or *Laurus Camphora*, L. He describes it as a very large tree, growing in India, the wood of which is light and ferulaceous. Camphor was first introduced into medical practice by the Arabians.

CAPILLUS. (*Vid. COMA.*)

CAPISTRUM (φορβεία), a halter, a tie for horses, asses, or other animals, placed round the head or neck, and made of osiers or other fibrous materials. It was used in holding the head of a quadruped which required any-healing operation,² in retaining animals at the stall,³ or in fastening them to the yoke, as shown in the woodcut *ARATRUM* (p. 79). In representations of Bacchanalian processions, the tigers or panthers are attached to the yoke by capistra made of vine-branches. Thus we read of the *vite capistrata tigris* of Ariadne,⁴ and they are seen on the bas-relief of a sarcophagus in the Vatican representing her nuptial procession. See the annexed woodcut.



In ploughing fields which were planted with vines or other trees, the halter had a small basket attached to it, enclosing the mouth, so as to prevent the ox from cropping the tender shoots (*fiscellitæ capistrari*⁵). Also, when goatherds wished to obtain milk for making cheese, they fastened a muzzle or capistrum, armed with iron points, about the mouth of the kid, to prevent it from sucking.⁶

Bands of similar materials were used to tie vines to the poles (*pali*) or transverse rails (*juga*) of a trellis.⁷

The term φορβεία was also applied to a contrivance used by pipers (*αὐληταί*) and trumpeters to compress their mouths and cheeks, and thus to aid them in blowing. (*Vid. CHIRIDOTA.*) This was said to be the invention of Marsyas.⁸

CAPITALIS. (*Vid. CAPUT.*)

CAPITE CENSI. (*Vid. CAPUT.*)

1. (Griffith's Cuvier, vol. iv., p. 294, seqq.)—2. (Columella, vi., 19.)—3. (Varro, De Re Rust., ii., 6.)—4. (Ovid, Epist., ii., 80.—Sidon. Apoll., carm. xxii., 23.)—5. (Plin., H. N., xvii., 49 & 2.—Cato, De Re Rust., 54.)—6. (Virg., Georg., iii., 399.)—7. (Columella, iv., 20; xi., 2.)—8. (Simonides, Bruckn. Analect., i. 122.—Sophocles, ap. Cic. ad Att., ii., 16.—Aristoph., Av., 869.—Vesp., 580.—Equit., 1147.—Schol. ad ll.)

1. Lucian, De Saltat., c. 30.—Isidor., Orig., 2. (De Cantibus, p. 11.)—3. (xiv., 4.)—4. (ii., 51.)—5. (Manners and Customs of Anc. Egyptians, vol. v.,

CAPITIS DEMINU'TIO. (Vid. CAPUT.)

CAPITOLIUM. This word is used in different significations by the Latin writers, the principal of which are the following :

I. CAPITOLIUM, a small temple (*sacellum*¹), supposed to have been built by Numa, and dedicated to Jupiter, Juno, and Minerva,² situated in the Regio ix. on the Esquiline, near to the spot which was afterward the Circus of Flora.³ It was a small and humble structure, suited to the simplicity of the age in which it was erected,⁴ and was not termed capitolum until after the foundation of the one mentioned below, from which it was then distinguished as the *Capitolium vetus*.⁵ Martial⁶ alludes to it under the name of *antiquum Jovem*.

II. CAPITOLIUM, the Temple of Jupiter Optimus Maximus, in the Regio viii. on the Mons Tarpeius,⁷ so called from a human head being discovered in digging the foundations.⁸ Martial distinguishes very clearly this temple from the one mentioned above :

"*Esquilis domus est, domus est tibi colle Dianæ;
Inde novum, veterem prospicis inde, Jovem.*"⁹

Tarquinius Priscus first vowed during the Sabine war to build this temple, and commenced the foundations.¹⁰ It was afterward continued by Servius Tullius, and finally completed by Tarquinius Superbus out of the spoils collected at the capture of Suessa Pometia,¹¹ but was not dedicated until the year B.C. 507, by M. Horatius.¹² It was burned down during the civil wars, at the time of Sulla, B.C. 83,¹³ and rebuilt by him, but dedicated by Lutatius Catulus, B.C. 69.¹⁴ It was again burned to the ground by the faction of Vitellius, A.D. 70,¹⁵ and rebuilt by Vespasian; upon whose death it was again destroyed by fire, and sumptuously rebuilt for he third time by Domitian.¹⁶

The Capitolium contained three temples within the same peristyle, or three cells parallel to each other, the partition walls of which were common, and all under the same roof.¹⁷ In the centre was the seat of Jupiter Optimus Maximus,¹⁸ called *cella Jovis*,¹⁹ and hence he is described by Ovid²⁰ as "*media qui sedet æde Deus.*" That of Minerva was on the right;²¹ whence, perhaps, the allusion of Horace,²² "*Proximos illi tamen occupavit Pallas honores;*" and that of Juno upon the left; but compare Livy,²³ "*Jupiter Optimus Maximus, Juno regina, et Minerva,*" and Ovid,²⁴ which passages are considered by some writers to give Juno the precedence over Minerva. The representation of the Capitolium in the next woodcut is taken from a medal.



The exact position occupied by this temple has

1. (Varro, De Ling. Lat., v., 158.)—2. (Varro, l. c.)—3. (Varro, l. c.—Notit. Imper.—P. Victor.)—4. (Val. Max., iv., 4, § 11.)—5. (Varro, l. c.)—6. (Epigr., v., xxii., 4.)—7. (Livy, i., 55.)—8. (Dionys., iv., p. 247.—Livy, l. c.—Varro, De Ling. Lat., v., 41.—Serv., ad Virg., Æn., viii., 345.)—9. (Epigr., VII., lxxxiii.)—10. (Livy, i., 38.—Tacit., Hist., iii., 72.—Compare Plin., H. N., iii., 9.)—11. (Tacit., l. c.—Livy, i., 55.)—12. (Livy, ii., 8.)—13. (Tacit., l. c.—Plin., H. N., xiii., 27.—Plut., Sull., c. 27.)—14. (Tacit., l. c.—Plin., H. N., xix., 6.—Livy, Epit., 98.)—15. (Tacit., l. c.—Plin., H. N., xxxiv., 17.)—16. (Suet., Dom., c. 5.)—17. (Dionys., iv., p. 248.)—18. (Dionys., l. c.)—19. (Gell., vii., 1, 2.—Livy, x., 23.)—20. (Ex Pont., iv., 9, 32.)—21. (Livy, vii., 3.)—22. (Carm., l., xii., 19.)—23. (iii., 17.)—24. (Trist., ii., 289, 293.)

been the subject of much dispute. Some writers consider it to have been upon the north, and some upon the south point of the Mons Capitolinus; some, that it stood upon a different summit from the arx, or fortress, with the *intermontium* between them; others, that it was within the arx, which is again referred by some to that side of the mount which overhangs the Tiber, and by others to the opposite acclivity. The reader will find the subject fully discussed in the following works: Marlian., *Urb. Rom. Topogr.*, ii., 1, 5.—Donat., *De Urb. Rom.*—Lucio Mauro, *Antichità di Roma*.—Andreas Fulvio, *Id.*—Biondo, *Roma Restaurat.*—Nardini, *Roma Antica*, v., 14.—Bunsen and Plattner, *Beschreibung Roms.*—Niebuhr, *Hist. Rom.*, vol. i., p. 502, transl.

III. CAPITOLIUM is sometimes put for the whole mount, including both summits, as well as the *intermontium*, which was originally called Mons Saturnius,¹ and afterward Mons Tarpeius,² from the virgin Tarpeia, who was killed and buried there by the Sabines; and, finally, Mons Capitolinus, for the reason already stated; and, when this last term became usual, the name of Tarpeia was confined to the immediate spot which was the scene of her destruction,³ viz., the rock from which criminals were cast down. This distinction, pointed out by Varro, is material; because the epithet Tarpeian, so often applied by the poets to Jupiter, has been brought forward as a proof that the temple stood upon the same side as the rock, whereas it only proves that it stood upon the Tarpeian or Capitolinus Mount. At other times *capitolium* is used to designate one only of the summits, and that one apparently distinct from the arx;⁴ which obscurity is farther increased, because, on the other hand, *arx* is sometimes put for the whole mount,⁵ and at others for one of the summits only.⁶

There were three approaches from the Forum to the Mons Capitolinus. The first was by a flight of 100 steps (*centum gradus*⁷), which led directly to the side of the Tarpeian Rock. The other two were the *clivus Capitolinus* and *clivus Asyli*,⁸ one of which entered on the north, and the other on the south side of the intermontium, the former by the side of the Carceres Tullianæ, the latter from the foot of the Via Sacra, in the direction of the modern access on either side of the Palazzo de' Consultori; but which of these was the *clivus Capitolinus* and which the *clivus Asyli*, will depend upon the disputed situation of the arx and Temple of Jupiter Optimus Maximus.

The epithets *aurea*⁹ and *fulgens*¹⁰ are illustrative of the materials with which the Temple of Jupiter O. M. was adorned: its bronze gates,¹¹ and gilt ceilings and tiles.¹² The gilding of the latter alone cost 12,000 talents.¹³

IV. CAPITOLIUM is also used to distinguish the chief temples in other cities besides Rome.¹⁴

CAPITULUM. (Vid. COLUMNA.)

*CAPNIOS or CAPNOS (κάπνιος or καπνός), a plant which all the authorities agree in referring to the *Fumaria officinalis*, or common Fumitory. Sæthorp is the only exception, who prefers the *F. peruviflora*, Lam. It is the *Fel terra* of Scribonius Largus.¹⁵ The juice of this plant was used, according to Pliny, in the cure of ophthalmia.¹⁶ It derives its name from its juice, when spread over the eyes, at

1. (Varro, De Ling. Lat., v., 42.)—2. (Id., v., 41.—Dionys., iii., p. 193; iv., p. 247.)—3. (Varro, l. c.)—4. (Dionys., x., 611.—Livy, i., 33; ii., 8.—Aul. Gell., v., 12.)—5. (Livy, v., 40.)—6. (Compare Livy, ii., 49; iii., 15; v., 41.—Flor., iii., 21.—Virg., Æn., viii., 652.—Serv., ad Virg., l. c.)—7. (Tacit., Hist., iii., 71.)—8. (Tacit., l. c.)—9. (Virg., Æn., viii., 348.)—10. (Hor., Carm., III., iii., 43.)—11. (Livy, x., 23.)—12. (Plin., H. N., xxxiii., 18.)—13. (Plut., Poplic., p. 104.)—14. (Sil. Ital., ii., 267.—Plaut., Cure., II., ii., 19.—Suet., Tiber., 40.)—15. (Ibid., Append., s. v.)—16. (H. N., xxv., 13.)

thus saved from being poisoned by the aconite which Medea has administered.¹

The handles of knives were made of the same materials, and also of amber.² Of the beautiful and elaborate workmanship sometimes bestowed on knife-handles, a judgment may be formed from the three specimens here introduced.³



The term *capulus* is likewise applied to the handle of a plough by Ovid, as quoted in ARATRUM, p. 80.

CAPUT, the head. The term "head" is often used by the Roman writers as equivalent to "person" or "human being."⁴ By an easy transition, it was used to signify "life:" thus, *capite damnari, plecti, &c.*, are equivalent to capital punishment.

Caput is also used to express a man's status, or civil condition; and the persons who were registered in the tables of the censor are spoken of as *capita*, sometimes with the addition of the word *civium*, and sometimes not.⁵ Thus to be registered in the census was the same thing as *caput habere*: and a slave and a *filius familias*, in this sense of the word, were said to have no *caput*. The sixth class of Servius Tullius comprised the *proletarii* and the *capite censi*, of whom the latter, having little or no property, were barely rated as so many head of citizens.⁶

He who lost or changed his status was said to be *capite minutus, deminutus, or capitis minor*.⁷ The phrase *se capite deminuere* was also applicable in case of a voluntary change of status.⁸

Capitis minutio is defined by Gaius⁹ to be *status permutatio*. A Roman citizen possessed *libertas, civitas, and familia*: the loss of all three, or of *libertas* and *civitas* (for *civitas* included *familia*), constituted the *maxima capitis deminutio*. This *capitis deminutio* was sustained by those who refused to be registered at the census, or neglected the registration, and were thence called *incensi*. The *incensus* was liable to be sold, and so to lose his liberty; but this being a matter which concerned citizenship and freedom, such penalty could not be inflicted directly, and the object was only effected by the fiction of the citizen having himself abjured his freedom. (Vid. BANISHMENT, p. 136.) Those who refused to perform military service might also be sold.¹⁰ A Roman citizen who was taken prisoner by the enemy lost his civil rights, together with his liberty, but he might recover them on returning to his country. (Vid. POSTLIMINIUM.) Persons con-

demned to ignominious punishments, as mines, sustained the *maxima capitis deminutio*: free woman who cohabited with a slave, a sentence given to her by the owner of the slave, an *ancilla*, by a *senatus consultum* passed in the time of Claudius.¹

The loss of *civitas* only, as when a man dejected from fire and water, was the *media deminutio*. (Vid. BANISHMENT.)

The change of *familia* by adoption, and *manum conventio*, was the *minima capitis deminutio*. A father who was adrogated suffered the *minima capitis deminutio*, for he and his children transferred into the power of the adoptive father. A son who was emancipated by his father sustained the *minima capitis deminutio*; the cause which could not be the circumstance of his being freed from the *patria potestas*, for that made him a *liberum caput*; but the cause was considered to be, the form of sale by which emancipation was effected.

A *judicium capitale, or poena capitalis*, which affected a citizen's caput.

CAPUT. (Vid. INTEREST OF MONEY.)

CAPUT EXTORUM. The Roman seer (*haruspices*) pretended to a knowledge of the events from the inspection of the entrails of animals slain for that purpose. The part to which they especially directed their attention was the convex upper portion of which has been called the *caput extorum*.² Any deformity or deficiency in this organ was considered an unfavourable omen; whereas, if healthy and prominent, was believed to indicate good fortune. The *caput extorum* divided into two parts, one called the *hepatica*: from the former they ascertained the fate of friends, from the latter that of enemies. Thus we read³ that the head of the liver was cut by the knife of the operator on the *hepatica* part (*caput jecinoris a familiari parte cæsum*) was always a bad sign. But the word *caput extorum* here seems of doubtful application; for it designates either the convex upper part of the liver, or one of the prominences of the various lobes which form its lower and irregularly concave part. The former, however, more obvious and natural to us, is by it the upper part, which is formed of the various prominences, called the great and small, or right and left lobes. If no *caput* was found, it was a *nequissimum* (*nihil tristius accidere potuit*); if well developed, it was a lucky omen.⁴

*CARA, a plant. (Vid. CAREUM.)

*CAR'ABUS (*κάραβος*), a crustaceous animal, which there is frequent mention in the classical writers. It is the *Locusta* of Pliny, in French *langoustine*. It is some difficulty, remarks Adams, in determining to what species of *Cancer* it applies. Some think it was certainly not the *Cancer*, and he is not quite satisfied that it was the *phas*.⁵

CARACALLA was an outer garment worn in Gaul, and not unlike the Roman *lacerna*. (Vid. CERNIA.) It was first introduced at Rome by Emperor Aurelius Antoninus Bassianus, who compelled all the people that came to court to wear it, whence he obtained the surname of *Caracalla*. This garment, as worn in Gaul, does not have reached lower than the knee, but he lengthened it so as to reach the ankle. It afterwards became common among the Romans, and words of this kind were called *caracallæ*.

1. (Ovid, Met., vii., 423.)—2. (Ἐὐὐ καὶ λαβαὶ μαχαίραις γίνονται: Eustath. in Dionys., 293.)—3. (Montfaucon, Antiq. Explic., iii., 122, pl. 61.)—4. (Cæs., Bell. Gall., iv., 15.)—5. (Liv., iii., 24; x., 47.)—6. (Gell., xvi., 10.—Cic., De Repub., ii., 22.)—7. (Hor., Carm., III., v., 42.)—8. (Cic., Top., c. 4.)—9. (Dig., 4, tit. 5, § 1.)—10. (Cic., Pro Cæcina, 34.—Ulp., Fragm., xi., 11.)

1. (Ulp., Fragm., xi., 11.—Compare Tacit., Ann., Suet., Vesp., 11.)—2. (Plin., H. N., xi., 37, s. 7, viii., 9.)—3. (Cic., De Div., ii., 12, 13.—Liv., xii., 23.—Schneider, ad Aristot., H. A., iv., 3.—Adams, App. 6. (Aurel. Vict., Epit., 21.)

gnish them from the Gallic caracalla.¹ It had a hood to it, and came to be worn by gy. Jerome² speaks of "*palliotum miræ pulnis in modum caracallarum sed absque cucul-*

BA'TINA. (Vid. PERO.)

RBUNC'ULUS (*ἀνθραξ*), the Carbuncle, a s stone, deriving its name, both in Greek tin, from its resemblance to a small ignited The ancients called by these two names all transparent gems, which have since been rished by the different appellations of Ruby, &c., all of which they regarded merely as of the Carbuncle. Theophrastus and Stranerate the Carthaginian and Garamantian ull among those most in repute. "Those les," observes Dr. Moore, "which Pliny labandie, because they were cut and polish-abanda, were precious garnets, still called e mineralogists Alabandines or Alamandines. e afterward says of Alabandic carbuncles, ere darker coloured and rougher than othy e explained by supposing that near Ala-oth precious and common garnets were ob-

The term *Carbunculus* was also applied cies of black marble, on account of its like-a quenched coal, and out of which mirrors metimes made.³

CER. Carcer (*kerker*, Ger., *γοργύρα*, Greek eted with *ἔρκος* and *εἶργω*, the guttural be-rehanged with the aspirate. Thus also Var-arcer a *coercendo quod prohibentur ezire*."

KE (GREEK). Imprisonment was seldom mong the Greeks as a legal punishment for ; they preferred banishment to the expense ing prisoners in confinement. We do, ind some cases in which it was sanctioned ; but these are not altogether instances of g used as a punishment. Thus the farmers duties, and their bondsmen, were liable to ment if the duties were not paid by a speci-e ; but the object of this was to prevent the of defaulters, and to ensure regularity of t.⁴ Again, persons who had been mulcted ities might be confined till they had paid

The *ἄτιμοι* also, if they exercised the rights nship, were subject to the same consequen-foreover, we read of a *δεσμός* for theft ; but s a *προστιμια*, or additional penalty, the of which was at the option of the court ried the case ; and the *δεσμός* itself was not onment, but a public exposure in the πο-, or stocks, for five days and nights—the *τὸ δεδέσθαι*. We may here observe, that in ases of theft the Athenians proceeded by ction ;" and if the verdict were against the nt (*εἰ τις ἰδίαν δίκην κλοπῆς ἄλοισι*), he had by way of reparation, twice the value of the property : this was required by law. The gna was at the discretion of the court.⁵ Still a of imprisonment *per se*, as a punishment, t strange to the Athenians. Thus we find ato⁶ proposes to have three prisons : one of as to be a *σώφρονιστήριον*, or penitentiary ; a place of punishment—a sort of penal set-away from the city.

prisons in different countries were called by t names : thus there was the *Ἀναγκαῖον*, in ; the *Κεάδας*, at Sparta ; the *Κέραμος*, at ; the *Κῶς*, at Corinth ; and, among the Ioni-

ans, the *γοργύρα*, as at Samos.¹ The prison at Athens was in former times called *δεσμοστήριον*, and afterward, by a sort of euphemism, *οἰκημα*. It was chiefly used as a guardhouse, or place of execu-tion, and was under the charge of the public officers called the eleven, *οἱ ἑνδεκα*. One gate in the prison, through which the condemned were led to execu-tion, was called *τὸ Χαρωσιεῖον*.²

The Attic expression for imprisonment was *δεῖν*. Thus, in the oath of the *βουλευταί*, or senators, oc-curs the phrase *οὐδὲ δῆσά 'Αθηναίων οὐδένα*. Hence we have the phrase *ἄδεσμος φυλακή*,³ the "libera custodia" of the Romans, signifying that a party was under strict surveillance and guard, though not confined within a prison.

CARCER (ROMAN). A carcer or prison was first built at Rome by Ancus Marcius, overhanging the Forum.⁴ This was enlarged by Servius Tullius, who added to it a souterrain or dungeon, called from him the Tullianum. Sallust⁵ describes this as being twelve feet under ground, walled on each side, and arched over with stonework. For a long time this was the only prison at Rome,⁶ being, in fact, the "Tower," or state prison of the city, which was sometimes doubly guarded in times of alarm, and was the chief object of attack in many conspiracies.⁷ Varro⁸ tells us that the Tullianum was also named "Lautumiae," from some quarries in the neighbour-hood ; or, as others think, in allusion to the "Lau-tumiae" of Syracuse, a prison cut out of the solid rock. In later times the whole building was called the "Mamertine." Close to it were the *Scalae Gemoniæ*, or steps, down which the bodies of those who had been executed were thrown into the For-um, to be exposed to the gaze of the Roman popu-lace.⁹ There were, however, other prisons besides this, though, as we might expect, the words of Ro-man historians generally refer to this alone. One of these was built by Appius Claudius, the decem-vir, and in it he was himself put to death.¹⁰

The carcer of which we are treating was chiefly used as a place of confinement for persons under accusation, till the time of trial ; and also as a place of execution, to which purpose the Tullianum was specially devoted. Thus Sallust¹¹ tells us that Len-tulus, an accomplice of Catiline, was strangled there. Livy also¹² speaks of a conspirator being *delegatus in Tullianum*, which in another passage¹³ is otherwise expressed by the words in *inferiorem demissus car-cerem, necatusque*.

The same part of the prison was also called "ro-bur," if we may judge from the words of Festus : "*Robur in carcere dicitur is locus, quo præcipitatur maleficorum genus*." This identity is farther shown by the use made of it ; for it is spoken of as a place of execution in the following passages : "*In robore et tenebris exspirare*."¹⁴ "*Robur et saxum* (sc. Tar-peium) *minitari*."¹⁵ So also we read of the "*catenas —et Italum robur*."¹⁶

CAR'CERES. (Vid. CIRCUS.)

*CARCHARIAS (*καρχαρίας*), a species of fish, called in English the White Shark, and in French *Requin*. The scientific name is *Squalus carcharias*, L., or *Carcharias vulgaris*, Cuvier. The Carchari-as is the same with the *Lamia* of Aristotle,¹⁷ Galea, and Pliny ;¹⁸ the *λάμνη* of Oppian ; the *κῶν θαλάττιος* ("sea-dog") of Ælian ;¹⁹ and the *κάρχαρος κῶν* of Lycophron.²⁰ It has also been called by some

1. (Herod., iii., 145.—Pollux, Onom., ix., 45.)—2. (Pollux, Onom., viii., 103.—Wachsmuth, Hellen. Alterth., ii., 1, § 95, 98.)—3. (Thucyd., iii., 34.)—4. (Liv., i., 33.)—5. (Cat., 55.)—6. (Juv., Sat., iii., 312.)—7. (Liv., xxvi., 27 ; xxvii., 26.)—8. (l. c.)—9. (Cramer, Anc. Italy, i., 430.)—10. (Liv., iii., 57.—Plin., H. N., vii., 36.)—11. (l. c.)—12. (xxix., 22.)—13. (xxxiv., 44.)—14. (Liv., xxxviii., 59.—Sallust, l. c.)—15. (Tacit., Ann., iv., 29.)—16. (Hor., Carm., II., xiii., 18.)—17. (H. A., v., 5.)—18. (H. N., ix., 24.)—19. (N. A., i., 17.)—20. (Cassand., 34.)

Piscis Jonæ, from its having been supposed to be the fish which swallowed Jonæ.¹

CARCHE'SIUM (*καρχήσιον*), a beaker or drinking-cup, which was used by the Greeks in very early times, so that one is said to have been given by Jupiter to Alcmena on the night of his visit to her.² It was slightly contracted in the middle, and its two handles extended from the top to the bottom.³ It was much employed in libations of blood, wine, milk, and honey.⁴ The annexed woodcut represents a magnificent carchesium, which was presented by Charles the Simple to the Abbey of St. Denys. It was cut out of a single agate, and richly engraved with representations of bacchanalian subjects. It held considerably more than a pint, and its handles were so large as easily to admit a man's hand.



The same term was used to designate the tops of a ship, that is, the structure surrounding the mast immediately above the yard (*vid. ANTENNA*), into which the mariners ascended in order to manage the sail, to obtain a distant view, or to discharge missiles (*hic summi superat carchesia mali*⁵). This was probably called "carchesium" on account of its resemblance in form to the cup of that name. The ceruchi or other tackle may have been fastened to its lateral projections, which corresponded to the handles of the cup (*summitas mali, per quam funes trahunt*);⁶ *foramina, qua summo mali funes recipiunt*⁷. Pindar⁸ calls the yard of a ship "the yoke of its carchesium," an expression well suited to the relative position of the parts.

The carchesia of the three-masted ship built for Hiero II. by Archimedes were of bronze. Three men were placed in the largest, two in the next, and one man in the smallest. Breastworks (*θωράκια*) were fixed to these structures, so as to supply the place of defensive armour; and pulleys (*τροχῆλαι, trochlea*) for hoisting up stones and weapons from below.⁹ The continuation of the mast above the carchesium was called "the distaff" (*ἡλακάρη*), corresponding to our topmast or topgallant-mast.¹⁰ This part of an ancient vessel was sometimes made to produce a gay and imposing effect when seen from a distance (*lucida qua splendid summi carchesia mali*¹¹). The carchesium was sometimes made to turn upon its axis (*versatile*¹²), so that by means of its apparatus of pulleys it served the purposes of a crane.

*CARCINIUM (*καρκίνιον*), according to Pennant, a species of shellfish, the same with the *Cancer Bernardus*, Linn., or Hermit-crab. It is more correct, however, to say that the Greeks applied the name *Carcinion* generically to the parasite crusta-

cea which lodge themselves in the empty spaces of the mollusca, and which the Latins designate the synonymous appellation of *Cancelli*. Aldus, Gesner, Rondelet, Swammerdam, and modern naturalists, preserve this last designation; but Fabricius has bestowed that of *Cancer* upon this genus, a name by which the ancients designated a sort of crab, or one of the brachyopoda crustacea. Aristotle mentions the fact, well established, that the shell serving as a habitation to the *Carcinion* or *Pagurus* was not its own formation; that it had possessed itself of the shell after the death of the molluscous animal which formed it; and that its body was not added to it, as is that of the last-mentioned animal.¹

*CARCINUS (*καρκίνος*), the genus *Cancer* of which many species are described by Aristotle. According to Pennant, Aristotle notices the crab, or *Cancer velutinus*, L.² The *καρκίνιος* belongs to the genus *Thelphusa*. "This crab enjoyed a great celebrity among the ancients, and we see it on the coins of Agrigentum, in which it is represented with so much truth that it is impossible to mistake it. Particular mention is made of this crustaceum in the writings of Dioscorides, Nicander, and others. It is the *Cio* or *Granzo* of the Italians. It was believed that the ashes of this species were useful, from desiccative qualities, to those who had been bitten by a mad dog, either by employing those ashes alone, or mixed with incense and gentian."

*CARDAMOMUM, according to Pliny,³ a species of aromatic shrub, producing a seed or grain of the same name with the parent plant. This seed was used in unguents. The Roman writer mentions four kinds of this seed: the first, which was the best, was of a very bright green, and hard to break up; the second was of a whitish-red color; the third, smaller, and of a darker hue; the fourth was the worst, of different colours, having little odor, and very friable. The Cardamomum had a form resembling that of *Costus*, or Spikenard. The Cardamomum of the shops at the present day is not to be the same with that of the ancients, and is a fruit or seed of the *Amomum Cardamomum* comes, not from Arabia, as Pliny says the ancients did, but from India; and, indeed, it is this way the Greeks and Romans actually obtained theirs, by the Red Sea, and the overland route through Arabia. Only three kinds are known at the present day, the large, medium, and small. M. Bonastre thinks that *cardamomum* means "mum in husks," or "husk-amomum" (*amomum in huscis*), the Egyptian term *kardh* meaning, as I have shown, "a husk." Other etymologists, however, derive the term in question from *καρδία*, "a heart," and *ἀμύμον*, and consider it to mean "strengthening, exhilarating, or cardiac amomum."⁶

*CARDAMINE (*καρδαμίνη*), the second of the *Σισυμβριον*. The term is applied by botanists to a genus closely allied to the *CARDAMOMUM*.⁴

*CARDAMOMUM, according to Pliny,⁵ a species of aromatic shrub, producing a seed or grain of the same name with the parent plant. This seed was used in unguents. The Roman writer mentions four kinds of this seed: the first, which was the best, was of a very bright green, and hard to break up; the second was of a whitish-red color; the third, smaller, and of a darker hue; the fourth was the worst, of different colours, having little odor, and very friable. The Cardamomum had a form resembling that of *Costus*, or Spikenard. The Cardamomum of the shops at the present day is not to be the same with that of the ancients, and is a fruit or seed of the *Amomum Cardamomum* comes, not from Arabia, as Pliny says the ancients did, but from India; and, indeed, it is this way the Greeks and Romans actually obtained theirs, by the Red Sea, and the overland route through Arabia. Only three kinds are known at the present day, the large, medium, and small. M. Bonastre thinks that *cardamomum* means "mum in husks," or "husk-amomum" (*amomum in huscis*), the Egyptian term *kardh* meaning, as I have shown, "a husk." Other etymologists, however, derive the term in question from *καρδία*, "a heart," and *ἀμύμον*, and consider it to mean "strengthening, exhilarating, or cardiac amomum."⁶

1. (Adams, Append., s. v.)—2. (Pherecydes, p. 97-100, ed. Sturz.)—3. (Athenæus, xi., 49.—Macrob., Sat., v., 21.)—4. (Sappho, Frag.—Virg., Georg., iv., 380.—Æn., vi., 77.—Ovid, Met., vii., 246.—Stat., Achill., ii., 6.—Athenæus, v., 28.)—5. (Lucil., Sat., iii.—Eurip., Hec., 1237.—Schol., ad loc.)—6. (Serv. in Æn., v., 77.)—7. (Nonius, s. v.)—8. (Nem., v., 94.—9. (Moschion, ap. Athen., v., 43.)—10. (Apollon, Rhod., i., 565.—Schol., ad loc.—Athenæus, xi., 49.)—11. (Catullus, ap. Non.—Apuleius, Met., xi.)—12. (Vitruv., x., 2, 10.—Schneider, ad loc.)

1. (Griffith's Cuvier, vol. xiii., p. 304.)—2. (Adams, s. v.)—3. (Griffith's Cuvier, vol. xiii., p. 278, seqq.)—4. (Append., s. v.)—5. (H. N., xii., 13.)—6. (Fée, ad Plin.

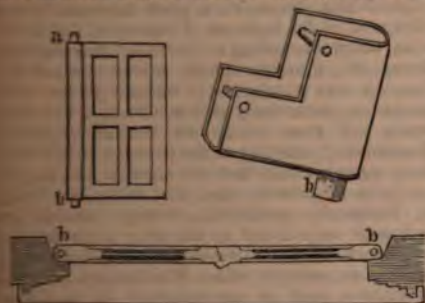
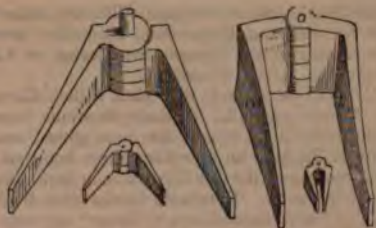
CARDO

CARDUUS.

¹CARDAMUM (καρδάμον), a species of plant. Schoefer remarks that Sprengel holds it to be the *Lepidium sativum*, or cultivated Pepper-wort; Stackhouse, however, is for the *Sisymbrium nasturtium*, or Water-cress; while Coray thinks it is either the *Lepidium perfoliatum*, or *Oriente*, Tournefort. "There can be little doubt," observes Adams, "that it was a sort of Cress, but the species cannot be determined with any degree of certainty."²

CARDO (θαιρός, στρόφιγς, στρόφιγγς, γίγγλυμος), a hinge, a pivot.

The first figure in the annexed woodcut is designed to show the general form of a door, as we find it with a pivot at the top and bottom (a, b) in ancient remains of stone, marble, wood, and bronze. The second figure represents a bronze hinge in the Egyptian collection of the British Museum: its pivot (b) is exactly cylindrical. Under these is drawn the threshold of a temple, or other large edifice, with the plan of the folding-doors. The pivots were in holes fitted to receive them (b, b), each of



which is in an angle behind the antepagmentum (*mariverto oratus stridens in limine cardo*³). This representation illustrates the following account of the breaking down of doors: "Janua eculsis funditus validibus prosternuntur."⁴ When Hector forces the gate of the Grecian camp, he does it by breaking both the hinges (ἀμφοτέρους θαιρούς⁵), i. e., as explained by the scholiasts, the pivots (στρόφιγγας) at its top and bottom. (Vid. CATARACTA.)

According to the ancient lexicons, "cardo" denoted not only the pivot, but sometimes the socket (*foramen*) in which it turned. On this assumption we may vindicate the accuracy of such expressions as *Postes a cardine vellit*, and *Emoti procumbunt carinae postes*:⁶ θαιρῶν ἐξεροσάνας.⁷ In these instances "postis" appears to have meant the upright pillar (a, b) in the frame of the door. The whole of this "post," including the pivots, appears to be tiled στρόφιγς and "cardo" by Theophrastus and Pliny, who say that it was best made of elm, because elm does not warp, and because the whole door will preserve its proper form, if this part remains unaltered.⁸

To prevent the grating or creaking noise⁹ (*strides* *strepitus*¹⁰) made by opening a door, lovers and others who had an object in silence (*cardine tacito*¹¹) poured water into the hole in which the pivot moved.¹²

The Greeks and Romans also used hinges exactly like those now in common use. Four Roman hinges of bronze, preserved in the British Museum, are shown in the following woodcut.

The proper Greek name for this kind of hinge was γίγγλυμος: whence Aristotle¹³ applies it to the

joint of a bivalve shell; and the anatomists call those joints of the human body *ginglymoid* which allow motion only in one plane, such as the elbow joint. Of this kind of hinge, made by inserting a pin through a series of rings locking into one another, we have examples in helmets and cuirasses.¹⁴

The form of the door above delineated makes it manifest why the principal line laid down in surveying land was called "cardo" (*vid. AGRIMENSORES*);¹⁵ and it farther explains the application of the same term to the North Pole, the supposed pivot on which the heavens revolved.¹⁶ The lower extremity of the universe was conceived to turn upon another pivot, corresponding to that at the bottom of the door;¹⁷ and the conception of these two principal points in geography and astronomy led to the application of the same term to the east and west also.¹⁸ Hence our "four points of the compass" are called by ancient writers *quatuor cardines orbis terrarum*, and the four principal winds, N., S., E., and W., are the *cardinales venti*.¹⁹

The fundamental idea of the pivots which served for hinges on a door may be traced in the application of the same terms to various contrivances connected with the arts of life, more especially to the use of the tenon (*cardo*, στρόφιγγς) and mortise (*foramen*, βάσις) in carpentry;²⁰ *ingnum cardinatum*;²¹ *cardines securiculati*,²² i. e., dove-tailed tenons, called *securiculati* because they had the shape of an axe (*securicula*). We also find these terms applied to the pivot which sustained and moved the hand on the dial (*orbis*) of an anemoscope;²³ to the pins at the two ends of an axle, on which it revolves;²⁴ and to cocks used for drawing fluids through pipes (*bronze cock in the Museum at Naples*²⁵).

Lastly, "cardo" is used to denote an important conjuncture or turn in human affairs,²⁶ and a definite age or period in the life of man (*turpes extremi cardinis annos*²⁷).

*CARDUELLIS, a small bird, feeding among thistles, whence its Latin name, from *carduus*, "a thistle." It appears to be the same with the *Acanthis* of Aristotle.²⁸ (Vid. ACANTHIS.)

*CARDUUS, the Thistle, of which several kinds were known to the ancients. The λευκάνανθος of Theophrastus²⁹ (ἀκανθα λευκή of Dioscorides³⁰) is the *Carduus leucographus* of modern botanists: the ἀκανθα χαλκία is the *Carduus cyanoides*, L. The κίρσιον of Dioscorides, so called because reputed to heal in varicose complaints (*κίρσιος*, *varix*), is the *C. Marianus*, or St. Mary's Thistle. The modern Greek name is *κουβάκαθο*. Sibthorp found it in the Peloponnesus, in Cyprus, and around Constantinople. It grows wild, according to Billerbeck, throughout Europe.³¹ The σκόλυμος is a species of

1. (Adams, Append., s. v.)—2. (Ciris, 222.—Eurip., Phoen., 144-146.—Schol. ad loc.)—3. (Apuleius, Met., i.)—4. (Il., xii., 638.)—5. (Virg., Æn., ii., 480, 493.)—6. (Quint., Smyrn., x., 300-7.) (Theophrast., H. P., v., 3, 5.—Plin., H. N., xvi., 77.)—7. (Virg., Æn., i., 419.)—8. (Ovid., Met., xi., 608.)—9. (Id. Æn., vi., 782.)—10. (Yvball., l., vi., 30.—Poppo., l., xvi., 25.)—11. (Plutarch., Cæsar., l., iii., 1-4.)—12. (H. A., iv., 4.)

1. (Bronzes of Siris in Brit. Museum.—Xen., De Re Equest. xii., 6.)—2. (Festus, s. v. Decumanus.—Isid., Orig., xv., 14.)—3. (Varro, De Re Rust., i., 2.—Ovid., Ep. Ex Pont., ii., 10, 45.)—4. (Cic., De Nat. Deor., ii., 41.—Vitruv., vi., 1; ix., 1.)—5. (Lucan, v., 71.)—6. (Servius, ad Æn., i., 85.)—7. (Josephus, Ant. Jud., III., vi., 3.)—8. (Vitruv., x., 15.)—9. (x., 10.)—10. (Varro, De Re Rust., iii., 5.)—11. (Vitruv., x., 32.)—12. (Schol. ad Aristoph., Av., 450.)—13. (Virg., Æn., i., 672.)—14. (Lucret., vi., 381.)—15. (H. A., ix., 1.)—16. (H. P., vi., 4.)—17. (Ibid., 14.—Sprengel, R. H. H., vol. i., p. 155.)—18. (Flora Classica, p. 208.)

edible thistle, and, according to Sibthorp, is the same with the *Scolymus Hispanicus*; Schneider, however, is in favour of the *Cynara cardunculus*, or Cardon Artichoke.¹ (*Vid. ACANTHA.*)

***CAREUM** (*κάρπος*), the plant called *Carroway*, the *Carum carui*, L. It took its name from the country of Caria, where the best grew,² and the name is, in fact, an adjective, there being an ellipsis of *cuminum*; for the *Careum* is, in truth, the *Cuminum sylvestre*. Billerbeck thinks³ that the *Chara* or *Cara* which the soldiers of Cæsar⁴ ate with milk, and which they also made up into bread during the scarcity of provisions which prevailed in the camp of the latter at Dyrrhachium, was no other than the root of the *Careum*. Cuvier,⁵ however, with more appearance of reason, declares for a species of wild cabbage (*une espèce de chou sauvage*), of which Jacquin has given a description under the title of *Crambe Tartaria*. The *Chara* of modern botanists is quite different from this, being a small aquatic herb.

***CAREX**, a species of Rush. The *Carex* is mentioned by Virgil⁶ with the epithet *acuta*, and Martyn⁷ remarks of it as follows: "This plant has so little said of it, that it is hard to ascertain what species we are to understand by the name. It is called 'sharp' by Virgil, which, if it be meant of the end of the stalk, is no more than what Ovid has said of the *Juncus*, or common Rush. It is mentioned also in another passage of Virgil,⁸ 'tu post carecta latebas,' from which we can gather no more than that these plants grew close enough together for a person to conceal himself behind them. Catullus mentions the *Carex* together with Fern, and tells what season is best to destroy them. Since, therefore, it is difficult to determine what the *Carex* is from ancient authorities, we must depend upon the account of Anguillara, who assures us that, about Padua and Vincenza, they call a sort of rush *Careze*, which seems to be the old word *Carex* modernized. Caspar Bauhin says it is that sort of rush which he has called *Juncus acutus panicula sparsa*. It is, therefore, our common hard rush, which grows in pastures and by waysides in a moist soil. It is more solid, hard, and prickly at the point than our common soft rush, which seems to be what the ancients called *Juncus*."⁹

***CARIS** (*καρίς*), a sea-animal of the class *Crustacea*. According to Adams, it is the *Squilla* of Cicero and Pliny,¹⁰ a term that has been retained in the Linnæan nomenclature. It is the *Cancer squilla*, L. The larger kind of *Squilla*, he adds, is called White Shrimp in England; the smaller, Prawn. The *καρίς κυφή* of Aristotle is a variety of the *Cancer squilla*, called in French *Crevette*. In the systems of Latreille and Fleming, the term *Carides* is applied to a subdivision of the *Crustacea*. In these systems, the Prawn gets the scientific name of *Palamon serratus*, the common Shrimp that of *Crangon vulgaris*.¹¹

CARINA. (*Vid. NAVIS.*)

CARMENTALIA. Carmenta, also called Carmentis, is fabled to have been the mother of Evander, who came from Pallantium in Arcadia and settled in Latium; he was said to have brought with him a knowledge of the arts, and the Latin alphabetical characters as distinguished from the Etruscan.¹² In honour of this Carmenta, who was supposed to be more than human,¹³ were celebrated the Carmentalia,¹⁴ even as early as the time of

Romulus, if we may believe the authority of Plutarch.¹⁵ These were *feriæ stativæ*, i. e., annually held on a certain day, the 11th of January; and an old calendar¹⁶ assigns to them the four following days besides; of this, however, there is no confirmation in Ovid.¹⁷ A temple was erected to the same goddess at the foot of the Capitoline Hill near the Porta Carmentalis, afterward called *Suberata*.¹⁸ The name Carmenta is said to have been given to her from her prophetic character, *carmentis* or *carmentis* being synonymous with *vates*. The word is, of course, connected with *carmen*, and prophecies were generally delivered in verse. Her Greek title was *Θέμις*.¹⁹ Plutarch²⁰ tells us that some supposed Carmenta to be one of the Fates who presided over the birth of men; we know moreover, that other divinities were called by the same name; as, for instance, the Carments *Perverta* and *Carmenta Prorsa* were invoked in case of childbirth; for farther information with respect to whom, see Aul. Gell., xvi., 6; Ovid, *Fast.*, i., 4.

CARNEIA (*Καρνεΐα*), a great national festival celebrated by the Spartans in honour of Apollo Carneios, which, according to Sosibius,⁷ was instituted Olymp. 26, although Apollo, under the name Carneios, was worshipped in various places of Ioponnesus, particularly at Amyclæ; at a very early period, and even before the Dorian migration Wachsmuth,⁸ referring to the passage of Athenæus above quoted, thinks that the Carneia had long before been celebrated; and that when, in Olymp. 26, Therpander gained the victory, musical contests were only added to the other solemnities of the festival. But the words of Athenæus, which are the only authority to which Wachsmuth refers, do not allow of such an interpretation, for no distinction is there made between earlier and later solemnities of the festival, and Athenæus simply mentions the institution of the Carneia took place Olymp. 26 (*Ἐγένετο δὲ ἡ θέσις τῶν Καρνείων κατὰ ἔκταν καὶ εἰκοστὴν Ὀλυμπιάδα, ὡς Σωσίβιος φησὶ τῷ περὶ χρόνων*). The festival began on the seventh day of the month of Carneios—Metageitinion of Athenians, and lasted for nine days.¹⁰ It was far as we know, a warlike festival, similar to Attic Boëdromia. During the time of its celebration, nine tents were pitched near the city, in each of which nine men lived in the manner of a mill camp, obeying in everything the commands of a herald. Müller also supposes that a boat was hired round, and upon it a statue of the Carmentis Apollo (*Ἀπόλλων στυμματίας*), both adorned with lustratory garlands, called *δίκηλον στυμματιαῖον* in allusion to the passage of the Dorians from Naupactus into Peloponnesus.¹¹ The priest conducting the sacrifices at the Carneia was called *Ἀγυγῆς*, which the festival was sometimes designated by the name *Ἀγυγῆρια* or *Ἀγυγῆριον*;¹² and from each of the Spartan tribes five men (*Καρνεύται*) were chosen as his ministers, whose office lasted four years, during which period they were not allowed to marry. Some of them bore the name of *Σταφυλοδρόμῳ*; Therpander was the first who gained the prize in the musical contests of the Carneia, and the musicians of his school were long distinguished competitors for the prize at this festival,¹³ and the last of this school who engaged in the contest was Peridas.¹⁴ When we read in Herodotus¹⁵ and Thu-

1. (Billerbeck, l. c., and p. 205.)—2. (Plin., H. N., xix., 8.—Billerbeck, *Flora Classica*, p. 29.)—3. (F. C., p. 80.)—4. (Bell. Civ., iii., 48.)—5. (ad Cæs., l. c., Lemaire's ed.)—6. (Georg., iii., 231.)—7. (ad Virg., l. c.)—8. (Eclor., iii., 20.)—9. (Martyn, l. c.)—10. (Cic., De Nat. Deor., ii., 48.—Plin., H. N., ix., 42.)—11. (Adams, *Append.*, s. v.)—12. (Niebuhr, *Rom. Hist.*, i., p. 67, transl.—Tacit., *Ann.*, xi., 14.)—13. (Liv., i., 71.)—14. (Varro, De Ling. Lat., v.)

1. (Romul., c. 21.)—2. (Grut., p. 133.)—3. (*Fast.*, i., 4.)—4. (Liv., ii., 49.)—5. (Dionys., i., 31.)—6. (l. c.)—7. (ap. Aul. Gell., p. 635.)—8. (Müller's *Dorians*, i., 3, § 8, and ii., 8, § 9.)—9. (Hellen. Alterthumsk., ii., 2, p. 257.)—10. (Athenæus, i., 141.—Eustath. ad Il., xiv., sub fin.—Plut., *Symp.*, vii., 11. (Dorians, i., 3, § 8, note s.))—11. (Hesych., s. v. Ἀγυγῆριον.)—12. (Hesych., s. v. Καρνεία.)—13. (Hesych., s. v. Ἀγυγῆριον.)—14. (Müller, *Dor.*, iv., 6.)—15. (Herodotus, i., 106; vii., 206.)

Spartans, during the celebration of were not allowed to take the field my, we must remember that this re- not peculiar to the Carneia, but com- great festivals of the Greeks; traces even in Homer.² re also celebrated at Cyrene,³ in The- Messene, Sicyon, and Sybaris.⁴ X., the public executioner at Rome, slaves and foreigners,⁵ but not citi- punished in a manner different from is also his business to administer the office was considered so disgraceful, ot allowed to reside within the city,⁷ out the Porta Metia or Esquilina,⁸ ce destined for the punishment of Sestertium under the emperors.¹⁰ t by some writers, from a passage in the carnifex was anciently keeper of er the triumviri capitales; but there r sufficient authority for this opinion.¹² , the wild Carrot, called by the Greeks DAUCUS.)

UM, a cart; also a rectangular two- age, enclosed, and with an arched or overhead.

tum was used to convey the Roman e public festal processions;¹³ and, as h distinction, the privilege of riding in n such occasions was allowed to pas- by special grant of the senate. This behalf of Agrippina (τῷ καρπεντῷ ἐν αι χηρόθλας¹⁴), who availed herself of so far as even to enter the Capitol in 1.¹⁵ A medal was struck (see wood-



emorate this decree of the senate in When Claudius celebrated his triumph was followed by his empress Messali- entum.¹⁶

ge contained seats for two, and some e persons, besides the coachman.¹⁷ It y drawn by a pair of mules (*carpentum* more rarely by oxen or horses, and r four horses like a quadriga. For ns it was very richly adorned. Agrip- , as above represented, shows paint- on the panels, and the head is sup- yatides at the four corners.

uence and stateliness of the carpen- assumed by magistrates, and by men abits, or those who had a passion for

gula instituted games and other solem-

in other places.)—2. (Od., xxi., 258, &c.)—3. in Apoll., 72, seq.)—4. (Callim., l. c.—Pindar, l.)—5. (Paus., iii., 21, 7, and 24, 5; iv., 33, 5; xii., 7, 83.—Compare Müller's Orchomenus, p. Bacch., IV., iv., 37.—Capt., V., iv., 22.)—7. 5.)—8. (Plaut., Pseud., I., iii., 98.)—9. (Plaut., Tacit., Ann., xv., 60.—Hor., Epod., v., 99.)—10. 29.)—11. (Rud., III., vi., 19.)—12. (Lipatus, Ann., II., 32.)—13. (Liv., v., 25.—Isid., Orig., Non Cass., lv.)—14. (Tacit., Ann., xii., 42.)—15. 17.)—16. (Liv., i., 34.)—17. (Lamprid., He- rr., Sat., viii., 140-152.)

nities in honour of his deceased mother Agrippina, her *carpentum* went in the procession.¹ This practice, so similar to ours of sending carriages to a funeral, is evidently alluded to in the alto-relievo here represented, which is preserved in the British Museum. It has been taken from a sarcophagus, and exhibits a close *carpentum* drawn by four horses. Mercury, the conductor of ghosts to Hades, appears on the front, and Castor and Pollux, with their horses, on the side panel.



The coins of Ephesus show a *carpentum*, proving that it was used to add to the splendour of the processions in honour of Diana. It probably carried a statue of the goddess, or some of the symbols of her attributes and worship.

Carpenta, or covered carts, were much used by our ancestors the Britons, and by the Gauls, the Cimbri, the Allobroges, and other northern nations.² These, together with the carts of the more common form, including baggage-wagons, appear to have been comprehended under the term *carri* or *carra*, which is the Celtic name with a Latin termination. The Gauls and Helvetii took a great multitude of them on their military expeditions; and, when they were encamped, arranged them in close order, so as to form extensive lines of circumvallation.³

The agricultural writers use "*carpentum*" to denote either a common cart⁴ or a cart-load, e. g., xxiv. *stercoris carpenta*.⁵

*CARPE'SIUM (καρπῆσιον), an aromatic sometimes used in place of Cassia. Galen describes it as resembling Valerian. Some of the earlier commentators, and, as it would appear, the Arabian physicians also, supposed it Cubebs; but this opinion is rebutted by Matthioli and C. Bauhin. Dr. Hill says of it, "If the Arabians were acquainted with our Cubebs at all, it appears that, not knowing what the *Carpesium* and *Ruscus* were, they ignorantly attributed the virtues ascribed by the Greeks to their medicines to the Cubebs."⁶

*CARPINUS, a species of Maple, called also the Hornbeam, or Yoke-elm. It is a tree that loves the mountains, and is described by Pliny as having its wood of a red colour and easy to cleave, and covered with a livid and rugged bark. It was called *Zygia* (ζυγία) by the Greeks, because often used to make yokes (ζυγά) for oxen. The scientific name is *Carpinus betulus*.⁷

ΚΑΡΠΟΥ ΔΙΚΗ (καρπού δίκη), a civil action under the jurisdiction of the thesmotheta, might be instituted against a farmer for default in payment of rent.⁸ It was also adopted to enforce a judicial award when the unsuccessful litigant refused to surrender the land to his opponent,⁹ and might be used to determine the right to land,¹⁰ as the judgment would determine whether the plaintiff could claim rent of the defendant.

1. (Suet., Calig., 15.)—2. (Florus, i., 18; iii., 2, 3, and 10.)—3. (Ces., Bell. Gall., i., 24, 26.)—4. (Veget., Mulomed., iii., Praef.)—5. (Pallad., x., 1.)—6. (Paul. Aegin., vii., 3.—Adams, Append., s. v.)—7. (Plin., H. N., xvi., 15, 18, 40.—Compare Vitruv., ii., 9.)—8. (Meier, Att. Process., 531.)—9. (Hudtwalcker, 144.—Meier, Att. Process., 750.)—10. (Harpocrat., s. v. and Οβείας δίκη.)

CARRAGO, a kind of fortification, consisting of a great number of wagons placed round an army. It was employed by barbarous nations, as, for instance, the Scythians,¹ Gauls (*vid.* CARPENTUM), and Goths.²

Carrago also signifies sometimes the baggage of an army.³

CARRUCA was a carriage, the name of which only occurs under the emperors. It appears to have been a species of rheda (*vid.* RHEDA), whence Martial, in one epigram,⁴ uses the words as synonymous. It had four wheels, and was used in travelling. Nero is said never to have travelled with less than 1000 carrucæ.⁵ These carriages were sometimes used in Rome by persons of distinction, like the carpenta (*vid.* CARPENTUM), in which case they appear to have been covered with plates of bronze, silver, and even gold, which were sometimes ornamented with embossed work. Alexander Severus allowed senators at Rome to use carrucæ and rheda plated with silver;⁶ and Martial⁷ speaks of an *aurea carruca* which cost the value of a farm. We have no representations of carriages in ancient works of art which can be safely said to be carrucæ, but we have several delineations of carriages ornamented with plates of metal.⁸ Carrucæ were also used for carrying women, and were then, as well, perhaps, as in other cases, drawn by mules,⁹ whence Ulpian¹⁰ speaks of *mula carrucaria*.

CARRUS. (*Vid.* CARPENTUM.)

CARYA or CARYATIS (*Κάρια* or *Καρυαίς*), a festival held at Caryæ, in Laconia, in honour of Artemis Caryatis.¹¹ It was celebrated every year by Lacedæmonian maidens (*Καρυαίδες*) with national dances of a very lively kind,¹² and with solemn hymns.

CARYATIS (*καρυαίς*), pl. CARYATIDES. From the notices and testimonies of ancient authors, we may gather the following account: That Caryæ was a city (*ciuitas*) in Arcadia, near the Laconian border; that its inhabitants joined the Persians after the battle of Thermopylæ;¹³ that on the defeat of the Persians the allied Greeks destroyed the town, slew the men, and led the women into captivity; and that, as male figures representing Persians were afterward employed with an historical reference instead of columns in architecture (*vid.* ATLANTES, PERSÆ), so Praxiteles and other Athenian artists employed female figures for the same purpose, intending them to express the garb, and to commemorate the disgrace of the Caryatides, or women of Caryæ.¹⁴ This account is illustrated by a bas-relief with a Greek inscription, mentioning the conquest of the Caryatæ, which is preserved at Naples, and copied in the following woodcut.

In allusion to the uplifted arm of these marble statues, a celebrated parasite, when he was visiting in a ruinous house, observed, "Here we must dine with our left hand placed under the roof, like Caryatides." (*Vid.* CARPENTUM.) The Caryatides executed by Diogenes of Athens, and placed in the Pantheon at Rome, above the sixteen columns which surrounded the interior, may have resembled those which are represented in a similar position in one of the paintings on the walls of the baths of Titus.¹⁵ It is proper to observe that Lessing, and various

writers after him, treat the preceding account as fabulous.



After the subjugation of the Caryatæ, their territory became part of Laconia. The fortress (*ἑρῖον*)¹ had been consecrated to Artemis,² whose image was in the open air, and at whose annual festival (*Καρυαίς ἑορτή*)³ the Laconian virgins continued, as before, to perform a dance of a peculiar kind, the execution of which was called *καρυαίσις*. Blomfield thinks that the Caryatides in architecture were so called for these figures resembling the statue of Ἄρτεμις Καρυαίς, or the Laconian virgin who celebrated their annual dance in her temple.⁴

*CARYON (*κάρυον*), the Walnut. "By itself," observes Adams, "the *κάρυον* is undoubtedly to be generally taken for the *Juglans regia*, or common Walnut. I am farther disposed to agree with Stackhouse in holding the *κάρυα* *Εὐβοϊκά*, *Περσικά*, and *Βασιλικά* as mere varieties of the same. The *κάρυον* *Ποντικόν* or *λεπτο-κάρυον*, of Dioscorides and Galen, is as certainly the *Nux Avellana*, or Filbert being the fruit of the *Corylus Avellana*, or Hazel nut."⁵ (*Vid.* AVELLANÆ NUCES.)

*CARIOPHYLL'ON (*καρυόφυλλον*), Cloves, or the flower-buds of the *Cariophyllum aromaticum* (*Eugenia Caryophyllata* of the London Dispensary). They are first noticed by Paul of Ægina.⁶ Symeon Seth⁷ likewise gives a short account of cloves. There is no mention of the clove in the works of Dioscorides, Galen, Oribasius, or Aëtius, but it is regularly noticed in the *Materia Medica* of all the Arabian physicians.⁸

*CASIA or CASSIA (*κασία*, *κασσία*), Cassia. Moses Charras says of it, "The tree called Cassia is almost like that which bears the Cinnamon. These two barks, though borne by different trees, are boiled and dried after the same manner, and their taste and scent are almost alike." "I can see no difficulty," observes Adams, "about recognising it as the *Laurus Cassia*." Stackhouse, however, prefers the *Laurus gracilis*, but upon what authority he does not explain. The *κασσία* *σίριγγ* and *ξύλοκασσία* are thus explained by Alston: "The *Cassia lignea* of the ancients was the larger branches of the cinnamon-tree cut off with their bark, and sent together to the druggists; their *Cassia fistula*, or *Syrinx*, was the same cinnamon in the bark only, as we now have it stripped from the tree, and rolled up into a kind of *Fistula*, or pipes." The Greeks then were unacquainted with our *Cassia fistula*, which was first introduced into medical practice by the Arabians.¹⁰

*CASSITEROS. (*Vid.* PLUMBUM.)

*CASTANEA (*καστανία*, *καστάνια*, or *καστανά*), the Chestnut-tree, or *Fagus Castanea*, L. Its fruit was called by the Latin writers *Castanea nux*, and

1. (Trebell. Poll., Gallien., 13.)—2. (Amm. Marcell., xxxi., 20. —Compare Veget., iii., 10.)—3. (Trebell. Poll., Claud., 8.—Vopisc., Aurelian., 11.)—4. (iii., 47.)—5. (Suet., Ner., 30.)—6. (Lamp., Alex. Sev., 43.)—7. (iii., 72.)—8. (See Inghirami, Monument. Etrusc., iii., 18, 23.—Millingen, Uned. Mon., ii., 14.)—9. (Dig. 34, tit. 2, s. 13.)—10. (Dig. 21, tit. 1, s. 38, § 8.)—11. (Hesych., s. v. *Καρυαίς*.)—12. (Paus., iii., 10, § 8; iv., 16, § 5.—Pollux, Onom., iv., 104.)—13. (Herod., viii., 26.—Vitruv., i., 1, 5.)—14. (Vitruv., l. c.—Plin., H. N., xxxvi., 45 and 11.)—15. (Descr. des Bains de Titus, pl. 10. —Wolf and Buttman's Museum, l., tab. 3, fig. 5.)

1. (Steph. Byz.)—2. (Diana Caryatis.—Serv. in Virg., Ecl. viii., 30.)—3. (Hesych.)—4. (Mus. Crit., vol. ii., p. 402.—Paus., iii., 10, 8; iv., 16, 5.—Lucian, De Salt.—Plutarch, Artax.)—5. (Theophr., iii., 2.—Dioscor., i., 178.—Adams, Append., s. v.)—6. (vii., 3.)—7. (De Aliment.)—8. (Adams, Append., s. v.)—9. (Theophr., H. P., ix., 4.—Dioscor., i., 12.)—10. (Serapion, Feccxi.—Adams, Append., s. v.)

also simply *Castanea*. Among the Greeks, on the other hand, chestnuts had various names. They are called *Διὸς βάλανοι* by Theophrastus;¹ *Σαρδάνοι βάλανοι* by Dioscorides and Galen; *λόπιμα κάρινα* by Nicander;² and *κάρνα* simply by Xenophon,³ who mentions that the nation of the Mosynæci lived entirely on them.⁴ The Chestnut-tree is generally considered to be a native of Asia, in many parts of which it is to be found in situations where it is not very likely to have been planted. Tradition says that it was brought from Asia Minor, and soon spread over all the warmer parts of Europe. In the southern parts of the latter continent, chestnuts grow so abundantly as to form a very large portion of the food of the common people, who, besides eating them both raw and roasted, form them into puddings, and cakes, and even bread.⁵ The name *Castanea* is derived by Vossius from that of the town of Castanæa in Thessaly, where this tree grew very abundantly. This etymology, however, is more than doubtful.

CASSIA LEX. (Vid. TABELLARIA.)

CASSIS. (Vid. GALEA, RETE.)

CASTELLUM AQUÆ, a reservoir, or building constructed at the termination of an aqueduct, when it reached the city walls,⁶ for the purpose of forming a head of water, so that its measure might be taken, and thence distributed through the city in the allotted quantities. The more ancient name in use, when the aqueducts were first constructed, was *dicidulum*.⁷

The *castella* were of three kinds, public, private, and domestic.

I. CASTELLA PUBLICA. Those which received the waters from a public duct to be distributed through the city for public purposes: 1. *Castra*, the prætorian camps. 2. The fountains and pools in the city (*lacus*). 3. *Munera*, under which head are comprised the places where the public shows and spectacles were given, such as the circus, amphitheatres, naumachia, &c. 4. *Opera publica*, under which were comprised the baths, and the service of certain trades—the fullers, dyers, and tanners—which, though conducted by private individuals, were looked upon as public works, being necessary to the comforts and wants of the whole community. 5. *Nomine Cæsaris*, which were certain irregular distributions for particular places, made by order of the emperors. 6. *Beneficia Principis*, extraordinary grants to private individuals by favour of the sovereign. Compare Frontinus, § 3, 78, in which the respective quantities distributed under each of these denominations are enumerated.

II. CASTELLA PRIVATA. When a number of individuals, living in the same neighbourhood, had obtained a grant of water, they clubbed together and built a *castellum*,⁸ into which the whole quantity allotted to them collectively was transmitted from the *castellum publicum*. These were termed *privata*, though they belonged to the public, and were under the care of the *curatores aquarum*. Their object was to facilitate the distribution of the proper quantity to each person, and to avoid puncturing the main pipe in too many places;⁹ for when a supply of water from the aqueducts was first granted for private uses, each person obtained his quantum by inserting a branch pipe, as we do, into the main; which was probably the custom in the age of Vitruvius, as he makes no mention of private reservoirs. Indeed, in early times,¹⁰ all the water brought to Rome by the aqueducts was applied to

public purposes exclusively, it being forbidden to the citizens to divert any portion of it to their own use, except such as escaped by flaws in the ducts or pipes, which was termed *aqua caduca*.¹ But as even this permission opened a door for great abuses from the fraudulent conduct of the *aquarii*, who damaged the ducts for the purpose of selling the *aqua caduca*, a remedy was sought by the institution of *castella privata*, and the public were henceforward forbidden to collect the *aqua caduca*, unless permission was given by special favour (*beneficium*) of the emperor.² The right of water (*jus aquæ impetrata*) did not follow the heir or purchaser of the property, but was renewed by grant upon every change in the possession.³

III. CASTELLA DOMESTICA, leaden cisterns, which each person had at his own house to receive the water laid on from the *castellum privatum*. These were, of course, private property.

The number of public and private *castella* in Rome at the time of Nerva was 247.⁴

All the water which entered the *castellum* was measured, at its ingress and egress, by the size of the tube through which it passed. The former was called *modulus acceptorius*, the latter *erogatorius*. To distribute the water was termed *erogare*; the distribution, *erogatio*; the size of the tube, *fistularum*, or *modulorum capacitas*, or *lumen*. The smaller pipes, which led from the main to the houses of private persons, were called *puncta*; those inserted by fraud into the duct itself, or into the main after it had left the *castellum*, *fistula illicita*.

The *erogatio* was regulated by a tube called *calix*, of the diameter required, attached to the extremity of each pipe where it entered the *castellum*; it was probably of lead in the time of Vitruvius, such only being mentioned by him; but was made of bronze (*æneus*) when Frontinus wrote, in order to check the roguery of the *aquarii*, who were able to increase or diminish the flow of water from the reservoir by compressing or extending the lead. Pipes which did not require any *calix* were termed *soluta*.

The subjoined plans and elevation represent a ruin still remaining at Rome, commonly called the "Trophies of Marius," which is generally considered to have been the *castellum* of an aqueduct. It is now much dilapidated, but was sufficiently entire about the middle of the sixteenth century, as may be seen by the drawing published by Gamucci,⁵ from which this restoration is made. The trophies,



then remaining in their places, from which the monument derives its modern appellation, are now placed on the Capitol. The ground-plans are given

1. (H. P., iii., 8.)—2. (Ap. Athen., ii., 43.)—3. (Anab., v., 4, 5.)—4. (Athenæ, Append., s. v.)—5. (Library of Ent. Knowledge, vol. 6, p. 92.)—6. (Vitruv., viii., 7.)—7. (Festus, s. v.)—8. (Festus consult., ap. Frontin., § 100.)—9. (Frontin., § 11.)—10. (Frontin., § 94.)

1. (Front., § 94.)—2. (Front., § 111.)—3. (Front., § 107.)—4. (Front., § 78.)—5. (Antichità di Roma, iii., p. 100.)

lower portion being cut lengthways by five streets, and crossways by one: so that, as Polybius remarks, the whole was not unlike a city, with rows of houses on each side of the streets.

The arrangements we have explained were adapted for a regular consular army; but in case there was a greater number than usual of allies, they had assigned to them either the empty space about the prætorium, increased by uniting the forum and quæstorium, or an additional row of tents on the sides of the Roman legions, according as they were fresh comers, or had been in the camp from its first formation. If four legions or two consular armies were united and enclosed by the same ramparts, their two camps then formed an oblong rectangle, the back of each single camp being turned to the other, and joined at the parts where the "extraordinaries" were posted, so that the whole perimeter was three halves of, and the length twice that of, the single camp.

The camp had four gates, one at the top and bottom, and one at each of the sides; the top or back gate (*ab tergo*, or *maxime aversa ab hoste*) was called the Decuman; the bottom or the front gate was the Prætorian; the gates of the sides were the Porta Principalis Dextra and the Porta Principalis Sinistra. The whole camp was surrounded by a trench (*fossa*), generally nine feet deep and twelve broad, and a rampart (*vallum*) made of the earth that was thrown up (*agger*), with stakes (*valli*) fixed at the top of it. The labour of this work was so divided that the allies completed the two sides of the camp along which they were stationed, and the two Roman legions the rest; the centurions and tribunes superintended the work performed by the Romans, the præfects of the allies seem to have done the same for them.

We will now speak of the discipline of the camp. After choosing the ground (*loca capere*), the proper officers marked, by flags and other signals, the principal points and quarters; so that, as Polybius observes, the soldiers, on arriving at the place, proceeded to their respective stations like troops entering a well-known city, and passing through the streets to their several quarters. The tribunes then met, and administered to all, freemen as well as slaves, an oath to the effect "that they would steal nothing from the camp, and bring whatever they might find to the tribunes." After this, two maniples were chosen from the principes and hastati of each legion, to keep clean and in good order the Via Principalis, a place of general resort. The remaining eighteen maniples of the principes and hastati were assigned by lot, three to each of the six tribunes, and had to perform for them certain duties, such as raising their tents, levelling and paving the ground about them, and fencing in their baggage when necessary. These three maniples also supplied two regular guards of four men each, part of whom were posted in front of the tribunes' tents, part at the back by the horses. The triarii and velites were exempt from this duty; but each maniple of the former had to supply a guard of men to the turma of horse that was at their back; their chief duty was to look after the horses, though they also attended to other things. Moreover, each of the thirty maniples of foot kept guard in turn about the consul, both as a protection and a guard of honour. The general arrangements of the camp were under the direction of two of the tribunes, who were appointed by lot from each legion, and acted for two months. The præfects of the allies took their turn of authority in the same way, but, in all probability, over their own troops only.

We may now observe, that every morning at daybreak the centurions and horsemen presented themselves to the tribunes. The latter then went to the consul and received his orders, which were conveyed through the former to the soldiers. The watchword for the night, marked on a four-cornered piece of wood, and therefore called *tessera*, was given out in the following way: A soldier in every tenth maniple, posted farthest off from the tribune's tent, was exempted from guard duty, and presented himself at sunset before the tribune, from whom he received the tessera; he returned with it to his own tent, and, in the presence of witnesses, gave it to the centurion of number nine; it was passed on by him to the centurion of number eight, and so on, till it came back to the tribune. Besides the guards (*excubie*) of the tribunes, &c., which we have already mentioned, there were also several night-watches (*vigilie*): thus there were generally three about the quæstorium, and two for each of the legati; each division (*τάγμα*) also set a watch for itself. The velites were stationed by the walls of the rampart, and supplied the posts or pickets at the gates (*stationes ante portas agebant*).

We will now describe the arrangements for the inspection of the night-watches, first observing that the night was divided into four, each of three hours' length; the arrangements were as follows: The soldiers of the watch-companies, supplied by the different maniples who were to furnish the guards during the first watch of the night, received from the tribune a number of small tablets (*ξύλφηια*) with certain marks upon them, and then went to their respective posts. The duty of visiting these posts, and making the nightly rounds of inspection, devolved upon the horsemen. Four of these, who were selected for this duty every day, according to a regular cycle, received from the tribune written instructions as to the time when they were to visit each post, and the number of posts to be visited: they were called *circitores* (*περίπολοι*), and, in the time of Vegetius, *circitores*. After receiving their orders, they went and posted themselves by the first maniple of the triarii, the centurion of which was required to see that the hours of the watch were properly given by the sound of the trumpet: then, when the time came, the circitor of the first watch proceeded on his rounds to all the posts; if he found the guards awake and on duty, he took their tablets; if he found them asleep, or any one absent from his post, he called upon the friends who accompanied him to witness the fact, and so passed on to the next post. The same was done by the circitores of the other watches. The next morning, all the inspectors appeared before the tribunes, and presented the tablets they had received; any guard whose tablet was not produced, was required to account for it. If the fault lay with the circitor, he was liable to a stoning, which was generally fatal. A regular system of rewards and punishments was established in the camp, after describing which, Polybius gives the following comparison between the methods of encampment among the Romans and Greeks.

The latter, he says, endeavoured to avail themselves of the natural advantages afforded by any ground they could seize upon, thus avoiding the trouble of intrenchment, and securing, as they thought, greater safety than any artificial defence would have given them. The consequence of this was, that they had no regular form of camp, and the different divisions of an army had no fixed place to occupy.

In describing the Roman camp and its internal arrangements, we have confined ourselves to the information given by Polybius, which, of course, ap-

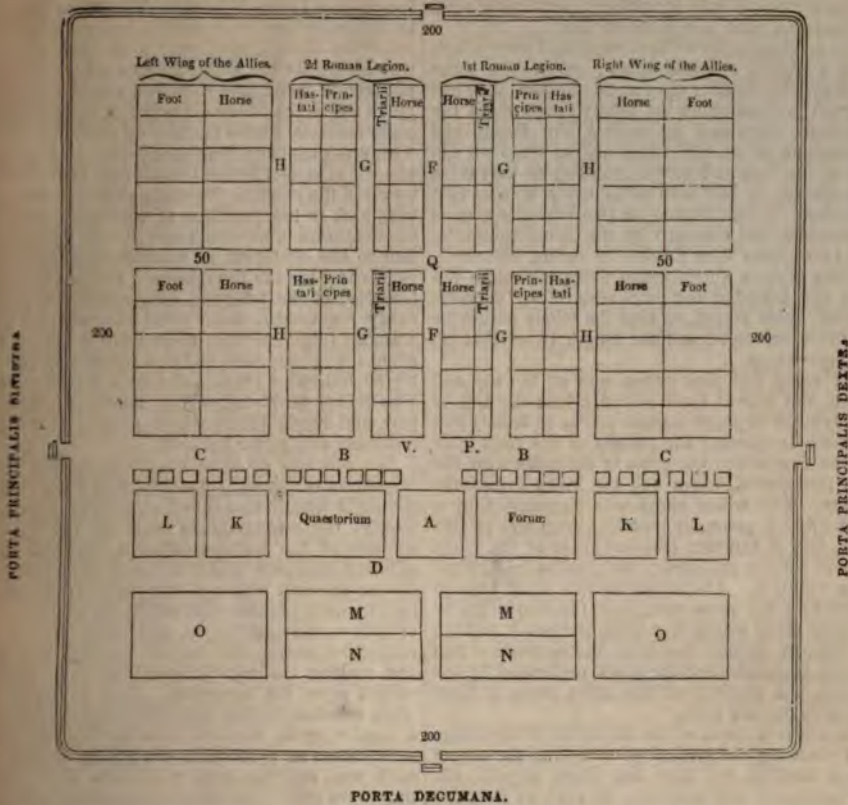
CASTRA.

CASTRA.

PORTA PRÆTORIA

TRENCH AND

RAMPARTS.



part of the camp. The vacant spaces (O) on each side of the tents were reserved for "foreigners" and occasional auxiliaries.

The upper part of the camp, which we have just described, formed about a third of the whole, the remaining two thirds being appropriated to the main body of the forces, both legionary and allied, whose arrangement we now proceed to explain. The lower part of the camp was divided from the upper by a street, called the Via Principalis (V. P.), 100 feet broad, running parallel to and in front of the tribunes' tents; this was cut at right angles by another road (F), 50 feet broad, parallel to the length of the camp, and dividing the lower part into two equal spaces. On each side of this street (F) were ranged the horse of the two legions, the ten turmae of each being on different sides, and facing each other: the turma consisted of 30 men, and occupied a square whose side was 100 feet long. At the back of these turmae, and facing the contrary way, namely, towards the sides of the camp, stood the triarii, each maniple corresponding to a turma, and occupying a rectangle 100 feet in length by 50 feet in width. These dimensions would, of course, vary according to the component parts of the legion. Opposite to the two lines of triarii, but separated from them by a wide street (G), also 50 feet wide, stood the principes; they were double the triarii in number, and had a square, whose side was 100 feet, appropriated to each maniple. Behind these again, and in close contact with them, stood the ten maniples of the hastati, with their backs turned the opposite way, having the same space for each maniple as the principes. As the whole legion was divided

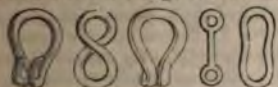
into thirty maniples of foot, ten of each class, the whole arrangement was therefore perfectly symmetrical, the fifty-foot roads of which we have spoken commencing from the Via Principalis, and terminating in the open space by the ramparts. The whole legionary army thus formed a square, on each side of which were encamped the allies at a distance of 50 feet from the hastati, and presenting a front parallel to theirs. The allied infantry was equal in number to that of the legions, the cavalry twice as great: a portion of each (a third part of the latter and about a fifth of the former) was posted as "extraordinaries" in the upper part of the camp; so that, to make the line of the allies coterminous with that of the legion, it was necessary to give the former a greater depth of encampment. The cavalry of the allies faced the hastati, and the infantry at their back fronted the ramparts. The several front lines of the legionaries and allies were bisected by a road parallel to the Via Principalis, and called the Quintana (Q), from its dividing the ten maniples into two sets of five each: it was 50 feet in breadth.

Between the ramparts and the tents was left a vacant space of 200 feet on every side, which was useful for many purposes: thus it served for the reception of any booty that was taken, and facilitated the entrance and exit of the army. Besides this, it was a security against firebrands or missiles that might be thrown into the camp, as it placed the tents and the soldiers out of their reach.

From the description we have given, the reader will perceive that the camp was a square in form, divided into two parts by the Via Principalis, the

CATOBLEPAS.

oval, the separate link is often shaped like the 8, or is a bar with a circle at each end, or as other forms, some of which are here shown. Links are also found so closely entwined, that they resemble platted wire or thread, like the chains now manufactured at Venice. This is seen in the lowest figure of the woodcut.



These valuable chains were sometimes given as presents to the soldiers,¹ but they were commonly worn by ladies, either on the neck (περὶ τὸν τράχηλον²), or round the waist;³ and were used to hold beads, pearls, or jewels set in gold, keys, locked-up other trinkets.

CAVARRIA. (Vid. GLADIATORES.)

CATHEDRA, a seat; but the term was more generally applied to the soft seats used by women, as *sella* signified a seat common to both sexes (*femineas cathedras*⁴). The cathedrae were, however, of various forms and sizes; but they usually appear to have had backs to them, as is the case with the one represented in the annexed woodcut, which is taken from Sir William Hamilton's drawing of a Greek vase. On the cathedra is seated a woman who is being fanned by a female slave with a peacock's feathers.



Women were also accustomed to be carried in these cathedrae instead of in lecticae, a practice was sometimes adopted by effeminate persons of the other sex (*sexta cervice feratur*⁵). The word cathedra was also applied to a chair or pulpit from which lectures were read.⁶

CATOBLEPAS (κατωβλέπας or τὸ κάτω βλέπον) an animal dwelling in Æthiopia, near the mouth of the Nile. Pliny⁷ describes it as of moderate size in every respect except the head, which is so heavy that the creature bears it with difficulty; it holds the head always towards the ground; and from the circumstance of its thus always looking downward, it gets the name of Catoblepas (κάτω, "downward," and βλέπω, "to look"). Well known to the human race, it seems, that the antelope has this downcast look, since otherwise it

CAUCALIS.

would annihilate them all; for no one, says Pliny, can catch its eye without expiring on the spot! Ælian¹ makes the Catoblepas resemble a bull, but with a more fierce and terrible aspect. Its eyes, according to him, are red with blood, but are smaller than those of an ox, and surmounted by large and elevated eyebrows. Its mane rises on the summit of the head, descends on the forehead, and covers the face, giving an additional terror to its aspect. It feeds, the same authority informs us, on deadly herbs, which render its breath so poisonous, that all animals which inhale it, even men themselves, instantly perish. Modern naturalists have formed the Genus *Catoblepas*, in one of the species of which they place the *Gnu*, an animal that may possibly have given rise to some of these marvellous tales. Indeed, no other creature but the *Gnu* could well give rise to so many singular ideas. There is none that has an air so extraordinary, and, at the same time, so mournful, by reason, principally, of its long white eyebrows, and the hair, or, rather, mane on its snout, a characteristic not found in any other species of Antelope.²

*CATOCHITIS (κατοχίτης λίθος), a species of gem or stone found in Corsica, and adhering to the hand like gum. It is thought to have been either amber, or some variety of bitumen.³

CATRINOS (κάτρινος) is a genuine Greek word, with an exact and distinct signification, although it is found in no lexicon, and only in two authors, viz., Mr. Charles Fellows, as quoted in *ANATHEM*, p. 79, who gives the figure of the agricultural implement which it denoted, with the name written over the implement, from a very ancient MS. of Hesiod's Works and Days.⁴ It is doubtful whether the *κάτρινος* had a Latin name; for Pliny⁵ describes it by a periphrasis: "Purget vomerem subinde *stimulus cuspidatus rallo*." But his remark proves that it was used in Italy as well as in Greece, and coincides with the accompanying representation, from a very ancient bronze of an Etruscan ploughman driving his yoke of oxen with the *κάτρινος* in his hand.⁶



It cannot be doubted that, if the traveller were to visit the remote valleys of Greece and Asia Minor and take time to study the language and habits of the people, he would find many other curious and instructive remains of classical antiquity, which are preserved in no other way.

*CATUS. (Vid. FELIS.)

*CAUCALIS, a species of plant mentioned by Dioscorides, Galen, and others. The account which they give of it answers very well to the characters of the *Caucalis*, L., or Hedge Parsley. Sprengel accordingly refers it to the *Caucalis maritima*, L. Sibthorp, however, prefers the *Tordylium officinale*, an opinion in which Billerbeck appears to coincide.⁷

1. (N. A., vii., 5.)—2. (Griffith's Cuvier, vol. iv., p. 366.—G. Cuvier, ad Plin., l. c.)—3. (Plin., H. N., xxxvii., 10.—Moore's Anc. Mineral., p. 182.)—4. (Palzogr. Gr., p. 9.)—5. (H. N., xviii., 49, 2.)—6. (Micali, Italia avanti il Dom. dei Rom., t. L.)—7. (Dioscor., ii., 168.—Galen, De Simplic., vii.—Theophrast., H. P., vii., 7.—Adams, Append., s. v.)

•CAUDA EQUINA. (Vid. HIPPOURIS.)

CAVÆDIUM. (Vid. HOUSE.)

CAVEA. (Vid. THEATRUM.)

CAUPO'NA was used in two different significations:

1. It signified an inn, where travellers obtained food and lodging; in which sense it answered to the Greek words *πανδοκείον*, *καταγώγιον*, and *κατάλυσις*.

2. It signified a shop where wine and ready-dressed meat were sold, and thus corresponded to the Greek *καπηλείον*. The person who kept a caupona was called *caupo*.

It has been maintained by many writers that the Greeks and Romans had no inns for the accommodation of persons of any respectability, and that their *caupona* and *πανδοκεία* were mere houses of shelter for the lowest classes. That such, however, was not the case, an attentive perusal of the classical authors will sufficiently show; though it is, at the same time, very evident that their houses of public entertainment did not correspond, either in size or convenience, to similar places in modern times. It is also true that the hospitality of the ancients rendered such houses less necessary than in modern times; but they nevertheless appear to have been very numerous in Greece. The public ambassadors of Athens were sometimes obliged to avail themselves of the accommodation of such houses,¹ as well as private persons.² In addition to which, it may be remarked, that the great number of festivals which were celebrated in the different towns of Greece, besides the four great national festivals, to which persons flocked from all parts of Greece, must have required a considerable number of inns to accommodate strangers, not only in the places where the festivals were celebrated, but also on the oads leading to those places.

Among the Romans, the want of such houses of public entertainment would be less felt than among the Greeks; because, during the latter days of the Republic and under the emperors, most Romans of respectability had friends or connexions in the principal cities of Europe and Asia, who could accommodate them in their own houses. They were, however, frequently obliged to have recourse to the public inns.³

An inn was not only called *caupona*, but also *taberna* and *taberna diversoria*,⁴ or simply *diversorium* or *deversorium*.

It has been already remarked that *caupona* also signified a place where wine and ready-dressed provisions were sold,⁵ thus corresponding to the Greek *καπηλείον*. In Greek *κάπηλος* signifies, in general, a retail trader, who sold goods in small quantities, whence he is sometimes called *παλικάπηλος*, and his business *παλικαπηλείειν*.⁶ The word *κάπηλος*, however, is more particularly applied to a person who sold ready-dressed provisions, and especially wine in small quantities, as plainly appears from a passage in Plato.⁷ When a retail dealer in other commodities is spoken of, the name of his trade is usually prefixed; thus we read of *προβατοκάπηλος*,⁸ *ὄπλων κάπηλος*,⁹ *ἀσιπίδων κάπηλος*,¹⁰ *βιβλιοκάπηλος*, &c. In these *καπηλεία* only persons of the very lowest class were accustomed to eat and drink (*ἐν καπηλείῳ δὲ φαγεῖν ἢ πίνειν οὐδεὶς οὐδ' ἂν οἰκίτης ἐπέκεικός ἐτόλμησε*¹¹).

In Rome itself there were, no doubt, inns to accommodate strangers; but these were probably only

frequented by the lower classes, since all persons in respectable society could easily find accommodation in the houses of their friends. There were, however, in all parts of the city, numerous houses where wine and ready-dressed provisions were sold. The houses where persons were allowed to eat and drink were usually called *popinae*, and not *cauponae*; and the keepers of them, *popæ*. They were principally frequented by slaves and the lower classes,¹ and were, consequently, only furnished with stools to sit upon instead of couches, whence Martial² calls these places *sellariolas popinas*. This circumstance is illustrated by a painting found at Pompeii in a wine-shop, representing a drinking-scene. There are four persons sitting on stools round a tripod table. The dress of two of the figures is remarkable for the hoods, which resemble those of the capotes worn by the Italian sailors and fishermen of the present day. They use cups made of horn instead of glasses, and, from their whole appearance, evidently belong to the lower orders. Above them are different sorts of eatables hung upon a row of pegs.



The *thermopota*, which are spoken of in the article *CALIDA*, appear to have been the same as the *popinae*. Many of these *popinae* seem to have been little better than the *lupanaria* or brothels; whence Horace³ calls them *immundas popinas*. The wine-shop at Pompeii, where the painting described above was found, seems to have been a house of this description; for behind the shop there is an inner chamber painted with every species of indecency.⁴ The *ganææ*, which are sometimes mentioned in connexion with the *popinae*,⁵ were brothels, whence they are often classed with the *lustra*.⁶ Under the emperors many attempts were made to regulate the *popinae*, but apparently with little success. Tibertius forbade all cooked provisions to be sold in these shops;⁷ and Claudius commanded them to be shut up altogether.⁸ They appear, however, to have been soon opened again, if they were ever closed; for Nero commanded that nothing should be sold in them but different kinds of cooked pulse or vegetables;⁹ and an edict to the same effect was also published by Vespasian.¹⁰

All persons who kept inns, or houses of public entertainment of any kind, were held in low estimation, both among the Greeks and Romans.¹¹ They appear to have fully deserved the bad reputation which they possessed; for they were accustomed to cheat their customers by false weights and measures, and by all the means in their power, whence Horace calls them *perfidus*¹² and *malignos*.¹³

CAUSÆ PROBATIO. (Vid. CIVITAS.)

CAUSIA (*καυσία*), a hat with a broad brim, which was made of felt, and worn by the Macedonia

1. (Æschin., De Fals. Leg., p. 273.)—2. (Cic., De Div., i., 27.—Iuv., ii., 4.)—3. (Hor., Epist., l., xi., 12.—Cic., Pro Cluent., 59.—Phil., ii., 31.)—4. (Plaut., Menachm., ii., iii., 81.)—5. (Mart., i., 57; ii., 48.)—6. (Demosth., c. Dionysodot., p. 1285.—Aristoph., Plat., 1156.—Pollux, Onom., vii., 12.)—7. (Gorg., c. 156, p. 518.)—8. (Plutarch, Peric., 24.)—9. (Aristoph., Pax., 1179.)—10. (Id., 439.)—11. (Isocr., Areiop., c. 18.)

1. (Cic., Pro Mil., 24.)—2. (v., 70.)—3. (Sat., II., iv., 62.)—4. (Gell's Pompeiana, vol. ii., p. 10.)—5. (Suet., Tib., 34.)—6. (Liv., xxvi., 2.—Cic., Phil., xii., 11.—Pro Sext., 9.)—7. (Suet., Tib., 34.)—8. (Dion Cass., ix., 6.)—9. (Suet., Ner., 16.—Dion Cass., lxi., 14.)—10. (Dion Cass., lxxi., 10.)—11. (Theoph. Char., 6.—Plat., Legg., xi., p. 918, 919.)—12. (Sat., l., i., 29.)—13. (Sat., l., v., 4.—Zell, Die Wirthshäuser d. Alten.—Suet. m. c. v., De Popinis.—Becker, Gallus, i., p. 227—230.)

Its form is seen in the annexed figures, are taken from a fictile vase, and from a



of Alexander I. of Macedon. The Romans took it from the Macedonians,² and more especially the Emperor Caracalla, who used to imitate the Great in his costume.³

CAUTIO, CAVERE. These words are of frequent occurrence in the Roman classical writers, and have a great variety of significations according to the matter to which they refer. A general signification is that of security given by one person to another, or security which one obtains by the advice or assistance of another.

The general term (*cautio*) is distributed into species according to the particular kind of the security, which may be by *satisfatio*, by a *fidejussio* in various other ways. The general sense of the word *cautio* is accordingly modified by its species, as *cautio fidejussoria*, *pignoratitia*, or *hypotheca*, and so on. *Cautio* is used to express the security which a *magistratus* or a *judex* require one party to give to another, which applies to cases where there is a matter in dispute of which a court has already cognizance; and also the security which is a matter of contract between parties in litigation. The words *cautio* and *cavere* are particularly used in the latter sense.

When a thing is made a security from one person to another, the *cautio* becomes a matter of *pignus* or *hypotheca*; if the *cautio* is the engagement of one person on behalf of a principal, it is a *cautio fidejussoria*.

Cautio was most frequently a writing, which was the object of the parties to it; accordingly the word *cautio* came to signify both the instrument (*chirographum* or *instrumentum*) and the security which it was the purpose of the instrument to give.

Cicero⁴ uses the expression *cautio scripta mei*. The phrase *cavere aliquid alicui* signifies the fact of one person giving security to another as to some particular thing or act.⁵

*Ulpian*⁶ divides the *prætorie stipulationes* into species, *judiciales*, *cautionales*, *communes*; and defines the *cautionales* to be those which are equivalent to an action, and are a good ground for a new action, as the *stipulationes de legatis*, *de ratam rem habere*, and *damnum infectum*. These then, which were a branch of stipulations, were such contracts as would be ground of an action. The following examples will explain the sense of *Ulpian*.

In many cases a *heres* could not safely pay legacies unless the legatee gave security (*cautio*) to return the case the will under which he claimed should not be bad.⁷ The *Cautio Muciana* was the security by which the *heres* bound himself to the conditions of his testator's will, or to give security by inheritance. The *heres* was also, in some cases, bound to give security for the payment of

legacies, or the legatee was entitled to the *Bonorum Possessio*. *Tutores* and *curatores* were required to give security (*satisfatio*) for the due administration of the property intrusted to them, unless the tutor was appointed by testament, or unless the curator was a *curator legitimus*.¹ A procurator who sued in the name of an absent party might be required to give security that the absent party would consent to be concluded by the act of his procurator;² this security was a species of *satisfatio*, included under the genus *cautio*.³ In the case of *damnum infectum*, the owner of the land or property threatened with the mischief might call for security on the person threatening the mischief.⁴

If a vendor sold a thing, it was usual for him to declare that he had a good title to it, and that, if any person recovered it from the purchaser by a better title, he would make it good to the purchaser; and in some cases the *cautio* was for double the value of the thing.⁵ This was, in fact, a warranty.

The word *cautio* was also applied to the release which a debtor obtained from his creditor on satisfying his demand: in this sense *cautio* is equivalent to a modern receipt; it is the debtor's security against the same demand being made a second time.⁶ Thus *cavere ab aliquo* signifies to obtain this kind of security. A person to whom the *usus fructus* of a thing was given might be required to give security that he would enjoy and use it properly, and not waste it.⁷

Cavere is also applied to express the professional advice and assistance of a lawyer to his client for his conduct in any legal matter.⁸

The word *cavere* and its derivatives are also used to express the provisions of a law by which anything is forbidden or ordered, as in the phrase "*Cautum est lege, principalibus constitutionibus*," &c. It is also used to express the words in a will by which a testator declares his wish that certain things should be done after his death. The preparation of the instruments of *cautio* was, of course, the business of a lawyer.

It is unnecessary to particularize farther the species of *cautio*, as they belong to their several heads in the law.

CE'ADAS or **CAI'ADAS** (*κεάδας* or *καιάδας*) was a deep cavern or chasm, like the *βάραθρον* at Athens, into which the Spartans were accustomed to thrust persons condemned to death.⁹

***CEBLE'PYRIS** (*κεβλήπυρις*), a species of bird, mentioned by Aristophanes. It is probably, according to Adams, the Red-pole, or *Fringilla Linaria*, L.¹⁰

CEDIT DIES. (*Vid. LEGATUM.*)

***CEDRUS** (*κέδρος* or *κεδρίς*), the Cedar, as we commonly translate it. According to the best botanical writers, however, the *κέδρος* of the Greeks and *Cedrus* of the Romans was a species of Juniper. The Cedar of Lebanon seems to have been but little known to the Greek and Roman writers. Theophrastus, according to Martyn, appears to speak of it in the ninth chapter of the fifth book of his History of Plants, where he says that the cedars grow to a great size in Syria, so large, in fact, that three men cannot encompass them. These large Syrian trees are probably the Cedars of Lebanon, which Martyn believes Theophrastus had only heard of, and which he took to be the same with the Lycian cedars, only larger; for in the twelfth chapter of the third book, where he de-

¹ *Ulpian*, *de Legat.*, i., 4.—*Paus.*, *ap. Eustath.* ad II., ii., 121.—*Strab.*, *Mill. Glor.*, IV., iv., 42.—*Pers.*, I., iii., 75.—*Antip.*, in *Brunckii Analect.*, ii., 111.—3. (*Herodian*, IV., viii., (Dig. 37, tit. 6, s. 1, § 9).—5. (*Dig.* 47, tit. 2, s. 27).—6. (*Pam.*, vii., 18.)—7. (*Dig.* 29, tit. 2, s. 27).—8. (*Dig.* 46, tit. 2, s. 17.)

1. (*Gaius*, i., 199.)—2. (*Id.*, iv., 99.)—3. (*Dig.* 46, tit. 8, s. 3, 13, 18, &c.)—4. (*Cic.*, *Top.*, 4.—*Gaius*, iv., 31.—*Dig.* 63, tit. 8, s. 5.)—5. (*Dig.* 21, tit. 2, s. 60.)—6. (*Cic.*, *Brut.*, 5.—*Dig.* 46, tit. 2, s. 89, 94.)—7. (*Dig.* 7, tit. 9.)—8. (*Cic.*, *Ep. ad Fam.*, iii., 1; vii., 6.—*Pro Muræna*, c. 10.)—9. (*Theoclyd.*, i., 134.—*Strab.*, viii., p. 367.—*Paus.*, iv., 18, § 4.—*Suidas*, s. v. *βάραθρον*, *Καιάδας*, *Κεάδας*.)—10. (*Aristoph.*, *Aves*, 301.—*Adams*, *Append.*, * v.)

scribes the Cedar particularly, he says the leaves are like those of Juniper, but more prickly; and adds that the berries are much alike. The cedar described by Theophrastus, therefore, cannot, as Martyn thinks, be that of Lebanon, which bears cones, and not berries. He takes it rather for a sort of Juniper, called *Juniperus major bacca rufescente* by Bauhin, *Oxycedrus* by Parkinson, and *Oxycedrus Phænicea* by Gerard.¹ Dioscorides² describes two species, of which the first, or large Cedar, is referred by Sprengel to the *Juniperus Phænicea*, and the smaller to the *Juniperus communis*. Stackhouse, on the other hand, refers the common κέδρος of Theophrastus to the *Juniperus Oxycedrus*, and the κεδρίς to the *Juniperus Sabina*, or Savin. The Cedar of Lebanon, so celebrated in Scripture, is a Pine, and is hence named *Pinus Cedrus* by modern botanists. The κεδρίς of the medical authors is, according to Adams, the resin of the Juniper. Nicander calls it κέδροιο ἄκροβις.³

*CELASTRUM (κῆλαστρον), a species of plant, about which the botanical writers are much divided in opinion. Sprengel marks it, in the first edition of his R. H. H., as the *Ligustrum vulgare*, or Privet, and in the second as the *Ilex Aquifolium*, or Holly. Stackhouse calls it the *Celastrus*. Clusius and Bauhin are in favour of the *Rhamnus alaternus*, or ever-green Privet, an opinion which Billerbeck also espouses, and which probably is the true one.⁴

CECRYPHALOS (κεκρύφαλος). (Vid. CALAN-
TICA.)

CELERES, according to Livy,⁵ were three hundred Roman knights whom Romulus established as a body-guard; their functions are expressly stated by Dionysius of Halicarnassus.⁶ There can be little doubt but that the *celeres*, or "horsemen" (like the Greek κῆλητες),⁷ were the patricians or burghers of Rome, the number 300 referring to the number of the patrician houses; "for," as Niebuhr remarks,⁸ "since the tribunate of the *celeres* is said to have been a magistracy and a priestly office, it is palpably absurd to regard it as the captaincy of a body-guard. If the kings had any such body-guard, it must assuredly have been formed out of the numerous clients residing on their demesnes." We know that the patrician tribes were identical with the six equestrian centuries founded by L. Tarquinius,⁹ and that they were incorporated as such in the centuries.¹⁰ It is obvious, therefore, that these horsemen, as a class, were the patricians in general, so called because they could keep horses or fought on horseback, and thus the name is identical with the later Latin term *equites*, and with the Greek ἵππηδες, ἱπποδάμοι, ἱπποβοταί.¹¹

CELLA. In its primary sense *cella* means a storeroom of any kind: "*Ubi quid conditum esse volebant, a celando cellam appellarunt.*"¹² Of these there were various descriptions, which took their distinguishing denominations from the articles they contained; and among these the most important were: 1. *Penuaria* or *penaria*, "*ubi penus*,"¹³ where all the stores requisite for the daily use and consumption of the household were kept;¹⁴ hence it is called by Plautus *promptuarium*.¹⁵ 2. *Olearia*, a repository for oil, for the peculiar properties of which consult Vitruvius,¹⁶ Cato,¹⁷ Palladius,¹⁸ and Columella.¹⁹ 3. *Vinaria*, a wine-store, which was situ-

ate at the top of the house.¹ Our expression "bring up the wine, the Latin one is bring down." The Romans had no such places as wine cellars, in the notion conveyed by our term, that is, underground cells; for when the wine had not sufficient body to be kept in the *cella vinaria*, it was put into casks or pig skins, which were buried in the ground itself.² For an account of the *cella vinaria*, consult Pliny,³ Vitruvius,⁴ and Columella.⁵

The slave to whom the charge of these stores was intrusted was called *cellarius*,⁷ or *promus*,⁸ or *condus*, "*quia promit quod conditum est*,"⁹ and sometimes *promus-condus* and *procurator peni*.¹⁰ This answers to our butler and housekeeper.

Any number of small rooms clustered together like the cells of a honeycomb¹¹ were also termed *cella*; hence the dormitories of slaves and menials are called *cella*,¹² and *cella familiarica*,¹³ in distinction to a bedchamber, which was *cubiculum*. Thus a sleeping-room at a public house is also termed *cella*.¹⁴ For the same reason, the dens in a brothel are *cella*.¹⁵ Each female occupied one to herself,¹⁶ over which her name was inscribed;¹⁷ hence *cella inscripta* means a brothel.¹⁸ *Cella ostiarii*,¹⁹ or *janitoria*,²⁰ is the porter's lodge.

In the baths, the *cella caldaria*, *tepidaria*, and *frigidaria* were those which contained respectively the warm, tepid, and cold bath. (Vid. BATHS.)

The interior of a temple, that is, the part included within the outside shell, σῆκος (see the lower woodcut in ANTÆ), was also called *cella*. There was sometimes more than one *cella* within the same peristyle or under the same roof; in which case they were either turned back to back, as in the Temple of Rome and Venus, built by Hadrian on the Via Sacra, the remains of which are still visible, or parallel to each other, as in the Temple of Jupiter Optimus Maximus in the Capitol. In such instances, each cell took the name of the deity whose statue it contained, as *Cella Jovis*, *Cella Junonis*, *Cella Minervæ*. (Vid. CAPITOLIUM.)

CELLARIUS. (Vid. CELLA.)

*CENCHRIS (κεγχρίς), a species of Hawk, answering to the modern Kestrel, or *Falco tinnunculus*. (Vid. HIERAX.)

*CENCHROS (κέγχρος), I. A species of Grain, the same, according to the best authorities, with *Panicum miliaceum*, or Millet.²¹ — II. Called also CENCHRINES (κεγχρίνης), a species of Serpent, which some confound with the ἄκοντιας, but which Gesner regards as a different kind. "It is more probable, however," says Adams, "that both were mere varieties of the *Coluber berus*, or Viper. I may mention here, moreover, that the *C. berus* and the *C. prester* are the only venomous serpents which we have in Great Britain, and that many naturalists hold them to be varieties of the same species."²²

CENOTAPHIUM. A cenotaph (κενός and τάφος) was an empty or honorary tomb, erected as a memorial of a person whose body was buried elsewhere, or not found for burial at all.

Thus Virgil speaks of a "tumulus inanis" in honour of Hector, "*Manesque vocabat Hectorum ad tumulum, viridi quem cespite inanis; Et geminas, causam lacrymis, sacraerac aras.*"²³

1. (Martyn, ad Virg., Georg., ii., 443.)—2. (i., 106.)—3. (Theophrast., i. c.—Celsus, Hierobot., i., p. 82.—Nicander, Ther., 263.—Adams, Append., s. v.)—4. (Theophrast., H. P., i., 3, 9; ii., 3, &c.—Adams, Append., s. v.—Billerbeck, Flora Classica, p. 33.)—5. (i., 15.)—6. (ii., p. 269, &c.)—7. (Vid. Virg., Æn., xi., 603.)—8. (Hist. Rom., i., p. 295.)—9. (Niebuhr, Hist. Rom., i., p. 201, &c.)—10. (Niebuhr, Hist. Rom., i., p. 427.)—11. (Vid. Herod., v., 77.)—12. (Varro, De Ling. Lat., v., 162, ed. Müller.)—13. (Varro, l. c.)—14. (Suet., Octav., c. 6.)—15. (Amph., l. i., 4.)—16. (Vit., v., 17.)—17. (De Re Rust., c. 13.)—18. (i., 20.)—19. (ii., 30.)

1. (Compare Plin., Epist., ii., 17, with Hor., Carm., III., xxvii., 7.)—2. (Hor. ad Amphoram, Carm., III., xxi., 7: "Descende, Corvino jubente.")—3. (Plin., H. N., xiv., 27.)—4. (l. c.)—5. (i., 4, p. 25, ed. Bipont.—Id., vi., 9, p. 179.)—6. (Colum., i., 6.)—7. (Plaut., Capt., IV., ii., 115.—Senec., Ep., 122.)—8. (Colum., xii., 3.)—9. (Compare Horat., Carm., l., ix., 7; III., xxi., 8.)—10. (Plaut., Pseud., II., ii., 14.)—11. (Virg., Georg., iv., 164.)—12. (Cic., Phil., ii., 27.—Columella, i., 6.)—13. (Vitruv., vi., 10, p. 182.)—14. (Petron., c. 55.)—15. (Petron., c. 8.—Juv., Sat., vi., 128.)—16. (Ibid., 122.)—17. (Seneca, Controv., i., 2.)—18. (Mart., xi., 45, l.)—19. (Vitruv., vi., 10.—Petron., c. 29.)—20. (Suet., Vitell., c. 16.—21. (Theophrast., viii., 9.—Dioscor., ii., 119.)—22. (Adams, Append., s. v.)—23. (Æn., iii., 303.—Compare Thucyd., ii., 34.)

phia were considered as *religiosa*, and *divini juris*, till a rescript of the emperors Augustus and Verus, the *divi fratres*, pronounced them to be so.¹

CENSORES, two magistrates of high rank in an Italian Republic. They were first created B.C. 443, and were a remarkable feature in the constitution established. They were elected by the people, and confirmed by the centuries; and thus were merely elected from, but also by the centuries.

At first they held their office for five years, but MamerCUS Emilius, the dictator, passed a law B.C. 433, by which the duration of the office was limited to 18 months, the election still annual, as before, at intervals of five years, so that the office was vacant for three years and a half.

The censors were always patricians of high rank till B.C. 350, when a plebeian, C. RUTILIUS, who had also been the first plebeian censor, was elected to the office. Subsequently, plebeians might be, both of them, plebeians, and patricians who had not filled the consulship or praetorship might be elected to this magistracy; but this was very uncommon,² and was put a stop to by the second Punic war. The censorship was continued in the imperial rank. The duties of the censors were, at the first, to register the citizens according to their orders, to take account of the public lands and revenues of the state and of the public lands, and to keep the land-tax rolls. In fact, they acted as an exchequer-chamber and a board of directors.

It was the discretionary power with which they were invested that gave them their high dignity and influence. As they drew up the lists of citizens, according to their distribution as patricians, equites, members of tribes, and ærarians, their lists were the sole evidence of a man's rank in the state, it of course rested with them to settle all questions relative to a man's political rank. And thus we find that, in effect, they could, without any cause, strike a senator off the list, or deprive an eques of his horse, or degrade a citizen to the rank of the ærarians. The offences which rendered a man liable to these degradations were, the neglect of his family, extravagance, following a disreputable profession, or not properly attending to his duties, or having incurred a *judicium turpe*.³ The power of the censors even extended to a man's property.

Every citizen was obliged to give in to the censors a minute and detailed account of his property, which was taken down in writing by the censors, so that, as Niebuhr says, there must have been an enormous quantity of such documents and registers in the register-office.⁴ But the censors had the power in estimating the value or fixing the value of the capital: thus cases are known in which the censors fixed the taxable value of some articles of property, as high-priced slaves, at ten times the real value.⁵ And they not only did that, but they also fixed the rate to be levied upon it. The censors managed the farming of the *vectigalia* or public revenues, including the state monopoly on the sale of wine, the price of which was fixed by them.⁶ They also dealt with contractors for the necessary repairs of the public buildings and roads. The care of the temples, &c., devolved on the prætor urbanus, who was no censor; but there does not appear to be any reason for concluding, with Niebuhr,⁷ that the offices of prætor and censor were ever united. The censor had all the ensigns of consular dignity, and wore a robe scarlet.⁸ If a censor died in office, he was

not replaced, and his colleague resigned.¹ A censor's funeral was always very magnificent.² (For farther details with regard to the censors, see Niebuhr, *Hist. Rom.*, ii., p. 324, &c., and Arnold, *Hist. Rom.*, i., p. 346, &c.)

CENSUS, or register of persons and property, constituted a man's actual claim to the rights of citizenship both in Greece and at Rome.

I. The CENSUS at Athens seems to date from the constitution of Solon. This legislator made four classes (*ταμίματα, τέλη*). 1. *Pentacosiomedimni*, or those who received 500 measures, dry or liquid, from their lands. 2. *Knights*, who had an income of 300 measures. 3. *Zeugitæ*, whose income was 150 measures. 4. *Thetes*, or *capite censi*. The word *τάμιμα*, as used in the orators, means the valuation of the property; i. e., not the capital itself, but the *taxable* capital.¹ Now if the valuation of the *income* was that given in the distribution of the classes just mentioned, it is not difficult to get at the valuation of the capital implied. Solon reckoned the dry measure, or medimnus, at a drachma.² Now it is probable that the income was reckoned at a twelfth part of the value of the land, on the same principle which originated the *unciarium fanus*, or 8½ per cent. at Rome;³ if so, the landed property of a *pentacosiomedimnus* was reckoned at a talent, or 12 × 500 = 6000 drachmas; that of a *knight* at 12 × 300 = 3600 dr.; and that of a *zeugitæ* at 12 × 150 = 1800 drachmas. In the first class the whole estate was considered as taxable capital; but in the second only ⅔ths, or 3000 drachmas; and in the third, ⅓ths, or 1000 drachmas; to which Pollux alludes when he says, in his blundering way, that the first class expended one talent on the public account; the second, 30 minas; the third, 10 minas; and the thetes, nothing. In order to settle in what class a man should be entered on the register (*ἀπογραφή*), he returned a valuation of his property, subject, perhaps, to the check of a counter-valuation (*ὑποτίμησις*). The valuation was made very frequently; in some states, every year; in others, every two or four years.⁴ The censors, who kept the register at Athens, were probably at first the *naucrari*, but afterward the demarchs performed the office of censor. Although this institution of Solon's seems particularly calculated for the imposition of the property-tax (*εἰσφορά*), Thucydides,⁵ speaking of the year 428 B.C., says that it was then that the Athenians first raised a property-tax of 200 talents. It seems, however, that the amount of the tax constituted its singularity; for certainly property-taxes were common not only in Athens, but in the rest of Greece, before the Peloponnesian war,⁶ and Antipho expressly says that he contributed to *many* of them.⁷ In the archonship of Nausinicus (Olymp. 100, 3; B.C. 378) a new valuation of property took place, and classes (*συμμορίαί*) were introduced expressly for the property-taxes. The nature of these classes, our knowledge of which principally depends on a note of Ulpian,⁸ is involved in considerable obscurity.⁹ Thus much, however, may be stated, that they consisted of 1200 individuals, 120 from each of the ten tribes, who, by way of a sort of liturgy, advanced the money for others liable to the tax, and got it from them by the ordinary legal processes. In a similar manner classes were subsequently formed for the discharge of another and more serious liturgy, the trierarchy; and the strategæ, who nominated the trierarchs, had also to form

1. (Liv., xxiv., 43.)—2. (Tacit., Ann., iv., 15.)—3. (Böckh, *Pub. Econ. of Athens*, ii., p. 270.)—4. (Plut., Sol., 23.)—5. (Niebuhr, *Hist. Rom.*, iii., p. 66.)—6. (Aristot., Pol., v., 8.)—7. (iii., 19.)—8. (Thucyd., i., 141.)—9. (Tetral., i., β. 12.—Vid. Titmann, *Darstell. d. Griech. Staatsverf.*, p. 41.)—10. (ad Demosth., Olynth., ii., p. 33, E.)—11. (Vid. the discussion in Böckh's *Public Economy of Athens*, ii., p. 285-307.)

the symmorise for the property taxes.¹ What we have here said of the census at Athens renders it unnecessary to speak of the similar registrations in other states of Greece. When the constitution essentially depended on this distribution according to property, it was called a timocracy, or aristocracy of property (*τιμοκρατία, ἀπὸ τιμημάτων πολιτεία*).

II. The CENSUS at Rome took place every five years, and was attended by a general purification, whence this period of time got the name of a *lustrum*. The census was performed in the Campus, where the censors sat in their curule chairs, and cited the people to appear before them, and give an account of their property. When the census was finished, one of the censors offered an expiatory sacrifice (*lustrum condidit*) of swine, sheep, and bullocks (hence called *suonetaurilia*), by which the city was supposed to be purified. The census originated, like that of Athens, in a distribution of the citizens into classes at the comitia centuriata, which distribution is attributed to Servius Tullius. (*Vid. Comitium*.) But this old constitution was never completely established, was very soon overthrown, and only gradually and partially restored. There was a considerable difference between the modes of valuation at Rome and Athens. In the latter city, as we have seen, the whole property was valued; but the taxable capital seldom amounted to more than a part of it, being always much smaller in the case of the poorer classes. Whereas at Rome only *res mancipi* were taken into the account, estates in the public domains not being returned to the censors,² and some sorts of property were rated at many times their value; nor was any favour shown to the poorer classes when their property, however small, came within the limits of taxation. The numbers of persons included in the censuses which have come down to us, comprehend not only the Roman citizens, but also all the persons connected with Rome in the relation of isopolity; they refer, however, only to those of man's estate, or able to bear arms.³

*CENTAUREA or -EUM (*κενταύριον* and *-εις*), the herb Centaury, so called from the Centaur Chiron, who was fabled to have been thereby cured of a wound accidentally inflicted by an arrow of Hercules.⁴ It was also, from this circumstance, styled *Chironia* and *Χείρωνος βίσα*.⁵ There are two kinds of Centaury, the greater and the less, which have no other similitude than in the bitterness of their taste. The less is also called *λυμναίων*,⁶ from its growing moist grounds. "It grows wild in England," says Martyn, "in many places, and is the best known. The greater is cultivated in gardens."⁷ The *κενταύριον μέγα* is referred by Sprengel and Matthæus to the *Centaurea Centaureum*, L., and κ. to the *Erythraea Centaureum*, Pers. Stackhous makes the κ. of Theophrastus to be the *Centaurea Chironia*.⁸ The less is called in Greece, at the present day, *Θερμάχορον*. Sibthorp found it in the level country in Greece in the level country.⁹

*CENTRICEUS (*κεντρίκος*), a species of fish mentioned by Theophrastus. According to Willughby it was a species of *Gasterosteus*, called in English or Barnstickle.¹⁰

*CENTRINA (*κεντρίνα*), a species of fish mentioned by Athenæus and called *κεντρίνη* by Athenæus and the *Squalus Centrina*, in Italian. Martyn says it has some resemblance to the *Squalus* and *Centrus* in fish.¹¹

*CENTROMYRRHINE (*κεντρομυρρίνη*), the *Ruscus Aculeatus*, common Knee-holly, or Butcher's Broom. The Greek name means "prickly myrtle." Another appellation is *Oxymyrrhine* (*ὀξύμυρρηνη*), or "sharp-pointed myrtle." Dioscorides, again, describes this same plant under the name of *μυρρίνη ἄγρια*, or "wild myrtle." He says the leaves are like those of myrtle, but broader, pointed like a spear, and sharp. The fruit is round, growing on the middle of the leaf, red when ripe, and having a bony kernel. Many stalks rise from the same root, a cubit high, bending, hard to break, and full of leaves. The root is like that of dog's grass, of a sour taste, and bitterish. "The Butcher's Broom is so called," observes Martyn, "because our butchers make use of it to sweep their stalls. It grows in woods and bushy places. In Italy they frequently make brooms of it."¹²

CENTUMVIRI. The origin, constitution, and powers of the court of centumviri are exceedingly obscure, and it seems almost impossible to combine and reconcile the various passages of Roman writers, so as to present a satisfactory view of this subject. The essay of Hollweg, *Ueber die Competenz des Centumviralgerichts*,¹³ and the essay of Tiggerström, *De Judicibus apud Romanos*, contain all the authorities on this matter; but these two essays by no means agree in all their conclusions.

The centumviri were judges, who resembled other judges in this respect, that they decided cases under the authority of a magistratus; but they differed from other judges in being a definite body or collegium. This collegium seems to have been divided into four parts, each of which sometimes sat by itself. The origin of the court is unknown; but it is certainly prior to the Lex Æbutia, which put an end to the legis actiones, except in the matter of *Dammum Infectum*, and in the cause *centumvira*.¹⁴ According to Festus,¹⁵ three were chosen out of each tribe, and, consequently, the whole number out of the 35 tribes would be 105, who in round numbers were called the hundred men; and as there were not 35 tribes till 241 B.C., it has been sometimes inferred that to this time we must assign the origin of the centumviri. But, as it has been remarked by Hollweg, we cannot altogether rely on the authority of Festus, and the conclusion so drawn from his statement is by no means necessary. If the centumviri were chosen from the tribes, this seems a strong presumption in favour of the high antiquity of the court.

The proceedings in this court, in civil matters, were *per legis actionem*, and by the *sacramentum*. The process here, as in the other *judicia privata*, consisted of two parts, *in jure*, or before the prætor, and *in judicio*, or before the centumviri. The prætor, however, did not instruct the centumviri by the formula, as in other cases, which is farther explained by the fact that the prætor presided in the *judicia centumvivalia*.¹⁶

It seems pretty clear that the powers of the centumviri were limited to Rome, or, at any rate, to Italy. Hollweg maintains that their powers were also confined to civil matters; but it is impossible to reconcile this opinion with some passages,¹⁷ from which it appears that crimina came under their cognizance. The substitution of *aut* for *ut* in the passage of Quintilian,¹⁸ even if supported by good MSS., as Hollweg affirms, can hardly be defended.

The civil matters which came under the cognizance of this court are not completely ascertained.

1. (Theophrast., H. P., iii., 17.—Martyn, ad Virg., Georg., 114, 413.)—2. (Zeitschrift, &c., v., 358.)—3. (Gaius, iv., 31.—Grell., xvi., 10.)—4. (s. v. Centumviralia Judicia.)—5. (Plin., Epist., v., 21.)—6. (Ovid, Trist., ii., 91.—Phædr., III., x., 35, &c.)—7. (Inst., iv., 1, 57.)

1. (Niebuhr, Hist. Rom., p. 76.)—4. (Plin., ii., 10.)—5. (Dioscor., iii., 8.)—6. (Plin., Append., s. v.)—7. (Gaius, Append., s. v.)—8. (Plin., Append., s. v.)

them (though we have no reason for saying them) are enumerated by Cicero in a well-known passage.¹ Hollweg mentions that certain only came under their cognizance, and that others were not within their cognizance; but that such matters as were within their cognizance were also within the cognizance of a *dux*. This writer farther asserts that actions, or vindications of the old civil law (with the exception, however, of *actiones præjudicialis* questiones), could alone be brought before the *centumviri*; and that neither a personal action arising from contract or delict, nor a status is ever mentioned as a *causa centumviralis*. The practice to set up a spear in the place where the *centumviri* were sitting, and, accordingly, the *hasta*, or *hasta centumviralis*, is sometimes mentioned as equivalent to the words *judicium centumvirale*. The spear was a symbol of *quiritarian* ownership for "a man was considered to have the right to that which he took in war, and, accordingly, the right is set up in the *centumviralia judicia*."² This is the explanation of the Roman jurists of the origin of an ancient custom, from which, it is argued, at least be inferred, that the *centumviri* properly to decide matters relating to *quiritarian* ownership, and questions connected there-

with. It has been already said that the matters which came before the cognizance of the *centumviri* might have been brought before a *judex*; but it is conjectured by Hollweg that this was not the case till the passing of the *Æbutia Lex*. He considers that the court of the *centumviri* was established at a later time, for the special purpose of deciding questions of *quiritarian* ownership; and the importance of such questions is apparent, when we consider that the Roman citizens were rated according to their *quiritarian* property; that on their rank depended their class and century, and, consequently, their share of power in the public assembly. No private *judex* could decide on a right which might thus indirectly affect the caput of a citizen, but only a tribunal elected out of the *tribes*. Consistently with this hypothesis, not only the *rei vindicatio* within the jurisdiction of the *centumviri*, but also the *hereditatis actio* and *actio confessoria*. Hollweg is of opinion that with the *Æbutia Lex*, a new epoch in the history of the *centumviri* commences; the *legis actiones* were abolished, and the formula (*vid. Actio*) introduced, excepting, however, as to the *causæ reales*.⁴ The formula is in its nature adapted to personal actions, but it appears that it was adapted by a legal device to vindications; and Hollweg attributes this to the *Æbutia Lex*, by which he considers that the twofold process was introduced: 1. *per legis actionem apud centumvires formulam* or *per sponsonem* before a *judex*. Thus two modes of procedure in the cases of *rei vindicatio* were established, and such actions were no longer exclusively within the jurisdiction of the *centumviri*.

Under Augustus, according to Hollweg, the functions of the *centumviri* were so far modified, that the most important vindications were put under the cognizance of the *centumviri*, and the less important determined *per sponsonem* and before a *judex*. Under this emperor the court also resumed its former dignity and importance.⁵ Younger Pliny, who practised in this court,⁶ makes frequent allusions to it in his letters.

The foregoing notice is founded on Hollweg's ingenious essay; his opinions on some points, however, are hardly established by authorities. Those who desire to investigate this exceedingly obscure matter may compare the two essays cited at the head of this article.

CENTURIA. (*Vid. CENTURIO, COMITIUM.*)

CENTURIO, the commander of a company of infantry, varying in number with the legion. If Festus may be trusted, the earlier form was *centurionus*, like *decurio*, *decurionus*. Quintilian¹ tells us that the form *centurio* was found on ancient inscriptions, even in his own times.

The century was a military division, corresponding to the civil one *curia*; the *centurio* of the one answered to the *curio* of the other. From analogy, we are led to conclude that the century originally consisted of thirty men, and Niebuhr thinks that the influence of this favoured number may be traced in the ancient array of the Roman army. In later times the legion (not including the *velites*) was composed of thirty maniples or sixty centuries;² as its strength varied from about three to six thousand, the numbers of a century would vary in proportion from about fifty to a hundred.

The duties of the *centurio* were chiefly confined to the regulations of his own corps, and the care of the watch.³ He had the power of granting *vacationes manerum*, remission of service to the private soldiers, for a sum of money. The exactions on this plea were one cause of the sedition in the army of Blaesus, mentioned by Tacitus.⁴ The *vitis* was the badge of office with which the *centurio* punished his men.⁵ The short tunic, as Quintilian⁶ seems to imply, was another mark of distinction: he was also known by letters on the crest of the helmet.⁷ The following woodcut, taken from a bas-relief at Rome, represents a *centurio* with the *vitis* in one of his hands.



The *centurions* were usually elected by the military tribunes,⁸ subject, probably, to the confirmation of the consul. There was a time, according to Polybius,⁹ when desert was the only path to military rank; but, under the emperors, *centurionships* were given away almost entirely by interest or personal friendship. The father in Juvenal¹⁰ awakes his son with *Vitem posce libello*, "petition for the rank of *centurio*;" and Pliny¹¹ tells us that he had made a similar request for a friend of his own, "*Huic ego ordines impetraveram*."¹² Dio Cassius,¹³ when he makes Mæcenas advise Augustus to fill up the senate, *ἐκ τῶν ἀπ' ἀρχῆς ἑκατονταρχῶντων*, seems to imply that some were appointed to this

Orat., i., 28.)—2. (Suet., Octav., 36.—Quintil., Inst., i., 3.—Gaius, iv., 16.)—3. (Gaius, iv., 30, 31.—Gell., i., 1.—Dial. De Caus. Corrupt. Eloq., c. 38.)—6. (Ep.,

1. (i., 5, 20.)—2. (Tacit., Ann., i., 32.)—3. (Tacit., Ann., xv, 30.)—4. (Ann., i., 17.)—5. (Juv., Sat., viii., 247.—Plin., H. N., xiv., 1.)—6. (xi., 139.)—7. (Veget., ii., 13.)—8. (Liv., xlii., 34.)—9. (vi., 24.)—10. (Sat., xiv., 193.)—11. (Epist., vi., 25.)—12. (Compare Vegetius, ii., 3.)—13. (lii., p. 451, c.)

CEPHALUS.

CERASUS

at once, without previously serving in a lower rank.

Polybius, in the fragments of the 6th book, has an accurate account of the election of centurions. "From each of the divisions of the legion, hastati, principes, triarii, they elect ten men in order of merit to command in their own division. For thus, a second election of a like number takes place, in all sixty, who are called centurions (centuriones, i. e. militum duces). The centurions of the first election usually command the right of the maniples, but if either of the two is absent, the sole command of the maniple devolves on the rest. All of them elect their own vexillarii (optiones), & two standard-bearers for each maniple. He is chosen first of all is admitted to the councils of the general (primipilus)."

From the above passage (which is abridged in the translation), it appears that the centurion was first chosen from his own division. He might, indeed, be chosen from commanding the left of the maniple to command the right, or to a higher maniple, and so on from cohort to cohort, until the first centurion the primipilus became primipilus; but it was only a traditional service which could raise him at once to the highest rank. Thus Livy, "Hic me imperator primipilum indicavit, cui primam hastatum prioris centurionis assignavit." "He appointed me to be first centurion (of the right cohort) in the first maniple hastati."

The optiones, according to Festus, were originally called centuriones; they were the lieutenants of the centurion (probably the same with the succenturiones Livy), and, according to Vegetus, his deputies in his absence. Festus confirms the account of Polybius, that the optiones were appointed from the centurions, and says that the name was given them, "quia imperator quorum electi permissionem centurionibus habebant."

The primipilus was the first centurion of the first maniple of the triarii, also called "princeps centurionum," princeps primæ cohortis. He was intrusted with the care of the eagle, and had the right of attending the councils of the general.

"Et hoc officium agrorum tibi sexagesimus annus dedit."

As Juvenal, hyperbolically (for military service ceased with the fiftieth year), intimates that the watch were large for those who could wait for a centurion. The primipilus who were honourably discharged were called primipilares.

The pay of the centurion was double that of an ordinary soldier. In the time of Polybius, the latter was about ten denarii, or seven shillings and a half a month, besides food and clothing. Under Augustus we find it increased above tenfold. Caesar paid the pay of the pensions of retired centurions at an advanced rate, or 130 17s. 6d., probably more for the best.

The Centaury, a species of plant, which sometimes grows in society with the Water Purslain, has been thought to belong to the same with the Water Speedwell, and of the Houseleek tribe. In this country it is called Centaury. Some, however, suppose it to be the Anagallis, which is called Water Speedwell by the moderns.

The Mullet Linnaeus has confounded all

the European mullets under a single species, the Mugil Cephalus. According to this view of subject, the χέλλων, νήστις, μύξινος, and φέραιος Athenæus' must have been merely varieties of Cuvier, however, admits several species, places the M. Cephalus, or common Mullet, at the head. "The genus Mugil," observes Griffith, "is supposed to derive its name from the contraction of two Latin words signifying 'very agile' (multum agili). The hearing of the common Mullet is very fine, has been noticed by Aristotle. It appears to be a stupid character, a fact which was known in the time of Pliny, since that author tells us that there is something ludicrous in the disposition of the mullets, for if they are afraid they conceal their heads, and thus imagine that they are entirely withdrawn from the observation of their enemies. The ancients had the flesh of the Mullet in great repute, and the consumption of it is still very considerable in most of the countries of Europe. According to Athenæus, those mullets were formerly in very high esteem which were taken in the neighbourhood of Sinope and Abdera; while, as Paulus Jovius informs us, those were very little prized which he lived in the salt marsh of Orbitello, in Tuscany, the lagunes of Ferrara and Venice, in those of Padua and Chiozzi, and such as came from the neighbourhood of Commachio and Ravenna. In these places, in fact, are marshy, and the streams which they are watered are brackish, and communicate to the fish which they support the odour of the flavour of the mud." The ancients believed the Mullet to be a very salacious kind of fish, which circumstance may, perhaps, have given rise to the custom alluded to by Juvenal.

*CEPHEN (κηρήν), the Drone, or male Bee. The opinion that the male bee and drone were identical was maintained by some of the ancient naturalists, also, but was not generally received. For a full exposition of the ancient opinions on this subject see Aldrovandus.

*CEPHOS (κέφος), a species of Bird. Erasmus and others take it for the Gull or Sea-mew, but, as Adams remarks, Aristotle distinguishes between it and the λάρος. It may, however, as the latter thinks, have been the species of Gull called Dung-hunter, or Larus parasiticus, L. Ray makes it the Cataracta cephus.

*CERACHATES (κηραχάτης), an agate of the colour of wax (κηρός), mentioned by Pliny. (V. ACHATES.)

*CERASTES (κεραστής), the Horned Serpent, called, according to Isidorus, because it has horns on its head like those of a ram. Dr. Harris thinks that it was a serpent of the viper kind. It is the Shepphen of the Hebrews. "Sprengel," remarks Adams, "holds it to be the same as the Hæmorrhoid referring both to the Coluber Cerastes, L.; and from the resemblance of the effects produced by the sting of the Hæmorrhoid, and of the Cerastes, as described by Dioscorides, Aëtius, and Paulus Ægineta, I am disposed to adopt this opinion, although unsupported by the other authorities." (Vid. A MORRHUS.)

*CERASUS (κέρασος), the Cherry-tree, or Prunus Cerasus, L. According to some authorities it derived its name from the city of Cerasus in Pontus, where it grew very abundantly; while others make the city to have been called after the tree. Lucullus, the Roman commander, is said

1. (vii., c. 77, seqq.)—2. (Griffith's Cuvier, vol. x., p. 365.) (Nat., x., 317.)—4. (Adams, Append., s. v.)—5. (Aristot., II., viii., 3.—Adams, Append., s. v.)—6. (Isidor., Orig., xii., 4.—Harris, Nat. Hist. of Bible, p. 1.—Adams, Append., s. v.)—(Serv. ad Virg., Georg., ii., 18.—Isidor., Orig., xvii., 7, 16 Plin., II. N., xv., 25.)—8. (Broukhus. ad Propert., iv., 2, 18.

first brought the Cherry-tree into Italy,¹ the terms *cerasus* and *cerasum* (the latifying the fruit) were introduced into the tongue. Servius, indeed, says² that cherries were known before this in Italy; that they are of an inferior quality, and were called *corna*; subsequently, this name was changed into *cerasus*. Pliny, on the other hand, expressly says that cherries were known in Italy before the time of Lucullus.³ In Greece, however, they were known at a much earlier period, having been introduced by Theophrastus⁴ and the Siphnian Diogenes.

This latter writer, who is quoted by Pliny, speaks of cherries as being stomachic, and very nutritive. He makes the very red cherry, another called the Milesian, to have been introduced into Italy, and to have been also good diuretics. He enumerates various species of cherries, such as the *Prunella*, of a very red colour; the *Lutetiana*, of a very dark hue; the round or *Cæcilian*; the *Junian*, of an agreeable flavour, but so tender that they had to be eaten on the spot, not bearing transportation to any distance from the parent tree. The best kind of all, however, were the *Duculanæ*, called in Campania the *Plinianæ*. The cherry could never be acclimated in Egypt. According to modern travellers, the hills near the ancient *Cerasus* are still covered with cherry-growing wild.

CERATIA (κεράτια), the Carob-tree, or *Ceratonia siliqua*. "Horace," observes Adams, "speaks of it as being an inferior kind of food; so Juvenal and Persius. It has been conjectured that it was upon Carobs, and not upon Lot John the Baptist fed in the wilderness. It is discussed with great learning by Olaus Borrichius in his *Hierobotanicon*. To me it appears generally received opinion is the more correct in this case."⁵

CERIVION (κεράνιον), a variety of the *Tuber Cibarium*.⁶

CERIS (κερκίς), according to Stackhouse, the *Cercis siliquastrum*. Schneider, however, inclines to the Aspen-tree, or *Populus*.

CERCOPI THECUS (κερκοπιθηκος), a species of monkey with a long tail, from which circumstance its name has originated (κερκος, "a tail," and πιθηκος, "a monkey").¹ Pliny describes the Cercopithecus as having a black head, a hairy covering resembling that of an ass, and a cry different from that of the apes. Hardouin refers it to the *Marthia*, which is very improbable. Cuvier² states that among the monkeys in India there are some with tails, grayish hair, and the face black; as, for example, the *Simia entellus* and the *Simia fauvelii*, however, are found, according to him, in the same country with grayish hair, and the face black.³ On the other hand, Wilkinson describes that Pliny's description of the Cercopithecus, with a black head, accords with one species of monkey still found in Ethiopia. The Cercopithecus was worshipped, according to Juvenal,⁴ as the old Egyptian capital, and, as Wilkinson would seem to have been embalmed, not only at that city, but also in other places in Egypt. It is frequently represented as an ornament in Egyptian art, in common with other animals, flowing fanciful devices; and the neck of a bot-

tle was sometimes decorated with two sitting monkeys.

CEREA'LIA. This name was given to a festival celebrated at Rome in honour of Ceres, whose wanderings in search of her lost daughter Proserpine were represented by women, clothed in white, running about with lighted torches.¹ During its continuance, games were celebrated in the Circus Maximus,² the spectators of which appeared in white;³ but on any occasion of public mourning, the games and festivals were not celebrated at all, as the matrons could not appear at them except in white.⁴ The day of the Cerealia is doubtful; some think it was the ides, or 13th of April; others the 7th of the same month.⁵

CEREVISIA, CERVISIA (ζέθος), ale or beer, was almost or altogether unknown to the ancient, as it is to the modern, inhabitants of Greece and Italy. But it was used very generally by the surrounding nations, whose soil and climate were less favourable to the growth of vines (*in Gallia, aliisque provinciis*). According to Herodotus,⁷ the Egyptians commonly drank "barley-wine," to which custom Æschylus alludes (*ἐκ κριθῶν μέθυ*:⁸ *Pelusiaci pocula zythi*).⁹ Diodorus Siculus¹⁰ says that the Egyptian beer was nearly equal to wine in strength and flavour. The Iberians, the Thracians, and the people in the north of Asia Minor, instead of drinking their ale or beer out of cups, placed it before them in a large bowl or vase (*κρατήρ*), which was sometimes of gold or silver. This being full to the brim with the grains as well as the fermented liquor, the guests, when they pledged one another, drank together out of the same bowl by stooping down to it; although, when this token of friendship was not intended, they adopted the more refined method of sucking up the fluid through tubes of cane.¹¹ The Suevi, and other northern nations, offered to their gods libations of beer, and expected that to drink it in the presence of Odin would be among the delights of Valhalla.¹² *Βρῦτον*, one of the names for beer,¹³ seems to be an ancient passive participle, from the root signifying to brew.

"For an account of the ancient Ales," says Adams, "consult Zosimus Panopolita, *de Zythorum confectio* (Salisbech, 1814, ed. Gruner). The word ζέθος is derived from ζέω, *ferreo*. Ale is called *οἶνος κριθίνος* and *οἶνος ἐκ κριθῶν* by Herodotus and Athenæus; *πίνον* by Aristotle; *βρῦτον* by Theophrastus, Æschylus, Sophocles, &c.; *φούκας* by Symeon Seth; but its first and most ancient name was ζέθος or ζύθιον. Various kinds of Ale are mentioned by ancient authors: 1. The *Zythus Hordeaceus*, or Ale from barley; of which the *πίνον*, *βρῦτον*, the *Curmi*, *Curma*, *Corma*, and *Curmon*, mentioned by Sulpicius and Dioscorides; the *Cerevisia*, a term of Celtic origin, applied to an ale used by the Gauls (compare the Welsh *crw*); the *φούκας* of Seth; the *Alfoca* and *Fuca* of the Arabs, noticed by Symeon Seth, Rhases, and Haly Abbas, are only varieties.—2. The *Zythus triticæus*, or Ale from wheat. To this belong the *Calia* or *Ceria* of Pliny, Florus, and Orosius, and the *Corma* of Athenæus.¹⁴—3. The *Zythus succedaneus*, prepared from grain of all kinds, oats, millet, rice, panic, and spelt; also from services.¹⁵—4. The *Zythus Dizythium*, or Double Beer, called by Symeon Seth *φούκας σύν ἄρτι*.

1. (Ovid, *Fast.*, iv., 494.)—2. (Tacit., *Ann.*, xv., 53.)—3. (Ovid, *Fast.*, iv., 620.)—4. (Liv., xxii., 56; xxxiv., 6.)—5. (Ovid, *Fast.*, iv., 389.)—6. (Plin., *H. N.*, xxii., 82.—Theophrast., *De Causa Plant.*, vi., 11.—Diod. Sic., iv., 2; v., 26.—Strab., xvii., ii., 5.—Tacit., *Germ.*, 23.)—7. (ii., 77.)—8. (*Suppl.* 954.)—9. (Colum., x., 116.)—10. (i., 20, 34.)—11. (Archil., *Frag.*, p. 67, ed. Liebel.—Xen., *Anab.*, iv., 5, 26.—Athenæus, i., 28.—Virg., *Georg.*, iii., 380.—Servius, *ad loc.*)—12. (Keyser, *Antiq. Septent.*, p. 150-156.)—13. (Archil., l. c.—Hellenicus, p. 91, ed. Sturtz.—Athenæus, x., 67.)—14. (Virg., *Georg.*, iii., 380.)

1. (Serv., l. c.—Plin., l. c.)—2. (l. c.)—3. (l. c.)—4. (l. c.)—5. (ap. Athen., ii., p. 51, a.)—6. (Plin., *l. c.*)—7. (Tournefort, *Voyage du Levant*, vol. iii., p. 65.)—8. (Linn., *System.*, l. c.)—9. (Horst., *Ænest.*, H., i., 123.—Juv., *Sat.*, xi., 59.)—10. (Adams, *Append.*, s. v.)—11. (Theophr., *H. N.*, i., 14.)—12. (H. N., viii., 21.)—13. (Cuvier, l. c.)—14. (Manners and Cusack, *Antiq. Egypt.*, p. 132.)—15. (*Sat.*, xv., 4.)

CESTUS.

The present No. 42 shows a vessel and other ancient monuments we see in the present woodcut, taken from one of the plates of the MS. of Virgil, which was given to the British Museum by the Duke of Devonshire.

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The present No. 42 shows a vessel and other ancient monuments we see in the present woodcut, taken from one of the plates of the MS. of Virgil, which was given to the British Museum by the Duke of Devonshire. The present No. 42 shows a vessel and other ancient monuments we see in the present woodcut, taken from one of the plates of the MS. of Virgil, which was given to the British Museum by the Duke of Devonshire.

The cestus was used by boxers from the earliest times. When Epicus and Euryalus, in the *Iliad*,¹

1. De Lat. L. 1. 2. Av. M. 69. 2. 3. and Ly copar. 742. 4. A. Ant. Ar. s. v. 5. Arist. H. A. 2. v. 1. 6. A. Ant. Ar. s. v. 6. 7. D. Ant. Ar. s. v. 1. 8. A. Ant. Ar. s. v. 7. Vid. Clarac, Musée d. Sculpt. Ant. et Mod., vol. iii., p. 327, n. 2042. 9. (xiii., 684.)

CESTUS.



themselves for boxing, they put on their hands made of ox-hide (*ιμάνας εὐτρήτους παύλοιο*); but it should be recollected that this, in heroic times, appears to have consisted of thongs of leather, and differed from the frightful weapons, loaded with lead, which were used in later times. The different kinds of cestus were called by the Greeks in times *μελιχαι*, *σπειραι βοείαι*, *σφαιραι*, and *ε*; of which the *μελιχαι* gave the softest and the *μύρμηκες* the most severe. The *ε*, which were the most ancient, are described as made of raw ox-hide cut into thin strips and joined in an ancient manner; they were either the hollow or palm of the hand, leaving the fingers uncovered. The athletes in the palaestra used the *μελιχαι* in practising for the Olympic games (*ιμάνων τῶν μαλακωτέρων*); but in the most severe games they used those which were covered with lead.

The cestus used in later times in the public games, as has been already remarked, was a most terrible weapon. It was frequently covered with lead and nails, and loaded with lead and iron; Virgil,¹ in speaking of it, says,

"Ingentia septem
ca domum plumbō insuto ferroque rigebant."

Virgil also speaks of *nigrantia plumbō tegmina*, weapons, in the hands of a trained boxer, which were frequently occasioned death. The *μύρμηκες*, were, in fact, sometimes called *γυσιόροι*, or breakers." Lucilius² speaks of a boxer's head had been so battered by the *μύρμηκες* as to resemble a sieve.

The cestus with the cestus frequently occur in ancient monuments. They appear to have been of various forms, as appears by the following specimens taken from ancient monuments, of which the forms are given by Fabretti.³



1. (Paus., vi., 23, § 3.)—2. (Æn., v., 405.)—3. (Anth., xi., 78, vol. ii., p. 344, ed. Düb.)—4. (Colum. Traj., p. 261.)

CETRA.

II. Cestus also signified a band or tie of any kind;¹ but the term was more particularly applied to the zone or girdle of Venus, on which was represented everything that could awaken love.² When Juno wished to win the affections of Jupiter, she borrowed this cestus from Venus;³ and Venus herself employed it to captivate Mars.⁴

The scholiast on Statius⁵ says that the cestus was also the name of the marriage-girdle, which was given by the newly-married wife to her husband; whence unlawful marriages were called *incesta*. This statement is confirmed by an inscription quoted by Pitiscus,⁶ in which a *matrona* dedicates her cestus to Venus.

*CETE (*κῆτη*), a plural term of the neuter gender, of Greek origin, and applied generally to any very large kind of fishes. Adams, in his remarks upon the word *κῆτος*, observes as follows: "This term is applied in a very general sense to all fishes of a very large size, such as the Whale, the Bal-ance-fish, the Dolphin, the Porpoise, the great Tun-nies, all sorts of Sharks, and also the Crocodile, the Hippopotamus, and some others which cannot be satisfactorily determined. It is deserving of remark in this place, that, although the ancients ranked the *Cetacea* with *Fishes*, they were aware that Whales, Seals, Dolphins, and some others are viviparous, and respire air like the *Mammalia*. With regard to the *ηγέμων τῶν κητῶν*, which is described in a very graphic style by Oppian, the most probable opinion is that it was the *Gasterosteus ductor*, L., or Pilot-fish."⁷

CETRA or CÆTRA (*καίτρα*), a target, i. e., a small round shield, made of the hide of a quadruped.⁸ It formed part of the defensive armour of the Oscii.⁹ (Vid. AGLIS.) It was also worn by the people of Spain and Mauritania.¹⁰ By the latter people it was sometimes made from the skin of the elephant.¹¹ From these accounts, and from the distinct assertion of Tacitus¹² that it was used by the Britons, we may with confidence identify the cetra with the target of the Scottish Highlanders, of which many specimens of considerable antiquity are still in existence. It is seen "covering the left arms"¹³ of the two accompanying figures, which are copied from a MS. of Prudentius, probably written in this country, and as early as the ninth century.¹⁴



It does not appear that the Romans ever wore the cetra. But Livy compares it to the *pelta* of the Greeks and Macedonians, which was also a small light shield (*cetratos, quos peltastas vocant*¹⁵).

1. (Varro, De Re Rust., i. 8.)—2. (Il., xiv., 214.—Val. Flacc., vi., 470.)—3. (Il., l. c.)—4. (Mart., vi., 13; xiv., 206, 207.)—5. (Theb., ii., 283; v., 63.)—6. (s. v. Cestus.)—7. (Galen, De Alim. Facult.—Ælian, N. A., ix., 49; ii., 13.—Adams, Append., s. v.)—8. (Hesych.)—9. (Isid., Orig., xviii., 12.—Q. Curtius, iii., 4.—Varro, ap. Nonium.)—10. (Virg., Æn., vii., 732.)—11. (Isid., l. c.—Servius in Virg., l. c.—Cæs., Bell. Civ., i., 39.)—12. (Strab., xvii., 3, 7.)—13. (Agric., 36.)—14. (Virgil, l. c.)—15. (Cod. Cotton. Cleop., c. 8.)—16. (xxxi., 36.)

... to have been ... from the ... says ...

... according to ...

... seems to have been ...

... variety of meanings have ...

... informs us merely ...

... to which the following at- ...

... in a modern ...

... at the extremity ...

of the upper gallery, in the form of a balcony.¹ Internal chambers on each side of the tribune ...

EMACHIA. L. F. SACERD. PUB. * * * * * CHALCIDICUM. CRYPTAM PORTICUS ...

By comparing the plan of the building with the inscription, it is clear that the chalcidicum ...

In another sense the word is used as a synonym ...

... the translation of ἑτερόν by Ausonius,⁷ ...

... together with the known locality of the anc ...

Finally, the word seems also to have been u ...

CHALCOPEDIA (χαλκοπέδια), an annual festi ...

*CHALCIS (χαλκίς). I. a species of Bird, ...

II. A species of Lizard,¹² so called from ha ...

1. (Galiano and Stratico, ibid.)—2. (Marquez, Delle Coss ...)

1. (Galiano and Stratico, ibid.)—2. (Marquez, Delle Coss ...)

the Seps, or the Chalcidian Lizard of Aldrovandus, is rather a serpent than a lizard, though it has small legs, and paws divided into feet.¹¹

A species of Fish,¹² incorrectly made by some of the *Clupea harengus*, L., or Herring. It is, in fact, the *Clupea finta*, Cuv., belonging, however, to the great Herring tribe. The ancients speak of *Chalcis* as resembling the *Thryssa* and *Sarcocolla*. According to them, it moved in large numbers and inhabited not only the sea, but also fresh water. "We find nothing," observes Griffith, "in the writings of the Greeks and Romans, which appears to indicate that these nations were acquainted with the Herring. The fishes of the Mediterranean, in fact, have been nearly the only species of the class which they could observe or procure with facility, and the Herrings are not among the number of these. This fish, therefore, is neither *alec* or *halax*, nor the *maxis*, nor the *bucomenis*, the genus of Pliny. The *μαίσις* of Aristotle, called *alec* by Gaza, and the *mana* of Pliny, belong to the *scenides* of the animal kingdom."¹³

CHALCITIS (*χαλκίτις*), called also *Sori* and *σώρα*, *μίσις*¹⁴, a fossil substance impregnated with a salt of copper, and used by the ancients as a medicinal application. Dioscorides says, "the best *chalcitis* resembles copper, is brittle, free from iron, not old, and having oblong and shining scales."¹⁵ "Sprengel thinks," observes Adams, "that there is a difference between the *Chalcitis* of Pliny and that of Dioscorides. The latter he looks upon as a sulphate of iron; the other an arseniate of iron. In his History of Medicine, he calls the *chalcitis*, Blue Vitriol; the *χαλκίτις*, Red Vitriol; the *μίσις*, Yellow Vitriol.¹⁶ The following account of these substances is from a person who appears to have been well acquainted with them. *Chalcis*, *Misy*, and *Sori* are fossil substances, much resembling each other both in original virtues. Galen says he found these things in strata, lying in long strata upon each other, the uppermost being *Sori*, the middle the *Chalcitis*, and the uppermost the *Misy*. These fossil substances are now rarely found in apothecaries' shops, but are to be had nowhere else but in Cyprus, Asia Minor, or Egypt."¹⁷ According to Dr. Hill, the *chalcitis* is properly a mixed ore of cupreous and ferruginous vitriols, still very frequent in Turkey, and is used as an astringent and styptic. The *chalcitis*, he says, differs from it in containing no cubical vitriol, but only that of iron. The *Sori*, called *Rassia* by the moderns, he says, is an ore of copper, and contains no iron.¹⁸

CHALCOS (*χαλκός*), the same with the *Æs* of the Romans, and, therefore, a sort of Bronze. (*Vid. Æs*.) The term, however, is often applied to native copper.¹⁹ Dr. Watson has made it appear that *Chalcocalcum* (*ὄρεχαλκόν*) was brass, or a mixture of copper and zinc, made by the union of *as Cabnia*.²⁰ The *χαλκός κεκαυμένος* of Dioscorides, according to Geoffroy, is copper calcined in a laboratory furnace. The *χαλκός ακωρία*, *Squama* or flakes of copper, he adds, is little else than *as castans*, being only the particles of burned copper which fly off when it is hammered. The *ἀνθος χαλκοῦ*, or *Flos aris*, was fine granulated copper.²¹ The following is Geoffroy's description of it, which, Adams, is, in fact, little more than a translation of Dioscorides' account of the process. "It is not copper reduced to small grains like millet-

seed, which is done by pouring cold water upon melting copper, which thereupon flies everywhere into grains." From this description of it, remarks Adams, it will appear that the following account of the *Flos aris*, given by Kidd, is inaccurate, and we give it merely to caution the reader not to be misled even by such a high authority: "In the spontaneous formation of sulphate of iron, the pyrites first loses its splendour, then swells and separates into numerous fissures. After this, its surface is partially covered with a white efflorescing powder, which is the *Flos aris* of Pliny."²²

***CHALCOPHONOS** (*χαλκόφωνος*), a dark kind of stone, sounding, when struck, like brass. Tragedians were recommended to carry one. It was probably a species of clink-stone.²³

***CHALCOSMARAG'DUS** (*χαλκοσμάραγδος*), according to Pliny, a species of Emerald, with veins of a coppery hue. It is supposed to have been *Dioptase* (Achlorite) in its gang of copper pyrites.²⁴

***CHALYBS** (*χάλυψ*), Steel, so called, because obtained of an excellent quality from the country of the Chalybes. "The Indian Steel, mentioned by the author of the Periplus, was probably," observes Dr. Moore, "of the kind still brought from India under the name of *wootz*; and the *ferrum candidum*, of which Quintus Curtius says the Indians presented to Alexander a hundred talents, may have been the same; for *wootz*, when polished, has a silvery lustre. The Parthian Steel ranks next with Pliny, and the purposes to which they were severally suited. These kinds were the Chalybæic, the Sinopic, the Lydian, and the Lacedæmonian. The Chalybæic was best for carpenters' tools; the Lacedæmonian for files, and drills, and gravers, and stone-chisels; the Lydian, also, was suited for files, and for knives, and razors, and rasps."²⁵ According to Tychem, nothing occurs in the Hebrew text of the Scriptures relative to the hardening of iron, and the quenching of it in water. Iron (*barzel*) often occurs, and in some passages, indeed, Steel may, he thinks, be understood under this name. For example, in Ezekiel,²⁶ *ferrum fabricatum*, or, according to Michaelis and others, sabre-blades from Usal (Sanaa in Yemen). A pretty clear indication of steel is given in Jeremiah,²⁷ "Iron from the North," which is there described as the hardest. It appears that the Hebrews had no particular name for Steel, which they perhaps comprehended, as the same writer conjectures, under the term *barzel*, or distinguished it only by the epithet "Northern." Among the Greeks, Steel was used as early as the time of Homer, and, besides *Chalybs*, it was very commonly called *stomōma* (*στόμωμα*), which, however, did not so much denote Steel itself as the steeled part of the instrument. *Adamas*, also, was frequently used to indicate Steel. (*Vid. ADAMAS*.) "The Romans," observes Beckmann,²⁸ "borrowed from the Greeks the word *chalybs*; and, in consequence of a passage in Pliny, many believe that they gave also to Steel the name of *acies*, from which the Italians made their *acciajo*, and the French their *acier*. The word *acies*, however, denoted properly the steeled or cutting part only of an instrument. From this, in later times, was formed *aciarium*, for the Steel which gave the instrument its sharpness, and also *aciare*, 'to steel.' The preparation by fusion, as practised by the Chalybes, has been twice described

¹¹. Append., s. v.)—2. (Aristot., iv., 9.—Elian, N. H., i., 47.)—3. (Griffith's Cuvier, vol. x., p. 478.)—4. (Dioscor., H. N., xxxiv., 29.)—5. (Sprengel, Hist. Med., v., 177.)—6. (Pliny's Works.)—7. (Adams, Append., s. v.)—8. (Pliny, H. N., vi., 23.)—9. (Chemical Essays.—Bostock's Translation of Pliny's Book of Pliny.)—10. (Hill's Hist. of the Materia

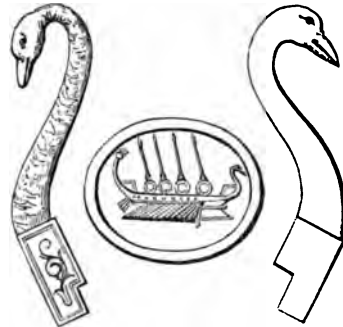
1. (Kidd's Mineralogy.—Adams, Append., s. v.)—2. (Pliny, H. N., xxxvii., 10.—Moore's Anc. Mineralogy, p. 182.)—3. (Pliny, H. N., xxxvii., 5.—Fée, ad loc.)—4. (Anc. Mineral., p. 43.)—5. (Beckmann, Hist. of Inv., vol. iv., p. 236, in notes.)—6. (xxvii., 19.)—7. (xv., 12.)—8. (Hist. of Inv., vol. iv., p. 240.)

dicere charistia cari,
*et turba propinqua dapes."*¹¹
 χειρονομία), a mimetic move-
 which formed a part of the art
 the Greeks and Romans. The
 a wider sense, both for the art
 and for any signs made with
 to convey ideas. In gymnastics
 mean kind of pugilistic combat.²
 CHEIROTONIA (χειροτο-
 in the Athenian assemblies two
 practised, the one by pebbles
 the other by a show of hands
 latter was employed in the elec-
 istrates who were chosen in the
 ARCHAIRESIAI, and who were
 προῖ, in voting upon laws, and
 on matters which concerned
 προβολαί and εισαγγελίαι. We
 ever, the word ψηφίζεσθαι used
 really given by show of hands.³
 voting by a show of hands is said
 been as follows: The herald
 thinks that Midias is guilty, let
 "Then those who thought so
 their hands. Then the herald said
 thinks that Midias is not guilty, let
 "and those who were of this
 forth their hands. The number of
 each time by the herald; and the
 the herald's report, declared on which
 voted (ἀναγορεύειν τὰς χειρονομίας*).
 to understand clearly the com-
 word. A vote condemning an ac-
 χειρονομία; one acquitting him,
 επιχειρονοεῖν is to confirm by a
 επιχειρονομία τῶν νομῶν was a
 as, which took place at the begin-
 as; επιχειρονομία τῶν ἀρχῶν was a
 first assembly of each prytania
 of the magistrates; in these cases,
 for the confirmation of the law, or
 one in office of the magistrate, were
 εἰν, those on the other side, ἀποχει-
 χειρονομία is a vote for one of two
 αντιχειρονοεῖν, to vote against a
 The compounds of ψηφίζεσθαι have
 12.¹⁰
 ΠΝΕΤΟΙ. (Vid. ARCHAIRESIAI.)
 ΝΙΑ (χελιδνία), a custom observed
 of Rhodes in the month of Boëdromion,
 the swallows returned. During that
 called χελιδονισαί, went from house to
 ng little gifts, ostensibly for the return-
 (χελιδονίζεῖν), and singing a song which
 11. It is said to have been introduced by
 of Lindus at some period when the town
 in distress. The chelidonia, which have
 been called a festival, seem to have been
 a peculiar mode of begging, which, on
 ion of the return of the swallows, was
 n by boys in the manner stated above.
 analogies may still be observed in various
 at the various seasons of the year.
 Ε (χρήμη), a Greek liquid measure, the capa-

city of which (as is the case with most of the smaller measures) is differently stated by different authorities. There was a small cheme, which contained two cochlearia or two drachmæ, and was the seventy-second part of the cottle, = 0068 of a pint English.¹ The large cheme was to the small in the proportion of 3 to 2. Other sizes of the cheme are mentioned, but they differ so much that we cannot tell with certainty what they really were.²

*CHENALO'PEX (χηναλώπηξ), a species of aquatic fowl. (Vid. ANAS.)

CHENISCUS (χηνίσκος) was a name sometimes given to the ἀροστόλιον of a ship, because it was made in the form of the head and neck of a goose (χην) or other aquatic bird. This ornament was probably adopted as suitable to a vessel which was intended to pursue its course, like such an animal, over the surface of the water.³ We are informed that a ship was sometimes named "The Swan" (κύκνος), having a swan carved upon the prow.⁴ Though commonly fixed to the prow, the cheniscus sometimes adorned the stern of a ship. It was often gilt.⁵ A cheniscus of bronze is preserved in the Royal Library at Paris.⁶ Not unfrequently we find the cheniscus represented in the paintings found at Herculaneum, and on antique gems. Examples are seen in the annexed woodcut, and in that at p. 62



*CHENOPODIUM (χηνοπόδιον) and CHENO'PUS (χηνόπους), a species of plant, commonly called the Goosefoot. Dioscorides⁷ and Pliny⁸ mention two kinds, the wild and domestic (sylvestre and sativum), the former of which is the same with the ἀτράφαξις or ἀτράφαξ, the latter the Atriplex hortensis, or Orach (the χρυσάλαχανον of Theophrastus⁹). The modern Greeks use the Chenopodium as a good remedy for wounds, and call it πανάκεια.¹⁰ The Chenopodium botrys has a balsamic perfume, and yields an essential oil, which renders it tonic and antiscorbatic. Sibthorp found it between Smyrna and Brousa, on the banks of the streams.¹¹ The seed resembles a cluster of grapes, and has a vinous smell, whence the name botrys (βότρυς, "a cluster"). The most important property possessed by the Goosefoot tribe is the production of soda, which some of them yield in immense quantities.¹²

CHEMNIPS, CHERNIBON (χέρνιψ, χέρνιβον, from χεῖρ and νίπτω), signifies the water used for ablution and purification, or the vessel which contained it.¹³

A marble vase containing lustral water was placed at the door of both Greek and Roman temples, which was applied to several purposes. The priest stood at the door with a branch of laurel¹⁴ or olive

v. H., 617.)—2. (Athen., xiv., 27, p. 629, δ.—Hesych., 1547, ed. Alberti.—Elian, V. H., xiv., 22.—Diod., 13.—Paus., vi., 10, § 1.)—3. (Vid. Lysias, c. Erast., 124, 16, and p. 127, 8, ed. Steph.—Demosth., Olynth., 1. (s. v. Κατεχειροτόνησεν.)—5. (Æsch., c. Ctes., § 2.) 6th., c. Midias, p. 516, 553, 563.)—7. (Demosth., De 1., 261.)—8. (Demosth., c. Timocr., p. 706.—Harporidius, s. v. Κυρία Εκκλησία.—Demosth., c. Theocrin., 9. (Demosth., c. Androtion, p. 596.—c. Timocr., p. 707.)—10. (Schömann, De Comitibus Atheniensibus, p. 1346.)—11. (Athens., viii., p. 124.)—12. (Billberg, Flora Græca, p. 62.)—13. (Billberg, l. c.)—14. (Lindley's Botany, p. 165.)—15. (Phavorinus.—Etym. Mag., s. v. Δέφης.—Hesych.)—16. (Ovid, Fast., v., 679.)

1. (Rhemn. Fann., v., 77.)—2. (Hussey, Anc. Weights, Money, &c.—Wurm, De Pond., &c.)—3. (Etym. Mag.)—4. (Nicostratus, ap. Athen., xi., 48.—Etym. Mag., s. v. Κύκνος.)—5. (Lucian, Ver. Hist., 41.—Jup. Trag., 47.)—6. (Millin, Dict. des Beaux Arts.)—7. (ii., 145.)—8. (H. N., xx., 20.)—9. (H. P., vii., 1.)—10. (Billberg, Flora Græca, p. 62.)—11. (Billberg, l. c.)—12. (Lindley's Botany, p. 165.)—13. (Phavorinus.—Etym. Mag., s. v. Δέφης.—Hesych.)—14. (Ovid, Fast., v., 679.)

tree¹ in his hand, which he dipped into the water, and sprinkled as a purification over all who entered. Instead of these branches, the Romans used an instrument called *aspergillum* for the purpose, the form of which is frequently met with upon medals and bas-reliefs.

Another Greek rite was performed by the priest taking a burning torch from the altar, which he dipped into the lustral water (*χέρνυψ*), and then sprinkled it over the by-standers.² Water was also sprinkled over the head of the victim as an initiation to the sacrifice; hence the expression *χέρνυδας νεμεν*,³ "to perform a sacrifice," and *χαίτην ἀμφὶ σὶν χέρνυμας*.⁴

The vessel which the Romans used was of the kind called *labrum*,⁵ resembling those still employed for a somewhat similar purpose in the Roman churches, one of which is shown in the Laconicum at Pompeii. (*Vid. BATHUS*, p. 150.)

But the word, as its etymology indicates, is of a more domestic origin; and, in reference to the custom, common to both nations, of washing their hands before meals, is used with the same double meaning above mentioned.⁶ In the first passage cited from Homer, *χέρνυψ* is put for the water itself; in the second, *χέρνυδος* is used for the vessel which receives it. In both instances the water is poured out of a jug (*περὶ ποσ*), and the two together correspond with our term a basin and ewer.

CHERNITES (*χέρνυτης*), a species of Stone, which Pliny,⁷ after Theophrastus,⁸ says was very like ivory, and in a coffin of which the body of Darius lay. The French commentators on Pliny make it and the *porus*, mentioned by the same writers as resembling in colour and hardness Parian marble, to have been varieties of calcareous tufa ("carbonate de chaux sédimentaire, ou craie grossière et compacte, chloriteuse, renfermant des silex blonds et des gyphites").⁹

CHEROSTAL. (*Vid. HERES*.)

CHERSYDRUS (*χέρσυδρος*), a species of Snake, living, as the name imports, both on land and in the water (*χέρσος*, "land," *δρόσος*, "water"). A good description of its form and nature is given by Virgil.¹⁰ According to the poet, it was marked with large spots on the belly. Under the head of *Chersydrus*, at the present day, Cuvier ranks the *Oular-lampe* (*Urochordus Fucatus*, Sh.), a very venomous serpent which inhabits the bottoms of the rivers of Java.

CHIA TERRA (*Χία γῆ*), a species of Earth obtained from the island of Chios. The ancients used it internally as an astringent; but its chief use was as a cosmetic, it being highly valued for cleaning the skin and removing wrinkles. Galen says it was an earth of a white colour, but not a bright, clean white, and that it was brought in flat pieces; and Theophrastus says it was whitish, but tending to a dark colour.¹¹ Like the Selinian and Pnigitic earths,¹² observes Adams, "it is an argil more or less pure."

CHIRAMAXIUM (*Χιραμάξιον*, from *χείρ* and *μάξιον*), a kind of easy chair or "go-cart," used for invalids and children.¹³ It differed from the *sellia* in that it answers to our sedan-chair, in which the person was carried by his slaves or servants, since it went upon wheels, though moved by the feet of animals. Doubts are entertained whether this small vehicle was drawn or propelled,

as it is observed that men draw from the shoulders,¹ and push with their hands, while method is clearly the one intended by A "vehiculo manibus acto."

CHIRIDO'TA (*χειριδωτός*, from *χείρις*, a tunic with sleeves. The tunic of the Eg Greeks, and Romans was originally without (*vid. EXOMIS*), or they only came a lit down the arm. On the other hand, the Asi Celtic nations wore long sleeves sewed to the tunic, together with trousers as the clothing lower extremities, so that these parts of a often mentioned together.² (Woodcuts, p. 171.) The Greeks also allowed tunics with to females (woodcut, p. 188), although it was considered by the Latins indecorous when they worn by men.³ Cicero mentions it as a reproach to Catiline and his associates that they long shirts with sleeves (*manicatis et talaricis*).⁴ Caligula, nevertheless, wore sleeves, or with other feminine ornaments (*manu* Sleeves were worn on the stage by tragi (*χειρίδες*?); and they were used by shepherd labourers, who had no upper garment, as a protection against the severities of the weather (*manicatis*). (*Vid. woodcuts*, p. 112, 132.)

All the woodcuts already referred to of sleeves of the tunic coming down to the We now insert from an Etruscan vase the figure of a woman, whose sleeves reach only to the elbow and who wears the *capistrum* to assist her in holding the *tibia parea*.⁵ (*Vid. MANICA, TUNICA*



CHIROGRAPHUM (*χειρόγραφον*) meant its derivation implies, a handwriting or autograph. In this its simple sense, *χείρ* in Greek and in Latin are often substituted for it.

Like similar words in all languages, it has several technical senses. From its first it was easily derived that of a signature to another instrument, especially a note of hand by a debtor to his creditor. In this latter did not constitute the legal obligation (for it might be proved in some other way); it was a proof of the obligation.

According to Asconius,¹⁰ *chirographum*, sense of a note of hand, was distinguished by *syngrapha*; the former was always given in writing actually lent, the latter might be a mere agreement (something like a bill of accom-

1. (Virg., *Æn.*, ii., 236.)—2. (Il. cc.)—3. (Herod., Strabo, xv., 3, 19.—Γαλατικῶς ἀναξέρσει καὶ χειρίων ἢ μύνος: Plutarch, Otho, 6.)—4. (Aul. Gell., vii., 12.—V. ix., 616.)—5. (Orat. in Cat., ii., 10.)—6. (Sueton., C.—7. (Lucian, *Jov. Trag.*—8. (Colum., i., 8; xi., 1.)—9. (Canville, *Ant. Etrusc.*, t. ii., p. 113.)—10. (in Verr., ii.,

1. (Virg., *Æn.*, ii., 236.)—2. (Il. cc.)—3. (Herod., Strabo, xv., 3, 19.—Γαλατικῶς ἀναξέρσει καὶ χειρίων ἢ μύνος: Plutarch, Otho, 6.)—4. (Aul. Gell., vii., 12.—V. ix., 616.)—5. (Orat. in Cat., ii., 10.)—6. (Sueton., C.—7. (Lucian, *Jov. Trag.*—8. (Colum., i., 8; xi., 1.)—9. (Canville, *Ant. Etrusc.*, t. ii., p. 113.)—10. (in Verr., ii.,

(with a different object) to pay a debt which never been actually incurred. The *chirographa* was kept by the creditor, and had only the creditor's signature; the *syngrapha*, on the contrary, signed and kept by both parties.

In the Latin of the middle ages, *chirographum* used to signify tribute collected under the signal of a person in authority, similar to the briefs and evocances of former times in our own country; it was also used,² till very lately, in the England for an indenture. Duplicates of deeds were written on one piece of parchment, with the word *graphum* between them, which was cut in two straight or wavy line, and the parts given to each of the persons concerned. By the Canon-Blackstone remarks, the word *syngrapha* or *plura* was employed in the same way, and gave its name to these kinds of writing.

CHIRURGIA (*χειρουργία*). The practice of surgery for a long time considered by the ancients as merely a part of a physician's duty; but, as it was almost universally allowed to be a separate profession of the profession, it will perhaps be more convenient to treat of it under a separate head. It will not be necessary to touch upon the disputed questions, which is the *more ancient*, or which is the *more honourable* branch of the profession; nor will we try to give such a definition of the word *chirurgia* as would be likely to satisfy both the physicians and surgeons of the present day; it will be sufficient to determine the sense in which the word was used by the ancients; and then, adhering closely to that meaning, to give an account of this division of the science and art of medicine, as practised by the Greeks and Romans, referring to the *ARTE MEDICINÆ* for farther particulars.

The word *chirurgia* is derived from *χειρ*, the hand, and *εργον*, a work, and is explained by Celsus to mean that part of medicine *quæ manu curat*, which cures diseases by means of the hand;³ in the words of Laërtius⁴ it is said to cure *διὰ τοῦ τέμνειν καὶ βρέχειν*, "by cutting and burning;" nor (as far as we are aware) is it ever used by ancient writers in any other sense. Omitting the fabulous mythological personages, Apollo, Æsculapius, &c., the only certain traditions respecting the origin of surgery before the establishment of the science of Greece, and even until the time of the Punic and Pagan wars, are to be found in the *Iliad* and *Æneid*. There it appears that surgery was almost entirely confined to the treatment of wounds; and the imaginary power of enchantment was joined with the use of topical applications.⁵ The ancients received surgery, together with the other parts of medicine, from the Egyptians; and, from some observations made by the men of science who accompanied the French expedition to Egypt in 1798, it appears that there are documents proving that in very remote times this extraordinary people had made a degree of progress of which few of the moderns have any conception: the ceilings and walls of the temples at Teneniac, Luxor, &c., basso-relievos are seen, representing limbs that have been cut off with instruments very analogous to those which are employed at the present day for amputations. The instruments are again observed in the hieroglyphs, and vestiges of other surgical operations are traced, which afford convincing proofs of the skill of the ancient Egyptians in this branch of medicine.⁶ The earliest remaining surgical writings are those

of Hippocrates, who was born, according to Clinton,¹ Ol. 80, 1, B.C. 460, and died Ol. 105, 4, B.C. 357. Among his reputed works there are ten treatises on this subject, viz.: 1. *Kar' Ἰητροῖον*, *De Officina Medici*; 2. *Περὶ Ἀγμάτων*, *De Fracturis*; 3. *Περὶ Ἀρθρῶν*, *De Articulis*; 4. *Μοχλικός*, *Vectarius*; 5. *Περὶ Ἐλκῶν*, *De Ulceribus*; 6. *Περὶ Συρίγγων*, *De Fistulis*; 7. *Περὶ Αἰμορροΐδων*, *De Hæmorrhoidibus*; 8. *Περὶ τῶν ἐν Κεφαλῇ Τρωμάτων*, *De Capitis Vulneribus*; 9. *Περὶ Ἐγκατατομῆς Ἐμβρύου*, *De Resectione Fœtus*; and, 10. *Περὶ Ἀνατομῆς*, *De Corporum Resectione*. Of these it should be remarked, that only the eighth is considered undoubtedly genuine; though the first, second, third, and fourth, if not written by Hippocrates himself, appear to belong to a very early age.² Hippocrates far surpassed all his predecessors (and, indeed, most of his successors) in the boldness and success of his operations; and, though the scanty knowledge of anatomy possessed in those times prevented his attaining any very great perfection, still we should rather admire his genius, which enabled him to do so much, than blame him because, with his deficient information, he was able to do no more. The scientific skill in reducing fractures and luxations displayed in his works, *De Fracturis*, *De Articulis*, excites the admiration of Haller,³ and he was most probably the inventor of the *ambe*, an old chirological machine for dislocations of the shoulder, which, though now fallen into disuse, for a long time enjoyed a great reputation. In his work *De Capitis Vulneribus* he gives minute directions about the time and mode of using the trephine, and warns the operator against the probability of his being deceived by the sutures of the cranium, as he confesses happened to himself.⁴ On this Celsus remarks: "*More scilicet magnorum virorum, et fiduciam magnarum rerum habentium. Nam levia ingenia, quia nihil habent, nihil sibi detrahunt: magno ingenio, multaque nihilominus habituro, concevit etiam simplex veri, erroris confessio; præcipueque in eo ministerio, quod utilitatis causa posteris traditur; ne qui decipiantur eadem ratione, qua quis ante deceptus est.*"⁵ The author of the Oath, commonly attributed to Hippocrates, binds his pupils not to perform the operation of lithotomy, but to leave it to persons accustomed to it (*ἐργάτης ἀνδράσι πρῆξιός τῆσδε*); from which it would appear as if certain persons confined themselves to particular operations. Avenzoar also, in his work entitled *Teiser*, "*Rectificatio Regiminis*," refused to perform this operation; but in his case it was from religious motives, and because, being a Jew, he thought it unlawful to look upon another's nakedness.

The names of several persons are preserved who practised surgery as well as medicine in the times immediately succeeding those of Hippocrates; but, with the exception of some fragments inserted in the writings of Galen, Oribasius, Aëtius, &c., all their writings have perished. Archagathus deserves to be mentioned, as he is said to have been the first foreign surgeon that settled at Rome, A.U.C. 535, B.C. 219.⁶ He was at first very well received, the *jus Quiritium* was conferred upon him, a shop was bought for him at the public expense, and he received the honourable title of *Vulnerarius*. This, however, on account of his frequent use of the knife and cautery, was soon changed by the Romans (who were unused to such a mode of practice) into that of *Carnifex*. Asclepiades, who lived about the middle of the seventh century A.U.C., is said to have been the first person who proposed the

¹ Du Fresnoy, s. 7.—2. (Vid. Blackstone, b. ii., c. 20.) *De Med.*, lib. vii., Præfat.—3. (De Vit. Philos., lib. i., § 11., ii., 218; xi., 513, 528, 843, &c.)—4. (Larrey, *quotidiana* Surg. Dict.)

1. (Fasti Hellen.)—2. (Vid. Fabric. Bibl. Gr.)—3. (Biblioth. Chirurg.)—4. (De Morb. Vulgar., lib. v., p. 561, ed. Kühn.)—5. (De Med., viii., 4, p. 467, ed. Argent.)—6. (Cassius Hemina, apud Plin., H. N., xlix., 6.)

operation of bronchotomy, though he himself never performed it;¹ and Ammonius of Alexandria, surnamed *Aithorouos*, who is supposed to have lived rather later, is celebrated in the annals of surgery for having been the first to propose and to perform the operation of *Lithotrixy*, or breaking a calculus in the bladder, when found to be too large for safe extraction. Celsus has minutely described his mode of operating,² which very much resembles that lately introduced by Civiale and Heurteloup, and which proves that, however much credit they may deserve for bringing it again out of oblivion into public notice, the praise of having originally thought of it belongs to the ancients. "A hook," says Celsus, "is to be so insinuated behind the stone as to resist and prevent its receding into the bladder, even when struck; then an iron instrument is used, of moderate thickness, flattened towards the end, thin, but blunt; which, being placed against the stone, and struck on the farther end, cleaves it; great care being taken, at the same time, that neither the bladder itself be injured by the instruments, nor the fragments of the stone fall back into it." Avenzoar also³ mentions this mode of getting rid of a calculus, though he does not describe the operation so minutely as Celsus. The next surgical writer after Hippocrates, whose works are still extant, is Celsus, who lived at the beginning of the first century A.D., and who has given up the last four books of his work, *De Medicina*, and especially the seventh and eighth, entirely to surgical matters. It appears plainly from reading Celsus, that, since the time of Hippocrates, surgery had made very great progress, and had, indeed, reached a high degree of perfection. He is the first author who gives directions for the operation of lithotomy,⁴ and the method described by him (called *the apparatus minor*, or *Celsus's method*) continued to be practised till the commencement of the sixteenth century. It was performed at Paris, Bordeaux, and other places in France, upon patients of all ages, even as late as a hundred and fifty years ago; and a modern author⁵ recommends it always to be preferred on boys under fourteen.⁶ He describes⁷ the operation of *Influbulatio*, which was so commonly performed by the ancients upon singers, &c., and is often alluded to in classical authors.⁸ He also describes⁹ the operation alluded to by St. Paul,¹⁰ *περιτομήματος τῆς ἐκδήθη; ἢ ἐπισπασθῶ*. Compare Paulus Ægineta,¹¹ who transcribes from Antyllus a second method of performing the operation. See also Parkhurst's *Lexicon*, and the references there given.

The following description, given by Celsus, of the necessary qualifications of a surgeon, deserves to be quoted: "A surgeon," says he,¹² "ought to be young, or, at any rate, not very old; his hand should be firm and steady, and never shake; he should be able to use his left hand with as much dexterity as his right; his eyesight should be acute and clear; his mind intrepid, and so far subject to pity as to make him desirous of the recovery of his patient, but not so far as to suffer himself to be moved by his cries; he should neither hurry the operation more than the case requires, nor cut less than is necessary, but do everything just as if the patient's screams made no impression upon him." The reading of Targa's edition, *misericors*, has been

followed in this passage of Celsus, though *immsericors* will also admit of a very good sense; for as Richerand has observed,¹ Celsus did not mean by it that a surgeon ought to be quite insensible to pity; but that, during the performance of an operation, this passion ought not to influence him, as an emotion would then be weakness.

Perhaps the only surgical remark worth quoting from Aretæus, who lived in the first century A.D., is, that he condemns the operation of bronchotomy and thinks "that the wound would endanger an inflammation, cough, and strangling; and that, if the danger of being choked could be avoided by this method, yet the parts would not heal, as being catilaginous."²

Omitting Scribonius Largus, Moschion, and Soranus, the next author of importance is Cælius Aretæus, who is supposed to have lived about the beginning of the second century A.D., and in whose works there is a good deal relating to surgery, though nothing that can be called original. He is rejected as absurd the operation of bronchotomy. He mentions a case of ascites that was cured by paracentesis,³ and also a person who recovered after being shot through the lungs by an arrow.⁴

Galen, the most voluminous, and, at the same time, the most valuable medical writer of antiquity is less celebrated as a surgeon than as an anatomist and physician. He appears to have practised surgery at Pergamus; but, upon his removal to Rome (A.D. 165), he confined himself entirely to medicine, following, as he says himself,⁵ the custom of the place. This would seem also to have been the custom among the Arabians, as Avenzoar says⁶ that a physician ought to be able to perform operations, but should not do so except in cases of necessity. Galen's writings prove, however, that he did not entirely abandon surgery. His Commentaries on the Treatise of Hippocrates, *De Officiis Medici*, and his treatise *Περὶ τῶν Ἐπιδήμιων, ἢ Fasciis*, show that he was well versed even in the minor details of the art. He appears also to have been a skilful operator, though no great surgical inventions are attributed to him. His other surgical writings consist of Commentaries on Hippocrates' *De Fracturis* and *De Articulis*; besides a good deal of the matter of his larger works, *De Methodo Medendi* and *De Compositione Medicamentorum*.

Antyllus, who lived some time between Galen and Oribasius, is the earliest writer whose directions for performing bronchotomy are still extant, though the operation (as was stated above) was proposed by Asclepiades about three hundred years before. Only a few fragments of the writings of Antyllus remain, and among them the following passage is preserved by Paulus Ægineta:⁷ "Our best surgeons have described this operation, Antyllus particularly, thus: 'We think this practice useless and not to be attempted where all the arteries of the lungs are affected (by the word *ἀρτηρία* here he means the *bronchia*, or ramifications of the *trachea*. *Vid. ARTERIA*); but when the inflammation lies chiefly about the throat, the chin, and the tonsils which cover the top of the windpipe, and the artery is unaffected, this experiment is very rational, to prevent the danger of suffocation. When we proceed to perform it, we must cut through some part of the windpipe, below the larynx, about the third or fourth ring; for to cut quite through would be dangerous. This place is the most commodious, because it is not covered with any flesh, and because it has no vessels near it. Therefore, bend

1. (*De Morb. Acut.*, i., 14; iii., 4).—2. (*De Med.*, lib. 3, p. 99, ed. Venet., 1549).—3. (*De Med.*, lib. 3, p. 100).—4. (*Vid. supra* Lithotomy, p. 12).—5. (*Coop. Med.*, Surg., ut Lithotomy).—6. (*vi.*, 25, § 3, p. 374, 379. Seneca, apud Lactant., *Divinae Institutiones*, viii., 28, 12; xiv., 20, 11. Epictet., viii., 1; ix., 28, 12; xiv., 20, 11. *De Re Med.*, vi., 427).—7. (*De Re Med.*, vi., 53).—8. (*lib.*

1. (*Nosogr. Chir.*, vol. i., p. 42, ed. 2).—2. (*De Morb. Acut. Cur.*, i., 7, p. 227, ed. Kuhn.).—3. (*De Morb. Chron.*, iii., 4).—4. (*Ibid.*, iii., 8).—5. (*Ibid.*, iii., 12).—6. (*De Meth. Med.*, vi., 20).—7. (p. 31).—8. (*De Re Med.*, vi., 32).

head of the patient backward so that the eye may come more forward to the view, we make a transverse section between two of the ribs so that in this case, not the cartilage, but the membrane which encloses and unites the cartilages of the ribs, is divided. If the operator be a little higher, he may first divide the skin, extended by a ligament, then, proceeding to the windpipe, and separate the vessels, if any are in the way, he must make an incision.' Thus far Antyllus, who thought of this way of cutting, by observing (when it was done, or cut by chance) that the air rushed out of the wound with great violence, and that the voice was interrupted. When the danger of suffocation is over, the lips of the wound must be united by sutures, and the skin, by sewing the skin, and not the cartilages. The proper vulnerary medicines are to be used.

If these do not agglutinate, an incarnated eschar is used. The same method must be used on those who cut their throat with a design of committing suicide." This operation appears to have been very seldom, if ever, performed by the ancients upon a human being. Avenzoar¹ tried it upon a goat, and found it might be done without danger or difficulty; but he says he should have been the first to try it upon a man.

Paulus Aegineta, physician to the Emperor Julian (A.D. 361), professes to be merely a compiler; and there is in his great work, entitled *Συναρπαικῆ, Collecta Medicinalia*, much surgical information there is nothing original. The same may be said of Aëtius and Alexander Trallianus, both of whom lived towards the end of the sixth century, and are not famous for any surgical invention. Paulus Aegineta has given up the fifth and sixth books of his work, *De Re Medica*, entirely, and has inserted in them much useful information from the fruits chiefly of his own observation and experience. He was particularly celebrated for his skill in midwifery and female diseases, and is called on that account, by the Arabians, *al-Cabeli*, "the Accoucheur."² Two pamphlets were published in 1768 at Göttingen, 4to, by August Vogel, entitled *De Pauli Aeginetae Medicinam, imprimisque Chirurgiam*. Paulus Aegineta lived probably towards the end of the seventh century A.D., and is the last of the ancient and Latin medical writers whose surgical information remain.

The names of several others are mentioned, but they are not of sufficient eminence to be given any notice here. For farther information on the subject both of medicine and surgery, see the works of Sævenko, and for the legal qualifications, social rank, &c., both of physicians and surgeons, among the ancients, Greeks and Romans, see *MEDICUS*.

The engravings of surgical instruments, from which the accompanying engravings are made, were found by a collector in Petersburg, Dr. Savenko, in 1819, at the house of a man in Via Consularis (*Strada Consulare*), in which it is supposed to have belonged to a surgeon.

They are now preserved in the museum of the Imperial Academy. The engravings, with an account of the instruments, by Dr. Savenko, were originally published in the *Revue Médicale* for 1821, vol. iii., p. 427, &c. They were afterward inserted in Froriep's *Notizen über die Gebiete der Natur-und-Heilkunde* for 1822, n. 26, p. 57, &c. The plate containing the engravings of surgical instruments is wanting in the copy of the *Revue Médicale* in the library of the College of Surgeons at the University of Berlin, that the accompanying figures are copied from a German work, in which some of them appear to be drawn very badly. Their authenticity was first doubted by Kühn,² who thought they

were the same that had been described by Bayard in his *Catal. Antig. Monument. Herculan. effos.*, Nap., 1754, fol., n. 236-294; when, however, his dissertation was afterward republished,¹ he acknowledged himself to be completely satisfied on this point, and has given, in the tract referred to, a learned and ingenious description of the instruments and their supposed uses, from which the following account is chiefly abridged. It will, however, be seen at once that the form of most of them is so simple, and their uses so obvious, that very little explanation is necessary.



1, 2. Two probes (*specillum, μήλη*) made of iron; the larger six inches long, the smaller four and a half. 3. A cautery (*καυτηριον*) made of iron, rather more than four inches long. 4, 5. Two lancets (*scalpellum, σμίλη*), made of copper, the former two inches and a half long, the other three inches. It seems doubtful whether they were used for blood-letting, or for opening abscesses, &c. 6. A knife, apparently made of copper, the blade of which is two inches and a half long, and in the broadest part one inch in breadth; the back is straight and thick, and the edge much curved; the handle is so short that Savenko thinks it must have been broken. It is uncertain for what particular purpose it was used: Kühn conjectures that (if it be a surgical instrument at all) it may have been made with such a curved edge, and such a straight thick back, that it might be struck with a hammer, and so amputate fingers, toes, &c. 7. Another knife, apparently made of copper, the blade of which is of a triangular shape, two inches long, and in the broadest part eight lines in breadth; the back is straight and one line broad, and this breadth continues all the way to the point, which, therefore, is not sharp, but guarded by a sort of button. Kühn thinks it may have been used for enlarging wounds, &c., for which it would be particularly fitted by its blunt point and broad back. 8. A needle, about three inches long, made of iron. 9. An elevator (or instrument for raising depressed portions of the skull), made of iron, five inches long, and very much resembling those made use of at the present day. 10-14. (*vid. next cut*) Different kinds of forceps (*vulsella*). No. 10 has the two sides separated from each other, and is five inches long. No. 11 is also five inches long. No. 12 is three inches and a half long. The sides are narrow at the point of union, and become broader by degrees towards the other end, where, when closed, they form a kind of arch. It should be noticed that it is furnished with a movable ring, exactly like the tenaculum forceps employed at the present day. No. 13 was used for

5.)—2. (Abulphars), *Hist. Dynast.*, p. 181, ed. Pott. (*De Instrum. Chirurg., Veteribus cognitis, et nuper rep.*, 1823, 4to.)

1. (*Opusc. Academ. Med. et Philolol.*, Lipsæ, 1827, 1828, 8vo, vol. ii., p. 309.)—2. (*De Med.*, vii., 26, § 1, p. 429.)

CHIUM MARMOR.



pulling out hairs by the roots (*τριχολαβίς*). No. 14 is six inches long, and is bent in the middle. It was probably used for extracting foreign bodies that had stuck in the œsophagus (or gullet), or in the bottom of a wound. 15. A male catheter (*aneas fistula*), nine inches in length. The shape is remarkable, from its having the double curve like the letter S, which is the form that was reinvented in the last century by the celebrated French surgeon, J. L. Petit. 16. Probably a female catheter, four inches in length. Celsus thus describes both male and female catheters: "The surgeon should have three male catheters (*aneas fistulas*), of which the longest should be fifteen, the next twelve, and the shortest nine inches in length; and he should have two female catheters, the one nine inches long, the other six. Both sorts should be a little curved, but especially the male; they should be perfectly smooth, and neither too thick nor too thin." 17. Supposed by Forriep to be an instrument for extracting teeth (*ὀδοντάρα*); but Kühn, with much more probability, conjectures it to be an instrument used in amputating part of an enlarged uvula, and quotes Celsus,¹ who says that "no method of operating is more convenient than to take hold of the uvula with the forceps, and then to cut off below it as much as is necessary." 18, 19. Probably two spatulae.

CHITON (*χιτών*). (Vid. TUNICA.)

CHITONIA (*χιτώνια*), a festival celebrated in the Attic town of Chitone in honour of Artemis, surnamed Chitona or Chitonia.⁴ The Syracusans also celebrated a festival of the same name, and in honour of the same deity, which was distinguished by a peculiar kind of dance, and a playing on the flute.⁵

*CHIUM MARMOR (*Χίος λίθος*), a species of Marble obtained from the island of Chios. Hill describes it as "a very fine and elegantly-smooth stone, of a close, compact texture, very heavy, and of a fine glossy black, perfectly smooth where broken, but dull and absolutely destitute of splendour." It is capable, according to the same authority, of receiving the highest polish of perhaps any of the marbles. It was famous among the ancients for making reflecting mirrors, for which the high polish

CHLAMYS.

of which it is susceptible rendered it peculiarly proper. The Chian marble would appear to have been of the Obsidian kind, and it is, in fact, sometimes called "*Lapis Obsidianus Antiquorum*."¹ The name *Obsidianus* would seem to have been a corruption from *Opasianus* (*Ὀπσιανός, ἀπὸ τῆς Ὀψείως*).²

*CHIUM VINUM (*Χίος οἶνος*), Chian Wine, a Greek wine made in the island of Chios (the modern Scio). It is described by some writers as a thick, luscious wine; and that which grew on the craggy heights of Ariusium, extending three hundred stadia along the coast, is extolled by Strabo as the best of all Greek wines. From Athenæus we learn that the produce of the Ariusian vineyards was usually divided into three distinct species: a dry wine, a sweetish wine, and a third sort of a peculiar quality, thence termed *αὐτόκρατος*. All of them seem to have been excellent of their kind, and they are frequently alluded to in terms of the highest commendation. The Phanean, which is extolled by Virgil as the king of wines, was also the product of the same island. The Sappian wine, so remarkable for its exquisite aroma, was probably Chian matured by great age.³

CHLAINA (*χλαίνα*). (Vid. LÆNA.)

CHLAMYS (*χλαμύς, dim. χλαμύδιον*), a scarf. This term, being Greek, denoted an article of the *amictus*, or outer raiment, which was, in general characteristic of the Greeks, and of the Oriental races with which they were connected, although both in its form and in its application it approached very much to the *lacerna* and *paludamentum* of the Romans, and was itself, to some extent, adopted by the Romans under the emperors. It was for the most part woollen; and it differed from the blanket (*ἱμάτιον*), the usual amictus of the male sex, in these respects, that it was much smaller; also finer, thinner, more variegated in colour, and more susceptible of ornament. It moreover differed in being oblong instead of square, its length being generally about twice its breadth. To the regular oblong, *a, b, c, d* (see woodcut), gores were added, either in the form of a right-angled triangle, *a, e, f*, producing the modification *a, e, g, d*, which is exemplified in the annexed figure of Mercury, or of an obtuse-angled



triangle, *a, c, b*, producing the modification *a, e, b, e, g, d*, which is exemplified in the figure of a youth from the Panathenæic frieze in the British Museum. These gores were called *πεπρόγες*, wings, and the scarf with these additions was distinguished by the epithet of Thessalian or Macedonian.⁴ Hence the ancient geographers compared the form of the inhabited earth (*ἡ οἰκουμένη*) to that of a chlamys.⁵

The scarf does not appear to have been much worn by children, although one was given, with its brooch, to Tiberius Cæsar in his infancy.⁶ It was generally assumed on reaching adolescence, and was worn by the ephebi from about seventeen to

1. (De Med., vii., 26, § 1, p. 499.)—2. (Pollux, Onom., iv., § 181.)—3. (De Med., vii., 12, § 3, p. 494.)—4. (Schol. ad Callim., Hymn. in Artem., 78.)—5. (Athenæus, xiv., p. 629.—Steph. Byz., s. v. Χιτίσις.)

1. (History of Fossils, &c., p. 406.)—2. (Id. ib.)—3. (Henderson's History of Wines, p. 77.)—4. (Etym. Mag.—Lucian, Dia. Mort.)—5. (Strabo, ii., 2.—Macrobius, De Somn. Scip., ii.)—6. (Suet., Tib., 6.)

years of age.¹ It was also worn by the especially of high rank, over their body-armour (t, p. 133²), and by hunters and travellers, particularly on horseback.³

Scarfs worn by youths, by soldiers, and by differed in colour and fineness, according to destination, and the age and rank of the

The *χλαμὴς ἐφηβικὴ* was probably yellow or coloured, and the *χλαμὴς στρατιωτικὴ*, scarlet. On the other hand, the hunter commonly went off in a dull, unobscure colour, as best to escape the notice of wild animals.⁴ The ornamental scarfs, being designed for females, were usually decorated with a border (*limbus*,⁵ 6⁶); and those worn by Phenicians, Trojans, and other Asiatics were also embroidered, or interwoven with gold.⁷ Actors had their chlamys ornamented with gold.⁸ Demetrius, son of Antigonus, imitating the utmost splendour of the Asiatics, wore a scarf in which were interwoven in gold thread the stars and the twelve signs of the zodiac.⁹

The usual mode of wearing the scarf was to pass its shorter sides (*a, d*) round the neck, and to fasten it by means of a brooch (*fibula*), either on the breast (woodcuts, p. 47 186), in which case it hung down the back, reaching to the calves of the legs, as in the preceding figure of the young man, or even to the heels;¹⁰ or over the right shoulder, so as to cover the left arm, as is seen in the preceding figure of Mercury, in the woodcut to the right, and in the well-known example of the Belvedere Apollo. In other instances it was made to hang gracefully from the left shoulder, of which size Apollo in the British Museum (see the preceding woodcut) presents an example (*puer nudus, ad ephēbica chlamyde sinistram tegebat humerum*), or it was thrown lightly behind the back,



used over either one arm or shoulder, or over the other. The second figure in the last woodcut, taken from Hamilton's Vases, i., 2; or, lastly, it was worn on the throat, carried behind the neck, and so as to hang down the back, as in the figure of Achilles (p. 133), and sometimes its extremities were again brought forward over the arms or over the chest. In short, the remains of ancient art and description show in how high a degree the scarf was valued, by its endless diversity of arrangements in the display of the human form in its greatest beauty; and Ovid has told us how sensible the Romans were of its advantages in the following account of the care bestowed upon this part of his attire:—

Lesson, p. 267, ed. Meineke.—"Ephēbica chlamyde" Met., x.—Helioid., Eth., i.—Plutarch, De Mul. Virt., Onom., x., 164.—2. (Ælian, V. H., xiv., 10.—Theophrast., x.—Plaut., Pseud., II., iv., 45.—Epid., III., iii., 55.) 3.—Pomp., III., iii., 6, 31.—4. (Pollux, Onom., v., 18.) 5.—Ælian, iv., 137.—6. (Virg., Æn., v., 251.)—7. (Virg., Æn., 453, 454; xi., 775.—Ovid, Met., v., 51.—Val. Flacc., i., 8.—Pollux, Onom., iv., 116.)—9. (Athenæus, xii., p. 336, A.)—10. (Apuleius, Met., xi.)—11. (Apuleius, x.,

"Chlamydemque, ut pendeat apte,
Collocat: ut limbus, totumque appareat aurum."

The aptitude of the scarf to be turned in every possible form round the body, made it useful even for defence. The hunter used to wrap his chlamys about his left arm when pursuing wild animals, and preparing to fight with them.² Alcibiades died fighting with his scarf rolled round his left hand instead of a shield.³ The annexed woodcut exhibits a figure



of Neptune armed with the trident in his right hand, and having a chlamys to protect the left. It is taken from a medal which was struck in commemoration of a naval victory obtained by Demetrius Poliorcetes, and was evidently designed to express his sense of Neptune's succour in the conflict. When Diana goes to the chase, as she does not require her scarf for purposes of defence, she draws it from behind over her shoulders, and twists it round her waist, so that the belt of her quiver passes across it, as shown in the statues of the goddess in the Vatican (see woodcut), and described by Nemesianus. (*Vid. BALTEUS*.)

It appears from the bas-reliefs on marble vases that dancers took hold of one another by the chlamys, as the modern Greeks still do by their scarfs or handkerchiefs, instead of taking one another's hands. In like manner, Mercury, when he is conducting Pluto in the dark, bids him to take hold of his chlamys in order to follow his steps.⁴ The scarf was also admitted also of being used to recline upon. Thus Endymion is represented, both in ancient paintings and sculptures, and in the description of Lucian,⁵ sleeping on his chlamys, which is spread upon a rock. (*Vid. PILEUS*.)

Among the Romans, the scarf came more into use under the emperors. Caligula wore one enriched with gold.⁶ Alexander Severus, when he was in the country or on an expedition, wore a scarf dyed with the coccus (*chlamyde coccinea*?).

CHLOEIA or CHLOIA (*Χλόεια* or *Χλοία*), a festival celebrated at Athens in honour of Demeter Chloë, or simply Chloë, whose temple stood near the Acropolis.⁷ It was solemnized in spring, on the sixth of Thargelion, when the blossoms began to appear (hence the names *χλόη* and *χλόεια*), with the sacrifice of a ram, and much mirth and rejoicing.⁸

*CHLOREUS or CHLORION (*χλωρέως*, *χλωρίων*), two names belonging, probably, to one and the same bird, the Golden Oriole, or *Oriolus galbula*, L. Ælian errs when he calls the female *χλωρίς* and the male *χλωρίων*, and his error is supposed to have arisen from his copying Aristotle carelessly.¹⁰

I. (Met., ii., 735.)—2. (Pollux, Onom., v., 18.—*περιελάτταν* ἢ ἀμπέχεται περὶ τὴν χεῖρα: Xen., Cyneg., vi., 17.)—3. (Plut., Alcib.)—4. (Lucian, Timon, 30.)—5. (Dial., vol. i., p. 232, ed. Hemsterh.)—6. (Suet., Calig., 19.)—7. (Lamprid., Al. Sev., 40.—Compare Matt., xxvii., 25, 31.)—8. (Hesych., s. v. *Χλοία*—Athen., xiv., p. 618.—Sophocl., Œd. Col., 1600, with the scholiast.—Faus., i., 22, § 3.)—9. (Eupolis, ap. Schol. ad Soph., Œd. Col., l. c.)—10. (Aristot., H. A., ix., 2.—Ælian, N. A., iv., 43.—Adams, Append. s. v.)

CHORAGUS.

CHORUS.

*CHLORIS (*χλωρίς*), the name of a Bird described by Aristotle. Gesner, upon the authority of Turner, holds it to be the Greenback, or *Fringilla chloris*, Temminck.¹

CHOES (*Χοῆς*). (Vid. ΔΡΟΥΡΑΙ.)

CHONIX (*χώνιξ*), a Greek measure of capacity, the size of which is differently given: it was probably of different sizes in the several states. Pollux,² Suidas, Cleopatra, and the fragments of Galen,³ make it equal to three cotylæ (=1 4566 pints English); another fragment of Galen⁴ and other authorities⁵ make it equal to four cotylæ (=1 9521 pints English); Rhemnius Fannius⁶ and another fragment of Galen⁷ make it eight cotylæ (=3 9641 pints English).⁸

*ΧΟΙΠΟΣ ΠΟΤΑΜΙΟΣ (*χοῖπος ποτάμιος*), a species of Fish, probably the Ruffe, or *Perca ceruua*, L. It is a small fish, of good flavour; rather olive, and spotted with brown.⁹

CHORAGUS, a person who had to bear the expenses of the choragia, one of the regularly-recurring state burdens (*ἐγκύκλιοι λειτουργίαι*) at Athens. Originally (as is shown in the article CHORUS) the chorus consisted of all the inhabitants in the state. With the improvement of the arts of music and dancing, the distinction of spectators and performers arose; it became more a matter of art to sing and dance in the chorus; paid performers were employed; and at last the duties of this branch of worship devolved upon one person, selected by the state to be their representative, who defrayed all the expenses which were incurred on the different occasions. This person was the choragus. It was the duty of the managers of a tribe (*ἐπιμεληταὶ φυλῆς*) to which a choragy had come round, to provide a person to perform the duties of it; and the person appointed by them had to meet the expenses of the chorus in all plays, tragic or comic (*τραγῳδοῖς, κωμῳδοῖς*), and satirical; and of the lyric choruses of men and boys, the pyrrhichistæ, cecilian dancers, and flute-players (*χορηγεῖν ἀνδράσι, ἢ ἀνδρικοῖς χοροῖς, παιδικοῖς χοροῖς, πυρρῆχισταῖς, κηκλίω χορῶ, ἀλληλαῖς ἀνδράσι*), &c. He had first to collect his chorus, and then to procure a teacher (*χοροδιδάσκαλος*), whom he paid for instructing the choreutæ. The choragi drew lots for the first choice of teachers; for as their credit depended upon the success of their chorus in the dramatic or lyric contests, it was of great importance to them whose assistance they secured.¹⁰ When the chorus was composed of boys, the choragus was occasionally allowed to press children for it, in case their parents were refractory.¹¹ The chorus were generally maintained, during the period of their instruction, at the expense of the choragus, and he had also to provide such meat and drink as would contribute to strengthen the voice of the singers (*Ὁδὲ χορηγοὶ τοῖς χορευταῖς ἐγγέλια καὶ θριούκκια καὶ ἀκελίδας καὶ μνελὸν παρατιθέντες, εὐάχουν ἐπὶ πολλὴν κρίνον, φωνασκουμένους καὶ τρυφόντας*¹²). The expenses of the different choruses are given by Lysias¹³ as follow: Chorus of men, 20 minæ; with the tripod, 50 minæ; pyrrhic chorus, 8 minæ; pyrrhic chorus of boys, 7 minæ; tragic chorus, 30 minæ; comic, 16 minæ; cecilian chorus, 300 minæ. According to Demosthenes,¹⁴ the chorus of flute-players cost a great deal more than the tragic chorus. The choragus who exhibited the best musical or theatrical entertainment, received as a prize a tripod, which he had

the expense of consecrating, and sometimes he had also to build the monument on which it was placed. There was a whole street at Athens named by the line of these tripod-temples, and called - The Street of the Tripods." The laws of Solon prescribed it as the proper age for the choragus, but this law was not long in force.

On the subject of the choraga, see Böckh's *Publ. Econ. of Athens*, ii. p. 207. &c.

CHOREGIA (*χορηγία*). (Vid. ΚΡΑΤΑΙΑ.)

ΧΩΡΙΟΤ ΑΙΚΗ (*χωριότ αἰκή*), a suit to recover land, was a diadecasia within the jurisdiction of the thesmothete. The parties to a suit of this kind were necessarily either Athenian citizens, or such favoured aliens as had had the power of acquiring real property in Attica (*οἷς καὶ ὡς ἔταρος*) bestowed upon them by special grant of the people. Of the speeches of Isæus and Lysias in causes of this kind, the names are all that survive.

CHORUS (*χορός*), a band of singers and dancers, engaged in the public worship of some divinity. This is, however, only the secondary meaning of the Greek word. The word *χορός*, which is connected with *χῶρος, χώρα*,¹ properly denoted the market-place, where the chorus met. Thus Homer calls the dancing-place the *χορός*; *λαῖψαν δὲ χορόν*,² *πέπληγον δὲ χορόν νεῖον ποσσὶ*,³ *ὕδα τ' ἑστῶς ἀργεῖοῦ οἰκία καὶ χοροὶ εἰσι*,⁴ *ἐνθα δ' ἔσαν Νημφέων καὶ χοροὶ ἦδ' ἑσθῆκοι*.⁵ Now the dancing-place for the public chorus in a Greek town would naturally be the largest space which they had, i. e., the market-place, which was called by the more general name of "the place" or "the space" (*χορός*). Thus the *ἀγορά* at Sparta was called the *χορός*.⁶ And *εὐρέχωρος* is a common epithet of a large city: thus Sparta⁷ and Athens⁸ are both called *εὐρέχωρος*, which either meant "having a wide chorus or market," or, generally, "extensive" (*εὐρέχωρος*), as when it is applied as an epithet to *Ἀσία* in Pindar.⁹ Thus, also, the king says to the chorus, in the *Supplices* of Æschylus,¹⁰ *λαὸν ἐν χώρῳ τῆσσεσθε*.

This explanation of the word *χορός* is important, from its connexion with the idea of a primitive chorus. In the oldest times the chorus consisted of the whole population of the city, who met in the public place to offer up thanksgivings to their country's god, by singing hymns and performing corresponding dances. The hymn, however, was not sung by the chorus, but some poet or musician sang or played the hymn, and the dancers, who formed the chorus, only allowed their movements to be guided by the poem or the tune. The poet, therefore, was said to "lead off the dance" (*εἰς ἄρχην μολπῆς*), and this was said not merely of the poet,¹¹ but also of the principal dancers;¹² and even the leader of a game at ball is said *ἄρχεσθαι μολπῆς*. From this it will be seen that the words *μέλπεσθαι* and *μολπῆ*, when used in speaking of the old chorus, imply the regular, graceful movements of the dancers;¹³ and the *eumolpids* were not singers of hymns, but dancers in the chorus of Demeter and Dionysus. This old chorus, or the chorus proper, was always accompanied by the *cithara*, the *lyre*, or the *phorminx*, which were different kinds of stringed instruments; when the accompaniment was the flute, it was not a chorus, but an *ἀγλαία* or a *κῶμος*, a much more riotous affair, which was always rather of the nature of a procession than of a dance, and in which there was often no *exarchus*, but every one joined into the song or cry of joy at his pleasure. Such a

1. (Aristot., II. A., viii., 5.—Adams, Append., s. v.)—2. (iv., 23)—3. (c. 7 and 9.)—4. (c. 5.)—5. (Pausan., Metrol., p. 233.)—6. (v., 69.)—7. (c. 8.)—8. (Wurm, De Pond. et Mens., &c., p. 132, 142, 199.—Hasey on Anc. Money and Measures, p. 200 and 214.)—9. (Ælian, N. A., xiv., 23.)—10. (Demosth., c. Mid., p. 519.)—11. (Antiphon., De Choreuta, p. 767, 768.)—12. (Plutarch, De Glor. Ath., p. 349, A.)—13. (Ἀπολλ. ἐρωδ., p. 698.)—14. (Mid., p. 363.)

1. (New Cratylus, p. 361.)—2. (Od., viii., 260.)—3. (l., 264.)—4. (xii., 4.)—5. (l., 318.)—6. (Pausan., iii., 11, § 9.)—7. (Anaxandrides, ap. Athen., p. 131, C.)—8. (Oracul. ap. Demosth., Mid., p. 531.)—9. (Ol., vii., 18.)—10. (v., 976.)—11. (See the passages quoted in the Theatre of the Greeks, 4th edition, p. 21.)—12. (Il., xviii., 604.)—13. (Il., xvi., 182.—Hymn. Pyn. Apoll., 10.)

omus was the hymenæal or bridal procession, though this seems to have been a mixture of the chorus and the *comus*, for the harp and a chorus of damsels are mentioned in the descriptions of it by Homer and Hesiod. The former merely says, "A loud *hymeneus* arose; young men skilled in the lance moved around; and among them flutes and cithars resounded" (αἰόλοι, φόρμιγγές τε). Hesiod's description is much more elaborate: "The inhabitants (of the fortified city which he is describing) were enjoying themselves with festivities and dances (ἀγλαίαις τε χοροῖς τε); the men, (i. e., the *κῶμος*) were conducting the bride to her husband on the well-wheeled mule-car; and a loud *hymeneus* arose; very afar was seen the gleam of burning torches carried in the hand of slaves; the damsels (i. e., the *χορός*) were moving forward in all joy and festivity (ἀγλαῖα τεθαλίαι); and they were both attended by sportive choruses. The one chorus, consisting of men (the *κῶμος*), were singing with youthful voices to the shrill sound of the *pipe* (i. e., *σύριγξ*); the other, consisting of the damsels (the *χορός*), were leading up the cheerful chorus (i. e., were dancing) to the notes of the *harp* (φόρμιγγς)." This account of the *hymeneus* is immediately followed by a description of the *comus* proper, i. e., a riotous procession after a banquet. "On another side, some young men were moving on in the *comus* (ἐκόμαζον) to the sound of the flute; some were amusing themselves with singing and dancing; others moved on laughing, each of them accompanied by a flute-player (ἢ ἀλητῆρι ἑκαστος). The whole city was filled with joy, and choruses, and festivity" (θαλαίαι τε χοροὶ τε ἀγλαίαι τε).

The chorus received its first full development in the Doric states, and in them it was particularly connected with their military organization. The Dorian chorus was composed of the same persons who formed their battle-array: the best dancers and the best fighters were called by the same name (*τραπέτες*); the back rows in each were called "un-armed" (*ψιλῆεις*), and the figures of the dance were called by the same name as the evolutions of the army.¹ The Doric deity was Apollo; consequently, we find the Doric chorus, which was properly accompanied by the lyre, and of which the lyric poetry of the Greeks was the legitimate offspring, immediately connected with the worship of Apollo, the inventor of the lyre. The three principal Doric choruses were the *pyrrhic*, the *gymnopædic*, and the *hyporchæmatic*. These were afterward transferred to the worship of Bacchus, and appear as the three varieties of the dramatic chorus, which celebrated the worship of that divinity: the *emmelcia*, or *tragic dance*, corresponded to the *gymnopædic*, the *comic dance* to the *hyporchætic*, and the *satyric* to the *pyrrhic*. All these dances were much cultivated and improved by Thaletas, who introduced a combination of the song and dance for the whole chorus, of which Lucian speaks when he says, by way of contrast to the pantomimic dancers of more modern times: "Πάλαι μὲν γὰρ οἱ αὐτοὶ καὶ ᾄδον καὶ ὀρχοῦντο, "in older times the same performers both sang and danced." This extension of the song of the *exarchus* to the whole chorus seems to have given rise almost naturally to the division of the chorus into strophes and antistrophes, which Stesichorus farther improved by the addition of an epode, thus breaking through the monotonous alternation of strophe and antistrophe by the insertion of a stanza of a different measure. This improvement is referred to in the proverb, Οὐδὲ τὰ τρία Στῆσιχῶρον γιγνώσκει. The choruses of Stesichorus

consisted of combinations of rows of eight dancers; and, from his partiality to the number 8, we have another proverb, the πάντα ὅκτω of the grammarians.

The most important event in the history of Greek choral poetry was the adaptation of the dithyramb, or old Bacchic song, to the system of Doric choruses; for it was to this that we owe the Attic drama. The dithyramb was originally of the nature of a *κῶμος*: it was sung by a band of revellers to a flute accompaniment; and in the time of Archilochus had its leader, for that poet says that "he knows how to lead off the dithyramb, the beautiful song of Dionysus, when his mind is inflamed with wine."²

Ὡς Διονύσοι ἄνακτος καλὸν ἐξάρξαι μέλος
οἶδα δὲθύραμβον οἶνω συγκεραννῶεις φρένας.

Arion, the celebrated player on the cithara, was the first to practise a regular chorus in the dithyramb, and to adapt it to the cithara. This he did at Citharoth, a Doric city; and therefore we may suppose that he subjected his dithyramb to all the conditions of Doric choral poetry. The dithyramb was danced round a blazing altar by a chorus of 50 men or boys; hence it was called a *circular chorus* (*κύκλιος χορός*); the dithyrambic poet was called *κυκλιόδιδάσκαλος*, and Arion is said to have been the son of *Cycleus*.

Aristotle tells us that tragedy arose from the recitations of the leaders of the dithyramb (ἀπὸ τῶν ἐξαρχόντων τῶν διθύραμβων³); and we know from Suidas that Arion was the inventor of the tragic style (*τραγικῆς τρόπου εὑρετής*⁴). This latter statement seems to refer to the fact that Arion introduced satyrs into the dithyramb; for the satyrs were also called *τράγοι*,⁵ so that *τραγῶδιά*, "the song of the satyrs," is the same as "the satyric drama." This tragic or satyric drama arose from the leaders of the dithyrambic chorus, as arranged by Arion. If we examine the use made of this dithyrambic chorus by Æschylus, we shall easily see what is the meaning of Aristotle's statement. In the tragic trilogies of Æschylus we find a chorus and two actors. As tragedy arose from the leaders of the dithyramb, the first beginning would be when the poet Thespis, as leader of his dithyrambic chorus, either made long Epic or narrative speeches, or conversed with his chorus. The improvement of Æschylus, then, was to introduce a dialogue between two of the *exarchi*, who would thus become actors. Consequently, we should expect that in the time of Æschylus the dithyrambic chorus of 50 would be succeeded by a tragic chorus of 48, and two actors. And this we find to be the case. If we examine the extant trilogy—the *Oresteia*—we find that the *Agamemnon* has a chorus of 12 old men; the *Choëphoræ*, a chorus of either 12 or 15 women; and the *Euménides*, a chorus of 15 furies: this would leave 9 or 6 for the chorus of the satyric drama appended to the trilogy, according as we take the smaller or greater number for the chorus in the *Choëphoræ*. It seems more probable that we should take the larger number; for it is probable that, in most cases, Æschylus would divide the main chorus of 48 into four subchoruses of 12; for 24 was the number of the comic chorus, and as comedies were acted in single plays, it is not unlikely that they would assign to a comic poet double the chorus used by the tragedian in his single plays, or half his whole chorus. If so, the satyric drama might, as less important, be contented with half the ordinary tragic chorus, when the exigencies of the piece rendered it desirable to increase the chorus from 12 to 15 in one or more of the individual plays.

1. (H. H. 422.)—2. (Scut. Herc., 270.)—3. (Müller's Dox., 12, § 10; iv. 4, § 4.)—4. (De Saltat., c. 30.)

1. (Athenæus, p. 628, A.)—2. (Poet., 4.)—3. (Comparsæ Hærod., i., 23.)—4. (Hesych., s. v. Τράγους.)

Besides, if the chorus of Stesichorus, which was antistrophic, and therefore quadrangular, consisted of 48, as it is not improbable, and this chorus of 48 was divided into rows of eight (as in πάντα δεκτώ), six would be an element of the regular chorus, and, therefore, a fit number to represent its least important part. See on this subject Müller,¹ from whose view the account here given differs in some particulars.

The tragic chorus, though quadrangular, still mustered around the *thymele*, or altar of Bacchus in the theatre, thereby showing some last traces of its dithyrambic origin; and though the lyre was its general accompaniment, it did not by any means repudiate the flute, the old accompaniment of the dithyramb. When the chorus consisted of 15, it entered the orchestra either in ranks three abreast, or in files five abreast; in the former case it was said to be divided *κατὰ ζυγά*, in the latter *κατὰ στοίχους*. No doubt a similar distinction was made in the case of the chorus of 12.

The expense of the chorus, as it is stated in the article *CHORAGUS*, was defrayed by the choragus, who was assigned to the poet by the archon. In the case of a dramatic chorus, the poet, if he intended to represent at the Lenææ, applied to the king archon; if at the great Dionysia, to the chief archon, who "gave him a chorus" if his play was thought to deserve it; hence *χορὸν δίδοναι* signifies "to praise or approve a poet."² The successful poet was said to "receive the chorus."³ The comic dance was not at first thought worthy of a public chorus, but the chorus in that species of drama was at first performed by amateurs (*ἰθελονταί*), as was also the case with the dithyramb in later times.⁴

* *CHOUS* or *CHOEUS* (*χοῦς*, or *χοεύς*), a Greek measure of liquids, which is stated by all the authorities to be equal to the Roman congius, and to contain six *ξέσται* or sextarii (=5.9471 pints English). Suidas alone makes a distinction between the *χοῦς* and the *χοεύς*, making the former equal to two sextarii, and the latter equal to six. Now when we remember that the *χοῦς* was commonly used as a drinking vessel at Athenian entertainments;⁵ that, on the day of the *χοῦς* (*vid. DIONYSIA*), a prize was given to the person who first drank off his *χοῦς*; and that Milo of Croton is said to have drunk three *χοῦς* of wine at a draught,⁶ it is incredible that, in these cases, the large *χοῦς* mentioned above could be meant. It seems, therefore, probable that there was also a smaller measure of the same name, containing, as Suidas states, two sextarii, =1.9823 pints English. At first it was most likely the common name for a drinking vessel. According to Crates,⁷ the *χοῦς* had originally a similar form to the Panathenaic amphoræ, and was also called *πελίκη*.⁸

XPEOYΣ ΔΙΚΗ (*χρέους δίκη*), a simple action for debt, was, like most of the other cases arising upon an alleged breach of contract, referred to the jurisdiction of the thesmothetæ when the sum in question amounted to more than ten drachmæ. If otherwise, it fell under the cognizance of those itinerant magistrates, who were originally thirty in number, and styled, accordingly, *οἱ τριάκοντα*: but afterward, in consequence of the odium attached to this name, which had also served to designate the oligarchic tyrants, received an accession of ten colleagues and a corresponding change of title.⁹ If the cause could be classed among the *ἐμμηνοὶ δίκαι*,

1. (Eumenides, § 1, &c.)—2. (Plato, Rep., p. 383, C.)—3. (Aristoph., Ran., 94.)—4. (Aristot., Poet., 5.)—5. (Vid. Aristot., Probl., xv, 9.—Rhet., iii, 9.)—6. (Aristoph., Acharn., v, 1086, ed. Dind.)—7. (Athen., lib. x.)—8. (Athen., xi, p. 496.)—9. (Pollux, Onom., x, 73.—Wurm, De Pond., &c., p. 127, 136, 141, 198.—Hussey on Anc. Money, Measures, &c., p. 211-213.)—10. (Pollux, Onom., vii, 100.)

as, for instance, when the debt arose upon a mercantile transaction, the thesmothetæ would still have jurisdiction in it, though one of the parties to the suit were an alien; otherwise it seems that when such a person was the defendant, it was brought into the court of the polemarch.¹ If the cause were treated as a *δίκη Ἐμπορικὴ*, as above mentioned, the plaintiff would forfeit a sixth part of the sum contested upon failing to obtain one fifth of the votes of the dicasts;² but we are not informed whether this regulation was applicable, under similar circumstances, in all prosecutions for debt. The speech of Demosthenes against Timotheus was made in a cause of this kind.

* *CHROMIS* or *CHREMPS* (*χρόμις*, *χρόμις*, or *χρέμψ*), a species of Fish, the same with the *Sparus Chromis*, L., and called in French *Marron*. Rondelet says it is a small fish, and little esteemed. According to Cuvier, it is a chestnut-brown fish, taken by thousands in the Mediterranean. The fishermen on the coast of Genoa call it *Castagno*, on account of its chestnut colour. The *Chromis Nidolica*, on the other hand, is of an agreeable flavour, and is considered the best fish in the Nile.³

* *CHRYSALIS* or *CHRYSALLIS*, a name applied to the first apparent change of the crua, or maggot, of any species of insect. In a special sense, it denotes the "tomb of the caterpillar and the cradle of the butterfly." The name has reference to the golden colour (*χρυσός*, "gold") which the chrysalis generally assumes.⁴

* *CHRYSANTHEMUM* (*χρυσάνθημον*), the Corn Marygold, or *Chrysanthemum coronarium*. The Greek name has reference to its golden-hued flowers. Another appellation is *βοτόθαλμον*, though this in strictness belongs to the Ox-eyed Daisy, or *Chrysanthemum leucanthemum*. Fée thinks that Virgil means the *C. coronarium* by the *Chrysanthus* of which he speaks in the Culex.⁵ The modern Greeks call this plant *Τζιτζιμόλα*, and in the Archipelago, *Μανταλίνα*. Sibthorp found it among the villages, and by the margins of roads.⁶

* *CHRYSSELECTRUM* (*χρυσήλεκτρον*), a variety of Amber. Fourcroy calls it "transparent amber of a golden yellow colour."⁷

* *CHRYSSELECTRUS* (*χρυσήλεκτρος*), a name applied to the Indian Chrysoliths (Yellow Sapphire, or Oriental Topaz), having a foil of brass laid under them, and hence approaching in their colour to amber, or electrum.⁸

CHRYSENDETA, costly dishes used by the Romans at their entertainments. They are mentioned several times by Martial,⁹ and, from the epithet *flava* which he applies to them, as well as from the analogy of the name, they appear to have been of silver, with golden ornaments. Cicero¹⁰ mentions vessels of this kind. He calls their golden ornaments in general *sigilla*, but again distinguishes them as *crusta* and *emblemata*;¹¹ the former were probably embossed figures or chasings fixed on to the silver, and the latter inlaid or wrought into it.¹² The embossed work appears to be referred to by Paullus (*cymbia argenteis crustis iligata*¹³), and the inlaid ornaments by Seneca (*argentum, in quod solidi auri calatura descenderit*¹⁴).

* *CHRYSITES* (*χρυσίτης*), another name for the Basanites lapis, or Touchstone, from its use in testing gold.¹⁵

1. (Meier, Att. Proc., 55.)—2. (Suid., s. v. Ἐπιπέλας)—3. (Aristot., H. A., iv, 8.—Elian, N. A., ix, 17.—Ovid, Hal., iii.—Plin., H. N., ix, 16.—Adams, Append., s. v.)—4. (Plin., H. N., xi, 22, 35.)—5. (v, 404.)—6. (Billerbeck, Flora Classica, p. 219.)—7. (Fourcroy's Chemistry, c. 14.—Adams, Append., s. v.)—8. (Plin., H. N., xxxvii, 9.)—9. (ii, 43, 11; vi, 94; xiv, 97.)—10. (Verr., iv, 21-23.)—11. (c. 23.)—12. (Compare c. 24.)—13. (Dig. 34, tit. 2, s. 33.)—14. (Ep., v.)—15. (Plin., H. N., cxxxv, 22.)

STIS (*χρυσίτις*), supposed to have been oxide of lead, used as a pigment by the ancients, and forming one of the three varieties of *θήρυγγρος* described by Dioscorides¹ and the same name was, in all likelihood, derived from its bright and shining colour, resembling that of

SOCOLLA (*χρυσόκόλλα*). "The name marks Adams, "applied this term to two substances: First, to a mineral called *Chrysaiken*, *Malachite* by Kidd, and *Copper Jameson* and *Cleaveland*. It consists wholly of oxide of copper and silex—Second, a porous substance prepared from soda and the manner described by Pliny.⁴ It is confounded with the *Borax*, or *Soda Borax* of the ancients, from its being used like *Borax* in solution. There is much misapprehension in the name of the ancient *Chrysocolla* given by Pliny, *Agricola*, *Milligan*, and most of the modern writers, which it is proper to caution the student of the ancient science not to be misled by."⁵

SOCOME (*χρυσόκομη*), a species of the *Linaria Linosyris* of Bauhin, which is the same as the *Chrysocome Linosyris*, L. Pliny gives it a proper appellation in the Latin language, *guillara* and *Matthiolus* were unable to determine what kind of plant it was.⁶

SOLITHUS (*χρυσόλιθος*), a Precious stone, same with the modern *Topaz*. Its colour is yellow, whence the ancient appellation *ψευδοχρυσόλιθος* was stained crystal.⁷ *Chrysolithus*," remarks Dr. Moore, "have been applied somewhat loosely by the ancients to the modern term is, to a great variety of stones. The *Chrysolites* obtained from *Ethiopia* *fulgore translucentes*;" but to these were added the *Indian*, which may have been the *Sapphire*, or *Oriental topaz*. The best specimens. Underneath others a foil of brass

These were called *chryselectri*, whose colour was ascribed to that of amber (*electrum*). The *Pontus* might be distinguished by their being lighter. They were, perhaps, yellow quartz, the *topaz*; or yellow fluor spar, the false *topaz*; or specific gravities are to that of the *Oriental topaz* as three and four respectively to five. The *solite* obtained in *Spain*, from the same *rock-crystal*, we may suppose was yellow. Such as had a white vein running through them, called hence *leucochrysi*, were probably yellow quartz with a vein of chalcidony; or *chrysi* we may translate smoke-topaz. The *smoked glass* of a bright saffron colour; or *made of glass* could not be distinguished from the *real*, but might be detected by the touch (of course, no doubt), as being warmer.⁸

SOMELUM (*χρυσόμηλον*), according to Pliny, the sweet Orange, and not a species of it is sometimes styled. It is a variety of the *Aurantium*, L.⁹

SOPIS (*χρυσόπις*), a species of Precious stone, according to Pliny, the appearance of *Dalacamp* takes it for *Hyacinth*.¹⁰

SOPHRYS (*χρυσόφρυς*), a large species of *Gilt Head* or *Gilt Poll*, the same as the *Chrysaiken*, L. The Greek name, which means *yellow-brow*," was given to it on account of a yellow band of a golden hue extending from the eye to the other. Du Hamel says its colour is *brilliant*, but rather dry; according to *Xenophon* it is firm and nutritious. "With the ex-

ception of the bright band between the eyes, we can find nothing in the *Chryso-phrys* of the ancients," observes Griffith, "that is absolutely characteristic of the modern fish of the same name; though, at the same time, we find nothing which can give rise to exclusion. According to Aristotle, the *chryso-phrys* has two pairs of fins; its pyloric appendages are few in number; it remains close to the coasts, and in salt marshes or pools; it spawns in summer, and deposits its eggs at the mouths of rivers; the great heats oblige it to conceal itself; the cold also causes it to suffer; it is carnivorous, and the fishermen take it by striking it with a trident while asleep. *Ælian* tells us that it is the most timid of fishes: some branches of poplar, implanted in the sand during a reflux, so terrified the *chryso-phrys* which were brought back by the flood, that on the succeeding reflux they did not dare to move, and suffered themselves to be taken by the hand. That the *Aurata* of the Latins was the same fish as the *Chryso-phrys* of the Greeks, is evident from a passage in *Pliny*, which is manifestly taken from *Aristotle*, and where the first word is put as a translation of the second. *Columella* tells us that the *Aurata* was of the number of those fishes which the Romans brought up in their *vivaria*; and even the inventor of *vivaria*, *Sergius Orata*, appears to have derived from this fish the surname which he bore, and which he left to his branch of the family. It was, above all, the *Aurata* of the *Lucrine lake* that the Romans esteemed; and *Sergius*, who obtained nearly entire possession of that lake, in all probability introduced the species there."¹¹

*CHRYSOPRAS' IUS LAPIS (*χρυσόπρασος*), the *Chryso-prase*, a precious stone, resembling in colour the juice of the leek (*πράσον*), but with somewhat of a golden tinge (*χρυσός*, "gold"), whence the name given it. What is now called *Chryso-prase*, however, by *Jameson* and *Aiken*, could hardly, as *Adams* thinks, have been known to the ancients, since it is found only in *Lower Silesia*. It is composed almost entirely of silex, with a small admixture of nickel, to which it owes its colour. The *Chryso-prase* of the ancients, on the other hand, was most probably a variety of the *Prasus*.¹²

CHTHONIA (*Χθώνια*), a festival celebrated at *Hermione* in honour of *Demeter*, surnamed *Chthonia*. The following is the description of it given by *Pausanias*:¹³ "The inhabitants of *Hermione* celebrate the *Chthonia* every year, in summer, in this manner: They form a procession, headed by the priests and magistrates of the year, who are followed by men and women. Even for children it is customary to pay homage to the goddess by joining the procession. They wear white garments, and on their heads they have chaplets of flowers, which they call *κοσμοσάνδαλοι*, which, however, from their size and colour, as well as from the letters inscribed on them, recording the premature death of *Hyacinthus*, seem to me to be *hyacinths*. Behind the procession there follow persons leading by strings an untamed heifer, just taken from the herd, and drag it into the temple, where four old women perform the sacrifice, one of them cutting the animal's throat with a scythe. The doors of the temple, which during this sacrifice had been shut, are thrown open, and persons especially appointed for the purpose lead in a second heifer, then a third and a fourth, all of which are sacrificed by the matrons in the manner described. A curious circumstance in this solemnity is, that all the heifers must fall on the same side on which the first fell." The splendour and rich offerings of this festival are also mentioned

1.—2. (*B. N.*, xxxiii., 35.)—3. (*Moore's Anc. Min.*, 1.)—4. (*H. N.*, xiii., 29.)—5. (*Adams, Append.*, 105.)—6. (*Adams, Append.*, s. v.)—7. (*Diog.*, 105.)—8. (*Adams, Mineral.*, p. 170.)—9. (*Billerbeck, Flora*, 132.)—10. (*Plin.*, *H. N.*, xxvii., 10.)

1. (*Aristot.*, *H. N.*, i., 5. — *Ælian*, *N. A.*, xiii., 28. — *Cuvier*, *An. King.*, vol. x., p. 163, 312, ed. Griffith.)—2. (*Adams, Append.*, s. v.)—3. (*ii.*, 35, § 4.)

by Ælian,¹ who, however, makes no mention of the matrons of whom Pausanias speaks, but says that the sacrifice of the heifers was performed by the priestess of Demeter.

The Lacedæmonians adopted the worship of Demeter Chthonia from the Hermioneans, some of whose kinsmen had settled in Messenia;² hence we may infer that they celebrated either the same festival as that of the Hermioneans, or one similar to it.

CHYTRA (χύτρα), an earthen vessel for common use, especially for cooking. It was commonly left unpainted, and hence all unprofitable labour was described by the proverb *χύτραν ποικίλλειν*.³

*CICADA (τέττιξ), a species of Insect, frequently mentioned by the classical writers. According to Dodwell,⁴ it is formed like a large fly, with long transparent wings, a dark brown back, and a yellow belly. It is originally a caterpillar, then a chrysalis, and is converted into a fly late in the spring. Its song is much louder and shriller than that of the grasshopper, as Dodwell terms the latter. This writer says that nothing is so piercing as their note; nothing, at the same time, so tiresome and inharmonious; and yet the ancient writers, and especially the poets, praise the sweetness of their song; and Plutarch⁵ says they were sacred to the Muses. According to Ælian,⁶ only the male Cicada sings, and that in the hottest weather. This is confirmed by the discoveries of modern naturalists. The Cicada is extremely common in the south of Italy. It is found also in the United States, being called in some parts "the Harvest-fly," and in others, very erroneously, "the Locust." The Cicada has a sucker instead of a mouth, by which it lives entirely on liquids, such as dew and the juices of plants. The song of the Cicada, as it has been called, is made by the males for the purpose of calling to their females in the season of reproduction, and it is made by the action of certain muscles upon two membranes, turned in the form of a kettle-drum, and lodged in the cavity of the belly. Several species of Cicada are described by Aristotle,⁷ Suidas, and Ælian,⁸ but more especially two, namely, *οἱ μεγάλοι τέττιγες, οἱ ἄδοντες*, called also *ἀχεται*, and *οἱ μικροί*, called also *τέττιγονία*. The former would appear to be the Cicada plebeia, the latter the Cicada orni. This insect is called *Cicale* in Italian, and *Cigale* in French. "The Tettix," observes Kirby, "seems to have been the favourite of every Grecian bard, from Homer and Hesiod to Theocritus. Supposed to be perfectly harmless, and to live only on the dew, they were addressed by the most endearing epithets, and were regarded as all but divine. So attached, indeed, were the Athenians to these insects, that they were accustomed to fasten golden images of them in their hair, implying, at the same time, a boast, that they themselves, as well as the Cicadae, were 'terra filii,' or children of the earth." Anacreon, in one of his odes,⁹ says of the Tettix, that old age wastes it not away. In this he has reference to the fable of Tithonus, the favourite of Aurora, who, having wished for immortality, without having asked, at the same time, for perpetual youth, became so decrepit, that Aurora, out of compassion, changed him into a tettix, because this insect, as the ancients believed, laid aside its skin every summer, and thus renewed its youth. The truth is, the Tettix or Cicada, like all the other species of the

Gryllus, though existing but for a single season since it dies at the close of the summer, casts its skin in the same manner as the caterpillar and deposits in the fields a membrane so accurately true to its entire shape, that it is often mistaken at first sight, for the Tettix itself. The belief, that this insect was indigenous, or, in other words, sprang from the very earth, appears to have arisen from the circumstance of large numbers being seen immediately after showers, though not visible previously.

*CICER. (Vid. EREBINTHUS.)

*CICHORIUM. (Vid. INTYBUM.)

*CICI (κίκι), a plant, the same as the *Pa. Christi* or *Ricinus communis*. "This plant," says Woodville, speaking of the Palma Christi "appears to be the κίκι, or κρότων of Dioscoridius who observes that the seeds are powerfully cathartic: it is also mentioned by Aëtius, Paulus Æginus and Pliny."¹

*CICONIA, the Stork. (Vid. PELARGOS.)

*CICUTA, Hemlock. (Vid. CONEION.)

*CIDARIS. (Vid. TIARA.)

CILICIUM (δέρηξ), a Haircloth. The material of which the Greeks and Romans almost universally made this kind of cloth, was the hair of goats. The Asiatics made it of camel's-hair. Goats were bred for this purpose in the greatest abundance, and with the longest hair, in Cilicia; and from this country the Latin name of such cloth was derived. Lycia, Phrygia, Spain, and Libya also produced the same article. The cloth obtained by spinning goat's-hair was nearly black, and was used for the coarse habits which sailors and fishermen wore, as it was the least subject to be destroyed when wet; also for horse-cloths, tents, sacks, and bags to hold workmen's tools (*fabrilia vasa*), and for the purpose of covering military engines, and the walls and towers of besieged cities, so as to deaden the force of the ram (vid. ARIES), and to prevent the woodwork from being set on fire.²

Among the Orientals, sackcloth, which was worn always haircloth, was worn to express mortification and grief. After the decline of the Roman power, it passed from its other uses to be so employed in Europe also. Monks and anchorites most universally adopted the cilicium as fit to be worn for the sake of humiliation, and they proposed their end to be more completely attained if this part of their raiment was never washed. Hence Jerome,³ describing the life of the monk Iulian, says of his hair shirt, "*Saccum, quo ex fuerat indutus, nunquam lavans, et superfluum edicens, munditias in cilicio querere.*"

*CIMEX (κόρις), the Bug, under which name many species are included by the ancients, but modern naturalists have distinguished from each another. Aristotle makes the *κόρις* to be engendered by the vapour secretions from the skins of animals. Pliny,⁴ after calling the *Cimex* "antifodissimum, et dictu quoque fastidendum" (which he evidently alludes to the *Cimex lectularius*, the bedbug), goes on to state some marvellous uses of this insect in the healing art. It was considered an excellent remedy against the bite of serpents and especially of asps: fumigations made with *cimices* caused leeches to loosen their hold; and if any animal had swallowed leeches in drink, *cimices*, taken internally, served as a cure. They were good for weak eyes when mixed with salt and the milk of a female, and for complaints of the e-

1. (H. A., xi., 4.)—2. (Paus., iii., 14, § 5.)—3. (Athen., ix., p. 407—Suidas, s. v. Χύτρα and Ὀνοῦ πάκαι.—Panofka, Recherches, &c., i., 28.)—4. (Travels in Greece, vol. ii., p. 45.)—5. (Sympos. Probl., 8.)—6. (N. A., xi., 26.)—7. (H. A., iv., 9.)—8. (N. A., x., 44.)—9. (Griffith's Cuvier, vol. xv., p. 254.)—10. (Ody. xliii., 15, ed. Fischer.)

1. (Dioscor., iv., 161.—Adams, Append., s. v.)—2. (Athen., H. A., viii., 22.—Ælian, N. A., xvi., 30.—Varro, De Re Rust. 11.—Virg., Georg., iii., 322.—Aviceni, Ora Marit., 218—22 Vegetius, Ars. Vet., i., 42.)—3. (Epist., lib. iii.)—4. (H. A., xix., 4)

men mingled with honey and oil of roses. Numerous other medical virtues were ascribed to it, which, like the preceding, were purely fabulous, although Guettard, in modern times, recommends them in hysterical cases.¹

CIMOLIA TERRA (Κιμόλια γῆ), Cimolian earth, so called from the island Cimolus, one of the Cyclades, whence it was principally obtained, although found also in other of the adjacent islands, particularly Siphnus. It was used by the ancients in making their clothes, pretty much in the same way fuller's earth is now employed. The ancients used it likewise in medicine: Galen speaks of it as used in St. Anthony's fire;² and Dioscorides³ highly commends it, mixed with vinegar, in swellings, eruptions, and many other external affections. Ancient writers mention two kinds of Cimolian earth, a white and a purplish. Galen says that the white kind was dry, and the purple fattish, and that the purple was accounted the better of the two. Dioscorides says that the purple kind was cold to touch, a particular very observable in steatitis. "Many authors," remarks Sir John Hill, "have ranked Cimolian Earth among the clays, and Tournefort makes it a chalk; but it appears to me to have been neither of these, but properly and distinctly a marl. Many have imagined our fuller's earth to have been the Cimolian of the ancients, erroneously; the substance which comes nearest to all the now known fossils, is the steatite or soap rock of Cornwall."⁴

CINARA (κινάρα), the Artichoke. The *Cinara officinalis*, our common artichoke, is described in distinct terms in Columella, and he is the only ancient author that has done so.⁵

CINCIA LEX, or MUNERA'LIS. This lex was a plebiscitum passed in the time of the tribune M. Cincius Alimentus (B.C. 204), and entitled *Lex de Muneribus*.⁶ One provision of this law which forbade a person to take anything for gains in pleading a cause, is recorded by Tacitus: "*Ne quis ob causam orandam pecuniam donumve acciperet.*" In the time of Augustus, the lex Cincia was confirmed by a senatus consultum,⁷ and a penalty four times the sum received was imposed on the advocate. This fact of confirmation will explain the passage in Tacitus.⁸ The law was so far modified in the time of Claudius, that an advocate was allowed to receive ten sestertia; if he took any sum beyond that, he was liable to be prosecuted for repetition (*repetundarum tenebatur*).⁹ (*Vid. REPETUNDARUM*). It appears that this permission was so far restricted in Trajan's time, that the fee could not be more than the work was done.¹¹

As far as the Cincian law presents no difficulty; it appears that the provisions of the law were limited to the case already stated. They applied, also, to gifts in general; or, at least, there were enactments which did limit the amount of a person could give, and also required gifts to be accompanied with certain formalities; and it does not seem possible to refer these enactments to another than the Cincian law. The numerous traditions and difficulties which perplex this subject are, perhaps, satisfactorily reconciled and solved by the following conjecture of Savigny:¹² "Gifts which exceeded a certain amount were only valid when made by *mancipatio*, in *jure cessio*, or *traditio*: small gifts, consequently, were left to the donor's free choice, as before; but large gifts (ex-

cept in the case of near relatives) were to be accompanied with certain formalities." The object of the law, according to Savigny, was to prevent foolish and hasty gifts to a large amount, and, consequently, was intended, among other things, to prevent fraud. This was effected by declaring that certain forms were necessary to make the gift valid, such as *mancipatio* and in *jure cessio*, both of which required some time and ceremony, and so allowed the giver opportunity to reflect on what he was doing. These forms, also, could not be observed, except in the presence of other persons, which was an additional security against fraud. It is true that this advantage was not secured by the law in the case of the most valuable of things, *nec mancipi*, namely, money, for the transferring of which bare tradition was sufficient; but, on the other hand, a gift of a large sum of ready money is one that people of all gifts are least likely to make. The law, however, was a complete protection against simple stipulations; that is, mere promises to give without an actual completion of the promise at the time.

Savigny concludes, and principally from a passage in Pliny's letters,¹ that the Cincian law originally contained no exception in favour of relatives, but that all gifts above a certain amount required the formalities already mentioned. The Emperor Antoninus Pius introduced an exception in favour of parents and children, and also of collateral kinsmen. It appears that this exception was subsequently abolished,² but was restored by Constantine (A.D. 319) so far as it was in favour of parents and children; and so it continued as long as the provisions of the Cincian law were in force.

As to the amount beyond which the law forbade a gift to be made, except in conformity to its provisions, see Savigny, *Zeitschrift*, &c., iv., p. 36.

The matter of the lex Cincia is also discussed in an elaborate essay by Hasse,³ which, together with the essay of Savigny, will furnish the reader with all the necessary references and materials for investigating this obscure subject. Anything farther on the matter would be out of place here.

In every system of jurisprudence, some provisions seem necessary on the subject of gifts. In our own system gifts are valid as against the giver; and though the general rule be that an agreement to give cannot be enforced, this rule is subject to exceptions in the case of persons standing in a certain relation to the giver.

It might be conjectured that one object of the Cincian law was to prevent debtors from cheating their creditors by gifts of their property, or by pretended gifts; but perhaps it would be difficult to establish this point satisfactorily in the present state of our knowledge on this subject.

CINCTUS GABINUS. (*Vid. TOGA*.)

CINGULUM. (*Vid. ZONA*.)

CINERARIUS. (*Vid. CALAMISTRUM*.)

CINERES. (*Vid. FUNUS*.)

CINIFLO. (*Vid. CALAMISTRUM*.)

***CINNABARIS** (κιννάβαρις, or -ι), Cinnabar.

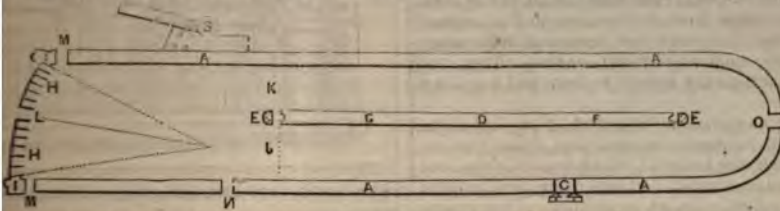
Martyn⁴ writes thus concerning it: "*Minium* is the native Cinnabar, or ore out of which the quicksilver is drawn. *Minium* is now commonly used to designate red lead; but we learn from Pliny that the *Minium* of the Romans was the *Miltos* or *Cinnabari* of the Greeks." Woodville says of it, "the Cinnabaris and Sanguis Draconis seem to have signified the same thing with the Greeks." Adams thinks that the ancients had three kinds of Cinnabar: 1st, the Vegetable Cinnabar, or Sanguis Draconis, being the resin of the tree called *Dracana Draco*; 2d, the Native Cinnabar, or Sulphuret of Quicksilver; and, 3d,

¹ Plin., ed. Pancouck, vol. xvii., p. 346.—2. (Galen, De An., l. 3, v., 175.)—3. (History of Fossils, &c., p. 36.)—4. v., 10.—Adams, Append., s. v.—5. (Cic., De Off., l. 1, c. 1, 20.)—6. (Ann., xi., 5.)—7. (Dion. Hist., l. 9, c. 42.)—8. (Tacit., Ann., xi., 7.)—9. (Eg., v., 21.)—10. (Ueber die Lex Cincia, Zeitschrift, &c., p. 10.)

1. (x., 3.)—2. (Cod. Hermog., vi., 1.)—3. (Rheinisches Museum, 1827.)—4. (ad Virg., Eclog., x., 27.)

beyond the palpable evidence of the site it
L and a few masses of rubble-work in a cir-
rum, which may be seen under the walls of
uses in the *Via de' Cerchi*, and which retain
of having supported the stone seats¹ for the
rs. This loss is, fortunately, supplied by
ains of a small circus on the Via Appia,
ly called the Circus of Caracalla, the

ground-plan of which, together with much of the
superstructure, remains in a state of considerable
preservation. The ground-plan of the circus in
question is represented in the annexed woodcut;
and may be safely taken as a model of all others,
since it agrees in every main feature, both of gen-
eral outline and individual parts, with the descrip-
tion of the Circus Maximus given by Dionysius.¹



and the double lines (A, A) were arranged
(*gradus, sedilia, subsellia*), as in a theatre,
collectively, the *cavea*, the lowest of which
separated from the ground by a *podium*, and
was divided longitudinally by *præcinctiones*,
forming conical spaces, with their *vomitoria* at
the extremity of each. Towards the extremity of the up-
per end of the *cavea*, the general outline is broken
by an outwork (B), which was probably the
starting station for the emperor, as it is placed
in the best situation for seeing both the commence-
ment and the end of the course, and in the most prom-

inent part of the circus.² In the opposite branch is
observed another interruption to the uniform line
of seats (C), betokening also, from its construction,
a place of distinction, which might have been as-
signed to the person at whose expense the games
were given (*editor spectaculorum*).

In the centre of the area was a low wall (D), run-
ning lengthways down the course, which, from its
resemblance to the position of the dorsal bone in
the human frame, was termed *spina*.³ It is repre-
sented in the woodcut subjoined, taken from an an-
cient bas-relief.



At the extremity of the *spina* were placed, upon
columns (E), three wooden cylinders, of a conical
form, the cypress-trees (*metasque imitata cupress-*
which were called *meta*—the goals. Their
form is distinctly seen in the preceding wood-
cut. Their form is more fully developed in the

one annexed, copied from a marble in the British
Museum.⁴

The most remarkable object upon the *spina* were
two columns (F) supporting seven conical balls,
which, from their resemblance to eggs, were called
ova.⁵ These are seen in the woodcut representing
the *spina*. Their use was to enable the spectators
to count the number of rounds which had been run;
for which purpose they are said to have been first
introduced by Agrippa,⁶ though Livy speaks of them
long before.⁷ They are, therefore, seven in num-
ber, such being the number of the circuits made in
each race; and, as each round was run, one of the
ova was put up⁸ or taken down, according to Varro.⁹
An egg was adopted for this purpose in honour of
Castor and Pollux.¹⁰ At the other extremity of the
spina were two similar columns (G), represented
also in the woodcut over the second chariot, sus-
taining seven dolphins, termed *delphinae*, or *delphi-*
narum columnæ,¹¹ which do not appear to have been
intended to be removed, but only placed there as
corresponding ornaments to the *ova*; and the figure
of the dolphin was selected in honour of Neptune.¹²
In the Lyons mosaic, subsequently to be noticed,
the *delphinae* are represented as fountains spouting



1. (iii., p. 192.)—2. (Suet., Claud., 4.)—3. (Cassiodor., Var.
Ep., iii., 51.)—4. (Chamberl., No. 60.)—5. (Varro, De Re Rust.,
i., 2, § 11.—Liv., xli., 27.)—6. (Dion Cass., xlix., p. 600.)—7.
(xli., 27.)—8. (Cassiodor., Var. Ep., iii., 51.)—9. (De Re Rust.,
i., 2, § 11.)—10. (Tertull., De Spectac., c. 8.)—11. (Juv., Sat.,
vi., 590.)—12. (Tertull., l. c.)

CIRCUS.

water; but in a bas-relief of the Palazzo Barberini,¹ a ladder is placed against the columns which support the dolphins, apparently for the purpose of ascending to take them up and down. Some writers suppose the columns which supported the *ova* and *delphina* to be the *phala* or *falæ* which Juvenal mentions.² But the *phala* were not columns, but towers, erected, as circumstances required, between the *meta* and *curipus*, or extreme circuit of the area, when sham-fights were represented in the circus.³ Besides these, the *spina* was decorated with many other objects, such as obelisks, statues, altars, and temples, which do not appear to have had any fixed locality.

It will be observed in the ground-plan that there is a passage between the *meta* and *spina*, the extreme ends of the latter of which are hollowed out into a circular recess: and several of the ancient sculptures afford similar examples. This might have been for performing the sacrifice, or other offices of religious worship, with which the games commenced; particularly as small chapels can still be seen under the *meta*, in which the statues of some divinities must have been placed. It was probably under the first of these spaces that the altar of the god *Consus* was concealed,⁴ which was excavated upon each occasion of these games.⁵

At the extremity of the circus in which the two horns of the *cavea* terminate, were placed the stalls for the horses and chariots (H, H), commonly called *carceres* at, and subsequently to, the age of Varro; but more anciently the whole line of buildings which confined this end of the circus was termed *oppidum*, because, with its gates and towers, it resembled the walls of a town,⁶ which is forcibly illustrated by the circus under consideration, where the two towers (I, I) at each end of the *carceres* are still standing. The number of *carceres* is supposed to have been usually twelve,⁷ as they are in this plan; but in the mosaic discovered at Lyons, and published by Artaud,⁸ there are only eight. This mosaic has several peculiarities. Most of the objects are double. There is a double set of *ova* and *delphina*, one of each sort at each end of the *spina*; and eight chariots, that is, a double set for each colour, are inserted. They were vaults, closed in front by gates of open woodwork (*cancelli*), which were opened simultaneously upon the signal being given,⁹ by removing a rope (*σπῆλαι*)¹⁰ attached to pilasters of the kind called *Hermæ*, placed for that purpose between each stall; upon which the gates were immediately thrown open by a number of men, probably the *armementarii*, as represented in the following woodcut, taken from a very curious marble in the Museo Borgiano at Velletri; which also represents most of the other peculiarities above mentioned as appertaining to the *carceres*.



In the mosaic of Lyons the man is represented

1. (Fabretti, Syntagm. de Column. Trajani, p. 144.)—2. (I. c.)
 3. (Compare Festus, s. v. Phala.—Servius, ad Virg., *Æn.*, ix, 705.—Ruperti, ad Juv., l. c.)—4. (Tertull., De Spectac., c. 5.)
 5. (Dionys., ii., p. 97.)—6. (Festus, s. v.—Varro, De Ling. Lat., v., 153.)—7. (Cassiodor., Var. Ep., iii., 51.)—8. (Description d'un Mosaïque, &c., Lyons, 1806.)—9. (Dionys., iii., p. 192.—Cassiodor., l. c.—Compare Sil. Ital., xvi., 316.)—10. (Dionys., l. c.—Compare Schol. ad Theocrit., Idyll., viii., 57.)

CIRCUS.

apparently in the act of letting go the rope in the manner described by Dionysius.¹ below, which is from a marble in the Briseum,² represents a set of four *carceres*, with *Hermæ* and *cancelli* open, as left after the



had started, in which the gates are made inward.

The preceding account and woodcuts will be sufficient to explain the meaning of the various terms by which the *carceres* were designated in language, namely, *claustra*,³ *crypta*,⁴ *fauces carceris*,⁵ *repagula*,⁶ *limina equorum*.⁷

It will not fail to be observed that the *carceres* is not at a right angle with the *spina*, but forms the segment of a circle, the centre of which is a point on the right hand of the arena, the position for which is obviously that all the chariots might have, as nearly as possible, an equal distance to pass over between the *carceres* and the *meta*. Moreover, the two sides of the *carceres* are not parallel to each other, nor the *spina* to the *carceres*; but they are so planned that the distance diminishes gradually from the mouth at (A) to the corresponding line at the opposite end of the *spina* (K), where it is narrower by several feet. This might have proceeded from the necessity of the present instance of the limited extent of the circus; for four or six chariots would enter the most narrow course nearly abreast, the greatest width required at that spot; but as they got on to the next course, and one or more took the lead, the width would be no longer necessary.

The *carceres* were divided into two series, each, accurately described by Cassiodorus as *senæ ostia*, by an entrance in the centre (O) of the *Porta Pompæ*; because it was the one through which the Circensian procession entered, and it is inferred from a passage in Ausonius, that the *carceres* were always open, forming a thoroughfare through the circus. Besides this entrance, there were four other openings at the termination of the seats between the *meta* and the *oppidum* (M, M), another at (N), and a fourth at (O), under the vault of which the *carceres* decorations are still visible. This is supposed to be the *Porta Triumphalis*, to which its name seems adapted. One of the others was the *Porta Libitinensis*,¹² so called because it was through which the dead bodies of those killed in the games were carried out.¹³

Such were the general features of a circus as regards the interior of the fabric. The divisions also were appropriated to particular uses, with a nomenclature of its own attached. The space immediately before the *oppidum* was termed *circus primus*; that near the *meta* was termed *circus interior* or *intimus*,¹⁴ which latter space was also termed *ad Mæ-*

1. (I. c.)—2. (Chamber XI., No. 10.)—3. (Stat. 399.—Hor., Epist., i., xiv., 9.)—4. (Sidon., Carm., i., 5.)—5. (Cassiodor., Var. Ep., iii., 51.)—6. (Auson., l. i., 11.)—7. (Ovid., Trist., v., ix., 29.)—8. (Id., Met., l. i., xvi., 318.)—9. (Id., xvi., 317.)—10. (I. c.)—11. (I. c.)—12. (Lamprid., Commod., 16.)—13. (I. c.)—14. (Varro, De Ling. Lat., v., 154.)

of the line (J, K), were two small pedestals on each side of the podium, to which was a chalked rope (*alba linea*), for the pur-
 making the start fair, precisely as is prac-
 Rome for the horse-races during Carni-
 us, when the doors of the *carceres* were
 open, if any of the horses rushed out before
 rs, they were brought up by this rope until
 e were fairly abreast, when it was loosened
 e side, and all poured into the course at
 n the Lyons mosaic the *alba linea* is dis-
 aced at the spot just mentioned, and one
 hariots is observed to be upset at the very
 hile the others pursue their course. A sec-
linea is also drawn across the course, ex-
 f way down the *spina*, the object of which
 been explained by the publisher of the mo-
 has been observed that this is a double
 ad as the circus represented was probably
 ow to admit of eight chariots starting
 it became necessary that an *alba linea*
 e drawn for each set; and, consequently,
 dvance of the other. The writer has often
 accident alluded to above happen at Rome,
 over-eager horse rushes against the rope
 thrown down. This line, for an obvious
 was also called *calx* and *creta*,⁹ from
 comes the allusion of Persius,¹⁰ *cretata am-
 be meta* served only to regulate the turn-
 the course; the *alba linea* answered to the
 and winning post of modern days: "perac-
 no cursu ad cretam stetero."¹¹ Hence the
 r of Cicero,¹² "quasi decurso spatio ad car-
 calce revocari;" and of Horace,¹³ "mors
 nea rerum."¹⁴
 this description the Circus Maximus differ-
 except in size and magnificence of embel-
 t. But as it was used for hunting wild
 Julius Cæsar drew a canal, called Euripus,
 wide, around the bottom of the podium, to
 the spectators who sat there,¹⁵ which was
 l by Nero,¹⁶ but subsequently restored by
 inces.¹⁷ It possessed also another variety
 open galleries or balconies, at the circular
 led *meniana* or *meniana*.¹⁸ The numbers
 e Circus Maximus was capable of contain-
 computed at 150,000 by Dionysius,¹⁹ 260,000
 ,²⁰ and 385,000 by P. Victor,²¹ all of which
 ably correct, but have reference to different
 of its history. Its very great extent is in-
 by Juvenal.²² Its length in the time of Ju-
 ar was three stadia, the width one, and the

these invidious distinctions were lost, and all class-
 es sat promiscuously in the circus.²³ The seats
 were then marked off at intervals by a line or
 groove drawn across them (*linea*), so that the space
 included between the two lines afforded sitting-
 room for a certain number of spectators. Hence
 the allusion of Ovid:²⁴

"Quid frustra refugis? cogit nos linea jungi."

As the seats were hard and high, the women made
 use of a cushion (*pulvinus*) and a footstool (*scam-
 num*, *scabellum*?), for which purpose the railing
 which ran along the upper edge of each *præinctio*
 was used by those who sat immediately above it.²⁵
 But under the emperors, when it became necessary
 to give an adventitious rank to the upper classes
 by privileges and distinctions, Augustus first, then
 Claudius, and finally Nero and Domitian, again sep-
 arated the senators and equites from the commons.²⁶
 The seat of the emperor, *pulvinar*,²⁷ *cubiculum*,²⁸
 was most likely in the same situation in the Circus Maxi-
 mus as in the one above described. It was gen-
 erally upon the podium, unless when he presided
 himself, which was not always the case;²⁹ but then
 he occupied the elevated tribunal of the president
 (*suggestus*), over the *Porta Pompa*. The consuls
 and other dignitaries sat above the *carceres*,³⁰ indi-
 cations of which seats are seen in the first wood-
 cut on page 254. The rest of the *oppidum* was
 probably occupied by the musicians and persons who
 formed part of the *pompa*.

The exterior of the Circus Maximus was sur-
 rounded by a portico one story high, above which
 were shops for those who sold refreshments.³¹
 Within the portico were ranges of dark vaults,
 which supported the seats of the *carca*. These
 were let out to women of the town.³²

The Circensian games (*Ludi Circenses*) were first
 instituted by Romulus, according to the legends,
 when he wished to attract the Sabine population to
 Rome, for the purpose of furnishing his own people
 with wives,³³ and were celebrated in honour of the
 god Consus, or Neptunus Equestris, from whom
 they were styled *Consuales*.³⁴ But after the con-
 struction of the Circus Maximus they were called
 indiscriminately *Circenses*,³⁵ *Romani*, or *Magni*.³⁶
 They embraced six kinds of games: I. CURSUS ·
 II. LUDUS TROJÆ; III. PUGNA EQUESTRIS; IV.
 CERTAMEN GYMNICUM; V. VENATIO; VI. NAUMA-
 CHIA. The last two were not peculiar to the circus,
 but were exhibited also in the amphitheatre, or in
 buildings appropriated for them.

The games commenced with a grand procession
 (*Pompa Circensis*), in which all those who were
 about to exhibit in the circus, as well as persons of

Agrippæ Aguleius, Met., vi., p. 395, ed. Oudendorp.—
 le Spectac., 8.—Möller, ad Varron., l. c.)—2. (xvi.,
 (Juv., Sat., vi., 582.)—4. (Virg., Æn., v., 316, 325,
 330, 513.—Stat., Theb., vi., 594.—Hor., Epist., l.,
 Compare Sil Ital., xvi., 336.)—5. (Sil Ital., xvi., 391.)
 414.)—7. (Cassiodor., l. c.)—8. (Plin., H. N., xxxv.,
 Cæc. De Am., 27.—Seneca, Epist., 108.)—10. (Sat.,
 11. (Plin., H. N., viii., 65, and compare xxxv., 58.)—
 12. (Epist., l., xvi., 79.)—14. (Compare
 15. (Dionys., iii., p. 192.—Suet., Jul., 39.)—
 H. N., viii., 7.)—17. (Lamprid., Heliogab., 23.)—18.
 15.)—19. (iii., p. 192.)—20. (H. N., xxxvi., 24.)—
 21. (Sat., xi., 195.)

1. (Plin., l. c.)—2. (iii., p. 192.)—3. (Dionys., iii., p. 192.)—
 4. (Hist. Rom., vol. i., p. 426, transl.)—5. (Suet., Octav., 44.)
 —6. (Amor., III., ii., 19.—Compare Ovid, Art. Amat., i., 141.)
 7. (Ovid, Art. Amat., i., 160, 162.)—8. (Ovid, Amor., III., ii.,
 64.)—9. (Suet., Octav., 44.—Claud., 21.—Nero, II.—Domit., 8.)
 —10. (Suet., Octav., 45.—Claud., 4.)—11. (Id., Nero, 12.)—12.
 (Suet., Nero, l. c.)—13. (Sidon., Carm., xxiii., 317.)—14. (Dio-
 nys., iii., p. 192.)—15. (Juv., Sat., iii., 65.—Lamprid., Heliogab.,
 26.)—16. (Val. Max., ii., 4, § 3.)—17. (Liv., i., 9.)—18. (Serrius
 ad Virg., Georg., iii., 18.)—19. (Liv., i., 25.)

course, more sparingly bestowed. The ties ality descended from the prince to the state, friendly relations of the Homeric heroes changed for the *προξενία* of a later period. cal intercourse, the importance of these began to be felt, and the *προξενος* at Ath- after times, obtained rights only inferior to citizenship. (*Vid.* ΠΡΟΧΕΝΟΣ.) The isopolitism existed, however, on a much more ex- tensive scale. Sometimes particular privileges were as *ἐπιγαμία*, the right of intermarriage; the right of acquiring landed property; immunity from taxation, especially *ἀτέλεια*, from the tax imposed on resident aliens. These privileges were included under the gen- eral *ἰσοτέλεια* or *ἰσοπολίτεια*, and the class obtained them were called *ἰσοτελεῖς*. They bore the same burdens with the citizens, and could sue at the courts or transact business with- out the intervention of a *προστάτης*.¹ The right of citizenship was conferred for services to the state, the rank termed *προεδρία* or *εὐεργεσία* being added. Naturalized citizens, even the lowest grade, were not precisely in the same rank with the citizen by birth, although it is not clear in what the difference consisted. Some of them were excluded from the assembly,² and they were only ineligible to offices, or, at least, to the archonship.

A candidate on whom the citizenship was to be conferred was proposed in two successive as- semblies, at the second of which at least six thou- sand citizens voted for him by ballot: even if he failed, his admission, like every other decree, was valid during a whole year to a *γραφὴ παρανόμου* was registered in a phyle and deme, but not in the phratría and genos; and hence he could not be argued that he was ineligible to the of- fice of archon or priest, because unable to partici- pate in the sacred rites of *Ἀπόλλων Πατῆρος* or *καίος*. The subject of the phratría (which were retained after the institution of Clisthenes, when their num- ber corresponded to that of the tribes) must preserve purity and legitimacy of descent to be citizens. Aristotle says³ that for prac- tical purposes it was sufficient to define a citizen as the son or grandson of a citizen, and the register of the phratría was kept chiefly as a record of the names of the parents. If any one's claim was in dispute, this register was at hand, and gave an opportunity to all doubts about the rights of his parents and his own identity. Every newly-married woman, if she was a citizen, was enrolled in the phratría of her husband, and every infant registered in the phratría of its father. All who were thus regis- tered must have been born in lawful wedlock, of parents who were themselves citizens; indeed, so strictly was this carried, that the omission of any of the formalities in the marriage of the parents, even if it did not wholly take away the rights of citizen- ship, might place the offspring under serious dis- advantage. This, however, was only carried out in its full rigour at the time when Athenian citizen- ship was most valuable. In Solon's time, it is not clear what the offspring of a citizen and of a for- eigner incurred any civil disadvantage; and the law of Pericles,⁴ which exacted citizen- ship from the mother's side, appears to have become very soon afterward, as we find it re-en- forced by Aristophon in the archonship of Euclides,⁵

It is evident, then, from the very object of the phratría, why the newly-admitted citizen was not enrolled in them. As the same reason did not apply to the children, these, if born of women who were citizens, were enrolled in the phratría of their maternal grandfather.¹ Still an additional safe- guard was provided by the registry of the deme. At the age of sixteen, the son of a citizen was re- quired to devote two years to the exercises of the gymnasia, at the expiration of which term he was enrolled in his deme; and, after taking the oath of a citizen, was armed in the presence of the assem- bly. He was then of age, and might marry; but was required to spend two years more as a *περίπολος* in frontier service before he was admitted to take part in the assembly of the people. The ad- mission into the phratría and deme were alike at- tended with oaths and other solemn formalities: when a *δοκιμασία* or general scrutiny of the claims of citizens took place, it was intrusted to both of them; indeed, the registry of the deme was the only check upon the naturalized citizen.

These privileges, however, were only enjoyed while the citizen was *ἐπίτιμος*: in other words, did not incur any sort of *ἀτιμία*. *Ἀτιμία* was of two sorts, either partial or total. In the former case, the rights of citizenship were forfeited for a time or in a particular case; as when public debtors, for instance, were debarred from the assembly and courts until the debt was paid;² or when a plaintiff was subjected to *ἀτιμία*, and debarred from institu- ting certain public suits if he did not obtain a fifth part of the votes.³ Total *ἀτιμία* was incurred for the worse sort of crimes, such as bribery, embez- zlement, perjury, neglect of parents, &c.⁴ It did not affect the property of the delinquent, but only deprived him of his political rights; perhaps it did not contain any idea even of dishonour, except in so far as it was the punishment of an offence. The punishment did not necessarily extend to the family of the offender, although in particular cases it may have done so.⁵

Recurring, then, to Aristotle's definition, we find the essential properties of Athenian citizenship to have consisted in the share possessed by every citi- zen in the legislature, in the election of magistrates, in the *δοκιμασία*, and in the courts of justice.

The lowest unity under which the citizen was contained was the *γένος* or clan; its members were termed *γεννήται* or *ὀμογύλακτες*. Thirty *γένη* formed a *φρατρία*, which latter division, as was observ- ed above, continued to subsist long after the four tribes, to which the twelve phratρίες anciently cor- responded, had been done away by the constitution of Clisthenes. There is no reason to suppose that these divisions originated in the common descent of the persons who were included in them, as they certainly did not imply any such idea in later times. Rather they are to be considered as mere political unions, yet formed in imitation of the natural ties of the patriarchal system.

If we would picture to ourselves the true notion which the Greeks embodied in the word *πόλις*, we must lay aside all modern ideas respecting the nature and object of a state. With us, practically, if not in theory, the essential object of a state hardly embraces more than the protection of life and prop- erty. The Greeks, on the other hand, had the most vivid conception of the state as a whole, every part of which was to co-operate to some great end, to which all other duties were considered as subordi- nate. Thus the aim of democracy was said to be liberty; wealth, of oligarchy; and education, of ar-

¹ *Public Econ. of Athens*, ii., p. 316, 318.—Niebuhr, *ibid.*, p. 50.—Hermann, *Manual*, c. vi.—2. (Niebuhr, *ibid.*, p. 50.)—3. (Plat., *iii.*, 2.)—4. (Plat., *Pericli.*, c. *θησεως*, *iii.*, p. 577, 6.)

1. (Isæus, *De Apol. Hered.*, c. 15.)—2. (Hermann, *Manual*, § 124.)—3. (Böckh, *Publ. Econ. of Athens*, ii., p. 111.)—4. (Ar- doc., p. 10, 22.)—5. (Demosth., c. *Myl.*, c. 32.)

istocracy. In all governments the endeavour was to draw the social union as close as possible, and it seems to have been with this view that Aristotle laid down a principle which answered well enough to the accidental circumstances of the Grecian states, that a πόλις must be of a certain size (Ὁὐ γὰρ ἐκ δέκα μυριάδων πόλις ἐτι ἐστίν¹).

This unity of purpose was nowhere so fully carried out as in the government of Sparta; and, if Sparta is to be looked upon as the model of a Dorian state, we may add, in the other Dorian governments. Whether Spartan institutions in their essential parts were the creation of a single master-mind, or the result of circumstances modified only by the genius of Lycurgus, their design was evidently to unite the governing body among themselves against the superior numbers of the subject population. The division of lands, the *syssitia*, the education of their youth, all tended to this great object. The most important thing, next to union among themselves, was to divide the subject class, and, accordingly, we find the government conferring some of the rights of citizenship on the Helots. Properly speaking, the Helots cannot be said to have had any political rights; yet, being serfs of the soil, they were not absolutely under the control of their masters, and were never sold out of the country even by the state itself. Their condition was not one of hopeless servitude; a legal way was open to them, by which, through many intermediate stages, they might attain to liberty and citizenship.² Those who followed their masters to war were deemed worthy of especial confidence; indeed, when they served among the heavy-armed, it seems to have been usual to give them their liberty. The *δεσποσιοναῦται*, by whom the Spartan fleet was almost entirely manned, were freedmen, who were allowed to dwell where they pleased, and probably had a portion of land allotted them by the state. After they had been in possession of their liberty for some time, they appear to have been called *νεοδαμώδεις*,³ the number of whom soon came near to that of the citizens. The *μόθωνες* or *μόθακες* (as their name implies) were also emancipated Helots; their descendants, too, must have received the rights of citizenship, as Callicratidas, Lysander, and Gylippus were of Mothacian origin.⁴ We cannot suppose that they passed necessarily and of course into the full Spartan franchise; it is much more probable that at Sparta, as at Athens, intermarriage with citizens might at last entirely obliterate the badge of former servitude.

The *perioeci* are not to be considered as a subject class, but rather as a distinct people, separated by their customs as well as by their origin from the genuine Spartans. It seems unlikely that they were admitted to vote in the Spartan assembly; yet they undoubtedly possessed civil rights in the communities to which they belonged,⁵ and which would hardly have been called πόλις unless they had been in some sense independent bodies. In the army they commonly served as hoplites, and we find the command at sea intrusted to one of this class.⁶ In respect of political rights, the *perioeci* were in the same condition with the plebeians in the early history of Rome, although in every other respect far better off, as they participated in the division of lands, and enjoyed the exclusive privilege of engaging in trade and commerce.

What confirms the view here taken is the fact that, as far as we know, no individual of this class was ever raised to participate in Spartan privileges.

Nothing, however, can be more erroneous than

to look upon them as an oppressed race. Even their exclusion from the assembly cannot be viewed in this light; for, had they possessed the privilege, their residence in the country would have debarred them from its exercise. It only remains to consider in what the superiority of the genuine Spartan may have consisted. In the first place besides the right of voting in the assembly and becoming a candidate for the magistracies, he was possessed of lands and slaves, and was thus exempt from all care about the necessities of life; secondly, on the field of battle he always served among the hoplites; thirdly, he participated in the Spartan education, and in all other Dorian institutions, both civil and religious. The reluctance which Sparta showed to admit foreigners was proportioned to the value of these privileges: indeed, Herodotus⁷ says that Sparta had only conferred the full franchise in two instances. In legal rights all Spartans were equal; but there were yet several gradations, which, when once formed, retained their hold on the aristocratic feelings of the people.⁸ First, as we should naturally expect, there was the dignity of the Heraclide families; and, connected with this, a certain pre-eminence of the Hyllean tribe. Another distinction was that between the *δροιοι* and *ὑπομεινονες*, which in later times appears to have been considerable. The latter term probably comprehended those citizens who, from degeneracy of manners or other causes, had undergone some kind of civil degradation. To these the *δροιοι* were opposed, although it is not certain in what the precise difference consisted. It need hardly be added, that at Sparta, as elsewhere, the union of wealth with birth always gave a sort of adventitious rank to its possessor.

All the Spartan citizens were included in the three tribes, Hylleans, Dymanes or Dymanatae, and Pamphilians, each of which were divided into ten *obes* or *phratries*. Under these *obes* there must undoubtedly have been contained some lesser subdivision, which Müller, with great probability, supposes to have been termed *τριακίς*. The citizens of Sparta, as of most oligarchical states, were landowners, although this does not seem to have been looked upon as an essential of citizenship.

It would exceed the limits of this work to give an account of the Grecian constitutions, except so far as may illustrate the rights of citizenship. What perversions in the form of government, according to Greek ideas, were sufficient to destroy the essential notion of a citizen, is a question which, following Aristotle's example,⁹ we may be content to leave undecided. He who, being personally free, enjoyed the fullest political privileges, participated in the assembly and courts of judicature, was eligible to the highest offices, and received all this by inheritance from his ancestors, most entirely satisfied the idea which the Greeks expressed in the word *πολίτης*.

CIVITAS (ROMAN). *Civitas* means the whole body of cives or members of any given state. It is defined by Cicero¹⁰ to be "*concilium cœtusque hominum jure sociati.*" A *civitas* is, therefore, properly a political community, sovereign and independent. The word *civitas* is frequently used by the Roman writers to express the rights of a Roman citizen, as distinguished from those of other persons not Roman citizens, as in the phrases *dare civitatem, donare civitate, usurpare civitatem*.

If we attempt to distinguish the members of any given *civitas* from all other people in the world, we can only do it by enumerating all the rights and duties of a member of this *civitas*, which are not

1. (Pol., vii., 4.—Nic. Eth., ix., 10.)—2. (Müller, Dorians, iii., 3, § 5.)—3. (Thucyd., vii., 58.)—4. (Müller, Dorians, ii., 3, § 6.)—5. (Müller, Dorians, iii., 2, § 4.)—6. (Thucyd., viii., 22.)

1. (ix., 35.)—2. (Müller, Dorians, iii. c. 5, § 7.)—3. (Pol., iii., 5.)—4. (Somn. Scip., c. 3.)

and duties of a person who is not a member of civitas. If any rights and duties which belong to a member of this civitas, and do not belong to a person not a member of this civitas, are mentioned in the enumeration, it is an incomplete enumeration; for the rights and duties not expressed must be assumed as common to the members of this civitas and to all the world. Having enumerated all the characteristics of the members of any given civitas, we have then to show that a man acquires them, and the notion of a member of such civitas is then complete.

The members of a political community (*civitas*) have more political rights than others; a principle to the aid of which Savigny¹ has expressed, and clearly the distinction between the two classes of Roman citizens under the Republic in the free Republic there were two classes of Roman citizens, one that had, and another that did not, a share in the sovereign power (*optimo non optimo jure civis*). That which peculiarly distinguished the higher class was the right to vote, and the capacity of enjoying magistracy (*potestatem et honores*).² According to this view, the *civitas* comprehended that which the Romans called *jus publicum*, and also, and most particularly, that which they called *jus privatum*. The *jus privatum* comprehended the *jus connubii* and *commercii*, and those who had not these had no citizenship. Those who had the *jus suffragium* and *jus honorum* had the complete citizenship, in other words, they were *optimo jure civis*.

Those who had the *privatum*, but not the *publicum jus*, were citizens, though citizens of an inferior class. The *jus privatum* seems to be equivalent to the *jus Quiritium*, and the *civitas Romana* to the *jus publicum*. Accordingly, we sometimes find the *jus Quiritium* contrasted with the *Romana civitas*.³ Livy³ says that, until B.C. 188, the *Forenses*, *Fundani*, and *Arpinates* had the *civitas* without the *suffragium*.

Ulpian⁴ has stated, with great clearness, a distinction existing in his time among the free persons who were within the political limits of the Roman Republic, in which it is of great importance to apprehend the distinction. The distinction probably existed in an early period of the Roman state, and certainly obtained in the time of Cicero. There were three classes of such persons, namely, *cives*, *Latini*, and *peregrini*. Gaius⁵ points to the same division where he says that a slave, when made free, might become a *civis Romanus* or a *Latinus*, or might be in the number of the *peregrini dediticii*, according to the circumstances. *Civis*, according to Ulpian, is he who possesses the complete rights of a Roman citizen. *Peregrinus* was incapable of exercising the rights of *commercium* and *connubium*, which were characteristic rights of a Roman citizen; but he had a capacity for making all kinds of contracts which were allowable by the *jus gentium*. The *Latinus* was in an intermediate state; he had not the *connubium*, and, consequently, had not the *potestas*, nor rights of *agnatio*; but he had the *potestatem*, or the right of acquiring *quiritarian* property, and he had also a capacity for all acts relating to *quiritarian* ownership, as *vindicatio*, *in rem actio*, *missio*, *mancipatio*, and *testamenti factio*, last of which comprises the power of making a will in any form, and of becoming *heres* under a will. These were the general capacities of a *Latinus* and *peregrinus*; but a *Latinus* or a *peregrinus* might acquire by special favour certain rights which he had not by virtue of his condition only. The *legitima*

hereditas was not included in the *testamenti factio*, for the *legitima hereditas* presupposed *agnatio*, and *agnatio* presupposed *connubium*.

According to Savigny, the notion of *civis* and *civitas* had its origin in the union of the *patricii* and the *plebes* as one state. The *peregrinitas*, in the sense above stated, originated in the conquest of a state by the Romans, when the conquered state did not obtain the *civitas*; and he conjectures that the notion of *peregrinitas* was applied originally to all citizens of foreign states who had a *foedus* with Rome.

The rights of a Roman citizen were acquired in several ways, but most commonly by a person being born of parents who were Roman citizens. A *pater familias*, a *filius familias*, a *mater familias*, and *filia familias*, were all Roman citizens, though the first only was *sui juris*, and the rest were not. If a Roman citizen married a *Latina* or a *peregrina*, believing her to be a Roman citizen, and begot a child, this child was not in the power of his father, because it was not a Roman citizen; but the child was either a *Latinus* or a *peregrinus*, according to the condition of his mother; and no child followed the condition of his father unless there was *connubium* between his father and mother. By a *senatus consultum*, the parents were allowed to prove their mistake (*causam erroris probare*); and, on this being done, both the mother and the child became Roman citizens, and, as a consequence, the son was in the power of the father.¹ Other cases relating to the matter, called *causæ probatio*, are stated by Gaius,² from which it appears that the facilities for obtaining the Roman *civitas* were gradually extended.³

A slave might obtain the *civitas* by manumission (*vindicta*), by the census, and by a *testamentum*, if there was no legal impediment; but it depended on circumstances, as already stated, whether he became a *civis Romanus*, a *Latinus*, or in the number of the *peregrini dediticii*. (*Vid. MANUMISSIO.*)

The *civitas* could be conferred on a foreigner by a *lex*, as in the case of *Archias*, who was a *civis* of *Heraclea*, a *civitas* which had a *foedus* with Rome, and who claimed the *civitas Romana* under the provisions of a *lex* of *Silvanus* and *Carbo*, B.C. 89.⁴ By the provisions of this *lex*, the person who chose to take the benefit of it was required, within sixty days after the passing of the *lex*, to signify to the *prætor* his wish and consent to accept the *civitas* (*profiteri*). Cicero⁵ speaks of the *civitas* being given to all the *Neapolitani*; and in the oration *Pro Balbo*⁶ he alludes to the *Julian lex* (B.C. 90), by which the *civitas* was given to the *socii* and *Latini*; and he remarks that a great number of the people of *Heraclea* and *Neapolis* made opposition to this measure, preferring their former relation to Rome as *civitates fœderatæ* (*fœderis sui libertatem*) to the *Romana civitas*. The *lex* of *Silvanus* and *Carbo* seems to have been intended to supply a defect in the *Julia lex*, and to give the *civitas*, under certain limitations, to foreigners who were citizens of *fœderate states* (*fœderatis civitatibus adscripti*). Thus the great mass of the *Italians* obtained the *civitas*, and the privileges of the former *civitates fœderatæ* were extended to the provinces, first to part of *Gaul*, and then to *Sicily*, under the name of *Jus Latii* or *Latinitas*. This *Latinitas* gave a man the right of acquiring the Roman citizenship by having exercised a magistratus in his own *civitas*; a privilege which belonged to the *fœderatæ civitates* of Italy before they obtained the Roman

¹ *Ulpian, Fragm., tit. 3, § 2.*—² *Gaius, i., 67.*—³ *Ulpian, Fragm., tit. 3, § 2.*—⁴ *Cicero, Pro Arch. 4.*—⁵ *Ulpian, Fragm., tit. 3, § 2.*—⁶ *Cicero, Pro Balbo 4.*

1. (Gaius, i., 67.)—2. (i., 29, &c.; i., 66, &c.)—3. (See also Ulpian, Fragm., tit. 3, § 2, De Latinitas.)—4. (Cicero, Pro Arch. 4.)—5. (Ulpian, ad Fam., xiii., 30.)—6. (C. 7.)

eivitas. It probably also included the Latinitas of Ulpian, that is, the commercium or individual privilege.¹

With the establishment of the imperial power, the political rights of Roman citizens became insignificant, and the commercium and the more easy acquisition of the rights of citizenship were the only parts of the civitas that were valuable. The constitution of Antoninus Caracalla, which gave the civitas to all the Roman world, applied only to communities, and not to individuals; its effect was to make all the cities in the empire municipia, and all Latini into cives. The distinction of cives and Latini, from this time forward, only applied to individuals, namely, to freedmen and their children. The peregrinitas, in like manner, ceased to be applicable to communities, and only existed in the dedicatarii as a class of individuals. The legislation of Justinian finally put an end to what remained of this ancient division into classes, and the only division of persons was into subjects of the Cæsar and slaves.

The origin of the Latinitas of Ulpian is referred by Savigny, by an ingenious conjecture, to the year B.C. 209, when eighteen of the thirty Latin colonies remained true to Rome in their struggle against Hannibal, while twelve refused their aid. The disloyal colonies were punished; and it is a conjecture of Savigny, and, though only a conjecture, one supported by strong reasons, that the eighteen loyal colonies received the commercium as the reward of their loyalty, and that they are the origin of the Latinitas of Ulpian. This conjecture renders intelligible the passage in Cicero's oration,² in which he speaks of nexum and hereditas as the rights of the twelve (eighteen?) colonies.

The word civitas is often used by the Roman writers to express any political community, as Civitas Antiochiensium, &c.

(Savigny, *Zeitschrift*, v. &c., *Ueber die Entstehung, &c., der Latinität*; Heinecc., *Syntagma*, ed. Haubold, *Epicrisis*; Rosshirt, *Grundlinien des Röm. Rechts*, *Einleitung*; and *vid.* BANISHMENT, and CAPUT.)

CLARIGATIO. (*Vid.* FETIALES.)

CLASSES. (*Vid.* CAPUT, COMITIA.)

CLASSICUM. (*Vid.* CORNU.)

CLAVARIUM. (*Vid.* CLAVUS.)

CLAVIS (*κλεις*, *dim.* *κλειδίον*), a Key. The key was used in very early times, and was probably introduced into Greece from Egypt; although Eustathius³ states that in early times all fastenings were made by chains, and that keys were comparatively of a much later invention, which invention he attributes to the Laconians. Pliny⁴ records the name of Theodorus of Samos as the inventor, the person to whom the art of fusing bronze and iron is ascribed by Pausanias. (*Vid.* BRONZE, p. 178.)

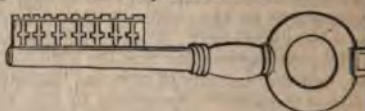
We have no evidence regarding the materials of which the Greeks made their keys, but among the Romans the larger and coarser sort were made of iron. Those discovered at Pompeii and elsewhere are mostly of bronze, which we may assume to be of a better description, such as were kept by the mistress (*matrona*) of the household. In ages still later, gold and even wood are mentioned as materials from which keys were made.⁵

Among the Romans the key of the house was committed to the porter (*janitor*), and the keys of the various departments in the household to the slave who had the care of each department devolved,⁷

upon a knowledge of which custom the point of an epigram in Martial¹ turns.

When a Roman woman first entered her husband's house after marriage, the keys of the house were consigned to her. Hence, when a woman was divorced, the keys were taken from her;² and when she separated from her husband, she sent him the keys.³ The keys of the wine-cellar were, however, not given to the wife, according to Pliny, who relates a story, upon the authority of Fabius, of a married woman being starved to death by her relatives for having picked the lock of the cellar, which the keys of the cellar were kept.

The annexed woodcut represents a key from Pompeii, and now preserved in the Museum of Naples, the size of which indicates that it was a door-key. The tongue, with an eye in it, projects from the extremity of the handle, so as to suspend it from the porter's waist.



The expression *sub clavi esse*⁴ corresponds to the English one, "to be under lock and key." *Clavis* is sometimes used by the Latin authors to signify the bolt it shoots.⁵

The city gates were locked by keys,⁷ like those of our own towns during the Middle Ages.

Another sort of key, or, rather, a key fit for another sort of lock, which Plautus calls *clavis pica*,⁸ is supposed to have been used with locks which could only be opened from the inside, such as were stated to have been originally in use among the Egyptians and Laconians (*οὐ γὰρ, ὡς νῦν, ἐκτὸς αἱ κλειδες, ἀλλ' ἐνδον τὸ παλαιὸν παρ' Ἀγυπτιῶν καὶ Λακωνῶν*).⁹ These are termed *κλειδιά κρη* Aristophanes,¹⁰ because they were not visible outside, and in the singular, *clausa clavis*.¹¹ The reading in this passage is very full.¹² Other writers consider the *κλειδιά* and *claves Laconicæ* to be false keys, such as we now call "skeletons," and the Romans, in their language, *adulterina*;¹³ wherein consists the allusion in Ovid,

"*Nomine cum doceat, quid agamus, adultera clavis*"

The next woodcut represents one of two keys discovered in Samos, which were discovered in 1840 and published by Lipsius.¹⁵ It has no handle, and is a lever, and, therefore, could not have been



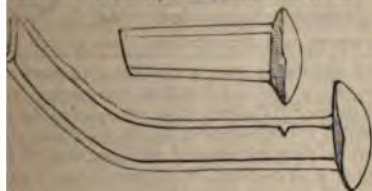
for a lock with wards, which cannot be turned out a certain application of force; but, by inserting the thumb or forefinger into the ring, it would be sufficiently sufficient to raise a latch or push back a bolt, and thus one sort, at least, of the keys termed *rai* seems to be identified with the "latch-key" use among us; for, when placed in the keyhole (*clavi immittendæ foramen*), it would be almost

1. (v., 35.)—2. (Cic., Philipp., ii., 28.)—3. (Ambros., vi., 3.)—4. (H. N., xiv., 14.)—5. (Varro, De Re Rust., i., 6. (Tibull., l., vi., 34; II., iv., 31.)—7. (Liv., xxvii., 1. (Most., II., i., 57.)—8. (Theon. ad Aratum, 192.)—10. (Soph., 421, ed. Brunck.)—11. (Moret., 15.)—12. (Heins., loc.)—13. (Sall., Jugurth., 12.)—14. (Art. Amat., iii., 15. (Excurs. ad Tac., Ann., ii., 2.)—16. (Apul., iv., p. 1. Oudendorp.)

CLAVUS.

eried in it, the ring only, which lies at right angles to the wards, and that scarcely, being visible at

AVUS (ἄλος, γόμφος), a Nail. In the subterranean chamber at Mycenæ,¹ supposed to be the tomb of Atreus a view of which is given in Sir John Elliott's Itinerary of Greece (plate vi.), the stones which the cylindrical dome is constructed are fastened by regular series of bronze nails, running in perpendicular rows, and at equal distances, from the top to the bottom of the vault. It is supposed they served to attach thin plates of the same metal to the masonry, as a coating for the interior of the chamber; and hence it is that these subterranean works, which served for prisons as well as for tombs, like the one in which Danaë is said to have been confined, were called by the poets brazen prisons.² Two of these nails are represented in the annexed woodcut, of two thirds the real size; they consist of 88 parts of copper to 12 of tin.



The writer was present at the opening of an ancient tomb at Cære, in the year 1836, which had not been entered since the day it was closed up. The masonry of which it was constructed was fastened with nails exactly similar in make and material to those given above, upon which were hung the ornaments in gold and silver, entombed in accordance to custom, with their deceased owner. Nails of this description were termed *trabales* and *clavi* by the Romans, because they were used, being, to join the larger beams (*trabes*) together. The allusion of Cicero,⁴ "Ut hoc beneficium *trabali* figeret;" and Horace arms *Necessitas* with a nail of the same kind,⁵ or of adamant,⁶ with to rivet, as it were, irrevocably the deity of Fortune. Thus Atropos is represented in the annexed woodcut, taken from a cup found at



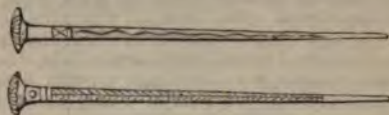
the temple of Atropos, upon which the story of Meleager and Atalanta is embodied,⁷ with a hammer in her right

1. (Caylus, Recueil d'Antiq., tom. v., pl. 96.)—2. (Veget., iv., 34.)—3. (Bell. Jud., VI., 1., 7.)—4. (Tacit., Hist., iii., 50.)—5. (Festus, s. v. Clav. Annal.—Liv., vii., 3.—Cic. ad Att., v., 15.)—6. (Petron., c. 135.)—7. (Liv., vii., 3.; viii., 18; ix., 28.)—8. (Serv. ad Virg., Æn., v., 177.)—9. (x., 8.)—10. (Æn., v., 176.)—11. (Pro Sext., 9.)—12. (Compare Cic. ad Fam., ix., 15.)—13. (Thomas Magist., s. v.)

CLAVUS GUBERNACULI.

hand, driving a nail which she holds against the wall with her left.

The next cut represents a nail of Roman workmanship,¹ which is highly ornamented and very curious. Two of its faces are given, but the pattern varies on each of the four.



It is difficult to say to what use this nail was applied. The ornamented head shows that it was never intended to be driven by the hammer; nor would any part but the mere point, which alone is plain and round, have been inserted into any extraneous material. It might possibly have been used for the hair, in the manner represented in the woodcut on page 21.

Bronze nails were used in ship-building,² and to ornament doors, as exhibited in those of the Pantheon at Rome; in which case the head of the nail was called *bullæ*, and richly ornamented, of which specimens are given at page 181.

The soles of the shoes worn by the Roman soldier were also studded with nails, thence called "*clavi caligarii*." (Vid. CALIGA.) These do not appear to have been hob-nails, for the purpose of making the sole durable, but sharp-pointed ones, in order to give the wearer a firmer footing on the ground; for so they are described by Josephus,³ Ἐπιπόδημα πεπαρμένον πικροῖς καὶ ὀξείων ἤλοις. The men received a donative for the purpose of providing themselves with these necessaries, which was thence called *clavarium*.⁴

CLAVUS ANNA'LIS. In the early ages of Rome, when letters were yet scarcely in use, the Romans kept a reckoning of their years by driving a nail, on the ides of each September, into the side wall of the temple of Jupiter Optimus Maximus, which ceremony was performed by the prætor Maximus.⁵ In after ages this practice fell into disuse, though the ignorant peasantry seem to have retained the custom, as a method of marking dates, down to a very late period.⁶ Upon some occasions a dictator was created to drive the nail; but then it was not for the mere purpose of marking the year, but from a superstitious feeling that any great calamity, which happened at the time to afflict the city, would be stayed if the usual ceremony was performed by another than the usual officer.⁷

CLAVUS GUBERNACULI, the handle or shaft of a rudder,⁸ which Vitruvius⁹ appropriately terms "*ansa gubernaculi, quod olaξ & Græcis appellatur*." The rudder itself is *gubernaculum*; in Greek, πηδάλιον. Both the words are accurately distinguished by Virgil,¹⁰

"Ipse gubernaculo rector subit, ipse magister,
Hortaturque viros, clavumque ad littora torquet,"
and by Cicero.¹¹ But it is sometimes used for the rudder itself, as, for instance, by Ennius:

"Ut clavum rectum teneam, navemque gubernem."¹²

Olaξ is also used in both senses, and in the same way.¹³ The true meaning of the word will be understood by referring to the woodcut at page 58 in which a ship with its rudder is represented: the

1. (Caylus, Recueil d'Antiq., tom. v., pl. 96.)—2. (Veget., iv., 34.)—3. (Bell. Jud., VI., 1., 7.)—4. (Tacit., Hist., iii., 50.)—5. (Festus, s. v. Clav. Annal.—Liv., vii., 3.—Cic. ad Att., v., 15.)—6. (Petron., c. 135.)—7. (Liv., vii., 3.; viii., 18; ix., 28.)—8. (Serv. ad Virg., Æn., v., 177.)—9. (x., 8.)—10. (Æn., v., 176.)—11. (Pro Sext., 9.)—12. (Compare Cic. ad Fam., ix., 15.)—13. (Thomas Magist., s. v.)

CLAVUS ANGUSTUS.

inaequalis, clavum mutabat in horas."

as clavus was also worn by the priests of Carthage,¹ and by the priests of Hercules² and napkins were sometimes so decorated as table-cloths, and coverlets (*toralia*) upon which the ancients reclined at s.⁴

as clavus is said to have been introduced by Tullus Hostilius, and to have been by him after his conquest of the Etruscans does it appear to have been confined to a particular class during the earlier periods, but then worn by all ranks promiscuously.⁶ It is used in public mourning.⁷

ANGUSTUS. This ornament is not found, however, than the *latus clavus*, upon any of the monuments before the decline of the arts; and the same difficulties occur in attempting to determine its form and fashion. That it was narrower than the other is evident from the name, as well as from other epithets bestowed upon it, *er clavus*,⁸ "*arctum purpuræ lumen*;"⁹

was of a purple colour, attached to a tunic at the waist, is also evident from the passages of Statius and Quintilian¹⁰ already cited. A more plausible reason for supposing that the *angustus clavus* consisted in two narrow stripes

one broad one; for it is observed that the *angustus clavus* is always used in the singular when the *tunica latyclavia* is referred to, and the plural number (*clavi*) is often met with in reference to the *angusticlavia*; as in the passage of Statius just mentioned, *purpura* is applied to the former, and *purpura* to the latter of these garments seems, therefore, probable, that the *angustus clavus* was distinguished by two narrow purple stripes running parallel to each other from the top of the tunic, one from each shoulder, and the other represented by the three figures in the following plate, all of which are taken from sepulchral monuments executed subsequently to the introduction of Christianity at Rome. The female figure on the left hand, which is copied from Buonarroti,¹¹ represents the goddess Moneta, and she wears a *clavus*. The one on the right hand is from a monument on the Via Salara Nova, and represents an early martyr; it is introduced to show the whole extent of the *clavi*; but the *angustus clavus* wears is not the common tunic, but of a different material, called *Dalmatica*, the sleeves of which are

wide and open at the top, and are fastened to the tunic by two narrow purple stripes running parallel to each other from the top of the tunic, one from each shoulder, and the other represented by the three figures in the following plate, all of which are taken from sepulchral monuments executed subsequently to the introduction of Christianity at Rome. The female figure on the left hand, which is copied from Buonarroti,¹¹ represents the goddess Moneta, and she wears a *clavus*. The one on the right hand is from a monument on the Via Salara Nova, and represents an early martyr; it is introduced to show the whole extent of the *clavi*; but the *angustus clavus* wears is not the common tunic, but of a different material, called *Dalmatica*, the sleeves of which are



The figure on the left is selected from three of a summa representing Shadrach, Meshach, and

1. De Pall., c. 4.—2. (Sil. Ital., iii., 27.)—3. (Plin., xvi., 17.—Petron., 32.)—4. (Amm. Marcell., ix., 5.—Plin., H. N., ix., 63.)—5. (Plin., H. N., ix., 7.)—6. (Stat., Sylv., v., ii., 18.)—7. (Liv., ix., 7.)—8. (Stat., Sylv., v., ii., 18.)—9. (Plin., xl., 19.)—10. (Stat., Sylv., v., ii., 18.)—11. (Osservazioni sopra i Vasi antichi di Vetro, Tav. xxix., fig. 1.)

CLERUCHIA.

Abednego, from the tomb of Pope Callisto on the Via Appia; all three wear the ordinary tunic girt at the waist, as indicated by Quintilian, but with long sleeves, as was customary under the Empire, and the stripes are painted in purple; so that we may fairly consider it to afford a correct example of the *tunica angusticlavia*.



This decoration belonged properly to the equestrian order,¹ for, though the children of equestrians, as has been stated, were sometimes honoured by permission to wear the *latus clavus* at an early age, they were obliged to lay it aside if they did not enter the senate when the appointed time arrived, which obligation appears to have been lost sight of for some time after the Augustan period; for it is stated by Lampridius² that Alexander Severus distinguished the equites from the senators by the character of their *clavus*, which must be taken as a recurrence to the ancient practice, and not an innovation then first adopted.

*CLEMATIS or CLEMATITIS (*κληματις, κληματίτις*), a species of plant, commonly identified with the Winter-green or Periwinkle. Dioscorides³ mentions two kinds: the first of these Sprengel refers to the Periwinkle, namely, *Vinca major* or *minor*; the other, which is properly called *κληματίτις*, he is disposed to follow Sibthorp in referring to the *Clematis cirrhosa*. The term *κληματις* is derived from *κλημα*, "a tendril" or "clasper," and has reference to the climbing habits of the plant. The epithets *δαφνοειδής* ("laurel-like") and *μυρροειδής* ("myrrh-like") are sometimes given to the *κληματις*, as well as that of *πολυγονοειδής*, "resembling *πολύγονον*, or Knot-grass."⁴ Pliny derives the Latin name *vinca* from *vincere*, "to bind" or "encompass," in allusion to the Winter-green's encircling or twining around trees.⁵ The same writer alludes to various medical uses of this plant, in cases of dysentery, fluxions of the eyes, hæmorrhoids, the bite of serpents, &c. It is found sometimes with white flowers, less frequently with red or purple ones.⁶ The name of this plant in modern Greece is *ἀγριολίτσα*. Sibthorp found it in Elis and Argolis.⁷

CLEPSYDRA. (Vid. ΗΟΡΟΛΟΙΟΝ.)

CLERUCHIA (*κληρουχία*). Athenian citizens who occupied conquered lands were termed *κληρουχοί*, and their possession *κληρουχία*. The earliest example to which the term, in its strict sense, is applicable, is the occupation of the domains of the Chalcidian knights (*ἰπποδοῦται*) by four thousand Athenian citizens; B.C. 506.⁸

In assigning a date to the commencement of this system of colonization, we must remember that the principle of a division of conquered land had existed from time immemorial in the Grecian states. Nature herself seemed to intend that the Greek should rule and the barbarian obey; and hence, in the case of the barbarian, it wore no appearance of

1. (Paterc., ii., 88.—Lamprid., Alex. Sev., 27.)—2. (I. c.)—3. (Dioscor., l. c.—Billerbeck, Flora Classica, p. 60.)—4. (H. N., xxi., 27.—Apul., De Herb., 58.)—5. (Billerbeck, l. c.)—6. (Billerbeck, l. c.)—7. (Herod., v., 77.)

harshness. Such a system, however, was more rare between Greek and Greek. Yet the Dorians, in their conquest of the Peloponnese, and still more remarkably in the subjugation of Messenia, had set an example. In what, then, did the Athenian κληρουχίαι differ from this division of territory, or from the ancient colonies? In the first place, the name, in its technical sense, was of later date, and the Greek would not have spoken of the κληρουχίαι of Lycurgus, any more than the Roman of the "Agrarian laws" of Romulus or Ancus. Secondly, we should remember that the term was always used with a reference to the original allotment: as the lands were devised or transferred, and the idea of the first division lost sight of, it would gradually cease to be applied. The distinction, however, between κληροῦχοι and ἄποικοι was not merely one of words, but of things. The only object of the earlier colonies was to relieve surplus population, or to provide a home for those whom internal quarrels had exiled from their country. Most usually they originated in private enterprise, and became independent of, and lost their interest in, the parent state. On the other hand, it was essential to the very notion of a κληρουχία that it should be a public enterprise, and should always retain a connexion more or less intimate with Athens herself. The word κληρουχία, as Wachsmuth has well observed, conveys the notion of property to be expected and formally appropriated; whereas the ἄποικοι of ancient times went out to conquer lands for themselves, not to divide those which were already conquered.

The connexion with the parent state subsisted, as has just been hinted, in all degrees. Sometimes, as in the case of Lesbos,¹ the holders of land did not reside upon their estates, but let them to the original inhabitants, while themselves remained at Athens. The condition of these κληροῦχοι did not differ from that of Athenian citizens who had estates in Attica. All their political rights they not only retained, but exercised as Athenians; in the capacity of landholders of Lesbos they could scarcely have been recognised by the state, or have borne any corporate relation to it. Another case was where the κληροῦχοι resided on their estates, and either with or without the old inhabitants, formed a new community. These still retained the rights of Athenian citizens, which distance only precluded them from exercising: they used the Athenian courts; and if they or their children wished to return to Athens, naturally and of course they regained the exercise of their former privileges. Of this we have the most positive proof:² as the sole object of these κληρουχίαι was to form outposts for the defence of Athenian commerce, it was the interest of the parent state to unite them by a tie as kindly as possible; and it cannot be supposed that individuals would have been found to risk, in a doubtful enterprise, the rights of Athenian citizens.

Sometimes, however, the connexion might gradually dissolve, and the κληροῦχοι sink into the condition of mere allies, or separate wholly from the mother-country. In Ægina, Scione, Potidæa, and other places, where the original community was done away, the colonists were most completely under the control of Athens. Where the old inhabitants were left unmolested, we may conceive their admixture to have had a twofold effect: either the new-comers would make common cause with them, and thus would arise the alienation alluded to above, or jealousy and dread of the ancient inhabitants might make the colonists more entirely

dependant on the mother state. It seems impossible to define accurately when the isopolite relation with Athens may have ceased, although such cases undoubtedly occurred.

A question has been raised as to whether the κληροῦχοι were among the Athenian tributaries. Probably this depended a good deal upon the prosperity of the colony. We cannot conceive that colonies which were established as military outposts in otherwise unfavourable situations, would bear such a burden: at the same time, it seems improbable that the state would unnecessarily forego the tribute which it had previously received, where the lands had formerly belonged to tributary allies.

It was to Pericles Athens was chiefly indebted for the extension and permanence of her colonial settlements. His principal object was to provide for the redundancies of population, and raise the poorer citizens to a fortune becoming the dignity of Athenian citizens. It was of this class of persons the settlers were chiefly composed; the state provided them with arms, and defrayed the expenses of their journey. The principle of division doubtless was, that all who wished to partake in the adventure applied voluntarily; it was then determined by lot who should or should not receive a share. Sometimes they had a leader appointed, who, after death, received all the honours of the founder of a colony (οἰκιστής).

The Cleruchæ were lost by the battle of Ægospotami, but partially restored on the revival of Athenian power. For a full account of them, see Wachsmuth, *Historical Antiquities*, § 56, 6; Böckh, *Public Econ. of Athens*, iii., 18; and the references in Herman's *Manual*, vi., 117.

CLETE'RES or CLET'ORES (κλητήρες or κλητορες). The Athenian summoners were not official persons, but merely witnesses to the prosecution, that he had served the defendant with a notice of the action brought against him, and the day upon which it would be requisite for him to appear before the proper magistrate, in order that the first examination of the case might commence.¹ In Aristophanes² we read of one summoner only being employed, but two are generally mentioned by the orators as the usual number.³ The names of the summoners were subscribed to the declaration or bill of the prosecutor, and were, of course, essential to the validity of all proceedings founded upon it. What has been hitherto stated applies in general to all causes, whether δίκαι or γράφαι; but in some which commenced with an information laid before magistrates, and an arrest of the accused in consequence (as in the case of an ἐνδειξις or εἰσαγγελία), there would be no occasion for a summoner, of course, witnesses to its service. In the εἰθύναι and δοκιμασίαι also, when held at the regular times, no summons was issued, as the persons whose character might be affected by an accusation were necessarily present, or presumed to be so; but if the prosecutor had let the proper day pass, and proposed to hold a special εἰθύνη at any other time during the year in which the defendant was liable to be called to account for his conduct in office (ὑπεἰθύνος), the agency of summoners was as requisite as in any other case. Of the δοκιμασίαι that of the orators alone had no fixed time; the first step in the cause was not the usual legal summons (πρόσκλησις), but an announcement from the prosecutor to the accused in the assembly of the people.⁴

In the event of persons subscribing themselves falsely as summoners, they exposed themselves

1. (Thucyd., iii., 50.)—2. (Vid. Böckh, *Pub. Econ.*, vol. ii., p. 176, transl.)

1. (Harpocrat.,) —2. (Nubes, 1246.—Vesp., 1408.)—3. (Lysimach., c. Nicost., 1251, 5.—Pro Coron., 244, 4.—c. Boeot., 1066.)—4. (Meier, *Att. Process*, 212, 575.)

an action (*ψευδοκλητείας*) at the suit of the party aggrieved.

*CLETHRA (*κλήθρα*), the Alder. (*Vid. ALNUS.*)
CLIBANA'RII. (*Vid. CATAPRACTI.*)

CLIENS is said to contain the same element as the verb *cluere*, to "hear" or "obey," and is accordingly compared by Niebuhr with the German word *aeriger*, "a dependant."

In the time of Cicero, we find patronus in the sense of adviser, advocate, or defender, opposed to *cliens* in the sense of the person defended, or the consultor; and this use of the word must be referred, as we shall see, to the original character of the patronus.¹ The relation of a master to his liberated slave (*libertus*) was expressed by the word *patronus*, and the *libertus* was the *cliens* of his patronus. Any Roman citizen who wanted a protector might attach himself to a patronus, and would henceforward be a *cliens*. Distinguished Romans were also sometimes the patroni of states and cities, which were in a certain relation of subjection or friendship to Rome; and in this respect they may be compared to colonial agents, or persons among us who are employed to look after the interests of the mother-country, except that among the Romans such services were never remunerated directly, though there might be an indirect remuneration.² This relationship between patronus and *cliens* was indicated by the word *clientela*,³ which also expressed the whole body of a man's *cliens*.⁴ In the Greek writers on Roman history, patronus is represented by *προστάτης*, and *cliens* by *πελάτης*.

The *clientela*, but in a different form, existed as far back as the records or traditions of Roman history extend; and the following is a brief notice of its origin and character, as stated by Dionysius,⁵ in which the writer's terms are kept:

Romulus gave to the *εὐπατριδαί* the care of religion, the honores (*ἀρχαί*), the administration of justice, and the administration of the state. The *δημοκρατοί* (whom, in the preceding chapter, he has explained to be the *πληβείοι*) had none of these privileges, and they were also poor; husbandry and the necessary arts of life were their occupation. Romulus thus intrusted the *δημοτικοί* to the safe keeping of the *πατρικοί* (who are the *εὐπατριδαί*), and permitted each of them to choose his patron. This relationship between the patron and the client was called, says Dionysius, *patronia*.⁶

The relative rights and duties of patrons and *cliens* were, according to Dionysius, the following:

The patron was the legal adviser of the *cliens*; he was the client's guardian and protector, as he was the guardian and protector of his own children; he maintained the client's suit when he was wronged, and defended him when another complained of being wronged by him: in a word, the patron was the guardian of the client's interests, both private and public. The client contributed to the marriage portion of the patron's daughter, if the patron was poor, and to his ransom, or that of his children, if they were taken prisoners; he paid the costs and damages of a suit which the patron lost, and of any penalty in which he was condemned; he bore a part of the patron's expenses incurred by his discharging public duties, or filling the honourable places in the state. Neither party could accuse the other, or bear testimony against the other, or give evidence against the other. This relationship between patron and client subsisted for many generations, and resembled in all respects the relationship of blood. It was the glory of illustrious fami-

lies to have many clients, and to add to the number transmitted to them by their ancestors. But the *cliens* were not limited to the *δημοτικοί*: the colonies, and the states connected with Rome by alliance and friendship, and the conquered states, had their patrons at Rome; and the senate frequently referred the disputes between such states to their patrons, and abided by their decision.

The value of this passage consists in its containing a tolerably intelligible statement, whether true or false, of the relation of a patron and client. What persons actually composed the body of *cliens*, or what was the real historical origin of the *clientela*, is immaterial for the purpose of understanding what it was. It is clear that Dionysius understood the Roman state as originally consisting of *patricii* and *plebei*, and he has said that the *cliens* were the *plebs*. Now it appears, from his own writings and from Livy, that there were *clientes* who were not the *plebs*, or, in other words, *clientes* and *plebs* were not convertible terms. This passage, then, may have little historical value as explaining the origin of the *cliens*; and the statement of the *clientela* being voluntary is improbable. Still something may be extracted from the passage, though it is impossible to reconcile it altogether with all other evidence. The *cliens* were not *servi*: they had property of their own, and freedom (*libertas*). Consistently with this passage, they might be Roman citizens, enjoying only the *commercium* and *connubium*, but not the *suffragium* and honores, which belonged to their *patroni*. (*Vid. CIVITAS.*) It would also be consistent with the statement of Dionysius, that there were free men in the state who were not *patricii*, and did not choose to be *clientes*; but if such persons existed in the earliest period of the Roman state, they must have laboured under great civil disabilities, and this, also, is not inconsistent with the testimony of history, nor is it improbable. Such a body, if it existed, must have been powerless; but such a body might in various ways increase in numbers and wealth, and grow up into an estate, such as the *plebs* afterward was. The body of *clientes* might include freedmen, as it certainly did: but it seems an assumption of what requires proof to infer (as Niebuhr does) that, because a patronus could put his freedman to death, he could do the same to a client; for this involves a tacit assumption that the *cliens* were originally slaves; and this may be true, but it is not known. Besides, it cannot be true that a patron had the power of life and death over his freedman, who had obtained the *civitas*, any more than he had over an emancipated son. The body of *clientes* might, consistently with all that we know, contain *peregrini*, who had no privileges at all; and it might contain that class of persons who had the *commercium*, if the *commercium* existed in the early ages of the state. (*Vid. CIVITAS.*) The latter class of persons would require a patronus, to whom they might attach themselves for the protection of their property, and who might sue and defend them in all suits, on account of the (here assumed) inability of such persons to sue in their own name in the early ages of Rome. (*Vid. BANISHMENT.*)

The relation of the patronus to the *cliens*, as represented by Dionysius, has an analogy to the *patria potestas*, and the form of the word *patronus* is consistent with this.

It is stated by Niebuhr, that "if a client died without heirs, his patron inherited; and this law extended to the case of freedmen; the power of the patron over whom must certainly have been founded originally on the general patronal right." This statement, if it be correct, would be consistent with the quasi *patria potestas* of the patronus.

¹*Dei. Art. Am.*, i., 88.—*Hor.*, Sat., i., i., 10.—*Epist.*, i., ii., c. 104.—²*Cic.*, Div., 20.—*Pro Sulla*, c. 21.—*Tacit.*, i., 2. (*Cic.* ad Att., xiv., 12.)—³*Tacit.*, Ann., xiv., 61.)—⁴*Antiq. Rom.*, ii., 9.)—⁵*Compare Cic.*, Rep., ii., 9.)

But if a *cliens* died *with* heirs, could he make a will? and if he died *without* heirs, could he not dispose of his property by will? and if he could not make, or did not make a will, and had heirs, who must they be? must they be *sui heredes*? had he a familia, and, consequently, agnati? (*vid.* *COGNATI*) had he, in fact, that *connubium*, by virtue of which he could acquire the *patria potestas*? He might have all this consistently with the statement of Dionysius, and yet be a citizen *non optimo jure*; for he had not the honores and the other distinguishing privileges of the *patricii*, and, consistently with the statement of Dionysius, he could not vote in the *comitia curiata*. It is not possible to prove that a *cliens* had all this, and it seems equally impossible, from existing evidence, to show what his rights really were. So far as our extant ancient authorities show, the origin of the *clientela*, and its true character, were unknown to them. This seems certain; there was a body in the Roman state, at an early period of its existence, which was neither *patrician* nor *client*, and a body which *once* did not, but ultimately did, participate in the sovereign power: but our knowledge of the true status of the ancient *cliens* must remain inexact, for the want of sufficient evidence in amount, and sufficiently trustworthy.

It is stated by Livy¹ that the *clientes* had votes in the *comitia* of the centuries: they were therefore registered in the censors' books, and could have *quiritarian* ownership. (*Vid.* *CENTUMVIRI*.) They had, therefore, the *commercium*, possibly the *connubium*, and certainly the *suffragium*. It may be doubted whether Dionysius understood them to have the *suffragium* at the *comitia centuriata*; but, if such was the legal status of a *cliens*, it is impossible that the exposition of their relation to the *patricians*, as given by some modern writers, can be altogether correct.

It would appear, from what has been stated, that *patronus* and *patricius* were originally convertible terms, at least until the *plebs* obtained the honores. From that time, many of the reasons for a person being a *cliens* of a *patricius* would cease; for the *plebeians* had acquired political importance, had become acquainted with the laws and the legal forms, and were fully competent to advise their *clientes*. This change must have contributed to the destruction of the strict old *clientela*, and was the transition to the *clientela* of the later ages of the Republic.²

Admitting a distinction between the *plebs* and the old *clientes* to be fully established, there is still room for careful investigation as to the real status of the *clientes*, and of the composition of the Roman state before the estate of the *plebs* was made equal to that of the *patricians*.

This question is involved in almost inextricable perplexity, and elements must enter into the investigation which have hitherto hardly been noticed. Any attempt to discuss this question must be pre-faced or followed by an apology.

CLIENTELA. (*Vid.* *CLIENS*.)

CLIMAX. (*Vid.* *TORMENTUM*.)

*CLINOPODIUM (*κλινοπόδιον*), a plant deriving its name from the resemblance which its round flower bears to the foot of a couch (*κλίνη*, "a couch," and *πούς*, "óδος," "a foot.") It is most probably the *Clinopodium vulgare*, or Field Basil, as Bauhin and others think. According to Prosper Alpinus, however, it is the same as the *Saturcia Græca*. Sibthorp found it on the mountains of Greece and in the island of Crete.³

CLYPEUS (*κλπίς*), the large shield worn by the

Greeks and Romans, which was originally circular form, and is said to have been first Prætor and Acrisius of Argos,¹ and the called *clipeus Argolicus*,² and likened to (*Compare*, also, *ὑσπίδα πάντοσ' ἔισον*,³ *ὡς κύκλους*.⁴) But the *clipeus* is often represented in Roman sculpture of an oblong oval, which the distinction between the common buck that of Argos.

It was sometimes made of osiers twisted together,⁵ and therefore is called *ἰτέα*,⁶ or of wood or wicker was then covered over with hides of several folds deep,⁷ and finally round the edge with metal.⁸

The outer rim is termed *ἀντιζύγιον*,⁹ *ἴπυς*,¹⁰ *περὶ κύκλος* (*vid.* *ΑΝΤΥΧ*).¹¹ In the centre was a projection called *ὀμφαλός* or *μοσμφάλιον*, which served as a sort of weapon by itself (*εὐκλειπὸν ἄσπελον*¹²), or caused the missiles of the enemy to glance off from the shield. It is seen in woodcut, from the column of Trajan. A some other prominent excrescence, was so placed upon the *ὀμφαλός*, which was called *ἐπιμόρφιον*.



In the Homeric times the Greeks used a shield; but this custom was gradually discontinued in consequence of its inconvenience (*vid.* *BALTEUS*, p. 133), and the iron method was adopted in its stead: A metal, wood, or leather, termed *κανών*, was stretched across the inside from rim to rim, like the spokes of a circle, to which were affixed a number of iron bars, crossing each other somewhat in the form of the letter X, which met the arm in the inner bend of the elbow joint, and served to support the orb. This apparatus, which is said to have been invented by the Carians,¹³ was termed *ὄργανη*. Around the inner edge ran a band of iron, termed *πάρπασ*, fixed by nails at certain distances, so that it formed a succession of loops of which the soldier grasped with his hand (*πάρπασι γενναίαν χεῖρα*¹⁴). The annexed drawing, which shows the whole apparatus, will render the account intelligible. It is taken from terra cotta vases published by Tischbein.¹⁵

1. (Paus., ii., 25, 6.)—2. (Virg., Æn., iii., 637.)—3. (Virg., Æn., iii., 347; v., 453.)—4. (Il., xiv., 428.)—5. (Virg., Æn., viii., 625.)—6. (Eurip., Supp., 697.—Troas, 1.)—7. (Virg., Æn., xii., 925.)—8. (Hom., Il., xiv., 33.)—9. (Il., xviii., 479.)—10. (Eurip., Troas, 11.) (Il., xi., 33.)—11. (Mart., Ep., III., xlvii., 5.)—12. (Il., xviii., 479.)—13. (Paus., ii., 25, 6.)—14. (Eurip., Hel., 1396.)—15. (vol. iv., tab. 171.)

1. (ii., 56.)—2. (Hugo, Lehrbuch, &c., i., 458.)—3. (Dioscor., ii., 99.—Billerbeck, Flora Classica, p. 154.)

CLIPÉUS.



At the close of a war it was customary for the people to suspend their shields in the temples, and the *πόρτακις* were taken off, in order to render them unserviceable in case of any sudden outbreak; which custom accounts for the shields seen hanging up with their owners in the Knights of Aristophanes, when he saw them hanging up with their owners.

According to Livy,² when the census was instituted by Servius Tullius, the first class only used the *clipeus*, and the second were armed with the *scutum* (*Scutum*); but after the Roman soldier reappeared, the *clipeus* was discontinued altogether. Sabine *scutum*.³ Diodorus Siculus⁴ asserts that the original form of the Roman shield was round and that it was subsequently changed for the *Tyrrhenians*, which was round.



Roman shields were emblazoned with various devices, the origin of armorial bearings, such as heroic feats of their ancestors,⁵ or with their own names and traits,⁶ which custom is illustrated by the shield of Victory, in which she is represented inscribing upon the shield the name or merits of some deceased hero. The soldier had also his own name inscribed upon the shield, in order that he might readily find

CLOACA.

his own, when the order was given to unpile arms; and sometimes the name of the commander under whom he fought.⁷

The *clipeus* was also used to regulate the temperature of the vapour bath. (*Vid. Baths*, p. 150.)

CLITELLÆ, a pair of panniers, and therefore only used in the plural number.⁸ In Italy they were commonly used with mules or asses,⁹ but in other countries they were also applied to horses, of which an instance is given in the annexed woodcut from the column of Trajan; and Plautus¹⁰ figuratively describes a man upon whose shoulders a load of any kind, either moral or physical, is charged, as *homo clitellarius*.



A particular spot in the city of Rome, and certain parts of the Via Flaminia, which, from their undulations in hill and valley, were thought to resemble the flowing line of a pair of panniers, were also termed *clitellæ*.¹¹

CLOACA. The term *cloaca* is generally used by the historians in reference only to those spacious subterranean vaults, either of stone or brick, through which the foul waters of the city, as well as all the streams brought to Rome by the aqueducts, finally discharged themselves into the Tiber; but it also includes within its meaning any smaller drain, either wooden pipes or clay tubes,¹² with which almost every house in the city was furnished, to carry off its impurities into the main conduit.¹³ The whole city was thus intersected by subterranean passages, and is therefore designated by Pliny¹⁴ as *urbs pensilis*.

The most celebrated of these drains was the *Cloaca Maxima*, the construction of which is ascribed to Tarquinius Priscus,¹⁵ and which was formed to carry off the waters brought down from the adjacent hills into the Velabrum and valley of the Forum. The stone of which it is built is a mark of the great antiquity of the work; it is not the *peperino* of Gabii and the Alban Hills, which was the common building-stone in the time of the Commonwealth; but it is the "tufa litoide" of Brocchi, one of the volcanic formations which is found in many places in Rome, and which was afterward supplanted in public buildings by the finer quality of the *peperino*.¹⁶ This *cloaca* was formed by three tiers of arches, one within the other, the innermost of which is a semicircular vault of 18 Roman palms, about 14 feet in diameter, each of the hewn blocks being 7½ palms long and 4½ high, and joined together without cement. The manner of construction is shown in the annexed woodcut, taken on the spot, where a part of it is uncovered near the arch of Janus Quadrifrons.

The mouth where it reaches the Tiber, nearly opposite to one extremity of the *insula Tiberina*,

1. (Veget., ii., 17.)—2. (Hirt., Bell. Alex., 58.)—3. (Hor. Sat., i., v., 47.—Plaut., Most., III., ii., 91.)—4. (Hor., l. c.—Plaut., ib., 93.)—5. (ib., 94.)—6. (Festus., s. v.)—7. (Ulpian, Dig. 43, tit. 23, s. l.)—8. (Strab., v., 8, p. 167, ed. Siebenk.)—9. (H. N., xxxvi., 24, 3.)—10. (Liv., i., 38.—Plin.—Dionys.—) 11. (Arnold, Hist. Rom., vol. i., p. 52.)

19.)—2. (i., 43.)—3. (Liv., viii., 8.—Compare ix., 10.—Rom., 21, p. 123.)—4. (Eclog., xxiii., 3.)—5. (Virg., 658.—Sid. Ital., viii., 386.)—6. (Id., xvii., 398.)



still remains in the state referred to by Pliny.¹ It is represented in the annexed woodcut, with the adjacent buildings as they still exist, the modern fabrics only which encumber the site being left out.



The passages in Strabo and Pliny which state that a cart (*ἀμαξα, velas*) loaded with hay could pass down the Cloaca Maxima, will no longer appear incredible from the dimensions given of this stupendous work; but it must still be borne in mind that the vehicles of the Romans were much smaller than our own. Dion Cassius also states² that Agrippa, when he cleansed the sewers, passed through them in a boat, to which Pliny³ probably alludes in the expression *urbs subter navigata*; and their extraordinary dimensions, as well as those of the embouchures through which the waters poured into them (*vid. CANALIS*), are still farther testified by the exploits of Nero, who threw down the sewers the unfortunate victims of his nightly riots.⁴

The *Cloaca Maxima* formed by Tarquin extended only from the Forum to the river, but was subsequently continued as far up as the Subura, of which branch some vestiges were discovered in the year 1742.⁵ This was the *crypta Suburæ* to which Juvenal refers.⁶

The expense of cleansing and repairing these *cloacæ* was, of course, very great, and was defrayed partly by the treasury, and partly by an assessment called *cloacarium*.⁷ Under the Republic, the administration of the sewers was intrusted to the censors; but under the Empire, particular officers were appointed for that purpose, *cloacarium curatores*, mention of whom is found in inscriptions,⁸ who employed condemned criminals in the task.⁹

ΚΑΟΙΗΣ ΔΙΚΗ (*κλοπήσ δική*), the civil action for theft, was brought in the usual manner before a *dioetetes* or a court, the latter of which Meier¹⁰ in-

fers to have been under the presidency of *U*mothetæ, whether the prosecutor preferred cusion by way of *γραφή* or *δική*. We learn the law quoted by Demosthenes,¹ that the convict upon conviction, was obliged to pay twice the value of the theft to the plaintiff if the latter required the specific thing stolen; that, failing of this, he was bound to reimburse him tenfold, that the plaintiff might inflict an additional penalty, and that the criminal might be confined in the stocks (*πρόσ*) for five days and as many nights. In some cases a person that had been robbed was permitted by Attic law to enter the house in which he supposed his property was concealed, and institute a prosecution for it (*φορῶν*);² but we are not informed what powers he was supplied with to enforce this. Besides the above-mentioned action, a prosecution might proceed by way of *γραφή*, and, when the delinquent was detected in the act, by *ἀπαγωγή ἐφ' ἡγήσει*. To these, however, a penalty of 100 drachmæ was attached in case the prosecutor failed in establishing his case; so that a diffident plaintiff would often consider them as less eligible means of obtaining redress.³ In the aggravated cases, such as the taking in the daytime property of greater amount than 50 drachmæ, or by night anything whatsoever, upon this occasion the owner was permitted to wound, and even kill the depredator in his house, the most trifling article from a gymnasium, or a thing worth 10 drachmæ from the ports or public baths, the law expressly directed an *ἀπαγωγή* to be made, and, upon conviction, the death of the offender.⁴ If the *γραφή* were adopted, it is probable that the punishment was fixed by the law, but both in this case, and in that of conviction by *δική*, besides restitution of the stolen property, a necessary incident of conviction.⁵

*CLYMENON (*κλύμενον*), a plant, about which the authorities are much at variance. Strabo, in his edition of Dioscorides, adheres to the opinion of Fabius Columna, who held it to be *Scorpiurus vermiculatus*. Sibthorp, however, tends for the *Convolvulus sepium*, or Great Greenweed.⁶

*CLUPEA, a very small species of Fish, according to Pliny,⁷ in the Po, and which, as he informs us, destroys a large kind of fish named *Clupea* (a species of sturgeon), by attaching itself to the throat of the latter. Pliny very probably refers to one of those numerous parasitical fishes, which attach themselves to the branchiæ of other fishes, and suck their blood; perhaps to a species of lamprey.⁸ In modern ichthyology, the *Clupea* has been assigned by Linnæus to the herring family.⁹

CNAPHOS (*κνάφος*). (*Vid. TORMENTUM*.)

*CNEORUM (*κνέωρον*), according to Stasius and Sprengel, the *Daphne Cneorum*. Galen considered it the same with the *κνήστρον* of Hippocrates. Several kinds are mentioned by the ancient writers, some white and black, of which the former was the most remarkable for its perfume. The *Cneorum* of Casia spoken of in the Georgics of Virgil is the food for bees. The whole question is discussed by Martyn.¹⁰

*CNICUS or CNECUS (*κνίκος, κνήκος*), a species of plant, which some have taken for the *Cnicus Benedictus*, but which the commentator on the translator of Avicenna, Dodonæus, Allst-

1. (l. c.)—2. (xlix, 43.)—3. (H. N., xxvii, 24, 3.)—4. (Suet., Nero, 20.—Compare Dionys., x, 53.—Cic., Pro Sext., 35.)—5. (Vossii, Antiquità di Roma, tom. 1, p. 95.—Ficoroni, Vestigie di Roma, p. 74, 75.)—6. (Sat., v, 106.)—7. (Ulpian, Dig. 7, tit. 1, § 27, § 3.)—8. (ap. Grut., p. cxcvii, 5; p. cxcviii, 2, 3, 4, 5; p. cclii, 1.—Ulpian, Dig. 43, tit. 23, § 2.)—9. (Plin., Epist., x, 41.)—10. (Art. Process, 67.)

1. (c. Timocr., 733.)—2. (Aristoph., Nubes, 497.—I. Leg., xii, 954.)—3. (Demosth., c. Androt., 601.)—4. (I. c. Timocr., 736, 1.)—5. (Meier, Art. Process, 358.)—6. (c. Timocr., iv, 13.—Adams, Append., s. v.)—7. (H. N., ix, 10.)—8. (Plin., ed. Panckoucke, vol. vii, p. 161.)—9. (Griffiths, vol. x, p. 434.)—10. (Theophrast., H. P., i, 10; v. Martyn ad Virg., Georg., ii, 213.)

concur in setting down for the *Carthamus* or, or Bastard Saffron.¹
DE (κνίδη). (*Vid.* ACALEPHE.)
PS or **SCNIPS** (κνίψ, σκνίψ), a numerous of insects, which prey upon the leaves of They form the *Aphis*, L. The Cnips is of-bounded with the κώνωψ.²
POL'OGUS (κνιπολόγος), the name of a efly noticed by Aristotle.³ According to it is the white Wagtail, or *Motacilla alba*. describes it as of an ashy colour (σποδοει marked with spots (κατάστικτος), and as little cry (φώνει δὲ μικρόν). This account y well the *Motacilla A.*, and its cry of *guit*, is ranked by the Greek naturalists among ροφάγα, and the *Motacilla*, it is well known, s much havoc among flies, gnats, and small-s as either the fly-catchers or swallows.⁴
VESTIS, the Coan robe, is mentioned by Latin authors, but most frequently and dis-y the poets of the Augustan age.⁵ From pressions we learn that it had a great de-transparency, that it was remarkably fine, as chiefly worn by women of loose reputa-that it was sometimes dyed purple and en-ith stripes of gold. It has been supposed been made of silk, because in Cos silk was l woven at a very early period, so as to ob-igh celebrity for the manufactures of that The annexed woodcut is from a painting



ed at Pompeii.⁷ It represents a lady wear-ic of almost perfect transparency, so as to nd to the description of the Coa vestis. ddress is of the kind called κεκρύφαλος in nd *reticulum* in Latin, which also occurs in on page 187.
CTOK. This name was applied to collect-arious sorts, *e. g.*, to the servants of the e, or farmers of the public taxes, who col-ve revenues for them;⁸ also to those who l the money from the purchasers of things a public auction. Horace⁹ informs us that r was a coactor of this kind. Moreover, ants of the money-changers were so called, lecting their debts for them.¹⁰ The "coac-minis" were the soldiers who brought up of a line of march.

ALIS (κόκαλις τοῦ σίτου), the *Agrostemma*

Githago. Its English name, Corn-Cockle, is evi-dently derived from the ancient appellation, as Ad-ams remarks.¹

***COCCUM**, or **COCCI GRANUM**, a name given by the ancients to what they conceived to be a species of grain, producing a bright scarlet or crimson colour, but which modern naturalists have discovered to be a kind of insect (kermes). The *Quercus coccifera* is the tree that principally engenders them, and it is from their name (*coccum*, *coccus*) that the term *cochineal* has been derived. The *coccus* of the ancients came from Portugal, Sardinia, Asia Minor, and Africa.²

***COCCYGE'EA** (κοκκυγέα), a species of plant mentioned by Theophrastus, and which, according to Schneider, has been generally taken for the *Rhus cotinus*, L. It appears from Sibthorp that the modern Greeks make a flame-red colour from it.³

***COCCYME'LEA** (κοκκυμηλέα), a kind of Plum. Isidorus says, "*Coccymla, quam Latini ob colorem prunum vocant, cujus generis Damascena melior.*" Sprengel refers that of Dioscorides to the *Prunus insiticia*, or Bullace-tree, a well-known species of plum. Sibthorp's authority is in favour of the *Prunus domestica*. The Damask plums, or τὰ κατὰ τὴν Δαμασκηόν, of Galen, are much commended by ancient authors.⁴

***COCCYX** (κόκκυξ). I. The Cuckoo, or *Cuculus canorus*. Its history is correctly given by Aristotle.⁵ "If we consult the ancients, and even some modern naturalists," observes Griffith, "we shall find stories of the greatest absurdity connected with the name of the cuckoo. It would seem that everything the most monstrous in fable, or the most odious and criminal in the history of mankind, had been carefully sought out, and attributed to these inoffensive birds: and this, because men could not discover the secret springs which Nature has employed to give to this species manners, habits, and a model of life altogether opposite to those of others, and the union of which fixes on the cuckoos a distinguishing character from all other known animals."⁶ The ancients held the flesh of the cuckoo in high estimation, as do also the modern Italians.

*II. A species of Fish, the same with the *Trigla Cuculus*, L. It is the Red Gurned, or Rotchet; in French, *Rouget* or *Refait*.⁷

***COCCO'NES** (κόκκωνες), the seed of the *Punica granata*, or Pomegranate.⁸

***COCH'LEA** (κοχλία), the Snail, a genus of Mollusca. Of snails there are three sorts, the Sea, the River, and the Land. The last are the *Helices*, one of which, the *Helix pomatia*, or edible snail, was much used by the Greeks and Romans as an article of food. The ancients, as Adams remarks, must have been also well acquainted with the *Helix fruticum* and the *H. arbutorum*.⁹ "The uses of the *Helices*, or Snails," observes Griffith, "are not very numerous. It appears, however, that the larger species, and especially the garden-snails (*H. pomatia*, L.), serve for the aliment of man in many countries. The Romans, according to Pliny,¹⁰ consumed great quantities of them; and they must have been in great estimation for the table, since that author has thought fit to give, in his Natural History, the name of him who first turned his attention to the rearing of these animals in sorts of parks or dépôts, and of fattening them with particular substances. The best came from the island of Astypalæa,

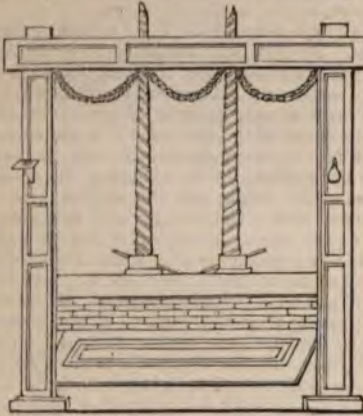
Theophrast., i., 13; vi., 4.—Dioscor., iv., 167.—Adams, Append., s. v.—2. (Theophrast., H. P., iv., 7.—Adams, Append., H. A., vii., 5.)—4. (Compare Griffith's Cuvier, vol. 5. (Tibell, ii., 4; ii., 6.—Propert., i., 2; ii., 1; iv., 1.—Herod. Carm., iv., viii., 13.—Sat., i., ii., 101.—Ovid, i., 298.)—6. (Aristotle, H. A., v., 19.)—7. (Mus. Borl., 5.)—8. (Cic., Pro Rab. Post., 11.)—9. (Sat., l. vi., Cic., Pro Client. 64.)

1. (Myrepsus, iv., 2.—Adams, Append., s. v.)—2. (Theophrast., H. P., iii., 16.—Dioscor., iv., 48.—Plin., H. N., xvi., 12.)—3. (Theophrast., iii., 16.—Adams, Append., s. v.)—4. (Theophrast., i., 11.—Dioscor., i., 174.—Geopon., x., 73.—Adams, Append., s. v.)—5. (Aristot., ix., 20.)—6. (Griffith's Cuvier, vol. vii., p. 529.)—7. (Aristot., H. A., iv., 9.—Elian, N. A., x., 11.—Adams, Append., s. v.)—8. (Harpoer., Morb. Mulier., 1.)—9. (Adams, Append., s. v.)—10. (H. N., ix., 56)

one of the Cyclades; the smallest from Reate, in the Sabine territory, and the largest from Illyria. The Romans also greatly esteemed the snails of Sicily, of the Balearic Isles, and of the island of Caprea. They shut them up in sorts of warrens, and fattened them there with cooked meat, flour, &c. It was Fulvius Hirpinus who first conceived the idea of this, a short time previous to the civil war between Pompey and Cæsar. He carefully separated each species, and succeeded in obtaining individuals whose shells contained *octoginta quadrantes*, about ten quarts. All this history is taken from Pliny; but there would appear to be some confusion in it, especially with regard to the size produced by education; for Varro,¹ after whom he writes, says the same only concerning the African species, which naturally attained to these dimensions. It does not appear that this mode of educating snails was practised for any great length of time, for Macrobius says nothing about it."²

CO'CHLEA (*κοχλιάς*), which properly means a snail, was also used in several other significations.

I. It signified a screw, one of the mechanical powers, so named from its spiral form, which resembles the worming of a shell. The woodcut annexed represents a clothes-press, from a painting



on the wall of the Chalcidicum of Eumachia, at Pompeii, which is worked by two upright screws (*cochleæ*) precisely in the same manner as our own linen presses.

A screw of the same description was also used in oil and wine presses.³ The thread of the screw, for which the Latin language has no appropriate term, is called *περικόχλιον* in Greek.

II. COCHLEA was also the name of a spiral pump for raising water, invented by Archimedes,⁴ from whom it has ever since been called the Archimedean screw. It is described at length by Vitruvius.⁵

A pump of this kind was used for discharging the bilge-water in the ship of Hiero, which was built under the directions of Archimedes.⁶

III. COCHLEA was also the name of a peculiar kind of door, through which the wild beasts passed from their dens into the arena of the amphitheatre.⁷ It consisted of a circular cage, open on one side like a lantern, which worked upon a pivot and within a shell, like the machines used in the convents and founding hospitals of Italy, termed *rote*, so that any particular beast could be removed from its den into the arena merely by turning it round, and without the possibility of more than one escaping at the

same time; and therefore it is recommended by Varro⁸ as peculiarly adapted for an aviary, the person could go in and out without the birds an opportunity of flying away. Silius, however, maintains that the *cochlea* in question was nothing more than a portcullis (*cataphracta*) by a screw, which interpretation does not appear probable as the one given above.

CO'CHLEAR (*κοχλιάριον*) was a kind of spoon, which appears to have terminated with a long handle at one end, and at the other was broad and hollow, like our own spoons. The pointed end was used for drawing snails (*cochleæ*) out of their shells, whence it derived its name; the broader part for eating eggs, &c. Martialis mentions both these uses of the cochlear:

"*Sum cochleis habilis nec sum minus utilis*"

Cochlear was also the name given to a measure like our spoonful. According to Festus, it was $\frac{1}{24}$ of the cyathus.

CODEX is identical with *caudex*, as Claudius Clodius, *claustrum* and *clostrum*, *cauda*; Cato⁹ still used the form *caudex* in the same sense, which afterward *codex* was used exclusively. The word originally signified the trunk or stem of a tree, and was also applied to designate anything of large pieces of wood, whence the same was used for ferry boats on the Tiber, which may have been like the Indian canoes, or were composed of several roughly-hewn planks nailed in a rude and simple manner, were called *codicaria*, or *codicaria*, or *caudicæ*.¹⁰ The same signification given to Appius Claudius must be applied to this signification. But the name *codex* was especially applied to wooden tablets bound together and lined with a coat of wax, for the purpose of writing upon them; and when, at a later age, parchment, or paper, or other materials were substituted for wood, and put together in the shape of a book, the name of *codex* was still applied to them. At the time of Cicero we find it also applied to a tablet on which a bill was written; and the same was used by Cornelius, when one of his colleagues forbade a bill to be read by the herald or scribe, read *legit codicem suum*¹¹. At a still later period, during the time of the emperors, the word was used to signify any collection of laws or constitutions, whether made by private individuals or by public authority. See the following article.

CODEX GREGORIANUS and HERMOGENIANUS. It does not appear quite certain to what title denotes one collection or two collections of laws, but the general opinion, however, is, that there were two collections, compiled respectively by Gregorius Hermogenianus, who are sometimes, though incorrectly, called Gregorius and Hermogenianus. The codex of Gregorius consists of ten books at least, which were divided into two parts. The fragments of this codex begin with the laws of Septimius Severus, and end with those of Maximian. The codex of Hermogenianus, as far as we know it, is only quoted by title, but also contains constitutions of Diocletian and Maximian; it may, perhaps, have consisted of two books only, and it may have been a kind of supplement or continuation to, or an abridgment of, the other. The name Hermogenianus is always placed after Gregorius when this code is quoted. A

1. (Varro, R. R., iii., 14.)—2. (Griffith's Cæsar, vol. xii., p. 339.)—3. (Vitruvius, vi., 9, p. 180, ed. Bipont.—Palladius, IV., x., 10; II., xix., 1.)—4. (Diod. Sic., i., 34; v., 37.—Compare Strab., xvii., 30.)—5. (x., 11.)—6. (Athen., v., 43.)—7. (Varro, R. R., iii., 5, § 3.)

1. (l. c.)—2. (in Ind. Script. R. R., s. v. Cæsar, 121.)—3. (Compare Plin., H. N., xxviii., 4.—Petron. (ap. Front., Epist. ad M. Anton., i., 2.)—6. (Compare Plin., xii., 432.)—7. (Virg., Georg., ii., 30.—Colamella, xii., 11, N., xvi., 30.)—8. (Fest., and Varro, ap. Nonium, Gellius, x., 25.)—9. (Cic., Verr., ii., 1, 26.—Dig., 52.—Sueton., Octav., 101.)—10. (Vid. Cic. in Vellejo, Ped. in Argum. ad Cornel., p. 98, ed. Orelli.)

to the Consultationes, the Codex of Hermogenianus also contained constitutions of Valens and Valentinian II., which, if true, would bring down the compiler to a time some years later than the reign of Constantine the Great, under whom it is generally assumed that he wrote. These codices were not made by imperial authority, so far as we know: they were the work of private individuals, but apparently soon came to be considered as authority in courts of justice, as is shown indirectly by the fact of the Theodosian and Justinian Codes being formed on the model of the Codex Gregorianus and Hermogenianus.¹

CODEX JUSTINIANEUS. In February of the year A.D. 528, Justinian appointed a commission, consisting of ten persons, to make a new collection of imperial constitutions. Among these ten were Tribonianus, who was afterward employed on the Digesta and the Institutiones, and Theophilus, a teacher of law at Constantinople. The commission was directed to compile one code from those of Gregorianus, Hermogenianus, and Theodosius, and also from the constitutions of Theodosius made subsequently to his code, from those of his successors, and from the constitutions of Justinian himself. The instructions given to the commissioners empowered them to omit unnecessary preambles, repetitions, contradictions, and obsolete matter; to express the laws to be derived from the sources above mentioned in brief language, and to place them under appropriate titles; to add to, take from, or vary the words of the old constitutions, when it might be necessary, but to retain the order of time in the several constitutions, by preserving the dates and the consuls' names, and also by arranging them under their several titles in the order of time. The collection was to include rescripts and edicts, as well as constitutiones properly so called. Fourteen months after the date of the commission, the code was completed and declared to be law, under the title of the Justinianus Codex; and it was declared that the sources from which this code was derived were no longer to have any binding force, and that the new code alone should be referred to as of legal authority.²

The Digest or Pandect, and the Institutiones, were compiled after the publication of this code, and subsequently to which, fifty decisiones and some new constitutiones also were promulgated by the emperor. This rendered a revision of the Code necessary; and, accordingly, a commission for that purpose was given to Tribonianus Dorotheus, a distinguished teacher of law at Berytus in Phœnicia, and three others. The new code was promulgated at Constantinople on the 16th of November, 534, and the use of the decisiones, the new constitutiones, and of the first edition of the Justinianus Codex, was forbidden. The second edition (*secundo edito, repetita praelectio, Codex repetita praelectio*) is the code that we now possess, in twelve books, each of which is divided into titles. It is not known how many books the first edition contained. The constitutiones are arranged under their several titles, in the order of time and with the names of the emperors by whom they were respectively made, and their dates.

The constitutions in this code do not go farther back than those of Hadrian, and those of the immediate successors of Hadrian are few in number; a circumstance owing, in part, to the use made of earlier codes in the compilation of the Justinian

Code, and also to the fact of many of their earlier constitutions being incorporated in the writings of the jurists, from which alone any knowledge of many of them could be derived.³

The constitutions, as they appear in this code, have been in many cases altered by the compilers, and, consequently, in an historical point of view, the Code is not always trustworthy. This fact appears from a comparison of this code with the Theodosian code and the Novellæ. The order of the subject matter in this Code corresponds, in a certain way, with that in the Digest. Thus the seven parts into which the fifty books of the Digest are distributed, correspond to the first nine books of the Code. The matter of the last three books of the Code is hardly treated of in the Digest. The matter of the first book of the Digest is placed in the first book of the Code, after the law relating to ecclesiastical matters, which, of course, is not contained in the Digest; and the three following books of the first part of the Digest correspond to the second book of the Code. The following books of the Code, the ninth included, correspond respectively, in a general way, to the following parts of the Digest. Some of the constitutions which were in the first edition of the Code, and are referred to in the Institutiones, have been omitted in the second edition.⁴ Several constitutions, which have also been lost in the course of time, have been restored by Charondas, Cujacius, and Contius, from the Greek version of them. For the editions of the Code, see *CORPUS JURIS*.⁵

CODEX THEODOSIANUS. In the year 429, Theodosius II., commonly called Theodosius the Younger, appointed a commission, consisting of eight persons, to form into a code all the edicts and leges generales from the time of Constantine, and according to the model of the Codex Gregorianus and Hermogenianus (*ad similitudinem Gregoriani et Hermogeniani Codicis*). In 435, the instructions were renewed or repeated; but the commissioners were now sixteen in number. Antiochus was at the head of both commissions. It seems, however, to have been originally the design of the emperor, not only to make a code which should be supplementary to, and a continuation of, the Codex Gregorianus and Hermogenianus, but also to complete a work on Roman law from the classical jurists, and the constitutions prior to those of Constantine. However this may be, the first commission did not accomplish this, and what we now have is the code which was compiled by the second commission. This code was completed, and promulgated as law in the Eastern Empire in 438, and declared to be the substitute for all the constitutions made since the time of Constantine. In the same year (438) the Code was forwarded to Valentinian III., the son-in-law of Theodosius, by whom it was laid before the Roman senate, and confirmed as law in the Western Empire. Nine years later, Theodosius forwarded to Valentinian his new constitutions (*novella constitutiones*), which had been made since the publication of the Code; and these, also, were in the next year (448) promulgated as law in the Western Empire. So long as a connexion existed between the Eastern and Western Empires, that is, till the overthrow of the latter, the name Novellæ was given to the constitutions subsequent to the Code of Theodosius. The latest of these Novellæ that has come down to us is one of the time of Leo and Anthemius, De Bonis Vacantibus, A.D. 468.

The Codex Theodosianus consists of sixteen books, the greater part of which, as well as his No-

Zimmern, Geschichte des Römischen Privatrechts, Heidehl., Hugo, Lehrbuch der Geschichte des Röm. Rechts, Berl.—Frag. Cod. Greg. et Hermog., in Schulting's Juris-
ca Vet., &c., and in the Jus Civile Antequistin., Berol.,
-L. (Consist. de Justin. Cod. Confirmando.)

1. (Constit. de Emendatione Cod. Dom. Justin.)—2. (Instit. 2, tit. 20, s. 27; 4, tit. 6, s. 24.)—3. (Zimmern, &c.—Hugo, Lehrbuch der Geschichte des Röm. Rechts, &c.)

vellæ, exist in their genuine state. The books are divided into titles, and the titles are subdivided into sections or laws. The valuable edition of J. Gothofredus (6 vols. fol., Lugd., 1665, re-edited by Ritter, Lips., 1736-1745, fol.) contains the Code in its complete form, except the first five books and the beginning of the sixth, for which it was necessary to use the epitome contained in the Breviarium (*vid. BREVIARIUM*). This is also the case with the edition of this code contained in the *Jus Civile Antejustinianum*. But the recent discovery of a MS. of the Breviarium at Milan by Clossius, and of a Palimpsest of the Theodosian Code at Turin by Peyron, has contributed largely both to the critical knowledge of the other parts of this code, and has added numerous genuine constitutions to the first five books, particularly to the first. Hänel's discoveries, also, have added to our knowledge of the later books.

The extract or epitome of the first five books in the Breviarium is very scanty; 262 laws, or fragments of laws, were omitted, which the discoveries of Clossius and Peyron have reduced to 200.

The Novellæ Constitutiones anterior to the time of Justinian are collected in six books in the *Jus Civile Antejustinianum*.

The commission of Theodosius was empowered to arrange the constitutions according to their subject, and under each subject according to the order of time; to separate those which contained different matter, and to omit what was not essential or superfluous. The arrangement of the Theodosian Code differs in the main from that of the Code of Justinian, which treats of *jus ecclesiasticum* in the beginning, while that of Theodosius in the first book treats chiefly of offices; and the second, third, fourth, and beginning of the fifth book treat of *jus privatum*. The order here observed, as well as in the Code which it professed to follow as a model, was the order of the prætorian edict, and of the writers on the edict. The eighth book contains the laws as to gifts, the penalties of celibacy, and that relating to the *jus liberorum*. The ninth book begins with crimes. The laws relating to the Christian Church are contained in the sixteenth and last book. It is obvious, from the circumstances under which the Theodosian and Justinian Codes were compiled, and from a comparison of them, that the latter was greatly indebted to the former. The Theodosian Code was also the basis of the edict of Theodoric, king of the Ostrogoths; it was epitomized, with an interpretation, in the Visigoth Lex Romana (*vid. BREVIARIUM*); and the Burgundian Lex Romana, commonly called Papiani Liber Responsorum, was founded upon it.

CODICILLUS. (*Vid. TESTAMENTUM.*)
COEMPTIO. (*Vid. MARRIAGE.*)

COENA. As the Roman meals are not always clearly distinguished, it will be convenient to treat of all under the most important one. The following article is designed to give a short account of the familiar day of the Romans. No one who remembers the changes which custom has brought about in our own country during the last century, will expect the same description of domestic manners to apply to any considerable period of time. It will suffice to take the ordinary life of the middle ranks of society in the Augustal age, noticing incidentally the most remarkable deviations, either on the side of primitive simplicity or of late refinement.

The meal with which the Roman sometimes began the day was the *jentaculum*, a word derived, as Isidore would have us believe, a *jejunio solvendo*, and answering to the Greek ἀρπαρισμός. Festus tells us that it was also called *prandicula* or *silatum*. Though by no means uncommon, it does not appear

to have been usual, except in the case of children, or sick persons, or the luxurious, or, as Nonius adds,¹ of labouring men. An irregular meal (*if we may so express it*) was not likely to have any very regular time: two epigrams of Martial, however, seem to fix the hour at about three or four o'clock in the morning.² Bread, as we learn from the epigram just quoted, formed the substantial part of this early breakfast, to which cheese,³ or dried fruit, as dates and raisins,⁴ was sometimes added. The *jentaculum* of Vitellius⁵ was doubtless of a more solid character; but this was a case of monstrous luxury.

Next followed the *prandium* or luncheon, which persons of simple habits a frugal meal:

"Quantum interpellat inani
Ventre diem durare."⁶

As Horace himself describes it in another place,⁷

"Cum sale panis
Lattrantem stomachum bene leniet,"

agreeably with Seneca's account,⁸ "*Panis deinde siccus et sine mensa prandium, post quod non sunt lavandæ manus.*" From the latter passage we learn incidentally that it was a hasty meal, such as sailors⁹ and soldiers¹⁰ partook of when on duty, without sitting down. The *prandium* seems to have originated in these military meals, and a doubt has been entertained whether in their ordinary life the Romans took food more than once in the day. Pliny¹¹ speaks of Aufidius Bassus as following the ancient custom in taking luncheon; but again,¹² in describing the manners of an old-fashioned person, he mentions no other meal but the *cæna*. The following references¹³ seem to prove that luncheon was a usual meal, although it cannot be supposed that there were many who, like Vitellius, could avail themselves of all the various times which the different fashions of the day allowed ("*epulas trifariam semper, interdum quadrifariam dispartiebat, et jentacula et prandia, et cænas, comissationesque; facile omnibus sufficiens, vomitandi consuetudine*").¹⁴ It would evidently be absurd, however, to lay down uniform rules for matters of individual caprice, or of fashion at best.

The *prandium*, called by Suetonius¹⁵ *cibus meridianus*, was usually taken about twelve or one o'clock.¹⁶ For the luxurious palate, as we gather incidentally from Horace's Satires, very different provision was made from what was described above, as his own simple repast. Fish was a requisite of the table:¹⁷

"Foris est promus, et atrum
Defendens pisces hyemat mare;"

to which the choicest wines, sweetened with the finest honey, were to be added:

"Nisi Hymettia mella Falerno
Ne biberis diluta;"

which latter practice is condemned by the learned gastronomer,¹⁸ who recommends a weaker mixture

"Leni præcordia mulso
Prolueris melius,"

and gravely advises to finish with mulberries fresh gathered in the morning.¹⁹

The words of Festus, "*cæna apud antiquos dicebatur quod nunc prandium,*" have given much trouble

1. (De Re Cib., i., 4.)—2. (Mart., Epigr., xiv., 233; viii., 9.)—3. (Apul., Met., i., p. 110, ed. Francof. 1621.)—4. (Suet., Octav., 76.)—5. (Suet., Vit., c. 7, c. 13.)—6. (Hor., Sat., l., v., 127, 128.)—7. (Sat., II., ii., 17.)—8. (Ep., 84.)—9. (Juv., Sat. vi., 10.)—10. (Liv., xxviii., 14.)—11. (Ep., iii., 5.)—12. (Ep., iii., 1.)—13. (Sen., Ep., 87.—Cic., Ep. ad Att., v., 1.—Mart., Ep., 64.)—14. (Suet., Vit., 13.)—15. (Aug., 78.)—16. (Suet., Cal., 2.—Claud., 94.)—17. (Sat., II., ii., 16.)—18. (Sat., II., iv., 26.)—19. (Ibid., 21-23.—Vid. Tate's Horace, 2d ed., p. 97-106.)

to the critics, perhaps needlessly, when we remember the change of hours in our own country. If we translate *cæna*, as, according to our notions, we ought to do, by "dinner," they describe exactly the alteration of our own manners during the last century. The analogy of the Greek word *δειπνον*, which, according to Athenæus, was used in a similar way for *πρωτον*, also affords assistance. Another meal, termed *merenda*, is mentioned by Isidore and Festus, for which several refined distinctions are proposed; but it is not certain that it really differed from the *prandium*.

The table, which was made of citron, maple-wood, or even of ivory,¹ was covered with a *mantele*, and each of the different courses, sometimes amounting to seven,² served upon a *ferculum* or waiter. In the "munda supellex" of Horace, great care was taken.

"*Ne turpe toral, ne sordida mappa
Corruget nares; ne non et cantharus et lans
Ostendat tibi te.*"³

And on the same occasion, the whole dinner, which consisted of vegetables, was served up on a single plate.⁴

To return to our description, the dinner usually consisted of three courses: first, the *promulsis* or *stocæna*,⁵ called also *gustatio*,⁶ made up of all sorts of stimulants to the appetite, such as those described by Horace,

*Esopula, lactuca, radices, qualia lassum
Perrellant stomachum, siser, alec, facula Coa.*⁷

These also⁸ were so indispensable to the first course as they almost gave a name to it (*ab ovo Usque ad asca*). In the *promulsis* of Trimalchio's supper⁹—probably designed as a satire on the Emperor Nero—an ass of Corinthian brass is introduced, bearing to panniers, one of white, the other of black olives, covered with two large dishes inscribed with Trimalchio's name. Next come dormice (*glîres*) and small bridges sprinkled with poppy-seed and honey, and hot sausages (*tomacula*) on a silver gridiron (*eraticula*), with Syrian prunes and pomegranate berries underneath. These, however, were special luxuries; the frugality of Martial only allowed lettuce and Sicilian olives; indeed, he himself tells us that the *promulsis* was a refinement of modern luxury.¹⁰ Macrobius¹¹ has left an authentic record of a *cæna pontificum*,¹² given by Lentulus in his election to the office of flamen, in which the first course alone was made up of the following fishes: Several kinds of shell-fish (*echini, ostrea, vulva, pelerides, spondyli, glycomarides, murices purpura, salani albi et nigri*), thrushes, asparagus, a roasted hen (*gallina altalis*), beccaficoes (*ficedula*), turtles (*urtice*), the haunches of a goat and wild boar (*ambi capragini, aprugni*), rich meats made into pasties (*altitia ex farina involuta*), many of which are twice repeated in the inventory.

It would far exceed the limits of this work even to mention all the dishes which formed the second course of a Roman dinner, which, whoever likes, may find minutely described in Bulengerus.¹³ Of these, the Guinea-ben (*Afra avis*), the pheasant (*Phasianus*, so called from Phasis, a river of Colchis), and the thrush, were most in repute; the liver of a capon steeped in milk (Pliny), and beccaficoes (*ficedula*) dressed with pepper, were held a delicacy.¹⁴ The woodcock, according to Macrobius,¹⁵ was first introduced by Hortensius the orator, at an inaugural

supper, and acquired such repute among the Roman gourmands as to be commonly sold for fifty denarii. Other birds are mentioned, as the duck (*anas*), especially its head and breast; the woodcock (*attagen*), the turtle, and flamingo (*phanicopterus*), the tongue of which, Martial tells us, especially commended itself to the delicate palate. Of fish, the variety was perhaps still greater: the charr (*scarus*), the turbot (*rhombus*), the sturgeon (*acipenser*), the mullet (*mullus*), were highly prized, and dressed in the most various fashions. In the banquet of Nasidienus, an eel is brought, garnished with prawns swimming in the sauce.³ Of solid meat, pork seems to have been the favourite dish, especially sucking-pig;⁴ the paps of a sow served up in milk (*sumen*), the flitch of bacon (*petaso*), the womb of a sow (*vulva*), are all mentioned by Martial. Boar's flesh and venison were also in high repute, especially the former, described by Juvenal⁵ as *animal propter convivia natum*. Condiments were added to most of these dishes: such were the *muria*, a kind of pickle made from the tunny-fish;⁶ the *garum sociorum*, made from the intestines of the mackerel (*scomber*), so called because brought from abroad; *alec*, a sort of brine; *fax*, the sediment of wine, &c., for the receipts of which we must again refer the reader to Catus's learned instructor.¹⁰ Several kinds of fungus¹¹ are mentioned, truffles (*boleti*), mushrooms (*tuberes*), which either made dishes by themselves, or formed the garniture for larger dishes.

It must not be supposed that the *artistes* of imperial Rome were at all behind ourselves in the preparation and arrangements of the table. In a large household, the functionaries to whom this important part of domestic economy was intrusted were four, the butler (*promus*), the cook (*archimagirus*), the arranger of the dishes (*structor*), and the carver (*carptor* or *scissor*). Carving was taught as an art, and, according to Petronius,¹² performed to the sound of music, with appropriate gesticulations,

"*Neque enim minimo discrimine refert
Quo vultu lepores et quo gallina secetur.*"¹³

In the supper of Petronius, a large round tray (*ferculum, repositorium*) is brought in, with the signs of the zodiac figured all round it, upon each of which the *artiste* (*structor*) had placed some appropriate viand: a goose on Aquarius; a pair of scales, with tarts (*scribitæ*) and cheesecakes (*placentæ*) in each scale, on Libra, &c. In the middle was placed a hive supported by delicate herbage. Presently four slaves come forward, dancing to the sound of music, and take away the upper part of the dish; beneath appear all kinds of dressed meats: a hare with wings, to imitate Pegasus, in the middle; and four figures of Marsyas at the corners, pouring hot sauce (*garum piperatum*) over the fish that were swimming in the Euripus below. So entirely had the Romans lost all shame of luxury, since the days when Cincius, in supporting the Fannian law, charged his own age with the enormity of introducing the *porcus Trojanus* (a sort of pudding stuffed with the flesh of other animals¹⁴).

The bellaria or dessert, to which Horace alludes when he says of Tigellius *ab ovo Usque ad mala citaret*, consisted of fruits (which the Romans usually ate uncooked), such as almonds (*amygdalæ*), dried grapes (*uvæ passæ*), dates (*palmula, larygia, dactyli*); of sweetmeats and confections, called *edulia mellita, dulciaria*, such as cheesecakes (*cupedia, crustula, liba, placentæ, artologani*), almond-cakes (*coptæ*), tarts

1. (Mart., xii., 52.)—2. (Juv., Sat., i., 95.)—3. (Ep., I., v., 22.)—4. (Cic., Ep. ad Fam., ix., 20.)—5. (Petron., 1.)—6. (Sat., II., viii., 8, 9.)—7. (Cic., Ep. ad Fam., ix., 20.)—8. (Sat., I., iii., 6.)—9. (Petron., 31.)—10. (Ep., XIII., 1.)—11. (Sat., II., 9.)—12. (Vid. Hor., Carn., II., xiv., 28.)—13. (De Convitiis, II., and iii.)—14. (Mart., iii., 5.)—15. (Sat., I., 1.)

1. (Mart., xiii., 52.)—2. (Mart., xiii., 71.)—3. (Mart., Xenia, xiii.)—4. (Mart., xiii., 41.)—5. (Ibid., Ep., 44.)—6. (Ep., 55.)—7. (Ep., 56.)—8. (Sat., I., 141.)—9. (Mart., xiii., 103.)—10. (Hor., Sat., II., iv.)—11. (Ibid., v., 20.)—12. (35, 36.)—13. (Juv. Sat., v., 121.)—14. (Macrobius, Sat., ii., 2.)

(*scribitæ*), whence the maker of them was called *pistor dulciarius, placentarius, libarius, &c.*

We will now suppose the table spread and the guests assembled, each with his *mappa* or napkin,¹ and in his dinner-dress, called *cœnatoria* or *cubitoria*, usually of a bright colour,² and variegated with flowers. First they took off their shoes for fear of soiling the couch,³ which was often inlaid with ivory or tortoise-shell, and covered with cloth of gold. Next they lay down to eat,⁴ the head resting on the left elbow, and supported by cushions.⁵ There were usually, but not always, three on the same couch,⁶ the middle place being esteemed the most honourable. Around the tables stood the servants (*ministri*), clothed in a tunic,⁷ and girt with napkins:⁸ some removed the dishes and wiped the tables with a rough cloth (*gausape*⁹); others gave the guests water for their hands, or cooled the room with fans.¹⁰ Here stood an Eastern youth¹¹ behind his master's couch, ready to answer the noise of the fingers (*digiti crepitus*¹²), while others bore a large platter (*mazonomum*) of different kinds of meat to the guests.¹³

Whatever changes of fashion had taken place since primitive times, the *cœna* in Cicero's day¹⁴ was at all events an evening meal. It was usual to bathe about two o'clock and dine at three, hours which seem to have been observed, at least by the higher classes, long after the Augustan age.¹⁵ When Juvenal mentions two o'clock as a dinner hour, he evidently means a censure on the luxury of the person named.¹⁶

"*Exul ab octava Marius bibit.*"

In the banquet of Nasidienus, about the same hour is intended when Horace says to Fundanius,

"*Nam mihi quærenti convivam dictus here illic
De medio potare die.*"

Horace and Mæcenas used to dine at a late hour, about sunset.¹⁷ Perhaps the various statements of classical authors upon this subject can only be reconciled by supposing that with the Romans, as with ourselves, there was a great variety of hours in the different ranks of society.

Dinner was set out in a room called *cœnatio* or *diœta* (which two words perhaps conveyed to a Roman ear nearly the same distinction as our dining-room and parlour). The *cœnatio*, in rich men's houses, was fitted up with great magnificence.¹⁸ Suetonius¹⁹ mentions a supper-room in the Golden Palace of Nero, constructed like a theatre, with shifting scenes to change with every course. The garret of the poor man was termed *canaculum*.²⁰ In the midst of the *cœnatio* were set three couches (*triclinia*), answering in shape to the square, as the long semicircular couches (*sigmata*) did to the oval tables. An account of the disposition of the couches, and of the place which each guest occupied, is given in the article *TRICLINIUM*.

The Greeks and Romans were accustomed, in later times, to recline at their meals; though this practice could not have been of great antiquity in Greece, since Homer never describes persons as reclining, but always as sitting at their meals. Isidore of Seville²¹ also attributes the same practice to the ancient Romans. Even in the time of the early Roman emperors, children in families of the highest rank used to sit together at an inferior table, while

1. (Mart., xii., 29.)—2. (Petron., c. 21.)—3. (Mart., iii., 30.)—4. (Hor., Sat., I., iv., 39.)—5. (Mart., iii., Ep. 8.)—6. (Hor., Sat., I., iv., 86.)—7. (Hor., Sat., II., vi., 107.)—8. (Suet., Cal., 26.)—9. (Hor., Sat., II., viii., 11.)—10. (Mart., iii., 82.)—11. (Juv., Sat., v., 55.)—12. (Mart., vi., 89.)—13. (Hor., Sat., II., viii., 86.)—14. (Ep. ad Att., ix., 7.)—15. (Mart., IV., viii., 6; XI., liii., 3.—Cic. ad Pam., ix., 26.—Plin., Ep., iii., 1.)—16. (Mart., i., 49, 50.)—17. (Hor., Sat., II., vii., 33.—Ep., I., v., 3.)—18. (Suet., Ep., 90.)—19. (Nero, 31.)—20. (Juv., Sat., x., 17.—Hor., Ep., I., i., 91.)—21. (Orig., xx., 11.)

their fathers and elders reclined on couches at the upper part of the room.¹

Roman ladies continued the practice of sitting at table, even after the recumbent position had become common with the other sex.² It appears to have been considered more decent, and more agreeable to the severity and purity of ancient manners, for women to sit, more especially if many persons were present. But, on the other hand, we find cases of women reclining, where there was conceived to be nothing bold or indelicate in their posture. In some of the bas-reliefs, representing the visit of Bacchus to Icarus, Erigone, instead of sitting on the couch, reclines upon it in the bosom of her father. In Juvenal³ a bride reclines at the marriage-supper on the bosom of her husband, which is illustrated by the following woodcut, taken from Montfaucon.⁴



It seems intended to represent a scene of perfect matrimonial felicity. The husband and wife recline on a sofa of rich materials. A three-legged table is spread with viands before them. Their two sons are in front of the sofa, one of them sitting, in the manner above described, on a low stool, and playing with the dog. Several females and a boy are performing a piece of music for the entertainment of the married pair.

Before lying down, the shoes or sandals were taken off, and this was commonly done by the attendants.⁵ In all the ancient paintings and bas-reliefs illustrative of this subject, we see the guests reclining with naked feet; and in those which contain the favourite subject of the visit of Bacchus to Icarus, we observe a faun performing for Bacchus this office. The following woodcut, taken from a terra



cotta in the British Museum, representing this subject, both shows the naked feet of Icarus, who has partly raised himself from his couch to welcome his

1. (Tacit., Ann., xiii., 16.—Suet., Aug., 65.—Claud., 32.)—2. (Varro, ap. Isid., Orig., xx., 11.—Val. Max., ii., 1, 3.)—3. (Sat., ii., 120.)—4. (Ant. Expl. Suppl., iii., 66.)—5. (Terent., Heaut., I., i., 72.)

COGNATI.

ed also that Bacchus has one of his feet alked, while the faun is in the act of removing from the other.

account of the Greek meals, see the article

ACULUM. (Vid. COENA.)

ACTIO. (Vid. COENA.)

ACTI. The following passage of Ulpian is as the best introduction to the meaning of the term, while it shows on what occasions questioning cognatio and agnatio arose:

“hereditates of intestate ingenui belong in place to their sui heredes, that is, children in the power of the parent, and those who take the place of children (as grandchildren, for example); if there are no sui heredes, it belongs to the agnati, that is, brothers and sisters by the same father (it was not necessary that they be by the same mother); if there are no agnati, it belongs to the remaining and nearest, that is, to the cognati of the male sex, and their descent through males, and are of the same familia. And this is provided by the following of the Twelve Tables: ‘Si intestato mortuusus heres nec escit, agnatus proximus habet.’”

Foundation of cognatio is a legal marriage. Cognatus (with some exceptions) comprehends an agnatus; an agnatus may be a cognatus, but is only an agnatus when his relationship is traced through males.

Following will give a correct notion of agnatio. Familia means all those free persons in the power of the same paterfamilias, of a familia; and in this sense familia signifies the agnati, or all those who are united in by the common bond of the patria potestas. Cognatio, as already said, was the relationship which existed between those who were from a common pair, and it therefore (with some exceptions) contained the agnatio. But legitimate children of sons who were not emancipated also in the patria potestas, consequently part of the familia, and were agnati. Adopted persons were also in the father's power, and, consequently, were agnati, though they were not cognati. A paterfamilias maintained his power over his familia so long as he lived, except over those who were emancipated, or passed into another familia in any way sustained a deminutio capitis. Cognatio, the common bond of the patria potestas, dissolved, and his sons became respectively heads of families; that is, of persons who were in the power of their fathers, or, with respect to one another, were brothers and sisters. But all these persons continued to be members of the same familia; that is, they were still agnati. Consequently, the agnatio subsisted among persons so long as they could trace back their descent through males to one common paterfamilias.

Persons, then, are those “who would be in the patria potestas, or in jus, as a wife in manus viri, or in the power of a son who is in the father's power, if the paterfamilias were alive; and this is true whether persons ever were actually so or not.”

To ascertain, then, in order to obtain a clear notion of agnatio, that if the person from whom the agnatio is claimed a common descent were alive, and if he were all in his power, or in his manus, or in the power of those who are in his power, they would be agnati. In order, then, that agnatio might be traced between persons, the person from whom the agnatio is claimed must have lost his patria potestas by death only, and not by any deminutio capitis. Consequently, not by any of his children or other persons into any other patria potestas, or into the

COGNATI.

manus viri, which would, in effect, be passing into another agnatio; for a person could not at the same time be an agnatus of two altogether different families. Accordingly, adoption destroyed agnatio, and the emancipation of a son by his father took away all his rights of agnatio, and his former agnati lost all their rights against him.

“The patricians, as gentiles, gained what others lost as agnati, and they kept as gentiles what they themselves lost as agnati; and this strict doctrine of the complete loss of the agnatio appears, therefore, to have originated with them.”

Persons of the same blood by both parents were sometimes called germani; and consanguinei were those who had a common father only, and uterini those who had a common mother only.



This table shows all the degrees of cognatio in the Roman law, and, of course, also the degrees of agnatio. The degree of relationship of any given person in this stemma, to the person with respect to whom the relationship is inquired after (*is cave, &c.*), is indicated by the figures attached to the several words. The Roman numerals denote the degree of cognatio in the canon law, and the Arabic numerals the degrees in the Roman or civil law. The latter mode of reckoning is adopted in England, in ascertaining the persons who are entitled as next of kin to the personal estate of an intestate. It will be observed, that in the canon law, the number which expresses the collateral degree is always the greater of the two numbers (when they are different) which express the distance of the two parties from the common ancestor; but in the civil law, the degree of relationship is ascertained by counting from either of the two persons to the other through the common ancestor. All those words on which the same Roman or the same Arabic numerals occur, represent persons who are in the same degree of cognatio, according to these respective laws, to the person *is cave, &c.*¹

COGNITOR. (*Vid.* ΑΣΤΙΟ.)

COGNOMEN. (*Vid.* NOMEN.)

COHORS. (*Vid.* ARMY, ROMAN, p. 104.)

*COIX (κόϊξ), a species of Egyptian Palm-tree, of the leaves of which matting and baskets were made. Stackhouse sets it down for the *Coix lachryma Jobi*. Bauhin mentions that some had taken it for a species of *Lithospermum*. The term κόϊξ in Theophrastus, out of which some would make the *Cycas revoluta*, or Japanese Sago-palm, is merely the accusative plural for κόϊκας, from κόϊξ, just as some read *cycas* for *coicas* in Pliny.²

*COL'CHICUM (κολχικόν), the Meadow Saffron, or *Colchicum Autumnale*. Pliny³ merely mentions it as a poisonous plant, but Alexander of Tralles, a physician of the sixth century, prescribes it in cases of gout, in which, as also in the rheumatism and neuralgic affections, it is still found a valuable medicine at the present day. The celebrated specific for gout, known by the name of *Eau Medicinale d'Hyssop*, is said to be the vinous infusion of Colchicum. Indeed, the vinous infusion of this plant has been recommended in cases of gout by Sir Everard Home. It very rarely fails in such complaints to break up the paroxysm, sometimes acting on the bowels, at other times on the kidneys and skin, and often without any apparent accompanying effect. It is but right to state, however, that the most judicious writers on gout consider it a dangerous medicine ultimately.⁴ (*Vid.* EPHEMERON and HERMOCTYLUS.)

COLLATIO BONO'RUM. (*Vid.* BONORUM COLLATIO.)

COLLEGIUM. The persons who formed a collegium were called collegæ or sodales. The word collegium properly expressed the notion of several persons being united in any office or for any common purpose;⁵ it afterward came to signify a body of persons, and the union which bound them together. The collegium was the *ἐτραπία* of the Greeks.

The legal notion of a collegium was as follows: A collegium or corpus, as it was also called, must consist of three persons at least.⁶ Persons who legally formed such an association were said *corpus habere*, which is equivalent to our phrase of being incorporated; and in later times they were said to be *corporati*, and the body was called a *corporatio*.

Those who farmed the public revenues, mines, or salt-works (*salinae*) might have a corpus. The power of forming such a collegium or societas (for this term also was used) was limited by various leges, senatus consulta, and imperial constitutions.¹ Associations of individuals, who were entitled to have a corpus, could hold property in common; they could hold it, as the Roman jurists remark, just as the state held property (*res communes*). These collegia had a common chest, and could sue and be sued by their syndicus or actor. Such a body, which was sometimes also called a universitas, was a legal unity. That which was due to the body was not due to the individuals of it, and that which the body owed was not the debt of the individuals. The common property of the body was liable to be seized and sold for the debts of the body. The collegium or universitas was governed by its own regulations, which might be any regulations that the body agreed upon, provided they were not contrary to law: this provision, as Gaius conjectures,² was derived from a law of Solon, which he quotes. The collegium still subsisted, though all the original members were changed: it had, as our law expresses it, perpetual succession. Thus it appears that the notion of a collegium is precisely that of our modern incorporations, the origin of which is clearly traceable to these Roman institutions.

A lawfully constituted collegium was legitimimum. Associations of individuals, which affected to act as collegia, but were forbidden by law, were called *illicita*.

It does not appear how collegia were formed, except that some were specially established³ by legal authority.⁴ Other collegia were probably formed by voluntary associations of individuals, under the provisions of some general legal authority, such as those of the publicani. This supposition would account for the fact of a great number of collegia being formed in the course of time, and many of them being occasionally suppressed as not legitima.

Some of these corporate bodies resembled our companies or guilds; such were the *fabrorum, pistorum, &c.*, collegia. Others were of a religious character; such as the *pontificum, augurum, fratrum arvialium* collegia. Others were bodies concerned with government and administration; as *tribunorum plebis, quæstorum, decurionum* collegia. The titles of numerous other collegia may be collected from the Roman writers and from inscriptions.

According to the definition of a collegium, the consuls, being only two in number, were not a collegium, though each was called *collega* with respect to the other, and their union in office was called collegium. It does not appear that the Romans ever called the individual who, for the time, filled an office of perpetual continuance, a *universitas* or collegium: a kind of contradiction in terms, which it has been reserved for modern times to introduce, under the name of a corporation sole. But the notion of a person succeeding to all the property and legal rights of a predecessor was familiar to the Romans in the case of a heres, who was said to take *per universitatem*, and the same notion, no doubt, always existed with respect to individuals who held any office in perpetual succession.

According to Ulpian, a *universitas*, though reduced to a single member, was still considered a *universitas*; for the individual possessed all the rights which once belonged to the body, and the name by which it was distinguished.

When a new member was taken into a collegi-

1. (Hugo, Lehrbuch, &c.—Marezoll, Lehrbuch, &c.—Dig. 38, tit. 10, De Gradibus, &c.—Ulp., Frag., ed. Böcking.)—2. (Theophrast., H. P., i., 16; ii., 8.—Plin., H. N., xiii., 4.—Billerbeck, Flora Classica, p. 228.)—3. (H. N., xxviii., 9.)—4. (Maccauley, Med. Dict., p. 137.)—5. (Liv., x., 13, 22.—Tacit Ann., iii., 31.)—6. (Dig. 50, tit. 16, s. 85.)

1. (Dig. 3, tit. 4.)—2. (Dig. 47, tit. 22.)—3. (Liv., v., 30, 52.)—4. (Liv., v., 50, 52.—Suet., Jul., 42.—Octav., 32.—Dig. 3, tit. 4, s. 1.)—5. (Liv., 42, 32.)

am, he was said *co-optari*, and the old members were said with respect to him, *recipere in collegium*. The mode of filling up vacancies would vary in different collegia. The statement of their rules belongs to the several heads of August, &c., which are treated of in this work.

Civitates, and *res publicæ* (civil communities), and *municipia* (in the later sense of the term) were viewed, in a manner, as corporations, though they were not so called: they could have property in common, and in some respects act as corporations; but they do not seem ever to have been legally considered as corporations, because they consisted of an indeterminate number of individuals.

According to Pliny,¹ *res publicæ* and *municipia* could not take as heres; and the reason given is, that they were a *corpus incertum*, and so could not *seruere hereditatem*; that is, do those acts which a heres must do in order to show that he consents to be a heres. *Universitates*, generally, are also considered by modern writers to be within this rule, though they are clearly not within the reason of it; for a *collegium*, which consisted of a determined number of individuals, was no more a *corpus incertum* than any other number of ascertained individuals, and all that could possibly be required of them would be the consent of all. *Municipia* could, however, acquire property by means of other persons, whether bond or free;² and they could take *fideicommissa* under the *senatus consultum Apronianum* which was passed in the time of Hadrian, and extended to *licita collegia* in the time of M. Aurelius.³ By another *senatus consultum*, the *liberti municipia* might make the *municipes* their heredes. The gods could not be made heredes, except such *deities* as possessed this capacity by special *senatus consulta* or imperial constitutions, such as *Jupiter Tarpeius*, &c.⁴ By a constitution of Leo,⁵ *civitates* could take property as heredes. In the time of Paulus (who wrote between the time of Caracalla and Alexander Severus), *civitates* could take legacies of particular kinds.

Though *civitates* within the Roman Empire could not receive gifts by will, yet independent states could receive gifts in that way, a case⁶ which furnishes no objections to the statement above made by Pliny and Ulpian. In the same way, the Roman state accepted the inheritance of Attalus, king of Pergamus, a gift which came to them from a foreigner. The Roman lawyers considered such a gift to be accepted by the *jus gentium*.

*COLOCA'SIA and -IUM (*κολοκασία* and -ιον), the edible root of the Egyptian Bean (*κάρσος ὁ Ἀιγυπτίως*). It grew, according to Dioscorides,⁷ chiefly in Egypt, but was found also in the lakes of Asia. "It has leaves," says the same authority, "as large as a petasus; a stalk a cubit in length, and of the thickness of a finger; a rosaceous flower twice as large as a poppy. When the flower goes off, it bears husks like little bags, in which a small bean appears beyond the lid, in the form of a bottle, which is called *ciborium* or *cibotium* (*κιβώριον ἢ κιβώτιον*), i. e., a little coffer or ark, because the bean is sown on the moist earth, and so sinks into the water. The root is thicker than a reed; it is eaten both raw and boiled, and is called *Colocasias*. The bean is eaten green, and when it is dried it turns black, and is larger than the Greek Bean."⁸ Theophrastus, in the account which he gives of the Egyptian Bean, does not in the least hint, as Martyn remarks, that any part of the plant was called *Colocasias*; Pliny,⁹ however, agrees with Dioscorides in making them

the same. He mentions the stalk as the part that is eaten; says the Egyptians used the leaves to drink out of; and adds, that in his time it was planted in Italy. "Prosper Alpinus, in his work *De Plantis Ægypti*, assures us that the modern Ægyptian name of this plant is *Culcas*, which the Greek writers might easily change to the more agreeable sound of *Colocasias*. He says no plant is better known, or is in more use among them, the root of it being eaten as commonly as turnips among us. The *Colocasias* began to be planted in Italy in Virgil's time; and when the fourth Eclogue of that poet (in which mention is made of it) was written, it was a rarity newly brought from Ægypt, and therefore the Mantuan bard speaks of its growing commonly in Italy as one of the glories of the golden age which was now expected to return."¹⁰ For farther information respecting the *Colocasias*, the reader is referred to Fée's *Flore de Virgile*. According to this last-mentioned writer, the ancients frequently confounded the *Nymphaea Lotus* and the *Arum Colocasias* under the common name of *Colocasium*.

*COLOCYNTHE (*κολοκύνθη*, -θα, and -τη), the Gourd. "Even in the days of Athenæus,"¹¹ says Adams, "the *savans* complained of the difficulty of distinguishing the summer fruits from one another, owing to the confusion of names which had taken place among the authors who had treated of them. Thus Nicander applied the term *σίκβα* to what was the *κολοκύνθα* of later writers; and it is farther deserving of remark, that Galen applies the term *σίκυρος* to the *κολοκύνθα* of Dioscorides, i. e., to the *Cucumis sativus*, or common Cucumber, and, consequently, his (Galen's) *κολοκύνθη* was the *Cucurbita*, or Gourd. In this sense I am inclined to think the terms *σίκυρος* and *κολοκύνθη* are generally used by the writers on Dietetics, namely, the former is the Cucumber, and the latter the Gourd of English gardeners.¹² Theophrastus did not define accurately the character of his *κολοκύνθη*, and, indeed, according to Athenæus, he described several species of it. I can scarcely believe, however, that he generally applied it to the *Cucumis Colocynthis*, i. e., the *Coloquintida*, or Bitter Apple; as Stackhouse represents."¹³

*COLOCYNTHIS (*κολοκύνθις*), I. The Bitter Apple (*Coloquintida*), or *Cucumis C. colocynthis*.¹⁴—II. The common Cucumber, or *Cucumis sativus*.¹⁵

*COLIAS (*κολίας*), the name of a small Fish, mentioned by Pollux, Aristotle, Athenæus, and Ælian. It would appear to have been a variety of the Mackerel, or *Scomber scomber*.¹⁶

*COLOIOS (*κολοίος*). (Vid. GRACULUS.)

COLO'NI. (Vid. PRÆDIUM.)

COLO'NIA. This word contains the same element as the verb *colere*, "to cultivate," and as the word *colonus*, which probably originally signified a "tiller of the earth." The English word colony, which is derived from the Latin, perhaps expresses the notion contained in this word more nearly than is generally the case in such adopted terms.

A kind of colonization seems to have existed among the oldest Italian nations, who, on certain occasions, sent out their superfluous male population, with arms in their hands (*εὐρὰ νεότης*), to seek for a new home.¹⁷ But these were, apparently, mere bands of adventurers, and such colonies rather resembled the old Greek colonies than those by which Rome extended her dominion and her name.

Colonies were established by the Romans as far back as the annals or traditions of the city extend,

1. (Ep., v., 7.—Ulp., Fragm., tit. 22, s. 5.)—2. (Dig. 41, tit. 2, s. 1, § 22.)—3. (Dig. 34, tit. 5, s. 21.)—4. (Ulp., Fragm., tit. 22, s. 6.)—5. (Cod. 6, tit. 24, s. 12.)—6. (Tacit., Ann., iv., 43.)—7. (ib., 122.)—8. (H. P., iv., 4.)—9. (H. N., xxi., 15.)

1. (Virgil, Eclog., iv., 20.—Martyn, ad loc.)—2. (ix., c. 14.)—3. (Adams, Commentary on Paul of Ægina, p. 103.)—4. (Adams, Append., s. v.)—5. (Dioscor., iv., 175.—Galen, De Simpl., vii.)—6. (Hippocr., Affect.)—7. (Adams, Append., s. v.)—8. (Dionys. Hal., Antiq. Rom., i., 16.)

and the practice was continued, without intermission, during the Republic and under the Empire. Sigonius¹ enumerates six main causes or reasons which, from time to time, induced the Romans to send out colonies; and these causes are connected with many memorable events in Roman history. Colonies were intended to keep in check a conquered people, and also to repress hostile incursions, as in the case of the colony of Narnia,² which was founded to check the Umbri; and Minturnæ and Sinuessa,³ Cremona and Placentia,⁴ which were founded for similar purposes. Cicero⁵ calls the old Italian colonies the "propugnacula imperii;" and in another passage⁶ he calls Narbo Martius (Narbonne), which was in the provincia Gallia, "Colonia nostrorum civium, specula populi Romani et propugnaculum." Another object was to increase the power of Rome by increasing the population.⁷ Sometimes the immediate object of a colony was to carry off a number of turbulent and discontented persons. Colonies were also established for the purpose of providing for veteran soldiers, a practice which was begun by Sulla, and continued under the emperors: these coloniae were called militares.

It is remarked by Strabo,⁸ when speaking of the Roman colonies in the north of Italy, that the ancient names of the places were retained, and that, though the people in his time were all Roman, they were called by the names of the previous occupiers of the soil. This fact is in accordance with the character of the old Roman colonies, which were in the nature of garrisons planted in conquered towns, and the colonists had a portion of the conquered territory (usually a third part) assigned to them. The inhabitants retained the rest of their lands, and lived together with the new settlers, who alone composed the proper colony.⁹ The conquered people must at first have been quite a distinct class from, and inferior to, the colonists. The definition of a colonia by Gellius¹⁰ will appear, from what has been said, to be sufficiently exact: "*Ex civitate quasi propagata—populi Romani quasi effigies parva simulacraque.*"

No colonia was established without a lex, plebiscitum, or senatus consultum; a fact which shows that a Roman colony was never a mere body of adventurers, but had a regular organization by the parent state. According to an ancient definition quoted by Niebuhr,¹¹ a colony is a body of citizens, or socii, sent out to possess a commonwealth, with the approbation of their own state, or by a public act of that people to whom they belong; and it is added, those are colonies which are founded by public act, not by any secession. Many of the laws which relate to the establishment of coloniae were leges agrariae, or laws for the division and assignment of public lands, of which Sigonius has given a list in his work already referred to.

When a law was passed for founding a colony, persons were appointed to superintend its formation (*coloniam deducere*). These persons varied in number, but three was a common number (*triumviri ad colonos deducendos*¹²). We also read of *dumviri*, *quinqueviri*, *vigintiviri* for the same purpose. The law fixed the quantity of land that was to be distributed, and how much was to be assigned to each person. No Roman could be sent out as a colonist without his free consent, and when the colony was not an inviting one, it was difficult to fill up the number of volunteers.¹³

1 (De Antiquo Jure Italiae, p. 215, &c.)—2. (Liv., x., 10.)—3. (x., 21.)—4. (xxxvii., 46.)—5. (2 De Leg. Agr., c. 27.)—6. (Pro Font., c. 1.)—7. (Liv., xxvii., 9.)—8. (p. 216, ed. Casanub.)—9. (Dionys., Antiq. Roman., ii., 53.)—10. (xvi., 13.)—11. (Serr. ad Æn., i., 12.)—12. (Liv., xxxvii., 46.)—13. (Liv., x., 21.)

Roman citizens who were willing to go out as members of a colony gave in their names at Rome. Cicero¹ says that Roman citizens who chose to become members of a Latin colony must go voluntarily (*auctores facti*), for this was a *capitis deminutio*; and in another passage² he adedges the fact of Roman citizens going out in Latin colonies as a proof that loss of *civitas* must be a voluntary act. It is true that a member of a Roman colony would sustain no *capitis deminutio*, but in this case, also, there seems no reason for supposing that he ever joined such a colony without his consent.

The colonia proceeded to its place of destination in the form of an army (*sub vexillo*), which is indicated on the coins of some coloniae. An *urbs*, if one did not already exist, was a necessary part of a new colony, and its limits were marked out by a plough, which is also indicated on ancient coins. The colonia had also a territory, which, whether marked out by the plough or not,³ was at least marked out by *metes* and *bounds*. Thus the *urbs* and territory of the colonia respectively corresponded to the *urbs* Roma and its territory. Religious ceremonies always accompanied the foundation of the colony, and the anniversary was afterward observed. It is stated that a colony could not be sent out to the same place to which a colony had already been sent in due form (*auspicato deducta*). This merely means that, so long as the colony maintained its existence, there could be no new colony in the same place; a doctrine that would hardly need proof, for a new colony implied a new assignment of lands; but new settlers (*novi adscripti*) might be sent to occupy colonial lands not already assigned.⁴ Indeed, it was not unusual for a colony to receive additions;⁵ and a colony might be re-established, if it seemed necessary from any cause; and under the emperors such re-establishment might be entirely arbitrary, and done to gratify personal vanity, or from any other motive.⁶

The commissioners appointed to conduct the colony had apparently a profitable office, and the establishment of a new settlement gave employment to numerous functionaries, among whom Cicero enumerates *apparitores*, *scribae*, *librarii*, *praecones*, *architecti*. The foundation of a colony might then, in many cases, not only be a mere party measure, carried for the purpose of gaining popularity, but it would give those in power an opportunity of providing places for many of their friends.

A colonia was a part of the Roman state, and it had a *respublica*; but its relation to the parent state might vary. In Livy⁷ the question was, whether Aquileia should be a *colonia civium Romanorum* or a *Latina colonia*; a question that had no reference to the persons who should form the colony, but to their political rights with respect to Rome as members of the colony. The members of a Roman colony (*colonia civium Romanorum*) must, as the term itself implies, have always had the same rights, which, as citizens, they would have had at Rome. They were, as Niebuhr remarks, in the old Roman colonies, "the *populus*; the old inhabitants, the *commonalty*." These two bodies may, in course of time, have frequently formed one; but there could be no political union between them till the old inhabitants obtained the *commercium* and *connubium*, in other words, the *civitas*; and it is probable that, among the various causes which weakened the old colonies, and rendered new supplies of colonists necessary, we should enumerate the want of Roman women; for the children of a Roman were

1. (Pro Dom., c. 30.)—2. (Pro Caecin., 33.)—3. (Cic., Phil., ii., 40.)—4. (Cic., Phil., ii., 40.)—5. (Tacit., Ann., xiv., 27.)—6. (Tacit., Ann., xiv., 27, Puteoli; and the note in Oehler's Tacitus.)—7. (xxxix., 55.)

citizens unless his wife was a Roman, and he belonged to a people with which there was no intermarriage.

It is difficult to form a precise notion of the real character of the ancient Roman colonia to Rome. That it was, as already observed, had all the rights of a Roman citizen, is a fact capable of perfect demonstration, though most writers, following Sigonius, have supposed that Roman citizens, by becoming members of a Roman colony, lost the suffragium, and did not obtain them till after the promulgation of the Julian law. Such an opinion is inconsistent with the notion of Roman citizenship, which is a personal, not a local right; and it is inconsistent with the very principle of Roman citizenship, the establishment of Roman citizenship, the loss of the suffragium and the loss of the civitas would have been a species of capitis deminutio, which is clear, from what Cicero says of the consequences of a Roman voluntarily joining a Latin colony, no such consequences resulted from becoming a member of a Roman colony. If a Roman became a member of a Roman colony without his own consent, it must have been in the early stages of the colonies, when they still retained their original character, and to join a colony was a duty, not a privilege; but such a duty to protect the colony instead of implying any loss of privilege, is a different conclusion.

It is somewhat more difficult to state what was the position of those conquered people among whom the Romans sent their colonists. They were not Roman citizens, nor yet were they socii; they were, in a sense, a part of the Roman civitas, in a sense they were cives, though they had not the suffragium, and, perhaps, not the connubium. It is probable that they had the commercium, but even this is not certain. It might be a part of the Roman civitas, but not the cives, and the difficulty of ascertaining the precise condition is increased by the circumstance that the word civitas being used loosely by ancient writers. If they were cives in the sense in which the word imported no privilege; for it is clear, by being incorporated in the Roman civitas, that they lost all power of conducting their own affairs, and obtained no administration of the Roman state; but they retained the honourable rank of socii, and they were exempt from military service and taxation. They were subject to the *dominio*, and it is probable that they were bound by the rules and procedure of the Roman law, so far as that was practicable. The *commercium* and *connubium* with the Roman civitas were sometimes taken away from them, and thus they were disunited from their original state, and made a part of the Roman civitas, but not the civitas (without the suffragium), which was always a desirable condition, as it is supposed, that it was, in fact, a condition of servitude; and some states even preserved their former relation to Rome to be incorporated with it as complete citizens. It appears from the cases at least, a *praefectus juri dicundo* was sent from Rome to administer justice among the colonists, and between them and the Roman civitas, and it appears, also, to be clearly proved, by numerous instances, that the condition of the colonies among whom a colony was sent was not always the same; something dependent on the assistance of the people, and the temperance of the people at the time of the conquest or surplus of the conquered Italian towns might have the civitas in different degrees, until they obtained the complete civitas by receiving the suffragium; some of them obtained it before the social war, and others by the Julian law.

The nature of a Latin colony will appear sufficiently from what is said here, and in the article CIVITAS.

Besides these *coloniae* there were *coloniae Italicae* of *ius italicum*, as some writers term them; but which, in fact, were not colonies. Sigonius, and most subsequent writers, have considered the *ius italicum* as a personal right, like the *civitas* and *Latinitas*; but Savigny has shown it to be quite a different thing. The *ius italicum* was granted to favoured provincial cities; it was a grant to the community, not to the individuals composing it. This right consisted in quiritarian ownership of the soil (*commercium*), and its appurtenant capacity of *mancipatio*, *usucapio*, and *vindicatio*, together with freedom from taxes; and also in a municipal constitution, after the fashion of the Italian towns, with *duumviri*, *quinquennales*, *aediles*, and a *jurisdictio*. Many provincial towns, which possessed the *ius italicum*, have on their coins the figure of a standing Silenus,



IMP. M. IVL. PHILIPP.
Philip, A.D. 243-249.



ÆL. MVNICIP. CO.
Cœla or Cœlos (Plin., iv, 11, 12) in the Thracian Chersonesus.

with the hand raised, which was the peculiar symbol of municipal liberty. Pliny¹ has mentioned several towns that had the *ius italicum*; and Lugdunum, Vienna (in Dauphiné), and *colonia Agrippinensis* had this privilege. It follows, from the nature of this privilege, that towns which had the *Latinitas* or the *civitas*, which was a personal privilege, might not have the *ius italicum*; but the towns which had the *ius italicum* could hardly be any other than those which had the *civitas* or *Latinitas*, and we cannot conceive that it was ever given to a town of *Peregrini*.

The colonial system of Rome, which originated in the earliest ages, was peculiarly well adapted to strengthen and extend her power: "By the colonies the empire was consolidated, the decay of population checked, the unity of the nation and of the language diffused."² The countries which the Romans conquered within the limits of Italy were inhabited by nations that cultivated the soil and had cities. To destroy such a population was not possible nor politic; but it was a wise policy to take part of their lands, and to plant bodies of Roman citizens, and also *Latinæ coloniae*, among the conquered people. The power of Rome over her colonies was derived, as Niebuhr has well remarked, "from the supremacy of the parent state, to which the colonies of Rome, like sons in a Roman family, even after they had grown to maturity, continued unalterably subject." In fact, the notion of the *patria potestas* will be found to lie at the foundation of the institutions of Rome.

The difficulty which the Republic had in maintaining her colonies, especially in the north of Italy, appears from numerous passages; and the difficulty was not always to protect them against hostile aggression, but to preserve their allegiance to the Roman state. The reasons of this difficulty will sufficiently appear from what has been said.

1. (Liv., ix., 43; viii., 14.)

2. (iii., 3 and 21.)—2. (Machiavelli, *quæstio* d by Niebuhr.)

The principles of the system of colonization were fully established in the early ages of Rome; but the colonies had a more purely military character, that is, were composed of soldiers, in the latter part of the Republic and under the earlier emperors, at which time, also, colonies began to be established beyond the limits of Italy, as in the case of Narbonne, already mentioned, and in the case of Nemausus (Nîmes), which was made a colony by Augustus, an event which is commemorated by medals,¹ and an extant inscription at Nîmes. In addition to the evidence from written books of the numerous colonies established by the Romans in Italy, and subsequently in all parts of the Empire, we have the testimony of medals and inscriptions,



in which COL., the abbreviation of colonia, indicates this fact. The prodigious activity of Rome in settling colonies in Italy is apparent from the list given by Frontinus,² most of which appear to have been old towns, which were either walled when the colony was founded, or strengthened by new defences.

Colonies were sometimes established under the Empire with circumstances of great oppression, and the lands were assigned to the veterans without strict regard to existing rights.

Under the emperors, all legislative authority being then virtually in them, the foundation of a colony was an act of imperial grace, and often merely a title of honour conferred on some favoured spot. Thus M. Aurelius raised to the rank of colonia the small town (vicus) of Halale, at the foot of Taurus, where his wife Faustina died.³ The old military colonies were composed of whole legions, with their tribunes and centurions, who, being united by mutual affection, composed a political body (*respublica*); and it was a complaint in the time of Nero, that soldiers, who were strangers to one another, without any head, without any bond of union, were suddenly brought together on one spot, "*numerus magis quam colonia.*"⁴ And on the occasion of the mutiny of the legions in Pannonia, upon the accession of Tiberius, it was one ground of complaint, that the soldiers, after serving thirty or forty years, were separated, and dispersed in remote parts; where they received, under the name of a grant of lands (*per nomen agrorum*), swampy tracts and barren mountains.⁵

It remains briefly to state what was the internal constitution of a colonia.

In the later times of the Republic, the Roman state consisted of two distinct organized parts, Italy and the Provinces. "Italy consisted of a great number of republics (in the Roman sense of the term), whose citizens, after the Italian war, became members of the sovereign people. The communities of these citizens were subjects of the Roman people, yet the internal administration of the communities belonged to themselves. This free municipal constitution was the fundamental characteristic of Italy; and the same remark will apply to both principal classes of such constitutions, municipia and coloniae. That distinction which made

a place into a *praefectura* is mentioned also for, *conciabula*, *castella*, are merely communities, with an incomplete organization. As in Rome, so in the colonies, the popular assembly had originally the sovereign power; but the magistrates, and could even make laws. the popular assemblies became a mere Rome, and the elections were transferred to us to the senate, the same thing happened in colonies, whose senates then possessed the power had once belonged to the community.

The common name of this senate was *curionum*; in later times, simply *ordo* and the members of it were *decuriones* or *curiales*. Thus, in the later ages, *curia* is opposed to the former being the senate of a colony, latter the senate of Rome. But the terms *curio* and *senator* were also applied to the members of the senate of a colony, both by authors, in inscriptions, and in public records. Thus, in the Heracleotic Tablet, which contains a Roman *lex*. After the decline of the assemblies, the senate had the whole internal administration of a city, conjointly with the *curiales*; but only a *decurio* could be a magistrate; the choice was made by the *decuriones*. This seems to have laid the foundation for this change in the constitution of the colonies. All the citizens had the right of voting, but such a privilege would be useless to the citizens, on account of their distance from Rome; Augustus⁶ devised a new method of voting, the *curiones* sent the votes in writing, and only to Rome; but the *decuriones* only voted. This was a matter of no importance after the transfer of the elections at Rome from the popular assemblies to the senate, this measure would clearly prepare the way for the pre-eminence of the *decuriones*, and the decline of popular power.

The highest magistratus of a colonia was the *duumvir* or *quattuorvir*, so called, as the might vary, whose functions may be compared to those of the consulate at Rome before the establishment of the praetorship. The name *duumvir* to have been the most common. Their duties were the administration of justice, and the management of the public affairs. Accordingly, we find on inscriptions "*Duumvir (juri dicundo)*," "*Quattuorvir J. D.*" The name *magistratus* pre-eminently, though the name *magistratus* was properly and originally the general name for all persons who filled similar offices. The name *consul* also occurs in inscriptions to denote this chief magistracy; a dictator and praetor occur under the Empire under the Republic. The office of the *duumvir* was a year. Savigny shows that under the Republic the *jurisdictio* of the *duumviri* in civil matters was limited, and that it was only under the Empire that it was restricted in the manner which applied to the extant Roman law.

In some Italian towns there was a *praefectus* (*dicundo*); he was in the place of, and not connected with, *duumviri*. The *duumviri* were, as seen, originally chosen by the people; but the *praefectus* was appointed annually in Rome,⁷ and to the town called a *praefectura*, which might be either a *municipium* or a *colonia*, for it was the matter of the *praefectus* that a town called a *praefectura* differed from other Italian towns. The name *praefectus* is called both a *municipium* and a *praefectura*; and Cicero, a native of this place, obtained the highest honours that Rome could confer.

1. (Rasche, *Lexicon Rei Numariae*.)—2. (*De Coloniae*.)—3. (*Jul. Capitol., M. Ant. Philos.*, c. 26.)—4. (*Tacit., Ann.*, xiv., 27.)—5. (*Tacit., Ann.*, i., 17.)

1. (Savigny.)—2. (*Cic., De Leg.*, iii., 16.)—3. (*Suet.*)—4. (*Cic., Agr. Leg.*, ii., 34.)—5. (*Liv.*, xxvi., 16.)—6. (*Ep. ad Fam.*, xiii., 11.)—7. (*Festus*, s. v. *Praefectura*.)

The censor, curator, or quinquennalis, all which names denote the same functionary, was also a municipal magistrate, and corresponded to the censor at Rome, and in some cases, perhaps, to the quaestor also. Censors are mentioned in Livy¹ as magistrates of the twelve Latin colonies. The quinquennales were sometimes duumviri, sometimes quattuorviri; but they are always carefully distinguished from the duumviri and quattuorviri J. D.; and their functions are clearly shown by Savigny to have been those of censors. They held their office for one year, and during the four intermediate years the functions were not exercised. The office of censor or quinquennalis was higher in rank than that of the duumviri J. D., and it could only be filled by those who had discharged the other offices of the municipality.

For a more complete account of the organization of these municipalities, and of their fate under the Empire, the reader is referred to an admirable chapter in Savigny,² from which the above brief notice is taken.

The terms municipium and municipes require explanation in connexion with the present subject, and the explanation of them will render the nature of a prefectura still clearer. One kind of municipium was a body of persons who were not³ Roman citizens, but possessed all the rights of Roman citizens except the suffragium and the honores. But the communities enumerated as examples of this kind of municipium are the Fundani, Formiani, Cumani, Acerrani, Lanuvini, and Tusculani, which were conquered states,⁴ and received the civitas without the suffragium; and all these places received the complete civitas before the social war, or, as Festus expresses it, "Post aliquot annos cives Romani effecti sunt." It is singular that another ancient definition of this class of municipia says, that the persons who had the rights of Roman citizens, except the honores, were cives; and among such communities are enumerated the Cumani, Acerrani, and Allifani. This discrepancy merely shows that the older Roman writers used the word civis in a very loose sense, which we cannot be surprised at, as they wrote at a time when these distinctions had ceased. Another kind of municipium was, when a civitas was completely incorporated with the Roman state; as in the case of the Anagnini,³ Cærites, and Minturni, who completely lost all internal administration of their cities; while the Tusculani and Lanuvini retained their internal constitution, and their magistrate called a dictator. A third class of municipia was those whose inhabitants possessed the all privileges of Roman citizens, and also the internal administration of their own cities, as the Tiburtines, Praenestini, Pisani, Urbinates, Nolani, Bononienses, Placentini, Nepesini, Sutriani, and Lucenses (Lucenses?). The first five of these were civitates sociorum, and the second five coloniæ Latinae; they all became municipia, but only by the effect of the Julia Lex, B.C. 90.

It has also been already said that a prefectura was called from the circumstance of a prefectus J. D. being sent there from Rome. Those towns in Italy were called prefecturæ, says Festus, "In quibus et jus dicebatur et nundinæ agebantur, et rat quædam earum respublica, neque tamen magistratus suos habebant; in quas legibus præfecti dicebantur quotannis, qui jus dicerent." Thus a prefectura had a respublica, but no magistratus. He then makes two divisions of prefecturæ. To the first division were sent four præfecti chosen at once (populi suffragio); and he enumerates ten

places in Campania to which these quattuorviri were sent, and among them Cumæ and Acerra, which were municipia; and Volturnum, Iternum, and Puteoli, which were Roman colonies established after the second Punic war. The second division of prefecturæ comprised those places to which the prætor urbanus sent a præfectus every year, namely, Fundi, Formiæ, Cære, Venafrum, Allifæ, Privernum, Anagnia, Frusino, Reate, Saturnia, Nursia, Arpinum, aliaque complura. Only one of them, Saturnia, was a colony of Roman citizens;¹ the rest are municipia. It is the conclusion of Zumpt, that all the municipia of the older period, that is, up to the time when the complete civitas was given to the Latini and the socii, were prefecturæ, and that some of the colonies of Roman citizens were also prefecturæ. Now as the præfectus was appointed for the purpose of administering justice (juri dicundo), and was annually sent from Rome, it appears that this was one among the many admirable parts of the Roman polity for maintaining harmony in the whole political system by a uniformity of law and procedure. The name prefectura continued after the year B.C. 90; but it seems that, in some places at least, this functionary ceased to be sent from Rome, and various prefecturæ acquired the privilege of having magistratus of their own choosing, as in the case of Puteoli, B.C. 63.² The first class or kind of præfecti, the quattuorviri who were sent into Campania, was abolished by Augustus, in conformity with the general tenour of his policy, B.C. 13. After the passing of the Julia Lex de Civitate, the cities of the socii which received the Roman civitas still retained their internal constitution; but, with respect to Rome, were all included under the name of municipia: thus Tibur and Præneste, which were Latinæ civitates, then became Roman municipia. On the other hand, Bononia and Luca, which were originally Latinæ coloniæ, also became Roman municipia in consequence of receiving the Roman civitas, though they retained their old colonial constitution and the name of colonia. Thus Cicero³ could with propriety call Placentia a municipium, though in its origin it was a Latin colonia; and in the oration *Pro Sexto*⁴ he enumerates municipia, coloniæ, and prefecturæ as the three kinds of towns or communities under which were comprehended all the towns of Italy. The testimony of the Heracleotic tablet is to the like effect; for it speaks of municipia, coloniæ, and prefecturæ as the three kinds of places which had a magistratus of some kind, to which enumeration it adds fora and conciliabula, as comprehending all the kinds of places in which bodies of Roman citizens dwelt.

It thus appears that the name municipium, which originally had the meanings already given, acquired a narrower import after B.C. 90, and in this narrower import signified the civitates sociorum and coloniæ Latinæ, which then became complete members of the Roman state. Thus there was then really no difference between these municipia and the coloniæ, except in their historical origin, and in their original internal constitution. The Roman law prevailed in both.

The following recapitulation may be useful: The old Roman colonies (*civium Romanorum*) were placed in conquered towns, and the colonists continued to be Roman citizens. These colonies were near Rome, and few in number. Probably some of the old Latinæ coloniæ were established by the Romans in conjunction with other Latin states (*Antium*). After the conquest of Latium, Latinæ coloniæ were established by the Romans in various parts of Italy.

1. (Livy, l. 15.)—2. (Geschichte des Röm. Rechts, &c., i., 16, s. 1—3. (Festus, s. v. Municipium.)—4. (Livy, viii., 14.)—5. (in Pis., c. 23.)

1. (Livy, xxxix., 55.)—2. (Cic., De Leg. Agr., ii., c. 31.)—3. (in Pis., c. 23.)—4. (c. 14.)

These colonies should be distinguished from the colonies civium Romanorum, inasmuch as they are sometimes called colonie populi Romani, though they were not colonie civium Romanorum.¹ Roman citizens who chose to join such colonies, gave up their civic rights for the more solid advantage of a grant of land.

When Latin colonies began to be established, few Roman colonies were founded until after the close of the second Punic war (B.C. 201), and these few were chiefly maritime colonies (*Anzur*, &c.). These Latin colonies were subject to and part of the Roman state; but they had not the *civitas*: they had no political bond among themselves; but they had the administration of their internal affairs. As to the origin of the commercium, Savigny's conjecture has been already stated. (*Vid. CIVITAS*.) The colonies of the Gracchi were Roman colonies; but their object, like that of subsequent Agrarian laws, was merely to provide for the poorer citizens: the old Roman and the Latin colonies had for their object the extension and conservation of the Roman Empire in Italy. After the passing of the Lex Julia, which gave the *civitas* to the *socii* and the Latin colonies, the object of establishing Roman and Latin colonies ceased; and military colonies were thenceforward settled in Italy, and, under the emperors, in the provinces. These military colonies had the *civitas*, such as it then was; but their internal organization might be various.

It would require more space than is consistent with the limits of this work to attempt to present anything like a complete view of this interesting subject. The following references, in addition to those already given, will direct the reader to abundant sources of information: Sigonius, *De Jure Antiquo*, &c.; Niebuhr, *Roman History*; Savigny, *Ueber das Jus Italicum*, *Zeitschr.*, vol. v.; *Tabule Heracleenses*, Mazochi, Neap., 1754; Savigny, *Der Römische Volksschluss der Tafel von Heraclea*; and Rudorff, *Ueber die Lex Manilia de Colonis*, *Zeitschr.*, vol. ix.; Rudorff, *Das Ackergesetz von Sp. Thorius*, and Puchta, *Ueber den Inhalt der Lex Rubria de Gallia Cisalpina*, *Zeitschr.*, vol. x.

Since this article was written, and after part of it was printed, the author has had the opportunity of reading two excellent essays: *De Jure et Conditione Coloniarii Populi Romani Quæstio historica*, Madvigii *Opuscula*, Haunia, 1834; and *Ueber den Unterschied den Benennungen Municipium, Colonia, Prefectura*, Zumpt, Berlin, 1840. With the help of these essays, he has been enabled to make some important additions. But the subject is incapable of a full exposition within narrow limits, as the historical order is to a certain extent necessary, in order to present a connected view of the Roman colonial system. The essay of Madvig has established beyond all dispute several most important elements in this inquiry; and, by correcting the errors of several distinguished writers, he has laid the foundation of a much more exact knowledge of this part of the Roman polity.

GREEK COLONIES. The usual Greek words for a colony are *ἀποικία* and *ἀποικιστής*. The latter word, which signified a division of conquered lands among Athenian citizens, and which corresponds in some respects to the Roman *colonia* and our notions of a colony, is explained in the article *CLE-*

without any formal consent from the rest of the community; but usually a colony was sent out with the approbation of the mother-country, and under the management of a leader (*οἰκιστής*) appointed by it. But whatever may have been the origin of the colony, it was always considered, in a political point of view, independent of the mother-country (called by the Greeks *μητρόπολις*), and entirely emancipated from its control. At the same time, though a colony was in no political subjection to its parent state, it was united to it by the ties of filial affection; and, according to the generally received opinions of the Greeks, its duties to the parent state corresponded to those of a daughter to her mother.² Hence, in all matters of common interest, the colony gave precedence to the mother state; and the founder of the colony (*οἰκιστής*), who might be considered as the representative of the parent state, was usually worshipped, after his death, as a hero.³ Also, when the colony became in its turn a parent, it usually sought a leader for the colony which it intended to found from the original mother-country;⁴ and the same feeling of respect was manifested by embassies which were sent to honour the principal festivals of the parent state,⁵ and also by bestowing places of honour and other marks of respect upon the ambassadors and other members of the parent state, when they visited the colony at festivals and similar occasions.⁶ The colonists also worshipped in their new settlement the same deities as they had been accustomed to honour in their native country; the sacred fire, which was constantly kept burning on their public hearth, was taken from the Prytaneum of the parent city; and, according to one account, the priests who ministered to the gods in the colony were brought from the parent state.⁷ In the same spirit, it was considered a violation of sacred ties for a mother-country and a colony to make war upon one another.⁸

The preceding account of the relations between the Greek colonies and the mother-country is supported by the history which Thucydides gives us of the quarrel between Corcyra and Corinth. Corcyra was a colony of Corinth, and Epidamnus a colony of Corcyra; but the leader (*οἰκιστής*) of Epidamnus was a Corinthian, who was invited from the metropolis Corinth. In course of time, in consequence of civil dissensions and attacks from the neighbouring barbarians, the Epidamnians apply for aid to Corcyra, but their request is rejected. They next apply to the Corinthians, who took Epidamnus under their protection, thinking, says Thucydides, that the colony was no less theirs than the Corcyreans'; and also induced to do so through hatred of the Corcyreans, because they neglected them though they were colonists; for they did not give to the Corinthians the customary honours and defence in the public solemnities and sacrifices that the other colonies were wont to pay to the mother-country. The Corcyreans, who had become very powerful by sea, took offence at the Corinthians receiving Epidamnus under their protection, and the result was a war between Corcyra and Corinth. The Corcyreans sent ambassadors to Athens to ask assistance; and in reply to the objection that they were a colony of Corinth, they said "that every colony, as long as it is treated kindly, respects the mother-country; but when it is injured, is alienated from it; for colonists are not sent out as subjects, but that they may have equal rights with those that remain at home."⁹

1. (Dionys. Hal., *Ant. Rom.*, iii., 7.—Polyb., xii., 10, § 2.)—2. (Herod., vi., 38.—Thucyd., v., 11.—Diod. Sic., xi., 66; xii., 102.)—3. (Thucyd., i., 24.)—4. (Diod. Sic., xii., 30.—Wesseling, ad loc.)—5. (Thucyd., i., 25.)—6. (Schol. ad Thucyd., i., 25.—Compare Tacit., *Ann.*, ii., 54.)—7. (Herod., viii., 22.—Thucyd., i., 38.)—8. (Thucyd., i., 34.)

It is true that ambitious states, such as Athens, sometimes claimed dominion over other states on the ground of relationship; but, as a general rule, colonies may be regarded as independent states, attached to their metropolis by ties of sympathy and common descent, but no farther. The case of Pœdæa, to which the Corinthians sent annually the chief magistrates (*δημοσποροί*), appears to have been an exception to the general rule.¹

COLORES. The Greeks and Romans had a very extensive acquaintance with colours as pigments. Book vii. of Vitruvius, and several chapters of books xxxiii., xxxiv., and xxxv. of Pliny's Natural History, contain much interesting matter upon their nature and composition; and these works, together with what is contained in book v. of Dioscorides, and some remarks in Theophrastus,² constitute the whole of our information of any importance upon the subject of ancient pigments. From these sources, through the experiments and observations of Sir Humphrey Davy³ on some remains of ancient colours and paintings in the baths of Titus and of Livija, and in other ruins of antiquity, we are enabled to collect a tolerably satisfactory account of the colouring materials employed by the Greek and Roman painters.

The painting of the Greeks is very generally considered to have been inferior to their sculpture; this partially arises from very imperfect information, and a very erroneous notion respecting the resources of the Greek painters in colouring. The error originated apparently with Pliny himself, who says,⁴ "*Quatuor coloribus solis immortalia illa opera ferre, ex albis Melino, ex silaceis Attico, ex rubris Hæsyde Pontica, ex nigris atramento, Apelles, Echion, Melanthius, Nicomachus, clarissimi pictores;*" and⁵ "*Legentes meminerint omnia ea quatuor coloribus fieri.*" This mistake, as Sir H. Davy has supposed, may have arisen from an imperfect recollection of a passage in Cicero,⁶ which, however, directly contradicts the statement of Pliny: "*In picture Zeuxin et Polygnatum, et Timanthen, et eorum, qui non sunt usi plusquam quatuor coloribus, fortiter et lineamenta laudamus: at in Echione, Nicomacho, Protogene, Apelle jam perfecta sunt omnia.*" Here Cicero extols the design and drawing of Polygnatus, Zeuxis, and Timanthes, and those who used but four colours; and observes in contradistinction, that in Echion, Nicomachus, Protogenes, and Apelles, all things were perfect. But the remark of Pliny, that Apelles, Echion, Melanthius, and Nicomachus used but four colours, including both black and white to the exclusion of all blue (unless we understand by "*ex nigris atramento*" black and indigo), is evidently an error, independently of its contradiction to Cicero; and the conclusion drawn by some from it and the remark of Cicero, that the early Greek painters were acquainted with but four pigments, is equally without foundation. Pliny himself speaks of two other colours, besides the four in question, which were used by the earliest painters; the *testa-trita*⁷ and *cinnabaris* or vermilion, which he calls also minium.⁸ He mentions also the Eretrian earth used by Nicomachus, and the elephantium, or ivory-black, used by Apelles,⁹ thus contradicting himself when he asserted that Apelles and Nicomachus used but four colours. The above tradition, and the *simplex color* of Quintilian,¹⁰ are our only authorities for defining any limits to the use of colours by the early Greeks as applied to painting; but we have no authority whatever for supposing that they were limited in

any remarkable way in their acquaintance with them. That the painters of the earliest period had not such abundant resources in this department of art as those of the later, is quite consistent with experience, and does not require demonstration, but to suppose that they were confined to four pigments, is quite a gratuitous supposition, and is opposed to both reason and evidence. (*Vid. PICTURA.*)

Sir H. Davy also analyzed the colours of the so-called "Aldobrandini marriage," all the reds and yellows of which he discovered to be ochres; the blues and greens, to be oxides of copper; the blacks, all carbonaceous; the browns, mixtures of ochres and black, and some containing oxide of manganese; the whites were all carbonates of lime.

The reds discovered in an earthen vase containing a variety of colours were, red oxide of lead (*minium*), and two iron ochres of different tints, a dull red, and a purplish red nearly of the same tint as prussiate of copper; they were all mixed with chalk or carbonate of lime. The yellows were pure ochres with carbonate of lime, and ochre mixed with minium and carbonate of lime. The blues were oxides of copper with carbonate of lime. Sir H. Davy discovered a frit, made by means of soda, and coloured with oxide of copper, approaching ultramarine in tint, which he supposed to be the frit of Alexandria; its composition, he says, was perfect: "that of embodying the colour in a composition resembling stone, so as to prevent the escape of elastic matter from it, or the decomposing action of the elements; this is a species of artificial lapis-lazuli, the colouring matter of which is naturally inherent in a hard silicious stone."

Of greens there were many shades, all, however, either carbonate or oxide of copper, mixed with carbonate of lime. The browns consisted of ochres calcined, and oxides of iron and of manganese, and compounds of ochres and blacks. Sir H. Davy could not ascertain whether the lake which he discovered was of animal or of vegetable origin; if of animal, he supposed that it was very probably the Tyrian or marine purple. He discovered also a colour which he supposed to be black wad, or hydrated binoxide of manganese; also, a black colour composed of chalk, mixed with the ink of the sepia officinalis, or cuttle-fish. The transparent blue glass of the ancients he found to be stained with oxide of cobalt, and the purple with oxide of manganese.

The following list, compiled from the different sources of our information concerning the pigments known to the ancients, will serve to convey an idea of the great resources of the Greek and Roman painters in this department of their art; and which, in the opinion of Sir H. Davy, were fully equal to the resources of the great Italian painters in the sixteenth century:

RED. The ancient reds were very numerous. *Κιννάβαρι, μίλτος, cinnabaris*, cinnabar, vermilion, bisulphuret of mercury, called also by Pliny and Vitruvius *minium*.

The *κιννάβαρι Ἰνδικόν, cinnabaris Indica*, mentioned by Pliny and Dioscorides, was what is vulgarly called dragon's-blood, the resin obtained from various species of the *calamus palm*.

Μίλτος seems to have had various significations; it was used for *cinnabaris, minium, red lead, and rubrica, red ochre*. There were various kinds of *rubrica*, the Cappadocian, the Egyptian, the Spanish, and the Lemnian; all were, however, red iron oxides, of which the best were the Lemnian, from the isle of Lemnos, and the Cappadocian, called by the Romans *rubrica Sinopica*, by the Greeks *Σινωπίς*, from Sinope in Paphlagonia, whence it was first brought. There was also an African *rubrica* called *cicerculum*.

1. (Thucyd., i., 56.)—2. (De Lapidibus.)—3. (Phil. Trans. of the Royal Society, 1815.)—4. (xxxv., 32.)—5. (xxxv., 36.)—6. (Diosc., c. 18.)—7. (xxxv., 5.)—8. (xxxiii., 36.)—9. (xxxv., 3.)—10. (xxxv., 25.)—11. (Orat. Inst., xii., 10.)

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PURPLE. The ancients ...

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this most essential branch of painting
 its own times.

US (καλοσσοῦς). The origin of this word
 in, the suggestions of the grammarians
 ridiculous, or imperfect in point of ety-
 is, however, very ancient, probably of
 tion, and rarely occurs in the Attic writ-
 used both by the Greeks and Romans
 statue larger than life,³ and thence a
 extraordinary stature is termed *colosse*
 architectural ornaments in the upper
 lofty buildings, which require to be of
 sions in consequence of their remote-
 termed *colossicatera* (κολοσσικώτερα⁴).
 his kind, simply colossal, but not pre-
 large, were too common among the
 excite observation rarely from their
 e, therefore, rarely referred to as such,
 ing more frequently applied to designate
 s of gigantic dimensions (*moles statua-*
*res*⁵) which were first executed in
 of which some specimens may be seen
 h Museum.

the colossal statues of Greece, the most
 as the bronze *colossus* at Rhodes, dedi-
 cation, which was commenced by Chares
 pupil of Lysippus, and terminated, at the
 of twelve years, by Laches, of the same
 cost of 300 talents. Its height was 90
 cubits according to Hyginus,⁷ 70 cubits according to
 Festus.⁸ It was thrown down by an
 earthquake fifty-six years after its erec-
 tion, to this statue that Statius refers.⁹
 The Greek *colossus*, the work of Calamis,
 cost 100 talents, and was twenty cubits high,
 representing Apollo, in the city of Apollonia, was
 removed thence to the Capitol by M. Lucullus.
 Fragments in marble, supposed to have
 been the statue, are still preserved in the
 Museo Capitolino.

There are two colossal statues in bronze, of
 the same manship, at Tarentum: one of Jupiter;
 and a lesser one of Hercules, by Lysippus,
 transplanted to the Capitol by Fabius

the works of this description made ex-
 cept for the Romans, those most frequently
 are the following: 1. A statue of Jupiter
 at the Capitol, made by order of Sp. Carvilius,
 in mourning, of the Samnites, which was
 so could be seen from the Alban Mount.¹²
 2. A statue of Apollo at the Palatine Libra-
 ry, the bronze head now preserved in
 probably belonged. 3. A bronze statue
 of Nero, in the Forum, which bore his name.¹⁴
 4. A statue of Nero, which was executed by
 a marble, and therefore quoted by Pliny
 as the art of casting metal was then lost.
 It was 110 or 120 feet.¹⁵ It was originally
 in the vestibule of the domus aurea,¹⁶ at the
 end of the Via Sacra, where the basement upon
 which it still to be seen, and from it the
 amphitheatre is supposed to have gained
 its name "Colosseum." Twenty-four elephants
 were used by Hadrian to remove it, when he
 intended to build the Temple of Rome.¹⁷ Having

suffered in the fire which destroyed the Golden
 House, it was repaired by Vespasian, and by him
 converted into a statue of the Sun.¹ 5. An eque-
 strian statue of Domitian, of bronze gilt, which was
 placed in the centre of the Forum.²

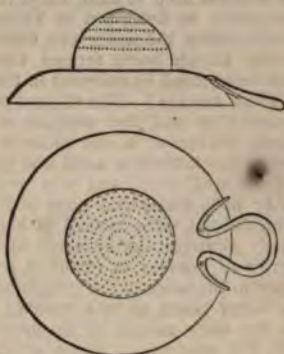
*COLO'TES (κολώτης), another name for the *ἀσ-*
καλαβώτης, or Spotted Lizard. (Vid. ASCALABOTES.)
 Aristotle, however, in one part,³ would seem to ap-
 ply it to some other animal than this. Some have
 taken it for a bird; while Scaliger rather thinks it
 was a species of *Scarabæus*.⁴

*COLOU'TEA (κολουῖται), a plant, which has
 been referred to the genus *Colytea*, L., or Bladder-
 Senna. Three species are described by Theophras-
 tus, namely, *Ἰδαία*, *περὶ Διπάραν*, and *φρυγανώδης*.⁵

*COL'UBER, a species of Serpent, considered by
 some to be the same with the *Boas* of Pliny. (Vid.
 DRACO.)

*COLUMBA, the Pigeon. (Vid. PERISTERA.)

COLUM (ἡθύς), a strainer or colander. Various
 specimens of this utensil have been found at Pom-
 peii. The annexed woodcut shows the plan and
 profile of one which is of silver.⁶



Wine-strainers (*ἡθύνια*) were also made of
 bronze,⁷ and their perforations sometimes formed
 an elegant pattern. The poor used linen strain-
 ers;⁸ and, where nicety was not required, they
 were made of broom or of rushes.⁹ The Romans
 filled the strainer with ice or snow (*cola nivaria*)
 in order to cool and dilute the wine at the same time
 that it was cleared. The bone of the nose, which
 is minutely perforated for the passage of the olfac-
 tory nerves, was called *ἡθύς*, the ethmoid bone,
 from its exact resemblance to a strainer.

COLUMBARIUM, a Dovecote or Pigeon-house
 The word occurs more frequently in the plural num-
 ber, in which it is used to express a variety of ob-
 jects, all of which, however, derive their name from
 their resemblance to a dovecote.

I. In the singular, COLUMBARIUM means one of
 those sepulchral chambers formed to receive the
 ashes of the lower orders, or dependants of great
 families; and in the plural, the niches in which the
 cinerary urns (*olla*) were deposited. Several of
 these chambers are still to be seen at Rome. One
 of the most perfect of them, which was discovered
 in the year 1822, at the villa Rufini, about two miles
 beyond the Porta Pia, is represented in the annexed
 woodcut.

Each of the niches contained a pair of urns, with
 the names of the persons whose ashes they contain-
 ed inscribed over them. The use of the word, and

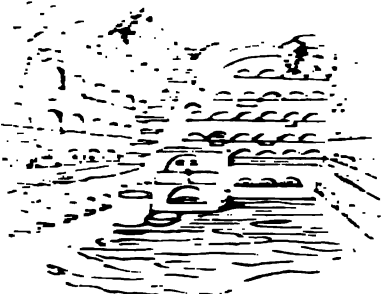
Ag., p. 526, 16.—Festus, s. v.—2. (Blomf., Gloss.
 semnon, 406.)—3. (Hesych., s. v.—Æsch., Agam.,
 I. v., Sat., viii., 230.)—4. (Suet., Calig. 35.)—
 5. p. 98, ed. Bipont.—Compare Id., x., 4.)—6.
 xxiv., 18.)—7. (Fab., 233.)—8. (Plin., H. N.,
 lib. v., 88.—Festus, s. v.)—9. (Sylv., l. i., 103.)
 10. 6, § 1.—Plin., l. c.—P. Victor, Regio viii.)—
 11. § 1.—Plin., l. c.—Plutarch, Fab., xxii., p. 722.
 12. (Plin., l. c.)—13. (Plin., l. c.)—14. (Mart.,
 Ep., 15.)—15. (Plin., l. c.—Suet., Nero, 31.)—16. (Mart.,
 Ep., i., 71, 7.—Dion Cass., lvi., 15.)—17. (Spart.,

1. (Hieronym. in Hab., c. 3.—Suet., Vesp., 18.—Plin., l. c.—
 Compare Lamprid., Commod., 17.—Dion Cass., lxxii., 15.)—2.
 (Stat., Sylv., l. i., 1.—Mart., Ep., i., 71, 6.)—3. (H. A., ix., 2.)
 4. (Adams, Append., s. v.)—5. (Theophrast., H. P., iii., 14,
 17.—Adams, Append., l. c.)—6. (Mus. Borb. T., viii., 14, fig. 4,
 5.)—7. (Athen., 5.)—8. (Mart., xiv., 104.)—9. (Colum. De Re
 Rust., xii., 19.)

COLUMNA.

mode of construction, as described in the following in-
 structions.

1. ABBASIO HILARIOUS
 COLONAS AB UNO AD OCTIDU
 COLONAS AB UNO AD OCTIDU
 COLONAS AB UNO AD OCTIDU

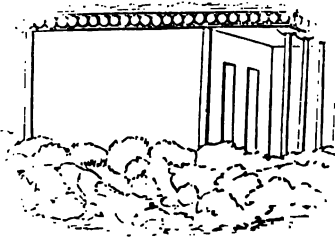


It is a machine used to raise water for the pur-
 pose of irrigation, as described by Vitruvius.¹ The
 vents through which the water was conveyed into
 the receiving trough were termed *COLUMBELLAE*.
 This will be understood by referring to the woodcut
 at p. 234. The difference between
 the representation and the machine now under
 consideration consisted in the following points.
 The wheel in the latter is a solid one, whereas
 instead of the solid one, and was worked as a
 screw. The iron wheels upon platforms pro-
 vided with the flat soles instead of being turned
 by a screw. Between the intervals of each plat-
 form a series of grooves or channels, *canaliculi*,
 were formed in the soles of the tympanum, through
 which the water taken up by a number of scoops
 placed on the outer margin of the wheel, like the
 fans in the cut referred to, was conducted into a
 wooden trough below. (*Tabula figuræ supplementi*.)

It is the cavities into which the extreme ends
 of the beams upon which a roof is supported (*capitula*),
 and which are represented by triglyphs
 in the Doric order, were termed *COLUMBELLAE* by the
 Roman architects;² that is, while they remained
 empty, and until filled up by the head of the beam.³

COLUMNA (*κίον*, *διὰ κίονος κίονον*, *κίονισκος*,
κίονος, *διὰ κίονος*, *κίονισκος*), a Pillar or Column.

The use of the trunks of trees placed upright for
 supporting buildings, unquestionably led to the adop-
 tion of similar supports wrought in stone. Among
 the agricultural Greeks of Asia Minor, whose modes
 of life appear to have suffered little change for more
 than two thousand years, Mr. Fellows observed an
 exact conformity of style and arrangement between
 the wooden huts now occupied by the peasantry, of
 one of which he has given a sketch* (see woodcut),



and the splendid tombs and temples, which were

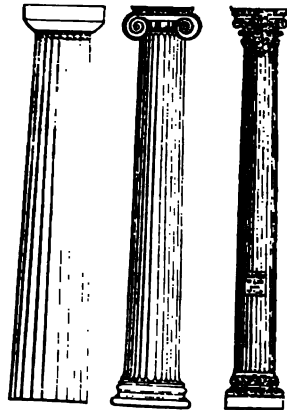
1. (Spon, Misc. Ant. Erudit., ix., p. 287.)—2. (z., 9.)—3. (Vi-
 truv., l. c.)—4. (Vitruv., iv., 2, p. 110, ed. Bipont.)—5. (Mar-
 ques, Dell' Ordine Dorico, vii., 37.)—6. (Journal, p. 234.)

COLUMNA.

hewn out of the rock, and constructed at
 pence of the most wealthy of the ancient
 empires. We have also direct testimonies
 that the ancients made use of wooden col-
 umns in their edifices. Pausanias¹ describes a very
 magnificent monument in the market-place at Elis, con-
 sisting of a roof supported by pillars of oak. A ten-
 fided column at Metapontum was supported by pillars
 from the trunks of vines.² In the Egyptian
 architecture, many of the greatest stone col-
 umns manifest imitations of the trunk of the palm.

As the tree required to be based upon a flat
 stone, and to have a stone or tile of simil-
 ar shape fixed on its summit to preserve it from
 the sun, the column was made with a square base, and
 covered with an *abacus*. (*Vid. ABACUS*.)
 The principal parts of which every column
 consists are three, the base, the shaft, and the capital.

In the Doric, which is the oldest style of
 architecture, we must consider all the col-
 umns of the same row as having one common base,
 whereas in the Ionic and Corinthian each
 has a separate base, called *crepis*. (*Vid.*
CREPIS.) The capitals of these two latter orders, in
 comparison with the Doric, a yet greater de-
 gree of complexity and a much richer style of orna-
 mentation, and the character of lightness and elegance
 which they obtained in them by their more slender
 shafts, their height being much greater in proportion
 to their thickness. Of all these circumstances, soon
 may be formed by the inspection of the thir-
 teen accompanying specimens of pillars, selected from
 the principal orders of ancient architecture.
 The first is from a column of the Parthenon at
 Athens, the capital of which is shown on a larger scale
 at p. 9. The second is from the temple of Bac-
 chus at Agrigento, the capital of which is introduced at
 p. 9. The third is from the remains of the temple
 at Labranda.



In all the orders, the shaft (*scapus*) taper
 from the bottom towards the top, thus imitating the
 natural form of the trunk of a tree, and at the
 same time conforming to a general law in regard
 to the attainment of strength and solidity in all
 bodies. The shaft was, however, made with
 slight swelling in the middle, which was called
entasis. It was, moreover, almost universal
 from the earliest times, channelled or fluted
 on the outside was striped with incisions para-
 rallel to the axis.³ These incisions, called *striae*, were
 always worked with extreme regularity. The
 direction of them by a plane parallel to the base was
 the same in the Ionic and Corinthian orders, a semicir-

1. (vi., 24, § 7.)—2. (Plin., H. N., xxiv., 1.)—3. (Hes-
 ch., l. c.)—4. (Vitruv., iv., 4.)

c, it was an arc much less than a semicircle; its number was 20 in the columns of the one above represented; in other instances, or 32.

The capital was commonly wrought out of one stone, the shaft consisting of several cylinders fitted to one another. When the columns were erected, its component parts were firmly together, not by mortar or cement, but by rings fixed in the direction of the axis. The woodcut is copied from an engraving in *Wentworth's Tour in the Two Sicilies*,¹ and represents a Doric column, which has been thrown prosuch a manner as to show the capital lying in pieces, and the five drums of the shaft, each four feet high, with the holes for the iron cramps by which they were united together.



Columns of an astonishing size were nevertheless used in which the shaft was one piece of stone. For the purpose it was hewn in the quarry into the desired form,² and was then rolled over the ground, aided by the aid of various mechanical contrivances and by immense labour, to the spot where it was to be set up. The traveller now sometimes expresses his wonder the unfinished pillars, either at their original site in the quarry, or left after they had performed one half their journey, while he sees other shafts arranged in their intended position, consisting each of a single piece of marble, or porphyry, jasper, or granite, which is either eroded by time, or retains its polish and its natural beautiful colours, according to the situation in which it has been placed, or the durability of the substance. The mausoleum of the Emperor Augustus, a circular building of such dimensions that it was as the fortress of modern Rome, was supported by forty-eight lofty and most beautiful Corinthian columns, the shaft of each pillar being a single piece of marble. About the time of Constantine these were taken to support the interior of a church dedicated to St. Paul, which a few years ago was destroyed by fire. The interest attending the working and erection of these noble columns, the undivided shafts of which consisted of such valuable and splendid materials, led many individuals to employ their wealth in preference to public structures. Thus Cræsus expended the greater part of the pillars to the city of Ephesus.³ In the ruins at Labranda, now called, in Caria, tablets in front of the columns record the names of the donors, as is shown by a specimen of them above exhibited.

The capitals used in the architecture of the Greeks, observes Stuart,⁴ "though with numberless variations of ornaments and proportions, arrange themselves into three general classes, the most obvious distinction between the

The Doric capital, which preserves more of its primitive type than any other, is extremely simple in its simplicity is not without beauty. It consists of a broad and massy abacus, an ovolo un- abacus, from three to five fillets under the

ovolo, and under these a neck called the frieze of the capital. In the Ionic capital there is great invention, and a particular character is displayed; indeed, so much so, that it never fails to distinguish itself, even on the most slight and careless observation. It consists of a small and moulded abacus, below which depend to the right and left two spiral volutes; it has also an echinus, which is not unfrequently enriched, and a bead. The Corinthian capital is most richly ornamented, and differs extremely from the others. In this the abacus is hollowed, forming a quadrilateral figure with concave sides, the angles of which are generally truncated. Sometimes the abacus is enriched, but more frequently ornamented with a flower in the middle. Below the abacus the capital has the form of a vase or bell, surrounded with two tiers of the leaves of the acanthus, or, rather, of leaves resembling those of a species of the acanthus plant. Under each angle of the abacus springs a volute, and under the flower in the centre of the abacus there are cauliculi. With regard to the Tuscan capital, there are no authenticated remains of the order; and the precepts of Vitruvius on this head are so very obscure, that the modern compilers of systems of architecture have, of course, varied exceedingly in their designs; the order, therefore, that passes under this name must be regarded rather as a modern than an ancient invention. It has been made to differ from the modern Doric by an air of poverty and rudeness, by the suppression of parts and mouldings. But, though the Tuscan capital is plain and simple in the highest degree, it well becomes that column whose character is strength. The Composite capital is formed by a union of the Ionic and Corinthian. It consists of a vase or bell, a first and second row of acanthus leaves, with some small shoots, a fillet, astragal, ovolo, four volutes, and a hollowed abacus with a flower in its centre."

Columns were used in the interior of buildings, to sustain the beams which supported the ceiling. As both the beams and the entire ceiling were often of stone or marble, which could not be obtained in pieces of so great a length as wood, the columns were in such circumstances frequent in proportion, not being more than about ten or twelve feet apart. The opisthodomos of the Parthenon at Athens, as appears from traces in the remaining ruins, had four columns to support the ceiling. A common arrangement, especially in buildings of an oblong form, was to have two rows of columns parallel to the two sides, the distance from each side to the next row of columns being less than the distance between the rows themselves. This construction was adopted not only in temples, but in palaces (*οἶκος*), *i. e.*, in houses of the greatest size and splendour. The great hall of the palace of Ulysses in Ithaca, that of the King of the Phæacians, and that of the palace of Hercules at Thebes,¹ are supposed to have been thus constructed, the seats of honour both for the master and mistress, and for the more distinguished of their guests, being at the foot of certain pillars. In these regal halls of the Homeric æra, we are also led to imagine the pillars decorated with arms. When Telemachus enters his father's hall, he places his spear against a column, and "within the polished spear-holder," by which we must understand one of the striæ or channels of the shaft.² Around the base of the columns, near the entrance, all the warriors of the family were accustomed to incline their spears; and from the upper part of the same they suspended their bows and quivers on nails or hooks.³ The minstrel's lyre hung upon its peg from

¹ (Eurip., *Herc. Fur.*, 975-1013.)—² (Od., vi., 307; viii., 66-67; xxiii., 90.)—³ (Od., i., 137-139; xvii., 29.—Virg., *Æn.*, xii., 92.)—⁴ (Hom., *Hymn. in Ap.*, 8.)

1. (Eurip., *Herc. Fur.*, 975-1013.)—2. (Od., vi., 307; viii., 66-67; xxiii., 90.)—3. (Od., i., 137-139; xvii., 29.—Virg., *Æn.*, xii., 92.)—4. (Hom., *Hymn. in Ap.*, 8.)

COLUMNA.

Col

another column nearer the top of the room.¹ The columns of the hall were also made subservient to less agreeable uses. Criminals were tied to them in order to be scourged or otherwise tormented.² According to the description in the *Odyssey*, the beams of the hall of Ulysses were of silver-fir; in such a case, the apartment might be very spacious without being overcrowded with columns.³ Such, likewise, was the hall of the palace of Atreus at Mycenæ: "*Fulget turba capax Immane tectum, cujus auratas trabes Variis columna nobiles maculis ferunt.*"⁴

Rows of columns were often employed within a building to enclose a space open to the sky. Beams supporting ceilings passed from above the columns to the adjoining walls, so as to form covered passages or ambulatories (*στοαί*). Such a circuit of columns was called a *peristyle* (*περίστυλον*), and the Roman *atrium* was built upon this plan. The largest and most splendid temples enclosed an open space like an atrium, which was accomplished by placing one peristyle upon another. In such cases, the lower rows of columns being Doric, the upper were sometimes Ionic or Corinthian, the lighter being properly based upon the heavier.⁵ A temple so constructed was called *hypæthral* (*ὑπαίθρος*).

On the outside of buildings columns were by no means destitute of utility. But the chief design in erecting them was the attainment of grandeur and beauty; and, to secure this object, every circumstance relating to their form, proportions, and arrangement was studied with the utmost nicety and exactness. Of the truth of this observation, some idea may be formed from the following list of terms, which were employed to distinguish the different kinds of temples.⁶

I. Terms describing the number and arrangement of the columns.

1. *Ἄστυλος*, *astyle*, without any columns.⁷
 2. *Ἐν παραστάσι*, *in antis*, with two columns front between the antæ.⁸ (Woodcut, p. 61.)
 3. *Πρόστυλος*, *prostyle*, with four columns.
 4. *Ἀμφιπρόστυλος*, *amphiprostyle*, with four columns at each end.
 5. *Περίπτερος* or *ἑμφικίων*,⁹ *peripteral*, with columns at each end and along each side, the number about twice as many as the end columns.
- two divisions, viz. :
- a. *Ἑξάστυλος*, *hexastyle*, with six columns at each end, and either nine or eleven at each side besides those at the angles. Example, the Theseum at Athens.
 - b. *Ὀκτάστυλος*, *octastyle*, with eight columns at each end, and fifteen at each side besides those at the angles. Example, the Parthenon at Athens.
 6. *Δίπτερος*, *dipteral*, with two ranges of columns (*πτερά*) all round, the one within the other.
 7. *Ψευδοδίπτερος*, *pseudodipteral*, with two ranges of columns only, but at the same distance from the walls as the outer range of a *δίπτερος*.
 8. *Δεκάστυλος*, *decastyle*, with ten columns at each end, which was the case only in hypæthral temples.

II. Terms describing the distance of the columns from one another, and from the walls.

1. *Πυκνόστυλος*, *pycnostyle*, the distance between the columns a diameter of a column.
2. *Σύστυλος*, *systyle*, the distance between the columns two diameters of a column.

1. (Ocl., viii., 67.—Pind., Ol., i., 17.)—2. (Lobeck, ad loc.—Diog. Laert., viii., 21.—Herodotus, i., 173.)—3. (Ocl., xix., 38; xxii., 176-193.)—4. (Statius, Silv., i., 1.)—5. (Paus., viii., 45, § 4.)—6. (Vitruv., iii., 2.)—7. (Paus., viii., 237.—Pind., Ol., vi., 1.)—8. (Pind., Ol., vi., 1.)—9. (Sph., Antig., 2, 1.)

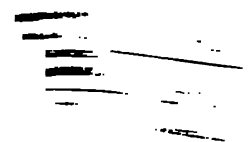
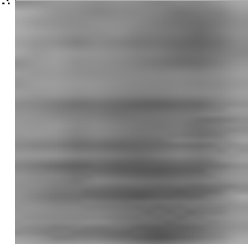
3. *Ἐδόςτυλος*, *eustyle*, columns two diameters from the centre of the front and two diameters from each intercolumniation.

4. *Διάστυλος*, *diastyle*, columns two diameters from the centre of the front and three diameters from each intercolumniation.

5. *Ἀραιόστυλος*, *araïostyle*, columns two diameters from the centre of the front and four diameters from each intercolumniation.

Columns were also employed in aqueducts, and in the walls of harbours for mooring ships, yet standing in rows.

Single columns were also employed in private houses, and in the most rural parts of the country, by that order of architecture, and from excess of vanity, the lower columns being those which were the most exposed to the weather.



first head on the left represents Octavia, the niece of Augustus, from the museum in the Capitol at Rome; the next, Messalina, fifth wife of the Emperor Claudius; the one below, on the left, Sabina, the wife of Hadrian; and the next, Plautilla, the wife of Caracalla, which three are from the British Museum.¹



Both countries had some peculiar customs connected with the growth of their hair, and illustrative of their moral or physical conditions. The Spartans combed and dressed their heads with especial care when about to encounter any great danger, in which act Leonidas and his followers were discovered by the spies of Xerxes before the battle of Thermopylæ.² The sailors of both nations shaved off their hair after an escape from shipwreck or other heavy calamity, and dedicated it to the gods.³ In the earlier ages, the Greeks of both sexes cut their hair close in mourning;⁴ but, subsequently, this practice was more exclusively confined to the women, the men leaving theirs long and neglected,⁵ as was the custom among the Romans.⁶

In childhood, that is, up to the age of puberty, the hair of the males was suffered to grow long among both nations, when it was clipped and dedicated to some river or deity, from thence called *κουροτρόφος* by the poets,⁷ and, therefore, to cut off the hair means to take the toga virilis.⁸ At Athens this ceremony was performed on the third day of the festival Apaturia, which is therefore termed *κουροῶτις*.

In both countries the slaves were shaved as a mark of servitude.⁹

The vestal virgins also cut their hair short upon taking their vows; which rite still remains in the Papal Church, in which all females have their hair cut close upon taking the veil.

...helmet; but
...the hair
...the head,
...al curls.
...orned with
...with these di-
...with their
...young Greek
...and conducted
...of the upper part
...knot at the
...though less
...both of which
...woodcuts sub-
...hter of Niobe,
...toque.



...us and Diana, see the
...Museum, Chamber ii.,
...19; and Venus of the
...ornaments sometimes
...works of a later age.
...worn both by the Greeks
...of the statues, the hair
...are discernible in the
...Apollo of the Capitol;
...hair when it grew gray.²
...πυγική, κόμαι προθέ-
...were also worn by the

Romans wore their hair
...the oldest statues during
...the Romans of the
...their ancestors *intonsi*⁶
...fashion did not last after
...appears by the remaining
...too, dressed their hair
...until the time of the em-
...in the same style as
...the Augustan period a va-
...esses came into fashion,
...lled by Ovid.⁷ Four spe-
...are given below. The

2; x., 25, § 2.)—2. (Aristoph., 43.—Propert., II., xviii., 24, 25.)
x., 170.—Etymol. Mag., s. v.
—Xen., Cyrop., I., 3, § 2.—Polyb.,
I. (De Re Rust., II., xi., 10.)—
v., Sat., vi., 30.)—7. (Art. Am.,

1. (Chamber vi., Nos. 65, 58, 39.)—2. (Herod., vii., 209.)—3. (Anthol., Epigr. Lucian, 15.—Juv., Sat., xii., 81.)—4. (Cic., iv., 108.—II., xxii., 141.—Soph., Aj., 1174.—Eurip., Elect., 148, 241, 337.—Phoen., 353.—Iph. Aul., 1448.—Troad., 484.—Helen., 1096, 1137, 1244.)—5. (Plutarch, Quest. Rom., p. 82, ed. Reiske.)—6. (Ovid, Epist., x., 137.—Virg., Æn., iii., 65; xi., 35.)—7. (Anthol., Epig. Antiph. Th., 21.—Mart., Epig., I., xxxii., 1, IX., xvii., 1.)—8. (Id., IX., xxxvii., 11.)—9. (Aristoph., Aves 911.—Plaut., Amph., I., i., 306.—Compare Lucan, i., 442.—Polyb., Eclog., xvii.—Appian, Mithradat., p. 296, ed. Tollius.)

*COM'AROS (*κόμαρος*), the wild Strawberry-tree, or *Arbutus Uncedo*. (Vid. *ARBUTUS*.)

*COMBRE'TUM, a plant mentioned by Pliny,¹ who makes it closely resemble the *Bacchar*. Modern botanists, however, taking Pliny's own description as their guide, do not agree with him in opinion on this head. Cæsalpinus makes the *Combretum* (written sometimes *Combretum*) to be the same with a species of rush, called in Tuscany *Herba luziola*, and which has been referred to the *Luzcola maxima*, L.²

*COME (*κομή*), a plant, the same with the *τραγοπόγων*, or *Crocifolium Tragopogon*, so called from its leaves resembling those of the *Crocus*. Sibthorp found it growing in Cyprus.³

COMES. The word *comes* had several meanings in the Latin of the Middle Ages, for which the reader is referred to Du Fresne's Glossary and Supplement, s. v. In classical writers, and even to the end of the fourth century, its senses are comparatively few.

First it signified a mere attendant or companion, distinguished from *socius*, which always implied some bond of union between the persons mentioned. Hence arose several technical senses of the word, the connexion of which may be easily traced.

It was applied to the attendants on magistrates, in which sense it is used by Suetonius.⁴ In Horace's time⁵ it was customary for young men of family to go out as *contubernales* to governors of provinces and commanders-in-chief, under whose eye they learned the arts of war and peace. This seems to have led the way for the introduction of the *comites* at home, the maintenance of whom was, in Horace's opinion,⁶ one of the miseries of wealth. Hence a person in the suite of the emperor was termed *comes*. As all power was supposed to flow from the imperial will, the term was easily transferred to the various offices in the palace and in the provinces (*comites palatini, provinciales*). About the time of Constantine it became a regular honorary title, including various grades, answering to the *comites ordinis primi, secundi, tertii*. The power of these officers, especially the provincial, varied with time and place; some presided over a particular department with a limited authority, as we should term them, *commissioners*; others were invested with all the powers of the ancient proconsuls and prætors.

The names of the following officers explain themselves: *Comes Orientis* (of whom there seem to have been two, one the superior of the other), *comes Egypti, comes Britannia, comes Africa, comes rei militaris, comes portuum, comes stabuli, comes domesticorum equitum, comes cibarius, comes lintea vestis or vestiarii* (master of the robes). In fact, the emperor had as many *comites* as he had duties: thus, *comes consistorii*, the emperor's privy-councillor; *comes largitionum privatarum*, an officer who managed the emperor's private revenue, as the *comes largitionum sacrarum* did the public exchequer. The latter office united, in a great measure, the functions of the *ædile* and *quæstor*. The four *comites commerciorum*, to whom the government granted the exclusive privilege of trading in silk with barbarians, were under his control.

COMISSATIO (derived from *κώμαρος*), the name of a drinking entertainment, which took place after the cœna, from which, however, it must be distinguished. Thus Demetrius says to his guests, after they had taken their cœna in his own house, "*Quin commissatum ad fratrem inus?*"⁷ and when Habin-

nas comes to Trimalchio's house after taking his cœna elsewhere, it is said that "*Comissator intra vit.*"⁸ It appears to have been the custom to partake of some food at the *comissatio*,⁹ but usually only as a kind of relish to the wine.

The *comissatio* was frequently prolonged to a late hour at night;² whence the verb *comissari* means "to revel,"⁴ and the substantive *comissator* a "reveller" or "debauchee." Hence Cicero⁵ calls the supporters of Catiline's conspiracy *comissatores conjurationis*.⁶

COMITIA, or public assemblies of the Roman people (from *com-eo* for *coco*), at which all the most important business of the state was transacted, such as the election of magistrates, the passing of laws, the declaration of war, the making of peace, and, in some cases, the trial of persons charged with public crimes. There were three kinds of *comitia*, according to the three different divisions of the Roman people.

I. The COMITIA CURIATA, or assembly of the *curia*, the institution of which is assigned to Romulus.

II. The COMITIA CENTURIATA, or assembly of the centuries, in which the people gave their votes according to the classification instituted by Servius Tullius.

III. The COMITIA TRIBUTA, or assembly of the people according to their division into the local tribes. The first two required the authority of the senate, and could not be held without taking the auspices; the *comitia tributa* did not require these sanctions. We shall consider the three assemblies separately.

I. COMITIA CURIATA. This primitive assembly of the Romans originated at a time when there was no second order of the state. It was a meeting of the *populus*, or original burgesses, assembled in their tribes of houses, and no member of the *plebs* could vote at such a meeting. The ancient *populus* of Rome consisted of two tribes: the *Ramnes* or *Ramnenses*, and the *Titienses* or *Tities*, called after the two patronymic heroes of the state, *Romus*, *Remus*, or *Romulus*, and *Titus Tatius*; to which was subsequently added a third tribe, the *Luceres* or *Lucrentes*. Of these last Festus says, in a passage of some interest and importance, "*Lucretes et Luceres, quæ pars tertia populi Romani est distributa a Tatius et Romulo, appellati sunt a Lucero, Ardea regi, qui auxilium fuit Romulo adversus Titium bellanti.*" From which it may be inferred, that as the *Tities* were Sabines, and the *Ramnes* the Romans proper, so the *Luceres* were Latins or of a Tyrrhenian stock. It will be observed, also, that in this passage of Festus the name of *Tatius* is placed first; so, also, in the same author⁷ we have, "*Quia civitas Romana in sex est distributa partis, in primos secundosque Titienses, Ramnes, Luceres.*" This seems to point to a tradition rather inconsistent with the supposed precedence of "the haughty Ramnes" (*celsi Ramnes*).⁸

The different nations of antiquity had each of them their own regulative political number, or numerical basis; and as 3×4 was this basis with the Ionian tribes, so 3×10 seems to have been the basis of the Roman state-system.⁹ The Athenian solar year consisted of 365 days; the Roman cyclic year of 304; and 360, the number of the houses or clans at Athens, bears the same relation to the former year than 300, the number of Roman houses, does to the latter. The three original tribes of the *populus* or *patres* were divided into 30 *curia*, and

1. (H. N., xxi., 6.)—2. (Plin., ed. Pancoucke, vol. xiii., p. 458.)—3. (Billerbeck, Flora Classica, p. 201.)—4. (Jul., 42.)—5. (Epist., i., viii., 2.)—6. (Sat., i., vi., 101.)—7. (Varro, De Ling. Lat., vii., 89, ed. Müller.)—8. (Liv., xl., 7.)

1. (Petron., 65.)—2. (Suet., Vitell., 13.)—3. (Suet., Tit., 7.)—4. (Hor., Carm., IV., i., 11.)—5. (Ep. ad Att., i., 16.)—6. (Becker, Gallus, vol. ii., p. 225.)—7. (s. v. Sex Veste Sacerdotum.)—8. (Niebuhr, Hist. Rom., i., p. 300.)—9. (Vid. New Cætylus, p. 156.)

each of these into ten houses; and this number of the houses also corresponded to the number of councillors who represented them in the senate. The division into houses was so essential to the patrician order, that the appropriate ancient term to designate that order was a circumlocution, the *patrician gentes* (*gentes patriciae*). "*Plebes dicitur*," according to Capito, "in qua gentes civium patriciae non inveniunt."¹ The derivation of *curia* from *cura*, which is given by Festus and Varro, is altogether inadmissible. It is obvious that *curia* means "the assembly of the master-burgesses," "the free householders," "the *patroni*;" the word contains the same element as the Greek *κύριος*, *κόρος*, *κουρίδιος*, *κόρος*, *κόρητος*, *κύριος*, &c.,² which element also appears in the Latin *quirites*, *curiatus*, *curiatii*, &c. The word *quirites* appears to be nearly identical with *κίρριτες*, which signifies "noble warriors;" as in Homer,³ *κρινάμενος κίρριτας ἄριστῆς Παναχαιῶν*. The same root is also contained in the Sanscrit *कृत्वा*, "a hero." In the same way as the Greeks used *κύριος* of the head of a family, the Romans spoke of the free burgess and his wife as *patronus* and *matrona* in reference to their children, servants, and clients.⁴ These last, so called from *cluere*—the clients, the *hörigern*, the "hearers" or dependants—were probably, in the first instance, aliens, natives of cities having an isopolitan relation with Rome, who had taken up their franchise there by virtue of the *jus exulandi* and the *jus applicationis*; and most likely their relation to the *patronus*, or man of the *curia*, was analogous to that subsisting between the resident alien and his *προστάτης* in a Greek state. These clients belonged to the *gentes* of their patrons; as, however, the clients and the descendants of freedmen were classed among the *ænarrians* in reference to the franchise at the *comitia majora*, it is exceedingly improbable that they would vote with their *patroni* at the *comitia curiata*. From the number of houses which they contained, the patrician tribes were called centuries;⁵ and the three new centuries formed by Tarquinius were tribes of houses who voted in the *comitia curiata* like the original patricians. They were united with the old tribes under the name of the *sex suffragia*, or "the six votes"—"*Sex suffragia appellantur in equitum centuriis, quæ sunt adfectæ ei numero centuriarum, quæ Priscus Tarquinius rex constituit*."⁶ But the number of *curiæ* continued the same, according to one or other of the following solutions which Niebuhr has suggested: 1. The 300 houses may have been still complete, and 300 new houses were admitted into the tribes, so as to assign 20 houses to each *curia*; the number of the *curiæ* continuing unaltered, but 5 *curiæ* instead of 10 being reckoned to the century. 2. But more probably the houses had fallen short. Suppose there were now only 5 to the *curia*. Then, if the 150 houses were collected into half the number of *curiæ*, the remaining 15 *curiæ* might be filled up with newly-adopted houses, the ancient proportion of 10 houses to a *curia* remaining undisturbed. "This latter hypothesis," says Niebuhr,⁷ "is confirmed, and almost established, by the statement that Tarquinius doubled the senate, raising the number from 150 to 300; only here two changes are confounded, between which a considerable interval would probably elapse." Although the number of patrician *curiæ* remained unchanged by this measure of Tarquinius, it seems indubitable that it was considered as an increase in the number of the patrician tribes of houses, as, indeed, the name implies, and as Festus,⁸ quoted

above, most expressly states; the new and old tribes being distinguished as *first* and *second* Tribes, *Rames*, and *Luceres*.

The *comitia curiata*, which were thus open to the original burgesses alone, were regarded as a meeting principally for the sake of confirming some ordinance of the senate: a *senatus consultum* was an indispensable preliminary; and with regard to elections and laws, they had merely the power of confirming or rejecting what the senate had already decreed.⁹ The two principal reasons for summoning the *comitia curiata* were, either the passing of a *lex curiata de imperio*, or the elections of priests. The *lex curiata de imperio*, which was the same as the *auctoritas patrum*,¹⁰ was necessary in order to confer upon the dictator, consuls, and other magistrates the *imperium*, or military command; without this they had only a *potestas*, or civil authority, and were not allowed to meddle with military affairs. And thus Livy makes Camillus speak of the *comitia curiata*, *quæ rem militarem continent*, as distinguished from the "*comitia centuriata, quibus consules tribunosque militares creantur*."¹¹ The *comitia curiata* were also held for the purpose of carrying into effect the form of adoption called *adrogatio*, for the confirmation of the wills, and for the ceremony called the *detestatio sacrorum*. They were held in that part of the Forum which was called *comitium*, and where the tribunal (*suggestum*) stood. The patrician magistrates properly held the *comitia curiata*; or, if the question to be proposed had relation to sacred rights, the pontifices presided. They voted, not by houses, but by *curiæ*; this was probably the reason why Tarquinius was careful not to alter the number of the *curiæ* when he increased the number of the tribes. In after times, when the meetings of the *comitia curiata* were little more than a matter of form, their suffrages were represented by the thirty lictors of the *curiæ*, whose duty it was to summon the *curiæ* when the meetings actually took place, just as the classes in the *comitia centuriata* were summoned by a trumpeter (*cornicen* or *classicus*). Hence, when the *comitia curiata* were held for the inauguration of a flamen, for the making of a will, &c., they were called specially the *comitia calata*, or "the summoned assembly."

II. THE COMITIA CENTURIATA, or, as they were sometimes called, the *comitia majora*, were a result of the constitution generally attributed to Servius Tullius, the sixth king of Rome. The object of this legislator seems to have been to unite in one body the *populus* or patricians—the old burgesses of the three tribes, and the *plebs* or pale-burgesses—the commonalty who had grown up by their side, and to give the chief weight in the state to wealth and numbers rather than to birth and family pretensions. With a view to this, he formed a plan, by virtue of which the people would vote on all important occasions according to their equipments when on military service, and according to the position which they occupied in the great phalanx or army of the city: in other words, according to their property; for it was this which enabled them to equip themselves according to the prescribed method. In many of the Greek states the heavy-armed soldiers were identical with the citizens possessing the full franchise; and instances occur in Greek history when the privileged classes have lost their prerogatives, from putting the arms of a full citizen into the hands of the commonalty; so that the principle which regulated the votes in the state by the arrangement of the army of the state, was not peculiar to the constitution of Servius. This arrangement considered the whole state as forming a reg-

1. (Gellius, i., 20.—Niebuhr, i., p. 316.)—2. (New Cratylus, p. 410.)—3. (Il. vi., 193.)—4. (Niebuhr, i., p. 317.)—5. (Com. Livy, i., 13, with x., 6.)—6. (Festus.)—7. (i., p. 393.)—8. & τ. Sex Vestæ Sacerdotes.)

1. (See the passage quoted by Niebuhr, ii., p. 179.)—2. (Niebuhr, i., p. 331.)—3. (Livy, v., 52.)

which was from this circumstance called the *comitia*.

The first step taken at the *comitia centuriata* was by the magistrate who held them to repeat the form of a prayer after the augur. Then, in the case of an election, the candidates' names were called, and in the case of a law or a trial, the laws or bills were read by a herald, and disbelievers were heard on the subject. Then the magistrate was put to them with the interrogation, "Iubeatis, Quirites?" Hence the bill was called *rogatio*, and the people were said *iubere legem*. The first step of commencing the poll was: "Si vobis discedite, Quirites," or "Ite in suffragium, quibus diis, et quæ patres censuerunt, vos."

The order in which the centuries voted was decided by lot; and that which gave its vote was called the *centuria prærogativa*.¹ The rest were called *jure vocata*.² In ancient times the people were polled, as at our elections, by word of mouth.

But at a later period the ballot was introduced by a set of special enactments (the *leges tabellariæ*) having reference to the different objects in view.

These laws are enumerated by Cicero:³ "Enim quattuor leges tabellariæ: quarum prima magistratibus mandandis; ea est *Gabinia*, homine ignoto et sordido. Secuta biennalis *Cassia* est, de populi judicio, a nobili homine *Cassio*, sed (pace familiæ dixerim) dissidente, atque omnes rumculos populari ratione agere. *Carbonis* est tertia, de jubendis legibus, a nobili homine *Carbo*, seditiosus atque improbi civis, cui ne redderem ad bonos salutem a bonis potuit afferre. Quarta *Populii* est, de genere relinqui videbatur vocis suffragium, sed *Cassius* exceperat, perduellionis. Dedit quoque judicio *C. Calpurnius* tabellam, doluitque exit, se, ut opprimeret *C. Popilius*, nocuisse carere." The dates of these four bills for the introduction of ballot at the *comitia centuriata* are as follows:

1. The *Gabinian* law, introduced by *Gabinus*, tribune, in B.C. 140. 2. The *Cassian* law, introduced by *Cassius*, tribune, in B.C. 132. 3. The *Papirian* law, introduced by *Papirius*, tribune, in B.C. 108. In voting, the centuries were summoned in order into a boarded enclosure (the *tabella*), into which they entered by a narrow passage (the *pons*) slightly raised from the ground. This was probably a different enclosure for each of the centuries. For the Roman authors generally speak of the plural. The *tabellæ* with which they had to vote were given to the citizens at the entrance of the booth by certain persons called *diribitores*; and intimidation was often practised. If the business of the day were an election, the *tabellæ* had the names of the candidates. If it were the passing or the rejection of a law, each voter received two *tabellæ*: one for the law, and the other for the law. The first was inscribed *U. R.*, i. e., *uti rogas*, "I vote for the law as you propose it." The second was inscribed *A.*, i. e., *antiquo*, "I am for the law as it is." Most of the terms are given in the following passage of Cicero:⁴ "Quoniam dies venisset, et ex *S. C.* ferendæ, concursabant barbaruli, et populum, ut *antiquaret*, rogabant. *Piso* consul, *latur rogationis*, idem erat dissuasor. *Modius* *pontes* occupant: *tabellæ* ministrant ut nulla daretur *UTI ROGAS*." In the old system of polling, each citizen was asked for his vote by an officer called *rogator*, or "the polling-officer."

Under the ballot system they threw which they pleased into a box at the entrance of the booth, and certain officers, called *custodes*, were appointed to check off the votes by points marked on a tablet. Hence *punctum* is used metaphorically to signify "a vote," as in Hor-

ace,¹ "Discedo *Alcæus puncto illius*;" and we have the metaphor at greater length,

"*Centuria seniorum agitant expertia frugis, Celsi prætereunt austera poemata Ramnes; Omne tulit punctum qui miscuit utile dulci.*"

The *diribitores*, *rogatores*, and *custodes* were generally friends of the candidates, who voluntarily undertook these duties.² But Augustus selected 900 of the equestrian order to perform the latter offices.

The acceptance of a law by the *centuriata comitia* did not acquire full force till after it had been sanctioned by the *comitia curiata*, except in the case of a capital offence against the whole nation, when they decided alone. The plebeians originally made their testaments at the *comitia centuriata*, as the patricians did theirs at the *comitia curiata*; and as the *adrogatio* required a decree of the *curia*, so the adoption of plebeians must have required a decree of the *centuriæ*; and as the *lictors* of the *curia* represented them, so those transactions which required five witnesses were originally perhaps carried into effect at the *comitia centuriata*, the five classes being represented by these witnesses.³

III. The *COMITIA TRIBUTA* were not established till B.C. 491, when the plebs had acquired some considerable influence in the state. They were an assembly of the people according to the local tribes, into which the plebs was originally divided: for the plebs or commonalty took its rise from the formation of a domain or territory, and the tribes of the community or pale-burghers were necessarily local, that is, they had regions corresponding to each of them; therefore, when the territory diminished, the number of these tribes diminished also. Now, according to *Fabius*, there were originally 30 tribes of plebeians, that is, as many plebeian tribes as there were patrician *curiæ*. These 30 tribes consisted of four urban and 26 rustic tribes. But at the admission of the *Crustumine* tribe there were only 20 of these tribes. So that probably the cession of a third of the territory to *Porsena* also diminished the number of tribes by one third.⁴ It is an ingenious conjecture of *Niebuhr's*, that the name of the 30 local tribes was perhaps originally different, and that only 10 of them were called by the name *tribus*; hence, after the diminution of their territory, there would be only two tribes, and the two *tribuni plebis* would represent these two tribes.⁵

Such being the nature of the plebeian tribes, no qualification of birth or property was requisite to enable a citizen to vote in the *comitia tributa*; whoever belonged to a given region, and was, in consequence, registered in the corresponding tribe, had a vote at these comitia. They were summoned by the *tribuni plebis*, who were also the presiding magistrates, if the purpose for which they were called was the election of tribunes or aediles; but consuls or prætors might preside at the *comitia tributa*, if they were called for the election of other inferior magistrates, such as the *quæstor*, *proconsul*, or *prætor*, who were also elected at these comitia. The place of meeting was not fixed. It might be the *Campus Martius*, as in the case of the *comitia majora*, the *Forum*, or the *Circus Flaminius*. Their judicial functions were confined to cases of lighter importance. They could not decide in those referring to capital offences. In their legislative capacity they passed *plebiscita*, or "decrees of the plebs," which were originally binding only on themselves. At last, however, the *plebiscita* were placed on the same footing with the *leges*, by the *Lex Hortensia* (B.C. 288), and from this time they could pass

1. (Epist., II., ii., 99.)—2. (Liv., v., 18.)—3. (Liv., xxvii., 6.)—4. (Cic., de Nat. Deor., ii., 35.)—5. (Ep. ad Att., i., 14.)—6. (Cic., de Nat. Deor., ii., 35.—De Nat. Deor., ii., 4.)

1. (Epist., II., ii., 99.)—2. (Epist. ad P., 341-343.)—3. (Cic. in Pis., 15.—Post. Red. in Sen., 11.)—4. (Niebuhr, i., p. 474.)—5. (Niebuhr, i., p. 408-411.)—6. (i., 112.)

COMEDY, like Greek tragedy, arose from the worship of Bacchus; but comedy sprang from the ancient part of Bacchic worship only. A band of Bacchic revellers naturally had a *comus* (*κῶμος*); their song or hymn was called a *κωμῳδία*, or "comus-song," and it was a comparatively late period that the comedy or dithyramb was performed by a regular chorus.

From this regular chorus the Tragedy sprang (vid. CHORUS); and to the old comical or phallic revellers we may assign the origin of comedy. It is true that Aristotle derives comedy from *κῶμη*, "a village;" so that the "village song;" but this etymology, and others proposed by Greek authors, is inadmissible, however much it may be reconciled with the fact that the Bacchic *comus* sprang from village to village—it was a village amusement; but it is clear, from the Athenian writers speak of this occasion, that it was a *comus*; thus, in a passage quoted by Demosthenes,¹ Ὁ κῶμος καὶ τῶν κωμῳδῶν ἀρχαῖος ἐστὶν ἀπὸ τῶν ἐξάρχοντες ἐν τῷ κῶμῳ, ὡς καὶ τῶν κωμῳδῶν ἀρχαῖος ἐστὶν ἀπὸ τῶν ἐξάρχοντες ἐν τῷ κῶμῳ, ὡς καὶ τῶν κωμῳδῶν ἀρχαῖος ἐστὶν ἀπὸ τῶν ἐξάρχοντες ἐν τῷ κῶμῳ.

Each of Greek drama was first cultivated by the inhabitants of a little village in which it is claimed to have been the first to worship of Bacchus in that part of Greece; and a native of Tripodiscus, in Megaris, was the first to win the prize—a basket of figs and grapes—which was given to him as the success of a *comus* of Icarian "glee-singers" so called because they smeared their faces with lees of wine; a rude disguise, which was sometimes substituted for the mask worn by the actors, when they afterward assumed the form of a chorus. The Dorians of Megara seem to have been the first distinguished for a vein of wit and sarcasm, which naturally gave a peculiar character to the witticisms of the *comus* among them; thus we find that comedy, in the old sense of the word, first came into being among the Dorians and their Sicilian colonists.⁴ Susarion is said to have been the first to introduce comedy at the time of Solon, a little before Theseus's death, which seems to have stood quite alone; and it is not likely that comedy, with its bold and coarse language, could have thriven much during the reign of the Peisistratidæ, which followed in the time of Susarion. The very same character which might have induced Peisistratus to suppress comedy, would operate to the prevention of its revival; and, in fact, we find that comedy did not fully establish itself at Athens till after the fall of the Peisistratidæ, and the restoration of the aristocracy, namely, in the time of Pericles. The Attic comedians, Chionides, Ecchecrates, and Magnes, flourished about the time of the Persian war; and were followed, after an interval of thirty years, by Cratinus, Eupolis, and Phallegas, whom Horace justly mentions as the founders of the comedy of caricature.⁵ This comedy seems to have been the natural result of the satiric iambography of Archilochus: it was a combination of the iamb with the *comus*, in the same way as

tragedy was a union of the epic rhapsody with the dithyrambic chorus. This old comedy ended with Aristophanes, whose last productions are very different from his early ones, and approximate rather to the middle Attic comedy, which seems to have sprung naturally from the old, when the free democratic spirit which had fostered its predecessor was broken and quenched by the events which followed the Peloponnesian war, and when the people of Athens were no longer capable of enjoying the wild license of political and personal caricature. The middle Attic comedy was employed rather about criticisms of philosophical and literary pretenders, and censures of the foibles and follies of the whole classes and orders of men, than about the personal caricature which formed the staple of the old comedy. The writers of the middle comedy flourished between B.C. 380 and the time of Alexander the Great, when a third branch of comedy arose, and was carried to the greatest perfection by Menander and Philemon. The comedy of these writers, or the new comedy, as it is called, went a step farther than its immediate forerunner: instead of criticising some class and order of men, it took for its object mankind in general; it was, in fact, a comedy of *manners*, or a comedy of *character*, like that of Farquhar and Congreve; the object of the poet was, by some ingeniously-contrived plot and well-imagined situations, to represent, as nearly as possible, the life of Athens as it went on around him in its every-day routine; hence the well-known hyperbole addressed to the greatest of the new comedians:

ὦ Μένανδρε καὶ βίε,
πότερος ἔρ' ὑμῶν πότερον ἐιμήσατο.

The middle and new comedy, though approaching much more nearly to what we understand by the name *comedy*, could scarcely be called by the name *κωμῳδία* with any strict regard to the original meaning of the word; they had nothing in them akin to the old revelry of the *κῶμος*: in fact, they had not even the comic chorus, which had succeeded and superseded the *κῶμος*, but only marked the intervals between the acts by some musical voluntary or interlude. It belongs to a history of Greek literature, and not to a work of this nature, to point out the various steps by which Attic comedy passed from its original boisterous and almost drunken merriment, with its personal invective and extravagant indecency, to the calm and refined rhetoric of Philemon, and the decent and good-tempered Epicureanism of Menander; still less can we enter here upon the literary characteristics of the different writers whose peculiar tendencies had so much influence on the progressive development of this branch of the drama. It is sufficient for our purpose to point out generally the *nature* of Greek comedy, as we have done above, and to enable the student to discriminate accurately between the outward features of Greek comedy and tragedy.

The dance of the comic chorus was called the *κόρδαξ*, and was of the most indecent description; the gestures, and, indeed, the costumes of the chorutæ, were such that even the Athenians considered it justifiable only at the festival of Bacchus, when every one was allowed to be drunk in honour of the god; for, if an Athenian citizen danced the *cordax* sober and unmasked, he was looked upon as the most shameless of men, and forfeited altogether his character for respectability.¹ Aristophanes himself, who did not much scruple at violating common decency, claims some merit for his omission of the *cordax* in the *Clouds*, and for the more modest attire of his chorus in that play.² According to Athenæus,³ the *cordax* was a sort of *hypor-*

p. 517.)—2. (Acharn., 263.)—3. (p. 445, B.)—4. (Hist. Crit. Com. Gr., p. 20, &c.)—5. (Sat., I.,

1. (Theophrast., Charact., 6.)—2. (v., 537, &c.)—3. (p. 630, D.)

sheme, or imitative dance, in which the choreutæ expressed the words of the song by merry gesticulations.¹ Such a dance was the hyporcheme of the Spartan *deicelicta*; a sort of merry-andrews, whose peculiar mimic gestures seem to have formed the basis of the Dorian comedy, which prevailed, as we have seen, in Megaris, and which probably was the parent stock, not only of the Attic, but also of the Sicilian and Italian comedy.

The comic chorus consisted of twenty-four persons, *i. e.*, of half the number of the full tragic chorus; and as the comedians did not exhibit with tetralogies as the tragedians did, this moiety appeared on the stage undivided, so that a comedy had, in this respect, a considerable advantage over a tragedy. The chorus entered the stage in rows of six, and singing the *parodos* as in tragedy; but the *parodos* was generally short, and the *stasima* still less important and considerable. The most important business of the chorus in the old comedy was to deliver the *parabasis*, or address to the audience. In this the chorus turned round from its usual position between the *thymele* and the stage, where the choreutæ stood with their faces turned towards the actors, and made an evolution so as to pass to the other side of the *thymele*. Here they stood with their faces turned towards the spectators, and addressed them in a long series of anapestic tetrameters, generally speaking in the name of the comic poet himself. When the parabasis was complete, it consisted of, 1. The *κωμῳδίων*, a short introduction in trochaic or anapestic verse. 2. A long system of anapestic tetrameters, called the *πρῶτος* or the *μῦθος*. 3. A lyrical strophe, generally in praise of some divinity. 4. The *ἐπιλόγιον*, consisting, according to the rule, of sixteen trochaic verses, in which the chorus indulged in witticisms directed against some individual, or even against the public in general. The *parabasis*, though a good deal refined by the better taste of Aristophanes, retained much of the abusive scurrility of the old rustic *comus*; so that we may regard it as the only living representative of the old wagon-jests of the phallic procession in which comedy originated, and as the type of that predominant element in the old comedy which the Roman satirist Lucilius made the object of his imitation.

II. ITALIAN COMEDY may be traced, in the first instance, to the rude efforts of the Dorian *comus* in Sicily. It has been shown by Müller² that even the Oscan farces, called the *fabula Atellana*, which passed from Campania to Rome, may be traced to a Dorian origin, as the names of some of the standing masks in these farces, such as *Pappus*, *Maccus*, and *Simus*, are clearly Greek names. The more complete development of the Sicilian comedy by Epicharmus appears to have paved the way for the establishment of a more regular comic drama in Italy. Imitations of Epicharmus seem to have been common among the cities of Magna Græcia; and so early as B.C. 240, Livius Andronicus exhibited at Rome translations or adaptations of Greek comedies, in which he did not attempt to obliterate the traces of their Greek origin: on the contrary, from first to last, most of the Latin comedies were professedly Greek in all their circumstances; and the translators or imitators, though many of them were men of great genius, did not hesitate to speak of themselves as *barbari* in comparison with their Greek masters, and called Italy *barbaria* in comparison with Athens.³ The Latin comedians, of whom we can judge for ourselves, namely, Plautus and Terence, took their models chiefly from the new comedy of Greece. The latter, as far as we know,

never imitated any other branch of Greek comedy. But Plautus, though he chiefly follows the poets of the middle or new comedy, sometimes approximates more nearly to the Sicilian comedy of Epicharmus, or to the *ὑποπαιγῶδια* of Rhinthon and others. It is doubtful whether the *Amphitryo*, which Plautus himself terms a *tragico-comædia*, is an imitation of Rhinthon or of Epicharmus. That Plautus did imitate Epicharmus is clear from the words of Horace:⁴ "Dicitur . . . Plautus ad exemplar Sicili præperare Epicharmi;" and A. W. Schlegel would infer from this passage alone that the *Amphitryo* was borrowed from some play by Epicharmus, who, as is well known, composed comedies on mythical subjects like that of the *Amphitryo* of Plautus.

Although Roman comedy, as far as it has come down to us, is cast entirely in a Greek mould, the Romans had authors who endeavoured to bring forward these foreign comedies in a dress more Roman than Grecian. Comedies thus constructed were called *fabula togata* (from the Roman garb, the *toga*, which was worn by the actors in it), as opposed to the *fabula palliata*, or comedies represented in the Greek costume. From the words of Horace in the passage referred to above, it is sufficiently obvious that the *fabula togata* was only an imitation of the Greek new comedy clothed in a Latin dress: "Dicitur Afrani togata convenisse Menandro."⁵ Not that the writers of these comedies absolutely translated Menander or Philemon, like Plautus and Terence; the argument or story seems to have been Roman, and it was only in the method and plan that they made the Greek comedians their model. For this, also, we have Horace's testimony:

"Nil intentatum nostri liquere poeta:
Nec minimum meruere decus, vestigia Græcæ
Ausi deserere, et celebrare domestica facta,
Vel qui prætextas, vel qui docuere togatas."

The *prætextata fabula* alluded to here was a sort of history.

"The *prætextata* merely bore resemblance to a tragedy: it represented the deeds of Roman kings and generals; and hence it is evident that at least it wanted the unity of time of a Greek tragedy—that it was a *history*, like Shakspeare's."⁶ The grammarians sometimes speak of the *prætextata* as a kind of comedy, which it certainly was not. The clearest statement is that of Euanthius (*de fabula*): "Illud vero tenendum est, post *véav κωμῳδίων* Latinus multa fabularum genera protulisse: ut *togatas*, a scenicis atque argumentis Latinis; *prætextatas*, et dignitate personarum et Latina historia; *Atellanas*, a civitate Campaniæ, ubi actæ sunt plurimæ; *Rhæthonicas*, ab auctoris nomine; *tabernarias*, ab humilitate argumenti et styli; *mimos*, ab diuturna imitatione rerum et levium personarum." But even here there is a want of discrimination; for the *mimus* was entirely Greek, as the name shows; the Latin style corresponding to it was the *planipes*. Hermann⁷ has proposed the following classification of Roman plays, according as they strictly followed or deviated from their Greek models:

ARGUMENTUM.	
Græcum.	Romanum.
<i>Crepidata</i> (τραγῳδία),	<i>Prætextata</i> .
<i>Palliata</i> (κωμῳδία),	<i>Togata</i> , cujus alia <i>trætextata</i> , alia <i>tabernaria</i> .
<i>Satyrica</i> (σάτυροι),	<i>Atellana</i> .
<i>Mimus</i> (μῖμος),	<i>Planipes</i> .

Neukirch⁸ gives a wider extent to Roman comedy, so that it includes all the other species of drama with the exception of the *crepidata* and the *prætextata*.

1. (Compare Athenæus, p. 21, D.)—2. (Hir: Lit. Gr., c. xxix., § 4.)—3. (Vid. Festus, p. 36, 372, ed. Müller

1. (Epist., II., i., 58.)—2. (Hor., Epist., II., i., 57.)—3. (Epist. ad Pison., 285, &c.)—4. (Niebuhr, Hist. Rom., vol. i., p. 311 2.)—5. (Opuscula, v., p. 260.)—6. (De Fabula Romanorum togata, p. 38.)

I. GRÆCI ARGUMENTI.

comædia sive *palliata*, quæ proprie dicitur.
tragico-comædia sive *Rhithonica*, Græcis, Ἰλαροτραγῳδία, sive Ἰταλικὴ κωμῳδία.
comædi, qui proprie dicitur.

II. LATINI ARGUMENTI.

tabeata.
tabernata quæ proprie dicitur, sive *tabernaria*.
clilana.
unipedia, sive *planipedaria*, sive *planipes* (*tricinata*).

places the satirical drama in a third class. It is very difficult to come to any certain opinion on this subject, which is involved in a muddle of rable obscurity; the want of materials to form a judgment for ourselves, and the errors and contradictions of the scholiasts and grammarians who have written upon it, leave us no other resource than to rest content with some such speculations as those which are here given.

OS (κόμος). (Vid. *COMÆDIA*, p. 299; *CHO*-247.)

PENSATIO is defined by Modestinus to be *crediti inter se contributio*. *Compensatio*, etymology of the word shows (*pend-o*), is the making things equivalent. A person who might answer his creditor's demand, who is his debtor, by an offer of *compensatio* (*sic est compensare*), which, in effect, was an offer to pay the difference, if any, which should be made upon taking the account. The object of *compensatio* was to prevent unnecessary suits and expenses, by ascertaining to which party a debt was due. Originally, *compensatio* only took place in *bonæ fidei iudiciis* and *ex eadem causa* by a rescript of M. Aurelius, there could be no *compensatio* in stricti juris iudiciis, and *ex dispari causa*. When a person made a demand in right of a debt, as a tutor in right of his pupillus, the debtor could not have *compensatio* in respect of a debt due from the tutor on his own account. A creditor (surety) who was called upon to pay his principal's debt, might have *compensatio*, either in respect of a debt due by the claimant to himself or to the principal. It was a rule of Roman law, that there could be no *compensatio* where the demand was answered by an *exceptio preceptorum*; for *compensatio* admitted the demand, subject to a deduction, whereas the object of the *exceptio* was to state something in bar of the demand. In English law, and compensation in Scotch law, correspond to *compensatio*.¹

PITATA, also called *LUDI COMPITALIA*, was a festival celebrated once a year in the month of February, to whom sacrifices were offered at the places where two or more ways met. *Compitalia*, *dies attributus laribus compitalibus ubi visæ competent, tum in competis sacrificiis Quotannis is dies concipitur*.² This festival of some writers to have been instituted by Numa Pompilius in consequence of the miracle which attended the birth of Servius Tullius, who was said to be the son of a lar familiaris.³ We learn from Macrobius⁴ that the celebration of the *pitata* was restored by Tarquinius Superbus, who sacrificed boys to Mania, the mother of the pestilence, out this practice was changed after the expulsion of the Tarquins, and garlic and poppies were offered in their stead. In the time of Augustus, the *compitalicia* had gone out of fashion, but were restored by him.⁵

Compitalia belonged to the *feriæ conceptivæ*,

that is, festivals which were celebrated on days appointed annually by the magistrates or priests. The exact day on which this festival was celebrated appears to have varied, though it was always in the winter. Dionysius¹ says that it was celebrated a few days after the Saturnalia, and Cicero² that it fell on the Kalends of January (the old editions read iii. Kal. Jan.); but in one of his letters to Atticus³ he speaks of it as falling on the fourth before the nones of January. The exact words in which the announcement of the day on which the *compitalia* was to be kept, are preserved by Macrobius⁴ and Aulus Gellius:⁵ "DIE · NONI · (i. e., nono) · POPULO · ROMANO · QUIRITIBUS · COMPITALIA · ERUNT · QUANDO · CONCEPTA · FOVERINT · (or *foverint*) · NEFAS."

COMPLUVIUM. (Vid. *HOUSE*.)

CONCHA (κόγχη), a Greek and Roman liquid measure, of which there were two sizes. The smaller was half the cyathus (= 0.412 of a pint English); the larger, which was the same as the oxybaphum, was three times the former (= 1.238 of a pint).⁶

**CONCHA* (κόγχη), a term frequently applied, like *conchylium*, to shell-fish in general, but more particularly to the *Chama*. Horace, it is probable, means the *Chama* in the following line: "*Mitulus et vites pellent obstantia concha*."⁷

**CONCHYLUM* (κογχύλιον). This term is sometimes used in a lax sense, as applied to the *Testacea* in general, or to their shells separate from their flesh.⁸ Xenocrates uses *κογχυλώδης* in the same sense.⁹ It is also applied to the *Purpura* in particular, and likewise to the purple colour formed from it. According to Aldrovandus, Horace applies it to oysters in the following line: "*Miscueris elizo simul conchyliis turdis*."¹⁰

CONCILIABULUM. (Vid. *COLONIA*.)

CONCUBINA (GREEK). The *παλλακή* οἱ *παλλακίς* occupied at Athens a kind of middle rank between the wife and the harlot (*ἑταίρα*). The distinction between the *ἑταίρα*, *παλλακή*, and legal wife is accurately described by Demosthenes:¹¹ "τὰς μὲν γὰρ ἑταίρας ἡδονῆς ἐνεκ' ἐχομεν· τὰς δὲ παλλακὰς, τῆς καθ' ἡμέραν θεραπείας τοῦ σώματος· τὰς δὲ γυναῖκας, τοῦ παιδοποιεῖσθαι γνησίως καὶ τῶν ἐνδόν φύλακα πιστὴν ἔχειν." Thus Antiphon speaks of the *παλλακή* of Philoneos as following him to the sacrifice,¹² and also waiting upon him and his guest at table.¹³ If her person were violated by force, the same penalty was exigible from the ravisher as if the offence had been committed upon an Attic matron; and a man surprised by the quasi-husband in the act of criminal intercourse with his *παλλακή*, might be slain by him on the spot, as in the parallel case.¹⁴ (Vid. *ADULTERIUM*.) It does not, however, appear very clearly from what political classes concubines were chiefly selected, as cohabitation with a foreign (*ξένη*) woman was strictly forbidden by law,¹⁵ and the provisions made by the state for virgins of Attic families must in most cases have prevented their sinking to this condition. Sometimes, certainly, where there were several destitute female orphans, this might take place, as the next of kin was not obliged to provide for more than one; and we may also conceive the same to have taken place with respect to the daughters of families so poor as to be unable to supply a dowry.¹⁶ The dowry, in fact, seems to have been a decisive criterion as to whether the

16. (It. 2.)—2. (Varro, De Ling. Lat., vi., 25, ed. Festus, s. v.)—3. (Plin., H. N., xxxvi., 70.)—4. (Sat., (Suet., Octav., 31.)

1. (iv., p. 219.)—2. (in Pison., c. 4.)—3. (vii., 7.)—4. (Sat., i., 4.)—5. (x., 34.)—6. (Hussey, p. 207, 209.—Wurm, p. 129.)—7. (Sat., ii., 4, 28.)—8. (Hippocr., De Diast.)—9. (De Aliment., ex Aquat.)—10. (Sat., ii., 2, 74.)—11. (c. Near., p. 1386.)—12. (Acc. de Venef., p. 613.)—13. (Id., p. 614.—Vid. Becker, Charicles, vol. ii., p. 438.)—14. (Lyrius, De Card. Eratosth., p. 95.)—15. (Demosth., c. Near., p. 1350.)—16. (Demosth., c. Near., 1384.—Plaut., Trinumm., III., ii., 63.)

connexion between a male and female Athenian, in a state of cohabitation, amounted to a marriage: if no dowry had been given, the child of such union would be illegitimate; if, on the contrary, a dowry had been given, or a proper instrument executed in acknowledgment of its receipt, the female was fully entitled to all conjugal rights.¹ It does not appear that the slave that was taken to her master's bed acquired any political rights in consequence; the concubine mentioned by Antiphon² is treated as a slave by her master, and after his death undergoes a servile punishment.³ (*Vid. HETÆRA.*)

CONCUBINA (ROMAN). According to an old definition, an unmarried woman who cohabited with a man was originally called *pellex*, but afterward by the more decent appellation of *concubina*.⁴ This remark has apparently reference to the *Lex Julia et Papia Poppæa*, by which the concubinitus received a legal character. This legal concubinitus consisted in the permanent cohabitation of an unmarried man with an unmarried woman. It therefore differed from adultery, *stuprum*, and incestus, which were legal offences; and from *contubernium*, which was the cohabitation of a free man with a slave, or the cohabitation of a male and female slave, between whom there could be no Roman marriage. Before the passing of the *Lex Jul. et P. P.*, the name of *concubina* would have applied to a woman who cohabited with a married man who had not divorced his first wife;⁵ but this was not the state of legal concubinage which was afterward established. The offence of *stuprum* was avoided in the case of the cohabitation of a free man and an ingenua by this permissive concubinage; but it would seem to be a necessary inference that there should be some formal declaration of the intention of the parties, in order that there might be no *stuprum*.⁶ Heineccius⁷ denies that an ingenua could be a concubina, and asserts that those only could be concubine who could not be uxores; but this appears to be a mistake,⁸ or perhaps it may be said that there was a legal doubt on this subject.⁹ It seems probable, however, that such unions were not often made with ingenua.

This concubinage was not a marriage, nor were the children of such marriage, who were sometimes called *liberi naturales*, in the power of their father. Still it established certain legal relations between the two persons who lived in concubinage and their children. Under the Christian emperors concubinage was not favoured, but it still existed, as we see from the legislation of Justinian.

This legal concubinage should not be confounded with illicit cohabitation. It rather resembled the morganatic marriage (*ad morganaticam*), in which neither the wife enjoys the rank of the husband, nor the children the rights of children by a legal marriage.¹⁰ Thus it appears that, among the Romans, widowers who had already children, and did not wish to contract another legal marriage, might take a concubina, as we see in the case of Vespasian,¹¹ Antoninus Pius, and M. Aurelius.¹²

CONDEMNATIO. (*Vid. Actio*, p. 20.)

CONDICTIO. (*Vid. Actio*, p. 16.)

CONDITORIUM, in its general acceptation, means a place in which property of any kind is deposited—*ubi quid conditum est*—thus *conditorium muralium tormentorum*¹³ is a magazine for the reception of a battering-train when not in active service.

But the word came afterward to be applied more strictly as a repository for the dead.

In the earlier ages of Greek and Roman history the body was consumed by fire after death (*see BUSTUM*), the ashes only receiving sepulture; and as there could be no danger of infection from these the sepulchres which received them were all above ground.¹ But subsequently, when this practice fell into partial or entire disuse, it became necessary either (*humare*) the dead, or bury them in vaults or chambers under ground; and then the word *conditorium* or *conditium*² was adopted, to express that class of sepulchres to which dead bodies were consigned entire, in contradistinction to those which contained the bones and ashes only. It is so used by Petronius³ for the tomb in which the husband of the Ephesian matron was laid; by Pliny,⁴ for the vault where the body of a person of gigantic stature was preserved entire; and by Quintilian,⁵ for a chamber in which a dead body is laid out, "*cubiculum conditorium mortis tuæ*." In a single passage of Pliny⁶ it is synonymous with *monimentum*, as in an inscription,⁷ "*ollas vi. minores in arvo conditorio*," the mention of the cinerary *olla* indicates that the tomb alluded to was of the kind called *lumbarium*. (*Vid. COLUMBARIUM*.) The corresponding word in Greek is *ὑπόγειον* or *ὑπόγειον*, *hypogeum*.⁸

Conditorium is also used for the coffin in which a body was placed when consigned to the tomb, and when used, the same distinction is implied.⁹

***CONEION** (*κόνειον*), Hemlock, or *Conium maculatum*. It is called *Cicuta* by Celsus. This poisonous plant possesses highly narcotic and dangerous qualities, and an infusion of it was given at Athens to those who were condemned to capital punishment. By a decoction of this kind Socrates lost his life. The effects of the poison in his case are strikingly described in the *Phædon* of Plato. Sibthorp found the *κόνειον* between Athens andagara. It is not infrequent throughout the Peloponnesus also. The modern Greeks call it *Βρομότονον*.¹¹

CONFARRATIO. (*Vid. MARRIAGE*.)

CONFESSORIA ACTIO is an actio in rem by which a person claims a *jus in re*, such as use and enjoyment (*usus fructus*) of a thing, claims some *servitus* (*jus cuncti, agendi, &c.*). *actio negatoria* or *negativa* is that in which a person disputes a *jus in re* which another claims attempts to exercise.

If several persons claimed a *servitus*, each might bring his action; if several claimed as *fructus* they must join in the action. None but the owner of the property, to which the *servitus* was alloted to be due, could maintain a *directa actio* for it. The *condemnatio* in the *actio confessoria* was added to secure to the *fructuarius* his enjoyment of the thing if he proved his right, and to secure *servitus* if the plaintiff made out his claim to it.

The *negatoria actio* was that which the owner of a thing had against a person who claimed a *servitus* in it, and at the same time endeavoured to exercise it. The object of this action was to prevent the defendant from exercising his alleged right, to obtain security (*cautio*) against future attempts which security it was competent for the judge to require. But this action was extended to the removal of a nuisance; as, if a man put a dung-heap against your wall so as to make it damp

1. (*Petit., Leg. Att.*, 548, and authors there quoted.)—2. (*Acc. de Venef.*)—3. (*Id.*, p. 615.)—4. (*Massurius, ap. Paul.*, Dig. 50, tit. 16, s. 144.)—5. (*Cic. De Orat.*, i., 40.)—6. (*Dig.* 48, tit. 5, s. 34.)—7. (*Syntag. Ap.*, lib. i., 39.)—8. (*Dig.* 25, tit. 5, s. 3.)—9. (*Id.*, s. 1.)—10. (*Lib. Pœnd.*, ii., 29.)—11. (*Suet., Vesp.*, 3.)—12. (*Jul. Cap., Vit. Ant.*, c. 8.—*Aurel.*, c. 29.—*Dig.* 25, tit. 7.—*Cod. v.*, tit. 20.—*Paulus, Recept. Sentent.*, ii., tit. 19, 20.—*Nov.* 18, c. 5; 89, c. 12.)—13. (*Ann. Marcell.*, xvii., 9.)

1. (*Salmas., Exercit. Plin.*, p. 849.)—2. (*Senec., Ep.*, 63.)—3. (*Sat.*, cxi., 2, 7; cxii., 3.)—4. (*H. N.*, vii., 16.)—5. (*Dea*, 8, p. 119, ed. Var.)—6. (*Ep.*, vi., 10.)—7. (*ap. Grut.*, p. 113.)—8. (*Hesych.*)—9. (*Petron., Sat.*, cxi., 2.)—10. (*Suet., Octav.*—*Plin., H. N.*, xxxvii., 7.—*Petron., Sat.*, cxii., 8.—*Con Strabo*, xvii., 8.)—11. (*Theophrast., H. P.*, ix., 5.—*Dioscor.* 79.—*Celsus*, v., 6.—*Adams, Append.*, s. v.)—12. (*Gælius*, i.,

a neighbour's wall belied out half a foot or more into your premises; or the wind blew one of his trees so as to make it hang over your ground; or a man cut stones on his own land so that the pieces fell on yours: in all such cases you had a *negatoria actio*, in which you declared *ius ei non esse*, &c., according to the circumstances of the case.¹

CONFUSIO properly signifies the mixing of liquids, or the fusing of metals into one mass. If things of the same or of different kind were confused, either by the consent of both owners or by accident, the compound was the property of both. If the *confusio* was caused by one without the consent of the other, the compound was only joint property in case the things were of the same kind, and perhaps (we may conjecture) of the same quality, as, for instance, wines of the same quality. If the things were different, so that the compound was a new thing, this was a case of what, by modern writers, is called specification, which the Roman writers expressed by the term *novam speciem facere*, as if a man made mulsum out of his own wine and his neighbour's honey. In such a case the person who caused the *confusio* became the owner of the compound, but he was bound to make good to the other the value of his property.

Commixtio applies to cases such as mixing together two heaps of corn; but this is not an instance in which either party acquires property by the *commixtio*. For if the mixture takes place, either accidentally or with mutual consent, or by the act of one alone, in all these cases the property of each person continues as before, for in all these cases it is capable of separation. A case of *commixtio* arises when a man's money is paid without his knowledge and consent, and the money, when paid, is so mixed with other money that it cannot be recognised; otherwise it remains the property of the person to whom it belonged.

The title *confusio* does not properly comprehend the various modes of *acquisitio* which arise from two pieces of property belonging to different persons being materially united; but still it may be convenient to enumerate under this head the various modes of *acquisitio* which belong to the general kind of *Accessio*.

Specification (which is not a Roman word) took place when a man made a new thing (*nova species*) out of his own and his neighbour's material, or out of his own simply. In the former case, such man acquired the ownership of the thing. In the latter case, if the thing could be brought back to the rough material (which is obviously possible in very few cases), it still belonged to the original owner, but the specifier had a right to retain the thing till he was paid the value of his labour, if he had acted *bona fide*. If the new species could not be brought back to its original form, the specifier in all cases became the owner; if he had acted *bona fide*, he was liable to the owner of the stuff for its value only; if *mala fide*, he was liable to an action of theft. Of this kind are the cases put by Gaius,² of a man making wine of another man's grapes, oil of his olives, a ship or bench of his timber, and so on. Some jurists (Sabinus and Cassius) were of opinion that the ownership of the thing was exchanged by such labour being bestowed on it; the opposite school were of opinion that the new thing belonged to him who had bestowed his labour on it, but they admitted that the original owner had a legal remedy for the value of his property.

Two things, the property of two persons, might become so united as not to be separable without injury to one or both; in this case, the owner of the principal thing became the owner of the accessory.

1. (Dig. 8, tit. 3.—Brissonius, *De For. ult.*—2. (ii. 29.)

Thus, in the case of a man building on another man's ground, the building belonged to the owner of the ground (*superficies solo cedit*); or in the case of a tree planted, or seed sown on another man's ground, the rule was the same. If a man wrote, even in letters of gold, on another man's parchment or paper, the whole belonged to the owner of the parchment or paper; in the case of a picture painted on another man's canvass, the canvass became the property of the owner of the picture.³ If a piece of land was torn away by a stream (*avulsio*) from one man's land and attached to another's land, it became the property of the latter when it was firmly attached to it. This is a different case from that of *ALLUVIO*. But in all these cases the losing party was entitled to compensation, with some exceptions as to cases of *mala fides*.

The rules of Roman law on this subject are stated by Brinkmann, *Instit. Jur. Rom.*, § 398, &c.; Mackeldey, *Lehrbuch*, &c., § 245, &c., *Accession*; Rosshirt, *Grundlinien*, &c., § 62.

The term *confusio* had other legal meanings, which it is not necessary to explain here.

*CONGER (κόγγρος), the Conger Eel, or *Murana conger*, L., called in Italian *Branco*. "The name of *Conger*," observes Griffith, "was at first given to a species of eel, the *Murana conger*, after Aristotle and Athenæus, who had called the sea-eel *Κόγγρος*. M. Cuvier has withdrawn this fish from the genus *Anguilla*, and made it the foundation of a sub-genus, under the name of *Conger*. It is very abundant on the coasts of England and France, in the Mediterranean Sea, where it was much sought after by the ancients, and in the Propontis, where it was not long ago in considerable estimation. Those of Sicyon were more especially esteemed. The congers are extremely voracious. They live on fish, mollusca, and crustacea, and do not even spare their own species. They are extremely fond of carrion, and are sure to be found in those places into which the carcasses of animals have been thrown.—Among the species of the sub-genus *Murana* (proper) we may notice here the *Common Murana*, or *Murana helena*. This fish is about three feet long, and sometimes more; it weighs as much as twenty or thirty pounds; is very much extended in the Mediterranean; and the ancient Romans, who were well acquainted with it, held it in high estimation under the name of *Murana*, which we commonly translate by the term 'lamprey.' These *muranae* were carefully reared in *viyarria* by the Romans. As early as the time of Caesar, the multiplication of these domestic *muranae* was so great, that on the occasion of one of his triumphs, that commander presented six thousand of them to his friends. Crassus reared them so as to be obedient to his voice, and to come and receive their food from his hands; while the celebrated orator Hortensius wept over the loss of a favourite lamprey of which death had deprived him. The Romans are said to have thrown offending slaves into their fish-ponds, as food for these voracious creatures."²

CONGIARIUM (*scil. vas*, from *congius*), a vessel containing a *congius*. (*Vid. CONGIUS*.)

In the early times of the Roman Republic, the *congius* was the usual measure of oil or wine which was, on certain occasions, distributed among the people;³ and thus *congiarium*, as Quintilian⁴ says, became a name for liberal donations to the people in general, whether consisting of oil, wine, corn, or money, or other things,⁵ while donations made to the soldiers were called *donativa*, though they were

1. (Gaius, ii., 73, &c.)—2. (Griffith's Cuvier, vol. x., p. 544, &c.)—3. (Liv., xxv., 2.)—4. (vi., 3, 52.)—5. (Plin., H. N., xiv., 14, 17; xxxi., 7, 41.—Suet., Octav., 41.—Tib., 20.—Ner., 7.—Plin., Paneg., 25.—Tacit., Ann., xii., 41; xiii., 31.—Liv., xxxvi., 57.)

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which was buried in the earth. For Romulus, was considered as the founder of the festival, said to have discovered an altar in the earth at that spot.¹ The solemnity took place on the 1st of August with horse and chariot races, and on these were poured into the flames which consumed the sacrifices. During these festive games, oxen and mules were not allowed to do any work, and were adorned with garlands of flowers. It was the first celebration that, according to the ancient legend, the Sabine maidens were carried off.² In speaking of the rape of the Sabines, deities it as having occurred during the celebration of the *Circensian games*, which can only be accounted for by supposing that the great Circensian games, frequent times, superseded the ancient Consuls, and that thus the poet substituted games of a more modern time for ancient ones—a favourite practice with Virgil; or that he only meant to say the festival took place at the well-known festival in the month of August (the *Consualia*), without thinking of the ludic games, properly so called.

CONSUL, the joint president of the Roman Republic. "Without doubt the name *consules* means more than simply *colleagues*; the syllable *con* is found in *præsul* and *exsul*, where it signifies *before*; thus *consules* is tantamount to *consentes*, name given to Jupiter's council of gods."⁴ This is quite correct. The syllable *sul* contains the stem of the verb *salio*, "to go" or "come;" and *con-* is merely "a coming together," like *contio*. So *consules* are "those who come together," *præsul* "he who goes before," *exsul* "he goes out." The institution of consuls or joint presidents of the state seems to have been intimately connected with the first principles of the Roman political system. The old tradition with reference to the first two kings seems to point directly to the kind, and Servius, in his *Commentary*, is said to have provided for a restoration of the old division of the sovereign power between consular functionaries. They do not, however, appear to have existed under this name till after the expulsion of Tarquinius, when L. Junius Brutus and Publius Collatinus (or M. Horatius⁵) were appointed chief magistrates at Rome with this title. At first the consuls were the only supreme officers of the state, and had all the power of the kings whom they succeeded. Cicero⁶ ascribes to them the *regia potestas*: "Idque in republica nostra maxima valet quod ei *regalis potestas* præfuit—quod et in his qui nunc regnant manet." "Quibus autem *potestas* non placuit, non ii nemini, sed non tamen uni parere voluerunt." Their dress was with the exception of the golden crown, which they did not wear at all, and the *trabea*, which they wore on the occasion of a triumph. They had sceptres surmounted by eagles; in the public assemblies they sat upon a throne (*sella curulis*); had an elevated seat in the senate, where they presided; they appointed the public treasurers; made peace and contracted foreign alliances; and had the *jurisdictio*, i. e., they were the supreme judges in all suits, whence we also find them called *judices*; and they had the *imperium*, or supreme command of the armies of the state. The most prominent outward symbols of their authority were the *fasces*, or bundle of rods surrounding an axe, borne before the consuls by twelve lictors or attendants.

At first each of the consuls had his own twelve lictors; but P. Valerius, called *Publicola*, from his

attention to the wishes of the *populus*, or original burgesses, removed the axe from the *fasces*, and allowed only one of the consuls to be preceded by the lictors while they were in Rome. The other consul was attended only by a single *accensus*. This division of the honours was so arranged that the consuls enjoyed the outward distinctions alternately from month to month; the elder of the two consuls received the *fasces* for the first month, and so on, till the reign of Augustus, when it was decreed by the *Lex Julia et Papia Poppæa*, that the precedence should be given to him who had the greater number of children. To this alternation in the honours of the consulate Horace seems to refer indirectly, when he says,

"*Virtus, repulsa nescia sordida,
Intaminatis fulget honoribus:
Nec sumit aut ponit secures
Arbitrio popularis auræ.*"¹¹

While they were out of Rome, and at the head of the army, the consuls retained the axes in the *fasces*, and each had his own lictors as before the time of Valerius.

The consuls were for some time chosen only from the *populus* or patricians, and, consequently, always sided with their own order in the long struggle which was carried on between the patricians and the commonalty. The first shock to their power was given by the appointment of the *tribuni plebis*, who were a sort of plebeian consuls, and, like the others, were originally two in number. They presided at the *comitia tributa*, or assemblies of the *plebs*, as the consuls did at the other *comitia*, and had the right of interposing a *veto*, which put a stop to any consular or senatorial measure. The consular office was suspended in B.C. 452, and its functions performed by a board of ten high commissioners (*decemviri*), appointed to frame a code of laws, according to a motion of the tribune Terentius. On the re-establishment of the consulship in B.C. 444, the tribunes proposed that one of the consuls should be chosen from the plebeians, and this gave rise to a serious and long-protracted struggle between the two orders, in the course of which the office of consul was again suspended, and its functions administered by a board of *tribuni militares*, corresponding to the *στρατηγοί* at Athens. At length, in B.C. 366, the plebeians succeeded in procuring one of the consuls to be elected from their own body, and after that time both consuls were occasionally plebeians.

The prerogatives and functions which were originally engrossed by the consuls, were afterward divided between them, and different magistrates appointed to relieve them under the great pressure of business introduced by the increase of the state. The censors, appointed in B.C. 442, performed some of their duties, and the prætors, first elected in B.C. 365, undertook the chief part of the *jurisdictio*, or judicial functions of the consuls. When a consul was appointed to some command or office out of Rome, he was said *provinciam accipere*; and when the consul was appointed to a foreign command after the expiration of his year of office, he was called *proconsul*. In the Greek writers on Roman history, the consuls are called *βηται*, the proconsuls *ἀνθύπατοι*. The consul might also be superseded by the *dictator*, who was appointed with absolute power for certain emergencies. A similar authority, however, was occasionally vested in the consuls themselves by virtue of the *senatus decretum*, which was worded, *Videant consules ne quid republica detrimenti capiat*, i. e., "Let the consuls look to it, that no harm befalls the state."

The consuls were elected some time before they

compare Niebuhr, *Hist. Rom.*, vol. i., notes 629 and 630.)
accus, *De Ling. Lat.*, v., 2.—Dionys., i., 2.—Cic., *De Rep.*,
—3. (*Dea*, viii., 636.)—4. (Niebuhr, *Hist. Rom.*, i., p.
1. (Polyb., iii., 22.)—6. (*De Leg.*, iii., 2.)

entered upon their office, and till then were called *consules designati*. In later times they entered on their office on the 1st of January, and were obliged to take the oath of office within the five days following, the effect of which they had to repeat in an oath which they took on quitting their office at the end of the year. The commencement of the consulate was always celebrated by a solemn procession to the Capitol, and a sacrifice there to Jupiter Capitolinus, and after that there was a great meeting of the senate. By the *Lex Annalis* (B.C. 181) it was decreed that the consul should be 43 years of age.¹ But many were elected consuls at an earlier age. It was also a law that an interval of ten years should elapse between two elections of the same person to the office of consul; but this law was not strictly observed, and instances occur of five or six re-elections to this office. C. Marius was seven times consul.

The office of consul continued after the downfall of the Republic. In the reign of Tiberius the consuls were no longer elected by the people, but were appointed by the senate; and subsequently the number was increased, and consuls were appointed for a part of the year only, till at last it became only an honorary or complimentary appointment. In these times the consuls were divided into several classes: the *consules ordinarii*, who were the nearest representatives of the older consuls; the *consules suffecti*, appointed by the emperors for the rest of the year; and the *consules honorarii*, who had only the name, without a shadow of authority.

The consuls, like the *ἀρχων ἐπώνυμος* at Athens, gave their names to the year; calendars or annual registers were kept for this purpose, and called *Fasti Consulares*. The last consul ἐπώνυμος was Basilus junior, in the reign of Justinian, A.U.C. 1294, A.D. 541.

CONTRACTUS. (Vid. OBLIGATIONES)

CONTUBERNALES (σύσκηνοι). This word, in its original meaning, signified men who served in the same army and lived in the same tent. It is derived from *taberna* (afterward *tabernaculum*), which, according to Festus, was the original name for a military tent, as it was made of boards (*tabulae*). Each tent was occupied by ten soldiers (*contubernales*), with a subordinate officer at their head, who was called *decanus*, and in later times *caput contubernii*.²

Young Romans of illustrious families used to accompany a distinguished general on his expeditions or to his province, for the purpose of gaining under his superintendance a practical training in the art of war or in the administration of public affairs, and were, like soldiers living in the same tent, called his *contubernales*.³

In a still wider sense, the name *contubernales* was applied to persons connected by ties of intimate friendship and living under the same roof,⁴ and hence, when a free man and a slave, or two slaves, who were not allowed to contract a legal marriage, lived together as husband and wife, they were called *contubernales*; and their connexion, as well as their place of residence, *contubernium*.⁵ Cicero⁶ calls Cæsar the *contubernalis* of Quirinus, thereby alluding to the fact that Cæsar had allowed his own statue to be erected in the temple of Quirinus.⁷

CONTUBERNIUM. (Vid. CONTUBERNALES, CONCUBINA.)

CONTUS (κοντός, from κεντώ, I prick or pierce)

1. (Cic., Philipp., v., 17, 47.)—2. (Veget., De Re Mil., ii., 8, 13.—Compare Cic., Pro Ligar., 7.—Hirt., Bell. Alex., 16.—Drakenb. ad Liv., v., 2.)—3. (Cic., Pro Coel., 30.—Pro Planc., 11.—Suet., Jul., 42.—Tacit., Agr., 5.—Frontin., Strateg., iv., 1, 11.—Plutarch, Pomp., 3.)—4. (Cic. ad Fam., ix., 2.—Plin., Epist., ii., 13.)—5. (Colum., xii., 1, 3; i., 8.—Petron., Sat., 96.—Tacit., Hist., i., 43; iii., 74.)—6. (ad Att., xiii., 28.)—7. (Vid. Ep. ad Att., xii., 45.—Suet., Jul., 76.)

was, as Nonius¹ expresses it, a long and strong wooden pole or stake, with a pointed iron at the one end.² It was used for various purposes, but chiefly as a punt-pole by sailors, who, in shallow water, thrust it into the ground, and thus pushed on the boat.³ It also served as a means to sound the depth of the water.⁴ At a later period, when the Romans became acquainted with the huge lances or pikes of some of the northern barbarians, the word *contus* was applied to this kind of weapon, and the long pikes peculiar to the Sarmatians were always designated by this name.⁵

CONVENTIRE IN MANUM. (Vid. MARRIAGE.)

CONVENTUS (σύννοδος, συννοσία, or συναγωγή)

is properly a name which may be given to any assembly of men who meet for a certain purpose. But when the Romans had reduced foreign countries into the form of provinces, the word *conventus* assumed a more definite meaning, and was applied to the whole body of Roman citizens who were either permanently or temporarily settled in a province.⁷ In order to facilitate the administration of justice, a province was divided into a number of districts or circuits, each of which was called *conventus, forum, or jurisdictionis*.⁸ Roman citizens living in a province were entirely under the jurisdiction of the proconsul, except in the towns which had the *Jus Italicum*, which had magistrates of their own with a *jurisdictio*, from whom there was, no doubt, an appeal to the proconsul; and at certain times of the year, fixed by the proconsul, they assembled in the chief town of the district, and this meeting bore the name of *conventus (σύννοδος)*. Hence the expressions, *conventus agere, peragere, convocare, dimittere, ἀγοραΐους* (sc. *ἡμέρας*) *ἀγειν*, &c.⁹ At this *conventus* litigant parties applied to the proconsul, who selected a number of judges from the *conventus* to try their causes.¹⁰ The proconsul himself presided at the trials, and pronounced the sentence according to the views of the judges, who were his assessors (*consilium or consiliarii*). As the proconsul had to carry on all official proceedings in the Latin language,¹¹ he was always attended by an interpreter.¹² These *conventus* appear to have been generally held after the proconsul had settled the military affairs of the province; at least, when Cæsar was proconsul of Gaul, he made it a regular practice to hold the *conventus* after his armies had retired to their winter-quarters.

Niebuhr¹³ supposes that, after the peace of Caudium, and before any country had been made a Roman province, the name *conventus* was applied to the body of Roman citizens sojourning or residing at Capua, Cuma, and eight other Campanian towns.

CONVIVIUM. (Vid. SYMPOSIUM.)

*CONVOLVULUS, I. a species of Caterpillar, mentioned by Pliny¹⁴ as doing great damage to the vineyards. It derives its name from rolling itself up in the leaf, after having half cut through the small stem which connects the latter with the vine. Modern naturalists make it the same with the *Pyralis vitis*.¹⁵

*II. A plant, the Bindweed, of which several kinds are mentioned by the ancient writers. The *C. Arvensis* is the *ἐμίλαξ* of Dioscorides,¹⁶ with the

1. (xviii., 24.)—2. (Virg., Æn., v., 208.)—3. (Hom., Od., ix., 287.—Virg., l. c.—Id., vi., 302.)—4. (Festus, s. v. Percunctatio.—Donat. ad Terent., Hec., l., ii., 2.)—5. (Virg., Æn., ix., 510.—Tacit., Hist., i., 44; iii., 27.—Lamprid., Commod., 13.)—6. (Tacit., Hist., i., 79.—Id., Ann., vi., 35.—Stat., Achill., ii., 416.—Val. Flacc., vi., 102, et al.)—7. (Cic. in Verr., ii., 12; v., 36.—Cæs., Bell. Civ., ii., 21.—Hirt., Bell. Afr., 97.)—8. (Cic. in Verr., ii., 15.—Plin., Ep., x., 5.—Plin., H. N., iii., 1, 3; v., 22.)—9. (Cæs., Bell. Gall., i., 54; v., 1; viii., 46.—Act. Apost., xii., 38.)—10. (Cic. in Verr., ii., 13, &c.—Niebuhr, Hist. Rom., iii., p. 732.)—11. (Val. Max., II., ii., 2.)—12. (Cic. in Verr., iii., 37.—Ep. ad Fam., xiii., 54.)—13. (Hist. Rom., iii., p. 340.)—14. (H. N., xvii., 28.)—15. (Plin., ed. Paucoucke, vol. xi., p. 186.)—16. (iv., 144.)

epithet of *λαία*, in opposition to the *σμίλαξ τραχεία*,¹ the same with the *Smilax laevis* of Pliny.² This species does great injury to the corn, and its roots are not easily eradicated. Billerbeck censures Sibthorp for confounding it with the *περικλίμενον* of Dioscorides.³ The *C. Serium*, also called *σμίλαξ*, is the *μαλακόκισσος* of the Geoponica,⁴ and the *Convolvulus* of Pliny.⁵ It has white, bell-shaped flowers, and derives its name from growing in hedges, and places adjacent to these ("sepes et vinea omnia implicat"). It is also called *Ἰασίωνη*, from *Ἰάσω*, the goddess of healing.⁶ Sibthorp found it everywhere in the hedges of Greece. The *C. Scammonia*, or Scammony,⁷ is the plant the inspissated juice of which is the Scammony of the shops, a well-known purgative. This article has been known from a very early period; it is mentioned by Hippocrates, and many peculiar virtues were attributed to it at that time: now, however, it is considered only as an active cathartic. The plant is spread over Syria, Asia Minor, and nearly the whole East. Sibthorp found it growing in many parts of Iliada and the Peloponnesus or Morea.⁸ The *C. Soidanella* is the *Κράμβη θαλασσία*, or Sea-Kale.⁹

**CONUS* (κῶνος), a term applied by Galen¹⁰ and Paul of Ægina¹¹ to the *Pinus sylvestris*, or wild Pine. It is commonly used, however, to signify the *Nux Pinea*, or the fruit of the Pine-tree. Athenæus says that Theophrastus called the tree *πέυκη*, and the fruit *κῶνος*.¹²

**CONYZA* (κόνυζα), a plant, three species of which are described by Dioscorides.¹³ "Owing to recent changes in the Botanical terminology," observes Adams, "there is now considerable difficulty in applying scientific names to these three species. The older authorities referred them all to the genus *Cniza*, or Fleabane, and Stackhouse still does so, but hesitatingly." Sprengel, upon the whole, prefers the following distribution of them. 1. *Inula viscosa* Ait. 2. *Inula saxatilis*, or *Erigeron graveolens*. 3. *Inula oculus Christi*. Dierbach makes the *κόνυζα* of Hippocrates the *Ambrosia maritima*.¹⁴

**COOPTARE*. (Vid. COLLEGIUM.)

**COPHINUS* (κόφινος), a large kind of wicker basket, made of willow branches.¹⁵ From Aristophanes¹⁶ it would seem that it was used by the Greeks as a basket or cage for birds. The Romans used it for agricultural purposes; and Columella,¹⁷ in describing a method of procuring early cucumbers, says that they should be sown in well-manured soil, kept in a cophinus, so that in this case we have to consider it as a kind of portable hot-bed. Jernall,¹⁸ when speaking of the Jews, uses the expression *cophinus et fœnum* (a truss of hay), figuratively to designate their high degree of poverty. (Vid. CORBIS.)

**CORACINUS* (κορακίνος), a species of Fish, the same with the *σαπέροης*, according to Athenæus. (Vid. SAPERDA.)

**CORALLIUM* (κοράλλιον). "From the brief notices," observes Adams, "which Arrian,¹⁹ Herodotus,²⁰ and Dionysius,²¹ all of whom mention this term, supply, it is impossible to decide satisfactorily what species of the *Corallina* were known to the ancients."

**CORALLIS*, a stone resembling vermilion, and brought from India and Syene.²² It is supposed to have been red coral. The ancients thought coral

to grow as a vegetable underneath the waves, and to harden into stone when removed from its native element.¹

**CORAX* (κόραξ). I. the Raven, or *Corvus corax*, L. "This," remarks Adams, "is generally held to be the *Corvus* of Virgil; but the latter, according to Pennant, was the Rook, or *Corvus frugilegus*, which, he says, is the only species that is gregarious; and Virgil pointedly refers to flocks of *Corvi*.² This, however, is not strictly correct, for the hooded crow and the jackdaw are often to be seen in flocks. Dr. Trail informs me that he has seen flocks of hooded crows, consisting of many hundreds. Aristotle³ applies this term also to a water bird. It probably was a sort of cormorant."⁴

*II. Probably the *Trigla hirundo*, L., or Tub-fish. Gesner, however, makes no distinction between it and the *κορακίνος*. Coray is undecided.⁵

**CORBIS*, *dim.* *CORBULA*, *CORBI-CULA*, a Basket of very peculiar form and common use among the Romans, both for agricultural and other purposes; so called, according to Varro,⁶ "*Quod eo spicas aut aliud quid corruerant;*" or, according to Isidorus,⁷ "*Quia curvatis virgibus contexitur.*" It was made of osiers twisted together,⁸ and of a conical or pyramidal shape (*πλέγματα εκ λύγων πυραμοειδή*).⁹ A basket answering precisely to this description, both in form and material, is still to be seen in every-day use among the Campanian peasantry, which is called, in the language of the country, "*la corbella*," a representation of which is introduced in the lower portion of the annexed woodcut. The hook attached to it by a string is for the



purpose of suspending it to a branch of the tree into which the man climbs to pick his oranges, lemons, olives, or figs. The upper portion of the woodcut¹⁰ represents a Roman farm, in which a farming man, in the shape of a dwarfish satyr, is seen with a pole (*ισίλλα*) across his shoulder, to each end of which is suspended a basket resembling in every respect the Campanian *corbella*; all which coincidences of name, form, and description leave no doubt as to the identity of the term with the object represented.

As the corbis was used for a variety of purposes, it is often distinguished by a corresponding epithet, indicating the particular service to which it was applied; as, for instance, *corbis messoria*, which was used in husbandry for measuring corn in the ear, and is therefore opposed to the *modius*, in which

1. (Theophrast., H. N., iii., 18.)—2. (H. N., xvi., 10; xxxiv., 9)—3. (iv., 13.)—4. (ii., 6, 21.)—5. (H. N., xxi., 5 et 16.)—6. (Billerbeck, Flora Classica, p. 44.)—7. (Dioscor., iv., 171.)—8. (Theophrast., H. P., iv., 6; ix., 1, et 10.)—9. (Billerbeck, l. c.)—10. (Dioscor., ii., 147.)—11. (De Simpl., vii.)—12. (vii., 3.)—13. (Adams, Append., s. v.)—14. (iii., 126.)—15. (Theophrast., H. P., i., 2.)—16. (Adams, Append., s. v.)—17. (Mor. Attic. and Herck., s. v. 'βραχός.)—18. (Av., 1223.)—19. (xi., 3, p. 460, et Ep., 18 (Sat., iii., 14, and vi., 542.)—20. (Peripl., 20, dist. 4, v.)—21. (De Sit. Orb.)—22. (Plin. H. N. xxviii., 10.)

1. (Moore's Anc. Mineral, p. 177.)—2. (Georg., i., 410.)—3. (H. A., viii., 5.)—4. (Adams, Append., s. v.)—5. (Plin. H. N., xxxii., 11.—Isidor., xii., 6.)—6. (De Ling. Lat., v., 139, ed. Müller.)—7. (Orig., xii., 9.)—8. (Varro, De Re Rust., i., 22, § 1.—Isidor., Columell., li. cc.)—9. (Arrian, Exp. Alex., v., 7, 8.)—10. (Antichità di Ercolano, tom. iii., tav. 29.)—11. (Cic., Pro Sext., 38.—Compare Varro, De Re Rust., i., 53.—Propert., Eleg., IV., ii., 28.—Ovid Met., xiv., 643.)

the grain was measured after thrashing; ¹ *corbis palulatoria*, which held a certain measure of green food for cattle; ² *corbis constricta*, when put over the noses of cattle with sore mouths, like a muzzle, to prevent them from rubbing their lips. ³ These were all of the larger sort, the same as that mentioned by Plautus, ⁴ "*Geritote amicis vestris aurum corbibus*."

The smaller basket (*corbula*) was used for gathering fruit ⁵ (*aliquot corbularum varum*); as a bread-basket (*corbula panis*); ⁶ for carrying up viands from the kitchen to the *canaculum*; ⁷ and when Nero attempted to cut through the Isthmus of Corinth, he put the earth into a *corbula*, which he took from a soldier, and carried it away on his shoulders (*humum corbula congestam*), which identifies the sort of basket termed *κόβινος* by Josephus, ⁸ which constituted part of the marching accoutrements of every Roman soldier.

The *corbis* was also used in the Roman navy. Being filled with stones, it afforded a substitute for an anchor in places where the soil was impervious to, or not sufficiently tenacious for, the fluke of an anchor, ⁹ which practice is not yet forsaken, for the writer has repeatedly seen the identical "*corbella*" delineated above so applied in the bay of Mola di Gaeta.

CORBITÆ, merchantmen of the larger class, so called because they hung out a *corbis* at the mast-head for a sign. ¹⁰ They were also termed *oneraria*; and hence Plautus, in order to designate the voracious appetites of some women, says, "*Corbitam cibi comesse possunt*." ¹¹ They were noted for their heavy build and sluggish sailing, ¹² and carried passengers as well as merchandise, answering to the large "felucca" of the present day. Cicero proposed to take a passage in one of these vessels from Rhegium to Patrae, which he opposes to the smarter class of packets (*actuariola*). ¹³

*CORCHORUS (*κόρχορος*), a plant, probably the same with the Jews' Mallow, or *Corchorus olitorius*. It is still used as a potherb by the Jews at Aleppo. A Japanese species of this shrub is well known in Great Britain, according to Adams; but the *Corchorus olitorius* is seldom cultivated. ¹⁴

*CORDYLUS (*κορδύλος*), an amphibious animal described by Aristotle. ¹⁵ "From the discussions of Belon, Rondelet, Gesner, and Schneider, it would appear to be settled," remarks Adams, "that it was a sort of Lizard, probably a variety of the *Siren Lacertina*."

II. The fry of the Tunny-fish, according to Pliny. Modern naturalists, however, think that it is probably a variety of the *Scomber-thynnus*. ¹⁶

*CORIANDRUM (*κοριάννον* or *κόριον*), ¹⁷ Coriander, or *Coriandrum sativum*. It grows wild in Italy. The name is derived from the strong smell of bedbugs (*κόρις*, "a bedbug") which the seed has when fresh. Theophrastus says there were several kinds. ¹⁸ According to Pliny, ¹⁹ Coriander-seed, taken in moderate quantities, was good in aiding digestion; and the ancients, therefore, generally took it after eating. Sibthorp makes the modern Greek name to be *κοριάνδρον* or *κουσαβάρις*. He found it in Peloponnesus (the Morea) and the island of Cyprus. ²⁰

1. (Cato, De Re Rust., 136.)—2. (Colum., VI., iii., 5; XI., ii., 40.)—3. (Veget., Art. Veterin., ii., 33.)—4. (Bacch., IV., iv., 61.)—5. (Cato, De Re Rust., ii., 5.—Colum., XII., l., 8.)—6. (Varro, De Re Rust., i., 15.)—7. (Cecilius, ap. Non., s. v. Corbis.)—8. (Plant., Aul., II., vii., 4.)—9. (Suet., Nero, 19.)—10. (Bell. Jud., iii., 5, § 5.)—11. (Arrian, l. c.—Eunap. ap. Suid., s. v. Ζεύμα.)—12. (Festus.—Nonius, s. v.)—13. (Cæs., IV., i., 20.)—14. (Lucret., ap. Non., s. v. Corbita.—Plaut., Pæn., III., i., 4.)—15. (Ep. ad Att., xvi., 6.)—16. (Theophrast., H. P., vii., 7.—Adams, Appendix, s. v.)—17. (H. A., i., 5.)—18. (Aristot., viii., 21.—Plin., H. N., ix., 15.)—19. (Theophrast., i., 11; vii., 1.—Dioscor., iii., 64.)—20. (H. P., vii., 1.)—21. (H. N., xx., 20.)—22. (Billerbeck, Flora Classica, p. 76.)

*CORIS (*κόρις*) I. a name applied to several species of the genus *Cimex*, or bug. (Vid. CIMEX)

II. A Plant, the same with the *Hypericum Coris* L.

CORDAX. (Vid. COMEDIA, p. 299.)

CORNELIA LEX. (Vid. MAJESTAS, REPETTA DÆ.)

*CORNELIA FULVIA LEX. (Vid. ARBITRUS.)

CORNELIA LEX DE FALSIS. (Vid. FALSA.)

CORNELIA LEX DE INJURIIS. (Vid. INJURIA.)

CORNELIA LEX DE SICARIIS ET VENEFICIS. A law of the Twelve Tables contained some provision as to homicide, ¹ but this is all that we know. It is generally assumed that the law of Numa Pompilius, quoted by Festus, ² "*Si quis hominem liberum dolo sciens morti paritida cito*," was incorporated in the Twelve Tables, and is the law of homicide to which Pliny refers; but this cannot be proved. It is generally supposed that the laws of the Twelve Tables contained provisions against incantations (*malum carmen*) and poisoning, both of which offences were also included under parricidium: the murderer of a parent was sewed up in a sack (*culeus* or *culleus*) and thrown into a river. It was under the provisions of some old law that the senate, by a consultum, ordered the consuls P. Scipio and D. Brutus (B.C. 138) to inquire into the murder in the Silva Scantia (*Silva Sila*). The lex Cornelia de Sicariis et Veneficis was passed in the time of the dictator Sulla, B.C. 82. The lex contained provisions as to death or fire caused by dolus malus, and against persons going about armed with the intention of killing or thieving. The law not only provided for cases of poisoning, but contained provisions against those who made, sold, bought, possessed, or gave poison for the purpose of poisoning; also against a magistratus or senator who conspired in order that a person might be condemned in a *judicium publicum*, &c. ³ To the provisions of this law was subsequently added a *senatus consultum* against mala sacrificia, otherwise called *impia sacrificia*, the agents in which were brought within the provisions of this lex. The punishment inflicted by this law was the *interdictio aquæ et ignis*, according to some modern writers. Marcian ⁴ says that the punishment was *deportatio in insulam et bonorum adiunctio*. These statements are reconcilable when we consider that the *deportatio* under the emperors took the place of the *interdictio*, and the expression in the Digest was suited to the times of the writers or the compilers. Besides, it appears that the lex was modified by various *senatus consulta* and imperial rescripts.

The lex Pompeia de Parricidiis, passed in the time of Cn. Pompeius, extended the crime of parricide to the killing (*dolo malo*) of a brother, sister, uncle, aunt, and many other relations enumerated by Marcianus; ⁵ this enumeration also comprises vitricus, noverca, privignus, privigna, patronus, patrona, an avus who killed a nepos, and a mother who killed a filius or filia; but it did not extend to a father. All privy to the crime were also punished by the law, and attempts at the crime also came within its provisions. The punishment was the same as that affixed by the lex Cornelia de Sicariis, ⁶ by which must be meant the same punishment that the lex Cornelia affixed to crimes of the same kind. He who killed a father or mother, grandfather or grandmother, was punished (more majorum) by being whipped till he bled, sewn up in a

1. (Dioscor., iii., 164.—P. Egin., vii., 3.—Plin., H. N., xvi., 54.)—2. (Plin., H. N., xviii., 3.)—3. (s. v. Parrici Quæstors.)—4. (Cic., Brutus, c. 22, ed. H. Meyer.)—5. (Compare Cic., Pro Cluent., c. 54, with Dig. 49, tit. 8.)—6. (Dig. 49, tit. 8, s. 3.)—7. (Dig. 49, tit. 9, s. 1.)—8. (Dig. l. c.)

h a dog, cock, viper, and ape, and thrown
sea if the sea was at hand, and if not, by
tution of Hadrian, he was exposed to wild
r, in the time of Paulus, to be burned. The
ld appear to be a late addition. The mur-
a father, mother, grandfather, grandmoth-
were punished in this manner;¹ other par-
vere simply put to death. From this it is
at the lex Cornelia contained a provision
parricide, if we are rightly informed as to
isions de Sicariis et Veneficis, unless there
parate Cornelia Lex de Parricidiis. As al-
served, the provisions of those two leges
dified in various ways under the emperors.
ears from the law of Numa, quoted by
that a parricida was any one who killed
dolo malo. Cicero² appears to use the
ts limited sense, as he speaks of the pun-
of the culleus. In this limited sense there
impropriety in Catilina being called par-
reference to his country; and the day
fator Cæsar's death might be called a par-
considering the circumstances under which
was given.³ If the original meaning of
be what Festus says, it may be doubted
mology of the word (pater and cædo) is
for it appears that parricida or parricida
arderer generally, and afterward the mur-
certain persons in a near relationship. If
was originally patricida, the law intended
all malicious killing as great an offence as
though it would appear that parricide,
so called, was, from the time of the Twelve
least, specially punished with the culleus,
murders were not.⁴

VIX, the Carrion Crow. (Vid. CORONE.)

U, a wind instrument, anciently made of
afterward of brass.⁵ According to Athe-
was an invention of the Etruscans. Like
it differed from the *tibia* in being a larger
powerful instrument, and from the *tuba*
being curved nearly in the shape of a C,
oss-piece to steady the instrument for the
ce of the performer. In Greek it is called
σάλπιγξ. It had no stopples or plugs to
scale to any particular mode;⁶ the en-
of notes was produced without keys or
the modification of the breath and of the
mouthpiece. Probably, from the descrip-
of it in the poets, it was, like our own
ctave lower than the trumpet. The *clasi-*
sch originally meant a signal rather than
al instrument which gave the signal, was
unded with the *cornu*.

*Sonuit reflexo classicum cornu,
Lituusque adunco stridulos cantus
Elisit arc.*"⁷



1. Dig. 49, tit. 9, s. 9.—2. (s. v. Parici Quæstores.)
Am., c. 25.)—4. (Suet., Cæs., c. 88.)—5. (Dig. 49,
ulus, Recept. Sentent., v., tit. 24.—Dirksen, Ueber-
Zwölfstafelgesetze, Leipzig.)—6. (Varro, De Ling.
ed. Müller.)—7. (iv., 184, A.)—8. (Burney's Hist.
1., p. 318.)—9. (Sen. CEd., 734.)

From which lines we learn the distinction between
the *cornu* and *lituus*, as from Ovid¹ we learn that
between the *tuba* and *cornu*:

"Non tuba directi, non aris cornua flexi."

The preceding woodcut, taken from Bartholini,²
illustrates the above account.

CORO'NA (στέφανος), a Crown; that is, a circu-
lar ornament of metal, leaves, or flowers, worn by
the ancients round the head or neck, and used as a
festive as well as funereal decoration, and as a re-
ward of talent, military or naval prowess, and civil
worth. It includes the synonymes of the species,
for which it is often used absolutely, *στεφάνη*, *στέφος*,
στέφανωμα, *corolla*, *sertum*, a garland or wreath.

The first introduction of this ornament is attri-
buted to Janus Bifrons,³ the reputed inventor of ships
and coinage, whence many coins of Greece, Italy,
and Sicily bear the head of Janus on one side, and a
ship or a crown on the reverse.

Judging from Homer's silence, it does not appear
to have been adopted among the Greeks of the he-
roic ages as a reward of merit or as a festive dec-
oration, for it is not mentioned among the luxuries
of the delicate Phæacians or of the suiters. But
a golden crown decorates the head of Venus in the
hymn to that goddess.⁴

Its first introduction as an honorary reward is
attributable to the athletic games, in some of which
it was bestowed as a prize upon the victor,⁵ from
whence it was adopted in the Roman circus. It
was the only one contended for by the Spartans in
their gymnic contests, and was worn by them when
going to battle.⁶

The Romans refined upon the practice of the
Greeks, and invented a great variety of crowns,
formed of different materials, each with a separate
appellation, and appropriated to a particular purpose.
We proceed to enumerate these and their prop-
erties, including in the same detail an account of the
corresponding ones, where any, in Greece.

I. CORONA OBSIDIONALIS. Among the honora-
ry crowns bestowed by the Romans for military
achievements, the most difficult of attainment, and
the one which conferred the highest honour, was
the *corona obsidionalis*, presented by a beleaguered
army after its liberation to the general who broke
up the siege. It was made of grass, or weeds and
wild flowers,⁷ thence called *corona graminea*,⁸ and
graminea obsidionalis,⁹ gathered from the spot on
which the beleaguered army had been enclosed,¹⁰ in
allusion to a custom of the early ages, in which the
vanquished party, in a contest of strength or agility,



plucked a handful of grass from the meadow where

1. (Metam., i., 98.)—2. (De Tiblis, p. 403.)—3. (Athen., xv.,
45.)—4. (1 and 7.)—5. (Plin., H. N., xv., 39.—Pindar, Olymp.,
iv., 36.—Argol. in Panvin., De Lud. Circ., i., 16.—Hamilton's
Vases, vol. iii., pl. 47.)—6. (Hase, p. 195, 200, transl.)—7. (Plin.,
H. N., xxii., 7.)—8. (Plin., H. N., xxii., 4.)—9. (Liv., vii., 37.)
—10. (Plin., l. c.—Aul. Gel., v., 6.—Festus, s. v. Obsidionalis.)

was bestowed on the rescued soldier,¹ after the
... thoroughly investigated by the trib-
... reluctant party to come for-
... the evidence;² but under the Em-
... was the fountain from whence
... the civic crown was no lon-
... the hands of the person whose
... but from the prince him-

... of the life of an ally, even
... would not confer a sufficient
... When once obtained, it
... The soldier who had ac-
... observed next to the senate at
... and they, as well as the
... use up upon his entrance.
... burdens, as were also
... grandfather; and the
... him was bound, ever
... is a parent, and af-
... were due from a son to

... characters who gained
... in the following pas-
... Liv. vi. 20:
... proposed to confer it
... and crushed the
... among the honours
... senate, it was de-
... suspended from
... of his leaves,
... is frequently
... metals, as also
... Roman, &c.
... themselves

... hands were
... but they are
... from the crown
... the Greeks to
... formed a
... and likewise
... seen in
...¹¹
... crown of
... pine, or
... the deity
... Remulus be-
... Hostius Hostilius.
... of Sabine.¹²
... to P. De-
... destruction during

... is characteristic
... in verse that
... the most difficult
... honour possessed
...
... called also
... whether
... two distinct crowns, or only two de-
... in one sentence, "Tempora *varia* fulgent
... corona." But it seems probable that the
... was inferior
... to the sailor who

1. Aul. Gell. v. 6.—P. Nibb. vii. 37.—2. P. Nibb. l. c.—3.
Tact. Ann. xvi. 12.—Compare ibid. 2.—4. P. Nibb. vii. 37.—
Gen. Pro. Pans. 30.—Plin. H. N. xvi. 5.—Aul. Gell. v. 6.)
—5. Aul. Gell. v. 6.—6. (Dion Cass. lxxxv. 16.—Val. Max.
ii. 5. 2.—Ovid. Fast. i. 614; iv. 253.—Trist. III. i. 6.—
Senec. Clem. 26.—Suet. Calig. 19.—Compare Claud. 17
—Tib. 25.—7. (Hamilton's Vases, vol. iii. pl. 1.)—8. (Plin.
H. N. xvi. 5.)—9. (Soph. Fragm. ap. Val. Kraer, Distr. in
Eur. Fragm. p. 167.)—10. (Plin. H. N. xvi. 4.)—11. (Plin.
H. N. xvi. 5.—14. (Liv. vii. 37.)—12. (Plin. l. c.)—13. (Plin.
H. N. xvi. 5.—14. (Liv. vii. 37.)—15. (Pateric. ii. 81.)—16
(En. viii. 684.)

1
D
IP
91.
—12.
—11.
ad A.
pend.
H. N.
64)—2
Flora C.

CORONA.

boarded an enemy's ship;¹ whereas the latter was given to a commander who destroyed the fleet, or gained any very signal victory.² At present, they were both made of gold; and one, the *rostrata*, decorated with the beaks of ships like the *rostra* in the Forum,³ as seen in a woodcut of Agrippa;⁴ the other (*navalis*), with a representation of the entire bow, as shown in the subsequent woodcut.⁵



The Athenians likewise bestowed golden crowns for naval services, sometimes upon the person who was the first trireme equipped, and at others upon the captain who had his vessel in the best order.⁶

CORONA MURALIS. The first man who scaled the walls of a besieged city was presented by his commander with a mural crown.⁷ It was made of gold, and decorated with battlements (*muri pinnis*),⁸ as presented in the next woodcut;⁹ and being one of the highest orders of military decorations, it was not awarded to a claimant until after a strict litigation.¹⁰



The latter is always represented with this crown on her head;¹¹ but in the woodcut annexed¹² the figure of the crown is very remarkable, for it includes the whole tower as well as the turrets, thus forming a curious specimen of the ancient style of coronation.



CORONA CASTRENSIS OR VALLARIS. The first person who surmounted the *vallum*, and forced an entrance into the enemy's camp, was in like manner presented with a golden crown, called *corona*

Plin., H. N., xvi. 3.—2. (Compare Aul. Gell., v. 6.—Liv., 129.—Dio Cass., lxxix. 14.—Seneca, De Ben., iii. 32.—Festus, Navalis Corona.—Plin., H. N., viii. 31; xvi. 4.—Suet., l. 17.)—3. (Plin., H. N., xvi. 4.)—4. (Tristan, Comment. sur des Empereurs, tom. i., p. 131.)—5. (Guichard, de Antiquis, p. 267.)—6. (Demosth., de Corona Prof. Nav., 279, ed. Schaeffer.)—7. (Aul. Gell., v. 6, 4.—Liv., xxvi. 8.—Aul. Gell., l. c.)—8. (Guichard, De Antiq. Triumph., p. 10. (Liv., l. c.—Compare Suet., Aug., 25.)—9. (Luce, 607, 610.—Ovid, Fast., iv. 219.—Compare Virg., Æn., l. vi. 76.)—12. (Caylus, Recueil D'Antiq., vol. v., pl. 3.)

CORONA.

castrensis or *vallar*,¹ which was ornamented with the palisades (*valli*) used in forming an intrenchment, as represented in the annexed woodcut.²



VI. CORONA TRIUMPHALIS. There were three sorts of triumphal crowns, the first of which was worn round the head of the commander during his triumph. It was made with laurel or bay leaves,³ which plant is frequently met with on the ancient coins, both with the berries and without them. It was the latter kind, according to Pliny,⁴ which was used in the triumph, as is shown in the annexed woodcut, from a medal which commemorates the



Parthian triumph of Ventidius, the lieutenant of Antony.⁵ Being the most honourable of the three, it was termed *laurea insignis*⁶ and *insignis corona triumphalis*.

The second one was of gold, often enriched with jewels, which, being too large and massive to be worn, was held over the head of the general during his triumph by a public officer (*servus publicus*).⁷ This crown, as well as the former one, was presented to the victorious general by his army.

The third kind, likewise of gold and great value, was sent as presents from the provinces to the commander as soon as a triumph had been decreed to him,⁸ and therefore they were also termed *provinciales*.⁹ In the early ages of republican virtue and valour these were gratuitous presents, but before the extinction of the Republic they were exacted as a tribute under the name of *aurum coronarium*, to which none were entitled but those to whom a triumph had been decreed. (*Vid. AURUM CORONARIUM*.) The custom of presenting golden crowns from the provinces to victorious generals was likewise in use among the Greeks, for they were profusely lavished upon Alexander after his conquest of Darius.¹⁰

VII. CORONA OVALIS was another crown of less estimation, appropriated solely to commanders. It was given to those who merely deserved an ovation, which happened when the war was not duly declared, or was carried on against a very inferior force, or with persons not considered by the laws of nations as lawful enemies, such as slaves and pirates; or when the victory was obtained without danger, difficulty, or bloodshed;¹¹ on which account

1. (Aul. Gell., v. 6, 5.—Compare Val. Max., i. 8, 6.)—2. (Guichard, De Antiq. Triumph., p. 266.)—3. (Aul. Gell., v. 6.—Ovid, Pont., ll. ii. 81.—Tibull., l. vii. 7.)—4. (H. N., xv. 39.)—5. (Goltz, Hist. Cæs., xlviii. 2.)—6. (Liv., vii. 13.)—7. (Juv., Sat., x. 41.)—8. (Plut., Paul. Æmil., 34.)—9. (Tertull., De Coron. Mil., c. 13.)—10. (Athen., xii. 54.)—11. (Aul. G. v. 6.—Festus, s. v. Ovalis Corona.)

It was made of myrtle, the shrub sacred to Venus: "Quod non Martius, sed quasi Veneris quidam triumphus foret."¹ The myrtle crown is shown in the woodcut annexed, from a medal of Augustus Cæsar.²



VIII. CORONA OLEAGINA. This was likewise an honorary wreath, made of the olive leaf, and conferred upon the soldiers as well as their commanders. According to Gellius,³ it was given to any person or persons through whose instrumentality a triumph had been obtained, but when they were not personally present in the action. It is represented in the next woodcut, from a medal of Lepidus,⁴ and was conferred both by Augustus and the senate upon the soldiery on several occasions.⁵



Golden crowns, without any particular designation, were frequently presented out of compliment by one individual to another, and by a general to a soldier who had in any way distinguished himself.⁶

The Greeks, in general, made but little use of crowns as rewards of valour in the earlier and better periods of their history, except as prizes in the athletic contests; but, previous to the time of Alexander, crowns of gold were profusely distributed, among the Athenians at least, for every trifling feat, whether civil, naval, or military,⁷ which, though lavished without much discrimination as far as regards the character of the receiving parties, were still subjected to certain legal restrictions in respect of the time, place, and mode in which they were conferred. They could not be presented but in the public assemblies, and with the consent, that is, by suffrage, of the people, or by the senators in their council, or by the tribes to their own members, or by the *δημοται* to members of their own *δημος*. According to the statement of Æschines, the people could not lawfully present crowns in any place except in their assembly, nor the senators except in the senate-house; nor, according to the same authority, in the theatre, which is, however, denied by Demosthenes; nor at the public games; and if any erier there proclaimed the crowns, he was sub-

1. (Aul. Gell., l. c.—Plutarch, Marcell., 22.—Compare Plin., H. N., xv, 39.—Dionys., v, 47.)—2. (Goltz, Hist. Cæs., xvi, 20.)—3. (v, 6.)—4. (Goltz, Hist. Cæs., xxxiii, 5.)—5. (Dion. Cæs., x, x. 14; xlvii, 40.)—6. (Liv., vii, 10, 37; x, 44; xxx, 15.)—7. (Æsch., c. Ctes.—Demosth., De Coron., passim.)

ject to *ἀτιμία*. Neither could any person holding an office receive a crown while he was *ἐπιείθετος*, that is, before he had passed his accounts. But crowns were sometimes presented by foreign cities to particular citizens, which were termed *στεφάναι ξενικοί*, *corona hospitalis*. This, however, could not be done until the ambassadors from those cities had obtained permission from the people, and the party for whom the honour was intended had undergone a public investigation, in which the whole course of his life was submitted to a strict inquiry.⁸

The principal regulations at Rome respecting these honours have been already mentioned in the account of the different crowns to which they applied.

We now proceed to the second class of crowns, which were emblematical and not honorary, at least to the person who wore them, and the adoption of which was not regulated by law, but custom. Of these there were also several kinds.

I. CORONA SACERDOTALIS, so called by Ammianus Marcellinus.⁹ It was worn by the priests (*sacerdotes*), with the exception of the pontifex Maximus and his minister (*camillus*), as well as the by-standers, when officiating at the sacrifice. It does not appear to have been confined to any one material, but was sometimes made of olive (see preceding woodcut¹⁰), sometimes of gold,¹¹ and sometimes of ears of corn, then termed *corona spica*, which kind was the most ancient one among the Romans,¹² and was consecrated to Ceres,¹³ before whose temples it was customarily suspended.¹⁴ It was likewise regarded as an emblem of peace,¹⁵ in which character it appears in the subjoined medal, which commemorates the conclusion of the civil war between Antony and D. Albinus Brutus.¹⁶



II. CORONA FUNEBRIS and SEPULCHRALIS. The Greeks first set the example of crowning the dead with chaplets of leaves and flowers,¹⁷ which was imitated by the Romans. It was also provided by a law of the Twelve Tables, that any person who had acquired a crown might have it placed upon his head when carried out in the funeral procession.¹⁸ Garlands of flowers were also placed upon the bier, or scattered from the windows under which the procession passed,¹⁹ or entwined about the cinerary urn,²⁰ or as a decoration to the tomb.²¹ In Greece these crowns were commonly made of parsley (*σέλινον*).²²

III. CORONA CONVIVALIS. The use of chaplets at festive entertainments sprung likewise from Greece, and owe their origin to the practice of tying a woollen fillet tight round the head, for the purpose of mitigating the effects of intoxication.²³ Thus Mercury in the Amphitryon,²⁴ when he is about

1. (Æsch., c. Ctes.—Demosth., De Coron.)—2. (xxxix, 5, 6.)—3. (Stat., Theb., iii, 466.)—4. (Prodent., Περὶ Ἐπιθ., s. 1011.—Tertull., De Idol., 18.)—5. (Plin., H. N., xviii, 2.)—6. (Hor., Carm. Sc., 30.—Tibull., H. i, 4; l. i, 15.)—7. (Tibull., l. i, 16.—Compare Apul., Met., vi, p. 110, ed. Var.)—8. (Tibull., l. i, 10, 67.)—9. (Goltz, Hist. Cæs., xxxi, 2.)—10. (Euprip., Phœn., 1647.—Schol. ad loc.)—11. (Cic., De Leg., ii, 24.—Plin., H. N., xxi, 5.)—12. (Plin., H. N., xxi, 7.—Dionys., xi, 39.)—13. (Plutarch, Marcell., 30.—Demetr., 53.)—14. (Plin., H. N., xxi, 3.—Ovid, Trist., iii, ii, 82.—Tibull., H. iv, 48.)—15. (Suidas, s. v.—Plut., Timol., 26.)—16. (Antist., Erotic. ap. Athen., xv, 16.)—17. (H., iv, 16.)

is drunk, says, "*Capiam coronam mihi in similibus me esse ebrium.*" But, as luxury ed, they were made of various flowers or such as were supposed to prevent intoxication of roses (which were the choicest), violets, ivy, *philyra*, and even parsley.¹ The Romans were not allowed to wear these crowns in "in usu promiscuo," which was contrary to the practice of the Greeks, and those who attempted to do so were punished with imprisonment.²

CORONA NUPITALIS. The bridal wreath, *στεφάνιον*,³ was also of Greek origin, among the Romans it was made of flowers plucked by the bride and not bought, which was of ill omen.⁴ The Romans it was made of *verbena*, also used by the bride herself, and worn under the *stola*,⁵ with which the bride was always enveloped.⁶ The bridegroom also wore a chaplet.⁷ The doors of his house were likewise decorated with garlands,⁸ and also the bridal couch.⁹

CORONA NATALITIA, the chaplet suspended at the door of the vestibule, in the houses of both the free and Rome, in which a child was born.¹⁰ At the birth of the infant was male, the crown was made of olive; when female, of wool;¹¹ at Rome it was made of laurel, ivy, or parsley.¹² In the various manners the crowns enumerated, there were several of specific denominations, which received their names either from the materials of which they were composed, or from the manner in which, they were composed.

CORONA LONGA,¹³ which is commonly thought to be what we call a *festoon*, and, as such, seem to have been chiefly used to decorate tombs, curule chairs, triumphal cars, houses, &c. But the word *longa* had a more precise meaning, and was called *longa* from its greater size, and a circular string of anything, like the "rosary" used by the lower orders in Catholic countries, on up their prayers, which in Italy is still called a *corona*, doubtless tracing its origin to the *longa* of their heathen ancestors, to which it answers exactly.

CORONA ETRUSCA was a golden crown, made of oak leaves, studded with pearls, and decorated with ribands (*lemniscæ*) or ties.¹⁴ Any crown fastened with these ribands, real or artificially represented, was also called a *corona lemniscata*, a specimen of which is preserved at Caylus.¹⁵

CORONA PACTILIS,¹⁶ probably the same as the *plectilis* of Plautus,¹⁷ *corona torta*,¹⁸ *pleza*,¹⁹ *πλεκταί*,²⁰ and *κνυλιστός στεφάνος*.²¹ It was made of flowers, shrubs, grass, ivy, wool, or any material twisted together.

CORONA SUTILIS, the crown used by the Salii in their festivals.²² It was made in the first instance of any kind of flowers sewed together, instead of being wreathed with their leaves and subsequently it was confined to the rose and the choicest leaves of which were selected

from the whole flower, and sewed together by a skilful hand, so as to form an elegant chaplet.¹

V. CORONA TONSA or **TONSILIS**² was made of leaves only, of the olive or laurel for instance,³ and so called in distinction to *nexilis* and others, in which the whole branch was inserted.

VI. CORONA RADIATA⁴ was the one given to the gods and deified heroes, and assumed by some of the emperors as a token of their divinity. It may be seen on the coins of Trajan, Caligula, M. Aurelius, Valerius Probus, Theodosius, &c., and is given in the woodcut annexed, from a medal of Marc Antony.⁵



VII. The crown of vine leaves (*pampinea*) was appropriated to Bacchus,⁶ and considered a symbol of ripeness approaching to decay; whence the Roman knight, when he saw Claudius with such a crown upon his head, augured that he would not survive the autumn.⁷

***CORONE** (*κορώνη*), the *Corvus Corone*, or Carrion Crow. (*Vid. CORAX*.) The specific name of *ἐνάλιος κορώνη* is applied by Aristotle⁸ and by Elian⁹ to a water bird, which was, no doubt, some species either of the cormorant or coot. It occurs also in the *Odyssey* of Homer¹⁰ as a sea-bird.¹¹

***CORONOPUS** (*κορονόπος*), a plant, about which there has been some difference of opinion, but which, in all probability, is the same with the Buck's-horn Plantain, or *Plantago Coronopus*.¹²

CORPUS. (*Vid. COLLEGIUM*.)

CORPUS JURIS CIVILIS. The three great compilations of Justinian, the Institutes, the Pandects, and the Code, together with the Novellæ, form one body of law, and were considered as such by the glossatores, who divided it into five volumina. The Pandects were distributed into three volumina, under the respective names of *Digestum Vetus*, *Infortiatum*, and *Digestum Novum*. The fourth volume contained the first nine books of the *Codex Repetitæ Prælectionis*. The fifth volume contained the Institutes, the *Liber Authenticorum* or Novellæ, and the last three books of the *Codex*. The division into five volumina appears in the oldest editions; but the usual arrangement now is, the Institutes, Pandects, the *Codex*, and Novellæ. The name *Corpus Juris Civilis* was not given to this collection by Justinian, nor by any of the glossatores. Savigny asserts that the name was used in the twelfth century: at any rate, it became common from the date of the edition of D. Gothofredus of 1604.

Most editions of the *Corpus* also contain the following matter: Thirteen edicts of Justinian, five constitutions of Justin the younger, several constitutions of Tiberius the younger, a series of consti-

1. Epigr. xiii., 127.—Hor., Carm., II., vii., 24.—Id., ibid., 256.—Id., Carm., I., xxviii., 2.—Juv., Sat., v., 36. Eclog., vi., 16.—Ovid., Fast., v., 335, 337, 341.—Tacit., Hist., I., 37.—Capitolin., Verus, 5.—2. (Plin., H. N., xxi., 6.—Hor., Sat., II., iii., 256.—Val. Max., vi., 9, ext. 1.)—3. (Juv., Sat., vi., 88.)—4. (Alex. ab Alex., ii., 5.)—5. (Festus, s. v., 6.)—6. (Catull., l. i., 6, 8.—Cic., De Orat., iii., 58.)—7. (De Coron. Mil. c. 13.—Claud., Nupt. Honor. et Mar. Mil. Cas., IV., i., 9.)—8. (Catull., l. vi., 294.—Juv., Sat., i., 227.)—9. (Apollon. Rhod., iv., 1143.)—10. (Juv., Sat., i., 88.—Meursius, Attic. Lect., iv., 10.)—11. (Hesych., s. v., 12.) (Bartholin., De Puerp., p. 127.)—12. (Cic., De Orat., i., 34.—Ovid., Fast., iv., 738.)—13. (Plin., H. N., xxi., 4.)—14. (Reueil d'Antiq., vol. v., pl. 57, No. 3.)—15. (Plin., H. N., xxi., 8.)—16. (Bacch., I., i., 37.)—17. (Propert., s. v., 8.)—18. (Xen., Anab., i., 19.)—19. (Aul. Gell., xviii., 2.)—20. (Xen., Anab., i., 19.)—21. (Eubulus, Comicus, l. c.)—22. (Plin., H. N., xxi., 8.)

1. (Plin., l. c.)—2. (Virg., Æn., v., 556.)—3. (Serv. ad Virg., Georg., iii., 21.)—4. (Stat., Theb., i., 28.)—5. (Goltz, Hist. Cas., xvi., 3.)—6. (Hor., Carm., III., xxv., 29; IV., viii., 33.)—7. (Tacit., Ann., xi., 4.—Compare Artemidor., i., 79.)—8. (Aristot., H. A., viii., 5.)—9. (N. A., s. v., 23.)—10. (v., 66.)—11. (Adams, Append., s. v.)—12. (Theophrast., H. P., vii., 8.—Id., C. P., ii., 5.—Dioscor., ii., 156.—Adams, Append., s. v.)

tutions of Justinian, Justin, and Tiberius; 113 Novellæ of Leo, a constitution of Zeno, and a number of constitutions of different emperors, under the name of *Βασιλικαὶ Διαταγῆς*, or *Imperatoria Constitutiones*; the *Canones Sanctorum et venerandorum Apostolorum*, *Libri Feudorum*, a constitution of the Emperor Frederic II., two of the Emperor Henry VII., called *Extravagantes*, and a *Liber de pace Constantiæ*. Some editions also contain the fragments of the Twelve Tables, of the prætorian edict, &c.

Some editions of the *Corpus Juris* are published with the glossæ, and some without. The latest edition with the glossæ is that of J. Fehius, Lugd., 1627, six vols. folio. Of the editions without the glossæ, the most important are, that of Russardus, Lugd., 1561, 2 vols. folio, which was several times reprinted; Contius, Lugd., 1571 and 1581, 15 vols. 12mo; Lud. Charondæ, Antw., 1575, folio; Dionys. Gothofredi, Lugd., 1583, 4to, of which there are various editions; one of the best is that of Sim. Van Leuwen, Amst., 1663, folio; G. Chr. Gebaueri, cura G. Aug. Spangenberg, Goetting., 1776-1797, 2 vols. 4to; Schrader, of which only the Institutes are yet published.

*CORRU'DA, the name by which the wild Asparagus was known among the Romans (*ἀσπράραγος ἄγριος*, or *πετραῖος*). According to Pliny,¹ some called it *Libyca*; the Attics, *horninium*. Another Greek name was *myacanthus*. The name in modern Greece is *σπαράγγι* or *σπαραγγία*. Sibthorp found it in Bithynia and the Peloponnesus.²

CORTINA, in its primary sense, a large circular vessel for containing liquids, and used in dyeing wool,³ and receiving oil when it first flows from the press.⁴

II. CORTINA also signified a vase in which water was carried round the circus during the games,⁵ as some think, for the refreshment of the spectators in the *carca*, but more probably to be used in the course, when required either for the horses, drivers, or attendants; which interpretation gains confirmation from the ancient bas-reliefs, in most of which men or children are represented with a water-jug in their hands attending the course, as represented in the woodcut in page 253, in which two of the children thrown down by the horses are furnished with a vessel of this kind.

III. CORTINA was also the name of the table or hollow slab, supported by a tripod, upon which the priestess at Delphi sat to deliver her responses: and hence the word is used for the oracle itself.⁶ The Romans made tables of marble or bronze after the pattern of the Delphian tripod, which they used as we do our sideboards, for the purpose of displaying their plate at an entertainment, or the valuables contained in their temples, as is still done in Catholic countries upon the altars. These were termed *cortinæ Delphicæ*, or *Delphicæ* simply.⁷

IV. From the conical form of the vessel which contains the first notion of the word, it came also to signify the vaulted part of a theatre over the stage (*magni cortina theatri*⁸), such as is in the Odeium of Pericles, the shape of which we expressly told was made to imitate the tent of Xerxes;⁹ and thence metaphorically for anything which bore the appearance of a dome, as the vault of heaven;¹⁰ or of a circle, as a group of listeners surrounding any object of attraction.¹¹

1. (H. N., xv., 37; xix., 4; xx., 10.)—2. (Billbeck, *Flora Classica*, p. 93, 94.)—3. (Plin., H. N., ix., 62.)—4. (Cato, *De Re Rust.*, 66.)—5. (Plaut., *Poen.*, v., 2.)—6. (Virg., *Æn.*, vi., 347.)—7. (Plin., H. N., xxxiv., 8.—Schol. ad Hor., *Sat.*, l., vi., 116.—Mart., xii., 66, 7.—Suet., *Octav.*, 52.)—8. (Sever. in *Æn.*, 291.)—9. (Paus., l., 20, § 3.—Plutarch, *Pericl.*, 13.)—10. (Ennius ap. Varr., *De Ling. Lat.*, viii., 48, ed. Müller.)—11. (Tacit., *De Orat.*, 19.)

CORYBANTES (*Κορύβαντες*). The history or explanation of the deities bearing this name, in early mythology of Greece, cannot be given in place, as it would lead us to enter into historical and mythological questions beyond the limits of Dictionary. The Corybantes, of whom we have speak here, were the ministers or priests of Rhea or Cybele, the great mother of the gods, who worshipped in Phrygia. In their solemn festivals they displayed the most extravagant fury in dances in armour, as well as in the accompanying music of flutes, cymbals, and drums.¹ Hence *κορύβαντισμός* was the name given to an imaginary disease, in which persons felt as if some great noise were rattling in their ears.²

CORYBANTICA (*Κορύβαντικά*), a festival or mysteries celebrated at Cnossus in Crete, in commemoration of one Corybas,³ who, in common with the Curetes, brought up Zeus, and concealed from his father Cronos in that island. Other accounts say that the Corybantes, nine in number, independent of the Curetes, saved and educated Zeus; a third legend⁴ states that Corybas was the father of the Cretan Apollo who disputed the sovereignty of the island with Zeus. But to which of the three traditions the festival of the Corybantica owes its origin is uncertain, although the first, which is current in Crete itself, seems to be best entitled to the honour. All we know of the Corybantica is that the person to be initiated was seated on a throne, and that those who initiated him formed a circle and danced around him. This part of the solemnity was called *θρόνωσις* or *θρονισμός*.⁵

CORYMBUS (*κόρυμβος*) was a particular manner of wearing the hair among the Greek women, which is explained in the article *COMA* (p. 291). The following woodcut, taken from Millingen,⁶ represents a woman whose hair is dressed in this manner.



Corymbium is used in a similar sense by Pliny.⁷

CORYS (*κόρυς*). (Vid. GALEA.)

CORVUS, I. a sort of crane, used by C. D. against the Carthaginian fleet in the battle of Mylae, in Sicily (B.C. 260). The Roman are told, being unused to the sea, saw that

1. (Strab., x., 3, p. 367, ed. Tauchnitz.)—2. (Plato, *Timæus*, p. 54, D., with Stallbaum's note.)—3. (Strabo, x., 3, p. 3, ed. Tauchn.)—4. (Cic., *De Nat. Deor.*, iii., 23.)—5. (Plato, *dem.*, p. 277, D.—Dion Chrysost., *Orat.*, xii., p. 357.—*Philosoph. Theol.* Plat., vi., 13.)—6. (Peintures Antiques, plate 40., 110.)

CORYTOS.

chance of victory was by bringing a sea-fight
semble one on land. For this purpose they in-
a machine, of which Polybius¹ has left a
e, although not very perspicuous, description.
fore part of the ship a round pole was fixed
dicularly, twenty-four feet in height and about
ches in diameter; at the top of this was a
upon which a ladder was set, thirty-six feet
gth and four in breadth. The ladder was
ed by crossbeams, fastened to the upright pole
ring of wood, which turned with the pivot

Along the ladder a rope was passed, one
of which took hold of the *corvus* by means of a
The *corvus* itself was a strong piece of iron,
a spike at the end, which was raised or low-
by drawing in or letting out the rope. When
emy's ship drew near, the machine was turned
ard, by means of the pivot, in the direction of
ssailant. Another part of the machine, which
jus has not clearly described, is a breastwork,
own (as it would seem) from the ladder, and
ng as a bridge, on which to board the enemy's
1.² By means of these cranes, the Carthaginian
were either broken or closely locked with the
in, and Duilius gained a complete victory.

The word *corvus* is also applied to various kinds
appling-hooks, such as the *corvus demolitor*,
ioned by Vitruvius³ for pulling down walls, or
errible engine spoken of by Tacitus,⁴ which,
fixed on the walls of a fortified place, and
only let down, carried off one of the besieging
t, and then, by a turn of the machine, put him
within the walls. The word is used by Cel-
or a scalpel. It is hardly necessary to remark
all these meanings have their origin in the sup-
resemblance of the various instruments to
eak of a raven.

CORVUS, the Crow. (Vid. CORONE.)

CORYLUS (κόρυλος), the Hazel-tree, or *Corylus*
ana. (Vid. AVELLANA NUX.)

CORYTOS or CORYTUS (γυρντός, κωρντός), a
-case. This was worn suspended by a belt
BALTEUS) over the right shoulder,⁵ and it fre-
tly held the arrows as well as the bow (*sagitti-*
coryti).⁶ On this account, it is often confound-
ith the PHARETRA or quiver.

is generally carried by the armed Persians,
are represented on the Persepolitan bas-reliefs;
n this, as in many other respects, we observe
greement between them and the European na-
situated to the north of the Euxine Sea :



1. (Ovid, *Trist.*, V., vii., 15.)—2. (Tom. iv., tav. 43.)—3. (Juv., *Sat.*, vi., 476.)—4. (i., 22.)—5. (See Varro, *De Ling. Lat.*, vi., 3, p. 92, ed. Bip., where *cosmetria* is to be read instead of *cosmotria*, and Heindorf ad Horat., *Sat.*, i., ii., 98.)—6. (ap. Strab., x., 4.)—7. (Dorians, iii., 1, § 8.)—8. (Thirlwall, *Hist. Greece*, i., 254.)—9. (De Rep., ii., 33.)—10. (ii., 8, § 1.)—11. (Ephor. ap. Strab., x., 4.)—12. (Müller, l. c.)

COSMI.

¹ *In quibus est nemo, qui non corytm et arcum
Telaque vipereo lurida felle gerat.*²

Though its use was comparatively rare among
the Greeks and Romans, we find it exhibited in a
bas-relief in the Museo Pio Clementino,² which
adorned the front of a temple of Hercules near Ti-
bur. (Vid. AECVS.) This bow-case seems to be
of leather. See the preceding woodcut.

COSMETÆ, a class of slaves among the Ro-
mans, whose duty it was to dress and adorn ladies.³
Some writers on antiquities, and among them Böt-
tigger in his Sabina,⁴ have supposed that the cosme-
tæ were female slaves, but the passage of Juvenal
is alone sufficient to refute this opinion; for it was
not customary for female slaves to take off their
tunics when a punishment was to be inflicted upon
them. There was, indeed, a class of female slaves
who were employed for the same purposes as the
cosmetæ; but they were called *cosmetriae*, a name
which Nævius chose as the title for one of his com-
edies.⁵

COSMI (κοσμοί). The social and political insti-
tutions of Crete were so completely Dorian in char-
acter, and so similar to the Spartan, that it was a
disputed point among the ancients whether the
Spartan constitution had its origin there, or the
Cretan was transferred from Laconia to Crete.
The historian Ephorus⁶ expressly states that the
Spartan institutions had their origin in Crete, but
were perfected and completed in Sparta; so that
there is good reason for the assertion of Müller,⁷
“that the constitution founded on the principles of
the Doric race was there first moulded into a con-
sistent shape, but even in a more simple and ad-
apted form than in Sparta at a subsequent period.”
Thus much, at any rate, we know for certain, that
there were various Dorian cities in the island, the
political arrangements of which so closely resem-
bled each other, that one form of government was
ascribed to all.⁸ In the earliest ages of which we
have historical information, this was an aristocracy
consisting of three component bodies, the *cosmi*, the
gerusia, and the *eclesia*. The *cosmi* were ten in
number, and are by Aristotle, Ephorus, and Cicero⁹
compared to the ephors at Sparta. Müller, how-
ever,¹⁰ compares them with the Spartan kings, and
supposes them to have succeeded to the functions
of the kingly office; which Aristotle (probably allu-
ding to the age of Minos) tells us was at one time
established in Crete. These *cosmi* were ten in
number, and chosen, not from the body of the peo-
ple, but from certain *γέννη* or houses, which were
probably of more pure Doric or Achaean descent
than their neighbours. The first of them in rank
was called *protocosmus*, and gave his name to the
year. They commanded in war, and also conduct-
ed the business of the state with the representa-
tives and ambassadors of other cities. With re-
spect to the domestic government of the state, they
appear to have exercised a joint authority with the
members of the *γερονσία*, as they are said to have
consulted with them on the most important mat-
ters.¹¹ In the times subsequent to the age of Alex-
ander, they also performed certain duties which
bore a resemblance to the introduction of the law-
suits into court by the Athenian magistrates.¹²
Their period of office was a year; but any of them
during that time might resign, and was also liable
to deposition by his colleagues. In some cases, too,
they might be indicted for neglect of their duties.

1. (Ovid, *Trist.*, V., vii., 15.)—2. (Tom. iv., tav. 43.)—3. (Juv., *Sat.*, vi., 476.)—4. (i., 22.)—5. (See Varro, *De Ling. Lat.*, vi., 3, p. 92, ed. Bip., where *cosmetria* is to be read instead of *cosmotria*, and Heindorf ad Horat., *Sat.*, i., ii., 98.)—6. (ap. Strab., x., 4.)—7. (Dorians, iii., 1, § 8.)—8. (Thirlwall, *Hist. Greece*, i., 254.)—9. (De Rep., ii., 33.)—10. (ii., 8, § 1.)—11. (Ephor. ap. Strab., x., 4.)—12. (Müller, l. c.)

On the whole, we may conclude that they formed the executive and chief power in most of the cities of Crete.

The *γερονσία*, or council of elders, called by the Cretans *βουλή*, consisted, according to Aristotle,¹ of thirty members who had formerly been *cosmi*, and were in other respects approved of (τὰ ἄλλὰ δόκιμοι κρινόμενοι²). They retained their office for life, and are said to have decided in all matters that came before them according to their own judgment, and not agreeably to any fixed code of laws. They are also said to have been irresponsible, which, however, hardly implies that they were independent of the "unwritten law" of custom and usage, or influenced by any fixed principles.³ On important occasions, as we have before remarked, they were *ξύμβουλοι*, or councillors of the *cosmi*.

The democratic element of the ecclesia was almost powerless in the constitution; its privileges, too, seem to have been merely a matter of form; for, as Aristotle observes, it exercised no function of government except ratifying the decrees of the *γεροντες* and the *κριμοί*. It is, indeed, not improbable that it was only summoned to give its sanction to these decrees; and, though this may appear to imply the power of withholding assent, still the force of habit and custom would prevent such an alternative being attempted, or, perhaps, even thought of.⁴

From these observations, it is clear that the Cretan constitution was formerly a Dorian aristocracy, which, in the age of Aristotle, had degenerated to what he calls a *δυναστεία*, i. e., a government vested in a few privileged families. These quarrelled one among the other, and raised factions or parties, in which the demos joined, so that the constitution was frequently broken up, and a temporary monarchy, or, rather, anarchy, established on its ruins. The *cosmi* were, in fact, often deposed by the most powerful citizens, when the latter wished to impede the course of justice against themselves (μὴ δοῦναι δίκας), and an *ἀκοσμία* then ensued, without any legal magistrates at the head of the state.

In the time of Polybius, the power of the aristocracy had been completely overthrown; for he tells us that the election of the magistrates was annual, and determined by democratical principles.⁵ In other respects, also, he points out a difference between the institutions of Crete and those of Lycurgus at Sparta, to which they had been compared by other writers.

Müller observes that the *cosmi* were, so far as we know, the chief magistrates in all the cities of Crete, and that the constitution of these cities was in all essential points the same; a proof that their political institutions were determined by the principles of the governing, i. e., the Doric, race.

We will now briefly explain some of the social relations of the Cretans, which were almost identical with those of the Spartans.

The inhabitants of the Dorian part of the island were divided into three classes, the freemen, the *periœci* or *ὑπήκοοι*, and the slaves. The second class was as old as the time of Minos, and was undoubtedly composed of the descendants of the conquered population; they lived in the rural districts, round the *πόλεις* of the conquerors; and, though personally free, yet exercised none of the privileges or influence of citizens, either in the administration and enactment of the laws, or the use of heavy arms. They occupied certain lands, for which they paid a yearly tribute or rent, supposed, from a statement in Athenæus,⁶ to have been an Æginetic stat-

er. The expression of Dosiadas, from whom Athenæus quotes, namely, τῶν δούλων ἕκαστος, probably refers to the *periœci*, *δούλοι* being used as a generic term for those who were not full and free citizens.

The slaves were divided into two classes, the public bondsmen (*ἡ κοινὴ δουλεία*), and the slaves of individuals. The former were called the *μωα*, *μωία*, *μωία*, or *Μνωία σύννοδος*: the latter, *ἀφαιμῖται* or *κλαρῶται*. The *ἀφαιμῖται* were so named from the cultivation of the lots of land, or *ἀφαιμῖαι*, assigned to private citizens, and were therefore agricultural bondsmen (*οἱ κατ' ἀγρόν*¹). The *μωία* was distinguished, by more precise writers, both from the *periœci* and the *aphaimiotæ*; so that it has been concluded that every state in Crete possessed a public domain, cultivated by the *mnoate*, just as the private allotments were by the bondsmen of the individual proprietors. We would here observe, with Mr. Thirlwall, that the word *μωία* is more probably connected with *μωός* than *Μινος*.

The origin of the class called *μωία*, and the *κλαρῶται*, was probably twofold; for the analogy of other cases would lead us to suppose that they consisted partly of the slaves of the conquered freemen of the country, and partly of such freemen as rose against the conquerors, and were by them reduced to bondage. But, besides these, there was also a class of household servants employed in menial labours, and called *χρυσάνητοι*: they were, as their name denotes, purchased, and imported from foreign countries.

*COSSYPHUS or COPSTICHUS (*κόσσυφος*, *κόψυχος*), the Blackbird or Merle, the *Turdus Merula*, L. It is the same with the *Merula vulgaris* of the later authorities on Natural History. Aristotle also makes mention of a white species found among the mountains of Arcadia.

*COSTUM (*κόστος*), an aromatic shrub, which yielded a fragrant ointment, commonly supposed to be Spikenard. Woodville says of it: "Some have thought the Zedoary to be the *κόστος* of Dioscorides,² the *Guiduar* of Avicenna, and the *Zerumbet* of Serapion." After comparing the descriptions of Dioscorides and Serapion, Adams is satisfied that the *Zerumbet* of Serapion is the *Zedoary*, but that it is not the *κόστος* of the Greeks; for both Serapion and Rhases, according to him, treat separately of the *κόστος* by name in another place. "Geoffrey," remarks Adams, "confesses his ignorance of it. Sprengel and Stackhouse name it the *Costus Arabicus* (a plant, by-the-way, so rare, that Linnæus had never seen it). Dr. Hill, however, was of a different opinion regarding it: he says, 'Our *Costus Arabicus* does not seem to be the same with either of the kinds mentioned by the Greeks and Arabians.' Upon the whole, there is not an article in the *Materia Medica* of the ancients about which there is greater uncertainty. We shall only add regarding it, that although, as we have already stated, *Zedoary* be not the same substance as the ancient *Costus*, it would appear that the one was sometimes used as a substitute for the other in the composition of the *Mithradate*."³

COTHURNUS (*κόθορνος*), a Boot. This was a particular kind of covering for the foot, included under the general term *Calceus*; whence Pliny says,⁴ *calceatus cothurnis*, i. e., wearing boots. Its essential distinction was its height; it rose above the middle of the leg, so as to surround the calf (*alte suras vincire cothurno*⁵), and sometimes it reached as high as the knees.⁶ It was worn principally by horsemen, by hunters, and by men of rank and authority. The ancient marbles, representing these

1. (Polit., ii., 7.)—2. (Ephor. ap. Strab., l. c.)—3. (Thirlwall, Hist. Greece, i., 186.)—4. (Thirlwall, l. c.—Goettling, Exercurs. ad Aristot., ii., 7.)—5. (Polyb., vi., 44.)—6. (iv., 145.)

1. (Sosier. ap. Athen., vi., 263.)—2. (i., 15.)—3. (Adams, Append., s. v.)—4. (H. N., vii., 20.)—5. (Virg., Æn., i., 337.)—6. (Millin, Vases Ant., vol. i., pl. 19 and 72.)

characters, show that the cothurnus was ornamented in a very tasteful and elaborate manner.

The boots of the ancients were laced in such a way that it was the object in so doing to make the leg as closely as possible. The paws of the wild animal out of whose hide they were made, sometimes turned down like flaps on the side of the wearer's leg. The skin or leather of the boots was of a deep purple (*purpureo cothurno*), or of other rich colours. The patricians of Rome wore a crescent (*luna*) attached to their boots. It is evident, from the various representations of *urnus* in ancient statues, that its sole was of the ordinary thickness. But it was sometimes made much thicker than usual, probably by the insertion of slices of cork.² The object was to give the apparent stature of the wearer; and this was done either in the case of women who wished to appear so tall as they wished to appear,³ or of men in Athenian tragedy, who assumed the character of a grand and dignified species of calumpny, and had the soles made unusually thick. This was one of the methods adopted in order to improve their whole appearance.⁴ Hence tragedy was called *cothurnus*.⁵

The cothurnus was commonly worn in hunting, and was represented both by poets and statuary as the costume of Diana.⁶ It was also worn by Bacchus⁷ and to Mercury.⁸ The accompanying woodcut shows two cothurni from the Museo Pio-Clementino.⁹ That on the left is from a statue of Diana Succincta, *i. e.*, the chlamys girl round her breast, and attired in the chase (*vid. CHLAMYS*), and that on the right is a statue of the goddess Roma, agreeing with the description of her in Sidonius Apollinaris.¹⁰



COTINOS (*κότινος*), the wild Olive, or *Olea sylvestris*, called also *Ἐλαία ἄγρια*, *ἀγριελαία*, *ἀγριέλα*, and *Oleaster*. The name given to it by the Greeks is *ἀγροέλα*, and by the Turks *Jaban Ağagi*. It is a wild sort of olive-tree, differing in some respects from the domesticated olive, and does not do from apples. It is smaller besides, has shorter branches, a short, hard leaf, and small, bitter fruit. According to Theophrastus, it was but little valued by pruning and transplanting. The crown of the Olympic Games was made of it, probably on account of its being more enduring than the domesticated kind. The legend, however, was, that it was brought this tree into Greece from the island of the Ister. The *φύλλα* of Homer is a vari-

ety of the *κότινος*. "That plant," observes Martyn, "which is cultivated in our gardens under the name of *Oleaster*, is not an olive. Tournefort refers it to his genus of *Elæagnus*. It grows in Syria, Ethiopia, and on Mount Lebanon. Crusius observed it in great plenty, also, near Guadix, a city in the kingdom of Granada, as also in the south of France and in Germany. It is thought to be the Cappadocian Jujubes, which are mentioned by Pliny among the coronary flowers: '*Zizipha, quæ et Cappadocia vocantur: his odoratus similis olearum floribus.*' The flowers of the *Elæagnus* are much like those of the Olive, but the ovary of the *Elæagnus* is placed below the petal, whereas that of the Olive is contained within the petal. They are very sweet, and may be smelt at a distance."¹¹

***COTO-NEUM MALUM**, another name for the *Cydonium malum*, or Quince. (*Vid. CYDONIUM MALUM*.)

COTTABUS (*κότταβος*, Ionic *κόσσαβος* or *δτταβος*), a social game, which was introduced from Sicily into Greece,² where it became one of the favourite amusements of young people after their repasts. The simplest way in which it originally was played was this: One of the company threw out of a goblet a certain quantity of pure wine, at a certain distance, into a metal basin, endeavouring to perform this exploit in such a manner as not to spill any of the wine. While he was doing this, he either thought of or pronounced the name of his mistress,³ and from the more or less full and pure sound with which the wine struck against the metal basin, the lover drew his conclusions respecting the attachment of the object of his love. The sound, as well as the wine by which it was produced, were called *λάταξ* or *κότταβος*: the metal basin had various names, either *κοττάβιον*, or *κοτταβείον*, or *λαταγείον*, or *χάλκειον*, or *λεκάνη*, or *σκάφη*.⁴ The action of throwing the wine, and sometimes the goblet itself, was called *ἀγκύλη*, because the persons engaged in the game turned round the right hand with great dexterity, on which they prided themselves. Hence Æschylus spoke of *κότταβοι ἀγκυλητοί*.⁵ Thus the cotta-bus, in its simplest form, was nothing but one of the many methods by which lovers tried to discover whether their love was returned or not. But this simple amusement soon assumed a variety of different characters, and became, in some instances, a regular contest, with prizes for the victor. One of the most celebrated modes in which it was carried on is described by Athenæus,⁶ and in the *Etymologicum Magnum*, and was called *δὲ ὕεμβάβων*. A basin was filled with water, with small empty bowls swimming upon it. Into these the young men, one after another, threw the remnant of the wine from their goblets, and he who had the good fortune to drown most of the bowls obtained the prize (*κοττάβιον*), consisting either of simple cakes, sweetmeats, or sesame-cakes.

A third and more complicated form of the cotta-bus is thus described by Suidas:⁷ A long piece of wood being erected on the ground, another was placed upon it in a horizontal direction, with two dishes hanging down from each end; underneath each dish a vessel full of water was placed, in each of which stood a gilt brazen statue, called *μύνης*. Every one who took part in the game stood at a distance, holding a cup full of wine, which he endeavoured to throw into one of the dishes, in order that, struck down by the weight, it might knock against the head of the statue which was concealed under the water. He who spilled least of the wine

1. l. c.—1d., *Eclog.*, vii., 32; viii., 10.—2. (*Serv. in Æg.*, ll. cc.)—3. (*Juv.*, Sat., vi., 507.)—4. (*Virg.*, *Eclog.*, 10.—*Hor.*, Sat., l., v., 64.—*Ep. ad Pis.*, 280.)—5. (*Juv.*, Sat., xv., 29.)—6. (*Liv.* Andronicus, ap. *Ter. Maur.*, *com. Cyneg.*, 90.)—7. (*Vell. Patere.*, ii., 82.)—8. (*Hamill.*, vol. iii., pl. 8.)—9. (*vol. ii.*, pl. 15; *vol. iii.*, pl. 38.)—10. (*ibid.*, ii., 400.)

1. (*Billerbeck*, *Flora Classica*, p. 5.—*Martyr* ad *Virg.*, *Georg.*, ii., 182.—*Theophrast.*, H. P., ii., 3.)—2. (*Athen.*, xv., p. 666.)—3. (*Etymol. Mag.*, s. v. *Korrabíō*.)—4. (*Pollux*, vi., 109.—*Etymol. Mag.*, l. c.—*Athen.*, xv., p. 667, sub fin.)—5. (*Athen.*, xv., p. 667.)—6. (*l. c.*)—7. (*s. v. Korrabíō*.)

gained the victory, and thereby knew that he was loved by his mistress.¹

A fourth kind of cottabus, which was called *κότταβος κατακτός* (ἀπό τοῦ κατάγειν τὸν κότταβον), is described by Pollux,² the scholiast on Aristophanes,³ and Athenæus.⁴ The so-called *μάνη* was placed upon a pillar similar to a candelabrum, and the dish hanging over it must, by means of wine projected from the goblet, be thrown upon it, and thence fall into a basin filled with water, which, from this fall, gave forth a sound; and he who produced the strongest was the victor, and received prizes, consisting of eggs, cakes, and sweetmeats.

This brief description of four various forms of the cottabus may be sufficient to show the general character of this game; and it is only necessary to add, that the chief object to be accomplished, in all the various modifications of the cottabus, was to throw the wine out of the goblet in such a manner that it should remain together and nothing be spilled, and that it should produce the purest and strongest possible sound in the place where it was thrown. In Sicily, the popularity of this game was so great, that houses were built for the especial purpose of playing the cottabus in them. Those readers who wish to become fully acquainted with all the various forms of this game, may consult Athenæus,⁵ the Greek lexicographers, and, above all, Grodecki,⁶ who has collected and described nine different forms in which it was played.⁷ Becker is of opinion that all of them were but modifications of two principal forms.⁸

*COTTUS (κόττος), a species of Fish, supposed to be the *Zeus Faber*, L., or the Doree. The name in the common editions of Aristotle occurs at H. A., iv., 8, where, however, Schneider reads *βοίτος*, and refers it to the river Gudgeon.⁹

*COTTYPHUS (κόττυφος), a species of Fish, the same with the *Labrus merula*, called in French the *Merle*.¹⁰

*COTURNIX. (Vid. PERDIX.)

COTYTTIA or COTTYTES (κοτύττια, κόττυτες), a festival which was originally celebrated by the Edonians of Thrace, in honour of a goddess called Cotys or Cotyto.¹¹ It was held at night, and, according to Strabo, resembled the festivals of the Cabiri and the Phrygian Cybele. But the worship of Cotys, together with the festival of the Cotytia, were adopted by several Greek states, chiefly those which were induced by their commercial interest to maintain friendly relations with Thrace. Among these Corinth is expressly mentioned by Suidas, and Strabo¹² seems to suggest that the worship of Cotys was adopted by the Athenians, who, as he observes, were as hospitable to foreign gods as they were to foreigners in general.¹³ The priests of the goddess were formerly supposed to have borne the name of baptæ; but Buttmann has shown that this opinion is utterly groundless. Her festivals were notorious among the ancients for the dissolute manner and the debaucheries with which they were celebrated.¹⁴ Another festival of the same name was celebrated in Sicily,¹⁵ where boughs hung with cake and fruit were carried about, which any person had a right to pluck off if he chose; but we have no mention that this festival was polluted with any

of the licentious practices which disgraced those of Thrace and Greece, unless we refer the allusion made by Theocritus to the Cotytia, to the Sicilian festival.¹

COTYLA (κοτύλη) was a measure of capacity among the Romans and Greeks: by the former it was also called *hemina*; by the latter, *τρούβλιον* and *ήμίνα* or *ήμίνα*. It was the half of the sextarius or *ξέστης*, and contained 6 cyathi, = (on Mr. Hussey's computation) 4955 of a pint English.

This measure was used by physicians with a graduated scale marked on it, like our own chemical measures, for measuring out given weights of fluids, especially oil. A vessel of horn, of a cubic or cylindrical shape, of the capacity of a cotyla, was divided into twelve equal parts by lines cut on its side. The whole vessel was called *litra*, and each of the parts an ounce (*uncia*). This measure held nine ounces (by weight) of oil, so that the ratio of the weight of the oil to the number of ounces it occupied in the measure would be 9 : 12 or 3 : 4.²

*COTYLEDON (κοτύληδών), a plant, called in English Navelwort. The two species described by Dioscorides³ may be confidently referred, according to Adams, to the *Cotyledon umbilicus* and *C. serena*.

*ΚΟΥΚΙΟΦΟΡΟΝ ΔΕΝΔΡΟΝ (κουκιοφόρον δένδρον), a sort of Palm-tree. Stackhouse suggests that it may have been the *Palma Thebaica*, called "Doom-tree" in Bruce's Travels.⁴

COVINUS (Celtic *kouain*), a kind of car, the spokes of which were armed with long sickles, and which was used as a scythe-chariot chiefly by the ancient Belgians and Britons.⁵ The Romans designated by the name of *covinus* a kind of travelling carriage, which seems to have been covered on all sides with the exception of the front. It had no seat for a driver, but was conducted by the traveller himself, who sat inside.⁶ There must have been a great similarity between the Belgian scythe-chariot and the Roman travelling carriage, as the name of the one was transferred to the other, and we may justly conclude that the Belgian car was likewise covered on all sides except the front, and that it was occupied by one man, the *covinarius* only, who was, by the structure of his car, sufficiently protected. The *covinarii* (this word occurs only in Tacitus) seem to have constituted a regular and distinct part of a British army.⁷

COUREUS (κουρεύς). (Vid. BARBA.)

*CRAMBE. (Vid. BRASSICA.)

*CRANGON (κραγγών), formerly held to be a species of *Squilla*. "The term is now used in a generic sense by late naturalists," observes Adams; "thus the common shrimp is named the *Crangon vulgaris*. It is worthy of remark, however, that Cuvier and Schneider contend that the *κραγγών* of the Greeks corresponds to the *Cancer digitalis*."¹

*CRANIA or CRANEIA (κράνια, κράνεια), "All agree," remarks Adams, "that the *κράνεια ἄβήνη* is the *Cornus mascula*, L., called in English the Cornelian Cherry, or Male Cornel-tree." For the other, see THELYCRANEIA (θηλυκράνεια).²

CRANOS. (Vid. GALEA.)

*CRATÆGUS (κραταιγός). Sprengel refers the tree described by Theophrastus under this name to the Azorola, or *Cratægus Azorolus*, but Stackhouse to the *C. torminalis*. The plant of this name

1. (Vid. Schol. ad Lucian., Lexiph., 3, tom. ii., p. 325.)—2. (vi., 109.)—3. (Pax, 1172.)—4. (xv., p. 667.)—5. (xv., p. 666, &c.)—6. (Ueber den Kottabos der Griechen, in his Antiquarische Versuche, I., Sammlung, 1800, p. 163-238.)—7. (Charikles, i., p. 476, &c.)—8. (Compare also Fr. Jacobs, Ueber den Kottabos, in Wieland's Attisches Museum, III., i., p. 475-496.)—9. (Plin., H. N., xxxii., 11.—Adams, Append., s. v.)—10. (Aristot., H. A., viii., 15.—Elian, N. A., i., 19.)—11. (Strab., x., 3, p. 362, ed. Tauchnitz.—Eupolis, ap. Hesych., s. v.—Suidas.)—12. (I. c., p. 364.)—13. (Compare Persius, Sat., ii., 92.)—14. (Suidas, s. v. Κόττος.—Horat., Epod., xvii., 56.—Theocrit., vi., 40.)—15. (Plut., Proverb.)

1. (Compare Buttmann's Essay, Ueber die Kotytia und die Baptæ, in his Mythologus, vol. ii., p. 159.)—2. (Galenus, De Compos. Medicam. per Genera, iii., 3; i., 16, 17; iv., 14; v., 3, 6; vi., 6, 8.—Wurm, De Pond. Mens., &c.—Hussey on Ancient Weights, &c.)—3. (iv., 90, 91.)—4. (v., 45.—Adams, Append., s. v.)—5. (Mela, iii., 6.—Lucan, i., 426.—Silvius, xvii., 422.)—6. (Mart., Epig., ii., 24.)—7. (Tacit., Agric., 35 and 36, with M. J. H. Bekker's note.—Bötticher's Lexicon Tacit., s. v.—Becker, Gallus, vol. i., p. 222.—Compare the article ESSEBUM.)—8. (Aristot., H. A., iv., 4.—Adams, Append., s. v.)—9. (Theophrast., H. P., i., 9; iii., 4.—Dioscor., i., 172.—Adams, Append., s. v.)

by Theophrastus in another part of his works most probably the same as the *Cratageion* (κραταίονον).¹

ΓΑΨΓΟΝΟΝ (*κραταίγονον*), a plant, to which Pline gives the French name of *Courage*. He refers it to the *Euphrasia odontitis*, and *Bartsia odontitis*. Sprengel, however, calls it *Polygonum Persicaria*.²

ΚΡΑΤΗΡ (*κρατήρ*, Ionic *κρητήρ*; Lat. *crater* or *cratera*), a vessel in which the libation was made according to the custom of the ancients, whom we find drinking it pure, was mixed with water, which the cups were filled. In the Homeric poems it was always made in the dining-room for the heroes or young men (*κοῦροι*).³ The use of the vessel is sufficiently clear from the expressions frequent in the poems of Homer: *κρητήρα μίξαι*, i. e., *οἶνον καὶ ὕδωρ ἐν κρητήρι μίξαι*: *κρητήρα* (to empty the crater); *κρητήρα στήνατα* (*statura*, to place the filled crater on a table); *κρητήρας ἐπιστέφουσαι ποταῖο* (to place the cups on the brim).⁴ The crater, in the classical age, was generally of silver,⁵ sometimes of gold,⁶ and sometimes all gold or gilt.⁷ It stood upon a tripod, and its ordinary place in the house was in the most honourable part of the room, at the farthest end from the entrance, and the seat of the most distinguished among the guests. The size of the crater seems to have varied according to the number of guests; for where there were many, a larger crater is asked for, and would seem, at least at a later period (for in the comic poems we find no traces of the custom), that three craters were filled at every feast and were removed. They must, of course, have varied in size according to the number of guests. According to Suidas,¹⁰ the first was dedicated to Hermes, the second to Charisius, and the third to Soter; but others called them by different names; thus the first; or, according to others, was also designated the *κρατήρ ἀγαθῶν* (the crater of the good genius),¹¹ *κρατήρ ἀγαθῶν* (*metaniptris* or *metaniptron*, because it was from this crater from which the cups were filled after the libation of the hands).¹²

Craters were among the first things on which the ancient artists exercised their skill. Homer¹³ mentions, among the prizes given to Achilles, a beautifully-wrought silver crater, the work of the ingenious Sidonians, which, for the elegance of its workmanship, excelled all the work of the whole earth. In the reign of Cræsus, the Lacedæmonians sent to that king a silver crater, the border of which was all over decorated with figures (*ζῶδια*), and which was of enormous size that it contained 300 amphorce.

Cræsus himself dedicated to the Delphic temple three craters, which the Delphians believed were the work of Theodorus of Samos, and Herodotus¹⁴ induced, by the beauty of their workmanship, to think the same. It was about OI. 35 that Cræsus dedicated six talents (the tenth of the value of Colæus on his voyage to Tartessus) in the shape of an immense brazen crater, the border of which was adorned with projecting griffons. This crater, which Herodotus¹⁵ speaks of (from which we must infer that the artists were celebrated for their craters),

was supported by three colossal brazen statues, seven yards long, with their knees closed together.

The number of craters dedicated in temples seems everywhere to have been very great. Livius Andronicus, in his *Æneid*, represented Agamemnon returning from Troy with no less than 3000 craters,¹ and Cicero² says that Verres carried away from Syracuse the most beautiful brazen craters, which most probably belonged to the various temples of that city. But craters were not only dedicated to the gods as anathemata, but were used on various solemn occasions in their service. Thus we read in Theocritus:³ "I shall offer to the muses a crater full of fresh milk and sweet olive-oil." In sacrifices the libation was always taken from a crater;⁴ and sailors, before they set out on their journey, used to take the libation with cups from a crater, and pour it into the sea.⁵ The name crater was also sometimes used as synonymous with *σικλιον*, *situla*, a pail in which water was fetched.⁶

The Romans used their *crater* or *cratera* for the same purposes for which it was used in Greece; but the most elegant specimens were, like most other works of art, made by Greeks.⁷

CRATES (*κράτης*), a Hurdle, used by the ancients for several purposes. First, in war, especially in assaulting a city or camp, they were placed before or over the head of the soldier, to shield off the enemy's missiles.⁸ From the *plutei*, which were employed in the same way, they differed only in being without the covering of raw hides. A lighter kind was thrown down to make a bridge over fosses, for examples of which see Cæsar, *De Bell. Gall.*, vii., 81, 86. By the besieged⁹ they were used joined together, so as to form what Vegetius calls a *metella*, and filled with stones: these were then poised between two of the battlements, and, as the storming party approached upon the ladders, overturned on their heads.¹⁰

A capital punishment was called by this name, whence the phrase *sub crate necari*. The criminal was thrown into a pit or well, and hurdles laid upon him, over which stones were afterward heaped.¹¹

Crates, called *ficario*, were used by the country people upon which to dry figs, grapes, &c., in the rays of the sun.¹² These, as Columella informs us, were made of sedge or straw, and also employed as a sort of matting to screen the fruit from the weather. Virgil¹³ recommends the use of hurdles in agriculture to level the ground after it has been turned up with the heavy rake (*rastrum*). Any texture of rods or twigs seems to have been called by the general name *crates*.

CREPIDA (*κρηπίς*), *dim.* CREPIDULA, a Slipper. Slippers were worn with the pallium, not with the toga, and were properly characteristic of the Greeks, though adopted from them by the Romans. Hence Suetonius says of the Emperor Tiberius,¹⁴ "*Deposito patrio habitu, redegit se ad pallium et crepidas.*" They were also worn by the Macedonians,¹⁵ and with the chlamys.¹⁶ As the cothurnus was assumed by tragedians, because it was adapted to be part of a grand and stately attire, the actors of comedy, on the other hand, wore *crepida* and other cheap and common coverings for the feet. (*Vid.*

1. (Cic., Ep. ad Fam., vii., 1.)—2. (in Verr., iv., 58.)—3. (v., 53.—Compare Virgil, Eclog., v., 67.)—4. (Demosth., De Fals. Leg., p. 431.—c. Sept., p. 505.—c. Mid., p. 531.—c. Macart., p. 1072.—Compare Bekker, Anecd., p. 274, 4.)—5. (Thucyd., vi., 32.—Diod., iii., 3.—Arrian, Anab., vi., 3.—Virg., Æn., v., 765.)—6. (Næv., ap. Non., xv., 36.—Hesych., s. v. Κρατήρες.)—7. (Virg., Æn., i., 727; iii., 525.—Ovid, Fast., v., 522.—Hor., Carm., III., xviii., 7.)—8. (Ammian., xxi., 12.)—9. (Veget., iv., 6.)—10. (Lipsius, Pol., i., 7; v., 5.—Salmast., Plin. Exerc., 1267, A.)—11. (Liv., i., 51; iv., 50.—Tacit., Germ., c. 12.)—12. (Colum., xii., 15, 16.)—13. (Georg., i., 94.)—14. (c. 13.)—15. (Jacobs, Anim. ad Anthol., 2, 1, p. 294.)—16. (Cic., Pro Rab. Post.—Val. Max., iii., 6, § 2, 3.)

ΒΑΧΕΑ, SOCCUS.) Also, whereas the ancients had their more finished boots and shoes made right and left, their slippers, on the other hand, were made to fit both feet indifferently.¹

*CRETA, in a general sense, means any whitish earth or clay, such as potter's clay, pipe-clay, &c. Thus Columella² speaks of a kind of *Creta* out of which wine-jars and dishes were made: Virgil³ calls it "tough" (*tenax*); and the ancient writers on Agriculture give the same epithet to marl which was employed to manure land.⁴ In a more special sense, several varieties of *Creta* occur in the ancient writers. Thus: I. *Creta*, properly so called (*Terra Creta*, Κρητική γῆ), is our chalk, which obtained its name from the island of Crete, where it abounded. The ancients employed it in medicine, as weaker than the *Terra Chia*; and they were also acquainted with its use as a cleanser of silver vessels.⁵—II. *Creta annularia*. "The earth called *annularia*, spoken of by Pliny in connexion with Selinusian, and which was stained with wood to produce an imitation of *Indicum*,⁶ is probably," observes Dr. Moore, "the same with the *annulare (viridum)* mentioned afterward⁷ by the same writer, and which was so called because made of clay coloured with common green ring-stones. This, at least, strange as it is, appears to be the only sense we can extract from Pliny's words, the meaning of which Beckmann acknowledges he had not been able to discover.⁸ The same author inclines to think that the earth called *annularia* received its name from its use in sealing, a purpose to which certain kinds of earth were anciently applied."⁹—III. *Creta Cimolia*. (*Vid. CIMOLIA TERRA*.)—IV. *Creta Eretria*, a species of earth obtained from the neighbourhood of Eretria, in the island of Eubœa. It is, according to Hill, a fine pure earth, of a grayish white, moderately heavy, and of a smooth surface, not staining the hands, and readily crumbling between the fingers. It burns to a perfect whiteness, acquiring a stony hardness and an acrimonious taste, and in a violent fire runs into a very pure pale blue glass. What distinguishes it, however, in a more marked manner from other earths is, that if a little be wetted and drawn over a plate of brass or copper, so as to mark a line, the mark will in a little time appear bluish. This is a character originally recorded of it by Dioscorides, and which Hill explains by assigning the earth in question alkaline property in a much stronger degree than other earths possess. In the *Materia Medica* of former days, it was used as an astringent and sudorific. The ancients mention another Eretrian earth of a pure white, but this appears to have been no other than the true white Bole of Armenia¹⁰.—V. *Creta Sarda*, a species of earth obtained from the island of Sardinia. Pliny calls it "*vilissima omnium cimolia generum*," the cheapest kind of Cimolite. It was, however, used in the first place to cleanse garments that were not dyed, which were then fumigated with sulphur, and finally scoured with Cimolia Terra.¹¹—VI. *Creta Selinusia*, an earth obtained from the neighbourhood of Selinus in Sicily, whence its name. It is now found in various parts of the globe; the finest kind, however, is the Sicilian. Dioscorides describes it as of a very bright and shining white, friable, and very readily disuniting and diffusing itself in water. It was used by the ancient physicians as an astringent, and among females as a cosmetic.¹²

*CREX (αἰετός), a species of Bird with a creaking

note, whence its name. Some commentators suppose it the same as the *ὑρτυγομήτρα* of Aristotle, who treats of them separately. "It is generally held," says Adams, "to be the Land Rail or Corn Crane, namely, the *Rallus Crex*, L., or *Oryzometra Crex* of later naturalists; but if Tzetzes was correct in describing it as a sea-bird, resembling the Egyptian ibis, this opinion must be admitted to be untenable. Dr. Trail suggests that the one may have been the Land, and the other the Water Rail."¹

CRE'TIO HEREDITA'TIS. (*Vid. HEREDITAS*.)

CRIMEN. Though this word occurs so frequently, it is not easy to fix its meaning. Crimen is often equivalent to *accusatio* (*κατηγορία*); but it frequently means an act which is legally punishable. In this latter sense there seems to be no exact definition of it given by the Roman jurists. According to some modern writers, *crimina* are either public or private; but if this definition is admitted, we have still to determine the notions of public and private. The truth seems to be, that there was a want of precise terminology as to what, in common language, are called criminal offences among the Romans; and this defect appears in other systems of jurisprudence. Crimen has been also defined by modern writers to be that which is *capitalis* (*εισ. CAPUT*), as murder, &c.; delictum that which is a private injury (*privata noxa*); a distinction founded apparently on Dig. xxi., tit. 1, s. 17, § 15.

Delicts (*delicta*) were *maleficia*, wrongful acts,¹ and the foundation of one class of obligations; these delicts, as enumerated by Gaius,² are *furtum*, *rapina*, *dammum*, *injuria*; they gave a right of action to the individual injured, and entitled him to compensation. These delicts were sometimes called *crimina*.⁴ Crimen, therefore, is sometimes applied to that class of delicta called *privata*;⁵ and, accordingly, crimen may be viewed as a genus, of which the delicta enumerated by Gaius are a species. But crimen and delictum are sometimes used as synonymous.⁶ In one passage⁷ we read of *majora delicta* (which, of course, imply *minora*), which expression is coupled with the expression *omnia crimina* in such a way that the inference of crimen containing delictum is, so far as concerns this passage, necessary; for the *omnia crimina* comprehend (in this passage) more than the *delicta majora*.

Some *judicia publica* were *capitalia*, and some were not. *Judicia*, which concerned *crimina*, were not, for that reason only, *publica*. There were, therefore, *crimina* which were not tried in *judicia publica*. This is consistent with what is stated above as to those *crimina* (*delicta*) which were the subject of actions. Those *crimina* only were the subject of *judicia publica* which were made so by special laws; such as the *Julia de adulteriis*, *Cornelia de sicariis et veneficis*, *Pompeia de paricidiis*, *Julia peculatus*, *Cornelia de testamentis*, *Julia de vi privata*, *Julia de vi publica*, *Julia de ambitu*, *Julia repetundarum*, *Julia de annonæ*.⁸ So far as Cicero⁹ enumerates *causæ criminum*, they were *causæ publici iudicii*; but he adds,¹⁰ "*criminum est multitudo infinita*." Again, *infamia* was not the consequence of every crimen, but only of those *crimina* which were "*publici iudicii*." A condemnation, therefore, for a crimen, not *publici iudicii*, was not followed by *infamia*, unless the *crimen* laid the foundation of an *actio*, in which, even if the case of a *privatum iudicium*, the condemnator was followed by *infamia*; as *furtum*, *rapina*, *injuria*.¹¹ Crimen, then, must be an act which, if

1. (Aristot., H. A., ix., 2.—Adams, Append., s. v.)—2. (Dig. 47, tit. 1, s. 3.)—3. (iii., 182.)—4. (*Crimen furti*: Gaius, iii., 197.)—5. (Dig. 47, tit. 1, de *Privatis Delictis*.)—6. (Dig. 48, tit. 1, s. 1.)—7. (Dig. 48, tit. 1, s. 5.)—8. (Dig. 48, tit. 1, s. 1.)—9. (De Orat., ii., 25.)—10. (ii., 31.)—11. (Dig. 48, tit. 1, s. 7.)

proved against the offender, subjected him to some punishment, the consequence of which was infamia; but it would not therefore follow that infamia was only the consequence of a crimen.

Most modern writers on Roman law have considered delicta as the general term, which they have subdivided into delicta publica and privata. The legal consequences of delicta in this sense were compensation, punishment, and infamia as a consequence of the other two. The division of delicta into publica and privata had, doubtless, partly its origin in the opinion generally entertained of the nature of the delict; but the legal distinction must be derived from a consideration of the form of obtaining redress for, or punishing, the wrong. Those delicta which were punishable according to special *leges, senatus consulta, and constitutiones*, and were prosecuted in *judicia publica*, were apparently more especially called *crimina*; and the penalties, in case of conviction, were loss of life, of freedom, of *civitas*, and the consequent *infamia*, and sometimes pecuniary penalties also. Those delicta not provided for as above mentioned, were punishable by action (*actiones poenales*), and were the subjects of *judicia privata*, in which pecuniary compensation was awarded to the injured party. At a later period, we find a class of *crimina extraordinaria*,¹ which are somewhat vaguely defined. They are offences which in the earlier law would have been the foundation of actions, but were assimilated, as to their punishment, to *crimina publici iudicii*. This new class of *crimina* (new as to the form of judicial proceedings) must have arisen from a growing opinion of the propriety of not limiting punishment, in certain cases, to compensation to the party injured. The person who inquired judicially *extra ordinem*, might affix what punishment he pleased, within reasonable limits.² Thus, if a person intended to prosecute his action, which was founded on *maleficium* (delict), for pecuniary compensation, he followed the *jus ordinarium*; but if he wished to punish the offender otherwise (*extra ordinem ejus rei poenam exerceri* (e?) *velit*), then he took criminal proceedings, "*subscripsit in crimen.*"³

Delicta were farther distinguished as to the penalties as follows: Compensation might be demanded of the heredes of the wrong-doer; but the pena was personal. The nature of the punishment also, as above intimated, formed a ground of distinction between delicta. Compensation could be sued for by the party injured: a penalty, which was not a direct benefit to the injured party, was sued for by the state, or by those to whom the power of prosecution was given, as in the case of the *lex Julia de adulteris, &c.* In the case of delicta publica, the intention of the doer was the main thing to be considered; the act, if done, was not for that reason only punished; nor if it remained incomplete, was it for that reason only unpunished. In the case of delicta privata, the injury, if done, was always compensated, even if it was merely culpa. (Vid. *CULPA*.)

CRIMINA EXTRAORDINARIA. (Vid. *CRIMEN*.)

*CRIMMUS or -UM (*κρίμμος* or -ον), the larger granules of bruised grains, called Groats in English. Damm, however, says it was also applied to Barley itself. He contends that *κρί* in Homer is a contraction from *κρίμανος*, and not from *κρίθη*.⁴

*CRINANTHEMUM (*κρινάνθημον*), probably the *Sempervivum tectorum*, or House-leek. Such, at least, is the opinion of Sprengel and Dierbach.⁵

*CRINON (*κρίνον*), the Lily. (Vid. *LILIUM*.)

*CRIOS (*κρίος*), I., a military engine. (Vid. *ARI-*

ος.)—II. The Ram. (Vid. *Ovis*.)—III. (*κρίος* or *κρεῖος*), A large fish, mentioned by Oppian and Ælian. It cannot be satisfactorily determined.¹—IV. (*κρίος ἐρέβινθος*), A species of the *Cicer arietanum*. (Vid. *EREBINTHUS*.)²

CRISTA. (Vid. *GALEA*.)

CRITAI (*κρίται*), (judges). This name was applied by the Greeks to any person who did not judge of a thing like a *δικαστής*, according to positive laws, but according to his own sense of justice and equity.³ But at Athens a number of *κρίται* were chosen by ballot from a number of selected candidates at every celebration of the *Dionysia*, and were called *οἱ κρίται, κατ' ἐξοχὴν*. Their office was to judge of the merits of the different choruses and dramatic poems, and to award the prizes to the victors.⁴ Their number is stated by Suidas (*s. v.* *Ἐν πέντε κρίτων γούνασι*) to have been five for comedies; and G. Hermann has supposed, with great probability, that there were, on the whole, ten *κρίται*, five for comedy and the same number for tragedy, one being taken from every tribe. The expression in Aristophanes, *νικῶν πᾶσι τοῖς κρίταις*, signifies to gain the victory by the unanimous consent of the five judges. For the complete literature of this subject, see K. F. Hermann's *Manual of the Pol. Ant. of Greece*, § 149, n. 13.

CROBYLOS. (Vid. *COMA*, p. 291.)

*CROCODILUS (*κροκόδειλος*), the Crocodile. The name properly denotes a small species of Lizard, and was merely given by the Greeks to the Crocodile itself, from the resemblance which the latter bore to this small creature,⁶ just as our *Alligator* is the Portuguese "*al legato*," the Lizard. Hence Aristotle calls the Crocodile *κροκόδειλος ὁ ποτάμιος*, and the Lizard *κροκόδειλος ὁ χειρταῖος*. The Egyptians, says Herodotus, called the Crocodile *χάμψης*: this, however, is a mere corruption in Greek of the Egyptian name *Msh* or *Emsoh*, which the Copts still retain in *Amsah*, and from which the Arabs have derived their modern appellation *Temsah*. The ancient writers have left us accounts of this animal, but they are more or less imperfect. Thus Herodotus says⁷ it is blind in the water; an evident error, unless he mean by the Greek term *τυφλός*, not "blind," but merely "dim-sighted," or "comparatively weak of sight," *i. e.*, when compared with its keenness of vision on the land. So, again, Herodotus says it has no tongue. This, however, is a popular error: it has a tongue, like the rest of animals, but this is connected by a rough skin with the lower jaw; and, not being extensible, nor easily seen at first view, since it completely fills the cavity of the jaw between the two rows of teeth, it has been supposed to have no actual existence. Again, the Crocodile, according to Herodotus, does not move its lower jaw, but brings the upper one down in contact with it. Now the truth is just the other way: the lower jaw alone is moved, and not the upper. The lower jaw extends farther back than the skull, so that the neck must be somewhat bent when it is opened. The appearance thus produced has led to the very common error of believing that the Crocodile moves its upper jaw, which is, in fact, incapable of motion, except with the rest of its body. "Naturalists describe four species of the Crocodile, namely, *Crocodylus alligator*, *C. cayman*, *C. gaviat*, and *C. candi-verbera*. The third of these being found only in India, and the fourth being peculiar to America, it follows that the ancients could have had little acquaintance with any other species than the *Alliga-*

1. (Dig. 47, tit. 11.)—2. (Dig. 48, tit. 19, s. 13.)—3. (Dig. 47, tit. 1, s. 2.)—4. (Damm, *Lex. Hom.*, s. v.—Adams, *Append.*, s. 7.)—5. (Hippocr., *Morb. Mulier.*—Adams, *Append.*, s. v.)

1. (Adams, *Append.*, s. v.)—2. (Theophrast., *H. P.*, v. 11, 5.)—3. (Herod., iii., 160.—Demosth., *Olynth.*, i., p. 17; c., *Mid.*, p. 520.)—4. (Isocr., *Trapez.*, p. 365, C., with Coray's note.)—5. (Av., 421.)—6. (Herod., ii., 69.)—7. (c.)

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is refuted at length by Lampe.¹ From Suid the scholiast on Aristophanes,² it appears to have been a split reed or cane, which clattered when shaken with the hand. According to Eustathius was made of shell and brass as well as of Clemens Alexandrinus farther says that it was the invention of the Sicilians.

Those who played on the crotalum were termed *crotalists*. Such was Virgil's *Copa*,

*cupam sub crotalo docta movere latus.*³

It alludes to the dance with *crotala* (similar to castanets), for which we have the additional testimony of Macrobius.⁴ The annexed woodcut, taken from a drawing of an ancient marble in Spon's *Opera*,⁵ represents one of these *crotalists*.



The words *κρόταλος* and *κρόταλον* are often applied as an easy metaphor, to a noisy, talkative person.

ΚΡΟΤΩΝ (*κρότων*), I. an insect found on oxen, and sometimes on men, namely, the *Acarus*, L., or Tick.⁶—II. According to Galen, a tick with the *κίκι*.⁷ (*Vid. ΚΙΚΙ*.)

ΚΡΥΠΤΕΙΑ (*κρυπτεία*, also called *κρυπτία* or *κρυπτία*, according to Aristotle,¹⁰ an institution introduced at Sparta by the legislation of Lycurgus. The character was so cruel and atrocious, that Plutarch with great reluctance submitted to the description of Aristotle in ascribing its introduction to Lycurgus, the Spartan lawgiver. The description which he gives of it is this: The ephors, at intervals, select among the young Spartans those who appear to be best qualified for the task, and sent them in various directions all over the country, with daggers and their necessary food. During the day these young men concealed themselves, but at night they broke forth into the highlands and massacred those of the Helots whom they thought proper. Sometimes they ranged over the fields (in the daytime), and attacked the strongest and best of the Helots. Plutarch agrees with that of Heraclides of Pontus, who speaks of the practice as one that was introduced in his own time, though he describes the institution by Lycurgus only as a report.

Crypteia has generally been considered either as a part of military training of the Spartan youths, or as a means of weakening the power of the Helots. But Müller,¹² who is anxious to soften the generally current respecting the relation between the Helots and their masters, supposes that Plutarch and Heraclides represent the institution of the *crypteia* "as a war which the ephors conducted, on entering upon their yearly office, against the Helots." Heraclides, how-

ever, does not mention this proclamation at all, and Plutarch, who mentions it on the authority of Aristotle, does not represent it as identical with the *crypteia*. Müller also supposes that, according to the received opinion, this chase of the slaves took place regularly every year; and showing at once the absurdity of such an annual proclamation of war and massacre among the slaves, he rejects what he calls the common opinion altogether, as involved in inextricable difficulties, and has recourse to Plato to solve the problem. But Thirlwall³ much more judiciously considers that this proclamation of war is not altogether groundless, but only a misrepresentation of something else, and that its real character was most probably connected with the *crypteia*. Now if we suppose that the thing here misrepresented and exaggerated into a proclamation of war was some promise which the ephors, on entering upon their office, were obliged to make: for instance, to protect the state against any danger that might arise from too great an increase of the numbers and power of the Helots—a promise which might very easily be distorted into a proclamation of war—there is nothing contrary to the spirit of the legislation of Lycurgus; and such an institution, by no means surprising in a slaveholding state like Sparta, where the number of free citizens was comparatively very small, would have conferred upon the ephors the legal authority occasionally to send out a number of young Spartans in chase of the Helots.³ That on certain occasions, when the state had reason to fear the overwhelming number of slaves, thousands were massacred with the sanction of the public authorities, is a well-known fact.³ It is, however, probable enough that such a system may at first have been carried on with some degree of moderation; but after attempts had been made by the slaves to emancipate themselves and put their masters to death, as was the case during and after the earthquake in Laconia, it assumed the barbarous and atrocious character which we have described above.⁴ If the *crypteia* had taken place annually, and at a fixed time, we should indeed have reason, with Müller, to wonder why the Helots, who in many districts lived entirely alone, and were united by despair for the sake of common protection, did not every year kindle a most bloody and determined war throughout the whole of Laconia; but Plutarch, the only authority on which this supposition can rest, does not say that the *crypteia* took place every year, but *διὰ χρόνον*, i. e., "at intervals," or occasionally.⁵ The difficulties which Müller finds in what he calls the common account of the *crypteia*, are thus, in our opinion, removed, and it is no longer necessary to seek their solution in the description given by Plato,⁶ who proposed for his Cretan colony a similar institution, under the name of *crypteia*. From the known partiality of Plato for Spartan institutions, and his inclination to represent them in a favourable light, it will be admitted that, on a subject like this, his evidence will be of little weight. And when he adopted the name *crypteia* for his institution, it by no means follows that he intended to make it in every respect similar to that of Sparta; a partial resemblance was sufficient to transfer the name of the Spartan institution to that which he proposed to establish; and it is sufficiently clear, from his own words, that his attention was more particularly directed to the advantages which young soldiers might derive from such hardships as the *κρυπτοί* had to undergo. But even Plato's colony would not have

¹ *Symb. Vet.*, i., 4, 5, 6.—² (*Nubes*, 260.)—³ (*Il.*, xi., 2.)—⁴ (*Sat.*, ii., 10.)—⁵ (*Sec. I.*, art. vi., fig. 43.)—⁶ (*Nub.*, 448.—*Eur.*, *Cycl.*, 104.)—⁷ (*Aristot.*, *H. A.*, i., 10.)—⁸ (*Theophrast.*, *H. P.*, i., 10.)—⁹ (*ap. Plut.*, *Lyc.*, vi., 2.)—¹⁰ (*Dorians*, iii., 3, 64.)

¹ (*Hist. Greece*, vol. i., p. 311.)—² (*Isocr.*, *Panath.*, p. 271, B.)—³ (*Thucyd.*, iv., 80.)—⁴ (*Compare Plut.*, *Lyc.*, 28, sub *fin.*)—⁵ (*Hermann ad Viger.*, p. 856.)—⁶ (*De Leg.*, i., p. 633, vi., p. 763.)

been of a very humane character, as his *κρυπτοί* were to go out in arms and make free use of the slaves.

CRUX (*σταυρός, σκόλοψ*), an instrument of capital punishment used by several ancient nations, especially the Romans and Carthaginians. The words *σταυρώω* and *σκολοπιζώ* are also applied to Persian and Egyptian punishments, but Casaubon¹ doubts whether they describe the Roman method of crucifixion. From Seneca² we learn the latter to have been of two kinds, the less usual sort being rather impalement than what we should describe by the word crucifixion, as the criminal was transfixed by a pole, which passed through the back and spine, and came out at the mouth.

The cross was of several kinds; one in the shape of an X, called *crux Andreana*, because tradition reports St. Andrew to have suffered upon it; another was found like a T, as we learn from Lucian,³ who makes it the subject of a charge against the letter.

The third, and most common sort, was made of two pieces of wood crossed, so as to make four right angles. It was on this, according to the unanimous testimony of the fathers, who sought to confirm it by Scripture itself,⁴ that our Saviour suffered. The punishment, as is well known, was chiefly inflicted on slaves and the worst kind of malefactors.⁵ The manner of it was as follows: The criminal, after sentence pronounced, carried his cross to the place of execution: a custom mentioned by Plutarch⁶ and Artemidorus,⁷ as well as in the Gospels. From Livy⁸ and Valerius Maximus,⁹ scourging appears to have formed a part of this, as of other capital punishments among the Romans. The scourging of our Saviour, however, is not to be regarded in this light, as Grotius and Hammond have observed it was inflicted before sentence was pronounced.¹⁰ The criminal was next stripped of his clothes, and nailed or bound to the cross. The latter was the more painful method, as the sufferer was left to die of hunger. Instances are recorded of persons who survived nine days. It was usual to leave the body on the cross after death. The breaking of the legs of the thieves, mentioned in the Gospels, was accidental; because by the Jewish law, it is expressly remarked, the bodies could not remain on the cross during the Sabbath-day.¹¹

CRYPTA (from *κρύπτειν*, to conceal), a Crypt. Among the Romans, any long narrow vault, whether wholly or partially below the level of the earth, is expressed by this term; such as a sewer (*crypta Subura*¹²) (*vid. CLOACA*), the *carceres* of the circus (*vid. CIRCUS*, p. 254), or a magazine for the reception of agricultural produce.¹³

The specific senses of the word are:

I. A covered portico or arcade, called more definitely *crypto-porticus*, because it was not supported by open columns like the ordinary portico, but closed at the sides, with windows only for the admission of light and air.¹⁴ These were frequented during summer for their coolness. A portico of this kind, almost entire, is still remaining in the suburban villa of Arrius Diomedes at Pompeii.

Some theatres, if not all, had a similar portico attached to them for the convenience of the performers, who there rehearsed their parts or practised their exercises.¹⁵ One of these is mentioned

by P. Victor¹ as the *crypta Balbi*, attached to the theatre built by Cornelius Balbus at the instigation of Augustus,² which is supposed to be the ruin now seen in the Via di S. Maria di Cacaberis, between the church of that name and the S. Maria di Pianto.

II. A grotto, particularly one open at both extremities, forming what in modern language is denominated a "tunnel," like the grotto of Pausilippo, well known to every visitant of Naples. This is a tunnel excavated in the *tufo* rock, about 20 feet high and 1800 long, forming the direct communication between Naples and Pozzuoli (*Puteoli*), called by the Romans *crypta Neapolitana*, and described by Seneca³ and Strabo.⁴

A subterranean vault used for any secret worship, but more particularly for the licentious rites consecrated to Priapus, was also called *crypta*.⁵

III. When the practice of consuming the body by fire was relinquished (*vid. VESTIUM, CONCRETIVUM*), and a number of bodies was consigned to one place of burial, as the catacombs, for instance, this common tomb was called *crypta*.⁶ One of these, the *crypta Neapolitana*, which was in the *vicus Patricius*, under the Esquiline,⁷ was used by the early Christians, during the times of their persecution, as a place of secret worship.⁸

CRYPTOPORTICUS. (*Vid. CRYPTA*.)

*CRYSTALLUS or -UM (*κρυσταλλος*), Crystal. The ancients were of opinion that crystal was only water congealed in a long period of time into an ice more durable than common; and Pliny⁹ thought it was nowhere to be found but in excessively cold regions. "That it is ice is certain," says this writer, "and hence the Greeks have given it its name." In accordance with the etymology here alluded to, *κρυσταλλος* is thought to come from *κρῆνος*, "ice," or from *κρυσταίω* (*κρυσταίνω*), "to freeze." "This ancient notion," observes Dr. Moore, "will appear less ridiculous if we consider that, although water really converted into a solid crystalline mass, by exposure to a very ordinary degree of cold, resumes its fluid state when the heat of which it was deprived is again restored; yet the results of chemical analysis teach us that water, in a permanently solid state, constitutes a considerable portion of many crystalline substances. Of the hydrate of magnesia, for example, it forms near one third; and of the sulphate of soda, considerably above one half. Rock-crystal is one among the very few minerals whose crystalline form Pliny has remarked. He mentions one remarkable use of crystal in applying actual cautery, the crystal having been used as a lens. This, however, was known long before, mention of it having been made in the Clouds of Aristophanes, and in the poem of the pseudo-Orpheus on the properties of Stones."¹⁰

CUBEIA. (*Vid. TESSERA*.)

CUBICULARII were slaves who had the care of the sleeping and dwelling rooms. Faithful slaves were always selected for this office, as they had, to a certain extent, the care of their master's person. When Julius Cæsar was taken by the pirates, he dismissed all his other slaves and attendants, only retaining with him a physician and two *cubicularii*.¹¹ It was the duty of the *cubicularii* to introduce visitors to their master,¹² for which purpose they appear to have usually remained in an ante-room.¹³ Under the later emperors, the *cubicularii* belonged

1. (Exer. Antibar. xvii, 77.)—2. (Cons. ad Marc., xx.—Epist., xiv, 1.)—3. (Judic. Vocal., xii.)—4. (Lips., De Cruce, i, 9.)—5. (Juv., Sat., vi, 219.—Hor., Sat., i, iii, 82.)—6. (De Tard. Dei Vind., *εκατος των κακοργων εκφέρει τον αυτου σταυρον*.)—7. (Ovigerok., ii, 61.)—8. (xxiii, 36.)—9. (i, 7.)—10. (St. Luke, xxiii, 16.—St. John, xix, 1, 6.)—11. (Lips., De Cruce.—Casaubon, Exer. Antibar., xvi, 77.)—12. (Juv., Sat., v, 106.)—13. (Vitruv., vi, 8.—Compare Varro, De Re Rust., i, 57.)—14. (Plin., Epist., ii, 15; v, 6; vii, 21.—Sidon., Epist., ii, 2.)—15. (Suet., Cal., 38.—Compare Dion Cass., lix, 29.—Juseph., Antiq., xix, 1, § 14.)

1. (Regio ix.)—2. (Suet., Octav., 29.—Dion Cass., iv, 23.)—3. (Epist., 57.)—4. (v, § 7, p. 197, ed. Siebenk.—Compare Petron., Fragm., xiii.)—5. (Petron., Sat., xvi, 3.—Compare xvii, 8.)—6. (Salmas., Exercit. Plin., p. 850.—Aring., Rom. Subterr., i, 1, § 9.—Prudent., *Περὶ Στεφ.*, xi, 153.)—7. (Festus, s. v. Septimontium.)—8. (Nardini, Rom. Antic., iv, 3.)—9. (H. N., xxxvii, 9.)—10. (Ancient Mineralogy, p. 146.)—11. (Suet., Jul., 4.)—12. (Cic. ad Att., vi, 2, § 5.—*in Verr.*, ii, 4.)—13. (Suet., Tib., 21.—Dom., 16.)

face were called *præpositi sacro cubiculo*, persons of high rank.¹

CULUM usually means a sleeping and room in a Roman house (*vid. House*), but applied to the pavilion or tent in which the emperors were accustomed to witness the games.² It appears to have been so called, the emperors were accustomed to recline *micula*, instead of sitting, as was anciently seen, in a *sella curulis*.³

TETTERES (*κυβιστητήρες*), were a particular of dancers or tumblers, who in the course of dance flung themselves on their heads and gain on their feet (*ὡς περ οἱ κυβιστῶντες ἴσον τῷ σκέλει περιφερόμενοι κυβιστῶσι κύβη* read of *κυβιστητήρες* as early as the Homer.⁴ These tumblers were also accustomed to make their somerset over knives or which was called *κυβιστῶν εἰς μαχαίρας*.⁵ In which this feat was performed is described by Xenophon, who says⁶ that a circle was full of upright swords, and that the dancers *ἐκκύβιστα τε καὶ ἐξεκκύβιστα ὑπὲρ αὐτῶν*, many representations of these tumblers, male and female, in ancient works of art.⁷

κῆρες were frequently introduced at entertainments to amuse the guests; but condemned the practice, as attended with danger to be pleasing on such occasions.⁸

CUS (*πῆγυς*), a Greek and Roman measure originally the length of the human arm from the elbow to the wrist, or to the knuckle of the finger. It was equal to a foot and a half would give, according to Mr. Hussey's opinion, 1 foot 5.4744 inches Eng. for the Roman foot 6.2016 inches for the Greek cubit.⁹ **CYBUS** (*κύβος*), a Cube; a name given also to a cube (called likewise *quadrantal*), the sides of which were formed by six equal squares (including each square having each of its sides a foot and a half solid contents of the cube were equal to 27 cubits).

*ingo in spatio latoque altoque noletur : ut ut par sit, quem claudit linea triplex, or et medium quadris cingatur inane : ora fit cubus.*¹¹

CUCULUS, the Cuckoo. (*Vid. Coccyx*.)

CULUS, a Cowl. As the cowl was intended to be worn in the open air, and to be drawn over the head to protect it from the injuries of the weather, it was of a hat or cap, it was attached only to the sides of the coarsest kind. Its form may be seen from the woodcut at page 132. It is represented as worn by a Roman shepherd, and to the testimony of Columella.¹² The cowl was also used by persons in the higher society, when they wished to go abroad being known.¹³

The cowl, and also of the cape (*vid. Capa*), which served the same purpose, was abolished by a law in the Codex Theodosianus.

Cowls were imported into Italy from Gaul in France (*Santonico cucullo*),¹⁴ and from the country of the Bardæi, in Illyria.¹⁵ Those from Gaul were probably of a peculiar fashion,

which gave origin to the term *Bardocuculus*. "Liburnici cuculli" are mentioned by Martial.¹⁶

***CUCUMIS**, the Cucumber. (*Vid. COLOCYNTHES* and *SICYS*.)

***CUCURBITA**, the Gourd. (*Vid. COLOCYNTHES*.)

CUDO or **CUDON**, a Scull-cap, made of leather, or of the rough, shaggy fur of any wild animal,¹⁷ such as were worn by the *velites* of the Roman armies,¹⁸ and apparently synonymous with *galerus* or *galericulus*.¹⁹

In the sculptures on the column of Trajan, some of the Roman soldiers are represented with the skin of a wild beast drawn over the head, in such a manner that the face appears between the upper and lower jaws of the animal, while the rest of the skin falls down behind over the back and shoulders, as described by Virgil.²⁰ This, however, was an extra defence,²¹ and must not be taken for the *cudo*, which was the cap itself; that is, a particular kind of *galea*. (*Vid. GALEA*.) The following representation of a *cudo* is taken from Choul's *Castramen des Anciens Romains*, 1581.



CULEUS or **CULLEUS**, a Roman measure, which was used for estimating the produce of vineyards. It was the largest liquid measure used by the Romans, containing 20 amphoræ, or 118 gallons 7.546 pints.

*"Est et, bis decies quem conficit amphora nostra, Culleus : hac major nulla est mensura liquoris."*²²

CULEUS or **CULLEUS**. (*Vid. CORNELIA LEX DE SICARIIS*.)

***CULEX**, the Gnat. (*Vid. CONOPS*.)

CULINA, in its most common acceptation, means a place for cooking victuals, whether the kitchen of a private habitation (*vid. House*), or the offices attached to a temple, in which the flesh of the victim was prepared for the sacred feasts or for the priesthood.²³

It signifies also a convenience, *cabinet d'aisance*, *secessum*, *ἀφροδῶν*.²⁴ "Quædam quotidie, ut *culina* et caprile . . . debent emundari;" unless the conjecture of Schneider is admitted, who proposed to read "*suile* et caprile."

Lastly, it is used for a particular part of the funeral pyre, or of the *bustum*, on or in which the viands of the funeral feast were consumed.²⁵ Compare an anonymous poet in *Catalect*.

"Neque in culinam et uncta compitalia Dapesque ducis sordidas ;"

in which sense it corresponds with the Greek *εστρα*.²⁶

"Ἐν ταῖσιν ἐστραῖς κοινὸς ἥρμοσττόμην."

CULIX (*κύλιξ*, *dim. κυλλισκη, κυλλισκιον*), a common Greek drinking-cup,²⁷ called by the Romans *calix*. The name was sometimes applied to large

2, tit. 5.)—2. (Suet., Ner., 12.—Plin., Paneg., 51.) 3 ad Suet., l. c.)—4. (Plato, Symp., c. 16, p. 190.)—5. 605.—Od., iv., 18.)—6. (Plato, Euthyd., c. 55, p. 11.)—7. (Plato, Mem., i., 3, § 9.—Symp., ii., 14.—Athen., iv., p. 113.)—8. (Plato, Onom., iii., 134.)—9. (Symp., ii., 11.)—10. (See Engravings from Ancient Vases, i., 60.)—11. (Xen., Anab., i., 3.—See Becker, Charikles, vol. i., p. 499; ii., p. 499.)—12. (Rhem. Fann., De Pond., &c., v., 59—62.)—13. (Rhem. Fann., De Pond., &c., v., 59—62.)—14. (Rhem. Fann., De Pond., &c., v., 59—62.)—15. (Juv., vi., 330.—Jul. Cap., De Gallus, vol. i., p. 333.)—16. (Vossius, Etym. s. v. Birrus.)—17. (Juv., Sat., viii., 145.—Schol. in Jul. Cap., Pertinax, 8.)

1. (xiv., 139.)—2. (Sil. Ital., viii., 495; xvi., 59.)—3. (Polyb., vi., 20.)—4. (Virg., Æn., vii., 688.)—5. (Frontin., Strategem., IV., vii., 29.)—6. (Æn., vii., 666.)—7. (Polyb., l. c.)—8. (Rhem. Fann., De Pond., &c., v., 86, 87.)—9. (Inscrip. ap. Grut., xlix., 3.—ap. Biag. Monum. Gr. et Lat. Mus. Nan., p. 188.—ap. Mur., 485, 8.)—10. (Isid., Gloss. Philox.—Columell., ii., 15.)—11. (Festus, s. v. Culina; and *vid. BUSTRAPI*, p. 169.)—12. (Aristoph., Equit., 1232, ed. Bekk.)—13. (Pollux, Onom., vi., 95)

CRYPTA.

been of a very humane character, as the
were to go out in arms and make free use
slaves.

CRUX (*σταυρός, σκόλοψ*), an instrument
tal punishment used by several ancient
pecially the Romans and Carthaginians. The
σταυρώ and *σκολοπιζω* are also applied
and Egyptian punishments, but Casaubon
whether they describe the Roman method
fixion. From Seneca² we learn the
been of two kinds, the less usual and
impalement than what we should
word crucifixion, as the criminal was
a pole, which passed through the
and came out at the mouth.

The cross was of several kinds, one
of an X, called *crux Andreana*, be-
ports St. Andrew to have suffered
was found like a T, as we learn from
makes it the subject of a charge

The third, and most common, was
two pieces of wood crossed, so as to
angles. It was on this, according to
testimony of the fathers, who
by Scripture itself,⁴ that our Saviour
punishment, as is well known, was
on slaves and the worst kind of
manner of it was as follows: The
sentence pronounced, carried him
of execution: a custom mentioned
Artemidorus,⁷ as well as in the
Livy⁶ and Valerius Maximus,⁸
to have formed a part of the
punishments among the Romans.
of our Saviour, however, is
this light, as Grotius and Blom-
it was inflicted before sentence
The criminal was next stripped
nailed or bound to the cross
more painful method, as the
of hunger. Instances are
survived nine days. It was
on the cross after death. The
of the thieves, mentioned
dental; because by the Jews
remarked, the bodies could
during the Sabbath-day.¹¹

CRYPTA (from *κρυπτός*),
Among the Romans, any
er wholly or partially be-
is expressed by this term.
*Subura*¹²) (vid. *CLAUSTRUM*)
(vid. *CIRCUS*, p. 254), was
tion of agricultural pro-

The specific senses are

I. A covered portico, or
initely *crypto-porticus*,
by open columns like
at the sides, with walls
of light and air.¹³ The
summer for their cool-
almost entire, is still
of Arrius Diomèdes ad-

Some theatres, if
attached to them for
farmers, who there ex-
tised their exercises.¹⁴

1. (Exer. Antibarbar., p. 207.)—2. (Epist., xiv., 1.)—3. (Judic., i., 9.)—5. (Juv., Sat., vi., 2.)—6. (Tard. Dei Vind., *ἑκατόν σταυρόν*.)—7. (Ὁνειροκρίσις, 10.)—10. (St. Luke, xiii., 16.)—11. (De Cruce.—Casaubon, Esai., Sat., v., 106.)—13. (Vitruv., Rust., i., 57.)—14. (Plin., Epist., ii., 2.)—15. (Suet., 29.—Joseph., Antiq., xiv.,

explains it, "libere potare." The absurd explanation grafted on this scholium, is called by the absurdity of Bentley's emendation *capa* for *culpa*.

CULTRARIUS (probably from *cello*, *percello*; dim. *cultrari*, *culter*; in southern Germany, *das kolter*, *colteu*; Greek, *μάχαιρα*, *κόπης*, or a knife with only one edge, which formed a *culter*. The blade was pointed and its back was used for a variety of purposes, especially for killing animals, either in the slaughter-house, or in hunting, or at the altars of the gods.¹ The expressions *bovem ad cultrum emere*, "to take an ox for the purpose of slaughtering it;" *cultrario inquit*, "he leaves me in a state like a victim dragged to the altar;" *se ad cultrum*, "to become a bestiarius."² From some passages above referred to, it would appear that the culter was carried in a kind of sheath. The sacrificer who conducted a sacrifice never killed himself; but one of his ministri, appointed for that purpose, who was called either by the general name *minister*, or the more specific *popa* or *populus*.³ A tombstone of a *cultrarius* is still to be seen, and upon it two *cultri* are represented,⁴ which are copied in the annexed woodcut.



The same *culter* was also applied to razors⁷ and cut-throats.⁸ That in these cases the *culter* was different from those above represented, and probably smaller, is certain; since, whenever used for shaving or domestic purposes, it was always distinguished from the common *culter* by an epithet, as *culter tonsorius*, *culter coquina*, &c. Nail-knives were also called *cultri*; but they were of a smaller kind (*cultelli*), and made of bone.⁹ Columella, who¹⁰ gives a very minute description of a *fals vinitoria*, a knife for pruning vines, says that the part of the blade nearest to the handle was called *culter* on account of its similarity to an ordinary *culter*, the edge of that part forming a straight line. This *culter*, according to him, was used when a branch was to be cut off, and required a hard pressure of the hand on the handle. The name *culter*, which was also applied to the sharp and pointed iron of the plough,¹¹ is still to be seen in English, in the form *coultter*, to designate the same thing. (*Vid. ARATRUM.*) The expression in *cultrum* or in *cultro collocatus*¹² signifies placed in a perpendicular position.

CULTRARIUS. (*Vid. CULTER.*)

***CUMINUM** or **CYMINUM** (*κύνινον*), ¹ *Cumin*, an umbelliferous plant, of annual duration, found wild in Egypt and Syria, and cultivated from time immemorial for the sake of its agreeable aromatic fruit, which, like that of caraway, dill, anise, &c., possess es well-marked stimulating and carminative properties." The seeds were used by the ancients as a condiment, and the mode of preparing what was termed the *cuminatum* is given by Apicius.¹ Drinking a decoction of cumin produced paleness, and hence the allusion in Horace to the "*exsangue cuminum*."² Pliny³ says it was reported that the disciples of Porcius Latro, a famous master of the art of speaking, used it to imitate that paleness which he had contracted from his studies.⁴ The ancients used to place cumin on the table in a small vessel, like salt; the penurious were sparing of its use in this way, whence arose the expressions *κυνιοπρίστης*, "a splitter of cumin-seed," analogous to *καρδαμογλύφος*, "a cutter or scraper of cresses," and in Latin *cuminisector*, to denote a sordid and miserly person.⁵ It can admit of no doubt, according to Adams, that the *κύνινον ἡμερον* of Dioscorides, which is the only species treated of by Hippocrates and Galen, was the *Cuminum cyminum*, L. Of the two varieties of the *κύνινον ἄγριον* described by Dioscorides, the first, according to Matthioli and Sprengel, is the *Lagacia cuminoidea*, L.; the other, most probably, the *Nigella arvensis*, or wild Fennel flower.

CUNÆUS was the name applied to a body of foot-soldiers, drawn up in the form of a wedge, for the purpose of breaking through an enemy's line. The common soldiers called it a *caput porcinum*, or pig's head.

The wedge was met by the "forfex" or shears, a name given to a body of men drawn up in the form of the letter V, so as to receive the wedge between two lines of troops.⁶ The name *cuneus* was also applied to the compartments of seats in circular or semicircular theatres, which were so arranged as to converge to the centre of the theatre, and diverge towards the external walls of the building, with passages between each compartment.

CUNICULUS (*ὕπνομος*). A mine or passage under ground was so called, from its resemblance to the burrowing of a rabbit. Thus Martial⁷ says,

"Gaudet in effossis habitare cuniculus antris,
Monstravit tacitas hostibus ille vias."

Fidenæ and Veii are said to have been taken by mines, which opened, one of them into the citadel, the other into the Temple of Juno.⁸ Niebuhr⁹ observes that there is hardly any authentic instance of a town being taken in the manner related of Veii, and supposes that the legend arose out of a tradition that Veii was taken by means of a mine, by which a part of the wall was overthrown.

***CUNICULUS**, the Rabbit, the same with the Greek *δασύνος*. (*Vid. DASYRUS.*)

***CUNILA**, Savory, or wild Marjoram, a plant of which there are several kinds: 1. The *Sativa* is also called *Saturcia*, and was used as a condiment. (*Vid. THYMBRA.*)—2. The *Bubula* is the wild Origanum. (*Vid. ORIGANUS.*)—3. The *Gallinacea* is the same with *Cumilago*, or Flea-bane.¹⁰

***CUPRESSUS** (*κνπάρισσος*), the Cypress, or *Cupressus sempervirens*, L. The Cypress was a funeral tree among the ancients. Branches of this tree were placed at the doors of deceased persons. It was consecrated to Pluto, because, according to popular belief, when once cut, it never grew again, and it was also accustomed to be placed around

1. (i., 29.)—2. (Epist., i., 19, 18.)—3. (H. N., xi., 57.)—4. (l. c.)—5. (Billerbeck, Flora Classica, p. 79.)—6. (Veget., iii., 19.)—7. (xiii., 60.)—8. (Liv., iv., 22; v., 19.)—9. (Hist. Rom., ii., 483, transl.)—10. (Plin., H. N., xix., 8; xx., 16.)

1. (i., 321.)—2. (Varro, De Re Rust., ii., 5.)—3. (Hor., Sat., 74.)—4. (Senec., Ep., 87.)—5. (Suet., Calig., 32.)—6. (Suet., vol. ii., p. 640, No. 11.)—7. (Cic., De Off., ii., 2.)—8. (Petron., Sat., 108.)—9. (Varro ap. Non., ii., 9.) (Columell., xii., 14, 45.—Plin., xii., 25.—Scribon., c. 12, 13, 25.)—11. (Plin., H. N., xviii., 18, 48.)—12. (V. l., 10, 14.)

the funeral piles of the noble and wealthy. Its dark foliage also gave it a funereal air.¹

*CUPRUM, Copper. (Vid. ÆS and CHALCOS.)

CURA. (Vid. CURATOR.)

CURATELA. (Vid. CURATOR.)

CURATIO. (Vid. CURATOR.)

CURATOR. Up to the time of *pubertas*, every Roman citizen was incapable of doing any legal act, or entering into any contract which might be injurious to him. The time when *pubertas* was attained was a matter of dispute; some fixed it at the commencement of the age of procreation, and some at the age of fourteen.² In all transactions by the impubes, it was necessary for the auctoritas of the tutor to be interposed. (Vid. AUCTORITAS, TUTOR.) With the age of puberty, the youth attained the capacity of contracting marriage and becoming a *paterfamilias*: he was liable to military service, and entitled to vote in the *comitia*; and, consistently with this, he was freed from the control of a tutor. Females who had attained the age of puberty became subject to another kind of tutela, which is explained in its proper place. (Vid. TUTELA.)

With the attainment of the age of puberty by a Roman youth, every legal capacity was acquired which depended on age only, with the exception of the capacity for public offices, and there was no rule about age, even as to public offices, before the passage of the *lex Villia*. (Vid. ÆDILES, p. 25.) It was, however, a matter of necessity to give some legal protection to young persons, who, owing to their tender age, were liable to be overreached; and, consistently with the development of Roman jurisprudence, this object was effected without interfering with the old principle of full legal capacity being attained with the age of puberty. This was accomplished by the *lex Plætoria* (the true name of the *lex*, as Savigny has shown), the date of which is not known, though it is certain that the law existed when Plautus wrote.⁴ This law established a distinction of age, which was of great practical importance, by forming the citizens into two classes, those above and those below twenty-five years of age (*minores viginti quinque annis*), whence a person under the last-mentioned age was sometimes simply called *minor*. The object of the *lex* was to protect persons under twenty-five years of age against all fraud (*dolus*). The person who was guilty of such a fraud was liable to a *judicium publicum*,⁴ though the offence was such as in the case of a person of full age would only have been matter of action. The punishment fixed by the *lex Plætoria* was probably a pecuniary penalty, and the consequential punishment of infamia or loss of political rights. The minor who had been fraudulently led to make a disadvantageous contract might protect himself against an action by a plea of the *lex Plætoria* (*exceptio legis Plætorie*). The *lex* also appears to have further provided that any person who dealt with a minor might avoid all risk of the consequences of the *Plætorian* *lex*, if the minor was aided and assisted in such dealing by a curator named or chosen for the occasion. But the curator did not act like a tutor: it can hardly be supposed that his consent was even necessary to the contract; for the minor had full legal capacity to act, and the business of the curator was merely to prevent his being defrauded or surprised.

The *prætorian* edict carried still farther the principle of the *lex Plætoria*, by protecting minors generally against positive acts of their own, in all cases in which the consequences might be injurious to them. This was done by the "in *integrum* restitu-

tio:" the *prætor* set aside transactions of this description, not only on the ground of fraud, but on consideration of all the circumstances of the case. But it was necessary for the minor to make application to the *prætor*, either during his minority or within one year after attaining it, if he claimed the *restitutio*; a limitation probably founded on the *lex Plætorian*. The provisions of this *lex* were thus superseded or rendered unnecessary by the jurisdiction of the *prætor*, and, accordingly, we find very few traces of the *Plætorian* law in the Roman jurists.

Ulpian and his contemporaries speak of *adulescentes*, under twenty-five years of age, being under the general direction and advice of curatores, as a notorious principle of law at that time.¹ The establishment of this general rule is attributed by Capitolinus² to the Emperor M. Aurelius, in a passage which has given rise to much discussion. We shall, however, adopt the explanation of Savigny, which is as follows: Up to the time of Marcus Aurelius there were only three cases or kinds of *curatela*: 1. That which was founded on the *lex Plætorian*, by which a minor who wished to enter into a contract with another, asked the *prætor* for a curator, stating the ground or occasion of the petition (*reddita causa*). One object of the application was to save the other contracting party from all risk of judicial proceedings in consequence of dealing with a minor. Another object was the benefit of the applicant (the minor); for no prudent person would deal with him, except with the legal security of the curator³ ("Lex me perdit quinavencaria: metuunt credere omnes"). 2. The *curatela*, which was given in the case of a man wasting his substance, who was called "prodigus." 3. And that in the case of a man being of unsound mind, "demens," "furiosus." In both the last-mentioned cases provision was made either by the law or by the *prætor*. Curatores who were determined by the law of the Twelve Tables were called *legitimi*; those who were named by the *prætor* were called *honorarii*. A *furiosus* and *prodigus*, whatever might be their age, were placed under the *cura* of their agnati by the law of the Twelve Tables. When there was no legal provision for the appointment of a curator, the *prætor* named one. Curatores appointed by a consul, *prætor*, or governor of a province (*præses*), were not generally required to give security for their proper conduct, having been chosen as fit persons for the office. What the *lex Plætorian* required for particular transactions, the Emperor Aurelius made a general rule, and all minors, without exception, and without any special grounds or reasons (*non redditus causis*), were required to have curatores.

The following is the result of Savigny's investigations into the *curatela* of minors after the constitution of M. Aurelius. The subject is one of considerable difficulty, but it is treated with the most consummate skill, the result of complete knowledge and unrivalled critical sagacity. The minor only received a general curator when he made application to the *prætor* for that purpose: he had the right of proposing a person as curator, but the *prætor* might reject the person proposed. The curator, on being appointed, had, without the concurrence of the minor, as complete power over the minor's property as the tutor had up to the age of puberty. He could sue in respect of the minor's property, get in debts, and dispose of property like a tutor. But it was only the property which the *prætor* intrusted to him that he managed, and not the acquisitions of the minor subsequent to his appointment; and herein he differed from a tutor, who had the care of all the

¹ (Hug., H. N., xvii, 38.—Virg., Æn., vi, 64.—Horat., Carm., ii, 14, 33.)—² (Justin., l. 100.)—³ (Pseudolus, i, 3, 69.)—⁴ (Cic., De Nat. Deor., iii, 30.)

1. (Dig. 4, tit. 4.—De Minoribus xxv. Annis.—2. (M. Anton, c. 10.)—3. (Plaut., Pseudolus, i, 3, 69.)

the pupillus. If it was intended that should have the care of that which the freed after the curator's appointment, by otherwise, a special application for this purpose necessary. Thus, as to the property placed under the care of the curator, guards alienation and the getting in of minor was on the same footing as the his acts in relation to such matters, with-ator, were void. But the legal capacity r to contract debts was not affected by ment of a curator, and he might be sued ract either during his minority or after. ere any inconsistency in this: the minor pend his actual property by virtue of the e curator, and the preservation of his ring minority was the object of the uointment. But the minor would have ed of all legal capacity for doing any act not have become liable on his contract. ct was not in its nature immediately in- l when the time came for enforcing it. minor, he had the general protection of o. If the minor wished to be adrogated o), it was necessary to have the consent or. It is not stated in the extant au- at was the form of proceeding when it ary to dispose of any property of the im- mancipatio or in jure cessio; but it may sumed that the minor acted (for he alone a such an occasion) and the curator gave , which, in the case supposed, would be to the auctoritas of the tutor. But it r from the auctoritas in not being, like tas, necessary to the completion of the ut merely necessary to remove all legal o it when completed.

of spendthrifts and persons of unsound ready observed, owed its origin to the e Twelve Tables. The technical word a of unsound mind in the Twelve Tables which is equivalent to *demens*; and both distinguished from *insanus*. Though *fu- violence* in conduct, and *dementia* only *scilicet*, there was no legal difference be- tween terms, so far as concerned the cura- nerly weakness of understanding (*stul- tia, id est, sanitate vacans*), and it was d for by the laws of the Twelve Tables. es, the pretor appointed a curator for all ose infirmities required it. This law of e Tables did not apply to a pupillus or pu- erefore, a pupillus was of unsound mind, as his curator. If an agnatus was the e furiosus, he had the power of alienating y of the furiosus.² The prodigus only curator upon application being made to a s, and a sentence of interdiction being g against him (*ei bonis interdictum est*). f the interdictio was thus: "Quando tibi a avitque nequitia tua disperdis, liber- ad egestatem perducis, ob eam rem tibi nerocioque interdicto." The cura of the atinued till the interdict was dissolved. nferred from the form of the interdict, mitted to the case of persons who had ut perhaps this was not so.

appear from what has been said, that, milarity there may be between a tutor r, an essential distinction lies in this, rator was specially the guardian of prop- h in the case of a furiosus he must also e the guardian of the person. A curator rse, be legally qualified for his functions,

sec. Quest., iii., 5.)—2. (Gaius, ii., 64.)—3. (Com- Senecc., c. 7.)

and he was bound, when appointed, to accept the duty, unless he had some legal exemption (*excusatio*). The curator was also bound to account at the end of the curatela, and was liable to an action for misconduct.

The word cura has also other legal applications:

1. *Cura bonorum*, in the case of the goods of a debtor, which are secured for the benefit of his creditors.
2. *Cura bonorum et ventris*, in the case of a woman being pregnant at the death of her husband.
3. *Cura hereditatis*, in case of a dispute as to who is the heres of a person, when his supposed child is under age.
4. *Cura hereditatis jacentis*, in the case of a property, when the heres had not yet declared whether or not he would accept the inheritance.
5. *Cura bonorum absentis*, in the case of property of an absent person who had appointed no manager of it.

This view of the curatela of minors is from an essay by Savigny, who has handled the whole matter in a way equally admirable, both for the scientific precision of the method, and the force and perspicuity of the language.¹

CURATORES were public officers of various kinds under the Roman Empire, several of whom were first established by Augustus.² The most important of them were as follow:

I. CURATORES ALVEI ET RIPARUM, who had the charge of the navigation of the Tiber. The duties of their office may be gathered from Ulpian.³ It was reckoned very honourable, and the persons who filled it received afterward the title of comites.

II. CURATORES ANNONÆ, who purchased corn and oil for the state, and sold it again at a small price among the poorer citizens. They were also called *curatores emendi frumenti et olci*, and *αιωναι* and *ελαιωναι*.⁴ Their office belonged to the *personalia munera*; that is, it did not require any expenditure of a person's private property; but the curatores received from the state a sufficient sum of money to purchase the required amount.⁵

III. CURATORES AQUARUM. (*Vid. AQUÆ DUCTUS*, p. 75.)

IV. CURATORES KALENDARII, who had the care in municipal towns of the *kalendaria*, that is, the books which contained the names of the persons to whom public money, which was not wanted for the ordinary expenses of the town, was lent on interest. The office belonged to the *personalia munera*.⁶ These officers are mentioned in inscriptions found in municipal towns.⁷

V. CURATORES LUDORUM, who had the care of the public games. Persons of rank appear to have been usually appointed to this office.⁸ In inscriptions, they are usually called *curatores muneris gladiatorii*, &c.

VI. CURATORES OPERUM PUBLICORUM, who had the care of all public buildings, such as the theatres, baths, aqueducts, &c., and agreed with the contractors for all necessary repairs to them. Their duties, under the Republic, were discharged by the *ædiles* and *censors*. (*Vid. CENSORES*, p. 229.) They are frequently mentioned in inscriptions.⁹

VII. CURATORES REGIONUM, who had the care of the fourteen districts into which Rome was divided

1. (Von dem Schutz der Minderjährigen, Zeitschrift., x.—Savigny, Vom Beruf, &c., p. 102.—Gaius, i., 197.—Ulp., Frag. xii.—Dirksen, Uebersicht, &c., Tab. v., Frag. 7.—Mackeldey, Lehrbuch des heutigen Römischen Rechts.—Thibaut, System des Pandekten-Rechts.—Marezoll, Lehrbuch, &c.—A reference to these authorities will enable the reader to carry his investigations farther, and to supply what is purposely omitted in the above sketch.)—2. (Suet., Oc. iv., 37.)—3. (Dig. 43, tit. 15.)—4. (Dig. 50, tit. 5, s. 18, § 5.)—5. (Dig. 50, tit. 8, s. 9, § 5.)—6. (Dig. 50, tit. 4, s. 18, § 2; tit. 8, s. 9, § 7.—Heinecc. Antiq. Rom., iii., 15, 4.)—7. (Orelli, Inscript., No. 3949, 4491.)—8. (Tacit., Ann., xi., 35; xiii., 22.—Suet., Cal., 27.)—9. (Orelli, Inscript., No. 24, 1506, 2373.)

under the emperors, and whose duty it was to prevent all disorder and extortion in their respective districts. This office was first instituted by Augustus.¹ There were usually two officers of this kind for each district; Alexander Severus, however, appears to have appointed only one for each; but these were persons of consular rank, who were to have jurisdiction in conjunction with the præfectus urbi.² We are told that Marcus Antoninus, among other regulations, gave special directions that the curatores regionum should either punish, or bring before the præfectus urbi for punishment, all persons who exacted from the inhabitants more than the legal taxes.³

VIII. CURATORES REIPUBLICÆ, also called LOGISTÆ, who administered the landed property of municipia.⁴ Ulpian wrote a separate work, *De Officio Curatoris Reipublicæ*.

IX. CURATORES VIARUM. (*Vid. VIÆ*.)

KYRBEIS (κύρβεις). (*Vid. ΑΧΩΝΕΣ*.)

CURIA. (*Vid. CURLÆ*.)

CURLÆ. The accounts which have come down to us of the early ages of Rome, represent the burghers or proper citizens (the *populus* of the Annals) to have been originally divided into three tribes, the Ramnes, Titienses, and Luceres.⁵ (*Vid. TRIBUS*.) Each of these tribes was composed of a union of ten curiæ (φάρτριαι) or wards, so that the whole number of the latter was thirty. Again, each of these thirty curiæ was formed of gentes or houses, the families constituting which were not of necessity related; just as at Athens the γενήτραι or members of a γένος, also called ὁμογύλακτες, were no way akin, but bore this name solely in consequence of their union.⁶ Dionysius⁷ farther informs us that Romulus divided the curiæ into decads, i. e., decads of gentes or houses, at the head of which were officers called decurions: each of the three tribes, therefore, was originally composed of one hundred gentes (*vid. GENS*); and as in the old legion the three centuries of horse corresponded to the three tribes, so did the thirty centuries of foot represent the same number of curiæ. We need not, however, infer from this that the number of soldiers in each century was always a hundred.⁸

The curiæ whose names have come down to us are only seven: the Forensis, Rapta, Faucia or Saucia, Tatiensis, Tifata, Veliensis, and Velita. According to Livy,⁹ these names were derived from the Sabine women carried off during the consualia; according to Varro,¹⁰ from their leaders (ἄνδρες ἡγέμονες), by which he may mean Heroes Eponymy;¹¹ others, again, connect them with the neighbouring places.¹² The poetical story of the rape of the Sabine women probably indicates, that at one time no *connubium*, or right of intermarriage, existed between the Romans and the Sabines till the former extorted it by force of arms. A more intimate union would, of course, be the consequence.

Each of these thirty curiæ had a president (*curio*), who performed the sacred rights, a participation in which served as a bond of union among the members.¹³ The curiones themselves, forming a college of thirty priests, were presided over by the *curio maximus*. Moreover, each of these corporations had its common hall, also called curia, in which the citizens met for religious and other purposes.¹⁴ But, besides the halls of the old corporations, there were also other curiæ at Rome used for a variety of purposes: thus we read of the *Curia Saliorum*, on the

Palatine;¹ of the *Curia Calabra*, on the Capitoline, said to have been so called from *calare*, because the pontifex minor there proclaimed to the people the number of days between the kalends and the nones of each month.² But the most important of all was the curia in which the senate generally met; sometimes simply called curia, sometimes distinguished by the epithet Hostilia, as it was said to have been built by Tullus Hostilius. This, however, was destroyed by fire, and in its place Augustus erected another, to which he gave the name of Curia Julia, though it was still occasionally called the Curia Hostilia.³

The reader of Niebuhr will be aware that the curiæ (we are now speaking of the corporations) were formed of the original burghers of the three patrician tribes, whose general assembly was the comitia curiata, and whose representatives originally formed the smaller assembly or senate. They were, in fact, essentially exclusive bodies, in whose hands were the whole government and property of the state; for the plebs which grew up around them, formed as it was of various elements, but not included in the curiæ, had for a long time no share in the government of the state or its property. Our own country, before the alteration in the laws relating to the franchise and municipal government, exhibited a parallel to this state of things. The freemen in many instances enjoyed the franchise, and possessed the property of their respective boroughs, though their unprivileged fellow-citizens often exceeded them both in numbers and influence. But it is the nature of all exclusive corporations to decline in power and everything else: and so it was at Rome; for in the later ages of the Republic, the curiæ and their comitia were little more than a name and a form. The *oblatio curiæ*, under the emperors, seems to show that to belong to a curia was then no longer an honour or an advantage, but a burden.⁴

In later ages, curia signified the senate of a colony in opposition to the senatus of Rome. (*Vid. COLONIA*, p. 232.) Respecting the etymology of the word, see *COMITIA*, p. 295.

CURIA TA COMITIA. (*Vid. COMITIA*.)

CURIO. (*Vid. CURLÆ*.)

KYRIOS (κύριος) signifies generally the person that was responsible for the welfare of such members of a family as the law presumes to be incapable of protecting themselves; as, for instance, minors and slaves, and women of all ages. Fathers, therefore, and guardians, husbands, the nearest male relatives of women, and masters of families, would all bear this title in respect of the vicarious functions exercised by them in behalf of the respective objects of their care. The qualifications of all these, in respect of which they can be combined in one class, designated by the term κύριος, were the male sex, years of discretion, freedom, and, when citizens, a sufficient share of the franchise (*ἐπιτιμία*) to enable them to appear in the law-courts as plaintiffs or defendants in behalf of their several charges; in the case of the κύριος being a resident alien, the deficiency of franchise would be supplied by his Athenian patron (*προστάτης*). The duties to be performed, and, in default of their performance, the penalties incurred by guardians, and the proceedings as to their appointment, are mentioned under their more usual title. (*Vid. ΕΠΙΤΡΟΦΗ*.)

The business of those who were more especially designated κύριοι in the Attic laws was, to protect the interests of women, whether spinsters or widows, or persons separated from their husbands. If a citizen died intestate, leaving an orphan daughter,

1. (*Ænet.*, Octav., 20.)—2. (*Lamprid.*, Alex. Sev., 33.)—3. (*Ins. Capit.*, M. Anton., 12.)—4. (*Dig.* 50, tit. 8, s. 9, § 2; 2, tit. 14, s. 27.)—5. (*Liv.*, x., 6.)—6. (*Niebuhr*, *Hist. Rom.*, i., 311, transl.)—7. (*ib.*, 7, § 8.)—8. (*Varro*, *De Ling. Lat.*, lib. iv.—*Arnold*, *Hist. Rom.*, vol. i., p. 25.)—9. (*ib.*, 13.)—10. (*Dionys.*, ii., 47.)—11. (*Niebuhr*, *Hist. Rom.*, i., 312, transl.)—12. (*Plut.*, *Rom.*)—13. (*Dionys.*, ii., 7, 64.)—14. (*Dionys.*, ii., 23.)

1. (*Cic.*, *De Div.*, i., 11.)—2. (*Facciol.*, s. v.)—3. (*Cramer's Italy*, vol. i., p. 402.)—4. (*Heinecc.*, x., 24.)

the son, or the father, of the deceased was bound to supply her with a sufficient dowry, and give her a marriage; and take care, both for his own sake and that of his ward, that the husband made a proper settlement in return for what his bride brought him in the way of dower (*ἀποτίμημα*, Harpoc.). In the event of the death of the husband or of a divorce, it became the duty of the *κύριος* that had betrothed her to receive her back and recover the dowry, or, at all events, alimony from the husband or his representatives. If the father of the woman had died intestate, without leaving such relations as above mentioned surviving, these duties devolved upon the next of kin, who had also the option of marrying her himself, and taking her fortune with her, whether it were great or small.¹ If the fortune were small, and he were unwilling to marry her, he was obliged to make up its deficiencies according to a regulation of Solon;² if it were large, he might, it appears, sometimes even take her away from a husband to whom she had been married in her lifetime and with the consent of her father.

There were various laws for the protection of female orphans against the neglect or cruelty of their guardians; as one of Solon's,³ whereby they could compel their kinsmen to endow or marry them; and another, which, after their marriage, enabled any Athenian to bring an action *κακόσεως*, to protect them against the cruelty of their husbands;⁴ and the archon was specially intrusted with power to interfere in their behalf upon all occasions.⁵ (*Vid. CAUSAS.*)

*CURMA, CURMI, CORMA, and CURMON, a species of Ale mentioned by Sulpicius and Dioscorides. (*Vid. CEREVISIA.*)

CURSORES were slaves, whose duty it was to run before the carriage of their masters, for the same purpose as our outriders. They were not used during the times of the Republic, but appear to have first come into fashion in the middle of the first century of the Christian era. The slaves employed for this purpose appear to have frequently been Numidians.⁶ The word cursores was also applied to all slaves whom their masters employed in carrying letters, messages, &c.⁷

CURSUS. (*Vid. CIRCUS*, p. 256.)

*CURUCA or CURRUCa, a bird mentioned by Aristotle under the name of *ὑπολαΐς*.⁸ Gaza translates this Greek term by *Curuca*. Gesner inclines to the opinion that it is the Titlark, or *Anthus pratensis*, Bechstein.

CURULIS SELLA. (*Vid. SELLA CURULIS.*)

CURRUS, *dim.* CURRICULUM (*ἄρμα*), a Chariot, a Car. These terms appear to have denoted those two-wheeled vehicles for the carriage of persons which were open overhead, thus differing from the *carpentum*, and closed in front, in which they differed from the *cisium*. One of the most essential articles in the construction of the currus was the *ἄντρος*, or rim; and it is accordingly seen in all the chariots which are represented either in this article, or at p. 66, 209, 253. (*Vid. ANTYX.*) Another indispensable part was the axle, made of oak (*φύγιος ἄξων*), and sometimes also of ilex, ash, or elm.¹⁰

The cars of Juno and Neptune have metallic axles (*σπιδρότος, χάλκεος ἄξων*).¹¹ One method of making a chariot less liable to be overturned was to lengthen its axle, and thus to widen the base on which it stood. The axle was firmly fixed under the body

of the chariot, which, in reference to this circumstance, was called *ὑπερτερία*, and which was often made of wicker-work, enclosed by the *ἀντρος*.¹ Fat (*λίπος*)² and pressed olives (*αμυρρα*)³ were used to grease the axle.

The wheels (*κύκλα, τροχοί, rotae*) revolved upon the axle,⁴ as in modern carriages; and they were prevented from coming off by the insertion of pins (*ἐμβολοί*) into the extremities of the axle (*ἀκραξονία*). Pelops obtained his celebrated victory over Enomaus through the artifice of Hippodamia, who, wishing to marry Pelops, persuaded Myrtilus, the charioteer of his adversary, to omit inserting one of the linchpins in the axle of his car, or to insert one of wax.⁵ She thus caused the overthrow and death of her father Enomaus, and then married the conqueror in the race.

Sir W. Gell describes, in the following terms, the wheels of three cars which were found at Pompeii: "The wheels light, and dished much like the modern, 4 feet 3 inches diameter, 10 spokes, a little thicker at each end."⁶ These cars were probably intended for the purposes of common life. From Xenophon we learn that the wheels were made stronger when they were intended for the field of battle. After each excursion the wheels were taken off the chariot, which was laid on a shelf or reared against a wall; and they were put on again whenever it was wanted for use.⁷

The parts of the wheel were as follows:

(a.) The nave, called *πλήμνη, χοινικίς, modiolus*.⁸ The last two terms are founded on the resemblance of the nave to a modius or bushel. The nave was strengthened by being bound with an iron ring, called *πλημόδετον*.¹⁰

(b.) The spokes, *κνήμαι* (literally, *the legs*), *radii*. We have seen that the spokes were sometimes ten in number. In other instances they were eight (*κύκλα ὀκτάκνημα*), six, or four. Instead of being of wood, the spokes of the chariot of the sun, constructed by Vulcan, were of silver (*radiorum argenteus ordo*).¹¹

(c.) The felly, *ἴτρος*.¹² This was commonly made of some flexible and elastic wood, such as poplar¹⁴ or the wild fig, which was also used for the rim of the chariot; heat was applied to assist in producing the requisite curvature.¹⁵ The felly was, however, composed of separate pieces, called *ἄψιδες*.¹⁶ Hence the observation of Plutarch, that, as a "wheel revolves, first one apsis is at the highest point, and then another." Hesiod¹⁷ evidently intended to recommend that a wheel should consist of four pieces.

(d.) The tire, *ἐπίσωτρον, canthus*. Homer¹⁸ describes the chariot of Juno as having a tire of bronze upon a golden felly, thus placing the harder metal in a position to resist friction, and to protect the softer. On the contrary, Ovid's description is more ornamental than correct: "*Aurea summa curvatura rota*."¹⁹ The tire was commonly of iron.²⁰

All the parts now enumerated are seen in an ancient chariot preserved in the Vatican, a representation of which is given in the following woodcut.

This chariot, which is in some parts restored, also shows the pole (*δρυμός, temo*). It was firmly fixed at its lower extremity to the axle, whence the destruction of Phaëthon's chariot is represented

1. (Bunsen, De Jure Hered. Athen., p. 46.)—2. (Demosth., p. Macart., 1066.)—3. (Diod. Sic., xii., p. 298.)—4. (Petit., Leg. Gr., 542.)—5. (Demosth., c. Macart., 1076.)—6. (Senec., Ep., 87, 125.—Mart., iii., 47; xii., 24.—Petron., 28.)—7. (Suet., Ner., 18.—Tacit., Agric., 43.)—8. (H. A., vi., 7.)—9. (Hom., Il., v., 838; imitated by Virgil, "faginus axis;" Georg., iii., 172.)—10. (Plin., H. N., xvi., 84.)—11. (Hom., Il., v., 723; xiii., 81.)

1. (Hom., Il., xiii., 335, 436.—Hesiod., Scut., 306.)—2. (Io. Tzetzes in Hes., Scut., 309.)—3. (Plin., H. N., xv., 8.)—4. (Tim., Lex. Plat.)—5. (Pherecydes, ap. Schol. in Apoll. Rhod., i., 752.)—6. (Pompeiana, Lond., 1819, p. 133.)—7. (Hom., Il., v., 722.)—8. (Hom., Il., v., 726; xiii., 339.—Hesiod., Scut., 309.—Schol. in loc.)—9. (Plin., H. N., ix., 3.)—10. (Pollux., Onom.)—11. (Il., v., 723.)—12. (Ovid, Met., ii., 108.)—13. (Hom., Il., v., 724.)—14. (Il., iv., 482-486.)—15. (Il., xxi., 37, 38, compared with Theocrit., xxv., 247-251.)—16. (Hesiod., Op. et Dies, 426.)—17. (l. c.)—18. (Il., v., 725.)—19. (Met., ii., 107.)—20. (Hesychius.—Quintil., Inst. Or., i., 5, p. 88, ed. Spalding.)

CURRUS.



by the circumstance of the pole and axle being torn asunder (*temone revulsus axis*¹). At the other end (*ἀκρορῆμιον*) the pole was attached to the yoke, either by a pin (*ἑμβολός*), as shown in the chariot above engraved, or by the use of ropes and bands. (*Vid. Jussum*.)

Carriages with two, or even three poles were used by the Lydians.² The Greeks and Romans, on the other hand, appear never to have used more than one pole and one yoke, and the currus thus constructed was commonly drawn by two horses, which were attached to it by their necks, and therefore called *δίζυγες ἵπποι*,³ *συνωρίς*,⁴ "gemini jugales,"⁵ "equi bijuges."⁶

If a third horse was added, as was not unfrequently the case, it was fastened by traces. It may have been intended to take the place of either of the yoke horses (*ζύγιοι ἵπποι*) which might happen to be disabled. The horse so attached was called *παρήγορος*. When Patroclus returned to battle in the chariot of Achilles, two immortal horses, Xanthus and Balius, were placed under the yoke; a third, called Pedasus, and mortal, was added on the right hand; and, having been slain, caused confusion, until the driver cut the harness by which this third horse was fastened to the chariot.⁷ Ginzrot⁸ has published two drawings of chariots with three horses from Etruscan vases in the collection at Vienna. The *ἵππος παρήγορος* is placed on the right of the two yoke horses. (See woodcut at top of next column.) We also observe traces passing be-

CURRUS.



tween the two *ἀντιγες*, and proceeding from the front of the chariot on each side of the middle horse. These probably assisted in attaching the third or extra horse.

The Latin name for a chariot and pair was *biga*. (*Vid. Biga*.) When a third horse was added, it was called *triga*; and, by the same analogy, a chariot and four was called *quadriga*; in Greek, *τετραορία* or *τέθριππος*.

The horses were commonly harnessed in a quadriga after the manner already represented, the two strongest horses being placed under the yoke, and the two others fastened on each side by means of ropes. This is implied in the use of the epithets *σειραῖος* or *σειραφόρος*, and *funalis* or *funarius*, for a horse so attached.¹ The two exterior horses were farther distinguished from one another as the right and the left trace-horse. In a chariot-race described by Sophocles,² the driver, aiming to pass the goal, which is on his left hand, restrains the nearest horse, and gives the reins to that which was farthest from it, viz., the horse in traces on the right hand (*δεξιὸν δ' ἀνεῖς σειραῖον ἵππον*). In the splendid triumph of Augustus after the battle of Actium, the trace-horses of his car were ridden by two of his young relations. Tiberius rode, as Suetonius relates, "sinisteriore funali equo," and Marcellus "dexteriore funali equo." As the works of art of ancient art, especially fictile vases, abound in representations of quadrigae, numerous instances may be observed in which the two middle horses (*ὁ μέσος δεξιὸς καὶ ὁ μέσος ἀριστερός*³) are yoked together as in a biga; and, as the two lateral ones have collars (*λεπάδανα*) equally with the yoke-horses, we may presume that from the top of these proceeded the ropes which were tied to the rim of the car, and by which the trace-horses assisted to draw it. The first figure in the annexed woodcut is the chariot of Aurora, as painted on a vase found at Canosa.⁴ The reins of the two middle horses pass through



at the extremities of the yoke. All the particulars which have been mentioned are still more distinctly seen in the second figure, taken from a terra-cotta at Vienna.⁵ It represents a chariot

overthrown in passing the goal at the circus. The charioteer having fallen backward, the pole and yoke are thrown upward into the air; the two trace-horses have fallen on their knees, and the two yoke-horses are prancing on their hind legs.

If we may rely on the evidence of numerous

1. (Ovid, *Met.*, ii., 316.)—2. (*Æschyl.*, *Pers.*, 47.)—3. (*Hom.*, ii., v., 195; x., 473.)—4. (*Xen.*, *Hell.*, i., 2, § 1.)—5. (*Virg.*, *Æn.*, vi., 280.)—6. (*Georg.*, iii., 91.)—7. (*Hom.*, ii., xvi., 148-154, 467-474.)—8. (*Wagen und Fahrwerke*, vol i., p. 342.)—9. (*Ginzrot*, v. ii., p. 107, 108.)

1. (*Id.*, *Orig.*, xviii., 35.)—2. (*Electra*, 690-738.)—3. (*Schä*, in *Aristoph.*, *Nub.*, 122.)—4. (*Gerhard*, *Über Lichtgothenen*, pl. iii., fig. 1.)

works of art, the currus was sometimes drawn by four horses without either yoke or pole; for we see two of them diverging to the right hand and two to the left, as in the beautiful cameo on p. 334, 1st col., which exhibits Apollo surrounded by the signs of the zodiac. If the ancients really drove the quadriga thus harnessed, we can only suppose the charioteer to have checked its speed by pulling up the horses, and leaning with his whole body backward, so as to make the bottom of the car at its hindmost border scrape the ground, an act and an attitude which seem not unfrequently to be intended in antique representations.

The currus, like the cisium, was adapted to carry two persons, and on this account was called in Greek *δίωχος*. One of the two was, of course, the driver. He was called *ἡνίοχος*, because he held the reins, and his companion *παραβάτης*, from going by his side or near him. Though in all respects superior, the *παραβάτης* was often obliged to place himself behind the *ἡνίοχος*. He is so represented in the *biga* at p. 66, and in the *Iliad*¹ Achilles himself stands behind his charioteer Automedon. On the other hand, a personage of the highest rank may drive his own carriage, and then an inferior may be his *παραβάτης*, as when Nestor conveys Machaon (*πάρ' ἑὸν Μάχαιον βαινέει*), and Juno, holding the reins and whip, conveys Minerva, who is in full armour.² In such cases a kindness, or even a compliment, was conferred by the driver upon him whom he conveyed, as when Dionysius, tyrant of Sicily, "himself holding the reins, made Plato his *παραβάτης*."³ In the contest which has been already referred to, and which was so celebrated in Greek mythology, Æneas intrusts the reins to the unfaithful Myrtilus, and assumes the place of his *παραβάτης*, while Pelops himself drives with Hippodamia as his *παραβάτης*, thus honouring her in return for the service she had bestowed.⁴

The Persepolitan sculptures, and the innumerable paintings discovered in Egyptian tombs, concur with the historical writings of the Old Testament, and with the testimony of other ancient authors, in showing how commonly chariots were employed on the field of battle by the Egyptians, the Persians, and other Asiatic nations. The Greek poetry of the heroic ages proves with equal certainty the early prevalence of the same custom in Greece. The *επιπράτες*, *ἰ. ε.*, the nobility, or men of rank, who wore complete suits of armour, all took their chariots with them, and in an engagement placed themselves in front.⁵ Such were the *ἰππεῖς*, or cavalry of the Homeric period; the precursors of those who, after some centuries, adopted the less expensive and ostentatious practice of riding on horseback, but who, nevertheless, in consideration of their wealth and station, still maintained their own horses, rather to aid and exhibit themselves individually on the field than to act as members of a compact body. In Homer's battles we find that the horseman, who, for the purpose of using his weapons, and in consequence of the weight of his armour, is under the necessity of taking the place of *παραβάτης* (see the woodcut of the *triga*, p. 332), often assails or challenges a distant foe from the chariot; but that, when he encounters his adversary in close combat, they both dismount, "springing from their chariots to the ground," and leaving them to the care of the *ἡνίοχοι*.⁶ So likewise Turnus is described by Virgil, "Desinit Turnus bijugis; pedes apparat ire Comminus."⁷ As soon as the hero had finished the trial of his strength with his oppo-

nent, he returned to his chariot, one of the chief uses of which was to rescue him from danger. When Automedon prepares to encounter both Hector and Æneas, justly fearing the result, he directs his charioteer, Alcimedon, instead of driving the horses to any distance, to keep them "breathing on his back,"⁸ and thus to enable him to effect his escape in case of need.

These chariots, as represented on bas-reliefs and fictile vases, were exceedingly light, the body often consisting of little besides a rim fastened to the bottom and to the axle. Unless such had been really their construction, it would be difficult to imagine how so great a multitude of chariots could have been transported across the Ægean Sea. Homer also supposes them to be of no greater weight; for, although a chariot was large enough to convey two persons standing, not sitting, and on some occasions was also used to carry off the armour of the fallen,⁹ or even the dead body of a friend,³ yet Diomed, in his nocturnal visit to the enemy's camp, deliberates⁴ whether to draw away the splendid chariot of Rhesus by the pole, or to carry it off on his shoulder. The light and simple construction of war-chariots is also supposed by Virgil,⁵ when he represents them as suspended with all kinds of armour on the entrance to the temple of the Laurentine Picus.

We have already seen that it was not unusual, in the Homeric battles, to drive three horses, one being a *παρῆγορος*: in a single instance, that of Hector, four are driven together.⁶ In the games, the use of this number of horses was, perhaps, even more common than the use of two. The form of the chariot was the same, except that it was more elegantly decorated. But the highest style of ornament was reserved to be displayed in the quadrigæ, in which the Roman generals and emperors rode when they triumphed. The body of the triumphal car was cylindrical, as we often see it represented on medals. It was enriched with gold (*aureo curru*)⁷ and ivory.⁸ The utmost skill of the painter and the sculptor was employed to enhance its beauty and splendour. More particularly the extremities of the axle, of the pole, and of the yoke, were highly wrought in the form of animals' heads. Wreaths of laurel were sometimes hung round it (*currum laurigerum*),⁹ and were also fixed to the heads of the four snow-white horses.¹⁰ The car was elevated so that he who triumphed might be the most conspicuous person in the procession, and, for the same reason, he was obliged to stand erect (*in curru stantis eburno*)¹¹. A friend, more especially a son, was sometimes carried in the same chariot by his side.¹² When Germanicus celebrated his triumph, the car was "loaded" with five of his children in addition to himself.¹³ The triumphal car had, in general, no pole, the horses being led by men who were stationed at their heads.

The chariot was an attribute not only of the gods, but of various imaginary beings, such as Victory, often so represented on coins, vases, and sculptures (*biga, cui Victoria institerat*)¹⁴; Night (*Nox bigis subvecta*)¹⁵; and Aurora, whom Virgil represents as driving either two horses¹⁶ or four,¹⁷ in this agreeing with the figure in our last woodcut. In general, the poets are more specific as to the number of horses in the chariots of the deities, and it rarely exceeded two. Jupiter, as the father of the gods,

1. (Il., xvii., 502.)—2. (Il., xvii., 540.)—3. (Il., xiii., 657.)—4. (Il., x., 503-505.)—5. (Æn., vii., 184.)—6. (Il., vii., 185.)—7. (Flor., i., 5.—Hor., Epod., ix., 22.)—8. (Ovid, Trist., iv., 2, 63.—Pont., iii., 4, 25.)—9. (Claudian, De Laud. Stil., iii., 20.)—Tert. Cons. Honor., 130.)—10. (Mart., vii., 7.)—11. (Ovid, 1 c.)—12. (Val. Max., v., 10, § 2.)—13. (Tac., Ann., ii., 41.)—14. (Tacit., Hist., i., 86.)—15. (Virg., Æn., v., 731.)—16. (vii., 26.)—17. (vi., 535.)

1. (Il., xvii., 502.)—2. (Il., xvii., 540.)—3. (Il., xiii., 657.)—4. (Il., x., 503-505.)—5. (Æn., vii., 184.)—6. (Il., vii., 185.)—7. (Flor., i., 5.—Hor., Epod., ix., 22.)—8. (Ovid, Trist., iv., 2, 63.—Pont., iii., 4, 25.)—9. (Claudian, De Laud. Stil., iii., 20.)—Tert. Cons. Honor., 130.)—10. (Mart., vii., 7.)—11. (Ovid, 1 c.)—12. (Val. Max., v., 10, § 2.)—13. (Tac., Ann., ii., 41.)—14. (Tacit., Hist., i., 86.)—15. (Virg., Æn., v., 731.)—16. (vii., 26.)—17. (vi., 535.)

drives four white horses when he goes armed with his thunderbolt to resist the giants: Pluto is drawn by four black horses. The following line,

"*Quadrigis et Phæbus equis, et Delia bigis,*"¹

is in accordance not only with numerous passages of the poets, but with many works of art. A bronze lamp² shows the moon, or Diana, descending in a biga, and followed by Apollo, who is crowned with rays as he rises in a quadriga. The same contrast is exhibited in the annexed woodcut, showing the devices on two gems in the royal collection at Berlin. That on the left hand, representing Apollo encircled by the twelve signs, calls to mind the en-



graving on the seal of Amphitryon, "*Cum quadrigis sol exoriens.*"³ In the *Aeneid*,⁴ Latinus drives a chariot and four to express his claim to be descended from Apollo. The chariots of Jupiter and of the Sun are, moreover, painted on ancient vases with wings proceeding from the extremities of the axle (*πτερῶν ἄμα*; ⁵ *volucrum currum*⁶).

These supernatural chariots were drawn not only by horses, but by a great variety of brute or imaginary beings. Thus Medea received from the Sun a car with winged dragons.⁷ Juno is drawn by peacocks,⁸ Diana by stags,⁹ Venus by doves or swans, Minerva by owls, Mercury by rams, and Apollo by griffons. To the car of Bacchus, and, consequently, of Ariadne (*vid. CAPISTRUM*, p. 209), are yoked centaurs, tigers and lynxes:

"*Tu bijugum pictis insignia frenis*

Colla premis lyncum."¹⁰

Chariots executed in terra-cotta (*quadrigæ fictiles*¹¹), in bronze, or in marble, an example of which last is shown in the annexed woodcut from an ancient chariot in the Vatican, were among the most beautiful ornaments of temples and other public edifices.



No pains were spared in their decoration; and Pliny informs us¹² that some of the most eminent artists were employed upon them. In numerous instances they were designed to perpetuate the fame of those who had conquered in the chariot-race.¹³ As the emblem of victory, the quadriga was

1. (Manil., v., 3.)—2. (Bartoli, *Ant. Lucerne*, ii., 9.)—3. (Plaut., *Amphit.*, i., 1, 266.)—4. (xii., 162.)—5. (Plato, *Phæd.*)—6. (Hor., *Carm.*, i., 34, 8.)—7. (Apollod., i., 9, 25.)—8. (Ovid, *Met.*, ii., 531.)—9. (Claudian, *De Laud. Stil.*, iii., 285—290.)—10. (Paus., *Phigalian Marbles*, pl. xi.)—11. (Ovid, *Met.*, iv., 23.)—12. (Plin., *H. N.*, xxviii., 4.)—13. (H. N., xxxiv., 19.)—13. (Paus., vi., 10.)

sometimes adopted by the Romans to grace the triumphal arch by being placed on its summit, even in the private houses of great families, and was displayed as the indications of rank, and of memorials of conquest and of triumph.¹

CUSTODES. (*Vid. COMITIA*, p. 297.)

CYATHUS (*κύαθος*), a Greek and Roman measure, containing one twelfth of the *sextarius* or .0825 of a pint English. It was, in later times, at least, the measure of the common drinking-cups among the Romans, who borrowed it from the Greeks.² The form of the cyathus used at Athens was that of a small ladle, by means of which the wine was conveyed into the drinking-cups of the large vessel (*κρατήρ*) in which it was mixed. Two of these cyathi are represented in the annexed woodcut from the Museo Borbonico, vol. iv., p. 3.



The cyathus was the *uncia*, considered with reference to the *sextarius* as the unit: hence we find the *sextans* used for a vessel containing the sixth part of a *sextarius*, or two cyathi, *quadrans* for one containing three cyathi, *triens* for four cyathi, *quincunx* for five cyathi, &c.³

*CYCLAMENUS (*κυκλάμινος*), a plant, of which Dioscorides mentions two species. The first appears to be the *Cyclamen Europæum*, or common Sow-bread. About the second there has been a difference of opinion. Dodonæus and Hanb. conclude that it was the Bitter-sweet (*Salanum camara*); but Sprengel follows Gesner in referring it to the *Lonicera periclymenum*, or Woodbine.⁴

*CYCNUS (*κύκνος*). This appellation, as Aelian remarks, is generally applied to the *Anas Cygnus*, or Wild Swan; but sometimes also to the *Olor*, or Tame Swan. It is to the wild swan that the Homeric epithet *δωλιχόδεϊρος*, "long-necked," is particularly applicable.⁵ "It is to this species (the *Anas Cygnus*)," observes Griffith, "that the ancients attributed so melodious a voice: but of this opinion, however accredited, was not universally contested by Lucian, Pliny, and Aelian; even Virgil speaks only of the disagreeable cry of the swan. Some moderns have, notwithstanding, adopted the popular notions of the ancients on this subject, and, even in contradiction to the evidence of their senses, have endeavoured to persuade themselves of its truth. It is sufficient to observe, from all credible evidence, that the opinion is utterly unfounded. The swan neither sings during its lifetime, nor, as some assert, just before death. The comparatively modern discovery of the Black Swan seems to lead to the conclusion that the *Cygnus Niger* of antiquity was not altogether a fabulous creature."⁶

1. (Juv., viii., 3.)—2. (Varro, *De Ling. Lat.*, v., 124, ed. Iler.)—3. (Becker, *Charikles*, vol. i., p. 463.)—4. (Wun. *Pond. Mens.*, &c.—Hussey on *Ancient Weights*, &c.)—5. (Ophrast., *H. P.*, vii., 9.—Dioscor., ii., 193.—Hardouin ad *H. N.*, xxv., 68.)—6. (Adams, *Append.*, s. v.)—7. (Griffith *vier*, vol. viii., p. 666.)

YDONIUM MALUM, the Quince, the fruit of *Pirus Cydonia*. The name arose from that of its city Cydon, in Crete, whence they were first brought to Greece. Cato first gave it the appellation of *Cotonium malum*, and Pliny followed him. ancient writers mention several varieties of the tree: thus the true ones (*κυδώνια*) were small round; another kind, the *στρούθεια*, was of a larger size, and sweeter than the former. Columella describes three kinds, namely, *Struthea*, *Mustea*, *Chrysomela*. The last, however, belongs to the apple family. The Quince-tree is still called *κυσία* in northern Greece. According to Sibthorp, cultivated in gardens with the apple-tree.¹

CYMBALUM (*κυμαίνδις*). (*Vid.* **ΗΙΕΡΑΧ**.)
CYCLAS (*κυκλάς*) was a circular robe worn by women, to the bottom of which a border was affixed and laid with gold.

"*Hæc nunc aurata cyclade signat humum.*"²

Emperor Alexander Severus, in his other attempts to reduce the luxury of his age, ordained that women should only possess one *cyclas* each, and that it should not be adorned with more than six unciae of gold.³ The *cyclas* appears to have been usually made of some thin material (*tenui in cyclade*).⁴ It is related, among other instances of Caligula's extravagance, that he sometimes went into public in a *cyclas* of this description.⁵ For the literature of the subject, see Ruperti, *ad Juv.*, vi., 259.

CYMBALUM (*κύμβη*) is derived from *κύμβος*, a hollow, and is employed to signify any small kind of boat on lakes, rivers, &c.⁶ It appears to have been much the same as the *ἀκάτιον* and *scapha*. (*Vid.* **ΑΚΑΤΙΟΝ**.)

CYMBALUM (*κύμβαλον*), a musical instrument, in the shape of two half globes, which were held, one in each hand, by the performer, and played by striking against each other. The word is originally Greek, being derived from *κύμβος*, a hollow, which the Latin *cymba*, *cymbium*, &c., seem to be connected. In Greek it has several other significations, as the cone of a helmet;⁷ it is also used for *ἀρδανία*,⁸ the vessel of purification placed at the door of a house where there had been death.⁹ Besides this, it is often employed metaphorically for a noisy person, as in 1 Corinthians, xiii., 1, and Tiberius Caesar called Apion the grammarian, *balum mundi*.¹⁰ In the middle-age Latin it is used for a church or convent-bell, and sometimes for the dome of a church.¹¹



Several kinds of cymbals are found on ancient monuments, and, on the other hand, a great many names have been preserved by the grammarians and lexicographers; but the descriptions of the latter are so vague, that it is impossible to identify one with the other. A large class of cymbals was termed *κρούματα*, which, if they were really distinct from the *κρόταλα*, as Spohn and Lampe suppose, cannot now be exactly described. (*Vid.* **ΚΡΟΤΑΛΟΝ**.) The preceding drawing of a *κρούμα* is taken from an ancient marble, and inserted on the authority of Spohn.¹

The *κρέμβαλα* mentioned in the Homeric hymn to Apollo² were of this kind, played on by a chorus of Delians. The *scabilla* or *κρονπίζια* were also on the same principle, only played with the foot, and inserted in the shoe of the performer; they were used by flute-players, perhaps to beat time to their music.³

Other kinds of cymbals were, the *πλαταγή*, an invention of Archytas, mentioned by Aristotle,⁴ and its diminutive *πλαταγώνιον*, which, from the description of Julius Pollux and Hesychius,⁵ appears to have been a child's rattle; *ὀξόβαφα*, the two parts of which Suidas tells us⁶ were made of different materials, for the sake of variety of sound; *κοτύλαι*, mentioned in the fragments of Æschylus, with several others noted by Lampe in his work *De Cymbalis*, but perhaps without sufficient authority.

The cymbal was usually made in the form of two half globes, either running off towards a point so as to be grasped by the whole hand, or with a handle. It was commonly of bronze, but sometimes of baser material, to which Aristophanes alludes.⁷ The subjoined woodcut of a cymbalistris is taken from an ancient marble, and given on the authority of Lampe. See also the figure in page 189.



The cymbal was a very ancient instrument, being used in the worship of Cybele, Bacchus, Juno, and all the earlier deities of the Grecian and Roman mythology. It probably came from the East, from whence, through the Phœnicians, it was conveyed to Spain.⁸ Among the Jews it appears (from 2 Chron., v., 12, 13. — Nehem., xii., 27) to have been an instrument in common use. At Rome we first hear of it in Livy's account of the Bacchic orgies, which were introduced from Etruria.⁹

For *sistrum*, which some have referred to the class of *cymbala*, see **SISTRUM**.

***CYNOCEPHALI** (*κυνοκέφαλοι*), a fabulous race, with the heads of dogs, mentioned by Pliny and others as dwelling in the interior of Africa. The Cynocephali of the ancients, however, were in reality a species of large baboon, with elongated, dog-like head, flat and compressed cheeks, projecting and strong teeth, and a forehead depressed below

Plin., H. N., xv., 11. — Columell., v., 10. — Ovid, A. A., iii., Billerbeck, *Flora Classica*, p. 132. — 2. (Prop., IV., vii., 5. (Lamprid., Alex. Sev., c. 41.) — 3. (Juv., vi., 259.) — 4. (Cic., Cal., 32.) — 5. (Cic., De Off., iii., 14. — En., vi., 303. — Imman., Exere. Plin., 355.) — 6. (Hesych., s. v.) — 7. (Eurip., 98.) — 8. (Plin. in Praef., H. N.) — 9. (Godin, Descr. s., 147.)

1. (Miscell., sec. 1, art. vi., fig. 44.) — 2. (161-164.) — 3. (Pol lux, Onom., x., 33.) — 4. (Pol., viii., 6.) — 5. (s. v.) — 6. (s. v.) — 7. (Rabe, 1305.) — 8. (Compare Martial's *Batica Crumata* l. 9. (XXXIX., 9.)

the level of the superior margins of the orbits. Notwithstanding this close approximation to the shape of the dog's head, the form and position of the eyes, combined with the similarity of the arms and hands, gave to these creatures a resemblance to humanity as striking as it is disgusting.¹

*CYNOGLOSSUM (κυνόγλωσσον or -ος), the Hounds'-tongue, or *Cynoglossum officinale*. Culpepper, the English herbalist, says, with respect to the etymology of the word, "it is called Hounds'-tongue because it ties the tongues of dogs; whether true or not, I have never tried."²

II. The name of a fish mentioned by Athenæus. Rondelet supposes it a species of the *Bonglossus* or *Sole*.³

*CYNOCRAMBE (κυνοκράμβη), a plant, which Sprengel, in his history of Botany, sets down as the *Chenopodium album*, or white Goose-foot; but in his edition of Dioscorides he joins Bauhin in holding it to be the *Thelygonium cynocrambe*.⁴

*CYNOMYIA (κννομυία), the Dog-fly, or *Musca canina*.⁵

*CYNORAISTES (κννοροαίστης), the Dog-tick, or *Acarus Ricinus*, L.⁶

*CYNOR'ODON (κννορόδον). "None of the commentators," observes Adams, "offer any explanation of what it was; but, as the word signifies the Dog-rose, or *Rosa canina*, it is probable that it was the same as the *κννοόσβατον*."⁷

*CYNOSBATUM (κννοόσβατον). "The commentators are not quite agreed respecting this plant," observes Adams. "Dierbach makes it to be the *Rosa pomifera*; Sprengel follows Dodonæus in referring it to the *Rosa canina*, or Hep-tree; and Stackhouse at first inclines to this opinion, but afterward decides in favour of the *Rubus Idaeus*. I am of opinion that it was most probably the *Rosa canina*."⁸

*CYNOPS (κννοψ). Both Sprengel and Stackhouse call this plant *Plantago Cynops*, but the latter hesitates about making it the *P. Psyllium*, or Fleawort.⁹

*CYPERUS (κννοπειρος or -ον), the *Cyperus rotundus*, a plant still very common on the Greek islands. It is mentioned by Theocritus as an agreeable plant, and is also noticed by Homer and Nicander. According to Dodwell, the roots are taken medicinally for disorders of the stomach. The leaves are used for stringing and bringing the roots to Athens, and for tying the wild figs on the cultivated tree.¹⁰

*CYPRUS (κννοπρος), a plant; according to Pliny, the same with the *Ligustrum*. Martyn, however, remarks, that Prosper Alpinus found plenty of plants in Egypt answering to Dioscorides' description of the Cyprus, but at the same time declared that the Italian Ligustrum, or Privet, did not grow in Egypt. It has since been settled, according to Adams, that it is a species of *Lawsonia*, either the *inermis* or the *alba*, Lam.¹¹

*CYTISUS (κννοτίσος). "There has been considerable diversity of opinion respecting this plant. The point, however, seems at last to have been settled by Martyn and Sprengel in favour of the *Medicago arborea*, or Tree Medick." Sibthorp found the *M. arborea* growing among the rocks around Athens.¹²

D.

DACTYLIOTHECA (δακτυλιοθήκη), a case or box where rings were kept.¹ The name was also applied to a cabinet or collection of jewels. We learn from Pliny² that Scæurus, the stepson of Sulla, was the first person at Rome who had a collection of this kind, and that his was the only one till Pompey brought to Rome the collection of Mithradates, which he placed in the Capitol. Julius Cæsar also placed six dactyliothece in the Temple of Venus Genetrix.³

DACTYLUS (δακτυλος). (Vid. PES.)

DADU'CHUS (δαδούχος). (Vid. ELKUSTINIA.)

DÆDALA (Δαίδαλα), a festival celebrated in Bœotia in honour of Hera, surnamed *Νυμφενομένη* or *Τελεία*.⁴ Its origin and mode of celebration are thus described by Pausanias:⁵ Hera was once angry with Zeus, and withdrew herself to Eubœa. Zeus, not being able to persuade her to return, went to Cithæron, who then governed Plataeæ, and who was said to be unequalled in wisdom. He advised Zeus to get a wooden statue, to dress and place it upon a chariot, and to say that it was Plataeæ, the daughter of Asopus, whom he was going to marry. Zeus followed the advice of Cithæron, and no sooner had Hera heard of her husband's projected marriage than she returned. But when, on approaching the chariot and dragging off the coverings, she saw the wooden statue, she was pleased with the device, and became reconciled to Zeus. In remembrance of this reconciliation, the Plataeans solemnized the festival of the dædala, which owes its name to *Δαίδαλα*, the appellation by which, in ancient times, statues and other works of ingenious and curious workmanship were designated.⁶ Pausanias was told that the festival was held every seventh year; but he believes that it took place at shorter intervals, though he was unable to discover the exact time.

We have to distinguish between two festivals of this name: one, which was celebrated by the Plataeans alone, was called the *lesser Dædala* (Δαίδαλα μικρά), and was held in the following manner: In the neighbourhood of Alalcomene was the greatest oak-forest of Bœotia, and in it a number of oak-trunks. Into this forest the Plataeans went, and exposed pieces of cooked meat to the ravens, attentively watching upon which tree any of the birds, after taking a piece of the meat, would settle; and the trees on which any of the ravens settled were cut down and worked into dædala, i. e., roughly-hewn statues.

The *great Dædala* (Δαίδαλα μέγαρα), in the celebration of which the Plataeans were joined by the other Bœotians, took place every sixtieth year; because at one time, when the Plataeans were absent from their country, the festival had not been celebrated for a period of sixty years. At each of the lesser Dædala fourteen statues were made in the manner described above, and distributed by lot among the towns of Plataeæ, Coronea, Thespie, Tanagra, Chæronea, Orchomenos, Lebadea, and Thebes; the smaller towns took one statue in common. The Bœotians assembled on the banks of the Asopus; here a statue of Hera was adorned and raised on a chariot, and a young bride led the procession. The Bœotians then decided by lot in what order they were to form the procession, and drove their chariots away from the river and up Mount Cithæron, on the summit of which an altar was erected of square pieces of wood, fitted together like stones. This altar was covered with a quanti-

1. (Plin., H. N., vi., 30; viii., 54; xxvii., 9.)—2. (Dioscor., iv., 128.—Adams, Append., s. v.)—3. (Athen., vii., p. 321.)—4. (Dioscor., iv., 192.—Adams, Append., s. v.)—5. (Ælian, N. A., iv., 51.)—6. (Hom., Od., xvii., 300.—Aristot., H. P., v., 25.)—7. (Theophrast., H. P., iv., 4.)—8. (Theophrast., H. P., iii., 18.—Dioscor., i., 123.—Adams, Append., s. v.)—9. (Theophrast., H. P., vii., 8.)—10. (Theophrast., H. P., i., 8; iv., 10.—Dioscor., i., 4.—Adams, Append., s. v.)—11. (Theophrast., Fr., iv., 25.—Dioscor., i., 124.—Plin., H. N., xvi., 18.—Martyn ad Virg., Eclog., ii., 18.)—12. (Theophrast., H. P., i., 6.—Dioscor., iv., 111.)

1. (Mart., xi., 59.)—2. (H. N., xxvii., 5.)—3. (Plin., i. c.)—4. (Paus., ix., 3, 5.)—5. (Paus., ix., 3, 1, &c.)—6. (Damm, Lat. ic., s. v. Δαίδαλος.)

ty of dry wood, and the towns, persons of rank, and other wealthy individuals, offered each a heifer to Hera and a bull to Zeus, with plenty of wine and incense, and at the same time placed the *dædala* upon the altar. For those who did not possess sufficient means, it was customary to offer small sheep; but all their offerings were burned in the same manner as those of the wealthier persons. The fire consumed both offerings and altar, and the immense flame thus kindled was seen far and wide.

The account of the origin of the *dædala* given by Pausanias agrees in the main points with the story related by Plutarch,¹ who wrote a work on the Platæan *dædala*; the only difference is, that Plutarch represents Zeus as receiving his advice to deceive Hera from Alalcomenes, and that he calls the wooden statue by which the goddess was to be deceived *Dædala* instead of *Platæa*. Plutarch also adds some remarks respecting the meaning of the festival, and thinks that the dispute between Zeus and Hera had reference to the physical revolutions to which *Bœotia*, at a very remote period, had been subject, and their reconciliation to the restoration of order in the elements.²

*DACRYDION (*δακρύδιον*), a name for Scammony, given to it by Alexander of Tralles. (*Vid. SCAMMONIA*.)³

*DACTYLI (*δάκτυλοι*), the fruit of the Palm-tree. The earlier Greek writers called this by the names of *φοίνικες*, *φοίνικος βάλανοι*, and *φοινικόβαλανοι*. The appellation *δάκτυλοι* occurs first in the works of the medical authors, but came afterward into general use; from it the name of the fruit in question is derived in all the modern languages of Europe. Thus they are called *dactyles* in Spanish, *datteln* in Italian, *datteln* in German, and *dates* in French and English. (*Vid. ΠΙΘΕΝΙΧ*.)⁴

*DAMASONIUM (*δαμασίονον*), a plant, the name, according to Galen, with the *ἄλσιμα* of Dioscorides. Stephens calls it *Plantago aquatica*. Cordeus Sprengel, and Sibthorp accordingly acknowledge it as the Water Plantain, or *Alisma plantago*, L.⁵

DAMNI INJURIA ACTIO. The *Aquila lex*, in the first chapter, provided that, if a man unlawfully (*injuria*) killed a slave or quadruped (*quæ pecuniam numero sit*) which belonged to another, he was bound to pay to the owner the highest value that the slave or animal had within the year preceding the unlawful act. By the third chapter he was bound to pay the highest value that the slave or animal had within the thirty days preceding the unlawful act. A person whose slave was killed (*injuria*) might either prosecute the offender capitally (*capitali crimine*), or might bring his action for damage under this lex. The actions of the *lex Aquilia* (*actiones directæ*) were limited to damage done by actual contact (*corpore*), and only the owner of the thing damaged could sue. Afterward, an *actio utilis* was given in the case where the injury was done *corpore* but not *corpore*; as if a man poisoned a neighbour's slave to get up a tree, and he fell down and died, or was injured: such *actio* was also given to him who had a *jus in re*.⁶

DAMNUM signifies generally any injury to a person's property, and it is either *damnum factum*, *datum*, damage done, or *damnum infectum*, *metuendum*, damage apprehended. (*Vid. DAMNUM INFECTUM*.) Damage done to our actual property is simply called *damnum*; that damage which is caused by our being prevented from acquiring a

certain gain is called *lucrum cessans*: both are sometimes comprehended under the phrase "*id quod interest*," though this expression is more frequently applied to that compensation which a man claims beyond the bare value of the thing damaged, and sometimes it signifies the bare loss only. To make good any damage done is called *damnum præstare*.

The causes of *damnum* are either chance (*casus*) or the acts of human beings, which, when characterized by *dolus malus* or *culpa*, become *damnum* in the restricted and legal sense. (*Vid. CULPA*.) Delay (*mora*) is included by some writers under the causes of *damnum*, but it might be appropriately considered as a form of *culpa*.

DAMNUM INFECTUM is damage not done, but apprehended. For instance, if a man feared that mischief might happen to his property from the dilapidated state of his neighbour's buildings, he could require from the owner, or from the occupier who had a *jus in re*, or even from the possessor, security (*cautio*) against the mischief that was apprehended. The mode of obtaining this *cautio* was by the *damni infecti actio*. The actor was obliged to swear that he did not require the *cautio*, *calumniæ causa*. If the *cautio* was not given within the time named by the *judex*, the actor was permitted to take possession of the ruinous edifice. If a man's house fell and injured the house of a neighbour before any *cautio* had been given, the sufferer had no right of action, if the person whose house had tumbled down was content to relinquish all right to what had fallen on his neighbour's premises.⁷

DAMOSIA (*δαμοσία*), the escort or suite of the Spartan kings in time of war. It consisted of his tent comrades (*σύσκηνοι*), to whom the polemarchs, Pythians, and three of the equals (*ἄμοιοι*) also belonged;⁸ of the prophets, surgeons, flute-players, volunteers in the army,⁹ Olympian conquerors,¹⁰ public servants, &c. The two ephors who attended the king on military expeditions also formed part of the *damosia*.¹¹

DANAKE (*δανάκη*), the name of a foreign coin, according to Hesychius¹² worth a little more than an *obolos*. According to some writers it was a Persian coin.¹³ This name was also given to the *obolos* which was placed in the mouth of the dead to pay the ferryman in Hades.¹⁴ At the opening of a grave at Same in Cephallenia, a coin was found between the teeth of the corpse.¹⁵

DANEI'ON. (*Vid. INTEREST OF MONEY*.)

*DAPHNE (*δάφνη*), the *Laurus* of the Romans, and our Bay-tree; not the *Laurel*, as it is frequently rendered. "Translators," observes Martyn, "frequently confound the Laurel and the Bay, as if they were the same tree, and what the Romans called *Laurus*. Our Laurel was hardly known in Europe till the latter end of the sixteenth century, about which time it appears to have been brought from Trebizond to Constantinople, and thence into most parts of Europe. The Laurel has no fine smell, which is a property ascribed to the *Laurus* by Virgil. Nor is the Laurel remarkable for crackling in the fire, of which there is abundant mention with regard to the *Laurus*. These characters agree very well with the Bay-tree, which seems to be most certainly the *Laurus* of the ancients, and is at this time frequent in the woods and hedges of Italy. The first discoverers of the *Laurus* gave it the name of *Lawocerasus*, because it has a leaf something like a bay and a fruit like a cherry."¹⁶

1. (Sp. Euseb., De Preparat. Evang., iii., p. 83, and Fragm., p. 539, &c., ed. Wyttenb.)—2. (*Vid. Crouzer*, Symbol. und Mythol., v., p. 580, and Müller's Orhom., p. 211, &c.)—3. (Adams, Append., s. v.)—4. (Adams, Append., s. v.)—5. (Galen, De Sing. vii. c. Paul. Egrot., vii., 3.—Dioscorides, iii., 154.—*Alisma*, A. J. Pencil., s. v.)—6. (Gaius, iii., 210, &c.—Dig. 9, tit. 2.)

1. (Dig. 39, tit. 2.)—2. (Xen., Rep. Lac., xiii., 1.)—3. (Xen., Rep. Lac., xiii., 7.)—4. (Plut., Lyc., 22.)—5. (Müller, Dorians, iii., 12, § 5.)—6. (s. v.)—7. (Pollux, Onom., ix., 82, and Hemsterh. ad loc.)—8. (Hesych., s. v.—Lucian, De Luctu, c. 10.)—9. (Stackelberg, Die Gräber der Hellenen, p. 42.—Becker, Charikles, ii., p. 170.)—10. (Martyn ad Virg., Georg., i., 306.)

IL. short, as Adams remarks, the δάφνη is the *Laurus nobilis*, L. The δάφνη Ἀλεξάνδρεια of Dioscorides is unquestionably, according to the same authority, the Butcher's Broom, or Alexandrian Laurel, i. e., *Ruscus Hypoglossum*.¹

DAPHNEPHORIA (Δαφνηφορία), a festival celebrated every ninth year at Thebes in honour of Apollo, surnamed Ismenius or Galaxius. Its name was derived from the branches of bay (δάφνη) which were carried by those who took part in its celebration. A full account of the festival is given by Proclus.² At one time all the Æolians of Arne and the adjacent districts, at the command of an oracle, laid siege to Thebes, which was at the same time attacked by the Pelasgians, and ravaged the neighbouring country. But when the day came on which both parties had to celebrate a festival of Apollo, a truce was concluded, and on the day of the festival they went with bay-boughs to the temple of the god. But Polematas, the general of the Bœotians, had a vision, in which he saw a young man who presented to him a complete suit of armour, and who made him vow to institute a festival, to be celebrated every ninth year, in honour of Apollo, at which the Thebans, with bay-boughs in their hands, were to go to his temple.

When, on the third day after this vision, both parties again were engaged in close combat, Polematas gained the victory. He now fulfilled his promise, and walked himself to the temple of Apollo in the manner prescribed by the being he had seen in his vision. And ever since that time, continues Proclus, this custom has been strictly observed. Respecting the mode of celebration, he adds: At the daphnephoria they adorn a piece of olive-wood with garlands of bay and various flowers; on the top of it a brazen globe is placed, from which smaller ones are suspended; purple garlands, smaller than those at the top, are attached to the middle part of the wood, and the lowest part is covered with a crocus-coloured envelope. By the globe on the top they indicate the sun, which is identical with Apollo; the globe immediately below the first represents the moon; and the smaller suspending globes are symbols of the stars. The number of garlands being 365, indicates the course of the year. At the head of the procession walked a youth, whose father and mother must be living. This youth was, according to Pausanias,³ chosen priest of Apollo every year, and called δαφνηφόρος; he was always of a handsome figure and strong, and taken from the most distinguished families of Thebes. Immediately before this youthful priest walked his nearest kinsman, who bore the adorned piece of olive-wood, which was called κωπῶ. The priest followed, bearing in his hand a bay-branch, with dishevelled and floating hair, wearing a golden crown on his head, a magnificent robe which reached down to his feet (ποδῆρης), and a kind of shoes, called Ἰφικράτιδες, from the general, Iphicrates, who had first introduced them. Behind the priest there followed a choir of maidens, with boughs in their hands and singing hymns. In this manner the procession went to the Temple of Apollo Ismenius or Galaxius. It would seem from Pausanias that all the boys of the town wore laurel garlands on this occasion, and that it was customary for the sons of wealthy parents to dedicate to the god brazen tripods, a considerable number of which were seen in the temple by Pausanias himself. Among them was one which was said to have been dedicated by Amphitryon, at the time when Heracles was daphnephorus. This last circumstance shows that

the daphnephoria, whatever changes may have been subsequently introduced, was a very ancient festival.

There was a great similarity between this festival and a solemn rite observed by the Delphians, who sent every ninth year a sacred boy to Tempe. This boy went on the sacred road,⁴ and returned home as bay-bearer (δαφνηφόρος) amid the joyful songs of choruses of maidens. This solemnity was observed in commemoration of the purification of Apollo at the altar in Tempe, whither he had fled after killing the Python, and was held in the month of Thargelion (probably on the seventh day). It is a very probable conjecture of Müller,⁵ that the Bœotian daphnephoria took place in the same month and on the same day on which the Delphian boy broke the purifying bay-boughs in Tempe.

The Athenians seem likewise to have celebrated a festival of the same nature, but the only mention we have of it is in Proclus,⁶ who says that the Athenians honoured the seventh day as sacred to Apollo; that they carried bay-boughs, and adorned the basket (κάνεον, see ΚΑΝΕΡΗΘΟΣ) with garlands, and sang hymns to the god. Respecting the astronomical character of the daphnephoria, see Müller, *Orchom.*, p. 220; and Creuzer, *Symbol. und Mythol.*, ii., p. 160.

*DAPHNOIDES (δαφνοειδής) according to Sprengel, the *Daphne Alpina*; and the χαμαιδάφνη of Dioscorides, the *Ruscus Racemosus*.⁴

DARE ACTIONEM. (Vid. ΑΣΤΙΟΝ, p. 18.)

DARICUS (δαρεικός), a gold coin of Persia, stamped on one side with the figure of an archer crowned and kneeling upon one knee, and on the other with a sort of quadrata incusa or deep cleft. The origin of this coin is doubtful. We know from Herodotus⁸ that Darius reformed the Persian currency, and stamped gold of the purest standard; whence it has been supposed that the daricus was so called from him. Harpocration, however, says⁹ that the name was older than this Darius, and taken from an earlier king. Gesenius¹⁰ supposes the name to be derived from an ancient Persian word signifying king, or royal palace, or the bow of the king, in allusion to the figure stamped upon it.

This coin had a very extensive circulation, not only in the Persian empire, but also in Greece. The pay given by Cyrus to the soldiers of Clearchus was a daricus a month;¹¹ and the same pay was offered to the same troops by Thimbrion, a Lacedæmonian general.¹² In the later books of the Old Testament, the daricus is supposed to be mentioned under the names of adarkon (אֲדַרְכֹּן) and darikemon (דַּרְיָקֵמֹן).¹⁰

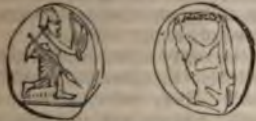
Harpocration says that, according to some persons, the daricus was worth twenty silver drachmæ; which agrees with the statement of Xenophon,¹¹ who informs us that 3000 darics were equal to ten talents, which would consequently make the daricus equal to twenty drachmæ. The value of the daricus in our money, computed from the drachma, is 16s. 3d.; but if reckoned by comparison with our gold money, it is worth much more. The darics in the British Museum weigh 128.4 grains and 128.6 grains respectively. Hussey¹² calculates the daricus as containing on an average about 123.7 grains of pure gold, and therefore equal in value to $\frac{123.7}{115.12}$ of a sovereign, or about 1l. 1s. 10d. 1.76 farthings.

Very few darics have come down to us; their

1. (Dioscor., i., 106.—Galen, De Simplic., vi.—Bauhin's Pinax, 603.—Adams, Append. s. v.)—2. (Chrestomath., p. 11.)—3. (ix., 10, § 4.)

1. (Plut., Quæst. Gr., 12.)—2. (Dor., ii., 8, § 4.)—3. (ep. Phœnium, p. 987.)—4. (Adams, Append., s. v.)—5. (iv., 165.)—6. (s. v.)—7. (Hebr. Lexicon.)—8. (Xen., Anab., i., 3, § 21.)—9. (Ibid., vii., 6, § 1.)—10. (Vid. 1 Chron., xxix., 7.—Ezra, viii., 27, ii., 69.—Nehem., vii., 70, 72.)—11. (Anab., i., 7, § 18.)—12. (Ancient Weights, &c., vii., 3.)

ty may be accounted for by the fact that, after conquest of Persia, they were melted down and coined under the type of Alexander. There are also silver coins which go by the name *chryseis*, on account of their bearing the figure of a cherub; but they were never called by this name in ancient times. Aryandes, who was appointed governor of Egypt by Cambyses, is supposed to have been the first who struck these silver coins, in imitation of the gold coinage of Darius Hystaspis.¹



LD. DARIC. BRITISH MUSEUM. ACTUAL SIZE.



TER DARIC. BRITISH MUSEUM. ACTUAL SIZE.

ASCILLUS (*ἀσκύλλος*), the name of a fish mentioned by Aristotle. Rondelet and Gesner conjecture its inability to determine what kind of fish it

is. *ASYPUS* (*ἀσύνπυς*), a term sometimes applied to the common Hare, or *Lepus timidus*, but particularly to the *Lepus cuniculus*, the Coney rabbit. "The *Saphon* of the Bible," observes Gesner, "has been generally taken for the Coney, Biblical commentators seem now agreed that it is rather the *Ashkoko*, an animal first described by the traveller Bruce."²

AUCUS (*αὔκος*), a plant, three species of which are described by Dioscorides. The first of these, according to Sprengel, the *Athamania Cretica*; the 2d, the *Athamania cerearia*; and the 3d, the *Athamania ammoides*. Dierbach agrees with Sprengel. Stephens makes the first species to be the wild Carrot." Galen states that it is the same as the *ραφάνιον*. Stackhouse suggests that the *δαυμάτιον* of Theophrastus may be the *Thapsia*.³

ΒΙΒΙΤΟΡ. (*Βίβιτος*.)
 ΚΑΔΟΥΧΟΙ (*καδαύχοι*), the members of the Council of Ten, who succeeded the Thirty in the late power at Athens, B.C. 403.⁴ They were chosen from the ten tribes, one from each;⁵ but they were opposed to the Thirty, sent ambassadors to Sparta to ask for assistance against Thrasylulus the exiles. They remained masters of Athens until a party of Thrasylulus obtained possession of the city, and the democracy was restored.⁶

ΚΑΡΧΙΑ (*καρχία*) or DEKADAR'CHIA (*καρχία*), was a supreme council established in the cities of the Grecian cities by the Lacedæmonians, entrusted to it the whole government of the cities under the direction of a Spartan harmost. It was composed of the leading members of the aristocratic party.⁷ This form of government appears to have been first established by Lysander at Sparta.⁸

DECASMOS (*δέκασμος*), Bribery. There were

two actions for bribery at Athens: one, called *δέκασμος γραφή*, lay against the person who gave the bribe; and the other, called *δάρων* or *δωροδοκίας γραφή*, against the person who received it.¹ These actions applied to the bribery of citizens in the public assemblies of the people (*συνδεδάσειν τὴν ἐκκλησίαν*), of the Heliaea or any of the courts of justice, of the *βουλὴ*, and of the public advocates (*συνήγοροι*). Demosthenes,² indeed, says that orators were forbidden by the law not merely to abstain from receiving gifts for the injury of the state, but even to receive any present at all.

According to Aristotle,³ Anytus was the first person at Athens who bribed the judges; and we learn from Plutarch⁴ that he did so, when he was charged with having been guilty of treachery at Pylos, at the end of the Peloponnesian war. Other writers say that Melitus was the first person who bribed the judges.⁵

Actions for bribery were under the jurisdiction of the *thesmothetæ*.⁶ The punishment on conviction of the defendant was death, or payment of ten times the value of the gift received, to which the court might add an additional punishment (*προστίμημα*). Thus Demosthenes was sentenced to a fine of 50 talents by an action for bribery, and also thrown into prison.⁷

DECATE (*δέκατη*). (*Vid.* DECUMÆ.)

DECATELOGOI (*δεκατηλόγοι*). (*Vid.* DECUMÆ.)

DECATEUTAI (*δεκατενται*). (*Vid.* DECUMÆ.)

DECATEUTERION (*δεκατεντήριον*). (*Vid.* DECUMÆ.)

DECATONAI (*δεκατόναι*). (*Vid.* DECUMÆ.)

DECEMBER. (*Vid.* CALENDAR, ROMAN.)

DECEMPEDA, a pole ten feet long, used by the agrimensores (*vid.* AGRIMENSORES) in measuring land.¹⁰ Thus we find that the agrimensores were sometimes called *decempedatores* (*L. Antonius, qui fuerat æquissimus agri privati et publici decempedator*¹¹).

DECEMVIRI, the name of various magistrates and functionaries at Rome.

I. DECEMVIRI LEGIBUS SCRIBENDIS were ten persons who were appointed to draw up a code of laws, and to whom the whole government of the state was intrusted. As early as B.C. 460, a law was proposed by Caius Terentilius Harsa, that commissioners should be appointed for drawing up a body of laws; but this was violently opposed by the patricians;¹² and it was not till after a struggle of nine years that the patricians consented to send three persons to Greece, to collect such information respecting the laws and constitutions of the Greek states as might be useful to the Romans.¹³ They were absent a year; and on their return, after considerable dispute between the patricians and plebeians, ten commissioners of the patrician order were appointed, with the title of "decemviri legibus scribendis," to whom the revision of the laws was committed. All the other magistracies were suspended, and they were intrusted with supreme power in the state.¹⁴ Niebuhr, however, supposes that the tribuneship was not given up till the second decemvirate; but Dionysius expressly says that it was superseded in the first.

The decemviri entered upon their office at the beginning of the year 449 B.C. They consisted of Appius Claudius and Titus Genucius, the new con-

Herod., iv., 166.—2. (Aristotle, H. A., viii., 4.)—3. (Aristotle, H. A., i., 6; v., 8.—Harris, Nat. Hist. Bibl., p. 91.)—4. (Strabo, ii., 76.—Nicand., Ther., 94.—Adams, Append., s. v.)—5. (Harpocraz., s. v.)—6. (Xen., Hell., ii., 4, § 23.)—7. (Comperius, c. Eratosth., p. 420.—Wachsmuth, i., 2, p. 266.)—8. (Dionysius, s. v. Δεκακαρχία.—Schneider ad Aristot., Pol., i., 147)—9. (Plut., Lys., 5.—Wachsmuth, ii., 2, p. 245.)

1. (Pollux, viii., 42.)—2. (Æsch., c. Timarch., c. 16, p. 12.)—3. (Demosth., c. Steph., ii., p. 1137, l.)—4. (De Falsa Leg., p. 343.)—5. (apud Harpocraz., s. v. Δεκατόν.)—6. (Coriol., c. 14.)—7. (Petit, Leg. Att., p. 427, and Duker's note.)—8. (Demosth., c. Steph., l. c.)—9. (Böckh, Publ. Econ. of Athens, ii., p. 116, transl.—Meier, Att. Proc., p. 352.)—10. (Cic., Pro Mil., c. 27.—Hor., Carm., II., xv., 14.—Cic., Philipp., xiv., 4.)—11. (Cic., Philipp., xiii., 18.)—12. (Liv., iii., 9.)—13. (Liv., iii., 31)—14. (Dionys., x., 56.)

suls, of the warden of the city, and of the two *quæstores parricidii*, as Niebuhr conjectures, and of five others chosen by the centuries. They discharged the duties of their office with diligence, and dispensed justice with impartiality. Each administered the government day by day in succession, as during an interregnum; and the fasces were only carried before the one who presided for the day.¹ They drew up a body of laws, distributed into ten sections, which, after being approved of by the senate and the comitia, were engraven on tables of metal, and set up in the comitium.

On the expiration of their year of office, all parties were so well satisfied with the manner in which they had discharged their duties, that it was resolved to continue the same form of government for another year; more especially as some of the decemvirs said that their work was not finished. Ten new decemvirs were accordingly elected, of whom Appius Claudius alone had belonged to the former body;² and of his nine new colleagues Niebuhr thinks that five were plebeians. These magistrates framed several new laws, which were approved of by the centuries, and engraven on two additional tables. They acted, however, in a most tyrannical manner. Each was attended by twelve lieters, who carried, not the rods only, but the axe, the emblem of sovereignty. They made common cause with the patrician party, and committed all kinds of outrages upon the persons and property of the plebeians and their families. When their year of office expired, they refused to resign or to appoint successors. Niebuhr, however, considers it certain that they were appointed for a longer period than a year, since otherwise they would not have been required to resign their office, but interreges would at the expiration of the year have stepped into their place. This, however, does not seem conclusive, since the decemvirs were at the time in possession of the whole power of the state, and would have prevented any attempt of the kind. At length the unjust decision of Appius Claudius in the case of Virginia, which led her father to kill her with his own hands to save her from prostitution, occasioned an insurrection of the people. The decemvirs were in consequence obliged to resign their office, B.C. 447, after which the usual magistracies were re-established.³

The ten tables of the former, and the two tables of the latter decemvirs, together form the laws of the Twelve Tables, of which an account is given in a separate article. (*Vid.* TWELVE TABLES.)

II. DECENVIRI LITIBUS JUDICANDIS. (*Vid.* PRÆTOR.)

III. DECENVIRI SACRIS FACIUNDIS, sometimes called simply DECENVIRI SACRORUM, were the members of an ecclesiastical collegium, and were elected for life. Their chief duty was to take care of the Sibylline books, and to inspect them on all important occasions by command of the senate.⁴ Virgil⁵ alludes to them in his address to the Sibyl: "*Lectos sacrobo viros.*"

Under the kings the care of the Sibylline books was committed to two men (*duumviri*) of high rank,⁶ one of whom, called Atilius or Tullius, was punished by Tarquinius for being unfaithful to his trust, by being sewed up in a sack and cast into the sea.⁷ On the expulsion of the kings, the care of these books was intrusted to the noblest of the patricians, who were exempted from all military and civil duties. Their number was increased about the year 365 B.C. to ten, of whom five were chosen from

the patricians and five from the plebeians.⁸ Subsequently their number was still farther increased to fifteen (*quindecemviri*), but at what time is uncertain. As, however, there were decemviri in B.C. 82, when the Capitol was burned,⁹ and we read of decemviri in the time of Cicero,¹⁰ it appears probable that their number was increased from ten to fifteen by Sulla, especially as we know that he increased the numbers of several of the other ecclesiastical corporations. Julius Cæsar added one more to their number;¹¹ but this precedent was not followed, as the collegium always appears to have consisted afterward of only fifteen.

It was also the duty of the decemviri and *quindecemviri* to celebrate the games of Apollo¹² and the secular games.¹³ They were, in fact, considered priests of Apollo, whence each of them had in his house a bronze tripod dedicated to that deity.¹⁴

DECIMATIO was the selection, by lot, of every tenth man for punishment, when any number of soldiers in the Roman army had been guilty of any crime. The remainder usually had barley allowed to them instead of wheat.¹⁵ This punishment does not appear to have been often inflicted in the early times of the Republic, but is frequently mentioned in the civil wars and under the Empire. It is said to have been revived by Crassus, after being discontinued for a long time (*Πάτριόν τι τοῦτο διὰ πολλῶν χρόνων κόλασμα τοῖς στρατιώταις ἐπαγαγόν*).¹⁶ For instances of this punishment, see Liv., ii, 59.—Suet., *Aug.*, 24; *Galba*, 12.—Tacit., *Hist.*, i, 37.—Dio, xli, 35; xlix., 27, 38.

Sometimes only the twentieth man was punished (*vicesimatio*), or the hundredth (*centesimatio*).¹⁷

DECRETUM seems to mean that which is determined in a particular case after examination or consideration. It is sometimes applied to a determination of the consuls, and sometimes to a determination of the senate. A decretum of the senate would seem to differ from a *senatus consultum* in the way above indicated: it was limited to the special occasion and circumstances, and this would be true whether the decretum was of a judicial or a legislative character. But this distinction in the use of the two words, as applied to an act of the senate, was, perhaps, not always observed. Cicero¹⁸ opposes edictum to decretum, between which there is in this passage apparently the same analogy as between a *consultum* and decretum of the senate. A decretum, as one of the parts or kinds of constitutio, was a judicial decision in a case before the sovereign. (*Vid.* CONSTITUTIO.) Gaius,¹⁹ when he is speaking of interdicta, says that they are properly called decreta, "cum (prætor aut consul) fieri aliquid jubet," and interdicta when he forbids. A *judex* is said "condemnare," not "decernere," a word which in judicial proceedings is appropriate to a magistratus who has jurisdiction.

DECUMÆ (*sc. partes*) formed a portion of the vectigalia of the Romans, and were paid by subjects whose territory, either by conquest or *deditio*, had become the property of the state (*ager publicus*). They consisted, as the name denotes, of a tithe or tenth of the produce of the soil, levied upon the cultivators (*aratores*) or occupiers (*possessores*) of the lands, which, from being subject to this payment, were called *agri decumani*. The tax of a tenth was, however, generally paid by corn lands, plantations and vineyards, as requiring no seed and less labour, paid a fifth of the produce.²⁰

We also find the expression "*decumates agri*"

1. (Liv., iii., 33.)—2. (Liv., iii., 35.—Dionys., x., 53.)—3. (Niebuhr, *Hist. Rome*, vol. ii., p. 309-356, transl.—Arnold, *Hist. of Rome*, vol. i., p. 250-313.)—4. (Liv., vii., 27; xxi., 62; xxxi., 12.)—5. (*Æn.*, vi., 73.)—6. (Dionys., iv., 62.)—7. (Dionys., l. c.—Val. Max., i., 1, § 13.)

1. (Liv., vi., 37-42.)—2. (Dionys., l. c.)—3. (*ad Fam.*, viii., 1.)—4. (Dion Cass., xliii., 51.)—5. (Liv., x., 8.)—6. (Tac., *Ann.*, xi., 11.—Hor., *Carm. Sac.*, 70.)—7. (Servius *ad Virg.*, *Æn.*, iii., 332.)—8. (Polyb., vi., 38.—Cic., *Pro Cluent.*, 46.)—9. (Plut., *Crass.*, 10.)—10. (Capitol., *Macrin.*, 12.)—11. (*ad Fam.*, xii., 56.)—12. (iv., 140.)—13. (Appian, *Bell. Civ.*, i., 7.)

to districts in Germany which were occupied by Roman soldiers or auxiliaries, after the expropriation of the old proprietors, subject to the payment of a tenth part of the produce. It is probable there were many such; and if so, it is useless to enquire where the lands so called were situated. It merely says of them that they lay beyond the Rhine and the Danube. The name of decumæ was also applied to the farmers of these tributes, who were chased them from the state, and then colonized on their own account. (Vid. PUBLICANI.) The system of exacting a tenth of the produce from the occupiers of land which had become the property of the state, seems to have been of great antiquity: thus a tradition is preserved of the Romans themselves having at one time paid a tenth of their produce to the Latins, a story which Niebuhr² refers to the *deditio* of the city to Porsenna.³ The practice is best illustrated by the case of Sicily. Cicero⁴ tells us that the Romans, on reducing Sicily to a province, allowed to the old inhabitants the continuance of their ancient rights (*ut res essent, quo fuissent*), and that, with some exceptions, the territory of all the states (*omnis sive civitatum*) was subjected, as formerly, to the payment of a tenth on corn, wine, oil, and the minutæ,⁵ it was farther determined that the time and time of paying these tithes to the state should "be and continue" as settled by the King Hiero (*lex Hieronica*), which enacted penalties against any arator who did not pay a tenth, as well as against the decumani who exacted more than their tenth. It is interesting to remark that the coloni, who afterward occupied the lands of the Romish Church in Sicily, and were put along with the smaller plots of land to the "conductores" or lessees of the Church, paid a fixed portion of the produce, which was sometimes delivered in kind, sometimes bought off in money. A letter of Gregory VII. shows that the coloni suffered the same sort of grievances as the aratores under the prætor Verres.⁶ Exact tithes of this kind were not, however, peculiar to the provinces of Rome: they were also levied on lands in Italy; as, for instance, on the Campanus,⁷ which we read of as being vectigale: it was apportioned to a number of citizens by a *lex agraria* of Julius Cæsar.⁸ A similar system existed in Greece also; the coloni being paid as a usufruct on property which was in freehold, though the right of occupation was acquired by inheritance or purchase: thus the coloni demanded tithes from his subjects in his capacity of proprietor of the lands they occupied; Peisistratus, for instance, imposed a tax of a tenth on the lands of the Athenians, which the Peisistratidæ continued to a twentieth.⁹ We use the word "usufruct" in the previous sentence, in its common acceptation; but the "usus fructus" of Roman law is not to be the same as "usus et fructus." The usufruct is the state derived from the land was "usus fructus," and the occupation for which it is called "usus."¹⁰ The same principle was also applied to religious purposes: thus Xenophon sub-let the occupiers (*τοὺς ἐχόντας καὶ καρποῦμενους*) of a temple near Scillus to a payment of a tenth in support of a temple of Artemis, the god to whom the purchase-money was dedicated; and Apollo also received tenths from the subjects.¹¹ That many such charges originated in

conquest, or something similar, may be inferred from the statement of Herodotus,¹ that at the time of the Persian war the confederate Greeks made a vow, by which all the states who had surrendered themselves to the enemy were subjected to the payment of tithes for the use of the god at Delphi.

The tenth (*τὸ ἐπιδέκατον*) of confiscated property was also sometimes applied to similar objects.² The tithes of the public lands belonging to Athens were farmed out, as at Rome, to contractors, called *δεκατῶναι*: the term *δεκατηλόγοι* was applied to the collectors; but the callings were, as we might suppose, often united in the same person. The title *δεκατηνῶνται* is applied to both. A *δεκάτη*, or tenth of a different kind, was the arbitrary exaction imposed by the Athenians (B.C. 410) on the cargoes of all ships sailing into or out of the Pontus. They lost it by the battle of Ægospotami (B.C. 405), but it was re-established by Thrasybulus about B.C. 391.

This tithe was also let out to farm.³ The tithe-house for the receipt of this duty was called *δεκατηνῆριον*: to sail by necessity to it, *παραγωγιάζειν*.⁴

DECUMANI. (Vid. DECUMÆ.)

DECUMANI AGRI. (Vid. DECUMÆ.)

DECUMANTES AGRI. (Vid. DECUMÆ.)

DECURIA. (Vid. ARMY, ROMAN, p. 104.)

DECURIONES. (Vid. ARMY, ROMAN, p. 104.)

DECURIONES. (Vid. COLONIA, p. 282.)

DECUSSIS. (Vid. AS, p. 111.)

DEDITIO. (Vid. DEDITICII.)

DEDITICII are one of the three classes of libertini. The *lex Ælia Sentia* provided that, if a slave was put in bonds by his master as a punishment, or branded, or put to the torture for an offence and convicted, or delivered up to fight with wild beasts, or sent into a *ludus* (*gladiatorius*), or put in confinement (*custodia*), and then manumitted either by his then owner or by another owner, he merely acquired the status of a peregrinus dediticus, and had not even the privileges of a Latinus. The peregrini dediticii were those who, in former times, had taken up arms against the Roman people, and, being conquered, had surrendered themselves. They were, in fact, a people who were absolutely subdued, and yielded conditionally to the conquerors, and, of course, had no other relation to Rome than that of subjects. The form of deditio occurs in Livy.⁵

The dediticii existed as a class of persons who were neither slaves, nor cives, nor Latini, at least as late as the time of Ulpian. Their civil condition, as is stated above, was formed by analogy to the condition of a conquered people, who did not individually lose their freedom, but as a community lost all political existence. In the case of the Volsci, Livy inclines to the opinion that the four thousand who were sold were slaves, and not dediti.⁶

DEDUCTORES. (Vid. AMBITUS, p. 46.)

DEICELISTAI (*δεικέλιςται* or *δικελιςται*: Lacedæmonian, *δεικέλιςται*, from *δεικέλος*, imitating), a name which was, indeed, sometimes applied by the Spartans to any class of actors on the stage;⁷ but it properly belonged to a class of buffoons or improvisators, who, in the language of the common people, and in a very artless manner, imitated some comic event. This kind of amusement, according to Sosibius,⁸ was very old at Sparta, and consisted in imitating some foreign physician, or persons (probably boys) who stole fruit in the autumn, or the remains of meals, and were caught with their goods.⁹ The play itself is called by Pollux a mimic dance;

1. Ger., 29.—Ann., xiii., 54, ed. Walther.—2. (Hist. 146, transl.)—3. (Tacit., Hist., iii., 72.)—4. (c. Verr., i., 14.)—5. (Savigny, Philol. Mus., ii., 129.)—6. (Suet., i., 7. (Theophr., vi., 54.)—8. (Nieb., Rom. Hist., 9. (Pollux, i., 3, § 11.—Callim., Hymn. Del., 272, ed. Span-

1. (vii., 132.)—2. (Xen., Heil., i., 7, § 11.)—3. (Demosth., c. Leptin., 475, ed. Bekker.—Xen., Hellen., iv., 8, § 27, 31.)—4. (Böckh, vol. ii., p. 41, transl.)—5. (i., 37.)—6. (Gaius, i., 13, &c.—Ulp., Frag., tit. 1, s. 11.)—7. (Plut., Agesil., 21.—Laron. Apophth., p. 185.)—8. (ap. Athen., xiv., p. 621.)—9. (Pollux, Onom., iv., 14, 104, compared with Suidas, s. v. Σωαίβιος.)

but, from the words of Sosibius, we must conclude that the action represented was only alternating with comic dances, or accompanied by them. Athenæus¹ gives a list of names by which these mimic actors, who were extremely popular among the ancients generally, were designated in various parts of Greece. It is highly probable that the representations of the *δεικελισται* were peculiar to some religious festival, and it has been supposed that they were connected with the celebration of the Dionysia at Sparta.²

DEIGMA (*δείγμα*), a particular place in the Peiræus, as well as in the harbours of other states, where merchants exposed samples of their goods for sale.³ The samples themselves were called *δείγματα*.⁴

DEJECTUM EFFUSUM. (*Vid. DEJECTI EFFUSIVE ACTIO.*)

DEJECTI EFFUSIVE ACTIO. This was an action given by the prætor's edict against a person who threw or poured out anything from a place or upper chamber (*cœnaculum*) upon a road which is frequented by passengers, or on a place where people use to stand. The action was against the occupier, not the owner. If several persons inhabited a *cœnaculum*, and any injury was done to another by a thing being thrown or poured out of it, he had a right of action against any of them, if the doer was uncertain. The damages recoverable were to double the amount of the damage, except in the case of a *liber*, when they were fifty aurei if he was killed; if he was only injured in his person, they were "quantum ob eam rem æquum judicii videbitur eum eum quo agatur condemnari," which included the expenses of a medical attendant, loss of time, &c., but not damage done to his apparel, &c. If injury was caused by a thing being thrown from a ship, there was an actio; for the words of the edict are, "Uxor in eum locum quo volgo iter fiat vel in quo consistatur, dejectum," &c.

As many of the houses in Rome were lofty, and inhabited to the top by the poor,⁵ and probably as there were very imperfect means for carrying off rubbish and other accumulations, it was necessary to provide against accidents which might happen by such things being thrown through the window. According to Labeo's opinion, the edict only applied to the daytime, and not to the night, which, however, was the more dangerous time for a passer-by.⁶

DEILE (*δείλη*). (*Vid. DIES.*)

ΔΕΙΛΙΑΣ ΓΡΑΦΗ (*δειλιάς γραφή*), the name of a suit instituted against soldiers who had been guilty of cowardice.⁷ The presidency of the court belonged to the strategi, and the court was composed of soldiers who had served in the campaign.⁸ The punishment, on conviction, appears to have been *αἰμία*. Compare ΑΣΤΡΑΤΕΙΑΣ ΓΡΑΦΗ.

DEIPNON (*δείπνον*). The present article is designed to give a sketch of Grecian meals, and customs connected with them. The materials for such an account, during the classical period of Athens and Sparta, are almost confined to incidental allusions of Plato and the comic writers. Several ancient authors, termed *δειπνόλογοι*, are mentioned by Athenæus; but, unfortunately, their writings only survive in the fragments quoted by him. His great work, the *Deipnosophists*, is an inexhaustible treasury of this kind of knowledge, but ill arranged,

and with little attempt to distinguish the customs of different periods.

The poems of Homer contain a real picture of early manners, in every way worthy of the antiquarian's attention. As they stand apart from all other writings, it will be convenient to exhibit in detail the state of things which they describe. It is not to be expected that the Homeric meals at all agree with the customs of a later period; indeed, it would be a mere waste of time to attempt adapting the one to the other. Athenæus,¹ who has entered fully into the subject, remarks on the singular simplicity of the Homeric banquets, in which kings and private men all partake of the same food. It was common even for royal personages to prepare their own meals;² and Ulysses³ declares himself no philosopher in the culinary art:

Πῶρ τ' εὖ νηῆσαι, διὰ δὲ ξύλα θανά κεύσσει
Δαιτρεύσαι τε καὶ ὀπτήσαι καὶ οἰνοχοῆσαι.

Three names of meals occur in the *Iliad* and *Odyssey*: ἄριστον, *δείπνον*, *δόρπον*. This division of the meals is ascribed, in a fragment of Æschylus quoted by Athenæus,⁴ to Palamedes, Καὶ ταξίαρχος ἢ στρατάρχας καὶ ἑκατοντάρχας ἑταῖρα σίτον δ' εἰδέναι διώρισσά, ἄριστα, δείπνα, δόρπα θ' αἰρεῖσθαι τῶν. The word ἄριστον uniformly means the early (ἀριῆος), as *δόρπον* does the late meal; but *δείπνον*, on the other hand, is used for either,⁵ apparently without any reference to time. We should be careful, however, how we argue from the unsettled habits of a camp to the regular customs of ordinary life.

From numerous passages in the *Iliad* and *Odyssey*, it appears to have been usual to sit during meal times. In the palace of Telemachus, before eating a servant brings Minerva, who is habited as a stranger, the *χέρνιβ*, or lustral water, "in a golden pitcher, pouring it over a silver vessel."⁶ Beef, mutton and goat's flesh were the ordinary meats, usually eaten roasted; yet from the lines⁷

Ἦς δὲ λίβης ζεῖ ἔνδοσ, ἐπειγόμενος πυρὶ πολλῇ
Κρίση μελόμορον ἀπαλοτρίφους αἰύλοιο,

we learn that boiled meats were held to be far from unsavoury. Cheese, flour, and occasionally fruits also formed part of the Homeric meals. Bread brought on in baskets,⁸ and salt (*ἄλας*, to which Homer gives the epithet *θεῖος*), are mentioned: *ἄλας*, *Od.* xvii., 455, the latter appears, even at this early period, to have been a sign of hospitality; in *Od.* xi., 122, it is the mark of a strange people not to know its use.

Each guest appears to have had his own table, and he who was first in rank presided over the repast. Menelaus, at the marriage feast of Hermione, begins the banquet by taking in his hands the side of a roasted ox, and placing it before his friends.⁹ At the same entertainment music and dancing are introduced: "The divine minstrel hymned to the sound of the lyre, and two tumblers (*κυβιστῆρες*) began the festive strain, wheeling round in the midst." It was not beneath the notions of those early days to stimulate the heroes to battle,¹⁰

"Ἐδρη τε, κρέασιν τε, ἰδὲ πλείους δαπέσεις:

and Ajax, on his return from the contest with Hector, is presented by Agamemnon with the *ῥῶτα ἀρνεκία*.

The names of several articles of the festive board occur in the *Iliad* and *Odyssey*. Knives, spits, cups of various shapes and sizes, bottles made of goat-skin, casks, &c., are all mentioned. Many sorts of wine were in use among the heroes; some of Nestor's is remarked on as being eleven years old. The

1. (l. c.)—2. (*Vid. Müller, Dorians, iv., 6, 4 9.*)—3. (*Harpocreat., s. v.—Pollux, Onom., ix., 34.—Aristoph., Equit., 974.—Demosth., c. Lacr., 932, 20.—Theophrast., Charact., 23.*)—4. (*Plutarch, Demosth., 23.—Böckh, Publ. Econ. of Athens, i., p. 81.*)—5. (*Cic., Agr., ii., c. 35.—Hor., Epist., l. i., 91.—Juv., Sat., x., 17.*)—6. (*Dig. 9, tit. 3.—Juv., Sat., iii., 268, &c.*)—7. (*Æsch., c. Ctes., 566.—Lysias, c. Alcib., 520, 525.*)—8. (*Lysias, c. Alcib., 521.*)

1. (l. c., p. 8.)—2. (*Il., ix., 206-218.—Compare Gen., 22, 26, 31.*)—3. (*Od., xv., 322.*)—4. (*Il., p. 11.*)—5. (*Od., xvi., 2.*)—6. (*Il., ii., 381.—Od., xvii., 170.*)—7. (*Od., i., 136.*)—8. (*Il., xii., 303.*)—9. (*Il., ix., 217.*)—10. (*Od., iv., 65.*)—11. (*Il., xiv., 311.*)

Maronean wine, so called from Maron, a hero, was especially celebrated, and would bear mingling with twenty times its own quantity of water. It may be observed that wine was seldom, if ever, drunk pure. When Nestor and Machaon sit down together, "a woman," like unto a goddess, sets before them a polished table, with a brazen tray, ἐπὶ δὲ κρόμονον ποτῆ ὄρον. Then she mingles a cup of Pramnian wine in Nestor's own goblet, and cuts the cheese of goat's milk with a steel knife, scattering white flour over it. The guests drank to one another: thus the gods: δεῖδεχατ' ἀλλήλους, and Ulysses pledged Achilles, saying, χαῖρ', Ἀχιλλεῦ.¹ Wine was drawn from a larger vessel (vid. CRATER) into the cups from which it was drunk, and before drinking, libations were made to the gods by pouring some of the contents on the ground.²

The interesting scene between Ulysses and the swineherd³ gives a parallel view of early manners in a lower grade of life. After a welcome has been given to the stranger, "The swineherd cleaves the wood, and they place the swine of five years old on the hearth. In the goodness of his heart, Eumæus forgets not the immortal gods, and dedicates the festal lock with a prayer for Ulysses's return. He next smites the animal with a piece of cleft oak, and the attendants singe off the hair. He then cuts the raw meat all round from the limbs, and lying it in the rich fat, and sprinkling flour upon it, throws it on the fire as an offering (ἀπαρχή) to the gods; the rest the attendants cut up and pierce with spits, and, having cooked it with cunning skill, draw off all, and lay the mess on the tables. Then the swineherd stands up to divide the portions, seven portions in all, five for himself and the guests, and one apiece to Mercury and the nymphs."⁴

There is nothing more worthy of remark in the Homeric manners than the hospitality shown to strangers. Before it is known who they are, or whence they come, it is the custom of the times to give them a welcome reception.⁵ When Nestor and his sons saw the strangers, "They all came in a crowd, and saluted them with the hand, and made them sit down at the feast on the soft fleeces by the seashore."

The Greeks of a later age usually partook of three meals, called ἀκράτιστα, ἄριστον, and δεῖπνον. The last, which corresponds to the δόρπον of the Homeric poems, was the evening meal or dinner; the ἄριστον was the luncheon; and the ἀκράτιστα, which answers to the ἄριστον of Homer, was the early meal or breakfast.

The ἀκράτιστα was taken immediately after rising in the morning (ἐξ ἐνῆς, εὐθεν⁶). It usually consisted of bread dipped in unmixed wine (ἀκρατος), whence it derived its name.⁷

Next followed the ἄριστον or luncheon; but the time at which it was taken is uncertain. It is frequently mentioned in Xenophon's Anabasis, and appears to have been taken at different times, as would naturally be the case with soldiers in active service. Suidas⁸ says that it was taken about the third hour, that is, about nine o'clock in the morning; but this account does not agree with the statements of other ancient writers. We may conclude from many circumstances that this meal was taken about the middle of the day, and that it answered to the Roman prandium, as Plutarch⁹ asserts. Besides which, the time of the πλῆθουσα ἀγασα, at which provisions seem to have been bought for the ἄριστον, was from nine o'clock till noon. This agrees with the account of Aristophanes,¹⁰ who

introduces Philocleon describing the pleasure of returning home after attending the courts, and partaking of a good ἄριστον. The courts of justice could scarcely have finished their sittings by nine o'clock. Timæus also defines δεῖλη πρωία, which we know to have been the early part of the afternoon (vid. Dies), as the time before the ἄριστον. The ἄριστον was usually a simple meal, but, of course, varied according to the habits of individuals. Thus Ischomachus, who describes his mode of life to Socrates, who greatly approves of it, says, Ἄριστῶ δεσά μήτε κενός μήτε ἄγαν πλήρης διημερεύειν.¹

The principal meal, however, was the δεῖπνον, which ought, therefore, according to our notions, to be translated, like the Latin cæna, by our word "dinner." It was usually taken rather late in the day, frequently not before sunset.² Aristophanes³ says,

Σοὶ δὲ μελήσει,
ὅταν ἢ δεκάπυρον τὸ στοιχείον λιπαρὸν χωρεῖν ἐπὶ
δεῖπνον.

But, in order to ascertain the time meant by δεκάπυρον τὸ στοιχείον, the reader is referred to the article ΗΟΡΟΛΟΙΟΝ.

The Athenians were a social people, and were very fond of dining in company. Entertainments were usually given, both in the heroic ages and later times, when sacrifices were offered to the gods, either on public or private occasions; and also on the anniversary of the birthdays of members of the family, or of illustrious persons, whether living or dead. Plutarch⁴ speaks of an entertainment being given on the anniversary of the birthdays both of Socrates and Plato.

When young men wished to dine together, they frequently contributed each a certain sum of money, called συμβολή, or brought their own provisions with them. When the first plan was adopted, they were said ἀπὸ συμβολῶν δεῖπνεῖν, and one individual was usually intrusted with the money to procure the provisions, and make all the necessary preparations. Thus we read in Terence,⁵

Heri aliquot adolescentulū coimus in Piræo,
In hunc diem ut de symbolis essemus. Chæream ei
rei
Præfecimus: dati annuli: locus, tempus constitu-
tum est.⁶

This kind of entertainment, in which each guest contributed to the expense, is mentioned in Homer⁷ under the name of ἐρανος.

An entertainment in which each person brought his own provisions with him, or, at least, contributed something to the general stock, was called a δεῖπνον ἀπὸ σπυρίδος, because the provisions were brought in baskets.⁸ This kind of entertainment is also spoken of by Xenophon.⁹

The most usual kind of entertainments, however, were those in which a person invited his friends to his own house. It was expected that they should come dressed with more than ordinary care, and also have bathed shortly before; hence, when Socrates was going to an entertainment at Agathon's, we are told that he both washed and put on his shoes—things which he seldom did.¹⁰ As soon as the guests arrived at the house of their host, their shoes or sandals were taken off by the slaves, and their feet washed (ὑπολύειν and ἀπονίζειν). In ancient works of art we frequently see a slave or other person represented in the act of taking off the shoes of the guests, of which an example is given, from a terra-cotta in the British Museum, in p. 276.

1 (Il., iv., 4.)—2 (Il., ix., 225.)—3 (Il., vii., 480.)—4 (Od., x., 23.)—5 (Od., i., 125, &c.)—6 (Aristoph., Aves, 1286.)—7 (Plut., Symp., viii., 6, § 4.—Schol. ad Theocr., i., 51.—Athenæus, i., p. 11.)—8 (De V. Deipnon.)—9 (Symp., viii., 6, § 5.)—10 (Ibid., 605-612.)

1 (Xen., Econ., xi., 18.)—2 (Lysias, c. Erastoth., p. 26.)—3 (Eccle., 652.)—4 (Symp., viii., 1, § 1.)—5 (Eua., II., iv., 1.)—6 (Od., i., 226.)—7 (Athen., viii., p. 305.)—8 (Mem., iii., 1.)—9 (Plato, Symp., c. 2, p. 174.)

After their feet had been washed, the guests reclined on the κλίνας or couches (Καὶ ἔμην ἐφη ἄπον-
ίζειν τὸν παῖδα, ἵνα κατακίτοιτο).¹

It has been already remarked that Homer never describes persons as reclining, but always as sitting at their meals; but at what time the change was introduced is uncertain. Müller² concludes from a fragment of Alcman, quoted by Athenæus,³ that the Spartans were accustomed to recline at their meals as early as the time of Alcman. The Dorians of Crete always sat; but the Athenians, like the Spartans, were accustomed to recline. The Greek women and children, however, like the Roman (*vid. CÆNA*, p. 276), continued to sit at their meals, as we find them represented in ancient works of art.

It was usual for only two persons to recline on each couch. Thus Agathon says to Aristodemus, Σὺ δ', Ἀριστόδημη, παρ' Ἐρουξίμαχον κατακλίνον: and τὸ Socrates, Δεῦρο, Σώκρατες, παρ' ἐμὲ κατακίσειο.⁴ Also, at a banquet given by Attagnus of Thebes to fifty Persians and fifty Greeks, we are told that one Persian and one Greek reclined on each couch. In ancient works of art we usually see the guests represented in this way; but sometimes there is a larger number on one long κλίνη, as in the woodcut in page 326. The manner in which they reclined, the σχῆμα τῆς κατακλίσεως, as Plutarch⁵ calls it, will be understood by referring to the woodcut already mentioned, where the guests are represented reclining with their left arms on striped pillows (ὑπαγκλίνας), and having their right free; whence Lucian⁶ speaks of ἐπ' ἀγκῶνος δεῖπνεῖν.

After the guests had placed themselves on the κλίνας, the slaves brought in water to wash their hands (ὕδωρ κατὰ χειρὸς ἐδόθη). The subsequent proceedings of the dinner are briefly described in two lines of Aristophanes,⁷

Ἵδωρ κατὰ χειρὸς τὰς τραπέζας εἰσφέρειν·
δειπνοῦμεν ἄπονιμίμειθ' ἤδη σπένδομεν.

The dinner was then served up; whence we read, in Aristophanes and elsewhere, of τὰς τραπέζας εἰσφέρειν, by which expression we are to understand, not merely the dishes, but the tables themselves.⁸ It appears that a table, with provisions upon it, was placed before each κλίνη; and thus we find, in all ancient works of art which represent banquets or symposia, a small table or tripod placed before the κλίνη, and when there are more than two persons on the κλίνη, several of such tables. (See woodcuts in p. 276, 326). These tables are evidently small enough to be moved with ease.

In eating, the Greeks had no knives or forks, but made use of their fingers only, except in eating soups or other liquids, which they partook of by means of a spoon, called μυστίλη, μύστρον, or μύστρος. Sometimes they used, instead of a spoon, a hollowed piece of bread, also called μυστίλη.⁹ After eating, they wiped their fingers on pieces of bread, called ἄπομαγδαλίαι.¹⁰ They did not use any cloths or napkins; the χειρὸμακτρα and ἐκμαγεῖα, which are sometimes mentioned,¹¹ were towels, which were only used when they washed their hands.

It appears that the arrangement of the dinner was intrusted to certain slaves.¹² The one who had the chief management of it was called τραπέζοποιός or τραπέζοκόμος.¹³

It would exceed the limits of this work to give

an account of the different dishes which were introduced at a Greek dinner, though their number is far below those which were usually partaken of at a Roman entertainment. The most common food among the Greeks was the μῆζα (*Dor. μάσσα*), a kind of frumenty or soft cake, which was prepared in different ways, as appears by the various names which were given to it.¹ The μῆζα is frequently mentioned by Aristophanes. The φουστὴ μῆζα, of which Philocleon partakes on returning home from the courts,² is said by the scholiast to have been made of barley and wine. The μῆζα continued to the latest times to be the common food of the lower classes. Wheat or barley bread was the second most usual species of food; it was sometimes made at home, but more usually bought at the market of the ἀρτοποιῶν or ἀρτοποιίδες. The vegetables ordinarily eaten were mallows (μαλίχη), lettuces (θρίδαξ), cabbages (ράφανοι), beans (κίμας), lentils (φακαί), &c. Pork was the most favourite animal food, as was the case among the Romans (*vid. CÆNA*, p. 275); Plutarch³ calls it τὸ δικαιοτάτον κρέας. Sausages, also, were very commonly eaten (*vid. BOTULUS*). It is a curious fact, which Plato⁴ has remarked, that we never read in Homer of the heroes partaking of fish. In later times, however, fish was one of the most favourite articles of food among the Greeks, inasmuch so that the name of ὄψων was applied to it κατ' ἐξοχὴν.⁵ A minute account of the fishes which the Greeks were accustomed to eat is given at the end of the seventh book of Athenæus, arranged in alphabetical order.

The ordinary meal for the family was cooked by the mistress of the house, or by the female slaves under her direction; but for special occasions professional cooks (μάγειροι) were hired, of whom there appear to have been a great number.⁶ They are frequently mentioned in the fragments of the comic poets; and those who were acquainted with all the refinements of their art were in great demand in other parts of Greece besides their own country. The Sicilian cooks, however, had the greatest reputation,⁷ and a Sicilian book on cookery by one Mithæus is mentioned in the Gorgias of Plato,⁸ but the most celebrated work on the subject was the Γαστρολογία of Archestratus.⁹

A dinner given by an opulent Athenian usually consisted of two courses, called respectively πρώτη τραπέζαι and δεύτεραι τραπέζαι. Pollux,¹⁰ indeed, speaks of three courses, which was the number at a Roman dinner (*vid. CÆNA*, p. 275; and in the same way we find other writers under the Roman Empire speaking of three courses at Greek dinners; but before the Roman conquest of Greece, and the introduction of Roman customs, we only read of two courses. The first course embraced the whole of what we consider the dinner, namely, fish, poultry, meat, &c.; the second, which corresponds to our dessert and the Roman *bellaria*, consisted of different kinds of fruit, sweetmeats, confections, &c.

When the first course was finished, the tables were taken away (ἀφαιρεῖν, ἀπαίρειν, ἐπαίρειν, ἀφαιρεῖν, ἐκφέρειν, βαστάζειν τὰς τραπέζας), and water was given to the guests for the purpose of washing their hands. Crowns made of garlands of flowers were also then given to them, as well as various kinds of perfumes.¹¹ Wine was not drunk till the first course was finished; but, as soon as the guests had washed their hands, unmixed wine was introduced in a large goblet, called μετάνιπτρον or μετάνιπτρίς, of which each drank a little, after pouring

1. (Plato, *Symp.*, c. 3, p. 175.)—2. (Dorians, *iv.*, 3, § 1.)—3. (*iii.*, p. 111.)—4. (Plato, *Symp.*, c. 3, 4, p. 175.)—5. (*Symp.*, v., 6.)—6. (*Lexiph.*, c. 6.)—7. (*Vesp.*, 1216.)—8. (Philoxen. *ap. Athen.*, *iv.*, p. 146, f.)—9. (Pollux, *Onom.*, vi., 87; x., 89.—Aristoph., *Equit.*, 1164.—Suidas, s. v. μυστίλη.)—10. (Pollux, *Onom.*, vi., 93.)—11. (Pollux, l. c.)—12. (Plato, *Symp.*, c. 3, p. 175.)—13. (Athen., *iv.*, p. 170, e.—Pollux, *Onom.*, *iii.*, 41; vi., 13.)

1. (Pollux, *Onom.*, vi., 76.)—2. (Aristoph., *Vesp.*, 610.)—3. (*Symp.*, *iv.*, 5, § 1.)—4. (*De Rep.*, *iii.*, c. 13, p. 404.)—5. (Athen., *vii.*, p. 276, e.)—6. (*Diag. Laert.*, *ii.*, 72.)—7. (Plato, *De Rep.*, *iii.*, 13, p. 404.)—8. (c. 156, p. 518.—Compare Μακρί Tyr., *Diss.*, *iv.*, 5.)—9. (Athen., *iii.*, p. 104, b.)—10. (*vi.*, 83.)—11. (Philyl. *ap. Athen.*, *ix.*, p. 408, c.)

at a small quantity as a libation. This libation was said to be made to the "good spirit" (*ἀγαθοῦ δαιμονος*), and was usually accompanied with the singing of the *psalm* and the playing of flutes. After this libation, mixed wine was brought in, and with their first cup the guests drank to *Διὸς Σωτῆρος*.¹ With the *σπονδαί*, the *δεῖπνον* closed; and at the introduction of the dessert (*δεύτεραι τράπεζαι*) the *πῦρος*, *συμπόσιον*, or *κόμος* commenced, of which an account is given in the article *ΣΥΜΠΟΣΙΟΝ*.²

DELA-TOR, an informer. The delatores, under the emperors, were a class of men who gained their livelihood by informing against their fellow-citizens.³ They constantly brought forward false charges to gratify the avarice or jealousy of the different emperors, and were, consequently, paid according to the importance of the information which they gave. In some cases, however, the law specified the sums which were to be given to informers. Thus, when a murder had been committed in a family, and any of the slaves belonging to it had run away before the *quaestio*, whoever apprehended such slaves received, for each slave whom he apprehended, a reward of five aurei from the property of the deceased, or else from the state, if the sum could not be raised from the property of the deceased.⁴ In the *senatus consultum* quoted by Frontinus,⁵ the informer received half of the penalty in which the person was fined who transgressed the decree of the senate. There seems also to have been a fixed sum given to informers by the *lex Papia*, since we are told that Nero reduced it to a fourth.⁶

The number of informers, however, increased so rapidly under the early emperors, and occasioned so much mischief in society, that many of them were banished, and punished in other ways, by Titus, Domitian, and Trajan.⁷

DELECTUS. (*Vid. ARMY, ROMAN.*)

DELIA (*δέλια*) is the name of festivals and games celebrated at the great panegyris in the island of Delos, the centre of an amphictyony, to which the Cyclades and the neighbouring Ionians on the coasts belonged.⁸ This amphictyony seems originally to have been instituted simply for the purpose of religious worship in the common sanctuary of Apollo, the *θεὸς πατρώος* of the Ionians, who was said to have been born at Delos. The Delia, as appears from the Hymn on Apollo,⁹ had existed from very early times, and were celebrated every fifth year,¹⁰ and, as Böckh supposes, with great probability, on the sixth and seventh days of Thargelion, the birthdays of Apollo and Artemis. The members of the amphictyony assembled on these occasions (*ἑθεώρουν*) in Delos, in long garments, with their wives and children, to worship the god with gymnastic and musical contests, choruses, and dances. That the Athenians took part in these solemnities at a very early period, is evident from the *Deliaistæ* (afterward called *θεωροί*) mentioned in the laws of Solon;¹¹ the sacred vessel (*θεωρίς*), moreover, which they sent to Delos every year, was said to be the same which Theseus had sent after his return from Crete.¹² The Delians, during the celebration of these solemnities, performed the office of cooks for those who visited their island, whence they were called *Ἐλεοδύται*.¹³

In the course of time, the celebration of this an-

cient panegyris in Delos had ceased, and it was not revived until Ol. 88, 3, when the Athenians, after having purified the island in the winter of that year, restored the ancient solemnities, and added horse-races, which had never before taken place at the Delia.¹ After this restoration, Athens being at the head of the Ionian confederacy, took the most prominent part in the celebration of the Delia; and though the islanders, in common with Athens, provided the choruses and victims, the leader (*ἀρχιθέωρος*), who conducted the whole solemnity, was an Athenian,² and the Athenians had the superintendence of the common sanctuary. (*Vid. ΑΜΠΙΚΤΥΟΝΣ.*)

From these solemnities, belonging to the great Delian panegyris, we must distinguish the *lesser Delia*, which were mentioned above, and which were celebrated every year, probably on the 6th of Thargelion. The Athenians, on this occasion, sent the sacred vessel (*θεωρίς*), which the priest of Apollo adorned with bay branches, to Delos. The embassy was called *θεωρία*, and those who sailed to the island, *θεωροί*; and before they set sail, a solemn sacrifice was offered in the Delion at Marathon, in order to obtain a happy voyage.³ During the absence of the vessel, which on one occasion lasted 30 days,⁴ the city of Athens was purified, and no criminal was allowed to be executed. The lesser Delia were said to have been instituted by Theseus, though in some legends they are mentioned at a much earlier period, and Plutarch⁵ relates that the ancient vessel used by the founder himself, though often repaired, was preserved and used by the Athenians down to the time of Demetrius Phalereus.⁶

DELICTUM. (*Vid. CRIMEN.*)

DELPHINI'NIA (*δελφίνια*), a festival of the same expiatory character as the Apollonia, which was celebrated in various towns of Greece, in honour of Apollo, surnamed Delphinus, who was considered by the Ionians as their *θεὸς πατρώος*. The name of the god, as well as that of his festival, must be derived from the belief of the ancients, that in the beginning of the month of Munychion (probably identical with the Æginetan Delphinus) Apollo came through the defile of Parnassus to Delphi, and began the battle with Delphyne. As he thus assumed the character of a wrathful god, it was thought necessary to appease him, and the Delphinia, accordingly, were celebrated at Athens, as well as at other places where his worship had been adopted, on the 6th of Munychion. At Athens seven boys and girls carried olive-branches, bound with white wool (called the *ἰκετήρια*), into the Delphinium.⁷

The Delphinia of Ægina are mentioned by the scholiast on Pindar,⁸ and, from his remark on another passage, it is⁹ clear that they were celebrated with contests.¹⁰ Concerning the celebration of the Delphinia in other places, nothing is known; but we have reason to suppose that the rites observed at Athens and in Ægina were common to all festivals of the same name.¹¹

DELPHIS or **DELPHIN** (*δελφίς* or *δελφίν*), an instrument of naval warfare. It consisted of a large mass of iron or lead suspended on a beam, which projected from the mast of the ship like a yard-arm. It was used to sink or make a hole in an enemy's vessel, by being dropped upon it when alongside.¹²

There seems no necessity for supposing that it

1. *Kem. Symp.*, ii., 1.—Plato, *Symp.*, c. 4, p. 176.—*Diod. Sic.*, ix., 3.—*Suidas*, s. v. *Ἀγαθοῦ Δαιμονος*.—2. (*Becker, Cœdæ*, vol. i., p. 411—430).—3. (*Suet.*, *Tib.*, c. 61.—*Dom.*, 22.—*Tacit.*, *Ann.*, iv., 30; vi., 47.)—4. (*Dig.*, 29, tit. 5, s. 25.)—5. (*De Aqueduct.*)—6. (*Suet.*, *Nero*, 10.)—7. (*Suet.*, *Tit.*, 8.—*Plin.*, i., 4.—*Plin.*, *Paneg.*, 34.—*Brissonius*, *Ant.*, ii., 17.)—8. (*Hom.*, *Hymn.* in *Apoll.*, 147, &c.)—9. *Vide Thucyd.*, iii., 104.—*Pollux.*, *Onom.*, ix., 61.)—10. *ibid.*, viii., 104.)—11. (*Athen.*, vi., p. 234.)—12. *Commentators* on *Plato*, *Crito*, p. 43, c.)—13. (*Athen.*, iv., p. 137.)

1. (*Thucyd.*, i. c.)—2. (*Plut.*, *Nic.*, 3.—*Wolf*, *Introduct.* ad *De moth. Lept.*, p. xc.)—3. (*Müller*, *Dor.*, ii., 2, 14.)—4. (*Plat.*, *Phædon*, p. 58.—*Xen.*, *Mem.*, iv., 8, § 2.)—5. (*Theas.*, 23.)—6. (*Böckh*, *Staatsl. der Ath.*, ii., p. 216, &c.—*Thirlwall*, *Hist.* of *Greece*, iii., p. 217.)—7. (*Plut.*, *Thes.*, 18.)—8. (*Pyth.*, viii., 88.)—9. (*Olymp.*, viii., 151.)—10. (*Compare* *Diog. Laert.*, *Vit. Thal.*, c. 7.—*Müller*, *Dor.*, ii., 8, § 4.)—11. (*Vid.* *Müller*, *Æginet.*, p. 152.)—12. (*Aristoph.*, *Equit.*, 759.—*Thucyd.*, vi. c. 41.—*Schol.* ad *Thucyd.*, i. c.—*Resych.*, s. v.)

was made in the shape of a dolphin. Bars of iron used for ballast are at the present day called "pigs," though they bear no resemblance to that animal. Probably the *δελφίνες* were hoisted aloft only when going into action. We may also conjecture that they were fitted, not so much to the swift (*ταχέαι*) triremes, as to the military transports (*στρατιωτικαὶ δελφίνες*), for the sailing of the former would be much impeded by so large a weight of metal. At any rate, those that Thucydides speaks of were not on the triremes, but on the *ὀλλκάδες*.

*DELPHIS, DELPHIN, or DELPHINUS, the Dolphin, or *Delphinus Delphis*, L.¹ "This animal," says Cuvier, speaking of the *D. Delphis*, "found in numerous troops in every sea, and celebrated for the velocity of its movements, which sometimes cause it to precipitate itself on the helms of vessels, appears to have been really the Dolphin of the ancients. The entire organization of the brain indicates that degree of docility which they universally attributed to this animal."² The internal organization of the ear also renders this animal susceptible of great attention: it produces a sensibility to musical sounds, and enables the Dolphin to distinguish, at a considerable distance, the cries of joy or alarm of its congeners. "Some authors," observes Griffith,³ "more especially the ancients, have not only celebrated the mutual friendship subsisting among the Dolphins themselves, but have also asserted that they have a lively and natural affection towards the human species, with which they are easily led to familiarize; and they have recounted many marvellous stories on this subject. All that is known on this point with certainty is, that when these animals perceive a ship at sea, they rush in a crowd before it, surround it, and express their confidence by rapid, varied, and repeated evolutions; sometimes bounding, leaping, and manœuvring in all manner of ways, sometimes performing complicated circumvolutions, and exhibiting a degree of grace, agility, dexterity, and strength which is perfectly astonishing. We must not, however, be deceived by such external show of affection. These animals, represented as susceptible of so much attachment to man, are thoroughly carnivorous, and if they follow the track of vessels, it is, perhaps, with no other view than the hope of preying on something that may fall from them." The Grampus (a fish in nature nearly allied to the Dolphin) would seem to be the *Orca* of Pliny. "It is not noticed," observes Adams,⁴ "by the Greek authors, unless, as some have supposed, it be the *ὄρυξ* of Strabo."⁵

*DELPHINIUM (*δελφίνιον*), a plant. Sprengel recognises the two species described by Dioscorides as being the *Delphinium Ajacis*, or common Larkspur, and the *D. tenuissimum* of Sibthorp. From the circumstance of the Delphinium not being noticed in the *Materia Medica* of Galen, Oribanius, or Paul of Aegina, Matthioli is disposed to regard as spurious the two chapters of Dioscorides⁶ in which mention is made of it. "Among the synonyms of the *δελφίνιον* in Dioscorides, we find," remarks Adams, in continuation, "*νάκινθος* and *βούκτινος μίρον* of the Romans. It has, therefore, been supposed that the '*vaccinia nigra*' of Virgil were Larkspurs."⁷

DELUBRUM. (Vid. TEMPLUM.)

DEMARCHI. These officers were the head boroughs or chief magistrates of the demi in Attica, and are said to have been first appointed by Cleisthenes. Their duties were various and important. Thus, they convened meetings of the demus, and

took the votes upon all questions under consideration; they had the custody of the *ληξιαρχικὸν γραμματεῖον*, or book in which the members of the demus were enrolled; and they made and kept a register of the landed estates (*χορῖα*) in their districts, whether belonging to individuals or the body corporate; so that, whenever an *εἰσφορὰ*, or extraordinary property-tax was imposed, they must have been of great service in assessing and collecting the quota of each estate.¹ Moneys due to the demus for rent, &c., were collected by them,² and it may safely be allowed that they were employed to enforce payment of various debts and dues claimed by the state.³ For this purpose they seem to have had the power of distraining, to which allusion is made by Aristophanes.⁴ In the duties which have been enumerated, they supplanted the *naucrari* of the old constitution; their functions, however, were not confined to duties of this class, for they also acted as police magistrates: thus, in conjunction with the *dicasts* of the towns (*δικασταὶ κατὰ δήμους*), they assisted in preserving peace and order,⁵ and were required to bury, or cause to be buried, any dead bodies found in their district: for neglect of this duty they were liable to a fine of 1000 drachmæ.⁶ Lastly, they seem to have furnished to the proper authorities a list of the members of the township who were fit to serve in war (*καταλόγους ἐποίησαντο*). (Vid. DEMUS.)

DEMENS. (Vid. CURATOR, p. 329.)

DEMENSUM was an allowance of corn, which was given to Roman slaves monthly or daily.⁸ Donatus⁹ says that every slave received four modii of corn a month; but Seneca¹⁰ speaks of five modii as the allowance.¹¹

DEMENTIA. (Vid. CURATOR, p. 329.)

DEMETRIA (*δημητρία*), an annual festival which the Athenians, in 307 B.C., instituted in honour of Demetrius Polioretetes, who, together with his father Antigonus, were consecrated under the title of saviour gods. It was celebrated every year in the month of Munychion, the name of which, as well as that of the day on which the festival was held, was changed into Demetrian and Demetria. A priest ministered at their altars, and conducted the solemn procession, and the sacrifices and games with which the festival was celebrated.¹² To honour the new god still more, the Athenians at the same time changed the name of the festival of the Dionysia into that of Demetria, as the young prince was fond of hearing himself compared to Dionysus. The Demetria mentioned by Athenæus¹³ are probably the Dionysia. Respecting the other extravagant flatteries which the Athenians heaped upon Demetrius and Antigonus, see Athen., vi, p. 252; Herm., *Polit. Ant. of Greece*, § 175, n. 6, 7, and 8; and Thirlwall, *Hist. of Greece*, vii, p. 331.

DEMINUTIO CAPITIS. (Vid. CAPUT.)

DEMIOPRATA (*δημιόπρατα*, sc. *πράγματα* or *κτήματα*) was property confiscated at Athens and sold by public auction. The confiscation of property was one of the most common sources of revenue in many of the Grecian states; and Aristophanes¹⁴ mentions the *δημιόπρατα* as a separate branch of the public revenue at Athens. An account of such property was presented to the people in the first assembly of every prytaneia;¹⁵ and lists of it were posted upon tablets of stone in different pla-

1. (Aristot., *II. A.*, ii, 12, &c.—*Ælian*, N. A., i, 16, &c.—*Plin.*, *Is.*, 8.—*Juv.*, Sat., v, 14.)—2. (Griffith's Cuvier, vol. iv, p. 435.)—3. (Griffith's Cuvier, vol. iv, p. 450.)—4. (Adams, *Append.*, s. v.)—5. (iii., 77, 78.)—6. (Adams, *Append.*, s. v.)

1. (Böckh, vol. i, p. 212, transl.)—2. (Demosth., c. *Eub.*, 1318.)—3. (Böckh, l. c.)—4. (Nuberg, 37.—*Vid. Mitchell*, ad loc.)—5. (Wachsmuth, ii, part 1, p. 22.)—6. (Demosth., c. *Maron.*, s. 1069, 22.)—7. (Demosth., c. *Polyc.*, 1208.—*Harpocraz.*, s. 1.—*Pollux*, Onom., viii, 108.—*Schömann*, 377.)—8. (Plaut., *Stich.*, l, ii, 3.—*Terentium*, IV, ii, 102.—*diaria* 2^o Mart., s. 108.—*Hor.*, Ep., I, xiv, 40.—*ad Ter.*, *Plautum*, l, i, 2.—*ad Ep.*, 80.)—9. (Becker, *Gallus*, i, p. 110.)—10. (*Ibid.*, *Ess.*, xx, 46.)—11. (Demetr., 10, 46.—13. *xi.*, p. 526.)—12. (*Voss*, 559.—*Schol.* ad loc.)—13. (*Pollux*, Onom., viii, 95.)

ces, as was the case at Eleusis, with the catalogue of the articles which accrued to the temple of Demeter and Persephone, from persons who had committed any offence against these deities.¹ Many monuments of this kind were collected by Greek antiquarians, of which an account is given by Böckh.²

DEMIUS (δήμιος). (Vid. ΒΑΣΑΝΟΣ, p. 140.)

DEMIURGI (δημιουργοί). These magistrates, whose title is expressive of their doing the service of the people, are by some grammarians stated to have been peculiar to Dorian states; but, perhaps, on no authority except the form *δαμιουργοί*. Müller³ observes, on the contrary, that "they were not uncommon in the Peloponnesus; but they do not occur often in the Dorian states." They existed among the Eleians and Mantineans, with whom they seem to have been the chief executive magistracy (οἱ δημιουργοὶ καὶ ἡ βουλὴ, κ. τ. λ.⁴). We also read of *demurgi* in the Achaean league, who probably ranked next to the *strategi*,⁵ and put questions to the vote in the general assembly of the confederates.⁶ Officers named *epidemiurgi*, or upper *demurgi*, were sent by the Corinthians to manage the government of their colony at Potidea.⁷

DEMONSTRATIO. (Vid. ΑΣΤΙΟ, p. 19.)

DEMOPOLITUS (δημοπολίτης) was the name given to a foreigner who was admitted to the rights of citizenship at Athens by a decree of the people, on account of services rendered to the state. Such citizens were, however, excluded from the *phratræ*, and could not hold the offices of either *archon* or *priest*,⁸ but were registered in a *phyle* and *deme*. (Vid. CIVITAS, GREEK, p. 259.)

DEMOSIOI (δημόσιοι) were public slaves at Athens, who were purchased by the state. Some of them filled subordinate places in the assembly and courts of justice, and were also employed as heralds, checking clerks, &c. They were usually called *δημόσιοι οἰκέται*, and, as we learn from Ulpian,⁹ were taught at the expense of the state to qualify them for the discharge of such duties as have been mentioned.¹⁰ As these public slaves did not belong to any one individual, they appear to have possessed certain legal rights which private slaves had not.¹¹

Another class of public slaves formed the city guard; it was their duty to preserve order in the public assembly, and to remove any person whom the *επρωτανεῖς* might order.¹² They are generally called *bowmen* (τοξόται); or, from the native country of the majority, Scythians; and also *Speusians*, from the name of the person who first established the force.¹³ There were also among them many Thracians and other barbarians. They originally lived in tents in the market-place, and afterward upon the *Areiopagus*. Their officers had the name of *toxarchs* (τοξάρχαι). Their number was at first 300, purchased soon after the battle of Salamis, but was afterward increased to 1200.¹⁴

DEMUS. The word *δήμος* originally indicated a district or tract of land, and is by some derived from *δέω*, as if it signified an "enclosure marked off from the waste," just as our word *town* comes, according to Horne Tooke, from the Saxon verb "tyman," to enclose.¹⁵ It seems, however, more simple

to connect it with the Doric *dā* for *γα*. In this meaning of a country district, inhabited and under cultivation, *δήμος* is contrasted with *πόλις*: thus we have *ἀνδρῶν δήμων τε πόλιν τε*;¹ but the transition from a locality to its occupiers is easy and natural, and hence, in the earlier Greek poets, we find *δήμος* applied to the outlying country population, who tilled the lands of the chieftains or inhabitants of the city; so that *δήμος* and *πολίται* came to be opposed to each other, the former denoting the subject peasantry (*δήμον φιλοδέσποτον*)²; the latter, the nobles in the chief towns.³

We now proceed to treat of the *demi* or country parishes of Attica. The word *δήμος*, in the sense which we have here expressed by "parish," is by some rendered "borough," by others, "township." Of these terms, the former is certainly not appropriate; and as a parish may include townships and hamlets, we prefer this word to "township." In the first place, we may remark that, whatever uncertainty there may be about the nature and origin of the four tribes in that country as they existed before the age of Cleisthenes, there is scarcely any about the alterations he introduced with respect to them. His object was to effect a revolution, by which the power of the aristocracy would be diminished; for this purpose he broke up the four tribes of the old constitution, and substituted in their place ten local tribes (*φυλαὶ τοπικαί*), each named from some Attic hero.⁴ These were subdivided into ten *demi* or country parishes, possessing each its principal town; and in some one of these *demi* were enrolled all the Athenian citizens resident in Attica, with the exception, perhaps, of those who were natives of Athens itself.⁵ These subdivisions corresponded in some degree to the *ναυκραταί* of the old tribes, and were, according to Herodotus, one hundred in number; but, as the Attic *demi* amounted in the time of Strabo⁶ to 174, doubts have been raised about this statement. Niebuhr has inferred from it that the tribes of Cleisthenes did not originally include the whole population of Attica, and "that some of the additional 74 must have been cantons, which had previously been left in a state of dependance; by far the chief part, however, were houses (*γέννη*) of the old aristocracy," which were included in the four Ionian tribes, but, according to Niebuhr, were not incorporated in the ten tribes of the "rural commonalty" till after the time of Cleisthenes. (Vid. TRIBUS.)

This inference, however, seems very questionable; for the number of the *demi* might increase from a variety of causes, such as the growth of the population, the creation of new tribes, and the division of the larger into smaller parishes, to say nothing of the improbability of the coexistence of two different orders of tribes. "Another fact, more difficult to account for, is the transposition by which demes of the same tribe were found at opposite extremities of the country."⁷ The names of the different demes were taken, some from the chief towns in them, as Marathon, Eleusis, and Acharnæ; some from the names of houses or clans, such as the *Dædalidæ*, *Boutadæ*, &c. A complete list of them is given in Wachsmuth.⁸ The largest of all was the *demus* of Acharnæ, which in the time of the Peloponnesian war was so extensive as to supply a force of no less than three thousand heavy-armed men. Thucydides⁹ says of it, that it was the *χωρίον μέγιστον τῆς Ἀττικῆς τῶν δήμων καλουμένον*.

In explanation of their constitution and relation to the state in general, we may observe, that they

1. (Hes. Op. et D., 527.)—2. (Hes. Theog., 847.)—3. (Wachsmuth. Hellen. Alterth., I., i., p. 316.)—4. (Herod., v., 66, 69.)—5. (Thirlwall, Hist. of Greece, ii., p. 74.)—6. (ix., 306, c.)—7. (Thirlwall, l. c., and app. i., vol. ii.)—8. (ii., p. i., app. i.)—9. (ii., 191.)

1. (Pollux, Onom., x., 97.)—2. (Pobl. Econ. of Athens, vol. i., p. 365, &c.—Compare ii., p. 127; and Meier, "De Bonis Damiotensibus," p. 160, &c.)—3. (Dorians, ii., 145, transl.)—4. (Thucyd., i., 47.)—5. (Wachsmuth, § 79.)—6. (Liv., xxxii., 22; and, 30.)—7. (Thucyd., i., 56.)—8. (Demosth., c. Near., p. 328.)—9. (ad Demosth., Olynth., ii., p. 15.)—10. (Hemster. ad Pollux, Onom., l. c., 19.—Mausac. ad Harpocrat., s. v. Δημόσιος.—Fest., Leg. Att., p. 342.)—11. (Meier, Att. Process, p. 401, 40.)—12. (Schneider. ad Xen., Mem., ii., § 1.—Plato, Protag., c. 27, p. 319, and Heindorf's use.—Aristoph., Acharn., 54, with the commentators.)—13. (Pollux, Onom., viii., 131, 132.—Photius, s. v. Τοξόται.)—14. (Schol., επί Παρταγέδ., p. 335.—Andoc., De Pac., p. 93.—Böckh, Publ. Econ. of Athens, i., p. 277, &c.)—15. (Arnold, Thucyd., vol. i., s. p. 161.)

independent corporations, and had each their several magistrates, landed and other property, with a common treasury. They had, likewise, their respective convocations or "parish meetings," convened by the demarchi, in which was transacted the public business of the demus, such as the leasing of its estates, the elections of officers, the revision of the registers or lists of *δημόται*, and the admission of new members. Moreover, each demus appears to have kept what was called a *πίναξ ἐκκλησιαστικός*, or list of those *δημόται* who were entitled to vote at the general assemblies of the whole people. In a financial point of view, they supplanted the old "naucraries" of the four tribes, each demus being required to furnish to the state a certain quota of money and contingent of troops whenever necessary.¹ Independent of these bonds of union, each demus seems to have had its peculiar temples and religious worship (*δημοτικά ἱερά*), the officiating priests in which were chosen by the *δημόται*; so that, both in a civil and religious point of view, the demi appear as minor communities, whose magistrates, moreover, were obliged to submit to a *δοκιμασία*, in the same way as the public officers of the whole state. But, besides the magistrates, such as demarchs and treasurers (*ταμίαι*), elected by each parish, we also read of judges, who were called *δικασταὶ κατὰ δήμους*: the number of these officers, originally thirty, was afterward increased to forty, and it appears that they made circuits through the different districts, to administer justice in all cases where the matter in dispute was not more than ten drachmæ in value, more important questions being reserved for the *δαιτηταί*.⁴

We will now treat of the *δημόται*, or members of each demus, their privileges, and relations to the body corporate, of which they formed a constituent part. We are told by Aristotle⁵ that, on the first institution of the demi, Cleisthenes increased the strength of the *δήμος* or commonalty by making many new citizens, among whom are said to have been included not only strangers and resident foreigners, but also slaves. His words are, *Πολλοὺς ἐφούλετευσε ξένους καὶ (δούλους) μετοίκους*. We strongly suspect, however, that *δούλους* is an interpolation. The admission of slaves would, we conceive, have been very unpopular. Now admission into a demus was necessary, before any individual could enter upon his full rights and privileges as an Attic citizen; and though, in the first instance, every one was enrolled in the register of the demus in which his property and residence lay, this relation did not continue to hold with all the *δημόται*; for, since a son was registered in the demus of his real or adoptive father, and the former might change his residence, it would often happen that the members of a demus did not all reside in it. Still this would not cause any inconvenience, since the meetings of each parish were not held within its limits, but at Athens.⁶ No one, however, could purchase property situate within a parish to which he did not himself belong, without paying to the demarchs a fee for the privilege of doing so (*ἐγκτητικόν*), which would, of course, go to the treasury of the parish.⁷

Two of the most important functions of the general assemblies of the demi were the admission of new members and the revision of the names of members already admitted. The register of enrolment was called *ληξιαρχικὸν γραμματεῖον*, because any person whose name was inscribed in it could enter upon an inheritance and enjoy a patrimony, the expression for which in Attic Greek was *τῆς*

λήξεως ἄρχειν: *λαγχάνειν κλῆρον*, being equivalent to the Roman phrase *adire hereditatem*. These registers were kept by the demarchs, who, with the approbation of the members of the demus assembled in general meeting, inserted or erased names according to circumstances. Thus, when a young man was proposed for enrolment, it was competent for any demote to object to his admission on the ground of illegitimacy, or non-citizenship by the side of another parent. The demotes decided on the validity of these objections under the sanction of an oath, and the question was determined by a majority of votes.¹ The same process was observed when a citizen changed his parish in consequence of adoption.² Sometimes, however, a demarch was bribed to place, or assist in placing, on the register of demus, persons who had no claim to citizenship. To remedy this admission of spurious citizens (*παρεγγραπτοί*), the *διαψήφισις* was instituted. (*Ἰδ. ΔΙΑΨΗΦΙΣΙΣ*.)

Lastly, crowns and other honorary distinctions could be awarded by the demi in the same way as by the tribes. A decree of the demus of the Peiræus is given in Böckh,⁴ by which certain privileges were granted to Callidamas of Chollidæ: one of these was the exemption from the payment of the *ἐγκτητικόν*, if he should acquire property in the parish. The words are, *Τελεῖν δε αὐτὸν τὰ ἀπὸ τέλης ἐν τῷ δήμῳ ἄπὲρ ἂν καὶ Πειραιεῖς, καὶ μὴ ἐκδόνειν παρ' αὐτοῦ τὸν δήμαρχον τὸ ἐγκτητικόν*. The decree is taken from an inscription in Chandler (*Ἰδ. ΔΕΜΑΡΧΙΑ*.)

DENARIUS, the principal silver coin among the Romans, was so called because it was originally equal to ten asses; but on the reduction of the weight of the as (*vid. AS*), it was made equal to sixteen asses, except in military pay, in which it was still reckoned as equal to ten asses.⁶ The denarius was first coined five years before the first Punic war, B.C. 269. (*Ἰδ. ARGENTUM*.) There were originally 84 denarii to a pound,⁷ but subsequent to 96. At what time this reduction was made in the weight of the denarius is uncertain, as it is not mentioned in history. Some have conjectured that it was completed in Nero's time; and Mr. Hussey justly remarks, that Suetonius⁸ proves that 84 denarii went still to the pound about the year B.C. 50; since, if we reckon 96 to the pound, the proportion of the value of gold to silver is 7:8 to which is incredibly low; while the value on the other supposition, 89 to 1, is more probable. (*Compare ARGENTUM, sub fin.*)



BRITISH MUSEUM. ACTUAL SIZE. WEIGHT 60.6 GR.



BRITISH MUSEUM. ACTUAL SIZE. WEIGHT 58.5 GR.

Mr. Hussey calculates the average weight of the denarii coined at the end of the Commonwealth

1 (Wachsmuth, § 83.)—2 (Paus., i., 31.—Pollux, Onom., viii., 108.)—3 (Demosth., c. Eubul., 1313.)—4 (Hudtwalcker, p. 37.)—5 (Pollux, iii., 1.)—6 (Demosth., c. Eubul., 1302.)—7 (Böckh, Publ. Econ. of Athens, vol. ii., p. 3, transl.)

1 (Demosth., c. Eubul., 1318.)—2 (Isæus, De Apoll. Her., p. 66, 17.)—3 (Demosth., c. Leoch., p. 1091.)—4 (I. c., ii., 108.)—5 (Plin., H. N., xxxii., 13.)—6 (Plin., H. xxxiii., 46.—Celsus, v., 17, § 1.)—7 (Ancient Weights, &c., 137.)—8 (Jul., 34.)

60 grains, and those under the Empire at 52.5 grains. If we deduct, as the average, $\frac{1}{30}$ th of the weight for alloy from the denarii of the Commonwealth, there will remain 58 grains of pure silver; and since the shilling contains 80.7 grains of pure silver, the value of the best denarii will be $\frac{58}{80.7}$

of a shilling, or 8.6245 pence; which may be reckoned in round numbers 8½d. If the same method of reckoning be applied to the later denarius, its value will be about 7.5 pence, or 7½d.¹

The Roman coins of silver went at one time as low down as the fortieth part of the denarius, the *teruncius*. They were, the *quinarius*, or half denarius; the *sestertius*, or quarter denarius (*vid. SESTERTIUS*); the *libella*, or tenth of the denarius (equal to the *as*); the *sembella*, or half libella; and the *teruncius*, or quarter libella.

The *quinarius* was also called *victoriatus*,² from the impression of a figure of Victory which it bore. Pliny³ says that *victoriati* were first coined at Rome in pursuance of the *lex Clodia*, and that previous to that time they were imported as an article of trade from Illyria. The *Clodius* who proposed this law is supposed to have been the person who obtained a triumph for his victories in Istria, whence he brought home a large sum of money,⁴ which would fix the first coinage of the *victoriati* at Rome B.C. 177, that is, 92 years after the first silver coinage.

If the denarius weighed 60 grains, the *teruncius* would only have weighed 1½ grs., which would have been so small a coin that some have doubted whether it was ever coined in silver, for we know that it was coined in copper. (*Vid. AS*, p. 110.) But Varro⁵ names it among the silver coins with the *libella* and *sembella*. It is, however, improbable that the *teruncius* continued to be coined in silver after the *as* had been reduced to $\frac{1}{16}$ th of the denarius; for then the *teruncius* would have been $\frac{1}{16}$ th of the denarius, whereas Varro only describes it as a subdivision of *libella*, when the latter was $\frac{1}{10}$ th of the denarius. In the time of Cicero, the *libella* appears to have been the smallest silver coin in use;⁶ and it is frequently used, not merely to express a silver coin equal to the *as*, but any very small sum.⁷ Gronovius,⁸ however, maintains that there was no such coin as the *libella* when Varro wrote, but that the word was used to signify the tenth part of a *sestertius*. No specimens of the *libella* are now found.

If the denarius be reckoned in value 8½d., the other coins which have been mentioned will be of the following value:

	Pence.	Farth.
Teruncius		53125
Sembella		10625
Libella		2125
Sestertius	2	5
Quinarius or Victoriatus .	4	1
Denarius	8	2

It has been frequently stated that the denarius is equal in value to the drachma, but this is not quite correct. The Attic drachma was almost equal to 9½d., whereas we have seen that the denarius was but little above 8½d. The later drachmæ, however, appear to have fallen off in weight; and there can be no doubt that they were at one time nearly enough equal to pass for equal. Gronovius has given all the authorities upon the subject in his *De Sestertiis*.⁹

The earliest denarii have usually, on the obverse, the head of Rome with a helmet, the *Dioscuri*, or

the head of Jupiter. Many have, on the reverse, chariots drawn by two or four horses (*bigæ*, *quadrigæ*), whence they are called respectively *bigati* and *quadrigati*, *sc. nummi*. (*Vid. BIGATUS*.) Some denarii were called *serrati*,¹ because their edges were notched like a saw, which appears to have been done to prove that they were solid silver, and not plated. Many of the family denarii, as those of the *Ælian*, *Calpurnian*, *Papinian*, *Tullian*, and numerous other families, are marked with the numeral X, in order to show their value.

Pliny² speaks of the *denarius aureus*. Gronovius³ says that this coin was never struck at Rome; but there is one of Augustus in the British Museum, weighing 60 grains, and others of less weight. The average weight of the common aureus was 120 grains. (*Vid. AUREUM*, p. 129.) In later times, a copper coin was called denarius.⁴

*DENDRACHA'TES (*δενδραχάτης*), a species of Agate, the veins of which resemble a small tree. It is our Dendritic agate. A description of it is given in the Orphic poem under the name of *ἀχάτης δενδρόεις*.⁵

*DENDROLIB'ANUS (*δενδρολίβανος*), a term occurring only in the Pharmaceutical work of Myrepsus. It is applied to the Rosemary.⁶

*ΔΕΝΔΡΥΦΙΑ ΚΕΡΑΤΙΝΑ (*δενδρῶφια κεράτινα*), apparently, says Adams, a kind of Coral. It is mentioned by Theophrastus.⁷ Stackhouse conjectures it to be the *Gorgonia nobilis*, or Red Coral.⁸

DENTIFRICIUM (*δδοντότριμμα*), a dentifrice or tooth-powder, appears to have been skilfully prepared and generally used among the Romans. A variety of substances, such as the bones, hoofs, and horns of certain animals, crabs, egg-shells, and the shells of the oyster and the murex, constituted the basis of the preparation. Having been previously burned, and sometimes mixed with honey, they were reduced to a fine powder. Though fancy and superstition often directed the choice of these ingredients, the addition of astringents, such as myrrh, or of nitre and of hartshorn ground in a raw state, indicates science which was the result of experience, the intention being not only to clean the teeth and to render them white, but also to fix them when loose, to strengthen the gums, and to assuage tooth-ache.⁹ Pounded pumice was a more dubious article, though Pliny¹⁰ says, "*Utilissima sunt ex his dentifricia*."

DEPENSI ACTIO. (*Vid. SPONSOR*.)

DEPORTATIO. (*Vid. BANISHMENT, ROMAN*.)

DEPOSITI ACTIO. (*Vid. DEPOSITUM*.)

DEPOSITUM. A depositum is that which is given by one man to another to keep until it is demanded back, and without any reward for the trouble of keeping it. The party who makes the depositum is called *deponens* or *depositor*, and he who receives the thing is called *depositarius*. The act of deposit may be purely voluntary, or it may be from necessity, as in the case of fire, shipwreck, or other casualty. The depositarius is bound to take care of the thing which he has consented to receive. He cannot use the thing unless he has permission to use it, either by express words or by necessary implication. If the thing is one "*quæ usu non consumitur*," and it is given to a person to be used, the transaction becomes a case of *locatio* and *conductio* (*vid. LOCATIO*), if money is to be paid for the use of it; or a case of *commodatum* (*vid. COMMODATUM*), if nothing is to be paid for the use. If a bag of money not sealed up is the subject of

1. (Tacit., Germ., 5.)—2. (H. N., xxxiii., 13.)—3. (De Sestertiis, iii., 15.)—4. (Ducange, s. v. Denarius.)—5. (Plin., H. N., xxxvii., 54.—Orph., Lith., v., 230.—Moore's Anc. Mineral., p. 178.)—6. (Adams, Append., s. v.)—7. (H. P., iv., 8.)—8. (Adams, Append., s. v.)—9. (Plin., H. N., xxvii., 49; xxxi., 46; xxxii., 21, 26.)—10. (xxvii., 42.)

the depositum, and the depositarius at any time asks for permission to use it, the money becomes a loan (*vid. MUTUUM*) from the time when the permission is granted; if the deponens proffers the use of the money, it becomes a loan from the time when the depositarius begins to use it. If money is deposited with the condition that the same amount be returned, the use of it is tacitly given; but the depositum does not therefore become mutuum. If the depositum continues purely a depositum, the depositarius is bound to make good any damage to it which happens through *dolus* or *culpa lata*; and he is bound to restore the thing on demand to the deponens, or to the person to whom the deponens orders it to be restored. The remedy of the deponens against the depositarius is by an *actio depositi directa*. The depositarius is entitled to be secured against all damage which he may have sustained through any *culpa* on the part of the deponens, and to all costs and expenses incurred by his charge; and his remedy against the deponens is by an *actio depositi contraria*. The *actio* was in *duplum* if the deposit was made from necessity; if the depositarius was guilty of *dolus*, *infamia* was a consequence.¹

DESERTOR is defined by Modestinus to be one "qui per prolixum tempus vagatus, reducitur," and differs from an *emansor* "qui diu vagatus ad castra egreditur."² Those who deserted in time of peace were punished by loss of rank, corporeal chastisement, fines, ignominious dismissal from the service, &c. Those who left the standards in time of war were usually punished with death. The *transfuga*, or deserters to the enemy, when taken, were sometimes deprived of their hands or feet,³ but generally were put to death.⁴

DESIGNATOR. (*Vid. FUNUS*.)

DESMOTERION (*δεσμοτήριον*). (*Vid. CARCER*.)

DESPOSITIONAUTAI (*δεσποσιοναῦται*). (*Vid. CIVITAS, GREEK*.)

DESULTOR (*ἄμφιππος, ἀναβάτης, μεταβάτης*), a rider. Although riding on horseback is never mentioned among the martial exercises of the early Greeks, it was often practised by them as a swift and easy method of conveyance from place to place; and that they had attained to great skill in horsemanship is manifest from a passage in the *Iliad*,⁵ describing a man who keeps four horses abreast at full gallop, and leaps from one to another, amid a crowd of admiring spectators. The Roman desultor generally rode only two horses at the same time, sitting on them without a saddle, and vaulting upon either of them at his pleasure.⁶ He wore a hat or cap made of felt. The taste for these exercises was carried to so great an extent, that young men of the highest rank not only drove bigæ and quadrigæ in the circus, but exhibited these feats of horsemanship.⁷ Besides performing publicly for the amusement of the spectators, the Roman riders were employed to convey messages with the greatest possible despatch, relieving either horse, when fatigued, by vaulting upon the other.⁸ Among other nations, this species of equestrian dexterity was applied to the purposes of war. Livy mentions a troop of horse in the Numidian army, in which each soldier was supplied with a couple of horses, and in the heat of battle, and when clad in armour, would leap with the greatest ease and celerity from that which was wearied or disabled upon the back of the horse which was still sound and fresh.⁹ The Scythians,

Armenians, and some of the Indians, were in the same art.

The annexed woodcut shows three figures sultores, one from a bronze lamp, published by *toli*,¹ the others from coins. In all these the



wears a pileus, or cap of felt, and his horse is out a saddle; but these examples prove that he uses both of the whip and the rein. On coins we also observe the wreath and palm-branch as ensigns of victory.

DETESTATIO SACRO'RUM. (*Vid. SACRO'RUM*.)

DEVERSORIUM. (*Vid. CAURONA*.)

DEUX. (*Vid. AS, p. 110*.)

DEXTANS. (*Vid. AS, p. 110*.)

DIADEMA (*διάδημα*), a white fillet used to circle the head (*fascia alba*).²

The invention of this ornament is by Pliny attributed to "Liber Pater." Diodorus Siculus says that he wore it to assuage headache, the consequence of indulging in wine. Accordingly, in the art of ancient art, Bacchus wears a plain bandage his head, as shown in the woodcut at p. 208.

Whether we reject or admit the conjecture of Diodorus, we may safely consider the diadem in its simplest form, as a decoration which properly Oriental. It is commonly represented on the heads of Eastern monarchs. Justin³ says that Alexander the Great adopted the large diadem of the kings of Persia, the ends of which fell over the shoulders, and that this mark of royalty preserved by his successors.⁴ Antony assumed in his luxurious intercourse with Cleopatra of Egypt.⁵ Ælian says⁶ that the kings of that country had the figure of an asp upon their diadem.

In process of time, the sculptors placed the diadem on the head of Jupiter, and various other divinities besides Bacchus (see examples at p. 292), and it was also gradually assumed by sovereigns of the Western world. It was tied behind in a bow; whence Tacitus⁷ speaks of the phrater rising in waves "white with foam, so resemble a diadem." By the addition of gold, gems,⁸ and of pearls from the Erythrean Sea, by a continual increase in richness, size, and splendour, this bandage was at length converted into a crown which has been for many centuries the

1. (Dig. 16, tit. 3.—Cic., Off., i., 10.—Juv., Sat., xiii., 60.—Dirksen, Uebersicht, &c., p. 597.)—2. (Dig. 49, tit. 16, s. 3.)—3. (Liv., xxvi., 12.)—4. (Lipsius, De Milit. Rom., iv., 4.)—5. (xv., 679-684.)—6. (Isidor., Orig., xviii., 39.)—7. (Suet., Jul., 39.—Compare the article CIRCUS, p. 256.)—8. (Hygin., Fab., 90.)—9. (xxiii., 29.)

1. (Antiche Lucerne Sepolerali, i., 24.)—2. (Val. Max. 7.)—3. (H. N., vii., 57.)—4. (iv., p. 250, ed. Wesseling.)—5. (xii., 3.)—6. (See also Lucian, Dial. Diog. et Alex.)—7. (rus, iv., 11.)—8. (V. H., vi., 38.)—9. (Anna., vi., 37, 3.) (Isidor., Orig., xix., 31.)—11. (Claud., Epithal.)

eighty in modern Europe. It must have been a joke that the surname of Diademagiven to L. Metellus, who, in order to conquer, had his head for a long time surrounded by a bandage.¹

DIETETICA (*διαβατήρια*) was a sacrifice of Zeus and Athena by the Kings of Sparta to the frontiers of Lacedæmon with the aid of an army. If the victims were unfavourable, they disbanded the army and returned

DIACASIA (*διαδικασία*), in its most extended sense, a mere synonyme of *δική*: technically, it signifies the proceedings in a contest for preference between two or more rival parties; as, for instance, in the case of several claiming to succeed to the subject of the estate of a deceased person on an occasion of this kind, it will be obvious that, as all claimants are similarly situated with respect to the subject of dispute, the ordinary distinction of the litigants as plaintiffs and defendants becomes no longer applicable. This, in fact, is a substantial distinction between the proceedings on and all other suits in which the parties are immediately opposed to each other; but, where the forms are concerned, we are not told that they are peculiarly characterized. Besides the forms mentioned, there are several others to be added with it in respect of the object of proceeding being an absolute acquisition of property. These are to be reckoned the claims of creditors upon a confiscated estate, and the claims between informers claiming rewards from the state for the discovery of crimes, &c., and the occasion of the mutilation of the Heracles and the like. The other class of cases included under the general term consists of cases like the case of the trierarchs (*vid.* ANTIPOISIS), in which one who was to be held responsible to the public property alleged to have been transgressed on one hand and denied on the other,² and cases as to who should undertake a choregia, and other cases, in which exemptions from personal or pecuniary liabilities to the state were the subject of claim by rival parties. In a diacasia, as in a *δική*, the proper court, the presiding judge, and the expenses of the trial, mainly depend upon the peculiar object of the proceeding. It presents no leading characteristics for distinction from the general term.³

DIACASIA (*διαδόσεις*). (*Vid.* DIANOMAI.)

DIACASIA. (*Vid.* HOUSE.)

DIETETICA or DIETETICA (*διαιτητική*), the three principal branches into which the art and science of medicine (*medicina*) is divided. The word is derived from *διαίτα*, to eat, to mean much the same as our word *diet*. It is used by Celsus⁴ to signify that part of medicine *quæ victu medetur*, "which cures diseases by regimen and diet;" and a similar explanation is given by Plato.⁵ Taken strictly in this sense, it would correspond very nearly with the term *diætica*, and this is the meaning which (as the writer is aware) it always bears in the medical writers, and that which will be adopted in the present article; in some of the later writers it seems to comprehend Celsus's second division, *φάρμακευτική*, and is used by Scribanius⁶ simply in opposition to *chirurgia*, so as to answer exactly to the province of our *physi-*

No attention seems to have been paid to this branch of medicine before the date of Hippocrates; or, at least, it would seem that, whether Homer meant to represent it as it was in his own time, or as he supposed it to have been during the Trojan war, it must have been (according to our modern notions) very defective and erroneous. For instance, he represents Machaon, who had been wounded in the shoulder by an arrow,¹ and forced to quit the field, as taking a draught composed of wine, goat's-milk cheese, and flour,² which certainly no modern surgeon would prescribe in such a case.³ Hippocrates seems to claim for himself the credit of being the first person who had studied this subject, and says the "ancients had written nothing on it worth mentioning."⁴ Among the works commonly ascribed to Hippocrates, there are four that bear upon this subject, viz.: 1. *Περὶ Διαίτης Ἰγυεινῆς*, *De Salubri Victus Ratione*; 2. *Περὶ Διαίτης*, *De Victus Ratione*, in three books; 3. *Περὶ Διαίτης Ὄξέων*, *De Ratione Victus in Morbis Acutis*; and, 4. *Περὶ Τροφῆς*, *De Alimento*. Of these the third only is considered to be undoubtedly genuine; but the first was probably written by his son-in-law Polybus; the second, though evidently not all composed by the same author, is supposed to be as old as Hippocrates; and the fourth, if not the work of Hippocrates himself, is nevertheless very ancient.⁵ There is also a good deal of matter on this subject in his other works, as regimen and diet was the first, the chief, and often the only remedy that he employed. Besides these treatises by Hippocrates and his contemporaries, on the first, third, and fourth of which Galen has left a commentary, the following works on the subject by later authors are still extant: Galen, *Περὶ Τροφῶν Δυνάμεως*, *De Alimentorum Facultatibus*; *Id.*, *Περὶ Ἐχθρῶν καὶ Κακοχρημῶν Τροφῶν*, *De Probis et Prævis Alimentorum Succis*; *Id.*, *Περὶ τῆς κατὰ τὸν Ἰπποκράτην Διαίτης ἐπὶ τῶν Ὄξέων Νοσημάτων*, *De Victus Ratione in Morbis Acutis ex Hippocratis Sententia*; Michael Psellus, *Περὶ Διαίτης*, *De Victus Ratione*; Theodorus Priscianus, *Diæta, sive de Salutaribus Rebus*; Constantinus Afer, *De Victus Ratione Variorum Morborum*. To these may be added the famous *Regimen Sanitatis Salernitanum*; a treatise by Isaac (*Isak Ben Solomon*), *De Diæti Universalibus et Particularibus*; another corruptly entitled *Tacuin Sanitatis Elluchasem Elimithar de Sex Rebus non Naturalibus*; and another by the celebrated Maimonides (*Mosheh Ben Maimon*), *De Regimine Sanitatis*: besides several chapters in the works of Haly Abbas, Avicenna, and Mesue. It would be out of place here to attempt anything like a complete account of the opinions of the ancients on this point; those who wish for more detailed information must be referred to the different works on medical antiquities, while in this article mention is made of only such particulars as may be supposed to have some interest for the general reader.

In the works above enumerated, almost all the articles of food used by the ancients are mentioned, and their real or supposed properties discussed, sometimes quite as fancifully as by Burton in his *Anatomy of Melancholy*. In some respects they appear to have been much less delicate in their tastes than the moderns, as we find the flesh of the fox, the dog, the horse, and the ass spoken of as common articles of food.⁶ With regard to the quantity of wine drunk by the ancients, we may arrive at something like certainty from the fact that Cælius

1. H. N., xxxiv., 8.—2. (Xen., De Rep. Lac., xi., 2. v., 24, 25, 116.—Wachsmuth, H., i., p. 301.)—3. *Id.*, 4. (as in Dem., c. Everg. et Mnes.)—5. (Platner, ed. Klagen, ii., p. 17, s. 9.)—6. (De Medic. Prefat. in l. sup. Diog. Laert., iii., l. 9 § 24.)—8. (De Compos. § 200.)

1. (H., xi., 507.)—2. (*Ibid.*, 638.)—3. (See Plato, De Republ., iii., p. 405, 406.—Max. Tyr., Sermon., 29.—Athenæus, i., § 17, p. 10.)—4. (De Rat. Vict. in Morb. Acut., tom. ii., p. 26, ed. Kühn.)—5. (*Vid.* Fabric., Bibl. Gr., vol. ii., ed. Harles.)—6. (Pseudo-Hippocr., De Vict. Rat., lib. ii., tom. i., p. 679, 680.)

Aurelianus mentions it as something extraordinary that the famous Asclepiades, at Rome, in the seventh century A. U. C., sometimes ordered his patients to double and treble the quantity of wine, till at last they drank half wine and half water,¹ from which it appears that wine was commonly diluted with five or six times its quantity of water. Hippocrates recommends wine to be mixed with an equal quantity of water, and Galen approves of the proportion; but Le Clerc² thinks that this was only in particular cases. In one place³ the patient, after great fatigue, is recommended *μεθυσθῆναι ἅπαξ ἢ δις*, in which passage it has been much doubted whether actual intoxication is meant, or only the "drinking freely and to cheerfulness," in which sense the same word is used by St. John⁴ and the LXX.⁵ According to Hippocrates, the proportions in which wine and water should be mixed together vary according to the season of the year; for instance, in summer the wine should be most diluted, and in winter the least so.⁶ Exercise of various sorts, and bathing, are also much insisted upon by the writers on diet and regimen; but for farther particulars on these subjects, the articles *BATHS* and *GYMNASIUM* must be consulted. It may, however, be added, that the bath could not have been very common, at least in private families, in the time of Hippocrates, as he says⁷ that "there are few houses in which the necessary conveniences are to be found."

Another very favourite practice with the ancients, both as a preventive of sickness and as a remedy, was the taking of an emetic from time to time. The author of the treatise *De Victus Ratione*, falsely attributed to Hippocrates, recommends it two or three times a month.⁸ Celsus considers it more beneficial in the winter than in the summer,⁹ and says that those who take an emetic twice a month had better do so on two successive days than once a fortnight.¹⁰ At the time in which Celsus wrote, this practice was so commonly abused, that Asclepiades, in his work *De Sanitate Tuenda*, rejected the use of emetics altogether: "Offensus," says Celsus,¹¹ "eorum consuetudine, qui quotidie ejicendo vorandi facultatem moluntur."¹² It was the custom among the Romans to take an emetic immediately before their meals, in order to prepare themselves to eat more plentifully; and again soon after, so as to avoid any injury from repletion. Cicero, in his account of the day that Cæsar spent with him at his house in the country,¹³ says, "*Accubuit, emeticam agebat, itaque et edit et bibit adæquè et jucundè*;" and this seems to have been considered a sort of compliment paid by Cæsar to his host, as it intimated a resolution to pass the day cheerfully, and to eat and drink freely with him. He is represented as having done the same thing when he was entertained by King Deiotarus.¹⁴ The glutton Vitellius is said to have preserved his own life by constant emetics, while he destroyed all his companions who did not use the same precaution,¹⁵ so that one of them, who was prevented by illness from dining with him for a few days, said, "I should certainly have been dead if I had not fallen sick." Even women, after bathing before supper, used to drink wine and throw it up again, to sharpen their appetite

{ *Falerni* } "sextarius alter
Ducitur ante cibum, rabidam facturus orexim."¹⁶

1. (De Morb. Chron., lib. iii., c. 7, p. 386.)—2. (Hist. de la Méd.)—3. (Pseudo-Hippocr., De Vict. Rat., lib. iii., in fin.)—4. (ii., 10.)—5. (Gen., xliii., 31.—Cant., v., 1; and perhaps Gen., x., 21.)—6. (Compare Celsus, De Medic., i., 3, p. 31, ed. Argent.)—7. (De Rat. Vict. in Morb. Acut., p. 62.)—8. (lib. iii., p. 710.)—9. (De Medic., i., 3, p. 28.)—10. (Ibid., p. 29.)—11. (Ibid., p. 27.)—12. (See also Plin., H. N., xxvi., 6.)—13. (ad Att., xii., 22.)—14. (Cic., Pro Deiot., c. 7.)—15. (Suet., Vitell., c. 13.—Dion Cass., ix., 2.)—16. (Juv., Sat., vi., 427, 428.)

so that it might truly be said, in the strong language of Seneca,¹ "*Vomunt, ut edant; ciant, ut vomant.*"² By some the practice was thought so effectual for strengthening the constitution, that it was the constant regimen of all the athlete, or professed wrestlers, trained for the public shows, in order to make them more robust. Celsus, however,³ warns his readers against the too frequent use of emetics without necessity, and merely for luxury and gluttony, and says that no one who has any regard for his health, and wishes to live to old age, ought to make it a daily practice.⁴

DIAGRAPHÉIS (διαγραφεῖς). (Vid. ΕΙΣΗΡΟΙΑ.)
DIAITETAI (δαιτηται). The *δαιτηται*, or arbitrators mentioned by the Athenian orators, were of two kinds; the one public, and appointed by lot (κληρωτοί), the other private, and chosen (αἰρετοί) by the parties who referred to them the decision of a disputed point, instead of trying it before a court of justice; the judgments of both, according to Aristotle, being founded on equity rather than law (ὁ γὰρ δαιτητὴς τὸ ἐπιεικὲς ὁρᾷ, ὁ δὲ δίκαστις τὸ νόμον⁵). We shall, in the first place, treat of the *δαιτηται κληρωτοί*, following, as closely as possible, the order and statements of Hudtwalcker in his treatise "*Ueber die öffentlichen und Privat-Schiedsrichter Daiteten in Athen, und den Process vor denselben.*"

According to Suidas,⁶ the public *δαιτηται* were required to be not less than 50 years of age; according to Pollux⁷ and Hesychius, not less than 60. With respect to their number there is some difficulty, in consequence of a statement of Ulpian,⁸ according to which it was 440, i. e., 44 for each tribe (ἦσαν δὲ τέσσαρες καὶ τεσσαράκοντα, καθ' ἑκάστην φυλὴν). This number, however, appears so unnecessarily large, more especially when it is considered that the Attic orators frequently speak of only one arbitrator in each case, that some writers have, with good reason, supposed the reading should be, ἦσαν δὲ τεσσαράκοντα, τέσσαρες κ. ἑ. ῥ. At any rate, litigious as the Athenians were, it seems that there must have been enough for all purposes.

The words καθ' ἑκάστην φυλὴν imply that each tribe had its own arbitrator; an inference which is supported by Demosthenes,⁹ where he speaks of three arbitrators of the Ceneid and Erechtheid tribes; as well as by Lysias,¹⁰ who, in the words προσκλησάμενος αὐτὸν πρὸς τοὺς τῆ Ἰπποθοοντιδῶν δικάζοντα, is thought to allude to the *δαιτηται* of the Hippothoon-tid tribe. With regard to the election of these officers, it is doubtful whether they were chosen by the members of the tribe for which they adjudicated, or in a general assembly of the people. Hudtwalcker inclines to the latter supposition, as being more probable; we do not think so; for it seems just as likely, if not more so, that the four arbitrators of each tribe were chosen in an assembly of the tribe itself. Again, whether they were appointed for life, or only for a definite period, is not expressly mentioned by the orators; but as none of the Athenian magistrates, with the exception of the *Areopagites*, remained permanently in office, and Demosthenes¹¹ speaks of the last day of the 11th month of the year as being the last day of the *δαιτηται* (ἡ τελευταία ἡμέρα τῶν δαιτητῶν), it seems almost certain that they were elected for a year only. The only objection to this conclusion arises from a statement in a fragment of Isæus,¹² where an arbitrator is spoken of as being engaged on a suit for two years (δύο ἔτη τοῦ δαιτητοῦ ἐγὼ δίκην ἔχοντος): if, however, we admit the conjectural reading τῶν δαιτητῶν,

1. (Cons. ad Helv., 9. 10.)—2. (Compare Seneca, De Prov., c. 4, § 11.—Id., Epist., 95, § 21.)—3. (i. e., p. 28.)—4. (See Middleton's Life of Cicero.—Casaubon ad Suet., l. c.)—5. (Rhet. ii., 13.)—6. (s. v.)—7. (viii., 126.)—8. (Demosth., c. Meid., 242, 15.)—9. c. Energ., 1142, 25.)—10. (c. Pancl., 731.)—11. (c. Meid., 512, 15.)—12. p. 361, ed. Reiske.)

meaning would be in accordance with what we learn from other authorities, and would only imply that the same cause came before the arbitrators of different years, a case which might not unfrequently happen; if, on the contrary, the reading of the text is correct, we must suppose that it was sometimes necessary or convenient to re-elect an arbitrator for the decision of a particular case.

After discussing this subject, Hudtwalcker raises the question whether or not the public *δαιτηταί* took any general oath before entering upon their duties.

The point is not one of great importance, and therefore we shall only observe that such a guarantee would seem to be unnecessary; for we read of arbitrators taking oaths previous to giving judgment in the secular cases which came before them.¹ From the circumstance we should infer that no oath was exacted from them before they entered upon office: Hudtwalcker is of the contrary opinion, and suggests that the purport of their oath of office (*ἀμτι-δαιτητῶν*) was the same as that of the Heliastic oath mentioned by Demosthenes.²

The *δαιτηταί* of the different tribes appear to have sat in different places; as temples, halls, and courts of justice, if not wanted for other purposes. In the case of the Ceneid and the Erechtheid tribes met in the *ἑλῖαι*; we read of others holding a court in the *ἑλφίνιον*,⁴ and also in the *στοῦ ποικιλῆ*.⁵ In the case of slaves being examined by the *δαιτηταί*, sitting for that purpose, under the appellation of *βασανισταί* (*vid. ΒΑΣΑΝΟΣ*), in the *ἡφαιστῖον*, or Temple of Hephaistos.⁶ Moreover, we are informed of private arbitrators meeting in the Temple of Athena on the Acropolis; and, if the amended reading of Pollux⁷ is correct, we are informed by Demosthenes, in general terms, that the arbitrators formerly held their courts in the temples (*Διῆτων ἐν ἱεροῖς ναοῖς*). Harpocration also⁸ contrasts the dicasts with the arbitrators, observing that the former had regularly appointed courts of justice (*ἀποδεδειγμέναι*).

Another point of difference was the mode of payment, inasmuch as the dicasts received an allowance from the state, whereas the only remuneration of the *δαιτηταί* was a drachma deposited as a *πάρστας*⁹ by the complainant on the commencement of the suit, the same sum being also paid for the *ἀντίστας*, and every *ὑπόμοσια* sworn during the proceedings.¹⁰

The *πάρστας* of which we have been speaking is the same as the *δραχμὴ τοῦ λειπομαρτυρίου* mentioned by Demosthenes.¹¹ The defendant in this case had failed to give evidence as he ought to have done, and therefore the plaintiff commenced proceedings against him for this arbitrary neglect of the arbitrators in the principal suit, the first object of which was the payment of the *πάρστας*. The public arbitrators were *ὑπεύθνοισι*, i. e., every one who had, or fancied he had, a cause of complaint against them for their decisions, might proceed against them by *εἰσαγγελία*, or information given before the senate. For this purpose, says Ulpian, whose statement is confirmed by Demosthenes, in the case of Straton, the public *δαιτηταί* were required to assemble the close of their year of office, and during the latter days of the month Thargelion, required to present themselves in some fixed place, probably the senate-house, that they might be ready to receive any charge brought against them, of which

they received a previous notice. The punishment, in case of condemnation, was *ἀτιμία*, or the loss of civic rights. Harpocration,¹ however, informs us that the *εἰσαγγελία* against the arbitrators was brought before the dicasts or judges of the regular courts; but this probably happened only on appeal, or in cases of great importance, inasmuch as the *βουλή* could not inflict a greater penalty than a fine of 500 drachmæ with *ἀτιμία*.

We may now discuss the competency of the *δαιτηταί*, i. e., the extent of their jurisdiction, with respect to which Pollux² states, that in former times no suit was brought into a court before it had been investigated by the *δαιτηταί* (*πάσαι σὺδεμία δικῆ πρὶν ἐπὶ δαιτητῶν ἔλθειν εἰσῆγετο*). There can be but little doubt that the word *πάσαι* here refers to a time which was ancient with reference to the age of the Athenian orators, and therefore that this previous investigation was no longer requisite in the days of Demosthenes and his contemporaries. Still we find the *δαιτηταί* mentioned by them in very many cases of civil actions, and it is not unlikely that the magistrates, whose duty it was to bring actions into court (*εἰσάγειν*), encouraged the process before the arbitrators, as a means of saving the state the payment which would otherwise have been due to the dicasts.³ Hudtwalcker is accordingly of opinion that the *δαιτηταί* were competent to act in all cases of civil action for restitution or compensation, but not of penal or criminal indictments (*γραφαί*); and, moreover, that it rested with the complainant whether his cause was brought before them in the first instance, or sent at once to a higher court of judicature.⁴

But, besides hearing cases of this sort, the *δαιτηταί* sat as commissioners of inquiry on matters of fact which could not be conveniently examined in a court of justice,⁵ just as what is called an "issue" is sometimes directed by our own Court of Chancery to an inferior court, for the purpose of trying a question of fact, to be determined by a jury. Either party in a suit could demand or challenge (*προκαλεῖσθαι*) an inquiry of this sort before an arbitrator, the challenge being called *πρόκλησις*: a term which was also applied to the "articles of agreement" by which the extent and object of the inquiry were defined.⁶ Many instances of these *πρόκλησεις* are found in the orators; one of the most frequent is the demand or offer to examine by torture a slave supposed to be cognizant of a matter in dispute, the damage which might result to the owner of the slave being guaranteed by the party who demanded the examination.⁷ See also Demosthenes,⁸ who observes that the testimony of a slave, elicited by torture, was thought of more value by the Athenians than the evidence of freemen. (*Vid. ΒΑΣΑΝΟΣ*.) Another instance, somewhat similar to the last, was the *πρόκλησις εἰς μαρτυρίαν*,⁹ where a party proposed to his opponent that the decision of a disputed point should be determined by the evidence of a third party.¹⁰ Sometimes, also, we read of a *πρόκλησις*, by which a party was challenged to allow the examination of documents, as wills,¹¹ deeds, bankers' books, &c.¹²

It is manifest that the forms and objects of a *πρόκλησις* would vary according to the matter in dispute, and the evidence which was producible; we shall therefore content ourselves with adding that the term was also used when a party challenged his adversary to make his allegation under

1. (s. v.)—2. (viii., 126.)—3. (Böckh, vol. i., p. 317, transl.)—4. (Demosth., c. Androt., 66, 18.)—5. (Demosth., c. Steph., 1106.)—6. (Demosth., c. Nearc., 1387.)—7. (Harpocr., s. v. Πρόκλησις.)—8. (Onetor., i., 874.)—9. (Pollux, viii., 62.)—10. (Antiphon., de Choreut., p. 144, ed. Bekker.)—11. (Demosth., c. Steph., 1104.)—12. (Id., c. Timoth., 1197, l.)

the sanction of an oath, or offered to make his own statements under the same obligation.¹

The presumption or prepossession which might arise from a voluntary oath in the last case, might be met by a similar *πρόκλησις*, tendered by the opposite party, to which the original challenger appears to have had the option of consenting or not, as he might think proper.² In all cases where any of these investigations or depositions were made before the *diatetes*, we may conclude with Hudtwalcker,³ that they might be called as witnesses in subsequent stages of the action, either to state the evidence they had taken, or to produce the documents they had examined, and which were deposited by them in an *echinus*. (*Vid.* APPELLATIO, GREEK.)

We will now speak of the proceedings in the trials before the public arbitrators; these were of two sorts: 1st. When two parties agreed by a regular contract to refer a matter in dispute to a judge or judges selected from them. 2dly. When a cause was brought before a public arbitrator, without any such previous compromise, and in the regular course of law. The chief difference seems to have been that, in case of a reference by contract between two parties, the award was final, and no appeal could be brought before another court, though the unsuccessful party might, in some instances, move for a new trial (*τὴν μὴ οὖσαν ἀντιλαχεῖν*⁴). Except in this point of non-appeal, an arbitrator who was selected from the public *διαίτηται* by litigant parties, seems to have been subject to the same liabilities, and to have stood in the same relation to those parties as an arbitrator appointed by lot: the course of proceeding also appears to have been the same before both,⁵ an account of which is given below. It must, however, be first stated, that there are strong reasons in support of Hudtwalcker's opinion, that whenever a suitor wished to bring an action before one or more of the public *diatetes*, he applied to one of the many officers called *εἰσαγωγεῖς*,⁶ whose duty it was to bring the cause (*εἰσαγεῖν*) into a proper court. By some such officer, at any rate, a requisite number of arbitrators was allotted to the complainant, care being taken that they were of the same tribe as the defendant.⁷ Pollux⁸ informs us that if a *διαίτητής* refused to hear a cause, he might be punished with *ἀμείβια*: but it appears that under extraordinary circumstances, and after hearing the case, a *diatetes* sometimes refused to decide himself, and referred the parties to a court of justice (*οὐκ ἀπέγνω τῆς δίκης, ἀλλ' ἐφήκεν ἡμᾶς εἰς τὸ δικαστήριον*⁹).

We may now state the process before the public *diatetes*. After complaint made, and payment of the *παράστας*, the plaintiff supported his averment by an oath, to the effect that his accusation was true, which the defendant met by a like oath as to the matter of his defence. When the oath (*ἄνωμοσία*) had been thus taken by the parties, the arbitrators entered upon the inquiry, heard witnesses, examined documents, and held as many conferences (*σύνοδοι*) with the parties as might be necessary for the settlement of the question.¹⁰ The day of pronouncing judgment (*ἡ ἀπόφασις τῆς δίκης*¹¹) was probably fixed by law, if we may judge from the name (*ἡ κυρία* scil. *ἡμέρα*) by which it is called in the orators; it might, however, with consent of both parties, be postponed. The verdict given was

countersigned by the proper authorities, perhaps by the *εἰσαγωγεῖς*, and thereby acquired its validity. The archons, mentioned by Demosthenes¹² as having signed a judgment, were probably *thesmothetes*, as the action was a *δίκη κακῆγορίας*, which is, moreover, called an *ἀτίμητος δέκα μῶν δίκη*, i. e., an action where the plaintiff was not required to assess the damages (*astimare litem*), the penalty, in case of a verdict for him, being determined by law: this alone is sufficient to prove that the *diatetes* sometimes decided in cases where the plaintiff sued for damages, as distinguished from those in which he sought restitution of rights or property; nor, indeed, does there seem any reason for supposing that their jurisdiction was not extended to the *ἀγῶνες τιμητοί*, or actions where the plaintiff was required to assess or lay his damages, provided the assessment did not exceed some fixed amount. In support of this opinion we may adduce the authority of Pollux,¹³ who expressly states that the plaintiff might assess his damages before the arbitrators, when the law did not do so for him (*ἐνέγραψεν ἐν τῷ γραμματεῖ τὸ ἐγκλημα καὶ τὸ τίμημα*).

If the defendant were not present on the proper day to make his last defence, judgment went against him by default (*ἐρήμην ὄφλε*), the arbitrator being obliged to wait till the evening (*ὄψὲ ἡμέρας*).¹⁴ Sometimes, however, the time of pronouncing sentence was deferred in consequence of a deposition (*ὑπόμοσια*)¹⁵ alleging a satisfactory cause for postponement, such as sickness, absence from town, military service, or other reasons. To substantiate these, the applicant, when possible, appeared personally; but if a party was prevented from appearing on the day of trial by any unexpected event, the *ὑπόμοσια* might be made on oath by authorized friends.¹⁶ The *ὑπόμοσια* might be met by a counter-statement (*ἀνθυπόμοσια*) from the opposite party, affirming his belief that the reasons alleged were fictitious or colourable. In connexion with this point, we may observe that, according to Pollux,¹⁷ the motion for a new trial could only be sustained in cases where the applicant had made a *ὑπόμοσια*, and demurred either personally or by proxy against the passing of judgment on the regular day. Moreover, it was incumbent on the party who wished for a new trial to move for it within ten days after judgment had been pronounced, and even then he was obliged to take a kind of *ὑπόμοσια*, to the effect that his absence on the proper day was involuntary (*δύοσας μὴ ἐκὼν ἐκλείπειν τὴν διαίταν*¹⁸). In default of compliance with these conditions, the previous sentence was confirmed.¹⁹ We are told also by Photius,²⁰ that it was competent for plaintiff as well as defendant to move for a new trial on the grounds we have mentioned. When it was granted, the former verdict was set aside (*ἡ ἐρήμη ἐλύετο*), and the parties went again before an arbitrator, probably through the instrumentality of the *εἰσαγωγεῖς*, to whom application had been made in the first instance. The process itself is called *ἀντίληξις* in Greek, and does not seem to have been confined to trials before the *διαίτηται*: the corresponding term in Roman law is *restauratio cremodicis*.

This, however, was not the only means of setting aside a judgment, inasmuch as it might also be effected by an *ἔφεσις*, or appeal to the higher courts (*vid.* APPELLATIO, GREEK), and if false evidence had been tendered, by a *δίκη κακοτεχνιῶν*.²¹ For an account of the proceedings consequent upon non-com-

1. (Demosth., c. Apat., 896.—c. Con., 1269, 19.)—2. (Demosth., Timoth., 1203.—Compare Arist., Rhet., i., 16.)—3. (p. 48.)—4. (Demosth., c. Meid., 541.)—5. (Demosth., c. Meid., 541.)—6. (Demosth., c. Lacrit., 940, 5.—Id., c. Pantzen., 976, 10.—Pollux, Onom., viii., 93.)—7. (Harpoer., s. v. Διαίτηται.)—8. (Onom., viii., 126.)—9. (Demosth., c. Phorm., 913.—Wachsmuth, ii., § 106, 1.—10. (See authorities, Hudt., p. 80.)—11. (Demosth., c. Meid., 1153.)

1. (c. Meid., 542.)—2. (viii., 127.)—3. (Demosth., c. Meid., 541.—Id., c. Timoth., 1190.)—4. (Pollux, viii., 60.—Harpoer., s. v.)—5. (Demosth., c. Olymp., 1174, 4.—Pollux, Onom., viii., 56.)—6. (viii., 60.)—7. (Pollux, Onom., viii., 60.)—8. (Demosth., c. Meid., 542.)—9. (Lex., s. v. Μη οὐσα δίκη.)—10. (Harpoer., s. v.—Demosth., c. Timoth., 1201, 5.)

pliance with a final judgment, see *ENECHYRA* and *EXOCLES DICE*.

We will now speak of the strictly private arbitrators, chosen by mutual agreement between contending parties, and therefore generally distinguished by the title *αἰρετοί*, of whom it must be understood that they were not selected from the *δαιτηραί* of the tribes. The powers with which they were invested were, as we might suppose, not always the same; sometimes they were merely *διαλλακταί*, or chosen to effect a compromise or reconciliation: thus *Isæus*¹ speaks of arbitrators offering either to bring about a reconciliation if they could, without taking an oath, or to make an award (*ἀποφαίνεσθαι*) upon oath. Sometimes, on the other hand, they were purely referees, and then their powers depended upon the terms of the agreement of reference; if these powers were limited, the arbitration was a *δίατα ἐπὶ ῥητοῖς*.² The agreement was not merely a verbal contract (*stipulatio*), but drawn up in writing (*ἐπιτροπή κατὰ συνθήκας*), and signed by the parties; it fixed the number of referees (generally three), determined how many unanimous votes were necessary for a valid decision, and probably reserved or prohibited, as the case might be, a right of appeal to other authorities.³

If there were no limitations, these *δαιτηραί* were then, so to speak, arbitrators proper, according to the definition of Festus:⁴ "*Arbiter dicitur iudex, quod totius rei habeat arbitrium et potestatem.*" Moreover, no appeal could be brought against their judgment;⁵ though we read of an instance of a party having persuaded his opponent to leave a matter to the arbitration of three persons; and afterward, when he found they were likely to decide against himself, going before one of the public arbitrators (*Ἐπὶ τὸν κληρωτὸν δαιτητὴν ἔλθων*). We should, however, suppose that in this case there was no written *συνθήκη*. The award was frequently given under the sanction of an oath, and had the same force as the judgment which proceeded from a court of law, so that it might be followed by a *δίκη ἕως ἔσθης*.⁶ We may add, that these private *δαιτηραί* are spoken of as sitting *ἐν τῷ ἱερῷ*, *ἐν τῷ Ἡφαιστειῷ*, and that in some cases it was customary to give notice of their appointment to the proper archon or magistrate (*ἀποφέρειν πρὸς τὴν ἀρχὴν*), who, as *Hudtwalker* suggests, may have acted as an *εἰσαγωγεὺς* in the case.⁷

DIAMARTYRIA (*διαμαρτυρία*) was a solemn protest against the proceedings at the *anacrisis*, in nearly all causes, whether public or private. It purported that the action pending could or could not be brought into court, and operated as a hindrance to its further progress until this question was decided. The protest was, like all the other proceedings at an *anacrisis*, put in in writing, together with the evidence requisite for its corroboration, and the question raised by it was decided by the tribunal that had cognizance of the original cause. The only peculiarity in the conduct of the trial seems to have been, that the party against whom the protest was made was the first to address the court. According to *Harpocration*, the plaintiff was entitled to adopt this method of proceeding first, and the protest was only allowed to the defendant upon his antagonist's omitting to do so; but, besides the two original parties, we are told that a third (*ὁ βουλοόμενος*) might interpose by protest, and thus *pro tempore* substitute himself for one of the litigants. It seems probable that the epo-

belia, or sixth part of the damages estimated in the original cause, was forfeited in some *diamartyriæ*, when the protester failed in obtaining a fifth of the voices of the *dicasts*; and in others, a deposit (*παρακαταβολή*)⁸ was forfeited by the unsuccessful party to his opponent.⁹

DIAMASTIGOSIS (*διαμαστιγώσις*) was a solemnity performed at Sparta at the festival of *Artemis Orthia*, whose temple was called *Limnæon*, from its situation in a marshy part of the town.⁴ The solemnity was this: Spartan youths (*ἔφηβοι*) were scourged on the occasion at the altar of *Artemis*, by persons appointed for the purpose, until their blood gushed forth and covered the altar. The scourging itself was preceded by a preparation, by which those who intended to undergo the *diamastigosis* tried to harden themselves against its pains. *Pausanias* describes the origin of the worship of *Artemis Orthia*, and of the *diamastigosis*, in the following manner: A wooden statue of *Artemis*, which *Orestes* had brought from *Tauris*, was found in a bush by *Astrabanes* and *Alopecus*, the sons of *Irbus*. The two men were immediately struck mad at the sight of it. The *Limnæans* and the inhabitants of other neighbouring places then offered sacrifices to the goddess; but a quarrel ensued among them, in which several individuals were killed at the altar of *Artemis*, who now demanded atonement for the pollution of her sanctuary. From henceforth human victims were selected by lot and offered to *Artemis*, until *Lycurgus* introduced the scourging of young men at her altar as a substitute for human sacrifices.

The *diamastigosis*, according to this account, was a substitute for human sacrifice, and *Lycurgus* made it also serve his purpose of education, in so far as he made it a part of the system of hardening the Spartan youths against bodily sufferings.⁵ According to another far less probable account, the *diamastigosis* originated in a circumstance, recorded by *Plutarch*,⁶ which happened before the battle of *Platææ*.

The worship of *Artemis Orthia* was unquestionably very ancient, and the *diamastigosis* only a step from barbarism towards civilization. Many anecdotes are related of the courage and intrepidity with which young Spartans bore the lashes of the scourge; some even died without uttering a murmur at their sufferings, for to die under the strokes was considered as honourable a death as that on the field of battle.⁷

DIANOMAI or *DIADOSEIS* (*διανομαί* or *διαδόσεις*) were public donations to the Athenian people, which corresponded to the Roman *congiaria*. (*Vid. CONGIARIUM*.) To these belong the free distributions of corn,⁸ the *cleruchia*; (*vid. CLERUCHI*), the revenues from the mines, and the money of the *theorica*. (*Vid. THEORICON*.)⁹

DIAPHANE EIMATA (*διαφανή εἴματα*) were garments similar to the celebrated *Coæ vestes* of the Romans; but as they are mentioned in *Aristophanes* and the earlier Greek writers (*διαφανή χιτωνία*,¹⁰ *ἡμάτια διαφαίνοντα*¹¹), they were probably made of muslin and not of silk, which is supposed to be the material of which the *Coæ vestes* were made. (*Vid. COÆ VESTIS*.)¹²

DIAPSEPHISIS (*διαψήφισις*), a political institution at Athens, the object of which was to prevent aliens, or such as were the offspring of an unlawful

1. (*Platner*, i., 180.—*Demosth.*, c. *Leoch.*, 1098, 12.)—2. (*Meier*, *Att. Process*, 640.)—3. (*Platner*, i., 163.)—4. (*Paus.*, iii., 16, 6.)—5. (*Plut.*, *Lyc.*, 18.—*Instit. Laced.*, p. 244.—*Cic.*, *Tusc. Quest.*, v., 37.)—6. (*Aristid.*, 17.)—7. (*Compare Müller's Dorians*, ii., 9, § 6, note k, and iv., 5, § 8, note c.—*Manso*, *Sparta*, i., 2, 183.)—8. (*Aristoph.*, *Vesp.*, 715.)—9. (*Böckh*, *Publ. Econ.*, i., p. 289.)—10. (*Aristoph.*, *Lysistr.*, 48.)—11. (*Philom.*, *Fragm.*, p. 387, ed. *Meineke*.)—12. (*Bekker*, *Charicles*, v., p. 341.)

marriage, from assuming the rights of citizens. As usurpations of this kind were not uncommon at Athens,¹ various measures had been adopted against them (*vid.* GRAPHAIKENIAS and DOROXENIAS); but as none of them had the desired effect, a new method, the *διαψήφισις*, was devised, according to which the trial on spurious citizens was to be held by the demotæ, within whose deme intruders were suspected to exist; for if each deme separately was kept clear of intruders, the whole body of citizens would naturally feel the benefit. Every deme, therefore, obtained the right or duty at certain times to revise its lexiarchic registers, and to ascertain whether any had entered their names who had no claims to the rights of citizens. The assembly of the demotæ, in which these investigations took place, was held under the presidency of the demarch, or some senator belonging to the deme;² for, in the case brought forward in the oration of Demosthenes against Eubulides, we do not find that he was demarch, but it is merely stated that he was a member of the *βουλῆ*. When the demotæ were assembled, an oath was administered to them, in which they promised to judge impartially, without favour towards, or enmity against those persons on whom they might have to pass sentence. The president then read the names of the demotæ from the register, asking the opinion of the assembly (*διαψηφίζεσθαι*) respecting each individual, whether they thought him a true and legitimate citizen or not. Any one, then, had the right to say what he thought or knew of the person in question; and when any one was impeached, a regular trial took place.³ Pollux⁴ says that the demotæ on this occasion gave their votes with leaves, and not with pebbles, as was usual; but Demosthenes simply calls them *ψῆφοι*. If a person was found guilty of having usurped the rights of a citizen (*ἀποψηφίζεσθαι*), his name was struck from the lexiarchic register, and he himself was degraded to the rank of an alien. But if he did not acquiesce in the verdict, but appealed to the great courts of justice at Athens, a heavier punishment awaited him, if he was found guilty there also; for he was then sold as a slave, and his property was confiscated by the state.⁵

If by any accident the lexiarchic registers had been lost or destroyed, a careful scrutiny of the same nature as that described above, and likewise called *διαψήφισις*, took place, in order to prevent any spurious citizen from having his name entered in the new registers.⁶

It is commonly believed that the *διαψήφισις* was introduced at Athens in B.C. 419, by one Demophilus.⁷ But it has justly been remarked by Siebelis on Philochorus,⁸ that Harpocration,⁹ the apparent authority for this supposition, cannot be interpreted in this sense. One *διαψήφισις* is mentioned by Plutarch¹⁰ as early as B.C. 445. Clinton¹¹ has, moreover, shown that the *διαψήφισις* mentioned by Harpocration, in the archonship of Archias, does not belong to B.C. 419, but to B.C. 347. Compare Hermann;¹² and Schömann,¹³ whose lengthened account, however, should be read with great care, as he makes some statements which seem to be irreconcilable with each other, and not founded on good authority. The source from which we derive most information on this subject is the oration of Demosthenes against Eubulides.

DIASIA (Διάσια), a great festival celebrated at Athens, without the walls of the city (ἔξω τῆς πόλεως), in honour of Zeus, surnamed *Μεγίλιος*.¹ The whole people took part in it, and the wealthy citizens offered victims (*ιερεῖα*), while the poorer classes burned such incense as their country furnished (*θύματα ἐπιχώρια*), which the scholiast on Thucydides erroneously explains as cakes in the shape of animals.² The diasia took place in the latter half of the month of Anthesterion,³ with feasting and rejoicings, and was, like most other festivals, accompanied by a fair.⁴ It was this festival at which Cylon was enjoined by an oracle to take possession of the acropolis of Athens; but he mistook the oracle, and made the attempt during the celebration of the Olympian games.⁵ The etymology of *διάσια*, given by most of the ancient grammarians (from *Διός* and *ἀση*), is false; the name is a mere derivative from *διός*, as *Ἀπολλώνια* from *Ἀπόλλων*.

DIAULOS. (*Vid.* STADIUM.)

DIAZOMA. (*Vid.* SUBLIGACULUM.)

DICASTERION (δικαστήριον) indicates both the aggregate judges that sat in court, and the place itself in which they held their sittings. For an account of the former, the reader is referred to the article DICASTES; with respect to the latter, our information is very imperfect. In the earlier ages there were five celebrated places at Athens set apart for the sittings of the judges, who had cognizance of the graver causes in which the loss of human life was avenged or expiated, viz., the areiopagites and the epheata. These places were the Areiopagus (*vid.* AREIOPAGUS), and the *ἐπὶ Παλλάδιῳ, ἐπὶ Δελφίνῳ, ἐπὶ Πρωτανεῖῳ, and ἐν Φρεατοῖ*. The antiquity of these last four is sufficiently vouched for by the archaic character of the division of the causes that were appropriated to each: in the first we are told that accidental deaths were discussed; in the second, homicides were discussed, but justified; in the third there were quasi trials of inanimate things, which, by falling and the like, had occasioned a loss of human life; in the fourth, homicides who had returned from exile, and committed a fresh manslaughter, were appointed to be tried. With respect to these ancient institutions, of which little more than the name remained when the historical age commenced, it will be sufficient to observe that, in accordance with the ancient Greek feeling respecting murder, viz., that it partook more of the nature of a ceremonial pollution than a political offence, the presiding judge was invariably the king archon, the Athenian rex sacrorum; and that the places in which the trials were held were open to the sky, to avoid the contamination which the judges might incur by being under the same roof with a murderer.⁶ The places, however, remained after the office of the judges who originally sat there was abolished; and they appear from Demosthenes⁷ to have been occasionally used by the ordinary Hellenic judges when trying a cause of the kind to which they were originally appropriated. The most important court in later ages was the Helieia, in which we are told by the grammarians, the weightiest causes were decided; and if so, we may conclude the thesmothetæ were the presiding magistrates. Besides this, ordinary Hellenic courts sat in the Odeium, in the courts Trigonon, the Greater (*Μεγίζον*), the Middle (*Μέσον*), the Green, the Red, that of Metiochus, and the Parabyston; but of these we are unable to fix the localities, or to what magistrates it was usual to apportion them. They were

1. (Plut., *Pericl.*, 37.—Harpocr., s. v. *Παραμύς*.)—2. (Harpocr., s. v. *Δημοφίλος*.)—3. (Demosth., c. Eubul., p. 1302.—*Æschin.*, *De Fals. Leg.*, p. 345.)—4. (Onom., viii., 18.)—5. (Dionys. Hal., *De Isao*, c. 16, p. 617, ed. Reiske.—Argument, ad Demosth., c. Eubul.)—6. (Demosth., l. c., p. 1306.)—7. (Schömann, *De Comitibus*, p. 358, transl.—Wachsmuth, *Hellen. Alterth.*, ii., 1, p. 32.)—8. (*Fragm.*, p. 61.)—9. (s. v. *Διαψήφισις*.)—10. (*Pericl.*, 37.)—11. (*Fast. Hell.*, ii., p. 141.)—12. (*Manual of the Pol. Ant. of Greece*, § 123, n. 14, &c.)—13. (l. c.)

1. (Thucyd., i., 126.)—2. (Compare Xen., *Anab.*, vii., 8, & Lucian, *Tim.*, 7.—Aristoph., *Nub.*, 402, &c.)—3. (Schol. ad Aristoph., l. c.)—4. (Aristoph., *Nub.*, 841.)—5. (Compare Pollux, *Onom.*, i., 26.—Suidas, s. v.)—6. (Matthias, *De Jud. Ath.*, 157.)—7. (c. *Neur.*, 1348, 21.)

nted with their distinctive colours; and, it s, had a letter of the alphabet inscribed overway. With the exception of the Heliaea, ose in which causes of murder were tried, ere probably protected from the weather. easts sat upon wooden benches, which were d with rugs or matting (*ψιβλία*), and there elevations or tribunes (*βήματα*), upon which tagonist advocates stood during their address court. The space occupied by the persons d in the trial was protected by a railing (*δρου* ς) from the intrusion of the by-standers; but ses which bore upon the violation of the mys- a farther space of fifty feet all round was en- by a rope, and the security of this barrier ited by the presence of the public slaves.¹

CASTES (*δικαστής*), in its broadest accepta- judge, more peculiarly denotes the Attic mary of the democratic period, who, with leagues, was constitutionally empowered to d pass judgment upon all causes and ques- hat the laws and customs of his country pro- susceptible of judicial investigation. In reumstance of a plurality of persons being d from the mass of private citizens, and ated temporarily as representatives of the body of the people, adjudicating between idividual members, and of such delegates ing an oath that they would well and truly rge the duties intrusted to them, there ap- some resemblance between the constitution Attic dicasterion and an English jury, but rly all other respects the distinctions between are as great as the intervals of space and which separate their several nations. At s the conditions of his eligibility were, that ast should be a free citizen, in the enjoyment full franchise (*ἐπιτιμία*), and not less than years of age; and of persons so qualified six nd were selected by lot for the service of ev- ar. Of the precise method of their appoint- our notices are somewhat obscure; but we ather from them that it took place every year the conduct of the nine archons and their of- scribe; that each of these ten personages y lot the names of six hundred persons of be assigned to him; that the whole number eeted was again divided by lot into ten sec- of 500 each, together with a supernumerary on- sisting of a thousand persons, from among the occasional deficiencies in the sections of ight be supplied. To each of the ten sections, the first ten letters of the alphabet was ap- ated as a distinguishing mark, and a small (*πινάκιον*), inscribed with the letter of the n and the name of the individual, was deliv- s a certificate of his appointment to each di- Three bronze plates found in the Piræus, and ed by Dodwell,² are supposed to have served p- pose; the inscriptions upon them consist of llowing letters: Δ. ΔΙΟΔΩΡΟΣ ΦΡΕΑ, Ε. ΓΑΣ ΑΛΑΙΕΥΣ, and Β. ΑΝΤΙΧΑΡΜΟΣ ΑΑ- nd bear, besides, representations of owls and n heads, and other devices symbolic of the people. The thousand supernumeraries had, probability, some different token; but of this ve no certain knowledge.

ore proceeding to the exercise of his func- the dicast was obliged to swear the official which was done in the earlier ages at a place Ardetus, without the city, on the banks of ssus, but in after times at some other spot, ich we are not informed. In the time of De- enes, the oath (which is given at full length in sth., c. *Timoc.*, 746) asserted the qualification

of the dicast, and a solemn engagement by him to discharge his office faithfully and incorruptly in general, as well as in certain specified cases which bore reference to the appointment of magistrates, a matter in no small degree under the control of the dicast, inasmuch as few could enter upon any office without having had their election submitted to a court for its approbation (*vid. ΔΟΚΙΜΑΣΙΑ*); and, besides these, it contained a general promise to support the existing constitution, which the dicast would, of course, be peculiarly enabled to do, when persons were accused before him of attempting its subversion. This oath being taken, and the divisions made as above mentioned, it remained to assign the courts to the several sections of dicasts in which they were to sit. This was not like the first, an appointment intended to last during the year, but took place under the conduct of the thesmothetæ, *de novo*, every time that it was necessary to empanel a number of dicasts. In ordinary cases, when one, two, or more sections of 500 made up the complement of judges appropriated to trying the particular kind of cause in hand, the process was extremely simple. Two urns or caskets (*κληρωτήριον*) were produced, one containing tickets inscribed with the distinctive letters of the sections, the other furnished, in like manner, with similar tickets, to indicate the courts in which the sittings were to be held. If the cause was to be tried by a single section, a ticket would be drawn simultaneously from each urn, and the result announced, that section B, for instance, was to sit in court Γ; if a thousand dicasts were requisite, two tablets would, in like manner, be drawn from the urn that represented the sections, while one was drawn from the other as above mentioned, and the announcement might run that sections A and B were to sit in court Γ, and the like. A more complicated system must have been adopted when fractional parts of the section sat by themselves, or were added to other whole sections: but what this might have been we can only conjecture, and it is obvious that some other process of selection must have prevailed upon all those occasions when judges of a peculiar qualification were required; as, for instance, in the trial of violators of the mysteries, when the initiated only were allowed to judge; and in that of military offenders, who were left to the justice of those only whose comrades they were, or should have been, at the time when the offence was alleged to have been committed. It is pretty clear that the allotment of the dicasts to their several courts for the day took place, in the manner above mentioned, in the market-place, and that it was conducted in all cases, except one, by the thesmothetæ; in that one, which was when the magistrates and public officers rendered an account of their conduct at the expiration of their term of office, and defended themselves against all charges of malversation in it (*vid. ΕΥΤΡΥΝΑΙ*), the logistæ were the officiating personages. As soon as the allotment had taken place, each dicast received a staff, on which was painted the letter and the colour of the court awarded him, which might serve both as a ticket to procure admittance, and also to distinguish him from any loiterer that might endeavour clandestinely to obtain a sitting after business had begun. While in court, and probably from the hand of the presiding magistrate (*ηγέμων δικαστηρίου*), he received the token or ticket that entitled him to receive his fee (*δικαστικόν*) from the *καλακρέται*. This payment is said to have been first instituted by Pericles, and was originally a single obolus; it was increased by Cleon to thrice that amount about the 88th Olympiad.³

DICASTICON. (*Vid. DICASTES.*)

¹ Meier, *Att. Proc.*, p. 141.)—² (*Travels*, i., p. 433-437.)

³ (*Meier, Att. Proc.*, 125, &c.)

DIKE (*δίκη*) signifies generally any proceedings at law by one party directly or mediately against others.¹ The object of all such actions is to protect the body politic, or one or more of its individual members, from injury and aggression; a distinction which has in most countries suggested the division of all causes into two great classes, the public and the private, and assigned to each its peculiar form and treatment. At Athens the first of these was implied by the terms public *δίκαι* or *ἀγῶνες*, or still more peculiarly by *γραφαί*: causes of the other class were termed private *δίκαι* or *ἀγῶνες*, or simply *δίκαι* in its limited sense. There is a still farther subdivision of *γραφαί* into *δημοσίαι* and *ἰδίας*, of which the former is somewhat analogous to impeachments for offences directly against the state; the latter to criminal prosecutions, in which the state appears as a party mediately injured in the violence or other wrong done to individual citizens. It will be observed that cases frequently arise, which, with reference to the wrong complained of, may with equal propriety be brought before a court in the form of the *γραφή* last mentioned, or in that of an ordinary *δίκη*, and under these circumstances the laws of Athens gave the prosecutor an ample choice of methods to vindicate his rights by private or public proceedings,² much in the same way as a plaintiff in modern times may, for the same offence, prefer an indictment for assault, or bring his civil action for trespass on the person. It will be necessary to mention some of the principal distinctions in the treatment of causes of the two great classes above mentioned, before proceeding to discuss the forms and treatment of the private lawsuit.

In a *δίκη*, only the person whose rights were alleged to be affected, or the legal protector (*κύριος*) of such person, if a minor, or otherwise incapable of appearing *suo jure*, was permitted to institute an action as plaintiff; in public causes, with the exception of some few in which the person injured or his family were peculiarly bound and interested to act, any free citizen, and sometimes, when the state was directly attacked, almost any alien, was empowered to do so. In all private causes, except those of *ἐξούλης*, *βιαιῶν*, and *ἐξαιρέσεως*, the penalty or other subject of contention was exclusively recovered by the plaintiff, while in most others the state alone, or jointly with the prosecutor, profited by the pecuniary punishment of the offender. The court fees, called *prytaneia*, were paid in private, but not in public causes, and a public prosecutor that compromised the action with the defendant was in most cases punished by a fine of a thousand drachmæ and a modified disfranchisement, while there was no legal impediment at any period of a private lawsuit to the reconciliation of the litigant parties.³

The proceedings in the *δίκη* were commenced by a summons to the defendant (*πρόσκλησις*) to appear on a certain day before the proper magistrate (*εἰσαγωγεὺς*), and there answer the charges preferred against him.⁴ This summons was often served by the plaintiff in person, accompanied by one or two witnesses (*vid. CLETERES*), whose names were endorsed upon the declaration (*λήξις* or *ἐγκλημα*). If there were an insufficient service of the summons, the lawsuit was styled *ἀπρόσκλητος*, and dismissed by the magistrate. From the circumstance of the same officer that conducted the *anacrisis* being also necessarily present at the trial, and as there were, besides, dies *nefasti* (*ἀποφράδες*) and festivals, during which none, or only some special causes could be commenced, the power of the plaintiff in

selecting his time was, of course, in some degree limited; and of several causes, we know that the time for their institution was particularized by law.⁵ There were also occasions upon which a personal arrest of the party proceeded against took the place of, or, at all events, was simultaneous with, the service of the summons; as, for instance, when the plaintiff doubted whether such party would not leave the country to avoid answering the action; and, accordingly, we find that, in such cases,⁶ an Athenian plaintiff might compel a foreigner to accompany him to the polemarch's office, and there produce bail for his appearance, or, failing to do so, submit to remain in custody till the trial. The word *κατεγγυῖν* is peculiarly used of this proceeding. Between the service of the summons and appearance of the parties before the magistrate, it is very probable that the law prescribed the intervention of a period of five days.⁷ If both parties appeared, the proceedings commenced by the plaintiff putting in his declaration, and at the same time depositing his share of the court fees (*πρυτανεία*), the non-payment of which was a fatal objection to the farther progress of a cause.⁸ These were very trifling in amount. If the subject of litigation was rated at less than 100 drachmæ, nothing was paid; if at more than 100 drachmæ and less than 1000 drachmæ, 3 drachmæ was a sufficient deposit, and so on in proportion. If the defendant neglected or refused to make his payment, it is natural to conclude that he underwent the penalties consequent upon non-appearance; in all cases, the successful party was reimbursed his *prytaneia* by the other.⁹ The *παρακαταβολή* was another deposit in some cases, but paid by the plaintiff only. This was not in the nature nor of the usual amount of the court fees, but a kind of penalty, as it was forfeited by the suiter in case he failed in establishing his cause. In a suit against the treasury, it was fixed at a fifth; in that of a claim to the property of a deceased person by an alleged heir or devisee, at a tenth of the value sought to be recovered.⁶ If the action was not intended to be brought before an *heliastic* court, but merely submitted to the arbitration of a *diætes* (*vid. ΔΙΑΙΤΕΤΑΙ*), a course which was competent to the plaintiff to adopt in all private actions,⁷ the drachma paid in the place of the deposit above mentioned bore the name of *παρίστασις*. The deposits being made, it became the duty of the magistrate, if no manifest objection appeared on the face of the declaration, to cause it to be written out on a tablet, and exposed for the inspection of the public on the wall or other place that served as the cause-list of his court.⁸

The magistrate then appointed a day for the farther proceedings of the *anacrisis* (*vid. ANACRISIS*), which was done by drawing lots for the priority, in case there was a plurality of causes instituted at the same time; and to this proceeding the phrase *λαγχάνειν δίκην*, which generally denotes to bring an action, is to be primarily attributed. If the plaintiff failed to appear at the *anacrisis*, the suit, of course, fell to the ground; if the defendant made default, judgment passed against him.⁹ Both parties, however, received an official summons before their non-appearance was made the ground of either result. An affidavit might at this, as well as at other periods of the action, be made in behalf of a person unable to attend upon the given day, and this would, if allowed, have the effect of postponing farther proceedings (*ὑπωμοσία*); it might, however, be

1. (Harpocrat.—Pollux, Onom., viii., 40, 41.)—2. (Demosth., c. Andoc., 601.)—3. (Meier, Att. Process, 163.)—4. (Aristoph., Nub., 1221.—Av., 1046.)

1. (Aristoph., Nub., 1190.)—2. (Demosth., c. Zenoth., 800.—c. Aristog., 778.)—3. (Meier, Att. Process, 580.)—4. (Matth. De Jud. Ath., 261.)—5. (Meier, Att. Process, 613.)—6. (Matth. De Jud. Ath., 260.)—7. (Hudtw., De Duptet., 35.)—8. (Meier, Att. Process, 605.)—9. (Meier, Att. Process, 623.)

ed by a counter-affidavit to the effect that the reason was unfounded or otherwise invalid (*ἀνθυπωροσία*); and a question would arise on this point, the decision of which, when referred to the defendant, would render him liable in the penalty of contumacy.¹ The plaintiff was in the case said *ἐρήμην ἔλκιν*: the defendant, *ἐρήμην δίκην* being the word omitted in both phrases. The cause were primarily brought before an anacrisis (*διατητής*), the anacrisis was conducted by the cases of appeal it was dispensed with as necessary. The anacrisis began with the affidavit of the plaintiff (*προωροσία*), then followed the affidavit of the defendant (*ἀνθυπωροσία* or *ἀντιγραφή*) (*ἑπιγραφῆς*), then the parties produced their witnesses, and reduced their evidence to writing, and put in originals, or authenticated copies of records, deeds, and contracts that might be of use in establishing their case, as well as memoranda of offers and requisitions then made by either party (*προκλήσεις*). The whole of the documents were then, if the cause took a straightforward course (*εὐθύδικία*), enclosed on the last day of the trial in a casket (*ἐχίνος*), which was sealed and placed in the custody of the presiding magistrate as produced and opened at the trial. During the interval no alteration in its contents was made, and, accordingly, evidence that had been produced after the anacrisis was not producible at the trial.² In some causes, the trial before the dicast by law appointed to come on within a certain time; in such as were not provided for by regulations, we may suppose that it would naturally depend upon the leisure of the magistrates. The parties, however, might defer the day by mutual consent.³ Upon the court being called, the magistrate called on the cause,⁴ and the plaintiff opened his case. At the commencement of the speech, the proper officer (*ὁ ἐφ' ὕδαρ*) set clepsydra with water. As long as the speaker was allowed from this vessel, the orator was permitted to speak; if, however, evidence was to be produced by the officer of the court, or a law recited, the speaker was stopped till the speaker recommenced. The quantity of water, or, in other words, the length of the speeches, was not by any means the same in all cases: in the speech against Macartatus, and in one amphora only was deemed sufficient; in others, as mentioned in the impeachment of Æschymisconduct in his embassy. In some few cases those of *κάκωσις*, according to Harpocration, were prescribed. The speeches were sometimes interrupted by the cry *κατάβα*—"go down," in effect, "cease speaking"—from the dicast placed the advocate in a serious dilemma; if, after this, he still persisted in his address, he would hardly fail to offend those who bid him to obey the order, it might be found that the votes had been taken, that it had emanated from a minority of the dicasts.⁵ After the reading of the advocates, which were, in general, read on each side, and the incidental reading of the contrary and other evidence, the dicasts proceeded to give their judgment by ballot. (*Vid. supra.*)

On the principal point at issue was decided in favour of the plaintiff, there followed, in many cases, a discussion as to the amount of damages to be paid by which the defendant should pay. (*Vid. supra. Σ ΑΤΙΜΗΤΟΙ ΚΑΙ ΤΙΜΗΤΟΙ.*) The method of settling upon this question seems to have varied, the dicasts used a small tablet instead of a ballot, upon which those that approved of the

heavier penalty drew a long line, the others a short one.¹ Upon judgment being given in a private suit, the Athenian law left its execution very much in the hands of the successful party, who was empowered to seize the movables of his antagonist as a pledge for the payment of the money, or institute an action of ejectment (*ἐξούλησις*) against the refractory debtor. The judgment of a court of dicasts was in general decisive (*δίκη αὐτοτελής*); but upon certain occasions, as, for instance, when a gross case of perjury or conspiracy could be proved by the unsuccessful party to have operated to his disadvantage, the cause, upon the conviction of such conspirators or witnesses, might be commenced *de novo*. (*Vid. APPELLATIO, GREEK.*) In addition to which, the party against whom judgment had passed by default had the power to revive the cause, upon proving that his non-appearance in court was inevitable (*τὴν ἐρήμην ἀντιλαχεῖν*); this, however, was to be exercised within two months after the original judgment. If the parties were willing to refer the matter to an umpire (*διατητής*), it was in the power of the magistrate to transfer the proceedings as they stood to that officer; and in the same way, if the dicastes considered the matter in hand too high for him, he might refer it to the *εισαγωγεὺς*, to be brought by him before an heliastic court. The whole of the proceedings before the dicastes were analogous to those before the dicasts, and bore equally the name of *δίκη*: but it seems that the phrase *ἀντιλαχεῖν τὴν μὴ οὖσαν* is peculiarly applied to the revival of a cause before the umpire in which judgment had passed by default. (*Vid. DILITETAL.*)

The following are the principal actions, both public and private, which we read of in the Greek writers, and which are briefly discussed under their several heads:

Δίκη οὐ Γραφή—*Ἀδικίας πρὸς τὸν δῆμον*: *Ἀγεωργίον*: *Ἀγραφίον*: *Ἀγράφον μετάλλου*: *Αἰκίας*: *Ἀλογίον*: *Ἀμβλώσεως*: *Ἀμελίον*: *Ἀναγωγῆς*: *Ἀναμαχίον*: *Ἀνδραποδισμόν*: *Ἀνδραποδίων*: *Ἀπατίσεως τοῦ δήμου*: *Ἀφορμῆς*: *Ἀπολείψεως*: *Ἀποπέμψεως*: *Ἀποστασίον*: *Ἀπροστασίον*: *Ἀργίας*: *Ἀργυρίον*: *Ἀσθελείας*: *Ἀστρατείας*: *Αὐτονομίας*: *Αὐτοτελής*: *Βεβαιώσεως*: *Βιαιῶν*: *Βλάβης*: *Βουλεύσεως*: *Κακηγορίας*: *Κακώσεως*: *Κακοτεχνιῶν*: *Κέρπου*: *Καταλύσεως τοῦ δήμου*: *Κατασκοπῆς*: *Χρέους*: *Χωρίον*: *Κλοπῆς*: *Δεκασημοῦ*: *Δειλίας*: *Δόρων*: *Δωροξενίας*: *Ἐγγύης*: *Ἐνοικίον*: *Ἐπιτηρηραρχήματος*: *Ἐπιτροπῆς*: *Ἐξουγωγῆς*: *Ἐξαιρέσεως*: *Ἐξούλης*: *Ἐραγωγῆς*: *Ἐμρμόν*: *Ἐταιρήσεως*: *Ἰεροσυλίας*: *Ἰπποβολῆς*: *Ἰθρέως*: *Λειπομαρτυρίον*: *Λειποναντίον*: *Λειποστρατίον*: *Λειποταξίον*: *Μισθοῦ*: *Μισθώσεως οἴκου*: *Μοιχείας*: *Νομίματος διαφθορῆς*: *Οἰκίας*: *Παρακαταθήκης*: *Παρανομίας*: *Παρανόμων*: *Παραπρεσεύας*: *Παρεισγραφῆς*: *Φαρμάκων*: *Φόνου*: *Φυρῆς ἀφανοῦς καὶ μεθημερινῆς*: *Φθορῆς τῶν ἐλευθέρων*: *Προαγωγίας*: *Προδοσίας*: *Προεισφορῆς*: *Προϊκός*: *Ψευδεγγραφῆς*: *Ψευδοκλητείας*: *Ψευδομαρτυρίων*: *Ῥητορικῆς*: *Σκυρίας*: *Σίτου*: *Συκοφαντίας*: *Συμβολαίων* or *Συνθηκῶν παραβάσεως*: *Τραϊματός ἐκ προνομίας*: *Τυραννίδος*.

ΔΙCROTΑ. (*Vid. BIREMIS.*)

**DICTAMNUS* (*δικτάμνος*), a plant, the Dittany of Crete, or *Origanum Dictamnus*. Virgil gives a very striking description of it, and records the popular belief of its great efficacy in the cure of wounds.² Pliny and those who came after him also attest its great virtues in this respect: the arrow or missile with which the wound had been inflicted dropped from it on applying the juice of the Dictamnus, and the stags, when wounded by the hunter, caused the weapon to fall out from the wound by browsing upon this plant! The moderns make no use of it,

¹ Demosth., c. Olynth., 1174.—² Demosth., c. Boet., i., 174.—³ Demosth., c. Phoen., 1042.—⁴ Plutarch, Processus, i., 182.—⁵ Aristoph., Vesp., 973.)

¹ Aristoph., Vesp., 167.—² Plutarch, Processus und Klagen, i., 396.—³ (Æn., xii., 412, seq.)

experience having shown how little reliance was to be placed on these statements. The Dictamnus which grew on Mount Ida, in Crete, was the most highly esteemed. It is to be regretted that Linnæus has given the name of Dictamnus to a kind of plant which has no relation whatever to the one mentioned by Virgil.

DICTATOR. The name and office of dictator are confessedly of Latin origin: thus we read of a dictator at Tusculum in early, at Lanuvium in very late, times.¹ Among the Albans, also, a dictator was sometimes elected, as Mettus Fuffetius on the death of their king Cluilius. Nor was this magistracy confined to single cities; for we learn from a fragment of Cato, that the Tusculan Egerius was dictator over the whole nation of the Latins.²

Among the Romans, a dictator was generally appointed in circumstances of extraordinary danger, whether from foreign enemies or domestic sedition. Instances occur very frequently in the early books of Livy, from whom we also learn that a dictator was sometimes created for the following purposes: 1. For fixing the "clavus annalis" on the temple of Jupiter, in times of pestilence or civil discord. (*Vid. CLAVUS ANNALIS.*) 2. For holding the comitia, or elections, in the absence of the consuls.³ 3. For appointing holydays (*feriarum constituendarum causa*) on the appearance of prodigies,⁴ and officiating at the ludi Romani if the prætor could not attend;⁵ also for holding trials (*questionibus exercendis*), and, on one occasion, for filling up vacancies in the senate.⁷ In this last case there were two dictators, one abroad and another at home; the latter, however, without a magistræ equum.

According to the oldest authorities, the dictatorship was instituted at Rome ten years after the expulsion of the Tarquini, and the first dictator was said to have been T. Lartius, one of the consuls of the year.⁸ Another account states that the consuls of the year in which the first dictator was appointed were of the Tarquinian party, and therefore distrusted.

This tradition naturally suggests the inference that the dictator was on this first occasion appointed to direct and supersede the consuls (*moderator et magister consulibus appositus*), not only with a view to foreign wars, but also for the purpose of summarily punishing any member of the state, whether belonging to the commonalty or the governing burghers, who should be detected in plotting for the restoration of the exiled king.⁹ The powers with which a dictator was invested will show how far his authority was adequate for such an object.

In the first place, he was formerly called *magister populi*, or master of the burghers;¹⁰ and, though created for six months only, his power within the city was as supreme and absolute as that of the consuls without.¹¹ In token of this, the fasces and securæ (the latter, instruments of capital punishment) were carried before him even in the city.¹² Again, no appeal against the dictator was at first allowed either to the commons or the burghers, although the latter had, even under the kings, enjoyed the privilege of appealing from them to the great council of the patricians (*provocare ad populum*); a privilege, moreover, which the Valerian laws had confirmed and secured to them against any magistracy whatever.¹³ This right, however, was subsequently obtained by the members of the houses,¹⁴ and perhaps eventually by the plebeians; an instance of its being used is given by Livy,¹⁵ in the case of M. Fabius, who, when

1. (Cic., Pro Mil., 10.)—2. (Niebuhr, i., p. 589.)—3. (Livy, viii., 23; ix., 7.)—4. (Id., vii., 28.)—5. (Id., viii., 40; ix., 34.)—6. (Id., ix., 26.)—7. (Id., xxiii., 23.)—8. (Livy, ii., 18.)—9. (Arnold, i., p. 144.)—10. (Varro, De Ling. Lat., v., 82.)—11. (Livy, viii., 32.)—12. (Id., ii., 18.)—13. (Livy, ii., 8—Cic., De Rep., ii., 31.)—14. (Fest., Opt. Lex.—15. (viii., 33.)

his son was persecuted by the dictator L. Papirius, appealed on his behalf to the "populus," the patricians of the curies. Still, even in this case the populus had recourse to entreaties rather than authority.

Moreover, no one was eligible to the dictatorship unless he had previously been consul or prætor, for such was the old name of the consul.¹ Afterward, when the powers of the old prætors had been divided between the two consuls who went to their provinces abroad, and the prætorians who administered justice at home, prætorians as well as consulars were qualified for the office. The first plebeian dictator was C. Martius Rutilus, nominated (*dictus*) by the plebeian consul M. Popillius Lænas, B.C. 356.²

With respect to the electors and the mode of election, we are told³ that on the first institution of the office, the dictator was created by the populus or burghers (*M. Valerius qui primus magister a populo creatus est*), just as it had been the custom for the kings to be elected by the patricians. Dionysius⁴ tells us that the people merely ratified (*ἐπεψηφίσαντο*) the choice of the senate. But the common practice, even in very early times, was for the senate to select an individual, who was nominated in the dead of the night by one of the consuls, and then received the *imperium*, or sovereign authority, from the assembly of the curies.⁵ This ratification was in early times indispensable to the validity of the election, just as it had been necessary for the kings, even after their election by the curies, to apply to them for investiture with the *imperium* (*legem curiatam de imperio ferre*).⁶

The possession of the right of conferring the *imperium* may, as Niebuhr suggests, have led the patricians to dispense with voting on the preliminary nomination of the senate, although it is not impossible that the right of ratification has been confounded with the power of appointment. In later times, however, and after the passing of the Mænian law, the conferring of the *imperium* was a mere form. Thenceforward it was only necessary that the consul should consent to proclaim the person nominated by the senate.⁷

In the statement we have just made with respect to the nominations by the senate, we have been guided chiefly by the authority of Livy; but we must not omit to mention that, according to Dionysius, the senate only resolved on the appointment of a dictator, and left the choice to be made by one of the consuls. Some instances mentioned in Livy certainly confirm this opinion; but they are generally, though not always, cases in which a dictator was appointed for some single and unimportant purpose;⁸ nor is it likely that the disposal of kingly power would have been intrusted, as a matter of course, to the discretion of an individual. On one of these occasions we read that the consuls in office refused for some time to declare a dictator, though required by the senate to do so, till they were compelled by one of the tribunes.⁹ There were, in fact, religious scruples against the nomination being made by any other authority than the consuls;¹⁰ and to such an extent were they carried, that after the battle at the Trasimene lake, the only surviving consul being from home, the people elected a prædictator, and so met the emergency. We may observe that Livy states, with reference to this case, that the people could not create a dictator, having never up to that time exercised such a power (*quæ*

1. (Livy, ii., 18.)—2. (Livy, vii., 17.—Arnold, ii., p. 88 (Fest., Opt. Lex.)—3. (v., 70.)—4. (Livy, ix., 38.)—5. (Repub., ii., 13, 17.)—6. (Niebuhr, i., p. 509.)—7. (Livy, ix., 7.—Dionys., x., 23.)—8. (Livy, iv., 26.)—9. (Livy, xvii., c. 5.)

DIONYSIA.

called Διπόλεια ο. celebrated every in honour of Zeus, the scholiast on believing that the as the Diasia. It orion. The man- ox was offered on of the rite, are de- those account may be scriptions of Pausa- mians placed barley ear of Zeus, and left it to be sacrificed was of the seeds. One of of βοφόνος (whence called βοφόνια), at see- the axe, killed the ox, as if not knowing who inquiries, and at last which was in the end de- committed the murder. have arisen from the fol- the reign of Erechtheus, Dionysia, or, according to anes,⁶ at the Diipolia, an to the god, and one βοφόνος, to others, the βοφόνος, ge and fled from his coun- ing thus escaped, the axe d the rite observed at the in commemoration of that of the origin of the Diipolia k to a time when it had not to offer animal sacrifices to the fruits of the earth. Por- that three Athenian families (probably hereditary) functions festival. Members of the one altar, and were thence called family, descended from Baulon, οποι, knocked the victim down; ted by the name δαιτροί, killed it.⁸

(Vid. COLPA.) μάχαι) were Macedonian horse- fought on foot when occasion re- mour was heavier than that of soldiers, and lighter than that of y-armed foot. A servant accom- sider in order to take care of his lighted to fight on foot. This spe- said to have been first introduced the Great.⁹

Ο CA P I T I S. (Vid. CAPUT.)

(Vid. OBOLOS.) (Διδάξια), a festival celebrated by in honour of an ancient Athenian around whose grave young men as- the occasion, and amused themselves and religiousness. We read that in the contest he obtained the prize of a garland of roses.¹⁰ The scholiast has a tradition of this festival he led, so that he fled to Megara and a contest he can be fell in her- able, when he was the object of his as absurd for the Megarians to be gallant boys he raised him of a hero, and the object of his

faithful attachment, instituted the festival of the Diocleia. See Böckh *ad Pind., Olymp.*, vii., 157, p. 176, and the scholiast *ad Aristoph., Acharn.*, 730, where a Megarian swears by Diocles, from which we may infer that he was held in great honour by the Megarians.¹

DIOMOSIA (Διωμοσία). (Vid. ANΤΟΜΟΣΙΑ.)

DIONYSIA (Διονύσια), festivals celebrated in various parts of Greece in honour of Dionysus. We have to consider under this head several festivals of the same deity, although some of them bore different names; for here, as in other cases, the name of the festival was sometimes derived from that of the god, sometimes from the place where it was celebrated, and sometimes from some particular circumstance connected with its celebration. We shall, however, direct our attention chiefly to the Attic festivals of Dionysus, as, on account of their intimate connexion with the origin and the development of dramatic literature, they are of greater importance to us than any other ancient festival.

The general character of the festivals of Dionysus was extravagant merriment and enthusiastic joy, which manifested themselves in various ways. The import of some of the apparently unmeaning and absurd practices in which the Greeks indulged during the celebration of the Dionysia, has been well explained by Müller:² "The intense desire felt by every worshipper of Dionysus to fight, to conquer, to suffer in common with him, made them regard the subordinate beings (Satyrs, Pans, and Nymphs, by whom the god himself was surrounded, and through whom life seemed to pass from him into vegetation, and branch off into a variety of beautiful or grotesque forms), who were ever present to the fancy of the Greeks, as a convenient step by which they could approach more nearly to the presence of their divinity. The customs so prevalent at the festivals of Dionysus, of taking the disguise of satyrs, doubtless originated in this feeling, and not in the mere desire of concealing excesses under the disguise of a mask, otherwise so serious and pathetic a spectacle as tragedy could never have originated in the choruses of these satyrs. The desire of escaping from self into something new and strange, of living in an imaginary world, breaks forth in a thousand instances in these festivals of Dionysus. It is seen in the colouring the body with plaster, soot, vermilion, and different sorts of green and red juices of plants, wearing goat and deer skins round the loins, covering the face with large leaves of different plants, and, lastly, in the wearing masks of wood, bark, and other materials, and of a complete costume belonging to the character." Drunkenness, and the boisterous music of flutes, cymbals, and drums, were likewise common to all Dionysiac festivals. In the processions called θίασοι (from θείωω), with which they were celebrated, women also took part, in the disguise of Bacche, Lenæ, Thyades, Naiades, Nymphs, &c., adorned with garlands of ivy, and bearing the thyrsus in their hands (hence the god was sometimes called ἰβυραῖος), so that the whole train represented a Bacchante inspired, and actuated by the powerful presence of the god. The choruses sung on the occasion were called dithyramb, and were hymns addressed to the god in the freest metres and with the most unbridled imagery, in which his exploits and adventures were extolled. (Vid. CHORUS.) The fertility of nature, was the subject of the processions,³ and men disguised as θύβαλλοι,⁴ followed the

1. 74, v. 1.)—2. (Pind., *ibid.*, v. 11.)—3. (V. 11.)—4. (Pind., *ibid.*, v. 11.)—5. (V. 11.)—6. (Pind., *ibid.*, v. 11.)—7. (Pind., *ibid.*, v. 11.)—8. (Pind., *ibid.*, v. 11.)—9. (Pind., *ibid.*, v. 11.)—10. (Pind., *ibid.*, v. 11.)

29, and *ad Theogn.*, p. 79.)—3. (Plot., *De*, p. 229.)—4. (Plot., *De*, p. 229.)—5. (Plot., *De*, p. 229.)—6. (Plot., *De*, p. 229.)—7. (Plot., *De*, p. 229.)—8. (Plot., *De*, p. 229.)—9. (Plot., *De*, p. 229.)—10. (Plot., *De*, p. 229.)

to the latest period of Grecian history, though another more accurate division, and more adapted to the purposes of common life, was introduced at an early period; for Anaximander, or, according to others, his disciple Anaximenes, is said to have made the Greeks acquainted with the use of the Babylonian chronometer or sundial (called *πόλος* or *ὠρολόγιον*, sometimes with the epithet *σκιοθηρικόν* or *ἡλιαμνόνρον*), by means of which the natural day was divided into twelve equal spaces of time.¹ These spaces were, of course, longer or shorter, according to the various seasons of the year. The name hours (*ῥαί*), however, did not come into general use till a very late period, and the difference between natural and equinoctial hours was first observed by the Alexandrine astronomers.

During the early ages of the history of Rome, when artificial means of dividing time were yet unknown, the natural phenomena of increasing light and darkness formed with the Romans, as with the Greeks, the standard of division, as we see from the vague expressions in Censorinus.² Pliny states³ that in the Twelve Tables only the rising and the setting of the sun were mentioned as the two parts into which the day was then divided; but from Censorinus⁴ and Gellius⁵ we learn that midday (*meridies*) was also mentioned. Varro⁶ likewise distinguished three parts of the day, viz., *mane*, *meridies*, and *suprema* scil. *tempesta*, after which no assembly could be held in the Forum. The *lex Plætoria* prescribed that a herald should proclaim the *suprema* in the comitium, that the people might know that their meeting was to be adjourned. But the division of the day most generally observed by the Romans was that into *tempus antemeridianum* and *pomeridianum*, the *meridies* itself being only considered as a point at which the one ended and the other commenced. But, as it was of importance that this moment should be known, an especial officer (*vid. Accensus*) was appointed, who proclaimed the time of midday, when from the curia he saw the sun standing between the rostra and the *græcostasis*. The division of the day into twelve equal spaces, which, here as in Greece, were shorter in winter than in summer, was adopted at the time when artificial means of measuring time were introduced among the Romans from Greece. This was about the year B.C. 291, when L. Papirius Cursor, after the war with Pyrrhus in southern Italy, brought to Rome an instrument called *solarium horologium*, or simply *solarium*.⁷ But as the *solarium* had been made for a different meridian, it showed the time at Rome very incorrectly. Scipio Nasica, therefore, erected in B.C. 159 a public clepsydra, which indicated the hours of the night as well as of the day. Even after the erection of this clepsydra, it was customary for one of the subordinate officers of the prætor to proclaim the third, sixth, and ninth hours; which shows that the day was, like the night, divided into four parts, each consisting of three hours. See Dissen's treatise, *De Partibus Noctis et Diei ex Divisionibus Veterum*, in his *Kleine Lateinische und Deutsche Schriften*, p. 130, 150. (Compare the article *HOROLOGIUM*.)

All the days of the year were, according to different points of view, divided by the Romans into different classes. For the purpose of the administration of justice, all days were divided into *dies fasti* and *dies nefasti*.

DIES FASTI were the days on which the prætor was allowed to administer justice in the public

courts; they derived their name from *feri* (*fari sua verba*; *do, dico, addico*).¹ On some of the *dies fasti* comitia could be held, but not on all.² *Dies fasti* might be fasti in three different ways: 1. *Dies fasti proprie et toti*, or simply *dies fasti*, were days on which the prætor used to hold his courts, and could do so at all hours. They were marked in the Roman calendar by the letter F, and their number in the course of the year was 38;³ 2. *Dies proprie sed non toti fasti*, or *dies intercesi*, days on which the prætor might hold his courts, but not at all hours, so that sometimes one half of such a day was *fastus*, while the other half was *nefastus*. Their number was 63 in the year, and they were marked in the calendar by the signs Fp. = *fastus primo*, Np = *nefastus primo*, En. = *endotercisus* = *intercesus*, Q. Rex C. F. = *quando Rex comitio fugit*, or *quando Rex comitiam fas*, Q. St. Df. = *quando stercus defertur*; 3. *Dies non proprie sed casu fasti*, or days which were not fasti properly speaking, but became fasti accidentally; a *dies comitalis*, for instance, might become *fastus*, if either during its whole course, or during a part of it, no comitia were held, so that it accordingly became either a *dies fastus totus*, or *fastus ex parte*.⁴

DIES NEFASTI were days on which neither courts of justice nor comitia were allowed to be held, and which were dedicated to other purposes.⁵ According to the ancient legends, they were said to have been fixed by Numa Pompilius.⁶ From the remarks made above, it will be understood that one part of a day might be *fastus*, while another was *nefastus*.⁷ The *mundina*, which had originally been *dies fasti*, had been made *nefasti* at the time when the twelve-months year was introduced; but in B.C. 286 they were again made *fasti* by a law of Q. Hortensius.⁸ The term *dies nefasti*, which originally had nothing to do with religion, but simply indicated days on which no courts were to be held, was in subsequent times applied to religious days in general, as *dies nefasti* were mostly dedicated to the worship of the gods.⁹

In a religious point of view all days of the year were either *dies festi*, or *dies profesti*, or *dies intercesi*. According to the definition given by Macrobius, *dies festi* were dedicated to the gods, and spent with sacrifices, repasts, games, and other solemnities; *dies profesti* belonged to men for the administration of their private and public affairs. They were either *dies fasti*, or *comitiales*, or *comperendini*, or *stati*, or *præliales*. *Dies intercesi* were common between gods and men, that is, partly devoted to the worship of the gods, partly to the transaction of ordinary business.

We have lastly to add a few remarks on some of the subdivisions of the *dies profesti*, which are likewise defined by Macrobius. *Dies comitiales* were days on which comitia were held; their number was 184 in a year. *Dies comperendini* were days to which any action was allowed to be transferred (*quibus vadimonium licet dicere*¹⁰). *Dies stati* were days set apart for causes between Roman citizens and foreigners (*qui iudicii causa cum peregrinis instituantur*). *Dies præliales* were all days on which religion did not forbid to commence a war; a list of days and festivals on which it was contrary to religion to commence a war is given by Macrobius. See also Festus, s. v. Compare Manutius, *De Veterum Dierum Ratione*, and the article *CALENDAR (ROMAN)*.

DIFFAREATIO. (*Vid. DIVORTIUM*.)

1. (Herod., ii., 109.—Diog. Laert., ii., 1. 2.—Plin., H. N., ii., 6, 75.—Suidas, s. v. Ἀναξίμανδρος.)—2. (De Die Nat., 24.)—3. (H. N., vii., 60.)—4. (l. c.)—5. (xvii., 2.)—6. (De Ling. Lat., vi., 4, 5, ed. Müller; and Isidor., Orig., v., 30 and 31.)—7. (Plaut. sp. Gell., iii., 3, § 5.)

1. (Ovid, Fasti, i., 45, &c.—Varro, De Ling. Lat., vi., 29, 36, ed. Müller.—Macrobius, Sat., i., 16.)—2. (Cicero, Pro Sext., 15 with the note of Manutius.)—3. (Niebuhr, Hist. of Rome, iii., p. 368.)—4. (Macrobius, Sat., i., 16.—Varro, De Ling. Lat., l. c.)—5. (Varro, l. c.)—6. (Liv., i., 19.)—7. (Ovid, Fasti, i., 50.)—8. (Macrobius, Sat., i., 16.)—9. (Gellius, iv., 9; v., 17.)—10. (Gaisa, iv., § 15.)

DIOCLEIA.

TA. (Vid. PANDECTÆ.)

US. (Vid. PES.)

LEIA (Διοκλία), also called Διπόλεια ο. a very ancient festival, celebrated every year at the acropolis of Athens in honour of Zeus, Πόλιεύς.¹ Suidas and the scholiast on *ines*² are mistaken in believing that there were the same festival as the Diasia. It was on the 14th of Scirophorion. The manner in which the sacrifice of an ox was offered on the occasion, and the origin of the rite, are described by Porphyrius,³ with whose account may be compared the fragmentary descriptions of Pausanias and *Ælian*.⁴ The Athenians placed barley and wheat upon the altar of Zeus, and left it to rot; the ox destined to be sacrificed was allowed to go and take of the seeds. One of the persons, who bore the name of βουφόρος (whence the festival was sometimes called βουφόνια), at the ceremony eating, snatched the axe, killed the ox, and fled away. The others, as if not knowing who had killed the animal, made inquiries, and at last discovered the murderer, who was in the end punished for having committed the murder. The origin is said to have arisen from the following circumstance: In the reign of Erechtheus, the celebration of the Dionysia, or, according to *Ælian* and Aristophanes,⁵ at the Diipolia, an ox-cake was offered to the god, and one Baulon, a Baulon, or, according to others, the βουφόρος, a man with an axe and fled from his country, being a murderer having thus escaped, the axe and he were held guilty, and the rite observed at the festival was performed in commemoration of that. This legend of the origin of the Diipolia leads us back to a time when it had not become customary to offer animal sacrifices to the gods, but merely the fruits of the earth. Porphyrius also informs us that three Athenian families performed special (probably hereditary) functions at this festival. Members of the one family offered the ox to the altar, and were thence called *Βαυλονοί*; another family, descended from Baulon, the *βουτόποι*, knocked the victim down; and a third, designated by the name *δαιτροί*, killed it.⁶

ENTIA. (Vid. CULPA.)

THE (διμάχαι) were Macedonian horsemen who also fought on foot when occasion required. Their armour was heavier than that of the Greek horse-soldiers, and lighter than that of the Roman heavy-armed foot. A servant accompanied each soldier in order to take care of his horse when he alighted to fight on foot. This species of troops is said to have been first introduced into Greece under the Great.⁷

UTIO CA'PITIS. (Vid. CAPUT.)

DLOS. (Vid. OBOLOS.)

LEIA (Διόκλεια), a festival celebrated by the Megarians in honour of an ancient Athenian hero, around whose grave young men assembled on the occasion, and amused themselves with athletic and other contests. We read that the hero gave the sweetest kiss obtained the prize, and a garland of flowers.⁸ The scholiast on *tritus*⁹ relates the origin of this festival as follows: Diocles, an Athenian exile, fled to Megara, where he found a youth with whom he fell in love. The youth, while protecting the object of his affection, was slain. The Megarians, in gratitude for the gallant lover with a tomb, raised him up as if a hero, and, in commemoration of his

DIONYSIA.

faithful attachment, instituted the festival of the Diocleia. See Böckh *ad Pind.*, *Olymp.*, vii., 157, p. 176, and the scholiast *ad Aristoph.*, *Acharn.*, 730, where a Megarian swears by Diocles, from which we may infer that he was held in great honour by the Megarians.¹

DIOMOSIA (Διωμοσία). (Vid. ANATOMOSIA.)

DIONYSIA (Διονύσια), festivals celebrated in various parts of Greece in honour of Dionysus. We have to consider under this head several festivals of the same deity, although some of them bore different names; for here, as in other cases, the name of the festival was sometimes derived from that of the god, sometimes from the place where it was celebrated, and sometimes from some particular circumstance connected with its celebration. We shall, however, direct our attention chiefly to the Attic festivals of Dionysus, as, on account of their intimate connexion with the origin and the development of dramatic literature, they are of greater importance to us than any other ancient festival.

The general character of the festivals of Dionysus was extravagant merriment and enthusiastic joy, which manifested themselves in various ways. The import of some of the apparently unmeaning and absurd practices in which the Greeks indulged during the celebration of the Dionysia, has been well explained by Müller:² "The intense desire felt by every worshipper of Dionysus to fight, to conquer, to suffer in common with him, made them regard the subordinate beings (Satyrs, Pans, and Nymphs, by whom the god himself was surrounded, and through whom life seemed to pass from him into vegetation, and branch off into a variety of beautiful or grotesque forms), who were ever present to the fancy of the Greeks, as a convenient step by which they could approach more nearly to the presence of their divinity. The customs so prevalent at the festivals of Dionysus, of taking the disguise of satyrs, doubtless originated in this feeling, and not in the mere desire of concealing excesses under the disguise of a mask, otherwise so serious and pathetic a spectacle as tragedy could never have originated in the choruses of these satyrs. The desire of escaping from self into something new and strange, of living in an imaginary world, breaks forth in a thousand instances in these festivals of Dionysus. It is seen in the colouring the body with plaster, soot, vermilion, and different sorts of green and red juices of plants, wearing goat and deer skins round the loins, covering the face with large leaves of different plants, and, lastly, in the wearing masks of wood, bark, and other materials, and of a complete costume belonging to the character." Drunkenness, and the boisterous music of flutes, cymbals, and drums, were likewise common to all Dionysiac festivals. In the processions called *θειασοί* (from *θείαζω*), with which they were celebrated, women also took part, in the disguise of Bacchæ, Lenæ, Thyades, Naiades, Nymphs, &c., adorned with garlands of ivy, and bearing the thyrsus in their hands (hence the god was sometimes called *Θηλόμορφος*), so that the whole train represented a population inspired, and actuated by the powerful presence of the god. The choruses sung on the occasion were called dithyrambs, and were hymns addressed to the god in the freest metres and with the boldest imagery, in which his exploits and achievements were extolled. (Vid. CHORUS.) The phallus, the symbol of the fertility of nature, was also carried in these processions,³ and men disguised as women, called *ἰθόφαλλοί*,⁴ followed the

1. i., 14, § 4.)—2. (Pax. 410.)—3. (De Abstinent., i., § 1., 25, § 11.)—4. (V. H., viii., 3.)—5. (Nob., 972.)—6. (Suidas and Hesych., s. v. Βουφόνια.)—7. (Com. Mythol. and Sympol., i., p. 172; iv., p. 122, &c.)—8. (Oenom., i., 132.—Curtius, v., 13.)—9. (Theocrit., 27, &c.)—10. (l. c.)

1. (Compare Welcker's Sappho, p. 39, and ad Theogn., p. 79.)—2. (Hist. of the Lit. of Anc. Greece, i., p. 289.)—3. (Plut., De Cupid. Divit., p. 527, D.—Aristoph., Acharn., 229, with the schol.—Herod., ii., 49.)—4. (Hesych., s. v.—Athen., xiv., p. 622.)

phallus. A woman called *λικνοφόρος* carried the *λικνον*, a long basket containing the image of the god. Maidens of noble birth (*καληφόροι*) used to carry figs in baskets, which were sometimes of gold, and to wear garlands of figs round their necks.¹ The indulgence in drinking was considered by the Greeks as a duty of gratitude which they owed to the giver of the vine; hence in some places it was thought a crime to remain sober at the Dionysia.²

The Attic festivals of Dionysus were four in number: the *Διονύσια κατ' ἀγρούς*, or the rural Dionysia, the *Ἀθήναια*, the *Ἀνθεστήρια*, and the *Διονύσια ἐν ἕστει*. After Ruhnken³ and Spalding⁴ had declared the Anthesteria and the Lenæa to be only two names for one and the same festival, it was generally taken for granted that there could be no doubt as to the real identity of the two, until in 1817, A. Böckh read a paper to the Berlin Academy,⁵ in which he established by incontrovertible arguments the difference between the Lenæa and Anthesteria. An abridgment of Böckh's essay, containing all that is necessary to form a clear idea of the whole question, is given in the Philological Museum.⁶ The season of the year sacred to Dionysus was during the months nearest to the shortest day,⁷ and the Attic festivals were accordingly celebrated in the Poseideon, Gamelion (the Lenæon of the Ionians), Anthesterion, and Elaphebolion.

The *Διονύσια κατ' ἀγρούς* or *μικρά*, the rural or lesser Dionysia, a vintage festival, were celebrated in the various demes of Attica in the month of Poseideon, and were under the superintendence of the several local magistrates, the demarchs. This was doubtless the most ancient of all, and was held with the highest degree of merriment and freedom; even slaves enjoyed full freedom during its celebration, and their boisterous shouts on the occasion were almost intolerable. It is here that we have to seek for the origin of comedy, in the jests and the scurrilous abuse which the peasants vented upon the by-standers from a wagon in which they rode about (*κίβους ἐφ' ἀμαξῶν*). Aristophanes⁸ calls the comic poets *τρυγῶδοί*, lee-singers, and comedy, *τρυγῶδία*, lee-song;⁹ from the custom of smearing the face with lees of wine, in which the merry country people indulged at the vintage. The *ascolia* and other amusements, which were afterward introduced into the city, seem also originally to have been peculiar to the rural Dionysia. The Dionysia in the Piræus, as well as those of the other demes of Attica, belonged to the lesser Dionysia, as is acknowledged both by Spalding and Böckh. Those in the Piræus were celebrated with as much splendour as those in the city; for we read of a procession, of the performance of comedies and tragedies, which at first may have been new as well as old pieces; but when the drama had attained a regular form, only old pieces were represented at the rural Dionysia. Their liberal and democratical character seems to have been the cause of the opposition which these festivals met with, when, in the time of Pisistratus, Thespis attempted to introduce the rural amusements of the Dionysia into the city of Athens.¹⁰ That in other places, also, the introduction of the worship of Dionysus met with great opposition, must be inferred from the legends of Orchomenos, Thebes, Argos, Ephesus, and other places. Something similar seems to be implied in the account of

the restoration of tragic choruses to Dionysus at Sicyon.¹

The second festival, the *Lenæa* (from *λίπη*, the wine-press, from which, also, the month of Gamelion was called by the Ionians Lenæon), was celebrated in the month of Gamelion; the place of its celebration was the ancient temple of Dionysus Limnæus (from *λίμνη*, as the district was originally a swamp, whence the god was also called *λίμνηνής*). This temple, the Lenæon, was situated south of the theatre of Dionysus, and close by it.² The Lenæa were celebrated with a procession and scenic contests in tragedy and comedy.³ The procession probably went to the Lenæon, where a god (*τράγος*, hence the chorus and tragedy which arose out of it) were called *τραγικὸς χορός* and *τραγῶδία* was sacrificed, and a chorus standing around the altar sang the dithyrambic ode to the god. As the dithyramb was the element out of which, by the introduction of an actor, tragedy arose (*vid. Choæ*), it is natural that, in the scenic contests of this festival, tragedy should have preceded comedy, as we see from the important documents in Demosthenes.⁴ The poet who wished his play to be brought out at the Lenæa applied to the second archon, who had the superintendence of this festival as well as the Anthesteria, and who gave him the chorus if the piece was thought to deserve it.

The third Dionysiac festival, the *Anthesteria*, was celebrated on the 12th of the month of Anthesterion;⁵ that is to say, the second day fell on the 12th for it lasted three days, and the first fell on the 11th and the third on the 13th.⁷ The second archon superintended the celebration of the Anthesteria, and distributed the prizes among the victors in the various games which were carried on during the month.⁸ The first day was called *πιθολογία*, the second, *χόες*; and the third, *χύτεροι*.⁹ The first day derived its name from the opening of the casks to taste the wine of the preceding year; the second from *χούς*, the cup, and seems to have been the day devoted to drinking. The *ascolia* seem to have been played on this day. (*Vid. ASCOLIA*.) We read in Suidas¹⁰ of another similar amusement peculiar to this day. The drinker placed himself upon a bag filled with air, trumpets were sounded, and he who emptied his cup quickest, or drank most, received as his prize a leather bag filled with wine and a garland, or, according to Elian,¹¹ a golden crown.¹² The *κίβως ἐφ' ἀμαξῶν* also took place on this day, and the jests and abuse which persons poured forth on this occasion were doubtless an imitation of the amusements customary at the rural Dionysia. Athenæus¹³ says that it was customary on the day of the Choës to send on to sophists their salaries and presents, that they too might enjoy themselves with their friends. The third day had its name from *χύτερος*, a pot, as on this day persons offered pots with flowers, seeds, or cooked vegetables, as a sacrifice to Dionysus and Hermes Chthonius.¹⁴ With this sacrifice were connected the *ἀγῶνες χύτρων*, mentioned by the scholiast on Aristophanes,¹⁵ in which the second archon distributed the prizes. Slaves were permitted to take part in the general rejoicings of the Anthesteria; but at the close of the day they were sent home with the words *ἄραζε, Κἄρες, οὐκ ἐστ' Ἀνθεστήρια*.¹⁶

1. (Aristoph., *Acharn.*, l. c.—Lysistr., 647.—Natal. Com., v., 13.)—2. (Lucian, *De Calumn.*, 16.)—3. (Auctar. ad Hesych., tom. i., p. 199.)—4. (Abhandl. der Berl. Acad. von 1804—1811, p. 70, &c.)—5. ("Vom Unterscheide der Attischen Lenæen, Anthesterien, und ländl. Dionysien," published in 1819, in the Abhandl. der Berl. Acad.)—6. (vol. ii., p. 273, &c.)—7. (Plut., *De El. ap. Delph.*, 9.)—8. (Vesp., 620 and 1479.)—9. (*Acharn.*, 464, 834.—*Athen.*, ii., p. 40.)—10. (Plut., *Sol.*, c. 29, 30.—*Diog. Laert.*, Sol., c. 11.)

1. (Herod., v., 67.)—2. (Schol. ad Aristoph., *Ran.*, 450.—*Demosth.*, c. Meid., p. 517.)—3. (l. c.)—4. (Thucyd., ii., 13.)—5. (Suidas, s. v. *Χοές*.)—6. (Philocho. ap. Suid., s. v. *Χύτεροι*.)—7. (Aristoph., *Acharn.*, 1143, with the schol.)—8. (Harpocration and Suidas, s. v.—Schol. ad Aristoph., *Ran.*, 219.—*Athen.*, ii., p. 437; vii., p. 276; iv., p. 129.)—9. (s. v. *Ἀεκέσι*.)—10. (l. c.)—11. (l. c.)—12. (Aristoph., *Acharn.*, 943, with the schol.)—13. (l. c.)—14. (Schol. ad Aristoph., *Acharn.*, 1009.—Suidas, s. v. *Χύτεροι*.)—15. (Ran., 220.)—16. (Hesych., s. v. *Θύραζε*.—*Frontin.* ad Hesiod., *Op. et Dies*.)

uncertain whether dramas were performed at hesteria; but Böckh supposes that comedies presented, and that tragedies which were sought out at the great Dionysia were performed at the Anthesteria. The mysteries led with the celebration of the Anthesteria at night, in the ancient temple *ἐν Λίμναις*, was opened only once a year, on the 12th of Ierion. They were likewise under the suzerainty of the second archon and a certain *ἐπιμεληταί*. He appointed fourteen priest-called *γεραραί* or *γεραραί*, the venerable, who led the ceremonies with the assistance of priestesses.¹ The wife of the second archon (*ἄρα*) offered a mysterious sacrifice for the good of the city; she was betrothed to the god in great solemnity, and also tendered the oath to the archon, which, according to Demosthenes,² ran: "I am pure and unspotted by anything that should have never had intercourse with man. I ennoble the Theognia and Iobakcheia at their time, according to the laws of my ancestors." The mission to the mysteries, from which men were excluded, took place after especial preparation, which seem to have consisted in purifications with water, or fire.³ The initiated persons wore fawns, and sometimes those of panthers. The robe of ivy, which was worn in the public part of Dionysia, the *mystæ* wore myrtle.⁴ The sacrifice offered to the god in these mysteries consisted of a sow, the usual sacrifice of Demeter, and of a calf. It is more than probable that the history of Dionysus was symbolized in these mysteries, as the history of Demeter was acted in those of Eleusis, which some respects connected with the former.⁵ The fourth Attic festival of Dionysus, *Διονύσια ἄστικὰ* or *μεγάλα*, was celebrated about the month of Elaphebolion;⁶ but we do not know whether they lasted more than one day or in the order in which the ceremonies took place according to the document in Demosthenes, as follows: The great public procession, the chorus (*ὁ χοῦρος* (*vid.* *Chorus*)), comedy, and, lastly, tragedy. We possess in Athenæus⁷ the description of a great Bacchic procession, held at Alexandria in the reign of Ptolemaeus Philadelphus, from which we may form some idea of the great Attic Dionysia. It seems to have been customary to represent the god by a man in this procession. Plutarch, at least, relates that, on one occasion, a beautiful youth of Nicias represented Dionysus.⁸ A representation of a Bacchic procession is described in Aristophanes.⁹ Of the dramas which were performed at the great Dionysia, the tragedies, which were generally new pieces; repetitions do not seem to have been excluded from any Bacchic festival. The first archon had the superintendence, and gave the chorus to the dramatic poet, who wished to bring out his piece at this festive prize awarded to the dramatist for the year consisted of a crown, and his name was recorded in the theatre of Dionysus.¹⁰ Strangers were prohibited from taking part in the choruses of Bacchic songs. During this and some other of the great Attic festivals, prisoners were set free, and nobody was allowed to seize the goods of a debtor; but a festival was not interrupted by its celebration.¹¹ As the Dionysia were celebrated at the beginning of the year, when the navigation was reopened, Athens

was not only visited by numbers of country people, but also by strangers from other parts of Greece; and the various amusements and exhibitions on this occasion were not unlike those of a modern fair.¹² Respecting the scrupulous regularity, and the enormous sums spent by the Athenians on the celebration of these and other festivals, see Demosthenes.¹³ As many circumstances connected with the celebration of the Dionysia cannot be made clear without entering into minute details, we must refer the reader to Böckh's essay.

The worship of Dionysus was almost universal among the Greeks in Asia as well as in Europe, and the character of his festivals was the same everywhere, only modified by the national differences of the various tribes of the Greeks. It is expressly stated that the Spartans did not indulge so much in drinking during the celebration of the Dionysia as other Greeks.¹⁴ The worship of Dionysus was in general, with the exception of Corinth, Sicily, and the Doric colonies in southern Italy, less popular among the Doric states than in other parts of Greece.¹⁵ It was most enthusiastic in Bœotia, in the orgies on Mount Cithæron, as is well known from allusions and descriptions in several Roman poets. That the extravagant merriment, and the unrestrained conduct with which all festivals of this class were celebrated, did, in the course of time, lead to the greatest excesses, cannot be denied; but we must, at the same time, acknowledge that such excesses did not occur until a comparatively late period. At a very early period of Grecian history, Bacchic festivals were solemnized with human sacrifices, and traces of this custom are discernible even until very late. In Chios this custom was superseded by another, according to which the Bacchæ were obliged to eat the raw pieces of flesh of the victim which were distributed among them. This act was called *ὠμοφαγία*, and Dionysus derived from it the name of *ὠμάδιος* and *ὠμηστής*. There was a report that even Themistocles, after the battle of Salamis, sacrificed three noble Persians to this divinity.¹⁶ But Plutarch's account of this very instance, if true, shows that at this time such savage rites were looked upon with horror.

The worship of Dionysus, whom the Romans called Bacchus, or, rather, the Bacchic mysteries and orgies (*Bacchanalia*), are said to have been introduced from southern Italy into Etruria, and from thence to Rome,¹⁷ where for a time they were carried on in secret, and, during the latter part of their existence, at night. The initiated, according to Livy, did not only indulge in feasting and drinking at their meetings, but, when their minds were heated with wine, they indulged in the coarsest excesses and the most unnatural vices. Young girls and youths were seduced, and all modesty was set aside; every kind of vice found here its full satisfaction. But the crimes did not remain confined to these meetings; their consequences were manifest in all directions; for false witnesses, forgeries, false wills, and denunciations proceeded from this focus of crime. Poison and assassination were carried on under the cover of this society; and the voices of those who had been fraudulently drawn into these orgies, and would cry out against the shameless practices, were drowned by the shouts of the Bacchantes, and the deafening sounds of drums and cymbals.

The time of initiation lasted ten days, during

1. (Isocr., *Areop.*, p. 203, ed. Bekker.—Xen., *Hiero.*, i., 11.—Compare Becker, *Charikles*, ii., p. 237, seqq.)—2. (Philipp., i., p. 50.)—3. (Athen., iv., p. 156.—Plato, *De Leg.*, i., p. 637.)—4. (Müller, *Dorians*, ii., 10, § 6.—Böttiger, *Ideen z. Archæol. der Malerei*, p. 289, seqq.)—5. (Plut., *Themist.*, 13.—Pelop., 21.—Compare Thirlwall, *Hist. of Greece*, ii., p. 310.)—6. (Livy, *xxxix.*, 8.)

1. (Isocr., *Areop.*, p. 203, ed. Bekker.—Xen., *Hiero.*, i., 11.—Compare Becker, *Charikles*, ii., p. 237, seqq.)—2. (Philipp., i., p. 50.)—3. (Athen., iv., p. 156.—Plato, *De Leg.*, i., p. 637.)—4. (Müller, *Dorians*, ii., 10, § 6.—Böttiger, *Ideen z. Archæol. der Malerei*, p. 289, seqq.)—5. (Plut., *Themist.*, 13.—Pelop., 21.—Compare Thirlwall, *Hist. of Greece*, ii., p. 310.)—6. (Livy, *xxxix.*, 8.)

which a person was obliged to abstain from all sexual intercourse; on the tenth he took a solemn meal, underwent a purification by water, and was led into the sanctuary (*Bacchanal*). At first only women were initiated, and the orgies were celebrated every year during three days. Matrons alternately performed the functions of priests. But *Pacula Annia*, a Campanian matron, pretending to act under the direct influence of *Bacchus*, changed the whole method of celebration: she admitted men to the initiation, and transferred the solemnization, which had hitherto taken place during the daytime, to the night. Instead of three days in the year, she ordered that the *Bacchanalia* should be held during five days in every month. It was from the time that these orgies were carried on after this new plan that, according to the statement of an eyewitness,¹ licentiousness and crimes of every description were committed. Men as well as women indulged in the most unnatural appetites, and those who attempted to stop or to oppose such odious proceedings fell as victims. It was, as *Livy* says, a principle of the society to hold every ordinance of God and nature in contempt. Men, as if seized by fits of madness, and under great convulsions, gave oracles: and the matrons, dressed as *Bacchæ*, with dishevelled hair and burning torches in their hands, ran down to the *Tiber* and plunged their torches into the water; the torches, however, containing sulphur and chalk, were not extinguished. Men who refused to take part in the crimes of these orgies were frequently thrown into dark caverns and despatched, while the perpetrators declared that they had been carried off by the gods. Among the number of the members of these mysteries were, at the time when they were suppressed, persons of all classes; and during the last two years, nobody had been initiated who was above the age of twenty years, as this age was thought most fit for seduction and sensual pleasure.

In the year B.C. 186, the consuls *Spurius Postumius Albinus* and *Q. Marcius Philippus* were informed of the existence of these meetings, and, after having ascertained the facts mentioned above, they made a report to the senate.² The senate, alarmed by this singular discovery, and although dreading lest members of their own families might be involved, invested the consuls with extraordinary power, to inquire into the nature of these nocturnal meetings, to exert all their energy to secure the priests and priestesses, to issue a proclamation throughout Rome and Italy, forbidding any one to be initiated in the *Bacchic* mysteries, or to meet for the purpose of celebrating them; but, above all things, to submit those individuals who had already been secured to a rigid trial. The consuls, after having given to the subordinate magistrates all the necessary instructions, held an assembly of the people, in which the facts just discovered were explained to the public, in order that the objects of the proceedings which were to take place might be known to every citizen. A reward was at the same time offered to any one who might be able to give farther information, or to name any one that belonged to the conspiracy, as it was called. Measures were also taken to prevent any one from leaving Italy. During the night following, a number of persons were apprehended; many of them put an end to their own lives. The whole number of the initiated was said to be 7000. The trial of all those who were apprehended lasted thirty days. Rome was almost deserted, for the innocent as well as the guilty had reason to fear. The punishment inflicted on those who were convicted varied according to the degree of their guilt; some were

1. (*Liv.*, xxxix., 13.)—2. (*Liv.*, xxxix., 14.)

thrown into prison, others were put to death. The women were surrendered to their parents or husbands, that they might receive their punishment in private. The consuls then were ordered by the senate to destroy all *Bacchanalia* throughout Rome and Italy, with the exception of such altars or statues of the god as had existed there from ancient times. In order to prevent a restoration of the *Bacchic* orgies, the celebrated decree of the senate (*Senatus auctoritas de Bacchanalibus*) was issued, commanding that no *Bacchanalia* should be held either in Rome or Italy; that if any one should think such ceremonies necessary, or if he could not neglect them without scruples or making atonements, he should apply to the *prætor urbanus*, who might then consult the senate. If the permission should be granted to him in an assembly of the senate, consisting of not less than one hundred members, he might solemnize the *Bacchic* sacra; but no more than five persons were to be present at the celebration; there should be no common fund, and no master of the sacra or priest.³ This decree is also mentioned by *Cicero*.⁴ A brazen table containing this important document was discovered near *Bari*, in southern Italy, in the year 1640, and is at present in the imperial Museum of Vienna. A copy of it is given in *Drakenborch's* edition of *Livy*.⁵

We have, in our account of the Roman *Bacchanalia*, closely followed the description given by *Livy*, which may, indeed, be somewhat exaggerated; but, considering the difference of character between the Greeks and Romans, it cannot be surprising that a festival like the *Dionysia*, when once introduced among the Romans, should have immediately degenerated into the grossest and coarsest excesses. Similar consequences were seen immediately after the time when the Romans were made acquainted with the elegance and the luxuries of Greek life; for like barbarians, they knew not where to stop, and became brutal in their enjoyments. But whether the account of *Livy* be exaggerated or not, thus much is certain, that the Romans, ever since the time of the suppression of the *Bacchanalia*, considered these orgies as in the highest degree immoral and licentious, as we see from the manner in which they applied the words derived from *Bacchus*, e. g., *bacchantes*, *bacchantes*, *bacchantio*, *bacchicus*, and others. But the most surprising circumstance in the account of *Livy* is, that the *Bacchanalia* should have been celebrated for several years in the boisterous manner described above, and by thousands of persons, without any of the magistrates appearing to have been aware of it.

While the *Bacchanalia* were thus suppressed, another more simple and innocent festival of *Bacchus*, the *Liberalia* (from *Liber* or *Liber Pater*, a name of *Bacchus*), continued to be celebrated at Rome every year on the 16th of March.⁶ A description of the ceremonies customary at this festival is given by *Ovid*,⁷ with which may be compared *Varro*,⁸ *Prætor* and aged priestesses, adorned with garlands of myrtle, carried through the city wine, honey, cakes, and sweetmeats, together with an altar with a *hæretæ* (*ansata ara*), in the middle of which there was a small firepan (*foculus*), in which, from time to time, sacrifices were burned. On this day Roman youths who had attained their sixteenth year received the *toga virilis*.⁹ That the *Liberalia* were celebrated with various amusements and great merriment might be inferred from the general character of onysiac festivals; but we may also see it from the name *Ludi Liberales*, which is sometimes used instead of *Liberalia*; and *Nævius*¹⁰ expressly

1. (*Liv.*, xxxix., 13.)—2. (*De Leg.*, ii., 15.)—3. (*ibid.*, 197, seqq.)—4. (*Ovid. Fast.*, ii., 713.)—5. (*l. c.*)—6. (*ibid.*, *Lat.*, v. 55, ed. Bipont.)—7. (*Cic. ad Att.*, i., 1.)—8. (*ibid.*

that persons expressed themselves very freely at the Liberalia. St. Augustine¹ even speaks of a high degree of licentiousness carried on at this festival.

*DIOS ANTHOS (Διὸς ἄνθος), a plant. Sprengel conjectures that it was the *Agrostemma Flog Jovis*; but Stackhouse hesitates between the *Agrostemma* and the *Dianthus Caryophyllus*, or Carnation.²

DIOSCURIA (Διοσκουρία), festivals celebrated in various parts of Greece in honour of the Dioscuri. The Spartan Dioscuria mentioned by Pausanias³ and Spanheim,⁴ were celebrated with sacrifices, rejoicings, and drinking. At Cyrene the Dioscuri were likewise honoured with a great festival.⁵ The Athenian festival of the Dioscuri has been described under ANACELA. Their worship was very generally adopted in Greece, especially in the Doric and Achaean states, as we conclude from the great number of temples dedicated to them; but scarcely anything is known respecting the manner in which their festivals were celebrated.

*DIOSPYRUS (Διόσπυρος), according to Stackhouse, the *Diospyrus Lotus*; but Schneider doubts whether the fruit of the latter agrees in character with the description of the *διόσπυρος* as given by Theophrastus.⁶

DIOTIA was a vessel containing two ears (ῶρα) or handles, used for holding wine. It appears to have been much the same as the amphora.⁷ (Vid. AMPHORA.)

*DIPHRYGES (διφρυγές), "evidently," according to Adams, "a metallic compound of copper. Sprengel says it consisted principally of burned copper, with a certain admixture of iron. Dr. Milligan calls it an oxide of copper. Matthiolus gives it the name of *Marc de bronze*, i. e., Husk of bronze."⁸

*DIPSACUS (διψακός), the *Dipsacus Fullonum*, Fuller's Thistle, or manured Teasel. Stephens calls it *Chardon de Bonnetier*. The leaves are concave, and so placed as to contain water.⁹

*DIPSAS (διψάς), the name of a venomous serpent, whose bite causes insatiable thirst, whence the name, from διψάω, "to thirst." Sprengel marks it as the *Coluber prester*, or black viper. According to Adams, it is sometimes found in England. A splendid description of the effects of its sting is given by Lucan. For farther information, the student is referred by Adams to Nicander, Dioscorides, Aëtius, and the other writers on toxicology, as also to Lucian's treatise on the Dipsades.¹⁰

DIPHTHËRA (διφθέρα) was a kind of cloak made of the skins of animals, and worn by herdsmen and country people in general. It is frequently mentioned by Greek writers.¹¹ Pollux¹² says that it had covering for the head (ἐπικράνον), in which respect it would correspond to the Roman *cucullus*. (Vid. CUCULLUS.)¹³

DIPHROS (διφρός). (Vid. CURRUS, p. 333.)

DIPLOÏS (διπλοῖς). (Vid. PALLIUM.)

DIPLOMA was a writ or public document, which conferred upon a person any right or privilege. During the Republic it was granted by the consuls and prætors; and under the Empire, by the emperor and the magistrates whom he authorized to do so.¹⁴ The diploma was sealed by the emperor;¹⁵ it consisted of two leaves, whence it derived its name.

These writs were especially given to public couriers, or to those who wished to procure the use of the public horses or carriages.¹ The tabellarii of the emperor would naturally always have a diploma; whence we read in an inscription² of a *diplomarius tabellarius*.

ΔΙΠΡΩΡΟΙ ΝΗΕΣ (διπρωροι νῆες). (Vid. ΑΜΦΙΠΡΩΜΟΙ ΝΗΕΣ.)

DIPTYCHA (διπτυχα) were two writing tablets, which could be folded together. Herodotus³ speaks of a δέλτιον διπτυχον made of wood, and covered over with wax.⁴ The diptycha were made of different materials, commonly of wood, but sometimes of ivory.

Under the Empire, it was the custom of the consuls and other magistrates to distribute among their friends and the people, on the day on which they entered on their office, tablets, called respectively *diptycha consularia, prætoria, ædilitia, &c.*, which were inscribed with their names, and contained their portraits. Several of these diptycha are given by Montfaucon.⁶

DIRECTA ACTIO. (Vid. ACTIO, p. 17.)

DIRIBITORES are said by most modern writers to have been the persons who gave to the citizens the *tabellæ* with which they voted in the comitia. (Vid. COMITIA, p. 297); but Wunder has most distinctly proved, in the preface to his *Codex Erfutensis*,⁷ that it was the office of the diribitores to divide the votes when taken out of the *cista*, so as to determine which had the majority. He remarks that the etymology of *diribere* would lead us to assign to it the meaning of "separation" or "division," as it is compounded of *dis* and *habere*, in the same manner as *dirimere* is of *dis* and *emere*; the *h* disappears as in *præbere* and *debere*, which come respectively from *præ* and *habere*, and *de* and *habere*. In several passages the word cannot have any other signification than that given by Wunder.⁸

When Cicero says,⁹ "*vos rogatores, vos diribitores, vos custodes tabellarum*," we may presume that he mentions these officers in the order in which they discharged their duties in the comitia. It was the office of the *rogatores* to collect the *tabellæ* which each century gave, as they used, before the ballot was introduced, to ask (*rogare*) each century for its votes, and report them to the magistrate who presided over the comitia. The *diribitores*, as has been already remarked, divided the votes when taken out of the *cista*, and handed them over to the *custodes*, who checked them off by points marked on a tablet.

Many writers have confounded the *cista* with the *sitella* or urna, into which the sortes or mere lots were cast; the true difference between these words is explained under SITELLA.

DISCUS (δίσκος), a circular plate of stone (λίθη νοι δίσκος¹⁰) or metal (*splendida pondera disci*¹¹), made for throwing to a distance as an exercise of strength and dexterity. This was, indeed, one of the principal gymnastic exercises of the ancients, being included in the Πένταθλον. It was practised in the heroic age;¹² the fable of Hyacinthus, who was killed by Apollo as they were playing together at this game,¹³ also proves its very high antiquity.

The discus was ten or twelve inches in diameter, so as to reach above the middle of the forearm when held in the right hand. The object was to throw it

1. (De Civ. Dei, vii., 21.)—2. (Theophrast., vi., 1; vi., 6.—Adams, Append., s. v.)—3. (iv., 27, § 1, compared with iii., 16, (ad Callim., Hymn. in Pall., 24.)—5. (Schol. ad Pind., i., 629.)—6. (Theophrast., H. P., iii., 13.—Adams, App., s. v.)—7. (Hor., Carm., l., ix., 9.)—8. (Dioscor., v., 119. —Ezra., vii., 2.—Adams, Append., s. v.)—9. (Dioscor., Adams, Append., s. v.)—10. (Ælian, N. A., vi., 51.—510.—Adams, Append., s. v.)—11. (Aristoph., Nub., l. ad loc.—Vesp., 444.—Plato, Crit., p. 53.—Lucian, 2.)—12. (Onom., vii., 70.)—13. (Becker, Charikles, —14. (Cic. ad Fam., vi., 12; ad Att., x. 17; c. Pis., Ben., vii., 10.—Suet., Cal., 38; Ner., 12; Oth., 7.—p. 10, x. 27.)—15. (Suet., Octav., 50.)

1. (Plin., Ep., x., 14, 121.—Compare x., 54, 55.)—2. (Orelli, No. 2917.)—3. (vii., 239.)—4. (Compare Pollux, iv., 18.)—5. (Codex Theod., 15, tit. 9, s. 1.)—6. (Antiq. Expt., Suppl., vol. iii., p. 220, &c.)—7. (p. cxxvi.—clviii.)—8. (Cic., Pro Planc., 20; ad Qu. Frat., iii., 4, § 1.—Varro, De Re Rust., iii., 2, § 1; iii., 5, § 18.—9. (in Pis., 15.)—10. (Pind., Isth., i., 34.)—11. (Mart., xiv., 164.)—12. (Hom., Il., ii., 774.—Od., vi., 626; viii., 129, 186—188; xvii., 168.—Eurp., Iph. in Aul., 200.)—13. (Ovid, Met., x., 167—219.)

DIKE (*δίκη*) signifies generally any proceedings at law by one party directly or mediately against others.¹ The object of all such actions is to protect the body politic, or one or more of its individual members, from injury and aggression; a distinction which has in most countries suggested the division of all causes into two great classes, the public and the private, and assigned to each its peculiar form and treatment. At Athens the first of these was implied by the terms public *δίκαι* or *ἀγῶνες*, or still more peculiarly by *γραφαί*: causes of the other class were termed private *δίκαι* or *ἀγῶνες*, or simply *δίκαι* in its limited sense. There is a still farther subdivision of *γραφαί* into *δημοσίαι* and *ἰδίας*, of which the former is somewhat analogous to impeachments for offences directly against the state; the latter to criminal prosecutions, in which the state appears as a party mediately injured in the violence or other wrong done to individual citizens. It will be observed that cases frequently arise, which, with reference to the wrong complained of, may with equal propriety be brought before a court in the form of the *γραφὴ* last mentioned, or in that of an ordinary *δίκη*, and under these circumstances the laws of Athens gave the prosecutor an ample choice of methods to vindicate his rights by private or public proceedings,² much in the same way as a plaintiff in modern times may, for the same offence, prefer an indictment for assault, or bring his civil action for trespass on the person. It will be necessary to mention some of the principal distinctions in the treatment of causes of the two great classes above mentioned, before proceeding to discuss the forms and treatment of the private lawsuit.

In a *δίκη*, only the person whose rights were alleged to be affected, or the legal protector (*κύριος*) of such person, if a minor, or otherwise incapable of appearing *suo jure*, was permitted to institute an action as plaintiff; in public causes, with the exception of some few in which the person injured or his family were peculiarly bound and interested to act, any free citizen, and sometimes, when the state was directly attacked, almost any alien, was empowered to do so. In all private causes, except those of *ἐξούλης*, *βιαιῶν*, and *ἐξαιρέσεως*, the penalty or other subject of contention was exclusively recovered by the plaintiff, while in most others the state alone, or jointly with the prosecutor, profited by the pecuniary punishment of the offender. The court fees, called *prytaneia*, were paid in private, but not in public causes, and a public prosecutor that compromised the action with the defendant was in most cases punished by a fine of a thousand drachmæ and a modified disfranchisement, while there was no legal impediment at any period of a private lawsuit to the reconciliation of the litigant parties.³

The proceedings in the *δίκη* were commenced by a summons to the defendant (*πρόσκλησις*) to appear on a certain day before the proper magistrate (*εἰσαγωγῆς*), and there answer the charges preferred against him.⁴ This summons was often served by the plaintiff in person, accompanied by one or two witnesses (*vid.* CLETERES), whose names were endorsed upon the declaration (*ἰσχυρὸς* or *ἐγκλημα*). If there were an insufficient service of the summons, the lawsuit was styled *ἀπρόσκλητος*, and dismissed by the magistrate. From the circumstance of the same officer that conducted the *anacrisis* being also necessarily present at the trial, and as there were, besides, *dies nefasti* (*ἀποφράδες*) and festivals, during which none, or only some special causes could be commenced, the power of the plaintiff in

selecting his time was, of course, in some degree limited; and of several causes, we know that the time for their institution was particularized by law.⁵ There were also occasions upon which a personal arrest of the party proceeded against took the place of, or, at all events, was simultaneous with, the service of the summons; as, for instance, when the plaintiff doubted whether such party would not leave the country to avoid answering the action; and, accordingly, we find that, in such cases,⁶ an Athenian plaintiff might compel a foreigner to accompany him to the polemarch's office, and there produce bail for his appearance, or, failing to do so, submit to remain in custody till the trial. The word *κατεγγυῆν* is peculiarly used of this proceeding. Between the service of the summons and appearance of the parties before the magistrate, it is very probable that the law prescribed the intervention of a period of five days.⁷ If both parties appeared, the proceedings commenced by the plaintiff putting in his declaration, and at the same time depositing his share of the court fees (*πρυτανεία*), the non-payment of which was a fatal objection to the farther progress of a cause.⁸ These were very trifling in amount. If the subject of litigation was rated at less than 100 drachmæ, nothing was paid; if at more than 100 drachmæ and less than 1000 drachmæ, 3 drachmæ was a sufficient deposit, and so on in proportion. If the defendant neglected or refused to make his payment, it is natural to conclude that he underwent the penalties consequent upon non-appearance; in all cases, the successful party was reimbursed his *prytaneia* by the other.⁹ The *παρακαταβολή* was another deposit in some cases, but paid by the plaintiff only. This was not in the nature nor of the usual amount of the court fees, but a kind of penalty, as it was forfeited by the suitor in case he failed in establishing his cause. In a suit against the treasury, it was fixed at a fifth; in that of a claim to the property of a deceased person by an alleged heir or devisee, at a tenth of the value sought to be recovered.¹⁰ If the action was not intended to be brought before an *heliastic* court, but merely submitted to the arbitration of a *diætetes* (*vid.* ΔΙΑΤΕΤΑΙ), a course which was competent to the plaintiff to adopt in all private actions,¹¹ the drachma paid in the place of the deposit above mentioned bore the name of *πάρυσσις*. The deposits being made, it became the duty of the magistrate, if no manifest objection appeared on the face of the declaration, to cause it to be written out on a tablet, and exposed for the inspection of the public on the wall or other place that served as the cause-list of his court.¹²

The magistrate then appointed a day for the farther proceedings of the *anacrisis* (*vid.* ΑΝΑΚΡΙΣΙΣ), which was done by drawing lots for the priority, in case there was a plurality of causes instituted at the same time; and to this proceeding the phrase *λαγχάνειν δίκην*, which generally denotes to bring an action, is to be primarily attributed. If the plaintiff failed to appear at the *anacrisis*, the suit, of course, fell to the ground; if the defendant made default, judgment passed against him.¹³ Both parties, however, received an official summons before their non-appearance was made the ground of either result. An affidavit might at this, as well as at other periods of the action, be made in behalf of a person unable to attend upon the given day, and this would, if allowed, have the effect of postponing farther proceedings (*ὑπόμνησις*); it might, however, be

1. (Harpocrat.—Pollux, Onom., viii., 40, 41.)—2. (Demosth., c. Andoc., 601.)—3. (Meier, Att. Process, 163.)—4. (Aristoph., Nub., 1221.—Aristoph., 1046.)

5. (Aristoph., Nub., 1190.)—6. (Demosth., c. Zenoth., 808.—c. Aristog., 778.)—7. (Meier, Att. Process, 550.)—8. (Math., De Jud. Ath., 261.)—9. (Meier, Att. Process, 613.)—10. (Math., De Jud. Ath., 260.)—11. (Hudtw., De Diætet., 35.)—12. (Meier, Att. Process, 605.)—13. (Meier, Att. Process, 623.)

ent some calamity or to stimulate their coun-
 sel something beneficial. The civil govern-
 ment of Athens not only tolerated, but protected
 and honoured them; and Cicero¹ says, that the man-
 ners present in all the public assemblies of the
 Athenians.² Along with the seers we may also
 mention the Bacides and the Sibyllæ. Both existed
 at a very remote time, and were distinct from
 the oracles so far as they pretended to derive their
 knowledge of the future from sacred books (*χρησμοί*)
 which they consulted, and which were in some places
 at Athens and Rome, kept by the govern-
 ment, some especial officers, in the acropolis and
 at the most revered sanctuary. Bacis was, accord-
 ing to Pausanias,³ in Bœotia, a general name for a
 priest by nymphs. The scholiast on Aris-
 tophanes⁴ and Ælian⁵ mention three original Bacis-
 es: one of Eleon in Bœotia, a second of Athens,
 third of Caphys in Arcadia.⁶ From these
 Bacides all others were said to be descended,
 and have derived their name. Antichares,⁷ Mu-
 seus of Cyprus,⁸ and Lycus, son of Pan-
 dion, probably belonged to the Bacides. The Sib-
 yllæ prophetic women, probably of Asiatic or
 some peculiar custom seems to have been to
 with their sacred books from place to place.¹¹

Some states that, according to some authors,
 there were four Sibyllæ, the Erythræan, the Sa-
 the Egyptian, and the Sardinian; but that
 added six more, among whom there was one
 the Cumæan, and another called the Jewish
 Compare Suidas,¹² and Pausanias,¹⁴ who
 devoted a whole chapter to the Sibyllæ; but
 however, he does not clearly distinguish be-
 tween the Sibyllæ properly so called, and other wom-
 en who travelled about and made the prophetic art
 a profession, and who seem to have been very
 common in all parts of the ancient world.¹⁵ The
 whose books gained so great an importance
 was, according to Varro,¹⁶ the Erythræan:
 books which she was said to have sold to one
 Tarquinius were carefully concealed from the
 public and only accessible to the *duumvirs*. The
 existence of the Sibyllæ is not as certain as
 the Bacides; but in some legends of a late
 period occur even in the period previous to the
 Peloponnesian war, and it is not improbable that at an
 early period every town in Greece had its prophe-
 sic Bacis or Sibylla.¹⁷ They seem to
 have attained their celebrity down to the time of
 the Romans and Demetrius.¹⁸

Besides these more respectable prophets and
 seers, there were numbers of diviners of the
 lowest order (*χρησμολόγια*), who made it their
 business to explain all sorts of signs, and to tell
 the future. They were, however, more particularly
 distinguished by the lower orders, who are everywhere
 ready to believe what is most marvellous and
 entitled to belief. This class of diviners,
 however, does not seem to have existed until a
 comparatively late period,¹⁹ and to have been looked
 upon by the Greeks themselves, as nuisances
 to the public.

The soothsayers lead us naturally to the mode
 of divination, of which such frequent use was made
 by the ancients in all the affairs of public and pri-
 vate, and which chiefly consisted in the inter-

pretation of numberless signs and phenomena. No
 public undertaking of any consequence was ever
 entered upon by the Greeks and Romans without
 consulting the will of the gods, by observing the
 signs which they sent, especially those in the sacri-
 fices offered for the purpose, and by which they
 were thought to indicate the success or the failure
 of the undertaking. For this kind of divination no
 divine inspiration was thought necessary, but mere-
 ly experience and a certain knowledge acquired by
 routine; and although, in some cases, priests were
 appointed for the purpose of observing and explain-
 ing signs (*vid. ΔΟΥΡ, ΗΑΡΟΥΣΠΕΚ*), yet on any sud-
 den emergency, especially in private affairs, any
 one who met with something extraordinary might
 act as his own interpreter. The principal signs by
 which the gods were thought to declare their will,
 were things connected with the offering of sacri-
 fices, the flight and voice of birds, all kinds of nat-
 ural phenomena, ordinary as well as extraordinary
 and dreams.

The interpretation of signs of the first class (*λεπο-
 μαντεία* or *λεροσκοπία, haruspicium* or *ars haruspicina*)
 was, according to Æschylus,¹ the invention of Pro-
 metheus. It seems to have been most cultivated by
 the Etruscans, among whom it was raised into a
 complete science, and from whom it passed to the
 Romans. Sacrifices were either offered for the
 special purpose of consulting the gods, or in the ordi-
 nary way; but in both cases the signs were ob-
 served, and when they were propitious, the sacri-
 fice was said *καλλερεῖν*. The principal points that
 were generally observed were, 1. The manner in
 which the victim approached to the altar, whether
 uttering a sound or not; the former was considered
 a favourable omen in the sacrifice at the Panio-
 nium.² 2. The nature of the intestines with re-
 spect to their colour and smoothness;³ the liver
 and bile were of particular importance. (*Vid. ΚΑΦΥΡ
 ΕΥΚΟΥΜ*.) 3. The nature of the flame which con-
 sumed the sacrifice;⁴ hence the words *πυρομαντεία,
 ἔμπυρα σήματα, φλογωπία σήματα*. That the smoke
 rising from the altar, the libation, and various other
 things offered to the gods, were likewise considered
 as a means through which the will of the gods might
 be learned, is clear from the names *καπνομαντεία,
 λιβανομαντεία, κριθομαντεία*, and others. Especial
 care was also taken, during a sacrifice, that no inaus-
 picious or frivolous words were uttered by any of the
 by-standers: hence the admonitions of the priests,
εὐφημεῖτε and *εὐφημία*, or *σιγάτε, σιωπάτε, faveat lin-
 guis*, and others; for improper expressions were
 not only thought to pollute and profane the sacred
 act, but to be unlucky omens (*δυσφημία, κληρόνες,
 φῆμαι, φωναί, or ὄψαι*⁵).

The art of interpreting signs of the second class
 was called *οἰωνοσκοπία, augurium* or *auspicium*. It
 was, like the former, common to Greeks and Ro-
 mans, but was never developed into so complete a
 system by the former as by the latter; nor did it
 ever attain the same degree of importance in Greece
 as it did at Rome. (*Vid. AUSPICIUM*.) The Greeks,
 when observing the flight of birds, turned their face
 towards the north, and then a bird appearing to the
 right (east), especially an eagle, a heron, or a fal-
 con, was a favourable sign,⁶ while birds appearing
 to the left (west) were considered as unlucky signs.⁷
 Sometimes the mere appearance of a bird was
 thought sufficient: thus the Athenians always con-
 sidered the appearance of an owl as a lucky sign;
 hence the proverb, *γλαῦξ ἰπταται*, "the owl is out,"

Divinat., i., 43.)—2. (Compare Aristoph., Pax, 1025,
 schol.—Nub., 325, &c., and the schol.—Iycurg., c.
 p. 196.)—3. (x., 12, § 6, compared with iv., 27, § 2.)—
 409.)—5. (V. H., xii., 35.)—6. (Compare Aristoph.,
 3, 998.—Aves, 963.—Clem. Alex., Strom., i., 398.)—7.
 c., 43.)—8. (Herod., vii., 6.)—9. (Paus., x., 12, § 6.)—
 10. (Liv., i., 7.)—11. (V. H., xii., 35.)—12. (V. H.,
 xii., 12.)—13. (Clem. Alex., Strom., i.,
 398.)—14. (x., 12.)—15. (Clem. Alex., Strom., i.,
 398.)—16. (Lactant., i., 6.)—17. (Paus., l. c.)—18. (See
 Hist. of Rome, τ. 503, &c.)—19. (Thucyd., ii., 21,
 p. 88.—Pax 936, 1034, &c.)

1. (Prom. Vinet., 402, &c.)—2. (Strab., viii., p. 384.—Com-
 pare Paus., iv., 32, § 3.)—3. (Æscyl., Rom., 493.—Eurip., Elect.
 833.)—4. (See Valckenaer ad Eurip., Phœn., 1261.)—5. (Pind.,
 Ol., vi., 112.—Il., ii., 41.)—6. (Hom., Il., xiv., 274, xxiv., 310
 —Od., xv., 524.)—7. (Hom., Il., xii., 201, 230.—Festus, s. v
 Sinistræ Aves.)

experience having shown how little reliance was to be placed on these statements. The Dictamnus which grew on Mount Ida, in Crete, was the most highly esteemed. It is to be regretted that Linnæus has given the name of Dictamnus to a kind of plant which has no relation whatever to the one mentioned by Virgil.

DICTATOR. The name and office of dictator are confessedly of Latin origin: thus we read of a dictator at Tusculum in early, at Lanuvium in very late, times.¹ Among the Albans, also, a dictator was sometimes elected, as Mettius Fuffetius on the death of their king Cluilius. Nor was this magistracy confined to single cities; for we learn from a fragment of Cato, that the Tusculan Egerius was dictator over the whole nation of the Latins.²

Among the Romans, a dictator was generally appointed in circumstances of extraordinary danger, whether from foreign enemies or domestic sedition. Instances occur very frequently in the early books of Livy, from whom we also learn that a dictator was sometimes created for the following purposes: 1. For fixing the "clavus annalis" on the temple of Jupiter, in times of pestilence or civil discord. (*Vid. CLAVUS ANNALIS.*) 2. For holding the comitia, or elections, in the absence of the consuls.³ 3. For appointing holidays (*feriarum constituendarum causa*) on the appearance of prodigies,⁴ and officiating at the ludi Romani if the prætor could not attend;⁵ also for holding trials (*questionibus exercendis*), and, on one occasion, for filling up vacancies in the senate.⁷ In this last case there were two dictators, one abroad and another at home; the latter, however, without a magister equitum.

According to the oldest authorities, the dictatorship was instituted at Rome ten years after the expulsion of the Tarquinii, and the first dictator was said to have been T. Lartius, one of the consuls of the year.⁶ Another account states that the consuls of the year in which the first dictator was appointed were of the Tarquinian party, and therefore distrusted.

This tradition naturally suggests the inference that the dictator was on this first occasion appointed to direct and supersede the consuls (*moderator et magister consulibus appositus*), not only with a view to foreign wars, but also for the purpose of summarily punishing any member of the state, whether belonging to the commonalty or the governing burghers, who should be detected in plotting for the restoration of the exiled king.⁹ The powers with which a dictator was invested will show how far his authority was adequate for such an object.

In the first place, he was formerly called *magister populi*, or master of the burghers;¹⁰ and, though created for six months only, his power within the city was as supreme and absolute as that of the consuls without.¹¹ In token of this, the fasces and securæ (the latter, instruments of capital punishment) were carried before him even in the city.¹² Again, no appeal against the dictator was at first allowed either to the commons or the burghers, although the latter had, even under the kings, enjoyed the privilege of appealing from them to the great council of the patricians (*provocare ad populum*); a privilege, moreover, which the Valerian laws had confirmed and secured to them against any magistracy whatever.¹³ This right, however, was subsequently obtained by the members of the houses,¹⁴ and perhaps eventually by the plebeians; an instance of its being used is given by Livy,¹⁵ in the case of M. Fabius, who, when

his son was persecuted by the dictator L. Papirius, appealed on his behalf to the "populus," the patricians of the curies. Still, even in this case the populus had recourse to entreaties rather than authority.

Moreover, no one was eligible to the dictatorship unless he had previously been consul or prætor, for such was the old name of the consul.² Afterward, when the powers of the old prætors had been divided between the two consuls who went to their provinces abroad, and the prætorians who administered justice at home, prætorians as well as consuls were qualified for the office. The first plebeian dictator was C. Martius Rutilus, nominated (*dictus*) by the plebeian consul M. Popillius Lænas, B.C. 356.³

With respect to the electors and the mode of election, we are told³ that on the first institution of the office, the dictator was created by the populus or burghers (*M. Valerius qui primus magister a populo creatus est*), just as it had been the custom for the kings to be elected by the patricians. Dionysius⁴ tells us that the people merely ratified (*επιεπιποιεον*) the choice of the senate. But the common practice, even in very early times, was for the senate to select an individual, who was nominated in the dead of the night by one of the consuls, and then received the *imperium*, or sovereign authority, from the assembly of the curies.⁵ This ratification was in early times indispensable to the validity of the election, just as it had been necessary for the kings, even after their election by the curies, to apply to them for investiture with the *imperium* (*legem curiam de imperio ferre*).⁶

The possession of the right of conferring the *imperium* may, as Niebuhr suggests, have led the patricians to dispense with voting on the preliminary nomination of the senate, although it is not impossible that the right of ratification has been confounded with the power of appointment. In later times, however, and after the passing of the Mænian law, the conferring of the *imperium* was a mere form. Thenceforward it was only necessary that the consul should consent to proclaim the person nominated by the senate.⁷

In the statement we have just made with respect to the nominations by the senate, we have been guided chiefly by the authority of Livy; but we must not omit to mention that, according to Dionysius, the senate only resolved on the appointment of a dictator, and left the choice to be made by one of the consuls. Some instances mentioned in Livy certainly confirm this opinion; but they are generally, though not always, cases in which a dictator was appointed for some single and unimportant purpose;⁸ nor is it likely that the disposal of kingly power would have been intrusted, as a matter of course, to the discretion of an individual. On one of these occasions we read that the consuls in office refused for some time to declare a dictator, though required by the senate to do so, till they were compelled by one of the tribunes.⁹ There were, in fact, religious scruples against the nomination being made by any other authority than the consuls;¹⁰ and to such an extent were they carried, that after the battle at the Trasimene lake, the only surviving consul being from home, the people elected a dictator, and so met the emergency. We may observe that Livy states, with reference to this case, that the people could not create a dictator, having never up to that time exercised such a power (*quod*

1. (Cic., Pro Mil., 10.)—2. (Niebuhr, i., p. 589.)—3. (Livy, viii., 23; ix., 7.)—4. (Id., vii., 28.)—5. (Id., viii., 40; ix., 34.)—6. (Id., ix., 26.)—7. (Id., xxiii., 23.)—8. (Livy, ii., 18.)—9. (Arnold, i., p. 144.)—10. (Varro, De Ling. Lat., v., 82.)—11. (Livy, viii., 32.)—12. (Id., ii., 18.)—13. (Livy, ii., 8—Cic., De Rep., ii., 21.)—14. (Fest., Opt. Lex 1—15. (viii., 33.)

1. (Livy, ii., 18.)—2. (Livy, vii., 17.—Arnold, ii., p. 84.)—3. (Fest., Opt. Lex.)—4. (v., 70.)—5. (Livy, ix., 28.)—6. (Cam., De Repub., ii., 13, 17.)—7. (Niebuhr, i., p. 509.)—8. (Livy, viii., 23 ix., 7.—Dionys., x., 23.)—9. (Livy, iv., 26.)—10. (Livy, iv., 31 xvii., c. 5.)

it was otherwise returnable. After the divorce, either party might marry again.

the *lex Papia Poppæa*, a freedwoman who had had her patronus could not divorce herself; appears to have been another class of persons subjected to this incapacity.

responding to the forms of marriage by *confatio* and *coemptio*, there were the forms of *diffarreatio* and *remancipatio*. According to Festus,¹ *diffarreatio* was a kind of religious ceremony, so called, "quia fiebat farreo libo adhibito," which a marriage was dissolved; and Plutarch² is supposed to allude to this ceremony in the case of a divorce between the *flamines* and his wife.

It is said that originally marriages *confarreatio* were indissoluble, and in a later time was the case with the marriage of the *flamines*,³ who was married by *confarreatio*. In a case referred to by Plutarch, the emperor Augustus annulled the divorce. A marriage by *coemptio* was dissolved by *remancipatio*.⁴ In course of time less ceremony was used, but still some distinct notice of intention was necessary to constitute a divorce: the simple fact of either party contracting another marriage was not a legal divorce. The ceremony of breaking the *nuptiales tabulae*,⁵ or turning the keys of the house from the woman turning her out of doors, were probably considered to be acts of themselves significant enough, and it may be presumed that they were general, accompanied with declarations that could not be understood. The general practice was apparently to deliver a written notice, and perhaps to assign a reason. In the case of Paula Valeria, mentioned by Cicero, no reason was assigned. By the *lex Julia de Adulteriis*, it was provided that there should be seven witnesses to a divorce, Roman citizens of full age (*puberes*), and a freedman of the wife who made the divorce.

Under the Christian emperors divorce was punished in various ways, but still the power of divorce remained, as before, subject to the observance of certain forms. Theodosius and Valentinian, and subsequently Justinian, made various laws by which punishment was imposed, not only on the party who gave good cause for the divorce, but on both parties when they dissolved the marriage by agreement without good legal cause. The penalties in such cases varied with the circumstances; they were both pecuniary and personal.

The term *repudium*, it is said, properly applies to a marriage only contracted (*vid. Sponsalia*), and distinct from an actual marriage;⁷ but sometimes *dimissio* and *repudium* appear to be used indifferently. The phrases to express a divorce are *nuncium dimittere*, *divortium facere*; and the form of words to be used is as follows: "*Tuas res tibi habeto, tuas mihi agito.*"⁸ The phrase used to express the annulment of a marriage contract were *renunciatio repudium*, *repudium remittere*, *dicere*, and *reverti*; and the form of words might be, "*Conditua non utor.*"⁹

For the subject of Greek divorce, see ΑΠΟΔΕΙΞΗ ΔΙΚΗ, and MARRIAGE, GREEK.

DOXANA (Δόκανα, τὰ: from *δοκός*, a beam) was an ancient symbolical representation of the Dioscuri (Castor and Polydeuces) at Sparta. It consisted of two upright beams, with others laid across transversely.¹⁰ This rude symbol of fraternal affection evidently points to a very remote age, in which scarcely any attempts in sculpture can have

been made. At a later time, when works of art were introduced into all the spheres of ordinary life, this rude and ancient object of worship, like many others of its kind, was not superseded by a more appropriate symbol. The Dioscuri were worshipped as gods of war, and we know that their images accompanied the Spartan kings whenever they took the field against the enemy. But when, in the year 504 B.C., the two kings, during their invasion of Attica, failed in their undertaking on account of their secret enmity towards each other, it was decreed at Sparta that in future only one king should command the army, and, in consequence, should only be accompanied by one of the images of the Dioscuri.¹ It is not improbable that these images, accompanying the kings into the field, were the ancient *δόκανα*, which were now disjointed, so that one half of the symbol remained at Sparta, while the other was taken into the field by one of the kings. Suidas and the *Etymologicum Magnum*² state that *δόκανα* was the name of the graves of the Dioscuri at Sparta, and derived from the verb *δέχομαι*.³

DOCIMASIA (δοκιμασία). When any citizen of Athens was either appointed by lot or chosen by suffrage (*κληρωτὸς καὶ αἰρετὸς*) to hold a public office, he was obliged, before entering on its duties, to submit to a *δοκιμασία*, or scrutiny into his previous life and conduct, in which any person could object to him as unfit. This was the case with the archons, the senators, the strategoi, and other magistrates. The examination, or anacrisis, for the archonship was conducted by the senators, or in the courts of the *hehæa*.⁴ The *δοκιμασία*, however, was not confined to persons appointed to public offices; for we read of the denouncement of a scrutiny (*ἐπαγγελία δοκιμασίας*) against orators who spoke in the assembly while leading profligate lives, or after having committed flagitious crimes. This denouncement might be made in public by any one *πρὸς δοκιμασίαν τοῦ βίου*, i. e., to compel the party complained of to appear before a court of justice, and give an account of his life and conduct. If found guilty, he was punished with *ἀτιμία*, and prohibited from the assemblies.⁵

We will now explain the phrase *ἄνδρα εἶναι δοκιμασθῆναι*. At the age of eighteen every Athenian became an *ephebus*, and after two years was enrolled among the men, so that he could be present and vote at the assemblies.⁶ In the case of wards who were heirs to property, this enrolment might take place before the expiration of the two years, on it's being established by a *δοκιμασία* that the youth was physically qualified to discharge any duties the state might impose upon him. If so, he was released from guardianship, and "became a man" (*ἄνθρωπος ἐγένετο ἢ ἐδοκιμάσθη*), being thereby empowered to enter upon his inheritance, and enjoy other privileges, just as if he were of the full age of twenty.⁷ We may add that the statements of the grammarians and orators are at variance on this point; but the explanation we have given seems the best way of reconciling them, and it agrees in substance with the supposition of Schömann, "that among the Athenians no one period was appointed for enrolment, provided that it was not done before the attainment of the 18th, nor after the completion of the 20th year."⁸

DODRANS. (*Vid. As*, p. 110.)

DOGMATICI (δογματικοί), the oldest of the medical sects of antiquity, must not be confounded with

1. (Herod., v., 75.)—2. (s. v.)—3. (Müller, Dorians, i., 5, § 12, note m; ii., 10, § 8.—Zœga, De Obeliscis, p. 228.)—4. (Wachsmuth, i., pt. 1, p. 262.)—5. (Schömann, p. 240.—Æsch., Timar., p. 5.)—6. (Pollux, Onom., viii., 105.—Schömann, 76.)—7. (Harpoer., s. v. 'Ἐπιτελεῖς ἡθῶνα.—Demosth., c. Aphon., 857, c. Onet., 865; c. Steph., 1135.)

the philosophers mentioned by Diogenes Laërtius.¹ They derived their name from *dóγμα*, a philosophical tenet or opinion, because they professed to follow the opinions of Hippocrates, whence they were sometimes called *Hippocratici*. Thessalus, the son, and Polybus, the son-in-law of Hippocrates, were the founders of this sect, about B.C. 400, which enjoyed a great reputation, and held undisputed sway over the whole medical profession, till the establishment of the Alexandrian school of philosophy called *Empirici*. (Vid. *EMPIRICI*.) After the rise of this sect, for some centuries every physician ranged himself under one or other of the two parties. The different arguments brought forward on each side are stated with such clearness and elegance by Celsus,² that the passage relating to the *Dogmatici* is here given at full length, and the objections of the other party in the article *EMPIRICI*.

The *Dogmatici* held that it was necessary to be acquainted with the *hidden causes* of diseases, as well as the *more evident ones*; and to know how the *natural actions and different functions* of the human body take place, which necessarily supposes a knowledge of the *interior parts*. They gave the name of *hidden causes* to those which concern the elements or principles of which our bodies are composed, and the occasion of good or ill health. It is impossible, said they, for a person to know how to set about curing an illness unless he knows what it comes from; since there is no doubt that he must treat it in one way, if diseases in general proceed from the excess or deficiency of one of the four elements, as some philosophers have supposed; in another way, if all the malady lies in the humours of the body, as Herophilus thought; in another, if it is to be attributed to the respiration, according to the idea of Hippocrates (alluding, probably, to the work *Περὶ Φυσῶν*, *De Flatibus*, which is generally considered to be spurious); in another, if the blood excites inflammation by passing from the veins which are meant to contain it into the vessels that ought only to contain air, and if this inflammation produces the extraordinary movement of the blood that is remarked in fever, according to the opinion of Erasistratus; and in another, if it is by means of corpuscles which stop in the invisible passages and block up the way, as Asclepiades affirms to be the case. If this be granted, it must necessarily appear that, of all physicians, he will succeed the best in the cure of diseases who understands best their first origin and cause. The *Dogmatici* did not deny the necessity of experiments also; but they said that these experiments could not be made, and never had been made, but by reasoning. They added, that it is probable that the first men, or those who first applied themselves to medicine, did not recommend to their patients the first thing that came into their thoughts, but that they deliberated about it, and that experiment and use then let them know if they had reasoned justly or conjectured happily. It mattered little, said they, that people declared that the greater number of remedies had been the subject of experiment from the first, provided they confessed that these experiments were the results of the reasoning of those who tried the remedies. They went on to say, that we often see new sorts of diseases break out, for which neither experiment nor custom has yet found out any cure; and that, therefore, it is necessary to observe whence they came and how they first commenced, for otherwise no one can tell why, in such an emergency, he makes use of one remedy rather than another. Such according to the *Dogmatici*, are the reasons why a physician

1. (*De Vit. Philos.*, præf., 11.)—2. (*De Medic.*, præf. in lib. i.)

ought to try and discover the *hidden causes* of diseases. As for the *evident causes*, which are such as can easily be discovered by anybody, and where one has only to know if the illness proceeds from heat or from cold, from having eaten too little or too much, and the like, they said it was necessary to inform one's self of all that, and make on it the suitable reflections; but they did not think that one ought to stop there without going any farther. They said again, with regard to the *natural actions*, that it was necessary to know wherefore and in what manner we receive the air into our lungs, and why we afterward expire it; why food is taken into the body, how it is there prepared, and then distributed through every part of it; why the arteries are subject to pulsation; what is the cause of sleep, wakefulness, &c.: and they maintained that a man could not cure the diseases relating to these several functions unless he were able to explain all these phenomena. To give an example taken from the process of digestion: The food, said these physicians, is either ground in the stomach, as Erasistratus thought; or it purifies, according to the notion of Plistonicus, a disciple of Praxagoras; or it is concocted by a peculiar heat, as was the opinion of Hippocrates; or else, if we are to believe Asclepiades, all these opinions are equally erroneous, and nothing is concocted, but the alimentary matter is distributed throughout the body in the same crude state in which it was taken into the mouth. However much they differ on this point, they all agree that the sort of nourishment proper for a sick person will vary according as one or other of these opinions be supposed to be the true one. For if the food is ground to pieces, we must choose that kind which is most easily ground; if it putrefies, we must give what putrefies most quickly; if it is concocted by heat, we must prefer such as is most apt to excite heat; but if it is not concocted, we need not select any of the above-mentioned kinds of food, but rather such as will remain as it is eaten and change the least. And in the same way they argued that, when the breathing is affected, or there is too great sleepiness or wakefulness, if a physician understands thoroughly the nature of these phenomena, he will be able to cure the diseases connected with them. Lastly, they maintained that, as the principal pains and diseases proceed from the *internal parts*, it is impossible for a person to administer any remedy unless he is acquainted with these parts. They therefore contended that it was necessary to open dead bodies and examine the different viscera; but that it was much the best way to do as Herophilus and Erasistratus, who used to dissect alive the criminals condemned to death, that were put into their hands, and who were thus enabled to behold during life those parts which nature had concealed, and to contemplate their situation, colour, figure, size, order, hardness or softness, roughness or smoothness, &c. They added, that it is not possible, when a person has any internal illness, to know what is the cause of it, unless one is exactly acquainted with the situation of all the viscera, nor can one heal any part without understanding its nature; that, when the intestines protrude through a wound, a person who does not know what is their colour when in a healthy state cannot distinguish the sound from the diseased parts, nor therefore apply proper remedies, while on the contrary, he who is acquainted with the natural state of the diseased parts will undertake the cure with confidence and certainty; and that, in short, it is not to be called an act of cruelty, as some persons suppose it, to seek for the remedies of an immense number of *innocent* persons in the sufferings of a few *criminals*.

were their opinions, and the arguments by which they supported them. Additional information on the subject may be found in various parts of the works.¹

DOLABRA, *dim.* DOLABELLA (σμίλη, *dim.* σμιλις), a celt.

The purpose of planing and polishing wood, and its use either the adze, which was impelled in the direction exhibited in the woodcut at page ASCIA, or the chisel, which was forced in the same direction, i. e., from the body of the tool, as shown in the woodcut at page 62. The use of these tools in ship-building is described by the merchant as trusting his work to a dolato. Statues also were made by the use of the chisel. "E robore dolatus,"² dolamine effigiatus.³

The chisel used by stone-masons is represented in the woodcut of the monument, which is the subject of the article CIRCIVS (p. 252). The stone adapted to be cut and smoothed by the dolabra, was called "lapis dolabilis." A Greek inscription on a marble tomb, read by the strokes of the chisel (λαοτόποις κολαμμένοις⁴), and such letters are called κολαμματα.⁵

They were also much employed in the operations of viticulture and agriculture. A small sharp one was used to cut out the dead wood from the vine; an instrument of the same form, but of course, much more blunt and rough, and by the same name (dolabella), was used to stir up the ground about its roots.⁷ This was likewise used to refresh the soil in rose-beds. The same term (dolabra) is applied to a small spade, which the ploughman carried with him to destroy weeds. Hence the ancient writers translate dolabra "a tool for digging" and Columella⁹ says, with a view to this, Nec minus dolabra, quam vomere, bubultra.

It has been in a form very similar that was used by the Greek and Roman armies in the construction of intrenchments and in destroying fortifications. When they made a breach in the wall of a city, the expression is "Dolabris perfringere murum." In what manner the instrument was applied may be inferred from the statement of Livy,¹¹ that on certain occasions soldiers were sent "with a dolabra to destroy a wall from its foundation," and the execution of this task was easy, because the stones of which the wall was built were laid in mortar, and not in cement. It is clear that the use of the chisels in this instance was to insert them between the stones, so as to remove the clay, and thus, to loosen and destroy the wall.¹² The dolabra is about in our public museums and in the cabinets of the curious, being known under the name of "celts" to antiquaries, who generally use the word without understanding its true sense.¹³ "Celts" is an old Latin name for a chisel, probably derived from *celo*, to cut.

Thus the phrase "*celte sculpanter in ligno*" occurs in the Vulgate version of Job,¹⁴ and "*celte literatus silex*" in an inscription from Pola.¹⁵ These articles are for the most part of bronze, more rarely of hard stone. They are found, as we might expect from the ac-

count of their use given by Curtius, Livy, and Tacitus, in ancient earth-works and encampments, and in various instances a great number, even more than a hundred, have been discovered together. The sizes and forms which they present are as various as the uses to which they were applied. The annexed woodcut is designed to show a few of the most remarkable varieties. Fig. 1 is from a celt found, with several others, and with a number of Roman coins, at Karnbré in Cornwall.¹ Its length was six inches without the haft, which was no doubt of wood, and fixed directly into the socket at the top. It must have been a very effective implement for removing the stones in the wall of a city or fortification, after they had been first shattered and loosened in some degree by the battering-ram. The ear or loop which is seen in this and many other celts, would be useful to suspend them from the soldier's girdle, and may also have had a cord or chain attached to it to assist in drawing back the celt when ever it became too firmly wedged between the stones of the wall which it was intended to destroy.

Figs. 2 and 3 are from Sir W. Hamilton's collection in the British Museum. These chisels seem best adapted for the use of the carpenter. The celt (fig. 4) which was found in Furness, co. Lancaster,² instead of being shaped to receive, or to be inserted into a handle like the three preceding, is made thick, smooth, and round in the middle, so as to be conveniently manipulated without a handle. It is nine inches long, and weighs 2 lb. 5 oz. Its sharp edge is like that of a common hatchet, and may have been used for polishing timber.



On the other hand, figs. 5, 6, 7 exactly resemble the knife now used by leather-cutters, and therefore illustrate the account given by Julius Pollux, who reckons this same tool, the σμίλη, among the εργαλεία τοῦ σκευτοῦ. This instrument was also used for cutting paper, and probably in the same manner (σμίλη χαρτοτόμος, sicula³).

The following woodcut shows a small bronze



celt fixed into a handle of stag's horn, and there-

¹ De Differ. Polk., iv., 3, p. 721, ed. Kühn.—De Meth., 3, p. 159, 182, 184.—De Compos. Medicam. per p. 463.—Introd., cap. ii., p. 677.—2. (xix., 57.)—3. (iv., 31.)—4. (Apul., Florid. ad init.)—5. (Brunck, l.)—6. (Ibid., iii., 497.)—7. (Colum., De Re Rust., De Astor., 10.)—8. (Pallad., iii., 21.)—9. (De Re Rust., Curt., ix., 5.)—10. (xvi., 11.)—11. (Compare Tacit., Hist., iii., 20.)—12. (See Jamieson's Etym. v. 14.)—13. (xix., 24.)—14. (Gruter, p. 329.)

1. (Borlase, Ant. of Cornwall, iii., 13.)—2. (Archæologia, v., p. 106.)—3. (Philox., Gloss.)

fore exemplifies one of the modes of attaching the metal to its haft. It was evidently adapted for very fine work, and is strongly contrasted with the above-figured celt from Cornwall. It was found in an ancient tomb in Wiltshire.¹ The two other figures in this woodcut represent the knife used in sacrifices, as it is often exhibited on cameos and bas-reliefs, being the "scena," "sacena," or "dolabra pontificalis" mentioned by Festus;² and the "securis dolabrata," or hatchet furnished with a chisel,³ as sculptured on a funeral monument.

DOLICHUS (δόλιχος). (Vid. STADIUM.)

DOLIUM, a cylindrical vessel, somewhat resembling our tubs or casks, into which new wine was put to let it ferment. It was at first made of earth. In the time of Pliny, wood does not appear to have been used for this purpose either in Greece or Rome. At a later period *dolia* were made of wood, held together with hoops. Palladius⁴ speaks of *dolia* containing two hundred *congi*: it is incredible that such large vessels were made of earth. The shape preferred for *dolia* was long, and of a small diameter. Immediately after they were made they were covered with pitch, and subjected to a farther preparation, after which they were filled with wine, but not quite to the brim, and placed in a chamber (*cella vinaria*), which was at least high enough above the earth to have windows. Here the *dolia* either stood on the ground or were let into it (*demersa, depressa, or defossa*). Wine which would not keep long was drunk from the *dolia*; that which improved by keeping was transferred from them to *amphora*. The *cupa* and *seria* were vessels like the *dolia*, and used for the same purpose.⁵

DE DOLO MALO ACTIO. (Vid. CULPA.)

DOLUS MALUS. (Vid. CULPA.)

DOMINIUM. Dominium signifies quiritarian ownership, or property in a thing; and dominus, or dominus legitimus, is the owner. Possessor is often used by Roman writers as equivalent to owner; but this is not a correct use of the word. In like manner, "to have ownership" is sometimes expressed by "possidere," and the thing in which there is property is sometimes called "possessio."⁶

The complete notion of property or ownership comprehends the determination of the things which may be the objects of ownership; the power which a man may have over such subjects, both as to duration of time and extent of enjoyment; the modes in which ownership may be acquired and lost; the persons who are capable of acquiring, transferring, or losing ownership.

Res is the general name for anything. The chief division of res is into res divini juris and res humani juris. Res divini juris are those which are appropriated to religious purposes, namely, res sacrae, sanctae, religiosae; and, so long as they have this character, they cannot be objects of property. Res humani juris are all other things that can be the objects of property, and they are either res publicae or res privatae. Res publicae belong to the corporation of the state, and can only become private property by being deprived of this public character. (Vid. AGRARIÆ LEGES.) Res universitatis are the property of a corporate body, which are not the property of any individual of the corporation. The phrase res nullius is ambiguous; it sometimes means that the thing cannot be the property of any individual, which is affirmed of things divini juris; when applied to things humani juris, it sometimes means that they are not the property of an individual, but of a body; yet such things may become the

property of an individual; res hereditariae are res nullius until there is a heres. Res communes are those which cannot be the objects of property, and therefore are res nullius, as the sea.

Res corporales are defined to be those "quæ tangi possunt;" incorporeales are those "quæ tangi non possunt, sed in jure consistunt," as HEREDITAS, USUFRUCTUS, OBLIGATIONES; and they are consequently incapable of tradition or delivery.

Corporeal things are divided into immobiles, or solum et res soli, and mobiles. The class of things "quæ pondere, numero, mensura constant," are such things as wine, oil, corn, silver, gold, which are of such a nature that any the same number, weight, or measure may be considered the same thing. (Vid. MUTUUM.) There is another class of res, consisting of those "quæ usu consumuntur, minuuntur," and those "quæ non," which may or may not be the same as things "quæ numero." &c.

A thing may either be a unity, singula res, or a many, consisting of several things of the same kind, singulae res, or it may be a thing compounded of many various things, universitas, by which is understood a whole property, all that a person has, without respect to its component parts, and with all the rights and obligations attached to it.

The division of things into res mancipi and res nec mancipi was one of ancient origin; and it continued to a late period in the Empire to be an important distinction. Res mancipi are not farther known than by an enumeration of them, which is perhaps imperfect:¹ they are prædia in Italico solo, both rustic and urban; also jura rusticorum prædiorum or servitutes, as via, iter, aqueductus; also slaves, and four-footed animals, as oxen, horses, &c., quæ collo dorsove domantur. Other things were nec mancipi.

All the things have been enumerated which are the subject of dominium, and some which are not. Every dominus has a right to the possession of the thing of which he is dominus; but possession alone, which is a bare fact without any legal character, neither makes a man dominus, nor does the want of possession deprive him of dominium. Possession has the same relation to a legal right to a thing, as the physical power to operate upon it has to the legal power; and, accordingly, the doctrine of possession precedes that of ownership. Things cannot be the objects of possessio civilis which cannot be the objects of dominium.

The class of things called jura in re are not properly subjects of ownership (dominium), though a claim to them is prosecuted by an actio in rem: they are servitutes, emphyteusis, superficies, and pignus and hypotheca.

Dominium properly signifies the right of dealing with a corporeal thing as a person (dominus) pleases; this, of course, implies the right to exclude all others from meddling with it. The dominus has the right to possess, and is distinguished in that respect from the bare possessor, who has only the right of possession. The term dominium is sometimes (improperly) extended to jura in re; and sometimes he who takes as heres is called dominus hereditatis. Jura, or jura in re, are, however, detached parts of property, which are opposed to dominium, as the totality of all the rights of property. Even the usufructuarius is never considered as owner, and proprietas is the name for that which remains after the usufructus is deducted from the ownership. Ownership may be either absolute, that is, as complete as the law allows any ownership to be, or it may be limited. The distinction between bare ownership and ownership united with the beneficial interest, is explained in another place. (Vid.

1. (Sir R. C. Hoare's Anc. Wilts. South, p. 182, 203.)—2. (s. v. Scena.)—3. (Pallad., De Re Rust., i., 43.)—4. (x., 11.)—5. (Becker, Gallus, ii., 166, &c.)—6. (See Savigny's remarks on the subject, "Das Recht der Besitze," p. 85.)

1. (Ulp., Frag., xix.)

BONA.) A person who has no ownership of a thing may have rights in or to a thing (*jura in re*), which, as far as they extend, limit the owner's power over his property. Ownership, being in its nature single, can only be conceived as belonging to one person; consequently, there cannot be several owners of one thing, but several persons may own undivided shares or parts of a thing.

In order to acquire ownership, a person must have a legal capacity to acquire; and ownership may be acquired by such a person, or by another or him. There must also be a thing which can be the object of such ownership, and there must be a legal mode of acquisition (*acquisitio civilis*). Ownership may be acquired in single things (*acquisitio rerum singularium*), or it may be acquired in a number of things of different kinds at once (*acquisitio per universitatem*), in which case a person acquires them not as individual things, but as parts of a whole. The latter kind of acquisition is either successio inter vivos, as in the case where a man adrogates another, and so becomes the owner of all the adrogated person's property;¹ or it is successio mortis causa, as in the case of a testamentary heres, or a heres ab intestato.

Acquisitiones per universitatem are properly discussed under other heads (*vid. ADOPTIO, HERES, UNIVERSITAS*). The following remarks apply to acquisitions rerum singularium. Acquisitions were either civiles (*ex jure civili*), or naturales (*ex jure gentium*), that is, there was no formality prescribed for the mode of acquisition: in both cases dominium could be acquired. The civiles acquisitiones of single things were by mancipatio, in jure cessio, and usucapio; those naturali jure were by traditio or delivery. In the case of res mancipi, the only modes of acquiring dominium were mancipatio, in jure cessio, and usucapio; but usucapio applied also to things nec mancipi. The alienation of things nec mancipi was the peculiar effect of traditio, or the delivery,² and if there was a *justa causa*, dominium was thus acquired; for traditio, in the case of a thing mancipi, merely made it *in bonis*, and the ownership continued unchanged. The notion that, in the case of res nec mancipi, bare traditio did not confer quiritarian ownership or dominium, is erroneous; for when the Roman law did not require peculiar forms, the transfer of ownership was effected in what may be called the natural way, that is, the simplest and most easy way in which the parties to the act could show their meaning and carry it into effect.

A man who was dominus of a thing, whether acquired jure civili or naturali, prosecuted his right to it in the same way, by the rei vindicatio. He could not, of course, prosecute such a right unless he was out of possession, and, in order to succeed, he had to prove his ownership. If he had a thing in bonis, and was in possession, he acquired the ownership by usucapio: if he was out of possession, it seems not an improbable conjecture of Unterholzner,³ that he was aided in his action, after the time when the legis actiones fell into disuse and the formula was introduced (for as to a previous time it is difficult to form any conjecture), by the fiction of his having received the property mancipatione. There are examples of a similar fiction in the case of the bonorum possessor and the bonorum emptor.⁴ An heir could only dispose of a legacy by his will (*indicationem*)⁵ when he had the dominium of it; otherwise he could only give it per damnationem or sinendi modo. A slave who was the property of his master (*dominus*) might attain the Ro-

man civitas by the act of manumission: if he was only in bonis of the person who manumitted him, he became only a Latinus by the act of manumission. The difference between quiritarian ownership and *in bonis* was destroyed by the legislation of Justinian, who declared in bonis to be complete ownership.

Some modern writers enumerate, in addition to the civiles acquisitiones here enumerated, *addictio, emptio sub corona, sectio bonorum, adjudicatio*, and *lex*, by which last they understand those circumstances under which some special enactment gives property to a person, and *caducum* (*vid. CADUCUM*) is mentioned as an instance.

A *bonæ fidei possessio* was not ownership (*dominium*), nor was it the same as *in bonis*. The two things are distinguished by Ulpian.¹ A *bonæ fidei* possessor had a capacity for acquiring by usucapio the ownership of the thing possessed. He had a kind of action, *actio publiciana in rem*, by which, if he lost the possession before he had acquired the ownership by usucapio, he could recover it against all but the owner, in which latter respect he differed from him who had a thing in bonis, for his claim was good against the person who had the bare ownership.

As to *fundi provinciales*, it was an old principle of Roman law that there could be no dominium in them, that is, no quiritarian ownership (*vid. AGRARIÆ LEGES*); nor were they said to be in bonis; but the occupier had *possessio* and *usufructus*. In fact, the terms dominium and *in bonis* were not applicable to provincial lands, nor were the fictions that were applicable to things in bonis applicable to provincial lands; but it is an ingenious conjecture of Unterholzner, that the formula *actio in rem* was adapted to the case of provincial lands by a fiction of their being Italic lands, combined with a fiction of their being acquired by usucapio. In the case of the *ager publicus* in Italy, the dominium was in the Roman people, and the terms *possessio* and *possessor* were appropriate to the enjoyment and the person by whom the land was enjoyed. Still the property in provincial land was like the property in bonis in Rome and Italy, and it consequently became dominium after the distinction between quiritarian and bonitarian ownership was destroyed.

Ownership was also acquired in the case of *occupatio, accessio, &c.* (*vid. ACCESSIO, ALLUVIO, CONFUSIO.*)

A man who had a legal capacity could acquire property either himself or by those who were "in potestate, manu, mancipiove." He could even acquire thus per universitatem, as in the case of an hereditas; and also he could thus acquire a legacy. If a slave was a man's in bonis, everything that the slave acquired belonged to the owner in bonis, and not to him who had the bare quiritarian ownership. If a man was the "bona fide possessor" of another person, whether that person happened to be a freeman supposed to be and possessed as a slave, or was the property of another, the possessor only acquired the ownership of that which the person so possessed acquired "ex re possidentis" and ex "operis suis." The same rule applied to a slave in which a man had only the usufructus; and the rule was consistent with the rule just laid down, for usufructus was not property. Sons who were in the power of a father, and slaves, of course, could not acquire property for themselves. (*vid. PECULIUM.*)

Ownership was lost either with the consent of the owner or against it. With the consent when he transferred it to another, which was the general

¹ *Ulpian, in., 21.*—2. (*Ulp., Frag., xix., 8.*)—3. (*Rhein. Mus., xix., 129.*)—4. (*Gaius, iv., 7.*)—5. (*Ulp., Frag., xxiv., 7.*)

1. (*Frag., xix., 20, 21.*)

mode of acquiring and losing property; without the consent when the thing perished, when it became the property of another by accession or usucapion, when it was judicially declared to be the property of another, or forfeited by being pledged. Ownership was not lost by death, for the heres was considered to be the same person as the defunct.

As certain persons had not a capacity to acquire, so some persons had not a liability to lose when others had. Thus the property of a pupillus who was in tutela legitima did not become the property of another by usucapion; a fundamental principle of law, which Cicero, with good reason, was surprised that his friend Atticus did not know.¹

Ownership might be lost by the maxima capitis diminutio; when it was the consequence of a conviction for a capital crime, the property was forfeited to the state. (Vid. SECTIO BONORUM.) The media capitis diminutio only affected an incapacity for quiritarian ownership: the person could still retain or acquire property by the jus gentium; still, if the media capitis diminutio was the consequence of conviction for a capital crime, it had the same consequences as the maxima.²

DOMINUS. (Vid. DOMINIUM.)

DOMITIA LEX. (Vid. PONTIFEX.)

DOMUS. (Vid. HOUSE.)

DONARIA (ἀναθήματα or ἀνακείμενα) are names by which the ancients designated presents made to the gods, either by individuals or communities. Sometimes they are also called *dana* or *dōra*. The belief that the gods were pleased with costly presents, was as natural to the ancients as the belief that they could be influenced in their conduct towards men by the offering of sacrifices; and, indeed, both sprang from the same feeling. Presents were mostly given as tokens of gratitude for some favour which a god had bestowed on man; but some are also mentioned which were intended to induce the deity to grant some especial favour. At Athens, every one of the six thesmothetæ, or, according to Plato,³ all the nine archons, on entering upon their office, had to take an oath, that if they violated any of the laws, they would dedicate in the temple of Delphi a gilt statue of the size of the man who dedicated it (ἀνδριάντα χρυσῶν ἰσομέτρον⁴). In this last case the anathema was a kind of punishment, in which the statue was regarded as a substitute for the person forfeited to the gods. Almost all presents of this kind were dedicated in temples, to which, in some places, an especial building was added, in which these treasures were preserved. Such buildings were called *θησαυροί* (treasuries); and in the most frequented temples of Greece, many states had their separate treasuries.⁵ The act of dedication was called *ἀνατίθεσθαι*, *donare*, *dedicare*, or *sacrare*.

The custom of making donations to the gods is found among the ancients from the earliest times of which we have any record, down to the introduction of Christianity; and even after that period, it was, with some modifications, observed by the Christians during the Middle Ages. In the heroic ages of Grecian history the anathemata were of a simple description, and consisted of chaplets and garlands of flowers. A very common donation to the gods seems to have been that of locks of hair (κόμης ἀπαρχαί), which youths and maidens, especially young brides, cut off from their heads and

consecrated to some deity.¹ This custom however lasted till a very late period: the maid Delos dedicated their hair before their wedding; Heceage,² and those of Megara to Iphinosanias³ saw the statue of Hygieia at Titidered all over with locks of hair, which had been dedicated by women. Costly garments were likewise mentioned among the earliest anathemata made to the gods, especially to Athena and Artemis. At Athens, the sacred πέπλος of Athena, and the great adventures of ancient heroes were woven by maidens every fifth year, at the festival of the great Panathenæa. (Vid. ANATHEMATA.)⁴ A similar peplus was woven every year at Olympia by sixteen women, and dedicated to Hera.⁵

At the time when the fine arts flourished in Greece, the anathemata were generally works of art of exquisite workmanship, such as high relief-bearing vases, craters, cups, candelabras, statues, and various other things. The materials of which they were made differed at different times; some were of bronze, others of silver or gold. The number of them is to us almost inconceivable. The treasures of the temples of Delphi and Olympia in particular, surpass all conception. Even at Athens, at a period when numberless works of art were perished in the various ravages and plunders which Greece had been exposed, saw and did not see an astonishing number of anathemata. Many of art are still extant, bearing evidence, by inscriptions, that they were dedicated to the gods as tokens of gratitude. Every one knows of the magnificent presents which Cræsus made to the gods at Delphi.⁶ It was an almost invariable custom of the happy issue of a war, to dedicate to the gods of the spoil (ἀκρόθινιον, ἀκρόλειον, or πρώτον μέρος) of the gods, generally in the form of some work of art.⁷ Sometimes magnificent specimens of armour, such as a fine sword, helmet, or shield, were set apart as anathemata for the gods.⁸ The Athenians always dedicated to Athena the tenth part of the spoil and of confiscated goods; and to other gods collectively, the fiftieth part.⁹ A sea-fight, a ship, placed upon some eminence, was sometimes dedicated to Neptune.¹⁰ It is not only trophies, which were always erected in the field of battle, as well as the statues of the gods in Olympia and other places, were originally dedicated as tokens of gratitude to the god who was supposed to be the cause of the success which the victorious party had gained. We also find, on some occasions, the tenth part of the profit of a commercial undertaking was dedicated to the gods in the shape of a work of art. Respecting the anathemata and beautiful crater dedicated by the Spartan king to Hera, see the article CRATER.

Individuals who had escaped from some calamity were no less anxious to show their gratitude to the gods by anathemata than communities. Instances which occur most frequently are those of persons who had recovered from an illness, or who had been cured of a disease, especially by spending one or more nights in a temple of Asclepius (*incubatio*). The most celebrated instances of this divinity were those of Epidaurus, Tricca, and, at a later period, that of Rome.¹¹

1. (Hom., II., xxiii., 141.—Æschyl., Choeph., 493.—Orest., 96 and 1427; Bacch., 493; Helen., 1093.—Plut., —Paus., i., 37, § 2.—2. (Paus., i., 43, § 4.)—3. (Hom., II., vi., 293–303.)—5. (Compare Aristoph., —Pollux, vii., 50.—Wesseling ad Diad. Sic., ii., p. 16, § 2.)—7. (Athen., vi., p. 221, &c.)—8. (Olymp., iii., p. 35.)—9. (Herod., i., 50, &c.)—10. (H., 83, 121.—Thucyd., i., 132.—Paus., iii., 18, § 5.)—11. (Æschyl., 792, and schol.)—12. (Demosth., c. Timocr.)—Böckh, Staatsh., i., p. 352, &c.)—13. (Thucyd., ii., viii., 121.)—14. (Plin., H. N., xxix., 1.—Cambr. Wolf, Vermischte Schriften und Aufsätze, p. 411, &c.)

1. (ad Att., i., 5.)—2. (Mackeldey, Lehrbuch, &c.—“Ueber die verschiedenen Arten des Eigenthums,” &c., von Unterholzner, Rhein. Mus. Erster Jahrg.—Savigny, Das Recht des Besitzes.—Gaius.—Ulpr., Frag.—3. (Phædr., p. 235, D.)—4. (Vid. Plut., Sol., 25.—Pollux, Onom., viii., 55.—Suid., s. v. χρυσή κόμη.—Heraclicid., Pont., c. 1.)—5. (Böckh, Staatshaus., i., p. 472.)

were also effected in the Grotto of Pluto and Proserpina, in the neighbourhood of Nysa.¹ In all cases in which a cure was effected, presents were made to the temple, and little tablets (*tabula votiva*) were suspended on its walls, containing an account of the danger from which the patients had escaped, and of the manner in which they had been restored to health. Some tablets of this kind, with their inscriptions, are still extant.² From some relics of ancient art, we must infer, that in some cases, when a particular part of the body was attacked by disease, the person, after his recovery, dedicated an imitation of that part in gold or silver to the god to whom he owed his recovery. Persons who had escaped from shipwreck usually dedicated to Neptune the dress which they wore at the time of their danger;³ but if they had escaped naked, they dedicated some locks of their hair.⁴ Shipwrecked persons also suspended votive tablets in the Temple of Neptune, on which their accident was described or painted. Individuals who gave up the profession or occupation by which they had gained their livelihood, frequently dedicated in a temple the instruments which they had used, as a grateful acknowledgment of the favour of the gods. The soldier thus dedicated his arms, the fisherman his net, the shepherd his flute, the poet his lyre, cithara, or harp, &c.

It would be impossible to attempt to enumerate all the occasions on which individuals, as well as communities, showed their gratefulness towards the gods by anathemata. Descriptions of the most remarkable presents in the various temples of Greece may be read in the works of Herodotus, Strabo, Pausanias, Athenæus, and others.

The custom of making presents to the gods was common to Greeks and Romans, but among the latter the donaria were neither as numerous nor as significant as in Greece; and it was more frequent among the Romans to show their gratitude towards a god by building him a temple, by public prayers and thanksgivings (*supplicatio*), or by celebrating festive games in honour of him, than to adorn his sanctuary with beautiful and costly works of art. Hence the word donaria was used by the Romans to designate a temple or an altar, as well as statues and other things dedicated in a temple.⁵ The occasions on which the Romans made donaria to their gods are, on the whole, the same as those we have described among the Greeks, as will be seen from a comparison of the following passages: Liv., x., 36; xxix., 36; xxxii., 30; xl., 40, 37.—Plin., *Hist. Nat.*, vii., 48.—Suet., *Claud.*, 25.—Tacit., *Ann.*, iii., 11.—Plaut., *Amphitr.*, III., ii., 65; *Curcul.*, I., i., 81; II., ii., 10.—Aurel. Vict., *Cæs.*, 35.—Gellius, ii., 10.—Lucan, ix., 515.—Cic., *De Nat. Deor.*, iii., 37.—Tibull., ii., 5, 29.—Horat., *Epist.*, I., i., 4.—Stat., *Syle.*, iv., 92.

DONATIO MORTIS CAUSA. There were three kinds of donatio mortis causa: 1. When a man, under no present apprehension of danger, but moved solely by a consideration of human mortality, makes a gift to another. 2. When a man, being in immediate danger, makes a gift to another in such a manner that the thing immediately becomes the property of the donee. 3. When a man, under the like circumstances, gives a thing in such a manner that it shall become the property of the donee when the giver dies. Every person could receive such a gift who was capable of receiving a legacy.

It appears, then, that there were several forms

of gift called donatio mortis causa; but the third seems the only proper one, and that of which mention is chiefly made, for it was a rule of law that a donation of this kind was not perfected unless death followed, and it was revocable by the donor. A thing given absolutely could hardly be a donatio mortis causa, for this donatio had a condition attached to it, namely, the death of the donor and the survivorship of the donee.¹ The thing might be a thing capable of traditio or delivery, or it might be a promise of a sum of money to be paid after the death of the testator. It would appear as if the law about such donations was not free from difficulty. They were finally assimilated to legacies in all respects by Justinian, though this had been done in some particulars before his time. Still they differed in some respects from legacies, for such a donation could take effect though there was no heres; and a filius familias, who could not make a will, might, with his father's consent, make a donatio mortis causa.

The English law of donationes mortis causa is first stated by Bracton² in the very words of the Digest;³ and the present law is expounded by Lord Hardwicke;⁴ but what he there states to be the English law is not exactly the law as stated in Bracton. The rules of donationes mortis causa in English law are now pretty well fixed. Tradition or delivery is considered one essential of such a gift, and the death of the donor is another essential. The gift must not be an absolute gift, but a gift made in contemplation of, and to be perfected by the death of the donor.⁵

DONATIO PROPTER NUPTIAS signifies that which is given by a husband or by any other person to a woman on the occasion of her marriage, whether it be by way of security for her dos, or for her support during the marriage or widowhood. Justinian required this donatio whenever the wife brought a dos; and it was enacted that it should be equal in amount to the dos, and should be increased when the dos was increased. Such a gift was the property of the wife, but it was managed by the husband, and he was bound to apply it to its proper purposes; but he could not alienate it, even with the consent of the wife.⁶

DONATIONES INTER VIRUM ET UXOREM. During marriage, neither husband nor wife could, as a general rule, make a gift of anything to one another. This rule would, however, only apply where there was no conventio in manum; for in such a case the rule of law would be unnecessary, because a gift between husband and wife would be legally impossible. The reason for this rule was said to be the preservation of the marriage relation in its purity, as a contract subsisting by affection, and not maintained by purchase or by gift from one party to the other. The reason seems a singular one, but it is that which is given by the Roman writers. It has apparently a tacit reference to the power of divorce, and appears like an implied recommendation of it when the conjugal affection ceases. Donations of this kind were, however, valid when there were certain considerations, as mortis causa, divortii causa, servi manumittendi gratia. By certain imperial constitutions, a woman could make gifts to her husband in order to qualify him for certain honours. It must be remembered, that when there was no conventio in manum,⁷ a wife retained all her rights of property which she did not surrender on her marriage (*vid. Dos*), and she might, during the marriage, hold property quite distinct from her

¹ *Wolf.*, i., p. 437; xiv., p. 649.—2. (*Wolf.*, i. c., p. 424, 3. (*Flor.*, *Garn.*, i., 5, 13.—*Virg.*, *Æn.*, xii., 768.)—4. *De Merc. Concl.*, c. 1, vol. I., p. 632, ed. Reitz.—5. *Genz.*, ii., 222.—*Ovid.*, *Fast.*, iii., 335.)

1. (Compare *Dig.* 39, tit. 6, s. 1 and 35.)—2. (ii., c. 26.)—3. (36, tit. 6, s. 2, &c.)—4. (*Ward v. Turner*, 2 *Vez.*, 431.)—5. (*Dig.* 29, tit. 6.—*Cod.* viii., tit. 57.)—6. (*Cod.* v., tit. 3.—*Nov.* 97, c. 1; 117, c. 4, &c.)—7. (*Gaius.*, ii., 98.)

husband. It was a consequence of this rule as to gifts between husband and wife, that every legal form by which the gift was affected to be transferred, as *mancipatio*, *cessio*, and *traditio*, conveyed no ownership; stipulations were not binding, and acceptations were no release. A difficulty might remain as to *usucapion*, but the law provided for this also. If a woman received from a third person the property of her husband, and neither the third person, nor she, nor her husband knew that it was the husband's property, she might acquire the ownership by *usucapion*. If both the giver and the husband knew at the time of the gift that it was the husband's property, and the wife did not know, it might also become her property by *usucapion*; but not if she knew, for in that case the *bona fides* which was essential to the commencement of possession was wanting. If, before the ownership was acquired by *usucapion*, the husband and wife discovered that it was the husband's, though the husband did not choose to claim it, there was no *usucapion*; for this would have been a mere evasion of the law. If, before the ownership was acquired by *usucapion*, the wife alone discovered that it was the husband's property, this would not destroy her right to acquire the property by *usucapion*. This, at least, is Savigny's ingenious explanation of the passage in Digest 24, tit. 1, s. 44. The strictness of the law as to these donations was relaxed in the time of S. Severus, and they were made valid if the donor died first, and did not revoke his gift before death. There were also some exceptions as to the general rule, which it is not necessary to particularize here.¹

DONATIVUM. (Vid. CONGIARIUM.)

*DONAX (*dónax*), the species of reed called *Arundo donax*. It derives its name from *dónex*, "to agitate" or "disturb," from its being easily agitated by the wind. Pliny, in speaking of it, says, "*calamus fruticosissimus, qui vocatur Donax*."² Virgil styles it "*fluviialis*."³ It was used for shepherds' pipes, writing-pens, angling-rods, &c. The modern Greeks call it *Káλαμος*. Sibthorp found it everywhere in the marshy grounds.⁴

*DORCAS (*δορκάς*). By the earlier commentators on the classics, it was taken for a species of wild goat, but it is now generally acknowledged to be the Gazelle, or *Antelope Dorcas*. "In fact," observes Adams, "the Arabian medical authors, Avicenna and Haly Abbas, were aware that it meant the Gazelle; hence the term *δορκάδιων* of Galen is rendered *gazellans* by their translators. The *δορκάς* is the *tzebi* of the Hebrew Scriptures. It is also called *ζορξ* and *πρόξ*."⁵

DORMITÓRIA. (Vid. HOUSE.)

ΔΩΡΟΔΟΚΙΑΣ ΓΡΑΦΗ. (Vid. DECASMOS.)

ΔΩΡΩΝ ΓΡΑΦΗ. (Vid. DECASMOS.)

ΔΩΡΟΞΕΝΙΑΣ ΓΡΑΦΗ. (Vid. ΞΕΝΙΑΣ ΓΡΑΦΗ.)

DORPEIA or DORPIA. (Vid. APATURIA, p. 66.)

DORPON. (Vid. DEIPNON.)

DORSUARIUS or DOSSUARIUS (*νωτοφόρος*), a beast of burden.

In the mountainous parts of Italy, where it was impossible to use wheeled carriages, the produce of the country was borne on the backs of quadrupeds. In this manner the corn, wine, and oil of Apulia and Calabria were conveyed to the seacoast by asses, which are described by Varro⁶ as "*aselli dossuarii*." In these elevated regions, as we learn from the same author,⁷ the necessaries of life were brought to the pastoral inhabitants either by mares or by any other animal, "*quod onus dorso ferre possit*,"

an expression designed to explain the etymology of the epithet "*dossuarius*."⁸

Beasts of burden also accompanied the army,⁹ and were used to carry a part of the baggage. In Eastern countries the camel has always been employed as a beast of burden.¹⁰

The "*jumenta dossuaria*" carried their load either by means of panniers (*κανθήλια*) (vid. CLITIA, l. x.) or of the pack-saddle (*σάγμα*). From using the latter, they were called "*equi sagmarii*," "*muli sagmarii*," &c., whence came the German "*saumthier*," "*saum-ross*," &c., and the English "*sumpter-mule*" and "*sumpter-horse*."¹¹

The following woodcut, representing a mule and a camel accompanied by two Scythian or Gothic conductors, is taken from the column which was erected at Constantinople to commemorate the victories of Theodosius I., and of which drawings were made by command of Mohammed II.



*DORYCNIUM (*δορύνιον*), a plant, in determining which, botanical writers find some difficulty. The evidence preponderates in favour of the *Cotyledon Dorycnium*, or Shrubby Bindweed.¹²

DORY (*δору*). (Vid. HASTA.)

DOS (GREEK). Euripides¹³ makes Medea complain that, independent of other misfortunes to which women were subject, they were obliged to buy their husbands by great sums of money (*χρημάτων ἕνεκα*). On this the scholiast remarks, that the poet wrote as if Medea had been his contemporary, and not a character of the heroic ages, in which it was customary for the husband to purchase his wife from her relations by gifts called *édna* or *ἐδνα*. The same practice prevailed in the East during the patriarchal ages,¹⁴ and Tacitus¹⁵ says of the ancient Germans "*Dotem non uxor marito, sed uxori marito offert*."

The custom of the heroic times is illustrated by many passages in Homer. Thus we read of the *ἄπειρία* and *μυρία ἔδνα*, or many gifts by which wives were purchased.¹⁶ In another place¹⁷ we are told of a hundred oxen and a thousand sheep and goats having been given by a Thracian hero to his maternal grandfather, whose daughter he was about to marry. Moreover, the poetical epithet, *ἀλφειοβοιαί*,¹⁸ applied to females, is supposed to have had its origin in the presents of this sort which were made to a woman's relatives on her marriage. These nuptial gifts, however, or equivalents for them, were returned to the husband in the event of the commission of adultery by his wife, and perhaps in other cases.¹⁹

We must not infer from the above facts that it was not usual in those times for relations to give a portion with a woman when she married. On the contrary, mention is made²⁰ of the *μειλια*, or marriage gifts which men gave with their daughters (*ἐπέδωκαν*), and we are told by Æschines²¹ of one of the sons of Theseus having received a territory near Amphipolis as a *φερνή*, or dower with his wife

1. (Dig. 24, tit. 1.—Savigny, Zeitschrift, &c., i., p. 279.)—2. (H. N., xvi., 36.)—3. (Georg., ii., 414.)—4. (Billerbeck, Flora Classica, p. 25.)—5. (Aristot., H. A., ii., 2.—Ælian, N. A., vii., 47.—Adams, Append., s. v.)—6. (De Re Rust., ii., 6.)—7. (c. 10.)

1. (Compare Virg., Georg., i., 273-275.)—2. (Xen., Cyr., vi., 2 § 34.)—3. (Diod. Sic., ii., 54; iii., 45; xvii., 105.)—4. (Menage Dict. Etym., s. v. Sommer.—Adelung, Glossar. Manuale, t. vi. p. 22-24.)—5. (Nicand., Alex., 376.—Dioscor., iii., 75.—Galen, De Simpl., vi.—Schulze, Toxicol. Vet.—Schneider ad Nicand., l. c.—Adams, Append., s. v.)—6. (Medea, 236.)—7. (Genes., xxiv., 2.)—8. (Germ., c. 18.)—9. (H. xvi., 178, 1^o.)—10. (c., xi., 212.)—11. (Heyne ad H., xviii., 593.)—12. (Od., viii., 318.)—13. (H. ix., 147.)—14. (περί Παροισσῶν, 33.)

DRACHMA.

... an also or all outlays by which he had ... property (*impensa utiles*), ... were bound ... The wife's father, or the su ... by an *actio ex stipulacione*, which was an *actio stricti iuris* ... agreement on the subject ... or dots, which was a ... there was no agreement ... the dos must always ... when he had bargained ... man enacted that the *actio ex stipulacione*, even when the ... be an *actio bonae fidei* ... or her dos, except ... unless she had ... but she had some property ... the husband's creditor ... of the ma ... with ... a name of ... that all the husband's proper ... equally partitioned ... of the dos, and that the wife ... have a preference claim ... other creditors of whom ...

... was a matter of great importance in R ... because it was an important ... marriage and was somewhat ... frequency of divorces ... as to dos. ... who ... had some ... as she had ... and thus of depriving ... property. The ... the Roman ... whether there ... the case of a marriage ... *Uti Maritus* ... *Uti Servus*

... Pepperwort, or *Leptocarpus*, ... the principal ... The two chief specimens ... Greek states were the ... We shall, therefore, first speak ... afterward of the ... of the Attic drachma ... that of Alexander was 66 ... about 1/4th of the weight ... contain 65.4 grains ... contains 80.7 grains ... The drachma is, therefore, worth 65 ... 80 ... which may be ... there was a ... of the drachma ... 63 grains. The drachm ... and the Athenians ha ... from four drachme to a ... Among these now preserved ... commonly found; but we possess ... and only a few o ... Specimens of the tetradrachm, ... quarter obol, half obol, and qua ... The following table, ... from a quarter obol to a tetra

	Price.	Value.
1 Tetradrachm	1	1 825
1 Drachma	1	3 25
1 Obol	1	2 5

... Compare *Utp.*, *Frug.*, ... *Diocor.*, ... *Weights and Money*, p. 47, 46)

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DRACHMA.

	Shill.	Pence.	Farth.
obolus		3	1
obolus		4	3-5
robolus		6	2
achma		9	3
rachm	1	7	2
radrachm	3	3	

mina contained 100 drachmæ, and was, consequently, equal to 4*l.* 1*s.* 3*d.*; and the talent 60 *md* was thus equal to 243*l.* 15*s.* 0*d.* Regarding the value of the different talents among the Greeks, *vid.* TALENT.

Tetradrachm in later times was called *statēr*; it has been doubted whether it bore that name in the flourishing times of the Republic.¹ We find the *stater*, in writers of that age, usually signifying a gold coin, equal in value to twenty drachmæ (see *STATĒR*); but there appear strong reasons for thinking that the tetradrachm, even in the age of Solon and Xenophon, was sometimes called by that name.²

Obolus, in later times, was of bronze;³ but in the times of Athens we only read of silver obols. *κροῖς* was a copper coin, and the eighth part of an obol. (*Vid.* *Æs.*, p. 30.)

The Attic standard was used at Corinth, Cyrene, Athens, and in Acarnania, Amphilochia, Leu-*Ep*irus, and Sicily; it was the standard of gold, and was introduced by Alexander for the same purpose. The Æginetan standard appears to have been used in Greece in very early times. According to most ancient writers, money was first coined at Ægina by order of Pheidon of Argos (*vid.* *Æs.*); and the Æginetan standard was used at all the states of the Peloponnesus, with the exception of Corinth. It was also used in Bœotia, in some other parts of northern Greece, and in the Attic standard prevailed most in the Athenian and commercial states.



ATHENIAN DRACHMA. BRITISH MUSEUM. ACTUAL SIZE.

The average weight of the Æginetan drachma, as determined by Mr. Hussey⁴ from the coins of Ægina, was 96 grains. It contains about $\frac{1}{3}$ of the weight alloy. Hence its value is $\frac{93}{80}$ of a shilling;

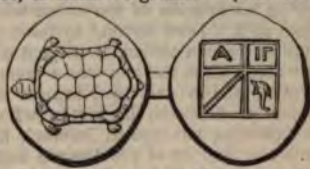
or, as before, 1*s.* 1*d.* 3-2 farthings. The largest coin of the Æginetan standard appears to have been the *statēr*, and the values of the different coins of the standard are as follow:

	Shill.	Pence.	Farth.
Obol		1	0-583
obol		2	1-166
obolus		4	2-33
robolus		6	2-5
drachma	1	1	3
tetradrachm	2	3	2

The proportion of the Æginetan drachma to the *statēr*, according to the value given above, is as 93 to 100, or as 4-18 to 3 nearly. According to Pol-*lemy*, however, the proportion was 5 to 3; for he states that the Æginetan drachma was equal to 10

DRACO.

Attic obols, and that the Æginetan talent contained 10,000 Attic drachmæ. His authority, however, cannot be of any weight against the evidence of existing coins; for the comparative value of Æginetan and Attic money is a plain fact, which can be proved by experiments. But, as Mr. Hussey remarks,¹ Pollux, "when he speaks of the Attic drachmæ, does not mean the money of the full weight, which was coined in the time of Pericles or Xenophon, but such as passed for Attic in the Augustan and following ages, namely, the Roman denarius; and this, too, not of the earliest standard, at the rate of 60 or 61 grains, but as it was coined when the weight had been reduced to $\frac{1}{4}$ th of the Roman ounce, or about 53 grains." (*Vid.* DENARIUS.)



ÆGINETAN DRACHMA. BRITISH MUSEUM. ACTUAL SIZE.

The Attic and Æginetan were, as already remarked, the chief standards of money in Greece; but there was a third standard used to some extent, namely, that of the early coinage of Macedon, which was also adopted by the Greek kings of Egypt. The average weight of the Macedonian drachma was 109-4 grains; and, assuming the same quantity of alloy as in the Æginetan drachmæ, it would be worth in our money 1*s.* 3*d.* 2-8 farthings, or very nearly 1*s.* 3*d.* It has been supposed, however, by some writers, that this drachma was in reality a didrachm; but the existence of large silver coins of four times this weight is an argument for believing it to be the drachma, as we do not find any notice of eight-drachmæ pieces.

As the Romans reckoned in sesterces, so the Greeks generally reckoned by drachmæ; and when a sum is mentioned in the Attic writers without any specification of the unit, drachmæ are usually meant.²

DRACO. I. (*Vid.* SIGNA MILITARIA.)

*II., or *δράκων χερσαίος*, the Land Dragon. "All the classical authors," observes Adams, "speak of the Land Dragon as being a most formidable animal, and of immense bulk, some say 50, some 60, and some 80 cubits in length. St. Augustine calls him the largest animal upon the face of the earth. Two species are described; one with wings, and the other without wings." These accounts but ill agree with the following description of the *Draco volans*, L., by M. l'Abbé Bonnaterra: "Le plus grand des individus qu'on conserve au Cabinet du Roi a huit pouces deux lignes de longueur totale. Il est doux, foible, tranquille, c'est le moins à craindre de tous les reptiles. Pourra-t-on se persuader que c'est *Dragon* à plusieurs têtes, qui réunissoit l'agilité de l'aigle, la force de lion, qui vomissoit des flammes, et dont les anciens nous ont fait un peinture."³ Buffon also calls it the flying Lizard, a little harmless animal that only preys on insects. I cannot help thinking, however, that the extraordinary stories of antiquity regarding the Dragon must have had their origin in the exaggerated reports of travellers about the *Boa Constrictor*. I shall point out one circumstance which leads forcibly to this conclusion. Ælian gives an account of a Dragon of extraordinary size, namely, 70 cubits long, which Alexander the Great saw in India, and which was kept as an object of worship. The poet Nonnus,

1. (p. 22.)—2. (Böckh, *Pub. Econ.* of Athens, i., p. 25.)—3. (*Encyc. Method.*, lib. xxxiii., 61.)

not. s. v. *Ερατόρη*.—Hesych., s. v. *Γλαῦκες Λαυριωτικῆς*, xxvii., 27.)—2. (Hussey, *ibid.*, p. 49.)—3. (Thucyd., with Arnold's note.—Xen., *Hell.*, V., ii., § 22.)—4. (Lutsempl., II., vol. i., p. 504, ed. Reiz.)—5. (p. 59, 60.)—76, 86.)

the form *duplicarius* occurs.¹ *Vegetius* in *duplures milites*.

ICATIO. (*Vid. ACTIO*, p. 19.)

INDIUS. (*Vid. AS*, p. 111.)

IVIRI, or the two men, the name of various *tribus* and functionaries at Rome, and in the *coloniae* and *municipia*. In inscriptions we also find the form *duomvires*² and *duovir*.³

IVIRI JURI DICUNDO were the highest magistrates in the municipal towns. (*Vid. COLONIA*,

IVIRI NAVALES were extraordinary magistracies which were created, whenever occasion required for the purpose of equipping and repairing the *naves*. They appear to have been originally created by the consuls and dictators, but were afterwards by the people B.C. 311.⁴

IVIRI PERDUELLIONIS. (*Vid. PERDUELLIO*,

IVIRI QUINQUENNALES were the censitores in the municipal towns, and must not be confounded with the *duumviri juri dicundo*. (*Vid. COLONIA*,

IVIRI SACRORUM originally had the charge of the *tabullae* books. Their duties were afterwards by the *decemviri sacris faciundis*. (*Vid. DECEMVIRI*, p. 340.)

IVIRI were also appointed for the purpose of building or dedicating a temple.⁵

E.

EBO (ἔβεος), Ebony. According to Virgil it was the only country that produced it.

Pliny,⁶ however, remarks, that it grows also in India; and there is a passage in Herodotus⁷ in which

it is spoken of among the articles of commerce which the Ethiopians take to the king of Persia.

Therefore, the name of Ethiopia is to be taken in a very general sense for the country of the

dark races, and may consequently include India. In Virgil is in error. Notwithstanding this

the botanists who have travelled into India, have not been able, until recently, to determine what tree the Ebony was to be assigned.

It is certain that it is one of the genus *Diospyros*. On the *Materia Medica*, published at

Paris, it says that Ebony is the wood of a tree which the Tamoul language *Acha marcum*, which

grows abundantly in the Gaugam-Circars, in Berar, in the island of Ceylon, where the natives

call it *augagaha*. According to the author of the *Itinerary* mentioned, it is the *Diospyrus Ebenaster*.

As regards the name which the Greeks have given this tree, and which it still bears

in all the languages of Europe, it may be remarked that it comes from the Hebrew homonym

of its Arabic name, *Abnous*, is nothing more than a corruption from ἔβεος.¹¹ "Modern botanists

Adams,¹² have applied various names to this tree, namely, *Ebenus Cretica*, L.; *Diospyros*

lanoxylon, Roxb.; *D Ebenus* and *Ebenaster*, Z.; and *Ebenoxylon verum*, L. Theophrastus

describes an Ebony shrub, which Sprengel, in his edition of Dioscorides, holds to be the *Anthyllis*

It is the same as the *Vulneraria* of Tournefort, namely, *Woundwort*, and hence it is now called *Anthyllis Vulneraria*.¹³

ECHENEIS (ἔχενηίς), a species of Fish. "It is said that the *ἔχενηίς* of Aristotle and Pliny were the same as that of Oppian and Ælian, and

that the former corresponds to the *Echeneis naucrates*, L., or Sucking-fish, and the latter to the *Petromyzon Lampetra*, L., or Lamprey-eel. Artdi states that the *Galaxias* (γαλαξίας) of Galen corresponds to the Lamprey, and Rondelet and Nonnius refer the βδέλλα of Strabo to the same. The ancient stories about its stopping vessels in their course would appear to be fabulous, and yet it is worthy of notice that they are still credited by the inhabitants of Dalmatia and the neighbouring countries."¹

*ECHIUM (ἔχιον), a plant, supposed to be a remedy against the bite of a viper (ἔχιδνα). "The *Echium vulgare*, or common Viper's Bugloss, has been generally acknowledged to be the ἔχιον of Nicander and Dioscorides; but, according to Sprengel, this is a mistake, since the flowers of the *Echium vulgare* are blue, whereas Dioscorides describes those of the ἔχιον as being purple. It is to be remarked, however, that the Greeks used the terms πορφύρεος and πορφύροειδής in a loose manner, applying it to other colours besides purple, and more especially to the dark blue colour of the sea, which would not be inapplicable to the colours of the Viper's Bugloss."²

On the subject of the purple colours of the ancients, Salsmasius remarks,³ "Cæruleus color, quem Græci κυανόν vocant, nihil aliud est quam purpura delutior et pallidior."

*ECHINUS (ἔχινος), L., the ἔχινος χέρασιος is the Hedgehog, or *Erinaeus Europæus*. The modern Greek name is σταντζόχοιρος. The first part of this word is a corruption of ἀκανθα (*Acanthias vulgaris nostras*, Klein). The flesh of the Hedgehog is prescribed in Syria medicinally in some disorders. Russell says he saw the animal carrying grapes as well as mulberries on its prickles, a story which certainly needs confirmation.⁴

*II. A testaceous genus containing many species: in English, the Sea-urchin. Aristotle gives a very minute description of this genus. "The ἔχινος ἐδωδύμος is no doubt," observes Adams, "the *Echinus esculentus*, L., called in English the edible Sea-urchin. The two species called σπάταγρος and βρίσσιος cannot be satisfactorily determined. The difference of habitats in the Land and Sea urchin gave rise to the Greek proverb expressive of irreconcilable habits: πρὶν κε δὴ ἐχίνοι ἐς φίλιαν ἔλθοιεν."⁵

III. (*Vid. DIKE*.)

*ECHIS and ECHIDNA (ἔχιδνα, ἔχιδνα). "Most of the ancient authors who treat of serpents represent these as the Male and Female Viper; but, from the descriptions of them given by Nicander, it would appear that they were distinct species. Sprengel accordingly refers the Asiatic ἔχιδνα to the *Coluber Aegyptius*, the European ἔχιδνα to the *Coluber Berus*, and the ἔχιδνα to the *Coluber Ammodytes*. The word ἔχιδνα is often applied κατ' ἔξοχὴν to the Viper (*Coluber Berus*), and hence θηριακὴ is used to signify the Electuary of Vipers. The Viper is the *Ephedra* of Scripture."⁶

ECCLESIA (ἐκκλησία). The ἐκκλησία of the Athenians were general assemblies of the citizens, in which they met to discuss and determine upon matters of public interest. These assemblies were either ordinary, and held four times in each prytany, or extraordinary, that is, specially convened upon any sudden emergency, and therefore called σύγκλητοι. On occasions of extreme importance when it was desirable for as many persons as possible to be present at the discussion of any question, the people were summoned by express from the country

1. No. 3534.—2. (ii., 7.)—3. (Orelli, Inscrip., No. Orelli, No. 3886.)—5. (Liv., ix., 30; xl., 18, 26; Sallust., De Mil. Nav., p. 284.)—6. (Liv., vii., 28; xxxv., 41.)—7. (Georg., ii., 117.)—8. (i., 129.)—9. (Materia Medica, by Whitelaw Ainslie, Madras, 1806.)—10. (Flore de Virgile, p. xviii., &c.)—11. (Adams, v.)

1. (Aristot., H. A., ii., 14.—Ælian, N. A., i., 36; ii., 17.—Oppian, Hal., i., 223.—Adams, Append., s. v.)—2. (Dioscor., iv., 28.—Nicand., Ther., 637.—Adams, Append., s. v.)—3. (In Tertull., lib. de Pallio, p. 186.)—4. (Aristot., H. A., i., 6.—Sibthorp, MSS. in Walpole's Memoirs, vol. i., p. 265.)—5. (Aristot., H. A., iv., 5.—Adams, Apper.d., s. v.)—6. (Adams, Append., s. v.)

to the city, and then the assembly was called a *κατακλησία*, the proper meaning of *κατακαλεῖν* being to call from the country into the city. The ordinary assemblies were called *νόμοι* or *κυρία*, according to the scholiast on Aristophanes,¹ who moreover informs us that there were three such in every month. But, according to the best-informed grammarians, who followed Aristotle, the name *κυρία* was appropriated to the first only of the regular assemblies of each prytany. Such, at least, is the account given by Pollux² and Harpocration, the former of whom asserts that the third of the regular assemblies in each prytany was partly devoted to the reception of ambassadors from foreign states.

Aristophanes, however, in the *Acharnians*,³ represents ambassadors who had just returned from Persia and Thrace as giving an account of their embassy in a *κυρία ἐκκλησία*, which, according to Pollux, would be not the third, but the first of the regular assemblies. With a view of reconciling these discrepancies, Schömann⁴ supposes that Solon originally appointed one regular assembly, called *κυρία*, to be held on a certain day of every prytany, and that afterward additional assemblies were instituted, appropriated respectively to particular purposes, though the term *κυρία* was still reserved for the assembly formerly so called. If, however, the representation of Aristophanes is in agreement with the practice of his age, we must farther suppose, what is very probable, that the arrangements for business, as described by Pollux, were not always observed even in the time of the poet; and since, a few years after Aristotle's time, many changes took place in the constitution of Athens, it may have happened that the name *κυρία* was then given to all the regular assemblies, in which case the scholiast probably identified the customs and terms of a late age with those of an earlier period. Moreover, the number of prytanies in each year, originally ten, one for each tribe, was, on the increase in the number of the tribes at Athens, raised to twelve, so that the prytanies would then coincide with the months of the year: a fact which, taken in conjunction with other circumstances,⁵ seems to show, that the authorities who speak of three regular assemblies in each month had in view the times when a prytany and a month were the same thing. Some authors have endeavoured to determine the particular days on which the four regular assemblies of each prytany were held; but Schömann⁶ has proved almost to demonstration, that there were no invariably fixed days of assembly; and at any rate, even if there were, we have not sufficient data to determine them. Ulpian⁷ says, in allusion to the times when there were three assemblies in every month, that one was held on the eleventh, another about the twentieth, a third about the thirtieth, of each month; and it is, of course, not improbable that they were always held at nearly equal intervals.

The place in which the assemblies were anciently held was, we are told by Harpocration,⁸ the *ἀγορά*. Afterward they were transferred to the *Pnyx*, and at last to the great theatre of Dionysus, and other places. Thus Thucydides⁹ speaks of the people being summoned to the *Pnyx*, the usual place of assembly in his times; and Aristophanes,¹⁰ in describing "Demus," the representative of the Athenian people, just as "John Bull" is of the English, calls that character *Δῆμος Πυκνίτης*, or Demus of the (parish of) *Pnyx*: a joke by which that place is represented as the home of the Athenians. The situation of it was to the west of the Areiopagus, on

a slope connected with Mount Lycabettus, and partly, at least, within the walls of the city. It was semicircular in form, with a boundary wall part rock and part masonry, and an area of about 12,000 square yards. On the north the ground was filled up and paved with large stones, so as to get a level surface on the slope; from which fact some grammarians derive its name (*παρὰ τὴν τῶν λίθων περὶ νόητα*). Towards this side, and close to the wall was the *βῆμα*, a stone platform or bustings ten or eleven feet high, with an ascent of steps; it was cut out of the solid rock, whence it is sometimes called *ὁ λίθος*, as in Aristophanes¹ we read *ὅστις κρατεῖ νῦν τοῦ λίθου τοῦ ἐν τῇ Πυκνί*. The position of the *βῆμα* was such as to command a view of the sea from behind (on which account the thirty tyrants are said to have altered it), and of the *Προπύλαια* and *Parthenon* in front, though the hill of the *Areiopagus* lay partly between it and the *Acropolis*. Hence Demosthenes,² when reminding the Athenians from this very *βῆμα* of the other splendid works of their ancestors, says emphatically *Προπύλαια ταῦτα*: and we may be sure that the Athenian orators would often rouse the national feelings of their hearers by pointing to the assemblage of magnificent edifices, "monuments of Athenian gratitude and glory," which they had in view from the *Pnyx*.³ That the general situation of the place was elevated is clear from the phrase *ἀναβαίνειν εἰς τὴν ἐκκλησίαν*, and the words *πᾶς ὁ δῆμος ἀνα καθῆκε*, applied to a meeting of the people in the *Pnyx*.⁴ After the great theatre of Dionysus was built, the assemblies were frequently held in it, as it afforded space and convenience for a large multitude; and in some particular cases it was specially determined by law that the people should assemble there.⁵ Assemblies were also held in the *Peiræus*, and in the theatre at *Munychia*.⁶

We will now treat of the right of convening the people. This was generally vested in the prytanes or presidents of the council of Five Hundred (*vid. BOULÉ*, p. 168); but in cases of sudden emergency, and especially during wars, the *strategi* also had the power of calling extraordinary meetings, for which, however, if we may judge by the form in which several decrees are drawn up, the consent of the senate appears to have been necessary.⁷ The four ordinary meetings of every prytany were, nevertheless, always convened by the prytanes, who not only gave a previous notice (*προγράψαι τὴν ἐκκλησίαν*) of the day of assembly, and published a program of the subjects to be discussed, but also, as it appears, sent a crier round to collect the citizens (*συνάγειν τὸν δῆμον*).⁸ At any rate, whenever the *strategi* wished to convene one of the extraordinary assemblies, notice was certainly given of it by a public proclamation; for, as Ulpian observes,⁹ these assemblies were called *σὺγκλητοι*, because the people were summoned to them by officers sent round for that purpose (*ὅτι συνεκίλωντι τινες περιώρες*). But, independent of the right which we have said the *strategi* possessed of convening an extraordinary meeting, it would seem, from the case of *Pericles*,¹⁰ that a *strategus* had the power of preventing any assembly being called. It is, however, important to observe, that such an exercise of power would perhaps not have been tolerated except during wars and commotions, or in the person of a

1. (*Pax*, 680.)—2. (*Περὶ Στρατῆς*, 174.)—3. (*Cramer*, *Acad. Greece*, vol. ii., p. 335.—*Wordsworth*, "Athens and Athens" in the latter of these works are two views of the remains of the *Pnyx*.)—4. (*Demosth.*, *De Cor.*, p. 285.)—5. (*Demosth.*, *c. Boet.*, 517.)—6. (*Demosth.*, *De Fals. Leg.*, p. 359.—*Lysias*, *c. Ag.*, 133.—*Thucyd.*, viii., 93.)—7. (*Demosth.*, *De Cor.*, 240.)—8. (*Pollux*, viii., 95.—*Harpocrat.*, *s. v. Κυρία Ἐκκλησία*.—*Demosth.*, *c. Aristog.*, 772.)—9. (*vid. Demosth.*, *De Fals. Leg.*, 100, A.)—10. (*Thucyd.*, ii., 22.)

1. (*Achar.*, 19.)—2. (viii., 96.)—3. (61.)—4. (*De Comit.*, c. 1.)—5. (*Schömann*, ii., 44.)—6. (ii., 47.)—7. (*vid. Demosth.*, *c. Timocr.*, p. 706.)—8. (*s. v. Πάνδημος Ἀφροδίτη*.)—9. (viii., 97.)—10. (*Equit.*, 42.)

ished character like Pericles; and that under different circumstances, at any rate after the Solon, the assemblies were always called by names. All persons who did not obey the call subject to a fine, and six magistrates, called *epitropoi*, were appointed, whose duty it was to take care that the people attended the meetings, and to see that those who refused to do so.¹ With a view to this, whenever an assembly was to be held, public slaves (*Σκίθαι* or *τοξόται*) were sent to sweep the *ἀγορά* and other places of public resort with a rope coloured with vermilion. The persons whom these ropemen met were directed by them towards the *ἐκκλησία*, and those who refused to go were marked by the rope and fined.² Aristophanes³ alludes to this subject in the lines,

οἱ δ' ἐν ἀγορᾷ λαλοῦσι, κῆρυξ καὶ κῆρυξ
τὸ πρῶτον φεύγουσι τὸ μεμλιτωμένον.

In this, all the roads except those which led to the temple were blocked up with hurdles (*γέβραι*), and were also used to fence in the place of assembly against the intrusion of persons who had no business to be present: their removal in the latter case would have served as a signal for the admission of strangers who might wish to appeal to the people.

An additional inducement to attend, with the *ἐπίτροποι*, was the *μισθὸς ἐκκλησιαστικός*, or pay they received for it. The originator of this seems to have been a person named Callistratus, who introduced it "long after the beginning of the influence of Pericles." The payment itself, being an obolus, was afterward raised to three oboli, a favourite called Agyrrhius of Collytus. The measure took place but a short time before the *κωμῶν* of Aristophanes came out, or about 450 B.C. The poet thus alludes to it in that play:⁴

ἤρως ἄλλο δὴτ' ἔλαβες · Χ. εἰ γὰρ ὄφελον.

The *ἀποδοχὴ* (ἀποδοχὴ) appears to have been given to those who attended, on producing which at the meetings the proceedings they received the money of the *thesmothetæ*.⁵ This payment, however, was not made to the richer classes, who attended the assemblies gratis, and are therefore called *ἐκκλησιασται* by the poet Antiphanes, a name preserved by Athenæus.⁷ The same *ἐπίτροπος* is applied generally to a person who does not pay for his services.

With respect to the right of attending, we may say that it was enjoyed by all legitimate citizens who were of the proper age (generally supposed to be twenty, certainly not less than eighteen), and not labouring under any *ἀτιμία* or loss of civil rights. All were considered citizens whose parents were such, or who had been presented with citizenship by the state, and enrolled in the register of the *demos* or parish.⁸ Adopted citizens, (*ποικητοί*), were not qualified to hold the office of *thesmothetæ* or any priesthood.⁹ Deceitful old men (*οἱ ἀφειμένον*, perhaps those above sixty) were not to have been admitted, although it is not clear how strictly this was observed.¹⁰ Slaves, and foreigners also, were certainly excluded,¹¹ though occasions would occur when it would be necessary or desirable to admit them; and from Demosthenes¹² we learn that it was not unusual to allow foreigners to attend towards the close of the proceedings, the most important business of the day had concluded; otherwise they stood outside.¹³

The *ἰσοτελεῖς*, or foreigners, who enjoyed nearly equal privileges with the citizens, are by some thought to have had the same rights as adopted citizens, with respect to voting in the assembly.¹ This, however, seems very doubtful; at any rate, the etymology of the word *ἰσοτελεῖς* does not justify such an opinion.

In the article *ΒΟΥΛΗ* it is explained how the *πρυτάνες* and the *προεδρί* were; and we may here remark, that it was the duty of the *προεδρί* of the same tribe, under the presidency of their chairman (*ὁ ἐπιστάτης*), to lay before the people the subjects to be discussed; to read, or cause to be read, the previous bill (*τὸ προβούλευμα*) of the senate; and to give permission (*γνώμας προτιθέναι*) to the speakers to address the people.

They most probably sat on the steps near the *βήμα*, to which they were, on some occasions, called by the people. In later times they were assisted in keeping order (*εὐκοσμία*) by the members of the presiding tribe, *ἡ προεδρεύουσα φυλὴ*² (*vid.* *ΒΟΥΛΗ*); and the officers who acted under them, the "sergeants-at-arms," were the crier (*ὁ κήρυξ*) and the Scythian bowmen. Thus, in Aristophanes,³ the crier says to a speaker who was out of order, *κἀθῆσο σίγα*, and in another passage the *τοξόται* are represented as dragging a drunken man out of the assembly.⁴ When the discussion upon any subject had terminated, the chairman of the *προεδρί*, if he thought proper, put the question to the vote: we read, in some instances, of his refusing to do so.⁵

Previous, however, to the commencement of any business, it was usual to make a lustration or purification of the place where the assembly was held. This was performed by an officiating priest, called the *Peristiarch*, a name given to him because he went before the lustral victims (*τὰ περιστία*) as they were carried round the boundary of the place. The term *περιστία* is derived from *περί* and *ἔστι*, and is, therefore, properly applied to sacrifices carried round the hearth by way of lustration: hence it means any lustral victims. Thus the crier says,⁶ *Πάριτ' ἐς τὸ πρόσθεν πᾶριθ' ὡς ἂν ἐντος ἦτε τοῦ καθάρματος*. The favourite victims were sucking pigs (*χοιρίδια*), the blood of which was sprinkled about the seats, and their bodies afterward thrown into the sea.⁷ After the *peristiarch* the crier followed, burning incense in a censer. When these ceremonies were concluded, the crier proclaimed silence, and then offered up a prayer, in which the gods were implored to bless the proceedings of the meeting, and bring down destruction on all those who were hostilely disposed towards the state, or who traitorously plotted its overthrow, or received bribes for misleading and deceiving the people.⁸ On the conclusion of this prayer business began, and the first subject proposed was said to be brought forward *πρῶτον μετὰ τὰ ἱερά*.⁹

We must, however, understand that it was illegal to propose to the *ecclesia* any particular measure unless it had previously received the sanction of the senate, or been formally referred by that body to the people, under the title of a *προβούλευμα*.

The assembly, nevertheless, had the power of altering a previous decree of the senate as might seem fit. Farther information on this point will be found under *ΒΟΥΛΗ*, to which we may add, according to Schömann,¹⁰ that the object of the law mentioned by the grammarians (*Ἀπροβούλευτον μηδὲν ψήφισμα εἰσέναι ἐν τῷ δήμῳ*) seems to have been, not to provide that no motion should be proposed in the as-

1. (Wolf ad Lept., p. 70.)—2. (Æsch., c. Ctesiph., p. 53.)—3. (Acharn., 24.)—4. (Eccles., 143.)—5. (Xen., Mem., i., 1, 18.—Thucyd., vi., 14.)—6. (Aristoph., Acharn., 44.)—7. (Schol. ad Aristoph., l. c.; ad Æsch., c. Timar., p. 48.)—8. (Aristot., Thesm., c. Neer., p. 1375.)—9. (Æsch., c. Ctesiph., v. 86.)

1. (Wolf ad Lept., p. 70.)—2. (Æsch., c. Ctesiph., p. 53.)—3. (Acharn., 24.)—4. (Eccles., 143.)—5. (Xen., Mem., i., 1, 18.—Thucyd., vi., 14.)—6. (Aristoph., Acharn., 44.)—7. (Schol. ad Aristoph., l. c.; ad Æsch., c. Timar., p. 48.)—8. (Aristot., Thesm., 330.)—9. (Demosth., c. Timocr., 706.)—10. (v. i.)

sembly unless previously approved of by the senate, but rather that no subject should be presented for discussion to the people about which a bill of the senate had not been drawn up and read in assembly.

The privilege of addressing the assembly was not confined to any class or age among those who had the right to be present: all, without any distinction, were invited to do so by the proclamation (*Τίς ἀγορεύειν βούλεται*) which was made by the crier after the *proedri* had gone through the necessary preliminaries, and laid the subject of discussion before the meeting; for though, according to the institutions of Solon, those persons who were above fifty years of age ought to have been called upon to speak first,¹ this regulation had, in the days of Aristophanes, become quite obsolete.² The speakers are sometimes simply called *οἱ παρίοντες*, and appear to have worn a crown of myrtle on their heads while addressing the assembly, to intimate, perhaps, that they were then representatives of the people, and, like the archons when crowned, inviolable.³ They were by an old law required to confine themselves to the subject before the meeting, and keep themselves to the discussion of one thing at a time, and forbidden to indulge in scurrilous or abusive language: the law, however, had, in the time of Aristophanes, become neglected and almost forgotten.⁴ The most influential and practised speakers of the assembly were generally distinguished by the name of *ρήτορες*. (*Vid.* RHECTOR.)

After the speakers had concluded, any one was at liberty to propose a decree, whether drawn up beforehand or framed in the meeting (*Ἐν τῷ δήμῳ συγγράφεσθαι*), which, however, it was necessary to present to the *proedri*, that they might see, in conjunction with the *νομοφύλακες*, whether there was contained in it anything injurious to the state, or contrary to the existing laws.⁵ If not, it was read by the crier; though, even after the reading, the chairman could prevent its being put to the vote, unless his opposition was overborne by threats and clamours.⁷ Private individuals, also, could do the same, by engaging upon oath (*ὕπαιμοσία*) to bring against the author of any measure they might object to, an accusation called a *γραφὴ παρανόμων*. If, however, the chairman refused to submit any question to the decision of the people, he might be proceeded against by *ἐνδείξις*; and if he allowed the people to vote upon a proposal which was contrary to existing constitutional laws, he was in some cases liable to *ἀτιμία*.⁸ If, on the contrary, no opposition of this sort was offered to a proposed decree, the votes of the people were taken, by the permission of the chairman, and with the consent of the rest of the *proedri*: whence the permission is said to have been given sometimes by the *proedri* and sometimes by the chairman, who is also simply called *ὁ πρόεδρος*, just as the *proedri* are sometimes styled *prytanes*.¹⁰ The decision of the people was given either by show of hands or by ballot, *i. e.*, by casting pebbles into urns (*καδίσκοι*); the former was expressed by the word *χειροτονεῖν*, the latter by *ψηφίζεσθαι*, although the two terms are frequently confounded. The more usual method of voting was by show of hands, as being more expeditious and convenient (*χειροτονία*). The process was as follows: The crier first proclaimed that all those who were in favour of a proposed measure should hold up their hands (*ὄτω δοκεῖ. κ. τ. λ. ἀράτω τὴν χεῖρα*): then he proclaimed that all those who were

opposed to it should do the same (*ὄτω μὴ δοκεῖ. κ. τ. λ.*): they did so; and the crier then formed as accurate an idea as possible of the numbers for and against (*ἠρίθμει τὰς χεῖρας*), and the chairman of the meeting pronounced the opinion of the majority.¹ In this way most matters of public interest were determined. Vote by ballot (*κρύβδρον*), on the other hand, was only used in a few special cases determined by law; as, for instance, when a proposition was made for allowing those who had suffered *ἀτιμία* to appeal to the people for restitution of their former rights, or for inflicting extraordinary punishments on atrocious offenders, and, generally, upon any matter which affected private persons.² In cases of this sort, it was settled by law that a decree should not be valid unless six thousand citizens at least voted in favour of it. This was by far the majority of those citizens who were in the habit of attending; for in time of war the number never amounted to five thousand, and in time of peace seldom to ten thousand.⁴

With respect to the actual mode of voting by ballot in the ecclesia, we have no certain information; but it was probably the same as in the courts of law, namely, by means of black and white pebbles, or shells put into urns (*καδίσκοι*); the white for adoption, the black for rejection of any given measure.⁴ (*Vid.* CADISKOI.)

The determination or decree of the people was called a *ψήφισμα*, which properly signifies a law proposed to an assembly, and approved of by the people. The form for drawing up the *ψηφίσματα* varied in different ages. (*Vid.* BOULE and GRAMMATEUS.)

We now come to the dismissal of the assembly: the order for which, when business was over, was given by the *prytanes* (*ἔλυσαν τὴν ἐκκλησίαν*), through the proclamation of the crier to the people;⁶ and as it was not customary to continue meetings, which usually began early in the morning,⁷ till after sunset, if one day were not sufficient for the completion of any business, it was adjourned to the next. But an assembly was sometimes broken up if any one, whether a magistrate or private individual, declared that he saw an unfavourable omen, or perceived thunder and lightning. The sudden appearance of rain, also, or the shock of an earthquake, or any natural phenomenon of the kind called *δυσσημαίαι*, was a sufficient reason for the hasty adjournment of an assembly.⁸

We have already stated, in general terms, that all matters of public and national interest, whether foreign or domestic, were determined upon by the people in their assemblies, and we shall conclude this article by stating in detail what some of these matters were. On this point Julius Pollux⁹ informs us, that in the first assembly of every prytany, which was called *κυρία*, the *ἐπιχειροτονία* of the magistrates was held; *i. e.*, an inquiry into their conduct, which, if it proved unfavourable, was followed by their deposition. In the same assembly, moreover, the *εἰσαγγελίαι*, or extraordinary informations, were laid before the people, as well as all matters relating to the watch and ward of the country of Attica; the regular officers also read over the lists of confiscated property, and the names of those who had entered upon inheritances. The second was devoted to the hearing of those who appeared before the people as suppliants for some favour, or for the privilege of addressing the assembly without incurring a penalty, to which they otherwise would

1. (Æsch., c. Ctesiph., p. 54.)—2. (Demosth., De Cor., p. 285.—Aristoph., Acharn., 43.)—3. (Aristoph., Eccles., v., 130, 147.)
4. (Æsch., c. Timar., p. 5.—Aristoph., Eccles., 142.)—5. (Plato, Gorg., 451.)—6. (Pollux, Onom., viii., 94.)—7. (Æschin., De Fals. Leg., p. 39.)—8. (Plato, Apol., 32.)—9. (Demosth., c. Timocr., p. 716.)—10. (Æschin., c. Ctesiph., 64.—Demosth., c. Meid., 517.)

1. (Suidas, s. v. Κατεχειροτόνησεν.)—2. (Phil. Mus., vol. ii., p. 424.)—3. (Demosth., c. Timocr., 715, 719.)—4. (Thucyd., vi., 72.)—5. (Schol. ad Aristophan. Vesp., 981.)—6. (Aristophan. Acharn., 173.)—7. (Id., 20.)—8. (Aristoph., Nub., 579.—Thucyd., v., 46.)—9. (viii., 95.)

have been liable, or for indemnity previous to giving information about any crime in which they were accomplices. In all these cases it was necessary to obtain an *ἀδεία*, i. e., a special permission or immunity, whence Pollux says of the second assembly, Ἡ δευτέρα ἐκκλησία ἀνεῖται τοῖς βουλευμένοις ἀδείᾳ (i. e., ἐπ' ἀδείᾳ) λέγειν περὶ τε τῶν ἰδίων καὶ τῶν κοινῶν.

In the third assembly, ambassadors from foreign states were received. In the fourth, religious and other public matters of the state were discussed.

From this statement, compared with what is said under ΕΙΣΑΓΓΕΛΙΑ, it appears that in cases which required an extraordinary trial, the people sometimes acted in a judicial capacity, although they usually referred such matters to the court of the *βίβλα*. There were, however, other cases in which they exercised a judicial power: thus, for instance, the *προεδρί* could ex officio prosecute an individual for the people for misconduct in the ecclesia.¹ Again, on some occasions, information (*μήνυσις*) was simply laid before the people in assembly, without the informant making a regular impeachment; and although the final determination in cases of this kind was generally referred to a court of law, still there seems no reason to doubt that the people might have taken cognizance of them in assembly, and decided upon them as judges, just as they did in some instances of heinous and notorious crimes, even when no one came forward with an accusation. Moreover, in turbulent and excited times, if any one had incurred the displeasure of the people, they not unfrequently passed summary sentence upon him, without any regard to the regular and established forms of proceeding: as examples of which we may mention the cases of Demosthenes and Phocion. The proceedings called *προβολή* and *ἐπιγγελία* were also instituted before the people: further information with respect to them is given under those heads.

The legislative powers of the people in assembly, so far as they were defined by the enactments of Solon, were very limited; in fact, strictly speaking, no laws could, without violating the spirit of the Athenian constitution, be either repealed or enacted, except by the court of the *Νομοθέται*: it might, however, doubtless happen, that *ψηφίσματα* passed by the assemblies had reference to general and permanent objects, and were therefore virtually *νόμοι* or laws; moreover, if we may judge by the comments of Demosthenes, it appears that in his days the institutions of Solon had in this respect fallen into disuse, and that new laws were made by the people collectively in assembly, without the intervention of the court of the *νομοθέται*.²

The foreign policy of the state, and all matters connected with it, and the regulation and appropriation of the taxes and revenues, were, as we might expect, determined upon by the people in assembly. The domestic economy of the state was under the same superintendence: a fact which Pollux briefly expresses by informing us that the people decided in the fourth assembly *περὶ ἱερῶν καὶ θυσιασίων*, i. e., on all matters, whether spiritual or secular, in which the citizens collectively had an interest. Such, for example, says Schömann,³ "are the priesthood, the temples of the gods, and all sacred things; the treasury, the public land, the property in general; the magistracy, the laws and institutions of the state, and the state itself:" in connexion with which we may observe, that the meetings for the election of magistrates were called *ἀρχαιρεσίαι*. Lastly, as

Schömann remarks, "the people likewise determined in assembly upon the propriety of conferring rewards and honours on such citizens or strangers, or even foreign states, as had in any manner signally benefited the commonwealth." It is hardly necessary to add, that the signification of a religious assembly or church, which *ἐκκλησία* bore in later times, sprang from its earlier meaning of an assembly in general, whether of the constituency of a whole state, or of its subdivisions, such as tribes and cantons. (*Vid.* TRIBUS and DEMUS.)

ΕΚΚΛΗΤΟΣ ΠΟΛΙΣ. (*Vid.* SYMBOLA.)

ECCLE'TOI (*ἐκκληῖται*) was the name of an assembly at Sparta, and seems to have been the same as the so-called *lesser assembly* (*ἡ μικρὰ καλουμένη ἐκκλησία*). Its name seems to indicate a select assembly, but it is difficult to determine of what persons it was composed; but, since Xenophon¹ mentions the ephors along with and as distinct from it, we cannot, with Tittmann² and Wachsmuth,³ consider it as having consisted of the Spartan magistrates, with the addition of some deputies elected from among the citizens. As, however, the *ἐκκληῖται* do not occur until the period when the franchise had been granted to a great number of freedmen and aliens, and when the number of ancient citizens had been considerably thinned, it does not seem improbable that the lesser assembly consisted exclusively of ancient citizens, either in or out of office; and this supposition seems very well to agree with the fact, that they appear to have always been jealously watchful in upholding the ancient constitution, and in preventing any innovation that might be made by the ephors or the new citizens.⁴

The whole subject of the *ἐκκληῖται* is involved in difficulty. Tittmann thinks that, though the name of this assembly is not mentioned, it existed long before the Persian war, and that in many cases in which the magistrates (*τέλη, ἀρχοντες* or *ἀρχαί*) are said to have made decrees, the magistrates are mentioned instead of the *ἐκκληῖται*, of whom they were the chief members. This last supposition is rejected by Müller,⁵ who observes that the magistrates were often said to have decreed a measure (especially in foreign affairs), though it had been discussed before the whole assembly and approved by it; for the magistrates were the representatives and the organs of the assembly, and acted in its name. Müller is also of opinion that *ἐκκληῖται* and *ἐκκλησία* are identical, and distinct from the lesser assembly, which he considers to have been a kind of select assembly. But his arguments on this point are not convincing. The *ἐκκληῖται* and the lesser assembly are mentioned about the same time in Grecian history, and previous to that time we hear of no assembly except the regular *ἐκκλησία* of all the Spartans.⁷

ΕΚΔΟΣΙΣ. (*Vid.* NAUTICON.)

ECCLE'TICI (*ἐκλεκτικοί*), an ancient medical sect, which must not be confounded with the school of philosophers of the same name mentioned by Diogenes Laertius,⁸ though it is probable that they assumed this title in imitation of them. Their name is derived from their founder (like Potamo the philosopher) "having selected from each sect the opinions that seemed most probable" (*ἐκλεξαμένου τὰ ἀρέσαστα ἐξ ἐκάστης τῶν αἰρέσεων*).⁹ From a passage in the *Introductio* (in which Le Clerc¹⁰ conjectures that, instead of *ἐκλεκτοί*, we should read *ἐκλεκτικοί*) and which is falsely attributed to Galen,¹¹ it appears

1. (Xen., *Hell.*, iii., 3, § 8.)—2. (Hell., ii., 4, § 38.)—3. (Griech. Staatsv., p. 100.)—4. (Hell. Alter., i., 1, p. 221.)—5. (Thirlwall, *Hist. of Greece*, iv., p. 372, &c.)—6. (Dor., iii., 5, § 10.)—7. (*Vid.* Xen., *Hell.*, v., ii., § 33; vi., 3, § 3.)—8. (Proem., c. 14, § 21.)—9. (Diog. Laert., l. c.)—10. (*Hist. de la Méd.*)—11. (c. 4, p. 684, ed. Kühn.)

that they were a branch of the Methodici (*vid. Methodici*), and they seem to have agreed very nearly, if not to have been altogether identical, with the sect of the Episyntectici. (*Vid. Episyntectici*.) They were founded either by Agathinus of Sparta or his pupil Archigenes.¹ Several of the opinions of both these physicians are to be found in various fragments of their lost works preserved by Galen, Orbasiasus, Aetius, &c.; but we are nowhere (as far as the writer is aware) informed what were the particular doctrines that they adopted as their own from those of other sects. We can only suppose that they endeavoured to join the tenets of the Methodici to those of the Empirici and Dogmatici (*vid. Methodici, Empirici, Dogmatici*), and to reconcile the differences of those rival and opposite sects.

ΕΥΛΟΓΕΙΣ. (*Vid. ΕΙΣΦΟΡΑ*.)

ΕΥΜΑΡΤΥΡΙΑ (*εὐμαρτυρία*) signifies the deposition of a witness, who, by reason of absence abroad, or illness, was unable to attend in court. His statement was taken down in writing, in the presence of persons expressly appointed to receive it, and afterward, upon their swearing to its identity, was read as evidence in the cause. They were said *εὐμαρτυροῦν τὸν εὐμαρτυρῶντα*, the absent witness, *εὐμαρτυροῦντος* the party who procured the evidence, *εὐμαρτυροῦντος τοῦ κριτοῦ*. It was considered as the testimony of the deponent himself, not that of the certifying witnesses, and therefore did not come within the description of hearsay evidence, which (except the deposition of a deceased person) was not admissible at Athens. The law was *ἀποφύγετον ἡμάρτυρον ἑσπέρωνος ἐξ ἑσπέρωνος καὶ ἀλλοτρίων*. The deponent (like any other witness) was liable to an action for false testimony if the contents of the deposition were untrue, unless he could show that it was incorrectly taken down or forged, in which case the certifying witnesses would be liable. Therefore (Isæus tells us) it was usual to select persons of good character to receive such evidence, and to have as many of them as possible.² (*Vid. Μαρτυρία*.)

ΕΥΦΩΡΑ. (*Vid. ΕΥΣΕΙΑ*.)

ΕΥΦΥΛΛΟΠΡΟΡΙΑ. (*Vid. BANISHMENT, (GREEK)*.)

ΕΥΠΡΟΪΝ (*εὐπροΐν*) **ΕΥΠΡΟΪΣΤΑΙ** (*εὐπροΐσταί*) (*Vid. ΑΠΟΡΤΙΧ, GREEK*.)

ΕΥΡΕΙΑ (*Vid. ΗΒΕΡΙΑ*.)

ΕΥΡΕΤΕΣ (*Vid. ΕΥΕΤΕΣ*.)

ΕΥΡΕΤΕ ΑΚΤΙΟΝΕΜ (*Vid. Ακτιο, p. 19*.)

ΕΔΙΚΤΟΝ. The Jus Edicendi, or power of making edicts, belonged to the higher magistratus populi Romani, but it was principally exercised by the two prætors, the prætor urbanus and the prætor peregrinus, whose jurisdiction was exercised in the provinces by the præses. The curule ædiles also made many edicts, and their jurisdiction was exercised (under the Empire at least) in the provinciæ populi Romani by the questors.³ There was no edict promulgated in the provinciæ Cesaris. The tribunes, consuls, and pontifex also promulgated edicts relating to the matters of their respective jurisdictions. The edicts are enumerated by Gaius among the sources of Roman law, and this part of the Roman law is sometimes called in the Pandect Jus Honorarium,⁴ apparently because the edictal power belonged to those magistrates only who had the honor, and not so much ad honorum prætorum.⁵ As the edicts of the prætors were the most important, the jus honorarium was sometimes called jus prætorium; but properly, the jus honorarium was the term under which was comprehended all the edictal law.

The Edictum may be described generally as a rule promulgated by a magistratus on entering his office, which was done by writing it on a tablet and placing it in a conspicuous place, "plano recte legi potest." From this circumstance the Edict was considered to be a part of scriptum. As the office of a magistratus was annual, the rules promulgated by a predecessor were not binding on a successor, but he might or adopt the rules of his predecessor, and insert them into his own Edict, and hence such rules were called edictum tralatitium⁶ or edictum vetus, opposed to edictum novum. A repentinum was that rule which was made (prout edit) for the occasion.⁷ A perpetuum edictum was that rule which was made by the magistratus upon entering upon office, and which was intended to all cases to which it was applicable during the year of his office: hence it was sometime also, annua lex. Until it became the prætor magistratus to adopt the edicts of their predecessors, the edicts could not form a body of permanent binding rules; but when this practice became common, the edicts (edictum tralatitium) constituted a large body of law, which was practised as much importance as any other part of the law. The several edicts, when thus established, were designated by the names of their promulgators, the Edictum Carbonianum; or they were referred with reference to the formula and the act by which they were established, as Aquiliana, Publiciana, &c.

The origin of the edictal power cannot be exactly shown; but as the prætor was a magistratus established for the administration of justice, and the count of the occupations of the consuls, consular power was the representative of the prætorial power, it seems that the jus edicendi may have been a remnant of the kingly prerogative. However may be, the edictal power was early exercised, and so far established that the jus prætorium was recognised as a division of law in, and perhaps so long before, the time of Cicero,⁸ in whose age the Jus Edicendi formed a part of the regular law.⁹ The edict of the ædiles about the sale and selling of slaves is mentioned by Cicero. Edictiones Edilitiæ are alluded to by Plautus, and an edict of the prætor Peregrinus is mentioned in the Lex Galliæ Cisalpina, which probably was the beginning of the eighth century of the Roman Republic. The Lex Cornelia, B.C. 67, provided against the abuse of the edictal power, by declaring that the prætor should decide in particular cases conform to their perpetual edicts. The edicts made in the provinces are often mentioned by Cicero. They were founded on the edictum urbanum, though they were wise comprehended special rules, applicable to the administration of justice in the provinces so far they were properly edictum provincialium. Cicero⁷ says that he promulgated in his province two edicts; one provinciale, which, among the matters, contained everything that related to publicani, and another, to which he gives the name of edictum relating to matters of which he says, "ex postulari et fieri solent." As to all the rest, he declared that he would frame decrees (decreta) upon the edicta urbana. The prætor, then, that in the time of Cicero had already formed a large body of law, which was confirmed by the fact that in his time an attempt had been already made to reduce it into order by comment on it. Servius Sulpicius, the gre-

1. (Ualen, *De Diffinit. Med.*, c. 14, p. 353.)—2. (Isæus, *De Pyrr. Herod.*, 22, 24, ed. Bekk.—*Demosth.*, c. Steph., 1130, 1131.)—3. (Gaius, l. 1, 6.) 4. (Dig. 44, tit. 7, s. 52.)—5. (Dig. 1, tit. 1, s. 7.)

1. (Cic. *ad. Att.*, v., 21; *ad Fam.*, iii., 8; in *Verr.*, i. in *Verr.*, iii., 14.)—2. (in *Verr.*, i., 44.)—3. (De *Leg.*, 23.)—4. (Off., iii., 17.)—5. (Capt., iv., 2; v., 43.)—6. (vi., 1.)

and orator, the friend and contemporary of Cicero, addressed to Brutus two very short books on the Edict, which was followed by the work of Ofilius;¹ though we do not know whether the work of Ofilius was an attempt to arrange and collect the various dicta, like the subsequent compilation of Julian, or commentary like those of many subsequent jurists (Ofilius edictum prætoris primus diligenter composuit).

The object of the Edict, according to the Roman jurists, was the following: "Adjuvandi vel supplendi vel corrigendi juris civilis gratia propter utilitatem publicam:" the Edict is also described as "viva vox juris civilis." It was, in effect, an indirect method of legislating, sanctioned, not only by public opinion, but by the sovereign power, and it was the means by which numerous rules of law became established. It was found to be a more effectual, because an easier and more practical way of gradually enlarging and altering the existing law, and keeping the whole system in harmony, than the method of direct legislation; and it is undeniable that the most valuable part of the Roman law is derived from the edicts. If a prætor established any rule which was found to be inconvenient or injurious, it fell into disuse if not adopted by his successor. The publicity of the Edict must also have been a great security against any arbitrary changes, for a magistratus would hardly venture to promulgate a rule to which opinion had not by anticipation already given its sanction. Many of the rules promulgated by the Edict may probably have been merely in conformity to existing custom, more particularly in cases of contracts, and thus the edict would have the effect of converting custom into law. When Cicero,² however, says that the Edict depends in a great degree on custom, he probably only means that it was usual to incorporate into every new edict what any preceding magistratus had adopted from former edicts. Thus the edictum tralatitium obtained its validity by being continually recognised by every successive magistratus.

As to the matter of the Edict, it must be supposed that the defects of the existing law must generally have been acknowledged and felt before any magistratus ventured to supply them; and in doing this, he must have conformed to that so-called natural equity which is recognised by all mankind. Under the emperors, also, it may be presumed that the opinions of legal writers would act on public opinion, and on those who had the *ius edicendi*. Hence a large part of the edictal rules were founded on the so-called *ius gentium*, and the necessity of some modifications of the strict rules of the civil law, and of additional rules of law, would become the more apparent with the extension of the Roman power and their intercourse with other nations. But the method in which the prætor introduced new rules of law was altogether conformable to the spirit of Roman institutions. The process was slow and gradual; it was not effected by the destruction of that which existed, but by adapting it to circumstances. Accordingly, when a right existed or was recognised, the prætor would give an action if there was none; he would interfere by way of protecting possession, but he could not make possession into ownership, and, accordingly, that was effected by law (*ius* *USUCAPIO*); he aided plaintiffs by fictions, for instance, in the *Publiciana actio*, where the law was that the possessor had obtained the ownership by usucapion, and so was *quasi ex jure Quiritium dominus*;³ and he also aided parties by actions, and in integrum restitutio.

The old forms of procedure were few in number,

and certainly they were often inconvenient and failed to do justice. Accordingly, the prætor extended the remedies by action, as already intimated in the case of the *Publiciana actio*. This change probably commenced after many of the *legis actiones* were abolished by the *Æbutia lex*, and the necessity of new forms of actions arose. These were introduced by the prætors, and it is hardly a matter of doubt that, in establishing the formulæ, they followed the analogy of the *legis actiones*. It is the conclusion of an ingenious writer,¹ "that the edict of the prætor urbanus was in the main part relating to actions arranged after the model of the old *legis actiones*, and that the system is apparent in the Code of Justinian, and still more in the Digest."

Under the emperors there were many commentators on the Edict. Thus we find that Labeo wrote four books on the Edict, and a work of his in thirty books, *Ad Edictum Prætoris Peregrini*, is cited by Ulpian.² When the imperial rescripts became common, the practice of making annual edicts became less common, and after the time of Hadrian probably fell nearly into disuse; but this opinion, it should be observed, is opposed by several distinguished modern writers. However this may be, *Salvius Julianus*, a distinguished jurist, who lived in the time of Hadrian, and filled the office of prætor, composed a systematic treatise on the edict, which was called *Edictum Perpetuum*; and it seems that, from the date of this treatise, the name *Perpetuum* was more particularly applied to this edictum than to that which was originally called the *Edictum Perpetuum*. Julian appears to have collected and arranged the old edicts, and he probably omitted both what had fallen into disuse, and abridged many parts, thus giving to the whole a systematic character. The work of Julian must have had a great influence on the study of the law, and on subsequent juristical writings. Nothing is known of the details of this treatise. It does not seem probable that the edicts of the two Roman prætors, together with the *Edictum Provinciale*, and the edicts of the *curule ædiles*, were blended into one in this compilation. If the work of Julian comprehended all these edicts, they must have been kept distinct, as the subject matter of them was different. We know that the edicts of the *curule ædiles* were the subject of distinct treatises by *Gaius*, *Ulpian*, and *Paulus*, and the *Edictum Provinciale* would, from its nature, be of necessity kept separate from all the rest. But some writers are of opinion that the *Edictum Perpetuum* of Julianus made one body of law out of the edicts of the prætor urbanus and peregrinus; that there was also incorporated into it much of the *Edictum Provinciale*, and a large part of the *Edictum Ædilicium*, as an appendage at least. The Edict thus arranged and systematized was, it is farther supposed, promulgated in the provinces, and thus became, as far as its provisions extended, a body of law for the Empire. This view of the edictum of Julianus is confirmed by the fact of Italy being divided by Hadrian into the city of Rome with its *appurtenant* part, and four districts. The magistratus remained as before, but the jurisdiction of the prætor was limited to Rome and its territory; and magistrates, called *consulares*, and subsequently, in the time of *Aurelius*, *juridici*, were appointed to administer justice in the districts. As the edictal power of the prætor was thus limited, the necessity for a comprehensive Edict (such as the *Edictum Perpetuum*) is the more apparent.

There were numerous writings on the Edict besides those above enumerated. They were sometimes simply entitled *ad Edictum*, according to the

1. (Dig. 1, tit. 2, s. 2.)—2. (De Invent., ii., 22.)—3. (Gaius, i., 26.)

1. (Rhein. Mus. für Juris., i., p. 51.—"Die *Œconomie des Edictes*, von Heffer.")—2. (Dig. 4, tit. 3, s. 9.)

itations in the Digest; and there were also other juristical writings, not so entitled, which followed the order of the Edict, as, for instance, the epitome of Hermogenianus.¹ Ultimately the writings on the Edict, and those which followed the arrangement of the Edict, obtained more authority than the Edict itself, and became the basis of instruction.

Some few fragments of the older edicts are found here and there in the Roman writers, but it is chiefly from the writings of the jurists as excerpted in the Digest that we know anything of the Edict in its later form. It seems pretty clear that the order of Justinian's Digest, and more particularly that of his Code, to some extent followed that of the Edict. The writings on the Edict, as well as the Edict itself, were divided into tituli or rubricæ, and these into capita; some special or detached rules were named clausulæ; and some parts were simply named edictum, as Edictum Carbonianum, &c.

The Edicta or Edictales Leges of the emperors are mentioned under *CONSTITUTIO*.

The Digest, as already observed, contains numerous fragments of the Edicts. The most complete collection of the fragments of the Edicts is by Wieling, in his "Fragmenta Edicti Perpetui," Franek, 1733. The latest essay on the subject is by C. G. L. de Weyhe, "Libri Tres Edicti sive de origine fatisque Jurisprudentiæ Romanæ præsertim Edictorum Prætoris ac de forma Edicti Perpetui," Cell., 1821. The twenty-first book of the Digest² is on the *Ædilicium Edictum*. (Zimmern, *Geschichte des Röm. Privatrechts*.—Marezoll, *Lehrbuch*, &c.—Rein, *Das Römische Privatrecht*, &c., ein *Hülfsbuch zur Erklärung der alten Classiker*, &c., Leipzig, 1836, a useful work.—Savigny, *Geschichte des R. R.*, &c., vol. i., c. 1.)

EDICTUM THEODORICI. This is the first collection of law that was made after the downfall of the Roman power in Italy. It was promulgated by Theodoric, king of the Ostrogoths, at Rome, in the year A.D. 500. It consists of 154 chapters, in which we recognise parts taken from the Code and Novellæ of Theodosius, from the Codices Gregorianus and Hermogenianus, and the Sententiæ of Paulus. The Edict was doubtless drawn up by Roman writers, but the original sources are more disfigured and altered than in any other compilation. This collection of law was intended to apply both to the Goths and the Romans, so far as its provisions went; but when it made no alteration in the Gothic law, that law was still to be in force. There is an edition of this Edictum by G. F. Rhon, Halæ, 1816, 4to.³

EEDNA. (*Vid.* *DOS*, GREEK.)

EICOSTE (*εικοστή*) was a tax or duty of one twentieth (five per cent.) upon all commodities exported or imported by sea in the states of the allies subject to Athens. This tax was first imposed B.C. 413, in place of the direct tribute which had up to this time been paid by the subject allies; and the change was made with the hope of raising a greater revenue.⁴ This tax, like all others, was farmed, and the farmers of it were called *εικοστολόγοι*. It continued to be collected in B.C. 405, as Aristophanes mentions an *εικοστολόγος* in the *Frogs*.⁵

EICOSTOLOGOI. (*Vid.* *EICOSTE*.)

EIREN or **IREN** (*ειρηνή* or *ίρηνή*) was the name given to the Spartan youth when he attained the age of twenty. At the age of eighteen he emerged from childhood, and was called *μελλείρην*.⁶ When he had attained his twentieth year, he began to ex-

ercise a direct influence over his juniors, and was intrusted with the command of troops in battle. The word appears to have originally signified a commander. Hæsychius explains *ἱρανεὶς* by *ἀρχονταὶ διώκοντες*: and *ειρηνάξει* by *κρατεῖ*. The *ίρηνες* mentioned in Herodotus⁷ were certainly not youths, but commanders.⁸

EIS'AGEIN. (*Vid.* *EISAGOGEIS*.)

EISAGO'GEIS (*Εισαγωγεῖς*) were not themselves distinct classes of magistrates, but the name was given to the ordinary magistrates when they were applied to to bring a cause (*εἰσάγειν*) into a proper court. (*Vid.* *ΔΙΑΙΤΕΤΑΙ*, p. 354, and *DICE*, p. 358.) The cause itself was tried, as is explained under *DICE*, by dicasts chosen by lot; but all the preliminary proceedings, such as receiving the accusation, drawing up the indictment, introducing the cause into court, &c., were conducted by the regular magistrate, who attended in his own department to all that was understood in Athenian law by the *ἡγεμονία τοῦ δικαστηρίου*. Thus we find the strategæ, the logistæ, the *ἐπιστάται τῶν δημοσίων ἔργων*, the *επιμεληταὶ τοῦ ἡμπορίου*, &c., possessing this *ἡγεμονία*; but it was not the chief business of any of the public magistrates except of the archons, and perhaps of the eleven. The chief part of the duties of the former, and especially of the thesmothetæ, consisted in receiving accusations and bringing causes to trial (*εἰσάγειν*) in the proper courts. (*Vid.* *ΑΚΡΟΝ*, p. 84.)⁹

EISANGELIA (*εἰσαγγελία*) signifies, in its primary and most general sense, a denunciation of any kind,⁴ but much more usually, an information laid before the council or the assembly of the people, and the consequent impeachment and trial of state criminals at Athens under novel or extraordinary circumstances. Among these were the occasions upon which manifest crimes were alleged to have been committed, and yet of such a nature as the existing laws had failed to anticipate, or, at least, describe specifically (*ἀγραφα ἄδικήματα*), the result of which omission would have been, but for the enactment by which the accusations in question might be preferred (*νόμος εἰσαγγελτικὸς*), that a prosecutor would not have known to what magistrate to apply; that a magistrate, if applied to, could not with safety have accepted the indictment or brought it into court; and that, in short, there would have been a total failure of justice.⁵ The process in question was peculiarly adapted to supply these deficiencies: it pointed out, as the authority competent to determine the criminality of the alleged act, the assembly of the people, to which applications for this purpose might be made on the first business-day of each prytany (*κυρία ἐκκλησία*), or the council, which was at all times capable of undertaking such investigations; and occasionally the accusation was submitted to the cognizance of both these bodies. After the offence had been declared penal, the forms of the trial and amount of the punishment were prescribed by the same authority; and, as upon the conviction of the offenders a precedent would be established for the future, the whole of the proceedings, although extraordinary, and not originating in any specific law, may be considered as virtually establishing a penal statute, retrospective in its first application.⁶

The speech of Euryptolemus⁷ clearly shows that the crime charged against the ten generals who fought at Arginusæ was one of these unspecified offences. The decree of the senate against Antiphon and his colleagues,⁸ directing that they

1. (*Dig.* 1, tit. 5, s. 2.)—2. (*tit.* 1.)—3. (*Savigny*, *Geschichte des R. R.*, &c.)—4. (*Thucyd.*, vii., 28.)—5. (*l.* 348.—*Vid.* *Bétab*, *Publ. Econ. of Athens*, ii., p. 38, 139.)—6. (*Plut.*, *Lyc.*, 17.)

1. (*ix.*, 85.)—2. (*Müller*, *Dorians*, ii., p. 315.)—3. (*Hermann*, *Pol. Ant. of Greece*, § 138.)—4. (*Schömann*, *De Com.*, p. 187.)—5. (*Harpoerat.*, s. v.)—6. (*Harpoerat.*)—7. (*Lycurg.*, c. *Leocæ*, 149, ed. Steph.)—8. (*Xen.*, *Hell.*, i, 7, sub fin.)—9. (*Vl. Dam.* *Orat. in Antiph.*, 833, E.)

be tried, and, if found guilty, punished as if he seems to warrant the inference that their embassy (viz., having undertaken an embassy) by order of the Four Hundred, a government declared illegal upon the reinstatement of the senate) did not amount to treason in the usual sense of the term, but required a special declaration of the senate to render it cognizable as such by the people.

Another instance of treason by implication is prosecuted as an extraordinary and unspecified offence appears in the case of Leocrates, who is, in each already cited, accused of having absented himself from his country, and dropped the character of an Athenian citizen at a time when the danger was in imminent danger. Offences, however, of this nature were by no means the only ones, nor, in fact, the most numerous class of those to which ordinary denunciations were applicable. They were adopted when the charge embraced a category of crimes, as that of treason and impiety—the famous case of Alcibiades, for each of which a common indictment (*γραφή*) was admitted against the accused were persons of great influence in the state, when the imputed crime, though punishable by the ordinary laws, was peculiarly heinous, or when a more speedy trial than was permitted by the usual course of business was requisite to accomplish the ends of justice.¹ Circumstances of this nature would, of course, be very often pre-arranged by an informer, to excite the greater odium against the accused, and the adoption of the procedure must have been much more frequent than is absolutely necessary.

The first step taken by the informer was to render a denunciation to writing, and submit it to the cognizance of the council, which possessed discretionary power to accept or reject it.² Demosthenes maintains that a reference to this body was not necessary when it was intended to bring the matter before the assembly of the people, but that the agency was in such cases limited to permitting impeachment to be announced for discussion and directing the *proedri* to obtain a hearing from the informer. The *thesmothetæ* are also mentioned by Pollux³ as taking part in bringing the matter before the assembly, but upon what occasion they were so employed we can only conjecture.

Causes intended for the cognizance of the council only, after the reception of the denunciation, were those of a private nature, and were treated as private causes with respect to it might be decided by that body. If the alleged offence were punishable by a fine of no greater amount than five hundred drachmæ, the council itself formed a court of law for its trial; if it was of a graver character, the *proedri* might pass a decree, such as that in the case of Antiphon already mentioned, directing the officers to introduce the cause to a Heliastic court, and prescribing the time and forms of the trial, and the penalty to be inflicted upon the conviction of the criminals; lastly, if the matter were of great importance, and from doubts or other reasons required the sanction of the assembly, they would submit the cause as it stood to the consideration of that body. In the first case, the trial was held before the council with all the forms of a public court; and if, upon the assessment of the offence, it seemed to deserve a heavier punishment than fell within its competency, the cause was transferred to a Heliastic court, by the order of the sentence of the council (*κατάγνωσις*) by the *thesmothetæ* by the scribe of the *prytanes*, and these officers it then devolved to bring the cause to justice.⁴ The accused were in the meantime put into prison for safe custody by the

authority of the council. When the offence was obviously beyond the reach of the senate's competency, the trial was dispensed with, and a decree immediately drawn up for submitting the cause to a superior court.

When a cause of this kind was so referred, the decree of the senate, or vote of the people, associated other public advocates, generally ten in number, with the informer, who received a drachma each from the public treasury (*συνήγοροι*). And besides these, permission was given to any other citizen to volunteer his services on the side of the prosecution. If the information were laid before the assembly, either by the accuser himself or the senate, the first proceedings in the cause had for their object to establish the penalty of the offence, or the apparent culpability of the accused; and this being decided by a vote of the people after a public discussion, the mode of conducting the trial and the penalty were next fixed. In the case of the ten generals, the assembly directed that the senate should propose the requisite arrangements. The plan of the senate, however, was not necessarily adopted, but might be combated by rival proposals of any private citizen. The assembly very often referred the matter to the Heliastic court, but occasionally undertook the trial itself; and when the prisoner was accused of treason, we are told¹ that he made his defence to the assembly in chains, and with a keeper upon either side; and, according to another authority,² that the time for such defence was limited. After this the tribes voted by ballot, two urns being assigned to each tribe for this purpose. The informer, in the event of the prisoner being acquitted, was subjected to no penalty if he obtained the votes of as many as a fifth of the judges; otherwise he was liable to a fine of a thousand drachmæ. For a more ample discussion of the trials in question, the reader is referred to Schömann.³

Besides the class of causes hitherto described, there were also two others which equally bore the name of *εἰσαγγελία*, though by no means of the same importance, nor, indeed, much resembling it in the conduct of the proceedings. The first of these consists of cases of alleged *κάκωσις*, i. e., wrong done to aged or helpless parents, women, or orphans. Upon such occasions the informer laid his indictment before the archon if the aggrieved persons were of a free Attic family, or before the polemarch if they were resident aliens. The peculiarities of this kind of cause were, that any Athenian citizen might undertake the accusation; that the informer was not limited as to time in his address to the court, and incurred no penalty whatever upon failing to obtain a verdict. With respect to the accused, it is obvious that the cause must have been *πιμνητός*, or, in other words, that the court would have the power of fixing the amount of the penalty upon conviction. The third kind of *εἰσαγγελία* was available against one of the public arbitrators (*δικαιτήτης*), when any one complained of his having given an unjust verdict against him. The information was in this case laid before the senate; and that the magistrate who had so offended, or did not appear to defend himself, might be punished by disfranchisement, we know from the instance mentioned by Demosthenes.⁴ This passage, however, and an allusion to it in Harpocration, constitute the whole of our information upon the subject.⁵

EISITERIA (*Εἰσιτήρια*, scil. *ἱερά*), sacrifices which were offered at Athens by the senate before the session began, in honour of *Θεοὶ Βουλευτοῖ*, i. e.,

Schömann, De Com., p. 190.—Harpocrat.—2. (Lys., c. 183.)—3. (viii., 87.)—4. (Demosth., c. Timocr., 720.)

1. (Xen., l. c.)—2. (Schol. ad Aristoph., Eccles., 1061.)—3. (De Comitibus, c. iii.)—4. (c. Meid., 542, 14.)—5. (Hudtwalcken, über die Diätet., p. 19.—Meier, Att. Proc., 270.)

Zeus and Athena.¹ The sacrifice was accompanied by libations, and a common meal for all the senators.²

Suidas³ calls the *ειστήρια* a festive day—the first of every year—on which all the Athenian magistrates entered upon their office, and on which the senate offered up sacrifices for the purpose of obtaining the good-will of the gods for the new magistrates. But this statement, as well as the farther remarks he adds, seem to have arisen from a gross misunderstanding of the passage of Demosthenes⁴ to which he refers. Schömann⁵ adopts the account of Suidas, and rejects the other statement without giving any reason.

EISPHORA (*εισφορά*), literally a contribution or tribute, was an extraordinary tax on property, raised at Athens whenever the means of the state were not sufficient to carry on a war. The money thus raised was sometimes called *τὰ καταλήματα*.⁶ We must carefully distinguish between this tax and the various liturgies which consisted in personal or direct services which citizens had to perform, whereas the *εισφορά* consisted in paying a certain contribution towards defraying the expenses of a war. Some ancient writers do not always clearly distinguish between the two, and Ulpian on Demosthenes⁷ entirely confounds them; and it is partly owing to these inaccuracies that this subject is involved in great difficulties. At the time when armies consisted only of Athenian citizens, who equipped themselves and served without pay, the military service was indeed nothing but a species of extraordinary liturgy; but when mercenaries were hired to perform the duties of the citizens, when wars became more expensive and frequent, the state was obliged to levy contributions on the citizens in order to be able to carry them on, and the citizens then paid money for services which previously they had performed in person.

It is not quite certain when this property-tax was introduced; for, although it is commonly inferred, from a passage in Thucydides,⁸ that it was first instituted in 428 B.C. in order to defray the expenses of the siege of Mytilene, yet we find *εισφορά* mentioned at an earlier period;⁹ and even the passage of Thucydides admits of an interpretation quite in accordance with this, for it is certainly not impossible that he merely meant to say that so large an amount as 200 talents had never before been raised as *εισφορά*. But, however this may be, after the year 428 B.C. this property-tax seems to have frequently been raised, for a few years afterward Aristophanes¹⁰ speaks of it as something of common occurrence. Such a contribution could never be raised without a decree of the people, who also assigned the amount required;¹¹ and the generals superintended its collection, and presided in the courts where disputes connected with, or arising from, the levying of the tax were settled.¹² Such disputes seem to have occurred rather frequently; personal enmity not seldom induced the officers to tax persons higher than was lawful, according to the amount of their property.¹³ The usual expressions for paying this property-tax are, *εισφέρειν χρήματα, εισφέρειν εἰς τὸν πόλεμον, εἰς τὴν σωτηρίαν τῆς πόλεως, εισφοράς εισφέρειν*, and those who paid it were called *οἱ εισφέροντες*. On the occasion mentioned by Thucydides, the amount which was raised

was, as we have seen, 200 talents, which, if we suppose the taxable property to have been 20,000 talents, was a tax of one per cent.¹ At other times the rates were higher or lower, according to the wants of the Republic at the time: we have accounts of rates of a twelfth, a fiftieth, a hundredth, and a five hundredth part of the taxable property.

The census of Solon was during the first period the standard according to which the *εισφορά* was raised, until in 377 B.C., in the archonship of Nausinicus, a new census was instituted, in which the people, for the purpose of fixing the rates of the property-tax, were divided into a number of *symmorai* (*συμμοριαί*) or classes, similar to those which were afterward made for the trierarchy.² The nature of this new census, notwithstanding the minute investigation of Böckh,³ is still involved in great obscurity. Each of the ten phylæ, according to Ulpian, appointed 120 of its wealthier citizens, who were divided into two parts, according to their property, called *symmorai*, each consisting of sixty persons; and the members of the wealthier of the two *symmorai* were obliged, in case of urgent necessity, to advance to the less wealthy the sum required for the *εισφορά* (*προεισφορά*).⁴ When the wants of the state had been thus supplied, those who had advanced the money could at their ease, and in the usual way, exact their money back from those to whom they had advanced it. The whole number of persons included in the *symmorai* was 1200, who were considered as the representatives of the whole Republic; it would, however, as Böckh justly observes, be absurd to suppose, with Ulpian, that these 1200 alone paid the property-tax, and that all the rest were exempt from it. The whole census of 6000,⁵ or, more accurately, of 5750 talents,⁶ was surely not the property of 1200 citizens, but the taxable property of the whole Republic. Many others, therefore, though their property was smaller than that of the 1200, must have contributed to the *εισφορά*, and their property must be considered as included in the census of 5750 talents of taxable property.

The body of 1200 was, according to Ulpian, also divided into four classes, each consisting of 300. The first class, or the richest, were the leaders of the *symmorai* (*ηγεμόνες συμμοριῶν*), and are often called the three hundred *κατ' ἐξοχὴν*. They probably conducted the proceedings of the *symmorai*, and they, or, which is more likely, the *demarchi*, had to value the taxable property. Other officers were appointed to make out the lists of the rates, and were called *ἐπιγραφεῖς, διαγραφεῖς, ἢ ἐκλογαί*. When the wants of the state were pressing, the 300 leaders, perhaps in connexion with the 300 included in the second class—for Ulpian, in the first portion of his remark, states that the richer *symmorai* of every phylæ had to perform this duty—advanced the money to the others on the above-mentioned terms,⁷ which, however, was never done unless it was decreed by the people.⁸ The rates of taxation for the four classes have been made out with great probability by Böckh,⁹ from whose work the following table is taken:

First Class, from twelve talents upward.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
500 tal.	$\frac{1}{20}$	100 tal.	5 tal.
100 "	$\frac{1}{20}$	20 "	1 "
50 "	$\frac{1}{20}$	10 "	30 min.
15 "	$\frac{1}{20}$	3 "	9 "
12 "	$\frac{1}{20}$	2 tal. 24 min.	720 drach.

1. (Böckh, *Staatsk.*, ii., p. 56.)—2. (Phaloch., *ap. Harpocrat.*, s. v. *Συμμορία*.—Demosth., c. Androt., p. 606.—Ulpian *ad* Demosth., *Olynth.*, ii., p. 33, e.)—3. (*Staatsk.*, book iv.)—4. (Demosth., c. Meid., p. 564, &c.)—5. (Demosth., *De Symmor.*)—6. (Polyb., ii., 62, § 7.)—7. (Demosth., c. Phenipp., p. 146.)—8. (Demosth., c. Polycl., p. 1209.)—9. (*Staatsk.*, ii., p. 55.)

1. (*Antiph.*, *De Chor.*, p. 789.—Böckh, *Corp. Inscript.*, i., p. 671.)—2. (Demosth., *De Fals. Leg.*, p. 400, 24.—Compare with c. Meid., p. 552, 2, where *εἰστήρια* are said to be offered for the senate, *ὑπὲρ τῆς βουλῆς*.)—3. (s. v.)—4. (*De Fals. Leg.*, p. 400.)—5. (*De Comit.*, p. 291, transl.)—6. (Demosth., c. Timocr., p. 731.)—7. (*Olynth.*, ii., p. 33, e.)—8. (iii., 19.)—9. (*Vid. Antiph.*, *Tetral.*, i. b., c. 12.—*Issus*, *De Diemog.*, c. 37; and Tittmann, *Griech. Staatsk.*, p. 41, note 31.—10. (*Equit.*, 922.)—11. (Demosth., c. Polycl., p. 1208.—*Aristoph.*, *Eccles.*, 818.)—12. (Wolf, *Proleg.* in *Leptin.*, p. 94.—Demosth., c. Esot., p. 1002.)—13. (*Aristoph.*, l. c.—Demosth., c. *Aphob.*, p. 815.)

ELAIOMELI.

ELECTRUM.

Second Class, from six talents and upward, but under twelve.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
11 tal.	$\frac{1}{10}$	1 tal. 50 min.	550 drach.
10 "	$\frac{1}{10}$	1 " 40 "	500 "
8 "	$\frac{1}{10}$	1 " 20 "	400 "
7 "	$\frac{1}{10}$	1 " 10 "	350 "
6 "	$\frac{1}{10}$	1 " . . .	300 "

Third Class, from two talents upward, but under six.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
5 tal.	$\frac{1}{10}$	37½ min.	187½ drach.
4 "	$\frac{1}{10}$	30 "	150 "
3 "	$\frac{1}{10}$	22½ "	112½ "
2½ "	$\frac{1}{10}$	18½ "	93½ "
2 "	$\frac{1}{10}$	15 "	75 "

Fourth Class, from twenty-five minæ upward, but under two talents.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
1½ tal.	$\frac{1}{10}$	900 drach.	45 drach.
1 "	$\frac{1}{10}$	600 "	30 "
45 min.	$\frac{1}{10}$	450 "	22½ "
30 "	$\frac{1}{10}$	300 "	15 "
25 "	$\frac{1}{10}$	250 "	12½ "

Every one had to pay his tax in the phyle where his landed property lay, as appears from the oration of Demosthenes against Polycles; and if any one refused to pay, the state had a right to confiscate his estate, but not to punish the individual with stigma.¹ But if any one thought that his property was taxed higher than that of another man on whom juster claims could be made, he had the right to call upon this person to take the office in his stead, or to submit to a complete exchange of property. (Vid. ANTIPODIS.) No Athenian, on the other hand, if belonging to the tax-paying classes, could be exempt from the *eisphorá*, not even the descendants of Harmodius and Aristogiton.² Orphans, though exempt from liturgies, were obliged to pay the property-tax, as we see in the instance of Demosthenes, who was one of the leaders of the *synnoria* for ten years.³ Even trierarchs were not exempt from paying the *eisphorá* themselves, although they could not be compelled to pay the *proeisphorá*.⁴ It seems that aliens were likewise subject to it, for the only instance we have of any exception being made is one of aliens.⁵

For farther information concerning the subject of the *eisphorá*, vid. the fourth book of Böckh's *Public Economy of Athens*.—Wolf, *Prolegomena in Lepsius—Wachsmuth, Hellen. Alterth.*, ii., 1, p. 136.—Hermann, *Pol. Ant. of Greece*, § 162.

EISPOIEISTHAI (εισποιεῖσθαι). (Vid. ADORATION, GREEK.)

ELÆOTHE'SIUM. (Vid. BATHS, p. 148.)

*ELAIÁ (ἐλαία), the Olive. The common *ἐλαία* of the Greek authors is the *Olea Europæa*, L. The *ὄλαια λιθωπικῆ*, called also *ἀγριελαία* and *κότινος*, is referred by Matthioli and Sprengel to several species of the *Elaïagnus*, namely, *E. spinosa*, *E. horrearia*, and *E. Orientalis*.⁶

*ELAIAG'NUS or ELEIAG'NUS (ἐλαίανος or ἐλειάγνος), a plant mentioned by Theophrastus,⁷ and which is thought, from the description which he gives of it, to have been the same with the Dutch *Myrtle*, or *Myrica*, Gale. Sprengel, however, is in favour of the *Salix Babylica*, or Weeping Willow.⁸

*ELAIOMELI (ἐλαιώμη), according to Dr. Al-

ston, a sort of Manna. Pliny¹ says of it, "*Sponte nascitur in Syria maritima, quod elæomeli vocant, manat ex arboribus pingue, crassiusque melle, resina tenuius, sapore dulci.*" The same writer, in another part,² informs us that it acted as an aperient, and was particularly efficacious in producing evacuations of bile. Hard drinkers, who wished to contend for the palm at a carousal, commenced by drinking a cyathus of diluted elæomeli. Fée inclines to make it a terebinthine, especially since Dioscorides speaks of its employment as a friction in nervous disorders. Pliny and Dioscorides make mention, also, of its soporific properties; but this seems inconsistent with its other qualities, and is regarded by Fée as erroneous.³

ELAPHÉBOLIA (Ἐλαφῆβόλια), the greatest festival in the town of Hyampolis, in Phocis, which was celebrated in honour of Artemis, in commemoration, it is said, of a victory which its inhabitants had gained over the Thessalians, who had ravaged the country, and reduced the Phocians in the neighbourhood of the town nearly to the last extremity.⁴ The only particular which we know of its celebration is, that a peculiar kind of cake (*ἐλαφος*) was made on the occasion.⁵ These cakes were, as their name indicates, probably made in the shape of a stag or deer, and offered to the goddess. The festival of the elaphebolia was also celebrated in many other parts of Greece, but no particulars are known.⁶

ELAPHÉBOLION (Ἐλαφῆβολίων). (Vid. CALENDAR, GREEK.)

*ELAPHOBOS'CUS (ἐλαφόβοσκος), the Garden Parsnip, or *Pastinaca sativa*. The popular belief was, that the stags, by feeding on this, were enabled to resist serpents. Sibthorp found it in the islands of the Archipelago, on the margins of fields, and also in the Peloponnesus.⁷

*EL'APHUS (ἐλαφος), the Stag, or *Cervus Elaphus*. Buffon makes the *ἰπέλαφος* of Aristotle the *Cerv des Ardennes*. The *ἀγρίνης* of Aristotle was the *Daguet*, or Young Stag.⁸

*EL'ATE (ἐλάτη). "The common *ἐλάτη* of the Greeks," observes Adams, "must have been either the *Pinus Orientalis*, Tournefort, or the *Pinus abies*. There is some difficulty in distinguishing the Male and Female species of Theophrastus.⁹ Stackhouse holds the former to be the *Pinus abies*, or common Fir-tree; and the latter, the *Pinus picca*, or Yellow leaved Fir.¹⁰

*ELATINE (ἐλατίνη), either the *Linaria Elatine*, Desf., or *Linaria spuria*, Will. Its English name is Fluellin, and it is a species of Toad-flax.¹¹

*ELEB'ORUS. (Vid. HELLEBORUS.)

ELECTRUM. (Vid. BRONZE, p. 177.)

*II. Amber. Most of the ancient authors erred in supposing Amber an exudation from the poplar. Theophrastus, however,¹² would appear to have known its true origin. "Amber," says he, "is a stone. It is dug out of the earth in Liguria, and has, as before mentioned, a power of attraction." Diodorus Siculus¹³ knew that Amber came from the country north of Gaul, and that the popular story of its consisting of the tears of those poplars into which Phaëthon's sisters were transformed was a mere fable. Lucian was aware that Amber was not an exudation from the poplar, and that there was none of it got at the mouth of the Po. The common error in relation to the quarter whence this substance was obtained, has been explained as fol-

1. (H. N., xv., 7.)—2. (H. N., xiii., 4.)—3. (Plin., H. N., ed. Paucoucke, vol. xiv., p. 367.)—4. (Plut., De Mul. Virg., p. 267.—Paus., x., 35, § 4.)—5. (Athen., xv., p. 646.)—6. (Etym. Mag., s. v. Ἐλαφῆβόλιον.)—7. (Dioscor., iii., 73.—Adams, Append., s. v.)—8. (Schneider ad Aristot., H. A., ix., 6.—Adams, Append., s. v.)—9. (H. P., i., 3; i., 8.)—10. (Adams, Append., s. v.)—11. (Dioscor., iv., 40.—Adams, Append., s. v.)—12. (De Iapid., c. 53.—Hill, ad loc.)—13. (v., 23.)

L. (Demosth., c. Androt., p. 609; c. Timocr., p. 752.)—2. (Demosth., c. Leptin., p. 462, &c.)—3. (c. Meid., p. 565.—Compare Demosth., c. Dionys. Iæzus, p. 108; or Orat. Græc., vol. vii., p. 331, l. 20.)—4. (Demosth., c. Polycl., p. 1209; c. Phœnipp., p. 1042.)—5. (Magna Oxon., II., xiv.—Böckh, Staatsl., ii., p. 75.)—6. (Adams, Append., s. v.)—7. (H. P., iv., 9.)—8. (Adams, Append., s. v.)

lows : The Phœnician, and, after them, the Carthaginian, traders obtained their supply of Amber from the river *Rodanus*, which still retains its name, and which flows into the Vistula near Dantzic. Their fear of rivalry, however, in this lucrative branch of commerce, induced them to keep the source of their traffic involved in obscurity. The name, but not the position of the river, was mentioned, and hence the Greeks imagined that the stream in question was the Eridanus, from the similarity of name. "Amber," says Dr. Moore, "was well known to the ancients many centuries before the age of Pliny, and various ornamental articles were made of it, but in his time only for the use of women." His own belief, not differing much from the one now received, is, that it consists of the resinous juice of certain trees, which had, in course of time, become mineralized in the earth. Hence was its Latin name '*succinum*' derived, '*quod arboris succum prisci nostri crediderunt*.'¹ Pliny says, the different colours it exhibited in its native state were sometimes produced by artificial means, since they could dye it of whatever tint they pleased; and, therefore, it was much used in counterfeiting translucent gems, and especially the amethyst. Demostratus² called Amber *lyncurion*, supposing it produced from the urine of the lynx; from that of males when of a deeper and more fiery tint, but when feebler and paler, of the other sex. Other writers spoke of *lyncurion* as a substance distinct from Amber, but having the origin indicated by its name.³

*ELEDO'NE (*ἠλεδώνη*), a species of molluscous animal, briefly noticed by Aristotle⁴ and Athenæus. "Coray," remarks Adams, "proposes to read *χελιδόνας* instead of it; but I agree with Schweighæuser, that there is no necessity for any emendation. Schneider inclines to refer it to the *Moschatus octopus*, Lam."⁵

*ELEIOCHRY'SUS (*ἐλειόχρυσος*) or ELI-CHRY'SUS (*ἐλίχρυσος*), according to some botanical authorities, the *Gnaphalium stachas*, L., or Shrubby Everlasting. Its Greek name was derived from its golden-coloured flowers. Dioscorides states that it was called by some *χρυσάνθεμος*, by others *ἀμύραντος*, the latter name referring to its perennial character, from which circumstance it was used to adorn the statues of the gods. Adams, however, is in favour of the *Caltha palustris*, or Marsh Marygold.⁷

*ELEIOS (*ἐλειός*), an animal mentioned by Aristotle,⁸ and supposed to have been identical with the *Urocyon*, namely, the *Glis* of the Romans, which was the *Glis esculentus*, or Rellmouse of the later naturalists. Linneus calls it the *Myoxus Glis*.⁹

*ELEIOSELI'NON (*ἐλειοσέλινον*), most probably the *Apium graveolens*, wild Celery, or Smallage.¹⁰

*ELELIS'PHAKOS (*ἐλελίσφακος*), the *Salvia officinalis*, or common Sage. The Latin name was derived from the salutary properties ascribed to the plant (*salvia, a salute, i. e., sanitate*). Sibthorp found it in uncultivated places, as described by Dioscorides.¹¹

*ELEPHAS (*ἐλέφας*), the Elephant, or *Elephas maximus*, L. "One description of the Elephant given by Aristotle is admitted by Cuvier to be remarkably accurate. The animal and the disease Elephas, or Elephantiasis, are both minutely described by Aretæus. It cannot admit of a doubt that the ancients were acquainted with the Indian

Elephant (*Elephas Indicus*), as well as the (*Loxodonta Africanus*)."¹

ELEVEN, THE (*οἱ ἐνδέκα*), were magistrates of Athens of considerable importance. They were called by this name in the classical world, but in the time of Demetrius Phalereus, they are said to have been changed into that of *νομοκῆρες*,² who were, however, during the Demetrius distinct functionaries. (Vid. NOMOPHYLAKES. Grammarians also give other names to the Eleves, as *δεσμοφύλακες*, *θεσμοφύλακες*, &c.³

The time at which the office of the Eleven instituted is disputed. Ulrich considers the office to have been of an aristocratical character, and concludes, from a passage in Heraclides Ponticus, that it was established by Aristides. Meier, on the other hand, maintains that the office existed not before the time of Cleisthenes, but probably the legislation of Solon; but it seems impossible to come to any satisfactory conclusion on the subject. They were annually chosen by lot, one from each of the ten tribes, and a secretary (*γραμματεὺς*) must properly be regarded as their servant (*ὑπηρέτης*), though he formed one of their number.⁴

The principal duty of the Eleven was the management of the public prison (*δεσμωτήριον*), which was entirely under their direction. The prison, however, was seldom used by the Athenians as a mere place of confinement, serving generally for punishments and executions. When a person was condemned to death, he was immediately given into the custody of the Eleven, who were then bound to carry the sentence into execution according to the laws.⁵ The most common mode of execution was by hemlock juice (*κνίκεον*), which was drunk after sunset.⁶ The Eleven had under them jailers, executioners, and torturers, who were called by various names (*οἱ παραστάται*, *οἱ ἐνδέκα ὑπηρέται*; *ὁ δημόκιμος*; *ὁ δημόσιος δήμευς*, &c.). When torture was inflicted in cases affecting the state, it was either done in the immediate presence of the Eleven,⁷ or by their order (*ἐπιτάξει*). (Vid. BASANOS.)

The Eleven usually only had to carry into execution the sentence passed in the courts of law, but in some cases they were also invested with the management of the public treasury (*ἐπιμελητὴς τῆς δημοσίας ἀποσκευῆς*). They possessed an *ἡγεμονία δικαστηρίου*. This was the case in those summary proceedings called *ἀπαγωγῆς*, *ἡγεμονίας*, and *ἐνδειξις*, in which the penalty was fixed by law, and might be inflicted by the court without confession or conviction of the accused appealing to any of the jury courts. (Vid. APARTEIA.) They also had an *ἡγεμονία δικαστηρίου* in the case of *κακούργων*, because the summary proceedings mentioned above were chiefly adopted in the case of such persons; hence Antiphon⁸ calls them *ἐπιμελητὴς τῶν κακούργων*. The word *κακούργος* means any kind of malefactor, but is only used in Athenian law to thieves (*κλέπται*), house-breakers (*τοικωρῶντες*),⁹ man-stealers (*ἀνδραποδιῆται*), and other criminals of a similar kind.¹⁰

The Eleven are also said to have possessed an *ἡγεμονία δικαστηρίου* in the case of confiscated property,¹¹ which statement is confirmed by an inscription published by Böckh.¹²

(Ulrich, *Ueber die Eilf Männer*, appended to the translation of Plato's *Meno*, *Crito*, and the first second Alcibiades, Berlin, 1821.—Sluiter, *Le*

1. (Plin., H. N., xxxvii., 11.)—2. (Plin., H. N., xxxvii., 11.)—3. (Plin., H. N., i., 6.)—4. (Ancient Mineralogy, p. 105, seq.)—5. (H. A., H. 1.)—6. (Adams, Append., s. v.)—7. (Dioscor., iv., 58.—Theophrast., H. P., vi., 5.—Theocr., Idyll., i., 30.—Adams, Append., s. v.)—8. (Adams, Append., s. v.)—9. (Aristot., H. A., ii., 19.—Adams, Append., s. v.)—10. (Dioscor., iii., 68.—Theophrast., H. P., vi., 6.)—11. (Dioscor., iii., 35.—Theophrast., H. P., vi., 11.—Adams, Append., s. v.)

1. (Aretæus, Morb. Diut., ii., 13.—Adams, Append., s. (Pollux, Onom., viii., 102.)—3. (Schol. ad Aristoph., Ph.—Vesp., 775, 1108.)—4. (i., § 10.)—5. (Pollux, Onom., 102.)—6. (Xen., Hell., ii., 3, § 54.)—7. (Plato, Phæd., c.—8. (Becker, Anec., p. 296, 32.)—9. (Xen., Hell., ii., 3, 10. (Antiph., De Venef., 615.)—11. (Demosth., c. Nicostr., 2.)—12. (De Cæde Herod., 713.)—13. (Compare Demosth. Lacrit., 940, 5.)—14. (Meier, Alt. Proc., 76, 77.)—15. (Mag., p. 338, 35.)—16. (Urkunden, über das Secwesen der alten Staaten, p. 535.)

Andocid., p. 256-261.—Meier, *Att. Proc.*, 68-77.—Schubert, *De Ædibus*, p. 93-96.—Hermann, *Pol. Antiq. of Greece*, § 139.

ELEUSINIA (Ἐλευσίνια), a festival and mysteries, originally celebrated only at Eleusis in Attica, in honour of Demeter and Persephone.¹ All the ancients who have occasion to mention the Eleusinian mysteries, or *the* mysteries, as they were sometimes called, agree that they were the holiest and most venerable of all that were celebrated in Greece.² Various traditions were current among the Greeks respecting the author of these mysteries; for, while some considered Eumolpus or Musæus to be their founder, others stated that they had been introduced from Egypt by Erechtheus, who at a time of scarcity provided his country with corn from Egypt, and imported from the same quarter the sacred rites and mysteries of Eleusis. A third tradition attributed the institution to Demeter herself, who, when wandering about in search of her daughter Persephone, was believed to have come to Attica, in the reign of Erechtheus, to have supplied its inhabitants with corn, and to have instituted the τελεταί and mysteries at Eleusis.³ This last opinion seems to have been the most common among the ancients, and in subsequent times a stone, called ἀγέλαστος πέτρα (triste saxum), was shown near the well Callichoros at Eleusis, on which the goddess, overwhelmed with grief and fatigue, was believed to have rested on her arrival in Attica.⁴ Around the well Callichoros the Eleusinian women were said to have first performed their chorus, and to have sung hymns to the goddess.⁵ All the accounts and allusions in ancient writers seem to warrant the conclusion that the legends concerning the introduction of the Eleusinia are descriptions of a period when the inhabitants of Attica were becoming acquainted with the benefits of agriculture, and of a regularly constituted form of society.⁶

In the reign of Erechtheus a war is said to have broken out between the Athenians and Eleusinians,⁷ and when the latter were defeated, they acknowledged the supremacy of Athens in everything except the τελεταί, which they wished to conduct and regulate for themselves.⁸ Thus the superintendence remained with the descendants of Eumolpus (and ΕΚΜΟΛΠΙΔΕ), the daughters of the Eleusinian king Celeus, and a third class of priests, the Kerycees, who seem likewise to have been connected with the family of Eumolpus, though they themselves traced their origin to Hermes and Aglauros.

At the time when the local governments of the several townships of Attica were concentrated at Athens, the capital became also the centre of religion, and several deities who had hitherto only enjoyed a local worship were now raised to the rank of national gods. This seems also to have been the case with the Eleusinian goddess; for in the reign of Theseus we find mention of a temple at Athens, called Eleusinion,⁹ probably the new and national sanctuary of Demeter. Her priests and priestesses now became naturally attached to the national temple of the capital, though her original place of worship at Eleusis, with which so many sacred associations were connected, still retained its importance and its special share in the celebration of the national solemnities; and though, as we shall see hereafter, the great Eleusinian festival was commenced at Athens, yet a numerous procession always went, on a certain day, to Eleusis:

it was here that the most solemn part of the sacred rites was performed.

We must distinguish between the greater Eleusinia which were celebrated at Athens and Eleusis, and the lesser which were held at Agræ on the Illyssus.¹ From the tradition respecting the institution of the lesser Eleusinia, it seems to be clear that the initiation into the Eleusinian mysteries was originally confined to Atticans only; for it is said that Heracles, before descending into the lower world, wished to be initiated; but as the law did not admit strangers, the lesser Eleusinia were instituted in order to evade the law, and not to disapprove the great benefactor of Attica.² Other legends concerning the initiation of Heracles do not mention the lesser Eleusinia, but merely state that he was adopted into the family of one Pylus in order to become lawfully entitled to the initiation. But both traditions in reality express the same thing, if we suppose that the initiation of Heracles was only the first stage in the real initiation; for the lesser Eleusinia were in reality only a preparation (προκάθαρσις or προῖγενσις) for the real mysteries.³ After the time when the lesser Eleusinia are said to have been instituted, we no longer hear of the exclusion of any one from the mysteries except barbarians; and Herodotus⁴ expressly states, that any Greek who wished it might be initiated. The lesser Eleusinia were held every year in the month of Anthesterion,⁵ and, according to some accounts, in honour of Persephone alone. Those who were initiated in them bore the name of mystæ (μύσται⁶), and had to wait at least another year before they could be admitted to the great mysteries. The principal rites of this first stage of initiation consisted in the sacrifice of a sow, which the mystæ seem to have first washed in the Cantharus,⁷ and in the purification by a priest, who bore the name of Hydarnos.⁸ The mystæ had also to take an oath of secrecy, which was administered to them by the mystagogus, also called ιεροφάντης προφήτης: they received some kind of preparatory instruction, which enabled them afterward to understand the mysteries which were revealed to them in the great Eleusinia; they were not admitted into the sanctuary of Demeter, but remained during the solemnities in the vestibule.⁹

The great mysteries were celebrated every year in the month of Boedromion, during nine days, from the 15th to the 23d,¹⁰ both at Athens and Eleusis. The initiated were called ἐπόπται or ἐβουροι.¹¹ On the first day, those who had been initiated in the lesser Eleusinia assembled at Athens, whence its name was ἀγρορός;¹² but strangers who wished to witness the celebration of these national solemnities likewise visited Athens in great numbers at this season, and we find it expressly stated that Athens was crowded with visitors on the occasion.¹³ On the second day the mystæ went in solemn procession to the seacoast, where they underwent a purification. Hence the day was called Ἄλαδε μύσται, probably the conventional phrase by which the mystæ were invited to assemble for the purpose.¹⁴ Suidas¹⁵ mentions two rivulets, called βεῖτοί, as the place to which the mystæ went in order to be purified. Of the third day scarcely anything is known with certainty; we only learn from

1. (Steph. Byz., s. v. Ἄγρα.)—2. (Schol. ad Aristoph., *Plat.*, 846.)—3. (Schol. ad Aristoph., l. c.)—4. (viii., 65.)—5. (*Plut.*, *Demetr.*, 26.)—6. (Suidas, s. v. Ἐπόπτης.)—7. (Aristoph., *Acharn.*, 703, with the schol., 720, and *Pax*, 368.—*Varro*, *De Re Rust.*, ii., 4.—*Plut.*, *Phoc.*, 28.)—8. (Hesych., s. v. Ὑδρανόσ.)—9. (Polyan., v., 17.)—10. (Seneca, *Quest. Nat.*, vii., 31.)—11. (*Plut.*, *Demetr.*, 26.—*Meursius*, *Eleusin.*, c. 21.)—12. (Suidas, s. v.)—13. (Hesych., s. v.)—14. (Maxim. Tyr., *Dissert.*, 33, sub fin.—*Philostrat.*, *Vit. Apollon.*, iv., 6.)—15. (Hesych., s. v.—*Polyan.*, iii., 11.)—15. (s. v. Βεῖτοί.—Compare *Paus.*, i., 38, § 2.)

Clemens of Alexandria¹ that it was a day of fasting, and that in the evening a frugal meal was taken, which consisted of cakes made of sesame and honey. Whether sacrifices were offered on this day, as Meursius supposes, is uncertain; but that which he assigns to it consisted of two kinds of sea-fish (*πρίγλη* and *μαϊνίς*), and of cakes of barley grown in the Rharian plain.² It may be, however, that this sacrifice belonged to the fourth day, on which, also, the *καλάθος κάθοδος* seems to have taken place. This was a procession with a basket containing pomegranates and poppy-seeds; it was carried on a wagon drawn by oxen, and women followed with small mystic cases in their hands.³ On the fifth day, which appears to have been called the torch-day (*ἡ τῶν λαμπάδων ἡμέρα*), the mystæ, led by the *ἀρούργος*, went in the evening with torches to the Temple of Demeter at Eleusis, where they seem to have remained during the following night. This rite was probably a symbolical representation of Demeter wandering about in search of Persephone. The sixth day, called Iacchos,⁴ was the most solemn of all. The statue of Iacchos, son of Demeter, adorned with a garland of myrtle, and bearing a torch in his hand, was carried along the sacred road amid joyous shouts (*ιακχίζειν*) and songs, from the Ceramicus to Eleusis.⁵ This solemn procession was accompanied by great numbers of followers and spectators, and the story related by Herodotus⁶ is founded on the supposition that 30,000 persons walking along the sacred road on this occasion was nothing uncommon. During the night from the sixth to the seventh day, the mystæ remained at Eleusis, and were initiated into the last mysteries (*ἐποπτεία*). Those who were neither *ἐπόπται* nor *μύσται* were sent away by a herald. The mystæ now repeated the oath of secrecy which had been administered to them at the lesser Eleusinia, underwent a new purification, and then they were led by the *mystagogus*, in the darkness of night, into the lighted interior of the sanctuary (*φωταγωγία*), and were allowed to see (*αὐτοψία*) what none except the *εποπταί* ever beheld. The awful and horrible manner in which the initiation is described by later, especially Christian writers, seems partly to proceed from their ignorance of its real character, partly from their horror and aversion to these pagan rites. The more ancient writers always abstained from entering upon any description of the subject. Each individual, after his initiation, is said to have been dismissed by the words *κόγξ, ὄμαξ*,⁷ in order to make room for other mystæ.

On the seventh day the initiated returned to Athens, amid various kinds of raillery and jests, especially at the bridge over the Cephissus, where they sat down to rest, and poured forth their ridicule on those who passed by. Hence the words *γεφυρίζειν* and *γεφυρίσιος*.⁸ These *σκώμματα* seem, like the procession with torches to Eleusis, to have been dramatical and symbolical representations of the jests by which, according to the ancient legend, Iambe or Baubo had dispelled the grief of the goddess and made her smile. We may here observe, that probably the whole history of Demeter and Persephone was in some way or other symbolically represented at the Eleusinia. Hence Clemens of Alexandria⁹ calls the Eleusinian mysteries a "mystical drama."¹⁰ The eighth day, called *Ἐπιδαύρια*,

was a kind of additional day for those who by some accident had come too late, or had been prevented from being initiated on the sixth day. It was said to have been added to the original number of days, when Asclepius, coming over from Epidaurus to be initiated, arrived too late, and the Athenians, not to disappoint the god, added an eighth day.¹¹ The ninth and last day bore the name of *πλημοχόσια*,¹² from a peculiar kind of vessel called *πλημοχόση*, which is described as a small kind of *κότυλος*. Two of these vessels were on this day filled with water or wine, and the contents of the one thrown to the east, and those of the other to the west, while those who performed this rite uttered some mystical words.

Besides the various rites and ceremonies described above, several others are mentioned, but it is not known to which day they belonged. Among them we shall mention only the Eleusinian games and contests, which Meursius assigns to the seventh day. They are mentioned by Gellius,¹³ and are said to have been the most ancient in Greece. The prize of the victors consisted in ears of barley.¹⁴ It was considered as one of the greatest profanations of the Eleusinia if, during their celebration, an *ἄτιμος* came as a suppliant to the temple (the Eleusinion), and placed his olive-branch (*ικετηρία*) in it;¹⁵ and whoever did so might be put to death without any trial, or had to pay a fine of one thousand drachmæ. It may also be remarked, that at other festivals, no less than at the Eleusinia, no man, while celebrating the festival, could be seized or arrested for any offence.¹⁶ Lycurgus made a law that any woman using a carriage in the procession to Eleusis should be fined one thousand drachmæ! The custom against which this law was directed was to have been very common before.¹⁷

The Eleusinian mysteries long survived the independence of Greece. Attempts to suppress them were made by the Emperor Valentinian, but he met with strong opposition, and they seem to have continued down to the time of the elder Theodosius. Respecting the secret doctrines which were revealed in them to the initiated, nothing certain is known. The general belief of the ancients was that they opened to man a comforting prospect of a future state.¹⁸ But this feature does not seem to have been originally connected with these mysteries, and was probably added to them at the period which followed the opening of a regular intercourse between Greece and Egypt, when some of the speculative doctrines of the latter country and the East may have been introduced into the mysteries, and hallowed by the names of the venerable bards of the mythical age. This supposition would also account, in some measure, for the legend of their introduction from Egypt. In modern times many attempts have been made to discover the nature of the mysteries revealed to the initiated, but the results have been as various and as fanciful as might be expected. The most sober and probable view is that, according to which, "they were the remains of a worship which preceded the rise of the Hellenic mythology and its attendant rites, grounded on a view of nature less fanciful, more earnest, and better fitted to awaken both philosophical thought and religious feeling."¹⁹ Respecting the Attic Eleusinia, see Meursius, *Eleusinia*, Lugd. Bat., 1619.—St. Croix, *Recherches, Hist. et Critiq. sur les Mystères du Paganisme* (a second edition was published in 1817 by Sylvestre de Saey, in 2 vols., Paris)—O-

1. (Protrep., p. 18, ed. Potter).—2. (Athen., vii., p. 325).—3. (Paus., i., 38, § 6).—4. (Callim., Hymn. in Cer.—Virg., Georg., i., 166.—Meursius, l. c., c. 25).—5. (Hesych., s. v. *ιακχος*).—6. (Plut., Alcib., 34.—Etymol. Magn., and Suid., s. v. *Ἰερά Ὀδός*).—7. (Aristoph., Ran., 315, &c.—Plut., Phocion, 28, and Valcken. ad Herod., viii., 65).—8. (Compare Plut., Themist., 9.—Hesych., s. v.).—9. (Strab., ix., c. 2, p. 246, ed. Tauchnitz.—Suidas, s. v. *Γεφυρίσιος*—Hesych., s. v. *Γεφυρίσιος*—Elian, H. A., iv., 43.—Müller, Hist. Lit. of Greece, p. 132).—10. (Protrep., p. 12, ed. Potter).—11. (Vid. Müller Hist. Lit. of Gr., p. 287, &c.)

1. (Philostr., Vit. Apoll., iv., 6.—Paus., ii., 26, § 7).—2. (Pé-lux, Onom., x., 74.—Athen., xi., p. 496).—3. (xv., 20).—4. (Schol. ad Pind., Ol., ix., 156).—5. (Andoc., De Myst., p. 24).—6. (Demosth., c. Meid., p. 571).—7. (Plut., De Cup. Div., ii., p. 348.—Elian, V. H., xiii., 24).—8. (Demosth., c. Meid., p. 563).—9. (Pind., Thren., p. 8, ed. Böckh).—10. (The walls, Hist. of Greece ii., p. 110, &c.)

καὶ περὶ τὰς Μυστήρας Ἐλευσίνων, 3d edition, 6.—Wachsmuth, *Hell. Alter.*, ii., 2, p. 249, *uzer*, *Symbol. u. Mythol.*, iv., p. 534, &c. *ia* were also celebrated in other parts of At Ephesus they had been introduced ins.¹ In Laconia they were, as far as we y celebrated by the inhabitants of the an of Helos, who, on certain days, carried statue of Persephone to the Eleusion, ghts of Taygetus.² Crete had likewise its

ΠΗΡΙΑ (Ἐλευθέρια, the feast of liberty), which the Greeks, after the battle of Plataea, instituted in honour of Zeus Eleuthere deliverer). It was intended not merely ken of their gratitude to the god to whom edved themselves to be indebted for their ter the barbarians, but also as a bond of ng themselves; for in an assembly of all s, Aristides carried a decree that delegates (καὶ θεωροί) from all the Greek states emble every year at Plataea for the cele- the Eleutheria. The town itself was at time declared sacred and inviolable, as its citizens offered the annual sacrifices re then instituted on behalf of Greece. h year these solemnities were celebrated ests (ἀγὼν τῶν Ἐλευθερίων), in which ere rewarded with chaplets (ἀγὼν γυμνι- τίς).⁴ The annual solemnity at Plataea, stinued to be observed down to the time h,⁵ was this: On the sixteenth of the Maimacterion, a procession, led by a trum- o blew the signal for battle, marched at through the middle of the town. It was y wagons loaded with myrtle boughs and y a black bull, and by free youths, who e vessels containing the libations for the o slave was permitted to minister on this

At the end of this procession followed of Plataea, who was not allowed at any e during his office to touch a weapon, or ny other but white garments, now wear- ple tunic, and with a sword in his hand, bearing an urn, kept for this solemnity in e archive (γραμμαφυλάκιον). When the e came to the place where the Greeks who t at Plataea were buried, the archon first nd anointed the tombstones, and then led e pyre and sacrificed it, praying to Zeus es Chthonios, and inviting the brave men fallen in the defence of their country to in the banquet prepared for them. This of Plutarch⁶ agrees with that of Thucydi- e latter, however, expressly states that rmed a part of the offerings, which were consumed on the pyre with the victim. of the ceremony seems to have no longer e days of Plutarch, who does not men- nd if so, the Plataeans had probably been y poverty to drop it.⁸

ria was also the name of a festival cele- Samos, in honour of Eros.⁹ ENION (ἐλλυμένιον) was a harbour duty raena, which, according to a fragment of had to be paid by a passenger before he

This tax appears to have been the same eth, or two per cent., which was levied on s and imports; since Pollux¹¹ speaks of the αἶ, or collectors of the harbour duty, as

the same persons as the πεντηκοστολόγοι, or collect- ors of the πεντηκοστή. (*Vid.* ΠΕΝΤΕΚΟΣΤΕ.)

ELLO'TIA or HELLO'TIA (Ἐλλώτια or Ἐλλώ- τια), a festival celebrated at Corinth in honour of Athena.¹

A festival of the same name was celebrated in Crete, in honour of Europa. The word ἔλλωτις, from which the festival derived its name, was, according to Seleucus,² a myrtle garland twenty yards in circumference, which was carried in the procession at the festival of the Ellotia.³

ELLYCH'NIUM (ἐλλύχνηιον: Attic, θρναλλίς), a wick. Wicks were made of various substances: 1. Principally of tow, *i. e.*, the coarser fibres of flax (*Stipa*);⁴ 2. of the pith of the rush, θρόνον, whence the Attic term θρναλλίς;⁵ 3. of the narrow woolly leaves of the mullein (φλούις, λυχνίτις⁶), the use of which was analogous to the practice of the Spaniards, who now make wicks of the slender radical leaves of a similar plant, *Phlomis Lychnitis*, *Linn.*;⁷ 4. of ASBESTOS.

The lamps which were lighted at the solemn festival celebrated every year at Sais in Egypt, were small open vessels (ἐμβάδια), filled with salt and oil. Into this the wick was immersed, and the flame burned all night upon the surface.⁸ There can be no doubt that wicks were originally and very commonly used in this manner. It was a great improvement when the vessel containing the oil was covered, by which it was converted into a proper lamp. It was then necessary to make one or more round holes in the lamp, according to the number of the wicks burned in it; and, as these holes were called, from an obvious analogy, μυκτῆρες or μύζαι, literally, nostrils or nozzles,⁹ the lamp was called δῖ- μύζος, τρίμύζος, or πολύμύζος, in reference to the same distinction¹⁰ (*Polyμύζος lucerna*¹¹). In an epigram of Callimachus, a woman dedicates to Serapis a lamp with twenty nozzles (εἰκοσι μύζαις πλοσάνν λύχνηον).

As we learn from Aristophanes, thrifty persons used to chide those who wasted the oil either by using a wick which was thicker than necessary,¹² or by pushing the wick forward so as to increase the flame.¹³ Moreover, in the latter of these passages, the boy advances the wick by pushing it with his finger, as he might do when the oil was contained in an open vessel. In a proper lamp it was drawn out by an instrument contrived for the purpose, "Et producit acu supas humore carentes."¹⁴ The bronze lamps found in ancient sepulchres, besides exhibiting all the varieties depending on the number of holes or nozzles, have sometimes attached to them by a chain the needle which served to trim the wick

The fungus-shaped excrescences which form on the top of the wick (μύκητες, *fungi*) were thought to indicate rain.¹⁵

*ELMINS or HELMINS (ἐλμινς or ἔλμινς). "Standing alone, this term is applied to intestinal worms in general. The ἐλμινς πλάτεια is the *Tænia lata*. Theophrastus¹⁶ says it is congenital in some countries, as Egypt. The medical authors describe the *Dracunculus*, or Guinea Worm, which the Greeks call δρακόντιον, and the translators of the Arabians *Vena medinensis*."¹⁷ Thus far Adams. "The word *Elmins*," observes Griffith, "which is

xiv., p. 162, ed. Tauchnitz.)—2. (Paus., iii., 20, § (Vid. Meurs., Eleus., c. 33.)—4. (Strabo, ix., p. 266, § 1.)—5. (Aristid., 21.—Paus., ix., 2, § 4.)—6. (Arist., 21.)—7. (iii., 38.)—8. (See Thirlwall's Hist. of p. 353, &c.—Böckh, Expl. Pind., p. 208, and ad p., i., p. 904.)—9. (Athen., xiii., p. 562.)—10. (Pollux., 30.)—11. (Onom., viii., 32.)

1. (Schol. in Pind., Ol., xiii., 56.—Athen., xv., p. 678.—Ety mol. Mag., s. v. Ἐλλωτις.)—2. (ap. Athen., l. c.)—3. (Compare Hesych., and Etymol. Mag., s. v. Ἐλλωτια.)—4. (Plin., H. N., xix., 3.—Isa., xlid., 3; xliii., 17.)—5. (Schol. in Aristoph., Nub., 59.)—6. (Dioscor., iv., 104.—Plin., H. N., xxv., 74.)—7. (Curtis, Bot. Mag., 999.)—8. (Herod., ii., 62.)—9. (Aristoph., Eccles., 5.)—10. (Pollux, Onom., vi., 18; x., 26.—Athenæus, xv., 57, 61.)—11. (Martial, xiv., 41.)—12. (Nub., 59.)—13. (Vesp., 249—253.)—14. (Virg., Moret., 11.)—15. (Aristoph., Vesp., 260—263.—Callim., Frag., 47, p. 432, ed. Ernesti.—Arat., Diosc., 976.—Avicena, Arat., 393.)—16. (H. P., ix., 22.)—17. (Galen, De loc. Affect., vi.—P. Ægin., iv., 69.—Adams, Append., s. v.)

frequently employed by Hippocrates in many of his works, and, among others, in his General Treatise on Diseases, was applied by him to those animals which are at present known under the denomination of *intestinal worms*, of which he was acquainted with but a small number of species. Aristotle has employed it in the same manner, as well as Ælian, every time that he speaks of the substances which are used to rid dogs of the worms to which they are subject. The Latin authors, and Pliny among the rest, have restricted the word *lumbricus* to the intestinal worms, and have rendered the three Greek denominations (σκώληξ, εὔλαι, and ἔλμυς) by a single one, that of *vermes*, from which it has happened that the moderns have been led into the same confusion by the word *worms*, which, as well as the French word *vers*, is evidently derived from the Latin.¹

*ELOPS (Ἐλοψ), a species of harmless Serpent mentioned by Nicander. Belon says it is called *Laphiate* in Lemnos.²

*ELYMUS (Ἐλυμος), a species of Grain. The ἔλυμος of Hippocrates is, according to Dierbach, the *Panicum Italicum*; while that of Dioscorides is, according to Sprengel, the *Panicum Miliacum*. Panic is a plant of the millet kind.³

EMANCIPATIO was an act by which the patria potestas was dissolved in the lifetime of the parent, and it was so called because it was in the form of a sale (*mancipatio*). By the laws of the Twelve Tables it was necessary that a son should be sold three times in order to be released from the paternal power, or to be *sui juris*. In the case of daughters and grandchildren, one sale was sufficient. The father transferred the son by the form of a sale to another person, who manumitted him, upon which he returned into the power of the father. This was repeated, and with the like result. After a third sale, the paternal power was extinguished, but the son was resold to the parent, who then manumitted him, and so acquired the rights of a patron over his emancipated son, which would otherwise have belonged to the purchaser who gave him his final manumission.

The following clear and satisfactory view of emancipatio is given by a German writer: "The patria potestas could not be dissolved immediately by manumissio, because the patria potestas must be viewed as an imperium, and not as a right of property, like the power of a master over his slave. Now it was a fundamental principle that the patria potestas was extinguished by exercising once or thrice (as the case might be) the right which the pater familias possessed of selling, or, rather, pledging his child. Conformably to this fundamental principle, the release of a child from the patria potestas was clothed with the form of a *mancipatio*, effected once or three times. The patria potestas was indeed thus dissolved, though the child was not yet free, but came into the condition of a *nexus*. Consequently, a manumissio was necessarily connected with the *mancipatio*, in order that the proper object of the emancipatio might be attained. This manumissio must take place once or thrice, according to circumstances. In the case when the manumissio was not followed by a return into the patria potestas, the manumissio was attended with important consequences to the manumissor, which consequences ought to apply to the emancipating party. Accordingly, it was necessary to provide that the decisive manumission should be made by the emancipating party; and for that reason, a *remancipatio*,

which preceded the final manumissio, was a part of the form of emancipatio."¹

The legal effect of emancipation was to dissolve all the rights of agnatio. The person emancipated became, or was capable of becoming, a *pater familias*; and all the previously existing relations of agnatio between the parent's familia and the emancipated child ceased at once. But a relation analogous to that of patron and freedman was formed between the person who gave the final emancipation and the child, so that if the child died without children or legal heirs, or if he required a tutor or curator, the rights which would have belonged to the father if he had not emancipated the child, were secured to him as a kind of patronal right, in case he had taken the precaution to secure to himself the final manumission of the child. Accordingly, the father would always stipulate for a *remancipatio* from the purchaser: this stipulation was the *actum fiducia*.

The emancipated child could not take any part of his parent's property as heres, in case the parent died intestate. This rigour of the civil law (*juris iniquitates*²) was modified by the prætor's edict, which placed emancipated children, and those who were in the parent's power at the time of his death, on the same footing as to succeeding to the intestate parent's property.

The Emperor Anastasius introduced the practice of effecting emancipation by an imperial rescript.³ Justinian enacted that emancipation should be effected before a magistrate; and by an edict (*ex edicto prætoris*), the parent had still the same rights to the property (*bona*) of the emancipated person that a patron had to the *bona* of his freedman. But he still allowed, what was probably the old law, a father to emancipate a grandson without emancipating the son, and to emancipate the son without emancipating the grandson, or to emancipate them all. Justinian, also,⁴ did not allow a parent to emancipate a child against his will, though it seems that this might be done by the old law, and that the parent might so destroy all the son's rights of agnatio.

The Emperor Anastasius allowed an emancipated child (under certain restrictions) to succeed to the property of an intestate brother or sister, which the prætor had not allowed; and Justinian put an emancipated child in all respects on the same footing as one not emancipated, with respect to *such* succession.

An emancipatio effected a *capitis diminutio*, in consequence of the servile character (*servilis causa*) into which the child was brought by such act.⁵

EMANSOR. (*Vid. DESERTOR.*)

EMBAS (*ἐμβάσις*), a shoe worn by men,⁶ which is frequently mentioned by Aristophanes⁷ and other Greek writers. This appears to have been the most common kind of shoe worn at Athens (*ἐντέλειος ἐπέδημα*⁸). Pollux⁹ says that it was invented by the Thracians, and that it was like the low *coturnus*. The *ἐμβάσις* was also worn by the Bœotians,¹⁰ and probably in other parts of Greece.¹¹

EMBATEIA (*ἐμβατεία*). In Attic law this word (like the corresponding English one, *entry*) was used to denote a formal taking possession of real property. Thus, when a son entered upon the land left him by his father, he was said *ἐμβατεῖν*, or *βωδῆ*

1. (Griffith's Cuvier, vol. xiii., p. 39.)—2. (Adams, Append., s. v.)—3. (Theophrast., H. P., viii., 10.—Dioscor., ii., 120.—Adams, Append., s. v.)

1. (Unterholzner, Zeitschrift, ii., 139: "Von den Irrthümern der Manumissio per Vindictam und der Emancipatio.")—2. (Gaius, iii., 25.)—3. (Cod. viii., tit. 49, § 6.)—4. (Nov., 89, c. 11.)—5. (Gaius, i., 132, &c.—Dig. I, tit. 7.—Cod. vi., tit. 57, s. 15; vii, tit. 49, s. 6.—Inst., i., tit. 12; iii., tit. 5.—Dirksen, Uebersicht, &c., p. 278.)—6. (Suidas, s. v.)—7. (Æquit., 321, 869, 872.—Ecl., 314, 850, &c.)—8. (Pollux, Onom., vii., 85.—Compare Iazus, De Diceor. Herod., 94.)—9. (l. c.)—10. (Herod., i., 103.)—11. (Wecker, Charikles, ii., p. 372.)

εν εἰς τὰ πατῶα, and thereupon he became *seised*, or possessed of his inheritance. If any one disturbed him in the enjoyment of this property, with an intention to dispute the title, he might maintain an action of ejectment, *ἐξούλης δίκη*. Before entry he could not maintain such action. *Ἐξούλη* is from *ἐξίλλειν*, an old word, signifying to eject. The supposed ejectment, for which the action was brought, was a mere formality. The defendant, after the plaintiff's entry, came and turned him off, *ἐξήγγεν ἐκ τῆς γῆς*. This proceeding (called *ἐξαγωγή*) took place quietly, and in the presence of witnesses; the defendant then became a wrong-doer, and the plaintiff was in a condition to try the right.

All this was a relict of ancient times, when, before writs and pleadings, and other regular processes were invented, parties adopted a ruder method, and took the law into their own hands. There was then an actual ouster, accompanied often with violence and breach of the peace, for which the person in the wrong was not only responsible to the party injured, but was also punishable as a public offender. Afterward, in the course of civilization, violent remedies became useless, and were discontinued; yet the ceremony of ejecting was still kept up as a form of law, being deemed by lawyers a necessary foundation of the subsequent legal process. Thus at Rome, in the earlier times, one party used to summon the other by the words "*ex jure te manum possessum voco*," to go with him to the land in dispute, and (in the presence of the prætor and others) turn him out by force. Afterward this was changed into the symbolical act of breaking a clod of earth upon the land, by which the person who broke intimated that he claimed a right to deal with the land as he pleased. We may observe, also, that the English action of ejectment in this respect resembles the Athenian, that, although an entry by the plaintiff, and an ouster of him by the defendant are supposed to have taken place, and are considered necessary to support the action, yet both entry and ouster are mere fictions of law.

These proceedings by entry, ouster, &c., took place also at Athens in case of resistance to an execution; when the defendant, refusing to give up the land or the chattel adjudged, or to pay the damages awarded to the plaintiff by the appointed time, and thus being *ὑπερήμερος*, i. e., the time having expired by which he was bound to satisfy the judgment, the plaintiff proceeded to satisfy himself by seizure of the defendant's lands. This he certainly might do, if there were no goods to levy upon; though whether it was lawful in all cases does not appear. The Athenian laws had made no provision for putting the party who succeeded in possession of his rights; he was, therefore, obliged to levy execution himself, without the aid of a ministerial officer, or any other person. If, in doing so, he encountered opposition, he had no other remedy than the *ἐξούλης δίκη*, which (if the subject-matter was land) must have been grounded upon his own previous entry. The action could be brought against any one who impeded him in his endeavour to get possession, as well as against the party to the former suit. The cause of Demosthenes against Onetor was this: Demosthenes having recovered a judgment against Aphobus, proceeded to take his lands in execution. Onetor claimed them as mortgagee, and turned him out (*ἐξήγγεν*), whereupon Demosthenes, contending that the mortgage was collusive and fraudulent, brought the *ἐξούλης δίκη*, which is called *δίκη πρὸς Ὀνήτορα*, because the proceeding is *in rem*, and collateral to another object, rather than a direct controversy between the parties in the cause. The consequence to the defendant, if he failed in the action of ejectment, was, that (be-

sides his liability to the plaintiff) he was, as a public offender, condemned to pay to the treasury a sum equal to the damages, or to the value of the property recovered in the first action. While this remained unpaid (and we may presume it could not be paid without also satisfying the party), he became, as a state debtor, subject to the disabilities of *ἀτιμία*.¹

EMBLEMA (*ἔμβλημα, ἔμπαισμα*), an inlaid ornament. The art of inlaying (*ἡ τέχνη ἔμπαιστική*)² was employed in producing beautiful works of two descriptions, viz.: 1st, Those which resembled our marquetry, *ouole*, and Florentine mosaics; and, 2dly, those in which crusts (*crustæ*), exquisitely wrought in bas-relief, and of precious materials, were fastened upon the surface of vessels or other pieces of furniture.

To productions of the former class we may refer all attempts to adorn the walls and floors of houses with the figures of flowers and animals, or with any other devices expressed upon a common ground by the insertion of variously-coloured woods or marbles, all of which were polished so as to be brought to a plain surface. To such mosaics Lucilius alludes³ when he compares the well-connected words of a skilful orator to the small pieces (*tesserulæ*) which compose the "*emblema vermiculatum*" of an ornamental pavement. In the time of Pliny, these decorations for the walls of apartments had become very fashionable.⁴ Seneca makes mention of silver inlaid with gold among the luxuries of his day.⁵ (*Vid. CHRYSIDETA.*)

To the latter class of productions belonged the cups and plates which Verres obtained by violence from the Sicilians, and from which he removed the emblems for the purpose of having them set in gold instead of silver.⁶ These must have been riveted with nails, or in some other way. They were reckoned exceedingly valuable as works of first-rate artists, and some of them were, moreover, esteemed sacred, being the figures of the penates and household gods of the proprietors. Athenæus, in describing two Corinthian vases,⁷ distinguishes between the emblems in bas-relief (*πρόστυπα*) which adorned the body and neck of each vessel, and the figures in high relief (*περφανῆ τετροννεμένα ζῶα*) which were placed upon its brim. An artist, whose business it was to make works ornamented with emblems, was called "*crustarius*."⁸

EMERITI was the name given to those Roman soldiers who had served out their time, and had exemption (*vacatio*) from military service. The usual time of service was twenty years for the legionary soldiers, and sixteen for the prætorians.⁹ At the end of their period of service they received a bounty or reward, either in lands or money, or in both. Dion Cassius¹⁰ states that it was arranged by Augustus that a prætorian should receive 5000 drachmæ (20,000 sesterces), and a legionary 3000 (12,000 sesterces). Caligula reduced the bounty of the latter to 6000 sesterces.¹¹ We find this bounty called *justæ militiæ commoda*,¹² *commoda missionum*,¹³ and also *emeritum*.¹⁴

EMERITUM. (*Vid. EMERITI.*)

EMISSARIUM, an artificial channel formed to carry off any stagnant body of water (*unde aqua emittitur*), like the sluices in modern use.¹⁵

Some works of this kind are among the most remarkable efforts of Roman ingenuity. Remains still exist to show that the lakes Trasimene, Albano,

1. (Meier, Att. Proc., p. 372, 460, 748.)—2. (Athenæus, xi., 76, p. 488.)—3. (ap. Cic., De Orat., iii., 43.)—4. (H. N., xxxv., 1.)—5. (Epist., 5.)—6. (Cic., II. Ver., iv., 17, 22-24.)—7. (v., 30, p. 199.)—8. (Plin., H. N., xxxiii., 12.)—9. (Dion Cass., iv., 23.—Tacit., Ann., i., 78.)—10. (l. c.)—11. (Suet., Cal., 44.)—12. (Suet., Vitell., 15.)—13. (Suet., Cal., 44.)—14. (Dig. 49, tit. 16, s. 3, § 8, 12; s. 5, § 7.—Vid. Lipsius, Excursus ad Tacit., Ann., i., 17.)—15. (Plin., H. N., xxxiii., 21.—Cic. ad Fam., xvi., 18.)

Nemi, and Fucino were all drained by means of *emissaria*, the last of which is still nearly perfect, and open to inspection, having been partially cleared by the present King of Naples. Julius Cæsar is said to have first conceived the idea of this stupendous undertaking,¹ which was carried into effect by the Emperor Claudius.²

The following account of the works, from observations on the spot, will give some idea of their extent and difficulties. The circumference of the lake, including the bays and promontories, is about thirty miles in extent. The length of the emissary, which lies nearly in a direct line from the lake to the River Liris (Garigliano), is something more than three miles. The number of workmen employed was 30,000, and the time occupied in the work eleven years.³ For more than a mile the tunnel is carried under a mountain, of which the highest part is 1000 feet above the level of the lake, and through a stratum of rocky formation (carnelian) so hard that every inch required to be worked by the chisel. The remaining portion runs through a softer soil, not much below the level of the earth, and is vaulted in brick. Perpendicular openings (*putei*) are sunk at various distances into the tunnel, through which the excavations were partly discharged; and a number of lateral shafts (*cuniculi*), some of which separate themselves into two branches, one above the other, are likewise directed into it, the lowest at an elevation of five feet from the bottom. Through these the materials excavated were also carried out. Their object was to enable the prodigious multitude of 30,000 men to carry on their operations at the same time without incommoding one another. The immediate mouth of the tunnel is some distance from the present margin of the lake, which space is occupied by two ample reservoirs, intended to break the rush of water before it entered the emissary, connected by a narrow passage, in which were placed the sluices (*epistomium*). The mouth of the tunnel itself consists of a splendid archway of the Doric order, nineteen feet high and nine wide, formed out of large blocks of stone, resembling in construction the works of the Claudian aquæduct. That through which the waters dis-



1. (Suet., Jul., 44.)—2. (Tacit., Ann., xii., 57.)—3. (Suet., Claud., 20.—Compare Plin., H. N., xxxvi., 24, § 11.)

charged themselves into the Liris was more simple, and is represented in the preceding woodcut. The river lies in a ravine between the arch and foreground, at a depth of 60 feet below, and, consequently, cannot be seen in the cut. The small aperture above the embouchure is one of the cuniculi above mentioned.

It appears that the actual drainage was relinquished soon after the death of Claudius, either from the perversity of Nero, as the words of Pliny⁴ seem to imply, or by neglect; for it was reopened by Hadrian.⁵

EMMHNOI ΔΙΚΑΙ (*ἐμμηνοὶ δίκαι*) were suits which were not allowed to be pending above a month. This regulation was not introduced till after the date of Xenophon's treatise on the revenue, in which it was proposed that a more rapid progress should be allowed to commercial suits,⁶ and it appears to have been first established in the time of Philip.⁷ It was confined to those subjects which required a speedy decision; and of these the most important were disputes respecting commerce (*ἐμπορικὰ δίκαι*), which were heard during the six winter months from Boëdromion to Munychion, so that the merchants might quickly obtain their rights and sail away;⁸ by which we are not to understand, as some have done, that a suit could be protracted through this whole time, but it was necessary that it should be decided within a month.⁹

All causes relating to mines (*μεταλλικὰ δίκαι*) were also *ἐμμηνοὶ δίκαι*;¹⁰ the object, as Böckh remarks,¹¹ being, no doubt, that the mine proprietor might not be detained too long from his business. The same was the case with causes relating to *ἔργων*¹² (*vid. ERANOI*); and Pollux¹³ includes in the list suits respecting dowry, which are omitted by Harpocration and Suidas.

*EMPETRUM (*ἐμπετρον*), a plant, about which botanical writers are still undecided. Stephens and Hardouin call it *Perce-pierre*; but if by it they mean the *Alchemilla arvensis* of Hooker, which is often called *Perce-pierre*, or Parsley-breakstone, its characters, according to Adams, are by no means suitable to the *ἐμπετρον* of Dioscorides. The conjecture of Cæsalpinus, which Sprengel adopts, namely, that it was a species of *Salsola*, is, according to the same writer, much more probable. Fée, however, declares against this opinion without giving any one in its place. Pliny says of it, "*Empetron, quam nostri calcifragam vocant,*" &c., identifying it with the *Calcifraga*.¹⁴

EMPHROUROI (*ἐμφρουροι*), from *φρουρά*, was the name given to the Spartan citizens during the period in which they were liable to military service.¹⁵ This period lasted to the fortieth year from manhood (*ἀφ' ἡθης*), that is to say, to the sixtieth year from birth; and during this time a man could not go out of the country without permission from the authorities.¹⁶

EMPHYTEUSIS (*ἐμφύτεσις*, literally, an "implanting") is a perpetual right in a piece of land that is the property of another: the right consists in the legal power to cultivate it, and treat it as our own, on condition of cultivating it properly, and paying a fixed sum (*canon, pensio, redditus*) to the owner (*dominus*) at fixed times. The right is founded on contract between the owner and the lessee

1. (H. N., xxxvi., 24, § 11.)—2. (Spart., Hædr., 22.)—3. (Xen., De Vect., 3.)—4. (Or. de Halonn., p. 79, 23.)—5. (Pollux, Onom., viii., 63, 101.—Harpocrat. and Suid., s. v. "Ἐμμηνοὶ Δίκαι.")—6. (Demosth., c. Apot., p. 900, 3.)—7. (Böckh, Publ. Econ. of Athens, i., p. 70.)—8. (Demosth., c. Pantæn., 906, 17.)—9. ("On the Silver Mines of Laurion," Publ. Econ. of Athens, ii., p. 481.)—10. (Pollux, Onom., viii., 101.—Harpocrat. and Suid., l. c.)—11. (l. c.)—12. (Dioscor., iv., 178.—Plin., H. N., xxvii., 9.—Adams, Append., s. v.)—13. (Xen., Rep. Lac., v., 7.)—14. (Isocr., Busir., p. 225, where *ἀγχιμος*, according to Müller-Dor., iii., 12, § 1, is evidently put for *ἐμφρουρος*.)

teuta, and the land is called *ager vectigalis emphyteuticarius*. It was long doubted whether it was a contract of buying and selling, or of letting and hiring, till the Emperor Zeno gave it a new character, and the distinctive name of *con-
emphyteuticarius*.

Ager Vectigalis is first distinctly mentioned at the time of Hadrian, and the term is applied to lands which were leased by the Roman state, by the emperor, by ecclesiastical corporations, and by the emperor's virgins. In the Digest mention only is made of towns so let, with a distinction of them into *agri vectigales* and non *vectigales*, according as the lease was perpetual or not; but in either case the lessee had a real action (*utilis in rem actio*) for protection of his rights, even against the owner. The term *Emphyteusis* first occurs in the Digest. *Medietas Emphyteutica* are also frequently mentioned in the Theodosian and Justinian Codes, but are distinguished from the *agri vectigales*. Justinian, however, put the *emphyteusis* and the *ager vectigalis* on the same footing; and in the case of *emphyteusis* (whether the lessor was a common or an individual), the law was declared to be the same as in the case of leases of town property. *Emphyteusis* was not ownership: it was a usufruct, and the lessee is constantly distinguished from the owner (*dominus*). Yet the occupier of the *ager vectigalis* and the *emphyteuta* had a jurisdictional right; a kind of inconsistency, which is explained by Savigny, by showing that the *ager vectigalis* was formed on the analogy of the *ager publicus*, though there were many differences between them, there was nothing inconsistent in the law of possession, as applied to the public land, transferred to the *ager vectigalis* as a modified form of the *ager publicus*.

Though the *emphyteuta* had not the ownership of the land, he had an almost unlimited right to the enjoyment of it, unless there were special agreements limiting his right. He could sell his interest in the land after giving notice to the owner, who had the power of choosing whether he would buy it at the price which the purchaser was willing to give. But the lessee could not sell his interest to a person who was unable to maintain the land in good condition. The lessee was bound to discharge all the public charges and burdens which fell on the land, to improve the property, or at least not to deteriorate it, and to pay the rent regularly. In case of the lessee's interest being transferred to another, a fiftieth part of the price, or the value of the property, when the nature of the lease did not require a price to be fixed, was payable by the owner on the admission of the *emphyteuta* and which, as a general rule, was payable by the *heredes* of the *emphyteuta* were not liable for such payment.

The origin of the *Emphyteusis*, as already stated, is a contract with the owner and by tradition; the owner might make an *emphyteusis* by his will. It might also, perhaps, in certain cases, be created on prescription.

The right of the *emphyteuta* might cease in several ways: by surrender to the *dominus*, or by dying without heirs, in which case the *emphyteusis* reverted to the owner. He might also lose his right in the property, by non-payment of his rent, or by public burdens to which the land was liable, or by a notice without notice to the *dominus*, &c. In such cases the *dominus* could take legal measures for recovering the possession.¹

EMPIRICI (Εμπειρικοί), an ancient medical sect,

so called from the word *εμπειρία* because they professed to derive their knowledge from *experience* only, and in this particular set themselves in opposition to the *Dogmatici*. (*Vid. DOGMATICI*.) Serapion of Alexandria, and Philinus of Cos, are regarded as the founders of this school, in the third century B.C. The arguments by which the *Dogmatici* supported their opinions, as summed up by Celsus,¹ are given under that head; those of the *Empirici* are thus stated by the same author: "On the other hand, those who, from experience, styled themselves *Empirici*, admit, indeed, the evident causes as necessary, but affirm the inquiry after the occult causes and natural actions to be fruitless, because Nature is incomprehensible. And that these things cannot be comprehended, appears from the controversies among those who have treated concerning them, there being no agreement found here, either among the philosophers or physicians themselves; for why should one believe Hippocrates rather than Herophilus? or why him rather than Asclepiades? That if a man inclines to determine his judgment by reasons assigned, the reasons of each of them seem not improbable; if by cures, all of them have restored the diseased to health; and, therefore, we should not deny credit either to the arguments or to the authority of any of them. That even the philosophers must be allowed to be the greatest physicians, if reasoning could make them so; whereas it appears that they have abundance of words, and very little skill in the art of healing. They say, also, that the methods of practice differ according to the nature of places; thus one method is necessary at Rome, another in Egypt, and another in Gaul. That if the causes of distempers were the same in all places, the same remedies ought to be used everywhere. That often, too, the causes are evident, as, for instance, in a lippitude (or ophthalmia) or a wound; and, nevertheless, the method of cure does not appear from them: that if the evident cause does not suggest this knowledge, much less can the other, which is itself obscure. Seeing, then, this last is uncertain and incomprehensible, it is much better to seek relief from things certain and tried; that is, from such remedies as experience in the method of curing has taught us, as is done in all other arts; for that neither a husbandman nor a pilot is qualified for his business by reasoning, but by practice. And that these disquisitions have no connexion with medicine, may be inferred from this plain fact, that physicians, whose opinions in these matters have been directly opposite to one another, have, notwithstanding, equally restored their patients to health; that their success was to be ascribed to their having derived their methods of cure, not from the occult causes or the natural actions, about which they were divided, but from experiments, according as they had succeeded in the course of their practice. That medicine, even in its infancy, was not deduced from these inquiries, but from experiments: for of the sick who had no physicians, some, from a keen appetite, had immediately taken food in the first days of their illness, while others, feeling a nausea, had abstained from it, and that the disorder of those who had abstained was more alleviated; also some, in the paroxysm of a fever, had taken food, others a little before it came on, and others after its remission; and that it succeeded best with those who had done it after the removal of the fever: in the same manner, some used a full diet in the beginning of a disease, others were abstemious; and that those grew worse who had eaten plentifully. These and the like instances daily occurring, that diligent men observed attentively that

¹ l. 6, tit. 3. — Cod. 4, tit. 66. — Mühlenbruch, *Doctrina Jurum*. — Savigny, *Das Recht des Besitzes*, p. 99, &c., p. 100, &c., *Lehrbuch*, &c.)

method generally answered best, and afterward began to prescribe the same to the sick. That this was the rise of the art of medicine, which, by the frequent recovery of some and the death of others, distinguishes what is pernicious from what is salutary; and that, when the remedies were found, men began to discourse about the reasons of them. That medicine was not invented in consequence of their reasoning, but that theory was sought for after the discovery of medicine. They ask, too, whether reason prescribes the same as experience, or something different: if the same, they infer it to be needless; if different, mischievous. That at first, however, there was a necessity for examining remedies with the greatest accuracy, but now they are sufficiently ascertained; and that we neither meet with any new kind of disease, nor want any new method of cure. That if some unknown distemper should occur, the physician would not therefore be obliged to have recourse to the occult things, but he would presently see to what distemper it is most nearly allied, and make trial of remedies like to those which have often been successful in a similar malady, and by the resemblance between them would find some proper cure. For they do not affirm that judgment is not necessary to a physician, and that an irrational animal is capable of practising this art, but that those conjectures which relate to the occult things are of no use, because it is no matter what causes, but what removes a distemper; nor is it of any importance in what manner the distribution is performed, but what is easiest distributed: whether concoction fails from this cause or that, or whether it be properly a concoction, or only a distribution; nor are we to inquire how we breathe, but what relieves a difficult and slow breathing; nor what is the cause of motion in the arteries, but what each kind of motion indicates. That these things are known by experience; that in all disputes of this kind a good deal may be said on both sides, and, therefore, genius and eloquence obtain the victory in the dispute; but diseases are cured, not by eloquence, but by remedies; so that if a person without any eloquence be well acquainted with those remedies that have been discovered by practice, he will be a much greater physician than one who has cultivated his talent in speaking without experience. That these things, however, which have been mentioned are only idle; but what remains is also cruel, to cut open the abdomen and præcordia of living men, and make that art, which presides over the health of mankind, the instrument, not only of inflicting death, but of doing it in the most horrid manner; especially if it be considered that some of those things which are sought after with so much barbarity cannot be known at all, and others may be known without any cruelty; for that the colour, smoothness, softness, hardness, and such like, are not the same in a wounded body as they were in a sound one; and, farther, because these qualities, even in bodies that have suffered no external violence, are often changed by fear, grief, hunger, indigestion, fatigue, and a thousand other inconsiderable disorders, which makes it much more probable that the internal parts, which are far more tender, and never exposed to the light itself, are changed by the severest wounds and mangling. And that nothing can be more ridiculous than to imagine anything to be the same in a dying man, nay, one already dead, as it is in a living person; for that the abdomen, indeed, may be opened while a man breathes, but as soon as the knife has reached the præcordia, and the transverse septum is cut, which, by a kind of membrane, divides the upper from the lower parts (and by the Greeks is called the diaphragm—*διάφραγμα*), the man immediately expires, and thus the præ-

cordia and all the viscera never come to the view of the butchering physician till the man is dead; and they must necessarily appear as those of a dead person, and not as they were while he lived; and thus the physician gains only the opportunity of murdering a man cruelly, and not of observing what are the appearances of the viscera in a living person. If however, there can be anything which can be observed in a person that yet breathes, chance often throws it in the way of such as practise the healing art; for that sometimes a gladiator on the stage, a soldier in the field, or a traveller beset by robbers, is so wounded that some internal part, different in different people, may be exposed to view; and thus a prudent physician finds their situation, position, order, figure, and the other particulars he wants to know, not by perpetrating murder, but by attempting to give health; and learns by compassion that which others had discovered by horrid cruelty. That for these reasons it is not necessary to lacerate even dead bodies; which, though not cruel, yet may be shocking to the sight, since most things are different in dead bodies; and even the dressing of wounds shows all that can be discovered in the living.¹²

Such were the arguments by which they supported their opinions in favour of experience, of which they reckoned three sorts, viz.: *Observation* (*τήρησις*) or *Autopsy* (*αὐτοψία*), *History* (*ἱστορία*), and *Analogy*, or the substitution of a similar thing (*ἡ τῶν ὁμοίων μετάθεσις*), which they called "the Tripod of Medicine" (*τὴν τρίποδα τῆς ἰατρικῆς*). They gave the name of *Observation* or *Autopsy* to that which had been noticed by each individual for himself while watching what took place in the course of an illness, and was the result of his own remarks on the signs and causes of the disease, and also on the result of different modes of treatment. What they called *History* was a collection of observations made by others, and afterward put in writing. *Analogy*, or the substitution of one thing for another, was what they had recourse to when they had to treat a new malady, and could not profit either by their own experience or that of others. In these and similar cases they selected their plan of treatment, by comparing the unknown disease with that which most resembled it. Their opinions may be found at greater length in Le Clerc's or Sprengel's History of Medicine. The latter remarks that "their principles exhibit the most evident proofs of their great sagacity and sound judgment, and that they were more animated by the true genius of medicine than the greater part of their predecessors, who had grown themselves up to vague theories." However, their rejection of Anatomy, Physiology, and Pathology as useless studies, would, of course (at least in the opinion of modern physicians), prevent their ever attaining any higher rank than that of clever experimentalists, though it must not be denied that materia medica is indebted to them for the discovery of the properties of many valuable drugs.

Besides Philinus, the names of the following physicians of this sect have been preserved: Serapion, who is said by Celsus³ to have been their founder, Apollonius,⁴ Glaucias,⁵ Heracides of Tarentum,⁶ Bacchius of Tanagra, Zeuxis,⁷ Menodotus of Nicomedia,⁸ Theodas or Theudas of Laodicea,⁹ Sextus,¹⁰ Dionysius,¹¹ Crito,¹² Herodotus of Tarsus, Saturninus,¹³ Callicles, Diodorus, Lycus,¹⁴ Escrion,¹⁵ Philippus, Marcellus, and Plinius Valerianus.

1. (Futvoje's translation.)—2. (Galen, De Subfigur. Empir., cap. 13, p. 68.)—3. (De Medic., in Prefat.)—4. (Ibid.)—5. (Ibid.)—6. (Ibid.)—7. (Galen, Comment. in Aphor. Hippocr., lib. xviii., p. 187, ed. Kühn.)—8. (Diog. Laert., ix. 12, sect. 7, l. 116.)—9. (Ibid.)—10. (Ibid.)—11. (Galen, De Medicam., sec. locos, v., 7.)—12. (Id., De Subfigur. Empir.)—13. (Diog. Laert., l. c.)—14. (Galen, De Meth. Med., n. 7, p. 142.)—15. (Id., De Simpl. Medicam. Facult., xi., 2, p. 356.)

respect to Bacchius, however, it should be noted, that Kühn¹ considers the passage in which seems to class him among the Empiricæ corrupt. None of these have left any behind them except Sextus, Marcellus, and Valerianus, a few of whose writings are extant. The sect existed a long time, as Marcellus lived in the fourth century A. D.; it appears to have maintained its reputation as long as its principles remained true to their original principles; and was only when they began to substitute ignorant and indiscriminate experiments for rational philosophical observation that the word *Empiricæ* came to a term of reproach. A parallel has been drawn between the worst part of the system of the Empiricæ and the modern Homœopathists (see Ferd. Briskin, in an inaugural dissertation "Philinus et Hahnemannus, seu Veteris Empiricæ cum Hodierna Secta Homœopæ-comparatio," 8vo, Berol, 1834, p. 36.

EMPTIO (*ἐμπίς*), a species of insect, often confounded with the *κάνωψ*, or Gnat. Schneider thinks it is more properly applicable to certain species of *Tipula*. "The *Tipula culiciformis*," observes Fabricius, "is very like the gnat; it would, then, appear to correspond to the *ἐμπίς* of the Greeks."²

EMPTORIA DICA (*ἐμπορικὰ δίκαια*). (*Vid. DICA*.)

EMPTORIUM (*τὸ ἐμπόριον*), a place for wholesale trade in commodities carried by sea. The name is sometimes applied to a seaport town, but it properly signifies only a particular place in such a town. Amphitryon says that he had looked for a per-

emporium, atque in macello, in palaestra atque foro, in medicinis, in tonstrinis, apud omnis ædis salutaris."³

The word is derived from *ἐμπορος*, which signifies either a person who sails as a passenger in a vessel belonging to another person;⁴ but in later times it signifies the merchant or wholesale dealer, and differs from *κάπηλος*, the retail dealer, in that it is applied to the merchant who carries on trade with foreign countries, while the *κάπηλος* purchases his goods from the *ἐμπορος*, and retails them in the market-place (*ἢ οὐ καπήλος καλοῦμεν τὸν ἄνθρωπον τὸν πρῶτον διακοινοῦντα, ἰδρυμένον ἀγορᾷ, τοὺς δὲ πλανήτας ἐπὶ τὰς πόλεις ἐμπό-*

at Athens, it is said⁵ that there were two kinds of *emporion*, one for foreigners and the other for natives (*ξενικόν* and *ἀστικόν*), but this appears doubtful.⁷ The *emporium* at Athens was under the inspection of certain officers, who were elected by the assembly (*ἐπιμεληταὶ τοῦ ἐμπορίου*). (*Vid. EPI-ME-*

EMPTIO ET VENDITI ACTIO. The seller has the *actio empti*, and the buyer has an *actio empti* and the contract of sale and purchase. Both of these are *actiones directæ*, and their object is to enforce the fulfilment of the obligations resulting from the contract.

EMPTIO ET VENDITIO. The contract of buying and selling consists in the buyer agreeing to pay a certain sum of money to the seller, and the seller agreeing to give to the buyer some certain thing for his money. After the agreement is made, the buyer is bound to pay his money, even if the thing which is the object of purchase should be ac-

cidentally destroyed before it is delivered; and the seller must deliver the thing with all its intermediate increase. The seller must also warrant a good title to the purchase (*vid. EVICTIO*), and he must also warrant that the thing has no concealed defects, and that it has all the good qualities which he (the seller) attributes to it. It was with a view to check frauds in sales, and especially in the sales of slaves, that the seller was obliged, by the edict of the *curule ædiles* (*vid. EVICTUM*), to inform the buyer of the defects of any slave offered for sale: "Qui mancipia vendunt, certiores faciant emptores quod morbi vitique," &c.¹ In reference to this part of the law, in addition to the usual action arising from the contract, the buyer had against the seller, according to the circumstances, an *actio ex stipulatu*, *redhibitoria*, and *quanti minoris*. Horace, in his *Satires*,² and in the beginning of the second epistle of the second book, alludes to the precautions to be taken by the buyer and seller of a slave.

ENCAUSTICA. (*Vid. PICTURA*.)

ENCLEMA (*ἐγκλημα*). (*Vid. DICE*, p. 358.)

ENCTEMA (*ἐγκτημα*). (*Vid. ENCTESIS*.)

ENCITESIS (*ἐγκτήσις*), the right of possessing landed property and houses (*ἐγκτήσις γῆς καὶ οἰκίας*) in a foreign country, which was frequently granted by one Greek state to another, or to separate individuals of another state.³ *Ἐγκτήματα* were such possessions in a foreign country, and are opposed by Demosthenes⁴ to *κτῆματα*, possessions in one's own country.⁵ The term *ἐγκτήματα* was also applied to the landed property or houses which an Athenian possessed in a different *δήμος* from that to which he belonged by birth, and, with respect to such property, he was called *ἐγκεκτημένος*: whence we find Demosthenes⁶ speaking of *οἱ δημόται καὶ οἱ ἐγκεκτημένοι*. For the right of holding property in a *δήμος* to which he did not belong, he had to pay such *δήμος* a tax, which is mentioned in inscriptions under the name of *ἐγκτητικόν*.⁷

ENCETIKON (*ἐγκτητικόν*). (*Vid. ENCTESIS*.)

ENDEIXIS (*ἐνδείξις*) properly denotes a prosecution instituted against such persons as were alleged to have exercised rights or held offices while labouring under a peculiar disqualification. Among these are to be reckoned state debtors, who, during their liability, sat in court as *dicasts*, or took any other part in public life; exiles, who had returned clandestinely to Athens; those that visited holy places after a conviction for impiety (*ἀσέβεια*); and all such as, having incurred a partial disfranchisement (*ἀτιμία κατὰ πρόσταξιν*), presumed to exercise their forbidden functions as before their condemnation. Besides these, however, the same form of action was available against the chairman of the *proedri* (*ἐπιστάτης*), who wrongly refused to take the votes of the people in the assembly;⁸ against malefactors, especially murderers (which Schömann thinks was probably the course pursued when the time for an apogee had been suffered to elapse), traitors, ambassadors accused of malversation,⁹ and persons who furnished supplies to the enemy during war.¹⁰ The first step taken by the prosecutor was to lay his information in writing, also called *ἐνδείξις*, before the proper magistrate, who might be the archon or king archon, or one of the *thesmothetæ*, according to the subject-matter of the information; but in the case of a malefactor (*κακοῦργος*) being the accused person, the Eleven were the officers applied to. (*Vid. ELEVEN*, THE.) It then became the duty of the magistrate to arrest or hold

¹ *Platam. ad Elench. Medicor. Veter. a Jo. A. Fabricio, in Opus. xlii., Exhibitorum, 4to, Lips., 1826.*—² (Aristot., *H. N.*—*Adians*, Append., s. v.)—³ (Plaut., *Amph.*, IV., i., *supra* Liv., xxxv., 10; xli., 27.)—⁴ (Od., ii., 319; xxiv., 5.) (Plato, *De Rep.*, ii., 12, p. 371.)—⁵ (Lex. Seg., p. 7.) (Böckh, *Publ. Econ. of Athens*, ii., p. 24.)

¹ (Dig. 21, tit. 1.)—² (ii., 3, 286.)—³ (Demosth., *De Cor.*, p. 263, 7.)—⁴ (Böckh, *Corp. Inscript.*, i., p. 725.)—⁵ (De Halon., p. 87, 7.)—⁶ (Valcken. ad Herod., v., 23.)—⁷ (c. Polycl., p. 1208, 27.)—⁸ (Böckh, *Publ. Econ. of Athens*, ii., p. 3.)—⁹ (Plato, *Apol.*, p. 82, a.)—¹⁰ (Isocrat., c. Callim., 11.)—¹¹ (Aristotoph., *Equit.*, 278.—*Andoc.*, *De Reditu.*, 82.)

to bail the person criminated, and take the usual steps for bringing him to trial. There is great obscurity as to the result of condemnation in a prosecution of this kind. Heraldus¹ ridicules the idea that it was invariably a capital punishment. The accuser, if unsuccessful, was responsible for bringing a malicious charge (*ψευδοῦς ἐνδείξειε ὑπεύθυνος*²).

ENDROMIS (*ἐνδρόμις*), a thick, coarse blanket, manufactured in Gaul, and called "endromis" because those who had been exercising in the stadium (*ἐν δρόμῳ*) threw it over them to obviate the effects of sudden exposure when they were heated. Notwithstanding its coarse and shaggy appearance, it was worn on other occasions as a protection from the cold by rich and fashionable persons at Rome.³ Ladies also put on an endromis of a finer description (*endromidas Tyrias*⁴) when they partook, as they sometimes did, of the exercises of the palaestra. Moreover, boots (*vid. COTHURNUS*) were called *ἐνδρόμιδες* on account of the use of them in running.⁵

ENDYMA (*ἐνδυμα*). (*Vid. AMICTUS*.)

ENECHYRA (*ἐνέχυρα*). In private suits at Athens, whether tried by a court of law or before an arbitrator, whenever judgment was given against a defendant, a certain period was at the same time fixed (*ἡ προθεσμία*), before the expiration of which it was incumbent upon him to comply with the verdict. In default of doing so he became *ὑπερήμερος*, or over the day, as it was called, and the plaintiff was privileged to seize upon (*ἄψασθαι*) his goods and chattels as a security or compensation for non-compliance.⁶ The property thus taken was called *ἐνέχυρα*, and slaves were generally seized before anything else.⁷ This "taking in execution" was usually left to the party who gained the suit, and who, if he met with resistance in making a seizure, had his remedy in a *δίκη ἐξούλης*; if with personal violence, in a *δίκη αἰκίας*.⁸ On one occasion, indeed, we read of a public officer (*ὑπέρετης παρὰ τῆς ἀρχῆς*) being taken to assist in, or, perhaps, to be a witness of a seizure; but this was in a case where public interests were concerned, and consequent upon a decision of the *βουλή*.⁹ The same oration gives an amusing account of what Englishmen would consider a case of "assault and trespass," committed by some plaintiffs in a defendant's house, though the amount of damages which had been given (*ἡ καταδίκη*) was, according to agreement, lying at the bank (*ἐπὶ τῆς τραπεζῆς*), and there awaiting their receipt.

It seems probable, though we are not aware of its being expressly so stated, that goods thus seized were publicly sold, and that the party from whom they were taken could sue his opponent, perhaps by a *δίκη βλάβης*, for any surplus which might remain after all legal demands were satisfied. No seizure of this sort could take place during several of the religious festivals of the Athenians, such as the Dionysia, the Lenæa, &c. They were, in fact, *dies non* in Athenian law.¹⁰

ENGYE (*ἐγγύη*), bail or sureties, were in very frequent requisition, both in the private and public affairs of the Athenians. Private agreements, as, for instance, to abide by the decision of arbitrators,¹¹ or that the evidence resulting from the application of torture to a slave should be conclusive,¹² were corroborated by the parties reciprocally giving each

other sureties; and the same took place generally in all money-lending or mercantile transactions, and was invariably necessary when persons undertook to farm tolls, taxes, or other public property.

In judicial matters, bail or sureties were provided upon two occasions: first, when it was requisite that it should be guaranteed that the accused should be forthcoming at the trial; and, secondly, when security was demanded for the satisfaction of the award of the court. In the first case, bail was very generally required when the accused was other than an Athenian citizen, whether the action were public or private; but if of that privileged class, upon no other occasion except when proceeded against by way of Apagoge, Endeixis, Ephesis, or Eisangelia. Upon the last-mentioned form being adopted in a case of high treason, bail was not accepted. The technical word for requiring bail of an accused person is *κατεγγυῖν*, that for becoming surety in such a case, *ἐξεγγυᾶσθαι*. Surety of the other kind was demanded at the beginning of a suit upon two occasions only: first, when a citizen asserted the freedom of a person detained in slavery by another; and, secondly, when a litigant, who had suffered judgment to go by default before the arbitrator (*διατηρήσῃ*), had recommenced his action within the given time (*μὴ οὔσα δίκη*). After the judgment, security of this kind was required in all mercantile and some other private causes; and state debtors, who had been sentenced to remain in prison till they had acquitted themselves of their liabilities, were, by a law of Timocrates,¹ allowed to go at large if they could provide three sureties that the money should be paid within a limited period. If the principal in a contract made default, the surety was bound to make it good, or, if he refused to do so, might be attacked by an *ἐγγύης δίκη*, if such action were brought within a twelvemonth after the obligation was undertaken.² If, however, a person accused in a public action by one of the forms above mentioned failed to appear to take his trial, his bail became liable to any punishment that such person had incurred by contempt of court; and, consistently with this, it appears, from a passage in Xenophon,³ that the law allowed the bail to secure the person of the accused by private confinement.⁴

ΕΓΓΥΗΣ ΔΙΚΗ. (*Vid. ENGYE*.)

*ENHYDRUS (*ἐνὕδρος*), in all probability the Otter, or *Lutra vulgaris*. "Schneider makes the *ἐνὕδρος* of Aristotle to be the same. Schneider and Gesner agree that the *Ἀδάτας* of the same Greek writer must have been the same as the *ἐνὕδρος*, although he wishes to distinguish them from one another."⁵ That the *Mustela Lutra* is the *ἐνὕδρος* appears evident from the Mosaic of Præneste, according to Sibthorp. One of the Roman names of the Otter, *βίβρα*, is very similar to the Polish *Wydra*.⁶

ΕΝΟΙΚΙΟΥ ΔΙΚΗ (*ἐνοικίου δίκη*). An action brought (like our *trespass for mesne profits* after a successful action of ejectment) to recover the rents withheld from the owner during the period of his being kept out of possession. If the property recovered were not a house, but land (in the most confined sense of the word), the action for rents and profits was called *καρποῦ δίκη*. It seems, from the language of the grammarians, that these actions could be brought to try the title to the estate, as well as for the above-mentioned purpose. Perhaps both the tenement and the intermediate profits might be recovered by one suit, but the proceeding would be more hazardous, because a failure in one

1. (Animadv. in Salm., IV., ix., 10.)—2. (Herald., IV., ix., 13. —Vid. Schömann, De Com., 175.—Att. Proc., 239.)—3. (Juv., in., 163.—Mart., iv., 19; xiv., 126.)—4. (Jov., vi., 246.)—5. (Callim., Hymn. in Dian., 16.—In Delum, 238.—Pollux, Onom., iii., 155; vii., 93.—Brunck, Anal., iii., 206.)—6. (Demosth., c. Meid., 540, 21.—Ulp., ad loc.—Vid. Aristoph., Nubes, 35.)—7. (Athen., xiii., 612, c.)—8. (Demosth., c. Eueerg., 1153.)—9. (Id., c. Eueerg., 1149.)—10. (Demosth., c. Meid., 518.—Hudtwalcker, Diet., p. 132.)—11. (Demosth., c. Apatur., 892—899.)—12. (Demosth., c. Panten., 978, 11.)

1. (Demosth., c. Timocr., 712—716.)—2. (Demosth., c. Apatur., 901, 10.)—3. (Hel., i., 7, § 29.)—4. (Meier, Att. Process 515.)—5. (Aristot., H. A., viii., 7.—Adams, Append., s. v.)—6. (Walpole's Memoirs, vol. i., p. 267.)

of the demand would involve the loss of the land. Thus the title of a party to the land might have expired, as, for instance, where he under a lease for a term; yet he would be entitled to recover certain by-gone profits from one had dispossessed him. Therefore it is not probable that the *δικαι ἐν* and *καρ*. might, in practice confined to those cases where the rents and profits only were the subject of claim. We are not aware that if the defendant, after a judgment in one case, still refused to give satisfaction, an *ἐπίδικση* might be commenced against him, of the effect was, that the plaintiff obtained a judgment to indemnify himself out of the whole property of the defendant. Schömann observes that this is a circuitous proceeding, when the plaintiff is obliged to take immediate steps to execution by means of seizure and ejectment. His conjecture, however, that the *ἐπίδικση* was in ancient times an important remedy, when real property could not in the instance be taken in execution, is probably correct from the truth, and is supported by analogy with the laws of other nations, which, being (in the progress of civilization) framed by the landowners to bear marks of a watchful jealousy of any encroachment upon their rights. He remarks, also, that the giving to the party the choice between a more lenient and a more stringent remedy, accords with the general tenour and spirit of the Athenian laws. We may add that our own law furnishes an illustration of this, viz., where a plaintiff has obtained a judgment, he has the option of proceeding at once to execution, or bringing an action on the judgment; though with us the latter measure is considered the more vexatious, as it increases the costs, and is rendered less necessary by the facility with which executions can be levied. At Athens the *ἐπίδικση*, as it was the ultimate and most efficacious remedy, drew with it also more penal consequences, as explained under ΕΜΒΑΤΕΙΑ.¹

ΕΠΙΔΙΚΣΙΣ. (Vid. ARMY, GREEK, p. 98, 100.)
ΕΠΙΔΙΚΣΙΣ. (Vid. GLADIUS.)
ΕΠΙΔΙΚΣΙΣ (ἐντασις). The most ancient columns now existing are remarkable for the extreme curvature of the shaft between its lower and upper parts, the sides of which, like those of an obelisk, converge immediately and regularly from the neck between two even lines; a mode of construction which is wanting in grace and architectural solidity. To correct this, a swelling line, called *entasis*,² was given to the shaft, which seems

to have been the first step towards combining grace and grandeur in the Doric column.

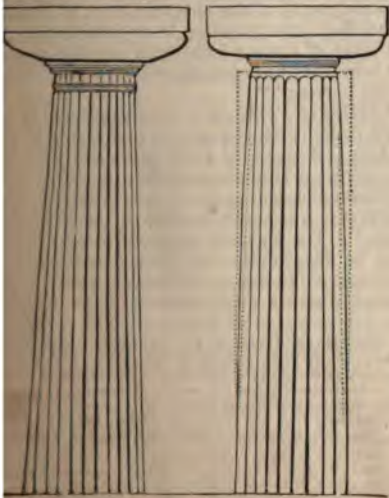
The original form is represented by the figure on the left in the preceding woodcut, which is taken from the great temple at Posidonia (Pæstum), which is one of the most ancient temples now remaining; that on the right shows the *entasis*, and is from a building of rather later construction in the same city. Two other examples of the same style are still to be seen in Italy, one belonging to an ancient temple at Alba Fucinensis,¹ and the other at Rome, on the sepulchre of C. Publicius.²

*ΕΝΤΟΜΑ (ἐντομα), INSECTA, INSECTS. Aristotle and Pliny used the terms *ἐντομα* and *insecta* respectively in the same sense in which the latter is applied by Baron Cuvier and the naturalists of the present day, and did not include the *Crustacea* in this class of animals, as was done by Linnaeus with singular want of judgment. The metamorphosis of insects is correctly described by Theophrastus, *ἐκ κάμπης γὰρ χρυσαλλίς, εἰτ' ἐκ ταύτης ἡ ψύχη*. By *κάμπη* is evidently meant here the *Larva* or *Eruca*, L., and by *χρυσάλλις*, the *Chrysalis* or *Pupa*, L.: the *ψύχη* is the *Imago*, L.³

ΕΠΑΓΓΕΛΙΑ (ἐπαγγελία). If a citizen of Athens had incurred *ἀτιμία*, the privilege of taking part or speaking in the public assembly was forfeited. (Vid. ΑΤΙΜΙΑ.) But as it sometimes might happen that a person, though not formally declared *ἀτιμος*, had committed such crimes as would, on accusation, draw upon him this punishment, it was, of course, desirable that such individuals, like real *ἀτιμοί*, should be excluded from the exercise of the rights of citizens. Whenever, therefore, such a person ventured to speak in the assembly, any Athenian citizen had the right to come forward in the assembly itself,⁴ and demand of him to establish his right to speak by a trial or examination of his conduct (*δοκιμασία τοῦ βίου*), and this demand, denunciation, or threat, was called *ἐπαγγελία*, or *ἐπαγγελία δοκιμασίας*. The impeached individual was then compelled to desist from speaking, and to submit to a scrutiny into his conduct,⁵ and if he was convicted, a formal declaration of *ἀτιμία* followed.

Some writers have confounded the *ἐπαγγελία* with *δοκιμασία*, and considered the two words as synonymes; but from the statements made above, it is evident that the *δοκιμασία* is the actual trial, while the *ἐπαγγελία* is only the threat to subject a man to the *δοκιμασία*: hence the expression *ἐπαγγέλλειν δοκιμασίαν*.⁶ Other writers, such as Harpocration and Suidas, do not sufficiently distinguish between *ἐπαγγελία* and *ἐνδειξις*: the latter is an accusation against persons who, though they had been declared *ἀτιμοί*, nevertheless venture to assume the rights of citizens in the public assembly, whereas *ἐπαγγελία* applied only to those who had not yet been convicted of the crime laid to their charge, but were only threatened with an accusation for the first time.⁷ Wachsmuth⁸ seems to be inclined to consider the *ῥητορικὴ γραφή* to be connected or identical with the *ἐπαγγελία*; but the former, according to the definitions of Photius and Suidas, was in reality quite a different thing, inasmuch as it was intended to prevent orators from saying or doing unlawful things in the assembly where they had a right to come forward; whereas the *ἐπαγγελία* was a denunciation, or a promise to prove that the orator had no right at all to speak in the assembly.

ΕΠΑΡΙΤΟΙ (ἐπάριτοι), a select corps of Arca-



1 (Meier, Att. Proc., 749.)—2. (Vitruv., iii., 2.)

1. (Piranesi, Magnif. de' Rom., tav. 31, fig. 6.)—2. (Ibid., fig. 7.)—3. (Adams, Append., s. v.)—4. (Æschin., c. Timarch., p. 104.)—5. (Pollux, Onom., viii., 43.—Suidas, s. v. *ἐπαγγελία*.)—6. (Schömann, De Comit., p. 232, note 8, transl.)—7. (Meier, Att. Proc., p. 210.—Schömann, De Comit., p. 232, note 7, transl.)—8. (Hellen. Alterth., i., p. 294.)

EPHORI.

cloth rather than leather, and that the saddle was, as it were, a cushion fitted to the horse's back. Pendent cloths (*στρώματα, strata*) were always attached to it, so as to cover the sides of the animal; but it was not provided with stirrups. As a substitute for the use of stirrups, the horses, more particularly in Spain, were taught to kneel at the word of command, when their riders wished to mount them. (Vid. the annexed figure from an antique lamp found at Herculaneum, and compare Strabo, III., i., p. 436, ed. Sieb.; and Silius Italicus, x., 465.)



The cloths, which were either spread over the saddle or hung from it on each side, were often dyed with different colours ("Jam purpura vestial armos,"¹ *ephippia fucata*²), and were sometimes rendered still more ornamental by the addition of fringes.

The term "Ephippium" was in later times in part supplanted by the word "sella," and the more specific expression "sella equestris."

EPHORI (Ἐφοροί). Magistrates called Ἐφοροί or overseers were common to many Dorian constitutions in times of remote antiquity. Cyrene and the mother state of Thera may be mentioned as examples: the latter colonized from Laconia in early ages, and where, as we are told, the ephors were ἑπιώργοι, i. e., gave their name to their year of office.³ The ephoralty at Sparta is classed by Herodotus⁴ among the institutions of Lycurgus. Since, however, the ephori are not mentioned in the oracle which contains a general outline of the constitution ascribed to him,⁵ we may infer that no new powers were given to them by that legislator, or in the age of which he may be considered the representative. Another account refers the institution of the Spartan ephoralty to Theopompus (B.C. 770-720), who is said to have founded this office with a view of limiting the authority of the kings, and to have justified the innovation by remarking that "he handed down the royal power to his descendants more durable, because he had diminished it."⁶ The inconsistency of these accounts is still farther complicated by a speech of Cleomenes the Third, who⁷ is represented to have stated that the ephors were

EPHORI.

originally appointed by the kings, to act for a judicial capacity (*πρὸς τὸ κρίνειν*) during the absence from Sparta in the first Messenian war that it was only by gradual usurpations that the new magistrates had made themselves paramount over the kings themselves. Now, as to some authorities,¹ Polydorus, the colleague of Theopompus, and one of the kings under whom the first Messenian war (B.C. 743-723) was conducted, appropriated a part of the conquered Messenian territory to the augmentation of the number of acres of land possessed by the Spartans—an augmentation which implies an increase in the number of Spartan citizens. But the ephors, as we shall hereafter see, were the representatives of the whole nation; and, therefore, if in the reign of Theopompus the franchise at Sparta was extended to a new class of citizens, who, nevertheless, were not placed on an equality with the old ones (*ἰσομετρίους*), the ephors would thenceforward stand in a new position with respect to the kings, and the council (*γέροντες*) who were elected from the higher ranks. Moreover, it is not improbable that, during the absence of the kings, the ephors usurped, or transferred upon them, powers which did not originally belong to them; so that, from both these causes, their authority may have been so far altered as to lead to the opinion that the creation of the ephoralty and not merely an extension of its power took place during the reign of Theopompus. As Mr. Thirlwall observes, "if the extension of ephoralty was connected with the admission of an inferior class of citizens to the franchise, the comparison which Cicero² draws between the ephoralty and the Roman tribunate would be more applicable than he himself suspected, and would throw light on the seeming contradiction of the ephors being all-powerful, though the class which they especially represented enjoyed only a limited franchise."³ But, after all, the various accounts we have been considering merely show how different were the opinions, and how little historical statements, about the origin of the ephoralty.

We shall therefore proceed to investigate the functions and authorities of the ephors in their times, after first observing that their office, as we have seen, was considered as a counterpoise to the kings and ephors, and in that respect peculiar to Sparta alone. In the other Dorian states, would have been altogether inconsistent with the constitution of Lycurgus, and their gradual usurpations and encroachment facilitated by the vague and indefinite nature of their duties. Their number, five, appears to have been always the same, and was probably connected with the five divisions of the town of Sparta, namely, the four *κῶμαι*, Limnæ, Mesoa, Pitana, Cyra, and the *Πόλις*, or city properly so called, in which the *κῶμαι* lay.⁴ They were elected from among the people (*ἐξ ἀπάντων*), without any qualification of age or property, and without undergoing any scrutiny (*οὐ τυχόντες*); so that, as Aristotle⁵ marks, the *δημος* enjoyed through them a participation in the highest magistracy of the state. The precise mode of their election is not known. Aristotle⁶ speaks of it as being very peculiar. Plato⁷ describes their office as *ἐγγύς τῆς κληρονομίας*, words which may apply to a wardship, directing and discriminating principle in the election of the ephors, without of necessity implying an electoral system. They entered upon office at the autumnal equinox, and the first in rank of the five gave his

1. (Thirlwall, Hist. of Greece, i., p. 353.)—2. (De Leg. De Rep., ii., 33.)—3. (Hist. of Greece, i., 356.)—4. (Marians, iii., c. 7; and vid. Clinton, Fast. Hell., i., Appendix 5. (Philolog. Museum, ii., p. 52.)—5. (Polit., ii., 7.)—6. (Leg., ii., p. 692.)

1. (Apol., De Deo Socr.)—2. (Plutarch, Lycurg., 6.)—3. (Aristot., Polit., ii., 7.)—4. (Aristot., Polit., ii., 7.)—5. (Aristot., Polit., ii., 7.)—6. (Aristot., Polit., ii., 7.)—7. (Aristot., Polit., ii., 7.)

to the year, which was called after him in all civil transactions.¹ Their meetings were held in the public building called *ἀρχαίον*, which in some respects resembled the Prytaneum at Athens, as being the place where foreigners and ambassadors were entertained, and where, moreover, the ephors took their meals together.²

The ephors also possessed judicial authority, on which subject Aristotle³ remarks that they decided in civil suits (*δικαί τῶν συμβολαίων*), and generally in actions of great importance (*κρίσεων μεγάλων κύριαι*): whereas the council presided over capital crimes (*δικαί φονικαί*). In this arrangement we see an exemplification of a practice common to many of the ancient Greek states, according to which a criminal jurisdiction was given to courts of aristocratic composition, while civil actions were decided by popular tribunals. (Compare ΕΡΗΤΕΤΑΙ and ΑΞΕΙΟΠΡΑΞΙΣ.) But with this civil jurisdiction was united a censorial authority, such as was possessed by the ephors at Cyrene: for example, the ephors punished a man for having brought money into the state,⁴ and others for indolence.⁵ We are told, also, that they inspected the clothing and the bedding of the young men.⁶ Moreover, something like a superintendence over the laws and their execution is implied in the language of the edict, which they published on entering upon their office, ordering the citizens "to shave the upper lip (*μύστακα*), i. e., to be submissive, and to obey the laws." Now the symbolical and archaic character of this expression seems to prove that the ephors exercised such a general superintendence from very early times, and there can be no doubt "that, in the hands of able men, it would alone prove an instrument of unlimited power."⁷

Their jurisdiction and power were still farther increased by the privilege of instituting scrutinies (*εὐθερίαι*) into the conduct of all the magistrates, on which Aristotle⁸ observes that it was a very great gift to the ephoralty (*τοῦτο δὲ τῇ ἐφορείᾳ μέγα λίαν εὐδόνον*). Nor were they obliged to wait till a magistrate had completed his term of office, since, even before its termination, they might exercise the privilege of deposition.⁹ Even the kings themselves could be brought before their tribunal (as Cleomenes was for bribery, *δωροδοκία*),¹⁰ though they were not obliged to answer a summons to appear there till it had been repeated three times.¹¹ In extreme cases, the ephors were also competent to lay an accusation against the kings as well as the other magistrates, and bring them to a capital trial before the great court of justice.¹² If they sat as judges themselves, they were only able, according to Müller, to impose a fine, and compel immediate payment; but they were not in any case, great as was their judicial authority, bound by a written code of laws.¹³

In later times the power of the ephors was greatly increased; and this increase appears to have been principally owing to the fact that they put themselves in connexion with the assembly of the people, convened its meetings, laid measures before it, and were constituted its agents and representatives.¹⁴ When this connexion arose is matter of conjecture; some refer the origin of it to Asteropeus, one of the first ephors to whom the extension of the powers of the ephoralty is ascribed, and who is said to have lived many years after the time of Theopompus, probably about B.C. 560. That it was

not known in early times appears from the circumstance that the two ordinances of the oracle at Delphi, which regulated the assembly of the people, made no mention of the functions of the ephors.¹ It is clear, however, that the power which such a connexion gave, would, more than anything else, enable them to encroach on the royal authority, and make themselves virtually supreme in the state. Accordingly, we find that they transacted business with foreign ambassadors;² dismissed them from the state;³ decided upon the government of dependent cities;⁴ subscribed in the presence of other persons to treaties of peace;⁵ and in time of war sent out troops when they thought necessary.⁶ In all these capacities the ephors acted as the representatives of the nation and the agents of the public assembly, being, in fact, the executive of the state. Their authority in this respect is farther illustrated by the fact that, after a declaration of war, "they intrusted the army to the king or some other general, who received from them instructions how to act, sent back to them for fresh instructions, were restrained by them through the attendance of extraordinary plenipotentiaries, were recalled by means of the scytale, summoned before a judicial tribunal, and their first duty after return was to visit the office of the ephors."⁷ Another striking proof of this representative character is given by Xenophon,⁸ who informs us that the ephors, acting on behalf of the state (*ἕπερ τῆς πόλεως*), received from the kings every month an oath, by which the latter bound themselves to rule according to law; and that, in return for this, the state engaged, through the ephors, to maintain unshaken the authority of the kings if they adhered to their oath.

It has been said that the ephors encroached upon the royal authority; in course of time the kings became completely under their control. For example, they fined Agesilaus⁹ on the vague charge of trying to make himself popular, and interfered even with the domestic arrangements of other kings; moreover, as we are told by Thucydides,¹⁰ they could even imprison the kings, as they did Pausanias. We know, also, that in the field the kings were followed by two ephors, who belonged to the council of war; the three who remained at home received the booty in charge, and paid it into the treasury, which was under the superintendence of the whole College of Five. But the ephors had still another prerogative, based on a religious foundation, which enabled them to effect a temporary deposition of the kings. Once in eight years (*ὀκτώετη ἐννέα*), as we are told, they chose a calm and cloudless night to observe the heavens, and if there was any appearance of a falling meteor, it was believed to be a sign that the gods were displeased with the kings, who were accordingly suspended from their functions until an oracle allowed of their restoration.¹¹ The outward symbols of supreme authority also were assumed by the ephors, and they alone kept their seats while the kings passed; whereas it was not considered below the dignity of the kings to rise in honour of the ephors.¹²

The position which, as we have shown, the ephors occupied at Sparta, will explain and justify the statement of Müller, "that the ephoralty was the moving element, the principle of change in the Spartan constitution, and, in the end, the cause of its dissolution." In confirmation of this opinion we may cite the authority of Aristotle, who observes, that from the excessive and absolute power (*ισορῆπαντος*) of

1. (Müller, Dor., iii., 7, § 7.)—2. (Pausan., iii., 11, 2.)—3. (Plut., iii., 1.)—4. (Polit., ii., 6.)—5. (Plut., Lysan., 19.)—6. (Thucyd., i., 84.)—7. (Athenus, xii., 550.)—8. (Thirlwall, Hist. of Greece, i., 355.)—9. (Polit., ii., 6, 17.)—10. (Xen., De Rep. Lac., viii., 4.)—11. (Herod., vi., 82.)—12. (Plut., Cleom., 10.)—13. (Xen., i. c.—Herod., vi., 85.)—14. (Aristot., Polit., i., 6, 16.)—15. (Müller, Dorians, ii., 125, transl.)

1. (Thirlwall, i., 356.)—2. (Herod., ix., 8.)—3. (Xen., Hell., ii., 13, 19.)—4. (Xen., Hell., iii., 4, 2.)—5. (Thucyd., v., 19, 24.)—6. (Herod., ix., 7, 10.)—7. (Müller, Dor., ii., 127, transl.)—8. (De Repub. Lacon., xv.)—9. (Plutarch, Ages., 2, 5.)—10. (s. 131.)—11. (Plut., Agis, 11.)—12. (Xen., Repub. Lacon., xv.)

the ephors, the kings were obliged to court them (*δημαγωγείν*), and eventually the government became a democracy instead of an aristocracy. Their relaxed and dissolute mode of life too (*ἀνεμεινῆ δέαια*), he adds, was contrary to the spirit of the constitution; and we may remark that it was one of the ephors, Epitadeius, who first carried through the law permitting a free inheritance of property in contravention of the regulation of Lycurgus, by which an equal share in the common territory was secured to all the citizens.

The change, indeed, to which Aristotle alludes, might have been described as a transition from an aristocracy to an oligarchy; for we find that in later times, the ephors, instead of being demagogues, invariably supported oligarchical principles and privileges. The case of Cinadon, B.C. 399, is an instance of this; and the fact is apparently so inconsistent with their being representatives of the whole community, and as much so of the lower (*ὑπομεινέων*) as of the higher (*δμοιοί*) class of citizens, that Wachsmuth¹ supposes the *δήμος*,² from and by whom the ephors were chosen, to mean the whole body of privileged or patrician citizens only, the most eminent (*καλοὶ κἀγαθοί*) of whom were elected to serve as *γέροντες*. This supposition is not itself improbable, and would go far to explain a great difficulty; but any analysis of the arguments that may be urged for and against it is precluded by our limits.³ We shall, therefore, only add, that the ephors became at last thoroughly identified with all opposition to the extension of popular privileges.

For this and other reasons, when Agis and Cleomenes undertook to restore the old constitution, it was necessary for them to overthrow the ephorality, and, accordingly, Cleomenes murdered the ephors for the time being, and abolished the office (B.C. 225); it was, however, restored under the Romans.

EPĪBATÆ (*ἐπιβάται*) were soldiers or marines appointed to defend the vessels in the Athenian navy, and were entirely distinct from the rowers, and also from the land soldiers, such as hoplitæ, peltasts, and cavalry.⁴ It appears that the ordinary number of epibatæ on board a trireme was ten. Dr. Arnold⁵ remarks, that by comparing Thucyd., iii., 95, with c. 91, 94, we find three hundred epibatæ as the complement of thirty ships; and also, by comparing ii., 92, with c. 102, we find four hundred as the complement of forty ships; and the same proportion results from a comparison of iv., 76, with c. 101. In Thucydides, vi., 42, we find seven hundred epibatæ for a fleet of one hundred ships, sixty of which were equipped in the ordinary way, and forty had troops on board. In consequence of the number of heavy-armed men *ἐκ τοῦ καταλόγου* on the expedition, the Athenians appear to have reduced the number of regular epibatæ from ten to seven. The number of forty epibatæ to a ship, mentioned by Herodotus,⁶ Dr. Arnold justly remarks,⁷ "belongs to the earlier state of Greek naval tactics, when victory depended more on the number and prowess of the soldiers on board than on the manœuvres of the seamen;"⁸ and it was in this very point that the Athenians improved the system, by decreasing the number of *ἐπιβάται*, and relying on the more skilful management of their vessels.⁹

The epibatæ were usually taken from the Thetes, or fourth class of Athenian citizens;¹⁰ but on one occasion, in a season of extraordinary danger, the citizens of the higher classes (*ἐκ καταλόγου*) were compelled to serve as epibatæ.¹¹

The term is sometimes, also, applied by the Roman writers to the marines,¹ but they are more usually called *classarii milites*. The latter term, however, is also applied to the rowers or sailors as well as the marines (*classiariorum remigio vehi*).²

EPĪBLEMĀ. (*Vid. AMICTVS*)

EPĪBŌLE (*ἐπιβολή*), a fine imposed by a magistrate, or other official person or body, for a misdemeanor. The various magistrates at Athens had (each in his own department) a summary penal jurisdiction; i. e., for certain offences they might inflict a pecuniary mulct or fine, not exceeding a fixed amount; if the offender deserved farther punishment, it was their duty to bring him before a judicial tribunal. Thus, in case of an injury done to orphans or heiresses, the archon might fine the parties, or (if the injury were of a serious nature) bring them before the court of Helicæ.³ Upon any one who made a disturbance, or otherwise misbehaved himself in the public assembly, the proedri might impose a fine of fifty drachms, or else bring him for condign punishment before the senate of 500, or the next assembly.⁴ The senate of 500 were competent to fine to the extent of 500 drachms.⁵

The magistrate who imposed the fine (*ἐπιβόλην ἐπέβαλε*) had not the charge of levying it, but was obliged to make a return thereof to the treasury officers (*ἐπιγράψαι, ἢ ἐγγράψαι τοῖς πράκτοσιν, ἢ ἐγγράψαι τῷ δημοσίῳ*), whereupon, like all other penalties and americiaments, it became (as we should say) a debt of record, to be demanded or recovered by the collectors.⁶ If it were made payable to the fund of a temple, it was collected by the functionaries who had the charge of that fund (*ταμίαι*). There might (it seems) be an appeal from the sentence of the magistrate to a jury or superior court.⁷

As under the old Roman law no magistrate could impose a fine of more than two oxen and thirty sheep, so, by the laws of Solon, fines were of very small amount at Athens. How greatly they increased afterward (as money became more plentiful, and laws more numerous), and how important a branch they formed of the public revenue, may be seen from the examples collected by Böckh.⁸

These *ἐπιβολαὶ* are to be distinguished from the penalties awarded by a jury or court of law (*τιμωματα*) upon a formal prosecution. There the magistrate or other person who instituted the proceeding (for any one might prosecute, *κατηγορεῖν*), was said *τιμωμὰ ἐπιγνώσασθαι*, as the court or jury were said *τιμῶν*, "to assess the penalty," which always devolved upon them, except where the penalty was one fixed by law (*ἐκ τῶν νόμων ἐπικειμένη ζημία*), in which case it could not be altered.⁹

EPICHEIROTONIA. (*Vid. CHEIROTONIA, ECCLĒSIA*, p. 386.)

EPICLERUS (*ἐπικληρος*, heiress), the name given to the daughter of an Athenian citizen who had no son to inherit his estate. It was deemed an object of importance at Athens to preserve the family name and property of every citizen. This was effected, where a man had no child, by adoption (*εἰσποιήσεις*); if he had a daughter, the inheritance was transmitted through her to a grandson, who would take the name of the maternal ancestor. If the father died intestate, the heiress had not the choice of a husband, but was bound to marry her nearest relative, not in the ascending line. Upon

1. (i., 2, p. 214.)—2. (Arist., ii., 6.)—3. (*Vid.* Thirlwall, iv., 377.)—4. (Xen., *Hell.*, i., 2, § 7; v., 1, § 11.—Harpocrat. and Hesych., s. v.)—5. (ad Thucyd., iii., 95.)—6. (vi., 13.)—7. (l. c.)—8. (Thucyd., i., 49.)—9. (Thucyd., vi., 42.)—10. (Thucyd., viii., 24.)

1. (Hist. de Bell. Alex., 11; de Bell. Afric., 63.)—2. (Tacit., Ann., xiv., 4.)—3. (Demosth., c. Maccart., 1076.)—4. (Æsch., c. Timarch., 25, Bekker.)—5. (Demosth., c. Eucerg. and Mnes., 1152.—*Vid.* also Demosth., c. Meid., 572.)—6. (Æsch., c. Tim., l. c.—Demosth., c. Nicost., 1251.)—7. (Meier, *Ant. Proc.*, p. 23, 34, 565.—Schömann, *Ant. Jur. Pub. Græc.*, p. 242, 297.)—8. (Pub. Econ. of Athens, ii., p. 103, &c.)—9. (Æsch., *Περὶ Περσέων*, 14, Bekker.—Demosth., c. Theocr., 1328.—Harpocrat., s. v. Ἀπίματος ἀγών.)

such person making his claim before the archon, whose duty it was ἐπιμελεῖσθαι τῶν ἐπικληρῶν καὶ τῶν οἰκῶν τῶν ἐξερηνομένων,¹ public notice was given of the claim; and if no one appeared to dispute it, the archon adjudged the heiress to him (ἐπειδικασεν αὐτῷ τὴν ἐπικληρῶν). If another claimant appeared (ἀμφισβητεῖν αὐτῷ τῆς ἐπικ.), a court was held for the decision of the right (διαδικασία τῆς ἐπικ.), which was determined according to the Athenian law of consanguinity (γένους κατ' ἀγχιστεῖαν). Even where a woman was already married, her husband was obliged to give her up to a man with a better title; and men often put away their former wives in order to marry heiresses.²

A man without male issue might bequeath his property; but if he had a daughter, the devisee was obliged to marry her.³ If the daughter was poor, and the nearest relative did not choose to marry her, he was bound to give her a portion corresponding to his own fortune.⁴

The husband of an heiress took her property until she had a son of full age (ἐπὶ διετὲς ἡβήσαντα), who was usually adopted into his maternal grandfather's family, and took possession of the estate. He then became his mother's legal protector (κύριος), and was bound to find her maintenance (σίτον). If there were more sons, they shared the property equally.⁵

When there was but one daughter, she was called ἐπικληρὸς ἐπὶ παντὶ τῷ οἴκῳ. If there were more, they inherited equally, like our co-parceners, and were severally married to relatives, the nearest having the first choice.⁶ Illegitimate sons did not share with the daughter, the law being νόθος μὴ εἶναι ἀγχιστεῖαν μὴθ' ἑρῶν μὴθ' ὀσίων.⁷

The heiress was under the special protection of the archon; and if she was injured by her husband or relatives, or by strangers ejecting her from her estate, the law gave a criminal prosecution against the offender, called κικώσεως εἰσαγγελία.⁸

EPICLINTRON. (Vid. LECTUS.)

EPIDAURIA. (Vid. ELEUSINIA, p. 396.)

EPIDEMIURGI. (Vid. DEMIURGI.)

EPIDICASIA (ἐπιδικασία, κλήρον) was the proceeding by which a legatee or heir, other than the natural descendant and acknowledged successor, obtained legal possession of the estate of a deceased person. Under these circumstances, the claimant was said λαγχάνειν or ἐπιδικάζεσθαι τοῦ κλήρον, and the property itself termed ἐπίδικον until it was formally awarded to its rightful owner. Notice of a claim of this kind might be given to the archon eponymus during any month in the year except Scirophorion, and that magistrate was bound, upon receiving it, to direct that it should be inscribed upon a tablet, and exposed to public inspection, as if it were an indictment or declaration (γραφὴ ἢ λήξις) in an ordinary lawsuit.⁹ After this it was recited by the herald in the first ensuing regular assembly of the people (ἐκεία ἐκκλησίᾳ), and a proclamation to the same effect was again made before the archon, who formally assigned the property to the claimant. If, however, any other parties made their appearance, a diadicasia ensued between them and the original author. (Vid. DIADICASIA.) An analogous proceeding took place when the surviving issue of the deceased consisted of one or more daughters only (ἐπίκληροι, ἐπικληρίτιδες, παρῶχοι, ἐγγλήροιο, ἢ ἐπιπα-

μάτιδες), in which case the person in whose favour the will of the deceased had been made, the nearest male relative (ἀγχιστεῖς), or if several daughters had been left with their portions to different persons, the legatees or relatives were required to prefer their claim to the archon. The proclamation by the herald followed, in the same manner as when an estate was the subject of the petition; and the paratabole, or the tenth part of the estate or portion, was deposited as a forfeit, in case they failed to establish their claim, by the other parties that undertook a diadicasia.¹ (Vid. EPICLERUS.)

EPI'DOSEIS (ἐπιδόσεις) were voluntary contributions, either in money, arms, or ships, which were made by the Athenian citizens in order to meet the extraordinary demands of the state. When the expenses of the state were greater than its revenue, it was usual for the prytanes to summon an assembly of the people, and, after explaining the necessities of the state, to call upon the citizens to contribute according to their means. Those who were willing to contribute then rose, and mentioned what they would give; while those who were unwilling to give anything remained silent, or retired privately from the assembly.² The names of those who had promised to contribute, together with the amount of their contributions, were written on tablets, which were placed before the statues of the Eponymi, where they remained till the amount was paid.³

These ἐπιδόσεις, or voluntary contributions, were frequently very large. Sometimes the more wealthy citizens voluntarily undertook a trierarchy, or the expenses of equipping a trireme.⁴ We read that Pasion furnished 1000 shields, together with five triremes, which he equipped at his own expense.⁵ Chrysippus presented a talent to the state when Alexander moved against Thebes;⁶ Aristophanes, the son of Nicophemus, gave 30,000 drachmæ for an expedition against Cyprus;⁷ Charidemus and Diotimus, two commanders, made a free gift of 900 shields;⁸ and similar instances of liberality are mentioned by Böckh,⁹ from whom the preceding examples have been taken.¹⁰

EPIGAMIA. (Vid. MARRIAGE, GREEK.)

EPI'GRAPHEIS. (Vid. EISPHORA, p. 392.)

EPIMELETÆ (ἐπιμεληταί), the name of various magistrates and functionaries at Athens.

1. 'Επιμελητὴς τῆς κοινῆς προσόδου, more usually called ταμίης, the treasurer or manager of the public revenue. (Vid. ΤΑΜΙΑΣ.)

2. 'Επιμεληταὶ τῶν μοριῶν Ἐλαιῶν were persons chosen from among the areopagites to take care of the sacred olive-trees.¹¹

3. 'Επιμεληταὶ τοῦ Ἐμπορίου were the overseers of the emporium. (Vid. EMPORIUM.) They were ten in number, and were elected yearly by lot.¹² They had the entire management of the emporium, and had jurisdiction in all breaches of the commercial laws.¹³ According to Aristotle,¹⁴ it was part of their duty to compel the merchants to bring into the city two thirds of the corn which had been brought by sea into the Attic emporium; by which we learn that only one third could be carried away to other countries from the port of the Peiræus.¹⁵

4. 'Επιμεληταὶ τῶν Μυστηρίων were, in connexion with the king archon, the managers of the Eleusin-

1. (Meier, Att. Proc., p. 461, 470.)—2. (Plutarch, Alcib., 10.—Phocion, 9.—Demosth., c. Meid., p. 567.—Theophrast., Char., 22.—Athenæus, iv., p. 168, c.)—3. (Isæus, De Dicæog., p. 111, ed. Reiske.)—4. (Demosth., c. Meid., p. 566, 23.)—5. (Demosth., c. Steph., p. 1127, 12.)—6. (Demosth., c. Phorm., p. 918, 20.)—7. (Lysias, Pro Aristoph. bonis, p. 644.)—8. (Demosth., Pro Coron., p. 265, 18.)—9. (Pub. Econ. of Athens, ii., p. 377.)—10. (Compare Schömann, De Comit., p. 292.)—11. (Lysias, Areopag., p. 284, 5.)—12. (Harpoerat., s. v.)—13. (Demosth., c. Lucrit., p. 941, 15; c. Theocr., p. 1324.—Dianarch., c. Aristog., p. 81, 82.)—14. (ap. Harpoerat., s. v.)—15. (Böckh, Pub. Econ. of Athens, i., p. 67, 111.—Meier, Att. Proc. p. 86.)

1. (Demosth., c. Macart., 1076.)—2. (Demosth., c. Onet., Arcton.; c. Eubul., 1311.—Isæus, De Pyrrh. Hered., 78.)—3. (Isæus, De Arist. Hered., 19.)—4. (Demosth., c. Macart., 1067.)—5. (Isæus, De Pyrrh. Hered., 59; De Cir. Hered., 40.—Demosth., c. Steph., 1134, 1135.)—6. (Andoc., De Myst., 117, &c.—Isæus, De Cir. Hered., 57, 58.)—7. (Demosth., c. Macart., 1067.—Aristoph., Avæ., 1652.)—8. (Isæus, De Pyrrh. Hered., 76.—Meier, Att. Proc. p. 269, 460, 468.)—9. (Meier, Att. Proc., p. 82.)

ian mysteries. They were elected by open vote, and were four in number, of whom two were chosen from the general body of citizens, one from the Eumolpidae, and one from the Ceryces.¹

5. Ἐπιμεληταὶ τῶν νεωρίων, the inspectors of the dockyards, formed a regular ἀρχή, and were not an extraordinary commission, as appears from Demosthenes,² Æschines,³ and the inscriptions published by Böckh,⁴ in which they are sometimes called οἱ ἀρχόντες ἐν τοῖς νεωρίοις, and their office designated an ἀρχή.⁵ We learn from the same inscriptions that their office was yearly, and that they were ten in number. It also appears that they were elected by lot from those persons who possessed a knowledge of shipping.

The principal duty of the inspectors of the dockyards was to take care of the ships, and all the rigging, tools, &c. (σκευή), belonging to them. They also had to see that the ships were seaworthy; and for this purpose they availed themselves of the services of a δοκιμαστής, who was well skilled in such matters.⁶ They had at one time the charge of various kinds of military σκευή, which did not necessarily belong to ships, such as engines of war,⁷ which were afterward, however, intrusted to the generals, by a decree of the senate and people.⁸ They had to make out a list of all those persons who owed anything to the docks,⁹ and also to get in what was due.¹⁰ We also find that they sold the rigging, &c., of the ships, and purchased new, under the direction of the senate, but not on their own responsibility.¹¹ They had ἡγεμονίαν δικαστηρίου in conjunction with the ἀποστολεῖς in all matters connected with their own department.¹² To assist them in discharging their duties, they had a secretary (γραμματεὺς)¹³ and a public servant (δημόσιος ἐν τοῖς νεωρίοις)¹⁴. For a farther account of these inspectors, see Böckh, *Urkunden*, &c., p. 48-64.

6. Ἐπιμεληταὶ τῶν φυλῶν, the inspectors of the φυλαὶ or tribes. (Vid. TRIBUS.)

*EPIMELIS (ἐπιμηλής), a species of Medlar. Sprengel sets it down for the *Mespilus Germanicus*, L.¹⁵

*EPIOLUS (ἠπίολος), an insect described by Aristotle, and the same, most probably, as Adams thinks, with the *πυραύστης* of Ælian. Schneider supposes it to be the *Acarus telarius*, L., or Red Spider.¹⁶

*EPIPACTIS (ἐπιπακτίς), according to Sprengel, the *Herniaria glabra*. Nothing satisfactory, however, is determined, with regard to this herb, by Matthioli, Bauhin, and other botanical writers.¹⁷

ΕΠΙΡΗΕΔΙΟΥΜ. (Vid. RHEDA.)
ΕΠΙΣΚΗΨΙΣ ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ. (Vid. ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ ΔΙΚΗ.)

ΕΠΙΣΚΟΠΟΙ (ἐπίσκοποι) were inspectors, who were sometimes sent by the Athenians to subject states. Harpocration compares them to the Lacedæmonian harmosts, and says that they were also called φύλακες. It appears that these ἐπίσκοποι received a salary at the cost of the cities over which they presided.¹⁸

ΕΠΙΣΤΑΤΕΣ (ἐπιστάτης), which means a person placed over anything, was the name of two distinct

classes of functionaries in the Athenian state, namely, of the chairman of the senate and assembly of the people, respecting whose duties, see the articles ΒΟΥΛΗ, p. 168, and ΕΚΚΛΗΣΙΑ, p. 386, and also of the directors of the public works (Ἐπιστάται τῶν δημοσίων ἔργων). These directors had different names, as τεichoποιοί, the repairers of the walls; τριηροποιοί, the builders of the triremes; ταφοποιοί, the repairers of the trenches, &c.; all of whom were elected by the tribes, one from each; but the most distinguished of these were the τεichoποιοί.¹ Over other public buildings a manager of public works had the superintendence; and it was in this capacity that Pericles, and subsequently Lycurgus, undertook so many works of architecture. In the inscriptions relating to the building of the Temple of Athena Polias, we find ἐπιστάται mentioned.² Similar authorities were appointed for the care of the roads, and of the supply of water (ὀδοποιοί,³ ἐπιστάται τῶν ὑδάτων⁴).

The directors received the money which was necessary for these works from the public treasury (ἐκ τῆς διοικήσεως⁵).

ΕΠΙΣΤΟΛΑ. (Vid. CONSTITUTIO.)

ΕΠΙΣΤΟΛΕΥΣ (ἐπιστολεύς) was the officer second in rank in the Spartan fleet, and succeeded to the command if anything happened to the ναυάρχης or admiral.⁶ Thus, when the Chians and the other allies of Sparta on the Asiatic coast sent to Sparta to request that Lysander might be again appointed to the command of the navy, he was sent with the title of ἐπιστολεύς, because the laws of Sparta did not permit the same person to hold the office of ναυάρχης twice.⁷

ΕΠΙΣΤΥΛΙΟΥΜ, the architrave or lower member of an entablature (coronix) which lies immediately over the column.⁸ When an intercolumniation was of the kind called aræostyle, that is, when the columns were more than three diameters apart, the epistylum was necessarily made of wood instead of stone,⁹ a construction exemplified by the restoration in the annexed woodcut¹⁰ of the Doric portico which surrounds three sides of the Forum at Pompeii. The holes seen at the back of the frieze received the beams which supported an upper gallery.



ΕΠΙΣΥΝΘΗΤΙΚΟΙ (ἐπισυνθητικοί), an ancient medical sect, so called because they heaped up in a manner (ἐπισυνθίημι), and adopted for their own the opinions of different, and even opposite, schools. They appear to have been a branch of the Method

1. (Harpocrat. and Suid, s. v.—Demosth., c. Meid., p. 570, 6.)—2. (c. Energ. et Mnes., p. 1145.)—3. (c. Ctesiph., p. 419.)—4. (Urkunden, über das Seewesen des Attischen Staates, Berlin, 1840.)—5. (No. xvi., b. 104, &c.—No. x., c. 125.—No. xiv., c. 120, 138.)—6. (Böckh, *ibid.*, No. ii., 56.)—7. (No. xi., m.)—8. (No. xvi., a. 195.)—9. (Demosth., c. Energ. et Mnes., p. 1145.)—10. (*Id.*, c. Androt., p. 612.)—11. (No. xiv., b. 190, &c., compared with Nos. xiv., xvi., u.)—12. (Demosth., c. Energ. et Mnes., p. 1147.)—13. (No. xvi., b. 165.)—14. (No. xvi., b. 135.)—15. (Paul. Ægin., vii. 3.—Adams, *Append.*, s. v.)—16. (Aristot., H. A., viii., 26.—Ælian, N. A., xii., 8.—Adams, *Append.*, s. v.)—17. (Dioscor., iv. 106.—Adams, *Append.*, s. v.)—18. (Aristoph. *Aves*, 1022, &c., with schol.—Harpocrat., s. v.—Böckh, *Publ. Econ.*, i. p. 211, 319.—Schömann, *Antiq. Juris Pub. Græc.*, p. 432, 18.)

1. (Æschin., c. Ctes., p. 400, 422, 425.)—2. (Böckh, *Publ. Econ. of Athens*, i. p. 272.)—3. (Æschin., c. Ctes., p. 419.)—4. (Plutarch, *Them.*, 31.—Schömann, *Antiq. Juris Pub. Græc.*, p. 247.)—5. (Æschin., c. Ctes., p. 425.)—6. (Xen., *Hell.*, i. 1, 23; iv. 8, § 11; v. 1, § 5, 6.—Sturz, *Lex. Xen.*, s. v.)—7. (Xen., *Hell.*, ii., 1, § 7.)—8. (Festus, s. v.)—9. (Vitruv., iii., 2.—10. (Pompeii, vol. i., p. 143.)

EPITROPOS.

EPONYMOS.

ici (*vid. ΜΑΤΗΘΗΟΙ*'), and to have been founded by Agathinus of Sparta, the pupil of Athenaus, towards the end of the first century of the Christian era.² Galen informs us³ that the sect was also sometimes called *ἐκλεκτικῆ*, and sometimes *ἐκτικῆ*. (*Vid. ΗΕΚΤΙΚΟΙ*.) The only other ancient physician (as far as the writer is aware) who is mentioned as having belonged to this sect, is Leonides of Alexandria,⁴ who is supposed by Sprengel⁵ to have lived in the third century, as he himself quotes Galen,⁶ while Galen never mentions him. Little is known of the opinions of either of these physicians, and nothing sufficiently characteristic to enable us to determine what were the peculiar tenets of their sect, which are, however, supposed to have nearly agreed with those of the Eclectici. (*Vid. ΕΚΛΕΚΤΙΚΟΙ*.)

EPITHALAMIUM. (*Vid. MARRIAGE*)
 *EPITH'YMON (*ἐπιθυμον*), a weed which is parasitic on thyme, furze, heath, and other plants. Allston, Dierbach, and Sprengel follow Bauhin in referring it to the *Cuscuta Epithymus*, or Lesser Dodder of Thyme.⁷

ΕΠΙΤ'ΜΙΑ (*ἐπιτιμία*). (*Vid. ΑΤΙΜΙΑ*; CIVITAS, GREEK, p. 259.)

ΕΠΙΤΡΗΡΑΡΧΗΜΑΤΟΣ ΔΙΚΗ. (*Vid. ΛΕΙΤΟΥΡΓΙΑ*.)

ΕΠΙΤ'ΡΟΠΗΣ ΓΡΑΦΗ. (*Vid. ΕΠΙΤΡΟΠΟΣ*.)

ΕΠΙΤΡΟΠΟΣ (*ἐπιτροπος*), which signifies, literally, a person to whom anything is given in charge,⁸ occurs, however, much more frequently in the sense of a guardian of orphan children. Of such guardians there were at Athens three kinds: first, those appointed in the will of the deceased father; secondly, the next of kin, whom the law designated as tutores legitimi in default of such appointment, and who required the authorization of the archon to enable them to act; and, lastly, such persons as the archon selected, if there were no next of kin living to undertake the office. The duties of the guardian comprehended the education, maintenance, and protection of the ward, the assertion of his rights, and the safe custody and profitable disposition of his inheritance during his minority, besides making a proper provision for the widow if she remained in the house of her late husband. In accordance with these, the guardian was bound to appear in court in all actions in behalf of or against his ward, and give in an account of the taxable capital (*τιμημα*) when an *εισφορά* (the only impost to which orphans were liable) was levied, and make the proportionate payment in the minor's name. With reference to the disposition of the property, two courses were open to the guardian to pursue, if the deceased had left no will, or no specific directions as to its management, viz., to keep it in his own hands, and employ it as he best could for the benefit of the minor (*διοικῶν*), or let it out to farm to the highest bidder (*μισθῶν τὸν οἶκον*). In the former case, it seems probable⁹ that a constant control of the guardian's proceedings might be exercised by the archon; and a special law ordained that all money belonging to a minor should be vested in mortgages, and upon no account be lent out upon the more lucrative but hazardous security of bottomry.¹⁰

To ensure the performance of these duties, the law permitted any free citizen to institute a public action, as, for instance, an *apagoge* or *eisangelia*, against a guardian who maltreated his ward (*κακῶς ὄρρανον*), or a *γραφή ἐπιτροπῆς*, for neglect or

injury of his person or property; and the punishment, upon conviction, depended entirely upon the greater or less severity of the dicasts.¹ If the guardian preferred that the estate should be farmed, the regular method of accomplishing this was by making an application to the archon, who thereupon let the inheritance to the highest bidder, and took care that the farmer should hypothecate a sufficient piece of ground or other real property to guaranty the fulfilment of the contract (*ἀποτίμημα*). In some cases the guardian might be compelled to adopt this course or be punished, if the lease were irregularly or fraudulently made, by a phasis, which, upon this occasion, might be instituted by any free citizen. The guardianship expired when the ward had attained his eighteenth year, and, if the estate had been leased out, the farmer paid in the marketplace the capital he had received to trade with, and the interest that had accrued;² if, however, the inheritance had been managed by the guardian, it was from him that the heir received his property and the account of his disbursements during the minority. In case the accounts were unsatisfactory, the heir might institute an action *ἐπιτροπῆς* against his late guardian; this, however, was a mere private lawsuit, in which the damages and *epobelia* only could be lost by the defendant, to the latter of which the plaintiff was equally liable upon failing to obtain the votes of a fifth of the dicasts. This action was barred by the lapse of five years from the termination of the guardianship; and if the defendant in it died before that time, an action *βλαβῆς* would lie against his representatives to recover what was claimed from his estate.³

ΕΠΟΒΕΛ'ΙΑ (*ἐποβέλλια*), as its etymology implies, at the rate of one obolus for a drachma, or one in six, was payable on the assessment (*τίμημα*) of several private causes, and sometimes in a case of phasis, by the litigant that failed to obtain the votes of one fifth of the dicasts.⁴ It is not, however, quite certain that such was invariably the case when the defeated suitor was the defendant in the cause;⁵ though in two great classes, namely, cross-suits (*ἀντιγραφαί*), and those in which a preliminary question as to the admissibility of the original cause of action was raised (*παραγραφαί*), it may be confidently asserted. As the object of the regulation was to inflict a penalty upon litigiousness, and reimburse the person that was causelessly attacked for his trouble and anxiety, the fine was paid to the successful suitor in private causes, and those cases of phasis in which a private citizen was the party immediately aggrieved. In public accusations, in general, a fine of a thousand drachmæ, payable to the public treasury, or a complete or partial disfranchisement, supplied the place of the *epobelia* as a punishment for frivolous prosecutions.

ΕΠΟΜΙΣ (*ἐπομίς*). (*Vid. ΤΥΝΙΚΑ*.)

ΕΠΟΝΥΜΟΣ (*Ἐπόνημος*, having or giving a name) was the surname of the first of the nine archons at Athens, because his name, like that of the consuls at Rome, was used in public records to mark the year. (*Vid. ΑΡΧΟΝΟΙ*.) The expression *ἐπόνημοι τῶν ἡλικιῶν*, whose number is stated by Suidas, the *Etymologicum Magn.*, and other grammarians, to have been forty, likewise applies to the chief archon of Athens. Every Athenian had to serve in the army from his 19th to his 60th year, *i. e.*, during the archonship of forty archons. Now, as an army generally consisted of men from the age of 18 to that of 60, the forty archons under whom they had been enlisted were called *ἐπόνημοι τῶν*

1. (Pseudo-Galen, *Introduct.*, c. 4, p. 684, ed. Kühn.)—2. (Galen, *Definit. Med.*, c. 14, p. 353.)—3. (*Ibid.*)—4. (Pseudo-Galen, *Introduct.*, l. c.)—5. (*Hist. de la Méd.*)—6. (*spud Aëtii Tetrab.*, iv., serm. 2, c. 11, col. 698.)—7. (Dioscor., iv., 176.—*Adans.*, *Append.*, s. v.)—8. (Demosth., c. *Arphob.*, i., p. 819, 18.)—9. (Demosth., c. *Oætor*, i., p. 865, 17.)—10. (Suidas, s. v. *Ἐγγυον*.)

1. (Meier, *Att. Proc.*, p. 294.)—2. (Demosth., c. *Arphob.*, 1, p. 832, 1.)—3. (Meier, *Att. Proc.*, p. 444, &c.)—4. (Demosth., c. *Arphob.*, p. 834, 25.—c. *Energ. et Mnes.*, p. 1158, 20.)—5. (Meier, *Att. Proc.*, p. 730.)

ἡλικίων, in order to distinguish them from the ἐπώνυμοι τῶν φυλῶν.¹ At Sparta the first of the five ephors gave his name to the year, and was therefore called ἔφορος ἐπώνυμος.²

It was a very prevalent tendency among the ancients in general to refer the origin of their institutions to some ancient or fabulous hero (ἀρχηγέτης³), from whom, in most cases, the institution was also believed to have derived its name, so that the hero became its ἀρχηγέτης ἐπώνυμος. In later times new institutions were often named after ancient heroes, on account of some fabulous or legendary connexion which was thought to exist between them and the new institutions, and the heroes thus became, as it were, their patrons or tutelary deities. A striking instance of this custom are the names of the ten Attic tribes instituted by Cleisthenes, all of which were named after some national hero.⁴ These ten heroes, who were at Athens generally called the ἐπώνυμοι, or ἐπώνυμοι τῶν φυλῶν, were honoured with statues, which stood in the Ceramicus, near the Tholos.⁵ If an Athenian citizen wished to make proposals for a new law, he exhibited them for public inspection in front of these statues of the ἐπώνυμοι, whence the expression ἐκθείνειν πρόθετον τῶν ἐπώνυμων, or πρὸς τοὺς ἐπώνυμους.⁶

*EPOPS (ἔποψ), a species of Bird. "It can hardly admit of a doubt," remarks Adams, "that this was the *Urupa Epops*, R. L. called in English the Hoopoe. It is well described in the *Aves* of Aristophanes.⁷ Tereus was fabled to have been metamorphosed into this bird. The description given by Ovid⁸ in relating this metamorphosis is very striking:

"Cui stant in vertice cristæ;

Prominet immodicum pro longa cuspidate rostrum:
Nomen Epops volucris."

EPOPTAI. (Vid. ELEUSINIA.)

EPOTIDES. (Vid. NAVIS.)

EPULONES, who were originally three in number (*Triumviri Epulones*), were first created in B.C. 198, to attend to the *Epulum Jovis*,⁹ and the banquets given in honour of the other gods, which duty had originally belonged to the pontifices.¹⁰ Their number was afterward increased to seven,¹¹ and they were called *Septemviri Epulones* or *Septemviri Epulonum*; under which names they are frequently mentioned in inscriptions.¹² Julius Cæsar added three more,¹³ but after his time the number appears again to have been limited to seven. The following woodcut, taken from a denarius of the Cælian gens, of which a drawing is given by Spanheim,¹⁴ represents on the reverse an *Epulo* preparing a couch for Jupiter, according to custom, in the *Epulum Jovis*. On it is inscribed L. Calvus VII. Vir Epul.



1. (Compare Demosth. ap. Harpocrat., s. v. Ἐπώνυμοι, and Bekker, *Anecdota*, p. 245.)—2. (Paus., iii., 11, § 2.)—3. (Demosth., c. Macart., p. 1072.)—4. (Demosth., *Epitaph.*, p. 1397, &c.—Paus., i., 5.)—5. (Paus., i., 5, § 1.—Suid. and *Etymol. Magn.*, s. v. Ἐπώνυμοι.)—6. (Æschin., c. Ctes., p. 59, ed. Steph.—Wolf, *Proleg. ad Demosth.*, *Leptin.*, p. 133.)—7. (47.—Compare *Lys.*, 771.)—8. (*Met.*, vi., 672.)—9. (*Val. Max.*, ii., 1, § 2.—*Liv.*, xxxi., 4.—*Gell.*, xii., 8.)—10. (*Liv.*, xxxiii., 42.—*Cic.*, *De Orat.*, iii., 19.—*De Harusp. Respons.*, 10.—*Festus*, s. v. *Epulonones*.)—11. (*Gell.*, i., 12.—*Lucan.*, i., 602.)—12. (Orelli, *Inscrip.*, No. 590, 773, 2259, 2260, 2265.)—13. (*Dion Cass.*, l.iii., 51.)—14. (*De Præst. et Usu Numism.*, vol. ii., p. 85.)

The *Epulones* formed a collegium, and were one of the four great religious corporations at Rome; the other three were those of the Pontifices, Augures, and Quindecimviri.¹

EPULUM JOVIS. (Vid. EPULONES.)

EQUITRIA were horse-races, which are said to have been instituted by Romulus in honour of Mars, and were celebrated in the *Campus Martius*.² There were two festivals of this name, of which one was celebrated A.D. III. Cal. Mart., and the other *prid. Id. Mart.*³ If the *Campus Martius* was overflowed by the Tiber, the races took place on a part of the *Mons Cælius*, which was called from that circumstance the *Martialis Campus*.⁴

EQUITES. The institution of the *Equites* is attributed to Romulus. Livy⁵ says that Romulus formed three centuries of equites, the *Ramnes*, *Titienses*, and *Luceres*. He does not mention the number of which these centuries consisted; but there can be little doubt that the 300 *celeres*, whom Romulus kept about his person in peace and war,⁶ were the same as the three centuries of equites. Dionysius,⁷ who does not speak of the institution of the equites, says that the *celeres* formed a body-guard of 300, divided into three centuries; and Pliny⁸ and Festus⁹ state expressly that the Roman equites were originally called *celeres*. (Vid. *CELERES*.)

To the 300 equites of Romulus, ten Alban *turme* were added by Tullus Hostilius.¹⁰ As the *turma* in the legion consisted of 30 men, there is no reason for supposing a different number in these *turmæ*; and the equites would therefore, in the time of Tullus Hostilius, amount to 600. Tarquinius Priscus, according to Livy,¹¹ wished to establish some new centuries of horsemen, and to call them by his own name, but gave up his intention in consequence of the opposition of the augur Attus Navius, and only doubled the number of the centuries. The three centuries which he added were called the *Ramnes*, *Titienses*, and *Luceres Posteriores*. The number ought, therefore, now to be 1200 in all, which number is given in many editions of Livy,¹² but is not found in any MS. The number in the MSS. is different, but the Florentine and the Wormian have 1800, which has been adopted by Gronovius, and appears the most probable. Livy has apparently forgotten to mention that the 300 equites of Romulus were doubled on the union with the Sabines; which Plutarch¹³ alludes to when he says that the Roman legion contained 300 horsemen, and, after the union with the Sabines, 600.

The complete organization of the equites Livy¹⁴ attributes to Servius Tullius. He says that this king formed (*scripsit*) 12 centuries of equites from the leading men of the state (*ex primoribus civitatibus*); and that he also made six centuries out of the three established by Romulus. Thus there were now 18 centuries. As each of the 12 new centuries probably contained the same number as the six old centuries, if the latter contained 1800 men, the former would have contained 3600, and the whole number would have been 5400.

The account, however, which Cicero¹⁵ gives is quite different. He attributes the complete organization of the equites to Tarquinius Priscus. He agrees with Livy in saying that Tarquinius Priscus increased the number of the *Ramnes*, *Titienses*, and *Luceres*, by adding new centuries under the name of *Ramnes*, *Titienses*, and *Luceres secundi* (not

1. (*Dion Cass.*, l.iii., 1; lviii., 12.—*Plin.*, *Ep.*, x., 3.—*Vid. Walter, Geschichte des Röm. Rechts*, p. 183.)—2. (*Festus*, s. v.—*Varro, Ling. Lat.*, vi., 13.—*Müller.*)—3. (*Ovid, Fast.*, ii., 859; iii., 519.)—4. (*Festus*, s. v. *Mart. Campus*.)—5. (*i.*, 13.)—6. (*Liv.*, i., 15.)—7. (*ii.*, 12.)—8. (*H. N.*, xxxii., 2.)—9. (*s. v.*)—10. (*Liv.*, i., 30.)—11. (*i.*, 36.)—12. (*l. c.*)—13. (*Rem.*, 13 20.)—14. (*i.*, 43.)—15. (*De Rep.*, ii., 26.)

however, *posteriores*, as Livy states; compare Festus, s. v. *Sex Vestæ*; but he differs from him in stating that this king also doubled their number after the conquest of the *Æqui*. Scipio, who is represented by Cicero as giving this account, also says that the arrangement of the equites which was made by Tarquinius Priscus continued unchanged to his day (B.C. 129). The account which Cicero gave of the equites in the constitution of Servius Tullius is unfortunately lost, and the only words which remain are *duodeviginti censu maximo*; but it is difficult to conceive in what way he represented the division of the 18 centuries in the Servian constitution, after he had expressly said that the organization of the body by Tarquinius Priscus had continued unchanged to the time of Scipio.

Cicero also differs from Livy respecting the number of the equites. Scipio states, according to the reading adopted in all editions of the "De Republica," that Tarquinius Priscus increased the original number of the equites to 1200, and that he subsequently doubled this number after the conquest of the *Æqui*, which account would make the whole number 2400. The MS., however, has ∞ ACCC, which is interpreted to mean *mille ac ducentos*; but, instead of this, Zumpt¹ proposes to read ∞ DCCC, 1800, justly remarking that such a use of *ac* never occurs in Cicero. This reading would make the number 3600, which Zumpt believes to have been the regular number of the equites in the flourishing times of the Republic. It appears, however, impossible to determine their exact number, though there are strong reasons for believing that it was fixed, whether we suppose it to have been 5400, 3600, or 1400.

Both authors, however, agree in stating that each of the equites received a horse from the state (*equus publicus*), or money to purchase one, as well as a sum of money for its annual support; and that the expense of its support was defrayed by the orphans and unmarried females; since, says Niebuhr,² "in a military state it could not be esteemed unjust that the women and the children were to contribute largely for those who fought in behalf of them and of the Commonwealth." According to Gaius,³ the purchase-money for a knight's horse was called *as pæcære*, and its annual provision *as hordearium*. (Vid. *AS HORDEARIUM*.) The former amounted, according to Livy,⁴ to 10,000 asses, and the latter to 800; but these sums are so large as to be almost incredible, especially when we take into account that 25 years afterward a sheep was only reckoned at 6, and an ox at 100 asses in the tables of penalties.⁵ The correctness of these numbers has accordingly been questioned by some modern writers, while others have attempted to account for the largeness of the sum. Niebuhr⁶ remarks that the sum was doubtless intended not only for the purchase of the horse, but also for its equipment, which would be incomplete without a groom or slave, who had to be bought and then to be mounted. Böckh⁷ supposes that the sums of money in the Servian census are not given in asses of a pound weight, but in the reduced asses of the first Punic war, when they were struck of the same weight as the sextans, that is, two ounces, or one sixth of the original weight. (Vid. *AS*, p. 110.) Zumpt considers that 900 asses of the old weight were given for the purchase of the horse, and 200 for its annual provision; and that the original sum has been retained in a passage of Varro (*equum publicum mille assarium*).⁸

All the equites, of whom we have been speaking, received a horse from the state, and were included in the 18 equestrian centuries of the Servian constitution; but, in course of time, we read of another class of equites in Roman history, who did not receive a horse from the state, and were not included in the 18 centuries. This latter class is first mentioned by Livy¹ in his account of the siege of Veii, B.C. 403. He says that during the siege, when the Romans had at one time suffered great disasters, all those citizens who had an equestrian fortune, and no horse allotted to them (*quibus census equester erat, equi publici non erant*), volunteered to serve with their own horses; and he adds, that from this time equites first began to serve with their own horses (*tum primum equis merere equites caperunt*). The state paid them (*certus numerus aris est assignatus*) as a kind of compensation for serving with their own horses. The foot soldiers had received pay a few years before;² and two years afterward, B.C. 401, the pay of the equites was made threefold that of the infantry.³

From the year B.C. 403, there were therefore two classes of Roman knights: one who received horses from the state, and are therefore frequently called *equites equo publico*,⁴ and sometimes *Flemines* or *Trossuli*, the latter of which, according to Götting, is an Etruscan word;⁵ and another class, who served, when they were required, with their own horses, but were not classed among the 18 centuries. As they served on horseback, they were called *equites*; and, when spoken of in opposition to cavalry, which did not consist of Roman citizens, they were also called *equites Romani*; but they had no legal claim to the name of equites, since in ancient times this title was strictly confined to those who received horses from the state, as Pliny⁶ expressly says, "*Equitum nomen subsistebat in turmis equorum publicorum*."

But here two questions arise. Why did the equites, who belonged to the 18 centuries, receive a horse from the state, and the others not! and how was a person admitted into each class respectively! These questions have occasioned much controversy among modern writers, but the following account is perhaps the most satisfactory:

In the constitution of Servius Tullius, all the Roman citizens were arranged in different classes according to the amount of their property, and it may therefore fairly be presumed that a place in the centuries of equites was determined by the same qualification. Dionysius⁷ expressly says that the equites were chosen by Servius out of the richest and most illustrious families; and Cicero,⁸ that they were of the highest census (*censu maximo*). Livy⁹ also states that the twelve centuries formed by Servius Tullius consisted of the leading men of the state. None of these writers, however, mention the property which was necessary to entitle a person to a place among the equites; but it was probably of the same amount as in the latter times of the Republic, that is, four times that of the first class. Every one, therefore, who possessed the requisite property, and whose character was unblemished (for the latter qualification appears to have been always necessary in the ancient times of the Republic), was admitted among the equites of the Servian constitution; and it may be presumed that the twelve new centuries were created in order to include all those persons in the state who possessed the necessary qualifications. Niebuhr,¹⁰ however, supposes that the qualification

1. Ueber die Römischen Ritter und den Ritterstand in Rom, Berlin, 1840.—2. (Hist. of Rome, i., p. 461.)—3. (iv., 2.)—4. (i., 43.)—5. (Aul. Gell., xi., 1.)—6. (i., p. 433.)—7. Metaphys., Untersuch., c. 29.)—8. (De Ling. Lat., vii., 71, ed. Müller.)

1. (v., 7.)—2. (Liv., iv., 59.)—3. (Liv., v., 12.—Vid. Niebuhr, ii., p. 439.)—4. (Cic., Phil., vi., 5.)—5. (Plin., H. N., xxxii., 9.—Festus, s. v.—Götting, Gesch. der Röm. Staatsv., p. 372.)—6. (H. N., xxxii.)—7. (iv., 18.)—8. (De Rep., ii., 22.)—9. (i., 43.)—10. (Hist. of Rome, i., 427, &c.)

of property was only necessary for admission into the twelve new centuries, and that the statement of Diorysius, quoted above, ought to be confined to these centuries, and not applied to the whole eighteen. He maintains that the twelve centuries consisted exclusively of plebeians; and that the six old centuries, which were incorporated by Servius into his comitia, under the title of the *sex suffragia*, comprised all the patricians, independent of the amount of property which they possessed. This account, however, does not seem to rest on sufficient evidence; and we have, on the contrary, an express instance of a patrician, L. Tarquinius, B.C. 458, who was compelled, on account of his poverty, to serve on foot.¹ That the six old centuries consisted entirely of patricians is most probable, since the plebeians would certainly not have been admitted among the equites at all till the Servian constitution; and as by this constitution new centuries were created, it is not likely that any plebeians would have been placed among the ancient six. But we have no reason for supposing that these six centuries contained the whole body of patricians, or that the twelve consisted entirely of plebeians. We may suppose that those patricians who belonged to the six were allowed by the Servian constitution to continue in them, if they possessed the requisite property; and that all other persons in the state, whether patricians or plebeians, who possessed the requisite property, were admitted into the twelve new centuries. That the latter were not confined to plebeians may be inferred from Livy, who says that they consisted of the leading men in the state (*primores civitatis*), not in the commonalty.

As vacancies occurred in the eighteen centuries, the descendants of those who were originally enrolled succeeded to their places, whether plebeians or patricians, provided they had not dissipated their property; for Niebuhr goes too far when he asserts that all vacancies were filled according to birth, independent of any property qualification. But in course of time, as population and wealth increased, the number of persons who possessed an equestrian fortune also increased greatly; and as the number of equites in the 18 centuries was limited, those persons whose ancestors had not been enrolled in the centuries could not receive horses from the state, and were therefore allowed the privilege of serving with their own horses among the cavalry, instead of the infantry, as they would otherwise have been obliged to have done. Thus arose the two distinct classes of equites, which have been already mentioned.

The inspection of the equites who received horses from the state belonged to the censors, who had the power of depriving an eques of his horse, and reducing him to the condition of an *æriarian*,² and also of giving the vacant horse to the most distinguished of the equites who had previously served at their own expense. For these purposes they made, during their censorship, a public inspection in the Forum of all the knights who possessed public horses (*equitatum recognoscunt*;³ *equitum centurias recognoscunt*⁴). The tribes were taken in order, and each knight was summoned by name. Every one, as his name was called, walked past the censors, leading his horse. This ceremony is represented on the reverse of some of the censorial coins which have been published by Spanheim,⁵ and which are copied in the annexed woodcuts. The first is a denarius of the Licinian gens, and is supposed by Spanheim to have been struck during the censor-

ship of P. Licinius Crassus, who was censor with Julius Cæsar.¹

The next is the reverse of one of the coins of the Emperor Claudius, in which the emperor is represented sitting, while a knight stands behind him leading his horse. The word censor is underneath, which title we know, from Diocæsius,² was assumed by some of the emperors.



If the censors had no fault to find either with the character of the knight or the equipments of his horse, they ordered him to pass on (*traducere*); but if, on the contrary, they considered him unworthy of his rank, they struck him out of the list of knights, and deprived him of his horse,³ or ordered him to sell it,⁴ with the intention, no doubt, that a person thus degraded should refund the value of the horse which had been advanced to him for its purchase. At the same review, those equites who had not served during the regular time, and wished to be discharged, were accustomed to give an account to the censor of the campaigns in which they had served, and were dismissed with honour or disgrace, as they had deserved.⁵

This review of the equites by the censor was not confounded with the *Equitum Tribus*, which was a solemn procession of the body of knights on the Ides of Quintilis (July). The review started from the Temple of Mars outside the city and passed through the city, over the Forum, to the Temple of the Dioscuri. On this occasion the equites were always crowned with olive branches and wore their state dress, the *trabea*, with honourable distinctions which they had gained in battle.⁶ According to Livy,⁷ this annual review was first established by the censors Q. Fabius P. Decius, B.C. 304; but, according to Dionysius, it was instituted after the defeat of the Latins at the Lake Regillus, of which an account was brought to Rome by the Dioscuri.

It may be asked, how long did the knight serve with his public horse, and a vote in the equestrian assembly to which he belonged? On this subject we have no positive information; but, as those who served with their own horses were only to serve for ten years (*stipendia, septennia*), the age of 46,⁸ we may presume that the service was extended to those who served with the public horses, provided they wished to give up the public horse. For it is certain that in the ancient times of the Republic a knight might retain his horse as long as he pleased, even after he had entered the

1 (Liv., iii., 27.)—2 (Liv., xxiv., 43.)—3 (Liv., xxxix., 44.)—4 (Val. Max., ii., 9, § 6.)—5 (De Præst. et Usu Numism., vol. ii., p. 101, ed Verburg.)

1 (Fast. Capitol.—Cic., Pro Arch., 6.—Plin., H. N., ii., 18.)—2 (Val. Max., iv., 1, § 10.)—3 (Liv., xxi., 37.—Val. Max., ii., 9, § 6.)—4 (Niebuhr, Hist. of Rome, i., p. 433.)—5 (Plut., Pompey, c. 22.)—6 (Dionysius, ii., 19, § 2.)—7 (Polyb., vi., 19, § 2.)

he continued able to discharge the duties of a knight. Thus the two censors M. Livius and C. Claudius Nero, in B.C. 204, were equites;¹ and L. Scipio Asiaticus, who was the owner of his horse by the censors in B.C. 185,² himself been censor in B.C. 191. This is also a fragment in the fourth book³ of Cicero's *publica*, in which he says, *equitatus, in quo sunt etiam senatus*; by which he evidently meant that most of the senators were enabled to belong to the *Comitia Centuriata* in consequence of belonging to the equestrian centuries. But in the later times of the Republic, the knights were obliged to give up their horses on entering the magistracy, and, consequently, ceased to belong to the equestrian centuries. This regulation is alluded to in a fragment of Cicero already referred to, in which he says that many persons were anxious that a *lex ebiscitum* should be passed, ordaining that the *equi* should be restored to the state, which was, in all probability, passed after the time of Niebuhr observes,⁴ "when Cicero speaks of it as a measure as intended, we may suppose that it had actually taken place, according to the information possessed by Cicero at a later date than the date he assigns to Scipio's death." That the greater number of the equites, after the exclusion of senators in the equestrian centuries, were young men, is shown by a passage in the work of Q. Cicero, *De Consulatu*.⁵

In the equestrian centuries, of which we have hitherto been treating, were only regarded as a division of the community; they did not form a distinct class or order, but were included in the constitution of the community, in a point of view, was only divided into patricians and plebeians; and the equestrian centuries were composed of both. But in the year B.C. 123, a law, called the *Ordo Equestris*, was formed by the *lex Sempronia*, which was introduced by C. Gracchus. By this law all the judges were chosen from those citizens who possessed a certain fortune.⁶ We know very little respecting the provisions of this law; but it appears that every person who was to be chosen as a judge was required to be above 30 and under 60 years of age, to have either an *equus publicus*, or to possess one, and to be a senator. The number of judges who were chosen yearly was chosen from this class by the *lex Sempronia*.⁷

The name of equites had been originally confined to those who possessed the public horses who served with their own horses, it now was applied to all those persons who were chosen by their fortunes to act as judges, in which the word is usually used by Cicero. Pliny,⁸ says that those persons who possessed the *equus publicus*, but did not serve as equites, were called *judices*, and that the name of *equites* was always confined to the possessors of the *equus publicus*. This may have been the correct use of the word; but custom had long since given the name of equites to the judges chosen in accordance with the *lex Sempronia*.

The reform of Sulla, which entirely deprived the equestrian order of the right of being chosen as senators, and the passing of the *lex Aurelia* (B.C. 70), ordained that the judges should be chosen from the senators, equites, and *tribuni ærarii*, the members of the order, says Pliny, was still main-

tained by the *publicani*,¹ or farmers of the public taxes. We find that the *publicani* were almost always called equites, not because any particular rank was necessary in order to obtain from the state the farming of the taxes, but because the state was not accustomed to let them to any one who did not possess a considerable fortune. Thus the *publicani* are frequently spoken of by Cicero as identical with the equestrian order.² (*Vid. PUBLICANI*.) The consulship of Cicero, and the active part which the knights then took in suppressing the conspiracy of Catiline, tended still farther to increase the power and influence of the equestrian order; and "from that time," says Pliny,³ "it became a third body (*corpus*) in the state, and to the title of *Senatus Populusque Romanus* there began to be added *Et Equestris Ordo*."

In B.C. 67, a distinction was conferred upon them which tended to separate them still farther from the plebs. By the *lex Roscia Othonis*, passed in that year, the first fourteen seats in the theatre behind the orchestra were given to the equites,⁴ which, according to Cicero⁵ and Velleius Paterculus,⁶ was only a restoration of an ancient privilege, which is alluded to by Livy⁷ when he says that special seats were set apart in the *Circus Maximus* for the senators and equites. They also possessed the right of wearing the *clavus angustus* (*vid. CLAVUS*, p. 265), and subsequently obtained the privilege of wearing a gold ring, which was originally confined to the *equites equo publico*.

The number of equites increased greatly under the early emperors, and all persons were admitted into the order, provided they possessed the requisite property, without any inquiry into their character, or into the free birth of their father and grandfather, which had always been required by the censors under the Republic. Property became now the only qualification; and the order, in consequence, gradually began to lose all the consideration which it had acquired during the later times of the Republic. Thus Horace says, with no small degree of contempt,

"*Si quadringentis sex septem milia desunt,
Plebs eris.*"⁸

Augustus formed a select class of equites, consisting of those equites who possessed the property of a senator, and the old requirement of free birth up to the grandfather. He permitted this class to wear the *latus clavus*,⁹ and also allowed the tribunes of the plebs to be chosen from them as well as the senators, and gave them the option, at the termination of their office, to remain in the senate or return to the equestrian order.¹⁰ This class of knights was distinguished by the special title *illustres* (sometimes *insignes* and *splendidi*) *equites Romani*.¹¹

The formation of this distinct class tended to lower the others still more in public estimation. In the ninth year of the reign of Tiberius an attempt was made to improve the order by requiring the old qualifications of free birth up to the grandfather, and by strictly forbidding any one to wear the gold ring unless he possessed this qualification. This regulation, however, was of little avail, as the emperors frequently admitted freedmen into the equestrian order.¹² When private persons were no longer appointed judges, the necessity for a distinct class in the community, like the equestrian order, ceased entirely; and the gold ring came at length to be worn by all free citizens. Even slaves, after their

1. (Plin., H. N., xxxiii., 8.)—2. (ad Att., ii., 1, § 8.)—3. (I. c.)—4. (Liv., Epit., 99.)—5. (Pro Mur., 19.)—6. (ii., 32)—7. (i., 35.)—8. (Epist., i., 1, 58.)—9. (Ovid, Trist., IV., x., 35.)—10. (Suet., Octav., 40.—Dion Cass., liv., 30.)—11. (Tacit., Ann., xi., 4, with the note of Lipsius.)—12. (Plin., H. N., xxxiii., 8.)

1. (Plin., H. N., xxxiii., 8.)—2. (ad Att., ii., 1, § 8.)—3. (I. c.)—4. (Liv., Epit., 99.)—5. (Pro Mur., 19.)—6. (ii., 32)—7. (i., 35.)—8. (Epist., i., 1, 58.)—9. (Ovid, Trist., IV., x., 35.)—10. (Suet., Octav., 40.—Dion Cass., liv., 30.)—11. (Tacit., Ann., xi., 4, with the note of Lipsius.)—12. (Plin., H. N., xxxiii., 8.)

manumission, were allowed to wear it by special permission from the emperor, which appears to have been usually granted, provided the patronus consented.¹

Having thus traced the history of the equestrian order to its final extinction as a distinct class in the community, we must now return to the equites equo publico, who formed the 18 equestrian centuries. This class still existed during the latter years of the Republic, but had entirely ceased to serve as horse-soldiers in the army. The cavalry of the Roman legions no longer consisted, as in the time of Polybius, of Roman equites, but their place was supplied by the cavalry of the allied states. It is evident that Cæsar, in his Gallic wars, possessed no Roman cavalry.² When he went to an interview with Ariovistus, and was obliged to take cavalry with him, we are told that he did not dare to trust his safety to the Gallic cavalry, and therefore mounted his legionary soldiers upon their horses.³ The Roman equites are, however, frequently mentioned in the Gallic and civil wars, but never as common soldiers; they were officers attached to the staff of the general, or commanded the cavalry of the allies, or sometimes the legions.⁴

After the year B.C. 50, there were no censors in the state, and it would therefore follow that for some years no review of the body took place, and that the vacancies were not filled up. When Augustus, however, took upon himself, in B.C. 29, the *præfectura morum*, he frequently reviewed the troops of equites, and restored, according to Suetonius,⁵ the long-neglected custom of the solemn procession (*transvectio*); by which we are probably to understand that Augustus connected the review of the knights (*recognitio*) with the annual procession (*transvectio*) of the 15th of July. From this time these equites formed an honourable corps, from which all the higher officers in the army⁶ and the chief magistrates in the state were chosen. Admission into this body was equivalent to an introduction into public life, and was therefore esteemed a great privilege; whence we find it recorded in inscriptions that such a person was *equo publico honoratus, exornatus, &c.*, by the emperor.⁷ If a young man was not admitted into this body, he was excluded from all civil offices of any importance, except in municipal towns; and also from all rank in the army, with the exception of centurion.

All those equites who were not employed in actual service were obliged to reside at Rome,⁸ where they were allowed to fill the lower magistracies, which entitled a person to admission into the senate. They were divided into six *turmæ*, each of which was commanded by an officer, who is frequently mentioned in inscriptions as *Sevir equitum Rom.*, *turmæ* I., II., &c., or, commonly, *Sevir turmæ*,

or *Sevir turmarum equitum Romanorum*. I know of no time that the equites bestowed the title of *juventutis* upon Caius and Lucius Cæsar, the sons of Augustus,¹ it became the custom to give this title, as well as that of *Sevir*, upon the death of a noble successor to the throne, when he first entered into public life and was presented with a *publicus*.²

The practice of filling all the higher offices of state from these equites appears to have continued as long as Rome was the centre of the government and the residence of the emperor. They are mentioned in the time of Severus³ and of Constantine, and perhaps later. After the time of Diocletian the equites became only a city guard, under the command of the *Præfectus Vigilum*; but they retained, in the time of Valentinianus and A.D. 364, the second rank in the city, and were not subject to corporeal punishment.⁴

The preceding account of the equites is principally taken from the essay of Zumpt mentioned referred to; to which, and to the valuable work of Marquardt, *Historia Equitum Romanorum*, Berlin, 1840, the reader is referred for a full explanation of those points which have been briefly treated with brevity in this article. See also the *Magister Equitum*, *vid.* ΔΙΣΤΑΤΟΡ, p. 36.

EQUULEUS or ECULEUS was an instrument of torture, which is supposed to have been so called because it was in the form of a horse. It has no description of its form given by any ancient writers, but it appears not to have been greatly from the *crux*.⁵ It appears to have been commonly used at Rome in taking the evidence of slaves.⁷

*EQUUS (ἵππος), the Horse. The nativity of this animal is unknown. The Horse is highly esteemed among the Egyptians, who to have had an excellent breed, and, besides being required for the army and private use, were sold to foreign traders who visited the country. Among the Greeks, the public games, where the horse formed so conspicuous a part, always induced attention to be paid to this noble animal. The Greek horse appears to have been quite small in size, if any idea can be formed of its proportions from the bas-reliefs of the frieze of the Parthenon forming part of the Elgin marbles. Flaxman, in terms of high eulogium of the manner in which these steeds are represented by the artist, "beholder," he remarks, "is charmed with the like lightness and elegance of their make, although the relief is not above an inch from the background, and they are so much smaller in nature, we can scarcely suffer reason to persuade us that they are not alive." Horses were highly valued at Athens for comparatively high prices, not on account of their utility, and the difficulty of procuring them, but from the disposition of the Athenians to extravagance and display: while the knights purchased expensive horses for military service and for use at the festivals, and while men of high rank trained them for the games and races, there arose, particularly among the aristocracy, an excessive passion for horses, of which Aristophanes gives an example in the *Clouds*, which is recorded by several ancient writers that many persons were impoverished by their extravagance. The price of a common horse was



COIN OF COMMODUS.*

1. (Dig. 40, tit. 10, s. 3.)—2. (Cass. Bell. Gall., i., 15.)—3. (Id., i., 42.)—4. (Id., vii., 70—Bell. Civ., i., 77; iii., 71, &c.)—5. (Octav., 38.)—6. (Suet., Octav., 38; Claud., 25.)—7. (Orelli, Inscrip., No. 3457, 313, 1229.)—8. (Dion Cass., lix., 9.)—9. (Vid. Spanh., De Præst. et Usu Numism., vol. ii., p. 364.)

1. (Tacit., Ann., i., 3.—Monum. Ancyr.)—2. (Cap. Anton. Phil., 6.—Lamprid., Commod., l.)—3. (Gruter., p. 1001, 5.—Papiasian in Dig. 29, tit. 1, s. 43.)—4. (G. 379, 7.)—5. (Cod. Theodos., 6, lit. 36.)—6. (Cic., Pro 21, compared with "certa crux," c. 22.)—7. (Vid. Signe Judicii, iii., 17.—Magius, "De Equuleo," in Sallengre's Thesaur. Ant. Rom., vol. ii., p. 1211, &c.)—8. (Wright, Egyptians, vol. i., p. 20, 2d series.)

; but a good saddle-horse, or a horse for run- in chariot-races, according to Aristophanes, twelve minas. Sometimes, however, fashion, icy for horses, raised their price beyond all.

Thus thirteen talents were given for Bul- lus.¹ The Romans, if nature had not furnished rses with a proud and lofty action, used to tie of wood and weights to their pastern joints, pel them to lift their feet, a practice particu- equired to go safely, skilfully, and with ease rider, in the amble. This was the favourite with the Romans. The Greeks tried their by a bell, and other loud and sudden noises, horses as were worn out, and unfit to serve he troops, were turned out, and, as a mark of ision, were branded in the jaw with the figure circle or a wheel. Virgil says that the fleet- eeds among the Greeks came from Epirus; ds of Corinth, however, were also remark- r their excellence, and the breed was traced y the register-books to Pegasus. It was cus- y to mark horses of this breed with a *κορρα* e shoulder, whence the term *κορρατίς* (sc.

ERANOI (*ἐρανοί*) were clubs or societies estab- for charitable or convivial purposes, or for

They were very common at Athens, and the temper of the people, who were both so- nd generous. The term *ἐρανος*, in the sense onvivial party, is of ancient date.² It resem- ar picnics, or the German *pikeniks*, and was alled *δείπνον ἀπὸ σπυρίδος* or *ἀπὸ συμβολῶν*: every guest brought his own dish, or (to save) one was deputed to cater for the rest, and teward repaid by contributions. (*Vid.* ΔΕΙΡ-

The clubs that were formed at Athens used e together at stated periods, as once a month; very member was bound to pay his subscrip- hich (as well as the society itself) was called and the members *ἐρανοισταί*. If any member to pay, the sum was made up by the president, ρος, also called *πληρωτής ἐράνου*, who after- ecovered it, if he could, from the defaulter. *ὄν ἐρανον* often means simply to pay the sub- on, as *λείπειν* or *ἐκλείπειν*, to make default.⁴ re were also associations under this name for ose of mutual relief, resembling in some de- ur friendly or benefit societies; but with this al difference, that the relief which they af- was not (as it is with us) based upon any ition of natural contingencies, but was given nata, to such poor members as stood in need. The Athenian societies do not appear to have p a common fund by regular subscriptions, it is probable that the sum which each mem- is expected to advance, in case of need, was well understood. If a man was reduced to y, or in distress for money from any cause, he d to the members of his club for assistance; as called *συλλέγειν ἐρανον*: those who advan- were said *ἐρανίζειν αὐτῷ*: the relief was con- d as a loan, repayable by the borrower when er circumstances. Isæus⁵ reckons among the of a person, *ἐξ ἐράνων δόλματα εισπραγμέ- m* which we may infer that each contributor ntitled to recover the sum he had lent. For ecovery of such loans, and for the decision of disputes, there were *ἐραναϊκά δίκαια*, in which many and equitable kind of justice was ad- eered. Plato⁶ disapproved of lawsuits in such s, and would not allow them in his Republic. astius contends that, wherever the term *ἐρα-*

νος is applied to an established society, it means only a convivial club, and that there were no regu- lar associations for the purposes of charity; but others have held a different opinion.¹ It is not probable that many permanent societies were form- ed with the sole view of feasting. We know that at Athens, as well as in the other Grecian Repub- lics, there were clubs for various purposes, political as well as social; the members of which would naturally meet, and dine together at certain periods. Such were the religious companies (*θιασοί*), the commercial (*ἐμπορικαί*), and some others.² Unions of this kind were called by the general name of *ἐται- ρίαί*, and were often converted to mischievous ends, such as bribery, overawing the public assembly, or influencing courts of justice.³ In the days of the Roman Empire, friendly societies, under the name of *ἐρανοί*, were frequent among the Greek cities, but were looked on with suspicion by the emperors as leading to political combinations.⁴ The *gilds*, or fraternities for mutual aid, among the ancient Sax- ons, resembled the *ἐρανοί* of the Greeks.⁵ Com- pare also the *ἀγαπαί*, or love-feasts of the early Christians.

The word *ἐρανος* is often used metaphorically, to signify any contributions or friendly advance of money.

*EREBINTHUS (*ἐρέβινθος*), a sort of small pea or vetch, Chickpea. "Of the three species or vari- eties of the *ἐρέβινθος* noticed by Dioscorides, the only one that can be satisfactorily determined," ob- serves Adams, "is the *κρίος*, which is undoubtedly the *Cicer arictanum*."⁶

*ERETRIA TERRA (*Ἐρετριᾶς γῆ*), Eretrian Earth, an impure argil, of a snow-white colour, ob- tained near the city of Eretria, in Eubœa.⁷

ERGA'STULUM was a private prison attached to most Roman farms, called *carcer rusticus* by Ju- venal,⁸ where the slaves were made to work in chains. It appears to have been usually under ground, and, according to Columella,⁹ ought to be lighted by narrow windows, which should be too high from the ground to be touched by the hand. The slaves confined in an ergastulum were also employed to cultivate the fields in chains.¹⁰ Slaves who had displeased their masters were punished by imprisonment in the ergastulum; and in the same place all slaves who could not be depended upon, or were barbarous in their habits, were regularly kept. A trustworthy slave had the care of the ergastulum, and was, therefore, called *ergastularius*.¹¹ Accord- ing to Plutarch,¹² these prisons arose in consequence of the conquest of Italy by the Romans, and the great number of barbarous slaves who were em- ployed to cultivate the conquered lands. In the time of Hadrian and Antoninus, many enactments were made to ameliorate the condition of slaves; and, among other salutary measures, Hadrian abol- ished the ergastula, which must have been liable to great abuse in the hands of tyrannical masters.¹³ For farther information on the subject, *vid.* Brisson- ius, *Antiq. Select.*, ii., 9.—Lipsius, *Elect.*, ii., 15.—Opera, vol. i., p. 317, &c.—Göttling, *Gesch. der Röm. Staatsv.*, p. 135.

*ERICA (*ἐρίκη* or *ἐρείκη*), the Tree-heath, or *Erica arborea*, mentioned by Theophrastus and Di- oscorides.¹⁴

1. (*Vid.* Salmas., *De Usuris*, c. 3.—*Obs. ad jus Att. et Rom.*, and *Herald, Animadv. in Sal.*, referred to in *Meier's Att. Proc.*, p. 540.)—2. (*Böckh, Publ. Econ. of Athens*, i., p. 328, 329.)—3. (*Thucyd.*, iii., 82.—*Demosth.*, *De Coron.*, 329.—*Thirlwall, Gr. Hist.*, vol. iv., p. 36.)—4. (*Plin.*, *Ep.*, x., 93, 94.)—5. (*Turner's Hist. of the Anglo-Saxons*, iv., 10.)—6. (*Theophrast.*, *H. P.*, viii., 1.—*Dioscor.*, ii., 126.—*Adams, Append.*, s. v.)—7. (*Dioscor.*, v., 170.)—8. (*xiv.*, 24.)—9. (*i.*, 6.)—10. (*Plin.*, *H. N.*, xviii., 7, § 4.—*Flor.*, iii., 19.)—11. (*Colum.*, i., 8.)—12. (*Tib. Gracch.*, 8.)—13. (*Spart.*, *Had.*, 18. compared with *Gaius*, i., 53.)—14. (*Theo- phrast.*, *H. P.*, i., 23; ix., 11.—*Dioscor.*, i., 47.)

1. (*Vid.* *Publ. Econ. of Athens*, vol. i., p. 101, *transl.*)—2. (*Ibid.* and *Aristoph.*, *Nub.*, 23.)—3. (*Hæz.*, *Od.*, i., 226.)—4. (*Thucyd.*, c. *Aphob.*, 821; c. *Meid.*, 547; c. *Aristog.*, 776.)—5. (*Ibid.* *Harred.*, 294.)—6. (*Leg.*, xi., p. 915.)

ERICIUS was a military engine, full of sharp spikes, which was placed by the gate of the camp to prevent the approach of the enemy.¹

*ERINÆUS (*ἔρινας*), the Wild Fig-tree, or *Ficus Carica*, L. (*Vid. Ficus*.)²

*ERINUS (*ἔρινος*), according to Sprengel, the *Campanula Erinus*. Mathiolus and Bauhin, however, are quite undecided about it.³

*ΕΡΙΟΦΟΡΟΝ ΔΕΝΔΡΟΝ, the Cotton-tree, or *Gossypium arboreum*. Virgil is supposed to allude to it in the following line: "Quid nemora Æthiopum, nulli canentia lana?"⁴

*ERODIUS, the Heron. (*Vid. ARDEA*.)

EROTIA or EROTIDIA (*Ἐρωτία* or *Ἐρωτιδία*) was the most solemn of all the festivals celebrated in the Bœotian town of Thespiæ. It took place every fifth year, and in honour of Eros, the principal divinity of the Thespians. Respecting the particulars nothing is known, except that it was solemnized with contests in music and gymnastics.⁵ The worship of Eros seems to have been established at Thespiæ from the earliest times; and the ancient symbolic representation of the god, a rude stone (*ἀργός λίθος*), continued to be looked upon with particular reverence, even when sculpture had attained the highest degree of perfection among the Greeks.⁶

*ERUCA, I. a species of Palmer or Canker-worm, very injurious to trees, the leaves and blossoms of which it eats completely off. This scourge of vegetation is produced, according to Pliny, during a humid season, and one only moderately warm.⁷

*II. The herb Rocket, or *Brassica Eruca*, the same with the *εὐζωμον* of the Greeks. The seed were used by the ancients as a condiment in food, and were employed in place of mustard in Iberia. They were also used as an aphrodisiac. Dioscorides⁸ and Pliny⁹ make mention of two kinds, the *sativum* and *agreste*, the latter being the wild kind. Sibthorp found this plant at Athens, and also among the vineyards in the islands of the Archipelago.—The Greek name *εὐζωμον* comes from *εὖ*, and *ζωμός*, "broth," indicating its being employed in seasoning broth; the Latin appellation is explained by Pliny, with reference to the pungent properties of Rocket, "quod vellicando linguam quasi erodat."

*ERVUM, the Tare, or *Ervum Ervilia*, the same with the Greek *ἔροβο*. The ancient writers speak of two kinds, the *sativum* and *sylvestre*. Dioscorides¹⁰ subdivides the former into the red and the white, from the colour of the flowers. Aristotle, Columella,¹¹ and Pliny¹² make mention of it as used to fatten cattle. The modern Greeks still call it *ρόδι*, applying this name to both the cultivated and the wild kind.¹³

*ERYNGIUM (*ἕρυγγιον*), the herb Eryngo, otherwise called Sea-helm or Sea-holly. "Eryngo," says Woodville, "is supposed to be the *ἕρυγγιον* of Dioscorides."¹⁴ Sprengel, however, makes the *ἕρυγγιον* of Theophrastus¹⁵ to be the *Eryngium maritimum*, but Stackhouse prefers the *Eryngium campestre*. Sprengel, in his R. H. H., refers the *ἕρυγγιον* of Dioscorides to the *Eryngium planum*, but in his edition of Dioscorides he admits his uncertainty about the species.¹⁶

*ERYTHRODANUM (*ἐρυθρόδανον*). "It can admit of no doubt," observes Adams, "that the *ἐρυθρόδανον* of Dioscorides and Galen¹⁷ is the *Rubia*

tinctorum or dyer's Madder. Sprengel is disposed to question whether the *ἐρυθρόδανον* of Theophrastus¹ be the same, and hesitates whether to make it the *Rubia lucida*, *Galium cruciatum*, Sm., or the *Asperula odorata*. Stackhouse, however, holds it also to be the *Rubia tinctorum*.²

*ERYTHROPUS (*ἐρυθρόπους*), a bird mentioned in the *Aves* of Aristophanes.³ It was most probably, according to Adams, either the Redshank (*Scolopax calidris*) or the Bilcock (*Rallus aquaticus*).

*ERYTHRONIUM (*ἐρυθρόνιον*), a plant, about which it is difficult to form any certain opinion. It is most probably, however, what is called Dog-tooth, or *Erythronium Dens Canis*.⁴

ERYCTERES (*ἐρυκτῆρες*) was the name given to the Spartan slaves who followed their masters to the wars, and who appear to have been, in course of time, manumitted. The name is supposed by Müller to have been given to them in allusion to their duty of drawing (*ἐρύκειν*) the wounded from the ranks.⁵

*ESCHARUS (*ἔσχαρος*), the name of a fish broadly noticed by Athenæus, and called also *κόρος*. Rondelet supposes it a species or variety of Sole, namely, *Pleuronectes solea*.⁶

ESOPTRON (*ἔσοπτρον*) (*Vid. SPECULUM*.)

ESSEDA RII. (*Vid. ESSEDA*.)

E'SSEDA or E'SSENUM (from the Celtic *Esseda* a carriage⁷), the name of a chariot used, especially in war, by the Britons, the Gauls, and Belgæ,⁸ and also by the Germans.⁹

According to the account given by Cæsar,¹⁰ and agreeably to the remarks of Diodorus Siculus,¹¹ the method of using the *essedum* in the ancient British army was very similar to the practice of the Greeks in the heroic ages, as described by Homer, and in the article CURRUS, p. 332, 333. The principal difference seems to have been that the *essedum* was stronger and more ponderous than the *διότρον*; that it was open before instead of behind; and that, in consequence of these circumstances and the weight of the pole, the owner was able, whenever he pleased, to run along the pole (*de temone Britanno exte del*¹²), and even to raise himself upon the yoke, as then to retreat with the greatest speed into the body of the car, which he drove with extraordinary swiftness and skill. It appears, also, that these cars were purposely made as noisy as possible, probably by the creaking and clanging of the wheels (*strepitu rotarum*¹⁴ *Esseda multisonora*¹⁵); and that this was done in order to strike dismay into the enemy. The formidable British warriors who drove these chariots, the "car-borne" of Ossian, were called in Latin *essedarii*.¹⁶ There were about 4000 of them in the army of Cassibelaunus.¹⁷ Having been captured they were sometimes exhibited in the gladiators' shows at Rome, and seem to have been great favourites with the people.¹⁸ They must have held the highest rank in the armies of their own country, and Tacitus¹⁹ observes that the driver of the car ranked above his fighting companion, which was the reverse of the Greek usage.

The *essedum* was adopted for purposes of convenience and luxury among the Romans.²⁰ Cicero mentions the use of it on one occasion by the tribunes of the people as a piece of extravagance; but at the time of Seneca it seems to have been much

1. (Cæs., Bell. Civ., iii., 67.—Sallust, ap. Non., xviii., 16.—Lippsius, Poliorcet., v., 4.)—2. (Hom., Il., vi., 433.—Theophrast., H. P., ii., 2.)—3. (Dioscor., iv., 29.)—4. (Theophrast., H. P., iv., 7.—Virg., Georg., ii., 150.—Adams, Append., s. v.)—5. (Plin., Erot., ix., 1.—Paus., ix., 31, § 2.—Athen., xiii., p. 561.)—6. (Paus., ix., 27, § 1.—Compare Schol. ad Pind., Olymp., vii., 154.)—7. (H. N., xvii., 94.)—8. (ii., 170.)—9. (H. N., xx., 13.)—10. (Billerbeck, Flora Classica, p. 188.)—11. (iii., 21.)—12. (H. P., vi., 1.)—13. (Adams, Append., s. v.)—14. (iii., 150.)

1. (vi., 1; vii., 19, &c.)—2. (Adams, Append., s. v.)—3. (304.)—4. Adams, Append., s. v.—5. (Dioscor., iii., 134.—Flin., Pinax, p. 128.—Sprengel, ad Dioscor., p. 554.—Adams, Append., s. v.)—6. (Athen., p. 271, F.—Müller, Dor., 3, iii., § 2.)—7. (Adams, Append., s. v.)—8. (Ginzrot, i., p. 377.)—9. (Virg., Georg., iii., 204.—Servius, ad loc.)—10. (Pors., vi., 47.)—11. (Bell. Gall., iv., 35.)—12. (v., 21, 29.)—13. (Juv., iv., 125.)—14. (Cæs., l. c.—Compare Tacit., Agric., 35.)—15. (Class. Epigr., iv.)—16. (Cæs., B. G., iv., 24.—Cic. ad Fam., vi., 6.)—17. (Cæs., B. G., v., 19.)—18. (Sueton., Calig., 35.—Class. 26.)—19. (Agric., 12.)—20. (Propert., ii., 1, 76.)—21. (Phl., ii., 24.)

is common; for he reckons the sound of the *sedæ transcurrentes* among those noises which do not distract him. As used by the Romans, the *dum* may have differed from the *cisium* in this, the *cisium* was drawn by one horse (see woodp. 257), the *essedum* always by a pair. The *dum* must have been similar to the *Covinus*, but that the latter had a cover.

EULAI (*εὐλαί*), Worms. This term is used by Greek writers on Natural History in much the same sense, and with the same latitude, as the Latin term *Vermes* is applied by Cuvier and our naturalists. "The names of worms, *σκώληξ*, *εὐλαί*, *ὄμινς*, in Greek, and *Vermes* in Latin, were employed by the ancients," observes Griffith, "to designate certain animals which to a certain degree are suited, with much more reference, however, to their elongated form of body than to the softness of their composition. But, as we have just seen, the Greeks had three words for these beings, each of which had its peculiar signification. From what Aristotle tells us of his *σκώληξ* (a word, the root of which is undoubtedly *σκολιός*, 'tortuous'), it is evident that it applied to all the animals which exhibited the form of the common worm, or rather, persons, whose movements were tortuous, whatever might be the nature of the change which they were frequently to undergo. It would seem, however, that it was more especially applied to the first degree of development in insects, to the state in which they appear on issuing from the egg of the parent. Aristotle certainly extends its application farther than to insects. Such, however, is not the case with Ælian. In two places of his work on the nature of animals, where this expression occurs, he evidently intends the *lumbrici*, or intestinal worms; in a third, it is probable that he alludes to the caterpillar of the cabbage-butterfly; and in a fourth, he thus designates, after Ctesias, some fabulous animal, although he states it to belong to the class of those which are nourished and engendered from blood. The term *εὐλαί* appears to have been employed to designate the form under which certain insects exist for a greater or less period of their life, since we find it applied to animals which in their larval state are covered with soft, glutinous, and also wounds and ulcers. Its signification, therefore, was not very great. Ælian likewise employs it to designate what, in all probability, was a larva, when he tells us that in India the hunters remove the land-tortoises from their shells in the same manner as they remove the worms from plants which are infested with them. Finally, the word *ὄμινς*, which is frequently used by Hippocrates in many of his works, among others, in his General Treatise on Diseases, was applied by him to those animals which at present known under the denomination of *intestinal worms*, of which he was acquainted with a small number of species. Aristotle has employed it in the same manner, as well as Ælian, even when he speaks of the substances which are to be rid of from the worms to which they are attached. The Latin authors, and Pliny among the first, appear to have restricted the word *lumbricus* to intestinal worms, and to have rendered the Greek denominations by a single one, that of *lumbricus*, from which it has happened that the moderns have been led to the same confusion by the word *worms*, which, as well as the French word *vermes*, is evidently derived from the Latin. All the animals, which they comprehended under the term of *Exsanguia*, meaning by that term that they were not red blood, were divided into the three classes of *Insecta*, *Mollusca*, and *Zoophyta*. The term *worms* did not then possess that undue extension

which it obtained among the naturalists of the last century, with whom it at last comprehended all animals with the exception of the Vertebrata, the Insecta, and the Crustacea."¹

EUMOLPIDAI (*Εὐμολπίδαι*), the most distinguished and venerable among the priestly families in Attica. They were devoted to the service of Demeter at Athens and Eleusis, and were said to be the descendants of the Thracian bard Eumolpus, who, according to some legends, had introduced the Eleusinian mysteries into Attica.² The high-priest of the Eleusinian goddess (*ιεροφάντης ἢ μυσταγωγός*), who conducted the celebration of her mysteries and the initiation of the mystæ, was always a member of the family of the Eumolpidae, as Eumolpus himself was believed to have been the first hierophant.³ In his external appearance the hierophant was distinguished by a peculiar cut of his hair, a kind of diadem (*στρόφιον*), and a long purple robe.⁴ In his voice he seems always to have affected a solemn tone suited to the sacred character of his office, which he held for life, and which obliged him to remain unmarried.⁵ The hierophant was attended by four *ἐπιμεληταί*, one of whom likewise belonged to the family of the Eumolpidae.⁶ Other members of their family do not seem to have had any particular functions at the Eleusinia, though they undoubtedly took part in the great procession to Eleusis. The Eumolpidae had on certain occasions to offer up prayers for the welfare of the state, and in case of neglect they might be taken to account and punished; for they were, like all other priests and magistrates, responsible for their conduct, and for the sacred treasures intrusted to their care.⁷ (Compare *ΕΥΤΥΝΕ*.)

The Eumolpidae had also judicial power in cases where religion was violated (*περὶ ἀσεβείας*).⁸ This power probably belonged to this family from the earliest times, and Solon as well as Pericles do not seem to have made any alteration in this respect. Whether the religious court acted independent of the archon king, or under his guidance, is uncertain. The law, according to which they pronounced their sentence, and of which they had the exclusive possession, was not written, but handed down by tradition; and the Eumolpidae alone had the right to interpret it, whence they are sometimes called *ἐξηγηταί*. (*Vid. ΕΚΘΕΤΑΙ*.) In cases for which the law had made no provisions, they acted according to their own discretion.⁹ Respecting the mode of proceeding in these religious courts, nothing is known.¹⁰ In some cases, when a person was convicted of gross violation of the public institutions of his country, the people, besides sending the offender into exile, added a clause in their verdict that a curse should be pronounced upon him by the Eumolpidae.¹¹ But the Eumolpidae could pronounce such a curse only at the command of the people, and might afterward be compelled by the people to revoke it, and purify the person whom they had cursed before.¹²

***EUPATORIUM** (*εὐπατόριον*), a plant, the same with the Agrimony, or *Agrimonia Eupatorium*. Another name is Liverwort, from its being used in complaints of the liver, and hence we find it called in Orbasius *ἡπατόριον*. The name of *Eupatorium*

1. (Griffith's Cuvier, vol. xiii., p. 38, seqq.)—2. (Diod. Sic., i. 29.—Apollod., Biblioth., iii., 15, § 4.—Demosth., c. Nemr., 1384, &c.)—3. (Hesych., s. v. *Εὐμολπίδαι*.—Tacit., Hist., iv., 83.—Arnob.—Clemens Alex., Protept.)—4. (Arrian in Epictet., iii., 21.—Plut., Alcib., 22.)—5. (Paus., ii., 14, § 1.)—6. (Harpocrat et Suid., s. v. *Ἐπιμεληταί τῶν Μυστηρίων*.)—7. (Æschin., c. Ctesiph., p. 56, ed. Steph.)—8. (Demosth., c. Androt., p. 601.)—9. (Lysias, c. Andocid., p. 204.—Andocid., De Myst., p. 57.)—10. (Hæfter, Athen. Gerichtsverf., p. 405, &c.—Platner, Process., ii., p. 147, &c.)—11. (Plut., Alcib., 22.—Corn. Nep., Alcib., 4, 5.)—12. (Plut., Alcib., 33.—Corn. Nep., Alcib., 6, 5.)—13. (Dioscor., iv., 41.)

was given it, according to some of the ancient writers, from that of Mithradates Eupator, who discovered the medicinal properties of this plant.¹ It is more probable, however, that it was so called from the city of Eupatoria, near the river Amisus, in Pontus, where it grew abundantly. Pliny says, that its seed, taken in wine, formed an excellent remedy for dysentery. The islanders of Zante call it *φανάχορον*; and the Turks *Cojün otü*. Sibthorp found it in the Peloponnesus, and also around Byzantium, and along the road between Smyrna and Brusa.²

EUPATRIDÆ (*Εὐπατρίδαι*, descended from noble ancestors) is the name by which, in early times, the nobility of Attica was designated. Who the Eupatridæ originally were has been the subject of much dispute; but the opinion now almost universally adopted is, that they were the noble Ionic or Hellenic families who, at the time of the Ionian migration, settled in Attica, and there exercised the power and influence of an aristocracy of warriors and conquerors, possessing the best parts of the land, and commanding the services of a numerous class of dependants.³ The chiefs who are mentioned as kings of the several Attic towns, before the organization of the country ascribed to Theseus, belonged to the highest or ruling class of the Eupatridæ; and when Theseus made Athens the seat of government for the whole country, it must have been chiefly these nobles of the highest rank that left their former residences and migrated to Athens, where, after Theseus had given up his royal prerogatives and divided them among the nobles, they occupied a station similar to that which they had previously held in their several districts of Attica. Other Eupatridæ, however, who either were not of the highest rank, or were less desirous to exercise any direct influence upon the government, remained in their former places of residence.⁴ In the division of the inhabitants of Attica into three classes, which is ascribed to Theseus, the Eupatridæ were the first class,⁵ and thus formed a compact order of nobles, united by their interests, rights, and privileges. The first, or, at least, the most ambitious among them, undoubtedly resided at Athens, where they enjoyed nearly the same privileges as they had before the union in the separate townships of Attica. They were in the exclusive possession of all the civil and religious offices in the state, ordered the affairs of religion, and interpreted the laws, human and divine.⁶ The king was thus only the first among his equals, only distinguished from them by the duration of his office;⁷ and the four kings of the phylæ (*φυλοβασιλείς*), who were chosen from the Eupatridæ, were more his colleagues than his counsellors.⁸ The kingly power was in a state of great weakness; and while the overbearing influence of the nobles, on the one hand, naturally tended gradually to abolish it altogether, and to establish a purely aristocratical government in its stead,⁹ it produced, on the other hand, effects which threatened its own existence, and at last led to the entire overthrow of the hereditary aristocracy as an order: for the commonalty, which had likewise gained in strength by the union of all the Attic townships, soon began to feel the oppression of the aristocracy, which in Attica produced nearly the same effects as that of the patricians at Rome. The legislation of Draco seems to have arisen out of the growing discontent of the commonalty with the oppressive rule of the nobles;¹⁰

but his attempts to remedy the evil were more calculated to intimidate the people than to satisfy them, and could, consequently, not have any lasting results. The disturbances which, some years after, arose from the attempt of Cylon, one of the Eupatridæ, who tried to overthrow the aristocratical government and establish himself as tyrant, at length led to the legislation of Solon, by which the political power and influence of the Eupatridæ as an order was broken, and property instead of birth was made the standard of political rights.¹ But as Solon, like all ancient legislators, abstained from abolishing any of the religious institutions, those families of the Eupatridæ in which certain priestly offices and functions were hereditary, retained these distinctions down to a very late period of Grecian history.²

*EUPHORBÏUM (*εὐφόρβιον*), a plant belonging to the genus *Euphorbia*, or Spurge. It grows wild in Africa, and is said to have been discovered by King Juba,³ who gave it the name of Euphorbia in honour of his physician Euphorbus, brother to Antimus Musa, the medical attendant of Augustus.⁴ This prince also wrote a treatise on the virtues of the plant, which was in existence in Pliny's days.⁵ The Euphorbium was discovered by him near Mount Atlas. Its stem, according to Pliny,⁶ was straight like a thyrus, and its leaves resembled those of the acanthus. Its odour was so powerful, that they who collected the juice were compelled to stand at a distance. An incision was made into the stem by means of a pole tipped with iron, and the juice which exuded was caught in a goatskin. This juice became, on exposure to the air, a gum-resin resembling frankincense. Pliny speaks of it as a remedy against the bite of serpents. The name of this resin was also Euphorbium. "It is stated in the Edinburgh Dispensary," remarks Adams, "that the Euphorbium is got from the species called *Euphorbia antiquorum*; but Sprengel prefers the *Euphorbia maritima*."⁷ Sibthorp informs us that the Greek fishermen, at the present day, use the *Euphorbia Characias* (called by them *φλόμος*) to poison the fish, but that, when caught by these means, they become putrid a short time after they are taken.⁸

EURYPUS. (*Vid.* AMPHITHEATRUM, p. 53.)

EUTHYDIC'IA (*εὐθυδικία*). (*Vid.* DICE, p. 359.)

EUTHYNE (*εὐθύνη*). All public officers at Athens, especially generals, ambassadors,⁹ the archons and their assessors, the *diætetæ*, priests and priestesses,¹⁰ the secretaries of the state,¹¹ the superintendents of public buildings, the trierarchs, and even the senate of the Five Hundred and the members of the Areiopagus, were accountable for their conduct, and the manner in which they acquitted themselves of their official duties. The judges in the popular courts seem to have been the only authorities who were not responsible,¹² for they were themselves the representatives of the people, and would, therefore, in theory, have been responsible to themselves. This account, which officers had to give after the time of their office was over, was called *εὐθύνη*, and the officers subject to it, *εὐθύνοιοι*. Every public officer had to render his account within thirty days after the expiration of his office,¹³ and as long as this duty was not fulfilled, the whole property of the ex-officer was in bondage to the

1. (Aristot., Polit., ii. 9.—Dionys. Hal., Ant. Rom., ii. 8.—Ælian, V. H., v. 13.)—2. (Wachsmuth, Hellen. Alterth., i. 1, p. 152.—Compare Schömann, Antiq. Jur. Publ. Græc., p. 167, &c., and p. 77, &c.)—3. (Plin., H. N., xxv. 7.)—4. (Plin., l. c.)—5. (l. c.)—6. (l. c.)—7. (Adams, Append., s. v.)—8. (Billerbeck, Flora Classica, p. 120.)—9. (Demosth. c. Æschin., De Fals. Leg.)—10. (Æschin., c. Ctes., p. 56, ed. Steph.)—11. (Lysias, c. Nicom.)—12. (Aristoph., Vesp., 546.—Hultsch, "Von den Diætet." p. 32.)—13. (Harpocrat., Suid. c. Phis., s. v. *Δογιστραί* and *Εὐθύνοιοι*.)

1. (Plin., H. N., xxv. 6.)—2. (Billerbeck, Flora Classica, p. 117.)—3. (Thirlwall, Hist. of Greece, i., p. 115, &c.—Wachsmuth, Hellen. Alterth., i. 1, p. 230, &c.)—4. (Thirlwall, ib., ii., p. 8.)—5. (Plat., Thes., 25.)—6. (Müller, Dor., ii., 2, § 15.)—7. (Schömann, De Comit., p. 4, transl.)—8. (Pollux, viii., 111.)—9. (Hermann, Pol. Ant. of Greece, § 102.)—10. (Thirlwall, ib., ii., p. 18, &c.)

te: he was not allowed to travel, beyond the attiers of Attica, to consecrate any part of his property as a donarium to the gods, to make his will, or to pass from one family into another by option; no public honours or rewards, and no office could be given to him.² If within the fixed period an officer did not send in his account, an action called *ἀλογίου* or *ἀλογίας δίκη* was brought against him.³ At the time when an officer submitted to the *εὐθύνη*, any citizen had the right to come forward and impeach him. Those who, after having refused to submit to the *εὐθύνη*, also disobeyed summons to defend themselves before a court of justice, thereby forfeited their rights as citizens.⁴

It will appear from the list of officers subject to *εὐθύνη*, that it was not confined to those whose office was connected with the administration of the public money, or any part of it; but in many cases was only an inquiry into the manner in which a person had behaved himself in the discharge of his special duties. In the former case the scrutiny was conducted with great strictness, as the state had various means to check and control the proceedings of its officers; in the latter, the *εὐθύνη* may in many instances have been no more than a personal attendance of the ex-officer before the representatives of the people, to see whether any charge was brought against him. When no accuser appeared, the officer was honourably dismissed (*ἐπιμεινέσθαι*).⁵ After an officer had gone through *εὐθύνη*, he became *ἀνεύθυνος*.⁶

The officers before whom the accounts were sent were in some places called *εὐθνοὶ* or *λογισταί*, in others *ἰξετασταί* or *συνήγοροι*.⁷ At Athens we meet with the first two of these names, and they are mostly mentioned together; but how far their functions differed is very uncertain. Some jurists⁸ state that *λογισταί* was the name of some officers who were formerly called *εὐθνοὶ*. From the manner in which the Greek orators speak of them, it can scarcely be doubted that their functions were distinct. From the authorities referred to by Böckh,⁹ it seems, moreover, clear that the office of the *λογισταί*, though closely connected with that of the *εὐθνοὶ*, was of greater extent than that of the latter, who appear rather to have been assessors of the former than a totally distinct class of officers, as will be seen hereafter. All accounts of those officers who had anything to do with the public money were, after the expiration of their office, first sent in to the *λογισταί*, who examined them; and if any difficulty or incorrectness was discovered, or if charges were brought against the ex-officer within the period of 30 days, the further inquiry devolved upon the *εὐθνοὶ*, before whom the officer was obliged to appear and plead his case.¹⁰ If the *εὐθνοὶ* found that the accounts were satisfactory, that the officer had embezzled part of the public money, that he had accepted bribes, that charges brought against him were well founded, they referred the case to a court of justice, in which the *λογισταί* appointed the judges by lot, (in this court their herald proclaimed the question which would come forward as accuser.)¹¹ The place where the court was held was the same as that to which ex-officers sent their accounts to be exam-

ined by the *λογισταί*, and was called *λογιστήριον*. It can scarcely be doubted that the *εὐθνοὶ* took an active part in the trials of the *λογιστήριον*: but whether they acted only as the assessors of the *λογισταί*, or whether they, as Pollux states, exacted the embezzled sums and fines instead of the praetores, is uncertain. The number of the *εὐθνοὶ*, as well as that of the *λογισταί*, was ten, one being taken from every tribe.¹² The *λογισταί* were appointed by the senate, and chosen by lot; whether the *εὐθνοὶ* were likewise chosen by lot is uncertain, for Photius uses an expression derived from *κλήρος* (lot), while Pollux² states that the *εὐθνοὶ* (*προσαιρεῦνται*, scil. *τοῖς λογισταῖς*), were like the assessors of the archons; the latter account, however, seems to be more consistent and more probable. Every *εὐθνος* had two assessors (*πάρεδροι*).⁴

The first traces of this truly democratic institution are generally found in the establishment of the archonship (*ἀρχὴ ἐπεθύνας*) instead of the kingly power, by the Attic nobles.⁵ It was from this state of dependence of the first magistrates upon the order of the nobles that, in the course of time, the regular *εὐθύνη* arose. Similar institutions were established in several other republics of Greece.⁶

EUTHYNOI (Εὐθνοὶ). (Vid. EUTHYNE.)
EVICTION. If the purchaser of a thing was by legal means deprived of it (*evicted*), the seller was bound to make good the loss (*evictionem praestare*). If the seller knew that he was selling what was not his own, this was a case of *dolus*, and he was bound, in case of eviction, to make good to the purchaser all loss and damage that he sustained. If there was no *dolus* on the part of the seller, he was simply bound to make good to the purchaser the value of the thing at the time of eviction. It was necessary for the purchaser to neglect no proper means of defence, when an attempt was made to evict him; and it was his duty to give the seller notice of the adverse claim (*litem denunciare*), and to pray his aid in defence of the action. The stipulatio *duplae* was usual among the Romans; and, in such case, if the purchaser was evicted from the whole thing, he might, by virtue of his agreement, demand from the seller double its value.⁷

EVOCATI were soldiers in the Roman army who had served out their time and obtained their discharge (*missio*), but had voluntarily enlisted again at the invitation of the consul or other commander.⁸ There appears always to have been a considerable number of *evocati* in every army of importance; and when the general was a favourite among the soldiers, the number of veterans who joined his standard would of course be increased. The *evocati* were doubtless released, like the *vexillarii*, from the common military duties of fortifying the camp, making roads, &c.,⁹ and held a higher rank in the army than the common legionary soldiers. They are sometimes spoken of in conjunction with the *equites Romani*,¹⁰ and sometimes classed with the *centurions*.¹¹ They appear to have been frequently promoted to the rank of *centurions*. Thus Pompey induced a great many of the veterans who had served under him in former years, to join his standard at the breaking out of the civil war, by the promise of rewards and the command of *centurions* (*ordinum*).¹² All the *evocati* could not, however, have held the rank of *centurions*, as we read of two

1. (Æsch., c. Ctes., p. 56, Steph.)—2. (Æschin et Demosth., Coron., and c. Tim., 747.)—3. (Pollux, viii., 54.—Hesych., s. v. *Ἀλογίου δίκη*.)—4. (Demosth., c. Meid., 12.)—5. (Demosth., De Coron., 310.)—6. (Pollux, Onom., 54.)—7. (Aristot., Polit., vi., 5, p. 213, ed. Götting.)—8. (Magna. of Phot., s. v. *Εὐθνοὶ*.)—9. (Staatsrh., i., p. 205, Compare ii., p. 201, and in the Rhein. Mus., 1827, vol. i., p. 42.)—10. (Hermann, Polit. Antiq. of Greece, § 154, 8.)—11. (Æschin, c. Ctes., p. 57, Steph.—Etymol. Magn., s. v. *Εὐθνοὶ*.)—12. (Bekker, Anecdot., p. 245, 6.)

1. (Andocid., De Myst., p. 27.—Lys., c. Polystrat., p. 672.)—2. (Phot., s. v. *Εὐθνοὶ*.—Harpoerat., s. v. *Λογισταί*.)—3. (viii., 99.)—4. (Böckh, Staatsrh., i. c.—Tittmann, Griech. Staatsverf., p. 323, &c.—Hermann, Polit. Antiq. of Greece, § 154.—Schömann, Antiq. Jur. Publ. Græc., p. 239, &c.)—5. (Paus., iv., 5, 4.)—6. (Aristot., Polit., vi., 5.—Wachsmuth., Hellen. Alterth., i., i., p. 192.)—7. (Dig. 21, tit. 2.)—8. (Dion., xlv., 12.)—9. (Tacit., Ann., i., 36.)—10. (Cæs., Bell. Gall., vii., 65.)—11. (Cæs., Bell. Civ., i., 17.)—12. (Cæs., Bell. Civ., i., 3.)

thousand on one occasion,¹ and of their belonging to certain cohorts in the army. Cicero speaks of a *Præfectus Evocatorum*.²

The name of Evocati was also given to a select body of young men of the equestrian order, who were appointed by Domitian to guard his bedchamber.³ This body is supposed by some writers to have existed under the succeeding emperors, and to have been the same as those called *Evocati Augusti*.⁴

ΕΞΑΓΩΓΗΣ ΔΙΚΗ (*ἐξαγωγῆς δίκη*), a suit of a public nature, which might be instituted against one who, assuming to act as the protector (*κύριος*) of an Athenian woman, married her to a foreigner in a foreign land. This was contrary to law, intermarriage with aliens being (as a general rule) prohibited. In the speech of Demosthenes against Timocrates,⁵ the latter is charged with having sold his sister to a Corcyrean, on pretence of giving her in marriage.⁶

ΕΞΑΙΡΕΣΕΩΣ ΔΙΚΗ (*ἐξαιρέσεως δίκη*). This was an action brought to recover damages for the attempt to deprive the plaintiff of his slave; not where the defendant claimed a property in the slave, but where he asserted him to be a freeman. As the condition of slavery at Athens incapacitated a man to take any legal step in his own person, if a reputed slave wished to recover his rights as a freeman, he could only do it by the assistance of one who was himself a freeman. He then put himself under the protection of such a person, who was said *ἐξαιρῆσθαι* or *ὑφαιρῆσθαι αὐτὸν εἰς ἐλευθερίαν, in libertatem vindicare*. If the master sought to reclaim him, he proceeded to take manual possession, *ἀγειν αὐτὸν εἰς δουλείαν*. A runaway slave might at any time be seized by his master, either in the open street or elsewhere, except in a sanctuary. If the friend, or person who harboured the slave meant to contest the master's right, the proper course was to go with him before the magistrate, and give security for the value of the slave and costs, in case a court of law should decide against him. The magistrate who took cognizance of the cause was the archon, where a man claimed to be a citizen; the polemarch, where he claimed to be an alien freeman. It was the duty of the archon or polemarch to set the man at liberty *pendente lite*. In the suit that followed, the plaintiff had to prove his title to the ownership of the slave, and, if successful, obtained such compensation as the jury chose to award; this being a *τιμητὸς ἄγων*, and half of the *τίμημα* being given to the state.⁷ A verdict for the plaintiff drew with it, as a necessary consequence, the adjudication of the ownership, and he would be entitled to take possession of his slave immediately: if, however, the slave had escaped in the mean time, and evidence of such fact were produced, the jury would probably take that into consideration in estimating the damages.

If the friend, in resisting the capture of the slave, had used actual violence, he was subject to a *δίκη βιαιῶν*. And if the *soi-disant* master had failed in the *ἐξ. δίκη*, the injured party might maintain an action against him for the attempted seizure.⁸

In a speech of Isocrates,⁹ the defendant, a banker, from whom it is sought to recover a deposit, is charged with having asserted the freedom of his own slave, in order to prevent his being examined by torture respecting the sum of money deposited

in his hands. This is remarkable on two accounts: first (as Meier observes), because it seems to prove that one not the owner of the slave could bring the *ἐξ. δίκη*, if he had an interest in the matter; secondly, because it was optional with a man to give up his slave to the torture or not, the refusal being only matter of observation to the jury; and, therefore, it appears strange that any one should have recourse to a measure, the result of which (if successful) would be to deprive him of his property.

EXAUCTORATIO. (*Vid. MISSIO*.)

EXAUGURATIO is the act of changing a sacred thing into a profane one, or of taking away from it the sacred character which it had received by inauguration, consecratio, or dedicatio. That such an act was performed by the augurs, and never without consulting the pleasure of the gods by augurium, is implied in the name itself.¹ Temples, chapels, and other consecrated places, as well as priests, were considered as belonging to the gods. No consecrated place whatever could be employed for any profane purpose, or dedicated to any other divinity than that to which it originally belonged, without being previously exaugurated; and priests could not give up their sacred functions, or (in case they were obliged to live in celibacy) enter into matrimony, without first undergoing the process of exauguratio.²

EXCEPTIO. (*Vid. ACTIO*, p. 16.)

EXCUBILE. (*Vid. CASTRA*, p. 220.)

EXCUBITORES, which properly means watch men or sentinels of any kind,³ was the name most particularly given to the soldiers of the cohort who guarded the palace of the Roman emperor.⁴ Their commanding officer was called *tribunus excubitor*.⁵ When the emperor went to an entertainment at the house of another person, the excubitores appear to have accompanied him, and to have kept guard as in his own palace.⁶

EXEDRÆ. (*Vid. GYMNASIUM, HOUSE*.)

EXEGETAI (*ἐξηγηταί*, interpreters; on this and other meanings of the word, *vid. Ruhken, ad Timæi Glossar.*, p. 109, &c.) is the name of the Eumolpidae, by which they were designated as the interpreters of the laws relating to religion and of the sacred rites.⁷ (*Vid. ΕΥΜΟΛΠΙΔΑΙ*.) They were thus, at Athens, the only class of persons who in some measure resembled the Roman jurists; but the laws, of which the *ἐξηγηταί* were the interpreters, were not written, but handed down by tradition. Plutarch⁸ applies the term to the whole order of the Eupatridæ, though, properly speaking, it belonged only to certain members of their order, i. e., the Eumolpidae. The *Etymologicum Magn.*,⁹ in accordance with the etymological meaning of the word, states that it was applied to any interpreter of laws, whether sacred or profane; but we know that at Athens the name was principally applied to three members of the family of the Eumolpidae,¹⁰ whose province it was to interpret the religious and ceremonial laws, the signs in the heavens, and the oracles; whence Cicero¹¹ calls them *religionum interpretes*.¹² They had also to perform the public and private expiatory sacrifices, and were never appointed without the sanction of the Delphic oracle, whence they were called *ἱερόδοχοι*.¹³

The name *ἐξηγητῆς* was also applied to those persons who served as guides (cicerone) to the visitors

1. (Ib., iii., 88.)—2. (ad Fam., iii., 6, § 5.—Compare Cic. ad Fam., xv., 4, § 3.—Cæs., Bell. Civ., iii., 91.—Suet., Octav., 56.—Lipsius, De Milit. Rom., i., 8.)—3. (Suet., Dom., 10.)—4. (Hyginus, De Lim., p. 209.—Orelli, Inscr., No. 3495, 153.)—5. (p. 763.)—6. (Meier, Att. Proc., p. 350.)—7. (Demosth., c. Theocr., 1328.)—8. (Lys., c. Pancl., 734, &c., with Reiske's note.—Demosth., c. Near., 1358.—Harpocr., s. v. Ἐξαιρέσεως and Ἄγρε.—Meier, Att. Proc., p. 394.)—9. (Trapez., 361.)

1. (Liv., i., 55; v., 54.—Dionys. Hal., Antiq. Rom., iii., p. 209, ed. Sylburg.—Cato ap. Fest., s. v. Nequitium.)—2. (Gellius, vi., 7, 4.—Jul. Capitol., M. Anton. Philos., c. 4.)—3. (Cæs., Bell. Gall., vii., 69.)—4. (Suet., Ner., 8.—Oth., 6.)—5. (Suet., Claud., 42.—Ner., 9.)—6. (Suet., Oth., 4.)—7. (Demosth., Energ., p. 1160.)—8. (Thes., 25.)—9. (s. v.)—10. (Suidas, s. v.)—11. (Ib., Leg., ii., 27.)—12. (Compare Pollux, Onom., viii., 124 and 125.)—13. (Plato, Euthyphr., p. 4, D.)—13. (Timæus, Glossar., s. v. Ἐξηγητῆς.—Compare Meier, "De Bonis Damnat.," p. 7.—Millet, Æschyl., Eumen., p. 162, &c.)

in the most remarkable towns and places of Greece, who showed to strangers the curiosities of a place, and explained to them its history and antiquities.¹

Respecting the ἐξηγητής of the laws of Lycurgus at Sparta, see Müller, *Dor.*, iii., 11, 2.

EXENGYASTHAI (ἐξεγγῆσθαι) (*Vid.* ΕΝΟΥΕ.) EXERCITORIA ACTIO was an action granted by the edict against the exercitor navis. By the term navis was understood any vessel, whether used for the navigation of rivers, lakes, or the sea. The exercitor navis is the person to whom all the ship's gains and earnings (*obventiones et redditus*) belong, whether he is the owner, or has hired the ship from the owner for a time definite or indefinite. The magister navis is he who has the care and management of the ship, and was appointed (*praepositus*) by the exercitor. The exercitor was bound generally by the contracts of the magister, who was his agent, but with this limitation, that the contract of the magister must be with reference to furthering the object for which he was appointed; as, for instance, if he purchased things useful for the navigation of the ship, or entered into a contract or incurred expense for the ship's repairs, the exercitor was bound by such contract: the terms of the master's appointment (*praepositio*) accordingly determine the rights of third parties against the exercitor. If the magister, being appointed to manage the ship, and to use it for a particular purpose, used it for a different purpose, his employer was not bound by the contract. If there were several magistri, with undivided powers, a contract with one was the same as a contract with all. If there were several exercitores, who appointed a magister either out of their own number or not, they were severally answerable for the contracts of the magister. The contracting party might have his action either against the exercitor or the magister, so long as the magister continued to be such.

A party might have an action *ex delicto* against an exercitor in respect of the act either of the magister or the sailors, but not on the contract of the sailors. If the magister substituted a person in his place, though he was forbidden to do so, the exercitor would still be bound by any proper contract of such person.

The term *Nauta* properly applies to all persons who are engaged in navigating a ship; but in the Praetor's Edict² the term *Nauta* means *Exercitor* (*qui navem exercet*).

(*Dig.* 14, tit. 1.—Peckius, in *Titt. Dig. et Cod. ad Rem Nauticam pertinentes Comment.*—Abbott on *Shipping*, Index, *Exercitor Navis*.)

EXERCITUS. (*Vid.* ARMY.)

EXETASTAI (Ἐξετασταί) were commissioners sent out by the Athenian people to ascertain whether there were as many mercenaries as the generals reported. It appears to have been no uncommon plan for the commanders, who received pay for troops, to report a greater number than they possessed, in order to receive the pay themselves; in which case they were said "to draw pay for empty places in the mercenary force" (*μισθοφορεῖν ἐν τῷ ἑτακῷ κεναῖς χώραις*).³ The commissioners, however, who were sent to make inquiries into the matter, often allowed themselves to be bribed.⁴ This name was also probably given to commissioners who were appointed to investigate other matters.

EXHERES. (*Vid.* HERES.)

EXHIBENDUM, ACTIO AD. This action was introduced mainly with respect to vindications, or actions about property. "*Exhibere*" is defined to

periundi sit copia." This was a personal action, and he had the right of action who intended to bring an *actio in rem*. The *actio ad exhibendum* was against a person who was in possession of the thing in question, or had fraudulently parted with the possession of it; and the object was the production of the thing for the purpose of its being examined by the plaintiff. The thing, which was, of course, a movable thing, was to be produced at the place where it was at the commencement of the legal proceedings respecting it; but it was to be taken to the place where the action was tried at the cost and expense of the plaintiff.

The action was extended to other cases: for instance, to cases when a man claimed the privilege of taking his property off another person's land, that other person not being legally bound to restore the thing, though bound by this action to allow the owner to take it; and to some cases where a man had in his possession something in which his own and the plaintiff's property were united, as a jewel set in the defendant's gold, in which case there might be an *actio ad exhibendum* for the purpose of separating the things.

If the thing was not produced when it ought to have been, the plaintiff might have damages for loss caused by such non-production. This action would lie to produce a slave in order that he might be put to the torture to discover his confederates.

The ground of the right to the production of a thing was either property in the thing or some interest; and it was the business of the *iudex* to declare whether there was sufficient reason (*justa et probabilis causa*) for production. The word "interest" was obviously a word of doubtful import. Accordingly, it was a question if a man could bring this action for the production of his adversary's accounts, though it was a general rule of law that all persons might have this action who had an interest in the thing to be produced (*quorum interest*); but the opinion as given in the *Digest*¹ is not favourable to the production on the mere ground of its being for the plaintiff's advantage. A man might have this *actio* though he had no *vindicatio*; as, for instance, if he had a legacy given to him of such a slave as Titius might choose, he had a right to the production of the testator's slaves in order that Titius might make the choice; when the choice was made, then the plaintiff might claim the slave as his property, though he had no power to make the choice. If a man wished to assert the freedom of a slave (*in libertatem vindicare*), he might have this action.

This action was, as it appears, generally in aid of another action, and for the purpose of obtaining evidence; in which respect it bears some resemblance to a Bill of Discovery in Equity.

(Mühlenbruch, *Doctrina Pandectarum.*—*Dig.* 10, tit. 4.)

EXITERIA (ἐξίτηρια) or EPEXODIA (ἐπεξόδια) are the names of the sacrifices which were offered by generals before they set out on their expeditions.² The principal object of these sacrifices always was to discover from the accompanying signs the favourable or unfavourable issue of the undertaking on which they were about to enter. According to Hesychius, ἐξίτηρια was also the name of the day on which the annual magistrates laid down their offices.

EXODIA (Ἐξόδια, from ἐξ and ὁδός) were old-fashioned and laughable interludes in verses, inserted in other plays, but chiefly in the *Atellane*.³ It is difficult to ascertain the real character of the *exodia*; but, from the words of Livy, we must infer

1. (*Dig.* 10, tit. 4, s. 19.)—2. (*Xen.*, *Anab.*, vi. 5, § 2.)—3. (*Liv.*, vii., 2.)

1. (*Pana.*, i., 41, § 2.)—2. (*Dig.* 4, tit. 9, s. 1.)—3. (*Æschin.*, *Orat.*, p. 536.)—4. (*Æschin.*, c. Timarch., p. 131.—*De Fals.*, p. 229.—*Böckh*, *Publ. Econ. of Athens*, i., p. 359.)

that, although distinct from the Atellanæ, they were closely connected with them, and never performed alone. Hence Juvenal calls them *exodium Atellanæ*¹ and Suetonius² *exodium Atellanicum*. They were, like the Atellanæ themselves, played by young and well-born Romans, and not by the *histriones*. Since the time of Jos. Scaliger and Casaubon, the *exodia* have almost generally been considered as short comedies or farces which were performed after the Atellanæ; and this opinion is founded upon the vague and incorrect statement of the scholiast on Juvenal.³ But the words of Livy, *exodia conserta fabellis*, seem rather to indicate interludes, which, however, must not be understood as if they had been played between the acts of the Atellanæ, which would suggest a false idea of the Atellanæ themselves. But as several Atellanæ were performed on the same day, it is probable that the *exodia* were played between them. This supposition is also supported by the etymology of the word itself, which signifies something *ἐξ ὁδοῦ*, extra viam, or something not belonging to the main subject, and thus is synonymous with *ἐπεισόδιον*. The play, as well as the name of *exodium*, seems to have been introduced among the Romans from Italian Greece; but after its introduction it appears to have become very popular among the Romans, and continued to be played down to a very late period.⁴

EXOMIS (*ἐξωμῖς*) was a dress which had only a sleeve for the left arm, leaving the right, with the shoulder and a part of the breast, free, and was, for this reason, called *exomis*. It is also frequently called *χιτὼν ἑτερομήσαλος*.⁵ The *exomis*, however, was not only a *chiton* (*vid. TUNICA*), but also an *ἡμάτιον* or *περίβλημα*. (*Vid. PALLIUM*.) According to Hesychius⁶ and Ælius Dionysius,⁷ it served at the same time both the purposes of a *chiton* and an *himation*; but Pollux⁸ speaks of two different kinds of *exomis*, one of which was a *περίβλημα*, and the other a *χιτὼν ἑτερομήσαλος*. His account is confirmed by existing works of art. Thus we find in the Mus. Pio-Clement.⁹ Hephaestus wearing an *exomis*, which is an *himation* thrown round the body in the way in which this garment was always worn, and which clothes the body like an *exomis* when it is girded round the waist. The following figure of Charon, on the contrary, taken from Stackelberg,



1. (Sat., vi., 71.)—2. (Tib., 45.)—3. (Sat., iii., 174.)—4. (Sueton., Domit., 10.)—5. (Phot. et Hesych., s. v. Ἐξωμῖς.—Heliod., Æthiop., iii., 1.—Paus., vi., 16, 2.)—6. (s. v. Ἐξωμῖς.)—7. (ap. Eustath., ad Il., xviii., 595.)—8. (Onom., vii., 48.)—9. (vol. iv., pl. 11.)

Die Gräber der Hellenen, pl. 47, represents the proper *χιτὼν ἑτερομήσαλος*.

The *exomis* was usually worn by slaves and working people,¹ whence we find Hephaestus, the working deity, frequently represented with this garment in works of art.² The chorus of old men in the *Lysistrata* of Aristophanes³ wear the *exomis*, which is in accordance with the statement of Pollux,⁴ who says that it was the dress of old men in comic plays.

According to Aulus Gellius,⁵ the *exomis* was the same as the common tunic without sleeves (*τὸν ἡμέτερον ἄσινεντες*); but his statement is opposed to the accounts of all the Greek grammarians, and is, without doubt, erroneous.⁶

EXOMOSIA (*ἐξωμοσία*). Any Athenian citizen, when called upon to appear as a witness in a court of justice (*κλητεύειν* or *ἐκκλητεύειν*), was obliged by law to obey the summons, unless he could establish by oath that he was unacquainted with the case in question.⁷ This oath was called *ἐξωμοσία*, and the act of taking it was expressed by *ἐξόμνεσθαι*.⁸ Those who refused to obey the summons without being able to take the *ἐξωμοσία*, incurred a fine of one thousand drachmæ; and if a person, after promising to give his evidence, did, nevertheless, not appear when called upon, an action called *λειποπρατυρίον*, or *βλάβης δίκη*, might be brought against him by the parties who thought themselves injured by his having withheld his evidence.¹⁰

When the people, in their assembly, appointed a man to a magistracy or any other public office, he was at liberty, before the *δοκιμασία* took place, to decline the office, if he could take an oath that the state of his health or other circumstances rendered it impossible for him to fulfil the duties connected with it (*ἐξόμνεσθαι τὴν ἀρχήν*, or *τὴν χειροτονίαν*); and this oath was likewise called *ἐξωμοσία*, or sometimes *ἀπωμοσία*.¹¹

EXOSTRA (*ἐξώστρα*, from *ἐξωθέν*) was one of the many kinds of machines used in the theatres of the ancients. Cicero,¹² in speaking of a man who formerly concealed his vices, expresses this sentiment by *post siparium heluabatur*; and then stating that he now shamelessly indulged in his vicious practices in public, says, *jam in exostra heluatur*. From an attentive consideration of this passage, it is evident that the *exostra* was a machine by means of which things which had been concealed behind the *siparium* were pushed or rolled forward from behind it, and thus became visible to the spectators. This machine was therefore very much like the *ἐκκύκλημα*, with this distinction, that the latter was moved on wheels, while the *exostra* was pushed forward upon rollers.¹³ But both seem to have been used for the same purpose, namely, to exhibit to the eyes of the spectators the results or consequences of such things—*e. g.*, murder or suicide—as could not consistently take place in the proscenium, and were therefore described as having occurred behind the *siparium* or in the scene.

The name *exostra* was also applied to a peculiar kind of bridge, which was thrown from a tower of the besiegers upon the walls of the besieged town, and across which the assailants marched to attack those of the besieged who were stationed on the ramparts to defend the town.¹⁴

1. (Phot., s. v.—Schol. ad Aristoph., Equit., 879.)—2. (Müller, Archæol. der Kunst., § 366, 6.)—3. (l. 622.)—4. (iv., 118.—5. (vii., 12.)—6. (Becker, Charikles, ii., p. 112, &c.)—7. (Pollux, Onom., viii., 37.—Æschin., c. Timarch., p. 71.)—8. (Demosth., De Fals. Leg., p. 396; c. Nearc., p. 1354; c. Aphob. p. 850.—Suidas, s. v. Ἐξόμνεσθαι.)—9. (Demosth., c. Stenob. i., p. 1119; c. Eubulid., p. 1317.—Harpocrat., s. v.)—10. (Demosth., c. Timoth., p. 1190.—Meier, Att. Proc., p. 287, &c.)—11. (Demosth., De Fals. Leg., p. 379; c. Timoth., p. 1204.—Æschin., De Fals. Leg., p. 371.—Pollux, Onom., viii., 35.—Etymol. Mag., s. v.)—12. (De Prov. Cons., 6.)—13. (Pollux Onom., iv., 128.—Schol. ad Aristoph., Acharn., 755.)—14. (Vaget., De Re Milit., iv., 21.)

ΟΥΑΗΣ ΔΙΚΗ (ἐξούλης δίκη). The process led in Athenian law seems to have been originated as a remedy against those who wronged others out" (ἔξειλλεν, ἐξείργεν) of realty which belonged to them.¹ The etymology word indicates this, and the speeches of Demos against Onetor furnish an example of it. ΣΜΒΑΤΕΙΑ.)

δίκη ἐξούλης, however, does not generally in this simple shape, but rather as an "actio calæ," or an action consequent upon the non-act of a judgment in a previous suit; the nature of which, of course, modified the subsequent things. We will consider, first, the case when an action had reference to real property. If the plaintiff was successful in an action of this kind and the defendant did not give up possession at the time appointed, two processes seem to have been open to the former. Thus he might, if he proceeded at once to take possession (ἐμβατεύειν) if resisted, then bring his action for ejectment or he might adopt a less summary process, so far as we can understand the grammarians as follows: If the property in question, which the defendant refused, after judgment to surrender, was a house, the plaintiff brought an action for the rent (δίκη ἐνοικίου): if a landed (χωρίου), for the produce (δίκη καρποῦ). If the defendant still kept possession, the next step was δίκη οὐσίας, or an action for the proceeds of property by way of indemnification; and after that followed the δίκη ἐξούλης.² The statement we give from Hudtwalcker³ rests mainly on its probability and the authority of Suidas.⁴ Grammarians, however, do not represent the οὐσία and the δίκη οὐσίας as consequent upon action, but as the first steps taken before ἐξούλης was commenced. For a probable explanation of this, *vid.* ΕΝΟΙΚΙΟΥ ΔΙΚΗ. The question arises, What was done if the defendant refused to give up possession, even after being cast in the οὐλής? We are almost bound to suppose, if we have no express authority for it, that a plaintiff would, under such circumstances, receive aid from the public authorities to assist him in ejecting the defendant; but, independent of this, it is from Andocides⁵ that a defendant incurred liability of ἀτιμία if defeated in a δίκη ἐξούλης. We will now explain the proceedings when the action had no reference to real property: as, for example, the δίκη κακηγορίας, in which Meidias brought judgment to go by default (ἐρήμην ὄφλε), was neglected or refused to pay the damages given to him, so as to become ὑπερήμερος. Demosthenes the plaintiff in the case, says that he might have seized upon Meidias's property by way of satisfaction, but that he did not do so, preferring to bring ἐξούλης at once. It is, of course, implied in the statement, that if he had attempted to make a seizure and been resisted, the same process would have been equally open to him. In fact, Ulpian⁶ states that a δίκη ἐξούλης was the consequence of a resistance being made. Moreover, in certain cases, it was peculiarly a penal action; for example, if cast, was required to pay to the treasury a fine of the same amount as the damages (ἡ καταδίκη) due to the plaintiff.⁷ The ἀτιμία also was inflicted till both the fine and damages were paid. Lastly, Pollux¹⁰ informs us that μὲν ὡς ἐωνημένους ἀμφισβητεῖ κτήματος, ὁ δὲ ἄλλοθεν ἔχων, ἐξούλης ἢ δίκη, words which to

Hudtwalcker seem obscure, but simply mean that if one person claimed a property as purchaser, and another as mortgagee, or as having a lien upon it, the dispute was settled by a δίκη ἐξούλης. In such a case, it would, of course, be merely a civil action to try a right.

EXPEDITUS is opposed to "impeditus,"¹¹ and signifies unencumbered with armour or with baggage (impedimenta). Hence the light-armed soldiers in the Roman army (p. 104) were often called the Expediti;¹² and the epithet was also applied to any portion of the army, when the necessity for haste, or the desire to conduct it with the greatest facility from place to place, made it desirable to leave behind every weight that could be spared.¹³

EXPLORATOIRES. (*Vid.* SPECULATOIRES.)

EXSEQULE. (*Vid.* FUNUS.)

EXSILIUM. (*Vid.* BANISHMENT, ROMAN.)

EXSUL. (*Vid.* BANISHMENT, ROMAN.)

EXTISPEX. (*Vid.* HARUSPEX.)

EXTRAORDINARIII (interpreted by Polybius and Suidas by the Greek word Ἐπιλέκτοι, selected) were the soldiers who were placed about the person of the consul in the Roman army. They consisted of about a third part of the cavalry and a fifth part of the infantry of the allies, and were chosen by the prefects.¹⁴ Hence, for a legion of 4200 foot and 300 horse, since the number of the infantry of the allies was equal to that of the Roman soldiers, and their cavalry twice as many, the number of extraordinarii would be 840 foot and 200 horse, forming two cohorts, which are mentioned by Livy;¹⁵ or, in an army of two legions, four cohorts.¹⁶

From the extraordinarii a body of chosen men was taken to form a body-guard for the consul. These were called ablecti (ἀπολέκτοι). Their number is uncertain. Lipsius conjectures that they consisted of 40 out of the 200 cavalry, and 168 out of the 840 infantry of the extraordinarii, making the whole number of the ablecti in a consular army 80 horse and 336 foot.¹⁷

F.

*FABA (κναμός), the Bean. Dioscorides¹⁸ makes mention of two kinds, the Grecian and Egyptian (Ἑλληνικός and Αἰγύπτιος). The κναμός Ἑλληνικός is generally held to be the *Vicia Faba*, but there is considerable difficulty, according to Adams, in determining exactly the variety of it most applicable to the descriptions of the ancient bean. The most probable opinion appears to be that of Dickson, who thinks that the *Faba minor* of Miller, namely, the Horse-bean, answers best to the descriptions of Theophrastus.¹⁹ The κναμός Αἰγύπτιος is the *Ne lumbium speciosum*. Its edible root was termed κολοκασία, and its fruit κιδώριον. The ancients made a kind of bread out of beans, called ἄρτος κναμίνοσ, or panis ex faba. Galen remarks that beans were much used by gladiators for giving them flesh, but adds that it was not firm or compact. Dr. Cullen notices the nutritious qualities of these things, but omits to mention that the flesh which they form is deficient in firmness. Actuarius states that they are nutritious, but dissuades from using them freely, on account of their flatulence. According to Celsus, both beans and lentils are stronger food than pease. Seth agrees with Galen, that the flesh formed from them is flabby and soft. Galen directs to fry beans, or boil them with onions, whereby they will be rendered less flatulent.²⁰ The bean is said to have come origi-

πορ., s. v.—Pollux, Onom., viii., 95.—Buttmann, Lexicon.—2. (Etymol. Mag., 'Εξ. δίκη.—Pollux, Onom., 93.)—3. (Harpocr., s. v. Οὐσίας δίκη.—Suidas, Καρποῦ δίκη.)—4. (I. c.)—5. (Περὶ Μυστηρίων, p. 10, 16.)—6. (I. c., 21.)—7. (I. c.)—8. (Demosth., c. Mev., 523 11.)—9. (Demosth., 523, 11.)—10. (viii., 59.)

1. (Plaut., Epid., i., 1, 79.)—2. (Festus, s. v. Advelitatio.)—3. (Cic. ad Fam., xv., 4.)—4. (Polyb., vi., 28, p. 472, Casaub.)—5. (xxiv., 47.)—6. (Liv., xl., 27.)—7. (Lipsius, De Militia Romana, ii., 7; v., 3.)—8. (ii., 127.)—9. (H. P., viii., 9.—Id., C. P., iii., 23.)—10. (Adams, Commentary on Paul of Ægina, p. 102.)

numaria,¹ with reference to which it was the object of the law to make. The provisions of this lex are stated by Ulpian. It also entitles it *lex Cornelia testamentaria* for any person "*qui testamentum falsum scilicet autem falsum sciens dolo melius suppresserit, amoverit, mutaverit, &c.*" The punishment was at least when Paulus wrote the Digest, the mines or crucifixion in place of deportatio, the punishment of the interdictum. According to Paulus, the law was a testament as well as a will, and to be made of gold and silver coin, or refusing to be stamped with the seal of the testator. It appears from Ulpian's *de testamentaria* that the provisions made to the lex Cornelia were *senatus consulta*. By a *senatus consultum* of Statilius and the law were extended to testamentary instruments. In the *senatus consultum* of Statilius, we find in the text of Ulpian, we find the words, "ut si quis testamentum falsum scilicet autem falsum sciens dolo melius suppresserit, amoverit, mutaverit, &c." The *senatus consultum* in the Digest, however, the penalties were not undertaken the law. Another *senatus consultum* passed between the reigns of Augustus and Nero, which provided that *tabulae* or written contracts should be sealed with holes, and a purple thread passed through the holes, in addition to the signature. In the time of Nero, it was also provided that the first two parts of a will should have the testator's signature, and the remaining one part the witnesses'. It was also provided that no man who wrote the will should give himself a legation. The provisions as to counterfeiting money and passing to take legal coin in payment were also made by *senatus consulta* or imperial constitutions. It appears from numerous passages in the Roman writers, that the crime of *falsum* in all its forms was very common, and especially in the case of falsification, against which legislative enactments are a *legis securitas*.

FALX, *dim.* FALCULA. *Lat.* *δορυζορ, ped. βερζον, dim. βερζάριον*, a sickle, a scythe; a pruning-knife or pruning-hook; a bill; a falchion; a halbert.

As *CUTTER* denoted a knife with one straight edge, "falx" signified any similar instrument, the single edge of which was curved (*δορυζορ εκκαυτή*; *παυνη βερζάριον*; *curva falces*; *curvamine falcia abena*; *adunca falce*¹¹). By additional epithets the various uses of the falx were indicated, and its corresponding varieties in form and size. Thus the sickle, because it was used by reapers, was called *falx messoria*; the scythe, which was employed in mowing hay, was called *falx fanaria*;

1. (In Verr., ii., lib. 1, c. 42.)—2. (Sent. Recept., v., 25, ed. Berl.)—3. (Mos. et Rom., Leg. Coll., tit. 5, § 7.)—4. (Suet., Nero, c. 17.—Compare Paulus, Sent. Recept., v., tit. 25, s. 6.)—5. (Epict., iii., 3.)—6. (Hoinicc., Syntagma.)—7. (Hom., Od. xviii., 367.)—8. (Brunck, Anal., ii., 215.)—9. (Virg., Georg., l. 308.)—10. (Ovid, Met., vii., 27.)—11. (xiv., 628.)

FALX.

aning-knife and the bill, on account of their dressing vines, as well as in hedging and in off the shoots and branches of trees, were ushed by the appellation of *falx putatoria*, *a*, *arboraria*, or *silvatica*,¹ or by the diminutive.² The coin published by Pellerin³ shows the one of the Lagide, kings of Egypt, wearing ADEMA, and on the reverse a man cutting corn with a sickle. (See woodcut.)



lower figure in the same woodcut is taken from the MSS. of Columella, and illustrates his description of the various parts of the *falx vinitoria*.⁴ (VULTER.) The curvature in the forepart of the blade is expressed by Virgil in the phrase *profalx*.⁵ In this form the bill must have been used by hunters to cut their way through thickets.⁶ The removal of a branch by the pruning-hook, often smoothed, as in modern gardening, by the *sel*.⁷ (Vid. DOLABRA.) The edge of the falx is often toothed or serrated (*ἀρπην καρχαρόδον-enticulata*).⁸ The indispensable process of sharpening these instruments (*ἀρπην χαρασίμεναι*,⁹ *ἐνκαμπῇ νεοθηγα*)¹⁰ was effected by whetstones, which the Romans obtained from Crete and distant places, with the addition of oil or water, which the mower (*fanisex*) carried in a horn on his thigh.¹¹ Dangerous as were the uses to which the falx was applied in agriculture and horticulture, its employment in battle was almost equally varied, and not so frequent. The Geloni were noted for their use of it.¹² It was the weapon with which Jupiter slew Typhon;¹³ with which Hercules slew the Hydra;¹⁴ and with which Mercury cut off the head of Argus (*falcato ense*;¹⁵ *harpen Cyllenida*).¹⁶ It was, having received the same weapon from Mars, or, according to other authorities, from Vulcan, used to decapitate Medusa and to slay the Cyclops.¹⁷ From the passages now referred to, we may conclude that the falchion was a weapon of most remote antiquity; that it was girt like a sword upon the waist; that it was held in the hand by a short hilt; and that, as it was, in fact, a scythe with a sharp-pointed blade, with a proper falchion on one side, it was thrust into the flesh of the hand by its lateral curvature (*curvo tenus abdidit*). In the annexed woodcut, four examples are given from works of ancient art to illustrate its

¹ De Re Rust., 10, 11.—Pallad., i., 43.—Colum., iv., Colum., xii., 18.)—3. (Med. de Rois, Par., 1762, p. 1762.)—4. (De Re Rust., iv., 25, p. 518, ed. Gesner.)—5. (Georg., i., 6. (Grat., Cyneg., 343.)—7. (Colum., De Arbor., 10.)—8. (Theophr., 174, 179.)—9. (Colum., De Re Rust., ii., (Hesiod., Op., 573.)—11. (Apoll. Rhod., iii., 1388.)—12. (H. N., xviii., 67, 5.)—13. (Claudian, De Laud. Stil., 14. (Apollod., i., 6.)—15. (Eurip., Ion, 191.)—16. (Lucan., i., 718.)—17. (Lucan., ix., 662-677.)—18. (Apollod., Biblioth., Catast., 22.—Ovid., Met., iv., 666, 720, 727; Virg., Georg., i., 157.)

FAMILIA.



form. One of the four cameos here copied represents Perseus with the falchion in his right hand, and the head of Medusa in his left. The two smaller figures are heads of Saturn, with the falx in its original form; and the fourth cameo, representing the same divinity at full length, was probably engraved in Italy at a later period than the others, but early enough to prove that the scythe was in use among the Romans, while it illustrates the adaptation of the symbols of Saturn (*Κρόνος*: *senex falcifer*)¹ for the purpose of personifying Time (*Χρόνος*), who, in the language of an ancient epigram,² destroys all things (*μηδ' ἀρεπᾶν*) with the same scythe.³

If we imagine the weapon which has now been described to be attached to the end of a pole, it would assume the form and be applicable to all the purposes of the modern halbert. Such must have been the *asseris falcatis* used by the Romans at the siege of Ambracia.⁴ (Vid. ARIES, ANTENNA.) Sometimes the iron head was so large as to be fastened, instead of the ram's head, to a wooden beam, and worked by men under a testudo.⁵

Lastly, the Assyrians, the Persians, the Medes, and the Syrians in Asia,⁶ and the Gauls and Britons in Europe (*vid. COVINUS*), made themselves formidable on the field of battle by the use of chariots with scythes, fixed at right angles (*εις πλάγιον*) to the axle and turned downward, or inserted parallel to the axle into the felly of the wheel, so as to revolve, when the chariot was put in motion, with more than thrice the velocity of the chariot itself; and sometimes also projecting from the extremities of the axle.

FAMILIA. The word "familia" contains the same element as the word "famulus," a slave, and the verb "famulari." In its widest sense it signifies the totality of that which belongs to a Roman citizen who is sui juris, and therefore a paterfamilias. Thus, in the third kind of testamentary disposition mentioned by Gaius,⁷ the word "familia" is explained by the equivalent "patrimonium;" and the person who received the familia from the testator (*qui a testatore familiam accipiebat mancipio*) was called "familia emptor." In the same sense we find the expression "erciscundæ familiae."⁸

But the word "familia" is sometimes limited to signify "persons," that is, all those who are in the

¹ Ovid, Fast., v., 627; in Ibin, 216.)—2. (Brunck, Anal., iii., 281.)—3. (See Mariette, "Traité des Pierres Gravées," t. ii., pl. 2, 3.)—4. (Liv., xxxviii., 5.—Compare Cæs., Bell. Gall., vii., 22, 86.—Q. Curt., iv., 19.)—5. (Veget., iv., 14.)—6. (Xen., Cyrop., vi., 3, 2.—Anab., i., 8.—Diod. Sic., ii., 5; xvii., 53.—Polyb., v., 53.—Q. Curt., iv., 9, 12, 13.—Aul. Gell., v., 5.—I Macc., xiii., 2.—Veget., iii., 24.—Liv., xxxvii., 41.)—7. (ii., 102.)—8. (Cic., Orat., i., 56.)

power of a paterfamilias, such as his sons (*fili-familias*), daughters, grandchildren, and slaves. When "familia" is used in this sense, it is opposed to inanimate things; and this seems to be the sense of the word familia in the formula adopted by the "familia emptor" on the occasion of taking the testator's familia by a fictitious purchase: "*Familiam pecuniamque tuam*," &c. In another sense "familia" signifies all the free persons who are in the power of a paterfamilias; and in a more extended sense of this kind, all those who are agnati, that is, all who are sprung from a common ancestor, and would be in his power if he were living. (*Vid. COGNATI*.) With this sense of familia is connected the status familiae, by virtue of which a person belonged to a particular familia, and thereby had a capacity for certain rights which only the members of the familia could claim. A person who changed this status ceased to belong to the familia, and sustained a *capitis diminutio minima*. (*Vid. ΑΝΟΡΤΙΟ, CΑΡΤΥ.*) Members of the same family were "familiares;" and hence familiaris came to signify an intimate friend. Slaves who belonged to the same familia were called, with respect to this relation, familiares. Generally, "familiaris" might signify anything relating to a familia.

Sometimes "familia" is used to signify the slaves belonging to a person,¹ or to a body of persons (*societas*), in which sense they are sometimes opposed to liberti,² where the true reading is "liberti."³

In the passage of the Twelve Tables which declares that in default of any heres suus, the property of the intestate shall go to the next agnatus, the word "familia" signifies the property only: "*Agnatus proximus familiam habeto*." In the same section in which Ulpian⁴ quotes this passage from the Twelve Tables, he explains agnati to be "*cognati virilis sexus per mares descendentes ejusdem familiae*," where the word "familia" comprehends only persons.⁵

The word familia is also applied (improperly) to sects of philosophers, and to a body of gladiators: in the latter sense with less impropriety.

A paterfamilias and a materfamilias were respectively a Roman citizen who was sui juris, and his lawful wife. A filiusfamilias and a filiafamilias were a son and daughter in the power of a paterfamilias. The familia of a paterfamilias, in its widest sense, comprehended all his agnati; the extent of which term, and its legal import, are explained under COGNATI. The relation of familia and gens is explained under GENES.

The five following personal relations are also comprehended in the notion of familia: 1. Manus, or the strict marriage relation between husband and wife; 2. Servitus, or the relation of master and slave; 3. Patronatus, or the relation of former master to former slave; 4. Mancipii causa, or that intermediate state between servitus and libertas, which characterized a child who was mancipiated by his father (*vid. EMANCIPATIO*); 5. Tutela and Curatio, the origin of which must be traced to the Patria Potestas. These relations are treated under their appropriate heads.

The doctrine of representation, as applied to the acquisition of property, is connected with the doctrine of the relations of familia; but, being limited with reference to potestas, manus, and municipium, it is not coextensive nor identical with the relations of familia. Legal capacity is also connected with the relations of familia, though not identical with, but rather distinct from them. The notions of liberi and servi, sui juris and alieni, are comprised in the above-mentioned relations of familia. The dis-

inction of Cives, Latini, Peregrini, are entirely unconnected with the relations of familia. Many of the relations of familia have also no effect on legal capacity, for instance, marriage as such. That family relationship which has an influence on legal capacity is the Patria Potestas, in connexion with which the legal capacities and incapacities of filiusfamilias, filiafamilias, and a wife in manu, may be most appropriately considered.¹

FAMILLE EMPTOR. (*Vid. FAMILIA*.)

FAMILLE ERCISCUNDÆ ACTIO. Every heres, who had full power of disposition over his property, was entitled to a division of the hereditas, unless the testator had declared, or the co-heredes had agreed, that it should remain in common for a fixed time. The division could be made by agreement among the co-heredes; but in case they could not agree, the division was made by a judex. For this purpose every heres had against each of his co-heredes an actio familiae erciscundæ, which, like the actiones communi dividundo, and finium regundorum, was of the class of MIXTÆ Actiones, or, as they were sometimes called, Duplicia Judicia, because, as in the familiae erciscundæ judicium, each heres was both plaintiff and defendant (actor and reus); though he who brought the actio and claimed a judicium (*ad judicium provocavit*) was properly the actor. A heres, either ex testamento or ab intestato, might bring this action. All the heredes were liable to the bonorum collatio (*vid. BONORUM COLLATIO*), that is, bound to allow, in taking the account of the property, what they had received from the testator in his lifetime, as part of their share of the hereditas, at least so far as they had been enriched by such donations.

This action was given by the Twelve Tables. The word Familia here signifies the "property," as explained in the previous article, and is equivalent to hereditas.

The meaning and origin of the verb *erciscere*, or *herciscere*, have been a subject of some dispute. It is, however, certain that the word means "division."²

FANUM. (*Vid. TEMPLUM*.)

*FAR, Spelt, often put for corn generally. According to Martyn, it is a sort of corn very like wheat; but the chaff adheres so strongly to the grain that it requires a mill to separate them, like barley. The far of the Romans was the same with the ζεία or ζέα of the Greeks. "The τῖση of Theophrastus, the δῦρα of Homer, as well as the far and adoncum of the Romans, were in all probability," says Adams, "merely varieties of Spelt." "Far was the corn of the ancient Italians," remarks Martyn, "and was frequently used in their sacrifices and ceremonies, whence it is no wonder that this word was often used for corn in general." The modern botanical name of Far is *Triticum spelta*. Dioscorides mentions two kinds of Zea: one the simple kind, βοροκόκκος, *Triticum monococcum*; the other the double, δίκόκκος, *Triticum spelta*. Homer makes mention of Zea, as does also Theophrastus; the latter gives it the epithet of robust or hardy, which is also applied to it by Virgil.

FARTOR (*στεινυτής*) was a slave who fattened poultry.³ Donatus⁴ says that the name was given to a maker of sausages; but compare Becker, *Galus*, ii., p. 190.

The name of fartores or *cremners* was also given to the nomenclatores, who accompanied the candidates for the public offices at Rome, and gave them the names of such persons as they might meet.⁵

1. (Cic. ad Div., xiv, 4.—Ad Quint., ii., Epist. 6.)—2. (Cic., Brut., 22.)—3. (Cic. ad Fam., i., 3.)—4. (Frag., tit. 26, 1.)—5. (Dig. 59, tit. 16, s. 195; 10, tit. 2.)

1. (Savigny, System des heutigen Röm. Rechtes, vols. i., ii., Berlin, 1840.)—2. (Dig. 10, tit. 2.—Cic., De Orat., i., 56.—Præcæcina, c. 7.—Apul. Met., ix., p. 210, Bipont.)—3. (Colum., viii., 7.—Hor., Sat., II., iii., 228.—Plaut., Truc., I., ii., 11.)—4. (ad Terent., Eun., II., ii., 26.)—5. (Festus, s. v. Fartores.)

ES were rods bound in the form of a bundle containing an axe (*securis*) in the middle, of which projected from them. These were carried by lictors before the superior magistrates at Rome, and are often represented on the consular coins.¹ The following woodcuts represent reverses of four consular coins; in the first we see the lictors carrying the fasces on poles; in the second, two fasces, and between them a *sella curulis*; in the third, two fasces with the consul standing between them; in the fourth, the same, only with no crowns on the fasces.



Next two woodcuts, which are taken from similar coins of C. Norbanus, contain, in addition to the fasces, the one a spica and caduceus, the other a spica, caduceus, and prora.



Fasces appear to have been usually made of *ulla*², but sometimes also of the twigs of *salix*.

They are said to have been derived from the kings of Etruria.³ Twelve were carried before the kings by twelve lictors; and on the deposition of the Tarquins, one of the consuls was accompanied by twelve lictors with the fasces, and the other by the same number of lictors with the fasces only, or, according to some authorities, with *capite* crowns round them.⁴ But P. Valerius Publicola gave to the people the right of proclaiming that the *secures* should be removed from the fasces, and allowed only one of the consuls to be accompanied by the lictors while they were at the curia. The other consul was attended only by a *centurio*. (*Vid. ACCENSUS*.) When they were at the curia, and at the head of the army, the consuls retained the axe in the fasces, preceded by his own lictors as before the *prætor*.⁵ (*Vid. CONSUL*.) The *decemviri* were first appointed, and the fasces were only carried before the one who presi-

ded for the day;¹ and it was not till the second *decemvirate*, when they began to act in a tyrannical manner, that the fasces with the axe were carried before each of the ten.² The fasces and *secures* were, however, carried before the dictator even in the city,³ and he was also preceded by 24 lictors, and the *magister equitum* by six.

The *prætors* were preceded in the city by two lictors with the fasces,⁴ but out of Rome and at the head of an army by six, with the fasces and *secures*, whence they are called by the Greek writers *στρατηγῶν ἐξαιρετικαί*.⁵ The *proconsuls* also were allowed, in the time of Ulpian, six fasces.⁶ The *tribunes of the plebs*, the *ædiles* and *questors*, had no lictors in the city,⁷ but in the provinces the *questors* were permitted to have the fasces.⁸

The lictors carried the fasces on their shoulders, as is seen in the coin of Brutus given above; and when an inferior magistrate met one who was higher in rank, the lictors lowered their fasces to him. This was done by Valerius Publicola when he addressed the people;⁹ and hence came the expression *submittere fasces* in the sense of to yield, to confess one's self inferior to another.¹⁰

When a general had gained a victory, and had been saluted as *Imperator* by his soldiers, he usually crowned his fasces with laurel.¹¹

FASCIA, *dim.* FASCIOLA, a band or fillet of cloth, worn, 1. round the head as an ensign of royalty¹² (*vid. DIADEMA*. Woodcut to article *FALX*): 2. by women over the breast¹³ (*vid. STROPHIUM*): 3. round the legs and feet, especially by women. Cicero reproached Clodius for wearing *fasciæ* upon his feet, and the *CALANTICA*, a female ornament, upon his head.¹⁴ Afterward, when the toga had fallen into disuse, and the shorter *pallium* was worn in its stead, so that the legs were naked and exposed, *fasciæ crurales* became common even with the male sex.¹⁵ The Emperor Alexander Severus¹⁶ always used them, even although, when in town, he wore the toga. Quintilian, nevertheless, asserts that the adoption of them could only be excused on the plea of infirm health.¹⁷ White *fasciæ*, worn by men,¹⁸ were a sign of extraordinary refinement in dress: the mode of cleaning them was by rubbing them with a white tenacious earth, resembling our pipe-clay (*fasciæ cretatae*¹⁹). The finer *fasciæ*, worn by ladies, were purple.²⁰ The bandages wound about the legs, as shown in the illuminations of ancient MSS., prove that the Roman usage was generally adopted in Europe during the Middle Ages.

By metaphor, the term "fascia" was applied in architecture to a long, flat band of stone, marble, or wood. Thus the architrave of an Ionic or Corinthian entablature consists of three contiguous horizontal *fasciæ*.²¹

On the use of *fasciæ* in the nursing of children, *vide INCUNABULA*.

FASCINUM (*βάσκανία*), fascination, enchantment. The belief that some persons had the power of injuring others by their looks, was as prevalent among the Greeks and Romans as it is among the superstitious in modern times. The *ὄφθαλμὸς βάσκανος*, or *evil eye*, is frequently mentioned by ancient

1. De Præst. et Usu Numism., vol. ii., p. 88, 91.—N., xvi., 30.—3. (Plaut., *Asin.*, III., ii., 29; *IL.*, *Stil. Ital.*, viii., 485.—Compare Liv., i., 8.)—5. (Dion., vi., 6. (Cic., De Rep., ii., 31.—Val. Max., iv., 1, § 1.)—6. Liv., xxiv., 9; xxviii., 27.)

1. (Liv., iii., 32.)—2. (Liv., iii., 36)—3. (Liv., ii., 18.)—4. (Censorin., De Die Natal., 24.—Cic., *Agrar.*, ii., 34.)—5. (Appian., *Syr.*, 15.—Polyb., ii., 24, § 6; iii., 40, § 9; 106, § 6.)—6. (Dig. I., tit. 16, s. 14.)—7. (Aul. Gel., xiii., 12.)—8. (Cic., *Pro Planc.*, 41.)—9. (Cic., De Rep., ii., 31.—Liv., ii., 7.—Val. Max., iv., 1, § 1.)—10. (Cic., *Brut.*, 6.)—11. (Cic., ad Att., viii., 3, § 5.—De Div., i., 28.—Cæs., *Bell. Civ.*, iii., 71.)—12. (Sueton., *Jul.*, 79.)—13. (Ovid., De Art. Amat., iii., 622.—Propert., iv., 10, 49.—"Fascia Pectoralis," Mart., xiv., 134.)—14. (ap. Non. Marc. xiv., 2.)—15. (Val. Max., vi., 27.—Grat., *Cyneg.*, 338.)—16. (Æl. Lamprid., c. 40.)—17. (Inst. Or., xi., 3.)—18. (Val. Max., i., c.—Phædr., v., 7, 36.)—19. (Cic., ad Att., 2, 3.)—20. (Cic., De Harusp. Resp., 21.)—21. (Vit., iii., 5, p. 84, ed. Schneider.)—22. (Plaut., *Truc.*, v., 13.)

FASTI.

covered; and, although much defaced and faded, form a very curious and useful monument. They appear to have embraced much information concerning the festivals, and a careful detail of honours bestowed upon, and the triumphs obtained by, Julius, Augustus, and Tiberius. The edition of Foggini contains not only an account of particular discoveries, but also the complete Roman year, so far as such a compilation can be extracted from the ancient calendars extant. Of these he enumerates eleven, the being derived either from the places where they were found, or from the family who possessed them when they first became known to the literary

calendarium Mafferiorum, which contains the months complete.

d. Prænestinum, described above.

d. Capranicorum, August and September complete.

d. Amiterninum, fragments of the months from July to December.

d. Antiatinum, fragments of the last six months.

d. Esquilinum, fragments of May and June.

d. Farnesianum, a few days of February and March.

d. Pincianum, fragments of July, August, and September.

d. Venusinum, May and June complete.

d. Vaticanum, a few days of March and April.

d. Allifanum, a few days of July and August.

d. Albanum, a few days of July and August.

d. Ardeatinum, a few days of July and August.

d. Cornetanum, a few days of July and August.

d. Tiburtinum, a few days of July and August.

d. Veientinum, a few days of July and August.

d. Ardeatinum, a few days of July and August.

d. Albanum, a few days of July and August.

d. Ardeatinum, a few days of July and August.

d. Cornetanum, a few days of July and August.

d. Tiburtinum, a few days of July and August.

d. Veientinum, a few days of July and August.

d. Ardeatinum, a few days of July and August.

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d. Veientinum, a few days of July and August.

d. Ardeatinum, a few days of July and August.

d. Albanum, a few days of July and August.

d. Ardeatinum, a few days of July and August.

FASTIGIUM.

LYSTRANTVR.

SACRVM. MERCVR.

ET. FLORÆ.

(Vid. the commentary of Morcelli in his *Opera Epigraphica*, vol. i., 77.)

II. FASTI ANNALES OR HISTORICI. Chronicles such as the *Annales Maximi* (vid. ANNALES), containing the names of the chief magistrates for each year, and a short account of the most remarkable events noted down opposite to the days on which they occurred, were, from the resemblance which they bore in arrangement to the sacred calendars, denominated *fasti*; and hence this word is used, especially by the poets, in the general sense of *historical records*.¹

In prose writers, *fasti* is commonly employed as the technical term for the registers of consuls, dictators, censors, and other magistrates, which formed part of the public archives.² Again, when Cicero remarks, in the famous epistle to Lucceius,³ "*Etenim ordo ille annalium medicoriter nos retinet quasi enumeratione fastorum*," he means that the regular succession of events merely detailed in chronicles fixed the attention but feebly, and was little more interesting than a mere catalogue of names.⁴

A most important specimen of *fasti* belonging to this class, executed probably at the beginning of the reign of Tiberius, has been partially preserved. In the year 1547, several fragments of marble tablets were discovered in excavating the Roman Forum, and were found to contain a list of consuls, dictators with their masters of horse, censors with the lustra which they closed, triumphs and ovations, all arranged in regular succession according to the years of the Catonian era. These had evidently extended from the expulsion of the kings to the death of Augustus, and, although defective in many places, have proved of the greatest value in chronology. The different pieces were collected and arranged under the inspection of Cardinal Alexander Farnese, and deposited in the Capitol, where they still remain. From this circumstance they are generally distinguished as the *Fasti Capitolini*. In the years 1817 and 1818, two other fragments of the same marble tablets were discovered in the course of a new excavation in the Forum. A facsimile of them was published at Milan, by Borghesi, in 1818.

The *Fasti Consulares* are given at the close of this work.

FASTIGIUM. An ancient Greek or Roman temple, of rectangular construction, is terminated at its upper extremity by a triangular figure, both in front and rear, which rests upon the cornice of the entablature as a base, and has its sides formed by the cornices which terminate the roof. (Vid. woodcut, p. 61.) The whole of this triangle above the trabeation is implied in the term *fastigium*, called frontispiece (*fronton*, *frontispizio*) by French and Italian architects, but prominent by our own. The flat surface within the frame, when distinguished from the general term, is denominated *tympanum* by the Latins,⁵ from its resemblance to the skin in the frame of a drum, and *ἀέρομα*, or *ἀερός*, by the Greeks,⁶ either because its figure resembles that of an eagle with outstretched wings,⁷ or because the tympanum of the earliest temples, which were dedicated to Jupiter, was usually ornamented by an eagle in relief,⁸ an instance of which is afforded by the coin represented in the following woodcut.⁹

1. (Horat., Sat., I., iii., 112.—Carm., IV., xiii., 13; III., xvii., 7.)
 2. (Liv., ix., 18.—Cic., Pro Sext., 14.—Compare Cic., Philipp., xiii., 12.—Tacit., Ann., iii., 17, 18.)—3. (ad Fam., v., 12.)—4. (Compare ad Att., iv., 8.)—5. (Vitruv., iii., 3, p. 99, ed. Bipont.)
 6. (Aristoph., Aves, 1110.—Paus., i., 24, § 5; ii., 7, § 3; v, 10, § 2; ix., 11, § 4.)—7. (Eustath. ad Il., 24, p. 1352, l. 37.)—8. (Pind., Olymp., xiii., 29.)—9. (Beger, Spicil. Antiq., p. 6.)

MENSIS
 MALVS
 DIES. XXXI.
 NON. SEPTIM.
 DIES. HOR. XIIIIS.
 NOX. HOR. VIIIIS.
 SOL. TAVRO.
 TYTELA. APOLLIN.
 SEGET. RVCANT.
 OVES. TONDENT.
 LANA. LAVATVR.
 IUVENCI. DOMANT.
 VICEA. PABVL.
 SECATVR.
 SEGETES

of its bitterness, "*propter amaritudinem*

VLIA were worn in winter by Augustus was very susceptible of cold.¹ Casauces them to have been bandages or fillets (a) wound about the thighs; it seems probable that they were breeches resembling garments for the thighs (*περμήρια*) were worn by Roman horsemen;² and the column of Arch of Constantine, and other monuments of the same period, present numerous examples of horse and foot soldiers who wear breeches fitted to the body, and never reaching much below the knees. (See woodcuts, p. 11, 78, 95.)

FRA. (*Vid. HOUSE.*)

(*Vid. INTEREST OF MONEY.*)

FA. (*Vid. FUNUS.*)

FERULUM (from *fer-o*) is applied to any kind of platform used for carrying anything. It is used to signify the tray or frame on which dishes were brought in at once at dinner;³ *fercula* came to mean the number of dishes at dinner, and even the dishes themselves.⁴ Ferulum was also used for carrying the images of the gods in the procession of the circus⁵ (see p. 256), the ashes of the dead in a funeral, the spoils in a triumph;⁷ in all which it appears to have been carried on the shoulders of men. The most illustrious persons were sometimes placed on a ferulum in a manner that they might be better seen.⁸

RUM. (*Vid. FUNUS.*)

Feriales, or holidays, were, generally speaking, days during which freeborn Romans suspended political transactions and their lawsuits, in which slaves enjoyed a cessation from all ferie were thus dies nefasti. The ded all days consecrated to any deity; usually, all days on which public festivals celebrated were ferie or dies feriat. But some, such as the feria nemoralis, and the feria, seem to have had no direct connexion with the worship of the gods. The nundinae, however, the time of the kings and the early period of the Republic, were ferie only for the purposes of business for the plebeians, until, by the Julian law, they became fasti, or days of both orders.¹⁰

Feriales were divided into two classes, *ferie publica* and *ferie privata*. The latter were only obnoxious to families or individuals, in commemoration of some particular event which had been done for them or their ancestors. As family fasti mentioned the *ferie Claudia, Æmilia, Julia*, &c., and we must suppose that all the families had their particular ferie, as their private sacra. Among the family-holidays may also mention the *ferie denicales*, in which a family, after having lost one of its members by death, underwent a purification.¹¹ We kept ferie on their birthdays, and other holidays which marked any memorable event of their lives.

During the time of the Empire, the emperor sometimes assumed the character of *feria publica*, and was celebrated by the people with games and sacrifices. Thus the emperor Augustus, called Augustalia, was celebrated with great splendour even in the time of

Dion Cassius.¹ The day on which Augustus had returned from his wars was likewise for a long time made a holiday of.² The dies natalicii of the cities of Rome and Constantinople were at a still later period likewise reckoned among the ferie.³

All *ferie publica*, i. e., those which were observed by the whole nation, were divided into *ferie stativæ*, *ferie conceptivæ*, and *ferie imperativæ*. *Ferie stativæ* or *stativæ* were those which were held regularly, and on certain days marked in the calendar.⁴ To these belonged some of the great festivals, such as the Agonalia, Carmentalia, Lupercalia, &c. *Ferie conceptivæ* or *conceptivæ* were held every year, but not on certain or fixed days, the time being every year appointed by the magistrates or priests (*quotannis a magistratibus vel sacerdotibus concipiuntur*).⁵ Among these we may mention the *ferie Latinae*, *ferie Sementivæ*, Paganalia, and Compitalia. *Ferie imperativæ* are those which were held on certain emergencies at the command of the consuls, prætors, or of a dictator. The books of Livy record many *ferie imperativæ*, which were chiefly held in order to avert the dangers which some extraordinary prodigy seemed to forbid, but also after great victories.⁶ They frequently lasted for several days, the number of which depended upon the importance of the event which was the cause of their celebration. But whenever a rain of stones was believed to have happened, the anger of the gods was appeased by a *sacrum novemdiale*, or *ferie per novem dies*. This number of days had been fixed at the time when this prodigy had first been observed.⁷ Respecting the legitimate forms in which the *ferie conceptivæ* and *imperativæ* were announced and appointed, see Brisson., *De Form.*, p. 107, &c.

The manner in which all public ferie were kept bears great analogy to our Sunday. The people generally visited the temples of the gods, and offered up their prayers and sacrifices. The most serious and solemn seem to have been the *ferie imperativæ*, but all the others were generally attended by rejoicings and feasting. All kinds of business, especially lawsuits, were suspended during the public ferie, as they were considered to pollute the sacred season: the rex sacrorum and the flamines were not even allowed to behold any work being done during the ferie; hence, when they went out, they were preceded by their heralds (*præciæ, præclamitatores, or calatores*), who enjoined the people to abstain from working, that the sanctity of the day might not be polluted by the priests seeing persons at work.⁸ Those who neglected this admonition were not only liable to a fine, but, in case their disobedience was intentional, their crime was considered to be beyond the power of any atonement; whereas those who had unconsciously continued their work might atone for their transgression by offering a pig. It seems that doubts as to what kinds of work might be done at public ferie were not unfrequent, and we possess some curious and interesting decisions given by Roman pontiffs on this subject. One Umbro declared it to be no violation of the ferie if a person did such work as had reference to the gods, or was connected with the offering of sacrifices; all work, he moreover declared, was allowed which was necessary to support the urgent wants of human life. The pontiff Scævola, when asked what kind of work might be done on a dies feriat, answered that any work might be done if

¹ Octav., 82.—2. (Arrian, *Tact.*, p. 14, ed. Blanc.)
² 35.—Plin., *H. N.*, xxviii., 2.—4. (Suet., *Octav.*,
Virg., *Æn.*, i., 637.—Juv., i., 93.—Id., xi., 64.—
vi., 104.—Mart., iii., 50.—Id., ix., 82.—Id., xi.,
10.)—5. (Suet., *Cal.*, 15.)—7. (Suet., *Jul.*,
10.)—8. (Senec., *Herc. Et.*, 109.)—9. (Cic., *De*
Div., i., 45.)—10. (Macrob., *Sat.*, i., 16.—
Suab., *Hist. of Rome*, ii., p. 213, &c.—Walter, *German. Rechts.*, p. 190.)—11. (Fest., s. v.—Cic., *De*
Columell., ii., 22.)

1. (Liv., p. 624.—Id., lvi., p. 688.)—2. (Tacit., *Annal.*, i., 15,
with the note of Lipsius.)—3. (Cod. 3, tit. 12, s. 6.)—4. (Fest.,
s. v.—Macrob., l. c.)—5. (Macrob., l. c.—Varro, *De Ling. Lat.*,
v., 3, &c.—Fest., s. v.)—6. (Liv., i., 31; iii., 5; vii., 28; xxxv.,
40; xliii., 3.—Polyb., xxi., 1.)—7. (Liv., i., 31.)—8. (Fest., s.
v. *Præciæ*.—Macrob., l. c.—Compare Serv. ad *Virg.*, *Georg.*, v.,
268.—Plut., *Numa*, c. 14.)

any sufferi g or injury should be the result of neglect or delay, *e. g.*, if an ox should fall into a pit, the owner might employ workmen to lift it out; or if a house threatened to fall down, the inhabitants might take such measures as would prevent its falling, without polluting the *feriæ*.¹ Respecting the various kinds of legal affairs which might be brought before the prætor on days of public *feriæ*, *vid.* Digest. 2, tit. 12, s. 2.

It seems to have been owing to the immense increase of the Roman Republic, and of the accumulation of business arising therefrom, that some of the *feriæ*, such as the Compitalia and Lupercalia, in the course of time ceased to be observed, until they were restored by Augustus, who revived many of the ancient religious rites and ceremonies.² Marcus Antoninus again increased the number of days of business (*dies fasti*) to 230, and the remaining days were *feriæ*.³ After the introduction of Christianity in the Roman Empire, the old *feriæ* were abolished, and the Sabbath, together with the Christian festivals, were substituted; but the manner in which they were kept was nearly the same as that in which the *feriæ* had been observed. Lawsuits were accordingly illegal on Sundays and holidays, though a master might emancipate his slave if he liked.⁴ All work, and all political as well as juridical proceedings, were suspended; but the country people were allowed freely and unrestrainedly to apply themselves to their agricultural labours, which seem at all times to have been distinguished from, and thought superior to, all other kinds of work: for, as mentioned below, certain *feriæ* were instituted merely for the purpose of enabling the country people to follow their rural occupations without being interrupted by lawsuits and other public transactions.

After this general view of the Roman *feriæ*, we shall proceed to give a short account of those festivals and holidays which were designated by the name of *feriæ*.

Feriæ Latiniæ, or simply *Latiniæ* (the original name was *Latiaris*), had, according to the Roman legends, been instituted by the last Tarquin in commemoration of the alliance between the Romans and Latins.⁵ But Niebuhr⁶ has shown that the festival, which was originally a panegyris of the Latins, is of much higher antiquity; for we find it stated that the towns of the Priscans and Latins received their shares of the sacrifice on the Alban Mount—which was the place of its celebration—along with the Albans and the thirty towns of the Alban commonwealth. All that the last Tarquin did was to convert the original Latin festival into a Roman one, and to make it the means of hallowing and cementing the alliance between the two nations. Before the union, the chief magistrate of the Latins had presided at the festival; but Tarquin now assumed this distinction, which subsequently, after the destruction of the Latin commonwealth, remained with the chief magistrates of Rome.⁷ The object of this panegyris on the Alban Mount was the worship of Jupiter Latiaris, and, at least as long as the Latin republic existed, to deliberate and decide on matters of the confederacy, and to settle any disputes which might have arisen among its members. As the *feriæ Latiniæ* belonged to the conceptivæ, the time of their celebration greatly depended on the state of affairs at Rome, as the consuls were never allowed to take the field until they had held the *Latiniæ*.⁸

This festival was a great engine in the hands of magistrates, who had to appoint the time of its celebration (*concipere, edicere, or indicere Latiniæ*), it might often suit their purpose either to hold festival at a particular time or to delay it, in order to prevent or delay such public proceedings seemed injurious and pernicious, and to prompt others to which they were favourably disposed. This feature, however, the *feriæ Latiniæ* had common with all other *feriæ conceptivæ*. Whenever any of the forms or ceremonies customary to the *Latiniæ* had been neglected, the consuls had right to propose to the senate, or the college of pontiffs, that their celebration should be repeated (*staurari*).⁹ Respecting the duration of the *feriæ Latiniæ*, the common opinion formerly was, that first they only lasted for one day, to which subsequently a second, a third, and a fourth were added, but it is clear that this supposition was founded on a confusion of the *feriæ Latiniæ* with the *Ludi Maximi*, and that they lasted for six days, one for each decury of the Alban and Latin towns.¹⁰ The festive season was attended by a sacred truce, and no battle was allowed to be given during those days.¹¹ In early times, during the alliance of the Romans and Latins, the chief magistrates of both nations met on the Alban Mount and conducted the solemnities, at which the Romans, however, had the presidency. But afterward the Romans alone conducted the celebration, and offered the common sacrifice of an ox to Jupiter Latiaris, in the name and on behalf of all who took part in it. The flesh of the victim was distributed among the several towns whose common sanctuary stood on the Alban Mount.¹² Besides the common sacrifice of an ox, the several towns offered each separately lamb, cheeses, or a certain quantity of milk¹³ or cakes. Multitudes flocked to the Alban Mount on the occasion, and the season was one of great rejoicing and feasting. Various kinds of games were not wanting, among which may be mentioned the *ancilatio* (swinging).¹⁴ It was a symbolic game, and the legend respecting its origin shows that it was derived from the Latins. Pliny¹⁵ mentions that during the Latin holidays a race of four-horse chariots (*quadrigæ certant*) took place in the Capitol, in which the victor received a draught of absynthis.¹⁶ Although the Roman consuls were always present on the Alban Mount, and conducted the solemn sacrifice of an ox, yet we read that the superintendent of the *Latiniæ*, like that of other festivals, was given by the senate to the *ædiles*, who, therefore, probably conducted the minor sacrifices, the various games, and other solemnities.¹⁷ While the consuls were engaged on the Alban Mount, their place at Rome was filled by the *præfectus urbi*. (*Vid. PRÆFECTUS URBI*.)

The two days following the celebration of the Latin holidays were considered as *dies religiosæ*, so that no marriages could be contracted.¹⁸ From Dion Cassius we see that in his times the *feriæ Latiniæ* were still strictly observed by the Romans, whereas the Latin towns had, at the time of Cicero, almost entirely given up taking any part in them. The Romans seem to have continued to keep them down to the fourth century of our era.¹⁹

Feriæ Sementivæ, or *Sementina dies*, was kept up seedtime for the purpose of praying for a good

1. (Macrob., l. c., and iii., 3.—Virg., Georg., i., 270, with the remarks of J. H. Voss.—Cato, De Re Rust., 2.—Columella, ii., 22.—Compare Matth., xii., 11.—Luke, xiv., 5.)—2. (Suet., Aug., 21.)—3. (Capitol., M. Anton. Phil., c. 10.)—4. (Cod. 3, tit. 12.)—5. (Macrob., l. c.—Cic. ad Quint. Frat., ii., 4.)—6. (Dionys. Hal., iv., p. 250, Sylb.)—7. (Hist. of Rome, ii., p. 34.)—8. (Liv., v., 17.)—9. (Liv., xxi., 63.—Id., xxii., 1.—Id., xxv., 12.—Dion Cass., xvi., p. 356.)

1. (Cic. ad Quint. Fr., ii., 6.—Liv., xxii., 1.—Id., xli., 11.)—2. (Dionys. Hal., vi., p. 415, ed. Sylburg.—3. (Niebuhr, Hist. of Rome, ii., 35.—Compare Liv., vi., 42.—Plut., Camil., 42.)—4. (Dionys. Hal., iv., p. 250, Sylb.—Macrob., l. c.)—5. (Dionys. Hal., l. c.—Varro, De Ling. Lat., v., 3, p. 58, Bip.—Schol. Terent. in Cic., Orat. pro Planc., p. 255, &c., Orelli.)—6. (Cic. De Div., i., 11.)—7. (Fest., s. v. Oscillum.)—8. (H. N., xxv., 2.)—9. (Dionys. Hal., vi., p. 415.)—10. (Cic. ad Quint. Fr., 4.)—11. (Lactant. Instit. i., 21.)

lasted only for one day, which was fixed stiffly.¹

vendemiales lasted from the 22d of August to the 1st of October, and was instituted for the purpose of enabling the country people to get in the harvest and to hold the vintage.²

festiva were holidays kept during the hot months of summer, when many of the wealthier left the city and went into the country. It is to have been the same as the *messis* celebrated from the 24th of June till the 1st of

vacationæ are said to have been preparatory, or such as preceded the ordinary *feriæ*; they did not belong to the *feriæ*, and often the *dies atri*, they were on certain occasions used by the chief pontiff, and thus made *feriæ*.

FENNEL, the *ferula* or fennel-giant, *Ferula* L. Martyn³ describes it as "a large plant with the height of six or eight feet, the leaves cut into small segments, like those of the fennel. The stalk is thick, and full of pith, whence it is used by old and weak people to support them, on account of its lightness. The pith was used by the ancients as a medicine, and is said to be still employed for the same purpose in Sicily.⁷ According to the old classical writers, Prometheus, when he stole the fire from heaven, brought it to earth in the hollow of a *ferula*. The Greeks termed it, *νάρθηξ*. The flowers of the plant are yellow, and grow in large umbels, those of fennel. Fée⁸ thinks that the *ferula* Virgil ought rather to be identified with the *Orientalis* of Tournefort, which that traveller found very frequently in Greece. The *ferula* of Cyprus, at the present day, call the *νάρθηξ* name of *ἀνάθηκας*. Sibthorp says it is abundant in this island. The Latin term *ferula*, according to etymologists, from *ferire*, "to strike," because scholars were anciently corrected by their teachers. From the use of the stalk, the infliction must have been more stinging than painful. The *ferule* of the physician resembles the classical *ferula* in name, being capable of giving much greater pain than a willow-stick or branch would bear a much greater resemblance to the ancient instrument of punishment.⁹ Martial¹⁰ alludes to the custom of using the *ferula* for correction in the following

*ferulaque tristes, sceptrum pædagogorum
essent;*"

Martial¹¹ also says,

nos ergo manum ferula subduximus."

LA'GO (*ναρθήκιον*), a smaller species of

FESCENNINA, *scil.* carmina, one of the earliest forms of Italian poetry, which consisted of rude and unpolished verses, or, rather, dialogues of extempore nature, in which the merry country folks assailed one another.¹⁴ This amusement originally had been peculiar to country districts, but it was also introduced into the towns of Italy, and at Rome, where we find it mentioned as a custom in which young people indulged at various times.¹⁵ The *fescennina* were one of the popular amusements at various festivals, and on many

other occasions, but especially after the harvest was over. After their introduction into the towns, they seem to have lost much of their original rustic character, and to have been modified by the influence of Greek refinement;¹ they remained, however, in so far the same, as they were at all times irregular, and mostly extempore doggerel verses. Sometimes, however, *versus fescennini* were also written as satires upon persons.² That these raileries had no malicious character, and were not intended to hurt or injure, may be inferred from the circumstance that one person often called upon another to answer and retort in a similar strain. The *fescennina* are generally believed to have been introduced among the Romans from Etruria, and to have derived their name from Fescennia, a town of that country. But, in the first place, Fescennia was not an Etruscan, but a Faliscan town;³ and, in the second, this kind of amusement has at all times been, and is still, so popular in Italy, that it can scarcely be considered as peculiar to any particular place. The derivation of a name of this kind from that of some particular place was formerly a favourite custom, as may be seen in the derivation of *carmonia* from Cære. Festus⁴ endeavours to solve the question by supposing *fescennina* to be derived from *fascinum*, either because they were thought to be a protection against sorcerers and witches, or because *fascinum* (*phallus*), the symbol of fertility, had in early times, or in rural districts, been connected with the amusements of the *fescennina*. But, whatever may be thought of this etymology, it is of importance not to be misled by the common opinion that the *fescennina* were of Etruscan origin.

FESTUCA. (*Vid. SERVUS.*)

FETIALES, a college⁵ of Roman priests, who acted as the guardians of the public faith. It was their province, when any dispute arose with a foreign state, to demand satisfaction, to determine the circumstances under which hostilities might be commenced, to perform the various religious rites attendant on the solemn declaration of war, and to preside at the formal ratification of peace. These functions are briefly but comprehensively defined by Varro:⁶ "*Fetiales . . . fidei publica inter populos præerant: nam per hos fiebat ut iustum conciperetur bellum et inde desitum, ut fœdere fides pacis constitueretur. Ex his mittebantur, antequam conciperetur, qui res repeterent, et per hos etiam nunc fit fœdus,*" to which we may add the old law quoted by Cicero,⁷

"*Fœderum, pacis, belli, induciarum oratores Fetiales iudicesque sunt; bella disceptant.*" Dionysius⁸ and Livy⁹ detail at considerable length the ceremonies observed by the Romans in the earlier ages, when they felt themselves aggrieved by a neighbouring people. It appears that, when an injury had been sustained, four *fetiales*¹⁰ were deputed to seek redress, who again elected one of their number to act as their representative. This individual was styled the *pater patratus populi Romani*. A fillet of white wool was bound round his head, together with a wreath of sacred herbs gathered within the enclosure of the Capitoline Hill (*mid. VERBENÆ, SAGMINA*), whence he was sometimes named *Verbenarius*.¹¹ Thus equipped, he proceeded to the confines of the offending tribe, where he halted and addressed a prayer to Jupiter, calling the god to witness, with heavy imprecations, that his complaints were well-founded and his demands reasonable. He then crossed the border, and the same form was repeated in nearly the same words to the first native of the soil whom he might chance to

De Ling. Lat., v., 3, p. 58, Bip.—Id., De Re Rust., i., 3, Fast., i., 658, &c.—2. (Cod. 3, tit. 12.)—3. (Aul. Gell., i., 1.)—4. (Cod. 3, tit. 12, s. 2, 6.)—5. (Gell., iv., 6.)—6. (Eclog., x., 25.)—7. (Martyn, l. c.)—8. (Flors de vi.)—9. (Martyn, l. c.)—10. (Epig., x., 62.)—11. (Plin., H. N., xx., 23.)—12. (Liv., vii., 2.)—13. (Epist., ii., 1, 145.)—14. (Serr. ad Æn., vii., 695.—15. (Plin., H. N., xv., 22.)

1. (Vid. Virg., Georg., ii., 385, &c.—Tibull., II., i., 55.—Catull., 61, 27.)—2. (Macrob., Satur., ii., 4.)—3. (Niebuhr, Hist. of Rome, i., p. 136.)—4. (s. v.)—5. (Liv., xxxvi., 3.)—6. (De Ling. Lat., v. 86, ed. Müller.)—7. (De Leg., ii., 9.)—8. (ii., 72.)—9. (i., 32.)—10. (Varro ap. Non.)—11. (Plin., H. N., xxii., 2,

meet, again a third time to the sentinel or any citizen whom he encountered at the gate of the chief town; and a fourth time to the magistrates in the Forum in presence of the people. If a satisfactory answer was not returned within thirty days, after publicly delivering a solemn denunciation—in which the gods celestial, terrestrial, and infernal were invoked—of what might be expected to follow, he returned to Rome, and, accompanied by the rest of the fetiales, made a report of his mission to the senate. If the people,¹ as well as the senate, decided for war, the pater patratus again set forth to the border of the hostile territory, and launched a spear tipped with iron, or charred at the extremity and smeared with blood (emblematic, doubtless, of fire and slaughter) across the boundary, pronouncing, at the same time, a solemn declaration of war. The demand for redress and the proclamation of hostilities were alike termed *clarigatio*, which word the Romans in later times explained by *clare repetere*;² but Götting³ and other modern writers connect it with the Doric form of *κῆρυξ* and *κῆρύκειον*.

Several of the formulæ employed on these occasions have been preserved by Livy⁴ and Anus Gellius,⁵ forming a portion of the *Jus Fetiale* by which the college was regulated. The services of the fetiales were considered absolutely essential in concluding a treaty;⁶ and we read that, at the termination of the second Punic war, fetiales were sent over to Africa, who carried with them their own verbenæ and their own flint-stones for smiting the victim. Here also the chief was termed *pater patratus*.⁷

The institution of these priests was ascribed by tradition, in common with other matters connected with religion, to Numa;⁸ and although Livy⁹ speaks as if he attributed their introduction to Ancus Marcius, yet in an earlier chapter¹⁰ he supposes them to have existed in the reign of Hostilius. The whole system is said to have been borrowed from the Æquicolæ or the Ardeates,¹¹ and similar usages undoubtedly prevailed among the Latin states; for it is clear that a formula, preserved by Livy,¹² must have been employed when the pater patratus of the Romans was put in communication with the pater patratus of the Prisci Latini.

The number of the fetiales cannot be ascertained with certainty, but some have inferred, from a passage quoted from Varro by Nonius,¹³ that it amounted to twenty, of whom Niebuhr supposes ten were elected from the Ramnes and ten from the Titienses; but Götting¹⁴ thinks it more probable that they were at first all chosen from the Ramnes, as the Sabines were originally unacquainted with the use of fetiales. They were originally selected from the most noble families; their office lasted for life;¹⁵ and it seems probable that vacancies were filled up by the college (*co-optatione*) until the passing of the lex Domitia, when, in common with most other priests, they would be nominated in the comitia tributa. This, however, is nowhere expressly stated.

The etymology of *fetialis* is uncertain. Varro would connect it with *fidus* and *fedus*; Festus with *ferio* or *facio*; while some modern scholars suppose it to be allied to *φημί*, and thus *φητιάλες* would be *oratores, speakers*. In inscriptions we find both *fetialis* and *facialis*; but since, in Greek MSS., the word always appears under some one of the forms *φητιάλες*, *φειτιάλες*, *φειτιάλες*, the orthography we have adopted in this article is probably correct.

The explanation given by Livy¹⁶ of the origin of

the term *Pater Patratus* is satisfactory: "*Pater Patratus ad jurjurandum patrandum, id est, sanciedum fit fedus*;" and we may at once reject the speculations of Servius¹ and Plutarch,² the former of whom supposes that he was so called because it was necessary that his father should be alive, the latter that the name indicated that his father was living, and that he himself was the father of children.

FIBULA (*περόνη, περονίς, περονητρίς*: *πόρπη, έτε παρπίς*; *ένετή*), a Brooch, consisting of a pin (*ακμή*) and of a curved portion furnished with a hook (*κλεις*).³ The curved portion was sometimes a circular ring or disc, the pin passing across its centre (woodcut, figs. 1, 2), and sometimes an arc, the pin being as the chord of the arc (fig. 3). The forms of brooches, which were commonly of gold or bronze, and more rarely of silver,⁴ were, however, as various in ancient as in modern times; for the fibula served in dress, not merely as a fastening, but also as an ornament.⁵



Women wore the fibula both with the *Amictus* and the *indutus*; men wore it with the *amictus* only. Its most frequent use was to pin together two parts of the scarf (*vid. CιΛΑΜΥΣ*), shawl, or blanket, which constituted the *amictus*, so as to fasten it over the right shoulder.⁶ (Woodcuts, p. 11, 15, 78, 171, 227, 235, 244, 291.) More rarely we see it over the breast. (Woodcuts, p. 47, 186, 235.) The epithet *έτερόπορπος* was applied to a person wearing the fibula on one shoulder only;⁷ for women often wore it on both shoulders. (Woodcuts, p. 96, 218, 227.) In consequence of the habit of putting on the *amictus* with the aid of a fibula, it was called *περόνη* or *έμπερόνημα*,⁸ *πόρπημα*,⁹ or *άμπερόνη περόνη*.¹⁰ The splendid shawl of Ulysses, described in the *Odyssey*,¹¹ was provided with two small pipes for admitting the pin of the golden brooch; this contrivance would secure the cloth from being torn. The highest degree of ornament was bestowed upon brooches after the fall of the Western Empire. Justin II.,¹² and many of the emperors who preceded him, as we perceive from the portraits on their medals, wore upon their right shoulders fibulae, from which jewels, attached by three small chains, depended.¹³

It has been already stated that women often wore the fibula on both shoulders. In addition to this a lady sometimes displayed an elegant row of brooches down each arm upon the sleeves of her tunic,¹⁴ examples of which are seen in many ancient statues. It was also fashionable to wear them on the breast;¹⁵ and another occasional distinction of female attire, in later times, was the use of the fibula in tucking up the tunic above the knee.

Not only might slight accidents to the person arise from wearing brooches,¹⁶ but they were some-

1. (ad *Æn.*, ix., 53; x., 14; xii., 206.)—2. (Q. R., p. 127, ed. Reiske.)—3. (Hom., *Od.*, xviii., 293.)—4. (Ælian, V, H., i., 12.)—5. (Hom., *Od.*, ix., 256, 257.—Eurip., *Phœn.*, 621.—Soph., *Trach.*, 922.—Theocrit., xiv., 66.—Ovid, *Met.*, vii., 82.—Tacit., *German.*, 17.)—6. (Schol. in Eurip., *Hec.*, 933, 924.)—7. (Theocrit., *Adon.*, 34, 79.)—8. (Eurip., *Electr.*, 823.)—9. (Brunck, *Anal.*, ii., 28.)—10. (ix., 225-231.)—11. (Compagnon, p. 122.)—12. (Beger, *Thes. Pal.*, p. 407, 408, &c.)—13. (Ælian, V, H., i., 18.)—14. (Ibid., *Orig.*, ix., 30.)—15. (Hann., R., * 426.)

used, especially by females, to inflict serious wounds. The pin of the fibula is the instrument which the Phrygian women employ to deprive Pottor of his sight, by piercing his pupils,¹ and which the Athenian women, having first blinded him, then despatch him.² Œdipus strikes the eyes of his own eyeballs with a brooch: taken from the eyes of Jocasta.³ For the same reason, *περονίω* is used to pierce as with a fibula (*περόνησε*, "pinned

large brooches are sometimes discovered, especially intended to hold up curtains or tapestry. (*ΚΑΡΠΕΣ, VELUM.*)

Brooches were succeeded by buckles, especially by the Romans, who called them by the same name.

The preceding woodcut shows on the right the forms of four bronze buckles from the collection in the British Museum. This article of dress was chiefly used to fasten the belt (*vid. BALTEUS*) or the girdle (*vid. ΖΩΝΑ*).⁴ It appears to have been a general, much more richly ornamented than iron; for, although Hadrian was simple and frugal, he was assive in this as well as in other matters of dress,⁵ yet many of his successors were exceedingly prone to display buckles set with jewels (*fibulæ matæ*).

Terms which have now been illustrated as articles of dress, were also used to denote variously introduced in carpentry; *e. g.*, the pins of a chariot;⁶ the wooden pins inserted in the sides of a boat, to which the sailors fasten their lines or ropes;⁷ the trenails which fasten the posts and planks of a wooden bridge;⁸ pins fixed into the top of a wooden triangle, to serve as a mechanical engine.¹⁰

The practice of infibulating singers, alluded to by Martial, is described in Rhodius (*De Musica* and Pitiscus).

TILE (*κεράμος, κερύμιον, δστρακον, δστράκιον*) earthenware, a vessel or other article made of clay.

The instruments used in pottery (*ars figulina*) are the following: 1. The wheel (*τροχός, orbis, rota figularis*¹¹), which is mentioned by Horace and is among the most ancient of all human inventions. According to the representations of it on the walls of Egyptian tombs,¹² it was a circular disc placed on a cylindrical pedestal, and turning on a point. The workman, having placed a lump of clay upon it, whirled it swiftly with his left hand and employed his right in moulding the clay into the requisite shape. Hence a dish is called "the work of the wheel" (*τροχηλάτος κόρη*¹⁴). 2. Piecer, a stick of wood or bone, which the potter (*κεραμεύς*) held in his right hand, and applied occasionally to the surface of the clay during its revolution. The piecer, touching the clay, would inscribe a line upon it; and circles were in this manner described, parallel to one another, and in any number, according to the fancy of the artist. By having the piecer the stick curved or indented, and by turning it in different directions, he would impress many different varieties of form and outline upon his vessels.

Moulds (*φορμα, τύποι*¹⁵), used either to decorate figures in relief (*πρόστυπα*) vessels which were thrown on the wheel, or to produce foliage, flowers, or any other appearances on ANTEFIXA, on the surface of terra-cotta, and imitative or ornamental

pottery of all other kinds, in which the wheel was not adapted to give the first shape. The annexed woodcut shows three moulds, which were found near Rome by M. Seroux d'Agincourt.¹ They are cut in stone. One of them was probably used for making antefixa, and the other two for making



hearts and legs, designed to be suspended by poor persons "ex voto" in the temples and sanctuaries. (*Vid. DONARIA.*) Copies of the same subject, which might, in this manner, be multiplied to any extent, were called "ectypa." 4. Gravers or scalpels, used by skilful modellers in giving to figures of all kinds a more perfect finish and a higher relief than could be produced by the use of moulds. These instruments, exceedingly simple in themselves, and deriving their efficiency altogether from the ability and taste of the sculptor, would not only contribute to the more exquisite decoration of earthen vessels, but would be almost the only tools applicable for making "Dii fictiles," or gods of baked earth, and other entire figures.² These were among the earliest efforts of the plastic art, and even in times of the greatest refinement and luxury they continued to be regarded with reverence.

Vessels of all kinds were very frequently furnished with at least one handle (*ansa, οἶα, ὄξ*). The AMPHORA was called ΔΙΟΤΑ because it had two. The name of the potter was commonly stamped upon the handle, the rim, or some other part. Of this we have an example in the amphora, adapted for holding grain or fruits, oil or wine, which is here introduced from the work of Seroux d'Agincourt. The figure on the right hand shows the name in the genitive case, "Maturi," impressed on an oblong surface, which is seen on the handle of the amphora.



The earth used for making pottery (*κεράμικη γῆ*³) was commonly red, and often of so lively a colour as to resemble coral. Vauquelin found, by analysis, that a piece of Etruscan earthenware contained the following ingredients: silica, 53; alumina, 15; lime 8; oxide of iron, 24. To the great abundance

1. Herod., v., 87.—Schol. in Eurip., 1.—3. (Soph., Œd. Tyr., 1269.—Eurip., Phœn., 62.)—4. Il., vii., 145; xiii., 397.—5. (Virg., Æn., xii., 274.—6. Mag. Rom., ii., 13.—Isid., l. c.)—6. (Spartian., Vit. 9.)—7. (Parthen., 6.)—8. (Apoll. Rhod., l., 567.)—9. B. G., iv., 17.—10. (Vitruv., x., 2.)—11. (Plaut., Epid., 1.)—12. (Il., xviii., 600.)—13. (Wilkinson's Manners and Customs, p. 163.)—14. (Xenophon ap. Athen., ii., p. 64.)—15. (Aristoph., Eccles., 1.)

1. (Recueil de Fragmens, p. 88-92.)—2. (Propert., ii., 3, 25.—Id., iv., 1, 5.—Plin., II. N., xxxv., 45, 46.—Sen. Cons. ad Alb. 10.—ἀγάλα μωρα ἐκ πηλοῦ, ὀστῆς γῆς; Paus., i., 2, 4.—Id., i., 3.—Id., vii., 22, 6.)—3. (Geopon., ii., 49.)

of the last constituent the deep red colour is to be attributed: Other pottery is brown or cream-coloured, and sometimes white. The pipe-clay, which must have been used for white ware, is called "figlina creta."¹ Some of the ancient earthenware is throughout its substance black, an effect produced by mixing the earth with comminuted asphaltum (*gagates*), or with some other bituminous or oleaginous substance. It appears, also, that asphaltum, with pitch and tar, both mineral and vegetable, was used to cover the surface like a varnish. In the finer kinds of earthenware this varnish served as a black paint, and to its application many of the most beautiful vases owe the decorations which are now so highly admired.² But the coarser vessels, designed for common purposes, were also smeared with pitch, and had it burned into them, because by this kind of encaustic they became more impervious to moisture and less liable to decay.³ Hence a "colium picatum fictile" was used, as well as a glass jar, to hold pickles.⁴ Also the year of the vintage was inscribed by the use of pitch, either upon the amphoræ themselves, or upon the labels (*pittacia, schedia*) which were tied round their necks.⁵ Although oily or bituminous substances were most commonly employed in pottery, to produce, by the aid of fire (*ἐν δὲ μελανθεῖεν*⁶), the various shades of black and brown, the vessels, before being sent for the last time to the furnace (*vid. FORNAX*), were sometimes immersed in that finely-prepared mud, now technically called "slip," by which the surface is both smoothed and glazed, and at the same time receives a fresh colour. Ruddle, or red ochre (*μίλτος, rubrica*), was principally employed for this purpose.⁷ To produce a farther variety in the paintings upon vases, the artists employed a few brightly-coloured earths and metallic ores.

As we might expect concerning an art so indispensable as that of the potter, it was practised to a great extent in every ancient nation; even the most uncivilized not being strangers to it, and sometimes displaying a surprising degree of dexterity. The remains of an ancient pottery have been found in Britain, and some of the potters' names, preserved on their works, are probably British. We are told of a place called the Potteries (*Figlina*) in Gaul. Numa instituted a corporation of potters at Rome.⁸ Mention has already been made of Egypt, and there are frequent allusions to the art in the ancient writings of the Jews. We also read of its productions in Tralles, Pergamus, Cnidus, Chios, Sicyon, Corinth, Cumæ, Adria, Modena, and Nola, from which city the exports of earthenware were considerable, and where some of the most exquisite specimens are first discovered. But three places were distinguished above all others for the extent and excellence of this beautiful manufacture: 1. Samos, to which the Romans resorted for the articles of earthenware necessary at meals, and intended for use rather than display.⁹ 2. Athens, a considerable part of which was called Ceramicus, because it was inhabited by potters. In this quarter of the city were temples dedicated to Athena, as presiding over every kind of handicraft, and to the two fire-gods, Hephaistos and Prometheus, the latter of whom was also the mythical inventor of the art of modelling. Various traditions respecting Coræbus and others point to the early efforts of the Athenian

potters;¹ and it is a remarkable circumstance that the enemies of free trade, and especially of the Persian influence at Ægina and Argos, imposed strictions on the use of these productions.² Athenian ware was of the finest description—master-pieces were publicly exhibited at the *ΠΡΩΤΗΝΕΑ*, and were given, filled with oil, to victors at the games; in consequence of which, now read on some of them, in the British Museum and other collections, the inscription *Τῶν Ἀθηνῶν ἄβλων*, or other equivalent expressions.³

Many other specimens were presents given to relations and friends on particular occasions, and often distinguished by the epithets *καλός* and *καλὸς* added to their names. A circumstance which contributed to the success of the Athenians in this manufacture, was a mine of fine potters' clay in the Colian Promontory, near Phalerum.⁴ The article made from it became so fashionable, that Plutarch, describing an act of extreme folly, compares it to that of the man who, having swallowed poison, refuses to take the antidote unless it be administered to him in a cup made of Colian clay. Some of the "Panathenæic" vases, as they were called, are two feet in height, which accords with what is said by ancient authors of their uncommon size.⁵ A diot was often stamped upon the coins of Athens, in allusion to the facts which have now been explained. 3. Etruria, especially the cities of Aretium and Tarquinii. While the Athenian potters excelled in others in the manufacture of vessels, the Tuscan besides exercising this branch of industry to a great extent, though in a less tasteful and elaborate manner, were very remarkable for their skill in producing all kinds of statuary in baked clay. Even the most celebrated of the Roman temples were adorned both within and without, by the aid of these productions. The most distinguished among them was an entire quadriga, made at Veii, which surmounted the pediment of the Temple of Jupiter Capitolinus.⁷ The Etrurians also manifested their partiality to this branch of art by recurring to it for the purpose of interment; for while Pliny mentions⁸ that many persons preferred to be buried in earthen jars, and in other parts of Italy the bones of the dead have been found preserved in amphoræ, Etruria alone has afforded examples, some of them now deposited in the British Museum, of large sarcophagi made wholly of terra-cotta, and ornamented with figures in bas-relief and with recumbent statues of the deceased.

Among many qualities which we admire in the Greek pottery, not the least wonderful is its lightness (*λεπτή*) and consequent lightness, notwithstanding the great size of the vessels, and the perfect regularity and elegance of their forms. That it was an object of ambition to excel in this respect we learn from the story of a master and his pupil who contended which could throw the thinnest clay, and whose two amphoræ, the result of the trial, were preserved in the temple at Erythræ.

The Greeks and Romans contented themselves with using earthenware on all occasions until the time of Alexander the Great: the Macedonian conquests introduced from the East a taste for vessels of gold and silver, in which, however, the Spartans refused to indulge themselves. The Persians, on the contrary, held earthenware in so low estimation, that they condemned persons to drink out of

1. (Varro, *De Re Rust.*, iii., 9.)—2. (Plin., *H. N.*, xxxv., 24.)—3. (Hor., *Carm.*, i., 20, 3.—Plin., *H. N.*, xiv., 20, 21.)—4. (Colum., *De Re Rust.*, xii., 18, 54.)—5. (Plaut., *Epid.*, iv., 2, 13.—Hor., *Carm.*, iii., 21, 1-5.)—6. (Hom., *Epiq.*, xiv., 3.)—7. (Suid., s. v. *Κυλάδος κεραμῆες*.)—8. (Plin., *H. N.*, xxxv., 46.)—9. (Plaut., *Bacch.*, ii., 2, 24.—Stich., v., 4, 12.—Tibull., ii., 3, 51.—Cic., *Pro Murena*, 36.—Plin., *H. N.*, xxxv., 46.—Tertull., *Apol.*, 25.—Auson., *Epiq.*)

1. (Plin., *H. N.*, vii., 57.—*Id.*, xxxv., 45.—Critias ap. Athen. i., p. 28, C.)—2. (Herod., v., 88.)—3. (Pind., *Nem.*, x., 35.—Schol. and Böckh, ad loc.—Böckh, *Corp. Inscript. Gr.*, p. 49.)—4. (Suid., l. c.—Athen., xi., p. 482.)—5. (De Audit.)—6. (Athen., xi., p. 495.—Böckh in *Pind.*, *Frag.*, No. 89.)—7. (Plin., *H. N.*, xxviii., 2.—*Id.*, xxxv., 45.—*Id.*, xxxvi., 2.—E. O. Müllers *Etrusker*, iv., 3, 1, 2.)—8. (*H. N.*, xxxv., 46.)—9. (Plat., *Apophth.*)—10. (Plin., *H. N.*, xxxv., 46.)

as a punishment.¹ But, although they deviated from the ancient simple a great display of the more splendid essels, yet they continued to look upon only with respect, but even with veneration called to mind the magnanimity of Curius, who preferred the use of his enware to the gold of the Samnites;² and some of their consecrated terra-cotta, especially the above-mentioned quadriga, safeguards of their imperial city;³ and, and associations and the traditions of their story, they considered earthen vessels religious ceremonies, although gold and it be admitted in their private entertainer Pliny says⁴ that the productions of "both in regard to their skillful fabrica- their high antiquity, were more sacred, ly more innocent, than gold." term, often used as synonymous with *testa*. (Vid. CULIX, DOLIUM, LATER, PA- SA, TEGULA.)

Fictions in Roman law are like fig- fish law, of which it has been said that those things that have no real essence in body, but are so acknowledged and ac- for some especial purpose." The fic- Roman law apparently had their original power, and they were devised for the providing for cases where there was no provision. A fiction supposed something was not; but the thing supposed to be a thing as, being admitted to be a fact, ne person a right, or imposed on some ty. Various instances of fictions are by Gaius. One instance is that of a had obtained the bonorum possessio ex he was not heres, he had no direct ac- could neither claim the property of the des (legal) property, nor could he claim a s the defunct as his (legal) debt. He ough his suit (*intendit*) as heres (*facto* and the formula was accordingly adapted n. In the Publiciana Actio, the fiction e possessor had obtained by usucapion ip of the thing of which he had lost the

A woman by *coemptio*, and a male by ated, ceased, according to the civil law, rs, if they were debtors before; for by io and *adrogatio* they had sustained a ntio, and there could be no direct ac- t them. But as this *capitis diminutio* ade available for fraudulent purposes, an was still allowed against such persons, eing that they had sustained no *capitis*

The formula did not (as it appears from res the fiction as a fact, but it ran thus: ppear that such and such are the facts n issue), and that the party, plaintiff or ould have such and such a right, or be ch and such a duty, if such and such (the facts supposed) were true; et re-

a fiction that the notion of legal capacity led to artificial persons, that is, to such were merely supposed to exist for legal (Vid. COLLEGIUM, FISCUS.) Numerous fictions occur in the chapters entitled *Personen* in Savigny's recent work, enti- *des heut R. R.*, vol. ii.

the Fig-tree (*συκή*), and also its fruit (*σῦ-*

κον). "The *συκή* of Theophrastus and Dioscorides is properly the *Ficus Carica*. The wild Fig-tree is called *ἐπιπέος* by Homer, and Eustathius, the commentator on that poet, describes pretty accurately the process of caprifigation. The *συκή Αἰγυπτίη*, called also *κερώνια*, is the *Ficus Religiosa*, according to Stackhouse; Schneider, however, makes it the *Ceratonia Siliqua*, L., or Carob-tree. The *συκή Ἀλεξανδρία* is the *Pyrus Amelanchier* according to Sprengel, but the *Lonicera Pyrenaica* according to Stackhouse. The *συκή Ἰνδική* is the *Ficus Indica*, or Banyan, according to Sprengel, but, as Stackhouse maintains, the *Rhizophora Mangle*, or Mangrove.¹ The Banyan, or Indian Fig-tree, is noticed by Theophrastus, Pliny, Strabo, Solinus, Diodorus Siculus, Quintus Curtius, Arrian, and Athenæus. This tree forms a conspicuous object in Hindu mythology. The branches, after projecting to a certain distance, drop and take root in the earth. These branches, in their turn, become trunks, and give out other branches, and thus a single tree forms a little forest." "The fig," says Adams, in his Commentary on Paul of A'gina, "was a great favourite with the ancients. Galen states that it is decidedly nutritious, but that the flesh formed from it is not firm and compact, like that from pork and bread, but soft and spongy, like that from beans. He says that figs increase the urinary and alvine discharges. Galen speaks doubtfully of dried figs."

FIDEICOMMISSUM may be defined to be a testamentary disposition, by which a person who gives a thing to another imposes on him the obligation of transferring it to a third person. The obligation was not created by words of legal binding force (*civilia verba*), but by words of request (*precative*), such as "fideicommitto," "peto," "volo dari," and the like; which were the operative words (*verba utilia*). If the object of the fideicommissum was the hereditas, the whole or a part, it was called *fideicommissaria hereditas*, which is equivalent to a universal fideicommissum; if it was a single thing or a sum of money, it was called *fideicommissum singulæ rei*. The obligation to transfer the former could only be imposed on the heres; the obligation of transferring the latter might be imposed on a legatee.

By the legislation of Justinian, a fideicommissum of the hereditas was a universal succession; but before his time the person entitled to it was sometimes "heredis loco," and sometimes "legatarii loco." The heres still remained heres after he had parted with the hereditas. Though the fideicommissum resembled a vulgar substitution, it differed from it in this: in the case of a vulgar substitution, the substituted person only became heres when the first person named heres failed to become such; in the case of the fideicommissum, the second heres had only a claim on the inheritance when the person named the heres had actually become such. There could be no fideicommissum unless there was a heres.

The person who created the fideicommissum must be a person who was capable of making a will; but he might create a fideicommissum without having made a will. The person who was to receive the benefit of the fideicommissum was the fideicommissarius; the person on whom the obligation was laid was the fiduciarius. The fideicommissarius himself might be bound to give the fideicommissum to a second fideicommissarius. Originally the fideicommissarius was considered as a purchaser (*emptoris loco*); and when the heres transferred to him the hereditas, mutual covenants (*cautiones*) were entered into, by which the heres was

vi., p. 229. C.—Id., xi., 464. A.—Id., 483. C., D.)
Iet., viii., 690.—Cic. ad Att., vi., l.—Juv., iii.,
25.—3. (Florus, l., 18.)—4. (Serv. ad Virg., Æn.,
[Tertull., l. c.]—6. (H. N., xxxv., 46.)—7. (Gaius,

1 (Adams, Append., s. v. *συκή*.)

not to be answerable for anything which he had been bound to do as heres, nor for what he had given bona fide; and if an action was brought against him as heres, he was to be defended. On the other hand, the fideicommissarius (*qui recipiebat hereditatem*) was to have whatever part of the hereditas might still come to the hands of the heres, and was to be allowed to prosecute all rights of action which the heres might have. But it was enacted by the *senatus consultum Trebellianum*, in the time of Nero, that when the heres had given up the property to the fideicommissarius, all right of action by or against the heres should be transferred to the fideicommissarius. The prætor accordingly gave utiles actiones to and against the fideicommissarius, which were promulgated by the edict. From this time the heres ceased to require from the fideicommissarius the covenants which he had formerly taken as his security against his general liabilities as heres.

As fideicommissa were sometimes lost because the heres would not accept the inheritance, it was enacted by the *senatus consultum Pegasianum*, in the time of Vespasian, that the fiduciarius might retain one fourth of the hereditas, and the same power of retainer was allowed him in the case of single things. In this case the heres was liable to all debts and charges (*onera hereditaria*); but the same agreement was made between him and the fideicommissarius which was made between the heres and the *legatus partiaris*, that is, the profit or loss of the inheritance was shared between them according to their shares (*pro rata parte*). Accordingly, if the heres was required to restore not more than three fourths of the hereditas, the *senatus consultum Trebellianum* took effect, and any loss was borne by him and the fideicommissarius in proportion to their shares. If the heres was required to restore more than three fourths of the whole, the *senatus consultum Pegasianum* applied. If the heres refused to take possession of (*adire*) the hereditas, the fideicommissarius could compel him, by application to the prætor, to take possession of it, and to restore it to him; but all the costs and charges accompanying the hereditas were borne by the fideicommissarius.

Whether the heres was sole heir (*ex asse*), and required to restore the whole or a part of the hereditas, or whether he was not sole heir (*ex parte*), and was required to restore the whole of such part, or a part of such part, was immaterial: in all cases, the S. C. Pegasianum gave him a fourth.

By the legislation of Justinian, the *senatus consultum Trebellianum* and Pegasianum were consolidated, and the following rules were established: The heres who was charged with a universal fideicommissum always retained one fourth part of the hereditas, now called *Quarta Trebellianica*, and all claims on behalf of or against the hereditas were shared between the fiduciarius and fideicommissarius, who was considered *heredis loco*. If the fiduciarius suffered himself to be compelled to take the inheritance, he lost his *Quarta*, and any other advantage that he might have from the hereditas. If the fiduciarius was in possession, the fideicommissarius had a personal *actio ex testamento* against him for the hereditas. If not in possession, he must at least verbally assent to the claim of the fideicommissarius, who had then the *hereditatis petitio fideicommissaria* against any person who was in possession of the property.

The *Quarta Trebellianica* is, in fact, the *Falcidia*, applied to the case of universal fideicommissa. Accordingly, the heres only was entitled to it, and not a fideicommissarius, who was himself charged with a fideicommissum. If there were several heredes

charged with fideicommissa, each was entitled to a quarta of his portion of the hereditas. The heres was entitled to retain a fourth out of the hereditas, not including therein what he took as legatee.

The fiduciarius was bound to restore the hereditas at the time named by the testator, or, if no time was named, immediately after taking possession of it. He was entitled to be indemnified for all proper costs and charges which he had sustained with respect to the hereditas; but he was answerable for any damage or loss which it had sustained through his culpa.

Res singulæ might also be the objects of a fideicommissum, as a particular piece of land, a slave, a garment, piece of silver, or a sum of money; and the duty of giving it to the fideicommissarius might be imposed either on the heres or on a legatee. In this way a slave also might receive his liberty, and the request to manumit might be addressed either to the heres or the legatarius. The slave, when manumitted, was the *libertus* of the person who manumitted him. There were many differences between fideicommissa of single things and legacies. A person about to die intestate might charge his heres with a fideicommissum, whereas a legacy could only be given by a testament, or by a codicil which was confirmed by a proper declaration of the testator in a will; but a fideicommissum could be given by a simple codicil not so confirmed. A heres instituted by a will might be requested by a codicil, not as confirmed as above, to transfer the whole hereditas or a part, to a third person. A woman who was prevented by the provisions of the *Vocconia lex* from taking a certain hereditas, might take it as a fideicommissum. The Latini, also, who were prohibited by the *lex Junia* from taking hereditates and legacies by direct gift (*directo jure*), could take by *obsequia* fideicommissa. It was not legal to name a person as heres, and also to name another who, after the death of the heres, should become heres; but it was lawful to request the heres, on his death, to transfer the whole or a part of the hereditas to another. In this way a testator indirectly exercised a testamentary power over the property for a longer period than the law allowed him to do directly. A man sued for a legacy per formulam; but he sued for a fideicommissum before the consul or prætor for fideicommissa at Rome, and in the provinces before the *proconsul*. A fideicommissum was valid if given in the Greek language, but a legacy was not until a late period.

It appears that there were no legal means of enforcing the due discharge of the trust called fideicommissum till the time of Augustus, who gave the consuls jurisdiction in fideicommissa. In the time of Claudius, prætores fideicommissarii were appointed: in the provinces, the *presides* took cognizance of fideicommissa. The consuls still retained their jurisdiction, but only exercised it in important cases.¹ The proceeding was always *extra ordinem*.² Fideicommissa seem to have been introduced in order to evade the civil law, and to give the hereditas, or a legacy, to a person who was either incapacitated from taking directly, or who could not take as much as the donor wished to give. Gaius, when observing that peregrini could take fideicommissa, observes that "this" (the object of evading the law) "was probably the origin of fideicommissa;" but by a *senatus consultum* made in the time of Hadrian, such fideicommissa were claimed by the *fiscus*. They are supposed to be the *commendationes mortuorum* mentioned by Cicero.³ We have an example in the case of Q. P. Rufus,⁴ who, being an exile, was legally incapacitated from taking anything under the will of a Roman citizen, but could claim

1. (Quintil., *Instit.*, iii., 6.)—2. (Gaius, ii., 229.—Ulp., *Fræg.*, tit. 25, a. 12.)—3. (De *Fisc.*, iii., 20.)—4. (Val. Max., iv., 2, §

mother, who was the heres fiduciarius. also adopted in the case of gifts to women to evade the lex Voconia (*vid.* VOCONIA in the case of proscribed persons; ¹ incert. Latini, peregrini, cœlibes, orbi. But the insulturn Pegasianum destroyed the capabilities and orbi to take fideicommissa, and to those persons mentioned in the will children, and in default of such to the person in the case of hereditates and legata.

CADUCA.) Municipia could not take as *d. COLLEGIIUM*; but by the senatus consultum, which was probably passed in Hadrian, they could take a fideicommissum. ² (*Vid.* HEREDITAS.) Fideicommissa were assimilated to legacies. (*Vid.* LEGATUM.)

INTERCESSIO. (*Vid.* INTERCESSIO.)

OMISSIO. (*Vid.* INTERCESSIO.)

LYRA.) *LÆ* is said to have been an instrument consisting of a number of strings. According to some modern writers, it was the same as the lyra, or, at all events, formed part of it. (*Vid.* LYRA.) The term, however, appears to refer to any strings, whether forming part of an instrument or not, by which the limbs or extremities were tied tightly. ⁴

A. If a man transferred his property to another on condition that it should be restored to him, the contract was called *fiducia*, and the person to whom the property was so transferred was called *fiduciarius*. ⁵ A man might transfer his property to another for the sake of greater security, or for other sufficient reason. ⁶ The contract of *fiducia* or *pactum fiduciæ* also extended to the case of *pignus*, and in the case of mancipium. (*Vid.* EMANCIPATIO.) The hereditas could be an object of *fiducia*. (*Vid.* FIDEICOMMISSUM.) The trustee was bound to discharge his duty in storing the thing: if he did not, he was liable to an *actio fiduciæ* or *fiduciaria*, which was called *næ fidei*. ⁷ If the trustee was condemned on the consequence was *infamia*. Citizens were liable to the *judicium fiduciæ* with that *infamia*, as "*judicia summa existimatio capitis*," ⁸ where he is evidently alluding to the consequence of *infamia*. ⁹

The object for which a thing was transferred to another was attained, a *remancipatio* of the thing which required to be transferred by mancipium or in *jure cessio* was necessary; and in the case of a particular contract (*pactum fiduciæ*) the thing was transferred in the formula of mancipium. If no mancipium took place, but only a simple *restitutio*, as necessary to restore the thing to the Quiritarian owner, and this was called *usureceptio*. The *fiducia* might be accompanied with a *stipulatio* by virtue of which the *fiducia* might cease, and thus the *fiducia* was connected with the *commissoria lex*, as we see in Paulus ¹⁰ who says "*fiducia commissa*," which may be referred to *COMMISSUM*. ¹²

ACTIO. (*Vid.* ACTIO.)

FICTILE.)

FERN. The general resemblance which the *Ferns* have to one another, has led ancient writers to apprehend that the an-

cients did not distinguish very nicely between them. The *πίρις* of the Greeks, therefore, though Sprengel sets it down for the *Aspidium Filix mas.* was probably not restricted to it. ¹ The *Filix* of Virgil appears to have been the *Pteris Aquilina*, L. Land which abounds with fern is always very poor. ² The Latin name *filix* was given to this plant in allusion to the radical fibres, which resemble so many threads (*fila*). The Greek name is derived from *περὼν*, "a wing," because the leaves are pinnated and expanded like wings. The specific appellation given by Linnæus to the female Fern, namely, *Aquilina*, is said to be derived from the following remarkable circumstance, that when the root of this plant is cut transversely, it presents a very exact representation of an eagle (*aquila*) with two heads. Hence this species of Fern is called in Germany the "*Imperial*." ³

FIMBRIÆ (*κροσσοί*; *Ionice*, *θύσανοι*, Greg. Corinth.), thrums; tassels; a fringe.

When the weaver had finished any garment on the loom (*vid.* TELA), the thrums, *i. e.*, the extremities of the threads of the warp, hung in a row at the bottom. In this state they were frequently left, being considered ornamental. Often, also, to prevent them from ravelling, and to give a still more artificial and ornamented appearance, they were separated into bundles, each of which was twisted (*στρεπτοῖς θύσανοις*), and tied in one or more knots. The thrums were thus, by a very simple process, transformed into a row of tassels. The linen shirts found in Egyptian tombs sometimes show this ornament along their lower edge, and illustrate, in a very interesting manner, the description of these garments by Herodotus. ⁵ Among the Greeks and Romans, fringes were seldom worn except by females (*κροσσωτὸν χιτῶνα*). ⁶ Of their manner of displaying them, the best idea may be formed by the inspection of the annexed woodcut, taken from a small bronze, representing a Roman lady who wears an inner and an outer tunic, the latter being fringed, and over these a large shawl or pallium.



Among barbarous nations, the amictus was often worn by men with a fringe, as is seen very conspicuously in the group of Sarmatians at p. 171. By crossing the bundles of thrums, and tying them at the points of intersection, a kind of network was produced, and we are informed of a fringe of this description, which was, moreover, hung with bells. ⁷

1. (Adams, Append., s. v.)—2. (Martyn ad Virg., Georg., ii., 189.)—3. (Fée, Flore de Virgile, p. lvi.)—4. (Brunck, Anal., i., 416.)—5. (ii., 81.)—6. (Brunck, ii., 525.—Jacobs, &c., ad loc.—Pollux, vii., 64.—Sueton., Jul., 45.)—7. (Diod. Sic., xlviii., 26)

1. (Ulp., Frag., tit. 22, s. 5.—Plin., i., 47.)—2. (Ulp., Frag., tit. 22, s. 5.—Plin., i., 47.)—3. (Gaius, ii., 247—250.—Ulp., Frag., tit. 25.)—4. (Sueton., Tib., 62; Cal., 33.—Cod. Theodos., Sigonius, De Ind., iii., 17.)—5. (Cic., Top., c. 10.)—6. (Cic., Off., iii., 15.—Id., ad Fam., vii., 1, c. 6.)—7. (Cic., Off., iii., 15.—Id., ad Fam., vii., 1, c. 6.)—8. (Cic., Off., iii., 15.—Id., ad Fam., vii., 1, c. 6.)—9. (Compare Savigny, ii., 176.)—10. (Sent. Recept., ii., tit. 13.)—11. (Pro Ros. Com., c. 6.)—12. (Gaius, ii., 60.—Id., iii., 201.—Rosshirt, &c., § 99.—Rein., Das Röm. Privatrecht.—Heintze, ed. Haubold.)

With the progress of luxury it appears that the ancients manufactured fringes separately, and sewed them to the borders of their garments. They were also made of gold thread and other costly materials. Of this kind was the ornament, consisting of a hundred golden tassels, which surrounded the mythical shield of Jupiter, the *αἰγίς θυσιαφόσσα*, and which depended from the girdle of Juno.¹

In consequence of the tendency of wool to form itself into separate bundles like tassels (*θυσιαφόρον*), the poets speak of the golden fleece as consisting of them;² and Cicero, declaiming against the effeminacy of Gabinus, applies the same expression to his curling locks of hair.³

FINIUM REGUNDORUM ACTIO. If the boundaries of contiguous estates were accidentally confused, each of the parties interested in the re-establishment of the boundaries might have an action against the other for that purpose. This action belonged to the class of *duplicia iudicia*. (*Vid. FAMILIÆ ERISCUNDÆ ACTIO.*) In this action each party was bound to account for the fruits and profits which he had received from any part of the land which did not belong to him, and also to account for any injury which it had sustained through his culpa. Each party was also entitled to compensation for improvements made in the portion of land which did not belong to him.⁴

FISCUS. The following is Savigny's account of the origin and meaning of this term:

In the republican period, the state was designated by the term *Ærarium*, in so far as it was viewed with respect to its rights of property, which ultimately resolved themselves into receipts into, and payments out of, the public chest. On the establishment of the imperial power, there was a division of the provinces between the senate, as the representative of the old Republic, and the Cæsar; and there was, consequently, a division of the most important branches of public income and expenditure. The property of the senate retained the name of *Ærarium*, and that of the Cæsar, as such, received the name of *Fiscus*. The private property of the Cæsar (*res privata Principis, ratio Cæsaris*) was quite distinct from that of the *Fiscus*. The word *Fiscus* signified a wicker-basket or pannier, in which the Romans were accustomed to keep and carry about large sums of money;⁵ and hence *Fiscus* came to signify any person's treasure or money chest. The importance of the imperial *Fiscus* soon led to the practice of appropriating the name to that property which the Cæsar claimed as Cæsar, and the word *Fiscus*, without any adjunct, was used in this sense (*res fisci est*).⁶ Ultimately the word came to signify generally the property of the state, the Cæsar having concentrated in himself all the sovereign power, and thus the word *Fiscus* finally had the same signification as *Ærarium* in the republican period. It does not appear at what time the *Ærarium* was merged in the *Fiscus*, though the distinction of name and of thing continued at least to the time of Hadrian. In the later periods, the words *Ærarium* and *Fiscus* were often used indiscriminately, but only in the sense of the imperial chest, for there was then no other public chest. So long as the distinction existed between the *Ærarium* and the *Fiscus*, the law relating to them severally might be expressed by the terms *jus populi* and *jus fisci*, as in Paulus,⁷ though there is no reason for applying the distinction to the time when Paulus wrote; for, as already observed, it had then long ceased.

The *Fiscus* had a legal personal existence; that

1. (Hom., *Il.*, ii., 488.—*Ib.*, v., 738.—*Ib.*, xiv., 181.—*Ib.*, xvii., 593.)—2. (Ælian, *H. A.*, xvi., 11.)—3. (Pind., *Pyth.*, iv., 411.—*Apoll. Rhod.*, iv., 1146.)—4. (Cic. in *Pis.*, 11.)—5. (Dig. 10, tit. 1.)—6. (Cic., *1 Verr.*, c. 8.—*Phædr.*, *Fab.*, ii., 7.)—7. (Juv., *Sat.*, iv., 54.)—8. (*Sent. Recept.*, v., 12.)

is, as the subject of certain rights, it was legally a person, by virtue of the same fiction of law which gave a personal existence to corporations, and the communities of cities and villages. But the *Fiscus* differed in many respects from other persons existing by fiction of law; and, as an instance, it was never under any incapacity as to taking an inheritance, which for a long time was the case with corporations, for the reason given by Ulpian. (*Vid. COLLEGIORUM.*) These reasons would also apply to the *Populus* as well as to a *Municipium*, and yet the *populus* is never alluded to as being under such disability; and, in fact, it could not, consistently with being the source of all rights, be under any legal disabilities.

Various officers, as *Procuratores*, *Advocati* (*vid. ADVOCATUS*), *Patroni*, and *Præfecti*, were employed in the administration of the *Fiscus*. Nerva established a *Prætor Fiscalis* to administer the law in matters relating to the *Fiscus*. The *patrimonium*, or private property of the Cæsar, was administered by *Procuratores Cæsaris*. The privileges of the *Fiscus* were, however, extended to the private property (*ratio*) of the Cæsar, and of his wife the *Augusta*.¹

Property was acquired by the *Fiscus* in various ways, enumerated in the *Digest*,² many of which may be arranged under the head of penalties and forfeitures. Thus, if a man was led to commit suicide in consequence of having done some criminal act (*flagitium*), or if a man made counterfeit coin, his property was forfeited to the *fiscus*.³ The officers of the *Fiscus* generally received information (*nunciaciones*) of such occurrences from private individuals, who were rewarded for their pains. Treasure (*thesaurus*) which was found in certain places was also subject to a claim on the part of the *Fiscus*. To explain the rights and privileges of the *Fiscus*, and its administration, would require a long discussion.⁴

FISTULA. (*Vid. CASTELLUM, TIBIA.*)

FLABELLUM, dim. FLABELLULUM (*βενίς, βενιστήρ, dim. βενιδίου*), a Fan. "The exercise of the fan," so wittily described by Addison,⁵ was wholly unknown to the ancients. Neither were their fans so constructed that they might be furled, unfurled, and fluttered, nor were they even carried by the ladies themselves. They were, it is true, of elegant forms, of delicate colours (*prasino flabellæ*), and sometimes of costly and splendid materials, such as peacocks' feathers;⁶ but they were stiff and of a fixed shape, and were held by female slaves (*flabelliferæ*), by beautiful boys,⁷ or by eunuchs,⁸ whose duty it was to wave them so as to produce a cooling breeze.⁹ A gentleman might, nevertheless, take the fan into his own hand, and use it in fanning a lady as a compliment.¹⁰ The woodcut at p. 225 shows a female bestowing this attendance upon her mistress. The fan which she holds is apparently made of separate feathers joined at the base, and also united both by a thread passing along their tips, and by another stronger thread tied to the middle of the shaft of each feather. Another use of the fan was to drive away flies from living persons, and from articles of food which were either placed upon the table or offered in sacrifice.

1. (Dig. 49, tit. 14, s. 6.)—2. (49, tit. 14, s. 1.)—3. (Paulus, *Sent. Recept.*, v., 12.)—4. (Dig. 49, tit. 14: "De Jure Fisci"—*Cod.*, x., 1.—*Cod. Theod.*, x., 1.—Paulus, *Sent. Recept.*, v., 12.—Savigny, *System des heut. Röm. R.*, vol. ii.—"Fragmentum veteris jurisconsulti de Jure Fisci," printed in Guchet's edition of Gaius.—Savigny, "Neu entdeckte Quellen des Röm. R.," *Zeitschrift*, iii.)—5. (Spect., No. 102.)—6. (Mart., ii., 4.)—7. (Propert., ii., 15.)—8. (Philemon, as translated by Plautus *Trinumm.*, ii., 1, 22.)—9. (Strato, *Epic.*, 22)—10. (Eomp. Orest., 1408—1412.—Memander, p. 173, ed. Meiners, and translated by Terence, *Eun.*, iii., 5, 45—54.)—11. (Hruca, *Asin.*, ii., 92.)—12. (Ovid, *A. A.*, l., 161.—*Amor.*, iii., 2, 28.)

When intended for a fly-flapper, it was less stiff, and was called *muscarium*¹ and *μυσοόβη*.² In hort, the manner of using fans was precisely that which is still practised in China, India, and other parts of the East; and Euripides says³ that the Greeks derived their knowledge of them from "barbarous" countries. The Emperor Augustus had a slave to fan him during his sleep,⁴ for the use of fans was not confined to females.

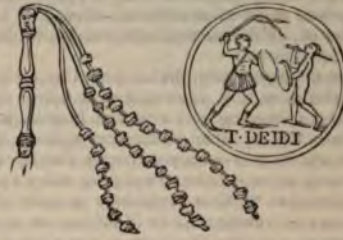
Besides separate feathers, the ancient fan was sometimes made of linen, extended upon a light frame.⁵ From the above-cited passage of Euripides and the ancient scholia upon it, compared with representations of the flabellum in ancient paintings, it also appears to have been made by placing the two wings of a bird back to back, fastening them together in this position, and attaching a handle at the base.⁶

A more homely application of the fan was its use in cookery (*vid. Focus*). In a painting which represents a sacrifice to Isis,⁷ a priest is seen fanning the fire upon the altar with a triangular flabellum, such as is still used in Italy. This practice gave origin among classical writers to expressions corresponding to ours, meaning to fan the flame of hope,⁸ of love (*ἀπίζεναν*), or of sedition.¹⁰

FLAGRUM, *dim.* FLAGELLUM (*μάστιξ*), a Whip, a Scourge, to the handle of which was fixed a lash made of cords (*funibus*¹¹) or thongs of leather (*coriis*;¹² *σκιρίνα*¹³), especially thongs made from the ox's hide (*bubulis exuviis*¹⁴). The lash was often twisted.¹⁵ A whip with a single lash was called *catena*;¹⁶ but it often had two lashes (*λιγυρή μάστιξ ἀπλή*¹⁷), and is so represented on various ancient monuments. (*Vid. woodcut, p. 66.*)

The whip was used in a great variety of ways: 1. by boys in whipping the top (*vid. Buxum*); 2. in threshing corn, when it was formed as a *flail* (*periclis flagellataris*¹⁸); 3. in driving a chariot,¹⁹ or riding a horseback.²⁰ For this purpose the whip was sometimes splendidly ornamented (*φαεινή*²¹). As a check to the cruel treatment of animals, Constantine enacted a law forbidding any one in riding and riding to use a severer instrument than a switch or whip with a short point or spur at the end.²² 4. In Spartan and Roman education.²³ The weapon of the Roman pedagogue was an eel's skin, and was therefore called *anguilla*.²⁴ 5. In compelling soldiers to fight under Asiatic monarchs.²⁵ 6. In gratifying private resentment.²⁶ 7. In punishing criminals,²⁷ especially before crucifixion. (*Vid. CRUX*.) 8. In punishing slaves for running away²⁸ or deserting to the enemy,²⁹ or merely to gratify the caprice and cruelty of their owners. Thus females were punished by their mistresses.³⁰ The whip used to punish slaves was a dreadful instrument (*horribile flabellum*³¹), knotted with bones, or heavy, indented circles of bronze (*ἀστραγαλωτή*³²), or terminated by hooks, in which case it was aptly denominated a *serpion*.³³ The infliction of punishment with it

upon the naked back of the sufferer¹ was sometimes fatal,² and was carried into execution by a class of persons, themselves slaves, who were called *lorarii*. It appears that there was another class, who submitted to be thus whipped for hire.³ A slave who had been flogged was called *flagrius* (*μαστιγιάς*⁴), which, of course, became a term of mockery and contempt. During the Saturnalia the scourge was deposited under the seal of the master.⁵ 9. In the contests of gladiators,⁶ two of whom seem to be represented on the coin here introduced. (*Vid. woodcut.*) 10. In the worship of Cybele, whose



priests pretended to propitiate her, and excited the compassion and reverence of the multitude by flogging themselves with scourges such as that here represented, from a bas-relief of this goddess in the museum of the Capitol at Rome. They were strung with *tali* (*ἀστραγαλοι*) from the feet of sheep,⁷ and resembled the scourges employed to punish slaves. 11. In the hands of Bellona and the Furies.⁸

FLAMEN, the name for any Roman priest who was devoted to the service of one particular god (*DISVISQUE ALIIS ALII SACERDOTES, OMNIBUS PONTIFICES, SINGULIS FLAMINES SUNTO*⁹), and who received a distinguishing epithet from the deity to whom he ministered. (*Horum, sc. flaminum, singuli cognomina habent ab eo deo quod sacra faciunt*.¹⁰) The most dignified were those attached to Jovis, Mars, and Quirinus, the *Flamen Dialis*, *Flamen Martialis*, and *Flamen Quirinalis*. The first two are said by Plutarch¹¹ to have been established by Romulus; but the greater number of authorities agree in referring the institution of the whole three, in common with all other matters connected with state religion, to Numa.¹² The number was eventually increased to fifteen:¹³ the three original flamens were always chosen from among the patricians, and styled *Majores*;¹⁴ the rest from the plebeians, with the epithet *Minores*.¹⁵ Two rude lines of Ennius¹⁶ preserve the names of six of these, appointed, says the poet, by Numa:

"*Volturnalem, Palatuaalem, Furinalem,
Florallemque, Falacrem et Pomonaalem fecit
Hic idem . . .*"

to which we may add the *Flamen Volcanalis*¹⁷ and the *Flamen Carmentalis*.¹⁸ We find in books of antiquities mention made of the *Virbialis*, *Laurentialis*, *Lavinialis*, and *Lucullaris*, which would complete the list; but there is nothing to prove that these four were Roman, and not merely provincial priests.

It is generally stated, upon the authority of Aulus Gellius,¹⁹ that the flamens were elected at the Com-

1. (Mart., xiv., 67.)—2. (Menander, p. 175.—Elian, H. A., v., 14.—Brunck, Anal., ii., 388.—Id. ib., iii., 92.)—3. (l. c.)—4. (Sueton., Octav., 82.)—5. (Strato, l. c.)—6. (*Vid.* above, Anal., ii., 258, *Ἡρακλῆαν μάστιγα*.)—7. (Ant. d'Ercoleano, l. 66.)—8. (Alciph., iii., 47.)—9. (Brunck, Anal., ii., 306.)—10. (Aristoph., Ran., 260.—Cic., Pro Flacc., 23.)—11. (Hor., Epod., iv., 2.—John, ii., 15.)—12. (Hor., Epist., i., 16, 47.—13. (Aesch., p. 357, ed. Fischer.)—14. (Plaut., Most., iv., 1, 26.)—15. (Val. Flacc., viii., 20.)—16. (Hor., Sat., i., 3, 119.)—17. (Sapph., Ajax, 241.)—18. (Plin., H. N., xviii., 30.—Hieron. in Act., xxviii., 27.)—19. (Hom., II., passim.—Mart., xiv., 55.)—20. (Sen., De Re Equestr., viii., 4.—Id. ib., x., 1.)—21. (Hom., II., t. 500.—Id. ib., xix., 395.)—22. (Cod. Theodos., ii.)—23. (Sen., De Lac. Rep., ii., 2.—Mart., x., 61.)—24. (Plin., H. N., l. 39.—Isid., Orig., v., 27.)—25. (Herod., vii., 22, 56, 103, 223.—Xen., Anab., iii., 4, § 25.—26. (Catull., xxi., 12.—Val. Max., l. 1, 12.)—27. (Xen., Hell., iii., 3, 11.)—28. (Xen., Cyrop., i., l. 12.)—29. (Aristoph., Pac., 451.)—30. (Juv., vi., 382.—31. (Hor., l. c.)—32. (Athen., iv., 38.)—33. (Isid., l. c.—2 Chron., t. 11.)

1. (Juv., l. c.)—2. (Hor., Sat., i., 2, 41.)—3. (Festus, s. v. Flagratorum.)—4. (Philemon, p. 415, ed. Mein.—Aristoph., Ran., 502.—Equit., 1225.—Lys., 1242.—"Mastigia." Plautus, passim.—Ter., Adolph., v., 2, 6.)—5. (Mart., xiv., 79.)—6. (Tertull., Apoll., 21.)—7. (Apul., Met., viii.)—8. (Virg., Æn., vi., 570.—"Sanguineo flagello." viii., 703.—Val. Flacc., l. c.)—9. (Cic., De Leg., ii., 8.)—10. (Varro, De Ling. Lat., v., 84.)—11. (Num., 7.)—12. (Liv., i., 20.—Dionys., ii., 64, &c.)—13. (Fest., s. v. "Maximæ dignationis.")—14. (Gaius, i., 112.)—15. (Fest., s. v. "Majores Flamines.")—16. (Varro, De Ling. Lat., vii., 44.)—17. (Varro, De Ling. Lat., v., 84.)—18. (Cic., Brut., 14.)—19. (xv., 27.)

tra Curiata, and this was doubtless the case in the earlier times; but, upon examining the passage in question, it will be seen that the grammarian speaks of their induction into office only, and therefore we may conclude that subsequently to the passing of the *Lex Domitia* they were chosen in the Comitia Tributa, especially since so many of them were plebeians. After being nominated by the people, they were received (*capti*) and installed (*inaugurabantur*) by the Pontifex Maximus,¹ to whose authority they were at all times subject.²

The office was understood to last for life; but a flamen might be compelled to resign (*flaminio abire*) for a breach of duty, or even on account of the occurrence of an ill-omened accident while discharging his functions.³

Their characteristic dress was the apex (*vid. Apex*), the *lana* (*vid. LÆNA*), and a laurel wreath. The name, according to Varro and Festus, was derived from the band of white wool (*filum, filamen, flamen*) which was wrapped round the apex, and which they wore, without the apex, when the heat was oppressive.⁴ This etymology is more reasonable than the transformation of *pileamines* (from *pileus*) into *flamines*.⁵ The most distinguished of all the flamens was the *Dialis*; the lowest in rank the *Pomonalis*.⁶

The former enjoyed many peculiar honours. When a vacancy occurred, three persons of patrician descent, whose parents had been married according to the ceremonies of *confarreatio* (*vid. MARRIAGE*), were nominated by the Comitia, one of whom was selected (*captus*), and consecrated (*inaugurabatur*) by the Pontifex Maximus.⁷ From that time forward he was emancipated from the control of his father, and became *sui juris*.⁸ He alone, of all priests, wore the *albagalerus* (*vid. ALBUS GALERUS*); he had a right to a *lictor*,⁹ to the *toga prætexta*, the *sella curulis*, and to a seat in the senate in virtue of his office. This last privilege, after having been suffered to fall into disuse for a long period, was asserted by C. Valerius Flaccus (B.C. 209), and the claim allowed, more, however, says Livy, in deference to his high personal character than from a conviction of the justice of the demand.¹¹ The *Rex Sacrificulus* alone was entitled to recline above him at a banquet: if one in bonds took refuge in his house, the chains were immediately struck off, and conveyed through the *impluvium* to the roof, and thence cast down into the street:¹² if a criminal on his way to punishment met him, and fell suppliant at his feet, he was respited for that day;¹³ usages which remind us of the right of sanctuary attached to the persons and dwellings of the papal cardinals.

To counterbalance these high honours, the *Dialis* was subjected to a multitude of restrictions and privations, a long catalogue of which has been compiled by Aulus Gellius¹⁴ from the works of Fabius Pictor and Masurius Sabinus, while Plutarch, in his Roman Questions, endeavours to explain their import. Among these were the following:

It was unlawful for him to be out of the city for a single night;¹⁵ a regulation which seems to have been modified by Augustus, in so far that an absence of two nights was permitted;¹⁶ and he was forbidden to sleep out of his own bed for three nights consecutively. Thus it was impossible for him to

1. (Liv., xxvii., 8.—Id., xxix., 38.—Val. Max., VI., ix., 3.)—2. (Liv., Epit., xix.—Id., xxvii., 51.—Val. Max., I., i., 2.)—3. (Val. Max., I., i., 4.)—4. (Serv. ad Virg., Æn., viii., 664.)—5. (Plutarch, Num., 7.)—6. (Festus, s. v. Maxima dignationis.)—7. (Tacit., Ann., iv., 16.—Liv., xxvii., 8.)—8. (Gaius, i., 130.—Ulpian, Frag., ix., 5.—Tacit., Ann., iv., 16.)—9. (Varro ap. Gell., x., 15.)—10. (Plut., Q. R., p. 119, ed. Reiske.)—11. (Liv., xxvii., 8.—Compare i., 20.)—12. (Aul. Gell., x., 15.)—13. (Aul. Gell., x., 15.—Plut., Q. R., p. 166.)—14. (x., 15.)—15. (Liv., v., 52.)—16. (Tacit., Ann., iii., 58, 71)

undertake the government of a province. He might not mount upon horseback, nor even touch a horse, nor look upon an army marshalled without the *pomœrium*, and hence was seldom elected to the consulship. Indeed, it would seem that originally he was altogether precluded from seeking or accepting any civil magistracy;¹ but this last prohibition was certainly not enforced in later times. The object of the above rules was manifestly to make him literally *Jovi adsiduam sacerdotem*; to compel constant attention to the duties of the priesthood; to leave him in a great measure without any temptation to neglect them. The origin of the superstitions which we shall next enumerate is not so clear, but the curious will find abundance of speculation in Plutarch,² Festus,³ and Pliny.⁴ He was not allowed to swear an oath, nor to wear a ring "*nisi pernio et casso*," that is, as they explain it, unless plain and without stones;⁵ nor to strip himself naked in the open air, nor to go out without his proper headdress, nor to have a knot in any part of his attire, nor to walk along a path overcanopied by vines. He might not touch flour, nor leaven, nor leavened bread, nor a dead body; he might not enter a *bustum* (*vid. BURSTUM*), but was not prevented from attending a funeral. He was forbidden either to touch or to name a dog, a she-goat, ivy, beans, or raw flesh. None but a free man might cut his hair; the clippings of which, together with the parings of his nails, were buried beneath a *felix arbor*. No one might sleep in his bed, the legs of which were smeared with fine clay; and it was unlawful to place a box containing sacrificial cakes in contact with the bedstead.

Flaminica was the name given to the wife of the *dialis*. He was required to wed a virgin according to the ceremonies of *confarreatio*, which regulation also applied to the two other flamines majores,⁶ and he could not marry a second time. Hence, since her assistance was essential in the performance of certain ordinances, a divorce was not permitted, and if she died the *dialis* was obliged to resign. The restrictions imposed upon the *flaminica* were similar to those by which her husband was fettered.⁷ Her dress consisted of a dyed robe (*tenenato operitur*); her hair was plaited up with a purple band in a conical form (*tutulum*); and she wore a small square cloak with a border (*rica*), to which was attached a slip cut from a *felix arbor*.⁸ It is difficult to determine what the *rica* really was: whether a short cloak, as appears most probable, or a napkin thrown over the head. She was prohibited from mounting a staircase consisting of more than three steps (the text of Aulus Gellius is uncertain, but the object must have been to prevent her ankles from being seen); and when she went to the *arcei* (*vid. ARCEI*), she neither combed nor arranged her hair. On each of the *nundinæ* a ram was sacrificed to Jupiter in the *regia* by the *flaminica*.⁹

After the death of the flamen Merula, who was chosen consul *suffectus* on the expulsion of Cinna,¹⁰ and who, upon the restoration of the Marian faction, shed his own blood in the sanctuary (B.C. 87), calling down curses on his enemies with his dying breath,¹¹ the priesthood remained vacant until the consecration of Servius Maluginensis (B.C. 11) by Augustus, then Pontifex Maximus. Julius Cæsar had, indeed, been nominated in his 17th year, but was never installed; and during the whole of the above period.

1. (Plut., Q. R., p. 169.)—2. (Q. R., p. 114, 118, 164-170.)—3. (s. v. Edera and Equo.)—4. (II. N., xviii., 30.—Id., xxvii., 40.)—5. (Kirchmann, De Annulis, p. 14.)—6. (Serv. ad Virg., Æn., iv., 104, 374.—Gaius, i., 112.)—7. (Aul. Gell., x., 15.)—8. (Fest., s. v. Tutulum, Rica.—Varro, De Ling. Lat., vi., 44.)—9. (Macrobius, i., 16.)—10. (Velleius, ii., 20.—Val. Maz., IX., xii., 5.)—11. (Velleius, ii., 22.)

the duties of the office were discharged by the Pontifex Maximus.¹

The municipal towns also had their flamens. Thus the celebrated affray between Milo and Clodius took place while the former was on his way to anuvium, of which he was then dictator, to deare the election of a flamen (*ad flaminem prodendum*). After the deification of the emperors, flamens were appointed to superintend their worship in Rome and in all the provinces; and we find constantly in inscriptions such titles as FLAMEN AUGUSTI; FLAMEN TIBERII CÆSARIS; FLAMEN D. JULI, &c., and sometimes FLAMEN DIVORUM OMNIUM (i. imperatorum).

FLAMINIA, according to Festus and Aulus Gellius,² was the house of the Flamen Dialis, from which it was unlawful to carry out fire except for sacred purposes.

Flaminia, according to Festus, was also a name given to a little priestess (*sacerdotula*), who assisted the flaminica in her duties.



COIN OF FLAMEN MARTIALIS.³

FLAMMEUM. (*Vid. MARRIAGE.*)

FLORALIA, or Florales Ludi, a festival which was celebrated at Rome in honour of Flora or Chloris. It was solemnized during five days, beginning on the 28th of April and ending on the 2d of May.⁴ It was said to have been instituted at Rome in 233 B.C., at the command of an oracle in the Sibylline books, for the purpose of obtaining from the goddess the protection of the blossoms (*ut omnia bene florescerent*).⁵ Some time after its institution at Rome its celebration was discontinued; but in the consulship of L. Postumius Albinus and M. Popilius Lænas (173 B.C.), it was restored, at the command of the senate, by the ædile C. Servilius,⁶ as the blossoms in that year had severely suffered from winds, hail, and rain. The celebration was, as usual, conducted by the ædiles,⁷ and was carried on with excessive merriment, drinking, and lascivious games.⁸ From Valerius Maximus we learn that theatrical and mimic representations formed a principal part of the various amusements, and that it was customary for the assembled people on this occasion to demand the female actors to appear naked upon the stage, and to amuse the multitude with their indecent gestures and dances. This indecency is probably the only ground on which the absurd story of its origin, related by Lactantius,⁹ is founded. Similar festivals, chiefly in spring and autumn, and in southern countries seasons for rejoicing, and, as it were, called forth by the season of the year itself, without any distinct connexion with any particular divinity; they are to this day very popular in Italy,¹⁰ and in ancient times we find them celebrated from the southern to the northern extremity of Ita-

ly.¹ (*Vid. Anthesphoria.*) The Floralia were originally festivals of the country people, which were afterward, in Italy as in Greece, introduced into the towns, where they naturally assumed a more dissolute and licentious character, while the country people continued to celebrate them in their old and merry, but innocent manner. And it is highly probable that such festivals did not become connected with the worship of any particular deity until a comparatively late period.² This would account for the late introduction of the Floralia at Rome, as well as for the manner in which we find them celebrated there.³

FOCALE, a covering for the ears and neck, made of wool, and worn by infirm and delicate persons.⁴

FOCUS, *dim.* FO'CVLUS (*ἔστια*: ἑσχάρα, ἑσχάρις, *dim.* ἑσχάριον), a fireplace, a brazier. The fireplace, considered as the highest member of an altar, is described under ARA, p. 77. Used by itself, it possessed the same sacred character, being, among the Romans, dedicated to the Lares of each family.⁵ It was, nevertheless, made subservient to all the requirements of ordinary life.⁶ It was sometimes constructed of stone or brick, in which case it was elevated only a few inches above the ground, and remained on the same spot; but it was also frequently made of bronze, and it was then variously ornamented, and was carried continually from place to place. This movable hearth or brazier was properly called *foculus* and ἑσχάρα. One is shown at p. 148. Another, found at Cære in Etruria, and preserved in the British Museum, is represented in the annexed woodcut.



In Aristophanes' persons are told "to bring the brazier and the fan." (*Vid. FLABELLUM.*) When a brazier was brought to Alexander the Great, scantily supplied with fuel in very cold weather, he requested to have either wood or frankincense, giving his host the option of treating him either as a man or a god.⁷ In the time of the Roman emperors, the brazier of burning charcoal was sometimes brought to table with the meat for the purpose of keeping it hot, so that, as Seneca says, the kitchen accompanied the dinner.

In accordance with the sentiments of veneration with which the domestic fireplace was regarded, we find that the exercise of hospitality was at the same time an act of religious worship. Thus the roasting of a hog in the cottage of the swineherd in the *Odyssey*⁸ is described as a sacrifice. To swear "by the royal hearth" was the most sacred oath among the Scythians.⁹ Suppliants, strangers, all who sought for mercy and favour, had recourse to the domestic hearth as to an altar.¹¹ The phrase

1. (Suet., Jul., c. 1, compared with Velleius, ii., 43, and the commentators. See also Suet., Octav., 31.—Dion Cass., liv., 36.—Tacit., Ann., iii., 58. The last-quoted historian, if the text is correct, states that the interruption lasted for 72 years only.—2. (x., 15.)—3. (See Spanheim, De Præst. et Usu Numism., i., 83.—4. (Ovid, Fast., v., 185.—Plin., H. N., xviii., 29.)—5. Plin., l. c.—Compare Velleius, i., 14.—Varro, De Re Rust., i., 3.—6. (Eckhel, De Num. Vet., v., p. 308.—Compare Ovid, Fast., i., 293, &c.)—7. (Cic. in Verr., v., 14.—Val. Max., ii., 10, 8.—Eckhel, l. c.)—8. (Martial, l., 3.—Senec. Epist., 98.)—9. (In-H., l., 29.)—10. (Voss, ad Virg., Georg., ii., 385.)

1. (Compare Justin, xliii., 4.)—2. (Buttmann, Mythologus, ii., p. 54.)—3. (Spanheim, De Præst. et Usu Numism., ii., p. 145, &c.)—4. (Hor., Sat., ii., 3, 255.—Sen., Qu. Nat., iv., 13.—Quintil., xi., 3, 144.—Mart., i., 121.—Id., xiv., 142.)—5. (Plaut., Aul., ii., 8, 16.—Cato, De Re Rust., 15.—Ovid, Fast., ii., 589, 611.—Ib., iii., 423.—Juv., xii., 85-95.)—6. (Hor., Epod., ii., 43.—Epist., i., 5, 7.—Ovid, Met., viii., 673.—Sen., De Cons. ad Alb., l.)—7. (Acharn., 888.)—8. (Plut., Apoph. Reg., vol. i., p. 717, ed. Wytten.—Diod. Sic., xviii., 61.—Polyæn., Strat., iv., 8.—Id. ib., viii., 32.—Cato, De Re Rust., 11.—Virg., Æn., xii., 118, 285.—Servius ad Il.—Cic., Pro Dom., 47.—Tertull., Apol., 9.)—9. (xv., 418-438.—10. (Herod., iv., 68.)—11. (Hom., Od., vii., 153-169.—Apoll. Rhod., iv., 693.)

"pro arvis et focis" was used to express attachment to all that was most dear and venerable.¹

Among the Romans the focus was placed in the ATRIUM, which, in primitive times, was their kitchen and dining-room.² There it remained, as we see in numerous examples at Pompeii, even after the progress of refinement had led to the use of another part of the house for culinary purposes. On festivals the housewife decorated the hearth with garlands;³ a woollen fillet was sometimes added.⁴ In farmhouses, the servants, who were often very numerous, were always disposed for the purpose of taking their meals around the hearth.⁵

The focus, though commonly square, admitted of a great variety of forms and ornaments. At Pharræ, in Achæa, a marble hearth was placed before a statue of Mercury in the Forum, having bronze lamps fastened to it with lead.⁶ To adapt the focus to culinary purposes, a gridiron, supported by four feet, was placed over the fire, so as to hold pots and pans as well as steaks, chops, and other pieces of meat which were to be roasted.⁷ Some of the braziers found at Pompeii also include contrivances for boiling water.

FEDERATÆ CIVITATES, FÆDERATI, SO'CII. In the seventh century of Rome these names expressed those Italian states which were connected with Rome by a treaty (*foedus*). These names did not include Roman colonies or Latin colonies, or any place which had obtained the Roman civitas. Among the federati were the Latini, who were the most nearly related to the Romans, and were designated by this distinctive name; the rest of the federati were comprised under the collective name of Socii or Fœderati. They were independent states, yet under a general liability to furnish a contingent to the Roman army. Thus they contributed to increase the power of Rome, but they had not the privileges of Roman citizens. The relations of any particular federate state to Rome might have some peculiarities, but the general relation was that expressed above; a kind of condition, inconsistent with the sovereignty of the federates, and the first stage towards unconditional submission. The discontent among the federati, and their claims to be admitted to the privileges of Roman citizens, led to the Social War. The Julia lex (B.C. 90) gave the civitas to the Socii and Latini; and a lex of the following year contained, among other provisions, one for the admission to the Roman civitas of those peregrini who were entered on the lists of the citizens of federate states, and who complied with the provisions of the lex. (*Vid. CIVITAS.*) It appears, however, that this lex Julia, and probably also the lex of the following year, contained a condition that the federate state should consent to accept what the leges offered, or, as it was technically expressed, "populus fundus feret."⁸ Those who did not become fundi populi did not obtain the civitas. Balbus, the client of Cicero, was a citizen of Gades, a federate town in Spain. Pompey had conferred the Roman civitas on Balbus, by virtue of certain powers given to him by a lex. It was objected to Balbus that he could not have the civitas, unless the state to which he belonged, "fundus factus esset;" which was a complete misapprehension, for the term fundus, in this sense, applied to a whole state or community, whether federate or other free state, which accept-

ed what was offered, and not to an individual of such state or community who might accept the Roman civitas without asking the consent of his fellow-citizens at home, or without all of them receiving the same privilege that was offered to himself. The people of a state which had accepted the Roman civitas (*fundus factus est*) were called, in reference to their condition after such acceptance, "fundani." This word only occurs in the Latin inscription (the lex Romana) of the tablet of Heraclea, l. 85, and proves that the inscription is posterior to the lex Julia de Civitate. It has, indeed, been supposed that the word may refer to the acceptance by the state of Heraclea of this lex, which is on the tablet; but there is no doubt that it refers to the prior lex which gave the civitas. (*Vid. FUNDUS.*)

It must be observed that the acceptance of the two leges above mentioned could only refer to the federate states and the few old Latin states. The Latinæ colonie also received the civitas by the Julia lex; but, as they were under the sovereignty of Rome, their consent to the provisions of this lex was not required.

Before the passing of the Julia lex, it was not unusual for the Socii and Latini to adopt Roman leges into their own system, as examples of which Cicero mentions the lex Furia de Testamentis and the lex Voconia de Mulierum Hereditatibus; and he adds that there were other instances.¹ In such cases, the state which adopted a Roman lex was said "in eam legem fundus fieri." It hardly needs remark, that the state which adopted a Roman lex did not thereby obtain for its citizens any privileges with respect to the Roman state: the federate state merely adopted the provisions of the Roman lex as being applicable to its own circumstances.

An apparent difficulty is caused by the undoubted fact that the provisions of the lex Julia required that the states which wished to avail themselves of its benefits should consent to accept them. As the federate states commenced the war in order to obtain the civitas, it may be asked, why was it given to them on the condition of becoming "fundus"? In addition to the reasons for such condition, which are suggested by Savigny, it may be observed that the lex only expressed in terms what would necessarily have been implied if it had not been expressed: a federate state must of necessity declare by a public act its consent to accept such a proposal as was contained in the lex Julia. It appears from the cases of Heraclea and Naples, that the citizens of a federate state were not in all cases unanimous in changing their former alliance with Rome into an incorporation with the Roman state. (*Vid. CIVITAS.*)

There were federate cities beyond the limits of Italy, as shown by the example of Gades: Saguntum and Massilia also are enumerated among such cities.²

*FENUM GRÆCUM, Fenugreek. (*Vid. TARSUS* and *BUCCERAS.*)

FÆNUS. (*Vid. INTEREST OF MONEY.*)

FOLLIS, *dim.* FOLLICULUS, an inflated ball of leather, perhaps originally the skin of a quadruped filled with air: Martial³ calls it "light as a feather." Boys and old men, among the Romans, threw it from one to another with their arms and hands, as a gentle exercise of the body, unattended with dangers.⁴ The Emperor Augustus⁵ became fond of the exercise as he grew old.

1. (Cic., *De Nat. Deor.*, iii., 40.—*Flor.*, iii., 13.)—2. (*Virg.*, *Æn.*, i., 726.—*Servius*, ad loc.)—3. (*Cato*, *De Re Rust.*, 143.—*Ovid*, *Trist.*, v., 5, 10.)—4. (*Propert.*, iv., 6, 1-6.)—5. (*Hor.*, *Epod.*, ii., 66.—*Col.*, *De Re Rust.*, xi., l.)—6. (*Paus.*, vii., 22, § 2.)—7. ("Craticula:" *Mart.*, xiv., 321.—*Apic.*, viii., 6.—*Γεγρακων περις γέφυραν* : *Brückn*, *Anal.*, ii., 215.—*Jacobs*, ad loc.)—8. (*Cic.*, *Pro Balbo*, c. 8.)

1. (*Pro Balbo*, c. 8.)—2. (*Savigny*, *Volkschluss der Tablette von Heraclea*, *Zeitschrift*, &c., vol. ix.—*Mazzochi*, *Tab. Herac.*, p. 465.)—3. (*iv.*, 19.)—4. (*Mart.*, vii., 31.—*Id.*, xiv., 43, 44.—*Athen.*, i., 25.)—5. (*Sueton.*, *Octav.*, 83.)

FORFEX

practised upon an inflated skin hung up
pose (*foliis pugilatorius*¹).

a *foliis* is also applied to a leather purse
and the diminutive *folliculus* to the swol-
of a plant, the husk of a seed, or any-
similar appearance.³

ated skins (*δύο φύσαι*; ⁴ *ζώπυρα*; ⁵ *πρηστῆ-*
tuting a pair of bellows, and having valves
the natural apertures at one part for ad-
air, and a pipe inserted into another
emission, were an essential piece of fur-
very forge and foundry.⁷ Among the
the two bellows were blown by a man
with his right and left foot pressing upon
ately, and who drew each upward by
cord, so as to fill it with air again as
e weight of his body was taken away
according to the nature and extent of the
lone, the bellows were made of the hides
*ovinis follibus*⁸, or of goats (*hircinis*¹⁰) and
er animals. The nozzle of the bellows
ἀκροφύσιον or *ἀκροστόμιον*.¹¹ In bellows
the fashion of those exhibited in the
introduced from Bartoli,¹² we may ima-
in to have been placed between the two
as to produce a machine like that which
ommonly employ.



PS (*πυράγρα*), Tongs or Pincers; an in-
vented, as the etymology indicates, for
of what is hot (*forcum*¹³), used by smiths,
re attributed to Vulcan and the Cyclo-
d. IUSCUS, MALLEUS.)

of an appropriate form (*δοντάγρα*) was
drawing teeth,¹⁵ and another to extract
ounded the heads of arrows and other
*διοθήρα*¹⁶). Pincers were used from the
ies by tyrants as an instrument of tor-
re term *καρκίνος*, which properly meant a
plied metaphorically to pincers, on ac-
similarity of this instrument to the
crab.¹⁸

(*Vid. HOUSE*.)
K, *dim. FORFICULA* (*ψαλῖς*, *dim. ψαλί-*
ts,¹⁹ used, 1. in shearing sheep, as repre-
the annexed woodcut, which is taken
elian in the Stosch collection of antique
rlin; 2. in cutting hair;²⁰ 3. in clipping

lud., iii., 4, 16.)—2. (Plaut., Aul., ii., 4, 23.—Juv.,
l. (Sen., Nat. Quaest., v., 18.—Tertull., De Res.
l. (Herod., i., 68.)—5. (Ephori Frag., p. 188.)—6.
iv., 763, 777.)—7. (Il., xviii., 372—470—Virg.,
l.)—8. (Wilkinson's Manners and Customs, iii., p.
g., Georg., iv., 171.)—10. (Ilor., Sat., i., 4, 19.)—
iv., 100.—Eustath. in Il., xviii., 470.)—12. (Ant.
21.)—13. (Festus, s. v.—Servius ad Virg., Georg.,
v., viii., 453.—Ib., xii., 404.)—14. (Virg., ll. ce.—
iii., 477.—Od., iii., 434.—Callim. in Del., 144.—
va: Ovid, Met., xii., 277.)—15. (Lucil., Sat., xix.)
Æn., xii., 404.—Servius, ad loc.)—17. (Ovid, Met.,
sem., Epist., 58.—*Καρκίνος εἰρηπός*: Diod. Sic.,
(Eustath. in Hom., l. e.—Brunck, Anal., ii., 216.
ix., 51.)—19. (Serv. in Virg., Æn., viii., 453.)—
Drest., 954.—Schol. in loc.—Brunck, Anal., iii., 9.
l., vii., 9.—*Ferro bidenti*: Ciris, 213.)

L L

FORMA



hedges, myrtles, and other shrubs (*ψαλιστοὶ μύρτι-*
*νῶνες*¹); 4. in clearing bad grapes from the bunch.²

In military manœuvres the forfex was a tenaille,
i. e., a body of troops arranged in the form of an
acute angle, so as to receive and overcome the op-
posite body, called a *CUNEUS*.³

In architecture the term *ψαλῖς* denoted a con-
struction which was probably the origin of the arch,⁴
consisting of two stones leaning against each other
so as to form an acute angle overhead, as is seen
in the entrance to the Pyramid of Cheops and in the
ruins of Mycenæ, and gradually brought nearer to
the forms which we now employ. (See woodcut,
p. 85.)⁵

The same terms were also metaphorically ap-
plied to the mandibles of insects, which are like
minute shears, and to the claws of crustacea (*ψαλι-*
*δόστομοι*⁶).

FORI. (*Vid. NAVIS*.)

FORMA, *dim. FORMULA*, *second dim. FOR-*
MELLA (*τύπος*), a Pattern, a Mould; any contri-
vance adapted to convey its own shape to some
plastic or flexible material, including moulds for
making, 1. pottery (*vid. FICTILE*). 2. Pastry (*for-*
*mella*⁷). Some of these, made of bronze, have been
found at Pompeii. 3. Cheese.⁸ Hence the cheeses
themselves are called *formule*.⁹ The finer moulds
for this purpose were made of boxwood (*forma*
buxæ). (*Vid. BUXUS*) 4. Bricks.¹⁰ 5. Coins. These
moulds were made of a kind of stone, which was
indestructible by heat.¹¹ The mode of pouring into
them the melted metal for casting the coins will be
best understood from the annexed woodcut, which



represents one side of a mould, engraved by Seroux
d'Agincourt.¹² Various moulds are engraved by
Ficoroni.¹³ 6. Walls of the kind now called *pisé*,

1. (Hierocles ap. Stob., Serm., 65.)—2. (Col., De Re Rust.,
xii., 43.)—3. (Aul. Gell., x., 9.—Amm. Marcell., xvi., 11.)—4.
(Macculloch's West. Islands, i., p. 142.—Id. ib., iii., p. 49.)—5.
(Plat., De Leg., xii., p. 292, ed. Becker.—Diod. Sic., ii., 9.—
Strabo, xvi., i., 5.—Id., xvii., l. 42.—Josephus, B. J., xv., 9, 6.)
—6. (Hom., Bat., 286.—Plin., H. N., ix., 51.—Id. ib., xxxii., 53.)
—7. (Apic., ix., 13.)—8. (Col., De Re Rust., vii., 8.)—9. (Pal-
lad., De Re Rust., vi., 9.)—10. (Pallad., vi., 12.)—11. (Plin., H.
N., xxxvi., 49.)—12. (Recueil de Fragmens, pl. 34.)—13. (De
Plumbeis Ant. Num., ad fin.)

which were built in Africa, in Spain, and about Tarantum¹. 7. The shoemaker's last was also called *forma*² and *tentipellium*,³ in Greek *καλόπους*,⁴ whence Galen says⁵ that physicians who want discrimination in the treatment of their patients are like shoemakers who make shoes from the same last (*ἐνὶ καλόποδι*) for all their customers.

The spouts and channels of aquæducts are called *formæ*, perhaps from their resemblance to some of the moulds included in the above enumeration.⁶

FORMULA. (*Vid.* *Actio*.)

FORNACALIA was a festival in honour of Fornax, the goddess of furnaces, in order that the corn might be properly baked.⁷ This ancient festival is said to have been instituted by Numa.⁸ The time for its celebration was proclaimed every year by the Curio Maximus, who announced in tablets, which were placed in the Forum, the different part which each curia had to take in the celebration of the festival. Those persons who did not know to what curia they belonged, performed the sacred rites on the *Quirinalia*, called from this circumstance the *Stultorum ferie*, which fell on the last day of the Fornacalia.⁹

The Fornacalia continued to be celebrated in the time of Lactantius.¹⁰

FORNAX, *dim.* FORNACULA (*κάμινος*, *dim.* *κάμινος*), a Kiln, a Furnace. The construction of the kilns used for baking earthenware (*vid.* *FICTILE*) may be seen in the annexed woodcut, which represents part of a Roman pottery discovered at Castor, in Northamptonshire.¹¹ The dome-shaped roof has been destroyed, but the flat circular floor on which the earthenware was set to be baked is preserved entire. The middle of this floor is supported



by a thick column of brickwork, which is encircled by the oven (*furnus*, *κλίβανος*). The entrance to the oven (*præfurnium*) is seen in front. The lower part of a smelting-furnace, shaped like an inverted bell, and sunk into the earth, with an opening and a channel at the bottom for the discharge of the melted metal, has been discovered near Arles.¹² In Spain these furnaces were raised to a great height, in order that the noxious fumes might be carried off.¹³ They were also provided with long flues (*longinquæ vis cuniculo*¹⁴), and with chambers (*camera*) for purpose of collecting more plentifully the oxides

and other matters by sublimation.² Homer describes a blast-furnace with twenty crucibles (*ἑξήκοντα*). Melting-pots or crucibles have been found at Castor,³ and at different places in Egypt, in form and material very like those which we now employ.⁴

Furnaces of an appropriate construction were erected for casting large statues of bronze,⁵ and for making lampblack.⁶ (*Vid.* *ATRAMENTUM*.) The limekiln (*fornax calcaria*) is described by Columella⁷ of the mode of heating baths, *vid.* p. 151.

The early Romans recognised, under the name of Fornax or Dea Fornacalis, a divinity who presided over ovens and furnaces. (*Vid.* *FORNACALIA*.)

FORNIX, in its primary sense, is synonymous with *Arcus*,⁸ but more commonly implies an arched vault, constituting both roof and ceiling to the apartment which it encloses.⁹ It is composed of a semicylindrical and oblong arch like the *Camera*, but differs from it in construction, consisting entirely of stone or brick, whereas the other was formed upon a framework of wood, like the skeleton of a ship¹⁰ (*vid.* *CAMERA*); both of which methods appear to have been sometimes united, as in the roof of the Tullianum, described by Sallust,¹¹ where the ribs of the *Camera* were strengthened by alternate courses of stone arches. "*Tullianum . . . munitur solidis parietes, atque insuper Camera, lapideis fornicibus vinctis.*" If the stone chamber now seen at Rome under the Mamertine prisons was really the Tullianum, as commonly supposed, it is not constructed in the manner described, being neither *camera* nor *fornicatum*, but consisting of a circular dome, formed by projecting one course of stone beyond the course below it, like the treasury of Atreus at Mycenæ, described at p. 85. (*Vid.* *ARCUS*.)

From the roof alone, the same word came to signify the chamber itself, in which sense it designates a long narrow vault, covered by an arch of brick or masonry (*tectum fornicatum*), similar to those which occupy the ground-floors of the modern Roman palaces. Three such cells are represented in the annexed woodcut, from the remains of a villa at Mola di Gaeta, which passes for the Formian villa of Cicero. They are covered internally with a coating of stucco, tastefully ornamented, and painted in streaks of azure, pink, and yellow.



Being small and dark, and situated upon the level of the street, these vaults were occupied by prostitutes¹² (*vid.* *CIRCUS*, p. 255); whence comes the meaning of the word *fornicatio* in the ecclesiastical writers, and its English derivation.

Fornix is also a sallyport in the walls,¹³ a triumphal arch;¹⁴ and a street in Rome, which led to the Campus Martius, was called *Via Fornicata*,¹⁵ probably on account of the triumphal arches built across it.

FORTY, THE (*οἱ τετράρακοντα*), were certain officers chosen by lot, who made regular circuits through the demi of Attica, whence they are called *δικασταὶ κατὰ δήμους*, to decide all cases of *αἰκία* and

1. (Varro, *De Re Rust.*, i., 14.—Pallad., i., 34.—"Parietes fornicati." Plin., *H. N.*, xxxv., 48.)—2. (Hor., *Sat.*, ii., 3, 106.)—3. (Festus, s. v.)—4. (Plato, *Conviv.*, p. 404, ed. Bekker.)—5. (*Therap.*, ix., 10.)—6. (Frontin., *De Aqueduct.*, 75, 126.)—7. (Festus, s. v.)—8. (Plin., *H. N.*, xviii., 2.)—9. (Ovid, *Fasti*, ii., 527.—Varro, *De Ling. Lat.*, vi., 13, with Müller's note.—Festus, s. v. *Quirinalia*, *Stultor. ferie*.)—10. (Lactant., i., 20.)—11. (Artis's *Durobriva*, Lond., 1828.)—12. (Florencourt, *Über die Bergwerke der Alten*, p. 30.)—13. (Strabo, iii., 2, p. 391, ed. Nieb.)—14. (Plin., *H. N.*, ix., 69.)

1. (Plin., *H. N.*, xxxiv., 22, 33-41.)—2. (Pl., xviii., 470.)—3. (Artis, pl. 38.)—4. (Wilkinson, *Manners and Customs*, iii., 254.)—5. (Claud., *De Laud. Stil.*, ii., 176.)—6. (Vitruv., vii., 10.)—7. (*De Re Rust.*, 38.—*Vid.* also Plin., *H. N.*, xvii., 6.—Vitruv., vi, 3.)—8. (Senec., *Ep.*, 90.)—9. (Cic., *Top.*, 4.)—10. (Sallust., *J. gurth.*, 18.—Suet., *Nero*, 34.)—11. (Cat., 55.)—12. (Hor., *Sat.* i., ii., 30.—Juv., *Sat.*, iii., 156.—*Id.* ib., xi., 171.—Compare *Suet.* Jul., 49.)—13. (Liv., xxxvi., 23.—Compare *xliv.*, 11.)—14. (Cæ De Orat., ii., 66.)—15. (Liv., xxii., 36.)

περὶ τῶν βιολῶν, and also all other private causes, were the matter in dispute was not above the value of ten drachmæ. Their number was originally thirty, but was increased to forty after the pulsion of the thirty tyrants and the restoration of the democracy by Thrasybulus, in consequence, it is said, of the hatred of the Athenians to the number of thirty. They differed from other *δικαστήρια*, inasmuch as they acted as *εἰσαγωγεῖς*, as well as decided causes; that is, they received the accusation, drew up the indictment, and attended to all that was understood in Athenian law by the *ἡγεμονία τοῦ δικαστηρίου*. They consequently may be classed among the regular magistrates of the state.¹

FORUM. As the plan of the present work does not include a topographical description of the various fora at Rome, the following article only contains brief statement of the purposes which they served.

Forum originally signified an open place before any building, especially before a sepulchrum,² and seems, therefore, etymologically to be connected with the adverb *foras*. The characteristic features of a Roman forum were, that it was a well levelled space of ground of an oblong form, and surrounded by buildings, houses, temples, basilicæ, or porticoes.³ It was originally used as a place where justice was administered, and where goods were exhibited for sale.⁴ We have, accordingly, to distinguish between two kinds of fora, of which some were exclusively devoted to commercial purposes, and were real market-places, while others were places of meeting for the popular assembly and for the courts of justice. Mercantile business, however, was not altogether excluded from the latter, and it was especially the bankers and usurers who kept their shops in the buildings and porticoes by which they were surrounded. The latter kinds of fora were sometimes called *fora judicialia*, to distinguish them from the mere market-places.

Among the fora judicialia, the most important was the *Forum Romanum*, which was simply called *Forum* as long as it was the only one of its kind which existed at Rome. At a late period of the Republic, and during the Empire, when other fora judicialia were built, the *Forum Romanum* was distinguished from them by the epithets *vetus* or *magnum*. It was situated between the Palatine and the Capitoline hills, and its extent was seven jugera, whence Varro⁵ calls it the "*Septem jugera forensis*." It was originally a swamp or marsh, but was said to have been filled up by Romulus and Tatius, and to have been set apart as a place for the administration of justice, for holding the assemblies of the people, and for the transaction of other kinds of public business.⁶

In this widest sense the Forum included the comitium, or the place of assembly for the curiæ,⁷ which was separated from the Forum in its narrower sense, and the place of assembly for the comitia tributa, by the Rostra.⁸ These ancient rostra were an elevated space of ground or a stage (*suggestum*), from which the orators addressed the people, and which derived its name from the circumstance that, after the subjugation of Latium, its sides were adorned with the beaks (*rostra*) of the ships of the Antiates.⁹ At subsequent times, when the curiæ had lost their importance, the accurate distinction between comitia and forum likewise ceased, and the comitia

tributa were sometimes held in the Circus Flaminius; but towards the end of the Republic the Forum seems to have been chiefly used for judicial proceedings and as a money-market; hence Cicero¹ distinguishes between a speaker in the popular assembly (*orator*) and the mere pleader: "*Ego istos non modo oratoris nomine, sed ne foro quidem dignos putârim.*" The orators, when addressing the people from the rostra, and even the tribunes of the people in the early times of the Republic, used to front the comitium and the curia; but C. Gracchus,² or, according to Varro³ and Cicero,⁴ C. Licinius, introduced the custom of facing the Forum, thereby acknowledging the sovereignty of the people. In 308 B.C., the Romans adorned the Forum, or, rather, the bankers' shops (*argentarias*) around, with gilt shields which they had taken from the Samnites; and this custom of adorning the Forum with these shields and other ornaments was subsequently always observed during the time of the Ludi Romani, when the ædiles rode in their chariots (*tensa*) in solemn procession around the Forum.⁵ After the victory of C. Duilius over the Carthaginians, the Forum was adorned with the celebrated columnæ rostrata. (*Vid. COLUMNÆ*.) In the upper part of the Forum, or the comitium, the laws of the Twelve Tables were exhibited for public inspection, and it was probably in the same part that, in 304 B.C., Cn. Flavius exhibited the *Fasti*, written on white tables (*in albo*), that every citizen might be able to know the days on which the law allowed the administration of justice.⁶ Besides the ordinary business which was carried on in the Forum, we read that gladiatorial games were held in it,⁷ and that prisoners of war and faithless colonists or legionaries were put to death there.⁸

A second forum judicialium was built by J. Cæsar, and was called *Forum Cæsaris* or *Julii*. The levelling of the ground alone cost him above a million of sesterces, and he adorned it, besides, with a magnificent temple of Venus Genetrix.⁹

A third forum was built by Augustus, and called *Forum Augusti*, because the two existing ones were not found sufficient for the great increase of business which had taken place. Augustus adorned his forum with a temple of Mars and the statues of the most distinguished men of the Republic, and issued a decree that only the *judicia publica* and the *sortitiones judicum* should take place in it.¹⁰ After the *Forum Augusti* had severely suffered by fire, it was restored by Hadrianus.¹¹

The three fora which have been mentioned seem to have been the only ones that were destined for the transaction of public business. All the others, which were subsequently built by the emperors, such as the *Forum Trajani* or *Ulpium*, the *Forum Sallustii*, *Forum Diocletiani*, *Forum Aureliani*, &c., were probably more intended as embellishments of the city than to supply any actual want.

Different from these fora were the numerous markets at Rome, which were neither as large nor as beautiful as the former. They are always distinguished from one another by epithets expressing the particular kinds of things which were sold in them, e. g., *forum boarium*, according to Festus, the cattle-market; according to others, it derived the name boarium from the statue of an ox which stood there.¹² *forum olitorium*, the vegetable market;¹³ *forum pis-*

¹ *Orat.*, viii., 40.—Harpocrat., s. v. Κατὰ δὲ μόνους δικαστῆς.—*Lex.*, 310, 21.—Demosth., c. Timocr., p. 735, 11.—*Id.*, p. 976, 10.—Schubert, *De Ædil.*, p. 96-98.—Meier, s. v. 77-82.—Schömann, *Ant. Jur. Publ. Græc.*, p. 267, (Festus, s. v.—Cic., *De Leg.*, ii., 24.)—3. (Vitruv., v., 6.—Varro, *De Ling. Lat.*, v., 145, ed. Müller.)—5. (*De Re Rust.*, i., 2.)—6. (Dion. Hal., *Ant. Rom.*, iii., p. 200.—Compare ii., ed. Sylbur.)—7. (Varro, *De Ling. Lat.*, v., 155, ed. Müller.)—8. (Niebuhr, *Hist. of Rome*, i., p. 291, note 746, and note 960.—Walter, *Gesch. des Röm. Rechts*, p. 83.—Göttinger *der Röm. Staatsv.*, p. 155.)—9. (Liv., viii., 14.)

1. (*De Orat.*, i., 36.)—2. (Plat., C. Gracch., 5.)—3. (*De Re Rust.*, i., 2.)—4. (*De Amicit.*, 25.)—5. (Liv., ix., 40.—Cic. in *Verr.*, i., 54, and iii., 4.)—6. (Liv., ix., 46.)—7. (Vitruv., v., 1, 2.)—8. (Liv., vii., 19.—*Id.*, ix., 24.—*Id.*, xxxviii., 28.)—9. (Suet., *Jul.*, 26.—Plin., H. N., xxxvi., 15.—Dion Cass., xliii., p. 254.)—10. (Suet., *Octav.*, 29 and 31.—Compare Plin., H. N., i. c.—Vell. Pat., ii., 39.—Ovid, *Ep. ex Pont.*, iv., 15, 16.—Martial, iii., 35, 3.—Seneca, *De Ira*, ii., 9.—Stat., *Sylv.*, iv., 9, 15.)—11. (*Æl. Spart.*, Hadr., c. 19.)—12. (Plin., H. N., xxiv., 2.—Ovid, *Fast.*, vi., 477.)—13. (Varro, *De Ling. Lat.*, v., 146.)

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rticular legions,¹ from which it has been supposed that the Frumentarii, who acted as spies, soldiers attached to the legions in the provinces they may, however, have been different officers whose duty it was to distribute the corn to the soldiers.

ULCUS (φῦκος), a marine shrub (according to Pliny, the same with red alkanet), from which the fullones made a dye or paint. "Various species of it," observes Adams, "are described by Theophrastus and Dioscorides, but in such general terms that it appears to me a vain task to attempt to determine them. It is farther deserving notice, that Galen, Aëtius, and Oribasius, describe a sort of ceruse under this name. It would appear that it was used as a paint, and in this sense occurs in Lucian's fine epigram in the Anthology."

GA LATA. (Vid. BANISHMENT, ROMAN.)

GA LIBERA. (Vid. BANISHMENT, ROMAN.)

GITIVUS. (Vid. SERVUS.)

LECTURUM. (Vid. LECTUS.)

ULLO (κναφεύς, γναφεύς), also called NACCA,² a washer or scourer of cloth and linen. Fullones not only received the cloth as it came from the loom in order to scour and smooth it, but washed and cleansed garments which had been long worn. As the Romans generally wore linen dresses, which were often of a light colour, frequent washing was frequently needed, in the hot climate of Italy, for a rough purification. The way in which this work was done has been described by Pliny and other ancient writers, but is most clearly explained by some paintings which have been found on the walls of a house at Pompeii. Two of these paintings are described by Gell,⁴ and the whole of them in the Museo Campano;⁵ from the latter of which works the following cuts have been taken.

The clothes were first washed, which was done in tubs or vats, where they were trodden upon and pressed by the feet of the fullones, whence Seneca speaks⁶ of *saltus fullonicus*. The following cut represents four persons thus employed, of whom three are boys, probably under the superintendance of the man. Their dress is tucked up, and the legs bare; the boys seem to have done the work, and to be wringing the articles on which they had been employed.



The ancients were not acquainted with soap, but used in its stead different kinds of alkali, by which the dirt was more easily separated from the clothes. Of these, by far the most common was urine of men and animals, which was mixed with the water in which the clothes were washed.⁷ To procure a sufficient supply of it, the fullones were accustomed to place at the corners of their workshops vessels, which they carried away after they were filled by the passengers.⁸ We are told by Pliny⁹ that Vespasian imposed a *urina vectigal*, a tax supposed by Casaubon and others to have

been a tax paid by the fullones. Nitrum, of which Pliny⁴ gives an account, was also mixed with the water by the scourers. Fuller's earth (*creta fullonica*), of which there were many kinds, was employed for the same purpose. We do not know the exact nature of this earth, but it appears to have acted in the same way as our fullers' earth, namely, partly in scouring and partly in absorbing the greasy dirt. Pliny² says that the clothes should be washed with the Sardinian earth.

After the clothes had been washed, they were hung out to dry, and were allowed to be placed in the street before the doors of the fullonica.⁴ When dry, the wool was brushed and carded to raise the nap, sometimes with the skin of a hedgehog, and sometimes with some plants of the thistle kind. The clothes were then hung on a vessel of basket-work (*viminea caeca*), under which sulphur was placed in order to whiten the cloth; for the ancient fullers appear to have known that many colours were destroyed by the volatile steam of sulphur.⁵ A fine white earth, called Cimolian by Pliny, was often rubbed into the cloth to increase its whiteness.⁶ The preceding account is well illustrated by the following woodcut.



On the left we see a fullo brushing or carding a white tunic, suspended over a rope, with a card or brush, which bears considerable resemblance to a modern horsebrush. On the right, another man carries a frame of wicker-work, which was, without doubt, intended for the purpose described above; he has also a pot in his hand, perhaps intended for holding the sulphur. On his head he wears a kind of garland, which is supposed to be an olive garland, and above him an owl is represented sitting. It is thought that the olive garland and the owl indicate that the establishment was under the patronage of Minerva, the tutelary goddess of the loom. Sir W. Gell imagines that the owl is probably the picture of a bird which really existed in the family. On the left a well-dressed female is sitting, examining a piece of work which a younger girl brings to her. A calantica (*vid. CALANTICA*) upon her head, a necklace, and bracelets, denote a person of higher rank than one of the ordinary work-people of the establishment.

In the following woodcut we see a young man in a green tunic giving a piece of cloth, which appears to be finished, to a young woman, who wears a green under-tunic, and over it a yellow tunic with red stripes. On the right is another female in a white tunic, who appears to be engaged in cleaning one of the cards or brushes. Among these paintings there was a press, worked by two upright screws, in which the cloth was placed to be smoothed. A drawing of this press is given in the article COCHLEA, p. 272.

Orelli, *Inscr.*, 74, 3401, 4922.—2. (Adams, *Append.*, s. v. 1.—2. (Festus, s. v.—*Apul.*, *Met.*, ix., p. 206, Bipont.)—*Suppl.*, vol. ii., pl. 51, 52.)—5. (vol. iv., pl. 49, 50.)—6. 3.)—7. (Plin., *H. N.*, xviii., 18, 26.—*Athen.*, xi., p. 484.)—8. *Strab.*, vi., 93.—*Macroh.*, *Satur.*, ii., 12.)—9. (*Vesp.*, 23.)

1. (*H. N.*, xxxi., 46.)—2. (Plin., *H. N.*, xviii., 4.)—3. (*H. N.*, xxxv., 57.)—4. (*Dig.*, 43, tit. 10, s. 1, § 4.)—5. (*Apul.*, *Met.*, ix., p. 208, Bipont.—Plin., *H. N.*, xxxv., 50, 57.—*Pollux*, *Onom.*, vii., 41.)—6. (*Theophrast.*, *Char.*, 10.—*Plaut.*, *Aulul.*, iv., 9, 6.—Plin., *H. N.*, xxxv., 57.)

FRENUM

caruin, fish-market; *forum* of dainties; *forum coquinum*, a market for cooked and prepared dishes were to be found. (Respecting the fora in the articles COLONIA and CONVENTUS. *De Antiq. jur. Ital.*, ii., 15, and *Röm. Rechts.*, p. 206.)

*FRAGUM, the Strawberry. It is worthy of remark, that it was unknown to the ancient Greeks, but was introduced by the Romans. It had been previously mentioned by Ovid.³ The Strawberry arrived originally from the Alps and was first mentioned by Dioscorides, a physician of the first century. The first Greek writer that mentions the name which he gives it, is Theophrastus, who calls it by the modern Greek name, *φράουλι* (fourth letter). This is a version of Ovid, translated by Theophrastus. This, however, is an error, as the thing from that which it is derived (*Vid. ARBUTUM*).

FRAMEA. (*Vid. FRAXINUS*)
FRATRES ARVA

(FRAXINUS.)

*FRAXINUS, the Ash, called by the Greeks *φράξινος*. Theophrastus is the first who mentions about forty species of *Fraxinus excelsior* trees. It has been known since a long period of history, and the Ash is called, by the Greeks, "man's tree," not only for its use in making agricultural implements, but also for its long handles, strength and lightness. Herodotus and the Edda give the same name to one species of the Ash. The Ash of Calabria is called *manna* is a tree whose trunk yields a juice which is called *manna*.

FRENUM might be derived from the name of him by whom it was invented, Minerva, the winged goddess, while her brother, Neptune, was the god of the sea.

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of *glanides* (μολυβδαίτες), of a form between lead and almonds, were cast in moulds to be used with slings.¹ They have been found on the island of Marathon, and in other parts of Greece, and are remarkable for the inscriptions and devices which they exhibit, such as thunderbolts, the names of deities, and the word ΔΕΕΑΙ, meaning "Take

care of the natives of the Balearic Isles, who are said to have arisen from the circumference of the island, when they were children, their mothers taught them to obtain their food by striking it with a sling."² Among the Greeks, the Achaean warriors attained to the greatest expertise in the use of this weapon.

The sling, as depicted in the Egyptian tombs, had a loop for making it fast to the hand. It was made of wool,³ hair, hemp, or leather,⁴ and its advantages were, that it might be used at a distance without the slightest inconvenience to soldiers accustomed to the use of it, and that they could use it when their other weapons were broken (*positis hastis*⁵); and that it was very useful in checking an enemy, especially in stony mountain passes, and upon eminences.⁶ The sling was also used the sling to kill their game.¹⁰

The sling was a very efficacious and important instrument of ancient warfare, stones thrown with the hand alone were also much in use both by the Romans¹¹ and with other nations (*οι περὶ τὴν Αἴθιοπία*). The Libyans carried no other arms than spears and a bag full of stones.¹² A casting-net was sometimes called *funda*.¹⁴

FUNDUS. The primary signification of this word is to be the bottom or foundation of a thing; the elementary part (*fud*) seems to be the same as *βυθός* and *πυθμῆν*, the *n* in *fundus* being added to strengthen the syllable. The conjectures of Latin writers as to the etymology of *fundus* have been safely neglected.

Fundus is often used as applied to land, the solid part of all man's labours. According to Florus,¹³ the term *fundus* comprised all land and actions on it; but usage had restricted the word to city houses, *villae* to rural houses, and *ager* to a plot of ground in a city not built upon, and *ager* to a plot of ground in the country, and *fundus* cum *edificiis*. This definition of *fundus* may be compared with the uses of that word by Horace and other writers. In one passage,¹⁴ Horace places *fundus* and *fundus* in opposition to one another, doing, apparently, there used as equivalent to

the term *fundus* often occurred in Roman wills, and the testator frequently indicated the *fundus* to be his last dispositions referred by some name, as Sempronianus, Seianus; sometimes, also, reference to a particular tract of country, as *Trebatianus qui est in regione Atellana*.¹⁷ A will was sometimes devised *cum omni instrum.* with its stock and implements of husbandry. Originally a question arose as to the extent of *instrumentum*, between or among the parties derived their claim from a testator.¹⁸

Fundus has a derived sense which flows easily from its primary meaning. "*Fundus*," says

"*dicatur populus esse rei, quam alienat, hoc*

est, vi., 176.—Ovid, *Met.*, ii., 729.—*Id.*, vii., 778.—*Id.*, viii., 825, 826.—2. (Dodwell's *Tour*, vol. ii., p. 159-161.—*Forp.*, *Inscr.*, i., p. 311.)—3. (*Veget.*, *De Re Mil.*, i., 16.)—4. (*Veget.*, ii., 14.)—5. (*Virg.*, *Georg.*, i., 309.)—6. (*Virg.*, *Georg.*, i., 309.)—7. (*Æn.*, xi., 579.)—8. (*Virg.*, l. c.)—9. (*Virg.*, *Georg.*, i., 309.)—10. (*Virg.*, *Georg.*, i., 309.)—11. (*Veget.*, i., 16.)—12. (*Xen.*, *Hellen.*, ii., 4, § 12.)—13. (*Diod. Sic.*, i., 14.)—14. (*Virg.*, *Georg.*, i., 141.)—15. (*Dig.*, 50, tit. 16, s. 1.)—16. (*Ep.*, i., ii., 47.)—17. (*Brissonius De Formul.*, vii., *Dig.*, 32, tit. 17, s. 12.)

est auctor."¹⁹ (*Vid.* *AVCTOR*.) In this sense "*fundus esse*" is to confirm or ratify a thing; and in Gellius² there is the expression "*sententia legisque fundus subscriptorque fieri*." (*Vid.* *FEDERATI*.)

FUNDITORES. (*Vid.* *FUNDA*.)

***FUNGUS** (μύκης), the Mushroom. "The excellent mushrooms of the ancients comprehended, no doubt, the *Agaricus campestris*, and other species of this genus. The *Agaricus acris* and other species were embraced under their poisonous mushrooms. It will be interesting to the medical student to compare the account of the poisonous mushrooms given by Nicander, with Orfila's observations on the same in his work 'on Poisons.'"²⁰ Diphilus, an ancient author quoted by Athenæus, says that *Fungi* are grateful to the stomach, laxative, and nutritious, but of difficult digestion and flatulent. Apicius directs to eat them with pepper, oil, salt, &c. Horace points out the best kind of *Fungi*, and the poets, generally, mention mushrooms as a delicacy at the tables of gourmands.⁴

FUNIS. (*Vid.* *NAVIS*.)

FUNUS. It is proposed in the following article to give a brief account of Greek and Roman funerals, and of the different rites and ceremonies connected therewith.

The Greeks attached great importance to the burial of the dead. They believed that souls could not enter the Elysian fields till their bodies had been buried; and, accordingly, we find the shade of Elpenor in the *Odyssey*⁵ earnestly imploring Ulysses to bury his body. Ulysses also, when in danger of shipwreck, deprecates that he had not fallen before Troy, as he should in that case have obtained an honourable burial.⁶ So strong was this feeling among the Greeks, that it was considered a religious duty to throw earth upon a dead body which a person might happen to find unburied;⁷ and among the Athenians, those children who were released from all other obligations to unworthy parents, were nevertheless bound to bury them by one of Solon's laws.⁸ The neglect of burying one's relatives is frequently mentioned by the orators as a grave charge against the moral character of a man,⁹ since the burial of the body by the relations of the dead was considered a religious duty by the universal law of the Greeks. Sophocles represents Antigone as disregarding all consequences in order to bury the dead body of her brother Polynices, which Creon, the king of Thebes, had commanded to be left unburied. The common expressions for the funeral rites, τὰ δίκαια, νόμιμα or νομιζόμενα, προσήκοντα, show that the dead had, as it were, a legal and moral claim to burial.

The common customs connected with a Greek funeral are described by Lucian in his treatise *De Luctu*;¹⁰ and there is no reason for supposing that they differ much from those which were practised in earlier times. After a person was dead, it was the custom first to place in his mouth an obolus, called *θανάκη* (*vid.* *DANACE*), with which he might pay the ferryman in Hades. The body was then washed and anointed with perfumed oil, and the head was crowned with the flowers which happened to be in season. The deceased was then dressed in as handsome a robe as the family could afford, in order, according to Lucian, that he might not be cold on the passage to Hades, nor be seen naked by Cerberus; this garment appears to have been usu-

1. (Compare Plautus, *Trinum.*, V., i., 7, "*fundus potior*.")—2. (*xix.*, 8.)—3. (Theophrast., *H. P.*, l. 8.—Nicand., *Alex.*, v., 529.—Orfila on Poisons, ii., 327.)—4. (Athen., *Deipnos.*, ii., 19.—Adams, *Append.*, s. v. *μύκης*.—Horat., *Sat.*, ii., 4.—Juv., *Sat.*, v., 145.—Adams, *Commentary on Paul of Ægina*, p. 99.)—5. (*xi.*, 66, &c.)—6. (*Od.*, v., 311.)—7. (*ÆL.*, *Var. Hist.*, v., 14.)—8. (*Æsch.*, c. Timarch., p. 40.)—9. (*Demosth.*, c. Aristog., i., p. 757, § 2.—*Lyss.*, c. Phil., p. 883; c. Alcib., p. 539.)—10. (*c.*, *xx.*, &c., vol. ii., p. 926, ed. Reitz.)

ly built by the side of roads and near the city. Thus the tomb of Thucydides at the Melitian gate;¹ but the most common of burial was outside of the Itonian gate, a road leading to the Peiræus, which gate that reason called the burial-gate (*Ἡρία*). Those who had fallen in battle were buried at public expense in the outer Cerameicus, a road leading to the Academia.²

Tombs were regarded as private property, and belonged exclusively to the families whose relatives had been buried in them.³

They were called *θήκαι*, *τάφοι*, *μνήματα*, *μνημεία*. Many of these were only mounds of earth (*χώματα*, *κόλωνα*, *τύμβοι*). Others were of stone, and frequently ornamented with great carvings. Some of the most remarkable Greek tombs are those which have been recently discovered in Sicily by Mr. Fellows. In the neighbourhood of Syracuse the tombs are very numerous. They are of Greek inscriptions, which are generally destroyed by the damp sea-air. The following is taken from Mr. Fellows's work,⁴ and will give an idea of the general appearance of the whole.



and thus the tombs are still more numerous. Some are cut into, or are formed by cutting away, the rock, leaving the tombs standing like works of art.⁵ The same is the case at Telmessus, where they are cut out of the rock in the form of columns.

They are generally approached by steps, and the columns of the portico stand out about six feet in the entrance to the cella; the interiors are small; they are usually about six feet in height and nine feet by twelve in size. One side is opened by the door, and the other sides contain niches in which the coffins or urns have been placed.

Greek tombs were built under ground, and were called *ύπόγαια* or *ύπόγεια*. They correspond to the Roman *conditoria*.⁶ (Vid. CONDITORIA.)

When the dead appear to have been usually buried in the earth, and originally the place of their burial was not marked by any monument.⁷ After the introduction, however, of the custom of erecting monuments to the deceased, that which was provided by one of Solon's laws that no one

should erect a monument which could not be completed by ten men in the course of three days.⁸ This law, however, does not seem to have been strictly observed. We read of one monument which cost twenty-five minæ,⁹ and of another which cost more than two talents.¹⁰ Demetrius Phalereus also attempted to put a stop to this expense by forbidding the erection of any funeral monument more than three cubits in height.¹¹

The monuments erected over the graves of persons were usually of four kinds: 1. *στήλαι*, pillars or upright stone tablets; 2. *κίονες*, columns; 3. *ναΐδια* or *ήρώα*, small buildings in the form of temples; and, 4. *τάπεζαι*, flat square stones, called by Cicero¹² *mensæ*. The term *στήλαι* is sometimes applied to all kinds of funeral monuments, but properly designates upright stone tablets, which were usually terminated with an oval heading called *επιθήμα*. These *επιθήματα* were frequently ornamented with a kind of arabesque work, as in the two following specimens taken from Stackelberg.¹³ The shape of the *επιθήμα*, however, some-



times differed: among the Sicyonians it was in the shape of the *ἀέρος* or *fastigium* (vid. FASTIGIUM), which is placed over the extremity of a temple.

The *κίονες* or columns were of various forms. The three in the following woodcut are taken from Stackelberg¹⁴ and Millin.¹⁵



The following example of an *ήρώον*, which is also taken from Stackelberg,¹⁶ will give a general idea of monuments of this kind. Another *ήρώον* is given in the course of this article.

The inscriptions upon these funeral monuments usually contain the name of the deceased person, and that of the demus to which he belonged, as well as, frequently, some account of his life. A work on these monuments, entitled *Περὶ Μνημάτων*, was written by Diodorus Periegetes.¹⁷

Orations in praise of the dead were sometimes pronounced; but Solon ordained that such orations should be confined to persons who were honoured with a public funeral.¹⁸ In the heroic ages games

¹ (Id., ii., 23, § 11.)—2. (Etym. Mag. and Harpocr., s. v.—*Ant. Char.*, 14.)—3. (Thucyd., ii., 34.—Paus., i., 29, § 1.—Demosth., c. Eubol., p. 1307; c. Macart., 1077.—Cic., ii., 20.)—5. (Excursion in Asia Minor, p. 219.)—6. (Ib., 7. (Ib., p. 245.)—8. (Petron., c. 111.)—9. (Cic., De Leg., ii., 25.)

1. (Id., ii., 26.)—2. (Lys., c. Diog., p. 905.)—3. (Demosth., c. Steph., i., p. 1123, 15.)—4. (Cic., l. c.)—5. (l. c.)—6. (pl. 3.)—7. (pl. 44, 46.)—8. (Peint. de Vases Ant., vol. ii., pl. 51.)—9. (pl. 1.)—10. (Plut., Them., 32.)—11. (Cic., De Leg., ii., 26.)

were celebrated at the funeral of a great man, as in the case of Patroclus;¹ but this practice does not seem to have been usual in the historical times.



All persons who had been engaged in funerals were considered polluted, and could not enter the temples of the gods till they had been purified. Those persons who were reported to have died in foreign countries, and whose funeral rites had been performed in their own cities, were called *ὑστερόποτροι* and *δευτερόποτροι* if they were alive. Such persons were considered impure, and could only be delivered from their impurity by being dressed in swaddling clothes, and treated like newborn infants.²

After the funeral was over the relatives partook of a feast, which was called *περίδειπνον* or *νεκρόδειπνον*.³ This feast was always given at the house of the nearest relative of the deceased. Thus the relatives of those who had fallen at the battle of Chæroneia partook of the *περίδειπνον* at the house of Demosthenes, as if he were the nearest relative to them all.⁴ These feasts are frequently represented on funeral monuments. In one corner a horse's head is usually placed, which was intended to represent death as a journey. The following woodcut, which represents a *περίδειπνον* or *νεκρόδειπνον*, is taken from the *Marmora Oxon.*, i., tab. 52, No. 135. A similar example of a *περίδειπνον* is given at the beginning of Hobhouse's *Travels*.⁵



On the second day after the funeral a sacrifice to the dead was offered, called *τρίτα*. Pollux⁶ enumerates in order all the sacrifices and ceremonies which followed the funeral: *τρίτα, ἔννατα, τριακά-*

δες, ἐναγίσματα, χοαί. Aristophanes¹ alludes to the *τρίτα*. The principal sacrifice, however, to the dead was on the ninth day, called *ἔννατα* or *ἑνάτα*.² The mourning for the dead appears to have lasted till the thirtieth day after the funeral,³ on which day sacrifices were again offered.⁴ At Sparta the time of mourning was limited to eleven days.⁵ During the time of mourning it was considered indecorous for the relatives of the deceased to appear in public:⁶ they were accustomed to wear a black dress,⁷ and in ancient times cut off their hair as a sign of grief (*Πλόκαμος πενθητήριος*).⁸

The tombs were preserved by the family to which they belonged with the greatest care, and were regarded as among the strongest ties which attached a man to his native land.⁹ In the *Docimasia* of the Athenian archons it was always a subject of inquiry whether they had kept in proper repair the tombs of their ancestors.¹⁰ On certain days the tombs were crowned with flowers, and offerings were made to the dead, consisting of garlands of flowers and various other things; for an account of which, see *Æschyl., Pers.*, 609, &c.; *Choëph.*, 86, &c. The act of offering these presents was called *ἐναγίσμα*, and the offerings themselves *ἐναγίσματα*, or, more commonly, *χοαί*. Such offerings at the tombs are represented upon many *λήκυθοι*, or painted vases, of which an example is given in the following woodcut.¹¹ The tomb is built in the form of a temple (*ἡρώων*), and upon it is a representation of the deceased. See also Stackelberg, pl. 44-46, and Millin, vol. ii., pl. 32, 38, for farther examples.



The *γενέσια* mentioned by Herodotus¹² appear to have consisted in offerings of the same kind, which were presented on the anniversary of the birthday of the deceased. The *νεκέσια* were probably offerings on the anniversary of the day of the death; though, according to some writers, the *νεκέσια* were the same as the *γενέσια*.¹³ Meals were also presented to the dead, and burned.¹⁴

Certain criminals, who were put to death by the state, were also deprived of the rites of burial, which was considered as an additional punishment. There were certain places, both at Athens and Sparta, where the dead bodies of such criminals were cast.¹⁵ A person who had committed suicide was not deprived of burial, but the hand with which he had killed himself was cut off and buried by it-

1. (Il., xxiii.)—2. (Hesych., s. v.—Plut., *Quæst. Rom.*, 5.)—3. (Lucian, *D.*, c. 24.—Cic., *De Leg.*, ii., 25.)—4. (Demosth., *Pro Coron.*, p. 321, 15.)—5. (Compare Müller, *Archæol. der Kunst*, § 428, 2.)—6. (*Onom.* viii., 146.)

1. (Lysistr., 611, with schol.)—2. (Æschyl., c. Ctes., p. 617.—*Issus*, *De Ciron*, hered., p. 234.)—3. (Lys., *De Cæs. End.*, p. 16.)—4. (Hæroclat., s. v. *Τριακάδες*.)—5. (Plut., *Lyc.*, 27.)—6. (Æschyl., c. Ctes., p. 468, 469.)—7. (Eurip., *Helen.*, 1087.—*Iphig. Aul.*, 1438.—*Issus*, *De Nicost.* hered., p. 71.—Plut., *Pericl.*, 38.)—8. (Æschyl., *Choëph.*, 7.)—9. (Æschyl., *Pers.*, 405.—*Lycærg.*, c. *Leocr.*, p. 141.)—10. (Xen., *Mem.*, ii., 2, § 13.)—11. (Millin, *Peint. de Vases Ant.*, vol. ii., pl. 27.)—12. (Herod., 20.)—13. (Hesych., s. v. *Γενέσια*.—Grammatt. Bekker, p. 231.)—14. (Lucian, *Contempl.*, p. 22, vol. i., p. 519, ed. Reitz.—*De Merc. Conduct.*, 28, p. 657.—*Artemidor.*, *Oneirocr.*, iv., 81.)—15. (Plut., *Them.*, 22.—*Thucyd.*, i., 134.)

self.¹ The bodies of those persons who had been struck by lightning were regarded as sacred (*lepoi νεκροί*); they were never buried with others,² but usually on the spot where they had been struck.³ (Vid. BIDENTAL.)

We now proceed to give an account of Roman funerals. They were conducted, in some respects, in the same manner as Greek funerals; but as they differ in many important particulars, a separate account of each is given in this article.

When a Roman was at the point of death, his nearest relative present endeavoured to catch the last breath with his mouth.⁴ The ring was taken off the finger of the dying person;⁵ and as soon as he was dead, his eyes and mouth were closed by the nearest relative,⁶ who called upon the deceased by name (*inclamare, conclamare*), exclaiming *ave* or *vale*.⁷ The corpse was then washed, and anointed with oil and perfumes by slaves, called *Pollinctores*, who belonged to the *Libitinarii*, or undertakers, called by the Greeks νεκροβάπται.⁸ The *Libitinarii* appear to have been so called because they dwelt near the Temple of Venus Libitina, where all things requisite for funerals were sold.⁹ Hence we find the expressions *vitare Libitinam* and *evadere Libitinam* used in the sense of escaping death.¹⁰ At this temple an account (*ratio, ephemeris*) was kept of those who died, and a small sum was paid for the registration of their names.¹¹

A small coin was then placed in the mouth of the corpse, in order to pay the ferryman in Hades,¹² and the body was laid out on a couch in the vestibule of the house, with its feet towards the door, and dressed in the best robe which the deceased had worn when alive. Ordinary citizens were dressed in a white toga, and magistrates in their official robes.¹³ If the deceased had received a crown, while alive, as a reward for his bravery, it was now placed on his head,¹⁴ and the couch on which he was laid was sometimes covered with leaves and flowers. A branch of cypress was also usually placed at the door of the house, if he was a person of consequence.¹⁵

Funerals were usually called *funera justa* or *exequia*; the latter term was generally applied to the funeral procession (*pompa funebris*). There were two kinds of funerals, public and private; of which the former was called *funus publicum*¹⁶ or *indignum*, because the people were invited to it by a herald;¹⁷ the latter, *funus tacitum*,¹⁸ *translativum*,¹⁹ or *plebicum*. A person appears to have usually left a certain sum of money in his will to pay the expenses of his funeral; but if he did not do so, nor appoint any one to bury him, this duty devolved upon the persons to whom the property was left, and if he died without a will, upon his relatives according to their order of succession to the property.²⁰ The expenses of the funeral were in such cases decided by an arbiter according to the property and rank of the deceased,²¹ whence *arbitria* is used to signify the funeral expenses.²² The following description of the mode in which a funeral was conducted only applies strictly to the funerals of the great; the same pomp and ceremony could not, of

course, be observed in the case of persons in ordinary circumstances.

All funerals in ancient times were performed at night,¹ but afterward the poor only were buried at night, because they could not afford to have any funeral procession.² The corpse was usually carried out of the house (*efferebatur*) on the eighth day after the death.³ The order of the funeral procession was regulated by a person called *Designator* or *Dominus Funeris*, who was attended by *lictors* dressed in black.⁴ It was headed by musicians of various kinds (*cornicines, siticines*), who played mournful strains,⁵ and next came mourning women, called *Præfica*,⁶ who were hired to lament and sing the funeral song (*nenia* or *lessus*) in praise of the deceased. These were sometimes followed by players and buffoons (*scurra, histriones*), of whom one, called *Archimimus*, represented the character of the deceased, and imitated his words and actions.⁷ Then came the slaves whom the deceased had liberated, wearing the cap of liberty (*pileati*); the number of whom was occasionally very great, since a master sometimes liberated all his slaves in his will, in order to add to the pomp of his funeral.⁸ Before the corpse the images of the deceased and of his ancestors were carried,⁹ and also the crowns or military rewards which he had gained.¹⁰

The corpse was carried on a couch (*lectica*), to which the name of *Feretrum*¹¹ or *Capulum*¹² was usually given; but the bodies of poor citizens and of slaves were carried on a common kind of bier or coffin, called *Sandapila*.¹³ The *Sandapila* was carried by bearers, called *Vespæ* or *Vespillones*,¹⁴ because, according to Festus,¹⁵ they carried out the corpses in the evening (*vespertino tempore*). The couches on which the corpses of the rich were carried were sometimes made of ivory, and covered with gold and purple.¹⁶ They were often carried on the shoulders of the nearest relatives of the deceased,¹⁷ and sometimes on those of his freedmen.¹⁸ Julius Cæsar was carried by the magistrates,¹⁹ and Augustus by the senators.²⁰

The relatives of the deceased walked behind the corpse in mourning; his sons with their heads veiled, and his daughters with their heads bare and their hair dishevelled, contrary to the ordinary practice of both.²¹ They often uttered loud lamentations, and the women beat their breasts and tore their cheeks, though this was forbidden by the Twelve Tables (*Mulieris genas ne radunto*²²). If the deceased was of illustrious rank, the funeral procession went through the Forum,²³ and stopped before the *rostra*, where a funeral oration (*laudatio*) in praise of the deceased was delivered.²⁴ This practice was of great antiquity among the Romans, and is said by some writers to have been first introduced by Poplicola, who pronounced a funeral oration in honour of his colleague Brutus.²⁵ Women, also, were honoured by funeral orations.²⁶ From the Forum the corpse was carried to the place of burning or burial, which, according to a law of

1. (Æschin., c. Ctes., p. 636, 637.)—2. (Eurip., Suppl., 925.)—3. (Artemid., Oneirocr., ii., 9, p. 146.)—4. (Virg., Æn., iv., 664.—Cic., Verr., v., 45.)—5. (Suet., Tib., 73.)—6. (Virg., Æn., ii., 487.)—7. (Ovid, Trist., III., iii., 43.—Id., Met., x., 62.—Id., Fast., iv., 852.—Catull., ci., 10.)—8. (Dig. 14, tit. 3, s. 5, § 8.)—9. (Sæc., De Benef., vi., 38.—Plut., Quæst. Rom., 23.—Liv., vi., 21.—Plut., Num., 12.)—10. (Hor., Carm., III., xxx., 6.—Juv., xi., 122.)—11. (Suet., Ner., 39.—Dionys. Hal., Ant. Rom., iv., 15.)—12. (Juv., iii., 267.)—13. (Juv., iii., 172.—Liv., xxxiv., 7.—Suet., Ner., 50.)—14. (Cic., De Leg., ii., 24.)—15. (Lucan., ii., 442.—Hor., Carm., II., xiv., 23.)—16. (Tacit., Ann., vi., 11.)—17. (Festus, s. v.—Cic., De Leg., ii., 24.)—18. (Ovid, Trist., i., iii., 22.)—19. (Suet., Ner., 33.)—20. (Dig. 11, tit. 7, s. 12.)—21. (Plut., Poplic., 1. c.)—22. (Cic., Pro Dom., 37.—Id., post Red. in Sen., 7.—Id. in Pis., 9.)

1. (Serv. ad Virg., Æn., xi., 143.—Isidor., xi., 2.—Id., xx., 10.)—2. (Festus, s. v. Vespæ.—Sueton., Dom., 17.—Dionys. Hal., iv., 40.)—3. (Serv. ad Virg., Æn., v., 64.)—4. (Donat. ad Ter., Adelph., I., ii., 7.—Cic., De Leg., ii., 24.—Hor., Ep., I., vii., 6.)—5. (Cic., Ib., ii., 23.—Gell., xx., 2.)—6. (Festus, s. v.)—7. (Suet., Vesp., 19.)—8. (Dionys. Hal., iv., 24.—Compare Liv., xxxviii., 55.)—9. (Cic., Pro Mil., 13.—Dion Cass., lvi., 134.—Plin., H. N., xxxv., 2.)—10. (Cic., De Leg., ii., 24.)—11. (Varro, De Ling. Lat., v., 166.)—12. (Fest., s. v.)—13. (Mart., ii., 81.—Id., VIII., lxxv., 14.—Juv., viii., 175.—"Vilis arca:" Hor., Sat., I., viii., 9.)—14. (Suet., Dom., 17.—Mart., l., xxxi., 48.)—15. (s. v.)—16. (Suet., Jul., 84.)—17. (Val. Max., vii., 1, § 1.—Hor., Sat., II., viii., 56.)—18. (Pers., iii., 106.)—19. (Suet., Jul., 84.)—20. (Suet., Octav., 100.—Tacit., Ann., i., 8.)—21. (Plut., Quæst. Rom., 14.)—22. (Cic., De Leg., ii., 23.)—23. (Dionys. Hal., iv., 40.)—24. (Dionys. Hal., v., 17.—Cic., Pro Mil., 13.—Id., De Orat., ii., 84.—Suet., Jul., 84.—Id., Octav., 100.)—25. (Plut., Poplic., 9.—Dionys. Hal., v., 17.)—26. (Cic., De Orat., ii., 11.—Suet., Jul., 26.—Id., Cal., 10.)

the Twelve Tables, was obliged to be outside the city.¹

The Romans in the most ancient times buried their dead,² though they also early adopted, to some extent, the custom of burning, which is mentioned in the Twelve Tables.³ Burning, however, does not appear to have become general till the later times of the Republic; Marius was buried, and Sulla was the first of the Cornelian gens whose body was burned.⁴ Under the Empire burning was almost universally practised, but was gradually discontinued as Christianity spread,⁵ so that it had fallen into disuse in the fourth century.⁶ Persons struck by lightning were not burned, but buried on the spot, which was called *Bidental*, and was considered sacred. (*Vid. BIDENTAL.*) Children, also, who had not cut their teeth, were not burned, but buried in a place called *Suggrundarium*.⁷ Those who were buried were placed in a coffin (*arca* or *loculus*), which was frequently made of stone,⁸ and sometimes of the Assian stone, which came from Assos in Troas, and which consumed all the body, with the exception of the teeth, in 40 days,⁹ whence it was called *Sarcophagus*. This name was in course of time applied to any kind of coffin or tomb.¹⁰

The corpse was burned on a pile of wood (*pyra* or *rogus*). Servius¹¹ thus defines the difference between *pyra* and *rogus*: "*Pyra est lignorum congeries; rogus, cum jam ardere ceperit, dicitur.*" This pile was built in the form of an altar, with four equal sides, whence we find it called *ara sepulcri*¹² and *funeris ara*.¹³ The sides of the pile were, according to the Twelve Tables, to be left rough and unpolished,¹⁴ but were frequently covered with dark leaves.¹⁵ Cypress-trees were sometimes placed before the pile.¹⁶ On the top of the pile the corpse was placed, with the couch on which it had been carried,¹⁷ and he nearest relative then set fire to the pile with his ace turned away. (*Vid. FAX.*) When the flames began to rise, various perfumes were thrown into the fire (called by Cicero¹⁸ *sumptuosa respersio*), though this practice was forbidden by the Twelve Tables; cups of oil, ornaments, clothes, dishes of food, and other things, which were supposed to be agreeable to the deceased, were also thrown upon the flames.¹⁹

The place where a person was burned was called *Bustum* if he was afterward buried on the same spot (*vid. BUSTUM*), and *Ustrina* or *Ustrinum* if he was buried at a different place. Persons of property frequently set apart a space, surrounded by a wall, near their sepulchres, for the purpose of burning the dead; but those who could not afford the space appear to have sometimes placed the funeral pyre against the monuments of others, which was frequently forbidden in inscriptions on monuments (*Huic monumento ustrinum applicari non licet*²⁰).

If the deceased was an emperor or an illustrious general, the soldiers marched (*decurrebant*) three times round the pile,²¹ which custom was observed annually at a monument built by the soldiers in honour of Drusus.²² Sometimes animals were slaughtered at the pile, and in ancient times captives and slaves, since the Manes were supposed to be

1. (Cic. De Leg., ii., 23.)—2. (Plin., H. N., vii., 55.)—3. (Ibid., l. c.)—4. (Cic. lb., ii., 22.)—5. (Minuc. Felix, p. 327, ed. Guzel, 1672.)—6. (Macrob., vii., 7.)—7. (Plin., H. N., vii., 15.—Juv., xv., 140.—Fulgent., De prisc. serm., 7.)—8. (Val. Max., i., 1, § 12.—Aurel. Vict., De Vir. Illust., 42.)—9. (Plin., H. N., ii., 98; xxxvi., 27.)—10. (Juv., x., 172.—Dig. 34, tit. 1, s. 18, § 5.—Orelli, Inscr., No. 194, 4432, 4554.)—11. (ad Virg., Æn., xi., 185.)—12. (Virg., Æn., vi., 177.)—13. (Ovid, Trist., III., xiii., 21.)—14. (Cic. De Leg., ii., 23.)—15. (Virg., Æn., vi., 215.)—16. (Virg. et Ovid, l. c.—Sil. Ital., x., 535.)—17. (Tibull., l. i., 61.)—18. (l. c.)—19. (Virg., Æn., vi., 225.—Stat., Theb., vi., 225.—Stat., Theb., vi., 126.—Lucan., ix., 175.)—20. (Gruter, 755, 4; 656, 3.—Orelli, 4384, 4385.)—21. (Virg., Æn., xi., 188.—Tacit., Ann., ii., 7.)—22. (Suet. Claud., 1.)

fond of blood; but afterward gladiators, called *Bustuarii*, were hired to fight round the burning pile. (*Vid. BUSTUM.*)

When the pile was burned down, the embers were soaked with wine, and the bones and ashes of the deceased were gathered by the nearest relatives,¹ who sprinkled them with perfumes, and placed them in a vessel called *urna*,² which was made of various materials, according to the circumstances of individuals. Most of the funeral urns in the British Museum are made of marble, & abaster, or baked clay. They are of various shape but most commonly square or round; and upon them there is usually an inscription or epitaph (*scutulus* or *epitaphium*), beginning with the letters D. M. S. or only D. M., that is, *DIS MANIBUS SACRIS*, followed by the name of the deceased, with the length of his life, &c., and also by the name of the person who had the urn made. The following examples, taken from urns in the British Museum, will give a general knowledge of such inscriptions. The first is to Serullia Zosimenes, who lived 24 years, and is dedicated by her son Prosecius:

D. M.
SERVILLÆ ZOSIMENI
QVÆ VIXIT ANN. XXVI.
BENE MEREN. FECIT
PROSECIUS FILIVS.

The next is an inscription to Licinius Successus who lived 13 years, one month, and 19 days, by his most unhappy parents, Comicus and Auriola:

DIS. MAN.
COMICVS. ET
AVRIOLA. PARENTES
INFELICISSIMI
LICINIO SUCCESSO.
V. A. XIII. M. I. D. XIX.

The following woodcut is a representation of a sepulchral urn in the British Museum. It is of an upright rectangular form, richly ornamented with foliage, and supported at the sides by pilasters. It is erected to the memory of *Cossutia Prima*. Its height is twenty-one inches, and its width, at the base, fourteen inches six eighths. Below the inscription an infant genius is represented driving a car drawn by four horses.



1. (Virg., Æn., vi., 226-228.—Tibull., l. iii., 6.—Id., III., 10.—Suet., Octav., 100.)—2. (Ovid, Art., iii., ix., 39.—Tacit., Ann., iii., 1.)

After the bones and ashes of the deceased had been placed in the urn, the persons present were once sprinkled by a priest with pure water from a trench of olive or laurel for the purpose of purification;¹ after which they were dismissed by the *praetor*, or some other person, by the solemn word *I licet*, that is, *ire licet*.² At their departure they were accustomed to bid farewell to the deceased by pronouncing the word *Vale*.³

The urns were placed in sepulchres, which, as already stated, were outside the city, though in a few cases we read of the dead being buried within the city. Thus Valerius, Publicola, Tubertus, and Fabricius were buried in the city; which right their descendants also possessed, but did not use.⁴ The Vestal virgins and the emperors were buried in the city, according to Servius,⁵ because they were not bound by the laws. By a rescript of Hadrian, those who buried a person in the city were liable to a penalty of 40 aurei, which was to be paid to the fiscus; and the spot where the burial had taken place was confiscated.⁶ The practice was also forbidden by Antoninus Pius⁷ and Theodosius II.⁸

The verb *sepelire*, like the Greek *θάπτειν*, was applied to every mode of disposing of the dead,⁹ and *sepulcrum* signified any kind of tomb in which the body or bones of a man were placed (*Sepulcrum est, ubi corpus ossave hominis condita sunt*¹⁰). The term *humare* was originally used for burial in the earth,¹¹ but was afterward applied, like *sepelire*, to any mode of disposing of the dead; since it appears to have been the custom, after the body was buried, to throw some earth upon the bones.¹²

The places for burial were either public or private. The public places of burial were of two kinds; one for illustrious citizens, who were buried at the public expense, and the other for poor citizens, who could not afford to purchase ground for the purpose. The former was in the Campus Martius, which was ornamented with the tombs of the illustrious dead (*vid. CAMPUS MARTIUS*), and in the Campus Esquilinus;¹³ the latter was also in the Campus Esquilinus, and consisted of small pits or caverns, called *puticuli* or *puticulae*;¹⁴ but as this place rendered the neighbourhood unhealthy, it was given to Mæcenas, who converted it into gardens, and built a magnificent house upon it. Private places for burial were usually by the sides of the roads leading to Rome; and on some of these roads, such as the Via Appia, the tombs formed an almost uninterrupted street for many miles from the gates of the city. They were frequently built by individuals during their lifetime;¹⁵ thus Augustus, in his sixth consulship, built the Mausoleum for his sepulchre between the Via Flaminia and the Tiber, and planted round it woods and walks for public use.¹⁶ The

heirs were often ordered by the will of the deceased to build a tomb for him;¹ and they sometimes did it at their own expense (*de suo*), which is not unfrequently recorded in the inscription on funeral monuments, as in the following example taken from an urn in the British Museum:

DIIS MANIBVS
L. LEPIDI EPAPHRÆ
PATRIS OPTIMI
L. LEPIDI
MAXIMVS F.
DE. SVO.

Sepulchres were originally called *busta*,² but this word was afterward employed in the manner mentioned under *Bustum*. Sepulchres were also frequently called *Monumenta*,³ but this term was also applied to a monument erected to the memory of a person in a different place from where he was buried.⁴ *Conditoria* or *conditæ* were sepulchres under ground, in which dead bodies were placed entire, in contradistinction to those sepulchres which contained the bones and ashes only. They answered to the Greek *ὑπόγειον* or *ὑπόγειον*. (*Vid. CONDITORIUM*.)

The tombs of the rich were commonly built of marble, and the ground enclosed with an iron railing or wall, and planted round with trees.⁵ The extent of the burying-ground was marked by Cippi. (*Vid. CIPPUS*.) The name of Mausoleum, which was originally the name of the magnificent sepulchre erected by Artemisia to the memory of Mausolus, king of Caria,⁶ was sometimes given to any splendid tomb.⁷ The open space before a sepulchre was called *forum* (*vid. FORUM*), and neither this space nor the sepulchre itself could become the property of a person by usucapion.⁸

Private tombs were either built by an individual for himself and the members of his family (*sepulchra familiaria*), or for himself and his heirs (*sepulchra hereditaria*). A tomb which was fitted up with niches to receive the funeral urns was called *columbarium*, on account of the resemblance of these niches to the holes of a pigeon-house. In these tombs the ashes of the freedmen and slaves of great families were frequently placed in vessels made of baked clay, called *olla*, which were let into the thickness of the wall within these niches, the lids only being seen, and the inscriptions placed in front. A representation of a *columbarium* is given on page 238.

Tombs were of various sizes and forms, according to the wealth and taste of the owner. The following woodcut, which represents part of the street of tombs at Pompeii, is taken from Mazois, *Pompeiana*, part i., pl. 18.



All these tombs were raised on a platform of masonry above the level of the footway. The first building on the right hand is a funeral triclinium, which presents to the street a plain front about twenty feet in length. The next is the family tomb

of Nævoleia Tyche; it consists of a square building, containing a small chamber, and from the level of the outer wall steps rise, which support a marble cippus richly ornamented. The burial-ground of Nestacidius follows next, which is surrounded by a low wall; next to which comes a monument erected to the memory of C. Calventius Quietus. The

(Virg., *Æn.*, vi., 229.—Serv., ad loc.)—2. (Serv., l. c.)—3. l. 1. a.—4. (Cic., *De Leg.*, ii., 23.)—5. (ad Virg., *Æn.*, xi., 4.) (Dig. 47, tit. 12, s. 3, § 5.)—7. (Capitol., Anton. Pius, *ad Theod.*, 9, tit. 17, s. 6.)—9. (Plin., *H. N.*, vii., 55.)—11, tit. 7, s. 2, § 5.—Compare 47, tit. 12, s. 3, § 2.)—12. (Cic., *De Leg.*, ii., 23.)—13. (Cic., *Phil.*, i., 1.)—14. (Varro, *De Ling. Lat.*, v., 25, ed. Müller.—Festus, *Ant. Sat.*, l., viii., 10.)—15. (Senec., *De Brev. Vit.*, 20.)—16. (Suet., *Octav.*, 100.)

1. (Hor., *Sat.*, II., iii., 84.—Id. *ib.*, v., 105.—Plin., *Ep.*, vi., 10.)—2. (Festus, s. v. *Sepulcrum*.)—3. (Cic. *ad Fam.*, iv., 12, § 3.—Ovid, *Met.*, xiii., 524.)—4. (Festus, s. v.—Cic., *Pro Sext.*, 67.)—5. (Cic. *ad Fam.*, iv., 12, § 3.—Tibull., III., ii., 22.—Suet., *Ner.*, 33, 50.—Martial., i., 89.)—6. (Plin., *H. N.*, xxxvi., 4, § 9.—Gell., x., 18.)—7. (Suet., *Octav.*, 100.—Paus., viii., 16, § 2.)—8. (Cic., *De Leg.*, ii., 24.)—9. (Dig. 11, tit. 7, s. 5.)

building is solid, and was not, therefore, a place of burial, but only an honorary tomb. The wall in front is scarcely four feet high, from which three steps lead up to a cippus. The back rises into a pediment; and the extreme height of the whole from the footway is about seventeen feet. An unoccupied space intervenes between this tomb and the next, which bears no inscription. The last building on the left is the tomb of Scaurus, which is ornamented with bas-reliefs representing gladiatorial combats and the hunting of wild beasts.

The tombs of the Romans were ornamented in various ways, but they seldom represented death in a direct manner.¹ A horse's head was one of the most common representations of death, as it signified departure; but we rarely meet with skeletons upon tombs. The following woodcut, however,



which is taken from a bas-relief upon one of the tombs of Pompeii, represents the skeleton of a child lying on a heap of stones. The dress of the female, who is stooping over it, is remarkable, and is still preserved, according to Mazois, in the country around Sora.²

A sepulchre, or any place in which a person was buried, was *religiosus*; all things which were left or belonged to the Dii Manes were *religiosa*; those consecrated to the Dii Superi were called *Sacræ*.³ Even the place in which a slave was buried was considered *religiosus*.⁴ Whoever violated a sepulchre was subject to an action termed *sepulcri violati actio*.⁵ Those who removed the bodies or bones from the sepulchre were punished by death, or deportatio in insulam, according to their rank; if the sepulchre was violated in any other way, they were punished by deportatio, or condemnation to the mines.⁶ The title in the Digest, "De Religiosis et Suntuibus Funerum," &c., also contains much curious information on the subject, and is well worth perusal.

After the bones had been placed in the urn at the funeral, the friends returned home. They then underwent a farther purification called *suffitio*, which consisted in being sprinkled with water and stepping over a fire.⁷ The house itself was also swept with a certain kind of broom, which sweeping or purification was called *exverra*, and the person who did it *exverriator*.⁸ The *Decidiales Ferae* were also days set apart for the purification of the family.¹⁰ The mourning and solemnities connected with the dead lasted for nine days after the funeral, at the end of which time a sacrifice was performed called *Novendiale*.¹¹

A feast was given in honour of the dead, but it is uncertain on what day; it sometimes appears to

have been given at the time of the funeral, sometimes on the Novendiale, and sometimes later. The name of *Silicernium* was given to this feast,¹ of which the etymology is unknown. Among the tombs at Pompeii there is a funeral triclinium for the celebration of these feasts, which is represented in the annexed woodcut.² It is open to the sky, and the walls are ornamented by paintings of animals in the centre of compartments, which have borders of flowers. The triclinium is made of stone, with a pedestal in the centre to receive the table.



After the funeral of great men, there was, in addition to the feast for the friends of the deceased, a distribution of raw meat to the people, called *Visceratio*,³ and sometimes a public banquet.⁴ Combats of gladiators and other games were also frequently exhibited in honour of the deceased. Thus, at the funeral of P. Licinius Crassus, who had been pontifex maximus, raw meat was distributed to the people, a hundred and twenty gladiators fought, and funeral games were celebrated for three days, at the end of which a public banquet was given in the Forum.⁵ Public feasts and funeral games were sometimes given on the anniversary of funerals. Faustus, the son of Sulla, exhibited in honour of his father a show of gladiators several years after his death, and gave a feast to the people, according to his father's testament.⁶ At all banquets in honour of the dead, the guests were dressed in white.⁷

The Romans, like the Greeks, were accustomed to visit the tombs of their relatives at certain periods, and to offer to them sacrifices and various gifts, which were called *Inferia* and *Parentalia*. The Romans appear to have regarded the Manes or departed souls of their ancestors as gods, whence arose the practice of presenting to them oblations, which consisted of victims, wine, milk, garlands of flowers, and other things.⁸ The tombs were sometimes illuminated on these occasions with lamps.⁹ In the latter end of the month of February there was a festival, called *Feralia*, in which the Romans were accustomed to carry food to the sepulchres for the use of the dead.¹⁰

The Romans, like ourselves, were accustomed to wear mourning for their deceased friends, which appears to have been black, under the Republic, for both sexes. Under the Empire, the men continued to wear black in mourning,¹¹ but the women wore white.¹² They laid aside all kinds of ornaments,¹³ and did not cut either their hair or beard.¹⁴ Men appear to have usually worn their mourning for only a few days,¹⁵ but women for a year when they lost a husband or parent.¹⁶

In a public mourning on account of some signal calamity, as, for instance, the loss of a battle or the death of an emperor, there was a total cessation from business, called *Iustitium*, which was usually ordained by public appointment. During this period

1. (Müller, *Archæol. der Kunst*, § 431.—Lessing, "Wie die Alten den Tod gebildet haben?")—2. (Mazois, *Pomp.*, i., pl. 29.)—3. (Gaius, ii., § 4.)—4. (Dig. 11, tit. 7, s. 2.)—5. (Dig. 47, tit. 12.—Compare Cic., *Tusc.*, i., 12.—Cic., *De Leg.*, ii., 22.)—6. (Dig. 47, tit. 12, s. 11.)—7. (11, tit. 7.)—8. (Festus, s. v. "Aqua et Igni.")—9. (Festus, s. v.)—10. (Festus, s. v.—Cic., *De Leg.*, s., 22.)—11. (*Porphy. ad Horat.*, *Epod.*, xvii., 48.)

1. (Festus, s. v.)—2. (Mazois, *Pomp.*, i., pl. xx.)—3. (Liv., vii., 22.)—4. (Suet., *Jul.*, 26.)—5. (Liv., xxxix., 46.)—6. (Dion Cass., xxxvii., 51.—Cic., *Pro Sull.*, 19.)—7. (Cic., *c. Vatin.*, ii., 8. (Virg., *Æn.*, v., 77.—Id. *ib.*, ix., 215.—Id. *ib.*, x., 519. Tacit., *Hist.*, ii., 95.—Suet., *Cal.*, 15.—Id., *Ner.*, 37.—C) Phil., i., 6.)—9. (Dig. 40, tit. 4, s. 44.)—10. (Festus, s. v. Varro, *De Ling. Lat.*, vi., 13.—Ovid, *Fast.*, ii., 565—57 ad Att., viii., 14.)—11. (Juv., x., 245.)—12. (Herodian., i., 13. (Herodian., i., c.—Terent., *Heaut.*, ii., iii., 47.)—14 Jul., 67.—Id., *Octav.*, 23.—Id., *Cal.*, 24.)—15. (Dion C. 48.)—16. (Ovid, *Fast.*, iii., 134.—Senec., *Ecist.*, 62.—Id., *C. vol. ad Helv.*, 10.)

urts of justice did not sit, the shops were and the soldiers freed from military duties.¹ Public mourning the senators did not wear the clavus and their rings,¹ nor the magistrates badges of office.²

FURCA, which properly means a fork, was also me of an instrument of punishment. It was e of wood in the form of the letter A, which laced upon the shoulders of the offender, hands were tied to it. Slaves were frequent- ished in this way, and were obliged to carry the furca wherever they went;⁴ whence the tion of *furcifer* was applied to a man as a f reproach.⁵ The furca was used in the an- mode of capital punishment among the Ro- the criminal was tied to it, and then scourged th. The *patibulum* was also an instrument ishment, resembling the furca; it appears to en in the form of the letter II.⁷ Both the nd *patibulum* were also employed as crosses, nd criminals appear to have been nailed (*in uspendere*⁸).

FURCULUS. (Vid. CURATOR, p. 329.)

FURNUS. (Vid. FORNAX, PISTOR.)

FUROR. (Vid. CURATOR, p. 329.)

FURTI ACTIO. (Vid. FURTUM.)

FURTUM, "theft," is one of the four kinds of which were the foundation of obligations; so called, in a sense, "crimen." (Vid. CRIMEN.) Movable things only could be the objects of it; for the fraudulent handling (*contractatio dosa*) of a thing against the owner's consent *furtum*, and *contractatio* is defined to be "locatio." But a man might commit theft without ag off another person's property. Thus it was to use a thing deposited (*depositum*). It was *furtum* to use a thing which had been lent for a way different from that which the lender eed to; but with this qualification, that the er must believe that he was doing it against rner's consent, and that the owner would not it to such use if he was aware of it; for *dolus* was an essential ingredient in *furtum*. Ag- gly, both *dolus malus* on the part of the per- arged with *furtum*, and the want of consent part of the owner of the thing, were neces- o constitute *furtum*. Another requisite of it is the "lucri faciendi gratia," the intention rropriating another person's property. This otherwise expressed by saying that *furtum* ted in the intention (*furtum ex affectu consist* it was not necessary, in order to constitute it, that the thief should know whose property ng was. A person who was in the power of r, and a wife in *manu*, might be the objects um. A debtor might commit *furtum* by ta- thing which he had given as a pledge (*pignori*) reditor, or by taking his property when in session of a bona fide possessor. Thus there e *furtum* of a thing itself, of the use of it, the possession.

erson might commit *furtum* by aiding in a fur- s if a man should jostle you in order to give r the opportunity of taking your money; or away your sheep or cattle in order that an- ight get possession of them: but if it were erely in a sportive way, and not with a view ng in a theft, it was not *furtum*, though per-

est., Ann., i., 16.—Id. ib., ii., 82.—Liv., ix., 7.—Suet.,)—2 (Liv., ix., 7.)—3. (Tacit., Ann., iii., 4.—Meursius, sa.—Stackelberg, "Die Gräber der Hellenen," Berl., Giesemann, "De Funeribus Romanis."—Becker, Charit., p. 166—210.—Gallus, vol. ii., p. 271—301.)—4. (Do- ter., Andr., III., v., 12.—Plut., Coriol., 24.—Plaut., vi., 37.)—5. (Cic. in Vatin., 6.)—6. (Liv., i., 26.—er., 49.)—7. (Plaut., Mil., II., iv., 7.—Id., Mostell.,)—8. (Dig. 48, tit. 13, s. 6; tit. 19, s. 28, § 15, s. 38. optus, De Cruce.)—9. (Dig. 47, tit. 2, s. 1.)

haps there might be in such case an *actio utilis* under the *lex Aquilia*, which gave such an action even in the case of *culpa*. (Vid. DAMNUM.)

Furtum was either *manifestum* or *nec manifestum*. It was clearly *manifestum* when the person was caught in the act; but in various other cases there was a difference of opinion as to whether the *furtum* was *manifestum* or not. Some were of opinion that it was *furtum manifestum* so long as the thief was engaged in carrying the thing to the place to which he designed to carry it; and others maintained that it was *furtum manifestum* if the thief was ever found with the stolen thing in his possession. That which was not *manifestum* was *nec manifestum*. *Furtum conceptum* and *oblatum* were not species of theft, but species of action. It was called *conceptum furtum* when a stolen thing was sought and found, in the presence of witnesses, in the possession of a person, who, though he might not be the thief, was liable to an action called *furti concepti*. If a man gave you a stolen thing, in order that it might be found (*conciperetur*) in your possession rather than his, this was called *furtum oblatum*, and you had an action *furti oblato* against him, even if he was not the thief. There was also the action *prohibiti furti* against him who prevented a person from searching for a stolen thing (*furtum*); for the word *furtum* signifies both the act of theft and the thing stolen.

The punishment for *furtum manifestum* by the law of the Twelve Tables was *capitalis*, that is, it affected the person's *caput*: a freeman who had committed theft was flogged and consigned (*addictus*) to the injured person; but whether the thief became a slave in consequence of this *addictio*, or an *adjudicatus*, was a matter in dispute among the ancient Romans. The edict subsequently changed the penalty into an *actio quadrupli*, both in the case of a slave and a freeman. The penalty of the Twelve Tables, in the case of a *furtum nec manifestum*, was *duplum*, and this was retained in the edict: in the case of the *conceptum* and *oblatum* it was *triplum*, and this also was retained in the edict. In the case of *prohibitum*, the penalty was *quadruplum*, according to the provisions of the edict; for the law of the Twelve Tables had affixed no penalty in this case, but merely enacted that if a man would search for stolen property, he must be naked all but a cloth round his middle, and must hold a dish in his hand. If he found anything, it was *furtum manifestum*. The absurdity of the law, says Gaius, is apparent; for if a man would not let a person search in his ordinary dress, much less would he allow him to search undressed, when the penalty would be so much more severe if anything was found.¹

The *actio furti* was given to all persons who had an interest in the preservation of the thing *stoles* (*cujus interest rem salvam esse*), and the owner of a thing, therefore, had not necessarily this action. A creditor might have this action even against the owner of a thing pledged, if the owner was the thief. A person to whom a thing was delivered (bailed) in order to work upon it, as in the case of clothes given to a tailor to mend, could bring this action, and not the owner, for the owner had an action (*locati*) against the tailor. But if the tailor was not a responsible person, the owner had his action against the thief, for in such case the owner had an interest in the preservation of the thing. The rule was the same in a case of *commodatum* (*vid. COMMODATUM*); but in a case of *depositum*, the depositee was under no obligation for the safe custody of the thing (*custodiam prestare*), and he was under no liability except in the case of *dolus*.

1. (Compare Grimm, Von der Poesie im Recht, Zeitschrift ii., 91.)

if then the deposited thing was stolen, the owner alone had the actio furti.

An impubes might commit theft (*obligatur crimine furti*) if he was bordering on the age of puberty, and, consequently, of sufficient capacity to understand what he was doing. If a person who was in the power of another committed furtum, the actio furti was against the latter.

The right of action died with the offending person. If a peregrinus committed furtum, he was made liable to an action by the fiction of his being a Roman citizen;¹ and by the same fiction he had a right of action if his property was stolen.

He who took the property of another by force was guilty of theft, inasmuch as he took it against the will of the owner; but in the case of this delict, the praetor gave a special action *vi bonorum raptorum*. The origin of the action *vi bonorum raptorum* is referred by Cicero to the time of the civil wars, when men had become accustomed to acts of violence and to the use of arms against one another. Accordingly, the edict was originally directed against those who, with bodies of armed men (*hominibus armatis coactisque*), did injury to the property of another or carried it off (*quid aut rapuerint aut damni dederint*). With the establishment of order under the Empire the prohibition against the use of arms was less needed, and the word *armatis* is not contained in the edict as cited in the Digest.² The application of the edict would, however, have still been very limited, if it had been confined to cases where numbers were engaged in the violence or robbery; and, accordingly, the jurists discovered that the edict, when properly understood, applied also to the case of a single person committing *damnum* or carrying off property. Originally the edict comprehended both *damnum* and *bona rapta*, and, indeed, *damnum* effected *vi hominibus armatis coactisque* was that kind of violence to the repression of which the edict was at first mainly directed. Under the Empire the reasons for this part of the edict ceased, and thus we see that in Ulpian's time the action was simply called "*vi bonorum raptorum*." In the Institutes and Code the action applies to robbery only, and there is no trace of the other part of the edict. This instructive illustration of the gradual adaptation, even of the edictal law, to circumstances, is given by Savigny,³ who has also given the masterly emendation of Dig. 47, tit. 8, s. 2, § 7, by Heise.

Besides the actio furti, the owner of the thing had a personal action for the recovery of the stolen thing (*rei persecutio*) or its value (*condictio furtiva*) against a thief and his heredes, as well as the *rei vindicatio*, the reason of which is given by Gaius.⁴ Infamia was a consequence of condemnation in the actio furti.

The strictness of the old law in the case of actions of theft was gradually modified, as already shown. By the law of the Twelve Tables, if theft (*furtum*) was committed in the night, the thief, if caught in the act, might be killed: and he might also be killed in the daytime if he was caught in the act, and defended himself with any kind of a weapon (*telum*); if he did not so defend himself, he was whipped, and became *addictus* if a freeman (as above stated); and if a slave, he was whipped and thrown down a precipice.

The following are peculiar kinds of *actiones furti*: 1. *Actio de tigno juncto*, against a person who employed another person's timber in his building; 2. *Actio ad arborum furtim caesarum*, against a person who secretly cut wood on another person's ground;

1. (Hom., *Il.*, xii., 27.—Od., *iv.*, 506.—*Ib.*, *v.*, 292.—Virg., *Georg.*, i., 13.—*Id.*, *Æn.*, i., 138, 145.—*Ib.*, ii., 610.—Cic., *De Nat. Deor.*, i., 36.—Philostr., *Imag.*, ii., 14.)—2. (Claud., *De Rap. Pros.*, ii., 179.)—3. (Virg., *Æn.*, ii., 418.)—4. (Accus., 16—Cic., *De Nat. Deor.*, ii., 35.—Mart., i., 26, 3.—5. (Juv., ii., 145.—*Ib.*, viii., 203.—*Vid. GLADIATOR.*)—6. (Polyb., vi., 57.—Compare Liv., *v.*, 6.)—7. (Cic., *Phil.*, iii., 6.)—8. (Tacit., *Ann.*, ii., 21.)—9. (Dig. 48, tit. 19, s. 28, § 2.)—10. (Dig. 48, tit. 15, s. 16, 47, tit. 10, s. 45.)—11. (Ovid, *Met.*, iv., 220—229.)—12. (Hom., *Od.*, iv., 135.)—13. (Hor., *Epist.*, i., 13, 14.—Ovid, *Met.*, vi., 102.—14. (Plin., *H. N.*, viii., 74.)—15. (Eurip., *Orest.*, 1414.)—16. (Claud., *De Prob. Cons.*, 177.)

3. *Actio furti adversus nautas et cauponas*, *επιμαχία* *ναυτῶν καὶ καυπητῶν* (*vid. ΕΠΕΚΣΙΤΟΚ*), who were liable for the acts of the men in their employment.

There were two cases in which a bona fide possessor of another person's property could not obtain the ownership by usucapion; and one of them was the case of a *res furtiva*, which was provided for in the Twelve Tables.

(Gaius, iii., 183—209.—Gellius, xi., 18.—Dig. 47 tit. 2.—Inst. 4, tit. 1.—Dirksen, *Uebersicht*, &c., p. 564—594.—Heinec., *Syntax*, ed. Haubold.—Reim., *Das Röm. Recht.*, p. 345.—Rosshirt, *Grundlinien*, &c.—Marezoll, *Lehrbuch*, &c.)

FUSCINA (*τριάννα*), a Trident; more commonly called *tridens*, meaning *tridens stimulus*, because it was originally a three-pronged goad, used to incite horses to greater swiftness. Neptune was supposed to be armed with it when he drove his chariot, and it thus became his usual attribute, perhaps with an allusion, also, to the use of the same instrument in harpooning fish. (See woodcuts, p. 187, 245.) With it (*trifida cuspidē*) he was said to have broken a passage through the mountains of Thessaly for the river Peneus. The trident was also attributed to Nereus⁵ and to the Tritons.⁶

In the contests of gladiators, the *Retiarius* was armed with a trident.⁷

FUSTUARIUM (*ξυλοκοπία*) was a capital punishment inflicted upon Roman soldiers for desertion, theft, and similar crimes. It was administered in the following manner: When a soldier was condemned, the tribune touched him slightly with a stick, upon which all the soldiers of the legion fell upon him with sticks and stones, and generally killed him upon the spot. If, however, he escaped, for he was allowed to fly, he could not return to his native country, nor did any of his relatives dare to receive him into their houses.⁸ This punishment continued to be inflicted in the later times of the Republic,⁹ and under the Empire.¹⁰

Different from the fustuarium was the animal-versio fustium, which was a corporeal punishment inflicted under the emperors upon freedmen, but only those of the lower orders (*teniores*). It was a less severe punishment than the flogging with flagella, which punishment was confined to slaves.¹¹ (*Vid. FLAGRUM.*)

FUSUS (*ἄτρακτος*), the Spindle, was always, when in use, accompanied by the distaff (*colus*, *ἰσκακῆ*), as an indispensable part of the same apparatus.¹² The wool, flax, or other material having been prepared for spinning, and having sometimes been dyed (*ἰοδνεφές εἶρος ἔχουσα*¹³), was rolled into a ball (*τολύπη*, *glomus*¹⁴), which was, however, sufficiently loose to allow the fibres to be easily drawn out by the hand of the spinner. The upper part of the distaff was then inserted into this mass of flax or wool (*colus comta*¹⁵), and the lower part was held under the left arm in such a position as was most convenient for conducting the operation. The fibres were drawn out, and, at the same time, spirally twisted, chiefly by the use of the fore finger and thumb of the right hand (*δακτύλοις ἔλκασε*; *pollice docto*¹⁶); and the thread (*filum*, *stamen*, *vīva*) so produced was wound upon the spindle until the quantity was as great as it would carry.

1. (Hom., *Il.*, xii., 27.—Od., *iv.*, 506.—*Ib.*, *v.*, 292.—Virg., *Georg.*, i., 13.—*Id.*, *Æn.*, i., 138, 145.—*Ib.*, ii., 610.—Cic., *De Nat. Deor.*, i., 36.—Philostr., *Imag.*, ii., 14.)—2. (Claud., *De Rap. Pros.*, ii., 179.)—3. (Virg., *Æn.*, ii., 418.)—4. (Accus., 16—Cic., *De Nat. Deor.*, ii., 35.—Mart., i., 26, 3.—5. (Juv., ii., 145.—*Ib.*, viii., 203.—*Vid. GLADIATOR.*)—6. (Polyb., vi., 57.—Compare Liv., *v.*, 6.)—7. (Cic., *Phil.*, iii., 6.)—8. (Tacit., *Ann.*, ii., 21.)—9. (Dig. 48, tit. 19, s. 28, § 2.)—10. (Dig. 48, tit. 15, s. 16, 47, tit. 10, s. 45.)—11. (Ovid, *Met.*, iv., 220—229.)—12. (Hom., *Od.*, iv., 135.)—13. (Hor., *Epist.*, i., 13, 14.—Ovid, *Met.*, vi., 102.—14. (Plin., *H. N.*, viii., 74.)—15. (Eurip., *Orest.*, 1414.)—16. (Claud., *De Prob. Cons.*, 177.)

spindle was a stick ten or twelve inches long, having at the top a slit or catch (*dens*, ἀγκιστρῆ) which the thread was fixed, so that the end of the spindle might continually carry down the thread as it was formed. Its lower extremity was inserted into a small wheel, called the whorl (*lunum*), made of wood, stone, or metal (see *lunum*), the use of which was to keep the spindle steady, and to promote its rotation: for the spinner, who was commonly a female, every now and then twirled round the spindle with her right hand so as to twist the thread still more completely whenever, by its continual prolongation, it rose from the spindle to the ground, she took it out of the whorl, wound it upon the spindle, and, having inserted it in the slit, drew out and twisted another ball.

All these circumstances are mentioned in a poem by Catullus.² The accompanying woodcut is from a series of bas-reliefs representing the Minerva upon a frieze of the Forum Palladium at Rome. It shows the operation of spinning at the distaff when the woman has drawn out a sufficient length of yarn to twist it by whirling the spindle with her right thumb and fore finger, and then to the act of taking it out of the slit to insert upon the bobbin already formed.



The distaff was about three times the length of the spindle, strong and thick in proportion, commonly either a stick or a reed, with an expansion at the top for holding the ball. It was sometimes made of other materials, and ornamented. Theocritus, in a poem³ written on sending an ivory distaff to a friend. Golden spindles were sent as gifts to ladies of high rank;⁴ and a golden distaff is attributed by Homer and Pindar to goddesses and other females of remarkable dignity, who were called χρυσήλακοι.

It was usual to have a basket to hold the distaff and spindle, with the balls of wool prepared for spinning, and the bobbins already spun.⁵ (*Vid. C. A. 19.*)

In the rural districts of Italy, women were forbidden to spin when they were travelling on foot, the spinning being considered of evil omen.⁶ The distaff and spindle, with the wool and thread upon them, were carried in bridal processions; and, without the distaff thread, they were often suspended by female offerings of religious gratitude, especially in the case of, or on relinquishing the constant use of, the distaff. (*Vid. DONARIA*, p. 376.) They were most commonly dedicated to Pallas, the patroness of spinning, and of the arts connected with it. This goddess was herself rudely sculptured with a distaff and spindle in the Trojan Palladium.⁷ They were

¹ *Id.*, v., 12.—Ovid, *Met.*, vi., 22.—2. (*Id.*, xiv., 305–319.) *Id.*, xxviii.—4. (Homer, *Od.*, iv., 131.—Herod., iv., 181.—Brock, *Anal.*, ii., 12.—Ovid, *Met.*, iv., 10.)—6. (*Id.*, N., xxviii., 5)—7. (Plin., *H. N.*, viii., 74.)—8. (Apol., *Id.*, 19, 3.)

also exhibited in the representations of the three Fates, who were conceived, by their spinning, to determine the life of every man; and, at the same time, by singing, as females usually did while they sat together at their work, to predict his future lot.¹

G.

GABINUS CINCTUS. (*Vid. TOGA*.)

GÆSUM (γαῖσός), a term probably of Celtic origin, denoting a kind of javelin which was used by the Gauls wherever their ramifications extended.² Hody, in order to prove the comparatively late date of the Septuagint version of the book of Joshua, in which this word occurs,³ has proved that it was not known to the Romans, Greeks, or Egyptians until some time after the death of Ptolemæus Lagi.⁴ It was a heavy weapon,⁵ the shaft being as thick as a man could grasp, and the iron head barbed, and of an extraordinary length compared with the shaft.⁶ The Romans adopted the use of the gæsum from the Iberians.⁷

*GAGATES LAPIS (γαγάτης λίθος), a species of Fossil, supposed to have been the same with the modern *Jet*. This last is still even called *Gagate* by some mineralogists, a name derived from the river Gagas, in Lycia, about whose mouth this mineral was found.⁸ "The Gagate," says Adams, "is a fossil bituminous substance, containing carbon and ethereal oil. Without doubt it is *jet*, which, in the systems of modern mineralogists, is held to be a variety of lignite. The Gagate is called 'Black Amber' by Pliny; and, in fact, it is nearly allied to amber; for, when rubbed for some time, it becomes electric like amber."⁹

GAIUS. (*Vid. INSTITUTIONES*.)

*GALACTITES LAPIS (γαλακτίτης λίθος), a stone of an ashen colour, according to Dioscorides, sweet taste, and yielding a milky juice when triturated. Pliny makes it to have been of a milky colour, and to have been brought from the vicinity of the Nile.¹⁰ (*Vid. GALAXIAS*.)

*GALAXIAS LAPIS (γαλαξίας), a stone of an ashen colour, intersected sometimes with white and red veins. "It may be gathered from Dioscorides and Pliny," observes Dr. Moore,¹¹ "with the authors cited in the notes of Hardouin, that galaxias, galactites, morochthus, maroxus, morochites, leucogæa, leucographia, leucographis, and synophites, differed in little except name, or were, in fact, varieties of the same substance, which came either from the Nile or the Achelouïs; was ash-coloured, or greenish, or leek-coloured, sometimes with red and white veins; was readily soluble; and when rubbed on stone or a rough garment, left a white mark; besides which, when dissolved, or when triturated in water, it appears to have resembled milk in colour and in taste. Now minerals that answer the above description tolerably well are Spanish chalk and certain other varieties of steatite, which are found of the colours indicated; may be mixed with, and suspended in, water, so as to give it a milky appearance, and a smooth, sweetish taste; and which, moreover, make a white mark when rubbed upon stone or cloth."¹²

*II., a name given by Galen to the Lamprey, according to Artedi.¹³

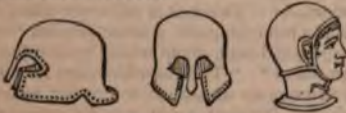
*GALBANUM. (*Vid. CHALBANE*.)

*GALE (γαλή), commonly thought to have been the *Mustela vulgaris*, or Weasel. There are, how-

1. (Catull., l. c.)—2. (Virg., *Æn.*, viii., 662.—Cæs., *Bell. Gall.*, iii., 4.)—3. (*Id.*, viii., v. 18.)—4. (*De Bibl. Text.*, ii., 8.)—5. (Festus, s. v. *Gæsum*.)—6. (Polyb., vi., 21.)—7. (Athen., *Id.*, 106.)—8. (Plin., *H. N.*, xxxvi., 34.—Moore's *Anc. Mineralogy*, p. 107.)—9. (Adams, *Append.*, s. v.)—10. (Moore's *Anc. Min.*, p. 100.)—11. (*Anc. Min.*, p. 101.—Dioscor., v., 152.—Plin., *H. N.*, xxxvii., 59.)—12. (Adams, *Append.*, s. v.)

ever, according to Adams, objections to this opinion. The *Putorius*, or Fomart, is noticed by Isidorus, but no mention of it occurs in the works of the Greek authors now extant.¹

GA'LEA (κράνος, poet. κόρυς, πῆληξ), a Helmet, a Casque. The helmet was originally made of skin or leather, whence is supposed to have arisen its appellation *κυνέη*, meaning properly a helmet of dog-skin, but applied to caps or helmets made of the hide of other animals (ταυρείη, κτιδέη,² αἰγείη,³ *galea lupina*⁴), and even to those which were entirely of bronze or iron (πάγχαλκος⁵). The leathern basis of the helmet was also very commonly strengthened and adorned by the addition of either bronze or gold, which is expressed by such epithets as *χαλκήρης*, *εὐχαλκος*, *χρυσείη*. Helmets which had a metallic basis (κράνη χαλκῆ⁶) were in Latin properly called *cassides*,⁷ although the terms *galea* and *cassis* are often confounded. A casque (*cassis*) found at Pompeii is preserved in the collection at Goodrich Court, Herefordshire.⁸ The perforations for the lining and exterior border are visible along its edge. A side and a front view of it are presented in the annexed woodcut.



Two casques very like this were fished up from the bed of the Alpheus, near Olympia, and are in the possession of Mr. Hamilton.⁹ Among the materials used for the lining of helmets were felt (πίλος¹⁰) and sponge.¹¹

The helmet, especially that of skin or leather, was sometimes a mere cap conformed to the shape of the head, without either crest or any other ornament (ἀφαλόν τε καὶ ἀλοφόν¹²). In this state it was probably used in hunting (*galea venatoria*¹³), and was called *καταπίτυς*,¹⁴ in Latin *CUDO*. The preceding woodcut shows an example of it as worn by Diomedes in a small Greek bronze, which is also in the collection at Goodrich Court.¹⁵ The additions by which the external appearance of the helmet was varied, and which served both for ornament and protection, were the following:

1. Bosses or plates, proceeding either from the top (φάλος¹⁶) or the sides, and varying in number from one to four (ἀμφίφαλος, διφάλος,¹⁷ τετράφαλος¹⁸). The *φάλος* was often an emblematic figure, referring to the character of the wearer. Thus, in the colossal statue of Minerva in the Parthenon at Athens, she bore a sphinx on the top of her helmet, and a griffon on each side.¹⁹

2. The helmet thus adorned was very commonly surmounted by the crest (*crista*, λόφος²⁰), which was often of horsehair (ἵππουρις ἱπποδάσεια;²¹ λόφων ἑθέραι;²² *hirsuta juba*²³), and made so as to look imposing and terrible,²⁴ as well as handsome²⁵ (εὐλοφος²⁶). In the Roman army the crest served not only for ornament, but also to distinguish the different centuries, each of whom wore a casque of a peculiar form and appearance.²⁷

1. (Adams, Append., s. v.—Sprengel ad Dioscor., ii., 28.)—2. (Hom., II., x., 258, 335.)—3. (Od., xxiv., 230.—Herod., vii., 77.—Compare κράνη σκόνινα: Xen., Anab., v., 4, 13.)—4. (Propert., iv., 11, 19.)—5. (Od., xviii., 377.)—6. (Xen., Anab., i., 2, 16.)—7. (Isid., Orig., xviii., 14.—Tacit., Germ., 6.—Caesar, B. G., iii., 45.)—8. (Skelton, Engraved Illust., i., pl. 44.)—9. (Dodwell, Tour, ii., p. 330.)—10. (Hom., II., x., 265.)—11. (Aristot., H. A., v., 16.)—12. (Il., x., 258.)—13. (C. Nep., Dat., iii., 2.)—14. (Hom., II., l. c.)—15. (Skelton, l. c.)—16. (Hom., II., iii., 362.)—17. (Hom., II., v., 743.—Id. ib., xi., 41.—Eustath., ad loc.)—18. (Il., xii., 384.)—19. (Paus., i., 24, 5.)—20. (Hom., II., xxii., 316.)—21. (Hom., II., ll. cc.)—22. (Theocrit., xxii., 186.)—23. (Propert., iv., 11, 19.)—24. (Hom., II., iii., 337.—Virg., Æn., viii., 692.)—25. (Id., ix., 365.)—26. (Heliod., Æth., vii., 27.—(Veget., II., 13.)

3. The two cheek-pieces (*bucculae*,¹ παραναβίδες²), which were attached to the helmet by hinges, so as to be lifted up and down. They had buttons or ties at their extremities for fastening the helmet on the head.³

4. The beaver or visor, a peculiar form of which is supposed to have been the *αὐλώπις τροφάλια*, i. e., the perforated beaver.⁴ The gladiators wore helmets of this kind,⁵ and specimens of them, not unlike those worn in the Middle Ages, have been found at Pompeii.

Woodcuts illustrative of these four classes of additions to the simple cap or morion occur at p. 26, 27, 94, 95, 133, 268, 332, 381, 429. The five following helmets, more highly ornamented, are selected from antique gems, and are engraved of the size of the originals.



*ΓΑΛΕΟΣ ΑΕΘΗΠΙΑΣ (γαλεός ἄσθηπιάς), a species of Fish, either a variety of the *Squalus Mustelus*, or else the Spotted Dog-fish, *Squalus Canicula*.⁶

*ΓΑΛΕΟΣ ΚΥΤΩΝ (γαλεός κύων), the *Squalus Galeus*, L., or Tope. It is a very voracious species of Shark, and its flesh has an offensive smell.⁷

*ΓΑΛΕΟΣ ΑΕΙΟΣ (γαλεός αείος), a species of Fish, the *Squalus Mustelus*, L., or Smooth Hound, or Smooth Shark of Pennant. *Mustelus* is the Latin translation of *γαλεός*, and generic for the *Squali*.

*ΓΑΛΕΟΣ ΡΟΔΙΟΣ (γαλεός Ρόδιος), a variety of the *Accipenser Sturio*, or Sturgeon.⁸

GALERUS. (Vid. *COMA*, p. 293.)

*GALIOPSIS (γαλιόψις), a plant, of which the following description is given by Dioscorides:⁹ "The whole plant, with its stem and leaves, resembles the nettle; but its leaves are smoother, and considerably fetid when rubbed; its flowers are small and purplish." "It is difficult to say," remarks Adams, "whether this description applies better to the *Galiopsis Tetrahit* (common Hemp-nettle), or to the *Lamium purpureum* (Red Dead-nettle). Bauhin prefers the latter; and, indeed, I am not aware that any of the commentators acknowledge it as the former, although it appears to me not inapplicable. Sibthorp, however, has fixed on a plant different from either, namely, the *Scrofularia pergrina*, or Nettle-leaved Figwort. I am wholly unacquainted with it."¹⁰

*GALIVM (γάλιον), the *Galium Verum*, or Yellow Bedstraw. The Greek name is derived from *γάλα*, "milk," because the plant was used instead of rannet to curdle milk. Sibthorp found it in Samos and in the Peloponnesus. The *Galium Verum* is the *ἀγαρίνη* of Dioscorides.¹¹

GALLI was the name of the priests of Cybele, whose worship was introduced at Rome from Phrygia

1. (Juv., x., 134.)—2. (Eustath. in Il., v., 743.)—3. (Vid. *Flacc.*, vi., 626.)—4. (Hom., II., xi., 353.—Hase, *Life of Anc. Greeks*, ch. v.)—5. (Juv., viii., 203.)—6. (Aristot., H. A., x., 10.—Id. ib., vii., 11.—Adams, Append., s. v.)—7. (Aristot., H. A., vi., 11.—Plin., H. N., ix., 46.—Adams, Append., s. v.)—8. (Aristot., H. A., vi., 18.—Adams, Append., s. v.)—9. (Adams, Append., s. v.—10. (Iv., 93.)—11. (Adams, Append., s. v.—12. (Dioscor., iv., 94.—Adams, Append., s. v.)

(B.C. 204). The Galli were, according to an ancient custom, always castrated (*spadones, seminares, semiviri, nec viri nec feminæ*), and it would seem that, impelled by religious fanaticism, they performed this operation on themselves.² In their wild, enthusiastic, and boisterous rites, they resembled the Corybantes,³ and even went farther, inasmuch as in their fury they mutilated their own bodies.⁴ They seem to have been always chosen from a poor and despised class of people; for, while no other priests were allowed to beg, the Galli (*famuli Idææ matris*) were allowed to do so on certain days.⁵ The chief priest among them was called archigallus.⁶ The origin of the name of Galli is uncertain: according to Festus,⁷ Ovid,⁸ and others, it was derived from the river Gallus in Phrygia, which flowed near the temple of Cybele, and the water of which was fabled to put those persons who drank of it into such a state of madness that they castrated themselves.⁹ The supposition of Hieronymus¹⁰ that Galli was the name of the Gauls, which had been given to these priests by the Romans in order to show their contempt of that nation, is unfounded, as the Romans must have received the name from Asia or from the Greeks, by whom, as Suidas¹¹ informs us, Gallus was used as a common noun for eunuch. There exists a verb *gallare*, which signifies to rage (*insanire, bacchari*), and which occurs in one of the fragments of Varro¹² and in the *Antholog. Lat.*, tom. i., p. 34, ed. Burmann.

*GALLUS (*ἀλέκτωρ* or *ἀλεκτρυών*), the Cock. "There are few facts in natural history," observes Geoffroy, "so difficult to determine with precision as to point out the places which the species of our common cock inhabited at first in its state of freedom and independence. Our common cock, according to M. Temminck, seems to have originated from the *Jago Cock* (*Gallus Giganteus*), a very large wild species, which inhabits the island of Sumatra, and from the species *Bankiva*, another primitive cock, found in the forests of Java. If, as there is every reason for believing, the temperate climes of Asia and the countries of Europe did not in ancient times possess the cock in a wild state, we must ascend to the earliest epoch of navigation, and presume the domestication of this useful bird to date from those remote periods. Under the reign of that great prince, who ruled with so much glory over the tribes of Israel, the peacock constituted an acquisition worthy of being enumerated in the list of riches imported into Judæa by his adventurous fleets. As this discovery of the peacock was made in the time of Solomon, it cannot be deemed very extraordinary that the cock, which inhabits the same countries as that bird, should about the same time have attracted the attention of the Hebrews. Be this as it may, it is quite certain that the cock, as well as the peacock, has been transported by man into the different countries in which these species exist at the present day in a state of domestication."—Mention is made of the crowing of the cock in the *Βατραχομιμναια* of Homer. On the supposition, therefore, that the poem is genuine, this would be the first notice of the domestic fowl occurring in the Greek writers. As, however, all the other early poets are silent in relation to this bird, Knight founds on this circumstance an argument against the authenticity of the poem in question. He admits, however, at the same time, that a representation of the cock ap-

pears on the silver coins of the people of Samothrace and Himera at least six centuries before the Christian era. Athenæus cites a passage from a Greek writer named Menodotus, in which the cock is spoken of as a native of Persia; and in another part of his work he quotes from Cratinus, who calls the cock a Persian bird. Aristophanes also styles the domestic fowl a bird of Persian origin in his comedy of the *Aves*. Beck, however, in his commentary on Aristophanes, thinks that the cock was called Persian from the resemblance of its comb to the Persian covering for the head; but the passage cited by Athenæus from Menodotus assigns a much more probable reason.—Cock-fighting became in time a favourite amusement among the Greeks. Pliny says that battles of this kind were annually exhibited at Pergamus, in the same manner as combats of gladiators. Cock-fights were also represented by the Greeks on coins and cut stones. Various means were also employed to increase the irritability and courage of these birds. Dioscorides and Pliny speak of a plant named *adiantum* having been used for this purpose. Garlic was also given, as we are told by Xenophon.—The following singular description of the cock is given by Pliny: "After the peacock, the birds which are most sensible to glory are those active sentinels which Nature has furnished to arouse us from our matin slumbers, and send us to our daily occupations. They are acquainted with the stars, and every three hours they indicate by their crowing the different periods of the day. They retire to repose with the setting sun, and from the fourth military watch they recall us loudly to our cares and labours. They do not suffer the daybeam to surprise us without timely warning. Their crowing announces the hour of morning; and the crowing itself is announced by the clapping of their wings. Each farmyard has its peculiar king; and among these monarchs, as among princes of our own race, empire is the meed of victory. They appear to comprehend the design of those weapons with which their feet are armed. It is not uncommon for two rivals to perish in the combat. If one be conqueror, he immediately sings forth his triumph and proclaims his supremacy: the other retreats and disappears, ashamed of his defeat. The gait of the cock is proud and commanding; he walks with head erect and elevated crest. Alone of all birds, he habitually looks up to the sky, raising at the same time his curved and scythe-formed tail, and inspiring terror in the lion himself, that most intrepid of animals. Some of these birds seem actually born for nothing but warfare and battles; some have rendered the countries which produced them famous, such as Rhodes and Tanagra. The second rank is assigned to those from Melos and Chalcis—birds truly worthy of the homage they receive from the Roman purple! Their repasts are solemn presages; they regulate daily the conduct of our magistrates, and open or close to them their dwellings. They prescribe repose or movement to the Roman fasces; they command or prohibit battles; they have announced all the victories gained throughout the universe; in a word, they lord it over the masters of the world. Their very entrails and fibres are not less agreeable to the gods than the richest victims. Their prolonged notes in the evening, and at extraordinary hours, constitute presages. By crowing all night long, they announced to the Bœotians a celebrated victory over the Lacedæmonians: thus did the diviners interpret it, because this bird never crows when he is conquered."¹³—The cock was sacred to Mars, on account of his courageous spirit and pug-

1. (Juv., xiii., 10, 14.—Id., xxvii., 36.)—2. (Juv., vi., 512, &c.—Ovid, Fasti, iv., 237.—Martial, iii., 81.—Id., xi., 74.—Eleg. H. N., xi., 49.)—3. (Lucan, i., 565, &c.—Compare HLLA-III.)—4. (Propert., ii., 18, 15.)—5. (Cic., De Leg., ii., 9 and 11.)—6. (Suetonius ad Eten., ix., 116.)—7. (s. v.)—8. (Fast., iv., 231.)—9. (Compare Plin., H. N., v., 32.—Id. ib., xi., 40.—Id. s. xxi., 2.—Herodian., i., 11.)—10. (Cap. Osem., 4.)—11. (s. v.)—12. (p. 273, ed. Bip.)

1. (Griffith's Cuvier, vol. viii., p. 170, &c.)

zacious habits; and also to Æsculapius, to Night, and to the Lares. It was sacred to these last on account of its vigilant qualities.—It remains but to add, that the ἄλεκτρον Ἰνδικός of Ælian would appear to have been some one of the larger Gallinaceæ of India, and not the Turkey, or *Melagris Gallinago*, although, as Adams remarks, Barrington and others contend that it was known in Africa and India before the discovery of America.¹

GAMELIA (γαμηλία). The demes and phratries of Attica possessed various means to prevent intruders from assuming the rights of citizens. (*Vid. Διαρρησις*.) Among other regulations, it was ordained that every bride, previous to her marriage, should be introduced by her parents or guardians to the phratra of her husband (γαμηλιαν ὑπὲρ γυναῖκος εἰσφέρειν²). This introduction of the young women was accompanied by presents to their new phratries, which were called γαμηλία.³ The women were enrolled in the lists of the phratries, and this enrolment was also called γαμηλία. The presents seem to have consisted in a feast given to the phratries, and the phratries, in return, made some offerings to the gods on behalf of the young bride.⁴ The acceptance of the presents, and the permission to enrol the bride in the registers of the phratra, was equivalent to a declaration that she was considered a true citizen, and that, consequently, her children would have legitimate claims to all the rights and privileges of citizens.⁵

Γαμηλία was also the name of a sacrifice offered to Athena on the day previous to the marriage of a girl. She was taken by her parents to the temple of the goddess in the Acropolis, where the offerings were made on her behalf.⁶

The plural, γαμηλία, was used to express wedding solemnities in general.⁷

GAMOS. (*Vid. MARRIAGE, ΓΡΕΚ.*)

GAUSAPA, GAUSAPE, or GAUSAPUM, a kind of thick cloth, which was on one side very woolly, and was used to cover tables,⁸ beds,⁹ and by persons to wrap themselves up after taking a bath,¹⁰ or in general to protect themselves against rain and cold.¹¹ It was worn by men as well as women.¹² It came in use among the Romans about the time of Augustus,¹³ and the wealthier Romans had it made of the finest wool, and mostly of a purple colour. The gausapum seems, however, sometimes to have been made of linen, but its peculiarity of having one side more woolly than the other always remained the same.¹⁴ As Martial¹⁵ calls it *gausapa quadrata*, we have reason to suppose that, like the Scotch plaid, it was always, for whatever purpose it might be used, a square or oblong piece of cloth.¹⁶

The word gausapa is also sometimes used to designate a thick wig, such as was made of the hair of Germans, and worn by the fashionable people at Rome in the time of the emperors.¹⁷ Persius¹⁸ also applies the word in a figurative sense to a thick and full beard.

GENESIA. (*Vid. FUNUS, p. 458.*)

***GENISTA**, Spanish Broom, or *Spartium junceum*, L. It grows abundantly in most parts of Italy, and the peasants weave baskets of its slender branches. The flowers are very sweet, last long, and are agreeable to bees. Pliny says it was used in dyeing, but he means the *Genista tinctoria*, called

1. (Adams, Append., s. v. ἀλέκτρον.)—2. (Isæus, De Pyrrh. hered., p. 62, 65, &c.—Id., De Ciron. hered., p. 208.—Demosth., c. Eubul., p. 1312 and 1320.)—3. (Suidas, s. v.—Schol. ad Dem., c. Eubul., p. 1312.)—4. (Pollux, Onom., iii., 3.—Id. ib., viii., 9, 28.)—5. (Herm., Polit. Antiq., § 100, n. 1.)—6. (Suidas, s. v. Πρωτέλεια.)—7. (Lycophron ap. Etyim. M., s. v.)—8. (Horat., Sat., II., 11.—Lucil. ap. Priscian., ix., 870.)—9. (Mart., xiv., 147.)—10. (Petron., 28.)—11. (Seneca, Epist., 53.)—12. (Ovid, A. A., ii., 300.)—13. (Plin., H. N., viii., 48.)—14. (Mart., xiv., 138.)—15. (xiv., 152)—16. (*Vid. Böttiger, Sabina, i., p. 102.*)—17. (Pers., Sat., vi., 46.)—18. (Sat., iv., 35.)

by some Wood-wax and Green-weed. Martyn thinks that the Spanish Broom might be used for the same purpose.¹

GENS. This word contains the same element as the Latin *genus* and *gigno*, and as the Greek γένος, γί-γν-ομαι, &c., and it primarily signifies *kin*. But the word has numerous significations, which have either a very remote connexion with this its primary notion, or perhaps none at all.

Gens sometimes signifies a whole political community, as Gens Latinorum, Gens Campanorum, &c.; though it is probable that in this application of the term, the notion of a distinction of race or stock is implied, or at least the notion of a totality of persons distinguished from other totalities by intermarriage and increase of their numbers among themselves only. Cicero² speaks of "*Gentes universæ in civitatem receptæ, ut Sabinorum, Volscorum, Hernicorum.*" It is a consequence of such meaning of gens, rather than an independent meaning, that the word is sometimes used to express a people with reference to their territorial limits.

The meaning of the word in the expression *jus gentium* is explained under *Jus*.

The words Gens and Gentiles have a special meaning in the system of the Roman law and in the Roman constitution. Cicero³ has preserved a definition of gentiles which was given by Scævola the pontifex, and which, with reference to the time, must be considered complete. Those were gentiles, according to Scævola, (1) who bore the same name, (2) who were born of freemen (*ingenui*), (3) none of whose ancestors had been a slave, and, (4) who had suffered no *capitis diminutio*. This definition contains nothing which shows a common bond of union among gentiles, except the possession of a common name; but those who had a common name were not gentiles, if the three other conditions contained in this definition were not applicable to them. There is also a definition of gentilis by Festus: "That is called Gens Ælia which is composed (*conficitur*) of many familiæ. Gentilis is both one who is of the same stock (*genus*) and one who is called by the same name (*simili nomine*), as Cincius says, those are my gentiles who are called by my name." "*Gentilis dicitur et ex eodem genere ortus, et is qui simili nomine appellatur.*" The second *et* is sometimes read *ut*, which is manifestly not the right reading, as the context shows. Besides, if the words "*ut is qui simili nomine appellatur*" are to be taken as an illustration of "*ex eodem genere ortus*," as they must be if *ut* is the true reading, then the notion of a *common name* is viewed as of necessity being contained in the notion of *common kin*, whereas there may be common kin without common name, and common name without common kin. Thus neither does common name include all common kin, nor does common kin include all common name, yet each includes something that the other includes.

We cannot conclude anything more from the *conficitur* of Festus than that a gens contained several familiæ, or that several familiæ were comprehended under one gens. According to the definition, persons of the same *genus* (*kin*) were gentiles, and also persons of the same name were gentiles. If Festus meant to say that *all* persons of the same gens and all persons of the same name were gentiles, his statement is inconsistent with the definition of the pontifex; for persons might be of the same gens, and might have sustained a *capitis diminutio* either by adoption, or adrogation, or by emancipation: in all these cases the gens would remain, for the natural relationship was not affected by any change in

1. (Plin., H. N., xxxiii., 5.—Virg., Georg., ii., 12.—Martyn ad loc.)—2. (Pro Balbo, c. 13.)—3. (Top., 6.)

the juridical status of a person: in the cases of adoption and adrogation the name would be lost, in the case of emancipation it would be retained. If the definition of Festus means that among those of the same genus there may be gentiles, and among those of the same name gentiles may also be included, his definition is true; but neither part of the definition is absolutely true, nor, if both parts are taken together, is the whole definition absolutely true. It seems as if the definition of gentiles was a matter of some difficulty; for while the possession of a common name was the simplest general characteristic of gentilitas, there were other conditions which were equally essential.

The name of the gens was always characterized by the termination *ia*, as Julia, Cornelia, Valeria.

When a man died intestate and without agnati, his familia (*vid.* FAMILIA), by the law of the Twelve Tables, came to the gentiles; and in the case of a lunatic (*furius*) who had no guardians, the guardianship of the lunatic and his property belonged to the agnati and to the gentiles; to the latter, we may presume, in case the former did not exist.

Accordingly, one part of the *jus gentilitium* or *jus gentilitatis* related to successions to the property of intestates who had no agnati. A notable example of a dispute on this subject between the Claudii and Marcelli is mentioned in a difficult passage of Cicero.¹ The Marcelli claimed the inheritance of an intestate son of one of the liberti or freedmen of their familia (*stirpe*); the Claudii claimed the same by the gentile rights (*gente*). The Marcelli were plebeians, and belonged to the patrician Claudian gens. Niebuhr observes that this claim of the Claudii is inconsistent with Cicero's definition, according to which no descendant of a freedman could be a gentilis; and he concludes that Cicero (that is, Scævola) must have been mistaken in this part of his definition. But it must be observed, though the descendants of freedmen might have no claim as gentiles, the members of a gens might, as such, have claims against them; and in this sense the descendants of freedmen might be gentiles. It would seem as if the Marcelli united to defend their supposed patronal rights to the inheritance of the sons of freedmen against the claims of the gens; for the law of the Twelve Tables gave the inheritance of a freedman only, who died intestate and without heirs, to his patron, and not the inheritance of the son of a freedman. The question might be this: whether the law, in the case supposed, gave the hereditas to the gens as having a right paramount to the patronal right. It may be that the Marcelli as being included in the Claudia gens, were supposed to have merged their patronal rights (if they really existed in the case in dispute) in those of the gens. Whether, as members of the gens, the plebeian Marcelli would take as gentiles what they lost as patroni, may be doubted.

It is generally said or supposed that the hereditas which came to a gens was divided among the gentiles, which must mean the heads of familiae. This may be so; at least, we must conceive that the hereditas, at one period at least, must have been a benefit to the members of the gens: Cæsar is said² to have been deprived of his gentilitiæ hereditates.

In determining that the property of intestates should ultimately belong to the gens, the law of the Twelve Tables was only providing for a case which, in every civilized country, is provided for by positive law; that is, the right to the property of a person who dies without having disposed of it, or leaving those whom the law recognises as entitled to it. The gens had thus a relation to the gentiles similar to that which subsists in modern states between

the sovereign power and persons dying intestate and without heirs or next of kin. The mode in which such a succession was applied by the gens was probably not determined by law; and as the gens was a kind of juridical person, analogous to the community of a civitas, it seems not unlikely that originally inheritances accrued to the gens *as such*, and were common property. The gens must have had some common property, such as sacella, &c. It would be no difficult transition to imagine, that what originally belonged to the gens as such, was in the course of time distributed among the members, which would easily take place when the familiae included in a gens were reduced to a small number.

There were certain sacred rites (*sacra gentilitia*) which belonged to a gens, to the observance of which all the members of a gens, as such, were bound, whether they were members by birth, adoption, or adrogation. A person was freed from the observance of such sacra, and lost the privileges connected with his gentile rights, when he lost his gens, that is, when he was adrogated, adopted, or even emancipated; for adrogation, adoption, and emancipation were accompanied by a *diminutio capitis*.

When the adoption was from one familia into another of the same gens, the name of the gens was still retained; and when a son was emancipated, the name of the gens was still retained; and yet, in both these cases, if we adopt the definition of Scævola, the adopted and emancipated persons lost the gentile rights, though they were also freed from the gentile burdens (*sacra*). In the case of adoption and adrogation, the adopted and adrogated person who passed into a familia of another gens must have passed into the gens of such familia, and so must have acquired the rights of that gens. Such a person had sustained a *capitis diminutio*, and its effect was to destroy his former gentile rights, together with the rights of agnation. The gentile rights were, in fact, implied in the rights of agnation, if the paterfamilias had a gens. Consequently, he who obtained, by adrogation or adoption, the rights of agnation, obtained also the gentile rights of his adopted father. In the case of adrogation, the adrogated person renounced his gens at the Comitia Curiata, which solemnity might also be expressed by the term "*sacra detestari*," for sacra and gens are often synonymous. Thus, in such case, adrogation, on the part of the adopted father, corresponded to *detestatio sacrorum* on the part of the adrogated son. This *detestatio sacrorum* is probably the same thing as the *sacrorum alienatio* mentioned by Cicero.¹ It was the duty of the pontifices to look after the due observance of the gentile sacra, and to see that they were not lost.² Each gens seems to have had its peculiar place (*sacellum*) for the celebration of the sacra gentilitia, which were performed at stated times. The sacra gentilitia, as already observed, were a burden on the members of a gens *as such*. The sacra privata were a charge on the property of an individual; the two kinds of sacra were thus quite distinct.

According to the traditional accounts of the old Roman constitution, the gentes were subdivisions of the curiæ analogous to the curiæ, which were subdivisions of the tribes. There were ten in each curiæ, and, consequently, one hundred gentes in each tribe, and three hundred in the three tribes. Now if there is any truth in the tradition of this original distribution of the population into tribes, curiæ, and gentes, it follows that there was no necessary kinship among those families which belong.

1. /De Orat., i., 39.—2. (Sueton., Jul., 1.)

1. (Orator., c. 42.)—2. (Pro Domo, c. 13, &c.)

ed to a gens, any more than among those families which belonged to one curia.

We know nothing historically of the organization of civil society, but we know that many new political bodies have been organized out of the materials of existing political bodies. It is useless to conjecture what was the original organization of the Roman state. We must take the tradition as it has come down to us. The tradition is not, that families related by blood were formed into gentes, that these gentes were formed into curiæ, that these curiæ were formed into tribes. Such a tradition would contain its own refutation, for it involves the notion of the construction of a body politic by the aggregation of families into unities, and by farther combinations of these new unities. The tradition is of three fundamental parts (in whatever manner formed), and of the divisions of them into smaller parts. The smallest political division is gens. No farther division is made, and thus, of necessity, when we come to consider the component parts of gens, we come to consider the individuals comprised in it. According to the fundamental principles of Roman law, the individuals arrange themselves into familiæ under their respective patres-familiæ. It follows, that if the distribution of the people was effected by a division of the larger into smaller parts, there could be no necessary kin among the familiæ of a gens; for kinship among all the members of a gens could only be effected by selecting kindred familiæ, and forming them into a gens. If the gens was the result of subdivision, the kinship of the original members of such gens, whenever it existed, must have been accidental.

There is no proof that the Romans considered that there was kinship among the familiæ originally included in a gens. Yet as kinship was evidence of the rights of agnatio, and, consequently, of gentile rights, when there had been no capitis diminutio, it is easy to see how that which was evidence of the rights of agnatio, and, consequently, of gentile rights, might be viewed as part of the definition of gentilis, and be so extended as to comprehend a supposed kinship among the original members of the gens. The word *gens* itself would also favour such a supposition, especially as the word *genus* seems to be often used in the same sense.¹ This notion of kinship appears also to be confirmed by the fact of the members of the gens being distinguished by a common name, as Cornelia, Julia, &c. But many circumstances besides that of a common origin may have given a common name to the gentiles; and, indeed, there seems nothing more strange in all the gentiles having a common name, than there being a common name for all the members of a curia and a tribe.

As the gentes were subdivisions of the three ancient tribes, the *populus* (in the ancient sense) alone had gentes, so that to be a patrician and to have a gens were synonymous; and thus we find the expressions gens and patricii constantly united. Yet it appears, as in the case already cited, that some gentes contained plebeian familiæ, which it is conjectured had their origin in marriages between patricians and plebeians before there was *connubium* between them. When the *lex* was carried which established *connubium* between the plebs and the patres, it was alleged that this measure would confound the gentile rights (*jura gentium*).² Before this *connubium* existed, if a gentilis married a woman not a gentilis, it followed that the children could not be gentiles; yet they might retain the gentile name, and thus, in a sense, the family might be gentile without the gentile privileges. Such mar-

riages would, in effect, introduce confusion; and it does not appear how this would be increased by giving to a marriage between a gentile man and a woman not gentilis, the legal character of *connubium*; the effect of the legal change was to give the children the gentilitas of their father. It is sometimes said that the effect of this *lex* was to give the gentile rights to the plebs, which is an absurdity; for, according to the expression of Livy,³ which is conformable to a strict principle of Roman law, "*patrem sequuntur liberi*," and the children of a plebeian man could only be plebeian. Before the passing of this *lex*, it may be inferred, that if a patrician woman married out of her gens (*e gente, e patribus enupsit*), it was no marriage at all, and that the children of such marriage were not in the power of their father, and, it seems a necessary consequence, not Roman citizens. The effect would be the same, according to the strict principles of Roman law, if a plebeian married a patrician woman before there was *connubium* between them; for if there was no *connubium*, there was no legal marriage, and the offspring were not citizens, which is the thing complained of by Canuleius.² It does not appear, then, how such marriages will account for plebeian familiæ being contained in patrician gentes, unless we suppose that when the children of a gentile man and a plebeian woman took the name of the father, and followed the condition of the mother, they were in some way or other, not easy to explain, considered as citizens and plebeians. But if this be so, what would be the status of the children of a patrician woman by a plebeian man?

Niebuhr assumes that the members of the gens (gentiles) were bound to assist their indigent fellows in bearing extraordinary burdens; but this assertion is founded on the interpretation given to the words *τοὺς γένοι προσήκοντας* of Dionysius,³ which have a simpler and more obvious meaning. Whatever probability there may be in the assumption of Niebuhr, as founded on the passage above cited, and one or two other passages, it cannot be considered as a thing demonstrated.

A hundred new members were added to the senate by the first Tarquin. These were the representatives of the Luceres, the third and inferior tribe, which is indicated by the gentes of this tribe being called *Minores* by way of being distinguished from the older gentes, *Majores*, of the Rames and Tities, a distinction which appears to have been more than nominal. (*Vid. SENATUS.*) See the curious letter of Cicero to Petus.⁴

If the gentes were such subdivisions of a curia, as already stated, it may be asked what is meant by new gentes being introduced among the curiæ, for this undoubtedly took place. Tullus Hostilius incorporated the Julii, Servilii, and others among the Patricii, and, consequently, among the curiæ. The Claudii were a Sabine gens, who, it was said,⁵ were received among the patricii after the banishment of the kings. A recent writer (Goettling) attempts to remove this difficulty by assuming, according to his interpretation of Dionysius,⁶ a division of the curiæ into ten *decuriæ*, and by the farther assumption of an indefinite number of gentes in each *decuria*. Consistently with this, he assumes a kinship among the members of the same gens, according to which hypothesis the several patres-familiæ of such gens must have descended, or claimed descent, from a common ancestor. Thus the gentes would be nothing more than aggregates of kindred families; and it must have been contrived, in making the division into *decuriæ*, that all the members of a gens (thus understood) must have

1. (Cic., Pro Balbo, c. 14.)—2. (Liv., iv., 1.)

1. (iv., 4.)—2. (Liv., iv., 4.)—3. (ii., 10.)—4. (ad Fam., ix., 21.)—5. (Liv., iv., 3.)—6. (ii., 7.)

been included in the same decuria. But to assume this is nothing more than to say that the political system was formed by beginning with aggregations of families; for if the ultimate political division, the decuria, was to consist of aggregates of gentes (thus understood), such arrangement could only be effected by making aggregation of families the basis of the political system, and then ascending from them to decuriæ, from decuriæ to curiæ, and from curiæ to tribes; a proceeding which is inconsistent with saying that the curiæ were subdivided into decuriæ, for this mode of expression implies that the curiæ were formed before the decuriæ. But the introduction of new gentes is conceivable even on the hypothesis of the gens being a mere political division. If the number was originally limited, it is perfectly consistent with what we know of the Roman constitution, which was always in a state of progressive change, to suppose that the strict rule of limitation was soon neglected. Now if a new gens was introduced, it must have been assimilated to the old gentes by having a distinctive name; and if a number of foreigners were admitted as a gens, it is conceivable that they would take the name of some distinguished person among them, who might be the head of a family consisting of many branches, each with a numerous body of retainers. And this is the better tradition as to the patrician Claudii, who came to Rome with Atta Claudius, their head (*gentis princeps*), after the expulsion of the kings, and were co-optated (*co-optati*) by the patres among the patricii; which is the same thing as saying that this immigrating body was recognised as a Roman gens.¹ According to the tradition, Atta Claudius received a tract of land for his clients on the Anio, and a piece of burying-ground, under the Capitol, was given to him by the state (*publice*). According to the original constitution of a gens, the possession of a common burying-place, and the gentile right to interment therein, were a part of the gentile sacra.²

It is probable that even in the time of Cicero the proper notion of a gens and its rights were ill understood; and still later, owing to the great changes in the constitution, and the extinction of so many ancient gentes, the traces of the *jus gentilitium* were nearly effaced. Thus we find that the words gens and familia are used indifferently by later writers, though Livy carefully distinguishes them. The "elder Pliny speaks of the *sacra Serviliæ familiæ*; Macrobius of the *sacra familiæ Claudiæ, Æmiliæ, Juliæ, Cornelii*; and an ancient inscription mentions an *Ædituus* and a *Sacerdos Sergii familiæ*, though those were all well-known ancient gentes, and these sacra, in the more correct language of the older writers, would certainly have been called *sacra gentilitia*.³

In the time of Gaius (the age of the Antonines), the *jus gentilitium* had entirely fallen into disuse.⁴ Thus an ancient institution, which formed an integral part of the old constitution, and was long held together by the conservative power of religious rites, gradually lost its primitive character in the changes which circumstances impressed on the form of the Roman state, and was finally extinguished.

The word Gens has recently been rendered in English by the word House, a term which has here been purposely neglected, as it is not necessary, and can only lead to misconception.

The subject of the gens is discussed with great acuteness both by Niebuhr⁵ and by Malden.⁶

The views of Goetting are contained in his *Ges-*

chichte der Röm. Staatsverfassung, Halle, 1840. See also Savigny, *Zeitschrift*, ii. p. 380, &c., and Unterholzner, *Zeitschrift*, v. p. 119.

*GENTIANA (*γεντιανή*), Gentian, or Bitterwort, deriving its name from Gentius, a king of Illyricum, who first discovered its properties. All the plants of the family of *Gentianaceæ* are most useful in medicine, on account of the pure, intense bitter which they contain. According to Pliny, the best kind of Gentian was obtained from Illyricum. It was found also in abundance at the foot of the Alps, in moist grounds.¹ According to modern botanical writers, the gentianaceous plants are found chiefly in mountainous situations, "where they breathe a pure and rarefied air, are exposed to bright light during the short summers of such regions, and, although fixed during winter in places intensely cold, yet are so well prepared to resist it by the warmth of their summer, and so much protected by the snow which covers them, as to suffer no injury." The *γεντιανή* of Dioscorides is the *Gentiana lutea*. Such, at least, is the opinion of all the earlier commentators, and which is adopted by Adams, though Sprengel remains undecided.²

GENTILES. (*Vid. GENS.*)

GENTILITAS. (*Vid. GENS.*)

GEOMOROI (*γεωμόροι*, Doric *γαμόροι*) is the name of the second of the three classes into which Theseus is said to have divided the inhabitants of Attica.³ This class was, together with the third, the *δημιουργοί*, excluded from the great civil and priestly offices, which belonged exclusively to the eupatrids, so that there was a great distinction between the first and the two inferior classes. We possess, however, no means to ascertain any particulars respecting the relation in which the *γεωμόροι* stood to the two other classes. The name may either signify independent land-owners, or peasants who cultivated the lands of others as tenants. The *γεωμόροι* have, accordingly, by some writers been thought to be free land-owners, while others have conceived them to have been a class of tenants. It seems, however, inconsistent with the state of affairs in Attica, as well as with the manner in which the name *γεωμόροι* was used in other Greek states, to suppose that the whole class consisted of the latter only; there were, undoubtedly, among them a considerable number of freemen, who cultivated their own lands,⁴ but had by their birth no claims to the rights and privileges of the nobles. We do not hear of any political distinctions between the *γεωμόροι* and the *δημιουργοί*; and it may either be that there existed none at all, or, if there were any originally, that they gradually vanished. This would account for the fact that Dionysius⁵ only mentions two classes of Atticans; one corresponding to the Roman patricians, the other to the plebeians.⁶

In Samos the name *γεωμόροι* was applied to the oligarchical party, consisting of the wealthy and powerful.⁷ In Syracuse the aristocratical party was likewise called *γεωμόροι* or *γαμόροι*, in opposition to the *ἄριστοι*.⁸

GEPHURA. (*Vid. BRIDGE.*)

*GERANIUM (*γέρανιον*), the Geranium. "The distinguishing character of this order is to have a fruit composed of five cocci or cases, connected with as many thin flat styles, consolidated round a long conical beak." From the resemblance which this

1. (Suet., Tib., 1.)—2. (Cic., Leg., ii., 22.—Vell. Patern., ii., 11.—Festus, s. v. Cincia.—Liv., iv., 3.—Id., vi., 40.—Virgil, Æn., vii., 706.)—3. (Savigny, Zeitschrift, ii., 385.)—4. (Gaius, iii., 17.)—5. (Hist. of Rome, vol. i.)—6. (Hist. of Rome, published by the Society for the Diffusion of Useful Knowledge.)

1. (Plin., H. N., xxv., 7.—Dioscor., iii., 3.—Id., iii., 121.—Adams, Append., s. v.)—2. (Adams, l. c.)—3. (Plut., Thes., 25.—Pollux, Onom., viii., 111.)—4. (Timeus, Glossar., s. v. *γεωμόροι*.—Valckenae ad Herod., v., 77.)—5. (ii., 8.)—6. (Thirlwall, Hist. of Greece, ii., p. 14.—Wachsmuth, Hellen. Alterthumsk., i., p. 231, &c.—Platner, Beiträge, &c., p. 19.—Titmann, Griech. Staatsv., p. 575, &c.)—7. (Thucyd., viii., 21.—Plut., Quæst. Rom., p. 303.—Müller, Dor., iii., 1, 4.)—8. (Herod., vii., 135.—Hesych., s. v. *γαμόροι*.—Müller, Dor., iii., 4, 4.—Göller, De Situ et Orig. Syracus., p. 9, &c.)

beak bears to that of a crane (*γέρανος*) arises the name of the order. The first species of Dioscorides is the *Geranium tuberosum*. Sibthorp found this in Crete, occurring very frequently among the standing grain, and also in Arcadia. The second species of the Greek writer is, according to Bauhin, the *Geranium rotundifolium*; but Sprengel, as Adams remarks, is undecided between it and the *Erodium malachoides*.¹ Pliny states² that the Geranium was called by some authors *Myrrhis*, by others *Myrtis*. In this, according to Fée,³ he is altogether wrong, the *Myrrhis* of Dioscorides being a very different plant. Equally erroneous is his account of the medicinal properties of the Geranium. Pliny's first species is, according to Billerbeck, the *G. moschatum*, called also *Circium moschatum*. The modern Greeks call it *μοσκολάχανον*. Sibthorp found it in Argolis.⁴

**GERANOS* (*γέρανος*), the Crane, or *Ardea Grus*, L. The natural history of the common Crane is given very accurately by Aristotle and Elian. Homer alludes to the autumnal migration of cranes in the third book of the Iliad; Oppian mixes together the circumstances of the spring and autumnal migrations.⁵ "The Cranes," observes Griffith, "though aborigines of the North, visit the temperate regions, and advance towards those of the South. The ancients, seeing them arrive alternately from both extremities of the then known world, named them equally *Birds of Scythia* and *Birds of Libya*. As they were accustomed to alight in large flocks in Thessaly, Plato has denominated that country the *Pasture of the Cranes*. Their fabled combats with the pigmies are well known. The Cranes, quitting Sweden, Scotland, the Orcaades, Podolia, Lithuania, and all northern Europe, come in the autumnal season, and settle in the marshy parts of France, Italy, &c., pass thence into still more southern regions, and, returning in the spring, bury themselves anew in the cold bosom of the North." A want of acquaintance with the habits of these birds has led many of the commentators on Anacreon into error. The poet, in one of his odes, speaks of the journeying of the Crane to other climes as one of the signs of returning spring. This has been supposed to refer to the departure of the bird from its home, whereas, in fact, the return from southern regions is meant to be indicated. The period of the departure of the Cranes for the North is the commencement of spring; they prefer the summer of the North, since a moderate degree of temperature appears to agree with them best. The clamorous noise of these birds in their annual migrations is often alluded to by the ancient poets. Thus, besides the Greek poets already mentioned, Virgil has the following:

*Quales sub nubibus atris
Strymonia dant signa grues, atque aethera tranant
Cum sonitu, fugiuntque Notos clamore secundo."*

The various inflections of their flight have, from ancient times, been regarded as presages of the weather, and indications of atmospheric temperature. Their cries in the daytime are ominous of rain. More noisy clamours announce the coming tempest; a steady and elevated flight in the morning forebodes serene weather; a lower flight, or a retreat to the earth, is the symptom of a storm. Hence Virgil,⁶ in speaking of the coming tempest, observes,

*"Illum surgentem, vallibus imis
Aëria fugere grues."*

1. (Dioscor., iii., 121.—Adams, Append., s. v.)—2. (H. N., xvi., 11.)—3. (ad Plin., l. c.)—4. (Billerbeck, Flora Classica, p. 175.)—5. (Ionia, li., 3, 3.—Oppian, Hal., i., 620.—Adams, Append., s. v.)—6. (Geor., i., 374-5.)

The flesh of the young is delicate; it used to constitute one of the dishes at the banquets of Rome, and was sold in the markets of that city. The Crane is said to be a long-lived bird. The philosopher Leonicus Thomæus, according to Paulus Jovius, kept one alive for forty years.⁷

GERMANI. (Vid. COGNATI.)

GEROUSIA (*γερούσια*). In connexion with this subject, it is proposed to give a general view of the Spartan constitution, and to explain the functions of its legislative and administrative elements. In the later ages of Spartan history, one of the most prominent of these was the college of the five ephors; but, as an account of the ephorality is given in a separate article (*vid. ΕΦΟΡΟΙ*), we shall confine our inquiries to the kings, the *γέροντες* or councillors, and the *ἐκκλησία*, or assembly of Spartan freemen.

I. *The Kings*. The kingly authority of Sparta was, as it is well known, coeval with the settlement of the Dorians in the Peloponnesus, and confined to the descendants of Aristodemus, one of the Heracleid leaders, under whom, according to the Spartan legend, the conquest of Laconia was achieved. To him were born twin sons, Eurysthenes and Procles; and from this cause arose the diarchy, or divided royalty, the sovereignty being always shared by the representatives of the two families which claimed descent from them:¹ the precedence in point of honour was, however, granted to the older branch, who were called Agiads, as the younger house was styled Eurypontides, from certain alleged descendants of the twin brothers.² Such was the national legend; but, as we read that the sanction of the Pythian oracle was procured for the arrangement of the diarchy,³ we may conclude that it was not altogether fortuitous, but rather the work of policy and design; nor, indeed, is it improbable that the nobles would gladly avail themselves of an opportunity to weaken the royal authority by dividing it.

The descent of the Spartan kings from the national heroes and leaders contributed in no small degree to support their dignity and honour; and it is, perhaps, from this circumstance partly that they were considered as heroes, and enjoyed a certain religious respect.⁴ The honours paid to them were, however, of a simple and heroic character, such as a Spartan might give without derogating from his own dignity or forgetting his self-respect. Thus we are told that the kings united the character of priest and king, the priesthoods of Zeus Uranios⁵ and the Lacedæmonian Zeus being filled by them; and that, in their capacity of national high-priests, they officiated at all the public sacrifices offered on behalf of the state.⁶ Moreover, they were amply provided with the means for exercising the heroic virtue of hospitality; for this purpose, public or domain lands were assigned to them in the district of the perioeci, or provincial subjects, and certain perquisites belonged to them whenever any animal was slain in sacrifice. Besides this, the kings were entitled to various payments in kind (*πασῶν τῶν σῶν ἀπὸ τόκου χοίρων*), that they might never be in want of victims to sacrifice; in addition to which, they received, twice a month from the state, an *ἱερίον τελείον*, to be offered as a sacrifice to Apollo, and then served up at the royal table. Whenever, also, any of the citizens made a public sacrifice to the gods, the kings were invited to the feast, and honoured above the other guests: a double portion of food was given to them, and they commenced their libations to the gods.⁷ All these distinctions are of

1. (Griffith's Cuvier, vol. viii., p. 476, &c.)—2. (Herod., vi., 52.)—3. (Niebuhr, Hist. of Rome, i., p. 356.)—4. (Herod., l. c.)—5. (Xen., De Rep. Lac., c. 15.)—6. (Herod., vi., 56.)—7. (Xen., De Rep. Lac., 15.)—8. (Herod., vi., 57.)

ple and antiquated character, and, so far as they prove that the Spartan sovereignty was a continuation of the heroic or Homeric. The distinctions and privileges granted to the king as commander of the forces in war, lead to the same conclusion. These were greater than he enjoyed at home.

He was guarded by a body of 100 chosen men, and his table was maintained at the public expense; he might sacrifice in his sacerdotal capacity any victims as he chose, the skins and backs of which were his perquisites; and he was assisted by many subordinate officers, that he had nothing to do except to act as priest and strategus.¹ The accession and demise of the Spartan kings were marked by observances of an Oriental character.

The former event was signalized by a remission of all debts due from private individuals to the king; and on the death of a king, the usual solemnities were celebrated by the whole community. There was a general mourning for ten days during which all public business was suspended. Horsemen went round the country to carry the dead, and a fixed number of the perioeci, or provincials, was obliged to come from all parts of the country to the city, where, with the Spartans and their wives, to the number of many thousands, they made loud lamentations, and praised the virtues of the deceased king as superior to those of all his predecessors.²

In comparison with their dignity and honours, the actual powers of the kings were very limited. In fact, they can scarcely be said to have possessed any; for, though they presided over the council, the *gerontes* as *ἀρχαῖται*, or *principes senatus*, the king of the elder house probably had a *castro* (a supposition which Dr. Thirlwall thinks perhaps reconcile the difference between Herodotus, vi., 57, and Thucydides, i., 20), still the king of each counted for no more than that of any senator: when absent, their place was supplied and their proxies tendered by the councillors were most nearly related to them, and therefore of a Heracleid family. Still the kings had some important prerogatives; thus they had, in common with other magistrates, the right of addressing the assembly; besides this, they sat in a separate court of their own, where they gave judgment in cases of heiresses claimed by different parties: a function formerly exercised by the kings at Athens, afterward transferred to the archon eponymus.³ They also appointed the four "Pythians," whose duty it was to go as messengers to consult the god at Delphi. Adoptions also took place in their presence, and they held a court in all cases connected with the maintenance of the public roads; probably they had the capacity of generals, and as superintendents of intercourse with foreign nations.⁴ In foreign wars, indeed, their prerogatives were considerable; thus they were the commanders of the Spartan fleets, and had the privilege of nominating from among the citizens persons to act as "proxeni," or protectors and entertainers of foreigners visiting Sparta. But their chief power was in war; for when they had once crossed the borders of Laconia and commanded troops, their authority became unbounded. They could send out and assemble armies, dispatch ambassadors to collect money, and refer to themselves for justice to the inferior officers appointed for that purpose.⁵ Two kings, indeed, accompanied the kings on their expeditions, but those magistrates had no authority to interfere with the kings' operations: they simply

watched over the proceedings of the army.¹ Moreover, there can be no doubt that the kings were, on their return home, accountable for their conduct as generals,² and more especially after the increase of the ephoral authority. Their military power, also, was not connected with any political functions, for the kings were not allowed to conclude treaties or to decide the fate of cities without communicating with the authorities at home.³ In former times the two kings had a joint command; this, however, led to inconveniences, and a law was in consequence passed, that for the future one only of the two kings should have the command of the army on foreign expeditions.⁴

II. *The γερουσία, or Assembly of Elders.* This body was the aristocratic element of the Spartan polity, and not peculiar to Sparta only, but found in other Dorian states, just as a *βουλή*, or democratical council was an element of most Ionian constitutions.

The *γερονσία* or *γερονία* at Sparta included the two kings, its presidents, and consisted of thirty members: a number which seems connected with the divisions of the Spartan people. Every Dorian state, in fact, was divided into three tribes: the Hylleis, the Dymanes, and the Pamphyli, whence the Dorians are called *τριγάμεις*, or thrice divided.⁵ The tribes at Sparta were again subdivided into *ὄβαι*, also called *φρατρίαι*,⁶ a word which signifies a union of families, whether founded upon ties of relationship, or formed for political purposes, irrespective of any such connexion. The *ὄβα* were, like the *γέροντες*, thirty in number, so that each *ὄβα* was represented by its councillor: an inference which leads to the conclusion that two *ὄβα* at least of the Hyllean tribe must have belonged to the royal house of the Heracleids. No one was eligible to the council till he was sixty years of age,⁷ and the additional qualifications were strictly of an aristocratic nature. We are told, for instance, that the office of a councillor was the reward and price of virtue,⁸ and that it was confined to men of distinguished character and station (*καλοὶ κάγαθοί*).

The election was determined by vote, and the mode of conducting it was remarkable for its old-fashioned simplicity. The competitors presented themselves one after another to the assembly of electors;⁹ the latter testified their esteem by acclamations, which varied in intensity according to the popularity of the candidates for whom they were given. These manifestations of esteem were noted by persons in an adjoining building, who could judge of the shouting, but could not tell in whose favour it was given. The person whom these judges thought to have been most applauded was declared the successful candidate. The different competitors for a vacant place offered themselves upon their own judgment,¹⁰ probably always from the *ὄβαι*, to which the councillor whose place was vacant had belonged; and as the office was for life, and therefore only one vacancy could (in ordinary cases) happen at a time, the attention of the whole state would be fixed on the choice of the electors. The office of a councillor, however, was not only for life, but also irresponsible,¹¹ as if a previous reputation and the near approach of death were considered a sufficient guarantee for integrity and moderation. But the councillors did not always prove so, for Aristotle¹² tells us that the members of the *γερονσία* received bribes, and frequently showed partiality in their decisions.

De Rep. Lac., 14, 15.—Herod., vi., 55.)—2. (Herod., Herod., i. c.)—4. (Herod., vi., 57.)—5. (Müller, Xen., De Rep. Lac., 13.—Thucyd., v., 60.

1. (Xen., i. c.)—2. (Thucyd., v., 63.)—3. (Xen., Hell., ii., 3, 12.—Id. ib., v., 3, 24.)—4. (Herod., v., 57.)—5. (Od., xi., 174.)—6. (Müller, Dor., iii., 5, § 3.)—7. (Plut., Lycurg., 26.)—8. (Aristot., Polit., ii., 6, 15.—Demosth., c. Lept., p. 489.)—9. (Plut., Lycurg., 26.)—10. (Aristot., Polit., ii., 6, § 18.)—11. (Aristot., Polit., ii., 6.)—12. (I. c.)

The functions of the councillors were partly deliberative, partly judicial, and partly executive. In the discharge of the first they prepared measures and passed preliminary decrees,¹ which were to be laid before the popular assembly, so that the important privilege of initiating all changes in the government or laws was vested in them. As a criminal court they could punish with death and civil degradation (*ἀτιμία*), and that, too, without being restrained by any code of written laws,² for which national feeling and recognised usages would form a sufficient substitute. They also appear to have exercised, like the Areiopagus at Athens, a general superintendence and inspection over the lives and manners of the citizens (*arbitri et magistris disciplina publicæ*), and probably were allowed "a kind of patriarchal authority to enforce the observance of ancient usage and discipline."³ It is not, however, easy to define with exactness the original extent of their functions, especially as respects the last-mentioned duty, since the ephors not only encroached upon the prerogatives of the king and council, but also possessed, in very early times, a censorial power, and were not likely to permit any diminution of its extent.

III. *The ἐκκλησία, or Assembly of Spartan Freemen.* This assembly possessed, in theory at least, the supreme authority in all matters affecting the general interests of the state. Its original position at Sparta is shortly explained by a rhetra or ordinance of Lycurgus, which, in the form of an oracle, exhibits the principal features of the Spartan polity: "Build a temple," says the Pythian god, "to Hellenian Zeus and Hellanian Athena; divide the tribes, and institute thirty obas; appoint a council with its princes; call an assembly (*ἀπελλάζειν*) between Babyca and Knakion, then make a motion and depart; and let there be a right of decision and power to the people" (*δάμω δε κυρτῶν ἦμεν καὶ κράτος*).⁴

By this ordinance full power was given to the people to adopt or reject whatever was proposed to them by the king and other magistrates. It was, however, found necessary to define this power more exactly, and the following clause, ascribed to the kings Theopompus and Polydorus, was added to the original rhetra: "but if the people should follow a crooked opinion, the elders and the princes shall withdraw" (*τοὺς πρεσβυγενέας καὶ ἀρχαγέτας ἀποστατήρας ἦμεν*). Plutarch⁵ interprets these words to mean, "That in case the people do not either reject or approve in toto a measure proposed to them, the kings and councillors should dissolve the assembly, and declare the proposed decree to be invalid." According to this interpretation, which is confirmed by some verses in the *Eunomia* of Tyrtaeus, the assembly was not competent to originate any measures, but only to pass or reject, without modification, the laws and decrees proposed by the proper authorities: a limitation of its power, which almost determined the character of the Spartan constitution, and justifies the words of Demosthenes, who observed,⁶ that the *γερονσία* at Sparta was in many respects supreme: *Δεσπότης ἐστὶ τῶν πολλῶν*. All citizens above the age of thirty, who were not labouring under any loss of franchise, were admissible to the general assembly, or *ἀπέλλα*,⁷ as it was called in the old Spartan dialect; but no one except public magistrates, and chiefly the ephors and kings, addressed the people without being specially called upon.⁸ The same public functionaries also put the question to the vote.⁹ Hence, as the magistrates only (*τὰ τέλη* or *ἀρχαί*) were the leaders and speak-

1. (Plut., *Agis*, 11.)—2. (Xen., *De Rep. Lac.*, 10, § 2.—Arist., *Polit.*, iii., 1.)—3. (Arist., *Polit.*, ii., 6.)—4. (Aul. Gell., xviii., 3.)—5. (Thirlwall, *Hist. of Greece*, i., p. 318.)—6. (Plut., *Lycurg.*, 6.—Müller, *Dor.*, iii., 5, § 8.)—7. (L. c.)—8. (c. *Lept.*, p. 489, 20.)—9. (Plut., *Lycurg.*, 25.)—10. (Müller, *Dor.*, iii., 4, 11.)—11. (Thucyd., i., 80, 87)

ers of the assembly, decrees of the whole people are often spoken of as the decision of the authorities only, especially in matters relating to foreign affairs. The intimate connexion of the ephors with the assembly is shown by a phrase of very frequent occurrence in decrees (*ἔδοξε τοῖς ἐφόροις καὶ ἐκκλησίᾳ*). The method of voting was by acclamation; the place of meeting between the Knakion and the bridge Babyca, to the west of the city, and enclosed.¹ The regular assemblies were held every full moon; and on occasions of emergency, extraordinary meetings were convened.

The whole people alone could proclaim "a truce, conclude a peace, enter into an armistice for any length of time; and all negotiations with foreign states, though conducted by the kings and ephors, could be ratified by the same authority only."² With regard to domestic affairs, the highest offices, such as magistracies and priesthoods, were filled "by the votes of the people; a disputed succession to the throne was decided upon by them; changes in the constitution were proposed and explained, and all new laws, after a previous decree in the senate, were confirmed by them."³ It appears, therefore, to use the words of Müller, that the popular assembly really possessed the supreme political and legislative authority at Sparta, but it was so hampered and checked by the spirit of the constitution, that it could only exert its authority within certain prescribed limits, so that the government of the state is often spoken of as an aristocracy.

Besides the *ἐκκλησία* which we have just described, we read in later times of another, called the small assembly,⁴ which appears to have been convened on occasions of emergency, or which were not of sufficient importance to require the decision of the entire body of citizens. This more select assembly was probably composed of the *ὄμοιοι*, or superior citizens, or of some class enjoying a similar precedence, together with some of the magistrates of the state (*vid. Ecclesioi*); and if, as appears to have been the case, it was convened more frequently than the greater assembly, it is evident that an additional restraint was thus laid upon the power of the latter,⁵ the functions of which must have often been superseded by it.⁶

The preceding remarks will enable us to decide the question which has been raised, What was the real nature of the constitution of Sparta? From the expressions of Greek writers, every one would at once answer that it was aristocratic; but it has been asserted that the aristocracy at Sparta was an aristocracy of conquest, in which the conquering people, or Dorians, stood towards the conquered, or Achæans, in the relation of nobles to commons, and that it was principally in this sense that the constitution of Sparta was so completely anti-popular or oligarchical.⁷ Now this, indeed, is true; but it seems no less true that the Spartan government would have been equally called an oligarchy or aristocracy even if there had been no subject class at all, on account of the disposition and administration of the sovereign power within the Spartan body alone. The fact is, that, in theory at least, the Spartan constitution, as settled by Lycurgus, was a decided democracy, with two hereditary officers, the generals of the commonwealth, at its head; but in practice (at least before the encroachment of the ephors) it was a limited aristocracy, that is, it worked as if the supreme authority was settled in the hands of a minority. The principal circumstances which justify us in considering it as such are briefly

1. (Plut., *Lycurg.*, 6.)—2. (Herod., vii., 134.)—3. (Müller, *Dor.*, 4, § 9.)—4. (Xen., *Hell.*, iii., 3, 18.)—5. (Philol. *Muse.*, ii., p. 65.)—6. (Wachsmuth, *Hellen. Alterthumsk.*, II., i., 212.)—7. (Arnold, *Thucyd.*, Append. ii.)

straints imposed upon the assembly, the extensive powers of the councillors, their election for life, the irresponsibility, the absence of written laws, and the offices, of offices determined by lot," and the things thought by the Greeks characteristic of democracy. Independent of which, we must remember that Sparta was at the head of the oligarchical interest in Greece, and always supported, by the Coreya and Argos, the oligarchical party in opposition to the democratic, which was aided by the Ephors. In fact, Dr. Arnold himself observes, that in the relations of the conquering people among themselves, the constitution was far less popular than at Athens. We must, however, bear in mind that the constitution, as settled by Lycurgus, was completely altered in character by the usurpation of the ephors. To such an extent was this the case, that Plato¹ doubted whether the government of Sparta might not be called a "tyranny," in consequence of the extensive powers of the ephorality, though it was as much like a democracy as any form of government could well be; and yet, he adds, not to call it an aristocracy (*i. e.*, a government of the *ἀριστοι*) is quite absurd. Moreover, Aristotle,² when he enumerates the reasons why the Spartan government was called an oligarchy, makes no mention of the relations between the Spartans and their conquered subjects, but observes that it received this name because it had many oligarchical institutions, such as that none of the magistrates were chosen by lot; that a few persons were competent to inflict banishment and death.

Perhaps the shortest and most accurate description of the constitution of Sparta is contained in the following observations of Aristotle:² Some affirm that the best form of government is one mixed of all the forms, wherefore they praise the Spartan constitution; for some say that it is composed of an oligarchy, and a monarchy, and a democracy: some monarchy on account of the kings, an oligarchy on account of the councillors, and a democracy on account of the ephors; but others say that the ephorality is a "tyranny," whereas, on the other hand, the public tables and the regulations of daily life are of a democratic tendency.

GERRA. (*Vid.* ECCLESIA, p. 385.)

***GETEUM** (*γῆτειον*), also called *Gethyon* (*γῆθυον*), a plant to be referred to the genus *Allium*, or garlic, but the particular species of which cannot be satisfactorily determined.⁴

***GETHYLLIS** (*γῆθυλλίς*), most probably the same as the preceding.

***GEUM**, the herb Avens or Bennet, the *Caryophyllata vulgaris*, L. The French term is *Benoite*, the German *Benedictwurz*. It grows in shady, moist grounds. The root is bitter and aromatic, and was prescribed by the ancient physicians not only in affections of the breast and side, but also in cases of dyspepsy.⁵

***GINGIDIUM** (*γυγίδιον*), according to Knellius and Stephens, a species of Chervil. This opinion, however, is controverted by Matthioli and Bauhin. Adams makes it the *Daucus Gingidium*, a variety of the *Daucus Carota*, or wild Carrot.⁶

***GINNUS** or **HINNUS** (*γίννος*, *ίννος*). "Buffon marks, that Aristotle applies the term *γίννος* in two senses: first, to denote an imperfect animal, proceeding sometimes from the horse and ass; and, secondly, to signify the particular production of the male mule and the mare. Aristotle, therefore, was aware of the fact that the mule can sometimes propagate its species."⁷

¹ (*Leg.*, iv., p. 713.)—² (*Polit.*, iv., 8.)—³ (*Polit.*, ii., 6.)—⁴ (*Theophrast.*, H. P., i., 4.—*Adams*, *Append.*, s. v.)—⁵ (*Plin.*, N. H., xvi., 7.—*Billerbeck*, *Flora Classica*, p. 136.)—⁶ (*Diosc.*, ii., 169.—*Adams*, *Append.*, s. v.)—⁷ (*Aristot.*, H. A., i., 6. *Adams*, *Append.*, s. v.)

***GITH** or **GIT**, the seed of the Melanthon or Pepper-wort, the *Nigella sativa*. It was employed by the ancients as a condiment. (*Vid.* MELANTHIUM.)

GLADIATORES (*μομαχοι*) were men who fought with swords in the amphitheatre and other places for the amusement of the Roman people (*Gladiator est, qui in arena, populo spectante, pugnavit*). They are said to have been first exhibited by the Etrurians, and to have had their origin from the custom of killing slaves and captives at the funeral pyres of the deceased.¹ (*Vid.* BUSTUM, FUNUS, p. 460.) A show of gladiators was called *munus*, and the person who exhibited (*cedebat*) it, *editor*, *munerator*, or *dominus*, who was honoured during the day of exhibition, if a private person, with the official signs of a magistrate.²

Gladiators were first exhibited at Rome in B.C. 264, in the Forum Boarium, by Marcus and Decimus Brutus, at the funeral of their father.³ They were at first confined to public funerals, but afterward fought at the funerals of most persons of consequence, and even at those of women.⁴ Private persons sometimes left a sum of money in their will to pay the expenses of such an exhibition at their funerals.⁵ Combats of gladiators were also exhibited at entertainments,⁶ and especially at public festivals by the *ædiles* and other magistrates, who sometimes exhibited immense numbers with the view of pleasing the people.⁷ (*Vid.* *ÆDILES*, p. 25.) Under the Empire, the passion of the Romans for this amusement rose to its greatest height, and the number of gladiators who fought on some occasions appears almost incredible. After Trajan's triumph over the Dacians, there were more than 10,000 exhibited.¹⁰

Gladiators consisted either of captives,¹¹ slaves,¹² and condemned malefactors, or of freborn citizens who fought voluntarily. Of those who were condemned, some were said to be condemned *ad gladium*, in which case they were obliged to be killed at least within a year; and others *ad ludum*, who might obtain their discharge at the end of three years.¹³ Freemen, who became gladiators for hire, were called *auctorati*,¹⁴ and their hire *auctoramentum* or *gladiatorium*.¹⁵ They also took an oath on entering upon the service, which is preserved by Petronius:¹⁶ "*In verba Eumolpi sacramentum juravimus, uri, vinciri, verberari, ferroque necari, et quicquid aliud Eumolpus jussisset, tamquam legitimi gladiatores domino corpora animasque religiosissime addicimus.*"¹⁷ Even under the Republic freborn citizens fought as gladiators,¹⁸ but they appear to have belonged only to the lower orders. Under the Empire, however, both knights and senators fought in the arena,¹⁹ and even women;²⁰ which practice was at length forbidden in the time of Severus.²¹

Gladiators were kept in schools (*ludi*), where they were trained by persons called *lanista*.²² The whole body of gladiators under one lanista was frequently called *familia*.²³ They sometimes were the property of the lanista, who let them out to persons who wished to exhibit a show of gladiators;

1. (*Billerbeck*, *Flora Classica*, p. 142.)—2. (*Quint.*, *Declam.*, 302.)—3. (*Tertull.*, *De Spectac.*, 12.—*Serv.* *ad Virg.*, *Æn.*, x., 519.)—4. (*Capitol.*, *M. Anton.*, *Philos.*, 23.—*Flor.*, iii., 20.—*Cic.* *ad Att.*, ii., 19, § 3.)—5. (*Val. Max.*, ii., 4, § 7.—*Liv.*, *Epit.*, 16.)—6. (*Suet.*, *Jul.*, 26.—*Spart.*, *Hadr.*, 9.)—7. (*Sen.*, *De Brev. Vit.*, 20.)—8. (*Athen.*, iv., p. 153.—*Sil. Ital.*, xi., 51.)—9. (*Cic.*, *Pro Mur.*, 18.—*Id.*, *De Off.*, ii., 16.)—10. (*Dion Cass.*, lvi., 15.)—11. (*Vopisc.*, *Prob.*, 19.)—12. (*Suet.*, *Vitell.*, 12.)—13. (*Ulpian.*, *Collat. Mos. et Rom. Leg.*, tit. ii., s. 7, § 4.)—14. (*Quint.*, l. c.—*Hor.*, *Sat.*, II., vii., 58.)—15. (*Suet.*, *Tib.*, 7.—*Liv.*, xlv., 31.)—16. (*c. 117.*)—17. (*Compare Senec.*, *Epist.*, 7.)—18. (*Liv.*, xxviii., 21.)—19. (*Dion Cass.*, li., 22.—*Id.*, lvi., 25.—*Suet.*, *Jul.*, 39.—*Id.*, *Octav.*, 43.—*Id.*, *Ner.*, 12.)—20. (*Tacit.*, *Ann.*, xv., 32.—*Suet.*, *Dum.*, 4.—*Juv.*, vi., 250, &c.—*Stat.*, *Sylv.*, I., vi., 53.)—21. (*Dion Cass.*, lxxv., 16.)—22. (*Suet.*, *Jul.*, 26.—*Cic.*, *Pro Rosc. Amer.*, 40.—*Juv.*, vi., 216.—*Id.*, xi., 8.—23. (*Suet.*, *Octav.*, 42.)

but at other times belonged to citizens, who kept them for the purpose of exhibition, and engaged lanistæ to instruct them. Thus we read of the ludus Æmilius at Rome,¹ and of Caesar's ludus at Capua.² The superintendence of the ludi, which belonged to the emperors, was intrusted to a person of high rank, called curator or procurator.³ The gladiators fought in these ludi with wooden swords, called *rudes*.⁴ Great attention was paid to their diet, in order to increase the strength of their bodies, whence Cicero⁵ speaks of "*gladiatoria totius corporis firmitas*." They were fed with nourishing food, called *gladiatoria sagina*.⁶ A great number of gladiators were trained at Ravenna, on account of the salubrity of the place.⁷

Gladiators were sometimes exhibited at the funeral pyre, and sometimes in the Forum, but more frequently in the amphitheatre. (*Vid. AMPHITHEATRUM*.) The person who was to exhibit a show of gladiators published, some days before the exhibition, bills (*hibelli*) containing the number and sometimes the names of those who were to fight.⁸ When the day came, they were led along the arena in procession, and matched by pairs;⁹ and their swords were examined by the editor to see if they were sufficiently sharp.¹⁰ At first there was a kind of sham battle, called *prælusio*, in which they fought with wooden swords or the like,¹¹ and afterward, at the sound of the trumpet, the real battle began. When a gladiator was wounded, the people called out *habet* or *hoc habet*; and the one who was vanquished lowered his arms in token of submission. His fate, however, depended upon the people, who pressed down their thumbs if they wished him to be saved, but turned them up if they wished him to be killed,¹² and ordered him to receive the sword (*ferrum recipere*), which gladiators usually did with the greatest firmness.¹³ If the life of a vanquished gladiator was spared, he obtained his discharge for that day, which was called *missio*;¹⁴ and hence, in an exhibition of gladiators *sine missione*,¹⁵ the lives of the conquered were never spared. This kind of exhibition, however, was forbidden by Augustus.¹⁶

Palms were usually given to the victorious gladiators;¹⁷ and hence a gladiator who had frequently conquered is called "*plurimarum palmarum gladiator*;"¹⁸ money also was sometimes given.¹⁹ Old gladiators, and sometimes those who had only fought for a short time, were discharged from the service by the editor at the request of the people, who presented each of them with a *rudis* or wooden sword, whence those who were discharged were called *Rudiarii*.²⁰ If a person was free before he entered the ludus, he became, on his discharge, free again; and if he had been a slave, he returned to the same condition again. A man, however, who had been a gladiator, was always considered to have disgraced himself, and, consequently, it appears that he could not obtain the equestrian rank if he afterward acquired sufficient property to entitle him to it;²¹ and a slave who had been sent into a ludus, and there manumitted either by his then owner or another owner, merely acquired the status of a *pergrinus dediticius*.²² (*Vid. DEDITICI*.)

Shows of gladiators were abolished by Constantine,¹ but appear, notwithstanding, to have been generally exhibited till the time of Honorius, by whom they were finally suppressed.²

Gladiators were divided into different classes, according to their arms and different mode of fighting, or other circumstances. The name of the most important of these classes is given in alphabetical order:

*Andabata*³ wore helmets without any aperture for the eyes, so that they were obliged to fight blind fold, and thus excite the mirth of the spectators. Some modern writers say that they fought on horseback, but this is denied by Orelli.⁴

Caterarii was the name given to gladiators when they did not fight in pairs, but when several fought together.⁵

Dimacheri appear to have been so called, because they fought with two swords.⁶

Equites were those who fought on horseback.⁷

Essedarii fought from chariots like the Gauls and Britons. (*Vid. ESSEDA*.) They are frequently mentioned in inscriptions.⁸

Fiscales were those, under the Empire, who were trained and supported from the *fiscus*.⁹

Hoplomachi appear to have been those who fought in a complete suit of armour.¹⁰ Lipsius considers them to have been the same with the Samnites, and that this name was disused under the emperors, and *hoplomachi* substituted for it.

Laqueatores were those who used a noose to catch their adversaries.¹¹

Meridiani were those who fought in the middle of the day, after combats with wild beasts had taken place in the morning. These gladiators were very slightly armed.¹²

Mirmillones are said to have been so called from their having the image of a fish (*mormyr*, *μορμυρ*) on their helmets.¹³ Their arms were like those of the Gauls, whence we find that they were also called Galli. They were usually matched with the *retiarii* or Thracians.¹⁴

Ordinarii was the name applied to all the regular gladiators, who fought in pairs, in the ordinary way.¹⁵

Postulatici were such as were demanded by the people from the editor, in addition to those who were exhibited.¹⁶

Provocatores fought with the Samnites,¹⁷ but we do not know anything respecting them except their name. They are mentioned in inscriptions.¹⁸ The *προβοκάτωρ* mentioned by Artemidorus¹⁹ appears to be the same as the provocator.

Retiarii carried only a three-pointed lance, called *tridens* or *fuscina* (*vid. FUSCINA*), and a net (*rete*), which they endeavoured to throw over their adversaries, and then to attack them with the *fuscina* while they were entangled. The *retiarium* was dressed in a short tunic, and wore nothing on his head. If he missed his aim in throwing the net, he betook himself to flight, and endeavoured to prepare his net for a second cast, while his adversary followed round the arena in order to kill him before he could make a second attempt. His adversary was usually a *secutor* or a *mirmillo*.²⁰ In the following

1. (Hor., de Art. Poet., 32.)—2. (Cms., Bell. Civ., i., 14.)—3. (Tacit., Ann., xi., 35.—Id. ib., xiii., 22.—Suet., Cal., 27.—Gruter., Inscript., p. 489.)—4. (Suet., Cal., 32, 54.)—5. (Phil., ii., 25.)—6. (Tacit., Hist., ii., 88.)—7. (Strabo, v., p. 213.)—8. (Cic. ad Fam., ii., 8.—Suet., Jul., 26.)—9. (Hor., Sat., i., vii., 20.)—10. (Dion Cass., lxxviii., 3.—Suet., Tit., 9.—Lipsius, Exercit. ad Tac., Ann., iii., 37.)—11. (Cic., De Orat., ii., 78, 80.—Ovid, A. A., iii., 515.—Senec., Epist., 117.)—12. (Hor., Epist., i., xviii., 66.—Juv., iii., 36.)—13. (Cic., Tusc., ii., 17.—Id., Pro Sext., 37.—Id., Pro Mil., 34.)—14. (Mart., XII., xxix., 7.)—15. (Liv., xli., 20.)—16. (Suet., Octav., 45.)—17. (Suet., Cal., 32.)—18. (Cic., Pro Rosc. Amer., 6.)—19. (Juv., vii., 243.—Suet., Claud., 21.)—20. (Cic., Phil., ii., 29.—Hor., Epist., i., 1, 2.—Suet., Tib., 7.—Quint., l. c.)—21. (Quint., l. c.)—22. (Gaius, l., 13.)

1. (Cod. 11, tit. 43.)—2. (Theodoret, Hist. Eccles., i., 20.)—3. (Cic. ad Fam., vii., 10.)—4. (Inscr., 2577.)—5. (Suet., Octav., 45.—Gregatin dimicantes? Cal., 30.)—6. (Artemidor., ii., 32.—Orelli, Inscr., 2584.)—7. (Orelli, 2577, 2569.)—8. (Orelli, 2566, 2584, &c.)—9. (Capitol., Gord., iii., 35.)—10. (Suet., Cal., 35.—Martial., viii., 74.—Orelli, 2566.)—11. (Id., xvii., 56.)—12. (Senec., Epist., 7.—Suet., Claud., 34.—Orelli, 2567.)—13. (Festus, s. v. Retiario.)—14. (Cic., Phil., iii., 19.—Id. ib., vii., 6.—Juv., viii., 200.—Suet., Cal., 32.—Orelli, 2566, 2581.)—15. (Senec., Epist., 7.—Suet., Octav., 45.—Id., Cal., 30.)—16. (Senec., l. c.)—17. (Cic., Pro Sext., 64.)—18. (Orelli, 2566.)—19. (ii., 32.)—20. (Juv., Sat., ii., 143.—Id. ib., viii., 203.—208., Cal., 30.—Id., Claud., 34.—Orelli, 2578.)

genum, which Dioscorides does not, and, botanically speaking, this distinction is a vicious one. Apuleius, without doubt following Pliny, says that the female pelegium has a red flower, and the male a white one; but he gives no preference for medical purposes to either the one or the other kind.¹

*GLIS, the Rell-mouse, or *Glis esculentus*, a branch of the Dormouse family. It is the *μύσος* of the Greek writers, which is most probably the same with the *ἐλειός* of Aristotle. Linnæus calls it the *Myoxus Glis*.²

*GLOTTIS (*γλωττίς*), the name of a bird mentioned by Aristotle. "The most probable conjecture," says Adams, "which I can form respecting it, is, that it was the *Totanus Glottis*, Bechstein, called in English the Greenshank or Great Plover."³

*GLYCYRRHIZ' A (*γλυκκόριζα*), Liquorice. Sprengel, in his R. H. H., acknowledges it to be the *Glycyrrhiza glabra*; but in his edition of Dioscorides he prefers the *G. glandulifera*. Bauhin, Hill, Miller, and Dierbach agree that it is the variety of Liquorice now named *G. capite echinato*, which is described by Dioscorides. Sibthorp also makes it to be the *G. echinat*.⁴

*GLYCYM'ARIS (*γλυκυμαρίς*), a fish of the testaceous order. Coray inclines to refer it to the *Ara glycyumaris*, L. Lamarck makes it a distinct genus.⁵

*GLYCYSTIDE (*γλυκυστίδη*), according to Dioscorides and Galen, a synonyme of the *παονία*. "The two species described by them," remarks Adams, "are most probably the *Paeonia officinalis*, or Male Peony, and the *P. corallina*. Stackhouse holds the *γλυκυστίδη* of Theophrastus to be the *P. moutana*.⁶

*GNAPHAL'IUM (*γραφάλιον*), according to Bauhin, the "*Herba impii*" of Pliny, which he calls the *Gnaphalium vulgare*, but which is now termed *G. Germanicum* by British botanists. It is the common Calweed of Great Britain. "This seems to be a probable view of the subject," remarks Adams, "but it becomes me to state that Sprengel, upon the authority of Matthioli, Dodonaus, and others, holds it to be a species of Lavender-cotton, namely, the *Quadratus maritimus*, Zink."⁷

*GNAPH'ALUS (*γναφαλος*), a bird of passage described by Aristotle. Buffon conjectures that it was the Bohemian Chatterer (*Garrulus Bohemicus*); an opinion discountenanced by Linnæus, but which Adams considers a very probable one.⁸

GNOMON. (Vid. ΗΟΚΟΛΟΙΤΑ.)

*GOBIUS (*κοβίος*), the Sea Gudgeon or Gobey. Griffith thinks that the Gobey is the *Physcis* of the ancients, "the only fish that constructs a nest."⁹

*GOSSIP'ION. The Cotton-tree. (Vid. ΕΠΙΘΑΡΟΝ ΔΕΝΔΡΟΝ.)

GRADUS COGNATIONIS. (Vid. COGNATI.)

GRAMM'ATEUS (*γραμματεύς*), a Clerk or Scribe. Among the great number of scribes employed by the magistrates and government of Athens, there were three of a higher rank, who were real state officers.¹⁰ Their functions are described by Pollux.¹¹ One of them was appointed by lot, by the senate, to serve the time of the administration of each prytany, though he always belonged to a different prytany from that which was in power. He was therefore called *γραμματεύς κατά πρυτανείαν*.¹² His province was to keep the public records, and the de-

crees of the people which were made during the time of his office, and to deliver to the thesmothetæ the decrees of the senate.¹ Demosthenes, in another passage,² states that the public documents, which were deposited in the Metroon, were in the keeping of a public slave; whence we must suppose, with Schömann,³ that this servant, whose office was probably for life, was under the *γραμματεύς*, and was his assistant. Previous to the archonship of Euclides, the name of this scribe was attached to the beginning of every decree of the people;⁴ and the name of the *γραμματεύς* who officiated during the administration of the first prytany in a year was, like that of the archon eponymus, used to designate the year.

The second *γραμματεύς* was elected by the senate by *χειροτονία*, and was intrusted with the custody of the laws (*ἐπὶ τοὺς νόμους*). His usual name was *γραμματεύς τῆς βουλῆς*, but in inscriptions he is also called *γραμματεύς τῶν βουλευτῶν*.⁵ Farther particulars concerning his office are not known.

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A class of scribes inferior to these were those persons who were appointed clerks to the several civil or military officers of the state, or who served any of the three *γραμματεῖς* mentioned above as under-clerks (*ὑπογραμματεῖς*). These persons were either public slaves or citizens of the lower orders, as appears from the manner in which Demosthenes speaks of them, and were not allowed to hold their office for two succeeding years.¹⁰

Differnt from these common clerks were the *ἀντιγραφεῖς*, checking-clerks or counter-scribes, who must likewise be divided into two classes, a lower and a higher one. The former comprised those who accompanied the generals and cashiers of the armies,¹¹ who kept the control of the expenditure of the sacred money, &c.¹² The higher class of *ἀντιγραφεῖς*, on the other hand, were public officers. Their number was, according to Harpocration,¹³ only two, the *ἀντιγραφεὺς τῆς διοικήσεως*, and the *ἀντιγραφεὺς τῆς βουλῆς*. The office of the former was to control the expenditure of the public treasury (*διοίκησις*); the latter was always present at the meetings of the senate, and recorded the accounts of money which was paid into the senate.¹⁴ He had also to lay the account of the public revenue before the people in every prytany, so that he was a check upon the *ἀποδέκται*. He was at first elected by the people by *χειροτονία*, but was afterward appointed by lot.¹⁵

The great number of clerks and counter-clerks at Athens was a necessary consequence of the institution of the *εἰθνήη*, which could not otherwise have been carried into effect.¹⁶

GRAPHE (*γραφή*), in its most general acceptation, comprehends all state trials and criminal prosecutions whatever in the Attic courts; but in its more limited sense, those only which were not dis-

1. (Demosth., l. c.)—2. (De Fals. Leg., p. 381.)—3. (De Comit., p. 302, transl.)—4. (Schömann, p. 132, &c.—Compare Boule, p. 69.)—5. (Pollux, l. c.—Demosth., c. Timocr., p. 713—De Coron., p. 238.)—6. (Böckh, Staatsh., i., p. 201.)—7. (Thucyd., vii., 10.)—8. (Pollux, l. c.—Demosth., De Fals. Leg., p. 419.—Id., c. Leptin., p. 485—Suidas, s. v.)—9. (Demosth., De Fals. Leg., p. 419.—Id., De Coron., p. 314.—Antiphon, De Chorent., p. 792.—Lysias, c. Nicom., p. 864.)—10. Lysias, c. Nicom., p. 864, according to the interpretation of this passage by Böckh, Staatsh., i., p. 203.)—11. (Demosth., De Cherson., p. 101.)—12. (Böckh, Staatsh., i., p. 198.)—13. (s. v.)—14. (Compare Pollux, Onom., viii., 98.—Suidas, s. v.)—15. (Æschin., c. Ctes., p. 417—Pollux, l. c.)—16. (Vid. Schömann, De Comit., p. 302, &c.—Böckh, Staatsh., i., p. 198, &c.—Hermann, Polit. Antiq., § 197, n. 17 and 18.)

... botanically... Apulei... the fe... the male a... for medical... kind.¹

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... (*μύσος*), Liquorice... it is to be the... edition of Dioscori... Bauhin, Hill... it is the variety of... *echinato*, which is... also makes it

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... according to Dios... of the *παιονία*... by them," remarks... the *Pæonia officinalis*,... *torallina*. Stackhouse... to be the *P.*

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8.—Dioscor., iii., 33.—Plin., H. N., xx., A., viii., 19.—Adams, s. v. *Δειός*.—3. I.—Adams, Append., s. v.—4. (Dioscor., d., s. v.—Billierbeck, Flora Classica, p. xxxii., 11.—Adams, Append., s. v.)—6. Dioscor., iii., 147.—Nicand., Ther., 940.—7. (Dioscor., iii., 122.—Adams, Append., A., ix., 16.)—9. (Griffith's Cuvier, vol. 6, s. v.)—11. (Onom., viii., 98.)—12. (De-

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tinguished as the *σέβη*, *ἰδέσις*, *εὐαγγελία* by a special name and a peculiar conduct of the proceedings. The principal characteristic differences between public and private actions are enumerated under these, and the peculiar forms of public prosecutions, such as those above mentioned, are separately noticed. Of these forms, together with that of the *ἵππη*, properly so called, it frequently happened that two or more were applicable to the same class of actions, and the discretion of the prosecutor in submitting the most preferable of his available remedies was attended by results of great importance to himself and the accused. If the prosecutor's *ἵππη*, *εὐαγγελία* and the evidence adduced by him were insufficient to establish the aggravated character of the wrong in question, as indicated by the *ἵππη* of action he had chosen, his ill-judged course might be obviated in mitigation of the punishment by the defendant in his reply (*ἀπολογία*), or upon the assumption of the penalty after judgment given, and if the case were one of those in which the *ἵππη* had no power of assessing (*ἀναστροφὴ γράφῃ*), it might cause a total failure of justice, and even in such the prosecutor had to a fine or other punishment.

The courts before which public causes could be tried were *τὸν βουλευτικόν*, and, besides the ordinary *ἡγεμονία* under the control of the nine archons in the private or private, the council, and even the assembly of the people, occasionally became judicial bodies for that purpose, as in the case of certain *ἵππη* and *εὐαγγελία*.¹ The proper court in which to bring a particular action was, for the most part, determined by the subject-matter of the *ἵππη*. In the trial of state offences, it was, in general, requisite that the ostensible prosecutor should be an Athenian citizen in the full possession of his franchise, but on some particular occasions,² even slaves and resident aliens were invited to supply forward and lay information. In such cases, and in some *εὐαγγελία* and other special proceedings, the prosecution and conduct of the cause in court was carried on by advocates retained by the plaintiff or called for the occasion; but with the exception of purely state interests seems to have been an ordinary accuser.

In criminal causes the prosecution was conducted by the *ἵππη* in behalf of the aggrieved woman, and the *ἵππη*, his *εὐαγγελία*; probably gave some assistance to the resident alien in the commencement of proceedings, though the accusation was in some of the person aggrieved, who also made his appearance at the trial without the intervention of the *ἵππη* and a complete foreigner would not be admitted from the provinces of his country. In the prosecution of cases in which the *ἵππη*, or *εὐαγγελία* was adopted, in some cases in which an arrest actually did, and in some cases in which the *ἵππη* was present, a public prosecutor, like an ordinary citizen, was required to appear before the court on the day.³ The *ἵππη* was *ἡγεμονία*; but the bill of accusation, as the case of *ἵππη*, as in private or *ἵππη*, as in public prosecution be *ἡγεμονία*; and if it in any cases render the *ἵππη*, if not *ἵππη*.

facto to a fine of a thousand sum was also forfeited obtain the voices of a *ἵππη* except those brought reference to injury (*ἵππη*); and besides this chisement, as, for instance similar accusation, was sentions. Upon the conviction sentence were death, the court delivered the custody of the Scy Eleven, whose business upon him. (Vid. ELEVEN were confiscation of property an inventory of the effects was read in the assembly to the *ἵππη*, that the goods, and pay in treasury.⁴

GREGORIANUS C (GRIANUS.)

GROSPHOS (*γρόσφος*) GUBERNA'CULUM, (*ἄλιν*), a Rudder. Before which Pliny¹ ascribes to ship *Argo*, vessels were by oars alone. This is the form of the ancient mode of using it. It was broad blade, and was cut of the stern, not at its woodcut presents example is frequently exhibited works of art. The figure of Bartoli's lamps,² and the *Buccina*, and holding der in his left hand. The woodcut is from a cameo represents a rudder with *CLAVUS*) crossed by the elements of abundance and together, especially in representing the third figure, taken from same collection, *Venus* is a rudder, which indicates

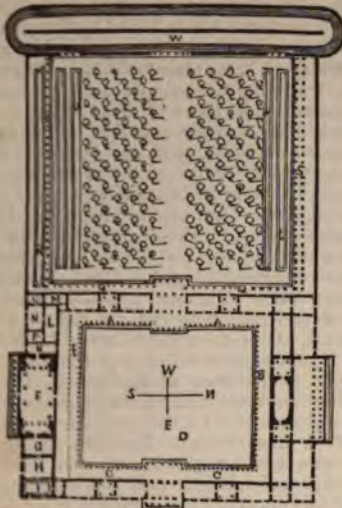


The usual position of the stern is seen in the woodcut. The gubernaculum was *τορ*³ (*κυβερνήτης*⁴), who is distinguished from the *μαγ* poets *οὐλοστροφος* and *οὐλοσ* and directs the helm.⁵

1. (Meier, Att. Proc., 355.)—2 —3. (H. N., vii., 57.)—4. (Luc. iv., 3, 75.—Sen., Epist., 86.)—5. xii., 217, 218.)—7. (Virg., Æn., v —8. (Æsch., Prom. Vinct., 153, 5; 9. (Plut., De Superst., v., vi., p. μὲν; Æschyl., Sept. c. Theb., 3.)

Meid., 523.)—2. (Meier, vi., 86.—Lys., Pro Call., (Meid., Euthyph., init.)

drawn, according to the description of Vitruvius, that of W. Newton, in his translation of Vitruvius, vol. i., fig. 52, deserves the preference. The following woodcut is a copy of it, with a few alterations.



The peristylia (D) in a gymnasium, which Vitruvius incorrectly calls *palaestra*, are placed in the form of a square or oblong, and have two stadia (1200 feet) in circumference. They consist of four porticoes. In three of them (A B C), spacious exedrae, with seats, were erected, in which philosophers, rhetoricians, and others, who delighted in intellectual conversation, might assemble. A fourth portico (E), towards the south, was double, so that the interior walk was not exposed to bad weather. The double portico contained the following apartments: The Ephebeum (F), a spacious hall with seats, in the middle, and by one third longer than broad. On the right is the Coryceum (G), perhaps the same room which in other cases was called Apodyterium; then came the Conisterium (H), adjoining; and next to the Conisterium, in the returns of the portico, is the cold bath, *λοῦτρον* (I). On the left of the Ephebeum is the Eleothesium, where persons were anointed by the *aliptæ* (K). Adjoining the Eleothesium is the Frigidarium (L), the object of which is unknown. From thence is the entrance to the Propigneum (M), on the returns of the portico; near which, but more inward, behind the place of the frigidarium, is the vaulted sudatory (N), in length twice its breadth, which has on the returns the Laconicum (O) on one side, and opposite the Laconicum, the hot bath (P). On the outside three porticoes are built: one (Q) in passing out from the peristyle, and on the right and left the two stadal porticoes (R S), of which the one (S) that faces the north is made double and of great breadth, the other (R) is single, and so designed that in the parts which encircle the walls, and which adjoin to the columns, there may be margins for paths not less than ten feet; and the middle is so excavated that there may be two steps, a foot and a half in descent, to go from the margin to the plane of the walk, which plane should not be less in breadth than ten feet; by this means, those who walk about the gymnasium in their apparel will not be annoyed by the dust which they are exercising themselves. This portico is called by the Greeks *ξυστός*, because in the winter season the athletes exercised themselves in these covered walks. The *ξυστός* had groves or plantations between the two porticoes, and walks between them, for the seats of signine work. Adjoining to

the *ξυστός* (R) and double portico (S) covered walks (U), which in Greek are *παρρηπίδες*, to which the athletes, in the winter, go from the winter-xystus to exercise. The winter-xystus is the stadium (W), so large that a great number of people may have sufficient room to contend in the contests of the athletes.

It is generally believed that Vitruvius' description of his gymnasium, took the form of the Greek gymnasium, the apodyterium and the conisterium, are not mentioned by him. Vitruvius bestowed great care upon the outward splendour of their gymnasia, and adorned them with the statues of gods, heroes, victors in the games, and of eminent men of every class. The tutelary deity of the gymnasium was a statue of the tutelary deity of the gymnasium, which was consequently seen in most of the gymnasia.

The earliest regulations which we find concerning the gymnasia are in the laws of Solon. One of these laws forbade all adults to frequent the gymnasium during the time that boys were exercising, and at the festival of the *Booths*. The gymnasia were, according to the laws of Solon, allowed to be opened before sunrise, and shut at sunset.¹ Another law of Solon forbade slaves from gymnastic exercises.² Boys of Athenian citizens and a foreigner (*νόθος*), were not admitted to any other but the Cynosarges.³ Some of the laws relating to the management and the superintendence of the gymnasia, show that he was aware of the evil consequences which these institutions produce, unless they were regulated by laws. As we, however, find that adults frequented the gymnasia, we must suppose that at least as long as the laws of Solon were in force, the gymnasia were divided into different parts for persons of different ages, or that persons of different ages took their exercises at different times of the day.⁴ The education of boys up to the age of sixteen was divided into the three parts of gymnastics, music, and drawing; but during the period from their eighteenth year, the instruction in gymnastics and music seems to have ceased, and they were exclusively pursued. In the time of Solon, salutary regulations of Solon appear to have no longer been observed, and we find persons of all ages visiting the gymnasia.⁵ Athens now had a number of smaller gymnasia, which are called *palaestra*, in which persons of all ages were allowed to assemble, and in which even the heroes were celebrated by the boys, while formerly they had only been kept in the great gymnasium to the exclusion of all adults.⁶ These regulations, the laxitude in the superintendence of the gymnasia, caused the gymnasia to differ from the schools of the athletes; and it partly owing to this circumstance that this and subsequent times use the word *gymnasium* and *palaestra* indiscriminately.⁷

Married as well as unmarried women were not admitted to the gymnasia, except in Athens and in all the Ionian states, except in the gymnasium; but at Sparta, and in the Doric states, maidens, dressed in the same manner as the youths, were not only admitted as spectators, but also took part in the exercises of the youths. Married women, however, did not frequent the gymnasia.

Respecting the superintendence and regulation of the gymnasia at Athens, we know

1. (Æschin., c. Timarch., p. 38.)—2. (Æschin., c. Timocr., p. 147.—Plut., Solon, l.—Demosth., c. Timocr., p. 147.—Plut., Them., l.)—3. (Bœckh, Corp. Inscr., n. 1000.)—4. (Plat., De Rep., v., p. 452.—Xen., Symp., p. 176.)—5. (Plat., Lys., p. 206.)—6. (Becker, Charikles, l. i., p. 806.)

legislation thought them worthy of great at-
on; and the transgression of some of his laws
ng to the gymnasia was punished with death.
aws mention a magistrate, called the gymnasi-
(*γυμνασιάρχος* or *γυμνασιάρχης*), who was in-
with the whole management of the gymnasia,
with everything connected therewith. His
was one of the regular liturgies, like the cho-
and trierarchy,¹ and was attended with con-
sible expense. He had to maintain and pay
ersons who were preparing themselves for the
s and contests in the public festivals, to pro-
them with oil, and perhaps with the wrestlers'

It also devolved upon him to adorn the gym-
nium, or the place where the agones took place.²
gymnasiarch was a real magistrate, and in-
with a kind of jurisdiction over all those
frequenting or were connected with the gym-
nium; and his power seems even to have extended
to the gymnasia, for Plutarch³ states that he
checked and controlled the conduct of the ephebi
in general. He had also the power to remove from
gymnasia teachers, philosophers, and sophists,
never he conceived that they exercised an in-
fluence upon the young.⁴ Another part
of his duties was to conduct the solemn games at
the great festivals, especially the torch-race
(*παύρορα*), for which he selected the most dis-
tinguished among the ephebi of the gymnasia. The
number of gymnasiarchs was, according to Libani-
us and Demosthenes,⁵ ten, one from every tribe.⁶
They seem to have undertaken their official duties
in common, but in what manner is unknown. Among
the external distinctions of a gymnasiarch were a
black cloak and white shoes.⁷ In early times the
office of gymnasiarch lasted for a year, but under
the Roman emperors we find that sometimes they
held it only for a month, so that there were 12 or
15 gymnasiarchs in one year.⁸ This office seems
to have been considered so great an honour, that
Roman generals and emperors were ambitious
to hold it. Other Greek towns had, like Athens,
their own gymnasiarchs, but we do not know wheth-
er, to what extent, their duties differed from the
Athenian gymnasiarch. In Cyrene the office was
sometimes held by women.

The office which was formerly believed to be
connected with the superintendence of the gymna-
sium, that of *xytarchus* (*ξυστάρχος*). But it is not
mentioned previous to the time of the Roman em-
perors, and then only in Italy and Crete. Krause⁹
is of opinion that this office had nothing to do with
the gymnasia properly so called, but was only con-
nected with the schools of the athlete.

The office which is likewise not mentioned before
the time of the Roman emperors, but was, never-
theless, decidedly connected with the gymnasia, is
that of *Cosmetes*. He had to arrange certain
things, to register the names, and keep the lists of
the ephebi, and to maintain order and discipline
among them. He was assisted by an *anticosmetes*
or *hyposcosmetæ*.¹⁰

The office of very great importance, in an educa-
tional point of view, was that of the *sophronistæ*
(*σοφρονιστῆς*). Their province was to inspire the
youth with a love of *σωφροσύνη*, and to protect
them from the influence of all injurious influences. In ear-
ly times their number at Athens was ten, one from
each tribe, with a salary of one drachma per day.¹¹
They were not only required to be present at
the games of the ephebi, but to watch and correct

their conduct wherever they might meet them, both
within and without the gymnasium. At the time
of the Emperor Marcus Aurelius, only six *sophro-*
nistæ, assisted by as many *hyposophronistæ*, are
mentioned.¹

The instructions in the gymnasia were given by
the *gymnastæ* (*γυμνασται*) and the *pædotribæ* (*παι-*
δοτριβαί); at a later period *hypopædotribæ* were ad-
ded. The *pædotribæ* was required to possess a
knowledge of all the various exercises which were
performed in the gymnasia; the *gymnastæ* was
the practical teacher, and was expected to know the
physiological effects and influences on the constitu-
tion of the youths, and therefore assigned to each
of them those exercises which he thought most suit-
able.² These teachers were usually *athletæ* who had
left their profession, or could not succeed in it.³

The anointing of the bodies of the youths, and
strewing them with dust, before they commenced
their exercises, as well as the regulation of their
diet, was the duty of the *aiiptæ*. (*Vid.* ΑΙΠΤΑ.)
These men sometimes also acted as surgeons or
teachers.⁴ Galen⁵ mentions, among the gymnastic
teachers, a *σφαιριστικός*, or teacher of the various
games at ball; and it is not improbable that in some
cases particular games may have been taught by
separate persons.

The games and exercises which were performed
in the gymnasia seem, on the whole, to have been
the same throughout Greece. Among the Dorians,
however, they were regarded chiefly as institutions
for hardening the body and for military training;
among the Ionians, and especially the Athenians,
they had an additional and higher object, namely,
to give to the body and its movements grace and
beauty, and to make it the basis of a healthy and
sound mind. But among all the different tribes of
the Greeks, the exercises which were carried on in
a Greek gymnasium were either mere games, or
the more important exercises which the gymnasia
had in common with the public agones in the great
festivals.

Among the former we may mention, 1. The ball
(*σφαίρισις*, *σφαιρμαχία*, &c.), which was in univer-
sal favour with the Greeks, and was here, as at
Rome, played in a variety of ways, as appears from
the words *ἀπὸρραξίς*, *ἐπίσκυρος*, *φανινίδα* or *ἀρπασ-
τόν*, &c.⁶ Every gymnasium contained one large
room for the purpose of playing at ball in it (*σφαι-
ριστήριον*). 2. *Παίειν ἑλκυστίνδα*, *διελκυστίνδα*, or
διὰ γραμμῆς, was a game in which one boy, holding
one end of a rope, tried to pull the boy who held
its other end across a line marked between them
on the ground. 3. The top (*βέμβηξ*, *βέμβιξ*, *ρόμβος*,
στρόβιλος), which was as common an amusement
with Greek boys as in our own days. 4. The
πεντάλιθος, which was a game with five stones,
which were thrown up from the upper part of the
hand and caught in the palm. 5. *Σκαπέρδα*, which
was a game in which a rope was drawn through the
upper part of a tree or a post. Two boys, one on
each side of the post, turning their backs towards
one another, took hold of the ends of the rope and
tried to pull each other up. This sport was also
one of the amusements at the Attic Dionysia.⁷
These few games will suffice to show the character
of the gymnastic sports.

The more important games, such as running (*δρό-
μος*), throwing of the *δίσκος* and the *ἄκον*, jumping
and leaping (*ἄλμα*, with and without *ἀλτήρες*), wrest-
ling (*πάλη*), boxing (*πυγμή*), the pancration (*παγκρό-*

1. (Krause, *ib.*, p. 231, &c.)—2. (Xen., *De Rep.*,
12.)—3. (Amator, c. 9, &c.)—4. (Æschin., c. Timarch.)
—5. (Mend., p. 510.)—6. (Compare Demosth., c. Philip., p.
1000.)—7. (Isidor., *De Menel.*, c. 42.)—8. (Plut.,
12.)—9. (Krause, *Theagenes*, i., p. 218.)—10. (*ib.*, p.
10.)—11. (Krause, *ib.*, p. 228, &c.)—12. (*Etymol. Mag.*, s. v.)

1. (Krause, *ib.*, p. 231, &c.)—2. (Galen, *De Valet. tuend.*, ii.,
9, 11.—Arist., *Polit. Antiq.*, viii., 3, 2.)—3. (Ælian, V. H., ii., 6.)
—4. (Galen, l. c.—*Id.*, ii., 3, &c.)—5. (Plut., *Dion.*, c. 1.)—6. (l. c.—
Id., ii., 11.)—7. (Plut., *De Leg.*, vii., p. 797.—Compare Gronov. ad
Plaut., *Curcul.*, ii., 3, 17, and Becker, *Gallus*, i., 270.)—8. (He-
sych., s. v.)

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ant practices of the *gymnasium*, but approves of more moderate exercises as subservient to the physician, and, consequently, part of that

The other Greek writers express a similar opinion: and the sense of most of them in this matter is collected in Oribasius's "Collecta Medicorum."

In those remains which are preserved of the writings of Antyllus, we read of some sorts of diseases that are not mentioned by Galen or any other author; among the rest, the *Cricolasia*, as the doctors by mistake call it, instead of *Cricoelasia*.

As it had for many ages been disused, Mercurius himself, who has made the most judicious inroads into this subject,¹ does not pretend to extend; and I believe, says Freind,² though we have a description of it set down in Oribasius,³ it will not form any idea of what it was.

The ancient physicians relied much on exercise as a cure of the dropsy,⁴ whereas we almost neglect it.⁵ Hippocrates⁶ prescribes for one who has a dropsy *ταλαιπώρια*, or *fatiguing exercises*, he makes use of the same word in his Epidemical almost always when he speaks of the regimen of a dropsical person, implying that, though it is labour for such people to move, yet they must engage in it; and this is so much the sense of Hippocrates, that Spon has collected it into one of the Aphorisms which he has drawn out of his

Celsus says of this case,⁷ "Concutiendum est gestatione corpus est." The Romans placed their reliance upon exercise for the cure of disease; and Asclepiades, who lived in the time of the Great, brought this mode of treatment to great request. He called exercises *the common of physic*, and wrote a treatise on the subject, which is mentioned by Celsus in his chapter "De Jure,"⁸ but the book is lost. He carried these means so far, that he invented the *Lecti Pensiles*,⁹ or hanging beds, that the sick might be rocked to sleep; he took so much at that time that they came afterward to be made of silver, and were a great proof of the luxury of that people; he had so many singular ways to make physic agreeable, and was likewise in the invention of exercises to supply the place of medicine, that perhaps no man in any age ever had the happiness to obtain so general an use; and Pliny¹⁰ says by these means he made himself the delight of mankind. About his time the physicians sent their consumptive patients to Alexandria, and with very good success, as we see by both the Plinys; this was done partly for the sake of air, but chiefly for the sake of the exercise of the motion of the ship; and therefore Celsus,¹¹ "Si vera Phthisis est, opus est longa navigatione;" and a little after he makes *Vehiculum Nervis* to be two of the chief remedies. As for other more common exercises, they were daily used, as is manifest from Celsus, Cælius, Augustus, Theodorus Priscianus, and the rest of the ancient physicians. And we do not want instances of cures wrought by these means. Suetonius¹² tells that Germanicus was cured of a "crurum gravis," as he expresses it (by which he probably means an *atrophy*), by riding; and Plutarch, in his life of Cicero, gives us an account of his weakness, that he recovered his health by travelling, and his assiduous diligence in rubbing and chafing his body.¹³ Galen¹⁴ tells us that Annæus Gallio, who had been cured, was cured of a consumption by a sea voy-

age; and Galen gives us such accounts of the good effects of particular exercises, and they were practised so universally by all classes, that it cannot be supposed but they must have been able to produce great and good effects. However, from an attentive perusal of what we find on this subject in the classical authors, the reader can hardly fail of being convinced that the ancients esteemed gymnastics too highly, just as the moderns too much neglect them; and that in this, as in many other matters, both in medicine and in philosophy, truth lies between the two extremes.

GYMNASTAI. (Vid. GYMNASIUM, p. 483.)

GYMNE'SIOI (*γυμνήσιοι*) or GYMNE'TES (*γυμνήτες*) were a class of bond-slaves at Argos, who may be compared with the Helots at Sparta.¹ Their name shows that they attended their masters on military service in the capacity of light-armed troops. Müller² remarks that it is to these gymnesii that the account of Herodotus³ refers, that 6000 of the citizens of Argos having been slain in battle by Cleomenes, king of Sparta,⁴ the slaves got the government into their own hands, and retained possession of it until the sons of those who had fallen had grown to manhood. Afterward, when the young citizens had grown up, the slaves were compelled by them to retire to Tiryns, and then, after a long war, as it appears, were either driven from the territory, or again subdued.

GYMNOΠΑΙΔΙΑ (*γυμνοπαΐδια*), the festival of "naked youths," was celebrated at Sparta every year in honour of Apollo Pythæus, Artemis, and Leto. The statues of these deities stood in a part of the Agora called *χορός*, and it was around these statues that, at the gymnopædia, Spartan youths performed their choruses and dances in honour of Apollo.⁵ The festival lasted for several, perhaps for ten days, and on the last day men also performed choruses and dances in the theatre; and during these gymnastic exhibitions they sang the songs of Thaletas and Alcman, and the pæans of Dionysodotus. The leader of the chorus (*προστάτης* or *χοροποιός*) wore a kind of chaplet, called *στέφανος θυρεατικός*, in commemoration of the victory of the Spartans at Thyrea. This event seems to have been closely connected with the gymnopædia, for those Spartans who had fallen on that occasion were always praised in songs at this festival.⁶ The boys in their dances performed such rhythmical movements as resembled the exercises of the palaestra and the pancration, and also imitated the wild gestures of the worship of Dionysus.⁷ Müller⁸ supposes, with great probability, that the dances of the gymnopædia partly consisted of mimic representations, as the establishment of the dances and musical entertainments at this festival was ascribed to the musicians, at the head of whom was Thaletas.⁹ The whole season of the gymnopædia, during which Sparta was visited by great numbers of strangers, was one of great merriment and rejoicings,¹⁰ and old bachelors alone seem to have been excluded from the festivities.¹¹ The introduction of the gymnopædia, which subsequently became of such importance as an institution for gymnastic and orchestric performances, and for the cultivation of the poetic and musical arts at Sparta, is generally assigned to the year 665 B.C.¹²

1. (Steph. Byz., s. v. *Χίλος*.—Pollux, Onom., iii., 83.)—2. (Dor., iii., 4, § 2.)—3. (vi., 83.)—4. (Id., vii., 148.)—5. (Paus., iii., 11, § 7.)—6. (Athen., xv., p. 678.—Plut., Agesil., 29.—Xen., Hellen., vi., 4, § 16.—Hesych., Suid., Etym. Mag., and Timæus, Glossar., s. v. *Γυμνοπαΐδια*.)—7. (Athen., xiv., p. 631.)—8. (Hist. of Gr. Lit., i., p. 161.)—9. (Plut., De Mus., c. 9.)—10. (Xen., Memor., i., 2, § 61.—Plut., Agesil., 29.—Pollux, Onom., iv., 14, 104.)—11. (Osann, "De Calibus apud Veteres populos conditione Commentat., p. 7, &c.")—12. (Compare Meursius, Orchestra, p. 12, &c.—Cruzer, Commentat. Herod., i., p. 230.—Müller, Dor., ii., p. 350, &c.)

gent version of the Scriptures. On the other hand, τὰ ἄλματα were certain herbs, so called because used by the Pythagoreans, who lived solely on a vegetable diet, and hence were termed οἱ ἄλματοι, as they ate in order to assuage hunger (ἀ priv., and ἄσ, "hunger").

HALOA. (Vid. ΑΛΟΑ.)

HALTERES (ἄλτηρες) were certain masses of iron or metal, which were used in the gymnastic exercises of the Greeks and Romans. Persons who practised leaping frequently performed their exercises with halteres in both hands; but they were frequently used merely to exercise the body in somewhat the same manner as our dumb-bells.² Pausanias³ speaks of certain statues of athletes



were represented with halteres. They appear to have been made of various forms and sizes. The preceding woodcut is taken from Tassie, *Catalogue*, p. 46, No. 7978.⁴

HAMA. (Vid. BATILLUS.)

HAMAXA. (Vid. HARMAMAXA, PLAURUM.)

HARMA. (Vid. CURRUS, HARMAMAXA.)

HARMAMAXA (ἄρμαμαξα) is evidently compounded of ἄρμα, a general term, including not only Latin CURRUS, but other descriptions of carriages for persons; and ἄμαξα, which meant a cart, being commonly four wheels, and used to carry loads or burdens as well as persons.⁵ The harmamaxa was a carriage for persons, in its construction very similar to the CARPENTUM, being covered overhead and enclosed with curtains,⁶ so as to be used night as well as by day;⁷ but it was in general lighter, often drawn by four horses, or other suitable quadrupeds, and attired with ornaments more splendid, luxurious, and expensive, and in the Oriental style.⁸ It occupied among the Persians⁹ the same place which the carpentum did among the Romans, being used, especially upon state occasions, for the conveyance of women and children, eunuchs, and of the sons of the king with their wives.¹⁰ Also, as persons might lie in it at length, and it was made as commodious as possible, it was used by the kings of Persia, and by men of high rank in travelling by night, or in any other circumstances when they wished to consult their ease and their pleasure.¹¹

The body of Alexander the Great was transported from Babylon to Alexandria in a magnificent harmamaxa, the construction of which occupied 10 years, and the description of which, with its

paintings and ornaments in gold, silver, and ivory employed the pen of more than one historian.¹

The harmamaxa was occasionally used by the ladies of Greece. A priestess of Diana is represented as riding in one which is drawn by two white cows.²

HARMOSTÆ (from ἀρμόζω, to fit or join together) was the name of the governors whom the Lacedæmonians, after the Peloponnesian war, sent into their subject or conquered towns, partly to keep them in submission, and partly to abolish the democratical form of government, and establish in its stead one similar to their own.³ Although in many cases they were ostensibly sent for the purpose of abolishing the tyrannical government of a town, and to restore the people to freedom, yet they themselves acted like kings or tyrants, whence Dionysius⁴ thinks that harmostæ was merely another name for kings. How little sincere the Lacedæmonians were in their professions to restore their subject towns to freedom, was manifest after the peace of Antalcidas; for, although they had pledged themselves to re-establish free governments in the various towns, yet they left them in the hands of the harmostæ.⁵ The character of their rule is sufficiently described by the word κατέχειν, which Isocrates⁶ and Demosthenes⁷ use in speaking of the harmostæ.⁸ Even Xenophon⁹ could not help censuring the Lacedæmonians for the manner in which they allowed their harmostæ to govern.

It is uncertain how long the office of a harmostes lasted; but, considering that a governor of the same kind, who was appointed by the Lacedæmonians in Cythera, with the title of Cytherodices, held his office only for one year,¹⁰ it is not improbable that the office of harmostes was of the same duration.

ΑΡΠΑΓΗΣ ΓΡΑΦΗ (ἀρπαγῆς γραφή). This action seems, according to Lucian,¹¹ to have been applicable to cases of open robbery, attended with violence. Under these circumstances, the offenders would be included in the class of κακοῦργοι, and, as such, be tried before a court under the control and management of the Eleven. With respect to the punishment upon conviction, we have no certain information, but there seems no reason to doubt that it was capital, as in cases of burglary and stealing from the person.¹²

HARPAGO (ἀρπάγη: λύκος: κρεάγρα, ἀίμ. κρεάγρις), a Grappling-iron, a Drag, a Flesh-hook.¹³

The iron-fingered flesh-hook (κρεάγρα σιδήροδακτύλος¹⁴) is described by the scholiast on Aristophanes¹⁵ as "an instrument used in cookery, resembling a hand with the fingers bent inward, used to take boiled meat out of the caldron." Four specimens of it, in bronze, are in the British Museum. One of them is here represented. Into its hollow extremity a wooden handle was inserted.



A similar instrument, or even the flesh-hook it-

1. (Dionys. Sic., v., ed. 4th.)—2. (Martian., xiv., 49.—Id., xiv., 64.—Pollux., iii., 155.—Id., x., 64.—Graves massæ: v., 421.—Senec., Ep., 15, 56.)—3. (v., 26, § 3.—Id., v., 28.—Id., vi., 3, § 4.)—4. (Vid. Mercurialis, De Arte Gymnica, ii., 12.—Becker's Gallus, i., p. 277.)—5. (Hes., Op. et d., 902.—Hom., II., vii., 426.—Id. ib., xxiv., 782.)—6. (Diod. Sic., xi., 56.—Chariton, v., 2.)—7. (Xen., Cyrop., iv., 2, § 15.)—8. (Diod. Sic., xvii., 35.—Aristoph., Acharn., 70.)—9. (Max., 34.)—10. (Herod., vii., 83.—Id., ix., 76.—Xen., Cyrop., iii., 4.—Id. ib., iv., 3, § 1.—Id. ib., vi., 3, § 11.—Q. Curt., iii., 3, § 11.—Herod., vii., 41.—Xen., Cyrop., iii., 1, § 40.)

1. (Diod. Sic., xviii., 26-28.—Athen., v., 40.—Ælian, V. H., xii., 64.)—2. (Heliod., Ἔτα., iii., p. 133, ed. Commelini.)—3. (Diod. Sic., xiv., 10.—Xen., Hellen., iv., 2, § 5.—Isocrat., Paneg., p. 92.—Suidas, Hesych., s. v.—Etymol. Mag., s. v. Ἐπιταρβησι.)—4. (Antiq. Rom., v., p. 337, ed. Sylburg.)—5. (Polyb., iv., 27.)—6. (l. c.)—7. (De Coron., p. 258.)—8. (Compare Demosth., c. Timocr., p. 740.—Plut., Narrat. Anat., c. 3.)—9. (De Rep. Lac., c. 14.)—10. (Thucyd., iv., 53.)—11. (Jud. Voc., c. 1, vol. i., p. 82, ed. Hemat.)—12. (Xen., Mem., i., 2, § 62.)—13. (Æt., xxvii., 3.—1 Sam., ii., 13, 14, Sept.—Aristoph., Vesp., 1152.—Anaxippus, ap. Athen., iv., 68.)—14. (Brunck, Anal., ii., 215.)—15. (Æquit., 769.)

oth on Persian and Egyptian monuments. The preceding woodcut shows the top and a spear which is held by one of the king's sculptures at Persepolis.¹ It may be compared with those in the hand of the Greek p. 94, which have the spike at the bottom. The spike at the bottom of the spear was fluted by the Greeks and Romans when broken off.²

A finished spear was kept in a case (*δορατοχ*), on account of its form, is called by the name (*σπυριξ*).

The spear was used as a weapon of attack in different ways: 1. It was thrown from catapult engines. (*Vid. TORMENTUM*.) 2. It was thrust forward as a pike. In this manner Hector was piercing him with his spear in the neck.⁴ The Eubœans were particularly as pikemen.⁵ 3. It was commonly held in the hand (*ἀκοντίζου μακρόθεν*).⁶ The spearman preparing to hurl it, raised his hand to his forehead.

(Compare woodcut, p. 245.) He sometimes received assistance from the use of the *ΑΜΕΝΟΝ* or *ΑΝΣΑ*. He generally went to the field with several spears.⁸ (Woodcuts, p. 94, 227, 332.) When attacking the enemy, he first threw either one or two, and then, on coming to close quarters, his sword⁹ (*pila coniecerunt—gladiis gesta cast*).¹⁰

The general terms *hasta* and *ἔγχος* were in various kinds of missiles, of which the principal are as follow:

*ῥόγχη*¹¹, the lance, a comparatively slender weapon commonly used by the Greeks. It was double the length of the sword (*vid. GLADIUM*). It added greatly to the dimensions of the spear. This weapon was used by the Grecians; and by means of an appendage to it, as supposed by Stuart¹⁴ (woodcut, fig. 2) to be used on the shafts of three spears in an anamorphic relief, they mounted their horses with facility.¹⁵ The lance, on account of its lightness, was carried by huntsmen.¹⁶ *ῥοσσός*, the javelin, much thicker and shorter than the Grecian lance,¹⁷ as may be seen in the woodcuts at p. 94 and 95. Its head was made of cornel,¹⁸ was partly square, and weighed 19. The head, nine inches long, was of iron therefore now found only in the state in which Virgil, "*exesa scabra robigine pila*."²⁰ It was used either to throw or to thrust with; and was carried to the Romans, and gave the name of *pilatus* to the division of the army by which it was commanded²¹ (*pilatam agmen*).²² When Marius defeated the Cimbri, he ordered that, of the iron pins (*περὶναί*) by which the head was attached to the staff, one should be of iron and the other of wood. The consequence was, that when struck the shields of the enemy, the treacherous shaft and the shaft was turned on one side so that the spear could not be sent back.

The heavy-armed Roman soldiers bore the spear and the thick and ponderous javelin, the

light-armed used smaller missiles, which, though of different kinds, were included under the general term *hasta velitariae*.¹ From *γρόσφος*, the corresponding Greek term,² the *velites*, or light-armed, are called by Polybius *γροσφομίχοι*.³ According to his description, the *γρόσφος* was a dart, with a shaft about three feet long and an inch in thickness: the iron head was a span long, and so thin and acuminated as to be bent by striking against anything, and thus rendered unfit to be sent back against the enemy. Fig. 3 in the preceding woodcut shows one which was found, with nearly four hundred others, in a Roman intrenchment at Meon Hill, in Gloucestershire.⁴

The light infantry of the Roman army used a similar weapon, called a *spit* (*veru*,⁵ *verutum*,⁶ *σάννιον*⁷). It was adopted by them from the Samnites⁸ and the Volsci.⁹ Its shaft was 3½ feet long, its point five inches.¹⁰ Fig. 4, in the preceding woodcut, represents the head of a dart in the Royal Collection at Naples; it may be taken as a specimen of the *verutum*, and may be contrasted with fig. 5, which is the head of a lance in the same collection. The Romans adopted, in like manner, the *Gæsum*, which was properly a Celtic weapon;¹¹ it was given as a reward to any soldier who wounded an enemy.¹² *Sparus* is evidently the same word with the English *spar* and *spear*. It was the rudest missile of the whole class, and only used when better could not be obtained.¹³

Besides the terms *jaculum* and *spiculum* (*ἄκων*, *ἀκόντιον*), which probably denoted darts resembling in form the lance and javelin, but much smaller, adapted, consequently, to the light-armed (*jaculatores*), and used in hunting as well as in battle,¹⁴ we find in classical authors the names of various other spears, which were characteristic of particular nations. Thus Servius states¹⁵ that, as the *pilum* was proper to the Romans, and the *gæsum* to the Gauls, so the *sarissa* was the spear peculiar to the Macedonians. This was used both to throw and as a pike.¹⁶ It exceeded in length all other missiles. (See p. 101.) It was made of cornel, the tall, dense stem of which also served to make spears of other kinds.¹⁷ The Thracian *romphaea*, which had a very long point, like the blade of a sword¹⁸ (*ῥομφαία*),¹⁹ was probably not unlike the *sarissa*, since Livy asserts²⁰ that, in a country partly covered with wood, the Macedonian phalanx was ineffective on account of their *pralongæ hastae*, and that the *romphaea* of the Thracians was a hindrance for the same reason. With these weapons we may also class the Illyrian *sibina*, which resembled a hunting-pole²¹ (*sibon*).²²

The iron head of the German spear, called *framaea*, was short and narrow, but very sharp. The Germans used it with great effect either as a lance or a pike: they gave to each youth a framea and a shield on coming of age.²⁴ The *Falarica* or *Phalarica* was the spear of the Saguntines, and was impelled by the aid of twisted ropes: it was large and ponderous, having a head of iron a cubit in length, and a ball of lead at its other end; it sometimes

K. Porter's Travels, vol. i., p. 601.—2. (Polyb., vi., xix., 387.)—4. (Il., xxii., 326.)—5. (Hom., Il., ii., x., 1, 12, 13.)—6. (Arrian, Tact., 7.)—7. (Ovid, Met., (Hom., Il., iii., 18.—Id. ib., x., 76.—Id. ib., xii., Pyth., iv., 139.—Polyb., vi., 21.)—9. (Hom., Il., iii., xvii., 530.—Id. ib., xx., 273—284.—Theocrit., Idyll., l.)—10. (Liv., xxviii., 1.)—11. (Festus, s. v. Lanthod. Sic., xv., 44.—Nep., xi., 1, 3.)—13. (Polyb., vi., 2, s. of Athens, v., iii., p. 47.)—15. (Xen., De Re Eq., 6. (Apu., Met., viii.)—17. (Flor., ii., 7.)—18. (Virg., 8.—Ovid, Met., viii., 408.)—19. (Veget., ii., 15.)—20. (Festus, s. v. *εὐθύνοον*.)—Polyb., vi., 21.)—23. (Aul. Gell., l. c. —Ant. Sid., 13.)—24. (Tacit., Germ., 13, 18, 24.—Juv., xiii., 79.)

1. (Liv., xxxviii., 20.—Plin., H. N., xxviii., 6.)—2. (Polyb., i., 40.—Strabo, iv., 4, 3.)—3. (vi., 19, 20.)—4. (Skelton's Engraved Illustrations, vol. i., pl. 45.)—5. (Liv., xxi., 55.)—6. (Liv., l. c.)—7. (Diod. Sic., xiv., 27.—Festus, s. v. *Samnites*.)—8. (Virg. Æn., vii., 665.)—9. (Georg., ii., 168.)—10. (Veget., ii., 15.)—11. (Liv., xxviii., 45.)—12. (Polyb., vi., 37.)—13. (Virg., Æn., xi., 682.—Serv. in loc.—Nepos, xv., 9, 1.—Sallust., Cat., 56.—Aul. Gell., x., 25.)—14. (Thucyd., ii., 4.—Virg., Æn., ix., 52.—Serv. in loc.—Ovid, Met., viii., 411.—Cic. ad Fam., v., 12.—Flor., ii., 7.—Apu., Met., viii.)—15. (in Æn., vii., 664.)—16. (Strab., l. c.)—17. (Theophrast., H. P., iii., 12, 2.—*ἀδρακα*: Arrian, Tact., *κρᾶνίνα*: Xen., De Re Equest., xii., 12.)—18. (Val. Placc., vi., 98.)—19. (Gell., l. c.)—20. (Apoc., i., 16.)—21. (xxxii., 39.)—22. (Festus, s. v. *εὐθύνοον*.)—Polyb., vi., 21.)—23. (Aul. Gell., l. c. —Ant. Sid., 13.)—24. (Tacit., Germ., 13, 18, 24.—Juv., xiii., 79.)

HELENIUM.

Theophrastus says the three principal sorts are the white, the black, and that which is called helix. The black is our common ivy, and the helix seems to be only the same plant before it has arrived at the perfection of bearing fruit. For at first the leaves are angular, and the whole plant clings closely to the wall or tree that supports it; but when it comes to bear, a new shoot is detached from the support, bearing roundish leaves without angles. That the black is the ivy in its barren state is plain from the account which Theophrastus gives of it. He says the leaves are angular, and more neat than those of the helix, which has them more round and simple. He says also that it is barren. As for the white ivy, a variety is unknown to us. Some, indeed, imagine it to be that variety of which the leaves are distinguished with white. But Theophrastus expressly mentions the whiteness of the fruit; for he says some have only the fruit white, and others the leaves also. Dioscorides also mentions three principal sorts, to wit, the white, the black, and the helix. The white bears a white fruit; the black has either a black or saffron-coloured fruit; this kind they call also *Dryas*; the helix bears no fruit at all, but has white twigs, and small, angular, reddish leaves. Pliny has confounded the ivy with the cistus, being deceived by the similarity between *κιστος*, *κισσος*, and *κιστος*. The flower of the cistus does not bear a resemblance to that of the wild ivy, as he remarks, but it would be difficult to distinguish their similitude in the ivy."

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(*Vol. Des. GREK.*)
 Theophrastus, *II. P.*, vii., 7.—Dioscor., *iii.*, 36.—3. (*Dis* cor., *iii.*, 136.—Adams, *Append.*, s. v.)—3. (*Andon.*, c. *A*, 23, p. 119.)—4. (*c. Dom.*, 17.)—5. (*Meier*, *Att. Proc.*, 332.)

HELENIUM (*Ἑλένιον*), a leguminous plant, *Coronilla varia*. It was also called by the modern writers *helix*, which name, as well as *axiformis*, refers to the axe-formed shape of its seeds. The modern Greek name is *κισσολόλη*. "Murrhaeus," observes Adams, "holds that the *Helianthemum* is either the *Coronilla securidica* or the *Asperula lanovus*. Clusius brought into view the *Coronilla varia* and the *Bisserula pelticinus*. Stackhouse makes the *helix* of Theophrastus, which is identical with the *Ἑλένιον*, to be the *Coronilla securidica*, and in this opinion he has the support of Sibthorp. Schneider, however, is by no means satisfied that either the *Coronilla* or the *Bisserula* answers to the description of Dioscorides."

HEMONIA ΔΙΚΑΕΤΗΡ ΙΟΥ (*ἡ ἑμωνία δικαετηρῆος*). (*Vol. Eis GOGETS.*)

ΕΙΡΤΜΟΥ ΓΡΑΦΗ (*εἰρτμου γραφή*). This was an action for false imprisonment of a free citizen or stranger, and keeping such person in private custody. There are no orations upon this subject extant, nor, indeed, any direct allusions to it by name; but it is hinted at as a remedy that might have been adopted by Agatharchus, the painter, for the restraint put upon his personal liberty by Alcibiades; and in a passage of Dinarchus, where a miller is mentioned to have incurred capital punishment for a like offence. The thesmothetæ probably presided in the court before which offenders of this kind were brought to trial.*

***HELENIUM** (*Ἑλένιον*), a plant, Scabwort or Elecampane, *Inula Helenium*, L. "*Helenium*," says Læter, "*Inula Campana Italica dictum*." "It is probable," remarks Woodville, "that the Elecampane is the *Helenium foliis verbasci* of Dioscorides, and the *Inula* of Pliny." Sprengel and Dierbach also agree

Eucl., vi., 706.—*Lu-*
cret., *v.*, 1041. Orig.
Plant., *Cast.*, *lib.*, 4.
De, *Med.*, *lib.*, 11.
De, *Med.*, *lib.*, 760.—
De, *Med.*, *lib.*, 28.—*Tacit.*,
De, *Med.*, *lib.*, 360.—6.
De, *Med.*, *lib.*, 7.—
De, *Med.*, *lib.*, 391. *Id.*, *Mont.*,
lib., 339. *Id.*, *Köln.*,
lib., 34.—13.
De, *Med.*, *lib.*, 39.

1. (*Theophrast.*, *II. P.*, vii., 7.—*Dioscor.*, *iii.*, 36.)—2. (*Dis* cor., *iii.*, 136.—*Adams*, *Append.*, s. v.)—3. (*Andon.*, c. *A*, 23, p. 119.)—4. (*c. Dom.*, 17.)—5. (*Meier*, *Att. Proc.*, 332.)

In referring it to the *Inula Helenium*, L. The other species described by Dioscorides is referred by Bauhin and Sprengel to the *Teucrium marum*.¹

HELEPOLIS (ἑλεπόλις). When Demetrius Poliorcetes besieged Salamis, in Cyprus, he caused a machine to be constructed which he called "the taker of cities." Its form was that of a square tower, each side being 90 cubits high and 45 wide. It rested on four wheels, each eight cubits high. It was divided into nine stories, the lower of which contained machines for throwing great stones, the middle large catapults for throwing spears, and the highest other machines for throwing smaller stones, together with smaller catapults. It was manned with 200 soldiers, besides those who moved it by pushing the parallel beams at the bottom.²

At the siege of Rhodes, 306 B.C., Demetrius employed a helepolis of still greater dimensions and more complicated construction. Besides wheels, it had castors (δντιστρέπτα), so as to admit of being moved laterally as well as directly. Its form was pyramidal. The three sides which were exposed to attack were rendered fireproof by being covered with iron plates. In front, each story had port-holes, which were adapted to the several kinds of missiles, and were furnished with shutters that could be opened or closed at pleasure, and were made of skins stuffed with wool. Each story had two broad flights of steps, one for ascending, the other for descending.³ This helepolis was constructed by Epimachus the Athenian; and a much esteemed description of it was written by Dioclesides of Abdera.⁴ It was, no doubt, the greatest and most remarkable engine of the kind that was ever erected. In subsequent ages we find the name of "helepolis" applied to moving towers which carried battering-rams, as well as machines for throwing spears and stones.⁵ Towers of this description were used to destroy the walls of Jerusalem when it was taken by the Romans.⁶ (Vid. ARIES, TORMENTUM.)

HELLEA. (Vid. DICASTERION.)

HELIOCAMPUS. (Vid. HOUSE.)

HELIOTROPICUM (ἡλιοτρόπιον). I. a plant, the Heliotrope, or Great Turnsole, *Heliotropium Europæum*, L. This is the species called *μῦρα* by Dioscorides. Sprengel joins Lobelius and Gesner in referring the other species, or *ἡλιοτρόπιον μικρόν*, to the *Croton tinctorius*.⁷

II. A precious stone, the Heliotrope of Jameson. It is a sub-species of Jasper.⁸

HELLIX. (Vid. ΗΕΙΔΕΡΑ.)

HELLANODICE (ἑλληνοδικαί), the judges in the Olympic games, of whom an account is given under OLYMPIC GAMES. The same name was also given to the judges, or court-martial in the Lacedæmonian army;⁹ and they were probably first called by this name when Sparta was at the head of the Greek confederacy.

HELLEBORUS (ἑλλέβορος), Hellebore, a celebrated remedy among the ancients for the cure of insanity. Two kinds are spoken of, namely, the white and the black (λευκός and μέλας), but as to the identity of the plant itself much discussion has arisen. "Modern authorities on Botany," observes Adams, "differ widely in opinion respecting the white Hellebore of the ancients. Sibthorp most unaccountably decides it to have been the *Digitalis ferruginea*. Schulze, who is too prone to skeptical doubts on botanical questions, expresses himself

with great hesitation regarding it, but, upon the whole, inclines to the *Adonis vernalis*. Woodville and Dierbach are quite undecided. On the other hand, Matthioli, Dodonæus, Bauhin, Hill, and Stackhouse, find no difficulty in recognising it as the *Veratrum album*, L. Geoffroy also, no mean authority on these subjects, maintains that the description of Dioscorides agrees very well with the characters of the white Hellebore. And from the similarity of the effects produced by the administering of the *ε. λευκος*, as described by the ancient writers on Toxicology, to the known effects of the *Veratrum album*, I had no hesitation, some time ago, in recognising their identity; and it now gives me pleasure to discover that Sprengel, in his Annotations on Dioscorides, comes to the same conclusion. I had called the attention of the profession to this fact in the *London Medical and Physical Journal*, July, 1828; about eighteen months afterward, the *Savardilla veratrum*, a Mexican species of Hellebore, was much cried up in this case.—The *ἑλλέβορος μέλας*, or Black Hellebore, is marked as being the *H. Orientalis*, Lam. Is it not a variety of the *Helleborus niger*, L.? This plant is the Christmas Rose of this country."¹

HELLEBORINE (ἑλλεβορίνη), a plant, which Sprengel suggests is the *Helleborus fatidus*; Stackhouse, the *Scrapias Helleborine*. "The latter," remarks Adams, "is the same, I suppose, as the *Eripactus ensifolia* of Hooker."²

HELLENOTAMIE (ἑλληνοταμίαι), or treasurers of the Greeks, were magistrates appointed by the Athenians to receive the contributions of the allied states. They were first appointed B.C. 477, when Athens, in consequence of the conduct of Pausanias, had obtained the command of the allied states. The money paid by the different states, which was originally fixed at 460 talents, was deposited in Delos, which was the place of meeting for the discussion of all common interests; and there can be no doubt that the hellenotamie not only received, but were also the guardians of these moneys, which are called by Xenophon³ ἑλληνοταμία. The office was retained after the treasury was transferred to Athens on the proposal of the Samians,⁴ but was, of course, abolished on the conquest of Athens by the Lacedæmonians. The hellenotamie were not reappointed after the restoration of the democracy, for which reason the grammarians afford us little information respecting their duties. Böckh, however, concludes from inscriptions that they were probably ten in number, chosen by lot, like the treasurers of the gods, out of the Pentacosimedimni, and that they did not enter upon their office at the beginning of the year, but after the Panathenæa and the first Prytaneia. With regard to their duties, Böckh supposes that they remained treasurers of the moneys collected from the allies, and that payments for certain objects were assigned to them. In the first place, they would, of course, pay the expenses of wars in the common cause, as the contributions were originally designed for that purpose; but as the Athenians, in course of time, considered the money as their own property, the Hellenotamie had to pay the Theorica and military expenses not connected with wars on behalf of the common cause.⁵

HELLOTIA. (Vid. ELLLOTIA.)

HELMINS (ἑλμινς). This term, standing alone, is applied to intestinal worms in general. The *ελ-*

1. (Theophrast., H. P., vi., 11.—Dioscor., i., 27, 28.—Adams, Append., s. v.)—2. (Dioc. Sic., ix., 48.)—3. (Dioc. Sic., ix., 91.—Compare Vitruv., i., 22.)—4. (Athen., v., 40.)—5. (Amm. Marcell., xxi.—Agathias, i., 18, p. 30, ed. Ven.—Nicot. Choum., Jo. Cassianus, p. 14, B.)—6. (Jos., B. J., ii., 10, § 9.—Id. ib., iii., 6, § 11.—7. (Dioscor., iv., 190, 191.—Paul. Ægin., vii., 3.—Adams, Append., s. v.)—8. (Adams, Append., s. v.)—9. (Xen., Rep. Lac., vi., 11.)

1. (Theophrast., H. P., ix., 11.—Nicand., Alex., 483.—Dioscor., iv., 150, 151.—Paul. Ægin., vii., 3.—Adams, Append., s. v.)—2. (Theophrast., H. P., ix., 11.—Adams, Append., s. v.)—3. (De Vectig., v., 5.)—4. (Thaenyl., i., 96.—Plut., Aristid., 24.—Auloec., De Pace, p. 107.)—5. (Plut., Aristid., 25.—Dioc. Sic., vi., 28.)—6. (Böckh, Corp. Inscript., No. 147.—Id., Publ. Econ. of Athens i., p. 236.)

μιν πλάτεια is the *Tania lata*. Theophrastus says it is congenial in some countries, as Egypt. The medical authorities describe the *Dracunculus*, or Guinea-worm, which the Greeks call *δρακόντιον*, and the translators of the Arabians *vena medinensis*. (Vid. EULAI.)

HELOTES (Ἐλωτες) were a class of bondsmen peculiar to Sparta. Different etymologies are given of their name. The common account is, that they were originally the people of the town of Helos, in Laconia, and that they were reduced to bondage after an unsuccessful revolt against the Spartans.¹ But the people of Ἐλος were not called Ἐλωτες, but Ἐλειοί² or Ἐλεΐται.³ The name has been also derived from ἔλη, *marshes*, as it signified *inhabitants of the lowlands*. But Müller seems to be nearer the mark in explaining Ἐλωτες as meaning *prisoners*, from the root of ἔλειν, *to take*, like *δμῶες* from the root of *δαμάω*. The ancient writers considered them to be Achæans, who had resisted the Dorian invaders to the last, and had been reduced to slavery as the punishment of their obstinacy.⁴ Müller, however, supposes that they were an aboriginal race, which was subdued at a very early period, and which immediately passed over as slaves to the Doric conquerors. But this theory, as Thirlwall has observed, does not account for the hereditary enmity between them and their masters; for, unless they lost their liberty by the Dorian conquest, there is no probability that it placed them in a worse condition than before.

The Helots were regarded as the property of the state, which, while it gave their services to individuals, reserved to itself the power of emancipating them.⁵ They were attached to the land, and could not be sold away from it. Several families, as many, perhaps, as six or seven, resided on each *κλήρος*, in dwellings of their own. They cultivated the land, and paid to their masters as rent a fixed measure of corn, the exact amount of which had been fixed at a very early period, the raising of that amount being forbidden under heavy imprecations.⁶ The annual rent paid for each *κλήρος* was eighty-two medimni of barley, and a proportionate quantity of oil and wine.⁷ Besides being engaged in the cultivation of the land, the Helots attended on their masters at the public meal, and many of them were, no doubt, employed by the state in public works.

In war the Helots served as light-armed troops (*ψίλοι*), a certain number of them attending every heavy-armed Spartan to the field; at the battle of Plataea there were seven Helots to each Spartan.⁸ These attendants were probably called *ἀμπίτταρες* (*i. e.*, *ἀμφίσταντες*), and one of them, in particular, the *θεράπων*, or *servant*;⁹ though *θεράπων* was also used by the Dorians as a general name for armed slaves. The Helots only served as hoplites in particular emergencies, and on such occasions they were generally emancipated. The first instance of this kind was in the expedition of Brasidas, B.C. 424.¹¹

The treatment to which the Helots were subjected, as described by the later Greek writers, is marked by the most wanton cruelty. Thus Myron states that "the Spartans impose upon them every ignominious service, for they compel them to wear a cap of dog's skin, and to be clothed with a garment of sheep's skin, and to have stripes inflicted upon them every year for no fault, that they may never forget that they are slaves. And, besides all this, if

any rise by their qualities above the condition of a slave, they appoint death as the penalty, and their masters are liable to punishment if they do not destroy the most excellent."¹¹ And Plutarch⁹ states that Helots were forced to intoxicate themselves, and perform indecent dances as a warning to the Spartan youth. These descriptions are probably exaggerated; but we have abundant evidence, in addition to the direct assertion of Thucydides,³ that the Spartans always regarded the Helots with the greatest suspicion. Every means was taken to mark the distinction between them and their masters: they were obliged to wear the rustic garb described above, and they were not permitted to sing one of the Spartan songs.⁴ That the cruelty of their masters knew no restraint when it was stimulated by fear, is manifest even from the institution of the *κρυπτεία* (*vid.* *ΚΡΥΠΤΕΙΑ*), and from the fact related by Thucydides, that on one occasion, two thousand of the Helots, who had rendered the greatest service to the state in war, were induced to come forward by the offer of emancipation, and then were put to death.⁵

At the end of the second Messenian war (B.C. 668), the conquered Messenians were reduced to slavery, and included under the denomination of Helots. Their condition appears to have been the same, with some slight differences, as that of the other Helots; but they appear to have been distinguished by the remembrance of their freedom, and a readiness to seize any opportunity of regaining it, in which they at length succeeded, after the battle of Leuctra.⁶

The Helots might be emancipated, but there were several steps between them and the free citizen; and it is doubtful whether they were ever admitted to all the privileges of citizenship. Myron¹ enumerates the following classes of emancipated Helots: *ἀσπυταί*, *ἀδοσπύτοι*, *ἐρνηκῆρες*, *δεσποσιοναῦται* and *νεοδαμῶδες*. Of these the *ἀσπυταί* were probably released from all service; the *ἐρνηκῆρες* were those employed in war (*vid.* *ΕΡΝΗΚΗΡΕΣ*); the *δεσποσιοναῦται* served on board the fleet; and the *νεοδαμῶδες* were those who had been possessed of freedom for some time. Besides these, there were the *μόδιονες* or *μύθρακες*, who were domestic slaves, brought up with the young Spartans, and then emancipated. Upon being emancipated, they received permission to dwell where they wished. (Compare *CIVITAS*, GREEK, p. 260.)

(Müller, *Dorians*, iii., 3.—Thirlwall, *Greece*, vol. i., p. 309.—Hermann, *Political Antiquities of Greece*, § 19, 24, 28, 30, 48.—Wachsmuth, *Hellen. Alterth.*, I., i., 217, 19; ii., 59, 104, 209, 211, 370-1; II., i., 361.)

*HELIXINE (*ἑλιξίνη*), a plant, of which Dioscorides describes two species: the latter of these is the Pellitory of the Wall, or *Parietaria officinalis*; the former is referred by Bauhin and others to the *Convolvulus arvensis*, or Gravel-biend.⁹

HEMERA. (*Vid.* *DIES*.)

*HEMERIS (*ἡμερίς*), the Greek name given by Theophrastus to the *Quercus robur*. (*Vid.* *QUERCUS*.)⁹

*HEMEROCALLES (*ἡμεροκαλλές*). Sprengel, in the first edition of his *R. H. H.*, sets this plant down for the *Pancretium maritimum*, having adopted the opinion of Lobel and Bauhin; but in the second edition he holds it to be the *Lilium Macedonicum*.¹⁰

*HEMEROCALLIS (*ἡμεροκαλλίς*), a plant. "The

1. (Paus., iii., 20, § 6.)—2. (Strab., viii., 561.)—3. (Athen., vi., 102, p. 271.)—4. (Theopomp., ap. Athen., vi., 88, p. 265.)—5. (Ephorus, ap. Strab., viii., p. 365.—Paus., iii., 20, § 6.)—6. (Plut., *Inst. Lac.*, p. 255.)—7. (Plut., *Lyc.*, 8, 24.)—8. (Herod., ix., 10, 28.)—9. (Hesych., s. v.)—10. (Herod., vii., 229.—Sturz, *Lex. Xen.*, s. v.)—11. (Thucyd., iv., 80.—*Id.*, v., 34.—*Id.*, vii., 19.)

1. (Athen., xiv., 74, p. 657.)—2. (Lyc., 28.)—3. (*iv.*, 80.)—4. (Plut., *Lyc.*, 28.)—5. (Thucyd., iv., 80.)—6. (*Vid.* Thirlwall's *Greece*, v., p. 103.)—7. (Myron, ap. Athen., vi., p. 271, F.)—8. (Dioscor., iv., 39 and 86.—Paul. Ægin., vii., 3.—Adams, *Append.*, s. v.)—9. (Theophrast., iii., 8.)—10. (Theophrast., *R. H. v.*, 6.—Adams, *Append.*, s. v.)

earlier commentators," says Adams, "had remarked that the *ήμισοκάλλις* of Dioscorides is different from that of Theophrastus. The H. of Dioscorides is referred by Matthioli to the *Lilium bulbiferum*, and by Dodonæus to the *L. Martagon*. Sprengel seems to prefer the former. Sibthorp marks it as the *Lilium Chalcedonicum*."¹

HEMINA. (Vid. COTYLA.)

HEMIONUS. (Vid. MULLUS.)

ΗΝΔΕΚΑ, 'ΟΙ. (Vid. ELEVEN, THE.)

HEPATIS (*ήπατις*, or *άλλη ήπατις*), the well-known species of Aloes called Hepatic. Dioscorides calls this species *το ήπατιζον*.²

HEPATUS (*ήπατος*), the name of a fish briefly noticed by Aristotle, Elian, and Athenæus. "Ardeti and Rondelet say it is the fish called *scipurus* by the modern Greeks; but this opinion is rejected by Coray, who, however, decides upon nothing satisfactory respecting it. Camus, in his notes on Aristotle, concludes that it was the *Ostrea margaritifera*, but Schweighæuser rejects this opinion also. Schneider, upon the whole, inclines to think that it ought to be referred to the genus *Gadus*."³

HEPHAISTEIA. (Vid. LAMPADOPHORIA.)

ΗΡΑΚΛΕΙΑ ΛΙΘΟΣ (*ήρακλεια λίθος*), an appellation given by some of the Greek writers to the Loadstone. Sir J. Hill thinks it was also applied to the Lydian stone; "but the passage of Theophrastus on which he founds his opinion is," remarks Adams, "of equivocal meaning; in fact, his own reading will not bear the interpretation which he gives it. And there can be no doubt, from a passage in Aëtius, that our Loadstone was indiscriminately called *μαγνής* and *ήρακλεια λίθος*."⁴

HERÆA (*Ηραία*) is the name of festivals celebrated in honour of Hera in all the towns of Greece where the worship of this divinity was introduced. The original seat of her worship, from which it spread over the other parts of Greece, was Argos; whence her festivals in other places were, more or less, imitations of those which were celebrated at Argos.⁵ The Argives had three temples of Hera: one lay between Argos and Mycenæ, 45 stadia from Argos; the second lay on the road to the Acropolis, and near it was the stadium in which the games and contests at the Heræa were held;⁶ the third was in the city itself.⁷ Her service was performed by the most distinguished priestesses of the place; one of them was the high-priestess, and the Argives counted their years by the date of her office.⁸ The Heræa of Argos were celebrated every fifth year, and, according to the calculation of Böckh,⁹ in the middle of the second year of every Olympiad. One of the great solemnities which took place on the occasion was a magnificent procession to the great Temple of Hera, between Argos and Mycenæ. A vast number of young men—for the festival is called a panegyris—asssembled at Argos, and marched in armour to the temple of the goddess. They were preceded by one hundred oxen (*εκατόμβη*, whence the festival is also called *εκατόμβαία*). The high-priestess accompanied this procession, riding in a chariot drawn by two white oxen, as we see from the story of Cleobis and Biton related by Herodotus¹⁰ and Cicero.¹¹ The 100 oxen were sacrificed, and their flesh distributed among all the citizens.¹² The sacrifice itself was called *λεχέρνα*,¹³ or

"the bed of twigs."¹⁴ The games and contests of the Heræa took place in the stadium, near the temple on the road to the Acropolis. A brazen shield was fixed in a place above the theatre, which was scarcely accessible to any one, and the young man who succeeded in pulling it down received the shield and a garland of myrtle as his prize. Hence Pindar² calls the contest *άγων χάλκτος*. It seems that this contest took place before the procession went out to the Heræon, for Strabo² states that the victor went with his prizes in solemn procession to that temple. This contest was said to have been instituted, according to some traditions, by Acrisius and Proetus,⁴ according to others by Archinos.⁴

The Heræa or Hecatombæa of Ægina were celebrated in the same manner as those of Argos.⁶

The Heræa of Samos, which island also derived the worship of Hera from Argos,⁷ were perhaps the most brilliant of all the festivals of this divinity. A magnificent procession, consisting of maidens and married women in splendid attire, and with floating hair,⁸ together with men and youths in armour,⁹ went to the Temple of Hera. After they arrived within the sacred precincts, the men deposited their armour, and prayers and vows were offered up to the goddess. Her altar consisted of the ashes of the victims which had been burned to her.¹⁰

The Heræa of Elis were celebrated every fifth year, or in the fourth year of every Olympiad.¹¹ The festival was chiefly celebrated by maidens, and conducted by sixteen matrons, who wove the sacred peplos for the goddess. But, before the solemnities commenced, these matrons sacrificed a pig, and purified themselves in the well Piera.¹² One of the principal solemnities was a race of the maidens in the stadium, for which purpose they were divided into three classes, according to their age. The youngest ran first, and the oldest last. Their only dress on this occasion was a *χιτών*, which came down to the knee, and their hair was floating. She who won the prize received a garland of olive-boughs, together with a part of a cow which was sacrificed to Hera, and might dedicate her own painted likeness in the temple of the goddess. The sixteen matrons were attended by as many female attendants, and performed two dances; the one called the dance of Physcoa, the other the dance of Hippodameia. Respecting farther particulars, and the history of this solemnity, see Paus., v., 16, § 2, &c.

Heræa were celebrated in various other places; e. g., in Cos,¹³ at Corinth,¹⁴ at Athens,¹⁵ at Cnossus in Crete.¹⁶

HERE'DITAS. (Vid. HERES, ROMAN.)

HERES (GREEK). The Athenian laws of inheritance are to be explained under this title. The subject may be divided into five parts, of which we shall speak: 1st, of personal capacity to inherit; 2dly, of the rules of descent and succession; 3dly, of the power of devising; 4thly, of the remedies of the heir for recovering his rights; 5thly, of the obligations to which he succeeded.

I. *Of Personal Capacity to Inherit.*—To obtain the right of inheritance as well as citizenship (*άγχιστεία* and *πολιτεία*), legitimacy was a necessary qualification. Those children were legitimate who were born in lawful wedlock.¹⁷ The validity of a marriage depended partly on the capacity of the con-

1. (Dioscor., iii., 126.—Adams, Append., s. v.)—2. (Geopon., p. 6.—Adams, Append., s. v.)—3. (Aristot., H. A., ii.—Elian, N. A., ix., 38.—Id. ib., xv., 11.—Athenæus, iii., 70.—Id., vii., 61. Schweigh. ad Athen., l. c.—Adams, Append., s. v.)—4. (Theophrast., De Lapid., 10, 74.—Hill ad Theophrast., p. 178.—Aëtius, Tet., i., 8, 16, c. 25.—Adams, Append., s. v.)—5. (Müller, Der., ii., 10, § 1.)—6. (Paus., ii., 24, § 2.)—7. (Paus., ii., 22, § 1.)—8. (Theophr., ii., 2.)—9. (Abhandl. der Berl. Akad., von 1818-19, p. 71.)—10. (ii., 31.)—11. (Tuscult., i., 47.)—12. (Schol. ad Pind., Ol., vii., 122, and ad Nem., x., 39.)—13. (Hesych., s. v.)

1. (Compare Welcker on Schwenck's Etymologische Andeutungen, p. 268.)—2. (Nem., x., 41.)—3. (viii., p. 556.)—4. (Elian, V. H., iii., 24.)—5. (Schol. ad Pind., Ol., vii., 152.)—6. (Schol. ad Pind., Isthm., viii., 114.—Müller, Ægiat., p. 149.)—7. (Paus., viii., 4, § 4.)—8. (Asius ap. Athen., xii., p. 525.)—9. (Polyæn., Strat., i., 23.—Id. ib., vi., 45.)—10. (Paus., v., 13, § 5.)—11. (Corini, Dissert., iii., 30.)—12. (Paus., v., 16, § 5.)—13. (Athen., xiv., p. 639.—Id., vi., p. 262.)—14. (Eurip., Med., 1379.—Philostr., Her., xix., 14.)—15. (Plut., Quæst. Rom., vii., 168.)—16. (Diod. Sic., v., 72.)—17. (Demosth., c. Neæx., 1386.)

part of the value of the property in dispute, and was returned to the party if successful.¹

If no other claimant appeared, the archon adjudged the estate to the first suitor (*ἐπέδικασεν αὐτῷ τὸν κλήρον*). If, however, there were adverse claims, he proceeded to prepare the cause for trial (*διαδικασία*). First came the *ἀνάκρισις*, in the usual way, except that no party was considered as plaintiff or defendant; and the bills, in which they set forth their respective titles, were called *ἀντιγραφαί*.² The dicasts were then to be summoned, and, whatever the number of parties, one court was held for the decision of all their claims. If any one neglected to attend on the appointed day, and had no good excuse to offer, his claim was struck out of the record (*διεγράφη ἢ ἀμφισβήτηται*), and the contest was carried on between the remaining parties, or if but one, the estate was awarded to him.³ The trial was thus managed. The dicasts had to give their verdict either for one person proving a title to the whole, or for several persons coming in under the same title, as (for instance) two brothers entitled each to a moiety. One balloting box, therefore, was provided for every party who appeared in a distinct interest. The speeches were measured by the clepsydra. Each party had an *ἀφορεῖς* of water for his first speech, and half that, or three *χοεῖς*, for the second.⁴ That these arrangements gave rise to fraud and collusion, is clearly shown in the cases above cited.

The verdict, if fairly obtained, was final against the parties to the cause. But any other person, who by absence or unavoidable accident was prevented from being a party, might afterward bring an action against the successful candidate, to recover the estate. He was then obliged to pay his deposit (*παρακαταβολή*), summon the defendant, and proceed in other respects as in an ordinary suit. This he might do at any time during the life of the person in possession, and within five years after his death.⁵

It has hitherto been supposed that a simple issue was raised between the litigant parties, viz., who was entitled to possess the estate; and that they proceeded at once to the trial of such issue. This was called *εὐθὺδικίη εἰσαίεσθαι*. The cause, however, might become more complicated, if one of the parties chose to make exception to the right of any other to dispute his title: this was done by tendering an affidavit (*διαμαρτυρία*) (*vid.* *DIAMARTYRIA*), sworn either by himself or by another, wherein he declared that the estate was not the subject of litigation (*μὴ ἐπιδίκως*), and alleged some matter of fact or law to support his assertion. Sons, adopted sons, and persons in legal possession were allowed this advantage. For example, a witness might depose that the last occupier had left male issue surviving him, and therefore the property could not be claimed by any collateral relative or devisee: or that the title had already been legally determined, and that the new claimants were not at liberty to reopen the question. This had the effect of a dilatory plea, and stayed farther proceedings in the cause.⁶ If then the suitor was resolved to prosecute his claim, he had no other course but to procure a conviction of the witness (who had sworn the affidavit) in an action for false testimony (*δίκη ψευδομαρτυριῶν*). Examples of such actions are the causes in which Demosthenes was engaged against Leochares, and

Isæus for the estate of Philoctemon. On the trial of the witness, the questions were, first, the truth of the facts deposed to; secondly, their legal effect, if true. With respect to the witness, the consequences were the same as in any other action for false testimony. (*Vid.* *MARTYRIA*.) With respect to the original cause, nothing farther was determined than that it could or could not be entertained; the *διαμαρτυρία* in this particular resembling the *παρηγορητή*. If the court decided that the suit could be entertained, the parties proceeded to trial in the manner before explained.

As to the farther remedies to be pursued by the successful party in order to obtain the fruits of his judgment, *vid.* *ΕΜΒΑΤΕΙΑ*, *ΕΝΟΙΚΙΟΥ*, and *ΕΞΟΥΔΗΣ ΔΙΚΑΙ*. And on this part of the subject, *vid.* Meier, *Att. Proc.*, p. 459, 616, 638; Platner, *Att. Proc.*, i., 163; ii., 309.

V. Of the Obligations to which the Heir succeeded.—The first duty of an heir, as with us of an executor, was to bury the dead and perform the customary funeral rites (*τὰ νομιζόμενα ποιεῖν*). It is well known what importance was attached to this by the ancients. The Athenian law regulated the time of burial, and the order in which the female relatives should attend. If no money was left to pay the expenses of burial, still the nearest relatives were bound to defray them; and if they neglected to perform their duty, the chief magistrate (*δήμαρχος*) of the demus in which the death took place, after warning them by public notice (*ἀναγοεῖν καὶ θάπτειν, καὶ καθαίρειν τὸν δῆμον*), got the work done by contract, paid for it himself, and was then empowered to sue them for double the amount. When a rich man died, there was no backwardness about his funeral. It is rather amusing to see how eagerly the relatives hastened to show respect to his memory, as if to raise a presumption of their being the heirs.¹

Children who neglected to bury their parents were liable to a criminal prosecution (*γραφὴ κακίσεως γονέων*), just as they were for refusing to support or assist them in their lifetime. The word *γονεῖς*, in this case, includes all ancestors.²

Among heritable obligations may be reckoned that of marrying a poor heiress (*θῆσσα*), or giving her in marriage with a suitable portion. (*Vid.* *ΕΡΙΚΛΕΣΙΑ*, and Meurs., *Them. Att.*, i., 13.)

That the heir was bound to pay the debts of the deceased, as far as the assets would extend, cannot be doubted. Five years seems to have been the period for the limitation of actions against him (*πυθαρμία*). In case of a mortgage, he was entitled only to the surplus of the mortgaged property, remaining after payment of the debt charged thereon.³

State debtors, such as farmers of the public revenue who had made default, or persons condemned to pay a fine or penalty, were disfranchised (*ἀτιμοί*) until they had settled the debt, and the disgrace extended to their posterity. Thus Cimon, son of Miltiades, was compelled to pay a fine of fifty talents which had been imposed on his father; and the story is, that Callias advanced him the money in return for the hand of his sister Elpinice.⁴ When the whole of a man's property was confiscated, of course nothing could descend to his heir. It seems to have been a common practice, in such a case, for the relatives of the deceased to conceal his effects, or to lay claim to them by pretended mortgages. Against these frauds there were severe penalties, as

1. (Pollux, *Onom.*, viii., 32, 95.—Isæus, *De Nicost. hered.*, 13.—*Id.*: *De Hagn. hered.*, 20.—Demosth., *c. Macart.*, 1051.—*Id.*, *c. Leoch.*, 1090-1093.)—2. (Harpocr., *s. v.*—Demosth., *c. Olymp.*, 1173, 1175.)—3. (Demosth., *c. Olymp.*, 1174.)—4. (Isæus, *De Hagn. hered.*, 30, &c.—Demosth., *c. Macart.*, 1052.)—5. (Isæus, *De Pyrrh. hered.*, 70.—Demosth., *c. Olymp.*, 1175.—*Id.*, *c. Macart.*, 1054.)—6. (Isæus, *De Dicoog. hered.*, 30.—*Id.*, *De Apoll.*, 3.—*Id.*, *De Philoct.* 4, 52.—*Id.*, *De Pyrrh.*, 3.—Demosth., *c. Leoch.*, 1097.)

1. (Isæus, *De Astyph. hered.*, 40; *De Cir. hered.*, 29-33; *De Nicost. hered.*, 9, 25.—Demosth., *c. Macart.*, 1069, 1071.)—2. (Meier, *De Bon. Damn.*, 126.)—3. (Lys., *De Bon. Publ.*, 4, 5.—Isæus, *De Arist. hered.*, 23.—Demosth., *c. Callipp.*, 1240.—*Id.*, *c. Spud.*, 1030.—*Id.*, *c. Naumim.*, 988, 989.)—4. (Demosth., *c. Androt.*, 603.—*Id.*, *c. Theoc.*, 1322, 1327.—*Id.*, *c. Aroph.*, 836.—*Id.*, *Pro Cor.*, 329.—*Id.*, *c. Macart.*, 1069.)

HERES.

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 es of males; but women who

were beyond the degree of consanguinei (a term which legally means brothers and sisters) could not take hereditas ab intestato. Thus a sister might take from a brother or sister as legitima heres, but an aunt or a brother's daughter could not be a legitima heres. The principle of Roman law which gave to those who came into the potestas or manus the quality of children of the blood, was followed out in this case also: a mother or a stepmother who had come in *manum viri* thereby obtained the status of a daughter; and, consequently, as to legitimate succession, there were the same relations between such mother or stepmother and the husband's children as there were among the husband's children themselves. But, by *senatus consulta* of Antoninus and Commodus, the sons of a wife not in manu might take as her legitimi heredes, to the exclusion of consanguinei and other agnati.

If a person died leaving no sui heredes, but only a brother and another brother's children, the brother took all as the nearest agnatus. If there was no brother surviving, and only children of brethren, the hereditas was divided among all the children *in capita*, that is, the whole was equally divided among all the children.

If there were no agnati, the Twelve Tables gave the hereditas to the gentiles. (*Vid. Gens*, p. 469.)

Gaius' briefly recapitulates the strict law of the Twelve Tables as to the hereditates of intestates. emancipated children could claim nothing, as they had ceased to be sui heredes: the same was the case if a man and his children were at the same time made Roman citizens, unless the emperor reduced the children into the power of the father: agnati who had sustained a *capitis diminutio* were excluded, and, consequently, a son who had been given in adoption, and a daughter who was married and in *manu viri*: if the next agnatus did not take possession, he who was next in order could not, for that reason, make any claim: cognati, whose kinship depended on a female, had no mutual rights as to their hereditates, and, consequently, there were no such mutual rights between a mother and her children, unless the mother had come in *manum viri*, and so the rights of consanguinity had been established between them.

If a man had his son in his power, he was bound either to make him heres, or to exheredate (*exheredare*) him expressly (*nominatim*). If he passed him over in silence (*silentio praterierit*), the will was altogether void (*inutile, non jure factum*). Some jurists were of opinion, that even if the son, so passed over, died in the father's lifetime, there could be no heres under that will.¹ Other *liberi* could be passed over, and the will would still be a valid will; but the *liberi* so passed over took a certain portion of the hereditas *adherescendo*, as it was termed, or *jure adherescendi*. For instance, if the heredes instituti were sui, the person or persons passed over took an equal share with them. If the heredes instituti were extranei, the person or persons passed over took a half of the whole hereditas; and as the praetor gave the *contra tabulas bonorum possessio* to the person so passed over, the extranei were deprived of all the hereditas. A rescript of the Emperor Antoninus limited the amount which women could take by the *bonorum possessio* to that which they could take *jure adherescendi*; and the same was the law in the case of emancipated females.

It was necessary to exheredate posthumous children *nominatim*, otherwise the will, which was originally valid, became invalid (*ruptum*); and the will became invalid by the birth either of a posthumous son or daughter, or, as the phrase was, *adgnascendo rumpitur testamentum*.² Postumi were not only

1. (iii., 12.)—2. (Gaius, ii., 123, &c.)—3. (Cic., *De Or.*, i., 57.)

ters, and the sons and daughters of a son who were in the power of a testator; but a grandson or granddaughter could not be a suus heres unless the testator's son had ceased to be a suus heres in the testator's lifetime, either by death or being released from his power. These heredes sui were called *necessarii*, because of the necessity that they were under, according to the civil law, of taking the hereditas with its encumbrances. But the prætor allowed such persons to refuse the hereditas (*abstinere se ab hereditate*), and to allow the property to be sold to pay the testator's debts (an instance is mentioned by Cicero¹); and he gave the same privilege to a mancipated son (*qui in causa mancipii est*). All other heredes are called *extranei*, and comprehend all persons who are not in the power of a testator, such as emancipated children. As a mother had no potestas over her children, they were *extranei heredes* when named heredes in her will. *Extranei heredes* had the potestas or *jus deliberandi*, or privilege of considering whether they would accept the hereditas or not; but if either *extranei heredes*, or those who had the *abstinendi potestas*, meddled with the testator's property, they could not afterward disclaim the inheritance, unless the person who had so meddled was under twenty-five years of age, and so belonged to a class who were relieved by the prætor in all cases where they were overreached (*vid. CURATOR*), and also in cases where they had accepted an insolvent hereditas (*damnosa hereditas*). The Emperor Hadrian gave this relief to a person above twenty-five years of age who had accepted an hereditas, and afterward discovered that it was encumbered with a heavy debt.²

A certain time was allowed to *extranei* for the *cretio hereditatis*, that is, for them to determine whether they would take the hereditas or not: hence the phrase *cernere hereditatem*. Thus, if the testator had written in his will "*Heres Titius esto*," he ought to add, "*Cernitque in centum diebus proxumis quibus scies poterisque: quod ni ita creveris exheres esto*."³ If the *extraneus* wished to take the hereditas, he was required to make a formal declaration of his intention within the time named (*intra diem cretionis*). The formal words of *cretio* were "*eam hereditatem adeo cernoque*" Unless he did this, he lost the hereditas, and he could not obtain it merely by acting as heres (*pro herede gerendo*). If a person was named heres without any time of *cretio* being fixed, or if he succeeded (*legitimo jure*) to the property of an intestate, he might become heres without any formal declaration of his intention, and might take possession of the hereditas when he pleased: but the prætor was accustomed, upon the demand of the creditors of the testator or intestate, to name a time within which the heres should take possession, and in default of his doing so, he gave the creditors permission to sell the property. The common form of *cretio* in the will (*vulgaris cretio*) has been already mentioned. Sometimes the words "*quibus sciet poterique*" were omitted, and it was then specially called "*cretio certorum dierum*," which was the more disadvantageous to the heres, as the days began to be reckoned, or, as we say, the time began to run immediately, and it was not reckoned from the time when the heres knew that he was named heres, and had no impediment to his *cretio*.

It was not unusual to make several degrees of heredes in a will, which was called *substitutio*. Thus, in the formula beginning "*Heres Titius*," &c., after the words "*exheres esto*," the testator might add, "*Tum Mævius heres esto cernitque in diebus cen-*

sum," &c.; and he might go on substituting as far as he pleased. The person first named as heres (*primo gradu*) became heres by the act of *cretio*; and the *substitutus* (*secundus heres*⁴) was then entirely excluded. If the words "*si non creverit*" were not followed by words of exheredation, this gave some advantage to the first heres: for instance, if he neglected the formality of *cretio*, and only acted as heres, he did not lose all, but shared the hereditas equally with the substituted person. This was the old rule; but a constitution of Aurelius made the acting as heres equivalent to *cretio*, provided such action took place within the time of *cretio*.⁵

In the case of *liberi impuberes*, who were in the power of a testator, there might be not only the kind of substitution just mentioned (*vulgaris substitutio*), but the testator might declare that if such children should live to become his heredes, and should die impuberes, some other person, whom he named, should be his heres. This was expressed thus: "*si prius moriatur quam in suam tutelam venerit*;"⁶ for the termination of impuberty and of the tutela were coincident. (*Vid. CURATOR*.) Thus, as Gaius remarks, one testamentary disposition comprised two hereditates. This was called *pupillaris substitutio*. This kind of substitution was contained in a clause by itself, and in a separate part of the will, which was secured by the testator's own thread and seal, with a provision in the first part of the will that this second part should not be opened so long as the son lived and was impubes. A substitution could also be made in the case of children being exheredated (disinherited) by the parent's will, and the substituted person then took all that the pupillus acquired by hereditas, legatum (legacy), or gift. Gaius observes⁷ that all his remarks with reference to substitution for children impuberes, when made heredes or exheredated, apply to posthumous (*postumi*) children, of which there is an example cited by Cicero:⁸ "*Si filius natus esset in decem mensibus*," &c.

If an *extraneus* was made heres, there could be no substitution to the effect that, if he died within a certain time, another person should be heres; but though a testator could attach a condition to be performed before a person could take the hereditas, a person, when he had once become heres, continued such. The case of a pupillus *substitutio*, which was an exception to this general rule, was probably founded on the *patria potestas*. The heres might, however, be charged with a *fideicommissum*, in which case he was heres *fiduciarius*. (*Vid. FIDEICOMMISSUM*.)

As to conditions which the heres was bound to perform, they might be any that were not contrary to positive law or positive morality; such as the setting up of statues,⁹ &c., or changing the name.¹⁰

If a man's own slave was made heres by his will, it was necessary that he should be made free also by the will: the words were, "*Stichus servus meus liber heresque esto*." If the slave were not made free by the testament, he could not take under it, even if he were manumitted by his master, and, of course, he could not if he were sold; and the reason is, that the institution was not valid. If he was instituted free as well as heres, he became both a freeman and heres *necessarius* by the death of his master: if he was manumitted by his master in his lifetime, he might accept the inheritance or refuse it. If he was sold by his master in his life-

1. (Cic., *Phil.*, ii., 16.)—2. (Gaius, ii., 162.)—3. (Gaius, ii., 165—Cic., *De Orat.*, i., 22.)

4. (Cic., *Top.*, 10.—Hor., *Sat.*, ii., 5, 48.)—5. (Compare *Flacc.*, ii., 177, &c., with Ulpian, *Frag.*, xxii., 34.)—6. (Cic., *De Invent.*, ii., 42.—Id., *Top.*, 10.—Gaius, ii., 179.)—7. (ii., 183.)—8. (*Top.*, 10.)—9. (Cic. in *Verr.*, ii., 8, 9, 14.)—10. (Cic., *ad Att.*, vii., 8.)

in better colours than in the
who belong to the so-called
sandy, and in the plays of
with which may be com-
p. 1355, &c., and Athen.,
supposed that at Athens
by law prescribed to the hetæ-
without any foundation.¹

curious in Greece for the num-
as well as for their refined man-
Corinth.² Strabo³ states that
in this town possessed more
hetære, who were called *ιέρω-
to the ruin of many a stranger
Hence the name *Κορινθία*
synonymous with *ἑταίρα*, and *κο-
equivalent to *ἑταίρειν*. At Spar-
Loric states, the hetære seem
that importance which they
Greece, and among the Greeks**

whom is who the hetære gener-
ἑταίροι of Corinth were, as their
belonging to Aphrodite; and
was a kind of service to the god-
who were kept at Athens in
the *πορνοβοσκοί*, were generally
these *πορνοβοσκοί*, who compell-
for the sake of enriching
The owners of these *πόρνοι*
in greater contempt than the un-
themselves. Sometimes, however,
voluntarily entered
with a *πορνοβοσκός*: others, again,
had been educated in better cir-
for a better fate, but had, by mis-
their liberty, and were compelled
to this mode of living. Among this
also reckon those girls who had
young children, and brought up
for the purpose of prostitution. An
kind is Nicarete, a freed-woman,
to procure seven young children,
compelled them to prostitution, or
who wished to have the exclusive
Other instances of the same
in the comedies of Plautus.⁷
kept in public or private houses
slaves, or, at least, looked upon and
Those hetære, on the other hand,
either as mistresses of certain in-
common hetære, were almost inva-
or aliens, or freed-women. The
daughters of Athenian citizens
of an hetæra, as Lamia, the daugh-
did,⁸ seem to have occurred very
whenever such a case happened, the
law excluded from all public sacri-
sank down to the rank of an alien,
became subject to the *πορνικὸν τέλος*:
also, changed her name. The same
took place when an Athenian citizen
seems to have occurred very

action was maintainable against such Athenian cit-
izens as had administered to the unnatural lusts of
another; but only if after such degradation they
ventured to exercise their political franchise, and
aspired to bear office in the state. From the law,
which is recited by Æschines,¹ we learn that such
offenders were capitally punished. The cause was
tried by the court of the thesmothetæ.²

HETAIR'IAL. (Vid. ERANOL.)

HEXAPHORUM. (Vid. LECTICA.)

*HIERAC'ION (*ιέράκιον*) a plant, of which Di-
oscorides mentions two kinds, the *τὸ μέγα* and the
τὸ μικρόν. The former of these Sibthorp makes the
same with the *Arnopogon picroides*, Willd., and the
latter with the *Scorzonera elongata*, Willd.³

*HIERAX (*ἱέραξ*), a term applied to various spe-
cies of *Accipitrina*, or the Hawk tribe. "The scho-
liast on Apollonius Rhodius says," remarks Adams,
"that Callimachus described six species of Hawk;
and Aristotle mentions that some had described ten
species." Linnæus applies the term rather loosely
to three genera, namely, the *Strix*, the *Falco*, and
the *Psittacus*. The *ἱέρακες* of the Greeks belong
principally to the second of these. 1. The *φασσο-
φόνος* is the *Falco palumbarius*, or Goshawk: it is the
largest of the genus.² 2. The *αἰσάλων* of Aristotle
was the Merlin, or *Falco asalon*: it is the smallest
of the genus. 3. The *τριόρχεις* of Aristotle, ren-
dered *Buteo* by Gaza, is the species of Buzzard
called Ring-tail in English, namely, the *Circus py-
gargus*, L. 4. The *υποτριόρχεις*, or *Sub-buteo*, is
probably only a variety of the last. 5. The *κίρκος*,
or third species of Aristotle, is not satisfactorily de-
termined: Buffon supposes it the Moor Buzzard, or
Falco aruginosus, L.; but Schneider thinks this
point uncertain.⁶ Homer calls it *ἐλαφρότατος πετε-
νηνών*, 'the swiftest of birds.'⁷ 6. The *πέρκος*, or
σπιζίας of Aristotle, in Latin *Accipiter fringillarius*,
was most probably the Sparrow-hawk, or *Falco
nisus*, L. It is deserving of remark, that the *Nisus*
of Ovid⁸ was the Sea Eagle, that of the later clas-
sics the Sparrow-hawk. 7. The *χαλκίς*, or *κνυμίδης*
of Homer, was most probably identical with the
πύργς, but cannot be otherwise satisfactorily deter-
mined.⁹ 8. The *κεγχρίς*, or *κεγχρίνης*, or *κεγχρής*,
or (as we read it in the Aves of Aristophanes) the
κέρχνη, was the same as the *tinnunculus* of Pliny,
namely, the *Falco tinnunculus*, or Kestrel. 9. The
two species named *ἄσπερίδας* and *πτερίς* by Aris-
totle¹⁰ cannot be satisfactorily ascertained. 10. The
ἰκτίρ or *ἰκτίρος* is the Kite or Gled, namely, the
Milvus iclinus, Savigny.¹¹

*II. A flying fish mentioned by Oppian and Ælian.
None of the commentators can determine exactly
what it is.¹²

HIEREION. (Vid. SACRIFICIUM.)

*HIEROBOT'ANE (*ἱεροβοτάνη*), a name given by
Dioscorides and others to the Vervain, as being a
plant much used in religious rites (*ἱερὸς*, "sacred,"
and *βοτάνη*, "plant"). (Vid. VERBENA.)¹³

HIERODOULOI. (Vid. HETÆRÆ.)

HIEROMANTEIA. (Vid. DIVINATION, p. 369.)

HIEROMNEMONES (*ἱερομνήμονες*) were the
more honourable of the two classes of representa-
tives who composed the Amphictyonic council. An
account of them is given under AMPHICTYONS, p.
49. We also read of hieromnemes in Grecian
states, distinct from the Amphictyonic representa-
tives of this name. Thus the priests of Poseidon,
at Megara, were called hieromnemes;¹⁴ and at

SEDS GRAPHE (*ἑταιρήσεως γραφή*). This

1. (c. Timarch., p. 126, &c.)—2. (Plato, De Rep., iii.,
legislat., Orat., xxxvii., p. 119, ed. Reiske.—Aristot.,
Schol. ad loc.—Schol. ad Lysist., 90.—Athen.,
p. 107.—Müller, Dor., ii., 10, 7.)—3. (viii., 6, p. 211.)
4. Hellen. Alterthumsk., ii., 2, p. 48, and p. 299.)
5. (id. H., ii., 570.)—6. (Demosth., c. Neær., p. 1351,
quare Iæzus, De Philoctem. herod., p. 143.)—8.
p. 277.)—9. (Böckh, Publ. Econ. of Athens, ii.,
p. 4.) Beiträge Zur Gesch. des Weiblich. Gesch.
10. Vermischte Schriften," vol. iv.—Becker, Char-
p. 125, and ii., p. 414-489.—Limburg-Brouwer,
A Christianisation Morale et Religieuse des Grecs.—
Hellen. Alterthumsk., ii., 2, p. 48, &c.)

1. (c. Timarch., p. 47.)—2. (Meier, Att. Proc., 334.)—3. (Di-
oscor., iii., 65, 66.—Adams, Append., s. v.)—4. (Aristot., H. A.,
ix., 24.)—5. (Vid. II., xv., 238.)—6. (ad Æl. N. H., iv., 5.)—7.
(Od., xiii., 87.)—8. (Met., viii., 146.)—9. (Didymus ad II., xiv.,
291.—Damm, Lex. Hom., s. v.)—10. (II. A., ix., 24.)—11.
(Adams, Append., s. v.)—12. (Oppian, i., 427.—Ælian, II. A.,
ix., 52.)—13. (Dioscor., iv., 61.)—14. (Plut., Symp., viii., 8, 44)

Byzantium, which was a colony of Megara, the chief magistrate in the state appears to have been called by this name. In a decree of Byzantium, quoted by Demosthenes,¹ a hieromnemon is mentioned who gives his name to the year; and we also find the same word on the coins of this city.² At Chalcedon, another colony of Megara, a hieromnemon also existed, as is proved by a decree which is still extant.³ An inscription found in Thasos also mentions a hieromnemon who presided over the treasury.⁴

HIERONYCÆ. (Vid. ATHLETÆ, p. 120.)

HIEROPHANTES. (Vid. ELEUSINIA.)

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ΙΕΡΟΣΥΤΑΙΑΣ ΓΡΑΦΗ (ιεροσυτίας γραφή). The action for sacrifice is distinguished from the κλοπῆς ἱερῶν χορηγῶν γραφή, in that it was directed against the offence of robbery, aggravated by violence and desecration, to which the penalty of death was awarded. In the latter action, on the contrary, the theft and embezzlement, and its subject matter, only were taken into consideration, and the dicasts had a power of assessing the penalty upon the conviction of the offender. With respect to the tribunal before which a case of sacrilege might have been tried, some circumstances seem to have produced considerable differences. The γραφή might be preferred to the king archon, who would thereupon assemble the areiopagus and preside at the trial, or to one of the thesmothetæ in his character of chief of an ordinary heliastic body; or, if the prosecution assumed the form of an apagoge or ephesis, would fall within the jurisdiction of the Eleven. Before the first-mentioned court it is conjectured⁸ that the sacrilege of the alleged spoliator, as well as the fact itself, came in question; that the thesmothetæ took cognizance of those cases in which the sacrilege was obvious if the fact were established; and that the Eleven had jurisdiction when the criminal appeared in the character of a common robber or burglar, surprised in the commission of the offence. In all these cases the convict was put to death, his property confiscated, and his body denied burial within the Attic territory. There is a speech of Lysias⁹ extant upon this subject, but it adds little to our knowledge, except that slaves were allowed upon that occasion to appear as informers against their master—a resident alien—and anticipated their emancipation in the event of his conviction.

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and no one was allowed to show any traces of grief or sorrow.

But the Romans also celebrated hilaria, as a feria stativa, on the 25th of March, in honour of Cybele, the mother of the gods;¹ and it is probably to distinguish these hilaria from those mentioned above, that Lampridius² calls them *Hilaria Matris Deum*. The day of its celebration was the first after the vernal equinox, or the first day of the year which was longer than the night. The winter, with its gloom, had passed away, and the first day of a better season was spent in rejoicings.³ The manner of its celebration during the time of the Republic is unknown, except that Valerius Maximus⁴ mentions games in honour of the mother of the gods. Respecting its celebration at the time of the Empire we learn from Herodian⁵ that, among other things there was a solemn procession, in which the statue of the goddess was carried, and before this statue were carried the most costly *σπείρατες* of plate and works of art belonging either to wealthy Romans or to the emperors themselves. All kinds of games and amusements were allowed on this day: masquerades were the most prominent among them, and every one might, in his disguise, in state whomsoever he liked, and even magistrates.

The hilaria were in reality only the last day of a festival of Cybele, which commenced on the 22d of March, and was solemnized by the Galli with various mysterious rites.⁶ It may also be observed that the hilaria are neither mentioned in the Roman calendar nor in Ovid's *Fæst.*

*HIMANTOPOUS (ἡμιτόπους), a species of bird, which Turner conjectures to be the Red-shank. Gesner, however, prefers the Sea-pie, or Oyster-catcher, the *Hæmatopus ostralegus*, L.⁷

HIMATION. (Vid. PALLIUM.)

*HINNUS. (Vid. GINNUS.)

*HIPPARCHUS (ἵππαρχος), an animal described by Oppian. Probably the same with the ἱππάρφος.⁸

HIPPARMOSTES. (Vid. ARMY, GREEK, p. 98.)

*HIPPELAPHUS (ἱππέλαφος), a large animal of the deer, or, rather, antelope kind, mentioned by Aristotle. Cuvier takes it to be the *Capra pygæus* of Pallas, the same as the *Tragelaphus* of Pliny. Buffon makes it to be the *Cervus arvensis*. The Greek name means literally "hornstag."⁹

*HIPPOCAMPUS (ἱππόκαμπος), a fabulous animal, described by the ancient poets as a species of Seahorse, having a tail like a fish, on which the seagods ride.—Modern naturalists, however, apply the term to a species of fish, the *Syngnathus Hippocampus*, called in Italian *Cavillo marino*, and in English Seahorse, because its head has some resemblance to that of a horse. It grows to the length of eight or twelve inches.¹⁰

*HIPPOLAPATHUM (ἱππολάπαθον), a plant, a kind of Dock; *Lapathum hortense*. (Vid. LAPPATHUM.)¹¹

*HIPPOMANES (ἱππομανές), a plant, said to grow especially in Arcadia, sought for and eagerly devoured by horses; or, as others say, producing in them raging desire or madness.¹²

*II. A preparation from the *Spurge* or *Euphorbia*, as far, at least, as we can infer from what Theophrastus says of it.¹³

*HIPPOMARATHRUM (ἱππομάραθρον). Adams observes that Stackhouse "makes the ἱππομάραθρον

I. (Pro Corona, p. 255, 20.—Compare Polyb., iv., 52, § 4.)—2. (Eckhel, Doctr. Num., vol. ii., p. 21, &c.)—3. (Müller, Dor., iii., 9, § 10.)—4. (Böckh, Corp. Inscr., vol. ii., p. 153, 154.)—5. (Pollux, Onom., viii., 107.—Photius, s. v. ἱεροποιοί.)—6. (Böckh, Corp. Inscr., vol. i., p. 250.)—7. (Demosth., c. Meid., p. 592, 6.—Böckh, Publ. Econ. of Athens, i., p. 288.)—8. (Meier, Att. Proc., 307.)—9. (Pro Callia.)—10. (Schol. ad Dionys. Areopag., Epist., 8.)

I. (Macrob., Sat., i., 21.)—2. (Alexand. Sev., c. 27.)—3. (Plav. Vopisc., Aurelian, c. 1.)—4. (ii., 4, 3.)—5. (i., 10, 11.)—6. (Ovid, Fast., iv., 337, &c.)—7. (Oppian, iii., 231.)—8. (Adams, Append., s. v.)—9. (Domergue, s. v.—Adams, Append., s. v.)—10. (Ælian, N. A., iv., 14.—Adams, Append., s. v.)—11. (Dioscor., ii., 141.)—12. (Theocr., Id., ii., 48.—Schol. ad Act.—13. (Theophrast., H. P. i., 15.)

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*HIMANTIC bird, which Tur Gesner, howev catcher, the H

HIMATION *HINNUS. *HIPPARC by Oppian. φος.⁹

HIPPARM

*HIPPEL the deer, or Aristotle.

grus of Pal Pliny. Buf nes. The stag.¹⁰

*HIPPO mal, descri Seahorse, seagods r the term campus, c lish Seah blance to eight or

*HIP kind of τριου.)

*HIE grow e devout them

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*H obse

1. (Pro Corona, p. 255, 20.—Compare Polyb., iv., 52, § 4.)—2. (Eckhel, Doctr. Num., vol. ii., p. 31, &c.)—3. (Müller, Dor., iii., 9, § 10.)—4. (Böckh, Corp. Inscr., vol. ii., p. 183, 184.)—5. (Pollux, Onom., viii., 107.—Photius, s. v. *ιεροποιοι*.)—6. (Böckh, Corp. Inscr., vol. i., p. 250)—7. (Demosth., c. Meid., p. 552, 6.—Böckh, Publ. Econ. of Athens, i., p. 268.)—8. (Meier, Att. Proc., 307.)—9. (Pro Callia.)—10. (Schol. ad Dionys. Areopag., Epist., 8.)

HOROLOGIUM.

Roman Hours.	Modern Hours.
9th hour . . .	1 o'clock, 29 minutes, 0 seconds.
10th " . . .	2 " 13 " 30 "
11th " . . .	2 " 58 " 0 "
12th " . . .	3 " 42 " 30 "
End of the day	4 " 27 " 0 "

The custom of dividing the natural day into twelve equal parts or hours lasted, as we have observed, till a very late period. The first calendarium in which we find the duration of day and night marked according to equinoctial hours, is the Calendarium rusticum Farnesianum.¹

Another question which has often been discussed is whether, in such expressions as prima, altera, tertia hora, &c., we have to understand the hour which is passing, or that which has already elapsed. From the construction of ancient sundials, on which the hours are marked by eleven lines, so that the first hour had elapsed when the shadow of the gnomon fell upon the first line, it might seem as if hora prima meant after the lapse of the first hour. But the manner in which Martial,² when describing the various purposes to which the hours of the day were devoted by the Romans, speaks of the hours, leaves no doubt that the expressions prima, altera, tertia hora, &c., mean the hour which is passing, and not that which has already elapsed.³

HORDEARIUM ÆS. (Vid. ÆS HORDEARIUM.)

HOPOI (ὄροι) were stone tablets or pillars put up on mortgaged houses and lands at Athens, upon which the debt and the creditor's name were inscribed, and also the name of the archon eponymus in whose year the mortgage had been made.⁴ The following inscription upon an ὄρος found at Acharnæ is taken from Böckh's *Ἐπι Θεοφράστου ἄρχοντος, ἕρος χωρίον τιμῆς ἐνοφειλομένης Φανοστράτου Παιανίου* xx, that is, *διαχιλίων δραχμῶν*. It appears that the estate had been bought of Phanostratus, but that the purchase-money, instead of being paid, was allowed to remain on mortgage.

When the estate of an orphan was let by the archon and his guardian (*vid. ΕΥΡΥΚΡΟΣ*), the person to whom it was let was obliged to hypothecate a sufficient piece of ground or other real property, which was called *ἀποτίμημα*; and upon this an ὄρος was placed, bearing an inscription to that effect, as in the following example, which is taken from an ὄρος found upon the plain of Marathon: *ὄρος χωρίου καὶ οἰκίας, ἀποτίμημα παιδὶ βρβάνῳ Διογείτορος Προβαλίου*⁵. ὄροι were also placed upon houses and lands on account of money due to a husband for the dowry of his wife,⁶ and also upon the property which a husband was obliged to give as a security for the dowry which he received with his wife.⁷ (Vid. DOS, GREEK, p. 379.)

The practice of placing these ὄροι upon property was of great antiquity at Athens; it existed before the time of Solon, who removed all stones standing upon estates when he released or relieved the debtors.⁸

HOROLOGIUM (ὥρολόγιον) was the name of the various instruments by means of which the ancients measured the time of the day and night. The earliest and simplest horologia of which mention is made, were called πόλος and γνῶμων. Herodotus⁹ ascribes their invention to the Babylonians; Phavorinus¹⁰ to Anaximander; and Pli-

HOROLOGIUM.

ny¹ to his disciple Anaximenes. Herodotus mentions the πόλος and γνῶμων as two distinct instruments. Both, however, divided the day into twelve equal parts, and were a kind of sundial. The γνῶμων, which was also called στοιχείον, was the more simple of the two, and probably the more ancient. It consisted of a staff or pillar standing perpendicularly, in a place exposed to the sun (*σκιῶθρον*), so that the length of its shadow might be easily ascertained. The shadow of the gnomon was measured by feet, which were probably marked on the place where the shadow fell.² The gnomon is almost without exception mentioned in connexion with the δειπνον or the bath; and the time for the former was towards sunset, or at the time when the shadow of the gnomon measured ten or twelve feet.³ The longest shadow of the gnomon, at sunrise and sunset, was generally 12 feet, but in some cases 24 feet, so that at the time of the δειπνον it was 20 feet.⁴ The time for bathing was when the gnomon threw a shadow of six feet.⁵ In later times the name gnomon was applied to any kind of sundial, especially its finger which threw the shadow, and thus pointed to the hour. Even the clepsydra is sometimes called gnomon.⁶

The gnomon was evidently a very imperfect instrument, and it was impossible to divide the day into twelve equal spaces by it. This may be the reason that we find it only used for such purposes as are mentioned above. The πόλος or ἡλιοτρόπιον, on the other hand, seems to have been a more perfect kind of sundial; but it appears, nevertheless, not to have been much used, as it is but seldom mentioned.⁷ It consisted of a basin (*λεκανίς*) in the middle of which the perpendicular staff or finger (*γνῶμων*) was erected, and by it the twelve parts of the day were marked by lines.⁸

Another kind of horologium was the *clepsydra* (*κλεψύδρα*). It derived its name from *κλέπτω* and *ὕδωρ*, as in its original and simple form it consisted of a vessel with several little openings (*τρήγματα*) at the bottom, through which the water contained in it escaped, as it were, by stealth. This instrument seems at first to have been used only for the purpose of measuring the time during which persons were allowed to speak in the courts of justice at Athens. The time of its invention or introduction is not known, but at the time of Aristophanes⁹ it appears to have been in common use. Its form and construction may be seen very clearly from a passage of Aristotle.¹⁰ The clepsydra was a hollow globe, probably somewhat flat at the top part, where it had a short neck (*στόλος*), like that of a bottle, through which the water was poured into it. This opening might be closed by a lid or stopper (*πέρας*) to prevent the water running out at the bottom. The clepsydra which Aristotle had in view was probably not of glass or of any transparent material, but of bronze or brass, so that it could not be seen in the clepsydra itself what quantity of water had escaped. As the time for speaking in the Athenian courts was thus measured by water, the orators frequently use the term *ὕδωρ* instead of the time allowed to them (*ἐν τῷ ἑμῷ ὕδατι*¹¹). Æschines,¹² when describing the order in which the several parties were allowed to speak, says that the first water was given to the accuser, the second to the accused, and the third to the judges. An especial

1. (Ideler, *Handbuch der Chron.*, ii., p. 139, &c.—Grev., *Thesaur. Ant. Rom.*, viii.)—2. (iv., 8.)—3. (Becker, *Gallus*, i., p. 184, &c.)—4. (Harporat., s. v. ὄρος and ἄστικτον.—Pollux, *Onom.*, iii., 85.—Id. ib., ix., 9.)—5. (Corp. *Inscr.*, i., p. 484.)—6. (Böckh, p. 485.—Compare *Insens*, De Philoct. *Varied.*, p. 141.)—7. (Demosth., c. *Spud.*, 1029, 21.)—8. (Demosth., c. *Onetor.*, ii., p. 877.)—9. (Plut., *Sol.*, 15.—Böckh, *Publ. Econ.* of Athens, i., p. 172.—Id., *Corp. Inscr.*, i., p. 484.—*Museum Criticum*, No. viii., p. 622.—*Herald.*, *Observ.*, ad J. A. et R., p. 216.—*Meiyr.*, *Att. Process.*, p. 506.)—10. (ii., 109.)—11. (ap. *Diog. Laert.*, ii., 1, 2.—*Compend. Suidas*, s. v. *Γνῶμων* and Ἀναξιμανδρός.)

1. (H. N., ii., 76.)—2. (Hesych., s. v. Ἐπιπέριον οἰκία and ἑκατόπεδος.—Pollux, *Onom.*, i., 72.)—3. (Aristoph., *Eccles.*, 422, with the schol.—Pollux, i. c.—Menander *ap. Athen.*, vi., p. 50.—Hesych., s. v. *Δεκίπτον στοιχείον*.)—4. (Eubulides *ap. Athen.*, i., p. 8.)—5. (Lucian, *Cronos*, c. 17.—Id., *Somma*, s. 961, c. 9.)—6. (Athen., ii., 42.)—7. (Aristoph., *ap. Poll.*, ix., 3.)—8. (Alciphron, *Epist.*, iii., 4.—Lucian, *Lexiph.*, c. 4.)—9. (Val. Acharn., 653.—*Vesp.*, 93 and 827.)—10. (*Problem.*, vii., 5.)—11. (Demosth., De *Coron.*, p. 274.—*Ἰάν Ἰγχαυρὸς τῷ ἑμῷ*—Id., Leach., p. 1094.)—12. (c. *Ctes.*, p. 587.)

HOROLOGIUM

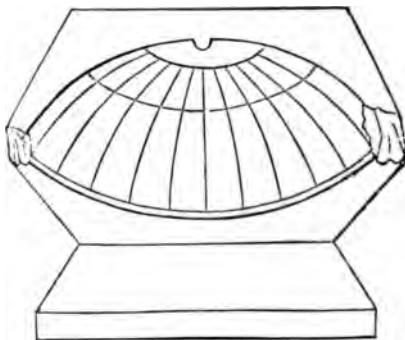
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 of a large clepsydra, which
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 they might be, were useless when the sky was
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 B. C., established a public clepsydra, which indicated
 the hours both of day and night. This clepsydra
 was in after times generally called solarium.¹ The
 word hora for hour was introduced at Rome at the
 time when the Romans became acquainted with the
 Greek horologia, and was, in this signification, well
 known at the time of Plautus.² After the time of
 Scipio Nasica, several horologia, chiefly solaria, seem
 to have been erected in various public places at
 Rome. A magnificent horologium was erected by
 Augustus in the Campus Martius. It was a gnomon
 in the shape of an obelisk; but Pliny³ complains
 that in the course of time it had become incorrect.
 Another horologium stood in the Circus Flaminius.⁴
 Sometimes solaria were attached to the front side
 of temples and basilicæ.⁵ The old solarium which
 had been erected behind the Rostra seems to have
 existed on that spot till a very late period, and it
 would seem that the place was called *ad Solarium*,
 so that Cicero uses this expression as synonymous
 with Rostra or Forum.⁶ Horologia of various de-
 scriptions seem also to have been commonly kept
 by private individuals;⁷ and at the time of the em-
 perors, the wealthy Romans used to keep slaves
 whose special duty was to announce the hours of
 the day to their masters.⁸

From the number of solaria which have been dis-
 covered in modern times in Italy, we must infer that
 they were very generally used among the ancients.
 The following woodcut represents one of the sim-
 plest horologia which have been discovered; it
 seems to bear great similarity to that, the invention
 of which Vitruvius ascribes to Berosus. It was
 discovered in 1741, on the hill of Tusculum, among
 the ruins of an ancient villa, and is described by
 Gio. Luca Zuzzeri, in a work entitled *Duna antica*
villa scoperta sul dosso del Tuscolo, e d'un antico oro-
logio a sole, Venezia, 1746; and by G. H. Martini,
 in his *Abhandlung von den Sonnenuhren der Alten*
 Leipzig, 1777, p. 49, &c.



The following woodcut shows the same solarium as restored by Zuzzeri.

1. (Plin., H. N., vii., 60.—Censorin., De Dio Nat., c. 23.)—2. (Pseudol., V., ii., 10.)—3. (H. N., xxvii., 10.)—4. (Vitruv., ix., 9, 1.)—5. (Varro, De Ling. Lat., v., 2.—Gruter, Inscr., vi., 6.)—6. (Pro Quint., 18.—ad Herenn., iv., 10.)—7. (Cic. ad Fam., xvi., 18.)—8. (Juv., x., 215.—Martini, p. 67.—Petron., 36, 50, &c.)

1. (Plin., H. N., vii., 60.—Censorin., De Dio Nat., c. 23.)—2. (Pseudol., V., ii., 10.)—3. (H. N., xxvii., 10.)—4. (Vitruv., ix., 9, 1.)—5. (Varro, De Ling. Lat., v., 2.—Gruter, Inscr., vi., 6.)—6. (Pro Quint., 18.—ad Herenn., iv., 10.)—7. (Cic. ad Fam., xvi., 18.)—8. (Juv., x., 215.—Martini, p. 67.—Petron., 36, 50, &c.)

HOROLOGIUM.

Roman Hours.	Modern Hours.
9th hour	1 o'clock, 29 minutes, 0 seconds.
10th "	2 " 13 " 30 "
11th "	2 " 58 " 0 "
12th "	3 " 42 " 30 "
End of the day	4 " 27 " 0 "

The custom of dividing the natural day into twelve equal parts or hours lasted, as we have observed, till a very late period. The first calendarium in which we find the duration of day and night marked according to equinoctial hours, is the *Calendarium rusticum Farnesianum*.¹

Another question which has often been discussed is whether, in such expressions as *prima, altera, tertia hora, &c.*, we have to understand the hour which is passing, or that which has already elapsed. From the construction of ancient sundials, on which the hours are marked by eleven lines, so that the first hour had elapsed when the shadow of the gnomon fell upon the first line, it might seem as if *tora prima* meant after the lapse of the first hour. But the manner in which Martial,² when describing the various purposes to which the hours of the day were devoted by the Romans, speaks of the hours, 'leaves no doubt that the expressions *prima, altera, tertia hora, &c.*, mean the hour which is passing, and not that which has already elapsed.³

HORDEARIUM ÆS. (*Vid. ÆS HORDEARIUM.*)

HOPOI (*δροι*) were stone tablets or pillars put up on mortgage houses and lands at Athens, upon which the debt and the creditor's name were inscribed, and also the name of the archon eponymus in whose year the mortgage had been made.⁴ The following inscription upon an *δρος* found at Acharnæ is taken from Böckh:⁵ 'Ἐπὶ Θεοφράστου ἀρχοντος, ἄρος χωρίον τμητῆς ἐνοφειλομένης Φανοστράτῳ Παιανίῳ κχ, that is, *δραχμῶν*. It appears that he estate had been bought of Phanostratus, but that the purchase-money, instead of being paid, was allowed to remain on mortgage.

When the estate of an orphan was let by the archon and his guardian (*vid. ΕΡΙΤΚΡΟΣ*), the person to whom it was let was obliged to hypothecate a sufficient piece of ground or other real property, which was called *ἀποτίμημα*: and upon this an *δρος* was placed, bearing an inscription to that effect, as in the following example, which is taken from an *δρος* found upon the plain of Marathon: 'Ὅρος χωρίον καὶ οἰκίας, ἀποτίμημα παιδὶ ὀρφανῷ Διογείτονος Προβαλίστιου⁶. 'Ὅροι were also placed upon houses and lands on account of money due to a husband for the dowry of his wife,⁷ and also upon the property which a husband was obliged to give as a security for the dowry which he received with his wife.⁸ (*Vid. DOS, GREEK, p. 379.*)

The practice of placing these *δροι* upon property was of great antiquity at Athens; it existed before the time of Solon, who removed all stones standing upon estates when he released or relieved the debtors.⁹

HOROLOGIUM (*ὥρολόγιον*) was the name of the various instruments by means of which the ancients measured the time of the day and night. The earliest and simplest horologia of which mention is made, were called *πόλος* and *γνώμων*. Herodotus¹⁰ ascribes their invention to the Babylonians; Phavorinus¹¹ to Anaximander; and Pli-

HOROLOGIUM.

ny¹ to his disciple Anaximenes. Herodotus mentions the *πόλος* and *γνώμων* as two distinct instruments. Both, however, divided the day into twelve equal parts, and were a kind of sundial. The *γνώμων*, which was also called *στοιχείον*, was the more simple of the two, and probably the more ancient. It consisted of a staff or pillar standing perpendicularly, in a place exposed to the sun (*σκιάθρον*), so that the length of its shadow might be easily ascertained. The shadow of the gnomon was measured by feet, which were probably marked on the place where the shadow fell.² The gnomon is almost without exception mentioned in connexion with the *δείπνον* or the bath; and the time for the former was towards sunset, or at the time when the shadow of the gnomon measured ten or twelve feet.³ The longest shadow of the gnomon, at sunrise and sunset, was generally 12 feet, but in some cases 24 feet, so that at the time of the *δείπνον* it was 20 feet.⁴ The time for bathing was when the gnomon threw a shadow of six feet.⁵ In later times the name gnomon was applied to any kind of sundial, especially its finger which threw the shadow, and thus pointed to the hour. Even the clepsydra is sometimes called gnomon.⁶

The gnomon was evidently a very imperfect instrument, and it was impossible to divide the day into twelve equal spaces by it. This may be the reason that we find it only used for such purposes as are mentioned above. The *πόλος* or *ἡλιότροπιον*, on the other hand, seems to have been a more perfect kind of sundial; but it appears, nevertheless, not to have been much used, as it is but seldom mentioned.⁷ It consisted of a basin (*λεκάνη*) in the middle of which the perpendicular staff or finger (*γνώμων*) was erected, and in it the twelve parts of the day were marked by lines.⁸

Another kind of horologium was the *clepsydra* (*κλεψύδρα*). It derived its name from *κλέπτειν* and *ὕδωρ*, as in its original and simple form it consisted of a vessel with several little openings (*τριπήματα*) at the bottom, through which the water contained in it escaped, as it were, by stealth. This instrument seems at first to have been used only for the purpose of measuring the time during which persons were allowed to speak in the courts of justice at Athens. The time of its invention or introduction is not known, but at the time of Aristophanes⁹ it appears to have been in common use. Its form and construction may be seen very clearly from a passage of Aristotle.¹⁰ The clepsydra was a hollow globe, probably somewhat flat at the top part, where it had a short neck (*αὐλός*), like that of a bottle, through which the water was poured into it. This opening might be closed by a lid or stopper (*πίεμα*), to prevent the water running out at the bottom. The clepsydra which Aristotle had in view was probably not of glass or of any transparent material, but of bronze or brass, so that it could not be seen in the clepsydra itself what quantity of water had escaped. As the time for speaking in the Athenian courts was thus measured by water, the orators frequently use the term *ὕδωρ* instead of the time allowed to them (*ἐν τῷ ἔμῳ ἔδατι*).¹¹ Æschines,¹² when describing the order in which the several parties were allowed to speak, says that the first water was given to the accuser, the second to the accused, and the third to the judges. An especial

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1. (H. N., ii., 76.)—2. (Hesych., s. v. 'Ἐπτόπους οἰκία and ἡ δέκα πόδος.—Pollux, *Onom.*, i., 72.)—3. (Aristoph., *Eccles.*, 636 with the schol.—Pollux, l. c.—Menander ap. Athen., vi., p. 342.—Hesych., s. v. *Δεκάπουν στοιχείον*.)—4. (Eubolides ap. Athen., i., p. 8.)—5. (Lucian, *Cronos*, c. 17.—Id., *Soma*, i. Gall., c. 9.)—6. (Athen., ii., 42.)—7. (Aristoph., ap. Poll., i., 5.)—8. (Alciphron, *Epist.*, iii., 4.—Lucian, *Lexiph.*, c. 4.)—9. (Vid. Acharn., 653.—Vesp., 93 and 827.)—10. (Problema, 378, 8.)—11. (Demosth., *De Coron.*, p. 274.—*ἰδὲν ἐν γωνίᾳ τῆς ἐκείνου*—*Id.* Leech., p. 1094.)—12. (c. *Ctes.*, p. 387.)

ἐφ' ὕδωρ) was appointed in the courts for the use of watching the clepsydra, and stopping any documents were read, whereby the was interrupted; and it is to this officer Prothemenes¹ calls out, σὺ δὲ ἐπιλαβε τὸ ὕδωρ. and, consequently, the quantity of water of a speaker, depended upon the importance of the case; and we are informed that in a *πραεβείας* the water allowed to each party was divided into eleven amphoræ,² whereas in trials of inheritance only one amphora was allowed.³ Those actions in which the time measured to the speakers are called *δικαὶ πρὸς ὕδωρ*; others are termed *δίαιτατος*, and in these the speakers were not limited to a certain space of time. The only instance of this kind of actions of which we know is the *κακίωσης*.⁴

The clepsydra used in the courts of justice was, speaking, no horologium; but smaller ones, of glass, and of the same simple structure, were doubtless used very early in families for the purposes of ordinary life, and for dividing the day into equal parts. In these glass clepsydrae divided into twelve equal parts must have been either on the glass globe itself, or in the vessel in which the water flowed. These instruments, however, did not show the time quite correct the year round; first, because the water of the clepsydra sometimes quicker and sometimes slower, according to the different temperature of the water;⁵ and, secondly, because the hours varied in the different seasons of the year. To remove the second of these defects, the top of the clepsydra was covered with a coat of wax during the shorter days, and when they began the wax was gradually taken away. Plato is said to have used a *νεκρεπιδόν* in the shape of a large clepsydra, which measured the hours of the night, and seems to have been a complicated structure.⁶ This instance at least at an early period improvements were made in the old and simple clepsydra. But all improvements were excelled by the ingenious invention of Ctesibius, a celebrated mathematician of Alexandria (about 135 B.C.). It is called *ὀρολογιον αὐτοματικόν*, and is described by Vitruvius.⁷ It was made to drop upon wheels, which were turned. The regular movement of these wheels was communicated to a small statue, which, rising, pointed with a little stick to the hour marked on a pillar which was attached to the mechanism. It indicated the hours regularly all the year, but still required to be often corrected and regulated. This complicated clepsydra never to have come into general use, probably only found in the houses of very rich persons. The sundial or gnomon, and a kind of clepsydra, on the other hand, were used down to a very late period. The twelve hours of the day were not designated by the name of the time of the Alexandrian astronomers, but then the old and vague divisions, described by the poet Dares, were preferred in the affairs of daily life. At the time of the geographer Hipparchus (about 150 B.C.), it seems to have been common to reckon by hours.⁸

The best horologium with which the Romans acquainted was a sundial (*solarium*, or *horologium æthereum*), and was, according to some writers, brought to Rome by Papius Cursor twelve

years before the war with Pyrrhus, and placed before the temple of Quirinus; others stated that it was brought to Rome at the time of the first Punic war, by the consul M. Valerius Messala, and erected on a column behind the Rostra. But this solarium, being made for a different meridian, did not show the time at Rome correctly. Ninety-nine years afterward, the censor Q. Marcius Philippus erected by the side of the old solarium a new one, which was more carefully regulated according to the meridian of Rome. But as sundials, however perfect they might be, were useless when the sky was cloudy, P. Scipio Nasica, in his censorship, 159 B.C., established a public clepsydra, which indicated the hours both of day and night. This clepsydra was in after times generally called solarium.⁹ The word *hora* for hour was introduced at Rome at the time when the Romans became acquainted with the Greek horologia, and was, in this signification, well known at the time of Plautus.¹⁰ After the time of Scipio Nasica, several horologia, chiefly solaria, seem to have been erected in various public places at Rome. A magnificent horologium was erected by Augustus in the Campus Martius. It was a gnomon in the shape of an obelisk; but Pliny¹¹ complains that in the course of time it had become incorrect. Another horologium stood in the Circus Flaminius.¹² Sometimes solaria were attached to the front of temples and basilicæ.¹³ The old solarium which had been erected behind the Rostra seems to have existed on that spot till a very late period, and it would seem that the place was called *ad Solarium*, so that Cicero uses this expression as synonymous with *Rostra* or *Forum*.¹⁴ Hieroglyphic inscriptions seem also to have been common, especially by private individuals;¹⁵ and at the time of the emperors, the wealthy Romans used to keep slaves whose special duty was to announce the hours of the day to their masters.¹⁶

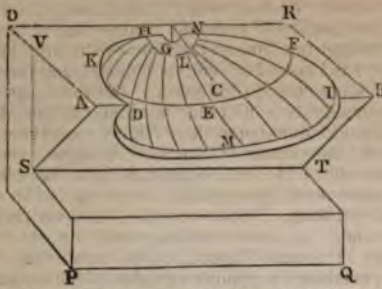
From the number of solaria which have been discovered in modern times in Italy, we may infer that they were very generally used among the Romans. The following woodcut represents an ancient simplest horologia which have been discovered, and seems to bear great similarity to that of which Vitruvius ascribes to the architect of the villa discovered in 1741, on the ruins of the temple of the ruins of an ancient villa near the city of Vicenza. Gio. Luca Zuxzeri, in a woodcut in his *Antichità della villa scoperta sul luogo del Tempio di Venere a Vicenza*, is discovered in 1741, on the ruins of the temple of the ruins of an ancient villa near the city of Vicenza. *logio a sole*, Venezia, 1741, p. 11. It is also mentioned in his *Abhandlung von der Kunst der Baukunst*, Leipzig, 1777, p. 42, &c.



1. (Athen., i. c.)—2. (Æschin., De Fals. Leg., p. 1103.)—3. (Plin., i. c.)—4. (viii., 112.)—5. (Plin., i. c.)—6. (Athen., ii., p. 42.—Plut., Ctesibius.)—7. (Æs. Tac., c. 22.)—8. (Athen., i., p. 12.)—9. (Cicero, De Officiis, l. c.)—10. (Cicero, De Officiis, l. c.)—11. (Plin., i. c.)—12. (Plin., i. c.)—13. (Plin., i. c.)—14. (Cicero, De Officiis, l. c.)—15. (Plin., i. c.)—16. (Plin., i. c.)

17. (Plin., xvi., 11, 39.—Id. ib., Paradox., v., 2.)—18. (Plin., i. c.)—19. (Martial, xii., 50.)—20. (Plin., iv., 21, 5.—Id., xiii., 127.)—21. (Plin., i. c.)—22. (Gell's Pompeiana, l. c.)—23. (Gell's Pompeiana, l. c.)—24. (Becker, Gallus, i., p. 283, &c.)—25. (Garten-Kunst der Alten.)

HOROLOGIUM.



The breadth as well as the height (A O and P A) are somewhat more than eight inches, and the length (A B) a little more than sixteen inches. The surface (A O R B) is horizontal. S P Q T is the basis of the solarium, which originally was probably erected upon a pillar. Its side, A S T B, inclines somewhat towards the basis. This inclination was called *εγκλίμα*, or *inclinatio solarii* and *enclima succisum*,¹ and shows the latitude or polar altitude of the place for which the solarium was made. The angle of the enclima is about 40° 43', which coincides with the latitude of Tusculum. In the body of the solarium is the almost spherical excavation H K D M I F N, which forms a double hemicyclium (*hemicyclium excavatum ex quadrato*)². Within this excavation the eleven hour-lines are marked, which pass through three semicircles, H L N, K E F, and D M I. The middle one, K E F, represents the equator, the two others the tropic lines of winter and summer. The curve representing the summer tropic is somewhat more than a semicircle, the two other curves somewhat smaller. The ten middle parts, or hours in each of the three curves, are all equal to one another; but the two extreme ones, though equal to each other, are by one fourth smaller than the rest. In the middle, G, of the curve D K H N I J, there is a little square hole, in which the gnomon or pointer must have been fixed, and a trace of it is still visible in the lead by means of which it was fixed. It must have stood in a perpendicular position upon the surface A B R O, and at a certain distance from the surface it must have turned in a right angle above the spheric excavation, so that its end (C) extended as far as the middle of the equator, as it is restored in the above woodcut. *Vid.* the description of another solarium in G. H. Martini's *Antiquorum Monumentorum Sylloge*, p. 95, &c.

Clepsydræ were used by the Romans in their camps, chiefly for the purpose of measuring accurately the four *vigiliæ* into which the night was divided.³

The custom of using clepsydræ as a check upon the speakers in the courts of justice at Rome, was introduced by a law of Cn. Pompeius, in his third consulship.⁴ Before that time the speakers had been under no restrictions, but spoke as long as they deemed proper. At Rome, as at Athens, the time allowed to the speakers depended upon the importance of the case. Pliny⁵ states that on one important occasion he spoke for nearly five hours; ten large clepsydræ had been granted to him by the judges, but the case was so important that four others were added.⁶ Pompeius, in his law, is said to have limited the time during which the accuser was allowed to speak to two hours, while the accused was allowed three hours.⁷ This, however, as is

1. (Vitruv., l. c.)—2. (Vitruv.)—3. (Cæs., De Bell. Gall., v., 13.—Veget., De Re Mil., iii., 8.—Æn. Tact., c. 22.)—4. (Tacit., De Clar. Orat., 38.)—5. (Epist., ii., 11.)—6. (Compare Plin., Epist., vi., 2.—Martial., vi., 35.—Id., viii., 7.)—7. (Ascon. a N. lon., p. 37, ed. Orelli.)

HORTUS.

clear from the case of Pliny and others, observed on all occasions, and we must that it was merely the intention of Pompeius the proportions of the time to be allowed party, that is, that in all cases the accuser only have two thirds of the time allowed to be accused. This supposition is supported by a citation by Pliny,¹ where, according to law the accuser had six hours, while the accused nine. An especial officer was at Rome, as at Athens, appointed to stop the clepsydra due time when documents were read.²

HORREARIA. (*Vid.* HORREUM.)

HORREUM (*ὄρειον, σιτοφυλακτεῖον, ἀποθήκη*) according to its etymological signification, in which ripe fruits, and especially corn, were and thus answered to our granary.³ During Empire, the name horreum was given to any destined for the safe preservation of things of kind. Thus we find it applied to a place in beautiful works of art were kept;⁴ to cellars *subterranea, horrea vinaria*⁵; to depôts for medicine, and all sorts of provisions (*horreum unum*)⁶. Seneca⁷ even calls his library a horreum. But the more general application of the word horreum was to places for keeping fruit and corn, as some kinds of fruit required to be kept more than others, the ancients had, besides the *subterranea*, or cellars, two other kinds, one which was built, like every other house, upon ground; but others (*horrea pensilia* or *stipes*) were erected above the ground, and rested upon posts or stone pillars, that the fruits kept in them might remain dry.⁸

From about the year 140 A. D., Rome possessed two kinds of public horrea. The one class consisted of buildings in which the Romans might store their goods, and even their money, securities and other valuables,⁹ for which they had no place in their own houses. This kind of horrea is mentioned as early as the time of Augustus Pius,¹⁰ though Lampridius¹¹ assigns their institution to Alexander Severus.¹² The officers who had the superintendance of these establishments were called *horrearii*. The second and more important class of horrea, which may be termed public granaries, were buildings in which a plentiful supply of corn was constantly kept at the disposal of the state, and from which, in seasons of scarcity, the corn was distributed among the poor, or at a moderate price. The first idea of building a public granary arose with C. Sempronius Gracchus (*lex Sempronii frumentaria*); and the ruins of a great granary (*horrea populi Romani*) which he was seen down to the sixteenth century beyond the Aventine and the Monte Testaccio.¹³

The plan of C. Gracchus was followed and carried farther by Clodius Pompey, and served the emperors; and during the Empire we find a great number of public horrea which were named after the names of their founders, *e. g.* horrea Cæti, Varguntei, Seiani, Augusti, Domitiani. The manner in which corn from these granaries was given to the people differed at different times.

HORRENSIA LEX. (*Vid.* PLEBISCITUM.)

HORTUS (*κῆπος*), Garden.

I. GREEK GARDENS.—Our knowledge of the

1. (Epist., iv., 9.)—2. (Apol., Apolog., i. and ii.—C. Ernesti, "De Solaris," in his Opuscul. Philolog. et Crit., 31.—Becker, Gallus, i., p. 186, &c.)—3. (Virg., Georg., i., 17.—Cic., De Agr., ii., 33.)—4. (Plin., Epist., viii., 18.)—5. (Dig. 18, l. 76.)—6. (Dig. 30, tit. 9, s. 3.)—7. (Epist., 45.)—8. (Colum., 50.—Id., i., 6.—Vitruv., vi., 6, 4.)—9. (Cod. 4, tit. 24, s. 10.—Dig. 1, tit. 15, s. 3.)—10. (Alex. Sev., c. 39.)—11. (Cæd. Dig. 10, tit. 4, s. 5.)—12. (Appian, De Bell. Civ., i., 21.—C. Gracch., 5.—Liv., Epit., 60.—Vell. Patenc., ii., 6.—Cæd. Sext., 24.)—13. (Walter, Gesch. des Röm. Rechts, p. 26.)

agriculture of the Greeks is very limited. We must not look for information respecting their gardens to the accounts which we find in Greek writers of the gardens of Alcinoüs, filled with all manner of trees, and fruit, and flowers, and adorned with fountains,¹ or of those of the Hesperides,² or of the paradises of the Persian satraps, which resembled our parks;³ for the former gardens are only imaginary, and the manner in which the paradises are spoken of by Greek writers shows that they were not familiar with anything of the kind in their own country. In fact, the Greeks seem to have had no great taste for landscape beauties, and the small number of flowers with which they were acquainted afforded but little inducement to ornamental horticulture.

The sacred groves were cultivated with special care. They contained ornamental and odoriferous plants and fruit-trees, particularly olives and vines.⁴ Sometimes they were without fruit-trees.⁵

The only passage in the earlier Greek writers, in which flower-gardens appear to be mentioned, is one in Aristophanes, who speaks of *κίπους εὐώδεις*.⁶ At Athens the flowers most cultivated were probably those used for making garlands, such as violets and roses. In the time of the Ptolemies the art of gardening seems to have advanced in the favourable climate of Egypt, so far that a succession of flowers was obtained all the year round.⁷ Longus⁸ describes a garden containing every production of each season; "in spring, roses, lilies, hyacinths, and violets; in summer, poppies, wild pears (*ἀχράδερ*), and all fruit; in autumn, vines and figs, and pomegranates and myrtles." That the Greek idea of horticultural beauty was not quite the same as ours, may be inferred from a passage in Plutarch, where he speaks of the practice of setting off the beauties of roses and violets by planting them side by side with leeks and onions.⁹ Becker considers this passage a proof that flowers were cultivated more to be used for garlands than to beautify the garden.¹⁰

II. ROMAN GARDENS.—The Romans, like the Greeks, laboured under the disadvantage of a very limited flora. This disadvantage they endeavoured to overcome, by arranging the materials they did possess in such a way as to produce a striking effect. We have a very full description of a Roman garden in a letter of the younger Pliny, in which he describes his Tuscan villa.¹¹ In front of the *porticus* there was generally a *xystrus*, or flat piece of ground, divided into flower-beds of different shapes by borders of box. There were also such flower-beds in other parts of the garden. Sometimes they were raised so as to form terraces, and their sloping sides planted with evergreens or creepers. The most striking features of a Roman garden were lines of large trees, among which the plane appears to have been a great favourite, planted in regular order; alleys or walks (*ambulationes*) formed by closely-clipped hedges of box, yew, cypress, and other evergreens; beds of acanthus, rows of fruit-trees, especially of vines, with statues, pyramids, fountains, and summer-houses (*diæta*). The trunks of the trees and the parts of the house, or any other buildings which were visible from the garden, were often covered with ivy.¹² In one respect the Roman taste differed most materially from that of the present day, namely, in their fondness for the *ars topiaria*, which consisted in tying,

twisting, or cutting trees and shrubs (especially the box) into the figures of animals, ships, letters, &c. The importance attached to this part of horticulture is proved, not only by the description of Pliny, and the notices of other writers,¹ but also by the fact that *topiarius* is the only name used in good Latin writers for the ornamental gardener. Cicero² mentions the *topiarius* among the higher class of slaves.

Attached to the garden were places for exercise, the *gestatio* and *hippodromus*. The *gestatio* was a sort of avenue, shaded by trees, for the purpose of taking gentle exercise, such as riding in a litter.³ The *hippodromus* (not, as one reading gives the word in Pliny, *hypodromus*) was a place for running or horse exercise, in the form of a circus, consisting of several paths divided by hedges of box, ornamented with topiarian work, and surrounded by large trees.⁴

The flowers which the Romans possessed, though few in comparison with the species known to us, were more numerous than some writers have represented; but the subject still requires investigation. Their principal garden-flowers seem to have been violets and roses, and they also had the crocus, narcissus, lily, gladiolus, iris, poppy, amaranth, and others.

Conservatories and hot-houses are not mentioned by any writer earlier than the first century of our æra. They are frequently referred to by Martial.⁵ They were used both to preserve foreign plants, and to produce flowers and fruit out of season. Columella⁶ and Pliny⁷ speak of forcing-houses for grapes, melons, &c. In every garden there was a space set apart for vegetables (*olera*).

Flowers and plants were also kept in the central space of the peristyle (*vid. House*), on the roofs, and in the windows of the houses. Sometimes, in a town, where the garden was very small, its walls were painted in imitation of a real garden, with trees, fountains, birds, &c., and the small area was ornamented with flowers in vases. A beautiful example of such a garden was found at Pompeii.⁸

An ornamental garden was also called *viridarium*,⁹ and the gardener *topiarius* or *viridarius*. The common name for a gardener is *villicus* or *cultor hortorum*. We find, also, the special names *vinitor*, *olitor*. The word *hortulanus* is only of late formation. The *aquarius* had charge of the fountains both in the garden and in the house.¹⁰

HOSPEL. (*Vid. HOSPITIUM.*)

HOSPITIUM (*ξενία, προσξενία*). Hospitality is one of the characteristic features of almost all nations previous to their attaining a certain degree of civilization. In civilized countries the necessity of general hospitality is not so much felt; but at a time when the state or the laws of nations afforded scarcely any security, and when the traveller on his journey did not meet with any places destined for his reception and accommodation, the exercise of hospitality was absolutely necessary. Among the nations of antiquity, with whom the right of hospitality was hallowed by religion, it was, to some degree, observed to the latest period of their existence, and acquired a political importance which it has never had in any other state. It was in Greece, as well as at Rome, of a twofold nature, either private or public, in as far as it was either established between individuals or between two states (*Hospitium privatum* and *hospitium publicum*, *ξενία* and *προξενία*).

1. (Od., vii., 112-130).—2. (Hesiod, Theog., 25).—3. (Xen., Anab., i., 2, § 7.—Id., Econ., iv., 26, 27.—Plut., Alcib., 24).—4. (Soph., Ed. Col., 16.—Xen., Anab., v., 3, § 12).—5. (Paus., i., 21, § 9).—6. (Aves, 1066).—7. (Callixenus ap. Athen., v., p. 12).—8. (Past., ii., p. 36).—9. (Plutarch, "De captivæ et inimicæ utilitate," c. 10).—10. (Becker, Charikles, ii., p. 403-405).—11. (Plin., Epist., v., 6).—12. (Plin., i., c. ad Quint Fr., 1, 2).

1. (Plin., H. N., xvi., 33, 60.—Id. ib., xxi., 11, 39.—Id. ib., xxii., 22, 34.—Martial, iii., 19).—2. (Paradox., v., 2).—3. (Plin., Epist., v., 6.—Id. ib., ii., 17).—4. (Plin., l. c.—Martial, xii., 50.—Id., lvii., 23).—5. (viii., 14, 68.—Id., iv., 21, 5.—Id., xiii., 127).—6. (xi., 3, 52).—7. (H. N., xix., 5, 23).—8. (Gell's Pompeiana, ii., 4).—9. (Dig. 33, tit. 7, s. 8).—10. (Becker, Gallus, i., p. 283, &c.—Böttiger, Racemationen zur Garten-kunst der Alten.)

In ancient Greece, the stranger, as such (*ξένος* and *hostis*), was looked upon as an enemy;¹ but whenever he appeared among another tribe or nation without any sign of hostile intentions, he was considered not only as one who required aid, but as a suppliant, and Zeus was the protecting deity of strangers and suppliants (*Ζεὺς ξείνιος* and *ἱκετήσιος*).² This religious feeling was strengthened by the belief that the stranger might possibly be a god in disguise.³ On his arrival, therefore, the stranger, of whatever station in life he might be, was kindly received, and provided with everything necessary to make him comfortable, and to satisfy his immediate wants. The host did not inquire who the stranger was, or what had led him to his house, until the duties of hospitality were fulfilled. During his stay, it was a sacred duty of his host to protect him against any persecution, even if he belonged to a politically hostile race, so that the host's house was a perfect asylum to him. On his departure he was dismissed with presents and good wishes.⁴ It seems to have been customary for the host, on the departure of the stranger, to break a die (*ἰσπράγαλος*) in two, one half of which he himself retained, while the other half was given to the stranger; and when at any future time they or their descendants met, they had a means of recognising each other, and the hospitable connexion was renewed.⁵ Hospitality thus not only existed between the persons who had originally formed it, but was transferred as an inheritance from father to son. To violate the laws of hospitality was a great crime and an impiety, and was punished by men as well as gods (*δικαὶ κακοξενίας*).⁶ Instances of such hereditary connexions of hospitality are mentioned down to a very late period of Greek history; and many towns, such as Athens, Corinth, Byzantium, Phasis, and others, were celebrated for the hospitable character of their citizens.⁷ But, when a more regular and frequent intercourse among the Greeks began to be established, it was impossible to receive all these strangers in private houses. This naturally led to the establishment of inns (*πανδοκεῖον*, *καταγύγιον*, *κατάλυσαις*), in which such strangers as had no hospitable connexions found accommodation. For those occasions, on which numerous visitors flocked to a particular place for the purpose of celebrating one of the great or national festivals, the state or the temple provided for the accommodation of the visitors, either in tents or temporary inns erected about the temple.⁸ The kind of hospitality which was exercised by private individuals on such festive occasions probably differed very little from that which is customary among ourselves, and was chiefly shown towards friends or persons of distinction and merit, whose presence was an honour to the house wherein they stayed.⁹ In the houses of the wealthier Greeks a separate part (*hospitium* or *hospitalia*, and *ξενώνας*), with a separate entrance, was destined for the reception and habitation of strangers, and was provided with all the necessary comforts for the temporary occupants. On the first day after their arrival they were generally invited to the table of their host; but afterward their provisions (*ξένια*), consisting of fowl, eggs, and fruit, were either sent to them, or they had to purchase them themselves.¹⁰

1. (Cic., De Off., l. 12.—Herod., ix., 11.—Plut., Aristid., 10.)—2. (Hom., Od., xiv., 57, &c., 283.—Id. ib., ix., 370.—Id. ib., xiii., 213.—Id. ib., vii., 164.—Compare Apollon., Argonaut., ii., 1134.—Ælian, V. H., iv., 1.)—3. (Od., xvii., 484.)—4. (Od., iv., 37, &c., with Nitsch's note.)—5. (Schol. ad Eurip., Med., 613.)—6. (Ælian, l. c.—Paus., vii., 25.)—7. (Herod., vi., 35.—Thucyd., ii., 13.—Plato, Crito, p. 45, C.—Stobæus, Florileg., tit. xlv., 40, &c.)—8. (Ælian, V. H., iv., 9.—Schol. ad Pind., Ol., xi., 51 and 55.—Compare Plato, De Leg., xii., p. 932.—Lucian, Amor., 12.—Thucyd., iii., 68.)—9. (Xen., Econ., 2, 5.—Plato, Protag., p. 315.—Hecker, Charikles, l., p. 134, &c.)—10. (Vitruv., vi., 7, 4.—Apol., Metam., ii., p. 19.)

What has been said hitherto only refers to *hospitium privatum*, that is, the hospitality existing between two individuals or families of different states. Of far greater importance, however, was the *hospitium publicum* (*προξενία*, sometimes simply *ξενία*), or public hospitality which existed between two states, or between an individual or a family on the one hand, and a whole state on the other. Of the latter kind of public hospitality many instances are recorded, such as that between the Pisistratids and Sparta, in which the people of Athens had no share. The *hospitium publicum* among the Greeks arose undoubtedly from the *hospitium privatum*, and it may have originated in two ways. When the Greek tribes were governed by chieftains or kings, the private hospitality existing between the ruling families of two tribes may have produced similar relations between their subjects, which, after the abolition of the kingly power, continued to exist between the new republics as a kind of political inheritance of former times. Or a person belonging to one state might have either extensive connexions with the citizens of another state, or entertain great partiality for the other state itself, and thus offer to receive all those who came from that state either on private or public business, and act as their patron in his own city. This he at first did merely as a private individual, but the state to which he offered this kind service would naturally soon recognise and reward him for it. When two states established public hospitality, and no individuals came forward to act as the representatives of their state, it was necessary that in each state persons should be appointed to show hospitality to, and watch over the interests of, all persons who came from the state connected by hospitality. The persons who were appointed to this office as the recognised agents of the state for which they acted were called *πρόξενοι*, but those who undertook it voluntarily *ἰθελοπρόξενοι*.¹

The office of *proxenus*, which bears great resemblance to that of a modern consul or minister-resident, was in some cases hereditary in a particular family. When a state appointed a *proxenus*, it either sent out one of its own citizens to reside in the other state, or it selected one of the citizens of this state, and conferred upon him the honour of *proxenus*. The former was, in early times the custom of Sparta, where the kings had the right to select from among the Spartan citizens those whom they wished to send out as *proxeni* to other states.² But in subsequent times this custom seems to have been given up, for we find that at Athens the family of Callias were the *proxeni* of Sparta,³ at Elis, the Elean Xenias;⁴ and at Argos, the Argive Alciphron.⁵ A Spartan sent out as *proxenus* was sometimes also intrusted with the power of *harmostes*, as Clearchus at Byzantium.⁶

The custom of conferring the honour of *proxenus* upon a citizen of the state with which public hospitality existed, seems in later times to have been universally adopted by the Greeks. Thus we find, besides the instances of Spartan *proxeni* mentioned above, Nicias the Athenian as *proxenus* of Syracuse at Athens,⁷ and Arthmius of Zeleia as the *proxenus* of Athens at Zeleia.⁸ The common mode of appointing a *proxenus* was, with the exception of Sparta, by show of hands.⁹ The principal duties of a *proxenus* were to receive those persons, especially ambassadors, who came from the state which

1. (Pollux, Onom., iii., 59.—Compare Thucyd., ii., 29, with Arnold's note, and iii., 70, with Göller's.)—2. (Herod., vi., 37.)—3. (Xen., Hellen., v., 4, § 22.—Id. ib., vi., 3, § 4, &c.)—4. (Paus., iii., 8, § 2.)—5. (Thucyd., v., 59.)—6. (Xen., Hell., i., § 35.—Id. ib., i., 3, § 15.)—7. (Diod. Sic., xiii., 37.)—8. (Ælian, c. Ctes., p. 647.—Compare Plato, De Leg., i., p. 642.—9. (Ulpian ad Demosth., c. Meid., p. 374.)

represented; to procure for them admission to the assembly, and seats in the theatre;¹ to act as the patron of the strangers, and to mediate between the two states if any disputes arose.² If a stranger died in the state, the proxenus of his country had to take care of the property of the deceased.³ Regarding the honours and privileges which a proxenus enjoyed from the state which he represented, the various Greek states followed different principles; some honoured their proxenus with the full civic franchise, and other distinctions besides.⁴ At the right of acquiring property in the state of which he thus became a citizen seems not to have been included in his privileges, for we find that where this right was granted it was done by an especial document.⁵ A foreigner who was appointed his own country as proxenus of Athens, enjoyed on his own person the right of hospitality at Athens whenever he visited this city, and all the other privileges that a foreigner could possess without becoming a real Athenian citizen. Among these privileges, though they were not necessarily included in the proxeny, but were granted by special decrees, we may mention the, 1. *Ἐπιγνάμια*, which, in cases when it was granted by the more powerful state, generally became mutual;⁶ 2. The right to acquire property at Athens (*ἐγκτήσις, ἐμψαχίς, ἐπιψαχίς*); 3. The exemption from paying taxes (*ἀτέλεια* or *ἀτέλεια ἀπάντων*);⁷ and, 4. Inviolability in times of peace and war, both by sea and by land.⁸ Some of these privileges were granted to individuals as well as to whole states; but we have no instance of a whole state having received all of them, with the exception of those cases where the full franchise or isopolity was granted to a whole state; and in this case the practical consequences should not become manifest, unless a citizen of the privileged state actually took up his residence at Athens.⁹

The hospitality of the Romans was, as in Greece, either *hospitium privatum* or *publicum*. Private hospitality with the Romans, however, seems to have been more accurately and legally defined than in Greece. The character of a *hospes*, i. e., a person connected with a Roman by ties of hospitality, was deemed even more sacred, and to have greater claims upon the host, than that of a person connected by blood or affinity. The relation of a *hospes* to his Roman friend was next in importance to that of a *cliens*.¹⁰ According to Massurius Sabinus,¹¹ a *hospes* has even higher claims than a *cliens*. The obligations which the connexion of hospitality with a foreigner imposed upon a Roman were, to receive in his house his *hospes* when traveling,¹² and to protect, and, in case of need, to represent him as his patron in the courts of justice.¹³ Private hospitality thus gave to the *hospes* the claims upon his host which the *cliens* had on his patron, but without any degree of the dependance implied in the *clientela*. Private hospitality was established between individuals by mutual presents, or by the mediation of a third person,¹⁴ and hallowed by religion; for Jupiter *hospitalis* was thought to watch over the *jus hospitii*, as Zeus *xenios* did with the Greeks;¹⁵ and the violation of it was as great a crime and impiety at Rome as in Greece. When

hospitality was formed, the two friends used to divide between themselves a *tessera hospitalis*,¹ by which, afterward, they themselves or their descendants—for the connexion was hereditary, as in Greece—might recognise one another. From an expression in Plautus (*dium hospitalem ac tesseram metum fero*), it has been concluded that this *tessera* bore the image of Jupiter *hospitalis*. Hospitality, when thus once established, could not be dissolved except by a formal declaration (*renuntiatio*), and in this case the *tessera hospitalis* was broken to pieces.⁴ Hospitality was at Rome never exercised in that indiscriminate manner as in the heroic age of Greece, but the custom of observing the laws of hospitality was probably common to all the nations of Italy.⁵ In many cases it was exercised without any formal agreement between the parties, and it was deemed an honourable duty to receive distinguished guests into the house.⁶

Public hospitality seems likewise to have existed at a very early period among the nations of Italy, and the *foedus hospitii* mentioned in Livy⁷ can scarcely be looked upon in any other light than that of *hospitium publicum*. But the first direct mention of public hospitality being established between Rome and another city, is after the Gauls had departed from Rome, when it was decreed that *Cære* should be rewarded for its good services by the establishment of public hospitality between the two cities.⁸ The public hospitality after the war with the Gauls gave to the *Cærites* the right of isopolity with Rome, that is, the *civitas* without the *suffragium* and the honores. (*Vid. COLONIA*, p. 283.) In the later times of the Republic, we no longer find public hospitality established between Rome and a foreign state; but a relation which amounted to the same thing was introduced in its stead, that is, towns were raised to the rank of *municipia*,⁹ and thus obtained the *civitas* without the *suffragium* and the honores; and when a town was desirous of forming a similar relation with Rome, it entered into *clientela* to some distinguished Roman, who then acted as patron of the client town. But the custom of granting the honour of *hospes publicus* to a distinguished foreigner by a decree of the senate seems to have existed down to the end of the Republic.¹⁰ Whether such a public *hospes* undertook the same duties towards Roman citizens, as the Greek *proxenus*, is uncertain; but his privileges were the same as those of a *municipes*, that is, he had the *civitas*, but not the *suffragium* or the honores. Public hospitality was, like the *hospitium privatum*, hereditary in the family of the person to whom it had been granted.¹¹ The honour of public *hospes* was sometimes also conferred upon a distinguished Roman by a foreign state.¹²

HOSTIA. (*Vid. SACRIFICIUM*.)

HOSTIS. (*Vid. HOSPITIUM*.)

HOUSE (GREEK, *oikos*). The scanty notices of the domestic, or, rather, the palatial architecture of the early Greeks, which we find in Homer, are insufficient to give an accurate notion of the names, uses, and arrangement of the apartments, which appear, however, to have differed considerably from the usages of later ages. We first gain precise information on the subject about the time of the Peloponnesian war; and from the allusions made by Greek writers to the houses of this and the immediately subsequent periods, till the time of Alexan-

1. (Pollux, l. c.)—2. (Xen., Hellen., vi., 3, § 4.)—3. (Demosth., c. Callip., p. 1237, &c.)—4. (Böckh, Corp. Inscript., n. 1691-93, and n. p. 79.—Demosth., De Cor., p. 256.—Xen., Hellen., i., 1, § 35.—5. (Böckh, Staatsl., i., p. 155.)—6. (Plattner's Process, p. 72.—Xen., Hellen., v., 2, § 19.)—7. (Demosth., c. Leptin., p. 472.—Compare p. 497.)—8. (Böckh, Corp. Inscript., i., p. 25.)—9. (Compare F. W. Ullrich, "De Proxenia," Berlin, 1822.—Wachsmuth, Hellen. Alterthum., i., 1, p. 121, &c.—Reinach, Polit. Ant., § 116.)—10. (Gellius, v., 13.)—11. (ap. Poll., l. c.)—12. (Liv., xlii., 1.)—13. (Cic. in Q. Caecil. Divina., l. 29.)—14. (Serv. ad Æn., ix., 366.)—15. (Cic., c. Verr., iv., § 14.—Quint. Fr., ii., 12.—Id., Pro Deiot., 6.)

1. (Plaut., Penn., v., 2, 87.)—2. (Penn., v., 1, 25.)—3. (Liv., xxv., 18.—Cic., c. Verr., ii., 36.)—4. (Plaut., Cistell., ii., 1, 27.)—5. (Ælian, V. H., iv., 1.—Liv., i., 1.)—6. (Cic., De Off., ii., 18.—Id., Pro Rosc. Am., 6.)—7. (i., 9.)—8. (Liv., v., 50.)—9. (Liv. viii., 14.)—10. (Liv., i., 45.—Id., v., 28.—Id., xxvii., 54.)—11. (Diod. Sic., xiv., 93.)—12. (Böckh, Corp. Inscript., i., n. 1331.—Cic., Pro Balb., 18.—Cic., c. Verr., iv., 65.—Compare Niebuhr, Hist. of Rome, ii., p. 58.—Walter, Gesch. des Röm. Rechts., p. 54, &c.—Götting, Gesch. der Röm. Staatsv., p. 216, &c.)

der, we may conclude that their general arrangement corresponded with that described by Vitruvius.¹ In this description, however, there is one considerable difficulty, among others of less importance. In a Greek family the women lived in private apartments allotted to their exclusive use. Hence the house was always divided into two distinct portions, namely, the Andronitis, or men's apartments (ἀνδρωνίτις), and the Gynaeconitis, or women's apartments (γυναῖκωνίτις). Now Vitruvius, after describing the entrance to the house, goes on to the Gynaeconitis, and then speaks of the Andronitis, as if the latter lay behind the former, an arrangement which is highly improbable from all we know of the careful seclusion in which the Greek women were kept, and which is also directly opposed to the accounts of the writers of the period we have referred to.

In the earliest times, as in the houses referred to by Homer, the women's apartments were in the upper story (ἑνερῶν). The same arrangement is found in the house spoken of by Lysias.² But it does not follow that that was the usual custom at this period. On the contrary, we have the express testimony of several writers, and Lysias himself among the rest, that the Gynaeconitis was on the same story with the Andronitis, and behind it;³ and even the tragic poets transfer to the heroic ages the practice of their own, and describe both sets of apartments as on the same floor.⁴

Bekker⁵ notices the different explanations which have been given of the inconsistency between these statements and the description of Vitruvius, the most plausible of which is that of Galliani, namely, that in the time of Vitruvius a slight change had taken place in the disposition of the apartments, by which the Andronitis and Gynaeconitis were placed side by side, each of them having its own front towards the street, and its own entrance.

The front of the house towards the street was not large, as the apartments extended rather in the direction of its depth than of its width. In towns, the houses were often built side by side, with party walls between.⁶ The exterior wall was plain, being composed generally of stone, brick, and timber,⁷ and often covered with stucco.⁸ Plutarch speaks of Phocion's house as being ornamented with plates of iron.⁹

That there was no open space between the street and the house door, like the Roman *vestibulum*, is plain from the law of Hippias, which laid a tax on house-doors opening outward, because they encroached upon the street.¹⁰ The *πρόθυρα*, which is sometimes mentioned,¹¹ seems to be merely the space in front of the house. We learn, however, from the same law of Hippias, that houses sometimes stood back from the street, within enclosures of their own (*προθάλαμια* or *δριφάκται*).¹² In front of the house was generally an altar of Apollo Agyieus, or a rude obelisk emblematical of the god. Sometimes there was a bay-tree in the same position, and sometimes a head of the god Hermes.¹³

A low step (*ἀναβαθμὴ*) led up to the house-door, which occasionally bore some inscription, for the sake of a good omen, or as a charm, such as *Εἰσοδος* (*ἔσοδος*), *Ἄριστος*, *Διόγνητος*.¹⁴ The form and fastenings of the door are described under *ΛΑΥΣΑ*. This door, when open, was sometimes opened outward; but

this seems to have been an exception to the general rule, as is proved by the expressions used for opening, *ἐνδοῦναι*, and shutting it, *ἐπισπᾶσθαι* and *ἐφελκῶσθαι*.¹ The handles were called *ἐπισπαστήρες*.

The house-door was called *αἰθῆλιος* or *αἰθῆλι θύρα*,² because it led to the *αἰθῆ*. It gave admittance to a narrow passage (*θύρῳρειον*, *πυλῶν*, *θύρων*), on one side of which, in a large house, were the stables, on the other the porter's lodge. The duty of the porter (*θύρῳρός*) was to admit visitors, and to prevent anything improper from being carried into or out of the house.³ Plato⁴ gives a lively picture of an officious porter. The porter was attended by a dog.⁵ Hence the phrase *εἰλαβεῖσθαι τὴν αἰθῆ*,⁶ corresponding to the Latin *Cave canem*.

At the farther end of the passage Vitruvius places another door, which, however, does not seem generally to have existed. Plutarch⁷ mentions the house-door as being visible from the peristyle.

From the *θύρῳρειον* we pass into the peristyle or court (*περιστύλιον*, *αἰθῆ*) of the Andronitis, which was a space open to the sky in the centre (*ἐπιθρονον*), and surrounded on all four sides by porticoes (*στοαί*), of which one, probably that nearest the entrance, was called *προστίον*.⁸ These porticoes were used for exercise, and sometimes for dining in.⁹ Here was commonly the altar on which sacrifices were offered to the household gods, but frequently portable altars were used for this purpose.¹⁰ Vitruvius¹¹ says that the porticoes of the peristyle were of equal height, or else the one facing the south was built with loftier columns. This he calls a Rhodian peristyle. The object sought was to obtain as much sun in winter, and as much shade and air in summer, as possible.¹²

Round the peristyle were arranged the chambers used by the men, such as banqueting-rooms (*οἶκος*, *ἀνδρώνες*), which were large enough to contain several sets of couches (*τρίκλινοι*, *ἐπιτάκλινοι*, *τριακτάκλινοι*), and at the same time to allow abundant room for attendants, musicians, and performers of games;¹³ parlours or sitting-rooms (*ἐξέδραι*), and smaller chambers and sleeping-rooms (*δωμάτια*, *κοιτῶνες*, *οἰκήματα*); picture-galleries and libraries, and sometimes store-rooms; and in the arrangement of these apartments, attention was paid to their aspect.¹⁴

The peristyle of the Andronitis was connected with that of the Gynaeconitis by a door called *μέσῳλος*, *μέσῳλος*, or *μεσᾶλιος*, which was in the middle of the portico of the peristyle opposite to the entrance. Vitruvius applies the name *μέσῳλος* to a passage between the two peristyles, in which was the *μέσῳλος* *θύρα*. By means of this door, all communication between the Andronitis and Gynaeconitis could be shut off. Its uses are mentioned by Xenophon, who calls it *θύρα βαλαντινός*.¹⁵ Its name, *μέσῳλος*, is evidently derived from *μέσος*, and means the door between the two *αἰθῆ* or peristyles.¹⁶ The other name, *μετᾶνλος*, is taken by some writers as merely the Attic form of *μέσῳλος*.¹⁷ But it should rather be derived from *μετά*, as being the door be-

1. (Plutarch, Pelop., 11.—Dio, 57.)—2. (Pind., Nem., i., 18.—Harpocr., s. v.—Eustath. ad Il., xxii., 66.)—3. (Aristot., Econ., i., 6.)—4. (Protag., p. 314.)—5. (Apollod. ap. Athen., i., p. 1.—Theocr., xv., 43.—Aristoph., Thesm., 416.—Id., Equit., 1025.)—6. (Aristoph., Lysistr., 1215.)—7. (De Gen. Socr., c. 18.)—8. (Plato, Protag., p. 314, 315.)—9. (Pollux, Onom., i., 78.—Plato, Symp., p. 212.—Id., Protag., p. 311.—Plutarch, De Gen. Socr., 32.)—10. (Plato, De Repub., i., p. 328.)—11. (I. c.)—12. (Xen., Econ., ix., 4.—Id., Mem., iii., 8, § 9.—Aristot., Econ., i., 6.)—13. (Vitruv., l. c.—Xen., Symp., i., 4, § 13.—Plutarch, Symp., v., 5, § 2.—Aristoph., Eccles., 676.)—14. (Vitruv., l. c.—Eustath., De Cæde Eratosth., p. 28.—Id., c. Eratosth., p. 389.—Aristoph., Eccles., 8, 14.—Pollux, Onom., i., 79.—Plato, Protag., p. 214, 316.)—15. (Econ., ix., 5.—Compare Plut., Arat., 26.)—16. (Sudas, s. v. *Μεσᾶλιον*.—Æl. Dion. ap. Eustath. ad Il., xi., 317.—Schol. Apoll. Rhod., iii., 335.)—17. (Mar. Att., p. 264.)

er beyond the αὐλή, with respect to the αὐλειος

It should be observed, that in the house described by Vitruvius, if the Andronitis and Gynaecitis lay side by side, the μέσανλος θύρα would be opposite to the entrance, but in one of the sides of the peristyle.

This door gave admittance to the peristyle of the Gynaecitis, which differed from that of the Andronitis in having porticoes round only three of its sides.

On the fourth side (the side facing the south, according to Vitruvius) were placed two antæ (vid. p. 100), at a considerable distance from each other. The distance between these antæ was set ward² (*Quantum inter antas distat, ex eo tertium spatium datur introrsus*), thus forming a chamber or vestibule, which was called προστάς, παραστάς or perhaps παστάς, and also πρόδρομος.³ On the right and left of this προστάς were two bed-chambers, the θάλαμος and ἀμφιθάλαμος, of which the former was the bedchamber of the house, and also seem to have been kept the vases and valuable articles of ornament.⁴ Beyond these (for this seems to be what Vitruvius means by *his locis introrsus*) were large apartments (ιστάς), used for working in wool (*œci magni, in quitates familiarum cum lanificiis habent sessiones*).

Round the peristyle were the eating-rooms, chambers, store-rooms, and other apartments common use (*triclinia quotidiana, cubicula, et cella variæ*).

On the sides the αὐλειος θύρα and the μέσανλος θύρα, was a third door (κηπαία θύρα) leading to the street.⁵ Lysias⁷ speaks of another door, which probably led from the garden into the street.

The following plan of the ground-floor of a Greek house of the larger size is taken from Becker's *Antiquities*. It is, of course, conjectural, as there are no Greek houses in existence.



House-door, αὐλειος θύρα: θυρωρ, passage, θυρωρ or θυρών: Α, peristyle or αὐλή of the Andronitis, the halls and chambers of the Andronitis; μέσανλος or μέσανλος θύρα: Γ, peristyle of the Gynaecitis; Ζ, chambers of the Gynaecitis; Η, προστάς or παραστάς; Θ, θάλαμος and ἀμφιθάλαμος:

Ι, rooms for working in wool (ιστάς); Κ, garden door, κηπαία θύρα.

There was usually, though not always, an upper story (ὑπερφών, δειρές), which seldom extended over the whole space occupied by the lower story. The principal use of the upper story was for the lodging of the slaves, as appears from a passage in Demosthenes,¹ where the words ἐν τῷ πύργῳ seem to imply a building several stories high. The access to the upper floor seems to have been sometimes by stairs on the outside of the house, leading up from the street. Guests were also lodged in the upper story.² But in some large houses there were rooms set apart for their reception (ξενῶνες) on the ground-floor.³ In cases of emergency, store-rooms were fitted up for the accommodation of guests.⁴

Portions of the upper story sometimes projected beyond the walls of the lower part, forming balconies or verandahs (προβολαί, γεισιποδίσματα⁵).

The roofs were generally flat, and it was customary to walk about upon them.⁶ But pointed roofs were also used.⁷

In the interior of the house, the place of doors was sometimes supplied by curtains (παραπετάσματα), which were either plain, or dyed, or embroidered.⁸

The principal openings for the admission of light and air were in the roofs of the peristyles; but it is incorrect to suppose that the houses had no windows (θυρίδες), or, at least, none overlooking the street. They were not at all uncommon.⁹

Artificial warmth was procured partly by means of fireplaces. It is supposed that chimneys were altogether unknown, and that the smoke escaped through an opening in the roof (καπνοδόκη¹⁰). It is not easy to understand how this could be the case when there was an upper story. Little portable stoves (ἐσχάραι, ἐσχάριδες) or chafing-dishes (ἀνθράκια) were frequently used.¹¹ (*Vid. Focus.*)

The houses of the wealthy in the country, at least in Attica, were much larger and more magnificent than those in the towns. The latter seem to have been generally small and plain, especially in earlier times, when the Greeks preferred expending the resources of art and wealth on their temples and public buildings,¹² but the private houses became more magnificent as the public buildings began to be neglected.¹³

The decorations of the interior were very plain at the period to which our description refers. The floors were of stone. At a late period coloured stones were used.¹⁴ Mosaics are first mentioned under the kings of Pergamus.

The walls, up to the fourth century B.C., seem to have been only whitened. The first instance of painting them is that of Alcibiades.¹⁵ This innovation met with considerable opposition.¹⁶ Plato mentions the painting of the walls of houses as a mark of a τρυφώσα πόλις.¹⁷ These allusions prove that the practice was not uncommon in the time of Plato and Xenophon. We have also mention of painted ceilings at the same period.¹⁸ At a later period this mode of decoration became general.¹⁹

HOUSE (ROMAN) (*Domus; Aedes privata*). The

1. (c. Eueg., p. 1156.)—2. (Antiph., De Venef., p. 611.)—3. (Vitruv., l. c.—Pollux, Onom., iv., 125.—Eurip., Alcest., 564.)
4. (Plato, Protag., p. 315.)—5. (Pollux, Onom., i., 81.)—6. (Lysias, adv. Simon., p. 142.—Plaut., Mil., II., ii., 3.)—7. (Pollux, Onom., i., 81.)—8. (Pollux, x., 32.—Theophrast., Char., 5.)—9. (Aristoph., Thesm., 797.—Id., Eccles., 961.—Plut., De Curios., 13.)—10. (Herod., viii., 137.)—11. (Plutarch, Apophth., i., p. 717, W.—Aristoph., Vesp., 811.—Pollux, Onom., vi., 89; x., 101.)—12. (Thucyd., ii., 14, 65.—Isocr., Areop., 20.—Dicaearch., Stat. Græc., p. 8.)—13. (Dionys., c. Aristocr., p. 689.—Id., Olynth., iii., p. 36.)—14. (Plin., H. N., xxxvi., 25, 60.)—15. (Andoc., c. Alcib., p. 119.—Plutarch, Alcib., 16.)—16. (Xen., Mem., iii., 8, § 10.—Id., Oecon., ix., 2.)—17. (Repub., iii., p. 372—3.)—18. (Plato, Repub., vii., 529.)—19. (Becker, Charikles, i., p. 166, &c.)

Lysias, De Cæd. Erat., p. 20.—Plut., Symp., vii., 1.—Æl. Eratosth., l. c.—2. (Vitruv., l. c., § 1.)—3. (Pollux.—Hesych.—Etymol. Mag.—Vitruv., l. c.)—4. (Xen., Mem., iii., 3.)—5. (Vitruv.)—6. (Pollux, Onom., i., 76.—De c. Eueg., p. 1155.—Lysias, c. Eratosth., p. 293.)—7. (l. 194.)

houses of the Romans were poor and mean for many centuries after the foundation of the city. Till the war with Pyrrhus, the houses were covered only with thatch or shingles,¹ and were usually built of wood or unbaked bricks. It was not till the later times of the Republic, when wealth had been acquired by conquests in the East, that houses of any splendour began to be built; but it then became the fashion not only to build houses of an immense size, but also to adorn them with columns,² paintings, statues, and costly works of art.

M. Lepidus, who was consul B.C. 78, was the first who introduced Numidian marble into Rome for the purpose of paving the threshold of his house; but the fashion of building magnificent houses increased so rapidly, that the house of Lepidus, which in his consulship was the first in Rome, was, thirty-five years later, not the hundredth.³ Lucullus especially surpassed all his contemporaries in the magnificence of his houses and the splendour of their decorations. Marble columns were first introduced into private houses by the orator L. Crassus, but they did not exceed twelve feet in height, and were only six in number.⁴ He was, however, soon surpassed by M. Scæurus, who placed in his atrium columns of black marble, called Lucullan, thirty-eight feet high, and of such immense weight that the contractor of the sewers took security for any injury that might be done to the sewers in consequence of the columns being carried along the streets.⁵

The Romans were exceedingly partial to marble for the decoration of their houses. Mamurra, who was Cæsar's præfectus fabrum in Gaul, set the example of lining his room with slabs of marble.⁶ Some idea may be formed of the size and magnificence of the houses of the Roman nobles during the later times of the Republic by the price which they fetched. The consul Messalla bought the house of Autronius for 3700 sestertia (nearly 33,000*l.*), and Cicero the house of Crassus, on the Palatine, for 3500 sestertia (nearly 31,000*l.*).⁷ The house of Publius Clodius, whom Milo killed, cost 14,800 sestertia (about 131,000*l.*); and the Tusculan villa of Scæurus was fitted up with such magnificence, that when it was burned by his slaves, he lost 100,000 sestertia, upward of 885,000*l.*⁸ The house-rent which persons in poor circumstances usually paid at Rome was about 2000 sesterces, between 17*l.* and 18*l.*⁹ It was brought as a charge of extravagance against Cælius that he paid 30 sestertia (about 266*l.*) for the rent of his house.¹⁰

Houses were originally only one story high; but as the value of ground increased in the city, they were built several stories in height, and the highest floors were usually inhabited by the poor.¹¹ To guard against danger from the extreme height of houses, Augustus restricted the height of all new houses which were built by the side of the public roads to seventy feet.¹² Till the time of Nero, the streets in Rome were narrow and irregular, and bore traces of the haste and confusion with which the city was built after it had been burned by the Gauls; but after the great fire in the time of that emperor, by which two thirds of Rome were burned to the ground, the city was built with great regularity. The streets were made straight and broad; the height of the houses was restricted, and a certain part of each was required to be built of Gabian or Alban stone, which was proof against fire.¹³

1. (Plin., H. N., xvi., 15.)—2. (Id., xxvii., 8, 24, 4.)—3. (Id., xvii., 1.—Id., xxxvi., 3.)—4. (Id., xxxvi., 2.)—5. (Id., xxxvi., 7.)—6. (Cic. ad Att., i., 13.—Id., ad Fam., v., 6.)—7. (Plin., H. N., xxxvi., 24.)—8. (Suet., Jul., 38.)—9. (Cic., Pro Calp., 7.)—10. (Cic., Agr., ii., 35.—Hor., Ep., i., i., 91.—Juv., Sat., iii., 268, &c.—Id., x., 17.)—11. (Strab., v., p. 235.)—12. (Tacit., Ann., xv., 43.—Suet., Ner., 38.)

Our information respecting the form and arrangement of a Roman house is principally derived from the description of Vitruvius, and the remains of the houses which have been found at Pompeii. Many points, however, are still doubtful; but, without entering into architectural details, we shall confine ourselves to those topics which serve to illustrate the classical writers. The chief rooms in the house of a respectable Roman, though differing, of course, in size and splendour according to the circumstances of the owner, appear to have been usually arranged in the same manner, while the others varied according to the taste and circumstances of the master.

The principal parts of a Roman house were the, 1. *Vestibulum*; 2. *Ostium*; 3. *Atrium* or *Cavum Ædium*; 4. *Alæ*; 5. *Tablinum*; 6. *Fauces*; 7. *Peristylium*. The parts of a house which were considered of less importance, and of which the arrangement differed in different houses, were the, 1. *Cubicula*; 2. *Triclinia*; 3. *Œci*; 4. *Exedrae*; 5. *Pinacotheca*; 6. *Bibliotheca*; 7. *Balineum*; 8. *Culina*; 9. *Cenacula*; 10. *Diata*; 11. *Solaria*. We shall speak of each in order.

1. *VESTIBULUM*. The vestibulum did not properly form part of the house, but was a vacant space before the door, forming a court, which was surrounded on three sides by the house, and was open on the fourth to the street. The two sides of the house joined the street, but the middle part of it where the door was placed, was at some little distance from the street.¹ Hence Plautus² says, '*Viden' vestibulum ante ades hoc et ambulacrum quomamodi'?*'

2. *OSTIUM*. The ostium, which is also called *janua* and *fores*, was the entrance to the house. The street-door admitted into a hall, to which the name of ostium was also given, and in which there was frequently a small room (*cella*) for the porter (*janitor* or *ostiarus*), and also for a dog, which was usually kept in the hall to guard the house. A full account of this part of the house is given under *JANUA*. Another door (*janua interior*) opposite the street-door led into the atrium.

3. *ATRIUM* or *CAVUM ÆDIUM*, as it is written by Varro and Vitruvius; Pliny writes it *Cavadium*. Hirt, Müller,³ Marini, and most modern writers, consider the Atrium and Cavum Ædium to be the same; but Newton, Stratico, and, more recently, Becker,⁴ maintain that they were distinct rooms. It is impossible to pronounce a decisive opinion on the subject; but from the statements of Varro⁵ and Vitruvius,⁶ taken in connexion with the fact that no houses in Pompeii have been yet discovered which contain both an Atrium and Cavum Ædium, it is most probable that they were the same. The etymology of Atrium is mentioned under that head.

The Atrium or Cavum Ædium was a large apartment, roofed over with the exception of an opening in the centre, called *compluvium*, towards which the roof sloped so as to throw the rain-water into a cistern in the floor, termed *impluvium*,⁷ which was frequently ornamented with statues, columns, and other works of art.⁸ The word *impluvium*, however, is also employed to denote the aperture in the roof.⁹ Schneider, in his commentary on Vitruvius, supposes *cavum ædium* to mean the whole of this apartment, including the impluvium, while atrium signified only the covered part, exclusive of the impluvium. Mazois, on the contrary, maintains that atrium is applied to the whole apartment, and *cavum ædium* only to the uncovered part. The breadth of

1. (Gell., xvi., 5.—Macrob., Sat., vi., 8.)—2. (Mostell., III., ii., 132.)—3. (Etrusker, i., p. 255.)—4. (Gallus, i., p. 77, &c.)—5. (De Ling. Lat., v., 161, Müller.)—6. (v., 3, 4, ed. Bipont.)—7. (Varro, l. c.—Festus, s. v. Impluvium.)—8. (Cic., v. Ver., II., i., 23, 56.—9. (Ter., Eun., III., v., 41.)

the impluvium, according to Vitruvius,¹ was not less than a quarter, nor greater than a third of the breadth of the atrium; its length was in the same proportion according to the length of the atrium.

Vitruvius² distinguishes five kinds of atria or *cava ædium*, which were called by the following names:

(1.) *Tuscanicum*. In this the roof was supported by four beams, crossing each other at right angles, the included space forming the compluvium. This kind of atrium was probably the most ancient of all, as it is more simple than the others, and is not adapted for a very large building.

(2.) *Tetrastylum*. This was of the same form as the preceding, except that the main beams of the roof were supported by pillars placed at the four angles of the impluvium.

(3.) *Corinthium* was on the same principle as the tetrastyle, only that there was a greater number of pillars around the impluvium, on which the beams of the roof rested.

(4.) *Displuviatum* had its roof sloping the contrary way to the impluvium, so that the water fell outside the house instead of being carried into the impluvium.

(5.) *Testudinatum* was roofed all over, and had no compluvium.

The atrium was the most important room in the house, and among the wealthy was usually fitted up with much splendour and magnificence.³ The marble columns of Scæurus already spoken of were placed in the atrium. The atrium appears originally to have been the only sitting-room in the house, and to have served also as a kitchen;⁴ and it probably continued to do so among the lower and middle classes. In the houses of the wealthy, however, it was distinct from the private apartments, and was used as a reception room, where the patron received his clients, and the great and noble the numerous visitors who were accustomed to call every morning to pay their respects or solicit favours.⁵ Cicero frequently complains that he was not exempt from this annoyance when he retired to his country houses.⁶ But, though the atrium does not appear to have been used by the wealthy as a sitting-room for the family, it still continued to be employed for many purposes which it had originally served. Thus the nuptial couch was placed in the atrium opposite the door (*in aula*),⁷ and also the instruments and materials for spinning and weaving, which were formerly carried on by the women of the family in this room.⁸ Here, also, the images of their ancestors were placed,⁹ and the focus or fireplace, which possessed a sacred character, being dedicated to the Lares of each family. (*Vid. Focus*.)

4. *ALÆ*, wings, were small apartments or recesses on the left and right sides of the atrium.¹⁰

5. *TABLINUM* was, in all probability, a recess or room at the farther end of the atrium, opposite the door leading into the hall, and was regarded as part of the atrium. It contained the family records and archives.¹¹

With the tablinum, the Roman house appears to have originally ceased; and the sleeping-rooms were probably arranged on each side of the atrium. But when the atrium and its surrounding rooms were used for the reception of clients and other public visitors, it became necessary to increase the size of the house, and the following rooms were accordingly added:

6. *FALCÆ* appear to have been passages, which passed from the atrium to the peristylum or interior of the house.¹

7. *PERISTYLIUM* was in its general form like the atrium, but it was one third greater in breadth, measured transversely, than in length.² It was a court open to the sky in the middle; the open part, which was surrounded by columns, was larger than the impluvium in the atrium, and was frequently decorated with flowers and shrubs.

The arrangement of the rooms which are next to be noticed, varied, as has been remarked, according to the taste and circumstances of the owner. It is, therefore, impossible to assign to them any regular place in the house.

1. *CUBICULA*, bed-chambers, appear to have been usually small. There were separate cubicles for the day and night (*cubicula diurna et nocturna*); the latter were also called *dormitoria*.⁴ Vitruvius⁵ recommends that they should face the east, for the benefit of the rising sun. They sometimes had a small anteroom, which was called by the Greek name of *προκοιτών*.⁶

2. *TRICLINIA* are treated of in a separate article.

3. *ŒCI*, from the Greek *οἶκος*, were spacious halls or saloons borrowed from the Greeks, and were frequently used as triclinia. They were to have the same proportions as triclinia, but were to be more spacious, on account of having columns, which triclinia had not.⁷ Vitruvius mentions four kinds of *œci*:

(1.) The *Tetrastyle*, which needs no farther description. Four columns supported the roof.

(2.) The *Corinthian*, which possessed only one row of columns, supporting the architrave (*epistylum*), cornice (*corona*), and a vaulted roof.

(3.) The *Ægyptian*, which was more splendid and more like a basilica than a Corinthian triclinium. In the *Ægyptian* *œcus*, the pillars supported a gallery with paved floor, which formed a walk round the apartment; and upon these pillars others were placed, a fourth part less in height than the lower, which surrounded the roof. Between the upper columns windows were inserted.

(4.) The *Cyzicene* (*Κυζικηνή*) appears in the time of Vitruvius to have been seldom used in Italy. These *œci* were meant for summer use, looking to the north, and, if possible, facing gardens, to which they opened by folding doors. Pliny had *œci* of this kind in his villa.

4. *EXEDRÆ*, which appear to have been in form much the same as the *œci*, for Vitruvius⁸ speaks of the *exedræ* in connexion with *œci quadrati*, were rooms for conversation and the other purposes of society.⁹ They served the same purposes as the *exedræ* in the *Thermæ* and *Gymnasia*, which were semicircular rooms with seats for philosophers and others to converse in.¹⁰ (*Vid. BATHS*, p. 152.)

5, 6, 7. *PINACOTHECA*, *BIBLIOTHECA*, and *BALINEUM* (*vid. BATHS*), are treated of in separate articles.

8. *CULINA*, the kitchen. The food was originally cooked in the atrium, as has been already stated; but the progress of refinement afterward led to the use of another part of the house for this purpose. In the kitchen of Pansa's house, of which a ground-plan is given below, a stove for stews and similar preparations was found, very much like the charcoal stoves used in the present day. (See woodcut.) Before it lie a knife, a strainer, and a kind of frying-pan with four spherical cavities, as if it were meant to cook eggs.

In this kitchen, as well as in many others at Pom-

1. (Vitruv., vi., 3.)—2. (Vitruv., vi., 4.)—3. (Plin., Ep., i., 3.)—4. (Id., v., 6.—Plin., H. N., xxx., 17.)—5. (vi., 7.)—6. (Plin., Ep., ii., 17.)—7. (Vitruv., vi., 5.)—8. (vi., 5.)—9. (Cic., De Nat. Deor., i., 6.—Id., De Orat., iii., 5.)—10. (Vitruv., v., 11.—Id., vii., 9.)

1. (vi., 4.)—2. (vi., 3.)—3. (Compare Horat., Carm., III., i., 46.)—4. (Serr. ad Virg., Æn., i., 726; iii., 353.)—5. (Horat., Epist., I., v., 30.—Juv., vii., 7, 91.)—6. (ad Att., ii., 14; v., 2, 4.)—7. (Horat., Epist., I., i., 87.—Ascon. in Cic., Pro Mil., p. 46, Omell.)—8. (Ascon., l. c.)—9. (Juv., viii., 19.—Mart., ii., 90.)—10. (Vitruv., vi., 4.)—11. (Vitruv., vi., 4.—Festus, s. v.—Plin., H. N., xlvii., 2.)

HOUSE.



peii, there are paintings of the Lares or domestic gods, under whose care the provisions and all the cooking utensils were placed.

9. *CŒNACULA* properly signified rooms to dine in; but after it became the fashion to dine in the upper part of the house, the whole of the rooms above the ground-floor were called *cœnacula*,¹ and hence Festus says, "*Cœnacula dicuntur, ad quæ scalis ascenditur.*"² As the rooms on the ground-floor were of different heights, and sometimes reached to the roof, all the rooms on the upper story could not be united with one another, and, consequently, different sets of stairs would be needed to connect them



The next woodcut represents the atrium of what is usually called the house of Ceres. In the centre is the impluvium, and the passage at the farther end is the ostium or entrance hall. As there are no pillars around the impluvium, this atrium must belong to the kind called by Vitruvius the Tuscan.



The preceding account of the different rooms, and especially of the arrangement of the atrium, tablinum, *peristylium*, &c., is best illustrated by the houses

1. Varro, *de Ling. Lat.* v., 162, ed. Müller.—2. (Compare *ibid.* v., tit. 5, s. 13.)

HOUSE.

with the lower part of the house, as we find to be the case in houses at Pompeii. Sometimes the stairs had no connexion with the lower part of the house, but ascended at once from the street.¹ At Rome the highest floors, as already remarked (p. 516), were usually inhabited by the poor.²

10. *DIÆTA* was an apartment used for dining in, and for the other purposes of life.³ It appears to have been smaller than the triclinium. *Diæta* is also the name given by Pliny⁴ to rooms containing three or four bed-chambers (*cubicula*). Pleasure houses or summer-houses are also called *diæta*.⁵

11. *SOLARIA*, properly places for basking in the sun, were terraces on the tops of houses.⁶ In the time of Seneca the Romans formed artificial gardens on the tops of their houses, which contained even fruit-trees and fish-ponds.⁷

The two woodcuts annexed represent two *atria* of houses at Pompeii. The first is the atrium of what is usually called the house of the *Questor*. The view is taken near the entrance-hall facing the tablinum, through which the columns of the peristyle and the garden are seen. This atrium, which is a specimen of what Vitruvius calls the Corinthian, is surrounded by various rooms, and is beautifully painted with arabesque designs upon red and yellow grounds.

which have been disinterred at Pompeii. The ground-plan of two is accordingly subjoined. The first is the plan of a house, usually called the house of the tragic poet.

Like most of the other houses at Pompeii, it had no vestibulum, according to the meaning which we have attached to the word. 1. The ostium or entrance hall, which is six feet wide and nearly thirty long. Near the street-door there is a figure of a large fierce dog worked in mosaic on the pavement, and beneath it is written *Cave Canem*. The two large rooms on each side of the vestibule appear, from the large openings in front of them, to have been shops; they communicate with the entrance hall, and were, therefore, probably occupied by the master of the house. 2. The atrium, which is about twenty-eight feet in length and twenty in breadth; its impluvium is near the centre of the room, and its floor is paved with white *tesserae*, spotted with black. 3. Chambers for the use of the family, or intended for the reception of guests who were entitled to claim hospitality. When a house did not

1. (Liv., xxxix., 14.)—2. (Compare Suet., Vitell., 7.)—3. (Plin., Ep., ii., 17.—Suet., Claud., 10.)—4. (Ep., vi., 3.)—5. (Dig. 30, tit. 1, s. 43; 7, tit. 1, s. 13, § 5.)—6. (Plaut., *Mil.* ii., iii., 69.—*Id. ib.*, iv., 25.—Suet., Ner., 17.)—7. (Sen., Ep., 122.—*Contr. Exc.*, v., 5.—Suet., Claud., 10.)

HOUSE.



sess an hospitium, or rooms expressly for the reception of guests, they appear to have been lodged in rooms attached to the atrium. (*Vid. Hospitium.*) A small room with a staircase leading up to the upper rooms. 5. *Alæ*. 6. The *tablinum*. 7. The *cellæ*. 8. *Peristyle*, with *Doric* columns and garden in the centre. The large room on the right of the *peristyle* is the *triclinium*; beside it is the kitchen; and the smaller apartments are *cubicula* and other rooms for the use of the family.

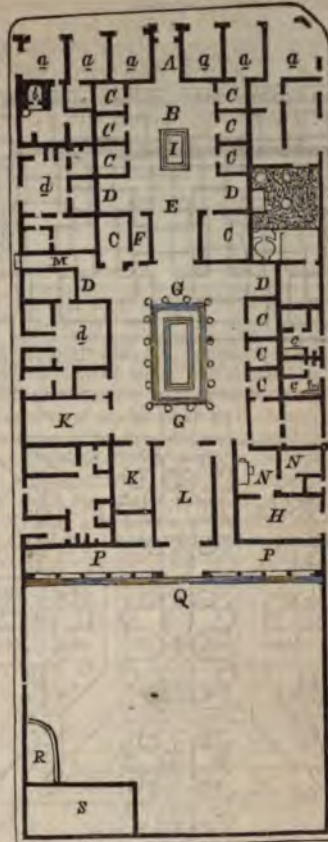
The next woodcut contains the ground-plan of an *insula*, which was properly a house not joined to neighbouring houses by a common wall.¹ An *insula*, however, generally contained several separate houses, or, at least, separate apartments or shops, which were let to different families; and hence the *insula* under the emperors appears to be applied to the house where one family lived, whether it were an *insula* or not, and *insula* to any hired quarters. This *insula* contains a house, surrounded by shops, which belonged to the owner, and were let out by him. The house itself, which is usually called the house of *Pansa*, evidently belonged to one of the principal men of *Pompeii*. Including the *peristyle*, which is a third of the whole length, it is about 300 feet long and 100 wide.

A. *Ostium*, or entrance-hall, paved with mosaic. B. *Tuscan atrium*. I. *Impluvium*. C. Chambers each side of the atrium, probably for the reception of guests. D. *Ala*. E. *Tablinum*, which is attached to the *peristyle*, so that the whole length of the house could be seen at once; but as there is a *fauces* (entrance), F, beside it, the *tablinum* might probably be closed at the pleasure of the owner. G. Chambers by the *fauces* and *tablinum*, of which the use is uncertain. H. *Peristyle*. D. *Ala* to the *peristyle*. C. *Cubicula* by the side of the *peristyle*. I. *Triclinium*. L. *Oecus*, and by its side there is a passage leading from the *peristyle* to the garden.

Back door (*posticum ostium*) to the street. N. *Insula*. H. Servants' hall, with a back door to the street. P. *Portico* of two stories, which proves that the house had an upper floor. The site of the *crenæ*, however, is unknown, though it is thought there is some indication of one in the passage, M. The garden. R. Reservoir for supplying a well, S.

The preceding rooms belonged exclusively to *Pansa's* house, but there were a good many apart-

HOUSE.



ments besides in the *insula* which were not in its occupation. a. Six shops let out to tenants. Those on the right and left hand corners were bakers' shops, which contained mills, ovens, &c., at b. The one on the right appears to have been a large establishment, as it contains many rooms. c. Two houses of a very mean class, having formerly an upper story. On the other side are two houses much larger, d.

Having given a general description of the rooms of a Roman house, it remains to speak of the (1) floors, (2) walls, (3) ceilings, (4) windows, and (5) the mode of warming the rooms. For the doors, *vid. JANUA.*

(1.) The floor (*solum*) of a room was seldom boarded, though this appears to have been sometimes done (*strata solo tabulata*).¹ It was generally covered with stone or marble, or mosaics. The common floors were paved with pieces of bricks, tiles, stones, &c., forming a kind of composition called *ruderatio*.² Another kind of pavement was that called *opus Signinum*, which was a kind of plaster made of tiles beaten to powder and tempered with mortar. It derived its name from *Signia*, a town of Italy, celebrated for its tiles.³ Sometimes pieces of marble were imbedded in a composition ground, which appear to have formed the floors called by *Pliny* *barbarica* or *subtegulanea*, and which probably gave the idea of mosaics. As these floors were beaten down (*pavita*) with rammers (*fistuca*), the word *pavimentum* became the general name for a floor. The kind of pavement called *sculpturatum* was first introduced in the Temple of *Jupiter Capit-*

1. (*Stat.*, *Sylv.*, I., v., 57.)—2. (*Vitruv.*, *de Arch.*, I., 1.)—3. (*Plin.*, *H. N.*, xxxv., 46.)

1. (*Festus*, s. v.)

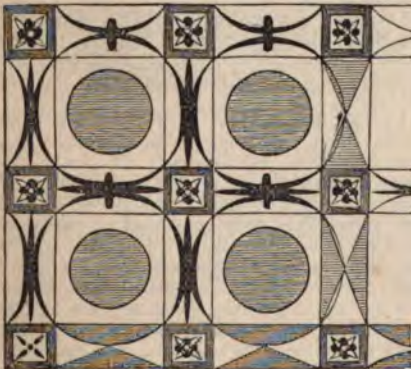
olius after the beginning of the third Punic war, but became quite common in Rome before the beginning of the Cimbric war.¹ Mosaics, called by Pliny *lithostrota* (λίθόστρωτα), though this word has a



re very extensive meaning, first came into use in Sulla's time, who made one in the Temple of Fortune at Praeneste.² Mosaic work was afterward called *Musivum opus*.³ The floors of the houses at Pom-



peii are frequently composed of mosaics, which are usually formed of black frets on a white ground, or white ones on a black ground, though some of them are in coloured marbles. The materials of which they are generally formed are small pieces of red and white marble and red tile, set in a very fine cement, and laid upon a deep bed of mortar, which served as a base. The three examples here given, which are taken from houses at Pompeii, will convey a general idea of their form and appearance.



Mosaic pavements, however, have been discovered at Pompeii, which represent figures and scenes of actual life, and are, in reality, pictures in mosaic. One of the most beautiful of these is given in its

1. (Plin., H. N., xxxvi., 61.)—2. (Id., xxxvi., 64.)—3. (Spartian., Pescen. Nig., 6.—Trebell. Pollio, Trigint. Tyrann., 24.—Augustin., De Civ. Dei, xvi., 8.)

original colours in Gell's *Pompeiana*, 2d series, plate xlv. It is composed of very fine pieces of glass, and represents the choragus, or master of the chorus, instructing the actors in their parts. A still more extraordinary mosaic painting was discovered in Pompeii in 1831: it is supposed to represent the battle of Issus.¹

(2.) The inner walls (*parietes*) of private rooms were frequently lined with slabs of marble,² but were more usually covered by paintings, which in the time of Augustus were made upon the walls themselves. The prevalence of this practice is attested not only by Pliny,³ but also by the circumstance that even the small houses in Pompeii have paintings upon their walls. The following woodcut, which represents the side of a wall at Pompeii, is one of the simplest but most common kind. The compartments are usually filled with figures.



The general appearance of the walls may be seen from the woodcuts at p. 462, 518. Subjects of all kinds were chosen for painting on the walls, as may be seen by a reference to the Museo Borbonico, Gell, Mazois, &c.⁴ The colours seem usually to have been laid upon a dry ground, but were sometimes laid upon it wet, as in the modern fresco painting (*colores udo tectorio inducere*).⁵ The walls also appear to have been sometimes ornamented with raised figures, or a species of bas-relief (*typus in tectorio atrio includere*), and sometimes with mosaics.⁷

(3.) The ceilings seem originally to have been left uncovered, the beams which supported the roof or the upper story being visible. Afterward planks were placed across these beams at certain intervals, leaving hollow spaces, called *lacunaria* or *laquearia*, which were frequently covered with gold and ivory, and sometimes with paintings.⁸ There was an arched ceiling in common use, called *CAMARA*, which is described in a separate article.

(4.) The Roman houses had few windows (*fenestrae*). The principal apartments, the atrium, peristyle, &c., were lighted, as we have seen, from above, and the cubicula and other small rooms generally derived their light from them, and not from windows looking into the street. The rooms only on the upper story seem to have been usually lighted by windows.⁹ Very few houses in Pompeii have windows on the ground-floor opening into the street, though there is an exception to this in the house of the tragic poet, which has six windows on the ground-floor. Even in this case, however, the windows are not near the ground as in a modern house, but are six feet six inches above the foot pavement, which is raised one foot seven inches above the centre of the street. The windows are small, being hardly three feet by two; and at the side there is a wooden frame, in which the window or shutter might be moved backward or forward.

1. (Museo Borbonico, viii., t. 36-45.)—2. (Plin., H. N., xxxv., 7.)—3. (H. N., xxxv., 37.)—4. (Compare Vitruv., vii., 3.)—5. (Vitruv., vii., 3.)—6. (Cic. ad Att., i., 10.)—7. (Plin., H. N., xxxvi., 64.)—8. (Hor., Carm., ii., 18.—Plin., H. N., xxxiii., 14.—Sen., Ep., 90.—Suet., Ner., 31.)—9. (Juv., iii., 270.)

er part of the wall is occupied by a row of windows four feet and a half high. The following represents part of the wall, with apertures above it, as it appears from the street. The opening upon the wall is modern, and is only here to preserve it from the weather.



Windows appear originally to have been openings in the wall, closed by means of shutters which frequently had two leaves (*bifores*), whence Ovid² says,

*adaperta fuit, pars altera clausa fenestra.*³ They are, for this reason, said to be joined when they are shut.³ Windows were also sometimes by a kind of lattice or trellis-work (*clathri*), sometimes by network, to prevent serpents and noxious reptiles from getting in.⁴ Inward, however, windows were made of a transparent stone, called *lapis specularis* (mica), first found in Hispania Citerior, and afterwards in Cyprus, Cappadocia, Sicily, and Africa; but some came from Spain and Cappadocia. It is usually split into the thinnest laminae, but no such has been discovered, says Pliny, above five lines thick.⁵ Windows made of this stone were called *lucida*.⁵ Windows made of glass (*vitrum*) are mentioned by Lactantius,⁷ but the discoveries recently made prove that glass was used for windows even in the earliest times, as frames of glass and iron windows have been found in several of the

rooms were heated in winter in different ways, but the Romans had no stoves like ours. In the triclinia, and other rooms, which were used for winter use, were built in that part of the wall upon which the sun shone most; and in the climate of Italy this frequently enabled them to dispense with any artificial mode of warming the rooms exposed to the sun in this way sometimes called *heliocamini*.⁸ The rooms sometimes heated by hot air, which was introduced by means of pipes from a furnace below,⁹ were frequently by portable furnaces or braziers in which coal or charcoal was burned (see *Antiquities*, p. 148, 447.) The *caminus* was also a kind of stove, in which wood appears to have been usually burned, and probably only differed from the *stove* in being larger and fixed to one place.¹⁰ It has been a subject of much dispute among moderns, whether the Romans had chimneys for getting off the smoke. From many passages in ancient writers, it certainly appears that rooms usually had no chimneys, but that the smoke escaped through the windows, doors, and openings in the wall; but chimneys do not appear to have been unknown to the ancients,¹² as some are

said to have been found in the ruins of ancient buildings.¹

HYACINTHIA (*Ἰακίνθια*), a great national festival, celebrated every year at Amyclæ by the Amyclæans and Spartans. The ancient writers who mention this festival do not agree in the name of the divinity in whose honour it was held: some say that it was the Amyclæan or the Carnean Apollo; others, that it was the Amyclæan hero Hyacinthus; a third and more probable statement assigns the festival to the Amyclæan Apollo and Hyacinthus together. This Amyclæan Apollo, however, with whom Hyacinthus was assimilated in later times, must not be confounded with Apollo, the national divinity of the Dorians.² The festival was called after the youthful hero Hyacinthus, who evidently derived his name from the flower Hyacinth (the emblem of death among the ancient Greeks), and whom Apollo accidentally struck dead with a quoit. The Hyacinthia lasted for three days, and began on the longest day of the Spartan month Hecatombæus (the Attic Hecatombæon³), at the time when the tender flowers, oppressed by the heat of the sun, drooped their languid heads. On the first and last day of the Hyacinthia sacrifices were offered to the dead, and the death of Hyacinthus was lamented. During these two days nobody wore any garlands at the repasts, nor took bread, but only cakes and similar things, and no pæans were sung in praise of Apollo; and when the solemn repasts were over, everybody went home in the greatest quiet and order. This serious and melancholy character was foreign to all the other festivals of Apollo. The second day, however, was wholly spent in public rejoicings and amusements. Amyclæ was visited by numbers of strangers (*πανήγυρι ἀξιόλογος καὶ μεγάλη*), and boys played the cithara or sang to the accompaniment of the flute, and celebrated in anapestic metres the praise of Apollo, while others, in splendid attire, performed a horse-race in the theatre. This horse-race is probably the *ἀγών* mentioned by Strabo.⁴ After this race there followed a number of choruses of youths, conducted by a *χοροποιός*,⁵ in which some of their national songs (*ἐπιχώρια ποιήματα*) were sung. During the songs of these choruses, dancers performed some of the ancient and simple movements with the accompaniment of the flute and the song. The Spartan and Amyclæan maidens, after this, riding in chariots made of wicker-work (*κάνθρα*), and splendidly adorned, performed a beautiful procession. Numerous sacrifices were also offered on this day, and the citizens kept open house for their friends and relatives; and even slaves were allowed to enjoy themselves.⁶ One of the favourite meals on this occasion was called *κοπίς*, and is described by Molpis⁷ as consisting of cake, bread, meat, raw herbs, broth, figs, desert, and the seeds of lupine. Some ancient writers, when speaking of the Hyacinthia, apply to the whole festival such epithets as can only be used in regard to the second day: for instance, when they call it a merry or joyful solemnity. Macrobius⁸ states that the Amyclæans wore chaplets of ivy at the Hyacinthia, which can only be true if it be understood of the second day. The incorrectness of these writers is, however, in some degree, excused by the fact that the second day formed the principal part of the festive season, as appears from the description of Didymus, and as

¹ Ep. ex Pont., III, iii., 5.—2. (Amor., I, v., 3.)—3. (Cicero, ii., 25.)—4. (Plaut., Mil., II, iv., 25.—Varro, De Ling. Lat., vii., 5. (Plin., H. N., xxxvi., 45.)—6. (Sen., Ep., I, Ep., ii., 17.—Mart., viii., 14.)—7. (De Opif. Dei, 8.)—8. Ep., ii., 17.—Dig. 8, tit. 2, s. 17.)—9. (Plin., Ep., i., 90.)—10. (Suet., Vitell., 8.—Hor., Sat., I, l. c.—Vitruv., vii., 3.—Hor., l. c.—Voss ad Virg., Georg., ii., 12. (Becker's Gallus, i., p. 102.)

¹ (Winckelmann, Schriften über die Herculianischen Entdeckungen.—Hirt, Geschichte der Baukunst.—Mazois, Les Ruines de Pompéi, part ii., Le Palais de Scaurus.—Gell, Pompeiana.—Pompéi, Lond., 12mo, 1832.—Becker, Gallus.—Schneider ad Vitruv.)—2. (Müller, Orchom., p. 327.—Id., Dor., ii., 8, § 15.)—3. (Hesych., s. v. Ἰακίνθια.—Manso, Sparta, iii., 2, p. 201.)—4. (vi., p. 278.)—5. (Xen., Agesil., ii., 17.)—6. (Didymus ap. Athen., iv., p. 139.)—7. (ap. Athen., iv., p. 140.—8. (Saturn., i., 18.)

may also be inferred from Xenophon,¹ who makes the *paean* the principal part of the Hyacinthia. The great importance attached to this festival by the Amycleans and Lacedæmonians is seen from the fact that the Amycleans, even when they had taken the field against an enemy, always returned on the approach of the season of the Hyacinthia, that they might not be obliged to neglect the celebration,² and that the Lacedæmonians on one occasion concluded a truce of forty days with the town of Eira, merely to be able to return and celebrate the national festival;³ and that, in 427, in treaty with Sparta, B.C. 421, the Athenians, in order to show their good-will towards Sparta, promised every year to attend the celebration of the Hyacinthia.⁴

YACINTHUS (*ύάκινθος*), a plant. "The *ύάκινθος* of the poets," observes Adams, "would seem in some places to be referable to the *Gladiolus communis*, and in others to the *Delphinium Ajacis*, or Larkspur. Matthiolus and Sprengel concur in holding the *ύάκινθος* of Dioscorides to be the *Hyacinthus Orientalis*. The '*Vaccinia*' of Virgil was most probably the *Delphinium ajacis*. The *γραπτά ύάκινθος* of Theocritus was no doubt the same."⁵

II. A precious stone, about which considerable doubt prevails. De Laet thinks it was some species of Amethyst.⁶ Salmassius, on the other hand, supposes it to have been our Ruby, which the Persians and Arabians still call *Yacut*, a name derived from *ύάκινθος*. "This name, however," observes Dr. Moore, "may have been used with as little discrimination as that of ruby is at present, to designate several very different minerals, and among them may be some that are still called Hyacinth; as several varieties of zircon, and the Hyacinth of Compostella, a red ferruginous quartz. Jameson enumerates several different minerals besides zircon to which the name Hyacinth has been applied; and he appears to think that the ancient Hyacinth was either amethyst or sapphire."⁷

***HYALOEIDES** (*ύάλαιοειδής*), a precious stone. Sir J. Hill remarks, that it had been supposed to be the *Asteria*, the *Iris*, the *Lapis specularis*, and the Diamond. All that he can determine respecting it is, that it is the *Astrios* of Pliny. (*Vid. ASTRIOS*.)⁸

***HYALUS** (*ύάλος*) Glass. (*Vid. VITRUM*.)

ΥΒΡΕΩΣ ΓΡΑΦΗ (*ύβρεως γραφή*). This action was the principal remedy prescribed by the Attic law for wanton and contumelious injury to the person, whether in the nature of indecent (*δι αίσχρορυγίας*) or other assaults (*διὰ πληγών*). If the offence were of the former kind, it would always be available when the sufferer was a minor of either sex (for the consent of the infant was immaterial), or when an adult female was forcibly violated: and this protection was extended to all conditions of life, whether bond or free.⁹ The legal representative (*κύριος*), however, of such person might, if he pleased, consider the injury as a private rather than a public wrong, and sue for damages in a civil action. (*Vid. ΒΙΑΙΩΝ ΔΙΚΗ*.) With respect to common assaults, a prosecution of this kind seems to have been allowable only when the object of a wanton attack was a free person,¹⁰ as the essence of the offence lay in its contumely, and a slave could incur no degradation by receiving a blow, though the injury, if slight, might entitle the master to recover damages for the battery (*ακτία*), or, if serious, for the loss of his services (*vid. ΒΑΑΒΗΣ ΔΙΚΗ*), in a pri-

vate lawsuit.¹ These two last-mentioned actions might also be resorted to by a free citizen when similarly outraged in his own person, if he were more desirous of obtaining compensation for the wrong, than the mere punishment of the wrongdoer, as the penalty incurred by the defendant in the public prosecution accrued to the state, and not to the plaintiff. A fine also of a thousand drachmæ, forfeited by the prosecutor upon his relinquishing his suit or failing to obtain the votes of a fifth of the dicasts, may have contributed to render causes of this kind less frequent, and partly account for the circumstance that there are no speeches extant upon this subject. If, however, the case for the prosecution was both strong and clear, the redress afforded by the public action was prompt and efficient. Besides the legitimate protectors of women and children, any Athenian citizen, in the enjoyment of his full franchise, might volunteer an accusation: the declaration was laid before the *thesmothetæ*, who, except it were hindered by extraordinary public business, were bound not to defer the trial before the *Helia* beyond a month. The severity of the sentence extended to confiscation of death; and if the latter were awarded, the criminal was executed on the same day: if a fine were imposed upon him, he was allowed but a period of eleven days for its payment, and if the object of his assault were a free person, he was imprisoned till the claim of the state was liquidated.²

***HYDRARGYRUS** (*ύδράργυρος*). Quicksilver is first spoken of by Aristotle and Theophrastus under the name of fluid silver (*ύγγυρος χυτός*). In nature, however, as Dr. Moore remarks, does not seem to have been much understood even four centuries later; for Pliny distinguishes between quicksilver, "*Argentum vivum*," and the liquid silver, *Hydrargyrus*, procured, by processes which he describes, from minium, or native cinnabar.

HYDRAULA (*ύδραύλης*), an Organist. According to an author quoted by Athenæus,³ the first organist was Ctesibius of Alexandria, who lived about B.C. 200. He evidently took the idea of his organ from the *SYRINX* or Pandean pipes, a musical instrument of the highest antiquity among the Greeks. His object being to employ a row of pipes of great size, and capable of emitting the most powerful as well as the softest sounds, he contrived the means of adapting keys with levers (*άγκωνίσκοι*), and with perforated sliders (*πόματα*), to open and shut the mouths of the pipes (*γλωσσόκομα*), a supply of wind being obtained, without intermission, by bellows, in which the pressure of water performed the same part which is fulfilled in the modern organ by a weight. On this account, the instrument invented by Ctesibius was called the water-organ (*ύδραύλης*; *ύδραυλικόν όργανον*).⁴ Its pipes were partly of bronze (*χαλκείη άρούρα*; *seges ænea*), and partly of reed. The number of its stops, and, consequently, of its rows of pipes, varied from one to eight,⁵ so that Tertullian⁶ describes it with reason as an exceedingly complicated instrument. It continued in use so late as the ninth century of our era: in the year 826, a water-organ was erected by a Venetian in the church of Aquis-granum, the modern Aix-la-Chapelle.¹⁰

The organ was well adapted to gratify the Roman people in the splendid entertainments provided for them by the emperors and other opulent persons.

1. (Xen., Hellen., iv., 5, § 11.—Compare Agesil., 2, 17.)—2. (Xen., Hellen., iv., 5, § 11.—Paus., iii., 10, § 1.)—3. (Paus., iv., 19, § 3.)—4. (Thucyd., v., 23.)—5. (Il., xiv., 318.—Theocrit., Id., x.—Theophrast., H. P., vi., 8.—Dioscor., iv., 63.—Adams, Append., s. v.)—6. (Adams, Append., s. v.)—7. (Moore's Anc. Mineralogy, p. 169.)—8. (Adams, Append., s. v.)—9. (Demosth., c. Meid., 529, 15.)—10. (Aristot., Rhet., ii., 24.)

1. (Meier, Att. Proc., 326.)—2. (Demosth., l. c.—Fœlin, c. Tin., 41.)—3. (iv., 75.—Compare Plin., H. N., vii., 88.)—4. (Athen., l. c.)—5. (Hero, Spirit.—Vitruv., x., 13.—Schneider, ad loc.—Driberg, die Pneum. Erfindungen der Griechen, p. 55—61.—Plin., H. N., ix., 8.—Cic., Tusc., iii., 18.)—6. (Jul. Kap in Brunck's Anal., ii., 403.)—7. (Claud., De Moll. Tacet. Cons., 316.)—8. (Vitruv., l. c.)—9. (De Anima, 14.)—10. (Quell. Münster Kirche in Aachen, p. 14.)

was very curious about organs, both in regard to their musical effect and their mechanism.¹ A tortoise coin of this emperor in the British Museum (see woodcut) shows an organ with a sprig of



rel on one side, and a man standing on the other, who may have been victorious in the exhibitions of the circus or the amphitheatre. It is probable that these medals were bestowed upon such victors, and that the organ was impressed upon them on account of its introduction on such occasions.² The general form of the organ is also clearly exhibited in a poem by Publilius Optatianus, describing the instrument, and composed of verses so constructed as to show both the lower part which contained the pipes, the wind-chest which lay upon it, and over it, the row of 26 pipes. These are represented by lines, which increase in length each by one letter until the last line is twice as long as the first.³

HYDRIAPHOR'IA (ὕδριαφορία) was one of the vices which aliens (μέτοικοι) residing at Athens used to perform to the Athenians at the Panathenæa, by which it was probably only intended to impress upon them the recollection that they were foreigners, and not citizens. The hydriaphoria was performed only by the wives of aliens,⁴ where their daughters had on the same occasion to perform the σκιάδηφορία (the carrying of parasols) to the Athenian maidens, and their husbands the σκαφορία (the carrying of vessels⁵). It is clear, from the words of Elian, that these humiliating services were not demanded of the aliens by the laws of Solon, but that they were introduced at a later period.⁶ The hydriaphoria was the carrying of a vessel with water (ὕδρια⁷), which service the married women had to perform to the married part of the female citizens of Athens, when they walked to the Temple of Athena in the great procession at the Panathenæa.⁸

ΤΑΪΗΜΑ ΤΙ (ὕλημά τι, παθητικόν). Under this name, as Stackhouse remarks, Theophrastus describes the *Mimosa sensitiva*, L., or Sensitive Plant.⁹ HYLO'ROI or HYLEO'ROI (ὕλωροι or ὕληωροι) explained by Hesychius¹⁰ as officers who had the superintendance of forests (ὕλην φυλάσσω¹¹). Aristotle¹² who divides all public officers into three classes (ἀρχαί, ἐπιμεληταί, and ὑπερέται), reckons ὕλωροι among the ἐπιμεληταί, and says that some of them were called ἄγρονόμοι. They seem to have been a kind of police for the protection of forests, similar to the German *forster*. But the exact nature of their office, or the particular Greek cities where it existed, are unknown.

HYOSCY'AMUS (ὕοσκύαμος), a poisonous herb, orbane. Three species are described by Dioscor-

ides, which Sprengel makes to be the *Hyoscyamus reticulatus*, *H. aureus*, and *H. albus*. "Upon what grounds he rejects the *H. niger*," observes Adams, "as applying to the first species, I am at a loss to comprehend. The *H. niger* now grows wild in Britain; but, considering the situations in which it is found, I am disposed to think that it was brought thither by the Romans."¹³

HYPEREMEROS. (Vid. ENECYTHRA.)

HYPERESIA. (Vid. HYPERETES.)

HYPERETES (ὕπηρέτης). This word is derived from ἐρέσσω, ἐρέτης, and, therefore, originally signifies a rower; but in later times the word was, with the exception of the soldiers or marines, applied to the whole body of persons who performed any service in a vessel.¹⁴ In a still wider sense, ὕπηρέτης was applied to any person who acted as the assistant of another, and performed manual labour for him, whether in sacred or profane things,¹⁵ whence the word is sometimes used as synonymous with slave.¹⁶ Hence, also, the name ὕπηρέται was sometimes given to those men by whom the hoplitæ were accompanied when they took the field, and who carried the luggage, the provisions, and the shield of the hoplitæ.¹⁷ The more common name for this servant of the hoplitæ was σκευόφορος.

At Athens the name ὕπηρέτης, or the abstract ὕπηρесьια, seems to have been applied to a whole class of officers. Aristotle¹⁸ divides all public offices into three classes: ἀρχαί or magistracies, ἐπιμελειαί or administrations, and ὑπηρεσίαι or services. Now all public officers at Athens, in as far as they were the representatives of the people or the executors of its will, were appointed by the people itself or by the senate; and with the exception of some subaltern military officers, we never find that one public officer was appointed by another. A public officer, therefore, when he appointed another person to perform the lower or more mechanical parts of his office, could not raise him to the rank of a public officer, but merely engaged him as his servant (ὕπηρέτης), and on his own responsibility. These ὑπηρέται, therefore, were not public officers, properly speaking, but only in as far as they took a part in the functions of such officers. The original and characteristic difference between them and real public officers was, that the former received salaries, while the latter had none. Among the ὑπηρέται were reckoned the lower classes of scribes (vid. GRAMMATEUS), heralds, messengers, the ministers of the Eleven, and others. This class of persons, as might be supposed, did not enjoy any high degree of estimation at Athens,¹⁹ and from Aristotle²⁰ it is clear that they were not always Athenian citizens, but sometimes slaves.

*HYPERICUM (ὕπερικόν), a species of Saint John's Wort, but there is some difficulty in determining to what particular species it belongs. Sibthorp prefers the *H. crispum*; Sprengel the *barbatum*, Jacq.²¹

HYPEROON. (Vid. HOUSE, GREEK, p. 515.)

HYPEUTHYNUS (ὕπευθύνος). (Vid. EUTHYNE.)

ΥΠΟΒΟΛΗΣ ΓΡΑΦΗ (ὑποβολῆς γραφή). Of this action we learn from the *Lex. Rhet.* that it was one of the many institutions calculated to preserve the purity of Attic descent, and preferred against persons suspected of having been supposititious children. If this fact was established at the trial, the pretended citizen was reduced to slavery, and his property confiscated.

(Sueton., Ner., 41, 54.)—2. (Havercamp, De Num. conatibus.)—3. (Wernsdorf, Poet. Lat. Min., v. ii., p. 394-413.) (Pollux, Onom., iii., 55.)—5. (Vid. ELIAN, V. H., vi., 1, Perizonius's notes.—Harpocrat., s. v. Σκαφόφοροι.)—6. (Ehemuth, Hellen. Alterth., I., i., p. 250, &c.—Petitius, Leg. p. 95.)—7. (Aristoph., Eccles., 735.)—8. (Compare Meursianthensica, c. 21.)—9. (Theophrast., H. P., iv., 3.)—10. (Compare Suidas, s. v.)—11. (Polit., vi., 5.)

1. (Dioscor., iv., 69.—Adams, Append., s. v.)—2. (Thucyd., vi., 31, with Geller's note.—Demosth., c. Polycl., p. 1214, 1216, &c.—Polyb., v., 109.)—3. (Pollux, Onom., i., 1, 16.—Id. ib., viii., 10.)—4. (Chitarchus ap. Athen., vi., p. 267.—Compare Pollux, vii., 8, 2.—Hesych., s. v.)—5. (Böckh, Staatsh., i., p. 292.—Xen., Cyrop., ii., 1, 31.)—6. (Polit., vi., 5.)—7. (Pollux, Onom., vi., 31.)—8. (Polit., iv., 12.)—9. (Dioscor., iii., 161.)

HYPOCAUSTUM. (*Vid.* BATHS, p. 151.)

HYPODEMA. (*Vid.* CALCEUS.)

HYPOG'EM. (*Vid.* CONDITORIUM.)

*HYPOGLOSSON (*ὑπόγλωσσον*), a plant, the *Ruscus hypoglossum*, according to Matthiolus and Sprengel.¹

HYPOGRAMMATEUS. (*Vid.* GRAMMATEUS.)

*HYPOLA'IS (*ὑπολαΐς*), a bird mentioned by Aristotle, and the name of which Gaza translates into Latin by *Curruca*. Gesner inclines to the opinion that it is the Titlark, or *Anthus pratensis*, Bechstein.²

HYPOMOSIA. (*Vid.* ΔΙΑΙΤΗΤΑΙ, p. 354; DICE, p. 358.)

HYPORCHE'MA (*ὑπόρχημα*) was a lively kind of mimic dance which accompanied the songs used in the worship of Apollo, especially among the Dorians. It was performed by men and women.³ A chorus of singers at the festivals of Apollo usually danced around the altar, while several other persons were appointed to accompany the action of the song with an appropriate mimic performance (*ὑπορχεῖσθαι*). The hyporchema was thus a lyric dance, and often passed into the playful and comic, whence Athenæus⁴ compares it with the *cordax* of comedy. It had, according to the supposition of Müller, like all the music and poetry of the Dorians, originated in Crete, but was at an early period introduced in the island of Delos, where it seems to have continued to be performed down to the time of Lucian.⁵ A similar kind of dance, was the *γέρανος*, which Theseus, on his return from Crete, was said to have performed in Delos, and which was customary in this island as late as the time of Plutarch.⁶ The leader of this dance was called *γερανούκκος*.⁷ It was performed with blows, and with various turnings and windings (*ἐν ῥυθμῷ περιελίξεις καὶ ἀνελίξεις ἰχθυοῦντι*), and was said to be an imitation of the windings of the Cretan labyrinth. When the chorus was at rest, it formed a semicircle, with leaders at the two wings.⁸

The poems or songs which were accompanied by the hyporchemata were likewise called hyporchemata. The first poet to whom such poems are ascribed was Thaletas; their character must have been in accordance with the playfulness of the dance which bore the same name, and by which they were accompanied. The fragments of the hyporchemata of Pindar confirm this supposition, for their rhythms are peculiarly light, and have a very imitative and graphic character.⁹ These characteristics must have existed in a much higher degree in the hyporchemata of Thaletas.¹⁰

HYPOTHE'CA. (*Vid.* ΠΙΣΤΩΣ.)

HYPOTHECARIA ACTIO. (*Vid.* ΠΙΣΤΩΣ.)

HYPOTIME'SIS. (*Vid.* CENSUS.)

*HYSS (*ἕς*). (*Vid.* SUS.)

*HYSSOPUS (*ὑσσωπος*), the Hyssop. "Considerable doubts have been entertained," says Adams, "whether the ancient Hyssop was the same as the modern. Sprengel is disposed to hold the *Origanum hysopifolium* as being the *ὑσσωπος* of the Greeks. However, Matthiolus, Cordus, Fuchsius, and most of the older authorities, with the exception of Bauhin, refer it to the *H. officinalis*. It is worthy of remark, that the medicinal powers of the Hyssop, as given by Dr. Hill, agree exactly with those of the *ὑσσωπος* as given by Dioscorides. This appears to me a strong presumption of their identity."¹¹

*HYSTRIX (*ὑστρίξ*), the Crested Porcupine, or

Hystrix cristata, L. The belief entertained in both ancient and modern times, that the Porcupine darts out its quills when irritated, would appear to be the most part founded in mistake or imagination. The truth of the matter is, that, when frightened, many of its quills drop out. It is supposed to be the *Kephod* of Scripture.¹

I. J.

JA' CULUM. (*Vid.* HASTA, p. 489.)

JA'NITOR. (*Vid.* JANUA, p. 527.)

JANUA (*θύρα*), a Door. Besides being applicable to the doors of apartments in the interior of a house, which were properly called *ostia*,² this term more especially denoted the first entrance into the house, *i. e.*, the front or street door, which was also called *anticum*,³ and in Greek *θύρα αὐλίου*, *αὐλία*, *αὐλιος*, or *αὐλία*.⁴ The houses of the Romans commonly had a back door, called *posticum*, *postica*, or *posticula*,⁵ and in Greek *παράθυρα*, *dim. παραθύρον*. Cicero⁶ also calls it *pseudothyron*, "the false door," in contradistinction to *janua*, the front door; and because it often led into the garden of the house, it was called the garden-door (*κηπταία*).⁷

The doorway, when complete, consisted of four indispensable parts; the threshold or sill; the lintel; and the two jambs.

The threshold (*limen*, *βηλός*, *οὐδᾶς*) was the object of superstitious reverence, and it was thought unfortunate to tread on it with the left foot. On this account, the steps leading into a temple were of an uneven number, because the worshipper, after placing his right foot on the bottom step, would then place the same foot on the threshold also.⁸ Of this an example is presented in the woodcut, p. 61.

The lintel (*jugumentum*,⁹ *supercilium*¹⁰) was also called *limen*,¹² and more specifically *limen superum*, to distinguish it from the sill, which was called *limen inferum*.¹³ Being designed to support a superincumbent weight, it was generally a single piece, either of wood or stone. Hence those lintels which still remain in ancient buildings astonish us by their great length. In large and splendid edifices, the jambs or door-posts (*postes*, *σταθμοί*) were made to converge towards the top, according to certain rules which are given by Vitruvius.¹⁴ In describing the construction of temples, he calls them *antepagmenta*, the propriety of which term may be understood from the ground-plan of the door at p. 215, where the hinges are seen to be behind the jambs. This plan may also serve to show what Theocritus means by the *hollow* door-posts (*σταθμῶν κοίλα θυρώσων*).¹⁵ In the Augustan age it was fashionable to inlay the posts with tortoise-shell.¹⁶ Although the jamb was sometimes nearly twice the length of the lintel, it was made of a single stone, even in the largest edifices. A very striking effect was produced by the height of these doorways, as well as by their costly decorations, beautiful materials, and tasteful proportions.

The door in the front of a temple, as it reached nearly to the ceiling, allowed the worshippers to view from without the entire statue of the divinity, and to observe the rites performed before it. Also, the whole light of the building was commonly ad-

1. (Aristot., H. A., viii., 19.—Oppian, Cyneg., iii., 591.—Adams, Append., s. v.)—2. (Isid., Orig., xv., 7.—Virg., Æn., vi., 43, 81.)—3. (Festus, s. v.)—4. (Od., xxiii., 49.—Pind., Nea., i., 19.—Menand., p. 87, ed. Mein.—Harpocrat., s. v.—Theophr., Char., 18.—Theocrit., xv., 43.—Charit., i., 2.—Herodian, ii., 1.)—5. (Festus, s. v.—Hor., Epist., i., v., 31.—Apul., Met., ii., 9.—Plaut., Most., III., iii., 27.—Suet., Claud., 18.)—6. (Post. Rel., 6.)—7. (Plaut., Stich., III., i., 40—44.)—8. (Hermipp., ap. Athen., xv., 6.)—9. (Vitruv., iii., 4.)—10. (Cato, De Re Rust., 14.)—11. (Vitruv., iv., 6.)—12. (Juv., vi., 227.)—13. (Plaut., Merc., v., i., 1.)—14. (l. c.)—15. (Idyll., xxiv., 15.)—16. (Virg., Georg., iii., 463.)

1. (Dioscor., iv., 130.—Adams, s. v.)—2. (Aristot., H. A., vi., 1.)—Adams, Append., s. v.)—3. (Athen., xiv., p. 631.)—4. (xiv., p. 630.)—5. (Athol., i., p. 15.—Lucian, De Saltat., 16.—Compare Müller, Dor., ii., 6, 14.)—6. (Thea., 21.)—7. (Hesych., s. v.)—8. (Pollux, Onom., iv., 101.)—9. (Böckh, De Metr. Pind., p. 201, &c., and p. 270.)—10. (Müller, Hist. of Gr. Lit., i., p. 23, &c., compared with p. 160.)—11. (Dioscor., iii., 27.—Adams, Append., s. v.)

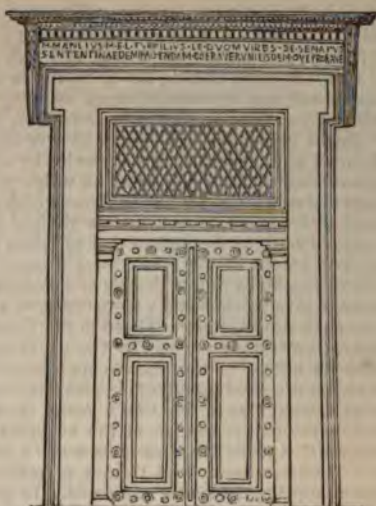
JANUA.

passed through the same aperture. These circumstances are illustrated in the accompanying woodcut, showing the front of a small Temple of Jupiter,



taken from a bas-relief.¹ The term *antepagmentum*, which has been already explained, and which was applied to the lintel as well as the jambs (*antepagmentum superius*²), implies that the doors opened inward. This is clearly seen in the same woodcut, and is found to be the construction of all ancient buildings at Pompeii and other places. In some of these buildings, as, for example, in that called "the house of the tragic poet," even the marble threshold rises about an inch higher than the bottom of the door,³ so that the whole frame of the door was every part behind the door-case. After the time of Hippias, the street-doors were not permitted to open outwardly at Athens,⁴ and hence *ἐνδοῦναι* meant to open the door on coming in, and *ἐπισπᾶσθαι* or *ἐφελκῶσασθαι* to shut it on going out. In single instance only were the doors allowed to open outwardly at Rome; an exception was made in a special privilege in honour of Marcus Valerius.⁵ The lintel of the oblong door-case was, in all large and splendid buildings, such as the great temples, surmounted either by an architrave and cornice, or by a cornice only. As this is not shown in the bas-relief above introduced, an actual doorway, viz., that of the Temple of Hercules at Cora, is here introduced. Above the lintel is an architrave, with a Latin inscription upon it, and above this a projecting cornice, supported on each side by a console, which reaches to a level with the bottom of the lintel. The top of the cornice (*corona summa*⁶) coincided in height with the tops of the capitals of the columns of the pronaos, so that the doorway, with its superstructure, was exactly equal in height to the columns and the *ANTRÆ*. This superstructure was the *hyperthyrum* of Vitruvius,⁷ and of the Greek architects whom he followed. The next woodcut shows one of the two consoles which support the cornice of a beautiful Ionic doorway in the Temple of Minerva Polias at Athens. In the inscription relating to the building of that temple, which is now the Elgin collection of the British Museum, the object here delineated is called *οὐκ τῶ ὑπερθύρω*. Other Greek names for it, used by Vitruvius,⁸ are

JANUA



parotis and *ancon*, literally a "side-ear" and "an elbow." The use of consoles, or trusses, in this situation, was characteristic of the Ionic style of architecture, being never admitted in the Doric. It is to be observed that Homer,¹ Hesiod,² and Herodotus³ use the term *ὑπερθύρον*, or its diminutive *ὑπερθύριον*, to include the lintel. Upon some part of the *hyperthyrum* there was often an inscription, recording the date and occasion of the erection, as in the case of the Temple of Hercules above represented, or else merely expressing a moral sentiment, like the celebrated "Know thyself" upon the temple at Delphi.

The door itself was called *foris* or *valva*, and in Greek *σανίς*, *κλισίαις*, or *θύραιον*. These words are commonly found in the plural, because the doorway of every building of the least importance contained two doors folding together, as in all the instances already referred to. When *foris* is used in the singular, we may observe that it denotes one of the folding doors only, as in the phrase *foris crepuit*, which occurs repeatedly in Plautus, and describes the creaking of a single valve, opened alone and turning on its pivots. Even the internal doors of houses were bivalve;⁴ hence we read of "the folding-doors of a bedchamber" (*fores cubiculi*;⁵ *σανίδες ἐν ἀραρνίαις*;⁶ *πύλαι διπλοῖ*⁷). But in every case each of the two valves was wide enough to allow persons to pass through without opening the other valve also. Even each valve was sometimes double, so as to fold like our window-shutters (*duplices complicabilesque*⁸). The mode of attaching doors to the doorway is explained under the article *ΚΑΡΒΟ*.

The remaining specimens of ancient doors are all of marble or of bronze; those made of wood, which was by far the most common material, have perished. The door of a tomb at Pompeii⁹ is made of a single piece of marble, including the pivots, which were encased in bronze, and turned in sockets of the same metal. It is 3 feet high, 2 feet 9 inches wide, 4½ inches thick. It is cut in front to resemble panels, and thus to approach nearer to the appearance of a common wooden door, and it was fastened by a lock, traces of which remain. The beautifully-wrought tombs of Asia Minor (see p. 457) and other Eastern countries have stone doors, made either to turn on pivots or to slide sideways

1. (Mon. Matt., V. iii., Tab. 39.)—2. (Vitruv., iv., 6, 1.)—3. (Gell. Pompeiana, 2d ser., i., p. 144.)—4. (Becker, Charikles, p. 189, 206.)—5. (Plut., Poplic.—Schneider in Vitruv., iv., 6, 1.)—6. (Vitruv., iv., 6, 1.)—7. (l. c.)—8. (iv., 6, 4)

1. (Od., vii., 90.)—2. (Scut., 271.)—3. (i., 179.)—4. (Gell. Pompeiana, 2d ser., i., p. 166.)—5. (Suet., Octav., 82.—Q. Curt., v., 6.)—6. (Hom., Od., xxiii., 42.)—7. (Soph., Œd. Tyr., 1261.)—8. (Isid., Orig., xv., 7.)—9. (Mazois, Ruines de Pompéi, tom. i., pl. xix., fig. 4.)

in grooves. Doors of bronze are often mentioned by ancient writers.¹ The doors of a supposed temple of Remus, still existing at Rome, and now occupied as a Christian church, are of this material. Mr. Donaldson² has represented them as filling up the lower part of the doorway of the temple at Cora, as shown in the last woodcut, which is taken from him. The four panels are surrounded by rows of small circles, marking the spots on which were fixed rosettes or bosses, similar to those which are described and figured in the article BULLA, and which served both to strengthen and to adorn the doors. The leaves of the doors were sometimes overlaid with gold, as in the Temple of Solomon at Jerusalem,³ at other times they were enriched with the most exquisite carving.⁴ Those in the Temple of Minerva at Syracuse are said by Cicero⁵ to have exceeded all others in the curious and beautiful workmanship executed upon them in gold and ivory. "It is incredible," says he, "how many Greeks have left writings descriptive of the elegance of these valves." One of the ornaments was "a most beautiful Gorgon's head, with tresses of snakes," probably occupying the centre of a panel. In addition to the sculptures upon the valves themselves, the finest statues were sometimes placed beside them, probably at the base of the antepagmenta, as in the magnificent Temple of Juno in Samos.⁶ In the fancied palace of Alcinous,⁷ the door-case, which was of silver, with a threshold of bronze, included folding-doors of gold; while dogs, wrought in gold and silver, guarded the approach, probably disposed like the avenue of sphinxes before an Egyptian temple. As luxury advanced among the Romans, metal took the place of wood, even in the doors of the interior of a house. Hence the quæstor Sp. Carvilius reproved Camillus for having his chamber doors covered with bronze (*ærata ostia*⁸).

A lattice-work is to be observed above the bronze doors in the last woodcut, Mr. Donaldson having introduced it on the authority more especially of the Pantheon at Rome, where the upper part of the doorway is filled with a window such as that here represented. Vitruvius⁹ calls it the *hypatrum*, and his language implies that it was commonly used in temples.

The folding-doors exhibited in the last woodcut, instead of a rebate such as we employ, have an upright bronze pilaster standing in the middle of the doorway, so as to cover the joining of the valves. The fastenings of the door (*claustra*; ¹⁰ *obices*) commonly consisted in a bolt (*pressulus*; *μάνδαλος, κατοχεύς, κλειθρον, Att. κλήθρον*¹¹) placed at the base of each *foris*, so as to admit of being pushed into a socket made in the sill to receive it (*πυθμήν*¹²). The Pompeian doorways show two holes corresponding to the bolts of the two *fores*; ¹³ and they agree with numerous passages which mention in the plural number "the bolts," or "both the bolts" of a door.¹⁴

The annexed woodcut shows an ancient bolt preserved in the Museum at Naples.¹⁵

By night the front door of the house was farther secured by means of a wooden and sometimes an iron bar (*sera, teragula, μοχλός*) placed across it, and inserted into sockets on each side of the doorway.¹⁶ Hence it was necessary to remove the bar (*τὸν μοχλὸν παράφαιρειν*) in order to open the door



(*reserare*).¹ Even chamber doors were secured in the same manner² (*cubiculi obseratis foribus*); and here also, in case of need, the bar was employed as a farther security, in addition to the two bolts (*κλήθρα συμπεραίνοντες μόχλοις*³). To fasten the door with the bolt was *πανα πῆσσυλον ὀδερε*, with the bar *παναμ ὀβερρε*.⁴ At Athens a jealous husband sometimes even proceeded to seal the door of the women's apartment.⁵ The door of a bedchamber was sometimes covered with a curtain. (*Vid. VELUM.*)

In the Odyssey,⁷ we find mention of a contrivance for bolting or unbolting a door from the outside, which consisted in a leathern thong (*ιμάς*) inserted through a hole in the door, and by means of a loop, ring, or hook (*κλεις, κλήξ*), which was the origin of keys, capable of laying hold of the bolt so as to move it in the manner required. The bolt, by the progress of improvement, was transformed into a lock, and the keys found at Herculaneum and Pompeii (*vid. CLAVIS*), and those attached to rings,⁸ prove that among the polished Greeks and Romans the art of the locksmith (*κλειδοποιός*) approached very nearly to its present state.⁹

The door represented in the first woodcut to this article has a ring upon each valve, which was used to shut the door, and therefore called the *ἐπισπαστήρ*. Herodotus¹⁰ tells a story of a captive who, having escaped to a temple of Ceres, clung to the rings on the doors with both his hands. This appendage to the door, which was sometimes gilt and very handsome, was also called, on account of its form, *κρίκος* and *κόρωνη, i. e.*, a "circle" or "crown;" ¹¹ and, because it was used sometimes as a knocker, it was called *ρόπτρον*.¹² The term *κόραξ*, "a crow," ¹³ probably denoted a knocker more nearly approaching the form of that bird, or, perhaps, of its neck and head. The lowest figure in the last woodcut shows a richly-ornamented epispaster from the collection at Naples. That with a lion's head is taken from a bas-relief, representing the doors of a temple, in the collection at Ince-Blundell, near Liverpool. The third figure is from the Neapolitan Museum.

Before the door of a palace, or of any private

1. (Herod., i., 179.—Plin., H. N., xxxiv., 7.)—2. (Collection of Doorways from Ancient Buildings, London, 1833, pl. 21.)—3. (I. Kings, vi., 39-35.)—4. (Ovid, Met., viii., 705.—Virg., Georg., iii., 99.—Id., Æn., vi., 20-33.)—5. (Verr., II., iv., 56.)—6. (Cic., Verr., II., i., 33.)—7. (Od., vii., 83-94.)—8. (Plin., l. c.)—9. (iv., 6, l.)—10. (Ovid, Amor., I., vi., 17.)—11. (Soph., Œd. Tyr., 1303, 1307, 1394.)—12. (Soph., Œd., Tyr., 1261.)—13. (Gell., Pompeiana, 94 ser., i., p. 167.)—14. (Plaut., Aul., I., ii., 26.—Cicero, l. ii., 80-79.—Soph., l. c.—Callim., in Apoll., 6.)—15. (Musée, Batimes de Pompéi, t. i., partie, 2, pl. vii.)—16. (Festus, s. v. Adstrata.—Ovid, Amor., i., 6, 24-36.)

1. (Theophrast., Char., 18.—Plutarch, Pelop., p. 517, ed. Steph.—Plaut., Cist., iii., 18.—Ovid, Met., v., 130.)—2. (Herodot., vi., p. 281, ed. Comm.)—3. (Apul., Met., ix.)—4. (Euryp., Orest., 1546, 1566.—Id., Iph. Aul., 345.—Id., Androm., 952.)—5. (Ter., Eun., iii., 5, 55.—Id. ib., iv., 6, 26.—Id., Heaut., ii., 3, 37.)—6. (Aristoph., Thesm., 422.—Menand., p. 185, ed. Meun.)—7. (i., 442; iv., 802; xxi., 6, 46-50.)—8. (Gorlaui, Dactyloth., 42, 205-209.—9. (Achill., Tat., ii., 19.)—10. (vi., 91.)—11. (Hom., Od., i., 441.—Id. ib., vii., 90.)—12. (Harpocreat., s. v. Xen., Hellen., vi., 4, § 36.)—13. (Brunck, Anal., iii., 168.)

house of a superior description, there was a passage leading to the door from the public road, which was called *vestibulum*¹ and *πρόθυρον*.² It was provided with seats.³ It was sometimes covered by an arch called *CAMERA*, which was supported by two pillars,⁴ and sometimes adorned with sculptures.⁵ Here persons waited who came in the morning to pay their respects to the occupier of the house.⁶ In the vestibule was placed the domestic altar. (*Vid. ARA*, 78.) The Athenians also planted a laurel in the same situation, beside a figure designed to represent *pollo*;⁷ and statues of Mercury were still more frequent,⁸ being erected there on the principle of setting a thief to catch a thief.⁹

The *DONARIA* offered to the gods were suspended not only from the *ANTÆ*, but likewise from the door-posts and lintels of their temples,¹⁰ as well as from the palaces, which in ancient times partook of the sanctity of temples.¹¹ Victors in the games suspended their crowns at the door of a temple.¹² In the same manner, persons fixed to the jambs and lintels of their own doors the spoils which they had taken in battle.¹³ Stags' horns and boars' tusks were, on the same principle, used to decorate the doors of the temples of Diana, and of the private individuals who had taken these animals in the chase. Owls and other nocturnal birds were nailed upon the doors as in modern times.¹⁴ Also garlands and wreaths of flowers were suspended over the doors of temples, in connexion with the performance of religious rites or the expression of public thanksgiving, being composed in each case of productions suited to the particular divinity whom they were intended to honour. In this manner the *corona spica* was suspended in honour of Ceres.¹⁵ Bay was so used in token of victory, especially at Rome,¹⁶ where it sometimes overshadowed the *CORONA CIVICA* on the doors of the imperial palace¹⁷ (*laureatis foribus*).¹⁸ The doors of private houses were ornamented in a similar way, and with different plants, according to the occasion. More especially in celebration of a marriage, either bay or myrtle was placed about the door of the bridegroom.¹⁹ Catullus, in describing an imaginary marriage, supposes the whole vestibulum to have been tastefully overarched with the branches of trees.²⁰ The birth of a child was also announced by a chaplet upon the door,²¹ and a death as indicated by cypresses, probably in pots, placed about the vestibulum.²² In addition to trees, branches, garlands, and wreaths of flowers, the Romans sometimes displayed lamps and torches before the doors of their houses for the purpose of expressing gratitude and joy.²³ Music, both vocal and instrumental, was sometimes performed in the vestibulum, especially on occasions when it was intended to do honour to the master of the house or to one of his family.²⁴

It was considered improper to enter a house without giving notice to its inmates. This notice the Spartans gave by shouting; the Athenians and all other nations by using the knocker already descri-

bed, but more commonly by rapping with the knuckles or with a stick (*κρούειν, κότεπει*). In the houses of the rich, a porter (*janitor, custos, θυρωρός*) was always in attendance to open the door.²⁵ He was commonly a eunuch or a slave,²⁶ and was chained to his post.²⁷ To assist him in guarding the entrance, a dog was universally kept near it, being also attached by a chain to the wall;²⁸ and in reference to this practice, the warning *Cave Canem, εὐλαβοῦ τὴν κύνα*, was sometimes written near the door. Of this a remarkable example occurs in "the house of the tragic poet" at Pompeii, where it is accompanied by the figure of a fierce dog, wrought in mosaic on the pavement.²⁹ Instead of this harsh admonition, some walls or pavements exhibited the more gracious *SALVE* or *XAIPE*.³⁰ The appropriate name for the portion of the house immediately behind the door (*θύρῳν*), denotes that it was a kind of apartment; it corresponded to the hall or lobby of our houses. Immediately adjoining it, and close to the front door, there was in many houses a small room for the porter (*cella, or cellula janitoris, θυρωρείον*).³¹

**IASIO'NE* (*ιασιώνη*), a plant, which Cæsalpinus and Bauhin suggest is the *Aquilegia* or Columbine. Stackhouse conjectures that it may be the *Convolvulus sepium*, but Adams doubts the authority on which he founds this opinion.³²

**IASPACHA'TES* (*ιασπαχάτης*), the Jasper-agate of modern mineralogists, a stone in which jasper is associated with agate. (*Vid. ACHATES*).³³

**IASPIS* (*ιασπίς*), Jasper, the *Iaspis* of Werner, *Quartz Jasper* of Haüy, and *Jasper* of Jameson. *Iaspis*, says Pliny, is green, and often translucent: "What we call Jasper," observes Dr. Moore, "is of almost every colour, and is opaque. But still the ancient *Iaspis* may have comprehended certain varieties of green jasper; and since agate and jasper are closely connected, and pass into each other, it is probable that there were varieties of agate also classed under the same head. Jameson may say with truth that we are ignorant of the particular stone denominated jasper by the ancients, for certainly there is no one stone to which the description of jasper could be applied; but in this case, as in others, it is evident that several different minerals were comprehended under a single name." "The Jasper," says Sir John Hill, "is a semi-pellucid stone; it is much of the same grain and texture with the agates, but not so hard, nor capable of so elegant a polish, nor does it approach so near to transparency. Its general colour is green, but it is spotted or clouded with several others, as yellow, blue, brown, red, and white. The Heliotrope, or common Bloodstone, is of this kind, and very little, if at all, different from the Oriental Jasper."³⁴

IATRALIPTA, IATRALIPTES, or IATROALIPTES (*ιατραλειπτής*), the name given by the ancients to a physician who paid particular attention to that part of medical science called *Iatraliptice*. The name is compounded of *ιατρός* and *ἄλειψω*, and signifies literally a *physician that cures by anointing*. According to Pliny,³⁵ they were at first only the slaves of physicians, but afterward rose to the rank of physicians themselves, and were, therefore, superior to the *aliptæ*. (*Vid. ALIPTÆ*.) The word

1. (*Isid. Orig.*, xv., 7.—*Plaut.*, *Most.*, III., ii., 132.—*Gell.*, vi., 5.—2. (*Vitruv.*, vi., 7, 5.—*Od.*, xviii., 10-100.—*Herod.*, iii., 3, 140.)—3. (*Herod.*, vi., 35.)—4. (*Servius* in *Virg.*, *Æn.*, ii., 63.)—5. (*Virg.*, *Æn.*, vii., 181.—*Juv.*, vii., 126.)—6. (*Gell.*, i., 1.)—7. (*Aristoph.*, *Theesm.*, 496.—*Plaut.*, *Merc.*, iv., 1, 11, 2.)—8. (*Thucyd.*, vi., 27.)—9. (*Schol.* ad *Aristoph.*, *Plut.*, 156.)—10. (*Virg.*, *Æn.*, iii., 287.—*Id.* *ib.*, v., 360.—*Ovid.*, *Trist.*, i., 34.—*Hor.*, *Carm.*, IV., xv., 8.—*Id.*, *Epist.*, I., i., 5.—*Id.*, *l.*, xviii., 56.—*Pers.*, *Sat.*, vi., 45.—*Plin.*, H. N., xxxv., 4.)—11. (*Virg.*, *Æn.*, ii., 503.—*Id.* *ib.*, vii., 183.)—12. (*Pind.*, *Nem.*, i., 53.)—13. (*Festus*, s. v. *Resignare*.—*Plin.*, H. N., xxxv., 2.)—14. (*Pallad.*, *De Re Rust.*, i., 35.)—15. (*Tib.*, I., i., 21.—See also *Virg.*, *Ciris*, 95-98.)—16. (*Ovid.*, *Met.*, i., 562.)—17. (*Ovid.*, *Fast.*, iii., 1, 35-49.—*Plin.*, H. N., xv., 39.)—18. (*Sen.*, *Consol.*, *de Polyb.*, 35.—*Val. Max.*, ii., 8, 7.)—19. (*Juv.*, vi., 79, 228.—*Juv.*, *De Nupt. Hon.* et *Mar.*, 208.)—20. (*Epithal. Pel.* et *Met.*, 278-293.)—21. (*Juv.*, ix., 84.)—22. (*Plin.*, H. N., xvi., 9.—*Serv.* in *Virg.*, *Æn.*, iii., 64.)—23. (*Juv.*, xii., 92.)—24. (*Pind.*, *Nem.*, i., 19, 20.—*Isth.*, i., 3.)

1. (*Becker*, *Charikles*, v. i., p. 230-234.—*Plato*, *Protag.*, p. 151, 150, ed. *Bekker*.)—2. (*Tibull.*, I., i., 56.)—3. (*Plato*, l. c.)—4. (*Ovid.*, *Amor.*, i., 6.—*Sueton.*, *De Clar. Rhet.*, 3.)—5. (*Theocrit.*, xv., 43.—*Apollod.*, ap. *Athen.*, i., 4.—*Aristoph.*, *Theesm.*, 423.—*Id.*, *Lysist.*, 1217.—*Tibull.*, II., iv., 32-36.)—6. (*Gell.*'s *Pomp.*, 2d ser., i., p. 142, 145.)—7. (*Plato*, *Charm.*, p. 94, ed. *Heindorff*.)—8. (*Soph.*, *Ged. Tyr.*, 1242.—*Id.*, *Electr.*, 328.)—9. (*Sueton.*, *Vitell.*, 16.—*Varro*, *De Re Rust.*, i., 13.)—10. (*Pollux*, *Onom.*, i., 77.)—11. (*Theophrast.*, *H. P.*, i., 21.—*Id.*, *C. P.*, ii., 18.—*Adams*, *Append.*, s. v.)—12. (*Moore*'s *Anc. Mineral.*, p. 178.)—13. (*Moore*'s *Anc. Mineral.*, p. 163, &c.)—14. (*H. N.*, xix., 2.)

occurs in Paulus Ægineta,¹ Celsus,² and other medical writers.

IATRALIPTICE (ἱατραλειπτική) was that part of the art and science of medicine which had for its object the preservation or restoration of health by gymnastics and different kinds of bodily exercises, including unctions and frictions. It was, according to Pliny,³ first practised by Prodicus. (Vid. GYMNASIUM, p. 484.)

IATROS. (Vid. MEDICUS.)

IATROSOPISTA (ἱατροσοφιστής), an ancient medical title, signifying apparently (according to Du Cange⁴) one who both taught medicine and also practised it himself; as the ancients made a distinction between διδασκαλική and ἐργασις, the art and the science of medicine, the theory and the practice.⁵ Eunapius Sardinus⁶ calls them ἐξησκημένους λέγειν τε καὶ ποιεῖν ἱατρικὴν. The word is somewhat varied in different authors. Socrates⁷ calls Adamantius ἱατρικῶν λόγων σοφιστής. Stephanus Byzantinus⁸ mentions τῶν ἱατρῶν σοφιστής: Callisthenes (quoted in Du Cange), ἱατρὸς σοφιστής; and Theophrastus⁹ σοφιστής τῆς ἱατρικῆς ἐπιστημῆς. Several ancient physicians are called by this title, e. g., Magnes,¹⁰ Cassius, the author of "Questiones Medicæ et Naturales," and others.

*IBERIS (ἰβηρίς), a species of Pepperwort, now called *Lepidium Iberis*. The chapter of Dioscorides on the *Iberis* is most probably spurious.¹¹

*IBIS (ἰβίς), the Ibis, a bird held sacred by the Egyptians. Two species of it are described by Herodotus and Aristotle, but there has been considerable difficulty in identifying these two. "Dr. Trail informs me," says Adams, "that, having compared the skeletons of the mummy-bird and of the *Ibis religiosa*, he found them identical. It is the *Tantalus Æthiopicus* of Latham. The other Ibis of Herodotus would appear to be the stork."¹² The Ibis is as large as a hen, with white plumage, except the end of the wing-quills, which are black. The last wing-coverts have elongated and slender barbs, of a black colour, with violet reflections, and thus cover the end of the wing and tail. The bill and feet are black, as well as the naked part of the head and neck. In the young subject, however, this part is covered, at least on its upper face, with small blackish plumes. "It is only since the publication of Bruce's Travels," observes Griffith, "that positive notions have been gained respecting the genus to which we would refer the bird which was so venerated by the ancient Egyptians, and which they used to embalm after its death. The Ibis of Perault and Buffon has since been recognised for a *tantalus*; that of Hasselquist for a heron, perhaps the same as the ox-bird of Shaw; and that of Maillet (*Pharaoh's chicken*; *Rachamah* of the Arabs) for a vulture, *Vultur Perenopterus*, L. But Bruce found in Lower Æthiopia a bird which is there named *Abou-hannès* (Father John), and, on comparing it with the embalmed individuals, he recognised it to be the true black and white Ibis, with reflections on several parts of the body, and the same as the *Mengel* or *Abou-mengel* (Father of the Sickle) of the Arabs. This fact has been fully confirmed by M. Cuvier, by an examination of mummies brought from Egypt by Colonel Grobert and M. Geoffroy, and from other mummies by M. Savigny, who also found in Egypt the very bird itself, and had an opportunity of examining it in the living state. M. Cuvier's memoir on the subject was first inserted

in the Annals of the French Museum; and in the 'Ossemens Fossiles,' M. Savigny has published a natural and mythological history of the same bird. M. Cuvier having found in the mummy of an Ibis the undigested remains of the skin and scales of serpents, concluded that these birds in reality fed upon those reptiles. M. Savigny having never found any in the stomach of such individuals of the present time as he dissected, came to a contrary conclusion, which seemed to him to be substantiated by the natural habits and organization of the Ibis, confirmed by analogy, and farther corroborated by the testimony of the modern Egyptians. He does not, indeed, attempt to deny the fact stated by the baron, but he observes that it is an isolated one, and that the learned professor does not specify the exact position of the debris of serpents of which he speaks. M. Savigny adds, first, that, according to Herodotus, before the Egyptians proceeded to embalm an Ibis, they removed the intestines, which were reputed to be excessively long; secondly, that he has himself found in the interior of one of these mummies no remains of viscera and soft parts, but a multitude of the larvæ or nymphæ of insects of different species; thirdly, that, moreover, certain species of serpents were reckoned among the sacred animals, and that mummies of such serpents have been discovered in the grottoes of Thebes; fourthly, that many of the mummies of the Ibis, which were taken from the repositories in the plains of Saccara, contained, under a general envelope, aggregations of different animals, whose debris alone were collected. We may remark, also, that the remains of serpents mentioned by M. Cuvier were not yet digested, which would naturally be the case under the supposition that they had not even been introduced into the alimentary canal.

"When we consider the assertions of Herodotus respecting the supposed service rendered to Egypt by these birds, in delivering it from serpents, we shall find that the chief stress is laid upon their antipathy for these reptiles, which they were said to combat and destroy; but their organization seems but little calculated to enable them to succeed in enterprises of this kind. Besides, the animals which are wont to rid us of pernicious species, do so, not from a hatred and antipathy which they bear to such species, but rather from the pleasure which they experience in devouring and feasting on them. This, assuredly, is a distinction of some weight. It may also be remarked, that the food of animals is always the same, except in cases of dearth, which dearth is never wantonly created by the animals themselves. If serpents of any kind were the natural aliment of the Ibis, instead of preventing them from penetrating into the country where these birds were destined to pass a portion of the year, the latter would rather follow them into the places of their retreat. If we add to these considerations the recollection that sandy countries are the suitable habitats of serpents, while humid situations are best adapted to the Ibis, we shall find fresh cause to reject the opinion of Herodotus as fabulous. It could not, indeed, have been received with any great degree of confidence by his countrymen, since the first naturalist of Greece has passed over in silence the antipathy of the Ibis to the serpent, and their supposed combats. If Herodotus, who tells us that he had himself seen, on the confines of Arabia, and at the place where the mountains open on the plains of Egypt, the fields covered with an incredible number of accumulated bones, and instances these bones as the remains of reptiles destroyed by the Ibis, when they were on the point of entering Egypt, it is merely a simple opinion which he gives upon a fact which could not have originated from any such

1. (De Re Med., iii., 47.)—2. (De Medic., i., 1.)—3. (H. N., iii., 2.)—4. (Gloss. Med. et Inf. Græcic.)—5. (Damascius in Vita Iuliorum.)—6. (De Vit. Philosoph. et Sophist., p. 168, ed. Antwerp, 1568.)—7. (Hist. Eccles., vii., 13.)—8. (s. v. ἰβίς.)—9. (Ib.)—10. (Theophr. Protospath., "De Urinis.")—11. (Paul. Æg., iii., 77.—Adams, Append., s. v.)—12. (Aristot., H. A., i., 19.—Adams, Append., s. v.)

ause These immense debris of fishes and other vertebrated animals, which in the course of time have been heaped up in some narrow place, afterward abandoned by the waters, cannot possibly admit of such an explication of their origin, which is truly ludicrous, and could only have been adopted by this author in consequence of the excessive credulity with which he was prone to swallow popular report. Such masses, moreover, would not have been preserved for any great length of time, had they consisted merely of the small bones of reptiles, incapable of making resistance against the attacks of birds so weak as the Ibis.

"We must, then, look for other reasons than the destruction of serpents for the veneration paid to the Ibis by the ancient Egyptians, who admitted it even into their temples, and prohibited the killing of it under pain of death. In a country where the people, very ignorant, were governed only by superstitious ideas, it was natural that fictions should have been imagined to express with energy the happy influences of that phenomenon which every year attracts the Ibis into Egypt, and retains it here. Its constant presence at the epoch of that inundation which annually triumphs over all the sources of decay, and assures the fertility of the soil, must have appeared to the priests, and to those at the head of government, admirably calculated to make a lively impression on the minds of the people, to lead them to suppose supernatural and secret relations between the movements of the Nile and the sojourn of these inoffensive birds, and to consider the latter as the cause of effects exclusively owing to the overflow of the river." "The Ibis was sacred to Thoth, who was fabulously reported to have eluded the pursuit of Typhon under the form of this bird. It was greatly revered in every part of Egypt; and at Hermopolis, the city of Thoth, it was worshipped with peculiar honours, as the emblem of the deity of the place. Its Egyptian name was *Hip*, from which Champollion supposes the town of *Nibis* to have been called, being a corruption of *Ma-n-hip* or *'n-hip*, 'the place of the Ibis.' Such was the veneration felt by the Egyptians for the Ibis, that to have killed one of them, even involuntarily, subjected the offender to the pain of death. So pure, in fact, did they consider it, that those priests who were most scrupulous in the performance of their sacred rites, fetched the water they used in their purifications from some place where the Ibis had been seen to drink; it being observed of that bird that it never goes near any unwholesome and corrupted water. Plutarch and Cicero pretend, that the use which the Ibis made of its bill taught mankind an important secret in medical treatment; but the bill of the bird is not a tube, and the *κλωζομένην ὑφ' ἐαυτῆς* is a mistake. The form of the Ibis, when crouched in a sitting position, with its head under its feathers, or when in a mummied state, was supposed to resemble the human heart; the space between its legs, when parted asunder as it walks, was observed to make an equilateral triangle; and numerous fanciful peculiarities were discovered in this revered emblem of Thoth."¹

ICHNEUMON (*ἰχνεύμων*), a well-known quadruped of the Weasel kind, the *Viverra Ichneumon* of naturalists. It has been long famous in Egypt, where it goes by the name of Pharaoh's Rat. "If, in the mythological system of the ancient Egyptians," observes Lieut. Col. Smith, "the various living beings which people the surface of the earth were each entitled to particular reverence on account of the influence which they exercise over the

economy of nature, and the part which they contribute to the general harmony of the universe, the Ichneumon unquestionably possessed more claims than any other animal to the homage of that singular people. It presented a lively image of a beneficent power perpetually engaged in the destruction of those noisome and dangerous reptiles which propagate with such terrible rapidity in hot and humid climates. The Ichneumon is led by its instinct, and obviously destined by its peculiar powers, to the destruction of animals of this kind. Not that it dares to attack crocodiles, serpents, and the larger animals of the lizard tribe, by open force, or when these creatures have arrived at their complete development. It is by feeding on their eggs that the Ichneumon reduces the number of these intolerable pests. The Ichneumon, from its diminutive size and timid disposition, has neither the power to overcome nor the courage to attack such formidable adversaries. Nor is it an animal of the most decidedly carnivorous appetite. Urged by its instinct of destruction, and guided, at the same time, by the utmost prudence, it may be seen, at the close of day, gliding through the ridges and inequalities of the soil, fixing its attention on everything that strikes its senses, with the view of evading danger or discovering prey. If chance favours its researches, it never limits itself to the momentary gratification of its appetite: it destroys every living thing within its reach which is too feeble to offer it any effectual resistance. It particularly seeks after eggs, of which it is extremely fond, and through this taste it proves the means of destruction to so many crocodiles. That it enters the mouth of this animal when asleep, as Diodorus gravely informs us, and, gliding down its throat, gnaws through its stomach, is as much true as that it attacks it when awake. This is either a fable which never had any foundation, or, like many other marvels, it has ceased in our unbelieving and less favoured era.—The colour of the Ichneumon is a deep brown, picked out with dirty white. The tail is terminated by a tuft of hairs entirely brown. The Ichneumon is about two feet seven inches in length, measuring from the end of the tail to the tip of the nose, the tail itself being one foot four inches. The mean stature of the animal is about eight inches."¹ The Ichneumon was particularly worshipped by the Heracleopolites, who lived in a nome situated in the valley of the Nile, a little to the south of the entrance to the modern district of Fayoom. This nome of Heracleopolis, and the vicinity of Cairo, still continue, according to Wilkinson, to be the chief resort of the animal in question; "and it is sometimes tamed and kept by the modern, as it was by the ancient Egyptians, to protect their houses from rats. But, from its great predilection for eggs and poultry, they generally find that the injury it does far outbalances the good derived from its services as a substitute for the cat. Herodotus says little respecting the Ichneumon, except that it received the same honours of sepulture as the domestic animals. But Ælian tells us that it destroyed the eggs of the asp, and fought against that poisonous reptile. Pliny, Strabo, and Ælian relate the manner in which it attacked the asp, and was protected from the effect of its poisonous bite. Ælian says it covered itself with a coat of mud, which rendered its body proof against the fangs of its enemy; or, if no mud was near, it wetted its body with water, and rolled itself in the sand. Its nose, which alone remained exposed, was then enveloped in several folds of its tail, and it thus commenced the attack. If bitten, its death was inevitable; but all the efforts of the asp were unavailable against its

1. (Griffith's Cuvier, vol. viii., p. 513, &c.)—2. (Wilkinson's Manners and Customs, vol. ii., 2d series, p. 217, &c.)

1. (Griffith's Cuvier, vol. ii., p. 392, &c.)

artificial coat of mail, and the Ichneumon, attacking it on a sudden, seized it by the throat, and immediately killed it. Thus much for the ancient story. Modern experience, on the other hand, proves that, without having recourse to a cuirass of mud, the Ichneumon fearlessly attacks snakes, and, the moment it perceives them raise their head from the ground, it seizes them at the back of the neck, and with a single bite lays them dead before it."¹

*ICTIS (*Ικτις*). (*Vid. MUSTELA.*)

IDUS. (*Vid. CALENDAR, ROMAN.*)

IGNOMINIA. (*Vid. INFAMIA.*)

IMPERATOR. (*Vid. IMPERIUM.*)

IMPERIUM. Gaius,² when making a division of judicia into those quæ legitimo jure consistunt and those quæ imperio continentur, observes that the latter are so called because they continue in force during the imperium of him who has granted them. This division of judicia had merely reference to the time within which a judicium must be prosecuted, and to the jurisdiction of him who had granted them. Legitima judicia were those which were prosecuted in Rome or within the first miliarium, between Roman citizens, and before a single judex. By a lex Julia judiciaria, such judicia expired unless they were concluded within a year and six months. All other judicia were said imperio contineri, whether conducted within the above limits before recuperatores or before a single judex, when either the judex or one of the litigant parties was a peregrinus, or when conducted beyond the first miliarium either between Roman citizens or peregrini. From this passage it follows that there were judicia quæ imperio continebantur, which were granted in Rome, which is made clearer by what follows. There was a distinction between a judicium ex lege, that is, a judicium founded upon a particular ex, and a judicium legitimum; for instance, if a man sued in the provinces under a lex, the Aquilia, for example, the judicium was not legitimum, but was said imperio contineri, that is, the imperium of the præses or proconsul who gave the judicium. The same was the case if a man sued at Rome ex lege, and the judicium was before recuperatores, or there was a peregrinus concerned. If a man sued under the prætor's edict, and, consequently, not ex lege, and a judicium was granted in Rome, and the same was before one judex, and no foreigner was concerned, it was legitimum. The judicia legitima are mentioned by Cicero;³ but it may, perhaps, be doubted if he uses the term in the sense in which Gaius does. It follows, then, that in the time of Gaius, so long as a man had jurisdiction, so long was he said to have imperium. Imperium is defined by Ulpian⁴ to be either merum or mixtum. To have the merum imperium is to have "*gladii potestatem ad animadvertendum in facinorosos homines*," that is, "*mixtum imperium cui etiam jurisdictio inest*." It appears, then, that there was an imperium which was incident to jurisdiction; but the merum or pure imperium was conferred by a lex.⁵ The mixtum imperium was nothing more than the power necessary for giving effect to the jurisdiction. There might, therefore, be imperium without jurisdiction, but there could be no jurisdiction without imperium.

Imperium is defined by Cicero⁶ to be that "*sine quo res militaris administrari, teneri exercitus, bellum geri non potest*." As opposed to potestas, it is the power which was conferred by the state upon an individual who was appointed to command an army. The phrases Consularis Potestas and Consularis Imperium might both be properly used; but the expression Tribunitia Potestas only could be

used, as the tribuni never received the imperium. In Vell. Patern., ii., 2, imperium is improperly used. A consul could not act as commander of an arm (*attingere rem militarem*) unless he were empowered by a lex Curiata, which is expressed by Livy⁷ thus "*Comitia curiata rem militarem continent*." Though consuls were elected at other comitia, the comitia curiata only could give them imperium.⁸ This was in conformity with the ancient constitution according to which an imperium was conferred on the kings after they had been elected: "On the death of King Pompilius, the populus in the comitia curiata elected Tullus Hostilius king, upon the suggestion of an interrex; and the king, following the example of Pompilius, took the votes of the populus according to their curiæ on the question of his imperium."⁹ Both Numa¹⁰ and Ancus Marcius,¹¹ the successor of Tullus, after their appointment as reges, are severally said "*De Imperio suo legem curiatam tulisse*." It appears, then, that from the kingly period to the time of Cicero, the imperium, as such, was conferred by a lex Curiata.

The imperium of the kings is not defined by Cicero. It is declared by modern writers to have been the military and the judicial power, but these writers have not explained what they precisely mean by the term "judicial power." It may be conjectured that the division of imperium, made by the jurists, was in accordance with the practice of the republican period: there was during the republican period an imperium within the walls which was incident to jurisdiction, and an imperium without the walls which was conferred by a lex Curiata. There are no traces of this separation in the kingly period, and it is probable that the king received the imperium in its full import, and that its separation into two parts belongs to the republican period. The imperium, which was conferred by a lex under the Republic, was limited, if not by the terms in which it was conferred, at least by usage: it could not be held or exercised within the city. It was sometimes specially conferred on an individual for the day of his triumph within the city, and, at least in some cases, by a plebiscitum.¹²

The imperium was as necessary for the government of a province as for a general who merely commanded the armies of the Republic, as he could not, without it, exercise military authority (*rem militarem attingere*). So far as we can trace the strict practice of the Roman constitution, military command was given by a special lex, and was not incident to any office, and might be held without any other office than that of imperator. It appears that in the time of Cicero there were doubts as to the necessity of the lex in some cases, which may have gradually arisen from the irregular practices of the civil wars, and from the gradual decay of the old institutions. Cicero, in a passage which is not very clear,¹³ refers to a Cornelia lex, according to which an individual who had received a province ex senatus consulto thereby acquired the imperium without the formality of a lex Curiata.

The imperium (*merum*) of the Republic appears to have been (1), a power which was only exercised out of the city; (2), a power which was specially conferred by a lex Curiata, and was not incident to any office; (3), a power without which no military operation could be considered as done in the name and on the behalf of the state. Of this a notable example is recorded in Livy,¹⁴ where the senate refused to recognise a Roman as commander because he had not received the imperium in due form.

In respect of his imperium, he who received

1. (Wilkinson, p. 154. &c.)—2. (iv., 103.)—3. (Pro Rosc. Com., 5.—Id., Or. Part., 12.)—4. (Dig. 2, tit. 1, s. 2.)—5. (Dig. 1, tit. 21, s. 1.)—6. (Phil., v., 16.)

1. (Liv., vi., 37.)—2. (v., 52.)—3. (Liv., v., 52.)—4. (Or. Pub., ii., 17.)—5. (ii., 13.)—6. (ii., 18.)—7. (Liv., xxvi., 21.—Id., xlv., 25.)—8. (ad Fam., i., 9.)—9. (xxvi., 2.)

imperator: he might be a consul or a general. It was an ancient practice, observes Tacitus, that the soldiers of a victorious general took the title of imperator; but in the case of the emperor Tiberius, the soldiers conferred the title on him whether he had it or not; while under the emperors, as a matter of course, was given imperium; and every general who received imperium was entitled to the name of imperator. After a victory it was usual for the soldier's commander to be proclaimed imperator; but in neither case was the title confirmed. Tacitus, however, observes that there were instances at a time: Augustus granted the title to his general; but the last instance, he adds, was in the case of Blaesus. There were, however, later instances. The assumption of the prænomen of imperator by Julius Cæsar² was a manifest usurpation of the Republic the title came properly to him; thus Cicero, when he was proconsul, could properly style himself M. T. Ciceroni imperatori. Tiberius and Claudius assumed the prænomen of imperator; but it was as a prænomen became established in the successors, as we see from the inscriptions. The title imperator sometimes appears on the medals, followed by a numeral (VI, VII, VIII), which indicates that it was specially conferred on the occasion of some great victory; though the victory might be gained under the emperor, it was considered to be gained under the emperor.

Imperium was applied in the republican times to express the sovereignty of the Roman people. Gaul is said by Cicero³ to have come under imperium and ditto of the populus Romanum. The notion of the majestas populi Romanæ is said to be "in imperii atque in nominis dignitate."⁴

IMPUBES. (Vid. HOUSE, ROMAN, p. 516.)
 INFANS. An infans (vid. INFANS) was incapable of any legal act. An impubes, who had not reached the age of infantia, could do no legal act without the auctoritas of his tutor; without such auctoritas he could only do those acts which were permitted to him. Accordingly, such an impubes, in the case of a stipulation, could stipulate (stipulari) to promise (promittere); in other words, as long as he was a pupillus, he could only be bound by the auctoritas of his tutor, but he could not bind himself without such auctoritas. (Vid. INFANS.)
 IMPUBES. A pupillus does not apply to the infans or infanti proximi, though in the infanti proximi a liberal interpretation to the rule of law (benignior juris in re) in virtue of which a pupillus, who was placed on the same footing as the impubes was pubertati proximus, but this was not the case only (propter utilitatem eorum), he could not apply to a case where the impubes was a loser.⁵ An impubes who was not of his father could not bind himself without the auctoritas of his father; for, in the case of the impubes, the auctoritas of the tutor was not sufficient in respect of the pupillus having property, which a son in the power of his father could not have.

IMPUBES. The notion of obligations ex delicto, the notion of the auctoritas of a tutor was of course excluded.

as such auctoritas was only requisite for the purpose of giving effect to rightful acts. If the impubes was of sufficient capacity to understand the nature of his delict, he was bound by it; otherwise he was not. In the case of a person who was pubertati proximus, there was a legal presumption of such capacity; but still, this presumption did not exclude a consideration of the degree of understanding of the impubes and the nature of the act, for the act might be such as either to be perfectly intelligible, as theft, or it might be an act which an impubes imperfectly understood, as when he was made the instrument of fraud. These principles were applicable to cases of furtum, damnum injuria datum, injuria, and others; and also to crimes in which the nature of the act mainly determined whether or not guilt should be imputed.

An impubes could enter into a contract by which he was released from a debt, but he could not release a debt without the auctoritas of his tutor. He could not pay money without his tutor; nor could he receive money without his tutor, at least it was not a valid payment, because such payment was, as a consequence, followed by a release to the debtor. But since the rule as to the incapacity of an impubes was made only to save him from loss, he could not retain both the money and the claim.

An impubes could not be a plaintiff or a defendant in a suit without his tutor. He could acquire the ownership of property alone, but he could not alienate it without the consent of his tutor, nor could he manumit a slave without such consent. He could contract sponsalia alone, because the auctoritas of the tutor has reference only to property: if he was in his father's power, he was, of course, entirely under his father's control.

An impubes could acquire a hereditas with the consent of his tutor, which consent was necessary, because a hereditas was accompanied with obligations. But as the act of creation was an act that must be done by the heres himself, neither his tutor nor a slave could take the hereditas for a pupillus, and he was, in consequence of his age, incapable of taking it himself. This difficulty was got over by the doctrine of pro herede gestio: the tutor might permit the pupillus to act as heres, which had the effect of creation: and this doctrine would apply even in the case of infantes, for no expression of words was necessary in order to the pro herede gestio. In the case of the bonorum possessio, the father could apply for it on behalf of his child, and the tutor on behalf of his ward, without any act being done by the impubes. By the imperial legislation, a tutor was allowed to acquire the hereditas for his ward, and a father for his son, who was in his power; and thus the doctrine of the pro herede gestio was rendered unnecessary.

A pupillus could not part with a possession without the auctoritas of a tutor; for, though possession of itself was no legal right, legal advantages were attached to it. As to the acquisition of possession, possession in itself being a bare fact, and the fundamental condition of it being the animus possidendi, consequently the pupillus could only acquire possession by himself, and when he had capacity to understand the nature of the act. But with the auctoritas of his tutor he could acquire possession even when he was an infans, and thus the acquisition of possession by a pupillus was facilitated, *utilitatis causa*. There was no formal difficulty in such possession any more than in the case of pro herede gestio, for in neither instance was it necessary for words to be used. Subsequently the legal doctrine was established that a tutor could acquire possession for his pupillus.¹

74.)—2. (Suet., Jul., 76.)—3. (Pro Font., 1.)—4. 30.—Compare the use of "Imperium" in Hor. Ep. ii., 5.)—5. (iii., 107.)—6. (Compare Inst., i., 2, with Gaius, iii., 107.)

1. (Dig. 41, tit. 2, s. 1, § 20.)

With the attainment of *pubertas*, a person obtained the full power over his property, and the *tutela* ceased: he could also dispose of his property by will; and he could contract marriage. According to the legislation of Justinian,¹ *pubertas*, in the case of a male, was attained with the completion of the fourteenth, and in a female, with the completion of the twelfth year. In the case of a female, it seems that there never had been any doubt as to the period of the twelve years, but a dispute arose among the jurists as to the period of fourteen years. The Sabiniani maintained that the age of *pubertas* was to be determined by physical capacity (*habitu corporis*), to ascertain which a personal examination might be necessary: the Proculiani fixed the age of fourteen complete, as that which absolutely determined the attainment of puberty.² It appears, therefore, that under the earlier emperors there was some doubt as to the time when *pubertas* was attained, though there was no doubt that with the attainment of puberty, whatever that time might be, full legal capacity was acquired.

Until a Roman youth assumed the *toga virilis*, he wore the *toga prætexta*, the broad purple hem of which (*prætexta*) at once distinguished him from other persons. The *toga virilis* was assumed at the *Liberalia* in the month of March; and though no age appears to have been positively fixed for the ceremony, it probably took place, as a general rule, on the feast which next followed the completion of the fourteenth year, though it is certain that the completion of the fourteenth year was not always the time observed. Still, so long as a male wore the *prætexta*, he was *impubes*, and when he assumed the *toga virilis*, he was *pubes*. Accordingly, *vesticeps*³ was the same as *pubes*, and *investis* or *prætextatus* the same as *impubes*.⁴ After the assumption of the *toga virilis* the son who was in the power of his father had a capacity to contract debts; and a *pupillus* was released from the *tutela*. But if neither the *pupillus* wished to get rid of his tutor, nor the tutor to be released from the responsibility of his office (for which he received no emolument), the period of assuming the *toga virilis* might be deferred. If the *pupillus* and the tutor could not agree, it might be necessary that there should be a judicial decision. In such case the Proculiani maintained as a theoretical question, that the age of fourteen should be taken as absolutely determining the question, fourteen being the age after the attainment of which the *prætexta* had been generally laid aside. The Sabiniani maintained that, as the time of puberty had never been absolutely fixed, but had depended on free choice, some other mode of deciding the question must be adopted, where free choice was out of the question, and therefore they adopted that of the physical development (*habitus corporis*). But, though there are allusions to this matter,⁵ there is no evidence to show that inspection of the person was ever actually resorted to in order to determine the age of puberty. It appears that the completion of fourteen years was established as the commencement of *pubertas*. The real foundation of the rule as to the fourteen and the twelve years appears to be, that in the two sexes respectively, puberty was, as a general rule in Italy, attained about these ages. In the case of females, the time had been fixed absolutely at twelve by immemorial custom, and had no reference to any practice similar to that among males of adopting the *toga virilis*, for women wore the *toga prætexta* till they were married. And, farther, though the *pupillaris tutela* ended with females

with the twelfth year, they were from that time subject to another kind of *tutela*.

A male had a capacity to make a will upon completing his fourteenth, and a female upon completing her twelfth year;¹ and the same ages, as already observed, determined the capacity, in the two sexes, for contracting a legal marriage. The dispute between the two schools as to the time when the male attained the age of puberty, appears to have had reference to the termination of the *tutela*, and his general capacity to do legal acts; for the test of the personal examination could hardly, from the nature of the case, apply to the capacity to make a will or contract a marriage, as Savigny shows.

Spadones (males who could never attain physical *pubertas*) might make a testament after attaining the age of eighteen.²

INAUGURATIO was in general the ceremony by which the augurs obtained, or endeavoured to obtain, the sanction of the gods to something which had been decreed by man; in particular, however, it was the ceremony by which things or persons were consecrated to the gods, whence the terms *dedicatio* and *consecratio* were sometimes used as synonymous with *inauguratio*.³ The ceremony of *inauguratio* was as follows: After it had been decreed that something should be set apart for the service of the gods, or that a certain person should be appointed priest, a prayer was addressed to the gods by the augurs or other priests, soliciting them to declare by signs whether the decree of men was agreeable to the will of the gods.⁴ If the signs observed by the inaugurating priest were thought favourable, the decree of men had the sanction of the gods, and the *inauguratio* was completed. The *inauguratio* was, in early times, always performed by the augurs; but subsequently we find that the *inauguratio*, especially that of the *rex sacrificulus* and of the *flamines*, was sometimes performed by the college of *pontiffs* in the *comitia calata*.⁵ But all other priests, as well as new members of the college of augurs, continued to be inaugurated by the augurs, or sometimes by the augurs in combination with some of the *pontiffs*,⁶ the chief *pontiff* had the right to enforce the *inauguratio*, if it was refused by the augurs, and if he considered that there was not sufficient ground for refusing it. Sometimes one augur alone performed the rite of *inauguratio*, as in the case of *Numa Pompilius*;⁷ and it would seem that in some cases a newly-appointed priest might himself not only fix upon the day, but also upon the particular augur by whom he desired to be inaugurated.⁸

During the kingly period of Rome, this inauguration of persons was not confined to actual priests; but the kings, after their election by the *populus*, were inaugurated by the augurs, and thus became the high-priests of their people. After the civil and military power of the kings had been conferred upon the consuls, and the office of high-priest was given to a distinct person, the *rex sacrorum*, he was, as stated above, inaugurated by the *pontiffs* in the *comitia calata*, in which the chief *pontiff* presided. But the high republican magistrates, nevertheless, likewise continued to be inaugurated,⁹ and for this purpose they were summoned by the augurs (*conductio, nunciatio*) to appear on the Capitol on the third day after their election.¹⁰ This *inauguratio* conferred no priestly dignity upon the magistrates, but was merely a method of obtaining the sanction of the

1. (Instit., i., tit. 22.)—2. (Gaius, i., 196.—Ulp., Frag., xi., 28.)—3. (Festus, s. v.)—4. (Gell., v., 19: "Vesticeps.")—5. (Quinct., Inst. Or., iv., 2.)

1. (Gaius, ii., 113.—Paulus, S. R., iii., tit. 4, a.)—2. (Serv. ad Virg., Æn., iii., 117.)—3. (Liv., i., 44, 55.—Flor., i., 1, 1.—Plin., Ep., ix., 39; x., 58, 59, 76.—Cic. in Cat., iv., 1.)—4. (Liv., i., 18.)—5. (Gell., xv., 27.)—6. (Liv., xxvii., 8.—Id., 42.)—7. (Liv., i., 18.—Compare Cic., Brut., i.—Marro, ad ii., 9.)—8. (Cic., l. c.—Philipp., ii., 42.)—9. (Dion. Hal., ii., 80, &c.)—10. (Serv. ad Virg., Æn., iii., 117.)

gods to their election, and gave them the right to take auspicia; and on important emergencies it was their duty to make use of this privilege. At the time of Cicero, however, this duty was scarcely ever observed.¹ As nothing of any importance was ever introduced or instituted at Rome without consulting the pleasure of the gods by augury, we read of the inauguration of the tribes, of the comitum, &c.

INAURIS, an Earring; called in Greek *ἐνώτιον*, because it was worn in the ear (*οὖρ*), and *ἐλλόδιον*, because it was inserted into the lobe of the ear (*λόδιον*), which was bored for the purpose.²

Earrings were worn by both sexes in Oriental countries,³ especially by the Lydians,⁴ the Persians,⁵ the Babylonians,⁶ and also by the Libyans⁷ and the Carthaginians.⁸ Among the Greeks and Romans they were worn only by females.

This ornament consisted of the ring (*κρίκος*⁹) and of the drops (*stalagmia*¹⁰). The ring was generally of gold, although the common people also wore earrings of bronze. See Nos. 1, 4, from the Egyptian collection in the British Museum. Instead of



a ring, a hook was often used, as shown in Nos. 6, 8. The women of Italy still continue the same practice, passing the hook through the lobe of the ear without any other fastening. The drops were sometimes of gold, very finely wrought (see Nos. 2, 7, 8), and sometimes of pearls¹¹ and precious stones (Nos. 3, 5, 6). The pearls were valued for being exactly spherical,¹² as well as for their great size and delicate whiteness; but those of an elongated form, called *elenchi*, were also much esteemed, being adapted to terminate the drop, and being sometimes placed two or three together for this purpose.¹³ In the Iliad,¹⁴ Juno, adorning herself in the most captivating manner, puts on earrings made with three drops resembling mulberries.¹⁵ Pliny observes¹⁶ that greater expense was lavished on no part of the dress than on the earring. According to Seneca,¹⁷ the earring No. 3, in the preceding woodcut, in which a couple of pearls are strung both above and below the precious stone, was worth a patrimony.¹⁸ All the earrings above engraved belong to the Hamilton collection in the British Museum.

1. (Cic. De Divin. ii. 36.)—2. (Hom., Il. xiv. 182.—Hymn., in Ven., 9.—Plin., H. N., xii. 1.)—3. (Plin., H. N., xi. 50.)—4. (Xen., Anab. iii. 1, § 31.)—5. (Diod. Sic., v. 45.)—6. (Herod., i. 104.)—7. (Macrob., Sat., vii. 3.)—8. (Plaut., Poen., ii. 21.)—9. (Diod. Sic., l. c.)—10. (Festus, s. v.—Plaut., Ter., iii. in., 18.)—11. (Plin., ll. cc.—Sen., De Ben., vii. 9.—vid. Met., x. 365.—Claud., De VI. Cons. Honor., 528.—Suet., August., ii. 1, 32.)—12. (Hor., Epod., viii. 13.)—13. (Plin., H. N., ix. 96.—Juv., vi. 364.)—14. (Il., xiv. 182, 183.)—15. (See Euseb., ad loc.)—16. (xi. 50.)—17. (l. c.)—18. (See also De Vita patra, 17.)

In opulent families, the care of the earrings was the business of a female slave, who was called *Auricula Ornatrix*.¹ The Venus de' Medici, and other female statues, have the ears pierced, and probably once had earrings in them. The statue of Achilles at Sigeum, representing him in female attire, likewise had this ornament.²

INCENSUS. (Vid. CAPUT.)

INCESTUM. If a man married a woman whom it was forbidden for him to marry by positive morality, he was said to commit incestum.³ Such a marriage was, in fact, no marriage, for the necessary connubium between the parties was wanting.

There was no connubium between persons related by blood in the direct line, as parents and children. If such persons contracted a marriage, it was nefarix et incesta nuptix. There was no connubium between persons who stood in the relation of parent and child by adoption, not even after the adopted child was emancipated. There were also restrictions as to connubium between collateral kinsfolk (*ex transverso gradu cognationis*): there was no connubium between brothers and sisters, either of the whole or of the half blood; nor between children of the blood and children by adoption, so long as the adoption continued, or so long as the children of the blood remained in the power of their father. There was connubium between an uncle and his brother's daughter, after the Emperor Claudius had set the example by marrying Agrippina; but there was none between an uncle and a sister's daughter. There was no connubium between a man and his amita or matertera (*vid. Cognati*); nor between a man and his socrus, nurus, privigna, or noverca. In all such cases, when there was no connubium, the children had a mother, but no legal father.

Incest between persons in the direct line was punishable in both parties; in other cases only in the man. The punishment was relegatio, as in the case of adultery. Concubinage between near kinsfolk was put on the same footing as marriage.⁴ In the case of adulterium and stuprum between persons who had no connubium, there was a double offence: the man was punished with deportatio, and the woman was subject to the penalties of the lex Julia.⁵ Among slaves there was no incestum, but after they became free their marriages were regulated according to the analogy of the connubium among free persons. It was incestum to have knowledge of a vestal virgin, and both parties were punished with death.

It does not appear that there was any legislation as to incestum: the rules relating to it were founded on usage (*moribus*). That which was stuprum was considered incestum when the connexion was between parties who had no connubium. Incestum, therefore, was stuprum, aggravated by the circumstance of real or legal consanguinity, and, in some cases, affinity. It was not the form of marriage between such persons that constituted the incestum; for the nuptix were incesta, and therefore no marriage, and the incestuous act was the sexual connexion of the parties. Sometimes incestum is said to be contra fas, that is, an act in violation of religion.

INCITEGA, a corruption of the Greek *ἀγγυθήκη* or *ἐγγυθήκη*, a term used to denote a piece of domestic furniture, variously formed according to the particular occasion intended; made of silver, bronze, clay, stone, or wood, according to the circumstances of the possessor; sometimes adorned with figures; and employed to hold amphora, bottles, ala

1. (Gruter, Inscrip.)—2. (Serr. in Virg., Æn., i. 30.—Tertull., De Pall., 4.)—3. (Dig. 23, tit. 2, s. 39.)—4. (Dig. 23, tit. 2, s. 56.)—5. (Dig. 48, tit. 18, s. 5.)

bastra, or any other vessels which were round or pointed at the bottom, and therefore required a separate contrivance to keep them erect.¹ Some of those used at Alexandria were triangular.² We often see them represented in ancient Egyptian paintings. The annexed woodcut shows three *dy-yobhkat*, which are preserved in the British Museum. Those on the right and left hand are of wood, the one having four feet, the other six; they were found in Egyptian tombs. The third is a broad earthenware ring, which is used to support a Grecian amphora.



INCORPORABLES RES. (Vid. DOMINIUM.)
INCUNABULA or CUNABULA (σπάργανον),
swaddling-clothes.

The first thing done after the birth of a child was to wash it; the second, to wrap it in swaddling-clothes; and the rank of the child was indicated by the splendour and costliness of this, its first attire. Sometimes a fine white shawl, tied with a gold band, was used for the purpose;³ at other times a small purple scarf, fastened with a brooch* (*χλαμύδιον*^b). The poor used broad fillets of common cloth (*panni*^c). The annexed woodcut, taken from



a beautiful bas-relief at Rome, which is supposed to represent the birth of Telephus, shows the appearance of a child so clothed, and renders, in some degree, more intelligible the fable of the deception practised by Rhea upon Saturn, in saving the life of Jupiter, by presenting a stone enveloped in swaddling-clothes, to be devoured by Saturn instead of his new-born child.⁷ It was one of the peculiarities of the Lacedæmonian education to dispense with the use of incunabula, and to allow children to enjoy the free use of their limbs.⁸

INCUS (*ἄκμων*), an Anvil. The representations of Vulcan and the Cyclopes on various works of

1. (Festus, s. v. *Inletaga*.—Bekker, *Anecdot. Gr.*, 245.—Wilkinson, *Man. and Customs*, ii., p. 158, 160, 216, 217.)—2. (Athens, v., 45.)—3. (Hom., *Hymn.* in *Apoll.*, 121, 122.)—4. (Pind., *Pyth.*, iv., 114.)—5. (Longus, i., p. 14, 28, ed. Boden.)—6. (Luke, ii., 7, 12.—Ezek., xvi., 4, *Vulg.*—Compare Hom., *Hymn.* in *Merc.*, 151, 206.—*Apollod.*, iii., 10, 2.—*Elian*, V. H., ii., 7.—*Eurip.*, *Ion*, 32.—*Dion. Chrys.*, vi., 203, ed. Reiske.—*Plaut.*, *Amphit.*, v., 1, 52.—*Truc.*, v., 13.)—7. (Hes., *Theog.*, 485.)—8. (*Plat.*, *Lycurg.*, p. 90, ed. Steph.)

art, show that the ancient anvil was formed like that of modern times. When the artist wanted to make use of it, he placed it on a large block of wood (*ἀκρόβητον*; ^a *positus incudibus*^b); and when he made the link of a chain, or any other object which was round or hollow, he beat it upon a point projecting from one side of the anvil. The annexed woodcut, representing Vulcan forging a thunderbolt



for Jupiter, illustrates these circumstances; it is taken from a gem in the Royal Cabinet at Paris. It appears that in the "brazen age," not only the things made upon the anvil, but the anvil itself, with the hammer and the tongs, were made of bronze.³ (Vid. MALLEUS.) At this early period anvils were used as an instrument of torture, being suspended from the feet of the victim.⁴

*INDICUM (*Ἰνδικόν*). "Dioscorides applies the term *Ἰνδικόν* to two distinct substances; the one is the vegetable pigment still called *Indigo*, which is prepared from the leaves and stalks of the Indigo plant. Several species are now cultivated for making indigo, but the one from which the ancients may be supposed to have procured their indigo is the *Indigofera tinctoria*. The other kind of indigo was, most probably, the mineral substance called *Indian Red*, and which is a variety of the red oxide of iron."⁵

INDUSIUM. (Vid. TUNICA.)

INDUTUS. (Vid. AMICTUS, TUNICA.)

INFAMIS. (Vid. INFAMIA.)

INFAMIA. The provisions as to infamia, as they appear in the legislation of Justinian, are contained in Dig. 3, tit. 2, *De his qui notantur infamia*, and in Cod. 2, tit. 12, *Ex quibus causis infamia interrogatur*. The Digest contains⁶ the cases of infamia as enumerated in the prætor's edict. There are also various provisions on the subject in the *lex Julia Municipalis* (B.C. 45), commonly called the Table of Heraclea.

Infamia was a consequence of condemnation in any judicium publicum, of ignominious (*ignominiosa causa*) expulsion from the army,⁷ of a woman being detected in adultery, though she might not have been condemned in a judicium publicum, &c.; of condemnation for *furtum*, *rapina*, *injuria*, and *dolus malus*, provided the offender was condemned in his own name, or provided in his own name he paid a sum of money by way of compensation; of condemnation in an action *pro socio*, *tutela*, *mandatum*, *depositum*, or *fiducia*,⁸ provided the offender was condemned in his own name, and not in a judicium contrarium, and provided the person condemned

1. (Hom., II., xviii., 410, 476.—Od., viii., 274.)—2. (Virg., *Æn.*, vii., 620.—Id. ib., viii., 451.)—3. (Hom., Od., iii., 433, 434.—*Apollon. Rhod.*, iv., 761, 762.)—4. (Hom., II., xv., 19.)—5. (*Dioscor.*, v., 107.—*Paul. Ægin.*, vii., 3.—*Adams*, *Append.*, v., 26, (s. 1.)—7. (Tab. *Heracle.*, i., 121.)—8. (Compare the Edict with *Cic.*, *Pro Rosc. Com.*, 6.—*Pro Rosc. Amer.*, 28, 29.—*Pro Cæcina*, 2.—*Top.*, c. 16.—Tab. *Heracle.*, i., 111.)

had not acted with good faith. Infamia was also a consequence of insolvency, when a man's bona were *possessa, proscripta, vendita*;¹ of a widow marrying within the time appointed for mourning; but the infamia attached to the second husband if he was a *paterfamilias*, and if he was not, then to his father, and to the father of the widow if she was in his power: the edict does not speak of the infamia of the widow, but it was subsequently extended to her. Infamia was a consequence of a man being at the same time in the relation of a double marriage or double sponsalia; the infamia attached to the man if he was a *paterfamilias*, and if he was not, to his father: the edict here also speaks only of the man, but the infamia was subsequently extended to the woman. Infamia was a consequence of prostitution in the case of a woman, of similar conduct in a man (*qui muliebricia passus erat*); of lenocinium, or gaining a living by aiding in prostitution;² of appearing on a public stage as an actor; of engaging for money to appear in the fights of the wild beasts, even if a man did not appear; and of appearing there, though not for money.

It results from this enumeration that infamia was only the consequence of an act committed by the person who became infamis, and was not the consequence of any punishment for such act. In some cases it only followed upon condemnation; in others it was a direct consequence of an act, as soon as such act was notorious.

It has sometimes been supposed that the prætor established the infamia as a rule of law, which, however, was not the case. The prætor made certain rules as to *postulatio*,³ for the purpose of maintaining the purity of his court. With respect to the *postulatio*, he distributed persons into three classes. The second class comprehended, among others, certain persons who were *turpitudine notabiles*, who might postulate for themselves, but not for others. The third class contained, among others, all those "*qui edicto prætoris ut infames notantur*," and were not already enumerated in the second class. Accordingly, it was necessary for the prætor to enumerate all the infames who were not included in the second class, and this he did in the edict as quoted.⁴ Consistently with this, infamia was already an established legal condition; and the prætor, in his edicts on *postulatio*, did not make a class of persons called infames, but he enumerated persons to be excluded from certain rights of *postulatio* those who were infames. Consequently, the legal notion of infamia was fixed before these edicts.

It is necessary to distinguish infamia from the *nota censoria*. The infamia does not seem to have been created by written law, but to have been an old Roman institution. In many cases, though not in all, it was a consequence of a judicial decision. The power of the censors was in its effects analogous to the infamia, but different from it in many respects. The censors could at their pleasure remove a man from the senate or the equites, remove him into a lower tribe, or remove him out of all the tribes, and so deprive him of his suffragium, by reducing him to the condition of an *ærarius*.⁵ They could also affix a mark of ignominy or censure opposite to a man's name in the list of citizens, *nota censoria* or *subscriptio*;⁶ and in doing this, they were not bound to make any special inquiry, but might follow general opinion. This arbitrary mode of proceeding was, however, partly remedied by the fact that such a censorian *nota* might be opposed by

a colleague, or removed by the following *censura* or by a judicial decision, or by a *lex*. Accordingly the censorian *nota* was not perpetual, and therein it differed essentially from infamia, which was perpetual.

The consequences of infamia were the loss of certain political rights, but not all. It was not a *capitis deminutio*, but it resembled it. The infamis became an *ærarius*, and lost the *suffragium* and honores; that is, he lost the capacity for certain so-called public rights, but not the capacity for private rights. Under the Empire, the infamia lost its effect as to public rights, for such rights became unimportant.

It might be doubted whether the loss of the *suffragium* was a consequence of infamia, but the affirmative side is maintained by Savigny with such reasons as may be pronounced completely conclusive. It appears from Livy¹ and Valerius Maximus² that the *actores atellanarum* were not either removed from their tribe (*nec tribu moventur*), nor incapable of serving in the army: in other words, such actors did not become infames, like other actors. The phrase "*tribu moveri*" is ambiguous, and may mean either to remove from one tribe to a lower, or to move from all the tribes, and so make a man an *ærarius*. Now the mere removing from one tribe to another must have been an act of the censors only, for it was necessary to fix the tribe into which the removal was made: but this could not be the case in a matter of infamia, which was the effect of a general rule, and a general rule could only operate in a general way; that is, "*tribu moveri*," as a consequence of infamia, must have been a removal from all the tribes, and a degradation to the state of an *ærarius*.³

The *lex Julia Municipalis* does not contain the word infamia, but it mentions nearly the same cases as those which the edict mentions as cases of infamia. The *lex* excludes persons who fall within its terms from being *senatores*, *decuriones*, *conscripsi* of their city, from giving their vote in the senate of their city, and from magistracies which gave a man access to the senate: but it says nothing of the right of vote being taken away. Savigny observes that there would be no inconsistency in supposing that the *lex* refused only the honores in the municipal towns, while it still allowed infames to retain the *suffragium* in such towns, though the practice was different in Rome, if we consider that the *suffragium* in the Roman *comitia* was a high privilege, while in the municipal towns it was comparatively unimportant.

Cicero⁴ speaks of the *judicia fiducia, tutela, and societatis* as "*summa existimationis et pene capitis*." In another oration⁵ he speaks of the *possessio honorum* as a *capitis causa*, and, in fact, as identical with infamia. This *capitis minutio*, however, as already observed, affected only the public rights of a citizen; whereas the *capitis deminutio* of the imperial period, and the expression *capitalis causa*, apply to the complete loss of citizenship. This change manifestly arose from the circumstance of the public rights of the citizens under the Empire having become altogether unimportant, and thus the phrase *capitis deminutio*, under the Empire, applies solely to the individual's capacity for private rights.

In his private rights the infamis was under some incapacities. He could only postulate before the prætor on his own behalf, and on behalf of certain persons who were very nearly related to him, but not generally on behalf of all persons. Consequently, he could not generally be a *cognitor* or a *procu*

¹ Pro Quint., 15.—Tab. Heracl., i., 113-117.—Gell., vi., 2. (Tab. Heracl., i., 123.)—3. (Dig. 3, tit. 1, s. 1.)—3, tit. 2, s. 1.)—5. (Cic., Pro Cluent., 43, 45.)—6. (Cic., *int.*, 42, 43, 44, 46, 47.)

1. (vii., 2.)—2. (ii., 4, § 4.)—3. (Compare Liv., 45, 15.)—4. (Pro Rosc. Com., 6.)—5. (Pro Quint., 8, 9, 13, 15, 32.)

om a fine to which he had been condemned, a part he had taken in any branch of the tration, or from his having pledged himself state for another person, was in a state of imia if he refused to pay or could not pay which was due. His children during his were not included in his atimia; they re- *ἐπιτιμοί*.¹ If he persevered in his refusal to and the time of the ninth prytany, his debt ible, and his property was taken and sold.² um obtained by the sale was sufficient to debt, the atimia appears to have ceased; t, the atimia not only continued to the death ed debtor, but was inherited by his heirs, ed until the debt was paid off.³ (Compare p. 496.) This atimia for public debt was es accompanied by imprisonment, as in the Alcibiades and Cimon; but whether, in such on the death of the prisoner, his children e wise imprisoned, is uncertain. If a per- ing in atimia for public debt petitioned to be l from his debt or his atimia, he became to *ἐνδείξις*; and if another person made the for him, he thereby forfeited his own prop- the proedros even ventured to put the ques- the vote, he himself became atimos. The almost impracticable mode of obtaining re- as that mentioned above in connexion with l and perpetual atimia.

rd and only partial kind of atimia deprived on whom it was inflicted only of a por- his rights as a citizen.⁴ It was called the *ἀπὸ πρόσταξιν*, because it was specified in ngle case which particular right was for- the atimos. The following cases are ex- mensioned: If a man came forward as a acuser, and afterward either dropped the or did not obtain a fifth of the votes in fa- his accusation, he was not only liable to a 000 drachmae, but was subjected to an atim- deprived him of the right, in future, to ac- cuser in a case of the same nature as which he had been defeated or which he had x.⁵ If his accusation had been a *γραφή ἄσε-* also lost the right of visiting particular

⁶ Some cases are also mentioned in which ser, though he did not obtain a fifth of the as not subjected to any punishment what- such was the case in a charge brought be- first archon respecting the ill-treatment of orphans, or heiresses.⁷ In other cases the was merely subject to the fine of 1000 e, without incurring any degree of atimia.⁸ law does not appear to have been strictly

⁹ Andocides mentions some other kinds l atimia, but they seem to have had only a ry application at the end of the Peloponne- r; and the passage¹⁰ is so obscure or cor- it nothing can be inferred from it with any y.¹¹ Partial atimia, when once inflicted, uring the whole of a man's life.

children of a man who had been put to death aw were also atimoi¹² (compare HERES, p. at the nature or duration of this atimia is n.

rson, under whatever kind of atimia he was g, continued to exercise any of the rights e had forfeited, he might immediately be

1. Theocrin., p. 1322.—2. (Andocid., l. c.—e. Nicestrat., p. 1255; c. Neur., p. 1347.)—3. (De- Androt., p. 603.—Compare Böckh, Publ. Econ. of p. 126.)—4. (Andocid., De Myst., p. 17 and 36.)—5. e. Aristot., p. 803.—Harpoerat., s. v. Δόριον γραφή.)—6. De Myst., p. 17.—7. (Meier, De Bon. Damnatae, (Pollux, Onom., viii., 53.)—9. (Böckh, Publ. Econ., p. 112, &c.)—10. (De Myst., p. 36.)—11. (Wach- llen. Alterth., ii., 1, p. 247, &c.)—12. (Demosth., c. 778.)

subjected to *ἀπαγωγή* or *ἐνδείξις*: and if his trans- gression was proved, he might, without any farther proceedings, be punished immediately.

The offences which were punished at Sparta with atimia are not so well known; and in many cases it does not seem to have been expressly mentioned by the law, but to have depended entirely upon public opinion, whether a person was to be considered and treated as an atimos or not. In general, it ap- pears that every one who refused to live according to the national institutions lost the rights of a full citizen (*δημιός*). It was, however, a positive law, that whoever did not give or could not give his con- tribution towards the syssitia, lost his rights as a citizen.¹ The highest degree of infamy fell upon the coward (*τρέσας*) who either deserted from the field of battle, or returned home without the rest of the army, as Aristodemus did after the battle of Thermopylae,² though in this case the infamy itself, as well as its humiliating consequences, were man- ifestly the mere effect of public opinion, and lasted until the person labouring under it distinguished himself by some signal exploit, and thus wiped off the stain from his name. The Spartans who in Sphacteria had surrendered to the Athenians, were punished with a kind of atimia which deprived them of their claims to public offices (a punishment com- mon to all kinds of atimia), and rendered them in- capable of making any lawful purchase or sale. Afterward, however, they recovered their rights.³ Unmarried men were also subject to a certain de- gree of infamy, in as far as they were deprived of the customary honours of old age, were excluded from taking part in the celebration of certain festi- vals, and occasionally compelled to sing defamatory songs against themselves. No atimos was allowed to marry the daughter of a Spartan citizen, and was thus compelled to endure the ignominies of an old bachelor.⁴ Although an atimos at Sparta was sub- ject to a great many painful restrictions, yet his con- dition cannot be called outlawry; it was rather a state of infamy properly so called. Even the atimia of a coward cannot be considered equivalent to the civil death of an Athenian atimos, for we find him still acting to some extent as a citizen, though al- ways in a manner which made his infamy manifest to every one who saw him.

(Lelyveld, *De Infamia ex Iure Attico*, Amstelod., 1835.—Wachsmuth, *Hellen. Alterth.*, ii., 1, p. 243, &c.—Meier, *De Bonis Damnatae*, p. 101, &c.—Schö- mann, *De Comit. Ath.*, p. 67, &c., transl.—Hermann, *Polit. Ant. of Greece*, § 124.—Meier und Schömann, *Att. Proc.*, p. 563. On the Spartan atimia in par- ticular, see Wachsmuth, ii., 1, p. 358, &c.—Müller, *Dor.*, iii., 10, § 3.)

INFANS, INFANTIA In the Roman law there were several distinctions of age which were made with reference to the capacity for doing legal acts.

1. The first period was from birth to the end of the seventh year, during which time persons were called *infantes*, or *qui fari non possunt*. 2. The second period was from the end of seven years to the end of fourteen or twelve years, according as the person was a male or a female, during which persons were defined as those *qui fari possunt*. The persons included in these first two classes were *impubes*. 3. The third period was from the end of the twelfth or fourteenth to the end of the twenty- fifth year, during which period persons were *ad- olescentes*, *adulti*. The persons included in these three classes were *minores xxv. annis* or *annorum*, and were often, for brevity's sake, called *minores*

1. (Xen., *De Rep. Laced.*, x., 7.—Id. *ib.*, iii., 3.)—2. (Aristot., *Polit.*, ii., 6, p. 50, ed. Götting.)—3. (Herod., vii., 231.)—4. (Thucyd., v., 24.)—5. (Plut., *Ag. sal.*, 30.—Müller, *Dorians*, iv., 4, § 3.)

hts by a necessary consequence, if the fiction to have its full effect.¹ It seems that questions to a man's ingenuitas were common at which is not surprising when we consider that the rights were involved in them.

BUINA'LIS, a plant, the same with the *βοτρυχία* *ἀσθή ἀπτικός*, which see.

INJURIA. Injuria was done by striking or beating either with the hand or with anything; or by abusive words (*convicium*); by the proscription, when the claimant knew that the alleged was not really indebted to him, for the honor of the proscription was accompanied with infamia to the debtor;² by libellous writings or verses; by some material injury or a pretextatus (*vid. IMPROBANDUM*) by various other acts. A man might be injured either in his own person, or in the person of those who were in his power or in manu. Injuria could be done to a slave, but certain acts against a slave were an injuria to his master, when such were such as appeared from their nature as insulting to the master; as, for instance, if a man would flog another man's slave, the master had a remedy against the wrong-doer, which was called *actio injuriarum* by the praetor's formula. But in many cases of a slave being maltreated, there was a special formula by which the master could have redress, and it was not easy to obtain one from the praetor.

The Twelve Tables had various provisions on the subject of injuria. Libellous songs or verses were punished by capital punishment, that is, death, as in the case of a limb being mutilated, the penalty was talio.⁴ In the case of a broken bone the penalty was 300 asses if the injury was done to a freeman, and 150 if it was done to a slave. In other cases the Tables fixed the penalty according to the circumstances.

The penalties, which were considered sufficient at the time when they were fixed, were afterwards found to be insufficient; and the injured persons were allowed by the praetor to claim such damages as he thought that he was entitled to, and the praetor might give the full amount or less. But in the case of a very serious injury (*atrox injuria*), the praetor required security for the defendant's appearance to be given in a particular sum, and the plaintiff to claim such sum as the damages in his declaration; and though the judge was bound to give damages to that amount, he might give less. An injuria had the character of a delict rather from the act itself, or the place where it was done, as, for instance, a theatre or forum, or the status of the person injured, as if he were a senator, or if he were a senator and the offender were a person of low condition.

The Cornelia specially provided for cases of *iniuria*, *verberatio*, and forcible entry into a man's *domus*. The jurists who commented on the law defined the legal meaning of *pulsatio*, *verberatio*, and *domus*.⁶

Actions for injuria were gradually much extended and the praetor would, according to the circumstances of the case (*causa cognita*), give a peremptory action in respect of any act or conduct of the defendant, which tended, in the judgment of the praetor, to injure him in reputation or to wound his honor.

Many cases of injuria were subject to a special punishment,⁸ as *deportatio*; and this *proscriptio* was often adopted instead of a civil action. Various imperial constitutions

affixed the punishment of death to libellous writings (*famosi libelli*).

Infamia was a consequence of condemnation in an *actio injuriarum* (*Vid. INFAMIA*). He who brought such an action per calumniam was liable to be punished extra ordinem.¹

INJURIA'RUM ACTIO. (*Vid. INJURIA*.)

INO'A (*Ἰνώα*), festivals celebrated in several parts of Greece, in honour of the ancient heroine Ino. At Megara she was honoured with an annual sacrifice, because the Megarians believed that her body had been cast by the waves upon their coast, and that it had been found and buried there by Cleo and Tauropolis.² Another festival of Ino was celebrated at Epidaurus Limeria, in Laconia. In the neighbourhood of this town there was a small but very deep lake, called the water of Ino, and at the festival of the heroine the people threw barley-cakes into the water. When the cakes sank, it was considered a propitious sign, but when they swam on the surface it was an evil sign.³ An annual festival, with contests and sacrifices, in honour of Ino, was also held on the Corinthian Isthmus, and was said to have been instituted by King Sisyphus.⁴

INOFFICIO'SUM TESTAMEN'TUM. (*Vid. TESTAMENTUM*.)

INQUILINUS. (*Vid. BANISHMENT, ROMAN, p. 137*.)

INSA'NIA, INSA'NUS. (*Vid. CURATOR*.)

***INSECTA.** (*Vid. ENTOMA*.)

INSIGNE (*σημείον, επίσημα, επίσημον, παράσημον*), a Badge, an Ensign, a mark of distinction. Thus the *BULLA* worn by a Roman boy was one of the insignia of his rank.⁵ Five classes of insignia more especially deserve notice:

I. Those belonging to officers of state or civil functionaries of all descriptions, such as the *FASCES* carried before the *CONSUL* at Rome, the laticlave and shoes worn by senators (*vid. CALCEUS, p. 190; CLAVUS, p. 264*), the *carpentum* and the sword bestowed by the emperor upon the praefect of the praetorium.⁶ The Roman *EQUITES*⁷ were distinguished by the "equus publicus," the golden ring, the *angustus clavus*,⁸ and the seat provided for them in the theatre and the circus.⁹ The insignia of the kings of Rome, viz., the *trabea*, the *toga praetexta*, the crown of gold, the ivory sceptre, the *sella curulis*, and the twelve lictors with *fasces*, all of which, except the crown and sceptre, were transferred to subsequent denominations of magistrates, were copied from the usages of the Tuscans and other nations of early antiquity.¹⁰

II. Badges worn by soldiers. The centurions in the Roman army were known by the crests of their helmets (*vid. GALEA*), and the common men by their shields, each cohort having them painted in a manner peculiar to itself.¹¹ (*Vid. CLYPEUS*.) Among the Greeks, the devices sculptured or painted upon shields (see woodcut, p. 84), both for the sake of ornament and as badges of distinction, employed the fancy of poets and of artists of every description from the earliest times. Thus the seven heroes who fought against Thebes, all except Amphiaras, had on their shields expressive figures and mottoes, differently described, however, by different authors.¹² Alcibiades, agreeably to his general character, wore a shield richly decorated with ivory and gold, and

1. (Gaius, iii., 220-225.—Hor., Sat., i., i., 80.—Dig. 47, tit. 10.—Cod. Theod., ix., tit. 34.—Cod. ix., tit. 36.—Paulus, Sent. Recept., v., tit. 4.)—2. (Paus., i., 42, § 8.)—3. (Paus., iii., 23, § 5.)—4. (Tzetzes ad Lycophr.)—5. (Cic., Verr., ii., i., 38.)—6. (Lydus, De Mag., ii., 3, 9.)—7. (p. 396.)—8. (p. 242.)—9. (C. G. Schwartz, Diss. Selectae, p. 84-101.)—10. (Flor., i., 5.—Sall., B. Cat., 51.—Virg., Æn., vii., 188, 612.—Id. ib., xi., 334.—Lydus, De Mag., i., 7, 8, 37.)—11. (Veget., ii., 17.—Compare Cas. Bell. Gall., vii., 45.)—12. (Æschyl., Sept., c. Theb., 383-616.—Eurip., Phœn., 1125-1156.—Apollodor., Bibl., iii., 6, 1.)

exhibiting a representation of Cupid brandishing a thunderbolt.¹ The first use of these emblems on shields is attributed to the Carians;² and the fictitious employment of them to deceive and mislead an enemy was among the stratagems of war.³

III. Family badges. Among the indignities practised by the Emperor Caligula, it is related that he abolished the ancient insignia of the noblest families, viz., the torques, the cincinni, and the cognomen "Magnus."⁴

IV. Signs placed on the front of buildings. A figure of Mercury was the common sign of a GYMNASIUM; but Cicero had a statue of Minerva to fulfil the same purpose.⁵ Cities had their emblems as well as separate edifices; and the officer of a city sometimes affixed the emblem to public documents, as we do the seal of a municipal corporation.⁶

V. The figure-heads of ships. The insigne of a ship was an image placed on the prow, and giving its name to the vessel.⁷ Thus the ship figured in p. 58 would probably be called the Triton.⁸ (Compare woodcut, p. 480.) Paul sailed from Melite to Puteoli in the Dioscouri, a vessel which traded between that city and Alexandria.⁹ Enschedé has drawn out a list of one hundred names of ships which occur either in classical authors or in ancient inscriptions.¹⁰ The names were those of gods and heroes, together with their attributes, such as the helmet of Minerva, painted on the prow of the ship which conveyed Ovid to Pontus (*a picta casside nomen habet*);¹¹ of virtues and affections, as Hope, Concord, Victory; of countries, cities, and rivers, as the Po, the Mincius,¹² the Delia, the Syracuse, the Alexandria;¹³ and of men, women, and animals, as the boar's head, which distinguished the vessels of Samos¹⁴ (woodcut, p. 429), the swan (*vid. CHENISCVS*), the tiger,¹⁵ the bull (*πρωτομήν ταύρου*)¹⁶. Plutarch mentions a Lycian vessel with the sign of the lion on its prow, and that of the serpent on its poop.¹⁷ After an engagement at sea, the insigne of a conquered vessel, as well as its aplustre, was often taken from it, and suspended in some temple as an offering to the god.¹⁸ Figure-heads were probably used from the first origin of navigation. On the war-galleys of the Phœnicians, who called them, as Herodotus says,¹⁹ *πάταικοι, i. e., "carved images,"* they had sometimes a very grotesque appearance.

Besides the badge which distinguished each individual ship, and which was either an engraved and painted wooden image, forming part of the prow, or a figure often accompanied by a name and painted on both the bows of the vessel, other insignia, which could be elevated or lowered at pleasure, were requisite in naval engagements. These were probably flags or standards, fixed to the aplustre or to the top of the mast, and serving to mark all those vessels which belonged to the same fleet or to the same nation. Such were "the Attic" and "the Persian signals" (*τὸ Ἀττικὸν σημεῖον*)²⁰.

INSTITA (*περιπόδιον*), a Flounce, a Fillet. The Roman matrons sometimes wore a broad fillet, with ample folds, sewed to the bottom of the tunic, and reaching to the instep. The use of it indicated a superior regard to decency and propriety of man-

ners.¹ It must have resembled a modern flounce. By the addition of gold and jewelry, it took the form of the more splendid and expensive CYCLAS.

When this term denoted a fillet, which was used by itself, as in the decoration of a THYRSUS,² it was equivalent to VITTA or FASCIA. (*Vid. TUNICA*.)

INSTITOR. (*Vid. INSTITORIA ACTIO*.)
 INSTITORIA ACTIO. This actio or formula was allowed against a man who had appointed either his son or a slave, and either his own or another man's slave, or a free person, to manage a taberna, or any other business for him. The contracts with such manager, in respect of the taberna or other business, were considered to be contracts with the principal. The formula was called institoria, because he who was appointed to manage a taberna was called an institor. And the institor, it is said, was so called, "*quod negotio gerendo instet sine instat*." If several persons appointed an institor, any one of them might be sued for the whole amount for which the persons were liable on the contract of their institor; and if one paid the demand, he had his redress over against the others by a *societatis iudicium* or *communi dividundo*. A great deal of business was done through the medium of institores, and the Romans thus carried on various lucrative occupations in the name of their slaves, which they could not or would not have carried on personally. Institores are coupled with *nautæ* by Horace,³ and with the *magister navis*.⁴

INSTITUTIONES. It was the object of Justinian to comprise in his Code and Digest or Pandects a complete body of law. But these works were not adapted to the purpose of elementary instruction, and the writings of the ancient jurists were no longer allowed to have any authority, except so far as they had been incorporated in the Digest. It was, therefore, necessary to prepare an elementary treatise, for which purpose Justinian appointed a commission, consisting of Tribonianus, Theophilus, and Dorotheus. The commission was instructed to compose an institutional work which should contain the elements of the law (*legum cunabula*), and should not be encumbered with useless matter. Accordingly, they produced a treatise under the title of Institutiones, or Elementa,⁵ which was based on former elementary works of the same name and of a similar character, but chiefly on the Commentarii of Caius or Gaius, his *Res Quotidianæ*, and various other commentarii. The Institutiones were published with the imperial sanction, at the close of the year A.D. 529, at the same time as the Digest.

The Institutiones consist of four books, which are divided into titles. The first book treats chiefly of matters relating to personal status; the second treats chiefly of property and its incidents, and of testaments, legacies, and fideicommissa; the third treats chiefly of successions to the property of intestates, and matter incident thereto, and on obligations not founded on delict; the fourth treats chiefly of obligations founded on delict, actions and their incidents, interdicts, and of the *judicia publica*. The *judicia publica* are not treated of by Gaius in his Commentaries. Heineceus, in his *Antiquitatum Romanarum Jurisprudentiam Illustrantium Syntagma*, has followed the order of the Institutiones. Theophilus, generally considered to be the person who was one of the compilers of the Institutiones, wrote a Greek paraphrase upon them, which is still extant, and is occasionally useful. The best edition of the paraphrase of Theophilus is that of W. O. Reitz, Haag, 1751, 2 vols. 4to. There are

1. (Hor., Sat., l. ii., 29.—Ovid, *Art. Amst.*, l., 22)—2. (Suet., *Theb.*, vii., 654.)—3. (Ep., xvii., 20.)—4. (Carm., iii., v., 20.—Consult Gaius, iv., 71.—Dig. 14, tit. 2.)—5. (Pronun. Inst., 6. ("De Juris Docendi Ratione.")

1. (Athen., xii., 47.)—2. (Herod., i., 171.)—3. (Paus., iv., 28, † 3.—Virg., *Æn.*, ii., 389—392.)—4. (Suet., *Callig.*, 35.)—5. (ad *Att.*, i., 4.)—6. (Antiq., *Caryst.*, 15.)—7. (Tacit., *Ann.*, vi., 34.—Cass., *B. Civ.*, ii., 6.)—8. (Stat., *Theb.*, v., 372.—Virg., *Æn.*, x., 209—212.)—9. (Acts, xxviii., 11.)—10. (Diss., "De Tut. et Insignibus Navium," reprinted in Ruhnken's *Opusc.*, p. 257—305.)—11. (Trist., i., 9, 2.)—12. (Virg., *Æn.*, x., 206.)—13. (Athen., v., 43.)—14. (Herod., iii., 59.—Choricius, p. 155, ed. Nauck.—Hesych., s. v. *Σηματαὶ εἰσὸς*.—Eust. in *Hom.*, Od., xiii., p. 525.)—15. (Virg., *Æn.*, x., 166.)—16. (Schol. in *Apoll. Rhod.*, ii., 168.)—17. (De *Mul. Virt.*, p. 441, ed. Steph.)—18. (Plut., *Themist.*, p. 217.)—19. (iii., 37.)—20. (Polyæn., iii., 11, 11; viii., 53. l.—Becker, *Char.*, ii., p. 63.)

numerous editions of the Latin text of the Institutiones. The editio princeps is that of Mainz, 1468, l.; that of Klenze and Bæcking, Berlin, 1829, 4to, contains both the Institutiones and the Commentaria of Gaius; the most recent edition is that of Schrader, Berlin, 1832 and 1836.

There were various institutional works written by the Roman jurists. There still remain fragments of the Institutiones of Ulpian, which appear to have consisted of two books. The four books of the Institutiones of Gaius were formerly only known from a few excerpts in the Digest, from the Epitome contained in the Breviarium, from the Collatio, and a few quotations in the Commentary of Boëthius on the Topica of Cicero, and in Priscian.

The MS. of Gaius was discovered in the library of the Chapter of Verona, by Niebuhr, in 1816. It was first copied by Gœschen and Bethman-Hollweg, and an edition was published by Gœschen in 1820. The deciphering of the MS. was a work of great labour, as it is a palimpsest, the writing on which has been washed out, and in some places erased with a knife, in order to adapt the parchment for the purposes of the transcriber. The parchment, after being thus treated, was used for transcribing upon it some works of Jerome, chiefly his letters. The old writing was so obscure that it could only be seen by applying to it an infusion of almonds. A fresh examination of the MS. was made by Bluhme, but with little additional profit, owing to the condition of the manuscript. A second edition of Gaius was published by Gœschen in 1824, with valuable notes, and an Index Siglarum used in the MS. The preface to the first edition contains a complete demonstration that the MS. of Verona is the genuine Commentaries of Gaius, though the MS. itself has no title.

The arrangement of the matter in the Institutiones of Gaius resembles that of the Institutiones of Justinian, which were founded on them. The first book treats of the status of persons; the second treats De Rerum Divisione et Acquisitione, and comprehends legacies and fideicommissa; the third book treats of successions ab intestato, and obligations founded on contract and delict; the fourth treats solely of actions, and matters connected therewith.

There has been a great difference of opinion as to the age of Gaius, but it appears from the Institutiones that he wrote that work under Antoninus Augustus and M. Aurelius.

Many passages in the Fragments of Ulpian are the same as passages in Gaius, which may be explained by assuming that both these writers copied their parts from the same original.* Though the Institutiones of Justinian were mainly based on those of Gaius, it is clear that the compilers of the Institutiones of Justinian often followed some other work; and, in some instances, the Institutiones of Justinian are more clear and explicit than those of Gaius. An instance of this occurs in Gaius' and the Institutiones of Justinian.²

Gaius belonged to the school of the Sabinians. (Vid. JURISCONSULTI.) The jurists whom he cites in the Institutiones are Cassius, Fufidius, Javolenus, Julianus, Labeo, Maximus, Q. Mucius, Ofilius, Tubulus, Sabinus, Servius, Servius Sulpicius, Sextus Tubero.

INSTITUTORIA ACTIO. (Vid. INTERCESSIO.)

INSULA. (Vid. HOUSE, ROMAN, p. 519.)

INTENTIO. (Vid. ACTIO, p. 20.)

INTEGRUM RESTITUTIO, IN. (Vid. RESTITUTIO.)

INTERCESSIO. The verb intercedere is variously applied to express the act of him who in any

way undertakes an obligation for another. Sponsors, fidepromissores, and fidejussores, may be said intercedere. With respect to one another, sponsors were consponsors.¹ Sponsors and fidepromissores were nearly in the same condition; fidejussores were in a somewhat different legal relation.

Sponsors and fidepromissores could only become parties to an obligatio verborum, though in some cases they might be bound, when their principal (*qui promiserit*) was not, as in the case of a pupillus who promised without the auctoritas of his tutor, or of a man who promised something after his death. A fidejussor might become a party to all obligations, whether contracted re, verbis, literis, or consensu. In the case of a sponsor, the interrogatio was, *Idem dare spondes?* in the case of a fidepromissor, it was, *Idem fidepromittis?* in the case of a fidejussor, it was, *Idem fide tua esse jubes?* The object of having a sponsor, fidepromissor, or fidejussor, was greater security to the stipulator. On the other hand, the stipulator had an adstipulator only when the promise was to pay something after the stipulator's death; for if there was no stipulator, the stipulatio was inutilis or void.² The adstipulator was the proper party to sue after the stipulator's death, and he could be compelled by a *mandati judicium* to pay to the heres whatever he recovered.

The heres of a sponsor and fidepromissor was not bound, unless the fidepromissor were a peregrinus, whose state had a different law on the matter; but the heres of a fidejussor was bound. By the *lex Furia*, a sponsor and fidepromissor were free from all liability after two years, which appears to mean two years after the obligation had become a present demand. All of them who were alive at the time when the money became due could be sued, but each only for his share. Fidejussores were never released from their obligation by length of time, and each was liable for the whole sum; but by a rescript (*epistola*) of Hadrian, the creditor was required to sue the solvent fidejussores separately, each according to his proportion.

A *lex Apuleia*, which was passed before the *lex Furia*, gave one of several sponsors or fidepromissores, who had paid more than his share, an action against the rest for contribution. Before the passing of this *lex Apuleia*, any one sponsor or fidepromissor might be sued for the whole amount; but this *lex* was obviously rendered useless by the subsequent *lex Furia*, at least in Italy, to which country alone the *lex Furia* applied, while the *lex Apuleia* extended to places out of Italy.

A fidejussor, who had been compelled to pay the whole amount, had no redress if his principal was insolvent; though, as already observed, he could, by the rescript of Hadrian, compel the creditor to limit his demand against him to his share.

A creditor was obliged formally to declare his acceptance of the sponsors or fidepromissores who were offered to him, and also to declare what was the object as to which they were security: if he did not comply with this legal requisition, the sponsors and fidepromissores might, within thirty days (it is not said what thirty days, but probably thirty days from the time of the sureties being offered), demand a *præjudicium* (*præjudicium postulare*), and if they proved that the creditor had not complied with the requisitions of the law, they were released.

A *lex Cornelia* limited the amount for which any person could be a security for the same person to the same person within the same year, but with some exceptions, one of which was a security "*dotis nomine*." No person could be bound in a greater amount than his principal, but he might be bound

1. (iii., 109.)—2. (iii., tit. 19, s. 10.)

1. (Cic. ad Att., xii., 17.)—2. (Gaius, iii., 100, 117.)

and had been ejected by the defendant or his agents (*familia* or *procurator*¹). If the matter came before a *judex*, the defendant might allege that he had complied with the interdict, "restituisset," though he had not done so in fact; but this was the form of the sponso, and the defendant would succeed before the *judex* if he could show that he was not bound to restore the plaintiff to his possession.²

The defendant might put in an answer (*exceptio*) to the plaintiff's claim for restitution: he might show that the plaintiff's possession commenced either *vi*, clam, or *precario* with respect to the defendant;³ but this *exceptio* was not allowed in the case of *vis armata*.⁴ The defendant might also plead that a year had elapsed since the violence complained of, and this was generally a good plea, for the interdict contained the words "*in hoc anno*." But if the defendant was still in possession after the year, he could not make this plea, nor could he avail himself of it in a case of *vis armata*.⁵

A clandestine possession is a possessio in which the possessor takes a thing (which must, of course, be a movable thing) secretly (*furtive*), and without the knowledge of the person whose adverse claim to the possession he fears. Such a possessio, when it was a disturbance of a rightful possessio, gave the rightful possessor a title to have the interdict de clandestina possessione for the recovery of his possession. All traces of this interdict are nearly lost; but its existence seems probable, and it must have had some resemblance to the interdictum de *vi*. The *exceptio clandestinae possessionis* was quite a different thing, inasmuch as a clandestine possessio did not necessarily suppose the lawful possession of another party.

The interdictum de *precaria possessione* or de *precario* applied to a case of *precarium*. It is *precarium* when a man permits another to exercise ownership over his property, but retains the right of demanding the property back when he pleases. It is called *precarium* because the person who received such permission usually obtained it by request (*prece*), though request was not necessary to constitute *precarium*, for it might arise by tacit permission.⁶ The person who received the detention of the thing, obtained at the same time a legal possession, unless provision to the contrary was made by agreement. In either case the permission could at any time be recalled, and the possessio, which in its origin was *justa*, became *injusta*, *vitiata*, as soon as restitution was refused. Restitution could be claimed by the interdictum de *precario*, precisely as in the case of *vis*; and the sole foundation of the right to this interdict was a *vitiata* possessio, as just explained. The *precarium* was never viewed as a matter of contract. The interdictum de *precario* originally applied to land only, but it was subsequently extended to movable things. The obligation imposed by the edict was to restore the thing, but not its value, in case it was lost, unless *dolus* or *lata culpa* could be proved against the defendant. (*Vid. CULPA*.) But from the time that the demand is made against the defendant, he is *in mora*, and, as in the case of the other interdicts, he is answerable for all *culpa*, and for the fruits or profits of the thing; and generally he is bound to place the plaintiff in the condition in which he would have been if there had been no refusal. No exceptions were allowed in the case of a *precarium*.

The origin of the *precarium* is referred by Savigny to the relation which subsisted between a patronus and his *cliens*, to whom the patronus gave the use of a portion of the *ager publicus*. If the

cliens refused to restore the land upon demand, the patronus was entitled to the interdictum de *precario*. As the relation between the patronus and the *cliens* was analogous to that between a parent and his child, it followed that there was no contract between them, and the patron's right to demand the land back was a necessary consequence of the relation between him and his *cliens*.¹ The *precarium* did not fall into disuse when the old *ager publicus* ceased to exist, and in this respect it followed the doctrine of possessio generally. (*Vid. AGRARIA LEGES*.) It was, in fact, extended and applied to other things, and, among them, to the case of pledge. (*Vid. PIGNUS*.)

Gaius² makes a third division of interdicta *in simplicia* and *duplicia*. *Simplicia* are those in which one person is the plaintiff (*actor*), and the other is the defendant (*reus*): all *restitutoria* and *exhibitoria* interdicta are of this kind. *Prohibitoria interdicta* are either *simplicia* or *duplicia*: they are *simplicia* in such cases as those, when the *praetor forbide* anything to be done in a *locus sacer*, in a *flumen publicum*, or on a *ripa*. They are *duplicia* as in the case of the interdictum *uti possidetis* and *ut rubi*; and they are so called, says Gaius, because each of the litigant parties may be indifferently considered as *actor* or *reus*, as appears from the terms of the interdict.³

Interdicta seem to have been also called *duplicia* in respect of their being applicable both to the acquisition of a possession which had not been had before, and also to the recovery of a possession. An interdict of this class was granted in the case of a *vindicatio*, or action as to a piece of land against a possessor who did not defend his possession, as, for instance, when he did not submit to a *judicium*, and give the proper sponsoes or satisfactions. A similar interdict was granted in the case of a *vindicatio* of an *hereditas* and a *usufructus*. Proper security was always required from the person in possession, in the case of an *in rem actio*, in order to secure the plaintiff against any loss or injury that the property might sustain while it was in the possession of the defendant. If the defendant refused to give such security, he lost the possession, which was transferred to the plaintiff (*petitor*).⁴

(For other matters relating to the Interdict, see Gaius, iv., 138-170.—Paulus, *S. R.*, v., tit. 6.—Dig. 43.—Savigny, *Das Recht des Besitzes*, p. 405-516.—Savigny and Haubold, *Zeitschrift*, vol. iii., p. 305, 358.)

INTEREST OF MONEY. Under this head it is proposed to give an account of the conditions upon which money was lent among the Greeks and Romans.

I. GREEK INTEREST. At Athens, Solon, among other reforms, abolished the law by which a creditor was empowered to sell or enslave a debtor, and prohibited the lending of money upon a person's own body (*ἐπι τοῖς σώμασι μηδὲν δανείζειν*¹). No other restriction, we are told, was introduced by him, and the rate of interest was left to the discretion of the lender (*τὸ ἀργύριον στάσιμον εἶναι ἐξ ὀπίσσω ἂν βούληται ἢ δανείζειν*²). The only case in which the rate was prescribed by law was in the event of a man separating from his lawful wife, and not refunding the dowry he had received with her. Her trustees or guardians (*οἱ κέρει*) could in that case proceed against him for the principal, with lawful interest at the rate of 18 per cent. (*Vid. DOS, GREEK*.)

Any rate might be expressed or represented by

1. (Cic., *Pro Tull.*, 29.)—2. (*Pro Caelin.*, 8, 32.)—3. (*Pro Caelin.*, 32.—*Pro Tull.*, 44.)—4. (*Pro Caelin.*, 8, 32.)—5. (Cic. ad *Fam.*, xv., 16.)—6. (Paulus, *S. R.*, v., tit. 6, s. 11.)

1. (Festus, s. v. *Patres*.)—2. (*iv.*, 156.)—3. (Gaius, ix., 166.)—4. (Rudorff, *Ueber das Interdict Quam Fundus, &c.*, *Zeitschrift*, vol. ix.)—5. (Plut., *Sol.*, c. 15.)—6. (Lys. in *Thesm.*, 117.)

in two different ways: (1.) by the number of oboli or drachmæ paid by the month for every mina: (2.) by a part of the principal (τὸ ἀρχαῖον or κεφάλαιον) paid as interest, either annually or for the whole period of the loan. According to the former method, which was generally used when money was lent upon real security (τόκοι ἐγγυοὶ or ἐγγυεῖοι), different rates were expressed as follows: 10 per cent. by ἐπὶ πέντε ὀβολοῖς, i. e., 5 oboli per month for every mina, or 60 oboli a year = 10 drachmæ = 10 per cent. Similarly, 12 per cent. by ἐπὶ δραχμῇ per month. 15 per cent. by ἐπ' ὀκτώ ὀβολοῖς " 18 per cent. by ἐπ' ἐννέα ὀβολοῖς " 24 per cent. by ἐπὶ δυοῖ δραχμαῖς " 35 per cent. by ἐπὶ τρισὶ δραχμαῖς " 50 per cent. by ἐπὶ τρίτῳ ἡμιοβολίῳ, probably.

(2.) Another method was generally adopted in cases of bottomry, where money was lent upon the ship's cargo or freightage (ἐπὶ τῷ ναύλῳ), or the ship itself, for a specified time, commonly that of a voyage. By this method the following rates were thus represented:

10 per cent. by τόκοι ἐπιδέκατοι, i. e., interest at a rate of a tenth; 12½, 16⅔, 20, 33⅓, by τόκοι ἑρεκτοί, ἐπίπεμτοι, and ἐπίτριτοι, respectively. So that, as Böckh¹ remarks, the τόκος ἐπιδέκατος is equal to the ἐπὶ πέντε ὀβολοῖς: τόκος ἐπόγδοος = the ἐπὶ δραχμῇ nearly. " ἑρεκτος = the ἐπ' ὀκτώ ὀβολοῖς " " ἐπίπεμτος = the ἐπ' ἐννέα ὀβολοῖς " " ἐπίτριτος = the ἐπὶ τρισὶ δραχμαῖς "

These nearly corresponding expressions are not to be considered as identical, however closely they may be indicated by them may approach each other in value; although, in the age of Justinian, as Salvianus² observes, the τόκος ἐπόγδοος, or 12½ per cent., was confounded with the *centesima*, which is only equal to the interest at a drachma, or 12 per cent.

The rates above explained frequently occur in the laws; the lowest in ordinary use at Athens was the τόκος ἐπιδέκατος, or 10 per cent., the highest the τόκος ἐπίτριτος, or 33⅓ per cent. The latter, however, was chiefly confined to cases of bottomry, and denotes more than it appears to do, as the interest of a ship's voyage was generally less than that of a year. Its near equivalent, the ἐπὶ τρισὶ δραχμαῖς, or 35 per cent., was sometimes exacted by bankers at Athens.³ The ἐπὶ δραχμῇ, or rate of 12 per cent., was common in the time of Demosthenes,⁴ and appears to have been thought low. The interest of eight oboli, or 16 per cent., occurs in that orator's⁵ and even in the age of Lysias (B.C. 440) and Demosthenes (B.C. 400), nine oboli for the mina, or 18 per cent., appears to have been a common rate.⁶ Æschines also⁷ speaks of money being borrowed on the same terms; so that, on the whole, we may conclude that the usual rates of interest at Athens about the time of Demosthenes varied from 12 to 18 per cent., and that they were nearly the same in range, and simply expressed, throughout the rest of Greece, as appears from the authorities quoted by Böckh.⁸ No allusions on the subject of the general rate of interest can be drawn from what we are told of the exorbitant rates exacted by common usurers (τοκοβόται, *toculliones*, ἡμεροδανεισταί). Some of these⁹ were exacted as much as an obolus and a half per day for each drachma; and money-lenders and bankers in general, from the high profits which they realized, and the severity with which they exacted their interest, seem to have been as unpopular among their

fellow-citizens as Jews and usurers in more modern times. Demosthenes,¹ indeed, intimates that the fact of a man being a money-lender was enough to prejudice him, even in a court of law, among the Athenians (Μισοῦσιν οἱ Ἀθηναῖοι τοὺς δανείζοντας). It is curious, also, to observe that Aristotle² objects, on principle, to putting money out at interest (ἐυλόγωτατα μισεῖται ἢ ὀβολοστατικῇ), as being a perversion of it from its proper use, as a medium of exchange, to an unnatural purpose, viz., the reproduction or increase of itself; whence, he adds, comes the name of interest or τόκος, as being the offspring (τὸ γιγνόμενον) of a parent like itself.

The arrangement of a loan would, of course, depend upon the relation between the borrower and the lender, and the confidence placed by one in the other. Sometimes money was lent, e. g., by the banker Pasion at Athens, without a security, or written bond, or witnesses.³ But generally either a simple acknowledgment (χειρὸγραφοῦν) was given by the borrower to the lender (vid. ΣΗΠΟΓΡΑΦΗΜ), or a regular instrument (συγγραφή), executed by both parties and attested by witnesses, was deposited with a third party, usually a banker.⁴ Witnesses, as we might expect, were also present at the payment of the money borrowed.⁵ The security for a loan was either a ὑπόθήκη or an ἐνέχυρον: the latter was put into the possession of the lender; the former was merely assured to him, and generally, though not always, consisted of real or immovable property. The ἐνέχυρα, on the contrary, generally consisted of movable property, such as goods or slaves.⁶ At Athens, when land was given as security, or mortgaged (οὐσία ὑπόχρεως), pillars (δροῖ or στῆλαι) were set upon it, with the debt and the mortgagee's name inscribed. Hence an unencumbered estate was called an ἀεστικὸν χωρίον.⁷ (Vid. ΗΘΟΙ.) In the rest of Greece there were public books of debt, like the German and Scotch registers of mortgages; but they are not mentioned as having existed at Athens.⁸

Bottomry (τὸ ναυτικόν, τόκοι ναυτικοὶ or ἐκδοσίς) was considered a matter of so much importance at Athens, that fraud or breach of contract in transactions connected with it was sometimes punished with death.⁹ In these cases the loans were generally made upon the cargo shipped, sometimes on the vessel itself, and sometimes on the money received or due for passengers and freightage (ἐπὶ τῷ ναύλῳ). The principal (ἐκδοσίς, οἰονεὶ ἐξω δόσις¹⁰), as well as the interest, could only be recovered in case the ship met with no disaster in her voyage (συνεῖσις τῆς νεώς¹¹); a clause to this effect being generally inserted in all agreements of bottomry or ναυτικαὶ συγγραφαί. The additional risk incurred in loans of this description was compensated for by a high rate of interest, and the lenders took every precaution against negligence or deception on the part of the borrowers; the latter also were careful to have witnesses present when the cargo was put on board for the purpose of depositing, if necessary, to a *bona fide* shipping of the required amount of goods.¹² The loan itself was either a δάνεισμα ἐτεροπλοῦν, i. e., for a voyage out, or it was a δάνεισμα ἀμφοτερόπλοῦν, i. e., for a voyage out and home. In the former case, the principal and interest were paid at the place of destination, either to the creditor himself if he sailed in the ship, or to an authorized agent.¹³ In the latter case the payment was made on the return of the ship, and it was specially provided in

1. *Econ. of Athens*, i., p. 166.—2. (De M. U.)—3. (Lys., i., p. 4.) (c. Aph., 820, 16.)—5. (c. Nicos., p. 1250, 18.)—6. (Hæz. hered., p. 293.)—7. (c. Timarch., p. 15.)—8. (Eckh., p. 2.) (Theophrast., *Charact.*, 6.)

1. (c. Pant., p. 981.)—2. (Pol., i., 3, § 23.)—3. (Demosth., c. Timoth., 14.)—4. (Demosth., c. Lac., p. 927.—Id., c. Phor., 908, 22.)—5. (Id., c. Phor., 915, 27.)—6. (Böckh, i., p. 172.—Wachsmuth, ii., 1, p. 225.)—7. (Harpocrat., s. v.)—8. (Böckh, i., p. 172.)—9. (Demosth., c. Phor., 922, 3.)—10. (Harpocrat.)—11. (Demosth., c. Zenoth., 883, 16.)—12. (Demosth., c. Phor., 915, 13.)—13. (Demosth., c. Phor., 908, 24 and 914, 28.)

the agreement between the contracting parties, that she should sail to some specified places only. A deviation from the terms of the agreement, in this or other respects, was, according to a clause usually inserted in the agreement, punishable by a fine of twice the amount of the money lent.¹ Moreover, if the goods which formed the original security were sold, fresh articles of the same value were to be shipped in their place.² Sometimes, also, the trader (ὁ ἔμπορος) was himself the owner of the vessel (ὁ ναύκληρος), which in that case might serve as a security for the money borrowed.³

The rate of interest would, of course, vary with the risks and duration of the voyage, and therefore we cannot expect to find that it was at all fixed. Xenophon⁴ speaks of the fifth and third parts of the capital lent as being commonly given in bottomry, referring, of course, to voyages out and home. The interest of an eighth, or 12½ per cent., mentioned by Demosthenes,⁵ was for money lent on a trireme, during a passage from Sestos to Athens, but upon condition that she should first go to Hierum to convoy vessels laden with corn; the principal and interest were to be paid at Athens on her arrival there.⁶

The best illustration of the facts mentioned above is found in a ναυτικὴ συγγραφή, given in the speech of Demosthenes against Lacritus. It contains the following statement and conditions.

Two Athenians lent two Phaselitans 3000 drachmæ upon a cargo of 3000 casks of Mendeian wine, on which the latter were not to owe anything else, or raise any additional loan (οὐδ' ἐπιδανείσονται). They were to sail from Athens to Mende or Scione, where the wine was to be shipped, and thence to the Bosphorus, with liberty, if they preferred it, to continue their voyage on the left side of the Black Sea as far as the Borysthenes, and then to return to Athens; the rate of interest being fixed at 225 drachmæ in 1000, or 25 per cent. for the whole time of absence. If, however, they did not return to Hierum, a port in Bithynia close to the Thracian Bosphorus,⁷ before the early rising of Arcturus, i. e., before the 20th of September or thereabout, when navigation began to be dangerous, they had to pay a higher rate of 30 per cent., on account of the additional risk. The agreement farther specified that there should be no change of vessel for the return cargo, and that, if it arrived safe at Athens, the loan was to be repaid within twenty days afterward, without any deductions except for loss by payments made to enemies, and for jettisons (ἐντελῆς πλὴν ἐκβολῆς, κ. τ. λ.) made with the consent of all on board (οἱ σύμπλοιοι); that, till the money was repaid, the goods pledged (τὰ ὑποκειμένα) should be under the control of the lenders, and be sold by them, if payment was not made within the appointed time; that if the sale of the goods did not realize the required amount, the lender might raise the remainder by making a levy (πράξις) upon the property of both or either of the traders, just as if they had been cast in a suit, and became ὑπεριήμεροι, i. e., had not complied with a judgment given against them within the time appointed. Another clause in the agreement provides for the contingency of their not entering the Pontus; in that case they were to remain in the Hellespont, at the end of July, for ten days after the early rising of the dog-star (ἐπὶ κυβί), discharge their cargo (ἐξέλεσθαι) in some place where the Athenians had no right of reprisals (ὅπου ἂν μὴ σὺλαι ὡσεὶ τοῖς Ἀθηναίοις), (which might be executed unfairly, and would lead to retaliations), and then, on their

return to Athens, they were to pay the lower of interest, or 25 per cent. Lastly, if the vessel were to be wrecked, the cargo was, if possible, to be saved; and the agreement was to be concluded on all points.

From the preceding investigation, it appears that the rate of interest among the ancient Greeks was higher than in modern Europe, and at Rome in the age of Cicero.¹ This high rate does not appear to have been caused by any scarcity of money, for the rent of land and houses in Athens and its neighbourhood was not at all proportional to it. Thaisæus² says that a house at Thiræ was let for 8 per cent. of its value, and some houses at Megara and Eleusis for a fraction more. We should, therefore, rather refer it to a low state of credit, occasioned by a variety of causes, such as the division of Greece into a number of petty states, and the constitution and regulation of the courts of law, which do not seem to have been at all favourable to money-lenders in enforcing their rights. Cicero assigns as an additional cause "the want of good principles."³

II. ROMAN INTEREST. The Latin word for interest, *fenus* or *fenus*, originally meant any increment and was thence applied, like the Greek τόκος, to note the interest or increase of money. "Fenus," says Varro,⁴ "dictum a fetu et quasi a fetura quæ pecunia parientis atque incrementis." The root is found in *fecundus*. *Fenus* was also used for the principal as well as the interest.⁵ Another term for interest was *usura*, generally found in plural, and also *impendium*, on which Varro makes, "a quo (*ponderis*) *usura quod in sorte dicitur, impendium appellatum.*"⁶

Towards the close of the Republic, the rate of interest became due on the first of every month, hence the phrases *tristes* or *celeris calendæ* calendarium, the latter meaning a debt-book or book of accounts. The rate of interest was expressed at the time of Cicero, and afterward, by means of asses and its divisions, according to the following table:

Asses usuræ, or one as per month	
for the use of one hundred	=12 per cent.
Denunces usuræ	11
Dextantes "	10
Dodrantes "	9
Besses "	8
Septunces "	7
Semisses "	6
Quincunces "	5
Trientes "	4
Quadrantes "	3
Sextantes "	2
Unciæ "	1

Instead of the phrase *asses usuræ*, a synonym was used, viz., *centesimæ usuræ*, inasmuch as this rate of interest there was paid in a hundred months a sum equal to the whole principal. Hence *binæ centesimæ* = 24 per cent., and *quaternæ centesimæ* = 48 per cent. So, also, in the line of *ace*,⁷ "Quinas hic capiti mercedes exsecat," we understand *quinas centesimas*, or 60 per cent. the sum taken from the capital. Niebuhr⁸ holds the opinion that the monthly rate of the *centesimæ* is of foreign origin, and first adopted at Rome in the time of Sulla. The old yearly rate established by the Twelve Tables (B.C. 450) was the *uncius fenus*. This has been variously interpreted to (1) one twelfth of the *centesima* paid monthly, or one per cent. per annum; and (2) one twelfth of the principal paid monthly, or a hundred per cent.

1. (Demosth., c. Dionys., 1294.)—2. (Demosth., c. Phorm., 909, 26.)—3. (Demosth., c. Dionys., 1294, 11.)—4. (Περὶ Πόρων: αἱ, 7, 14.)—5. (c. Polycl., 1212)—6. (Böckh, i, p. 181.)—7. (Wolf ad Lept., p. 259.)

1. (Böckh, i, p. 167.)—2. (De Hagn. hered., 88.)—3. (Gell., xvi., 12.)—4. (Tacit., Ann., vi., 17.—Id. ib., xiv., 5.)—5. (De Ling. Lat., v., 183, ed. Müller.)—6. (Sat., l., 5.)—7. (Hist. of Rome, iii., p. 64.)

um. Niebuhr¹ refutes at length the two opinions; but it may be sufficient to observe that one inconsistent with common sense, and the other in the early history of the Republic. A third and satisfactory opinion is as follows: The uncia was the twelfth part of the as, and since the full (12 oz.) per coinage was still in use at Rome when the Twelve Tables became law, the phrase unciarum would be a natural expression for interest of one ounce in the pound; i. e., a twelfth part of the amount borrowed, or 8½ per cent., not per month, but per year. This rate, if calculated for the old Roman year of ten months, would give 10 per cent. for the civil year of twelve months, which was in common use in the time of the decemvirs. The etymology of the Greek terms τόκος, ἐπίτροπος, &c., confirms this view, which, as Niebuhr observes, is invalidated by the admission that it supposes a yearly, and not a monthly payment of interest; for, though in the later times of the Republic interest became due every month, there is no trace of this having been the case formerly.² Nor is it difficult to account for the change: it probably was connected with the modifications made from time to time in the Roman law of debtor and creditor (such as the abolition of personal slavery for debt), the natural effect of which would be to make creditors more scrupulous in lending money, and more vigilant in exacting the interest due upon it. If a debtor could not pay the principal and interest at the end of the year, he used to borrow money from a fresh creditor to pay off his old debt. This proceeding was very frequent, and called a "versus," a word which Festus³ thus explains: "*Versus facere, mutuum pecuniam sumere, ex eo dictum quod initio qui mutuabantur ab aliis, ut aliis solent, velut vertent creditorem.*" It amounted to the short of paying compound interest, or an anniversary, another phrase for which Cicero uses *usura renovata*; e. g., *centesimæ renovatæ* is five per cent. compound interest, to which Cicero opposes *centesimæ perpetuo fenore* = 12 per cent. simple interest. The following phrases are common occurrence in connexion with borrowing and lending money at interest: "*Pecuniam ad aliquem collocare,*" to lend money at interest; "*legere,*" to call it in again; "*cavere,*" to give security for it; "*opponere*" or "*opponere pignori,*" to give as a pledge or mortgage: hence the pun in *allus*.⁴

"*Furi, villula nostra non ad Austri
Flatus opposita est, nec ad Favoni:
Verum ad millia quindecim et ducentos.
O ventum horribilem atque pestilentem.*"

The word *nomen* is also of extensive use in money transactions. Properly it denoted the name of a debtor, registered in a banker's or any other account-book: hence it came to signify the articles in an account, a debtor, or a debt itself. Thus we find "*bonum nomen,*" a good debt; "*nomina facta,*" to lend moneys, and also to borrow money. Moreover, the Romans generally discharged debts through the agency of a banker (*in foro et de mensæ usura*) rather than by a direct personal payment (*arca domoque*); and as an order or undertaking for payment was given by writing down the sum to be paid, with the receiver's name underneath or beside it,⁵ hence came the phrases "*scribere mos alicui,*" to promise to pay;⁶ "*rescribere,*" to pay back, of a debtor.⁷ So also "*perscribere,*" to give a bill or draught (*perscriptio*) on a banker

for payment, in opposition to payment by ready money.¹

The Roman law of debtor and creditor is given under *NEXT*. It is sufficient to remark here that the Licinian laws (*vid. LICINIÆ LEGES*), by which the grievances of debtors were to a certain extent redressed, did not lay any restriction on the rate of interest that might be legally demanded; and it is clear, from various circumstances,² that the scarcity of money at Rome after the taking of the city by the Gauls had either led to the actual abolition of the old uncial rate (*unciarium fenus*) of the Twelve Tables, or caused it to fall into disuse. Nine years, however, after the passing of these laws,³ the rate of the Twelve Tables was re-established, and any higher rate prohibited by the bill (*rogatio*) of the tribunes Duilius and Mænius.

Still this limitation of the rate of interest did not enable debtors to pay the principal, and what Tacitus⁴ calls the "*fenebre malum*" became at last so serious that the government thought it necessary to interfere, and remedy, if possible, an evil so great and inveterate. Accordingly, fourteen years after the passing of the Licinian laws, five commissioners were appointed for this purpose under the title of *mensarii* or bankers. These opened their banks in the Forum, and in the name of the treasury offered ready money to any debtor who could give security (*cavere*) to the state for it: moreover, they ordered that land and cattle should be received in payment of debts at a fair valuation, a regulation which Cæsar adopted for a similar purpose.⁵ By these means, Livy⁶ tells us that a great amount of debt was satisfactorily liquidated. Five years afterward, the legal rate of interest was still farther lowered to the "*semunciarium fenus,*" or the twenty-fourth part of the whole sum (*ad semunciam redacta usura*); and in B.C. 346 we read of several usurers being punished for a violation of the law,⁷ by which they were subjected to a penalty of four times the amount of the loan.⁸ But all these enactments were merely palliatives; the termination and cure of the evil was something more decisive—neither more nor less than a species of national bankruptcy—a general abolition of debts, or *χρεῖν ἀποκοπή*.⁹ This happened in B.C. 341, a year remarkable for political changes of great importance, and was followed up by the passing of the Genucian laws, which forbade the taking of usury altogether.¹⁰ A law like this, however, was sure to be evaded, and there was a very simple way of doing so; it only affected Roman citizens, and therefore the usurers granted loans, not in the name of themselves, but of the Latins and allies who were not bound by it.¹¹ To prevent this evasion, the Sempronian law was passed (B.C. 194), which placed the Latins and allies on the same footing, in respect of lending money, as the full Roman citizens. At last, after many futile attempts to prevent the exaction of interest at any rate and in any shape, the idea was abandoned altogether, and the *centesima*, or 12 per cent. per annum, became the legal and recognised rate. Niebuhr,¹² as we have already observed, is of opinion that it was first adopted at Rome in the time of Sulla; but whether it became the legal rate by any special enactment, or from general consent, does not appear. Some writers have inferred¹³ that it was first legalized by the edicts of the city prætors, an inference drawn from the general resemblance between the pretorian and proconsular edicts, coupled with the fact that some proconsular edicts

1. (Cic. ad Att., xii., 51; xvi., 2.)—2. (Niebuhr, ii., p. 603.)—3. (Liv., vii., 16.)—4. (Ann., vi., 16.)—5. (Suet., Jul., 42.)—6. (vii., 21.)—7. (Tacit., Ann., vi., 16.)—8. (Liv., vii., 25.)—9. (Cato, De Re Rust., Init.)—10. (Niebuhr, iii., p. 77.)—11. (Liv., vii., 42.)—12. (Liv., xxxv., 7.)—13. (iii., p. 64.)—14. (Heinecc. iii., 15.)

are extant, by which the centesima is fixed as the legal rate in proconsular provinces (*in edicto tralatio centesimas me observatum habui*). Whether this supposition is true or not, it is admitted that the centesima, or 12 per cent., was the legal rate towards the close of the Republic, and also under the emperors. Justinian reduced it to 6 per cent.²

In cases of *fenus nauticum*, however, or bottomry, as the risk was the money-lender's, he might demand any interest he liked while the vessel on which the money was lent was at sea; but after she reached harbour, and while she was there, no more than the usual rate of 12 per cent. or the centesima could be demanded.

Justinian made it the legal rate for *fenus nauticum* under all circumstances.³

INTERPRES, an Interpreter. This class of persons became very numerous and necessary to the Romans as their empire extended. Embassies from foreign nations to Rome, and from Rome to other states, were generally accompanied by interpreters to explain the objects of the embassy to the respective authorities.⁴ In large mercantile towns, the interpreters, who formed a kind of agents through whom business was done, were sometimes very numerous, and Pliny⁵ states that at Dioscurias in Colchis, there were at one time no less than 130 persons who acted as interpreters to the Roman merchants, and through whom all their business was carried on.

All Roman prætors, proconsuls, and quæstors, who were intrusted with the administration of a province, had to carry on all their official proceedings in the Latin language;⁶ and as they could not be expected to be acquainted with the language of the provincials, they had always among their servants (*vid. APPARITORES*) one or more interpreters, who were generally Romans, but in most cases undoubtedly freedmen.⁷ These interpreters had not only to officiate at the *conventus* (*vid. CONVENSUS*), but also explained to the Roman governor everything which the provincials might wish to be laid before him.⁸

INTERREGNUM. (*Vid. INTERREX.*)

INTERREX. This office is said to have been instituted on the death of Romulus, when the senate wished to share the sovereign power among themselves instead of electing a king. For this purpose, according to Livy,⁹ the senate, which then consisted of one hundred members, was divided into ten decuries, and from each of these decuries one senator was nominated. These together formed a board of ten, with the title of *Interreges*, each of whom enjoyed in succession the regal power and its badges for five days; and if no king was appointed at the expiration of fifteen days, the rotation began anew. The period during which they exercised their power was called an *Interregnum*. Dionysius¹⁰ and Plutarch¹¹ give a different account of the matter, but that of Livy appears the most probable. Niebuhr¹² supposes that the first interreges were exclusively Ramnes, and that they were the decem primi, or ten leading senators; of whom the first was chief of the whole senate.¹³

The interreges agreed among themselves who should be proposed as king,¹⁴ and if the senate approved of their choice, they summoned the assembly of the curiæ, and proposed the person whom

they had previously agreed upon; the power of the curiæ was confined to accepting or rejecting him. The choice of the senate was called *patrum auctoritas*;¹ the putting of his acceptance or rejection to the vote in the curiæ, *rogare*;² and the decree of the curiæ on the subject, *jussus populi*.³

Interreges were appointed under the Republic to hold the comitia for the election of the consuls when the consuls, through civil commotions or other causes, had been unable to do so in their year of office.⁴ Each held the office for only five days as under the kings. The comitia were hardly ever held by the first interrex; more usually by the second or third;⁵ but in one instance we read of an eleventh, and in another of a fourteenth interrex.⁶ The comitia for electing the first consuls were held by Spurius Lucretius as interrex,⁷ whom Livy⁸ calls also *prefectus urbis*. The interreges under the Republic, at least from B.C. 482, were elected by the senate from the whole body, and were not confined to the decem primi, or ten chief senators, as under the kings.⁹ Plebeians, however, were not admissible to this office; and, consequently, when plebeians were admitted into the senate, the patrician senators met without the plebeian members to elect an interrex.¹⁰ For this reason, as well as on account of the influence which the interrex exerted in the election of the magistrates, we find that the tribunes of the plebs were strongly opposed to the appointment of an interrex.¹¹ The interrex had jurisdiction.¹²

Interreges continued to be appointed occasionally till the time of the second Punic war;¹³ but after that time we read of no interrex till the senate, by command of Sulla, created an interrex to hold the comitia for his election as dictator, B.C. 82.¹⁴ In B.C. 55 another interrex was appointed to hold the comitia, in which Pompey and Crassus were elected consuls;¹⁵ and we also read of interreges in B.C. 53 and 52, in the latter of which years an interrex held the comitia, in which Pompey was appointed sole consul.¹⁶

INTERULA. (*Vid. TUNICA.*)

INTESTABILIS. In the Twelve Tables it was declared "qui se sirit testarius libripensæ fuerit, in testimonium fariatur, improbus intestabilisque erit." According to these passages, a person who had been a witness on any solemn occasion, such as the making of a will, and afterward refused to give his testimony, was "intestabilis," that is, disqualified from ever being a witness on any other occasion. The word afterward seems to have had its meaning extended, and to have been used to express one who could not make a will, and who laboured under a general civil incapacity.¹⁷

INTESTA'TO, HEREDITA'TES AB. (*Vid. HERES, ROMAN, p. 497.*)

INTESTA'TUS. (*Vid. HERES, ROMAN, p. 497.*)

*INTUBUM or INTYBUM, a plant, of which two kinds, the wild and the cultivated, are mentioned by the ancient writers. The former is the *Cichorium*, or *Intubum erraticum* of Pliny;¹⁸ our bitter Succory, or the *Cichorium Intybus* of Linnaeus; the latter is Pliny's *Intubum sativum*, called also *Sicc.*

1. (Cic., De Rep., ii., 13.—Liv., i., 22.)—2. (Cic., De Rep., ii., 17.)—3. (Cic., De Rep., ii., 13, 21.—Liv., i., 22.)—4. (Dionys., viii., 90.—Liv., iv., 43, &c.)—5. (Liv., ix., 7.—Id., x., 11.—Id., v., 31.)—6. (Liv., vii., 22.—Id., viii., 23.)—7. (Dionys., vi., 84.)—8. (Liv., i., 60.)—9. (Dionys., viii., 90.)—10. (Liv., iv., 42.—Id., iv., 41.—Cic., Pro Dom., 14.—Niebuhr, iii., p. 429.—Walter, p. 89.)—11. (Liv., iv., 43.—Id., xxii., 34.)—12. (Liv., x., 41, 9.—Niebuhr, iii., p. 28.)—13. (Liv., xxii., 33, 34.)—14. (Appian, Bell. Civ., i., 98.)—15. (Dion Cass., xxxix., 27, 31.)—16. (Dion Cass., xl., 45.—Ascon. ad Cic., Mil., init., p. 32, ed. Orelli.—Plut., Pomp., 54.)—17. (Dirksen, Uebersicht, &c., p. 467.—Compare Gellius, vi., 7; xv., 13.)—18. (Hor., Sat., ii., iii., 10.—Dig. 26, tit. 1, s. 18, 26.—Inst., ii., tit. 10.)—19. (H. N., xii., 15.)

or Endive, the *Cichorium endivia*, L. The name is said to have come originally from Egypt, and great use was made of it; and, when introduced into Europe, it brought along with it its original or Coptic name, which became in Greek *ἑνδιβία* or *κικώρη*. The Arabians call it *Chikou*, a name corrupted from the preceding. By the name *erraticum* Pliny means "wild" or "savage" as appears from his own words: "Erraticum, *pud nos quidam ambuleiam appellavere, in cichorium vocant, quod sylvestre sit.*" Féé, however, insists, and with much appearance of reason, that the term in question refers rather to its origin, numerous, and spreading roots of which whence Virgil speaks of the "*amaris intubata*"¹. The modern name *Endive*, as given to the present kind, comes from the barbarous word *enwich* which was used in the Middle Ages, and was probably corrupted from the Arabic *hendib* or the Latin term *intybum*, most probably the

ERANTARIUM. (Vid. HERES, ROMAN, p. 500.)
ESTIS. (Vid. IMPUBES.)

VIOLA, Elecampagne, the *ἑλίβιον* of the Greeks, *Viola* (or *Enula*) *Campana* of the school of Salsola. (Vid. HELENIUM.)

VIOLA (ἴων), the Violet. The *Viola odorata*, or Violet, is the *ἴων μέλαν* of Theophrastus,² the *ἴων ἁγροῦν* of Dioscorides,⁴ and the species of which is often celebrated by the poets. According to Theophrastus, the *ἴων χλωρόν* of Theophrastus is the *Viola cheiri*, or Wall-flower. Féé, however, disinclined to adopt this extension of the name *Viola* or *ἴων*, notwithstanding the immense error which Sprengel has employed in favour of extending the limits of the genus *Viola* (*ἴων*) among the plants. The *Viola pallens* of Virgil appears to mean the *V. palustris* of Linnæus, or else the *Viola* of the same botanist.⁵

VIOLA (ἰωνία), a term properly denoting "a bed of violets," but also applied to several species of the genus, and especially to the *Viola odorata*.⁶

VIOLA (ἴων), a species of plant. Bauhin that some held the *Asphodelus luteus* to be the *ἴων* of Theophrastus. Stackhouse proposes *Scandula spica*, or Spike Lavender.⁷

VIOLA (ἴψ), an insect mentioned by Theophrastus, probably the same as the *Cynips*, L. "The *ἴψ*," observes Adams, "pierces the leaves of the vine with their sting, and deposit their eggs in them: the extravasated juices rise round it, form a gall which becomes hard; in this the insect lives and feeds, and changes to a pupa. In autumn, the gall most common is that found on *Vitis canina*. It is worthy of remark, that the ancients Ammonius and Cyrillus restrict this name to the *Cynips* of the Vine and Carob-nut (*κεράτοιο* I propose to read instead of *κεράτων*)."⁸

VIOLA (ἴων). (Vid. EIREN.)

VIOLA (ἴρις), a plant, the Iris. The description of its flowers by Dioscorides makes them of various colours, white, yellow, purple, &c., from which it would clearly appear that under this name were comprehended more than one species of Iris. Pliny thinks that the *Iris Germanica* and *Florentina* more particularly applicable to the description of Dioscorides. Adams states that, as long as the name *Iris* continued in repute in the East, the *Iris Florentina* was invariably substituted for the ancient *Iris*.⁹

IRPEX, HIRPEX, or URPEX,¹ a Harrow, used to clear the fields of weeds, and to level and break down the soil. The harrow of the ancients, like ours, had iron teeth, and was drawn by oxen.²

*IS'ATIS (*ἰσαρίς*), a plant, the *Glastum* of the Latins, and the modern Wood, yielding a beautiful blue dye. (Vid. GLASTUM.)

ISELA'STICI LUDI. (Vid. ATHLETÆ, p. 120.)
ISOPOLITEIA. (Vid. CIVITAS, GREEK, p. 259.)

*ISOPYRON (*ἰσόπυρον*), a plant, probably the Bog Bean, or *Menyanthes trifoliata*. "From the account of Galen and Paulus Ægineta," observes Adams, "it might be taken for the Kidney Bean or Fasel, but Dioscorides clearly distinguishes between these. Dodonæus advanced the opinion that the *Menyanthes trifoliata*, or Bog Bean, is the *ἰσόπυρον* of Dioscorides; but, as Sprengel remarks, its botanical characters do not agree with those of the *Isopyrum* as given by Dioscorides. At the same time, it is worthy of remark, as a singular coincidence, that the Bog Bean is still used by the common people in Scotland for the cure of those complaints for which Dioscorides recommends the *Isopyrum*. The opinion of Dodonæus is farther countenanced by Bauhin."³

ISOTELEIA, ISOTELEIS. (Vid. CIVITAS, GREEK, p. 259.)

ISTHMIAN GAMES (*Ἰσθμια*), one of the four great national festivals of the Greeks. This festival derived its name from the Corinthian Isthmus, where it was held. Where the isthmus is narrowest, between the coast of the Saronic Gulf and the western foot of the Cenean hills, was the Temple of Poseidon, and near it was a theatre and a stadium of white marble.⁴ The entrance to the temple was adorned with an avenue of statues of the victors in the Isthmian games, and with groves of pine-trees. These games were said originally to have been instituted by Sisyphus in honour of Melicertes, who was also called Palæmon.⁵ Their original mode of celebration partook, as Plutarch⁶ remarks, more of the character of mysteries than of a great and national assembly with its various amusements, and was performed at night. Subsequent to the age of Theseus, the Isthmia were celebrated in honour of Poseidon; and this innovation is ascribed to Theseus himself, who, according to some legends, was a son of Poseidon, and who, in the institution of the Isthmian solemnities, is said to have imitated Heracles, the founder of the Olympian games. The celebration of the Isthmia was henceforth conducted by the Corinthians, but Theseus had reserved for his Athenians some honourable distinctions: those Athenians who attended the Isthmia sailed across the Saronic Gulf in a sacred vessel (*θεωρίε*), and an honorary place (*προεδρία*), as large as the sail of their vessel, was assigned to them during the celebration of the games.⁷ In times of war between the two states, a sacred truce was concluded, and the Athenians were invited to attend at the solemnities.⁸ The Eleans did not take part in the games, and various stories were related to account for this singular circumstance.⁹ It is a very probable conjecture of Wachsmuth,¹⁰ that the Isthmia, after the changes ascribed to Theseus, were merely a panegyris of the Ionians of Peloponnesus and those of Attica; for it should be observed that Poseidon was an Ionian deity, whose worship appears originally to have been unknown

1. (Cato, De Re Rust., 10.)—2. (Festus, s. v.—Serv. in Virg., Georg., i., 95.—Varro, De Ling. Lat., v., 31, ed. Spengel.)—3. (Dioscor., iv., 119.—P. Ægin., vii., 3.—Bauhin, Pinax, p. 637.—Adams, Append., s. v.)—4. (Paus., ii., 1, § 7.—Strab., viii., 6, p. 196.—Compare p. 214, ed. Tauchnitz.)—5. (Apollod., iii., 4, 3.—Paus., ii., 1, 3.)—6. (Thes., 25.)—7. (Plut., l. c.)—8. (Thucyd., viii., 10.)—9. (Paus., v., 2, § 2.)—10. (Hellen. Altrth., I., i., p. 227.)

to the Dorians. During the reign of the Cypselids at Corinth, the celebration of the Isthmian games was suspended for seventy years.¹ But after this time they gradually rose to the rank of a national festival of all the Greeks. In Olymp. 49 they became periodical, and were henceforth celebrated regularly every third year, twice in every Olympiad, that is, in the first and third year of every Olympiad. The Isthmia held in the first year of an Olympiad fell in the Corinthian month Panemus (the Attic Hecatombæon); and those which were held in the third year of an Olympiad fell either in the month of Munychion or Thargelion.² Pliny³ and Solinus⁴ erroneously state that the Isthmia were celebrated every fifth year. With this regularity the solemnities continued to be held by the Greeks down to a very late period. In 228 B.C., the Romans were allowed the privilege of taking part in the Isthmia;⁵ and it was at this solemnity that, in 196 B.C., Flaminius proclaimed before an innumerable assembly the independence of Greece.⁶ After the fall of Corinth in 146 B.C., the Sicyonians were honoured with the privilege of conducting the Isthmian games; but when the town of Corinth was rebuilt by J. Cæsar,⁷ the right of conducting the solemnities was restored to the Corinthians, and it seems that they henceforth continued to be celebrated till Christianity became the state-religion of the Roman Empire.⁸

The season of the Isthmian solemnities was, like that of all the great national festivals, distinguished by general rejoicings and feasting. The contests and games of the Isthmia were the same as those at Olympia, and embraced all the varieties of athletic performances, such as wrestling, the pancratiun, together with horse and chariot racing.⁹ Musical and poetical contests were likewise carried on, and in the latter women were also allowed to take part, as we must infer from Plutarch,¹⁰ who, on the authority of Polemo, states, that in the treasury at Sicyon there was a golden book, which had been presented to it by Aristomache, the poetess, after she had gained the victory at the Isthmia. At a late period of the Roman Empire, the character of the games at the Isthmia appears greatly altered; for in the letter of the Emperor Julian above referred to, it is stated that the Corinthians purchased bears and panthers for the purpose of exhibiting their fights at the Isthmia, and it is not improbable that the custom of introducing fights of animals on this occasion commenced soon after the time of Cæsar.

The prize of a victor in the Isthmian games consisted at first of a garland of pine-leaves, and afterward of a wreath of ivy; but in the end the ivy was again superseded by a pine garland.¹¹ Simple as such a reward was, a victor in these games gained the greatest distinction and honour among his countrymen; and a victory not only rendered the individual who obtained it a subject of admiration, but shed lustre over his family, and the whole town or community to which he belonged. Hence Solon established by a law, that every Athenian who gained the victory at the Isthmian games should receive from the public treasury a reward of one hundred drachmæ.¹² His victory was generally celebrated in lofty odes, called Epinikia, or triumphal odes, of which we still possess some beautiful specimens among the poems of Pindar. (See Massieu in the *Mém. de l'Acad. des Inscrip. et Bell. Lett.*, v., p. 214, &c.—Dissen, *De Ratione Poetica Carminum*

Pindaricorum, prefixed to the first volume of his edition of Pindar, and Müller, *Hist. of Greek Lit.*, p. 220, &c.)

ITALIA. (Vid. COLONIA, p. 282.)

ITER. (Vid. SERVITUTES.)

JUDEX, JUDICIUM. A Roman magistratus generally did not investigate the facts in dispute in such matters as were brought before him: he appointed a judex for that purpose, and gave him instructions. (Vid. ACTIO.) Accordingly, the whole of civil procedure was expressed by the two phrases jus and judicium, of which the former comprehended all that took place before the magistratus (i.e. *jure*), and the latter all that took place before the judex (*in judicio*). Originally even the magistratus was called judex, as, for instance, the consul and prætor;¹ and under the Empire the term judex often designated the præses. In the intermediate period it designated a person whose functions may be generally understood from what follows.

In many cases a single judex was appointed; in others, several were appointed, and they seem to have been sometimes called recuperatores, as opposed to the single judex.² Under certain circumstances, the judex was called arbiter: thus judex and arbiter are named together in the Twelve Tables.³

A judex, when appointed, was bound to discharge the functions of the office, unless he had some valid excuse (*excusatio*). A person might also be disqualified from being a judex. There were certain seasons of the year when legal business was done at Rome (*cum res agebantur*), and at these times the services of the judices were required. These legal terms were regulated according to the seasons, so that there were periods of vacation:⁴ in the provinces, the terms depended on the conventus. A judex was liable to a fine if he was not in attendance when he was required. In any given case, the litigant parties agreed upon a judex, or accepted him whom the magistratus proposed. A party had the power of rejecting a proposed judex, though there must have been some limit to this power.⁵ In cases where one of the litigant parties was a peregrinus, a peregrinus might be judex.⁶ The judex was sworn to discharge his duty faithfully.⁷

When Italy had received its organization from the Romans, the magistratus of the several cities had jurisdiction, and appointed a judex as the prætor did at Rome (*lex Rubria de Gallia Cisalpina*). In the provinces, the governors appointed a judex or recuperatores, as the case might be, at the conventus which they held for the administration of justice; and the judex or recuperatores were selected both from Roman citizens and natives.

When the judex was appointed, the proceedings *in jure* or before the prætor were terminated, which was sometimes expressed by the term *Litis Contestatio*, the phrases *Litis Contestata* and *Judicium Acceptum* being equivalent in the classical jurists. (Vid. LITIS CONTESTATIO.) The parties appeared before the judex on the third day (*conperenduntatio*), unless the prætor had deferred the judicium for some sufficient reason. The judex was generally aided by advisers (*jurisconsulti*) learned in the law, who were said "in consilio adesse;"⁸ but the judex alone was empowered to give judgment. The matter was first briefly stated to the judex (*causa coniectio, collectio*), and the advocates of each party supported his cause in a speech. The evidence seems to have been given at the same time that the

1. (Solin., c. 12.)—2. (Corsini, Dissert. Agon., 4.—Compare Götter ad Thucyd., viii., 9.)—3. (H. N., iv., 5.)—4. (c. 9.)—5. (Polyb., ii., 13.)—6. (Polyb., xviii., 29.)—7. (Paus., ii., 1, § 2.—Id., ii., 2, § 2.)—8. (Suet., Ner., 24.—Julian Imperat., Epist., 35.)—9. (Paus., v., 2, § 4.—Polyb., l. c.)—10. (Sympos., v., 2.)—11. (Plut., Sympos., v., 3.)—12. (Plut., Sol., 23.)

1. (Liv., iii., 55.)—2. (Gaius, iv., 104-109.)—3. (Dirksen, Uebersicht, &c., p. 725.)—4. (Gaius, ii., 279.)—5. (Cic. ad Att., i., 1: "Cum Romæ a judicibus forum refrigerit.")—6. (Cic., Pro Cluent., 43.)—7. (Gaius, iv., 105.)—8. (Cic., De Invent., l., 39.)—9. (Cic., Pro P. Quintic., 2, 6.—Id., Top., 17.)

speeches were made, and not to have been heard before the advocates made their address.¹ But it is probable that the practice in this respect might vary in different cases. Witnesses were produced on both sides, and examined orally; the witnesses on one side were also cross-examined by the other.² Written documents, such as instruments and books of account, were also given in evidence; and sometimes the deposition of an absent witness was read, when it was confirmed by an oath.³ There were no means of compelling a person to give evidence before the legislation of Justinian, unless they were slaves, who in some cases might be put to the torture.

After all the evidence was given and the advocates had finished, the judex gave sentence: if there were several judges, a majority decided. If the matter was one of difficulty, the hearing might be adjourned as often as was necessary (*ampliatio*); and if the judex could not come to a satisfactory conclusion, he might declare this upon oath, and so release himself from the difficulty. This was done by the form of words "non liquere" (N. L.).⁴ The sentence was pronounced orally, and was sometimes first written on a tablet. If the defendant did not make his appearance after being duly summoned, judgment might be given against him.

The sentence was either of absolutio or condemnatio. That part of the formula which was called condemnatio (*vid. Acro*, p. 20), empowered the judex to condemn or acquit (*condemnare, absolvere*).⁵ The defendant might satisfy the plaintiff after the judicium had been constituted by the *litis contestatio* (*post acceptum judicium*), and before judgment was given; but in this case it was a disputed question between the two schools whether the judex should acquit, or whether he should condemn on the ground that, at the time when the judicium was constituted, the defendant was liable to be condemned, and it was the business of the judex merely to follow his instructions. The dispute accordingly involved one of those principles on which the schools were theoretically divided—the following out of a legal principle to all its logical consequences; but, like many other questions between the schools, this question was practically of no importance, as the plaintiff would not be allowed to have satisfaction twice. (*Vid. JURISCONSULTI.*)

While the legis actiones were in force, the judgment was for the restitution of a thing, if a given thing (*corpus*) was the object of the action; but under the process of the formula, the judex gave judgment, pursuant to the formula, in a sum of money, even when a piece of property was the object of dispute. This sum of money was either fixed or not fixed in the formula. If the claim was for a certain sum of money, the amount was inserted in the condemnatio, and the judex was bound to give that or nothing to the plaintiff. If the claim was for damages or satisfaction, the amount of which was not ascertained, the condemnatio was either limited to a sum named in the formula, and which the judex could not exceed except at his own peril (*litem suam faciendo*); or, if the action was for the recovery of property from the possessor, or if it was an *actio ad exhibendum*, the condemnatio empowered the judex to condemn the defendant in the value of the thing. The judex was always bound to condemn in some definite sum, even though the formula did not contain a definite sum: the reason of which is obvious; for, unless the condemnatio was definite, there would be no judgment.⁷

The following is the distinction between an *arbitrium* and *judicium*, according to Cicero:¹ In a *judicium* the demand was of a certain sum or definite amount (*pecunia certa*); in an *arbitrium* the amount was not determined (*incerta*). In a *judicium* the plaintiff obtained all that he claimed or nothing, as the words of the formula show: "*Si paret H. S. 1000 dari oportere.*"² The corresponding words in the formula *arbitraria* were, "*Quantum equius melius id dari;*" and their equivalents were, "*Ex fide bona, Ut inter bonos bene agier.*"³ In a dispute about *dos*, which Cicero calls "*arbitrium rei uxoriae.*" the words "*quid equius, melius,*" were added.⁴ If the matter was brought before a *judex*, properly so called, the *judicium* was constituted with a *pœna*, that is, per sponsionem; there was no *pœna* when an *arbitrator* was demanded, and the proceeding was by the formula *arbitraria*. The proceeding by the *sponsio*, then, was the strict one (*angustissima formula sponsionis*); that of the *arbitrium* was *ex fide bona*, and the *arbitrator*, though he was bound by the instructions of the formula, was allowed a greater latitude by its terms. The engagement between the parties who accepted an *arbitrator*, by which they bound themselves to abide by his *arbitrium*, was *compromissum*;⁵ but this term was also employed, as it appears, to express the engagement by which parties agreed to settle their differences by arbitration, without the intervention of the *prætor*. Cicero appears to allude to this arbitration.⁷

According to Cicero,⁸ all *judicia* had for their object either the settlement of disputes between individuals (*controversiæ*), or the punishment of crimes (*maleficia*). This passage refers to a division of *judicia*, which appears in the jurists, into *publica* and *privata*. The term *privata judicia* occurs in Cicero,⁹ where it refers to the class of *judicia* which he indicates in the *Cæcina* by the term *controversiæ*. The term *publica judicia* might not then be in use, but the term *publica causa* is used by Cicero¹⁰ with reference to a *judicium*, which by the jurists would be called *publicum*. In the *Digest*¹¹ it is stated that all *judicia* are not *publica* in which a crime was the matter in question, but only those in which the offence was prosecuted under some *lex*, such as the *Julia Majestatis*, *Cornelia de Sicariis*, and others there enumerated. *Judicia* were called *extraordinaria* when the inquiry was *extra ordinem*, that is, not according to the usual practice; and this might happen when the offence was one not provided for by law (*legibus*), but one that was punishable by immemorial usage and general opinion, of which there is an instance in *Livy* (*seu legibus seu moribus malitiam anquireret*).¹² The *judicia popularia*, or *populares actiones*, as they are called,¹³ are defined to be those by which "*suum jus populus tuetur;*" and they agreed with the *publica judicia* in this, that any person might be the prosecutor who was not under some legal disqualification. The *judicia populi*¹⁴ were those in which the *populus* acted as *judices*; and, accordingly, Cicero enumerates the *populi judicia* among others when he says¹⁵ that "*nilil de capite civis, aut de bonis, sine judicio senatus aut populi aut eorum qui de quaque re constituti judices sint, detrahi posse.*" As the *judicia publica* are defined by the jurists to be those in which *crimina* were tried by a special *lex*, it appears that the *judicia populi*, strictly so called, must have fallen into disuse, or have gradually become unnecessary after the *judi-*

1. (Cic., *Pro Rosc. Com.*, 14.—*Id.*, *Pro P. Quintio*, 18.)—2. (Cic., *Pro Cæcina*, 10.—*Id.*, *Pro Flacco*, 10.)—3. (*Pro Rosc. Com.*, 15.)—4. (Gell., *xiv.*, 2.)—5. (Gaius, *iv.*, 43.)—6. (Gaius, *iii.*, 180; *iv.*, 111.)—7. (Gaius, *iv.*, 48-52.)

1. (*Pro Rosc. Com.*, 4.)—2. (Compare Gaius, *iv.*, 50.)—3. (*Top.*, 17.)—4. (Compare Gaius, *iv.*, 47, 62.)—5. (Cic., *Pro Rosc. Com.*, 14.)—6. (*Pro Rosc. Com.*, 4.)—7. (*Pro Quintio*, 5.)—Compare Senec., *De Benef.*, *iii.*, 7.)—8. (*Pro Cæcina*, 2.)—9. (*Top.*, 17.)—10. (*Pro Rosc. Amer.*, c. 21.)—11. (48, tit. 1, s. 1.)—12. (xxvi., 3.)—13. (*Dig.* 47, tit. 5, s. 1.)—14. (Cic., *Brut.*, 27.)—15. (*Pro Dom.*, c. 13.)

ia publica were regulated by special leges; and thus the judicia publica of the later republican period represent the judicia populi of the earlier times. The judicia populi were originally held in the comitia curiata, and subsequently in the centuriata and tributa. A lex of Valerius Publicola¹ gave an appeal (*provocatio*) to the populus from the magistratus; and a law of C. Sempronius Gracchus² declared to the same effect: "*Ne de capite civium Romanorum injussu populi judicaretur.*"

The kings presided in the judicia populi, and the consuls succeeded to their authority. But after the passing of the lex Valeria de Provocatione (B.C. 507), the consul could not sit in judgment on the caput of a Roman citizen, but persons were appointed to preside at such inquiries, who were, accordingly, called *quaesitores*, or *quaestores parricidii*, or *rerum capitalium*. In some cases³ a plebiscitum was passed, by which the senate was empowered to appoint one of the praetors or some other magistrate to preside at the judicial investigation. In course of time, as cases were of more frequent occurrence, these quaestiones were made perpetual, that is, particular magistrates were appointed for the purpose. In the year 149 B.C., the tribune L. Calpurnius Piso Frugi carried a lex De Pecuniis Repetundis, from which time the *quaestio repetundarum* became perpetual. L. Sulla gave to one praetor the quaestiones de majestate, and to others those of *peculatus* and *ambitus*; and he also added four other quaestiones perpetual. Thus he carried out the principle of the lex Calpurnia, by establishing permanent courts for the trial of various specified offences, and the praetors determined among themselves in which of these new courts they should severally preside. The ordinary functions of the praetor urbanus and peregrinus were not interfered with by these new arrangements. The quaestiones of Sulla were, De Repetundis, Majestatis, De Sicariis et Veneficiis, De Parricidio, Peculatus, Ambitus, De Nummis Adulterinis, De Falsis or Testamentaria, and De Vi Publica. But in special cases the senate still sometimes, by a decretum, appointed the consuls as *quaesitores*, of which an example occurs in Cicero:⁴ this was a case of *quaestio* or *judicium extra ordinem*.

Any person might be an accuser (*accusator*) in a *judicium publicum*. On such an occasion the praetor generally presided as *quaesitor*, assisted by a *judex quaestionis* and a body of *judices* called his *consilium*. The *judex quaestionis* was a kind of assistant to the presiding magistratus, according to some opinions; but others consider him to be a *quaesitor*, who was sometimes specially appointed to preside on the occasion of a *quaestio*.⁵ The *judices* were generally chosen by lot out of those who were qualified to act; but in some cases the accuser and the accused (*reus*) had the privilege of choosing (*edere*) a certain number of *judices* out of a large number, who were thence called *edititii*.⁶ Both the *accusator* and the *reus* had the privilege of rejecting or challenging (*rejicere*) such *judices* as they did not like.⁷ In many cases a lex was passed for the purpose of regulating the mode of procedure. In the matter of Clodius and the Bona Dea, the senate attempted to carry a lex by which the praetor who was to preside at the trial should be empowered to select the *judices*, the effect of which would have been to prevent their being challenged by Clodius. After a violent struggle, a lex for the regulation of the trial was proposed by the tribune Fufius and carried: it only differed from the lex recommended by the senate in the mode of determining who

should be the *judices* (*judicium genus*): a difference, however, which was not unimportant, as it secured the acquittal of Clodius. The *judices* voted by ballot, at least generally, and a majority determined the acquittal or condemnation of the accused. Each *judex* was provided with three tablets (*tabulae*), on one of which was marked A., Absolvo; on a second, C., Condemno; and on a third, N. L., Non liquet. The *judices* voted by placing one of these tablets in the urns (*urna*), which were then examined for the purpose of ascertaining the votes. It was the duty of the magistratus to pronounce the sentence of the *judices*: in the case of condemnation, to adjudge the legal penalty; of acquittal, to declare him acquitted; and of doubt, to declare that the matter must be further investigated (*amplius cognoscendum*).

Mention is often made of the *judicia populi* in the Latin writers. A *judicium* was commenced by the accuser, who must be a magistratus, declaring in a *contio* that he would on a certain day accuse a certain person, whom he named, of some offence, which he also specified. This was expressed by the phrase "*diem dicere*" (*Virginii Cassoni capite diem dicit*).¹ If the offender held any high office, it was necessary to wait till his time of service had expired before proceedings could be thus commenced against him. The accused was required to give security for his appearance on the day of trial; the security was called *vades* in a *causa capitalis*, and *praedes* when the penalty for the alleged offence was pecuniary. If such security was not given, the accused was kept in confinement.² If nothing prevented the inquiry from taking place at the time fixed for it, the trial proceeded, and the accuser had to prove his case by evidence. The investigation of the facts was called *anquisitio* with reference to the proposed penalty: accordingly, the phrases *pecunia*, *capite* or *capitis anquirere*, are used.³ When the investigation was concluded, the magistratus promulgated a *rogatio*, which comprehended the charge and the punishment or fine. It was a rule of law that a fine should not be imposed together with another punishment in the same *rogatio*.⁴ The *rogatio* was made public during three *nundinae*, like any other lex, and proposed at the *comitia* for adoption or rejection. The form of the *rogatio*, the effect of which was to drive Cicero into banishment, is given in the Oration Pro Domo, c. 18. The accused sometimes withdrew into exile before the votes were taken; or he might make his defence, of which we have an instance in the oration of Cicero for Rabirius. Though these were called *judicia populi*, and properly so in the early ages of the state, the leges passed in such *judicia* in the latter period of the Republic were often *plebiscita*.

The offences which were the chief subject of *judicia populi* and *publica* were *majestas*, *adulteria* and *stupra*, *parricidium*, *falsum*, *vis publica* and *privata*, *peculatus*, *repetundae*, *ambitus*, which are treated under their several heads.

With the passing of special enactments for the punishment of particular offences was introduced the practice of forming a body of *judices* for the trial of such offences as the enactments were directed against. Thus it is said that the lex Calpurnia De Pecuniis Repetundis established the *album judicum*, or the body out of which *judices* were to be chosen. It is not known what was the number of the body so constituted, but it has been conjectured that the number was 350, and that ten were chosen from each tribe, and thus the origin of the phrase *decuria judicum* is explained. It is easy to conceive that the *judicia populi*, properly so called,

1. (Liv., ii., 8.)—2. (Cic., Pro Rabir., 4.)—3. (Liv., iv., 51.)—4. (Brill., 22.)—5. (Walter, Geschichte des Röm. Rechts, p. 861.)—6. (Cic., Pro Murena, c. 25; Pro Plancio, 15, 17.)—7. (Cic. ad Att., i., 16.)

1. (Juv., Sat., v., 4.)—2. (Liv., iii., 11.)—3. (Liv., ii., 13.)—4. (Liv., xxvi., 3.)—5. (Cic., Pro Dom., c. 17.)

would be less frequent as special *leges* were framed for particular offences, the circumstances of which could be better investigated by a smaller body of judges than by the assembled people. It is affirmed that up to the passing of the Calpurnia *lex*, the judges were chosen from the senators only, but after this time they were not taken from that body exclusively; and farther, that not only the judges in the *quæstiones de repetundis*, but also the judges in private matters, were, from the date of this *lex*, taken from the *album judicum* that was annually made,¹ for which there appears to be no evidence. The *lex Servilia* (B.C. 104) enacted that the judges should not be under thirty nor above sixty years of age; that the accuser and accused should severally propose one hundred judges, and that each might reject fifty from the list of the other, so that one hundred would remain for the trial. This *lex* also made some provisions for the mode of conducting the prosecution and the defence. The terms of the Sempronian *lex* of Grachus, which was passed B.C. 123, about twenty years before the *lex Servilia*, are variously stated; but in general terms it is said that it took the *judicia* from the senators and gave them to the equites; and this state of things lasted nearly fifty years,² till Sulla (B.C. 80) restored the *judicia* to the senate, and excluded the equites from the *album judicum*. The *lex Servilia* apparently did not interfere with the main object of the *lex Semproniana*. Tacitus, indeed,³ speaks of the *Servilianæ leges* restoring the *judicia* to the senate; but the passage is encumbered with difficulty. A *lex Aurelia* (B.C. 70) enacted that the judges should be chosen from the three classes—of senators, equites, and *tribuni ærarii*; and, accordingly, the *judicia* were then said to be divided between the senate and the equites. The *tribuni ærarii* were taken from the rest of the citizens, and were, or ought to have been, persons of some property. Thus the three *decuriæ* of judges were formed; and it was either in consequence of the *lex Aurelia* or some other *lex*, that, instead of one urn for all the tablets, the *decuriæ* had severally their balloting urn, so that the votes of the three classes were known. Dion Cassius⁴ ascribes this regulation to a *lex Fufia*; and he says that the object was, that the votes of the *decuriæ* (*ἔθνη, γένη*) might be known, though those of individuals could not, owing to the voting being secret. It is not known if the *lex Aurelia* determined the number of judges in any given case. The *lex Pompeia de Vi et De Ambitu* (B.C. 52) determined that eighty judges were to be selected by lot, out of whom the accuser and the accused might reject thirty. In the case of Clodius, in the matter of the *Bona Dea*, there were fifty-six judges. It is conjectured that the number fixed for a given case by the *lex Aurelia* was seventy judges.

Another *lex Pompeia*, passed in the second consulate of Pompey (B.C. 55), seems to have made some modifications in the *lex Aurelia* as to the qualification of the judges; but the new provisions of this *lex* are only known from Asconius, who explains them in terms which are very far from being clear. A *lex Judiciaria* of Julius Cæsar took away the *decuria* of the *tribuni ærarii*, and thus reduced the judges to two classes (*genera*, the *γέννη* of Dion Cassius). A *lex judiciaria*, passed after his death by M. Antonius, restored the *decuria* of the *tribuni ærarii*, but required no pecuniary qualification from them: the only qualification which this *lex* required was, that a person should have been a centurion or have served in the legions. It appears that the

previous *lex Pompeia*, *lex Aurelia*, and a *lex* of Cæsar had given to those who had been centurions (*qui ordines duxerant*) the privilege of being judges (*judicatus*), but still they required a pecuniary qualification (*census*). The *lex* of Antonius, besides taking away the pecuniary qualification, opened the *judicia* to the soldiers.¹ It seems probable that the expression *ex centuriis*, which is used by Asconius in speaking of the change introduced by this *lex Pompeia*, had reference to the admission of the centuriones into the third class of judges.

Augustus added to the existing three *decuriæ judicum* a fourth *decuria*, called that of the *Ducenarii*, who had a lower pecuniary qualification, and only decided in smaller matters (*de levioribus summis*).² Caligula³ added a fifth *decuria*, in order to diminish the labours of the judges. Augustus had already allowed each *decuria*, in its turn, an exemption for one year, and had relieved them from sitting in the months of November and December.

As to the whole number of judges included at any given time in the *album judicum*, it seems almost impossible to state anything with precision; but it is obvious, from what has been said, that the number must have varied with the various changes already mentioned. After the time of Augustus, the number was about four thousand; and from this period, at least, there is no doubt that the *album judicum* contained the whole number of persons who were qualified to act as judges, both in *judicia privata* and *judicia publica*. The fourth *decuria* of Augustus was limited in its functions to the *judicia privata*, in which the matter in dispute was of small value. It is often stated by modern writers, without any qualification, that the various changes in the judiciary body from the time of the *lex Calpurniana* to the end of the Republic had reference both to the *judicia publica* and *privata*; though it is also stated that the objects of these various enactments were to elevate or depress one of the great parties in the state, by extending or limiting the body out of which the judges in any given case were to be chosen. But it is obvious that these reasons do not apply to the matter of *judicia privata*, in which a single *judex* generally acted, and which mostly concerned matter of property and contract. Accordingly, a recent writer⁴ has observed, with more caution than some of his predecessors, that "there is no doubt that, from the time of Augustus, the *album judicum* had reference to the judges in civil matters, but that as to earlier times a difficulty arises from the fact that, while the *lex Semproniana* was in force, by which the senators were excluded from the *album judicum*, a consularis is mentioned as a *judex*;⁵ and, on the other hand, an eques is mentioned as a *judex* at a time when the *lex* of Sulla was in force, and, consequently, senators only could be judges."⁶ These instances certainly are inconsistent with the fact of the *judicia privata* being regulated by the various *leges judicariæ*; but they are of small weight compared with the reasons derivable from the character of the two kinds of *judicia* and the difference in the mode of procedure, which render it almost a matter of demonstration that the various changes in the judiciary body had reference to the *quæstiones* and *judicia publica*. It is true that some of these *leges* may have contained provisions even as to *judicia privata*, for many of the Roman *leges* contained a great variety of legislative provisions, and it is also true that we are very imperfectly acquainted with the provisions of these *leges judicariæ*; but that the

1. (Götting. Geschichte der Röm. Staatsverfassung, p. 425.)—2. *U.C. in Verr.*, Act. Prim., c. 13.—3. (Ann., xii., 60)—4. (xxvii., 8)

1. (Cic., Phil., i., 8; v., 5.—Suet., Jul., 41.)—2. (Suet., Octav., 32.)—3. (Suet., Calig., 16.)—4. (Walter. Geschichte des Röm. Rechts, p. 716.)—5. (Cic., De Off., ii., 19.)—6. (Cic., Pro Rosc. Com., c. 14.)

regulation of the *judicia privata* was included in their provisions, in the same form and to the same extent as that of the *judicia publica*, is an assertion totally unsupported by evidence, and one which leads to absurd conclusions. Two *leges Juliae*, together with a *lex Aebutia*, put an end to the *legis actiones*;¹ and a *lex Julia Judiciaria* limited the time of the *judicia legitima*;² but it does not appear whether these *leges* were passed solely for these objects, or whether their provisions were part of some other *leges*.

Though the general character of the Roman *judicia*, and the modes of procedure both in civil and criminal matters, are capable of a sufficiently clear exposition, there is much uncertainty as to many details, and the whole subject requires a careful examination by some one who combines with a competent knowledge of the original authorities an accurate acquaintance with the nature of legal procedure.

The following works may be referred to: Walter, *Geschichte des Röm. Rechts*.—Götting, *Geschichte der Röm. Staatsverfassung*.—Heineccius, *Syntagma*, &c.—Tigerström, *De Judicibus apud Romanos*, Berl., 1826, valuable only for the collection of the original authorities.—Keller, *Ueber Litis Contestation und Urtheil*, &c., Zürich, 1827.—Also Gaius, iv.; Dig. 5, tit. 1, *De Judicis*; Dig. 48, *De Judicis Publicis*; Inst., iv., tit. 18.

JUDEX ORDINARIUS. (Vid. JUDEX PEDANEUS.)

JUDEX PEDANEUS. The origin and meaning of this term seem to be entirely unknown. The *judices* to whom the *prætor* or *præses* referred a matter in litigation with the usual instructions, were sometimes called *pedanei*.³ Subsequently the *præses*, who was now sometimes designated *judex ordinarius*, or *judex* simply,⁴ decided most matters without the intervention of a *judex*; but still he was empowered to appoint a permanent body of *judices* for the decision of less important matters, and these also were called *judices pedanei*, "*hoc est qui negotia humiliora disceptant*."⁵ The proceedings before this new kind of *judices pedanei* were the same as before the *præses*. Some modern writers are of opinion that these new *pedanei* *judices* did not form a permanent court, but only decided on matters which were referred to them by a superior authority.⁶

JUDEX QUÆSTIONIS. (Vid. JUDEX, p. 552.)

JUDICATI ACTIO. A thing was a *res judicata* when the matter in dispute had been determined by a judicial sentence, and the *actio judicati* was a mode which the successful party might adopt for obtaining a decree of the magistratus, by which he could take possession of the property of the person who had lost the cause and had not satisfied the judgment. The plaintiff in the *actio judicati* was also protected in his possession of the defendant's property by a special interdict, and he was empowered to sell it. The party condemned was limited as to his defence. Originally the *judicatus* was obliged to find a *vindex* (*vindicem dare*); but in the time of Gaius it had become the practice for him to give security to the amount of the judgment (*judicatum solvi satisfacere*). If the defendant pleaded that there was no *res judicata*, he was mulcted in double the amount of the judgment if his plea was false.⁷

JUDICES EDITITII. (Vid. JUDEX, p. 552.)

JUDICIA DUPLICIA. (Vid. FAMILIÆ ERSCUNDÆ ACTIO.)

JUDICIA LEGITIMA. (Vid. IMPERIUM, page 530.)

JUDICIA QUÆ IMPERIO. (Vid. IMPERIUM, p. 530.)

JUDICIUM. (Vid. JUDEX.)

JUDICIUM POPULI. (Vid. JUDEX, p. 551, 552.)

JUDICIUM PRIVATUM, PUBLICUM. (Vid. JUDEX, p. 551.)

JUGERUM, a Roman measure of surface, 246 feet in length and 120 in breadth, containing, therefore, 28,800 square feet.¹ It was the double of the *actus quadratus*, and from this circumstance, according to some writers, it derived its name.² (Vid. ACTUS QUADRATUS.) The uncial division (vid. AS) was applied to the *jugerum*, its smallest part being the *scrupulum* of 10 feet square, = 100 square feet. Thus the *jugerum* contained 288 *scrupula*.³ The *jugerum* was the common measure of land among the Romans. Two *jugera* formed an *heredium*, a hundred *heredia* a *centuria*, and four *centuria* a *saltus*. These divisions were derived from the original assignment of landed property, in which two *jugera* were given to each citizen as heritable property.⁴

*JUGLANS, the Walnut, or *Juglans regia*, L., the same with the *κάρπυον* or *καρπία* of the Greeks (Vid. CARYUM.)

JUGUM (*ζυγός*, *ζυγόν*) signified, in general, that which joined two things together. It denoted more especially,

1. The transverse beam which united the upright posts of a loom, and to which the warp was attached.⁵ (Vid. TELA.)

2. The transverse rail of a trellis,⁶ joining the upright poles (*perlicæ*, *χάρακες*) for the support of vines or other trees. (Vid. CAPISTRUM.) Hence, by an obvious resemblance, the ridges uniting the tops of mountains were called *juga montium*.⁷

3. The crossbar of a lyre.⁸

4. A scalebeam, and hence a pair of scales. (Vid. LIBRA.) The constellation *Libra* was consequently also called *Jugum*.⁹

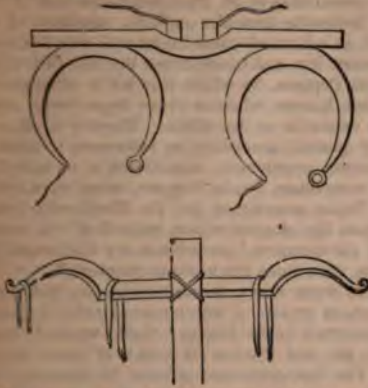
5. The transverse seat of a boat.¹⁰ This gave origin to the term *ζυγίτης*, as applied to a rower. A vessel with many benches or banks for the rowers was called *νήες πολυζυγος* or *ἐκατόζυγος*.¹¹

6. The yoke by which ploughs and carriages were drawn. This was by far the most common application of the term. The yoke was in many cases a straight wooden plank or pole laid upon the horses' necks; but it was commonly bent towards each extremity, so as to be accommodated to the part of the animal which it touched (*curva juga*).¹² The following woodcut shows two examples of the yoke, the upper from a MS. of Hesiod's Works and Days, preserved at Florence, the lower from a MS. of Terence, belonging to the Vatican library. These may be compared with the still ruder forms of the yoke as now used in Asia Minor, which are introduced in the article ARATRUM. The practice of having the yoke tied to the horns, and pressing upon the foreheads of the oxen (*capite, non cervicibus junctis*), which is now common on the Continent of Europe, and especially in France, is strongly condemned by Columella on grounds of economy as well as of humanity.¹³ He recommends that their heads should be left free, so that they may raise them aloft, and thus make a much handsomer ap-

1. (Colum., De Re Rust., v., 1, § 6.—Quintil., Inst. Or. i. 15.)—2. (Varro, De Ling. Lat., v., 35, ed. Müller.)—3. (Varro, ib., ii., 12.)—4. (Varro, ib., i., 10.—Niebuhr, Hist. of Rome, p. 156, &c., and Appendix, ii.)—5. (Ovid, Met., vi., 55.)—6. (Varro, De Re Rust., i., 8.—Col., De Re Rust., iv., 17, 20.—Id., xii., 15.—Geopon., v., 29.)—7. (Virg., Eclog., v., 76.—Flor., 2, 9, 17.—Id., iii., 3.)—8. (Hom., Il., ix., 187.)—9. (Cic., Div. ii., 47.)—10. (Æschyl., Agam., 1608.—Soph., Ajax, 287.—Virg., Æn., vi., 411.)—11. (Hom., Il., ii., 293.—Id., ix., 247.)—12. (Ovid, Fast., iv., 216.—Id., Trist., iv., 6, 2.)—13. (Plin., H. N. viii., 70.)—14. (De Re Rust., ii., 2.)

1. (Gaius, iv., 30.)—2. (Gaius, iv., 104.)—3. (Theophil., iv., 15.—Cod. 3, tit. 3.)—4. (Cod. Theod., 1, tit. 7.)—5. (Cod. 3, tit. 3, s. 5.)—6. (Cod. 3, tit. 3.)—7. (Gaius, iv., 2, 25, 171, 102.—Cic., Pro Flacc., 20.—Paulus, S. R., 1, tit. 19.—Dig. 42, tit. 1.)

pearance. (Compare woodcut, p. 225¹). All this was effected by the use either of the two collars (*subjugia*,² μέσσα, ³ ζεύγλαι⁴), shown in the upper figure of the woodcut, or of the excavations (γλόφαι) rut in the yoke, with the bands of leather (*lora*; *vincula*;⁵ ταυροβέτιν βύρσαν ἐπανχενίην,⁶ λεπάδνα), which are seen in the lower figure.



This figure also shows the method of tying the yoke to the pole (*τεμν. βρυός*) by means of a leather strap (*ζυγόδεσμον*⁷), which was lashed from the two opposite sides over the junction of the pole and yoke. These two parts were still more firmly connected by means of a pin (*ἔμβολος*;⁸ ἔστωρ;⁹ ἔμβρον;¹⁰ *vid. CURRUS*, p. 332), which fitted a circular cavity in the middle of the yoke (*δυφαλόε*¹¹). Homer represents the leathern band as turned over the fastening thrice in each direction. But the fastening was sometimes much more complicated, especially in the case of the celebrated Gordian knot, which tied the yoke of a common cart, and consisted only of flexible twigs or bark, but in which the ends were so concealed by being inserted within the knot, that the only way of detaching the yoke was that which Alexander adopted.¹²

Besides being variegated with precious materials and with carving, the yoke, especially among the Persians, was decorated with elevated plumes and figures. Of this an example is presented in a bas-relief from Persepolis, preserved in the British Museum. The chariot of Darius was remarkable for the golden statues of Belus and Ninus, about eighteen inches high, which were fixed to the yoke over the necks of the horses, a spread eagle, also wrought in gold, being placed between them.¹³ The passages above cited show that when the carriage was prepared for use, the yoke, which had been laid aside, was first fastened to the pole, and the horses were then led under it. Either above them, or at the two ends of the yoke, rings were often fixed, through which the reins passed. These frequently appear in works of ancient art representing chariots.

Morning and evening are often designated in poetry by the act of putting the yoke on the oxen¹⁴ and taking it off¹⁵ (*βούλυσσις, βουλύτος*;¹⁶ *βουλύσιος ζῶρ*¹⁷).

By metonymy *jugum* meant the quantity of land which a yoke of oxen could plough in a day.¹⁸ It

was used as equivalent to the Latin *par* and the Greek ζεύγος,¹ as in *aquilarum jugum*.² By another figure the yoke meant slavery, or the condition in which men are compelled against their will, like oxen or horses, to labour for others.³ Hence, to express symbolically the subjugation of conquered nations, the Romans made their captives pass under a yoke,⁴ which, however, in form and for the sake of convenience, was sometimes made, not like the yoke used in drawing carriages or ploughs, but rather like the jugum described under the first two of the preceding heads; for it consisted of a spear supported transversely by two others placed upright.

JULIÆ LEGES is a term by which various leges are designated, most of which were passed in the time of C. J. Caesar and Augustus.

JULIA LEX DE ADULTERIIS. (*Vid. ADULTERIUM*.)

JULIA LEX AGRA'RIA is referred to by Suetonius,⁵ and in the Digest, *De Termino Moto*.⁶ But the lex of C. Caesar, referred to in the Pandect, is probably a lex of Caligula. The Agraria lex of the dictator Caesar was passed B.C. 59, when he was consul.⁷

JULIA LEX DE A'MBITU. (*Vid. AMBITUS*.)

JULIA LEX DE ANNO'NA.⁸

JULIA LEX DE BONIS CEDENDIS. This lex provided that a debtor might escape all personal molestation from his creditors by giving up his property to them for the purpose of sale and distribution.⁹ It is doubtful if this lex was passed in the time of J. Caesar or of Augustus, though probably of the former.¹⁰ The beneficium of the lex was extended to the provinces by the imperial constitutions.¹¹

JULIA LEX CADUCA'RIA is the same as the LEX JULIA ET PAPIA POPPÆA.

JULIA LEX DE CÆDE ET VENEFI'CIO,¹² perhaps the same as the lex De Vi Publica.

JULIA LEX DE CIVITATE was passed in the consulship of L. J. Caesar and P. Rutilius Lupus, B.C. 90. (*Vid. CIVITAS, FÆDERATÆ CIVITATES*.)

JULIA LEX DE FÆNORE, or, rather, De Pecuniis Mutuis or Creditis (B.C. 47), passed in the time of J. Caesar.¹³ The object of it was to make an arrangement between debtors and creditors for the satisfaction of the latter. The possessiones and res were to be estimated at the value which they had before the civil war, and to be surrendered to the creditors at that value; whatever had been paid for interest was to be deducted from the principal. The result was, that the creditor lost about one fourth of his debt; but he escaped the loss usually consequent on civil disturbance, which would have been caused by *novæ tabulæ*.¹⁴ A passage of Tacitus¹⁵ is sometimes considered as referring to this lex, and sometimes to the lex De Bonis Cedendis; but it does not seem to refer to either of them. The passage of Dion Cassius¹⁶ seems to refer to this lex De Mutuis Pecuniis.

JULIA LEX DE FUNDO DOTA'LI. The provisions as to the fundus dotalis were contained in the lex Julia de Adulteriis.¹⁷ This Julia lex was commented on by Papinian, Ulpian, and Paulus. (*Vid. ADULTERIUM*.)

JULIÆ LEGES JUDICIA'RIÆ. The lex re-

1. (Hom., II., xviii., 743.)—2. (Plin., II. N., x., 4, 5.)—3. (Æsch., Agam., 512.—Florus, ii., 14.—Tacit., Agric., 31.—Hor., Sat., II., vii., 91.)—4. (Florus, i., 11.)—5. (Jul., 20.)—6. (47, tit. 21.)—7. (Dion Cass., xxxviii., 1-7, &c.—Cic., Phil., ii., 39.—Id., ad Att., ii., 16, 18.—Rudorff, "Lex Manilia de Colonjæ," Zeitschrift, vol. ix.)—8. (Dig., 48, tit. 1, s. 1.)—9. (Gaius, iii., 78.)—10. (Caesar, Bell. Civ., iii., 1.—Sueton., J. Cas., 42.—Tacit., Ann., vi., 16.—Dion Cass., lviij., 21.)—11. (Cod. 7, tit. 71, s. 4.)—12. (Sueton., Nero, 33.)—13. (Sueton., Jul., 42.—Caesar, Bell. Civ., iii., 1.)—14. (Compare Caesar, Bell. Civ., iii., 1, with Sueton., Jul., 42.)—15. (Ann., vi., 16.)—16. (lviij., 21: Περὶ τῶν συμβολαίων.)—17. (Gaius, ii., 63.—Paulus, S. R., ii., tit. 21, s. 2.—Dig., De Fundo Dotali, 33, tit. 5, s. 1, 2, 13.)

ferred to in the Digest,¹ by which a person under twenty years of age was not compelled to be a judge, is probably one of the *leges Juliae Judiciarum*.² As to the other *Juliae leges Judiciarum*, *vid. JUDEX*.

JULIA LEX DE LIBERIS LEGATIONIBUS.³ (*Vid. LEGATUS*.)

JULIA LEX MAJESTATIS.⁴ The *lex Majestatis* of the Digest⁵ is probably a *lex* of Augustus. (*Vid. MAJESTAS*.)

JULIA LEX MUNICIPALIS, commonly called the Table of Heraclea. In the year 1732 there were found near the Gulf of Tarentum and in the neighbourhood of the ancient city of Heraclea large fragments of a bronze tablet, which contained on one side a Roman *lex*, and on the other a Greek inscription. The whole is now in the Museo Borbonico at Naples. The *lex* contains various provisions as to the police of the city of Rome, and as to the constitution of communities of Roman citizens (*municipia, colonia, praefectura, fora, conciliabula civium Romanorum*). It was, accordingly, a *lex* of that kind which is called *Satura*.

It is somewhat difficult to determine the date of this *lex*, but there seem to be only two dates that can be assumed as probable; one is the time immediately after the Social War, or shortly after B.C. 89; the other is that which shortly followed the admission of the Transpadani to the *civitas* (B.C. 49). This latter date, in favour of which various considerations preponderate, seems to be fixed about the year B.C. 44 by a letter of Cicero.⁶ Compare the tablet l. 94, 104, as to persons whom the *lex* excluded from the office of *decurio*.

It seems that the *lex* of the year B.C. 49, which gave the *civitas* to the Transpadani, enacted that a Roman commissioner should be sent to all the towns for the purpose of framing regulations for their municipal organization. The *lex Julia* empowered the commissioners to continue their labours for one year from the date of the *lex*, the terms of which were so extended as to comprise the whole of Italy. The *lex* was therefore appropriately called *Municipalis*, as being one which established certain regulations for all *municipia*; and this sense of the term *municipalis* must be distinguished from that which merely refers to the local usages or to the positive laws of any given place, which is expressed by such terms as *lex Municipii, lex Civitatis*, and other equivalent terms.

The name *lex Julia* rests mainly on the fact (assumed to be demonstrated) that this *lex* was passed when J. Caesar was in the possession of full power; that it is the *lex* referred to by Cicero; and that it is improbable that it would have been called by any other personal appellation than that of *Julia*. It is farther proved, by a short inscription found at Padua in 1696, that there was a *lex Julia Municipalis*; and the contents of the inscription (*III. vir aedilicia potestat. e lege Julia Municipali*), compared with Cicero (*eratque rumor de Transpadanis eos jussos III. viros creare*?), render it exceedingly probable that the *lex Julia Municipalis* of the inscription is the *lex* of the Table of Heraclea and the *lex Municipalis* of the Digest.⁶

(Savig. *J. Volksschluss der Tafel von Heraclea, Zeitschrift*, vol. ix., p. 300; the tablet is printed in the work of Mazochi, *Comm. in aeneas Tab. Heracl.*, p. 1, 2, Neap., 1754, 1755, fol., with a commentary which contains much learning, but no sound criticism.)

JULIA LEX ET PAPIA POPPÆA. Augustus appears to have caused a *lex* to be enacted about

B.C. 18, which is titled as the *lex Julia de Maritandis Ordinibus*,¹ and is referred to in the *Carmina Seculare* of Horace, which was written in the year B.C. 17. The object of this *lex* was to regulate marriages, as to which it contained numerous provisions; but it appears not to have come into operation till the year B.C. 13. In the year A.D. 9, and in the consulship of M. Papius Mutilus and Q. Poppæus Secundus (*consules suffecti*), another *lex* was passed as a kind of amendment and supplement to the former *lex*, and hence arose the title of *lex Julia et Papiæ Poppææ*, by which this *lex* is often quoted. It is not known whether these *leges* were passed by the *centuriæ* or the *tribus*. The *lex* is often variously quoted, according as reference is made to its various provisions: sometimes it is called *lex Julia*, sometimes *Papiæ Poppææ*, sometimes *lex Julia et Papiæ*, sometimes *lex De Maritandis Ordinibus*, from the chapter which treated of the marriages of the senators,² sometimes *lex Caducaria, Decimaria*, &c., from the various chapters.³

There were many commentaries on this *lex* by the Roman jurists, of which considerable fragments are preserved in the Digest: Gaius wrote 15 books, Ulpian 20, and Paulus 10 books at least, on this *lex*. The *lex* contained at least 35 chapters;⁴ but it is impossible to say to which of the two *leges* included under the title of *lex Julia et Papiæ Poppææ* the several provisions, as now known to us, belong. Attempts have been made, both by J. Gothofredus and Heineccius, to restore the *lex*, proceeding on the assumption that its provisions are reducible to the two general heads of a *lex Maritalis* and *lex Caducaria*.

The *lex Julia* forbade the marriage of a senator or a senator's children with a *libertina*, with a woman whose father or mother had followed an *ars ludicra*, and with a prostitute; and also the marriage of a *libertinus* with a senator's daughter. If an *hereditas* or a *legatum* was left to a person on condition of not marrying, or on conditions which in effect prevented marriage, the conditions were illegal, and the gift was unconditional. The condition, however, might be not to marry a certain specified person or certain specified persons, or it might be to marry a particular person; but then the person must be such a one as would be a suitable match, otherwise the condition would be, in effect, a condition not to marry, and therefore void.⁵

In order to promote marriage, various penalties were imposed on those who lived in a state of celibacy (*calibatus*) after a certain age. *Cælibes* could not take an *hereditas* or a *legatum* (*legatum*); but if a person was *cælibis* at the time of the testator's death, and was not otherwise disqualified (*jure à vihi*), he might take the *hereditas* or *legatum* if he obeyed the *lex* within one hundred days, that is, if he married within that time.⁶ If he did not comply with the *lex*, the gift became *caducum*. (*Vid. CADUCA*.) The *lex Julia* allowed widows a term of one year (*vacatio*) from the death of a husband, and divorced women a term of six months from the time of the divorce, within which periods they were not subject to the penalties of the *lex*: the *lex Papiæ* extended these periods, respectively, to two years, and a year and six months.⁷ A man when he attained the age of sixty, and a woman when she attained the age of fifty, were not included within the penalties of the *lex*; but if they had not obeyed the *lex* before attaining those respective ages, they were perpetually bound by its penalties

1. (*iv.*, tit. 8, s. 41.)—2. (*Gell.*, *iv.*, 2.)—3. (*Cic. ad Att.*, xv., 11.)—4. (*Cic.*, *Phil.*, i., 91.)—5. (48, tit. 4.)—6. (*ad Fam.*, vi., 18.)—7. (*ad Att.*, v., 2.)—8. (50, tit. 9, s. 3.—*Cod.* 7, tit. 9, s. 1; and *Dig.* 50, tit. 1, 1, "ad Municipalem et de Incolia.")

1. (*Dig.* 38, tit. 11; 23, tit. 2.)—2. (*Gaius*, i., 178.—*Ulp. Frag.*, xi., 20.—"Lex Marita:" *Hor.*, *Carmin. Sec.*)—3. (*Ulp. Frag.*, xxviii., tit. 7.—*Dion Cass.*, liv., 16.—*Id.*, lvi., 1, &c.—*Tacit.*, *Ann.*, iii., 25.)—4. (*Dig.* 22, tit. 2, s. 19.)—5. (*Dig.* 23, tit. 1, s. 63.)—6. (*Ulp.*, *Frag.*, xvii., tit. 1.)—7. (*Ulp.*, *Frag.*, xiv.)

enatus consultum Pernicianum. A senatus consultum Claudianum so far modified the strictness of the new rule as to give to a man who marries under sixty the same advantage that he would have had if he had married under fifty, provided he had married under sixty, provided he had married a woman who was under fifty; the object of which rule was the legal notion that a man under fifty was still capable of having children. If the woman was above fifty and the man under sixty, this was called *impar matrimonium*, a *senatus consultum Calvitanum* it was without effect as to releasing from incapacity a woman who had a dowry. On the death of the woman, the dowry became *caduca*.

The *lex Papia Poppæa* a candidate who had no children was preferred to one who had few children; and a man who had a certain number of children was freed from the *operarum obligatio*; and a man who had four children was released from the office of tutor. Those who had three children were excused from the office of tutor. After the passing of this lex, it became usual for the senate, and afterward the *emprinceps*, to give occasionally, as a privilege, to persons who had no children, the same advantage that the lex secured to those who had children. This was called the *ius liberorum*. Pliny tells us that he had lately obtained from the emperor the benefit of his *ius trium liberorum*. This privilege is mentioned in some inscriptions, on which is written *I. L. H. (jus liberorum habens)* some occurs, which is equivalent to "*jura parentis*". The Emperor M. Antoninus provided that a man should be registered by name, within thirty days after their birth, with the *præfectus ærarii Sa-*

lex also imposed penalties on *orbi*, that is, on persons who had no children (*qui liberorum non sunt*), from the age of twenty-five to sixty in Italy and from the age of twenty to fifty in the provinces.

By the *lex Papia*, *orbi* could only take the inheritance of an *ad hereditas* or *legatum* which was left to a person. It seems that an attempt had been made to extend this part of the lex by adoptions, which a *senatus consultum Neronianum* declared to be ineffective for the purpose of relieving a person from the penalties of the lex.¹¹

As a general rule, a husband and wife could only acquire from one another a tenth part of their property; but there were exceptions in respect of children in the case of the marriage or by another marriage of the parties, which allowed of the free disposal of a larger part. This privilege might also be obtained by obtaining the *ius liberorum*.¹²

A LEX PECULATUS. (*Vid. PECULATUS.*)

A LEX ET PLAUTIA, which enacted that a man could be no usucapion in things obtained by a woman (*vi possessæ*). The Twelve Tables had provided that there could be no usucapion in things.¹³ This lex was probably passed B.C.

A LEX DE PROVINCIIS. (*Vid. PROVINCIÆ.*)

A LEX REPETUNDA'RUM. (*Vid. REPETUNDÆ.*)

A LEX DE RESIDUIS. (*Vid. PECULATUS.*)

*A LEX DE SACERDOTIIS.*¹⁴

1. Frag., xvi.—Suet., Claud., 23.—2. (Tacit., Ann., Plin., Ep., vii., 16.)—3. (Dig., 38, tit. 1, "De Operis libertatis.")—4. (Ulp., Frag., tit. 29.)—5. (Inst., i., 25.—Dig., i., 6.—Ep., ii., 13.)—7. (Vid., also, Ep., x., 95, 96.)—8. M. Ant., c. 9.—Compare Juv., Sat., ix., 84.)—9. (Ulp., i., 111.)—10. (Gaius, ii., 256.)—11. (Tacit., Ann., xv., 1.)—12. (Ulp., Frag., tit. 15, 16.)—13. (Gaius, ii., 45.—Inst., i., 14.)—14. (Cic., Ep., ad Brut., i., 3.)

JULIA LEX DE SACRILEGIS. (*Vid. PÆCULATUS.*)

JULIA LEX SUMTUARIA, passed in the time of J. Caesar,¹ and one under Augustus.² (*Vid. SUMTUARIÆ LEGES.*)

JULIA LEX THEATRALIS,³ which permitted Roman equites, in case they or their parents ever had a census equestris, to sit in the fourteen rows (*quatuordecim ordines*) fixed by the *lex Roscia Theatralis*, B.C. 69.

JULIA LEX ET TITIA, passed under Augustus B.C. 32,⁴ which empowered the præses of a province to appoint a tutor for women and pupilli who had none.⁵ A *lex Atilia* of earlier but uncertain date had given the same power at Rome to the prætor urbanus and the majority of the *tribuni plebis*; and the new lex was passed in order to extend the same advantages to the provinces. There are some reasons for supposing that there were two leges, a *Julia* and a *Titia*; and among those reasons is the circumstance that it is not usual to unite by the word *et* the two names which belong to one lex, though this is done by Cicero⁶ in speaking of the *lex Licinia* and *Mucia*.

JULIA LEX DE VI PUBLICA AND PRIVATA. (*Vid. VIS.*)

JULIA LEX VICESIMARIA. (*Vid. VICESIMA.*)

**JUNCUS*, the Rush, in Greek *σχοινός*. (*Vid. SCIRPUS.*) In the second Eclogue of Virgil,⁷ that poet speaks of "interweaving osiers with soft rushes" ("*Viminibus mollique peras detexere junco*"). Fée thinks that he here refers, not to the common Rush, but to the *Scirpus lacustris* of Linnæus.⁸

JUNEA OR JUNIA NORBANA. (*Vid. LIBERTI.*)

JUNIA LEX, REPETUNDARUM. (*Vid. REPETUNDÆ.*)

**JUNIPERUS* (*ἄρκευθος*), the Juniper-tree, or *Juniperus communis*, L. The Juniper is a very common tree, of which botanical writers mention two species, distinguished from each other by the size of their fruit. It grows in Europe in all latitudes. The berry, which the Greeks called *ἄρκευθίς*, has a strong odour, from which the tree itself is not exempt. Theophrastus states that the *ἄρκευθος* is like the *κέρπος*, and that, in fact, some applied the same generic name to both, calling the *ἄρκευθος*, for distinction's sake, the *κέρπος ὀξύκεδρος*. Dioscorides describes two species of Juniper, which Sprengel decides to be the *Juniperus macrocarpa*, Sibth., and the *J. oxycedrus*.⁹

JURA IN RE. (*Vid. DOMINIUM*, p. 374.)

JURE ACTIO, IN. (*Vid. JURISDICTIO.*)

JURE CESSIO, IN. was a mode of transferring ownership by means of a fictitious suit, and so far resembled the forms of conveyance by fine and by common recovery which, till lately, were in use in England. The *in jure cessio* was applicable to things *mancipi* and *nec mancipi*, and also to *res incorporales*, which, from their nature, were incapable of tradition. The parties to this transaction were the owner (*dominus qui cedit*), the person to whom it was intended to transfer the ownership (*vindicans, cui ceditur*), and the magistratus, qui *addegit*. (*Vid. JURISDICTIO.*) The person to whom the ownership was to be transferred, claimed the thing as his own in the presence of the magistratus and the real owner; the magistratus called upon the owner for his defence, and, on his declaring that he had none to make, or remaining silent, the magistratus decreed (*addixit*) the thing to the claimant. This proceeding was a *legis actio*.

1. (Dion Cass., xliii., 25.)—2. (Gell., ii., 24.)—3. (Suet., Octav., 40.—Plin., H. N., xxxiii., 2.)—4. (Inst., i., tit. 20.)—5. (Ulp., Frag., vi., tit. 11.)—6. (Brut., c. 16.—Pro Balbo, c. 21.)—7. (Æt., 72.)—8. (Fée, Flore de Virgile, p. lxxii.)—9. (Fée, Flœre de Virgile, p. lxxiii.—Adams Append., s. v. ἄρκευθος.)

An hereditas could be transferred by this process *vid. HERES, ROMAN, p. 500*); and the *res corporales*, which belonged to the hereditas, passed in this way just as if they had severally been transferred by the *in jure cessio*.

The *in jure cessio* was an old Roman institution, and there were provisions respecting it in the Twelve Tables.¹

JURISCONSULTI or JURECONSULTI. The origin among the Romans of a body of men who were expounders of the law may be referred to the separation of the *ius civile* from the *ius pontificium*. (*Vid. IUS CIVILE FLAVIANUM.*) Such a body certainly existed before the time of Cicero, and the persons who professed to expound the law were called by the various names of *jurisperiti*, *jurisconsulti*, or *consulti* simply. They were also designated by other names, as *jurisprudentes*, *prudentiores*, *peritiores*, and *ius auctores*. Cicero² enumerates the *jurisperitorum auctoritas* among the component parts of the *ius civile*. The definition of a *jurisconsultus*, as given by Cicero,³ is a "person who has such a knowledge of the laws (*leges*) and customs (*consuetudo*) which prevail in a state as to be able to advise (*respondendum*), act (*agendum*), and to secure a person in his dealings (*cavendum*): Sextus Ælius Catus (*vid. IUS ÆLIANUM*), M. Manilius, and P. Mucius are examples." In the oration *Pro Muræna*, Cicero uses "scribere" in the place of "agere." The business of the early *jurisconsulti* consisted both in advising and acting on behalf of their clients (*consultores*) gratuitously. They gave their advice or answers (*responsa*) either in public places which they attended at certain times, or at their own houses;⁴ and not only on matters of law, but on anything else that might be referred to them. The words "scribere" and "cavere" referred to their employment in drawing up formal instruments, such as contracts or wills, &c. At a later period, many of these functions were performed by persons who were paid by a fee, and thus there arose a body of practitioners distinct from those who gave *responsa*, and who were writers and teachers. Tiberius Coruncanius, a plebeian, who was consul B.C. 281, and also *pontifex maximus*, is mentioned as the first who gave advice publicly (*publice professus est*), and he was distinguished both for his knowledge of the law and his eloquence. He left no writings. Long before the time of Cicero the study of the law had become a distinct branch from the study of oratory, and a man might raise himself to eminence in the state by his reputation as a lawyer, as well as by his oratorical power or military skill. There were many distinguished jurists in the last two centuries of the republican period, among whom are M. Manilius; P. Mucius Scævola, *pontifex maximus* (B.C. 131); Q. Mucius Scævola, the *augur*; and Q. Mucius Scævola, the son of Publius, who was consul B.C. 95, and afterward *pontifex maximus*, and one of the masters of Cicero (*jurisperitorum eloquentissimus, eloquentium jurisperitissimus*).⁵ This Scævola the *pontifex* was considered to have been the first who gave the *ius civile* a systematic form, by a treatise in eighteen books.⁶ Servius Sulpicius Rufus, the friend and contemporary of Cicero,⁷ was as great an orator as the *pontifex* Scævola, and more distinguished as a jurist. Many persons, both his predecessors and contemporaries, had a good practical knowledge of the law, but he was the first who handled it in a scientific manner, and, as he had both numerous scholars and was a voluminous writer, we may view him as the founder of that method-

ical treatment of the matter of law which characterized the subsequent Roman jurists,¹ and in which they have been seldom surpassed.

The jurists of the imperial times are distinguished from those of the republican period by two circumstances, the *ius respondendi*, and the rise of two sects or schools of law.

It is said that Augustus determined that the *jurisconsulti* should give their *responsa* under his sanction (*ex auctoritate ejus responderent*), and, accordingly, Gaius² speaks of the *responsa* and opinions of those jurists "*quibus permissum est iura condere.*" The object of Augustus was probably to obtain, by this indirect method, that control over the administration of the law which he could not obtain in any other way. It does not appear that the jurists who had not obtained this mark of imperial favour were excluded from giving opinions; but the opinions of such jurists would have little weight in comparison with those of the privileged class. The unanimous opinion of the jurists was to have the force of law (*legis vicem*): if they were not unanimous, the *judex* might follow which opinion he pleased. Gaius refers the establishment of this rule to a rescript of Hadrian;³ but it seems probable that this rescript must be rather considered as confirmatory of the established practice. The constitution of this body of jurists, and the mode of proceeding as to taking their opinions, are not known. It is a reasonable conjecture that they formed a kind of college; otherwise it is not easy to suppose how the opinions were taken. The power of making or declaring the law was limited to a decision in the cases which came before them, which, however, would doubtless be received as law in all cases of the same kind, and would serve as a guide in cases of a similar kind. The earlier *jurisconsulti* gave their opinions either orally or in writing; but in the time of Tiberius probably, the jurists, that is, the privileged jurists, gave their answers "*signata*," that is, in an official form. The matter proposed for the opinion of the *jurisconsulti* was sometimes stated in the *responsum*, either fully or briefly; and the *responsum* itself was sometimes short, sometimes long; sometimes it contained the grounds of the opinion, and sometimes it did not, which circumstance, however, did not invalidate its force.⁴

In the time of Augustus there arose two schools (*scholæ*) or sects of jurists, the nominal heads of which were respectively Ateius Capito and Antistius Labeo, while, in fact, they derived their name and reputation from the two most distinguished teachers connected with them, Sabinus and Proculus. The followers of Labeo, whom we know with certainty to have been such, were Nerva, Proculus, Nerva the son, Pegasus, Celsus, Celsus the son, and Neratius Priscus. The followers of Capito were Massurius Sabinus, C. Cassius Longinus, Longinus Cælius Sabinus, Priscus Javolenus, Aburnus Valens Tuscianus, Gaius (*vid. INSTITUTIONES*), and probably Pomponius. But the schools did not take their names from Labeo and Capito. The followers of Labeo were named *Proculliani* from Proculus. The followers of Capito derived their name of *Sabiniani* from Massurius Sabinus, who lived under Tiberius, and as late as the reign of Nero: they were sometimes also called *Cassiani*, from C. Cassius Longinus. It is not easy to state with precision the differences which characterized the two schools. Whatever may have been the origin of these differences, which may, perhaps, be partly referred to the personal character of Capito and Labeo, the schools were subsequently distinguished by a difference in their manner of handling the matter of the law.

1 (Frag. Vat., s. 50.—Gaius, ii., 24.—Ulp., Frag., tit. 19, s. 2.)
 —2 (Top., s. 5.)—3. (De Or., i., 48.)—4. (Cic., De Or., iii., 33.)
 —5 (Cic., De Or., i., 39)—6. (Dig. I., tit. 2, s. 2, § 41.)—7. (Brut., 7, 40.)

1. (Cic., Brut., 41.—Dig. I., tit. 2, s. 2, § 43.)—2. (i., 7.)—3. (i., 7.)—4. (Brisson, De Form., iii., c. 85—87.)

The school of Capito adhered more closely to what was established, and to the letter of what was written. Labeo was a man of greater acquirements than Capito, and his school looked more to the internal meaning than to the external form, and was, while apparently deviating from the letter, yet approached nearer to true results, though the logic of this school might sometimes produce results less adapted to general convenience than the conclusions of the Sabinian, which were based on the prevailing notions of equity.

The jurisconsults were both teachers and writers. Their writings consisted of commentarii on the twelve Tables, on the Edict, on particular leges, especially on some of the *Julie leges*, and on other special matters. The later jurists also commented on the writings of the earlier jurists. They wrote elementary treatises (*elementa, commentaria*), such as the *Institutiones* of Gaius, which is the earliest work of the kind that we know to have been written; books called *Regule* and *Definitiones*, which probably were collections of principles of law; collections of cases and answers, under various names of *responsa*, *epistolæ*, *sententiæ*, *opiniones*; systems of law; and various works of a miscellaneous character with a great variety of names, such as *disputationes*, *questiones*, *enchiridia*, *res quotidianæ*, and various other titles.

The juristical writers were very numerous: they used a continued series, beginning with those already enumerated, and ending, about the time of Alexander Severus, with Modestinus, who was a pupil of Ulpian. With the exception of the fragments preserved in the Digest, this great mass of literature is nearly lost. (*Vid. PANDECTÆ.*)

JURISDICTION. The "officium" of him "qui dicit" is defined as follows: "Bonorum possessionem dare potest, et in possessionem mittere, pupillis et habentibus tutores constituere, judices litigantibus dare." This is the general signification of the *jurisdictio*, which expresses the whole "officium jus dicentis." The functions which are intended in the "officium jus dicentis" belong either to the *jurisdictio* (in its special sense) or to the *imperium mixtum*, or they are those which are exercised by virtue of some *lex*, *senatus consultum*, authority delegated by the princeps, as the "Tutoris datio."¹ The *jurisdictio* of those magistrates who had no *imperium* was limited, in consequence of not having the *imperium*, and, therefore, was not *jurisdictio* in the full meaning of that term. (*Vid. MAGISTRATUS.*) Inasmuch as *jurisdictio* in its special sense, and the *imperium mixtum*, are component parts of *jurisdictio* in its wider sense, *imperium* may be said to be contained in, or incident to, *jurisdictio* (*imperium quod jurisdictioni coheret*).² Sometimes *imperium* is viewed as the term which signifies the full power of the magistratus; and when so viewed, it may be considered as equivalent to *jurisdictio* in its wider sense, or as comprehending *jurisdictio* in its narrower sense. Thus *imperium* may be considered as containing or as contained in *jurisdictio*, according as we give to each in respectively its wider or its narrower meaning.³ The *jurisdictio* was either *voluntaria* or *contentiosa*.⁴ The *jurisdictio voluntaria* rendered valid certain acts done before the magistratus, for which certain forms were required, as adoption and manumission. Thus adoption, properly so called, could take place before the præses of a province,⁵ but in some it took place before the prætor, and was said to be effected "*imperio magistratus*." The *juris-*

dictio contentiosa had reference to legal proceedings before a magistratus, which were said to be *in jure*, as opposed to the proceedings before a *judex*, which were said to be *in judicio*. The magistratus, therefore, was said *jus dicere* or *reddere* with respect to what he did personally, and though he might not declare the law truly, still he was said "*jus dicere*." Accordingly, "*magistratus*" and "*qui Romæ jus dicit*" are equivalent.¹ The functions included in *jurisdictio* in this, its special sense, were the *addictio* in the *legis actiones*; the giving of the formula in proceedings conducted according to the newer process, and the appointment of a *judex*. The appointing of a *judex*, "*judicis datio*," was for the purpose of inquiring into the facts in dispute between the parties. The words of the formula are "*Judex esto*," &c.;² and the terms of the edict in which the prætor declares that he will give a *judex*, that is, will recognise a right of action, are "*Judicium dabo*."³ *Addictio* belongs to that part of *jurisdictio* by which the magistratus himself makes a decree or gives a judgment: thus, in the case of the *in jure cessio*, he is said "*rem addicere*."⁴ *Addicere* is to adjudge a thing or the possession of a thing to one of the litigant parties. In the case of *furtum manifestum*, inasmuch as the facts would be certain, there was an *addictio*.⁵

Other uses of the word *addictio* are collected in Facciolati.

It is with reference to the three terms, *do, dico, addico*, that Varro⁶ remarks that the prætor must use one of these words "*cum lege quid peragitur*." Accordingly, those days were called *nefasti* on which no legal business could be done, because the words of legal force could not be used.⁷

JUS. "All people," says Gaius,⁸ "who are governed by *leges* and *mores*, use partly their own law (*jus*), partly the law (*jus*) that is common to all mankind; for the law (*jus*) which a state establishes for itself is peculiar to such state, and is called *jus civile*, as the peculiar law (*jus*) of that state. But the law (*jus*) which natural reason (*naturalis ratio*) has established among all mankind is equally observed by all people, and is called *jus gentium*, as being that law (*jus*) which all nations follow. The Roman *populus*, therefore, follows partly its own peculiar law (*suum proprium jus*), partly the common law (*commune jus*) of all mankind."⁹

According to this view, all law (*jus*) is distributed into two parts, *jus gentium* and *jus civile*, and the whole body of law peculiar to any state is its *jus civile*.⁹ The Roman law, therefore, which is peculiar to the Roman state, is its *jus civile*, sometimes called *jus civile Romanorum*, but more frequently designated by the term *jus civile only*, by which is meant the *jus civile* of the Romans.

The *jus gentium* is here viewed by Gaius as springing out of the *naturalis ratio* common to all mankind, which is still more clearly expressed in another passage,¹⁰ where he uses the expression "*omnium civitatum jus*" as equivalent to the *jus gentium*, and as founded on the *naturalis ratio*. In other passages he founds the acquisition of property, which was not regulated by Roman law, on the *naturalis ratio* and on the *naturale jus* indifferently, thus making *naturalis ratio* and *naturale jus* equivalent.¹¹ He founds *cognatio* on *naturalis ratio*, as being common to all mankind, and *agnatio* on *civilis ratio*, as being purely a Roman institution.¹² In two passages in the Digest,¹² he calls the same thing *naturale jus* in s. 2, and *jus gentium* in s. 3, 5. The *naturale jus* and the *jus gentium* are there-

¹ (Pomponius, De Origine Juris, Dig. 1, tit. 2.—Zimmern., Rechte des Röm. Privatrechts.)—2. (Dig. 2, tit. 1, De Jurisdictione.)—3. (Dig. 26, tit. 1, s. 6.)—4. (Dig. 1, tit. 21, s. 1.)—Puchta, "Ueber den Inhalt der Lex Rubria," Zeitschrift, x., 3.)—5. (Dig. 1, tit. 1, s. 2.)—7. (Gaius, l., 100.)

1. (Cic. ad Fam., xiii., 14.)—2. (Gaius, iv., 47.)—3. (Cic., Pro Placc., 25.)—4. (Gaius, ii., 24.)—5. (Gaius, iv., 189.)—6. (De Ling. Lat., vi., 30.)—7. (Compare Ovid, Fast., i., 47.)—8. (i., 1.)—9. (Cic., De Orat., i., 44.)—10. (i., 189.)—11. (ii., 65, 66, 69, 73, 79.)—12. (i., 158.)—13. (i., tit. 8.)

ture identical. Cicero¹ opposes *natura* to *leges*, where he explains *natura* by the term *jus gentium*, and makes *leges* equivalent to *jus civile*. In the *Partitiones*² he also divides *jus* into *natura* and *lex*.

There is a threefold division of *jus* made by Ulpian and others, which is as follows: *jus civile*; *jus gentium*, or that which is common to all mankind; and *jus naturale*, which is common to man and beasts. The foundation of this division seems to have been a theory of the progress of mankind from what is commonly termed a state of nature, first to a state of society, and then to a condition of independent states. This division had, however, no practical application, and must be viewed merely as a curious theory. Absurd as it appears at first sight, this theory is capable of a reasonable explanation; and Savigny shows that it is not meant to say that beasts have law, but only the matter of law; that is, some of those natural relations on which legal relations are founded, exist among beasts as well as men. Such natural relations are those by which the species is propagated. In the *Institutes* the three divisions are confounded;³ for the explanation of *jus naturale* is first taken from the threefold division of Ulpian, and then the *jus gentium* and *civile* are explained according to the twofold division of Gaius already quoted, so that we have in the same section the *jus naturale* explained in the sense of Ulpian, and the *jus gentium* explained in the sense of Gaius, as derived from the *naturalis ratio*. Farther, in the second book,⁴ the *jus naturale* is explained to be the same as *jus gentium*, and the *jus naturale* is said to be coeval with the human race. Notwithstanding this confusion in the *Institutes*, there is no doubt that the twofold division of Gaius was that which prevailed in Roman jurisprudence.⁵ This twofold division appears clearly in Cicero, who says that the old Romans separated the *jus civile* from the *jus gentium*, and he adds, that the *jus civile* (of any state) is not, therefore, *jus gentium*, but that what is called *jus gentium* ought to be *jus civile*.⁶

The *jus civile* of the Romans is divisible into two parts, *jus civile* in the narrower sense, and *jus pontificium*, or the law of religion. This opposition is sometimes expressed by the words *jus* and *fas* (*fas et jura juncti*); and the law of things not pertaining to religion and of things pertaining to it, are also respectively opposed to one another by the terms *res juris humanæ* et *divinæ*.⁷ (*Vid. DOMINIUM*.) Thus the pontifices *maximi*, P. Crassus and T. Cornelianus, are said to have given *responsa de omnibus divinis et humanis rebus*.⁸

The law of religion, or the *jus pontificium*, was under the control of the pontifices, who, in fact, originally had the control of the whole mass of the law, and it was only after the separation of the *jus civile* in its wider sense into the two parts of the *jus civile* in its narrower sense and the *jus pontificium*, that each part had its proper and peculiar limits. But after this separation was fully made, the *auctoritas pontificum* had the same operation and effect with respect to the law of religion that the *auctoritas prudentium* had on the *jus civile*.⁹ Still, even after the separation, there was a mutual relation between these two branches of law; for instance, an *adrogatio* was not valid by the *jus civile* unless it was valid by the *jus pontificium*.¹¹ (*Vid. ADOPTION*.) Again, *jus pontificium*, in its wider sense, as the law of religion, had its subdivisions, as into *jus augurum*, *pontificum*, &c.¹²

1. (*Off.*, iii., 5.)—2. (*c.* 37.)—3. (*i.*, tit. 2. "De Jure Naturali, Gentium et Civili.")—4. (*tit.* 1., s. 11.)—5. (Savigny, *System*, &c., i., p. 413.)—6. (*Off.*, iii., 17.)—7. (*Virg.*, *Georg.*, i., 269.)—8. (*Instit.*, ii., tit. 1.)—9. (*Cic.*, *De Orat.*, iii., 33.)—10. (*Cic.*, *Leg.*, ii., 19, 20.)—11. (*Cic.*, *De Orat.*, iii., 33.—*Id.* *Brut.*, 42.)—12. (*Cic.*, *De Senect.*, 11.)

"Law," says Gaius,¹ meaning the Roman civil law (*jura*), "is composed of *leges*, *plebiscita*, *senatus consulta*, *constitutiones principum*, the *edicta* of those who have the *jus edicendi*, and the *responsa prudentium*." The component parts enumerated by Cicero² are "*leges* (which include *plebiscita*), *senatus consulta*, *res judicatae*, *jurisperitorum auctoritas*, *edicta magistratum*, *mos*, and *aquitas*." A consideration of the different epochs at which these writers lived will account for part of the discrepancy; but the addition of *mos* in Cicero's enumeration is important.

Some of these component parts are also opposed; thus, *jus civile* is opposed to the *jus prætorium* or *honorarium*, which originated in the *jus edicendi*. (*Vid. ENICURUM*.) In this sense *jus civile* consists of *leges* and *senatus consulta*, and apparently of *mos*.

The component parts of this narrower *jus civile*, that is, of *jus civile* as opposed to *prætorium*, are also opposed to one another, that is, *lex* and *mos* are sometimes opposed to one another, as parts component of the *jus civile* (in this its limited sense), but different in their origin. Horace³ speaks of "*Mos et lex*;" Juvenal⁴ opposes "*Juris nodos et legum ænigmata*;" *jus civile* is opposed to *leges*,⁵ to *lex*,⁶ and to *senatus consultum*.⁷ As then opposed to *leges*, *jus civile* appears to be equivalent to *mos*. In fact, the opposition between *lex* and *mos* follows the analogy of that between *jus scriptum* and *non scriptum*. "When there are *scripta leges*, we must follow that which has been introduced by *mores* and *consuetudo*.—*Immemorial* (*vetustata*) *consuetudo* is properly observed as a *lex* (*pro lege*), and this is the *jus* which is said to be '*moribus constitutum*.'" Thus *immemorial usage* was the foundation of the "*jus moribus constitutum*." (See the article *INFAMIA* as to the origin of *infamia*.) This branch of law seems sometimes to have been considered by the Roman jurists as law merely by force of custom, whereas such custom was only law when it had been recognised by a competent authority. There is, however, a passage of Ulpian,⁹ in which he distinctly speaks of confirming a *consuetudo* in a *judicium*, which can have no other meaning than that its force as law depended on a decision in *judicium*. And the meaning is clear, whether we read *contradictio* or *contradicta* in the passage just referred to.

The Roman writers, indeed, frequently refer to a large part of their law as founded on *mores* or on the *mos majorum*, and not on *leges*.¹⁰ Thus Ulpian¹¹ says that the *jus patriæ potestatis* is *moribus receptum*. But *mos* contained matters relating to religion as well as to the ordinary affairs of life; and, therefore, we may also view *mos* and *lex*, when opposed, as component parts of the *jus civile* in its wider sense, but not as making up the whole of it. *Mores* in the sense of immorality, that which positive morality disapproves of, must not be confounded with *jus* founded on *mores*: the former is *malis moribus* in respect of which there was often a *jus moribus constitutum*. Thus in the matter of the *dos* there was a *retentio* in respect of the *mores graviore* or *majoris*, which was *adultery*.¹²

The terms *jus scriptum* and *non scriptum*, as explained in the *Institutes*,¹³ comprehended the whole of the *jus civile*; for it was all either *scriptum* or *non scriptum*, whatever other divisions there might be.¹⁴ *Jus scriptum* comprehended everything, except that "*quod usus approbavit*." This division of *jus scriptum* and *non scriptum* does not appear in Gaius. It was borrowed from the Greek writ-

1. (*i.*, 2.)—2. (*Top.*, 5.)—3. (*Carm.*, iv., 5.)—4. (*viii.*, 90.)—5. (*Cic.*, *De Orat.*, i., 43.)—6. (*Off.*, iii., 17.)—7. (Gaius, ii., 197.)—8. (Julian, *Dig.*, i., tit. 3, s. 32.)—9. (*Dig.*, i., tit. 3, s. 34.)—10. (Quint., *Instit. Orat.*, v., 10.)—11. (*Dig.*, i., tit. 6, s. 8.)—12. (Ulp., *Frag.*, tit. 6.)—13. (*i.*, tit. 2.)—14. (Ulp., *Dig.*, i., tit. 1, s. 6.)

was, and seems to have little or no practical application among the Romans.

A division of jus into publicum and privatum is mentioned by the Roman jurists.¹ The former is defined to be that which relates to the status rei Romanæ, or to the Romans as a state; the latter is defined to be that which relates "ad singulorum utilitatem." The publicum jus is farther said by Ulpian² "in sacris, in sacerdotibus, in magistratibus consistere." According to this view, it comprehends the law of religion, and all the rest of the jus civile which is not privatum. There are other significations of the jus publicum in the Roman jurists, but the whole division of jus into publicum and privatum seems to be founded on no principle, and is very confused. The elementary treatise of Gaius does not mention this division, and it is limited to the jus privatum. Justinian in his Institutes, after making this division of jus into publicum and privatum, says, "we must therefore treat of jus privatum," from which it appears that he did not contemplate treating of jus publicum. The title De Judiciis Publicis, the last in the Institutes, does not belong to jus publicum as above defined; and yet it is difficult to conceive how some of the matters involved in judicia publica were not viewed as belonging to publicum jus, though certainly all of them could not so be viewed.³

The jus quiritium is equivalent to the jus civile Romanorum. Accordingly, we find the expressions Romanus and dominium ex jure quiritium, as contrasted with in bonis (*vid. DOMINIUM*); and a Latinus, if he obtained from the emperor the jus quiritium, obtained the Roman civitas.⁴ The terms jus quiritium and the Romana civitas are therefore identical in this passage. Such part of the Roman law, in its widest sense, as related to buying, selling, letting, hiring, and such obligations as were not founded on the jus civile, were considered to belong to the jus gentium,⁵ that is, the jus naturale.⁶ Accordingly, when ownership could be acquired by tradition, occupation, or in any other way not specially provided for by the jus civile, such ownership was acquired by the jus gentium. When the jus civile prescribed certain forms by which ownership was to be transferred, and such forms were not observed, there was no ownership *ex civili* or *jure quiritium*, but there was that interest which was called in bonis. It is not said by Gaius⁷ that the in bonis arose by virtue of the jus gentium, and it may perhaps be concluded that he did not so view it; for in another passage⁸ he speaks of alienation or change of ownership being effected either by the jus naturale, as in the case of tradition, or by the jus civile, as in the case of mancipatio, in jure cessio, and usucapion. In this passage he is speaking of alienation, which is completely effected by tradition, so that there is a legal change of ownership recognised by Roman law; not by Roman law specially as such, but by Roman law as adopting or derived from the jus gentium. In the other case,⁹ there is no ownership either as recognised by Roman law as such, or by Roman law as adopting the jus gentium: the in bonis is merely recognised by the prætorian law, to which division it therefore belongs. So far as the equity of the prætor may be said to be based on the jus gentium, so far may the in bonis be said to be founded on it also. Properly speaking, the jus gentium was only received as Roman law when it did not contradict the jus civile; that is, it could only have its full effect as the jus gentium when it was not contradicted or limited by the jus civile. When

it was so contradicted or limited, the prætor could only give it a partial effect, but in so doing, it is obvious that he was endeavouring to nullify the jus civile, and so to make the jus gentium as extensive in its operation as it would have been but for the limitation of the jus civile. The bounds that were placed to this power of the prætor were not very definite. Still he generally fashioned his jus prætorium after the analogy of the jus civile, and though he made it of no effect as against his jus prætorium, he maintained its form and left it to its full operation, except so far as he necessarily limited its operation by his own jus prætorium.

Jus, used absolutely, is defined to be "*ars boni et æqui*,"¹⁰ which is an absurd definition. What it really is may be collected from the above enumeration of its parts or divisions. Its general signification is law, and in this sense it is opposed to *lex* or a law. *Lex*, however, as already shown, is sometimes used generally for law, as in the instance from Cicero where it is opposed to *natura*. *Lex*, therefore, in this general sense, comprehends *leges* and all the other parts of the jus civile. In its special sense of a law, it is included in jus. Jus is also used in the plural number (*jura*) apparently in the sense of the component parts of jus, as in Gaius,¹¹ where he says, "*Constant autem jura ex legibus*," &c.; and in another passage,¹² where he says, with reference to the agnationis jus, or law of agnation, and the cognationis jus, or law of cognation, "*Civilis ratio civilia quidem jura corrumpere potest*." Indeed, in this passage, agnationis jus and cognationis jus are two of the *jura* or parts of jus, which with other *jura* make up the whole of jus. Again,¹³ that provision of the *lex Julia de Adulteriis*, which forbade the alienation of the *fundus dotalis*, is referred to thus: "*quod quidem jus*," "which rule of law," or "which law," it being a law comprehended in another law, which contained this and many other provisions. Thus, though *lex*, in its strict sense of a law, is different from jus in its large sense, and though jus, in its narrower sense, is perhaps never used for a *lex*, still jus, in this its narrower sense, is used to express a rule of law, or a law. Thus Gaius¹⁴ speaks of the *jura*, or legal provisions comprised in the *lex Ælia Sextia*, and of *jura* as based on the *responsa prudentium*.

Jus has also the special meaning of a faculty or legal right. Thus Gaius says, "it is an *actio* in rem when we claim a corporeal thing as our own, or claim some *jus* as our own, such as a *jus utendi, eundi, agendi*." The parental power is called a "*jus proprium civium Romanorum*." The meaning of *law* generally, and of a *legal right*, are applied to jus by Cicero in the same sentence: "If a man ignorant of law (*imperitus juris*) seek to maintain my right (*meum jus*) by the interdict."¹⁵ As the several rules of law which are often comprised in one *lex*, or which make up the whole body of jus (*law*), may be called *jura* with reference to their object, so the various legal rights which are severally called jus with reference to some particular subject may be collectively called *jura*. Thus we find the phrase *jura parentis* to express all the rights that flow from the fact of paternity.

The phrase *jura prædiorum*, which is used by the Roman jurists, is somewhat peculiar, and open to objection.

The potestas which a Roman father had over his children being a jus or legal right, there hence arose the distinction of persons into those who are *sui* and those who are *alieni juris*. All the rights of such persons severally are represented by the collective phrase "*jus personarum*," or that division of the

1. (Dig. 1, tit. 1, s. 1.)—2. (Dig. 1, tit. 1, s. 1.)—3. (Vid. Cic. Pro Balbo, 15.—Id., Pro Mil., 26.)—4. (Ulp., Frag., tit. 3.)—5. (Dig. 1, tit. 1, s. 3.)—6. (Gaius, ii., 65.)—7. (ii., 40.)—8. (ii., 4.)—9. (ii., 40.)

1. (Dig. 1, tit. 1, s. 1.)—2. (ii., 2.)—3. (i., 158.)—4. (Gaius, ii., 62.)—5. (i., 47.)—6. (Pro Cæcina, c. 11.)

whole matter of jus which treats of the status of persons, in other words, the law of persons.

This leads to the mention of another division of the matter of law which appears among the Roman jurists, namely, the law of persons; the law of things, which is expressed by the phrase "*ius quod ad res pertinet*;" and the law of actions, "*ius quod ad actiones pertinet*."¹ In his first book Gaius treats of the law of persons, in the fourth he treats of the law of actions; and, accordingly, the second and third contain the law of things, to express which he does not use a phraseology analogous to that of "*ius personarum*," but he says he will treat *De Rebus*. This division of the "*ius quod ad actiones pertinet*" is explained in the article *ACTIO*.

The adjective *justum* often occurs in the Latin writers in the sense of that which is consistent with jus or law, or is not contrary to law. Thus it is a *justum* (legal) matrimonium if there is connubium between the two parties to the marriage. The word *justum* has many varieties of meaning, which may generally be derived, without much difficulty, from the meanings of jus.

Jus is opposed to *judicium*, and a thing was said to be done in *jure* or in *judicio*, according as it was done before the magistratus or before a *judex*. (*Vid. JUDICIUM*.) Thus all matters of legal question were said to be done "*aut ad populum, aut in jure, aut ad judicem*."² Jus, in the sense of the place "*in quo jus redditur*," is only an application of the name of what is done to the place in which it is done. The expression *ius dicere* is explained under *JURISDICTIONE*. There are other meanings of jus, but they are unimportant, or may be deduced from what is here said.

JUS ÆLIANUM was a compilation by Sextus Ælius Pætus, surnamed Catus, who was consul B.C. 198,³ and who is called by his contemporary Ennius "*egregie cordatus homo*." He is also frequently mentioned with praise by Cicero.⁴ The *Jus Ælianum*, also called *Tripertita*, contained the laws of the Twelve Tables, an interpretatio, and the *legis actiones*. This work existed in the time of Pomponius.⁵ Cicero also speaks of some commentarii by Ælius.⁶

JUS APPLICATIO'NIS. (*Vid. BANISHMENT, ROMAN, p. 137.*)

JUS CIVILE. (*Vid. Jus.*)

JUS CIVILE FLAVIANUM. Appius Claudius Cæcus, who was censor B.C. 312, is said to have drawn up a book of *actiones* or forms of procedure, which his clerk Cn. Flavius made public.⁷ According to one story,⁸ Flavius surreptitiously obtained possession of the book of Appius, and was rewarded by the people for his services by being made *tribunus plebis* and *curule ædile*. The effect of this publication was to extend the knowledge and the practice of the law to the plebeians, and to separate the *ius civile* from the *ius pontificium*.

JUS CIVILE PAPIRIANUM or PAPISIANUM was a compilation of the *leges regie*, or laws passed in the kingly period of Rome. This compilation was commented on by Granii Flaccus in the time of Julius Cæsar,⁹ to which circumstance we probably owe the preservation of existing fragments of the *leges regie*. There is great doubt as to the exact character of this compilation of Papirius, and as to the time when it was made. Even the name of the compiler is not quite certain, as he is variously called Caius, Sextus, and Publius. The best notice of the fragments of the *leges regie* is by

Dirksen, in his "*Versuchen zur Kritik und Auslegung der Quellen des Römischen Rechts*." See also Zimmern, *Geschichte des Röm. Privatrechts*.

JUS GENTILIUM. (*Vid. GENS.*)

JUS GENTIUM. (*Vid. Jus.*)

JUS HONORARIUM. (*Vid. EDICTUM, p. 388.*)

JUS ITALICUM. (*Vid. COLONIA, p. 281.*)

JUS LATII. (*Vid. CIVITAS, LATINITAS.*)

JUS LIBERORUM. (*Vid. JULIA ET PAPIA PÆRIA LEX, p. 557.*)

JUS PONTIFICIUM. (*Vid. Jus, p. 560.*)

JUS PUBLICUM, PRIVATUM. (*Vid. Jus, p. 561.*)

JUS QUIRITIUM. (*Vid. CIVITAS, Jus.*)

JUS RESPONDENDI. (*Vid. JURISCONSULTI.*)

JUS VOCATIO, IN. (*Vid. ACTIO, p. 18.*)

JUSJURANDUM. (*Vid. OATH.*)

JUSJURANDUM CALUMNIÆ. (*Vid. CALUMNIA.*)

*JUSQU'AMUS, a corruption from *Hymenæus*, which see.

JUSTA FUNERA. (*Vid. FUNUS, p. 459.*)

JUSTINIANEUS CODEX. (*Vid. CODEX JUSTINIANEUS.*)

JUSTITIUM. (*Vid. FUNUS, p. 462.*)

JUSSU, QUOD, ACTIO, is a prætorian actio which a man had against a father or master of a slave (*dominus*), if a *filiusfamilias* or a slave had entered into any contract at the bidding (*jussu*) of the father or master, for the full amount of the matter in dispute. He who thus contracted with a *filiusfamilias* or a slave, was not considered to deal with them on their own credit, but on that of the father or master. This actio is classed by Gaius with the *exercitoria* and *institoria*.¹

*IYNX or YUNX (*ἰύξ*), a species of Bird, the Wryneck, or *Yunx torquilla*, L. It is a bird of the size of a lark, brown above, and prettily marked with little blackish waves, and longitudinal yellow and black reticulations; whitish striped across, with black underneath. "The Wryneck," observes Grew, "derives its name from a singular habit it has of turning its head towards the back, and closing its eyes: this movement appears to be the result of surprise, terror, or astonishment at the sight of some novel object. It is also an effort which the bird appears to make to disengage itself when it is held; but as it executes it equally in a state of liberty, and as the young, even in the nest, have the same habit, it is clear that it must be the result of a peculiar conformation. This species of bird, without being numerous, is extended throughout all Europe from Greece to Lapland."—The Iynx was celebrated in the magical incantations of antiquity, the entrails, or the bird itself, being attached to a kind of brazen wheel, which was made to revolve while the charm was sung. In one of the Idyls of Theocritus, a female adopts this as one of the means of recalling the affections of a faithless lover. The Iynx was for a time erroneously confounded with species of *Motacilla*, or Wagtail, upon the doubtful authority of the Etymologicicon Magnum, and some of the scholiasts. The description of the *ἰύξ*, however, by Tzetzes applies very well to the Wryneck. The German lexicographers also set down the *Wryneck*, or Wryneck, as the *ἰύξ* of the Greeks.²

K. SEE C.

L.

LABARUM. (*Vid. SIGNA MILITARIA.*)

*LABRAX (*λάβραξ*), a species of Fish, the Bar or Sea Perch, the *Perca labrax* of Linnaeus, or L.

1. (Gaius, iv., 70.—Dig. 15, tit. 4.)—2. (vol. vii., p. 513.) (Theocrit., Id., ii., 17.—Tzetzes ad Lycoph., Cassand.—Ad Append., s. v.)

1. (Gaius, l. 8.)—2. (Plaut., *Menechm.*, iv., 2, 18.)—3. (Liv., vi., 7.)—4. (De Rep., i., 18.—De Or., i., 45; iii., 33.)—5. (Orat., l. 2, s. 2, § 38.)—6. (De Orat., i., 56.—Top., 2.)—7. (Orat., De Or., i., 41.)—8. (Dig. 1, tit. 1, § 7.)—9. (Dig. 50, tit. 2, s. 244.)

Lupus of Cuvier. Some of the commentators of the classics, observes Adams, refer the *Lupus* the Pike, but Rondelet is at great pains to disprove this opinion.¹

LABYRINTHUS (*λαβύρινθος*). This word appears to be of Greek origin, and not of Egyptian, as is generally been supposed; it is probably a derivative form of *λάβρος*, and etymologically connected with *λαύραι*. Accordingly, the proper definition of labyrinthus is a large and complicated subterranean cavern, with numerous and intricate passages similar to those of a mine.² Hence the caverns near Nauplia in Argolis were called labyrinths.³ It is, indeed, the characteristic feature of all structures to which the ancients apply the name labyrinth, for they are always described as either entirely or partially under ground.

The earliest and most renowned labyrinth was that of Egypt, which lay beyond Lake Mæris, at a great distance from the City of Crocodiles (Arsinoë), the province now called Faioum. Herodotus⁴ describes its construction to the dodecarchs (about 600 B.C.), and Mela⁵ to Psammetichus alone. But other and more probable accounts refer its construction to a much earlier age.⁶ This edifice, which in grandeur even excelled the Pyramids, is described by Herodotus and Pliny.⁷ It had 3000 apartments, 5000 under ground, and the same number above it, and the whole was surrounded by a wall. It was divided into courts, each of which was surrounded by colonnades of white marble. At the time of Diodorus and of Pliny the Egyptian labyrinth was still intact. But the ruins which modern travellers describe as relics of the ancient labyrinth, as well as the place where they saw them, do not agree with what we know from the best ancient authorities respecting its architecture and its site.⁸ The purpose which this labyrinth was intended to serve can only be matter of conjecture. It has been supposed by some writers that the whole arrangement of the edifice was a symbolical representation of the zodiac and the solar system. Herodotus, who saw the upper part of this labyrinth, and went through it, was not permitted by the keepers to enter the subterranean part, and he was told by them that here were buried the kings by whom the labyrinth had been built, and the sacred crocodiles.

The second labyrinth mentioned by the ancients was that of Crete, in the neighbourhood of Cnossus: Cædalus was said to have built it after the model of the Egyptian, and at the command of King Minos.⁹ This labyrinth is said to have been only one hundredth part the size of the Egyptian, and to have been the habitation of the monster Minotaurus. Although the Cretan labyrinth is very frequently mentioned by ancient authors, yet none of them speaks of it as an eyewitness; and Diodorus and Pliny expressly state that not a trace of it was to be seen in their days. These circumstances, together with the impossibility of accounting for the objects which a Cretan king could have had in view in raising such a building, have induced almost all modern writers to deny altogether the existence of the Cretan labyrinth. This opinion is not only supported by some testimonies of the ancients themselves, but by the peculiar nature of some parts of the island of Crete. The author of the *Etymologicum Magn.* calls the Cretan labyrinth "a mountain with a cavern," and Eustathius¹⁰ calls it "a subterranean vein;" and similar statements are made by sev-

eral other writers quoted by Meursius.¹ Such large caverns actually exist in some parts of Crete, especially in the neighbourhood of the ancient town of Gortys; and it was probably some such cavern in the neighbourhood of Cnossus that gave rise to the story of a labyrinth built in the reign of Minos.²

A third labyrinth, the construction of which belongs to a more historical age, was that in the island of Lemnos. It was commenced by Smilis, an Æginetan architect, and completed by Rhœcus and Diodorus of Samos, about the time of the first Olympiad.³ It was in its construction similar to the Egyptian, and was only distinguished from it by a greater number of columns. Remains of it were still extant in the time of Pliny. It is uncertain whether this labyrinth was intended as a temple of the Cabiri, or whether it had any connexion with the art of mining.⁴

Samos had likewise a labyrinth, which was built by Theodorus, the same who assisted in building that of Lemnos; but no particulars are known.⁵

Lastly, we have to mention a fabulous edifice in Etruria, to which Pliny applies the name of labyrinth. It is described as being in the neighbourhood of Clusium, and as the tomb of Lar Porsenna. But no writer says that he ever saw it, or remains of it; and Pliny, who thought the description which he found of it too fabulous, did not venture to give it in his own words, but quoted those of Varro, who had probably taken the account from the popular stories of the Etruscans themselves. It was said to have been built partly under and partly above ground, whence the name labyrinth is correctly applied to it. But a building like this, says Niebuhr,⁶ is absolutely impossible, and belongs to the Arabian Nights.

LABRUM. (*Vid. BATHS.*)

*LABRUSCA, the wild Vine, the *ἀμπελος ἀγρία* of the Greeks. "The *Labrusca*, or wild Vine of the ancients," remarks Martyn, "did not probably differ specifically from that which was cultivated. Pliny informs us that the grapes of the *Labrusca* were gathered before the flowers were gone off, dried in the shade upon linen cloths, and laid up in casks; that the best sort came from Parapotamia, the next from Antioea and Laodæa, and the third from the mountains of Media; that this last was the fittest for medical uses; that some, however, preferred the kind which grew in Cyprus; that the African sort was used only in medicine, and was called *mas-saris*, and that the white was better than the black, and that it was called *ænanthe*. In another place he tells us that the *Labrusca* is called by the Greeks *ampelos agria*; that it has thick and whitish leaves, is jointed, has a chapped bark, and bears red berries. From these and other authorities, we may venture to affirm that the *Labrusca* is a real vine, running wild, without any culture." (*Vid. AMPÉLOS.*)

LACERNA (*μανδύας, μανδή*) was a cloak worn by the Romans over the toga, whence it is called by Juvenal "munimentum togæ."⁹ It differed from the pænula in being an open garment like the Greek pallium, and fastened on the right shoulder by means of a buckle (*fibula*), whereas the pænula was what is called a *vestmentum clausum*, with an opening for the head. (*Vid. PÆNULA.*) The *Lacerna* appears to have been commonly used in the army,⁸ but in the time of Cicero was not usually worn in the city.¹⁰ It soon afterward, however, became quite common at Rome, as we learn from Suetoni-

¹ (Aristot. H. A., i., 5.—Elian, N. A., i. 30.—Oppian, Hal., 120.—Adams, Append., s. v.)—2. (Welcker, Æschyl. Trilog., 513, &c.)—3. (Strabo, viii., 6, p. 195, Tauchnitz.)—4. (ii., 8.)—5. (i., 9.)—6. (Plin., H. N., xxvi., 13.—Diod. Sic., i., 61, &c.)—7. (Strabo, xvii., 1, p. 454, &c., and p. 458, Tauchnitz.)—8. (British Mus., "Egyptian Antiq.," vol. i., p. 54.)—9. (Plin., Diod., U. ec.)—10. (ad Olyss., xi.)

1. (Creta, p. 67 and 69.)—2. (See Walpole's Travels, p. 402, &c.—Höckh, Kreta, i., p. 56, &c.)—3. (Plin., l. c.)—4. (Welcker, Æschyl. Tril., l. c.)—5. (Plin., H. N., xxxiv., 8.)—6. (Hist. of Rome, i., p. 130, note 405.)—7. (ad Virg., Eclog., v., 7.—8. (ix., 28.)—9. (Paterc., ii., 70, 80.—Ovid, Fast. ii., 746.—10. (Cic., Philipp., ii., 30.)

us, who says¹ that Augustus, seeing one day a great number of citizens before his tribunal dressed in the lacerna, which was commonly of a dark colour (*pullati*), repeated with indignation the line of Virgil,

"*Romanos rerum dominos, gentemque togatam,*"

and gave orders that the *ædiles* should henceforth allow no one to be in the Forum or circus in that dress.

Most persons seem to have carried a lacerna or *pænula* with them when they attended the public games, to protect them from the cold or rain;² and thus we are told that the equites used to stand up at the entrance of Claudius, and lay aside their lacernæ.³

The lacerna was usually, as already remarked, of a dark colour (*fusci colores*⁴), and was frequently made of the dark wool of the Bætic sheep (*Bætica lacernæ*⁵). It was, however, sometimes dyed with the Tyrian purple and with other colours.⁶ Martial⁷ speaks of lacernæ of the former kind, which cost as much as 10,000 sesterces. When the emperor was expected at the public games, it was the practice to wear white lacernæ only.⁸

The lacerna was sometimes thrown over the head for the purpose of concealment;⁹ but a *cucullus* or cowl was generally used for that purpose, which appears to have been frequently attached to the lacerna, and to have formed a part of the dress.¹⁰ (*Vid. CUCULLUS.*)

*LACERTA, the Lizard. (*Vid. ASCALABOTES* and SAURA.)

LACINIE, the angular extremities of the toga, one of which was brought round over the left shoulder. It was generally tucked into the girdle, but sometimes was allowed to hang down loose. Plautus¹¹ indicates that it occasionally served for a pocket-handkerchief (*At tu edepol sume laciniam atque absterge sudorem tibi*): Velleius Paterculus¹² represents Scipio Nasica as wrapping the lacinia of his toga round his left arm for a shield¹³ before he rushed upon Tiberius Gracchus; while, according to Servius,¹⁴ the cinctus gabinius was formed by girding the toga tight round the body by one of its laciniae, or loose ends. These expressions are quite irreconcilable with the opinion of Ferrarius and others, that the lacinia was the lower border or skirt of the toga, while all the passages adduced by them admit of easy explanation according to the above view. The lacinia was undoubtedly permitted by some to sweep the ground, especially by such as wore their garments loosely. Thus Macrobius¹⁵ remarks upon one of Cicero's witticisms, "*Jocatus in Casarem quia ita præcingebatur, ut trahendo laciniam velut mollis incederet,*" which corresponds with the well-known caution of Sulla addressed to Pompey, "*Cave tibi illum puerum male præcinctum;*" and Suetonius tells how the Emperor Caius, being filled with jealousy on account of the plaudits lavished on a gladiator, hurried out of the theatre in such haste, "*ut calcata lacinia togæ præceps per gradus iret.*" Moreover, the secondary and figurative meanings of the word, namely, a rag,¹⁶ a narrow neck of land,¹⁷ the point of a leaf,¹⁸ the excrescences which hang down from the neck of a she-goat,¹⁹ &c., accord perfectly with the idea of the angular extremity of a piece of cloth, but can scarcely be connected naturally with the notion of a border or skirt.

The corresponding Greek term was *κρίσπεδον*, and perhaps *περὺγιον* (Pollux considers these sy-

1. (Octav., 40.)—2. (Dion Cass., lvi., 13.)—3. (Suet., Claud., 6.)—4. (Mart., i., 97, 9.)—5. (xiv., 133.)—6. (Juv., i., 27.—Mart., i., 97.)—7. (viii., 10.)—8. (Mart., iv., 2.—Id., xiv., 137.)—9. (Hor., Sat., II., vii., 55.)—10. (Mart., xiv., 139, 132.—*Vid. Becker's Gallus*, ii., p. 95, &c.)—11. (Merc., I., ii., 16.)—12. (ii., 3.)—13. (Compare *Val. Max.*, III., ii., 17.)—14. (ad Virg., *Æn.*, vii., 612.)—15. (Sat., ii., 3.)—16. (Plin., H. N., xix., 7.)—17. (Plin., H. N., v., 32.)—18. (Plin., H. N., xv., 30.)—19. (Plin., H. N., viii., 564.)

nonymous); and, accordingly, Plutarch¹ and Appian² employ the former in narrating the story of Scipio alluded to above, with this difference, however, that they describe him as throwing τὸ κρίσπεδον τοῦ ἑαριῶν over his head instead of twisting it round his arm.

LACO'NICUM. (*Vid. BATHS*, pages 144, 149, 150.)

LACTARIUS. (*Vid. PISTOR.*)

*LACTUCA (*ῥηίδαξ*), Lettuce. According to Pliny,³ the Greeks made three species of this plant, one with a broad stem (*laticaulis*), another with a round stem (*rotundicaulis*), and the third termed *Laconicon*, in Latin *sessile*. The stem of the first kind was so broad, that, as we are informed by the same authority, who copies in this from Theophrastus, the gates of kitchen-gardens (*ostiola ditana*) were wont to be made of them. No variety of lettuce, at the present day, offers a stem of such a size as this. The second kind, namely, that with a round stem, cannot be cited as a distinct variety, since every species of lettuce with which we are acquainted has a stem of this kind. The third kind, or *Laconicon*, obtained its Latin name *sessile* from its having hardly any stem, and being, therefore, as it were, seated on the ground. Billerbeck⁴ makes it to have been the Head Lettuce (*Κεφαλάκη*). Another Greek name for this kind is *γαλαζήλον*. The ancients also distinguished between different kinds of lettuce by their colour and times of sowing. Thus the kind called *nigra* (dark green Summer Endive) was sown in January; the white, or *alba*, in March; the *rubentes* in April, &c. They had also the Cappadocian, the Greek, and many other species. Martial applies to the Cappadocian Lettuce the epithet of *viles*. The ancients were acquainted with the narcotic properties of the lettuce. Galen⁵ informs us that he frequently found good effects resulting from its use, and Dioscorides recommends both the domesticated and the wild kinds with the same view. The calming effects of the juice of the cultivated lettuce is acknowledged also by modern practitioners. A writer quoted by Athenæus⁶ ascribes to the Lettuce anti-aprodisiac qualities. It was also believed, from its affording but little nourishment, to be a very good article of food for the sick and those who required a low diet. We have given at the head of this article the Greek term *ῥηίδαξ*, as corresponding to the Latin *Lactuca*, but *ῥηιδάκη* and *ῥηιδάκινος* were also employed. According to Nicander, the Lettuce, under the leaves of which Adonis was concealed when he was slain by the boar, was called by the inhabitants of Cyprus *Brinthis*.—According to Adams, the *ῥηίδαξ ἡμεῶν* of Dioscorides would seem to be the *Lactuca sativa*, or Garden Lettuce. The *ῥηίδαξ ἀγρία* is held by Sprengel to be the *Lactuca virosa*. So, again, will regard to the term *ῥηιδάκη*, Stackhouse acknowledges this also to be the *Lactuca sativa*. "Schneider," says Adams, "thinks that the learned men who refer the *ῥηίδαξ* and *ῥηιδάκη* to the *Lactuca* do not seem to have distinguished correctly, the *ῥηίδαξ* being rather referable to the *Cichorium endivia*. I have been unable, however, to discover upon what ground he founds this opinion."⁷

LACU'NAR. (*Vid. HOUSE, ROMAN*, p. 520.)

*LAD'ANUM (*λάδανον*). "All agree," remarks Adams, "that this is the product of the *κιστός*, this is, either of the *Cistus Creticus* or *C. ladaniferus*. It is a soft resin, still much used by the Grecian ladies as a perfume, and is now procured from the tree by scraping it with leathern thongs. Anciently,

1. (Græch., 19.)—2. (Bell. Civ., i., 16.)—3. (H. N., xii., 8.)—4. (Flora Classica, p. 203.)—5. (De Fac. Alim., ii., 40.)—6. (p. 32.)—7. (Fée ad Plin., l. c.—Theophrast., H. P., I., 16; vii.—Dioscor., ii., 165.)

It appears that it was collected from the beards of those that browsed upon it. The Cistus is now entirely cultivated in this country as an ornamental shrub.¹

LÆNA, the same word with the Greek *χλαίνα*, radically connected with *λάνη*, *lana*, &c.

It signifies, properly, a woollen cloak, the cloth of which was twice the ordinary thickness (*duotogorum instar*), and therefore termed *duplex*,² girt upon both sides,³ worn over the pallium or toga for the sake of warmth.⁴ Hence persons called a *læna* with them when they went out to dinner;⁵ and the rich man in Juvenal, who walks at night escorted by a train of slaves and attended on his way by flambeaux, is wrapped in a *læna*.⁶

A robe of state, forming, it is said, in ancient times, part of the kingly dress.⁷

The flamines offered sacrifice in a *læna* which was fastened round the throat by a clasp, and in case of the *dialis*, was woven by the hands of *flaminicae*.⁸

In later times the *læna* seems, to a certain extent, to have been worn as a substitute for the toga. The courtly bard in Perseus⁹ is introduced regaling his fashionable lays with a violet-coloured *læna* over his shoulders, and we gather from Juvenal¹⁰ that it was an ordinary article of dress among the poorer classes.¹¹

Nonius defines it to be "*vestimentum militare supra omnia vestimenta sumitur*," but quotes no authority except Virgil, *Æn.*, iv., 262.

LAGOPUS (*λαγῶπος*), a species of Bird, which is generally taken to be the White Partridge of Savoy. The ancients can scarcely be supposed to have been acquainted with the *Tetrao Lagopus*, L., or ptarmigan, as it is confined to the Alpine regions of the North. Perhaps, as Dr. Trail suggested, the name was applied to various sorts of Grouse, which all have hairy feet.¹²

L. A plant, which Adams suggests may have been the *λαγώπυρος* of Hippocrates. The same authority follows Valerius Cordus and Fuchsius in referring it to the *Trifolium arvense*, or Field-clover.¹³

LAGOPYRUS (*λαγώπυρος*), probably Field-clover. Dierbach, however, holds the *λαγώπυρος* to be *Lagurus ovalis*.

LAGOS (*λαγῶς*), the Hare, or *Lepus timidus*, L. ΛΑΓΩΣ ΘΑΛΑΤΤΙΟΣ (*λαγῶς θαλάττιος*), a fish of the Molluscous order, the *Aplysia depilans*. Dr. King says of it, "The *Aplysia* has been known in the records of superstition under the name of the *orse*, &c." The superstitions here referred to are those described by Pliny, as Adams thinks. The seahorse is represented by Nicander as an accursed poison, and by Dioscorides as a depilatory. The properties, as Adams remarks, are certainly imaginary. The *Aplysia* is described by naturalists as having the head supported by a neck more or less long; two superior tentacula, excavating the ears of a quadruped, with two flattened on the edge of the lower lip; the eyes are behind the former; the gills are on the back, and consist of highly complicated lamellæ, attached to a membranous pedicle, and covered by a small branched mantle, in the thickness of which is a horn and horny shell, &c.¹⁴

*II. A fish of a very different kind from the preceding. Schneider supposes it some species of the *Diodon* or *Tetraodon*.¹

*LAMΪA (*λαμία*), a species of Fish, called in English the White Shark, in French *Requin*, and answering to the *Squalus Carcharias*, L., or *Carcharias vulgaris*, Cuvier. It is the same with the *κῶν θαλάττιος* of Ælian, and the *κάρχαρος κῶν* of Lycophron.²

LAMPADEPHORIA (*λαμπαδηφορία*), torch-bearing (as Herodotus calls it), or *λαμπαδηδρομία*, torch-race (as some lexicographers), also *λαμπαδοῦχος ἀγών*, and often simply *λαμπάς*, was a game common, no doubt, throughout Greece; for though all we know concerning it belongs to Athens, yet we hear of it at Corinth, Pergamus, and Zerinthus;³ and a coin in Mionnet, with a *λαμπάς* on it, which is copied below, bears the legend *Ἀμφιπολιτῶν*.

At Athens we know of five celebrations of this game: one to Prometheus at the Prometheia;⁴ a second to Athena at the Panathenæa⁵ (probably the greater Panathenæa); a third to Hephaistos at the Hephaisteia⁶ (the ceremony at the Apaturia was different); a fourth to Pan;⁷ a fifth to the Thracian Artemis or Bendis.⁸ The three former are of unknown antiquity; the fourth was introduced soon after the battle of Marathon, the last in the time of Socrates.

The race was usually run on foot, horses being first used in the time of Socrates;⁹ sometimes, also, at night.¹⁰ The preparation for it was a principal branch of the *γυμνασιarchia*, so much so, indeed, in later times, that *λαμπαδαρχία* seems to have been pretty much equivalent to the *γυμνασιarchia*.¹¹ The *gymnasiarch* had to provide the *λαμπάς*, which was a candlestick with a kind of shield set at the bottom of the socket, so as to shelter the flame of the candle, as is seen in the following woodcut, taken from a coin in Mionnet.¹² He had also to provide for the training of the runners, which was of no slight consequence, for the race was evidently a severe one,¹³ with other expenses, which, on the whole, were very heavy, so that Isæus¹⁴ classes this office with the *χορηγία* and *τριηραρχία*, and reckons that it had cost him 12 minæ. The discharge of this office was called *γυμνασιarchein lamпадi*,¹⁵ or *ἐν ταῖς λαμπάσι γυμνασιarcheisthai*.¹⁶ The victorious *gymnasiarch* presented his *λαμπάς* as a votive offering (*ἀνάθημα*).¹⁷



As to the manner of the *λαμπαδηφορία*, there are some things difficult to understand. The case stands thus. We have two accounts, which seem contradictory. First, it is represented as a course, in which a *λαμπάς* was carried from one point to another by a chain of runners, each of whom formed a successive link. The first, after running a certain distance, handed it to the second, the second in like manner to the third, and so on, till it reached the point proposed. Hence the game is used by Herodotus¹⁸ as a comparison whereby to illustrate the Persian *ἀγγαρήιον*, by Plato¹⁹ as a lively

Varro, De Ling. Lat., v., 133, Müller.)—2. (Festus, s. v. Serv. ad Virg., *Æn.*, iv., 262.)—3. (Schol. ad Juv., iii., 4. (Mart., xiv., 136.)—5. (Mart., viii., 59.)—6. (Juv., iii., 7. (Plut., Num., 7.)—8. (Serv. ad Virg., *Æn.*, iv., 262.—9. (Brut., 57.)—9. (i., 32.)—10. (v., 130; vi., 73.)—11. (Bellus, ii., p. 99.)—12. (Adams, Append., s. v.)—13. (Dioscor., 17.—Adams, Append., s. v.)—14. (Dioscor., M. M., ii., 1. (Xen., N. A., ii., 45.—Plin., H. N., ix., 45.—Adams, Append.,

1. (Ælian, H. A., xvi., 19.—Adams, Append., s. v.)—2. (Aristot., H. A., v., 5.—Plin., H. N., ix., 24.—Ælian, N. A., i., 17.—Adams, Append., s. v.)—3. (Böckh, Polit. Econ. of Athens, ii., p. 219.—Müller, Minerv. Polias, p. 5.)—4. (Schol. ad Aristoph., Ran., 131.—Ister, ap. Harpocrat., s. v.)—5. (Herod., vi., 105, and ll. cc.)—6. (Herod., viii., 9, and ll. cc.)—7. (Herod., vi., 105.)—8. (Plat., De Rep., p. 328, A.)—9. (Plat., l. c.)—10. (Interp. vet. ad Lucret., ii., 77, ap. Wakefield.)—11. (Aristot., Pol., v., 8, 20.)—12. (Pl. 49, 6.)—13. (Compare Aristoph., Vesp., 1203; Ran., 1085.)—14. (De Philoct. hered., p. 62, 20.)—15. (Issus, l. c.)—16. (Xen., De Vectig., iv., 52.)—17. (Böckh, Inscr., No. 243, 250.)—18. (viii., 98.)—19. (Leg., p. 776, B.)

image of successive generations of men, as also in the well-known line of Lucretius,¹

"*Et quasi cursores vitæ lampada tradunt.*"²

And it is said that the art consisted in the several runners carrying the torch unextinguished through their respective distances, those who let it go out losing all share of honour. Now, if this were all, such explanation might content us. But, secondly, we are plainly told that it was an *ἀγών*; the runners are said *ἀμιλλᾶσθαι*;³ some are said to have won (*νικῶν λαμπάδι*);⁴ the scholiast on Aristoph., *Ran.*,⁵ talks of *τοῖς ὑστάτους τρέχοντας*, which shows that it must have been a race between a number of persons; the scholiast on the same play⁶ speaks of *ἀφείναι τοὺς δρομέας, τοὺς τρέχοντας*, which shows that a number must have started at once.

This second account implies *competition*. But in a chain of runners, each of whom handed the torch to the next man *successively*, where could the competition be! One runner might be said to *lose*—he who let the torch go out; but who could be said to *win*!

We offer the following hypothesis in answer to this question. Suppose that there were *several chains* of runners, each of which had to carry the torch the given distance. Then both conditions would be fulfilled. The torch would be handed along each chain, which would answer to the first condition of *successive* delivery. That chain in which it travelled most quickly and soonest reached its destination would be the winner, which would answer to the second condition, its being a race between competitors.

In confirmation of this hypothesis, we observe as follows: The inscription in Böckh, No. 245, consists of the following lines:

λαμπάδα νεκίηςας σὺν ἐκίβοις τὴν δ' ἀνέθηκα
Εὐτυχίδης παῖς ὢν Εὐτυχίδου Ἀθμονεῖς.

This Eutyichides was no doubt the gymnasiarch who won with the *ἐφηβοί* he had trained, just as Andocides⁷ talks of his *νεκικρῆναι λαμπάδι* as gymnasiarch; so, too, Inscr. No. 250 records a like victory of the tribe Cecropis. Now we know that the gymnasiarchs were chosen one from each tribe. If, then, each one furnished a chain of *λαμπαδηφόροι*, there would have been ten (in later times twelve) chains of runners. Perhaps, however, the gymnasiarchs were not all called on to perform this service, but each once only in the year, which would allow us for each of the three greater celebrations (the Prometheia, Panathenæa, and Hephaisteia) three or four chains of competitors. It may be here remarked, that Inscr. No. 244 gives a list of *οἱ νεκίσαντες τὴν λαμπάδα*, the winners in the torch-race, fourteen in number. Who were these? If the several links of the winning chain, it is rather against analogy that they should be named. No one ever heard the names of a chorus: yet they can hardly be fourteen winning gymnasiarchs.

The *place* of running was, in these great celebrations, from the altar of the Three Gods (Prometheus, Athena, and Hephaistos) in the outer Cerameicus to the Acropolis, a distance of near half a mile.⁸ That in honour of Bendis was run in the Peiræus.⁹

The *origin* of these games must be sought, we think, in the worship of the Titan Prometheus. The action of carrying an unextinguished light from the Cerameicus to the Acropolis is a lively symbol of the benefit conferred by the Titan upon man, when he bore fire from the habitations of the gods and bestowed it upon man.

1. (ii., 77.)—2. (Compare also Auct. ad Herenn., iv., 46.)—3. (Plat., *Rep.*, l. c.)—4. (Andoc. in Alcib., ad fin.—Compare Böckh, *Inscr.*, No. 243, 244.)—5. (l. c.)—6. (v., 133)—7. (l. c.)—8. (Pausan., i., 30, 2.—Schol. ad *Ran.*, 1085.)—9. (Plat., l. c.)

κλέψας ἀκαμάτοις πυρὸς τηλέσκοπον αἶψα
ἐν κοίλῃ νάρθηκι.¹

But the gratitude to the giver of fire soon passed, the Olympian gods who presided over its use; Hephaistos, who taught men to apply it to the melting and moulding of metal, and Athena, who carried through the whole circle of useful and ornamental arts. To these three gods, then, were these games at first devoted, as the patrons of fire. And looking to the place it was run in—the Cerameicus, Potters' quarter—we are much inclined to adopt Welcker's suggestion,² viz., that it was the *κρῆμα* or potters who instituted the *λαμπαδηφορία*. Athena (as we learn from the *Κεραμίδες*) was their patron goddess; and who more than they would have reason to be thankful for the gift and use of fire? Pottery would be one of the first modes in which would be made serviceable in promoting the welfare of life. In later times the same honour was paid to all gods who were in any way connected with fire, as to Pan, to whom a perpetual fire was kept up in his grotto under the Acropolis, and who was in this capacity called by the Greeks Phanes, the Romans Lucidus; so also to Artemis, called Sophocles *Ἀμφίτρος*, and worshipped as the moon. At first, however, it seems to have been a symbolical representation in honour of the gods who gave and taught men the use of *material moulding fire* (*τὸ τεχνον πῦρ, διδάσκαλος τέχνης*, as Æschylus calls it), though this special signification was lost sight of in later times. Other writers, in their anxiety to give a common signification for all the times and modes of the *λαμπαδηφορία*, have endeavoured to prove that all who were honoured by it were connected with the heavenly bodies, *λαμπροὶ δυνασταὶ* (so Creuzer³ and Müller⁴); others, that it always had an inner signification, alluding to the inward fire by which Prometheus put life into man (so Brönsted⁵). If this legend of Prometheus was a later interpretation of the earlier one, as may be seen by comparing Plat. *Protag.*, p. 321, D, with Hesiod, *Theog.*, 561.)

LAMPAS. (Vid. LAMPADEPHORIA.)

*LAMP'S ANE, a plant mentioned by Dioscorid and Galen, and which most of the commentators take for the *Sinapi arvensis*. Sprengel, however, joins Columella in preferring *Raphanus raphanistrum*. Adams will not decide between the two. Both plants get the English name of Charlock.⁶

LAN'CEA. (Vid. HASTA, p. 489.)

LANISTA. (Vid. GLADIATORES, p. 475.)

LANX, *dim.* LANCULA, a large dish, made of silver or some other metal, and sometimes embossed, used at splendid entertainments to hold meat or fruit⁷ (*vid.* CÆNA, p. 275), and consequently sacrifices⁸ and funeral banquets.⁹ (*Vid.* FESTUS, page 462.) The silver dishes used by the Romans at their grand dinners were of vast size, so that a boar, for example, might be brought whole to table. They often weighed from 100 to 500 pounds.¹⁰

The *balance* (*LIBRA bilanx*¹¹) was so called, because it had two metallic dishes.¹²

When an officer entered a house for the recovery of stolen goods, being nearly naked, he held a dish before his face. Such a search was said to be made *lance et licio*.¹³ (*Vid.* FURTUM, p. 463.)

*LAP'ATHUM (*λάπαθον*), a kind of Sorrel, Montebard, or Dock. The five species described

1. (Hesiod., *Theog.*, 566, ed. Gaisf.)—2. (Æschyl., *Trilogia*, 121.)—3. (Creuzer, *Symbolik*, ii., p. 752, 764, French transl.)—4. (Prom., 7, 110.)—5. (l. c.)—6. (Minerva Polina, p. 5.)—7. (Voyages, &c., ii., p. 286, note 2.)—8. (Dioscorid., ii., 142.—*Adapt. Append.*, s. v.)—9. (Cic. ad Att., vi., 1.—Hor., *Sat.*, ii., n. 4, l. 10, 11, 12.—Ovid, *Pont.*, iii., v., 30.—Petron., 31.)—10. (Virg., *Georg.*, ii., 194, 394.—Æn., viii., 284.—*Id.*, xii., 315.—Hor., *Pont.*, iv., viii., 40.)—11. (Propert., ii., xii., 23.)—12. (Hor., l. c.)—13. (Plin., H. N., xxxiii., 52.)—14. (Mart. Cap., 180.)—15. (Cic., *Acad.*, iv., 12.—*Id.*, *Tusc.*, v., 17.—Virg., *Æn.*, xii., 725.—Pers., iv., 10.)—16. (Festus, s. v.—*Anal. Ged.*, 21.)

Dioscorides are thus arranged by Sprengel, who in this, as Adams remarks, closely follows Bauhin: 1. The *ὀξύλακτον* is the *Rumex acutus*; the 2d species is the *R. patientia*; the 3d, the *R. scutatus*; the 4th, the *R. acetosa*; and the 5th, the *R. hydrolapathum*, Huds. The Dock is named *Rumex* by Pliny, and *Paratella* by Macer. The *Lapathum* of Celsus, according to Adams, is not well defined, and Dr. Milligan refers it, as the same authority remarks, to seven species of *Rumex*, in a very fanciful and loose manner.¹

LAPH'RIA (Λάφρια), an annual festival, celebrated at Patræ, in Achaia, in honour of Artemis, surnamed Laphria. The peculiar manner in which it was solemnized during the time of the Roman Empire is described by Pausanias.² On the approach of the festival, the Patræans placed in a circle, around the altar of the goddess, large pieces of green wood, each being sixteen yards in length; within the altar they placed dry wood. They then formed an approach to the altar in the shape of steps, which were slightly covered with earth. On the first day of the festival a most magnificent procession went to the Temple of Artemis, and at the end of it there followed a maiden who had to perform the functions of priestess on the occasion, and who rode in a chariot drawn by stags. On the second day the goddess was honoured with numerous sacrifices, offered by the state as well as by private individuals. These sacrifices consisted of eatable birds, boars, stags, goats, sometimes of the cubs of wolves and bears, and sometimes of the old animals themselves. All these animals were thrown upon the altar alive at the moment when the dry wood was set on fire. Pausanias says that he often saw a bear, or some other of the animals, when seized by the flames, leap from the altar and escape across the barricade of green wood. Those persons who had thrown them upon the altar caught the devoted victims again, and threw them back into the flames. The Patræans did not remember that a person had ever been injured by any of the animals on this occasion.

LAPIS SPECULARIS. (Vid. HOUSE, ROMAN, p. 521.)

LA'QUEAR. (Vid. HOUSE, ROMAN, p. 520.)

LAQUEATORES. (Vid. GLADIATORES, p. 476.)

LARARIUM was a place in the inner part of a Roman house, which was dedicated to the Lares, and in which their images were kept and worshipped. It seems to have been customary for religious Romans in the morning, immediately after they rose, to perform their prayers in the lararium. This custom is at least said to have been observed by the Emperor Alexander Severus,³ who had among the statues of his lares those of Christ, Abraham, Orpheus, and Alexander the Great. This emperor had a second lararium, from which the first is distinguished by the epithet *majus*, and the images of his second or lesser lararium were representations of great and distinguished men, among whom are mentioned Virgil, Cicero, and Achilles. That these images were sometimes of gold, is stated by Suetonius.⁴ We do not know whether it was customary to have more than one lararium in a house, or whether the case of Alexander Severus is merely to be looked upon as an exception.

LARENTALIA, sometimes written LARENTIANA'LIA and LAURENTALIA, was a Roman festival in honour of Acca Larentia, the wife of Faustulus, and the nurse of Romulus and Remus. It celebrated in December, on the 10th before the Ids of January.⁵ The sacrifice in this festival

was performed in the Velabrum at the place which led into the Nova Via, which was outside of the old city, not far from the Porta Romanula. At this place Acca was said to have been buried.⁶ This festival appears not to have been confined to Acca Larentia, but to have been sacred to all the Lares.⁷

LARGITIO. (Vid. AMBITUS.)

LARNAKES. (Vid. FUNGUS, p. 456.)

*LARUS (λάρος), a species of Bird, generally regarded as the Gull or Seamew, the *Larus canus*, L. Some of its characters, however, as given by Aristotle, agree better with the *L. parasiticus* or *L. marinus*. "The poet Lycophron uses the word *καύης* for *λάρος*. Tzetzes says that he calls an old man by this name, because in old age the hair becomes hoary, like the feathers of the Seamew."⁸

*LATAX (λάταξ), the Otter. (Vid. ENHYDRUS.)

LATER, *dim.* LATERCULUS (πλινθος, *dim.* πλινθίς, πλινθιον), a Brick. Besides the Greeks and Romans, other ancient nations employed brick for building to a great extent, especially the Babylonians⁹ and Egyptians. In the latter country, a painting on the walls of a tomb at Thebes¹⁰ exhibits slaves, in one part employed in procuring water, in mixing, tempering, and carrying the clay, or in turning the bricks out of the mould (*vid.* FORMA), and arranging them in order on the ground to be dried by the sun, and in another part carrying the dried bricks by means of the yoke (*vid.* ASILLA) to be used in building. In the annexed woodcut we see a man with three bricks suspended from each end of the yoke, and beside him another who returns from having deposited his load.



These figures are selected from the above-mentioned painting, being, in fact, original portraits of two Αἰγύπτιοι πλινθοφόροι, girl with linen round the loins in exact accordance with the description given of them by Aristophanes, who at the same time alludes to all the operations in the process of brick-making (πλινθοποια¹¹), which are exhibited in the Theban painting.⁷

The Romans distinguished between those bricks which were merely dried by the sun and air (*lateres crudi*;¹² πλινθος ὀμῆ¹³), and those which were burned in the kiln (*cocti* or *coctiles*; ὀπτα¹⁴). They preferred for the purpose clay which was either whitish or decidedly red. They considered spring the best time for brick-making, and kept the bricks two years before they were used. They made them principally of three shapes: the *Lydian*, which was a foot broad, 1½ feet long; the *tetradoron*, which was four palms square; and the *pentadoron*, which was five palms square. They used them smaller

¹ Dioscor. ii., 140.—Adams, Append., s. v.—2. (viii., 18, § (Lempid., Al. Sev., 29, 31.)—4. (Vitell., 2.)—5. (Festus, Macrob., i., 10.—Ovid, Fast., iii., 57.)

1. (Macrob., i. c.—Varro, De Ling. Lat., v., 23, 24.)—2. (Hartung, die Religion der Römer, ii., 146.)—3. (Aristot., H. A., v., 8.—Schol. in Lycophr., 424.—Adams, Append., s. v.)—4. (Herod., i., 179.—Xen., Anab., iii., 4, § 7, 11.—Nahum, iii., 14.)—5. (Wilkinson's Manners and Customs, ii., p. 99.)—6. (Schol. in Pind., Ol., v., 20.)—7. (Aves, 1132—1152.—Schol. ad loc.)—8. (Plin., H. N., xxxv., 48.—Varro, De Re Rust., i., 14.—Col., De Re Rust., ix., 1.)—9. (Paus., viii., 8, 5.)—10. (Xen., Anab., ii., 4, § 12.—Herod., i. c.)

LATERNA.

in private than in public edifices. Of this an example is presented in the great building at Treves, called the palace of Constantine, which is built of "burned bricks, each of a square form, fifteen inches in diameter, and an inch and a quarter thick."¹ These bricks, therefore, were the pentadora of Vitruvius and Pliny. At certain places the bricks were made so porous as to float in water; and these were probably used in the construction of arches, in which their lightness would be a great advantage.² It was usual to mix straw with the clay.³ In building a brick wall, at least *crudo latere*, i. e., with unburned bricks, the interstices were filled with clay or mud (*luto*), but the bricks were also sometimes cemented with mortar.⁴ For an account of the mode of arranging the bricks, see MURUS. The Babylonians used asphaltum as the cement.⁵ Pliny⁷ calls the brickfield *lateraria*, and to make bricks *lateres ducere*, corresponding to the Greek *πλίνθους ἔλαειν* or *ἐρπειν*.⁸

The Greeks considered perpendicular brick walls more durable than stone, and introduced them in their greatest public edifices. Brick was so common at Rome as to give occasion to the remark of the Emperor Augustus in reference to his improvements, that, having found it brick (*lateritiam*), he had left it marble.⁹ The Babylonian bricks are commonly found inscribed with the characters called from their appearance arrow-headed or conical. It is probable that these inscriptions recorded the time and place where the bricks were made. The same practice was enjoined by law upon the Roman brickmakers. Each had his mark, such as the figure of a god, a plant, or an animal, encircled by his own name, often with the name of the place, of the consulate, or of the owner of the kiln or the brickfield.¹⁰ It has been observed by several antiquaries, that these imprints upon bricks might throw considerable light upon the history and ancient geography of the places where they are found. Mr. P. E. Wiener has accordingly traced the 22d legion through a great part of Germany by the bricks which bear its name.¹¹ In Britain many Roman bricks have been found in the country of the Silures with the inscription LEG. II. AVG. stamped upon them.¹²

The term *laterculus* was applied to various productions of the shape of bricks, such as pastry or confectionary;¹³ and for the same reason, ingots of gold and silver are called *lateres*.¹⁴

LATERNA or LANTERNA (*ἰπνός*,¹⁵ *λαχνοῦχος*;¹⁶ in later Greek, *φανός*¹⁷), a lantern. Two bronze lanterns, constructed with nicety and skill, have been found in the ruins of Herculaneum and Pompeii. One of them is represented in the annexed woodcut. Its form is cylindrical. At the bottom is a circular plate of metal, resting on three balls. Within is a bronze lamp attached to the centre of the base, and provided with an extinguisher, shown on the right hand of the lantern. The plates of translucent horn, forming the sides, probably had no aperture; but the hemispherical cover may be raised so as to admit the hand and to serve instead of a door, and it is also perforated with holes through which the smoke might escape. To the two upright pillars supporting the frame-work, a front view of one of which is shown on the left hand of the

LATINITAS.

lantern, chains are attached for carrying the lantern by means of the handle at the top.



We learn from Martial's epigrams¹ that this was used for lanterns as well as horn. Some centuries later glass was also substituted.² The transparent horn lanterns were brought from Persia.³ When the lantern was required for use as a lamp was lighted and placed within it.⁴ It was carried by a slave,⁵ who was called the lantern-bearer. When a lantern was not at hand, a basket (*καθυσ*), as a cheaper and commoner utensil, was used to hold the lamp.⁷

Lanterns were much employed in military operations;⁸ and not only the common kind, but the *lanterna*, which was square, with a white skin on one side next to the bearer, enabling him to see, and with black skins on the three other sides.⁹

LATICLA VII. (Vid. CLAVUS, p. 264.)

LATINÆ FERLÆ. (Vid. FERLÆ, p. 436.)

LATINITAS, LATIUM, JUS LATII (*ἡ λουμένη Λατειών*).¹⁰ All these expressions are to signify a certain status intermediate between *cives* and *peregrini*. The word "Latinitas" occurs in Cicero.¹¹ Before the passing of the *lex de Civitate*, the above expressions denoted a certain nationality, and, as part of it, a certain legal status with reference to Rome; but after the passing of that law, these expressions denoted only a certain status, and had no reference to any national distinction. About the year B.C. 89, a *lex Pompeia* extended the *jus Latii* to all the Transpadani, and, consequently, the privilege of obtaining the Roman citizenship by having filled a magistratus in their own country. To denote the status of these Transpadani, the *Latinitas* was used, which, since the passing of the *lex Julia*, had lost its proper signification; and it was the origin of that *Latinitas* which then existed to the time of Justinian. This new *Latinitas*, or *jus Latii*, was given to whole towns and provinces; as, for instance, by Vespasian to the province of Spain,¹² and to certain Alpine tribes (*Latini*).¹³

This new *Latinitas* was given not only to already existing, but to towns which were founded subsequently to the *lex Pompeia*, as *Latinitas* in *Novum-Comum*, which was founded B.C. 59 by Cæsar. Several *Latinitas* of this class are mentioned by Pliny, especially in Spain.

Though the origin of this *Latinitas*, which was so prominent a figure in the Roman jurisprudence, is not certain wherein it differed from

1. (Wytttenbach's Guide to the Roman Antiquities of Treves, p. 42.)—2. (Plin., H. N., xxxv., 49.—Vitruv., ii., 3.)—3. (Vitruv., l. c.—Pallad. De Re Rust., vi., 12.—Exod., v., 7.)—4. (Col., l. c.)—5. (Wytttenbach, p. 65, 66.)—6. (Herod., l. c.)—7. (vii., 57.)—8. (Herod., i., 179.—Id., ii., 136.)—9. (Sueton., Aug., 29.)—10. (Seroux d'Agincourt, Rec. de Fragmens, p. 82-88.)—11. (De Leg. Rom. vic. sec. Darmstadt, 1830, p. 106-137.)—12. (Archæologia, V., v., p. 35.)—13. (Plaut., Poen., i., 2, 112.—Cato, De Re Rust., 109.)—14. (Plin., H. N., xxxiii., 17.)—15. (Aristoph., Pax, 841.—Pherocrates, p. 26, ed. Runkel.)—16. (Phrynica, Eclog., p. 59.)—17. (Athenæus, xv., 58.—Philox., Gloss.)

1. (xiv., 61, 62.)—2. (Isid., Orig., xx., 10.)—3. (Plaut., III., vi., 30.)—4. (Pherocrates, p. 21.)—5. (Pact., A. Prol., 149.—Id. ib., l., 1, 185.—Val. Max., vi., 8, 1.)—6. (in Pis., 9.)—7. (Aristoph., Achar., 452.)—8. (Veget., Mil., iv., 18.)—9. (Jul. Africanus, 69, ap. Math. Par., 311.—10. (Strab., p. 186, Casaub.)—11. (ad Adv., xiv., 1) (Plin., H. N., iii., 4.)—12. (Id. ib., iii., 20.)

as which was the characteristic of the Latini the passing of the Julia lex. It is, however, not all the old Latini had not the same rights respect to Rome, and that they could acquire eas on easier terms than those by which the Latinitas was acquired.¹ Accordingly, the of the old Latini might be expressed by the majus Latium, and those of the new Latini by minus Latium, according to Niebuhr's recommendation of Gaius.² The majus Latium is considered to be equivalent to the Latium majus and vetus of Pliny;³ for Pliny, in describing towns of Spain, always describes the provinces as consisting "civium Romanorum," and describes other towns as consisting some "Latinorum" simply, and sometimes "Lativeterum," or as consisting of oppidani "Laris," from which an opposition between Latines and Latini simply might be inferred. Careful examination of Pliny rather leads to the conclusion that his Latini veteres and Latini are the same, and that by these terms he merely designates the Latini coloniarii hereafter mentioned. The definition of Niebuhr is therefore not supported by these passages of Pliny, and though incorrect, it ought, perhaps, to be rejected; not for the reason assigned by Madvig, which Savigny has adopted, but because it does not appear to be consistent with the whole context of Gaius.

The new Latini had not the connubium, and it is a doubtful question whether the old Latini had it. The new Latini had the commercium, and herein the condition was the same as that of the twelve oldest old Latin colonies, which were specially denominated. (Vid. CIVITAS.)

The new Latinitas, which was given to the Transpadana, was that legal status which the lex Junia gave to a numerous class of freedmen, called Latini Juniani.⁴ The date of this lex is not ascertained.

Latini coloniarii, who are mentioned by Ulpian as the inhabitants of towns beyond Italy, to which the Latinitas was given. These are the towns which Pliny calls "oppida Latinorum veterum," which were military colonies of Roman Latini. The passages in which the Latini coloniarii are mentioned as a class then existing, must be taken as written before Caracalla gave the civitas to the whole empire.

For the most recent views of Savigny on this subject, are contained in the Zeitschrift, vol. 10, p. 100. (Röm. Volkschluss der Tafel von Heraclea.)

Latini could acquire the jus Quiritium, according to Ulpian,⁵ in the following ways: By the *manu* principalis, *liberi*, *iteratio*, *militia*, *navis*, *manu*, *pistrinum*; and by a *senatus consultum* given to a female "*vulgo quæ sit ter enixa*." Various modes of acquiring the civitas are mentioned in detail by Ulpian, from which, as well as from the connexion of this title "De Latinis" with the title "De Libertis," it appears that the civitas was treated of the modes in which the civitas was acquired by those Latini who were liberti. The same remark applies to the observations of Niebuhr on the same subject (*Quibus modis Latini ad civitatem Romanam perveniant*). In speaking of the modes of acquiring the civitas by means of *manu*, Ulpian speaks of a Latinus, that is, a *libertus*, marrying a Roman citizen, or a Latina colonica, or a woman of his own condition, from which it appears that all his remarks under this head apply to Latini; and it also appears that Gaius

speaks of the Latini coloniarii as a class existing in his time. Neither Ulpian nor Gaius says anything on the mode by which a Latinus coloniarius might obtain the civitas Romana.

*LATOS (*λατός*), the name of a fish mentioned by Strabo and Athenæus. It would appear to have been some variety of the *κορακίσιος*, or *Umbre*.

LATRUNCULI (*παισσοί, ψήφοι*), Draughts. The invention of a game resembling draughts was attributed by the Greeks to Palamedes, whom they honoured as one of their greatest benefactors. (Vid. ABACUS, § 7.) The game is certainly mentioned by Homer, who represents the suitors of Penelope amusing themselves with it.¹ Others ascribed the invention to the Egyptian Theuth,² and the paintings in Egyptian tombs, which are of far higher antiquity than any Grecian monuments, not unfrequently represent persons employed in this recreation. The painting, from which the accompanying woodcut is taken, is on a papyrus preserved in the Museum of Antiquities at Leyden, and was probably made about



1700 years B.C. It is remarkable that a man is here represented playing alone; whereas, not only in works of Egyptian art, but also on Greek painted vases, we commonly observe two persons playing together. For this purpose there were two sets of men, one set being black, the other white or red. Being intended to represent a miniature combat between two armies, they were called soldiers (*militæ*), foes (*hostes*), and marauders (*latrones*, dim. *latrunculi*); also *CALCULI*, because stones were often employed for the purpose.³ Sometimes they were made of metal or ivory, glass or earthenware, and they were various and often fanciful in their forms. The object of each player was to get one of his adversary's men between two of his own, in which case he was entitled to take the man kept in check,⁴ or, as the phrase was, *alligatus*.⁵ Some of the men were obliged to be moved in a certain direction (*ordine*), and were therefore called *ordinarii*; others might be moved any way, and were called *vagi*.⁶ In this respect the game resembled chess, which is certainly a game of great antiquity.

Seneca calls the board on which the Romans played at draughts, *tabula latruncularia*.⁷ The spaces into which the board was divided were called *mandra*.⁸ The abacus, represented at page 10, is crossed by five lines. As five men were allowed on each side, we may suppose one player to arrange his five men on the lines at the bottom of the abacus, and the other to place his five men on the same lines at the top, and we shall have them disposed according to the accounts of ancient writers,⁹ who

1. (Od., i., 107.)—2. (Plat., Phædr., p. 274, d.)—3. (Ovid, Trist., ii., 477.)—4. (Ovid, A. A., ii., 208.—Id. ib., iii., 357.—Mart., xiv., 20.—Sen., Epist., 107.)—5. (Aul. Gell., xiv., 1.)—6. (Ovid, ll. cc.—Mart., xiv., 17.)—7. (Sen., Epist., 118.)—8. (Ibid., Orig., xviii., 67.)—9. (Epist., 118.)—10. (Mart., vii., 71.)—11. (Etymol. Mag., s. v. *Παισσοί*.—Pollux, Onom., ix., 97.—Eustath. in Hom., l. c.)

xli., 12.)—2. (i., 96.)—3. (iv., 22.)—4. (Gaius, i., ii., 56.—Ulp., Frag., tit. i.)—5. (Frag., xix., s. 4.)—6. (Frag., tit. iii., "De Latinis.")—8. (i., 28.)

say that the middle line of the five was called *κερὰ γράμμι*. But instead of five, the Greeks and Romans often had twelve lines on the board, whence the game so played was called *duodecim scripta*.¹ Indeed, there can be little doubt that the *latrunculi* were arranged and played in a considerable variety of ways, as is now the case in Egypt and other Oriental countries.²

Besides playing with draughtsmen only, when the game was altogether one of skill, the ancients used dice (*vid. TESSERÆ, κύβοι*) at the same time, so as to combine chance with skill, as we do in backgammon.³

LATUS CLAVUS. (*Vid. CLAVUS LATUS*.)

LAUDATIO FUNEBRIS. (*Vid. FUNUS, p. 459*.)

LAURENTALIA. (*Vid. LARENTALIA*.)

*LAURUS, the Bay-tree. (*Vid. DAPHNE*.)

LAUTIA. (*Vid. LEGATUS, p. 575*.)

LAUTUMIÆ, LAUTOMIÆ, LATOMIÆ, or LATUMIÆ (*λιθοτομιαί* or *λατομιαί*, Lat. *Lapicidinae*), are literally places where stones are cut, or quarries; and in this sense the word *λατομιαί* was used by the Sicilian Greeks.⁴ In particular, however, the name *lautumia* was given to the public prison of Syracuse. It lay in the steep and almost inaccessible part of the town which was called *Eripolæ*, and had been built by Dionysius the tyrant.⁵ Cicero, who had undoubtedly seen it himself, describes it* as an immense and magnificent work, worthy of kings and tyrants. It was cut to an immense depth into the solid rock, so that nothing could be imagined to be a safer or stronger prison than this, though it had no roof, and thus left the prisoners exposed to the heat of the sun, the rain, and the coldness of the nights.⁷ The whole was a stadium in length, and two plethra in width.⁸ It was not only used as a prison for Syracusan criminals, but other Sicilian towns also had their criminals often removed to it.

The Tullianum at Rome was also sometimes called *lautumia*. (*Vid. CARCER*.)

*LAVER, a plant of the aquatic class, supposed by some to be the Water Parsley, or yellow Water-cresses. It is the same with the *Sium*. (*Vid. Sium*.)

LECTICA (*κλίνη, κλιβίδιον, or φορτίον*) was a kind of couch or litter, in which persons, in a lying position, were carried from one place to another. They may be divided into two classes, viz., those which were used for carrying the dead, and those which served as conveniences for the living.

The former of these two kinds of lecticæ (also called *lectica funebris, lecticula, lectus funebris, feretrum, or capulum*), in which the dead were carried to the grave, seems to have been used among the Greeks and Romans from very early times. In the beauty and costliness of their ornaments these lecticæ varied according to the rank and circumstances of the deceased. (*Vid. FUNUS, p. 459*.) The lectica on which the body of Augustus was carried to the grave was made of ivory and gold, and was covered with costly drapery worked of purple and gold.⁹ During the latter period of the Empire, public servants (*lecticarii*) were appointed for the purpose of carrying the dead to the grave without any expense to the family to whom the deceased belonged.¹⁰ Representations of lecticæ fune-

bres have been found on several sepulchral monuments. The following woodcut represents one taken from the tombstone of M. Antonius Antius Lupus.¹



Lecticæ for sick persons and invalids seem likewise to have been in use in Greece and at Rome from very early times, and their construction probably differed very little from that of a lectica funebris.² We also frequently read that generals in their camps, when they had received a severe wound, or when they were suffering from ill health, made use of a lectica to be carried from one place to another.³

Down to the time of the Gracchi we do not hear that lecticæ were used at Rome for any other purposes than those mentioned above. The Greeks, however, had been long familiar with a different kind of lectica (*κλίνη* or *φορτίον*), which was introduced among them from Asia, and which was more an article of luxury than anything to supply an actual want. It consisted of a bed or mattress, and a pillow to support the head, placed upon a kind of bedstead or couch. It had a roof consisting of the skin of an ox, extending over the couch and resting on four posts. The sides of this lectica were covered with curtains (*αὐλαίαι*). It appears to have been chiefly used by women,⁴ and by men only when they were in ill health.⁵ If a man without any physical necessity made use of a lectica, he drew upon himself the censure of his countrymen as a person of effeminate character.⁶ But in the time subsequent to the Macedonian conquests in Asia, lecticæ were not only more generally used in Greece, but were also more magnificently adorned.⁷ The persons or slaves who carried their masters or mistresses in a lectica were called *φορεφόροι*,⁸ and their number was generally two or four.⁹ When this kind of lectica was introduced among the Romans, it was chiefly used in travelling, and only very seldom in the city of Rome itself. The first trace of such a lectica is in a fragment of a speech of C. Gracchus, quoted by Gellius.¹⁰ From this passage it seems evident that this article of luxury was introduced into Italy from Asia, and that at the time scarcely any other lectica than the lectica funebris was known to the country people about Rome. It also appears from this passage that the lectica there spoken of was covered, otherwise the countrymen could not have asked whether they were carrying a dead body.¹¹ The resemblance of such a lectica used by the Romans to that which the Greeks had received from Asia is manifest from the words of Martial:¹² "*lectica tuta pelle veloque*." It had a roof, consisting of a large piece of skin or leather expanded over it and supported by four posts, and the sides also were covered with curtains (*vela, plaga* or *plagula*).¹³ During the time of the Empire, how-

1. (Cic. De Or., i., 50.—Quintil., xi., 2.—Ovid, Art. Amat., iii., 363.)—2. (Niebuhr, Reisebeschr. nach Arabien, i., p. 172.)—3. (Ter., Adelph., IV., vii., 23.—Isid., Orig., xviii., 60.—Brunck, An., iii., 60.—Becker, Gallus, ii., p. 228, &c.)—4. (Pseudo-Ascon., ad Cic. in Verr., ii., i., p. 161, ed. Orelli.—Compare Diod. Sic., xi., 25.—Plaut., Pœn., IV., ii., 5.—Id., Capt., III., v., 65.—Festus, s. v. Latumia.)—5. (Ælian, V. H., xii., 44.—Cic. in Verr., v., 55.)—6. (In Verr., v., 27.)—7. (Compare Thucyd., vii., 67.)—8. (Ælian, l. c.)—9. (Dion Cass., lvi., 34.—Compare Diodorus, Ant. Rom., iv., p. 270.—Corn. Nepos, Att., 22, 2.—Tacit., Hist., iii., 67.)—10. (Novell., 43 an 1 59.)

1. (Compare Lipsius, Elect., i., 19.—Schoffer, De Re Vetus ulari, ii., 5, p. 89.—Gruter, Inscr., p. 954, 8.—Böttiger, Sabas ii., p. 200.—Agyfalva, Wanderungen durch Pompeii.)—2. (Liv., ii., 36.—Aurel. Vict., De Vir. Ill., c. 34.)—3. (Liv., xxiv., 4.—Val. Max., ii., 8, 2.—Id., i., 7.—Sueton., Octav., 91.)—4. (Suid., s. v. φορτίον.)—5. (Anacr. ap. Athen., xii., p. 533, &c.—Plut., Pericl., 27.—Lysias, De Vuln. Præm., p. 172.—Andocid., De Myst., o. 30.—Plut., Eumen., 14.)—6. (Dinarch., c. Demosth. p. 29.)—7. (Plut., Arat., 17.)—8. (Diog. Laert., v., 4, § 73.)—9. (Lucian, Epist. Saturn., 28.—Id., Somn. s. Gall., 10.—Id., Or., 9.—Compare Becker, Charikles, ii., p. 71, &c.)—10. (Liv., 33.)—11. (Compare Cic., Philip., ii., 45.—Plut., Cic., 48.—Dion Cass., xlvii., 10.)—12. (xi., 98.)—13. (Compare Senec., Suss., i., 6.—Suet., Tit., 10.)

tains were not thought a sufficient prolectica; and, consequently, we find, used by men as well as women, were the sides by windows made of transparent specularis), whence Juvenal¹ calls such *antrum clausum latis specularibus*.² We find mention of a *lectica aperta*,³ but we seem to suppose that in this case it had the adjective *aperta* probably means nothing more than that the curtains were removed, thrown aside or drawn up. The whole of it was in the form of an oblong box, and the person reclined on a bed (*pulvinus*), and the head supported by a pillow, so that he might read and write with ease. To what extent the luxury of soft and pleasant beds in a lectica was prevalent as early as the time of Cicero, may be seen from his orations against Verres.⁴ Feather-beds to have been very common.⁵ The lectica, as well as the other appurtenances, were carried by wealthy persons, probably of the most aristocratic. The lectica, when standing, was supported by four feet, generally made of wood. Per-carried in a lectica by slaves (*lecticarii*) of poles (*asserces*) attached to it, but not so that they might easily be taken off when needed.

There can be no doubt that the assessor carried on the shoulders of the lecticarii, and not the lectica itself, which passed round the necks of these carriers and hung down from their shoulders, as some writers have thought.⁷ The act of taking the lectica upon the shoulders was called *succollare*,⁸ and the carriers were called *succollari*.⁹ From this passage we also see that the name lecticarii was sometimes in-ferred to those slaves who carried a person in a sedan-chair. The number of lecticarii carrying one lectica varied according to the display of wealth which a person wished to make. The ordinary number was four;¹⁰ but it varied from two to eight, and was called *hexaphoron* or *octophoron*, according to whether it was carried by six or eight persons.¹¹ Wealthy Romans kept certain slaves solely as their lecticarii, and for this purpose they generally selected the tallest, strongest, and most handsome of their slaves, and had them always well dressed. In the lectica it seems to have been customary for the lecticarii to wear beautiful red liveries. The lectica was generally preceded by a slave called *an-choratus*, whose office was to make room for it.¹²

After the introduction of these lecticae the lecticarii were used by the Romans, and during the latter period of the Republic, they appear to have been very common. They were chiefly used in journeys, and of Rome itself only by ladies and in-ventive of this, as well as of other kinds of luxury, increased so rapidly, that J. Cæsar thought it necessary to restrain the use of lecticae, and to reserve the privilege of using them to certain persons of a certain age, and to certain days of the

year. Augustus, however, when Augustus, the son of Claudius we find that the privilege of using lecticae in the city was still a great distinction, which was only granted by the emperor to his favourites.¹⁶ But what until then had been a privilege, became gradually a right assumed

by all, and every wealthy Roman kept one or more lecticae, with the requisite number of lecticarii. The Emperor Domitian, however, forbade prostitutes the use of lecticae.¹ Enterprising individuals gradually began to form companies (*corpus lecticatorum*), and to establish public lecticae, which had their stands (*castra lecticariorum*) in the region of Transtiberina, and probably in other parts also, where any one might take a lectica on hire.² The persons of whom these companies consisted were probably of the lower orders or freedmen.³

The lecticae of which we have hitherto spoken were all portable, *i. e.*, they were constructed in such a manner that the assessor might easily be fastened to them whenever it was necessary to carry a person in them from one place to another. But the name lectica, or, rather, the diminutive lecticula, was also sometimes applied to a kind of sofa, which was not moved out of the house. On it the Romans frequently reclined for the purpose of reading or writing, for the ancients, when writing, seldom sat at a table as we do, but generally reclined on a couch; in this posture they raised one knee, and upon it they placed the parchment or tablet on which they wrote. From this kind of occupation the sofa was called *lecticula leucubatoria*,⁴ or, more commonly, *lectulus*.⁵

LECTICARII. (Vid. LECTICA.)

LECTISTERNIUM. Sacrifices being of the nature of feasts, the Greeks and Romans, on occasion of extraordinary solemnities, placed images of the gods reclining on couches, with tables and viands before them, as if they were really partaking of the things offered in sacrifice. This ceremony was called a *lectisternium*. Three specimens of the couches employed for the purpose are in the Glyptothek at Munich. The woodcut here introduced ex-



hibits one of them, which is represented with a cushion covered by a cloth hanging in ample folds down each side. This beautiful *pulvinar*⁶ is wrought altogether in white marble, and is somewhat more than two feet in height. At the *Epulum Jovis*, which was the most noted lectisternium at Rome, and which was celebrated in the Capitol, the statue of Jupiter was laid in a reclining posture on a couch, while those of Juno and Minerva were seated on chairs by his side; and this distinction was observed in allusion to the ancient custom, according to which only men reclined, and women sat at table.⁷ (Vid. CÆNA, p. 276.) Nevertheless, it is probable that at a later period both gods and goddesses were represented in the same position: at least four of them, *viz.*, Jupiter Serapis and Juno or Isis, together with Apollo and Diana, are so exhibited with a table before them, on the handle of a Roman lamp engraved by Bartoli.⁸ Livy⁹ gives an account of a

-2. (Compare Juv., iii., 239.)-3. (Cic., Phil., ii., 1.)-5. (Juv., i., 139, &c.)-6. (Sueton., Calig., 132.-Id., iii., 245.-Martial, ix., 23, 9.)-7. (Seneca, 110.-Tertull., ad Uxor., i., 4.-Clem. Alex., -Juv., iii., 240.-Id., ix., 142.)-8. (Plin., H. N., x., 10.)-9. (Sueton., Otho, 6.)-10. (Petron., Sat., 142.)-11. (Juv., i., 64.-Mart., ii., 81.-Cic. in Verr., v., 11.-Id., ad Quint. Fr., ii., 10.)-12. (Fam., iv., 12.)-13. (Mart., iii., 46.-Plin., Epist., i., 10.)-14. (Dion Cassius, lxxv., 13.)-15. (Sueton., Jul., 43.)-16. (Suet., Claud., 28.)

1. (Suet., Domit., 8.)-2. (Vict., De Reg. Urb. Rom. in Grav., Thesaur., iii., p. 49.-Martial, iii., 46.)-3. (Compare Gruter, Inscr., 599, 11.-Id. ib., 600, 1.)-4. (Suet., Octav., 78.)-5. (Plin., Epist., v., 5.-Ovid, Trist., i., 11, 38.-Compare Altorf, De Lecticis Veterum Diatriba, Amst., 1704.)-6. (Suet., Jul., 76.-Corn. Nep., Timoth., 2.)-7. (Val. Max., ii., 1, 9, 2, 2.)-8. (Luc. Ant., ii., 34.)-9. (v., 13.)

very splendid lectisternium, which he asserts to have been the origin of the practice.

LECTUS (*λέχος, κλίνη, εὐνή*), a Bed. In the heroic ages of Greece beds were very simple; the bedsteads, however, are sometimes represented as ornamented (*τηρητὰ λέχεα*¹). The principal parts of a bed were the *χλαῖναι* and *ρήγεα*;² the former were a kind of thick woollen cloak, sometimes coloured, which was in bad weather worn by men over their *χιτών*, and was sometimes spread over a chair to render the seat soft. That these *χλαῖναι* served as blankets for persons in their sleep, is seen from *Odys.*, xiv., 488, 500, 504, 513, 529; xx., 4. The *ρήγεα*, on the other hand, were probably a softer and more costly kind of woollen cloth, and were used chiefly by persons of high rank. They were, like the *χλαῖναι*, sometimes used to cover the seat of chairs when persons wanted to sit down.³ To render this thick woollen stuff less disagreeable, a linen cloth was sometimes spread over it.⁴ It has sometimes been supposed that the *ρήγεα* were pillows or bolsters; but this opinion seems to be refuted by the circumstance that, in *Odys.*, vi., 38, they are described as being washed, without anything being said as to any operation which would have necessarily preceded the washing had they been pillows. Beyond this supposition respecting the *ρήγεα*, we have no traces of pillows or bolsters being used in the Homeric age. The bedstead (*λέχος, λέκτρον, δέμνιον*) of persons of high rank was covered with skins (*κῶεα*), upon which the *ρήγεα* were placed, and over these linen sheets or carpets were spread; the *χλαῖνα*, lastly, served as a cover or blanket for the sleeper.⁵ Poor persons slept on skins or beds of dry herbs spread on the ground.⁶ These simple beds, to which, shortly after the Homeric age, a pillow for the head was added, continued to be used by the poorer classes among the Greeks at all times. Thus the bed of the orator Lycurgus is said to have consisted of one sheepskin (*κῶδιον*) and a pillow.⁷ But the complete bed (*εὐνή*) of a wealthy Greek in later times generally consisted of the following parts: *κλίνη, ἐπίτονοι, τυλεῖον* or *κνέφαλον, προσκεφάλειον, and στρώματα*.

The *κλίνη* is, properly speaking, only the bedstead, and seems to have consisted only of posts fitted into one another, and resting upon four feet. At the head part alone there was a board (*ἀνάκλιτρον* or *ἐπίκλιτρον*) to support the pillow and prevent its falling out. Sometimes the *ἀνάκλιτρον* is wanting.⁸ (Compare the first woodcut in page 188.) Sometimes, however, the bottom part of a bedstead was likewise protected by a board, so that in this case a Greek bedstead resembled a modern so-called French bedstead. The *κλίνη* was generally made of wood, which in quality varied according to the means of the persons for whose use it was destined; for in some cases we find that it was made of solid maple or boxwood, or veneered with a coating of these more expensive woods. At a later period, bedsteads were not only made of solid ivory or veneered with tortoise-shell, but sometimes had silver feet.⁹

The bedstead was provided with girths (*τόνοι, ἐπίτονοι, κείρια*), on which the bed or mattress (*κνέφαλον, τυλεῖον, κῶτος, or τῶλη*) rested; instead of these girths, poorer people used strings.¹⁰ The cover or ticking of a mattress was made of linen or woollen cloth, or of leather, and the usual material

with which it was filled (*τὸ ἐμβαλλόμενον πλῆγμα, or γνάφαλον*) was either wool or dried weeds. At the head part of the bed, and supported by the *ἐπίκλιτρον*, lay a round pillow (*προσκεφάλειον*) to support the head; and in some ancient pictures two other square pillows are seen, which were intended to support the back. The covers of such pillows are striped in several pictures on ancient vases (see the woodcut in page 326), and were therefore probably of various colours. They were undoubtedly filled with the same materials as the beds and mattresses.

The bed-covers, which may be termed blankets or counterpanes, were called by a variety of names, such as *περιστρώματα, ὑποστρώματα, ἐπιδύματα, ἔρεστρίδες, χλαῖναι, ἄμφιεστρίδες, ἐπιδύλαια, διαπῆν, ψιλοδάπιδες, εὐσιτίδες, χρυσοπάστοι, τάπητες, or ἀρφειτάπητες*. The common name, however, was *στρώματα*. They were generally made of cloth, which was very thick and woolly either on one or on both sides.¹ It is not always easy to distinguish whether the ancients, when speaking of *κλίνηα*, mean beds in our sense of the word, or the couches on which they lay at meal-times. We consequently do not know whether the descriptive epithets of *κλίνηα*, enumerated by Pollux, belong to beds or to couches. But this matters little, as there was scarcely any difference between the beds of the ancients and their couches, with this exception, that the latter, being made for appearance as well as for comfort, were, on the whole, undoubtedly more splendid and costly than the former. Considering, however, that bedsteads were often made of the most costly materials, we may reasonably infer that the coverings and other ornaments of beds were little inferior to those of couches. Notwithstanding the splendour and comfort of many Greek beds, the Asiatics, who have at all times excelled the Europeans in these kinds of luxuries, said that the Greeks did not understand how to make a comfortable bed.² The places most celebrated for the manufacture of splendid bed-covers were Miletus, Corinth, and Carthage.³ It appears that the Greeks, though they wore nightgowns, did not simply cover themselves with the *στρώματα*, but wrapped themselves up in them. Less wealthy persons continued, according to the ancient custom, to use skins of sheep and other animals, especially in winter, as blankets.⁴ The bedsteads of the poorer classes are designated by the names *σκίμμον, ἄσκάντης, and κνέφατος*, and an exaggerated description of such a bed is given by Aristophanes.⁵ The words *χαμείνη* and *χαμείνιον*, which originally signified a bed of straw or dry herbs made on the ground,⁶ were afterward applied to a bed which was only near the ground, to distinguish it from the *κλίνη*, which was generally a high bedstead. *Χαμείνια* were the usual beds for slaves, soldiers in the field, and poor citizens, and the mattresses used in them were mere mats made of rushes or bast.⁷

The beds of the Romans (*lecti cubiculares*) in the earlier periods of the Republic were probably of the same description as those used in Greece; but towards the end of the Republic and during the Empire, when Asiatic luxuries were imported into Italy, the richness and magnificence of the beds of the wealthy Romans far surpassed everything we find described in Greece. The bedstead was generally rather high, so that persons entered the bed (*ascendere, ascendere*) by means of steps placed beside it

1. (Il., iii., 448.—Compare *Odys.*, xxiii., 210, &c.)—2. (*Odys.*, xiv., 337.)—3. (*Odys.*, x., 352.)—4. (*Odys.*, xiii., 73.)—5. (*Odys.*, iv., 296, &c.—Il., xxiv., 643, &c.—Il., ix., 660, &c.)—6. (*Odys.*, xiv., 519.—Il., xv., 139, &c.—Il., xi., 188, &c.—Compare Nitzsch, zur *Odys.*, vol. i., p. 210.)—7. (Plut., Vit. Dec. Orat. Lycurg., p. 849, C.)—8. (Pollux, Onom., x., 34.—Id. ib., vi., 9.)—9. (Pollux, l. c.—Elian, V. H., xii., 29.—Athen., i., 255.)—10. (Aristoph., Av., 814, with the Schol.)

1. (Pollux, Onom., vi., 9.)—2. (Athen., ii., p. 48.—Plut., Lycurg., 30.)—3. (Aristoph., Ran., 410, 542, with the Schol.—Il., Lysistr., 732.—Cic. in Verr., i., 34.—Athen., i., p. 27 and 28.)—4. (Pollux, Onom., x., 123.—Aristoph., Nub., 16.)—5. (Plut., Lycurg., 16.)—6. (Pollux, Onom., x., 123.—Theocrit., iii., 33.—Plut., Lycurg., 16.)—7. (Pollux, l. c. and vi., 11.—Compare Becker, Charikles, ii., p. 114—122.—Pollux, x., 7, 8; vi., 1.)

scammum¹). It was sometimes made of metal, and sometimes of costly kinds of wood, or veneered with tortoise-shell or ivory; its feet (*fulcræ*) were frequently of silver or gold.² The bed or mattress (*culcita* and *torus*) rested upon girths or strings (*restes*, *fasciæ*, *instilæ*, or *funes*) which connected the two horizontal side-posts of the bed.³ In beds destined for two persons, the two sides are distinguished by different names; the side at which persons entered was open, and bore the name *sponda*; the other side, which was protected by a board, was called *pluteus*.⁴ The two sides of such a bed are also distinguished by the names *torus exterior* and *torus interior*, or *sponda exterior* and *sponda interior*; and from these expressions it is not improbable that such lecti had two beds or mattresses, one for each person. Mattresses were in the earlier times filled with dry herbs⁵ or straw,⁶ and such beds continued to be used by the poor. But in subsequent times, wool, and, at a still later period, feathers, were used by the wealthy for the beds as well as the pillows.⁷ The cloth or ticking (*operimentum* or *involucrum*) with which the beds or mattresses were covered was called *toral*, *torale*, *lintheum*, or *segestre*.⁸ The blankets or counterpanes (*stexæ stragulae*, *stragula*, *peristromata*, *peripetasmata*) were in the houses of wealthy Romans of the most costly description, and generally of a purple colour (*stragula conchylio tineta*, *peristromata conchyliata*, *coccinea stragula*), and embroidered with beautiful figures in gold. Covers of this sort were called *peripetasmata Attalica*, because they were said to have been first used at the court of Attalus.¹⁰ The pillows were likewise covered with magnificent casings. Whether the ancients had curtains to their beds is not mentioned anywhere; but as curtains, or, rather, a kind of canopy (*aulæa*), were used in the *lectus tricliniarius*¹¹ for the purpose of preventing the dust falling upon the persons lying on it, it is not improbable that the same or a similar contrivance was used in the *lectus cubicularis*.

The *lectus genialis* or *adversus* was the bridal bed, which stood in the atrium, opposite the *janua*, whence it derived the epithet *adversus*.¹² (Compare *HOUSE*, p. 517.) It was generally high, with steps by its side, and in later times beautifully adorned.¹³

Respecting the *lectus funebris*, see the articles *FUNUS* and *LECTICA*. An account of the disposition of the couches used at entertainments, and of the place which each guest occupied, is given under *TRICLINIUM*.¹⁴

LE'CUTHI (λύκυθοί). (Vid. *FUNUS*, p. 456.)

LEGATIO LIBERA. (Vid. *LEGATUS*, p. 576.)

LEGATUM, a Legacy, is variously defined by the Roman jurists, but there can be no exact definition except reference be made to a *heres*. Unless there is a *heres* duly instituted, no legacy can be given. A *legatum*, then, is a part of the *hereditas* which a testator gives out of it, from the *heres* (*ab herede*); that is, it is a gift to a person out of that whole (*universum*) which is diminished to the *heres* by *such gift*. Accordingly, the phrase "*ab*

herede legare" thus becomes intelligible¹ ("*ex testamento legat grandem pecuniam a filio*"²). A legatee could not be charged with the payment of a legacy out of what was given to him, a rule of law which was thus expressed: "*A legatario legari non potest*." A legacy could only be given in the Latin language.

The word "*legatum*," from the verb *lego*, contains the same element as *lex*. *Lego* has the sense of appointing or disposing of a matter, as in the phrase "*legatum negotium*;"³ and it is used in the Twelve Tables to express generally a testator's disposition of his property (*uti legassit*, &c.). Ulpian accordingly explains the word *legatum* by referring to its etymology, and likening a *legatum* to a *lex*, properly so called. "*A legatum*," he says, "*is that which is left by a testament, legis modo, that is, imperative*; for those things which are left *impræcative modo* are called *fideicommissa*."⁴ A legatee was named *legatarius*; those to whom a thing was given jointly (*conjunctim*) were *collegatarii*. A legacy which was legally valid or good was *legatum utile*; a void legacy was *inutile*. A legacy which was given absolutely or unconditionally was said to be given *pure*; one which was given conditionally was said to be given *sub conditione*. The expression *purum legatum*, an unconditional legacy, also occurs.⁵

Gaius apologizes for treating of *legata* in that part of his institutional work in which he has placed it. In the first ninety-six chapters of his second book he treats of the acquisition of property in *res singule*, to which class legacies belong. But as the matter of legacies is not intelligible without reference to the matter of *hereditas* or universal acquisition, he places the law of legacies (*hæc juris materia*) immediately after that of *hereditas*.

There were four forms in which a legacy could be left: *per vindicationem*, *per damnationem*, *inendi modo*, *per præceptionem*.

A *legatum per vindicationem* was given in these words: "*Hominem stichum do, lego*," or the words might be with reference to the legatee, "*Capito, sumito, sibi habeto*." A *legatum per vindicationem* was so called with reference to the legal means by which the legatee asserted his right to the legacy against the *heres* or any possessor, which was by a *vindicatio* or an *actio in rem*; for as soon as the *hereditatis aditio* had taken place, the legatee had the *quiritarian* (*ex jure quiritium*) ownership of the legacy. The two schools raised a question as to this, Whether, under such circumstances, the legatee obtained the *quiritarian* ownership of the thing before he had consented to take it. The opinion of the *Proculiani*, who contended for such consent, was confirmed by a constitution of Antoninus Pius. It was consistent with the nature of the *per vindicationem*, that those things only could be so given in which the testator had *quiritarian* ownership: and it was also necessary that he should have such ownership both at the time of making his will and at the time of his death; otherwise the legacy was void (*inutile*). But there was an exception in respect of things "*quæ pondere, numero, mensura constant*," as wine, oil, corn, and the precious metals in the form of coin (*pecunia numerata*), in regard to which it was sufficient if the testator had the *quiritarian* ownership at the time of his death. This was the civil law (*ius civile*), but it was altered by a *senatus consultum* of the time of Nero, which enacted that if a testator left a thing as a legacy which had never been his, the legacy should be equally good as if it had been left in the form most

1. (Varro, *De Ling. Lat.*, v., 168.—Müller.—Ovid, *Fast.*, ii., 209, &c.)—2. (Plin., *xvi.*, 43.—Mart., *xii.*, 67.—Juv., *xi.*, 94.)—3. (Cic., *De Div.*, ii., 65.—Mart., v., 62.—Petron., 97.—Compare *Horat.*, *Epod.*, *xiii.*, 12.—Cato, *De Re Rust.*, c. 10.)—4. (Isidor., *et.*, *ii.*, p. 629, ed. Lindemann.)—5. (Ovid, *Am.*, *iii.*, 14, 32.—*Sust. Jul.*, 49.)—6. (Varro, *l. c.*—Ovid, *Fast.*, i., 200 and 205.)—7. (Horat., *Sat.*, *ii.*, *iii.*, 117.—Mart., *xiv.*, 160.—Senec., *De Beat.*, c. 25.)—8. (Plin., *H. N.*, *viii.*, 48.—*Id. ib.*, *x.*, 22.—*Mil. Glor.*, *iv.*, 42.—Cic., *Tusc.*, *iii.*, 19.—Mart., *xiv.*, *ad 159.*)—9. (Horat., *Sat.*, *ii.*, *iv.*, 84.—*Id.*, *Epist.*, *i.*, v., *Varro, l. c.*)—10. (Plin., *H. N.*, *l. c.*—Cic. in *Verr.*, *i.*, v., 12.—Philipp., *ii.*, 27.—Mart., *ii.*, 16.)—11. (Horat., *Carm.*, *15.*—*Id.*, *Sat.*, *ii.*, 8, 54.)—12. (Horat., *Epist.*, *i.*, i., 87, *s. v.*)—13. (Gellius, *xv.*, 9.—Lucan., *ii.*, 356.—Cic., *sat.*, c. 5.)—14. (Becker, *Gallus*, *i.*, p. 42, &c.)

1. (Dig. 30, tit. 1, s. 116.)—2. (Cic., *Pro Cluent.*, 12.)—3. (Plaut., *Cas.*, *i.*, i., 12.)—4. (Frag., tit. 24.)—5. (Dig. 36, tit. 2, s. 5.)

advantageous to the legatee (*optimo jure*), which form was the legatum per damnationem. But if a testator gave a thing of his own by his testament which he afterward alienated, it was the best opinion that the legacy was inutile by the *jus civile*, and that the *senatus consultum* did not make it good. If the same thing was given to more than one person, either jointly (*conjunctim*), so as to make them collegatarii, or severally (*disjunctim*), each took an equal share. A legatum was given *conjunctim* thus: "*Titio et Scio hominem stichum do, lego*;" *disjunctim*, thus: "*Titio hominem stichum do, lego*;" *Scio eundem hominem do, lego*." If one collegatarius failed to take, his portion went to the others. In the case of a conditional legacy left per vindicationem, the schools were divided in opinion: the Sabiniani said that it was the property of the heres during the pendency of the condition; the Proculiani said that it was "*res nullius*."

The form of the per damnationem was this: "*Heres meus stichum seruum meum dare damnas esto*;" but the word *dato* was equally effective. A thing which belonged to another (*aliena res*) could be thus left, and the heres was bound to procure the thing for the legatee, or to pay him the value of it. A thing not in existence at the date of the will might be left by this form, as the future produce of a female slave (*ancilla*). The legatee did not acquire the quiritarian ownership of the legacy by virtue of the hereditatis aditio: the thing still remained the property of the heres, and the legatee could only sue for it by an *actio in personam*. If it was a thing *mancipi*, the legatee could only acquire the quiritarian ownership of it by *mancipatio* or in *jure cessio* from the heres: if it was merely delivered, the legatarius only acquired the complete ownership (*plenum jus*) by usucapion. If the same thing was left to two or more *conjunctim*, each had an equal share; if *disjunctim*, the heres was bound to give the thing to one, and its value to the rest. In the case of a gift *conjunctim*, the share of the legatee who failed to take belonged to the hereditas; but the *lex Papia* made it *caducum*, and gave it first to a collegatarius who had children, then to the heredes who had children, and then to the other legatees who had children (*legatarii*), a privilege which Juvenal alludes to (*dulce caducum*¹).

The legatum *sinendi modo* was thus given: "*Heres meus damnas esto sinere Lucium Titium hominem stichum sumere sibi que habere*;" by which form a testator could give either his own property or that of his heres. As in the case of a legatum per damnationem, the legatee prosecuted his claim by an *actio in personam*. It was doubted whether the heres was bound to transfer the property, in the case of a *res mancipi*, by *mancipatio* or in *jure cessio*, or, in the case of a thing *nec mancipi*, by *traditio* or delivery, for the words of the gift are "permit him to take." It was also a still more doubtful question (in the time of Gaius), whether, if the same thing was given in this way to two severally (*disjunctim*), the whole was due to each, or if the heres was released from all farther claim when either of them had obtained possession of the whole with his permission.

The legatum per *præceptionem* was in this manner: "*Lucius Titius hominem stichum præcipito*;" where "*præcipito*" is the same as "*præcipuum sumito*," or "take first." The Sabiniani were of opinion that a legacy could only thus be left to one who was also made a heres; but a *senatus consultum Neronianum* made the legacy good, even if it was thus left to an extraneous, that is, to another than the heres, provided the legatee was a person to whom a legacy could be left in any of the three other modes.

For the *senatus consultum* made those legacies valid which were not valid by the *jus civile* on account of the words of the gift (*verborum vitio*), but not those legacies which were invalid on account of the incapacity of the legatee (*vitio personæ*), which was the case with a *peregrinus*. The Sabiniani also maintained that a man could leave in this manner only what was his own; for the only way in which the legatee could enforce his right was by a *judicium familiae erciscundæ*, in which *judicium* it was necessary that the *judex* should adjudicate that which was given per *præceptionem*, and he could adjudicate on nothing else than the *res hereditaria*. But the same *senatus consultum* made a legacy valid which was given in this form, even if the thing did not belong to the testator. The Proculiani contended that a legacy could be given to an extraneous per *præceptionem*; and, farther, that if the thing was the testator's *ex jure quiritium*, it could be sued for (*vindicari*) by the legatee, whether he was a heres or not (*extraneus*); if it was the testator's in bonis, it was a *utile legatum* to the extraneous by the *senatus consultum*, and the heres could obtain it in a *judicium familiae erciscundæ*. If it did not belong to the testator in either way, still the legatum was made *utile* both to the heres and the extraneous by the *senatus consultum*. If the same thing was thus left to more than one either *disjunctim* or *conjunctim*, each had only his share.

By the law of the Twelve Tables, a man could dispose of his property as he pleased, and he might exhaust (*erogare*) the whole hereditas by legacies and bequests of freedom to slaves, so as to leave the heres nothing. The consequence was, that in such cases the *scripti heredes* refused to take the hereditas, and there was, of course, an intestacy. The first legislative measure on this subject was the *lex Furia*, called *Testamentaria*, which did not allow a testator to give as a *donatio mortis causa* or as a legacy more than a thousand asses to one person, certain relatives excepted.¹ But this measure was a failure, for it did not prevent a man from giving as many several thousands to as many persons as he pleased, and so exhausting his estate. The *lex Voconia* (B. C. 169) afterward enacted that no person should take by way of legacy or *donatio mortis causa* more than the heredes (severally, as it seems); but this *lex* was ineffectual; for, by distributing the hereditas among numerous legatees, the heres might have so small a portion as not to make it worth his while to assume the burdens attached to the hereditas.² The *lex Falcidia* (B. C. 40) at last took away all means of evasion by declaring that a testator should not give more than three fourths in legacies, and thus a fourth was secured to the heres; and "this law," says Gaius, "is now in force." The *senatus consultum Pegasianum* extended the same rule of law to *fideicommissa* (*vid. FIDEICOMMISSA*); and the Emperor Antoninus Pius applied it to the case of *fideicommissa* when there was an intestacy.³ The *lex Falcidia* applied to the wills of persons who died in captivity (*apud hostes*), for a previous *lex Cornelia* had given to the wills of such persons the same force as if they had died *cives* (*in civitate*⁴).

Legata were inutile or void if they were given before a heres was instituted by the will, for the will derived all its legal efficacy from such institution; there was the same rule as to a gift of freedom. It was an inutile legatum, if in form the gift was given after the death of the heres, but it might be given on the event of his death; it was

1. (Gaius, iii., 225.—Ulp., Frag., i., §. 2: xxviii., §. 7.)—2. (Gaius, ii., 26.—Cic. in Verr., lib. i., c. 43.)—3. (Dig. 35, tit. 1 §. 18.)—4. (Dig. 35, tit. 2, §. 1.)

also irrevocable if given in form on the day before the death of the testator, for which rule of law, says Gaius, there seems to be no good reason (*pretiosa ratio*). A legatum could not be left in the way of a penalty (*pœnæ nomine*), that is, for the purpose of compelling the heres to do, or restraining him from doing, any particular act. A legacy could not be left to an uncertain person (*incerta persona*). The notion of an uncertain person was not of a person who could never be ascertained; for in several of the instances mentioned by Gaius, the person or persons would be easily ascertained (for instance, "qui post testamentum consules designati erunt"); but the notion of the uncertainty was referred to the mind of the testator at the time of making his testament. Accordingly, the persona was not considered *incerta* where he was one of a certain class, such as cognati, though the individual of the class might be uncertain till the event happened which was to determine who out of the class was intended by the testator. Such a form of bequest was called a *certa demonstratio incertæ personæ*.¹ A legacy could not be left to a postumus alienus, nor could such a person be a heres institutus, for he was an *incerta persona*. It has been explained elsewhere who is a postumus (*vid. HERES*, p. 500): a postumus alienus is one who, when born, cannot be among the sui heredes of the testator.

It was a question whether a legacy could be legally (*recte*) left to a person who was in the power of another person who was made heres by the same will. The Proculiani denied that such a legacy could be left either pure or sub *condicione*. But if a person who was in the power of another was made heres, a legacy might be left (*ab eo legari*) to the person in whose power he was; for if such latter person became heres thereby (*per eum*), the legacy was extinguished, because a man cannot owe a thing to himself; but if the son was emancipated, or the slave was manumitted or transferred to another, and so the son became heres, or so the slave made another person heres, the legacy was due to the father or former master. Not only *res singulæ* could be given as a legacy, but also a part of a universitas of things (*universarum rerum*) could be so given; thus the heres might be directed to share a half or any other part of the hereditas with another, which was called *partitio*.² By the *jus civile* there might be a legacy of a usufructus of those things which were capable of being used and enjoyed without detriment to the things. By a *senatus consultum* there might be a legacy of the *abusus* of those things which were consumed in the use, as wine, oil, wheat, but the legatarius had to give security for the restoration of them when his right to the enjoyment ceased. This technical meaning of *abusus*, that is, the use of things which are consumed in the use, is contrasted with usufructus by Cicero.³

A legacy might be transferred to another person, or taken away (*adimi*) by another will or codicilli confirmed by a will; it might also be taken away by erasure of the gift from the will. Such a revocation of legacies (*ademptio legatorum*) seems to have been only effected in the way mentioned. The expression *ademptio* of legacies in English law has a different meaning, and in the case of a specific thing corresponds to the Roman extinction of legacies, which took place if the testator disposed of the thing in his lifetime.

If a legatee died after the day on which the legatum had become his (*post diem legati cedentem*), it passed to his heres; or, to use a phrase of English law, the legacy was vested. The phrase "*dies le-*

gati cedit" accordingly means "the time is come at which the legacy belongs to the legatee," though the time may not have come when he is entitled to receive it; and "*dies venit*" denotes the arrival of the day on which it can be demanded.¹ If the legacy was left conditionally, there was no vesting till the condition was fulfilled. By the old law, legacies which were left unconditionally, or from a time named (*in diem certum*), were vested from the time of the testator's death; but by the *lex Papia* they vested from the time of opening the will. The legacy might vest immediately on the death of the testator, and yet the testator might defer the time of payment.² A legacy might also be left on a condition of time only, as a legacy to Titius *when or if* he should attain the age of fourteen years, in which case the words *when* and *if* were considered equivalent, a decision which has been adopted in English law, in cases in which there is nothing in the will which gives the words "when" or "if" a different signification.³

LEGATUS. Legati may be divided into three classes: 1. Legati or ambassadors sent to Rome by foreign nations; 2. Legati or ambassadors sent from Rome to foreign nations and into the provinces; 3. Legati who accompanied the Roman generals into the field, or the proconsuls and prætors into the provinces.

1. Foreign legati at Rome, from whatever country they came, had to go to the Temple of Saturn and deposit their names with the quæstors, which Plutarch⁴ explains as a remnant of an ancient custom; for formerly, says he, the quæstors sent presents to all legati, which were called *lautia*; and if any ambassador was taken ill at Rome, he was in the care of the quæstors, who, if he died, had also to pay the expenses of his burial from the public treasury. When, afterward, the number of foreign ambassadors increased, in proportion as the Republic became extended, the former hospitable custom was reduced to the mere formality of depositing the name with the keepers of the public treasury. Previous to their admission into the city, foreign ambassadors seem to have been obliged to give notice from what nation they came and for what purpose; for several instances are mentioned in which ambassadors were prohibited from entering the city, especially in case of a war between Rome and the state from which they came.⁵ In such cases the ambassadors were either not heard at all, and obliged to quit Italy,⁶ or an audience was given to them by the senate (*senatus legatis datur*) outside the city, in the Temple of Bellona.⁷ This was evidently a sign of mistrust, but the ambassadors were nevertheless treated as public guests, and some public villa outside the city was sometimes assigned for their reception. In other cases, however, as soon as the report of the landing of foreign ambassadors on the coast of Italy was brought to Rome, especially if they were persons of great distinction, as the son of Masinissa,⁸ or if they came from an ally of the Roman people, some one of the inferior magistrates, or a legatus of a consul, was despatched by the senate to receive and conduct them to the city at the expense of the Republic. When they were introduced into the senate by the prætor or consul, they first explained what they had to communicate, and then the prætor invited the senators to put their questions to the ambassadors.⁹ The manner in which this questioning was frequently

1. (Gaius, ii., 238.)—2. (Cic., Leg., ii., 20; Pro Cæcina, 4.—Ulp., Frag., tit. 24, s. 25.)—3. (Top., 3.—Ueber das Alter des quæstus usufructus, von Puchta, Rheinisches Mus., 1829.)

1. (Dig. 50, tit. 16, s. 213.)—2. (Dig. 36, tit. 3, s. 21.)—3. (Dig. 36, tit. 2, s. 5, 22.—Hanson v. Graham, 6 Ves., p. 242.—Compare Gaius, 191–245.—Ulp., Frag., tit. xxiv.—Dig. 30, d.c.—Paulus, S. R., iii., tit. 6.)—4. (Quæst. Rom., p. 275, B.)—5. (Liv., xxx., 21.—Id., xli., 36.—Id., xlv., 22.)—6. (Liv., xli., 36.)—7. (Liv., l. c.—Id., xxx., 21.)—8. (Liv., xlv., 13.)—9. (Liv., xxx., 22.)

carried on, especially when the envoys came from a state with which the Romans were at war, resembled more the cross-questioning of a witness in a court of justice, than an inquiry made with a view to gain a clear understanding of what was proposed.¹ The whole transaction was carried on by interpreters, and in the Latin language (*Vid. INTERPRETES.*) Valerius Maximus² states that the Greek rhetorician Molo, a teacher of Cicero, was the first foreigner who ever addressed the Roman senate in his own tongue. After the ambassadors had thus been examined, they were requested to leave the assembly of the senate, who now began to discuss the subject brought before them. The result was communicated to the ambassadors by the prætor.³ In some cases, ambassadors not only received rich presents on their departure, but were, at the command of the senate, conducted by a magistrate, and at the public expense, to the frontier of Italy, and even farther.⁴ By the lex Gabinia it was decreed, that from the first of February to the first of March, the senate should every day give audience to foreign ambassadors.⁵ There was at Rome, as Varro⁶ expresses it, a place on the right-hand side of the senate-house called Græcostasis, in which foreign ambassadors waited.

All ambassadors, whencesoever they came, were considered by the Romans throughout the whole period of their existence as sacred and inviolable.⁷

2. Legati to foreign nations in the name of the Roman Republic were always sent by the senate;⁸ and to be appointed to such a mission was considered a great honour, which was conferred only on men of high rank or eminence; for a Roman ambassador, according to Dionysius, had the powers (*ἐξουσία καὶ δόξα*) of a magistrate and the venerable character of a priest. If a Roman, during the performance of his mission as ambassador, died or was killed, his memory was honoured by the Republic with a public sepulchre and a statue in the Rostra.⁹ The expenses during the journey of an ambassador were, of course, paid by the Republic; and when he travelled through a province, the provincials had to supply him with everything he wanted.

3. The third class of legati, to whom the name of ambassadors cannot be applied, were persons who accompanied the Roman generals on their expeditions, and in later times the governors of provinces also. Legati, as serving under the consuls in the Roman armies, are mentioned along with the tribunes at a very early period.¹⁰ These legati were nominated (*legabantur*) by the consul or the dictator under whom they served,¹¹ but the sanction of the senate (*senatus consultum*) was an essential point, without which no one could be legally considered a legatus;¹² and from Livy¹³ it appears that the nomination by the magistrates (consul, prætor, or dictator) did not take place until they had been authorized by a decree of the senate. The persons appointed to this office were usually men of great military talents, and it was their duty to advise and assist their superior in all his undertakings, and to act in his stead both in civil and military affairs.¹⁴ The legati were thus always men in whom the consul placed great confidence, and were frequently his friends or relatives; but they had no power inde-

pendent of the command of their general.¹ Their number varied according to the greatness or importance of the war, or the extent of the province: three is the smallest number we know of, but Pompey, when in Asia, had fifteen legati. Whenever the consuls were absent from the army, or when a proconsul left his province, the legati, or one of them, took his place, and then had the insignia as well as the power of his superior. He was in this case called legatus pro prætor, and hence we sometimes read that a man governed a province as legatus without any mention being made of the proconsul whose vicegerent he was.² During the latter period of the Republic, it sometimes happened that a consul carried on a war, or a proconsul governed his province through his legati, while he himself remained at Rome, or conducted some other more urgent affairs.

When the provinces were divided at the time of the Empire (*vid. PROVINCIA*), those of the Roman people were governed by men who had either been consuls or prætors, and the former were always accompanied by three legati, the latter by one.³ The provinces of the emperor, who was himself the proconsul, were governed by persons whom the emperor himself appointed, and who had been consuls or prætors, or were at least senators. These vicegerents of the emperor were called *legati augusti pro prætor, legati prætorii, legati consularis*, or simply *legati*, and they, like the governors of the provinces *populi Romani*, had one or three legati as their assistants.⁴

During the latter period of the Republic, it had become customary for senators to obtain from the senate the permission to travel through or stay in any province at the expense of the provincials, merely for the purpose of managing and conducting their own personal affairs. There was no restraint as to the length of time the senators were allowed to avail themselves of this privilege, which was a heavy burden upon the provincials. This mode of sojourning in a province was called *legatio libera*, because those who availed themselves of it enjoyed all the privileges of a public legatus or ambassador, without having any of his duties to perform. At the time of Cicero, the privilege of *legatio libera* was abused to a very great extent. Cicero, therefore, in his consulship, endeavoured to put an end to it, but, owing to the opposition of a tribune, he only succeeded in limiting the time of its duration to one year.⁵ Julius Cæsar afterward extended the time during which a senator might avail himself of *legatio libera* to five years,⁶ and this law of Cæsar (*lex Julia*) seems to have remained in force down to a very late period.⁷

LEGES. (*Vid. LEX.*)

LEGIO. (*Vid. ARMY, ROMAN.*)

LEGIS ACTIO. (*Vid. ACTIO, p. 16.*)

LEGIS AQUILLÆ ACTIO. (*Vid. DAMNI INFERIA ACTIO.*)

LEGITIMA ACTIO. (*Vid. ACTIO, p. 16.*)

LEGITIMA HEREDITAS. (*Vid. HERES, ROMAN, p. 497, 499.*)

*LEGUMEN, a general name among the Romans for Pulse, of which beans were esteemed the principal sort. The term is derived from *lego*, "to gather," because pulse are gathered by hand, and not reaped.⁹

1. (Liv., l. c., with the note of Gronovius.)—2. (ii., 2, § 3.)—3. (Liv., viii., 1.)—4. (Liv., xlv., 14.)—5. (Cic. ad Quint. Fr., n., 11, 12.—Id., ad Fam., i., 4.)—6. (De Ling. Lat., v., 155, Müller.)—7. (Cic. in Verr., i., 33.—Dionys. Hal., Ant. Rom., xi., p. 706.—Tacit., Ann., i., 42.—Liv., xxi., 10.—Dig. 50, tit. 7, s. 17.)—8. (Cic. in Vatini, 15.)—9. (Liv., iv., 17.—Cic., Philip., ix., 1.)—10. (Liv., ii., 59.—Id., iv., 17.)—11. (Sallust, Jug., 28.—Cic. ad Att., xv., 11.—Id., ad Fam., vi., 6.—Id., Pro Leg. Manil., 19.)—12. (Cic. in Vatini, l. c.—Id., Pro Sext., 14.)—13. (Liv., l.—Compare xlv., 18.)—14. (Varro, De Ling. Lat., v., 17, Müller.)

1. (Cæs., De Bell. Civ., ii., 17.—Id. ib., iii., 51.—Appian, Bell. Civ., i., 38.)—2. (Liv., xxix., 9.—Lydus, De Mag., iii., 3.—Cæs., De Bell. Gall., i., 21.)—3. (Sallust, Cat., 42.)—4. (Dion Cass., liii., 13.—Dig. 1, tit. 16.)—5. (Strabo, iii., p. 352.—Compare Dig. 1, tit. 18, s. 7.—Tacit., Ann., xii., 50.—Id., Agric., 6, 7.—Spanheim, De Usu et Præstant. Numism., ii., p. 595.)—6. (Cic., De Leg., iii., 8.—Id., De Leg. Agr., i., 3.—Id., Pro Flacc., 34.—Id., Philip., i., 2.)—7. (Cic. ad Att., xv., 11.)—8. (Suet., Tib., 21.—Dig. 50, tit. 7, s. 14.)—9. (Martyn ad Virg., Georg., i., 74.)

LEIMONION (λεμώνιον), a plant, which Matheus and most of the early commentators make have been the *Stalice Limonium*, or Sea Lavender.

Sprengel, however, follows Gesner in referring it to the *Polygonum Bistorta*, or Snakeweed.¹ LΕΙΟΒΑΤΟΣ (λειόβατος), a species of *Raia* or e. Artedi calls it *Raia varia*; Coray, *Raie let.*²

ΕΙΠΟΜΑΡΤΥΡΙΟΥ ΔΙΚΗ (λειπομαρτυρίον δική) (Vid. MARTURIA.)

ΕΙΠΟΝΑΥΤΙΟΥ ΓΡΑΦΗ (λειποναντίου γραφή).

A indictment for desertion from the fleet was tried before the tribunal of the strategi; and the court which, under their superintendence, sat for the trial of this and similar military offences, composed of citizens who had been engaged in expedition in question.³ The penalty upon conviction seems to have been a fine, and the complete disfranchisement of the offender and his descendants.⁴

ΕΙΠΟΣΤΡΑΤΙΟΥ ΓΡΑΦΗ (λειποστρατίου γραφή).

The circumstances of the trial for desertion from the army, and the penalties inflicted upon conviction, were the same as in the case of desertion from the fleet (vid. ΛΕΙΠΟΝΑΥΤΙΟΥ ΓΡΑΦΗ), and offence was also punishable by an eisangelia, in Heraldus suggests, would be frequently used when the accuser was solicitous to impose a penalty upon a political opponent by procuring his disfranchisement, as this was a necessary consequence of judgment being given against the defendant and prevented his speaking or appearing in public. The eisangelia in such case would be presented before the assembly of the people, by which, if a reasonable cause appeared, it would be submitted to the decision of one of the ordinary legal tribunals.⁵

ΕΙΠΟΣΤΡΑΤΙΟΥ ΓΡΑΦΗ (λειποστρατίου γραφή). ΛΑΣΤΡΑΤΕΙΑΣ ΓΡΑΦΗ.

ΕΙΤΟΥΡΓΙΑ (λειτουργία, from λείτων, Ion. *iv. i. c.*, δημόσιον, or, according to others, *πρωτόν*) is the name of certain personal services due at Athens and in some other Greek republics to every citizen who possessed a certain amount of property had to perform towards the state. These personal services, which in all cases were connected with considerable expenses, occur in the history of Attica as early as the time of the Peisistratids,⁶ and were probably, if not introduced, at least sanctioned by the legislation of Solon. They were at first a natural consequence of the greater political privileges enjoyed by the wealthy, who, in return, were also to perform heavier duties towards the Republic; but when the Athenian democracy was at its height, the original character of these liturgies was changed; for, as every citizen now enjoyed the same rights and privileges as the wealthiest, they were simply a tax upon property connected with personal labour and exertion (*τοῖς χρήμασι καὶ κόπῳ ἐπιλειτούργειν*). Notwithstanding this altered character of the liturgies, we scarcely ever find that complaints were made by persons subject to them; many wealthy Athenians, on the contrary, contrived their estates by their ambitious exertions, by the desire to gain the favour of the people,⁷ to go more than the law required (*ὑπερβαίνειν*) what at Athens considered as a disgrace, and in some cases a wealthy Athenian, even when it was his turn, would volunteer to perform a liturgy.⁸

¹ Dionys. iv., 16.—Adams, Append., s. v.—2. (Adams, *id.*, s. v.)—3. (Meier, *Att. Process*, 108, 133.)—4. (Pesch, *loc.*, 401, 667.) 5. (Herald., *Animadv. in Salmus*, p. 242.) Aristot., *Econom.*, ii., 5.—7. (Xen., *De Rep. Ath.*, i., 13, *note*.) c. Ederg., p. 1155.—Compare Lys., *Pro bon. Alcib.*, *loc.* 657.—Isocrat., *De Big.*, 15.—Aristot., *Polit.*, v., 7, p. 64. Götting.—8. (Isæus, *De Apollod.*, c. 38.)—9. (Dem., c. Meid., p. 519, 566, &c.—Compare Böckh *Publ. Econ.*, ii., p. 202.)

All liturgies may be divided into two classes: 1, ordinary or encyclical liturgies (*ἐγκύκλιοι λειτουργίαι*¹), and, 2, extraordinary liturgies. The former were called encyclical, because they recurred every year at certain festive seasons, and comprised the *χορηγία*, *γυμνασιαρχία*, *λαμπαδαρχία*, *ἀρχιθεωρία*, and *ἐστίασις*, which are all described in separate articles. (Vid. CHORAGUS, GYMNASIUM, p. 483; LAMPADEPHORIA, THEORIA, HESTIASIS.) Every Athenian who possessed three talents and above was subject to them,² and they were undertaken in turns by the members of every tribe who possessed the property qualification just mentioned, unless some one volunteered to undertake a liturgy for another person. But the law did not allow any one to be compelled to undertake more than one liturgy at a time,³ and he who had in one year performed a liturgy, was free for the next (*ἐνιαυτὸν διαλείπων ἕκαστος λειτουργεῖν*), so that legally a person had to perform a liturgy only every other year. Those whose turn it was to undertake any of the ordinary liturgies, were always appointed by their own tribe,⁴ or, in other words, by the *ἐπιμεληταὶ τῶν φυλῶν*,⁵ and the tribe shared praise as well as blame with its *λειτουργός*.

The persons who were exempt from all kinds of liturgies were the nine archons, heiresses, and orphans, until after the commencement of the second year of their coming of age.⁷ Sometimes the exemption from liturgies (*ἀτελεία*) was granted to persons for especial merits towards the Republic.⁸

The only kind of extraordinary liturgy to which the name is properly applied is the trierarchy (*τριηραρχία*); in earlier times, however, the service in the armies was in reality no more than an extraordinary liturgy. (Vid. ΕΙΣΦΟΡΑ and ΤΡΙΕΡΑΡΧΙΑ.) In later times, during and after the Peloponnesian war, when the expenses of a liturgy were found too heavy for one person, we find that in many instances two persons combined to defray the expenses of a liturgy (*συντελεία*). Such was the case with the choragia and the trierarchy.⁹

Liturgies in regard to the persons by whom they were performed were also divided into *λειτουργίαι πολιτικά*, such as were incumbent upon citizens, and *λειτουργίαι τῶν μετόικων*.¹⁰ The only liturgies which are mentioned as having been performed by the *μέτοικοι*, are the choragia at the festival of the Lenææ,¹¹ and the *ἐστίασις*,¹² to which may be added the *hydriaphoria* and *skiadephoria*. (Vid. ΗΥΔΡΙΑΦΟΡΙΑ.)

That liturgies were not peculiar to Athens has been shown by Böckh,¹³ for choregia and other liturgies are mentioned at Siphnos;¹⁴ choregia in Ægina even before the Persian wars;¹⁵ in Mytilene during the Peloponnesian war;¹⁶ at Thebes in the time of Epaminondas;¹⁷ at Orchomenos, in Rhodes, and in several towns of Asia Minor.¹⁸

*LEMNIA TERRA (Λημνία γῆ), Lemnian earth. "There were among the ancients," observes Sir John Hill,¹⁹ "two Earths of Lemnos, well known and in common use, though applied to different purposes: these distinctions have been since lost, and that loss has caused us a great deal of confusion. These two we distinguish by the names of *Terra*

1. (Demosth., c. Lept., p. 463.)—2. (Demosth., c. Aphob., p. 833.—Isæus, *De Pyrrh. hæred.*, c. 60.)—3. (Demosth., c. Lept., p. 462.—Id., c. Polyclet., p. 1209.)—4. (Demosth., c. Lept., p. 459.)—5. (Demosth., c. Meid., p. 510, 519.)—6. (Tittmann, *Griech. Staatsv.*, p. 296, &c.—Böckh, *Publ. Econ.*, &c., i., p. 211.)—7. (Lysias, c. Diogeit., p. 308.—Demosth., *De Symmor.*, p. 182.)—8. (Demosth., c. Lept., p. 466, &c.)—9. (Hermaan, *Polit. Ant.*, § 161, n. 12 and 13.)—10. (Demosth., c. Lept., p. 462.)—11. (Schol. ad Aristoph., *Plut.*, 954.)—12. (Ulpian ad Demosth., *Lept.*, § 15.)—13. (Publ. Econ., &c., ii., p. 4, &c.)—14. (Isocrat., *Ægi. et.*, c. 17.)—15. (Herod., v., 83.)—16. (Antiph., *De Cæd. Herod.*, p. 744.)—17. (Plut., *Aristid.*, 1.)—18. (Compare Wolf, *Prolegom.* in Demosth., *Lept.*, p. lxxxvi., &c.—Wachsmuth, II., i., p. 130, &c.)—19. (ad Theophrast., *De Lapid.*, c. 93.)

Lemnia and *Rubrica Lemnia*, or γῆ Λημνία and μίλ-
 ρος Λημνία, the Lemnian Earth and Lemnian Red-
 dle. The latter of these was used by painters as it
 was taken out of the pit: the former was made into
 cakes, and sealed with great ceremony, and was in
 very high esteem in medicine. The great occasion
 of the errors about the Lemnian earths is the mis-
 take of Pliny in confounding them together, as he
 evidently has done, not distinguishing the medicinal
 sealed earth of that island from the redde used by
 painters. The sealed earth was esteemed sacred,
 and the priests alone were allowed to meddle with
 it. They mixed it with goat's blood, and made the
 impression of a seal upon it. The *Rubrica Lemnia*,
 on the other hand, was a kind of redde of firm con-
 sistence and deep red colour, dug in the same is-
 land, and never made into any form or sealed, but
 purchased in the rough glesbes by artificers of many
 kinds, who used it in colouring.¹ The Lemnian
 earth was a fat, unctuous clay, of a pale red colour.
 It is sometimes called *Lemnium sigillum*. A com-
 mon Greek name for it is σφραγίς, in allusion to its
 having been sealed, whence the sphragide of Jame-
 son. The stamp before the time of Dioscorides
 was the figure of a goat; afterward, in Galen's
 time, with the image of Diana. Of late years it
 has been stamped with the seal of the Turkish Em-
 pire. It acts as an astringent, but was much more
 frequently used in former days as a medicine than
 at the present day.²

*LEMNA (λέμνα), a plant, which Stackhouse
 conjectures was the *Lemna trisulca*, but Sprengel
 the *Marsilea quadrifolia*.³

LEMNISCUS (λημνίσκος). This word is said to
 have originally been used only by the Syracusans.⁴
 It signified a kind of coloured riband, which hung
 down from crowns or diadems at the back part of
 the head.⁵ The earliest crowns are said to have
 consisted of wool, so that we have to conceive the
 lemniscus as a riband wound around the wool in
 such a manner that the two ends of the riband,
 where they met, were allowed to hang down. See
 the representations of the corona obsidionalis and
 civica in p. 310, where the lemnisci not only appear
 as a means to keep the little branches of the crowns
 together, but also serve as an ornament. From the
 remark of Servius,⁶ it appears that coronæ adorned
 with lemnisci were a greater distinction than those
 without them. This serves to explain an expres-
 sion of Cicero⁷ (*palma lemniscata*), where palma
 means a victory, and the epithet lemniscata indi-
 cates the contrary of infamis, and, at the same time,
 implies an honourable as well as a lucrative victory.⁸

It seems that lemnisci were also worn alone, and
 without being connected with crowns, especially by
 ladies, as an ornament for the head.⁹ To show
 honour and admiration for a person, flowers, gar-
 lands, and lemnisci were sometimes showered upon
 him while he walked in public.¹⁰

Lemnisci seem originally to have been made of
 wool, and afterward of the finest kinds of bast (*phi-
 lyrae*¹¹); but, during the latter period of the Repub-
 lic, the wealthy Crassus not only made the foliage
 or leaves of crowns of thin sheets of gold and sil-
 ver, but the lemnisci likewise; and P. Claudius
 Pulcher embellished the metal-lemnisci with works
 of art in relief and with inscriptions.¹²

The word lemniscus is used by medical writers
 in the signification of a kind of liniment applied to
 wounds.¹³

1. (Adams, Append., s. v.)—2. (Theophrast., H. P., iv., 10.—
 Adams, Append., s. v.)—3. (Hesych., s. v.)—4. (Festus, s. v.)—
 5. (ad Æn., v., 269.)—6. (Pro Rosc. Am., c. 35.)—7. (Compare
 Auson., Epist., xx., 5.)—8. (Plin., H. N., xxi., 3.)—9. (Casau-
 bon ad Suet., Ner., 25.—Liv., xxxiii., 19.)—10. (Plin., H. N.,
 xv., 14.)—11. (Plin., H. N., xxi., 3.)—12. (Celsus, vii., 28.—
 Veget., De Re Veter., ii., 14 and 48.—Id. ib., iii., 18.)

LEMURA/LIA or LEMURIA, a festival for the
 souls of the departed, which was celebrated at Rome
 every year in the month of May. It was said to
 have been instituted by Romulus to appease the
 spirit of Remus, whom he had slain,¹ and to have
 been called originally Remuria. It was celebrated
 at night and in silence, and during three alternate
 days, that is, on the ninth, eleventh, and thirteenth
 of May. During this season the temples of the gods
 were closed, and it was thought unlucky for women
 to marry at this time, and during the whole month
 of May, and those who ventured to marry were be-
 lieved to die soon after, whence the proverb, *mens
 Maio mala nubent*. Those who celebrated the Lem-
 uralia walked barefooted, washed their hands three
 times, and threw nine times black beans behind
 their backs, believing by this ceremony to secure
 themselves against the Lemures.² As regards the
 solemnities on each of the three days, we only
 know that on the second there were games in the
 circus in honour of Mars,³ and that on the third day
 the images of the thirty Argei, made of rushes, were
 thrown from the Pons Sublicius into the Tiber by
 the vestal virgins.⁴ (Compare ARGEI.) On the
 same day there was a festival of the merchants
 (*festum mercatorum*),⁵ probably because on this day
 the Temple of Mercury had been dedicated in the
 year 495 B.C.⁶ On this occasion, the merchants
 offered up incense, and, by means of a laurel-branch,
 sprinkled themselves and their goods with water
 from the well of Mercury at the Porta Capena, be-
 lieving thereby to make their business prosper.

LENÆA. (Vid. DIONYSIA, p. 364.)

LENOS. (Vid. TORCULAR.)

*LEO (λέων), the Lion, or *Felis leo*, L. "Cuvier
 has, with much learning and research, accumulated
 instances of lions in parts where they are no longer
 indigenous, and of their former great abundance in
 countries where they are now but partially known.
 'It is true,' says he, 'that the species has disap-
 peared from a great number of places where it was
 formerly found, and that it has diminished in an ex-
 traordinary degree everywhere.' Herodotus relates
 that the camels which carried the baggage of the
 army of Xerxes were attacked by lions in the
 country of the Pæonians and Crestonæans, in Ma-
 cedonia; and also, that there were many lions in
 the mountains between the river Nestus in Thrace,
 and the Achelous, which separates Acæronia from
 Ætolia. Aristotle repeats the same as a fact in his
 time. Pausanias, who also relates the accident
 which befell the camels of Xerxes, says farther,
 that these lions often descended into the plains at
 the foot of Olympus, between Macedonia and Thes-
 saly. If we except some countries between India
 and Persia, and some parts of Arabia, lions are now
 very rare in Asia. Anciently they were common.
 Besides those of Syria, often mentioned in Scrip-
 ture, Armenia was pestered with them, according
 to Oppian. Apollonius of Tyana saw, near Baby-
 lon, a lioness with eight young; and in his time
 they were common between the Hyphasis and the
 Ganges. Ælian mentions the Indian lions which
 were trained for the chase, remarkable for their
 magnitude and the blackish tints of their fur. That
 the species has become rare, in comparison with
 former times, even where it is now most abundant,
 may be sufficiently inferred from the accounts given
 by Pliny. This writer informs us that Sylla caus-
 ed one hundred lions to engage together for the
 amusement of the people; Pompey exhibited six
 hundred in the circus, and Cæsar, when dictator,

1. (Ovid, Fast., v., 473, &c.)—2. (Varro, Vita. pop. Rom.
 Fragm., p. 241, ed. Bipont.—Servius ad Æn., i., 276.)—3. (Ovid,
 Fast., v., 597.)—4. (Ovid, Fast., v., 621.—Festus, s. v. Depo-
 ni.)—5. (Ovid, Fast., v., 670, &c.)—6. (Liv., ii., 21.)

var hundred. The same abundance continued, also, under the first emperors. Adrian often destroyed one hundred in the circus; Antoninus, on one occasion, one hundred; and Marcus Aurelius the like number on another. The latter exhibition utropius considers as particularly magnificent, hence Cuvier infers that the number of the species was then diminishing, though Gordian the Third did seventy which were trained; and Probus, who possessed a most extensive menagerie, had one hundred of either sex."¹

*II. A sea-animal of the class *Crustacea*, described by Athenæus and Pliny. It is a species of *Loستا* or Crab. Aldrovandus holds that the *λεών* of Iliad is the same as the *Elephantus* of Pliny, i. e., the Craw-fish. The name is also applied by Ælian to Oppian to a cetaceous fish. (*Vid.* III.)²

*III. A cetaceous fish briefly noticed by Oppian and others.³

LEONIDEÏA (*Λεωνιδεία*) were solemnities celebrated every year at Sparta in honour of Leonidas, who, with his 300 Spartans, had fallen at Thermopyæ. Opposite the theatre at Sparta there were two sepulchral monuments, one of Pausanias and another of Leonidas, and here a funeral oration was spoken every year, and a contest was held, in which one but Spartans were allowed to take part.⁴

*LEONTOPE'TALON (*λεοντοπέταλον*), a plant which Dodonæus and Adams refer to the *Leontice leontopetalum*, although Sprengel is not quite satisfied upon this point.⁵

*LEONTOPOD'ION (*λεοντοπόδιον*), a plant which Matthioli (whom Sprengel follows) holds to be the species of Cudweed called *Gnaphalium Leontopodium*.⁶

*LEOPARDUS (*λεόπαρδος*, *λεοπάραλος*), the Leopard, or *Felis Leopardus*. Galen distinguishes the *λεόπαρδος* from the *πάραλος*, applying the latter term most probably, as Adams thinks, to the Ounce. He is the only Greek writer who uses the word *λεόπαρδος*. For farther remarks on this subject, consult article PARDALIS.⁷

*LEPAS (*λεπός*), "the name of a shellfish noticed by Aristotle, Xenocrates, Athenæus, and others. It is translated *Patella* by Gaza, and Gesner says it is the *Limpet* of the English, which belongs to the genus *Patella*, L. Pennant and Schneider agree in referring the *λεπός ἄγρια* of Aristotle to the *Haliotis tuberculata*, L., called in English the Ear-shell."⁸

*LEPID'IUM (*λεπίδιον*), the *Lepidium latifolium*, or broad-leaved Pepperwort.⁹

*LEPIS (*λεπίς*). "Celsus," observes Adams, writes thus: '*Squamam aris quam Græci λεπίδα ἰσλακον vocant*.' This, according to Dr. Milligan, was the peroxyde of copper. The *λεπίς σιδήρου* of Dioscorides and Paul of Ægina was a black oxide of iron. According to Dr. Milward, the *στέμνωμα* was the *Chalybs*, or *ferrum purgativum* of the Latins, i. e., hardened or purified iron or steel. Trajan is the first medical author who mentions it."¹⁰

LEPTA. (*Vid.* Æs, p. 30.)

LERIA. (*Vid.* LIMBUS, TUNICA.)

LERNÆA (*Λερναία*) were mysteries (*τελετή*) celebrated at Lerna, in Argolis, in honour of Demeter.¹¹ They were said to have been instituted by Prometheus.¹² In ancient times, the Argives carried the fire from the Temple of Artemis Pyronia, on Mount Crathis, to the Lerna.¹³ These myster-

ies were probably a remnant of the ancient religion of the Pelasgians, but farther particulars are not known.

*LEUCACANTHA (*λευκάκανθα*), a plant belonging to the Thistle tribe. Stackhouse supposes it to be the *Onopordium acanthium*, or Cotton-thistle. Sprengel prefers the *Cirsium tuberosum*, All. Bauhin calls it *Spina alba*.¹

*LEUCAS (*λευκός*), according to Bauhin, the *Lamium maculatum*, or spotted Dead-nettle. Sprengel adopts this opinion in his edition of Dioscorides, although, in his history of Botany, he had set it down for the *L. album*.²

*LEUCE (*λεύκη*), the White Poplar, or *Populus alba*. It is the *ἀχερωίς* of Homer.³

*LEUCOION (*λευκόιον*), a plant mentioned by Theophrastus, Dioscorides, and others. "The *λευκόιον* of Theophrastus may be confidently set down," says Adams, "as the Stockgilly-flower, or *Leucoum vernum*. Matthioli shows satisfactorily that the *λευκόιον* of Dioscorides is the *Cheiranthus Cheiri*, L., or wild Wall-flower; to which Sprengel adds, that the *Matthiola incana*, R. Br., is also comprehended under it. Wall-flower grows plentifully near Athens, and in the southern part of the Morea, according to Sibthorp. The *λευκόιον πορφύρεον* of Dioscorides is held by Sibthorp to be the *Cheiranthus incanus*, and the *θαλάσσιον* the *C. tricuspidatus*."⁴

LEX. Lex is thus defined by Papinian: "*Lex est commune præceptum, virorum prudentium consultum, delictorum, quæ sponte vel ignorantia contrahuntur, coercitio, communis reipublicæ sponsio*." Cicero⁵ defines it thus: "*Quæ scripto sancit quod vult, aut jubendo, aut vetando*." The fault of these definitions consists in their referring to the object of a lex, which is an accident, rather than to that which constitutes the essential character of a lex. A law is a rule or command of the sovereign power in a state addressed to and enforced upon the members of such state; and this is the sense of lex in the Roman writers.

In the Institutes⁷ there is a definition of a lex, which approaches nearer to the truth, because it has a more direct reference to that power which is the source of law: "*Lex est quod populus Romanus senatorio magistratu interrogante, veluti consule, constituebat*." The definition of Capito⁸ is "*Generale jussum populi aut plebis rogante magistratu*;" but this definition, as Gellius observes, will not apply to such cases as the lex about the imperium of Pompey, or that about the return of Cicero, which related only to individuals, and were therefore properly called privilegia.

Of Roman leges, viewed with reference to the mode of enactment, there were properly two kinds, leges curiatae and leges centuriatae. Plebiscita are improperly called leges, though they were laws, and in the course of time had the same effect as leges.

Originally the leges curiatae were the only leges, and they were passed by the populus in the comitia curiata. After the establishment of the comitia centuriata, the comitia curiata fell almost into disuse; but so long as the Republic lasted, and even under Augustus, a shadow of the old constitution was preserved in the formal conferring of the imperium by a lex curiata only, and in the ceremony of adrogation being effected only in these comitia. (*Vid.* ADROGATION.)

Those leges, properly so called, with which we are acquainted, were passed in the comitia centu-

1. (Griffith's Cuvier, vol. ii., p. 435, &c.—Herod., vii., 126.—Aristot., H. A., vi., 28.)—2. (Plin., H. N., ix., 31.—Ælian, A. A., xiv., 9.—Adams, Append., s. v.)—3. (Oppian, i., 367.)—(Paus., iii., 14, § 1.)—4. (Dioscor., iii., 100.—Adams, Append., s. v.)—5. (Dioscor., iv., 129.)—6. (Adams, Append., s. v.)—7. (Aristot., H. A., iv., 4.—Coray ad Xenocr., p. 158.—Adams, Append., s. v.)—8. (Dioscor., ii., 205.)—9. (Celsus, ii., 12.—Dioscorides, v., 89.—Paul. Ægin., vii., 3.—Adams, Append., s. v.)—10. (Paus., ii., 36, § 7.)—11. (Paus., ii., 37, § 3.)—12. (Paus., ii., 15, § 4.)

1. (Theophrast., H. P., vi., 4.—Dioscor., iii., 19.—Adams, Append., s. v.)—2. (Dioscor., iii., 103.—Adams, Append., s. v.)—3. (Theophrast., H. P., i., 10.—Dioscor., i., 109.)—4. (Dioscor., iii., 128.—Theophrast., H. P., vii., 13.—Adams, Append., s. v.)—5. (Dig. 1, tit. 3, s. 1.)—6. (Leg., i., 6.)—7. (i., tit. 2, s. 4.)—8. (Gell., x., 20.)

remaining after the passing of this lex was the *Vicesima*.¹

CÆCILIA DIDIA (B.C. 88) forbade the proposing of a lex *Satura*, on the ground that the people might be compelled either to vote for something which they did not approve, or to reject something which they did approve, if it was proposed to them in this manner. This lex was not always operative.² (*Vid. LEX.*)

CALPURNIA DE AMBITU. (*Vid. AMBITUS.*)
CALPURNIA DE CONDICTIONE. (*Vid. PER CONDICTIONEM.*)

CALPURNIA DE REPETUNDIS. (*Vid. REPETUNDÆ.*)

CANULEIA (B.C. 445) established *connubium* between the *patres* and *plebs*, which had been taken away by the law of the Twelve Tables.³

CASSIA (B.C. 104), proposed by the tribune L. Cassius Longinus, did not allow a person to remain a senator who had been convicted in a *iudicium populi*, or whose *imperium* had been abrogated by the *populus*.⁴

CASSIA,⁵ which empowered the dictator *Cæsar* to add to the number of the *patricii*, to prevent their extinction.

CASSIA AGRARIA, proposed by the consul Sp. Cassius, B.C. 486.⁶

CASSIA TABELLARIA. (*Vid. TABELLARIÆ LEGES.*)

CASSIA TARENTIA FRUMENTARIA (B.C. 63), for the distribution of corn among the poor citizens and the purchasing of it.⁷

CINCIA DE DONIS ET MUNERIBUS. (*Vid. CINCIA LEX.*)

CLAUDIA, a lex passed in the time of the Emperor *Claudius*, took away the *agnatorum tutela* in the case of women.⁸

CLODIA, the name of various *plebiscita*, proposed by *Clodius* when tribune, B.C. 59.

CLODIA DE AUSPICIIS prevented the *magistratus* from dissolving the *comitia tributa*, by declaring that the *auspices* were unfavourable. This lex, therefore, repealed the *Ælia* and *Fufia*. It also enacted that a lex might be passed on the *Dies Fasti*.⁹ (*Vid. ÆLIA LEX.*)

CLODIA DE CENSORIBUS. (*Vid. CÆCILIA.*)

CLODIA DE CIVIBUS ROMANIS INTEREMPTIS, to the effect that "*qui civem Romanum indemnatum interemisset ei aqua et igni interdiceretur.*"¹⁰ It was in consequence of this lex that the interdict was pronounced against *Cicero*, who considers the whole proceeding as a privilege.¹¹

CLODIA FRUMENTARIA, by which the corn, which had formerly been sold to the poor citizens at a low rate, was given.¹²

CLODIA DE SODALITATIBUS OR DE COLLEGIS, restored the *sodalitia*, which had been abolished by a *senatus consultum* of the year B.C. 80, and permitted the formation of new *sodalitia*.¹³

There were other so-called *leges Clodiæ*, which were, however, privilege.

CÆLIA. (*Vid. TABELLARIÆ LEGES.*)

CORNELIÆ. Various *leges* passed in the dictatorship of *Sulla*, and by his influence, are so called.

AGRARIA, by which many of the inhabitants of *Etruria* and *Latium* were deprived of the complete *civitas* and retained only the *commercium*, and a

1. (Dion Cass., xxxvii., 51.—Cic. ad Att., ii., 16.—Id., ad Quint. Fr., i., 10.)—2. (Cic. Phil., v., 3.—Id., Pro Dom., 16, 20.—Id., ad Att., ii., 9.)—3. (Liv., iv., 1, 4.—Cic. Rep., ii., 37.)—4. (Ascon. in Cic. Corneliæ, p. 78, ed. Orelli.)—5. (Tacit., Ann., xi., 25.)—6. (Liv., ii., 41.—Dionys., viii., 76.)—7. (Cic. Verr., iii., 70.—Id. ib., v., 21.)—8. (Gaius, i., 171.)—9. (Dion Cass., xxxviii., 13.—Cic. in Vatini, 17.—Id. in Pisoni, 4, 5.)—10. (Vell. Paterec., ii., 45.)—11. (Pro Dom., 18, &c.—Post Redit. in Sen., 2, 5, &c.)—12. (Dion Cass., xxxviii., 13.—Cic. Pro Dom., 10.—13. (Cic. in Pis., 4.—Id., Pro Sext., 25.—Id., ad Att., iii., 15.—Dion Cass., xxxviii., 13.)

large part of their lands were made *publicum*, and given to military colonists.

DE FALSI. (*Vid. FALSUM.*)

DE INJURIIS. (*Vid. INJURIA.*)

JUDICIARIA. (*Vid. JUDEX*, p. 553.)

MAJESTATIS. (*Vid. MAJESTAS.*)

NUMMARIA. (*Vid. FALSUM.*)

DE PROSCRIPTIONE AND PROSCRIPTIS. (*Vid. PROSCRIPTIO.*)

DE PARRICIDIO. (*Vid. CORNELIA LEX DE SICARIIS.*)

DE SACERDOTIIS. (*Vid. SACERDOTIA.*)

DE SICARIIS. (*Vid. CORNELIA LEX DE SICARIIS.*)

SUMTUARIÆ. (*Vid. SUMTUARIÆ LEGES.*)

TESTAMENTARIA. (*Vid. FALSUM.*)

UNCIARIA appears to have been a lex which lowered the rate of interest, and to have been passed about the same time with the *leges Sumtuarie* of *Sulla*.¹

DE VADIMONIO. (*Vid. VADIMONIUM.*)

There were other *leges Cornelie*, such as that of *Sponsoribus* (*vid. INTERCESSIO*), which may be leges of L. C. *Sulla*.

There were also *leges Cornelie* which were proposed by the tribune C. *Cornelius* about B.C. 77, and limited the edictal power by compelling the *prætors* *jus dicere ex edictis suis perpetuis*.² (*Vid. EDICTUM.*)

Another lex of the same tribune enacted that no one "*legibus solveretur*," unless such a measure was agreed on in a meeting of the senate at which two hundred members were present, and afterward approved by the people; and it enacted that no tribune should put his veto on such a *senatus consultum*.³

There was also a lex *Cornelia* concerning the wills of those Roman citizens who died in captivity (*apud hostes*). (*Vid. LEGATUM*, p. 574.)

DE VI PUBLICA. (*Vid. VIS PUBLICA.*)

CORNELIA BÆBIA DE AMBITU, proposed by the consuls P. *Cornelius Cethegus* and M. *Bæbius Tamphilus*, B.C. 181.⁴ This law is sometimes, but erroneously, attributed to the consuls of the preceding year, L. *Æmilius* and Cn. *Bæbius*. (*Vid. AMBITUS.*)

DIDIA. (*Vid. SUMTUARIÆ LEGES.*)

DOMITIA DE SACERDOTIIS. (*Vid. SACERDOTIA.*)

DULIA (B.C. 449), a *plebiscitum* proposed by the tribune *Dulius*, which enacted "*qui plebem sine tribuni reliquisset, quique magistratum sine provocacione creasset, tergo ac capite puniretur.*"⁵

DULIA MÆNIA DE UNCIARIO FENORE, B.C. 357. The same tribunes, *Dulius* and *Mænius*, carried a measure which was intended in future to prevent such unconstitutional proceedings as the enactment of a lex by the soldiers out of Rome, on the proposal of the consul.⁶

FABIA DE PLA'GIO. (*Vid. PLAGIUM.*)

FALCIDIA. (*Vid. LEGATUM.*)

FA'NNIA. (*Vid. SUMTUARIÆ LEGES.*)

FLAMINIA, was an agraria lex for the distribution of lands in *Picenum*, proposed by the tribune C. *Flaminius* in B.C. 328 according to *Cicero*, or in B.C. 232 according to *Polybius*. The latter date is the more probable.⁷

FLAVIA AGRARIA, B.C. 60, for the distribution of lands among *Pompey's* soldiers, proposed by the tribune L. *Flavius*, who committed the consul *Cæcilius Metellus* to prison for opposing it.⁸

FRUMENTARIAÆ. Various *leges* were so called

1. (Festus, s. v. *Unciaria*.)—2. (Ascon. in Cic. *Corneliæ*, p. 58.—Dion Cass., xxxvi., 23.)—3. (Ascon. in Cic. *Corneliæ*, p. 58.)—4. (Liv., xl., 19.—Schol. *Bob.* in Cic. *Pro Sulla*, p. 361, ed. Orelli.)—5. (Liv., iii., 55.)—6. (Liv., vii., 16.)—7. (Cæ. Acad., ii., 5.—Id., De Senect., 4.—*Polyb.*, ii., 21.)—8. (Cic. ad Att., i., 18, 19.—Dion Cass., xxxvii., 50.)

which had for their object the distribution of grain among the people at a low price or gratuitously. (*Vid. APULEIA, CASSIA TARENTINA, CLODIA, LIVIA, OCTAVIA, SEMPRONIA.*)

FUFIA DE RELIGIONE, B.C. 61, was a privilege which related to the trial of Clodius.¹

FUFIA JUDICIALIA. (*Vid. JUDEX, p. 553.*)

FURIA, or FUSIA CANINIA, limited the number of slaves to be manumitted by testament. (*Vid. MANUMISSIO.*)

FURIA DE SPONSU. (*Vid. INTERCESSIO.*)

FURIA or FUSIA TESTAMENTARIA. (*Vid. LEGATUM.*)

GABINIA TABELLARIA. (*Vid. TABELLARIAE.*)

There were various Gabinia leges, some of which were privilegia, as that for conferring extraordinary power on Cn. Pompeius for conducting the war against the pirates.²

A Gabinia lex, B.C. 58, forbade all loans of money at Rome to legationes from foreign parts (*Salamini cum Romam versus facere vellet, non poterant, quod lex Gabinia vetabat*).³ The object of the lex was to prevent money being borrowed for the purpose of bribing the senators at Rome.

GELLIA CORNELIA, B.C. 72, which gave to Cn. Pompeius the extraordinary power of conferring the Roman civitas on Spaniards in Spain, with the advice of his consilium (*de consilii sententia*).⁴

GENUICIA, B.C. 341, forbade altogether the taking of interest for the use of money.⁵ Other plebiscita of the same year are mentioned by Livy.⁶

GALLIE CISPALPINE. (*Vid. RUBRIA.*)

HIERONICA was not a lex properly so called. Before the Roman conquest of Sicily, the payment of the tenths of wine, oil, and other produce had been fixed by Hiero, and the Roman quaestors, in letting these tenths to farm, followed the practice which they found established.⁷

HORATIA, proposed by M. Horatius, made the persons of the tribunes, the aediles, and others sacrosancti.⁸ Another lex Horatia mentioned by Gellius⁹ was a privilegium.

HORTENSIA DE PLEBISCITIS. (*Vid. PLEBISCITUM.*)

Another lex Hortensia enacted that the *nundinae*, which had hitherto been *feriae*, should be *dies fasti*. This was done for the purpose of accommodating the inhabitants of the country.¹⁰

HOSTILIA DE FASTIS is mentioned only in the Institutes of Justinian.¹¹

ICILIA, B.C. 456, by which the Aventinus was assigned to the plebs. This was the first instance of the *ager publicus* being assigned to the plebs.¹²

Another lex Icilia, proposed by the tribune Sp. Icilius, B.C. 470, had for its object to prevent all interruption to the tribunes while acting in the discharge of their duties. In some cases the penalty was death.¹³

JULIAE. (*Vid. JULIAE LEGES.*)

JUNIA DE PEREGRINIS, proposed B.C. 126 by M. Junius Pennus, a tribune, banished peregrini from the city.

A lex of C. Fannius, consul, B.C. 122, contained the same provisions respecting the Latini and Itali; and a lex of C. Papius, perhaps B.C. 65, contained the same respecting all persons who were not domiciled in Italy.¹⁴

1. (Cic. ad Att. i, 13, 16.)—2. (Cic. Pro Lege Manil., 17.—Vell. Patere. ii, 31.—Dion Cass., xxxvi, 6.—Plut., Pomp., 25.)—3. (Cic. ad Att. v, 21.—Id. ib. vi, 1, 2.)—4. (Cic. Pro Balbo, 8, 14.)—5. (Liv., vii, 42.—vi, 1, 2.)—6. (Cic. Verr., ii, 13, 26, 60.—Id. ib. iii, 6, &c.)—7. (Liv., iii, 55.)—8. (vi, 7.)—9. (Maerob., i, 16.—Plin., H. N., xviii, 3.)—10. (iv, tit. 10.)—11. (Liv., iii, 21, 32.—Dionys., x, 22.—Niebuhr, Hist. of Rome, ii, p. 299.)—12. (Dionys., vii, 17.—Cic., Pro Sextio, 37.—Niebuhr, ii, p. 231.)—13. (Cic., De Off., iii, 11.—Brut., 26, 28.—De Leg. Agr., i, 4.—Festus, s. v. Republicas.)

JUNIA LICINIA. (*Vid. LICINIA JUNIA.*)

JUNIA NORBANA, of uncertain date, but probably about A.D. 17, enacted that when a Roman citizen had manumitted a slave without the requisite formalities, the manumission should not in all cases be ineffectual, but the manumitted person should have the status of a Latinus.¹ (*Vid. LATINITAS, LIBERTUS.*)

JUNIA REPETUNDARUM. (*Vid. REPETUNDÆ.*)

JUNIA VELLEIA, A.D. 8, allowed a postumus to be instituted heres, if he should be born in the lifetime of the testator. It also so far modified the old law, that a person who, by the death of a heres institutus, after the testator had made his will, became a heres quasi agnascendo, did not break the will if he was instituted heres.²

LAETORIA. (*Vid. CURATOR.*)

Sometimes the lex proposed by Volero for electing plebeian magistrates at the comitia tributa is cited as a lex Laetoria.³

LICINIA DE SODALITIS. (*Vid. AMBITUS.*)

LICINIA JUNIA, or, as it is sometimes called, Junia et Licinia, passed in the consulship of L. Licinius Murena and Junius Silanus, B.C. 62, enforced the *Cæcilia Didia*, in connexion with which it is sometimes mentioned.⁴

LICINIA MUCIA DE CIVIBUS REGUNDIS, passed in the consulship of L. Licinius Crassus and Q. Mucius Scaevola, B.C. 95, which enacted a strict examination as to the title to citizenship, and deprived of the exercise of civic rights all those who could not make out a good title to them. This measure partly led to the Marsic war.⁵

LICINIA SUMTUARIA. (*Vid. SUMTUARIAE LEGES.*)

LICINIAE ROGATIONES. (*Vid. ROGATIONES LICINIAE.*)

LIVIAE were various enactments proposed by the tribune M. Livius Drusus, B.C. 91, for establishing colonies in Italy and Sicily, distributing corn among the poor citizens at a low rate, and admitting the *federatæ civitates* to the Roman civitas. He is also said to have been the mover of a law for adulterating silver by mixing with it an eighth part of brass.⁶ Drusus was assassinated, and the senate declared that all his leges were passed *contra auspicia*, and were therefore not leges.⁷

LUTATIA DE VI. (*Vid. VIS.*)

MÆNIA LEX is only mentioned by Cicero,⁸ who says that M. Curius compelled the patres "ante auctores fieri," in the case of the election of a plebeian consul, "which," adds Cicero, "was a great thing to accomplish, as the lex Mænia was not yet passed." The lex therefore required the patres to give their consent, at least to the election of a magistratus, or, in other words, to confer, or agree to confer, the imperium on the person whom the comitia should elect. Livy⁹ appears to refer to this law. It was probably proposed by the tribune Mænius, B.C. 287.

MAJESTATIS. (*Vid. MAJESTAS.*)

MAMILIA DE COLONIIS. The subject of this lex and its date are fully discussed by Rudorff,¹⁰ who shows that the lex Mamilia, Roscia, Peducea, Aliena, Fabia, is the same as the "lex Agraria quam Gaius Cæsar tulit,"¹¹ and that this Gaius Cæsar is the Emperor Caligula.

MANILIA, proposed by the tribune C. Manilius,

1. (Gaius, i, 16, 17, 22.—Id., iii, 56.—Ulp., Frag., tit. 1.)—2. (Gaius, ii, 134.—Ulp., Frag., xxii, 19.)—3. (Liv., ii, 50, 57.)—4. (Cic., Pro Sextio, 64; Phil., v, 3; ad Att., ii, 9; iv, 16; in Vatini, 14.)—5. (Cic., De Off., iii, 11.—Id., Brut., 16.—Id., Pro Balbo, 21, 24.)—6. (Plin., H. N., xxxiii, 3.)—7. (Cic., Leg., ii, 6, 12.—Id., Pro Dom., 16.—Liv., Epit., 71.—Appian, Bell. Civ., i, 35.—Ascon. in Cic., Cornel., p. 62.)—8. (Brutus, 14.)—9. (i, 17.)—10. (Zeitschrift, vol. ix.)—11. (Dig. 47, tit. 2, s. 3.)

B. C. 66, was a *privilegium* by which was conferred on Pompey the command in the war against Mithradates. The *lex* was supported by Cicero when praetor.¹

The *leges Manilianae*, mentioned by Cicero,² were evidently not *leges proper*, but probably forms which it was prudent for parties to observe in buying and selling.

MAN'LIA, also called LICIN'IA, B. C. 196, created the *triumviri epulones*.³

MAN'LIA DE VICE'SIMA. (*Vid. VICESIMA.*)

MAR'CIA, probably about the year B. C. 352, "adversus feneratoros."⁴

MAR'CIA, an agrarian law proposed by the tribune L. Marcius Philippus, B. C. 104.⁵

MA'RIA, proposed by Marius when tribune, B. C. 119, for narrowing the *pontes* at elections.⁶

MEM'MIA or REM'MIA. (*Vid. CALUMNIA.*)

MEN'SIA. This *lex* enacted that if a woman who was a Roman citizen (*civis Romana*) married a peregrinus, the offspring was a peregrinus. If there was *connubium* between the peregrinus and the woman, the children, according to the principle of *connubium*, were peregrini, as the legal effect of *connubium* was that children followed the condition of their father (*liberi semper patrem sequuntur*). If there were no *connubium*, the children, according to another rule of law, by which they followed the condition of the mother, would have been Roman citizens; and it was the object of the law to prevent this.⁷

MINU'CLA, B. C. 216, created the *triumviri mensarii*.⁸

OCTA'VIA, one of the numerous *leges frumentariae* which repealed a *Sempronia Frumentaria*. It is mentioned by Cicero⁹ as a more reasonable measure than the *Sempronia*, which was too *fruse*.

OGU'L'NIA, proposed by the tribunes B. C. 300, increased the number of *pontifices* to eight and that of the *augurs* to nine; it also enacted that four of the *pontifices* and five of the *augurs* should be taken from the *plebes*.¹⁰

OP'PIA. (*Vid. SUMTUARIE LEGES.*)

OR'CHIA. (*Vid. SUMTUARIE LEGES.*)

OVIN'IA, of uncertain date, was a *plebiscitum* which gave the *censors* certain powers in regulating the lists of the *senators* (*ordo senatorius*): the main object seems to have been to exclude all improper persons from the senate, and to prevent their admission, if in other respects qualified.¹¹ The *lex Ovinia* of Gaius,¹² if the reading is right, was perhaps a different *lex*.

PA'PIA DE PEREGRINIS. (*Vid. JUNIA DE PEREGRINIS.*)

PA'PIA POPP'EA. (*Vid. JULIE LEGES.*)

A *lex Pappia* on the manner of choosing the *vestal virgins* is mentioned by Gellius;¹³ but the reading appears to be doubtful, and perhaps it ought to be called *lex Popilia*.

PAP'IRIA or JU'LIA PAP'IRIA DE MULCTA'RUM AESTIMATIONE (B. C. 430), fixed a money value according to which fines were paid, which formerly were paid in sheep and cattle.¹⁴ Gellius¹⁵ and Festus¹⁶ make this valuation part of the *Aternian law* (*vid. ATERNIA TARPEIA*), but in this they appear to be mistaken, according to Niebuhr.¹⁷

PAP'IRIA, by which the *as* was made *seminci-*

alis,¹ one of the various enactments which tampered with the coinage.

PAP'IRIA, B. C. 332, proposed by the praetor Papirius, gave the *Acerrani* the *civitas* without the *suffragium*. It was properly a *privilegium*, but is useful as illustrating the history of the extension of the *civitas Romana*.²

PAP'IRIA, of uncertain date, enacted that no *aedes* should be declared *consecratae* without a *plebiscitum* (*injussu Plebis*).³

PAP'IRIA PLAU'TIA, a *plebiscitum* of the year B. C. 89, proposed by the tribunes C. Papirius Carbo and M. Plautius Silvanus, in the consulship of Cn. Pompeius Strabo and L. Porcius Cato, is called by Cicero⁴ a *lex* of Silvanus and Carbo.⁵

PAP'IRIA POETE'LIA. (*Vid. POETELIA.*)

PAP'IRIA TABELLARIA. (*Vid. TABELLARIAE LEGES.*)

PEDUC'EA, B. C. 113, a *plebiscitum*, seems to have been merely a *privilegium*, and not a general law against incestum.⁶

PESULA'NIA provided that if an animal did any damage, the owner should make it good or give up the animal.⁷ There was a general provision to this effect in the Twelve Tables,⁸ and it might be inferred from Paulus that this *lex* extended the provisions of the old law to dogs.

PETRE'IA, a *lex* under this title, *De Decimatione Militum*, in case of mutiny, is mentioned by Appian.⁹

PETRO'NIA, probably passed in the reign of Augustus, and subsequently amended by various *senatus consulta*, forbade a master to deliver up his slave to fight with wild beasts. If, however, the master thought that his slave deserved such a punishment, he might take him before the authorities (*judex*), who might condemn him to fight if he appeared to deserve it.¹⁰

PINARIA¹¹ related to the giving of a *judex* within a limited time.

PLE'TORIA. (*Vid. CURATOR.*)

PLAU'TIA or PLO'TIA DE VI. (*Vid. VI.*)

PLAU'TIA or PLO'TIA JUDICIA'RIA is mentioned by Asconius¹² as having enacted that fifteen persons should be annually taken from each tribe to be placed in the *album judicum*.

POETE'LIA, B. C. 358, a *plebiscitum*, was the first *lex* against *ambitus*.¹³

POETE'LIA PAP'IRIA, B. C. 326, made an important change in the liabilities of the *Nexi*.¹⁴ (*Vid. NEXI.*)

POMPEIE. There were various *leges* so called POMPEIA, proposed by Cn. Pompeius Strabo, the father of Cn. Pompeius Magnus, probably in his consulship, B. C. 89, gave the *jus Latii* or *Latinitas* to all the towns of the *Transpadani*, and probably the *civitas* to the *Cispadani*.¹⁵

POMPEIA DE AMBITU. (*Vid. AMBITUS.*)

POMPEIA JUDICIA'RIA. (*Vid. JUDEX.*)

POMPEIA DE JURE MAGISTRA'TUUM¹⁶ forbade a person to be a candidate for public offices (*petitio honorum*) who was not at Rome; but J. Caesar was excepted. This was, doubtless, the old law, but it had apparently become obsolete.

POMPEIA DE PARRICIDIIS. (*Vid. CORNELIA DE SICARIIS.*)

POMPEIA TRIBUNITIA (B. C. 70) restored

1. (*De Lege Manilia*.—Plut., Pomp., 30.—Dion Cass., xxxvi., 25.)—2. (*De Or.*, i., 58.)—3. (*Liv.*, xxxiii., 42.—Cic., *De Or.*, iii., 19.)—4. (*Gaius*, iv., 23.—*Liv.*, vii., 21.)—5. (*Cic.*, *De Off.*, ii., 21.)—6. (*Cic.*, *De Leg.*, iii., 17.—Plut., Mar., 4.)—7. (*Gaius*, i., 78.—Ulp., *Frag.*, v., tit. 8.)—8. (*Liv.*, xxiii., 21.)—9. (*Brut.*, 62.—*De Off.*, ii., 21.)—10. (*Liv.*, x., 6-9.)—11. (*Festus*, s. v. *Præteriti Senatores*.)—Cic., *De Leg.*, iii., 12.—12. (*iv.*, 109.)—13. (*i.*, 12.)—14. (*Liv.*, iv., 30.—Cic., *De Rep.*, ii., 25.)—15. (*xi.*, 1.)—16. (*s. v. Peculatus*.)—17. (*Hist. of Rome*, ii., p. 300.)

1. (*Plin.*, H. N., xxxiii., 3.)—2. (*Liv.*, viii., 17.)—3. (*Cic.*, *Pro Dom.*, 49.)—4. (*Pro Archia*, 4.)—5. (*Vid. CIVITAS, FEDERATAE CIVITATES*, and Savigny, "Volkschluss der Tafel von Heraclea," *Zeitschrift*, ix.)—6. (*Cic.*, *De Nat. Deor.*, iii., 30.—Asconius in *Cic.*, *Mil.*, p. 46.)—7. (*Paulus*, S. R., i., 15, s. 1, 3.)—8. (*Dionysius*, *Uebersicht*, &c., p. 532.)—9. (*De Bell. Civ.*, ii., 47.)—10. (*Dig.*, 48, tit. 8, s. 11; 18, tit. 1, s. 42.—Gell., v., 14.)—11. (*Gaius*, iv., 15.)—12. (*In Cic. Cornel.*, p. 79.)—13. (*Liv.*, viii., 15.)—14. (*Liv.*, viii., 28.)—15. (*Savigny*, "Volkschluss der Tafel von Heraclea," *Zeitschrift*, ix.)—16. (*Suet.*, *Jul.*, 28.—*Dion Cass.*, xl., 56.—Cic. *ad Att.*, viii., 3.)

the old tribunitia potestas, which Sulla had nearly destroyed.¹ (*Vid.* TRIBUNI.)

POMPEIA DE VI was a privilegium, and only referred to the case of Milo.²

POPPIA. (*Vid.* PAPIA.)

PORCIE DE CAPITATE CIVIUM or DE PROVOCATIONE enacted that a Roman citizen should not be scourged or put to death.³

PORCIA DE PROVINCIIS (about B.C. 198). The passage in Livy⁴ ("Sumtus quos in cultum prætorum," &c.) is supposed to refer to a Porcia lex, to which the plebiscitum De Thermensibus refers; and the words quoted by Cicero⁵ ("Ne quis emat mancipium") are taken, as it is conjectured, from this Porcia lex.

PUBLICIA permitted betting at certain games which required strength, as running and leaping.⁶

PUBLICIA DE SPONSORIBUS. (*Vid.* INTERCESSIO.)

PUBLICILE of the dictator Q. Publilius Philo, B.C. 339.⁷ (*Vid.* PUBLICILÆ LEGES.)

PUBLICILÆ LEGES of the tribune Q. Volero Publilius, B.C. 472. (*Vid.* PUBLICILÆ LEGES.)

PUPPIA, mentioned by Cicero,⁸ seems to have enacted that the senate could not meet on comitiales dies.

QUINTIA was a lex proposed by T. Quintus Crispinus, consul B.C. 9, and enacted by the populus for the preservation of the aqueductus. The lex is preserved by Frontinus.⁹

REGIA. (*Vid.* REGIA LEX.)

REGLÆ. (*Vid.* JUS CIVILE PAPIRIANUM.)

REMMIA. (*Vid.* CALUMNIA.)

REPETUNDARUM. (*Vid.* REPETUNDÆ.)

RHO'DIA. The Rhodians had a maritime code which was highly esteemed. Some of its provisions were adopted by the Romans, and have thus been incorporated into the maritime law of European states. Strabo¹⁰ speaks of the wise laws of Rhodes and their admirable policy, especially in naval matters; and Cicero¹¹ to the same effect. The Digest¹² contains so much of the lex Rhodiiorum as relates to jactus, or the throwing overboard of goods in order to save the vessel or remainder of the cargo. This lex Rhodiiorum de Jactu is not a lex in the proper sense of the term.

ROSCIA THEATRALIS, proposed by the tribune L. Roscius Otho, B.C. 67, which gave the equites a special place at the public spectacles in fourteen rows or seats (*in quatuordecim gradibus sine ordinibus*) next to the place of the senators, which was in the orchestra. This lex also assigned a certain place to spendthrifts (*decoctores*)¹³. The phrase "*sedere in quatuordecim ordinibus*" is equivalent to having the proper census equestris which was required by the lex. There are numerous allusions to this lex,¹⁴ which is sometimes simply called the Lex of Otho,¹⁵ or referred to by his name.¹⁶ This lex is supposed by some writers to have been enacted in the consulship of Cicero, B.C. 63.¹⁷ (*Vid.* JULIA LEX THEATRALIS.)

RUBRIA. The province of Gallia Cisalpina ceased to be a provincia, and became a part of Italia about the year B.C. 43. When this change took place, it was necessary to provide for the administration of justice, as the usual modes of provincial administration would cease with the determination of the provincial form of government.

This was effected by a lex, the name of which is unknown, but a large part of it, on a bronze tablet, is preserved in the Museum at Parma. This lex arranged the judiciary establishment of the former provincia, and appointed ii. viri and iv. viri juri dicundo: a præfectus Mutinensis is also mentioned in the lex. In two passages of this lex,¹ a lex Rubria is mentioned, which, according to some, is an earlier lex, by which Mutina was made a præfectura; and, according to others, the lex Rubria is this very lex De Cisalpina. This subject is discussed by Savigny² and by Puchta.³

This lex has been published several times; the latest edition is "*Tavola legislativa della Gallia Cisalpina ritrovata in Veleia et restituita alla sua vera lezione da D. Pietro de Lama, Parma, 1820.*" We only possess the end of the nineteenth chapter of this lex, which treats of the Novi Operis Nuntiatio; the twentieth chapter, on the Damnum Infectum, is complete; the twenty-first treats of Pecunia Certa Credita, but only of Execution; the twenty-second treats in like manner of similar actions; there is only the beginning of the twenty-fourth, which treats of the division of an hereditas (*quæ de familia eorum deividunda iudicium sibi dari reddere, &c., postulerint, &c.*). The matter of this lex, therefore, so far as we know it, purely concerns procedure, as Puchta remarks.

RUPIILÆ LEGES (B.C. 131) were the regulations established by P. Rupilius and ten legati for the administration of the province of Sicily, after the close of the first servile war. They were made in pursuance of a consultum of the senate. Cicero⁴ speaks of these regulations as a decretum of Rupilius (*quod is de decem legatorum sententia statuit*), which he says they call lex Rupilia; but it was not a lex proper. The powers given to the commissioners by the lex Julia Municipalis were of a similar kind.

SACRATÆ, mentioned by Livy⁵ and by Cicero.⁶ Leges were properly so called which had for their object to make a thing or person sacer, as in Livy⁷ (*de sacrando cum bonis capite ejus qui, &c.*). The consecratio was in fact the sanction by which a lex was to be enforced.⁸ In the latter case it was the opinion of the jurisconsulti (*juris interpretes*) that the lex did not make "sacrosancti" the persons for whose protection it was designed, but that it made "sacer" (*sacrum sanxit*) any one who injured them; and this interpretation is certainly consistent with the terms of the lex.⁹

A lex Sacrata Militaris is also mentioned by Livy,¹⁰ but the sanction of the lex is not stated.

SA'TURA. (*Vid.* Lex, p. 580.)

SCANTINIA, proposed by a tribune: the date and contents are not known, but its object was to suppress unnatural crimes. It existed in the time of Cicero.¹¹ The lex Julia de Adulteriis considered this offence as included in stuprum, and it was punishable with a fine; but by the later imperial constitution the punishment was death.¹²

SCRIBONIA. The date and whole import of this lex are not known; but it enacted that a right to servitudes should not be acquired by usucapion,¹³ from which it appears that the law was once different. A "libertas servitutum" could be gained by usucapion, or, rather, disuse, for the lex only applied to that usucapion which established a servitus (*servitutum constituebat*), and not to that so-called usucapion which took away the right (*sustulit*

1. (Suet., Jul., 5. — Vell. Paterc., ii., 30.)—2. (Cic., Phil., ii., 2.—Ascon. and Schol. Bob. in Argumen. Milon.)—3. (Liv., x., 1.—Cic., De Rep., ii., 31.—Id., Pro Rabir., 3, 4.)—4. (xxxii., 27.)—5. (Verr., ii., 4, 5.)—6. (Dig. 11, tit. 5.)—7. (Liv., viii., 12.)—8. (ad Quint. Fr., ii., 13; ad Fam., i., 4.)—9. (De Aquaeduct. Roman.,—10. (p. 652, Casaub.)—11. (Pro Leg. Manil., c. 18.)—12. (14, tit. 2.)—13. (Cic., Phil., ii., 18.)—14. (Dion., xxxvi., 25.—Vell. Paterc., ii., 32.—Liv., Epit., 99.—Cic., Pro Muræna, 19.)—15. (Juv., xiv., 324.)—16. (Hor., Epod., iv., 16.)—17. (ad Act., ii., 1.)

1. (c. xx., l. 29, 38.)—2. (Zeitschrift, ix.)—3. (Zeitschrift, x., "Ueber den Inhalt der Lex Rubria de Gallia Cisalpina.")—4. (In Verr., lib. ii., 13, 16.)—5. (ii., 54.)—6. (De Off., iii., 33.)—7. (ii., 8.)—8. (Liv., iii., 55.)—9. (Festus, s. v. Sacrate leges.)—10. (vii., 41.)—11. (Ascon., Epig., 89.—Juv., ii., 44.—Cic. ad Fam., viii., 12, 14.)—12. (Suet., Dom., 8.—Paulus, S. R., ii., tit. 28 s. 13.)—13. (Dig. 41, tit. 3, s. 4, § 29.)

servitutem). It is, perhaps, doubtful if the passage of Cicero¹ should be alleged in proof of this usucapion formerly existing.

SEMPRONIÆ. Various leges proposed by the Gracchi were so named. (*Vid.* SEMPRONIÆ LEGES.)

SEMPRONIA DE FÆNORE, B.C. 193, was a plebiscitum proposed by the tribune M. Sempronius,² which enacted that the law (*ius*) about money lent (*pecunia credita*) should be the same for the Socii and Latini (*Socii ac nomen Latinum*) as for Roman citizens. The object of the lex was to prevent Romans from lending money in the name of the Socii, who were not bound by the fenebres leges. The lex could obviously only apply within the jurisdiction of Rome.

SERVILIA AGRARIA, proposed by the tribune P. S. Rullus in the consulship of Cicero, B.C. 63, was a very extensive agraria rogatio. It was successfully opposed by Cicero;³ but it was in substance carried by J. Cæsar, B.C. 59 (*vid.* JULIA LEX AGRARIA), and is the lex called by Cicero *lex Campana*,⁴ from the public land called *Ager Campanus* being assigned under this lex.

SERVILIA GLAUCIA DE CIVITATE. (*Vid.* REPETUNDÆ.)

SERVILIA GLAUCIA DE REPETUNDIS. (*Vid.* REPETUNDÆ.)

SERVILIA JUDICIARIA, B.C. 106. See the article *JUDEX*, p. 553, and the various passages in Cicero.⁵ It is assumed by some writers that a lex of the tribune Servilius Glaucia repealed the *Servilia Judiciaria* two years after its enactment.⁶

SPLIA.⁷ The *legis actio* called *condictio* was established by this lex in the case when the demand was a determinate sum of money (*certa pecunia*).

SILVANI ET CARBONIS. (*Vid.* PAPIRIA PLAUTIA.)

SULPICIÆ, proposed by the tribune P. Sulpicius Rufus, a supporter of Marius, B.C. 88, enacted the recall of the exiles, the distribution of the new citizens and the libertini among the thirty-five tribes, that the command in the Mithradatic war should be taken from Sulla and given to Marius, and that a senator should not contract debt to the amount of more than 2000 denarii.⁸ The last enactment may have been intended to expel persons from the senate who should get in debt. All these leges were repealed by Sulla.⁹

SULPICIA SEMPRONIA, B.C. 304. No name is given to this lex by Livy,¹⁰ but it was probably proposed by the consuls. It prevented the dedication of a templum or altar without the consent of the senate or a majority of the tribunes.¹¹

SUMTUARIÆ. (*Vid.* SUMTUARIÆ LEGES.)

TABELLARIÆ. (*Vid.* TABELLARIÆ LEGES.)

TARPEIA ATERNIA. (*Vid.* ATERNIA TARPEIA.)

TERENTILIA, proposed by the tribune C. Terentilius, B.C. 462, but not carried, was a rogatio which had for its object an amendment of the constitution, though in form it only attempted a limitation of the imperium consulare.¹² This rogatio probably led to the subsequent legislation of the *Decemviri*.

TESTAMENTARIÆ. Various leges, such as the *Cornelia*, *Falcidia*, *Furia*, and *Voconia*, regulated testamentary dispositions.

THORIA. The importance of this lex requires that it should have a separate notice. (*Vid.* THORIA LEX.)

TI TIA, similar in its provisions to the *lex Publicia*.

TI TIA DE TUTORIBUS. (*Vid.* JULIA LEX TI TIA, and Gaius, i, 195.)

TREBONIA, a plebiscitum proposed by L. Trebonius, B.C. 448, which enacted that if the ten tribunes were not chosen before the comitia were dissolved, those who were elected should not fill up the number (*co-optare*), but that the comitia should be continued till the ten were elected.³

TRIBUNITIA. (*Vid.* TRIBUNITIA LEX.)

TULLIA DE AMBITU. (*Vid.* AMBITUS.)

TULLIA DE LEGATIONE LIBERA. (*Vid.* LEGATUS, p. 576.)

VALERIÆ of P. Valerius Publicola. (*Vid.* VALERIÆ LEGES.)

VALERIA HORATIA. (*Vid.* PLEBISCITUM)

VARIA. (*Vid.* MAJESTAS.)

VATINIA DE PROVINCIIS was the enactment by which J. Cæsar obtained the province of Gallia Cisalpina with Illyricum for five years, to which the senate added Gallia Transalpina. This plebiscitum was proposed by the tribune Vatinius.⁴ A Trebonia lex subsequently prolonged Cæsar's imperium for five years.

VATINIA. (*Vid.* REPETUNDÆ.)

VATINIA DE COLONIS, under which the *Latina Colonia* (*vid.* LATINITAS) of *Novum-Comum* in Gallia Cisalpina was planted, B.C. 59.⁴

LEGES DE VI. (*Vid.* VIS.)

VIARIA. A *Viaria* lex which Cicero says⁴ the tribune C. Curio talked of; but nothing more seems to be known of it.

Some modern writers speak of *leges Viariorum*, but there do not appear to be any leges properly so called. The provisions as to roads in many of the agrarian laws were parts of such leges, and had no special reference to roads.⁵

VICESIMARIA. (*Vid.* VICESIMARIA.)

VILLIA ANNALIS. (*Vid.* ÆDILES, p. 25.)

VISELLIA made a man liable to a criminal prosecution who, being a *Latinus*, assumed to exercise the rights of an *ingenuus*.⁷

VOCONIA. (*Vid.* VOCONIA LEX.)

This list of leges may not be quite complete, and the dates of some of them may not be perfectly accurate. Still it contains all the leges that are of any importance for the understanding of Roman History and Jurisprudence. Those which are not specially noticed here are referred to their proper heads, particularly when there are many leges relating to one subject, as *ambitus*, *repetundæ*, &c. Several of the Roman leges were modified by *senatus consulta*. The *senatus consulta*, which are properly laws, are enumerated under *SENATUS CONSULTUM*.

LEXIARCHICON. (*Vid.* DEMUS, p. 348.)

LEXIARCHOL. (*Vid.* ECCLESIA, p. 385.)

LEXIS. (*Vid.* DICE, p. 358.)

*LIBANOTIS (*λίβανωτίς*), a plant, our *Rosemary*. The Greek name is derived from *λίβανος*, "incense," and has reference to the strong aromatic odour emitted; the Latin name *Rosmarinus*, which the poets commonly write as two words, *Ros marinus*, alludes to the circumstance of the plant's being "used by the ancients in sprinkling, as we read in the Scriptures of hyssop, and of its growing in places near the seacoast. Virgil is supposed to be the first author who mentions it by the name of *Ros (marinus)*." Theophrastus describes two species, the first, or *λίβανωτίς ἀκαρπός*, is the true *Rosmarinus officinalis*; the other, the *λ. κάριπος*, is the *Ab-*

1. (*Pro Cæcin.*, 26.)—2. (*Liv.*, xxxv, 7.)—3. (*In Bullom.*)—4. (*ad Att.*, ii, 18.)—5. (*Brut.*, 43, 44, 63, 86.)—6. (*Cic.*, *Brut.*, 62.)—7. (*Gaius*, iv, 19.)—8. (*Plot.*, *Bull.*, 8.)—9. (*App.*, *Bell. Civ.*, i, 53.—*Liv.*, *Epit.*, 77.)—10. (*ix.*, 46.)—11. (*Compare Gaius*, ii, 5-7.)—12. (*Liv.*, iii, 9.)

1. (*Dig.* II, tit 5, s. 3.)—2. (*Liv.*, ii, 64, 65.)—3. (*Disc. Cæs.*, xxxviii, 8.—*Appian.*, *Bell. Civ.*, ii, 13.—*Suet.*, *Jul.*, 22.—*Yell. Patern.*, ii, 44.)—4. (*Suet.*, *Jul.*, 28.)—5. (*ad Fam.*, vii, 3.—*Frontinus*, *De Colonia.*)—6. (*Cod. ix.*, tit. 21.)

manta libanotis, according to Stachouse. Sprengel is decidedly of opinion that the first species of Dioscorides is the *Cachrys libanotis*; the second, he *Ferula nodiflora*; the third he hesitates about admitting as the *Prenanthe purpurea*.¹¹

*LIBANOTUS (*λίβανος*), Frankincense. The name, however, is also applied to the Frankincense-ree itself. "Forskael, the Danish traveller," observes Adams, "gave the name of *Amyris Kataf* to be Frankincense-tree, and Colebrook calls it *Boswellia turifera*. However, as Stackhouse and Sprengel state, there is still great uncertainty about the tree which produces the frankincense. Dr. Harris remarks, that 'what is called "pure incense" is no doubt the same as the *mascula thura* of Virgil.' Dr. Martyn farther states, that the ancients called the best sort of incense 'male.' A late writer on this class of medicinal substances, Dr. Maton, says, Some authors have considered the genuine *libanor* (*Thus*) to have been obtained from the *Juniper Lycia*, and to constitute the *Olibanum* of our shops, but I cannot find any passage in the ancient authors sufficiently precise to corroborate this conjecture.' According to Ammonius and the scholiast on Aristophanes, the tree is, properly speaking, to be named *λίβανος*, and the term *λίβανος* is to be restricted to the Frankincense itself. Theophrastus, however, does not use the terms in this sense."¹²

LIBATIO. (Vid. SACRIFICIUM.)

LIBELLAS. (Vid. DENARIUS.)

LIBELLUS is the diminutive form of liber, and signifies, properly, a little book. A libellus was distinguished from other kinds of writing by being written, like our books, by pages, whereas other writings were written *transversa charta*.³ A libellus, however, did not necessarily consist of several pages. It was used by the Romans as a technical term in the following cases:

1. *Libelli accusatorum* or *accusatorii* were the written accusations which in some cases a plaintiff, after having received the permission to bring an action against a person, drew up, signed, and sent to the judicial authorities, viz., in the city to the prætor, and in a province to the proconsul.⁴ (Compare *Actio*, p. 17.) The form in which a libellus accusatorius was to be written is described by Ulpian in a case of adultery.⁵ The accuser had to sign the libellus, and if he could not write, he was obliged to get somebody else to do it for him. If the libellus was not written in the proper legal form, it was invalid, but the plaintiff had still the right to bring the same action again in its legal form.⁶

2. *Libelli famosi* were what we call libels or pasquinades, intended to injure the character of persons. A law of the Twelve Tables inflicted very severe punishments on those who composed defamatory writings against any person.⁷ During the latter part of the Republic this law appears to have been suspended, for Tacitus⁸ says that, previous to the time of Augustus, libels had never been legally punished,⁹ and that Augustus, provoked by the audacity with which Cassius Severus brought into disrepute the most illustrious persons of the age, ordained, by a *lex majestatis*, that the authors of libelli famosi should be brought to trial. On this occasion, Augustus, who was informed of the existence of several such works, had a search made at

Rome by the ædiles, and in other places by the local magistrates, and ordered the libels to be burned; and some of the authors were subjected to punishment.¹ A law quoted by Ulpian² ordained that the author of a libellus famosus should be *intestabilis*, and during the latter period of the Empire we find that capital punishment was not only inflicted upon the author, but upon those persons in whose possession a libellus famosus was found, or who did not destroy it as soon as it came into their hands.³

3. *Libellus memorialis*, a pocket or memorandum book.⁴ The libellus, from which Cicero⁵ communicates a memorandum of Brutus, appears to have been a book of this kind.

4. The word libellus was also applied to a variety of writings, which in most cases, probably, consisted of one page only:

a. To short letters addressed to a person for the purpose of cautioning him against some danger which threatened his life,⁶ and to any short letters or reports addressed to the senate or private individuals.⁷

b. To the bills called *libelli gladiatorii* or *munerarii*, which persons who gave gladiatorial exhibitions distributed among the people. (Vid. *GLADIATORES*, p. 476.)

c. To petitions to the emperors.⁸ The emperors had their especial officers or secretaries who attended to all petitions (*libellis præfectus*), and who read and answered them in the name of the emperor.¹⁰ Such a libellus is still extant.¹¹

d. To the bill of appeal called *libellus appellatorius*, which a person who did not acquiesce in a judicial sentence had to send in after the lapse of two or three days.¹²

e. To the bills stuck up in the most frequented parts of the city, in case of a debtor having absconded.¹³ Such bills were also stuck upon the estates of such a debtor, and his friends who wished to pay for him sometimes pulled down such bills.¹⁴

f. To bills in which persons announced to the public that they had found things which had been lost, and in which they invited the owner to claim his property.¹⁵ The owner gave to the finder a reward (*εὔρετρα*), and received his property back. Sometimes the owner also made known to the public by a libellus what he had lost, stated his name and residence, and promised to give a reward to the person who found his property and brought it back to him.¹⁶

LIBER (*βιβλίον*), a Book. The most common material on which books were written by the Greeks and Romans was the thin coats or rind (*liber*, whence the Latin name for a book) of the Egyptian papyrus. This plant was called by the Egyptians *Byblos* (*βύβλος*), whence the Greeks derived their name for a book (*βιβλίον*). It formed an article of commerce long before the time of Herodotus,¹⁷ and was extensively used in the western part of Europe, as is proved by the number of rolls of papyri found at Herculaneum. In the sixth century of the Christian æra the duty on imported papyrus was abolished by Theodoric the Great, on which occasion Cassiodorus wrote a letter,¹⁸ in which he congratulates the world on the cessation of a tax so unfavourable to the progress of learning and of commerce. The papyrus-tree grows in swamps to the height of ten feet and more, and paper was prepared from the

1. (Theophrast., H. P., ix., 11.—Dioscor., iii., 79.—Virg., Georg., ii., 213.—Adams, Append., s. v.)—2. (Theophrast., H. P., ix., 4.—Dioscor., i., 81.—Asiatic Researches, vol. ix., p. 377.—Aristoph., Plut., 703, with schol.—Adams, Append., s. v.)—3. (Suet., Jul., 56.)—4. (Cod. 9, tit. 2, s. 8.—Dig. 48, tit. 5, s. 2, 17, 22; 47, tit. 2, s. 74.)—5. (Dig. 48, tit. 2, s. 3.)—6. (Juv., vi., 24, &c.—Tacit., Ann., iii., 44.—Plin., Epist., vii., 27.—Compare Brisson, De Form., v., c. 187, &c.)—7. (Cic., De Rebus, s. 10.—Arnob., iv., p. 151.)—8. (Ann., i., 72.)—9. (Compare Cic., ad Fam., iii., 11.)

1. (Dion Cass., lvi., 27.)—2. (Dig. 47, tit. 10, s. 5.)—3. (Cod. 9, tit. 36.)—4. (Suet., Jul., 56.)—5. (ad Att., vi., 1, § 5.)—6. (Suet., Jul., 81.—Id., Calig., 15.)—7. (Suet., Jul., 56.—Id., Octav., 84.—Cic. ad Fam., xi., 11.)—8. (Suet., Octav., 53.—Mart., viii., 31, 3; 82, 1.)—9. (Dig. 20, tit. 5.)—10. (Suet., Domit., 14.)—11. (Vid. Gruter, Inscript., p. dcxvii., 1.)—12. (Dig. 40, tit. 1.)—13. (Cic., Pro Quinto, 6, 15, 19.—Rein, Röm. Privat., p. 499.)—14. (Senec., De Benef., iv., 12.)—15. (Plaut., Rud., v., 2, 7, &c.—Dig. 47, tit. 2, s. 44.)—16. (Propert., iii., 21, 21, &c.)—17. (v., 58.)—18. (xi., 88.)

thin coats or pellicles which surround the plant in the following manner according to Pliny.¹ The different pieces were joined together by the turbid Nile water, as it has a kind of glutinous property. A layer of papyrus (*scheda* or *philyra*) was laid flat on a board, and a cross layer put over it; and being thus prepared, the layers were pressed, and afterward dried in the sun. The sheets were then fastened or pasted together, the best being taken first, and then the inferior sheets. There were never more than twenty in a scapus or roll. The papyri found in Egyptian tombs differ very much in length, but not much in breadth, as the breadth was probably determined by the usual length of the strips taken from the plant. The length might be carried to almost any extent by fastening one sheet to another. The writing was in columns, with a blank slip between them.² The form and general appearance of the papyri rolls will be understood from the following woodcut, taken from paintings found at Pompeii.³



The paper (*charta*) made from the papyrus was of different qualities. The best was called after Augustus, the second after Livia, the third, which was originally the best, was named Hieratica, because it was appropriated to the sacred books. The finest paper was subsequently called Claudia, from the Emperor Claudius. The inferior kinds were called *Amphitheatrica*, *Saūtica*, *Lenoetica*, from the places in Egypt where it was made, and also *Fanniana*, from one Fannius, who had a celebrated manufactory at Rome. The kind called *Emporetica* was not fit for writing, and was chiefly used by merchants for packing their goods, from which circumstance it obtained its name.⁴

Next to the papyrus, parchment (*membrana*) was the most common material for writing upon. It is said to have been invented by Eumenes II., king of Pergamus, in consequence of the prohibition of the export of papyrus from Egypt by Ptolemy Epiphanes.⁵ It is probable, however, that Eumenes introduced only some improvement in the manufacture of parchment, as Herodotus mentions writing on skins as common in his time, and says that the Ionians had been accustomed to give the name of skins (*διόθρηται*) to books.⁶ Other materials are also mentioned as used for writing on, but books appear to have been almost invariably written either upon papyrus or parchment.

The ancients wrote usually on only one side of the paper or parchment, whence Juvenal⁷ speaks of an extremely long tragedy as

"summi plena jam margine libri
Scriptus et in tergo necdum finitus Orestes."

Such works were called *Opistographi*,⁸ and are also said to be written in *aversa charta*.⁹

The back of the paper, instead of being written upon, was usually stained with saffron colour or the cedrus¹⁰ (*croceæ membrana tabella*¹¹). We learn from Ovid that the cedrus produced a yellow colour.¹²

1. (H. N., xiii., 23.)—2. (Egyptian Antiquities, vol. ii., ch. 7, Lond., 1836.)—3. (Gell. Pompeii, p. 187.)—4. (Plin., H. N., xiii., 23, 24.)—5. (Plin., H. N., xiii., 21.)—6. (v., 58.)—7. (i., 5.)—8. (Plin., Epist., iii., 5.)—9. (Mart., viii., 62.)—10. (Lucian, Πρὸς ἀνακτ., 16, vol. iii., p. 113.)—11. (Juv., vii., 23.—Pers., iii., 10.)—12. (Ovid, Trist., iii., 1, 13.)

As paper and parchment were dear it was frequently the custom to erase or wash out writings of little importance, and to write upon the paper or parchment again, which was then called *Pali-sestus* (*παλιψηστος*). This practice is mentioned by Cicero,¹ who praises his friend Trebatius having been so economical as to write upon a limpest, but wonders what those writings could have been which were considered of less importance than a letter.²

The paper or parchment was joined together as to form one sheet, and when the work was finished, it was rolled on a staff, whence it was called a *volumen*; and hence we have the expression *vere librum*.³ When an author divided a work into several books, it was usual to include only one in a volume or roll, so that there were generally the same number of volumes as of books. Thus Cicero calls his fifteen books of *Metamorphoses* "*liber quinque volumina forma*."⁴ When a book was long, it was sometimes divided into two volumes, thus Pliny⁵ speaks of a work in three books, "*liber volumina propter amplitudinem divisi*."

In the papyri rolls found at Herculaneum, the stick on which the papyrus is rolled does not project from the papyrus, but is concealed by it. Usually, however, there were balls or bosses, ornamented or painted, called *umbilici* or *cornua*, which were fastened at each end of the stick, and projected from the papyrus.⁷ The ends of the roll were carefully cut, polished with pumice-stone, and coloured black; they were called the *gemina frontes*.⁸

To protect the roll from injury, it was frequently put in a parchment case, which was stained with a purple colour, or with the yellow of the juniper. Martial⁹ calls such a covering a *purpurea toga*. Something of the same kind is meant by the Greek *σινθηβα* (*σινθηβα*), which Hesychius explains by *δερμάτιναι σκολαι*.

The title of the book (*titulus, index*) was written on a small strip of papyrus or parchment with a light red colour (*coccum* or *minium*). Winkelmann supposed that the title was on a kind of ticket suspended to the roll, as is seen in the paintings at Herculaneum (see woodcut), but it was most probably stuck on the papyrus itself.¹¹ We learn from Seneca¹² and Martial¹³ that the portraits of the authors were often placed on the first page of the work.¹⁴ Compare the articles *ATRAUMENTUM*, *BIBLIOPOLA*, *BIBLIOTHECA*, *CALAMUS*, *CAPSA*, *STYLUS*.

LIBERA'LIA. (Vid. DIONYSIA, p. 366.)

LIBERA'LIS CAUSA. (Vid. ASSERTOR.)

LÍBERI. (Vid. INGENUI, LIBERTUS.)

LIBERORUM JUS. (Vid. JULIA ET PAPIA PÆPÆA LEX.)

LIBERTUS, LIBERTINUS. Freeman (*liber*) were either ingenui (*vid. INGENUI*) or libertini. Libertini were those persons who had been released from legal servitude (*qui ex justa servitute manumissi sunt*¹⁵). A manumitted slave was libertus (that is, *liberatus*) with reference to his master; with reference to the class to which he belonged after manumission, he was libertinus. According to Suetonius libertinus was the son of a libertus in the time of the censor Appius Claudius, and for some time after;¹⁶ but this is not the meaning of the word in the extant Roman writers.

There were three modes of *legitima manumissio*: the *vindicta*, the *census*, and the *testamentum*:

1. (ad Fam., vii., 18.)—2. (Compare Catull., xxii., 8.—Martial., xiv., 7.)—3. (Cic. ad Att., ix., 10.)—4. (Trist., i., 1, 117.)—5. (Compare Cic., Tusc., iii., 3.—Id., ad Fam., xvii., 17.)—6. (Epist., iii., 5.)—7. (Martial., iii., 2.—Id., v., 6, 15.—Tibull., iv., 1, 12.)—8. (Ovid, Trist., i., 1, 8.)—9. (Ovid, l. c.)—10. (x., 93.)—11. (Cic. ad Att., iv., 5.)—12. (Compare Tibull., l. c.)—13. (De Tras. An., 9.)—14. (xiv., 186.)—15. (Becker, Gallus, i., p. 162—171.)—16. (Gaius, i., 11.)—17. (Claud., c. 24.)

manumitted slave was above thirty years of age was the quiritarian property of his master; if he was manumitted in proper form (*legitima et legitima manumissione*), he became a Romanus: if any of these conditions were wanting, he became a Latinus, and in some cases a dediticius. (*Vid. MANUMISSIO*.) Thus there are three kinds of liberti: Latini Juniani, and dediticii.

The status of a civis Romanus and that of a dediticius have been already described. (*Vid. CIVITAS*, II.)

Originally, slaves who were so manumitted as to become cives Romani, were still slaves; but their master took them under his protection, and granted them their freedom, though he could not make them cives Romani. The *lex Junia* gave them a status, which was expressed by the phrase *Juniani*: they were called Latini, says Gaius,¹ because they were put on the same footing as the *coloniarii*, and Juniani, because the *Junia* granted them freedom, whereas before they were *ex jure Quiritium* slaves. Gaius² says that at the *lex Junia* declared such manumitted slaves to be as free as if they had been Romanus by birth (*cives Romani ingenui*), who had come from Rome to join a Latin colony, and had become Latini *coloniarii*: this passage, which is not free from difficulty, is remarked on by Gaius.³

Latini could attain the *civitas* in several ways. (*Vid. LATINITAS*.) As the *patria potestas* was peculiar to Roman citizens, it followed that a Latinus had not the *patria potestas* over his children. If, however, he had married either a Roman woman and had begotten a child, who would, of course, be a Latinus, or had married a Roman *civis*, and had begotten a child, which, by a senatus consultum of Hadrian, would be a Romanus *civis*, he was, by complying with the provisions of the *lex Julia*, in the former case obtain the *civitas* for himself, his wife, and child, and in both cases the *patria potestas* over his child just as if the child had been born in *justæ nuptiæ*.⁴

Considering the legal condition of libertini, it is necessary to remember that even those who were Latini were not *ingenui*, and that their parents still retained certain rights with respect to them. Libertini were under some special incapacities; the *lex Junia*, which determined their status, gave them the power of making a will, nor of property under a will, nor of being named in a will. They could not, therefore, take the inheritance of heredes or legatarii, but they could take the inheritance of fideicommissum.⁵ The sons of libertini were not *ingenui*, but they could not have gentile rights; the descendants of libertini were sometimes considered with their servile origin.⁶

The law which concerns the property (*bona*) of a freedman may be appropriately considered under *PATERNA*; see also *INGENUI*.

LIBERTUS (GREEK) (*Ἀπελευθερος*), a freedman, was not unfrequent for a master at Athens, where a slave to freedom, or to allow him to be a free man. The state into which a slave thus enters is called *ἀπελευθερία*, and he was said to be *εὐθὺς*.⁷ It is not quite certain whether those who are termed *οἱ χωρὶς οἰκοῦντες*⁸ were freedmen, as the grammarians assert, or whether they were persons yet in slavery, but living under their master's household; but in Athenian law⁹ the expression *χωρὶς ὄκει* is evident-

¹ *iii.*, 56.—² *iii.*, 56.—³ (*Zeitschrift*, ix., p. 320.) *iii.*, 25, &c.—*Ulp.*, *Frag.*, tit. 3.—⁴ (*Gaius*, i., 30, *Gaius*, i., 24.)—⁵ (*Hor.*, *Serm.*, i., 6, 46.)—⁶ (*Demosth.*, *Philipp.*, i., p. 50.) *Demosth.*, p. 945.—⁷ (*Demosth.*, *Philipp.*, i., p. 50.) *Demosth.*, p. 945.—⁸ (*Demosth.*, *Philipp.*, i., p. 50.) *Demosth.*, p. 945.—⁹ (*Demosth.*, *Philipp.*, i., p. 50.) *Demosth.*, p. 945.

ly used as synonymous with "he has been emancipated." A slave, when manumitted, entered into the status of a *μετοίκος* (*vid. ΜΕΤΟΙΚΟΣ*), and, as such, he had not only to pay the *μετοίκιον*, but a triobolon in addition to it. This triobolon was probably the tax which slaveholders had to pay to the Republic for each slave they kept, so that the triobolon paid by freedmen was intended to indemnify the state, which would otherwise have lost by every manumission of a slave.¹ The connexion of a freedman with his former master was, however, not broken off entirely on his manumission, for he had throughout his life to regard him as his patron (*προστάτης*), and to fulfil certain duties towards him. In what these duties consisted beyond the obligation of showing gratitude and respect towards his deliverer, and of taking him for his patron in all his affairs, is uncertain, though they seem to have been fixed by the laws of Athens.² Whether the relation existing between a person and his freedman descended to the children of the latter, is likewise unknown. That a master, in case his freedman died, had some claims to his property, is clear from *Isæus*.³ The neglect of any of the duties which a freedman had towards his former master was prosecuted by the *ἀποστασίον δίκη*. (*Vid. ΑΠΟΣΤΑΣΙΟΥ ΔΙΚΗ*.)

The Spartans likewise restored their slaves some times to freedom, but in what degree such freedmen partook of the civic franchise is not known. That they could never receive the full Spartan franchise is expressly stated by *Dion Chrysostomus*;⁴ but *Müller*⁵ entertains the opinion that Spartan freedmen, after passing through several stages, might in the end obtain the full franchise; this opinion, however, is more than doubtful. Spartan freedmen were frequently used in the armies and in the fleet, and were, according to *Myro*,⁶ designated by the names of *ἀφέται*, *ἀδέσποτοι*, *ἐρκετῆρες*, *δεσποσιοναῖοι*, and *νεοδαμῶδεις*.

LIBITINARIUM. (*Vid. FUNUS*, p. 459.)

LIBRA, *dim.* **LIBELLA** (*σταθμός*), a Balance, a pair of Scales. The principal parts of this instrument were, 1. The beam (*vid. ΨΕΥΣΜΑ*), whence anything which is to be weighed is said *ἐπὶ ζυγῶν ἀναβλήθηναί*, literally, "to be thrown under the beam."⁷ 2. The two scales, called in Greek *τάλαντα*⁸ and *πλάστιγγες*,⁹ and in Latin *lances*.¹⁰ (*Vid. LANX*.) Hence the verb *τάλαντεύω* is employed as equivalent to *σταθμῶ* and to the Latin *libro*, and is applied as descriptive of an eagle balancing his wings in the air.¹¹ The beam was made without a tongue, being held by a ring or other appendage (*ligula*, *ῥῆμα*), fixed in the centre. (*See the woodcut*.) Specimens of bronze balances may be seen in the British Museum, and in other collections of antiquities, and also of the steelyard (*vid. STATERA*), which was used for the same purpose as the *libra*. The woodcut to the article *CATENA* shows some of the chains by which the scales are suspended from the beam. In the works of ancient art, the balance is also introduced emblematically in a great variety of ways. *Cicero*¹² mentions the balance of *Critolaus*, in which the good things of the soul were put into one scale, and those of the body and all external things into the other, and the first was found to outweigh the second, though it included both earth

1. (*Böckh*, *Publ. Econ. of Athens*, ii., p. 48.)—2. (*Meyer and Schönm.*, *Att. Proc.*, p. 473, &c.—*Petit*, *Legg. Att.*, ii., 6, p. 261.—*Compare Plato*, *De Leg.*, xi., p. 915.)—3. (*De Nicostri hered.*, c. 9.—*Rhetor. ad Alex.*, i., 16.—*Compare Hansen*, *De Jur. hered. Ath.*, p. 51.)—4. (*Orat.*, xxvii., p. 448, B.)—5. (*Dor.*, iii., 3, § 5.)—6. (*sup. Athen.*, vi., p. 271.)—7. (*Ælian*, V, II., x., 6.)—8. (*Hom.*, II., viii., 69.—*Id.* ib., xii., 433.—*Id.* ib., xvi., 659.—*Id.* ib., xix., 223.—*Id.* ib., xxii., 209.—*Aristoph.*, *Ran.*, 809.)—9. (*Aristoph.*, *Ran.*, 1425.)—10. (*Virg.*, *Æn.*, xi., 725.—*Pers.*, iv., 10.—*Cic.*, *Acad.*, iv., 12.)—11. (*Philostat.*, *Jun.*, *Imag.*, 6.—*Welcker*, *ad loc.*)—12. (*Tusc.*, v., 17.)

and sea. In Egyptian paintings the balance is often introduced for the sake of exhibiting the mode of comparing together the amount of a deceased man's merits and of his defects. The annexed woodcut



is taken from a beautiful bronze patera, representing Mercury and Apollo engaged in exploring the fates of Achilles and Memnon, by weighing the attendant genius of the one against that of the other.¹ A balance is often represented on the reverse of the Roman imperial coins; and, to indicate more distinctly its signification, it is frequently held by a female in her right hand, while she supports a cornucopia in her left, the words *ÆQUITAS AVGVSTI* being inscribed on the margin, so as to denote the justice and impartiality with which the emperors dispensed their bounty.

The constellation libra is placed in the zodiac at which day and night are equally balanced.²

The mason's or carpenter's level was called *libra* or *libella* (whence the English name) on account of its resemblance in many respects to a balance.³ Hence the verb *libro* meant to level as well as to weigh. The woodcut to the article *CIRCENSIS*, which is inserted sideways, shows a *libella fabrilis* having the form of the letter A, and the line and plummet (*perpendicularum*) depending from the apex.

LIBRA or AS, a pound, the unit of weight among the Romans and Italians. Many ancient specimens of this weight, its parts and multiples, have come down to us; but of these some are imperfect, and the rest differ so much in weight that no satisfactory conclusion can be drawn from them. The difference between some of these specimens is as much as two ounces. An account of some of the most remarkable of them is given by Hussey⁴ and Böckh.⁵ This variety is to be accounted for partly by the well-known carelessness of the Romans in keeping to their standards of weights, and partly by the fact that many of the extant weights are from provincial towns, in which this carelessness was notoriously greater than in the metropolis.

The Roman coins furnish a mode of calculating the weight of the *libra*, which has been more relied on than any other by most modern writers. The As will not help us in this calculation, because its weight, though originally a pound, was very early diminished, and the existing specimens differ from each other very greatly. (*Vid. As.*) We must, therefore, look only to the silver and gold coins. Now the average weight of the extant specimens of the denarius is about 60 grains, and in the early ages of the coinage 84 denarii went to the pound. (*Vid. DENARIUS.*) The pound, then, by this calcula-

tion, would contain 5040 grains. Again, the *ava* of the early gold coinage were equal in weight to a *scrupulum* and its multiples. (*Vid. AVON.*) Now the *scrupulum* was the 288th part of the pound (*vid. UNCIA*), and the average of the *scrupular aure* has been found by Letronne to be about 17½ grains. Hence the pound would be $288 \times 17\frac{1}{2} = 5040$ grains, as before. The next aurei coined were, according to Pliny, 40 to the pound, and, therefore, if the above calculation be right, = 126 grains; and we do find many of this weight. But, well as these results hang together, there is great doubt of their truth; for, besides the uncertainty which always attends the process of calculating a larger quantity from a smaller, on account of the multiplication of a small error, we have every reason to believe that the existing coins do not come up to their nominal weight, for there was an early tendency in the Roman mint to make money below weight¹ (compare *As, AVON, DENARIUS*), and we have no proof that any extant coins belonged to the *very earliest* coinage, and, therefore, no security that they may not have been depreciated. In fact, there are many specimens of the denarius extant which weigh more than the above average of 60 grains. It is therefore probable that the weight of 5040 grains, obtained from this source, is too little.

Another mode of determining the pound is from the relation between the Roman weights and measures. The chief measures which aid us in this inquiry are the amphora, or quadrantal, and the congius. The solid contents of the amphora were equal to a cube of which the side was one Roman foot, and the weight of water it contained was 80 pounds. Hence, if we can ascertain the length of the Roman foot independently, it will give us the solid contents of the amphora, from which we can deduce the weight of the Roman pound. But it may be obtained at once from the congius of Vespasian, which holds 10 Roman pounds, and was found by Dr. Hase (in 1721) to contain 52037.60 grains troy of distilled water. (*Vid. CONGIUS*) This would give for the pound 5203.769 grains troy, or very nearly 5204 grains = 11½ ounces and 60.45 grains. By another experiment (in 1680), Auzout found the congius to contain 51463.2 grains troy. This would make the pound 5146.32 grains troy, which is only 57.449 grains less than before. Hussey considers that Dr. Hase's experiment is more to be relied on than Auzout's, as being more recent. The difference may be partly owing to another cause, which throws doubt on the whole calculation. The interior surface of the congius may have been injured by time and other causes, and its capacity therefore increased. Wurm asserts this as a fact.² Again, the nature of the fluid employed in the experiment, its temperature, and the height of the barometer, would all influence the result, and the error from these sources must occur twice, namely, at the original making of the congius, and at the recent weighing of its contents. Still these errors are probably small, and therefore we may take the weight of 5204 grains troy, as obtained from this experiment, to be the nearest approximation to the weight of the Roman pound. This result very little exceeds that obtained from the coins; and as we have seen that the latter give too small a weight, the excess may be viewed rather as a correction than a contradiction. For it gives as the weight of the denarius of 84 to the pound nearly 62 grains, and many denarii weigh as much, or even more. The scruple would be 18.67 grains, which only exceeds the average of extant specimens by about half a grain.³ Wurm, who de-

1. (Winckelmann, *Mon. Ined.*, 133.—Millin, *Peint. de Vases Ant.*, t. i., pl. 19, p. 39.)—2. (Virg., *Georg.*, i., 208.—Plin., *H. N.*, xviii., 25.—Schol. in *Arat.*, 89.)—3. (Varro, *De Re Rust.*, i., 6.—Columella, iii., 13.—Plin., *H. N.*, xxxvi., 22.)—4. (Ancient Weights, &c., ix., § 3.)—5. (Metrolog. *Untersuch.*, p. 170.)

1. (Plin., *H. N.*, xxxiii., 13, 46.)—2. (De *Pond.*, &c., p. 12.)—3. (*Vid. Hussey, Ancient Weights, &c.*, chap. ix.)

solely on the coins, makes it 5053-635 grains and Böckh arrives at nearly the same result.² The uncial division, which has been noticed in the coin As, was also applied to the pound. The following table shows the divisions of the pound, with their value in ounces and grains, and their weight :

	Unciae.	Oz.	Gr.
Libra	12	11½	60 45
As	11	10½	64 54
Anticus or Decuncis	10	9½	38 50
Anticus	9	8½	42 57
Anticus or Bessis	8	7½	76 75
Anticus	7	6½	80 88
Anticus or Semissis	6	5½	84 95
Anticus	5	4½	89 05
Anticus	4	3½	93 14
Anticus or Teruncius	3	2½	97 21
Anticus	2	1½	101 29
Anticus or Sescunx	1½	1½	103 624
Anticus	1	0½	105 36

or 433 666

The divisions of the ounce are given under UNDA. Where the word *pondo*, or its abbreviations *p.* or *n.*, occur with a simple number, the weight denoted is the *libra*.

The name *libra* was also given to a measure of weight divided into twelve equal parts (*uncia*) and marked on it, and used for measuring oil.³

LIBRARI, the name of slaves who were employed by their masters in writing or copying in any way. They must be distinguished from the *publici*, who were freemen (*vid. SCRIBÆ*), and from the booksellers (*vid. BIBLIOPOLA*), to whom this name was also applied. The name of whom the name of *librarii* was given may be divided into three classes :

librarii who were employed in copying books, *scriptores librarii* by Horace.⁴ These *librarii* so called in later times *antiquarii*.⁵ Isidore⁶ says that the *librarii* copied both old and new books, the *antiquarii* copied only old books. Becke-
wever, however, thinks that, when the cursive character came into general use, the name of *antiquarii* applied to the copyists who transcribed books of old uncial character. The name of *librarii* was given to those who bound books,⁸ and to those who had the care of libraries.

librarii a studiis were slaves who were employed by their masters, when studying, to make extracts from books, &c.⁹ To this class the *notarii*, shorthand writers, belonged, who could write rapidly whatever their masters dictated to

librarii ab epistolis, whose principal duty was to write letters from their masters' dictation.¹¹ To this class belonged the slaves called *ad manum*, or *amanuenses*. (*Vid. AMANUENSIS*.)

LIBRATOR is, in general, a person who examines a LIBRA; but the name was, in particular, applied to two kinds of persons.

librator aqua, a person whose knowledge was valuable in the construction of aqueducts, sewers, and other structures for the purpose of conveying water from one place to another. He examined the hydrostatic balance (*libra aquaria*) the relative heights of the places from and to which the water was to be conducted. Some persons at Rome made this occupation their business, and were en-

gaged under the *curatores aquarum*, though architects were also expected to be able to act as *libratores*.¹

2. *Libratores* in the armies were probably soldiers who attacked the enemy by hurling with their own hands (*librando*) lances or spears against them.² Lipsius³ thinks that the *libratores* were men who threw darts or stones against the enemy by means of machines, *tormenta*.⁴ But this supposition can scarcely be supported by any good authority. During the time of the Republic, *libratores* are not mentioned in the Roman armies.

LIBRIPENS. (*Vid. MANCIPATIO*.)

LIBURNA, LIBURNICA (*Λιβυρνή, Λιβυρνον*), commonly a bireme with the mast amidship, as appears from Lucian,⁵ but not unfrequently of larger bulk, as may be inferred from comparing Florus, iv., 2, with Suetonius, *Octav.*, 17, from which passages we learn that the fleet of Augustus at Actium consisted of vessels from the trieres, the lowest line of battle ship, to the hexeres, and that the ships were *Liburnicae*. Horace⁶ alludes to the immense size of the ships of Antony compared with these *Liburnicae*. From the description of them by Varro, as quoted by A. Gellius,⁷ they appear to have been originally somewhat similar to the light Indian boats, literally sewn together, which are now used to cross the surf in Madras Roads. The *Liburni* stitched the planks of their boats together probably only in their earliest and rudest shape, as is still the practice in Malabar. Pliny⁸ informs us that the material of which these vessels were constructed was pine timber, as clear from resin as could be obtained. The piratical habits of the Illyrian nation, from whose ships the Romans affixed this term to their own, are described by Appian,⁹ who also confirms Lucian in the statement that they were commonly biremes. From its resemblance in shape to these vessels, the *Liburnum* or litter derives its name. Its convenience is well described by Juvenal,¹⁰ though some commentators think that this passage refers to *Liburnian* slaves who carried the litter. The sharpness of the beak of these ships, which was probably of also great weight (Böckh conjectures in the trieres of nearly four talents), is clearly indicated by Pliny.¹¹ The same writer also informs us that they were constructed sharp in the bows, to offer the least possible resistance to the water. The *Navis Rostrata* and *Liburnica* were the same.¹²

The term *Liburna* became incorporated into the Latin tongue simply from the assistance rendered to Augustus by the *Liburni* as a maritime power at the battle of Actium. From this period, experience having shown their efficiency, this class of vessels became generally adopted by the Romans.¹³ In a similar manner, many naval terms, from the excellence of a foreign construction, have been introduced into our language from the Dutch, French, Spanish, and Italian, as brigantine, galleon, felucca, frigate, &c. After the period of the naturalization of the word in the Latin language, it lost its local and particular force, and became applied to other kinds of ships.

LICHAS. (*Vid. PERS*.)

*LICHEN (*Λειχην*), the Lichen. "The *Lichen* of Pliny," observes Adams, "would appear to be different from that of Dioscorides. The former is the *Marchantia conica*, L. The other is not so easily determined. Sprengel inclines to the *Peltigera*

Pond., &c., p. 16.)—2. (Metrolog. Untersuch., § 9.—Jul., c. 38.—Galen, De Comp. Med. Gen., i., 17; vi., 20.—Id. ib., xiii., 39.—In both these passages some MSS. have "libratores.")—3. (ad Tacit., Ann., l. c.)—4. (Compare his *Poliorectet*, iv., 3.)—5. (Vol. v., p. 262, ed. Bip.)—6. (*Epod.*, i., 1.)—7. (xvii., 3.)—8. (*H. N.*, xvi., 17.)—9. (*De Bell. Illyr.*, 3.)—10. (iii., 240.)—11. (*H. N.*, x., 32.)—12. (*Plin.*, *H. N.*, ix., 5.)—13. (*Veget.*, iv., 23.)

1. (*Plin.*, *Epist.*, x., 50.—*Frontin.*, *De Aquad.*, 105.—*Compare Vitruv.*, viii., 6.—*Cod. 10*, tit. 66, s. 1.)—2. (*Tacit.*, *Ann.*, ii., 20.—*Id. ib.*, xiii., 39.—In both these passages some MSS. have "libratores.")—3. (ad *Tacit.*, *Ann.*, l. c.)—4. (Compare his *Poliorectet*, iv., 3.)—5. (Vol. v., p. 262, ed. Bip.)—6. (*Epod.*, i., 1.)—7. (xvii., 3.)—8. (*H. N.*, xvi., 17.)—9. (*De Bell. Illyr.*, 3.)—10. (iii., 240.)—11. (*H. N.*, x., 32.)—12. (*Plin.*, *H. N.*, ix., 5.)—13. (*Veget.*, iv., 23.)

canina, sive *Aphthosa*, Hoffm. The *λευχῆνες ἰππων*, described in the M.M. of the ancients, were the well-known callosities which form at the knees of horses, called *spavins* in English, and *l'eparein* in French. The term *λευχῆν* was also applied to a cutaneous disease allied to leprosy.¹

LICYNLE ROGATIO'NES. (Vid. ROGATIONES LICINLE.)

LICTOR, a public officer, who attended on the chief Roman magistrates. The number which waited on the different magistrates is stated in the article FASCES.

The office of licitor is said to have been derived by Romulus from the Etruscans.¹ The etymology of the name is doubtful; Gellius² connects it with the verb *ligare*, because the lictors had to bind the hands and feet of criminals before they were punished. The lictors went before the magistrates one by one in a line; he who went last or next to the magistrate was called *proximus licitor*, to whom the magistrate gave his commands;³ and, as this licitor was always the principal one, we also find him called *primus licitor*,⁴ which expression some modern writers have erroneously supposed to refer to the licitor who went first.

The lictors had to inflict punishment on those who were condemned, especially in the case of Roman citizens;⁵ for foreigners and slaves were punished by the *carnifex*; and they also, probably, had to assist in some cases in the execution of a decree or judgment in a civil suit. The lictors also commanded (*animadverterunt*) persons to pay proper respect to a magistrate passing by, which consisted in dismounting from horseback, uncovering the head, standing out of the way, &c.⁶

The lictors were originally chosen from the plebs,⁷ but afterward appear to have been generally freedmen, probably of the magistrate on whom they attended.⁸

Lictors were properly only granted to those magistrates who had the imperium. Consequently, the tribunes of the plebs never had lictors,⁹ nor several of the other magistrates. Sometimes, however, lictors were granted to persons as a mark of respect or for the sake of protection. Thus, by a law of the triumvirs, every vestal virgin was accompanied by a licitor whenever she went out,¹⁰ and the honour of one or two lictors was usually granted to the wives and other female members of the imperial family.¹¹

There were also thirty lictors, called *Lictores Curiati*, whose duty it was to summon the curiæ to the comitia curiata; and when these meetings became little more than a form, their suffrages were represented by the thirty lictors.¹²

LIGO (*δίκελλα* or *μίκελλα*) was a hatchet formed either of one broad iron or of two curved iron prongs, which was used by the ancient husbandmen to clear the fields from weeds.¹³ The ligo seems also to have been used in digging the soil and breaking the clods.¹⁴

LIGULA, a Roman measure of capacity, containing one fourth of the CYATHUS, and therefore equal to .0206 of a pint English.¹⁵

*LIGUSTRUM, a plant about which considerable uncertainty prevails. It is commonly, however, regarded as the *Privet*. Virgil mentions it in

1. (Liv., i., 8.)—2. (xii., 3.)—3. (Liv., xxiv., 44.—Sall., Jug., 12.—Cic. in Verr., 2, Act. v., 54.—De Div., i., 28.—Orelli, Inscr., 3218.)—4. (Cic. ad Quint. Fratr., i., 1, 6.)—5. (Liv., ii., 5.—Id., viii., 7.)—6. (Liv., xxiv., 44.—Sen., Ep., 64.)—7. (Liv., ii., 55.)—8. (Compare Tacit., Ann., xiii., 27.)—9. (Plut., Quest. Rom., 81.)—10. (Dion Cass., xvii., 19.)—11. (Tacit., Ann., i., 14.—Id. ib., xiii., 2.)—12. (Gell., xv., 27.—Cic., Agr., ii., 12.—Orelli, Inscr., 2176, 2922, 3240.)—13. (Ovid, Ex Pont., i., 8, 59.—Mart., iv., 64.—Stat., Theb., iii., 589.—Colum., x., 89.)—14. (Hor., Carm., ii., 6, 38.—Epist., iii., 14, 27.—Ovid, Am., iii., 10, 31.—Compare Dickson, on the Husbandry of the Ancients, i., p. 415.)—15. (Columella, R. R., xii., 21.)

one of his Eclogues, but all that can be gathered from what he says of it is, that the flowers are white and of no value. "Pliny," observes Martyn, "says it is a tree, for in the 24th chapter of the 12th book, where he is speaking of the *cypros* of Egypt, he uses the following words: 'Quidam hanc esse dicunt arborem quæ in Italia Ligustrum vocatur.' Thus, also, we find in the tenth chapter of the 24th book, 'Ligustrum eadem arbor est quæ in Oriente cypros.' If the *ligustrum* of Pliny was that which is now commonly known by that name, by us called *privet* or *primprint*, and by the Italians *guistrea*, which seems a corruption of *ligustrum*, then he was mistaken in affirming it to be the same with the *cypros* of Egypt, which is the *elhanne* or *alcovine*. Matthioli, in his commentaries on Dioscorides, says that Servius, among others, took the *ligustrum* to be that sort of *convolvulus* which we call *great bindweed*. Where Matthioli found this opinion of Servius I cannot tell, unless he made use of some copy very different from those which we now have. We find no more in our copies of Servius than that the *ligustrum* is a very white but contemptible flower. Still it must be acknowledged that the great bindweed has a very fair claim to be accounted the *ligustrum* of Virgil, on account of its name being derived from 'binding' (*a ligando*), from the pure whiteness of its flower, and from its being, at the same time, a contemptible weed. We may also, with good reason, suspect that our *privet* is not the plant intended, because the flowers are not fair enough, and yet are too sweet to be rejected with contempt. But it weighs something on the other side, that Pliny has called the *ligustrum* a tree in two different places. In conformity, therefore, with the most common opinion, I have translated the term *ligustrum* by 'privet;' but if any one would change it for 'bindweed,' I shall not greatly contend with him."¹

*LIGUSTICUM (*Λιγυστικόν*). "Woodville agrees with the earlier commentators on Dioscorides and Galen, in referring this to the well-known plant, the *Ligusticum Levisticum*, or common Lovage; but this opinion is questioned by Alston Sprengel, also, is not quite satisfied, and rather inclines to the *Laserpitium Siler*. Apicius recommends it frequently as a condiment."²

*LIL' IUM (*κρίνον*), the Lily, or *Lilium candidum*, L. The Persian term *laléh*, which is a name for all the liliaceous plants, and especially for the tulip (of which last the ancients knew nothing), has passed, on the one hand, into the family of Northern languages, under the forms of "lily," "lilie," &c., and on the other into the Greek and Latin, for *λίριον* and *lilium* only differ by a very usual change of letters. (Vid. LIRIUM.) "We need have no hesitation," remarks Adams, "in determining the common *κρίνον* of the Greeks to have been the *Lilium candidum*, L. Dioscorides describes another species with purple flowers, which Sprengel is in doubt whether to set down as the *Lilium martagæ* or *L. Chalcedonicum*."³

LIMA, a File, was made of iron or steel, for the purpose of polishing metal or stone, and appears to have been of the same form as the instruments used for similar purposes in modern times.⁴

LIMBUS (*παρυφή*), the border of a tunic⁵ or a scarf.⁶ This ornament, when displayed upon the tunic, was of a similar kind with the CYCLAS and INSTRITA,⁷ but much less expensive, more common and more simple. It was generally woven in the

1. (Martyn ad Virg., Eclog., ii., 18.)—2. (Dioscor., iii., 31.—Adams, Append., s. v.)—3. (Fée, Flore de Virgile, p. lxxviii.—Adams, Append., s. v. *Λιρίων*.)—4. (Plin., H. N., xxxvi., 8, 22.—Id. ib., ix., 35, 54.—Id. ib., xxviii., 9, 41.—Plaut., Menæch., i., i., 9.)—5. (Corippus, De Laud. Just., ii., 117.)—6. (Virg., Æn., iv., 137.—Serv. in loc.)—7. (Serv. in Virg., Æn., ii., 616)

with the entire garment of which it consisted, and it had sometimes the appearance of a purple band upon a white ground; sometimes it resembled foliage,¹ or the scrolls introduced in architecture. A very great was produced by bands of gold thread in cloth of Tyrian purple,² and called *linea*.³ Demetrius Poliorcetes was arrayed in a scarf enriched with gold, the border of which was in the form of a double meander. In this account, examples of both the double meander are introduced at the annexed woodcut. The other eight spe-



limbi are selected to show some of the varieties of this ornament, which present on Etruscan vases and other works of art.

The effect of the limbus as a part of dress is seen in the woodcuts at pages 27, 96, 25, 314.

The use of the limbus was almost confined to the Greeks and Romans, but in modern times it was admitted into the dress of men.

The *linea* was used as a decorativeamental band, when used by itself as a sash around the temples or the waist, was also used as a sash.⁴ Probably the *limbolarii* mentioned in the text were persons employed in making bands of ribbon.

(Vid. JANUA, p. 524.)

(Vid. AGRIMENSORES.)

TIPO. (Vid. AGRIMENSORES.)

dim. LINE'OLA, a linen thread or string of flax, a line.⁵ A string smeared with oil (*linea, μίλτος*) and drawn tight, was used by carpenters and masons to impress a straight line on boards of wood, slabs of marble, &c.⁶ Hence the proverb *στάθμης ἀκριβεστέρος*, mean-
ing exact than rectitude itself.⁷ Since the *linea* was no mark unless coloured, the pursuit of it without discrimination and distinctness of colour was called using the *linea alba*, or *λευκή*. The cup or box used to hold the raddle was called *μυλτεῖον*.⁸

The extension of the signification, any straight line (*μυλτή*), however produced, was called *linea*; hence the same terms, both in Latin (*linea, γραμμή*), were applied to a mathematical line.⁹ Hence, also, a narrow boundary of a field was denoted by these terms, and especial-

ly the boundary of human life,¹ and the boundary in the stadium from which the combatants started or at which they stopped.²

Linea also meant a fishing-line; the line used in sounding (*vid.* CATAPIRATER); that employed in agriculture and gardening;³ and a measuring-line.⁴

*LINOSPARTUM (*λινόσπαρτον*), according to Stackhouse, the *Lygeum spartum*. Sprengel holds that it is either this or the *Stipa terracissima*.⁵

*LINOSPERMUM (*λινόσπερμον*), Linseed, used as an article in the ancient *Materia Medica*.⁶

LINTER, a boat similar to the *μονόξυλα πλοῖα*, used, according to Pliny,⁷ on the Malabar coast. The ancient British boat, at present in the courtyard of the Museum, formed of one tree, gives an excellent exemplification of the rudest form of the linter. Pliny⁸ tells us that the Germans had boats of this description that held thirty men, and the British vessel just alluded to would certainly carry nearly this complement. The passage in Tacitus⁹ is too corrupt to be admitted as any authority for a larger description of ships being included under this term. In Ovid¹⁰ it is applied to Charon's bark, which was obviously worked by a single man. Cæsar separates the linter from the *navis*,¹¹ and also represents the former as one remove, in early boat-building, from the *ratis* or raft.¹² In another passage¹³ he classes them with the *scaphæ*. Tibullus¹⁴ represents them to have been of light draught of water, like our wherries.

"*Et qua Velabri regio patet ire solebat
Exiguus pulsa per vada linter aqua.*"

Ausonius¹⁵ indicates that a chain of them formed a pontoon, and also classes them with the other light boats.¹⁶ Horace¹⁷ describes the linter as a towboat worked by a single mule, which differs from the sense affixed to it by Propertius,¹⁸ who distinguishes between the swift linter and the slow *ratis* or towboat.

"*Et modo tam celeris mireris currere lintera
Et modo tam tardas funibus ire rates.*"

These passages give a twofold sense to linter or wherry and towboat.

The name linter was also applied to a kind of tub or trough made of one block of wood, which was used by country people for various purposes, such as for conveying and pressing the grapes.¹⁹

*LINUM (*λίνον*), the *Linum usitatissimum*, or common Flax. "Most authors agree with Virgil," observes Martyn, "that flax burns or impoverishes the soil. Columella says it is so exceedingly noxious that it is not safe to sow it, unless you have a prospect of great advantage from it. '*Linum semen, nisi magnus est ejus in ea regione quam colitis proventus, et pretium proritat, serendum non est; agris enim præcipue noxium est.*'"²⁰

*LINUM VIVUM, Asbestine linen, or linen made out of Asbestos. (Vid. AMIANTHUS, ASBESTOS.)

*LIPARÆUS LAPIS, a stone of which Sir John Hill speaks as follows: "The Lipara stone is a small stone, usually about the bigness of a filbert, of an irregular and uncertain shape, and porous, friable constitution, like that of the pumices, but more easily crumbling into powder between the fingers than even the softest kind of them. The colour is generally a dusky gray, and the whole ex-

1. (Hor., Epist., i., 16, 79.—Diod. Sic., xvii., 118.—Euriop., Ion, 1514.)—2. (Schol. in Pind., Pyth., ix., 208.)—3. (Col., De Re Rust., iii., 13.)—4. (Col., ib., iii., 15.—Cic. ad Quint. Frat., iii., 1.)—5. (Theophrast., H. P., i., 18.—Adams, Append., s. v.)—6. (H. N., vi., 25.)—7. (H. N., xvi., 76.)—8. (Hist., v., 23.)—9. (Epist. ad Liv., i., 428.)—10. (B. G., vii., 60.)—11. (ib., i., 12.)—12. (B. C., i., 28.)—13. (ib., v., 33, 34.)—14. (Grammat., 349.)—15. (Epist. Paul., 22, 31.)—16. (Sat., i., v., 20.)—17. (L., xiv., 3.)—18. (Virg., Georg., i., 269.—Cato, De Re Rust., ii., Tibull., i., v., 23.)—19. (Martyn ad Virg., Georg., i., 77.)

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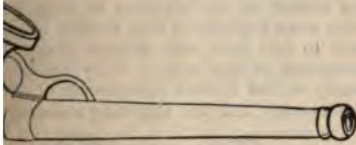
1. (Hill ad Theophrast., De Lapid., c. 25.)—2. (Anc. Minervology, p. 132.)—3. (Dioscor., v., 102.—Adams, Append., s. v.)—4. (Dioscor., iii., 148.)—5. (Festus, s. v. Contestatio).—6. (Dig. 26, tit. 1, s. 20.—Ulp., Frag., xx., t. 9.)—7. (Penny Cyclopaedia, art. Recorder.)

1. (Gaius, iii., 180; iv., 114.)—2. (Festus, s. v. Luce enim libra est.)—3. (Aristot. ap. Pollux, iv., 24, l. 60.—Müller, Dorians, iii., 10, § 12.)

US. Müller¹ supposes this to be an Etruscan signifying *crooked*. In the Latin writers to denote, crooked staff borne by the augurs, with which they divided the expanse of heaven, when with reference to divination (*templum*), into regions; the number of these, according to Etruscan discipline, being sixteen, according to Roman practice, four.² Cicero³ describes the "incurvum et leviter a summo inflexum baculum" and Livy⁴ as "baculum sine nodo aduncum." It is frequently exhibited upon works of art. There is in the middle of the following illustration a most ancient specimen of Etruscan in the possession of Inghirami,⁵ representing an augur; the two others are Roman de-



scriptions of trumpet slightly curved at the extremity, differing both from the *tuba* and the *cornu*,⁷ the former being straight, while the latter was bent into a spiral shape. Lydus⁸ calls the lituus a double trumpet (*ιερατικὴν αὐλιγγα*), and it was employed by Romulus when he founded the title of his city. Acro⁹ asserts that the *lituus* was peculiar to cavalry, while the *tuba* belonged to infantry. Its tones are usually characterized as shrill (*stridor lituum*;¹⁰ *sonitus acutus*¹¹). A wing representation is from Fabretti.



(Vid. CALONES.)

LOCATIO ET CONDUCTIO ACTIO. (Vid. LOCATIO, CONDUCTIO.)

LOCATIO, CONDUCTIO. This contract exacts a certain sum of money (*certa merces*) to be given by one person in consideration of work and labour to be done by another, in consideration of such other person allowing the enjoyment of a thing which is to be rented. The parties to such a contract were respectively the locator and conductor. The rules of locatio and conductio were similar to those observed in buying and selling (*emptio et venditio*), his being the definition, a question often arising whether the contract was one of locatio and conductio; as in the case where a thing was given to be used, and he gave the lender another contract was locatio and conductio or em-

ptio and venditio; as in the case where a thing was let (*locata*) forever, as was done with lands belonging to municipia, which were let on the condition that, so long as the rent (*vectigal*) was paid, neither the conductor nor his heirs could be turned out of the land; but the better opinion was in favour of this being a contract of locatio and conductio. (Vid. ΕΜΦΥΤΕΥΣΙΣ.) Other questions of a like kind are proposed by Gaius.¹

The locator had his action for the merces and the restitution of the thing, and generally in respect of all matters that formed a part of the contract (*lex locationis*). The conductor also had his action for the enjoyment of the thing; and if the matter was something to be done (*operæ*), there was an *actio ex conducto*, and generally there was an action in respect of all things that formed part of the conductio (*lex conductionis*).²

LOCHUS. (Vid. ARMY, GREEK, p. 98, 99, 100.)

LOCULUS. (Vid. FUNUS, p. 460.)

LODIX, *dim.* LODICULA (*σάγυον*), a small shaggy blanket.³ Sometimes two lodices sewed together were used as the coverlet of a bed.⁴ The Emperor Augustus occasionally wrapped himself in a blanket of this description on account of its warmth.⁵ It was also used as a carpet (*ancilla lodicæ clam in pavimento diligenter extendit*).⁶ The Romans obtained these blankets from Verona.⁷ The lodix was nearly, if not altogether, the same as the *sagulum* worn by the Germans.⁸ (Vid. ΣΑΓΟΥΜ.)

LOGISTAI. (Vid. ΕΥΘΥΝΕ.)

LOGOGRAPHOI (*λογογράφοι*) is a name applied by the Greeks to two distinct classes of persons.

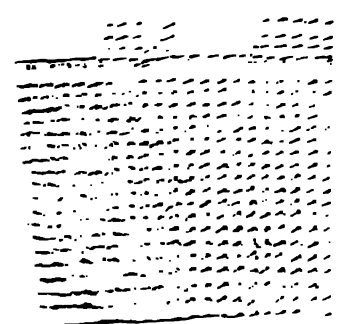
1. To the earlier Greek historians previous to Herodotus, though Thucydides⁹ applies the name *logographer* to all historians previous to himself, and thus includes Herodotus among the number. The Ionians were the first of the Greeks who cultivated history; and the first logographer, who lived about Olymp. 60, was Cadmus, a native of Miletus, who wrote a history of the foundation of his native city. The characteristic feature of all the logographers previous to Herodotus is, that they seem to have aimed more at amusing their hearers or readers than at imparting accurate historical knowledge. They described in prose the mythological subjects and traditions which had previously been treated of by the epic, and especially by the cyclic poets. The omissions in the narratives of their predecessors were probably filled up by traditions derived from other quarters, in order to produce, at least in form, a connected history.¹⁰

2. To persons who wrote judicial speeches or pleadings, and sold them to those who were in want of them. These persons were called *λογοποιοί* as well as *λογογράφοι*. Antiphon, the orator, was the first who practised this art at Athens, towards the close of the Peloponnesian war.¹¹ After this time, the custom of making and selling speeches became very general; and though the persons who practised it were not very highly thought of, and placed on a par with the sophists,¹² yet we find that orators of great merit did not scruple to write speeches of various kinds for other persons. Thus Lysias wrote for others numerous *λόγους εις δικαστήριά τε και βουλὰς και προς εκκλησίας ευθετους*, and, besides, *παν ηγηρικους, ερωτικους, και επιστολικους*.¹³

1. (ii., 142-147.)—2. (Dig. 19, tit. 2.)—3. (Juv., vii., 66.)—4. (Mart., xiv., 148.)—5. (Suet., Octav., 83.)—6. (Petron., Sat., 20.)—7. (Mart., xiv., 152.)—8. (Tac., Germ., 6.)—9. (i., 21.)—10. (Thirlwall, Hist. of Greece, ii., p. 127, &c.—Müller, Hist. of Greek Lit., i., p. 206, &c.—Wachsmuth, Hellen. Alterth., ii., 2, p. 443, &c.)—11. (Plut., Vit. Dec. Orat., p. 832, ed. Frankfurt.—Aristot., Rhet., i., 33.)—12. (Demosth., De Fals. Leg., p. 417, 420.—Plat., Phædr., p. 257, C.—Anaxim., Rhet., xxxvi., 22 and 24.—Compare Plat., Euthyd., p. 272, A.; 289, D.; 305, A.)—13. (Dionys. Hal., Lys., p. 82, ed. Sylburg.—Compare Meier and Schöm., Att. Proc., p. 707.)

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[Faint, mostly illegible text in the right column, possibly bleed-through from the reverse side of the page.]



Immediate contrast a black and white on the right and color on the left both taken from Bartoli's *Aspetti Teatrali*

The woman has had worn cuirasses of chain-mail.
1. Tacit. Hist. i. 73. — 2. Herod. vii. 61. — 3. (ix. 22.) — 4. (Verg. *Æn.* iii. 457. — 5. *ibid.* p. 431. 432, ed. Comm.) — 6. (Verg. *Æn.* iii. 770. — Serv. in loc. — Justin. xii. 2, 10.) — 7. (Heliodor. l. c. — Claudian in Rufin. ii. 356-363.) — 8. (Arrian. *Tact.*, p. 13, 14.)

hauberks or habergeons (*ἀλυσιδωροῖς θώρα-*
Virgil several times mentions hauberks, in
the rings, linked or hooked into one another,
of gold (*loricam consertam hamis, auroque trili-*

According to Val. Flaccus,³ the Sarmatæ
ed both themselves and their horses with
mail.

contradistinction to the flexible cuirasses, or
of mail, which have now been described, that
only worn by the Greeks and Romans, more
ially in the earlier ages, was called *θώραξ στή-*
or *στατός*, because, when placed upon the
d on its lower edge, it stood erect. In conse-
of its firmness, it was even used as a seat to
upon.⁴ It consisted principally of the two

, viz., the breastplate (*pectorale*), made of hard
r, or of bronze, iron, or sometimes the more
us metals, which covered the breast and ab-
1,⁵ and of the corresponding plate which cov-
he back.⁶ Both of these pieces were adapted
form of the body, as may be perceived in the
entation of them in the woodcuts at pages
3, 418. The two figures here introduced are

designed to show the usual difference of form and
appearance between the antique Greek thorax and
that worn by the Roman emperors and generals.
The right-hand figure is from one of Mr. Hope's
fictile vases,¹ and bears a very strong resemblance
to a Greek warrior painted on one of Sir W. Ham-
ilton's.² The figure on the left hand is taken from
a marble statue of Caligula found at Gabii.³ The
Gorgon's head over the breast, and the two griffons
underneath it, illustrate the style of ornament which
was common in the same circumstances.⁴ (*Vid.*
Ægis, p. 27.) The execution of these ornaments
in relief was more especially the work of the Co-
rinthians.⁵

The two plates were united on the right side of
the body by two hinges (*vid. CARDO*, p. 215), as
seen in the equestrian statue of the younger Balbus
at Naples, and in various portions of bronze cui-
rasses still in existence. On the other side, and
sometimes on both sides, they were fastened by
means of buckles (*περόναι*). (*Vid. FIBULA*.) In
the Temple of Diana at Ephesus was a picture rep-
resenting women employed in assisting Patroclus



himself by buckling his cuirass.⁷ In Roman
s we often observe a band surrounding the
and tied before. The breastplate and the back-
were farther connected together by leathern
passing over the shoulders, and fastened in
by means of buttons or of ribands tied in a

In the last woodcut both of the connecting
s in the right-hand figure are tied to a ring
be navel. The breastplate of Caligula has a
ver each breast, designed to fulfil the same
e.

ds of metal often supplied the place of the
rn straps, or else covered them so as to be-
very ornamental, being terminated by a lion's
or some other suitable figure appearing on
side of the breast, as in the preceding figure
igula. The most beautiful specimens of en-
bronze shoulder-bands now in existence are
which were found A.D. 1820, near the river

Siris in S. Italy, and which are preserved in the
British Museum. They were originally gilt, and
represent in very salient relief two Grecian heroes
combating two Amazons. They are seven inches
in length, and belong to the description of bronzes
called *ἔργα σφουρίλαρα*, having been beaten into form
with wonderful skill by the hammer. The Cheva-
lier Brøndsted⁷ has illustrated the purpose which
they served, by showing them in connexion with a
portion of another lorica, which lay upon the shoul-
ders behind the neck. This fragment was found in
Greece. Its hinges are sufficiently preserved to
show most distinctly the manner in which the shoul-
der-bands were fastened to them (see woodcut).

"Around the lower edge of the cuirass," observes
Brøndsted, "were attached straps, four or five inch-
es long, of leather, or perhaps of felt, and covered
with small plates of metal. These straps served in
part for ornament, and partly, also, to protect the

slvb., vi., 21.—Athen., v., 22.—Arrian, l. c.)—2. (Virg.,
467.—Id. ib., v., 259.—Id. ib., vii., 639.)—3. (Argon.,
1.—4. (Paus., x., 27, § 2.)—5. (Hom., II., v., 99.—Id. ib.,
7, 557.—Id. ib., xvii., 314.)—6. (Paus., x., 26, § 2.—Hom.,
330.)—7. (Paus., l. c.)

1. (Costumes of the Ancients, i., 102.)—2. (L., 4.)—3. (Visconti
Mon. Gab., No. 38.)—4. (Mart., VII., i., 1-4.)—5. (Cic., Verr.,
Act. II., iv., 44.)—6. (Paus., l. c.)—7. (Bronzes of Siris, Lon-
don, 1836.)

lower region of the body in concert with the belt (*ζώνη*) and the band (*μίτρα*).¹ They are well shown in both the figures of the preceding woodcut. (See also the woodcuts at pages 86, 268, 418.)

Instead of the straps here described, which the Greeks called *πέρυγες*,¹ the Chalybes, who were encountered by Xenophon on his retreat,² had in



the same situation a kind of cordage. Appendages of a similar kind were sometimes fastened by hinges to the lorica at the right shoulder, for the purpose of protecting the part of the body which was exposed by lifting up the arm in throwing the spear or using the sword.³

Of Grecian cuirasses the Attic were accounted the best and most beautiful.⁴ The cuirass was worn universally by the heavy-armed infantry and by the horsemen (*vid. Army*, p. 107), except that Alexander the Great gave to the less brave of his soldiers breastplates only, in order that the defenceless state of their backs might decrease their propensity to flight.⁵ These were called half-cuirasses (*ἡμιθώρακία*). The thorax was sometimes found to be very oppressive and cumbersome.⁶

***LOTUS** (*λωτός*). "The *Loti* of the ancients may be arranged under the following heads: I. The *λωτός* upon which the horses pastured was a sort of Clover; it may be confidently set down as the *Trifolium officinale*, or common Melilot. It is very probable, however, that the term may not have been restricted to it, but may have comprehended others of the trefoils. II. Under the *Lotus aquaticus* the ancients comprehended three Egyptian plants of the Water-lily tribe, namely, the *Nymphaea Lotus*, *Nymphaea nelumbo*, and *Arum colocasia*: the first two are well described by Herodotus.⁷ III. Under the *Lotus arbor* were comprehended the *Celtis Australis*, several species of *Rhamnus*, and the *Diospyros Lotus*.—This is the celebrated *Lotus* of the *Lotophagi*, an African people, whom Dionysius the geographer and Ptolemy place in the vicinity of the Great Syria, or Gulf of Sidra. But, according to Rennell and Park, the tree which produces the lotus-bread is widely disseminated over the edge of the Great Desert, from the locality indicated by the ancients to the borders of the Atlantic." For farther information respecting the ancient *Loti*, more especially the kind from which the *Lotophagi* obtained both bread and wine, see *Eustathius* in *Hom.*, *Od.*, p. 337, ed. Basil.—*Schol.* in *Plat.*, *Repub.*, viii.—*Sprengel's Dissertation on the Loti*.—*Schweighauser ad Athen.*, xiv., 16.—*Heeren's Researches*, &c., vol. xi., p. 1; v., 4.—*Fée, Flore de Virgile*, p. lxxx., &c.⁸

LOUTRON, LOETRON (*λουτρόν, λοετρόν*), a Bath. The use of the bath in the Homeric ages is explained on pages 143, 144; it remains to speak of the Greek baths in the republican period. At Athens the frequent use of the public baths was re-

garded in the time of Socrates and Demosthenes as a mark of luxury and effeminacy.¹ Accordingly, Phocion was said to have never bathed in a public bath (*ἐν βαλανείῳ δημοσιεύοντι*),² and Socrates to have made use of it very seldom.³ It was, however, only the warm baths (*βαλανεία*, called by Homer *θερμὰ λουτρά*) to which objection was made, and which in ancient times were not allowed to be built within the city.⁴ The estimation in which such baths were held is expressed in the following lines of *Hermippus*:⁵

Μὰ τὸν Δῖ', οὐ μόντοι μεθίεν τὸν ἄνδρα χροὶ
τὸν ἀγαθὸν, οὐδὲ θερμολουτεῖν, ἃ σὺ ποιεῖς.

In the *Clouds* of Aristophanes, the *δικαῖος ἄνθρωπος* warns the young man to abstain from the baths (*βαλανείων ἀπέχεσθαι*),⁶ which passage, compared with l. 1028-1037, shows that warm baths are intended by the word *βαλανεία*.

The baths (*βαλανεία*) were either public (*δημόσια δημοσιεύοντα*) or private (*ἰδία, ἰδιωτικὰ*). The former were the property of the state, but the latter were built by private individuals, and were opened to the public on the payment of a fee (*ἐπιλουτῶν*). Such private baths are mentioned by Plutarch⁷ and Isæus,⁸ who speak of one which was sold for 3000 drachmæ.⁹ Baths of this kind may also have been intended sometimes for the exclusive use of the persons to whom they belonged.¹⁰ A small fee appears to have been also paid by each person to the keeper of the public baths (*βαλανείης*), which in the time of Lucian was two oboli.¹¹

We know very little of the baths of the Athenians during the republican period, for the account of Lucian in his *Hippias* relates to baths constructed after the Roman model. On ancient vases, on which persons are represented bathing, we never find anything corresponding to a modern bath in which persons can stand or sit; but there is always a round or oval basin (*λουτήρ* or *λουτήριον*) resting on a stand (*ὑπόστατον*), by the side of which those who are bathing are represented standing undressed and washing themselves, as is seen in the following woodcut, taken from Sir W. Hamilton's vases.¹² The word ΔΗΜΟΣΙΑ upon it shows that it belonged to a public bath.



The next woodcut is also taken from the same work,¹³ and represents two women bathing. The one on the right hand is entirely naked, and holds a looking-glass in her right hand; the one on the left wears only a short kind of *χιτώνιον*. Eros is represented hovering over the bathing vessel.

Besides the *λουτήρες* and *λουτήρια*, there were also vessels for bathing large enough for persons to sit

1. *Xen.*, *de Re Siquæ*, xii., 4;—2. (*Anab.*, iv., 7, § 15.)—3. *Xen.*, *de Re Siquæ*, xii., 6;—4. (*Ælian*, V. H., iii., 24.)—5. (*Plutarch*, *Phocion*, p. 18.)—6. (*Demost.*, 24.)—7. (*De Dicaæchæred.*, p. 101.)—8. (*De Philoct.* *hæred.*, p. 140.)—9. (*Xen.*, *Rep. Ath.*, ii., 10.)—10. (*Lucian*, *Lexiph.*, 2, vol. ii., p. 290.)—11. (*Tischbein*, i., pl. 58.)—12. (*ibid.*, pl. 59.)

1. (*Demosth.*, c. *Polycl.*, p. 1217.)—2. (*Plut.*, *Phoc.*, 4.)—3. (*Plato*, *Symp.*, p. 174.)—4. (*Athen.*, i., p. 18, B.)—5. (*ibid.*, *Athen.*, i., c.)—6. (*l. 978*.)—7. (*Demost.*, 24.)—8. (*De Dicaæchæred.*, p. 101.)—9. (*De Philoct.* *hæred.*, p. 140.)—10. (*Xen.*, *Rep. Ath.*, ii., 10.)—11. (*Lucian*, *Lexiph.*, 2, vol. ii., p. 290.)—12. (*Tischbein*, i., pl. 58.)—13. (*ibid.*, pl. 59.)



ch are called *ἀσάμνιστοι* by Homer and *πύρι* by the later Greeks,¹ and are described on p. 43. In the baths there was also a kind of steam or vapour bath, called *πυρία* or *πυριατήριον*, as mentioned as early as the time of Herodotus. The Lacedæmonians also made use of a dry steam bath. (Vid. ΒΑΤΗΣ, p. 144.)

Persons who bathed probably brought with them strigils, oil, and towels. The strigil, which was used by the Greeks *στλεγγίς* or *ξυστέρα*, was made of iron, but sometimes, also, of other materials.² One of the figures in the preceding illustration is represented with a strigil in his hand; strigils are figured in page 150. The Greeks used different materials for cleansing or washing themselves in the bath, to which the general name *ρόμμα* was given, and which were supplied by the *βαλανεύς*.⁴ This *ρόμμα* usually consisted of a mixture of lime or wood-ashes (*κονία*), of nitrum, fuller's earth (*γῆ κιμωλία*).⁵

The bath was usually taken shortly before the evening, or principal meal of the day. It was the custom to take first a warm or vapour, and afterwards a cold bath,⁶ though in the time of Homer the cold bath appears to have been taken first, and the hot bath afterward. The cold water was usually poured on the back or shoulders of the bathers by the *παραινέτης* or his assistants, who are called *παραινέται*.

The vessel from which the water was poured was called *ἀρύταινα*.⁸ In the first of the preceding woodcuts a *παραχύτης* is represented with a *παινα* in his hands.

Among the Greeks a person was always bathed before marriage, and after death (vid. ΓΥΜΝΑΣΙΟΝ, p. 10). whence it is said of the Dardanians, an Illyrian people, that they bathe only thrice in their lives, before marriage, and after death.⁹ The water in the bath of the bride was bathed (*λουτρὸν νυμφικόν*), at which time water was taken from the fountain of Kallirrhoe, and was called from the time of Peisistratus *Ἐννεονος*.¹¹ Compare Pollux, iii., 43.—Harpoerat., *Λουτροφόρος*, who says that the water was fetched by a boy, who was the nearest relative, and his boy was called *λουτροφόρος*. He also states that water was fetched in the same way to the bodies of those who had died unmarried, and that on the monuments of such a boy was represented holding a water-vessel (*ὕδρια*). Pollux,¹²

however, states that it was a female who fetched the water on such occasions, and Demosthenes¹ speaks of *ἡ λουτροφόρος* on the monument of a person who had died unmarried. In remains of ancient art we find girls represented as *λουτροφόροι*, but never boys.²

ΛΟΥΤΡΟΦΟΡΟΣ. (Vid. ΛΟΥΤΡΟΝ.)

ΛΟΥΤΡΟΦΟΡΟΣ. (Vid. ΛΟΥΤΡΟΝ.)

ΛΟΥΤΡΟΦΟΡΟΣ. (Vid. ΛΟΥΤΡΟΝ.)

LUCERNA (*λύχνος*), an Oil-lamp. The Greeks and Romans originally used candles, but in later times candles were chiefly confined to the houses of the lower classes. (Vid. CANDELA.) A great number of ancient lamps has come down to us, the greater part of which are made of terra-cocta (*τροχιλάτοι*), but also a considerable number of bronze. Most of the lamps are of an oval form, and flat upon the top, on which there are frequently figures in relief. (See the woodcuts, p. 114, 350, 408.) In the lamps there are one or more round holes, according to the number of wicks (*ellychnia*) burned in it; and as these holes were called, from an obvious analogy, *μυκτῆρες* or *μόζαι*, literally, nostrils or nozzles, the lamp was also called *Μονομυκτος*, *Διμυκτος*, *Τριμυκτος*, or *Πολυμυκτος*, according as it contained one, two, three, or a greater number of nozzles or holes for the wicks. (Vid. ELLYCHNIUM.) The following example of a *dimykos lucerna*, upon which there is a winged boy with a goose, is taken from the *Museo Borbonico*, iv., 14.



The next woodcut, taken from the same work,⁴ represents one of the most beautiful bronze lamps which has yet been found. Upon it is the figure of a standing Silenus.



The lamps sometimes hung in chains from the ceiling of the room,⁵ but generally stood upon a stand. (Vid. CANDELABRUM.) Sometimes a figure holds the lamp, as in the following woodcut,⁶ which also exhibits the needle or instrument spoken of under ELLYCHNIUM, which served to trim the wick and is attached to the figure by means of a chain.

We read of *lucernæ cubiculares, balneares, tricoli-*

1. (c. Leochar., p. 1089, 23.—Compare p. 1086, 14, &c.)—2. (Brönsted, Brief Description of thirty-two ancient Greek Vases, pl. 27.—Consult Becker, Charikles, ii., p. 135-146; p. 459-462.)—3. (Aristoph., Eccles., i.)—4. (s., 10.)—5. (Virg., Æn., i., 726.—Petron., 30.)—6. (Museo Borbonico, vii., 15.)



ares, sepulcrales, &c.; but these names were only given to the lamps on account of the purposes to which they were applied, and not on account of a difference in shape. The *lucerna cubicularis* burned in bedchambers all night.¹

Perfumed oil was sometimes burned in the lamps.²

LUDI is the common name for the whole variety of games and contests which were held at Rome on various occasions, but chiefly at the festivals of the gods; and as the ludi at certain festivals formed the principal part of the solemnities, these festivals themselves are called ludi. Sometimes, however, ludi were also held in honour of a magistrate or of a deceased person, and in this case the games may be considered as ludi privati, though all the people might take part in them.

All ludi were divided by the Romans into two classes, viz., *ludi circenses* and *ludi scenici*,³ accordingly as they were held in the circus or in the theatre; in the latter case they were mostly theatrical representations with their modifications; in the former, they consisted of all or a part of the games enumerated in the articles CIRCUS and GLADIATORES. Another division of the ludi into *stati, imperativi, and votivi*, is analogous to the division of the *feriæ*. (Vid. FERIÆ, p. 435.)

The superintendence of the games and the solemnities connected with them was in most cases intrusted to the *ædiles*. (Vid. ÆDILES.) If the lawful rites were not observed in the celebration of the ludi, it depended upon the decision of the pontiffs whether they were to be held again (*instaurari*) or not. An alphabetical list of the principal ludi is subjoined.

LUDI APOLLINARES were instituted at Rome during the second Punic war, after the battle of Cannæ (212 B.C.), at the command of an oracle contained in the books of the ancient seer Marcius (*carmina Marciana*).⁴ It was stated by some of the ancient annalists that these ludi were instituted for the purpose of obtaining from Apollo the protection of human life during the hottest season of summer; but Livy and Macrobius adopt the account founded upon the most authentic document, the *carmina Marciana* themselves, that the Apollinarian games were instituted partly to obtain the aid of Apollo in expelling the Carthaginians from Italy, and partly to preserve, through the favour of the god, the Republic from all dangers. The oracle suggested that the games should be held every year, under the

superintendence of the prætor urbanus, and that ten men should perform the sacrifices according to Greek rites. The senate, complying with the advice of the oracle, made two *senatus consulta*; one that, at the end of the games, the prætor should receive 12,000 asses to be expended on the solemnities and sacrifices, and another that the ten men should sacrifice to Apollo, according to Greek rites, a bull with gilded horns, and two white goats also with gilded horns, and to Latona a heifer with gilded horns. The games themselves were held in the Circus Maximus, the spectators were adorned with chaplets, and each citizen gave a contribution towards defraying the expenses.¹ The Roman matrons performed supplications, the people took their meals in the *propatulum* with open doors, and the whole day—for the festival lasted only one day—was filled up with ceremonies and various other rites. At this first celebration of the ludi Apollinæres, no decree was made respecting the annual repetition suggested by the oracle, so that in the first year they were simply ludi votivi or indictivi. The year after (211 B.C.), the senate, on the proposal of the prætor Calpurnius, decreed that they should be repeated, and that, in future, they should be vowed afresh every year.² The day on which they were held varied every year according to circumstances. A few years after, however (208 B.C.), when Rome and its vicinity were visited by a plague, the prætor urbanus, P. Licinius Varsus, brought a bill before the people to ordain that the Apollinarian games should in future always be vowed and held on a certain day (*dies statuis*), viz., on the sixth of July, which day henceforward remained a *dies solennis*.³ The games thus became *votivi et stativi*, and continued to be conducted by the prætor urbanus.⁴ But during the Empire the day of these solemnities appears again to have been changed, for Julius Capitolinus⁵ assigns them to the 26th of May.

LUDI AUGUSTALES. (Vid. AUGUSTALES.)

LUDI CAPITOLINI were said to have been instituted by the senate on the proposal of the dictator M. Furius Camillus, in the year 387 B.C., after the departure of the Gauls from Rome, as a token of gratitude towards Jupiter Capitolinus, who had saved the Capitol in the hour of danger. The decree of the senate at the same time intrusted the superintendence and management of the Capitoline games to a college of priests, to be chosen by the dictator from among those who resided on the Capitol and in the citadel (*in arce*), which can only mean that they were to be patricians.⁶ These priests were called Capitolini.⁷ One of the amusements at the Capitoline games, which was observed as late as the time of Plutarch, was that a *brevis* offered the Sardinians for public sale, and that some old man was led about, who, in order to produce laughter, wore a toga prætexta, and a *bullæ puerilis* which hung down from his neck.⁸ According to some of the ancients, this ceremony was intended to ridicule the Veientes, who were subdued, after long wars with Rome, and numbers of them sold as slaves, while their king, represented by the old man with the bulla (such was said to have been the costume of the Etruscan kings), was led through the city as an object of ridicule.

The Veientes were designated by the name *Sardiniani* or *Sardi*, because they were believed to have come from Lydia, the capital of which was Sardis. This specimen of ancient etymology, however, is set at naught by another interpretation of the *cre-*

1. (Mart., xiv., 30.—Id., x., 38.)—2. (Petron., 70.—Mart., x., 38, 9.—Consult Passeri, "Luceræ fetiles"—Böttiger, "die Sileus-lampen," Amalthea, iii., p. 168, &c.—Becker, Charikles, ii., p. 215, &c.—Id., Gallus, ii., p. 201, &c.)—3. (Cic., De Leg., ii., 12.)—4. (Liv., xxv., 12.—Macrobius, Sat., i., 17.)

1. (Festus, s. v. Apollinæres.)—2. (Liv., xxv., 23.)—3. (Liv., xxvii., 23.)—4. (Cic., Phil., ii., 13.)—5. (Maxim. et Balbus, x. l.)—6. (Liv., v., 50, 52.)—7. (Cic. ad Quir. Prætor., ii., 4.)—8. (Plut., Quæst. Rom., p. 277.—Fest., s. v. Sardi venales.)

mony, given by Sinius Capito. According to this author, the name Sardiani or Sardi had nothing to do with the Veientes, but referred to the inhabitants of Sardinia. When their island was subdued by the Romans in B.C. 238, no spoils were found, but a great number of Sardinians were brought to Rome and sold as slaves, and these proved to be slaves of the worst kind.¹ Hence arose the proverb "*Sardi pœnales; alius alio nequior*;"² and hence, also, the ceremony at the Capitoline games. When or at what intervals these ludi were celebrated is not mentioned. During the time of the Empire they seem to have fallen into oblivion, but they were restored by Domitian, and were henceforth celebrated every fifth year, under the name of agones Capitolini.³

LUDI CIRCE'NSES, ROMA'NI or MAGNI, were celebrated every year during several days, from the fourth to the twelfth of September, in honour of the three great divinities, Jupiter, Juno, and Minerva,⁴ or, according to others, in honour of Jupiter, Consus, and Neptunus Equestris. They were superintended by the curule ædiles. For farther particulars, see CIRCUS, p. 255, &c.

LUDI COMPITALI'CII. (Vid. COMPITALIA.)

LUDI FLORA'LES. (Vid. FLORALIA.)

LUDI FUNEBRES were games celebrated at the funeral pyre of illustrious persons. Such games are mentioned in the very early legends of the history of Greece and Rome, and they continued, with various modifications, until the introduction of Christianity. It was at such a ludus funebris that, in the year 264 B.C., gladiatorial fights were exhibited at Rome for the first time, which henceforward remained the most essential part in all ludi funebres. (Vid. GLADIATORES, p. 475.) The duration of these games varied according to circumstances. They lasted sometimes for three, and sometimes for four days, though it may be supposed that, in the majority of cases, they did not last more than one day. On one occasion 120 gladiators fought in the course of three days, and the whole Forum was covered with triclina and tents, in which the people feasted.⁵ It was thought disgraceful for women to be present at these games, and Publius Semprius separated himself from his wife because she had been present without his knowledge at ludi funebres.⁶ These ludi, though on some occasions the whole people took part in them, were not ludi publici, properly speaking, as they were given by private individuals in honour of their relations or friends. (Compare FENUS, p. 462.)

LUDI HONORA'RII are expressly mentioned only by Suetonius,⁷ who states that Augustus devoted thirty days, which had been occupied till that time by ludi honorarii, to the transaction of legal business. What is meant by ludi honorarii is not quite certain. According to Festus,⁸ they were the same as the Liberalia. Scaliger, however, in his note on Suetonius, has made it appear very probable that they were the same as those which Tertullian⁹ says were given for the purpose of gaining honours and popularity, in contradistinction to other ludi, which were intended either as an honour to the gods, or as *œtia* for the dead. At the time of Augustus, this kind of ludi, which Tacitus¹⁰ seems to designate by the name *inania honoris*, were so common that no one obtained any public office without lavishing a considerable portion of his property on the exhibition of games. Augustus, there-

fore, wisely assigned thirty of the days of the year, on which such spectacles had been exhibited previously, to the transaction of business, *i. e.*, he made these thirty days *fasti*.¹

LUDI LIBERA'LES. (Vid. DIONYSIA, p. 366.)

LUDI MARTIALES were celebrated every year on the first of August, in the circus, and in honour of Mars, because the Temple of Mars had been dedicated on this day.² The ancient calendaria mention also other ludi martiales, which were held in the circus on the 12th of May.

LUDI MEGALE'NSES. (Vid. MEGALESIA.)

LUDI NATALI'TII are the games with which the birthday of an emperor was generally celebrated. They were held in the circus, whence they are sometimes called circenses.³ They consisted generally of fights of gladiators and wild beasts. On one occasion of this kind, Hadrian exhibited gladiatorial combats for six days, and one thousand wild beasts.

LUDI PALATI'NI were instituted by Livia in honour of Augustus, and were held on the Palatine.⁴ According to Dion Cassius they were celebrated during three days, but according to Josephus⁵ they lasted eight days, and commenced on the 27th of December.⁶

LUDI PISCATORII were held every year on the 6th of June, in the plain on the right bank of the Tiber, and were conducted by the prætor urbanus on behalf of the fishermen of the Tiber, who made the day a holyday.⁷

LUDI PLEBE'II were, according to Pseudo-Asconius,⁸ the games which had been instituted in commemoration of the freedom of the plebeians after the banishment of the kings, or after the secession of the plebes to the Aventine. The first of these accounts is not borne out by the history of the plebeian order, and it is more probable that these games were instituted in commemoration of the reconciliation between the patricians and plebeians after the first secession to the Mons Sacer, or, according to others, to the Aventine. They were held on the 16th, 17th, and 18th of November, and were conducted by the plebeian ædiles.⁹ It is sufficiently clear from the ancient calendaria, that the ludi plebei were not, as some have supposed, the same as, or a part of, the ludi Romani.

LUDI PONTIFICA'LES were probably nothing but a particular kind of the ludi honorarii mentioned above. They were for the first time given by Augustus, when, after the death of Lepidus, he obtained the office of pontifex maximus.¹⁰

LUDI QUÆSTORII were of the same character as the preceding games. They were instituted by the Emperor Claudius,¹¹ who decreed that all who obtained the office of quaestor should, at their own expense, give gladiatorial exhibitions. Nero did away with this obligation for newly-appointed quaestors,¹² but it was revived by Domitian.¹³

LUDI SÆCULA'RES. If we were to judge from their name, these games would have been celebrated once in every century or *sæculum*; but we do not find that they were celebrated with this regularity at any period of Roman history, and the name ludi sæculares itself was never used during the time of the Republic. In order to understand their real character, we must distinguish between the time of the Republic and of the Empire, since at

1. (Fest., l. c.—Aurel. Vict., De Vir. Illustr., c. 57.)—2. (Cic. de Fam., vii., 24.)—3. (Vid. Jos. Scaliger, Anon. Lect., i., 10.)—4. (Cic. in Verr., v., 14.)—5. (Liv., xxxi., 50.—Id., xxii., 30.—Id., xxxii., 46.—Plin., H. N., xxxv., 7.)—6. (Plut., Quest. Rom., i., 57, B.—Val. Max., vi., 3, § 12.—Compare Suet., Octav., 44.)—7. (Octav., 32.)—8. (s. v. Honorarios ludos.)—9. (De Spect., § 2.)—10. (Agric., 6.)

1. (Compare Ernesti and F. A. Wolf ad Sueton., l. c.)—2. (Dion Cass., ix., 5.—Suet., Claud., 4.)—3. (Capitol., Antonin. Pius, 5.—Spartian, Hadr., 7.)—4. (Dion Cass., lvi., sub fin.)—5. (Ant. Jud., xix., 1.)—6. (Vid. Suet., Callig., 56, with Scaliger's note.)—7. (Ovid, Fast., vi., 235, &c.—Fest., s. v. Piscat. ludi.)—8. (ad Verr., i., p. 143, ed. Orelli.)—9. (Liv., xxviii., 10.—Id., xxxix., 7.)—10. (Suet., Octav., 44.)—11. (Suet., Claud., 24.—Tacit., Ann., ii., 22.)—12. (Tacit., Ann., xiii., 5.)—13. (Suet., Domit., 4.)

these two periods these ludi were of an entirely different character.

During the time of the Republic they were called *ludi Tarentini*, *Terentini*, or *Taurii*, while during the Empire they bore the name of *ludi sæculares*.¹ Their origin is described by Valerius Maximus, who attributes their institution to the miraculous recovery of three children of one Valerius, who had been attacked by a plague raging at that time in Rome, and were restored to health by drinking some water warmed at a place in the Campus Martius called Tarentum. Valerius afterward offered sacrifices in Tarentum to Dis and Proserpina, to whom the recovery of his children was supposed to be owing, spread lectisternia for the gods, and held festive games for three successive nights, because his three children had been saved. The account of Valerius Maximus agrees in the main with those of Censorinus² and of Zosimus,³ and all appear to have derived their information from the ancient annalist, Valerius Antias. While, according to this account, the Tarentine games were first celebrated by Valerius, another legend seems to consider the fight of the Horatians and Curiatians as connected with their first celebration. A third account⁴ ascribes their first institution to the reign of Tarquinius Superbus. A fearful plague broke out, by which all pregnant women were affected in such a manner that the children died in the womb. Games were then instituted to propitiate the infernal divinities, together with sacrifices of steril cows (*laureæ*), whence the games were called *ludi Taurii*. These games and sacrifices took place in the Circus Flaminius, that the infernal divinities might not enter the city. Festus⁵ and Censorinus ascribe the first celebration to the consul Valerius Poplicola. This account admits that the worship of Dis and Proserpina had existed long before, but states that the games and sacrifices were now performed for the first time to avert a plague, and in that part of the Campus Martius which had belonged to the last king Tarquinius, from whom the place derived its name Tarentum. Valerius Maximus and Zosimus, who knew of the celebration of these games by Valerius Poplicola, endeavour to reconcile their two accounts by representing the celebration of Poplicola as the second in chronological order. Other less important traditions are mentioned by Servius⁶ and by Varro.⁷

As regards the names Tarenti or Taurii, they are perhaps nothing but different forms of the same word, and of the same root as Tarquinius. All the accounts mentioned above, though differing as to the time at which, and the persons by whom, the Tarentine games were first celebrated, yet agree in stating that they were celebrated for the purpose of averting from the state some great calamity by which it had been afflicted, and that they were held in honour of Dis and Proserpina. From the time of the consul Valerius Poplicola down to that of Augustus, the Tarentine games were only held three times, and again only on certain emergencies, and not at any fixed time, so that we must conclude that their celebration was in no way connected with certain cycles of time (*sæcula*). The deities in whose honour they were held during the Republic, continued, as at first, to be Dis and Proserpina. As to the times at which these three celebrations took place, the commentarii of the quincecimviri and the accounts of the annalists did not agree,⁸ and the discrepancy of the statements still extant shows the vain attempts which were made in later times

to prove that, during the Republic, the games had been celebrated once in every *sæculum*. All these misrepresentations and distortions arose in the time of Augustus. Not long after he had assumed the supreme power in the Republic, the quincecimviri announced that, according to their books, *ludi sæculares* ought to be held, and, at the same time, tried to prove from history that in former times they had not only been celebrated repeatedly, but almost regularly once in every century. The games of which the quincecimviri made this assertion were the *ludi Tarentini*.

The celebrated jurist and antiquary Ateius Capito received from the emperor the command to determine the ceremonies, and Horace was requested to compose the festive hymn for the occasion (*carmen sæculare*), which is still extant.¹ But the festival which was now held was in reality very different from the ancient Tarentine games; for Dis and Proserpina, to whom formerly the festival belonged exclusively, were now the last in the list of the divinities in honour of whom the *ludi sæculares* were celebrated. A description of the various solemnities is given by Zosimus. Some days before they commenced, heralds were sent about to invite the people to a spectacle which no one had ever beheld, and which no one would ever behold again. Hereupon the quincecimviri distributed, upon the Capitol and the Palatine, among the Roman citizens, torches, sulphur, and bitumen, by which they were to purify themselves. In the same places, and on the Aventine in the Temple of Diana, the people received wheat, barley, and beans, which were to be offered at nighttime to the Parcae, or, according to others, were given as pay to the actors in the dramatic representations which were performed during the festive days. The festival took place in summer, and lasted for three days and three nights. On the first day the games commenced in the Tarentum, and sacrifices were offered to Jupiter, Juno, Neptune, Minerva, Venus, Apollo, Mercury, Ceres, Vulcan, Mars, Diana, Vesta, Hercules, Latona, the Parcae, and to Dis and Proserpina. The solemnities began at the second hour of the night, and the emperor opened them by the river side with the sacrifice of three lambs to the Parcae upon three altars erected for the purpose, and which were sprinkled with the blood of the victims. The lambs themselves were burned. A temporary scene like that of a theatre was erected in the Tarentum, and illuminated with lights and fires.

In this scene festive hymns were sung by a chorus, and various other ceremonies, together with theatrical performances, took place. During the morning of the first day, the people went to the Capitol to offer solemn sacrifices to Jupiter; thence they returned to the Tarentum, to sing choruses in honour of Apollo and Diana. On the second day the noblest matrons, at an hour fixed by an oracle assembled on the Capitol, performed supplications, sang hymns to the gods, and also visited the altar of Juno. The emperor and the quincecimviri offered sacrifices, which had been vowed before, to the great divinities. On the third day, Greek and Latin choruses were sung in the sanctuary of Apollo by three times nine boys and maidens of great beauty, whose parents were still alive. The object of these hymns was to implore the protection of the gods for all cities, towns, and officers of the Empire. One of these hymns was the *carmen sæculare* of Horace, which was especially composed for the occasion, and adapted to the circumstances of the time. During the whole of the three days and nights, games of every description were carried

1. (Festus, s. v. *Sæculi ludi* and *Taurii ludi*.—Val. Max., ii., 4, § 5.)—2. (De Die Nat., c. 17.)—3. (ii., 3.)—4. (Festus, s. v. *Taurii ludi*.—Serr. ad *Æn.*, ii., 140.)—5. (s. v. *Sæculi ludi*.)—6. (ad *Æn.*, ii., 140.)—7. (ap. Censorin.)—8. (Censorin., l. c.)

1. (Zosim., ii., 4.)

circuses and theatres, and sacrifices were all the temples.

The celebration of the *ludi sæculares* in the Augustus took place in the summer of the C.¹ The second took place in the reign of A.D. 47;² the third in the reign of A.D. 88;³ and the last in the reign of A.D. 248, and, as was generally believed, years after the building of the city.⁴

TARENTINI or TAURII. (*Vid. LUDI* es.)

(*Vid. GLADIATORES*, p. 475.)

DUODECIM SCRIPTORUM. (*Vid. LLI*.)

LATRUNCULORUM. (*Vid. LATRUN-*

CIUM TROJÆ. (*Vid. CIRCUS*, p. 256.)

NUM. (*Vid. FRENUM*, p. 452.)

LUPERCALIA, one of the most ancient Roman festivals which was celebrated every year in honor of the god of fertility. All the cere-
monies which it was held, and all we know of, show that it was originally a shepherd-

Hence its introduction at Rome was con- sidered the names of Romulus and Remus, the shepherds. Greek writers and their fol-
lowers the Romans represent it as a festival
and ascribe its introduction to the Arcadian

This misrepresentation arose partly from
of these writers to identify the Roman
with those of Greece, and partly from its
most savage ceremonies, which certainly

of that the festival must have originated
notest antiquity. The festival was held
on the 15th of February, in the Luperci
Romulus and Remus were said to have

led by the she-wolf; the place contained
a grove sacred to the god Lupercus.⁶

Luperci assembled on the day of the Lun-
d and sacrificed to the gods goats and young
animals are remarkable for their strong
tinct, and thus were appropriate sacrifices

of fertility.⁷ Two youths of noble birth
led to the Luperci (*vid. LUPERCI*), and one
er touched their foreheads with a sword
the blood of the victims; other Luperci

ly after wiped off the bloody spots with
ed in milk. Hereupon the two youths
ged to break out into a shout of laughter.

mony was probably a symbolical purifica-
shepherds. After the sacrifice was over,
ci partook of a meal, at which they were
supplied with wine.⁸ They then cut the

be goats which they had sacrificed into
th some of which they covered parts of
in, in imitation of the god Lupercus, who
sented half naked and half covered with

The other pieces of the skins they cut
ype of thongs, and, holding them in their
y ran with them through the streets of the
hing or striking with them all persons
y met in their way, and especially women,
used to come forward voluntarily for the
ince they believed that the ceremony ren-
nd fruitful, and procured them an easy de-
ild-bearing. This act of running about
gs of goatskin was a symbolic purification

l, and that of touching persons a purifica-
ion, for the words by which this act is

designated are *februare* and *lustrare*.¹ The goatskin
itself was called *februum*, the festive days *dies feb-*
ruata, the month in which it occurred *Februarius*,
and the god himself *Februs*.

The act of purifying and fertilizing, which, as we
have seen, was applied to women, was without
doubt originally applied to the flocks, and to the
people of the city on the Palatine.² Festus³ says
the Luperci were also called *crepi* or *creppi*, from
their striking with goatskins (*a crepitu pellicularum*),
but it is more probable that the name *crepi* was de-
rived from *crepa*, which was the ancient name for
goat.⁴

The festival of the Lupercalia, though it neces-
sarily lost its original import at the time when the
Romans were no longer a nation of shepherds, was
yet always observed in commemoration of the
founders of the city. Antonius, in his consulship,
was one of the Luperci, and not only ran with them,
half naked, and covered with pieces of goatskin,
through the city, but even addressed the people in
the Forum in this rude attire.⁵ After the time of
Cæsar, however, the Lupercalia seem to have been
neglected, for Augustus is said to have restored it,⁶
but he forbade youths (*imberbes*) to take part in the
running. The festival was henceforth celebrated
regularly down to the time of the Emperor Anastasi-
us. Lupercalia were also celebrated in other
towns of Italy and Gaul, for Luperci are mentioned
in inscriptions of Velitræ, Præneste, Nemausus, and
other places.⁷

LUPERCI were the priests of the god Lupercus.
They formed a college (*sodalitas, iraupia*), the mem-
bers of which were originally youths of patrician
families, and which was said to have been institu-
ted by Romulus and Remus.⁸ The college was di-
vided into two classes, the one called *Fabii* or *Fabi-*
biani, and the other *Quinctilii* or *Quinctiliani*.⁹
These names, which are the same as those with
which the followers of Romulus and Remus were
designated in the early Roman legends, seem to
show that the priesthood was originally confined to
certain gentes.¹⁰ But if such were the case, this
limitation does not seem to have existed for a very
long time, though the two classes retained their ori-
ginal names, for Festus says that in course of time
the number of Luperci increased, "*Quia honoris*
gratia multi in Lupercis adscribebantur." What was
the original number of Luperci, and how long their
office lasted, is unknown; but it is stated in in-
scriptions¹¹ that a person held the office of Lupercus
twice, and another three times, and this fact shows,
at least, that the priests were not appointed for life.
Julius Cæsar added to the two classes of the col-
lege a third, with the name of *Julii* or *Juliani*,¹² and
made Antonius their high-priest. He also assigned
to them certain revenues (*vectigalia*), which were
afterward withdrawn from them.¹³ But it is uncer-
tain whether Cæsar assigned these revenues to the
whole college, or merely to the *Julii*. From this
time the two ancient classes of the Luperci are
sometimes distinguished from the new one by the
name *Luperci veteres*.¹⁴ Although in early times
the Luperci were taken only from noble families,
their strange and indecent conduct at the Luperca-
lia was offensive to the more refined Romans of a
later age,¹⁵ and Cicero¹⁶ characterizes the college as

Ann., xi., 11.)—2. (Suet., Claud., 21.)—3. (Suet.,
with Ernesti's note.)—4. (Jul. Capitol., Gord. Tert.,
opere Scaliger, De Emend. Tempor., p. 456.—Har-
tionem der Römer, ii., p. 92, &c., and the comment-
arij, Carm. Sec.)—5. (Plut., Cæs., 61.)—6. (Aurel.
orig. Gent. Rom., 22.—Ovid, Fast., ii., 267.)—7.
Ann., 21.—Serv. ad Æn. viii., 343.)—8. (Val. Max., ii.,

1. (Ovid, Fast., ii., 31.—Fest., s. v. Februarius.)—2. (Varro,
De Ling. Lat., v., p. 60, ed. Bip.)—3. (s. v. Crepos.)—4. (Festus,
s. v. Capræ.)—5. (Plut., Cæs., 61.)—6. (Suet., Octav., 31.)—7.
(Orelli, Inscr., n. 2251, &c.—Compare LUPERCI, and Hartung,
Die Religion der Römer, ii., p. 176, &c.)—8. (Plut., Rom., 21.)
—9. (Festus, s. v. Quinctiliani, Luperci, and Fabiani.)—10.
(Ovid, Fast., ii., 378, who, however, confounds the Potitii and
Pinarii with the Quinctilii and Fabii.)—11. (Orelli, n. 2256 and
n. 4920.)—12. (Dion Cass., xiv., 6.—Suet., Jul., 73.)—13. (Cic.,
Philip., iii., 15, with the note of P. Manutius.)—14. (Orelli n.
2253.)—15. (Cic., Philip., ii., 34.)—16. (Pro Cal., 11.)

beginning of the ancient year nearly coincided with that of the solar year. As the coincidence, however, was not perfect, a month of 24 days was intercalated in every eleventh lustrum. Now it is highly probable that the recurrence of such a cycle or great year was, from the earliest times, solemnized with sacrifices and purifications, and that Servius Tullius did not introduce them, but merely connected them with his census, and thus set the example for subsequent ages, which, however, as we have seen, was not observed with regularity. At first the irregularity may have been caused by the struggles between the patricians and plebeians, when the appointment of censors was purposely neglected to increase the disorders; but we also find that similar neglects took place at a later period, when no such causes existed.¹ The last lustrum was solemnized at Rome in A.D. 74, in the reign of Vespasian.²

Many writers of the latter period of the Republic during the Empire use the word lustrum for any space of five years, and without any regard to the census,³ while others even apply it in the sense of the Greek pentæteris or an Olympiad, which only contained four years.⁴ Martial also uses the expression lustrum ingens for seculum.⁵

LY'CAIA (Λύκαια), a festival with contests, celebrated by the Arcadians in honour of Zeus, surnamed Λυκαίος. It was said to have been instituted by the ancient hero Lycaon, the son of Pelasgus.⁶ It is also said, instead of the cakes which had formerly been offered to the god, to have sacrificed a hind to Zeus, and to have sprinkled the altar with its blood. It is not improbable that human sacrifices were offered in Arcadia to Zeus Lycaeus down to a very late period in Grecian history.⁷ No farther particulars respecting the celebration of the Lycæa are known, with the exception of the statement of Pausanias,⁸ that the celebration of the Lycæa in some degree resembled that of the Roman Lupercalia.

*LYCAPSUS (λύκαπος), a plant, which Sprengel takes to be the *Onosma Orientalis*. The Greek name is derived from λύκος ("a wolf") and ὄψις ("appearance"), because its flowers resembled the extended jaws of a wolf.

*LYCHNIS (λυχνίς), a plant. "The λυχνίς στεφανοματικὴ of Dioscorides is the *Agrostemma coronarium*, L., or Rose Campion. The λυχνίς ἀγρία is referred by Sprengel and others to the *Agrostemma galeago*, or Corn Cockle. But perhaps the opinion of Dodonæus, who suggested the *Lychnis dioica*, is entitled to as much or greater authority."⁹

*LYCHNITES (λυχνίτης), a term applied to both a gem and a stone. The gem, according to De Laet, was a variety of our garnet. The stone would appear to have been a variety of marble. The λυχνίς of Orpheus was most probably the gem.—The marble termed *lychnites* was so called because quarried by the light of lamps (λύχνος, "a lamp"), and as Pausanias, on the authority of Varro, informs us, was the same as the Parian.¹⁰

LYCHNU'CHUS. (Vid. CANDELABRUM.)

LYCTIUM (λύκτιον), a medicinal substance obtained from the roots and branches of a thorny shrub growing in Lycia. "It is almost certain," observes Adams,¹¹ that the plant from which it was procured was *Rhamnus infectorius*. This appears clear from

Pliny's account of it. Sprengel and Milligan hold the *Lyctium Indicum* to have been the *Acacia catechu*, Willd., and yet, as Dr. Hill remarks, the description given by Dioscorides of the trees by no means agrees with any of those of which our catechu, or *Terra Japonica*, is made.¹²

*LYCOPSIS (λύκοψις), a plant, which Sibthorp has proved to be the *Echium italicum*, or Italian Viper's-bugloss.

*LYDIUS LAPIS, the Touchstone. (Vid. BASANOS.)

*LYRA (λύρα), a species of Fish, the *Trigla Lyra*, L. It is called in French, *Gronau*; in English, the Piper, from a sort of hissing which it makes by the expulsion of the air through the gills when taken. Pennant says it is often caught on the western coasts of great Britain.¹³

LYRA (λύρα, Lat. *fides*), a Lyre, one of the most ancient musical instruments of the stringed kind. There can be scarcely any doubt that this and similar instruments were used by the Eastern nations and by the Egyptians long before the Greeks became acquainted with them, and that they were introduced among the Greeks from Asia Minor.¹⁴ The Greeks themselves, however, attributed the invention of the lyre to Hermes, who is said to have formed the instrument of a tortoise-shell, over which he placed gut-strings.¹⁵ As regards the original number of the strings of a lyre, the accounts of the ancients differ so widely that it is almost impossible to arrive at any definite conclusion. Diodorus¹⁶ states that Hermes gave his lyre three strings, one with an acute, the other with a grave, and the third with a middle sound. Macrobius¹⁷ says that the lyre of Mercury had four strings, which symbolically represented the four seasons of the year; while Lucian,¹⁸ Ovid,¹⁹ and others, assume that the lyre from the first had seven strings. All ancient writers who mention this invention of Hermes apply to it the name lyra, though its shape, in the description of Apollodorus and Servius, rather resembles that of the instrument which in subsequent times was designated by the name cithara (κίθαρα or κίθαρς), and in some degree resembled a modern guitar, in as far as in the latter the strings were drawn across the sounding bottom, whereas in the lyra of later times they were free on both sides. In the Homeric poems the name λύρα does not occur, with the exception of the Homeric hymn to Hermes; and from the expression which occurs in this hymn²⁰ (λύρη κίθαρίζειν), it appears that originally there was very little or no difference between the two instruments; that is to say, the instrument formerly used was a cithara in the later sense of the word.

The instruments which Homer mentions as used to accompany songs are the φόρμιγξ and κίθαρς.²¹ Now that the φόρμιγξ and the κίθαρς were the same instrument, appears to be clear from the expression φόρμιγγι κίθαρίζειν, and κίθαρι φόρμιγγειν.²² The lyra is also called χέλις or χελώνη, and in Latin *testudo*, because it was made of a tortoise-shell.

The obscurity which hangs over the original number of strings of the lyre is somewhat removed by the statement made by several ancient writers, that Terpander of Antissa (about 650 B.C.) added to the original number of four strings three new ones, and thus changed the tetrachord into a heptachord;²³

1. (Dioscor., iv., 132.—Plin., H. N., xxiv., 76.—Adams, Append., s. v.)—2. (Aristot., H. A., iv., 9.—Ælian, N. A., x., 11.)—3. (Wilkinson, Manners and Customs of the Anc. Egypt., ii., p. 272, 288, &c.)—4. (Hom., Hymn. in Merc.—Apollod., iii., 10, 2.—Diod. Sic., v., 75.—Serv. ad Virg., Georg., iv., 464.)—5. (i., 16.)—6. (Sat., i., 19.)—7. (Deor. Dial., 7.)—8. (Fast., v., 106.)—9. (423.)—10. (Il., i., 603.—Od., vii., 248 and 261.)—11. (Od., i., 153, &c.)—12. (Euclid, Introd. Harm., p. 19.—Strab., xiii., p. 618.—Clem. Alex., Strom., vi., p. 814, ed. Pötv.)

LYRA.

LYSIMACHIUM.

though it cannot be denied that there existed lyres with only three strings.¹ The following are representations of a tetrachord and a heptachord, and are both taken from the work of Blanchini.



The heptachord introduced by Terpander henceforth continued to be most commonly used by the Greeks, as well as subsequently by the Romans, though in the course of time many additions and im-



provements were made which are described below. In the ancient tetrachord, the two extreme strings stood to each other in the relation of a fourth (*διὰ τεσσάρων*), i. e., the lower string made three vibrations in the time that the upper one made four. In the most ancient arrangement of the scale, which was called the diatonic, the two middle strings were strung in such a manner, that the three intervals between the four strings produced twice a whole tone and one semitone. Terpander, in forming his

heptachord, in reality added a new tetrachord to the ancient one, but left out the third string of the latter, as there was between it and the fourth only an interval of a semitone. The heptachord thus had the compass of an octave, or, as the ancients called it, a diapason (*διὰ πασῶν*). The intervals between the seven strings in the diatonic scale were as follow : between one and two, a whole tone ; between two and three, a whole tone ; between three and four, a whole tone and a semitone ; between four and five and five and six, a whole tone each ; between six and seven, a semitone. The seven strings themselves were called, beginning from the highest, *νήτη*, *παρανήτη*, *παραμήνη*, *μείνη*, *λεχονός*, *παρυπάτη*, *ὑπάτη*.² Pindar himself made use of the heptachord, though in his time the eighth string had been added. In the time of Philip and Alexander, the number of strings was increased to eleven by Timotheus of Miletus,³ an innovation which was severely censured by the Spartans, who refused to go beyond the number of seven strings.⁴ It is, however, clear that the ancients

made use of a variety of lyres, and in the variations which we still possess, the number varies from three to eleven. About the Sappho and Anacreon, several stringed instruments such as *magadis*, *barbiton*, and others, were used in Greece, and especially in Lesbos. They were introduced from Asia Minor, and their number of strings far exceeded that of the lyre, for some had a compass of two octaves, and others had even twenty strings, so that they more resembled a modern harp than a lyre.

It has been remarked above that the heptachord occurs very seldom in the earliest Greek music, and that originally this instrument and the cithara were the same. But about the time of Pythagoras innovations seem to have been introduced, by which the lyra became distinct from the cithara, the invention of which was ascribed to Apollo, and the name of the former now occurs more frequently.⁵ Both, however, had in most cases more than seven strings. The difference between the two instruments is described above ; the cithara had a great and full-sounding bottom, which enabled it, as before, to be made generally of a tortoise shell, from which, as Lucian⁶ expresses it, the horns were as from the head of a stag. A transverse piece of wood, connecting the two horns at or near their ends, served to fasten the strings, and was called *ζύγων*, and in Latin *transtillum*. The horns were called *πήγεις* or *cornua*.⁴ These instruments were often adorned in the most costly manner with gold and ivory.⁵ The lyre was considered as a more delicate instrument than the cithara, which produced only the smaller-sounding bottom, exclusive of the sounding and deep tones, and was more adapted for the middle tones. The lyre, when played in an upright position between the knees, as the cithara stood upon the knees of the player, the strings of the lyre were held with the left hand, and played with the right.⁶ It has generally been supposed that the strings of these instruments were always touched with a little staff called *πλήκτρον* (see woodcut, p. 188), but ancient paintings discovered at Herculaneum, where several instances were seen where the persons play the lyre with their fingers.⁷ The lyre was at all times played as an accompaniment to songs.

The Latin name *fides*, which was used for the lyre as well as a cithara, is probably the same as the Greek *πίστις*, which, according to Hesychius, signifies gut-string ; but Festus⁹ takes it to signify the same as *fides* (faith), because the lyre was the symbol of harmony and unity among men.

The lyre (cithara or phorminx) was at first used in the recitations of epic poetry, though probably not played during the recitation itself, but only as a prelude before the minstrel commenced his story, and in the intervals or pauses between the several parts. The lyre has given its name to a species of poetry called lyric ; this kind of poetry was originally never recited or sung without the accompaniment of the lyre, and sometimes, also, with an appropriate dance. (Compare the article *Musica* in Plutarch, *De Musica*.—Böckh, *De Metris Pindari*.—Drieberg, *Musikalische Wissenschaften der Griechen*.—Müller, *Hist. of Gr. Lit.*, i. p. 100.)

*LYSIMACHIUM (*λυσιμάχιον*) or LYSIMACHIA (*λυσιμαχία*), a plant, which Woodville has named *Lysimachia nummularia*, or Moneywort.

1. (Blanchini, "De Tribus Generibus Instrumentorum Musicae Veterum Dissertation," tab. iv.)—2. (Böckh, *De Metris Pindari*, p. 203, &c.)—3. (Suidas, s. v. *Τιμόθεος*.—Müller, *Hist. of Gr. Lit.*, i. p. 100.)—4. (Cic., *De Leg.*, ii. 15.—Athen., xiv. p. 100.)

1. (Bode, *Gesch. der Lyrisch. Dichtkunst der Hellen*, 382, &c.—Compare Quintil., xii. 10.)—2. (Pind., *Ol.*, i. 19 ; *Nem.*, iii. 19 ; *x.*, 8.—Pyth., viii. 42, et passim.)—3. (Mor., i.)—4. (Schol. Vernet. ad Il., ii. 293.—Hesych., s. v. *πλήκτρον*.—Cic., *De Nat. Deor.*, ii. 59.—5. (Auct. ad Heren., i. 167.)—6. (Ovid, *Met.*, xi. 168.)—7. (Ovid, *Heroid.*, iii. 118.)—8. (s. v.)—9. (s. v.)

" Sprengel confidently determines the λ . of Dioscorides to be the *Lysimachia vulgaris*, or yellow Loosestrife; but the *Lysimachium* of Pliny he holds to be the *Lythrum salicaria*.¹¹

M.

MACEDONIA'NUM SENATUS CONSULTUM. (Vid. SENATUS CONSULTUM.)

MACCHUS. (Vid. ATELLANÆ FABULÆ, p. 119.)
 MACCELLUM (*ὄψωπάλια*; *ὄψωπώλειον*, *κρεοπώλειον*), a provision-market, frequented by cooks, fishermen, poulterers, confectioners, butchers, and men of similar occupations.² (Vid. FORUM, p. 451.) From *macellum*, a provision-merchant was called *macellarius* (*ὄψωπάλης*, *κρεοπώλης*).³ The Athenians called their macellum *εἰς τοῦψον*, just as they called their slave-market *εἰς τὰ ἀνδράποδα*, their wine-market *εἰς τὸν οἶνον*, and other markets by the names of the commodities sold in them.⁴

*MACER (*μάκερ*), according to Moses Charas, the same as Mace. "This, however, is denied by Matthiolus," observes Adams, "with whom Sprengel agrees, although he admits that the Arabians confounded them together. He is disposed to believe it the bark of a Malabar tree described by Costa, and said to be called *Macre*.⁵

MAGADIS. (Vid. LYRA; MUSICA, GREEK.)

MAGISTER, which contains the same root as *mag-ist* and *mag-nus*, was applied at Rome to persons possessing various kinds of offices, and is thus explained by Festus:⁷ "*Magisterare, moderari. Unde magistri non solum doctores artium, sed etiam pagorum, societatum, vicorum, collegiorum, equitum dicuntur; quia omnes hi magis ceteris possunt.*" Paulus⁸ thus defines the word: "*Quibus præcipua cura rerum incumbit, et qui magis quam ceteri diligentiam et sollicitudinem rebus, quibus præsent, debent, hi magistri appellantur.*" The following is a list of the principal magistri:

MAGISTER ADMISSIONUM. (Vid. ADMISSIONALES.)

MAGISTER ARMORUM appears to have been the same officer as the *magister militum*.⁹

MAGISTER AUCTIONIS (Vid. BONORUM EMPTIO.)

MAGISTER BIBENDI (Vid. SYMPOSIUM.)

MAGISTER COLLEGIJ was the president of a collegium or corporation. (Vid. COLLEGIUM.)

MAGISTER EPISTOLARUM answered letters on behalf of the emperor.¹⁰

MAGISTER EQUITUM. (Vid. DICTATOR, p. 361.)

MAGISTER LIBELLORUM was an officer or secretary who read and answered petitions addressed to the emperors. (Vid. LIBELLUS, 4. c.) He is called in an inscription "*Magister libellorum et cognitionum sacrarum.*"¹¹

MAGISTER MEMORIÆ, an officer whose duty it was to receive the decision of the emperor on any subject, and communicate it to the public or the persons concerned.¹²

MAGISTER MILITUM. (Vid. ARMY, ROMAN, p. 106.)

MAGISTER NAVIS. (Vid. EXERCITORIA ACTIO.)

MAGISTER OFFICIORUM was an officer of high rank at the imperial court, who had the superintendance of all audiences with the emperor, and also had extensive jurisdiction over both civil and military officers.¹³

1. (Dioscor., iv., 3.—Adams, Append., s. v.)—2. (Athen., i., 3.)—3. (Varro, De Re Rust., iii., 2, 17.—Id., De Ling. Lat., v., 32, p. 147, 148, ed. Spengel.—Plaut., Aulul., ii., 8, 3.—Ter., Eun., i., 2, 24.—Hor., Sat., ii., 3, 229.—Id., Epist., i., 15, 31.—Seneca, Epist., 78.)—4. (Sueton., Jul., 26.—Id., Vespas., 19.—Varro, De Re Rust., iii., 2, 4.)—5. (Pollux, Onom., ix., 47.—Id., s., 19.—Harpocr., s. v. *Δεῖψα*.)—6. (Dioscor., i., 110.—Adams, Append., s. v.)—7. (s. v. *Magisterare*.)—8. (Dig. 50, tit. 16, s. 57.)—9. (Amm. Marc., xvi., 7; xx., 9.)—10. (Orelli, Inscr., 1222.)—11. (Orelli, l. c.)—12. (Amm. Marc., xv., 5.—Id., xxvi., 8.)—13. (Cod. 1, tit. 31; 12, tit. 16.—Cod. Theod., i., tit. 9; v., tit. 9.—Amm. Marcell., xv., 5.—Id., xx., 2.—Id., xxii., 3.—Cassiod., Variar., vi., 6.)

MAGISTER POPULI. (Vid. DICTATOR, p. 360.)

MAGISTER SCRINIORUM had the care of all the papers and documents belonging to the emperor.¹

MAGISTER SOCIETATIS. The equites, who farmed the taxes at Rome, were divided into certain societies; and he who presided in such a society was called *magister societatis*.²

MAGISTER VICORUM. Augustus divided Rome into certain regiones and vici, and commanded that the people of each vicus should choose magistri to manage its affairs.³ From an inscription on an ancient stone referred to by Pitsiscus,⁴ it appears that there were four such magistri to each vicus. They were accustomed to exhibit the *Ludi Compitalitii* dressed in the *prætecta*.⁵

MAGISTRATUS. A definition of magistratus may be collected from Pomponius, *De Origine Juris*.⁶ Magistratus are those "*qui juri dicundo præ sunt.*" The king was originally the sole magistratus; he had all the potestas. On the expulsion of the kings, two consuls were annually appointed, and they were magistratus. In course of time other magistratus were appointed, so that Pomponius enumerates as the magistratus of his time "*qui in civitate jura reddebant,*" ten *tribuni plebis*, two consuls, eighteen prætors, and six ædiles. He adds that the *præfecti annonæ et vigillum* were not magistratus. The dictator was also a magistratus; and the censors; and the *decemviri litibus judicandis*. The governors of provinces with the title of *proprator* or *proconsul* were also magistratus. Gaius attributes the *ius edicendi* to the magistratus *populi Romani*, without any restriction; but he says that the chief edictal power was possessed by the prætor urbanus and the prætor peregrinus, whose jurisdiction in the provinces was exercised by the præsides of provinces, and also by the *curule ædiles*, whose jurisdiction in the *provincia populi Romani* was exercised by the *questors* of those provinces.

The word magistratus contains the same element as *mag(ister)* and *mag(nus)*; and it signifies both the person and the office, as we see in the phrase "*se magistratu abdicare.*"⁷ According to Festus, a magistratus was one who had "*judicium auspiciumque.*"

According to M. Messala the augur, quoted by Gellius,⁸ the *auspicia maxima* belonged to the consuls, prætors, and censors, and the *minora auspicia* to the other magistratus; accordingly, the consuls, prætors, and censors were called *majores*, and they were elected at the *comitia centuriata*; the other magistratus were called *minores*. The magistratus were also divided into *curules* and those who were not *curules*: the magistratus *curules* were the dictator, consuls, prætors, censors, and the *curule ædiles*, who were so called because they had the *ius sellæ curulis*. The magistrates were chosen only from the patricians in the early Republic, but in course of time the plebeians shared these honours, with the exception of that of the *interrex*: the plebeian magistratus, properly so called, were the plebeian *ædiles* and the *tribuni plebis*.

The distinction of magistratus into *majores* who had the *imperium*, and the *minores* who had not, had a reference to jurisdiction also. The former term comprised prætors and governors of provinces; the latter, in the republican time, comprised *ædiles* and *questors*, and, under the Empire, the numerous body of municipal magistrates. The want of the *imperium* limited the power of the magistratus mi-

1. (Cod. 12, tit. 9.—Spartian., *Æl. Ver.*, 4.—Lamprid., *Alex. Sev.*, 26.)—2. (Cic., *Verr.*, ii., ii., 74.—Id., *ad Fam.*, xiii., 9.—Id., *Pro Planc.*, 13.)—3. (Suet., *Octav.*, 30.—Id., *Tib.*, 76.—Orelli, *Inscr.*, 5, 813, 1530.)—4. (Lexicon, s. v.)—5. (Ascon. in Cic., *Pison.*, p. 7, ed. Orelli.)—6. (Dig. 1, tit. 2.)—7. (Liv., xxiii., 23) —8. (xiii., 15.)

ores in various matters which came under their cognizance, and the want of it also removed other matters entirely from their jurisdiction (taking the word in its general sense). Those matters which belonged to jurisdiction in its limited sense were within the competence of the magistratus minores (*vid. JURISDICTIO*); but those matters which belong to the imperium were, for that reason, not within the competence of the magistratus minores. As proceeding from the imperium, we find enumerated the *prætoriae stipulationes*, such as the *cautio damni infecti*, and *ex novi operis nunciatio*; and also the *missio in possessionem*, and the *in integrum restitutio*. Thus it appears that the limited jurisdiction was confined to the *ordo judiciorum privatorum*, and all the proceedings *extra ordinem* were based on the imperium: consequently, a minor magistratus could not exercise *cognitio*, properly so called, and could not make a *decretum*. This consideration explains the fact of two prætors for questions as to *fideicommissa* being appointed under Claudius: they had to decide such matters for all Italy, inasmuch as such matters were not within the competence of the municipal magistrates. The jurisdiction of the municipal magistrates of Cisalpine Gaul was limited, in many cases, to a certain sum of money, and this limitation was afterward extended to all Italy. Added to this, these magistrates had not the imperium, which, as already observed, limited their jurisdiction.

The magistratus minores could take cognizance of matters which were not within their jurisdiction, by *delegatio* from a superior magistratus. Thus, in the case of *dammum infectum*, inasmuch as delay might cause irreparable mischief, the prætor could delegate to the municipal magistratus, who were under him, the power of requiring the *cautio*.¹

It became necessary to reorganize the administration of Gallia Cisalpina on its ceasing to be a province; and, as the jurisdiction was placed in the hands of municipal magistratus who had no imperium, it was farther necessary to determine what should be the form of procedure before these magistratus in all matters that were *extra ordinem*, that is, in such matters as did not belong to their competence because they were magistratus minores, but were specially given to them by a *lex*. The determining of this form of procedure was the object of the *lex Rubria*. (*VID. LEX RUBRIA*.)²

The case of adoption (properly so called) illustrates the distinction of magistratus into majores and minores, as founded on the possessing or not possessing the imperium.³ This adoption was effected "*imperio magistratus*," as, for instance, before the prætor at Rome: in the provinciae the same thing was effected before a proconsul or legatus, both of whom, therefore, had the imperium. The municipal magistratus, as they had not the imperium, could not give validity to such an act of adoption.

*MAGNES (μάγνης, μαγνήτις, and μαγνήτις λίθος), the Loadstone or Magnet. "The story of the discovery of this stone by one Magnes, a shepherd on Mount Ida, who found his hob-nailed shoes and iron-pointed staff cling to the rock upon which he trod, seems to be a poetical fiction, derived by Pliny from Nicander. The name is undoubtedly derived from the locality where the stone was first found." (Consult the following article.)⁴

*MAGNESIUS LAPIS, a stone found both at Magnesia in Thessaly, and near a city of the same name in Asia Minor. "As one and the same mineral substance," observes Dr. Moore, "received among the ancients different names, according as

it was procured by different methods from different places, or from substances apparently unlike; so, on the other hand, things of dissimilar nature were called by the same name, merely because of some accidental agreement in colour, place of origin, or use to which they were applied. Thus the name 'magnet' (or Magnesian stone) was given, not only to what we call the native magnet, magnetic oxyde of iron, but to a substance wholly different, and which appears to have been some variety of steatite. It is highly probable that these two minerals, so different in character, were both denominated the magnetic (or Magnesian) stone, from their being both found in a country named Magnesia; for, of the five localities specified by Pliny, whence as many varieties of magnet were obtained, one is Magnesia in Thessaly, and another a city of Asia bearing the same name. And it was here, he says, a magnet was found, of a whitish colour, somewhat resembling pumice, and not attracting iron; which, taken in connexion with what Theophrastus says of the magnet, that it was suited for turning in the lathe, and of a silvery appearance, leads to the inference that this magnet was tale or steatite. This mineral contains a large proportion of the earth called *magnesia*, a name of which we may thus trace the origin, though perhaps a much purer form than this steatite affords, of the earth now called *magnesia*, may have been sometimes designated as the magnesian stone; for, when Hippocrates prescribes the use of it as a cathartic, it seems highly probable that he meant the native carbonate of Magnesia. He certainly does not intend the magnet, as well because it is not purgative, as because he elsewhere describes that differently as the stone which draws iron, and would have named it, not the Magnesian, but the Heracleian stone."⁵

*MAGUDARIS (μαγύδαρις). Dioscorides applies this name to the root of the plant which produces asafœtida. Theophrastus, however, would seem to make it a distinct species or variety. (*VID. SILPHIUM*.)⁶

*MAIA (μαία), a sort of Crab-fish described by Aristotle. Gesner says it is called *Araignée de mer*, or Sea Spider. It is probably, says Adams, the *Cancer araneus*, L.⁷

*MAINIS (μαίσις), a species of fish, the *Sparus mæna*, called in French *Mendole*; and in modern Greek, according to Coray, *κεπούλα*.⁸

MAJESTAS is defined by Ulpian⁹ to be "*crimen illud quod adversus populum Romanum vel adversus securitatem ejus committitur*." He then gives various instances of the crime of majestas, some of which pretty nearly correspond to treason in English law; but all the offences included under majestas comprehend more than the English treason. One of the offences included in majestas was the effecting, aiding in, or planning the death of a magistratus populi Romani, or of one who had imperium or potestas. Though the phrase "*crimen majestatis*" was used, the complete expression was "*crimen læsæ, imminutæ, diminutæ, minutæ, majestatis*."¹⁰

The word majestas, consistently with its relation to *mag* (nus), signifies the magnitude or greatness of a thing. "*Majestas*," says Cicero,¹¹ "*est quædam magnitudo populi Romani*;" "*majestas est imperii atque in nominis populi Romani dignitate*." Accordingly, the phrases "*majestas populi Romani*," "*imperii majestas*,"¹² signify the whole of that which

1. (Dig. 50, tit. 2, s. 4).—2. (Puchta, Zeitschrift, x., p. 195.)
3. (Gaius, i., 99.)—4. (Moore's Anc. Mineral, p. 116.)

1. (Plin., H. N., xxxvi., 25.—Theophrast., De Lapid., c. 73.—Moore's Anc. Mineralogy, p. 115.)—2. (Dioscor., iii., 84.—Theophrast., H. P., i., 11.—Id. ib., vi., 3.—Adams, Append., s. v.)—3. (Aristot., H. A., viii., 19.)—4. (Aristot., H. A., vi., 15.—Plin., H. N., ix., 26.—Coray ad Xenocr.—Adams, Append., s. v.)—5. (Dig. 48, tit. 4, s. 1.)—6. (Part., 30.)—7. (Hor., Carm., iv., 15.)

constituted the Roman state; in other words, the sovereign power of the Roman state. The expression *minuere majestatem* consequently signifies any act by which this majestas is impaired; and it is thus defined by Cicero: "Majestatem minuere est de dignitate, aut amplitudine, aut potestate populi aut eorum quibus populus potestatem dedit, aliquid derogare."¹ The phrase *majestas publica* in the Digest is equivalent to the *majestas populi Romani*. In the republican period, the term *majestas læsa* or *minuta* was most commonly applied to cases of a general betraying or surrendering his army to the enemy, exciting sedition, and generally by his bad conduct in administration impairing the *majestas* of the state.²

The laws of the Twelve Tables punished with death a person who stirred up an enemy against Rome, or surrendered a Roman citizen to an enemy.³ The *leges majestatis* seem to have extended the offence of *majestas* generally to all acts which impaired the *majestas publica*; and several of the special provisions of the *lex Julia* are enumerated in the passage just referred to.

It seems difficult to ascertain how far the *lex Julia* carried the offence of *majestas* with respect to the person of the princeps. Like many other *leges*, it was modified by *senatus consulta* and imperial constitutions; and we cannot conclude from the title in the Digest, "*Ad Legem Juliam Majestatis*," that all the provisions enumerated under that title were comprehended in the original *lex Julia*. It is stated by Marcianus, as there cited, that it was not *majestas* to repair the statues of the Cæsar which were going to decay; and a rescript of Severus and his son Antoninus Caracalla declared that if a stone was thrown and accidentally struck a statue of the emperor, that also was not *majestas*; and they also graciously declared that it was not *majestas* to sell the statues of the Cæsar before they were consecrated. Here, then, is an instance, under the title "*Ad Legem Juliam Majestatis*," of the imperial rescripts declaring what was not *majestas*. But there is also an extract from Saturninus, De *Judicibus*, who says that if a person melted down the statues or *imagines* of the emperor which were already consecrated, or did any similar act, he was liable to the penalties of the *lex Julia Majestatis*. But even this does not prove that this provision was a part of the *lex Julia* as originally passed, for a *lex*, after being amended by *senatus consulta* or imperial constitutions, still retained its name.

The old punishment of *majestas* was perpetual interdiction from fire and water; but now, says Paulus,⁴ that is, in the later imperial period, persons of low condition are thrown to wild beasts, or burned alive; persons of better condition are simply put to death. The property of the offender was confiscated, and his memory was infamous.

In the early times of the Republic, every act of a citizen which was injurious to the state or its peace was called *perduellio*, and the offender (*perduellus*) was tried before the *populus* (*populi judicio*), and, if convicted, put to death.⁵ Cn. Fulvius⁶ was charged with the offence of *perduellio* for losing a Roman army. According to Gaius, "*perduellus*" originally signified "*hostis*";⁷ and thus the old offence of *perduellio* was equivalent to making war on the Roman state. The trial for *perduellio* (*perduellionis judicium*) existed to the later times of the Republic; but the name seems to have almost fallen into disuse, and various *leges* were passed for the purpose of determining more accurately what should be ma-

jestas. These were a *lex Apuleia*, probably passed in the fifth consulship of Marius, the exact contents of which are unknown;¹ a *lex Varia*, B.C. 91; a *lex Cornelia*, passed by L. C. Sulla,² and the *lex Julia* already mentioned, and which, as we have seen, continued under the Empire to be the fundamental enactment on this subject. This *lex Julia* is by some attributed to C. J. Cæsar, and assigned to the year B.C. 48, and this may be the *lex* referred to in the Digest; some assume a second *lex Julia*, under Augustus, but perhaps without sufficient grounds.

Under the Empire the term *majestas* was applied to the person of the reigning Cæsar, and we find the phrases *majestas Augusta*, *imperatoria*, and *regia*. It was, however, nothing new to apply the term to the emperor, considered in some of his various capacities, for it was applied to the magistratus under the Republic, as to the consul and prætor.³ Horace even addresses Augustus⁴ in the terms "*majestas tua*," but this can hardly be viewed otherwise than as a personal compliment, and not as said with reference to any of the offices which he held. The extension of the penalties to various new offences against the person of the emperor belongs, of course, to the imperial period. Augustus availed himself of the *lex* for prosecuting the authors of famous libelli (*cognitionem de famosissimis libellis, specie legis ejus, tractavit*):⁵ the proper inference from the passage of Tacitus is, that the *leges majestatis* (for they all seem to be comprised under the term "*legem majestatis*") did not apply to words or writings, for these were punishable otherwise. The passage of Cicero⁶ is manifestly corrupt, and, as it stands, inconsistent with the context; it cannot be taken as evidence that the *lex Majestatis* of Sulla contained any provisions as to libellous words, as to which there were other sufficient provisions. (*Vid. INJURIA*.) Sigonius has attempted to collect the capita of the *lex Majestatis* of Sulla. Under Tiberius, the offence of *majestas* was extended to all acts and words which might appear to be disrespectful to the princeps, as appears from various passages in Tacitus.⁷ The term *perduellio* was in use under the Empire, and seems to have been equivalent to *majestas* at that period.

An inquiry might be made into an act of *majestas* against the emperor even after the death of the offender; a rule which was established (as we are informed by Paulus) by M. Aurelius in the case of Druncianus, a senator who had taken part in the outbreak of Cassius, and whose property was claimed by the *fiscus* after his death. (Perhaps the account of Capitolinus,⁸ and of Vulcatius Gallicanus,⁹ is not inconsistent with the statement of Paulus.) A constitution of S. Severus and Antoninus Caracalla declared that, from the time that an act of *majestas* was committed, a man could not alienate his property or manumit a slave, to which the great (*magnus*) Antoninus (probably Caracalla is still meant) added, that a debtor could not, after that time, lawfully make a payment to him. In the matter of *majestas*, slaves could also be examined by torture in order to give evidence against their master: this provision, though comprehended in the code under the title *Ad Legem Juliam Majestatis*, was perhaps not contained in the original law, for Tiberius sold a man's slaves to the actor publicus,¹⁰ in order that they might give evidence against their master, who was accused of *repetundæ* and also of *majestas*. Women were admitted

1. (Cic. De Or., ii., 25, 49)—2. (Cic. in Pis., 21.—Id., Pro Cluent., 35.)—3. (Cic. Philipp., xiii., 9.—Cic. in Pis., 11.)—4. (Epist., II., i., 288.)—5. (Tacit., Ann., i., 72.—Dion Cass., lvi., 27.—Suet., Octav., 55.)—6. (ad Ann., iii., 11.)—7. (Ann., i., 73, 74; ii., 50; iii., 35, 66, 67, &c.)—8. (M. Ant. Phil., c. 25.)—9. (Avidius Cassius, c. 9.)—10. (Ann., iii., 67.)

1. (De Invent., ii., 17.)—2. (Vid. Cic. ad Fam., iii., 11: "*Majestatem auxisti*.")—3. (Tacit., Ann., i., 72.)—4. (Dig. 48, tit. 4, s. 2.)—5. (S. R., v., 29.)—6. (Liv., ii., 41.—Id., vi., 20.)—7. (Liv., xxvi., 3.)—8. Dig. 50, tit. 16, s. 234.)

as evidence in a case of *læsa majestas*, and the case of Fulvia is cited as an instance.¹

As to the phrase *patria majestas*, see *PATRIA POTESTAS*.

***MALABATHRUM** (*μαλάβαθρον*). The Indian *μαλάβαθρον*, described in the *Periplus of Arrian*, is indisputably, according to Adams, the Betel, or, rather, the *Aræca-nut* enveloped in the leaves of the Betel. There are three species of Betel, namely, *Malabathron hydrosphaerum*, *mesosphaerum*, and *microsphaerum*. Horace applies the word to an ointment or perfume, "*perfusus nitentes Malabathro Syriæ capillos*," on which passage Porphyry remarks, "*Malabathrum unguentum speciem esse scimus*." Isidorus says of it, "*Folium dictum, quod sine ulla radice innatans in Indiæ litoribus colligitur*." It is uniformly called *folium* by Apicius. According to Geoffroy, it is the leaf of a kind of wild cinnamon-tree. Sprengel, in like manner, holds it to be a cassia-leaf. From this conflict of authorities, it would appear that the term, though properly signifying what we have mentioned in the beginning of this article, became gradually applied to other and different aromatics.²

***MAL'ACHE** (*μαλάχη*). Sprengel, on the authority of Walpole, decides that the edible *μαλάχη* of the Greeks, or *μ. κρηεντή* of Dioscorides, was the *Melva xylocrosta*. The *δενδρομαλάχη* of Galen he sets down as the *Althæa rosea*. According to Sibthorp, this is the official mallows of the modern Greeks. "As emollients, mallows are well known in medical practice, the Marsh-mallow (*Althæa officinalis*) being one of the most useful among this kind of remedial substances."³

***MALACIA** (*μαλάκεια*). "One of the inferior classes of animals, according to the Aristotelian arrangement, which nearly corresponds to that of Cuvier. The cuttle-fish and a few others were placed in this class. They are called *Mollia* by Pliny, who, however, is guilty of inconsistency in applying this term to the *μαλακόστρακα* on one or more occasions."⁴

***MALACOCRANEUS** (*μαλακοκρανής*), a bird hardly noticed by Aristotle. Gesner concludes that it is the "*Pica glandaria*" of Pliny, namely, the Jay, or *Uarrulus glandarius*, Brisson, the same as the *Cuculus glandarius*, L.⁵

***MALLEUS**, *dim.* **MALLE'OLUS** (*μαιστήρ: σφύρον, dim. σφύριον*), a Hammer, a Mallet. In the hands of the farmer, the mallet of wood served to beat down the clods (*occare*) and to pulverize them.⁶ The butcher used it in slaying cattle by striking the head, and we often read of it as used by the smith upon the anvil.⁷ When several men were employed at the same anvil, it was a matter of necessity that they should strike in time, and accordingly says of the Cyclopes, "Inter se non loquuntur, sed in unum."⁸ The scene which is represented in the annexed woodcut is taken from an ancient bas-relief, in which Vulcan and Storoepus are seen forging the arms of the Cyclops, Pyracmon, blows the bellows, and the Cyclops, Pyracmon, blows the bellows. Beside the anvil-stand (*vid. INCUS*) is a bucket of water in which the hot iron is cooled.⁹

The employment of the hammer upon the anvil is an ordinary utensil, the smith



(*χαλκούς*) wrought with this instrument called *ἔργα σφύρηλατα* (or *ὀλοσφύρηγα*),¹ which were either small and fine, some of their parts beaten as thin as paper, and being in very relief, as in the bronzes of Siris (*vid. ΛΟΙΚΑ*), or of colossal proportions, being composed of plates riveted together; of this, the most remarkable example was the statue of the sun of bronze (*σφύρηλατος κολοσσός*;² *βασισηροκοπή* cubits high, which was erected in Olympia by the sons of Cypselus. Another remarkable production of the same was the golden statue of Jupiter,³ which was erected at Olympia by the sons of Cypselus. The hand figure of Hercules, in the woodcut at the bottom, is taken from the remains of a very ancient candelabrum, found in 1812 near Perugia, and preserved in the Glyptotek at Munich. It consists of embossed plates, finely wrought with tin-mercury, and the small rivets for holding them together are still visible.

By other artificers the hammer was used in conjunction with the chisel (*vid. ΔΟΛΑΡΕΑ*), as the carpenter (*pulsans malleus*;⁴ woodcut, p. 489) and the sculptor.

The term *malleolus* denoted a hammer, the reverse head of which was formed for holding in the hand, and the handle of which was formed for holding in the foot, and having been set on fire, was projected slowly, so that it might not be extinguished during its flight, upon houses and other buildings, in order to set them on fire, and which was done, commonly used in sieges, together with the *falaricæ*.⁵ (*Vid. HASTA*, p. 489.)

When the shoot of a vine was cut in order to set it in the ground, part of the stem was cut away with it, and bore a resemblance to that of a hammer; hence such cuttings were called *malleoli*.⁷

***MALINOTHALLE** (*μαλινοθάλλη*), a plant mentioned by Bauhin, some had taken for the *esculentus*. Stackhouse adopts this opinion.

***MALTHE** (*μάλθη*), a fish mentioned by Athenæus, and Elian. All that we can say of it, remarks Adams, is, that it was of the *cecus* tribe.⁸

***MALVA**. (*Vid. MALACRE*.)

***MALUM** (*μήλον*). "According to Macrob. the ancients applied the term *mala* to all kinds of fruit which have the hard part or kernel, and the esculent part outside. The various kinds of fruit treated of by ancient authors will be found in their several heads."¹⁰

MALUS (*Ἰστιάς*). The ancients had vessels

1. (Brunck, Anal., ii., 222.)—2. (Theocrit., xxii., Philo, De 7 Spectac., 4, p. 14, ed. Orelli.)—3. (Strabo, 20.—Plat., Phædr., p. 232, Heindorf.)—4. (Cicero, De Just., iv., 47.)—5. (Liv., xxxviii., 6.—Non. Marcell., ed. Lips.—Festus, s. v.—Cic., Pro Mil., 24.—Veget., ed. Lips.—Vitruv., x., 16, 9, ed. Schneider.)—6. (Sen., 15.—Col., De Re Rust., iii., 6.—Id. ib., xi., 2.)—7. (Porph., H. P., iv., 8.—Adams, Append., s. v.)—8. (Adams, Append., s. v.)—9. (Macrob., Sat., iii., 19.—Adams, s. v.)

1. (Brunck, Anal., ii., 222.)—2. (Theocrit., xxii., Philo, De 7 Spectac., 4, p. 14, ed. Orelli.)—3. (Strabo, 20.—Plat., Phædr., p. 232, Heindorf.)—4. (Cicero, De Just., iv., 47.)—5. (Liv., xxxviii., 6.—Non. Marcell., ed. Lips.—Festus, s. v.—Cic., Pro Mil., 24.—Veget., ed. Lips.—Vitruv., x., 16, 9, ed. Schneider.)—6. (Sen., 15.—Col., De Re Rust., iii., 6.—Id. ib., xi., 2.)—7. (Porph., H. P., iv., 8.—Adams, Append., s. v.)—8. (Adams, Append., s. v.)—9. (Macrob., Sat., iii., 19.—Adams, s. v.)

two, and three masts. The inscriptions recently discovered at Athens contain a perfect inventory of the gear issued to trieres and tetraeres, and have been illustrated and deciphered by *W.*¹ From this work we perceive that two masts were issued from the *νεώριον* for every trieres, and one for every tetraeres, who calls the mainmast *ἀκάρειος*, whereas this is unquestionably the *foremast*. The other lexicographers omit the word, or give an imperfect sense to these inscriptions enable us to give it an explanation. In *II.*, 92, they give *ιστοῦ μεγάρου* and *ιστοῦ ἀκαρείου* as distinct gear. The masts of tetraeres are similarly termed *ιστοῦς*, *χι.*, *ε.* *τριηκοντερ*, two masts, both termed *ιστοῖ*, *απ.*, *απ.*, *απ.*, sub init. In two-masted ships the smallest mast was usually near the prore. In three-masted ships the size of the masts decreased as they approached the stem; the largest was the nearest the stern. The mast was of one entire piece.

W. tells us the mast and the yards were usually of one piece. Respecting the mode in which the yard was attached to the mast, see the article *ΑΝΤΕΝΝΑ*. We do not find in the inscriptions alluded to, and which are mostly of the era of Demosthenes, who lived in them, any terms by which parts of the mast are described. It seems to have been always attached to the trierarch as a piece of solid gear. The size of the large mast is given in these inscriptions (probably, as Böckh conjectures, with hoops, at 37 drachmæ. Pliny² attributes the invention of the mast to Dædalus.

MANCIPII CAUSA. (Vid. FASCINUM.)

MANCIPES has the same relation to mancipium as *capit* has to *auspicium*. It is properly *qui capit*. But the word has several special significations. Mancipes were those who bid at the public auctions; the letters of the censors for the purpose of selling any part of the public property.³ Sometimes the chief of the publicani generally are meant by this term, as they were no doubt the bidders for the security, and then they shared the risk of the taking with others, or underlet it.⁴ The mancipium accordingly have distinctive names, according to the kind of revenue which they took on, as *decumani*, *portitores*, *pecuarii*. Suetonius says that the father of Petro was a mancipium of *operæ* (opera) who went yearly from Umbrium to cultivate the land; that is, he hired from their masters, and paid so much for the use of them, as is now often done in slave countries.

The terms mancipies *thermarum* et *salinarum* occur in the Theodosian Code.⁵

MANCIPATIO (Vid. MANCIPIUM.)

MANCIPII RES. (Vid. DOMINIUM.)

MANCIPII CAUSA. The three expressions by which the Romans indicated the status in which a person might be with respect to another, were *in manu*, *in mancipio ejus esse*.⁶ In consequence of his potestas, a father could mancipate his child to another person, for in the old law of the Republic his patria potestas was hardly distinguished from property; the act of begetting was equivalent to the acquisition of ownership. A child had the same power over a wife in manu, as he was "*filie loco*." Accordingly, a child in manu and a wife in manu were properly *res ipsæ*, and they were said to be in mancipio. Such persons, when mancipiated, were not excluded from the relation of slaves to the persons to whom they were mancipiated, but they occupied a middle ground between free persons and slaves, which was

expressed by the words *mancipii causa*. Such persons as were in *mancipii causa* were not *sui juris*,¹ and all that they acquired was acquired for the persons to whom they were mancipiated. But they differed from slaves in not being possessed; they might also have an *injuriarum actio* for ill-treatment from those who had them in mancipio, and they did not lose the rights of *ingenui*, but these rights were only suspended. As to contracts, the person with whom they contracted might obtain the sale of such property (*bona*) as would have been theirs if they had not been in mancipii causa, as Gaius expresses it.² Persons in mancipii causa might be manumitted in the same way as slaves, and the limitations of the *lex Ælia Sentia* and *Furia Caninia* did not apply to such manumissions. The person who effected the manumission thereby acquired a kind of patronal right, which was of some importance in the matters of *hereditas* and *tutela*.

The strict practice of mancipatio had fallen into disuse in the time of Gaius, and probably still earlier, and it had then become a mere legal form by which the patria potestas was dissolved (*vid. EMANCIPATIO*), except a person was mancipiated *ex noxali causa*. In case of delicts by the son, the father could mancipate him (*ex noxali causa mancipio dare*), and one act of mancipatio was considered sufficient;³ but the son had a right of action for recovering his freedom, when he had worked out the amount of the damage.⁴ Justinian put an end to the *noxæ datio* in the case of children, which, indeed, before his time had fallen into disuse.⁵

In his time, Gaius remarks,⁶ that men were not kept in mancipii causa (*in eo jure*) for any long time, the form of mancipatio being only used (except in the case of a noxalis causa) for the purpose of emancipation. But questions of law still arose out of this form; for the three mancipationes, which were necessary in the case of a son, might not always have been observed. Accordingly, a child begotten by a son who had been twice mancipiated, but born after the third mancipatio of his father, was still in the power of his grandfather. A child begotten by a son who was in his third mancipatio, came into his father's power if he was manumitted after that mancipatio; but if the father died in mancipio, the child became *sui juris*.⁷

Coemptio, by which a woman came in manum, was effected by mancipatio, and the *coemptio* might be either *matrimonii causa* or *fiduciæ causa*. The *fiduciæ causa coemptio* was a ceremony which was necessary when a woman wished to change her tutors, and also when she wished to make a will; but a *senatus consultum* of Hadrian dispensed with the ceremony in the latter case.⁸

Dion Cassius⁹ says that Tiberius Nero transferred or gave (*ἔξεδωκε*) his wife to Octavianus, as a father would do; and the transfer of his wife Marcia by the younger Cato to Quintus Hortensius¹⁰ is a well-known story. It is probable that in both these cases the wife was in manu, and accordingly, might be mancipiated, and her children born to her new husband would be in his power.

The situation of a debtor who was adjudicated to his creditor resembled that of a person who was in mancipii causa.

MANCIPIUM. The etymology of this word is the same as that of the word mancipatio, of which Gaius¹¹ says, "*Mancipatio dicitur quia manu res capitur*." The term mancipium, then, is derived from the act of corporeal apprehension of a thing; and this corporeal apprehension is with reference to the transfer of the ownership of a thing. It was not a

¹ Ueber den das Seewesen des A-tischen Staates, Berlin, — 2. (xvi., 76.) — 3. (vii., 57.) — 4. (Festus, s. v. Mancipio. Pro Planc., 13.) — 5. (Aem. in Div. Ver., c. 10.) — 6. (xv., 1.) — 7. (xiv., tit. 5, s. 3.) — 8. (Gaius, i., 49.)

1. (Gaius, i., 48-50.) — 2. (iv., 80.) — 3. (Gaius, iv., 75-78. — Liv., viii., 28.) — 4. (Mos. et Rom. Leg. Coll., ii., 3.) — 5. (Inst., iv., tit. 8, s. 7.) — 6. (i., 141.) — 7. (Gaius, i., 135.) — 8. (Gaius, i., 115, &c.) — 9. (xlviii., 44.) — 10. (Plut., Cat. Min., c. 25.) — 11. (i., 121.)

question whether this was a case of *mandatum*; but the opinion of Sabinus prevailed that it was. It was not *mandatum* if the thing was *contra bonos mores*, or, in other words, if the object of the *mandatum* was an illegal act. A *mandatum* might be general or special: and the *mandatarius* was bound to keep within the limits of the *mandatum*. The *mandator* had an *utilis actio* against such persons as the *mandatarius* contracted with; and such persons had the like action against the *mandator*, and a *directa actio* against the *mandatarius*. The *mandator* and *mandatarius* had also respectively a *directa actio* against one another in respect of the *mandatum*: the *actio* of the *mandatarius* might be for indemnity generally in respect of what he had done *bona fide*. If the *mandatarius* exceeded his commission, he had no action against the *mandator*; but the *mandator*, in such case, had an action for the amount of damage sustained by the non-execution of the *mandatum*, provided it could have been executed. The *mandatum* might be recalled so long as no part of it was performed (*dum adhuc integra res est*). In the like case, it was also dissolved by the death of either party; but if the *mandatarius* executed the *mandatum* after the death of the *mandator*, in ignorance of his death, he had his action, of course, against the *heres*. According to Cicero, a *mandati iudicium* was "*non minus turpe quam furti*";¹¹ which, however, would obviously depend on circumstances. (*Vid. INFAMIA.*)

Mandatum is sometimes used in the sense of a command from a superior to an inferior. Under the Empire, the *mandata principum* were the commands and instructions given to governors of provinces and others. Frontinus² classes the *mandata principum* with *lex* and *senatus consulta*.³

MANDRÆ. (*Vid. LATRUNCULI.*)

*MANDRAGORAS (*μανδραγόρας*), the Mandrake. "It is to be remarked," observes Adams, "that the *μανδραγόρας* of Theophrastus is different from that of Dioscorides. Dodonæus determines the former to be the *Atropa Belladonna*. According to Sprengel, the *M.* of Dioscorides is the *Mandragoras vernalis*, Bertol., and the *M. femina* the *M. autumnalis*. On the *Mandragoras*, see an interesting disquisition in the *Hieroglyphicon* of Celsus."⁴

MANDYAS. (*Vid. LACERNA.*)

MANICA, a Sleeve. Besides the use of sleeves sewed to the tunic, which, when so manufactured, was called *CHIRIDOTA*, or "*manicata tunica*,"⁵ sleeves were also worn as a separate part of the dress. Palladius⁶ mentions the propriety of providing "*ocreas manicæque de pellibus*," i. e., leggings and sleeves made of hides, as useful both to the huntsman and to the agricultural labourer. The Roman gladiators wore, together with greaves, a sleeve of an appropriate kind on the right arm and hand,⁷ as is exhibited in the woodcuts at page 477.

These parts of dress are mentioned together even as early as the Homeric age.⁸ In this passage the *manicæ* (*χειρίδες*) seem to be mittens, worn on the hands to protect them from briars and thorns: and Eustathius, in his commentary on the passage, distinguishes between simple mittens, such as our labourers use in hedging, and gloves, which he calls *χειρίδες δακτυλωταί*.⁹

Gloves with fingers (*digitalia*)¹⁰ were worn among the Romans for the performance of certain manual operations. Pliny the younger refers also to the use of *manicæ* in winter to protect the hands from cold.¹¹ Those used by the Persians were probably

made of fur, perhaps resembling muffs; the Persians also wore gloves in winter (*δακτυλήθρα*).¹ In an enumeration of the instruments of torture used in the fourth century of the Christian era, we observe "the glove,"² but its construction or material is not described.

Handcuffs were called *manicæ*.³

Besides the *tunica manicata* with sleeves reaching either to the elbow or to the wrist, of which a description is given under *CHIRIDOTA*, there was another variety, in which the sleeves came down only a little below the shoulder (see woodcut, page 332). The *EXOMIS* had a short sleeve for the left arm only. The sleeves of the Persian tunic (*CANBYS*) were exceedingly wide.

MANIPULUS. The original meaning of the word, which is clearly derived from *manus*, was a *handful* or *wisp* of hay, straw, fern, or the like;⁴ and this, according to Roman tradition, affixed to the end of a pole, formed the primitive military standard in the days of Romulus;⁵ hence it was applied to a detachment of soldiers serving under the same ensign (see Varro, *Ling. Lat.*, v., 88; vi., 85, who connects it in this sense directly with *manus*); and when the ponderous mass of the phalanx was resolved into small battalions marshalled in open order, these were termed *manipuli*,⁶ and varied in numbers at different periods according to the varying constitution of the legion.

1. The earliest account of their formation is given in Livy,⁷ where the narrative is in itself sufficiently intelligible, although the whole chapter has been elaborately corrupted by Lipsius and others, who were determined to force it into accordance with the statements of Polybius, which refer to the Roman army as it existed 200 years later. According to the plain sense of the passage in question, the legion, in the year B.C. 377, was drawn up in three lines, as described on page 103. The front line, or *hastati*, consisted of 15 *manipuli*, each *manipulus* containing 62 soldiers, a centurion, and a vexillarius. The second line, or *principes*, consisted, in like manner, of 15 *manipuli*, this combined force of 30 *manipuli* being comprehended under the general appellation of *anteplani*. The third line, or *triarii*, was also drawn up in 15 divisions, but each of these was triple, containing 3 *manipuli*, 3 vexilla, and 186 men. In these triple *manipuli* the veterans, or *triarii* proper, formed the front ranks; immediately behind them stood the *rorarii*, inferior in age and renown, while the *accensi*, less trustworthy than either, were posted in the extreme rear. The battle array may be represented as in the woodcut in the following page.

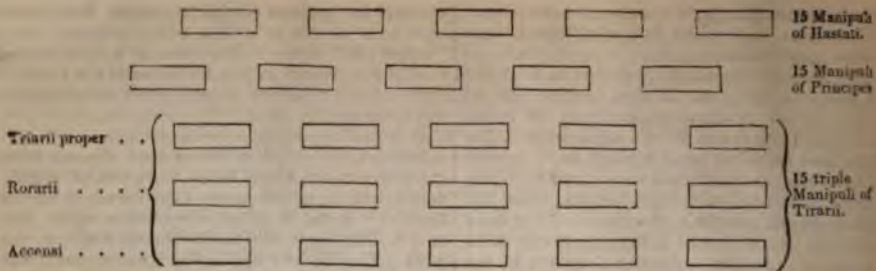
If the *hastati* and *principes* were successively repulsed, they retired through the openings left between the *manipuli* of the *triarii*, who then closed up their ranks so as to leave no space between their *manipuli*, and presented a continuous front and solid column to the enemy: the heavy-armed veterans in the foremost ranks, with their long *pila*, now bore the brunt of the onset, while the *rorarii* and *accensi* behind gave weight and consistency to the mass, an arrangement bearing evidence to a lingering predilection for the principle of the phalanx, and representing, just as we might expect at that period, the Roman tactics in their transition state. The only change made in the common reading of Livy, according to the above explanation, is the substitution suggested by Stroth, of "*Ordo sex-*

1. (Pro Rose. Amer., c. 38.)—2. (De Aqueduct.)—3. (Gaius, ii., 159-162.—Id., iv., 83, 84.—Dig. 17, tit. 1.)—4. (Adams, Appendix, s. v.)—5. (Curt., iii., 7, p. 12, ed. Zumpt.)—6. (De Re Rust., i., 43.)—7. (Juv., vi., 255.)—8. (*Vid. Odyss.*, xxiv., 228, 229.)—9. (p. 1900, init.)—10. (Varro, De Re Rust., i., 55.)—11. (Epist., iii., 5.)

1. (Xen., Cyrop., viii., 8, § 17.)—2. (Synes., Epist., 58.)—3. (Virg., Georg., iv., 430.—Æn., ii., 146.—Plaut., Aïn., ii., 2, 35.—Capt., iii., 3, 1.—Most., v., 1, 17.—Non. Marcell., s. v. Manicæ.)—4. (Virg., Georg., i., 400.—Id. ib., iii., 297.)—5. (Ovid., Fast., iii., 117.—Compare Plin., Rom., 8.—Aurel. Vict., Orig. Gent. Rom., 22.—Donat. in Ter., Eun., IV., vii., 61.—Indor., xviii., 2.)—6. (Niebuhr, Hist. of Rome, i., 469.)—7. (viii., 8.)

MANIPULUS.

MANSIO.



agenos milites et duos, centurionem et vexillarium unum," for "*Ordo sexagenos milites, duos centuriones,*" &c., an emendation, the truth of which seems to be demonstrated by the context in the subsequent paragraph, where the triple vexillum or manipulus is said to have contained 186 men, *i. e.*, 3×62 . It must be observed that the words *ordo*, *manipulus*, *vexillum*, are throughout the chapter employed as synonymous, and they continued to be used indifferently even in the time of Polybius,¹ *Kai to mēn mēros hekaston ekaleusan kai tāgra kai stēpēran kai sthmalan.* The numbers of the legion thus described are stated by Livy at 5000; the calculation will stand as follows:

Hastati	$15 \times 62 = 930$
Principes	$15 \times 62 = 930$
Triarii	$15 \times 186 = 2790$
Centuriones et Vexillarii	$= 150$
	4800

The remaining 200 may have been skirmishers not included in the manipular battalions; or we may suppose that Livy spoke in round numbers, in which case, instead of "*Scribebantur autem quatuor fere legiones quinque millibus pedum,*" we should adopt the almost necessary correction, "*Scribebantur autem quatuor legiones quinque fere millibus pedum.*"

2. In the time of Polybius (B.C. 150) the legion contained 4200 men, except in cases of great emergency, when it was augmented to 5000.² It was divided into 1200 hastati, 1200 principes, 600 triarii, the remaining 1200 being velites, who were distributed equally among the three lines. When the legion exceeded 4200, the numbers of the hastati, principes, and velites were increased in proportion, the number of triarii always remaining the same (600). The hastati, principes, and triarii were subdivided each into 10 *manipuli* or *ordines*, and in each *manipulus* there were two *centuriones*, two *optiones*, and two *signiferi*: hence, when the legion consisted of 4200, a *manipulus* of the hastati or of the principes would contain 120 men, including officers, and a *manipulus* of the triarii in all cases 60 men only.

3. At a subsequent period, probably during the wars of Marius, certainly before the time of Cæsar, the practice of marshalling an army in three lines was changed, and the terms hastati, principes, and triarii fell into disuse. The legion, as explained under *Ann.* p. 104, was now divided into 10 *cohortes*, each *cohort* into three *manipuli*, and each *manipulus* into two *centuriae*, the *manipulus* thus constituting $\frac{1}{10}$ th part of the whole. It ought to be remarked, that the *locus classicus* on this subject (see p. 104) is a quotation by Aulus Gellius from "*Cincius, De Re Militari.*" This Cincius is generally supposed to be the same person as Cincius Alimentus the annalist; but this is manifestly impossible, for Alimentus served during the second Punic war, and Polybius, who flourished full fifty years later, gives no hint of any such arrangement of the Roman troops.

4. We may infer that *manipulus* maintained its last-mentioned signification under the first emperors from Tacitus,³ where Germanicus, when haranguing the mutinous legions "*Adstantem contionem quia permixta videbatur, discedere in manipulos jubet. . . . vexilla præferri, ut id saltem discerneret cohortes;*" but in *Ann.* xiv., 58, the word is applied more loosely to a detachment of 60 men, who were despatched under the command of a centurion to Asia for the purpose of putting Plautus to death.

5. Vegetius⁴ (A.D. 375) employs *manipulus* as an antiquated term, equivalent to *contubernium*, indicating a company of 10 soldiers who messed together in the same tent.

Isidorus⁵ defines a *manipulus* to be a body of 200 soldiers, which will apply to the period when the legion contained 6000 men. See, on the whole of this subject, Le Beau, *Mémoire du Manipule et ses parties* in the *Mémoires de l'Académie des Inscriptions*, &c., t. xxxii., p. 279. The views, however, of this writer are far from being uniformly correct.

MANSIO (*σθαλιός*), a post-station at the end of a day's journey.

The great roads, which were constructed first by the kings of Persia and afterward by the Romans, were provided, at intervals corresponding to the length of a day's journey, with establishments of the same kind with the khans or caravanseras which are still found in the East. There were 111 such stations on the road from Sardes to Susa,⁶ their average distance from one another being something less than 20 English miles. The khan, erected at the station for the accommodation of travellers, is called by Herodotus *κατάλυσις* and *καταγωγή*. To stop for the night was *καταλύειν*.⁷ As the ancient roads made by the kings of Persia are still followed to a considerable extent,⁸ so also there is reason to believe that the modern khan, which is a square building enclosing a large open court, surrounded by balconies with a series of doors entering into plain, unfurnished apartments, and having a fountain in the centre of the court, has been copied by uninterrupted custom from the Persian *κατάλυσις*, and that, whether on occasion of the arrival of armies or of caravans, they have also served to afford a shelter during the night both to man and beast.

The Latin term *mansio* is derived from *maneri*, signifying to pass the night at a place in travelling. On the great Roman roads the mansiones were at the same distance from one another as on those of the Persian empire. They were originally called *castra*, being probably mere places of encampment formed by making earthen intrenchments. In process of time they included not only barracks and magazines of provisions (*horrea*) for the troops, but commodious buildings adapted for the reception of travellers of all ranks, and even of the emperor himself, if he should have occasion to visit them. At these stations the *cisarii* kept gigs for hire and

1. (*Ann.*, i., 34.)—2. (ii., 13.)—3. (ix., 3.)—4. (*Herod.*, v., 53; vi., 118.)—5. (*Xen., Anab.*, i., 8.—*Eliau.*, V. H., i., 22.)—6. (*Heeren*, *Ideen*, i., 2, p. 193-203, 713-720.)

1. (vi., 20.)—2. (*Polyb.*, vi., 20.)

for conveying government despatches. (*Vid. CISTERN.*) The *mansio* was under the superintendence of an officer called *mansionarius*.

Besides the post-stations at the end of each day's journey, there were on the Roman military ways others at convenient intervals, which were used merely to change horses or to take refreshment, and which were called *mutationes* (*ἀλλαγαί*). There were four or five mutations to one mansio. The *Itinerarium a Burdigala Hierusalem usque*, which is a road-book drawn up about the time of Constantine, mentions in order the mansiones from Bordeaux to Jerusalem, with the intervening *mutationes*, and other more considerable places, which are called either *civitates*, *vici*, or *castella*. The number of leagues (*leuga*) or of miles between one place and another is also set down.

MANTE'LE (*χειρόμακτρον, χειρερκαμαγεῖον*), a napkin. The circumstance that forks were not invented in ancient times, gave occasion to the use of napkins at meals to wipe the fingers;¹ also, when the meal was finished, and even before it commenced, an apparatus was carried round for washing the hands. A basin, called in Latin *mallucium*,² and in Greek *χέρνιβη, χέρνιβος, or χερώνιπτρον* (*vid. CHERNIPIS*), was held under the hands to receive the water, which was poured upon them out of a ewer (*serceolus*). Thus Homer describes the practice, and, according to the account of a recent traveller, it continues unchanged in the countries to which his description referred.³ The boy or slave who poured out the water also held the napkin or towel for wiping the hands dry. The word *mappa*, said to be of Carthaginian origin,⁴ denoted a smaller kind of napkin, or a handkerchief, which the guests carried with them to table.⁵ The *mantele*, as it was larger than the *mappa*, was sometimes used as a table-cloth.⁶ (*Vid. CENA*, p. 275.) An anecdote is preserved of Lucilius the satirist, stating that, after he had been dining with Lælius, he ran after him in sport with a twisted napkin or handkerchief, as if to strike him (*obtorta mappa*?).

The napkins thus used at table were commonly made of coarse unbleached linen (*ὠμολίνη*).⁷ Sometimes, however, they were of fine linen (*ἐκτίρηματα λαμπρὰ σιδουνοφῆ*).⁸ Sometimes they were woollen, with a soft and even nap (*tonsis mantelia vilis*).⁹ Those made of *Asbestos* must have been rare. The Romans, in the time of the emperors, used linen napkins embroidered or interwoven with gold,¹⁰ and the traveller already quoted informs us that this luxury still continues in the East. Napkins were also worn by women as a headdress, in which case they were of fine materials and gay colours.¹¹ These were no doubt put on in a variety of elegant ways, resembling those which are in use among the females of Italy, Greece, and Asia Minor at the present day.

***MANTICHORA** (*μαντιχώρας*, or, as some read it, *μαντιχώρας*), "an animal briefly noticed by Aristotle and Ctesias. Gesner concludes that it was the Hyena, or nearly allied to it. Schneider inclines to the opinion that it was some species of Porcupine. Heeren contends that the description of Ctesias is taken from one of the monstrous figures of animals on the ruins of Persepolis." The *Mantichoras* is said to have had the face and ears of a human being, the body of a lion, and the tail of a serpent, terminating like a scorpion's. Its cry re-

sembled the blended notes of a pipe and trumpet.¹

***MANTIS** (*μαντις*). The *μαντις* of Theocritus, according to Adams, was most probably the *Cicada*; and the same authority considers it doubtful if the term ever stands for the *Cancer mantis*, L. The name is now applied to a genus of insects, the largest of which is the *M. precaria*, or Camel-cricket.² "Another amusing insect," observes Dodwell, "which is not uncommon in warm climates, is the *Mantis*; it is called *la morte* by the Italians, and *baton marchant* and *prie dieu* by the French. There are various kinds of them. The most common and the most beautiful are of a light green colour, with long wings, which they fold up in several plaits. They are, in general, about three inches in length, with long legs and claws, which they use with great dexterity in seizing their prey. This consists of any kind of insect which they can master. I have seen them catch wasps and bees. If, when they are in possession of their prey, any other insect settles within their reach, they first stick the former on some sharp spikes with which their legs are provided, and then catch the other."

MANTICE (*μαντικῆ*). (*Vid. DIVINATIO*.)

MANUBIÆ. (*Vid. SPOLIA*.)

MANULEA'TUS. (*Vid. CHRIDOTA*.)

MANUM, CONVENTIO IN. (*Vid. MARRIAGE, ROMAN*.)

MANUMI'SSIO was the form by which slaves and persons in *mancipi* causa were released from those conditions respectively.

There were three modes of effecting a *justa et legitima manumissio*, namely, *vindicta*, *census*, and *testamentum*, which are enumerated both by Gaius and Ulpian³ as existing in their time.⁴ Of these the *manumissio* by *vindicta* is probably the oldest, and, perhaps, was once the only mode of *manumissio*. It is mentioned by Livy as in use at an early period,⁵ and, indeed, he states that some persons refer the origin of the *vindicta* to the event there related, and derive its name from *Vindicius*; the latter part, at least, of the supposition is of no value.

The ceremony of the *manumissio* by the *vindicta* was as follows: The master brought his slave before the magistratus, and stated the grounds (*causa*) of the intended *manumissio*. The lictor of the magistratus laid a rod (*festuca*) on the head of the slave, accompanied with certain formal words, in which he declared that he was a free man *ex jure Quiritium*, that is, "*vindicavit in libertatem*." The master in the mean time held the slave, and after he had pronounced the words "*hunc hominem liberum volo*," he turned him round (*momento turbinis exit Marcus Dama*)⁶ and let him go (*emisit e manu*), whence the general name of the act of *manumissio*. The magistratus then declared him to be free, in reference to which Cicero⁷ seems to use the word "*addicere*." The word *vindicta* itself, which is properly the *res vindicata*, is used for *festuca* by Horace.⁸ Plautus⁹ uses *festuca*.

It seems highly probable that this form of *manumissio* was framed after the analogy of the *in jure vindicationes*,¹⁰ and that the lictor in the case of *manumissio* represented the opposite claimant in the *vindicatio*.¹¹

As for the explanation of the word *vindicta*, see **VINDICLÆ** and **VINDICATIO**.

1. (Aristot., H. A., ii., 3.—Ctes., Indic.—Ælian, N. A., iv., 21.—Heeren, Hist. Researches, vol. i., p. 155.—Adams, Append., s. v.)—2. (Theocr., Idyl., x., 18.—Adams, Append., s. v.—Dodwell's Tour, vol. ii., p. 46)—3. (Frag., 1.)—4. (Compare Cic., Top., 2, and Plautus, Cas., ii., 8, 68.)—5. (ii., 5.)—6. (Persius, Sat., v., 78.)—7. (ad Att., vii., 2.)—8. (Sat., ii., 7, 76.)—9. (Mil. Glor., iv., 1, 15.)—10. (Gaius, iv., 16.)—11. (*Vid. Unterholzner, Von den formen der Manumissio per Vindicam und Emancipatio, Zeitschrift, ii., 139.*)

1. (Xen., Cyrop., i., 3, 4 51.)—2. (Festus, s. v.)—3. (Fellows's Journal, 1838, p. 153.)—4. (Quintil., i., 5, 57.)—5. (Hor., Sat., ii., 81.—Id. ib., ii., viii., 63.)—6. (Martial, xii., 29.—Id., iii., 138.)—7. (Heindorff ad Hor., Sat., ii., i., 73.)—8. (Athen., ii., 79.)—9. (Philoxenus, ap. Athen., ix., 77.)—10. (Virg., Georg., iv., 377.—Æn., i., 702.)—11. (Lamprid., Al. Severus, c. 40.)—12. (Athen., ix., 79.)

The manumissio by the census is thus briefly described by Ulpian: "Slaves were formerly manumitted by census, when at the lustral census (*lustrali censu*) at Rome they gave in their census (some read *nomcn* instead of census) at the bidding of their masters." Persons in mancipio might also obtain their manumission in this way.¹

In the absence of decisive testimony as to the origin of these two modes of manumissio, modern writers indulge themselves in a variety of conjectures. It may be true that originally the manumission by vindicta only gave libertas and not civitas; but this opinion is not probable. It may easily be allowed, that in the earliest period the civitas could only be conferred by the sovereign power, and that, therefore, there could be no effectual manumission except by the same power. But the form of the vindicta itself supposes, not that the person manumitted was a slave, but that he was a free person, against whose freedom his master made a claim. The proceeding before the magistratus was in form an assertion of the slave's freedom (*manu asserere liberali causa*), to which the owner made no defence, but he let him go as a free man. The proceeding then resembles the *in jure cessio*, and was, in fact, a fictitious suit, in which freedom (*libertas*) was the matter in issue. It followed as a consequence of the fiction, that when the magistratus pronounced in favour of freedom *ex jure Quiritium*, there could be no dispute about the civitas.

In the case of the census the slave was registered as a citizen with his master's consent. The assumption that the vindicta must have originally preceded the census, for which there is no evidence at all, is inconsistent with the nature of the proceeding, which was a registration of the slave, with his master's consent, as a citizen. A question might arise whether he should be considered free immediately on being entered on the censors' roll, or not until the lustrum was celebrated;² and this was a matter of some importance, for his acquisitions were only his own from the time when he became a free man.

The law of the Twelve Tables confirmed freedom which was given by will (*testamentum*). Freedom (*libertas*) might be given either *directo*, that is, as a legacy, or by way of fideicommissum. The slave who was made free *directo* was called *orcinus libertus* (or *horcinus*, as in Ulp., *Frag.*), for the same reason, perhaps, that certain senators were called *orcini*.³ He who received his libertas by way of fideicommissum was not the *libertus* of the testator, but of the person who was requested to manumit him (*manumissor*): if the heres who was requested to manumit refused, he might be compelled to manumit on application being made to the proper authority. Libertas might be given by fideicommissum to a slave of the testator, of his heres, or of his legatee, and also to the slave of any other person (*extraneus*). In case of libertas being thus given to the slave of any other person, the gift of libertas was extinguished if the owner would not sell the slave at a fair price. A slave who was made conditionally free by testament, was called *statu liber*, and he was the slave of the heres until the condition was fulfilled. If a *statu liber* was sold by the heres, or if the ownership of him was acquired by usucapion, he had still the benefit of the condition: this provision was contained in the law of the Twelve Tables. If a slave was made free and heres by the testator's will, on the death of the testator he became both free and heres, whether he wished it or not. (*Vid. HERES.*)

The lex *Ælia Sentia* laid various restrictions on

manumission. Among other things, it enacted that a slave under thirty years of age should not become a Roman citizen by manumission, unless the grounds of manumission were approved before a body called *consilium*, and the ceremony of vindicta was observed. This *consilium* at Rome consisted of five senators and five equites, all *puberes*; and in the provinces of twenty *recuperatores*, who were Roman citizens. If an insolvent master manumitted by testament a slave under thirty years, and at the same time made him his heres, the lex did not apply. This lex also annulled all manumissions made for the purpose of cheating creditors and defrauding patrons of their rights. The ceremony of manumitting slaves above thirty years of age had become very simple in the time of Gaius:⁴ it might be in the public road (*in transitu*), as when the praetor or proconsul was going to the bath or the theatre. In fact, it was not the place which determined the validity of such an act, but it was the circumstance of its being done before a competent authority: hence it could take place before municipal magistratus who had the *legis actio*. The Romans never lost sight of the real groundwork of their institutions, whatever changes might be made in mere form. The lex *Ælia Sentia* also prevented persons under twenty years of age from manumitting slaves, except by the vindicta, and with the approbation of the *consilium*. (*Vid. ÆLIA SENTIA.*)

The lex *Furia* or *Fusia Caninia* fixed limits to the number of slaves who could be manumitted by will. The number allowed was a half, one third, one fourth, and one fifth of the whole number that the testator possessed, according to a scale fixed by the lex. As its provisions only applied to cases where a man had more than two slaves, the owner of one slave or of two slaves was not affected by this lex. It also provided that the slaves to whom freedom was given should be named. This lex only applied to manumission by testament. It was passed about A.D. 7, and several *senatus consulta* were made to prevent evasions of it.⁵ This lex was repealed by Justinian.⁶

A form of manumission "*inter amicos*" is alluded to by Gaius. This was, in fact, no legal manumission, but it was a mere expression of the master's wish, which would have been sufficient in the absence of all positive law. This might be done by inviting the slave to table, writing him a letter, or in any other less formal way. It is stated that originally such a gift of freedom could be recalled, as to which there can be no doubt, as it was not legal freedom; but ultimately the praetor took persons who had been made free in this manner under his protection, and the lex *Junia Norbana* gave them the status called *Latinitas*.

A manumissio *sacrorum causa* is sometimes mentioned as a kind of manumission, whereas the words *sacrorum causa* point rather to the grounds of the manumission: the form might be the usual form.⁷

Besides the due observance of the legal form, it was necessary, in order to effect a complete manumission, that the manumissor should have the *quiritarian* ownership of the slave. If the slave was merely in *bonis*, he only became a *Latinus* by manumission. A woman in *tutela*, and a *pupillus* or *pupilla*, could not manumit. If several persons were joint owners (*socii*) of a slave, and one of them manumitted the slave in such form as would have effected complete manumission if the slave had been the sole property of the manumissor, such manumissor lost his share in the slave, which accrued to the other joint owner or joint owners. Justinian enacted

1. (Gaius, i., 140.)—2. (Plaut., *Poen.*, iv., 2, 83, &c.)—3. (Cic., *De Or.*, i., 40.)—4. (Sueton., *Octav.*, 35.)

1. (i., 20.)—2. (Suet., *Octav.*, 40.—Gaius, i., 46.)—3. (Cod. v., lit. 3: "De Lege Fus. Can. tollenda.")—4. (Festus, s. v. Manumitti, Paris.—Savigny, *Zeitschrift*, iii., 402.)

only one joint owner was willing to manumit, the other might be compelled to manumit, giving the price fixed by law for their shares. A person had the usufructus and another the *dominium* of a slave, and the slave was manumitted who had the property, he did not become the usufructus had expired: in the mean time, however, he had no legal owner (*dominus*).

Act of manumission established the relation of patronus and libertus between the manumissor and the manumitted. When manumitted by a citizen, the libertus took the prænomen and the gentile name of the manumissor, and became, in a sense, a member of the gens of his patron. To these two names he added some other name as a cognomen, and some name by which he was previously known, or some name assumed on the occasion: thus we find the names M. Tullius Tiro, P. Terentius, and other like names. If he was manumitted by a state as a *servus publicus*, he received the name of a prænomen and gentile name, or the name of the magistratus before whom he was manumitted. The relation between a patronus and a libertus is stated under PATRONUS.

At the time when Gaius wrote, the peculiar rights of the *liberti* were of less importance than they had been under the Republic. He states that the *liberti* were those who were manumitted in the proper form, and who, under the proper legal conditions, became *comitatus* citizens. But this could not have been the case in the earliest ages. The *liberti* of the plebeians, since, before their masters obtained the *comitatus*, could not be in a better condition than those who were manumitted them, and their masters had not yet become *comitatus* citizens. The want of *ingenuitas* affected their status; but this continued to be the case even under the Empire. (*Vid. INGENUITAS*.) In the year B. C. 311, the *libertini* had not yet become *comitatus*, but in that year the censor Appius Claudius gave the *libertini* a place in the tribes, and from that time the *libertini* had the suffragium after they were duly admitted on the censors' roll.¹ In the year B. C. 304 they were placed in the tribus *urbanæ*, and not allowed to perform military service. The censorship of Tiberius Gracchus, B. C. 169, placed in one of the tribus *urbanæ* determined by lot,² or, as Cicero³ expresses it, the father *Publius* and Gaius *Sempronius* transferred the *liberti* (*multa atque verbo*) into the tribus *urbanæ*. Subsequently, by a law of *Æmilius Scaurus*, about 166, they were restored to the four city tribes, and remained their condition to the end of the Republic, though various attempts were made to give them a better suffrage.

Manus injectio was levied on manumission by a *lex Manilia*, 357: it consisted of the twentieth part of the price of the slave, hence called *vicesima*.⁴

MANUS FERREA. (*Vid. HARPAGO.*)
MANUS INJECTIO is one of the five modi or forms of the *legis actio* according to Gaius.⁵ Its effect, in some cases, a kind of execution. The *actio manus injectio* was given by the Twelve Tables.

The plaintiff (*actor*) laid hold of the defendant, and used the formal words "*Quod tu mihi judicatum est sestertium x milia quæ dolo malo tibi ob eam rem ego tibi sestertium x milia judicatus injicio.*" The defendant, who had been condemned in a certain sum, had thirty days allowed to make payment in, and after that time he was bound to the manus injectio. The defendant was not allowed to make any resistance, and his only mode of defence was to find some responsible person (*vindex*) who would undertake his defence (*pro eo lege*

agere). If he found no *vindex*, the plaintiff or creditor, for such the judgment really made him, might carry the defendant to his house, and keep him in confinement for sixty days, during which time his name and the amount of his debt were proclaimed at three successive *nundinæ*. If no one paid the debt, the defendant might be put to death or sold.¹ According to the words of the Twelve Tables, the person must be brought before the prætor (*in jus*), which, of course, means that he must be seized first: if, when brought before the prætor, he did not pay the money (*ni judicatum solvit*) or find a *vindex*, he might be carried off and put in chains, apparently without the formality of an *addictio*. The *lex Publilia*, evidently following the analogy of the Twelve Tables, allowed the manus injectio in the case of money paid by a sponsor, if the sponsor was not repaid in six months. The *lex Furia de Sponsu* allowed it against him who had exacted from a sponsor more than his just proportion (*virilis pars*). These and other *leges* allowed the manus injectio *pro judicato*, because in these cases the claim of the plaintiff was equivalent to a claim of a *res judicata*. Other *leges* granted the manus injectio *pura*, that is, non *pro judicato*, as the *lex Furia Testamentaria* and the *Marcia adversus fenefatores*. But in these cases the defendant might withdraw himself from the manus injectio (*manus sibi depellere*), and defend his cause; but it would appear that he could only relieve himself from this seizure by actually undertaking to defend himself by legal means. Accordingly, if we follow the analogy of the old law, it was in these cases an execution if the defendant chose to let it be so; if he did not, it was the same as serving him with process to appear before the prætor. A *lex*, the name of which is obliterated in Gaius, allowed the person seized to defend his own cause except in the case of a "*judicatus*," and "*is pro quo depensum est*;" and, consequently, in the two latter cases, even after the passing of this *lex*, a man was bound to find a *vindex*. This continued the practice so long as the *legis actiones* were in use; "whence," says Gaius,² "in our time, a man '*cum quo judicati depensive agitur*' is compelled to give security '*judicatum solvi*.'" From this we may conclude that the *vindex* in the old time was liable to pay, if he could find no good defence to the plaintiff's claim; for, as the *vindex* could "*legè agere*," though the defendant could not, we must assume that he might show, if he could, that the plaintiff had no ground of complaint; as, for instance, that he had been paid; and that, if he had no good defence, he must pay the debt himself.

MARATHRON. (*Vid. MANTELE.*)

***MARATHRON** (*μαραθρον*), the Fennel, or *Anethum fœniculum*. Thus *Apuleius* remarks, "*Græci Marathron, Latini Fœniculum vocant.*"³

***MARGARITA** (*μαργαρίτης, μάργαρος, &c.*), the Pearl. "The fullest account of Pearls contained in any Greek author is to be found in *Ælian*.⁴ The Indian pearl-fish of which he speaks is, no doubt, the *Avicula Margaritifera*. The shell which produces the finest pearls in Britain is the *Mya Margaritifera*, L., now called *Alasmodon Margaritifera*." "The Pearl," observes Sir John Hill, "was in great esteem among the ancients even as early as the time of Job. By the Romans it was allowed the second rank among jewels. Pearls are produced in many kinds of shell-fish, but the finest, and what are properly the genuine Pearl, are bred in the *Concha Margaritifera plerisque, Berberi antiquis Indis dicta*."⁵ *Theophrastus* seems to have been very well acquainted with the history of the Pearl, and doubt-

1. (Gell., xx., 1.)—2. (iv., 25.)—3. (*Theophrast.*, H. F., i., 11.—*Dioscor.*, iii., 84.—*Adans.*, Append., s. v.)—4. (N. A., xv., 8.)—5. (*List.*, Hist. Conch.)

ness means this very shell by his *ὄστρεα τὰν*. Androstheneas also confirms its being this very shell that the fine *ὄστρεα* pearls are found in: *ἐν δὲ τῷ καλοτέρῳ ἐστὶν ἑσπερε, εἰς οὗ τὸ μαργαρίτις*. The Pearl is no more than a morbid excrescence from the animal in which it is found.¹ "The commerce of pearls appears to be of the highest antiquity. History, in fact, apprizes us that, from time immemorial, the princes of the East have sought after this kind of ornament with a sort of passion, and have employed it in all parts of their dress, and even in decorating instruments, furniture, &c. The Persians, according to Athenæus, paid for pearls with their weight in gold. The pearl mussels, therefore, must be like our common mussels, which, in spite of the prodigious quantity that have been eaten for so many years, do not appear to suffer any sensible diminution."² "The art of forcing shell-fish to produce pearls was known in the first centuries of the Christian era to the inhabitants of the coasts of the Red Sea, as we are told by the philosopher Apollonius, who thought that circumstance worthy of particular notice. The Indians dived into the sea after they had rendered it calm, and perhaps clearer, by pouring oil upon it. They then enticed the fish, by means of some bait, to open their shells, and having pricked them with a sharp-pointed instrument, received the liquor that flowed from them in small holes made in an iron vessel, in which they hardened into real pearls." For farther remarks on this subject, as well as on the invention of Linnæus for producing pearls, consult the remarks of Beckmann,³ from whom the above has been taken.

MARIS or **MARES** (*μαίρις* or *μάρις*) (Hesych., *μαίριος*), a Greek measure of capacity, which, according to Pollux⁴ and Aristotle,⁵ contained 6 cotylæ = 2.973 pints. Polyænus mentions a much larger measure of the same name, containing 10 cotylæ = 7 galls. 3.471 pints.⁶

MARMOR (*μάρμαρος*), Marble. "Strictly speaking," observes Adams, "the term *Marble* should be confined to those varieties of carbonate of lime which are susceptible of a polish; but the term was applied by the ancients to all stones susceptible of a good polish." The most celebrated of the antique marbles were the Parian, Pentelican, Chian, and Thasian, for an account of which consult the several heads.⁷

MARRIAGE (GREEK) (*γάμος*). The ancient Greek legislators considered the relation of marriage as a matter not merely of private, but also of public or general interest. This was particularly the case at Sparta, where the subordination of private interests and happiness to the real or supposed exigencies of the state was strongly exemplified in the regulations on this subject. For instance, by the laws of Lycurgus, criminal proceedings might be taken against those who married too late (*γραφὴ ἀργαίου*) or unsuitably (*γραφὴ κακογαμίου*), as well as against those who did not marry at all (*γραφὴ ἀγαίου*). These regulations were founded on the generally recognised principle that it was the duty of every citizen to raise up a strong and healthy progeny of legitimate children to the state.⁸ So entirely, in fact, did the Spartans consider the *τεκνοποιία*, or the production of children, as the main object of marriage, and an object which the state was bound to promote, that whenever a woman had no children by her own husband, she was not only allowed, but even required by the laws to cohabit with another man.⁹ On the same principle, and for

the purpose of preventing the extinction of his family, the Spartan king Anaxandrides was allowed to cohabit with two wives, for whom he kept two separate establishments: a case of bigamy, as Herodotus¹ observes, was not at all consistent with Spartan, nor, indeed, with Hellenic custom. Thus the heroes of Homer appear never to have had more than one *κοιρανὴ ἀλοχος*,² though they are frequently represented as living in concord with one or more *παλλακαί*. Solon also is supposed to have viewed marriage as a matter in which the state had a right to interfere, for we are told that his laws allowed of a *γραφὴ ἀγαμίου*, though regulation seems to have grown obsolete in later times; at any rate, there is no instance of its application.³ Plato, too, may be supposed to prove how general was this feeling; for, according to his laws,⁴ any one who did not marry before he was thirty-five was punishable not only with death, but also with pecuniary penalties; and he states that, in choosing a wife, every one ought to consult the interests of the state, and not his own pleasure.⁵

But, independent of any public considerations, there were also private or personal reasons (peculiar to the ancients) which made marriage a *πρὸς αὐτὸν* obligation. Plato⁶ mentions one of these, viz., the duty incumbent upon every individual to provide for a continuance of representatives to succeed him as ministers of the Divinity (*τῷ θεῷ ὑπερέτας εἶναι αὐτοῦ παραδιδόναι*). Another was the desire to be by almost every one, not merely to perpetuate his own name, but also to prevent his "heritage being desolate, and his name being cut off" (*ὄπισθ' ἢ ἑρμηδύσσει τοὺς σφετέρων αὐτῶν οἴκους*), and to leave some one who might make the customary offerings at his grave (*ἀλλ' ἔσται τις καὶ ὁ ἐναγίων*). We are told that, with this view, childless persons sometimes adopted children.

The choice of a wife among the ancients was but rarely grounded upon affection, and scarcely ever could have been the result of previous acquaintance or familiarity. In many cases a father chose for his son a bride whom the latter had never seen, or compelled him to marry for the sake of checking his extravagances. Terence⁷ thus illustrates the practice:

"*Pater præteriens modo*

Mihi apud forum, uxor tibi ducenda est, Pamphile, hodie inquit: para."

In Plautus⁸ a son promises his father that he will marry in these words:

"*Ego ducam, pater: etiam si quam aliam iubeat.*"

Representations of this sort may indeed be considered as exaggerations, but there must have been scenes in real life to which they in some measure correspond. Nor was the consent of a female to a match proposed for her generally thought necessary; she was obliged to submit to the wishes of her parents, and receive from them, it might be, a stranger for her husband and lord. Sophocles thus describes the lot of women in this respect: "When we are grown up (he makes a female say) we are driven away from our parents and paternal gods,"

*καὶ ταῦτ', ἐπειδὴν εὐφρονὴν ζεύξω μίαν, χρεῖν ἐπαινεῖν, καὶ δοκεῖν καλῶς ἔχειν.*⁹

So also in Euripides,¹⁰ Hermione declares that it is her father's business to provide a husband for her. The result of marriages contracted in this manner would naturally be a want of confidence and mutual understanding between husband and wife, until they

1. (Hist. of the Persians, De Lapid., c. 64.)—2. (Griffith's Cyprian, vol. ii., p. 200.)—3. (Hist. of Inventions, vol. ii., p. 2, &c.)—4. (Leg., vi., p. 721.)—5. (Leg., vi., p. 721.)—6. (l. c.)—7. (Issæus, De Apoll. hered., p. 66, ed. Bekker.)—8. (Andria, i., 5.)—9. (Trinum., v., 2, 59.)—10. (Frag. Terentii, 11 (Androm., 951.)

1. (vi., 39, 40.)—2. (Buttmann, Lexil., 73.)—3. (Platner, Process, &c., ii., p. 248.)—4. (Leg., iv., p. 721.)—5. (Leg., vi., 721.)—6. (l. c.)—7. (Issæus, De Apoll. hered., p. 66, ed. Bekker.)—8. (Andria, i., 5.)—9. (Trinum., v., 2, 59.)—10. (Frag. Terentii, 11 (Androm., 951.)

became better acquainted with, and accustomed to, each other. Xenophon¹ illustrates this with much *saîreté* in the person of Ischomachus, who says of his newly-married wife: "When at last she was manageable (*χειροθήης*), and getting tame, so that I could talk with her, I asked her," &c., &c. By the Athenian laws, a citizen was not allowed to marry with a foreign woman, nor conversely, under very severe penalties;² but proximity by blood (*ἀγγιστεία*), or consanguinity (*συγγένεια*), was not, with some few exceptions, a bar to marriage in any part of Greece; direct lineal descent was.³ Thus brothers were permitted to marry with sisters even, if not *ὁμομήτριοι*, or born from the same mother, as Cimon did with Elpinice, though a connexion of this sort appears to have been looked on with abhorrence.⁴ In the earlier periods of society, indeed, we can easily conceive that a spirit of caste or family pride, and other causes, such as the difficulties in the way of social intercourse, would tend to make marriages frequent among near relatives and connexions.⁵ At Athens, however, in the case of a father dying intestate and without male children, his heiress had no choice in marriage; she was compelled by law to marry her nearest kinsman not in the ascending line; and if the heiress were poor (*πῆσο*), the nearest unmarried kinsman either married her or portioned her suitably to her rank. When there were several coheresses, they were respectively married to their kinsmen, the nearest having the first choice. (*Vid. Epichlerus.*) The heiress, in fact, together with her inheritance, seems to have belonged to the kinsmen of the family, so that, in early times, a father could not give his daughter (if an heiress) in marriage without their consent.⁶ But this was not the case according to the later Athenian law,⁷ by which a father was empowered to dispose of his daughter by will or otherwise, just as widows also were disposed of in marriage by the will of their husbands, who were considered their rightful guardians (*κύριοι*).⁸

The same practice of marrying in the family (*τοκοῦ*), especially in the case of heiresses, prevailed at Sparta: thus Leonidas married the heiress of Cleomenes, as being her *ἀγγιστεός* or next of kin, and Anaxandrides his own sister's daughter. Moreover, if a father had not determined himself concerning his daughter, it was decided by the king's court who among the privileged persons or members of the same family should marry the heiress.⁹ A striking resemblance to the Athenian law respecting heiresses is also found in the Jewish code, as detailed in *Numbers*,¹⁰ and exemplified in *Ruth*.¹¹

But match-making among the ancients was not, in default of any legal regulations, entirely left to the care and forethought of parents, for we read of women who made a profession of it, and who were therefore called *προμηστριαί* or *προμηστρίδες*.¹² The profession, however, does not seem to have been thought very honourable, nor to have been held in repute, as being too nearly connected with, or likely to be prostituted to, *προαγωγή*.¹³

Particular days and seasons of the year were thought auspicious and favourable for marriage among the Greeks. Aristotle¹⁴ speaks of the winter generally as being so considered, and at Athens the month *Γαμηλιών*, partly corresponding to our January, received its name from marriages being frequently celebrated in it. Hesiod¹⁵ recommends marrying on the fourth day of the month:

Ἐν δὲ τετάρτῃ μηνὸς ἄγεσθαι ἐς οἶκον ἄκοιται.

but whether he means the fourth from the beginning or end of the month is doubtful. Euripides¹ speaks as if the time of the full moon were thought favourable,

ὅταν αὐτῆς εὐτυχῆς Ἐλθῇ κύκλος,

in which he is confirmed by the expression *διχομηνοῖδες ἑσπεραι*, or the full-moon nights in Pindar.² That this prepossession, however, was not general and permanent, appears from Proclus,³ who informs us that the Athenians selected for marriages the times of new moon (*τὰς πρὸς σύνουον ἡμέρας*), i. e., when the sun and moon were in conjunction.

There was also some difference of opinion, on which it is not worth while to dilate, about the proper age for marrying; but, generally speaking, men were expected to marry between 30 and 35, and women about 20, or rather before.⁴

We proceed now to explain the usual preliminaries and accompaniments of marriage in various parts of Greece. The most important preliminary at Athens was the *ἐγγύσεις* or betrothal, which was, in fact, indispensable to the complete validity of a marriage contract. It was made by the natural or legal guardian (*ὁ κύριος*) of the bride elect, and attended by the relatives of both parties as witnesses. The law of Athens ordained that all children born from a marriage legally contracted in this respect should be *γνήσιοι*,⁵ and consequently, if sons, *ισόμοιροι*, or entitled to inherit equally or in gavelkind. It would seem, therefore, that the issue of a marriage without espousals would lose their heritable rights, which depended on their being born *ἐξ ἀστῆς καὶ ἐγγνητῆς γυναίκος*: i. e., from a citizen and a legally betrothed wife. The wife's dowry was also settled at the espousals.⁶

But there were also several ceremonies observed either on or immediately before the day of marriage. The first of these were the *προτέλεια γάμων* or *προγάμεια*,⁷ and consisted of sacrifices or offerings made to the *θεοὶ γαμήλιοι*, or divinities who presided over marriage. They are generally supposed to have been made on the day before the *γάμος* or marriage; but there is a passage in Euripides⁸ which makes it probable that this was not always the case. The sacrificer was the father of the bride elect; the divinities to whom the offering was made were, according to Pollux,⁹ Hera, and Artemis, and the Fates, to whom the brides elect then dedicated the *ἀπαρχαί* of their hair. According to Diodorus Siculus¹⁰ they were Zeus and Hera *τελεία* (Juno pronuba); but they probably varied in different countries, and were sometimes the *θεοὶ ἐγχώριοι* or local deities. The offerings to Artemis were probably made with a view of propitiating her, as she was supposed to be averse to marriage. (*Vid. Brauronia*, p. 172.) We may also observe that Pollux uses *προγάμεια* as synonymous with *προτέλεια*, making *γάμος* identical with *τέλος*, as if marriage were the *τέλος* or perfection of man's being: whence *τέλειος*, connected with or presiding over marriage or a married person, and *δόμος ἡμιτέλης*, a house without a husband, or incomplete.¹¹ Another ceremony of almost general observance on the wedding-day was the bathing of both the bride and bridegroom in water fetched from some particular fountain, whence, as some think, the custom of placing the figure of a *λουτροφόρος*, or "water-carrier," over the tombs of those who died unmarried. (*Vid. Loutron*, p. 599.) After these preliminaries, the bride was generally conducted from her father's to the house of the

1. (Æcon., 7, 10.)—2. (Demosth., c. Nearc., 1350.)—3. (Isæus, De Cimon. hered., p. 72.)—4. (Becker, Charikles, ii., 448.)—5. (Compare Numbers, c. xxxvi.)—6. (Müller, Dorians, ii., 10, § 4.)—7. (Demosth., c. Steph., p. 1134.)—8. (Demosth., c. Aphob., 814.)—9. (Herod., vi., 57.—Müller, l. c.)—10. (c. xxvii., 1—11.)—11. (c. iv.)—12. (Pollux, Onom., iii., 31.)—13. (Plato, Theæt., p. 150.)—14. (Polit., vii., 15.)—15. (Op. et D., 800.)

1. (Iphig. in Aul., 707.)—2. (Isth., vii., 45.)—3. (ad Hæc., Op. et D., 782.)—4. (Plato, Leg., vi., p. 785.)—5. (Demosth., c. Steph., 1134.)—6. (Meier and Schömann, p. 415.)—7. (Pollux, Onom., iii., 38.)—8. (Iphig. in Aul., 642.)—9. (Onom., iii., 381.)—10. (v., 73.)—11. (Hom., II., ii., 701.)

bridegroom at nightfall, in a chariot (ἐφ' ἀμάξης) drawn by a pair of mules or oxen, and furnished with a κλινίς or kind of couch as a seat. On either side of her sat the bridegroom and one of his most intimate friends or relatives, who, from his office, was called *παρόνυμφος* or *νυμφέντης*; but, as he rode in the carriage (ὄχημα) with the bride and bridegroom, he was sometimes called the *πάροχος* (ὁ ἐκ τρίτου ὁ παροχούμενος πάροχος ἐκλήθη). Hence Aristophanes⁸ speaks of the "blooming Love guiding the supple reins," when Zeus was wedded to Hera, as the *Ζηνὸς πάροχος γάμων τῆς ἑὺδαιμόνου Ἥρας*.

The nuptial procession was probably accompanied, according to circumstances, by a number of persons, some of whom carried the nuptial torches (δάδες νυμφικαί⁹); and in some places, as in Bœotia, it was customary to burn the axle of the carriage on its arrival at the bridegroom's house, as a symbol that the bride was to remain at home and not go abroad.⁸ If the bridegroom had been married before, the bride was not conducted to his house by himself, but by one of his friends, who was therefore called *νυμφαγωγός*.⁸

Both bride and bridegroom (the former veiled) were of course decked out in their best attire, with chaplets on their heads,⁶ and the doors of their houses were hung with festoons of ivy and bay.⁷ As the bridal procession moved along, the hymenæan song was sung to the accompaniment of Lydian flutes, even in olden times, as beautifully described by Homer⁸ (*vid.* CROCUS, p. 246), and the married pair received the greetings and congratulation of those who met them.⁹ After entering the bridegroom's house, into which the bride was probably conducted by his mother, bearing a lighted torch,¹⁰ it was customary to shower sweetmeats upon them (*καταχόματα*) as emblems of plenty and prosperity.¹¹

After this came the *γάμος* or nuptial feast, the *θουή γαμική*, which was generally¹² given in the house of the bridegroom or his parents; and, besides being a festive meeting, served other and more important purposes. There was no public rite, whether civil or religious, connected with the celebration of marriage among the ancient Greeks, and therefore no public record of its solemnization. This deficiency, then, was supplied by the marriage feast, for the guests were of course competent to prove the fact of a marriage having taken place; and Demosthenes¹³ says they were invited partly with such views. To this feast, contrary to the usual practice among the Greeks, women were invited as well as men; but they seem to have sat at a separate table, with the bride still veiled among them.¹⁴ At the conclusion of this feast she was conducted by her husband into the bridal chamber; and a law of Solon¹⁵ required that they should eat a quince together, as if to indicate that their conversation ought to be sweet and agreeable. The song called the Epithalamium was then sung before the doors of the bridal chamber, as represented by Theocritus in his 18th Idyl, where, speaking of the marriage of Helen, he says:

Twelve Spartan virgins, the Laconian bloom,
Choir'd before fair Helen's bridal room;
To the same time with cadence true they beat
The rapid round of many twinkling feet,

1. (Harpocr., s. v.)—2. (Avos, 1735.)—3. (Aristoph., Pax, 1318.)—4. (Plut., Quest. Rom., p. 111.)—5. (Hesych., s. v.—Pollux, Onom., iii., 40.)—6. (Becker, Charikles, i., 467.)—7. (Pollux, Amat., 10, p. 27.)—8. (Il., xviii., 490.—Her., Scut. Hero., 273.)—9. (Aristoph., Pax, 1316.)—10. (Eurip., Phœnix, 311.)—11. (Schol. ad Aristoph., Plut., 768.)—12. (Becker, Charikles, ii., 469.)—13. (c. Oret., p. 869.)—14. (Lucian, Conviv., 8.—Althe-nus, civ., p. 644.)—15. (Plutarch in Vit., c. 20.)

One measure tripp'd, one song together sung,
Their hymenean all the palace rung.

CHAPLAIN

On which passage the scholiast remarks that *epi thalamia* are of two kinds; some sung in the evening, and called *κατακοιμητικά*, and others in the morning (*ὄρθρια*), and called *διεγερτικά*.

The day after the marriage, the first of the bride's residence in her new abode, was called the *ἑτάλια*; on which their friends sent the customary presents to the newly-married couple. On another day, the *ἀπαύλια*, perhaps the second after marriage, the bridegroom left his house to lodge apart from his wife at his father's-in-law, and the bride presented him with a garment called *ἀπαύλιον*, in connexion with which, Pollux¹ observes, that the gifts made to the bride after the marriage were called *ἀπαύλια*. Some of the presents made to the bride by her husband and friends were called *καλνπτίρια*, as being given on the occasion of the bride first appearing unveiled:² they were probably given on the *ἑπαύλια*, or day after the marriage.

Another ceremony observed after marriage was the sacrifice which the husband offered up on the occasion of his bride being registered among his own phratores (*γαμηλιαν* scil. *θυσίαν τοῖς φράτορας εἰσήνεκε*).³

The statement above made of the solemnities connected with marriage cannot, of course, be considered as applicable to all ages and circumstances, but rather as a representation of the customs generally observed at Athens in later times.

At Sparta the betrothal of the bride by her father or guardian (*κύριος*) was requisite as a preliminary of marriage, as well as at Athens.⁴ Another custom peculiar to the Spartans, and a relic of ancient times, was the seizure of the bride by her intended husband,⁵ but, of course, with the sanction of her parents or guardians.⁶ She was not, however, immediately domiciled in her husband's house, but cohabited with him for some time clandestinely, till he brought her, and frequently her mother also, to his home.⁷ A similar custom appears to have prevailed in Crete, where, as we are told,⁸ the young men, when dismissed from the *ἀγελή* of their fellows, were immediately married, but did not take their wives home till some time afterward. Müller suggests that the children of this furtive kind of intercourse were called *παρθέναι*.

We subjoin some particulars concerning the relation between man and wife among the ancient Greeks, prefacing them with a description of domestic married life from Lysias.⁹ The speaker there says, "I have a small two-story house, of equal dimensions on the basement and first floor, both in the male and female apartments (*κατὰ τὴν γυναικωνίτιον, κ. τ. λ.*). Now, after our little boy was born, his mother used to suckle it; and that she might not meet with any accident in going down the ladder (*ἢ κλίμαξ*), whenever she wanted to wash, I lived up stairs, and the women below. And it was usual for my wife to leave me very frequently and sleep down stairs with the child, to give it the breast and keep it from crying. And one day, after dinner, the little fellow cried and fretted, and I told my wife to go and suckle it; now, at first she would not, but at last I got angry with her, and ordered her to go: 'yes,' said she, 'that you may play with the servant-maid,' &c."

Now, though the wife, as appears by this tale, usually took her meals with her husband, she did

1. (Onom., iii., 39.)—2. (Harpocr., s. v.)—3. (Demosth., Eubul., 1319, 1320.—Isæus, De Pyr. hered., p. 45.)—4. (Müller, Dorians, ii., 4, § 2.)—5. (Vid. Herod., vi., 63.)—6. (Plut., Lycurg., 15.—Xen., De Rep. Lac., i., 5.)—7. (Müller, Dorians, i., 4.)—8. (Strabo, x., p. 482.)—9. (De Cæde Eratosth., p. 92.)

go out with him to dinner, nor sit at table with his guests when he had company.¹

The duties of a good housewife are summed up by Plato² under the heads of *ταμεία*, *θεραπεία*, and *δοστροφία*. The first of these included the domestic arrangements of the house and superintendence of the furniture, provisions, cookery, and servants; in fact, everything that came under the name of housekeeping.³ But a trust of this kind was not placed in a young wife till she had gained some experience; for what, says Xenophon,⁴ could a wife, tried at fifteen, be likely to know, who had lived in complete seclusion, and had only been taught by her mother to conduct herself virtuously (*σωφροσύνη*)! The *θεραπεία* included the attendance upon sick inmates of the house, whether free or slaves.⁵ The *παιδοτροφία* was the physical education of the children, on which Plutarch⁶ observes that mothers ought themselves to nurture and suckle their children, though frequently female citizens were hired as wet nurses.⁷ The Spartan nurses were so famous that they were engaged even in foreign states; thus Alcibiades, we are told, was nursed by a Laconian nurse.⁸ It is scarcely necessary to remark, that we have been speaking of women in good circumstances, to which only our observations can apply.

The consideration in which women were held by their husbands, and the respect paid to them in ancient Greece, would naturally depend, in some degree, on their intellectual and moral character; and generally speaking, the Greeks entertained comparatively little regard for the female character.

They considered women, in fact, as decidedly inferior to men, qualified to discharge only the subordinate functions in life, and rather necessary helpmates than agreeable as companions. To the notions female education for the most part responded, and, in fact, confirmed them; it did not supply the elegant accomplishments and refinement of manners which permanently engage the attention when other attractions have passed away. Aristotle⁹ states that the relation of man to woman is that of the governor to the subject; and Plato¹⁰ that a woman's virtues may be summed up in few words, for she has only to manage the household, keeping what there is in it, and obeying her husband. Nor is it unimportant to remark, that children, in speaking of their wives and children, generally said *τέκνα και γυναίκας*, putting their wives in a phrase which indicates pretty clearly what the tone of feeling on this subject. Moreover, before marriage, Grecian women were kept in a state of confinement, which amounted to little short of deprivation of liberty, so that they are even thought to have been watched and guarded in strong restraints.

*ὄχυροῖσι παρθενῶσι φρονουῦνται καλῶς*¹¹ was it thought becoming in them to be seen public,¹² except on some particular occasions, when they appeared as spectators of, or participants in, religious processions; of which, young men anxious of getting married would naturally avail themselves to determine the object of their choice. After marriage the restrictions imposed upon women of the middle and higher classes were of a very jealous and almost Oriental character. They occupied, as is well known, a separate part of the house, and in the absence of their husbands it was thought highly improper for a man

even to enter where they were.¹ From various passages of the Attic comedians, it would also seem that married women were required to keep at home (*οἰκουργεῖν*), and not allowed to go out of doors without the permission of their husbands. Thus, in a fragment of Menander,² we are told that married women are not allowed to pass the gate of the courtyard of the house,

*πέρασ γὰρ αὐλῆος θύρα
Ἐλευθέρα γυναίκε νενομίστ' οἰκίας.*

and Aristophanes³ speaks of their husbands forbidding them to go out. Again, on occasions of great public alarm (*e. g.*, when the news of the defeat at Chæroneia reached Athens), the women are spoken of, not as leaving their houses, but standing at their doors and inquiring after the fate of their husbands, a circumstance that is described as being disgraceful to themselves and the city (*ἀνάξιον αὐτῶν καὶ τῆς πόλεως*). From a passage in Plutarch,⁴ it appears that on this subject there was the same feeling at Thebes as well as at Athens; and the same writer⁵ informs us that one of Solon's laws specified the conditions and occasions upon which women were to be allowed to leave their houses. In later times there were magistrates at Athens (the *γυναικονόμοι*), charged, as their name denotes, with the superintendence of the behaviour of women. (*Vid. ΓΥΝΑΙΚΟΝΟΜΟΙ*.)

But we must observe that the description given above of the social condition and estimation of women in Greece, does not apply to the heroic times as described by Homer, nor to the Dorian state of Sparta. With respect to the former, we have only space to remark, that the women of the Homeric times enjoyed much more freedom and consideration than those of later ages, and that the connexion between the sexes was then of a more generous and affectionate character than afterward. For another important distinction, see *DOS, GREEK*.¹

Among the Dorians generally, and in Sparta especially, the relation of the wife to the husband, and the regard paid to women, were for the most part the same as that represented by Homer to have prevailed universally among the ancient Greeks and as such, presented a strong contrast to the habits and principles of the Ionic Athenians, with whom the ancient custom of Greece, in this respect, was in a great measure supplanted by that of the East. At Sparta, for instance, the wife was honoured with the title of *δέσποινα*, or "mistress," an appellation not used unmeaningly or ironically, and which was common among the Thessalians and other nations of northern Greece.² Moreover, the public intercourse permitted by the Dorians between the sexes was (comparatively at least) of so free and unrestricted a character as to have given occasion for the well-known charges of licentiousness (*ἀνεσσις*) against the Spartan women.³ The influence, too, which the Lacedæmonian women enjoyed was so great, that the Spartans were blamed for submitting to the yoke of their wives; and even Aristotle⁴ thought it necessary to account for the circumstance by the supposition that Lycurgus had failed in his attempt to regulate the life and conduct of the Spartan women as he had wished. In short, there was a great contrast and difference between the treatment of women in the Dorian and Ionian states of Greece, which is well described by Müller⁵ in the following words: "Among the Ionians women were merely considered in an inferior and sensual light; and though the Æolians allowed their

¹ *Æneid*, De Pyrr. hæred., 39.—Demosth., c. Neer., 1352.—*Æneid*, vii., p. 805.—3. (Becker, Charikles, ii., p. 476.)—4. *Æneid*, vii., 4.—5. (Xen., *Econ.*, vii., 37.)—6. (*De Educat.*, p. 9.)—7. (Demosth., c. Eubul., 1309.)—8. (Plut., *Æneid*, 16.)—9. (*De Rep.*, i., cap. 2.)—10. (Meno, p. 71.)—11. (*Æneid*, in Aul.)—12. (Eurip., *Orest.*, 108.)

1. (Demosth., c. *Euerg.*, 1157 and 1150.)—2. (Meineke, p. 87.)—3. (*Thesm.*, p. 790.)—4. (Lycurg., c. *Leocr.*, p. 53, *Becker*.)—5. (*De Gen. Socr.*, 33)—6. (Solon, 21.)—7. (Becker, *Charikles*, ii., 415.)—8. (Müller, *Dorians*, ii., 4, § 4.)—9. (Eurip., *Androm.*, 586.)—10. (*Pol.*, ii., 6.)—11. (*l. c.*)

feelings a more exalted tone, as is proved by the amatory poetesses of Lesbos, the Dorians, as well at Sparta as in the south of Italy, were almost the only nation who considered the higher attributes of the female mind as capable of cultivation." In Sparta, too, the unmarried women lived more in public than the married. The former appeared with their faces uncovered, the latter veiled; and at Sparta, in Crete, and at Olympia, virgins were permitted to be spectators of the gymnastic contests, and married women only were excluded. The reverse of this was the case in Ionia.¹

The preceding investigation will have prepared the reader for the fact, that the strictest conjugal fidelity was required, under very severe penalties, from the wife (*vid. ADULTERIUM*), while great laxity was allowed to the husband. The general practice is thus illustrated by Plautus:²

"*Nam si vir scortum duxit clam uxorem suam,
Id si rescivit uxor, impune est viro.
Uxor viro si clam domo egressa est foras,
Viro fit causa, exigitur matrimonio.*"

In cases of adultery by the wife, the Athenian law subjected the husband to ἀτιμία if he continued to cohabit with her; so that she was *ipso facto* divorced.³ But a separation might be effected in two different ways: by the wife leaving the husband, or the husband dismissing the wife. If the latter supposed her husband to have acted without sufficient justification in such a course, it was competent for her after dismissal, or, rather, for her guardians, to bring an action for dismissal (δική ἀποπέμψεως or ἀποκομπής): the corresponding action, if brought by the husband, was a δική ἀπολείψεως. If, however, a wife were ill used in any way by her husband, he was liable to an action called a δική κακώσεως,⁴ so that the wife was not entirely unprotected by the laws: a conclusion justified by a fragment in Athenæus,⁵ in which married women are spoken of as relying on its protection. But a separation, whether it originated from the husband or wife, was considered to reflect discredit on the latter (ὁ γὰρ διάυλος ἐστὶν ἀισχύνην ἔχων*), independent of the difficulties and inconveniences to which she was subjected by it. At Sparta, barrenness on the part of a wife seems to have been a ground for dismissal by the husband;⁶ and from a passage in Chrysostom,⁷ it has been inferred that women were in the habit of imposing supposititious children with a view of keeping (κατασχέειν) their husbands: not but that the word admits of, if, indeed, it does not (from the tense) require, a different interpretation.

This article has been mainly composed from Becker's *Charikles*.⁸ The duties of an Athenian wife are stated somewhat in detail by Xenophon.⁹

MARRIAGE (ROMAN), MATRIMONIUM, NUPTIÆ. A legal Roman marriage was called *justæ nuptiæ*, *justum matrimonium*, as being conformable to *jus (civile)* or to law. A legal marriage was either cum conventione uxoris in manum viri, or it was without this conventio. But both forms of marriage agreed in this: there must be connubium between the parties, and consent: the male must also be pubes, and the woman viri potens. The legal consequences as to the power of the father over his children were the same in both.

A Roman marriage may be viewed, first, with reference to the conditions required for a *justum matrimonium*; secondly, with reference to the forms of the marriage; thirdly, with reference to its legal consequences.

Unless there was connubium, there could be no Roman marriage. Connubium is defined by Ulpian to be "*uxoris jure ducenda facultas*," or the faculty by which a man may make a woman his lawful wife. But, in truth, this is no definition at all, nor does it give any information. Connubium is merely a term which comprehends all the conditions of a legal marriage. Accordingly, the term is explained by particular instances: "Roman men citizens," says Ulpian, "have connubium with Roman women citizens (*Romana cives*); but with Latins and Peregrines, only in those cases where it has been permitted. With slaves there is no connubium."

Sometimes connubium, that is, the faculty of contracting a Roman marriage, is viewed with reference to one of its most important consequences, namely, the patria potestas: "for," says Gaius, "since it is the effect of connubium that the children follow the condition of their father, it results that, when connubium exists, the children are not only Roman citizens, but are also in the power of their father." Generally, it may be stated that there was only connubium between Roman citizens: the cases in which it at any time existed between parties, not both Roman citizens, were exceptions to the general rule. Originally, or, at least, at one period of the Republic, there was no connubium between the patricians and the plebeians; but this was altered by the *lex Caninia*, which allowed connubium between persons of these two classes.

There was no connubium between many persons with respect to one another, who had several connubium with respect to other persons. Thus there were various degrees of consanguinity within which there was no connubium. There was no connubium between parent and child, whether the relation was natural or by adoption; and a man could not marry an adopted daughter or grand-daughter, even after he had emancipated her. There was no connubium between brothers and sisters, whether of the whole or of the half blood; but a man might marry a sister by adoption after her emancipation, or after his own emancipation. It became legal to marry a brother's daughter after Claudius had set the example by marrying Agrippina; but the rule was not carried farther than this example, and in the time of Gaius it remained unlawful for a man to marry his sister's daughter.¹

There was no connubium, also, between persons within certain relations of affinity, as between a man and his socrus, nurus, privigna, and noverca.

Any illegal union of a male and female, though affecting to be, was not a marriage: the man had no legal wife, and the children had no legal father; consequently, they were not in the power of their reputed father. These restrictions as to marriage were not founded on any enactments: they were a part of that large mass of Roman law which belongs to *jus moribus constitutum*.

The marriage of Domitius, afterward the Emperor Nero, with Octavia, the daughter of Claudius, seems at first sight somewhat irregular. Nero was adopted by Claudius by a *lex Curia*,² but he was already his son-in-law; at least, the sponsa was mentioned before the adoption.³ There seems to be no rule of law which would prevent a man from adopting his son-in-law; though, if the adoption took place before the marriage, it would be illegal as stated by Gaius.

Persons who had certain bodily imperfections, as eunuchs, and others who, from any cause, could

1. (Müller, Dorians, ii., 2, § 2.)—2. (Mercat., iv., 6, 2.)—3. (Demosth., c. Neur., p. 1374.)—4. (p. 179.)—5. (xiii., p. 559.)—6. (Frag. ap. Stob., p. 67, Gaisford.)—7. (Herod., vi., 61.)—8. (Orat., xv., p. 447, R.)—9. (ii., p. 415.)—10. (Econ ad init.)

1. (Frag., v., 3.)—2. (Gaius, i., 62.—Tacit., Ann., xii., 26.)—3. (Sueton., Claud., 26.)—4. (Tacit., Ann., xii., 26.)—5. (Tacit., Ann., xii., 9.)

never attain to puberty, could not contract marriage; for, though *pubertas* was in course of time fixed at a positive age (*vid. IMPUBES*), yet, as the foundation of the notion of *pubertas* was physical capacity for sexual intercourse, there could be no *pubertas* if there was a physical incapacity.

The essence of marriage was consent, and the consent, says Ulpian, "both of those who come together, and of those in whose power they are;" and "marriage is not effected by sexual union, but by consent." Those, then, who were not *sui juris*, had not, strictly speaking, *connubium*, or the "*uzoris iure ducenda facultas*;" though, in another sense, they had *connubium*, by virtue of the consent of those in whose power they were, if there was no other impediment. According to the old law, there is no doubt that a father could give his child in marriage, unless the child was emancipated, without asking the child's consent.

The *lex Julia et Papia Poppæa* placed certain restrictions on marriage as to the parties between whom it could take place. (*Vid. JULIA ET PAPIA POPPÆA; INFAMIA.*)

A man could only have one lawful wife at a time; and, consequently, if he were married, and divorced his wife, a second marriage would be no marriage unless the divorce were effectual.

The marriage *cum conventione* differed from that *sine conventione*, in the relationship which it effected between the husband and the wife; the marriage *cum conventione* was a necessary condition to make a woman a *materfamilias*. By the marriage *cum conventione*, the wife passed into the familia of her husband, and was to him in the relation of a daughter, or, as it was expressed, "*in manum convenit*."¹ In the marriage *sine conventione*, the wife's relation to her own familia remained as before, and she was merely *uxor*. "*Uxor*," says Cicero,² "is a genus of which there are two species; one is *materfamilias*, '*quæ in manum convenit*;' the other is *uxor* only." Accordingly, a *materfamilias* is a wife who is in manum, and in the familia of her husband, and, consequently, one of his *sui heredes*, or in the manus of him in whose power her husband is. A wife not in manum was not a member of her husband's familia, and, therefore, the term could not apply to her. Gellius³ also states that this was the sole meaning of *materfamilias*. *Matrona* was, properly, a wife not in manum, and equivalent to Cicero's "*tantummodo uxor*;" and she was called *matrona* before she had any children. But these words are not always used in these their original and proper meanings.⁴

It does not appear that any forms were requisite in the marriage *sine conventione*; and, apparently, the evidence of such marriage was cohabitation *matrimonii causa*. The *matrimonii causa* might be proved by various kinds of evidence.

In the case of a marriage *cum conventione*, there were three forms, *usus*, *farreum*, and *coemptio*.

Marriage was effected by *usus* if a woman lived with a man for a whole year as his wife; and this was by analogy to *usucapion* of movables generally, in which *usus* for one year gave ownership. The law of the Twelve Tables provided that, if a woman did not wish to come into the manus of her husband in this manner, she should absent herself from him annually for three nights (*trinoctium*), and so break the *usus* of the year. The Twelve Tables probably did not introduce the *usus* in the case of a woman cohabiting with a man *matrimonii causa*, any more than they probably did in the case of other things; but, as in the case of other things, they fixed the time within which the *usus* should have its full ef-

fect, so they established a positive rule as to what time should be a sufficient interruption of *usus* in the case of matrimonial cohabitation, and such a positive rule was obviously necessary in order to determine what should be a sufficient legal interruption of *usus*.

Farreum was a form of marriage, in which certain words were used in the presence of ten witnesses, and were accompanied by a certain religious ceremony, in which *panis farreus* was employed; and hence this form of marriage was also called *confarreatio*. This form of marriage must have fallen generally into disuse in the time of Gaius, who remarks¹ that this legal form of marriage (*hoc jus*) was in use even in his time for the marriages of the *flamines majores* and some others. This passage of Gaius is defective in the MS., but its general sense may be collected from comparing it with Tacitus² and Servius.³ It appears that certain priestly offices, such as that of *flamen dialis*, could only be held by those who were born of parents who had been married by this ceremony (*confarreati parentes*). Even in the time of Tiberius, the ceremony of *confarreatio* was only observed by a few. As to divorce between persons married by *confarreatio*, see *DIVORTIUM*.

Coemptio was effected by *mancipatio*, and, consequently, the wife was in *mancipio*.⁴ A woman who was cohabiting with a man as *uxor*, might come into his manus by this ceremony, in which case the *coemptio* was said to be *matrimonii causa*, and she who was formerly *uxor* became *apud maritum filie loco*. The other *coemptio*, which was called *fiducie causa*, and which was between a woman and a man not her husband, is considered under *TESTAMENTUM* and *TUTELA*. If, however, an *uxor* made a *coemptio* with her husband, not *matrimonii causa*, but *fiducie causa*, the consequence was that she was in manum, and thereby acquired the rights of a daughter. It is stated by a modern writer, that the reason why a woman did not come in *mancipium* by the *coemptio*, but only in manum, is this, that she was not *mancipata*, but *mancipata* herself, under the authority of her father if she was in his power, and that of her tutors if she was not in the power of her father; the absurdity of which is obvious, if we have regard to the form of *mancipatio* as described by Gaius,⁵ who also speaks⁶ of *mancipatio* as being the form by which a parent released his daughter from the *patria potestas* (*e suo jure*), which he did when he gave his daughter in manum *vir*. The *mancipatio* must in all cases have been considered as legally effected by the father or the tutors.

Sponsalia were not an unusual preliminary of marriage, but they were not necessary. "*Sponsalia*," according to Florentinus,⁷ "*sunt mentio et re promissio nuptiarum futurarum*." Gellius has preserved⁸ an extract from the work of Servius Sulpicius Rufus de *Dotibus*, which, from the authority of that great jurist, may be considered as unexceptionable.⁹ *Sponsalia*, according to Servius, was a contract by stipulationes and sponsiones, the former on the part of the future husband, the latter on the part of him who gave the woman in marriage. The woman who was promised in marriage was accordingly called *sponsa*, which is equivalent to *promissa*; the man who engaged to marry was called *sponsus*. The *sponsalia*, then, were an agreement to marry, made in such form as to give each party a right of action in case of non-performance, and the offending party was condemned in such damages as to the *judex* seemed just. This was the law (*jus*) of

1. (Cic., *Top.*, 3^o—2. (*Top.*, 3.)—3. (*xviii.*, 6.)—4. (*Vid. Ulp.*, *§ 242*, *iv.*)

1. (i., 112.)—2. (*Ann.*, iv., 16.)—3. (*ad Æn.*, iv., 104, 374.)—4. (*Gaius*, i., 118.)—5. (i., 119.)—6. (i., 118.)—7. (*Dig.* 23, tit. 1, s. 1.)—8. (iv., 4.)—9. (*Compare Varro, De Ling. Lat.*, vi., 70.)

sponsalia, adds Servius, to the time when the lex Julia gave the civitas to all Latium; whence we may conclude that alterations were afterward made in it. The sponsalia were, of course, not binding, if the parties consented to waive the contract; and either party could dissolve the contract, as either could dissolve a marriage, subject, however, to the right of action which the non-consenting party might have. If a person was in the relation of double sponsalia at the same time, he was liable to infamia. (Vid. INFAMIA.) Sometimes a present was made by the future husband to the future wife by way of earnest (*arrha, arrha sponsalitia*), or, as it was called, *propter nuptias donatio*.¹ Sponsalia might be contracted by those who were not under seven years of age. (Vid. INFANS, IMPUBES.)

The consequences of marriage were:

1. The power of the father over the children of the marriage, which was a completely new relation; an effect, indeed, of marriage, but one which had no influence over the relation of the husband and wife. (Vid. PATRIA POTESTAS.)

2. The liabilities of either of the parties to the punishments affixed to the violation of the marriage union. (Vid. ADULTERIUM, DIVORTIUM.)

3. The relation of husband and wife with respect to property, to which head belong the matters of *dos, donatio inter virum et uxorem, donatio propter nuptias, &c.* Many of these matters, however, are not necessary consequences of marriage, but the consequence of certain acts which are rendered possible by marriage.

In the later Roman history we often read of marriage contracts which have reference to *dos*, and generally to the relation of husband and wife viewed with reference to property. A title of the Digest² treats *De Pactis Dotalibus*, which might be made either before or after marriage.

The Roman notion of marriage was that of a complete personal unity of the husband and wife (*consortium omnis vitæ*), as shown by a continuous cohabitation, the evidence of continuing consent; for the dissent of either party, when formally expressed, could dissolve the relation. (Vid. DIVORTIUM.) Neither in the old Roman law nor in its later modifications was a community of property an essential part of the notion of marriage, unless we assume that originally all marriages were accompanied with the *conventio in manum*, for in that case, as already observed, the wife became *filiafamilias loco*, and passed into the familia of her husband; or if her husband was in the power of his father, she became to her husband's father in the relation of a granddaughter. The legal deduction from this is, that her legal personality was merged in that of her husband, all her property passed to him by a universal succession,³ and she could not thenceforward acquire property for herself. Thus she was entirely removed from her former family as to her legal status, and became as the sister to her husband's children. In other words, when a woman came in *manum*, there was a blending of the matrimonial and the filial relation. It was a good marriage without the relation expressed by *in manu*, which was a relation of parent and child superadded to that of husband and wife. It is a legitimate consequence that she could not divorce her husband, though her husband might divorce her; and if we assume that the marriage *cum conventione* was originally the only form of marriage (of which, however, we believe there is no proof), the statement of Plutarch (vid. DIVORTIUM), that the husband alone had originally the power of effecting a divorce, will consist with this strict legal deduction. It is pos-

sible, however, that, even if the marriage *cum conventione* was once the only form, there might have been legal means by which a wife in *manu* could effect a dissolution of the marriage, just as a person in *mancipii causa* had still certain personal rights against his legal owner. But conjecture is beyond our province, which is confined to matters of which there is evidence.

When there was no *conventio*, the woman remained a member of her own familia: she was to her husband in the same relation as any other Roman citizen, differing only in this, that her sex enabled her to become the mother of children who were the husband's children and citizens of the state, and that she owed fidelity to him so long as the matrimonial cohabitation continued by mutual consent. But her legal status continued as it was before: if she was not in the power of her father, she had for all purposes a legal personal existence independently of her husband, and, consequently, her property was distinct from his. It must have been with respect to such marriages as these that a great part, at least, of the rules of law relating to *dos* were established; and to such marriages all the rules of law relating to marriage contracts must have referred, at least so long as the marriage *cum conventione* existed and retained its strict character.

When marriage was dissolved, the parties to a might marry again; but opinion considered it more decent for a woman not to marry again. A woman was required by usage (*mos*) to wait a year before she contracted a second marriage, on the pain of infamia. (Vid. INFAMIA.)

The above is only an outline of the law of marriage, but it is sufficient to enable a student to carry his investigations farther.

It remains to describe the customs and *ritus* which were observed by the Romans at marriages (*ritus nuptiales* or *nuptiarum solemnia justa, τὰ νομολογία τῶν γάμων*). After the parties had agreed to marry, and the persons in whose potestas they were had consented, a meeting of friends was sometimes held at the house of the maiden for the purpose of settling the marriage contract, which was called sponsalia, and written on tablets (*tabula legitime*), and signed by both parties.¹ The woman, after she had promised to become the wife of a man, was called *sponsa, pacta, dicta, or sperata*.² From Juvenal it appears that, at least during the imperial period, the man put a ring on the finger of his betrothed as a pledge of his fidelity. This ring was probably, like all rings at this time, worn on the left hand, and on the finger nearest to the smallest.³ The last point to be fixed was the day on which the marriage was to take place. Towards the close of the Republic it had become customary to betroth young girls when they were yet children: Augustus therefore limited the time during which a man was allowed to continue betrothed to a girl,⁴ and forbade men to be betrothed to girls before the latter had completed their tenth year, so that, the age of puberty being twelve years, a girl might not be compelled to be betrothed longer than two years.⁵

The Romans believed that certain days were unfortunate for the performance of the marriage *ritus*, either on account of the religious character of those days themselves, or on account of the days by which they were followed, as the woman had to perform certain religious rites on the day after her wedding, which could not take place on a dies *ater*. Days not suitable for entering upon matrimony were the Calends, Nones, and Ides of every month, all dies

1. (Juv., Sat., ii., 119, &c.—Id. ib., vi., 25, 260.—Gellius, v., 4.)—2. (Gellius, l. c.—Plaut., Trinum., ii., 4, 99.—Nona, v., p. 213.)—3. (Sat., vi., 27.)—4. (Macrob., Sat., vi., 12.)—5. (Suet., Octav., 34.)—6. (Dion Cass., iv., p. 609, Steph.)

1. (Cod. v., tit. 3.)—2. (23, tit. 4.)—3. (Gaius, ii., 95, 96.)

the whole months of May,¹ and February, and great number of festivals.² Widows, on the other hand, might marry on days which were inauspicious to maidens.³

On the wedding-day, which in the early times was never fixed upon without consulting the auspices, the bride was dressed in a long white robe with a purple fringe, or adorned with ribands.⁴ This was called *tunica recta*,⁵ and was bound round the waist with a girdle (*corona, cingulum, or zona*),⁶ which the husband had to untie in the evening. The bridal veil, called *flammeum*, was of a bright yellow colour,⁷ and her shoes likewise.⁸ Her hair was divided on this occasion with the point of a sword.¹⁰

The only form of marriage which was celebrated as a solemn religious rite was that by *confarreatio*; the other forms, being mere civil acts, were usually solemnized without any religious ceremony. In the case of a marriage by *confarreatio*, a sheep was sacrificed, and its skin was spread over two tables, upon which the bride and bridegroom sat in with their heads covered.¹¹ Hereupon the marriage was completed by pronouncing a solemn formula or prayer, after which another sacrifice was made. A cake was made of *far* and the *mola salutaris* prepared by the vestal virgins,¹² and carried before the bride when she was conducted to the residence of her husband. It is uncertain whether this is the same as that which is called *mustacum*,¹³ which was in the evening distributed among guests assembled at the house of the young man.

The bride was conducted to the house of her husband in the evening. She was taken with apparent force from the arms of her mother, or of the person who had to give her away. On her way she was accompanied by three boys dressed in the *prætexta*, and whose fathers and mothers were still *patrimi et matrimi*. One of them carried before her a torch of white thorn (*spina*), or, according to others, of pine wood; the two others walked on either side, supporting her by the arm.¹⁴ The bride herself carried a distaff and a spindle with wool.¹⁵ A boy, called *camillus*, carried in a covered vase *cera, cumerum, or camillum*, the so-called utensils of the bride and playthings for children (*crepundia*). Besides these persons who officiated on the occasion, the procession was attended by a number of friends both of the bride and the bridegroom, whose attendance was called *officium* and *vicium venire*.¹⁷ Plutarch¹⁸ speaks of five wax tapers which were used at marriages; if these were borne in the procession, it must have been to the company which followed the bride; but it is also possible that they were lighted during the marriage ceremony in the house of the bride.

When the procession arrived at the house of the bridegroom, the door of which was adorned with garlands and flowers, the bride was carried across the threshold by *pronubi, i. e.*, men who had only just married to one woman, that she might not look against it with her foot, which would have been an evil omen.¹⁹ Before she entered the house,

she wound wool around the door-posts of her new residence, and anointed them with lard (*adeps suillus*) or wolf's fat (*adeps lupinus*).²⁰ The husband received her with fire and water, which the woman had to touch. This was either a symbolic purification (for Servius² says that the newly-married couple washed their feet in this water), or it was a symbolic expression of welcome, as the *interdicere aqua et igni* was the formula for banishment. The bride saluted her husband with the words *ubi tu Caius, ego Caia*.²¹ After she had entered the house with distaff and spindle, she was placed upon a sheepskin, and here the keys of the house were delivered into her hands.⁴ A repast (*cena nuptialis*), given by the husband to the whole train of relatives and friends who accompanied the bride, generally concluded the solemnity of the day.²² Many ancient writers mention a very popular song, *Talasio* or *Talassio*, which was sung at weddings;⁶ but whether it was sung during the repast or during the procession is not quite clear, though we may infer, from the story respecting the origin of the song, that it was sung while the procession was advancing towards the house of the husband.

It may easily be imagined that a solemnity like that of marriage did not take place among the merry and humorous Italians without a variety of jests and railleries, and Ovid⁷ mentions obscene songs which were sung before the door of the bridal apartment by girls after the company had left. These songs were probably the old *Fescennina* (*vid. Fescennina*), and are frequently called *Epithalamia*. At the end of the repast the bride was conducted, by matrons who had not had more than one husband (*pronuba*), to the lectus genialis in the atrium, which was on this occasion magnificently adorned and strewn with flowers. On the following day the husband sometimes gave another entertainment to his friends, which was called *repotia*,⁸ and the woman, who on this day undertook the management of the house of her husband, had to perform certain religious rites,⁹ on which account, as was observed above, it was necessary to select a day for the marriage which was not followed by a dies *nefastus*. These rites probably consisted of sacrifices to the *Dii Penates*.¹⁹

The rites and ceremonies which have been mentioned above are not described by any ancient writer in the order in which they took place, and the order adopted above rests in some measure merely upon conjecture. Nor is it, on the other hand, clear which of the rites belonged to each of the three forms of marriage. Thus much only is certain, that the most solemn ceremonies, and those of a religious nature, belonged to *confarreatio*.

The position of a Roman woman after marriage was very different from that of a Greek woman. The Roman presided over the whole household; she educated her children, watched over and preserved the honour of the house, and, as the mater familias, she shared the honours and respect shown to her husband. Far from being confined, like the Greek women, to a distinct apartment, the Roman matron, at least during the better centuries of the Republic, occupied the most important part of the house, the atrium.¹¹

*MARRUBIUM, Horehound. The white Horehound is the *Marrubium vulgare*, or the *M. album* of the shops. The modern Greeks term it *σκυρολόχορον*.

Ovid, *Fast.*, v., 490.—Plut., *Quest. Rom.*, p. 284.—2. *obs.*, Sat., i., 15.—Ovid, *Fast.*, ii., 557.—3. (Macrob., *Sat.*, *Plut.*, *Quest. Rom.*, p. 289.)—4. (Cic., *De Div.*, i., 16.—*De Nat. Deor.*, ii., 1.)—5. (Juv., ii., 124.)—6. (Plin., *H. N.*, viii., 7. (Festus, s. v. *Cingulo*.)—8. (Plin., *H. N.*, xxi., 8.—*ad Juv.*, vi., 225.)—9. (Catull., lxi., 10.)—10. (Ovid, *ibid.*, 560.—Arnob., *adv. Gent.*, ii., p. 91.—Plut., *Quest. Rom.*, p. 285.)—11. (Serv. *ad Æn.*, iv., 374.)—12. (Serv. *ad Æn.*, viii., 82.)—13. (Juv., *Sat.*, vi., 201.)—14. (Fest., *Patrimi et matrimi*.—Varro, *ap. Charisium*, i., p. 117.—*H. N.*, xvi., 18.)—15. (Plin., *H. N.*, viii., 48.—Plut., *ibid.*, p. 271.)—16. (Festus, s. v. *Cumeram*.—Plaut., *ibid.*, i., 5.)—17. (Suet., *Calig.*, 25.—*Id.*, *Claud.*, 26.)—18. (Macrob., *init.*)—19. (Plut., *Quest. Rom.*, p. 271, c.—Plaut., *ibid.*, 4, 1.)

1. (Serv. *ad Æn.*, iv., 19.—Plin., *H. N.*, xviii., 9.)—2. (*ad Æn.*, iv., 104.)—3. (Plut., *Quest. Rom.*, l. c.)—4. (Festus, s. v. *Clavis*.)—5. (Plaut., *Curc.*, v., 2, 61.—Suet., *Calig.*, 25.)—6. (Plut., *Quest. Rom.*, l. c.—Liv., i., 9.—Dionys. *Hæc.*, *Ant. Rom.*, ii., 21.—Festus, s. v. *Talassionem*.)—7. (Fast., iii., 675.)—8. (Festus, s. v.—Horat., *Sat.*, ii., 2, 60.)—9. (Macrob., *Sat.*, i., 15.)—10. (Cic., *De Repub.*, v., 5.)—11. (Compare Lipsius, *Ætæc.*, i., 17.—Böttiger: *Alcibrand. Hochzeit.*, p. 124, &c.)



is commonly represented holding one in his hand, of which the annexed woodcut from an intaglio in the Stosch collection at Berlin

presents an example.

MARTIA'LIS FLAMEN. (*Vid.* FLAMEN.)

MARTIA'LES LUDI. (*Vid.* LUDI MARTIALES.)

MARTYRIA (*μαρτυρία*) signifies strictly the deposition of a witness in a court of justice, though the word is applied metaphorically to all kinds of testimony. We shall here explain, 1, what persons were competent to be witnesses at Athens; 2, what was the nature of their obligation; 3, in what manner their evidence was given; 4, what was the punishment for giving false evidence.

None but freemen could be witnesses. The incapacity of women may be inferred from the general policy of the Athenian law, and the absence of any example in the orators where a woman's evidence is produced. The same observation applies to minors.

Slaves were not allowed to give evidence, unless upon examination by torture (*βάσανος*). There appears to have been one exception to this rule, viz., that a slave might be a witness against a freeman in case of a charge of murder,⁴ though Platner⁵ thinks this only applied to the giving information. The party who wished to obtain the evidence of a slave belonging to his opponent challenged him to give up the slave to be examined (*ἐξήτει τὸν δούλον*). The challenge was called *πρόκλησις*. The owner, if he gave him up, was said *ἐκδοῦναι* or *παρδοῦναι*. But he was not obliged so to do, and the general practice was to refuse to give up slaves, which, perhaps, arose from humanity, though the opponent always ascribed it to a fear lest the truth should be elicited. The orators affected to consider the evidence of slaves, wrung from them by torture, more valuable and trustworthy than that of freemen; but it must be observed, they always use this argument when the slave had not been examined.⁶

Citizens who had been disfranchised (*ἠτιμωμένοι*) could not appear as witnesses (any more than as jurors or plaintiffs) in a court of justice; for they had lost all honourable rights and privileges.⁷ But

civil and criminal proceedings, and evidence as he is able to give, arises out of which every man owes to the state; no reason to believe that any persons (parties themselves) were exempted from litigation. The passages which Platner⁸ cites in support of the contrary nothing more than that the near relatives were *reluctant* to give evidence against as the fact that they were bound by the evidence may be inferred from Demost.

The party who desired the evidence summoned him to attend for that purpose summons was called *πρόσκλησις*.⁴ If promised to attend, and failed to do so, liable to an action called *δίκη λειπομαρτυρίας* if he promised or not, he was bound to attend if his absence caused injury to the party liable to an action (*δίκη βλάβης*). This is a clear distinction between these forms of action to which there has been much doubt.⁷

The attendance of the witness was fixed at the *ἀνάκρισις*, where he was to make his deposition before the superintending magistrate (*δικαστηρίου*). The party in whose favour the evidence was given appeared generally wrote the deposition at a whitened board or tablet (*λευκανομένη εἶον*), which he brought with him to the court office, and, when the witness had deposited his evidence, he put it into the box (*ἐχίνοσ*) in which all the evidence in the cause were deposited. If the deposition was not prepared beforehand, as must always be the case when the party was not examined, what evidence would be given, or what questions would be asked, took place before the magistrate which were foreseen, as, for instance, a challenge, and answer by the parties; in such a case it was usual to write down the evidence upon a tablet. The difference between these methods was much the same as between writing with a pencil on paper, and with a pencil on a slate; the latter can easily be rubbed out and written over as often as necessary.⁸ If the witness did not attend, his deposition was, nevertheless, put into the box, and such evidence as the party intended him to give, was thought he might give, at the trial. F

the form of a deposition was simple. The following example is from Demosthenes:¹ Archonemides, son of Archedamas of Anagyros, testifies that a treaty of agreement was deposited with him by the envoys of Sphectus, Nausicrates of Carystus, Anon and Apollodorus, both of Phaselus, and the agreement is still in his hands.² Here we observe that, whenever a document was put in evidence at the trial, as an agreement, a will, the sentence of a slave, a challenge, or an answer given by either party at the *ἀνάκρισις*, it was certified by a witness, whose deposition was at the same time read and heard.³

The witness, whether he had attended before the magistrate or not, was obliged to be present at the trial, in order to confirm his testimony. The only exception was when he was ill or out of the country, in which case a commission might be sent to procure him. (*Vid.* ΕΚΜΑΡΤΥΡΙΑ.) All evidence produced by the party during his own speech, *ἐλεψύδρα* being stopped for that purpose.⁴ The witness was called by an officer of the court, and stood on the raised platform (*βῆμα*) of the speaker, while his deposition was read over to him by the clerk; he then signified his assent, either by expressive words, or bowing his head in silence.⁵ In the conditions that we have of the orators, we sometimes find *Μάρτυρία* written (when evidence is produced) and sometimes *Μάρτυρες*. The student must not be deceived by this, and suppose that sometimes the deposition only was read, sometimes the witnesses themselves were present. The old editors have only followed the language of the orators, who sometimes "call the witnesses," or "mount up, witnesses," or "the clerk shall read you the evidence," or "something to the same effect, varying the expression according to their fancy."⁶

If the witness was hostile, he was required either to depose to the statement read over to him, or to take an oath that he knew nothing about it (*μαρτυρήσει ἢ ἐξομνήσει*). One or the other he was commanded to do, or, if he refused, he was sentenced to a fine of a thousand drachma to the state, which sentence was immediately proclaimed by the officer of the court, who was commanded *κληθεῖν* or *ἐκπέμψεν αὐτὸν, ἰ. ε.*, to give him notice that he was in contempt and had incurred the fine.⁷

An oath was usually taken by the witness at the *ἀνάκρισις*, where he was sworn by the opposite party at an altar (*πρὸς τὸν βωμὸν ἐξωρκισθῆναι*). If he did not attend at the *ἀνάκρισις*, he might be sworn afterward in court, as was always the case with a witness who took the oath of denial (*ἐξώμοσε*). The passage just cited from Lycurgus, the expression *λαβόντας τὰ ἱερά* means nothing more than placing the altar or its appurtenances, and has no reference to victims.⁸ Whether the witness was always bound to take an oath is a doubtful point.⁹

The oath of the witness (the ordinary *νόμιμος ὅρκος*) must not be confounded with the oath taken by one of the parties, or by some friend or other person, out of court, with a view to decide the case or some particular point in dispute. This

was taken by the consent of the adversary, upon a challenge given and accepted; it was an oath of a more solemn kind, sworn by (or upon the heads of) the children of the party swearing (*κατὰ τῶν παίδων*), or by perfect or full-grown victims (*καθ' ἱερῶν τελείων*), and often with curses upon himself or his family (*κατ' ἐξωλείας*), and sometimes was accompanied with peculiar rites, such as passing through fire (*διὰ τοῦ πυρός*). The mother, or other female relative of the party (who could not be a witness), was at liberty to take this oath.¹

On some extraordinary occasions we find that freemen were put to the torture by a special decree of the people or the senate, as on the occasion of the mutilated Hermes busts,² and they were less scrupulous about aliens than about citizens; but (as a general rule) it is certain that freemen could not be tortured in courts of justice, and even an emancipated slave, Demosthenes says, it would be an act of impiety (*οὐδ' ὀσιον*) to give up for such a purpose.³

With respect to hearsay evidence, see Ε ΜΑΡΤΥΡΙΑ; and with respect to the affidavit called *διαμαρτυρία*, see ΗΕΡΕΣ, GREEK, p. 496.

We have hitherto spoken only of causes which came before the dicasts in the ordinary way, and have said nothing of those which were decided by the public arbitrators. The above remarks, however, will equally apply to the latter, if the reader will bear in mind that the arbitrator performed the duties of the magistrate at the *ἀνάκρισις* as well as those of the *δικασταὶ* at the trial. He heard the witnesses and received the depositions from day to day, as long as he sat, and kept the *ἐχθίος* open until the last day (*κυρίαν ἡμέραν*).⁴

If the witness in a cause gave false evidence, the injured party was at liberty to bring an action against him (*δίκη ψευδομαρτυριῶν*) to recover compensation. The proceeding was sometimes called *ἐπισκοπήσις*, and the plaintiff was said *ἐπισκοπῆσθαι τῇ μαρτυρίᾳ* or *τῷ μάρτυρι*.⁵ This cause was probably tried before the same presiding magistrate as the one in which the evidence was given.⁶ The form of the plaintiff's bill, and of the defendant's plea in denial, will be found in Demosthenes.⁷ From the same passage we also learn that the action for false testimony was a *τιμητὸς ἀγωγή*, in which the plaintiff laid his own damages in the bill; and from Demosthenes⁸ it appears that the dicasts had power not only to give damages to the plaintiff, but also to inflict the penalty of *ἀτιμία* by a *προστιμῆσις*.⁹ A witness who had been a third time convicted of giving false testimony was *ipso jure* disfranchised.¹⁰ The main question to be tried in the cause against the witness was, whether his evidence was true or false; but another question commonly raised was, whether his evidence was material to the decision of the previous cause.¹¹

When a witness, by giving false evidence against a man upon a criminal trial, had procured his conviction, and the convict was sentenced to such a punishment (for instance, death or banishment) as rendered it impossible for him to bring an action, any other person was allowed to institute a public

(*de Lacr.*, 927.)—2. (Demosth., Pro Phorm., 946, 949, 957, *de Phzipp.*, 1046.—*Id.*, c. Steph., 1120.)—3. (Isæus, De Phzipp., 39, ed. Steph.—Demosth., c. Eubul., 1305.)—4. (De Eratos, Mort., 94, ed. Steph.—*Esch.*, De Fals. Leg., ed. Steph.—Demosth., c. Meid., 560.—*Id.*, c. Phorm., 913.—*Id.*, c. Steph., 1109.—*Id.*, c. Eubul., 1305.)—5. (*Vid.* Lys., Pro Arch., 147, ed. Steph.—Isæus, De Pyrrh. her., 45, ed. Steph.—Demosth., c. Callipp., 1236.—*Id.*, c. Neær., 1352.)—6. (Demosth., c. Aphob., 850.—*Id.*, c. Neær., 1373.—*Id.*, c. Theocr., 1324.—*Id.*, c. Timarch., 10, ed. Steph.—Isæus, De Astyp. hered., ed. Steph.—*Id.*, c. Leocr., 150, ed. Steph.—Meier and Schömann, Att. Proc., p. 672.—Platner, Att. Proc., p. 219.)—7. (Schömann, Opusc. Philol., vol. i., p. 37-39.)—8. (*Vid.* Demosth., c. Corom., 1265.—*Id.*, c. Steph., 1119.—*Id.*, c. Eubul., 1305.—*Esch.*, De Fals. Leg., 49, ed. Steph.—Schömann, Att. Proc., p. 675.)

1. (Demosth., c. Aphob., 852.—*Id.*, c. Boet., De Dote, 1011.—*Id.*, c. Timoth., 1203.—*Id.*, c. Callip., 1240.—*Id.*, c. Conoz., 1269.—*Id.*, c. Neær., 1365.—Wachsmuth, II, 1, 335.—Hodwick, 52-57.)—2. (Thirlwall, Hist. of Greece, c. 25, p. 393.)—3. (Demosth., c. Aphob., 856.—*Id.*, c. Timoth., 1200.—Meier, Att. Proc., p. 684.)—4. (*Vid.* Demosth., c. Meid., 541.—*Id.*, c. Timoth., 1190.—Meier and Schömann, Att. Proc., p. 676.)—5. (Isæus, De Pyrrh. hered., 39.—*Id.*, De Dicoeg. hered., 52, ed. Steph.—Demosth., c. Aphob., 846, 856.—Harpocrat., s. v. Ἐπισκοπήσις.)—6. (Meier, Att. Proc., p. 45.)—7. (c. Steph., 1115.)—8. (c. Aphob., 849, 859.)—9. (*Vid.* also Isæus, De Dicoeg. hered., 52.)—10. (Meier, Att. Proc., p. 383.)—11. (Demosth., c. Eurg. et Mnes., 1139, 1161.—*Id.*, c. Aphob., 853-856.—*Id.*, c. Steph., 1117.—Platner, Att. Proc., I, 400, &c.)

prosecution against the witness, either by a *γραφή*, or perhaps by an *εἰσαγγελία* or *προβολή*.¹

After the conviction of the witness, an action might be maintained against the party who suborned him to give false evidence, called *δίκη κακοτεχνιών*.² And it is not improbable that a similar action might be brought against a person who had procured false evidence to be given of a defendant having been summoned, after the conviction of the witness in a *γραφή ψευδοκλητείας*.³

It appears that, in certain cases, a man who had lost a cause was enabled to obtain a reversal of the judgment (*δίκη ἀνάδικος*) by convicting a certain number of the adverse witnesses of false testimony. Thus, in inheritance causes, the law enacted *εἰάν ἀλλοτρίων τῶν ψευδομαρτυριῶν, πάλιν ἐξ ἀρχῆς εἶναι περὶ αὐτῶν τὰς λήξεις*.⁴ This was the more necessary, on account of the facility afforded to the parties to stop the progress of these causes by affidavits (*vid. Διαμαρτυρία*), and also because no money could compensate an Athenian for the loss of an inheritance. The same remedy was given by the law to those who had been convicted in a *δίκη ψευδομαρτυριῶν* or in a *γραφή ξενίας*. In the last case, the convicted person who proceeded against the witness was compelled to remain in prison until the determination of his suit.⁵ We are informed that these are the only cases in which a judgment was allowed to be reversed in this way; but whether there were not more cases than these has been justly doubted by Schömann.⁶ The scholiast on Plato⁷ is evidently wrong in supposing that it was necessary, under the Athenian law, to convict more than half the number of the witnesses. This appears from the passage above cited from Isæus on the estate of Hagnias.

We conclude by noticing a few expressions. *Μαρτυρεῖν τιμι* is to testify in favour of a man, *καταμαρτυρεῖν τινος* to testify against. *Μαρτίρεσθαι* to call to witness (a word used poetically), *διαμαρτύρεσθαι*, and sometimes *ἐπιμαρτύρεσθαι, τοὺς παρόντας*, to call upon those who are present to take notice of what passes, with a view to give evidence.⁸ *Ψευδομαρτυρεῖν* and *ἐπιτορκεῖν* are never used indifferently, which affords some proof that testimony was not necessarily on oath. The *μάρτυς* (witness in the cause) is to be distinguished from the *κλητήρ* or *κλήτωρ*, who merely gave evidence of the summons to appear.

MASTERES (μαστῆρες). (*Vid. ZETETAI*)

*MASTICHE (μαστίχη), Gum Mastich. "This is correctly described as the resin of the Lentiscus by Dioscorides and Pliny. It is the *Pistachia Lentiscus*. The Chian Mastich is particularly commended by Galen."⁹ The wood of the *Pistachia Lentiscus*, according to Sibthorp, is much esteemed by the Greeks at the present day for fuel. They call the tree *σχίνος*. The mastich or gum is only collected in Scio. The ashes of the wood are used by the Athenian soap-boilers for making the ley for the manufacture of soap. In Zante it is also considered as furnishing the best lixivium. The tanners employ it with valanida in the preparation of leather. In Ithaca an oil (*σχινολάδι*) is expressed from the berry. The *σχίνος* of the modern Greeks is also the *σχίνος* of Theophrastus. The ancient verb *σχινίζομαι* signifies "to chew mastich" or "the wood of the mastich-tree," in order to sweeten the breath and cleanse the teeth. The gum is now

much used by the women of Turkey for the same purpose.¹

MASTY'GIA. (*Vid. FLAGRUM*)

MATERFAMILIAS. (*Vid. MARRIAGE, ROMAN, p. 623.*)

MATRA'LIA, a festival celebrated at Rome every year on the 11th of June, in honour of the goddess Mater Matuta, whose temple stood in the Forum Boarium. It was celebrated only by Roman matrons, and the sacrifices offered to the goddess consisted of cakes baked in pots of earthenware.¹ Slaves were not allowed to take part in the solemnities or to enter the temple of the goddess. One slave, however, was admitted by the matrons, but only to be exposed to a humiliating treatment, for one of the matrons gave her a blow on the cheek, and then sent her away from the temple. The matrons on this occasion took with them the children of their sisters, but not their own, held them in their arms, and prayed for their welfare.² The statue of the goddess was then crowned with a garland by one of the matrons who had not yet lost a husband.³ The Greek writers and their Roman followers, who identify the Mater Matuta with Lencothoe or Ino, explain the ceremonies of the Matralla by means of the mythological stories which relate to this Greek goddess. But the real import of the worship of the Mater Matuta appears to have been to inculcate upon mothers the principle that they ought to take care of the children of their sisters as much as of their own, and that they should not leave them to careless slaves, the contempt for whom was symbolically expressed by the infliction of a blow on the cheek of the one admitted into the temple.⁴

MATRIMONIUM. (*Vid. MARRIAGE, ROMAN.*)

MATRONA. (*Vid. MARRIAGE, ROMAN, p. 623.*)

MAUSOLEUM. (*Vid. FUNUS, p. 461.*)

MAZONOMUS (μαζονόμος, *dim. μαζονόμιον*), from *μάζα*, a loaf or a cake; properly a dish for distributing bread; but the term is applied also to any large dish used for bringing meat to table.¹ (*Vid. CENA, p. 274.*) These dishes were made either of wood,² of bronze,³ or of gold.⁴

MEDIASTINI, the name given to slaves used for any common purpose, and are said by the scholiast upon Horace¹ to be those "qui in media stant ad quævis imperata parati." The name is chiefly given to certain slaves belonging to the familia rustica,² but is also applied sometimes to slaves in the city.³

*MEDICA (Μηδική), a plant, the Lucerne or Purple Medick (*Medicago sativa*). It has its name from Media, according to the ancient authorities, because it was brought from that country into Greece at the time of the Persian war under Darius. It passed into England from France and Switzerland. Some of the English botanists, according to Martyn, called it *Burgundy trefoil* and *Medick fodder*.⁴

*MEDICA MALA (Μηδικὰ μῆλα), the fruit of the Citron-tree, or *Citrus Medica*, L. Sprengel and Stackhouse think that the Orange (*Citrus aurantium*) was also comprehended under the term. (*Vid. CITRUS.*)⁵

MEDICINA (Ἱατρική), the name of that science which, as Celsus says,⁶ "Sanitatem agris promittit,"

1. (Andoc., *De Myst.*, 4.—Platner, *Att. Proc.*, 411.—Meier, *Att. Proc.*, 382.)—2. (Demosth., c. *Timoth.*, 1201.—*Id.*, c. *Euerg.* et *Mnes.*, 1139.)—3. (Meier, *Att. Proc.*, 759.)—4. (Isæus, *De Hagn. hered.*, 88, ed. Steph.—*Id.*, *De Dicæug. hered.*, 50, 51.)—5. (Demosth., c. *Timocr.*, 741.)—6. (*Att. Proc.*, 761.)—7. (*Leg.*, xi., 14.)—8. (Demosth., c. *Euerg.* et *Mnes.*, 1150.)—9. (Dioscor., i., 90.—Plin., *H. N.*, xxiv., 28.—Adams, *Append.*, c. v.)

1. (Dodwell's *Tour*, vol. i., p. 239.)—2. (Varro, *De Ling. Lat.*, iv., p. 31, Bip.—Ovid, *Fast.*, vi., 475, &c.)—3. (Plot., *Caesill.*, 5.—*Id.*, *Quest. Rom.*, p. 267.)—4. (Tertull., *Monogam.*, c. 17.)—5. (Compare Hartung, *Die Relig. der Römer*, ii., p. 73.)—6. (Athen., v., 20, 34.)—7. (Varro, *De Re Rust.*, iii., 4.—5. (*Phil.* *Onom.*, vii., 87.)—9. (Athen., iv., 31.)—10. (Athen., v., 27.)—11. (Epist., i., 14, 14.)—12. (Cic., *Cat.*, ii., 3.—*Colum.*, iii., 8.—*Id.*, ii., 13.)—13. (Dig. 4, tit. 9, s. 1, § 5; 7, tit. 7, s. 6.)—14. (Martyn *ad Virg.*, *Georg.*, i., 215.)—15. (Dioscor., i., 166.—Theophrast., i., 13.—Adams, *Append.*, s. v.)—16. (De *Medic.*, lib. i., *Prefat.*)

and whose object Hippocrates defines¹ to be "the delivering sick persons from their diseases, and the diminishing the force of sickness, and the not undertaking the treatment of those who are quite overcome by sickness, as we know that medicine is here of no avail." For other definitions of the art and science of Medicine given by the ancients, see Pseudo-Galen.² The invention of medicine was almost universally attributed by the ancients to the gods.³ Another source of information was the observing the means resorted to by animals when labouring under disease. Pliny⁴ gives many instances in which these instinctive efforts taught mankind the properties of various plants, and the more simple surgical operations. The wild goats of Crete pointed out the use of the Dictamnus and vulnerary herbs; dogs, when indisposed, sought the *Triticum repens*, and the same animal taught to the Egyptians the use of purgatives, constituting the treatment called Syрмаϊsm. The hippopotamus introduced the practice of bleeding, and it is affirmed that the employment of clysters was shown by the ibis.⁵ Sheep with worms in their liver were seen seeking saline substances, and cattle affected with dropsy anxiously looked for chalybeate waters. We are told⁶ that the Babylonians and Chaldeans had no physicians, and in cases of sickness the patient was carried out and exposed on the highway, that any persons passing by who had been affected in a similar manner might give some information respecting the means that had afforded them relief. Shortly afterward, these observations of cures were suspended in the temples of the gods, and we find that in Egypt the walls of their sanctuaries were covered with records of this description. The priests of Greece adopted the same practice, and some of the tablets suspended in their temples are of a curious character, which will illustrate the custom. The following votive memorials are given by Hieron. Mercurialis: "Some days back, a certain Caius, who was blind, learned from an oracle that he should repair to the temple, put up his fervent prayers, cross the sanctuary from right to left, place his five fingers on the altar, then raise his hand and cover his eyes. He obeyed, and instantly his sight was restored, amid the acclamations of the multitude. These signs of the omnipotence of the gods were shown in the reign of Antoninus." "A blind soldier named Valerius Apes, having consulted the oracle, was informed that he should mix the blood of a white cock with honey, to make up an ointment to be applied to his eyes for three consecutive days: he received his sight, and returned public thanks to the gods." "Julian appeared lost beyond all hope from a spitting of blood. The god ordered him to take from the altar some seeds of the pine, and to mix them with honey, of which mixture he was to eat for three days. He was saved, and came to thank the gods in presence of the people."

The whole science of medicine was divided into five parts, viz.: Φυσιολογική, Physiology and Anatomy (*vid.* PHYSIOLOGIA); Αιτιολογική, Ætiology, or the doctrine of the causes of disease; Παθολογική, Pathology (*vid.* PATHOLOGIA); Υγιεινόν, Hygiene, or the art of preserving health; Σημειωτική, Semeiology, or the knowledge of the symptoms of disease, including Diagnosis (*vid.* SEMEIOTICA); and Θεραπευτική, Therapeutics, or the art of healing (*vid.* THERAPEUTICA). With regard to the medical liter-

ature of the ancients, "When," says Littre,¹ "one searches into the history of medicine and the commencement of the science, the first body of doctrine that one meets with is the collection of writings known under the name of the works of Hippocrates. The science mounts up directly to that origin, and there stops. Not that it had not been cultivated earlier, and had not given rise to even numerous productions, but everything that had been made before the physician of Cos has perished. We have only remaining of them scattered and unconnected fragments; the works of Hippocrates have alone escaped destruction; and, by a singular circumstance, there exists a great gap after them as well as before them. The medical works from Hippocrates to the establishment of the school of Alexandria, and those of that school itself, are completely lost, except some quotations and passages preserved in the later writers; so that the writings of Hippocrates remain alone among the ruins of an ancient medical literature." The Asclepiads, to which family Hippocrates belonged, were the supposed descendants of Æsculapius (Ἀσκληπιός), and were, in a manner, the hereditary physicians of Greece. They professed to have among them certain secrets of the medical art, which had been handed down to them from their great progenitor, and founded several medical schools in different parts of the world. Galen mentions² three, viz., Rhodes, Cnidos, and Cos. The first of these appears soon to have become extinct, and has left no traces of its existence behind. From the second proceeded a collection of observations called Κνιδίαι Γνώμαι, "Cnidian Sentences," a work of much reputation in early times, which is often mentioned by Hippocrates,³ and which appears to have existed in the time of Galen.⁴ The school of Cos, however, is by far the most celebrated, on account of the greater number of eminent physicians that sprang from it, and especially from having been the birthplace of the great Hippocrates. We learn from Herodotus⁵ that there were also two celebrated medical schools at Crotona in Magna Græcia, and Cyrene in Africa, of which he says that the former was in his time more esteemed in Greece than any other, and in the next place came that of Cyrene. But neither of these require any particular notice here, nor will it be necessary to do more than mention the more celebrated medical sects, referring for farther particulars to their names in this work. The oldest, and perhaps the most influential of these, was that of the ΔΟΓΜΑΤΙΚΟΙ, founded about B.C. 400 by Thessalus, the son, and Polybus, the son-in-law of Hippocrates, and thence called also the *Hippocratici*. These retained their influence till the rise of the ΕΜΠΙΡΙΚΟΙ, founded by Serapion of Alexandria and Philinus of Cos in the third century B.C., after which time every member of the medical profession, during a long period, ranged himself in one of these two sects. In the first century B.C. Themison founded the sect of the ΜΕΘΟΔΙΚΟΙ, who held doctrines nearly intermediate between those of the two sects already mentioned. About two centuries later, the Methodici were divided into numerous sects, as the doctrines of particular physicians became more generally received. The chief of these sects were the ΠΝΕΥΜΑΤΙΚΟΙ and ΕΚΛΕΚΤΙΚΟΙ; the former founded by Athenæus about the middle or end of the first century A.D.; the latter about the same time, either by Agathinus of Sparta or his pupil Archigenes. The ΕΠΙΣΥΝΘΗΤΙΚΟΙ (called also ΗΕΚΤΙΚΟΙ) are supposed to have agreed very nearly in their tenets with those of the Eclectic.

1. (De Arte, tom. i., p. 7, ed. Kühn.)—2. (Introduct., seu Medicinæ, c. 6, tom. 14, p. 686-8, ed. Kühn.)—3. (Hippocr., De Præca Medicinæ, tom. 1., p. 39.—Pseudo-Galen, Introduct., cap. i., p. 674.—Cæc., Tusc. Disc., iii., 1.—Plin., H. N., xxix., 1.)—4. (H. N., viii., 41.)—5. (Compare Pseudo-Galen, Introduct., c. 1, p. 675.)—6. (Herod., i., 197.—Strabo, xvi., c. 1, ed. Tauchn.—Pseudo-Galen, Introduct., c. 7.—(De Arte Gymnast., Amstel., 4to, 1672, p. 2, 3.)—8. (Pseudo-Galen, Introduct., c. 7, p. 689.)

1. (Œuvres Complètes d'Hippocrate, tom. i., Introduct., ch. 1, p. 3.)—2. (De Meth. Med., i., 1, tom. x., p. 5, 6.)—3. (De Rat. Vict. in Morb. Acut.)—4. (Comment. in Hippocr., lib. cit., tom. xv., p. 427.)—5. (iii., 131.)

It only remains to mention the principal medical authors after Hippocrates whose works are still extant, referring for more particulars respecting their writings to the articles on CHIRURGIA, DIÆTETICA, PATHOLOGIA, PHARMACEUTICA, PHYSIOLOGIA, SEMEOTICA, and THERAPEUTICA. Celsus is supposed to have lived in the Augustan age, and deserves to be mentioned more for the elegance of his style, and the neatness and judiciousness of his compilation, than for any original contributions to the science of Medicine. Indeed, many persons have doubted whether Celsus were really a professional man, or whether he only wrote his work "De Medicina" as a sort of rhetorical exercise.¹ Dioscorides of Anazarba, who lived in the first century after Christ, was for many centuries the greatest authority in Materia Medica, and was almost as much esteemed as Galen in Medicine and Physiology, or Aristotle in Philosophy. Aretæus, who probably lived in the time of Nero, is an interesting and striking writer, both from the beauty of his language and from the originality of his opinions. The next in chronological order, and perhaps the most valuable, as he is certainly the most voluminous, of all the medical writers of antiquity, is Galen, who reigned supreme in all matters relating to his art till the commencement of modern times. He was born at Pergamus A.D. 131, came early in life to Rome, where he lived in great honour, and passed great part of his days, and died A.D. 201. After him, the only writers deserving particular notice are Oribasius of Pergamus, physician to the Emperor Julian in the fourth century after Christ; Aëtius of Amida, who lived probably in the sixth century; Alexander Trallianus, who lived something later; and Paulus Ægineta, who belongs to the end of the seventh.

MEDICUS (*ἰατρός*), the name given by the ancients to every professor of the healing art, whether physician or surgeon, and, accordingly, both divisions of the medical profession will here be included under that term. In Greece and Asia Minor physicians seem to have been held in high esteem; for, not to mention the apotheosis of Æsculapius, who was considered as the father of it, there was a law at Athens that no female or slave should practise it.² Ælian mentions one of the laws of Zaleucus among the Epizephyrian Locrians, by which it was ordered that if any one, during his illness, should drink wine contrary to the orders of his physician, even if he should recover, he should be put to death for his disobedience;³ and, according to Mead, there are extant several medals struck by the people of Smyrna in honour of different persons belonging to the medical profession.⁴ The following observation concerning these medals is given by Kühn:⁵ "*Alii, idque hæud dubie rectius, verosimilius existimabant nomina in hisce nummis obvia minime significare medicos, qui de Smyrnis suæ medicæ artis cognitione bene meruerint, sed potius summos illius urbis magistratus.* Vid. partim Cl. Wise, in *Mus. Bodlei.*, p. 140, qui Meadianæ sententiæ acerbis extitit censor, partim Jos. Eckhel, in *Doctr. Num. Veter.*, to. ii., p. 539, et Jo. Cph. Raschen, in *Lex Univ. Rei Num. Vet.*, to. iv., p. 2, Lips., 1790-8, qui p. 1219, plures scriptores de Smyrnæorum nummis adduxit." (In voce "Apollophanes.") If the decree of the Athenians (published among the letters of Hippocrates) be genuine, and if Soranus⁶ can be depended on, the same honours were conferred upon

that physician as had before been given to *Hercules*; he was voted a golden crown, publicly initiated into the Eleusinian mysteries, and maintained in the Prytaneum at the state's expense.¹

As there were no hospitals among the ancients, the chief places of study for medical pupils were the *Ἀσκληπιεία*, or temples of Æsculapius, where the votive tablets furnished them with a collection of cases. The *Asclepiadæ* (*vid. MEDICINA*) were very strict in examining into and overlooking the character and conduct of their pupils, and the famous Hippocratic oath (which, if not drawn up by Hippocrates himself, is certainly almost as ancient) requires to be inserted here, as being the most curious medical monument of antiquity. "I swear by Apollo the physician, by Æsculapius, by Hygiea, and Panacea, and all the gods and goddesses, calling them to witness that I will fulfil religiously, according to the best of my power and judgment, the solemn promise and the written bond which I now do make. I will honour as my parents the master who has taught me this art, and endeavour to minister to all his necessities. I will consider his children as my own brothers, and will teach them my profession, should they express a desire to follow it, without remuneration or written bond. I will admit to my lessons, my discourses, and all my other methods of teaching, my own sons, and those of my tutor, and those who have been inscribed as pupils and have taken the medical oath; but no one else. I will prescribe such a course of regimen as may be best suited to the condition of my patients, according to the best of my power and judgment, seeking to preserve them from anything that might prove injurious. No inducement shall ever lead me to administer poison, nor will I ever be the author of such advice: neither will I contribute to an abortion. I will maintain religiously the purity and integrity both of my conduct and of my art. I will not cut any one for the stone, but will leave that operation to those who cultivate it (*ἐκχωρήσω δὲ ἐργάσθαι ἀνδράσι πρῆξις τῆσδε*). Into whatever dwellings I may go, I will enter them with the sole view of succouring the sick, abstaining from all injurious views and corruption, especially from any immodest action towards women or men, free men or slaves. If during my attendance, or even unprofessionally in common life, I happen to hear of any circumstances which should not be revealed, I will consider them a profound secret, and observe on the subject a religious silence. May I, if I rigidly observe this my oath, and do not break it, enjoy good success in life, and in [the practice of] my art, and obtain general esteem forever; should I transgress and become a perjurer, may the reverse be my lot." As regards the passage of the oath, given above in the original Greek (*ἐκχωρήσω δὲ, κ. τ. λ.*), though the writer has translated it thus, both here and also in page 241, he does not feel at all sure that the other construction, *viz.*, making *πρῆξις τῆσδε* depend on *ἐκχωρήσω*, is not preferable. With regard to the oath itself, it is generally considered to be spurious;² but M. Littre, the editor of the new Paris edition of Hippocrates, believes it to be genuine. For a copious and learned explanation of every clause of the oath, see Meibom's edition, *Gr. and Lat.*, Lugd. Bat., 4to, 1643.

Some idea of the income of a physician in those times may be formed from the fact mentioned by Herodotus,³ that the Æginetans (about the year B.C. 532) paid Democedes from the public treasury one talent per annum for his services, *i. e.* (if we reckon, with Hussey,⁴ the Æginetan drachma to be worth

1. (*Vid. Mich. Christ. Just. Eschenbach, Epistola, &c., ubi "De Celso non Medico Practico disseritur," Lips., 4to, 1772; also Le Clerc's and Sprengel's Histories of Medicine.*)—2. (*Hyginus, Fab., 274.*)—3. (*Var. Hist., ii., 37.*)—4. (*Dissertatio de Nummis quibusdam a Smyrnis in Medicorum honorem percussis, 4to, Lond., 1724.*)—5. (*Additam ad Elench. Medicor. Veter. a Jo. A. Fabricio, in Biblioth. Græca exhibitum, 4to, Lips., 1826-9.*)—6. (*In Vita Hippocr.*)

1. (*Compare Plin., H. N., vii., 37.*)—2. (*Vid. J. C. Achermann, Hist. Liter. Hippocr., in Fabr. Bibl. Gr., ed. Harles, or in Kühn's ed. of Hippocr.*)—3. (*iii., 131.*)—4. (*Ancient Wealth and Money, &c.*)

l.), not quite 344l.; he afterward received from the Athenians one hundred minæ, *i. e.* (reck- with Hussey, the Attic drachma to be worth rather more than 406l.; and he was finally at- to Samos by being offered by Polycrates a of two talents, *i. e.* (if the Attic standard be) 487l. 10s. It should, however, be added. alekenara doubts the accuracy of this state- of Herodotus with respect to the Æginetans henians (and apparently with reason), on the l that the latter people, at the time of their st wealth, only allowed their ambassadors achmæ (or 1s. 7½d.) per day, *i. e.*, somewhat an thirty pounds per annum.¹ A physician, by Pliny both Erasistratus² and Cleombro- said by him to have received one hundred for curing King Antiochus, which (if we sup- be Attic talents of the standard of Alexan- oinage to be meant, which, according to Hus- as worth 243l. 15s.) would amount to 24,375l. ver, the Alexandrian standard, which is in the coins of the Ptolemies, be meant, it amount (reckoning the drachma as 1s. 3¼d.) 75l.; an almost incredible sum. It seems to en not uncommon among the Greeks in those as afterward in the later Roman Empire: see (TER) for states to maintain physicians, who paid at the public cost;⁴ and these, again, endants, for the most part slaves, who exer- heir calling among people of low condition.⁵ Romans derived their knowledge of medicine from the Etrurians and afterward from the s. In the most ancient times the haruspices ed medicine in connexion with the augurs, the opinion of Sprengel,⁶ who regarded the t Roman legends as historical facts, it was t some of these that Amulius sent to Rhea when she was pregnant, to examine the na- her mysterious disease.⁷ One of the most t customs at Rome, in order to ward off epi- diseases, and to appease the anger of the was the interrogating the books bought by n of the Sibyl. In the earlier times of the a Republic, physicians are said by Pliny to een unknown,⁸ and for some time afterward ercise of the profession was in a great meas- nined to persons of servile rank; for the families, having slaves who were skilled in all f trades, &c., generally possessed one or more nderstood medicine and surgery.⁹ To this e, however, there were many exceptions: *e.* physician who was taken prisoner with Julis- ar by the pirates at the island of Pharma- and who is called his friend by Plutarch;¹¹ athus, who, being the first foreign surgeon tiled at Rome, had a shop bought for him at blic expense, and was presented with the jus um B.C. 219;¹² Artorius, who is known to een a physician,¹³ and who is called the friend gustus;¹⁴ Asclapo, whom Cicero calls his ¹⁵ Asclepiades, the friend of Crassus the ora- Endemus, who is called by Tacitus¹⁷ the friend ystician of Livia; and others. The hatred y Cato the censor against the Greek phy- , as well as the Greek philosophers at Rome,

is well known, but it is not true that he caused them to be expelled from Rome.¹ With respect to the income made by eminent physicians in the early times of Rome, the writer is not aware of any data for ascertaining it; at the beginning of the Empire, we learn from Pliny² that Albutius, Arruntius, Cal- petanus, Cassius, and Rubrius gained 250,000 ses- terces per annum, *i. e.* (reckoning, with Hussey, the mille nummi (*sestertium*) to be worth, after the reign of Augustus, 7l. 16s. 3d.), 1953l. 2s. 6d.; that Quint- us Stertinius made it a favour that he was content to receive from the emperor 500,000 sesterces per annum (or 3906l. 5s.), as he might have made 600,000 sesterces (or 4687l. 10s.) by his private practice; and that he and his brother, who received the same annual income from the Emperor Claudius, left between them at their death, notwithstanding large sums that they had spent in beautifying the city of Naples, the sum of thirty millions of sesterces (or 234,375l.).

Of the previous medical education necessary to qualify a physician at Rome for the legal practice of his profession in the early times, we know nothing; afterward, however, this was under the superintende- nce of the archiatri. (*Vid. ARCHIATER.*)

Two other medical titles that we meet with under the emperors were *Iatrosophista* (see the word) and *Actuarius*, Ἀκτουάριος. The latter was a title at the court of Constantinople, given apparently only to physicians, and quite distinct from the use of the word found in the earlier Latin authors.³ Besides Joannes the son of Zacharias, who is better known by his title of Actuarius than by his real name, several other physicians are recorded as having arrived at this dignity.

MEDIMNUS (μέδιμνος or μέδιμνος σιτηρός), the principal dry measure of the Greeks. It was used especially for measuring corn. It had different sizes in the different states of Greece. The Attic medimnus was equal to six Roman modii. (*Nepos, Vit. Att., c. 2.—Cic., in Verr., II., iii., 45, 46, where Cicero explains 50,000 medimni by 300,000 modii, and 36,000 medimni by 216,000 modii.—Suidas, s. v.—Rhemn. Fann., v., 64.*)

"Hujus dimidium fert urna, ut et ipsa medimni Amphora, terque capit modium."

Suidas makes the medimnus = 108 litræ, con- founding it apparently with the metretes. The medimnus contained 11 galls, 7.1456 pints English. It was divided into the following parts:

	each	=	Galls.	Pints.
6 ἔκτοι,			1	7.8576
12 ἡμίεκτα	"	"		7.9288
48 χοϊνίκες	"	"		1.9822
96 ξέσται	"	"		.9911
192 κοτύλαι	"	"		.4955

of which the χοϊνίξ, ξέσται, and κοτύλη and their farther subdivisions were common to the dry and fluid measures, but the χοϊνίξ was of different sizes. (*Vid. METRETES, CHÆNIX, XESTES, COTYLA.*)

*MEDION (Μήδιον), according to Lobelius, a species of Violet. This opinion, however, is reject- ed by Dodonæus and Bauhin. According to Adams, the prevailing opinion now is, that it was the *Campanula laciniata*.⁴

MEDITRINALIA was one of the festivals con- nected with the cultivation of vineyards. It took place on the eleventh of October, on which day the people of Latium began to taste their new wine (*mustum*), and to offer libations of it to the gods. In drinking the new wine it was customary to pro-

1. (*Vid. Sprengel, Hist. de la Méd.*)—2. (*H. N., xxix., 5.*)—3 (*Vid. Du Cange, Gloss. Græc., tom. i., p. 46, and Possini, Gloss. ad Pachymer. Hist. Andronici, tom. i., p. 266, seq., and tom. ii., p. 468, 469.*)—4. (*Dioscor., iv., 18.—Hardouin ad Plin., H. N., xvii., 79.—Bauhin, Pinax, p. 143.—Adams, Append., s. v.*)

istoph., *Acharn.*, 66.)—2. (*H. N., xxix., 3.*)—3. (*H. N., —4. (Xen., Mem., iv., 2, § 5.—Plato, Gorg., § 23.—Stra- y. 125.—Diod. Sic., xii., 13.)—5. (Plato, De Leg., iv., p. Steph.—Böckh, Publ. Econ. of Athens, vol. i., p. 160.) st. de la Méd.)—7. (Dionys. Hal., i., 78.)—8. (*H. N., —9. (Middleton's Essay, "De Medicorum apud Roma- ntium conditione," Cantab., 1726, 4to, and the various to it that appeared on its publication.)—10. (Sueton., —11. (Vid. Casanbon's note on Suetonius.)—12. (Casi- mina ap. Plin., H. N., xxix., 6.)—13. (Cæli. Aurel., De out., iii., 14, p. 224.)—14. (Plutarch, Brut., c. 41, ed. , where, however, it should be noticed that some edit- id Ἀγρόνιος instead of Ἀγρόριος.)—15. (ad Fam., xiii., i. Cic., De Orat., i., 14.)—17. (*Ann., iv., 3.*)**

MELANTERIA.

nounce the words, "vetus novum vinum bibo, veteri novo morbo melcor."¹ Varro derives the name of the festival from the healing power of the new wine, but Festus speaks of a goddess Meditrina.

MEGALE'SIA, MEGALENSIA, or MEGALENSES LUDI, a festival with games celebrated at Rome in the month of April, and in honour of the great mother of the gods (Cybele, *μεγάλη θεός*, whence the festival derived its name). The statue of the goddess was brought to Rome from Pessinus in the year 203 B.C., and the day of its arrival was solemnized with a magnificent procession, lectisternia, and games, and great numbers of people carried presents to the goddess on the Capitol.² The regular celebration of the Megalesia, however, did not begin till twelve years later (191 B.C.), when the temple which had been vowed and ordered to be built in 203 B.C., was completed and dedicated by M. Junius Brutus.³ But, from another passage of Livy,⁴ it appears the Megalesia had already been celebrated in 193 B.C. The festival lasted for six days, beginning on the 4th of April. The season of this festival, like that of the whole month in which it took place, was full of general rejoicings and feasting. It was customary for the wealthy Romans on this occasion to invite one another mutually to their repasts, and the extravagant habits and the good living during these festive days were probably carried to a very high degree, whence a senatus consultum was issued in 161 B.C., prescribing that no one should go beyond a certain extent of expenditure.⁵

The games which were held at the Megalesia were purely scenic, and not circenses. They were at first held on the Palatine in front of the temple of the goddess, but afterward also in the theatres.⁶ The first ludi scenici at Rome were, according to Valerius Antias, introduced at the Megalesia, i. e., either in 193 or 191 B.C. The day which was especially set apart for the performance of scenic plays was the third of the festival.⁷ Slaves were not permitted to be present at the games, and the magistrates appeared dressed in a purple toga and praetexta, whence the proverb *purpura Megalensis*. The games were under the superintendence of the curule aediles,⁸ and we know that four of the extant plays of Terence were performed at the Megalesia. Cicero,⁹ probably contrasting the games of the Megalesia with the more rude and barbarous games and exhibitions of the circus, calls them *maxime casti, solemnnes, religiosi*.¹⁰

*MELAMPYRON (*μελάμπυρον*), the *Melampyrum arvense*, or Field Cow-wheat, according to Sprengel and Stackhouse.¹¹

*MELANCRANIS (*μελαγκρανίς*), a species of *Schævus* (*σχοῖνος*). Sprengel makes it the *Schævus nigricans*, or Black Bog-rush.¹²

*MELANION (*μελάνιον*), according to Stackhouse, that variety of the *Viola odorata* which goes by the English name of the "dark blue double violet."¹³

*MELANTERIA (*μελαντηρία*), the Inkstone. Dioscorides says of it, that "some have taken it to be the same with sory (*σόρον*), from which it is distinct, though not unlike." Sprengel thinks the *μελαντηρία* of Dioscorides different from that of Galen. The former he holds to be an arseniate of copper, the other cannot be so well ascertained. Dr. Kidd says, "The *Melanteria*, or Inkstone of Pliny, seems to be a variety of sulphate of iron, that has

1. (Varro, De Ling. Lat., v., p. 57, Bip. — Festus, s. v. Meditridia.)—2. (Livy, xxix., 14.)—3. (Livy, xxvi., 36.)—4. (xxiv., 54.)—5. (Gellius, ii., 24. — Compare xviii., 2.)—6. (Cic., De Harusp. Resp., 11, &c.)—7. (Ovid, Fast., iv., 377.—Æl. Spart., Antonin. Carac., c. 6.)—8. (Livy, xxiv., 54.)—9. (De Harusp. Resp., 12.)—10. (Vid. Ovid, Fast., iv., 179-372. — P. Manutius, ad Cic. ad Fam., ii., 11.)—11. (Theophrast., H. P., viii., 4.)—12. (Theophrast., H. P., iv., 13. — Adams, Append., s. v.)—13. (Theophrast., H. P., vi., 6, 7.—Adams, Append., s. v.)

MELIMELA.

been formed in a matrix containing vegetable stringent matter, which, uniting with the metallic salt, has produced natural ink." Dr. Hill calls it a vitriol, consisting principally of iron with a little copper.¹

*MELANTHION (*μελάνθιον*), according to Sprengel, the *Nigella sativa*, or Pepper-wort. The seed of the *μελάνθιον* was called *Gith*. Pliny mentions its various uses in medicine.²

*MELANURUS (*μελανουρός*), a species of Fish, the *Sparus Melanurus*, called in Italian *ochista*, in French *oblade*. It is the *Oblada* of Cuvier. It is a silvery fish, striped with blackish, and having a broad black spot on each side of the tail, from which latter circumstance its Greek name (which means "black tail") is derived.³

*ME'LEA (*μηλέα*). This term, used by itself, may, according to Adams, be supposed generally to apply to the *Pyrus malus*, or Crab Apple. The *ἑρμαλίς* of Theocritus, he thinks, may be presumed to be the same.⁴

*MELE'AGRIS (*μελεαγρίς*), the Guinea-hen or Pintado, the *Numida Meleagris* of Linnæus. It was a bird well known to the ancients, and not uncommon, we may suppose, in the time of Pausanias, who says it was an offering in the mysteries of Isis, of persons in a moderate condition of life. The Greeks expressed the screaming of this bird by *καγκάζειν*. The description given by Cilius, the disciple of Aristotle, as referred to by Athenæus, was properly applied to the Guinea-fowl by Pausanias, contrary to the explanation of Casaubon and Scaliger. Varro and Pliny confound the *Meleagris* with the *Gallina Africana*, but Columella distinguishes them from one another. The difference, however, is by no means striking, and indicates merely a variety in the species. Care must be taken not to confound the Turkey with the Meleagris, as the former bird was not known in Europe before the discovery of America.⁵

MELIA (*μελία*). (Vid. ΗΑΣΤΑ, p. 488.)

*MELIA (*μελία*), a species of Ash, most probably, according to Sibthorp and others, the *Fraxinus ornus*. The *βουμέλια* of Theophrastus was the *Fraxinus excelsior*, as Stackhouse and Schneider have stated.⁶

*MELIA TERRA (*Μηλία γῆ*), Melian Earth, so called from the island of Melos, where it was obtained. "The Melian earth of the ancients," says Sir John Hill, "was a fine white marl, of a loose crumbling texture, and easily soluble in water and other fluids. Some have imagined it to have been of other colours; but that it was really white we have the unquestionable authority of Pliny. The occasion of this error is no more than the confounding of *Μήλιος* with *Μήλινος*, which last comes from *μήλον*, "an apple," and has no connexion whatever with the former."⁷

*MELILO'TUS (*μελίλωτος*), a species of plant, the Melilot, or *Melilotus officinalis*, according to Sprengel. Stackhouse calls it the *Trifolium officinale*, which is only another name for the same plant.⁸

*MELIME'LA (*μελίμηλα*). Diophanes, a writer mentioned in the *Geoponica*, makes these to have been apples ingrafted upon quinces. They are called *Mala mustea* by Varro.⁹

1. (Dioscor., v., 179.—Paul. Ægin., vii., 3.—Adams, Append., s. v.)—2. (Dioscor., iii., 83.—Plin., H. N., xx., 17.)—3. (Aretot., H. A., viii., 2.—Ælian, N. A., i., 41.—Giffith's Cuvier, vol. x., p. 168.)—4. (Theophrast., H. P., i., 3; iv., 16.—Dioscor., i., 159.—Theocrit., id., v., 63.)—5. (Aristot., H. A., ii., 4.—Athenæus, xiv., 20.—Beckmann's Hist. of Insects, vol. ii., p. 59, &c.)—6. (Theophrast., H. P., iii., 3.—Dioscor., i., 168.—Adams, Append., s. v.)—7. (Dioscor., v., 180.—Hill ad Theophrast., De Lapid., 107.)—8. (Theophrast., C. P., vi., 14.—Dioscor., iii., 41.—Nicand., 8.—Adams, Append., s. v.)—9. (Geopon., x., 20.—Dioscor., i., 161.—Diophanes ap. Geopon.—Varro, De R. R., i., 59.—Adams, Append., s. v.)

INE (μελίση), the *Panicum miliaceum*, or
IS, the Badger, or *Ursus meles*. Galen has
posed to allude to it, as being an animal
ως ἄρκτον καὶ σὺός.²
ISSA (μελίσσα or -τρα), the Bee. (Vid.

ISSOPHYLLON (μελισσόφυλλον), a plant,
because the bees are fond of its leaves, as
des informs us. It has stalks and leaves,
g to the same authority, like black hore-
only they are bigger and narrower, not so
nd smelling like citron. This description,
thinks, agrees very well with the *Melissa* or
common herb in English gardens. Varro
us that the Latin name for this plant was
a; Columella, however, speaks of *apiastrum*
issophyllum (or *melirhyllum*) as of two differ-
s.³

OLONTHE (μηλολόνηθ), a species of Bee-
probably the *Scarabæus melolonthæ*, or Cock-

OPEPON (μηλοπέπων). The great diffi-
determining what the *meloperones* were,
on the circumstance of the ancient authors
ted of the summer fruits frequently inter-
the terms by which they were designated.
udovicus Nonnius," observes Adams, "who
owed so much pains in illustrating the *Res*
of the ancients, admits himself much at a loss
ing what the *meloperones* were, but, upon
e, inclines to think that they were a pecul-
of melons. Schneider, in like manner,
t the *μηλοπέπων* to be referable to the *Cu-*
do, L. At all events, it is certain that the
on of the Greeks is the 'melo' of Palla-
the term *melopero* is now applied to the
a fruit used for food both in the East and in
. May not this have been the *μηλοπέπων* of
ks!"⁴

AIKYCLON (μεραικύλον), the fruit of the
awberry-tree. (Vid. ARBUTUS).⁶

BRA'NA. (Vid. LIBER.)

ANTHUS (μένανθος). The Bog Bean, an
plant. "This," observes Adams, "is clear-
λύλλος of the Geoponica. From the union
two terms the Bog-bean derives its scien-
e, *Menyanthes trifoliata*. Some authorities
sly take it for the *ισόπυρον* of Dioscorides.
is supposed that it is the *μυρνανθής* of Ni-
bu Strengel contends that the latter is the
bituminosa, L., on what authority, however,
discover."⁷

LA'EIA (μενελαία), a festival celebrated
one, in Laconia, in honour of Menelaus and
who were believed to be buried there.⁸
s was to the Lacedæmonians what Nestor
the Messenians, a model of a wise and just
hence they raised him to the rank of one
reat gods,⁹ and honoured him and Helena
ual and solemn sacrifices at Therapnæ,
ntinued to be offered in the days of Isocra
hese solemnities are sometimes called 'Eλέ-

SA (τράπεζα), a Table. The simplest kind
was one with three legs, round, called *cilli-*

ba,¹ and in Greek τρίπους.² It is shown in the
drinking-scene painted on the wall of a wine-shop
at Pompeii.² (See woodcut.) The term τράπεζα,
though commonly used in Greek for a table of any



kind, must have denoted one which indicated a
higher degree of luxury and refinement, since it
meant, according to its etymology, a four-legged ta-
ble. (See woodcut, p. 188.) Horace used at Rome
a dining-table of white marble, thus combining neat-
ness with economy.⁴ For the houses of the opu-
lent, tables were made of the most valuable and
beautiful kinds of wood, especially of maple (*σφε-
δαμινή*,⁵ *acerna*⁶), or of the citrus of Africa, which
was a species of cypress or juniper (*Citrea*⁷). For
this purpose the Romans made use of the roots and
tubers of the tree, which, when cut, displayed the
greatest variety of spots, beautiful waves, and curl-
ing veins. The finest specimens of tables so adorn-
ed were sold for many thousand pounds.⁸ Besides
the beauty of the boards (*ἐπιθήματα*), the legs of
these tables were often very tasteful, being carved
in imitation of lion's or tiger's feet, and made of
ivory.⁹

One of the principal improvements was the inven-
tion of the *monopodium*, a round table supported by
a single foot; this, with other elegant kinds of fur-
niture, was introduced into Rome from Asia Minor
by Cn. Manlius.¹⁰ Under the Roman emperors sem-
icircular tables were introduced, called *mensæ luna-
tæ*, from comparing them to the half-moon, and *sig-
mata*, because they had the form of that letter, C.¹¹
This lunate table was surrounded by a sofa of the
same form, called *stibadium*, which was adapted to
hold seven or eight persons.¹²

As the table was not very large, it was usual to
place the dishes and the various kinds of meat upon
it, and then to bring it, thus furnished, to the place
where the guests were reclining.¹³ On many occa-
sions, indeed, each guest either had a small table to
himself, or the company was divided into parties of
two or three, with a separate table for each party,
as is distinctly represented in the woodcut at page
326. Xenophon describes a great entertainment
given by Seuthes, king of the Thracians, at which
the guests formed a large circle, a small three-leg-
ged table being placed before each person.¹⁴ Al-
though it is certain that dishes were in many cases
brought to be laid before the guests upon the table,
yet the common practice of bringing to them the
board, already supplied, gave origin to such phrases
as *mensam apponere* or *opponere*,¹⁵ and *mensam au-
jere* or *removere*.¹⁶ As the board of the table is

phrast., C. P., ii., 12.)—2. (Adams, Append., s. v.)—
trast., H. P., vi., 1.—Dioscor., iii., 108.—Nicand.,
—Plin., H. N., xvi., 20.—Martyn ad Virg., Georg.,
Adams, Append., s. v.)—4. (Aristot., H. A., v., 4.—Ad-
nd., s. v.)—5. (P. Ægin., i., 80.—Baubiu, Pinax, 619.
Append., s. v.)—6. (Theophrast., H. P., iii., 15.)—7.
st., H. P., iv., 11.—Geopon., ii., 4.—Nicand., Ther.,
Strengel ad Dioscor., iii., 13.—Adams, Append., s.
v., ii., 19, § 9.)—9. (Isocr., Panath., p. 247, B.)—
Encom., § 315, D.)—11. (Vid. Creuzer Symbol

1. (Festus, s. v.—Varro, De Ling. Lat., v., 25, p. 123, ed.
Speugel.—Hor., Sat., l. iii., 13.—Ovid, Met., viii., 662.)—2.
(Xen., Anab., vii., 3, § 10.—Athen., iv., 21, 35; v., 28.)—3.
(Gell's Pompeiana, 1832, vol. ii., p. 11.)—4. (Sat., l. vi., 116.)
—5. (Athen., ii., 32.)—6. (Hor., Sat., II., viii., 10.—Mart., xiv.,
90.)—7. (Cic., Verr., II., iv., 17.—Mart., ii., 43.—Id., iv., 29.
—Plin., H. N., xiii., 29.)—8. (Plin., H. N., xiii., 29.—Id. ib.,
xvi., 26, 84.—Tertull., De Pallio, sub fin.—Aikin, on Ornament-
al Woods, p. 23, 24.)—9. (Athen., l. c.—Mart., ii., 43, 49.)—10.
(Plin., H. N., xxxiv., 8.)—11. (Lamprid., Hel., 25, 29.)—12.
(Mart., x., 48.—Id., xiv., 87.)—13. (Athen., ii., 55.—Id., iv.,
28.)—14. (Anab., vii., 3, § 21.)—15. (Plaut., Asin., V., i., 2.—
Most., l., iii., 150.—Cic., Att., xiv., 21.—Ovid, Met., viii., 570.)
—16. (Plaut., Amphit., II., ii., 175.—Virg., Æn., i., 216.)

called by a distinct name, ἐπιδήσιον,¹ it appears that it was very frequently made separate from the tripod or other stand (εἰκλάσιος) on which it was fixed.

Among the Greeks the tables were not covered with cloths at meals, but were cleansed by the use of wet sponges² or of fragrant herbs.³

Under the influence of the ideas of hospitality, which have prevailed universally in the primitive states of society, the table was considered sacred.⁴ Small statues of the gods were placed upon it.⁵ On this account Hercules was worshipped under the title τροπέσιος and ἐστραπέσιος. The Cretans ate in public; and in the upper part of their ἀνδρείον, or public dining-room, there was a constant table set apart for strangers, and another sacred to Jupiter, called τροπέσιον ξενίας, or Δίος ξενίων.⁶

The two principal courses of a δείπνον and cœna, or a Greek and Roman dinner, were called respectively πρότερον πρῶτον, δεύτερον τρίτον, and mensa prima, mensa secunda. (Vid. CœNA, DEIPNON.)

A stone tablet, supported by four other stones, was sometimes used, as it is in modern times, to cover a grave.⁷ (Vid. FUNUS, p. 457.)

MENSARII, MENSULARII, or NUMULARII, were a kind of public bankers at Rome who were appointed by the state; they were distinct from the argentarii, who were common bankers, and did business on their own account.⁸ The mensarii had their banks (mensae), like ordinary bankers, in the Forum, and in the name of the ærarium they offered ready money to debtors who could give security to the state for it. Such an expediency was devised by the state only in times of great distress. The first time that mensarii (quinqueviri mensarii) were appointed was in 352 B.C., at the time when the plebeians were so deeply involved in debt that they were obliged to borrow money from new creditors in order to pay the old ones, and thus ruined themselves completely.⁹ (Compare INTEREST OF MONEY, and ARGENTARIJ.) On this occasion they were also authorized to ordain that cattle or land should be received as payment at a fair valuation. Such bankers were appointed at Rome at various times, and whenever debts weighed heavily upon the people, but, with the exception of the first time, they appear, during the time of the Republic, to have always been triumviri mensarii.¹⁰ One class of mensarii, however (perhaps an inferior order), the mensularii or numularii, seem to have been permanently employed by the state, and these must be meant when we read, that not only the ærarium, but also private individuals, deposited in their hands sums of money which they had to dispose of.¹¹ As Rome must have often been visited by great numbers of strangers, these public bankers had also, for a certain percentage, to exchange foreign money and give Roman coinage instead, and also to examine all kinds of coins, whether they were of the proper metal, and genuine or not.¹² During the time of the Empire, such permanent mensarii were appointed under the control of the præfectus urbi, and formed a distinct corporation.¹³

Bankers appointed by the state also existed in other ancient towns, and Cicero¹⁴ mentions mensarii in Pontus, in Asia Minor, who were appointed by the prætor.

30. A Month. The division of the twelve lunar months must have been known to the Greeks from very early times, for in the

Homeric poems the lunar months appear familiar to theæa. The day of the new moon first day of every month (νομήνια), was ascribed to Apollo.¹ The month itself, however, does not appear to have been subdivided into any other periods, those of the increase and decrease of the moon (ἐπιμήνησιος μηνός, τῶ δ' ἰσταμένειος²). In the poems of Hesiod³ the lunar month was reckoned as containing 30 days, although it must have been in reality less than 30 days (see CALENDAR, p. 190.) The discrepancy between the lunar and solar year rendered it necessary, from year to year, to intercalate a thirteenth month (ἐμβόλιμος), which, however, is not mentioned in Homer or Hesiod, and the time of its institution is unknown.⁴ This necessarily produced a fusion in the number of days of a year, to which Solon established the rule that at the end of months of 30 and 29 days should alternate each other,⁵ and called the thirtieth day (ἡμέρα) of a month ἐνθὺν καὶ νέα, as such a day prolonged to the month which was ending, and added to the new month.⁶ Thus arose a regular year of 354 days, and, in order to make it agree with the solar year, a month was intercalated every third year (τριετηρῆς). Respecting the division of the Attic months and their division into decads, see CALENDAR⁷ and Clinton.⁸ The Hecatombe or first month of the Attic year, coincided nearly with our July, and Scirophorion, or the second month, with our June.⁹ While in Attica the 12 months were established for religious purposes, in various kinds of business of ordinary life, as in other parts of Greece, regulated according to various other phenomena, such as the rising and setting of certain stars,¹⁰ the arrival and departure of the birds of passage,¹¹ and the like.

The months of the other Greek states differed from those of the Athenians not only in their names, but also in the time of their commencement. It was only in very few instances that the beginning of the months in another Greek state coincided with the Attic months. This is not surprising as they were all lunar months, and consequently, have all commenced on the first day of a new moon; but this difference arose from different modes of intercalation to make the lunar year agree with the solar one, so that the difference was not very great. In all parts of Greece, however, the division of a month into decads, as a mode of stating the day of a month, were the same as those customary in Attica.

Among the Spartan months we only know the names of five, viz., Gerastius, Artemisius, Hecatombeus, and Carneus. The last answered to the Attic Metageitnion,¹² and the first to the Attic Elaphebolion.¹³ The other two are uncertain. That the Spartan months in their commencement differed by two days from the Attic ones, is clear from Thucydides.¹⁴

The chronology of the Boeotians seems to have been very irregular in early times, and the commencement of their months differed from that of the Attic months;¹⁵ but in 371 B.C. the Boeotian months appear to have perfectly coincided with those of Attica.¹⁶ The first month of the Boeotian year was called Bucatius, and coincided with

1. (Od. xx., 156, with the schol.—Id. ib., xxi., 258.—Cicero, x., 14; xii., 325.—Hesiod., Op. et D., 770.)—2. (Od. xix., 3.—(l. c.)—4. (Ideler, Handb. der Chronol., i., p. 263, & Geminus, c. 6.)—5. (Plut., Sol., 25.—Diog. Laert., i., 2, 11.)—6. (Censorin., c. 18.)—7. (l. c.)—8. (Fast. Heil., p. 19.)—9. (Ideler, l. c., p. 286.)—10. (Each. Prom., 12.—Aristoph., Av., 710.—Hesiod., Op. et D., 448.)—11. (Aristot., Harmon. Elem., ii., p. 30, ed. Meurs.—Plut., Arist. sub fin.)—12. (Plut., Nic., 28.)—13. (Thucyd., v., 19.—118, 119; v., 19.)—7. (Plut., Aristid., 19.)—18. (Plut., 19.)

MENSORES.

Gamelion.¹ Besides this first month, the names of six others are known, viz., Hermæus (Anthesterion), Prostatarius (Attic Elaphebo-hippodromius (Attic Hecatombæon²), Panætic Metageitnion³), Alalcomenius (Attic Anthesterion), and Damatrius (Attic Pyanepsion). During the months of the Eleans only the name is known with certainty, viz., the Elaphius, is described as the month in which the verminox took place. But there are two other months, Parthenius and Apollonius, which are believed to be the names of Elean months.⁴

The first of the Delphian months seems to have been the Bysius, which coincided with the Attic Thion. It fell at the time of the vernal equinox in it the Pythian games were celebrated. During these times, the names of eight others are known, heoxenius, Ilæus, Domus, Synelius, Thelucatus, Heraclius (Attic Thargelion), and Ius.⁵

Among the months of the Corcyræans only three are known, viz., Machaneus, Artemitius, and Euclæus, was the twelfth.

Among the Cretan months are Imalius, Artamitius, Therastus, Dromæus, &c.

The Sicilian months were Carneius (Att. Metanion), Panemos, &c.⁶

The Cyprian months are all known, but most of them seem to belong to the time of the Roman Empire. They are, Ænicus, Junius (ancient name), Cæsareus, Sebastus, Autocratoricus, Chexasius, Plethypatus, Archiereus, Hesthius, Romæus.

The Macedonians, like the Greeks, divided their year into 12 lunar months, and their names and succession may be gathered from Josephus. Their year began in the autumn, and the first month fell partly in our October and partly in November. The names and the order of the months were as follow: Dios, Apellæus, Ausonius, Peritius, Dystrus, Xanthicus, Artemisius, Panemus, Lous, Gorpæus, and Hyperberetæus. The Macedonian months, after the time of Alexander, were adopted by the Syro-Macedonian Empire and by the Greek cities of Asia generally, and were retained until the reformation of the Roman Calendar by J. Cæsar, after which time all the names, both in Europe and in Asia, gradually began to adopt the new Roman calendar, though the names of their months, as well as the names of the commencement of their year, remained in most cases as they had been before.⁷ For a full account of the Roman months, see CALENDAR.

MENSORES, Measurers or Surveyors. This name was applied to various classes of persons whose occupation was the measurement of things.

It was applied to land-surveyors, who measured and defined the extent of fields, and appear to have been the same as the agrimensores.⁸ (Compare **AGRIMENSORES**.)

It was applied to persons who measured in the Roman Camp the space to be occupied by the tents. They were distinguished from the metatores, who set the place for a camp.⁹

It was applied to a class of officers during the time of the Roman Empire who provided quarters for the soldiers in the Roman Camp, through which they passed and where they made a temporary stay. They not only assigned to each soldier the house in which he was to be quartered, but also wrote the name of the occu-

METHODICI.

pant upon the doorpost, and he who effaced or destroyed this name was punished as a falsi reus.¹

4. Mensor ædificiorum is sometimes applied to architects, or more especially to such architects as conducted the erection of public buildings, the plans of which had been drawn up by other architects.²

5. Menses frumentarii was the name of officers who had to measure the corn which was conveyed up the Tiber for the public granaries.³ They were stationed in the port near Ostia, and were employed under the præfectus annonæ. Their name is mentioned in various ancient inscriptions.

ME'NUSIS (μήνσις). (Vid. ECCLESIA.)

MERCEDON'IOS or MERCIDI'NOS. (Vid. CALENDAR, ROMAN, p. 194.)

MERENDA. (Vid. CENA, p. 275.)

MERIDIA'NI. (Vid. GLADIATORES, p. 476.)

*MEROPS (μέροψ), a species of Bird, the *Merops apiaster*, or Bee-eater. "It is rarely met with in England," says Adams, "but is common in the south of Europe, and hence its frequent mention in the classics."⁴

*MESP'ILE (μεσπίλη) or MESP'ILUS (μέσπιλος) the Medlar-tree, or *Mespilus tanaetifolia*, Smith. "The two species of Medlar described by Dioscorides, and subsequent writers on the *Materia Medica*, are referred by Sprengel to the *Mespilus azarolus*, Smith (Azarola, or Neapolitan Medlar), and the *M. Germanica* (common Medlar)."⁵

METÆ. (Vid. CIRCUS, p. 253.)

METAGEITNIA, a festival celebrated by the Attic demos Melite, in honour of Apollo Metageitnion. The chief solemnities consisted in offering sacrifices, and the festival was believed to commemorate the emigration (γυγνίσις πρὸς ἑτέροις) of the inhabitants of Melite to Diomis.⁶

METHO'DICI (Μεθοδικοί), an ancient medical sect, whose history begins with Themison, a pupil of Asclepiades, in the first century B.C.⁷ He differed from his master in many respects, condemned his errors,⁸ contributed much to rectify his principles, and introduced a greater precision into his system.⁹ He was the first who chose the middle way between the tenets of the Dogmatici and Empirici, the traces of which he believed he discovered in the theory of his master. Their doctrines are thus summed up by Celsus:¹⁰ "They assert that the knowledge of no cause whatever bears the least relation to the method of cure; and that it is sufficient to observe some general symptoms of distempers; and that there are three kinds of diseases, one bound, another loose (the word in the original is *fluens*, that is, a disorder attended with some discharge), and the third a mixture of these. For that sometimes the excretions of sick people are too small, sometimes too large; and sometimes one particular excretion is deficient, while another is excessive. That these kinds of distempers are sometimes acute and sometimes chronic, sometimes increasing, sometimes at a stand (where our author means the *ἀκμή* of a disease, after which it increases no more), and sometimes abating. As soon, then, as it is known to which of these classes a distemper belongs, if the body be bound, it must be opened; if it labours under a flux, it must be restrained; if the distemper be complicated, then the most urgent malady must be first opposed. And that one kind of treatment is required in acute, an-

1. (Cod. Theod., 7, tit. 8, s. 4.)—2. (Plin., Epist., x., 28, 29.)—3. (Dig. 27, tit. 1, s. 26.—Cod. Theod., 14, tit. 9, s. 9, and tit. 15, s. 1.)—4. (Aristot., H. A., v., 1.—Ælian, N. A., i., 49.—Adams, Append., s. v.)—5. (Theophrast., H. P.—Dioscor., i., 169.—Adams, Append., s. v.)—6. (Plut., De Exil., p. 601, B.—Compare Suidas and Harpocration, s. v. Μεταγειτνίων.)—7. (Plin., H. N., xxix., 5.)—8. (Cæl. Aurel., Chron., i., 1, p. 287, c. 4, p. 323, ed. Amman.)—9. (Galen, Introd., c. 1, tom. xiv., p. 683, 684, ed. Kühn.)—10. (De Medic., lib. i., Præfat.)

other in inveterate distempers; another when diseases are increasing, another when at a stand, and another when inclining to health. That the observation of these things constitutes the art of medicine, which they define as a certain way of proceeding, which the Greeks call *methodé* (Μεθόδος), and affirm it to be employed in considering those things that are common to the same distempers: nor are they willing to have themselves classed either with the rationalists (i. e., the Dogmatici) or with those who regard only experiments (i. e., the Empirici); for they dissent from the first sect in that they will not allow medicine to consist in forming conjectures about the occult things; and also from the other in this, that they hold the observation of experiments to be a very small part of the art."—(Futvoje's translation.)

As the seeking after the causes of diseases seemed to him to rest on too uncertain a foundation, for this reason he wished to establish his system upon the analogies and indications common to many diseases (κοινότητες), without reflecting that these analogies are often as occult, and even oftener, than all the causes of the Dogmatici. However, this idea of the common analogies of the morbid state had the great advantage of contributing afterward to the perfection of the science of Semeiology. If, says Sprengel,¹ Themison had chosen for his basis analogies that were easy to be recognised, or really morbid states, instead of simple maladies of the solid parts, of which he only admitted a very small number, the system of the Methodici would have been the best of all; but, deceived by the Corpuscular Philosophy of his master Asclepiades, he would not admit any other common symptoms than those given by the Striction and the Laxum, the being constricted or relaxed, and the intermediate state. Thus he was compelled to contradict himself, and commit the more errors the more he tried to escape by the *methodé*; the tenets both of the Empirici and Dogmatici. Themison appears to have written several works, which are now lost, but of which the titles are preserved by Cælius Aurelianus.² His followers were very numerous, but the following only deserve notice here: Soranus, the author of several works, of which two only are still extant, *Περὶ Σπασμῶν Κατακλιμένων*, "De Signis Fracturarum," and *Περὶ Μήτρως καὶ Περὶ αἰσίου Αἵματος*, "De Utero et Pudendo Mulierum;"³ Cælius Aurelianus, the principal writer of this sect, whose work "De Morbis Acutis et Chronicis" is one of the most valuable of antiquity; Mesochion, author of the work *Περὶ τῶν Περὶ αἰσίου Ἄλλοιων*, "De Mulierum Passionibus;" Theophrastus of Tralles, of whom nothing remains, but who was, in a manner, the second founder of the sect, and who (if we may trust Galen, who always mentions him with the greatest contempt) conferred no honour on the medical profession either by his talents or his character.

ΜΕΤΟΙΚΟΙ (Μετοίκους) is the name by which, at Athens and in other Greek states, the resident aliens were designated, and these must be distinguished from such strangers as made only a transitory stay in a place, for Harpocration⁴ expressly mentions as a characteristic of a μετοίκος that he resided permanently in the place. No city of Greece, however, had such a number of resident aliens as Athens, as none afforded to strangers greater advantages and conveniences, or a more agreeable mode of living. In the census instituted by Demetrius Phalereus (309 B. C.), the number of resident aliens at Athens was 10,000, in which number women and children were probably not included.⁵ These aliens were persons from all parts of Greece,

as well as from barbarous countries, such as Lydians, Phrygians, and Syrians, or Attic freedmen (ὡς Λιβέρτους, Γραικοί), and these people had chosen Athens as their adoptive country, either on account of its resources for amusement and instruction, or on account of the facilities it afforded for carrying on mercantile business. The latter class of persons seems to have been by far the most numerous. The jealousy with which the citizens of the ancient Greek republics kept their body clear of intruders, is also manifest in their regulations concerning aliens. However long they might have resided in Athens, they were always regarded as strangers, whence they are sometimes called ξένοι; and to remind them of their position, they had on some occasions to perform certain degrading services to the Athenian citizens. The services (ὡς Ἰππίαρχοι) were, however, in all probability, not intended to hurt the feelings of the aliens, but were simply acts symbolical of their relation to the citizens.

Aliens were not allowed to acquire landed property in the state they had chosen for their residence, and were, consequently, obliged to live in hired houses or apartments,¹ and hence the letting of houses was a subject of much speculation and profit at Athens. As the aliens did not constitute a part of the state, and were yet in constant intercourse and commerce with its members, every alien was obliged to select a citizen for his patron (προστάτης), who was not only the mediator between them and the state, through whom alone they could transact any legal business, whether private or public, but was, at the same time, answerable (ἐγγυητής) to the state for the conduct of his client.² On the other hand, however, the state allowed the aliens to carry on all kinds of industry and commerce under the protection of the law; in fact, at Athens, nearly all business was in the hands of aliens, who on this account lived for the most part in the Piræus.³

Each family of aliens, whether they availed themselves of the privilege of carrying on any mercantile business or not, had to pay an annual tax (μετοίκιον or ξενικά) of twelve drachmæ, or, if the head of the family was a widow, of only six drachmæ.⁴ If aliens did not pay this tax, or if they assumed the right of citizens, and probably, also, in case they refused to select a patron, they not only forfeited the protection of the state, but were sold as slaves. (ὡς Αἰποστάσιον Γραφῆ.) In some cases, however, though they are of rare occurrence, aliens, without having the isopolity, might become exempt from the μετοίκιον (ἀτέλεια μετοίκιον) as well as from other obligations.⁵ Extraordinary taxes and liturgies (εἰσφοραὶ and λειτουργίαι) devolved upon aliens no less than upon citizens,⁶ though there must have been a difference between the liturgies performed by citizens and those performed by aliens. In what this difference consisted is nowhere expressly mentioned, but we have reason to believe that, with the exception of the trierarchy and gymnasiarchy, all other liturgies might devolve upon aliens, though perhaps only on certain occasions, as the choregia at the festival of the Lenææ.⁷ The extraordinary taxes (εἰσφοραὶ) which aliens had to pay, seem also, in some degree, to have differed from those paid by citizens; and it is clear from Demosthenes⁸ that they were taxed higher than citizens of the same census. The aliens were also obliged, like citizens, to serve in the regular armies and in

1. *Περὶ τῶν Μετοίκων*, c. 2. (De Moch. Chron., i., p. 285; i., c. 2.)—2. *Περὶ τῶν Μετοίκων*, c. 2. (i. v.)—4. (Athen., vi., p. 272.)

1. (Demosth., Pro Phorm., p. 946.—Xen., De Vectig., ii., § 24.)—2. (Etymol. M., s. v. Ἀποστάσιον.)—3. (Xen., De Vectig., c. 2.—Id., De Rep. Ath., i., 12.)—4. (Böckh, Publ. Econ., iii., § 7.—Isæus ap. Harpocrat., s. v. Μετοίκιον.)—5. (Demosth., c. Aristocrat., p. 691.—Plut., Vit. dec. Orat., p. 842.—Demosth., c. Aristog., p. 787.—Suidas, s. v. Μετοίκιον.)—6. (Demosth., c. Androt., p. 612.)—7. (Schol. ad Aristoph., Plut., 954.—Compare Böckh, Publ. Econ., iv., § 10.)—8. (c. Androt., p. 609 and 612.)

the fleet, both abroad and at home, for the defence of the city.¹ Respecting those μέτοικοι who had obtained the *ισοτέλεια*, see CIVITAS, p. 259. The heirs of a μέτοικος who died in Attica were under the jurisdiction of the polemarch.²

The preceding account of the condition of the aliens at Athens will apply, with very few modifications, to most other parts of Greece.³

METRETES (μετρητής), the principal Greek liquid measure. The Attic metretes was equal in capacity to the amphora, containing 8 galls. 7·365 pints English. (Vid. AMPHORA.) It was divided into

	each	=	Galls	Pints
1½	νεράμια		5	7·577
12	χοῦς			5·9471
48	χοϊνικες			1·4867
72	ξέσται			·9911
144	κοτύλαι			·4955

(Vid. CHOUS, CHENIX, XESTES, COTYLA.) The smaller liquid measures were of very variable sizes; their names were μύστρον (vid. MYSTRUM), ὀξόβαρον (vid. OXYBARTHUM), κύβαθος (vid. CYATHUS), κόγχη (vid. CONCHA), χούη (vid. CHEME), κοχλίριον (vid. COCHLEAR).

In other places the metretes had a different size. Galen⁴ says that the Syrian metretes contained 120 ξέσται. The Macedonian metretes is inferred to have been much smaller than the Attic, from the circumstance mentioned by Aristotle⁵ of an elephant's drinking 14 of them at once.

METRONOMI (μετρονόμοι) were officers at Athens belonging to that class which we might term police-officers. They were, like all officers of this kind, appointed by lot. Their number is stated differently: some say that there were fifteen (ten for the Piræus and five for the city); some say twenty-four (fifteen for the Piræus and nine for the city); and others state that there were only ten, five for the Piræus and five for the city.⁶ Böckh⁷ would alter all these passages of the grammarians so as to make them say that the whole number of metronomi was fifteen, and that ten were for the city and five for the Piræus, because the sitophylaces were distributed in the same manner. But there does not appear sufficient ground for such a bold alteration, and it seems, at any rate, probable that the number of these officers, as the grammarians state, was necessarily greater in the port-town than in the city, for there must have been more business for them in the Piræus than at Athens, which was not the case with the sitophylaces. The duties of the metronomi were to watch that the weights and measures used by tradesmen and merchants should have the size and weight prescribed by the laws, and either to punish offenders or to receive complaints against them, for the real nature of the jurisdiction of the metronomi is not known.⁸

METROPOLIS. (Vid. COLONIA, p. 284.)

*MEUM (μήον), a plant, the *Meum Athamanticum*, or *Ligusticum Meum*, Hooker; in English, Spignel, Meu, or Bald-money. Moses Charras says of it, "Meum or Spignel is called Athamantic from the mountain Athamas in Thessaly, where it grows plentifully. The leaves are small, and like those of anise."⁹

*MILAX (μίλαξ), a plant, the Bindweed, of which several kinds are mentioned by the ancient writers.

The more common form of the name is *Smilax*, which see.

MILLIA'RE, MILLIA'RIMUM, or MILLE PASSUUM (μίλιον), the Roman mile, consisted of 1000 paces (*passus*) of 5 feet each, and was, therefore, =5000 feet. Taking the Roman foot at 11·6496 English inches (vid. PES), the Roman mile would be 1618 English yards, or 142 yards less than the English statute mile. By another calculation, in which the foot is taken at 11·62 inches, the mile would be a little more than 1614 yards. The number of Roman miles in a degree of a large circle of the earth is a very little more than 75. The most common term for the mile is *mille passuum*, or only the initials M. P.; sometimes the word *passuum* is omitted.¹ The Roman mile contained 8 Greek stadia.

The milestones along the Roman roads were called *milliaria*. They were also called *lapides*; thus we have *ad tertium lapidem* (or without the word *lapidem*) for three miles from Rome. Augustus erected a gilt pillar in the Forum, where the principal roads terminated, which was called *milliarium aureum*; but the miles were not reckoned from it, but from the gates of the city. Such central marks appear to have been common in the principal cities of the Roman Empire. The "London stone" in Cannon-street is supposed to have marked the centre of the Roman roads in Britain.²

*MILOS (μίλος), the *Taxus baccata*, or Yew-tree. "Nicander," says Adams, "gives a very accurate account of its effects as a poison."³

*MILTOS (μίλτος), "the Reddle of Kirwan and Aikin, and Red Chalk of Jameson and Philips. It is the *Rubrica* of the Latins, and not the *Minium*, as has been supposed. Theophrastus describes two kinds, the *αὐτόματος*, or native, and the *τεχνική*, or factitious; this last is formed from yellow-ochre by burning. Reddle was used extensively in ancient times for painting ships, and hence Homer calls them *μίλοπαρήροι*."⁴

MIMUS (μίμος) is the name by which, in Greece and at Rome, a species of the drama was designated, though the Roman *mimus* differed essentially from the Greek *μίμος*.

The Greek *mimus* seems to have originated among the Greeks of Sicily and southern Italy, and to have consisted originally of extempore representations or imitations of ridiculous occurrences of common life at certain festivals, like the Spartan *deicelistæ*. At a later period these rude representations acquired a more artistic form, which was brought to a high degree of perfection by Sophron of Syracuse (about 420 B.C.). He wrote his pieces in the popular dialect of the Dorians and a kind of rhythmical prose.⁵ The mimes of Sophron are designated as *μίμοι σπονδαίοι*, which were probably of a more serious and ethical character, and *μίμοι γέλοιοι*, in which ridiculous buffoonery preponderated. Such mimes remained after the time of Sophron a favourite amusement of the Greeks, and Philistion of Magnesia, a contemporary of Augustus, was a celebrated actor in them.⁶

Among the Romans, the word *mimus* was applied to a species of dramatic plays as well as to the persons who acted in them. It is certain that the Romans did not derive their *mimus* from the Greeks in southern Italy, but that it was of native growth. The Greek mimes were written in prose, and the name *μίμος* was never applied to an actor, but if

1. (Xen. De Vectig., l. c.—Thucyd., ii., 13; iv., 90.—Demosth., c. Philip., i., p. 50.—Thucyd., i., 143.—Id., iii., 16.)—2. (Demosth., c. Steph., ii., p. 1135.)—3. (Compare Petitus, Leg. Att., ii., §, p. 246. &c.—F. A. Wolf, Proleg. ad Leptin., p. lxxvi. &c.—Herrmann, Polit. Ant., § 115.)—4. (Frag., c. 7.)—5. (H. A., vii., 2.)—6. (Harpocrat., § 115.)—7. (Meier and Schömann, Alt. Proc., p. 93, &c.)—8. (Dioscor., i., 2.—Adams, Agrostic., s. v.)

1. (Cic. ad Att., iii., 4.—Sallust, Jug., c. 114.)—2. (Plin., H. N., iii., 5.—Id. ib., xv., 18.—Tacit., Hist., i., 73.—Suet., Oth., 6.)—3. (Theophrast., H. P., iii., 4.—Id. ib., iv., 1.—Nicand., Alex., 624.—Adams, Append., s. v.)—4. (Theophrast., De Lapid., c. 71.—Dioscor., v., 111, 112.—Hom., II., ix., 125.—Adams, Append., s. v.)—5. (Quintil., i., 8.)—6. (Vid. Müller, Dor., iv., 7, § 5.)

... were they had served the legitimate ... distinguished from the ... and was called *missio ex favore* ... Persons who had obtained it ... be called upon by the ... The same must ... with persons who had obtained ... who, after their return ... their illness, and had not ... when they were altogether

... ignominia was in- ... upon individuals, ... whole legions of ... the highest of ... soldiers.¹ In dis- ... was generally ... ignominia. ... was not expressly ... as a matter ... were ... which char- ... were neither ... return to ... perfect ... in some ... withdrawal.

... was necessary to release ... service ... the time ... Empire, ... release from ... that was ... later period ... almost exclusively ... ignominia.² From the case ... referred to, it is clear that ... exauctoratio was sometimes ... with *missio*, while the *liberatio* was granted ... those who had served in twenty

... was taken by all the soldiers of ... of every new campaign ... when the troops were ... they were released from ... the general ... of the army, and ... did not take place ...

... GLADIATORES, p. 47.
 ... ΜΙΣΘΟΝ ΔΙΚΗ (*uothōn dikē*) ... ΜΙΣΘΟΝ ΔΙΚΗ (*uothōn dikē*) ... against a guardian for a ... make profitable use of the property ... having made no use of it at all. ... of such property either by letting ... of lands or houses, or by putting it ... if it consisted of money. The ... must have been of a twofold character: ... or private, that is, it might be brought ... the guardian, during the minority of his ... any person who took an interest in the ... of the orphan, or it was brought by the or- ... after his coming of age. Complaints

per-
 si-
 me-
 res-
 pert.
 Ath-
 vant.
 mod-
 trius
 aliens
 women
 These at

1. (Hec.
 4, p. 323.)

1. (Liv., viii, 14, 15.)—2. (Liv., viii, 39.—Id., xxvi, 1.—Suet.
 24.—Id., Octav., 24.)—3. (Hirt., De Bell. Afr., 54.—Suet.
 24.—Id., Max., ii, 7, § 3.—Dig. 3, tit. 2, s. 2.)—4. (Suet.
 24.—Id., Liv., viii, 34.—Id., xxvi, 40.—Tacit., Ann.,
 13, § 5.—Suet., Vit., 10.—Lamprid., Alex. Sev., 12, § 2.)—5.
 13, § 5.—8. (Liv., xxxvi, 40.—Compare Tacitus, De Mi-
 12.)

MODIUS.

MOLA.

When this kind were brought before the first archon, in cases where the guardian would not or could not occupy himself with the administration of the property of his ward, he might request the archon to let the whole substance of his ward's property to the highest bidder, provided the testator had not expressly forbidden this mode of acting in his will.¹ The letting of such property took place by auction, and probably in the presence of a court of justice, or we read that the court decided in cases where objections were made against the terms of letting the property.² The person who took the property had to pay an annual per centage for the right of using it, and this per centage frequently amounted to more than 12 per cent. per annum. If one man alone was unwilling to take the whole property on such conditions, it might be divided and let to several persons separately.³ The tenant or tenants of the property of an orphan had to give security (*ἀποθήμματα*) for it, and to mortgage (*ἀποτιμῆν*) his own estate, and the archon sent especial persons, *ἀποτιμητῆρας*, to value his property, and to ascertain whether it was equivalent to that of the orphan.⁴ The technical term for letting the property of an orphan, whether it was done by the guardian himself or by the archon, was *μισθοῦν*, and those who took it were said *μισθοῦσθαι τὸν οἶκον* (*οἶκος* here signifies the whole substance of the property). The tenants of the estate of an orphan had the right, and perhaps the obligation, to protect it against any other person.⁵ It is not clear what resource was open to an orphan against a tenant who did not fulfil his obligations, but it is probable that, if any dispute arose, the guardian or the archon alone was answerable, and had to procure justice to the orphan.⁶

ΜΙΣΘΟΥ ΔΙΚΗ (*μισθοῦ δίκη*), or **ΜΙΣΘΩΣΕΩΣ ΔΙΚΗ** (*μισθώσεως δίκη*), is the name of a private action which might be brought against persons who refused to pay for services which had been performed for them, provided it had been agreed that they should be paid for; and, secondly, against persons who either had not or had imperfectly performed the services for which they were paid. It made no difference whether the service was performed by physical or intellectual powers, as teachers, sophists, actors, authors, and similar persons were paid at Athens,⁷ and it is natural to suppose that these persons, like others, made agreements, either written or by word of mouth, respecting the remuneration to be given to them. In case either party thought themselves wronged, they might bring the *μισθοῦ δίκη* against the offender. Protagoras had written a book called *δίκη ὑπὲρ μισθοῦ*, and an instance is recorded of an action of this kind in which he demanded payment of one of his pupils.⁸ It is not improbable that his work contained an account of this lawsuit.⁹

***MISY** (*μίσον*), Roman Vitriol, so called, or yellow Copperas (*κλωρός χαλκίνθος*). (*Vid.* **CHALCANTHUS**.)¹⁰

MITRA. (*Vid.* **CALANTICA, ZONA**.)

MIXTA ACTIO. (*Vid.* **ACTIO**, p. 17.)

MNA. (*Vid.* **TALENTUM**.)

MNEMATA, MNEMEIA. (*Vid.* **FUNUS**, p. 457.)

MNOIA. (*Vid.* **COSMI**, p. 316.)

MOCHLOS. (*Vid.* **JANUA**, p. 526.)

MODIUS, the principal dry measure of the Romans, was equal to one third of the amphora,¹¹ and

therefore contained 1 gall. 7 8576 pints English. It was divided into

	Pints.
2 Semimodii or Semodii, each	=7.9288
16 Sextarii	9911
32 Heminae	4955
64 Quartarii	2477
128 Acetabula	1238
192 Cyathi	825
768 Ligulae	206

The modius was one sixth of the medimnus. (*Vid.* **ACETABULUM, CYATHUS, LIGULA, MEDIMNUS, SEXTARIUS**.)

ΜΟΙΧΕΙΑΣ ΓΡΑΦΗ (*μοιχείας γραφή*). (*Vid.* **ADULTERIUM**.)

MOLA (*μύλος*), a Mill. All mills were anciently made of stone, the kind used being a volcanic trachyte or porous lava (*pyrites*,¹ *silices*,² *pumiceas*³), such as that which is now obtained for the same purpose at Mayen and other parts of the Eifel in Rhenish Prussia. This species of stone is admirably adapted for the purpose, because it is both hard and cavernous, so that, as it gradually wears away, it still presents an infinity of cutting surfaces.

Every mill consisted of two essential parts, the upper millstone, which was movable (*catillus, ὄνος, τὸ ἐπιμύλιον*), and the lower, which was fixed, and by much the larger of the two.⁴ Hence a mill is sometimes called *mola* in the plural. The mills mentioned by ancient authors are the following:

I. The handmill or quern, called *mola manuaris, versatilis, or trusatilis*.⁵

The islanders of the Archipelago use in the present day a mill, which consists of two flat round stones about two feet in diameter. The upper stone is turned by a handle (*κώπη*) inserted at one side, and has a hole in the middle into which the corn is poured. By the process of grinding, the corn makes its way from the centre, and is poured out in the shape of flour at the rim.⁶ The description of this machine exactly agrees with that of the Scottish quern, formerly an indispensable part of domestic furniture.⁷ There can be no doubt that this is the flour-mill in its most ancient form. In a very improved state it has been discovered at Pompeii. The annexed woodcut shows two which were



found standing in the ruins of a bakehouse. In the left-hand figure the lower millstone only is shown. The most essential part of it is the cone, which is surmounted by a projection containing originally a strong iron pivot. The upper millstone, seen in its place on the right hand of the woodcut, approaches the form of an hourglass, consisting of two hollow cones joined together at the apex, and provi-

1. (Plin., H. N., xxxvi., 30.)—2. (Virg., *Moret.*, 23-27.)—3. (Ovid., *Fast.*, vi., 318.)—4. (Deut., xxiv., 6.)—5. (Wernsdorf, *Poetae Lat. Min.*, vi., 2, 51.)—6. (Plin., H. N., xxxvi., 29.—Gell., iii., 3.—Cato, *De Re Rust.*, 10.)—7. (Schol. in Theocrit., iv., 38.)—8. (Tournefort, *Voyage*, Lett. 9.)—9. (Pennant, *Tour in Scotland*, 1769, p. 231, and 1772, p. 228.)

1. (Demosth., c. Aphob., p. 837.—Compare 853, 857.—Lys., c. Diopit., p. 906.)—2. (Isæus, *De Philoctem. hered.*, p. 141, &c.)—3. (Isæus, *De Menecl. hered.*, p. 13.)—4. (Suidas, s. v. 'Ἀποθήματα'.)—5. (Isæus, *De Hagn. hered.*, p. 289.)—6. (Meier and Schömann, *Att. Proc.*, p. 295, 332.—Böckh, *Publ. Econ.*, vol. ii., p. 78, &c.)—7. (Böckh, *Publ. Econ.*, i., § 21.)—8. (Diog. Laert., i., § 4, 8.)—9. (Meier and Schömann, *Att. Proc.*, p. 534, &c.)—10. (Moore's *Anc. Mineral.*, p. 95.—Salmus, *Excerpt. Plin.*, l. 13, s. AB.)—11. (Volusius Maternus.—Festus.—Rhemus. *Fan. ap. Wurm*, § 67.)

ded at this point with a socket, by which the upper stone was suspended upon the iron pivot, at the same time touching on all sides the lower stone, and with which it was intended to revolve. The upper stone was surrounded at its narrowest part with a strong band of iron; and two bars of wood were inserted into square holes, one of which appears in the figure, and were used to turn the upper stone. The uppermost of the two hollow cones served the purpose of a hopper. The corn with which it was filled gradually fell through the neck of the upper stone upon the summit of the lower, and, as it proceeded down the cone, was ground into flour by the friction of the two rough surfaces, and fell on all sides of the base of the cone into a channel formed for its reception. The mill here represented is five or six feet high.

The handmills were worked among the Greeks and Romans by slaves. Their *pistrinum* was consequently proverbial as a place of painful and degrading labour, and this toil was imposed principally on women.¹

In every large establishment the handmills were numerous in proportion to the extent of the family. Thus, in the palace of Ulysses there were twelve, each turned by a separate female, who was obliged to grind every day the fixed quantity of corn before she was permitted to cease from her labour.²

II. The cattle-mill, *mola asinaria*,³ in which human labour was supplied by the use of an ass or some other animal.⁴ The animal devoted to this labour was blindfolded.⁵ The mill did not differ in its construction from the larger kinds of handmill.

III. The water-mill (*mola aquaria*, ὕδραλέτης). The first water-mill of which any record is preserved was connected with the palace of Mithradates in Pontus.⁶ That water-mills were used at Rome is manifest from the description of them by Vitruvius.⁷ A cogged wheel, attached to the axis of the water-wheel, turned another which was attached to the axis of the upper millstone: the corn to be ground fell between the stones out of a hopper (*infundibulum*) which was fixed above them.⁸ Ausonius, as quoted below, mentions their existence on the Ruwer near Treves; and Venantius Fortunatus, describing a castle built in the sixth century on the banks of the Moselle, makes distinct mention of a tail-race, by which "the tortuous stream is conducted in a straight channel."⁹ In Ireland water-mills were introduced even some centuries before this date.¹⁰

IV. The floating mill.

When Rome was besieged by the Goths, A.D. 536, and when the stoppage of the aqueducts rendered it impossible to use the public corn-mills (*οἱ τῆς πόλεως μύλωνες*) in the Janiculum, so that the citizens were in danger of starvation, Belisarius supplied their place by erecting floating mills upon the Tiber. Two boats being moored at the distance of two feet from each other, a water-wheel, suspended on its axis between them, was turned by the force of the stream, and put in motion the stones for grinding the corn, by which the lives of the besieged were preserved.¹¹

V. The saw-mill.

Ausonius mentions mills situated on some of the streams falling into the Moselle, and used for cutting marble into slabs.¹²

VI. The pepper-mill. A mill for grinding pepper,

made of boxwood, is mentioned by Petronius (*mote buxæ piper trivit*).

*MOLYBDÆNA. (Vid. PLUMBAGO.)

*MOLYBDOS. (Vid. PLUMBUM.)

MONETA, the mint or place where money was coined. The mint of Rome was a building on the Capitoline, and attached to the temple of Juno Minerva, as the *ærarium* was to the temple of Saturn.¹ This temple was vowed by Camillus, and dedicated in 344 B.C., on the spot where the house of M. Manlius Capitolinus had once been standing. Some writers describe the art of coining as having been known to the Italians from the earliest times, and assign its invention to Janus;² but this and similar accounts are nothing more than fables. The statement of Pliny,³ who assigns the invention of coining to Servius Tullius, has somewhat more of an historical aspect; and he derives the name *pecunia* from the circumstance that the coins were originally marked with the image of some animal. The earliest Roman coins were of *æs* (*vid. Æs*), and not struck, but cast in a mould. (See the representation of such a mould on page 449.) The moulds, however, were sometimes without any figure, and merely shaped the metal, and in this case the image, as well as the name of the gens, &c., were struck upon it by means of a hammer upon an anvil on which the form was fixed. As the strokes of the hammer were not always equal, one coin, though equal in value with another, might differ from it in thickness and shape. Greater equality was produced at the time when the Romans began to strike their money; but when this custom became general is not known. Respecting the changes which were introduced at Rome at various times in the coinage, see the articles *Æs*, *ΑΒΕΣΤΥΜ*, and *ΑΥΡΥΜ*.

In the early times of the Republic we do not read of any officers who were charged with the superintendence of the mint, and respecting the introduction of such officers we have but a very vague statement of Pomponius.⁴ Their name was *triumviri monetales*, and Niebuhr⁵ thinks that they were introduced at the time when the Romans first began to coin silver, *i. e.*, 269 B.C. The *triumviri monetales* had the whole superintendence of the mint, and of the money that was coined in it. A great number of coins, both of gold and silver, is signed by one of these triumvirs in the following manner: III. VIR AAAFF, that is, *triumvir auro, argento, ære flando feriendo*,⁷ or III. VIR. A.P.F., that is, *ad pecuniam ferendam*. Other coins, on the other hand, do not bear the signature of a *triumvir monetalis*, but the inscription CUR. X. FL. S.C., *i. e.*, *curator denariorum flandorum ex senatus consulto*, or are signed by prætors, ædiles, and quæstors. J. Cæsar not only increased the number of the *triumviri monetales* to four, whence some coins of his time bear the signature IIII. VIR. A.P.F., but intrusted certain slaves of his own with the superintendence of the mint.⁸ The whole regulation and management of the Roman mint and its officers during the time of the Republic, is involved in very great obscurity.

The coining of money at Rome was not a privilege belonging exclusively to the state, but from the coins still extant we must infer that every Roman citizen had the right to have his own gold and silver coined in the public mint, and under the superintendence of its officers. The individual or gens who had their metal coined, stated its name as well as the value of the coin. This was a kind

1. (Hom., Od., vii., 104.—Exod., xi., 5.—Matt., xxiv., 41.)—2. (Od., xx., 105—119.—Compare Cato, De Re Rust., 56.)—3. (Cato, De Re Rust., 10.—Matt., xviii., 6.)—4. (Ovid, Fast., vi., 318.)—5. (ApuL, Met., ix.)—6. (Strabo, xii., § 30.)—7. (x., 5, ed. Schneider.)—8. (See also Brunek, Anal., ii., 119.—Pallad., De Re Rust., i., 42.)—9. (Poem., iii., 10.)—10. (Transactions of the Royal Irish Academy, xviii., pt. 3, p. 163—165.)—11. (Procop., De Bell. Goth., i., 15.)—12. (Mosella, 362, 363.)

1. (Sat., 74.)—2. (Liv., vi., 20.)—3. (Macrob., Sat., i., 7.—Athen., xv., p. 692.)—4. (H. N., xxxiii., 3.)—5. (Dig. i., tit. 3, § 30.)—6. (Hist. of Rome, iii., p. 646.)—7. (Cic., De Leg., iii., 3.—P. Manut. ad Cic. ad Fam., vii., 13.)—8. (Suet., Jul., 78.—Compare Cic., Philipp., vii., 1.)

arrantee to the public, and nearly all the coins of the republican period coined by a gens or an individual bear a mark stating their value. As long as the Republic herself used pure silver and gold, money does not seem to have been coined by any one; but when, in 90 B.C., the tribune Livius Drusus suggested the expediency of mixing the silver which was to be coined with one eighth of copper, a temptation to forgery was given to the people, and it appears henceforth to have occurred frequently. As early as the year 86 B.C., forgery of money was carried on to such an extent, that no one was sure whether the money he possessed was true or false, and the prætor M. Marius Gratidianus saw the necessity of interfering.¹ He is said to have discovered a means of testing money, and distinguishing the good from the bad denarii.² That this means consisted is not clear; but the method of examining silver coins must have been known to the Romans long before this time.³ The emperor Augustus inflicted heavy punishment upon the coiners who used false money. All Roman money was generally coined at Rome, but in some particular cases the coins of other Italian towns, as in the provinces, were used; for we must remember that, during the life of the Republic, subject countries and provinces were not deprived of the right of coining their own money. This right they even retained under the empire for a long time, though with some modifications; for while some places were allowed to coin money as before, others were obliged to have their coins the head of the emperor or of some member of his family. Silver and gold, however, were only coined in places of the first rank, and all Italy received the Roman franchise, and all Italians used the Roman money, and, in consequence, lost the right to coin their own. It has been stated above that probably every Roman citizen had a right to have his gold and silver coined, but none had the right to put his own image upon a coin, and not even Sulla ventured to act contrary to this custom. The coins apparently of the republican period with the portraits of individuals, according to Eckhel, coined at a later date, and by the descendants of those persons whose portraits are given. Caesar was the first to whom this privilege was granted, and his example was followed by many others, as we see from the coins of Sextus Pompeius. The emperors assumed the right to put either their own images or those of members of their families upon their coins. From the time of Augustus, the triumviri, generis speaking, no longer put their name on any coin, but it became the exclusive privilege of the emperor to coin in silver and gold. The senate, intrusted with the administration of the ærarium, retained the right to coin copper, whence almost all copper coins of this period are marked with S. C. or EX S. C. This lasted only till the time of Gallienus, when the right of coining all money became the exclusive privilege of the emperors. As, however, the vast amount of the Empire rendered more than one mint necessary, we find that in several provinces, such as Gaul and Spain, Roman money was coined under the superintendence of questors or proconsuls. In the eastern colonies and provinces now gradually ceased to coin their own money. In the western parts of the Empire, this must have taken place during the first century of our era, but in the East the Roman money did not become universal till after the time of Gallienus. From the time of the Emperor Aurelian, a great number of cities of the Empire possessed mints in which Roman money was coined, and during the latter period of the Empire, the su-

perintendents of mints are called procuratores, or præpositi monetæ.

The persons who were employed as workmen in a mint were called *monetarii*. Their number at Rome appears to have been very great during the latter period of the Empire, for in the reign of Aurelian they nearly produced a most dangerous rebellion.⁴ They seem generally to have been freedmen.⁵

In Greece, every free and independent city had the right to coin its own money. Sparta and Byzantium are said to have only coined iron money,⁶ but no ancient iron coin has ever been found. Respecting the time when money was first coined in Greece, see ARGENTUM, p. 90. The Greek term for money was νόμισμα, from νόμος, because the determination of its value was fixed by law or contract.⁷

The mint at Athens was called ἀργυροκοπιών. (Vid. ARGYROCOPION.) We do not hear of any officers connected with the management or the superintendence of the Athenian mint. How far the right of coining money was a privilege of the central government of Attica, is unknown. But the extant coins show that at least some demes of Attica had the right of coining, and it is probable that the government of Athens only watched over the weight and the purity of the metal, and that the people, in their assembly, had the right of regulating everything concerning the coining of money.⁸ The Attic gold and silver coins were always of very pure metal, and we have only one instance in which the state, at a time of great distress, used bad metal. This was in the archonship of Antigonus and Callias, B.C. 407 and 406.⁹ Individuals who coined bad money were punished with death.¹⁰ (Vid. ΝΟΜΙΣΜΑΤΟΣ ΔΙΑΦΘΟΡΑΣ ΔΙΚΗ.) The place where money was coined is always indicated on Greek coins; either the name of the place is stated, or some symbolical representation of the place, as the owl on Athenian and a peacock on Samian coins. These symbols are generally of a religious nature, or connected with the worship of the gods or heroes.

For farther information on this subject, see Eckhel, *Doctrina Numorum Veterum*, and especially the *Prolegomena generalia* in vol. i.

MONETARIII. (Vid. MONETA.)

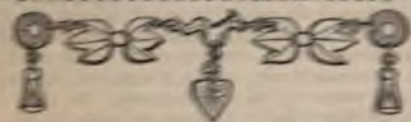
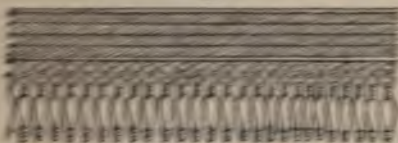
MONILE (δρμος), a Necklace. Necklaces were worn by both sexes among the most polished of those nations which the Greeks called barbarous, especially the Indians, the Egyptians, and the Persians. (Vid. ARMILLA.) Greek and Roman females adopted them more particularly as a bridal ornament.¹¹

The simplest kind of necklace was the *monile baccatum*, or bead necklace,¹² which consisted of berries, small spheres of glass, amethyst, &c., strung together. This is very commonly shown in ancient paintings. (See woodcuts, p. 96, 263.) The right-hand figure in the woodcut at page 263, and the head of Minerva in plate 466, exhibit a frequent modification of the bead necklace, a row of drops hanging below the beads. These drops, when worn, arrange themselves upon the neck like rays proceeding from a centre. To this class of necklaces belongs one in the Egyptian collection of the British Museum (see the next woodcut), in which small golden lizards alternate with the drops. The figure in the woodcut immediately underneath this exhibits the central portion of a very ancient and exquisitely wrought necklace, which was found at S.

1. (Aurel. Vict., De Cas., 35.—Vopisc., Aurel., 38.)—2. (Muratori, Inscript., 968, n. 5.)—3. (Pollux, Onom., vii., 106.)—4. (Aristot., Ethic., v., 8.)—5. (Aristoph., Eccles., 810, &c.)—6. (Aristoph., Ran., 673, with the schol., and 678.)—7. (Demosth., c. Lept., p. 508.)—8. (Lucan., ii., 361.—Claud., De vi. Cons. Honor., 527.)—9. (Virg., Æn., i., 637.—Lamprid., Alex. Sev., 41.)

Cic., De Off., iii., 20.)—2. (Plin., H. N., xxxiii., 46.)—3. (Eckhel., 2.)

Agathis, near *Tegea*, in the neighbourhood of a forest only. It has 71 pedicels. Above them is a band consisting of several rows of the close chainwork which we now call Venetian. (Vid. *Carmosus*.)



We also give here the central portions, exhibiting the patterns of three splendid gold necklaces, purchased from the Prince of Canino for the British Museum. These were found in Etruscan tombs. The ornaments consist of circles, lozenges, rosettes, ivy-leaves, and hippocampi. A heart depends from the centre of one of the necklaces.

The necklace was sometimes made to resemble a serpent coiled about the neck of the wearer, as was the case with that given as a nuptial present by Venus to Harmonia, which was ornamented in so elaborate a manner that Nonnus devotes 50 lines of his *Dionysiaca* to its description. This same necklace afterward appears in the mythology as the bribe by which Eriphyle was tempted to betray her husband.¹

The beauty and splendour, as well as the value of necklaces, were enhanced by the insertion of pearls and precious stones, which were strung together by means of linen thread, silk, or wires and links of gold. For this purpose emeralds, or other stones of a greenish hue (*smaragdi*), were often employed (*virides gemmae*). Amber necklaces are mentioned in the *Odyssey*.² Some account of the various kinds of links is given in the article *CATENA*. The hooks or clasps for fastening the necklace behind the neck were also various, and sometimes neatly and ingeniously contrived. Besides a band encircling the neck, there was sometimes a second, or even a third row of ornaments, which hung lower down, passing over the breast.³

Very valuable necklaces were sometimes placed, as dedicated offerings, upon the statues of Minerva, Venus, and other goddesses,⁴ and this was in accordance with the description of their attire given by the poets.⁵ Horses and other favourite animals were also adorned with splendid necklaces (*aurea*;⁶ *gemmata monilia*). (Vid. *TORQUES*.)

1. (v. 125, &c.)—2. (Apollodor., iii., 4, 2; 6, 2-6.—Diod. Sic., iv., 63; v., 49.—Serv. in *Æn.*, vi., 445.)—3. (Juv., vi., 363.)—4. (xv., 429; xviii., 298.)—5. (Hom., *Hymn.* i. in *Ven.*, ll.—Ovid, *Met.*, vi., 394.—Boetiger, *Sabina*, ii., p. 129.)—6. (Sueton., *Gall.*, 18.)—7. (Hous., *Hymn.* i. in *Ven.*, 88.)—8. (Virg., *Æn.*, vii., 278.)—9. (Ovid, *Met.*, x., 113.—Claudian, *Epig.*, xxxvi., 9.—Aul. Gell., v., 3.)

MIRACULUM. (Vid. *MORSA*, p. 62.)
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 or Black Mulberry-tree. It is sometimes applied to a name, however, which was applied to the *Ficus Syriaca*, or Syrian paper-flourish of *Asplenium*, and the classical writers was the fruit of the *Ficus Nera*.

MIRACULUM (*miraculum*), the *Spartan* L., or *Morice*, a species of *Spartan*. According to Boiss., it is very like the *miraculum* of *Miraculum*.

MIRACULUM (*miraculum*), a species of *Asplenium*. According to Sprengel, it is called *Asplenium* *Sylvestre* in Germany. It consists of silice, alumine, and silica, with a small portion of iron and manganese. Dr. Jameson speaks of a variety of fuller's earth. Dr. Hill says it is a burnt clay, and that it is now called *Clauk*.

MIRACULUM, also called *PILA* and *MORSA* (*miraculum*, *miraculum*, apparently from the *miraculum* to strike), a *Mortar*.

Before the invention of mills (vid. *MORSA*) was pounded and rubbed in mortars (just hence the place for making bread, or the hole was called *miraculum*).¹ Also, long after the invention of mills, this was an indispensable domestic furniture.² Hesiod,³ names wooden utensils necessary to a farmer, but to cut a mortar three feet, and a pestle (if *miraculum*, *miraculum*) three cubits long. Both were evidently to be made from straight or the trunks or branches of trees, and the hollow part of them were to be hollowed. To then be used in the manner represented being on the tomb of Remesius III. at Thebes, woodcut, left-hand figure, taken from *V. H.*, p. 383; for there is no reason to doubt Egyptians and the Greeks fastened and mortars in the same manner. (See also *V. H.*, p. 181, showing three stone mortars & pestles.) In these paintings we may see thickening of the pestle at both ends, when men pound in one mortar, raising their ternately, as is still the practice in Egypt mentions the various kinds of stone & making mortars, according to the purpose they were intended to serve. These utensils were sometimes made, as he says, of tian alabaster." The annexed woodcut



forms of two preserved in the Egyptian

1. (Dioscor., i., 180.—Celsus, iii., 18.—Adams, —2. (Aristot., *H. A.*, vi., 17.—Plin., *H. N.*, xxxii., *Append.*, s. v.)—3. (Dioscor., v., 151.—Adams, *A. H.*, p. 181, showing three stone mortars & pestles.)
 4. (Plin., *H. N.*, xviii., 3.—Id. *ib.*, xxxiii., 26.)
 Hes., *Op. et D.*, 421.—6. (Servius in *Virg.*, *Æ.* (Plaut., *Aul.*, i., ii., 17.—Cato, *De Re Rust.*, 7. *De Re Rust.*, xii., 55.)—8. (l. c.)—9. (H. N., xxx

h Museum, which exactly answer to on, being made of that material. They ed three inches in height: the dotted he cavity within each. The woodcut , mortar and a pestle, made of baked which were discovered A.D. 1831, ous specimens of Roman pottery, in orthern approaches to London bridge.¹ e uses already mentioned, the mortar d in pounding charcoal, rubbing it with r to make black paint (*atramentum*); aster for the walls of apartments;² in s, and fragrant herbs, and flowers for he kitchen;³ and in metallurgy, as in innabar to obtain mercury from it by

sopher Anaxarchus was pounded to on pestles in a mortar.⁶

id. Jus, p. 560.)

IS (μόσχος), the Musk Stag, or *Moschus* L. "The first mention of this animal works of the Arabian medical authors, ptions of it are copied, or referred to Seth. Seth says that musk was got nd China. He compares the animal ed it with the gazelle: ζῶον τινὸς μου- στου, ὁμοίου δορκάδι."⁷

KES (Μόθακες), MOTHONES (Μόθα- βίνας, GREEK, p. 260.)

HIA (Μουνύχια), a festival celebrated r Artemis Munychia. Plutarch⁸ says stituted to commemorate the victory sians at Salamis, and that it was held n the sixteenth of Munychion.⁹ The ich were offered to the goddess on this l of cakes called ἀμφιφώνες, either be- season the full moon was seen in the oment the sun rose in the east, or, as able, and also confirmed by most au- cause these cakes were adorned all burning candles.¹⁰ Eustathius¹¹ says kes were made of cheese.

(Μούσεια), a festival with contests, Thespiæ in Bœotia, in honour of the was held every fifth year, and with great From Æschines¹⁴ it appears that estival called Museia, which was cele- ools.

A CAUTIO. (*Vid. CAUTIO*.)

TOR. (*Vid. GLADIATORES*, p. 475.)

PS, MUNICIPIUM. (*Vid. COLONIA*,

REATÆ CIVITATES.)

(*Vid. HONORES*.)

(*Vid. GLADIATORES*, p. 475.)

IA. (*Vid. MOUNYCHIA*.)

S CORONA. (*Vid. CORONA*, p. 311.)

A, the Muræna (or Lamprey), a species *uræna Helena*, L. The Linnaean name om the remark of Athenæus, that it den" (choicest dish) at banquets. This three feet long, and sometimes more. uch as twenty to thirty pounds; is tending in the Mediterranean, and was estimation by the ancients. The πλώ- were a much esteemed kind, procured alled in Latin *fluta*, whence the French *te*. The *Muræna* were carefully reared n in their fishponds; they were even

ia, vol. 24, p. 199, plate 44.)—2. (Vitruv., vii., ter.)—3. (Plin., H. N., xxxvii., 55.)—4. (Athen., c. Anal., iii., 51.)—5. (Plin., H. N., xxxiii., 41.—2.)—6. (Diog. Laert., ix., 59.—Menag., ad loc.—p. 39, ed. Rigalt.)—7. (Adams, Append., s. v.)—8. (Ath., p. 349, F.)—9. (Compare Suidas and Harpocriat.)—10. (Athen., xiv., p. 645.—Suidas, s.—Hesych. and Etymol. Mag., s. v. 'Αμφιφών.)—11.—12. (Paus., ix., 31, 3.)—13. (Plut., Amat., p. Timarch.)

taught to be obedient to the voice; and the orator Hortensius is said to have wept over the loss of one, of which death had deprived him. Antonia, the wife of Drusus, adorned a favourite muræna with pendants.¹

MURRHINA VASA or MURREA VASA were first introduced into Rome by Pompey, who dedicated cups of this kind to Jupiter Capitolinus.² The material of which these vases were made is much disputed; but their value was very great.³ Pliny⁴ says that seventy talents were given for one holding three sextarii, and speaks of a murrhine trulla which cost 300 talents. Nero gave even 300 talents for a capis or drinking-cup.

Pliny⁵ says that these murrhine vessels came from the East, principally from places within the Parthian empire, and chiefly from Caramania. He describes them as made of a substance formed by a moisture thickened in the earth by heat, and says that they were chiefly valued on account of their variety of colours. Modern writers differ much respecting the material of which they were composed. Some think that they were variegated glass, and others that they were made of onyx, since that stone presents a variety of colours; but the latter conjecture is overthrown by a passage of Lampridius,⁶ who speaks of onyx and murrhine vases. Most recent writers, however, are inclined to think that they were true Chinese porcelain, and quote in support of their opinion the words of Propertius:⁷

"*Murreaque in Parthis pocula cocta focis*."

This opinion would be rendered still more probable if we could place dependance on the statement of Sir W. Gell,⁸ "that the porcelain of the East was called Mirrha di Smyrna to as late a date as 1555."⁹

*MUS (μῦς), the Mouse. "Gesner holds," remarks Adams, "that this term is most generally applied to the domestic mouse, meaning, I suppose, the *Mus musculus*, L. The term *musculus* is obtained from Pliny, who applies it to the smaller domestic mouse. The ancients, however, were acquainted with other species of this genus; thus the ἀρουραῖοι μῦες of Aristotle and Hesychius are to be referred, no doubt, to the *Mus agrestis*, L.; the βραξ of Nicander was probably the Black Rat, or *Mus rattus*, L.; and the γηγγῆλαξ, or ἀγριος μῦς, would appear to have been the Field Mouse, or *Mus sylvaticus*. The *Sorex* of Pliny is set down by Gesner as being the Dormouse, or *Glis muscardinus*. The *Mus araneus* of the Latin authors, namely, the μῦς τύφλος or μυγάλη of the Greeks, was the *Sorex araneus*, or common Shrew; frequent mention of it occurs in the ancient works on Toxicology. The μῦς δίπους of Herodotus and Aristotle is the Jerboa, or *Dipus sagitta*. The πλώξ of Theophrastus may be supposed to be the *Mus jaculus*."¹⁰

MUSCULUS was, according to the description of Vegetius,¹¹ one of the smaller military machines, by which soldiers, in besieging a town, were protected while engaged in filling up the ditches round the besieged place, so that the movable towers (*turres ambulatoriæ*) of the besiegers might be able to approach the walls without obstacle. A more minute description of a musculus is given by Cæsar.¹² The one which he describes was nine feet long, and was constructed in the following manner: Two beams of equal length were placed upon the ground at the distance of four feet from each other, and upon them

1. (Aristot., H. A., i., 5, &c.—Ælian, N. A., i., 32, &c.—Plin., H. N., ix., 55.—Macrob., Sat., iii., 15.—Adams, Append., s. v.)—2. (Plin., H. N., xxxvii., 7.)—3. (Sen., De Benef., vii., 9.—Id., Epist., 119.—Martial, iii., 82, 25.—Dig. 33, tit. 10, s. 3, § 4.)—4. (l. c.)—5. (xxxvii., 8.)—6. (Heliogab., 32.)—7. (iv., 5, 26.)—8. (Pompeiana, vol. i., p. 98, 99.)—9. (Becker, Gallus, i., p. 143.)—10. (Adams, Append., s. v.)—11. (De Re Mil., iv., 16.)—12. (De Bell. Civ., ii., 10, &c.)

were fixed little pillars five feet high. Their top ends were joined by transverse beams, which formed a gentle slope on either side of the roof, of which they formed the framework. The roof was then entirely covered with pieces of wood two feet broad, which were fastened with metal plates and nails. Around the edge of this roof, square pieces of wood four cubits broad were fixed, for the purpose of keeping together the bricks and mortar with which the musculus was then covered. But that these materials, which were intended to protect the musculus against fire, might not suffer from water, the bricks and mortar were covered with skins; and that these skins, again, might not suffer from the fire or stones which the besieged might throw upon the musculus, the whole was covered with rags of cloth. The whole of this machine was constructed under the cover of a vinea, and close by the Roman tower. At a moment when the besieged were least expecting any attack, the musculus was moved on against the wall of the town. The men engaged under it immediately began to undermine the wall, and thus to make a breach in it; and while this work was going on, the besiegers kept up a lively fight with the besieged, in order to prevent them from directing their attacks against the musculus.¹ The musculus described by Cæsar was evidently designed for different purposes than the one mentioned by Vegetius, and the former appears to be only a smaller, but a more indestructible kind of vinea than that commonly used.

MUSEIA. (Vid. ΜΟΥΣΕΙΑ.)

MUSEUM (Μουσεῖον) was the name given to an institution, founded by Ptolemy Philadelphus, about B.C. 280, for the promotion of learning and the support of learned men.² We learn from Strabo³ that the museum formed part of the palace, and that it contained cloisters or porticoes (περίπατος), a public theatre or lecture-room (ἐξήδρα), and a large hall (οἶκος μέγας), where the learned men dined together. The museum was supported by a common fund, supplied apparently from the public treasury; and the whole institution was under the superintendence of a priest, who was appointed by the king, and after Egypt became a province of the Roman Empire, by the Cæsar.⁴ Botanical and zoological gardens appear to have been attached to the museum.⁵ The Emperor Claudius added another museum to this institution.⁶

MUSIC (GREEK). In compiling the following article, little more has been attempted than to give an outline of facts which rest upon positive evidence, and, at the same time, to present them in such a form as to serve for an introduction to the original sources. Hence it necessarily consists, in a great measure, of technical details, which, however, can present no difficulty to persons acquainted with the first elements of the modern theory; and nothing has been said in the way of deduction except in one or two cases, where the interest of the subject and the apparent probability of the conclusions seemed to permit it.

The term Ἀρμονική was used by the Greek writers to denote what is now called the Science of Music; μουσική having, as is well known, a much wider signification. Ἀρμονική ἐστὶν ἐπιστήμη θεωρητικὴ καὶ πρακτικὴ τῆς τοῦ ἡρμωσμένου φύσεως. Ἠρμωσμένοι δὲ εἰσὶν τὸ ἐκ θόγγων καὶ διαστημάτων, ποικίλ τὰξιν ἐχόντων, συγχεύμενοι.⁷

The following sevenfold division of the subject, which is adopted by the author just quoted, as well

as by others, will be partly adhered to in the present article: I. Of Sounds (περὶ θόγγων). II. Of Intervals (περὶ διαστημάτων). III. Of Genera (περὶ γενῶν). IV. Of Systems (περὶ συστημάτων). V. Of Modes (περὶ τόνων). VI. Of Transition (περὶ μεταβολῆς). VII. Of Composition (περὶ μελοποιίας). It must be observed that the term τόνος is used in different senses. First it signifies *degree of tension*, and so *pitch*, whence its application to denote *mode*, the modes being scales which differed in pitch; and then it is taken for *result of tension*; whence its meaning as the name of an interval, *tone*, because a tone is the interval through which the voice is most naturally raised at one effort.¹

A sound is said to be *musical* when it has a determinate *pitch* (τάσις). When two sounds differ in pitch, one is said to be more *acute* (ὀξύς), the other more *grave* (βαρύς); or, in common language, one is called higher, and the other lower. The term ἡμελής applied to a sound either signifies *single*, that it is capable of being used in a melody, or *relatively*, that it is capable of being used in the same melody with some other sound or system of sounds; the latter is its most common meaning.

An interval is the difference, or, rather, distance between two sounds of different pitch. When we compare the intervals between two pairs of sounds, we judge them, in certain cases, to be similar or equal. If the more acute sound of one of them be then raised, that interval is said to become greater than the other. It is this property of intervals (their being comparable in respect of magnitude) which enables us to classify them, and enumerate their several kinds.

Intervals are either *consonant* (σύμφωνοι) or *dissonant* (διάφωνα), according as the two sounds may or may not be heard at the same time without offending the ear.² Strictly speaking, it is impossible to define the limit between the two classes, and this seems to be acknowledged by the later writers, who distinguish various degrees of consonance and dissonance. Originally, the only intervals reckoned consonant were the octave or eighth (διὰ πέντε), the fifth (διὰ πέντε or δι' ὀξείων), the fourth (διὰ τεσσάρων or συλλαβῆ), and any interval produced by adding an octave to one of these. But all intervals less than the fourth, or intermediate between any of those two just enumerated (as the sixth, tenth, &c.), were considered as dissonant. The principal intervals, less than the fourth, employed in Greek music, were the double tone (δίτονος), nearly equal to the modern major third; the tone and half (τριμυτόνιον), nearly the same as the minor third; the tone (τόνος), equal to the modern major tone; the half tone (ἡμιτόνιον), and the quarter tone (διεση).³ Other writers speak of ὁμοφωνία, or unison; ἀντηρῶν, or the consonance of the octave; and παραφωνία, or the consonance of the fourth and fifth.⁴ The latter author considers παραφωνία to be intermediate between consonance and dissonance, and mentions the tritone or sharp fourth as an example of it.

If two strings, perfectly similar except in length, and stretched by equal tensions, be made to vibrate, the number of vibrations performed in a given time by each is inversely proportional to its length; and the interval between the sounds produced is found to depend only on the ratio of the lengths, i. e., of the numbers of vibrations. Thus,

if the ratio be $\frac{1}{2}$,	the interval is an octave;
if " " $\frac{2}{3}$,	" " a fifth;
if " " $\frac{3}{4}$,	" " a fourth;
if " " $\frac{4}{5}$,	" " a major tone.

1. (Compare Cas., De Bell. Civ., iii., 80.—De Bell. Alex., l.)
2. (Athenæus, v., p. 203.)—3. (xviii., p. 794.)—4. (Strabo, l. c.)—5. (Philostr., Apollon., vi., 24.—Athen., xiv., p. 654.)—6. (Suet., Claud., 42, with Cassaubon's note.)—7. (Euclid, Int. Harm., p. 1.)

1. (Vid. Aristid., p. 22.—Eucl., 19.)—2. (Eucl., p. 8.)—3. (Eucl., p. 8.)—4. (Vid. Aristot., Probl., xiv., 39, and Gædæus on p. 11.)

discovery of these ratios is attributed, probably, to Pythagoras. But the accounts of experiments by which he established them¹ are false, since they contradict the known fact that similar and equal strings are stretched by the same tensions, the numbers of vibrations are as the roots of the tensions.²

The *τόνος* or tone was defined to be the difference between the fourth and fifth; so that the corresponding ratio would be determined either by exact, or by simply dividing $\frac{4}{3}$ by $\frac{3}{2}$. It is remarkable that each of the four ratios enumerated above is *superparticular*; i. e., the two terms differ from one another by unity. Euclid does not consider no intervals consonant except those which correspond to superparticular (*ἐπιμόριος*) or *πολλαπλασίον* ratios; the latter being $\frac{2}{1}, \frac{3}{1}, \frac{4}{1}, \dots$. On this theory the *octave* and *quint* would be dissonant, but the *octave* and *quint* are consonant.³ And it is also worthy of note that all the intervals employed in the modern system are either such as correspond to superparticular ratios, or are produced from such by compound with the octave. Thus the ratio corresponding to the

major third	is	$\frac{4}{3}$
minor third	"	$\frac{3}{2}$
minor tone	"	$\frac{16}{9}$
major semitone	"	$\frac{9}{8}$

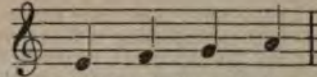
is, therefore, extraordinary, that analogy has not been led at once to the discovery of the major and minor third, as soon as the relation between intervals and ratios had been discovered. However, no such discovery was then made, if made, it was neglected; and this affords an explanation of the fact that intervals less than a fourth were reckoned dissonant; for the interval of a major tone, or double major tone, is greater than the interval of a major third (which consists of a major and a minor tone) by an interval expressed by the ratio $\frac{16}{9}$, a difference quite sufficient to destroy the consonance of the interval. In fact, when an instrument is tuned according to the equal temperament, the major thirds are too great by an interval a little more than half of this ($\frac{1}{12}$ nearly), and are only just tolerable. This subject is important, because it bears immediately upon the question whether harmony was used in the Greek music. It is evident that a system of aggregate of two or more intervals, or, rather, of sounds separated from one another by intervals, constituted a system. Systems were distinguished from the number of sounds which they comprehended. Thus an octachord was a system of eight sounds, a pentachord of five, and so on: and although not necessarily, the number of sounds was related to the interval between the extreme

of the fundamental system in ancient music was a *chord*, or system of four sounds, of which the extremes were at an interval of a fourth. In the modern music it is the octachord, and comprehends the intervals between the extremes. The important property of the latter system, namely, the *pleteness* of its scale, was fully understood, and the name of the interval *διὰ πασῶν* sufficiently expressive; but it was not taken in theory for the foundation of the scale, or, at any rate, was considered as made up of two tetrachords.

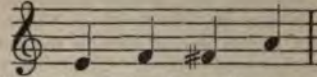
The *genus* of a system depended upon the distribution of the two intermediate sounds of the tetrachord.

The Greek musicians used three genera: the *diatonic*, in which the intervals between

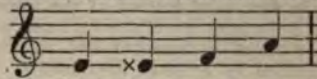
the four sounds were (ascending) semitone, tone, semitone, tone:



II. The *chromatic*; semitone, semitone, tone and a half:



III. The *enharmonic*; diesis, diesis, double tone



(The second note is meant to represent a sound half way between E and F, for which the modern system supplies no notation.)

Of these genera the diatonic was allowed to be the most ancient and natural, and the enharmonic the most modern and difficult; the latter, however, seems soon to have become the favourite, with theorists at least, for Aristoxenus complains that all writers before his time had devoted their treatises almost entirely to it, to the neglect of the two others.¹

The only difference between the ancient and modern diatonic is, that in the former all the tones are major tones, whereas in the latter, according to the theory generally admitted, major and minor tones occur alternately.² The interval called a semitone in the above descriptions is, therefore, strictly neither equal to the modern major semitone, nor to half a major tone, but the ear would hardly appreciate the difference in melody.

Besides these genera, certain *colours* (*χρῶμα*) or specific modifications of them are enumerated.³

The enharmonic had only one *χρῶμα*, namely, the *genus* itself, as described above: it is commonly called simply *ἁρμονία*.

The chromatic had three: 1st, *χρῶμα τονιαίων*, or simply *χρῶμα*, the same as the *genus*; 2d, *χρῶμα ἡμιόλιον*, in which intervals of three eighths of a tone were substituted for the two semitones; 3d, *χρῶμα μαλακόν*, in which intervals of one third of a tone were similarly employed.

The diatonic had two *χρῶμα*: 1st, *διάτονον σύντονον*, or simply *διάτονον*, the same as the *genus*; 2d, *διάτονον μαλακόν*, in which an interval of three fourths of a tone was substituted for the second semitone (ascending).

The following table will exhibit at one view the intervals between the sounds of the tetrachord, taken in the ascending order, according to each of these *χρῶμα*, the tone being represented by unity, and two tones and a half being supposed to make up a fourth, a supposition which is not exactly true, but is commonly adopted by the ancient writers as sufficiently accurate for their purpose.⁴

I. Diatonic . . .	1. <i>διάτονον (σύντονον)</i>	$\frac{1}{2}, 1, 1, 1$.
	2. <i>διάτονον μαλακόν</i>	$\frac{3}{4}, \frac{5}{4}, \frac{3}{4}, \frac{5}{4}$.
II. Chromatic . . .	1. <i>χρῶμα (τονιαίων)</i>	$\frac{1}{2}, \frac{1}{2}, \frac{3}{2}, \frac{1}{2}$.
	2. <i>χρῶμα ἡμιόλιον</i>	$\frac{3}{8}, \frac{3}{8}, \frac{3}{2}, \frac{1}{8}$.
	3. <i>χρῶμα μαλακόν</i>	$\frac{1}{3}, \frac{1}{3}, \frac{1}{3}, \frac{1}{3}$.
III. Enharmonic . . .	<i>ἁρμονία</i>	$\frac{1}{4}, \frac{1}{4}, \frac{1}{2}, \frac{1}{4}$.

There seems to be little evidence that any of these *χρῶμα* were practically used, except the three principal ones, *διάτονον*, *χρῶμα*, *ἁρμονία*. But it would be wrong to conclude hastily that the others would be impossible in practice, or necessarily displeasing. In the *soft diatonic*, for instance, the in-

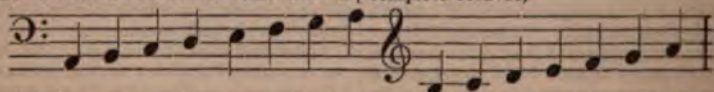
¹ Nicomachus, p. 10.—² (Vid. Whewell's *Dynasties*, p. 331, ed. 1834.)—³ (Vid. Eucl., Sect. Can., p. 24.)—⁴ Also Aristides, p. 16, 17.)

¹ (Aristox., p. 2 and 19.)—² (Vid. Crotch's *Elements of Musical Composition*, chap. ix.)—³ (Eucl., p. 10.)—⁴ (Vid. Eucl., Sectio Canonis. Theor., xv.)

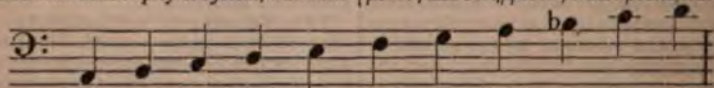
terval, which is roughly described as five fourths of a tone, would be greater than a major tone, but less than a minor third; now there are two intervals of this kind, corresponding to the *superparticular* ratios $\frac{9}{8}$ and $\frac{7}{6}$, which ought, therefore, by analogy, to be consonant, or, at any rate, capable of being employed as well as the tone and semitone; and, although they are not used in modern music, or, at least, not admitted in theory,¹ nothing but experiment can determine how far the ear might become accustomed to them. These intervals exist in the natural scales of the horn, trumpet, &c., and are, in fact, used instead of the minor third and tone in the harmony of the dominant seventh, both by stringed instruments and voices, when unaccompanied by *tempered* instruments. If this view be correct, the intervals of the tetrachord in the *διάτονον μαλακόν* would probably correspond to the ratios $\frac{13}{12}$, $\frac{12}{11}$, $\frac{7}{6}$, and similar considerations might be applied to the other *χρόα*.

The four sounds of the tetrachord were distinguished by the following names: *ὑπάτη* (sc. *χορδή*) was the *lowest*; *νήτη* or *νεύτη* the highest; *παρῆπατή* the lowest but one, and *παρανήτη* the highest but one. *Παρανήτη* was also frequently called *λιχανός*, probably because, in some ancient instrument, the corresponding string was struck by the forefinger; and *παρῆπατή* was afterward called *τρίτη* in certain cases. These names were used in all the genera; but the name of the genus was commonly added to *λιχανός* (thus, *λιχανός διάτονος*, *χρωματικῆ*, or *ἐναρμόνιος*), perhaps because the position of this sound with respect to *ὑπάτη* and *νήτη* is what chiefly determines the *character* of the genus. When the two lowest intervals of the tetrachord, taken together, were less than the remaining one, those two were said to form a *condensed interval* (*πυκνόν*). Thus the interval between *ὑπάτη* and *λιχανός* is *πυκνόν* in the enharmonic and chromatic genera. The three sounds of the *πυκνόν* were sometimes called *βαρῆπυκνός*, *μεσοπυκνός*, and *ὄξυπυκνός*, and sounds which did not belong to a *πυκνόν* were called *ἀπυκνοί*.

It is not to be supposed that the tetrachord could long continue to furnish the entire scale used in



which was called the *greater perfect system*. Another system, called the *smaller perfect system*, was com-



and these two together constituted the *immutable system* (*σύστημα ἀμετάβολον*) described by all the writers later than Aristoxenus, and probably known to him.²

The sounds in these systems were named in the way before described, the names of the tetrachords only being added, and *μέση* and *παραμέση* being substituted for *νήτη μέσων* and *ὑπάτη διεzeugμένων* respectively. Thus, taking the sounds in the ascending order,

A	προσλαμβανόμενος	
B	ὑπάτη ὑπατῶν	
Γ	παρῆπατή ὑπατῶν	} τετράχορδον
D	λιχανός ὑπατῶν	
E	ὑπάτη μέσων	
F	παρῆπατή μέσων	} τ. μέσων.
G	λιχανός μέσων	
A	μέση	

1. (Vid. Smith's Harmonics, sect. iv., art. 10.)—2. (Eucl., p. 17.)

practice, though it was always considered as the element of the more comprehensive systems which gradually came into use. The theory of the genera, as has been seen, required only the tetrachord for its full development, though it certainly could not have been invented till after the enlargement of the scale.

Terpander is said to have invented the seven-stringed lyre,³ which seems not to have been obsolete in Pindar's time;⁴ its scale consisted of an octave, with one sound omitted.⁵ The addition of this omitted sound (attributed to Lycaon or Pythagoras) would give an octachordal lyre with a complete octave for its scale. And an instrument called *magadis*, which must have had a still greater compass, was very early known, and is said to have had twenty strings as used by Anacreon.⁶

When two tetrachords were joined, so that the highest sound of one served also for the lowest of the other, they were said to be *conjunct* (*συννημέναι*). But if the highest sound of one were a tone lower than the lowest of the other, they were called *disjunct* (*διεzeugμένα*), thus:

BCDEFGA conjunct.
EFGA BCDE disjunct.

In the latter case, the tone (between A and B) which separates them was called *τόνος διατετακτός*.⁷

A hendecachordal system, consisting of three tetrachords, of which the middle one was conjunct with the lower, but disjunct from the upper, thus,

BCDEFGABCDE,

is supposed to have been used about the time of Pericles.⁸ In such a system the lowest tetrachord was called (*τετράχορδον*) *ὑπατῶν*, the middle *μέσων*, and the highest *διεzeugμένων*. Afterward a single sound (called *προσλαμβανόμενος*) was added at an interval of a tone below the lowest of *ὑπατῶν*, and a conjunct tetrachord (called *ὑπερβολαίων*) was added above. And thus arose a system of two complete octaves,

posed of three conjunct tetrachords, called *ὑπατῶν μέσων*, and *συννημένων*, with *προσλαμβανόμενος*, thus:

So far the sounds are common to the *greater* and *smaller* systems. Then follow, in the *greater*,

B	παραμέση	
C	τρίτη διεzeugμένων	} τ. διεzeugμένων
D	παρανήτη διεzeugμένων	
E	νήτη διεzeugμένων	
F	τρίτη ὑπερβολαίων	} τ. ὑπερβολαίων.
G	παρανήτη ὑπερβολαίων	
A	νήτη ὑπερβολαίων	

The interval between *μέση* and *παραμέση* is a *tone*. But in the *smaller* system, *μέση* serves also for the lowest sound of the tetrachord *συννημένων*, which terminates the scale, thus:

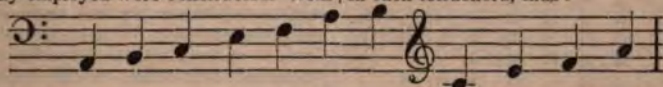
A	μέση.
BB	τρίτη συννημένων.
C	παρανήτη συννημένων.
D	νήτη συννημένων.

1. (Eucl. p. 19.)—2. (Pyth., ii., 70.)—3. (Arist., Probl., 31, 7, 23, 24.)—4. (Vid. Böckh, De Metr. Præd., lib. iii., cap. 7, l.)—5. (Eucl., p. 17.)—6. (Böckh.)

In adapting the modern notation to these scales, we have represented them in the diatonic genus; but the same arrangement of the tetrachords was adopted in the others. Those sounds of the immutable system which were the same in all the genera, namely, *προσλαμβανόμενος, ὑπάτη ὑπατῶν, ἐπάτη μέσων, μέση, παραμέση, νῆτη συνημιμένων, νῆτη διεζευγμένων, and νῆτη ὑπερβολαίων*, were called fixed (*ἰστώτες*), being, in fact, except the first, the extreme sounds of the several tetrachords. The rest, being the intermediate sounds, on the position of which the genus depended, were called movable (*κινούμενοι*).

Μέση was certainly considered a sort of key-note to the whole system,¹ and *προσλαμβανόμενος* was added to complete the octave below *μέση*.² This addition is supposed to have been made later than the time of Plato, but earlier than Aristoxenus.³

The greater of the two systems thus described appears to have superseded the other in practice; in fact, it is evidently the most natural of the two. But it must not be supposed that it was necessarily used in its complete form as the scale of any instrument; it was rather a theoretical canon by which the scales really employed were constructed. With



Indeed, Plutarch relates, on the authority of Aristoxenus, that Olympus was led to the invention of this genus by observing that a peculiar and beautiful character was given to melody when certain notes of the scale, and particularly *λιχανός*, were left out.⁴ It is therefore most probable that this was the original form of the enharmonic scale, and that it was more ancient than the highly artificial chromatic. In this form it would be both natural and easy. But afterward, when additional sounds were interposed between B and C, E and F, it would of course become, as it is always described, the most difficult of all the genera, without, however, ceasing to be natural; for these additional sounds could certainly be neither used by a composer nor executed by a singer as *essential* to the melody, but must rather have been introduced as passing or ornamental notes, so that the general effect of the genus would remain much the same as before. The assertion of Aristoxenus (see p. 28, 53), that no voice could execute more than two quarter tones in succession, evidently supports this view. (Compare what is said by Aristides⁵ of the rare use of intervals of three and five quarter tones.) Thus the enharmonic would derive its distinctive character more from the largeness of the highest interval of the tetrachord than from the smallness of the two others. Aristoxenus⁶ expressly mentions the important influence which the magnitude of the interval between *λιχανός* and *νῆτη* had upon the character of the genus, and blames the musicians of his own time for their propensity to diminish this interval for the sake of *sweetness* (*τοῦτον δ' αἴτιον τὸ βούλεσθαι γλυκαίνειν αἴει*). That a peculiar character really is given to a melody by the occurrence of a larger interval than usual between certain sounds of the scale, is a well-known fact, exemplified in many national airs, and easily proved by the popular experiment of playing on the black keys only of a piano forte. (See Burney⁷ on the *Old Enharmonic*.)

The genus of a system was determined, as has

regard to its *fitness* for use, it may be observed, that in the diatonic genus the effect of such a system would not perceptibly differ, so long as the *melody* only was required, from that of the corresponding notes (given above) as played on a modern instrument with or without temperament. The chromatic scale is quite unlike anything now employed; and though it was not considered the most difficult, was certainly the least natural (*Τεχνικώτατον δὲ τὸ χρώμα*¹). The modern minor scale, A, B, C, D, E, *♯*F, *♯*G, A, can hardly be considered an exception to the assertion, that the chromatic scale is quite unlike anything now employed, for its essential character, as now used, depends so little upon the chromatic interval between F and *♯*G, that this peculiarity is usually got rid of in melody by raising the F or lowering the *♯*G, according to circumstances. Hence the popular but incorrect way of representing the ascending and descending minor scales.² But it is impossible to form a decided judgment of the merits of the chromatic scale without a much greater knowledge of the rules of composition than seems now attainable. The effect of the enharmonic must have been nearly the same as that of the diatonic, supposing *λιχανός* to be left out in each tetrachord, thus:

been explained, by the *magnitude* of certain of its intervals. The *species* (*εἶδος*) depended upon the order of their succession. Hence, supposing no system to be used which was not similar to some part of the *σύστημα ἀμετάβολον*, every system would have as many species as it had intervals, and no more.³

The tetrachord, for example, had three species in each genus, thus (diatonic),

1st. $\frac{1}{2}$, 1, 1. 2d. 1, $\frac{1}{2}$, 1. 3d. 1, 1, $\frac{1}{2}$.

(where 1 stands for a tone).

The species of a system was often described by indicating two sounds of the *σύστημα ἀμετάβολον* between which a similar one might be found. Of the seven species of the octachord, the first was exemplified by the octave comprehended between *ὑπάτη ὑπατῶν* and *παραμέση*; the second by that between *παρυπάτη ὑπατῶν* and *τρίτη διεζευγμένων*; and so on. The order of the intervals in these seven species would be as follows in the diatonic genus (ascending):

1st. $\frac{1}{2}$, 1, 1, $\frac{1}{2}$, 1, 1, 1.
2d. 1, 1, $\frac{1}{2}$, 1, 1, 1, $\frac{1}{2}$.
3d. 1, $\frac{1}{2}$, 1, 1, 1, $\frac{1}{2}$, 1.
4th. $\frac{1}{2}$, 1, 1, 1, $\frac{1}{2}$, 1, 1.
5th. 1, 1, 1, $\frac{1}{2}$, 1, 1, $\frac{1}{2}$.
6th. 1, 1, $\frac{1}{2}$, 1, 1, $\frac{1}{2}$, 1.
7th. 1, $\frac{1}{2}$, 1, 1, $\frac{1}{2}$, 1, 1.

This distinction of species is important, because it formed *originally* the chief difference between the *modes* (*τόνοι*). Unfortunately, there are no means of determining what was the real difference between *melodies* written in these several scales; and the difficulty of forming any probable hypothesis on this subject is increased by what is said of *μέση* in the passage quoted above from the Aristotelic *Problemata*. Πάντα γὰρ τὰ χρησὰ μέλη πολλάκις τῇ μέσῃ χρῆται, καὶ πάντες οἱ ἀγαθοὶ ποιηταὶ πικρὰ πρὸς τὴν μέσῃ ἀπαντῶσι, κὰν ἀπέλωσι, ταχὺ ἐπανέρχονται, πρὸς δὲ ἄλλην οὕτως οὐδέμιαν. For, since the position of *μέση* was determined by the intervals adjacent to it, any series of sounds *beginning* or *ending* with *μέση* would give a system always of the

1. (Vid. Arist., Probl., xi., 20.)—2. (Aristides, p. 10.)—3. (Böckh.)—4. (Vid. Plutarch's Dialogue on Music, Mém. de l'Acad. des Inscriptions, vol. x., 126.)—5. (p. 28.)—6. (p. 23.)—7. (vol. i., p. 27.)

1. (Aristides, p. 19.)—2. (Vid. Dehn, Theoretisch-praktische Harmonielehre, p. 67, 68.)—3. (Euclid, p. 14.)

same species. Possibly the author of the *Problemata* does not use the term *μέση* in the same sense as Euclid.

However, it is certain that the seven species of the octachord above described were anciently (*ὑπὸ τῶν ἀρχαίων*¹) denoted by the names Mixolydian, Lydian, Phrygian, Dorian, Hypolydian, Hypophrygian, and Hypodorian; and it seems likely that they always differed in pitch as well as species, the Mixolydian being the highest and the Hypodorian the lowest. Hence it is conjectured that there were originally only three modes, corresponding to the three species of tetrachord, and that these were the Dorian, Phrygian, and Lydian; because the octachord in each of these three modes is made up of two similar disjunct tetrachords, which are of the first species in the Dorian, the second in the Phrygian, and the third in the Lydian.

Aristides describes also six *enharmonic* modes of very ancient origin (*αἷς οἱ πάνυ παλαιότατοι πρὸς τὰς ἁρμονίας κέχρηται*²), consisting of different species of octachords, and quotes the well-known passage in Plato³ as referring to them. The order of the intervals is given as follows (see the notes of Meibomius upon the passage):

Lydian . . .	$\frac{1}{2}$, 2, 1, $\frac{1}{2}$, $\frac{1}{2}$, 2, $\frac{1}{2}$.
Dorian . . .	1, $\frac{1}{2}$, $\frac{1}{2}$, 2, 1, $\frac{1}{2}$, $\frac{1}{2}$, 2.
Phrygian . . .	1, $\frac{1}{2}$, $\frac{1}{2}$, 2, 1, $\frac{1}{2}$, $\frac{1}{2}$, 1.
Iastian . . .	$\frac{1}{2}$, $\frac{1}{2}$, 2, $1\frac{1}{2}$, 1.
Mixolydian . . .	$\frac{1}{2}$, $\frac{1}{2}$, 1, 1, $\frac{1}{2}$, $\frac{1}{2}$, 3.
Syntonydian $\frac{1}{2}$, $\frac{1}{2}$, 2, $1\frac{1}{2}$, 2.	

It will be observed that these scales do not all comprehend exactly an octave; and none of them, except the Lydian, is coincident with any part of the *σύστημα ἀμετάβολον*. That systems were not always restricted to the *immutable* form, is proved by what Euclid says of *compound* systems, with more than one *μέση*. None of these scales is decidedly unnatural, except, perhaps, the Mixolydian. Of course it is impossible to recognise their characters as described by Plato, in the absence of examples of their application in actual melody. Their principal interest, therefore, consists in the evidence which they afford of the antiquity of *enharmonic* systems, i. e., of systems formed by omitting certain sounds of the diatonic scale. For, unless we take this view of them, and consider the quarter tones as unessential additions, it seems quite impossible to understand how they could be used at all.

The difference of species, considered as the characteristic distinction of modes, is evidently spoken of as a thing antiquated and obsolete, not only by Aristides (who was certainly later than Cicero⁴), but also by Euclid. As to Aristoxenus, the fragments which remain of his writings contain no allusion to such a distinction at all. In his time, it appears that the number of modes was thirteen; and later writers reckon fifteen.⁵ The descriptions of these fifteen modern modes are very scanty, but they indicate pretty plainly that they were nothing more than transpositions of the *greater perfect system*; their names were Hypodorian, Hypoianian, Hypophrygian, Hypoæolian, Hypolydian, Dorian, Iastian, Phrygian, Æolian, Lydian, Mixolydian, Hyperianian, Hyperphrygian, Hyperæolian, Hyperlydian. The Hypodorian was the lowest in pitch, and the *προσλαβανόμενοι* of the others were successively higher by a semitone; and only that part of each scale was used which was within the compass of the voice. It seems likely that the ancient modes mentioned by Euclid, and described above, consisting of octachords taken, as regards their *species*, from different parts of the *σύστημα ἀμετάβολον*, would, as regards *pitch*, be each so placed as to lie

between *ὑπᾶτη μέσων* and *νήτη διεξενγόμενων* at the modern mode of the same name. For they certainly did always differ in pitch, as the name *ῥαῖα* shows; and there is no reason to believe that their relative position was ever changed: the system of notation, moreover, confirms this supposition. But for details on this subject we must refer to the dissertation of Böckh,¹ where it is treated at length. The only important results, however, are, first, that the modes did anciently differ in *species*; secondly, that in process of time this difference either disappeared entirely, or ceased to be their distinguishing mark; and, thirdly, that their general *pitch* was always different. The ideas conveyed by these general assertions of the real character and effect of the Greek music are excessively vague and unsatisfactory, but an examination into particulars does not tend to make them at all more definite or clear.

There can be little doubt that different rhythms and degrees of slowness or quickness, as well as different metres and styles of poetry, would soon be appropriated to the modes, so as to accord with their original musical character; and these differences would in time naturally supersede the old distinction of species, and come to be looked on as their characteristic marks: so that, at length, all the species might even be used in each mode, for the sake of additional variety. With regard to the poetry, indeed, it is certain that particular measures were considered appropriate to different modes,² and it has even been attempted to divide Pindar's Odes into Dorian, Æolian, and Lydian.³ The rhythm of the music must have depended chiefly, if not entirely, upon that of the words, or else have been of a very simple and uniform character, since there is no mention of a notation for it as distinct from the metre of the poetry. Probably, therefore, nothing like the modern system of *musical* rhythm existed; and, if so, this must have formed one of the most essential points of difference between the ancient and modern music. How the rhythm of mere *instrumental* music was regulated, or what variety it admitted, does not appear. There is no reason, however, to believe that music without words was practised to any extent, though it was certainly known; for Plato speaks with disapprobation of those who used *μέλος καὶ ῥυθμὸν ἄνευ ῥημάτων, ψιλλὴ κίθαρῖσι τε καὶ αὐλῆσι προσχρόμενοι*,⁴ and others mention it.⁵

On the last two of the heads enumerated in dividing the whole subject, very little real information can be obtained. In fact, they could not be intelligibly discussed without *examples*, a method of illustration which, unfortunately, is never employed by the ancient writers. *Μεταβολή* was the transition from one genus to another, from one system to another (as from disjunct to conjunct, or *vice versa*), from one mode to another, or from one style of melody to another,⁶ and the change was made in the same way as in modern *modulation* (to which *μεταβολή* partly corresponds), viz., by passing through an intermediate stage, or using an element common to the two extremes between which the transition was to take place.⁷

Μελοποιία, or composition, was the application or use of all that has been described under the preceding heads. This subject, which ought to have been the most interesting of all, is treated of in such a very unsatisfactory way, that one is almost forced to suspect that only an *exoteric* doctrine is contained in the works which have come down to us. On composition *properly* so called, there is nothing but an enumeration of different kinds of *sequence* of notes, viz.: 1. *ἀγαγή*, in which the sounds

1. (Eucl., p. 15.)—2. (p. 21.)—3. (Rep., iii., 10.)—4. (Vid. p. 70.)—5. (Eucl., p. 19.—Aristid., p. 23, 24.)

1. (iii., 8.)—2. (Plat., Leg., ii., p. 670.)—3. (Böckh, iii., 16.)—4. (Leg., ii., p. 669.)—5. (Böckh vi., 11.)—6. (Eucl., 20.)—7. (Vid. Euclid, 21.)

followed one another in a regular ascending or descending order; 2. *πλοκή*, in which intervals were taken alternately ascending and descending; 3. *περτεία*, or the repetition of the same sound several times successively; 4. *τονή*, in which the same sound was sustained continuously for a considerable time.¹ Besides this division, there are several classifications of melodies, made on different principles. Thus they are divided according to *genus*, into diatonic, &c.; according to *mode*, into Dorian, Phrygian, &c.; according to *system*, into grave, acute, and intermediate (*ὑπατοιειδής*, *νητοιειδής*, *μεσοειδής*). This last division seems merely to refer to the general pitch of the melody; yet each of the three classes is said to have a distinct *turn* (*τρόπος*), the grave being *tragic*, the acute *comic* (*νομικός*), and the intermediate *dithyrambic*. Again, melody is distinguished by its character (*ἦθος*), of which three principal kinds are mentioned, *διασταλτικόν*, *συσταλτικόν*, and *ἡσυχαστικόν*, and these terms are respectively explained to mean aptitude for expressing a magnanimous and heroic, or low and effeminate, or calm and refined character of mind. Other subordinate classes are named, as the erotic, epithalman, comic, and encomiastic.² No account is given of the *formal* peculiarities of the melodies distinguished by these different characters, so that what is said of them merely excites our curiosity, without tending in the least to satisfy it.

The most ancient system of notation appears to have consisted merely in the appropriation of the letters of the alphabet to denote the different sounds of the scale; and the only alteration made in it was the introduction of new signs, formed by accenting letters, or inverting, distorting, and mutilating them in various ways, as the compass of the scale was enlarged. A great, and seemingly unnecessary, complexity was caused by the use of two different signs for each sound; one for the voice, and the other for the instrument. These two signs were written, one above the other, immediately over the syllable to which they belonged. They are given by several of the Greek writers, but most fully by Alypius. The instrumental signs appear to have been chosen arbitrarily; at least, no law is now discoverable in them; but the vocal (which were probably more ancient) follow an evident order. The sounds of the middle part of the scale are denoted by the letters of the Ionian alphabet (attributed to Simonides) taken in their natural order; and it is remarkable that these signs would be just sufficient for the sounds comprised in the six modes supposed to be the most ancient, if the compass of each were an octave, and they were pitched at intervals of a semitone above one another. Accented or otherwise altered letters are given to the higher and lower sounds. To learn the system perfectly must have required considerable labour, though its difficulty has been much exaggerated by some modern writers.³ A few specimens of Greek melody expressed in the ancient notation have come down to us. An account of them may be found in Burney,⁴ where they are given in modern notes with a conjectural rhythm. The best of them may also be seen in Böckh⁵ with a different rhythm. It is composed to the words of the first Pythian, and is supposed by Böckh to be certainly genuine, and to belong to a time earlier than the fifteen modes. Its merits have been very variously estimated; probably the best that can be said of it is, that no certain notion can now be obtained of its real effect as anciently performed.

It has long been a matter of dispute whether the ancients practised *harmony*, or music in parts. We

believe there are no sufficient grounds for supposing that they did. The following are the facts usually appealed to on each side of the question. In the first place, the writers who professedly treat of music make no mention whatever of such a practice; this omission constitutes such a very strong *prima facie* evidence against it, that it must have settled the question at once but for supposed positive evidence from other sources on the other side. It is true that *μελοποιία*, which might have been expected to hold a prominent place in a theoretical work, is dismissed very summarily; but still, when the subjects which *ought* to be explained are enumerated, *μελοποιία* is mentioned with as much respect as any other, while *harmony* is entirely omitted. In fact, there seems to be no Greek word to express it; for *ἁρμονία* signifies a well-ordered *succession* of sounds,¹ and *συμφωνία* only implies the concord between a single pair of sounds, without reference to succession. That the Greek musicians were acquainted with *συμφωνία* is proved by many passages, though we are not aware that they ever mention the concord of *more* than two sounds. But the subject of concord, so long as succession is not introduced, belongs rather to acoustics than to music. There is, however, a passage,² where succession of concords is mentioned: *Διὰ τί ἡ διὰ πᾶσων συμφωνία ἄβεται μόνῃ; μαγαδιζοῦσι γὰρ ταύτην, ἄλλην δὲ οὐδέμιν. Μαγαδιζειν* signified the singing or playing in two parts at an interval of an octave; and the word is derived from *μαγάδις*, the name of a stringed instrument which had sufficient compass to allow a succession of octaves to be played on it. (This practice of *magadizing* could not fail, of course, to arise as soon as men and women attempted to sing the same melody at once.) The obvious meaning of the passage, then, is, that since no interval except the octave could be *magadized* (the effect of any other is well known to be intolerable), *therefore* no interval was employed at all; implying that no other kind of counterpoint than *magadizing* was thought of. But the words are certainly capable of a somewhat milder interpretation.

In the next place, the constitution of the scale was, as has been seen, very unfit for harmony, the beauty of which depends so essentially upon the use of *thirds*. The true major third was either not discovered or not admitted to be consonant till a very late period, Ptolemy being the earliest extant author who speaks of the *minor tone*;³ a fact which is so extraordinary and so contrary to all that could have been anticipated, as to destroy all confidence in any *a priori* reasonings on the subject, and to exclude all but actual evidence on either side. The positive evidence in *favour* of the existence of counterpoint consists chiefly in certain indications of two modes having been sometimes used at once. Thus the expression in Horace,⁴

"*Sonante mistum tibiis carmen lyrā
Hac Dorianum, illis barbarum,*"

is interpreted to mean that the lyre was played in the Dorian mode, and the *tibia* in the *Lydian*; so that, if the *ancient* Dorian and Lydian octave were employed, the former being of the fourth species, while the latter was of the second, and pitched two tones higher, the series of intervals heard would consist of fourths and major thirds, or, rather, double tones.

Again, there are passages such as,

*Αἰολεὺς ἔβαινε Δωριῶν κέλευθον ἱμῶν,*⁵

which are supposed to indicate that poetry written

1. (Euclid, 22.)—2. (Euclid, 21.—Aristid., 29.)—3. (Vid. Böckh, iii., 9.)—4. (Vol. i., p. 83.)—5. (ii., 12.)

1. (Vid. Burney, i., 131.)—2. (Arist., Probl., xix., 18.)—3. (Vid. Burney, i., 448.)—4. (Epid., ix., 5.)—5. (Quoted from Pindar by the scholiast on Pyth., ii., 127.)

MUSIC.

same species. Possibly the author of the *Problematata* does not use the term *μῆσις* in the same sense as Euclid.

However, it is certain that the seven species of the octachord above described were anciently (ὀκτώρων ἀρχαίων¹) denoted by the names Mixolydian, Lydian, Phrygian, Dorian, Hypolydian, Hypophrygian, and Hypodorian; and it seems likely that they always differed in pitch as well as species, the Mixolydian being the highest and the Hypodorian the lowest. Hence it is conjectured that there were originally only three modes, corresponding to the three species of tetrachord, and that these were the Dorian, Phrygian, and Lydian; because the octachord in each of these three modes is made up of two similar disjunct tetrachords, which are of the first species in the Dorian, the second in the Phrygian, and the third in the Lydian.

Aristides describes also six *enharmonic* modes of very ancient origin (αἱς οἱ πάνυ παλαιότατοι καὶ τὰς ἁρμονίας κέχρηται²), consisting of different species of octachords, and quotes the well-known passage in Plato³ as referring to them. The order of the intervals is given as follows (see the notes of Meibomius upon the passage):

Lydian . . .	♯, 2, 1, ♯, ♯, 2, ♯.
Dorian . . .	1, ♯, ♯, 2, 1, ♯, ♯.
Phrygian . . .	1, ♯, ♯, 2, 1, ♯, ♯.
Iastian . . .	♯, ♯, 2, 1♯, 1.
Mixolydian . . .	♯, ♯, 1, 1, ♯, ♯.
Syntonolydian . . .	♯, ♯, 2, 1♯, 2.

It will be observed that these scales do not comprehend exactly an octave; and none of them, except the Lydian, is coincident with the σύστημα ἀμετάβολον. That system was always restricted to the immutable form which, by what Euclid says of compound systems, is more than one *μῆσις*. None of these systems is evidently unnatural, except, perhaps, the Iastian. Of course it is impossible to recognize the systems as described by Plato, in the actual examples of their application in actual music. Their principal interest, therefore, consists in the principles which they afford of the antiquity of musical systems, i. e., of systems formed by the combination of sounds of the diatonic scale. In this view of them, and considering the intervals as unessential additions, it seems not difficult to understand how they could have arisen.

The difference of species, or the characteristic distinction of modes, is not to be regarded as a thing antiquated and obsolete. It is mentioned by Aristides (who was certainly not a modern) but also by Euclid. As to the systems which remain of his time, the confusion to such a distinction does not appear. It appears that the number of systems, and later writers reckon fifteen of these fifteen modern names; they indicate pretty plainly more than transpositions of the same system; their names were Lydian, Hypophrygian, Hypodorian, Iastian, Phrygian, Æolian, Dorian, Periastian, Hyperphrygian, and Hypodorian. The Hypodorian was the προσλαμβανόμενος of the Lydian, i. e., was only higher by a semitone; the same system was used which was used in the Lydian scale. It seems likely that the system mentioned by Euclid, and the systems of octachords taken from different parts of the Lydian scale would, as regards pitch,

1. (Eucl., p. 15.)—2. (p. 21.)—3. (Eucl., p. 19.—Arist., p. 19.)

MYSTAE.

instrumental
the read-
ROMAN, p.
noticed by
between a she-
what is now
Corsica, the ori-
Adrovandi, the
The different
different names,
and appearance.
on the upper lip,
and the youth
graced with it,
growth and dev-
staches, which the
manly ornament.
seems to have
ΕΡΩΤΗ, when
clamation requiring
staches and obey
they gave the former

essel. Pliny speaks
domestic, answering to
"There is consid-
marks Adams, "in
the *Itis* of the Greeks
in his commentary
the Ferret; but in
Cultural History, he de-
Cetti, an Italian, that
of the Ferret, which
namely, the *Mustela*

MANSIO.)
datio is mentioned by
an obligatio "quæ re con-
things "quæ pondere nu-
as coined money, wine,
are given by one man to
his, but on the condition
like kind shall be returned.
the same thing shall be re-
COMM.) (Vid. COMMODATUM.)
was in this case so given as
of the receiver, the Roman
absurdity of saying that *mu-*
this reason (*quod ex meo tuum*
was the foundation of a certi-
provided he was the owner
had the power of alienation:
tion till the things were con-
power lost the things by any acci-
reck, &c., he was still bound:
clearly was, that by the mutui
name his own. The lender could
from the borrower, unless interest
on, or unless there was delay in
The borrowing by way of mutui
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MYSTAE (*μύσται*). (Vid. ELEUSINIA.)

History of Music, vol. i.—Burney's History of
Adams, Append., s. v.)—3. (Diod. Sic., v.,
i., 30.—Id. ib., ii., 7, 9.)—4. (Hom., II.,
179.—Schol. in loc.—Brunck, Anal., iii., 44,
18.—Plat., Protag.)—5. (Theocr., xiv., 4.—
i., iv., 21.—Pollux, Onom., ii., 80.—Id. ib.,
De Sera Num. Vind., p. 976, ed. Steph.—
at D., 722.—Müller, Dor., iii., 7, § 7.—Id.
Charicles, ii., p. 391.)—7. (Adams, Ap-
pend., s. v.)—8. (Ann., i., 3, 95.)

1. (Gaius, iii., 90.—Dig. 12, tit. 1, "De Rebus Creditis.")—
2. (Dioscor., iv., 115.—Flora Scotica, p. 198.—Adams, Append.,
s. v.)—3. (Aristot., H. A., iv., 4.)—4. (Hill ad Theophrast., De
Lapid., c. 19.—Adams, Append., s. v.)—5. (Dioscor., ii., 214.)—6.
(Theophrast., H. P., i., 15.—Dioscor., i., 116.—Damm, Lex.
Hom.—Hom., II., 6, 39, &c.—Adams, Append., s. v.)—7. (Dod-
well's Tour, vol. ii., p. 47.)—8. (Aristot., H. A., v., 11.—Schnei-
der ad ÆL., N. A., xiv., 15.—Adams, Append., s. v.)—9. (Paus.
ii., 18, § 3.)—10. (Paus., vii., 27, § 4.)

in one mode, and sung accordingly, was accompanied by instruments in another. For a view of the most that can be made of such arguments, see Böckh, iii., 10. Our knowledge of the real use of the modes is so very imperfect, that not much reliance can be placed on them; and, at any rate, they would only prove the existence of a kind of *magadizing*, modified by taking scales of different (instead of the same) species for the two parts, so as to avoid the succession of intervals absolutely the same. This would certainly be the very lowest kind of counterpoint; but if anything more had been practised, it would be absolutely impossible to account for the utter silence of the theoretical writers, which is all but fatal, even to such a limited hypothesis. It is only necessary to add that the influence of *instruments* upon the development of the art ought to be kept in view in considering this question. The Greeks had only two kinds of instrumental music, *αὐλαίς* and *κιθάραις*. The *αὐλός* was always a pipe pierced with holes, so as to have an artificial scale. The simple tube or trumpet does not appear to have been used as a musical instrument, so that the scale of natural harmonics was probably unknown; and this may partly account for the major third escaping observation. And anything like the *modern* system of harmony could probably no more have been invented without the assistance of keyed instruments, than the Elements of Euclid could have been composed in the total absence of drawing materials. For a fuller account of ancient musical instruments, see Böckh, iii., 11.

The chief authorities on the subject of this article are the "*Antiquæ Musicæ Auctores Septem*," viz., Aristoxenus, Euclid, Nicomachus, Alypius, Gaudentius, Bacchius, Aristides Quintilianus, and Martianus Capella, edited by Meibomius, in one volume (Amsterdam, 1652), to the pages of which the preceding quotations refer; the Harmonics of Ptolemy (with an Appendix by Wallis, *Op. Mathemat.*, tom. iii.); the Dialogue of Plutarch, and a section of the Aristotelic Problemata; Burney, *History of Music*; Böckh, *De Metris Pindari*; Drieberg, *Musikalische Wissenschaften der Griechen*, and *Aufschlüsse über die Musik der Griechen*; Bode, *Gesch. der Lyrisch. Dichtkunst der Hellenen* (Lips., 1838.)

MUSIC (ROMAN). It may well be believed, that in music as in the other arts, the genius of Greece had left little for Romans to do but admire and imitate. Yet we must not forget that another element had been introduced into the arts of Rome, as well as into her language and government; one which was derived from Etruria, and partook of an Oriental character. Every species of musical instrument found on Greek works of art is found also on Etruscan. No doubt the early Roman music was rude and coarse; still, from the most ancient times, mention is made of hymns and flutes in their triumphal processions: so Servius, in his *comitia*, made two whole centuries of *cornicines* and *tibicines*; and the Twelve Tables allowed at funerals ten players on the flute, and enjoined that "the praises of great men should be sung in mournful songs (*neniæ*) accompanied by the flute."

The year B.C. 365 marks an era in Roman music by its adaptation to theatrical amusements. It is in this year we find mention of a *lectisternium*, at which actors were first brought from Etruria, who, without verses, danced in dumb show to the sound of the flute. Some time later Livy¹ mentions a curious tale of the desertion of certain Roman flute-players, who were only brought back by an amusing stratagem. We learn from Valerius Maximus² that the Roman flute-players were incorporated into

a college, and Ovid,³ speaking of their importance, says,

"*Temporibus veterum tibicinis usus avorum
Magnus, et in magno semper honore fuit:
Cantabat fanis, cantabat tibia ludis,
Cantabat mæstis tibia funeribus.*"

Nero, as Suetonius⁴ tells us, played on the flute, and came in a sort of triumphal procession through Italy, bearing the spoils he had won in 1800 musical contests. The same writer informs us, that the emperor, to preserve his voice, used to lie on his back with a thin plate of lead on his stomach; that he took frequent emetics and cathartics, and at last transacted all business in writing.

There does not appear to be any trace of a Roman musical system entirely distinct from the Greek. A passage in Cicero would lead us to suppose that the laws of contrast, of light and shade, of loud and soft, of swelling and diminishing, were understood by the Romans,⁵ and another passage from Apollonius decidedly proves that the Romans had instrumental music distinct from their vocal; on both of which points there is no clear evidence to decide the question with reference to the Greeks. Still the Roman musical writers, as St. Augustin, Macrobius, Martianus Capella, Cassiodorus, and Boethius (all of whom flourished between the fourth and sixth centuries of the Christian era), did nothing to improve the science of music, and were little more than copyists of their Greek predecessors. The great improvement which the Romans introduced (rather a practical than a theoretical one) was a simplification of the musical nomenclature, effected by rejecting the arbitrary signs in use among the Greeks, and substituting for them the first fifteen letters of the Roman alphabet.⁶ This simplification they were enabled to make by a reduction of the modes: indeed, it seems very probable that this complicated system had in practice entirely fallen into disuse, as we know that the *diatonic genus* had usurped the place of the two other *genera*. (*Vid. MUSIC, GREEK.*)

Of all Latin authors, Boethius gives the most profound account of the subject. His work is a carrying out of the old Pythagorean system, and is a mere abstract speculation on the nature of music, which, viewed as one of the *quadrivium*, or four mathematical sciences, has its foundation in number and proportion. A full analysis of the work may be seen in Hawkins.⁷ It contains, 1st, an investigation into the ratios of consonances; 2d, a treatise on several kinds of proportion; 3d, a declaration of the opinions of different sects with respect to the division of the monochord and the general laws of harmony.

Before this time, St. Ambrose had introduced the practice of antiphonal singing in the church at Milan. Of the nature of the Ambrosian chant we only know that it consisted in certain progressions, corresponding with different species of the diatonic. It is described as a kind of recitation, more like reading than singing.

It was by St. Gregory the Great that the octave was substituted for the tetrachord as the fundamental division of the scale. The first octave he denoted by capital letters, A, B, C, &c.; the second by small letters, a, b, c, &c.; and when it became necessary to extend the system, marked the third by small letters doubled, aa, bb, &c. There is no proof that the Romans, any more than the Greeks, had any notation with reference to time. Where vocal music was united with instrumental, the time was marked by the metre of the song: the want of a notation of time would make us doubt whether

1. (Fast., vi., 657.)—2. (Nero, 24.)—3. (De Orat., iii., 44.)—4. (Hawkins, vol. i., p. 279.)—5. (i., p. 338.)

any but a very simple style of merely instrumental music prevailed among them.¹

For a general account of ancient music, the reader is referred to the previous article.

MUSIVUM OPUS. (*Vid.* HOUSE, ROMAN, p. 120.)

*MUSMON (*μούσμων*), an animal noticed by Strabo, and said to be engendered between a she-goat and a ram. Others held it to be what is now called the *Mouflon* of Sardinia and of Corsica, the original of our sheep, or, according to Aldrovandi, the Spanish Sheep.²

MUSTAX (*μούσταξ*), Mustaches. The different parts of the beard (*vid.* BARBA) had different names, which also varied with its age and appearance. The young beard, first appearing on the upper lip, was called *ὑπήνη*, or *ὑπήνη πρώτη*,³ and the youth last arrived at puberty, who was graced with it, was *πρῶτον ὑπήνητης*.⁴ By its growth and development it produced the mustaches, which the Greeks generally cherished as a manly ornament.⁵ To this practice, however, there seems to have been one exception. The Spartan Έρνοτι, when they were inducted, made a proclamation requiring the people "to shave their mustaches and obey the laws." For what reason they gave the former command does not appear.⁶

*MUSTELA (*γαλιή*), the Weasel. Pliny speaks of two kinds, the tame or domestic, answering to the *γαλιή*, and the wild, or *Ικτις*. "There is considerable difficulty, however," remarks Adams, "in determining exactly what the *Ικτις* of the Greeks and Romans was. Schneider, in his commentary on Nicander, pronounces it to be the Ferret; but in his edition of Aristotle's Natural History, he decides, upon the authority of Cetti, an Italian, that the *Ικτις* is a peculiar species of the Ferret, which the Sardinians call *Boccalemele*, namely, the *Mustela sivo*."⁷

MUTATIONES. (*Vid.* MANUSIO.)

MUTUUM. The mutui datio is mentioned by Gaius as an instance of an obligatio "*quæ re compensatur*." It exists when things "*quæ pondere numero mensurave constant*," as coined money, wine, oil, corn, æs, silver, gold, are given by one man to another so as to become his, but on the condition that other things of a like kind shall be returned. If the condition is that the same thing shall be returned, it is not mutuum. (*Vid.* COMMODATUM.) Inasmuch as the thing was in this case so given as to become the property of the receiver, the Roman jurists were led to the absurdity of saying that mutuum was so called for this reason (*quod ex meo tuum fit*). This contract was the foundation of a certio obligatio to the lender, provided he was the owner of the things, and had the power of alienation: otherwise he had no action till the things were consumed. If the borrower lost the things by any accident, as fire, shipwreck, &c., he was still bound: the reason of which clearly was, that by the mutui datio the things became his own. The lender could have no interest from the borrower, unless interest had been agreed on, or unless there was delay in returning the thing. The borrowing by way of mutuum and at interest are opposed by Plautus.⁸ The senatus consultum Macedonianum did not allow a right of action to a lender against a filiusfamilias

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1. (Hawkins's History of Music, vol. i.—Burney's History of Music, vol. i.)—2. (Adams, Append., s. v.)—3. (Diod. Sic., v., 88.—Philostr., Sen. Im., i., 30.—Id. ib., ii., 7, 9.)—4. (Hom., II., xiv., 348.—Od., x., 279.—Schol. in loc.—Brunck, Anal., iii., 44.—Elian., V. H., x., 18.—Plat., Protog.)—5. (Theocrit., xiv., 4.—Anasthianus, ap. Athen., iv., 21.—Pollux, Onom., ii., 80.—Id. ib., c., 120.)—6. (Plut., De Sera Num. Vind., p. 976, ed. Steph.—Frocius in Hes., Op. et D., 722.—Müller, Dor., iii., 7, § 7.—Id. ib., iv., 2, § 5.—Becker, Charicles, ii., p. 391.)—7. (Adams, Append., s. v. *Ικτις*.)—8. (Asin., i., 3, 95.)

1. (Gaius, iii., 90.—Dig. 12, tit., 1, "De Rebus Creditis.")—2. (Dioscor., iv., 115.—Flora Scotica, p. 198.—Adams, Append., s. v.)—3. (Aristot., H. A., iv., 4.)—4. (Hill ad Theophrast., De Lapid., c. 19.—Adams, Append., s. v.)—5. (Dioscor., ii., 214.)—6. (Theophrast., H. P., i., 15.—Dioscor., i., 116.—Damm, Lex. Hom.—Hom., II., 6, 39, &c.—Adams, Append., s. v.)—7. (Dodwell's Tour, vol. ii., p. 47.)—8. (Aristot., H. A., v., 11.—Schneider ad ÆL., N. A., xiv., 15.—Adams, Append., s. v.)—9. (Paus., ii., 18, § 3.)—10. (Paus., vii., 27, § 4.)

MYSTERIA. As each mystery or mystic festival is described in a separate article, a few general observations will only be required under this head. The names by which they were designated in Greece are *μυστήρια*, *τελεταί*, and *ὄργια*. The name *ὄργια* (from *ὄργα*) originally signified only sacrifices accompanied by certain ceremonies, but it was afterward applied especially to the ceremonies observed in the worship of Dionysus, and, at a still later period, to mysteries in general.¹ *Τελετή* signifies, in general, a religious festival,² but more particularly a lustration or ceremony performed in order to avert some calamity either public or private.³ *Μυστήριον* signifies, properly speaking, the secret part of the worship, but it was also used in the same sense as *τελετή*, and for mystic worship in general.

Mysteries, in general, may be defined as sacrifices and ceremonies which took place at night, or in secret, within some sanctuary, which the uninitiated were not allowed to enter. What was essential to them were objects of worship, sacred utensils, and traditions with their interpretation, which were withheld from all persons not initiated. We must, however, distinguish between mysteries properly so called, that is, such in which no one was allowed to partake unless he had undergone a formal initiation, and the mystic ceremonies of certain festivals, the performance of which, though confined to particular classes of persons or to a particular sex, yet did not require a regular initiation. Our attention in this article will be confined to the mysteries properly so called.

It appears to have been the desire of all nations of antiquity to withhold certain parts of their religious worship from the eyes of the multitude, in order to render them the more venerable.⁴ But that the ancient mysteries were nothing but the impositions of priests, who played upon the superstitious and ignorant, is an opinion which, although entertained by Limburg-Brouwer, the latest writer on the subject,⁵ certainly cannot satisfy those who are accustomed to seek a more solid and vital principle in all religious institutions that have ever had any lasting influence upon mankind. The persons united and initiated to celebrate the mysteries in Greece were neither all priests, nor did they belong to the ignorant and superstitious classes of society, but they were, on the contrary, frequently the most distinguished statesmen and philosophers. It has been remarked under **ELEUSINIA** (p. 396), that it is far more probable that the mysteries in the various parts of Greece were remains of the ancient Pelasgian religion. The associations of persons for the purpose of celebrating them must therefore have been formed at the time when the overwhelming influence of the Hellenic religion began to gain the upper hand in Greece, and when persons who still entertained a reverence for the worship of former times united together, with the intention of preserving and upholding among themselves as much as possible of the religion of their forefathers. It is natural enough that they formed themselves, for this purpose, into societies, analogous to the brotherhoods in the Church of Rome,⁶ and endeavoured to preserve against the profanation of the multitude that which was most dear to them. Hence the secrecy of all the Greek mysteries, and hence the fact that the Greek mysteries were almost invariably connected with the worship of the old Pelasgian divinities. The time when mysteries were established as such must have been after the great changes and

disturbances produced by the Dorian migration, although tradition referred their institution to Orpheus, the Curetes, the Idaean Dactyles, Dionysus, &c., who belong to a much earlier period. These traditions, however, may in so far be regarded as true, as the mysteries were only a continuation and propagation of the ancient religion. It must, however, be admitted, that in subsequent times new elements were added to the mysteries which were originally foreign to them. The development of philosophy, and, more especially, the intercourse with the East and with Egypt, appear to have exercised a considerable influence upon their character.

The most celebrated mysteries in Greece were those of Samothrace and Eleusis. (*Vid. CARIANA, ELEUSINIA*.) But several other places and divinities had their peculiar mysteries, *c. g.*, the island of Crete those of Zeus;¹ Argolis those of Hera;² Athens those of Athena and Dionysus³ (*vid. IONYSIA*); Arcadia those of Artemis;⁴ Ægina those of Hecate.⁵ But not only the worship of the great gods, but also that of some ancient heroes was connected with mysteries.⁶

The benefits which the initiated hoped to obtain were security against the vicissitudes of fortune, and protection from dangers both in this life and in the life to come. The principal part of the initiation, and that which was thought to be most efficacious in producing the desired effects, were the lustrations and purifications, whence the mysteries themselves are sometimes called *καθάρσια* or *εσθαρμολίαι*.

Offences against and violations of the mysteries were at Athens under the jurisdiction of the *archon* king, and the court, in such cases, only consisted of persons who were themselves initiated (*μυνημένοι*), and were selected from the *heliastæ* for the purpose.⁷ Even in cases which were brought before an ordinary court, the judges were only initiated persons, if the case had any connexion with the mysteries.⁸ That no one but the initiated might hear the transactions in such a case, the court was surrounded by public slaves, to keep all profane persons at a distance.⁹

The Roman religion had no such mysteries as that of the Greeks, but only mystic rites and ceremonies connected with the celebration of certain festivals. The Bacchanalia were of foreign origin, and of short duration. (*Vid. IONYSIA*.)

A very full account of the Greek mysteries is given by Limburg-Brouwer, *Hist. de la Civilisation Mor. et Relig. des Grecs*, tom. iv., p. 180-415, and chapter xxvi. of the same work contains a useful survey of the various opinions upon the subject which have been entertained by modern scholars and philosophers.

***MYSTICETUS** (*μυστικητος*). "This term occurs in the common editions of Aristotle's Natural History, and hence Linnæus calls the common whale *Balaena Mysticetus*. Schneider, however, reads *μῦς τὸ κητος*. It is the *Musculus* of Pliny.¹²

MYSTRUM (*μύστρον*), a Greek liquid measure, of which there were two sizes, called the large and small mystrum. The small, which was the more common of the two, was $\frac{1}{24}$ th of the cotyla, and $\frac{1}{12}$ th of the cyathus, and therefore contained $\cdot 0208$ of an English pint.¹¹ Galen adds that the smaller mystrum contained $2\frac{1}{2}$ drachms; that the larger was $\frac{1}{12}$ th of the cotyla, and contained $3\frac{1}{2}$ drachms; but that the most exact mystrum (*τὸ δικάϊοτατον μύστρον*)

1. (Lobeck, *Aglaophamus*, i., p. 305.)—2. (Aristot., *Rhet.*, ii., 24.—Pind., *Nem.*, x., 63.)—3. (Plato, *De Rep.*, ii., p. 264, E.)—4. (Strabo, p. 717.)—5. (*Histoire de la Civilisation Morale et Relig. des Grecs*, tom. iv., p. 199.)—6. (Porphy., *De Abst.*, iv., 6.)

1. (Strabo, p. 718.—Athen., ix., 18.)—2. (Paus., ii., 35, § 2.)—3. (Plut., *Alcib.*, 34.)—4. (Paus., viii., 23, § 3.)—5. (Paus., ii., 30, § 2.)—6. (Paus., iv., 34, § 6.—*Id.* ib., ii., 1.—*Id.* ib., ii., 30, § 5.—Herod., v., 83.)—7. (Pollux, *Onom.*, viii., 141.)—8. (Athen., *De Myst.*, p. 14.)—9. (Pollux, *Onom.*, viii., 123.)—10. (Adams, *Append.*, s. v.—Plin., *H. N.*, xi., 37.)—11. (Galen, *Frag.*, c. 15.)

είδ 8 scruples, that is, 2½d drachms. According to Ais, the small mystrum would be ¼ths of the larger. But in the 13th chapter of the same fragment he makes the large mystrum = ¼d of the cotyla, and the small mystrum ¼th of the large. In c. 4 he makes the large mystrum = 3 oxybapha, and the small = 1¼d. Cleopatra makes the large = 1/16th of the cotyla, the small = 1/32d.

*MYZON or MYXON (μύζων, μύξων), a variety of the Mullet. Artedi calls it *Chylon Myxo anhorum*.²

N

NÆNIA. (Vid. Fucus, p. 459.)

*NAPY (νάπυ), a term applied by Theophrastus, Galen, and others to the *Sinapis nigra*, or common mustard. Dr. Milligan, however, in his edition of Celsus, sets it down for the *Sinapis alba*, or White Mustard.³

*NARCISSUS (νάρκισσος), a plant. The name is especially referable to the *Narcissus poeticus*, or Jaffodil, but it was most probably applied on some occasions to other species.⁴

*NARDUS (νάρδος). "By Nard," says Dr. Harris, "was meant a highly aromatic herb, growing in the Indies, and called *Nardostachys* by Dioscorides and Galen." It is fully described by Moses Charrias. "That the ancient Nards were Valerians, is now," remarks Adams, "universally admitted. Sprengel shows that the Indian Nard of the ancients was the species of Valerian called *Patrisia Jatamansi*, Don. The *νάρδος Κελτικῆ* is referable to the *Valeriana Celtica* and *Saliunca*, All. The *νάρδος ὀρεία* is the species now called *Valeriana turerosa*. Tournefort named it *V. maxima Pyrenaica*.⁵

*NARCE (νάρκη). (Vid. TORPEDO.)

*NARTHEX. (Vid. FERULA.)

NATALITH LUDI. (Vid. LUDI NATALITH.)

NATALIBUS RESTITUTIO. (Vid. INGENUI.)

NATA'TIO, NATATORIUM. (Vid. BATHS, p. 448.)

NAVALIA were docks at Rome where ships were built, laid up, and refitted. They were attached to the emporium outside of the Porta Trifemina, and were connected with the Tiber.⁶ The emporium and navalia were first included within the walls of the city by Aurelian.⁷

The docks (νεώσοικοι or νεώρια) in the Piræus at Athens cost 1000 talents; and having been destroyed in the anarchy by the contractors for three talents, were again restored and finally completed by Lycurgus.⁸ They were under the superintendance of regular officers called *ἐπιμεληταὶ τῶν νεωσίων*. (Vid. ΕΠΙΜΕΛΕΤΑΙ, 5.)

NAVALIS CORONA. (Vid. CORONA, p. 310.)

NAVARCHUS (ναύαρχος) is the name by which the Greeks designated both the captain of a single ship and the admiral of a fleet. The office itself was called *ναυαρχία*. The admiral of the Athenian fleet was always one of the ten generals (*στρατηγοί*) elected every year, and he had either the whole or the chief command of the fleet.⁹ The chief officers who served under him were the trierarchs and the pentecontarchs, each of whom commanded one vessel; the inferior officers in the vessels were the *καβερνήται*, or helmsmen, the *κελευστάι*, or commanders of the rowers, and the *πρωράται*, who must have

been employed at the prow of the vessels.¹ (Compare STRATEGOS.)

Other Greek states who kept a navy had likewise their navarchs. A Spartan navarchus is mentioned by Xenophon,² and under him served an officer called *ἐπιστολεύς*.³ The navarchia of Sparta, however, was an innovation of later times, when the Spartans had acquired a fleet and possessions in foreign countries. The office was distinct from that of the kings, and Aristotle⁴ calls it *σχεδὸν ἐτίρα βασιλεία*.⁵

The navarchus in Rhodes seems to have been their chief military officer. We find him authorized to conclude treaties with foreign nations,⁶ and sent on embassies in the name of the Republic.⁷

NAUCRARIA (ναυκραρία) is the name of a division of the inhabitants of Attica. The four Attic phylæ were each divided into three phratries, and each of these twelve phratries into four naucraries, of which there were thus forty-eight. This division is ascribed to Solon;⁸ but Herodotus,⁹ in relating the insurrection of Cylon, mentions magistrates at Athens called *πρωτάνεις τῶν ναυκράρων*, so that the naucraries must have existed long before Solon. There is, however, some difficulty connected with this passage of Herodotus, inasmuch as Thucydides,¹⁰ in relating the same event, mentions the nine archons instead of the prytanes of the naucraries. Wachsmuth¹¹ endeavours, very ingeniously, to reconcile Herodotus and Thucydides, by supposing that the prytanes of the naucraries were the same as the trittarchs, the assessors of the first archon, and were thus identified by Thucydides with the archons themselves. What the naucraries were previous to the legislation of Solon is not stated anywhere, but it is not improbable that they were political divisions similar to the demes in the constitution of Cleisthenes, and were made, perhaps, at the time of the institution of the nine archons, for the purpose of regulating the liturgies, taxes, or financial and military affairs in general.¹² Tittmann,¹³ moreover, supposes, with some probability, that they were, like the demes of Attica, local divisions. Hence the grammarians inform us that *ναύκραρος*, or the chief officer of every naucrary, was the same as the demarch. At any rate, however, the naucraries before the time of Solon can have had no connexion with the navy, and the word *ναύκραρος* cannot be derived from *ναῦς*, a ship, but from *ναῖος*, and *ναύκραρος* is only another form for *ναύκληρος* in the sense of a householder, as *ναῖλον* was used for the rent of a house.¹⁴

Solon, in his legislation, thus only retained the old institution of the naucraries. His innovation probably was, that he charged each of them with the equipment of one trireme and with the mounting of two horsemen.¹⁵ All military affairs, as far as regards the defraying of expenses, probably continued, as before, to be regulated according to naucraries. Cleisthenes, in his change of the Solonian constitution, retained the division into naucraries for military and financial purposes,¹⁶ but he increased their number to fifty, making five of each of his ten tribes, so that now the number of their ships was increased from forty-eight to that of fifty, and that of horsemen from ninety-six to one hundred. The statement of Herodotus,¹⁷ that the Athenians, in their war against Ægina, had only fifty ships of their own,

1. (Wurm, De Pond., p. 130.)—2. (Aristot., H. A., v., 9; vi., 17.)—3. (Theophrast., H. P., i., 19.—Galen, De Simpl., viii.—Adams, Append., s. v.)—4. (Theophrast., H. P., vi., 6.—Id. ib., vii., 12.—Dioscor., iv., 158.—Adams, Append., s. v.)—5. (Harris, Nat. Hist. of the Bible, p. 390.—Adams, Append., s. v.)—6. (Plin., xxxv., 10.—Id., xl., 51.—Id., xlv., 2.)—7. (Vopisc., Aurel., ii.)—8. (Isocr., Areopag., 25.—Böckh, Publ. Econ., ii., § 10.)—9. (Plut., Themist., 18.)

1. (Xenoph., De Republ. Ath., i., 2, 20.)—2. (Hellen., ii., 1, § 7.)—3. (Pollux, Onom., i., 96.—Sturz, Lex. Xen., ii., p. 321.)—4. (Polit., ii., 6, p. 69, ed. Göttling.)—5. (Vid. Weber, "De Gytheo et Lacedæmoniorum reb. Navalib.," p. 73, &c.)—6. (Polyb., xvii., 1.)—7. (Polyb., xxx., 8.—Liv., xlv., 25.)—8. (Photius, s. v. *Ναυκραρία*.)—9. (v., 71.)—10. (i., 126.)—11. (Hellen. Alt., i., 1, p. 246.)—12. (Böckh, Publ. Econ., ii., § 21.)—13. (Griech. Staatsv., p. 269.)—14. (Pollux, Onom., x., 20.—Wachsmuth, Hellen. Alt., i., 1, p. 239.—Thirlwall, Hist. of Gr., ii., p. 52.)—15. (Pollux, viii., 108.)—16. (Phot., l. c.)—17. (ii., 89.)

is thus perfectly in accordance with the fifty naucreries of Cleisthenes. The functions of the former *ναύκρατοι*, as the heads of their respective naucreries, were now transferred to the demarchs. (*Vid.* DEMARCHI.)¹ The obligation of each naucery to equip a ship of war for the service of the Republic may be regarded as the first form of trierarchy.² As the system of trierarchy became developed and established, this obligation of the naucreries appears to have gradually ceased and to have fallen into disuse. (Compare TRIERARCHIA.)

NAUCRA'ROS. (*Vid.* NAUCRARIA.)

NAVES. (*Vid.* SHIPS.)

NAUMA'CHIA was the name given to the representation of a seafight among the Romans, and also to the place where such engagements took place. These fights were sometimes exhibited in the circus or amphitheatre, sufficient water being introduced to float ships, but more generally in buildings especially devoted to this purpose. The first representation of a seafight on an extensive scale was exhibited by Julius Cæsar, who caused a lake to be dug for the purpose in a part of the Campus Martius, called by Suetonius the "Lesser Codeta":³ this lake was afterward filled up in the time of Augustus, on account of the malaria arising from the stagnant water in it.⁴ Augustus also dug a lake (*stagnum*) near the Tiber for the same purpose, and planted around it a grove of trees (*nemus*).⁵ This naumachia was the first permanent one; it continued to be used after others had been made, and was subsequently called the "vetus naumachia."⁶ Claudius exhibited a magnificent seafight on the lake Fucinus.⁷ Nero appears to have preferred the amphitheatre for these exhibitions.⁸ Domitian made a new naumachia, and erected a building of stone around it, in which the spectators might sit to see the engagement.⁹ Representations of naumachia are sometimes given on the coins of the emperors.¹⁰

The combatants in these seafights, called *Naumachiarii*,¹¹ were usually captives,¹² or criminals condemned to death,¹³ who fought, as in gladiatorial combats, until one party was killed, unless preserved by the clemency of the emperor. The ships engaged in the seafights were divided into two parties, called respectively by the names of different maritime nations, as Tyrians and Egyptians,¹⁴ Rhodians and Sicilians,¹⁵ Persians and Athenians,¹⁶ Coreyræans and Corinthians, Athenians and Syracusans, &c.¹⁷ These seafights were exhibited with the same magnificence and lavish expenditure of human life as characterized the gladiatorial combats and other public games of the Romans. In Nero's naumachia there were sea-monsters swimming about in the artificial lake,¹⁸ and Claudius had a silver triton placed in the middle of the lake Fucinus, who was made, by machinery, to give the signal for attack with a trumpet.¹⁹ Troops of Nereids were also represented swimming about.²⁰ In the seafight exhibited by Titus there were 3000 men engaged,²¹ and in that exhibited by Domitian the ships were almost equal in number to two real fleets (*paucæ justæ classes*).²² In the battle on the

lake Fucinus there were 19,000 combatants,²³ and fifty ships on each side.²⁴

NAUTA. (*Vid.* EXERCITORIA ACTIO.)

NAUTICON (*ναυτικόν*). (*Vid.* INTEREST OF MONEY, p. 545.)

*NAUTILUS (*ναυτίλος*). This shell-fish is graphically described by Aristotle, Oppian, and Philo. It is the *Argonauta Argo*, L., or the Paper Nautilus.

NAUTODICAA (*ναυτοδικαί*) are called *ἀρχαί* or magistracies by most of the ancient grammarians,¹ while a few others call them *δικασταί*.² The concurrent authority of most of them, together with a passage of Lysias,³ the only Attic orator who mentions the *naudicæ*, renders it more than probable that they were a magistracy. This can be the less doubtful, as the words *δικάζειν* and *δικαστής* are sometimes used of magistrates in their capacity of *εἰσαγωγεῖς*.⁴ (*Vid.* EISAGOGES.) All testimonies of the ancients, however, agree that the *naudicæ* had the jurisdiction in matters belonging to navigation and commerce, and in matters concerning such persons as had entered their names as members of a phratry without both their parents being citizens of Athens, or, in other words, in the *δικαί ἐμπόρων* and *δικαί ξενίας*. The time when *naudicæ* were first instituted is not mentioned, but the fact that they had the jurisdiction in cases where a person had assumed the rights of a phrator, without his father and mother being citizens, shows that their institution must belong to a time when it was sufficient for a man to be a citizen if only his father was a citizen, whatever his mother might be, that is, previous to the time of Pericles⁵ (compare CYNNA, p. 259), and perhaps as early as the time of Cleisthenes. The *naudicæ* were appointed every year by lot in the month of Gamelion, and probably attended to the *δικαί ἐμπόρων* only during the winter, when navigation ceased, whereas the *δικαί ξενίας* might be brought before them all the year round.

It is a well-known fact, that the two actions (*δικαί ἐμπόρων* and *δικαί ξενίας*) which we have here assigned to the *naudicæ* belonged, at least at one time, to the *thesmothetæ*.⁶ Several modern writers, such as Böckh, Baumstark, and others, have, therefore, been led to suppose, that all the grammarians who call the *naudicæ* *ἀρχαί* are mistaken, and that the *naudicæ* were not *εἰσαγωγεῖς* in the cases above mentioned, but *δικασταί*. But this mode of settling the question does not appear to us to be as satisfactory as that adopted by Meier and Schömann.⁷ In all the speeches of Demosthenes, no trace occurs of the *naudicæ*; and in the oration against Lacritus,⁸ where all the authorities are mentioned before whom such a case as that of Lacritus might be brought, the orator could scarcely have failed to mention the *naudicæ*, if they had still existed at the time. It is, therefore, natural to suppose that the *δικαί ἐμπόρων*, at the time of Philip of Macedonia, when they became *δικαί ἐμπόροι* (*vid.* EMMHNOI ΔΙΚΑΙ), were taken from the *naudicæ* and transferred to the *thesmothetæ*. And as the Republic could not now think it any longer necessary to continue the office of *naudicæ* merely on account of the *δικαί ξενίας*, these latter were likewise transferred to the *thesmothetæ*, and the office of the *naudicæ* was abolished. The whole period during which *naudicæ* existed at Athens would thus comprehend the time from the legislation of Cleisthenes, or soon after, to Philip of Macedonia. One difficulty, however, yet remains, for *naudicæ* are mentioned by Lucian⁹ in a dialogue

1. (Tacit. Ann. xii. 56.)—2. (Dion Cass. ix. 33.)—3. (Harpocrat.—Suidas.—Lex. Rhet. s. v. *Ναυτοδικαί*.)—4. (Hesych. s. v.)—5. (De Pecun. Publ. p. 189, Bremi.)—6. (Meier, Att. Proc. p. 28.)—7. (Plut. Pericl. 37.)—8. (Meier, Att. Proc. p. 64, &c.)—9. (Att. Proc. p. 85, &c.)—10. (p. 940.)—11. (p. 203, ed. Bip.)

1. (Harpocrat. s. v. *Δημάρχος*.)—2. (Lex. Rhet. p. 283.)—3. (Dion Cass. xliii. 23.—Suet. Jul. 39.)—4. (Dion Cass. xlv. 17.)—5. (Suet. Octav. 43.—Tacit. Ann. xii. 56.—Id. ib. xiv. 15.)—6. (Suet. Tit. 7.—Dion Cass. lxxv. 25.—Ernesti ad Suet. Tib. 72.)—7. (Tacit. Ann. xii. 56.—Suet. Claud. 21.—Dion Cass. ix. 33.)—8. (Dion Cass. lxi. 9; lxi. 15.)—9. (Dion Cass. lxxvi. 8.—Suet. Dom. 4, 5.)—10. (Scheffer, De Militia Navali, iii. 2, p. 189, 191.)—11. (Suet. Claud. 21.)—12. (Dion Cass. xviii. 19.)—13. (Dion Cass. ix. 33.)—14. (Suet. Jul. 21.)—15. (Suet. Claud. 21.—Dion Cass. ix. 33.)—16. (Dion Cass. lxi. 9.)—17. (Id. lxxvi. 25.)—18. (Suet. Nero, 12.—Dion Cass. lxi. 9.)—19. (Suet. Claud. 21.)—20. (Mart. De Spectac. 26.)—21. (Dion Cass. lxxvi. 25.)—22. (Suet. Dom. 4.)

which the author represents as having taken place after the death of Alexander. Those who are unwilling to believe that Lucian here, as in other places, has been guilty of an anachronism, must suppose that the nautodicae were, after their abolition, restored for a time, of which, however, there is no other evidence.¹

NEBRIS, a Fawn's Skin (from *νεβρός*, a fawn: *vid. ÆGIS*), worn originally by hunters and others as an appropriate part of their dress, and afterward attributed to Bacchus,² and, consequently, assumed by his votaries in the processions and ceremonies which they observed in honour of him.³ (*Vid. DIONYSIA*, p. 363, 365.) The annexed woodcut, taken from Sir Wm. Hamilton's *Vases*,⁴ shows a priestess of Bacchus in the attitude of offering a nebris to him or to one of his ministers. The works of ancient



art often show it as worn not only by male and female bacchanals, but also by Pans and Satyrs. It was commonly put on in the same manner as the ægis or goatskin, by tying the two fore legs over the right shoulder so as to allow the body of the skin to cover the left side of the wearer.⁵ In the Dionysiac processions, the fawn's skin worn by the god, besides its natural spots, which were greatly admired, was enriched with gems.⁶

*NEBRITES (*νεβρίτης*), a precious stone, mentioned in the Orphic poem. De Laet supposes it either an agate or a jasper.⁷

NEFASTI DIES. (*Vid. DIES*, p. 362.)

NEGATIVA, NEGATORIA ACTIO. (*Vid. CONFESSORIA ACTIO*.)

NEGOTIORUM GESTORUM ACTIO. This was an action which a man might have against another who had managed his affairs for him in his absence, without being commissioned to do so (*sine mandato*). The action was not founded either on contract or delict, but was allowed for convenience' sake (*utilitatis causa*). The person whose business was transacted by another, and the person who transacted the business, might severally have an action against one another in respect of that which "*ex bona fide alterum alteri præstare oportet*." The

action of the self-constituted agent was sometimes called *contraria*, by analogy to similar actions in other cases. He was bound to make good any loss that was incurred during his administration by *dolus* or *culpa*, and in some instances even loss that had been incurred by *casus*. On the other hand, he had his action for all expenses properly incurred, and in some cases even if the result was unfortunate to the absent person; as if he paid for medical attendance on a sick slave, and the slave died, notwithstanding all his care: but various difficulties might easily be suggested as to such cases as these,¹ and the rule must be qualified by the condition of the thing undertaken being a thing profitable (to the owner) to be undertaken, though the result might be unprofitable.²

NEKRODEIPNON. (*Vid. FUNUS*, p. 458.)

NEKROTHAPTAI. (*Vid. FUNUS*, p. 459.)

NEKUSIA. (*Vid. FUNUS*, p. 458.)

NEMEAN GAMES (*νῆμεα*, *νεμεία*, or *νεμεία*), one of the four great national festivals of the Greeks. It was held at Nemea, a place near Cleonæ in Argolis. The various legends respecting its origin are related in the argumenta of the scholiasts to the Nemea of Pindar, with which may be compared Pausanias³ and Apollodorus.⁴ All these legends, however, agree in stating that the Nemea were originally instituted by the Seven against Thebes in commemoration of the death of Opheltes, afterward called Archemorus. When the Seven arrived at Nemea, and were very thirsty, they met Hypsipyle, who was carrying Opheltes, the child of the priest of Zeus and of Eurydice. While she showed to the heroes the way to the nearest well, she left the child behind, lying in a meadow, which, during her absence, was killed by a dragon. When the Seven, on their return, saw the accident, they slew the dragon, and instituted funeral games (*ἀγὼν ἐπιτάφιος*), to be held every third year (*τριετηρικός*). Other legends attribute the institution of the Nemean games to Heracles, after he had slain the Nemean lion; but the more genuine tradition was that he had either revived the ancient games, or, at least, introduced the alteration by which they were from this time celebrated in honour of Zeus. That Zeus was the god in honour of whom the games were afterward celebrated, is stated by Pindar.⁵ The games were at first of a warlike character, and only warriors and their sons were allowed to take part in them; subsequently, however, they were thrown open to all the Greeks (*δημοτικὸν πλῆθος ἀνέδραμε*). The games took place in a grove between Cleonæ and Phlius.⁶ The various games, according to the enumeration of Apollodorus,⁷ were horse-racing, running in armour in the stadium,⁸ wrestling, chariot-racing and discus, boxing, throwing the spear and shooting with the bow, to which we may add musical contests.⁹ The scholiasts on Pindar describe the agon very imperfectly as *ἵππικός* and *γυμνικός*. The prize given to the victors was at first a chaplet of olive-branches, but afterward a chaplet of green parsley. When this alteration was introduced is not certain, though it may be inferred from an expression of Pindar,¹⁰ who calls the parsley (*πέλινον*) the *βοράνα λεόντος*, that the new prize was believed to have been introduced by Heracles. The presidency at these games, and the management of them, belonged at different times to Cleonæ, Corinth, and Argos, and from the first of these places they are sometimes called *ἀγὼν Κλεωναίος*. The judges who awarded the prizes were dressed in black robes,

1. (Compare Böckh, *Publ. Econ.*, i., § 9.—Baumstark, "*De Carstodibus Emporiorum et Nautodicia apud Athenienses*," p. 65-78.)—2. (Eurip., *Bacch.*, 99, 125, 157, 790, ed. Matth.—Aristoph., *Rane.*, 1209.—Dionys. *Perieg.*, 702, 946.—Rufus *Festus Atrionus*, 1129.)—3. (Seneca, *Ædip.*, ii., 436.—Brunck, *Anal.*, i., 483.)—4. (i., 37.)—5. (Ovid, *Met.*, vi., 593.)—6. (Claud., *De ir. cons. Honor.*, 605.)—7. (Orpheus, *De Lapid.*, 742.)

1. (Dig. 3, tit. 5, s. 10.)—2. (Dig. 44, tit. 7, s. 5.—Dig. 3, tit. 5, *De Negotiis Gestis*.)—3. (ii., 15, § 2, &c.)—4. (iii., 6, § 4.)—5. (Nem., iii., 114.)—6. (Strabo, viii., 6, p. 210, ed. Tauchn.)—7. (i. c.)—8. (Paus., ii., 15, § 2.)—9. (Paus., viii., 50, § 3.—Plut., *Philop.*, 11.)—10. (Nem., vi., 71.)

and an instance of their justice, when the Argives presided, is recorded by Pausanias.¹

Respecting the time at which the Nemean games were held, the scholiast on Pindar² merely states that they were held on the 12th of the month of Panemus, though in another passage he makes a statement which upsets this assertion. Pausanias³ speaks of winter Nemea, and manifestly distinguishes them from others which were held in summer. It seems that for a time the celebration of the Nemea was neglected, and that they were revived in Ol. 53, 2, from which time Eusebius dates the first Nemead. Henceforth it is certain that they were for a long time celebrated twice in every Olympiad, viz., at the commencement of every second Olympic year in the winter, and soon after the commencement of every fourth Olympic year in the summer. This has been shown by Böckh in an essay *über die Zeitverhältnisse der Demosth. Rede gegen Midias*, in the transactions of the Berlin Acad., 1818, 1819.—*Histor. Philol. Klasse*, p. 92, &c.—Compare Ideler, *Handb. der Chronol.*, ii., p. 606, &c. About the time of the battle of Marathon, it became customary in Argolis to reckon according to Nemeads.

In 208 B.C., Philip of Macedonia was honoured by the Argives with the presidency at the Nemean games,⁴ and Quinctius Flaminus proclaimed at the Nemea the freedom of the Argives.⁵ The Emperor Hadrian restored the horse-racing of boys at the Nemea, which had fallen into disuse. But after this time they do not seem to have been much longer celebrated, as they are no longer mentioned by any of the writers of the subsequent period.⁶

NE'NIA. (Vid. FUNUS, p. 459.)

NEO'COROI. (Vid. ÆDIFUL.)

NEODAMO'DEIS. (Vid. CIVITAS, GREEK, p. 260; HÆLOTES, p. 492.)

NEO'RIA, NEOSOI'KOI. (Vid. NAVALIA.)

*NEPENTHES (*νήπενθεσ*). Among the many conjectures which have been started concerning the *Nepenthes*, that one appears very plausible which supposes it to have been *Opium*, or the juice of the *Papaver somniferum*.⁷

NEPTUNA'LIA, a festival of Neptune, celebrated at Rome, of which very little is known.⁸ The day on which it was held was probably the 23d of July. In the ancient calendaria this day is marked as *Nept. ludi et feria*, or *Nept. ludi*, from which we see that the festival was celebrated with games. Respecting the ceremonies of this festival, nothing is known except that the people used to build huts of branches and foliage (*umbrae*), in which they probably feasted, drank, and amused themselves.⁹

*NERION (*νήριον*) the *Nerium oleander*, or Rose-bay. The modern Greek name is *πικροδάφνη*. Sibthorp says it is very common throughout Greece, and that it marks the torrent-bed and fringes the banks of the Ilissus. The flowers are used as an ornament, and cover the bazar at Athens. The leaves boiled, or the dried leaves powdered, are employed as remedies for the itch; boiled in oil, they serve as a liniment for rheumatic pains. In Cyprus it retains the ancient name of *ροδοδάφνη*, and the Cypriotes adorn their churches with the flowers on feast-days.¹⁰

*NERITES (*νηρίτης*). According to Rondelet and Gesner, the *νηρίτης* of Aristotle is a species of

Concha, whereas that of Ælian is a species of *Cock-lea*; the *C. Nerite*, as Adams thinks, of Linnæus. It is called the Sea-snail.¹¹

NEXI. (Vid. NEXUM.)

NEXUM is defined by Manilius to be "*onus quod per libram et as geritur, in quo sint mancipi*." Mucius Scaevola has a different definition: "*quæ per as et libram fiunt ut obligentur, præterquam quæ maxcipio dentur*." Varro,² who has preserved both these definitions, prefers the latter, as being consistent with the etymology of the word: "*quod obligatur per libram, neque suum sit, inde Nexum dicitur*." As an illustration, he adds: "*Liber qui suas operas in servitutem pro pecunia quam debet dat, sua solveret, nexum vocatur, ut ab are obaratus*." The difference in these definitions arises solely from the different aspect under which the nexum is viewed. Every nexum was in the form of a sale, and, consequently, viewed as to its formal part, nexum comprehended mancipium. The testamenti factio was also included under nexum. Viewed as to its object and legal effect, nexum was either the transfer of the ownership of a thing, or the transfer of a thing to a creditor as a security; accordingly, in one sense, nexum included mancipium, as explained in MANCIPIUM; in another sense, mancipium and nexum are opposed in the same way in which sale and mortgage or pledge are opposed. The formal part of both transactions consisted in a transfer per as et libram. This explanation is consistent with the definitions of the jurists and the uses of these two words.

The person who became nexum by the effect of a nexum or nexu (for this form of the word also is used) was said nexum inire.³ The phrases *nexu datio*, *nexi liberatio*, respectively express the contracting and the release from the obligation.

The Roman law as to the payment of borrowed money (*pecunia certa credita*)⁴ was very strict. A curious passage of Gellius⁵ gives us the ancient mode of legal procedure in the case of debt, as fixed by the Twelve Tables. If the debtor admitted the debt, or had been condemned in the amount of the debt by a judex, he had thirty days allowed him for payment. At the expiration of this time he was liable to the *manus injectio* (vid. MANUS INJECTIO), and ultimately to be assigned over to the creditor (*addictus*) by the sentence of the prætor. The creditor was required to keep him for sixty days in chains, during which time he publicly exposed the debtor on three nundinae, and proclaimed the amount of his debt. If no person released the prisoner by paying the debt, the creditor might sell him as a slave or put him to death. If there were several creditors, the letter of the law allowed them to cut the debtor in pieces, and to take their share of his body in proportion to their debt. Gellius says that there was no instance of a creditor ever having adopted this extreme mode of satisfying his debt. But the creditor might treat the debtor, who was *addictus*, as a slave, and compel him to work out his debt; and the treatment was often very severe.

It is remarkable, that in this passage Gellius does not speak of *nexi*, but only of *addicti*; which is sometimes alleged as evidence of the identity of *nexum* and *addictus*, but it proves no such identity. If a *nexum* is what he is here supposed to be, the law of the Twelve Tables could not apply; for when a man had once become *nexum* with respect to one creditor, he could not become *nexum* to another; and if he became *nexum* to several at once, in this case the creditors must abide by their contract in taking a joint security. This law of the Twelve Tables only applied to the case of a debtor

1. (viii., 40, § 3.)—2. (Argum. ad Nem.)—3. (ii., 15, § 2.)—4. (Liv., xxvii., 30, &c.—Polyb., x., 26.)—5. (Liv., xxiv., 41.—Polyb., x., 28.)—6. (Vid. Villosion, Histoire de l'Acad. des Inscriptions et Bell. Lett., vol. xxxviii., p. 29, &c.—Schömann, "Plutarchi Agis et Cleomenes," &c., § 10.)—7. (Hom., Od., iv., 220.—Thyphrast. H. P., ix., 15.)—8. (Varro, De Ling. Lat., v., p. 56, Bipont.)—9. (Festus, s. v. Umbra.)—10. (Horat., Carm., iii., 88, l., &c.—Tertull., De Spect., 6.)—11. (Dioscor., iv., 82.—Walpole's Memoirs, &c., vol. i., p. 239.)

1. (Adams, Append., s. v.)—2. (De Ling. Lat., vi., 5.)—3. (Liv., vii., 19.)—4. (Vid. Lev. Gall. Cassip., 21, 22.)—5. (Ibid., 22.)

assigned over by a judicial sentence to several creditors, and it provided for the settlement of conflicting claims. The distinction between *nexum* and a *res iudicata* is obvious enough, though some writers have missed it.

The precise condition of a *nexus* has, however, been a subject of much discussion among scholars, and it is not easy to reconcile all the passages in which the term occurs so as to deduce from them a consistent view of the matter. Sometimes, indeed, *nexum* appears to be used in the same sense as *addictio*, which cannot cause any difficulty if we consider that the effect of being *nexus* and *addictus* was the same, as will presently be made probable.

A *nexum* was effected per *æs et libram*, in the form of a sale, and, of course, there was an object of sale; and this object of sale might be a thing or a person. A free man could not properly be the object of a sale, but it requires only a little acquaintance with Roman law to perceive that this difficulty could be got over by a fiction. In the case of manumission per *vindictam* there was a fiction that the slave was free, so there was here a fiction that the freeman was a slave. And if this is not admitted as a probable fiction, it cannot be denied that there is as much difficulty in understanding the coemptio of a *freeman*, who was *sui juris*, which, as a legal fact, is not certain, as the formal sale of a freeman with his consent. The notion of a freeman giving himself into the power of another, so far from being foreign to the notions of Roman law, as some writers have asserted, is perfectly consistent with what we see in the instance of adrogation. In *nexum*, then, being in the form of a sale, the *nexus* was in a servile condition as a necessary consequence of the *nexum*, and the opinion that it must be an *addictio* to give effect to the *nexum* is inconsistent with the notion of the *nexum*. According to this view, a *nexus*, as soon as the contract of *nexum* was made, was in the condition of an *addictus*, and both were treated as slaves. It has been urged that "one cannot discover any reason for this self-pledging (*nexum*), since every freeman, even when there was no *nexum*, must become his creditor's slave (*addictus*), and how can we understand that the abolition of the *nexum* was an advantage gained by the plebeians,¹ if the *addictio* still remained, which might be obtained even when there was no *nexum*; and it cannot be denied that it did remain!" The advantage consists precisely in the difference between a contract which cannot be enforced against a person without the intervention of legal proceeding, and a contract which at once gives a man a power over his debtor without application to a court of justice. The effect of the abolition of the *nexum*, in this its special sense, if the *addictio* still existed, may be illustrated by the supposed case of a landlord's remedy for the non-payment of his rent by distress being abolished, while his other remedies under the contract for letting and hiring remained.

It is remarked by Götting,² that "the comparison of the adrogation and the adoptio gives the strongest proof of the correctness of Savigny's view, and rejects the notion of a freeman pledging himself. In the case of the adrogation of a Roman, who was *sui juris*, there was no *mancipatio* which such a person could effect of himself; but in the case of adoption, a *mancipatio* occurs, and it is effected by the living father and the son together. In the case of coemptio, it certainly appears as if the woman of herself effected a self-mancipation; she, however, was not herself *auctor*, but her guardian is *auctor*."

(Liv., viii., 28.)—2. (Gesch. der Röm. Staatsverfassung.)

There may be some weight in this observation, the point of which appears to be this: there was no *mancipatio* in the case of adoption, where the adopted person was in the power of another, but no *mancipatio* in the case of adrogation, where the adopted person was not in the power of another. The tacit conclusion, then, seems to be, that if in one case there was no *mancipatio*, and yet a person was brought into the power of another with his own consent, there could be no *mancipatio* when a person consented to put himself into a servile relation to another; for it is here assumed that a *nexum* was voluntary. But this is not a legitimate conclusion. It is easy to see that *mancipatio* in the case of adoption, where the son was in the power of the father, was a sufficient form, considering that the person adopted was only a *filiusfamilias*; and that adrogation, which was of a person who was *sui juris*, was a very different matter, and required other forms to be observed, because the person adrogated was not a *filiusfamilias*. (Vid. ADOPTION.) A *nexum* effected no change of *familia*, like an adoption or adrogation; and, while its object was different from that of both of these ceremonies, it is quite consistent for its form to have been the same as the form of the one, and different from the form of the other.

The mode in which Götting¹ explains this matter of the *nexum* is as follows: "A free citizen can come into a *mancipii causa* when he cannot pay a loan (*æs confessum*) out of his own means. What in such case he has to give security for, that to which he has bound himself, is called *nexum* (namely, *æs*); hence the phrases *nexi datio*, *nexi liberatio*. The person who does such an act is called *nexus* (from *nexus nexūs*) *iniens*, *nexum faciens*; but after he has received the loan in the above solemn manner, he is *nexu obligatus*, *nexu victus*: as soon as he has failed to fulfil his obligation, and, in consequence of such failure, has been *addictus* (*addictus*), and given in *mancipium* by the magistrate, he is called *nexus* (adjective), *qui se nexum dedit*:" a more confused account of the thing, or one more remote from legal precision, cannot be imagined.

The *lex Poetilia* (B.C. 326) alleviated the condition of the *nexi*. So far as we can understand its provisions, it set all the *nexi* free, or made them *soluti*,² and it enacted that for the future, there should be no *nexum* (*cautumque in posterum ne neciterentur*), and that no debtor should, for the future, be put in chains. *Addictio*, however, still continued in force after the *lex Poetilia*, as we see in several instances.³ It appears from the *lex Gallia Cisalpina*,⁴ that in the case of other actions there was only a *possessio bonorum*, but in the case of *pecunia certa credita* there was personal execution. The enactment of the *lex Julia*, which introduced the *bonorum cessio*, and gradual changes in society, must have diminished the frequency of the *addictio*. (Vid. BONORUM CESSIO.)

Neither the *addictus* nor the *nexus* was a slave, and his *ingenuitas* was only in suspense. As to the *nexum*, it must have been necessary that the effect of the legal act by which the *ingenuus* was made a *nexus* should be done away with by another legal act; and this seems to be the *nexi liberatio* which was done per *æs et libram*. It also appears, from a passage in Livy,⁵ that a certain person, who was *judicatus pecunie*, and is not described as *nexus*, was released from his obligation per *æs et libram*. In the time of Gaius, an imaginary form of payment per *æs et libram* was retained in cases where the

1. (p. 123.)—2. (Liv., viii., 28, "nexi soluti.")—3. (Liv., xxiii., 14.—Sall., Cat., 33.—Cicero, Pro Flacco, 20.)—4. (c. 21, 22.)—5. (vi., 14.)

obligation was contracted either per æs et libram, or was due ex iudicati causa.¹ There seems, indeed, no reason why this ceremony should have been used in the case of an addictus who wished to be restored to his former state, for the addictio was by implication only to have an effect till the debt was paid. It might be contended that such was the effect of the nexum also; but we must distinguish between the effect of a sentence of the prætor and a solemn act like that of the nexum, which was in form a transfer of ownership. The addictus was protected against injuria from his master,² and it is said that he retained his name and tribe; but it is somewhat difficult to understand how he retained his tribe, since he had sustained infamia. Upon the discharge of his obligations, the addictus, it seems, returned to his former status.

It was Niebuhr's opinion that the nexum, when it became a form of giving security, had not its complete effect until the debtor was unable to pay, and was brought into the condition of a debtorslave by the addictio. An answer to this is contained in a passage already quoted. If it required an addictio to make a person nexus, what was the use of a nexum when a man might become addictus, even when there was no nexum? The only intelligible solution of all these difficulties is, that a nexum had an immediate effect.

It seems to be a legal consequence of a nexum and an addictio, that the children, if they were in the power of the parent, must follow his condition, as in the case of adrogation.

In the case mentioned in Livy,³ where the son is said to have been nexus for his father's debt (*cum se nexum dedisset*), it may be that the father bound his son only, which he could certainly do just in the same way as he could mancipate him. If the son was not in his father's power, he could still bind himself on behalf of his father. The expression in Livy does not enable us to determine which of the two possible cases was the real case, but it seems probable that the son was in the power of the father.

The meaning of the provision in the Twelve Tables, as cited by Gellius, as to cutting the debtor in pieces, has been a subject of much discussion. Taylor, in his essay (*Comment. ad L. Decemviralem de Inope Debitore in partis dissecando*), attempts to prove that Gellius misunderstood the old law, and that the words of the Twelve Tables, "*partis secanto: si plus minusve secuerint se fraude esto*," mean that the several creditors are entitled to have the "partis," that is, the "operæ" of the addictus, divided or distributed among them; and he goes on to explain the rest of the law in these terms: "*Communis sit servus eorum, qui quidem adfuerint; et sine fraude esto, si ceteri toties prociatati suas quoque partis in debitore non vindicaverint*." But the arguments of Taylor are by no means satisfactory. The conjecture that the "partis" are the shares of the credit

at that time, if the creditors could not agree themselves, there was no possible mode of their conflicting claims than that which the Decemviri gave them, and which they adopt if they chose. Such a law could be carried into effect in any country, as the law must have well known, and thus, while fully satisfied the claims of the creditors, it may have turned out really favourable to the debtor. (*Vid.* the remarks of Gellius on the law.) But the solution of the difficulty is quite a different matter from the fact of the law, which is in no way to be questioned, and we cannot explain it.

The various authorities on the subject of nexum and addictio are referred to by Römer. *Privatrecht*, p. 313, &c. The writer of this article has not had the advantage of seeing the work of Savigny, *Ueber das altrömische Schulrecht*, Berlin, 1834, and is only generally acquainted with it from other works. The whole subject is encumbered with difficulty, as will appear from a reference to the various writers on this subject. A note of Walter⁴ appears to contain the truth as to the difference between the effect of a nexum and a res iudicata; but he rejects the idea of a man selling or pledging himself.

NIMBUS VITREUS. (*Vid.* NIX.)

*NITRUM (*νίτρον*). "It is scarcely necessary to remark," says Adams, "that the Latin *nitrum* and the Greek *νίτρον* was a very different salt from the modern nitrate of potass; but it is not so easy to determine its real nature. Geoffroy looked upon it as having been of the same nature as the salt of tartar or potash; but it is more probable that it was a native composition. It appears from Martial and Serapion that it was nearly allied to common salt, which we know to be a compound of soda. From the circumstances mentioned in the Bible, that an effluence was produced by pouring vinegar upon it, it may also determine, with some confidence, that it was a carbonate. It seems probable, therefore, that it was a carbonate of soda. This is also the opinion of Coray, no mean authority on such a matter. Kidd, however, maintains that, though the Latin *natron* and *nitrum* are commonly applicable to native carbonate of soda, they were sometimes applied likewise to saltpetre and sal ammoniac. Pliny thinks that the following sentence applies it to the latter: '*Calce aspersum reddet vehementem*.' The *νίτρον* is called *χαλιστρα* by Plato, from Chalistra, a lake in Macedonia."

NIX (*χιών*). Snow, was used by the Greeks and Romans in various ways as an accompaniment to their meals in warm weather. The great use of the practice is shown by Athenæus.⁵ The wine cooled by the admixture of snow when the wine was mixed in the vase (*vid.* snow was poured into it instead of water

Roman citizen, besides belonging to a family, was also a member of a familia contained in a *triumviratus*, and, as a member of such a familia, he had to have a third name or cognomen. Such cognomina were derived by the Romans from a variety of accidental or bodily peculiarities, or from some event in the life of the person who was regarded as the founder of the familia. Such cognomina were Asper, Imperiosus, Magnus, Maximus, Fabia, Brutus, Capito, Cato, Naso, Labeo, Cæcero, Scipio, Sulla, Torquatus, &c. These cognomina were in most cases hereditary, and descended to the latest members of a familia; in some cases they ceased with the death of the person to whom they were given for special reasons. Many persons had a second cognomen (*cognomen secundum agnomen*), which was given to them as an honorary distinction, and in commemoration of some memorable deed or event of their life, e. g., Cæcilius, Asiaticus, Hispanus, Cretensis, Macedonicus, Numantianus, &c. Such agnomina were sometimes given by one general to another, sometimes by the army and confirmed by the chief general, sometimes by the people in the comitia, and sometimes they were assumed by the person himself, as in the case of L. Cornelius Scipio Asiaticus. Sometimes, also, a person adopted a second cognomen which was derived from the name of his mother, as M. Porcius Cato Salonianus or Saloninus, who was the son of M. Cato Censorius and of Salonia.¹ The regular order in which these names followed one another was this: 1. prænomen; 2. nomen gentilitium; 3. cognomen primum; 4. cognomen secundum or agnomen. Sometimes the name of a tribe to which a person belonged was added to his name, in the ablative case, as Q. Verres Romanus, C. Claudius Palatina, Ser. Sulpicius Lemonia. No one was allowed to assume a nomen gentilitium or a cognomen which did not belong to him, and he who did so was guilty of falsum.² Cognomina must have been in comparatively few cases. Some persons had a fourth name or agnomen; but the others were, at least at a late period, when the plebeian aristocracy had become established, thought indispensable to any one who claimed to belong to an ancient family.³ In the intercourse of common life, however, and especially among friends and relatives, it was customary to address one another only by the prænomen or cognomen, as may be seen in the letters of Cicero. It was but very seldom that persons were addressed by their nomen gentilitium. The most common mode of stating the name of a person, in cases where legal accuracy was not the object, was that of mentioning the nomen and cognomen, with the omission of the nomen gentilitium, which was easily understood. Thus Caius Julius Cæsar would, during the better part of the Republic and in familiar address, be called Caius, otherwise Caius Cæsar, or even Caius Julius, but never Julius Cæsar, which was only used during the latter period of the Republic and the Empire, as in Albius Tibullus, Cornelius Cæcilius, Menenius Agrippa, &c. A very common mode of stating the name of a person during these earlier times was that of merely mentioning the cognomen, provided the person bearing it was sufficiently known or notorious, as we speak of Milton Johnson, without adding any other distinction, although there are many persons bearing the same name. The most common of these cases among the Romans are Verres, Carbo, Cato, Cæpio, Cicero, Cæsar, Sulla, &c. In the time of Augustus and Tiberius, it became very common to invert the an-

cient order of nomen and cognomen, and to say, e. g., Drusus Claudius, or Silvanus Plautius, instead of Claudius Drusus and Plautius Silvanus.⁴

Roman women had likewise sometimes a cognomen, although instances of it are very rare. It was sometimes, like that of men, derived from personal peculiarities, such as Rufa and Pusilla;⁵ sometimes from the nomen gentilitium of their husbands, as Junia Claudilla, Ennia Nævina,⁶ Livia Ocellina,⁷ and sometimes from the cognomen of their husbands, as Cæcilia Metella.

During the latter part of the Republic and the early period of the Empire, when the Roman franchise was given to whole countries and provinces, the persons who thus acquired the civitas frequently adopted the prænomen and nomen of the person through whose interest they had obtained the distinction, or of the emperor himself. After the time of Caracalla (A. D. 212), when all the free inhabitants of the Empire had obtained the Roman franchise, and when the gentilician relations which had already gradually fallen into oblivion were totally forgotten, any person might adopt what name he pleased, either ancient or newly invented, and even change his name if he did not like it;⁸ and henceforth the ancient Roman names disappear from the history of the Empire with incredible rapidity.

If a person, by adoption, passed from one gens into another, he assumed the prænomen, nomen, and cognomen of his adoptive father, and added to these the name of his former gens, with the termination *anus*. Thus C. Octavius, after being adopted by his uncle C. Julius Cæsar, was called C. Julius Cæsar Octavianus, and the son of L. Æmilius Paullus, when adopted by P. Cornelius Scipio, was called P. Cornelius Scipio Æmilianus. (*Vid. ADOPTION, ROMAN.*) There were, however, two gentes, viz., the gens Antonia and the gens Flaminia, which, in case of any of their gentiles being adopted into another gens, took the termination *inus* instead of *anus*, as Antoninus and Flamininus, instead of Antonianus and Flaminianus. Sometimes, also, the cognomen of the former family was retained, and added, without any alteration, to the name of the adoptive father, as in the case of Q. Servilius Cæpio Brutus.⁹ This was only done in case the cognomen was of great celebrity; and it sometimes underwent a change in the termination. Thus Claudius Marcellus, when adopted by Cornelius Lentulus, was called Cornelius Lentulus Marcellinus.⁷ If one man adopted two brothers, the adoptive father might choose any prænomen at his discretion, in order to distinguish his adoptive sons from each other. Thus, when Augustus adopted the two sons of Agrippa, he gave to the one the prænomen Caius, and to the other the prænomen Lucius.⁸ During the early period of the Empire, it appears to have sometimes occurred that a person, when adopted into another gens, added his own nomen gentilitium without any alteration, to that of his adoptive father, as in the cases of C. Plinius Cæcilius Secundus and L. Ælius Aurelius Commodus.⁹ Besides this, many other irregularities occurred in cases of adoption during the period of the Empire, but it is not necessary for our purpose to enumerate them here.

Slaves had only one name, and usually retained that which they had borne before they came into slavery. If a slave was restored to freedom, he received the prænomen and nomen gentilitium of his former master, and to these was added the name

(Gellius, xiii., 19.—Plut., Cat. Maj., 24.)—2. (Cic. in Verr., i., 3.—3. (Cic. in Verr., ii., 43.)—4. (Cic., Philipp., ix., 7.)—5. (Cic., de Officiis, i., 13.)—6. (Juv., vi., 127.)

1. (Vell. Patere., ii., 97, 112.)—2. (Horat., Sat., ii., 3, 216.)—3. (Suet., Calig., 12.)—4. (Suet., Galb., 3.)—5. (Cod. 9, tit. 25.)—6. (Eckhel, Doctr. Num., vol. v., p. 59.)—7. (Eckhel, Doctr. Num., vol. v., p. 59 and p. 187.)—8. (Vell. Patere., ii., 96.)—9. (Dion Cass., Excerpt., lib. lxxii., c. 15.)

which he had had as a slave. He became thus, in some measure, the gentilis of his former master, in as far as he had the same nomen gentilicium, but he had none of the other claims which a freedman gentilis had.¹ Instances of such freedmen are Titus Ampius Menander, a freedman of T. Ampius Balbus;² L. Cornelius Chrysoygonus, a freedman of L. Cornelius Sulla;³ M. Tullius Laurea and M. Tullius Tiro, freedmen of M. Tullius Cicero. It appears, however, that the emancipator sometimes avoided giving to his freedman his nomen gentilicium, for Dion Cassius⁴ mentions a freedman of J. Cæsar whose nomen gentilicium is Licinius. If the state emancipated a servus publicus, and gave him the franchise at the same time, any prænomen and nomen were given to him, or he took these names from the magistrate who performed the act of emancipation in the name of the state, and then received a cognomen derived from the name of the city, as Romanus or Romanensis.⁵

ΝΟΜΙΣΜΑΤΟΣ ΔΙΑΦΘΟΡΑΣ ΓΡΑΦΗ (*νομίσματος διαφθορῆς γραφή*) is the name of the public action which might, at Athens, be brought against any one who coined money either too light in weight or not consisting of the pure metal prescribed by the law. The lawful punishment inflicted upon a person in case he was convicted was death.⁶ What action might be brought against those who coined money without the sanction of the Republic, and how such persons were punished, is not known.⁷

ΝΟΜΟΦΥΛΑΚΕΣ (*Νομοφύλακες*). This name denotes certain magistrates or official persons of high authority, who exercised a control over other magistrates, and, indeed, over the whole body of the people, it being their duty to see that the laws were duly administered and obeyed. Mention is made of such officers at Sparta and elsewhere, and some of the Greek philosophers who wrote on legislation appear to have thought that such a body of men was essential to the well-being of a social community.⁸ No such body existed at Athens, for they must have had a power too great for the existence of a democracy. The senate of 500, or the ἀπογραφικὸν συνέδριον, performed in some measure the office of law-guardians;⁹ but the only persons designated by this name appear to have been inferior functionaries (a sort of police), whose business it was to prevent irregularities and disturbances in the public assemblies. Even their existence has been doubted by modern writers: some think they have been confounded with the *θεσμοβίται*. Another hypothesis is, that the office was never introduced until the time of Demetrius Phalereus, who, when he was invested with the authority of lawgiver by Cassander, gave to the Eleven the additional duty of watching the conduct of all the other magistrates, with a view to introduce a more aristocratical government. In favour of this opinion, it has been observed, that the office of *νομοφύλακες* is only mentioned by grammarians, and they refer to Dinarchus, who was the friend and contemporary of Demetrius.¹⁰

NOMOS (*νόμος*). This word comprehends the notion not only of established or statute law, but likewise of all customs and opinions to which long prescription or natural feeling gives the force of law; as Euripides¹¹ expresses it, *τὸ ἐν χρόνῳ μακρῷ νόμον ἀεὶ φέσει τε πεφυκός*. In the heroic ages,

before the period of authentic history we find in the Homeric and other poems a general belief among the Greeks that government ought to be controlled by law. As even the supreme God was supposed to be subject to power, Fate or *Ἀναγκή*, so the *Διοσφύλης* was bound to govern according to the rule of law, *δίκη, νόμος, εἰνομίη*.¹ Government, monarchical and hereditary, was nevertheless, *ἐπὶ ῥητοῖς γέρασι*.² The monarchs were bound to consult for the good of their people, and to listen to the advice of counsellors, or the chief men of the state (*ἀνακτες, &c.*), and also to administer justice *θέμιστας, εὐδικίας*.³

These notions of law and justice were very vague. The regal power, though in practice, appears to have been absolute in and, as such, was easily liable to be abused. We find complaints of the abuse of power in Hesiod⁴ and Wachsuth⁵ remarks that the Odyssey contains indications of a struggle of the nobility against the sovereign. That many beneficial changes introduced by Theseus may be ascribed in this light. But the first great step towards the establishment of constitutional law appears to have been taken by the Athenians, when they assumed the power of the Medontidae, and rendered themselves responsible, *τὴν βασιλείαν μετέστησαν ὑπεύθυνον*.⁶

The transition from customary or traditional law to fixed civil ordinances must have taken place gradually. When people came to unite in compact societies, they began to feel the necessity of having permanent laws to define and secure their civil rights. The notion soon sprang up that society was formed for the good of all classes. The expression *τὸ κοινόν*, formerly applied to national leagues and confederations, came to denote a united body of citizens, and equal laws were claimed for all. From this body, indeed, were excluded all such persons as came under the definition of *περίοικοι*, provincials,⁷ or serfs, like the Helots, and all slaves of every kind. It was only the townsman (*πολίτης*) and the freeman who could enjoy the privileges of a citizen. The emigrant (*ἀτίμητος μεταναστής*), though, if he became a resident (*μέτοικος*), he was, upon certain conditions, admitted to the protection of the law, was never placed on the same footing as the native.

Before any written codes appeared, law was promulgated by the poets or wise men, who sang the great deeds of their ancestors, and delivered their moral and political lessons in verse. Such was the *ῥήτρα* (declared law) of Sparta and Tarantum. The laws of Charondas were sung as oracles at Athens.⁸ The influence exercised by these measures arose in a great measure from the belief that they were divinely inspired, a power which was ascribed to most of the ancient law-makers. Thus the laws of Minos were said to be a revelation from Jupiter;⁹ Lycurgus was the confidant of the Delphic god; Zaleucus of Pallas.¹⁰ Some have supposed that the use of *νόμος*, in the sense of *law*, was derived from the circumstance of laws having first been in verse, as the same word denotes *measure* or *tune*. But this is not surprising, when we consider that *πρᾶ-*

1. (Cic., Top., 6.)—2. (Cic. ad Fam., xiii., 70.)—3. (Cic., Pro Rosc. Am., 2, &c.)—4. (liv., 21.)—5. (Varro, De Ling. Lat., vii., p. 134, &c., Bipont.—Liv., iv., 61.)—6. (Demosth., c. Lept., p. 508.—Id., c. Timocr., p. 765, &c.)—7. (Vid. Petitus, Leg. Att., p. 510.)—8. (Schömann, Ant. Jur. Pub. Gr., p. 130.—Plato, Leg., vi., p. 252.—Xen., Œcon., ix., 14.)—9. (Arist., Pol., vi., 5, sub fin.—Andoc., De Myst., 11.)—10. (Vid. Schneider's note to Aristotle, Pol., vi., 5, § 10.—Wachsuth, i., 1, p. 209.—Meier, Att. Proc., p. 68-73.)—11. (Bacch., 893.)

1. (Hom., Od., xvii., 457.—Pind., Pyth., ii., 157.—Hesod., 38.—Hes., Op. et D., 274.)—2. (Thucyd., i., 13.)—3. (Il., ii., 660.—Ib., xvi., 542.—Od., xix., 8.—Ib., iv., 689.)—4. (Op. et D., 39, 258.)—5. (Hell. Alt., i., c. 18.)—6. (Paus., iv., 3, § 10.)—7. (Herod., v., 109.)—8. (Herod., vi., 58.—Id., ix., 11.)—9. (Ælian, ii., 39.—Arist., Probl., xix., 28.—Athenæus, xiv., p. 619.)—10. (Wachsuth, Hell. Alt., i., p. 201, 205.)—11. (Pausan., ii., 2, § 4.)—12. (Wachsuth, l., i., p. 204.)

of harmony are necessary not only to music, but to the adjustment of the various relations of civil society; and both meanings may well extend from *vémew* (*distribuere suum cuique*).

Civilization advanced, laws were reduced to the shape either of regular codes or ordinances, and afterward publicly exhibited, on tablets, or hewn on columns.¹ The ten laws we hear of are those of Zaleucus.² The laws at Athens were those of Draco, called by that name distinguished from the Solon.³ From the origin of this word, one suppose that it signified ordained or statute *θεθείς νόμος*: but it is frequently used like the sense of natural right or social usage.⁴ inferior archons were called *δημοθέται*, a great variety of causes fell under their care, and, in the absence of a written code, they declare and interpret the laws may be said to make them.⁵

The laws of Lycurgus were not written. He held that they should never be inscribed on any other tablet than the hearts of his countrymen.⁶

Those of Solon were inscribed on wooden tablets, arranged in pyramidal blocks turning on an axis, called *ἄζονες* and *κύβεις*.⁷ They were first hung in the Acropolis, but afterward brought down to the Prytaneum.⁸ Archives were established for the custody of Athenian laws in the temple of the mother of the gods (*ἐν τῷ μητρόῳ*), with a public servant (*δημόσιος*) to take care of them.⁹ Others were hung up in various public places, so that any citizen might have access to them, to read or take extracts. For instance, laws which concerned the jurisdiction of the archon were hung up in his office; those which concerned the senate (*βουλευτικοὶ νόμοι*) in their council-room, and so on.¹⁰ After the expulsion of the thirty tyrants, in the archonship of Euclides, a decree was passed by the assembly to restore the ancient laws, and appoint a committee to revise them, and propose any alterations or additions that might seem necessary. The new and old laws were all to be written out in the enlarged Ionian alphabet, which had not come into use in Solon's time; and the whole code, thus revised, was transcribed on the walls of the portico (*εἰς τὴν στοῶν ἀνέγραψαν*). At the same time it was enacted that no magistrate should be allowed to use an unwritten law (*ἀγράφο δὲ νόμον τὰς ἑρχὰς μὴ χρῆσθαι μηδὲ περὶ τῆς*).¹¹

According to these statutes of Solon, and those which were subsequently enacted at various times, the magistrates and the judges at Athens were bound to administer the law, executive and judicial. The heliastic body, acting in their capacity of judges or jurors (as to their legislative, see *ΝΟΜΟΘΗΤΕΣ*), were sworn *περὶ μὲν ὧν νόμοι εἰσὶ, κατὰ τοὺς νόμους ψηφισέσθαι, περὶ δὲ ὧν μὴ εἰσὶ, γνώμῃ τῇ δικαιοτάτῃ*.¹² In all causes, whether civil or criminal, the parties procured copies or extracts of such laws as were material to the questions to be tried, and brought them before the *ἡγεμῶν δικαστηρίων* at the *ἀνάκρισις*, by whom they were assigned to the *ἐχθίος*, and produced at the trial, to be read to the *δικασταί* by the *γραμματεῖς*. If any man produced before the judges a fictitious law (*οὐκ ὄντα νόμον*), he was punishable with death.¹³

As the *δικασταί* (chosen as explained under *ΔΙΚΑΣΤΕΣ*) performed the functions of both judge and jury, it is evident that the important question, how the laws of Athens worked, depends on the discretion which in practice they exercised in the interpretation of the written law. This is only to be discovered by a careful perusal of the Attic orators, and is too wide a question to be discussed here. Much light is thrown on the subject by Aristotle,¹ who, in treating of judicial matters, always has in view the practice of the Athenian courts. He reckons the *νόμοι* among the *ἀτεχνοὶ πύσεις*, and advises the orator, when the law of the country is against him (*ἐὰν ἐναντίος ᾖ ὁ γεγραμμένος τῷ πράγματι*), to appeal to the universal law of justice or equity (*τῷ κοινῷ νόμῳ καὶ τοῖς ἐπιτεκνίῳ, ὡς δίκαιοτέροις*). For (says he) if the written law is contrary to justice, it is not a law, *οὐ γὰρ ποιεῖ τὸ ἔργον τοῦ νόμου*. From this it may be seen, that the notions entertained by the Athenians of the discretion to be exercised by a judge were somewhat different from our own. There existed at Athens no class of persons corresponding to our counsel or attorneys, whose business or profession it was to expound the laws. The office of the *ἐξήγηταί* related only to religious observances. (*Ἰδ. ἘΧΘΕΤΑΙ*.) According to the principle of the constitution, every citizen was bound to watch over the preservation of the laws, and to inform against and prosecute any persons who transgressed them. The people, either on the bench or in the assembly, were the ultimate judges.²

As to the difference between *νόμος* and *ψήφισμα*, and as to the manner in which laws were enacted or repealed, see *ΝΟΜΟΘΗΤΕΣ*.

NOMOTHETES (*νομοθέτης*), legislator, is a word which may be applied to any person who causes laws to be enacted. Thus Pericles and Themistocles are called *νομοθέται*, movers or proposers of laws.³ It is, however, more commonly given to those eminent men whose laws have been celebrated for their intrinsic merit, or for the important influence which they exercised over the destinies of their country. Such were Minos of Crete, Draco at Athens, Zaleucus at Locri, and Charondas, whose laws were distinguished for their *ἀριστεία*, and were received at Rhegium, Catania, and other Chalcidian states.⁴ Many other men have been honoured with this title, either for having improved the laws of their countrymen, or as having, by their writings, their counsel, and their good example, led to the introduction of a sound moral discipline among them. These were the sages or wise men, called by Diogenes Laertius *σοφιστοὶ τινες καὶ νομοθετικοί*. Pittacus of Lesbos, Phidon of Argos, Thales of Miletus, Bias of Priene, Chilon, who improved the laws of Lycurgus, and Pythagoras, may be reckoned in this class.⁵ But the name of *νομοθέτης* is given κατ' ἐξοχὴν to Solon and Lycurgus; for they not only introduced codes of laws, but were founders of *constitutions* (*πολιτείας*), which, though from time to time modified and altered, and sometimes even suspended, remained more or less in force so long as Athens and Sparta existed as republics.⁶ So high was the esteem in which Solon was held by the Athenians, as the founder of their social polity, that, although many important reforms were effected at various periods, he still continued to be regarded as the *lawgiver* (*ὁ νομοθέτης*), and the whole body of laws passed under his name. Wachsmuth⁷ remarks, that on this account, whenever a law of Solon is cited, we may suspect that

1. (Lyc., c. Leoc., 165, ed. Steph.—Aristot., Pol., v., 9, § 2.—Plato, Leg., v., p. 738.)—2. (Wachsmuth, l., i., p. 208.)—3. (Andoc., De Myst., p. 11, ed. Steph.)—4. (Hom., Il., ix., 134; xi., 78.—Od., xxiii., 296.)—5. (Thirlwall, Hist. of Gr., vol. ii., p. 17.)—6. (Thirlwall, i., p. 336.)—7. (Harpocrat.—Suidas, s. v.—Plut., Solon, 25.)—8. (Harpocrat., s. v. ὁ κἀρωθεν νόμος.—Pausan., i., 18, § 3.)—9. (Demosth., De Fals. Leg., 381; c. Aristot., 799.)—10. (Demosth., c. Aristot., 627-643; c. Timoc., 706.—Wachsm., l., i., p. 266.—Meier and Schömann, Att. Proc., p. 170, 660.)—11. (Andoc., De Myst., 11-13, ed. Steph.)—12. (Meier and Schömann, Att. Proc., p. 128.)—13. (Demosth., c. Arist., 807.)

1. (Rhet., i., 15.)—2. (Lycurg., c. Leoc., 148, ed. Steph.)—3. (Lys., c. Nicom., 186, ed. Steph.)—4. (Aristot., Pol., ii., 9, § 8.—Hermann, Pol. Ant., § 88, 89.)—5. (l., 40.)—6. (Wachsm., l., i., p. 212.)—7. (Aristot., Pol., ii., 9, § 1.)—8. (l., i., 268.)

it contains interpolation. On the other hand, we should bear in mind that in all the changes which took place in the Athenian constitution, the reformers aimed at preserving the main principles of Solon's policy. Clisthenes, who established the *δημοί*, remodelled the *φυλαί*, and made other changes, is characterized by Aristotle¹ as having for his object *αὐξῆσαι τὴν δημοκρατίαν*.

There is this remarkable difference between the legislation of Solon and that of other Greek lawgivers, that he did not (as they did) endeavour to secure fixity and finality for his institutions. Zaleucus and Charondas are said to have made it a capital crime to propose new laws. Lycurgus forbade young men to censure the laws; and when he went on his last journey, from which he never returned (the story says), he bound his countrymen by an oath to observe all his laws till his return. Solon exacted a similar oath of the Athenians for only ten years.²

But Solon also devised regulations by which the laws might undergo periodical revision, and be amended as occasion required. At the first *κυρία ἐκκλησία* in every year, any person was at liberty to point out defects in the existing code or propose alterations. If his motion was deemed worthy of attention, the third assembly might refer the matter to a legislative committee, called *νομοθέται*. This committee was selected by lot from the heliastic body; it being the intention of Solon to limit the power of the popular assembly by means of a superior board emanating from itself, composed of citizens of mature age, bound by a stricter oath, and accustomed to weigh legal principles by the exercise of their judicial functions. The number of the committee so appointed varied according to the exigency of the occasion. The people appointed five advocates (*σύνδικοι*) to attend before the board and maintain the policy of the existing institution. If the proposed measure met the approval of the committee, it passed into law forthwith. Besides this, the thesmothetæ were officially authorized to review the whole code, and refer all statutes which they considered unworthy of being retained to the *νομοθέται*.³

Hence appears the difference between *ψήφισμα* and *νόμος*. The mere resolution of the people in assembly was a *ψήφισμα*, and only remained in force a year, like a decree of the senate. Nothing was a *law* that did not pass the ordeal of the *νομοθέται*. The democracy of Solon was therefore one of that kind, in which (as Aristotle says), *κύριος ἦν ὁ νόμος ἀλλ' οὐ τὸ πλῆθος*.⁴ *Privilegia* required to be passed by six thousand of the people in assembly, giving their votes secretly. The naturalization of a foreigner is an example of a *privilegium*, for which two votes of different assemblies were necessary.⁵

Propositions to be submitted to the people were first approved by the senate of 500, and then called *προβουλευματα*. The mover of a law was said *θεῖναι* or *γράφειν νόμον*, the people who passed it *θεσθαί*. To enact a man for proposing illegal measures was called *γράφεσθαι τινα παρανόμων*. As to the proceedings in such a case, see ΠΑΡΑΝΟΜΩΝ ΓΡΑΦΗ.

NONÆ. (Vid. CALENDAR, ROMAN.)

NORMA (γνώμων), a square used by carpenters, masons, and other artificers, to make their work rectangular.⁶ It was made by taking three flat

wooden rulers (*vid. REGULA*) of equal thickness, one of them being two feet ten inches long, the others each two feet long, and joining them together by their extremities so as to assume the form of a right-angled triangle.¹ This method, though only a close approximation, must have been quite sufficient for all common purposes. For the sake of convenience, the longest side, *i. e.*, the hypotenuse of the triangle, was discarded, and the instrument then assumed the form in which it is exhibited among other tools in the woodcut at p. 252. A



square of a still more simple fashion, made by merely cutting a rectangular piece out of a board, is shown on another sepulchral monument, found at Rome and published by Gruter,² and copied in the woodcut which is here introduced.

From the use of this instrument, a right angle was also called a *normal* angle.³ Anything mistaken was called *abnormis*.⁴

NOTA CENSORIA was the remark which the censors in their lists wrote by the side of the name of a Roman citizen who deserved censure for misdemeanour or immoral conduct. For one important branch of the power of the Roman censors was the *disciplina* or *cura morum*, whence they are called by Cicero⁵ *praefecti moribus et magistri veteris disciplinae et severitatis*. This part of the censorial power appears at first to have extended no farther than to censure and to punish the bad conduct of a citizen in so far as it had an injurious influence on his census,⁶ but gradually it acquired the character of a complete superintendence of the whole private and public life of a citizen. This part of their office invested them with a peculiar kind of jurisdiction, which in many respects resembles that which in modern times is exercised by public opinion; for there are innumerable actions which, though acknowledged by every one to be bad and immoral, yet do not come within the reach of the positive laws of a country. Even in cases of real crimes, the positive laws frequently punish only the particular offence, while in public opinion the offender, even after he has undergone punishment, is still incapacitated for certain honours and distinctions, which are granted only to persons of unblemished character. Hence the Roman censors might brand a man with their *nota censoria* in case he had been convicted of a crime in an ordinary court of justice, and had already suffered punishment for it.⁷ The *nota censoria*, also called *animadversio* or *nota censoria*, together with the punishment and the

1. (Pol., ii., 6, § 11.)—2. (Herod., i., 29.—Wachsm., I., i., p. 211.—Thirlwall, Gr. Hist., i., 295.)—3. (Hermann, Pol. Ant., § 131.—Wachsm., I., i., p. 260.—Thirlwall, ii., p. 46.—Demosth., c. Timoc., 706.)—4. (Pol., IV., 4, § 3.—Hermann, Pol. Ant., § 67, n. 8.—Demosth., c. Aristoc., 649, 651.)—5. (Demosth., c. Neem., 1375.)—6. (Philo de 7 orb. Spect., 2.—Vitruv., vii., 3.—Plin., H. N., xxxvi., 22, s. 51.—Prudent., Psycho.n., 898.)

1. (Isid., Orig., xix., 19.)—2. (l. c., p. 229.)—3. (Quintil., ii., 3, p. 446, ed. Spalding.)—4. (Hor., Sat., ii., 2, 3.—3. (Pro Cl. ent., 26.)—6. (Liv., iv., 8.)—7. (Val. Max., ii., 9, § 6.)

cause of its infliction, were marked by the side of the name of the guilty citizen (*causam notæ subscribere*). The consequence of such a nota was only *ignominia*, and not *infamia*¹ (*vid. INFAMIA, ROMAN, p. 535*), and the censorial edict was not a *judicium* or *res judicata*,² for its effects were not lasting, but might be remedied by the improved conduct of the guilty person, or removed by the following censors, by a judicial decision, or by a *lex*. A *nota censoria* was, moreover, not valid unless both censors agreed. The *ignominia* was thus only a transitory *capitis diminutio*, which does not even appear to have deprived a magistrate of his office,³ and certainly did not disqualify persons labouring under it for obtaining a magistracy, for being appointed as judges by the prætor, or for serving in the Roman armies. Mam. Æmilium was thus, notwithstanding the *animadversio censoria*, made dictator.⁴

A person might be branded with a censorial nota in a variety of cases, which it would be impossible to specify, as in a great many instances it depended upon the discretion of the censors and the view they took of a case; and sometimes even one set of censors would overlook an offence which was severely chastised by their successors.⁵ But the offences which are recorded to have been punished by the censors are of a threefold nature.

I. Such as occurred in the private life of individuals, *e. g.*, 1. Living in celibacy at a time when a person ought to be married to provide the state with citizens.⁶ The obligation of marrying was frequently impressed upon the citizens by the censors, and the refusal to fulfil it was punished with a *fine* (*as uxorium*).⁷ 2. The dissolution of matrimony or betrothment in an improper way, or for insufficient reasons.⁸ 3. Improper conduct towards one's wife or children, as well as harshness or too great indulgence towards children, and disobedience of the latter towards their parents.⁹ 4. Inordinate and luxurious mode of living, or spending more money than was proper. A great many instances of this kind are recorded.¹⁰ At a later time the *leges sumtuarie* were made to check the growing love of luxuries. 5. Neglect and carelessness in cultivating one's fields.¹¹ 6. Cruelty towards slaves or clients.¹² 7. The carrying on of a disreputable trade or occupation,¹³ such as acting in the theatres.¹⁴ 8. Legacy-hunting, defrauding orphans, &c.

II. Offences committed in public life, either in the capacity of a public officer or against magistrates. 1. If a magistrate acted in a manner not befitting his dignity as an officer, if he was accessible to bribes or forged auspices.¹⁵ 2. Improper conduct towards a magistrate, or the attempt to limit his power, or to abrogate a law which the censors thought necessary.¹⁶ 3. Perjury.¹⁷ 4. Neglect, disobedience, and cowardice of soldiers in the army.¹⁸ 5. The keeping of the *equus publicus* in bad condition. (*Vid. EQUITES.*)

III. A variety of actions or pursuits, which were thought to be injurious to public morality, might be forbidden by the censors by an edict,¹⁹ and those who acted contrary to such edicts were branded

with the nota and degraded. For an enumeration of the offences that might be punished by the censors with *ignominia*, see Niebuhr, *Hist. of Rome*, ii., p. 399, &c.

The punishments inflicted by the censors generally differed according to the station which a man occupied, though sometimes a person of the highest rank might suffer all the punishments at once, by being degraded to the lowest class of citizens. But they are generally divided into four classes:

1. *Motio* or *ejectio e senatu*, or the exclusion of a man from the number of senators. This punishment might either be a simple exclusion from the list of senators, or the person might at the same time be excluded from the tribes and degraded to the rank of an *æriarian*.¹ The latter course seems to have been seldom adopted; the ordinary mode of inflicting the punishment was simply this: the censors, in their new lists, omitted the names of such senators as they wished to exclude, and in reading these new lists in public, passed over the names of those who were no longer to be senators. Hence the expression *preteriti senatores* is equivalent to *e senatu ejecti*.² In some cases, however, the censors did not acquiesce in this simple mode of proceeding, but addressed the senator whom they had noted, and publicly reprimanded him for his conduct.³ As, however, in ordinary cases, an *ex-senator* was not disqualified by his *ignominia* for holding any of the magistracies which opened the way to the senate, he might at the next census again become a senator.⁴

2. The *ademptio equi*, or the taking away the *equus publicus* from an *eques*. This punishment might likewise be simple, or combined with the exclusion from the tribes and the degradation to the rank of an *æriarian*.⁵ (*Vid. EQUITES, p. 416.*)

3. The *motio e tribu*, or the exclusion of a person from his tribe. This punishment and the degradation to the rank of an *æriarian* were originally the same; but when, in the course of time, a distinction was made between the tribes *rusticæ* and the tribes *urbane*, the *motio e tribu* transferred a person from the rustic tribes to the less respectable city tribes; and if the farther degradation to the rank of an *æriarian* was combined with the *motio e tribu*, it was always expressly stated.⁶

4. The fourth punishment was called *referre in ærarios*,⁷ or *facere æriarium*,⁸ and might be inflicted on any person whom the censors thought to deserve it. (*Vid. ÆRARIUM*.) This degradation, properly speaking, included all the other punishments, for an *eques* could not be made an *æriarius* unless he was previously deprived of his horse, nor could a member of a rustic tribe be made an *æriarius* unless he was previously excluded from it.⁹

A person who had been branded with a *nota censoria* might, if he thought himself wronged, endeavour to prove his innocence to the censors (*causam agere apud censores*);¹⁰ and if he did not succeed, he might try to gain the protection of one of the censors, that he might intercede on his behalf. If neither of the censors would intercede, he might appeal to the tribunes, or to the people itself. But cases in which this last refuge was resorted to must have occurred very seldom, and where they happened they were mostly unsuccessful attempts; whence Dionysius,¹¹ with some justice, says that the censorship was an *ἀρχὴ ἀνυπετέχου*.¹²

1. (Gellius, xvii., 21.—Cic., Pro Cluent., 42.)—2. (Cic., De Rep., iv., 6.)—3. (Cic., Pro Cluent., l. c.)—4. (Liv., xxiv., 18.)—5. (Liv., iv., 31.)—6. (Cic., De Senect., 12.)—7. (Val. Max., ii., 9, § 1.)—8. (Fest., s. v. Uxorium.—Liv., Epit., 59.—Plut., Cæsar., 2.—Gellius, i., 6.—Id., iv., 20.)—9. (Val. Max., ii., 9, § 2.—Varro, De Ling. Lat., v., p. 70, Bipont.)—10. (Plut., Cat. Maj., 17.—Compare Cic., De Republ., iv., 6.—Dionys. Hal., xx., 2.—II. (Liv., Epit., 14.—Id., xxxix., 44.—Plut., Cat. Maj., 18.—Gellius, iv., 8.—Val. Max., ii., 9, § 4.)—12. (Gellius, iv., 12.—Plin., H. N., xviii., 3.)—13. (Dionys., xx., 2.)—14. (Dionys., l. c.)—15. (Liv., v., 2.)—16. (Cic., De Senect., 12.—Liv., xxix., 42.—Val. Max., ii., 9, § 3.—Plut., Cat. Maj., 17.—Cic., De Divin., i., 16.)—17. (Liv., iv., 24.—Cic., De Orat., ii., 64.—Val. Max., ii., 9, § 5.—Gellius, iv., 20.)—18. (Cic., De Off., i., 12.—Liv., xxiv., 18.—Gellius, vii., 18.)—19. (Val. Max., ii., 9, § 7.—Liv., xxiv., 18.—Id., xxvii., 11.)—20. (Gellius, xv., 11.)

1. (Liv., xxiv., 18.)—2. (Liv., xxxviii., 28.—Id., xxvii., 11.—Id., xxiv., 44.—Festus, s. v. Præteriti.)—3. (Liv., xxiv., 18.)—4. (Cic., Pro Cluent., 42.—Plut., Cic., 17.)—5. (Liv., xxiv., 18, 43.—Id., xxvii., 11.—Id., xxix., 37.—Id., xliii., 18.)—6. (Liv., xlv., 15.—Plin., H. N., xviii., 3.)—7. (Liv., xxiv., 18.—Cic., Pro Cluent., 43.)—8. (Liv., xxiv., 43.)—9. (Liv., iv., 24.—Id., xxiv., 18, &c.)—10. (Varro, De Re Rust., i., 7.)—11. (xviii., 19.)—12. (Compare Götting, Gesch. der Röm. Staats r., p. 340, &c.)

NOTARIUM. (Vid. LIBRARIUM.)

NOTITIA DIGNITATUM, or, more fully, "Notitia Dignitatum et Administrationum omnium tam Civilium quam Militarum in partibus Orientis et Occidentis," is the title of a work containing a list of the civil and military offices and dignities of the Roman Empire. It does not contain the names of any of the officers, but merely the titles belonging to them. The work is of very great importance to those who wish to become acquainted with the internal organization and administration of the Roman Empire during its latter period. At what time the book was written, or by what author, is unknown, though it is generally supposed that it was composed between the year A.D. 425 and 452. The last edition of it is that by E. Böcking, in 2 vols. 8vo, Bonn, 1839 and 1840.

NOVALE. (Vid. ARATRUM, p. 80.)

NOVA'TIO. (Vid. OBLIGATIONES, p. 674.)

NOVELLÆ or NOVELLÆ CONSTITUTIONES form a part of the corpus juris. Most of them were published in Greek, and their Greek title is Αἰτοκράτορος Ἰουστινιανοῦ Αὐγούστου Νεαὶ Διατάξεις. Some of them were published in Latin, and some in both languages. The first of these novellæ of Justinian belongs to the year A.D. 535 (Nov. 1), and the latest to the year A.D. 565 (Nov. 137); but most of them were published between the years 535 and 539. These constitutiones were published after the completion of the second edition of the Code, for the purpose of supplying what was deficient in that work. Indeed, it appears that, on the completion of his second edition of the Code, the emperor designed to form any new constitutiones which he might publish into a body by themselves, so as to render a third revision of the Code unnecessary, and that he contemplated giving to this body of law the name of Novellæ Constitutiones.¹ It does not, however, appear that any official compilation of these new constitutiones appeared in the lifetime of Justinian. The Greek text of the Novellæ, as we now have them, consists of 168 novellæ, of which 159 belong to Justinian, and the rest to Justin the Second and to Tiberius: they are generally divided into chapters.

There is a Latin epitome of these novellæ by Julian, a teacher of law at Constantinople, which contains 125 novellæ. The epitome was probably made in the time of Justinian, and the author was probably antecessor at Constantinople.

There is also another collection of 134 novellæ in a Latin version made from the Greek text. This collection is generally called Liber Authenticorum: the compiler and the time of the compilation are unknown. This collection has been made independently of the Greek compilation. It is divided into nine collationes, and the collationes are divided into tituli.

The most complete work on the history of the Novellæ is by Biener, *Geschichte der Novellen*. See also *Beytrag zur Literar-Geschichte des Novellen-Auszugs von Julian*, von Haubold, *Zeitschrift*, &c., iv.

NOVEMBER. (Vid. CALENDAR, ROMAN.)

NOVENDIALE (sc. *sacrum*) was the name given to two different festivals. I. It was the name of a festival lasting nine days, which was celebrated as often as stones rained from heaven. It was originally instituted by Tullus Hostilius, when there was a shower of stones upon the Mons Albanus, and was frequently celebrated in later times.² II. This name was also given to the sacrifice performed nine days after a funeral. (Vid. FUNUS, p. 462.)

NOVI HOMINES. After the senate and the

higher offices of the state were opened to the plebeians, a new order of nobles arose, and the term *Nobiles* was applied to those persons whose ancestors had been magistratus curules. (Vid. MAGISTRATUS.) Those persons, on the contrary, whose ancestors had not been so distinguished, were called *Ignobiles*; and when those who belonged to the latter class obtained any of the higher magistracies, they were called *Novi Homines*, or upstarts.³ The nobles attempted to keep all the higher offices of the state in their own body, and violently opposed all candidates who did not belong to their order.⁴ Some of the most distinguished men in the state were, however, novi homines, as T. Coruncanius, who lived before the first Punic war, Sp. Carvilius, M. Cato, Mummius, the conqueror of Achaia, C. Marius, and Cicero.⁵

NOVI OPERIS NUNTIA'TIO. (Vid. OPERIS NOVI NUNTIA'TIO.)

*NOUMENIUS (νομήνιος), "the name of a bird mentioned by Hesychius. Gesner supposes it to be the Curlew, or *Arquata* of Latin authors. Linnaeus forms the scientific name of the Curlew by the junction of the Greek and Latin names, i. e., *Nomenius Arquata*."⁶

NOXA. (Vid. NOXALIS ACTIO.)

NOXALIS ACTIO. If a filiusfamilias or a slave committed theft or injuria, the person injured had a noxalis actio, or a legal remedy for the noxa or wrong done to him, against the father (*paterfamilias*) or the owner of the slave, as the case might be, but he had no action against the son or the slave. The word noxa (from noc-eo) properly signified in jury done; in its legal sense it comprehended every delictum.⁷ The father or the master might either pay damages to the injured person, or surrender the offender to him. The surrender of the offender was expressed by the phrase "noxæ dare or dedere;" and the acceptance of the offender in satisfaction of the injury was expressed by the phrase "noxæ accipere;" in these expressions "noxæ" does not mean "punishment," as is sometimes supposed, but the meaning of the expression is, that the person was surrendered in respect of or as a compensation for his noxa. In the Institutes,* noxa is defined to be the person or thing that does the mischief, and noxia the mischief that is done.

Noxales actiones were given both by leges and by the edict. In the case of furtum they were given by the Twelve Tables, and in the case of damni injuria by the lex Aquilia. In the case of injuria and of vi bonorum raptorum, they were given by the edict. This action was said "caput sequi" which is thus explained by instances: if a son or slave committed noxa, the action was against the father or owner, so long as the offender was in his power; if the offender became sui juris, the injured party had a directa actio against him; and if he came into the power of another person, that other person was liable to the action. If a paterfamilias committed a noxa, and was adopted (adrogated), the actio, which was originally against him (*directio*), became an action against the adopting person. A paterfamilias or master could have no action against a son or slave in respect of a noxa done to him, the ground of which was that no obligatio could be contracted between such parties; and as the foundation of all obligatio was wanting in such cases, it followed that there could be no action against such son or slave if he became sui juris, nor against another person into whose power he might come. If another person's slave or son committed noxa,

1. (Const., Cordi., s. 4.)—2. (Liv., i., 31.—Id., xxi., 62.—Id., xxv., 7.—Id., xxvi., 23.—Id., xxvii., 37.—Id., xxx., 34.)

1. (Cic., c. Rull., ii., 1, 2.—Id., Pro Cluent., 40.—Appian, De Bell. Civ., ii., 2.—Plut., Cat. Maj., 1.)—2. (Liv., xxxi., 24, 35.—Id., xxxix., 41.—Sallust, Bell. Jug., 73.)—3. (Vell. Pat., ii., 128.—Walter, Gesch. des Röm. Rechts, p. 125.)—4. (Adrian, Ap pend., s. v.)—5. (Dig. 50, tit. 16, s. 236.)—6. (iv., ii. 2.)

and then came into the power of the injured person, it was a question between the two schools whether the right of action was extinguished, or only suspended so as to revive in case the offending party was released from the power of the injured person. The opinion of the Proculiani, which was in favour of the suspension only, appears more consistent with the principles on which this right of action was founded.

The mode of the "noxæ deditio" was by *mancipatio*. The Proculiani contended that three *mancipationes* were required by the law of the Twelve Tables (*vid. EMANCIPATIO*); but the Sabiniani contended that the law only applied to the case of voluntary *mancipations*, and that one *mancipatio* was sufficient.

If the father or owner made no defence to a *noxalis actio*, the offender was given up by a decree of the prætor to the injured person, and thus became his prætorian property (*in bonis*). If several slaves committed theft, the edict required the master to pay only the amount of damage which would be payable in case a single freeman had committed the theft.

Justinian abolished the *noxæ deditio* in the case of children, observing that it appeared from the ancient jurists that there might be an action against a *filiofamilias* in respect of his delicts.¹

NUDIPEDA'LIA. (*Vid. CALCEUS*, p. 189.)

NUDUS (*γυμνός*). These words, besides denoting absolute nakedness, which was to be *ἀναπέχορος καὶ ἀγίρων*,² were applied to any one who, being without an *Amictus*, wore only his tunic or *indutus*.³ In this state of nudity the ancients performed the operations of ploughing, sowing, and reaping.⁴ Thus Cincinnatus was found naked at the plough when he was called to be dictator, and sent for his *toga* that he might appear before the senate.⁵ The accompanying woodcut is taken



from an antique gem in the Florentine collection, and shows a man ploughing in his tunic only. The light and thin clothing of *Ἡτ.ε.ρ.æ* was denoted by the use of the same epithets.⁶ (*Vid. COLA VESTIS*.)

This term, applied to the warrior, expressed the absence of some part of his armour.⁷ Hence the light-armed were called *γυμνήτες*. (*Vid. ARMA*, p. 94.)

NUMMULARII or **NUMULARII.** (*Vid. MENSARII*.)

NUMMUS or **NUMUS.** (*Vid. SESTERTIUS*.)

NUNCUPARE. (*Vid. TESTAMENTUM*.)

NUNDINÆ is invariably and justly derived by all the ancient writers from *novem* and *dies*, so that it literally signifies the ninth day.⁸ In ancient *calendaria*, all the days of the year, beginning with the first of January, are divided into what we may call

weeks, each containing eight days, which are marked by the letters A, B, C, D, E, F, G, H. Now it is admitted on all hands that this division is made to mark the *nundinæ*, for every eighth day, according to our mode of speaking, was a *nundinæ*. There were thus always seven ordinary days between two *nundinæ*. The Romans, in their peculiar mode of reckoning, added these two *nundinæ* to the seven ordinary days, and, consequently, said that the *nundinæ* recurred every ninth day, and called them *nundinæ*, as it were *novemdinæ*. A similar mode of stating the number of days in a week is still customary in Germany, where, in common life, the expression *eight days* is used for a week, and the French and Italians, in the same manner, call a fortnight *quinze jours* and *quindici giorni*.

The number of *nundinæ* in the ancient year of ten months was 38; and care was always taken that they should not fall on the *calends* of January nor upon the *nones* of any month,¹ and, in order to effect this, the 355th day of the lunar year (*dies intercalaris*) was inserted in such a manner as to avoid the coincidence of the *nundinæ* with the *primæ calendæ* or the *nones*. Macrobius says that it was generally believed, that if the *nundinæ* fell upon the *primæ calendæ*, the whole year would be signalized by misfortunes; the *nones* were avoided because the birthday of King Servius Tullius was celebrated on the *nones* of every month, as it was known that he was born on the *nones* of some month, though the month itself was not known. Now, as on the *nundinæ*, the country-folk (*plebeians*) assembled in the city, the patricians feared lest the *plebeians* assembled at Rome on the *nones* might become excited, and endanger the peace of the Republic. These reasons are, indeed, very unsatisfactory, as Götting² has shown, and it is more probable that the *calends* of January were ill suited to be *nundinæ*, because this day was generally spent by every father in the bosom of his own family, and that the *nones* were avoided because, as Ovid³ says, *Nonarum tutela deo caret*. But at the time when the Julian calendar was introduced, these scruples, whatever they may have been, were neglected, and in several ancient *calendaria* the *nundinæ* fall on the first of January as well as on the *nones*. (*Vid. GRÆV., Thesaur.*, viii., p. 7, and the *calendarium* given in the article *CALENDAR.*) Both before and after the time of Cæsar, it was sometimes thought necessary, for religious reasons, to transfer the *nundinæ* from the day on which they should have fallen to another one.⁴ The *nundinæ* themselves were, according to Plutarch,⁵ sacred to Saturn, and, according to Granius Licinianus,⁶ the Flaminica offered at all *nundinæ* a sacrifice of a ram to Jupiter.

It is uncertain to whom the institution of the *nundinæ* is to be ascribed, for some say that it was Romulus,⁷ and others that it was Servius Tullius⁸ who instituted them, while the nature of the things for which they were originally set apart seems to show that their institution was as old as the Roman year of ten months, or, at least, that they were instituted at the time when the Roman population extended beyond the precincts of the city itself. For the *nundinæ* were originally market-days for the country-folk, on which they came to Rome to sell the produce of their labour, and on which the king settled the legal disputes among them. When, therefore, we read that the *nundinæ* were *feriæ* or *dies nefasti*, and that no *comitia* were allowed to be

1. (Gaius, iv., 75-79.—*Instit.*, iv., tit. 8.—*Dig.* 9, tit. 4.)—2. (Compare Moschus, iv., 98.)—3. (Aristoph., *Eccles.*, 409.—John, xxi., 7.)—4. (Hes., *Op. et D.*, 391.—Proclus, *ad loc.*—Virg., *Georg.*, i., 209.—Servius, *ad loc.*—Elian, V. H., vi., 11.—Id., xiii., 27.—Matt., xxiv., 18.)—5. (Plin., H. N., xviii., 4.—Aur. Victor, *De Vir. Illust.*, 17.—Liv., iii., 26.)—6. (Athen., xiii., 24, 25.)—7. (Hom., II., xxi., 50.—Jos., *Ant. Jud.*, vi., 2, § 2.—Gell., ix., 13.—Xen., *De Rep. Lac.*, xi., 9.)—8. (Dionys. Hal., *Ant. Rom.*, vii., p. 463.—Macrobius, *Sat.*, i., 16.—Festus, s. v. *Nundinæ Cocum*;

1. (Macrobius, *Sat.*, i., 13.—Dion Cass., xl., 47.—Id., xlviii., 33.)—2. (Gesch. der Röm. Staats., p. 153.)—3. (Fast., i., 58.)—4. (Dion Cass., ix., 24.)—5. (Quæst. Rom., p. 275, B.)—6. (ap. Macrobius, *Sat.*, i., 16.)—7. (Dionys. Hal., ii., p. 98, ed. Syll.—Tuditanus ap. Macrobius, *Sat.*, i. c.)—8. (Cassius Hemina ap. Macrobius, l. c.)

held, we have to understand this of the populus, and not of the plebes; and while for the populus the *nundinæ* were *feriæ*, they were real days of business (*dies fasti* or *comitiales*) for the plebeians, who on these occasions pleaded their causes with members of their own order, and held their public meetings (the ancient *comitia* of the plebeians) and debates on such matters as concerned their own order, or to discuss which they were invited by the senate.¹ How long this distinction existed that the *nundinæ* were *nefasti* for the patricians and *fasti* for the plebeians, is not quite clear. In the law of the Twelve Tables they appear to have been regarded as *fasti* for both orders,² though, according to Granius Licinianus,³ this change was introduced at a later time by the *lex Hortensia*, 286 B.C. This innovation, whenever it was introduced, facilitated the attendance of the plebeians at the *comitia centuriata*. In the ancient *calendaria*, therefore, the *nundinæ* and *dies fasti* coincide. The subjects to be laid before the *comitia*, whether they were proposals for new laws or the appointment of officers, were announced to the people three *nundinæ* beforehand (*trinundino die proponere*).⁴

The *nundinæ* being thus at all times days of business for the plebeians (at first exclusively for them, and afterward for the patricians also), the proceedings of the tribunes of the people were confined to these days, and it was necessary that they should be terminated in one day;⁵ that is, if a proposition did not come to a decision in one day, it was lost, and if it was to be brought again before the people, the tribunes were obliged to announce it three *nundinæ* beforehand, as if it were quite a new subject.

Instead of *nundinæ*, the form *nundinum* is sometimes used, but only when it is preceded by a numeral, as in *trinundinum* or *trinum nundinum*. (See the passages above referred to.) It is also used in the expression *internundinum* or *inter nundinum*, that is, the time which elapses between two *nundinæ*.⁶ The word *nundinæ* is sometimes used to designate a market-place, or a time for marketing in general.⁷

NUNDINUM. (Vid. NUNDINÆ.)

NUNTIATIO. (Vid. OPERIS NOVI NUNTIATIO.)

NUPTILE. (Vid. MARRIAGE, ROMAN.)

*NYCTERIS (νυκτερίς), the common Bat, or *Vespertilio murinus*. "It is not improbable," remarks Adams, "that the ἀρνία of the ancient poets was the *Vespertilio spectrum*, or Vampyr."⁸

*NYCTICORAX (νυκτικώραξ), a bird described by Aristotle and other ancient authors. "The *Nycticorax* of modern naturalists is a species of Heron, but the *νυκτικώραξ* of Aristotle would rather appear to have been a species of Owl. It might be supposed the *Stryx nyctea*, or Great White Owl, if it were ascertained that it is found in the south of Europe."⁹

*NYPHÆA (νυμφαία), a plant. "The description of it," says Adams, "which is given by Theophrastus, is not sufficiently precise to enable us to determine whether he meant to apply it to the *Nymphaea alba* or the *lutea*, i. e., the White or the Yellow Water Lily. The two species described by Dioscorides are referable to the two species of *Nymphaea* which we have mentioned. The *Nymphaea* is now held to be a distinct genus, and

is called *Nuphar lutea* by Smith, Hooker, and other late botanists. The term *Nuphar* is said to be an Egyptian word, signifying 'the medicine of the Nile.' It occurs among the synonymes of *Dioscorides*. By the Arabian authors it is called *Nenufa*, which is a corruption of *Nuphar*. Sibthorp found the *Nuphar lutea* growing in the lakes of Thessaly, as described by Dioscorides."¹⁰

NYPHAGO'GUS (νυμφαγωγός). (Vid. MARRIAGE, GREEK, p. 620.)

O.

OATH (GREEK). An oath (ὄρκος) is an appeal to some superior being, calling on him to bear witness that the swearer speaks the truth, or intends to perform the promise which he makes. Hence the expressions ἰστω Ζεὺς, θεὸν μαρτύρομαι, and others of the same import, so frequently used in the taking of oaths.¹ It is obvious that such an appeal implies a belief, not only in the existence of the being so called upon, but also in his power and inclination to punish the false swearer; and the form of an oath is founded on this belief. Hence an oath is called θεῖον ὄρκος.² Ζεὺς ὄρκιος³ is the god who has regard to oaths, and punishes their violation. Ζῆν' ἔχων ἐπόμοτον⁴ means (according to Suidas) ὄρκον ἐγγυητήν.

We find early mention in the Greek writers of oaths being taken on solemn and important occasions, as treaties, alliances, vows, compacts, and agreements, both between nations and individuals. Thus, when the Greeks and Trojans agree to decide the fate of the war by a single combat between Menelaus and Paris, they ratify their agreement by an oath.⁵ The alliance between Cræsus and the Lacedæmonians is confirmed by an oath.⁶ So is the treaty between the Medes and Lydians, whose rites in swearing (as Herodotus tells us)⁷ were the same as those of the Greeks, with this addition, that they made an incision in their arms and tasted each other's blood. We may farther notice the treaty of peace between the Athenians and Peloponnesians, upon which every state was to swear ἐπιχώριον ὄρκον τὸν μέγιστον,⁸ the vow of the Ionian women,⁹ that of the Phœaciens,¹⁰ and the promise of Circe to Ulysses.¹¹ The reliance placed in an oath is specially shown in the dialogue between Ægeus and Medea in Euripides,¹² and the speech of Minerva in Euripides.¹³ For other examples we refer the reader to Sophocles, *Œd. Tyr.*, 647; *Œd. Col.* 1637; *Trachin.*, 1183.—Herod., vi., 74.—Hom., *Il.*, ix., 132.

That the Greeks (as a nation) were deeply imbued with religious feeling, and paid high regard to the sanctity of oaths, may be gathered from the whole tenor of their early history, and especially from the writings of the poets Homer, Æschylus, and Pindar.¹⁴ They prided themselves on being superior in this respect to the barbarians.¹⁵ The treacherous equivocation practised by the Persians at the siege of Barca¹⁶ would have been repugnant to the feelings of a people whose greatest hero declared that he hated like hell one

Ὅς ἔτερον μὲν κεύθη ἐνὶ ὄρεσιν, ἄλλο δὲ βάζει.¹⁷

The poets frequently allude to the punishment of perjury after death, which they assign to the infer-

1. (Theophrast., H. P., ix., 13.—Dioscor., iii., 138, 121.—Adams, Append., s. v.)—2. (Soph., Trach., 399.—Id., *Antig.*, 184.—St. Paul, Galat., i., 20.)—3. (Hom., Hymn. ad Merc., 27, 515.—Pind., Ol., vii., 119.)—4. (Soph., Philoct., 1394.—5. (Soph., Trach., 1190.)—6. (Il., iii., 276.)—7. (Herod., i., 69)—8. (Id., 74.)—9. (Thucyd., v., 47.)—10. (Herod., i., 146.)—11. (Id. ib., 165.)—12. (Œd., x., 345.)—13. (Met., 730—760.)—14. (Suppl., 1196.)—15. (Vid. Thirlwall, Hist. of Greece, vol. i., 6, 6, 3.)—16. (Ælian, V. H., siv., 2.)—17. (Herod., iv., 291.)—18. (Il., ix., 313.)

1. (Theophrast., H. P., ix., 13.—Dioscor., iii., 138, 121.—Adams, Append., s. v.)—2. (Soph., Trach., 399.—Id., *Antig.*, 184.—St. Paul, Galat., i., 20.)—3. (Hom., Hymn. ad Merc., 27, 515.—Pind., Ol., vii., 119.)—4. (Soph., Philoct., 1394.)—5. (Soph., Trach., 1190.)—6. (Il., iii., 276.)—7. (Herod., i., 69)—8. (Id., 74.)—9. (Thucyd., v., 47.)—10. (Herod., i., 146.)—11. (Id. ib., 165.)—12. (Œd., x., 345.)—13. (Met., 730—760.)—14. (Suppl., 1196.)—15. (Vid. Thirlwall, Hist. of Greece, vol. i., 6, 6, 3.)—16. (Ælian, V. H., siv., 2.)—17. (Herod., iv., 291.)—18. (Il., ix., 313.)

nal gods or Furies;¹ and we find many proofs of a persuasion that perjurers would not prosper in this world.² One of the most striking is the story told by Leutychides to the Athenians of Glaucus the Spartan, who consulted the Pythian oracle whether he should restore a deposit, or deny on oath that he had ever received it; and who, for merely deliberating upon such a question, was cut off with his whole family.³

Anciently the person who took an oath stood up, and lifted his hands to heaven, as he would in prayer; for an oath was a species of prayer, and required the same sort of ceremony.⁴ Oaths were frequently accompanied with sacrifice or libation.⁵ Both sacrifice and libation are used in the compact of the Greeks and Trojans in *Il.*, iii., 276. The victims on such occasions were not eaten, but, if sacrificed by the people of the country, were buried in the ground; if by strangers, were thrown into the sea or a river.⁶

The parties used also to lay their hands upon the victims, or on the altar, or some other sacred thing, as if by so doing they brought before them the deity by whom the oath was sworn, and made him witness of the ceremony. Hence the expressions *πρὸς τὸν θεὸν ἑξορκίζεσθαι, ὀμνῖναι καθ' ἑαυτῶν.*⁷ In Homer,⁸ Juno, making a solemn promise to Sleep, takes the Earth in one hand and Heaven in the other, and swears by Styx and the subterranean gods. To touch the head, hand, or other part of the body of the person to whom the promise was made, was a common custom. The hand especially was regarded as a pledge of fidelity, and the allusions to the junction of hands in making contracts and agreements abound in the ancient writers.⁹ Other superstitious rites were often superadded, to give greater solemnity to the ceremony,¹⁰ which appear to be ridiculed by Aristophanes.¹¹

The different nations of Greece swore by their own peculiar gods and heroes; as the Thebans by Hercules, Iolaus, &c., the Lacedæmonians by Castor and Pollux, the Corinthians by Neptune;¹² the Athenians swore principally by Jupiter, Minerva, Apollo (their *πατρώος θεός*), Ceres, and Bacchus.

The office or character of the party, or the place, or the occasion often suggested the oath to be taken. Thus Iphigenia, the priestess, swears by Diana in Euripides, *Iph. in Taurus*. Menelaus bids Antilochus swear by Neptune (the equestrian god), the subject being on horses.¹³ So Philpides, in Aristophanes,¹⁴ is made ridiculously to swear *πρὸς τὸν Ποσειδῶ τὸν ἵππιον*. Achilles swears by his sceptre,¹⁵ Telemachus by the sorrows of his father.¹⁶ Hence the propriety of the famous oath in Demosthenes by the warriors who fought at Marathon, &c. Here we may observe, that as swearing became a common practice with men upon trivial occasions and in ordinary conversation, they used to take oaths by any god, person, or thing, as their peculiar habits, or predilections, or the fancy of the moment dictated. Pythagoras, on this account, swore by the number Four.¹⁷ Socrates used to swear *πρὸς τὸν κύνα*, in

which he was absurdly imitated by others.¹ Aristophanes, so keenly alive to all the foibles of his countrymen, takes notice of this custom, and turns it into ridicule. Hence he makes the sausage-dealer swear *πρὸς τὸν Ἐρμῆν τὸν ἀγοραῖον*,² Socrates *μὰ τὴν Ἀναπνοήν, &c.*³

Women also had their favourite oaths. As the men preferred swearing by Hercules, Apollo, &c., so the other sex used to swear by Venus, Ceres, and Proserpine, Juno, Hecate, Diana; and Athenian women by Aglauros, Pandrosus, &c.⁴

The security which an oath was supposed to confer, induced the Greeks, as it has people of modern times, to impose it as an obligation upon persons invested with authority, or intrusted with the discharge of responsible duties.⁵ The Athenians, with whom the science of legislation was carried to the greatest perfection, were, of all the Greek states, the most punctilious in this respect. The youth, entering upon his 20th year, was not permitted to assume the privileges of a citizen, or to be registered in the *ἀρχαρχικὸν γραμματεῖον*, without taking a solemn oath in the Temple of Aglauros to obey the laws and defend his country. (The form of his oath is preserved in Pollux.⁶) The archon, the judge, and the arbitrator were required to bind themselves by an oath to perform their respective duties.⁷ (*Vid. DICASTES.*) As to the oath taken by the Senate of Five Hundred, see Demosthenes.⁸ As to the oath of the witness, and the voluntary oath of parties to an action, see ΜΑΡΤΥΡΙΑ. The importance, at least apparently, attached to oaths in courts of justice, is proved by various passages in the orators.⁹ Demosthenes constantly reminds his judges that they are on their oaths, and Lycurgus¹⁰ declares that *τὸ συνέχον τὴν δημοκρατίαν ὄρκος ἐστίν*.

The experience of all nations has proved the dangerous tendency of making oaths too common. The history of Athens and of Greece in general furnishes no exception to the observation. While in the popular belief and in common parlance oaths continued to be highly esteemed, they had ceased to be of much real weight or value. It is impossible to read the plays of Aristophanes, the orators, and other writers of that period, without seeing that perjury had become a practice of ordinary occurrence. The poet who wrote that verse which incurred the censure of the comedian, *ἢ γλῶσσο δμῶμοχ', ἢ δὲ φρήν ἀνύμοτος*,¹¹ was not the only person who would thus refine. The bold profligacy described by Aristophanes¹² was too often realized in action. To trace the degeneracy of the Greek character belongs not to this place. We conclude by reminding our readers that in a later age the Greeks became a by-word among the Romans for lying and bad faith.¹³

A few expressions deserve notice. *Nῆ* is used by Attic writers in affirmative oaths, *μὴ* in negative. The old form of affirmation, still preserved by the other Greeks, and used by Xenophon, was *ναί μὴ*.¹⁴ *Nῆ* is nothing more than another form of *ναί*, used with an accusative case, *μὴ* being omitted, as it often is in negative oaths.¹⁵ *Nῆ*, however, is never used by the tragedians, who always employ a paraphrase in affirmative oaths, such as *θεὸν μαρτύρεσθαι*. *Ἐπομνῖναι* is used affirmative-

1. (Hom., *Il.*, iv., 157.—*Id.* *ib.*, xix., 260.—Pind., *Olymp.*, ii., 115.—Aristoph., *Ran.*, 274.)—2. (Hom., *Il.*, iv., 67, 370.—*Id.* *ib.*, vii., 351.—Hesiod., *Op.*, et *D.*, 280.—Thucyd., vii., 18.)—3. (Herodotus, vi., 56.—Pansan., ii., 18, 149.—*Id.*, viii., 7, 612.—Juv., *Sat.*, xiii., 202.)—4. (Hom., *Il.*, xix., 175, 254.—Pind., *Ol.*, vii., 119.)—5. (Hom., *Il.*, iv., 158.—Aristoph., *Acharn.*, 148.—*Id.*, *Vesp.*, 1048.—6. (Pl., iii., 310.—*Id.*, xix., 267.)—7. (*Vid. Reiske, Index ad Demosth.*, s. v. *ὀμνῖναι*.—Harpocrat., s. v. *ἄθεος*.—Thucyd., v., 47.—Göller, *ad loc.*—Juv., *Sat.*, xiv., 219.—Ovid., *Epist. Dido ad Æn.*, 129.)—8. (Pl., xiv., 270.)—9. (Eurip., *Medea*, 496.—Soph., *Philoct.*, 812.—*Id.*, *Trach.*, 1183.—Ovid., *Ep. Phyllis ad Demoph.*, 21.—*Id.* *ib.*, *Briseis ad Ach.*, 107.—Hom., *Hymn. ad Ven.*, 26.)—10. (Æsch., *Sept. c. Theb.*, 42.—Soph., *Antig.*, 264.—Demosth., c. *Con.*, 1269.)—11. (Lysist., 188.)—12. (Aristoph., *Acharn.*, 774, 860, 867.—Euites, 609.—Lysist., 81, 148.)—13. (*Il.*, xxiii., 585.)—14. (Nub., 83.)—15. (*Il.*, i., 234.)—16. (*Od.*, ix., 339.)—17. (Lucian., *Pythag.*, 4.—Plut., *De Plat. Phil.*, i., 3, 1616)

ly, ἀπομύναται negatively, according to Eustathius.¹ Διόμυσθαί is to swear strongly, to protest.² Ὀρκιον, though often used synonymously with ὄρκος, signifies, more strictly, a compact ratified by oath; ὄρκια τέμνειν is to make a compact with oaths and sacrifice; and through the frequent practice of sacrificing on such occasions, it came that ὄρκιον was sometimes used for the victim itself.³ In the phrase ὀμνύναι κατ' ἱερῶν, the original meaning of κατὰ was, that the party laid his hand upon the victims; but the same phrase is used metaphorically in other cases, where there could be no such ceremony. Thus κατὰ χιλιῶν εὐχὴν ποιήσασθαι χιμάρων⁴ is to make a vow to eat a thousand kids; as though the party *voicing laid his hands upon the kids at the time, as a kind of stake*. The same observation applies to ὀμνύναι κατ' ἰξωλείας.

OATH (ROMAN) (*jusjurandum, juramentum*). The subject of Roman oaths may be treated of under four different heads, viz.: 1. Oaths taken by magistrates and other persons who entered the service of the Republic. 2. Oaths taken in transactions with foreign nations in the name of the Republic. 3. Oaths taken before the praetor or in the courts of justice. 4. Oaths, or various modes of swearing in common life.

I. Oaths taken by magistrates and other persons who entered the service of the Republic.—After the establishment of the Republic, the consuls, and subsequently all the other magistrates, were obliged, within five days after their appointment, to promise, on oath, that they would protect and observe the laws of the Republic (*in leges jurare*⁵). Vestal virgins and the flamen dialis were not allowed to swear on any occasion,⁶ but whether they also entered upon their sacred offices without taking an oath analogous to that of magistrates is unknown. When a flamen dialis was elected to a magistracy, he might either petition for an especial dispensation (*ut legibus soleretur*), or he might depute some one to take the oath for him. But this could not be done unless the permission was granted by the people. The first Roman consuls seem only to have sworn that they would not restore the kingly government, nor allow any one else to do so,⁷ and this may have been the case till, all fears of such a restoration having vanished, the oath was changed into a *jusjurandum in leges*. The consular oath was occasionally taken under the Empire.⁸

During the later period of the Republic we also find that magistrates, when the time of their office had expired, addressed the people, and swore that during their office they had undertaken nothing against the Republic, but had done their utmost to promote its welfare.⁹ In some cases a tribune of the people might compel the whole senate to promise, on oath, that they would observe a plebiscitum, and allow it to be carried into effect, as was the case with the *lex Agraria* of Saturninus. The censor Q. Metellus, who refused to swear, was sent into exile.¹⁰ During the time of the Empire, all magistrates, on entering their office, were obliged to pledge themselves by an oath that they would observe the *acta Caesarum* (*jurare in acta Caesarum*¹¹), and the senators had to do the same regularly every year on the first of January.¹²

1. (Hom., Od., ii., 377.)—2. (Soph., Trach., 378.)—3. (Hom., Il., iii., 245.)—4. (Arist., Equit., 660.)—5. (Liv., xxi., 50.—Compare Dionys. Hal., v., p. 277.)—6. (Liv., l. c.—Festus, s. v. *Jurare*.—Plut., Quest. Rom., p. 275.)—7. (Liv., ii., 1.—Dionys., l. c.)—8. (Plin., Paneg., 64.)—9. (Cic. ad Fam., v., 2, § 7.—Id., Pro Sulla, 11.—Id., in Pison., 3.—Id., Pro Dom., 35.—Dion Cass., xxvii., p. 52.—Id., xxxviii., p. 72.—Id., liii., p. 568, ed. Steph.—Liv., xxix., 37.)—10. (Appian, De Bell. Civ., i., 29.—Cic., Pro Sext., 47.—Plut., Msr., 29.)—11. (Suet., Tib., 67.—Tacit., Ann., i., 72.—Id. ib., xiii., 26.—Id. ib., xvi., 22.—Dion Cass., xlvii., p. 364, &c.)—12. (Dion Cass., lxxviii., p. 724.—Compare Lipsius, Excurs. A. ad Tacit., Ann., xvi., 22.)

All Roman soldiers, after they were enlisted for a campaign, had to take the military oath (*sacramentum*), which was administered in the following manner: Each *tribunus militum* assembled his legion, and picked out one of the men, to whom he put the oath, that he would obey the commands of his generals, and execute them punctually. The other men then came forward, one after another, and repeated the same oath, saying that they would do like the first (*idem in me*¹). Livy² says that, until the year 216 B.C., the military oath was a real *sacramentum* (*vid. SACRAMENTUM*), i. e., the soldiers took it voluntarily, and promised (with imprecations) that they would not desert from the army, and not leave their ranks except to fight against the enemy or to save a Roman citizen. But in the year 216 B.C. the soldiers were compelled by the tribunes to take the oath, which the tribunes put to them, that they would meet at the command of the consuls, and not leave the standards without their orders, so that in this case the military oath became a *jusjurandum*. But Livy here forgets that, long before that time, he has represented³ the soldiers taking the same *jusjurandum*. A perfect formula of a military oath is preserved in Gellius.⁴ It may be here remarked that any oath might be taken in two ways: the person who took it either framed it himself, or it was put to him in a set form, and in this case he was said *in verba jurare, or jurare verbis conceptis*. Polybius⁵ speaks of a second oath which was put to all who served in the army, whether freemen or slaves, as soon as the *castrametatio* had taken place, and by which all promised that they would steal nothing from the camp, and that they would take to the tribunes whatever they might happen to find. The military oath was, according to Dionysius,⁶ the most sacred of all, and the law allowed a general to put to death, without a formal trial, any soldier who ventured to act contrary to his oath. It was taken upon the *signa*, which were themselves considered sacred. In the time of the Empire a clause was added to the military oath, in which the soldiers declared that they would consider the safety of the emperor more important than anything else, and that they loved neither themselves nor their children more than their sovereign.⁷ On the military oath in general, compare Brissonius, *De Formul.*, iv., c. 1-5.

II. Oaths taken in transactions with foreign nations in the name of the Republic.—The most ancient form of an oath of this kind is recorded by Livy⁸ in a treaty between the Romans and Albans. The *pater patratus* pronounced the oath in the name of his country, and struck the victim with a flint-stone, calling on Jupiter to destroy the Roman nation in like manner, as he (the *pater patratus*) destroyed the animal, if the people should violate the oath. The chiefs or priests of the other nation then swore in a similar manner by their own gods. The ceremony was sometimes different, inasmuch as the fetialis cast away the stone from his hands, saying, "*Si sciens falso, tum me Diespiter salve vis arceque bonis ejiciat, uti ego hunc lapidem*." Owing to the prominent part which the stone (*lapis judicis*) played in this act, Jupiter himself was called *Jupiter Lapis*,⁹ and hence it was, in after times, not uncommon among the Romans, in ordinary conversation, to swear by *Jupiter Lapis*.¹¹ In swearing to a treaty with a foreign nation, a victim (a pig or a lamb) was in the early times always sacrificed by

1. (Polyb., vi., 21.—Fest., s. v. *Præjurationes*.)—2. (Liv., 26.)—3. (Liv., 20.)—4. (xvi., 4.—Compare Dionys. Hal., vi., p. 259.—Id., viii., p. 555, ed. Syll.)—5. (vi., 33.)—6. (xi., p. 723.)—7. (Arrian, Epict., iii., 14.—Suet., Calig., 15.—Atanion, Marm., xxi., 5.)—8. (i., 24.)—9. (Fest., s. v. *Lapides*.)—10. (Polyb., iii., 23.)—11. (Gellius, i., 21.—Cic. ad Fam., vii., 1, 12.—Plut., Sulla, 10.)

the fetialis (whence the expressions *fœdus icere*, ἀρκία τέμνειν), and the priest, while pronouncing the oath, probably touched the victim or the altar.¹ (Compare FETIALES.) This mode of swearing to a treaty through the sacred person of a fetialis was observed for a long time; and after the second Punic war, the fetiales even travelled to Africa to perform the ancient ceremonies.² The jus fetiale, however, fell into disuse as the Romans extended their conquests; and as, in most cases of treaties with foreign nations, the Romans were not the party that chose to promise anything on oath, we hear of no more oaths on their part; but the foreign nation or conquered party was sometimes obliged to promise with a solemn oath (*sacramentum*) to observe the conditions prescribed by the Romans, and documents recording such promises were kept in the Capitol.³ But in cases where the Romans had reason to mistrust, they demanded hostages, as being a better security than an oath, and this was the practice which in later times they adopted most generally. At first the Romans were very scrupulous in observing their oaths in contracts or treaties with foreigners, and even with enemies; but attempts were soon made by individuals sophistically to interpret an oath and explain away its binding character;⁴ and from the third Punic war to the end of the Republic, perjury was common among the Romans in their dealings with foreigners as well as among themselves.

III. *Oaths taken before the prætor or in courts of justice.*—In general, it may be observed, that if anything had been promised by a person on oath, the promise had, in a court of justice, no more binding power than it would have had without the oath, and the oath was in such case merely a stronger promise as far as the conscience of the person who took it was concerned.⁵ But if a slave, for the sake of obtaining his liberty, had promised on oath to perform certain services to his master, the oath was considered binding.⁶ The emperors also, in some cases, considered the promise of a free citizen, when it was confirmed by an oath, as binding.⁷

Sometimes, when a case was brought before the prætor, the plaintiff might put the defendant to his oath (*deferre jururandum*) either in regard to the whole case in question, or to a part of it. If the oath was taken, the whole question, or that part of it to which the oath applied, was settled at once, and the litis contestatio, or a formal judicium, was superfluous. But if the defendant refused to take the oath, he might, in return, put the plaintiff to his oath (*referre jururandum*), to make him declare *se non calumniâ causâ agere*. (Vid. CALUMNIA.) But if the defendant neither swore himself, nor put the plaintiff to his oath of calumny, he admitted the necessity of a judicium. If the oath merely referred to a part of it, so that the defendant only acknowledged part of what the plaintiff alleged, a judicium was still necessary, but its formula was of course modified.⁸ Respecting the oath of calumnia, to which the defendant might in all cases put the plaintiff, and to which the latter also might be put by the prætor, see CALUMNIA. The formula of an oath before the prætor depended upon the person who put it.⁹

A judex or iudices appointed by the prætor were obliged to promise on oath to discharge their duties according to the laws.¹⁰ Rein¹¹ denies that, after a judex was given by the prætor, either of the liti-

gant parties had the right to put the other to an oath; but from the Digest¹ it is clear that it might be done by the party *cui onus probationis incumberebat*, provided he himself had before taken the *jururandum calumniæ*. When documents in the trial of a cause were laid before the judex, of which he doubted the genuineness or correctness, he might make the party who brought them forward establish their correctness or genuineness by an oath.²

The witnesses who gave their evidence in civil proceedings before a judex, sometimes confirmed their testimony by an oath, which they either took voluntarily, or which was put to them by the judex. In *judicia publica*, the witnesses had always to give their evidence on oath.³ We have no means of ascertaining whether, in all instances of civil causes, witnesses might be compelled to take an oath, but it seems probable that in a civil cause a witness generally did not give his evidence on oath, unless he himself chose to do so, or the judex, for special reasons, thought it advisable that he should.

False swearing (*pejorare, perjurium*) was not regarded by the Romans as it is by us. Swearing was merely a matter of conscience, and, consequently, the person who was guilty of false swearing was responsible to the Deity alone. Perjury does not appear to have been punished more severely than false witness in general without an oath. When, therefore, Valerius Maximus⁴ speaks of *infamia perjurii*, he uses *infamia* in a popular, and not a strictly legal sense. The manner in which the Romans regarded perjury is implied in an expression of Cicero,⁵ who says, "*Perjurii pœna divina, exitium; humana, dedecus.*" Hence every oath was accompanied by an execration,⁶ and perjury, therefore, was an act which belonged more to the jurisdiction of the censors than to an ordinary court of justice.⁷ Witnesses convicted of having given false testimony, with or without oath, were punished.⁸ (Compare FALSUM.)

IV. *Oaths or various modes of swearing in common life.*—The practice of swearing, or calling upon some god or gods as witnesses to the truth of assertions made in common life or in ordinary conversations, was as common among the Romans as among the Greeks. The various forms used in swearing may be divided into three classes:

1. Simple invocations of one or more gods, as *Hercle* or *Mehercle*, that is, *ita me Hercules juvet, amet, or servet*;⁹ *Pol*, *Perpol*, or *Ædopol*, that is, *per Pollucem; per Jovem Lapidem, or simply per Jovem; per superos; per deos immortales; medius fidius*, that is, *ita me Dius (Διός) filius juvet*;¹⁰ *ita me deus amet, or dii ament*. Sometimes, also, two or a great number of gods were invoked by their names.¹¹ The genii of men were regarded as divine beings, and persons used to swear by their own genius or by that of a friend, and during the Empire by that of an emperor.¹² Women as well as men swore by most of the gods, but some of them were peculiar to one of the sexes. Thus women never swore by Hercules, and men never by Castor. Varro, moreover, said that in ancient times women only swore by Castor and Pollux, while in the extant writers we find men frequently swearing by Pollux.¹³ Juno and Venus were mostly invoked by women, but also by lovers and effeminate men in general.¹⁴

1. (22, tit. 3, s. 25, § 3.)—2. (Dig. 12, tit. 2, s. 31.—Cod. 4, tit. 1, s. 2.)—3. (Cic., Pro Rosc. Com., 15.—Id., Pro Sulla, 7.—Id., Pro Font., 9.—Id., Pro Balb., 5.—Quintil., v., 7.—Val. Max., viii., 5, § 5.)—4. (viii., 5, 5.)—5. (De Leg., ii., 9.)—6. (Plut., Quæst. Græc., p. 275, Franc.)—7. (Cic., De Off., i., 13.—Liv., xxiv., 18.—Gellius, vii., 18.)—8. (Dig. 22, tit. 5, s. 16.)—9. (Fest., s. v. Mecastor.)—10. (Fest., s. v.—Varro, De Ling. Lat., iv., p. 20, Bip.)—11. (Plaut., Bacchid., iv., 8, 51.—Terent., Andr., iii., 2, 25.)—12. (Horat., Epist., i., 7, 94.—Suet., Calig., 27.)—13. (Gellius, xi., 6.)—14. (Plaut., Amphit., ii., 2, 210.—Tibull., iv., 13, 15.—Juv., ii., 98.—Ovid, Amor., ii., 7, 27.—Id. ib., ii., 8, 18.)

1. (Virg., Æn., xii., 201, &c.—Liv., xxi., 45.)—2. (Liv., xxx., 63.)—3. (Liv., xxvi., 24.)—4. (Gellius, vii., 18.—Liv., iii., 20.—Id., xvi., 61.—Cic., De Off., iii., 27, &c.)—5. (Dig. 2, tit. 14, s. 7, § 16.)—6. (Dig. 38, tit. 1, s. 7.—Compare 40, tit. 12, s. 44.)—7. (Cod. 2, tit. 37, s. 1.)—8. (Dig. 12, tit. 2, s. 34, § 6, &c.—Quintil., v., 6.)—9. (Dig. 12, tit. 2, s. 3, § 4, and s. 5.)—10. (Cic., De Invent., i., 39.)—11. (Rôm. Privat., p. 477, &c.)

2. Invocations of the gods, together with an execration, in case the swearer was stating a falsehood. Execrations of this kind are, *Di me perdant*;¹ *dii me interficiant*;² *dispeream*;³ *ne vivam*;⁴ *ne saluus sim*,⁵ &c.

3. Persons also used to swear by the individuals or things most dear to them. Thus we have instances of a person swearing by his own or another man's head,⁶ by his eyes,⁷ by his own welfare or that of his children,⁸ by the welfare of an emperor,⁹ &c.

Respecting the various forms of oaths and swearing, see Brissonus, *De Formul.*, viii., c. 1-18.

OBÆ. (*Vid. TRIBUS, GREEK.*)

OBELISCUS (*ὄβελισκος*) is a diminutive of *Obelus* (*ὄβελος*), which properly signifies a sharpened thing, a *skener* or *spit*, and is the name given to certain works of Egyptian art. (Herodotus¹⁰ uses *ὄβελος* in the sense of an obelisk.) A detailed description of such works would be inconsistent with the plan of this work, but some notice of them is required by the fact that several of them were transported to Rome under the emperors. Ammi- anus Marcellinus¹¹ says that "an obelisk is a very rough stone, in the shape of a kind of landmark or boundary-stone, rising with a small inclination on all sides to a great height; and in order that it may imitate a solar ray by a gradual diminution of its bulk, it terminates in a prolongation of four faces united in a sharp point. It is very carefully smoothed." Most ancient writers consider obelisks as emblematic of the sun's rays.¹²

An obelisk is, properly, a single block of stone, cut into a quadrilateral form, the sides of which diminish gradually, but almost imperceptibly, from the base to the top of the shaft, but do not terminate in an apex upon the top, which is crowned by a small pyramid, consisting of four sides terminating in a point. The Egyptian obelisks were mostly made of the red granite of Syene, from which place they were carried to the different parts of Egypt. They were generally placed in pairs at the entrance to a temple, and occasionally in the interior, and were usually covered with hieroglyphical inscriptions.

Obelisks were first transported to Rome under Augustus, who caused one to be erected in the circus, and another in the Campus Martius.¹³ The former was restored in 1589, and is called at present the Flaminian obelisk. Its whole height is about 116 feet, and without the base about 78 feet. The obelisk in the Campus Martius was set up by Augustus as a sundial. It stands at present on the Monte Citorio, where it was placed in 1792. Its whole height is about 110 feet, and without the base about 71 feet. Another obelisk was brought to Rome by Caligula, and placed on the Vatican in the Circus of Caligula.¹⁴ It stands at present in front of St. Peter's, where it was placed in 1586, and its whole height is about 132 feet, and without the base and modern ornaments at the top about 83 feet. But the largest obelisk at Rome is that which was originally transported from Heliopolis to Alexandria by Constantine, and conveyed to Rome by his son Constantius, who placed it in the Circus Maximus.¹⁵ Its present position is before the north portico of the Lateran Church, where it was placed in 1588. Its whole height is about 149 feet, and without the base about 105 feet.

1. (Plaut., *Mil. Glor.*, iii., 2, 20.—*Id.*, *Cistell.*, ii., 1, 21.)—2. (Plaut., *Mostell.*, i., 2, 25.)—3. (Horat., *Sat.*, i., 9, 47.)—4. (Cic. *ad Fam.*, vii., 23.—*Mart.*, x., 12, 3.)—5. (Cic. *ad Att.*, xvi., 13.)—6. (Dig. 12, tit. 2, s. 3, § 4.—Ovid, *Trist.*, v., 4, 45.—*Id.*, *Heroid.*, iii., 107.—*Juv.*, vi., 16.)—7. (Plaut., *Menaechm.*, v., 9, 1.—Ovid, *Amor.*, ii., 16, 44.)—8. (Dig. 12, tit. 2, s. 5.—*Plin.*, *Epist.*, ii., 20.)—9. (Cod. 2, tit. 4, s. 41.)—10. (ii., 111.)—11. (xvii., 4.)—12. (Compare *Plin.*, H. N., xxxvi., 14.)—13. (*Plin.*, H. N., xxxvi., 14.)—14. (*Plin.*, H. N., xxxvi., 15; xvi., 76, § 2.)—15. (*Amm. Marc.*, xvii., 4.)

There are eight other obelisks at Rome besides those mentioned above, but none of them are of historical importance. There are also obelisks in various other places, as at Constantinople, Arles, Florence, Catania in Sicily, &c., some of which are works of Egyptian art, and others only imitations.

There are two small obelisks in the British Museum, which were brought by the French from Cairo.¹

OBELOS. (*Vid. VERB.*)

OBLIGATIONES. *Obligatio* is defined² to be "a bond of law by which we are under a necessity of paying (*solvendæ*) anything according to the laws of our state." This definition has only reference to one part of an obligation, namely, the right of action, which is inseparable from the notion of a Roman obligation. According to Paulus,³ the substance of an obligation consists in another person binding himself to give to us something, or to do something, or to secure or make good something (*ad dandum aliquid, vel faciendum, vel præstandum*). This "binding" must, however, be understood of a "legal binding," that is, the party who fails to perform what he has engaged to do, must be liable to legal compulsion; in other words, the duty which he owes may be enforced by suit or action. Any agreement which is binding according to positive morality, but which, for any reason, cannot be legally enforced, is not properly an obligation, but still the Romans gave such agreement the name of *obligatio*, and added the term *naturalis*, by which it is opposed to *civilis* and *prætoria* or *honoraria*. The obligations *civiles* were those which were created by enactments (*legibus*), or generally were established by the *jus civile*; *prætorie* or *honorarie* were those which owed their origin to the jurisdiction of the prætor. Viewed with reference to the events on which the law operated to give obligations a binding force, obligations arose either from contract or quasi contract, and delict (*maleficium, delictum*), or quasi delict.⁴ According to Gaius, every obligation arises either from contract or delict.

Contract (*contractus*) was made in four ways—*re, verbis, litteris, and consensu*.

As an example of a contract *re*, Gaius mentions *mutuum*. (*Vid. MUTUUM*.) Also, if a man received what was not due from a person who paid by mistake, the payer had his remedy for the recovery just as if it were a case of *mutuum*. But "this kind of obligation," observes Gaius, "does not appear to arise from contract, because he who gives with the intention of payment rather intends to dissolve or put an end to (*distrahere*) a transaction (*negotium*) than to commence or to constitute (*contrahere*) a transaction." In such a case the English law has a fiction of a promise to pay on the part of the person who has received the money.

To the contracts made *re*, there also belong *CONMODATUM, DEPOSITUM, and PRONUM*.

The obligation *verbis* was contracted by oral question and answer between the parties. The form of words was: *Dari Spondes! Spondeo; Dabis! Dabo; Promittis! Promitto; Fidepromittis! Fidepromitto; Fidejubes! Fidejubeo; Facies! Faciam*. The words *dari spondes! spondeo*, were so peculiarly Roman, that their legal effect could not be preserved if their meaning was transferred into another language; nor could a valid obligation with a peregrinus be made by the use of the word *spondeo*.⁵ The evidence of such an obligation must have been the presence of witnesses.⁶

It is to this form of contract by question and an

1. (Zoega, *De Usu et Origine Obeliscorum*.—*Egyptian Antiquities*, vol. 1., c. 14, 15, London, 1802.)—2. (*Inst.*, ii., tit. 13.—3. (Dig. 44, tit. 7, s. 3.)—4. (*Inst.*, iii., tit. 12.—5. (Gaius, iii., 93, 179.)—6. (Cic., *Pro Rosc. Com.*, 5.)

swer (*ex interrogazione et responsione*) that the terms "stipulari" and "stipulatio" refer. The word "stipulari" properly refers to him who asks the question, "Si quis ita dari stipuletur; Post mortem meam dari spondes; vel ita, Cum morieris, spondes?" The person who asked the question was stipulator; he who answered the question was promissor, and he was said spondere.¹ Sometimes the whole form of words which comprises the question and the answer is comprehended in the term stipulatio,² and the participle "stipulata" is sometimes used in a passive sense.³

A stipulatio which contained an impossible condition was invalid (*inutilis*). As the stipulatio was effected by words, it was a necessary consequence that the parties should have power to speak and hear, and on this ground was founded the rule of law that a mutus and a surdus could not be parties to a stipulatio. As to the ability of pupilli and infants with respect to obligations, see *Ἰμῦρες* and *Ἰσῦανς*. The stipulator might have another party to the contract on his behalf, who was called adstipulator. The adstipulator had the same right of action as the stipulator, and, therefore, a payment in respect of the stipulatio could be made to him as well as to the stipulator; and the stipulator had an *actio mandati* against the adstipulator for the recovery of anything that he had received.

There were some peculiarities in the adstipulatio. The right of action did not pass to the heres of the adstipulator, and the adstipulation of a slave for his master had no effect, though in all cases he could acquire for his master by stipulation. The same rule of law appeared to apply to him who was in *mancipio*, for he was *servi loco*. If a son who was in the power of his father became his adstipulator, he did not acquire anything for his father, though he acquired for him by stipulatio. Still his adstipulatio gave the son a right of action, provided he was released from the father's power without a *capitis diminutio*, as, for instance, by the father's death, or by being inaugurated *flamen dialis*. The same rule of law applied to a *filiafamilias* and to a wife in *manu*.

Those who were bound for the promissor were called *spondores*, *fidepromissores*, *fidejussores*. (*Vid. INTERCESSIO.*)

The case of an obligatio *litteris* is illustrated by Gaius⁴ by the instance of *nomina transcripticia*, as when a creditor who has a debt due from a person in respect of a sale, or a letting, or a partnership, enters it in his book (*codices, or tabula expensæ et acceptæ*) as a debt (*expensum illi fert: expensum tulisse non dicit, cum tabulas non recitat*). This was called "*Nomen transcripticium a re in personam*." It was called *transcriptio a persona in personam* when a creditor entered in his books a debt as due from a third party, which was really due from another party, but which that other party had transferred (*delegavit*) to the creditor.

Cicero clearly alludes to this *litterarum obligatio* in his Oration pro Roscio Comedo. He says,⁵ speaking of the plaintiff's demand, "his claim is for a certain sum of money (*pecunia certa*), and this must be either 'data' (a case of obligatio *re*), or 'expensa lata' (the *litterarum obligatio*), or *stipulata* (an obligatio *verbis*)."

Some difficulty arises about the mode of converting an obligation of a different kind into an obligatio *litteris*. The subject is discussed by Unterholzner⁷ in an ingenious essay, which, however, was written

before the publication of the MS. of Gaius; and it has since been discussed by other writers. Unterholzner conjectured that a third party, with the consent of the debtor and creditor, made the entry in his own books; but there is no evidence in support of this assumption. Theophilus¹ represents the *litterarum obligatio* as a *novatio* or change of an obligation of one kind into an obligation of another kind, and this, he says, was effected both by words and writing (*ῥήμασι καὶ γράμμασι*). It was effected, according to him, by the creditor writing to the debtor (*γράφειν ῥήματα πρὸς αὐτόν*) to ask his consent to the old obligation being made into a new one of a different kind, and by the debtor consenting. As stated by him, the obligatio *litteris* might be an obligatio contracted by a letter of the creditor to the debtor, and the debtor's reply. In principle, there would be no objection to its being contracted by the debtor's consent expressed by a subscription in the creditor's books. The *litterarum obligatio* of Theophilus, however, rather seems to correspond to the other kinds of *litterarum obligatio* referred to by Gaius,² where he says, "this obligation can be contracted by *chirographa* and *syngrapha*, that is, if a man writes that he owes a sum of money or will pay it; provided, however, there be no stipulatio on the same account." It is not impossible that Gaius means that the creditor might convert an obligation of another kind into that of *pecunia expensa* by the bare entry of it in his book; for it is no objection to this, as Unterholzner has it, "that a unilateral writing on the part of the creditor should have the effect of putting another person under an obligatio," for an obligatio was already contracted, which the creditor would have to prove; but if he could prove it, the law gave him all the advantage of a creditor for *pecunia certa*, if he had complied with certain forms. Gaius³ certainly may be understood as asserting that this obligatio was contracted simply "*expensum ferendo*:" but it seems to be the general opinion that this *litterarum obligatio* required the consent of the debtor either orally in the presence of witnesses or by letter;⁴ and this is not inconsistent with Gaius; for, though he says that the debtor is bound by the "*expensum ferendo*," that does not exclude his consent, but merely shows what is necessary in order to make the consent legally binding.

The obligations *consensu* were *emptio* and *venditio*, *locatio*, *conductio*, *societas*, *mandatum*. All obligations by contract, of course, required consent and the evidence of consent; but "these obligations," says Gaius,⁵ "are said to be contracted *consensu*, because no peculiar form of words or writing was required, but the consent of the parties to the transaction was sufficient." Accordingly, such transactions could take place between persons at a distance from one another, but a *verborum obligatio* required the presence of the parties. The actions founded on these obligations *consensu* were *bonæ fidei*.

A legal obligatio implies a right of action against the person who owes the duty (*qui obligatur*). This right of action (*ex contractu*) might be acquired by any person who was *sui juris*. It might also be acquired for him by those who were in his *potestas*, *manus*, and *mancipium*; and by free men and slaves whom a man possessed *bona fide*, with certain exceptions. This right of action might also be acquired by a man through the acts of a free man who was his agent, so far that he could require the cession of the obligatio so acquired.

An obligatio was terminated (*tollitur*) in various

1. (Gaius, iii., 100, 105.—Dig. 45, tit. 1, s. 113: "De Verborum Obligationibus.")—2. (Dig. 45, tit. 1, s. 5, § 1.)—3. (Cic., Pro Rosc. Com., 5.)—4. (iii., 128.)—5. (Compare Cic., Pro Rosc. Com., 4, 5.)—6. (c. 5.)—7. ("Ueber die Rede des Cicero über den Schauspieler Q. Roscius," Zeitschrift, i., 248.)

1. (ad tit. 1: "De Lit. Oblig.")—2. (iii., 134.)—3. (iii., 137.)—4. (Cic., Pro Rosc. Com., 5.—Val. Max., viii., 2, 2.)—5. (iii., 135.)

ways. The most common way was by payment (*solutio*) of what was due. A man, with the consent of the creditor, might pay another's debt, but the two schools differed as to the legal consequence of such payment. The Proculiani, as usual, adhering strictly to fundamental principles, maintained that the debtor was still under his obligatio, but if the money was demanded of him by the creditor, he had a good plea of *dolus malus* (*exceptio doli mali*).

An obligatio might be terminated by *acceptilatio*. An obligation contracted *per æs et libram* might be determined in the same way, and also one arising "ex iudicati causa." (*Vid. NEXUM.*) An obligatio might also be determined by *novatio*, which is the change of an existing duty (*debitum*) into another obligation, and the determination of the former obligation.¹ This is explained by the following instance:² If I stipulate that Titius shall give me what is due from you, a new obligatio arises by the intervention of a new person, and the former obligation is determined by being replaced by the latter; and sometimes a former obligatio may be determined by a subsequent stipulatio, though the subsequent stipulatio may be invalid. If the stipulation was from the same person, it required the addition of something to effect a novatio, as the addition of a condition, or the circumstance of adding to or subtracting from the time contained in the terms of the covenant. As to the case of a condition, it was the law in the time of Gaius that there was no novatio until the condition was fulfilled, and till that time the former obligatio continued. The opinion of the great jurist Servius Sulpicius as to the condition immediately effecting a novatio, was not law in the time of Gaius (*alio jure utimur*).

An obligatio was also determined by the *litis contestatio*, if the proceedings had taken place in a *legitimum iudicium*. It is stated generally, under the articles *litis contestatio* and *legitimum iudicium*, what is the import of these terms respectively. The original obligation (*principalis obligatio*) was determined by the *litis contestatio*, and the defendant (*reus*) was then bound (*tenetur*) by the *litis contestatio*. If he was condemned, the *litis contestatio* ceased to have any effect, and he was bound by the judgment (*ex causa iudicati*). It was a consequence of these doctrines, that, after a *litis contestatio* in a *legitimum iudicium*, a man could not bring his action on the original contract; for if his declaration or demand was *dari mihi oportere*, it was bad (*inutilis*), for after the *litis contestatio* the *dari oportere* had ceased. In the case of a *iudicium quod imperio continetur*, the obligatio existed and the action could be brought, but the demand might be answered by a plea (*exceptio*) of a *res iudicata* or in *iudicium deducta*. In the *iudicia imperio continentia* the *exceptio rei iudicatæ* corresponds to the *condemnatio* in the *legitima iudicia*, and the *exceptio rei in iudicium deductæ* to the *litis contestatio*. On this subject the reader may consult Keller, *Ueber Litis Contestation*, p. 11, &c.

Obligations arising from contract passed by universal succession to the heirs. There were no means of transferring obligations from the creditor to another person except by a novatio, which was effected by the assignee stipulating with the debtor with the consent of the creditor, the effect of which was to release the debtor from his former obligatio, and to bind him by a new one. If this novatio was not effected, the assignee could only sue as the cognitor or procurator of the assignor, and not in his own name.³

From the consideration of obligations arising

from contracts, Gaius⁴ passes to the consideration of obligations "*quæ ex delicto oriuntur*;" and these delicts; which are the foundation of the obligations, are FURTUM, BONA RAPTA OR RAPINA, DAMNUM, and INIURIA. All these obligations he considers to be comprised in one genus, whereas the obligations ex contractu are distributed into four genera.

The arrangement by the Roman jurists of obligations ex delicto with obligations ex contractu was founded on the circumstance that both classes of obligations were the foundation of rights *in personam*, or rights against a determinate individual or determinate individuals; but there is an important difference in the origin of the two rights. The rights ex contractu are rights founded on lawful acts, and rights ex delicto are rights founded on infringements of other rights.

The obligations quasi ex contractu are not enumerated by Gaius, but they are discussed in the Institutes of Justinian.⁵ These obligations do not properly arise either from contract or delict; but, inasmuch as they are founded on acts which are not delicts, they must be considered as belonging to contract rather than to delict, if we will refer them to one of these classes. But, in fact, these quasi contracts belong to neither class. Instances of these quasi contracts, enumerated in the Institutes, are "*absentis negotiorum gestio*" (*vid. NEGOTIORUM GESTORUM ACTIO*), the "*tutela iudicium*," and "*communis res sine societate*," as when a thing has been bequeathed and given to several persons, and some other instances.

These quasi contracts are arranged in the Institutes of Justinian after obligations ex contractu and the obligations quasi ex delicto are placed immediately after the obligations ex delicto. Instances of these obligations quasi ex delicto enumerated in the Institutes⁶ are, "*si iudex litem suam fecerit*," and the case of "*dejectum effusumque*," and others.

We may now examine more closely the meaning of the term obligatio, and other terms used in relation to the law of contracts. Its etymology (*ligo*, to bind) points merely to the obligatory part of a contract, or to the duty owing by one of the parties to the contract (*debitor*) to the other party (*creditor*), or to the duties mutually owing from the one to the other. The word which, as opposed to obligatio or "binding," expresses the determination of such binding, is "*solutio*;" and, generally, some form of the word "*solvo*" is the appropriate term to express the legal termination of the obligatio. But, inasmuch as duties owing by one party to the contract, or duties mutually owing by the parties to the contract, imply a right in the other party to the contract, or imply mutual rights in the parties to the contract, the word obligatio is often used to express both the rights and the corresponding duties which arise out of the contract. Consistently with this, we find the right of the creditor spoken of as his obligatio, and the duty of the debtor as his obligatio. There is no special name in the Roman law for a right against a determinate person or determinate persons. The name for ownership or property is *dominium*, to which is opposed the name obligations as descriptive of rights against determinate persons.

It is correctly remarked (Austin, *An outline of a course of Lectures on General Jurisprudence*), "that in the writings of the Roman lawyers the term obligatio is never applied to a duty which answers to a right *in rem*." But as the duty answering to a right *in rem* is only the duty of forbearance, that is, of not doing anything, there is no great inconven-

4. (Dig. 46, tit. 2: "De Novationibus et Delegationibus" - 2. (Gaius, iii., 176.) - 3. (Gaius, i., 38, &c.)

1. (iii., 182.) - 2. (iii., tit. 27.) - 3. (iv., tit. 5.)

use in the want of a name: as soon as an act is done which is an infringement of the right, or, in other words, a delictum (in one sense in which the Romans use this word), an obligation arises by force of such act (*obligatio ex delicto*), and gives the injured person a right of action against the wrong-doer.

A contractus, as it will appear from what has been said, required the consent of all the parties to it.

Those obligationes which were said to be founded on "consent" (*consensus*) were said to be founded only because consent was sufficient, and no peculiar form of words or expression was required; whereas, in the obligationes contracted *re*,¹ "verbis," and "litteris," certain acts, words, or writing were required. In those contracts where particular forms were not required in order to convert them into obligationes, any words or acts were sufficient which were evidence of consent. What words and acts are evidence of consent, cannot, of course, be determined generally in any system of jurisprudence. But certain acts or events exclude the notion of consent, even if the formal parts of a contract have been most scrupulously observed; constraint by force or threats (*vis*, *metus*), and fraud (*dolus*), and, in many cases, error, *error*, *ignorantia*, either render the agreement absolutely null, or give the party who has been constrained, deceived, or in error, various modes of defence against the claims of the other party.

An obligatio supposes two persons; the person to whom the duty is due, or the creditor, and the person from whom it is due, or the debtor. But there may be more than two parties to an obligatio, either as creditores or debitores, or both, all of whom may be comprehended under the general name of *rei*.² With reference to a person who is under the same obligatio, a person may be called *correus*. But when there are several parties to an obligatio, there are properly several obligationes, and this is the case whether the creditor is one and the debitores are several, or the creditores are several and the debtor is one, or both the creditores and debitores are several. In the obligatio *pro rata*, the claims of the several creditores, or the duties of the several debitores, are determinate parts of a whole, which is made up by the parts being united in one formal obligatio. There are cases when several creditores may claim the whole *solidum*, or several debitores may owe the whole *solidum*: where a creditor claims the whole against several debitores, there are, in fact, several obligationes binding on the several debitores. If he can only claim the whole once, he may claim it from any of the debitores; but when he has been satisfied by one debtor, his whole claim is extinguished.

An obligatio may be unilateral, that is, may only give a right of action to one of the parties to it, as in the case of *mutuum*, *stipulatio*, and others; or it may be bilateral, that is, it may give a right to each party against the other, as *emptio*, *venditio*, *locatio*, *conductio*.

It remains to explain some other terms which are of frequent occurrence.

The most general name for any agreement is *conventio*, *pactio*, *pactum conventum*, and its essence is consent: "*conventionis verbum generale est, ad omnia pertinens, de quibus negotii contrahendi transigendique causa consentiunt, qui inter se agunt.*"³ Conventions, then, were *juris gentium*, and, as a genus, were divisible into species. Those conventions which were the foundation of a right of action were called *contractus*, of which the Roman law acknowledged the four kinds already mention-

ed. As these *contractus* are distinguished by particular names, they have been named by modern writers *contractus nominati*, as opposed to other *contractus* presently to be mentioned, which they have named *innominati*. *Contractus nominati*, as has been shown, were *contractus* made or accompanied by certain forms: if these forms were wanting in the *conventio*, it could not belong to the class of *contractus nominati*; but if the matter of the *conventio* was a *civile negotium* or a *civilis causa*, it formed an *obligatio*, and was the foundation of an action "*præscriptis verbis*" or "*in factum*;" or, as it is clearly expressed by Julian,⁴ this is the actio "*ad quam necesse est confugere, quoties contractus existunt, quorum appellationes nulla jure civili prodita sunt.*" All the events upon which these actions could arise may be reduced to the four following heads: "*aut do tibi ut des, aut do ut facias, aut facias ut des, aut facio ut facias.*" An example of the first class will show the difference between these *innominati* and *nominati* *contractus*: if I give a man money for a thing, this is buying and selling, and is a *nominati* *contractus*; but if I give a man a thing for another thing, this is exchange, and it is an *innominati* *contractus*, but still it is the foundation of a *civilis obligatio*. These *innominati* *contractus* take the name of *contractus* from their resemblance to proper *contractus* in the Roman sense; but, as they are not referrible to any one of such *contractus*, it is necessary to form them into a separate class. These *contractus*, as it will appear from the description just given of them, have their foundation in an act (a giving or doing) by one of the parties, and so far resemble *contractus re*. Accordingly, the *contractus* is not complete so long as a thing remains to be given or done by the debtor; and the creditor may have his action (*condictio*) for the recovery of a thing which he has given, and for which the debtor has not made the return (a giving or an act) agreed upon. The creditor has also his action generally (*præscriptis verbis*) for the completion of the *contractus*, or for compensation to the amount of the injury sustained by its non-performance.

All other conventions were simply *pacta*, the characteristic of which is that they were not originally the foundation of actions, but only of pleas or answers (*exceptiones*); that is, if an agreement (*conventio*, *pactio*) could not be referred to the one or other class of *contractus*, it did not give a right of action. Now all conventions were the foundation either of actions or of exceptions. Conventions were *contractus* when they were made with certain forms; when they were not made with these forms, but still on good consideration (*causa*), they were the foundation of a *civilis obligatio*. When there was no *causa*, there was no *obligatio* created by such *conventio*, and it is added,⁵ "therefore a *nuda pactio* does not produce an *obligatio*, but an *exceptio*:" whence it follows that a *nuda pactio* is a *pactio sine causa*, or a *pactio* for the benefit of one party only. Sometimes *nuda conventio* is used as equivalent to *nuda pactio*.⁶ It is a mistake to say that *pactum* by itself means a one-sided *contractus*. *Pactum* is a term as general as *conventio* (*pactum a pactioe—est autem pactio duorum plurimæ in idem placitum consensus*⁷), and is a part of all *contractus*, as *conventio* is. There might be a *pactum* or *pactio* relating to marriage, the establishment of a *servitus* in provincial lands,⁸ and other matters. But *pactum*, as included in the law of *obligationes*, obtained a limited signification; and it was used to signify agreements not included among the *contractus*, but still binding agreements, as being *con-*

1. (Gaius, iii., 125.)—2. (Cic. De Or., ii., 43.)—3. (Dig. ii., s. 14.)

1. (Dig. 19, tit. 5: "De præscriptis verbis," &c.)—2. (Dig. 2, tit. 14, s. 7, § 4.)—3. (Dig. 15, tit. 5, s. 15.)—4. (Dig. 2, tit. 4, s. 1.)—5. (Gaius, ii., 31.)

ed on a *causa*. Some of these obligatory pacts were the foundation of an *actio civilis*, and some of them were protected by the *prætor*: *ait prætor: "Pacta consecretis que neque dolo male neque aduersus leges plebiscitis senatus consultis edictis decreta principum neque que frons cui eorum facta erant scribitur."* The parties to a pactum were said "*pacti*." Anything might be the subject of a "*pactum*" which did not involve an illegality. If an illegal pactum was made, it was still illegal, though it had been confirmed by a stipulatio or any other form. The matter relating to pacts is not arranged in the Digest under the head of Obligaciones et Actiones,² but in the same book with the titles De Iurisdictione, &c.

Savigny contends that the notion of agreement, or of contract in its general sense (*contractus*), is too narrowly conceived by jurists in general. He defines agreement to be the "union of several persons in one concordant declaration of will whereby their legal relations are determined." Consequently, the notion of contract or agreement must be extended to other things than to contracts which produce obligations: for instance, tradition is characterized by all the marks of an agreement; and the fact that the declaration of their will by the parties to the tradition is insufficient to effect complete tradition without the external act by which possession is acquired, does not in the least affect the essence of the agreement. In like manner, *consecratus* (*servitutes*) take their rise from agreement. The imperfect conception of an agreement has arisen from not separating in some cases the obligatory agreement from those acts for which such obligatory agreement is generally a preparation, and of which it is an accompaniment. This becomes more apparent if we consider the case of a gift, which is a real agreement, but without any obligation: it is merely a giving and receiving by mutual consent. This general notion of agreement is contained in the words of Ulpian already quoted, in which he defines *pactio* to be "*diuersum plurimum*," &c. It does not seem, however, that the Romans applied the terms *pactio*, *pactum*, and *conuentio* to any agreements except those which were the foundation of obligations.³

Policitatio is a proffer or offer on the part of a person who is willing to agree (*policitatio offerentis ad alium promissum*). A *policitatio*, of course, created no obligation. The word is frequently used with reference to promises made by a person to a state, city, or other body politic, such as the promise to erect a building, to exhibit public shows, &c. Such *policitationes* were binding when there was a *causa*, as a promise made with reference to a dignity (*honos*) conferred or to be conferred. A *policitatio sine causa* was also obligatory if the person began to do what he had promised, as if he laid the foundation of a building or cleared the ground (*si quis statum or prætorum policitationibus multa de-*

terminatus) who vowed anything was also bound

Digest. *De Re. Jur. et. Inst.*, iii., tit. 13, &c.—*Dig. De Policitationibus et Actionibus*.—Mühlenbruch, *De Obligationibus*, lib. iii., *De Obligationibus*, &c. The matter of obligation by *Gans*, *System des Römischen Rechts*, lib. iii., tit. 13, &c.

OCREATA. (Vid. *CORONA*, p. 488.)

OCREATA.

1. (Off. i., 7.)—2. (Savigny, *Lehrb. d. R.*, tit. 13, s. 3.)

OCCUPATIO. The word is used to express the acquisition of ownership by or the taking possession of that which is *res*. Among the modes of acquiring "*naturali ratione*," that is, by such means all nations acknowledged to be lawful acquiring ownership, *Gaius*¹ enumerates the possession of those things *quæ nulli in animalis of the chase, birds and fishes, and* are said "*occupantis fieri*."²

***OCHNE** (*ὄχνη*), the Pear-tree, or *Pyrus*. Theophrastus has *ὄχνη*. (Vid. *Præf.*)

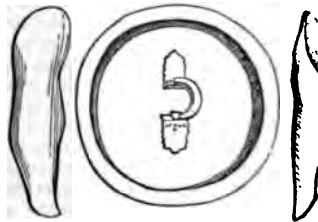
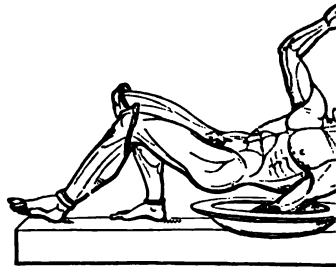
***OCHRA** (*ὄχρα*), our Yellow Ochre, ochrey brown iron ore of Jameson. It is used by the ancient painters, and like medicine.³

***OCHRUS** (*ὄχρος*), the *Pisum Ochry*, of Pease that grows plentifully among us and Sicily.⁴

***OCIMOIDEΣ** (*ὄκμοιδες*), a plant, *Thiolum* and *Bauhin* hold to be a species of an opinion, however, which is rejected *arous*. Sprengel agrees with *Lobelia* champ in referring it to the *Saponaria* *O.*

***O'CINUM** or **O'CYMUM** (*ὄκμινον*), plant, which Adams makes the same with *Basilicum*, or Sweet Basil.⁵

O'CREA (*ὄκρη*), a Greave, a *Leggi* of greaves (*κρημίδες*) was one of the six armour which formed the complete equip of Greek or Etruscan warrior (vid. *Anna*), likewise of a Roman soldier as fixed *Tullius*.⁶ They were made of bronze,⁷ of tin,⁸ or of silver and gold,⁹ with a lining of leather, felt, or cloth. Another fitting them to the leg so as not to hurt the interposition of that kind of sponge also used for the lining of helmets (vid. 466), and which Aristotle describes as markable for thinness, density, and firm greaves, lined with these materials, as fitted with great exactness to the leg, p



1. (Off. i., 7.)—2. (ii., 66, &c.)—3. (Dig. 41, tit. quirendo rerum dominio.)—4. (Hom., *Odyss.*, vii., *ocritus*, *Idyll.*, i., 134.—*Adams*, *Append.*, s. v.)—5. (108.—*Adams*, *Append.*, s. v.)—6. (Theophrast., *H.* 10.—*Adams*, *Append.*, s. v.)—7. (*Dioscor.*, iv., 33.—*Simpl.*, viii.—*Adams*, *Append.*, s. v.)—8. (Theoph. i., 19.—*Id.* ib., vii., 1.—*Dioscor.*, ii., 170.—*Adams*, v.)—9. (*Liv.*, i., 43.)—10. (*Alcimus*, *Frag.*, i., ed. *Ms* (*Hes.*, *Scut.*, 122.)—12. (Hom., *Il.*, xviii., 612.—1592.)—13. (*Virg.*, *Æn.*, vii., 634.—*Id.* ib., viii., 624.—488.

many cases, no other fastening than their vicinity. Often, nevertheless, they were fastened by two straps, as may be seen in the woodcut at p. 94. Their form and appearance are best understood from the preceding woodcut. The upper figure is that of a fallen warrior, and the lower among the sculptures, now at Munich, is that of the temple in Ægina. In consequence of the fastening of the knees, the greaves are seen to project a little above them. This statue also shows distinctly the ankle-rings (*ἐπισφύρια*), which were used to fasten the greaves immediately above the knee. The lower portion of the same woodcut shows the interior view of a bronze shield and a bronze greave, which were found by the excavations at Capri in the tomb of an Etruscan and which are now preserved in the British Museum. These greaves are made right and

the Greeks took great delight in handsome and convenient greaves may be inferred from the *κνυμίδες*, as used by Homer, and from his descriptions in describing some of their parts, especially the ankle-rings, which were sometimes of silver. The modern Greeks and Albanians wear greaves in form resembling those of their ancestors, made of softer materials, such as velvet, and lined with gold, and fastened with hooks and

the Romans, greaves made of bronze, and embossed, were worn by the gladiators. They have been found at Pompeii.² It appears to have been in the time of the emperors that greaves were entirely laid aside as part of the armour of soldiers.³ At an earlier period the heavy greave was a single greave on the right leg.⁴ Leg-greaves were made of hide or strong leather, probably of the kind described, and designated by the same name in Greek and Latin, were worn by agriculturists⁵ and by huntsmen.⁶

BER. (Vid. CALENDAR, ROMAN.)

PHORON. (Vid. LECTICA, p. 571.)

(Vid. HOUSE, ROMAN, p. 517.)

OIE (*ὄνη, οἴνη*), the *Pyrus sorbus*, or Sorbus. Its fruit is called *ὄνα* by Dioscorides.⁷

NTHE (*οἰνάνθη*), a plant, about which questions have been formed. Sprengel prefers Lobelius, who held it to be the *Pedicularis*, L. "From my acquaintance, however," says Adams, "with the *Cēnanthe pimpinifolia* Parsley Waterdropwort, I cannot help thinking it agrees pretty well with the description of Dioscorides. The *Cēnanthe crocata*, a species very similar in appearance, but very different in its nature, is entirely out of the question, although some authors hold it to be the *Cēnanthe* of Celsus. The *οἰνάνθη* is likewise applied to the flowers of the *οἰνάνθη* vine."⁸

A small bird mentioned by Aristotle. It is thought to have been the *Saxicola Cēnanthe*, Bechstein's English name is *Wheat-eater*; its Scotch,

S (*οἰνάς*), the common Pigeon, or *Columba*.

PHORUM (*οἰνώφορον*), a Basket, or other contrivance for carrying bottles of wine; a wine-bottle. This was sometimes used by those who carried their own wine with them in travelling, in order to avoid the necessity of purchasing it on the

road.¹ A slave, called the wine-bearer (*cenophorus*), carried it probably on his back.

*CENOTHE'RA (*οἰνοθήρα*), according to Sprengel, the *Epilobium angustifolium*, or narrow-leaved Willow-herb. "The commentators, however," remarks Adams, "are in general very undecided regarding it."²

*CESTRUS (*οἶστρος*). "Bochart and Aldrovandini," remarks Adams, "have proved most satisfactorily, that by the Greek poets, &c., the terms *οἶστρος* and *μύωψ* were used indiscriminately; but that Aristotle and other writers on matters of science apply the former to a species of gadfly (meaning, I presume, the *Cestrus hœvis*, or Breeze), and the latter to a species of horsefly (the *Tabanus bovinus*). This, it appears to me, is the most satisfactory account of the matter. But yet I think it right to mention that Schneider, treating of the *μύωψ* of Ælian, professes himself unable to determine whether it was a species of *Cestrus*, *Tabanus*, or *Hippoboscæ*; and in another place he offers it as a conjecture, that the *οἶστρος* of Aristotle was a species of *Culex*. It seems agreed that the *Asilus* of Virgil was the Breeze." (Vid. ASILUS.)³

OFFENDIX. (Vid. APEX.)

OGULNIA LEX. (Vid. LEX, p. 584.)

OIKIAS ΔΙΚΗ (*οἰκίας δίκη*), an action to recover a house, in which (as in any other action where property was the subject of litigation) the dicasts decided (*διεδίκασεν*) to which of the parties the house belonged, and adjudged it to him (*ἐπεδίκασεν*). Nothing farther being requisite, the suit was an *ἀτίμητος ἄγων*. Certain speeches of Lycias, Isæus, and Hyperides, which are now lost, were upon this subject. The *οἰκίας δίκη* was only to recover the house itself; the by-gone rents, or mesne profits, were recoverable in an action called *ἐνοικίου δίκη*. (Vid. ΕΝΟΙΚΙΟΥ ΔΙΚΗ.)⁴

OFFICIUM ADMISSIO'NUM. (Vid. ADMISSIO'NALIS.)

OINOCHOOI (*οἰνοχόοι*). (Vid. SYMPOSIUM.)

OIONISTICE (*οἰωνιστική*). (Vid. DIVINATIO, p. 369.)

*OLIVA, the Olive-tree. (Vid. ELAIA and COTYNEOS.)

OLLA, ant. AULA,⁶ dim. OLLULA (*λίθης; χύτρος, χύτρα*, dim. *χύτρις*), a vessel of any material, round and plain, and having a wide mouth; a pot, a jar.

Besides being made of earthenware⁷ (*δοσρακίλη, testacea*) and bronze (*χαλκή, ἀνεα, ανειμ, λίθη, χάλκεος*¹⁰), the ancients also made these vessels of different kinds of stone, which were turned upon the lathe. At Pleurs, a village near Chiavenna, to the north of the Lake of Como, the manufacture of vessels from the potstone found in a neighbouring mountain is still carried on, and has probably existed there from the time of Pliny, who makes express mention of it.¹¹ Some of these vessels are nearly two feet in diameter, and, being adapted to bear the fire, are used for cooking (*Oculis observare ollam pulvis, ne aduratus*¹²).

The following woodcut is taken from a vase in the British Museum, which was found at Canino in Etruria. The painting upon it represents the story of Medea boiling an old ram with a view to persuade the daughters of Pelias to put him to death.¹³

1. (Hor., Sat., I., vi., 109.—Juv., Sat., vii., 11.—Pers., Sat., v., 140.—Mart., vi., 88.—Apuleius, Met., viii.—Tertull., De Jejun., 9.)—2. (Plin., H. N., xxxiv., 8, s. 19.)—3. (Theophrast., H. P., ix., 10.—Dioscor., iv., 116.—Adams, Append., s. v.)—4. (Ælian, N. A., vi., 37.—Adams, Append., s. v.)—5. (Meier, Att. Proc., p. 492.)—6. (Plaut., Aulul., passim.)—7. (Antiphanes ap. Athen., x., 70.)—8. (Æsop., Fab., 329.—Catô, De Re Rust., 81.)—9. (Ovid, Met., vii., 318—321.)—10. (Herod., i., 48.)—11. (H. N., xxxvi., 22, s. 44.)—12. (Varro ap. Non. Marcell., p. 543 ed. Merceri.—Festus, s. v. Aulas.)—13. (Ovid, Met., vii., 318—321.—Hygin., Fab., 24.)



The pot has a round bottom, and is supported by a tripod, under which is a large fire. The ram, restored to youth, is just in the act of leaping out of the pot. Instead of being supported by a separate tripod, the vessel was sometimes made with the feet all in one piece, and it was then called in Greek *τρίπους* (*vid. Τρίπους, χυτρόπους,¹ and πυρίστάτης.*

Besides being placed upon the fire in order to boil water or cook victuals, the ancients used pots to carry fire, just as is now done by the modern inhabitants of Greece, Italy, and Sicily.² They also used small pots containing fire and pitch, to annoy the enemy in sieges by throwing them from slings and military engines.

A late traveller in Asia Minor informs us that the Turks wash their hands in the following manner: A boy or servant pours water upon the hands, the water falling into a vessel which is placed underneath to receive it.³ So in the *Odyssey*,⁴ a servant brings water in a golden ewer (*προχόφω*), and pours it upon the hands of the guest over a jar (*λεβήτι*) of silver. Numerous passages of ancient authors show that this practice has always prevailed in the same countries.

The Argives and Æginetans drank out of small, coarse pots of their own manufacture, rather than purchase cups of superior quality from Athens.⁵ (*Vid. FICTILE, p. 440.*)

Ollæ were also used to hold solids and keep them in store, while amphoræ rendered the same service in regard to liquids. (*Vid. AMPHORA.*) Thus grapes were kept in jars as at present.⁶ Although pots were commonly made solely with a view to utility, and were therefore destitute of ornament and without handles, yet they were sometimes made with two handles (*δίωροι*) like amphoræ; and, when they were well turned upon the wheel, well baked, smooth and neat, and so large as to hold six congii (=4½ gallons nearly), they were, as we learn from Plato,⁷ considered very beautiful.

Pots were used, as with us, in gardening.⁸

Another very remarkable use of these vessels of earthenware among the Greeks was to put infants into them to be exposed,⁹ or to be carried any-

where.¹ Hence the exposure of children is called *ἐγχυτρίζειν*,² and the miserable women who were thus exposed are called *ἐγχυτρίστριαί.*³

In monumental inscriptions the term is frequently applied to the pots which were used to receive the ashes of the slaves or inferior members of a family, and which were either exposed to the niches of the *Columbarium*, or immured in a manner as to show the lid only. Some specimens of cinerary ollæ are preserved in the Museum, in a small apartment so constructed as to exhibit accurately the manner of arrangement. (*Vid. above, p. 287, 288, 461, and numerous others in Bartoli's Antichi Sepolcri.*)

The lid of the olla was called *ἐπίθημα ἀνθρακίου*. It generally corresponded in the material and style of ornament with the olla itself.*

**OLLYGON* (*ὀλλύγων*), "the name of a swallow," says Adams, "mentioned by Theophrastus. The scholiast calls it a swallow; some have referred it to the lark; and others have supposed it to be a frog! From the probable derivation of the name (*i. e.*, from *ὀλλόγη*), I am disposed to agree with the scholiast."⁵

**OLOSTION* (*ὀλόστιον*), a plant mentioned by Dioscorides. "Little, however, can be made of Adams, "from his brief description of it. It is decidedly *not* the *Stellaria Holosteum*, or Greatwort, as Ruellius supposed; nor the *Plantago lanceolata*, as Dodonæus suggested. Whether or not it is the *Holosteum umbellatum*, as Tabernæmontanus and others contend, possesses the requisite character to warrant me in venturing to decide, as I have no acquaintance with that plant."⁶

OLYMPIAD (*Ὀλυμπιάς*), the most important chronological æra among the Greeks, was that of four years, which elapsed between each Olympiad, or the Olympic games. The Olympiad was reckoned from the victory of Coræbus in the footrace, which happened in the year B.C. 776. Timæus of Sicily, however, who flourishes about the year 350, was the first writer who regularly applied the term to the events according to the conquerors in each Olympiad, with which æra he compared the year of the Attic archons, the Spartan ephors, and the Argive priestesses.⁸ His practice of recording the Olympiads was followed by Polybius, Diodorus Siculus, Dionysius of Halicarnassus, and so on by Pausanias, Ælian, Diogenes Laertius, and others. It is twice adopted by Thucydides⁹ and Xenophon.¹⁰ The names of the conquerors in the footrace were only used to designate the Olympiad, not the victors in the other contests. Thucydides, however, designates two Olympiads by the names of the conquerors in the pancratium; but this is only to have been done on account of the rarity of these victors, both of whom conquered in the pancratium. Other writers, however, so strictly to the practice of designating the Olympiad only by the conqueror in the footrace, that when the same person had obtained the victory in other contests as well as in the footrace, they mention the latter. Thus Diodorus¹² and Pausanias¹³ only record the conquest of Xenophon in the footrace, although he had also competed at the same festival in the pentathlon.

The writers who make use of the Olympiad usually give the number of the Olympiad (the first corresponding to B.C. 776), and the name of the conqueror in the footrace. Some

1. (*Hes., Op. et Dies, 748.—Schol. in Soph., Aj., 1405.*)—2. (*Xen., Hellen., iv., 5, § 4.*)—3. (*Fellows's Excursion in Asia Minor, p. 153.*)—4. (*i., 136.*)—5. (*Herod., v., 88.*)—6. (*Col., De Re Rust., xii., 43.*)—7. (*Hipp. Maj., p. 153, 154, ed. Heindorf.*)—8. (*Cato, De Re Rust., 51.*)—9. (*Aristoph., Ran., 1188.—Schol. ad loc.—Mæris, s. v. Ἐγχυτρίστριαί.*)

1. (*Aristoph., Thesm., 512-516.—Schol. ad loc.*)—2. (*S. v.*)—3. (*Suidas, s. v.*)—4. (*Herod., i., 48.—Cæsar, De Bello Gallico, vii., 139.—Adams, Append., s. v.*)—5. (*Theocrit., vii., 139.—Adams, Append., s. v.*)—6. (*Cor., iv., 11.—Galen., De Simplic., viii.—Adams, Append., s. v.*)—7. (*Paus., v., 8, § 3.—Id., viii., 26, § 3.—Strabo, viii., 2, § 10.—Polyb., xii., 12, 1.)—8. (iii., 8; v., 49.)—9. (ii., 2, § 1; ii., 3, § 1.)—10. (ii. cc.)—11. (xi., 70.)—12. (ii., 2, § 1; ii., 3, § 1.)—13. (ii., 70.)—13. (ii., 70.)*

OLYMPIAD.

OLYMPIAD

also speak of events as happening in the first, second, third, or fourth year, as the case may be, of certain olympiad; but others do not give the separate years of each olympiad. The rules for connecting olympiads into the year B.C., and vice versa are given under CALENDAR (GREEK), p. 191; but, as this is troublesome, we subjoin for the use of the student a list of the olympiads, with the years of the christian era corresponding to them, from the beginning of the olympiads to A.D. 301. To save space, the separate years of each olympiad, with the corresponding years B.C., are only given from the first to the 126th Olympiad, as this is the most important period of Grecian history; in the other olympiads the first year only is given. In consulting the following table, it must be borne in mind that the Olympic games were celebrated about midsummer (*vid. OLYMPIC GAMES*), and that the Attic year commenced at about the same time. If, therefore, an event happened in the second half of the Attic year, the year B.C. must be reduced by one. Thus Socrates was put to death in the 1st year of the 101st Olympiad, which corresponds in the following table to B.C. 400; but, as his death happened in Argelion, the 11th month of the Attic year, the year B.C. must be reduced by one, which gives us the true date of his death.

	B.C.	Ol.	B.C.	Ol.	B.C.	Ol.
	494.	3.	419.	2.	344.	109. 1.
	493.	4.	418.	3.	343.	2.
	492.	72. 1.	417.	4.	342.	3.
	491.	2.	416.	91. 1.	341.	4.
	490.	3.	415.	2.	340.	1.0. 1.
	489.	4.	414.	3.	339.	2.
	488.	73. 1.	413.	4.	338.	3.
	487.	2.	412.	92. 1.	337.	4.
	486.	3.	411.	2.	336.	111. 1.
	485.	4.	410.	3.	335.	2.
	484.	74. 1.	409.	4.	334.	3.
	483.	2.	408.	93. 1.	333.	4.
	482.	3.	407.	2.	332.	112. 1.
	481.	4.	406.	3.	331.	2.
	480.	75. 1.	405.	4.	330.	3.
	479.	2.	404.	94. 1.	329.	4.
	478.	3.	403.	2.	328.	113. 1.
	477.	4.	402.	3.	327.	2.
	476.	76. 1.	401.	4.	326.	3.
	475.	2.	400.	95. 1.	325.	4.
	474.	3.	399.	2.	324.	114. 1.
	473.	4.	398.	3.	323.	2.
	472.	77. 1.	397.	4.	322.	3.
	471.	2.	396.	96. 1.	321.	4.
	470.	3.	395.	2.	320.	115. 1.
	469.	4.	394.	3.	319.	2.
	468.	78. 1.	393.	4.	318.	3.
	467.	2.	392.	97. 1.	317.	4.
	466.	3.	391.	2.	316.	116. 1.
	465.	4.	390.	3.	315.	2.
	464.	79. 1.	389.	4.	314.	3.
	463.	2.	388.	98. 1.	313.	4.
	462.	3.	387.	2.	312.	117. 1.
	461.	4.	386.	3.	311.	2.
	460.	80. 1.	385.	4.	310.	3.
	459.	2.	384.	99. 1.	309.	4.
	458.	3.	383.	2.	308.	118. 1.
	457.	4.	382.	3.	307.	2.
	456.	81. 1.	381.	4.	306.	3.
	455.	2.	380.	100. 1.	305.	4.
	454.	3.	379.	2.	304.	119. 1.
	453.	4.	378.	3.	303.	2.
	452.	82. 1.	377.	4.	302.	3.
	451.	2.	376.	101. 1.	301.	4.
	450.	3.	375.	2.	300.	120. 1.
	449.	4.	374.	3.	299.	2.
	448.	83. 1.	373.	4.	298.	3.
	447.	2.	372.	102. 1.	297.	4.
	446.	3.	371.	2.	296.	121. 1.
	445.	4.	370.	3.	295.	2.
	444.	84. 1.	369.	4.	294.	3.
	443.	2.	368.	103. 1.	293.	4.
	442.	3.	367.	2.	292.	122. 1.
	441.	4.	366.	3.	291.	2.
	440.	85. 1.	365.	4.	290.	3.
	439.	2.	364.	104. 1.	289.	4.
	438.	3.	363.	2.	288.	123. 1.
	437.	4.	362.	3.	287.	2.
	436.	86. 1.	361.	4.	286.	3.
	435.	2.	360.	105. 1.	285.	4.
	434.	3.	359.	2.	284.	124. 1.
	433.	4.	358.	3.	283.	2.
	432.	87. 1.	357.	4.	282.	3.
	431.	2.	356.	106. 1.	281.	4.
	430.	3.	355.	2.	280.	125. 1.
	429.	4.	354.	3.	279.	2.
	428.	88. 1.	353.	4.	278.	3.
	427.	2.	352.	107. 1.	277.	4.
	426.	3.	351.	2.	276.	126. 1.
	425.	4.	350.	3.	275.	2.
	424.	89. 1.	349.	4.	274.	3.
	423.	2.	348.	108. 1.	273.	4.
	422.	3.	347.	2.	272.	127. 1.
	421.	4.	346.	3.	268.	128. 1.
	420.	90. 1.	345.	4.	264.	129. 1.

OLYMPIC GAMES.

OLYMPIC GAMES.

B.C.	Ol.	B.C.	Ol.	A.D.	Ol.
260	130	68	178	117	224
256	131	64	179	121	225
252	132	60	180	125	226
248	133	56	181	129	227
244	134	52	182	133	228
240	135	48	183	137	229
236	136	44	184	141	230
232	137	40	185	145	231
228	138	36	186	149	232
224	139	32	187	153	233
220	140	28	188	157	234
216	141	24	189	161	235
212	142	20	190	165	236
208	143	16	191	169	237
204	144	12	192	173	238
200	145	8	193	177	239
196	146	4	194	181	240
192	147			185	241
188	148			189	242
184	149	1	195	193	243
180	150	5	196	197	244
176	151	9	197	201	245
172	152	13	198	205	246
168	153	17	199	209	247
164	154	21	200	213	248
160	155	25	201	217	249
156	156	29	202	221	250
152	157	33	203	225	251
148	158	37	204	229	252
144	159	41	205	233	253
140	160	45	206	237	254
136	161	49	207	241	255
132	162	53	208	245	256
128	163	57	209	249	257
124	164	61	210	253	258
120	165	65	211	257	259
116	166	69	212	261	260
112	167	73	213	265	261
108	168	77	214	269	262
104	169	81	215	273	263
100	170	85	216	277	264
96	171	89	217	281	265
92	172	93	218	285	266
88	173	97	219	289	267
84	174	101	220	293	268
80	175	105	221	297	269
76	176	109	222	301	270
72	177	113	223		

the north and northeast by the mountains Cronos and Olympus, on the south by the river Alpheus, and on the west by the Cladeus, which flows into the Alpheus. Olympia does not appear to have been a town, but rather a collection of temples and public buildings, the description of which does not come within the plan of this work.

The origin of the Olympic games is buried in obscurity. The legends of the Elean priests attributed the institution of the festival to the Idean Heracles, and referred it to the time of Cronos. According to their account, Rhea committed her newborn Zeus to the Idean Dactyli, also called Curetes, of whom five brothers, Heracles, Peonaeus, Epimedes, Iasius, and Idas, came from Ida in Crete to Olympia, where a temple had been erected to Cronos by the men of the Golden Age; and Heracles, the eldest, conquered his brothers in a footrace, and was crowned with the wild olive-tree. Heracles hereupon established a contest, which was to be celebrated every five years, because he and his brothers were five in number.¹ Fifty years after Deucalion's flood they said that Clymenus, the son of Cardis, a descendant of the Idean Heracles, came from Crete and celebrated the festival; but that Endymion, the son of Æthlius, deprived Clymenus of the sovereignty, and offered the kingdom as a prize to his sons in the footrace; that, a generation after Endymion, the festival was celebrated by Pelops to the honour of the Olympian Zeus, that when the sons of Pelops were scattered through Peloponnesus, Amythaon, the son of Cretheus and a relative of Endymion, celebrated it; that to him succeeded Pelias and Neleus in conjunction, then Augeas, and at last Heracles, the son of Amphitryon, after the taking of Elis. Afterward Oxyllus is mentioned as presiding over the games, and then they are said to have been discontinued till their revival by Iphitus.² Most ancient writers, however, attribute the institution of the games to Heracles, the son of Amphitryon,³ while others represent Atreus as their founder.⁴

Strabo⁵ rejects all these legends, and says that the festival was first instituted after the return of the Heraclidæ to the Peloponnesus by the Ætoliæ, who united themselves with the Eleans. It is impossible to say what credit is to be given to the ancient traditions respecting the institution of the festival; but they appear to show that religious festivals had been celebrated at Olympia from the earliest times, and it is difficult to conceive that the Peloponnesians and the other Greeks would have attached such importance to this festival, unless Olympia had long been regarded as a hallowed site. The first historical fact connected with the Olympian games is their revival by Iphitus, king of Elis, who is said to have accomplished it with the assistance of Lyeurgus, the Spartan lawgiver, and Cleosthenes of Pisa; and the names of Iphitus and Lyeurgus were inscribed on a disc in commemoration of the event, which disc Pausanias saw in the Temple of Hera at Olympia.⁶ It would appear from this tradition, as Thirlwall⁷ has remarked, that Sparta concurred with the two states most interested in the establishment of the festival, and mainly contributed to procure the consent of the other Peloponnesians. The celebration of the festival may have been discontinued in consequence of the troubles consequent upon the Doric invasion, and we are told that Iphitus was commanded by the Delphic oracle to revive it as a remedy for intestine commotions and for pestilence, with which Greece

Many of the ancient writers did not consider history to begin till the Olympiad of Corcebus, and regarded as fabulous the events said to have occurred in preceding times.¹

The old olympiad æra appears only to have been used by writers, and especially by historians. It does not seem ever to have been adopted by any state in public documents. It is never found on any coins, and scarcely ever on inscriptions. There are only two inscriptions published by Böckh in which it appears to be used.² A new olympiad æra, however, came into use under the Roman emperors, which is found in inscriptions and was used in public documents. This æra begins in Ol. 227, 3 (A.D. 131), in which year Hadrian dedicated the Olympieion at Athens; and, accordingly, we find Ol. 227, 3, spoken of as the first olympiad, Ol. 228, 3 (A.D. 135), as the second olympiad, &c.³

OLYMPIC GAMES (Ὀλύμπια), the greatest of the national festivals of the Greeks. It was celebrated at Olympia in Elis, the name given to a small plain to the west of Pisa, which was bounded on

1. (Censorinus, De Die Natali, c. 21.—African. ap. Euseb., Præp., x., 10, p. 487, D.—Clinton, Fast. Hell., vol. ii., Introd., pt. ii.)—2. (Corp. Inscr., n. 2682, 2999.)—3. (Corp. Inscr., n. 213, 446, 1345.—Krause, Olympia, p. 60, &c.—Warm, De Fond. ær., § 94, &c.)

1. (Paus., v., 7, § 4.)—2. (Paus., v., 8, § 1, 2.)—3. (Apollod. ii., 7, § 2.—Diod. Sic., iv., 14.—Compare Strabo, viii., p. 355.)—4. (Vell. Patere., i., 7.—Hermann, Pol. Ant., § 23, n. 10.)—5. (viii., p. 354, 355.)—6. (Paus., v., 3, § 4; v., 20, § 1.—Plut., Læurg., 1, 23.)—7. (Hist. of Greece, ii., p. 386.)

then afflicted. Iphitus thereupon induced the
ns to sacrifice to Heracles, whom they had for-
y regarded as an enemy, and from this time
games were regularly celebrated.¹ Different
s are assigned to Iphitus by ancient writers,
e placing his revival of the olympiad at B.C.
and others, as Callimachus, at B.C. 828.² The
val of four years between each celebration of
festival was called an olympiad; but the olym-
s were not employed as a chronological æra till
victory of Coræbus in the footrace, B.C. 776.

(OLYMPIAD.)

he most important point in the renewal of the
val by Iphitus was the establishment of the
trêpía, or sacred armistice, the formula for pro-
ning which was inscribed in a circle on the disc
tioned above. The proclamation was made by
e-heralds (*σπονδοφόροι*), first in Elis and after-
in the other parts of Greece; it put a stop to
arfare for the month in which the games were
erated, and which was called *ιερομηνία*. The
ory of Elis itself was considered especially sa-
uring its continuance, and no armed force
l enter it without incurring the guilt of sacri-
e.

When the Spartans, on one occasion, sent
s against the fortress Phyræum and Lepreum
g the existence of the Olympic truce (*ἐν ταῖς
πικτακῖς σπονδαῖς*), they were fined by the
ns, according to the Olympic law, 2000 minæ,
g two for each Hoplite.³ The Eleans, however,
nded not only that their lands were inviolable
g the existence of the truce, but that, by the
al agreement with the other states of Pelop-
esus, their lands were made sacred forever, and
e never to be attacked by any hostile force;⁴
they farther stated that the first violation of
territory was made by Pheidon of Argos. But
Eleans themselves did not abstain from arms,
it is not probable that such a privilege would
e existed without imposing on them the corre-
ding duty of refraining from attacking the ter-
ry of their neighbours. The later Greeks do not
ar to have admitted this claim of the Eleans,
e find many cases in which their country was
e the scene of war.⁵

he Olympic festival was probably confined at
to the Peloponnesians; but, as its celebrity ex-
ed, the other Greeks took part in it, till at length
ame a festival for the whole nation. No one
allowed to contend in the games but persons
re Hellenic blood; barbarians might be specta-
but slaves were entirely excluded. All persons
had been branded by their own states with
ia, or had been guilty of any offence against
divine laws, were not permitted to contend.⁶
en the Hellenic race had been extended by col-
s to Asia, Africa, and other parts of Europe,
ons contended in the games from very distant
es; and in later times a greater number of
uerors came from the colonies than from the
her-country. After the conquest of Greece by
Romans, the latter were allowed to take part in
games. The emperors Tiberius and Nero were
conquerors, and Pausanias⁷ speaks of a Roman
tor who gained the victory. During the free-
of Greece, even Greeks were sometimes ex-
ed, when they had been guilty of a crime which
ared to the Eleans to deserve this punishment.
orses of Hieron of Syracuse were excluded
the chariot-race through the influence of The-
ocles, because he had not taken part with the
r Greeks against the Persians.⁸ All the Lace-

(Paus., l. c.)—2. (Clinton, *Fast. Hellen.*, p. 409. *t.*)—3.
eyd., v. 49.)—4. (Strabo, viii., p. 358.)—5. (Xen., *Hellen.*,
i. § 23. &c.; vii., 4, &c.)—6. (Compare Demosth., c. *Aristo-*
n., p. 631, 632.)—7. (i., 20, § 4.)—8. (Plut., *Them.*, 25.—
s., V. H., ix., 5.)

4 R

dæmonians were excluded in the 90th Olympiad,
because they had not paid the fine for violating the
Elean territory, as mentioned above;¹ and similar
cases of exclusion are mentioned by the ancient
writers.

No women were allowed to be present, or even to
cross the Alpheus during the celebration of the
games, under penalty of being hurled down from the
Typæan rock. Only one instance is recorded of a
woman having ventured to be present, and she, al-
though detected, was pardoned in consideration of
her father, brothers, and son having been victors in
the games.² An exception was made to this law
in favour of the priestess of Demeter Chamyne,
who sat on an altar of white marble opposite to the
Hellanodiciæ.³ It would appear from another pas-
sage of Pausanias that *virgins* were allowed to be
present, though *married* women were not (*ἡρατειῶν
δὲ οὐκ εἰργονσι θεασάσθαι*); but this statement is
opposed to all others on the subject, and the reading
of the passage seems to be doubtful.⁴ Women
were, however, allowed to send chariots to the
races; and the first woman whose horses won the
prize was Cynisca, the daughter of Archidamus and
sister of Agesilaus.⁵ The number of spectators at
the festival was very great; and these were drawn
together, not merely by the desire of seeing the
games, but partly through the opportunity it affor-
ded them of carrying on commercial transactions
with persons from distant places,⁷ as is the case
with the Mohammedan festivals at Mecca and Me-
dina. Many of the persons present were also depu-
ties (*θεωροί*) sent to represent the various states
of Greece; and we find that these embassies vied
with one another in the number of their offerings,
and the splendour of their general appearance, in
order to support the honour of their native cities.
The most illustrious citizens of a state were fre-
quently sent as *θεωροί*.⁸

The Olympic festival was a Pentaeteris (*πενταε-
τηρίς*), that is, according to the ancient mode of
reckoning, a space of four years elapsed between
each festival, in the same way as there was only a
space of two years between a *τριετηρίς*. According
to the scholiast on Pindar,⁹ the Olympic festival
was celebrated at an interval sometimes of 49,
sometimes of 50 months; in the former case in the
month of Apolloniæ, in the latter in that of Parthe-
nius. This statement has given rise to much dif-
ference of opinion from the time of J. Scaliger; but
the explanation of Böckh in his commentary on
Pindar is the most satisfactory, that the festival
was celebrated on the first full moon after the sum-
mer solstice, which sometimes fell in the month of
Apolloniæ, and sometimes in Parthenius, both of
which he considers to be the names of Elean or
Olympian months: consequently, the festival was
usually celebrated in the Attic month of Hecatom-
bæon. It lasted, after all the contests had been
introduced, five days, from the 11th to the 15th
days of the month inclusive.¹⁰ The fourth day of
the festival was the 14th of the month, which was
the day of the full moon, and which divided the
month into two equal parts (*διχομήνιος μήνας*).¹¹

The festival was under the immediate superin-
tendence of the Olympian Zeus, whose temple at
Olympia, adorned with the statue of the god made
by Phidias, was one of the most splendid works of
art in Greece.¹² There were also temples and altars

1. (Thucyd., v., 49, 50.—Paus., iii., 8, § 2.)—2. (Paus., v., 6,
§ 5.—Ælian, V. H., x., 1.)—3. (Paus., vi., 20, § 6.—Compare
Suet., *Ner.*, c. 12.)—4. (vi., 20, § 6.)—5. (Vid. Valckenær ad
Theocr., Adon., p. 196, 197.)—6. (Paus., iii., 8, § 1.)—7. (Vell.
Paterc., l., 8.—Justin, xiii., 5: "Mercatus Olympiacus.")—8.
(Thucyd., vi., 16.—Andoc., c. Alc., p. 126, 127, ed. Reiske.)—9.
(ad Ol., iii., 35, ed. Böckh.)—10. (Schol. ad Pind., Ol., v., 6.)—
11. (Pind., Ol., iii., 19.—Schol. ad loc.)—12. (Paus., v., 10, &c.)

to most of the other gods. The festival itself may be divided into two parts, the games or contests (*ἀγών Ὀλυμπιακός, ἀέθλων ἀμιλλαι, κρίσις ἀέθλων, τεθμός ἀέθλων, νικαφορίαί*), and the festive rites (*εὐροτή*) connected with the sacrifices, with the processions, and with the public banquets in honour of the conquerors. Thus Pausanias distinguishes between the two parts of the festival when he speaks of *τῶν ἀγῶνα ἐν Ὀλυμπίᾳ πανήγυριν τε Ὀλυμπιακῆν*.¹ The conquerors in the games, and private individuals, as well as the theori or deputies from the various states, offered sacrifices to the different gods; but the chief sacrifices were offered by the Eleans in the name of the Elean state. The order in which the Eleans offered their sacrifices to the different gods is given in a passage of Pausanias.² There has been considerable dispute among modern writers, whether the sacrifices were offered by the Eleans and the theori at the commencement or at the termination of the contests: our limits do not allow us to enter into the controversy, but it appears most probable that certain sacrifices were offered by the Eleans as introductory to the games, but that the majority were not offered till the conclusion, when the flesh of the victims was required for the public banquets given to the victors.

The contests consisted of various trials of strength and skill, which were increased in number from time to time. There were in all twenty-four contests, eighteen in which men took part, and six in which boys engaged, though they were never all exhibited at one festival, since some were abolished almost immediately after their institution, and others after they had been in use only a short time. We subjoin a list of these from Pausanias,³ with the date of the introduction of each, commencing from the Olympiad of Corebus: 1. The footrace (*δρόμος*), which was the only contest during the first 13 olympiads. 2. The *διανλος*, or footrace, in which the stadium was traversed twice, first introduced in Ol. 14. 3. The *δόλιχος*, a still longer footrace than the *διανλος*, introduced in Ol. 15. For a more particular account of the *διανλος* and *δόλιχος*, *vid. STADIUM*. Some words appear to have dropped out of the passage of Pausanias to which we have just referred. In every other case he mentions the name of the first conqueror in each new contest, but never the name of the conqueror in the same contest in the following olympiad. In this passage, however, after giving the name of the first conqueror in the *diatlos*, he adds, *τῇ δὲ ἐστὶν Ἀκανθος*. There can be little doubt that this must be the name of the conqueror in the *dolichos*, which is also expressly stated by Africanus.⁴ 4. Wrestling (*πάλη*); and, 5. The Pentathlon (*πένταθλον*), which consisted of five exercises (*vid. PENTATHLUM*), both introduced in Ol. 18. 6. Boxing (*πυγμαχία*), introduced in Ol. 23. (*vid. PUGILATUS*). 7. The chariot-race, with four full-grown horses (*ἵππων τελείων δρόμος ἄρμα*), introduced in Ol. 25. 8. The Pancratium (*παγκράτιον*), (*vid. PANCRATIUM*); and, 9. The horserace (*ἵππος κέλης*), both introduced in Ol. 33. 10 and 11. The footrace and wrestling for boys, both introduced in Ol. 37. 12. The Pentathlon for boys, introduced in Ol. 38, but immediately afterward abolished. 13. Boxing for boys, introduced in Ol. 41. 14. The footrace, in which men ran with the equipments of heavy-armed soldiers (*τῶν ὀπλιτῶν δρόμος*), introduced in Ol. 65, on account of its training men for actual service in war. 15. The chariot-race with mules (*ἀπήνη*), introduced in Ol. 70; and, 16. The horserace with mares (*κάληπι*), described by Pausanias,⁵ introduced in Ol. 71, both of which

were abolished in Ol. 84. 17. The chariot-race with two full-grown horses (*ἵππων τελείων σενναριή*), introduced in Ol. 93. 18 and 19. The contest of heralds (*κήρυκες*) and trumpeters (*σαλπικταί*), introduced in Ol. 96.⁶ 20. The chariot-race with four foals (*πῶλων ἄρμασιν*), introduced in Ol. 99. 21. The chariot-race with two foals (*πῶλων σενναριή*), introduced in Ol. 128. 22. The horserace with foals (*πῶλος κέλης*), introduced in Ol. 131. 23. The Pancratium for boys, introduced in Ol. 145. 24. There was also a horserace (*ἵππος κέλης*) in which boys rode,⁷ but we do not know the time of its introduction. Of these contests, the greater number were in existence in the heroic age; but the following were introduced for the first time by the Eleans: all the contests in which boys took part, the footrace of Hoplites, the races in which foals were employed, the chariot-race in which mules were used, and the horserace with mares (*κάληπι*). The contests of heralds and trumpeters were also probably introduced after the heroic age.

Pausanias⁸ says that, up to the 77th Olympiad, all the contests took place in one day; but, as it was found impossible in that Olympiad to finish them all in so short a time, a new arrangement was made. The number of days in the whole festival which were henceforth devoted to the games, and the order in which they were celebrated, have been a subject of much dispute among modern writers, and in many particulars can be only matter of conjecture. The following arrangement is proposed by Krause.⁹ On the first day the initiatory sacrifices were offered, and all the competitors classed and arranged by the judges. On the same day the contest between the trumpeters took place; and to this succeeded, on the same day and the next, the contests of the boys, somewhat in the following order: the footrace, wrestling, boxing, the pentathlon, the pancratium, and, lastly, the horserace. On the third day, which appears to have been the principal one, the contests of the men took place, somewhat in the following order: the simple footrace, the *diatlos*, the *dolichos*, wrestling, boxing, the pancratium, and the race of Hoplites. On the fourth day, the pentathlon, either before or after the chariot and horse-races, which were celebrated on this day. On the same day, or on the fifth, the contests of the heralds may have taken place. The fifth day appears to have been devoted to processions and sacrifices, and to the banquets given by the Eleans to the conquerors in the games.

The judges in the Olympic games, called *Hellano-dicæ* (*Ἑλληνοδίκαι*), were appointed by the Eleans, who had the regulation of the whole festival. It appears to have been originally under the superintendence of Pisa, in the neighbourhood of which Olympia was situated; and, accordingly, we find in the ancient legends the names of Ctenomachus, Pelops, and Augeas as presidents of the games. But after the conquest of Peloponnesus by the Dorians, on the return of the Heraclidae, the Ætolians, who had been of great assistance to the Heraclidae, settled in Elis, and from this time the Ætolian Eleans obtained the regulation of the festival, and appointed the presiding officers.¹⁰ Pisa, however, did not quietly relinquish its claim to the superintendence of the festival, and it is not improbable that at first it had an equal share with the Eleans in its administration. The Eleans themselves only reckoned three festivals in which they had not had the presidency, namely, the 8th, in which Pheidon and the Pisians obtained it; the 34th, which was celebrated under

1. (v., 4, § 4.)—2. (v., 14, § 5.)—3. (v., 8, § 2, 3; 9, § 1, 2.—Compare Plot., *Symp.*, v., 2.)—4. (*apud* Euseb., *Chron.*, i., *Ἑλλ. δλ.*, p. 39.)—5. (v., 9, § 1, 2.)

1. (*African. ap. Euseb., Chron.*, i., *Ἑλλ. δλ.*, p. 41.—*Paus.*, v., 22, § 1.—Compare *Cic. ad Fam.*, v., 12.)—2. (*Paus.*, vi., 2, § 4; 12, § 1; 13, § 6.)—3. (v., 9, § 3.)—4. (*Olympia*, p. 106.)—5. (*Strabo*, viii., p. 357, 358.)

the superintendence of Pantaleon, king of Pisa; and the 104th, celebrated under the superintendence of the Piseans and Arcadians. These olympiads the Eleans called *ἀνολυμπιάδες*, as celebrated contrary to law.¹

The hellanodicae were chosen by lot from the whole body of the Eleans. Pausanias² has given an account of their numbers at different periods; but the commencement of the passage is, unfortunately, corrupt. At first, he says, there were only two judges chosen from all the Eleans, but that in the 25th Ol. (75th Ol.!) nine hellanodicae were appointed, three of whom had the superintendence of the horse-races, three of the pentathlon, and three of the other contests. Two olympiads after, a tenth judge was added. In the 103d Ol. the number was increased to 12, as at that time there were 12 Elean phylae, and a judge was chosen from each tribe; but, as the Eleans afterward lost part of their lands in war with the Arcadians, the number of phylae was reduced to eight in the 104th Ol., and, accordingly, there were then only eight hellanodicae. But in the 108th Ol. the number of hellanodicae was increased to 10, and remained the same to the time of Pausanias.³

The hellanodicae were instructed for ten months before the festival by certain of the Elean magistrates, called *νομοφύλακες*, in a building devoted to the purpose near the market-place, which was called *Ἑλλανοδικαῖον*.⁴ Their office probably only lasted for one festival. They had to see that all the laws relating to the games were observed by the competitors and others, to determine the prizes, and to give them to the conquerors. An appeal lay from their decision to the Elean senate.⁵ Their office was considered most honourable. They wore a purple robe (*πορφύρις*), and had in the stadium special seats appropriated to them.⁶ Under the direction of the hellanodicae was a certain number of *ἀλύται*, with an *ἀλυνάρχης* at their head, who formed a kind of police, and carried into execution the commands of the hellanodicae.⁷ There were also various other minor officers under the control of the hellanodicae.

All free Greeks were allowed to contend in the games who had complied with the rules prescribed to candidates. The equestrian contests were necessarily confined to the wealthy; but the poorest citizens could contend in the athletic contests, of which Pausanias⁸ mentions an example. This, however, was far from degrading the games in public opinion; and some of the noblest as well as meanest citizens of the state took part in these contests. The owners of the chariots and horses were not obliged to contend in person; and the wealthy vied with one another in the number and magnificence of the chariots and horses which they sent to the games. Alcibiades sent seven chariots to one festival, a greater number than had ever been entered by a private person;⁹ and the Greek kings in Sicily, Macedon, and other parts of the Hellenic world contended with one another for the prize in the equestrian contests.

All persons who were about to contend had to prove to the hellanodicae that they were freemen of pure Hellenic blood, had not been branded with *atimia*, nor guilty of any sacrilegious act. They farther had to prove that they had undergone the preparatory training (*προγυμνάσματα*) for ten months previous, and the truth of this they were obliged to swear to in the *βουλευτήριον* at Olympia before the statue of Zeus *Ὀρκίος*. The fathers, brothers, and

gymnastic teachers of the competitors, as well as the competitors themselves, had also to swear that they would be guilty of no erime (*κακοῦργημα*) in reference to the contests.¹ All competitors were obliged, thirty days previous to the festival, to undergo certain exercises in the gymnasium at Elis, under the superintendence of the hellanodicae.² The different contests, and the order in which they would follow one another, were written by the hellanodicae upon a tablet (*λεύκωμα*) exposed to public view.³

The competitors took their places by lot, and were, of course, differently arranged, according to the different contests in which they were to be engaged. The herald then proclaimed the name and country of each competitor.⁴ When they were all ready to begin the contest, the judges exhorted them to acquit themselves nobly, and then gave the signal to commence. Any one detected in bribing a competitor to give the victory to his antagonist was heavily fined; the practice appears to have been not uncommon, from the many instances recorded by Pausanias.⁵

The only prize given to the conqueror was a garland of wild olive (*κότινος*), which, according to the Elean legends, was the prize originally instituted by the Idæan Heracles.⁶ But, according to Phelegon's account,⁷ the olive crown was not given as a prize upon the revival of the games by Iphitus, and was first bestowed in the seventh olympiad with the approbation of the oracle at Delphi. This garland was cut from a sacred olive-tree, called *ἐλαία καλλιπέφανος*, which grew in the sacred grove of Altis in Olympia, near the altars of Aphrodite and the Hours.⁸ Heracles is said to have brought it from the country of the Hyperboreans, and to have planted it himself in the Altis.⁹ A boy, both of whose parents were still alive (*ἑμφιθαλής παῖς*), cut it with a golden sickle (*χρυσῷ ὄρεπάνῳ*). The victor was originally crowned upon a tripod covered over with bronze (*τρίπους ἐπιγαλκός*), but afterward, and in the time of Pausanias, upon a table made of ivory and gold.¹⁰ Palm branches, the common tokens of victory on other occasions, were placed in their hands. The name of the victor, and that of his father and of his country, were then proclaimed by a herald before the representatives of assembled Greece. The festival ended with processions and sacrifices, and with a public banquet given by the Eleans to the conquerors in the prytaneum.¹¹

The most powerful states considered an Olympic victory, gained by one of their citizens, to confer honour upon the state to which he belonged; and a conqueror usually had immunities and privileges conferred upon him by the gratitude of his fellow-citizens. The Eleans allowed his statue to be placed in the Altis, or sacred grove of Zeus, which was adorned with numerous such statues, erected by the conquerors or their families, or at the expense of the states of which they were citizens. On his return home, the victor entered the city in a triumphal procession, in which his praises were celebrated frequently in the loftiest strains of poetry. (Compare *ATHLETÆ*, p. 120.)

Sometimes the victory was obtained without a contest, in which case it was said to be *ἀνοικτι*. This happened either when the antagonist who was assigned neglected to come, or came too late, or when an athlete had obtained such celebrity by former conquests, or possessed such strength and skill, that no one dared to oppose him.¹² When one state conferred a crown upon another state, a

1. (Paus., vi., 22, § 2; 4, § 2.)—2. (v., 9, § 4, 5.)—3. (Paus., i. c.)—4. (Paus., vi., 24, § 3.)—5. (Paus., vi., 3, § 3.)—6. (Paus., vi., 20, § 5, 7.—Bekker, Anecd., p. 249, 4.)—7. (Lucian, Herm., c. 40, vol. 1., p. 738, ed. Reitz.—Etym. Mag., p. 72, 13.)—8. (vi., 10, § 1.)—9. (Thucyd., vi., 16.)

1. (Paus., v., 24, § 2.)—2. (Paus., vi., 26, § 1-3; 24, § 1.)—3. (Compare Dion Cass., lxxix., 10.)—4. (Compare Plato, Leg., viii., p. 833.)—5. (v., 21.)—6. (Paus., v., 7, § 4.)—7. (Περὶ τῶν Ὀλυμπίων, p. 140.)—8. (Paus., v., 15, § 3.)—9. (Pind., Ol., iii., 14.—Müller, Dor., ii., 12, § 3.)—10. (Paus., v., 12, § 3; 20, § 1 2.)—11. (Paus., v., 15, § 8.)—12. (Paus., vi., 7, § 2.)

proclamation to this effect was frequently made at the great national festivals of the Greeks.¹

As persons from all parts of the Hellenic world were assembled together at the Olympic games, it was the best opportunity which the artist and the writer possessed of making their works known. It in fact, to some extent, answered the same purpose as the press does in modern times. Before the invention of printing, the reading of an author's works to as large an assembly as could be obtained, was one of the easiest and surest modes of publishing them; and this was a favourite practice of the Greeks and Romans. Accordingly, we find many instances of literary works thus published at the Olympic festival. Herodotus is said to have read his history at this festival; but, though there are some reasons for doubting the correctness of this statement, there are numerous other writers who thus published their works, as the sophist Hippias, Prodicus of Ceos, Anaximenes, the orator Lysias, Dion Chrysostom, &c.² It must be borne in mind that these recitations were not contests, and that they formed, properly, no part of the festival. In the same way painters and other artists exhibited their works at Olympia.³

The Olympic games continued to be celebrated with much splendour under the Roman emperors, by many of whom great privileges were awarded to the conquerors. (*Vid.* ΑΤΗΛΕΤ. p. 120.) In the sixteenth year of the reign of Theodosius, A.D. 394 (Ol. 293), the Olympic festival was forever abolished; but we have no account of the names of the victors from Ol. 249.

Our limits do not allow us to enter into the question of the influence of the Olympic games upon the national character, but the reader will find some excellent remarks on this subject in Thirlwall's *Hist. of Greece*, vol. i., p. 390, &c.

There were many ancient works on the subject of the Olympic games and the conquerors therein. One of the chief sources from which the writers obtained their materials must have been the registers of conquerors in the games, which were diligently preserved by the Eleans (*Ἡλείων ἐς τοὺς Ὀλυμπιονίκας γράμματα*; *τὰ Ἡλείων γράμματα ἀρχαῖα*).⁴ One of the most ancient works on this subject was by the Eleian Hippias, a contemporary of Plato, and was entitled *ἀναγραφὴ Ὀλυμπιονικῶν*.⁵ Aristotle also appears to have written a work on the same subject.⁶ There was a work by Timæus of Sicily, entitled *Ὀλυμπιονίκαί ἢ χρονικὰ πραξίδια*, and another by Eratosthenes (born B.C. 275), also called *Ὀλυμπιονίκα*.⁷ The Athenian Stesicleides is mentioned as the author of an *ἀναγραφὴ τῶν ἀρχόντων καὶ Ὀλυμπιονικῶν*,⁸ and Pliny⁹ speaks of Agrippas as a writer of *Olympionica*.

There were also many ancient works on the Greek festivals in general, in which the Olympic games were of course treated of. Thus the work of Dionysarchus, *Περὶ Ἀγώνων*,¹⁰ contained a division entitled *Ὀλυμπιονίκα*.¹¹

One of the most important works on the Olympic games was by Phlegon of Tralles, who lived in the reign of Hadrian; it was entitled *Περὶ τῶν Ὀλυμπίων, ἢ Ὀλυμπίων καὶ Χρονικῶν Συναγωγὴ*, was comprised in 16 books, and extended from the first Olympiad to Ol. 229. We still possess two considerable fragments of it. The important work of Julius Africanus, *Ἑλλήνων Ὀλυμπιάδες ἀπὸ τῆς πρώτης Ὀλύ.*, is preserved to us by Eusebius; it contains Olymp. 19. Ol. 249. Dexippus of Athens, in

his *χρονικὴ ἱστορία*, carried down the Olympic conquerors to Ol. 262.

In modern works much useful information on the Olympic games is given in Corsini's *Dissert. Aesthetico-historica*, and in Böckh's and Dissen's editions of *Antiquar. Inst.* See also Meier's article on the Olympic games, and Rathgeber's articles on Olympia, Olympic and Olympischer Jupiter in Ersch and Gruber's *Cyclopædie*.—Dissen, *Ueber die Anordnung der olympischen Spiele*, in his *Kleine Schriften*, p. 18. Krause, *Olympia oder Darstellung der grossen olympischen Spiele*, Wien, 1838.

In course of time, festivals were established in several Greek states in imitation of the great Olympic festival, to which the same name was given. Some of these are only known to us by inscriptions and coins; but others, as the Olympic festival at Antioch, obtained great celebrity. After these Olympic festivals had been established in several places, the great Olympic festival is sometimes designated in inscriptions by the addition of "in Pisa," *ἐν Πίζῃ*.¹² We subjoin from Krause an alphabetical list of these smaller Olympic festivals. They were celebrated at

Egea in Macedonia. This festival was in existence in the time of Alexander the Great.¹³

Alexandrea.¹⁴ In later times the number of Alexandrian conquerors in the great Olympic games was greater than from any other state.

Anazarbus in Cilicia. This festival was not introduced till a late period.¹⁵

Antioch in Syria. This festival was celebrated at Daphne, a small place 40 stadia from Antioch, where there was a large sacred grove watered by many fountains. The festival was originally called Daphnea, and was sacred to Apollo and Artemis; but was called Olympia after the inhabitants of Antioch had purchased from the Eleans, in A.D. 44, the privilege of celebrating Olympic games. It was not, however, regularly celebrated as an Olympic festival till the time of the Emperor Commodus. It commenced on the first day of the month Hyperbeteus (October), with which the year of Antioch began. It was under the presidency of an athlete. The celebration of it was abolished by Justin, A.D. 521. The writings of Libanius, and of Chrysostom, the Christian father, who lived many years at Antioch, give many particulars respecting this festival.

Athens. There were two festivals of the name of Olympia celebrated at Athens, one of which was in existence in the time of Pindar,¹⁶ who celebrates the ancestors of the Athenian Timodemus as conquerors in it, and perhaps much earlier.¹⁷ It was celebrated to the honour of Zeus, in the spring, between the great Dionysia and the Bendidia.¹⁸ The other Olympic festival at Athens was instituted by Hadrian, A.D. 131, from which time a new Olympic era commenced.¹⁹ (*Vid.* OLYMPIAD.)

Attalia in Pamphylia. This festival is only known to us by coins.¹⁰

Cyzicus on the Propontis.¹¹

Cyrene in Africa.¹²

Dium in Macedonia. These games were instituted by Archelaus, and lasted nine days, corresponding to the number of the nine Muses. They were celebrated with great splendour by Philip II. and Alexander the Great.¹³

1. (Compare Böckh, *Inscr.*, n. 247, p. 361, 362, v. 1068, p. 564.)—2. (Arrian, *Anab.*, i., 11.)—3. (Gruter, *Inscr.*, p. cccvii, n. 240.)—4. (Eckhel, *Doctr. Num.*, iii., p. 44.)—5. (Strabo, vi., p. 750.—Athen., v., p. 194.)—6. (Pind., *Nem.*, ii., 23, &c.—Schol. ad. loc.)—7. (Schol. ad Thuc., i., 126.)—8. (Böckh, *Inscr.*, p. 53, p. 250-252.)—9. (Corsini, *Past. Att.*, vol. ii., p. 105, 110, &c.—Spartian., *Hadr.*, 13.)—10. (Rathgeber, *l. c.*, p. 326.)—11. (Böckh, *Inscr.*, n. 2810.)—12. (Böckh, *Explicat. Pind.*, p. 328.)—13. (Diod., xvii., 16.—Dion Chrys., vol. i., p. 73, Reiske. Suidas, s. v. Ἀνατολίτης.)

This festival appears by inscriptions, sometimes called 'Αδριανὰ Ὀλύμπια ἐν Ἰσθμῷ' and have been instituted by Hadrian.¹ Besides the great Olympic games, there have been smaller ones celebrated yearly,² in Lydia.³

Bithynia.⁴

in Epirus. Augustus, after the conquest of Actium, founded Nicopolis, and games to be celebrated every five years (πεντηκῶς) in commemoration of his victories. The games are sometimes called Olympic, frequently bear the name of Actia. They were dedicated to Apollo, and were under the care of the Nicopolitans.⁵ (Vid. AKTIA.)

in Thessaly, on the mountain of that name.

in Mysia.⁶in Pamphylia.⁷

Pausanias⁸ mentions an agon of the kind, which Corsini⁹ supposes to be an Isthmian. The Marmor Oxoniense expresses the Olympic at Smyrna, and they also occurred in Cilicia.¹⁰

This festival is only known to the Greeks.

Arcadia.¹¹in Macedonia.¹²in Lydia.¹³in Lydia.¹⁴Phœnicia.¹⁵

Διδύμος (Didymus) describes this as ἡ ἀγὼν τοῦ σπέλτου ἀπὸ τῆς παραπλησίον κριθῆς. "In fact," says Pliny, "can scarcely admit of a doubt that the variety of Spelt, namely, *Triticum Spelta*,

(ὄμαξ), a species of precious stone, is, according to Sir John Hill, the *Beryllus* of Pliny. Theophrastus informs us that one of the gems used for engraving

is the *ὄμαξ*, a plant, which the scholiast on Hesychius agree in identifying with *Origanum*, or Sweet Marjoram, the *Origanum*

Onobrychis (ὄνοβρυχίς), the *Onobrychis sativa* in English, Cock's Head or Saintfoin.¹⁶ (ὄνος), the Ass, or *Equus Asinus*, L.

"Ass," says Adams, "is the *Para* of the Greeks, and the *ὄναγρος* of the Greeks." "The Ass," says Smith, "supposed to be the wild hyamar of the Desert and the *Onager*, enters at a remote period into the circle of the economic establishments. The first ass might be expected, resided in the East, where the dawn of civilization first appeared, and, gifted with inferior powers of reason, presumed to have been subjugated before the second, because we find it re-appears in the Pentateuch before the horse is noticed as in the sacrifice of Abraham; in his gift to Joseph, where he received presents from the Egyptians, and in the spoils of Shechem, where

Inscr., n. 2810.—Compare n. 2987, 3000.—2. (Ansbach, p. 95.)—3. (Rathgeber, l. c., p. 296, 327.)—4. (Eustath., ad Diop. p. 172, 173, in Geogr. Min., ed. Bernhardt.)—5. (Schol. ad Apoll., Rhod. Argon., i., 599.)—6. (Eustath., ad Diop. p. 172, 173, in Geogr. Min., ed. Bernhardt.)—7. (Schol. ad Apoll., Rhod. Argon., i., 599.)—8. (Gruter, Inscr., p. 314, l.—Böckh, Inscr., ad n. Krause, p. 228.)—9. (Böckh, Inscr., n. 1513, p. Krause, p. 228.)—10. (Rathgeber, p. 329.)—11. (Rathgeber, p. 328.)—12. (Hom., II., viii., 113.)—13. (Dioscor., ii., 113.—Adams, p. 20.)—14. (Hill ad Theophrast., De Lapid., c. 54.)—15. (Alex., l. 56.—Adams, Append., s. v.)—16. (Dios-

asses are numbered with other cattle, but horses are not mentioned. Yet that noble animal, by nature provided with greater physical capabilities, with more intelligence, and more instinctive capacities for adapting his existence to the circumstances of domestication in every region, is, in his servitude, grown larger, more adorned, more acute, and more educational than in a state of nature; while the ass, in similar circumstances, has degenerated from his pristine character, becoming, even in the greater part of Persia, smaller in stature, less fleet, less intelligent, and, by his own impulses, less the associate of man. When the horse, from thorough domesticity, is again cast upon his own resources, he resumes his original independence, provides for his own safety and that of the herd under his care, without altogether losing his acquired advantages; the ass, on the contrary, although never a spontaneous associate in his domestication, is nowhere known to have again become wild, or to have sought his freedom with a spirit of persevering vigilance; and in cases where, by accident, he has found himself in freedom, he has made no energetic efforts to retain it, nor recovered qualities that restore him to the filiation of the hyamar or the kulan. When emancipated, he becomes, without effort, the prey of the lion, the tiger, the hyena, or the wolf, and in America he has been known to succumb under the beak of a condor. It is evident that the difference in the relative condition of the two species is, with regard to the ass, not entirely referable to human neglect and want of kindness, but, in part at least, must be ascribed to inferior sensibility and weaker intellectual power, both being alike evinced by the hardness of his hide, by his satisfaction with coarser food, and his passive stubbornness.¹⁷

*II. A species of fish, the same with the γάδουρ of Athenæus, and probably the *Bacchus* of Pliny. The name would appear to have been applied to more than one species of the *Gadus*, but more especially to the *Gadus merluccius*, or Hake. Adams considers it doubtful whether the Greeks were acquainted with the *Gadus eglefinus*, or Haddock.¹⁸

*ONOSMA (ὄνοσμα, called also ὄνομα and ὄνομῆς), a plant, a species of *Anchusa*, or one of its congeners. Hardouin says of it, "Nihil aliud onosma esse censuerim præter Anchusam degenerem." Stephens also holds it to be a species of Alkanet. Sprengel maintains that it is either the *Anchusa undulata*, or *Lithospermum cæruleo-purpureum*.¹⁹

*ONYX, I. "In mineralogy the term *onyx* was applied, 1. To a semipellucid stone of a fine flinty texture, namely, the *Onyx agate* of Cleaveland; 2. To a variety of gypseous alabaster, from which small vases were formed."²⁰ (Vid. ALABASTER.)

*II. A term used by Dioscorides, Galen, and the other writers on the *Materia Medica*, to signify the *operculum*, or cover of the *Strombus lentiginosus*.²¹

OPALIA, a Roman festival in honour of Opis, which was celebrated on the 14th day before the Calends of January (Dec. 19th), being the third day of the Saturnalia, which was also originally celebrated on the same day, when only one day was devoted to the latter festival. It was believed that Opis was the wife of Saturnus, and for this reason the festivals were celebrated at the same time.²² The worshippers of Opis paid their vows sitting, and touched the earth on purpose, of which she was the goddess.²³

1. (Smith, Horses.)—2. (Aristot., H. A., viii., 15.—Adams, Append., s. v.)—3. (Dioscor., iii., 137.—Adams, Append., s. v.—Hardouin ad Plin., H. N., xxvii., 86.)—4. (Adams, Append., s. v.)—5. (Adams, Append., s. v.)—6. (Macrob., Sat., i., 12.—Varro, De Ling. Lat., vi., 22, ed. Müller.—Festus, s. v. Opalia.)—7. (Macrob., l. c.)

*OP'ALUS (*ὄπαλος, ὀπάλλιος*), the Opal "The opalus of Pliny," observes Dr. Moore, "is too well characterized, and its peculiar lustre or opalescence too accurately described by him, to leave any doubt that it was what we call precious Opal. Pliny is not the only one among the ancients, as Jameson supposed, who makes mention of this gem. The Orphic poem commends the beauty of the *ὀπάλλιος*, and evidently alludes to its other name *καυδέρως*, in saying that it has the delicate complexion of a lovely youth (*ἡμερωῦ τέρενα χροῖα καυδός*). This gem also, Pliny says, the Indians so well imitated in glass, that the counterfeit could hardly be detected. The Opal was perhaps too highly valued to be frequently engraved. There are very few engraved specimens of this mineral preserved in collections. But that it sometimes was used as a ringstone, we learn from the story Pliny tells of a senator named Nonius, who, possessing an opal valued at 20,000 sesterces, which Antony coveted, was proscribed in consequence, and fled, saving of his whole fortune this ring alone."¹

O'PERIS NOVI NUNTIATIO was a summary remedy provided by the edict against a person who was making an opus novum. An opus novum consisted in either adding something in the way of building (*edificando*), or taking away something so as to alter the appearance of a thing (*facies operis*). The object of the nuntiatio was either the maintenance of a right (*ius*), or to prevent damage (*damnum*), or to protect the public interest (*publicum jus*). The owner of the property which was threatened with damage by the opus novum, or he who had an easement (*servitius*) in such property, had the *ius nunciandi*.² Nuntiatio consisted in protesting against and forbidding the progress of the opus novum on the spot where the work was proceeding, and in the presence of the owner or of some person who was there present on his account. The nuntiatio did not require any application to, or interference on the part of the praetor. It was a rule of law that the nuntiatio must take place before the work was completed: after it was completed, the opus novi nuntiatio had no effect, and redress could only be obtained by the interdict *quod vi aut clam*.

If the opus novum consisted in building on the complainant's ground, or inserting or causing anything to project into his premises, it was better to apply at once to the praetor, or to prevent it per manus, that is, as it is explained "*jactu lapilli*," which was a symbol of the use of force for self-protection.

The edict declared that after a nuntiatio nothing should be done until the nuntiatio was declared illegal (*nuntiatio missa* or *remissa fiat*) or a security (*satisfactio de opere restituendo*) was given. If the person to whom the notice was given persevered, even if he had a right to do what he was doing, yet, as he was acting against the praetor's edict, he might be compelled to undo what he had done. By the nuntiatio, the parties were brought within the jurisdiction of the praetor. In cases where there was danger from the interruption of the work, or the person who was making the opus novum denied the right of the nuntians, he was allowed to go on upon giving a cautio or security for demolition or restoration, in case the law was against him. When the cautio was given or the nuntians waived it, the party was entitled to an interdictum prohibitorium for his protection in prosecuting the work.

The effect of the nuntiatio ceased when the cautio was given; when the nuntians died, when he alienated the property in respect of which he claimed the *ius nunciandi*, or when the praetor per-

mitted the work to go on (*operis novi nuntiatio . . . remissum*;³ ante remissionem nuntiatio).

*OPHITES (*ὀφίτης*) (*ὀφίς θαλάσσιος*), a kind of fish. "Ælian holds it to be the same as the *Μύρος*. It is therefore, most probably, the *Merus ophis*, L. Rondelet says of it that it is very like the Conger Eel. Belon and Gesner both mention that it is seldom met with."⁴

*OPHITES (*ὀφίτης*), according to some, a variety of *Serpentine*. "Others, however, describe it more accurately, as a mixture of reddish brown common serpentine, leek and pistachio-green precious serpentine, white granular foliated limestone, and small portions of diallage. Of the ophites there are three varieties specified by Dioscorides: the black and heavy, a second ash-coloured and spotted, the third containing white lines. The first was perhaps green porphyry, the Ophites of Waller; the second steatite; and the third the kind just described."⁵

OPIMA SPO'LIA. (Vid. SPO'LIA.)

OPINATO'RES were officers under the Roman emperors, who were sent into the provinces to obtain provisions for the army. The provisions had to be supplied to them within a year. The etymology of the name is uncertain.⁶

OPISTOGRAPHI. (Vid. LIBER.)

*OPOBAL'SAMUM (*ὀποβάλλιασμα*), the resinous juice of the *Amyris Giladensis*.

*OPI'OS MHA'IKOS (*ὀπίος Μηδικός*), the same as our asafetida, namely, the Gum-resin of the *Ferula Asa-fetida*. It is the *Laser* and *Laseris* of the Latins. The *ὀπίος Συριακός* was merely a variety of it.

O'PIA LEX. (Vid. SUMTUARIE LEGES.)

*OPSIA NOS (*ὀψιανός*). "From Pliny's account of this stone," observes Adams, "there is every reason to conclude that it was the same as the *Obsidian* of modern mineralogists. It is nearly alike to pumice, and consists mostly of silica and alumina. According to Sir J. Hill, it was named *ὀψιανός*, ἀπὸ τῆς ὀψιανῆς, because, when polished, it was used as a looking-glass." He adds, "the true origin of the name being forgotten from the false spelling of the word, after ages thought it had received it from one *Obsidius*, whom they imagined the first finder of it."⁷

OPSONIUM or OBSONIUM (*ὄψιον, dim. ὄψιον; ὄψημα*),⁸ denoted everything which was eaten with bread. Among the ancients, loaves, at least preparations of corn in some form or other, constituted the principal substance of every meal. Together with this, which was the staff of their life, they partook of numerous articles of diet called *opsonia* or *pulmentaria*,⁹ designed also to give nutriment, but still more to add a relish to their food. Some of these articles were taken from the vegetable kingdom, but were much more pungent and savoury than bread, such as olives, either fresh or pickled, radishes, and sesamum.¹⁰ Of animal food, by much the most common kind was fish, whence the terms under explanation were, in the course of time, used in a confined and special sense to denote fish only, but fish variously prepared, and more especially salt fish, which was most extensively employed to give a relish to the vegetable diet either at breakfast¹¹ or at the principal meal.¹² For the same reason, *ὄψοφάγιος* meant a gourmand or epicure, and *ὄψοφάγια* gluttony.¹³

1. (Lex Gall. Cis., x.—Dig. 39, tit. 1, s. 22.)—2. (Dig. 38, tit. 1.)—3. (Aristot., H. A., ii., 14.—Ælian, N. A., xiv., 15.—Adams, Append., s. v.)—4. (Moore's Anc. Mineralogy, p. 80.)—5. (Col. 12, tit. 38, s. 11.—Cod. Theod., 7, tit. 4, s. 26; 11, tit. 7, s. 16.)—6. (Plin., H. N., xxxvii., 10.—Adams, Append., s. v.)—7. (Plin., Sympos. Prob., iv., 1.)—8. (Cato, De Re Rust., 88.—Hor., Sat. II., ii., 20.)—9. (Plato, De Repub., ii., p. 85, ed. Bekker.—Xen. Econ., viii., 9.)—10. (Menander, p. 70, ed. Meineke.)—11. (Plaut., Aulul., II., vi., 3.)—12. (Athen., x., 24-37.)

1. (Moore's Anc. Mineral., p. 152.)—2. (Dig. 43, tit. 25.)

Of the different parts of fishes, the roe was the most esteemed for this purpose. It is still prepared on the fish in the very same waters adjoining Myus, which were given to Themistocles by the king of Persia.¹ A jar was found at Pompeii containing caviare made from the roe of the tunny.² Some of the principal *ταριχειαι*, or establishments for curing fish, were on the southern coast of Spain;³ but the Greeks obtained their chief supply from the Hellespont,⁴ and more especially Bynatium, first rose into importance after its establishment by the Milesians in consequence of the prosecution of this branch of industry. Of the five seas, the Euxine was accounted by the ancients as the most abundant in fish, and the catching of them was aided by their migratory habits, as in the autumn they passed through the Bosphorus towards the north, and in spring returned to the Euxine in order to deposit their spawn in its tributary rivers. At these two seasons they were caught in the great quantity, and, having been cured, were shipped to the Hellespont bottoms, and sent to all parts of Greece and the Levant. The principal ports on the Euxine engaged in this traffic were Sinope and Pantiuum.⁵

Among the fish used for curing were different kinds of sturgeon (*ἀντακαίος*), tunny (*σκομβρός*), *πυλαμύς*, a name still in use, with some modification, among the descendants of the ancient Phœnicians at Marseilles⁶, and mullet. A minute discussion of their qualities, illustrated by quotations, may be seen in Athenæus.⁷ Pliny mentions the practice of salting eggs, which was no doubt intended to convert them into kind of opsonium.⁸ The treatise of Apicius, *De Opsoniis*, is still extant in ten books.

The Athenians were in the habit of going to market (*εἰς τοῦψον*) themselves in order to purchase the opsonia (*ὀψωνεῖν*,⁹ *opsonare*). (Vid. MACELUM, TINTINNABULUM.) But the opulent Romans a slave, called *opsonator* (*ὀψώνης*), whose office was to purchase for his master. It was his duty to learn what flavours were most acceptable to the master, by observing what most delighted his eyes, to stimulate his appetite, and even overcome his nausea, to satisfy, as much as possible, all the cravings of a luxurious palate.¹⁰ We may also infer, from an epigram of Martial,¹¹ that there were *opsonatores*, purveyors, who furnished dinners and other entertainments at so much per head, according to the means and wishes of their employers. Spon¹² has published two inscriptions from monuments raised to the memory of Romans who held the office of purveyors to the imperial family. At Athens both the sale and the use of all kinds of opsonia were superintended by two or three special officers, appointed by the senate, and called *ὀψωνόμοι*.¹³

OPTIO. (Vid. CENTURIO.)

OPTIMATES is synonymous with *optimi*, and, accordingly, signifies the best men in the state, whether of noble or plebeian origin. But at Rome, where the reverence for the *mores et instituta majorum* formed such a prominent feature of the national character, the name *optimates* was applied to a political party, which we may call the conservative or aristocratic party, in contradistinction to the popular party, with its desire for change and

improvement. As long as the patricians and plebeians were the only two parties in the Republic, there was no occasion for the appellation of *optimates*, though Livy,¹ applying expressions very common in his own days, makes M. Horatius Barbatus distinguish between *populares* and *optimates* instead of between patricians and plebeians. But at the time when a new nobility, consisting of wealthy plebeians as well as patricians, had been formed, and occupied the place formerly held by the patricians, the term *optimates* began to be applied frequently to persons belonging to this new order of nobles, and mostly comprehended the *ordo senatorius* and the *ordo equestris*. When, at a still later period, the interests of the senators and equites became separated, the name *optimates* was used in a narrower sense, and only comprised the party consisting of the senate and its champions, in opposition to the popular party, which was now sometimes designated by the name of *plebs*.² There is a locus classicus on *optimates* in Cicero,³ but in defining the classes of persons to which he applies the term *optimates*, he rather follows the etymological than the conventional meaning which the word had assumed in his days. His object in so doing was to remove from the party of the *optimates*, to which he himself belonged, the odium attached to it by the popular party.⁴

ORACULUM (*μαντεῖον*, *χρηστήριον*) was used by the ancients to designate both the revelations made by the deity to man, as well as the place in which such revelations were made. The deity was in none of these places believed to appear in person to man, and to communicate to him his will or knowledge of the future, but all oracular revelations were made through some kind of medium, which, as we shall see hereafter, was different in the different places where oracles existed. It may, on first sight, seem strange, that there were comparatively speaking, so few oracles of Zeus, the father and ruler of gods and men. But although, according to the belief of the ancients, Zeus himself was the first source of all oracular revelations, yet he was too far above men to enter with them into any close relation; other gods, therefore, especially Apollo, and even heroes, acted as mediators between Zeus and men, and were, as it were, the organs through which he communicated his will.⁵ The fact that the ancients consulted the will of the gods on all important occasions of public and private life, arose partly from the general desire of men to know the issue of what they are going to undertake, and partly from the great reverence for the gods, so peculiar to the ancients, by which they were led not to undertake anything of importance without their sanction; for it should be borne in mind that an oracle was not merely a revelation to satisfy the curiosity of man, but, at the same time, a sanction or authorization by the deity of what man was intending to do or not to do. We subjoin a list of the Greek oracles, classed according to the deities to whom they belonged.

I. ORACLES OF APOLLO.

1. *The Oracle of Delphi* was the most celebrated of all the oracles of Apollo. Its ancient name was *Pytho*, which is either of the same root as *πυθίσθαι*, to consult, or, according to the Homeric hymn on Apollo,⁶ derived from *πυθίσθαι*, to putrefy, with reference to the nature of the locality. Respecting the topography of the Temple of Apollo, see Pausanias⁷ and Müller.⁸ In the innermost sanctuary (the *ἄδυτον* or *μέγαρον*) there was the statue of Apollo,

1. (iii., 39.)—2. (Tacit., *Annal.*, iv., 32.)—3. (Pro Sext., 45.)—4. (Compare Cic. ad Att., i., 17, 18, 19.)—5. (Soph., *Ed. Col.* 629.—*Æsch.*, *Eumen.*, 19, 611, &c.)—6. (185, &c.)—7. (x., 14 § 7.)—8. (In Dissen's *Pindar*, ii., p. 628.)

1. (Thucyd., i., 138.—Cornelius Nepos, *Them.*, x., 3.—Diod. Sic., xl., 57.)—2. (Gell., *Pompeiana*, 1832, vol. i., p. 178.)—3. (Strabo, iii., 4.)—4. (Hermippus ap. Athen., i., 49, p. 27, c.)—5. (Hegewisch, *Colonien der Griechen*, p. 80.)—6. (Herodotus, ii., 32.—Schneider, *Ecl. Phys.*, i., p. 65; ii., p. 48.)—7. (Hermippus, l. c.)—8. (Passow, *Handwörterbuch*, s. v.)—9. (iii., 84-93.)—10. (Symon., p. 404, ed. Bekker.)—11. (Theophrast., *Char.*, 28.)—12. (Æsch., *Epist.*, 47.—Compare Hor., *Sat.*, i., ii., 9; II., vii., 106.—Plaut., *Menench.*, II., ii., 1.—Id., *Mil.*, III., ii., 73.)—13. (x., 217.)—14. (Misc. *Erud. Ant.*, p. 214.)—15. (Athen., vi., 13.)

which was, at least in later times, of gold; and before it there burned upon an altar an eternal fire, which was fed only with fir-wood.¹ The inner roof of the temple was covered all over with laurel garlands,² and upon the altar laurel was burned as incense. In the centre of this temple there was a small opening (*χάσμα*) in the ground, from which, from time to time, an intoxicating smoke arose, which was believed to come from the well of Castos, which vanished into the ground close by the sanctuary.³ Over this chasm there stood a high tripod, on which the pythia, led into the temple by the prophetes (*προφήτης*), took her seat whenever the oracle was to be consulted. The smoke rising from under the tripod affected her brain in such a manner that she fell into a state of delirious intoxication, and the sounds which she uttered in this state were believed to contain the revelations of Apollo. These sounds were carefully written down by the prophetes, and afterward communicated to the persons who had come to consult the oracle.⁴

The pythia (the *προφήτις*) was always a native of Delphi,⁵ and when she had once entered the service of the god she never left it, and was never allowed to marry. In early times she was always a young girl, but after one had been seduced by Echerates the Thessalian, the Delphians made a law that in future no one should be elected as prophetes who had not attained the age of fifty years, but, in remembrance of former days, the old woman was always dressed as a maiden.⁶ The pythia was generally taken from some family of poor country-people. At first there was only one pythia at a time; but when Greece was in its most flourishing state, and when the number of those who came to consult the oracle was very great, there were always two pythias, who took their seat on the tripod alternately, and a third was kept in readiness in case some accident should happen to either of the two others.⁷ The effect of the smoke on the whole mental and physical constitution is said to have sometimes been so great, that in her delirium she leaped from the tripod, was thrown into convulsions, and after a few days died.⁸

At first oracles were only given once every year, on the seventh of the month of Bysius (probably the same as *Πέθειος*, or the month for consulting), which was believed to be the birthday of Apollo;⁹ but as this one day, in the course of time, was not found sufficient, certain days in every month were set apart for the purpose.¹⁰ The order in which the persons who came to consult were admitted was determined by lot;¹¹ but the Delphian magistrates had the power of granting the right of *προμαντεία*, i. e., the right of consulting first, and without their order being determined by lot, to such individuals or states as had acquired claims on the gratitude of the Delphians, or whose political ascendancy seemed to give them higher claims than others. Such was the case with Cræsus and the Lydians,¹² with the Lacedæmonians,¹³ and Philip of Macedonia.¹⁴ It appears that those who consulted the oracle had to pay a certain fee, for Herodotus states that the Lydians were honoured with *ἀτελεία* by the Delphians. The pythia always spent three days before she ascended the tripod in preparing herself for the solemn act, and during this time she fasted, and bathed in the Castalian well, and dressed in a simple manner; she also burned in the temple laurel

leaves and flour of barley upon the altar of the god. Those who consulted the oracle had to sacrifice a goat, or an ox, or a sheep, and it was necessary that these victims should be healthy in body and soul, and to ascertain this they had to undergo peculiar scrutiny. An ox received barley, and a sheep chick-pease, to see whether they ate them with appetite; water was poured over the goats, and this put them into a thorough tremble, the victim was good.¹⁵ The victim which was thus found eligible was called *δευρῆρα*.¹⁶ Wachsmuth states that all who came to consult the oracle were laurel-garlands surrounded with ribands of wool, but the passages from which this opinion is derived may speak of such persons as came to the temple suppliants.¹⁷

The Delphians, or, more properly speaking, the noble families of Delphi, had the superintendance of the oracle. Among the Delphian aristocracy, however, there were five families which traced their origin to Deucalion, and from each of these one of the five priests, called *δουοί*, was taken. Three of the names of these families were well known, viz., the Cleomantids, the Thracids, and the Laphriads.¹⁸

The *δουοί*, together with the highpriest or prophetes, held their offices for life, and had the control of all the affairs of the sanctuary and of the sacrifices. That these noble families had an immense influence upon the oracle is manifest from numerous instances, and it is not improbable that they were its very soul, and that it was they who dictated the pretended revelations of the god.¹⁹

Most of the oracular answers which are extant are in hexameters, and in the Ionic dialect. Sometimes, however, Doric forms also were used.²⁰ The hexameter was, according to some accounts, invented by Phemonoe, the first pythia. This metrical form was chosen, partly because the words of the god were thus rendered more venerable, and partly because it was easier to remember verse than prose.²¹ Some of the oracular verses had metrical defects, which the faithful among the Greeks accounted for in an ingenious manner.²² In the times of Theopompus, however, the custom of giving the oracles in verse seems to have gradually ceased; they were henceforth generally in prose, and in the Doric dialect spoken at Delphi. For, when the Greek states had lost their political liberty, there was little or no occasion to consult the oracle on matters of a national or political nature, and the affairs of ordinary life, such as the sale of slaves, the cultivation of a field, marriages, voyages, loans of money, and the like, on which the oracle was then mostly consulted, were little calculated to be spoken of in lofty poetical strains.²³ When the oracle of Delphi lost its importance in the eyes of the ancients, the number of persons who consulted it materially decreased, and in the days of Plutarch one pythia was, as of old, sufficient to do all the work, and oracles were only given on one day in every month.

The divine agency in Pytho is said to have first been discovered by shepherds who tended their flocks in the neighbourhood of the chasm, and whose sheep, when approaching the place, were seized with convulsions.²⁴ Persons who came near the

1. (Æsch., Choeph., 1030.—Plut., De Elap. Delph.)—2. (Æsch., Eumen., 39.)—3. (Paus., x., 24, § 5.)—4. (Diodor., xvi., 26.—Strabo, ix., 3, p. 277, &c., Tauchnitz.—Plut., De Orac. Defec.)—5. (Eurip., Ion, 92.)—6. (Diod., l. c.)—7. (Plut., Quæst. Gr., c. 9.)—8. (Plut., De Orac. Defec., c. 51.)—9. (Plut., Quæst. Gr., c. 9.)—10. (Plut., Alex., 14.)—11. (Æsch., Eumen., 32.—Eurip., Ion, 422.)—12. (Herod., i., 54.)—13. (Plut., Per., 21.)—14. (Demosth., c. Phil., iii., p. 119.)

1. (Schol. ad Eurip., Phœn., 230.—Plut., De Pyth. Or., c. 6.)—2. (Plut., De Or. Def., 49.)—3. (Plut., Quæst. Gr., 9.)—4. (Hellen. Alt., ii., 2, p. 264.)—5. (Herod., vii., 14.—Æsch., Choeph., 1035.)—6. (Eurip., Ion, 411.—Plut., Quæst. Gr., c. 21.)—7. (Diod., xvi., 24.—Iycurg., c. Leocrat., p. 158.)—8. (Ilyc., s. v.)—9. (Herod., viii., 136.)—10. (Vid. especially Iycurg., c. Leocrat., p. 158.—Herod., vii., 141; vi., 86.—Plut., Peric., 21.—Eurip., Ion, 1219, 1222, 1110.)—11. (Herod., iv., 157, 159.)—12. (Plut., De Pyth. Or., 14.)—13. (Plut., l. c., c. 5.)—14. (Plut., De Pyth. Or., 28.)—15. (Diod., xvi., 26.—Plut., De Defec. Or., c. 42.)

showed the same symptoms, and received the power of prophecy. This, at last, induced the people to build a temple over the sacred spot. According to the Homeric hymn on Apollo, this god was himself the founder of the Delphic oracle, but the legends of Delphi stated that originally it was the possession of other deities, such as Gæa, Leto, Phœbe, Poseidon, Night, Cronos, and that it was given to Apollo as a present.¹ Other traditions, again, and these, perhaps, the most ancient and genuine, represented Apollo as having gained possession of the oracle by a struggle, which is usually described as a fight with Python, a dragon who guarded the oracle of Gæa or Themis.

The oracle of Delphi, during its best period, was used to give its answers and advice to every one who came with a pure heart, and had no evil designs: if he had committed a crime, the answer was refused until he had atoned for it;² and he who insulted the god for bad purposes was sure to incur his own ruin.³ No religious institution in antiquity obtained such a paramount influence, not only in Greece, but in all countries around the Mediterranean, in all matters of importance, whether relating to religion or to politics, to private or to public life, as the oracle of Delphi. When consulted on a subject of a religious nature, the answer was invariably of a kind calculated not only to promote and preserve religious institutions, but to command new ones to be established,⁴ so that it was the preserver and promoter of religion throughout the ancient world. Colonies were seldom or never founded without having obtained the advice and the sanction of the Delphic god.⁵ Hence the oracle was consulted in all disputes between a colony and its metropolis, as well as in cases where several colonies claimed to be the metropolis of a colony.⁶

The Delphic oracle had at all times a leaning in favour of the Greeks of the Doric race, but the time when it began to lose its influence must be dated from the period when Athens and Sparta entered into their struggle for the supremacy in Greece; at this time the partiality for Sparta became so manifest, that the Athenians and their party began to look on it with reverence and esteem for it,⁷ and the oracle became a mere instrument in the hands of a political party. In the times of Cicero and Plutarch, they believed that the oracle had lost the powers which it had possessed in former days, but it still continued to be consulted down to the times of the emperor Julian, until at last it was entirely done away with by Theodosius.

Notwithstanding the general obscurity and ambiguity of most of the oracles given at Delphi, there are many, also, which convey so clear and distinct a meaning, that they could not possibly be misunderstood, so that a wise agency at the bottom of the oracles cannot be denied. The manner in which this agency has been explained at different times, is greatly according to the spirit of the age. During the best period of their history, the Greeks, generally speaking, had undoubtedly a sincere faith in the oracle, its counsels and directions. When the sphere in which it had most benefited Greece became narrowed and confined to matters of a private nature, the oracle could no longer command the veneration with which it had been looked upon before. The pious and believing heathens, however, thought that the god no longer bestowed his aid upon the oracle, and that he was beginning to withdraw from it; while freethinkers and unbeliev-

ers looked upon the oracle as a skilful contrivance of priestcraft which had then outgrown itself. This latter opinion has also been adopted by many modern writers. The early Christian writers, seeing that some extraordinary power must in several cases have been at work, represented it as an institution of the evil spirit. In modern times opinions are very much divided. Hüllmann, for example, has endeavoured to show that the oracle of Delphi was entirely managed and conducted by the aristocratic families of Delphi, which thus are described as forming a sort of hierarchical senate for all Greece. If so, the Delphic senate surely was the wisest of all in the history of the ancient world. Klausen, on the other hand, seems to be inclined to allow some truly divine influence, and, at all events, thinks that, even in so far as it was merely managed by men, it acted in most cases according to lofty and pure moral principles.

The modern literature on the Delphic oracle is very rich; the most important works are: C. F. Wilster, *De Religione et Oraculo Apollinis Delphici*, Hafniæ, 1827.—H. Piotrowski, *De Gravitate Oraculi Delphici*, Lipsiæ, 1829.—R. H. Klausen, in *Ersch und Gruber's Encyclopædie*, s. v. *Orakel*.—K. D. Hüllmann, *Würdigung des Delphischen Orakels*, Bonn, 1837.—W. Götte, *Das Delphische Orakel, in seinem politischen, religiösen und sittlichen Einfluss auf die alte Welt*, Leipzig, 1839.

2. *Oracle at Abæ, in Phocis.* An oracle was believed to have existed here from very early times,¹ and was held in high esteem by the Phocians.² Some years before the Persian invasion, the Phocians gained a victory over the Thessalians, in which they obtained, among other spoils, four thousand shields, half of which they dedicated in the Temple of Apollo at Abæ, and half in that of Delphi.³ The oracle was, like many others, consulted by Croesus, but he does not seem to have found it agreeing with his wishes.⁴ In the Persian invasion of Xerxes the Temple of Abæ was burned down, and, like several temples destroyed in this invasion, it was never rebuilt. The oracle itself, however, remained, and before the battle of Leuctra it promised victory to the Thebans; but in the Phocian or sacred war, when some Phocian fugitives had taken refuge in the ruins, they were entirely destroyed by the Thebans.⁵ But even after this calamity the oracle seems to have been consulted, for the Romans, from reverence for the oracle, allowed the inhabitants of Abæ to govern themselves. Hadrian built a small temple by the side of the old one, some walls of which were still standing as ruins in the time of Pausanias.⁶

3. *Oracle on the Hill of Ptoon, in the territory of Thebes.* The oracle was here given through the medium of a man called *πρόμαντις*, and the first promantis was said to have been Teneros, a son of Apollo.⁷ The oracles were usually given in the Æolian dialect; but when Mys, the Carian, consulted the god, the answer was given in the Carian language,⁸ so that, instead of the three Thebans who generally wrote down the oracles, the Carian was obliged to do it himself.⁹ When Alexander the Great destroyed Thebes, the oracle also perished.¹⁰ In the time of Plutarch the whole district was completely desolate.¹¹

4. *Oracle of Apollo at Ismenion, in Bœotia, south of Thebes.* The Temple of Apollo Ismenios was the national sanctuary of the Thebans. The oracle was here not given by inspiration, as in other places,

¹Æsch., Eumen., 3, &c.—Compare Paus., x., 5.—Ovid, l., 321.—Argum. ad Pind., Pyth.—Tzetzes, Lycoph., 202.
²Herod., i., 19, 22.—3. (Herod., iv., 86.—Paus., ii., 18, § 1.—Demosth., c. Meid., 15.—Herod., v., 82; i., 165, &c.)—³c., De Div., i., 1.—6. (Thucyd., i., 25, 28.—Diod., xv., 7. (Plut., Demosth., 20.)

1. (Paus., x., 35, § 2.)—2. (Soph., CEd. Tyr., 899.—Herod., viii., 33.)—3. (Herod., viii., 27.)—4. (Herod., i., 46.)—5. (Paus., i. c.)—6. (x., 35, § 2, 3.)—7. (Strab., ix., 2, p. 267, Tauchnitz.—Paus., ix., 33, § 3.)—8. (Paus., i. c.)—9. (Herod., viii., 135.)—10. (Paus., ix., 33, § 3.)—11. (De Orac. Defen., c. 8.)

but from the inspection of the victims.¹ On one occasion it gave its prophecy from a huge cobweb in the Temple of Demeter.²

5. *Oracle of Apollo at Hysia*, on the frontiers of Attica. This place contained an oracle of Apollo with a sacred well, from which those drank who wished to become inspired. In the time of Pausanias the oracle had become extinct.³

6. *Oracle of Apollo at Tegyra*, was an ancient and much-frequented oracle, which was conducted by prophets. The Pythia herself, on one occasion, declared this to be the birthplace of Apollo. In the time of Plutarch the whole district was a wilderness.⁴

7. *Oracle of Apollo in the village of Eutresis*, in the neighbourhood of Leuctra.⁵ This oracle became extinct during the Macedonian period.⁶

8. *Oracle of Apollo at Orobæa*, in Eubœa. Apollo here bore the surname of the Selinuntian.⁷

9. *Oracle of Apollo in the Lyceum at Argos*. The oracle was here given by a prophetess.⁸

10. *Oracle of Apollo Deiradiotes*, on the acropolis of Larissa. The oracle was given by a prophetess, who was obliged to abstain from matrimonial connexions once in every month. She was believed to become inspired by tasting of the blood of a lamb which was sacrificed during the night. This oracle continued to be consulted in the days of Pausanias.⁹

11. *Oracle of Apollo at Didyma*, usually called the oracle of the Branchidæ, in the territory of Miletus. This was the oracle most generally consulted by the Ionians and Æolians.¹⁰ The temple, however, was said to have been founded previously to the arrival of the Ionians on the coast of Asia,¹¹ and the altar was said to have been built by Heracles, and the temple by Branchos, a son of Apollo, who had come from Delphi as a purifying priest.¹² Hence this oracle, like that of Delphi, combined purifying or atoning rites with the practice of prophesying.¹³ The real antiquity of the oracle, however, cannot be traced farther back than the latter half of the 7th century before our æra.¹⁴ The priests, called Branchidæ, who had the whole administration of the oracle, were said to be the descendants of Branchos. The high-priest bore the name of Stephanephorus. Among them was one family which possessed the hereditary gift of prophecy, and was called the family of the Euangelidæ.¹⁵ The oracle was under the especial management of a prophet, whose office did not last for life. The oracles were probably inspired in a manner similar to that at Delphi.¹⁶ Croesus made to this oracle as munificent presents as to that of Delphi.¹⁷ The principles which it followed in its counsels and directions were also the same as those followed by the Delphians. The Persians burned and plundered the temple, as had been predicted by the pythia of Delphi,¹⁸ but it was soon restored, and adorned with a fine brazen statue of Apollo,¹⁹ which Xerxes, on his retreat, carried with him to Ecbatana. A part of the Branchidæ had surrendered to Xerxes the treasures of the temple, and were, at their own request, transplanted to Bactriana,²⁰ where their descendants are said to have been severely punished by Alexander for their treachery.²¹ Seleucus sent the statue of Apollo back to Didyma, because the oracle had saluted him as

king.¹ The oracle continued to be consulted the faithlessness of its ministers. Some of the temple at Didyma are still extant.²

12. *Oracle of Apollo at Claros*, in the Colophon. It was said to have been founded by Cretans under Rhacius, previous to the migration of the Ionians in Asia Minor. The earliest mention of this oracle in connexion with Delphi is whence Manto, the daughter of Teiresias at Claros, married Rhacius, and gave birth to a son from whom the prophets of Claros were believed to be descended.³ This oracle was of great celebrity, and continued to be consulted at the time of the Roman emperors.⁴ The oracles were given through an inspired prophet taken from certain Milesian families. He was usually a man without any refined education, who only the names and the number of the persons consulted the oracle stated to him, and descended into a cavern, drank of the water from a secret well, and afterward pronounced the answer.⁵

13. *Oracle of Apollo at Grynea*, in the territory of the Myrinaeans.⁶

14. *Oracle of Apollo Gonnapeus*, in Lesbos.

15. *Oracle of Apollo at Abdera*.⁷

16. *Oracle of Apollo in Delos*, which was consulted in summer.⁸

17. *Oracle of Apollo at Patara*, in Lycia, was consulted in winter. The prophetess (Pythia) spent a night in the temple to wait for the communications which the god might make to her.

18. *Oracle of Apollo at Telmessus*. The temple at this institution did not give their answer in direct revelation, but occupied themselves chiefly with the interpretation of dreams, whence Herodotus calls them *ἐσηγηταί*. But they also interpreted the occurrences of the most various and unaccountable occurrences. Near Telmessus was another oracle of Apollo, where those who were consulted had to look into a well, which showed them the image of the answer to their questions.¹²

19. *Oracle of Apollo at Mallos*, in Cilicia.

20. *Oracle of the Sarpedonian Apollo*, in Lycia.

21. *Oracle of Apollo at Hybla*, in Caria.¹

22. *Oracle of Apollo at Hieræ Kome*, on the coast of Lycia, a celebrated oracle, which spoke in the name of Apollo.¹⁴

II. ORACLES OF ZEUS.

1. *Oracle of Zeus at Olympia*. In this temple, as in other oracles of Zeus, the god did not reveal his will by inspiration, as Apollo did in almost all the other oracles, but he merely sent signs which were interpreted by the priests. Those who came to consult the oracle of Olympia offered a victim, and the priests gave answers from the nature of the several parts of the victim, or from accidental circumstances attending the sacrifice.¹⁷ The prophets or interpreters of the oracle here belonged to the family of the Iamidæ. The oracle was much resorted to, and was especially celebrated. Herodotus mentions it along with the most celebrated oracles; but in later times it was almost neglected, probably because oracles from the

1. (Herod., viii., 134.)—2. (Diod., xvii., 10.—Compare Paus., ix., 10, § 2, &c.)—3. (Paus., ix., 2, § 1.)—4. (Plut., De Orac. Def., c. 8.—Pelop., 16.—Steph. Byz., s. v. Τέφυρα.)—5. (Steph. Byz., s. v. Ἐβρεσις.—Eustath. ad Il., ii., 502.)—6. (Plut., De Orac. Defec., c. 5.)—7. (Strab., x., i., p. 320, ed. Tauchnitz.)—8. (Plut., Pyrrh., 31.)—9. (ii., 24, § 1.)—10. (Herod., i., 158.)—11. (Paus., vii., 2, § 4.)—12. (Paus., v., 13, § 6.—Strab., xiv., i., p. 165.)—13. (Müller, Dor., ii., 2, § 6.)—14. (Soldan, p. 553, &c.)—15. (Conon, 44.)—16. (Paus., v., 7, § 3.)—17. (Herod., i., 46, &c.)—18. (Herod., vi., 19.)—19. (Paus., ii., 10, § 4; ix., 10, § 2.—Compare Müller, Archæol. der Kunst, § 86.)—20. (Strabo, l. c.)—21. (Curt., vii., 5.)

1. (Paus., i., 16, § 3.—Diod., ix., 90.)—2. (Commentators on Herod., i., 92.—Suid., s. v. Βραρχίδα.)—3. (Gesch. Alex. des Grossen, p. 307; and an excellent article by W. G. Söldan, Das Orakel der Branchiden, in Zeitschrift für die Alterthumswiss., 1841, No. 1.)—4. (Paus., vii., 3, § 1, 2.)—5. (Paus., vii., 5, § 1, &c.—i., p. 178, Tauch.—Tacit., Annal., xii., 22.)—6. (Tyr. ii., 54.)—7. (Hecat., Fragm., 211.)—8. (Schol. Aris. 145.)—9. (Del., i.—Serv. ad Virg., Æn., iv., 143.)—10. (Hymn. in Del., i.—Serv. ad Virg., Æn., iv., 143.)—11. (i., 78.)—12. (Cic., De Div., i., 41.—Arrian, Æc., 3.)—13. (Paus., vi., 13.)—14. (Strabo, xiv., i., p. 231, &c.—Arrian, ii., 5.)—15. (Exc., xxxviii., 12.)—16. (Athen., xv., p. 672.)—17. (i., 13.—Steph. Byz., s. v.)—18. (Herod., viii., 134.—3, p. 171.)—19. (Ed. Tyr., 900.)

of victims might be obtained anywhere. The spot where the oracles were given at Olympia was before the altar of Zeus.¹ It was especially those who intended to take part in the Olympic games that consulted the oracle about their success,² but other subjects were also brought before it.

2. *Oracle of Zeus at Dodona.* Here the oracle was given from sounds produced by the wind. The sanctuary was situated on an eminence.³ Although in a barbarous country, the oracle was in close connexion with Greece, and in the earliest times apparently much more so than afterward.⁴ Zeus himself, as well as the Dodonæans, were reckoned among the Pelasgians, which is a proof of the ante-Hellenic existence of the worship of Zeus in these parts, and perhaps of the oracle also.⁵ The oracle was given from lofty oaks covered with foliage,⁶ whence Æschylus⁷ mentions the speaking oaks of Dodona as great wonders. Beech-trees, however, are also mentioned in connexion with the Dodonæan oracle, which, as Hesiod⁸ said, dwelled in the stem of a beech-tree. Hence we may infer that the oracle was not thought to dwell in any particular or single tree, but in a grove of oaks and beeches. The will of the god was made manifest by the rustling of the wind through the leaves of the trees, which are therefore represented as eloquent tongues. In order to render the sounds produced by the winds more distinct, brazen vessels were suspended on the branches of the trees, which, being moved by the wind, came in contact with one another, and thus sounded till they were stopped.⁹ Another mode of producing the sounds was this: There were two columns at Dodona, one of which bore a metal basin, and the other a boy with a scourge in his hand; the ends of the scourge consisted of little bones, and, as they were moved by the wind, they knocked against the metal basin on the other column.¹⁰ According to other accounts, oracles were also obtained at Dodona through pigeons, which, sitting upon oak-trees, pronounced the will of Zeus.¹¹ The sounds were in early times interpreted by men,¹² but afterward, when the worship of Dione became connected with that of Zeus, by two or three old women, who were called *πελειάδες* or *πέλαιαι*, because pigeons were said to have brought the command to found the oracle.¹³ In the time of Herodotus,¹⁴ the names of the three prophetesses were Promeneia, Timarete, and Nicandra. They were taken from certain Dodonæan families, who traced their pedigree back to the mythical ages. There were, however, at all times priests called *τόμοιροι*¹⁵ connected with the oracle, who on certain occasions interpreted the sounds; but how the functions were divided between them and the Pelææ is not clear. In the historical times, the oracle of Dodona had less influence than it appears to have had at an earlier period, but it was at all times inaccessible to bribes, and refused to lend its assistance to the Doric interest.¹⁶ It was chiefly consulted by the neighbouring tribes, the Ætoliæ, Acarnanians, and Epirotæ,¹⁷ and by those who would not go to Delphi on account of its partiality for the Dorians. There appears to have been a very ancient connexion between Dodona and the Boeotian Ismenion.¹⁸

The usual form in which the oracles were given at Dodona was in hexameters; but some of the oracles yet remaining are in prose. In 219 B.C., the temple was destroyed by the Ætoliæ, and the sacred oaks were cut down,¹ but the oracle continued to exist and to be consulted, and does not seem to have become totally extinct until the third century of our æra. In the time of Strabo, the Dodonæan prophetesses are expressly mentioned, though the oracle was already decaying, like all the others.²

(Compare Cordes, *De Oraculo Dodonæo*, Grönningen, 1826.—J. Arneth, *Ueber das Taubenorakel von Dodona*, Wien, 1840.—L. von Lassaulx, *Das Pelasgische Orakel des Zeus zu Dodona, ein Beitrag zur Religionsphilosophie*, Würzburg, 1840.)

3. *Oracle of Zeus Ammon*, in an oasis in Libya, not far from the boundaries of Egypt. According to the traditions current at Dodona and Thebes in Egypt, it was founded by the latter city,³ and the form in which the god was represented at Thebes and in the Ammonium was the same; he had in both places the head of a ram.⁴ The Greeks became acquainted with this oracle through the Cyreneans, and Sparta was the first city of Greece which formed connexions with it.⁵ Its example was followed by the Thebans, Olympians, Dodonæans, Eleans, and others, and the Athenians sent frequent theories to the Ammonium even before Ol. 91,⁶ and called one of their sacred vessels Ammonis.⁷ Temples of Zeus Ammon were now erected in several parts of Greece. His oracle in Libya was conducted by men who also gave the answers.⁸ Their number appears to have been very great, for, on some occasions, when they carried the statue about in a procession, their number is said to have been eighty.⁹ In the time of Strabo,¹⁰ the oracle was very much neglected and in a state of decay. The Greek writers who are accustomed to call the greatest god of a barbarous nation Zeus, mention several oracles of this divinity in foreign countries.¹¹

III. ORACLES OF OTHER GODS.

The other gods who possessed oracles were consulted only concerning those particular departments of the world and human life over which they presided. *Demeter* thus gave oracles at Patræ in Achaia, but only concerning sick persons, whether their sufferings would end in death or recovery. Before the sanctuary of the goddess there was a well, surrounded by a wall. Into this well a mirror was let down by means of a rope, so as to swim upon the surface. Prayers were then performed and incense offered, whereupon the image of the sick person was seen in the mirror either as a corpse or in a state of recovery.¹² At Phare, in Achaia, there was an oracle of *Hermes*. His altar stood in the middle of the market-place. Incense was offered here, oil-lamps were lighted before it, a copper coin was placed upon the altar, and after this the question was put to the god by a whisper in his ear. The person who consulted him shut his own ears, and immediately left the market-place. The first remark that he heard made by any one after leaving the market-place was believed to imply the answer of *Hermes*.¹³

There was an *Oracle of Pluto and Cora* at Charax or Acharaca, not far from Nysa, in Caria. The two deities had here a temple and a grove, and near the latter there was a subterraneous cave of a miraculous nature, called the cave of Charon; for persons suffering from illness, and placing confidence in the

1. (Pind., Ol., vi., 70.)—2. (Pind., Ol., viii., 2.)—3. (Æsch., *Prom.*, 830.)—4. (Hom., Il., xvi., 233.)—5. (Hes. and Ephor., ap. Strab., vii., 7, p. 124, &c.)—6. (Hom., Od., xiv., 328; xix., 47.)—7. (Prom., 832.—Compare Soph., *Trach.*, 1170.)—8. (*Frags.*, 39.—Soph., *Trach.*, 169.—Herod., ii., 55.)—9. (Suid., s. v. *Δωδωναίη*.—Philist., *Imag.*, ii.)—10. (Steph. Byz., s. v. *Δωδωναίη*.—Suid., s. v. *Δωδωναίων χαλκίτρον*.—Strabo, *Excerpt. ex Str.*, vii., fin., p. 128, *Tauch.*)—11. (Dionys. Hal., i., p. 12, *Sylburg.*)—12. (Strab., vii., 7, p. 126, *Tauch.*)—13. (Soph., *Trach.*, 169, with the schol.—Herod., l. c.—Paus., x., 12, § 5.)—14. (l. c.)—15. (Strab., l. c.)—16. (Corn. Nep., *Lysand.*, 3.)—17. (Paus., vii., 21, § 1.—Herod., ix., 93.)—18. (Strab., ix., 1, p. 250, *Tauch.*—Compare Müller, *Orchom.*, p. 397.)

1. (Polyb., iv., 67.)—2. (Strab., vii., 7, p. 124.)—3. (Herod., ii., 42, 54, &c.)—4. (Herod., iv., 181.)—5. (Paus., iii., 18, § 2.)—6. (Böckh, *Staatsk.*, ii., 258.)—7. (Hesych. and Suid., s. v. *Ἄμμων*.—Harpoc., s. v. *Ἀμμωνίς*.)—8. (Diodor., xvii., 51.)—9. (Diodor., iii., 50.)—10. (xvii., 1, p. 458.)—11. (Herod., ii., 29.—Diod., iii., 6.)—12. (Paus., vii., 21, § 5.)—13. (Paus., vii., 22, § 2.)

power of the gods, travelled to this place, and stayed for some time with experienced priests, who lived in a place near the cave. These priests then slept a night in the cavern, and afterward prescribed to their patients the remedies revealed to them in their dreams. Often, however, they took their patients with them into the cave, where they had to stay for several days in quiet, and without taking any food, and were sometimes allowed to fall into the prophetic sleep, but were prepared for it, and received the advice of the priests; for to all other persons the place was inaccessible and fatal. There was an annual panegyris in this place, probably of sick persons who sought relief from their sufferings. On the middle of the festive day, the young men of the gymnasium, naked and anointed, used to drive a bull into the cave, which, as soon as it had entered, fell down dead.¹

At Epidaurus Limera, oracles were given at the festival of *Ino*. (*Vid. INOÆ.*) The same goddess had an oracle at Etylon, in which she made revelations in dreams to persons who slept a night in her sanctuary.² *Hera Acraea* had an oracle between Lechaon and Page.³

IV. ORACLES OF HEROES.

1. *Oracle of Amphiarus*, between Potniæ and Thebes, where the hero was said to have been swallowed up by the earth. His sanctuary was surrounded by a wall, and adorned with columns, upon which birds never settled, and birds or cattle never took any food in the neighbourhood.⁴ The oracles were given to persons in their dreams, for they had to sleep in the temple⁵ after they had prepared themselves for this *incubatio* by fasting one day, and by abstaining from wine for three days.⁶ The Thebans were not allowed to consult this oracle, having chosen to take the hero as their ally rather than as their prophet.⁷ Another oracle of Amphiarus was at Oropus, between Bœotia and Attica, which was most frequently consulted by the sick about the means of their recovery. Those who consulted it had to undergo lustrations, and to sacrifice a ram, on the skin of which they slept a night in the temple, where in their dreams they expected the means of their recovery to be revealed to them.⁸ If they recovered, they had to throw some pieces of money into the well of Amphiarus in his sanctuary. The oracle was said to have been founded by the Thebans.⁹

2. *Oracle of Amphilocheus*. He was the son of Amphiarus, and had an oracle at Mallos, in Cilicia, which Pausanias calls the most trustworthy of his time.¹⁰

3. *Oracle of Trophonius at Lebadeia*, in Bœotia. Those who wished to consult this oracle had first to purify themselves by spending some days in the sanctuary of the good spirit and good luck (*ἀγαθοῦ Δαίμονος καὶ ἀγαθῆς Πύσης*), to live sober and pure, to abstain from warm baths, but to bathe in the river Hercyna, to offer sacrifices to Trophonius and his children, to Apollo, Cronos, King Zeus, Hera Heniocha, and to Demeter Europe, who was said to have nursed Trophonius; and during these sacrifices a soothsayer explained from the intestines of the victims whether Trophonius would be pleased to admit the consultor. In the night in which the consultor was to be allowed to descend into the cave of Trophonius, he had to sacrifice a ram to Agamedes, and only in case the signs of this sacrifice were favourable, the hero was thought to be pleased

to admit the person into his cave. What took place after this was as follows: Two boys, 13 years old, led him again to the river Hercyna, and bathed and anointed him. The priests then made him drink from the well of oblivion (*Λήθη*), that he might forget all his former thoughts, and from the well of recollection (*Μνημοσύνη*), that he might remember the visions which he was going to have. They then showed him a mysterious representation of Trophonius, made him worship it, and led him into the sanctuary, dressed in linen garments, with girdles around his body, and wearing a peculiar kind of shoes (*κρηπίδες*) which were customary at Lebadeia. Within the sanctuary, which stood on an eminence, there was a cave, into which the person was now allowed to descend by means of a ladder. Close to the bottom, in the side of the cave, there was an opening into which he put his feet, whereupon the other parts of the body were likewise drawn into the opening by some invisible power. What the persons here saw was different at different times. They returned through the same opening at which they had entered, and the priests now placed them on the throne of Mnemosyne, asked them what they had seen, and led them back to the sanctuary of the good spirit and good luck. As soon as they had recovered from their fear, they were obliged to write down their vision on a little tablet which was dedicated in the temple. This is the account given by Pausanias, who had himself descended into the cave, and writes as an eyewitness.¹ The answers were probably given by the priests according to the report of what persons had seen in the cave. This oracle was held in very great esteem, and did not become extinct until a very late period; and though the army of Sulla had plundered the temple, the oracle was much consulted by the Romans,² and in the time of Plutarch it was the only one among the numerous Bœotian oracles that had not become silent.³

4. *Oracle of Calchas*, in Daunia, in southern Italy. Here answers were given in dreams, for those who consulted the oracle had to sacrifice a black ram, and slept a night in the temple, lying on the skin of the victim.⁴

5. *Oracles of Asclepius (Æsculapius)*. The oracles of Asclepius were very numerous; but the most important and most celebrated was that of Epidaurus. His temple here was covered with votive tablets, on which persons had recorded their recovery by spending a night in the temple. In the temples of Æsculapius and Serapis at Rome, recovery was likewise sought by incubatio in his temple.⁵ F. A. Wolf has written an essay, *Beitrag zur Geschichte des Somnambulismus aus dem Alterthum*,⁶ in which he endeavours to show that what is now called Mesmerism, or animal magnetism, was known to the priests of those temples where sick persons spent one or more nights for the purpose of recovering their health. Other oracles of the same kind are mentioned in that essay, together with some of the votive tablets still extant.

6. *Oracle of Hercules* at Bura, in Achaia. Those who consulted it prayed and put their questions to the god, and then cast four dice painted with figures, and the answer was given according to the position of these figures.⁷

7. *Oracle of Pasiphaë* at Thalamia, in Laconia, where answers were given in dreams while persons spent the night in the temple.⁸

8. *Oracle of Phrixus*, in Iberia, near Mount Cau-

1. (Strabo, xiv., 1, p. 189. — Compare xii., 8, p. 75, Tauchn.) — 2. (Paus., iii., 26, § 1.) — 3. (Strab., viii., 6, p. 213.) — 4. (Paus., ix., 8, § 2.) — 5. (Herod., viii., 134.) — 6. (Philost., Vit. Apoll., ii., 37.) — 7. (Herod., 1. c.) — 8. (Paus., i., 34, § 2, & c.) — 9. (Strab., ix., 1, p. 252, Tauchn.) — 10. (Paus., i., 34, § 2. — Dion Cass., lxxii., 7.) — 11. (Paus., ix., 37, § 3.)

1. (Paus., ix., 39, § 3, & c. — Compare Philost., Vit. Apoll., viii., 19.) — 2. (Orig., c. Cels., vii., p. 355.) — 3. (Plut., De Orac. Defec., c. 5.) — 4. (Strabo, vi., 3, p. 53.) — 5. (Suet., Claud., 25.) — 6. (Vermischte Schriften, p. 382, & c.) — 7. (Paus., vii., 25, § 6.) — 8. (Plut., Cleom., 7. — Agis, 9. — Cic., De Div., i., 43.)

where no rams were allowed to be sacrificed.

V. ORACLES OF THE DEAD.

Other class of oracles are the *Oracles of the Dead* (*μαντείων* or *ψυχοπομπείων*), in which those who died called up the spirits of the dead, and offered sacrifices to the gods of the lower world. One of the most ancient and most celebrated places of this kind was in the country of the Thesprotians, Lake Aornos.¹ Another oracle of this kind was at Heraclea, on the Propontis.² For respecting the Greek oracles in general, see *Smith, Hellen. Alterth.*, ii., 2, p. 260, &c.—*See also in Ersch und Gruber's Encyclop.*, s. v. 1.

VI. ITALIAN ORACLES.

Oracles in which a god revealed his will through the mouth of an inspired individual did not exist in Italy. The oracles of Calchas and Æsculapius, mentioned above, were of Greek origin, and the oracle was in a Greek heroum on Mount Garganus. The Romans, in the ordinary course of things, did not feel the want of such oracles as those of Greece, they had numerous other means to discover the will of the gods, such as the Sibylline books, augurspices, signs in the heavens, and the like, which are partly described in separate articles, and in DIVINATION.⁴ The only Italian oracles known to us are the following:

Oracle of Faunus.—His oracles are said to have been given in the Saturnian verse, and collections of his vaticinia seem to have existed at an early period.⁵ The places where his oracles were given were two groves, the one in the neighbourhood of Tibur, round the well of Albunea, and the other on the Aventine.⁶ Those who consulted the oracle in the grove of Albunea, which is said to have been resorted to by all the Italians, had to observe the following points: The priest first offered a sheep as a sacrifice to the god. The skin of the sheep was spread on the ground, and the consultor was obliged to sleep upon it during the night, after which he had been thrice sprinkled with pure water in the well, and touched with the branch of a sallow-tree. He was, moreover, obliged, several days before this night, to abstain from animal food and from matrimonial connexions, to wear simple garments, and not to wear a ring on his fingers. After he fell asleep on the sheepskin, he was believed to receive his answer in wanderings, and in converse with the god himself.⁷ The priest transfers some of the points to be observed in order to obtain the oracle on the Albunea, to the oracle on the Aventine. Both may have had much in common, but from the story which he relates of the oracle, it seems to be clear that on the Aventine in different ceremonies also were observed.

Oracles of Fortuna existed in several Italian towns, especially in Latium, as at Antium and Præneste. In the former of these towns two sisters, Fortuna and Minerva, were worshipped, and their statues used to be carried forward when oracles were given.⁸ At Præneste the oracles were derived from lots (*sortes*) consisting of sticks of oak with ancient characters graven upon them. These lots were said to have been found by a noble Prænestine of the name Numerius Suffucius, inside of a rock which he had left open at the command of a dream by which

he had been haunted. The lots, when an oracle was to be given, were shaken up together by a boy, after which one was drawn for the person who consulted the goddess.¹ The lots of Præneste were, at least with the vulgar, in great esteem as late as the time of Cicero, while in other places of Latium they were mostly neglected. The Etruscan Cære, in early times, had likewise its sortes.²

3. *An Oracle of Mars* was, in very ancient times, according to Dionysius,³ at Tiora Matiena, not far from Teate. The manner in which oracles were here given resembled that of the pigeon oracle at Dodona; for a woodpecker (*picus*), a bird sacred to Mars, was sent by the god and settled upon a wooden column, whence he pronounced the oracle.

On Roman oracles in general, see Niebuhr, *Hist. of Rome*, i., p. 508, &c.

ORARIUM was a small handkerchief used for wiping the face, and appears to have been employed for much the same purposes as our pocket-handkerchief. It was made of silk or linen. In the *Etym. Mag.*⁴ it is explained by *προσώπων ἐκμαγεῖον*. Aurelian introduced the practice of giving *oraria* to the Roman people to use *ad favorem*, which appears to mean for the purpose of waving in the public games in token of applause, as we use our hats and handkerchiefs for the same purpose.⁵

ORATIONES PRINCIPUM. The *orationes principum* are frequently mentioned by the Roman writers under the Empire; but those which are discussed under this head have reference to legislation only, and were addressed to the senate. Under the Christian emperors particularly, these orationes were only a mode of promulgating law as constituted by the emperor; and we have an instance of this even in the reign of Probus (*"Leges, quas Probus ederet, senatus consultis propriis consecrarent"*). Under the earlier emperors, the orationes were in the form of propositions for laws addressed to the senate, who had still, in appearance, though not in reality, the legislative, that is, the sovereign power. This second kind of orationes are often cited by the classical jurists, as in the following instance from Gaius:⁷ "*ex oratione divi Hadriani senatus consultum factum est.*"

Many of the orationes of the Roman emperors, such as are quoted by the Augustæ Historiæ Scriptores, are merely communications to the senate, such, for instance, as the announcement of a victory.⁸ These orationes are sometimes called *litteræ* or *epistolæ* by the non-juristical writers; but the juristical writers appear to have generally avoided the use of *epistola* in this sense, in order not to confound the imperial orationes with the *rescripta*, which were often called *epistolæ*. It appears that the Roman jurists used the terms *libellus* and *oratio principis* as equivalent; for the passages which have been referred to in support of the opinion that these two words had a different sense,⁹ show that *libellus* and *oratio principis* are the same, for the *oratio* is here spoken of by both names. These orationes were sometimes pronounced by the emperor himself, but apparently they were commonly in the form of a written message, which was read by the quaestors:¹⁰ in the passage last referred to, these imperial messages are called indifferently *libri* and *epistolæ*. Accordingly, we read of *litteræ* and orationes being sent by the emperor to the senate.¹¹ The mode of proceeding upon the receipt of one of these orationes may be collected from the preamble

¹ Strab., xi., 3, p. 410.—Tacit., Ann., vi., 34.—2. (Diodor., i.—Herod., v., 92, § 7.—Paus., ix., 30, § 3.)—3. (Plut., i.)—4. (Strabo, xvii., 1, p. 459, &c.)—5. (Aurel. Vict., i., gent. Rom., c. 4.)—6. (Virg., Æn., vii., 81, &c.—Ovid., iv., 650, &c.)—7. (Virg., l. c.—Isidor., viii., 11, 87.)—8. —9. (Macr., Sat., i., 23.—Compare Horat., Carm., i., 35, st. Cætig., 37, with Ernesti's note.—Domit., 15.)

1. (Cic., De Divin., ii., 41.)—2. (Liv., xxi., 62.)—3. (i., p. 12.)—4. (p. 804, 27, ed. Sylburg.)—5. (Vopisc., Aurel., 48.—Casaubon ad loc.—Augustin., De Civ. Dei, xxii., 8.—Prudent., *perì Symp.*, i., 86.—Hieron., ad Nepotian., Ep., 2.)—6. (Prob. Imp. ap. Flav. Vopisc., 13.)—7. (ii., 285.)—8. (Maxim. Duo. ap. J. Capitol., 12, 13.)—9. (Dig. 5, tit. 3, s. 20, 22.)—10. (Dig. 1, tit. 13.)—11. (Cætig., Ann., iii., 52; xvi., 7.)

of the *senatus consultum* contained in the Digest.¹ These orationes were the foundation of the *senatus consulta* which were framed upon them, and when the orationes were drawn up with much regard to detail, they contained, in fact, the provisions of the subsequent *senatus consultum*. This appears from the fact that the *oratio* and the *senatus consultum* are often cited indifferently by the classical jurists, as appears from numerous passages.² The *oratio* is cited as containing the reasons or grounds of the law, and the *senatus consultum* for the particular provisions and words of the law. To the time of Sep. Severus and his son Caracalla, numerous *senatus consulta*, founded on orationes, are mentioned; and numerous orationes of these two emperors are cited. But after this time they seem to have fallen into disuse, and the form of making and promulgating law by imperial constitutions was the ordinary mode of legislation.

There has been much discussion on the amount of the influence exercised by the orationes principum on the legislation of the senate. But it seems to be tolerably clear, from the evidence that we have, and from the nature of the case, that the *oratio* might either recommend generally some legislative measure, and leave the details to the senate, or it might contain all the details of the proposed measure, and so be in substance, though not in form, a *senatus consultum*; and it would become a *senatus consultum* on being adopted by the senate, which, in the case supposed, would be merely a matter of form. In the case of an *oratio*, expressed in more general terms, there is no reason to suppose that the recommendation of the emperor was less of a command; it was merely a command in more general terms.

(Zimmern, *Gesch. des Röm. Privatrechts*, i., p. 79, and Dirksen, *Ueber die Reden der Röm. Kaiser und deren Einfluss auf die Gesetzgebung*, Rhein. Mus. für Jurisprudenz, ii.)

ORATOR. Cicero remarks³ that a "certain kind of causes belong to *jus civile*, and that *jus civile* is conversant about laws (*lex*) and custom (*mos*) appertaining to things public and private, the knowledge of which, though neglected by most orators, seems to me to be necessary for the purposes of oratory." In his treatise on the Orator, and particularly in the first book, Cicero has given his opinion of the duties of an orator, and his requisite qualifications, in the form of a dialogue, in which Lucius Licinius Crassus and M. Antonius are the chief speakers. Crassus was himself a model of the highest excellence in oratory; and the opinions attributed to him as to the qualifications of an orator were those of Cicero himself, who, in the introductory part of the first book,⁴ declares that "in his opinion no man can deserve the title of a perfect orator unless he has acquired a knowledge of all important things and of all arts, for it is out of knowledge that oratory must blossom and expand; and if it is not founded on matter which the orator has fully mastered and understood, it is idle talk, and may almost be called *peurile*." According to Crassus, the province of the orator embraces everything: he must be enabled to speak well on all subjects. Consequently, he must have a knowledge of the *jus civile*,⁵ the necessity for which Crassus illustrates by instances; and he should not only know the *jus civile* as being necessary when he has to speak in causes relating to private matters and to private judicium, but he should also have a knowledge of the *jus publicum*, which is conversant about a state as such, and he should be familiar

with the events of history, and instances derived from the experience of the past. Antonius⁶ limits the qualifications of the orator to the command of language pleasant to the ear, and of arguments adapted to convince in causes in the Forum and on ordinary occasions. He farther requires the orator to have competent voice and action, and sufficient grace and ease. Antonius⁷ contends that an orator does not require a knowledge of the *jus civile*, and he instances the case of himself, for Crassus allowed that Antonius could satisfactorily conduct a cause, though Antonius, according to his own admission, had never learned the *jus civile*, and had never felt the want of it in such cases as he had defended (*in jure*).

The profession, then, of the orator, who, with reference to his undertaking a client's case, is also called *patronus*,⁸ was quite distinct from that of the *jurisconsultus* (*vid. JURISCONSULTI*), and also from that of the *advocatus*, at least in the time of Cicero,⁹ and even later.¹⁰ An orator who possessed a competent knowledge of the *jus civile* would, however, have an advantage in it, as Antonius admits,¹¹ but as there were many essentials to an orator which were of difficult attainment, he says that it would be unwise to distract him with other things. Some requisites of oratory, such as voice and gesture, could only be acquired by discipline; whereas a competent knowledge of the law of a case (*jura utilitas*) could be got at any time from the *jurisconsulti* (*periti*) or from books. Antonius thinks that the Roman orators in this manner acted more wisely than the Greek orators, who, being ignorant of law, had the assistance of practitioners called *Pragmatici*: the Roman orators trusted the maintenance of the law to the high character of their professional jurists.

So far as the profession of an advocate consists in the skilful conduct of a cause, and in the supporting of his own side of the question by proper argument, it must be admitted, with Antonius, that a very moderate knowledge of law is sufficient; and, indeed, even a purely legal argument requires not so much the accumulation of a vast store of legal knowledge, as the power of handling the matter when it has been collected. The method in which this consummate master of his art managed a cause is stated by himself;¹² and Cicero, in another passage,¹³ has recorded his merits as an orator. Servius Sulpicius, who was the greatest lawyer of his age, had a good practical knowledge of the law, but others had this also; and it was something else which distinguished Sulpicius from all his contemporaries: "Many others, as well as Sulpicius, had a great knowledge of the law; he alone possessed it as an art. But the knowledge of law by itself would never have helped him to this, without the possession of that art which teaches us to divide the whole of a thing into its parts, by exact definition to develop what is imperfectly seen, by explanation to clear up what is obscure; first of all to see ambiguities, then to disentangle them; lastly to have a rule by which truth and falsehood are distinguished, and by which it shall appear what consequences follow from premises, and what do not." With such a power Sulpicius combined a knowledge of letters and a pleasing style of speaking. As a forensic orator, then, he must have been one of the first that ever lived; but still, among the Romans, his reputation was that of a jurist, while Antonius, who had no knowledge of the law, is put on a level, as an orator (*patronus*), with L. Cra-

1. (5, tit. 3.)—2. (Dig. 2, tit. 15, s. 8; 5, tit. 3, s. 20, 22, 40; 11, tit. 4, s. 3, &c.)—3. (Or. Part., c. 28.)—4. (c. 6.)—5. (i., 44, &c.)

1. (i., 49.)—2. (i., 58.)—3. (De Or., l., 56.—Brut., 29.)—4. (ii., 74.)—5. (De Orat., Dial., 34.)—6. (i., 59.)—7. (De Or., 72.)—8. (Brut., 37.)—9. (Brut., 41.)

o, of all the eloquent men of Rome, had the acquaintance with the law.

It was a serious study among the Romans. The master of the art, Cicero, tells us by what labour he attained to excellence.¹ Roman oratory reached its perfection in the century which preceded the Christian æra. Its decline dates from the establishment of the imperial power under Augustus and his successors; for though there were good speakers, and more skilful rhetoricians in the Empire, the oratory of the Republic was discredited by circumstances unsuitable for the senatorial assemblies, or for cases of crimes and misdemeanours.

The dialogue *De Oratoribus*, which is attributed to Tacitus, Messala, one of the speakers,² attempts to assign the reasons for the low state of oratory in the time of Vespasian, when the dialogue is written, compared with its condition in the age of Cicero and of Cicero's predecessors. He attributes the decline to the neglect of the discipline under which children were formerly brought up, and to the practice of resorting to rhetoricians (*rhetores*), who professed to teach the oratorical art. This occasion to speak more at length of the early line of the old orators, and of Cicero's course of study as described in the *Brutus*. The old orators learned their art by constant attendance on eminent orators and by actual experience of success: the orators of Messala's time were formed in the schools of rhetoric, and their powers were exercised in exercises on fictitious matters. These exercises, however, it is obvious, were only secondary causes. The immediate causes of the decline of eloquence are to be indicated by Maternus, another speaker in the dialogue, who attributes the former flourishing condition of eloquence to the political power of oratory conferred on the orator under the Republic, and to the party struggles and even the dissensions that are incident to such a state of society. Allusion to the effect produced by the establishment of the imperial power is clear enough in the following words, which refer both to the impediment to the republican periods: "*cum mixtis omnimodis moderatore uno carentibus, tantum quisque oraret, quantum erant populo persuaderi poterat.*"

BUS. (*Vid. JULIÆ LEGES*, p. 557.)

CA. (*Vid. SYTELLA*.)

CHE'SIS (*ὄρχησις*). (*Vid. SALTATIO*.)

CHESTRA. (*Vid. THEATRUM*.)

CHIA LEX. (*Vid. SUMTUABÆ LEGES*.)

ORCHILUS (*ὄρχιλος*), a species of Bird. "In the *Ornithologia* of Photius it is explained by *βασιλικός*, Gesner holds that it is identical with the *πρόσειλένης*, and *τροχίλος*, although it is to be regarded that Aristotle treats separately of the *βασιλικός*." Gesner applies all these terms to the *Regulus* Golden-crested Wren. It must be admitted, however, that the ancient descriptions of the birds, or *Passeres*, are so brief, that they often cannot be recognised or distinguished from one another with any degree of accuracy. But, at the time, Aristotle's description of the *τύραννος* is so phic that no ornithologist can fail to recognise the Golden-crested Wren in it. Aristophanes also describes the *βασιλεύς* and the *ὄρχιλος*.¹⁴

ORCHIS (*ὄρχις*). "Sibthorp seems to have identified that the *κύνος ὄρχις* of Galen and Dioscorides with the *Orchis papilionacea*. The *περάπις* cane ascertained with any certainty. Fuchsius in this last, and Stackhouse the *ὄρχις* of Theophrastus, to the *Orchis morio*, or Meadow Orchis."¹⁵

1. (c. 28, &c.)—2. (c. 28, &c.)—3. (c. 34.)—4. (Aristoph., *568*.—Adams, *Append.*, s. v.)—5. (Theophrast., *H. P.*, *131*.—Dioscor., *iii.*, 132.—Adams, *Append.*, s. v.)

ORCINUS LIBERTUS. (*Vid. MANUMISSIO*, p. 616.)

ORCINUS SENATOR. (*Vid. SENATUS*.)

ORDINARIUS JUDEX. (*Vid. JUDEX PEDANEUS*.)

ORDO is applied to any body of men who form a distinct class in the community, either by possessing distinct privileges, pursuing certain trades or professions, or in any other way. Thus Cicero¹ speaks of the "*ordo aratorum, sive pecuuariorum, sive mercatorum.*" In the same way, the whole body of sacerdotes at Rome is spoken of as an *ordo*,² and separate ecclesiastical corporations are called by the same title (*ordo collegii nostri*;³ *ordo seviralium*⁴). The libertini and scribæ also formed separate ordines.⁵ The senate and the equites are also spoken of respectively as the *ordo senatorius* and *ordo equestris* (*vid. SENATUS*; *EQUITES*, p. 417); but this name is never applied to the plebes. Accordingly, we find the expression "*uterque ordo*" used without any farther explanation to designate the senatorial and equestrian ordines.⁶ The senatorial *ordo*, as the highest, is sometimes distinguished as "*amplissimus ordo*."⁷

The senate in colonies and municipia was called *ordo decurionum*⁸ (*vid. COLONIA*, p. 282), and sometimes simply *ordo*,⁹ *ordo amplissimus*,¹⁰ or *ordo splendidissimus*.¹¹

The term *ordo* is also applied to a company or troop of soldiers, and is used as equivalent to *centuria*: thus *centuriones* are sometimes called "*qui ordines duxerunt*,"¹² and the first centuries in a legion "*primi ordines*."¹³ Even the *centuriones* of the first centuries are occasionally called "*primi ordines*."¹⁴

ORGANUM. (*Vid. HYDRAULA*.)

ORGIA. (*Vid. MYSTERIA*.)

OREICHALCUM. (*Vid. ÆS*.)

OREOSELINUM (*ὄρεοσέλινον*), a plant, which Dodonæus makes to be the *Selinum Oreoselinon*. According to Sprengel, however, the plant just mentioned is not indigenous in Greece; he inclines, therefore, with Gesner, to the opinion that it is the *Athamanta libanotis*.¹⁵

ORIGANUS (*ὄριγανος* or *-ον*). "Galen and Dioscorides describe three species; the *ὄριγανος Ἡρακλεωτική*, *ὄνιτις*, and *ἀγριορίγανος*. The first, according to Sprengel, is the *Origanum Heracleoticum*; the second, the *Onites* or *Creticum*; and the third, the *O. sylvestre album*. Theophrastus distinguishes the *ὄριγανος* into two species, *λευκή* and *μέλαινα*, which Stackhouse refers simply to the *Origanum marjorana*, or *Bastard Marjorum*.¹⁶

ORNAMENTA TRIUMPHALIA. (*Vid. TRIUMPHUS*.)

ORNATRIX (*κοσμητρία*), a female slave who dressed and adorned ladies' hair.¹⁷ So much attention was paid by the Roman ladies to the dressing of their hair, that they kept slaves specially for this purpose, and also had them instructed by a master in the art.¹⁸ These slaves were frequently the confidants of their mistresses, and were sometimes highly prized, whence we find them mention-

1. (c. Verr., *ii.*, 6.)—2. (Festus, s. v. *Ordo Sacerdotum*.)—3. (Orelli, *Inscr.*, n. 2417.)—4. (Id., n. 2229.)—5. (Suet., *De Grammat.*, 18.—Cic., *c. Verr.*, *ii.*, 3, 47; *iii.*, 79.)—6. (Suet., *Aug.*, 15.—Vell. Patenc., *ii.*, 100.)—7. (Plin., *Ep.*, x, 3.—Suet., *Otho*, 8.—Vesp., 2.)—8. (Dig. 50, tit. 2, s. 2, § 7.—Orelli, *Inscr.*, n. 1167.)—9. (Tacit., *Hist.*, *ii.*, 52.—Dig. 50, tit. 2, s. 2, § 3.—Orelli, n. 3734.—10. (Cic., *Pro Cæli*, 2.)—11. (Orelli, n. 1180, 1181.)—12. (Cic., *Phil.*, *i.*, 8.—Cæs., *Bell. Civ.*, *i.*, 13.)—13. (Cæs., *Bell. Gall.*, v, 28, 44.)—14. (Cæs., *Bell. Gall.*, v, 80; *vi.*, 7.—Liv., *xxx.*, 4.—Gronov. *ad loc.*)—15. (Dioscor., *iii.*, 69.—Theophrast., *H. P.*, *vii.*, 6.—Galen, *De Simpl.*, *viii.*—Adams, *Append.*, s. v.)—16. (Theophrast., *H. P.*, *vi.*, 1.—Dioscor., *iii.*, 29.—Galen, *De Simpl.*—Adams, *Append.*, s. v.)—17. (Ovid, *De Art. Am.*, *iii.*, 239.—Suet., *Claud.*, 40.)—18. (Dig. 32, tit. 1, s. 65.)

ea in inscriptions.¹ Some attained great skill in their art, as Cypassis, whom Ovid² addresses,

"*Ponendis in mille modos perfecta capillis,
Comere sed solas digna Cypassis deas;*"

and Nape, whom Ovid² also describes as skilled

"*Colligere incertos et in ordine ponere crines.*"⁴

*OROBAN'CHE (*ὀροβάγχη*). "The *ὀροβάγχη* of Theophrastus," observes Adams, "would appear decidedly to be a species of *Cuscuta*, or dodder of Thyme. The *ὀροβάγχη* of Dioscorides is held by Sprengel to be the *Orobanche caryophyllea*. The *ὀροβάγχη* is called *ὀστροπέλων* by writers of a later age."⁵

*OR'OBOS (*ὀροβος*), the *Ereum ervilia*, or Tare, according to Stackhouse, Dierbach, and Sprengel.⁶

*OROSPZOS (*ὀροσπίζος*), a bird, a species of mountain Chaffinch. Adams makes it the Brambling, or *Fringilla montifringilla*.⁷

*ORTYGOM'E'TRA (*ὀρτυγομήτρα*). According to Gesner and Hardouin, it is the bird called in Italy *Re de Qualie*, or "King of the Quails." Ornithologists now give the name of *Ortygometra crex* to the common Landrail.⁸

*ORTYX (*ὀρτυξ*), the *Tetrao coturnix*, L., or Quail.⁹

*ORYX (*ὀρύξ*). "Dr. Shaw inclines to the opinion, that the *Oryx* of the Greeks, or *Thau* of the Hebrews, was the Buffalo. It is much more probable, however, that it was a species of Antelope. It is graphically described in the *Cynegetica* of Oppian."¹⁰

*ORYZA (*ὀρυζα*), the *Oryza sativa*, or Rice.¹¹

OSCHOPHORIA (*Ὀσχοφορία* or *Ὀσχοφορία*), an Attic festival, which, according to some writers, was celebrated in honour of Athena and Dionysus,¹² and according to others, in honour of Dionysus and Ariadne.¹³ The time of its celebration is not mentioned by any ancient writer, but Corsini¹⁴ supposes, with great probability, that it was held at the commencement of the Attic month Pyanepsion. It is said to have been instituted by Theseus. Its name is derived from *ὄσχος*, *ὄσχος*, or *ὄσχη*, a branch of vines with grapes, for it was a vintage festival; and on the day of its celebration, two youths, called *ὄσχοφόροι*, whose parents were alive, and who were elected from among the noblest and wealthiest citizens,¹⁵ carried, in the disguise of women, branches of vines with fresh grapes from the Temple of Dionysus in Athens to the ancient Temple of Athena Skiras in Phalerus. These youths were followed by a procession of persons who likewise carried vine-branches, and a chorus sang hymns called *ὄσχοφορικὰ μέλη*, which were accompanied by dances.¹⁶ In the sacrifice which was offered on this occasion, women also took part; they were called *δειπνοφόροι*, for they represented the mothers of the youths, carried the provisions (*ὄψα καὶ σιτία*) for them, and related stories to them. During the sacrifice, the staff of the herald was adorned with garlands, and when the libation was performed, the spectators cried out *ἔλελει, ἰὸν, ἰὸν*.¹⁷ The ephēbi taken from all the tribes had on this day a contest in racing from the city to the Temple of Athena Skiras, during which they also carried the *ὄσχη*, and the victor received a cup filled with five different

things (*πεντάπλοος, πενταπλόα* or *πενταπλόη*), *κα*, wine, honey, cheese, flour, and a little oil.¹ According to other accounts, only the victor drank from this cup. The story which was symbolically represented in the rites and ceremonies of this festival, and which was said to have given rise to it, is related by Plutarch² and by Proclus.³

OSCILLUM, a diminutive through *osculum* from *os*, meaning "a little face," was the term applied to faces or heads of Bacchus, which were suspended in the vineyards to be turned in every direction by the wind. Whichever way they looked, they were supposed to make the vines in that quarter fruitful.⁴ The left-hand figure in the annexed wood



cut is taken from an oscillum of white marble in the British Museum. The back of the head is wanting, and it is concave within. The mouth and pupils of the eyes are perforated. It represents the countenance of Bacchus with a mild and propitious expression (*molle, honestum*). A fillet, spirally twisted about a kind of wreath, surrounds the head, and descends by the ears towards the neck. The metallic ring by which the marble was suspended still remains. The other figure is from an ancient gem,⁵ representing a tree with four oscilla hung upon its branches. A *Syrinx* and a *Plecter* are placed at the root of the tree.

From this noun came the verb *oscillo*, meaning "to swing." Swinging (*oscillatio*) was among the bodily exercises practised by the Romans.⁷

OSTIARIUM was a tax upon the doors of houses, which appears to have been sometimes levied in the provinces.⁸ Cicero⁹ calls it *acostium exactio*. There was a similar tax, called *colonnarium*, imposed upon every pillar that supported a house.¹⁰

O'STIUM. (*Vid. JANUA*.)

OSTRACISMUS. (*Vid. BANISHMENT, GREEK*), 135.)

*OSTRACODERMA (*ὄστρακόδερμα*). "The term," says Adams, "in its most extensive sense, comprehended two great orders of marine animals, namely, the *σκληρόστρακα* and the *μαλακόστρακα*. Under the *σκληρόστρακα* were ranked oysters, shells, mussels, &c.; under the *μαλακόστρακα*, tribes of all kinds, crawl-fish, &c. It must be borne in mind, however, that the general term *ὄστρακόδερμα* is often applied in a restricted sense to the *σκληρόστρακα*, or *Testacea*, and that *ὄστρακα* and *ὄστρακα* are occasionally used in the same sense, *i. e.*, as applied to the *Testacea*.^{13, 11}

OSTRAKON (*ὄστρακον*). (*Vid. FICTILE*.)

*OSTREUM (*ὄστρεον*), a term most properly applied to the *Ostrea edulis*, or common Oyster, but sometimes to the whole class of *Crustacea*, or *ὄστρακόδερμα*. "The Greeks, and more especially the

1. (Orelli, Inscr., n. 2878, 2933, 4715, 4443.)—2. (Amor., ii., 8.)—3. (Amor., i., 9.)—4. (Compare Juv., vi., 486.—Tertull., De Cult. Fem., 6.)—5. (Theophrast., H. P., viii., 8.—Dioscor., ii., 171.—Geopon., ii., 42.—Adams, Append., s. v.)—6. (Dioscor., ii., 131.—Theophrast., H. P., iii., 13.—Adams, Append., s. v.)—7. (Aristot., H. A., viii., 5.)—8. (Aristot., H. A., viii., 14.—Adams, Append., s. v.)—9. (Aristot., H. A., ix., 11.)—10. (Shaw's Travels, ii., p. 280.—Oppian, Cyneget., ii., 445.—Aristot., H. A., ii., 2.—Adams, Append., s. v.)—11. (Theophrast., H. P., iv., 4.)—12. (Phot., p. 322, Bekker.)—13. (Plut., Alex., 23.)—14. (Fast. Att., ii., p. 354.)—15. (Schol. ad Nicand., Alexiph., 109.)—16. (Athen., xiv., p. 631.)—17. (Plut., Theb., 22.)

1. (Athen., xi., p. 495.)—2. (Thes., 92, 23.)—3. (p. 288, v. Gaisford.—Compare Bekker's Anecd., p. 318.—Etym. Mag. and Hesych., s. v. Ὀσχοί.—Suid., s. v. Ὀσχοφορία and Ὀσχοφόροι.)—4. (Virg., Georg., ii., 388—392.)—5. (Virg., l. vi.—Maffei, Gem. Ant., iii., 64.)—6. (Festus, s. v.—Hygin., Fab. 130.)—7. (Cass., Bell. Civ., iii., 32.)—8. (ad Fam., ii., 8.—19 (Cass., l. c.—Cic. ad Att., xiii., 6.—Burmann, De Verbo, c. 12, p. 205.)—11. (Adams, Append., s. v.—Id., Commentary on Pausanias, p. 129.)

Romans, when they levied contributions upon land and sea, throughout the then known world, to cover the table of a Lucullus or an Apicius, held oysters in a very high estimation, and attached no small importance to the localities from which they were imported. Those of the Hellespont, of Venice, of the Bay of Cumæ in Italy, and of Rutupia (Richborough) in England, were the kinds which they referred; but they especially attached a very great value to those which, brought from these different places, and perhaps from quarters still more remote, were transported in large boats (*lacubus ligneis*) and deposited in the Lucrine lake, where they grew remarkably fat. The first Roman who entertained the notion of establishing this sort of park or oyster-pond was Sergius Orata, at Baia, in the time of the Pærsian war. It appears that the Romans preferred those oysters which have the edges of the mouth of a deep brown, almost black, and that they gave them a particular name, that of *Caliblephara*, a word which is nevertheless supposed to be corrupted. The Romans ate oysters raw, and also cooked with various seasonings, into which entered pepper, the yolks of eggs, vinegar, oil, wine, &c. But it is not probable that they made so great a consumption of them as do modern nations.¹

***OSTRITES** (*ὀστρίτης*). Sprengel supposes this to be petrified oysters; but it would rather seem to have been a peculiar stone of the *Ollaris* kind.²

***OSTRYA** (*ὀστρία*), a species of tree, which Plinckhouse makes to have been the *Carpinus betula*, or Hornbeam-tree. Sprengel, however, more correctly prefers the *Ostrya vulgaris*, which, according to Sibthorp, still retains its ancient name in Greece.³

***OTIS** (*ὄτις*), the Bustard. "It is the *Tarda* of Pliny, and hence its scientific name of *Otis Tarda*. The poet Nemesianus gives it the appellation of *Tetrax*." The Greek name comes from the long feathers near the ears (*ὄτις*, *ὄτις*, "an ear").⁴

***OULAMOI** (*οὐλαμοί*). (*Vid.* ARMY, GREEK, p. 98.)

***ΟΥΣΙΑΣ ΔΙΚΗ** (*οὐσίας δίκη*). (*Vid.* ΕΞΟΥΙΑΣ ΔΙΚΗ.)

OVATIO, a lesser triumph; the terms employed by the Greek writers on Roman history are *εὐα, εὐαστής, πεζός θρίαμβος*. The circumstances by which it was distinguished from the more imposing solemnity (*vid.* ΤΡΙUMPHUS) were the following: The general did not enter the city in a chariot drawn by four horses, but on foot; he was not arrayed in the gorgeous gold-embroidered robe, but in the simple toga prætexta of a magistrate; his brows were encircled with a wreath, not of laurel, but of myrtle; he bore no sceptre in his hand; the procession was not heralded by trumpets, headed by the senate, and thronged with victorious troops, but was enlivened by a crowd of flute-players, attended chiefly by knights and plebeians, frequently without soldiers; the ceremonies were concluded by the sacrifice, not of a bull, but of a sheep.⁵ The word *ovatio* seems clearly to be derived from the kind of victim offered; and we need pay little respect to the opinion of Festus,⁶ who supposes it to have been formed from the glad shout *O! O!* frequently reiterated, nor to that of Dionysius, whose system required him to trace every custom to a Grecian origin, and who therefore maintains that it is corrupted from the Bacchanalian *εδοι*. Dionysius makes another mistake in assigning a bay chaplet to the conqueror on these occasions, since all the Roman writers agree with Plutarch in representing

1. (Griffith's Cuvier, vol. xii., p. 372).—2. (Adams, Append., s. v.).—3. (Theophrast., H. P., i., 8.—Adams, Append., s. v.).—4. (Aristot., H. A., ii., 12.—Ælian, N. A., ii., 28.).—5. (Plut., Marcell., c. 22.—Dionys. Hal., v., 47.—Gell., v., 6.—Liv., iii., 14.—Id., xxvi., 21.).—6. (s. v. Ovantes.)

that the myrtle crown, hence called *ovalis corona*, was a characteristic of the ovation.¹ (Compare *ΚΟΡΩΝΑ*, p. 311, 312.)

In later times the victor entered upon horseback,² and the ovations celebrated by Octavianus, Drusus, Tiberius, &c., are usually recorded by Dion Cassius by a reference to this circumstance.³

An ovation was granted when the advantage gained, although considerable, was not sufficient to constitute a legitimate claim to the higher distinction of a triumph, or when the victory had been achieved with little bloodshed, as in the case of Postumius Tubertus, who first received this honour;⁴ or when hostilities had not been regularly proclaimed;⁵ or when the war had not been completely terminated, which was one of the ostensible reasons for refusing a triumph to Marcellus on his return from Sicily;⁶ or when the contest had been carried on against base and unworthy foes; and hence, when the servile bands of Athenion and Spartacus were destroyed by Perperna and Crassus, these leaders celebrated ovations only,⁷ although the latter, by a special resolution of the senate, was permitted to wear a laurel crown.

OVIPLE. (*Vid.* COMITIA, p. 297.)

OVINIA LEX. (*Vid.* LEX, p. 584.)

***OVIS** (*ὄις*), the common Sheep, or *Capra Ovis*. The terms *ὄις, πρόβατον, and μῆλον* are applied indiscriminately to this animal by the Greek writers. "The *Axis* of Pliny is applied by Buffon to the animal known by the vague names of the *Hind of Sardinia* and the *Deer of the Ganges*."⁸

OXYBAPHUM. (*Vid.* ACETABULUM.)

P. Φ. Ψ.

PACTIO, PACTUM. (*Vid.* OBLIGATIONES, p. 675, 676.)

***PADUS** (*πάδος*), the *Prunus Padus*, or Bird-cherry-tree.⁹

PÆAN (*παιήων, παιών, παιών*), a hymn or song, which was originally sung in honour of Apollo, and seems to be as old as the worship of this deity. The etymology of the word is doubtful. Some suppose that it obtained its name from Pæon, the god of healing; but in the Homeric poems Pæon is always spoken of as a separate divinity, distinct from Apollo. Other writers, with still less probability, connect it with *παίω*, "to strike."

The pæan was always of a joyous nature, and its tune and sounds expressed hope and confidence. The sound of *ij* appears to have been invariably connected with it.¹⁰ It was sung by several persons, one of whom probably led the others, and the singers either marched onward or sat together at table. Thus Achilles, after the death of Hector, calls upon his companions to return to the ships, singing a pæan on account of the glory they had gained;¹¹ and the Achæans, after restoring Chryseis to her father, are represented as singing a pæan to Apollo at the end of the sacrificial feast, in order to appease his wrath.¹² From these passages it is clear that the pæan was a song of thanksgiving when danger was passed, and also a hymn to propitiate the god. It was sung at the solemn festivals of Apollo, and especially at the Hyacinthia (*εἰς τὰ Ἵακίνθια ἐπὶ τὸν παιῶνα*¹³), and was also sung from very early times in the Pythian temples.¹⁴

1. (Festus, s. v. Ovalis Corona.—Plin., H. N., xv., 29.—Plut., Gell., li. cc.)—2. (Serv. in Virg., Æn., iv., 543.).—3. (Dion Cass., xlviii., 31.—Id., xlix., 15.—Id., liv., 8, 33.—Id., lv., 2.).—4. (Plin., H. N., xv., 29.).—5. (Festus.—Gell., li. cc.).—6. (Plut., l. c.—Liv., xxvi., 21.).—7. (Florus, iii., 19.—Plin., Gell., l. c.).—8. (Adams, Append., s. v.).—9. (Theophrast., H. P., iv., 1.).—10. (Athen., xv., p. 696, c., f. 701, b., c.).—11. (Il., xxii., 391.).—12. (Il., i., 473.).—13. (Xen., Hell., iv., 5, § 11.—Ages., ii., 17.).—14. (Hom., Hymn. ad Apoll., 514.—Eurip., Ion, 125, &c.).

The pæan was also sung as a battle-song, both before an attack on the enemy and after the battle was finished.¹ This practice seems to have chiefly prevailed among the Dorians, but was also common among the other Greek states. The origin of it is said to have arisen from the fact that Apollo sung it after his victory over the Pythian dragon. The pæan sung previous to an engagement was called by the Spartans *παιὼν ἑμβατήριος*.² The scholiast on Thucydides³ says that the pæan which was sung before the battle was sacred to Ares, and the one sung after to Apollo; but there are strong reasons for believing that the pæan, as a battle-song, was in later times not particularly connected with the worship of Apollo.⁴ It is certain that the pæan was in later times sung to the honour of other gods besides Apollo. Thus Xenophon relates that the Lacedæmonians on one occasion sung a pæan to Poseidon, to propitiate him after an earthquake,⁵ and also that the Greek army in Asia sung a pæan to Zeus.⁶

In still later times pæans were sung in honour of mortals. Thus Aratus sung pæans to the honour of the Macedonian Antigonos;⁷ a pæan, composed by Alexinus, was sung at Delphi in honour of the Macedonian Craterus; and the Rhodians celebrated Ptolemaus I., king of Egypt, in the same manner.⁸ The Chalcidians, in Plutarch's time, still continued to celebrate in a pæan the praises of their benefactor, Titus Flaminius.⁹

The practice of singing the pæan at banquets, and especially at the end of the feast, when libations were poured out to the gods, was very ancient. It is mentioned by Alcman, who lived in the seventh century B.C.¹⁰ The pæan continued to be sung on such occasions till a late period.¹¹

PÆDAGO'GIA. (Vid. PÆDAGO'GUS.)

PÆDAGO'GUS (*παιδαγωγός*), a Tutor. The office of tutor in a Grecian family of rank and opulence¹² was assigned to one of the most trustworthy of the slaves. The sons of his master were committed to his care on attaining their sixth or seventh year, their previous education having been conducted by females. They remained with the tutor (*magister*) until they attained the age of puberty.¹³ His duty was rather to guard them from evil, both physical and moral, than to communicate instruction, to cultivate their minds, or to impart accomplishments. He went with them to and from the school or the GYMNASIUM;¹⁴ he accompanied them out of doors on all occasions; he was responsible for their personal safety, and for their avoidance of bad company.¹⁵ The formation of their morals by direct superintendence belonged to the *παιδονόμοι* as public officers, and their instruction in the various branches of learning, i. e., in grammar, music, and gymnastics, to the *διδάσκαλοι* or *præceptores*, whom Plato,¹⁶ Xenophon,¹⁷ Plutarch,¹⁸ and Quintilian¹⁹ expressly distinguish from the *pædagogi*. These latter even carried the books and instruments which were requisite for their young masters in studying under the sophists and professors.

This account of the office is sufficient to explain why the *παιδαγωγός* so often appears on the Greek stage, both in tragedy, as in the *Medea*, *Phænissæ*, and *Ion* of Euripides, and in comedy, as in the *Bacchides* of Plautus. The condition of slavery ac-

counts for the circumstance, that the tutor often a Thracian,¹ an Asiatic, as is indicated by such names as Lydus;² and sometimes a Greek with a foreign accent (*ὑποβαρβαρίζων*) rare occasions the tutor was admitted to the presence of the daughters, as when the slave, so to speak, in this office in the royal palace at Thebes, denies Antigone while she surveys the besieged city from the tower.³

Among the Romans, the attendance of the tutor on girls as well as boys was much more frequent, as they were not confined at home according to Grecian custom.⁴ As luxury advanced among the emperors, it was strikingly manifested in the education and training of the beautiful young slaves who were destined to become *pædagogi*, *cæci*, as they were also termed, *pædagogia* and *pueri pædagogici* were assigned to them a separate place, as well as their own, at the public spectacles.⁵ Nero gave the name of *pædagogi* to boys by causing free boys to be brought up in the delicate habits of *pædagogi*.⁶ After this time a number of them were attached to the family for the sake of taste and ornament, and the word only is the modern word *page* a corruption of the ancient appellation, but it aptly expresses the nature of the service which the *pædagogia* at that era afforded.

In palaces and other great houses the *pædagogi* lived in a separate apartment, which was called *pædagogium*.¹⁰

*PÆDEROS (*παιδέρως*), I. a name applied to the Opal. (Vid. OPALUS.)—II. Most probably the same as the *σμίλαξ Ἀρκαδῶν*, or, in other words, according to Sprengel, the *Quercus faginea*.¹

PÆNULA was a thick cloak, chiefly used by Romans in travelling instead of the toga, as a protection against the cold and rain.¹² Hence the expression of *scindere pænulam*¹³ used in the sense of greatly pressing a traveller to stay at a house. The pænula was worn by women as well as by men in travelling.¹⁴ It appears to have been a long cloak without sleeves, and with only a banding for the head, as is shown in the following engraving taken from Bartholini. If this is a real picture of a pænula, it would seem that the dress



1. (Thucyd., i., 50; iv., 43; ii., 91; vii., 44.—Xen., Anab., i., 8, 17, &c.)—2. (Plut., Lyc., 22.)—3. (i., 50.)—4. (Eode, Gesch. der Lyrisch. Dichtkunst der Hellenen, vol. i., p. 9, 10, &c.)—5. (Hell., iv., 7, § 4.)—6. (Anab., iii., 2, § 9.)—7. (Plut., Cleom., 16.)—8. (Athen., xv., p. 696, e., f.)—9. (Plut., Flam., 16.)—10. (Strab., x., p. 482.)—11. (Xen., Symp., ii., 1.—Plut., Symp., vii., 8, § 4.)—12. (Plato, De Repub., i., p. 87, ed. Bekker.—Id., De Leg., vii., p. 41, 42.)—13. (Ter., Andr., i., 24.)—14. (Plut., Lysis., p. 118.)—15. (Bato ap. Athen., vii., p. 279.)—16. (Il. œ.)—17. (De Lac. Rep., ii., 1; iii., 2.)—18. (De Lib. Ed. 7.)—19. (Inst. Or., i., 1, 8, 9.)

1. (Plato, Alcib., i., p. 341, ed. Bekker.)—2. (Plaut., I. (Herod., viii., 75.—Corn. Nep., Themist., iv., 3.—Pulch., 30, 2.)—3. (Plato, Lysis., p. 145, ed. Bekker.)—4. (Phoen., 87-210.)—5. (Val. Max., vi., 1, 3.)—6. (Plin., xxxiii., 12, s. 54.—Sen., Epist., 124.—Id., De Vita Beata Tertull., Apol., 13.)—7. (Sueton., Octav., 44.)—8. (Ner., 28.)—9. (Plin., Epist., vii., 27.)—10. (Pausan., Adams, Append., s. v.)—11. (Cic., Pro Mil., 20.—Quint., 3, § 66.)—12. (Cic. ad Att., xiii., 33.)—13. (Dig. 34, tit.

n front about half way down, and was divided into two parts, which might be thrown back over the shoulders so as to leave the arms comparatively free; it must have been put on over the head. The scholiast explains the expression of Cicero, *irretitus*; and of the author of the *Diogenæ Oratoribus*, "*pænulis adstricti et velut in*

front the emperors the pænula was worn in the same way as a protection against the rain and cold,² but were forbidden by Alexander Severus to wear it in the city.⁴ At one time, however, the pænula appears to have been commonly worn in Rome instead of the toga, as we even find men and women wearing it when pleading causes;⁵ the fashion was probably of short duration. The pænula was usually made of wool,⁶ and part of that kind which was called *Gausapina* (*μασάρα*) (*pænula gausapina*).⁷ It was also sometimes made of leather (*pænula scortea*).⁸ Seneca speaks of "*pænula aut scortea*," but he applies to use this expression because pænule were usually made of wool.¹⁰

ΠΑΝΟΥΛΙΑ (*πανουλία*), the same with the *Glycyrrhiza* or *Pæony*, which see.

ΠΑΝΑΛΙΑ. (*Vid. ΠΑΓΙ.*)

ΠΑΝΙ. (*Vid. ΠΑΓΙ.*)

ΠΑΝΙΚΑ. (*Vid. ΠΙΛΑ.*)

They were fortified places, to which the country-people might retreat in case of a hostile inroad. It is said to have been instituted by Servius Tullius through the division of the country-people into pagi as old as the time of Numa.¹² Each of the country tribes was divided into a certain number of pagi, which name was given to the country of the fortified village as well as to the village itself. There was a magistrate at the head of each pagus, who kept a register of the names and property of all persons in the pagus, raised taxes, and summoned the people, when necessary. Each pagus had its own sacred rites, an annual festival called *Paganalia*.¹³ The pagan inhabitants, of the pagi, had their regular assemblies, at which they passed resolutions, many of which have come down to us.¹⁴ The division of the country-people into pagi continued to the latest times of the Roman Empire, and we find frequent mention of the magistrates of the pagi under the names of *magistri*, *praefecti*, or *praepositi pagorum*.¹⁵ The term *paganus* is often used in opposition to *urbicus* and is applied to all who were not soldiers, though they did not live in the country (*militari pagani*).¹⁶ Hence we find *paganus* or citizens as a term of reproach to soldiers who did not perform their duty,¹⁷ in the same way as Julius Caesar addressed his rebellious soldiers on one occasion as *Quirites*. The Christian writers gave the name of *paganus* to those persons who adhered to the Roman religion, because the latter continued generally believed by the country-people after they became the prevailing religion of the provinces of the towns.

ΠΑΙΔΟΝΟΜΟΣ (*παιδονόμος*) was a magistrate or superintendent of the education of the boys. His office was consid-

ered very honourable, and he was always chosen from the noblest citizens. He had to make a general inspection of the boys, and to punish very severely all those who had been negligent or idle; for which purpose *μαρτυροφόροι* were assigned to him by Lycurgus. Those who were refractory he might bring before the ephors. The more immediate inspection of the gymnastic exercises of the boys belonged to magistrates called *βυδαίου*.¹ (*Vid. ΒΥΔΑΙΩΝ.*)

ΠΑΙΔΟΤΡΙΒΑΙ (*παιδοτριβαί*). (*Vid. ΓΥΜΝΑΣΙΟΝ*, p. 483.)

PAINTING (*Pictura; Ars delineandi; Γραφή, Γραφική, Ζωγραφία*). I. The art of imitating the appearances of bodies upon an even surface, by means of light and shade of colour, was an art most extensively cultivated by the ancients, but especially by the Greeks, among whom it was certainly carried to the highest degree of technical development.

II. *Authorities*.—The principal original sources of information upon the history of ancient art, are Pausanias, the elder Pliny, and Quintilian; the writings also of Lucian, Ælian, Aristotle, Athenæus, Plutarch, the elder and younger Philostratus, and Cicero, contain many hints and maxims invaluable to the historian of art. The best modern works on the subject are: Junius, "*De Pictura Veterum*," and the "*Catalogus Artificum*," Roter., 1694, folio, which contain almost all the passages in ancient authors relating to the arts; but the Catalogue is the more valuable portion of the work. Sillig, "*Catalogus Artificum*," Dresden, 1827, 8vo, an indispensable supplement to the Catalogue of Junius; this excellent work, written equally for the scholar and the artist, has been translated into English under the title of a "*Dictionary of the Artists of Antiquity*," 1837 (an important error, however, in this translation demands notice; the term *enamel* is throughout erroneously used in the place of *encaustic*); Müller, "*Handbuch der Archæologie der Kunst*," Breslau, 1835, 8vo, 2d ed., a most useful work, but written more for the antiquary than the artist; Böttiger, "*Ideen zur Archæologie der Malerei*," Dresden, 1811, 8vo, first part, from the earliest times until Polygnotus and his contemporaries, inclusive; Durand, "*Histoire de la Peinture Ancienne*," London, 1725, folio, a translation of book xxxv. of Pliny, with copious notes; Carlo Dati, "*Vite dei Pittori Antichi*," Florence, 1667, 4to, the lives of Zeuxis, Parrhasius, Apelles, and Protogenes; Thiersch, "*Ueber die epochen der bildenden Kunst unter den Griechen*," Munich, 1829, 8vo., 2d ed.; Raoul Rochette, "*Recherches sur l'emploi de la Peinture*," &c., Paris, 1836, 4to.; and the lectures of Fuseli upon ancient painting, and of Flaxman upon sculpture. Other works have been written upon general and particular subjects bearing more or less upon painting, such as those of Heyne, Meyer, Hirt, Hermann, Kugler, Völkel, Jacobs, Creuzer, Grund, Caylus, Levesque, Millin, D'Hancarville, Quatremère de Quincy, Inghirami, Visconti, Millingen, and others too numerous to mention here. Of the celebrated work of Winckelmann, "*Geschichte der Kunst des Alterthums*," only a very small portion is devoted to painting.

III. *Painting in its earliest state*.—The legends relating to the origin of painting in Greece, though they may have no real historical value, are at least interesting to the lovers of art. One legend, which is recorded by Pliny,² and is adverted to by Athenagoras,³ relates the origin of the delineation of a

Mil., l. c.)—2. (c. 39.)—3. (Juv., v., 79.)—4. (Lampridius, Sev., 27.)—5. (Dial., De Orat., 39.)—6. (Plin., H. N., s. 73.)—7. (Mart., xiv., 145.)—8. (Mart., xiv., 130.)—9. (est. Nat., iv., 6.)—10. (Bartholinus, "De Pænula."—Jallus, ii., p. 93.)—11. (Dionys. Hal., iv., 15.)—12. (Hal., ii., 76.)—13. (Dionys. Hal., iv., 15.—Varro, De Lingua, vi., 24, 26, ed. Müller.—Macrob., Sat., i., 16.—Ovid, 669.)—14. (Orelli, Inscr., n. 3793, 4083, 106, 202, 2177.)—15. (Orelli, Inscr., n. 121, 3795, 3796.—Cod. Theod., 2, tit. 30, §. 15, s. 1.—Walter, Geschichte des Röm. Rechts, p. 16.—Plin., Ep., x., 18.—Juv., xvi., 32.—Suet., Octav., s. 19.—Dig. 11, tit. 4, s. 1; 48, tit. 19, s. 14, &c.)—17. (Hist., iii., 24.)

1. (Xen., Rep. Lac., ii., 2.—Id. ib., iii., 10.—Id. ib., iv., 6.—Plut., Lyc., 17.—Hesych., s. v.—Krause, Gymnastik und Agon der Hellenen, p. 254, 677.)—2. (H. N., xxxv., 43.)—3. (Legat., Pro Christ., 14, p. 59, ed. Dechair.)

shadow or shade (*σκία, σκιαγραφία*), which is the essential principle of design, the basis of the imitative and plastic arts. The legend runs as follows: The daughter of a certain Dibutades, a potter of Sicyon, at Corinth, struck with the shadow of her lover, who was about to leave her, cast by her lamp upon the wall, drew its outline (*umbram ex facie lineis circumscriptis*) with such force and fidelity, that her father cut away the plaster within the outline, and took an impression from the wall in clay, which he baked with the rest of his pottery. This singular production, according to tradition, was still preserved in Corinth until the destruction of the city by Mummius. There seem to be, however, other claimants to the honour of having invented skiagraphy (*σκιαγραφία*). Athenagoras² mentions Saurias of Samos, who traced his horse's shadow in the sun with the point of his spear, and Crato of Sicyon, whom he styles the inventor of drawing or outline (*γραφική*), for he was the first to practise the art upon tablets with prepared grounds (*ἐν πίνακι λελευκωμένῳ*). Pliny³ mentions, upon the testimony of Aristotle, that Euchir (Εὐχείρ), a relation of Dædalus, invented painting in Greece. Although Pliny's account⁴ of the origin and progress of painting in Greece is somewhat circumstantial, his information can still not be considered as authentic matter of history; and the existence of several of the most ancient artists, mentioned by Pliny and many Greek writers, is very questionable. Besides those already spoken of, we find mention of Philocles of Egypt; Cleanthes, Ardices, and Cleophantus of Corinth; Telephanes of Sicyon, Eugrammus, and others. (Upon the meanings of some of these names, see Böttiger, *Ideen zur Archæologie*, p. 138, and Thiersch, *Epoch.*, &c., note 22.)

Sculpture is generally supposed to be a more ancient art than *painting*; but this arises from an imperfect comprehension of the nature of the two arts, which are *one* in origin, end, and principle, and differ only in their development. Design is the basis of both; colour is essential to neither, nor can it be said to belong more particularly to the latter (*γραφική*) than to the former (*πλαστική*). Coloured works in plastic, in imitation of nature, were in ancient times as common, and probably more so, than coloured designs; the majority of the illustrations upon the vases are colourless. The staining of the human body, or the colouring of images, is the common notion of the origin of painting; but simple *colouring* and *painting*, strictly speaking, are quite distinct; the distinction between "to colour," *χρῶζειν, colorem inducere*, and "to paint," *ζωγραφεῖν, pingere, delineare*.⁵ The colouring of the early wooden images, the ancient *ξόανα* or the *ἐρμαῖ*, the *παλλὰδια* and the *δαίδαλα*, must have certainly preceded any important essays in painting, or the representation of forms upon an even surface by means of colour and light and shade combined. But this is no stage in the art of painting, and these figures were most probably coloured by the artists who made them, by the old *πλάσται* or *ἐρμογλύφαι* themselves; the existence, however, of the art of design is established by the existence of the plastic art. It is perhaps to this species of painting that Pliny alludes when he says,⁶ "*Plastæ laudatissimi fuerunt Damophilus et Gorgasus iidemque pictores.*"

We will now, as briefly as possible, consider the gradual development of painting, and the information relating to its progressive steps, preserved in ancient writers. The simplest form of design or drawing (*γραφική*) is the outline of a shadow, without any intermediate markings, or the shape of a

shadow itself (*a silhouette*), in black, white colour (*umbra hominis lineis circumducta*); the art of drawing was termed *σκιαγραφία*. But the simple figure or shade, *σκία* (*σκιαγράμμα*), when our, was also essentially a monochrom (*μονόχρον*). The next step was the outline, the "linearis," the monogram (*μονόγραμμα*); this to have been invented by Philocles of E Cleanthes of Corinth, but first practised by Telephanes of Corinth and Telephanes of Sicyon; it is a complete outline with the inner markings, without colour, such as we find upon the ancient or such as the celebrated designs of Flaxman are perfect monograms. These outlines were probably originally practised upon a white ground (*ἐν πίνακι λελευκωμένῳ*), for Pliny remarks that the first were first coloured by Cleophantus of Corinth used "testa trita," by which we should perhaps understand that he was the first to draw them upon a coloured or red ground, such as that of the vases.

The next step is the more perfect form, the monochrom, alluded to above; in this, light and shade were introduced, and in its most perfect it was, in everything that is essential, a picture. "These "monochromata" were practised in all times, and by the greatest masters. Speaking of Zeuxis,² says, "*pinxit et monochromata ex albo*;" *ex albo*, that is, in gray and gray, similar to the *chariscuri* of the Italians. They are described by Quintilian,³ "*qui singulis pinxerunt coloribus tamen eminentiora, alia reductiora fecerunt.*" The old masters painted also in red. Pliny⁴ tells us that the old masters painted them in vermilion, *nabari veteres, quæ etiam nunc vocant chromata, bant*," and also in red lead, but that afterwards *rubrica* or red ochre was substituted for the ours, being of a more delicate and more agreeable tint.

Hygiemon, Dinias, and Charmadas are mentioned by Pliny⁵ as having been famous as monochromists; their age is not known, but most probably practised the simpler form, as we find upon the most ancient vases. Four monochroms in the latter style, red in red, were discovered in Herculaneum.⁶ They are painting of late date, and are of considerable merit in every respect, but the colours have been nearly destroyed by the heat, and the pictures are in some places faded; they are painted upon marble. The probably all executed by the same artist, Aleaxandros of Athens. ΑΛΕΞΑΝΔΡΟΣ ΑΘΗΝΑΙΟΣ. ΦΕΝ is an inscription upon one of them, and represents five females, with their names at the feet of two of whom are playing at the ancient game of the *tali* (*ἀσπραγαλισμός*). These tablets are a collection of ancient paintings of the Museo Bonico at Naples, Nos. 408, 409, 410, 411.

The next and last essential step towards the development or establishment of the art of painting (*ζωγραφία*) was the proper application of colours in accordance with nature. This is, however, quite a distinct process from the simple application of a variety of colours before light and shade properly understood, although each subject has had its own absolute colour. The local colour of an object is the colour or appearance it has in a particular light or position, which colour depends upon, and changes with, the light and shade surrounding objects; this was not thoroughly understood until a very late period, but there is occasion to speak of this hereafter. Proboscus of Athens, and certainly Cimon of Cleonæ, belonged to the class of ancient tetrachrom

1. (Pollux, Onom., vii., 128.)—2. (H. N., vii., 57.)—3. (H. N., xxxv., 5.)—4. (Pollux, Onom., vii., 126.)—5. (xxxv., 46.)

1. (Plin., H. N., xxxv., 5.)—2. (xxxv., 36.)—3. (Plin., 4. (xxxvii., 39.)—5. (xxxv., 34.)—6. (Le Antichità di Napoli, vol. i., pl. 1, 2, 3, 4.)—7. (pl. 1)

chromists, for painting in a variety of colours, but a due, or, at least, a partial observance of laws of light and shade, is simply polychromy; a picture of this latter description is a much simpler effort than the rudest forms of the chrom in chiaroscuro. There are a few examples of this kind of polychrom upon the most ancient

In the works of Eumarus of Athens, however, there must have been some attention to light and shade, and in those of Cimon of Cleonæ still

The names of Eumarus and Cimon are generally connected with each other, but Eumarus must have preceded Cimon some time. He was first, according to Pliny,¹ who distinguished a scale from the female in painting: "*qui primus tura marem feminamque discreverit, . . . figuras imitari ausum.*" The most obvious distinction which here suggests itself can be scarcely alluded to by Pliny, or Eumarus must belong to a very early period, for we find that distinction very decidedly shown on even the most ancient vases, whenever a figure is naked. That Eumarus dared or ventured to imitate all figures, may imply that he made a very distinction between the male and the female, giving also to each sex a characteristic style of detail, and even in the compositions, draperies, attitudes, and complexions of his figures, clearly illustrating the dispositions and attributes of each, exhibiting a robust and vigorous form in the males, and making the females slighter and more delicate. These qualities are all perfectly compatible with the perfect state of the art of even so early a period, and they may also be very evident, notwithstanding an ill-arranged composition, defective design, crude colour, and a hard and tasteless execution.

V. Painting in Asia Minor and in Magna Græcia.—It is singular that the poems of Homer do not contain any mention of painting as an imitative art, nor is there mention of any artist similar to Dædalus or Hephestus, or Vulcan, who might represent a class of painters. This is the more remarkable, since Homer speaks of rich and elaborate embroidery as something not uncommon; it is sufficient to mention the splendid diplax of Helen,² in which were worked many battles of the Greeks and Trojans fought on her account. This embroidery is not actual painting in principle, and is a species of painting in practice; and it was considered such by

Romans, who termed it "*pictura textilis*,"³ "*textili stragulo, magnificis operibus picto*;"⁴ that is, worked with the needle, embroidered, *acu picto* (*agebat acu*;⁵ *pictus acu*). The various allusions to other arts, similar in nature to painting, are sufficient to prove that painting must have existed to some degree in Homer's time, although the only kind of painting he notices is the "red-cheeked" and "purple-cheeked ships" (*νῆες μιλτοπάρροι*; *ἡ φοινικοπάρρους*), and an ivory ornament for the faces of horses, which a Mæonian or Carian woman colours with purple.⁶ The description of the shield of Achilles, worked by Vulcan in various coloured metals, satisfactorily establishes the fact that the plastic art must have attained a considerable degree of development in the time of Homer, and therefore determines also the existence of the art of design (*ars delineandi*; *γραφική*).

Painting seems to have made considerable progress in Asia Minor, while it was still in its infancy in Greece, for Candaules, king of Lydia (B.C. 716), said to have purchased at a high price a painting of Bularchus, which represented a battle of the Gnetes.⁷ This tradition, however, is rejected by

Müller,¹ for the insufficient reason that Pliny, in the second passage quoted, uses the expression "*Magnetum exitii* or *excidii*" instead of "*Magnetum prælium*," as in the first; since the only known destruction of Magnesia took place, according to Archilochus, through the Treres, under Ardys, the successor of Gyges, after Olym. 26 (B.C. 677), about 40 years after the death of Candaules. This date is, however, doubtful; but, supposing the contrary, the expression "*in qua erat Magnetum prælium*" is sufficiently clear and decisive, independently of it.² It would appear, from the expression of Pliny,³ that Candaules paid the painter as much gold coin as would cover the picture. This painting of Bularchus is not an isolated fact in evidence of the early cultivation of painting in Asia; there is a remarkable passage in Ezekiel, who prophesied about 600 B.C., relating to pictures of the Assyrians:⁴ "Men portrayed upon the wall, the images of the Chaldeans portrayed with vermilion, girded with girdles upon their loins, exceeding in dyed attire upon their heads, all of them princes to look to, after the manner of the Babylonians of Chaldea, the land of their nativity."

The old Ionic or Asiatic painting, the "*genus pictura Asiaticum*," as Pliny⁵ terms it, most probably flourished at the same time with the Ionic architecture, and continued as an independent school until the sixth century B.C., when the Ionians lost their liberty, and with their liberty their art. Herodotus⁶ mentions that, when Harpagus besieged the town of Phocæa (B.C. 544), the inhabitants collected all their valuables, their statues and votive offerings from the temples, leaving only their paintings, and such works in metal or of stone as could not easily be removed, and fled with them to the island of Chios; from which we may conclude that paintings were not only valued by the Phocæans, but also common among them. Herodotus⁷ also informs us that Mandrocles of Samos, who constructed for Darius Hystaspis the bridge of boats across the Bosphorus (B.C. 508), had a picture painted representing the passage of Darius's army, and the king seated on a throne, reviewing the troops as they passed, which he dedicated in the Temple of Hera at Samos.

After the conquest of Ionia, Samos became the seat of the arts.⁸ The Heræum at Samos, in which the picture of Mandrocles was placed, was a general depository for works of art, and in the time of Strabo appears to have been particularly rich in paintings, for he terms it a "picture-gallery" (*πινακοθήκη*). Consecrated or votive pictures on panels or tablets (*πίνακες ἀνακειμένοι* or *γραφαὶ ἀνακειμένοι*) constituted a considerable portion of the *ἀναθήματα* or votive offerings in the temples of Greece, most of which, in a later period, had a distinct building or gallery (*οἶκημα*) attached to them, disposed for the reception of pictures and works of this class.⁹

After the decline of the Ionian art, it flourished among the Greeks in Italy and Sicily, and especially in Crotona, Sybaris, and Tarentum. Aristotle¹¹ speaks of a magnificent cloth or pallium (*μάτιον*) of Alcisthenes of Sybaris, which measured 15 cubits, was of the richest purple, and in it were worked the representations of cities, of gods, and of men. It came afterward into the possession of the tyrant Dionysius the elder, who sold it to the Carthaginians for 120 talents. This is sufficient evidence of the existence of painting among the Italiots, and even of painting of a high degree.

(xxxv., 34.)—2. (Il., iii., 126.)—3. (Cic., Verr., II., iv., 1.)—4. (Tusc., v., 21.)—5. (Ovid, Met., vi., 23.)—6. (Virg., Æn., 82.)—7. (Il., ii., 637.)—8. (Od., xi., 123.)—9. (Il., iv., 141.)—10. (Plin., H. N., xxxv., 34.)

1. (Archæol., &c., § 74.)—2. (Vid. Clinton, Fast. Hellen., tab. 719, 3.)—3. (vii., 39.)—4. (xxiii., 14, 15.)—5. (xxxv., 36, § 75.)—6. (i., 164.)—7. (iv., 88.)—8. (Herod., iii., 60.)—9. (xv., p. 637.)—10. (Paus., i., 22, § 4; x., 25, § 1, 2.—Athenæus, xiii., § 606, b.—Strabo, ix., p. 396.)—11. (De Mirab. Auscult., c. 99.)

Pliny would induce us to believe that painting was established throughout Italy as early as the time of Tarquinius Priscus.¹ He mentions some most ancient paintings at Cære; and a naked group of Helen and Atalanta, of beautiful forms, painted upon the wall of a temple at Lanuvium, and some paintings by the same artist in the Temple of Juno at Ardea, accompanied with an inscription in ancient Latin characters, recording the name of the artist and the gratitude of Ardea.²

V. *Painting in Greece.*—Cimon of Cleonæ is the first important character we meet with in the history of painting in Greece. His exact period is very uncertain, but he was probably a contemporary of Solon, and lived at least a century before Polygnotus. It is not at all necessary, as Pliny supposes, that he must have preceded Bularchus, which would place him two centuries earlier, as he may have easily acquired the art in one of the Ionian cities, for in the time of Solon there was a very extensive intercourse between Greece and the Asiatic colonies. The superior quality of the works of Cimon, to which Pliny and Ælian bear sufficient testimony, is a strong reason for assigning him a later date; but his having been contemporary with Dionysius of Colophon, who copied the works of Polygnotus, is quite out of the question. This has been inferred from the occurrence of the name Cimon in connexion with that of Dionysius in Simonides;³ but, as Müller⁴ has observed, *Μίμων* ought to be there most probably substituted for *Κίμων*.

Cimon improved upon the inventions of Eumarus; he was the first who made foreshortenings (*catagrapha*), and drew the figure in a variety of attitudes; he first made muscular articulations, indicated the veins, and gave natural folds to drapery.⁵ The term "catagrapha," which Pliny uses, evidently signifies any oblique view of the figure or countenance whatever, whether in profile or otherwise; in technical language, *foreshortenings*.

We learn from Ælian⁶ that Cimon was much better paid for his works than any of his predecessors. This alone implies a great superiority in his works and a vast improvement in art. He appears to have emancipated painting from its archaic rigidity; and his works probably occupied a middle place between the productions of the earlier school and those of Polygnotus of Thasos.

At the time of Polygnotus (B.C. 460), partly on account of the changes which took place in the Greek character subsequent to the Persian invasion, and partly in consequence of his own great works in Athens and at Delphi, painting attracted the attention of all Greece; but, previous to this time, the only cities that had paid any considerable attention to it were Ægina, Sicyon, Corinth, and Athens. Sicyon and Corinth had long been famous for their paintings upon vases and upon articles of furniture; the school of Athens was of much later date than the others, and had attained no celebrity whatever, until the arrival of Polygnotus from Thasos raised it to that pre-eminence which, through various circumstances, it continued to maintain for more than two centuries, although very few of the great painters of Greece were natives of Athens.

It has been attempted hitherto, as far as our space would admit of, to trace the progressive steps of Grecian painting from its infancy until it attained that degree of development requisite to entitle it to the name of an independent art; but, before entering upon the consideration of the painting of the Greeks in its complete development, it will be well

1. (xxxv., 6.)—2. (Plin., H. N., xxxv., 6, 37.)—3. (Anthol. Palat., ix., 755.—Append., ii., p. 648.)—4. (Archæol., § 99, 1.)—5. (xxxv., 24.)—6. (V. H., viii., 8.)

to examine both their technic systems and their mechanical means.

VI. *Technic.*—*Vehicles, Materials, &c.* (*φόρμας, ὄλας, &c.*). The Greeks painted with wax, resin, and in water-colours, to which they gave a proper consistency, according to the material upon which they painted, with gum (*gummi*), glue (*glutimus*), and the white of egg (*ovi albumen*); gum and glue were the most common. It does not appear that they ever painted in oil; the only mention of oil in ancient writers in connexion with painting is the small quantity which entered into the composition of encaustic varnish, to temper it.⁷ They painted upon wood, clay, plaster, stone, parchment, and brass; the last was, according to one account,⁸ not used till the time of Nero; and though this statement appears to be doubtful ("depictam in tabulis pariove imaginem rei"⁹), the use of canvass may have been of late introduction, as there is no mention of it having been employed by the Greek painters of the best periods. They generally painted upon panels or tablets (*πίνακες, πινάκια, tabulae, tabellæ*), and very rarely, if ever, upon walls; and an easel similar to what is now used was common among the ancients, who called it *ὄρθραξ* or *ὀρθραξ*.¹⁰ Even in the time of Pliny, when wall-painting was common, those only who painted easel-pictures (*tabulæ*) were held in esteem: "sed nulla gloria artificum est nisi eorum qui tabulas pinxerit,"¹¹ that is, those who painted history or fable upon panels, in what is termed the historic or great style, the *megalographia* of Vitruvius,¹² and the *χρηστογραφία* of Plutarch.¹³ These panels, when finished, were fixed into frames of various descriptions and materials,¹⁴ and encased in walls.¹⁵ The ornamental panel-painting in the houses of Pompeii is evidently an imitation of this more ancient and more costly system of decorating walls. The wood of which these panels or tablets were generally made was called larch (*abies larix, larix femina, Ἐλῶρι*),¹⁶ and they were ground or prepared for painting with chalk or white plaster; this prepared ground was termed *λευκόμα*, which term was applied, also, to the tablet itself when thus prepared¹⁷ (*ἐν πίνακι λελευκωμένῳ*).¹⁸

The style or cestrum used in drawing and for spreading the wax colours, pointed at one end and broad and flat at the other, was termed *γραφίς* by the Greeks and cestrum by the Romans; it was generally made of metal. There is a representation of an instrument of this description in one of the paintings of Herculaneum.¹⁹ The hair-pencil (*penicillus, penicillum*) was termed *ὑπογραφίς*, and, apparently, also, *ραβδίον* (*γράφειν διὰ τοῦ ραβδίου*).²⁰ and Letronne, *Encaustic, Journ. des Sav.*, Sept., 1835, on the meaning of *ραβδίον*.

The ancients used also a palette very similar to that used by the moderns, although it appears that there is no absolute mention of the palette in any ancient author. The fact, however, is sufficiently attested by the figure of Painting discovered in the so-called Pantheon at Pompeii, which holds the palette and brushes in her left hand.²¹ In the same work (plate 98), a female who is painting is represented holding something in her left hand which ap-

1. (Pollux, Onom., vii., 128.)—2. (Vitruv., vii., 9.—Plin., H. N., xxxvii., 40.)—3. (Plin., H. N., xxxv., 33.)—4. (Quint., Inst. Or., vi., 1, § 32.—Vit. Raoul Rochette, p. 331.)—5. (Pollux, Onom., vii., 129.)—6. (xxxv., 37.)—7. (vii., 4, 5.)—8. (Arist., 13.)—9. (Plin., xxxv., 45.)—10. (Plin., H. N., xxxv., 10.—Cic. in Ver., iv., 55.—Dig. 19, tit. 1, s. 17, § 3.—Müller, Archæol., § 219, 2.—Vit. Raoul Rochette, Sur l'emploi de la Peinture, &c., a work devoted to the discussion of this subject.)—11. (Theophr., H. P., iii., 9, 7.—Plin., H. N., xvi., 73.)—12. (Suidas, s. v.)—13. (Athenæg., l. c.)—14. (Antichità d'Ercolano, vol. vii., pl. 43.)—15. (Timæus, Lex. Plat., s. v. *Xpalaviv*.)—16. (Zahn, Die schäzsten ornamente und merkwürdigsten gemälde aus Pompei Herkulaneum und Stabies, Berlin, 1828.)

pears to be a palette, but it is not well defined even in the original. (Museum of Naples, No. 383, "La femme Peintre," Pompéi. In the *Antichità d'Ercole*, it is given as a female copying a Hermes, vol. vii., pl. 1.) In the grotesque drawing of a portrait-painter at work, copied by Mazois¹ from a picture in the Casa Carolina at Pompéi, a small table serves as a palette, and stands close to his right hand; it appears to have seventeen different tints upon it. It is most probable that the "tabella" of Pliny and the *πινάκιον* of Pollux (or even the *πυξίον*²) signified also palette as well as tablet.

The ancient authors have left us less information concerning the media or vehicles (*φάρμακα*) used by the painters of antiquity than on any other matter connected with ancient painting. Gum and glue, gummis, gummi, glutinum, glutinum taurinum, were evidently in common use.³ Pliny⁴ speaks of a sarcocolla (*Penæa Sarcocolla*, Linnæus) as a gum most useful to painters. The Greeks received it from Persia.⁵ Its substance has been analyzed by M. Pelletier.⁶

Mastic, a resin of the *Pistacia Lentiscus*, now much used by painters, is also mentioned by Greek and Roman writers;⁷ the best was produced in the island of Chios. It was termed *ῥητίνη αχινίνη* and *μαστιχή*, also *ἀκανθινή μαστιχή*, *resina lentiscina*, *maستiche*. There were various kinds; Pliny mentions a kind from Pontus which resembled bitumen. This resin was not improbably mixed with the Punic wax prepared for painting in encaustic; for the Abate Requeno, who made many experiments in encaustic (*Saggi sul ristabilimento dell' antica arte dei Greci e Romani pittori*, Parma, 1787), asserts that it amalgamates well with wax; the same writer is also of opinion that the ancient encaustic painters used also amber (*succinum*) and frankincense or olibanum (*Thus masculum*) in the preparation of their colours. Pliny,⁸ speaking of verdigris, remarks that it was sometimes mixed with frankincense. He also mentions⁹ other resins and substances which are useful to painters, and¹⁰ particularly turpentine (*terebinthina*), of which, as now, there were formerly various kinds.¹¹

The method of preparing wax, or Punic wax (*cera Punicæ*), as it was termed, is preserved in Pliny¹² and Dioscorides.¹³ It was the ordinary yellow wax, purified and bleached by being boiled three distinct times in sea-water, with a small quantity of nitre, applying fresh water each time. When taken out of the water the third time, it was covered with a thin cloth and placed in the sun to dry. Wax thus purified was mixed with all species of colours, and prepared for painting; but it was applied, also, to many other uses, as polishing statues, walls, &c.

Pliny speaks of two kinds of bitumen or asphaltum (*ἰσφαλτος*), the ordinary, and a white Babylonian bitumen.¹⁴ It was used as a varnish for bronze statues. For an account of the colours used by the ancient painters, see the article COLORES.

VII. *Methods of Painting.*—There were two distinct classes of painting practised by the ancients, in water colours and in wax, both of which were practised in various ways. Of the former, the principal were fresco, *al fresco*; and the various kinds of distemper (a *tempera*), with glue, with the white of egg, or with gums (a *guazzo*); and with wax or resins when these were rendered by any means vehicles that could be worked with water. Wax be-

comes a water-colour medium when boiled with sarcocolla or mastic, according to the Abate Requeno, who mixed five ounces of mastic with two of wax, which, when boiled, he cooled in a basin of water; turpentine becomes such when well mixed with the white of egg and water. The yolk of egg, when mixed with vinegar, also makes a good working vehicle for this species of painting, but it does not require water. Of the latter mode, or painting in wax, the principal was through fire (*διὰ πυρός*), termed encaustic (*ἐγκαυστική*, *encaustica*). The painting in wax, *κηρογραφία*, or ship-painting (*inccramenta navium*¹), was distinct from encaustic² (*κηρογραφία κατεπεποικιλτο*, which is distinct from *εἰκονες . . . ἐν ἐγκαύμασι γραφόμεναι διὰ πυρός*³).

Fresco was probably little employed by the ancients for works of imitative art, but it appears to have been the ordinary method of simply colouring walls, especially among the Romans. The walls were divided into compartments or panels, which were termed *abaci*, *ἄβακες*; the composition of the stucco, and the method of preparing the walls for painting, is described by Vitruvius.⁴ They first covered the wall with a layer of ordinary plaster, over which, when dry, were successively added three other layers of a finer quality, mixed with sand; above these were placed still three layers of a composition of chalk and marble dust, the upper one being laid on before the under one was quite dry, and each succeeding coat being of a finer quality than the preceding. By this process the different layers were so bound together, that the whole mass formed one solid and beautiful slab, resembling marble, and was capable of being detached from the wall, and transported in a wooden frame to any distance.⁵ Vitruvius remarks that the composition of the ancient Greek walls was so excellent, that persons were in the habit of cutting away slabs from them and converting them into tables, which had a very beautiful appearance. This colouring *al fresco*, in which the colours were mixed simply in water, as the term implies, was applied when the composition was still wet (*υδρο tectoria*), and on that account was limited to certain colours, for no colours except earths can be employed in this way, that have not already stood the test of fire. Pliny⁶ mentions those colours which could not be so employed: purpurisum, Indicum, cæruleum, Melinum, auripigmentum, Appianum, and cerussa; instead of Melinum they used paratonium, a white from Egypt, which was by the Romans considered the best of whites. (*Vid. COLORES.*)

The care and skill required to execute a work in fresco, and the tedious and expensive process of preparing the walls, must have effectually excluded it from ordinary places. The majority of the walls in Pompéi are in common distemper; but those of the better houses, not only in Pompéi, but in Rome and elsewhere, especially those which constitute the ground of pictures, are in fresco. All the pictures, however, are apparently in distemper of a superior kind, or a *guazzo*, but the *impasto* is of various qualities; in some it appears to have the consistency of oil painting without its defects, in others it is very inferior.

Ordinary distemper, that is, with glue or size, is probably the most ancient species of painting; many of the ancient ornamental friezes and painted bassi-relievi in the temples and ruins in Egypt, and also many of the most ancient remains in Italy, are painted in this manner.

The fresco walls, when painted, were covered with an encaustic varnish, both to heighten the

1. (Les Ruines de Pompéi, part ii., p. 68.)—2. (x., 59.)—3. (Plin., H. N., xxv., 25.—Vitruv., vii., 10.)—4. (xiii., 20.)—5. (Dioscor., iii., 99.)—6. (Vid. Merat, Dict. Méd. Scien.)—7. (Plin., H. N., xii., 36; xxiv., 28.—Dioscor., i., 96.—Theophr., H. P., vi., 4.)—8. (xxiv., 26.)—9. (xiv., 25.)—10. (xxiv., 22.)—11. (Vid. Geoffroy, Mater. Méd.—Excursus, vi., ad Plin., xxiv., 22, ed. Lemaire.)—12. (xxi., 49.)—13. (ii., 105.)—14. (xxxv., 81.)

1. (Liv., xxviii., 45.)—2. (Compare Athenæus, v., p. 204, b.;—3. (Plut., Mor. Amator., 16.)—4. (vii., 3.)—5. (Vitruv., ii., 8.—Plin., H. N., xxxv., 49.)—6. (xxxv., 31.)

colours, and to preserve them from the injurious effects of the sun or the weather. Vitruvius¹ describes the process as a Greek practice, which they termed *καίσις*. When the wall was coloured and dry, Punic wax, melted and tempered with a little oil, was rubbed over it with a hard brush (*seta*); this was made smooth and even by applying a *cauterium* (*καυτήριον*), or an iron pan, filled with live coals, over the surface, as near to it as was just necessary to melt the wax: it was then rubbed with a candle (wax?) and a clean linen cloth in the way that naked marble statues were done.² The Abate Requeno supposes that the candles were used as a species of delicate cauterium, simply to keep the wax soft, that it might receive a polish from the friction of the linen; but it is a subject that presents considerable difficulty.

This kind of varnish was applied apparently to plain walls only, for Sir Humphrey Davy discovered no remains whatever, in the baths of Titus, of an encaustic varnish upon paintings, although the plain walls had generally traces of a red varnish of this description. Neither Pliny nor Vitruvius mention anything about colour; but this is evidently a most simple addition, and does not interfere at all either with the principle or the application of the varnish. Paintings may have possibly been executed upon the walls after they were thus varnished.

A method apparently very generally practised by the Roman and later Greek painters was encaustic, which, according to Plutarch,³ was the most durable of all methods; it was in very little use by the earlier painters, and was not generally adopted until after the time of Alexander. Pliny⁴ defines the term thus: "*ceris pingere ac picturam inurere*," to paint with wax or wax colours, and to burn in the picture afterward with the cauterium; it appears, therefore, to have been the simple addition of the process of burning in to the ordinary method of painting with wax colours. There were various kinds of encaustic, with the pencil and with the cestrum; but the difference between them cannot have been very great, for Pausias, whose style was in encaustic with the cestrum, nevertheless undertook to repair the paintings of Polygnotus at Thespiae, which were painted in the ordinary manner, in water colours, with the pencil. Pliny,⁵ in enumerating the most celebrated painters of antiquity, speaks separately of those who excelled in either class; chap. 36 is devoted to those who painted in the ordinary method with the pencil, and chap. 40 principally to those who painted in encaustic. *Cera* (waxes) was the ordinary term for painters' colours among the Romans, but more especially encaustic colours, and they kept them in partitioned boxes, as painters do at present ("*Pictores leculatas magnas habent arculas, ubi discolores sint cerae*"⁶). They were most probably kept dry in these boxes, and the wet brush or pencil was rubbed upon them when colour was required, or they were moistened by the artist previous to commencing work. From the term *cera*, it would appear that wax constituted the principal ingredient of the colouring vehicle used; but this does not necessarily follow, and it is very improbable that it did; there must have been a great portion of gum or resin in the colours, or they could not have hardened. Wax was undoubtedly a most essential ingredient, since it apparently prevents the colours from cracking: *cera*, therefore, might originally simply mean colours which contained wax, in contradistinction to those which did not, but was afterward applied generally by the Romans to the colours of painters, as, for instance, by Sta-

tius,⁷ "*Apelleæ cuperent te scribere cera.*" The sponge (*σπογγία, spongia*), spoken of by Pliny and other writers in connexion with painting, affords some proof that painting in water-colours was the method generally practised by the ancient painters, which is also corroborated by the small vessel placed close to the palette or table of the portrait-painter of the Casa Carolina of Pompeii, evidently for the purpose of washing his single brush in. Seneca⁸ notices the facility and rapidity with which a painter takes and lays on his colours. That wax or resins may be used as vehicles in water-colours has been already mentioned.

The origin of encaustic painting is unknown. It was practised in two ways with the cestrum, namely, in wax and on ivory, and in a third manner with the pencil. The last method, according to Pliny, was applied chiefly to ship-painting; the colours were laid on hot. His words are, "*Encausto pingendi duo fuisse antiquitus genera constat, cera, et in ebore, cestro id est viriculo, donec classes pingi cœpere. Hoc tertium accessit, resolutis igni ceris pincillo utendi, quæ pictura in navibus nec sole nec sale ventisque corrumpitur.*"⁹ This passage, from its conciseness, presents many difficulties. "*Cera, cestro*," that is, in wax with the cestrum; this was the method of Pausias: "*in ebore, cestro*;" this must have been a species of drawing with a hot point upon ivory, for it was, as is distinctly said, without wax, "*cera, et in ebore.*" The third method, "*resolutis igni ceris pincillo utendi*," though first employed on ships, was not necessarily confined to ship-painting; and if the assertion of Pliny is correct, it must have been a very different style of painting from the ship-colouring of Homer, since he says it was of a later date than the preceding methods. The "*incementa navium*" of Livy, and the *κρηρογραφία* of Athenæus, mentioned above, may have been executed in this third method of Pliny; the use of the cauterium, or process of burning in, is here not alluded to; but, since he defined encaustic to be "*ceris pingere ac picturam inurere*," its employment may be understood in this case also. It is difficult, however, to understand what effect the action of the cauterium could have in the second method (*in ebore, cestro*), which was without wax. It would appear, therefore, that the definition alluded to is the explanation of the first mentioned method only; and it is probable that the ancient methods of painting in encaustic were not only three, but several; the *καίσις* of Vitruvius, mentioned also by himself, is a fourth, and the various modes of ship-painting add others to the number. Pliny¹⁰ himself speaks of "*zopissa*," a composition of wax and pitch, which was scraped from ships, and it is difficult to suppose that the higher class of encaustic was practised with the cestrum only, since the pencil is such an infinitely more efficient instrument for the proper mixing and application of colours (*Κεράσασθαι τὰ χρώματα, καὶ ἐλαττον καταβαίει τὴν ἐπιβολὴν αὐτῶν*¹¹). The wax-painting on the fictile vases, mentioned by Athenæus,¹² can have been scarcely executed with the cestrum; and it is also unlikely that it was done with hot colours, as the painting of the "*figlinum opus*" mentioned by Pliny¹³ may have been. But as there were various methods of painting in encaustic, it follows that the colours designed for this species of painting were also invariably prepared, and those which were suited for one style may have been quite unfit for another. All these styles, however, are comparatively simple, compared with that of Pausias, in wax with the cestrum, "*cera, cestro*;" and it is ob-

1. (vii., 9.)—2. (Compare Piro., H. N., xxxiii., 40.)—3. (l. c.)—4. (xxxv., 39.)—5. (xxxv.)—6. (Varro, De Re Rust., iii., 17.)

1. (Sylv., I., i., 100.)—2. (Ep., 121, 5.)—3. (xxxv., 41.)—4. (xxxv., 39.)—5. (xvi., 23.)—6. (Lucian, Imag., 7, vol. 2, p. 66.)—7. (v., p. 200, 6.)—8. (xxxvi., 64.)

for a modern practitioner to understand how
 ge and valuable picture could be produced by
 a method, unless these colours of cera, which
 ers of this class, according to Varro,¹ kept in
 ione boxes, were a species of wax crayons,
 w were worked upon the panel with the broad
 the cestrum (which may have had a rough
 w within an outline or monogram previously
 or cut in with the pointed end, and were af-
 rd fixed, and toned or blended by the action of
 aterium. Painters were in the habit of in-
 g the word *ἐνέκασεν*, "burned it in," upon
 es executed in encaustic, as *Νικίας ἐνέκασεν*,
 ρος *ἐνέκασεν*.²

I. Polychromy.—The practice of varnishing
 polishing marble statues has been already inci-
 dently noticed. The custom was very general ;
 at statues were also often painted, and what
 v termed polychrome sculpture was very com-
 in Greece, for the acrolithic and the chrysa-
 ntine statues were both of this description.
 y works of the latter class, which were of ex-
 rdinary magnificence and costliness, are de-
 bed by Pausanias. The term polychromy, thus
 ied, was apparently unknown to the ancients ;
 species of painting is called by Plutarch³ *ἀγαλ-
 των ἔγκασσις*, and appears to have been executed
 a distinct class of artists (*ἀγαλμάτων ἔγκασται*).
 ey are mentioned also by Plato,⁴ *οἱ ἀνδριάντας
 ἔφροντες* and if it is certain that Plato here allu-
 es to painting statues, it is clear that they were
 sionally entirely painted, in exact imitation of
 ure ; for he expressly remarks, that it is not by ap-
 eaz a rich or beautiful colour to any particular part,
 y giving its local colour to each part, that the
 ole is made beautiful (*ἀλλ' ἄθρει εἰ τὰ προσήκοντα
 εἰς αὐτοὺς ἀποδιδόντες, τὸ ὅλον καλὸν ποιούμεν*). That
 s was, however, not a general practice, is evident
 a the dialogue between Lycinus and Polystra-
 in Lucian,⁵ where it is clearly, though indirect-
 stated, that the Venus of Cnidus by Praxiteles,
 d other celebrated statues, were not coloured,
 ough they may have been ornamented in parts,
 covered with an encaustic varnish.

The practice of colouring statues is undoubtedly
 ancient as the art of statuary itself ; although
 y were perhaps originally coloured more from a
 e of colour than from any design of improving
 resemblance of the representation. The Jupi-
 of the Capitol, placed by Tarquinius Priscus,
 s coloured with minium.⁶ In later times the
 tom seems to have been reduced to a system,
 was practised with more reserve. Considera-
 attention also seems to have been paid to the
 et of the object as a work of art. Praxiteles
 ag asked which of his marble works he most ad-
 dled, answered, those which Nicias had a hand
 "quibus Nicias manum admovisset;" so much,
 Pliny,⁷ did he attribute to his circumlitio. Ni-
 s, therefore, who painted in encaustic, seems *in
 youth* to have been an *ἀγαλμάτων ἔγκαστής*, or
 ier of statues, and, from the approval of Prax-
 tes, excelled apparently in this description of
 inting or colouring.

This view differs very materially from those
 uch have been hitherto advanced upon this sub-
 ject, but it has not been adopted without mature
 consideration.

In the "circumlitio" of Nicias, the naked form
 s, most probably, merely varnished, the colour-
 ing being applied only to the eyes, eyebrows, lips,
 d hair, to the draperies, and the various orna-
 ments of dress ; and there can be little doubt that

fine statues, especially of females, when carefully
 and tastefully coloured in this way, must have been
 extremely beautiful ; the encaustic varnish upon
 the white marble must have had very much the ef-
 fect of a pale transparent flesh. Gold was also
 abundantly employed upon ancient statues ; the
 hair of the Venus de Medicis was gilded ; and in
 some, glass eyes and eyelashes of copper were in-
 serted, examples of which are still extant.

The practice, also, of colouring architecture seems
 to have been universal among the Greeks, and very
 general among the Romans. It is difficult to define
 exactly what the system was, for there is scarcely
 any notice of it in ancient writers ; a few casual
 remarks in Vitruvius and Pausanias are all we pos-
 sess of any value. Our information is drawn chiefly
 from the observations of modern travellers ; for
 traces of colour have been found upon most of the
 architectural ruins of Greece, and upon the ancient
 monuments of Italy and Sicily ; but, with the ex-
 ception of the Doric ruins at Corinth and the Tem-
 ple of Ægina, which are not of marble, the colour-
 ing was confined to the mouldings and other orna-
 ments, the friezes, the metopes, and the tympana
 of the pediments. The exterior of the wall of the
 cella of the Ægina temple, and the columns of the
 Corinthian ruins, were covered with stucco and col-
 oured red. It does not appear that the exterior
 walls, when of marble, were ever coloured, for no
 traces of colour have been found upon them. At
 an early age, before the use of marble, when the
 temples and public edifices were constructed most-
 ly of wood, the use of colour must have been much
 more considerable and less systematic ; but, dur-
 ing the most refined ages, the colouring, otherwise
 quite arbitrary, appears to have been strictly con-
 fined to the ornamental parts. From the traces
 found upon ancient monuments, we are enabled to
 form a very tolerable idea of the ancient system of
 decorating mouldings. They were painted in vari-
 ous ways and in a great variety of colours, and a
 tasteful combination of colours must have added
 greatly to the effect of even the richest mouldings.
 The ordinary decorations were foliage, ova, and
 beads ; but upon the larger mouldings on which fol-
 iage was painted, the outlines of the leaves were
 first engraved in the stone. Gilding and metal-
 work were also introduced, particularly in the Doric
 order ; the architrave of the Parthenon at Athens
 was decorated with gilded shields. Friezes that
 were adorned with sculpture appear to have been
 invariably coloured, as also the tympana of the pe-
 diments ; in the Parthenon these parts were of a
 pale blue ; in some of the Sicilian monuments red
 has been found. Some interior polychrome corni-
 ces of Pompeii are given in the work of Zahn.¹

In later times, among the Romans, the practice
 of colouring buildings seems to have degenerated
 into a mere taste for gaudy colours. Pliny and Vi-
 truvius both repeatedly deplore the corrupt taste of
 their own times. Vitruvius² observes that the dec-
 orations of the ancients were tastelessly laid aside,
 and that strong and gaudy colouring and prodigal
 expense were substituted for the beautiful effects
 produced by the skill of the ancient artists. Pom-
 peii, with much that is chaste and beautiful, has
 many traces also of what Vitruvius and Pliny com-
 plain of. Plate 99 of Zahn affords a beautiful spec-
 imen of the ancient wall-painting of Pompeii in
 courts and interiors. For a farther account of this
 subject, see Kugler, "*Ueber die Polychromie der
 Griechischen Architectur und Sculptur und ihre Gren-
 zen*," Berlin, 1835.

IX. Vase Painting.—The fictile vase-painting
 of the Greeks was an art of itself, and was prac-

(l. c.)—2. (Plin., H. N., xxxv., 10, 39.)—3. (De Glor.
 ca., 6.)—4. (De Repub., iv., 420, c.)—5. (Imag., 5, 8.)—6.
 s., xxxv., 45.)—7. (xxxv., 40.)

1. (Die schönsten Ornamente, &c., pl. 91.)—2. (vii., 5.)

tised by a distinct class of artists,¹ who must have required peculiar instruction, and probably exercised the art according to a prescribed system. It is, however, impossible to say anything positive regarding the history of this branch of ancient painting, as scarcely anything is known. The designs upon these vases (which the Greeks termed *λήκυθοι*) have been variously interpreted, but they have generally considered to be in some way connected with the initiation into the Eleusinian and other mysteries.² They were given as prizes to the victors at the Panathenæa and other games, and seem to have been always buried with their owners at their death, for they have been discovered only in tombs.

Vase-painting cannot be adduced to determine the general nature or character of ancient painting as a liberal or imitative art; though the rude designs upon the vases throw considerable light upon the progressive development of the art as relates to style of design, and in some degree upon the principles of Grecian composition of the early times; but their chief interest and value consist in the faithful pictures they afford of the traditions, customs, and habits of the ancients.

The ancient vase-painters were probably attached to the potteries, or the establishments in which the vases were made; or themselves constituted distinct bodies, which, from the general similarity of style and execution of the designs upon the vases, is not improbable. They do not seem to have been held in any esteem, for their names have not been preserved by any ancient writer; and we only know the names of four, from their being inscribed upon the vases themselves, viz., Taleides, Assteas, Lasimos, and Calliphon.³

The words *καλός* and *καλή*, found frequently upon the ancient vases, are explained to be simple exclamations of praise and approval, supposed to be addressed to the person to whom the vase was presented; the words are frequently preceded or followed by a name, evidently that of the person for whom the vase was designed. The inscription also *ἡ παῖς καλή* has been found on some vases, which have probably been designed as presents for young females. D'Hancarville⁴ supposes that vase-painting had entirely ceased about the time of the destruction of Corinth, and that the art of manufacturing vases began to decline towards the reign of Trajan, and arrived at its last period about the time of the Antonines and Septimius Severus. Vase-painting had evidently ceased long before the time of Pliny, for in his time the painted vases were of immense value, and were much sought after; but the manufacture of the vases themselves appears to have been still extensive, for he himself mentions fourteen celebrated potteries of his own time, eight in Italy and six elsewhere. The vases, however, appear to have been merely remarkable for the fineness or durability of the clay and the elegance of their shape.⁵ For the composition of the clay with which these fictilia were made, see FICTILE.

Even in the time of the Empire, painted vases were termed "*operis antiqui*," and were then sought for in the ancient tombs of Campania and other parts of Magna Græcia. Suetonius⁶ mentions the discovery of some vases of this description in the time of Julius Cæsar, in clearing away some very ancient tombs at Capua. It is also remarkable, that not a single painted vase has been yet discovered in

1. (Aristoph., *Eccles.*, 995, 996, ed. Bekker.)—2. (Lanzi, *De' Vasi Antichi dipinti*.—Christie, *Disquisitions upon the painted Greek Vases*.—Böttiger, *deen*, &c.)—3. (Millin, *Peintures de Vases Antiques*, vol. 1., pl. 3, pl. 44, vol. ii., pl. 37, pl. 61.—Millingen, *Anc. Uned. Mon.*, pl. 27.)—4. (Collection of Vases, &c., *Introd.*)—5. (xxv., 46.)—6. (*Jul. Cæs.*, 81)

either Pompeii, Herculaneum, or Stabiae, which is of itself almost sufficient to prove that vase-painting was not practised, and also that painted vases were extremely scarce. We may form some idea of their value from the statement of Pliny,¹ that they were more valuable than the Murrhine vases. (*Vid. MURRHINA VASA.*) The paintings on the vases, considered as works of art, vary exceedingly in the detail of the execution, although in style of design they may be arranged in two principal classes, the black and the yellow; for those which do not come strictly under either of these two heads are either too few or vary too slightly to require a distinct classification. The majority of the vases that have been as yet discovered, have been found in ancient tombs about Capua and Nola.

The black vases, or those with the black figures upon the stained reddish-yellow terra-cotta, the best of which were found at Nola, are the most ancient, and their illustrations consist principally of representations from the early mythological traditions; but the style of these vases was sometimes imitated by later artists. (Plate 56, vol. iv. of D'Hancarville is an example.) The inferior examples of this class have some of them traces of the graphis or cestrum upon them, which appear to have been made when the clay was still soft; and also have lines or scratches upon the figures, which have been added when the painting was completed. The style of the design of these black figures or skiagrams, is what has been termed the Egyptian or Dædalian style. The varieties in this style are occasionally a purple tint instead of the black; or the addition of a red sash or a white vest, and sometimes a white face and white hands and feet. A curious and interesting example of this kind of polychrom, in black, red, and white, was discovered near Athens in 1813, representing on one side a Minerva with a spear and shield, in the Dædalian style, and on the reverse, in a somewhat better style, a young man driving a biga of most ancient construction; it is supposed to represent Erichonius. Near the Minerva is the following inscription, written from right to left: TON AGENEON AΘAON EMI, τῶν Ἀθηνῶν ἀθλον εἶμι, "I am the prize of the Athenæa" (Panathenæa). It is supposed to be of the time of Solon.²

The vases with the yellow monograms, or, rather, the black monograms upon the yellow grounds, constitute the mass of ancient vases. Their illustrations are executed with various degrees of merit; those of inferior execution, also of this class, have traces of the graphis upon them, which appear to have been drawn upon the soft clay; the only colour upon these, independent of that of the clay, is the dark back-ground, generally black, which renders the figures very prominent. The designs upon the better vases are also merely monograms, with the usual dark back-grounds, but there is a very great difference between the execution of these and that of those just alluded to; there are no traces whatever of the graphis upon them; their outlines are drawn with the hair pencil, in colour, similar to that of the back-ground, which is a species of black varnish, probably asphaltum; or, perhaps, rather prepared with the gagates lapis (jet?) (γαγάτης) of Pliny, for he remarks that it is indelible when used on this kind of earthenware.³

The best of these vases, which probably belong to about the time of Alexander, are conspicuous for a very correct style of design, although they are invariably carelessly executed, especially in the extremities, but exhibit, at the same time, a surprising facility of hand. The celebrated vase of Sir W.

1. (xxv., 46.)—2. (Millingen, *Anc. Uned. Mon.*, pl. 1.)—3. (xxvi., 34)

Hamilton's collection, now in the British Museum, the paintings of which represent Hercules and his companions in the gardens of the Hesperides, and the race of Atalanta and Hippomenes, exhibits, for design, composition, and execution, perhaps the finest specimen of ancient vase-painting that has been yet discovered: the style of design is perfect, but the execution, though on the whole laborious, is in many parts very careless.¹

There appears to be no example of the more perfect monochrom² upon ancient vases, and examples of the polychrom are very rare. In Sir W. Hamilton's collection there are a few examples in which various colours have been added after the ordinary monogram has been completed, for they are not incorporated with the vase, as the black and ground tints are, but are subject to scale, and are easily rubbed off. They consist of white, red, yellow, and blue colours. These vases are apparently of a later date than the above, for the style of design is very inferior.

The museums of Naples, Paris, London, and other cities, afford abundant examples of these ancient vases; the Museo Borbonico at Naples contains alone upward of 2500 specimens. The subjects of the illustrations are almost always connected with ancient mythology, and the execution is generally inferior to the composition.

No opinion of the style of the designs upon ancient vases can be formed from the generality of the great works purporting to illustrate them which have been published of late years. Very few are at all accurate in the lines and proportions, especially of the extremities, and in some even the composition is not faithfully imitated. This is particularly the case with the splendid works published by Dubois-Maissonneuve, Laborde, and some others, in which the illustrations are drawn with a care, precision, and uniformity of character quite foreign to the paintings on the vases. They all appear to be drawn rather according to common and perfect standards of the different styles, than to be the faithful imitations of distinct original designs. Plates 25 and 26 of the first volume of Maissonneuve, purporting to be faithful imitations of the design upon the celebrated Nola vase (in the Museum at Naples, No. 1846), representing a scene from the destruction of Troy, bear but little resemblance to the original. This remark is applicable, also, to the work of D'Hancarville and other productions, but in a less degree. Perhaps the work which illustrates most faithfully the style of the designs upon ancient vases, as far as it goes, is that in course of publication by Gerhard.³ The specimens, also, of ancient paintings published by Raoul Rochette⁴ have every appearance of being faithful imitations of the originals.

X. *Remains of Ancient Painting.*—There is a general prejudice against the opinion that the painting of the Greeks equalled their sculpture; and the earlier discoveries of the remains of ancient paintings at Pompeii and Herculaneum tended rather to increase this prejudice than to correct it. The style of the paintings discovered in these cities was condemned both by Pliny and Vitruvius, and yet almost every species of merit may be discovered in them. What, therefore, must have been the productions which the ancients themselves esteemed their immortal works, and which, singly, were estimated equal to the wealth of cities!⁵

These remains of Pompeii and Herculaneum induced Sir Joshua Reynolds to form a decided opinion upon ancient painting. He remarks,⁶ "From

the various ancient paintings which have come down to us, we may form a judgment, with tolerable accuracy, of the excellences and the defects of the arts among the ancients. There can be no doubt but that the same correctness of design was required from the painter as from the sculptor; and if what has happened in the case of sculpture had likewise happened in regard to their paintings, and we had the good fortune to possess what the ancients themselves esteemed their master-pieces, I have no doubt but we should find their figures as correctly drawn as the Laocoon, and probably coloured like Titian." This opinion has been farther confirmed by later discoveries at Pompeii, especially by the great mosaic of the Casa del Fauno, discovered in 1831, supposed to represent the battle of Issus.¹ But the beauty of ancient sculpture alone is itself a powerful advocate in favour of this opinion; for when art has once attained such a degree of excellence as the Greek sculpture evinces, it is evident that nothing mediocre or even inferior could be tolerated. The principles which guide the practice of both arts are in design and proportion the same; and the style of design in painting cannot have been inferior to that of sculpture. Several of the most celebrated ancient artists were both sculptors and painters: Phidias and Euphranor were both; Zeuxis and Protogenes were both modelers; Polygnotus devoted some attention to statuary; and Lysippus consulted Eupompus upon style in sculpture. The design of Phidias and Euphranor in painting cannot have been inferior in style to that of their sculpture; nor can Eupompus have been an inferior critic in his own art than in that of Lysippus. We have, besides, the testimony of nearly all the Greek and Roman writers of every period, who, in general, speak more frequently and in higher terms of painting than of sculpture. "*Si quid generis istiusmodi me delectat, pictura delectat,*" says Cicero.²

The occasional errors in perspective, detected in some of the architectural decorations in Pompeii, have been assumed as evidence that the Greek painters generally were deficient in perspective. This conclusion by no means follows, and is entirely confuted by the mosaic of the battle of Issus, in which the perspective is admirable; in many other works, also, of minor importance, the perspective has been carefully attended to. We know, moreover, that the Greeks were acquainted with perspective at a very early period; for Vitruvius³ says, that when Æschylus was teaching tragedy at Athens, Agatharcus made a scene, and left a treatise upon it. By the assistance of this, Democritus and Anaxagoras wrote upon the same subject, showing how the extension of rays from a fixed point of sight should be made to correspond to lines according to natural reason; so that the images of buildings in painted scenes might have the appearance of reality, and, although painted upon flat, vertical surfaces, some parts should seem to recede and others to come forward. This class of painting was termed scenography (*σκηνογραφία*) by the Greeks, and appears to have been sometimes practised by architects. Clisthenes of Eretria is mentioned as architect and scenograph (*σκηνογράφος*).⁴ Serapion, Eudorus, and others, were celebrated as scene-painters.⁵ Scene-painting was, perhaps, not generally practised until after the time of Æschylus, for Aristotle⁶ attributes its introduction to Sophocles.

The most valuable and the most considerable of ancient paintings that have yet been discovered are: The so-called Aldobrandini Marriage, Nozze

1. (D'Hancarville, plates 127, 128, 129, 130.)—2. (*Id.* No. III. p. 681.)—3. (Anserlesens Griechische Vasenbilder, Berlin, 1839.)—4. (Peintures Antiques.)—5. (Plin., H. N., xxxv., 32.)—6. (Notes to Fresco, 37.)

1. (Mosaic, No. XV.)—2. (*ad Fam.*, vii., 23.)—3. (*vii.*, pref.)—4. (*Diog.*, ii., 125.)—5. (Plin., H. N., xxxv., 37, 40.)—6. (*Poet.*, 4.)

Aldobrandine, originally the property of the Aldobrandini family, which was found on the Esquiline Mount during the pontificate of Clement VIII., Ippolito Aldobrandini, and was placed by Pius VII. in the Vatican: this painting, which is on stucco, and contains ten rather small figures in three groups, is a work of considerable merit in composition, drawing, and colour, and is executed with great freedom;¹ and the following paintings of the Museo Borbonico at Naples, which are conspicuous for freedom of execution and general technical excellence: the two Nereids found in Stabia, Nos. 561 and 562, Cat.; Telephus nourished by the roe, &c., from Herculaneum, No. 495; Chiron and Achilles, also from Herculaneum, No. 730; Briseis delivered to the heralds of Agamemnon, from Pompeii,² No. 684; and the nine Funambuli or rope-dancers, which are executed with remarkable skill and facility. (Mus. Borb., Ant. d'Ercol., and Zahn contain engravings from these works; for fac similes of ancient paintings, see "*Recueil de Peintures antiques, imitées fidèlement pour les couleurs et pour le trait, d'après les dessins coloriés faits par P. S. Bartoli.*" &c., Paris, 1757, folio.)

XI. *Period of Development. Essential Style.*—With Polygnotus of Thasos (B.C. 463) painting was fully developed in all the essential principles of imitation, and was established as an independent art in practice. The works of Polygnotus were conspicuous for expression, character, and design; the more minute discriminations of tone and local colour, united with dramatic composition and effect, were not accomplished until a later period. The limited space of this article necessarily precludes anything like a general notice of all the various productions of Greek painters incidentally mentioned in ancient writers. With the exception, therefore, of occasionally mentioning works of extraordinary celebrity, the notices of the various Greek painters of whom we have any satisfactory knowledge will be restricted to those who, by the quality or peculiar character of their works, have contributed towards the establishment of any of the various styles of painting practised by the ancients.

Polygnotus is frequently mentioned by ancient writers, but the passages of most importance relating to his style are in the *Poetica* of Aristotle³ and in the *Imagines* of Lucian.⁴ The notice in Pliny⁵ is very cursory: he mentions him among the many before Olympiad 90, from which time he dates the commencement of his history, and simply states that he added much to the art of painting, such as opening the mouth, showing the teeth, improving the folds of draperies, painting transparent vests for women, or giving them various coloured head-dresses. Aristotle speaks of the general character of the design and expression of Polygnotus, Lucian of the colour; in which respects both writers award him the highest praise. Aristotle,⁶ speaking of imitation, remarks, that it must be either superior, inferior, or equal to its model, which he illustrates by the cases of three painters: "Polygnotus," he says, "paints men better than they are, Pauson worse, and Dionysius as they are." This passage alludes evidently to the general quality of the design of Polygnotus, which appears to have been of an exalted and ideal character. In another passage⁷ he speaks of him as an *ἀγαθὸς ἠθογράφος*, or an excellent delineator of moral character and expression, and assigns him, in this respect, a complete superiority over Zeuxis. From the passage in Lucian, we may infer that Polygnotus, Euphranor, Apelles, and Aëtion were the best colourists among the an-

cients, according to the general opinion (*ἄριστοι γέγοντο κερύσασθαι τὰ χρώματα, καὶ εὐκαιοὶ ποιεῖσθαι τὴν ἐπιβολὴν αὐτῶν*). He notices, also, in the same passage, the truth, the elegance, and the flowing lightness of the draperies of Polygnotus.

Pausanias mentions several of the works of Polygnotus, but the most important were his two great paintings, or series of paintings, in the Lesche of the Temple of Apollo at Delphi, to a description of which Pausanias devotes six chapters.⁸ On the right, as you entered, was the overthrow of Troy, and the Greeks sailing to their native land; on the other side was painted the descent of Ulysses to Hades, to consult the soul of Tiresias concerning his safe return to his native country. These paintings, in the composition of which Polygnotus seems to have illustrated every existing poem upon the subjects, were termed the Iliad and Odyssey of Polygnotus. They excited the wonder and admiration of Pausanias, although they had been already painted six hundred years when he saw them. Polygnotus has been termed the Michael Angelo of antiquity. From the method adopted by Pausanias in describing these pictures, their composition has been generally condemned. It is, however, by no means certain that they were not a series of pictures painted upon panels of wood, and inserted into the wall, according to the ancient practice; but, even supposing them to have been distinct groups painted upon the walls themselves, as they have been treated by the brothers Riepenhausen, their composition should not be hastily condemned.

The painting of the destruction of Troy (and the other was similar in style) seems to have contained three rows of figures, with the names of each written near them, in distinct groups, covering the whole wall, each telling its own story, but all contributing to relate the tale of the destruction of Troy. It is evident, from this description, that we cannot decide upon either the merits or the demerits of the composition, from the principles of art which guide the rules of composition of modern times. Neither perspective nor composition, as a whole, are to be expected in such works as these, for they did not constitute single compositions, nor was any unity of time or action aimed at; they were painted histories, and each group was no farther connected with its contiguous groups, than that they all tended to illustrate different facts of the same story.

The style of Polygnotus was strictly ethic, for his whole art seems to have been employed in illustrating the human character; and that he did it well, the surname of Ethograph (*ἠθογράφος*), given to him by Aristotle and others, sufficiently testifies. His principles of imitation may be defined to be those of individual representation, independently of any accidental combination of accessories; neither the picturesque, nor a general and indiscriminate picture of nature, formed any part of the art of Polygnotus or of the period. Whatever, therefore, was not absolutely necessary to illustrate the principal object, was indicated merely by a symbol: two or three warriors represented an army, a single hut an encampment, a ship a fleet, and a single house a city; and, generally, the laws of basso-relievo appear to have been the laws of painting, and both were still, to a great extent, subservient to architecture.

The principal contemporaries of Polygnotus were Dionysius of Colophon, Plistænctus and Panænus of Athens, brothers of Phidias, and Micon, also of Athens.

Dionysius was apparently an excellent portrait

1. (Böttiger and Meyer, Die Aldobrandinische Hochzeit, Dresden, 1810.)—2. (Sir W. Gell, Pompeiana, pl. 39 and 40.)—3. (c. 2 and 6.)—4. (c. 7.)—5. (xxxv., 35.)—6. (c. 2.)—7. (c. 6.)

1. (x., 25-31.)—2. (Peintures de Polygnote à Delphes dessinées et gravées de après la description d'Pausanias.)

painter, the Holbein of antiquity; for, besides the testimony of Aristotle, quoted above, Plutarch¹ remarks, that the works of Dionysius wanted neither force nor spirit, but that they had the appearance of being too much laboured. Polygnotus also painted portraits, for Plutarch² mentions that he painted his mistress Elpinice, the sister of Cimon, as Laodicea, in a picture in the Πικίλη στοά, or Pœcile at Athens, which received its name from the paintings of Polygnotus, Micon, Panæus, and others, executed in the periods of Cimon and Pericles; this colonnade was previously called στοά Πεισιανάκτιος.³ What these paintings were we learn from Pausanias,⁴ viz., the battle of the Athenians and Spartans at Cœne; the painter of this piece is not known, but it was probably Plistænetus, who is mentioned by Plutarch⁵ as a famous battle painter; the battle of Theseus and the Athenians with the Amazons, by Micon;⁶ the battle of Marathon, by Panæus;⁷ and the rape of Cassandra, &c., by Polygnotus.⁸ These paintings, after adorning the Pœcile for about eight centuries, were removed from Athens in the time of Arcadius.⁹ Raoul Rochette infers from this that they were upon panels.

Panæus is termed by Strabo¹⁰ the nephew of Phidias: he assisted Phidias in decorating the statue and throne of the Olympian Jupiter. Micon was particularly distinguished for the skill with which he painted horses. Ælian¹¹ relates that he was once ridiculed by a certain Simon, skilled in such matters, for having painted eyelashes to the under eyelids of one of his horses—a critical nicety scarcely to have been expected in so early an age.

Prize contests, also, were already established, in this early period, at Corinth and at Delphi. Pliny¹² mentions that Panæus was defeated in one of these at the Pythian games, by Timagoras of Chalcis, who himself celebrated his own victory in verse.

The remarks of Quintilian¹³ respecting the style of this period are very curious and interesting, although they do not accord entirely with the testimonies from Greek writers quoted above. He says that, notwithstanding the simple colouring of Polygnotus, which was little more than a rude foundation of what was afterward accomplished, there were those who even preferred his style to the styles of the greatest painters who succeeded him; not, as Quintilian thinks, without a certain degree of affectation.

XII. Establishment of Painting. Dramatic Style.

In the succeeding generation, about 420 B.C., through the efforts of Apollodorus of Athens and Zeuxis of Heraclea, dramatic effect was added to the essential style of Polygnotus, causing an epoch in the art of painting, which henceforth comprehended a unity of sentiment and action, and the imitation of the local and accidental appearances of objects, combined with the historic and generic representations of Polygnotus. The contemporaries of Apollodorus and Zeuxis, and those who carried out their principles, were Parrhasius of Ephesus, Eupompus of Sicyon, and Timanthes of Cythnus, all painters of the greatest fame. Athens and Sicyon were the principal seats of the art at this period.

Apollodorus, says Plutarch,¹⁴ invented *tone* (φοβράν και απόχρωσιν σκιᾶς), which is well defined by Fuseli¹⁵ as “the element of the ancient ἄρμυγή, that imperceptible transition which, without opacity, confusion, or hardness, united local colour, demitint,

shade, and reflexes.” This must, however, not be altogether denied to the earlier painters; for Plutarch himself¹ attributes the same property to the works of Dionysius (λαχὴν ἐχόντα και τόνον), though in a less degree. The distinction is, that what in the works of Dionysius was really merely a gradation of light and shade, or gradual diminution of light, was in those of Apollodorus a gradation also of tints, the tint gradually changing according to the degree of light. The former was termed τόνος, the latter ἄρμυγή; but the English term *tone*, when applied to a coloured picture, comprehends both; it is equivalent to the “splendor” of Pliny.²

Apollodorus first painted men and things as they really appeared; this is what Pliny³ means by “*Hic primus species exprimere instituit.*” The rich effect of the combination of light and shade with colour is also clearly expressed in the words which follow: “*primusque gloriam penicillo jure contulit;*” also, “*neque ante cum tabula ullius ostenditur, quæ teneat oculos.*” We may almost imagine the works of a Rembrandt to be spoken of; his pictures riveted the eye. Through this striking quality of his works, he was surnamed the *shadower*, σκιαγράφος.⁴ He was in the habit of writing upon his works, “It is easier to find fault than to imitate,” μωμήσεται τις μάλλον ἢ μιμήσεται,⁵ which Pliny⁶ relates of Zeuxis.

Zeuxis combined a certain degree of ideal form with the rich effect of Apollodorus. Quintilian⁷ says that he followed Homer, and was pleased with powerful forms even in women. Cicero⁸ also praises his design. Zeuxis painted many celebrated works, but the Helen of Croton, which was painted from five of the most beautiful virgins in the city, was the most renowned, and under which he inscribed three verses⁹ in the third book of the Iliad.¹⁰ Stobæus¹¹ relates an anecdote of the painter Nicomachus and this Helen, where the painter is reported to have observed to one who did not understand why the picture was so much admired “Take my eyes, and you will see a goddess.” We learn from another anecdote, recorded by Plutarch,¹² that Zeuxis painted very slowly.

Parrhasius is spoken of by ancient writers in terms of the very highest praise. He appears to have combined the magic tone of Apollodorus and the exquisite design of Zeuxis with the classic invention and expression of Polygnotus; and he so circumscribed all the powers and ends of art, says Quintilian,¹³ that he was called the “Legislator.” He was himself not less aware of his ability, for he termed himself the prince of painters (Ἐλλήνων πρῶτα φέροντα τέχνης¹⁴). He was, says Pliny,¹⁵ the most insolent and most arrogant of artists.

Timanthes of Cythnus or Sicyon was distinguished for invention and expression; the particular charm of his invention was, that he left much to be supplied by the spectator's own fancy; and, although his productions were always admirable works of art, still the execution was surpassed by the invention. As an instance of the ingenuity of his invention, Pliny¹⁶ mentions a sleeping Cyclops that he painted upon a small panel, yet conveyed an idea of his gigantic form by means of some small satyrs, who were painted measuring his thumb with a thyrsus. He was celebrated also for a picture of the sacrifice of Iphigenia. (See the admirable remarks of Fuseli upon this picture, *Lecture i.*) Timanthes defeated Parrhasius in a professional contest, in which the subject was the

1. (Timol., 36.)—2. (Cimon, 4.)—3. (Plut., 1. c.)—4. (i., 15.)—5. (De Glor. Athen., 2.)—6. (Plin., H. N., xxv., 35.)—7. (Plin., H. N., xxiv., 34.)—8. (Plin., H. N., xxv., 35.)—9. (Syænius, Epist., 54 and 135.)—10. (viii., p. 354.)—11. (H. A., iv., 59.)—12. (xxv., 35.)—13. (Inst. Orat., xii., 10.)—14. (De Glor. Athen., 2.)—15. (Lect. i.)

1. (Timol., 36.)—2. (xxv., 11.)—3. (xxv., 36.)—4. (Hesych., s. v.)—5. (Plut., De Glor. Athen., 2.)—6. (l. c.)—7. (l. c.)—8. (Brut., 18.)—9. (156-158.)—10. (Val. Max., vi., 7, 4 3—Cic., De Invent., ii., 1.—Ælian, V. H., iv., 12, &c.)—11. (Serm., 61.)—12. (Pericl., 13.)—13. (l. c.)—14. (Athen., xii., p. 543, c.)—15. (xxv., 36.—Compare Athen., xv., p. 687, 4.)—16. (xxv., 36, 4 6.)

combat of Ulysses and Ajax for the arms of Achilles.¹

Eupompus of Sicyon was the founder of the celebrated Sicyonian school of painting which was afterward established by Pamphilus. Such was the influence of Eupompus's style, that he added a third, the Sicyonic, to the only two distinct styles of painting then recognised, the Helladic or Grecian and the Asiatic, but subsequently to Eupompus distinguished as the Attic and the Ionic; which, with his own style, the Sicyonic, henceforth constituted the three characteristic styles of Grecian painting.² We may judge, from the advice which Eupompus gave Lysippus, that the predominant characteristic of this style was individuality; for upon being consulted by Lysippus whom of his predecessors he should imitate, he is reported to have said, pointing to the surrounding crowd, "Let nature be your model, not an artist."³ This celebrated maxim, which eventually had so much influence upon the arts of Greece, was the first professed deviation from the principles of the generic style of Polygnotus and Phidias.

XIII. *Period of Refinement.*—The art of this period, which has been termed the Alexandrian, because the most celebrated artists of this period lived about the time of Alexander the Great, was the last of progression or acquisition; but it only added variety of effect to the tones it could not improve, and was principally characterized by the diversity of the styles of so many contemporary artists. The decadence of the art immediately succeeded; the necessary consequence, when, instead of excellence, variety and originality became the end of the artist. "*Floruit circa Philippum, et usque ad successores Alexandri,*" says Quintilian,⁴ "*pictura precipue, sed diversis virtutibus;*" and he then enumerates some of the principal painters of this time, with the excellences for which each was distinguished. Protogenes was distinguished for high finish; Pamphilus and Melanthius for composition; Antiphilus for facility; Theon of Samos for his prolific fancy; and for grace Apelles was unrivalled; Euphranor was in all things excellent; Pausias and Nicias were remarkable for chiaroscuro of various kinds; Nicomachus was celebrated for a bold and rapid pencil; and his brother Aristides surpassed all in the depth of expression. There were also other painters of great celebrity during this period: Philoxenus of Eretria, Aesclepiodorus of Athens, Athenion of Maronea, Echion, Cydias, Philochares, Theomnestus, Pyreicus, &c.

This general revolution in the theories and practice of painting appears to have been greatly owing to the principles taught by Eupompus at Sicyon. Pamphilus of Amphipolis succeeded Eupompus in the school of Sicyon, which from that time became the most celebrated school of art in Greece. Pamphilus had the reputation of being the most scientific artist of his time; and such was his authority, says Pliny,⁵ that chiefly through his influence, first in Sicyon, then throughout all Greece, noble youths were taught the art of drawing before all others. "*Graphice, hoc est, pictura in buxo,*" that is, drawing, in which the elementary process consisted in drawing lines or outlines with the graphis upon tablets of box; the first exercise was probably to draw a simple line (*Γραμμὴν ἐκβάσαι*).⁶ It was considered among the first of liberal arts, and was practised exclusively by the freeborn, for there was a special edict prohibiting slaves from exercising it. The course of study in this school occupied ten years, and the fee of admission was an At-

tic talent: Pliny mentions that Apelles and Melanthius both paid this fee. Apelles studied under Ephorus of Ephesus before he became the pupil of Pamphilus: Pausias also studied encaustic under Pamphilus. The course of study comprehended instruction in drawing, arithmetic, geometry, anatomy, and painting in all its branches. Pamphilus was the first painter, says Pliny,⁷ who was skilled in all the sciences, particularly arithmetic and geometry, without which he denied that art could be perfected. By these sciences, as applied to painting, we must probably understand those principles of proportion and motion which can be reduced to rule: by arithmetic, the system of the construction and the proportions of the parts of the human body; by geometry, perspective, and the laws of motion, that is, so much of them as is necessary to give a correct representation of, and a proper balance to, the figure. Pamphilus seems to have painted but few pictures, but they were all conspicuous for beauty of composition.

Nicomachus of Thebes was, according to Pliny,⁸ the most rapid painter of his time; but he was as conspicuous for the force and power of his pencil as for its rapidity; Plutarch⁹ compares his paintings with the verses of Homer. Nicomachus had many scholars, of whom Philoxenus of Eretria was celebrated as a painter of battles; a battle of Alexander and Darius by him, is mentioned by Pliny¹⁰ as one of the most celebrated paintings of antiquity; but they were all surpassed by his own brother Aristides, who appears to have been the greatest master of expression among the Greeks. We must, however, apply some modification to the expression of Pliny,¹¹ that Aristides first painted the mind and expressed the feelings and passions of man, since *ἦθη*, as it is explained by Pliny in this passage, cannot be denied to Polygnotus, Apollodorus, Parrhasius, Timanthes, and many others.

The picture of Aristides, which represented an infant at the breast of its wounded and dying mother at the sack of a city, was one of the most celebrated paintings of the ancients. It was remarkable for the expression of the agony of the mother lest the child should suck blood instead of milk from her failing breast. It was sent by Alexander to Pella.¹²

The works of Aristides were in such repute, that Attalus, king of Pergamus, gave a hundred talents for only one of his pictures. This was nearly two centuries after his death; but he also received great prices himself. Pliny mentions that a certain Mithras, tyrant of Elatea, paid him for a battle of the Persians, in which were a hundred figures (most probably of a small size), at the rate of ten minæ for each figure. The same prince, who appears to have been a great patron of the arts, gave Aesclepiodorus, for pictures of the twelve gods, 300 minæ each; and he gave also to Theomnestus (otherwise unknown) for every picture of a hero, 100 minæ. Aesclepiodorus was a native of Athens; he was celebrated for composition or grouping; Plutarch¹³ classes him with Euphranor and Nicias.

Pausias of Sicyon painted in encaustic with the cestrum, and seems to have surpassed all others in this method of painting; Pliny¹⁴ terms him "*primus in hoc genere nobilis,*" from which it would appear that he either distinguished himself earlier than Euphranor or Nicias, who both excelled in this style; he was, however, the pupil of Pamphilus and the contemporary of Apelles. Pausias was conspicuous for a bold and powerful effect of light and shade, which he enhanced by contrasts and strong foreshortenings. A large picture of a sacrifice of a

1. (Ælian, l. c.—Plin., l. c.)—2. (Plin., xxxv., 26, § 7.)—3. (Plin., xxxiv., 19, § 6.)—4. (l. c.)—5. (xxxv., 26.)—6. (Pollux, Onom., vii., 128.)

1. (l. c.)—2. (Timol., 36.)—3. (xxxv., 26.)—4. (l. c.)—5. (Plin., H. N., l. c.)—6. (De Glor. Athen., 2.)—7. (xxxv., 11.)

bull, of this description, was very celebrated; he painted a black bull upon a light ground; the animal was powerfully foreshortened, and its shadow was thrown upon a part of the surrounding crowd, by which a remarkable effect was produced.¹

Apelles was a native of Ephesus or of Colophon,² according to the general testimony of Greek writers, although Pliny³ terms him of Cos. Pliny asserts that he surpassed all who either preceded or succeeded him; the quality, however, in which he surpassed all other painters will scarcely bear a definition; it has been termed grace, elegance, beauty, *χάρις*, *venustas*. Fuseli⁴ defines the style of Apelles thus: "His great prerogative consisted more in the union than the extent of his powers; he knew better what he could do, what ought to be done, at what point he could arrive, and what lay beyond his reach, than any other artist. Grace of conception and refinement of taste were his elements, and went hand in hand with grace of execution and taste in finish; powerful and seldom possessed singly, irresistible when united."

The most celebrated work of Apelles was perhaps his Venus Anadyomene, Venus rising out of the waters.⁵

"*In Veneris tabula summam sibi ponit Apelles.*"

The beautiful goddess was represented squeezing the water with her fingers from her hair, and her only veil was the silver shower which fell from her shining locks. Ovid elegantly alludes to it in the following lines.⁶

"*Sic madidos siccant digitis Venus uda capillos,
Et modo maternis lecta videtur aquis.*"

So great, indeed, was the admiration of the ancients for this picture, that, according to the same poet,⁷ Venus chiefly owed to it her great reputation for beauty.

"*Si Venerem Cous nunquam pinxisset Apelles,
Mersa sub aquareis illa lateret aquis.*"

Apelles excelled in portrait, and, indeed, all his works appear to have been portraits in an extended sense; for his pictures, both historical and allegorical, consisted nearly all of single figures. He enjoyed the exclusive privilege of painting the portraits of Alexander.⁸ One of these, which represented Alexander wielding the thunder-bolts of Jupiter, termed the Alexander *Κεραυνοφόρος*, so pleased the monarch that he ordered twenty talents of gold to be given to him. Plutarch⁹ says that this picture was the origin of the saying that there were two Alexanders, the one of Philip the invincible, the other of Apelles the inimitable. It appears to have been a master-piece of effect; the hand and lightning, says Pliny, seemed to start from the picture; and Plutarch¹⁰ informs us that the complexion was browner than Alexander's, thus making a finer contrast with the fire in his hand, which apparently constituted the light of the picture. Pliny¹¹ tells us that Apelles glazed his pictures in a manner peculiar to himself, and in which no one could imitate him. When his works were finished, he covered them with a dark transparent varnish (most probably containing asphaltum), which had a remarkable effect in harmonizing and toning the colours, and in giving brilliancy to the shadows. Sir J. Reynolds discovered in this account of Pliny "an artist-like description of the effect of glazing or scumbling, such as was practised by Titian and the rest of the Venetian painters."¹² There is a valuable though incidental remark in Cicero¹³ relating to the

colouring of Apelles, where he says that the tints of the Venus Anadyomene were not blood, but a resemblance of blood. The females, and the pictures generally, of Apelles, were most probably simple and unadorned; their absolute merits, and not their effect, constituting their chief attraction. Clemens Alexandrinus¹ has preserved a memorable reproof of Apelles to one of his scholars, who, in a picture of Helen, had been lavish of ornament: "Youth, since you could not paint her beautiful, you have made her rich."

Protopogenes of Caunus, a contemporary of Apelles, was both statuary and painter; he was remarkable for the high finish of his works. Petronius² remarks, that the excessive detail and finish of the works of Protopogenes, vying with nature itself, inspired him with a certain feeling of horror ("*non sine quodam horrore tractavi*"). His most celebrated work was his figure of Ialysus with his dog; Pliny³ and Plutarch⁴ both mention that Protopogenes was occupied seven years with this picture; and Pliny says he painted it over four times ("*huic picturæ quater colorem induxit*"); from which it would appear that the way in which the ancients embodied their colours in their pictures can have differed little, if at all, from the manner practised by the majority of the artists of the modern schools of painting. The four times of Protopogenes most probably were the dead colouring, a first and a second painting, and, lastly, scumbling with glazing. Plutarch⁵ says that when Apelles saw this picture, he was at first speechless with astonishment, but presently remarked that it was a great and a wonderful work, but that it was deficient in those graces for which his own pictures were so famous.

Euphranor the Isthmian was celebrated equally as painter and statuary; he was, says Pliny,⁶ in all things excellent, and at all times equal to himself. He was distinguished for a peculiarity of style of design; he was fond of a muscular limb, and adopted a more decided anatomical display generally, but he kept the body light in proportion to the head and limbs. Pliny says that Euphranor first represented heroes with dignity. Parrhasius was said to have established the canon of art for heroes; but the heroes of Parrhasius were apparently more divine, those of Euphranor more human. We have examples of both these styles in the Apollo and the Laocoön, and in the Meleager and the Gladiator, or the Antinous and the Discobolus. It was to this distinction of style which Euphranor apparently alluded when he said that the Theseus of Parrhasius had been fed upon roses, but his own upon beef.⁷ Euphranor painted in encaustic, and executed many famous works; the principal were, a battle of Mantinea, and a picture of the twelve gods.⁸

Nicias of Athens was celebrated for the delicacy with which he painted females, and for the rich tone of chiaroscuro which distinguished his paintings. He also painted in encaustic. His most celebrated work was the *νεκρία*, or the region of the shades of Homer (*necromantia Homeri*), which he declined to sell to Ptolemy I. of Egypt, who had offered sixty talents for it, and preferred presenting to his native city, Athens, as he was then sufficiently wealthy. Nicias also painted some of the marble statues of Praxiteles.⁹

Athenion of Maronea, who painted also in encaustic, was, according to Pliny,¹⁰ compared with, and even preferred by some to, Nicias; he was more austere in colouring, but in his austerity more pleas-

1. (Plin., l. c.)—2. (Suidas, s. v.)—3. (l. c.)—4. (Lect. i.)—5. (Propert., iii., 9, ll.)—6. (Trist., ii., 527.)—7. (Art. Amat., iii., 401.)—8. (Hor., Ep., ll., i., 239.)—9. (Fort. Alex. Mag., 2, 2.)—10. (Alex., 4.)—11. (l. c.)—12. (Notes to Fresn., 37.)—13. (De Nat. Deor., i., 37.)

1. (Pedagog., ii., 12.)—2. (Sat., 83.)—3. (l. c.)—4. (Demet., 22.)—5. (l. c.)—6. (xxxv., 40.)—7. (Plut., De Glor. Athen., 2.)—8. (Plin., l. c.)—9. (Plin., l. c.—Plut., l. c.—Paus., i., 3.—Lucian, Imag., 7.—Val. Max., viii., 11, § 5.—Eustath. ad Il., i., 529, &c.)—10. (Plin., xxxv., 40.—Plut., Mor. Epicur., c. 11.—Vid. No. VIII.)—11. (l. c.)

ing; and if he had not died young, says Pliny, he would have surpassed all men in painting. He appears to have looked upon colours as a mere means, to have neglected pictorial effect, and, retaining individuality, and much of the refinement of design of his contemporaries, to have endeavoured to combine them with the generic style of Polygnotus and Phidias (*ut in ipsa pictura eruditio cluceat*). His picture of a groom with a horse is mentioned by Pliny as a remarkable painting.

Philocharès, the brother of the orator Æschines, was also a painter of the greatest merit, according to Pliny,¹ although he is contemptuously termed by Demosthenes² "a painter of perfume-pots and tambours" (*ἀλαστροθήκας καὶ τύμπανα*).

Echion also, of uncertain country, is mentioned by Cicero³ and Pliny⁴ as a famous painter. Pliny speaks of a picture of a bride by him as a noble painting, distinguished for its expression of modesty. A great compliment is also incidentally paid to the works of Echion by Cicero,⁵ where he is apparently ranked with Polyctetus.

Theon of Samos was distinguished for what the Greeks termed *φαντασία*, according to Quintilian,⁶ who also ranks him with painters of the highest class. Pliny,⁷ however, classes him with those of the second degree. Ælian gives a spirited description of a young warrior painted by Theon.⁸

XIV. *Decline*.—The causes of the decline of painting in Greece are very evident. The political revolutions with which it was convulsed, and the various dynastic changes which took place after the death of Alexander, were perhaps the principal obstacles to any important efforts of art; the intelligent and higher classes of the population, upon whom painters chiefly depend, being to a great extent engrossed by politics or engaged in war. Another influential cause was, that the public buildings were already rich in works of art, almost even to the exhaustion of the national mythology and history; and the new rulers found the transfer of works already renowned a more sure and a more expeditious method of adorning their public halls and palaces, than the more tardy and hazardous alternative of requiring original productions from contemporary artists.

The consequence was, that the artists of those times were under the necessity of trying other fields of art; of attracting attention by novelty and variety: thus rhyparography (*ῥυπαρογραφία*), pornography, and all the lower classes of art, attained the ascendancy, and became the characteristic styles of the period. Yet, during the early part of this period of decline, from about B.C. 300 until the destruction of Corinth by Mummius, B.C. 146, there were still several names which upheld the ancient glory of Grecian painting; but subsequent to the conquest of Greece by the Romans, what was previously but a gradual and scarcely sensible decline, then became a rapid and a total decay.

In the lower descriptions of painting which prevailed in this period, Pyreicus was pre-eminent; he was termed Rhyparographos (*ῥυπαρογράφος*), on account of the mean quality of his subjects. He belonged to the class of genre-painters, or "peintres du genre bas," as the French term them. The Greek *ῥυπαρογραφία*, therefore, is apparently equivalent to our expression, the Dutch style. Pyreicus,⁹ says Pliny, painted barbers' shops and cobblers' stalls, shell-fish, eatables of all sorts, and the like; and, although an humble walk, he excelled so greatly that he obtained the highest fame; and his small pictures were more valuable than the greatest works of many masters; in execution, few surpassed him.

1. (xxxv., 10.)—2. (Fals. Legat., p. 415, Reiske.)—3. (Brut., 18.)—4. (xxxv., 36.)—5. (Parad., v., 2.)—6. (l. c.)—7. (xxxv., 40.)—8. (V. H., ii., 44.)—9. (xxxv., 37.)

"*Pyreicus parva vindicat arte locum*,"

says Propertius¹ (*Pyreicus* is the emendation of Welcker² on the authority of Cod. Vat., l. v. With the common reading, Parrhasius, the line is unintelligible.) Pornography, or obscene painting, which in the time of the Romans was practiced with the grossest license,³ prevailed especially in no particular period in Greece, but was apparently tolerated to a considerable extent at all times. Parrhasius, Aristides, Pausanias, Nicophanes, Charephanes, Arellius, and a few other *πορνογράφοι* are mentioned as having made themselves notorious for this species of license.⁴

Of the few painters who still maintained the dignity of the dying art, the following may be mentioned: Mydon of Soli; Nealees, Leontiscus, and Trymanthes of Sicyon; Arcesilaus, Erigonus, and Phisias, of uncertain country; and Metrodorus of Athens, equally eminent as painter and as philosopher. The school of Sicyon, to which the majority of the distinguished painters of this period belonged, is expressly mentioned by Plutarch⁵ as the only one which still retained any traces of the purity and the greatness of style of the art of the renowned age. It appears to have been still active in the time of Aratus, about 250 B.C., who seems to have instilled some of his own enterprising spirit into the artists of his time. Aratus was a great lover of the art, but this did not hinder him from destroying the portraits of the Tyrants of Sicyon; one only, and that but partially, was saved.⁶

It was already the fashion in this age to talk of the inimitable works of the great masters; and the artists generally, instead of exerting themselves to imitate the master-pieces of past ages, seem to have been content to admire them. All works bearing great names were of the very highest value, and were sold at enormous prices. Plutarch mentions that Aratus bought up some old pictures, but particularly those of Melanthus and Pamphilus, and sent them as presents to Ptolemy III. of Egypt, to conciliate his favour, and to induce him to join the Achæan league. Ptolemy, who was a great admirer of the arts, was gratified with these presents, and presented Aratus with 150 talents in consideration of them.⁷ These were, however, by no means the first works of the great painters of Greece which had found their way into Egypt. Ptolemy Soter had employed agents in Greece to purchase the works of celebrated masters.⁸ Athenæus also expressly mentions the pictures of Sicyonian masters which contributed to add to the pomp and display of the celebrated festival of Ptolemy Philadelphus at Alexandria.

From the time of Alexander the spirit of the Greeks animated Egyptian artists, who adopted the standard of Grecian beauty in proportion and character. Antiphilus, one of the most celebrated painters of antiquity, was a native of Egypt, perhaps of Naucratis, and appears to have lived at the court of Ptolemy Soter. Many other Greek painters also were established in Egypt, and both the population and arts of Alexandria were more Greek than Egyptian.⁹

Among the most remarkable productions of this period were the celebrated ship of Hiero II. of Syracuse, which had Mosaic floors, in which the whole history of the fall of Troy was worked with admirable skill,¹⁰ and the immense ship of Ptolemy Philopator, on the prow and stern of which were carved

1. (iii., 9, 12.)—2. (ad Philostr., 396.)—3. (Propert., ii., 8.—Sueton., Tib., 43, and Vit. Hor.)—4. (Athen., xiii., p. 367.—Plut., De aud. Pœt., 3.—Plin., xxxv., 37.)—5. (Arat., 12.—Plut., Arat., 13.)—6. (Plut., Arat., 12.)—7. (Plut., Mor., 29, c. 11.)—8. (v., p. 196, c.)—9. (Quint., xii., 16.—Plin., xxxv., 37 and 40.—Athen., v., 196, seqq.)—10. (Athen., v., 197, c.)

ossal figures eighteen feet in height; and the whole vessel, both interior and exterior, was decorated with painting of various descriptions.¹

Nearly a century later than Aratus we have still mention of two painters at Athens of more than ordinary distinction, Heracleides a Macedonian, and Metrodorus an Athenian. The names of several others, however, of these times are preserved in history, but he notices them only in a cursory manner. When Paulus Æmilius had conquered Perseus, B.C. 168, he commanded the Athenians to send him their most distinguished painter to perpetuate his triumph, and their most approved philosopher to educate his sons. The Athenians selected Metrodorus the painter, professing that he was pre-eminent in both respects. Heracleides was a Macedonian, and originally a ship-painter; he repaired at Athens after the defeat of Perseus.² Plutarch, in his description of the triumph of Paulus Æmilius,³ says that the paintings and statues brought by him from Greece were so numerous that they required 250 wagons to carry them in procession, and that the spectacle lasted the entire day. P. Æmilius appears at all times to have been a great admirer of the arts, for Plutarch⁴ mentions that after his first consulship he took especial care to have his sons educated in the arts of Greece, and, among others, in painting and sculpture, and that he accordingly entertained masters of those arts (*πλάσται καὶ ὑπάρχοντες*) in his family; from which it is evident that the migration of Greek artists to Rome had already commenced before the general spoiliations of Greece. Indeed, Livy⁵ expressly mentions that many artists came from Greece to Rome upon the occasion of the ten days' games appointed by Fulvius Nobilior, B.C. 186. But Rome must have had its Greek painters even before this time; for the picture of the feast of Gracchus's soldiers after the battle of Beneventum, consecrated by him in the temple of Liberty on the Aventine, B.C. 213,⁶ was (all probability the work of a Greek artist.

The system adopted by the Romans of plundering Greece of its works of art, reprobated by Póbius,⁷ was not without a precedent. The Carthaginians before them had plundered all the coast towns of Sicily, and the Persians, and even the Macedonians, carried off all works of art as the lawful prize of conquest.⁸ The Roman conquerors, however, at first plundered with a certain degree of moderation;⁹ as Marcellus at Syracuse, and Faustus Maximus at Tarentum, who carried away no more works of art than were necessary to adorn their triumphs or decorate some of the public buildings.¹⁰ The works of Greek art brought from Sicily by Marcellus were the first to inspire the Romans with the desire of adorning their public edifices with statues and paintings; which taste was converted into a passion when they became acquainted with the great treasures and almost inexhaustible sources of Greece, and their rapacity knew no bounds. Plutarch says that Marcellus¹¹ was accused of having corrupted the public morals through the introduction of works of art into Rome, since from that period the people wasted much of their time in disputing about arts and artists. But Marcellus gloried in the fact, and boasted, even before the Greeks, that he was the first to teach the Romans to esteem and to admire the exquisite productions of Greek art. We learn from Livy¹² that one of the ornaments of the triumph of Marcellus, 214 B.C., was a picture of the capture of Syracuse.

These spoiliations of Greece, of the Grecian kingdoms of Asia, and of Sicily, continued uninterrupted for about two centuries; yet, according to Mucianus, says Pliny,¹³ such was the inconceivable wealth of Greece in works of art, that Rhodes alone still contained upward of 3000 statues, and that there could not have been less at Athens, at Olympia, or at Delphi. The men who contributed principally to fill the public edifices and temples of Rome with the works of Grecian art, were Cn. Manlius, Fulvius Nobilior, who plundered the temples of Ambracia,¹⁴ Mummius, Sulla, Lucullus, Scæurus, and Verres.¹⁵

Mummius, after the destruction of Corinth, B.C. 146, carried off or destroyed more works of art than all his predecessors put together. Some of his soldiers were found by Polybius playing at dice upon the celebrated picture of Dionysius by Aristides.¹⁶ Many valuable works, also, were purchased on this occasion by Attalus III., and sent to Pergamum; but they all found their way to Rome on his death, B.C. 133, as he bequeathed all his property to the Roman people.¹⁷ Scæurus, in his ædileship, B.C. 58, had all the public pictures still remaining in Sicily transported to Rome on account of the debts of the former city, and he adorned the great temporary theatre which he erected upon that occasion with 3000 bronze statues.¹⁸ Verres ransacked Asia and Achaia, and plundered almost every temple and public edifice in Sicily of whatever was valuable in it. Among the numerous robberies of Verres, Cicero¹⁹ mentions particularly twenty-seven beautiful pictures taken from the Temple of Minerva at Syracuse, consisting of portraits of the kings and tyrants of Sicily.

From the destruction of Corinth by Mummius, and the spoliation of Athens by Sulla, the higher branches of art, especially in painting, experienced so sensible a decay in Greece, that only two painters are mentioned who can be classed with the great masters of former times: Timomachus of Byzantium, contemporary with Cæsar,²⁰ and Aetion, mentioned by Lucian,²¹ who lived apparently about the time of Hadrian.²² Yet Rome was, about the end of the Republic, full of painters, who appear, however, to have been chiefly occupied in portrait, or decorative and arabesque painting: painters must also have been very numerous in Egypt and in Asia. Paintings of various descriptions still continued to perform a conspicuous part in the triumphs of the Roman conquerors. In the triumph of Pompey over Mithradates, the portraits of the children and family of that monarch were carried in the procession;²³ and in one of Cæsar's triumphs, the portraits of his principal enemies in the civil war were displayed, with the exception of that of Pompey.²⁴

The school of art at Rhodes appears to have been the only one that had experienced no great change, for works of the highest class in sculpture were still produced there. The course of painting seems to have been much more capricious than that of sculpture, in which master-pieces, exhibiting various beauties, appear to have been produced in nearly every age from Phidias to Hadrian. A decided decay in painting, on the other hand, is repeatedly acknowledged in the later Greek and in the best Roman writers. One of the causes of this decay may be, that the highest excellence in painting requires the combination of a much greater variety of qualities; whereas invention and design,

¹ 44 then, v. 204, a.)—2. (Plin., xxxv., 40.)—3. (in Vit., 32.)—4. (ib., 6.)—5. (xxxix., 22.)—6. (Liv., xxiv., 16.)—7. (ix., 3.)

⁸ Sic., xlii., 90.—Polyb., ix., 6, § 1.—Liv., xxxi., 26.

⁹ xxxv., 19.—Id. ib., xxxv., 36.—9. (Cic. in Verres, v. 52, seqq.—Plut., Fab. Max., 22.—11. (in Vit., 21.)—12. (xxvi., 21.)

1. (xxxiv., 17.)—2. (Liv., xxxviii., 44.)—3. (Liv., xxxix., 5, 6, 7.—Plin., H. N., xxxiii., 53; xxxiv., 17; xxxvii., 6.)—4. (Strabo, viii., p. 381.)—5. (Plin., xxxiii., 53.)—6. (Plin., xxxv., 40; xxxvi., 24.)—7. (in Verres, iv., 55.)—8. (Plin., H. N., xxxv., 40, &c.)—9. (Imag., 7.—Herod., 5.)—10. (Müller, Archæol., § 211, 1.)—11. (Appian, De Bell. Mich., 117.)—12. (Id., De Bell. Civ. ii., 101.)

identical in both arts, are the sole elements of sculpture. Painters, also, are addicted to the pernicious, though lucrative practice of dashing off or despatching their works, from which sculptors, from the very nature of their materials, are exempt: to paint quickly was all that was required from some of the Roman painters.¹ Works in sculpture, also, through the durability of their material, are more easily preserved than paintings, and they serve, therefore, as models and incentives to the artists of after ages. Artists, therefore, who may have had ability to excel in sculpture, would naturally choose that art in preference to painting. It is only thus that we can account for the production of such works as the Antinous, the Laocoon, the Torso of Apollonius, and many others of surpassing excellence, at a period when the art of painting was comparatively extinct, or, at least, principally practised as mere decorative colouring, such as the majority of the paintings at Rome, Herculaneum, and Pompeii, now extant; though it must be remembered that these were the inferior works of an inferior age.

XV. *Roman Painting.*—The early painting of Italy and Magna Græcia has been already noticed, and we know nothing of Roman painting independent of that of Greece, though Pliny² tells us that it was cultivated at an early period by the Romans. The head of the noble house of the Fabii received the surname of Pictor, which remained in his family, through some paintings which he executed in the Temple of Salus at Rome, B.C. 304, which lasted until the time of the Emperor Claudius, when they were destroyed by the fire that consumed that temple. Pacuvius also, the tragic poet, and nephew of Ennius, distinguished himself by some paintings in the Temple of Hercules, in the Forum Boarium, about 180 B.C. Afterward, says Pliny,³ painting was not practised by *polite hands* (*honestis manibus*) among the Romans, except, perhaps, in the case of Turpilius, a Roman knight of his own times, who executed some beautiful works with his left hand at Verona. Yet Quintus Pedius, nephew of Q. Pedius, coher of Cæsar with Augustus, was instructed in painting, and became a great proficient in the art, though he died when young. Antistius Labeo also amused himself with painting small pictures.

Julius Cæsar, Agrippa, and Augustus were among the earliest great patrons of artists. Suetonius⁴ informs us that Cæsar expended great sums in the purchase of pictures by the old masters; and Pliny⁵ mentions that he gave as much as 80 talents for two pictures by his contemporary Timomachus of Byzantium, one an Ajax, and the other a Medea meditating the murder of her children. These pictures, which were painted in encaustic, were very celebrated works; they are alluded to by Ovid,⁶ and are mentioned by many other ancient writers.

There are two circumstances connected with the earlier history of painting in Rome which deserve mention. One is recorded by Livy,⁷ who informs us that the consul Tib. Sempronius Gracchus dedicated in the Temple of Mater Matuta, upon his return from Sardinia, B.C. 174, a picture of apparently a singular description; it consisted of a plan of the island of Sardinia, with representations of various battles he had fought there painted upon it. The other is mentioned by Pliny,⁸ who says that Lucius Hostilius Mancinus, B.C. 147, exposed to view in the Forum a picture of the taking of Carthage, in which he had performed a conspicuous part, and explained its various incidents to the peo-

ple. Whether these pictures were the productions of Greek or Roman artists, is doubtful; nor have we any guide as to their rank as works of art.

The Romans generally have not the slight claims to the merit of having promoted the arts. We have seen that, before the spoliation of Greece and Sicily, the arts were held in no estimation in Rome; and even afterward, until the time of the emperors, painting and sculpture: to have been practised very rarely by Romans; the works which were then produced were characterized by their bad taste, being merely records and gaudy displays of colour, while the city was crowded with the finest productions of ancient Greece.

There are three distinct periods observable in the history of painting in Rome. The first, or period of Græco-Roman art, may be dated from the conquest of Greece until the time of Augustus, when the artists were chiefly Greeks. The second, from the time of Augustus to the so-called Tyrants and Dioclesian, or from the beginning of the Christian era until about the latter end of the third century, during which time the greater part of Roman works of art were produced. The third comprehends the state of the arts during the exarchate; when Rome, in consequence of the foundation of Constantinople, and the changes it involved, suffered similar spoliations to those which it had previously inflicted upon Greece. This was the period of the total decay of the imitative arts among the ancients.

The establishment of Christianity, the division of the Empire, and the incursions of barbarians, were the first great causes of the important revolution experienced by the imitative arts, and the serious check they received; but it was reserved for the fanatic fury of the iconoclasts effectually to destroy all traces of their former splendour.

Of the first of these three periods sufficient has been already said; of the second there remain still a few observations to be made. About the beginning of the second period is the earliest age in which we have any notice of portrait-painters (*imaginum pictores*) as a distinct class. Pliny mentions particularly Dionysius and Sopolis as the most celebrated at about the time of Augustus, or perhaps earlier, who filled picture-galleries with their works, the former was surnamed the anthropograph, because he painted nothing but men. About the same age, also, Lala of Cyzicus was very celebrated; she painted, however, chiefly female portraits, but received greater prices than the other two.¹

Portraits must have been exceedingly numerous among the Romans; Varro made a collection of the portraits of 700 eminent men.² The portraits or statues of men who had performed any public service were placed in the temples and other public places, and several edicts were passed by the emperors of Rome respecting the placing of them.³ The portraits of authors, also, were placed in the public libraries; they were apparently fixed above the cases which contained their writings, below which chairs were placed for the convenience of readers.⁴ They were painted, also, at the beginning of manuscripts.⁵ Respecting the images or wax portraits, which were preserved in "armaria" in the atria of private houses,⁶ there is an interesting account in Polybius.⁷ With the exception of Aëtion, as already mentioned, not a single painter of this period rose to eminence, although some were, of course, more distinguished than others; as

1. (Juv., ix., 146.)—2. (H. N., xxxv., 7.)—3. (l. c.)—4. (Jul. Cæs., 47.)—5. (H. N., xxxv., 40.)—6. (Trist., ii., 525.)—7. (xli., 25.)—8. (H. N., xxxv., 7.)

1. (Plin., H. N., xxxv., 27, 40.)—2. (Plin., H. N., xxxv., 2.)—3. (Sueton., Tib., 26.—Calig., 34.)—4. (Cic. ad Att., vi., 10.—Sueton., Tib., 70.—Calig., 34.)—5. (Martial., xiv., 186.)—6. (Plin., xxxv., 2.—Senec., De Benef., iii., 28)—7. (vi., 53)

rellius; Fabullus, who painted Nese; Dorotheus, who copied for Nero dyomene of Apelles; Cornelius Pisticus, Marcus Ludius, Mallius, and ait, decorative, and scene painting ingrossed the art. Pliny and Vitruvius terms the deplorable state of ir times, which was but the cornhe decay; Vitruvius has devoted an to a lamentation over its fallen y speaks of it as a dying art.² The tances,⁴ as a sign of the madness of e *etatis insaniam*), the colossal por- 120 feet high, which was painted thing unknown till that time. us, in the time of Augustus, became for his landscape decorations, which l with figures actively employed in ited to the scenes; which kind of e universal after his time, and apvery species of license. Vitruvius ate of decorative painting in his own it was formerly, and he enumerates ds of wall-painting in use among They first imitated the arrangement slabs of marble, then the variegated nces of panels, to which were after- hitectural decorations; and, finally, vere painted tragic, comic, or satyric the long galleries and corridors vandscapes, or even subjects from the igher walks of history. But these the time of Vitruvius tastelessly laid given place to mere gaudy display, or stic and wild conceptions, such as intings which have been discovered

came to be practised by slaves, and body, were held in little or no esing the depraved application of the riod, see Plin., xxxv., 33.—Petron., ert., ii., 6.—Sueton., *Tib.*, 43.—Ju- xii., 28.

ctura de musico, opus musicum, was Rome in the time of the early em- also common in Greece and Asia lier period, but at the time of which ating it began to a great extent even ainting. It was used chiefly for s and also ceilings were sometimes he same way.⁵ There were various ; the *lithostrota* were distinct from *musivo*. There were several kinds the *sectile*, the *tessellatum*, and the hich are all mechanical and orna- napplicable to painting, as they were ar figures. As a general distinction um and lithostrotum, it may be ob- picture itself was *de musivo* or *opus s frame*, which was often very large was *lithostrotum*. The former was is coloured small cubes (*tessera* or erent materials, and the latter of s, *crusta*, of various marbles, &c.; e termed *musivarii* and *quadratarii* pectively. Pliny⁶ attributes the ori- vements to the Greeks. He men- otus œcus⁷ at Pergamum, by Sosus, rated of the Greek musivarii, the hich represented the remnants of a entions, also at Pergamum, the fa- us with the doves, of which the

"Doves of the Capitol" is supposed to be a copy.¹ Another musivarius of antiquity was Dioscorides of Samos, whose name is found upon two mosaics of Pompeii.² Five others are mentioned by Müller.³ There are still many great mosaics of the ancients extant. (See the works of Ciampini, Furietti, and Laborde.) The most interesting and most valuable is the one lately discovered in Pompeii, which is supposed to represent the battle of Issus. This mosaic is certainly one of the most valuable relics of ancient art, and the design and composition of the work are so superior to its execution, that the original has evidently been the production of an age long anterior to the degenerate period of the mosaic itself. The composition is simple, forcible, and beautiful, and the design exhibits in many respects merits of the highest order. (See Nicolini, *Quadro in musaico scoperto in Pompeii*.—Mazois, *Pompei*, iv., 48 and 49; and Müller, *Denkmäler der alten Kunst*, i., 55.)

PALA (παλά), a Spade.⁴ The spade was but little used in ancient husbandry, the ground having been broken and turned over by the plough, and also by the use of large hoes and rakes. (*Vid. Ligo, RASTRUM*.) But in some cases a broad cutting edge was necessary for this purpose, as, for example, when the ground was full of the roots of rushes or other plants.⁵ Also in gardening it was an indispensable instrument, and it was then made on the same principle as the ploughshare, viz., by casing its extremity with iron.⁶ The annexed woodcut, taken from a funeral monument at



Rome,⁷ exhibits a deceased countryman with his falx and bidens, and also with a pala, modified by the addition of a strong crossbar, by the use of which he was enabled to drive it nearly twice as deep into the ground as he could have done without it. In this form the instrument was called *bipalium*, being employed in trenching (*pastinatio*), or, when the ground was full of roots to a considerable depth, in loosening them, turning them over, and extirpating them, so as to prepare the soil for planting vines and other trees. By means of this implement, which is still used in Italy, and called *vanga*, the ground was dug to the depth of two spades, or nearly two feet.⁸ Cato⁹ mentions wooden spades (*palas ligneas*) among the implements necessary to the husbandman. One principal application of them was in

xxxv., 37, &c.)—2. (vii., 5.)—3. (H. N., xv., 33.)—5. (Plin., H. N., xxxvi., 60, 64.—542, d.—Senec., Ep., 86—Lucan, x., 116.)—10)

1. (Mus. Cap., iv., 69.)—2. (Mus. Borb., iv., 34.)—3. (Archæol., § 322, 4.)—4. (Cato, De Re Rust., 10.—Plin., H. N., xvii., 17, s. 27; 22, s. 35.)—5. (Plin., H. N., xviii., 8.)—6. (Colum., x., 45.)—7. (Fabretti, Inscr. Ant., p. 574.)—8. (Plin., H. N., xviii., 26, s. 62.—Cato, De Re Rust., v., 6, p. 214; xi., 3, p. 450, ed. Bip.)—9. (Ib., 11)

winnowing. The winnowing-shovel, also called in Latin *ventilabrum*, is still generally used in Greece, and the mode of employing it is exhibited by Stuart in his "Antiquities of Athens." The corn which has been threshed lies in a heap upon the floor, and the labourer throws it to a distance with his shovel, while the wind, blowing strongly across the direction in which it is thrown, drives the chaff and refuse to one side.¹ The fruit of leguminous plants was purified and adapted to be used for food in the same manner.²

The term *pala* was applied anciently, as it is in modern Italian, to the blade or broad part of an oar. (*Vid. REMUS.*) In a *RIXO*, the broad part which held the gem was called by that name.

PALÆSTRA (*παλαιστρα*) properly means a place for wrestling (*παλαίειν, πάλη*), and appears to have originally formed a part of the gymnasium. The word was, however, used in different senses at various periods, and its exact meaning, especially in relation to the gymnasium, has occasioned much controversy among modern writers. It first occurs in Herodotus,³ who says that Clisthenes of Sicyon built a *dromos* and a *palaestra*, both of which he calls by the general name of *palaestra*. At Athens, however, there was a considerable number of *palaestræ* quite distinct from the *gymnasia*, which were called by the names either of their founders, or of the teachers who gave instruction there; thus, for example, we read of the *palaestra* of *Taureas*.⁴ Krause⁵ contends that the *palaestræ* at Athens were appropriated to the gymnastic exercises of boys and youths (*παῖδες* and *μετρίκια*), and the *gymnasia* to those of men; but Becker⁶ has shown that this cannot be the true distinction, although it appears that certain places were, for obvious reasons, appropriated to the exclusive use of boys.⁷ But that the boys exercised in the *gymnasia* as well, is plain from many passages⁸ (*παῖς ὄρατος ἀπὸ γυμνασίου*⁹), while, on the other hand, we read of men visiting the *palaestræ*.¹⁰

It appears most probable that the *palaestræ* were, during the flourishing times of the Greek republics, chiefly appropriated to the exercises of wrestling and of the *pancratium*, and were principally intended for the *athletæ*, who, it must be recollected, were persons that contended in the public games, and therefore needed special training. This is expressly stated by Plutarch,¹¹ who says "that the place in which all the *athletæ* exercise is called a *palaestra*;"¹² and we also learn from Pausanias¹³ that there were at Olympia *palaestræ* especially devoted to the *athletæ*. In Athenæus¹⁴ we read of the great *athletes* *Damippus* coming out of the *palaestra*; and Galen (*περὶ τοῦ διὰ μικρᾶς σφαίρας γυμνασίου*, c. 5) places the *athletæ* in the *palaestra*.¹⁴

The Romans had originally no places corresponding to the Greek *gymnasia* and *palaestræ*; and when, towards the close of the Republic, wealthy Romans, in imitation of the Greeks, began to build places for exercise in their villas, they called them indifferently *gymnasia* and *palaestræ*.¹⁵ The words were thus used by the Romans as synonymous; and, accordingly, we find that Vitruvius¹⁶ gives a description of a Greek gymnasium under the name of *palaestra*.

PALÆSTRA. (*Vid. PALUS.*)

PALATINI LUDI. (*Vid. LUDI PALATINI.*)

1. (Theocr., vii, 156. — Matt., iii, 12. — Luke, iii, 17.) — 2. (Hom., Il., v., 499-502; xiii., 588-592.) — 3. (vi., 126, 128.) — 4. (Plat., Charm., init.) — 5. (Gymnastik und Agonistik der Hellen., p. 117, &c.) — 6. (Charikles, i., p. 311, 335, &c.) — 7. (Æsch., c Timarch., p. 35, Reiske.) — 8. (Antiph., De Cæd. invol., p. 661, Reiske.) — 9. (Aristoph., Av., 138, 140.) — 10. (Lucian, Navig., 4, vol. iii., p. 251, Reitz.) — 11. (Symp., ii., 4.) — 12. (v., 15, § 5; vi., 21, § 2.) — 13. (x., p. 417, f.) — 14. (Krause, lb., p. 115.) — 15. (Cic. ad Att., i., 4, 8, 9, 10; ad Quint. Frat., iii., 1, § 2; C. Verr., II., v., 72.) — 16. (v., 11.)

PALE (*πάλη, πάλαισμα, παλαισμοσύνη, or εικοβλητική, lucta, luctatio*), Wrestling. The word *πάλη* is sometimes used in a wider sense, embracing all gymnastic exercises with the exception of dancing, whence the schools of the *athletæ* were called *palaestræ*, that is, schools in which the *πάλη* in its widest sense was taught.¹ (*Vid. PALÆSTRA.*) There are also many passages in ancient writers in which *πάλη* and *παλαίειν* are used to designate any particular species of athletic games besides wrestling, or a combination of several games.²

The Greeks ascribed the invention of wrestling to mythical personages, such as *Palaestra*, the daughter of *Hermes*,³ *Antæus* and *Cereyus*,⁴ *Phorbas* of Athens, or *Theseus*.⁵ *Hermes*, the god of all gymnastic exercises, also presided over the *πάλη*. *Theseus* is said by Pausanias⁶ to have been the first who reduced the game of wrestling to certain rules, and to have thus raised it to the rank of an art, whereas before his time it was a rude fight, in which bodily size and strength alone decided the victory. The most celebrated wrestler in the heroic age was *Heracles*. In the Homeric age wrestling was much practised, and a beautiful description of a wrestling match is given in the *Iliad*.⁷ During this period wrestlers contended naked, and only the loins were covered with the *περιζώμα*,⁸ and this custom probably remained throughout Greece until *Ol.* 15, from which time the *perizoma* was no longer used, and wrestlers fought entirely naked.⁹ In the Homeric age, the custom of anointing the body for the purpose of wrestling does not appear to have been known; but in the time of Solon it was quite general, and was said to have been adopted by the *Cretans* and *Lacedæmonians* at a very early period.¹¹ After the body was anointed, it was strewed over with sand or dust, in order to enable the wrestler to take a firm hold of each other. At the festival of the *Sthenia* in Argos, the *πάλη* was accompanied by flute-music. (*Vid. STHENIA.*)

When two *athletæ* began their contest, each might use a variety of means to seize his antagonist in the most advantageous manner, and to throw him down without exposing himself,¹² but one of the great objects was to make every attack with elegance and beauty, and the fight was for this, as well as for other purposes, regulated by certain laws.¹³ Striking, for instance, was not allowed, but pushing an antagonist backward (*ὠπισμόν*) was frequently resorted to.¹³ It is probably on account of the laws by which this game was regulated, and the great art which it required in consequence, that *Plutarch*¹⁴ calls it the *τεχνικώτατον καὶ πανουργώτατον τῶν ἀθλημάτων*. But, notwithstanding these laws, wrestling admitted of greater cunning, and more tricks and stratagems, than any other game, with the exception of the *pancratium*,¹⁵ and the Greeks had a great many technical terms to express the various stratagems, positions, and attitudes in which wrestlers might be placed. Numerous scenes of wrestlers are represented on ancient works of art.¹⁶ (See woodcut in *PANCRATIUM*.)

The contest in wrestling was divided by the ancients into two parts, viz., the *πάλη ὀρθή* or *ὀρθία* (*ὀρθοστάθην παλαίειν*), that is, the fight of the *ath-*

1. (Plat., De Legg., vii., p. 795. — Herod., ix., 33.) — 2. (*Vid. Krause*, p. 400, note 2.) — 3. (Apollod., ii., 4, § 9.) — 4. (Plat., De Legg., vii., p. 796.) — 5. (Schol. ad Pind., Nem., v., 49.) — 6. (ii., 39, § 3.) — 7. (xxiii., 710, &c. — Compare *Od.*, viii., 103, 109, 240. — *Hesiod.*, Scut. Herc., 302, where μάχην ἰλεγκόν signifieth the *πάλη*.) — 8. (Il., xxiii., 700.) — 9. (Thucyd., i., 6, with the schol. — Paus., i., 44, § 1. — *Dionys.*, Hal., vii., 72.) — 10. (Thucyd., i., 6, Plat., De Republ., v., p. 452.) — 11. (Ovid, Met., ix., 33, &c. — Stat., Theb., vi., 831, &c. — *Heliod.*, Æthiop., x., p. 235.) — 12. (Plat., De Legg., viii., p. 834. — *Cic.*, Orat., 68. — *Lucian.*, Anach., ii., 24.) — 13. (Elian., V. H., xi., 1.) — 14. (Plut., Symp., ii., 3. — *Lucian.*, Anach., ii., 24.) — 15. (Symp., ii., 4.) — 16. (Xen., Cyrop., i., 4, § 32.) — 17. (Krause, i., p. 412, &c.)

etæ as long as they stood upright, and the ἀλινόησις or κούλις (*lucta volutatoria*), in which the athletes struggled with each other while lying on the ground. Unless they contrived to rise again, the ἀλινόησις was the last stage of the contest, which continued until one of them acknowledged himself to be conquered. The πάλη ὀρθή appears to have been the only one which was fought in the times of Homer, as well as afterward in the great national games of the Greeks; and as soon as one athlete fell, the other allowed him to rise and continue the contest if he still felt inclined.¹ But if the same athlete fell thrice, the victory was decided, and he was not allowed to go on.² The ἀλινόησις was only fought in later times, at the smaller games, and especially in the pancratium. The place where the wrestlers contended was generally soft ground, and covered with sand.³ Effeminate persons sometimes spread large and magnificent carpets on the place where they wrestled.⁴ Each of the various tribes of the Greeks seems to have shown its peculiar and national character in the game of wrestling in some particular trick or stratagem, by which it excelled the others.

In a dietetic point of view, the ἀλινόησις was considered beneficial to the interior parts of the body, the loins, and the lower parts in general, but injurious to the head, whereas the πάλη ὀρθή was believed to act beneficially upon the upper parts of the body. It was owing to these salutary effects that wrestling was practised in all the gymnasia as well as in the palastræ, and that in Ol. 37 wrestling for boys was introduced at the Olympic games, and soon after in the other great games, and at Athens in the Eleusinia, and Thesea also.⁵ The most renowned of all the Greek wrestlers in the historical æge was Milon of Croton, whose name was known throughout the ancient world.⁶ Other distinguished wrestlers are enumerated by Krause,⁷ who has also given a very minute account of the game of wrestling, and everything connected with it, in his *Gymnastik und Agon. d. Hell.*, p. 400-439.

PALILIA, a festival celebrated at Rome every year on the 21st of April, in honour of Pales, the tutelary divinity of shepherds. Some of the ancient writers call this festival *Parilia*, deriving the name from *pario*, because sacrifices were offered on that day *pro pascu pecoris*.⁸ The 21st of April was the day on which, according to the early traditions of Rome, Romulus had commenced the building of the city, so that the festival was at the same time solemnized as the dies natalis of Rome;⁹ and some of the rights customary in later times were said to have been first performed by Romulus when he fixed the pomerium.¹⁰ Ovid¹¹ gives a description of the rites of the Palilia, which clearly shows that he regarded it as a shepherd-festival, such as it must originally have been when the Romans were real shepherds and husbandmen, and as it must have continued to be among country people in his own time, as is expressly stated by Dionysius; for in the city itself it must have lost its original character, and have been regarded only as the dies natalis. The connexion, however, between these two characters of the festival is manifest, as the founders of the city were, as it were, the kings of shep-

herds, and the founders of a religion suited to shepherds.

The first part of the solemnities, as described by Ovid, was a public purification by fire and smoke. The things burned in order to produce this purifying smoke were the blood of the *October-horse*, the ashes of the calves sacrificed at the festival of Ceres, and the shells of beans. The people were also sprinkled with water; they washed their hands in spring-water, and drank milk mixed with must.¹ As regards the *October-horse* (*equus October*), it must be observed, that in early times no bloody sacrifice was allowed to be offered at the Palilia, and the blood of the October-horse, mentioned above, was the blood which had dropped from the tail of the horse sacrificed in the month of October to Mars in the Campus Martius. This blood was preserved by the vestal virgins in the Temple of Vesta, for the purpose of being used at the Palilia.² When, towards the evening, the shepherds had fed their flocks, branches of bay were used as brooms for cleaning the stables and for sprinkling water through them, and, lastly, the stables were adorned with bay boughs. Hereupon the shepherds burned sulphur, rosemary, fir-wood, and incense, and made the smoke pass through the stables to purify them; the flocks themselves were likewise purified by this smoke. The sacrifices which were offered on this day consisted of cakes, millet, milk, and other kinds of eatables. The shepherds then offered a prayer to Pales. After these solemn rites were over, the cheerful part of the festival began: bonfires were made of heaps of hay and straw, and under the sounds of cymbals and flutes the sheep were again purified by being compelled to run three times through the fire, and the shepherds themselves did the same. The festival was concluded by a feast in the open air, at which the people sat or lay upon benches of turf, and drank plentifully.³

In the city of Rome the festival must, at least in later times, have been celebrated in a different manner; its character of a shepherd-festival was forgotten, and it was merely looked upon as the day on which Rome had been built, and was celebrated as such with great rejoicings.⁴ In the reign of Caligula, it was decreed that the day on which the emperor had come to the throne should be celebrated under the name of Palilia, as if the Empire had been revived by him, and had commenced its second existence.⁵ Athenæus⁶ says that before his time the name *Palilia* had been changed into *Romana* (Ρωμαία). Whether this change of name was occasioned by the decree in the reign of Caligula just mentioned, is unknown.⁷

PALIMPSESTUS. (*Vid. LIBER.*)

PALLA. (*Vid. PALLIUM.*)

PALL'ACE (παλλακή). (*Vid. CONCUBINA, GREEK.*)

PALLIATA FA'BULA. (*Vid. COMEDIA*, page 300.)

P'ALLIUM, *dim.* PALLIOLUM, *poet.* PALLA* (*μάτιον*, *dim.* ματίδιον; *Ion.* and *poet.* φάρος), a blanket or whittle, a sheet, a pall. The English *cloak*, though commonly adopted as the proper translation of these terms, conveys no accurate conception of the form, material, or use of that which they denoted. The article designated by them was always a rectangular piece of cloth, exactly, or at least, nearly square (*τετράγωνον μάτιον*,¹ *quadrangulus*¹⁰). Hence it could easily be divided without loss

1. (Plat., *De Legg.*, vii., p. 796.—Corn. Nep., *Epam.*, 2.—Lucian., *Lexiph.*, 5.)—2. (Senec., *De Benef.*, v., 3.—Æschyl., *Agam.*, 171.—Anthol. Gr., tom. ii., p. 406, ed. Jacobs.)—3. (Xen., *Anab.*, iv., 8, § 26.—Lucian., *Anach.*, 2.)—4. (Athen., *iii.*, p. 539.)—5. (Paus., v., 8, § 3; iii., 11, § 6.—Pind., *Ol.*, viii., 16.—Gell., xv., 20.—Plut., *Symp.*, ii., 5.)—6. (Herod., iii., 137.—Strab., vi., p. 262, &c.—Diodor., xii., 9.)—7. (p. 135, &c.)—8. (*Fest.*, s. v. Pales.—Compare *Popularia sacra*: Varro, *De Ling. Lat.*, v., p. 55, Bip.—Dionys., i., p. 75, Sylburg.)—9. (*Fest.*, s. v. *Parilibus*.—Cic., *De Div.*, ii., 47.—Varro, *De Re Rust.*, i., 1.—Plin., *H. N.*, xviii., 66.)—10. (Dionys., l. c.)—11. (*Fest.*, s. v. 31 &c.)

1. (Ovid, *Fast.*, l. c.—Compare *Propert.*, iv., 1, 20.)—2. (Solin., p. 2, D.—*Fest.*, s. v. *October equus*.—Plut., *Romul.*, 12.)—3. (Fibull., ii., 5, 87, &c.—Compare *Propert.*, iv., 4, 75.)—4. (Athen., viii., p. 361.)—5. (Suet., *Calig.*, 16.)—6. (l. c.)—7. (Compare *Hartung*, *Die Relig. der Römer*, ii., p. 150, &c.)—8. (Plaut., *Men.*, II., iii., 41-47.—Ovid, *Amor.*, III., i., 12; ii., 25.)—9. (Posidonius ap. Athen., v., p. 213.)—10. (Tertull., *De Pallio*, 1.)

or waste either into four parts¹ or into twelve.² It was, indeed, used in the very form in which it was taken from the loom (*vid. ΤΕΛΛΑ*), being made entirely by the weaver (*τὸ ἱμάτιον ὑφίνα*³), without any aid from the tailor except to repair (*σαρκίρει, ἀκείσθαι*) the injuries which it sustained by time. Although it was often ornamented, more especially among the northern nations of Europe, with a fringe (*vid. ΦΙΜΒΡΙΛΑ*), yet this was commonly of the same piece with the pall or blanket itself. Also, whatever additional richness and beauty it received from the art of the dyer, was bestowed upon it before its materials were woven into cloth, or even spun into thread. Most commonly it was used without having undergone any process of this kind. The raw material, such as wool, flax, or cotton, was manufactured in its natural state, and hence blankets and sheets were commonly white (*λευκὰ ἱμάτια*⁴), although, from the same cause, brown, drab, and gray were also prevailing colours. The more splendid and elegant tints were produced by the application of the murex (*purpurata, conchyliata, purpurea, vestis; πορφύρου, ἀλουργή, ἱμάτια*⁵), the kermes (*coccineus, κόκκινον*), the argol (*fucatus*), and the saffron (*croceus, κροκατόν*). (*Vid. ΚΥΚΟΤΑ*.) Pale green was also worn (*δυσόκινον*⁶). Black and gray pallia were either made from the wool of black sheep,⁷ or were the result of the art of the dyer. They were worn in mourning (*μέλανα ἱμάτια, φαιὴν ἐσθήτα*⁸), and by sorceresses.¹⁰ The pallium of one colour (*ἰδιόχροον ἱμάτιον*, literally "the self-coloured blanket"¹¹) was distinguished from the variegated (*ποικίλον*); and of this latter class the simplest kinds were the striped (*δαδωτόν*¹²), in which the effect was produced by inserting alternately a woof of different colours, and the check or plaid (*scutulatum, tessellatum*), in which the same colours were made to alternate in the warp also. Zeuxis, the painter, exhibited at the Olympic games a plaid having his name woven in the squares (*τεσσα, πλεθία*) in golden letters.¹³ An endless variety was produced by interweaving sprigs or flowers in the woof (*ἀνθεσι πεποικιλμένον*¹⁴). By the same process, carried to a higher degree of complexity and refinement, whole figures, and even historical or mythological subjects, were introduced, and in this state of advancement the weaving of pallia was the elegant and worthy employment of females of the first distinction,¹⁵ and of Minerva, the inventress of the art, herself.¹⁶ The greatest splendour was imparted by the use of gold thread.¹⁷ Homer represents Penelope weaving a purple blanket for Ulysses, which also displayed a beautiful hunting-piece wrought in gold.¹⁸ The epithet *δίπλας*, which is commonly applied by the poets to these figured palls, probably denoted that they were made on the principle of a quilt or a Scotch carpet, in which two cloths of different colours are so interlaced as to form one double cloth, which displays a pattern of any kind, according to the fancy of the artist.

Although pallia were finished for use without the intervention of the tailor, they were submitted to the embroiderer (*Phrygia; ποικιλής, πλουμαριός*¹⁹), and still more commonly to the fuller (*vid. ΦΕΛΛΟ*), who received them both when they were new from the

loom and when they were sullied through use. Hence it was a recommendation of this article of attire to be well trodden (*ἔβστιπτον*¹) and well washed (*ἔπλυνέσθαι*²). The men who performed the operation are called *οἱ πλυνῆς, ἰ. ε.*, the washers, in an inscription found in the stadium at Athens. Another appellation which they bore, viz., *οἱ σπῆς*, the treaders,³ is well illustrated by the woodcut representing them at their work in p. 453.

Considering pallium and palla, *ἱμάτιον* and *φῆρα*, as generic terms, we find specific terms included under them, and denoting distinctions which depended on the materials of which the cloth was made. Among the Greeks and Romans, by far the most common material was wool.⁴ The blanket made of it (*lanæum pallium*⁵) was called (from the root of *lana*, wool) in Latin *LÆNA*, in Greek *χλαίνα*; and as the blanket varied, not only in colour and ornament, but also in fineness, in closeness of texture (*ἱματίων λεπτότητας*⁶), and in size, some of these differences were expressed by the diminutives of *χλαίνα*, such as *χλαίνιον, χλανίς, χλανίδιον, χλανίσκιον, χλανισκίδιον*.¹⁰ In like manner, we find the sheet not only designated by epithets added to the general terms in order to denote that it was made of flax, e. g., *ἱμάτιον λινοῦν, λίναιο νεόπιστα φῆρα, pallium lineum*,¹² but also distinguished by the specific terms *linteum, linteamen; sindon, σινδών, σινδόνιον*.¹³ A coarse linen sheet was also called *φῶσον*,¹⁶ and a fine one *ὀθόνη, dim. ὀθόνιον*.¹⁷ These specific terms are no doubt of Egyptian origin, having been introduced among the Hebrews, the Greeks, and the Romans, together with the articles of merchandise to which they were applied. On the same principle, a cotton sheet is called *palla carbæa*,¹⁸ and a silk shawl is denominated *pallium sericum*,¹⁹ and *ὀθόνιον Σαρδικόν*.²⁰

The following instances of the application of sheets and blankets to the purposes of common life, show that their uses were still more various among the Greeks and Romans than with us; and although, in some of these cases, the application may have been accidental, it serves not the less on that account to demonstrate the form and properties of the thing spoken of, and the true meaning of the various names by which it was called:

I. They were used, as we use them, to spread over beds and couches, and to cover the body during sleep (*ἱμάτιον, ἱματισμός, φῆρας, χλαίνα, χλανίσκιον, pallium*²¹). In many of these cases, it is to be observed that the same blanket which was worn as a garment by day served to sleep in at night, in exact agreement with the practice which to the present day prevails among the Bedouin Arabs, who constantly use their large hykes for both purposes. (*Vid. LECTUS, LODIX, ΤΑΠΕΣ*.)

II. They were spread on the ground and used for carpets. Clitus, the friend of Alexander, when he held a levee, appeared walking *ἐπὶ πορφύρων ἱματίων*

1. (John, ix., 23.)—2. (1 Kings, xi., 30.)—3. (Plato, Charm., p. 86, 98, ed. Heindorf.—Hipp. Min., p. 210, ed. Bekker.)—4. (Artem., ii., 3.)—5. (Heracl. Pont. ap. Athen., xii., p. 512.)—6. (Pollux, Onom., vii., 56.)—7. (Theoc., v., 98.)—8. (Xen., Hist. Gr., i., 7, § 8.—Artem., l. c.)—9. (Description in Fellows's Journal, 1838, p. 31.)—10. (Hor., Sat., l., viii., 23.)—11. (Artem., l. c.)—12. (Xen., Cyrop., viii., 3, § 8.)—13. (Plin., H. N., xxxv., 9, s. 30, 2.)—14. (Plato, Republ., viii., p. 401, ed. Bekker.)—15. (Hom., II., iii., 125-128; xxii., 440, 441.)—16. (Apoll. Rhod., i., 721-768.)—17. (Virg., Æn., iv., 262-264.—Plin., H. N., viii., 48; xxxiii., 19.—Auson., Epig., 37.—Themist., Orat., 21.—Q. Curt., iii., 3, 17.)—18. (Od., xix., 225-235.)—19. (Æsch., c. Timarch., p. 118, ed. Reiske.—Schol. ad loc.)

1. (Apollon. Rhod., ii., 30.)—2. (Hom., Od., viii., 425.)—3. (Schol. in Apoll. Rhod., l. c.)—4. (Plaut., Mil., III., l., 41.—Xen., Oecon., viii., 36.—Theoc., l. c.)—5. (Cic., De N. Deo, iii., 35.)—6. (Ælian., V. H., iv., 3.)—7. (Herod., iii., 134.—Athen., xii., p. 545, a; 548, a; 553, a.)—8. (Herod., i., 186, compared with Strabo, xvi., l., § 20.—Plut., Symp. Probl., vi., l.—Dionys., Ant. Rom., vii., 9.)—9. (Aristoph., Acharn., 31.—Æsch., c. Timarch., p. 142.—Alciphron, i., 38.)—10. (Anosph. Pax, 1002.)—11. (Orpheus, De Lapid., iv., 702.)—12. (Isid. Hætop. Orig., xix., 25.)—13. (Mart., Epig., iv., 12.)—14. (Hom., II., 86.—Mark, xiv., 51, 52.)—15. (Palladius, Vita Serap., 18. (Pollux, vii., c. 16.)—17. (Hom., II., iii., 141; xviii., 295.—Brouk. Anal., iii., 81.)—18. (Prudent., Psychom., 186, 187.)—19. (Stat. Sylv., III., iv., 89.)—20. (Arian, Peripl. Mar. Erythr., p. 184, 170, 173, 177, ed. Blancardi.—21. (Ælian., V. H., viii., 7; ii., 1.—Deut., xxiv., 13.—Theophr., Char., 23.)—22. (Soph., Trach., 916.—Compare 537.)—23. (Theocrit., xviii., 19; xxv., 25.—Hom., Od., xiv., 500-521; xvii., 86, 179; xx., 4, 95, 143.—Hymn. in Ven., 159-184.)—24. (Alciph., l. c.)—25. (Juv., vi., 202.—Spart., Hadr., 22.)

This was an affectation of Eastern luxury. The people at Jerusalem spread their hykes the ground,² they intended thereby to recog- nise as a king. (Vid. TAPES.)

They were hung over doors,³ and used as ggs or curtains.⁴ Thus Antigonus, sitting in it, heard two common soldiers reviling him, a t or sheet (*palla*) being interposed; he shook tle, and said, "Go farther off, lest the king hear you."⁵

At the bath persons wiped and rubbed them- not only with linen sheets (*linteis*), but with oft blankets (*pallii ex mollissima lana factis*⁶). coarse linen cloth used for this purpose was *sabanum* (*σαβανον*).

Agamemnon⁷ holds in his hand "a great pur- pose" to serve as a banner floating in the air. Pallia, especially of linen and cotton, were or sails (*φώσπωνες*,⁸ *λινόκροκον φάρος*⁹).

When Anthony's ships were on fire, his s, having failed to extinguish it by water, they could not obtain in sufficient quantity, upon it their thick blankets (*ιμάτια αὐτῶν τὰ*¹⁰).

Thick coarse blankets, which had not been fuller (*ιμάτια ἀγνάπτα*¹¹), were wrapped round snow to keep them from melting. (Vid.

A fine white blanket was sometimes used as ud (*φάρος ταφήιον*,¹² *ιμάτιον*¹³).

In Asia, horses and other animals used to ride vere covered with beautiful pallia, especially ceasions of ceremony or of rejoicing. Cyrus horses covered with striped cloths.¹⁴ When rsian ambassador, a few years ago, went to ee in London, his horses were in like man- overed *βαβδωτοῖς ιματίοις*.¹⁵ (Vid. TAPES.) this we distinguish the use of woollen loths in Europe.¹⁶

The newly-born infant was wrapped in a t (*φάρος*¹⁷). (Vid. INCUNABULA.)

Lastly, the blanket was the most common of the AMICTUS. (Vid. CHLAMYD.) Hence it continually mentioned in conjunction with tunica, which constituted the indutus. Such s as "coat and waistcoat," or "shoes and ags," are not more common with us than such e which follow in ancient authors: *tunica aque*¹⁸ *ιμάτιον καὶ χιτῶν*, in the will of a cer- ilosopher;¹⁹ *τὸ ιμάτιον καὶ τὸν χιτωνίσκον; φῶ- χιτῶν*;²⁰ *χλαῖν.ν τ' ἡδὲ χιτῶνα*;²¹ *χλανίς καὶ εκος*.²² The passages referred to in the note mply the practice of naming these two ar- of dress together.²³

Although the pallium and tunica were always ed as essential parts of an entire dress, yet of them might be worn without the other. in which the tunic was retained and the t laid aside are explained under the article

It is also evident that the pallium would the most convenient kind of dress when the

wearer of it had occasion to run; and we find that in such circumstances he either put it away entire- ly,² or folded it up as a Scottish Highlander folds his plaid, and threw it round his neck or over his shoulder.² Telemachus, in like manner, puts off his purple pallium, together with his swordbelt, when he is preparing to try his father's bow.³ On the other hand, to wear the blanket without the under-clothing indicated poverty or severity of man- ners, as in the case of Socrates,⁴ Agesilaus,⁵ and Gelon, king of Syracuse.⁶

The blanket was no doubt often folded about the body simply with a view to defend it from cold, and without any regard to gracefulness of appearance. It is thus seen on the persons of Polyneices and Par- thenopæus in the celebrated intaglio, now preserved at Berlin, representing five of the heroes who fought against Thebes, and copied on an enlarged scale in the annexed woodcut. The names of the several



heroes are placed beside them in Etruscan letters. This precious relic was found at Perugia. Winckelmann⁷ reckons it the most ancient of all the works of art, and says that "it holds among intaglios the same place which Homer occupies among poets." It shows, therefore, how, from the remotest periods of antiquity, a man "swathed" himself in his blan- ket (*σπαργανῶν ἐαυτὸν τοῖς τριβωνίοις*⁸). By a slight adaptation, the mode of wearing it was rendered both more graceful and more convenient. It was first passed over the left shoulder, then drawn be



hen., xii, p. 539, c.)—2. (St. Matt., xxi, 8.—St. Mark, St. Luke, xix, 30.)—3. (Prudent. adv. Sym., ii, 796.) heu., xii, p. 518, a.)—5. (Sen., De Ira, iii, 22.)—6. Sat., 28.)—7. (Hom., Il., viii, 221.)—8. (Lycoph., —9. (Eurip., Hec., 1080.—Hom., Od., v, 258.)—10. ass., i, 34.)—11. (Plat., Symp. Probl., vi, 6.)—12. Il., xviii, 353.—Id., Odys., ii, 91, 100.)—13. (Xen., Cy- 3, § 13.)—14. (Xen., Cyrop., viii, 3, § 16.)—15. (Com- Matthew, xxi, 7.—St. Mark, xi, 7.—St. Luke, xix, 6. (Veget., Art. Veterin., i, 42; ii, 59.)—17. (Hom., in Apoll., 121.)—18. (Cic. in Verr., II, v, 52.—Plaut., II, ii, 61.)—19. (Diog. Laert., v, 72.)—20. (Hom., Il., 28.—Od., viii, 423.)—21. (Hom., Il., ii, 262.—Od., iv, 229; viii, 455; x, 365, 451; xiv, 132, 154, 320, 341; xvii, 89.)—22. (Antiphanes, ap. Athen., xii, p. 545, (Aul. Gell., vi, 10.—Plaut., Trin., v, 2, 30.—Athen., 28, c, d, f.—Theophr., Char., 21.—St. Matthew, v, in, xix, 23—25.)

1. (Hom., Il., ii, 183.—Od., xiv, 500.)—2. (Plant., Capt., IV, i, 12; iv, 2, 9.—Ter., Phorm., V, vi, 4.)—3. (Hom., Od., xxi 118.—Vid. Acts, vii, 35.)—4. (Xen., Mem., i, 6, § 2.)—5. (ÆL, V. H., vii, 13.)—6. (Diod. Sic., xi, 26.)—7. (Desc. des pierres gravées de Stosch, p. 244—247.)—8. (Athen., vi., p. 238A.

hid the back and under the right arm, leaving it bare, and then thrown again over the left shoulder. Of this we see an example in a bas-relief engraved by Dodwell.¹ Another very common method was to fasten the blanket with a brooch (*vid. Fibula*) over the right shoulder (*ἀμφιπερονᾶσθαι*), leaving the right arm at liberty, and to pass the middle of it either under the left arm, so as to leave that arm at liberty also, or over the left shoulder, so as to cover the left arm. We see Phocion attired in the last-mentioned fashion in the admired statue of him preserved in the Vatican at Rome.² (See woodcut.) The attachment of the blanket by means of the brooch caused it to depend in a graceful manner (*demissa ex humeris*), and contributed mainly to the production of those dignified and elegant forms which we so much admire in ancient sculptures. When a person sat, he often allowed his blanket to fall from his shoulder, so as to envelop the lower part of his body only.

The sagum of the northern nations of Europe (see woodcut, p. 171) was a woollen pallium, fastened, like that of the Greeks, by means of a brooch, or with a large thorn as a substitute for a brooch.³ The Gauls wore in summer one which was striped and checkered, so as to agree exactly with the plaid which still distinguishes their Scottish descendants; in winter it was thick, and much more simple in colour and pattern.⁴ The Greeks and Romans also wore different pallia in summer and in winter. The thin pallium made for summer wear was called *λῆδος*, *dim. ληδάριον*,⁵ and *σπειρον*, *dim. σπειρίον*,⁶ in contradistinction from the warm blanket with a long nap, which was worn in winter (*lana*,⁷ *χλαίνα*,⁸ *ἀχλαινοί*).⁹ This distinction in dress was, however, practised only by those who could afford it. Socrates wore the same blanket both in summer and winter.¹⁰

One kind of blanket was worn by boys, another by men (*τὸ παιδικόν, τὸ ἀνδρῶν ἱμάτιον*). Women wore this garment as well as men. "Phocion's wife," says Ælian,¹¹ "wore Phocion's blanket;" but Xanthippe, as related by the same author,¹² would not wear that of her husband Socrates.¹³ When the means were not wanting, women wore blankets, which were in general smaller, finer, and of more splendid and beautiful colours than those of men (*θειμᾶτια ἀνδρῶν*), although men also sometimes displayed their fondness for dress by adopting in these respects the female costume. Thus Alcibiades was distinguished by his purple blanket, which trailed upon the ground;¹⁴ for a train was one of the ornaments of Grecian as well as Oriental dress (*ἱματίων ἐλξῆς*), the general rule being that the upper garment should reach the knee, but not the ground.¹⁵ When a marriage was celebrated, the bridegroom was conspicuous from the gay colour of this part of his dress.¹⁶ The works of ancient art show that weights (*glandes*) were often attached to the corners of the pallium to keep it in its proper place and form.

Philosophers wore a coarse and cheap blanket, which, from being exposed to much wear, was

called *τρίβων* and *τρίβώνιον* (*palliastrum*). The same was worn, also, by poor persons,¹⁷ by the Spartans,¹⁸ and in a later age by monks and hermits (*φαίον τρίβώνιον*, *sagum rusticum*). These blanket-makers (*τρίβωνοφόροι*) often went without a tunic, and they sometimes supplied its place by the greater size of their pallium. It is recorded of the philosopher Antisthenes that "he first doubled his blanket,"¹⁹ in which contrivance he was followed by his brother Cynics,²⁰ and especially by Diogenes, who also slept and died in it, and who, according to some, was the inventor of this fashion.²¹ The large pallium, thus used, was called *διπλοῖς* (*diplois*), and also *Ἐκώμης*, because, being worn without the fibula, it left the right shoulder bare, as seen in the preceding figure of Polynices, and in the bas-relief in Dodwell's Tour already referred to;²² and, when a girdle was added round the waist, it approached still more near to the appearance of the single-sleeved tunic, the use of which it superseded.

In addition to the ordinary modes of wearing the pallium, mentioned above, it was, on particular occasions, worn over the head, and sometimes so as to cover the face, more especially, I. In concealing grief, or any other violent emotion of the mind.²³ II. In case of rain;²⁴ III. In offering sacrifices, and in other acts of religion.²⁵ Of this custom Timotheus availed himself in his famous picture of the sacrifice of Iphigenia.²⁶ It is obvious how convenient the pallium was for concealing weapons or poison. The use of this garment to envelop the whole person gave origin to the metaphorical application of the verb *palliare*, meaning to hide or disguise. (*Vid. ABOLLA*.)

Under the Roman Republic and the early emperors, the *Toga* was worn by men instead of the pallium. They were proud of this distinction, and therefore considered that to be *palliatos* or *sagatus* instead of being *togatus* indicated an affectation of Grecian or even barbarian manners (*Græco pallia amictus*,²⁷ *Græci palliati*).²⁸ Cæcina, on his return from the north of Europe, offended the Romans (*sagatos*) by addressing them in a plaid (*versivivus sagulo*) and trowsers. (*Vid. BRACCÆ*.)²⁹ A small square cloth (*palliolum*) was, however, worn by the Romans on their heads instead of a hat, when they were sickly or infirm,³⁰ and some of them even adopted the Greek pallium instead of the Roman toga.³¹

Among the Greeks as among ourselves, the manufacture of sheets, blankets, and other kinds of cloth employed different classes of work-people. The coarser kinds of blankets were made in Megaris, where this was the staple trade of the country, the work being performed by slaves.³² At Athens there was a general cloth-market, called *ἱατροπέλας ἀγορά*.³³

PALMA. I. (*Vid. PES.*) *II. (*Vid. PRÆNII*)

PALMIPES. (*Vid. PES.*)

PALUDAMENTUM, according to Varro³⁴ and

1. (Tour through Greece, vol. i., p. 243.)—2. (Hom., *Il.*, x., 131-136.—Stat., *Theb.*, vii., 658, 659.—Apul., *Flor.*, ii., 1.)—3. Mus. Pio-Clement., tom. i., tav. 43.)—4. (Virg., *Æn.*, iv., 263.)—5. (Tacit., *Germ.*, 17.—Strab., iv., 4, 3.)—6. (Diod. Sic., v., 40.)—7. (Aristoph., *Aves*, 713, 717.)—8. (Hom., *Od.*, ii., 102; vi., 179.—Xen., *Hist. Gr.*, iv., 5, § 4.)—9. (Mart., xiv., 136.)—10. (Moeris, s. v.—Hom., *Il.*, xvi., 224.—Od., xix., 529.—Plut., *De Aud.*, p. 73, ed. Steph.)—11. (Callim., *Hymn.* in Dian., 115.)—12. (Xen., *Mem.*, i., 6, § 2.)—13. (Plut., *De Aud.*, *init.*)—14. (V. H., vii., 9.)—15. (vii., 10.)—16. (*Vid. also* Hom., *Od.*, v., 229, 230; x., 542, 543.—Plaut., *Mem.*, IV., ii., 36.—Herod., v., 87.)—17. (Aristoph., *Eccles.*, 26, 75, 333.)—18. (Plut., *Alcib.*, p. 350, 362, ed. Steph.)—19. (Plato, *Alcib.*, l., p. 341, ed. Bekker.—Ovid, *Met.*, xi., 166.—Quintil., xi., 2.)—20. (Ælian, V. H., xi., 10.—Theophr., *Char.*, 4.)—21. (Aristoph., *Plut.*, 530, 714.—Schol. in loc.)

1. (Aristoph., *Plut.*, 897.—Athen., v., p. 211, e.—Theophr., *Orat.*, x., p. 155, ed. Dindorf.)—2. (Apul., *Florid.*, i., 1.—Suet., *De Dic.*, p. 94, ed. Reiske.—Polyæn., *Strat.*, vi., 35.)—3. (Athen., xii., p. 535, e.—Ælian, V. H., vii., 12.)—4. (Suet., *Epist.*, 147.)—5. (Hieron., *Vita Hilar.*)—6. (Palladii, *Hort. Linc.* in *Vita Serap.*)—7. (Diog. Laert., vi., 6, 12.)—8. (Suet., *Anal.*, ii., 22.—Hor., *Epist.*, l. vii., 25.)—9. (Diog. Laert., ii., 22, 77.)—10. (Isid. *Hisp. Orig.*, xix., 34.)—11. (Plut., *Alcib.*, v., iv., 43.—Ælian, V. H., ix., 34.)—12. (Hom., *Il.*, xiv., 163.—viii., 83-95.—Xen., *Cyr.*, v., 1, § 4.—Euriip., *Suppl.*, 294.—Ion., 984.—Q. Curt., iv., 10, § 4; v., 12, § 8.—Ovid, *Fast.*, ii., 824.—2d Sam., xv., 30; xix., 4.—Ezek., xii., 6.)—13. (Apostol., *Nub.*, 268.)—14. (Ovid, *Met.*, i., 382, 398.)—15. (Plin., *Il. V.*, xxxv., 10, s. 36, § 6.—Val. Max., viii., 11, 6.—Quintil., p. 10.—Cic., *Orat.*, 22.)—16. (Plin., *Epist.*, iv., 11.)—17. (Plin., *Il. V.*, iii., 9.—Cic., *Phil.*, v., 5; xiv., 1.—Sueton., *Cæs.*, 48.—Val. Max., ii., 6, 10.)—18. (Tacit., *Hist.*, ii., 20.)—19. (Suet., *Clod.*, 2.—Quintil., xi., 3.)—20. (Suet., *Tib.*, 13.)—21. (Xen., *Mem.*, *Il.*, vii., 6.)—22. (Pollux., *Caom.*, vii., 18.)—23. (De *Lug. Lz.*, vii., 37.)

PALUDAMENTUM.

stus,¹ originally signified any military decoration ; but the word is always used to denote the cloak worn by a Roman general commanding an army, his principal officers and personal attendants, in contradistinction to the sagum (*vid.* SAGUM) of the common soldiers, and the toga, or garb of peace. It is the practice for a Roman magistrate, after he had received *imperium* from the comitia curiata, and offered up his vows in the Capitol, to march out of the city arrayed in the paludamentum (*exire paludatus*²), attended by his lictors in similar attire (*paludatus lictoribus*³); nor could he again enter the gates until he had formally divested himself of this emblem of military power, a ceremony considered so solemn and so indispensable that even the emperors served it.⁴ Hence Cicero declared that Verres had sinned "*contra auspicia, contra omnes divinas et humanas religiones,*" because, after leaving the city his paludamentum (*cum paludatus exisset*), he stole off in a litter to visit his mistress.⁵

The paludamentum was open in front, reached down to the knees or a little lower, and hung loosely over the shoulders, being fastened across the chest by a clasp. A foolish controversy has arisen among antiquaries with regard to the position of this clasp, some asserting that it rested on the right shoulder, others on the left, both parties appealing to ancient statues and sculptures in support of their several opinions. It is evident, from the nature of the garment, as represented in the three following illustrations, that the buckle must have shifted its place to place, according to the movements of the wearer; accordingly, in the first cut, which contains two figures from Trajan's column, one presenting an officer, the other the emperor with a fringed paludamentum, we observe the clasp on the right shoulder, and this would manifestly be its usual position when the cloak was not needed for warmth, for thus the right hand and arm would be free and unembarrassed; but in the second cut, copied from the *Raccolta Maffei*, representing also a Roman emperor, we perceive that the

PAMBOIOTIA.



the paludamentum were essentially, if not absolutely, the same. Nonius Marcellus considers the two terms synonymous, and Tacitus⁶ tells how the splendid naumachia exhibited by Claudius was viewed by Agrippina dressed *chlamyde aurata*, while Pliny⁷ and Dion Cassius,⁸ in narrating the same story, use respectively the expressions *paludamento aurotextili* and *χλαμύδι διαχρύσῳ*.



The colour of the paludamentum was commonly white or purple, and hence it was marked and remembered that Crassus, on the morning of the fatal battle of Carrhæ, went forth in a dark-coloured mantle.⁹

PALUS, a Pole or Stake, was used in the military exercises of the Romans. It was stuck into the ground, and the tiroes had to attack it as if it had been a real enemy; hence this kind of exercise is sometimes called *Palaria*.¹⁰ Juvenal¹¹ alludes to it when he says, "*Quis non vidit vulnera pali?*" and Martial¹² speaks of it under the name of *stipes*, "*Aut nudi stipitis ictus hebes.*"¹³

PAMBOIOTIA (*Παμβούωτια*), a festive panegyris of all the Bœotians, which the grammarians compare with the Panathenæa of the Atticans and the Panionia of the Ionians. The principal object of the meeting was the common worship of Athena Itonia, who had a temple in the neighbourhood of Coronea, near which the panegyris was held.¹⁴ From Polybius,¹⁵ it appears, that during this national festival no war was allowed to be carried on, and that in case of a war a truce was always concluded. The panegyris is also mentioned by Plutarch.¹⁶ It is a disputed point whether the Pamboeotia had any



clasp is on the left shoulder; while in the third, the visible head of a warrior from the great mosaic of Pompeii, we see the paludamentum flying back in the charge, and the clasp nearly in front. It may be said that the last is a Grecian figure; but this, true, is of no importance, since the chlamys and

1. (Ann., xii., 56.)—2. (H. N., xxxiii., 3.)—3. (lx., 33.)—4. (Val. Max., i., 6, § 11.—Compare Plin., H. N., xxii., 1.—Hirtius, De Bello Afric., c. 57.)—5. (Veget., i., 11.)—6. (vi., 247.)—7. (viii., 33, § 8.)—8. (Becker, Gallus, i., p. 278.)—9. (Strabo, ix., p. 411.—Paus., ix., 34, § 1.)—10. (iv., 3; ix., 34.)—11. (Amat. Narrat. p. 774, F.)

(s. v.)—2. (Cic. ad Fam., viii., 10.)—3. (Liv., xli., 10, xlv., 4.)—4. (Tacit., Hist., ii., 89.—Compare Sueton., Vitell., c. 11.)—5. (In Verr., II., v., 13.)

thing to do with the political constitution of Bœotia, or with the relation of its several towns to Thebes, which was at their head. The question is discussed in *Sainte Croix, Des gouvernements fédérat.*, p. 211, &c.—*Raoul Rochette, Sur la forme et l'administration de l'état fédératif des Bœotiens*, in the *Mém. de l'Acad. des Inscript.*, vol. viii. (1827), p. 214, &c.—*Wachsmuth, Hellen. Alt.*, I., i., p. 128, &c.

PANATHENÆA (Παναθήναια), the greatest and most splendid of the festivals celebrated in Attica in honour of Athena, in the character of Athena Polias, or the protectress of the city. It was said to have been instituted by Erichthonius,¹ and its original name, down to the time of Theseus, was believed to have been Athenæa; but when Theseus united all the Atticans into one body, this festival, which then became the common festival of all Atticans, was called Panathenæa.² According to this account, it would seem as if the name of the festival was derived from that of the city; but the original name Athenæa was undoubtedly derived from that of the goddess, and the subsequent appellation Panathenæa merely signifies the festival of Athena, common to, or celebrated by, all the Attic tribes conjointly. Panathenæa are indeed mentioned as having been celebrated previous to the reign of Theseus,³ but these writers merely transfer a name common in their own days to a time when it was not yet applicable. The Panathenæa, which, as far as the character implied in the name is concerned, must be regarded as an institution of Theseus, were celebrated once in every year.⁴ All writers who have occasion to speak of this festival agree in distinguishing two kinds of Panathenæa, the greater and the lesser, and in stating that the former were held every fifth year (πενταετηρίς), while the latter were celebrated once in every year. Libanius,⁵ by mistake, calls the lesser Panathenæa τριετηρίς.

The time when the lesser Panathenæa (which are mostly called Panathenæa, without any epithet, while the greater are generally distinguished by the adjective μεγάληα) were celebrated, is described by Proclus,⁶ in a vague manner, as following the celebration of the Bendidia; from which Meursius infers that the Panathenæa were held on the day after the Bendidia, that is, on the 20th of Thargelion. Petitus,⁷ on the other hand, has shown from Demosthenes⁸ that the Panathenæa must have fallen in the month of Hecatombæon, and Corsini⁹ has farther proved, from the same passage of Demosthenes, that the festival must have commenced before the 20th of this month, and we may add that it was probably on the 17th. Clinton¹⁰ has revived the opinion of Meursius.¹¹

The great Panathenæa were, according to the unanimous accounts of the ancients, a pentatesteris, and were held in the third year of every olympiad.¹² Proclus¹³ states that the great Panathenæa were held on the 28th of Hecatombæon. This statement, however, must not lead us to suppose that the great Panathenæa only lasted for one day; but Proclus, in mentioning this particular day, was probably thinking of the most solemn day of the festival on which the great procession took place,¹⁴ and which was, in all probability, the last day of the festival, for it is expressly stated that the festival lasted for several

days.¹ We have, moreover, every reason to suppose, with Bœckh, that the great Panathenæa took place on the same days of the month of Hecatombæon on which the lesser Panathenæa were held, and that the latter were not held at all in those years in which the former were celebrated. Now if, as we have supposed, the lesser Panathenæa commenced on the 17th, and the last day of the greater festival fell on the 28th of Hecatombæon, we may, perhaps, be justified in believing that the lesser, as well as the greater Panathenæa, lasted for twelve days, that is, from the 17th to the 28th of Hecatombæon. This time is not too long, if we consider that the ancients themselves call the Panathenæa the longest of all festivals,² and if we bear in mind the great variety of games and ceremonies that took place during the season. When the distinction between the greater and lesser Panathenæa was introduced is not certain, but the former is not mentioned before Ol. 66, 3,³ and it may, therefore, be supposed that they were instituted a short time before Ol. 66, perhaps by Pisisstratus, for about his time certain innovations were made in the celebration of the Panathenæa, as is mentioned below. The principal difference between the two festivals only was, that the greater one was more solemn, and that on this occasion the peplos of Athena was carried to her temple in a most magnificent procession, which was not held at the lesser Panathenæa.

The solemnities, games, and amusements of the Panathenæa were: rich sacrifices of bulls, foot, horse, and chariot races, gymnastic and musical contests, and the lampadephoria; rhapsodists recited the poems of Homer and other epic poets, philosophers disputed, cockfights were exhibited, and the people indulged in a variety of other amusements and entertainments. It is, however, not to be supposed that all these solemnities and games took place at the Panathenæa from the earliest times. Gymnastic contests, horse and chariot races and sacrifices are mentioned in the legends belonging to the period anterior to the reign of Theseus.⁴ The prize in these contests was a vase filled with oil from the ancient and sacred olive-tree of Athena on the acropolis.⁵ A great many of such vases, called Panathenæic vases (ἀμφορείς Παναθηναϊκοί⁶), have in late years been found in Etruria, Southern Italy, Sicily, and Greece. They represent on one side the figure of Athena, and on the other the various contests and games in which these vases were given as prizes to the victors. The contests themselves have been accurately described from these vases by Ambrosch,⁷ and the probable order in which they took place has been defined by Müller.⁸

The poems of Homer were only read by rhapsodists at the great Panathenæa;⁹ and this custom commenced in the time of Pisisstratus or of his son Hipparchus, after these poems had been collected. Afterward the works of other epic poets were also recited on this occasion.¹⁰ Songs in praise of Hermodius and Aristogiton appear to have been among the standing customs at the Panathenæa. Musical contests in singing, and in playing the flute and the cithara, were not introduced at the Panathenæa until the time of Pericles; they were held in the Odeum.¹¹ The first who gained the victory in these contests was Phrynus, in Ol. 81, 1.¹² The prize for

1. (Harpoerat., s. v. Παναθήναια.—Marm. Par., Ep., 10.)—2. (Paus., viii., 2, § 1.—Plut., These., 24.—Apollod., iii., 14, § 6.—Hygin., Poet. Astron., ii., 13.—Suid., s. v. Παναθήναια.)—3. (Apollod., iii., 15, § 7.—Diod., iv., 60.)—4. (Harpoerat., Suid., s. v.)—5. (Argum. ad Demosth., Mid., p. 510.)—6. (ad Plat., Tim., p. 26, &c.)—7. (Leg. Att., p. 18.)—8. (c. Timocr., p. 708.)—9. (Fast. Att., ii., 327, &c.)—10. (Fast. Hellen., ii., p. 332, &c.)—11. (Comparé H. A. Müller, Panathenæica, c. 3.)—12. (Bœckh, Staats., ii., p. 165, &c.)—13. (ad Plat., Tim., p. 2.)—14. (Thucyd., vi., 56.)

1. (Schol. ad Eurip., Hec., 464.—Aristid., Panath., p. 147.)—2. (Schol. ad Aristoph., Nub., 385.)—3. (Thucyd., vi., 56; l. 20.—Herod., v., 56.)—4. (Apollod. and Diod., li. c.—Plut., These., 24.)—5. (Pind., Nem., x., 35, &c.—Schol. ad Soph., Oed. Col., 698.)—6. (Athen., v., p. 199.)—7. (Annal. del. Instit., 1853, p. 64—89.)—8. (l. c., p. 80, &c.)—9. (Lycurg., c. Leocr., p. 161.)—10. (Plat., Pericli., p. 228. B.—Elian., V. H., viii., 2—11. (Plut., Pericli., 13.)—12. (Schol. ad Aristoph., Nub., 971.—Marm. Par., Ep., 64.)

the victors in the musical contests was, as in the gymnastic contests, a vase, but with an additional chaplet of olive-branches.¹ Cyclic choruses and other kinds of dances were also performed at the Panathenæa,² and the pyrrhic dance in armour is expressly mentioned.³ Of the discussions of philosophers and orators at the Panathenæa we still possess two specimens, the *λόγος Παναθηναϊκός* of Isocrates, and that of Aristides. Herodotus is said to have recited his history to the Athenians at the Panathenæa. The management of the games and contests was entrusted to persons called *ἀθλοθέται*, whose number was ten, one being taken from every tribe. Their office lasted from one great Panathenæic festival to the other.⁴ It was formerly believed, on the statement of Diogenes Laertius,⁵ that dramatic representations also took place at the Panathenæa, but this mistake has been clearly refuted by Böckh.⁶

The lampadephoría, or torch-race of the Panathenæa, has been confounded by many writers, and even by Wachsmuth,⁷ with that of the Bendidia. On what day it was held, and in what relation it stood to the other contests, is unknown, though it is clear that it must have taken place in the evening. It has been supposed by some writers that the lampadephoría only took place at the great Panathenæa, but this rests upon the feeble testimony of Libanius,⁸ while all other writers who mention this lampadephoría speak of it as a part of the Panathenæa in general, without the epithet *μεγάλα*, which is itself a sufficient proof that it was common to both festivals. The same is implied in a statement of the author of the *Etymologicum Magnum*.⁹ The prize of the victor in the lampadephoría was probably the lampas itself, which he dedicated to Hermes.¹⁰

It is impossible to determine the exact order in which the solemnities took place. We may, however, believe that those parts which were the most ancient preceded those which were of later introduction. Another instance, in this respect, are the sculptures of the Parthenon (now in the British Museum), in which a series of the solemnities of the Panathenæa is represented in the great procession. But they neither represent all the solemnities—for the lampadephoría and some of the gymnastic contests are not represented—nor can it be supposed that the artists should have sacrificed beauty and symmetry merely to give the solemnities in precisely the same order as they succeeded one another at the festival. In fact, we see in these sculptures the flute and cithara players represented as preceding the chariots and men on horseback, though the contests in chariot and horse racing probably preceded the musical contests. But we may infer, from the analogy of other great festivals, that the solemnities commenced with sacrifices. The sacrifices at the Panathenæa were very magnificent; for each town of Attica, as well as every colony of Athens, and, during the time of her greatness, every subject town, had to contribute to this sacrifice by sending one bull each.¹¹ The meat of the victims appears to have been distributed among the people; but, before the feasting commenced, the public herald prayed for the welfare and prosperity of the Republic. After the battle of Marathon the Plataeans were included in this prayer.¹²

The chief solemnity of the great Panathenæa

1. (Suid., s. v. Παναθηναία.)—2. (Lys., De Muner. Accept., p. 161.)—3. (Aristoph., Nub., 988, with the schol.)—4. (Pollux., Onom., viii., 8, 6.)—5. (iii., 56.—Compare Suidas, s. v. Τετραπέδιον.)—6. (Gœze, Trag. Princip., p. 207.)—7. (Hell. Alt., ii., 2, p. 246.)—8. (Argum. ad Demosth., Mid., p. 510.)—9. (s. v. Κεραμειεύς.)—10. (Böckh, Corp. Inscript., i., n. 243, 250.)—11. (Schol. ad Aristoph., Nub., 385.)—12. (Herod., vi., 111.)

was the magnificent procession to the Temple of Athena Polias, which, as stated above, probably took place on the last day of the festive season. The opinion of Creuzer,¹ that this procession also took place at the lesser Panathenæa, is opposed to all ancient authorities with the exception of the scholiasts on Plato² and on Aristophanes,³ and these scholiasts are evidently in utter confusion about the whole matter. The whole of this procession is represented in the frieze of the Parthenon, the work of Phidias and his disciples. The description and explanation of this magnificent work of art, and of the procession it represents, would lead us too far.⁴ The chief object of this procession was to carry the peplus of the goddess to her temple. This peplus was a crocus-coloured garment for the goddess, and made by maidens called *ἐργαστίνας*.⁵ (Compare ARRHOPHORIA.) In it were woven Enceladus and the giants, as they were conquered by the goddess.⁶ Proclus⁷ says that the figures on the peplus represented the Olympic gods conquering the giants, and this, indeed, is the subject represented on a peplus worn by an Athena preserved in the Museum of Dresden. On one occasion, in later times, when the Athenians overwhelmed Demetrius and Antigonus with their flatteries, they also decreed that their images, along with those of the gods, should be woven into the peplus.⁸ The peplus was not carried to the temple by men, but suspended from the mast of a ship;⁹ and this ship, which was at other times kept near the Areopagus,¹⁰ was moved along on land, it is said, by *subterraneous machines*. What these machines may have been is involved in utter obscurity. The procession proceeded from the Ceramicus, near a monument called Leocorium,¹¹ to the temple of Demeter at Eleusis, and thence along the Pelagic wall and the Temple of Apollo Pythius to the Pnyx, and thence to the Acropolis, where the statue of Minerva Polias was adorned with the peplus.

In this procession nearly the whole population of Attica appears to have taken part, either on foot, on horseback, or in chariots, as may be seen in the frieze of the Parthenon. Aged men carried olive-branches, and were called *θαλλοφόροι*;¹² young men attended, at least in earlier times, in armour;¹³ and maidens who belonged to the noblest families of Athens carried baskets, containing offerings for the goddess, whence they were called *κανηφόροι*.¹⁴ Respecting the part which aliens took in this procession, and the duties they had to perform, see HYDRIAPHORIA.

Men who had deserved well of the Republic were rewarded with a gold crown at the great Panathenæa, and the herald had to announce the event during the gymnastic contests.¹⁵ Prisoners, also, were allowed to enjoy freedom during the great Panathenæa.¹⁶

(Compare J. Meursii, *Panathenæa, liber singularis*, Lugd. Bat., 1619; C. Hoffmann, *Panathenæikos*, Cassel, 1835, 8vo; H. A. Müller, *Panathenæica*, Bonn, 1837, 8vo; C. O. Müller's Dissertation, *Quo anni tempore Panathenæa minora celebrata sint*, which

1. (Symbol., ii., p. 810.)—2. (Republ., init.)—3. (Equit., 566.)—4. (Vid. Stuart, *Antiq. of Athens*, vol. ii.—Leake, *Topogr. of Athens*, p. 215, &c.—C. O. Müller, *Handbuch der Archæol. der Kunst*, § 118.—H. A. Müller, *Panath.*, p. 98, &c.)—5. (Hesych., s. v.)—6. (Eurip., Hec., 466.—Schol. ad Aristoph., Equit., 566.—Suid., s. v. Πέπλος.—Virg., Cir., 29, &c.—Compare Plat., Euthyd., p. 6.)—7. (ad Plat., Tim.)—8. (Plut., Demetr., 10.)—9. (Schol. Hom., II., v., 734.—Philostr., Vit. Soph., i., 5, p. 550.—Compare Böckh, *Græc. Trag. Princ.*, p. 193, &c.—Schol. ad Aristoph., Pac., 418.)—10. (Paus., i., 29, § 1.)—11. (Thucyd., i., 20.)—12. (Ety. Mag. and Hesych., s. v.)—13. (Thucyd., vi., 56.)—14. (Harpoer., s. v. Κανηφόρος.—Compare Thucyd., l. c.)—15. (Demosth., De Corona, p. 265.—Compare Meursius, *Panath.*, p. 43.)—16. (Ulpius ad Demosth., c. Timocr., p. 740.—Compare Demosth., De Fals. Leg., p. 394.)

is repinted in the Philological Museum, vol. ii., p. 227-235.)

PANCRATIASTÆ. (*Ἰδ. PANCRATIUM.*)

PANCRATIUM (*παγκράτιον*) is derived from *πάν* and *κράτος*, and accordingly signifies an athletic game, in which all the powers of the fighter were called into action. The pancratium was one of the games or gymnastic contests which were exhibited at all the great festivals of Greece; it consisted of boxing and wrestling (*πυγμή* and *πάλη*), and was reckoned to be one of the heavy or hard exercises (*ἀγωνίσματα βαρέα* or *βαρύτερα*), on account of the violent exertions it required, and for this reason it was not much practised in the gymnasium; and where it was practised, it was probably not without modifications, to render it easier for the boys. According to the ancient physicians, it had very rarely a beneficial influence upon health.¹

At Sparta the regular pancratium was forbidden, but the name was there applied to a fierce and irregular fight, not controlled by any rules, in which even biting and scratching were not uncommon, and in which, in short, everything was allowed by which one of the parties might hope to overcome the other. In Homer we neither find the game nor the name of the pancratium mentioned, and, as it was not introduced at the Olympic games until Ol. 33,² we may presume that the game, though it may have existed long before in a rude state, was not brought to any degree of perfection until a short time before that event. It is scarcely possible to speak of an inventor of the pancratium, as it must have gradually arisen out of a rude mode of fighting, which is customary among all uncivilized nations, and which was kept up at Sparta in its original state. But the Greeks regarded Theseus as the inventor of the pancratium, who, for want of a sword, was said to have used this mode of fighting against the Minotaurus.³ Other legends represented Hercules as having been victor in the pancratium,⁴ and later writers make other heroes also fight the pancratium;⁵ but these are mere fictions. After the pancratium was once introduced at Olympia, it soon found its way also into the other great games of Greece, and in the times of the Roman emperors, we also find it practised in Italy. In Ol. 145 the pancratium for boys was introduced at the Olympic games, and the first boy who gained the victory was Phædimus, a native of a town in Troas.⁶ This innovation had been adopted before in others of the national games, and in the 61st Pythiad (Ol. 103) we find a Theban boy of the name of Olaides as victor in the pancratium in the Pythian games.⁷ At the Isthmian games the pancratium for boys is not mentioned till the reign of Domitian;⁸ but this may be merely accidental, and the game may have been practised long before that time.

Philostratus⁹ says that the pancratium of men was the most beautiful of all athletic contests; and the combatants must certainly have shown to the spectators a variety of beautiful and exciting spectacles, as all the arts of boxing and wrestling appeared here united.¹⁰ The combatants in the pancratium did not use the cestus, or if they did, it was the *ἱμαντες μαλακώτεροι* (*Ἰδ. CESTUS*), so that the hands remained free, and wounds were not easily inflicted.

The name of these combatants was pancratiastæ (*παγκρατιασταί*) or *πάμμαχοι*.¹¹ They fought naked, and had their bodies anointed and covered with sand, by which they were enabled to take hold of

one another.¹ In cases where the contes pancratiastæ were not regulated by strict might, as at Sparta, sometimes happen, that ers made use of their teeth and nails;² but regularities probably did not occur at a great public games.

When two pancratiastæ began their contest, the first object which each of them attempted to accomplish was to gain a favourable position, trying to make the other stand so that he might shine in his face, or that other inces might prevent his fighting with success struggle (*ἀγὼν περὶ τῆς στάσεως*)³ was on introduction to the real contest, though, in cases, this preparatory struggle might terminate the whole game, as one of the parties might, the other by a series of stratagems, and him to give up farther resistance. Sost Sicyon had gained many a victory by success. When the real contest began, each of the might commence by boxing or wrestling, as ly as he thought he should be more successful the one than in the other. The victory was decided until one of the parties was killed or a finger, thereby declaring that he was to continue the contest either from pain or It usually happened that one of the combatants some trick or other, made his antagonist lie on the ground, and the wrestling which then commenced was called *ἀνακλινοπάλη*, and continued till the parties declared himself conquered or strangled, as was the case at Olympia with chion or Arrachion, of Phigalia in Ol. 54.⁴ description of a struggle of this kind is Philostratus.⁵ Sometimes one of the fighters lay down on his back, on purpose that he might ward off the attacks of his antagonist more and this is perhaps the trick called *ὑπτιασμὸς*, a usual mode of making a person fall with his foot behind his, and then to push him back to seize him round his body in such a manner that the upper part being the heavier, the person would lose his balance and thus fell. Hence the expression *λαμβάνειν, μεσολαβεῖν, μέσον αἰρεῖν, τὰ μὲν διὰ μηρῶν σπᾶν, &c.*⁶ The annexed wood



represents two pairs of pancratiastæ; the one on the right hand is an example of the *ἀνακλινοπάλη* that on the left of the *μεσολαβεῖν*. They are from Krause's *Gymnastik und Agonistik d. Taf. xxi., b., fig. 35, b. 31 b.*, where they are cited respectively from Grivaud, *Rec. d. M. vol. i., pl. 20, 21*, and Krause, *Signorum. v. tab. 10.*

At Rome the pancratium is first mentioned in the games which Caligula gave to the people; at this time it seems to have become extremely

1. (Mercurialis, De Arte Gymnast., v., 7.)—2. (Paus., v., 8, § 3.)—3. (Schol. ad Pind., Nem., v., 89.)—4. (Paus., v., 8, § 1.—Hygin., Fab., 273.)—5. (Lucan, Pharsal., iv., 613, &c.)—6. (Paus., v., 8, in fin.)—7. (Paus., x., 7, § 3.)—8. (Corsini, Dissert. Agon., p. 101.)—9. (Imag., ii., 6.)—10. (Aristot., Rhet., i., 5.—Plut., Symp., ii., p. 638, C.)—11. (Pollux, Onom., iii., 30, 5.)

1. (Philost., l. c.—Aristoph., Pax, 848.)—2. (Phil. Lucian, Demonax, c. 49.—Plut., Lac. Apoph., p. 1 Franc.)—3. (Æsch., c. Ctesiph., p. 83, ed. Steph.)—4. (vi., 4, § 1.)—5. (Faber, Agonist., i., 8.)—6. (Paus., v., &c.—Euseb., Chron., p. 150, Scalig.)—7. (l. c.)—8. (Euseb., Chron., p. 48.)—9. (Dion Cass., lix., 13.)

Justinian (*Novell.*, cv., c. 1, provided *πάγ-
ρ*, as some suppose, a mistake for *παγκρά-
ρ* de it one of the seven solemnities (*πρόδοι*)
he consuls had to provide for the amusement
eople.

al of the Greek pancratiastæ have been im-
ed in the epinician odes of Pindar, name-
odemus of Athens,¹ Melissus and Strepsi-
Thebes,² Aristocles, Cleander, and Phy-
of Ægina,³ and a boy, Pytheas of Ægina.⁴
ides these, the names of a great many oth-
ers in the pancratium are known.⁵
diet and training of the pancratiastæ was
e as that of other athletæ.⁶ (*Vid.* *ΑΡΗ-*

DECTÆ or DIGESTA. In the last month
ear A.D. 530, Justinian, by a constitution
ed to Tribonian, empowered him to name a
sion for the purpose of forming a code out of
ings of those jurists who had enjoyed the
ondendi, or, as it is expressed by the em-
*antiquorum prudentium quibus auctoritatem
ndarum interpretandarumque legum sacratis-
cipis præbuerunt.*" The compilation, how-
mpri- ses extracts from some writers of the
an period.⁷ Ten years were allowed for the
on of the work. The instructions of the
were, to select what was useful, to omit
as antiquated or superfluous, to avoid unre-
petitions, to get rid of contradictions, and
such other changes as should produce, out
mass of ancient juristical writings, a useful
plete body of law (*jus antiquum*). The
tion was to be distributed into fifty books,
books were to be subdivided into titles (*tit-*
he work was to be named *Digesta*, a Latin
diating an arrangement of materials, or
æ, a Greek word expressive of the com-
veness of the work. It was also declared
onmentaries should be written on this com-
but permission was given to make parati-
ferences to parallel passages, with a short
nt of their contents.⁸ It was also declared
revisions (*sigla*) should not be used in
the text of the Digest. The work was
ed in three years (17 Cal. Jan., 533), as ap-
y a constitution, both in Greek and Latin,
onfirmed the work, and gave to it legal au-

es Tribonian, who had the general conduct
ndertaking, sixteen other persons are men-
s having been employed on the work, among
ere the professors Dorotheus and Anatolus,
that purpose had been invited from the law-
f Berytus, and Theophilus and Cratinus, who
at Constantinople. The compilers made
out two thousand different treatises, which
d above 3,000,000 lines (*versus, στίχοι*), but
unt retained in the compilation was only
lines. Tribonian procured this large col-
f treatises, many of which had entirely fallen
vion, and a list of them was prefixed to the
rsuant to the instructions of Justinian.¹⁰
ist is at present only found in the Florentine
he Digest, but it is far from being accurate.
s probably the index mentioned in the Con-
Tanta, &c.¹¹
work is thus distributed into fifty books,
re subdivided into titles, of which there are

said to be 422. Under each title are placed the ex-
tracts from the several jurists, numbered 1, 2, 3,
and so on, with the writer's name and the name
and division of the work from which the extract is
made. These extracts are said to amount to 9123.
No name corresponding to liber or titulus is given
to these subdivisions of tituli which are formed by
the extracts from the several writers, but Justinian-
has called them "leges," and, though not "laws" in
the strict sense of the term, they were, in fact,
"law;" and in the same sense the emperor calls
the jurists "legislatores."⁹ The fifty books differ
materially, both in bulk, number of titles, and num-
ber of extracts. The glossatores and their follow-
ers, in referring to the Digest, sometimes indicate
the work by P, p, or II, and sometimes by D or ff,
which according to some writers represents D, and
according to others represents II.

There was also a division of the whole fifty books
into seven larger masses, called partes, which cor-
responded to the seven main divisions of the works
on the Edict, and had also a special reference to
the course of instruction then established. Thus
the first pars comprises four books, the second pars
comprises seven books, and so on.³

The number of writers from whose works ex-
tracts were made is thirty-nine, comprehending
those jurists from whom extracts were made at
second hand, as Qu. Mucius Scævola, the pontifex,
from whom four fragments, and Ælius Gallus, from
whom one fragment is taken; but omitting Servius
Sulpicius Rufus, who is represented by Alfenus,
distinguishing Ælius Gallus from Julius Aquila,
Venuleius from Claudius Saturninus; assuming that
there is only one Pomponius, and omitting Sabinus,
whose name is erroneously inserted in the Floren-
tine Index.⁴

The following is the list of jurists from whose
writings the Digest was constructed, as it is given
in the Palingenesia of Hommelius, who has ar-
ranged the matter taken from each writer under
his name, and placed the names in alphabetical or-
der. The dates of the jurists are chiefly founded
on the authority of Zimmern. The figures in the
third column indicate the proportions contributed to
the Digest by each jurist, estimated in the pages of
Hommelius: (a) denotes that the contribution is
under one page of the Palingenesia. This list in-
cludes Sabinus. The extracts from many of the
writers are few and short: those from Ulpian,
which are more than a third of the whole, Paulus,
Papinian, Julianus, Pomponius, Q. Cervidius Scæv-
vola, and Gaius are the largest.

	DATE.	
Sextus Cæcilius, <i>Africanus</i> . . .	Hadrian and the Antonini . . .	24
<i>Alfenus Varus</i> , a pupil of Ser- vius, Sulpici- us Rufus and contemporary with Cicero . . .		9
Furius <i>Anthianus</i> . . .	Unknown . . .	(a)
Julius <i>Aquila</i> . . .	perhaps about the time of Sep. Severus . . .	(a)
Aurelius <i>Arcadius</i> Charisius, Constan- tine the Great . . .		2½
<i>Callistratus</i> . . .	Caracalla . . .	17½
Juventius <i>Celsus</i> . . .	Domitian and Hadrian . . .	23
<i>Florentinus</i> . . .	Alex. Severus . . .	4
<i>Gaius</i>	Hadrian and the Antonini . . .	72

1. (Isth., iii. and vi.)—2. (Nem., iii.—Isth.,
vi.)—3. (Nem., v.)—4. (Compare Fellows, *Discover-
ia*, p. 313, London, 1841.)—5. (Compare H. Mercuria-
e *Gymnast.*—J. H. Krause, *Die Gymnastik und Agon-
Hellenen*, vol. i., p. 534-556.)—6. (Const. Deo Auc-
tore, s. 12.)—7. (Const. Tanta, &c.,
civ.)—8. (Const. Tanta, &c., s. 16.)—9. (Puchta,
gra über den Index Florentinus, Rhein., Mus., iii.)

1. (Const. Tanta, &c., s. 7.)—2. (Const. Tanta, &c., s. 16.)
—3. (Const. Tanta, &c., s. 2. "Igitur prima quidem pars," &c.)
—4. (Zimmern, *Geschichte des Röm. Privatrechts*, p. 22A.)

		DATE.	
C. Ælius	Gallus	a contemporary of Cicero	(a)
Claudius	Hermogenianus, Constantine the Great		9½
Priscus	Javolenus	Nerva and Hadrian	23½
Salvius	Julianus	a pupil of Javolenus	90
M. Antistius	Labeo	Augustus	12
Æmilius	Macer	Alex. Severus	10
Lucius Volusius, Mæcianus		Antoninus Pius	8
Lucius Ulpianus	Marcellus	The Antonini	32½
Ælius	Marcianus	Caracalla and Alex. Severus	38
Junius	Mauricianus	Antoninus Pius	1½
Rutilius	Maximus	Unknown	(a)
Arrius	Menander	Caracalla	3
Herennius	Modestinus	a pupil of D. Ulpianus	41½
Quintus	Mucius Sævola, Pontifex Max., consul B.C. 95		1
Priscus	Neratius	Trajan	10
Lucius Æmilius, Papinianus		S. Severus and Caracalla	104
Justus	Papirius	M. Aurelius	2½
Julius	Paulus	Alex. Severus	297
	Pomponius	Antoninus Pius	80
Licinius!	Proculus	Otho?	6
Licinius	Rufinus	Caracalla	1½
Massurius	Sabinus	Tiberius	1½
Claudius	Saturninus	The Antonini	1
Qu. Cervidius	Sævola	The Antonini	78½
Paternus	Tarrentenus	Commodus	(a)
Clemens	Terentius	Hadrian and the Antonini	3½
Q Sep Florens	Tertullianus, S. Severus and Caracalla		1½
Claudius	Tryphoninus, S. Severus and Caracalla		22
Salvius Aburnus	Valens	Hadrian & Antoninus Pius	3
	Venuleius	The Antonini	10
Domitius	Ulpianus	S. Severus and Alex. Severus	619

C. Ælius, the sixth on this list, must not be confounded with C. Aquilius Gallus, one of the masters of Servius Sulpicius, from whom there is no extract in the Digest. It follows, from the instructions of the emperor and the plan of the work, that the extracts from the jurists are not always given in their exact words. It is probable that many short passages were interpolated or altered, as a matter of necessity, though there seems to be no reason for supposing that these changes were carried farther than the nature of the case required. Still there is no doubt that the changes are such that the extracts from the old jurists cannot be used for many purposes without some caution and judgment.

The distribution of the matter of the Digest into books and titles has evidently been made according to a plan, as will be obvious on inspecting the list of tituli prefixed to the editions. Thus the 28th book treats of testaments, of the institution of a heres, &c., and the 29th of military testaments, and of codicils, &c.; in fact, of matters appertaining to universal succession by testament: the 30th, 31st, and 32d books treat of legacies and fiduciary bequests. There is a method of arrangement, therefore, so far as generally to bring things of the same kind together, but the compilation has no claims to being considered as a scientific arrangement of the

matter of law. And, indeed, the compilers were evidently fettered in this respect by the emperor's instructions, which required them to arrange (*digere*) the whole body of the law comprised in the Digest, according to the Code and the Edictum Perpetuum.

It has long been a matter of dispute whether the compilers of the Digest were guided by any, and if any, by what principle in the arrangement of the several extracts under the respective titles. This subject is examined in a very learned essay by Bluhme, entitled "Die Ordnung der Fragmente in den Pandektentiteln."¹ The investigation is, of course, founded on the titles of the several works of the jurists, which, as already observed, are given at the head of each extract: thus, for instance, in the beginning of the third book, the first seven extracts are headed as follows: "Ulpianus Libro sexagesimo quarto ad Edictum;" "Idem Libro primo Fideicommissorum;" "Idem Libro quarto ad Sabinum;" "Idem Libro quinto ad Sabinum;" "Paulus Libro primo ad Sabinum;" "Julianus Libro trigesimo tertio Digestorum;" "Paulus Libro secundo ad Sabinum." These will serve as samples of the whole, and will explain the following remarks from Bluhme, whose conclusions are these: "The compilers separated all the writings from which extracts were to be made into three parts, and formed themselves into three committees. Each committee read through in order the books that had fallen to its lot, yet so that books which were closely related as to their contents were extracted at the same time. The books were compared with the Code of Justinian, and what was selected for the new compilation was placed under a title taken either from the Code, the Edict, or, in case of necessity, from the work itself which was extracted. What came under the same title was compared; repetitions were erased; contradictions were got rid of; and alterations were made when the contents of the extracts seemed to require it. When the three committees had finished their labours, the present Digest was formed out of the three collections of extracts. In order to accomplish this, they made that collection the foundation of each title which contained the most numerous, or, at least, the longest extracts. With these they compared the smaller collections, striking out, as they had done before, repetitions and contradictions, making the necessary additions, and giving more exact definitions and general principles. What remained over of the smaller collections without having had an appropriate place assigned to it, was placed after the first collection, and its place in the series after the first collection was generally determined by the number of extracts.

"The Digest does not seem to have been subjected to any farther revision."

Bluhme remarks, that although the constitutions *Deo Auctore*, *Imperatoriam*, *Tanta*, and *Cordi* contain much information on the economy of the Digest and the mode of proceeding of the compilers, only the two following facts are distinctly stated: 1. That the extracts from the writings of the jurists were arranged according to the titles of the Code and the Edict. 2. That the extracts were compared with the Code. Accordingly, everything else must be proved from an examination of the work itself, and this is the object of Bluhme's laborious essay. He observes, that if a person will examine the extracts in the titles *De Verborum Significatione* and *De Regulis Juris*,² he will find a regular order observable in the titles of the juristical works from which the extracts are taken. Gen

1. (Zeitschrift, iv.)—2. (50, tit. 16, 17.)

erally, the series of the books quoted shows that the original order of the works from which the extracts were to be made has not been altered; and the several works generally follow in both these titles in the same order. A similar remark applies to the title *De Verborum Obligationibus*,¹ though there is a variation in all the three titles as to the relative order of the three masses, which are presently to be mentioned. "In the remaining titles of the Digest," adds Bluhme, "at first sight it appears as if one could find no other distinction in the titles of the extracts than this, that one part of them has a certain kind of connexion, and another part merely indicates a motley assemblage of books out of which the extracts have been made. But, on a closer comparison, not only are three masses clearly distinguishable, but this comparison leads to the certain conclusion that all the writings which were used in the compilation of the Digest may be referred to three classes. The Commentaries on Sabinus (ad Sabinum), on the Edict (ad Edictum), and Papinian's writings, are at the head of these three classes. We may accordingly denote these three masses respectively by the names Sabinian, Papinian, and the Edict. In each of these classes, the several works from which extracts are made always follow in regular order." This order is shown by a table which Bluhme has inserted in his essay.

This article, if read in connexion with the articles *CODEX* and *INSTITUTIONES*, will give some general notion of the legislation of Justinian, the objects of which cannot be expressed better than in the following words:

"Justinian's plan embraced two principal works, one of which was to be a selection from the jurists, and the other from the Constitutions. The first, the Pandect, was very appropriately intended to contain the foundation of the law: it was the first work since the date of the Twelve Tables which in itself, and without supposing the existence of any other, might serve as a central point of the whole body of the law. It may be properly called a code, and the first complete code since the time of the Twelve Tables, though a large part of its contents is not law, but consists of dogmatic and the investigation of particular cases. Instead of the insufficient rules of Valentinian III., the excerpts in the Pandect are taken immediately from the writings of the jurists in great numbers, and arranged according to their matter. The Code also has a more comprehensive plan than the earliest codes, since it comprises both rescripts and edicts. These two works, the Pandect and the Code, ought properly to be considered as the completion of Justinian's design. The *Institutiones* cannot be viewed as a third work, independent of both: it serves as an introduction to them, or as a manual. Lastly, the novellæ are single and subsequent additions and alterations, and it is merely an accidental circumstance that a third edition of the Code was not made at the end of Justinian's reign, which would have comprised the novellæ that had a permanent application."²

There are numerous manuscripts of the Digest, both in libraries of the Continent and of Great Britain. A list of the MSS. of the *Corpus Juris* in the libraries of this country, which are principally in the colleges at Oxford and Cambridge, is given by Dr. Haach in the *Zeitschrift*.³ But the MSS. of the Digest generally contain only parts of the work, and are not older than the twelfth century. The MS. called the Florentine is complete, and probably as old as the seventh century. It had been kept at Amalfi time out of mind, and was given to the Pisans by

Lotharius the Second, after the capture of Amalfi A.D. 1137, as a memorial of his gratitude to them for their aid against Roger the Norman. The Pisans kept it till their city was taken by the Florentines under Gino Caponi, A.D. 1406, who carried this precious MS. to Florence, where it is still preserved. An exact copy of this MS. was published at Florence in 1553, folio, with the title "*Digestorum seu Pandectarum Libri Quinquaginta Ex Florentinis Pandectis representati; Florentiæ In Officina Laurentii Tarrentini Ducalis Typographi MDLIII Cum Summi Pontif. Car. V. Imp. Henrici II. Gallorum Regis, Eduardi VI. Angliæ regis, Cosmi Medicis Ducis Florent. II. Privilegio.*" The facts relating to the history of the MS. appear from the dedication of Franciscus Taurellius to Cosmo, duke of Florence. This splendid work is invaluable to a scholar. The orthography of the MS. has been scrupulously observed. Those who cannot consult this work may be satisfied with the edition of the *Corpus Juris* by Charondas, which the distinguished printer of that edition, Christopher Plantinus, affirms to be as exact a copy of the Florentine edition as it could be made. As to the other editions of the Digest, see *CORPUS JURIS*.

PANDIA (πᾶνδια), an Attic festival, the real character of which seems to have been a subject of dispute among the ancients themselves; for, according to the *Etymologicum M.*¹, some derived it from Pandia, who is said to have been a goddess of the moon (this is also Wachsmuth's opinion, ii., 2, p. 140); others from the Attic king Pandion; others, again, from the Attic tribe Dias, so that the Pandia would have been in the same relation to this tribe as the Panathenæa to Athens; and others from Διός, and call it a festival of Zeus. Welcker² considers it to have been originally a festival of Zeus celebrated by all the Attic tribes, analogous to the Panathenæa, and thinks that when the confederacy, of which this festival was, as it were, the central point, became dissolved, the old festival remained, though its character was changed. It was celebrated at Athens in the time of Demosthenes.³ Taylor, in his note on this passage, strangely confounds it with the Diasia, though it is well known that this festival was held on the 19th of Munychion, while the Pandia took place on the 14th of Elaphebolion.⁴

PANDOCEI'ON (πανδοκείον). (*Vid.* CAUPONA.)

PANEGYRIS (πανήγυρις) signifies a meeting or assembly of a whole people for the purpose of worshipping at a common sanctuary. But the word is used in three ways: 1. For a meeting of the inhabitants of one particular town and its vicinity (*vid.* EPHESEA); 2. For a meeting of the inhabitants of a whole district, a province, or of the whole body of people belonging to a particular tribe (*vid.* DELIA, ΠΑΜΒΟΙΩΤΙΑ, ΠΑΝΙΟΝΙΑ); and, 3. For great national meetings, as the Olympic, Pythian, Isthmian, and Nemean games. Although, in all panegyris which we know, the religious character forms the most prominent feature, other subjects, political discussions and resolutions, as well as a variety of amusements, were not excluded, though they were, perhaps, more a consequence of the presence of many persons than objects of the meeting. As regards their religious character, the panegyris were real festivals, in which prayers were performed, sacrifices offered, processions held, &c. The amusements comprehended the whole variety of games, gymnastic and musical contests, and entertainments. Every panegyris, moreover, was made by tradespeople a source of gain, and it may be pre-

1. (*Dig.* 45, tit. 1.)—2. (*Savigny, Geschichte der Röm. Rechts im Mittelalter, i., p. 14.*)—3. (*vol. v.*)

1. (*s. v. Πᾶνδια.*)—2. (*Æsch., Trilog., p. 303.*)—3. (*c. Mid., p. 517.*)—4. (*Compare Suidas and Hesych., s. v. Πᾶνδια.*—*Böckh, Abhandl. der Berlin-Akademie, 1818, p. 65, &c.*)

sumed that such a meeting was never held without a fair, at which all sorts of things were exhibited for sale.¹ In later times, when the love of gain had become stronger than religious feeling, the fairs appear to have become a more prominent characteristic of a panegyris than before; hence the Olympic games are called *mercatus Olympiacus*, or *Iudi et mercatus Olympiorum*.² Festive orations were also frequently addressed to a panegyris, whence they are called *λόγοι πανηγυρικοί*. The Panegyricus of Isocrates, though it was never delivered, is an imaginary discourse of this kind. In later times, any oration in praise of a person was called panegyricus, as that of Pliny on the Emperor Trajan.

Each panegyris is treated of in a separate article. For a general account, see Wachsmuth, *Hell. Alt.*, i., 1, p. 104, &c.—Böckh *ad Pind.*, *Ol.*, vii., p. 175, &c.—Hermann, *Polit. Ant.*, § 10.

PANELLE'NIA (*πανελλήνια*), a festival, or, perhaps, rather a panegyris of all the Greeks, which seems to have been instituted by the Emperor Hadrian, with the well meant but impracticable view of reviving a national spirit among the Greeks.³

*PAN'ICUM, Panic. (*Vid. MELINE.*)

PANION'IA (*πανιώνια*), the great national panegyris of the Ionians on Mount Mycale, where their national god Poseidon Heliconius had his sanctuary, called the Panionium.⁴ One of the principal objects of this national meeting was the common worship of Poseidon, to whom splendid sacrifices were offered on the occasion.⁵ As a chief-priest for the conduct of the sacrifices, they always appointed a young man of Priene, with the title of king, and it is mentioned as one of the peculiar superstitions of the Ionians on this occasion, that they thought the bull which they sacrificed to be pleasing to the god if it roared at the moment it was killed.⁶ But religious worship was not the only object for which they assembled at the Panionium; on certain emergencies, especially in case of any danger threatening their country, the Ionians discussed at their meetings political questions, and passed resolutions which were binding upon all.⁷ But the political union among the Ionians appears, nevertheless, to have been very loose, and their confederacy to have been without any regular internal organization, for the Lydians conquered one Ionian town after another, without there appearing anything like the spirit of a political confederacy; and we also find that single cities concluded separate treaties for themselves, and abandoned their confederates to their fate.⁸

Diodorus⁹ says that in later times the Ionians used to hold their meeting in the neighbourhood of Ephesus instead of at Mycale. Strabo, on the other hand, who speaks of the Panionic panegyris as still held in his own time, does not only not mention any such change, but appears to imply that the panegyris was at all times held on the same spot, viz., on Mount Mycale. Diodorus, therefore, seems to consider the Ephesian panegyris (*vid. EPHE'SIA*) as having been instituted instead of the Panionia. But both panegyris existed simultaneously, and were connected with the worship of two distinct divinities, as is clear from a comparison of two passages of Strabo, viii., 7, p. 220; xiv., i., p. 174.¹⁰

PANOPLIA (*πανοπλία*), a panoply or suit of armour.¹¹ The articles of which it consisted, both in the Greek and in the Roman army, are enumerated

1. (Paus., x., 32, § 9.—Strabo, x., 5, p. 388.—Dio Chrysost. Orat., xxvii., p. 528.)—2. (Justin., xiii., 5.—Vell. Patere., i., 8.)—3. (Philost., Vit. Soph., ii., 1, 5.—Böckh, Corp. Inscr., p. 789; ii., p. 580.)—4. (Herod., i., 148.—Strab., viii., 7, p. 220, ed. Tauchn.—Paus., vii., 24, § 4.)—5. (Diodor., xv., 49.)—6. (Strabo, l. c.)—7. (Herod., i., 141, 170.)—8. (Herod., i., 169.)—9. (xv., 49.)—10. (Compare Tittmann's Griech. Staatsv., p. 668, &c.—Thirlwall's Gr. Hist., ii., p. 102.)—11. (Herod., i., 60.—Ælian, v. H., xiii., 37.—Athen., v., p. 208, d.)

under ARMA. Josephus, in a passage where he mentions all the essential parts of the Roman heavy armour except the spear (*viz.*, *ὑποδήματα, θύρεος, ξίφος, κράνος, θώραξ*¹), applies to them collectively the term *πανοπλία*.² According to Phitarich,³ the ordinary weight of a panoply was a talent, *i. e.*, about 70 lbs.; but he states that the suit worn by one soldier of uncommon strength, viz., Alcimus, the Epirote, weighed two talents, or about a hundred weight. In estimating the military force of any country, the number of panoplies which it had in readiness was a most important item. Polybius mentions⁴ that the citizens of Sinope, expecting to be attacked by Mithradates, obtained, among other preparations, a thousand suits of armour (*πανοπλίας χίλιας*). When one man slew another in battle, he was entitled to receive the panoply of the fallen.⁵

*PANTHERA. (*Vid. PARDALIS.*)

PANTOMIMUS is the name of a kind of actors peculiar to the Romans, who very nearly resembled in their mode of acting the modern dancers in the ballet. They did not speak on the stage, but merely acted by gestures, movements, and attitudes. All movements, however, were rhythmical, like those in the ballet, whence the general term for them is *saltatio, saltare*; the whole art was called *musica muta*⁶; and to represent Niobe or Leda was expressed by *saltare Nioben* and *saltare Leda*.

Mimic dances of this kind are common to all nations, and hence we find them in Greece and Italy; in the former country they acquired a degree of perfection of which we can scarcely form an idea. But pantomimes, in a narrower sense, were peculiar to the Romans, to whom we shall therefore confine ourselves. During the time of the Republic the name pantomimus does not occur, though the art itself was known to the Romans at an early period; for the first histriones said to have been introduced from Etruria were, in fact, nothing but pantomimic dancers (*vid. HESTIO*, p. 484), whence we find that under the Empire the names *histrion* and *pantomimus* were used as synonymous. The pantomimic art, however, was not carried to any degree of perfection until the time of Augustus; whence some writers ascribe its invention to Augustus himself, or to the great artists who flourished in his reign.⁷ The greatest pantomimes of this time were Bathyllus, a freedman and favourite of Mæcenas, and Pylades and Hylas.⁸ The great popularity which the pantomimes acquired at Rome in the time of Augustus, through these distinguished actors, was the cause of their spreading, not only in Italy, but also in the provinces, and Tiberius found it necessary to put a check upon the great partiality for them: he forbade all senators to frequent the houses of such pantomimes, and the equites were not allowed to be seen walking with them in the streets of Rome, or to attend their performances in any other place than the public theatres, for wealthy Romans frequently engaged male and female pantomimes to amuse their guests at their repasts.⁹ But Caligula was so fond of pantomimes, that one of them, M. Lepidus Mnester, became his favourite, and, through his influence, the whole class of pantomimes again recovered their ascendancy.¹⁰ Nero not only patronised them, but acted himself as pantomime,¹¹ and from this time they retained the highest degree of popularity at Rome down to the latest times of the Empire.

1. (Bell. Jud., vi., 1, § 8.)—2. (*Vid. Polyb., vi., 21.*)—3. (Demetrius, p. 1646, ed. Steph.)—4. (iv., 56.)—5. (Plut., Alcb., p. 355, ed. Steph.)—6. (Cassiod., Var., i., 20.)—7. (Suid., s. v. Ὀρχηστὴς παντόμιμος.)—8. (Juv., vi., 63.—Suet., Octav., 43.—Macrob., Sat., ii., 7.—Athen., i., p. 70.)—9. (Tacit., Annal., i., 77.)—10. (Suet., Calig., 36, 55, 57.—Tacit., Annal., xiv., 21.)—11. (Suet., Nero, 16, 26.)

As regards their mode of acting, we must first state that all pantomimes wore masks, so that the features of the countenance were lost in their acting. All the other parts of their body, however, were called into action, and especially the arms and hands, whence the expressions *manus loquacissima*, *digiti elamosi*, *χειρες παμφώνοι*, &c. Notwithstanding their acting with masks, the ancients agree that the pantomimes expressed actions, feelings, passions, &c., more beautifully, correctly, and intelligibly than it would be possible to do by speaking or writing. They were, however, assisted in their acting by the circumstance that they only represented mythological characters, which were known to every spectator.¹ There were, moreover, certain conventional gestures and movements which everybody understood. Their costume appears to have been like that of the dancers in a ballet, so as to show the beauty of the human form to the greatest advantage, though the costume, of course, varied according to the various characters which were represented. See the manner in which Plancus is described by Velleius² to have danced the character of Glaucus. In the time of Augustus there was never more than one dancer at a time on the stage, and he represented all the characters of the story, both male and female, in succession.³ This remained the custom till towards the end of the second century of our æra, when the several parts of a story began to be acted by several pantomimes dancing together. Women, during the earlier period of the Empire, never appeared as pantomimes on the stage, though they did not scruple to act as such at the private parties of the great. During the latter time of the Empire women acted as pantomimes in public, and in some cases they threw aside all regard to decency, and appeared naked before the public. The Christian writers, therefore, represent the pantomimic exhibitions as the school of every vice and licentiousness.⁴

Mythological love-stories were from the first the favourite subjects of the pantomimes,⁵ and the evil effects of such sensual representations upon women are described in strong colours by Juvenal.⁶ Every representation was based upon a text written for the purpose. This text was called the *canticum*,⁷ and was mostly written in the Greek language. Some of them may have represented scenes from, or the whole subjects of, Greek dramas; but when Arnobius⁸ states that whole tragedies of Sophocles and Euripides were used as texts for pantomimic representations, he perhaps only means to say that a pantomimus sometimes represented the same story contained in such a tragedy, without being obliged to act or dance every sentiment expressed in it. The texts of the pantomimes or cantica were sung by a chorus standing in the background of the stage, and the sentiments and feelings expressed by this chorus were represented by the pantomimus in his dance and gesticulation. The time was indicated by the *scabellum*, a peculiar kind of *sole*, made of wood or metal, which either the dancer or one of the chorus wore. The whole performance was accompanied by musical instruments, but in most cases by the flute. In Sicily pantomimic dances were called *βαλλισμοί*, whence, perhaps, the modern words ball and ballet.⁹

1. (Juv., vi., 63; v., 121.—Horat., Epist., ii., 2, 125.—Suet., Nero, 54.—Vell. Patern., ii., 83.)—2. (ii., 83.)—3. (Lucian, De Saltat., c. 67.—Jacobs ad Anthol., ii., 1, p. 308.)—4. (Tertull., De Spec., p. 269, ed. Paris.—Vid. Senec., Quæst. Nat., vii., 32.—Plin., Epist., v., 24.—Ammian. Marcell., xiv., 6.—Procop., Anecd., 9.)—5. (Ovid, Rem. Amor., 753.)—6. (vi., 63, &c.)—7. (Macrob., Sat., ii., 7.—Plin., Epist., vii., 24.)—8. (adv. Gent., 4.—Compare Anthol., i., p. 249.)—9. (Compare Lessing, Abhandlung von den Pantomimen der Alten.—Grysar, in Ersch und Gruber's Encycl., s. v. Pantomimische Kunst des Alterthums.—Welcker, Die Griechischen Tragödien, p. 1317, &c., 1409, &c., 1442, 1477, &c.)

*PAPAVER (*μήκων*), the Poppy. "With the aid of Matthioli, Bauhin, and Sprengel," observes Adams, "I would arrange the poppies of the ancients as follows: 1st. The *ήμερος*, or domesticated, is the *Papaver Rhæas*, or common red Poppy. 2d. The *βοιός* is the *Papaver dubium*, or long, smooth-headed Poppy. 3d. The *κερατῖτις* is the *Glaucium luterum*, Scop. 4th. The *ἀφρώδης* is the *Gratiola officinalis*, called in English Hedge-hyssop." As regards the acquaintance of the ancients with Opium, consult the articles NEPENTHES and PHARMACEUTICA, p. 656, 765.¹

PAPIA POPPEA LEX. (Vid. JULIÆ LEGES, p. 556.)

*PAPILIO (*ψύχη*), the Butterfly. "The metamorphosis of the Butterfly is distinctly described by Aristotle. The beautiful allegory of Psyche is derived from it."²

PAPIRIA LEX. (Vid. LEX, p. 584.)

PAPYRUS, I. (Vid. LIBER.)

*II. The *Cyperus Papyrus*, L. The Papyrus is an aquatic plant, growing abundantly in the waters of the Nile. Its roots are large and tortuous; its stem is triangular, gradually tapering as it shoots up gracefully to the height of fifteen or twenty feet, where it is very slender, and is surmounted by a fibrous tuft of fine filaments, which are again subdivided into others, bearing small seedy flowerets; the whole of the umbel forming a beautiful flowing plume. Paper was made from the inner rind of the stem. The plates or pellicles obtained near the centre were the best, and each cut diminished in value in proportion as it was distant from that part of the stem. (Vid. LIBER.)³

PAR IMPAR LUDERE (*ἀρτιασμός*, *ἀρτ-άζειν*, *ἀρτια ἢ περιττὰ παίζειν*), the game at odd and even, was a favourite game among the Greeks and Romans. A person held in his hand a certain number of astragali or other things, and his opponent had to guess whether the number was odd or even.*

PARABASIS. (Vid. COMEDIA.)

PARABOLON or PARABOLION (*παράβολον*, *παράβoλλιον*), a small fee paid by the appellant party on an appeal (*ἐφεσις*) from an inferior to a superior tribunal; as, for instance, from an arbitrator or a magistrate, or from the court of the *δημόται*, or from the senate of Five Hundred, to the jury or heliastic court. As to the sum to be paid and other particulars, we are uninformed.⁴

PARACHYTES (*παραχύτης*). (Vid. ΛΟΥΤΡΩΝ, p. 599.)

PARADISUS (*παράδεισος*) was the name given by the Greeks to the parks or pleasure-grounds which surrounded the country residences of the Persian kings and satraps. They were generally stocked with animals for the chase, were full of all kinds of trees, watered by numerous streams, and enclosed with walls.⁵ These paradises were frequently of great extent; thus Cyrus, on one occasion, reviewed the Greek army in his paradise at Celæne,⁶ and on another occasion the Greeks were alarmed by a report that there was a great army in a neighbouring paradise.⁷

Pollux⁸ says that *παράδεισος* was a Persian word, and there can be no doubt that the Greeks obtained it from the Persians. The word, however, seems to have been used by other Eastern nations, and not to have been peculiar to the Persians. Gese-

1. (Theoph., H. P., i., 9.—Id. ib., ix., 11, &c.—Dioscor., iv., 65, &c.—Adams, Append., s. v.)—2. (Aristot., H. A., v., 17.—Adams, Append., s. v.)—3. (Library of Enter. Knowledge, vol. xxi., p. 131.)—4. (Pollux, Onom., ix., 101.—Plato, Lys., p. 207.—Hor., Sat., II., iii., 248.—Suet., Octav., 71.—Nux Eleg., 79.—Becker, Gallus, ii., p. 233.)—5. (Pollux, Onom., viii., 62, 63.—Meier, Att., Proc., 767, 772.)—6. (Xen., Anab., i., 4, § 10.—Cyr., i., 3, § 14; 4, § 5.—Hellen., iv., 1, § 33.—Ecc., iv., 13.—Diod. Sic., xvi., 41.—Curt., viii., 1, § 11, 12.—Gell., ii., 20.)—7. (Xen., Anab., i., 2, § 9.)—8. (Id., ii., 4, § 16.)—9. (ix., 13.)

nus¹ and other writers suppose it to be the same as the Sanscrit *पदेश* (*paradēsa*), but this word does not mean a *land elevated and cultivated*, as Gesenius and others say, but merely a *foreign country*, whence is derived *पदेशिनी* (*paradēsini*), a *foreigner*. The word occurs in Hebrew (פָּדֵסָ, *paradēs*) as early as the time of Solomon,² and is also found in Arabic (فردوس, *ferdaus*) and Armenian (*par-des*³).

PARAGAUDA (*παραγῶδης*), the border of a tunic (*vid. LIMBUS*), enriched with gold thread, worn by ladies, but not allowed to men except as one of the insignia of office. These borders were among the rich presents given by *Furius Placidus*, A.D. 343, when he was made consul.⁴ Under the later emperors the manufacture of them was forbidden except in their own gynæcea.⁵ The term *paragauda*, which is probably of Oriental origin, seems also to have been converted into an adjective, and thus to have become the denomination of the tunic which was decorated with such borders.⁶

PARAGRAPHE (*παραγραφή*). This word does not exactly correspond with any term in our language, but may, without much impropriety, be called a *plea*. It is an objection raised by the defendant to the admissibility of the plaintiff's action: "*exceptio rei adversus actorem, actionemque, quærentis aut de foro haud competente, aut de tempore, modoque procedendi illegitimo.*"⁷ Sir William Jones, in the preface to his translation of *Isæus*, compares it with a *demurrer*; but this is not so correct, because a demurrer is an objection arising out of an adversary's own statement of his case, whereas the *παραγραφή* was an objection depending on facts stated by the defendant himself, and therefore rather resembles a plea, or (more strictly) a special plea. This appears from the *παραγραφικοί λόγοι* of Demosthenes, in which we find the defendant introducing new allegations into the cause, and supporting them by proof. Thus, in the speech against *Nausimachus* and *Xenophanes*, the ground of objection is, that the father of the defendants having obtained a release from the plaintiffs, it was no longer open to the plaintiffs to bring an action for the same cause. But the first mention of this release is made by the defendants in their plea. In the speech against *Zenonhemis*, the defendant objects that the *ἔμπορικὴ δίκη* does not lie, because there was no written contract between him and the plaintiff on a voyage to or from Athens; and this (says he) appears from the declaration itself (*ἐν τῷ ἐγκλήματι*). As parties could not be defeated at Athens by a technical objection to the pleadings, the defendant in the above case, notwithstanding the defective statement of the plaintiff in the declaration, was compelled to bring forward his objection by plea, and to support it before the jury. In the speech against *Phormio*, the plaintiff says that, as the defendant only denies that he has committed a breach of the contract, there was no occasion for a *παραγραφή*: the question merely was, whether the plaintiff's charge was true. It seems that a *παραγραφή* might be put in, not only when the defendant could show that the cause of action was discharged, or that it was not maintainable in point of law, but also when the form of action was misconceived, or when it was commenced at a wrong time, or brought before the wrong magistrate (*ἡγεμῶν δικαστηρίου*). In the last

case the *παραγραφή* would answer to our *plea in jurisdiction*.¹

The *παραγραφή*, like every other answer (*ἐπιγραφή*) made by the defendant to the plaintiff's charge, was given in writing, as the word itself implies.² If the defendant merely denied the plaintiff's allegations, or (as we might say) *pleaded the general issue*, he was said *ἐπιθουδικίαν* or *τὴν εἰσέτιαν εἰσεῖναι*, or *ἀπολογεῖσθαι τὴν εἰθουδικίαν εἰσέτιαν*. In this case a court was at once held for the trial of the cause. If, however, he put in a *παραγραφή*, he maintained that the cause was not *εἰσαγωγίμη* (*παραγράψατο μὴ εἰσαγωγίμων εἶναι τὴν δίκην*), and in that case a court was to be held to try the preliminary question, whether the cause could be brought into court or not. Upon this previous trial the defendant was considered the *actor*, and hence is said by Demosthenes³ *κατηγορεῖν τοῦ δίκωντος*. He began, and had to maintain the ground of objection which he relied upon.⁴ If he succeeded, the whole cause was at an end; unless the objection was only to the form of the action, or some other such technicality, in which case it might be recommenced in the proper manner. If, however, the plaintiff succeeded, the jury merely decided *εἰσαγωγίμων εἶναι τὴν δίκην*, and then the original action, which in the mean time had been suspended, was proceeded with.⁵ Both parties on the trial of the *παραγραφή* were liable to the *ἑπωβελία* on failure to obtain a fifth part of the votes.

The course of proceeding on a *παραγραφή* was obviously calculated to delay the progress of the cause, and was therefore not looked on with favour by the dicasts. *Προφάσεις, ὑπόμνησται, παραγραφῶν, τὰ ἐκ τῶν νόμων, excuses, delays, pleas, legal objections*, are classed together by the orator as being the manoeuvres of defendants to defeat justice. Hence we find in the extant *παραγραφικοί λόγοι*, that the defendant, in order to remove the prejudice of the dicasts against himself, not only supports the ground of the *παραγραφή*, but discusses the general merits of the cause, and endeavours to show that there is no foundation for the plaintiff's complaint; and there is no doubt that the dicasts were materially influenced by such discussion, however in strictness irrelevant.⁶ The same observation applies to the *δαμαρτυρία*. (*Vid. HERES, GREEK.*)⁷

There was no such thing as this proceeding by *παραγραφή* until after the expulsion of the thirty tyrants, when a law was passed, on the proposal of *Archinus*, *ἂν τις δικάζηται παρὰ τοῖς δροκῶν, εἴη εἰναι τῷ φεύγοντι παραγράφασθαι, τοῖς δὲ ἄρχοντες περὶ τούτου πρῶτον εἰσαγεῖν, λέγειν δὲ πρῶτερον τὴν παραγραφόμενον, ὅπότερος δ' ἂν ἦττηθῆ, τὴν ἑπωβελίαν ὀφείλειν*. The object of this law appears to have been, to enable any person against whom an information or prosecution might be brought, or action commenced, for any matter arising out of the late political troubles, to obtain the benefit of the general amnesty, by specially pleading the same, and so bringing his defence in a more solemn manner before the court. The same privilege was afterwards extended to other grounds of defence (See the opening of the speech of *Isocrates* against *Callimachus*.) Before this time all special objections to the adversary's course of proceeding seem to have been called *ἀντιγραφαί*, and sometimes *ἐξωμοσίαι*, because an oath was taken by the party who tendered them.⁸

1. (*Lexicon Hebr.*, p. 838, Lips., 1833.)—2. (*Eccles.*, ii, 5.—*Cant.*, iv, 13.)—3. (*Schröder, Dissert. Thesaur. Ling. Armen. præmis.*, p. 56.)—4. (*Fl. Vopisc.*, Aurel., p. 2146, ed. Salmas.)—5. (*Cod.*, ii, tit. 8, s. 1, 2.)—6. (*Lydus, De Mag.*, i, 17; ii, 4, 17.)—7. (*Reiske, Index Gr. in Orat.*)

1. (*Demosth.*, c. *Pantæn.*, 976.—*Suidas*, s. v. *Παραγραφή* and *ἐπιθουδικία*.)—2. (*Demosth.*, c. *Phorm.*, 912.)—3. (*c. Phorm.*, 908.)—4. (*Demosth.*, c. *Steph.*, 1103.)—5. (*Demosth.*, c. *Zenot.*, 888.—*Lys.*, De *Publ. Pec.*, 148, ed. *Steph.*)—6. (*Demosth.*, c. *Mid.*, 541; c. *Laer.*, 924; c. *Steph.*, 1117.—*Pro Phorm.*, 944.—*Agripp. Or.*, c. *Zenoth.*)—7. (*Isæus*, De *Philoct. her.*, 66.—*De Archin.*, 63, ed. *Steph.*—*Demosth.*, c. *Leoch.*, 1007.)—8. (*Lysias*, c. *Fancl.*, 166, ed. *Steph.*—*Aristoph.*, *Eccles.*, 1026.—*Schöll, ad J.*—*Suidas*, s. v. *Ἐξωμοσία*.—*Meier, Att. Proc.*, p. 644—650.)

PARACATABOLE (παρακαταβολή), a sum of money required of a plaintiff or petitioner in certain cases as a security that his complaint or demand was not frivolous, or made on slight and insufficient grounds. Such was the deposit made in certain injustice cases, viz., a tenth part of the value of the property sought to be recovered. (*Vid. HERES, c.*) So, also, in the proceeding termed *ἐνεπίστα*, which was a suit instituted against the pubescent by a creditor to obtain payment out of the debtor's confiscated goods, a fifth part of the value was deposited. It was returned to the petitioner if successful, otherwise it went to the state. Money was deposited either at the *ἀνάκρισις* or at the commencement of the cause. The word *καταβολή* signifies both the paying of the deposit and the money deposited; and, being a word of general import, we find it used to denote various kinds of deposits, as the *πρωτανεία* and *παύση*.²

ΠΑΡΑΚΑΤΑΘΗΚΕ (παρακαταθήκη) generally signifies a deposit of something valuable with a person or other person for the benefit of the owner. If I deliver my goods to a friend, to be taken care of for me, or if I deposit money with a banker, such delivery or *bailment*, or the goods or money delivered, or the money deposited, may be termed *παρακαταθήκη*; and the word is often applied metaphorically to any important trust committed to one person to another. As every bailee is bound to restore to the bailor the thing deposited, on demand (in case of a simple bailment), or on the performance of the conditions on which it was deposited, the Athenians gave a *παρακαταθήκης δίκη* to a bailor who unjustly withheld his property from the owner, *ἀπεστέρησε τὴν παρακαταθήκην*.³ An example of such an action against a banker is given in the *ἐπιχειρηματικὸς λόγος* of Isocrates. A pledge given to a creditor could not be recovered except on the performance of the money owed to him; but, after the sale of the article, and satisfying his debt out of the proceeds, he would, of course, be bound to restore the surplus (if any) to the pledgor. It follows, from the nature of the *παρακ. δίκη*, that it was *ἀτίμητος*, and it is not improbable that the additional penalty of *πίναξ* might be inflicted on a defendant who had unjustly denied that he had ever received the de-

posit. The difficulty of procuring safe custody for movable property, and the general insecurity of movable property, induced many rich persons to make valdeposites in the principal temples, such as Apollo at Delphi, Jupiter at Olympia, and so forth.

It may be observed that *τίθεσθαι, παρακαταθεῖν*, in the middle voice, are always used of a person making a deposit for his own benefit, with the intention of taking it up again. Hence the expression *θέσθαι χάριν*, to confer an obligation, which the party (as it were) of drawing upon the creditor for a return of the favour at some future time. *Κομίζεσθαι* is to recover your property.

ΠΑΡΑΚΑΤΑΘΗΚΗΣ ΔΙΚΗ. (*Vid. PARACATABOLE*) ΠΑΡΑΝΟΜΙΑΣ ΓΡΑΦΗ. This proceeding may be termed a writ to our commission of lunacy, or writ *de ob inquirendo*. It was a suit at Athens that might be instituted by a son or other near relative of one who, by reason of madness or mental incapacity, had become incapable of managing his affairs. If the complaint was well-grounded,

the court decreed that the next heir should take possession of the lunatic's property, and probably, also, made some provision for his being put in confinement, or under proper care and guardianship.¹ It is related of Sophocles, that, having continued to write tragedies to an advanced age, and by reason thereof neglected his family affairs, he was brought before the court by his sons, and accused of lunacy; that he then read to the judges his *Cedipus Coloneus*, which he had just composed, and asked them if a man out of his mind could write such a poem as that; whereupon they acquitted him.² The story is told differently by the anonymous author of the life of Sophocles, who speaks of the suit as taking place between Iophon and his father, and seems to intimate that it was preferred before the *φράτορες*. In this last point he is supported by the scholiast on Aristophanes; but it can hardly be correct, as we have no other authority for supposing that the *φράτορες* had such a jurisdiction, and Pollux³ expressly says that the *παρανομίας γραφή* came before the archon, to whom, indeed, it peculiarly belonged, as being a matter connected with family rights; and, if so, we are to understand that it came before the archon in the regular way, as *ἡγεμόνων δικαστηρίον*.⁴ It is highly probable that there was some foundation for this anecdote of Sophocles. He might, perhaps, have given offence to his sons by that penuriousness which is said to have crept upon him in his old age; and Iophon, being a poet, and lying under the suspicion of being assisted by his father, might possibly be induced, by a mean jealousy, to bring this charge against him.⁵ The play of *Cedipus Coloneus* appears to exhibit the wounded feelings of the writer. (See more especially v. 337, 441.)

ΠΑΡΑΝΟΜΩΝ ΓΡΑΦΗ. An indictment for proposing an illegal, or, rather, unconstitutional measure or law. We have seen (*vid. ΝΟΜΟΘΗΤΕΣ*) that any Athenian citizen was at liberty to make a motion in the popular assembly to pass a new law or amend an old one. In order to check rash and hasty legislation, the mover of any law or decree, though he succeeded in causing it to be passed, was still amenable to criminal justice if his enactment was found to be inconsistent with other laws that remained in force, or with the public interest.⁶ Any person might institute against him the *γραφή παρανόμων* within a year from the passing of the law. If he was convicted, not only did the law become void, but any punishment might be inflicted on him, at the discretion of the judges before whom he was tried; for it was a *τιμητὸς ἄγων*. A person thrice so convicted lost the right of proposing laws in the future. The cognizance of the cause belonged to the *thesmothetes*.⁷ The prosecutor was compelled to take an oath, called by the same name as that taken to obtain delay in courts of justice (*ὑπαμοσία*), because it had the effect of delaying the operation of the proposed measure, which otherwise might have come into force immediately.⁸ Examples of such prosecutions are the speech of Demosthenes against Timocrates, and that of *Æschines* against Ctesiphon. They both comment on the importance of the prosecution, as tending to preserve the existing laws and maintain constitutional liberty.⁹ Notwithstanding this check, the mania for legislation appears to have increased so greatly at Athens in later times, that Demosthenes¹⁰ declares that *ψηφισμάτων οὐδ' ὅτι οὐκ ἀφεύρουσιν οἱ νόμοι*. This arose

1. (Suidas, s. v. *Παρανομία*.—Xen., Mem., i., 2, § 49.—Aristoph., Nub., 844.—Æsch., c. Ctes., 89, ed. Steph.)—2. (Cic., De Senect., 7.)—3. (viii., 89.)—4. (Meier, Att. Proc., p. 296-298.)—5. (*Vid.* Aristoph., Ran., 78.—Pax, 697.)—6. (Demosth., c. Timocr., 710, 711.)—7. (Schömann, Ant. jur. pub. Gr., p. 244.)—8. (Schömann, *ib.*, p. 224.)—9. (Demosth., c. Timocr., 748, 749.—Æsch., c. Ctes., 54, 82, ed. Steph.)—10. (ε. Leptin., p. 485.)

from the relaxation of that precautionary law of Solon, which required every measure to be approved by the νομοθέται before it could pass into law. (*Vid.* ΝΟΜΟΘΗΤΕΣ, and Schömann.¹) It is obvious that, while the people in assembly had the power of making decrees which could remain in force for a year, if they wished to evade the law of Solon, all they had to do was to renew their decree from year to year, and thus, in practice, the ψήφισμα became νόμος.

If the year had elapsed, the propounder of the law could not be punished, though the law itself might be repealed in the ordinary way by the institution of proceedings before the νομοθέται, before whom it was defended by the five σύνδικοι. The speech against Leptines was made in a proceeding against the law itself, and not against the mover. As the author of the second argument says, παρελθόντος τοῦ χρόνου, ἐν ᾧ ὑπεύθυνος ἦν κρίσει καὶ τιμωρία γράφων τις νόμον, ἐφαίνετο Λεπτινῆς ἄκινδυνος ὄθεν πρὸς αὐτὸν, ἀλλ' οὐ κατ' αὐτοῦ ὁ λόγος.²

ΠΑΡ'ΑΝΥΜΦΟΣ (παράνυμφος). (*Vid.* ΜΑΡΙΑΓΕ, GREEK, p. 620.)

ΠΑΡΑΠΤΑΣΜΑ (παπαπέτασμα). (*Vid.* VELUM.)

ΠΑΡΑΠΗΡΝΑ. (*Vid.* DOS, ROMAN.)

ΠΑΡΑΠΡΕΣΒΕΙΑ (παρπρεσβεία) signifies any corrupt conduct, misfeasance, or neglect of duty on the part of an ambassador, for which he was liable to be called to account and prosecuted on his return home.³ Ambassadors were usually elected by the people in assembly; they either had instructions given to them or not; in the latter case they were called ἀποκράτορες, envoys with full powers, or plenipotentiary.⁴ To act contrary to their instructions (παρὰ τὸ ψήφισμα πρσβεύειν) was a high misdemeanour.⁵ On their return home they were required immediately to make a report of their proceedings (ἀπαγγέλλειν τὴν πρσβείαν), first to the Senate of Five Hundred, and afterward to the people in assembly.⁶ This done, they were *functi officio*; but still, like all other persons who had held an office of trust, they were liable to render an account (εὐθύνας) of the manner in which they had discharged their duty.⁷ The persons to whom such account was to be rendered were the λογισταί, and the officers associated with them, called εὐθνοί. A pecuniary account was only rendered in cases where money had passed through the hands of the party; in other cases, after stating that he had neither spent nor received any of the public money, the accounting party was discharged, unless there was reason for thinking that he deserved to be proceeded against for misconduct. The λογισταί themselves had power to summon the party at once to appear as a criminal, and undergo the ἀνάκρισις in their office (λογιστήριον), upon which they would direct the συνήγοροι to prosecute; and this probably was the ordinary course in case of any pecuniary malversation. Accusations, however, of a more general nature were commonly preferred by individuals, giving information to the λογισταί, who, for the purpose of giving any citizen an opportunity of so doing, caused their κέρυξ to make proclamation in public assembly, that such a person was about to render his account, and to ask if any one intended to accuse him. If an accuser appeared, his charge would be reduced to the form of a γραφή, and the prosecution would be conducted in the usual way, the λογισταί being the superintending magistrates.⁸ Magistrates who were annually elect-

ed rendered their accounts at the end of the office, year; but ambassadors, who were extraordinary functionaries, had no time limited for this purpose. Æschines delayed giving an account of his embassy to Philip for three years.¹ We can hardly suppose, however (as Thirlwall states), that the time of rendering the account was optional with the ambassador himself, since, not to mention the power of the λογισταί, it was open to any man to move for a special decree of the people, that the party should be called to account immediately. The γραφή παρπρεσβείας was a τιμητὸς ἀγών;² and as it might comprise charges of the most serious kind, such as treachery and treason against the state, the defendant might have to apprehend the heaviest punishment. Æschines³ reminds the dicasts of the great peril to which he is exposed, and makes a merit of submitting to his trial without fear. Besides the γραφή, an εἰσαγγελία might be brought against an ambassador, upon which the accused would be committed to prison, or compelled to give bail for his appearance. This course was taken by Hyperides against Philocrates, who avoided his trial by voluntary exile.⁴

ΠΑΡΑΠΡΕΣΒΕΙΑΣ ΓΡΑΦΗ. (*Vid.* ΠΑΡΑΠΡΕΣΒΕΙΑ.)

PARASANG (ὁ παρασάγγης), a Persian measure of length, frequently mentioned by the Greek writers. It is still used by the Persians, who call it

فرسنگ (*farseng*), which has been changed in Arabic into فرسخ (*farsakh*).

According to Herodotus,⁵ the parasang was equal to 30 Greek stadia. Suidas⁶ and Hesychius⁷ assign it the same length; and Xenophon must also have calculated it at the same, as he says⁸ that 16,050 stadia are equal to 535 parasangs (16,050 ÷ 535 = 30). Agathias,⁹ however, who quotes the testimony of Herodotus and Xenophon to the parasang being 30 stadia, says that in his time the Iberi and Persians made it only 21 stadia. Strabo¹⁰ also states that some writers reckoned it at 60, others at 40, and others at 30 stadia; and Pliny¹¹ informs us that the Persians themselves assigned different lengths to it. Modern English travellers estimate it variously at from 3½ to 4 English miles, which nearly agrees with the calculation of Herodotus.

The etymology of parasang is doubtful. Rödiger¹² supposes the latter part of the word to be the same as the Persian سنگ (*seng*), "a stone," and the former part to be connected with the Sanscrit परि (*pāra*), "end," and thinks that it may have derived its name from the stones placed at the end of certain distances on the public roads of Persia.

PARASEMON (παράσημον). (*Vid.* ΙΝΣΙΟΝΕ.)

PARASITI (παράσιτοι) properly denotes persons who dine with others. In the early history of Greece the word had a very different meaning from that in which it was used in later times. Τὸ δὲ τοῦ παρασίτου ὄνομα πάλαι μὲν ἦν σεμνὸν καὶ ἱερὸν, says Athenaeus;¹³ and he proves from various decrees (ψηφίσματα) and other authorities that anciently the name παρσίσιτος was given to distinguished persons who were appointed as assistants to certain priests and to the highest magistrates. As regards the priestly and civil parasites, the accounts of their office are so obscure that we are scarcely able to form any definite notion of it. An ancient law¹⁴ ordained

1. (p. 229).—2. (Hermann, *Pol. Ant.*, § 132).—3. (Demosth., c. *Mid.*, 515.—*De Fals. Leg.*, 342).—4. (Thucyd., v., 45.—*Æsch.*, c. *Ctes.*, 62, ed. Steph.).—5. (Demosth., *De Fals. Leg.*, 346).—6. (*Æsch.*, *De Fals. Leg.*, 30, ed. Steph.—Aristoph., *Ach.*, 61.—Schömann, *Ant. Jur. pub. Gr.*, p. 234).—7. (Demosth., *De Fals. Leg.*, 367, 406).—8. (Pollux, *Onom.*, viii., 40, 43.—Schömann, *ib.*, p. 240.—Meier, *Att. Proc.*, 214-224.)

1. (Demosth., *De Fals. Leg.*, 374.—Thirlwall, *Gr. Hist.*, vol. vi., p. 26).—2. (Meier, *Att. Proc.*, 193).—3. (*De Fals. Leg.*, 35, 52).—4. (*Æsch.*, c. *Ctes.*, 65, ed. Steph.).—5. (ii., 6, v., 53, vi., 42).—6. (s. v.).—7. (s. v.).—8. (Anab., ii., 2, § 6).—9. (ii., 21).—10. (xi., p. 518).—11. (H. N., vi., 30).—12. (in *Ersch und Gruber's Encyclopædie*, s. v. *Paras.*)—13. (vi., p. 234).—14. (Athen., l. c.)

that each of the priestly parasites should select from the *βουκολία* the sixth part of a medimnus of barley, and supply with it the Athenians who were present in the temple, according to the custom of their fathers; and this sixth of a medimnus was to be given by the parasites of Acharnæ. The meaning of this very obscure law is discussed by Preller.¹ Thus much, however, is clear, that the parasites were elected in the demi of Attica from among the most distinguished and most ancient families. We find their number to have been twelve, so that it did not coincide with that of the demi. This may be accounted for by supposing that in one demos two or more gods were worshipped, whose service required a parasite, while in another there was no such divinity. The gods in whose service parasites are mentioned are Heracles, Apollo, the Anaces, and Athena of Pallene. Their services appear to have been rewarded with a third of the victims sacrificed to their respective gods. Such officers existed down to a late period of Greek history, for Clearchus, a disciple of Aristotle, said that parasites in his own days continued to be appointed in most Grecian states to the most distinguished magistrates.² These, however, must have been different from the priestly parasites. Solon, in his legislation, called the act of giving public meals to certain magistrates and foreign ambassadors in the *prytaneion*, *παρασιτεῖν*,³ and it may be that the parasites were connected with this institution.⁴

The class of persons whom we call parasites was very numerous in ancient Greece, and appears to have existed from early times, though they were not designated by this name. The comedies of Aristophanes contain various allusions to them, and Philippus, who is introduced in the Symposium of Xenophon, as well as a person described in some verses of Epicharmos preserved in Athenæus, are perfect specimens of parasites. But the first writer who designated these persons by the name of *παράσιτοι* was Alexis, in one of his comedies.⁵ In the so-called middle and new Attic comedy, and in their Roman imitations, the parasites are standing characters; and although they are described in very strong colours in these comedies, yet the description does not seem to be much exaggerated, if we may judge from other accounts of real parasites. We shall not, therefore, be much mistaken in borrowing our description of parasites chiefly from these comedies.

The characteristic features common to all parasites are importunity, love of sensual pleasures, and, above all, the desire of getting a good dinner without paying for it. According to the various means they employed to obtain this object, they may be divided into three classes. The first are the *γελωτοποιοί*, or jesters, who, in order to get some invitation, not only tried to amuse persons with their jokes, but even exposed their own person to ridicule, and would bear all kinds of insult and abuse if they could only hope to gain the desired object. Among these we may class Philippus in the Symposium of Xenophon, Ergastilus in the Captivi, and Gelasimus in the Stichus of Plautus. The second class are the *κόλακες* or flatterers (*assentatores*), who, by praising and admiring vain persons, endeavoured to obtain an invitation to their house. Gnatho in the Eunuchus of Terence, and the Artotrogus in the Miles Gloriosus of Plautus, are admirable delineations of such characters. The third class are the *θεραπευτικοί*, or the officious, who, by a variety of services, even of the lowest and most degrading description, endeavoured to acquire claims

to invitations.¹ Characters of this class are the parasites in the *Asinaria* and *Menæchmi* of Plautus, and more especially the *Curculio* and *Saturio* in the *Persa* of Plautus and the *Phormio* of Terence. From the various statements in comedies and the treatise of Plutarch, *De Adulatoris et Amici Discrimine*, we see that parasites always tried to discover where a good dinner was to be had, and for this purpose they lounged about in the market, the *palæstræ*, the baths, and other public places of resort. After they had fixed upon a person, who was in most cases, probably, an inexperienced young man, they used every possible means to induce him to invite them. No humiliation and no abuse could deter them from pursuing their plans. Some examples of the most disgusting humiliations which parasites endured, and even rejoiced in, are mentioned by Athenæus² and Plutarch.³ During the time of the Roman emperors, a parasite seems to have been a constant guest at the tables of the wealthy.⁴

PARASTADES (*παραστάδες*). (Vid. ANTÆ.)

PARASTASIS (*πάραστασις*). A fee of one drachm paid to an arbitrator by the plaintiff on bringing his cause before him, and by the defendant on putting in his answer. The same name was given to the fee (perhaps a drachm) paid by the prosecutor in most public causes.⁵ (Compare *ΔΙΣΤΗΤΕ*, p. 353.)

PARASTATÆ (*παραστάται*). (Vid. ELEVEN, THE.)

PARAZONIUM. (Vid. ZONA.)

*PARDALIS (*πάρδαλις*). "Oppian describes two species of *Pardalis*, namely, the greater and the smaller. According to Buffon, the former is the Panther, and the latter the Ounce. It is beyond a doubt," he remarks, "that the little Panther of Oppian, the *Phet* or *Phed* of the Arabians, the *Foadh* of Barbary, the *Onza* or Ounce of the Europeans, are one and the same animal. There is great reason to think that it is also the *Pardus* of the ancients, and the *Panthera* of Pliny." Buffon adds, "It is highly probable, moreover, that the little Panther was called simply *Pard* or *Pardus*, and that, in process of time, the large Panther obtained the name of *Leopard* or *Leopardus*." "The Greeks," says Smith, speaking of the Panther and Leopard, "knew one of these from the time of Homer, which they named *Pardalis*, as Menelaus is said in the *Iliad* to have covered himself with the spotted skin of this animal. This they compared, on account of its strength and cruelty, to the lion, and represented it as having its skin varied with spots. Its name, even, was synonymous with spotted. The Greek translators of the Scriptures used the name *Pardalis* as synonymous with *Namer*, which word, with a slight modification, signifies 'the Panther,' at present, among the Arabians. The name *Pardalis* gave place among the Romans to those of *Panthera* and *Varia*. These are the words they used during the two first ages, whenever they had occasion to translate the Greek passages which mentioned the *Pardalis*, or when they themselves mentioned this animal. They sometimes used the word *Pardus* either for *Pardalis* or for *Namer*. Pliny even says that *Pardus* signified the male of *Panthera* or *Varia*. So, reciprocally, the Greeks translated *Panthera* by the word *Pardalis*. The term *Panthera*, although of Greek root, did not, then, preserve the sense of the word *πάνθηρ*, which is constantly marked as

1. (Polemonis Fragm., p. 115, &c.)—2. (Athen., vi., p. 235.)—3. (Plut., Sol., 24.)—4. (Compare Pollux, vi., c. 7.)—5. (Athen., vi., p. 235.)

1. (Plut., De Adul., 23; De Educat., 17.)—2. (vi., p. 249.)—3. (De Occult. viv., 1.—Sympos., vii., 6.—Compare Diog. Laert., ii., 67.)—4. (Lucian, De Parasit., 68.—Compare Becker, Charikles, i., p. 490, &c.—Le Beau, in the Hist. de l'Acad. des Inscript., vol. xxxi., p. 51, &c.—M. H. E. Meyer, in Ersch und Gruber's Encyclopædie, s. v. Parasiten.)—5. (Harpor., s. v. Πάρδαλις.—Meier, Att. Proc., 614, 615.)

different from *I ardalis*, and by Oppian is said to be small and of little courage. The Romans, nevertheless, sometimes employed it to translate the word *πάνθηρ*, and the Greeks of the lower empire, induced by the resemblance of the names, have probably attributed to the Panther some of the characters which they found among the Romans on the Panthera. Bochart, without knowing these animals himself, has collected and compared with much sagacity everything that the ancients and the Orientalists have said about them. He endeavours to clear up these apparent contradictions by a passage in which Oppian characterizes two species of *Pardalis*, the great, with a shorter tail than the less. It is to this smaller species that Bochart would apply the word *πάνθηρ*. But there are found in the country known to the ancients two animals with spotted skins: the common Panther of naturalists, and another animal, which, after Daubenton, is named the Guepard (or Hunting Leopard). The Arabian authors have there also known and distinguished two of these animals; the first under the name of *Nemer*, the other under that of *Fehd*; and although Bochart considers the *Fehd* to be the Lynx, Cuvier rather inclines to think it the Hunting Leopard. The Guepard, then, would be the Panther, and there is nothing stated by the Greeks repugnant to this idea.¹¹

*II. One of the large fishes mentioned by Ælian and Oppian, and by Suidas under *κῆτος*. Many conjectures have been made respecting it, the most probable of which, according to Adams, is, that it was the *Squalus tigrinus*, a species of Shark.²

*PARDALOS (*πάρδαλος*), a bird noticed by Aristotle. "Aldrovandi and Buffon agree in holding it to be the *Tringa squatarola*, L., or the Gray Plover; but Dr. Trail prefers the *Charadrius plumialis*, or Golden Plover. Schneider mentions that Billerbeck had advanced the opinion that it is the common Starling, or *Sturnus vulgaris*. This opinion, however, is entitled to no credit."¹²

*PARDION (*πάρδιον*). Schneider follows Pallas in referring this to the Camelopard, or *Giraffa Camelopardalis*.⁴

PAREDRI (*πάρεδροι*). Each of the three superior archons was at liberty to have two assessors (*πάρεδροι*), chosen by himself, to assist him, by advice and otherwise, in the performance of his various duties. The assessor, like the magistrate himself, had to undergo a *δοκιμασία* in the Senate of Five Hundred and before a judicial tribunal before he could be permitted to enter upon his labours. He was also to render an account (*εὐθύνη*) at the end of the year. The office is called an *ἀρχή* by Demosthenes.⁵ The duties of the archon, magisterial and judicial, were so numerous, that one of the principal objects of having assessors must have been to enable them to get through their business. We find the *πάρεδρος* assisting the archon at the *λῆξις δίκης*.⁶ He had authority to keep order at public festivals and theatres, and to impose a fine on the disorderly.⁷ As the archons were chosen by lot (*κλήρωτοί*), and might be persons of inferior capacity, and not very well fitted for their station, it might often be useful, or even necessary, for them to procure the assistance of clever men of business.⁸ And perhaps it was intended that the *πάρεδροι* should not only assist, but in some measure check and control the power of their principals. They are spoken of as being *βοηθοί, σύμβουλοι καὶ φύλα-*

κες. Demosthenes accuses Stephanus of buying his place of the *Ἀρχῶν βασιλεὺς*.¹ It was usual to choose relatives and friends to be assessors; but they might at any time be dismissed, at least for good cause.² The thesmotheta, though they had no regular *πάρεδροι*, used to have counsellors (*ἐπιβουλοὶ*), who answered the same purpose.³ The office of *πάρεδρος* was called *παριδρία*, and to exercise it *παρεδρεύειν*.

From the *πάρεδροι* of the archons we must distinguish those who assisted the *εὐθύνου* in examining and auditing magistrates' accounts. The *εὐθύνου* were a board of ten, and each of them chose two assessors.⁴ (*Vid. EUTHYNE*.)

*PAREIAS (*παρείας*), a species of Serpent, ascribed to Æsculapius. Gesner concludes that it is the serpent called *Baron* in certain parts of Italy. According to the author of the Etymologicum Magnum, it is innocuous.⁵

PAREISGRAPHE (*παρεισγραφὴ*) signifies a fraudulent enrolment in the register of citizens. For this an indictment lay at Athens, called *ἕνσις γραφή*; and, besides, the *δημόται* might, by their *διαφήσεις*, eject any person who was illegally enrolled among them. From their decision there might be an appeal to a court of dicasts; of which the speech of Demosthenes against Eubulides furnishes an example. If the dicasts confirmed the decision of the *δημόται*, the appellant party was sold for a slave. Spurious citizens are sometimes called *παρέγγραπτοι, παρεγγραμμένοι*.⁶ The expression *παρεισγραφῆς γραφὴ* is not Attic.⁷

ΠΑΡΕΙΣΓΡΑΦΗΣ ΓΡΑΦΗ. (*Vid. PAREISGRAPHE*.)

PARENTALIA. (*Vid. FUNUS*, p. 462.)

PARIES (*τειχίον*,⁸ whence the epithet *τειχιώσσα*, "full of houses," applied to cities;⁹ *τοιχος*,¹⁰ whence *τοιχορύκτης* and *τοιχωρύχος*, "a house-breaker, a thief," and *τοιχωρυχία*, "burglary"), the wall of a house, in contradistinction from *murus*, the wall of a city. Among the numerous methods employed by the ancients in constructing walls, we find mention of the following:

I. The *paries cratitius*, i. e., the wattled or the lath-and-plaster wall, made of canes or hurdles (*vid. CRATES*) covered with clay.¹¹ These were used in the original city of Rome to form entire houses;¹² afterward they were coated with mortar instead of clay, and introduced like our lath-and-plaster walls in the interior of houses.

II. Vitruvius¹³ mentions as the next step the practice, common in his time among the Gauls, and continued to our own in Devonshire, of drying square lumps of clay and building them into walls, which were strengthened by means of horizontal bond-timbers (*jugamenta*) laid at intervals, and which were then covered with thatch.

III. The *paries formaceus*, i. e., the *pisé* wall, made of rammed earth. (*Vid. FORMA*.)

IV. In districts abounding with wood, loghouses were common, constructed, like those of the Siberians and of the modern Americans in the back settlements, of the trunks of trees, which were more or less squared, were then laid upon one another in a horizontal position, and had their interstices filled with chips (*schidivis*), moss, and clay. After this

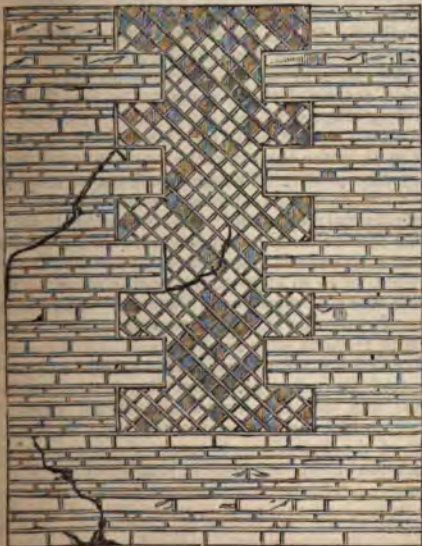
1. (Aristot., H. A., i., 1.—Oppian, Cyneg., iii., 63.—Adams, Append., s. v.—Griffith's Cuvier, vol. ii., p. 459.)—2. (Ælian, N. A., xi., 14.—Oppian, Hal., i., 368.)—3. (Aristot., H. A., ix., 19.—Schneider ad Aristot., l. c.—Adams, Append., s. v.)—4. (Aristot., H. A., ii., 2.—Adams, Append., s. v.)—5. (c. Neer., 1369.)—6. (Demosth., c. Theoc., 1332.)—7. (Demosth., c. Mid., 572.)—8. (Demosth., c. Neer., 1372.)

1. (c. Neer., 1369.)—2. (Demosth., c. Neer., 1373.)—3. (Demosth., c. Theoc., 1330.—Schömann, Ant. jur. pub. Gr., p. 245.—Meier, Att. Proc., p. 57-59.)—4. (Schömann, Ib., 240.—Meier, Ib., 102.)—5. (Æli., N. A., iii., 12.—Lucan, Pharsal., ix., 72.—Adams, Append., s. v.)—6. (Æsch., De Fals. Leg., 35, 31, ed. Steph.)—7. (Schömann, Ant. jur. pub. Gr., 206.—Meier, Att. Proc., 347-349.)—8. (Hom., Od., xvi., 165, 343.)—9. (Il., ii., 559-646.)—10. (Il., ix., 219; xvi., 212.—Od., ii., 342; vi., 28, 95; xx., 302, 354.)—11. (Plin., H. N., xxxv., 14, s. 45.—Festus, s. v. Solen.)—12. (Ovid, Fast., iii., 183; vi., 261.—Vitruv., i., 1.)—13. (l. c.)

manner the Colchians erected houses several stories high.¹

V. The *paries lateritius*, *i. e.*, the brick wall. (*Vid. LATER.*) Among the Romans, the ordinary thickness of an outside wall was 18 inches (*sesquipes*), being the length of the common or Lydian brick; but, if the building was more than one story high, the walls at the bottom were either two or three bricks thick (*diplinthii aut triplinthii*), according to circumstances. The Egyptians sometimes exhibited a checkered pattern, and perhaps other devices, upon the walls of their houses by the alternation of white and black bricks.² The Romans, probably in imitation of the Etrurians, often cased the highest part of a brick wall with a range of terra cottas (*structura and lorica testacea*), eighteen inches high, with projecting cornices, and spouts for discharging the water from the roof. (*Vid. ANTEFIXA.*)

VI. The *reticulata structura*,³ *i. e.*, the reticulated, or resembling network. This structure consists in placing square or lozenge-shaped stones side by side upon their edges, the stones being of small dimensions, and cemented by mortar (*materia ex calce et arena*). In many cases the mortar has proved more durable than the stone, especially where volcanic tufa is the material employed, as at Baia in the Bay of Naples, and in the villa of Hadrian near Tivoli. This kind of building is very common in the ancient edifices of Italy. Vitruvius says⁴ that it was universally adopted in his time. Walls thus constructed were considered more pleasing to the eye, but less secure than those in which the stones lay upon their flat surfaces. The front of the wall was the only part in which the structure was regular, or the stones cut into a certain form, the interior being rubble-work or concrete (*factura*), *i. e.*, fragments and chippings of stone (*camenta, χαλκι*) imbedded in mortar. Only part of the wall was reticulated: to give it firmness and durability, the sides and base were built of brick or of squared stones, and horizontal courses of bricks were laid at intervals, extending through the length and thickness of the wall. These circumstances are well exemplified in the annexed woodcut, which is copied from the drawing of a wall at Pompeii, executed on the spot by Mr. Mocatta.



1. (Vitruv., l. c.—Compare Herod., iv., 108.—Vitruv., ii., 9.)
 2. (Athen., v., p. 208, c.)—3. (Vitruv., ii., 8.—Pallad., De Re Rust., i., 11.)—4. (Plin., H. N., xxxv., 22, s. 51.)—5. (ii., 8.)

VII. The *structura antiqua or incerta*, *i. e.*, the wall of irregular masonry, built of stones, which were not squared or cut into any exact form. The necessary consequence of this method of construction was, that a great part of the wall consisted of mortar and rubble-work.¹

VIII. The *emplecton*, *i. e.*, the complicated wall, consisting, in fact, of three walls joined together. Each side presented regular masonry or brickwork; but the interior was filled with rubble (*factura*). To bind together the two outside walls, and thus render the whole firm and durable, large stones or courses of brickwork (*coagmenta*) were placed at intervals, extending through the whole thickness of the wall, as was done also in the *structura reticulata*. Walls of this description are not uncommon, especially in buildings of considerable size.

IX. The *paries e lapide quadrato*, *i. e.*, the ashlar wall, consisting entirely of stones cut and squared by the chisel. (*Vid. DOLABRA.*) This was the most perfect kind of wall, especially when built of marble. The construction of such walls was carried to the highest perfection by the architects of Greece; the temples of Athens, Corinth, and many cities of Asia Minor still attesting in their ruins the extreme skill bestowed upon the erection of walls. Considerable excellence in this art must have been attained by the Greeks even as early as the age of Homer, who derives one of his similes from the "nicely-fitted stones" of the wall of a house.² But probably in this the Greeks only copied the Asiatics; for Xenophon came to a deserted city in Mesopotamia, the brick walls of which were capped by a parapet of "polished shell marble."³ Instead of using mortar, as in the last four kinds, the ancients gave solidity to their ashlar walls by cutting the stones so exactly as to leave no perceptible space between their contiguous surfaces. A tenon and mortice often united a stone to that which was above it, and the stones which were placed side by side were fastened together with iron cramps (*ansis ferreis*)⁴ and lead.⁵ Hence the Coliseum at Rome, and the other grand remains of ancient architecture throughout Europe, have been regarded by the moderns as iron and lead mines, and we see them mutilated by the pickaxe over all those points where cramps and tenons were known to be inserted. As a farther method of making the walls firm and compact, the Greeks placed at intervals bond-stones, which they called *δαρόνοι*, because they extended through the whole thickness of the wall. The walls of the Temple of Jupiter at Cyzicus, built of the marble (the Proconnesian) for which that locality has always been renowned, were ornamented with a gold thread placed over all the seams of the stones.⁶ Besides conferring the highest degree of beauty and solidity, another important recommendation of ashlar walls was, that they were the most secure against fire, an advantage to which St. Paul alludes when he contrasts the stones, valuable both for material and for workmanship (*λίθους τιμίους*), and the gold and silver which were exhibited in the walls of such a temple as that just mentioned, with the logs of wood, the thatch, the straw and cane, employed in building walls of the first four kinds.⁷ Vitruvius also strongly objects to the *paries cratitius* on account of its great combustibility.⁸

Cicero, in a single passage of his *Topica*,⁹ uses four epithets which were applied to walls. He opposes the *paries solidus* to the *fornicatus*, and the *communis* to the *directus*. The passage, at the same time, shows that the Romans inserted arches

1. (Vitruv., l. c.)—2. (II., xvi., 212.)—3. (Anab., iii., 4, § 10.)
 4. (Vitruv., l. c.)—5. (Herod., i., 186.—Thucyd., i., 93.)—6. (Plin., H. N., xxxvi., 15, s. 22.)—7. (I Cor., iii., 10-15.)—8. (ii., 8, ad fin.)—9. (§ 4.)

(*vid. FORNIX*) into their "common" or party-walls. The annexed woodcut, representing a portion of the supposed *Thermae* at Trèves,¹ exemplifies the frequent occurrence of arches in all Roman buildings, not only when they were intended for windows or doorways, but also when they could serve no other use than to strengthen the wall. In this "*paries fornicatus*" each arch is a combination of two or more concentric arches, all built of brick.



This specimen also shows the alternation of courses of brick and stone, which is a common characteristic of Roman masonry. The "*paries solidus*," i. e., the wall without openings for windows or doorways, was also called "a blind wall;"² and the *paries communis*,³ κοινὸς τοῦχος,⁴ which was the boundary between two tenements and common to them both, was called *intergerimus*, al. *intergerivus*,⁵ and in Greek μεσότοιχος⁶ or μεσότοιχον.⁷ The walls, built at right angles to the party-wall for the convenience of the respective families, were the *parietes directi*.

Walls were adorned, especially in the interior of buildings, in a great variety of ways. Their plane surface was broken by panels. (*Vid. ABACUS*.) However coarse and rough their construction might be, every unevenness was removed by a coating, two or three inches thick, of mortar or of plaster with rough cast, consisting of sand, together with stone, brick, and marble, broken and ground to various degrees of fineness.⁸ Gypsum also, in the state which we call plaster of Paris, was much used in the more splendid edifices, and was decorated with an endless variety of tasteful devices in bas-relief. Of these ornaments, wrought in stucco (*opus albarium*), specimens remain in the "Baths of Titus" at Rome. When the plasterer (*tector, κοινάτης*) had finished his work (*trullissatio*, i. e., trowelling, *opus tectorium*), in all of which he was directed by the use of the square (*vid. NORMA*), the rule, and the line and plummet (*vid. PERPENDICULUM*), and in which he aimed at producing a surface not only smooth and shining, but as little as possible liable to crack or decay,⁹ he was often succeeded by the painter in fresco (*udo tectorio*¹⁰). In many cases the plaster or stucco was left without any additional ornament; and its whiteness and freshness were occasionally restored by washing it with certain fine calcareous or aluminous earths dissolved in milk (*paratonium*,¹¹ *terra Selinusia*¹²). A painted wall was commonly divided

by the artist into rectangular compartments, which he filled, according to his taste and fancy, with an endless variety of landscapes, buildings, gardens, animals, &c.¹ (*Vid. PAINTING*, p. 715.)

Another method of decorating walls was by incrusting them with slabs of marble (*crastæ*). The blocks designed for this purpose were cut into thin slabs by the aid of sawmills. (*Vid. MOSAIC*.) Various kinds of sand were used in the operation, according to the hardness of the stone, emery (*σαμῆς*) being used for the hardest. This art was of high antiquity, and probably Oriental in its origin. The brick walls of the Mausoleum at Halicarnassus, built as early as 355 B. C., were covered with slabs of Proconnesian marble,² and this is the most ancient example upon record. In the time of Pliny,³ slabs of a uniform colour were sometimes curiously inlaid with variously-coloured materials in such a way as to represent animals and other objects. In short, the beautiful invention now called Florentine Mosaic was then in use for the decoration of the walls of apartments. (*Vid. EMBLEMA*.) The common kind of Mosaic was also sometimes used in walls, as well as in floors and ceilings. The greatest refinement was the attempt to produce the effect of mirrors, which was done by inserting into the wall pieces of black glass manufactured in imitation of obsidian.⁴ (*Vid. HOUSE, ROMAN*, p. 516, 520; *PAINTING*, p. 715.)

PARILYLIA. (*Vid. PALILIA*.)

**PARIUM MARMOR* (Πάριος λίθος), Parian Marble, a species of marble much celebrated in ancient times, and procured from the island of Paros. It was used, for the most part, in statuary. "Among the marbles enumerated by Theophrastus and Pliny, that ranks first," remarks Dr. Moore, "with bath, which, from the island of Paros, where it was obtained, was called Parian; and from the manner in which it was quarried, by the light of lamps, was sometimes, as Pliny, on the authority of Varro, tells us, designated by the name *Lychnites*. This is the stone 'whose colour was considered as pleasing to the gods; which was used by Praxiteles and other ancient sculptors, and celebrated for its whiteness by Pindar and Theocritus.'" Of this marble are the *Venus de Medici*, the *Diana Venatrix*, the colossal *Minerva* (called *Pallas of Velletri*), *Ariadne* (called *Cleopatra*), *Juno* (called *Capitolina*), and others. Of this are also the celebrated Oxford marbles, known as the *Parian Chronicle*." For a detailed account of the Parian quarries, and the marble contained there, consult *Clarke's Travels*, vol. 6, p. 133, *seq.*, Lond. ed.

PARMA, dim. PARMULA,⁷ a round shield, three feet in diameter, carried by the *velites* in the Roman army (see p. 104). Though small, compared with the *CLYPEUS*, it was so strongly made as to be a very effectual protection.⁸ This was probably owing to the use of iron in its framework. In the *Pyrrhic* dance it was raised above the head and struck with a sword, so as to emit a loud, ringing noise.⁹ The *parma* was also worn by the *Equites*;¹⁰ and for the sake of state and fashion, it was sometimes adorned with precious stones.¹¹

We find the term *parma* often applied to the *tagget* (*vid. CETRA*), which was also a small round shield, and, therefore, very similar to the *parma*.¹² Virgil, in like manner, applies the term to the *clipeus* of the *Palladium*, because, the statue being small, the shield was small in proportion.¹³

1 (Wyttenbach's Guide, p. 60.)—2 (Virg., *Æn.*, v., 569.)—3 (Ovid., *Mét.*, iv., 66.)—4 (Thucyd., ii., 3.)—5 (Festus, s. v.—Plin., H. N., xxxv., 14, s. 49.)—6 (Athen., vii., p. 281, d.)—7 (Eph., ii., 14.)—8 (Vitruv., vii., 3.—Acts, xxiii., 3.)—9 (Vitruv., vii., 3.)—10 (Vitruv., l. c.)—11 (Plin., H. N., xxxv., 6, s. 18.)—12 (Id. ib., 16, s. 56.)

1 (Vitruv., vii., 5.)—2 (Plin., H. N., xxxvi., 6, s. 2.)—3 (Plin., H. N., xxxvi., 6.)—4 (H. N., xxxv., 1.)—5 (Plin., H. N., xxxvi., 26, s. 67.)—6 (Moore's *Anc. Mineralogy*, p. 77.)—7 (Hor., *Carin.*, ii., 7, 10.)—8 (Polyb., vi., 20.)—9 (Claud., D. vi. *Cons. Honor.*, 628.)—10 (Sallust, *Fragm. Hist.*, l. IV., 11. (*Propert.*, IV., ii., 21.)—12 (*Propert.*, IV., ii., 40.—*Mela*, 5, § 1.—Virg., *Æn.*, x., 817.)—13 (*Æn.*, ii., 173.)

connected woodcut represents a votive parma,



d (σφρηγίλατον) (vid. MALLEUS) and gilded, being on its border, as is supposed, the talismanic by the Gauls under Brennus, and its name by Camillus. It belonged formerly to the British Museum, and is supposed by antiquaries to have been made in the time of Claudius or Nero. The boss (umbo) is a grotesque face, surmounted with ram's horns, foliage, and a twisted

NOBIS (πάρισις), a species of *Locusta*, or grasshopper.²

ONYCHIA (παρωνυχία), a species of Grass. "There is great uncertainty about it," remarks Pausanias. "Conformity of names gives some countenance to the conjecture of Lobelius, who held it to be the Whitlow Grass, namely, the *Draba verna*,

ΨΥΠΣΙΣ (ψυψίς). Two different meanings are attached to this word by the Greek grammarians. Some interpret it as meaning any food eaten in a dish (vid. ΟΡΣΟΝΙΟΝ), as the μάζα, a kind of soft cake, broth, or any kind of condiment or sauce;⁴ and others a saucer, plate, or dish.⁵ It is plain, however, from the numerous passages collected by Athenæus,⁶ that the word is used in both significations, and was the name of a dish or plate, as well as of its contents.⁷ Some ancient writers seem always to use it in the former sense; and, according to Charivias so called, "quia in eo reponuntur obsoleta in mensa comeduntur." The word is also used in the sense of Parapsis.⁸

RA, a bird of evil omen, about which great uncertainty of opinion exists. Vanderbourg, one of the commentators on Horace (by which poet the raven is once mentioned), is in favour of the Owl.¹⁰

RICIDA. (Vid. CORNELIA LEX DE SICARIA.)

PARTHENIAI or PARTHENEIAI (παρθενιαίαι) are, according to the literal meaning of the word, children born by unmarried women (vid. 11). Some writers also designated by this name legitimate children at Sparta who were born before the mother was introduced into the house of her husband.¹² The parthenia, however,

as a distinct class of citizens, appear at Sparta after the first Messenian war, and in connexion with the foundation of Tarentum; but the legends as to who they were differ from one another. Hesyechius says that they were the children of Spartan citizens and female slaves; Antiochus¹ states that they were the sons of those Spartans who took no part in the war against the Messenians. These Spartans were made Helots, and their children were called parthenia, and declared άτιμοι. When they grew up, and were unable to bear their degrading position at home, they emigrated, and became the founders of Tarentum. Ephorus,² again, related the story in a different manner. When the Messenian war had lasted for a considerable number of years, the Spartan women sent an embassy to the camp of their husbands, complained of their long absence, and stated that the Republic would suffer for want of an increase in the number of citizens if the war should continue much longer. Their husbands, who were bound by an oath not to leave the field until the Messenians were conquered, sent home all the young men in the camp, who were not bound by that oath, and requested them to cohabit with the maidens at Sparta. The children thus produced were called parthenia. On the return of the Spartans from Messenia, these parthenia were not treated as citizens, and, accordingly, united with the Helots to wage war against the Spartans. But, when this plan was found impracticable, they emigrated, and founded the colony of Tarentum.³ (Vid. ΕΡΕΥΝΑΚΤΑΙ.) These stories seem to be nothing but distortions of some historical fact. The Spartans, at a time of great distress, had perhaps allowed marriages between Spartans and slaves or Lacedaemonians, or had admitted a number of persons to the franchise, but afterward endeavoured to curtail the privileges of these new citizens, which led to insurrection and emigration.⁴

*PARTHENION (παρθένιον), a species of plant, which Sprengel makes to be the *Matricaria Parthenium*, the same with the *Pyrethrum Parthenium*, Hooker, in English, Fever-few. Sibthorp, with some hesitation, however, advocates the same opinion.⁵

*PASSER (στρουθός), the Sparrow. "The Greek term στρουθός is used by Paulus Aegineta in the same sense that *Passeres* is by Linnæus, as applying to the order of small birds. It is more particularly applied to the *Passer domesticus*, or House Sparrow. Gesner supposes the πυργίτης and τρωγυλοδότης mere varieties of it; but it is more probable that the latter was the Hedge Sparrow, or *Accentor modularis*, Cuvier."⁶

PASSUS, a measure of length, which consisted of five Roman feet.⁷ (Vid. PES.) The passus was not the step, or distance from heel to heel, when the feet were at their utmost ordinary extension, but the distance from the point which the heel leaves to that in which it is set down. The mille passuum, or thousand paces, was the common name of the Roman mile. (Vid. MILLIARE.)

PASTOPHORUS (παστοφόρος). The shawl, richly interwoven with gold (χρυσόπαστος), and displaying various symbolical or mythological figures, was much used in religious ceremonies to conduce to their splendour, to explain their signification, and also to veil their solemnity. The maidens who carried the figured peplos in the Panathenæa at Athens were called άρηφόροι. In Egypt, the priests of Isis and Osiris, who probably fulfilled a similar

well, De Parma Woodwardiana, Oxon., 1713. — Comd., Das Wappenwesen der Griechen und Römer, Bonn, (Strabo, xiii., 9. — Elian., N. A., vi., 19.) — 3. (Dioscorid., Append., s. v.) — 4. (Pollux, Onom., vi., 56; x., ster., ad loc.) — 5. (Hesyech. and Suid., s. v.) — 6. (ix., 8.) — 7. (Compare Xen., Cyr., i., 3, § 4. — Plut., De Isid., 9. — St. Matthew, xxiii., 26.) — 8. (Juv., iii., 142. — 27, 5.) — 9. (Hesyech., s. v. — Suet., Galb., 12. — Petron., 34, tit. 2, s. 19, § 9.) — 10. (Vanderbourg ad Hor. l., s. 27, l.) — 11. (Hom., Il., xvi., 180.) — 12. (Herodotus, s. v. Dor., iv., 4, § 2.)

1. (ap. Strab., vi., 3, p. 43, &c.) — 2. (ap. Strab., vi., 3, p. 45.) — 3. (Compare Theopomp. ap. Athen., vi., p. 271.) — 4. (Vid. Thirlwall, Hist. of Greece, i., p. 352, &c.) — 5. (Adams, Append., s. v.) — 6. (Adams, Append., s. v. Στρουθός.) — 7. (Colum., v., 1. — Viruv., x., 14.)

PATERA.

office, were denominated *παστοφόροι*, and were incorporated.¹ They appear to have extended themselves, together with the extension of the Egyptian worship, over parts of Greece and Italy, so that "the College of the Pastophori of Industria," a city of Liguria, is mentioned in an inscription found near Turin.² The Egyptian college was divided into minor companies, each containing ten pastophori, and each having at its head a leader who was called *decurio quinquennalis*, because he was appointed for five years.³ Besides carrying the *παστός*, or sacred ornamental shawl, they performed other duties in connexion with the worship of the temple. It was the office of this class of priests to raise the shawl with the performance of an appropriate chant, so as to discover the god seated or standing in the adytum,⁴ and generally to show the temple with its sacred utensils, of which, like modern sacristans, they had the custody.⁵ In consequence of the supposed influence of Isis and her priesthood in healing diseases, the pastophori obtained a high rank as physicians.⁶

It must be observed, that, according to another interpretation of *παστός*, the pastophori were so denominated from carrying, not a shawl, but a shrine or small chapel, containing the image of the god. Supposing this etymology to be correct, it is no less true that the pastophori sustained the various offices which have been here assigned to them.

It was indispensably requisite that so numerous and important a body of men should have a residence appropriated to them in the temple to which they belonged. This residence was called *παστοφόριον*. The common use of the term, as applied by the Greeks to Egyptian temples, led to its application to the corresponding part of the Temple at Jerusalem by Josephus,⁷ and by the authors of the Alexandrine version of the Old Testament.⁸

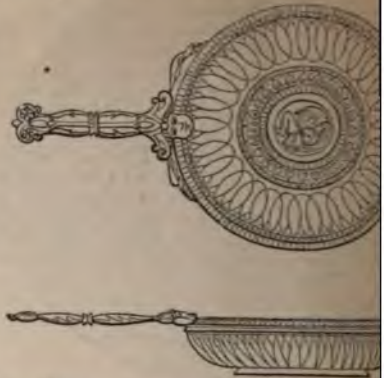
PATER FAMIL'LE. (Vid. FAMILIA, MARRIAGE (ROMAN), PATRIA POTESTAS.)

PATER PATRATUS. (Vid. FETIALES.)

PATERA, *dim.* PATELLA (*φιάλη*), a round dish, a plate, a saucer. Macrobius,⁹ explaining the difference between the patera and the CARCHESIUM, says that the former received its name from its flat, expanded form (*planum ac patens*). The pateræ of the most common kind are thus described by Festus:¹⁰ "*Vasa picata parva, sacrificiis faciendis apta*" (*Nigra patella*,¹¹ *Rubicunda testa*¹²). They were small plates of the common red earthenware, on which an ornamental pattern was drawn in the manner described under the article FICTILE,¹³ and which were sometimes entirely black. Numerous specimens of them may be seen in the British Museum, and in other collections of ancient fictile vases. The more valuable pateræ were metallic, being chiefly of bronze; but every family, raised above poverty, possessed one of silver (*ἀργυρίς*), together with a silver salt-cellar. (Vid. SALINUM.)¹⁴ In opulent houses there was a plate of gold (*χρυσίς*¹⁵). These metallic plates were often adorned with figures, engraved or embossed upon them.¹⁶ A beautiful specimen is presented in the woodcut to the article LIBRA; and the accompanying woodcut exhibits a highly ornamented dish, also of bronze, designed to be used in the worship of Mars, and found at

PATERA.

Pompeii: The view of the upper surface is accompanied by a side view, showing the form and



of the vessel. The ornamental pateræ some represented leaves of fern, which probably derived from the centre (*filicata*¹). Gems were set in them.² We read also of an amber dish (*electrum*) having in the centre the countenance of Alexander the Great, and his history represented on the border.³ The annexed woodcut contains a view of a section of a plate of white marble in the British Museum, which was found in the ruins of Herculaneum, and purchased by Mr. Townley. It



is 10 inches in diameter, and 1½ high. It is cut with great delicacy, the marble not being much more than a quarter of an inch thick. In the centre is figured a female bacchante, in a long tunic and a scarf (*vid. CHLAMYs*) floating over her head. The centre-piece is encircled by a wreath of ivy, and decorations indicate the appropriation of the plate to the worship of Bacchus.

Plates were sometimes made so as to be used with either side downward, and were then distinguished by the epithet *ἀμφίθετος*.⁴ In the under surface was ornamented as well as the upper. The Massilians and other Ionic Greeks commonly placed the under surface uppermost. Plates were farther distinguished from one another by being either with or without a base (*πυθμῆν*), a boss in the middle (*ὀμφαλωτή, μεσόμφαλος, φθοίς*), feet (*βασίδες*), and handles.⁵ In the preceding woodcut

1. (Donaldson's *Pomp.*, vol. ii., pl. 78.)—2. (Cic., *Par.* 2.)—3. (Cic., *Verr.* II., iv., 24.—Virg., *Æn.* i., 728, 729. Poll., *Claud.*, p. 208, ed. Salmas.)—4. (Treb. *Pol.*, Tr. 13.)—5. (Hom., II., xxiii., 270, 616.)—6. (Athen., ii., 502.)

1. (Diod. Sic., i., 29.—Porphyr., *De Abstin.*, iv., 8.—Apul., *Met.*, xi., p. 124, 128, ed. Aldi.)—2. (Maffei, *Mus. Veron.*, p. 230.)—3. (Apul., *Met.*, xi., ad fin.)—4. (Clem. Alex., *Pædag.*, iii., 2.)—5. (Horapollo, *Hier.*, i., 41.)—6. (Clem. Alex., *Strom.*, vi., 4, p. 798, ed. Potter.)—7. (Bell. *Jud.*, iv., 12.)—8. (I Chron., ix., 26, 33; xxiii., 28.—Jer., xxxv., 4.—1 Macc., iv., 38, 57.)—9. (Sat., v., 21.)—10. (s. v. *Patellæ*.)—11. (Mart., v., 120.)—12. (xiv., 114.)—13. (p. 418.)—14. (Plin., H. N., xxxiii., 12, s. 54.)—15. (Athen., xi., p. 497, 502.—Pind., *Ol.*, vii., 1-3.—Virg., *Georg.*, ii., 192.)—16. (Cic., *Ver.*, II., iv., 21.—Xen., *Anab.*, vi., 7, § 27; vii., 3, § 27.)

onze patera has one handle: both the pateræ are ade to stand upon a low base.

Small plates were sometimes used in cooking,¹ a operation more commonly performed in pots (*vid. ULLA*) and basins or bowls. (*Vid. PATINA*.) They ere used at meals to eat upon as we use them,² though it appears that very religious persons abained from this practice on account of the custom-ry employment of them in sacrificing to the gods.³ A larger plate, in fact a round dish, was used to ring to table such an article of food as a flat fish.⁴ Mustard⁵ and ointments⁶ were brought in saucers. The Greeks also drank wine out of plates or saucers,⁷ as we see in the woodcut on p. 326, which represents a symposium, and in which the second and third figures from the right hand have each a saucer. It was, however, one of the refinements of luxury among the Asiatics, that the cup-bearer sed the plate as a waiter to hold the cup into which e poured the wine; and, as the plate was without a handle (*ἀνεκ δταν*), he took hold of it adroitly with three of his fingers.⁸

The use of pateræ at meals no doubt gave origin to the employment of them in sacrifices. On these occasions they held either solid food (*μικρὸν κρέας*,⁹ *bas*¹⁰), or any liquid intended to be poured out as a libation.¹¹ We find them continually represented in conjunction with the other instruments of sacrifice upon coins, gems, altars, bas reliefs, and the friezes of temples. In the ancient Doric temple at Rome, now dedicated to St. Adrian, the tasteful patera and the cranium of the bull are alternately sculptured on the metopes.¹²

Plates of the most precious materials and of the best workmanship were sometimes given as prizes at the public games.¹³

PATHOLOGIA (*Παθολογική*), one of the five parts into which, according to some authors, the science of medicine among the ancients was divided (*vid. MEDICINA*), which, as its name implies (*πάθος*, *disease*, and *λόγος*, *a discourse*), had for its especial object the whole doctrine of disease, in what it consists, from what it springs, what changes it effects in the human frame, &c. It would be impossible here to attempt anything like a complete analysis of the opinions of the ancients on this subject; it will, perhaps, be sufficient to notice the doctrines of the two principal physicians of antiquity, Hippocrates and Galen, and to give a list of such of their treatises on the subject as are still extant, referring the reader for a more detailed account to the *Histories of Medicine* by Le Clerc and Sprengel, and especially to a little work by Sophocles and Æcononus, entitled "Specimen Pathologiæ Generalis Veterum Græcorum," Berol., 8vo, 1833. Hippocrates, says Sprengel,¹⁴ in his pathology occupied himself much less about the *immediate* than the *remote* causes of diseases. It is true that he admitted the theory of elementary humours, but he very rarely makes use of it in the explanation of the causes of different affections, and always in an indirect and obscure manner. We find in his writings very few speculations upon the essence of diseases. In the treatise *Περὶ τῶν ἐν Κεφαλῇ Τραυμάτων*, "De Capitis-Vulneribus,"¹⁵ he explains inflammation by the blood's flowing into parts into which it had not penetrated

before. In another passage¹ he has recourse to the elementary qualities to account for barrenness. He points out two general causes of spasms, fulness and emptiness,² and refers all external irritations to these two causes. He explains the formation of urinary calculi in a very simple manner: these extraneous bodies are owing to the accumulation of sandy particles contained in the urine.³ Galen, in a very important passage,⁴ says that "Hippocrates never deigned to admit the causes of diseases according to his imagination; he was convinced that it was always safer to refer them to phenomena that were plainly recognised. Thus he never proposes his own method of cure but when he believes it founded on experience." He rendered a great service to pathology by not multiplying to infinity, like the physicians of the Cnidian school (*vid. MEDICINA*, p. 629), the number of the sorts of diseases, and by observing with scrupulous attention the essential difference which exists between the same symptoms according as they arise from different causes.⁵ It is upon these principles that he founded his excellent axioms of diagnosis, and complained that physicians had not sufficient experience to recognise whether weakness in diseases was the consequence of the emptiness of the vessels, of some other irritation, or of pain and the intensity of the malady; nor could they discern the accidents occasioned by the constitution of the individual. Thus he established between active and passive symptoms a distinction which he believed to be much more important than the classification of diseases according to species founded upon pure subtleties. He devoted his whole attention to the remote causes of disease, particularly to the air and winds. He began by explaining the action of heat and cold upon the human body,⁶ and then pointed out the changes that the influence of the season and weather occasions in the general constitution. He thought a dry atmosphere more healthy than a very damp one.⁷ He regarded the variations of the weather in the different seasons as a sufficient cause for a number of diseases peculiar to each part of the year. Many of these principles have perhaps only been founded upon a single observation; indeed, sometimes his observations were incorrect, because they were based upon insufficient reasonings. When, for example, he met with a disease in a town, situated opposite to such or such a quarter of the heavens, he did not fail to attribute it to the influence of the climate. For this reason he attributed abortion and hydrocele to the north wind, and the fecundity of women to the east wind. He even went so far as to think that water possessed particular qualities according to the different countries where it was met with and the winds to which it was exposed. The Humoral Pathology, as it is called, or the theory according to which all maladies are explained by the mixture of the four cardinal humours, viz., Blood, Bile, Mucus or Phlegm (*φλέγμα*), and Water, is found in the writings of Hippocrates, and is still more developed by Plato. The common source of all these humours is the stomach, from whence they are attracted by different organs when diseases develop themselves.⁸ To each of these four humours was assigned a particular source; the bile is prepared in the liver, the mucus in the head, and the water in the spleen.⁹ The bile causes all the acute diseases; the mucus contained in the head occasions catarrhs and rheumatism;¹⁰ dropsy depends upon an affection of the

1. (Plin., H. N., xxx., 8, s. 21.)—2. (Varro, Euiæen. ap. Non. Marc., xv., 6.—Hæc. Epist., l., v., 2.)—3. (Cic., Fin., ii., 7.)—4. (Maest., xiii., 81.)—5. (Plin., H. N., xix., 8, s. 54.)—6. (Xenoph., p. 68, ed. Karsten.)—7. (Xen., Couv., ii., 23.)—8. (Xen., Cyr., i., 3, § 8, 9.)—9. (Varro, Man. ap. Non. Marc., l. c.)—10. (Ovid., Fast., vi., 310.)—11. (Virg., Æn., iii., 67; iv., 60; v., 98; l., 249; vii., 133; xii., 174.—Ovid., Met., ix., 160.—Fast., ii., 84; iv., 934.—Val. Flacc., v., 192.—Juv., iii., 26.—Heliod., Ethiop., ii., p. 98.—Athen., xi., p. 482.)—12. (Labacco, Ant. dioma, 16, 17.)—13. (Hom., Il., xxiii., 270.—Pind., Isth., l., 20.)—14. (Hist. de la Med.)—15. (tom. iii., p. 362, ed. Kühn.)

1. (Aphor., sect. v., § 62, tom. iii., p. 747.)—2. (Aphor. sect. vi., § 39, p. 754.)—3. (Aphor., sect. ii., § 71, p. 738.)—4. (Comment., i., in Lib. de Artic., p. 312, tom. xviii., A., ed. Kühn.)—5. (Galen, De Meth. Med., lib. i., p. 15, tom. x.)—6. (Aphor., v., sect. v., § 15, tom. iii., p. 740, 741.)—7. (Aphor., sect. iii., § 15, p. 722.)—8. (De Morb., lib. iv., tom. ii., p. 325.)—9. (Ibid.)—10. (De Loc. in Hom., tom. ii., p. 119.)

ἀδύκη.¹ In the same bowl the food was commonly brought to table,² an example of which is *λεκάνιον τῶν λαγῶν κρεῶν*, i. e., "a basin of stewed hare."³ But it is to be observed, that dishes (*vid. LANX, PATTERA*) were used to bring to table those articles of food, the form and solidity of which were adapted to such vessels.

The silver bowl was sometimes ornamented, as with ivy-leaves (*hederata*⁴), or by the insertion of mirrors (*specillata*⁵). These bowls weighed from 10 to 20 lbs. each. Vitellius, wishing to obtain an earthenware bowl of immense size, had a furnace constructed on purpose to bake it.⁶

A method of divination by the use of a basin (*λεκανομαντεία*) is mentioned by Tzetzes on Lycophron, v. 813.

PATRES. (*Vid. PATRICII*.)

PATRIA POTESTAS. Potestas signifies generally a power or faculty of any kind by which we do anything. "Potestas," says Paulus,⁷ "has several significations: when applied to magistratus, it is imperium; in the case of children, it is the patria potestas; in the case of slaves, it is dominium." According to Paulus, then, potestas, as applied to magistratus, is equivalent to imperium. Thus we find potestas associated with the adjectives *prætorialis*, *consularis*. But potestas is applied to magistratus who had not the imperium, as, for instance, to *quæstors* and *tribuni plebis*,⁸ and potestas and imperium are often opposed in Cicero. Thus it seems that this word potestas, like many other Roman terms, had both a wider signification and a narrower one. In its wider signification it might mean all the power that was delegated to any person by the state, whatever might be the extent of that power. In its narrower significations, it was, on the one hand, equivalent to imperium; and, on the other, it expressed the power of those functionaries who had not the imperium. Sometimes it was used to express a magistratus, as a person,⁹ and hence, in the Italian language, the word *podestà* signifies a magistrate.

Potestas is also one of the words by which is expressed the power that one private person has over another, the other two being *manus* and *mancipium*. The potestas is either *dominica*, that is, ownership, as exhibited in the relation of master and slave (*vid. SERVUS*), or *patria*, as exhibited in the relation of father and child. The *mancipium* was framed after the analogy of the potestas *dominica*. (*Vid. MANCIPIUM*.)

Patria potestas, then, signifies the power which a Roman father had over the persons of his children, grandchildren, and other descendants (*filiofamilias*, *filiofamilias*), and generally all the rights which he had by virtue of his paternity. The foundation of the patria potestas was a legal marriage, and the birth of a child gave it full effect. (*Vid. MARRIAGE, ROMAN*.)

It does not seem that the patria potestas was ever viewed among the Romans as absolutely equivalent to the *dominica potestas*, or as involving ownership of the child; and yet the original notion of the patria came very near to that of the *dominica potestas*. Originally the father had the power of life and death over his son as a member of his familia: he could sell him, and so bring him into the *mancipii causa*; and he had the *ius noxæ dandi* as a necessary consequence of his being liable for the delicts of his child. He could also give his

daughter in marriage, or give a wife to his son, divorce his child, give him in adoption, and emancipate him at his pleasure.

The father could exheredate his son, he could substitute another person as heir to him (*vid. HERES*), and he could, by his will, appoint him a tutor.

The general rights and disabilities of a *filiofamilias* may be thus briefly expressed: "The child is incapable, in his private rights, of any power or dominion; in every other respect he is capable of legal rights."¹ The incapacity of the child is not really an incapacity of acquiring legal rights, for the child could acquire by contract, for instance; but everything that he acquired was acquired for his father.

As to matters that belonged to the *ius publicum*, the son laboured under no incapacities: he could vote at the *comitia tributa*, he could fill a magistratus, and he could be a tutor: for the tutela was considered a part of *ius publicum*.

The child had *conubium* and *commercium*, like any Roman citizen who was *sui juris*, but these legal capacities brought to him no present power or ownership. His marriage was legal (*justum*), but if it was accompanied with the *in manum conventio*, his wife came into the power of his father, and not into the power of the son. The son's children were in all cases in the power of their grandfather when the son was.

Inasmuch as he had *commercium*, he could be a witness to *mancipationes* and testaments, but he could not have property nor servitudes. He had the *testamenti factio*, as already stated, so far as to be a witness to a testament, but he could not make a testament, for he had nothing to dispose of; and he could not have a *heres*.

He could, as already observed, acquire rights for his father by contract, but none for himself, except in the case of an *adstipulatio*, an instance which shows the difference between a son and a slave. (*Vid. OBLIGATIONES*.) But he could incur obligations and could be sued like a *paterfamilias*. The foundation of these rules of law was the maxim that the condition of a master could be improved by the acts of his slaves, but not made worse; and this maxim applied equally to a son and a slave. Between the father and the son no *civiles obligationes* could exist; neither of them, consequently, could have a right of action against the other. Some writers have supposed that there was a difference between the capacities and incapacities of a *filiofamilias* and a *filiofamilias* as to obligations; but the reasons alleged by Savigny seem conclusively to show that there was no difference at all.

The incapacity of the child to acquire for himself, and his capacity to acquire for his father, as well as their mutual incapacity of acquiring rights of action against one another, are viewed by some modern writers as a consequence of a legal unity of person, while others affirm that there is no trace of such a fiction in the Roman law, and that the assumption is by no means necessary to explain the rule of law. Indeed, the fiction of such a unity is quite unnecessary, for the fundamental maxim already referred to, that a man may be made richer, but not poorer, by his slaves and children, is a simple positive rule. Though the child could not acquire for himself, yet all that he did acquire for his father might become his own in the event of his father's death, a circumstance which materially distinguished the acquisitions of a son from those of a slave; and, accordingly, the son is sometimes, though not with strict propriety, considered as a kind of joint owner with his father.

1 (Savigny, System, &c., ii., 52.)

1. (Photius, Lex., s. v.)—2. (Xen., Cyr., i., 3, § 4.—Athen., iv., p. 149, f.—Plaut., Mib., III., i., 164.—Ter., Eun., IV., vii., 45.—Hor., Sat., II., viii., 43.)—3. (Aristoph., Acharn., 1109.)—4. (Treb. Poll., l. c.)—5. (Fl. Vopisc., Probus, p. 234, ed. Salmas.)—6. (Plin., H. N., xxxv., 12, s. 46.—Juv., iv., 130-134.)—7. (Dig. 50, tit. 16, s. 225.)—8. (Cic., Pro Cluent., c. 97.)—9. (Sueton., Claud., 13.—Juv., Sat., x., 100.)

sense of the word) were a select body of the populus or patricians, which acted as their representative. The burghers or patricians consisted originally of three distinct tribes, which afterward became united into the sovereign populus. These tribes had founded settlements upon several of the hills which were subsequently included within the precincts of the city of Rome. Their names were Ramnes, Tities, and Luceres, or Ramnenses, Titienses, and Lucerenses. Each of these tribes consisted of ten curiæ, and each curia of ten gentes, and of the same number of decuries, which were established for representative and military purposes. (*Vid. SENATUS.*) The first tribe, or the Ramnes, were a Latin colony on the Palatine Hill, said to have been founded by Romulus. As long as it stood alone it contained only one hundred gentes, and had a senate of one hundred members. When the Tities, or Sabine settlers on the Quirinal and Viminal Hills, under King Tatius, became united with the Ramnes, the number of gentes, as well as that of senators, was increased to 200. These two tribes, after their union, continued probably for a considerable time to be the patricians of Rome, until the third tribe, the Luceres, which chiefly consisted of Etruscans, who had settled on the Cælian Hill, also became united with the other two as a third tribe. When this settlement was made is not certain: some say that it was in the time of Romulus; others, that it took place at a later time.² But the Etruscan settlement was in all probability older than that of the Sabines,³ though it seems occasionally to have received new bands of Etruscan settlers even as late as after the establishment of the Republic.

The amalgamation of these three tribes did not take place at once: the union between Latins and Sabines is ascribed to the reign of Romulus, though it does not appear to have been quite perfect, since the Latins on some occasions claimed a superiority over the Sabines.⁴ The Luceres existed for a long time as a separate tribe without enjoying the same rights as the two other tribes, until Tarquinius Priscus, himself an Etruscan, caused them to be placed on a footing of equality with the others. For this reason he is said to have increased the number of senators to 300⁵ (compare SENATUS); and to have added two vestal virgins to the existing number of four.⁶ The Luceres, however, are, notwithstanding this equalization, sometimes distinguished from the other tribes by the name *patres* or *patricii minorum gentium*; though this name is also applied to other members of the patricians, *s. g.* to those plebeian families who were admitted by Tarquinius Priscus into the three tribes, and in comparison with these, the Luceres are again called *patres majorum gentium*.⁷ That this distinction between *patricii majorum* and *minorum gentium* was kept up in private life at a time when it had no value whatever in a political point of view, is clear from Cicero.⁸ Tullus Hostilius admitted several of the noble gens of Alba among the patricians (*in patres legit*),⁹ viz., the Tullii (Juli?), Servilii, Quinctii, Geganii, Curiatii, and Clælii, to which Dionysius¹⁰ adds the gens Metilia. Ancus Marcius admitted the Tarquini,¹¹ Tarquinius Priscus the Tullii,¹² Servius Tullius the Octavii,¹³ and even Tarquinius Superbus seems to have had simi-

1. (Fest., s. v. Cælius Mons and Luceres.—Varro, De Ling. Lat., iv., p. 17.)—2. (Tacit., Ann., iv., 65.—Fest., s. v. Tuscanicum.)—3. (*Vid.* Götting, Geschichte der Röm. Staatsv., p. 54.)—4. (Dionys., ii., p. 123.)—5. (Dionys., iii., p. 199.—Liv., i., 35.—Cic., De Republ., ii., 20.)—6. (Dionys., l. c.—Fest., s. v. Sex vestæ sacerdotēs.—Niebuhr, Hist. of Rome, i., p. 302, &c.)—7. (Compare Niebuhr, i., p. 304, and Götting, p. 226, &c.)—8. (ad Fam., ix., 21.)—9. (Liv., i., 30.)—10. (iii., p. 170.)—11. (Dionys., iii., p. 186.)—12. (Dionys., iv., p. 208.)—13. (Sueton., Octav., i., &c.)

lar intentions.¹ We do not hear that the number of gentes was increased by these admissions, and must therefore suppose that some of them had already become extinct, and that the vacancies which thus arose were filled up with these new burghers.² During the time of the Republic, distinguished strangers and wealthy plebeians were occasionally made Roman patricians, *e. g.* Appius Claudius and his gens,³ and Domitius Enobarbus.⁴ As regards the kingly period, the Roman historians speak as if the kings had had the power of raising a gens or an individual to the rank of a patrician; but it is evident that no king could not do this without the consent of the senate and the curies; and hence Livy⁵ makes Canuleius say, "per cooptationem in patres, aut ab regibus lecti," which lectio, of course, required the sanction of the body of patricians. In the time of the Republic, such an elevation to the rank of patrician could only be granted by the senate and the populus.⁶

Since there were no other Roman citizens but the patricians during this period, we cannot speak of any rights or privileges belonging to them exclusively; they are all comprehended under CIVITAS (ROMAN) and GENS. Respecting their relations to the kings, see COMITIA CURIATA and SENATUS. During this early period we can scarcely speak of the patricians as an aristocracy, unless we regard their relation to the clients in this light. (*Vid. CLIENTS.*)

Second Period: from the establishment of the plebeian order to the time of Constantine. At the time when the plebeians became a distinct class of citizens, who shared certain rights with the patricians, the latter lost in so far as these rights no longer belonged to them exclusively. But by far the greater number of rights, and those the most important ones, still remained in the exclusive possession of the patricians, who alone were *cives optimo jure*, and were the *patres* of the nation in the same sense as before. All civil and religious offices were in their possession, and they continued, as before, to be the populus, the nation now consisting of the populus and the plebes. This distinction, which Livy found in ancient documents,⁷ seems, however, in the course of time, to have fallen into oblivion, so that the historian seems to be scarcely aware of it, and uses populus for the whole body of citizens, including the plebeians. Under the Antonines, the term populus signified all the citizens with the exception of the patricii.⁸ In their relation to the plebeians or the commonalty, the patricians now were a real aristocracy of birth. A person born of a patrician family was and remained a patrician, whether he was rich or poor, whether he was a member of the senate or an eques, or held any of the great offices of the state or not; there was no power that could make a patrician a plebeian. As regards the census, he might, indeed, not belong to the wealthy classes, but his rank remained the same. Instances of reduced patricians in the latter period of the Republic are the father of M. Æmilius Scaurus, and the family of the Sullas previous to the time of the great dictator of that name. The only way in which a patrician might become a plebeian was when, of his own accord, he left his gens and curia, gave up the sacra, &c.⁹ A plebeian, on the other hand, or even a stranger, might, as we stated above, be made a patrician by a *lex curiata*. But this appears to have been done very seldom; and the

1. (Dionys., iv., p. 255.—Sueton., Vitell., 1.)—2. (Götting, p. 222.)—3. (Liv., x., 8.—Compare Id., ii., 16.—Dionys., v., 308.—Sueton., Tib., 1.)—4. (Suet., Nero, 1.)—5. (iv., 4.)—6. (Liv., iv., 4; x., 8.)—7. (xxv., 12.)—8. (Gaius, i., 3.)—9. (Suet., Octav., 2.—Liv., iv., 16.—Plin., H. N., xviii., 4.—Zonar., vii., 15.—Ascon. Ped. in Scaur., p. 25, ed. Dirr.)

The rule as to the incapacity of a *filiusfamilias* for acquiring property was first varied about the time of Augustus, when the son was empowered to acquire for himself and to treat as his own whatever he got in military service. This was the *castrense peculium*, with respect to which the son was considered as a person *sui juris*.¹ But if the *filiusfamilias* died without having made any disposition of this peculium, it came to the father, and this continued to be the law till Justinian altered it; but in this case the property came as peculium, not as hereditas. The privileges of a *filiusfamilias* as to the acquisition of property were extended under Constantine to his acquisitions made during the discharge of civil offices; and as this new privilege was framed after the analogy of the *castrense peculium*, it was designated by the name *quasi castrense peculium*. Farther privileges of the same kind were also given by Constantine and extended under subsequent emperors (*bona quæ patri non adquiruntur*).

The *patria potestas* began with the birth of a child in lawful marriage. If a Roman had by mistake married a woman with whom he had no *conubium*, thinking that *conubium* existed, he was allowed to prove his case (*causæ erroris probatio*), upon doing which, the child that had been born and the wife also became Roman citizens, and from that time the son was in the power of the father. This *causæ probatio* was allowed by a *senatus consultum*,² which, as it appears from the context, and a comparison with Ulpian's Fragments,³ was an amendment of the *lex Ælia Sentia*. Other instances of the *causæ probatio* are mentioned by Gaius.

It was a condition of the *patria potestas* that the child should be born in marriage. By the old law, then, the subsequent marriage of the parents did not legitimate a child born before the marriage. But it seems to have early become the fashion for the emperor, as an act of grace, to place such child on the same footing as legitimated children. The legitimation *per subsequens matrimonium* only became an established rule of law under Constantine, and was introduced for the advantage of children who were born in concubinage. (*Vid. CONCUBINA.*) In the time of Theodosius II., the rule was established by which a child was legitimated *per oblationem curiæ*. To these two modes of legitimation Justinian added that *per rescriptum principis*. The child thus legitimated came into the familia and the potestas of his father as if he had been born in lawful marriage.

The *patria potestas* could also be acquired by either of the modes of adoption. (*Vid. ADOPTION, ROMAN.*)

The *patria potestas* was dissolved in various ways. It was dissolved by the death of the father, upon which event the grandchildren, if there were any, who had hitherto been in the power of their grandfather, came into the power of their father, who was now *sui juris*. It could also be dissolved in various ways during the lifetime of the father. A *maxima* or *media capitis diminutio*, either of the parent or child, dissolved the *patria potestas*; though, in the case of either party sustaining a *capitis diminutio* by falling into the hands of an enemy, the relation might be revived by *postliminium*. A father who was *adrogated*, and, consequently, sustained a *minima capitis diminutio*, came, together with his children, who had hitherto been in his power, into the power of his adoptive father. The emancipation of the child by the father was a common mode of dissolving the *patria potestas*, and was accompanied by the *minima capitis diminutio*.

1 (*Juv., Sat., xvi., 51.*)—2. (*Gaius, i., 67.*)—3. (*vii., 4.*)

If a son was elected *flamen dialis*, or a daughter was chosen a *vestal*, the *patria potestas* ceased; and in the later period it was also dissolved by the son's attaining certain civil or ecclesiastical honours. The potestas of the father might cease without the son becoming *sui juris*, as in the case of the son being given in adoption.

The term *patria potestas* strictly expresses the power of the father, as such, which arises from the paternal relation; but the term also imports the rights of the child as a *filiusfamilias* or *filiusfamilias*. Of these rights the most important was the capacity of being the *suus heres* of the father. Generally the parent could emancipate his child at his pleasure, and thus deprive him of the rights of agnation; but the law in this respect was altered by Justinian,¹ who made the consent of the child necessary.

PATRICII. This word is evidently a derivative from *pater*, which frequently occurs in the Roman writers as equivalent to senator. *Patricii* therefore signifies those who belonged to the patres "*rex patres eos (senatores) voluit nominari, patriciosque eorum liberos*";² though it seems to be a mistake in these writers to suppose that the *patricii* were only the offspring of the patres in the sense of senators, and necessarily connected with them by blood. The connexion was, as we shall see hereafter, a much wider one, but, in consequence of it, patres and *patricii* are sometimes used as convertible terms, so that *patricii* stands for senators.³ The words *patres* and *patricii* have then radically the same meaning,⁴ and some of the ancients believed that the name patres was given to that particular class of the Roman population from the fact that they were fathers of families;⁵ others that they were called so from their age,⁶ or because they distributed land among the poorer citizens, as fathers did among their children.⁷ But most writers refer the name to the *patrocinium* which the patricians exercised over the whole state, and over all classes of persons of whom it was composed.⁸

In considering who the patricians were, we have to distinguish three periods in the history of Rome. The first extends from the foundation of the city down to the establishment of the plebeians as a second order: the second, from this event down to the time of Constantine, during which time the patricians were a real aristocracy of birth, and, as such, formed a distinct class of Roman citizens opposed to the plebeians, and afterward to the new plebeian aristocracy of the nobles: the third period extends from Constantine down to the middle ages, during which the patricians were no longer an aristocracy of birth, but were persons who merely enjoyed a title, first granted by the emperors, and afterward by the popes also.

First Period: from the foundation of the city to the establishment of the plebeian order. Niebuhr's researches into the early history of Rome have established it as a fact beyond all doubt, that during this period the patricians were the whole body of Roman citizens; that they were the *populus Romanus*; and that there were no other real citizens besides them.⁹ The other parts of the Roman population, namely, clients and slaves, did not belong to the *populus Romanus*, and were not burghers or patricians. The senators or patres (in the narrower

1. (*Nov., 89, c. 11.*)—2. (*Cic., De Repub., ii., 12—Liv., i., 1—Dionys., ii., p. 83, ed. Syllburg.*)—3. (*Plut., Romul., 15—Lydus, De Mens., i., 20—De Mag., i., 16—Niebuhr, Hist. of Rome, i., p. 336.*)—4. (*Plut., Dionys., i., c. 5—Sallust, Cat., 6.*)—5. (*Fest., s. v. Patres Senatores—Lyd., De Mens., i., 20.*)—6. (*Plut. and Sallust, l. c.—Zonaras, vii., 8—Suidas, s. v. Πατριχοι.*)—7. (*Niebuhr, Hist. of Rome, ii., p. 224, 225, and 507.—Cic., Pro Cæcina., 35.*)

of patricius, but these patricii were at all times much lower in rank than the Roman patricii, a title of which kings and emperors themselves were proud.¹

PATRIMI ET MATRIMI, also called *Patrimēs* and *Matrimēs*, were those children whose parents are both alive (*matrimēs*; called by Dionysius² *πατρικεῖς*), in the same way as *pater patrimus* signifies a father whose own father is still alive.³ *Matrimēs*, however, confines the term *patrimi et matrimi* to children born of parents who had been married by the religious ceremony called *confarreatio*: it appears probable that this is the correct meaning of the term, and that it was only applied to children so long as their parents were alive. We know that the *flamines maiores* were obliged to have been born of parents who had been married by *confarreatio*;⁴ and as the children called *patrimi et matrimi* are almost always mentioned in connection with religious rites and ceremonies,⁵ a statement of Servius is rendered more probable since the same reason which confined the office of the *flamines maiores* to those born of parents who had been married by *confarreatio*, would apply to the children of such marriages, who would probably be thought more suitable for the service of the gods than the offspring of other marriages.⁶

PATRONOMI (*πατρονόμοι*) were magistrates of Sparta, who exercised, as it were, a paternal power over the whole state. Pausanias⁷ says that they were instituted by Cleomenes, who destroyed the power of the *γερονσία* by establishing patronomi in their place. The *γερονσία*, however, was not abolished by Cleomenes, as it is again spoken of by Pausanias,⁸ and also in inscriptions. The patronomi are mentioned by Philostratus⁹ among the principal magistrates along with the *gymnasiarchs* and *ephoroi*; and their office is also spoken of by Plutarch.¹⁰ Their number is uncertain; but Böckh¹¹ has shown that they succeeded to the powers which the *ephoroi* formerly possessed, and that the first patronomus was the *ἐπώνυμος* of the state, that is, gave name to the year, as the first ephor had formerly done.¹²

PATRONUS. The act of manumission created a new relation between the manumissor and the freedman, which was analogous to that between father and son. The manumissor became, with respect to the freedman, his patronus, and the freedman his patronus's son. The manumitted person became the libertus of the patronus, and the manumitted person became the libertus of the manumissor.

The word *patronus* (from *pater*) indicates the nature of the relation. If the manumissor was a man, she became *patrona*; and the use of this word instead of *matrona* appears to be explained by the nature of the patronal rights. Viewed with reference to the early ages of Rome, this patronal relation must be considered a part of the ancient *patronatus*; but from the time of the Twelve Tables onwards, which contained legislative provisions generally on the subject of patronal rights, we may consider the relation of patronus and libertus as being the same both in the case of patrician and plebeian manumissores.

The libertus adopted the gentile name of the manumissor. Cicero's freedman Tiro was called *Tullius Tiro*. The libertus owed respect and fidelity to his patron, and in ancient times the pa-

tron might punish him in a summary way for neglecting those duties. This obligation extended to the children of the libertus, and the duty was due to the children of the patron. In later times the patron had the power of relegating an ungrateful freedman to a certain distance from Rome, a law probably passed in the time of Augustus.¹ In the time of Nero it was proposed to pass a *senatus consultum* which should give a patron the power of reducing his freedman to slavery if he misconducted himself towards his patron. The measure was not enacted, but this power was given to the patron under the later emperors. The *lex Ælia Sentia* gave the patron a right of prosecuting his freedman for ingratitude (*ut ingratus accusare*).² An ingratus was also called *libertus impius*, as being deficient in *pietas*.

If the libertus brought an action against the patronus (*in jus vocavit*), he was himself liable to a special action on the case;³ and he could not, as a general rule, institute a capital charge against his patron. The libertus was bound to support the patron and his children in case of necessity, and to undertake the management of his property and the tutela of his children: if he refused, he was *in gratias*.⁴

If a slave were the property of several masters, and were manumitted by all of them, and became a Roman citizen, all of them were his patroni.

The manumissor could secure to himself further rights over his libertus by a stipulatio, or by taking an oath from him. The subjects of such agreements were gifts from the libertus to the patronus (*dona et munera*) and services (*operæ*). The oath was not valid unless the person was a libertus when he took it. If, then, he took the oath as a slave, he had to repeat it as a freeman, which seems to be the meaning of the passage of Cicero in which he speaks of his freedman Chrysogonus.⁵ These *operæ* were of two kinds, *officiales*, which consisted in respect and affection, and *fabriles*, which are explained by the term itself. The *officiales* determined by the death of the patronus, unless there was an agreement to the contrary; but the *fabriles*, being of the nature of money or money's worth, passed to the heredes of the patronus like any other property. The patronus, when he commanded the *operæ* of his libertus, was said "*ei operas indicere* or *imponere*."⁶

The patron could not command any services which were disgraceful (*turpes*) or dangerous to life, such as prostitution or fighting in the amphitheatre; but if the libertus exercised any art or calling (*artificium*), even if he learned it after his manumission, the *operæ* in respect of it were due to the patron.

The *lex Julia et Papia Poppæa* released freedmen (except those who followed the *ars ludicra*, or hired themselves to fight with beasts) from all obligation as to gifts or *operæ* who had begotten two children and had them in their power, or one child five years old.⁷

If liberty was given directly by a testament, the testator was the manumissor, and his patronal rights would consequently belong to his children: if it was given indirectly, that is, per *fideicommissum*, the person who performed the act of manumission was the patronus. In those cases where a slave obtained his freedom under the *senatus consultum Silanianum*, the prætor could assign him a patronus; and if this was not done, that person was the patron of whom the libertus had last been the slave.⁸

The patronal rights were somewhat restricted

1. (Tacit., Ann., xiii., 26.—Dion., iv., 13.)—2. (Dig. 40, tit. 9, s. 30.)—3. (Gaius, iv., 46.)—4. (Dig. 37, tit. 14, s. 19.)—5. (ad Att., vii., 2.—Compare Dig. 38, tit. 1, s. 7.)—6. (Gaius, iv., 162.—Dig. 38, tit. 2, s. 29.)—7. (Dig. 38, tit. 1: De Operis Libertorum, s. 37.)—8. (Dig. 38, tit. 16, s. 3.)

(Rein in Ersch und Gruber's Encyclop., s. v. Patricier.)—Festus, s. v. Flaminia.—3. (ii., 22.)—4. (Festus, s. v. Pater.)—5. (ad Virg., Georg., i, 31.)—6. (Tac., Ann., iv., 16.—s. i., 112.)—7. (Cic., De Har. resp., 11.—Liv., xxxvii., 3. ill., 10; 12.—Tacit., Hist., iv., 53.—Macrob., Saturn., 6.—ss. Avel., 19.—Orelli, Inscr., n. 2270.)—8. (Rein, das Röm. Recht., p. 177.—Göttling, Geschichte der Röm. Staatsr., 1.—9. (ii., 9, § 1.)—10. (ii., 11, § 2.)—11. (Vit. Apoll., iv., 12. (An seni sit resp. ger., c. 24.)—13. (Corp. Inscr., i., p. 605.)—14. (Compare Müller, Dor., iii., 7, § 8.)

when the act of manumission was not altogether the free act of the manumissor. For instance, the manumissor per fideicommissum had all the patronal rights, except the power to prosecute for ingratus, the right to be supported by the libertus, and to stipulate for munera et operæ: his rights against the property of the libertus were, however, the same as those of any other manumissor.¹ If a slave had given money to another person in order that this other person might purchase and manumit him, the manumissor had no patronal right, and he lost even the name of patron, if he refused to perform the act for which he had received the money, and allowed the slave to compel him to perform his agreement, which the slave could do by a constitution of M. Aurelius and L. Verus.² If a master manumitted his slave in consideration of a sum of money, he retained all patronal rights, but he could not stipulate for operæ. A person who purchased a slave, and on the occasion of the purchase agreed to manumit him, had all patronal rights except the right of prosecuting for ingratitude in case the slave compelled him to manumit pursuant to the constitution of M. Aurelius and L. Verus.³

It was the duty of the patron to support his freedman in case of necessity, and if he did not, he lost his patronal rights: the consequence was the same if he brought a capital charge against him. The *ex Alia Sentia*, among its various provisions, contained several that related to the rights and duties of the patron.

A *capitis diminutio*, either of the patron or the libertus, dissolved the relation between them. (See Tacit., *Hist.*, ii., 92, where "jura libertorum" means "jura patronorum" or "jura in libertos.") The relation was dissolved when the libertus obtained *ingenuitas* by the *natalium restitutio*, but not when he merely obtained the *jus aureorum annulorum*. (*Vid. InGENUUS.*)

The most important of the patronal rights related to the property of liberti who died intestate or having made a testament.

The subject, so far as concerns the Ante-Justinian period, may be distributed under the two following heads: 1. The ordinary rules of law, and, 2. the extraordinary: the former comprehend the rules of the old civil law, and the edict on the *bonorum possessio*; and the latter, the *bonorum possessio contra tabulas liberti* and *contra suos non naturales*, the *bonorum possessio contra tabulas libertæ*, and the right to a *virilis pars* which was given by the *lex Papia Poppæa*.

By the law of the Twelve Tables, if a freedman died intestate without *sui heredes*, the patronus was his heir. This right was viewed as a right of agnation. The *legitima patronorum tutela* was not expressly mentioned in the Twelve Tables, but it was a legal consequence of the rule as to inheritance.⁴ In the case of an intestate liberta, who could not have a *sui heres*, the patron was heres. The *senatus consultum Orfitianum*, which was passed after Gaius wrote,⁵ and in the last year but one of the reign of M. Aurelius, made an alteration in this respect. The passage of Ulpian,⁶ which was written when this *senatus consultum* was in force, says that, if a liberta died intestate, the patron succeeded to her property, because a mother could not have *sui heredes*; yet Ulpian himself⁷ says that, whether the mother was *ingenua* or *libertina*, the children could succeed to her inheritance by the *senatus consultum Orfitianum*. This apparent contradiction is removed by the supposition that

the *senatus consultum* gave the children in such cases an equal right with the patron.

These patronal rights belonged both to a patronus and a patrona, and to the liberti of a patronus.¹ The male children of the patronus had the same rights as the patronus himself; but the females had only the rights which the Twelve Tables gave to the males, and they had not the *bonorum possessio contra tabulas testamenti liberti* aut *ab intestato contra suos heredes non naturales*, until these rights were given them by the *lex Papia Poppæa*.² A difficulty which is raised by a passage in Justinian's legislation on the patronal rights is discussed by Unterholzner.³ It seems that the children of a patrona had not, by the Twelve Tables, the same rights as the children of a patronus; but the *lex Papia Poppæa* probably made some change in this respect.⁴

In order that these patronal rights should exist, it was necessary that the libertus must have been made free by a Roman citizen, and have become a Roman citizen by the act of manumission. Accordingly, if a person obtained the citizenship, it was necessary that he should have a special grant of the *jus patronatus* in order that he might have patronal rights against his then freedmen, who must also, at the same time, become Roman citizens.⁵ A *capitis diminutio*, as already observed, either of the patron or the libertus, destroyed the patronal rights to the inheritance.⁶

If there were several patroni or patronæ, they divided the inheritance equally, though their shares in the libertus when a slave might have been unequal. These patronal rights resembled a joint-tenancy in English law, for the survivor or survivors of the patroni had all the patronal rights to the exclusion of any children of a deceased patronus. A son of a patron also claimed the inheritance to the exclusion of the grandson of a patron. If the patroni were all dead, leaving several children, the *hereditas* was divided among all the children equally (*in capita*), pursuant to the law of succession in the case of agnation.⁷

A *senatus consultum*, which was passed in the time of Claudius, allowed a patron to assign his patronal rights to the inheritance of a libertus to any of his children whom he had in his power, to the exclusion of the rest.⁸

The Edict extended the *bonorum possessio* to patroni. The patronal rights of the civil law were founded on an assumed agnatio: those of the Edict were founded on an assumed cognatio. The Edict called to the *bonorum possessio* of liberti, 1. their children; 2. their *heredes legitimi*; 3. their cognati, who must, of course, be descendants; 4. the familia of the patronus; 5. the patronus and patrona, and their children and parents, by which provision was made in case the patronus or patrona had sustained a *capitis diminutio*, and so could not be called in the fourth order; 6. the husband or wife of the freedwoman or freedman; 7. the cognati of the manumissor.⁹

Originally, if the freedman made a will, he could pass over (*præterire*) the patron. But by the Edict, unless he left him as much as one half of his property, the patron or his male children could obtain the *bonorum possessio contra tabulas* of one half of the property. If the libertus died intestate, leaving no *sui heres* except an adopted child, or a wife in manu, or a nurus in the manus of his son, the patron had a *bonorum possessio* of one half against these *sui heredes*. But if the libertus had children of his

1. (*Frag. Vat.*, § 223.—*Dig.* 38, tit. 2, s. 29.)—2. (*Dig.* 40, tit. 1, s. 4, 5.)—3. (*Dig.* 40, tit. 9, s. 30.)—4. (*Ulp.*, *Frag.*, xi., 3.)—5. (*Ulp.*, 31.)—6. (*Frag.*, xxix., 2.)—7. (*lib.* 12, ad *Sabinum*.—*Dig.* 28, tit. 17, s. 1.)

1. (*Ulp.*, *Frag.*, xxvii.)—2. (*Ulp.*, *Frag.*, xxix., 4, 5.)—3. (*Zeitschrift*, v., p. 37.)—4. (*Zeitschrift*, v., p. 43, &c.)—5. (*Plin.*, Ep. x., 6.)—6. (*Gaius*, iii., 51.)—7. (*Gaius*, iii., 16, 50, &c.)—8. (*Dig.* 38, tit. 4.)

own blood (*naturales*) either in his power at the time of his death, or emancipated, or given in adoption, and if these children were made heredes by his testament, or, being *præteriti*, claimed the *bonorum possessio contra tabulas*, the patron had no claim on the freedman's property. The patron was not excluded if the children of the freedman were exheredated.

By the *lex Papia Poppæa*, if a freedman had a property amounting to a hundred thousand *sestertii* and fewer than three children, the patronus had an equal share (*virilis pars*) with the children, whether the freedman died testate or intestate; and a patrona *ingenua* who had three children enjoyed the same privilege. Before the *lex Papia*, patronæ had only the rights which the Twelve Tables gave them; but this *lex* put *ingenuæ patronæ* who had two children, and *libertinæ patronæ* who had three children, on the same footing with respect to the *bonorum possessio contra tabulas*, and with respect to an adopted son, a wife in manu, or a nurus in manu *libi*, as the edict had placed *patroni*. The *lex* did the same for daughters of the patronus who had three children. The *lex* also gave to a patrona *ingenua*, but not to a *libertina*, who had three children, the same rights that it gave to a patronus.

According to the old law, as the *liberta* was in the *legitima tutela* of her patron, she could make no disposition of her property without his consent (*patrono auctore*). The *lex Papia* freed a *liberta* from this *tutela* if she had four children, and she could, consequently, then make a will without the consent of her patronus, but the law provided that the patronus should have an equal share with her surviving children.

In the case of a *liberta* dying intestate, the *lex Papia* gave no farther rights to a patrona who had children (*liberis honorata*) than she had before; and, therefore, if there had been no *capitis diminutio* of the patrona or the *liberta*, the patrona inherited the property, even if she had no children, to the exclusion of the children of the *liberta*. If the *liberta* made a will, the *lex Papia* gave to the patrona, who had the number of children required by that law, the same rights which the Edict gave to the patronus *contra tabulas liberti*. The same *lex* gave to the daughter of a patrona who had a single child, the same rights that the patronus had *contra tabulas liberti*. (Gaius, *iii.*, 53—a passage which Unterholzner proposes to correct, but on very insufficient grounds.)¹

The rules of law as to the succession of the patronus to the property of *Latini liberti* differed in various respects from those that have been explained. Being viewed as a *peculium*, it had the incidents of such property. It came to the extranei heredes of the manumissor, but not to his exheredated children, in both which respects it differed from the property of a *libertus* who was a *civis Romanus*. If there were several patrons, it came to them in proportion to their interests in the former slave, and it was consistent with this doctrine that the share of a deceased patronus should go to his heres. The *senatus consultum Largianum*, which was passed in the time of Claudius, enacted that the property of *Latini* should go first to those who had manumitted them, then to their *liberi* who were not expressly exheredated, according to proximity, and then, according to the old law, to the heredes of the manumissor. The only effect of this *senatus consultum* was to prefer *liberi*, who were not expressly exheredated, to extranei heredes. Accordingly, an emancipated son of the patronus, who was *præteritus*, and who could not claim the *bonorum possessio* of his father's property *contra tabulas testamenti*, had

a claim to the property of a *Latinus* prior to the extranei heredes.

As to the *dedicium* under the *lex Ælia Sentia*, there were two rules. The property of those who on their manumission would have become Roman citizens, but for the impediments thereto, came to their *patroni* as if they had been Roman citizens: they had not, however, the *testamenti factio*. The property of those who on their manumission would have become *Latini*, but for the impediments thereto, came to their *patroni* as if they had been *Latini*: on this Gaius remarks that in this matter the legislator had not very clearly expressed his intentions. He had already made a similar remark as to a provision of the *lex Papia*.²

As to the other meanings of the word *patronus*, see *CLIENS* and *ORATOR*.

The subject of the *patronatus* is one of considerable importance towards a right understanding of many parts of the Roman polity. This imperfect outline may be filled up by referring to the authorities given in note ².

PAVIMENTUM. (*Vid. HOUSE, ROMAN*, p. 519.)

***PAVO** (*ραῶς*), the Peacock, or *Pavo Cristatus*, L. "It is impossible to determine with precision the epocha of the domestication of the Peacock; we know well, however, that it must have been of the remotest antiquity, since the fleets of Solomon, in their distant voyages, brought back, every three years, to Palestine, peacocks, which are enumerated among the riches which the cargoes of these vessels contained. We are informed by Pliny that the orator Hortensius was the first Roman who had a peacock killed at his table, when he entertained the College of Pontiffs at a sumptuous banquet. The first who bred and fattened peacocks for culinary purposes was Aufidius Turco, who realized by this means a revenue of sixty thousand sesterces. This was towards the time of the war with the pirates. In the feasts of the Emperors Vitellius and Helio-gabalus, enormous dishes were frequently served up, composed of ragouts of the tongues and brains of peacocks. Buffon says that at first they were very rare in Europe. At Athens they were exhibited for many years at every festival of the new moon as an object of curiosity, and people used to run in crowds from the neighbouring towns and cities to behold them. This was after the time of Alexander; for that monarch, though well acquainted with Greece, had never seen them until he marched into India, where he found them flying wild on the banks of one of the rivers of the *Pendjab*. Towards the latter end of his reign they had so greatly multiplied in Greece, that Aristotle speaks of them as perfectly well known in that country." The Peacock was sacred to Juno, and was nurtured in honour of the goddess, in great numbers, at her temple in Samos. It is represented, also, on the coins of this island. According to one explanation, the star-bedecked tail of the bird seemed an image of the vault of heaven, and hence the Peacock was consecrated to Juno *Urania* as to the Queen of the Skies. Others, however, suppose the bird to have been held sacred to the goddess, from its announcing by its cry the changes of weather, &c.³

PAUPERIE, ACTIO DE. (*Vid. PAUPERIES.*)

PAUPERIES was the legal term for mischief done by an animal (*quadrupes*) contrary to the nature of the animal, as if a man's ox gored another

1. (*iii.*, 47.)—2. (Gaius, *iii.*, 39–76.—Ulpian, *Frag.*, tit. xxvii., xxix.—Dig. 37, tit. 14, 15; 38, tit. 1, 2, 3, &c.—Index to Paulus, *Sent. Recept.*—For Justinian's legislation, *Inst.*, *iii.*, 6, &c.—Unterholzner, *Ueber das Patronatische Erbrecht*, *Zeitschrift*, v., and the article *GENS*, with the references in Rein, *Das Röm. Privatrecht*, p. 285, and in Walter, *Geschichte des Röm. Rechts*, p. 507–516, and 684–689.)—3. (Griffith's *Cuvier*, vol. viii., 136—Walpole's *Memoirs*, vol. i., p. 261.)

man. In such cases the law of the Twelve Tables gave the injured person an action against the owner of the animal for the amount of the damage sustained. The owner was bound either to pay the full amount of damages, or to give up the animal to the injured person (*noxæ dare*). Pauperies excluded the notion of injuria; it is defined to be "*damnum sine injuria facientis factum*," for an animal could not be said to have done a thing "injuria." The actio de pauperie belonged to the class of noxales actiones.¹

PAUSARIUM was the name given to the priests of Isis at Rome, because they were accustomed, in the processions in honour of Isis, to make pauses (*pausa*) at certain chapels or places, called *mansiones*, by the road's side, to sing hymns and perform other sacred rites.²

The *portisculus*, or commander of the rowers in a vessel, was sometimes called *pausarius*,³ because the rowers began and ceased (*pausa*) their strokes according to his commands. (*Vid. PORTISCVLVS.*)

*PAUSIA, a species of Olive. Virgil calls its berry bitter, because it was to be gathered before it was quite ripe, it having then a bitter or austere taste.⁴

PECHYS (πέχυς). (*Vid. CUBITVS.*)

PECTEN (πέτεϊς), a Comb. The Greeks and Romans used combs made of boxwood,⁵ which they obtained, as we do, from the shores of the Euxine Sea. The mountain ridge of Cyturus, in Galatia, was particularly celebrated for this product.⁶ (*Vid. ΒΟΥΧΥΜ.*) The Egyptians had ivory combs,⁷ which also came into use by degrees among the Romans.⁸ The golden comb ascribed to the goddesses is, of course, imaginary.⁹ The wooden combs found in Egyptian tombs are toothed on one side only; but the Greeks used them with teeth on both sides, as appears from the remains of combs found at Pompeii,¹⁰ and from the representation of three combs, exactly like our small-tooth combs, on the Amyclæan marbles.¹¹

The principal use of the comb was for dressing the hair,¹² in doing which the Greeks of both sexes were remarkably careful and diligent.¹³ (*Vid. COMA*, p. 293.) To go with uncombed hair was a sign of affliction.¹⁴ The use of the comb in cutting the hair is alluded to by Plautus.¹⁵

A comb with iron teeth was used in cornfields, to separate the grain from the straw while it was yet standing.¹⁶ This method of reaping was called *pectinare segetem*. A painting in the sepulchral grotto of El Kab, in Egypt, represents a man combing flax for the purpose of separating the linseed from the stem. The rake used in making hay is called *rarus pecten*,¹⁷ because its teeth are far apart; but this may be only a poetical use of the term.

Two portions of the Greek lyre were called the combs,¹⁸ they may have been two rows of pegs, to which the strings were tied. In a figurative or metaphorical sense, the term was applied to the fingers of a man¹⁹ and to the ribs of a horse.²⁰ The use of the comb in weaving, and the transference of its name to the plectrum, are explained under *TELA*.

PECUARIUM were a class of the publicani who farmed the public pastures (*pecua publica*).²¹

PECULATUS is properly the misappropriation or theft of public property. Labæo defines it thus: "*pecunia publica aut sacra furtum, non ab eo factum, cujus periculo est.*" The person guilty of this offence was *peculator*. Cicero¹ enumerates *peculatores* with *sicarii*, *venefici*, *testamentarii*, and *fures*. The origin of the word appears to be *pecus*, a term which originally denoted that kind of movable property which was the chief sign of wealth. Originally trials for *peculatus* were before the *populus* or the senate.² In the time of Cicero, matters of *peculatus* had become one of the *questiones perpetuæ*, which imply some *lex De Peculatu*, and such a *lex* is by some writers enumerated among the *leges Sullanæ*, but without stating the authority for this assertion. Two *leges* relating to *peculatus* are cited in the Digest, *lex Julia Peculatus* and *lex Julia de Residuis*,³ but these may be the same *lex*, though quoted as two *leges*, just as the *lex Julia de Adulteris* comprised a provision *De Fundo Dotali*, which chapter is often quoted as if it were a separate *lex*. Matters relating to sacrilege were also comprised in the *lex Julia Peculatus* (*ne quis ex pecunia sacra, religiosa publicave auferat, &c.*); matters relating to the debasement of the coinage; the erasing or cancelling of *tabulæ publicæ*, &c. The *lex de Residuis* applied to those who had received public money for public purposes, and had retained it (*apud quem pecunia publica resedit*). The penalty under this *lex*, on conviction, was a third part of the sum retained. The punishment, which under the *lex Julia Peculatus* was originally *aquæ et ignis interdictio*, was changed into *deportatio*: the offender lost all his rights, and his property was forfeited. Under the Empire sacrilege was punished with death. A "*sacrilegus*" is one who plunders public sacred places.

PECULIO, ACTIO DE. (*Vid. SERVVS.*)

PECULIUM. (*Vid. SERVVS.*)

PECULIUM CASTRENSE. (*Vid. PATRIÆ PTESTAS*, p. 742.)

PECUNIA. (*Vid. ÆS, ARGENTUM, AUREUM.*)

PECUNIA. (*Vid. HERES, ROMAN*, p. 497.)

PECUNIA CERTA. (*Vid. OBLIGATIONES*, pag. 673.)

PEDAŊEUS JUDEX. (*Vid. JUDEX PEDANEVS.*)

PEDARII. (*Vid. SENATUS.*)

PEDICIA, formed from *ped* on the same analogy with *MANICA* (περισκελις, *Ion. et Att. πέδιον*), a fetter, an ankle-ring.

Fetters were worn for the sake of restraint by leonatics,⁴ criminals, and captives,⁵ and by horses instead of a halter.⁶ Another kind of fetter was the noose (*laqueus curraz*)⁷ used to catch birds, which was the appropriate employment of winter.⁸ For the sake of ornament, fetters or ankle-rings were worn by females. (*Vid. PERISCHELLIS.*)

PEDIŊEQUI were a class of slaves, whose duty it was to follow their master when he went out of his house. This name does not appear to have been given to any slave who accompanied his master, but the *pedisequi* seem to have formed a special class, which was almost the lowest of all.⁹ There was a similar class of female slaves, called *pedisequæ*.¹¹

PEDUM (κορόνη, λαγυβάλοσ¹²), a Crook. Its curved extremity was used by the shepherds to lay hold of the sheep or goats, principally by their legs, so as to preserve them from running into danger, or

1. (Dig. 9, tit. 1.)—2. (Orelli, Inscr., n. 1885.—Spartian., *Pescenn. Nig.*, 6.—Carcall., 9.—Salm. ad loc.)—3. (Sen., *Ep.*, 56.)—4. (Maityn ad *Virg.*, *Georg.*, ii., 86.)—5. (Brunck, *Anst.*, ii., 221.—Ovid, *Fast.*, vi., 23.—Mart., xiv., 25.)—6. (Ovid, *Met.*, iv., 311.)—7. (Apol., *Met.*, xi., p. 121, ed. Aldi.)—8. (Claudian, *De Nupt. Honor.*, 102.)—9. (Callim. in *Lav. Pall.*, 31.)—10. (Donaldson's *Pompeii*, vol. ii., pl. 78.)—11. (Memoirs relating to Turkey, edited by Walpole, p. 452.)—12. (Ovid, *Amor.*, i., xiv., 15.—Id., *Met.*, xii., 409.)—13. (Herod., vii., 205.—Strabo, x., 3, § 8.)—14. (Soph., *Œd. Col.*, 1257.)—15. (Capt., li., ii., 18.)—16. (*Col.*, *De Re Rust.*, ii., 21.)—17. (Ovid, *Rem. Amor.*, 192.)—18. (Eratosth., *Cataster.*, 24.)—19. (Æschyl., *Agam.*, 1554.)—20. (Oppian., *Cyng.*, i., 296.)—21. (Pseudo-Ascon. in Cic., *Div. Verr.*, p. 113, ed. Orelli.—Liv., x., 47; xxxiii., 42.)

1. (Off., iii., 18.)—2. (Liv., v., 32; xxxvii., 37; xxxviii., 34.)—3. (Dig. 48, tit. 13.)—4. (Morris, *Attic.*)—5. (Mach., 1, 4.—Luke, viii., 29.)—6. (Herod., i., 86—90; iii., 33; v., 27.—*Est.*, *Anab.*, iv., 3, § 8.)—7. (Hom., *Il.*, xiii., 36.)—8. (Grævus, *Cyng.*, 89.)—9. (*Virg.*, *Georg.*, i., 307.)—10. (Nep., *Attic.*, 12.—Plaut., *M. Glor.*, IV., ii., 18.)—11. (Plaut., *Asin.*, i., 10, 21.—Compare Becker, *Gallus*, i., p. 191.)—12. (Cassiodor., vi., 9, 128.)

them when they were in want of assist-
The accompanying woodcut is taken from
found at Civita Vecchia.² It shows the
the hand of a shepherdess, who sits upon a
ding sheep and other cattle. (See also
to OSCILLUM.)



ardsman also used a crook, but less curved,
heavy head, and hence called *καλαῦρος*; he
at any of the herd which strayed from the

count of its connexion with pastoral life,
is continually seen in works of ancient
hands of Pan,⁴ and of satyrs, fauns, and
s. It was also the usual attribute of Tha-
e muse of pastoral poetry.⁵

ANON (*πήγανον*), the herb Rue. The two
described by Dioscorides are, in all proba-
Ruta montana and *hortensis*, the Mountain
den Rue. Linnæus named the former the
harmala. Schneider thinks that the πῆ-
Theophrastus applies to the *Ruta graveo-*
montana.⁶

LA (*πήγμια*), a Pageant, *i. e.*, an edifice of
onsisting of two or more stages (*tabulata*),
ere raised or depressed at pleasure by means
ce-weights (*ponderibus reductis*).⁷ These
chines were used in the Roman amphithe-
re gladiators who fought upon them being
egmares.⁸ They were supported upon
so as to be drawn into the circus, glittering
er and a profusion of wealth.¹⁰ At other
ey exhibited a magnificent though danger-
play of fireworks.¹² Accidents sometimes
l to the musicians and other performers
e carried upon them.¹³ When Vespasian
s celebrated their triumph over the Jews,
ession included pageants of extraordinary
le and splendour, consisting of three or four
ove one another, hung with rich tapestry,
d with ivory and gold. By the aid of vari-
rivances, they represented battles and their
s incidents, and the attack and defence of
s of Judæa.¹⁴

ageant was also used in sacrifices. A bull
een slain on one of the stages, the high-
iced himself below, in a cavern, so as to re-
e blood upon his person and his garments,
his state he was produced by the flames
e worshippers.¹⁵
egmata mentioned by Cicero¹⁶ may have
vable bookcases.

¹ Buc., v., 68. — Servius ad loc. — Festus, s. v.) — 2. colano, l. iii., tav. 53.) — 3. (Hom., Il., xxiii., 844-846. ad loc. — Apoll. Rhod., iv., 974.) — 4. (Sil. Ital., Pun., — 5. (Combe, Anc. Marbles of Br. Museum, part iii., (Theophrast., H. P., i., 3. — Adams, Append., s. v.) — 6. De Malli Theod. Cons., 323-328. — Sen., Epist., iv., iv., 121. — Mart., i., 2, 2. — Sueton., Claud., 34.) — 7. — 10. (Plin., H. N., xxxiii., 3, s. 16.) — 11. (Vopisc., — 12. (Claudian, l. c.) — 13. (Phædr., v., 7, 7.) — 14. Bell. Jüd., vi., 24.) — 15. (Irenæus, Peristeph. Rom 8-1052.) — 16 (ad Att., iv., 8.)

*PE'LAMYS (*πήλαμυς*), a species of *Scomber* or Thunny. According to Pallas, the *πήλαμυς* mentioned by Strabo as a fish of the Black Sea, is the *Mugil cephalus*, Linn. A species of *πήλαμυς* is at the present day denominated *Palymede* by the fishermen at Marseilles. The *σάρδα* was a pickle made from the *πήλαμυς*.¹

*PE'LARGUS (*πέλαργος*), the common Stork, or *Ciconia alba*, Belon, the same as the *Ardea Ciconia*, L. Aristotle errs in making the Stork a hibernating bird. Ælian and Pliny state, more correctly, that it migrates like the Crane. (Vid. CICONIA.)²

PELATAI (*πελάται*) are defined by Pollux³ and other authorities to be free labourers working for hire, like the *θήτες*, in contradistinction to the Helots and Penestæ, who were bondsmen or serfs, having lost their freedom by conquest or otherwise. Aristotle⁴ thus connects their name with *πέλας*: *Πελάται*, he says, from *πέλας*, *οἶον ἐγγιστα διὰ πενίαν προσίοντες*; *i. e.*, persons who are obliged by poverty to attach themselves to others. Timæus⁵ gives the same explanation: *Πελάτης, ὁ ἀντὶ τροφῶν ὑπηρετῶν καὶ προσπελάζων*. In the later Greek writers, such as Dionysius of Halicarnassus and Plutarch, the word is used for the Latin clients, though the relations expressed by the two terms are by no means similar. Plutarch⁶ also uses the word rather loosely for Helots; and we are told of a nation of Illyrians (the *Ardiæi*) who possessed 300,000 *proselatæ*, compared by Theopompus⁷ with the Helots of Laconia.⁸

*PE'LECAN (*πελεκάν*), the Pelican, called also, in Greek, *πελεκίνος*. It is the *Onocrotalus* of Pliny, and hence its scientific name of *Pelecanus Onocrotalus*. The Greek name is derived from the axe-shaped bill of the bird (*πέλεκυς*, "an axe").⁹

*PELECI'NUS (*πελεκίνος*), a plant, which Stackhouse and Sprengel refer to the *Coronilla securidaca*, or Joint-plodded Colutea. Dioscorides enumerates the *πελεκίνος* among the synonyms of the *Helysarum* (*ἡδόσαρον*).¹⁰

*Π. (*πηλεκίνος*), a plant, the *Biserrula Pelecinus* Stackhouse, however, makes it the same with the preceding.¹¹

*PELEIAS (*πελειάς*), the Rock Dove or Stock Pigeon, the *Columba livia*, Brisson. It is particularly timid, and hence Homer gives it the epithet of *τρήμων*.¹²

PELLEX. (Vid. CONCUBINA, ROMAN.)

PELLIS (*δέριμα, δора*), the hide or skin of a quadruped.

Before weaving was introduced into Europe, there is reason to believe that its inhabitants were universally clothed in skins. The practice continued among the less civilized nations,¹³ and is often ascribed by the poets to heroes and imaginary beings. The following is an enumeration of the skins which were thus employed either in fiction or in real life: 1. The lion's skin (*λεοντή*). The story of the Nemean lion may have been founded in fact. The existence of these animals in Northern Greece, Thessaly, and Macedonia, is attested by Herodotus¹⁴ and Aristotle;¹⁵ and that they were comparatively abundant in Asia Minor is manifest from the descriptions in the Homeric poems. Hence Agamemnon, preparing to walk out from his tent by night, puts on, instead of a blanket (*vid. PALLIUM*), the hide of a great lion, while Menelaus clothes himself

1. (Ælian, N. A., xv., 10. — Aristotle, H. A., v., 9.) — 2. (Aristot., H. A., viii., 5. — Adams, Append., s. v.) — 3. (iii., 82.) — 4. (ap. Phot., s. v. *Πελάται*.) — 5. (Lex. Plat., s. v.) — 6. (Agæ., c. 6.) — 7. (ap. Ath., vi., 271, d. e.) — 8. (Müller, Doi., iii., 4, 4, 7. — Wachsmuth, l., i., p. 322.) — 9. (Aristot., H. A., viii., 14. — Id. ib., ix., 11.) — 10. (Theophrast., H. P., ix., 13. — Adams, Append., s. v.) — 11. (Theophrast., H. P., viii., 8.) — 12. (Hom., Il., xiii., 140. — Adams, Append., s. v.) — 13. (Virg. Georg., iii., 383. — Tacit., Germ., 17, 46. — Ovid, Trist., iii., 10, 19.) — 14. (vii., 126.) — 15. (H. A., vi., 31.)

that of a leopard.¹ For this purpose the claws of the lion were carefully retained, and sometimes covered with thin plates of gold.² The manner of covering the skin is described in the article ARMA, p. 63.³ 2. The skin of the tigress was worn in the same manner as the lion's, covering the back from head to foot,⁴ and with the claws gilded.⁵ 3. The leopard's or panther's skin (παρδαλή) is represented in the Iliad as worn, not only by Menelaus as above quoted, but by Paris, who adorns himself with it in the day, and in sight of the two armies.⁶ It is also attributed to Jason.⁷ It was greatly admired on account of its spots, and was thrown over the left shoulder like a pallium.⁸ (Vid. Dionysia, p. 365.) The high priest of the Egyptians wore a leopard's skin on grand occasions.⁹ 4. Pan wore the skin of the lynx.¹⁰ 5. The wolfskin (λύκα) seems to constitute the dress of Ampharaus, who is the middle figure in the woodcut at p. 719. It was adopted as a defence from the mighty cold by Polon.¹¹ 6. The foxskin is attributed only to barbarous nations, such as the Scythians.¹² 7. The ermine derives its name from Armenia, with which country the ancients, especially the Ionians, carried on a trade in skins. From the skins were greatly admired for their delicacy and softness, and were taken to Persia to make dresses of the grandees by being sewed together.¹³ 8. The dress worn by Pan over his animal body was the skin of a bear.¹⁴ 9. The bear's skin was used by the hunters of the Skanet (Caucasus) by the Amurians and the Argonauts.¹⁵ 10. The bull's skin was used by the hunters of the Caucasus, p. 719, especially the hunters of the Nile (καρκαρία).¹⁶ 11. The skin of a goat is mentioned, not only in the Iliad, but in the mythological belief of the Greeks, as being the common clothing of the gods, and being used by many.¹⁷ Nevertheless, the goats of Arcadia¹⁸ implies that his countrymen had learned to clothe themselves in goat-skins, which were considered to be less refined in dress than the skins of the Sardinians. The uncouth garment worn by the Sardinians was called the *pellis*. This garment of a *pellis* denoted an uncivilized and uncouth manner, which was made by sewing together several goatskins with the hair outside. The sheepskin (πέλας, *pelias*, *pelias*) was worn not only by the Macedonian Helots, but frequently by the Helots of Sparta, as is still the case in many parts of Europe.¹⁹ The lamb-skin was called *pellis*, and a *pellis* is supposed to have had a sheep-skin sewed to it below, so as to

Emperor Honorius, first occupied the tice in a furred robe (*marem captivæ leges*). Nevertheless, the taste here vails for the beautiful furs of the north and Asia, as is shown by Mr. Aikin in his essay on this subject,²⁰ made at this progress throughout the Roman Empire.

*PELORIAS (πελορίας or -ης), a fish, of the genus *Chaura*. Athenæus calls from πελορίας, as indicating its origin from Pelorus, the Sicilian promontory. French name is *Pelourde*.

PELTA (πέλις), a small shield. Iphic serving that the ancient *CLYPEUS* was cumbersome, introduced among the Greeks a smaller and lighter shield, from which it bore it took the name of *pellasta*.¹ (Vid. p. 94; ARMY, p. 99.) It consisted principally of wood or wickerwork,² covered with leather, without the metallic rim. (Vid. Light and small shields of a great variety were used by numerous nations before the time of the Greeks. The round *petra* (πετρα) was a species of the pelta, so that the ancient Spaniards were all, as Strabo says.³ The pelta is also said to have been quadrangular. The Mosynœci, on the southern shore of the Sea, used *petæ* (πέτæ) made of the hides of oxen with the hair on, and in shape resembled ivy-leaves.⁴ A light shield of similar construction was part of the national armour of Thrace various parts of Asia, and was, on this account, attributed to the Amazons, in whose hands it was used in the works of ancient art sometimes in the bronzes of Siris (woodcut, p. 595) other times variously situated on the most commonly with a semicircular indentation on one side (*lunatis peltis*).⁵ An elegant form of pelta is exhibited in the annexed woodcut from a sepulchral urn in the Capitoline Museum, and representing Penthesilea, queen of the Amazons, in the act of offering aid to Pri-



Notwithstanding the general absence of the pelta was sometimes ornamented.¹¹ T

1. (Claudian in Rufin., ii., 62-66.)—2. (Illustrat. and Manufactures, Lond., 1841, p. 130, 131.)—3. (Xen., Anab., i., 3.)—4. (Xen., Anab., i., 3.)—5. (Timæus, Lex. Plat., s. v.)—6. (Hæc., s. p. 436, kees.)—7. (Schol. in Thucyd., ii., 29.)—8. (Xen., Anab., i., 3.)—9. (Thucyd., ii., 29.)—10. (Plin., H. N., xii., 5, 11.)—11. (Max. Tyr., Diss., vii., cæst., 516.—Id. Rhet., 407.—Max. Tyr., Diss., vii., cæst., i., 490; xii., 663.)—12. (Virg., Æn., vii., 743.)

The preceding statement shows that, as civilization advanced among the Greeks and Romans, the use of hide and clothing was gradually abandoned, and the use of blanket substituted for them, and we have very much after the same fashion. Skins, however, continued to be used as coverings for slaves and coaches,²⁰ and as clothing for slaves and the poor, especially in the country. The northern nations of Europe retained the use of them in the most civilized parts of society.²¹ (*pellis* *Getarum curia*).²² While the Greeks and Romans constantly regarded the use of skins as a sign of rusticity and savage barbarism to be avoided. Hence it was matter of censure and reproach when Rutilius, prime minister of the

1. (Virg., Æn., vii., 553.)—2. (Compare Virg., Æn., vii., 177; ix., 306.)—3. (Claudian, De Rapt. Proserp., i., 10.)—4. (Virg., Æn., vii., 81.)—5. (Virg., Man. and Cust., vol. i., p. 279.)—6. (Hæc., s. p. 334.)—7. (Hæc., s. p. 334.)—8. (Hæc., s. p. 334.)—9. (Hæc., s. p. 334.)—10. (Hæc., s. p. 334.)—11. (Hæc., s. p. 334.)—12. (Hæc., s. p. 334.)—13. (Hæc., s. p. 334.)—14. (Hæc., s. p. 334.)—15. (Hæc., s. p. 334.)—16. (Hæc., s. p. 334.)—17. (Hæc., s. p. 334.)—18. (Hæc., s. p. 334.)—19. (Hæc., s. p. 334.)—20. (Hæc., s. p. 334.)—21. (Hæc., s. p. 334.)—22. (Hæc., s. p. 334.)

non in the attack on the Calydonian boar armed with a golden eagle.¹

PELOPS (πηνέλοψ), the *Anas Penelops*, or *A.* (Vid. ANAS.)

ΠΕΝΤΑΤΑΙ (πενέσται), probably from πένεσθαί,

The Penestæ of Thessaly are generally said to have stood in nearly the same relation to the Thessalian lords as the Helots of Laconia to the Dorian Spartans, although their condition is supposed to have been, on the whole, superior.² They are the descendants of the old Pelagic or Æolian lords of Thessaly proper, and the following account is given of them by an author called Arctus, in his *Euboica*.³ "The Æolian Βοιωτοὶ did not emigrate when their country, Boeotia, was conquered by the Thessalians,⁴ but they themselves to the victors on condition that they should not be carried out of the country, but, as he adds, they were formerly called Μένεσθαι, afterward Πενέσται) nor be put to death, but should cultivate the land for the new owners, the lords, paying, by way of rent, a portion of the produce of it: and many of them are richer than the lords." They were also called Λύττειες. It is then, that they occupied an intermediate position between freemen and purchased slaves, being reduced to servitude by conquest, and resembling their fixed payments, the Ἐκτεμώροι of Moreover, they were not subject to the community, but belonged to particular houses, and also they were called Θεσσαλοικέται. They were very numerous, for instance, in the families of the Leuadæ and Scopadæ.⁵ We may add, that the Thessalian Penestæ Theopompus in the descendants of the conquered Magnesians and Thracians,⁷ a statement which can only apply to these nations, as, though reduced to slavery, they were not made entirely subject.⁸

PELAGUS (Πελάγος), a passage in Demosthenes,⁹ it appears that the Penestæ sometimes accompanied their masters to the wars, and fought on horseback, as their knights do: a circumstance which need not excite surprise, as Thessaly was so famous for cavalry.

PELAGIÆ (Πελαγίαι), the coast of Thessaly also resembled the Lacedæmonians in another respect, for they often rose up against their lords.¹⁰ There were Pelagians in Macedonia also.¹¹

PELAGIÆ (Vid. ΤΕΜΠΛΟΝ.)

PELAGIÆ (πηνία), an insect noticed by Aristotle, and Schneider suggests may have been the *Phanetricea*.¹²

PELAGIÆ (Vid. PAINTING, p. 702.)

PELAGIÆ (Vid. CENSUS.)

PELAGIÆ (πεντάλιθος). (Vid. GYMNASIUM, p. 183.)

PELAGIÆ (πεντάφυλλον). "We may say, as Adams, "that we are not far from the truth in setting this down for the *Tormentilla officinalis*, or common Tormentil, although the resemblance between it and its cognate genus, the *Polygonum*, is so great, that, in all probability, the ancient writers applied the same name to both."¹²

PENTATHLON (πένταθλον, *quinquertium*) was the pancratium, the most beautiful of all athletic performances.¹⁴ It does not appear to have been in the heroic ages of Greece, although it is mentioned by Pausanias,¹⁵ according to the usual practice of Latin writers, describes Perseus as killing Acrisius in the

the pentathlon, and although its invention was attributed to Peleus.³ These accounts are fabulous; the pentathlon was not practised until the time when the great national games of Greece began to flourish.

The persons engaged in it were called pentathli (πένταθλοι²). The pentathlon consisted of five distinct kinds of games, viz., leaping (ἄλμα), footrace (δρόμος), the throwing of the discus (δίσκος), the throwing of the spear (σίγυννος or ἄκόντιον), and wrestling (πάλη),³ which were all performed in one day and in a certain order, one after the other, by the same athlete.⁴ The pentathlon was introduced in the Olympic games in Ol. 18, and we may presume that soon after this it was also introduced at the other national games, as well as at some of the less important festivals, such as the Erotidia in Thespiæ.⁵

The order in which the different games of the pentathlon followed one another has been the subject of much discussion in modern times. The most probable opinion, however, is Böckh's,⁶ which has been adopted by Dissem, Krause, and others, although G. Hermann has combated it in a little work called *De Sogenis Ægineta victoria quinque-*

Lipsiæ, 1822. The order adopted by Böckh is as follows: 1. The ἄλμα. This was the most prominent part of the pentathlon, and was sometimes used to designate the whole game. It was accompanied by flute-music.⁷ Other writers, as Pausanias himself,⁸ and Plutarch,⁹ speak as if the whole pentathlon had been accompanied by the flute, but in these passages the whole game seems to be mentioned instead of that particular one which formed the chief part of it. 2. The footrace. 3. The discus. 4. The throwing of the spear. 5. Wrestling.

In later times, probably after Ol. 77, the footrace may have been the fourth game instead of the second, so that the three games which gave to the pentathlon its peculiar character, viz., leaping, discus, and the spear, preceded the footrace and wrestling, and thus formed the so-called *τριαγμός*. The footrace of the pentathlon was probably the simple stadion or the dialos, and not a race in armour, as has been supposed by some; for the statues of the victors in the pentathlon are never seen with a shield, but only with the halteres; besides which, it should be remembered that the race in armour was not introduced at Olympia until Ol. 65,¹⁰ while the pentathlon had been performed long before that time. It is, moreover, highly improbable that even after Ol. 65 the race in armour should have formed a part of the pentathlon. In Ol. 38 the pentathlon for boys was introduced at Olympia, but it was only exhibited this one time, and afterward abolished.¹¹

In leaping, racing, and in throwing the discus or spear, it was easy enough to decide who won the victory, even if several athletes took part in it and contended for the prize simultaneously. In wrestling, however, no more than two persons could be engaged together at a time, and it is not clear how the victory was decided if there were several pairs of wrestlers. The arrangement probably was, that if a man had conquered his antagonist, he might begin a fresh contest with a second, third, &c., and he who thus conquered the greatest number of adversaries was the victor. It is difficult to conceive in what manner the prize was awarded to the victor in the whole pentathlon; for an athlete might be conquered in one or two games and be victorious in the others, whereas it can have occurred but seldom

1. (Schol. ad Pind., Nem., vii., 11.)—2. (Herod., ix., 75.—Paus., i., 29, § 4.)—3. (Schol. ad Plat., Amat., p. 135.—Simonides in Anthol. Palat., tom. ii., p. 626, ed. Jacobs.)—4. (Schol. ad Soph., El., 691.—Paus., iii., 11, § 6.)—5. (Böckh, Cor. Inscr., n. 1590.)—6. (Comment. ad Pind., Nem., vii., 71, &c.)—7. (Paus., v., 7, § 4.—Id., v., 17, § 4.)—8. (vi., 14, § 5.)—9. (De Mus., c. 26.)—10. (Paus., v., 8, § 3.)—11. (Paus., v., 9, § 1.)

1. (Meleng. Fr., 3.)—2. (Dionys. Hal., ii., 9.)—3. (Pind., vi., p. 776.)—4. (Athen., vi., p. 264.)—5. (Compare p. 12.)—6. (Theoc., xvi., 35.—Müller, Dor., iii., 4, 6.)—7. (vi., p. 265.)—8. (Herod., viii., 132.—Müller, l. c.)—9. (Plut., 687, l., i., 168.—Thirlwall, Hist. of Greece, i., on East. Hell., App., c. 22.)—10. (Aristot., H. A., v., Theophrast., H. P., ix., 13.—Dioscor., iv., 42.—Adams, l. c., v.)—11. (Herod., ix., 33.—Paus., iii., 11, 6.)—15.

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that one and the same man gained the victory in all the five. Who of the pentathli, then, was the victor? Modern writers have said that the prize was either awarded to him who had been victorious in all the five games, or to the person who had conquered his antagonist in at least three of the games; but nothing can be determined on this point with any certainty. That the decision as to who was to be rewarded was considered difficult by the Greeks themselves, seems to be implied by the fact that at Olympia there were three hellanodicae for the pentathlon alone.¹

As regards the *τριαγμός* mentioned above, several statements of ancient writers suggest that the whole of the pentathlon was not always performed regularly, and from beginning to end; and the words by which they designate the abridged game, *τριαγμός*, *ἀποτριάζειν*, and *τρισὶ περιεῖναι*, lead us to suppose that the abridged contest only consisted of three games, and most probably of those three which gave to the pentathlon its peculiar character, viz., leaping, and throwing the discus and the spear.² The reason for abridging the pentathlon in this manner may have been the wish to save time, or the circumstance that athletes who had been conquered in the first three games were frequently discouraged, and declined continuing the contest. When the triagmos was introduced at Olympia is not mentioned anywhere, but Krause infers, with great probability, from Pausanias,³ that it was in Ol. 77.

The pentathlon required and developed very great elasticity of all parts of the body, whence it was principally performed by young men;⁴ and it is probably owing to the fact that this game gave to all parts of the body their harmonious development, that Aristotle⁵ calls the pentathli the most handsome of all athletæ. The pentathlon was, for the same reason, also regarded as very beneficial in a medical point of view; and the Elean Hysmon, who had, from his childhood, suffered from rheumatism, was cured by practising the pentathlon, and became one of the most distinguished athleteæ.⁶ (Compare G. Fr. Philipp, *De pentathlo sive quinquertio commentatio*, Berlin, 1827.—Krause, *Gymnastik und Agonistik der Hellenen*, p. 476-497.)

PENTHKOETH', a duty of two per cent. levied upon all exports and imports at Athens.⁷ Thus it was levied on corn,⁸ which, however, could only be imported, exportation being prohibited by law;⁹ and also on woollen cloth, and other manufactured goods.¹⁰ On imports the duty was payable on the unloading;¹¹ on exports, probably, when they were put on board. The money was collected by persons called *πεντηκοτολόγοι*, who kept a book in which they entered all customs received. Demosthenes refers to their entry (*ἀπογραφή*) to prove that a ship was not laden with more than a certain quantity of goods.¹² The merchant who paid the duty was said *πεντηκοντεύεσθαι*. All the customs appear to have been let to farm, and probably from year to year. They were let to the highest bidders by the ten *πωληταί*, acting under the authority of the senate. The farmers were called *τελώναι*, and were said *δυνεῖσθαι τὴν πεντηκοστήν*. They might either collect the duty themselves, or employ others for that purpose. Several persons often joined together in the speculation, in which case the principal, in whose name the bidding took place, and who was responsible to the state, was called *ἀρχάνης* or *τελωνάρχης*.

1. (Paus., v., 9, § 5) — 2. (Dion Chrysost., *Διού.*, i., p. 279, ed. Reiske.—Schol. ad Aristid. ap. Phot., Cod., p. 469, Bekker.—Müller, *Archæol. d. Kunst*, § 425, 3.) — 3. (v., 9, § 3.) — 4. (Schol. ad Plat., *Amat.*, p. 135, D., &c.) — 5. (Rhet., i., 5.) — 6. (Paus., vi., 2, § 4.) — 7. (Harpocrag., s. v. *Πεντηκοστή*.) — 8. (Demosth., c. *Neer.*, 1353.) — 9. (Demosth., c. *Lucr.*, 941.) — 10. (Demosth., c. *Meid.*, 558.) — 11. (Demosth., c. *Lucr.*, 932.) — 12. (c. *Phorm.*, 809.)

Sureties were usually required.¹ Whether the customs on different articles of merchandise were farmed altogether or separately, does not appear. The corn-duty, at least, was kept distinct;² and this was the case with another tax.³ With respect to the amount of the revenue derived from this source, the reader may consult Böckh, *Staatshaush. der Ath.*, i., 337-342. The *πεντηκοστή* has been thought by some to be the same with the *ἐλαμίνιον* mentioned by Polux;⁴ but this was more probably a duty paid for the use of the harbour, whether goods were unladen or not, and was perhaps the same as the *ἐκατοστή*, mentioned by Xenophon⁵ as being paid by *λοιπῆς* ships entering the Piræus, and alluded to by Antophanes.⁶ Böckh's conjecture, that, besides a personal harbour due, a duty was levied of one per cent. on all the goods on board, appears less probable; for it would be unreasonable to exact a customs duty on goods not landed; and if they were to be landed, why should the *πεντηκοστή* be required in addition to the *ἐκατοστή*?⁷

PENTECOST'YS (*πεντηκοστής*). (Vid. *Λεπτ. Græc.*, p. 98.)

*PENTELICUM MARMOR (*Πεντελειῶδες λίθος*). Pentelic Marble, obtained from Mount Pentelicon, near Athens, the modern name of which is *Pentelide*. With this marble the Parthenon was built, as also the Temple of Ceres at Eleusis. Many celebrated statues were made of it. Its grain is finer than the Parian, but it does not retain its polish and beauty so well as the latter, being less homogeneous, and, consequently, more liable to decomposition.⁸

*PEPERI (*πέπερι*), Pepper. "Theophrastus describes the two kinds of pepper, *διττὸν δ' αὐτοῦ τὸ γένος, τὸ μὲν γὰρ στρόγγυλον, τὸ δὲ πρόμηκισ*. The former is the *white*, the other the *black* Pepper. Solinus and Pliny give a full account of the ancient Peppers, containing, however, some errors, arising from want of information. Dr. Hill says 'the oldest Greek writers knew the three kinds of pepper in use at present, and have described them very well, although they erred in supposing them the fruit of the same plant in different degrees of maturity.' The plant which produces both the black and white kinds is named *Piper nigrum*; that which produces the long, *Piper longum*.⁹

*PEPLIS and PEPLUM (*πεπλίς, -ος*), two species of Spurge, namely, the *Euphorbia Peplis* and *Peplus*.¹⁰

PEPLUM (*πέπλος*), a Shawl, differing from the scarf (*vid. CHLAMYs*) in being much larger, and from the blanket (*vid. PALLIUM*) in being finer and thinner, and also considerably larger. It was sometimes used as a cover to protect valuable articles of furniture¹¹ or to adorn a throne,¹² but most commonly as a part of the dress of females;¹³ although instances occur, even among the Greeks, in which it is worn by the other sex, unless we suppose the term to be in these instances improperly put for *φόρος*.¹⁴ In Persia and other Eastern countries, the shawl was no doubt worn anciently, as it is at the present day, by both sexes.¹⁵ Also in Bacchanalian processions it was worn by men, both in allusion to Oriental habits, and because they then avowedly assumed the dress of females.¹⁶ This was commonly the

1. (Demosth., c. *Timocr.*, 713.—Auloc., *De Myc.*, 5, ed. Steph.—Wachsmuth, II., i., 152.) — 2. (Demosth., c. *Neer.*, 1353.) — 3. (Æsch., c. *Timarch.*, 16.) — 4. (Strab., i., 22, § 2.) — 5. (De Rep. Ath., i., 17.) — 6. (Vepr., 658.) — 7. (Fœd. Edict. l., 343.) — 8. (Theophrast., *De Lapid.*, 14.—Adams, *Append.*, s. v.) — 9. (Theophrast., *H. P.*, ix., 22.—Dioscor., II., 188.—Solin., *Polyh.*, 65.—Plin., H. N., xii., 14.—Adams, *Append.*, s. v.) — 10. (Dioscor., iv., 165, 166.—Adams, *Append.*, s. v.) — 11. (Hom., II., v., 194.) — 12. (Od., vii., 96.) — 13. (Hom., II., v., 315, 324, 325.—Id. ib., viii., 354.—Od., xv., 122-128.—Ætoli., II., xiv., 178.—Euseb., *Rec.*, 1013.—Id., *Med.*, 791.—Theocrit., i., 33.) — 14. (Euseb., *Rec.*, 1013.—Theocrit., vi., 17.) — 15. (Æsch., *Per.*, 394, 474, 1030, 1061.) — 16. (Euseb., *Rec.*, 783-791.)

at which the Orientals rent as an expression of grief.¹ Women of high rank wore their shawls so long as to trail upon the ground (*Τρωάδας πέπλος*,² *Ἐλένη πανύπεπλος*³). A shawl was sometimes wrapped about the head during sleep.⁴ Other pieces of cloth used for the *Αμικτος*, often fastened by means of a brooch (*vid. 5*), and was thus displayed upon the statues of the divinities, such as Diana⁶ and the goddesses.⁷ It was, however, frequently worn without the brooch, in the manner represented in the annexed woodcut, which is copied from one of Sir Wm.



son's vases.⁸ Each of the females in this woodcut wears a shift falling down to her feet (*vid. 5*), and over it an ample shawl, which she entirely round her body, and then throws the extremity of it over her left shoulder and bears it back, as is distinctly seen in the sitting figure.⁹ The shawl was also often worn so as to fall over the head while it enveloped the body, and especially on occasion of a funeral (see woodcut 458), or of a marriage, when a very splendid shawl (*παστός*⁹) was worn by the bride. The woodcut¹⁰ may be supposed to represent



the manner in which the bride, so veiled, is delivered to her husband at the door of the nuptial chamber.

¹ Aeschyl., ll. cc.—Eurip., *Hec.*, 553-555.—Xen., *Cyrop.*, 2.—Id. *ib.*, iii., 3, § 67.—Id. *ib.*, v., 1, § 6.—2. (Hom., *Il.*, 3.—*Od.*, iv., 305.)—4. (Apollon. Rhod., iv., 1294, 1314, 5. (Soph., *Trach.*, 920.—Callim., *Lav. Pall.*, 70.—Apollon. Rhod., iii., 833.)—6. (Brunck, *Anal.*, iii., 206.)—7. (Apollon. Rhod., v., 18.)—8. (vol. iii., pl. 58.)—9. (1 Maccab., i., 10, from Bartoli *Admir. Rom. Ant.*, pl. 57.)

He wears the *PALLIUM* only; she has a long shift beneath her shawl, and is supported by the pronuba. Thus veiled the poets represented Aurora and Night, but with this difference, that the one arose expanding a shawl dyed with saffron (*κροκόπεπλος*; *Ἥως*¹), whereas a black one enveloped the other (*μελάμπепλος Νύξ*²). In reference to the bridal shawl, the epithet *παστόφορος* was given to Venus.³

Of all the productions of the loom, shawls were those on which the greatest skill and labour were bestowed. So various and tasteful were the subjects which they represented, that poets delighted to describe them. The art of weaving them was entirely Oriental (*Βαρβάρων ὑφάσματα*⁴): those of the most splendid dyes and curious workmanship were imported from Tyre and Sidon:⁵ a whole book was written by Polemo "concerning the Shawls at Carthage."⁶ Hence "*Shawls*" (*πέπλοι*) was one of the titles of works of an imaginative or descriptive character, and was adopted to intimate the variety of their subjects, and the beautiful mode of displaying them. A book, intended to depict some of the characters in the *Iliad*, and denominated "*The Shawl*," was ascribed to Aristotle.⁷ As a specimen of the subjects delineated, a shawl may be mentioned which exhibited the frame of the world.⁸ Euripides describes one which represented the sun, moon, and stars, and which, with various others containing hunting-pieces and a great variety of subjects, belonged to the Temple of Apollo at Delphi, and was used to form a magnificent tent for the purpose of an entertainment;⁹ for it is to be observed, that stores of shawls were not only kept by wealthy individuals,¹¹ but often constituted a very important part of the treasures of a temple,¹² having been presented to the divinity on numerous occasions by suppliants and devotees.¹³ (*Vid. DONARIA*, p. 376, ΠΑΝΑΘΗΝÆΑ, ΠΑΣΤΟΦΟΡΟΣ.)

PER CONDICTIONEM. This *legis actio*, says Gaius, was so called because the plaintiff gave notice to the defendant to be present on the thirtieth day after the notice, in order that a *judex* might be appointed. It was an *actio in personam*, and applicable to those cases in which the plaintiff required the defendant to give something (*qua intendi dari oportere*). This *legis actio* was introduced by a *lex Silia* in the case of a fixed sum of money (*certa pecunia*), and by a *lex Sempronia* in the case of any definite thing. Gaius observes that it does not appear why this form of action was needed, for in a case of *dari oportere* there was the *sacramentum* and the *per judicis postulationem*. The name *condictio* was applied to *actiones in personam*, after the *legis actiones* fell into disuse, though improperly, for the notice (*denuntiatio*) whence the *legis actio* took its name was discontinued.¹⁴

PER JUDICIS POSTULATIONEM was one of the *legis actiones*. The passage in Gaius is wanting in which this form of action is described. It was applicable to a great variety of cases, and to some cases the same as the *sacramentum* was applicable. (*Vid. PER CONDICTIONEM.*)

PER MANUS INJECTIONEM. (*Vid. MANUS INJECTIO.*)

PER PIGNORIS CAPIONEM OR **CAPTIONEM.** This was one of the *legis actiones*, or old forms of procedure, which in some cases was founded on custom (*mos*), in others on enactments (*lex*). It was founded on military usage in the following

1. (Hom., *Il.*, viii., 1.—Id. *ib.*, xxiii., 227.)—2. (Eurip., *Ion*, 1150.)—3. (Brunck, *Anal.*, iii., 4.)—4. (Eurip., *Ion*, 1159.)—5. (Hom., *Il.*, vi., 289-294.)—6. (Athen., xii., p. 541.)—7. (Clem. Al ex., *Strom.*, vi., 1, p. 736, ed. Potter.)—8. (Eustath. in *Il.*, ii., 557.)—9. (Mart. Capella, *L. vi.*, in Maittaire's "*Corpus Poetarum*" vol. ii., p. 1446.)—10. (Hom., 1141-1162.)—11. (Hom., *Od.*, xv., 104-108.)—12. (Eurip., *Ion*, 329, 330.)—13. (Hom., *Il.*, vi., 271-304.—Virg., *Æn.*, i., 480.—Id., *Cir.*, 21-35.)—14. (Gaius, *iv.*, 15, &c.)

cases. A soldier might seize as a pledge (*pignus capere*) anything belonging to the person who had to distribute the *æs militare*, in case he did not make the proper payments; he might also make a seizure in respect of the money due to him for the purchase of a horse (*æs equestre*), and also in respect of the allowance for the food of his horse (*æs horidarium*). The law of the Twelve Tables allowed a *pignoris capio* in respect of pay due for the hire of a beast, when the hire-money was intended for a sacrifice. By a special law (the name is not legible in the MS. of Gaius) the publicani had the right *pignoris capionis* in respect of *vectigalia publica* which were due by any *lex*. The thing was seized (*pignus capiebatur*) with certain formal words, and for this reason it was by some considered to be a *legis actio*. Others did not allow it to be a *legis actio*, because the proceeding was *extra jus*, that is, not before the *prætor*, and generally, also, in the absence of the person whose property was seized. The *pignus* could also be seized on a *dies nefastus*, or one on which a *legis actio* was not permitted.

It appears from a passage of Gaius, in which he speaks of the legal fiction that was afterward introduced into the formula by which the publicani recovered the *vectigalia*, that the thing seized was only taken as a security, and was redeemed by payment of the sum of money in respect of which it was seized. In case of non-payment, there must, however, have been a power of sale, and, accordingly, this *pignoris capio* resembles in all respects a *pignus proper*, except as to the want of consent on the part of the person whose property was seized. It does not appear whether this *legis actio* was the origin of the law of pledge, as subsequently developed, but it seems not improbable.¹

PERA, *dim.* PERŪLA (πῆρα), a Wallet, made of leather, worn suspended at the side by rustics and by travellers to carry their provisions,² and adopted, in imitation of them, by the Cynic philosophers.³ (*Vid.* BACULUS.) The cup for drinking was carried in the wallet.⁴ The sower carried a wallet depending from his right shoulder to hold his seed.⁵ The annexed woodcut is the representation of a goatherd with his staff and wallet, from the column of Theodosius, formerly at Constantinople.⁶



1. (Gaius, iv., 26, &c. — Cic., *Verr.*, iii., 11. — "Pignoris capio." Gell., vii., 16.) — 2. (Mart., xiv., 81.) — 3. (Diog. Laert., vi., 13. — Bruck, *Anal.*, i., 223. — Id. *ib.*, ii., 32, 28. — Aulon., *Epigr.*, 73.) — 4. (Senec., *Epist.*, 91.) — 5. (Bruck, *Anal.*, ii., 215.) — 6. (Menestrier, *Déc. de la Col. Hist. Par.*, 1702, pl. 16.)

*PERCA (πέρκα), the Perch. The River Perch, or *Perca fluviatilis*, is noticed by Aristotle, *Ælian*, Dioscorides, Pliny, &c.; the Sea Perch, or *Perca marina*, by Aristotle, Oppian, Ovid, Pliny, Marcus Sideta, &c.¹

*PERCNOPTERUS. (*Vid.* AQUILA.)

*PERCNUS. (*Vid.* AQUILA.)

*PERDICIŌN (περδίκιον), a plant, most probably, as Adams thinks, the Pellitory of the Wall, or *Parietaria officinalis*, which Sibthorp says still retains the name of *περδίκια* in Greece. It is the *ἐλξίνη ἐτέρα* of Dioscorides.²

*PERDIX (πέρδιξ), the Partridge, or *Tetrao Perdix*. "Athenæus, I believe, is the only ancient author who takes notice of the Red-legged Partridge, or *Tetrao rufus*, L., sometimes called *Perdix Græca*. Gesner mentions that it is called 'the Quail' by the Italians." The *Tetrao rufus* is brought from Cephallenia to Zante, says Sibthorp, where it is kept in cages to sing, or, rather, call. The Red-legged and Gray Partridge were both seen in the vicinity of Salonica by Mr. Hawkins. The former frequented entirely the rocks and hills, the latter the cultivated ground in the plain.³

PERDUELLIO. (*Vid.* MAJESTAS, p. 609.)

PERDUELLIŌNIS DUUMVIRI were two officers or judges appointed for the purpose of trying persons who were accused of the crime of *perduellio*. Niebuhr believes that they were the same as the *quæstores parricidii*, and Walter⁴ agrees with him, though in a later part of his work⁵ he admits that they were distinct. It appears from a comparison of the following passages—*Liv.*, i., 26.—*Dig.* 1, tit 2, s. 2, § 23.—*Fest.*, s. v. *Parricidii* and *Sacerdotium*—either that some of the ancient writers confound the *duumviri perduellionis* and the *quæstores parricidii*, or that, at least during the kingly period, they were the same persons; for, in giving an account of the same occurrence, some writers call the judges *quæstores parricidii*, while others call them *duumviri perduellionis*. After the establishment of the Republic, however, there can be no doubt that they were two distinct offices, for the *quæstores* were appointed regularly every year, whereas the *duumviri* were appointed very rarely, and only in cases of emergency, as had been the case during the kingly period.⁶ Livy⁷ represents the *duumviri perduellionis* as being appointed by the kings, but from Junius Gracchanus⁸ it appears that they were proposed by the king and appointed by the *populus* (*reges populi suffragio creabant*). During the early part of the Republic they were appointed by the *comitia curiata*, and afterward by the *comitia centuriata*, on the proposal of the consuls.⁹ In the case of Rabirius (B.C. 63), however, this custom was violated, as the *duumviri* were appointed by the *prætor* instead of by the *comitia centuriata*.¹⁰ In the time of the emperors, no *duumviri perduellionis* were ever appointed.

The punishment for those who were found guilty of *perduellio* was death: they were either hanged on the *arbor infelix*, or thrown from the Tarpean Rock. But when the *duumviri* found a person guilty, he might appeal to the people (in early times the *populus*, afterward the *comitia centuriata*), as was done in the first case which is on record,¹¹ and in the last, which is that of Rabirius, whom Cicero

1. (Aristot., H. A., vi., 14. — Id. *ib.*, ii., 13. — *Ælian*, 8 A., xiv., 23. — Dioscor., M. M., ii., 35. — Plin., xxxii., 9. — Id. *ib.*, vi. — Ovid, *Hal.*, 112. — Adams, *Append.*, s. v.) — 2. (*Theophrast.*, H. P., i., 11. — Dioscor., iv., 86. — Adams, *Append.*, s. v.) — 3. (Aristot., H. A., i., 1. — Adams, *Append.*, s. v.) — 4. (*Geogr. & Röm. Rechts.*, p. 24, note 19.) — 5. (p. 835, note 20.) — 6. (*ib.*, ii., 41. — Id., vi., 20. — Dion Cass., xxxvii., 27.) — 7. (*ib.*, i., tit. 1, tit. 13.) — 8. Compare Tacit., *Ann.*, xi., 22.) — 9. (*ib.*, i., tit. 2, s. 2, § 23. — Cic., *Pro Rabir.*, 4. &c.) — 10. (*ib.*, *Case*, l. c. — Cic., l. c. — Suet., *Jul.*, 12.) — 11. (*Quæst.*, 2.)

defended before the people in the oration still extant. Marcus Horatius, who had slain his sister, was acquitted, but was nevertheless obliged to undergo some symbolical punishment, as he had to pass under a yoke with his head covered. The house of those who were executed for perduellio was razed to the ground, and their relatives were not allowed to mourn for them.¹

PEREGRINUS, a stranger or foreigner. In ancient times the word peregrinus was used as synonymous with hostis,² but in the times of which we have historical records, a peregrinus was any person who was not a Roman citizen, though he might belong to an allied people, for the allied Latins and Hærnicians are called peregrini,³ and even the plebeians are sometimes designated by this name. All peregrini were either connected with Rome by ties of hospitality, or they were not. Respecting the former, *vid. HOSPITIUM*. The latter, if they had any business to transact at Rome, required a patronus, who undertook the management of their causes in the courts of justice. When the dominion of Rome became extended over a great part of Italy, whole towns and nations sometimes entered into the relation of client to some influential Roman, who then acted as their patronus. But in B.C. 247 a second prætor (*prætor peregrinus*) was appointed for the purpose of administering justice in matters between such peregrini as had taken up their abode at Rome. (*Vid. PRÆTOR.*) Whether a peregrinus had commercium or connubium with Rome depended upon the relation of his native country or town to Rome. The number of such peregrini who lived in the city of Rome appears to have had an injurious influence upon the poorer classes of Roman citizens, whence, on some occasions, they were driven out of the city. The first example of this kind was set in B.C. 127, by the tribune M. Junius Pennus.⁴ They were expelled a second time by the tribune C. Papius, in B.C. 66.⁵ The same measure was sometimes also adopted by the early emperors.⁶ As peregrini were not citizens, they had none of the rights of citizens; their existence at Rome was merely an act of toleration on the part of the Romans.

During the last period of the Republic and the first centuries of the Empire, all the free inhabitants of the Roman world were, in regard to their political rights, either Roman citizens, or Latins, or peregrini, and the latter had, as before, neither commercium nor connubium with the Romans. They were either free provincials or citizens who had forfeited their civitas, and were degraded to the rank of peregrini,⁷ or a certain class of freedmen, called peregrini dediticii.⁸ (*Vid. DEDITICI.*) The most numerous class was, of course, that consisting of free provincials, many of whom also lived at Rome and in Italy. In matters concerning their own families or their property, they enjoyed in Roman courts of justice all those rights which the *ius gentium* claimed for them,⁹ and even parts of the Roman law were transferred and applied to them.¹⁰ If a peregrinus died at Rome, his property went either to the *erarium*, or, if he had a patronus, the latter succeeded to it *jure applicationis*.¹¹ In the provinces, also, the peregrini were allowed to live according to their own laws and customs.¹² It appears that, from the time of the Marsic war, the peregrini were allowed to serve in the Roman armies. The Jews alone seem

to have formed an exception on account of their religious duties.¹ This service in the Roman armies was in many cases the first step towards the *civitas*, for many were made citizens after the time of their service had elapsed; and in the reign of M. Aurelius, provincials are even said to have obtained the *civitas* immediately on their enlisting in the armies.² Since, in the reign of Antoninus Caracalla,³ all the free inhabitants of the Empire were made *cives Romani*, peregrini henceforth no longer existed within the boundaries of the Empire, except in cases when barbarians, not subject to it, entered the Roman armies, or when new conquests were made, and in the case of peregrini dediticii. But, on the whole, it may be said that the Romans at that time divided the inhabitants of the whole world into Romans and barbarians.⁴

PERGULA appears to have been a kind of booth or small house, which afforded scarcely any protection except by its roof, so that those who passed by could easily look into it. It served both as a workshop⁵ and a stall where things were exhibited for sale. We find, for instance, that painters exhibited their works in a pergula, that they might be seen by those who passed by;⁶ and Apelles is said to have concealed himself in his pergula, behind his pictures, that he might overhear the remarks of those who looked at them.⁷ Such places were occupied by persons who, either by working or sitting in them, wished to attract the attention of the public. Hence we find them inhabited by poor philosophers and grammarians, who gave instruction, and wished to attract notice in order to obtain pupils.⁸

It should be observed that scholars do not agree as to the real meaning of pergula: Scaliger⁹ describes it as a part of a house built out into the street, as in some old houses of modern times; Ernesti¹⁰ thinks that a pergula is a little room in the upper part of a house, which was occasionally used by poor philosophers as an observatory. But neither of these two definitions is so applicable to all the passages in which the word occurs as that which we have proposed.

*PERICLYMENON (*περικλυμενον*), the common Honeysuckle or Woodbine, the *Lonicera periclymenon*. Some botanical writers, however, prefer the other species, namely, the *L. caprifolium*.¹¹

PERIDEIPNON (*περιδειπνον*). (*Vid. FENUS*, p. 458.)

PERICEI (*περιτικοι*). This word properly denotes the inhabitants of a district lying around some particular locality, but is generally used to describe a dependant population, living without the walls or in the country provinces of a dominant city, and, although personally free, deprived of the enjoyment of citizenship, and the political rights conferred by it. The words *σύνιοικοι* and *μέτοικοι* have an analogous meaning.

A political condition such as that of the *περιτικοι* of Greece, and like the vassalage of the Germanic nations, could hardly have originated in anything else than foreign conquest, and the *περιτικοι* of Laconia furnish a striking illustration of this. Their origin dates from the Dorian conquest of the Peloponnesus, when the old inhabitants of the country, the Achæians, submitted to their conquerors on certain conditions, by which, according to Ephorus,¹²

1. (Dig. 3, tit. 2, s. 11, § 3.)—2. (Varro, De Ling. Lat. iv., p. 4, Bip.—Cic., De Off. i., 12.)—3. (Liv., iii., 5.—Id., v., 19.—Id., vii., 5.)—4. (Cic., De Off. iii., 11.—Id., Brut., 28.—Fest., s. v. Respublica.)—5. (Cic., De Off. iii., 11.—Dion Cass., xxxvii., 9.)—6. (Suet., Octav., 42.)—7. (Suet., Claud., 16.—Dig. 2, tit. 4, s. 10, § 6.)—8. (Plin., Epist., x., 4.)—9. (Gaius, iii., 93, 132, 133.)—10. (Gaius, i., 47; iv., 37.)—11. (Cic., De Orat., i., 39.)—12. (Gaius, i., 92; iii., 96, 120, 134.)

1. (Joseph., Ant. Jud., xiv., 10, 11—19.)—2. (Walter, Geschichte des Röm. Rechts, p. 330, n. 91.)—3. (211—217.)—4. (Sidon. Apoll., Epist., i., 6.)—5. (Dig. 5, tit. 1, s. 19.)—6. (Lucil. ap. Lactant., i., 22.)—7. (Plin., H. N., xxxv., 36, § 12.—Salmast. ad Script. Hist. Aug., p. 458, 459.)—8. (Suet., Octav., 94.—De Illustr. Grammat., 18.—Flav. Vopisc., Saturnin., 10.—Juv., xi., 137.)—9. (ad Plaut., Pseud., i., 2, 79.)—10. (ad Suet., Octav., 94.)—11. (Dioscor., iv., 14.—Adams Append., s. v.)—12. (Strabo viii., p. 364.)

they were left in possession of their private rights of citizenship (*ἰσοτιμία*), such as the right of intermarriage with the Dorians, and also of their political franchise. They suffered, indeed, a partial deprivation of their lands, and were obliged to submit to a king of foreign race, but still they remained equal in law to their conquerors, and were eligible to all offices of state except the sovereignty. *Ἰσόνομοι μετέχοντες καὶ πολιτείας καὶ ἀρχῶν.*¹ But this state of things did not last long: in the next generation after the conquest, either from the lust of increased dominion on the part of the Dorians, or from an unsuccessful attempt by the Achæians to regain their independence, the relation between the two parties was changed. The Achæians were reduced from citizens to vassals; they were made tributary to Sparta (*συντελεῖς*), and their lands were subjected to a tax, perhaps not so much for the sake of revenue as in token of their dependence;² they lost their rights of citizenship (*ἰσοτιμία*), such as that of intermarriage with the Dorians, the right of voting in the general assembly, and their eligibility to important offices in the state, such as that of a senator, &c. It does not, however, appear that the Periæci (especially in the historic times) were generally an oppressed people, though kept in a state of political inferiority to their conquerors. On the contrary, the most distinguished among them were admitted to offices of trust,³ and sometimes invested with naval command,⁴ but probably only because they were better suited for it than the Spartans themselves, who did not set a high value on good sailanship. Moreover, the Periæci sometimes served as heavy-armed soldiers or troops of the line: at the battle of Plataea, for instance, they supplied 10,000 men, 5000 hoplites and 5000 light-armed,⁵ a circumstance which seems to imply a difference of rank connected with a difference of occupation among the Periæci themselves. Again, at Sphacteria 292 prisoners were taken, of whom 120 were Spartans and the rest *περίοικοι*.⁶ We also read of *καλοὶ κύραθοί*, or "accomplished and well-born" gentlemen, among the Periæci, serving as volunteers in the Spartan service.⁷ But still it is not to be expected, it is not natural, that men competent to the discharge of high functions in a state, and bearing its burdens, should patiently submit to an exclusion from all political rights. Accordingly, we find that, on the rising of the Helots in B.C. 464, some of the Periæci joined them.⁸ When the Thebans invaded Laconia (B.C. 369), the Periæci were ready to help them.⁹ In connexion with the insurrection of Cinadon, we are told that the Periæci were most bitter against the ruling Spartans.¹⁰ From these and other facts,¹¹ it appears that the Periæci of Laconia, if not an oppressed, were sometimes a disaffected and discontented class; though, in cases of strong excitement, or of general danger to the whole of Greece, they identified themselves with their conquerors. The very relation, indeed, which subsisted between them, was sufficient to produce in Sparta a jealousy of her subjects, with corresponding feelings on their part. Nor can we suppose that the Dorians would willingly permit the Periæci to acquire strength and opulence, or even to settle in large towns.¹² In fact, it is stated by Isocrates¹³ that the Dorians intentionally weakened the Achæians, by dispersing them over a great number of hamlets, which they called *πόλεις*, though they were less powerful than

the country parishes of Attica, and were situated in the most unproductive parts of Laconia, the best land of which was reserved for the Spartans. It is not, however, necessary to understand the orator as speaking of a uniform practice; and another of his statements, to the effect that the ephori could put any of the Periæci to death¹ without trial, is either a perversion of the truth, or arose from his confounding the Periæci with the Helots.

Still the grievances of the Periæci were not, after all, intolerable, nor do they seem to have been treated with wantonness or insolence. The distance at which many of them lived from Sparta must have rendered it impossible for them to share in the administration of the state, or to attend the public assemblies; a circumstance which must in some measure have blunted their sense of their political inferiority. Nor were they subjected to the restraints and severe discipline which the necessity of maintaining their political supremacy imposed upon the Spartans, making them more like an "army of occupation in a conquered country" or a "beleaguered garrison" than a society of men united for civil government and mutual advantage. By way of compensation, too, the Periæci enjoyed many advantages (though not considered as privileges) which the Spartans did not. The trade and manufactures of the country were exclusively in their hands, and carried on by them with the more facility and profit, as they occupied maritime towns. The cultivation of the arts, also, as well in the higher as in the lower departments, was confined to the Periæci, the Spartans considering it beneath themselves; and many distinguished artists, such as embossers and brass-founders, were found in the Laconian schools, all of whom were probably Periæci.² Nor is there wanting other evidence, though not altogether free from doubts, to show that the Spartan provincials were not in the least checked or shackled in the development of their intellectual powers.³ Moreover, it seems natural to suppose that they enjoyed civil rights in the communities to which they belonged, and which otherwise would scarcely have been called *πόλεις*; but whether or no these cities had the power of electing their own chief magistrate is a matter of conjecture. Ephorus, indeed,⁴ informs us that, on the conquest of the Peloponnesus by the Dorians, they divided the country of Laconia into six districts, four of which were left in the possession of the Achæians, and governed by magistrates sent from Sparta; but we do not know how long this practice lasted, nor can we draw any conclusions with respect to the government of Laconia in general from the example of Cythera, to which a Spartan officer was annually sent, under the peculiar title of *Κυθηροδίκης*, or the "Justice of Cythera."

The number of Laconian (as they are called) or subject cities is said to have formerly amounted to 100.⁵ Several of them lay on the coast, as Gythium, the port of Sparta; whence the whole coast of Laconia is called *ἡ περιουκία*.⁶ Many, however, lay more inland, as Thuria⁷ and Cardamyle, which seems to have belonged to the old Messenia. The inhabitants of the district of Sciros (*ἡ Σκιραίτις*), on the confines of Arcadia, seem to have been distinct from the other *περίοικοι*,⁸ and in battle were posted by the cities on the left wing.⁹ An enumeration of the principal of these cities is given in Clinton.¹⁰ The Periæci also occupied the island of Cythera, at the port of which the Lacedæmonian merchants usually put in on their voyages home

1. (Arnold, Thucyd., i., p. 641.)—2. (Ephor., l. c.)—3. (Thucyd., viii., 61.)—4. (Id., viii., 22.)—5. (Herod., ix., 61.)—6. (Müller, iii., 2, § 2.)—7. (Xen., Hell., v., 3, § 9.)—8. (Thucyd., i., 101.)—9. (Xen., Hell., vi., 5, 25.)—10. (Id., iii., 3, § 6.)—11. (Clinton, F. H., Append., xxi.)—12. (Thirlwall, Hist. of Greece, l., 307.)—13. (Panaeth., p. 307.)

1. (p. 271.)—2. (Müller, Dor., iii., 2, § 2.)—3. (Thirlwall, Hist. of Greece, ii., c.)—4. (l. c.)—5. (Strabo, viii., p. 362.)—6. (Thucyd., iii., 15.)—7. (Thucyd., i., 101.)—8. (Xen., Hell., v., 2, 94.)—9. (Thucyd., v., 67.)—10. (Fast. Hellen., Append., c. 25.)

gypt and Libya.¹ We have said that the living in these towns were the descendants of the old inhabitants of the country, but we suppose they were exclusively so. Some of them, on the contrary, were foreigners, who had accompanied the Dorians on their invasion of Laconia, or been afterward invited by them to the place of the dispossessed Achaeans. These cities, Boia, is even said to have been by a Heracleid chief,² and another, Gerona, as peopled by colonists sent from Sparta, was evacuated by the old inhabitants.³ The number of Perieci in the Persian war is thus stated by Clinton: "At the battle of Plataea, 479, the Perieci supplied 10,000 men. If we take this proportion to be the same as that of the Spartan force bore to the whole number of the Peloponnesians, on some other same occasion, or five eighths of the whole of citizens, this would give 16,000 for the Perieci of full age, and the total population of this district of the inhabitants of Laconia would amount to 66,000 persons."⁴

In later times of Spartan history, the Perieci of the coast (*Laconica ora castella*) were detached from Sparta by T. Quintus, and placed under the protection of the Achaean League.⁵ Subsequently to this the Emperor Augustus released 24 towns from their subjection to Sparta, and formed them into separate communities under laws of their own. They were consequently called Eleuthero-Lacones.⁶ But, even in the time of Pausanias, some of the Laconian towns were still *αὐτονομῶν*, but dependant upon Sparta (*ἑσῶν ἐς Σπάρτην*).

The status of Perieci, and also of Helots, has been by Müller to be the basis of the Dorian formation: we may therefore expect to find among other Dorian communities as well as in Laconia, as, for instance, Elis and Argos, and in the Theban: the dependant towns of which formed separate communities, as Thespiæ and Thebes, the Triphylian cities in Elis, and under Argos, though they could not be called *αὐτονομῶν*.⁷ From the last-mentioned town, which was long independent, but reduced about 470, all the Argive Perieci derived their name. About the time of the Persian war, the inhabitants of the towns surrounding Argos were received into the city as *σύνοικοι*, and granted the rights of citizenship: a change which was attended with a revolution in the constitution of Argos, and gave additional force to its democracy.⁸ The Dorian cities of Crete also had Perieci,⁹ as well as the colonies of Cyrene and

Perieci of antiquity have been compared to the *plebs* of Rome, and the *demes* of the Athenian demi or parishes. The only resemblance they bore to the latter was the similarity of their position relative to the city of their country, nor did the former stand in the same relation to the patricians as the Roman provincials did to the Spartan citizens. Modern history furnishes fitter objects of comparison in the Norman conquest of England and the city of Augsburg.¹⁰ The burghers or free of Augsburg lived in the city, while there about them a distinct and large community about the city, chiefly formed of the emancipated vassals of the dominant class, and called "burghers," or citizens of the "pale," the sub-

urbs in which they lived being surrounded by palisades. The Norman conquest of England presents a striking parallel to the Dorian conquest of Laconia, both in its achievement and consequences. The Saxons, like the old Achaeans, were deprived of their lands, excluded from all offices of trust and dignity, and reduced, though personally free, to a state of political slavery. The Normans, on the contrary, of whatever rank in their own country, were all nobles and warriors compared with the conquered Saxons, and for a long time enjoyed exclusively the civil and ecclesiastical administration of the land.

For farther details, see Arnold, *Thucyd.*, lib. i., c. 101, and Appendix ii.—Thierry, *Histoire de la Conquête de l'Angleterre par les Normands*, livres iv.—vii. PERIP'OLOI. (*Vid. EPHEBUS*, p. 406.)

PERISCHELIS (*περισκελις*).¹ Much controversy has arisen with regard to the true meaning of this word. The etymology points out merely that it was something worn round the leg (*περὶ σκέλος*), but from the context of the passage in Horace where it is found, we must at once infer that it was a trinket. The scholiast explains it as "*ornamentum pedis circum crura*," and hence we can scarcely doubt that it denotes an anklet or bangle, especially since we know that these were commonly worn not only by the Orientals, the Egyptians, and the Greeks, but by the Roman ladies also.² This explanation perfectly accords with the expressions of Tertullian,³ where the *periscelium* is spoken of as decorating the leg in the same manner as the bracelet adorns the wrist and the necklace the throat. The anklet is frequently represented in the paintings of Greek figures on the walls of Pompeii, as in the following representation of a Nereid.⁴



It must be observed, however, that the Greek lexicographers Hesychius, Photius, and Suidas interpret *περισκελή* and *περισκέλια* by *βρακκία*, *φαιμνάλια*, and St. Jerome (*Epist. ad Fabiol.*) expressly states that the Greek *περισκελή* were the same with the Latin *feminalia*, that is, drawers reaching from the navel to the knees. In the Septuagint we find *περισκέλες* (*sc. ένδυμα*) in Exod., xxviii., 42, xxxix., 28, Levit., vi., 10, and *περισκέλιον* in Levit., xvi., 4, which our translators uniformly render, and apparently with accuracy, *linen breeches*.

*PERISTERA (*περιστερά*), a term often applied indiscriminately to the different species and varieties of the genus *Columba*, and more especially applicable to the *C. domestica*, or Domestic Pigeon.⁵

*PERISTEREON (*περιστερέων*), the *Verbena officinalis*, or Vervain.⁶

PERISTROMA. (*Vid. TAPES, VELUM.*)

PERISTYLIUM. (*Vid. HOUSE, ROMAN*, p. 517.)

PERJURIUM. (*Vid. OATH, ROMAN*, p. 671.)

1. (Long., *Past.*, i., 2.—Menander ap. Polluc., *Onom.*, ii., 194; v., 100.—Hor., *Ep.*, i., xvii., 56.—Petron., 67.)—2. (Plin., *H. N.*, xxxiii., 3, s. 12.—Compare Wilkinson's *Anc. Egypt.*, vol. iii., p. 374.)—3. (*De Cultu Femin.*, ii., sub fin.)—4. (*Musee Borbon.*, tom. vi., tav. xxxiv.)—5. (*Adams, Append.*, s. v.)—6. (*Dioscor.*, iv., 60, 61.—*Adams, Append.*, s. v.)

PERIZOMA. (Vid. SUBLIOGACULUM.)

PERO (*ἀρόβλη*, dim. *ἀρόβλις*), a low boot of untanned hide (*crudus*), worn by ploughmen (*peronatus arator*) and shepherds, as exemplified in the woodcuts at p. 132, 667, and by others employed in rural occupations.¹ It had a strong sole,² and was adapted to the foot with great exactness.³ It was also called *πηλοπάτις* on account of its adaptation for walking through clay and mire. This convenient clothing for the foot was not confined to the laborious and the poor. Sigismer, a royal youth of Gaul, and his companions, had such boots, or high shoes, with the hair remaining upon them (*perone setoso*), bound about the ankles, the knees and calves of the legs being entirely bare.⁴ In the Greek mythology Perseus was represented wearing boots of this description, with wings attached to them.⁵ Diana wore them when accoutred for the chase.⁶

Vid. COTHURNUS.)

PER'ONE (περόνη). (Vid. FIBULA.)

PERPENDICULUM, the line and plummet, was used by bricklayers, masons, and plasterers, in ancient times, as it has been ever since.⁷ The etymology of the name is obvious, and explains the construction of the instrument. With the addition of a frame fixing two points equidistant from the apex, as it appears on the tomb represented at p. 252, it also served the purpose of a level. (Vid. LIBRA, PARIES.)

PERPETUA ACTIO. (Vid. ACTIO, p. 18.)

*PERSÆA (*περσαία*), according to Prosper Alpinus, the tree which produces the Sebesten Plums. Linnæus gives it the name of *Cordia myxa*.¹⁰

*PERSICA MALA (*Περσικά μήλα*), according to Matthioli and Nonnius, *Peaches*; but, as Adams remarks, there is a considerable degree of uncertainty on this head. Stackhouse sets down the *μήλα Περσική* of Theophrastus as a variety of the *Citrus aurantium*, or Orange. "Seth," remarks Adams, "calls the *Persica* by the name of *Rhodacina* (*ροδάκινα*). He says that they are cooling, diluent, and laxative, but difficult to digest. If not the same as the modern Peach, the *Persica* was evidently a fruit nearly allied to it."¹¹

PERSONA (*λαγνα*, πρόσωπον or προσωπίδιον), a Mask. Masks were worn by Greek and Roman actors in nearly all dramatic representations. This custom arose undoubtedly from the practice of smearing the face with certain juices and colours, and of appearing in disguise at the festivals of Dionysus. (Vid. DIONYSIA.) Now, as the Greek drama arose out of these festivals, it is highly probable that some mode of disguising the face was as old as the drama itself. Chœrilus of Samos, however, is said to have been the first who introduced regular masks.¹² Other writers attribute the invention of masks to Thespis or Æschylus,¹³ though the latter had probably only the merit of perfecting and completing the whole theatrical apparatus and costume. Phrynichus is said to have first introduced female masks.¹⁴ Aristotle¹⁵ was unable to discover who had first introduced the use of masks in comedy. Some masks covered, like the masks of modern times, only the face, but they appear more generally to have covered the whole head down to the shoulders, for we find always the hair belonging to a mask described as being a part of it; and this must have been the case in tragedy more especially,

as it was necessary to make the head correspond to the stature of an actor which was heightened by the cothurnus.

I. TRAGIC MASKS.—It may at first seem strange to us, that the ancients, with their refined taste in the perception of the beautiful in form and expression, should by the use of masks have deprived the spectators in their theatres of the possibility of observing the various expressions of which the human face is capable, and which, with us, contribute so much to theatrical illusion. But it must be remembered, that in the large theatres of the ancients it would have been impossible for the greater part of the audience to distinguish the natural features of an actor. The features of the masks were, for the same reason, very strong and marked. Again, the dramatic personæ of most of the ancient tragedies were heroes or gods, and their characters were so well known to the spectators that they were perfectly typical. Every one, therefore, knew immediately, on the appearance of such a character on the stage, who it was, and it would have been difficult to a Greek audience to imagine that a god or hero should have had a face like that of an ordinary actor. The use of the cothurnus also rendered a proportionate enlargement of the countenance absolutely necessary, or else the figure of an actor would have been ridiculously disproportionate. Lastly, the solemn character of ancient tragedy did not admit of such a variety of expressions of the countenance as modern tragedies, the object of which seems to be to exhibit the whole range of human passions in all their wild and self-devouring play. How widely different are the characters of ancient tragedy! It is, as Müller¹ justly remarks, perfectly possible to imagine, for example, the Orates of Æschylus, the Ajax of Sophocles, or the Medea of Euripides, throughout the whole tragedy with the same countenance, though it would be difficult to assert the same of a character in any modern drama. But there is no necessity for supposing that the actors appeared throughout a whole piece with the same countenance; for, if circumstances required it, they might surely change masks during the intervals between the acts of a piece. Whether the open or half-open mouth of a tragic mask also contributed to raise the voice of the actor, as Gellius² thinks, cannot be decided here, though we know that all circumstances united to compel a tragic actor to acquire a loud and sonorous voice.

The masks used in ancient tragedies were thus, for the most part, typical of certain characters, and consequently, differed according to the age, sex, rank, and other peculiarities of the beings who were represented. Pollux, from whom we derive most of our information on this subject, enumerates³ 25 typical or standing masks of tragedy, as for old men, seven for young men, ten for females, and three for slaves. The number of masks which were not typical, but represented certain individuals with their personal peculiarities, such as the blind Thamyris, the hundred-eyed Argus, &c., must have been much more numerous, for Pollux, by way of example, mentions thirty of such peculiar masks. The standing masks of tragedy are divided by Pollux into five classes.

1. *Tragic masks for old men*.—The mask for the oldest man on the stage was called *ἑπίωρ ἀνὴρ*, from the circumstance of the beard being smoothly shaved. The hair, which was in most cases attached to the masks, was white, and hung down, with the exception of a part above the forehead, which rose in an acute angle or in a round shape, and left the temples uncovered. This rising part

1. (Virg., *Æn.*, vii., 690.—Brunck, *Anal.*, i., 230.)—2. (Pers., v., 102.)—3. (Juv., xiv., 186.)—4. (Theocr., vii., 26.)—5. (Galen, in Hippocr., lib. iv.)—6. (Sid. Apollin., *Epist.*, iv., 20.)—7. (Lycophr., 889.)—8. (Brunck, *Anal.*, iii., 206.)—9. (Cic. ad Q. Frat., iii., 1.—Vitruv., vii., 3, § 5.—Plin., H. N., xxxv., 49; xxxvi., 22, s. 51.—Apol., *De Deo Soer.*, p. 150, ed. Aldi.)—10. (Dioscor., i., 157.—Adams, *Append.*, s. v.)—11. (Dioscor., i., 104.—Theophr., H. P., iv., 4.—Adams, *Append.*, s. v.)—12. (Suidas, s. v. *Χαίριλλος*.)—13. (Horat. ad Pis., 275.)—14. (Suidas, s. v. *Φρύγχιος*.)—15. (Poët., ii., 2)

1. (Hist. of the Lit. of Anc. Greece, i., p. 228.)—2. (Ibid., iv., 123, &c.)

of the hair was called *δγκος*. The cheeks of this mask were flat, and hanging downward. A second mask for old men, called *λευκός άνήρ*, had gray hair, floating around the head in locks, a full beard, and a prominent forehead, above which the hair formed a small *δγκος*. The countenance was probably pale, as the adjective *λευκός* seems to indicate. A third mask, called *σπαρτοπόλιος*, had black hair interspersed with gray, and was somewhat pale. It probably represented a hero of from 40 to 50 years of age, and in a suffering condition. The fourth mask, *μέλας άνήρ*, represented a hero in his full vigour, with black and curly hair and beard, strong features, and a high *δγκος*. This was probably the mask for most of the tragic heroes who were not very much advanced in age. For a secondary class of heroes there were two other masks, the *ξανθός* and the *ξανθότερος άνήρ*: the former represented a fair man with floating locks, a low *δγκος*, and a good colour in his countenance; the second, or fairer man, was pale, and of a sickly appearance.

2. *Tragic masks for young men.*—Among these are mentioned, 1. The *νεανίσκος πάγχρηστος*, a mask intended to represent a man who had just entered the age of manhood, and was yet unbearded, but of a blooming and brownish complexion, and with a rich head of hair. The name *πάγχρηστος* probably indicates that the masks might be used in a great variety of parts. 2. The *νεανίσκος ούλος*, or *ξανθός*, or *υπέρογκος*, a fair youth of a haughty or impudent character; his hair was curly, and formed a high *δγκος*: his character was indicated by his raised eyebrows. 3. *Νεανίσκος πάρουλος* resembled the preceding mask, but was somewhat younger. The counterpart of these two was, 4. The *άπαλός*, a young man of a delicate and white complexion, with fair locks and a cheerful countenance, like that of a youthful god. 5. *Πιναρός*. There were two masks of this name, both representing young men of an irascible appearance, of yellow complexion and fair hair; the one, however, was taller and younger, and his hair was more curly than that of the other. 6. *Ψυχρός*, a mask quite pale, with hollow cheeks, and fair, floating hair. It was used to represent sick or wounded persons. 7. The *πάρωχος* might be used for the *πάγχρηστος* if his character was to be represented in a suffering or melancholy situation.

3. *Tragic masks for male slaves.*—Pollux mentions three, viz.: the *διφθερίας*, which had no *δγκος*, and wore a band round the smooth white hair. The countenance was pale, the beard gray, the nose sharp, and the expression of the eyes melancholy. The *σφηνοπόγων*, or the pointed beard, represented a man in his best years, with a high and broad forehead, a high *δγκος*, hardened features, and a red face. The *ανάσιμος*, or the pug-nose, was an impudent face, with fair, rising hair of a red colour, and without beard.

4. *Tragic masks for female slaves.*—Of these five specimens are mentioned, viz.: the *πολιά κατάκομος*, in earlier times called *παράχρωμος*, represented an old woman with long white hair, with noble but pale features, to indicate a person who had seen better days; the *χραΐδιον ελευθερον*, an old freed-woman; the *χραΐδιον οικητικόν*, the old domestic slave; the *οικητικόν μεσόκομον*, a domestic slave of a middle age; and, lastly, the *διφθερίτις*, a young female slave.

5. *Tragic masks for free women.*—The first of these, called *κατάκομος*, represented a pale lady, with long black hair, and a sad expression in her countenance. She generally shared the sufferings of the principal hero in a play. The second, called *μεσόκομος ώχρά*, resembled the former, with the exception that her hair was half shorn. She was a woman

of middle age, and was probably intended to represent the wife of the chief hero, if he was not too advanced in age. The third is the *μεσόκομος πρόσφατος*, representing a newly-married woman in full bloom, with long and floating hair. The fourth is the *κούριμος πάρθενος*, a maiden of mature age, with short hair divided on the middle of the forehead, and lying smoothly around the head. The colour of her countenance was rather pale. There was another mask of the same name, but it differed from the former by the following circumstances: the hair was not divided on the forehead or curled, but wildly floating, to indicate that she had much suffering to go through. The last is the *κόρη*, or young girl. This mask represented the beauties of a maiden's face in their full bloom, such as the face of Danaë, or any other great beauty who was conceived to have been.

The account which Pollux gives of the tragic masks comprehends a great number, but it is small in comparison with the great variety of masks which the Greeks must have used in their various tragedies, for every hero and every god who was known to the Greeks as a being of a particular character, must have been represented by a particular mask, so that the spectators were enabled to recognise him immediately on his appearance. For this very reason, the countenances of the gods, heroes, and heroines must, in point of beauty, have been as similar as possible to their representations in statues and paintings, to which the eyes of the Greeks were accustomed; and the distorted masks, with widely open mouths, which are seen in great numbers among the paintings of Herculaneum and Pompeii (see the annexed woodcut from *Museo Borbon.*), would give but a very inadequate notion of the masks used at Athens during the most flourishing period of the arts.

All the representations of tragic masks belonging to this period do not show the slightest trace of exaggeration or distortion in the features of the countenance, and the mouth is not opened wider than would be necessary to enable a person to pronounce such sounds as *oh* or *ha*. In later times, however, distortions and exaggerations were carried to a very great extent, but more particularly in comic masks, so that they, in some degree, were more caricatures than representations of ideal or real countenances.²

The annexed woodcut represents some masks, one apparently comic and the other tragic, which are placed at the feet of the choragus in the celebrated mosaic found at Pompeii.³

II. *Comic masks.*—In the old Attic comedy, in which living and distinguished persons were so often brought upon the stage, it was necessary that the masks, though to some extent they may have been caricatures, should in the main points be faithful portraits of the individuals whom they were intended to represent, as otherwise the object of the comic poets could not have been attained. The chorus, on the other hand, as well as certain fantastic dramatis personæ, rendered sometimes a complete masquerade necessary; as in those cases when the choreutæ appeared with the heads of birds or



1. (vol. i., tab. 20.)—2. (Apollon., Vit. Apollon., v., 9, p. 195, ed. Olear.—Lucian., De Saltat., 27.—Anach., 23.—Nigrin., 11.—Somn. s. Gall., 26.)—3. (Museo Borbon., vol. ii., tab. 56.—Gell., Pomp., vol. i., pl. 45.)

of frogs, &c. We may remark here, by the way, that the chorus of tragedy appeared generally without masks, the Eumenides of Æschylus being probably only an exception to the general rule. The masks of the characters in the old Attic comedy were therefore, on the whole, faithful to life, and free from the burlesque exaggerations which we see in the masks of later times. A change was made in the comic masks when it was forbidden to represent in comedy the archon by imitating his person upon the stage,¹ and still more, shortly after, by the extension of this law to all Athenian citizens.² The consequence of such laws was, that the masks henceforth, instead of individuals, represented classes of men, i. e., they were masks typical of men of certain professions or trades, of a particular age or station in life, and some were grotesque caricatures. A number of standing characters or masks was thus introduced in comedy. Pollux gives a list of such standing masks, which are divided, like those of tragedy, into five classes.

1. *Comic masks for old men.*—Nine masks of this class are mentioned. The mask representing the oldest man was called *πάππος πρῶτος*: his head was shaved to the skin, he had a mild expression about his eyebrows, his beard was thick, his cheeks hollow, and his eyes melancholy. His complexion was pale, and the whole expression of the countenance was mild. 2. The *πάππος ἕτερος* was of a more emaciated and more vehement appearance, sad and pale; he had hair on his head and a beard, but the hair was red and his ears broken. 3. The *ἡγεμών*, likewise an old man, with a thin crown of hair round his head, an aquiline nose, and a flat countenance. His right eyebrow was higher than the left. 4. The *πρεσβύτερος* had a long and floating beard, and likewise a crown of hair round his head; his eyebrows were raised, but his whole aspect was that of an idle man. 5. The *εὐμένειος* was bald-headed, but had a beard and raised eyebrows, and was of angry appearance. 6. The *πορνοβόσκος* resembled the mask called *λυκομήδειος*, but his lips were contorted, the eyebrows contracted, and the head without any hair. 7. The *εὐμένειος δεύτερος* had a pointed beard, but was otherwise without hair. 8. The *σφηνοπέγων*, or pointed beard, was likewise bald-headed, had extended eyebrows, and was looking ill-tempered. 9. The *λυκομήδειος* had a thick beard, was conspicuous on account of his long chin, and the form of his eyebrows expressed great curiosity.

The annexed comic mask, representing an old man, is taken from the *Museo Borbon.*³

2. *Comic masks for young men.*—Pollux enumerates ten masks of this kind: 1. The *πάγχερστος* formed the transition from the old to the young men; he had but few wrinkles on his forehead, showed a muscular constitution (*γυμναστικός*), was rather red in the face, the upper part of his head was bald, his hair was red, and his eyebrows raised. 2. The *νεανίσκος μέλας* was younger than the preceding one, and with low eyebrows. He represented a young man of good education, and fond of gymnastic exercises. 3. The *νεανίσκος οὖλος*, or the thick-haired young man, was young and handsome, and of a blooming countenance, his eyebrows were extended, and there was only one wrinkle upon his forehead. 4. The *νεανίσκος ἀπαλός*, his hair was like that of the *πάγχερστος*, but he was



the youngest of all, and represented a tender youth brought up in seclusion from the world. 5. The *ἄγροίκος*, or rustic young man, had a dark complexion, broad lips, a pug-nose, and a crown of hair round his head. 6. The *ἐπίσειστος στρατιώτης*, or the formidable soldier, with black hair hanging over his forehead. 7. The *ἐπίσειστος δεύτερος* was the same as the preceding, only younger and of a fair complexion. 8. The *κόλαξ*, or the flatterer; and, 9. The *παράσιτος*, or parasite, were dark,¹ and had aquiline noses. Both were apparently of a sympathizing nature; the parasite, however, had broken ears, was merry-looking, and had a wicked expression about his eyebrows. 10. The *εἰκονικός* represented a stranger in splendid attire, his beard was shaved, and his cheeks pierced through. The *σικελικός* was another parasite.

3. *Comic masks for male slaves.*—Of this class seven masks are mentioned: 1. The mask representing a very old man was called *πάππος*, and had gray hair, to indicate that he had obtained his liberty. 2. The *ἡγεμών θεράπων* had his red hair platted, raised eyebrows, and a contracted forehead. He was among slaves the same character as the *πρεσβύτερος* among freemen. 3. The *κάτω τραχίας* or *κάτω τετριχωμένος* was half bald-headed, had red hair and raised eyebrows. 4. The *οὖλος θέραιον*, or the thick-haired slave, had red hair and a red countenance; he was without eyebrows, and had a distorted countenance. 5. The *θεράπων μύπος* was bald-headed and had red hair. 6. The *θεράπων τέττιξ* was bald-headed and dark, but had two or three slips of hair on his head and on his chin, and his countenance was distorted. 7. The *ἐπίσειστος ἡγεμών*, or the fierce-looking slave, resembled the *ἡγεμών θεράπων*, with the exception of the hair.

4. *Comic masks for old women.*—Pollux mentions three, viz.: the *γραβίδιον ἰσχνόν* or *λυκαίνιον*, a tall woman with many but small wrinkles, and pale but with animated eyes; the *παχέια γραβίς*, or the fat old woman with large wrinkles, and a band round her head keeping the hair together; and the *γραβίδιον οἰκουρόν*, or the domestic old woman. Her cheeks were hollow, and she had only two teeth on each side of her mouth.

5. *Comic masks for young women.*—Pollux mentions fourteen, viz.: 1. The *γυνή λεκτική*, or the talkative woman; her hair was smoothly combed down, the eyebrows rather raised, and the complexion white. 2. The *γυνή ὀβλή* was only distinguished for her fine head of hair. 3. The *κόρη* had her hair combed smoothly, had high and black eyebrows, and a white complexion. 4. The *ψευδοκόρη* had a whiter complexion than the former, her hair was bound up above the forehead, and she was intended to represent a young woman who had not been married more than once. 5. Another mask of the same name was only distinguished from the former by the irregular manner in which the hair was represented. 6. The *σπαρτοπόλιος λεκτική*, an elderly woman who had once been a prostitute, and whose hair was partly gray. 7. The *παλλακή* resembled the former, but had a better head of hair. 8. The *τέλειον ἑταιρικόν* was more red in the face than the *ψευδοκόρη*, and had locks about her ears. 9. The *ἑταιρίδιον* was of a less good appearance, and wore a band round the head. 10. The *διάχρυσος ἑταίρα* derived the name from the gold with which her hair was adorned. 11. The *διάμητρος ἑταίρα*, from the variegated band wound around her head. 12. The *λαμπάδιον*, from the circumstance of her hair being dressed in such a manner, that it stood upright upon the head in the form of a lampas. 13.

1. (Schol. ad Aristoph., Nub., 31.)—2. (Schol. ad Aristoph., Ach., 1149; Av., 1297.—Suidas, s. v. Ἀττιμῶχος.)—3. (vol. i., tab. A.)

1. (Compare Athen., vi., p. 227.)

epikouros represented a female slave t, and wearing only a white chiton. 14. *θιστόν* was a slave distinguished by a d her hair: she attended upon *heteras*, crocus-coloured chiton.

as these masks are, the list cannot by e considered as complete, for we know ere other standing masks for persons rticular kinds of trade, which are not h Pollux. Mæson of Megara, for exam- o have invented a peculiar mask, called a name *μαίσιων*, another for a slave, and represent a cook.¹ From this passage e we also learn that Stephanus of By- te a work *περὶ προσώπων*.

USED IN THE SATYRIC DRAMA.—The in this species of the Greek drama to represent Satyrs, Silenus, and panions of Dionysus, whence the ex- the countenances and form of their easily be imagined. Pollux only men- ay-headed Satyr, the unbearded Satyr, the *πάππος*, and adds that the charac- e other Satyric masks either resembled re sufficiently expressed in their names, oppositenus was an old man with a very animal character.² A grotesque mask together with one of the finest speci- agic mask, is contained in the Townly e British Museum, and is represented



is the earliest representations of the na among the Romans, it is expressly omedes³ that masks were not used, but alerus or wig, and that Roscius Gallus, ear 100 B.C., was the first who intro- ise of masks. It should, however, be , that masks had been used long be- e in the Atellanæ,⁴ so that the innova- ius must have been confined to the reg- that is, to tragedy and comedy. As as of Roman masks, it might be pre- , being introduced from Greece at so d, they had the same defects as those eece at the time when the arts were in e, and this supposition is confirmed by art, and the paintings of Herculaneum i, in which masks are represented; for appear unnaturally distorted, and the ys wide open. The expressions of Ros also support this supposition.⁵ We n here that some of the oldest MSS. of tain representations of Roman masks, ese MSS. they have been copied in sev-

eral modern editions of that poet, as in the edition published at Urbino in 1726, fol., and in that of Dacier. The cut annexed contains representations of four of these masks prefixed to the Andria



When actors at Rome displeased their audience and were hissed, they were obliged to take off their masks; but those who acted in the Atellanæ were not obliged to do so.¹ The Roman mimes never wore masks. (*Vid. MIMUS.*)²

PERTICA, the pole used by the *AGRIMENSORES*, was also called *DECEMPEDA* because it was ten feet long. On account of its use in assigning lands to the members of a colony, it is sometimes represented on medals by the side of the augural plough.³

PES (*πούς*), a Foot. The Greeks and Romans, like most other nations, took their standards of length originally from the different parts of the human body, and the names which were thus given to the measures were retained after the measures themselves had been determined with greater nicety. The foot was the basis of their whole system of measures of length; and as the value of the Greek foot is easily obtained when that of the Roman is known, it will be convenient to notice the latter first.

I. *The Roman foot.*—There are five different ways of determining the length of the Roman foot. These are, 1. From ancient measures still in existence; 2. From measurements of known distances along roads; 3. From measurements of buildings; 4. From the contents of certain measures of capacity; and, 5. From measurements of a degree on the earth's surface.

1. It might appear, at first thoughts, that ancient measures in actual existence would at once give the required information. But these measures are found to differ among themselves. They are of two kinds, foot-measures cut upon gravestones, and brass or iron measures, intended, in all probability, to be used as measures. From the nature of the case, the latter would probably be more exact than the former, and, in fact, the measures on the gravestones are rudely cut, and their subdivisions are of unequal length, so that they have no pretensions to minute accuracy; but, on the other hand, it would be absurd to suppose that they would have been made very far wrong. We may safely conclude that they would have about as much accuracy as a measure hastily cut on stone by a mason from the foot-rule used by him in working. Four such measures are preserved in the Capitol at Rome. They are called the Statilian, Cossutian, Æbutian, and Capponian feet. They have been repeatedly measured, but, unfortunately, the different measurements gave different results. The brass and iron foot-rules, of which several exist, do not precisely agree in length. There was anciently a standard foot-measure kept in the Capitol, called the *pes monetalis*, which was probably lost at the burning of the Capitol under Vitellius or Titus.

2. The itinerary measurements are of two kinds, according as they are obtained by measuring the distance from one place to another, or the dis-

1. (Festus, s. v. *Personata Fabula*—Macrob., *Sat.*, ii., 7.)—2 (Compare Fr. De Ficoroni, *Dissertatio De larvis scenicis et figuris comicis ant. Rom.*, Rome, 1736 and 1750, 4to.—Fr. Stieve *Dissertatio de rei scenicæ apud Romæ Origine.*)—3. (Propert IV., i., 30.)

iv., p. 659.)—2. (Compare Eichstädt, *De Drammatyrio*, p. 81.)—3. (iii., p. 486, ed. Putsch.)—4. (*Personata*.)—5. (Gell., v., 7—Juv., iii., 175.)

tance from one milestone to another on a Roman road. Both methods have the advantage of the diminution of error which always results from determining a lesser magnitude from a greater, but both are subject to uncertainty from turnings in the road, and from the improbability of the milestones having been laid down with minute accuracy; and two other serious objections apply to the former mode, namely, the difficulty of determining the point where the measurement began and ended, and the changes which may have taken place in the direction of the road. Both methods, however, have been tried; the former by Cassini, who measured the distance from Nîmes to Narbonne, and by Riccioli and Grimaldi, who measured that between Modena and Bologna, and the latter by Cassini, between Aix and Arles.

3. The measurement of buildings is rather a verification of the value of the foot as obtained from other sources than an independent evidence. It very seldom happens that we know the number of ancient feet contained in the building measured. We have one such example in the Parthenon, which was called *Heecatopedon* (hundred-footed) from the width of its front; but even in this case we cannot tell exactly, till we know something of the length of the Greek foot, to what precise part of the front this measurement applies. Again, there is the obelisk in the Piazza del Popolo at Rome, and the Flaminian obelisk, the heights of which are given by Pliny.² But the actual heights of these obelisks, as compared with Pliny, would give a value for the foot altogether different from that obtained from other sources. Indeed, the numbers in Pliny are undoubtedly corrupt. An ingenious emendation by Stuart would remove the difficulty; but it is obvious that a passage which requires a conjectural emendation cannot be taken as an independent authority. There is another mode of deducing the value of the foot from buildings, of the dimensions of which we have no information. The building is measured, and the length thus obtained is divided by the supposed value of the ancient foot (as derived from other evidence); and if a remainder be left, this value of the foot is corrected so that there may be no remainder. It is assumed in this process that no fractions of feet were allowed in the dimensions of the building, and also that the plans were worked out with the most minute exactness, both of which assumptions are not very probable. In fact, these measurements have given different values for the foot. "Modern architects," says Mr. Hussey, "do not allow that such calculations could be depended on in modern buildings, for determining the true length of the measures by which they were planned. Nor are the dimensions of the parts of buildings of the Middle Ages in our own country, as Gothic churches and cathedrals, found to agree exactly, so as to give whole numbers of the standard measure." On the other hand, these measurements, like those on roads, have the advantage of involving, in all probability, very small errors, and of the diminution of the error by division.

4. Villalpando and Eisenschmidt have attempted to deduce the length of the Roman foot from the solid content of the congius of Vespasian. (*Vid. CONGIUS*.) Since the congius was the eighth of the amphora, and the content of the amphora was a cubic foot (*vid. AMPHORA*), the process is to multiply the content of the congius by 8, and extract the cube root of the product. But this process is very uncertain. First, there is a doubt about the content of the congius itself (*vid. LIBRA*); then it is hardly to be supposed that the content of the con-

gius was actually adapted with perfect accuracy to the length of the foot; and, lastly, there is a further risk of error in reversing this process.

5. Some French geographers, and especially M. Gosselin, have supposed that the ancient astronomers were acquainted with the dimensions of a great circle of the earth, and that they founded their whole system of measures on the subdivisions of such a circle. The results of M. Gosselin's calculations agree well with those derived from other sources. But we need better evidence than the agreement to convince us that both the Greeks and Romans, at a very early period, formed a system of measures on such scientific principles; and it is incredible that, if such a system had really existed, there should be no allusion to it in any of the ancient geographers.

The average values of the Roman foot, obtained from these various sources, in terms of the English foot, are the following:

1. From ancient measures	9714
2. From itinerary measurements	9708
3. From measurements of buildings	9694
4. From the congius	9603
5. From the length of a degree	9724

of which the first three are the most to be depended on; and of those three the average is 9708, or 11.6496 inches, or 11½.1496 inches, which we may take as the probable value of the Roman foot.

Cagnazzi, whose researches are said by Niebuhr to have placed the true value of the Roman foot beyond a doubt,¹ gives it a greater length than the above, namely, .29624 of a metre = 9723 of a foot; but this calculation is objected to by Böckh, as being derived by a process not perfectly true from the value of the pound, and as being confirmed only by one existing measure, and also as being at variance with the value of the Greek foot, obtained from independent sources.² Böckh's own calculation which agrees with that of Wurm, gives a value very little less than the above, namely, 131.15 Paris lines = 9704649 of the English foot = 11.6460 inches.

The Romans applied the uncial division (*vid. AN*) to the foot, which thus contained 12 *uncia*, whence our *inches*; and many of the words used to express certain numbers of *uncia* are applied to the parts of the foot.³ It was also divided into 16 *digiti* (finger-breadths): this mode of division was used especially by architects and land-surveyors, and is found on all the foot-measures that have come down to us. *Pollex* (the thumb), which is used in modern Latin for an *inch*, is not found in the ancient writers, but Pliny⁴ uses the adjective *pollicaris* (of a thumb's breadth or thickness). *Palmus* (a hand-breadth) was the fourth part of the foot, containing 4 *digiti* or 3 *uncia*. There seems also to have been a larger *palmus* of 12 *digiti* or 9 *uncia*.⁵

The following measures were longer than the foot. *Palmipes*, that is, *palmus et pes*, 1½ feet, or 15 inches; *cubitus*, 1½ feet, is seldom used in Latin except as a translation of the Greek πῶδες (*Vid. CUBITUS*). *Ulna* (the arm) is used by later writers as equivalent to *cubitus*; but it was properly the translation of the Greek ὀρτυία; Pliny uses it for the whole length of the outstretched arm from finger to finger.⁶ From the analogy of the as we have also *dupondium* for 2 feet,⁷ and *pes sestertius* for 2½ feet.⁸ *Passus* (a pace), 5 feet.⁹ *Mille passus*, 5000 feet, or a mile. (*Vid. MILLIARIUM*.) *Gradius* = 1 *passus*. *Leuga* or *Leuca* was a Gallic measure =

1. (*Hist. of Rome*, ii., p. 407.)—2. (*Metrolog. Untersuch.*, p. 197.)—3. (*Veget.*, *De Re Milit.*, i., 5.—*Plin.*, *H. N.*, xxvii., 4, 11, xlii., 15.)—4. (*H. N.*, xxvii., 9; xv., 24; xiii., 23.)—5. (*Plin.*, *H. N.*, xxi., 26.)—6. (*H. N.*, xvi., 32, 40.—*Compare Serr.*, *ad Var. Ecl.*, iii., 105.)—7. (*Colum.*, ii., 15, &c.)—8. (*Leg. xii. Tab.*, tab. vii.)—9. (*Vitruv.*, x., 14.—*Colum.*, v., 1.)

1. (*Plutarch*, *Pericl.*, 19; *Cato*, 5.)—2. (*H. N.*, xxvii., 9.)

sus or 1½ miles.¹ Stones are still found on in France with distances marked on them *s. Decempeda*, a pole (*pertica*) 10 feet long, and in measuring land.² *Actus*, 12 decempeda 120 feet. (*Vid. Actus*.) The following exhibit the Roman measures of length, with values in English feet and inches:

1. Ordinary Measures.

	Pedes.	Feet.	Inches.
is	½		7281
s	1½		9708
is	¼		29124
s	1		116496
pes	1½	1	25620
us	1½	1	54744

2. Land Measures.

	Pedes.	Yards.	Feet.	Inches.
s	1			116496
s	2½	2		5124
s	5	1	1	10248
peda	10	3		8496
s	120	38	2	5952

Passus }
liarium } . . . 5000 1618

square foot (*pes quadratus*) is called by Frontinus *stratus*, and by Boethius *contractus*. Frontinus applies the term *quadratus* to the cubic foot. The principal square measure was the *jugerum* of 120. (*Vid. Jugerum*.)

We have concluded, from the measurements of the foot, that the foot was slightly reduced about the time of Domitian, which Wurm accounts for by supposing that the *pes monetalis*, after being defined in the time of Titus, was restored by Domitian in a careless manner. Both the fact and the amount, however, appear to be very doubtful.

The Greek foot.—We have no ancient measures to determine the length of the Greek foot, but we have the general testimony of ancient writers that it was to the Roman in the ratio of 25 : 24. The Greek stadium, which contained 600 Greek feet, said by Roman writers to contain 625 Roman feet; and also a Roman mile, or 5000 feet, reckoned equal to 8 Greek stadia, or 4800 feet; these calculations give the above ratio of 25 : 24. If, therefore, the Roman foot was 9708 English inches, the Greek foot was equal to 1-01125 or 12135 inches.

This value is confirmed by the measurement of the Parthenon. "Stuart,"⁴ says Mr. Hussey, "read the upper step of the basement of the Parthenon, which is the platform on which the temple stood, and is exactly that part of the building which we should expect that the measure would be taken if the name Hecatompodon was given to it on account of the dimensions. Hence the width of the front to be 101 feet 17 inches, and the length of the side 227 feet 7-05 inches; and these two quantities are very nearly in the ratio of 200 to 225, he inferred that the two sides contained these two numbers of feet. From the calculation the value of the foot, from the side 101 feet 17 inches, is 12137 inches, from the side 227 feet 7-05 inches: the greatest exceeds the value given above 003 of an inch." Other measurements of the Parthenon and of other buildings at Athens tend to confirm this result.

Strabo, however,⁵ quotes from Polybius a calculation which would make the Greek and Roman feet equal, but it is perfectly clear that there is a mistake in this statement. Plutarch again⁶ says that the mile is a little less than 8 stadia,

which would give a rather smaller ratio than that of 24 : 25 for the ratio of the Roman to the Greek foot. It is on the authority of this passage that Böckh gives the value above mentioned for the Roman foot. If, according to the supposition already noticed, a slight diminution took place in the Roman foot, this would account for the difference. But perhaps we ought not to consider this solitary passage of sufficient weight to influence the calculation.

The Greeks used different standards at different places and at different times. The foot which generally prevailed over Greece was that by which the stadium at Olympia was measured (*vid. Stadium*), which was the one we have been speaking of, and which was therefore the same as that used at Athens in her best days. Hyginus⁷ mentions this foot as being used in Cyrene under the name of *Ptolemeus*.

The following table represents the parts and multiples of the Greek foot:

	Πόδες.	Yards.	Feet.	Inches.
δάκτυλος	1/16			7584
κόνδυλος	1/8			15168
παλαιστή	1/4			30336
λιχάς	1/2			60672
ὀρθόδωρον	3/4			75840
σπιθαμή	1			91008
πούς	1		1	0-135
πυγμή	1 1/2		1	1-6512
πυγών	1 1/4		1	3-168
πῆχυς	1 1/2		1	6-2016
βῆμα	2 1/2		2	6-336
ξύλον	4 1/2		4	6-6048
ὄργυιά	6		6	0-81
κάλαμος	10		10	1-35
ἄμμα	60	20		8-1
πλέθρον	100	33	2	1-5
στάδιον	600	202		9
διάνυλος	1200	404	1	6

The *δάκτυλος* (a finger-breadth) answers to the Roman *digitus*: the *κόνδυλος* (knuckle) was 2 finger-breadths: the *παλαιστή*, which was also called the *παλαιστής*, *δῶρον*, *δοχμή*, or *δακτυλοδόχη*, was a hand-breadth. The *ὀρθόδωρον* was the length of the open hand. The *λιχάς* was a span from the thumb to the fore-finger; the *σπιθαμή* a span from the thumb to the little finger. The *πυγμή* was the distance from the elbow to the knuckle-joints, the *πυγών* from the elbow to the first joint of the finger, the *πῆχυς* (cubit) from the elbow to the tips of the fingers. Of this measure there were two sizes, the *μέτριος* and the royal; the latter was 3 finger-breadths longer than the other, which would make it nearly 20½ inches.

The square measures of the Greeks were the *πούς*, or square foot, the *ἀρουρα* = 2500 square feet, and the *πλέθρον* = 4 arurae = 10,000 square feet.

Certain peculiar foot-measures, differing from the ordinary ones, are mentioned by ancient writers. The Samian, which was the same as the Egyptian foot, is known, from the length of the Egyptian cubit as derived from the Nilometer (namely, 17-74278576 inches), to have contained 11-82852384 inches, or more than 11½ inches. A larger foot than the common standard seems to have been used in Asia Minor. Heron⁸ names the royal or Philæterian foot as being 16 finger-breadths, and the Italian as 13½, and he also mentions a mile (*μίλιον*) of 5400 Italian or 4500 royal feet. Ideler supposes that the Italian foot means the common Roman, and the royal a Greek foot larger than the common standard, corresponding to the stadium of 7 to the mile, which had been introduced before Heron's

1. (Cic., *Pro P. Clodius*, c. 12.)—2. (Cic., *Pro P. Clodius*, c. 12.)—3. (Plin., *H. N.*, ii., 23, 108, v., 1.—Polyb., iii., 39.—Strabo, p. 322.)—4. (Antiq. p. 8.)—5. (p. 322.)—6. (C. Gracch., 7.)

1. (De Condit. Agr., p. 210.)—2. (De Mens., p. 368.)

tium, namely, the tenth century. The *Pes Drusi-
anus*, or foot of Drusus, contained $13\frac{1}{2}$ Roman inches
= 13.1058 English inches. It was used beyond
the boundaries of Italy for measuring land, and was
the standard among the Tungri in Lower Ger-
many.¹

PE'SSULUS. (Vid. JANUA, p. 526.)

PESSOI (πεσσοί). (Vid. LATRUNCULI.)

PETALISMOS (πεταλισμός). (Vid. BANISHMENT,
GREEK, p. 135.)

PETASUS. (Vid. PILEUS.)

PETTOR. (Vid. ACTOR.)

PETAURISTÆ. (Vid. PETAURUM.)

PETAURUM (πέταυρον, πέτευρον) is said by the
Greek grammarians to have been a pole or board on
which fowls roosted.² We also find the name of
petaurum in the Roman games, and considerable
doubt has arisen respecting its meaning. It seems,
however, to have been a board moving up and down,
with a person at each end, and supported in the
middle something like our seesaw; only it appears
to have been much longer, and, consequently, went
to a greater height than is common among us.
Some writers describe it as a machine, from which
those who exhibited were raised to a great height,
and then seemed to fly to the ground; but this in-
terpretation does not agree so well with the passa-
ges of ancient authors as the one previously men-
tioned.³ The persons who took part in this game
were called *petauristæ* or *petauristarii*; but this
name seems to have been also applied in rather a
wider signification.⁴

PETORRITUM, a four-wheeled carriage, which,
like the *Essedum*, was adopted by the Romans in
imitation of the Gauls.⁵ It differed from the *Har-
mamaxa* in being uncovered. Its name is obvious-
ly compounded of *petor*, four, and *rit*, a wheel. *Fes-
us*,⁶ in explaining this etymology, observes that *pe-
tor* meant four in Oscan and in Æolic Greek. There
is no reason to question the truth of this remark;
but, since *petor* meant four in many other European
languages, it is more probable that the Romans de-
rived the name, together with the fashion of this
vehicle, from the Gauls. Gellius⁷ expressly says
that it is a Gallic word.

*PHAGRUS (φάγρος), called by Pliny the *Pagrus*,
a species of fish, the *Sparus Pagrus*, L., called in
English the Sea Bream or Braize.

*PHACOS (φακός), the *Cicer lens*, or Lentil.
"Stackhouse," says Adams, "seems to stand alone
in making it to be the *Eryum erilia*. The *Lens palus-
tris*, φακός ὁ ἐπὶ τῶν τεματίων, Dioscor., seems to be
generally admitted to be the *Lemna minor*, or Lesser
Duck's-meat. The φακός Ἰνδικός of Theophrastus is
the *Dolichos Catiang*, according to Sprengel."

*PHALÆNA (φαλαίνα), the Whale. (Vid. BA-
LÆNA.)

*II. An insect referable to the genus *Phalæna*,
or Moths. "De Pauw," says Adams, "makes the
φαλάγξ of Phile to be the φαλαίνα. It appears,
however, with more propriety, to be referable to the
φαλάγγιον."

PHALANGA or PALANGA (φάλαγξ), any long
cylindrical piece of wood, but especially,

1. Trunks or branches of trees, or portions of
them, cut as articles of merchandise. The Æthio-
pians presented to the King of Persia *δικκοσιας
φάλαγγας ἰβένου*, "200 pieces of ebony."⁹

1. (Hussey on Ancient Weights, &c., Appendix.—Wurm, De
Pond., cap. 6 and 7.—Büchke's Metrolog. Untersuch., p. 196, &c.
—Ideler, Längen- und Flächen-masse.—Frérot, Observations
sur le rapport des mesures Grecques et des mesures Romaines,
Mém. de l'Acad. d'Inscrip., t. xxiv., p. 551, &c.)—2. (Hesych.,
s. v.—Pollux, Onom., x., 156.)—3. (Lucil. ap. Fest., s. v. *Petaur-
istæ*.—Juv., xiv., 265.—Mart., xi., 21, 3.—Mauil., v., 433.)—4.
(Compare Petron., 53.)—5. (Hor., Sat., l. vi., 104.)—6. (s. v.)—7.
(xv., 30.)—8. (Non. Marcell., p. 163, ed. Mercier.)—9. (Herod.,
ii., 97.—Plin., H. N., xii., 4, s. 8.)

2. Truncheons, said to have been first used in
battle by the Africans in fighting against the Egyp-
tians.¹

3. Poles used to carry burdens in the manner
represented in the woodcut, p. 57, or so as to com-
bine the strength of two or more individuals. The
carriers who used these poles were called *phalanga-
rii*,² and also *hexaphori*, *tetraphori*, &c., according as
they worked in parties of six, four, or two persons.
The poles were marked at equal distances, and the
straps which passed over the shoulders of the work-
men were so fixed at the divisions, that each man
sustained an equal share of the burden.³

4. Rollers placed under ships to move them on
dry land, so as to draw them upon shore or into
the water (*δουρατέοι κυλίνδροι*).⁴ This was effected
either by making use of the oars as levers, and, at
the same time, fastening to the stern of the ship
cables with a noose (*μηρίνθορ*), against which the
sailors pressed with their breasts, as we see in our
canal navigation,⁵ or by the use of machines.⁶

The trunk of the wild olive (*κοκύνος*) served to
make such rollers,⁷ and on the occasion here re-
ferred to, a phalanx made of this tree was erected
upon a tomb instead of a stone column. Rollers
were employed in the same manner to move milita-
ry engines;⁸ and we need not hesitate to conclude
that columns of marble and other enormous stones
designed for building were transported from the
quarry by the same process.

If from the earliest periods the Greeks were fa-
miliar with the use of rollers ranged in long suc-
cession and moving parallel to one another, it might
be expected that the term *phalanx* would be used by
them metaphorically. We, accordingly, not only
find it applied to denote the bones of the hand and
foot, which are placed beside one another like so
many rollers, but in the *Iliad*⁹ the lines of soldiers
ranged in close order, and following one another,
are often called by the same expressive appellation,
and hence arose the subsequent established use of
the term in reference to the Greek army. (Vid.
ARMY, GREEK.)

*PHALANGION (φαλάγγιον), "a class of ven-
mous spiders," says Adams, "several species of
which are described by Nicander. These Sprengel
attempts to determine, but his conclusions are not
very satisfactory. He does not refer any of them to
the genus *Phalangium*, L. Stackhouse concludes
that the φαλάγγιον of Theophrastus includes the
Aranea avicularia and the *A. Tarantula*; the for-
mer, however, is an American species, and conse-
quently, inadmissible."¹⁰

PHALARTICA. (Vid. HASTA, p. 489.)

PHALERA (φάλαρον), a boss, disc, or crests
of metal, in many cases of gold,¹¹ and beautifully
wrought, so as to be highly prized.¹² Ornaments of
this description, being used in pairs, are scarcely
ever mentioned except in the plural number. The
names for them are evidently formed from the term
φάλαξ, which is explained under GALEA, p. 464.¹³
Besides the metallic ornaments of the helmet, simi-
lar decorations were sometimes, though very rarely,
worn by warriors on other parts of their dress
or armour, probably upon the breast.¹⁴ "The negro
slaves who were kept by opulent Romans wore
them suspended round their necks.¹⁵ Also the lire
of the King of Persia was thus adorned.¹⁶ But we

1. (Plin., H. N., vii., 56, s. 57.)—2. (Gloss. Ast., s. v.)—3.
(Vitruv., x., 3, s. 8.)—4. (Bruck, Anal., iii., 89.—Apoll. Rhod.,
i., 375-389.)—5. (Orph., Argon., 239-249, 270-272.)—6. (Hes-
ych., l., iv., 2.)—7. (Apoll. Rhod., ii., 843-848.—Schol. ibid.)
—8. (Ces., Boll. Civ., ii., 10.)—9. (iv., 254, 281, 332, 427.)—10.
(Herod., i., 215.—Athen., xii., p. 550.—Claudian, Epp., 74.)
—11. (Cic., Verr., ii., iv., 12.)—12. (Compare Hom., Il., xvi., 166
—13. (Virg., Æn., ix., 359, 458.)—14. (Strabon., Geog., vii., 1—
(Æschyl., Pers., 608.)

commonly read of phaleræ as ornaments at the harness of horses,¹ especially about (*ἀμπικτήρια φάλαρα*), and often worn as (*penultima*), so as to produce a terrific effect by the rapid motions of the horse (*phalera*).² These ornaments were often upon horsemen by the Roman generals in manner as the *ARMILLA*, the *TORQUES*, the *PHALERA* (*vid. HASTA*, p. 490), and the crown of *CORONA*, in order to make a public and acknowledgment of bravery and merit.³ *PHARETRA* (*φαρέτρα*, *ap. Herod. φαρετρεών*), a quiver, full of arrows, was the usual accent of the bow. (*Vid. ARCUS*.) It was, partly, part of the attire of every nation of archery. Virgil applies to it the epithets *ycia*, *Threïssa*;⁴ Ovid mentions the *pharetra*;⁵ Herodotus represents it as part of the armour of the Persians.⁶ Females also the quiver, together with the bow, as in of the Amazons,⁷ and of those Spartan, and Thracian virgins who were fond of and wore boots (*vid. COTHURNUS, PERO*) appropriate articles of dress.⁸ On the temple, the quiver is an attribute of certain *viz.*, of Apollo,¹¹ Diana,¹² Hercules,¹³ and the quiver, like the bow-case (*vid. CORYMP*, principally made of hide or leather,¹⁴ and lined with gold¹⁵ (*aurata*), painting,¹⁶ and *πόλυδραπτον*).¹⁷ It had a lid (*πίσμα*), and ended from the right shoulder by a belt (*σύν*), passing over the breast and behind ¹⁸. Its most common position was on the left side, the usual place of the sword (*vid. GLADIUS*), consequently, as Pindar says, "under ¹⁹" or "under the arm" (*ὀπωλένιον*).²⁰ It was thus by the Scythians²¹ and by the Egyptians is so represented in the annexed figure of the Amazon *Dinomache*, copied from a Greek



Hes. Hen., iv., 1, § 39.—*Virg.*, *Æn.*, v., 310.—*Gell.*, v., 8, *Erig.*, 36, 1—2. (*Soph.*, *Ed. Col.*, 1069.—*Eurip.*, *Greg.*, *Cor.*, *De Dialect.*, p. 508, *ed. Schfer.*)—3. *Virg.*, *Æn.*, vii., 12, s. 74.)—4. (*Claudian* in *iv. Cons.*, 1—5. (*Juv.*, xvi., 60.—*A. Gell.*, ii., 11.)—6. (*Georg.*, iii., 177.—*Virg.*, *Æn.*, v., 311.)—7. (*De Ponto*, i., viii., 6.)—8. (*Virg.*, *Æn.*, v., 311.)—9. (*Virg.*, *Æn.*, i., 1.)—10. (*Virg.*, *Æn.*, i., 1.)—11. (*Hom.*, *Il.*, i., 45.—*Virg.*, *Æn.*, iv., 149.)—12. (*Virg.*, *Æn.*, i., 500.)—13. (*Hes.*, *Scut. Herc.*, 129.—*Apoll.*, 94.)—14. (*Ovid.*, *Met.*, i., 468.)—15. (*Herod.*, ii., 104.—*Anacr.*, *xiv.*, 6.)—16. (*Virg.*, *Æn.*, iv., 138; xi., 104.—*Ovid.*, *Epist. Her.*, xxi., 173.)—17. (*Theocr.*, xxv., *Hom.*, *Il.*, iv., 116.—*Od.*, ix., 314.)—21. (*Hes.*, i. c.)—22. (*Hes.*, i. c.)—23. (*Theocr.*, xvii., 30.)—24. (*Schol.*, *Virg.*, *Æn.*, i., 1.)—25. (*Wilkinson*, *Man. and Cust.*, vol. i., p. 311,

vase.¹ The left-hand figure in the same woodcut is from one of the *Ægina* marbles. It is the statue of an Asiatic archer, whose quiver (fractured in the original) is suspended equally low, but with the opening towards his right elbow, so that it would be necessary for him, in taking the arrows, to pass his hand behind his body instead of before it. To this fashion was opposed the Cretan method of carrying the quiver, which is exemplified in the woodcut, p. 245, and is uniformly seen in the ancient statues of Diana. There was an obvious necessity that the quiver should be so hung that the arrows might be taken from it with ease and rapidity, and this end would be obtained in any one of the three positions described. The warrior made the arrows rattle in his quiver as a method of inspiring fear.²

PHARMACEUTICA (*Φαρμακευτική*), sometimes called *Φαρμακεία*,³ is defined by Galen⁴ to be that part of the science of medicine which cures diseases by means of drugs, *διὰ φαρμάκων*,⁵ and formed, according to Celsus,⁶ one of the three divisions of the whole science, or, more properly,⁷ of that called *Therapeutica*. (*Vid. THERAPEUTICA*.)

With respect to the actual nature of the medicines used by the ancients, it is in most cases useless to inquire; the lapse of ages, loss of records, change of language, and ambiguity of description, have rendered great part of the learned researches on the subject unsatisfactory; and, indeed, we are in doubt with regard to many of the medicines employed even by Hippocrates and Galen. It is, however, clearly shown by the earliest records, that the ancients were in possession of many powerful remedies; thus Melampus of Argos, one of the most ancient Greek physicians with whom we are acquainted, is said to have cured Iphiclus, one of the Argonauts, of sterility by administering the rust (or *sesquioxide*) of iron in wine for ten days;⁸ and the same physician used the black hellebore as a purge on the daughters of King Prætus, who were afflicted with melancholy. Opium, or a preparation of the poppy, was certainly known in the earliest ages; it was probably opium that Helen mixed with wine, and gave to the guests of Menelaus, under the expressive name of *νήπενθερ*,⁹ to drive away their cares, and increase their hilarity; and this conjecture (says Dr. Paris, in his "Pharmacologia") receives much support from the fact that the *νήπενθερ* of Homer was obtained from the Egyptian Thebes, and the tincture of opium (or laudanum) has been called "*Thebaic tincture*." Gorraeus, however, in his "*Definitiones Medicæ*,"¹⁰ thinks that the herb alluded to was the "*Enula Campana*," or Elecampane, which is also called "*Helenium*," with a traditional reference (as is supposed) to Helen's name. There is reason to believe that the pagan priesthood were under the influence of some powerful narcotic during the display of their oracular powers. Dr. Darwin thinks it might be the *Lauro-cerasus*, but the effects produced (says Dr. Paris) would seem to resemble rather those of opium, or perhaps of stramonium, than of the prussic (or hydrocyanic) acid. The sedative powers of the *Lactuca sativa*, or lettuce, were known also in the earliest times: among the fables of antiquity, we read that, after the death of Adonis, Venus threw herself on a bed of lettuces to all her grief and repress her desires; and we are told that Galen, in the decline of life, suffered much from morbid vici-

1. (*Hope*, *Costume of the Ancients*, i., 22.)—2. (*Anacr.*, xxxi., 11.—*Hes.*, i. c.)—3. (*Pseudo-Gal.*, *Introd.*, c. 7, tom. xiv., p. 690, *ed. Kühn.*)—4. (*Comment. in Hippocr.*, *De Acut. Morb. Victu*, § 5, tom. xv., p. 425.)—5. (*Compare Plato ap. Diog. Laert.*, iii., 1, sect. 50, § 85.)—6. (*De Medic.*, lib. i., *Præfat.*, p. 3, *ed. Bip.*)—7. (*Compare Pseudo-Gal.*, *Introd.*, l. c.)—8. (*Apollodor.*, i., 9, § 12, *ed. Heyne*.—*Schol. in Theocr.*, *Id.*, iii., 43.)—9. (*Hom.*, *Od.*, iv., 221.)—10. (*s. v. Νήπενθερ*.)

lance, until he had recourse to eating a lettuce every evening, which cured him.¹ The *Scilla maritima* (sea onion or squill) was administered in cases of dropsy by the Egyptians, under the mystic title of the *Eye of Typhon*. Two of the most celebrated medicines of antiquity were hemlock and hellebore. With respect to the former, it seems very doubtful whether the plant which we denominate *Conium*, *κόνιον*, or *Cicuta*, was really the poison usually administered at the Athenian executions; and Pliny informs us that the word *Cicuta* among the ancients was not indicative of any particular species of plant, but of vegetable poisons in general. Dr. Mead² thinks that the Athenian poison was a combination of active substances; perhaps that described by Theophrastus³ as the invention of Thrasyas, which was said to cause death without pain, and into which cicuta and poppy entered as ingredients. It was used as a poison by the people of Massilia also.⁴ Its poisonous effects were thought to arise from its extreme coldness, and therefore Pliny⁵ says that they can be prevented by drinking wine immediately after the hemlock has been taken. Lucretius,⁶ however, tells us that goats eat it with impunity, and get fat upon it.

Of hellebore there were two kinds, the white (*Veratrum album*) and the black (*Helleborus niger*); the former of which, as Galen tells us,⁷ is always meant by the word *Ἐλλέβορος*, when used alone without either of the above epithets. A description of both these medicines may be found in Theophrastus, *Hist. Plant.*, ix., 11. — Dioscorides, *Mat. Med.*, iv., 150, 151, 148, 149. — Plin., *H. N.*, xxv., 21, &c. The former acted as an emetic,⁸ the latter as a purgative.⁹ The plant was particularly celebrated for curing melancholy, insanity, &c., and Anticyra was recommended to all persons afflicted with these complaints, either because the black hellebore grew there in greater plenty than elsewhere, or because it could there be taken with greater safety. Hence the frequent allusions to this town among the ancient classical writers, and *naviget Anticyram* meant to say that the person was mad.¹⁰ Persons in good health also took the white hellebore to clear and sharpen their intellect, as Carneades is said¹¹ to have done when about to write a book against Zeno.¹² For many centuries it was held in the highest estimation, and is praised by Aretæus,¹³ Celsus,¹⁴ and several other writers; about the end of the fifth century, however, after Christ, it appears to have fallen completely into disuse, as Asclepiodotus is mentioned by Photius¹⁵ as having particularly distinguished himself by his success in reviving the employment of it.

Another celebrated medicine in ancient (and, indeed, in modern) times was the *THERIACA*, of which a farther account is given under that name. Some of their medicines were most absurd; we have not room here to give specimens of them, but they may be found, not only in the works of Cato and Pliny, but also in those of Celsus, Alexander Trallianus, &c., and even Galen himself. Of these errors, however, we ought to be the more indulgent when we remember the ridiculous preparations which kept their places in our own pharmacopœias till comparatively within a few years.

1. (Cf. Cels., *De Medic.*, ii., 32.) — 2. (Mechan. Account of Poisons, Essay 4.) — 3. (*Hist. Plant.*, ix., 17.) — 4. (*Val. Max.*, ii., 2, § 7.) — 5. (*H. N.*, xxxv., 95.) — 6. (*v.*, 807.) — 7. (*Comment. ad Hippocr.*, Aphor., lib. v., aph. 1, tom. xvii., B., p. 781.) — 8. (*Gell.*, xvi., 15.) — 9. (*Ibid.*) — 10. (*Ovid.*, ex Ponto, iv., 3, 53. — *Plin.*, Nat. H., iii., 82, 165. — *De Arte Poet.*, 300. — *Pers.*, iv., 16. — *Plut.*, *De Colib. Ira*, &c.) — 11. (*Gell.*, i., c.) — 12. (*Comment. Plin.*, l. c. — *Val. Max.*, viii., 7, § 5. — *Petron.*, c. 5. — *Seneca.*, *De Anima*, c. 6. — *St. Jerome.*, *Comment. 1. in Genesim*, tom. iv., pt. 1., p. 232, ed. Bened.) — 13. (*De Cu. et Medic. Veterum*, l. c., p. 302; c. 3, p. 304; c. 5, p. 317. — *De Medic.*, ii., 13, iii., 26, &c.) — 15. (*Ibid.*, ii., 13, iii., 26, &c.)

Many of the ancient physicians have written on the subject of drugs; the following list contains probably the titles of all the treatises that are extant: 1. *Περὶ Φαρμάκων*, "De Remediis Purgantibus;" 2. *Περὶ Ἐλλέβορισμαίου*, "De Veratrum" (these two works are found among the collection that goes under the name of Hippocrates, but are both spurious¹); 3. Dioscorides, *Περὶ Ἰατρικῆς*, "De Materia Medica," in five books (one of the most valuable and celebrated medicinal treatises of antiquity); 4. *Id.*, *Περὶ Ἐμπορίστων*, "Ἀπὸν τι καὶ Συνθέτων, Φαρμάκων," "De Facile Parabilibus tam Simplicibus quam Compositis, Medicamentis," in two books (perhaps spurious²); 5. Marcellus Salmata, *Ἰατρικὰ περὶ Ἰχθύων*, "De Remediis ex Piscibus;" 6. Galen, *Περὶ Κράσεως καὶ Δυνάμεως τῶν Ἀπλῶν Φαρμάκων*, "De Simplicium Medicamentorum Temperamentis et Facultatibus," in eleven books; 7. *Id.*, *Περὶ Συνθέσεως Φαρμάκων τῶν κατὰ Τόπους*, "De Compositione Medicamentorum secundum Locos," in ten books; 8. *Id.*, *Περὶ Συνθέσεως Φαρμάκων τῶν κατὰ Γένη*, "De Compositione Medicamentorum secundum Genera," in seven books; 9. *Id.*, *Περὶ τῆς τῶν Καθαριόντων Φαρμάκων Διαίτησεως*, "De Purgantium Medicamentorum Facultatibus" (perhaps spurious³); 10. Oribasius, *Συναγωγή Ἰατρικαί*, "Collecta Medicinalia," a compilation which consisted originally of seventy books according to Photius,⁴ or, as Suidas says, of seventy-two: of these we possess at present rather more than one-third, five of which (from the eleventh to the thirtieth) treat of *Materia Medica*; 11. *Id.*, *Ἐπιτομή*, "Eporista ad Eunapium," or "De facile Parabilibus," in four books, of which the second contains an alphabetical list of drugs; 12. *Id.*, *Σύνοψις*, "Synopsis ad Eustathium," an abridgment of his larger work, in nine books, of which the second, third, and fourth are upon the subject of external and internal remedies; 13. Paulus Ægineta, *Ἐπιτομὴς Ἰατρικῆς Βιβλία Ἑπτὰ*, "Compendii Medicæ Libri Septem," of which the last treats of medicines; 14. Joannes Actuarius, "De Medicamentorum Compositione," in two books (translated from the Greek, and only extant in Latin); 15. Nicolaus Myrepsus, "Antidotarium" (also extant only in a Latin translation); 16. Cato, "De Re Rustica," contains a good deal of matter on this subject in various parts; 17. Celsus, "De Medicina Libri Octo," of which the fifth treats of different sorts of medicines; 18. Twelve books of Pliny's "Historia Naturalis" (from the twentieth to the thirty-second) are devoted to *Materia Medica*; 19. Scribonius Largus, "Compositiones Medicamentorum;" 20. Apuleius Barbarus, "Herbarium, seu de Medicaminibus Herbarum;" 21. Sextus Placitus Papyriensis, "De Medicamentis ex Animalibus;" 22. Marcellus Empiricus, "De Medicamentis Empiricis, Physicis, ac Rationalibus." The works of the Arabic physicians on this subject (though their contributions to *Materia Medica* and Chemistry are among the most valuable part of their writings) it would be out of place here to enumerate.

ΦΑΡΜΑΚΩΝ or ΦΑΡΜΑΚΕΥΤΙΚΩΝ ΓΡΑΦΗ, as a dictum against one who caused the death of another by poison, whether given with intent to kill or to obtain undue influence.⁵ It was tried by the court of Areopagus. That the malicious intent was a necessary ingredient in the crime, may be gathered from the expressions *ἐκ πρᾶσις*, *ἔξ ἐπιβουλῆς καὶ προβουλῆς*, in Antiphon.⁶ The punishment was death, but might (no doubt) be mitigated

1. (*Vid.* Choulant, "Handbuch der Bücherkunde für die J. tere Medicin," Leipzig, Svo. 1841.) — 2. (*Vid.* Choulant, l. c.) — 3. (*Vid.* Choulant, l. c.) — 4. (*Biblioth. Cod.*, 217.) — 5. (*Phil. Onom.*, viii., 40, 117. — *Demosth.*, c. Aristocr., 657. — *Alphab. Or.* Antiph., *Κατηγορ. φαρμ.*) — 6. (*l. c.*, iii., 112, ed. Steph.)

the court under palliating circumstances. We see examples of such *γραφάι* in the speech of Antony already cited, and that entitled *περί τοῦ χοροῦ*.¹ Among the Greeks, women appear to have been most addicted to this crime, as we learn from the passages in ancient authors. Such women were called *φαρμακίδες* and *φαρμακεντρίαι*. Poisonous drugs were frequently administered as love-potions, and for other purposes of a similar nature. Men whose minds were affected by them were said *φαρμακωμένοι*. Wills made by a man under the influence of drugs (*ὑπὸ φαρμάκων*) were void at Athens.²

PHAROS or **PHARUS** (*φάρος*), a Lighthouse. The most celebrated lighthouse of antiquity was that erected at the entrance to the port of Alexandria. It was built by Sostratus of Cnidus, on an island which bore the same name, by command of one of the Ptolemies, and at an expense of 800 talents.³ It was square, constructed of white stone, and with admirable art; exceedingly lofty, and in all respects equal in dimensions.⁴ It contained many stories of *εὐροφόν*, which diminished in width from below upward.⁵ The upper stories had windows opening seaward, and torches or fires were kept burning in them by night, in order to guide vessels to the harbour.⁷

Strabo⁹ mentions the lighthouses of Ostia and Ravenna, and says that there were similar towers at other places. They are represented on the coins of Apamea and other maritime cities. The name of Pharus was given to them in allusion to the Pharos of Alexandria, which was the model for their construction.⁹ The pharos of Brundisium, for example, was, like that of Alexandria, an island with a lighthouse upon it.¹⁰ Suetonius¹¹ mentions another pharos at Capreae.

The annexed woodcut shows two phari remaining in Britain. The first is within the precincts of Dover Castle. It is about 40 feet high, octagonal in shape, tapering from below upward, and built of narrow courses of brick and much wider courses of stone in alternate portions. The space within the tower is square, the sides of the octagon about and of the square within being equal, viz., 15 Roman feet. The door is seen at the bottom.¹² A similar pharos formerly existed at Boulogne, and is supposed to have been built by Caligula.¹³ The round tower here introduced is on the summit of a hill on the coast of Flintshire.¹⁴



PHAROS (*φάρος*). (Vid. PALLIUM.)

PHASELUS (*φάσηλος*) was a vessel rather narrow and shallow, apparently so called from its resemblance to the shape of a phaselus or kidney bean. It was chiefly used by the Egyptians, and

was of various sizes, from a mere boat to a vessel adapted for long voyages.¹ Octavia sent ten trimarons of this kind, which she had obtained from Antony, to assist her brother Octavianus; and Appian² describes them as a kind of medium between the ships of war and the common transport or merchant vessels. The phaselus was built for speed (*phaselus ille—navium celerissimus*), to which more attention seems to have been paid than to its strength; whence the epithet *fragilis* is given to it by Horace.⁴ These vessels were sometimes made of clay (*fictilibus phaselis*), to which the epithet of Horace may perhaps also refer.

***PHASELUS** or **PHASEOLUS** (*φάσηλος*, *φασιόλος*), the *Phascolus vulgaris*, or common Kidney Bean.⁶

***PHASG'ANON** (*φάσανον*). "Sprengel," says Adams, "hesitates between the *Iris fatidissima* and the *Gladiolus communis*, or common Sword Grass; Stackhouse between the latter and the *Iris Xiphium*. These doubts, however, are of older date."⁷

***PHASIANOS** (*φασιανός* or *φασιανικός ὄρνις*), the Pheasant, or *Phasianus Colchicus*, L. According to the Greek legend, the Pheasant took its name, in that language, from the river Phasis in Colchis, and was exclusively confined to this latter country before the expedition of the Argonauts. These adventurers, it is said, on ascending the Phasis, beheld the birds in question spread along the banks of the river, and, bringing some of them back to their native country, bestowed upon it, says Montbeillard, a gift more precious than the golden fleece. At the present day, according to the same authority, the pheasants of Colchis or Mingrelia are the finest and largest in the known world.⁸

***PHASIOLUS**. (Vid. PHASELUS.)

PHASIS (*φάσις*) was one of the various methods by which public offenders at Athens might be prosecuted; but the word is often used to denote any kind of information; as Pollux⁹ says, *κοινῶς φάσεις ἐκαλοῦντο πᾶσαι αἱ μηνύσεις τῶν λαμβανόντων ἀδικημάτων*. (Vid. Aristoph., *Eq.*, 300, and *Acharn.*, 823, 826, where the word *φαντάω* is used in the same sense as *φάσις*.) The word *συκοφάντης* is derived from the practice of laying information against those who exported figs. (Vid. SYCOPHANTES.)

Though it is certain that the *φάσις* was distinguished from other methods of prosecution,¹⁰ we are not informed in what its peculiarities consisted. According to Pollux,¹¹ it might be brought against those who committed offences against the mine laws, or the customs, or any other part of the revenue; against any persons who brought false accusations against others for such offences; and against guardians who injured their wards. The charge, as in the *γραφή*, was made in writing (*ἐν γραμματείῳ*), with the name of the prosecutor and the proposed penalty (*τίμημα*) affixed, and also the names of the *κλητήρες*. The same author says, *ἐφαίνοντο δὲ πρὸς τὸν ἄρχοντα*. Here we must either understand the word *ἄρχοντα* to be used in a more general sense, as denoting any magistrate to whom a jurisdiction belonged, or read, with Schömann,¹² *τοῖς ἄρχοντας*. For it is clear that the archon was not the only person before whom a *φάσις* might be preferred. In cases where corn had been carried to a foreign port, or money lent on a ship which did not bring a return cargo to Athens, and probably in all cases of offence

Meier, *Att. Proc.*, p. 311.)—2. (Demosth., c. Steph., 1133.) (Plin., H. N., xxxvi., 12.—Steph. Byz., s. v. *φάρος*.—*E. Tat.*, v., 6.)—4. (Cæsar, *Bell. Civ.*, iii., 112.)—5. (Strabo, l. 6.)—6. (Herodian, iv., 3.)—7. (Val. Flacc., vii., 130.—Galen, *De Simpl.*, viii., 20.—Adams, *Append.*, s. v.)—8. (Theophr., vii., 12.—Dioscor., iv., 20.—Adams, *Append.*, s. v.)—9. (Vid. Aristot., v., 25, and Geopon., xiv., 19.—Athen., *Deip.*, xiv.—Griffith's *Cuvier*, viii., 225.)—10. (viii., 47.)—11. (Demosth., c. Aristog., 793.—Isocr., c. Callim., 375, ed. Steph.)—12. (De Comit., 178.)

1. (Virg., *Georg.*, iv., 289.—Catull., 4.—Martial, x., 30, 13.—Cic. *ad Alt.*, i., 13.)—2. (*Bell. Civ.*, v., 95.)—3. (Catull., l. c.)—4. (*Carm.*, iii., 2, 27, 28.)—5. (*Juv.*, xv., 127.)—6. (Dioscor., ii., 130.—Galen, *De Simpl.*, viii., 20.—Adams, *Append.*, s. v.)—7. (Theophr., vii., 12.—Dioscor., iv., 20.—Adams, *Append.*, s. v.)—8. (Vid. Aristot., v., 25, and Geopon., xiv., 19.—Athen., *Deip.*, xiv.—Griffith's *Cuvier*, viii., 225.)—9. (viii., 47.)—10. (Demosth., c. Aristog., 793.—Isocr., c. Callim., 375, ed. Steph.)—11. (l. c.)—12. (De Comit., 178.)

against the export and import laws, the information was laid before the *ἐπιμεληταὶ τοῦ ἐμπορίου*.¹ Where public money had been embezzled or illegally appropriated, for which a *φάσις* was maintainable, the *σύνδικοι* were the presiding magistrates.² Offences relating to the mines came before the *thesmothetæ*.³ Injuries done by guardians to their wards or wards' estate, whether a public prosecution or a civil action was resorted to, belonged to the jurisdiction of the archon, whose duty it was to protect orphans.⁴ All *φάσεις* were *τιμητοὶ ἀγῶνες*, according to Pollux,⁵ and he says *τὸ τιμηθὲν ἐγγίγντο τῶν ἀδικουμένων, εἰ καὶ ἄλλος ὑπὲρ αὐτῶν φήρειεν*. By this we are to understand that the *τιμημα* went to the state if the prosecution was one of a purely public nature, that is, where the offence immediately affected the state; but where it was of a mixed nature, as where a private person was injured, and the state only indirectly, in such case compensation was awarded to the private person. This was the case in prosecutions against fraudulent guardians. On the same ground, wherever the prosecutor had an interest in the cause beyond that which he might feel as the vindicator of public justice, as where he, or some third person on whose behalf he interposed, was the party directly injured, and might reap advantage from the result, he was liable to the *εκαβελία*, and also to the payment of the *πρωτανεία*, just as he would be in a private action. Probably this liability attached upon informations for carrying corn to a foreign port, as the informer there got half the penalty if successful.⁶ Where the *φάσις* was of a purely public nature, the prosecutor would be subject only to the payment of the *παράστασις*, and to the thousand drachms if he failed to obtain a fifth part of the votes, according to the common practice in criminal causes.⁷ Whether, in those of a mixed nature, he was liable to these payments, as well as to the *πρωτανεία* and *εκαβελία*, is a question which has been much discussed, but cannot be settled. We have no speech left us by the orators on the subject of a *φάσις*, but only mention of a lost speech of Lysias *πρὸς τὴν φάσιν τοῦ ὀρφανικοῦ οἴκου*.⁸

*PHASSA (*φάσσα*), the Ring-dove or Cushat, namely, the *Columba palumbus*, L. Sonini says the modern Greeks call the *Ramier* of the French *φάσσα*, and *le pigeon sauvage, τελίστερν*.⁹

*PHELLUS (*φέλλος*), the *Quercus suber*, or Cork-tree.¹⁰

PERNE (*φερνή*). (Vid. DOS, GREEK.)

PHIALA. (Vid. PATERA.)

*PHILLYRÆA (*φιλλυρέα*), the *Phillyrea latifolia*, or Broad-leaved true Phillyrea. Sibthorp found it growing abundantly in Candia, the ancient Crete.¹¹

*PHILYRA (*φιλύρα*), the *Tilia Europæa*, the Lime or Linden tree. Of the inner bark were formed strings for garlands, mats, &c.¹²

*PHLEOS (*φλέας*), a species of Reed. Sprengel makes it the *Arundo ampelodesmos*; Stackhouse, the *Arundo calamagrostis*.¹³

*PHLOMOS (*φλόμος*) or PHLOMIS (*φλόμις*). "From the brief description," remarks Adams, "of the *φλόμοι* and *φλόμιδες* by Dioscorides and Galen, it is difficult to determine their several genera and species. Matthiolus, Dodonæus, and Sprengel are

agreed that the *φλόμος ἀγρία* is the *Phlomis frutescens*, or Broad-leaved Sage-tree. The female leaf *φλόμος* is the *Verbascum undulatum*, Lam., according to Sibthorp, and the male *λευκὴ φλόμος*, the *Verbascum Thapsus*, or Great Mullein, according to the same; but Sprengel appears to show satisfactorily that the female is the *Thapsus*, and the male the *undulatum*. The *Verbascum nigrum*, or Black Mullein, is well known. The first two species of the *φλόμις* are referred by Sprengel to the *Phlomis Samia*, L., and the *Phlomis lunariifolia*, Sibthorp. Clusius named the narrow-leaved Jerusalem Sage, *Phlomis lychnitis*.¹⁴

*PHLOX (*φλόξ*), a plant which Sprengel calls the *Agrostemma coronarium*. "Schneider mentions that Anguillara held it to be the "*fiore del vesuvio*" of the Italians. All the plants included in the genus *Phlox* of modern botanists are natives of the New World."¹⁵

*PHOCA (*φώκη*), the Seal, or *Phoca vitulina*, called by Pliny "*Vitulus marinus*," or Sea Calf. It was ranked among the *κῆτη* by Homer.¹⁶

*PHOCÆNA (*φώκαινα*), the *Delphinus Phœnicæ*, L., or Porpoise. Julius Scaliger, Belon, Genet., and Rondelet concur in referring the *Tarax* of Pliny to the Porpoise. Pliny and other writers of antiquity confound the *φώκη*, or Seal, with the *φώκαινα*, or Porpoise.¹⁷

*PHENICOPTERUS (*φοινικόπτερος*), the Flamingo, or *Phœnicopterus ruber*, L. The Greek name, which means "crimson-winged," is an epithet especially suitable to individuals of two years old, whose wings alone are of a fine carmine, while the neck and body are still invested with white plumes. The ancients held the flesh of the Flamingo in high estimation, and the tongue was especially regarded as an exquisite morsel; but such of the moderns as have tasted it declare it to be oily, and of an unpleasant marshy flavour.¹⁸

*PHENICURUS (*φοινικόκωρος*), a species of Bird, the *Sylvia Phœnicurus*, Lath., or Redstart. "The Redstart so nearly resembles the Redbreast in general appearance, that it is not to be wondered at that Aristotle took it for a Redbreast in its summer plumage."¹⁹

*PHENIX (*φοίνιξ*), I. a fabulous Egyptian bird.

*II. The *Phœnix dactylifera*, Date-tree, or greater Palm. "Theophrastus describes six species of kinds of palms; his *χαμαιρέφης* is the same as the *χαμαιζήλος φοίνιξ* of Dioscorides, namely, the *Chamaerops humilis*, L. The Thebaic Palms of Dioscorides are named *Crucifera Thebaica* by De Lisle; but, according to Sprengel, they were mere varieties of the common Palm. The ancients were not aware of the distinction of sex which exists in that tribe of trees. The *φοίνιξ ποία* of Dioscorides is undoubtedly the *Lolium perenne*, Perennial Darnel, or Rye Grass.²⁰

*PHONOS (*φόνος*), Homicide, was either *ἐκούσιος* or *ἀκούσιος*, a distinction which corresponds in some measure, but not exactly, with our *murder* and *manslaughter*; for the *φόνος ἐκούσιος* might fall with in the description of justifiable homicide, while *φόνος ἀκούσιος* might be excusable homicide. Accord-

1. (Demosth., c. Theocr., 1323.)—2. (Isocr., c. Callim., 372.—Lys., De Publ. Pecun., 149.—De Aristoph. bon., 154, ed. Steph.)—3. (Meier, Att. Proc., 64.)—4. (Suidas, s. v. *Φάσις*.—Demosth., c. Onet., 865; c. Laer., 940; c. Nausim., 991.)—5. (viii., 48.)—6. (Demosth., c. Theocr., 1325.—Böckh, Staatsb. der Athen., i., 93.)—7. (Demosth., c. Theocr., 1323.)—8. (Vid. Böckh, Id., i., 376-382, 394-396.—Meier, Att. Proc., 247-252, 732.—Platner, Proc. and Kl., ii., 9-17.)—9. (Adams, Append., s. v.)—10. (Theophr., i., 5.)—11. (Dioscor., i., 125.—Theophr., H. P., i., 9.—Adams, Append., s. v.)—12. (Theophr., H. P., i., 12.—C. Pl., vi., 12.—Adams, Append., s. v.)—13. (Theophr., iv., 8, 10.—Adams, Append., s. v.)

1. (Dioscor., iv., 102.—Galen, De Simpl., viii.—Theophr., ii., 12.—Adams, Append., s. v.)—2. (Theophr., H. P., vi., 8.—Adams, Append., s. v.)—3. (Aristot., H. A., ii.—Oppian, Hal. i.—Ælian, N. A., xii.—Pliny, Homer, Od., iv., 432.)—4. (Aristot., vi., 12; viii., 13.—Ælian, v., 4; ix., 59.—Xenocrates, Galen, De Alim.—Pliny, H. N., ix., 9.—Adams, Append., s. v.)—5. (Griffith's Cuvier, viii., 543.—Juvenal, ii.—Pausan., i. Apoll.—Celsus, ii., 18, with Dr. Milligan's note.—Adams, Append., s. v.)—6. (Aristot., H. A., ix., 36.—Vid. Geopon., vi., 7.)—7. (Theophr., i., 2, 13, &c.—Dioscor., i., 148, 149, 150.—Galen, De Simpl., viii.—Vid. Theophr., ii., 9.—Pliny, H. N., xii., 7.—Claudian, Nupt. Hon. et Mar., l. 66.—Ol. Celsi, Hieron. and Sir W. Drummond's articles in the Classical Journal, 3, 28, 29, 31.—Dioscor., iv., 43.—Adams, Append., s. v.)

the different circumstances under which the crime was committed, the tribunal to which the case was referred, and the modes of proceeding at the trial, varied. All cases of murder (with one exception, to be hereafter noticed) were tried by the court of Areopagus; other cases of homicide were tried by the statutes of Draco to be tried by the *ἐφέται*. *ἑρκαὶ δίκαι* belonged to the jurisdiction of the *ἄρχων βασιλεὺς* as *ἡγεμῶν δικαστηρίου*. He was appointed the sole judge in cases of unintentional homicide; for such an act was considered, in a certain point of view, as being a pollution of the land, and it became his duty, as guardian of religion, to take care that the pollution (*ἄγος*) was duly expiated. Draco, however, established the *ἐφέται*, as a court of appeal from the *ἄρχων βασιλεὺς*; soon after they began to perform the office of *ἐφέται*, he being the presiding magistrate.¹ In discussing this subject, we have to consider the various courts established at Athens for the trial of homicide, the different species of crime therein respectively prosecuted, the manner of proceeding against the criminal, and the nature of the punishment to which he was liable. All these points are discussed by Matthiæ in his treatise *De Judiciis Atheniensium*, in the *Miscellanea Philologica*, vol. i., to which more particular references are given in this article.

Draco, who seems to have remodelled the court of Areopagus, enacted that this court should try cases of murder and malicious wounding, besides cases of poisoning.² One would be deemed a murderer who instigated another to commit the crime, or provided the purpose were accomplished.³ Besides the court of Areopagus, there were four other courts of which the *ἐφέται* were judges: τὸ ἐπὶ Παλλὰδιῳ, τὸ ἐπὶ Δελφίνῳ, τὸ ἐπὶ Πρυτανείῳ, ἢ ἐν Φρεαττοῖ.⁴ To the court ἐπὶ Παλλὰδιῳ belonged cases of accidental homicide, manslaughter, and attempts to commit murder (*βουλεύσεις*). Such were as that mentioned by Demosthenes,⁵ of an accidental blow followed by death, would be manslaughter. It seems, also, that this court had a concurrent jurisdiction with the Areopagus in charging murderous conspiracy which was carried into effect. The law perhaps allowed the prosecutor to waive the heavier charge, and proceed against the offender for the conspiracy only.⁶ As to the original origin of this court, see Harpocration.⁷ To the court ἐπὶ Δελφίνῳ were referred cases where the party confessed the deed, but justified it: *ἂν τις ἑγὼ μὲν κτείναι, ἐγνώμην δὲ φησὶ δεδρακέναι*. Demosthenes calls it *ἀγνώματον καὶ φρικώδεστατον*.⁸ As to the origin of this court, see Matthiæ, 152. To the court ἐπὶ Πρυτανείῳ, the objects of prosecution were inanimate things, as wood, stone, or iron, which had caused the death of a man by falling on him.

Draco enacted that the cause of death should be ascertained within the boundaries of the land (*ὑπερορίξ*), in which ceremony the *ἄρχων βασιλεὺς* was assisted by the *φυλοβασίλει*.⁹ This was a relic of rude times, and may be not inaptly compared to our custom of giving deodands. Matthiæ¹¹ thinks there was an ulterior object in the investigation, viz., that by the production of the instrument which death was inflicted, a clew might be found to the discovery of the real murderer, if any. The

court ἐν φρεαττοῖ was reserved for a peculiar case; where a man, after going into exile for an unintentional homicide, and before he had appeased the relatives of the deceased, was charged with having committed murder. He was brought in a ship to a place in the harbour called ἐν φρεαττοῖ, and there pleaded his cause on board ship, while the judges remained on land. If he was convicted, he suffered the punishment of murder; if acquitted, he suffered the remainder of his former punishment. The object of this contrivance was to avoid pollution (for the crime of the first act had not yet been expiated), and, at the same time, to bring the second offence to trial.¹

To one or other of these courts all *ἑρκαὶ δίκαι* were sent for trial, and it was the business of the *ἄρχων βασιλεὺς* to decide which. The task of prosecution devolved upon the nearest relatives of the deceased, and in case of a slave, upon the master. To neglect to prosecute, without good cause, was deemed an offence against religion; that is, in any relative not farther removed than a first cousin's son (*ἀνεψιμοῦς*). Within that degree the law enjoined the relatives to prosecute, under penalty of an *ἀσεβείας γραφή* if they failed to do so.² They might, however (without incurring any censure), forbear to prosecute, where the murdered man had forgiven the murderer before he died;³ or, in cases of involuntary homicide, where the offender gave the satisfaction which the law required, unless the deceased had given a special injunction to avenge him.⁴

The first step taken by the prosecutor was, to give notice to the accused to keep away from all public places and sacrifices. This was called *πρόδρομησις*, and was given at the funeral of the deceased.⁵ After this he gave a public notice in the market place, warning the accused to appear and answer to the charge: here he was said *προειπεῖν* or *προαγορεύειν φόνον*.⁶ The next thing was to prefer the charge before the king archon. To such charge the term *ἐπισκήπτεσθαι* or *ἐπεξείναι* was peculiarly applied.⁷ The charge was delivered in writing; the prosecutor was said *ἀπογράφειν δίκην φόνου*.⁸ The king archon having received it, after first warning the defendant *ἀπέχεσθαι τῶν νοστήριον καὶ τῶν ἄλλων νομίμων*,⁹ proceeded in due form to the *ἀνάκρισις*. The main thing to be inquired into was the nature of the offence, and the court to which the cognizance appertained. The evidence and other matters were to be prepared in the usual way. Three months were allowed for this preliminary inquiry, and there were three special hearings, one in each month, called *διαδικασίαι*, or (according to Bekker's reading) *προδικασίαι*;¹⁰ after which, in the fourth month, the king archon *εἰσήγε τὴν δίκην*.¹¹ The defendant was allowed to put in a *παραγραφή* if he contended that the charge ought to be tried in one of the minor courts.¹²

All the *ἑρκαὶ δικάστηρια* were held in the open air, in order that the judges might not be under the same roof with one suspected of impurity, nor the prosecutor with his adversary.¹³ The king archon presided, with his crown taken off.¹⁴ The parties were bound by the most solemn oaths; the one swearing that the charge was true, that he bore

1. (Demosth., c. Aristocr., 646.—Harpocr., s. v. Ἐν φρεαττοῖ. — Pollux, Onom., viii., 120.—Matth., 155.)—2. (Demosth., c. Androt., 593; c. Macart., 1069; c. Euerget., c. Mnes., 1160, 1161.—Antiph., De Her. Cæd., 135, ed. Steph.)—3. (Demosth., c. Pantæn., 983.)—4. (Lysias, c. Agor., 133, 138, ed. Steph.—Matth., 170.)—5. (Antiph., De Her. Cæd., 130, 139.—De Chor., 141, ed. Steph.—Demosth., c. Leptin., 505; c. Aristocr., 632; c. Euerget., 1160.)—6. (Demosth., c. Macart., 1068; c. Neer., 1348.)—7. (Pollux, Onom., viii., 33, 118.—Harpocr., s. v. Ἐπισκήπτεσθαι.—Antiph., κατὰ φάρμ., 111, ed. Steph.)—8. (Antiph., De Chor., 145, ed. Steph.)—9. (Pollux, Onom., viii., 60, 90.)—10. (Antiph., De Chor., 146, ed. Steph.)—11. (Matth., 160.)—12. (Pollux, Onom., viii., 57.)—13. (Antiph., De Her. Cæd., 130, ed. Steph.)—14. (Pollux, Onom., viii., 90.)

Suidas, s. v. Ἡγεμονία δικαστηρίου.—Pollux, Onom., viii., 5.—Wachsmuth, II., i., 308.)—2. (Demosth., c. Aristocr., 3.—Demosth., c. Conon., 1264, 1265.—Matth., 148.)—4. (Demosth., c. Suid., s. v. Ἐφέται.)—5. (c. Neer., 1348.)—6. (Demosth., s. v. Βουλεύσεις.—Antiph., τετραλ., 126, ed. Steph.—Pollux, Onom., viii., 150.)—7. (s. v. Ἐπὶ Παλλὰδιῳ.—Pollux, Onom., viii., 8.—c. Aristocr., 644.—Harpocr., s. v. Ἐπὶ Δελφίνῳ.—Pollux, Onom., viii., 119.)—9. (Harpocr., s. v. Ἐπὶ Πρυτανείῳ.—Pollux, Onom., viii., 120.—Demosth., c. Aristocr., 645.)—10. (Att. Proc., 117.—Suidas, s. v. Νίκων.—Æsch., c. b., 88, ed. Steph.)—11. (p. 154.)

such a relationship to the deceased, and that he would, in conducting his case, confine himself to the question at issue; the other declaring the charge to be false.¹ The witnesses on both sides were sworn in like manner,² and slaves were allowed to appear as witnesses.³ Either party was at liberty to make two speeches, the prosecutor beginning, as may be seen from the *τετραλογία* of Antiphon; but both were obliged to confine themselves to the point at issue.⁴ Advocates (*συνήγοροι*) were not admitted to speak for the parties anciently, but in later times they were.⁵ Two days were occupied in the trial. After the first day, the defendant, if fearful of the result, was at liberty to fly the country, except in the case of parricide. Such flight could not be prevented by the adversary, but the property of the exile was confiscated.⁶ On the third day the judges proceeded to give their votes, for which two boxes or urns were provided (*ὕδρια* or *ἀμφορείς*), one of brass, the other of wood; the former for the condemning ballots, the latter for those of acquittal. An equal number of votes was an acquittal; a point first established (according to the old tradition) upon the trial of Orestes.⁷

As the defence might consist either in a simple denial of the killing, or of the intention to kill, or in a justification of the act, it is necessary to inquire what circumstances amounted to a legal justification or excuse. We learn from Demosthenes⁸ that it was excusable to kill another unintentionally in a gymnastic combat, or to kill a friend in battle or ambuscade, mistaking him for an enemy; that it was justifiable to slay an adulterer if caught *in ipso delicto*, or a paramour caught in the same way with a sister or daughter, or even with a concubine, if her children would be free. (As to an adulterer, see Lysias.⁹) It was lawful to kill a robber at the time when he made his attack (*ἐθδὸς ἀμνηόμενον*), but not after.¹⁰ By a special decree of the people, made after the expulsion of the Thirty Tyrants, it was lawful to kill any man who attempted to establish a tyranny, or put down the democracy, or committed treason against the state.¹¹ A physician was excused who caused the death of a patient by mistake or professional ignorance.¹² This distinction, however, must be observed. Justifiable homicide left the perpetrator entirely free from pollution (*καθάρων*). That which, though unintentional, was not perfectly free from blame, required to be expiated. See the remarks of Antiphon in the *Τετραλογία*, b. 123.

It remains to speak of the punishment.

The courts were not invested with a discretionary power in awarding punishment; the law determined this according to the nature of the crime.¹³ Wilful murder was punished with death.¹⁴ It was the duty of the thesmothetæ to see that the sentence was executed, and of the Eleven to execute it.¹⁵ We have seen that the criminal might avoid it by flying before the sentence was passed. Malicious wounding was punished with banishment and confiscation of goods.¹⁶ So were attempts to murder (*βουλεύσεις*). But where the design was followed by the death of him whose life was plotted against, and the crime was treated as a murder, it

might be punished with death, at least if it was tried in the Areopagus; for it is doubtful whether the minor courts (except that *ἐν φρεατῶ*) had the power of inflicting capital punishment.¹ If the criminal who was banished, or who avoided his sentence by voluntary exile, returned to the country, an *ἐνδειξις* might forthwith be laid against him, or he might be arrested and taken before the thesmothetæ, or even slain on the spot.² The proceeding by *ἀπαγωγή* (arrest) might perhaps be taken against a murderer in the first instance, if the murder was attended with robbery, in which case the prosecutor was liable to the penalty of a thousand drachms if he failed to get a fifth of the votes.³ But no murderer, even after conviction, could lawfully be killed, or even arrested, in a foreign country.⁴ The humanity of the Greeks forbade such a practice. It was a principle of international law, that the exile had a safe asylum in a foreign land. If an Athenian was killed by a foreigner abroad, the only method by which his relatives could obtain redress was to seize natives of the murderer's country (not more than three), and keep them until the murderer was given up for judgment.⁵

Those who were convicted of unintentional homicide, not perfectly excusable, were condemned to leave the country for a year. They were obliged to go out (*ἐξέρχασθαι*) by a certain time, and by a certain route (*τακτὴν ὁδόν*), and to expiate their offence by certain rites. Their term of absence was called *ἀπειραντισμός*. It was their duty, also, to appease (*αἰδεῖσθαι*) the relatives of the deceased, or, if he had none within a certain degree, the members of his clan, either by presents or by humble entreaty and submission. If the convict could prevail on them, he might even return before the year had expired. The word *αἰδεῖσθαι* is used not only of the criminal humbling himself to the relatives, but also of their forgiving him.⁶ The property of such a criminal was not forfeited, and it was lawful to do any injury to him, either on his leaving the country or during his absence.⁷

Such was the constitution of the courts and the state of the law as established by Solon, and, indeed, by Draco; for Solon retained most of Draco's *φονικὸν νόμον*.⁸ But it appears that the jurisdiction of the *ἐθέται* in later times, if not soon after the legislation of Solon, was greatly abridged, and that most of the *φονικὰ δίκαια* were tried by a common jury. It is probable that the people preferred the ordinary method of trial, to which they were accustomed in other causes, criminal as well as civil, to the more aristocratical constitution of the court of *ἐθέται*. Their jurisdiction in the courts of *φρεατῶ* and *ἐπὶ Πρωτανείῳ* was, no doubt, still retained; and there seem to have been other peculiar cases reserved for their cognizance.⁹ Whether the powers of the Areopagus, as a *criminal court*, were curtailed by the proceedings of Pericles and Ephialtes, or only their administrative and censorial authority as a *council*, is a question which has been much discussed. The strong language of Demosthenes¹⁰ inclines one to the latter opinion. See also Dinarchus,¹¹ from which it appears there was no appeal from the decision of that court.¹²

1. (Antiph., De Her. Cæd., 130, 140; De Chor., 143, ed. Steph.—Demosth., c. Euerg., 1161.—Matth., 163.—Wachsmuth, II., i., 336.)—2. (Antiph., ib., et 131, ed. Steph.—Meier, Att. Proc., 675.)—3. (Meier, Att. Proc., 667.)—4. (Lys., c. Simon., 100.—Antiph., De Chor., 143, ed. Steph.)—5. (Matth., 164.)—6. (Pollux, Onom., viii., 117.—Demosth., c. Aristocr., 634, 643.—Matth., 167.)—7. (Æschyl., Eumen., 733.—Matth., 165.)—8. (c. Aristocr., 637.)—9. (De Eratosth. Cæd., 94, ed. Steph.)—10. (Demosth., c. Aristocr., 629.)—11. (Lycurg., c. Leocr., 165.—Andoc., De Myst., 13, ed. Steph.)—12. (Antiph., τετραλ., 127, ed. Steph.)—13. (Demosth., c. Near., 1372.)—14. (Antiph., De Her. Cæd., 130, ed. Steph.—Demosth., c. Mid., 528.)—15. (Demosth., c. Aristocr., 630.—Meier, Att. Proc., 74.—Schömann, Ant. Jur. Publ. Gr., 246.)—16. (Lys., c. Simon., 100.—Matth., 148.)

1. (Matth., 150.—Schömann, Ant. Jur. Publ. Gr., 294.—Meier, Att. Proc., 313.)—2. (Suidas, s. v. "Ἐνδειξις."—Matth., 165.)—3. (Demosth., c. Aristocr., 647.—Meier, Att. Proc., 211.)—4. (Demosth., c. Aristocr., 631, 632.)—5. (Demosth., c. Aristocr., 647.—Pollux, Onom., viii., 50.—Harpocr. and Suidas, s. v. "Ἀπαγωγή.")—6. (Wachsmuth, II., i., 268.—Harpocr., s. v. "Υπερσφραγισμός.")—7. (Demosth., c. Pantæn., 983; c. Macart., 1069; c. Aristocr., 643.—Matth., 170.)—8. (Demosth., c. Aristocr., 634.)—9. (Demosth., c. Euerg., 1161; c. Aristocr., 636.—Wachsmuth, II., 241.)—10. (Pollux, Onom., viii., 125.—Matth., 138.—Schömann, Ant. Jur. Pub. 296.)—11. (c. Aristocr., 641.)—12. (Matth., 166.—Platner, Proc. and Kl., i., 27.—Schömann, Ant. Jur. Pub., 301.—Thirlwall, Gr. Hist., vol. iii., c. p. 24.—Wachsmuth, II., i., 315.)

ordinary punishment was imposed by a legislator on parricide. Suicide was regarded a crime in point of law, though it had been deemed an offence against religion by the custom of the country, the hand of the murderer was buried apart from his body.¹

ΔΙΚΗ. (*Vid.* PHONOS.)

ΑΦΑΝΟΥΣ, ΜΕΘΗΜΕΡΙΝΗΣ ΔΙΚΗΣ οὗς, μεθημερινῆς δίκης) is enumerated by Aristotle among the Athenian δίκαι, but we have no explanation of the meaning. Kühn in his edition of Dindorf's edition explains it thus: *crimen operarius, qui non præstabant domo ἀφανούς, pensionem, mercedem de operis φανῆ, i. e., non incurrebant in oculos, uti et opes manifestæ. Erat et φορὰ μεθημερινῆς δίκης. Φορὰν illam Gl. appellat, utur domino a servis, vel conductor ferens operariis. Dicitur et ἀποφορὰ.*" This may be correct, as we have no authority showing that an action could be brought by a master against his servant. It might, with greater probability, be conjectured to be an action by the master against the servant, as the slaves were employed in manufactures against whom they were let out, to recover their rent, which might be a certain portion of the profits accruing from day to day, and would be due to the owner until he got an account from the servant. As to the practice of lending slaves, see *h. c. Aphob.*, 819, 839. Meier's conjecture that the true reading might be *φορὰς, theft, arch*; in which case the action would be an unlawful searching a person's house, (*ἀφανούς*), or openly in the daytime (*φωρὰ*). The first conjecture, at least, is probable, as there was a *δίκη κλοπῆς*.

ΦΑ (φορβεία) was a strap fastened to the head, with a hole in front fitting to the mouth; it was used by pipers and trumpeters to support their mouths and cheeks, and thus to facilitate blowing. See the references under *ΦΑ* and a woodcut on p. 240, which represents the *φορβεία*.

ΦΑΝΟΥΣ (φόρμυξ). (*Vid.* LYRA.)

ΦΑΝΟΥΣ (φοξίνος), the *Valeriana officinalis*, or great anemone.

ΦΑΝΟΥΣ (φοξίνος), the *Cyprinus Phoxinus*, Minnow. Gesner, however, questions it.

ΦΑΝΟΥΣ (φρατρία). (*Vid.* CIVITAS, GREEK.)

ΦΑΝΟΥΣ (Φιδ. PALLIUM, p. 718.)

ΦΑΝΟΥΣ (Φρύγιος λίθος), the Phrygian stone of the ancients, according to Adams and others, would appear to have been a pumice-stone, or a mixture of alum and other ingredi-

ents. ΦΑΝΟΥΣ (φρύγιος), a species of Toad, the *Bufo calamita*. Commentators are greatly divided on this. Adams marks Adams, "to determine what it is, we must compare the ancient accounts of its characters with the *Bufo cornutus*, as given in *l'opédie Methodique*, I was forcibly struck by the coincidence, and it affords me pleasure to find that Schneider also identifies the *Phrynius* with the *Bufo cornutus*. Agricola's coincident statements of its being venomous, and that naturalists agree with him. The *Phrynius* (called *καλαμίτη*) by the scholiast on Nidæus seem to have been the *Bufo calamita*, which he supposed it venomous. Agricola calls it a non-venomous, and denies that it is mute."⁷

ΦΑΝΟΥΣ (φθειρ), the *Pediculus communis*, or

common Louse. Aristotle notices the lice which infest fish. Donnegan, in speaking of these, calls them "a kind of small shellfish, that fixes upon and derives its food from the bodies of other fishes, familiar examples of which may be noticed in the common prawn (on the corslet of which a protuberance may often be observed, the parasite being covered by a coating of the shell), as also in the mussel."¹¹

*II. The fruit of a species of Pine, the *Pinus Pinaster*. Consult the remarks of Ritter, in his *Vorhalle Europ. Völkergesch.*, p. 154, in relation to the *φθειροφάγοι* of antiquity.

ΦΘΟΡΑ ΤΩΝ ΕΑΕΤΘΕΡΩΝ (φθορὰ τῶν ἐλευθερῶν) was one of the offences that might be criminally prosecuted at Athens. The word *φθορὰ* may signify any sort of corruption, bodily or mental; but the expression *φθ. τ. ε.* comprehends, if it is not limited to, a crime too common among the Greeks, as appears from a law cited by Æschines.² On this subject, *vid.* PROSAGOGIA, and Schömann, *Ant. Jur. Pub. Gr.*, p. 335, 338.

*PHYCIS (φύκις), the *Blennius Phycis*, or Hake, called in Italian the *Fico*.³

*PHYCUS (φύκος). (*Vid.* FUCUS.)

PHYGE (φύγη). (*Vid.* BANISHMENT, GREEK.)

PHYLARCHI (φύλαρχοι), generally the prefects of the tribes in any state, as at Epidamnus, where the government was formerly vested in the *φύλαρχοι*, but afterward in a senate.⁴ At Athens, the officers so called were (after the age of Cleisthenes) ten in number, one for each of the tribes, and were specially charged with the command and superintendence of the cavalry.⁵ There can be but little doubt that each of the phylarchs commanded the cavalry of his own tribe, and they were themselves, collectively and individually, under the control of the two hipparchs, just as the taxiarchs were subject to the two strategi. According to Pollux,⁶ they were elected, one from each tribe, by the archons collectively; but his authority can hardly be considered as conclusive on this point. Herodotus⁷ informs us that, when Cleisthenes increased the number of the tribes from four to ten, he also made ten phylarchs instead of four. It has been thought, however,⁸ that the historian should have said ten phylarchs in the place of the old *φυλοβασιλεις*, who were four in number, one for each of the old tribes.⁹

*PHYLLITIS (φυλλίτις). "It appears probable," remarks Adams, "that the *φύλλον* alluded to by Dioscorides and Theophrastus was the *Mercurialis annua*. The *φύλλον* of Galen and of Paulus Ægineta is a very different substance, namely, the leaf of the *μαλάβαθρον*. Apicius uniformly calls the *Malabathrum*, or Cassia leaf, by the name of *Folium*."¹⁰

PHYLOBASILEIS (φυλοβασιλεις). The origin and duties of the Athenian magistrates so called are involved in much obscurity, and the little knowledge we possess on the subject is derived almost entirely from the grammarians. In the earliest times they were four in number, representing each one of the four tribes, and probably elected (but not for life) from and by them.¹¹ They were nominated from the Eupatridæ, and during the continuance of royalty at Athens these "kings of the tribes" were the constant assessors of the sovereign, and rather as his colleagues than counselors.¹² From an expression in one of the laws of

1. (Aristot., H. A., v., 31.—Adams, Append., s. v.—Donnegan's Lex., 4th edit., s. v.)—2. (c. Timarch., 2, ed. Steph.)—3. (Aristot., vi., 3; viii., 10.—Oppian, Hal., i.—Athen., vii.—Pliny, H. N., ix., 26.—Adams, Append., s. v.)—4. (Aristot., Pol., v., 1.)—5. (Harpoer., s. v.—Pollux, Onom., viii., 94.)—6. (Onom., viii., 94.)—7. (v., 19.)—8. (Titmann, Staatsv., 274, 275.)—9. (Vid. Wachsmuth, Hell. Alt., i., 1, § 48, p. 270.)—10. (Dioscor., iii., 111.—Galen., De Simpl., iv.—Adams, Append., s. v.)—11. (Hesych., s. v.)—12. (Thirlwall, Hist. of Greece, vol. ii., p. 11.)

Solon,¹ it appears that before his time the kings of the tribes exercised a criminal jurisdiction in cases of murder or high treason; in which respect, and as connected with the four tribes of the city, they may be compared with the "δικαστῆρι περὶ δουλίων" at Rome, who appeared to have represented the *vo* ancient tribes of the Ramnes and Titias.² They were also intrusted (but perhaps in later times) with the performance of certain religious rites; and as they sat in the βασιλειον,³ they probably acted as assessors of the ἀρχων βασιλεύς, or "rex sacrificulus," as they had formerly done of the king. Though they were originally connected with the four ancient tribes, still they were not abolished by Cleisthenes when he increased the number of tribes and otherwise altered the constitution of Athens, probably because their duties were mainly of a religious character.⁴ They appear to have existed even after his time, and acted as judges, but in unimportant or merely formal matters. They presided, we are told,⁵ over the court of the Ephetai, held at the Prytaneum, in the mock trials over instruments of homicide (αἱ τῶν ἀφύχων δίκαι), and it was part of their duty to remove these instruments beyond the limits of their country (τὸ ἐμπεσόν ἀφύχων ὑπερορίσαι). We may reasonably conclude that this jurisdiction was a relic of more important functions, such as those described by Plutarch,⁶ from which, and their connexion with the Prytaneum, it has been conjectured that they were identical with the old Prytanes.⁷ Plutarch⁸ speaks of them both as βασιλεῖς and πρυτανεῖς. In a ψήφισμα, quoted by Andocides,⁹ the title of βασιλεῖς seems to be applied to them.

*PHYSALUS (φύσαλος) and PHYSETER (φυσήτηρ). "Aristotle applies the term φυσήτηρ to the spiracle or airhole of the whale. It is afterward applied by Strabo to the fish itself. Artedi accordingly refers it, with the φύσαλος of Ælian, to the Balæna physalus, or Fin-fish."¹⁰

PHYSIOLOGIA (Φυσιολογική), one of the five divisions into which, according to some of the ancient writers, the whole science of medicine was divided. (Vid. MEDICINA.) It treats, as its name implies (φύσις, nature, and λόγος, a discourse), of the nature and functions of the human body, which agrees with the definitions found among Galen's works;¹¹ and as a knowledge of the parts of the human body (or anatomy) is a necessary step to a knowledge of its functions, it will be included here under the same head.

The first beginnings of anatomical knowledge would arise from the inspection of the victims offered in sacrifices, and from the dressing of wounds and other bodily injuries; the progress, however, that was thus made would naturally be very slow and imperfect, and it was soon found that anatomy could only be learned by a careful inspection of the internal parts of the animal frame, or, in other words, by systematic dissection. The Pythagorean philosopher, Alcmaeon, is said by Chalcidius¹² to have been the first person who dissected animals (about B.C. 540); this was an important step, and with this anatomists remained content for more than two hundred years. Alcmaeon appears to have made considerable advances on the knowledge of his predecessors. The most important of his discoveries was that of the Eustachian tube, or canal leading from the anterior and inner part of the tympanum to the fauces; and his mistake in saying

1. (Plat. in Vit., c. 19.)—2. (Niebuhr, R. H. i., p. 304, Engl. transl.)—3. (Pollux, Onom., viii., 111.)—4. (Wachsmuth, H. i., 307.)—5. (Pollux, Onom., viii., 120.)—6. (Solon, c. 19.)—7. (Wachsmuth, l. i., 246.—Müller, Eumen., § 67.)—8. (l. c.)—9. (De Myst., p. 11.)—10. (Aristot., H. A., vi., 11.—Strabo, p. 145.—Ælian, ix., 49.—Adams, Append., s. v.)—11. (Introduct., c. 7, tom. xiv., p. 659.—Definit. Med., c. 11, tom. xix., p. 351, ed. Kühn.)—12. (Comment. in Plat. Timæum, p. 340, ed. Meurs.)

that goats breathe through the ear (which is corrected by Aristotle¹) may be easily explained, supposing that in the animal that he dissected a membrana tympani had been accidentally destroyed. Pliny notices this opinion of Alcmaeon (though without correcting it), but attributes it to Archelaus Empedocles of Agrigentum (in the fifth century B.C.) was the first who noticed the cochlea of the ear (κοχλιώδης χόνδρος), which he thought was the immediate organ of hearing,² and also first gave the name amnios (ἀμνιον or ἀμνείον) to the innermost of the membranes surrounding the fetus. His contemporary Anaxagoras was perhaps the first person who tried to explain the difference of the sexes by the place occupied by the fetus in the uterus; the male, said he,³ is on the right side, the female on the left; and this opinion (though without the least foundation in fact) one is surprised to find received and repeated by Hippocrates,⁴ Aristotle⁵ (who, however, adds⁶ that this is not certain, as sometimes the contrary takes place), and Galen.⁷ The anecdote of the way in which Anaxagoras, by his knowledge of comparative anatomy, quelled a tumult occasioned at Athens by the sight of a goat with only one horn, may be seen in Plutarch.⁸ Democritus of Abdera (B.C. 460-357) was particularly celebrated for his knowledge of anatomy, and in the graphic description of his appearance and way of living when visited by Hippocrates, the earth around where he was sitting is noticed as being covered with the carcases of animals that he had dissected;⁹ however, none of his opinions require to be particularly specified here.

The next great physiologist of antiquity, and the first whose writings are still extant, is Hippocrates (B.C. 460-357); though, in fact, it is not certain that any of the anatomical works that go under his name were really written by him.¹⁰

It would be impossible here to give anything like a complete analysis of the physiology of Hippocrates (and the same apology applies also to the other writers hereafter to be mentioned, particularly Aristotle and Galen); the reader must be content to find here a very brief account of some few facts and opinions, and to be referred for farther particulars to the different histories of medicine. Hippocrates called both arteries and veins indiscriminately by the name of φλέψ, the word ἀρτηρία in his writings being used to designate the trachea. (Vid. ARTERIA.) His knowledge of the bones appears to have been greater than that of the muscles, nerves, or viscera. Tendons and nerves he called νεύρα, without knowing that the latter convey sensation, and arise from the brain; motion, he thought, was caused by all the tendinous white cords throughout the body without distinction. His theory of generation is (as may be inferred from the above alluded to above) very fanciful and imperfect, and his ignorance of human anatomy appears in his speaking of the cotyledons of the uterus,¹¹ the presence of which in woman was for a long time not granted, on account of their being found only in inferior animals. He says that the Scythians came impotent from being bled behind the neck, a theory which may be explained and illustrated by the supposed course of the spermatic vessels.

1. (Hist. Anim., l. 9, § 1, ed. Tauchn.)—2. (H. N., i., 10.)—3. (Plat., De Phys. Philos. Decr., iv., 16.)—4. (Pollux, Onom., ii., 223.—Rufus Ephes., De Corp. Hum. Part. Appellat., c. 1, ed. Clinch.)—5. (Aristot., De Generat. Anim., iv., 1, § 1.)—6. (Aphor., § 5, 45, tom. iii., p. 745, ed. Kühn.)—7. (Hippocr., tom. iv., p. 153, 154.)—8. (Pericel., c. 6.)—9. (Pseudo-Epist., tom. iii., p. 795, 796.)—10. (Choulant, Handb. der Bücherkunde für die Ältere Medicin, Leipzig, 1800, p. 100.)—11. (Aphor., § 5, 45, tom. iii., p. 745.)—12. (De Aëre, lib. i., tom. i., p. 561, 562.)—13. (Comment. Hippocr., De Nat. Mith.)

the whole, though the anatomical and physiological knowledge of Hippocrates has been highly valued by those who overrate the ancient physicians as much as others ignorantly depreciate them, must be allowed to be one of the most important and unsatisfactory parts of his writings.

Galen has inserted a good deal of physiological matter in his "Timæus," which, with the first book of Sophon's "Memorabilia," may be considered the earliest specimens of what would be now called "Natural Theology." One of the most celebrated of Plato's anatomical opinions was, that part of fluids that are drunk enters the trachea, an opinion which for a long time occasioned great disputes among the anatomists of antiquity.² The word *σπείρον* in his writings means a *ligament*;³ both arteries and veins are called *φλέβες*;⁴ and the word *τράχεια* is applied to the *trachea*.⁵ He says the heart is the origin of the veins and the fountain of the arteries. It may be added, that Cicero's fragment "Universitate" is a translation of part of this treatise; that Galen wrote a work "*De iis quæ in Scripta sunt in Platonis Timæo*," of which a translation still exists,⁷ and that there is also an English translation and commentary by Chalcidius. F. K. Lichtenstädt, "*Platon's Lehren auf dem Gebiete der Naturforschung und der Heilkunde. Nach den Quellen bearbeitet*," Leipzig, 1826, 8vo.

Aristotle's knowledge of human anatomy was superior to that of any of his predecessors: whether he acquired it by the dissection of animals it is now impossible to decide. Aristotle is the first author who gives the name *ἀρτηρία* to the principal artery in the human body;⁸ however, he calls it *φλέψ*, and never seems to suppose the veins and arteries to be distinct and different from each other: and the word *ἀρτηρία*, in all his genuine writings, means the *trachea*.⁹ He says the brain is entirely un supplied with blood;¹⁰ that the trachea receives neither fluid nor solid, but only air;¹¹ that the brain is larger than that of any other animal;¹² that the heart contains three ventricles,¹³ though another place he seems to say that there are two;¹⁴ and that there are on each side eight

Praxagoras, who was the preceptor of Herophilus, contributed much to the science of Physiology; the honour of discovering that the arteries and veins are distinct, and of being the first who applied the word *ἀρτηρία* to the bloodvessels which now bear that name, is disputed by Kühn, "Commentaria de Praxagora Coo," *Opusc. Acad. Med. et Philol.*, tom. ii., p. 128, sq.

Superior to Hippocrates in medical skill, enjoying great posthumous influence and renown, but much less than him as anatomists, were Herophilus and Erasistratus, who were contemporaries, and lived in the third century before Christ. The former is expressly by Galen¹⁵ to have dissected human bodies, and the latter, in a fragment preserved by Galen,¹⁷ speaks of himself as having dissected a human brain. They were probably the first persons who ventured to do this, and their example was followed by very few (if any) of their successors.

The writer is not aware of any passage even in Galen's writings which proves that he dissected human bodies; while the numerous passages, both in Galen's works and in those of other anatomists, recommending the dissection of apes, bears, goats,

1. (Vid. Rufus Ephes., De Corp. Hum. Part. Appellat., i., p. 33.—Galen, De Anat. Administrat., iii., 5, p. 384, tom. ii.—Id., De Musc. Dissect., c. 1, tom. xviii., B, p. 930.—Theophilus, De Corp. Hum. Fabr., lib. v., c. 11, 20.)—2. (Celsus, De Medic., lib. i., Pref., p. 6, ed. Bip.—Tertullian, De Anima, c. 10, p. 757.)—3. (Rufus Ephes., p. 65.)—4. (Galen, De Libr. Prop., c. 3, p. 30, tom. xix.)—5. (Rufus Ephes., l. c.)—6. (Galen, De Usu Part. Corp. Hum., ix., c. 6, p. 708, tom. iii.)—7. (Galen, De Administrat. Anat., ix., c. 5, p. 731, tom. ii.)—8. (Galen, ib., p. 173.—De Locis Affect., vi., p. 311, tom. viii.—Theoph., De Corp. Hum. Fabr., lib. ii., c. 7, § 10.)—9. (Galen, De Hippocr. et Plat. Decr., vi., p. 548, tom. v.)—10. (Galen, De Facult. Nat., ii., p. 100; tom. ii., lib. iii., p. 112.)—11. (Plut., Symp., vii., 1.—Macrobius, Saturn., vii., 15.)—12. (De Semine, ii., 6, tom. iv., p. 646.)—13. (lib. i., Pref., p. 6, 19.)—14. (ib., 5, p. 34; iv., 1, p. 169, &c.)—15. (ii., 10, p. 77, &c.)—16. (lib. i., Pref., p. 5, &c.)—17. (ib., p. 11; iv., 1, p. 169.)—18. (viii., 1, p. 456.)—19. (vii., 18, p. 413.)—20. (De Hippocr. et Plat. Decr., viii., p. 650, tom. v.)—21. (Galen De Semine, ii., 6, tom. iv., p. 647.)

and other animals, would seem indirectly to prove that human bodies were seldom or never used for that purpose.¹ Herophilus and Erasistratus are said also to have dissected criminals alive;² but whether this was really the case, or whether the story arose from their having been among the first who dissected human bodies, it is not easy to determine. They were the first persons who considered the nerves to be the organs of sensation,³ though, like Aristotle, Herophilus continued to call them *canals*, *πόροι*.⁴ However, he so far agreed with the ancient opinion on the subject as to say that some of the nerves arise from bones and connect the articulations,⁵ thus confounding the nerves with the ligaments. He gave the name *ληνός* to the common point to which the sinuses of the dura mater converge,⁶ which is still called, after him, the *toreular Herophili*. He was also the author of the name *calamus scriptorius*, which is still applied to the angular indentation in the posterior part of the medulla oblongata.⁷ That part of the intestines which is called the *duodenum* (*δωδεκάδακτυλος*) derived its name from him.⁸ For farther information respecting Herophilus, see a memoir by K. F. H. Marx, entitled "Herophilus; ein Beitrag zur Geschichte der Medicin," Carlsr., 8vo, 1838. Erasistratus was not less celebrated as an anatomist than Herophilus, though his name is connected with fewer discoveries. The *tricuspid valvæ* (*τριγλώχινες*), placed to guard the communication between the right auricle and ventricle, received their name from him.⁹ The bile and the spleen he considered altogether useless.¹⁰ The *trachea* derives its name from him, as he was the first person who added to the word *ἀρτηρία*, which had hitherto designated the windpipe, the epithet *τραχεια*, to distinguish it from the arteries, and he also corrected the opinion of Plato mentioned above.¹¹

Eudemus, a contemporary of Herophilus, is mentioned together with him by Galen,¹² as having discovered the *pancreas*, though he does not give it any name.

Celsus (who is supposed to have lived in the first century after Christ), in his work "De Medicina," defends the necessity of the study of anatomy,¹³ and seems to recommend the dissection of human bodies. He has inserted some anatomical matter in different parts of his work, but his language is not always technically correct, as the *trachea* he calls *arteria*,¹⁴ though in other places that word means an *artery*;¹⁵ *vena* sometimes means an *artery*;¹⁶ *uterus* sometimes means the *abdomen*;¹⁷ *nervus* sometimes means a *tendon*,¹⁸ and sometimes even a *muscle*.¹⁹ There is no anatomical discovery attached to his name.

Marinus, in the second century after Christ, is called by Galen²⁰ one of the restorers of anatomy, which appears to have fallen into neglect. He describes particularly the mesenteric glands,²¹ fixes the number of the pairs of the cerebral nerves at seven, and first noticed the palatine nerves, which

1. (Vid. Rufus Ephes., De Corp. Hum. Part. Appellat., i., p. 33.—Galen, De Anat. Administrat., iii., 5, p. 384, tom. ii.—Id., De Musc. Dissect., c. 1, tom. xviii., B, p. 930.—Theophilus, De Corp. Hum. Fabr., lib. v., c. 11, 20.)—2. (Celsus, De Medic., lib. i., Pref., p. 6, ed. Bip.—Tertullian, De Anima, c. 10, p. 757.)—3. (Rufus Ephes., p. 65.)—4. (Galen, De Libr. Prop., c. 3, p. 30, tom. xix.)—5. (Rufus Ephes., l. c.)—6. (Galen, De Usu Part. Corp. Hum., ix., c. 6, p. 708, tom. iii.)—7. (Galen, De Administrat. Anat., ix., c. 5, p. 731, tom. ii.)—8. (Galen, ib., p. 173.—De Locis Affect., vi., p. 311, tom. viii.—Theoph., De Corp. Hum. Fabr., lib. ii., c. 7, § 10.)—9. (Galen, De Hippocr. et Plat. Decr., vi., p. 548, tom. v.)—10. (Galen, De Facult. Nat., ii., p. 100; tom. ii., lib. iii., p. 112.)—11. (Plut., Symp., vii., 1.—Macrobius, Saturn., vii., 15.)—12. (De Semine, ii., 6, tom. iv., p. 646.)—13. (lib. i., Pref., p. 6, 19.)—14. (ib., 5, p. 34; iv., 1, p. 169, &c.)—15. (ii., 10, p. 77, &c.)—16. (lib. i., Pref., p. 5, &c.)—17. (ib., p. 11; iv., 1, p. 169.)—18. (viii., 1, p. 456.)—19. (vii., 18, p. 413.)—20. (De Hippocr. et Plat. Decr., viii., p. 650, tom. v.)—21. (Galen De Semine, ii., 6, tom. iv., p. 647.)

he considered as the fourth pair;¹ the auditory and facial nerves he reckoned as the fifth pair,² the lingual as the sixth.³

About the same time lived Rufus Ephesius, the author of a useful work entitled *Περὶ Ὀνομασίας τῶν τοῦ Ἀνθρώπου Μορίων*, "De Apellationibus Partium Corporis Humani." This, as its name implies, is not so much a treatise on Anatomy as on anatomical terms; and it may be mentioned that the second book of the *Ὀνομαστικόν*, "Onomasticon," of Julius Pollux contains also a list of the words used in medicine. Soranus, although belonging to the sect of the Methodici, who neglected Anatomy, has, in the fourth and fifth chapters of his work *Περὶ Γυναικείων Παθῶν*, "De Arte Obstetricia Morbisque Mulierum," given one of the most accurate descriptions of the uterus that remain from antiquity, and appears to have derived his knowledge from the dissection, not of animals, but of the human body.⁴ The description of the uterus given by Moschion, his contemporary, in the early chapters of his work *Περὶ τῶν Γυναικείων Παθῶν*, "De Mulierum Passionibus," does not much differ from that by Soranus.

The next writer that we come to is Galen (A.D. 131-201), the most celebrated, and, at the same time, the most accurate and voluminous anatomist and physiologist of antiquity. Anatomy and Physiology seem to have been always Galen's favourite study, and his writings on these subjects continued to be the standard works of reference for many centuries. A very brief sketch of some of his opinions and discoveries is all that can be given; but it may be mentioned that there is "A Cursory Analysis of the Works of Galen, so far as they relate to Anatomy and Physiology," by Dr. Kidd, in the sixth volume of the "Transactions of the Provincial Medical and Surgical Association," from which most of the following remarks are taken. He considered the *vena cava hepatica* of modern anatomy as the commencement or root of the venous system of the body at large.⁵ He gives a clear description of the form and position of the *tricuspid* and *mitral valves*, and also of the *sigmoid valves* of the aorta and pulmonary artery.⁶ He admitted that the arteries contain air,⁷ but asserted, at the same time, that they naturally contain blood also;⁸ and he remarked that it may be known when an artery is wounded, not only by the lighter colour of the blood which flows from it, but also by the pulsative manner in which the blood is projected from it.⁹ He supposed that in all parts of the body there is a free anastomosis between the minute pores or channels which connect the arteries with the veins,¹⁰ but he confesses that he is totally unable to explain why Nature, which does nothing uselessly or without design, should have made different vessels (viz., *arteries* and *veins*) to contain the same fluid.¹¹ In myology, says Sprengel, Galen made some important discoveries, and boasts that he has given a description of eight muscles that were unknown before his time.¹² He first discovered certain branches of the eighth pair of nerves (called by him the *sixth*), to which, from the peculiarity of their course, he gave the name *παλιμόρομοι*, or "recurrent," a name which they still bear.

The twenty-fourth and twenty-fifth books of the *Συναγωγὰ Ἱατρικὰ*, "Collecta Medicinalia," of Oribasius, contain a system of Anatomy compiled from Rufus Ephesius, Galen, and Soranus; there

is in them (as far as the writer is aware) nothing new, but in another place he mentions having himself dissected apes.

About the same time (the end of the fourth century after Christ) lived Nemesius, the author of a work *Περὶ Φύσεως Ἀνθρώπου*, *De Natura Hominis*. This is a very interesting little treatise, but it has enjoyed more celebrity than perhaps it deserves on account of two curious passages; in one of which¹³ he is supposed by some of the most rash admirers of the ancients to have discovered the circulation of the blood, and in the other¹⁴ the use of the bile. He plainly distinguishes the nerves from the tendons, saying that the former possess sensibility, which the latter do not.¹⁵ An anonymous work, entitled *Εἰσαγωγή Ἀνατομίας*, "Introductio (or Introductio) Anatomica," is supposed to be of the same age; it is chiefly taken from Aristotle's works, and does not require more particular notice.

The next work we come to is by Theophilus Protospatharius, who is generally supposed to have lived in the seventh century, but who probably belongs to a later date. It is entitled *Περὶ τῆς τοῦ Ἀνθρώπου Κατασκευῆς*, "De Corporis Humani Fabrica," and is in five books. It is, for the most part, taken word for word from Galen, "De Usu Partium Corporis Humani," and Hippocrates, "De Generatione" and "De Natura Pueri," from whom, however, he sometimes differs. The work of Meletius a monk who lived probably in the eighth or ninth century, *Περὶ τῆς τοῦ Ἀνθρώπου Κατασκευῆς*, "De Hominis Fabrica," does not require any particular notice; nor that by Constantinus Afer (who lived in the eleventh century), "De Membris Principibus Corporis Humani."

Besides these works, which may be considered as more especially anatomical and physiological, several of the early Christian fathers have left treatises on Natural Theology, pointing out the wisdom, and power, and goodness of God, as displayed in the structure of the human frame. Such are St. Ambrose, *De Noe et Arca* (c. 6-9); Id., *Hexaëmeron* (vi., 9); St. Basil, *Περὶ τῆς τοῦ Ἀνθρώπου Κατασκευῆς*, "De Structura Hominis Ordinis Tres" (which, however, is probably not genuine); St. Chrysostom, "Homil. XI. ad Antiochenos"; St. Gregory of Nyssa, *De verbis "Faciamus Hominem," &c.*, *Orationes Duæ*; Id., *Περὶ Κατασκευῆς Ἀνθρώπου*, "De Hominis Opificio" (written as a supplement to his brother St. Basil's unfinished work, entitled *Ἐξήγημερον*, *Hexaëmeron*); Theodoret, *Περὶ Πρώτοιων*, "De Præsentatione," *Orat. ii.*; and Lactantius, "De Opificio Dei." Some of these works are well worth reading for their scientific correctness as well as their piety; but in some parts, it must be confessed, are very strange and fanciful. However, they add nothing to the amount of anatomical knowledge already in the world, and probably every statement in their writings that is not erroneous (and many of those that are) may be found in the works of Galen. The same may be said of the Arabian writers, of whom several (viz., Alzaharavius, Avicenna, Haly Abbas, Razes, &c.) have prefixed to their medical works a physical introduction, which it would be out of place to notice here more particularly.

*PICA. (Vid. CITTA.)

*PICEA. (Vid. PINUS.)

*PICUS, the Woodpecker, a bird sacred to Mars and from which omens were wont to be drawn by the nations of Italy. A bird of this species guided a colony of the Sabines, sent out in consequence of a vow of a sacred spring (VER SACRUM), and a

1. (Id., *De Nervor. Dissect.*, p. 837, tom. ii.)—2. (Ib., p. 838.)
3. (Id., *De Usu Part. Corp. Hum.*, xvi., 6, tom. iv., p. 294.)—4. (c. 5, p. 13, ed. Dietz.)—5. (*De Usu Part. Corp. Hum.*, iv., c. 6, tom. iii., p. 373.)—6. (*De Usu Part. Corp. Hum.*, vi., 13, 14, tom. iii., p. 469, 476, seq.)—7. (*An in Arter. Sang. Contin.*, tom. iv., p. 722.)—8. (Ib., p. 703, 704.)—9. (*De Loc. Affect.*, lib. i., tom. viii., p. 5.)—10. (*De Usu Part. Corp. Hum.*, vi., 10, tom. iii., p. 455.)—11. (*An in Arter. Sang. Contin.*, tom. iv., p. 722.)—12. (*De Anat. Admitt.*, l. 3, p. 231, tom. ii.)

1. (lib. vii., c. 6, p. 310, ed. H. Steph.)—2. (c. 24, p. 212, Math.)—3. (c. 28, p. 260.)—4. (c. 27, p. 251.)

entini) to the new community. (Vid.

PCIA ACTIO. (Vid. PIGNUS.)

CAPIO. (Vid. PER PIGNORIS CAP-

pledge or security for a debt or de-
d, says Gaius,¹ from *pignus*, "quia
tur, manu tradentur." This is one
nces of the failure of the Roman ju-
y attempted etymological explana-
(Vid. MUTUUM.) The element of
contained in the word *pa(n)g-o* and
as.

d to be pledged to a man when it is
y to him for some debt or demand.
us when the possession of the thing
to whom it is made a security, and
n it is made a security without be-
possession.² The law relating to
potheca was in all essentials the
object of the pledging is that the
n case of necessity, sell the pledge
his demand out of the proceeds.

t be given (*res hypotheca dari potest*)
n, whether money borrowed (*mutua*
a case of buying and selling, letting
andatum ; whether the obligatio is
nconditional ; for part of a sum of
as for the whole.³ Anything could
pledge which could be an object of
be a thing corporeal or incorporeal,
t a universality of things. If a single
ed, the thing with all its increase
y, as in the case of a piece of land
eased by alluvio. If a shop (*taber-*
l, all the goods in it were pledged ;
hem were sold and others brought
er died, the pledgee's security was
ll that it contained at the time of
ath.⁴ If all a man's property was
dge comprehended also his future
s such property was clearly ex-

edging required no particular form,
t it resembled contracts made by
thing more was requisite to estab-
of a pledge than proof of the agree-
ies to it. It was called *contractus*
hen it was a case of *pignus*, and
cæ when it was a case of hypoth-
ner case, tradition was necessary.
so, by his testament, make a *pignus*.
f a man to pledge could in any case
er from his words or from any acts
of no other interpretation than an
ge.

only pledge a thing when he was
had full power of disposing of it ;
r of a thing could pledge his share.
edge another man's property if he
to the pledge at the time or after-
er case this must properly be con-
dge of the owner for the debt of
nan pledged a thing which was not
ard became the owner of it, the
d.⁵

or which a pledge was security de-
reement : it might be for principal
for either ; or it might comprehend
terest, and all costs and expenses
ee might be put to on account of the
For instance, a creditor would be

entitled to his necessary expenses concerning a
slave or an estate which had been pignorat-
ed.

Pignus might be created by a judicial sentence,
as, for instance, by the decree of the prætor giving
to a creditor power to take possession of his debt-
or's property (*missio creditoris in bona debitoris*), ei-
ther a single thing, or all his property, as the case
might be. But the permission or command of the
magistratus did not effect a pledge, unless the per-
son actually took possession of the thing. The fol-
lowing are instances: the *immissio damni infecti*
causa (vid. DAMNUM INFECTUM): *legatorum servan-*
orum causa, which had for its object the securing
of a legacy which had been left sub *condicione* or
die;¹ *missio ventris in possessionem*, when the
pregnant widow was allowed to take possession of
the inheritance for the protection of a posthumus ;
and the *missio rei servandæ causa*. The right
which a person obtained by such *immissio* was
called *pignus prætorium*. It was called *pignoris*
capio when the prætor allowed the goods of a per-
son to be taken who was behaving in contempt of
the court, or allowed his person to be seized after
a judgment given against him (*ex causa judicati*).

There was also among the Romans a *tacita hypo-*
theca, which existed not by consent of the parties,
but by rule of law (*ipso jure*), as a consequence
of certain acts or agreements, which were not acts
or agreements pertaining to pledging² (*in quibus*
causis pignus vel hypotheca tacite contrahitur). These
hypothecæ were general or special. The following
are instances of what were general *hypothecæ*.
The *fiscus* had a general *hypotheca* in respect of its
claims on the property of the subject, and on the
property of its agents or officers: the husband on
the property of him who promised a *dos* ; and *legat-*
atees and *fideicommissarii* in respect of their lega-
cies or *fideicommissa*, on that portion of the heredi-
tates of him who had to pay the legacies or *fidei-*
commissa. There were other cases of general *hypo-*
thecæ.

The following are instances of special *hypothecæ*:
The lessor of a *prædium urbanum* had an *hypo-*
theca in respect of his claims arising out of the
contract of hiring on everything which the lessee
brought upon the premises for constant use (*insecta*
et illata). The lessor of a *prædium rusticum* had
an *hypotheca* on the fruits of the farm as soon as
they were collected.³ A person who lent money to
repair a house had an *hypotheca* on the house and
the ground on which it stood, provided the money
were laid out on it. *Pupilli* and *minores* had an
hypotheca on things which were bought with their
money.

The person who had given a pledge was still the
owner of the thing that was pledged. He could
therefore use the thing and enjoy its fruits. But
the agreement might be that the creditor should
have the use or profit of the thing instead of interest,
which kind of contract was called *antichresis*,
or *mutual use*: and if there was no agreement as
to use, the creditor could not use the thing. The
pledger could also sell the thing pledged, unless
there were some agreement to the contrary, but
such sale did not affect the right of the pledgee. If
the pledger sold a movable thing that was pignera-
ted without the knowledge and consent of the
creditor, he was guilty of *furtum*. If the pledger,
at the time of a *pignus* being given, was not the owner
of the thing, but had the possession of it, he could
still acquire the property of the thing by *usucapion*.
(Vid. POSSESSIO.)

The creditor could keep possession of a pignera-
ted thing till his demand was fully satisfied, and he

6. s. 238.)—2. (Dig. 13, tit. 7, s. 9.—Ibid.,
also Cic. ad Fam., xiii, 56.)—3. (Dig. 20,
s. 20, tit. 1, s. 9.)—5. (Dig. 20, tit. 1, s. 34.)
s. 20.—Dig. 20, tit. 2, s. 5.)

1. (Dig. 36, tit. 4.)—2. (Dig. 30, tit. 2.)—3. (Dig. 20, tit. 2, s.
7.—Dig. 19, tit. 2, s. 24.)

could maintain his right to the possession against any other person who obtained possession of the thing. He could also pledge the thing that was pledged to him. He had also the right, in case his demand was not satisfied at the time agreed on, to sell the thing and satisfy his demands out of the proceeds (*ius distrahendi sive vendendi pignus*). Gaius¹ illustrates the maxim that he who was not the owner of a thing could in some cases sell it, by the example of the pledgee selling a thing pledged; but he properly refers the act of sale to the will of the debtor, as expressed in the agreement of pledging; and thus, in legal effect, it is the debtor who sells by means of his agent, the creditor. An agreement that a pledge should be forfeited in case the demand was not paid at the time agreed on, was originally very common, but it was declared by Constantine to be illegal. (*Vid. COMMISSORIA LEX*.) In case of a sale, the creditor, according to the later law, must give the debtor notice of his intention to sell, and after such notice he must wait two years before he could legally make a sale. If anything remained over after satisfying the creditor, it was his duty to give it to the debtor; and if the price was insufficient to satisfy the creditor's demand, his debtor was still his debtor for the remainder. If no purchaser at a reasonable price could be found, the creditor might become the purchaser, but still the debtor had a right to redeem the thing within two years on condition of fully satisfying the creditor.²

If there were several creditors to whom a thing was pledged which was insufficient to satisfy them all, he whose pledge was prior in time had a preference over the rest (*potior est in pignore qui prius creditur pecuniam et accepit hypothecam*).³ There were some exceptions to this rule; for instance, when a subsequent pledgee had lent his money to save the pledged thing from destruction, he had a preference over a prior pledgee.⁴ This rule has been adopted in the English law as to money lent on ships and secured by bottomry bonds.

Certain hypothecæ, both tacite and founded on contract, had a preference or priority (*privilegium*) over all other claims. The fiscus had a preference in respect of its claims; the wife in respect of her dos; the lender of money for the repair or restoration of a building; a pupillus with whose money a thing had been bought. Of those hypothecæ which were founded on contract, the following were privileged: the hypothecæ of those who had lent money for the purchase of an immovable thing, or of a shop, or for the building, maintaining, or improving of a house, &c., and had contracted for an hypothecæ on the thing; there was also the hypothecæ which the seller of an immovable thing reserved by contract until he was paid the purchase-money. Of these claimants, the fiscus came first; then the wife in respect of her dos; and then the other privileged creditors, according to their priority in point of time.

In the case of unprivileged creditors, the general rule, as already observed, was, that priority in time gave priority of right. But an hypothecæ which could be proved by a writing executed in a certain public form (*instrumentum publicè confectum*), or which was proved by the signatures of three reputable persons (*instrumentum quasi publicè confectum*), had a priority over all those which could not be so proved. If several hypothecæ of the same kind were of the same date, he who was in possession of the thing had a priority.

The creditor who had for any reason the priority over the rest, was entitled to be satisfied to the full

amount of his claim out of the proceeds of the thing pledged. A subsequent creditor could obtain the rights of a prior creditor in several ways. If he furnished the debtor with money to pay off the debt, on the condition of standing in his place, and the money was actually paid to the prior creditor, the subsequent creditor stepped into the place of the prior creditor. Also, if he purchased the thing on the condition that the purchase-money should go to satisfy a prior creditor, he thereby stepped into his place. A subsequent creditor could also, without the consent either of a prior creditor or of the debtor, pay off a prior creditor, and stand in his place to the amount of the sum so paid. This arrangement, however, did not affect the rights of an intermediate pledgee.¹

The creditor had an *actio hypothecaria* in respect of the pledge against every person who was in possession of it, and had not a better right than himself. This right of action existed indifferently in the case of *pignus* and *hypotheca*. A lessor had this action for the recovery of the possession of a prædium, when the rent was not paid according to agreement. A creditor who had a *pignus* had also a right to the *interdictum retinendæ et recuperandæ possessionis*, if he was disturbed in his possession.

The pledgee was bound to restore a *pignus* on payment of the debt for which it had been given, and up to that time he was bound to take proper care of it. On payment of the debt he might be sued in an *actio pignoratitia* by the pledger for the restoration of the thing, and for any damage that it had sustained through his neglect. The remedy of the pledgee against the pledger for his proper costs and charges in respect of the pledge, and for any *dolus* or *culpa* on the part of the pledger relating thereto, was by an *actio pignoratitia contraria*.

The law of pledges at Rome was principally founded on the *Edict*. Originally the only mode of giving security was by a transfer of the *quiritarian* ownership of the thing by *mancipatio* or in *jure cessio* if it was a *res mancipi*, on the condition of its being reconveyed when the debt was paid (*ad lege remanicipationis* or *sub fiducia*). (*Vid. FINECTA*.) But in this case the debtor had no security against the loss of his property. Afterward it seems that a thing was merely given to the creditor with the condition that he might sell it in case his demand was not satisfied. But, so long as the creditor could not protect his possession by legal means, this was a very insufficient security. Ultimately the praetor gave a creditor a right of action (*actio in rem*), under the name *Serviana actio*, for the recovery of the property of a colonus which was his security for his rent (*pro mercedibus fundi*); and this right of action was extended, under the name of quasi *Serviana* or *hypothecaria*, generally to creditors who had things pignater or hypothecated to them.² As to the *interdictum Salvianum*, see *INTERDICTUM*.

The Roman law of pledge was gradually developed, and it would be rather difficult to show in any satisfactory way the various stages of its growth. Some of the rules of law as to pledges mentioned in this article belong to a later period.

The Roman law of pledge has many points of resemblance to the English law, but more is comprehended under the Roman law of pledge than the English law of pledge, including in that term mortgage. Many of the things comprehended in the Roman law of pledge belong to the English law of lien, and to other divisions of English law which are not included under pledge or mortgage.³

There is an English treatise, entitled "The Law

1. (i., 64.)—2. (Cod., viii., tit. 34, s. 3.)—3. (Dig. 20, tit. 4, s. 11.)—4. (Dig. 20, tit. 4, s. 5, 6.)

1. (Dig. 20, tit. 4, s. 16.)—2. (Inst., iv., tit. 2, s. 7.)—3. (Dig. 20, tit. 1, 2, 3, &c.—Cod., viii., tit. 14, 15, &c.)

or Pawns, as it was in use among the
cc. by John Ayliffe, London, 1732,"
ars to contain all that can be said, but
s method of treating the subject is not

αἶρα), a Ball. The game at ball (σφαίρι-
one of the most favourite gymnastic ex-
e Greeks and Romans from the earliest
e fall of the Roman Empire. As the an-
fond of attributing the invention of all

articular persons or occasions, we find
be the case with respect to the origin
e;¹ but such statements do not deserve

What is more to the purpose in refer-
tinity is, that we find it mentioned in
y,² where it is played by the Phœacian
he sound of music, and also by two cel-
formers at the court of Alcinoüs in a
e manner, accompanied with dancing.

ous movements of the body required in
f ball gave elasticity and grace to the
nce it was highly esteemed by the
he Athenians set so high a value on it,
ferred upon Aristonicus of Carystus
citizenship, and erected a statue to his
account of his skill in this game.³ It

esteemed by the other states of Greece;
Spartans, when they were leaving the
ephebi, were called σφαιρείς,⁴ probably
ir chief exercise was the game at ball.

lete gymnasium had a room (σφαίρι-
ριστρα) devoted to this exercise (vid.
), where a special teacher (σφαιριστικός)
tion in the art; for it required no small
etice to play it well and gracefully.

at ball was as great a favourite with
s as the Greeks, and was played at
ersons of all ages. Augustus used to
s. Pliny⁵ relates how much his aged
na exercised himself in this game for

of warding off old age; and under the
as generally played at by persons before
ath, in a room (sphaeristerium) attached
for the purpose; in which we read of
s, or player at tennis.⁷

at ball was played at in various ways:
reek writers mention five different
via, ἐπίσκυρος, φανίνδα, ἀρπαστόν, ἀπό-
here were probably many other varie-
avia was a game in which the ball was
into the air, and each of the persons
strove to catch it before it fell to the

Ἐπίσκυρος, also called ἐφηβική and
as the game at football, played in much
y as with us, by a great number of per-
into two parties opposed to one ano-
vas a favourite game at Sparta, where
d with great emulation.¹⁰ 3. φανίνδα,
δα by Hesychius,¹¹ was played by a

ersons, who threw the ball from one to
t its peculiarity consisted in the person
ball pretending to throw it to a certain
nd while the latter was expecting it,
ning and throwing it to another. Va-
ologies of this word are given by the

s.¹² 4. Ἀρπαστόν, which was also play-
Romans, is spoken of under ΗΑΡΠΑΣ-
τόρραξις was a game in which the play-
ball to the ground with such force as

to cause it to rebound, when he struck it down
again with the palm of his hand, and so went on
doing many times: the number of times was count-
ed.¹ We learn from Plato,² that in one game of
ball, played at by boys, though we do not know
what kind it was, the boy who was conquered was
called ass (ὄνος), and the one who conquered was
named king (βασιλεύς).

Among the Romans, the game at ball was also
played at in various ways. Pila was used in a gen-
eral sense for any kind of ball; but the balls among
the Romans seem to have been of three kinds: the
pila in its narrower sense, a small ball; the follis, a
great ball filled with air (vid. FOLLIS); and the pa-
ganica, of which we know scarcely anything, as it is
only mentioned in two passages by Martial,³ but
from the latter of which we may conclude that it
was smaller than the follis and larger than the pila.

Most of the games at ball among the Romans seem
to have been played at with the pila or small ball.
One of the simplest modes of playing the ball,
where two persons standing opposite to one another
threw the ball from one to the other, was called
datatim ludere.⁴ But the most favourite game at
ball seems to have been the trigon, or pila trigonalis,
which was played at by three persons, who stood in
the form of a triangle, ἐν τριγώνῳ. We have no
particulars respecting it, but we are told that skil-
ful players prided themselves upon catching and
throwing the ball with their left hand.⁵

The ancient physicians prescribed the game at
ball, as well as other kinds of exercise, to their pa-
tients; Antyllus⁶ gives some interesting informa-
tion on this subject.

The persons playing with the pila or small ball in
the annexed woodcut are taken from a painting in
the baths of Titus,⁷ but it is difficult to say what
particular kind of game they are playing at. Three
of the players have two balls each.⁸



PILA. (Vid. MORTARIUM.)

PILA'NI. (Vid. ARMY, ROMAN, p. 103.)

PILENTUM, a splendid four-wheeled carriage,
furnished with soft cushions, which conveyed the
Roman matrons in sacred processions, and in going
to the Circensian and other games.⁹ This distinc-
tion was granted to them by the senate on account
of their generosity in giving their gold and jewels
on a particular occasion for the service of the
state.¹⁰ The vestal virgins were conveyed in the
same manner.¹¹ The pilentum was probably very
like the HARMAMAXA and CARPENTUM, but open at
the sides, so that those who sat in it might both see
and be seen.

PILEUS or PILEUM,¹² pilea virorum sunt,¹³

1. (Pollux, Onom., ix., 105.)—2. (Theatt., p. 146.)—3. (vii., 32, 7; xiv., 43.)—4. (Plaut., Curc., ii., 3, 17.)—5. (Mart., xiv., 46; vii., 72, 9.)—6. (ap. Oribas., vi., 32.)—7. (DESCR. des bains de Titus, pl. 17.)—8. (Bürette, De la Sphéristique, p. 214, &c., in Mém. de l'Acad. des Inscr., vol. i.—Krause, Gymnastik und Agon. d. Hell., p. 299, &c.—Becker, Gallus, vol. i., p. 268, &c.)—9. (Virg., Æn., viii., 666.—Hor., Epist., II., i., 192.—Claudian, De Nupt. Honor., 285.—Isid. Hisp., Orig., xx., 12.)—10. (Liv., iii., 14, § 6.)—11. (s. v.)—12. (Pollux, Onom., i., 105.)—13. (Mag. s. v. Φενίς.—Athen., i., p. 15, a.)

1. (Pollux, Onom., ix., 105.)—2. (Theatt., p. 146.)—3. (vii., 32, 7; xiv., 43.)—4. (Plaut., Curc., ii., 3, 17.)—5. (Mart., xiv., 46; vii., 72, 9.)—6. (ap. Oribas., vi., 32.)—7. (DESCR. des bains de Titus, pl. 17.)—8. (Bürette, De la Sphéristique, p. 214, &c., in Mém. de l'Acad. des Inscr., vol. i.—Krause, Gymnastik und Agon. d. Hell., p. 299, &c.—Becker, Gallus, vol. i., p. 268, &c.)—9. (Virg., Æn., viii., 666.—Hor., Epist., II., i., 192.—Claudian, De Nupt. Honor., 285.—Isid. Hisp., Orig., xx., 12.)—10. (Liv., iii., 14, § 6.)—11. (Prudentius contra Sym., ii., sub fin.)—12. (Noa. Marc., iii.)—13. (Serv. in Virg., Æn., ix., 616.)

dim. PILE'OLUS or PILE'OLUM¹ (πίλος, dim. πύλιον, second dim. πύλιον; πύλημα, πύλιον), any piece of felt; more especially, a scullcap of felt, a hat.

There seems no reason to doubt that felting (ἡ πύλητική²) is a more ancient invention than weaving (vid. ΤΕΛΑ), nor that both of these arts came into Europe from Asia.

From the Greeks, who were acquainted with this article as early as the age of Homer³ and Hesiod,⁴ the use of felt passed, together with its name, to the Romans. Among them the employment of it was always far less extended than among the Greeks. Nevertheless, Pliny, in one sentence, "*Lana et per se coacta vestem faciunt*," gives a very exact account of the process of felting.⁵ A Latin sepulchral inscription⁶ mentions "a manufacturer of woollen felt" (*lanarius coactiliarius*), at the same time indicating that he was not a native of Italy (*Lariseus*).

The principal use of felt among the Greeks and Romans was to make coverings of the head for the male sex, and the most common kind was a simple scullcap. It was often more elevated, though still round at the top. In this shape it appears on coins, especially on those of Sparta, or such as exhibit the symbols of the Dioscuri; and it is thus represented, with that addition on its summit which distinguished the Roman flamines and Salii, in three figures of the woodcut to the article APEX. But the apex, according to Dionysius of Halicarnassus, was sometimes conical; and conical or pointed caps were certainly very common. One use of this form probably was to discharge the rain and wet, as when they were worn by fishermen⁷ and by mariners. In the case of agricultural labourers,⁸ the advantages of this particular shape are less obvious, and, accordingly, the bonnet worn by the ploughman in the woodcut, page 225, is very different from that of the reaper at page 429. A remarkable specimen of the pointed cap is that worn by the *DESULTOR* at page 350. Private persons also among the Romans, and still more frequently among the Greeks, availed themselves of the comforts of the felt cap on a journey, in sickness, or in case of unusual exposure.⁹ On returning home



1. (Colum., *De Arbor.*, 25.)—2. (Plato, *Polit.*, ii., 2, p. 296, ed. Bekker.)—3. (Il., x., 265.)—4. (Op. et Dies, 542, 546.)—5. (H. N., viii., 48, s. 73.)—6. (Gruter, p. 648, n. 4.)—7. (Theocrit., xxi., 13.—Brunck, *Anal.*, ii., 212.)—8. (Hesiod, *Op. et Dies*, 545-547.)—9. (Mart., xiv., 132.—Sueton., *Nero*, 26.)

from a party, a person sometimes carried his cap and slippers under his arm.¹

In the Greek and Roman mythology, caps were symbolically assigned in reference to the customs above related. The painter Nicomachus first represented Ulysses in a cap, no doubt to indicate his seafaring life.² The preceding woodcut shows him clothed in the *EXOMIS*, and in the act of offering wine to the Cyclops.³ He here wears the round cap, but more commonly both he and the boatman Charon (see woodcut, p. 426) have it pointed. Vulcan (see woodcut, p. 610) and Daedalus wear the caps of common artificers.

A cap of very frequent occurrence in the works of ancient art is that now generally known by the name of "the Phrygian bonnet." The Mysian pileus, mentioned by Aristophanes,⁴ must have been one of this kind. For we find it continually introduced as the characteristic symbol of Asiatic life in paintings and sculptures of Priam (see woodcut, p. 750) and Mithras (woodcut, p. 15), and, in short, in all the representations, not only of Trojans and Phrygians, but of Amazons (woodcut, p. 765), and of all the inhabitants of Asia Minor, and even of nations dwelling still farther east. The representations of this Phrygian or Mysian cap in sculptured marble show that it was made of a strong and stiff material, and of a conical form, though bent forward and downward. By some Asiatic nations it was worn erect, as by the Saca, whose stiff pointed caps Herodotus describes under the name of *σφραβασία*. The form of those worn by the Armenians (*πύλοφόροι Ἀρμένιοι*) is shown on various coins, which were struck in the reign of Verus on occasion of the successes of the Roman army in Armenia, A.D. 161. It is sometimes erect, but sometimes bent downward or truncated. The same variety may be observed in the Dacian caps as exhibited on the coins of Trajan, struck A.D. 101. (Compare the woodcut, p. 378.) The truncated conical hat is most distinctly seen on two of the Sarmatians in the group at page 171. Strabo observes that caps of felt were necessary in Media on account of the cold.⁵ He calls the Persian cap *πύλημα πυργωτόν*, i. e., "felt shaped like a tower."⁶

Another singular variety of the Asiatic pileus was that of the Lycians, which was surrounded with feathers,⁷ and must have resembled the head-dresses of some of the North American Indians.

Among the Romans the cap of felt was the emblem of liberty. When a slave obtained his freedom, he had his head shaven, and wore instead of his hair an undyed pileus (*πύλεον λευκόν*).⁸ The change of attire took place in the Temple of *FERENTIA*, who was the goddess of freedmen.⁹ The figure of Liberty on some of the coins of Antoninus Pius, struck A.D. 145, holds this cap in the right hand.

In contradistinction to the various forms of the felt cap now described, we have to consider others more nearly corresponding with the hats worn by Europeans in modern times. The Greek word *πέτασος*, dim. *πετάσιον*, derived from *πετάνημα*, "to expand," and adopted by the Latins in the form *petasus*, dim. *petasunculus*, well expressed the distinctive shape of these hats. What was taken from their height was added to their width. Those already described had no brim: the *petasus* of every variety had a brim, which was either exactly or nearly circular, and which varied greatly in its

1. (Hor., *Epist.*, I., xiii., 15.)—2. (Plin., *H. N.*, xxxv., 22.)—3. (Winckelmann, *Mon. Ined.*, ii., 154.—Homer, *Od.*, ii., 345-347.)—4. (Acharn., 429.)—5. (Brunck, *Anal.*, ii., 146.)—6. (xi., p. 563, ed. Sieb.)—7. (xv., p. 231.)—8. (Herod., vi., 22.)—9. (Diod. Sic., *Exc. Leg.*, xxii., p. 625, ed. Wez.—Plaut., *Amphit.*, I., i., 306.—Persius, v., 82.)—10. (Servius in *Virg.*, *Æn.*, viii., 564.)

...th. In some cases it is a circular disk without
y crown at all, and often there is only a depres-
n or slight concavity in this disk fitted to the top
the head. Of this a beautiful example is pre-
ented in a recumbent statue of Endymion, habited
a hunter, and sleeping on his scarf. It is to
added that this statue belongs to the Townley
lection in the British Museum, and shows the
de of wearing the petasus tied under the chin.
Other instances it is tied behind the neck instead
being tied before it. (See the next woodcut.)
ry frequently we observe a boss on the top of
e petasus, in the situation in which it appears in
e woodcuts, pages 62, 227, 332. In these wood-
ts, and in that here introduced, the brim of
e petasus is surmounted by a crown. Frequent-
ly the crown is in the form of a scullcap; we also
d it surrounded by a very narrow brim. The
eck petasus, in its most common form, agreed with
e cheapest hats of undyed felt now made in Eng-
d. On the heads of rustics and artificers in our
eets and lanes, we often see forms the exact
interpart of those which we most admire in the
rks of ancient art. The petasus is still also com-
nly worn by agricultural labourers in Greece and
a Minor. In ancient times it was preferred to
e scullcap as a protection from the sun,¹ and on
s account Caligula permitted the Roman sena-
s to wear it at the theatres.² It was used by
pherds,³ hunters, and travellers.⁴ The annexed
odcut is from a fictile vase belonging to Mr.



pe,⁵ and it represents a Greek soldier in his hat
blanket. (Vid. PALLIUM.) The ordinary dress
the Athenian ephēbi, well exhibited in the Pan-
enaic frieze of the Parthenon, now preserved in
British Museum, was the hat and scarf.⁶ (Vid.
LAMYS.) Among imaginary beings, the same
time was commonly attributed to Mercury,⁷ and
ometimes to the Dioscuri.

...cient authors mention three varieties of the
asus, the Thessalian,⁸ Arcadian,⁹ and the Laco-
n,¹⁰ but they do not say in what the difference
sisted. In like manner, it is by no means clear
what respects the CAUSIA differed from the peta-

...sus, although they are distinctly opposed to one an-
other by a writer in Athenæus.¹ Moreover, in the
later Greek authors we find *πίλος* used to denote a
hat of other materials besides felt.²

On the use of felt in covering the feet, see *Πδο*.
Felt was likewise used for the lining of helmets
(Vid. GALEA.) Being generally thicker than com-
mon cloth, it presented a more effectual obstacle to
missile weapons. Hence, when the soldiers un-
der Julius Cæsar were much annoyed by Pompey's
archers, they made shirts or other coverings of felt,
and put them on for their defence.³ Thucydides
refers to the use of similar means to protect the
body from arrows;⁴ and even in besieging and de-
fending cities, felt was used, together with hides and
sackcloth, to cover the wooden towers and military
engines.⁵

PILI'CREPUS. (Vid. PILA.)

*PILOS (*πίλος*), most probably, according to Ad-
ams, the Gall of the Oak, or *Cynipis nidus Galla dic-
tus* of the Edinburgh Dispensatory.⁶

PILUM. (Vid. HASTA, p. 489.)

PINACOTHE'CA (*πίναξ,θήκη*), a Picture-galle-
ry. Marcellus, after the capture of Syracuse, first
displayed the works of Greek painters and sculptors
to his countrymen, whose taste for the fine arts was
gradually matured by the conquests of L. Scipio,
Flaminius, and L. Paullus, and grew into a passion
after the spoils of Achaia had been transported by
Mummius to Rome. Objects of this description
were at first employed exclusively for the decoration
of temples and places of public resort, but pri-
vate collections were soon formed; and, towards
the close of the Republic, we find that in the houses
of the more opulent a room was devoted to the re-
ception of paintings and statues.⁷ In the time of
Augustus, Vitruvius includes the pinacotheca among
the ordinary apartments of a complete mansion, and
gives directions that it should be of ample size and
facing the north, in order that the light might be
equable and not too strong.⁸

*PINNA (*πίνα*), a species of bivalved shellfish,
of the muscle kind, the same with our pearl mus-
cle. It is referable to the genus *Pinna*, L. The
ancient stories respecting the *Pinna*, and its com-
panion the small crab, are purely imaginary.⁹ (Vid.
PINNOPHYLAX.)

*PINNOPHYLAX (*πιννοφύλαξ* or *πιννοθήρης*), a
minute species of Crab, the *Cancer Pinnoteres*, L.,
found in the shell of the *πίνα*, and supposed by the
ancients to act as a watch or guard for the latter.
Hence its Greek name of *πιννοφύλαξ*, from *πίνα*
and *φύλαξ*, "a guard," and its other Greek appella-
tion of *πιννοθήρης*, from *πίνα* and *θηρέω*, "to pre-
serve" or "keep." The ancients believed that the
Pinnophylax kept guard by the mouth of the *Pinna*
as it lay open, and, when any small fish came near,
it slightly bit, as a signal, the inner parts of the *Pin-
na*, passing within at the same time; the *Pinna*
thereupon immediately closed its mouth, and ban-
queted along with the Pinnophylax upon the cap-
tive. Cuvier regards the whole story as fabulous.
Pennant calls the *Pinnophylax* the Pea-crab, *Cancer
pisum*.¹⁰

*PINUS (*πέυκη*), the Pine-tree. "The species
of *Pines* are so indistinctly marked in the ancient
works that they cannot now be recognised. Sprengel,
after changing his mind several times on the sub-
ject, comes at last to the conclusion that the

(Suet., Octav., 82.)—2. (Dio Cass., lix., 7.)—3. (Callim.,
fr., 125.)—4. (Plant., Amph., Prol., 143; L., i., 287.—Pseud.,
iv., 45; IV., vii., 90.—Brunck, Anal., ii., 170.)—5. (Costume,
l.)—6. (Brunck, Anal., i., 5; ii., 41.—Philemon, p. 367, ed.
Beke.—Pollux, Onom., x., 164.)—7. (Arnob., adv. Gent.,
Martianus Capella, ii., 176.—Ephippus ap. Athen., xii., 537,
8. (Dion Cass., l. c.—Callim., Frag., 124.—Schol. in Soph.,
Col., 316.)—9. (Brunck, Anal., ii., 384.—Diog. Laert., vi.,
)—10. (Arrian, Tact., p. 12, ed. Biancardi.)

1. (xii., 537, e.)—2. (Athen., vi., 274.)—3. (Cæs., B. C., iii.,
44.)—4. (iv., 34.—Schol. ad loc.)—5. (Æneas Tactius, 33.)—6.
(Theophr., H. P., iii., 7.—Adams, Append., s. v.)—7. (Varro, R.
R., i., 2, 59.—Cic. in Verr., II., i., 21.)—8. (Vitruv., i., 2; vi., 5, 7.
—Compare Plin., H. N., xxv., 2, 7, 11.—Mazon, Le Palais de
Scaurus, cap. ix.—Becker, Gallus, vol. i., p. 92.)—9. (Guerin,
Dict. d'Hist. Nat., s. v. Pinothère, vol. xiii., p. 606.)—10. (Id.
ib ;

πέυκη is the *Pinus cembra*, or Siberian Stone Pine. Stackhouse hesitates between it and the *P. pinca*, or Stone Pine. Its fruit is called *σπρόβιλοι*.¹ Sibthorp speaks as follows of the *Pinus maritima*, to which he gives the modern Greek name of *πέυκος*: "This is one of the most useful trees in Greece. It furnishes a resin (*βηρίνη*), tar, and pitch (*πίσσα*), all of considerable importance for economical purposes. Throughout Attica, the wine is preserved from becoming acid by means of the resin, which is employed in the proportion of an oke and a half to 20 okes of wine. The tar and pitch for ship-building are taken from this tree and the *πίτυς*, or *Pinus pinca*. The resinous parts of the wood of the *πέυκος* are cut into small pieces, and serve for candles, called in modern Greek *δάδια* (a corruption of the ancient *δάδες*). The cones (*κόννοι*) are sometimes put into the wine barrels." A practice very general throughout Greece, but which is particularly prevalent at Athens, may perhaps, in some degree, account for the connexion of the fir-cone (surmounting the thyrsus) with the worship of Bacchus. Incisions are made into the fir-trees for the purpose of obtaining the turpentine, which distils copiously from the wound. This juice is mixed with the new wine in large quantities; the Greeks supposing that it would be impossible to keep it any length of time without this mixture. The wine has, in consequence, a very peculiar taste, but is by no means unpleasant after a little use. This, as we learn from Plutarch, was an ancient custom also: the Athenians, therefore, might naturally enough have placed the fir-cone in the hands of Bacchus.² (*Vid. PITYS*.)

*PIPER. (*Vid. PEPERI*.)

PISCATORII LUDI. (*Vid. LUDI PISCATORII*.)

PISCINA. (*Vid. BATHS*, p. 148.)

*PISSASPHALTOS (*πισσάσφαλτος*), probably the *Maltha*, or Mineral Pitch of modern mineralogists. Cleaveland says of it: "The ancients are reported to have employed it as a cement in the construction of walls and buildings."³

*PISTACIA (*πιστάκια*), the Pistachio-nut-tree, or *Pistachia vera*.⁴ "The Pistachio nut is very celebrated," says Adams, "in the East and in Sicily. Galen says that it possesses a certain degree of bitterness and astringency, and that it proves useful in obstructions of the liver, but that it affords little nourishment. He adds that it is neither beneficial nor injurious to the stomach. Simeon Seth remarks that the moderns looked upon Pistacia as stomachic. Averrhoes speaks highly of them. Rhases says they are of a hotter nature than almonds. Theophrastus describes the Pistachio-tree as a species of turpentine, and it is now acknowledged as such."⁵

PISTILLUM. (*Vid. MORTARIUM*.)

PISTOR (*ἀρτοποιός*), a Baker, from *pinsere*, to pound, since corn was pounded in mortars before the invention of mills. (*Vid. MOLA*.) At Rome bread was originally made at home by the women of the house; and there were no persons at Rome who made baking a trade, or any slaves specially kept for this purpose in private houses, till B.C. 173.⁶ In Varro's time, however, good bakers were highly prized, and great sums were paid for slaves who excelled in this art.⁷ The name was not confined to those who made bread only, but was also given to pastry-cooks and confectioners, in which case, however, they were usually called *pistores dulciarii* or *candidarii*.⁸ The bakers at Rome, like most other tradespeople, formed a collegium.⁹

Bread was often baked in moulds called *artoptia*, and the loaves thus baked were termed *artoptica*. In one of the bakehouses discovered at Pompeii, several loaves have been found apparently baked in moulds, which may therefore be regarded as *artoptici*; they are represented below. They are flat, and about eight inches in diameter.



Bread was not generally made at home at Athens, but was sold in the market-place chiefly by women called *ἀρτοποιίδες*.¹ These women seem to have been what the fish-women of London are at present; they excelled in abuse, whence Aristophanes² says, *λοιδορεῖσθαι ὡς περ ἀρτοποιίδας*.³

PISTRINUM. (*Vid. MOLA*, *MORTARIUM*.)

*PITHECUS. (*Vid. SIMIA*.)

*PITYOCAMPE (*πιτυοκάμπη*), the Caterpillar of the pine-tree. "Sprengel remarks that there are several species of caterpillars which infest pines, such as the *Liparis monacha*, *Laxiocampa pini*, &c. They are treated of as being deadly poisons by Dioscorides and the other writers on Toxicology."⁴

*PITYS (*πίτυς*), the *Pinus pinca*, or Stone Pine. "Stackhouse," says Adams, "complains of the difficulty of distinguishing the *πέυκη* from the *πίτυς* of Theophrastus. Both Sprengel and Stackhouse think they see traces of the Larch, or *Pinus larix*, in the *πίτυς φθειροφόρος*, but I agree with Schneider that there are no certain grounds for this opinion. Sprengel sets down the *πίτυς* of Dioscorides as being the *Pinus pinca*, or Stone Pine." According to Coray, the *πίτυς* is called in modern Greek *κοκκωνάρια*, from the fruit *κοκκωνάριον*, anciently called *σπρόβιλος*. *Κοκκωνή* also was an ancient name. The kernels of the Stone Pine are brought to table in Turkey. According to Russell, they are very common in the kitchens of Aleppo. The seeds of the Stone Pine are still collected with great industry in Elis, and form an object of exportation to Zante and Cephalonia, as well as other places. Both the *πίτυς* and *πέυκη* are much used for ship-building. Their timber is said to be much harder and tougher than that of our northern firs, and, consequently, more lasting.⁵

PLÆTORIA LEX. (*Vid. CURATOR*.)

PLAGA. (*Vid. RETE*.)

PLAGIARIUS. (*Vid. PLAGIUM*.)

PLAGIUM. This offence was the subject of a *Fabia lex*, which is mentioned by Cicero,¹ and is assigned to the consulship of Quintus Fabius and M. Claudius Marcellus, B.C. 183. The chief provisions of the *lex* are collected from the Digest.² "If a freeman concealed, kept confined, or knowingly, with *dolus malus*, purchased an ingenuus or libertus against his will, or participated in any such act; or if he persuaded another man's male or female slave to run away from a master or mistress, or without the consent or knowledge of the master

1. (Theophr., H. P., i., 3.—Dioscor., i., 86.—Adams, Append., s. v.—Walpole's Memoirs, vol. i., 235, 236.—2. (Dioscor., i., 100.—Adams, Append., s. v.)—3. (Nicand., Phœnic., 691.—Adams, Comment. in Paul. Ægin., 107.)—4. (Plin., H. N., xviii., 11, s. 28.)—5. (Gell., xv., 19.)—6. (Mart., xvi., 222.—Orelli, Inscrip., n. 4263.)—7. (Dig. 3, tit. 4, s. 1.—Dig. 27, tit. 1, s. 46.)

1. (Plin., H. N., xviii., 11, s. 27, 28.—Plant. Aulul., s. 9, § 4.)—2. (Compare Aristoph., Vesp., 1389, &c.)—3. (Id., Ran., 994.)—4. (Becker, Charikles, vol. i., p. 254.)—5. (Adams, Append., s. v.)—6. (Theophr., H. P., iii., 7.—Id., e. Pl., i., 9.—Dioscor., i., 86.—Adams, Append., s. v.)—7. (Nro. Vesp., s. 2, § 1.—Dig., tit. 14, s. 6.)

ess concealed, kept confined, or purchased by, with dolus malus, such male or female participated in any such acts, he was liable penalties of the lex Fabia." The penalty of was pecuniary; but this fell into disuse, and who offended against the lex were punished to the nature of their offence, and were condemned to the mines. A senatus consultum legem Fabiam did not allow a master or sell a runaway slave, which was techal "fugam vendere;" but the provision not apply to a slave who was merely abto the case of a runaway slave when the ad commissioned any one to go after him aim: it was the object of the provision to the recovery of runaway slaves. The the senatus consultum by which the lex is amended does not appear. The word is said to come from the Greek πλάγιος, obdirect, dolosus. He who committed plagiarius, a word which Martial¹ applies on who falsely gave himself out as the au book; and in this sense the word has o common use in our language.²

AT'ANUS (πλάτανος), the Plane-tree. can be no doubt," remarks Adams, "that avos of Theophrastus, Dioscorides, and the *Platanus Orientalis*, or Eastern Plane; fruit forms into spherical balls, which led σφαίρια by the Greeks, and pilulae by s." Another name for this tree was πλα-

Both appellations are derived from πλα- ad," as referring to the spreading branches i leaves of the Plane-tree.³

STRUM or PLOSTRUM, *dim.* PLOSTEL- ασα, *dim.* ἀμαξίς), a Cart or Wagon. This ad commonly two wheels, but sometimes it was then called the *plaustrum majus*. tion of four-wheeled wagons is attributed rgyrians.⁴

s the wheels and axle, the plaustrum con- a strong pole (*temo*), to the hinder part of is fastened a table of wooden planks. The stone, or other things to be carried, were d upon this table without any other sup- additional security was obtained by the r of boards at the sides (*ὑπερπερία*), or of eker basket tied upon the cart (*περίον*). exed woodcut, taken from a bas-relief at hibits a cart, the body of which is sup- a basket. Similar vehicles are still used parts of Europe, being employed more es- o carry charcoal.



y cases, though not universally, the wheels ened to the axle, which moved, as in our s carts, within wooden rings adapted for tion, and fastened to the body. These re called in Greek ἀμαξόποδες, in Latin e. The parts of the axis which revolved em were sometimes cased with iron.⁷

53.)—2. (Dig. 48, tit. 15.—Cod., ix., 20.—Paulus, 6, A.)—3. (Theophr., H. P., i., 4.—Dioscor., i., 107.—mend., s. v.)—4. (Plin., H. N., vii., 56.)—5. (Hom., —Plato, Theat., p. 467, ed. Heindorff.)—6. (Hom., 77.—Od., xv., 131.)—7. (Vitruv., x., 20, s. 14.)

The commonest kind of cart-wheel was that called *tympanum*, "the drum," from its resemblance to the musical instrument of the same name.¹ It was nearly a foot in thickness, and was made either by sawing the trunk of a tree across in a horizontal direction, or by nailing together boards of the requisite shape and size. It is exemplified in the preceding woodcut, and in the sculptures on the arch of Septimius Severus at Rome. Although these wheels were excellent for keeping the roads in repair, and did not cut up the fields, yet they rendered it necessary to take a long circuit in turning. They advanced slowly.² They also made a loud creaking, which was heard to a great distance (*stridentia plaustra*,³ *gemitia*⁴). Their rude construction made them liable to be overturned with their load of stone, timber, manure, or skins of wine,⁵ whence the Emperor Hadrian prohibited heavily-loaded wagons from entering the city of Rome.⁶ The wagoner was sometimes required to aid the team with his shoulder. Accidents of this kind gave origin to the proverb "*Plaustrum perculi*," meaning, "I have had a misfortune."⁷ Carts of this description, having solid wheels without spokes, are still used in Greece⁸ and in some parts of Asia.⁹

PLEBES II LUDI. (*Vid.* LUDI PLEBES II.)

PLEBES or PLEBS, PLEBES II. This word contains the same root as *im-pleo*, *com-pleo*, &c., and is, therefore, etymologically connected with πλῆθος, a term which was applied to the plebeians by the more correct Greek writers on Roman history, while others wrongly called them δῆμος or οἱ δημοτικοί.

The plebeians were the body of commons or the commonalty of Rome, and thus constituted one of the two great elements of which the Roman nation consisted, and which has given to the earlier periods of Roman history its peculiar character and interest. Before the time of Niebuhr, the most inconsistent notions were entertained by scholars with regard to the plebeians and their relations to the patricians; and it is one of his peculiar merits to have pointed out the real position which they occupied in the history of Rome.

The ancients themselves do not agree respecting the time when the plebeians began to form a part of the Roman population. Dionysius and Livy represent them as having formed a part of the Romans as early as the time of Romulus, and seem to consider them as the low multitude of outcasts who flocked to Rome at the time when Romulus opened the asylum.¹⁰ If there is any truth at all in these accounts of the plebeians, we can only conceive them to have been the original inhabitants of the districts occupied by the new settlers (Romans), who, after their territory was conquered, were kept in that state of submission in which conquered nations were so frequently held in early times. There are also some other statements referring to such an early existence of the plebeians; for the clients, in the time of Romulus, are said to have been formed out of the plebeians.¹¹ In the early times of Rome, the position of a client was in many respects undoubtedly far more favourable than that of a plebeian, and it is not improbable that some of the plebeians may for this reason have entered into the relation of clientela to some patricians, and have given up the rights which they had as free plebeians; and occurrences of this kind may have given

1. (Varro, De Re Rust., iii., 5.—Virg., Georg., ii., 444.)—2. (Virg., Georg., i., 138.)—3. (Virg., Georg., iii., 536.)—4. (Id., Æn., xi., 138.)—5. (Juv., iii., 241-243.)—6. (Spartan, Hadr., 22.)—7. (Plaut., Epid., IV., ii., 22.)—8. (Dodwell's Tear, vol. ii., p. 102, 103.)—9. (Sir R. K. Porter's Travels, vol. ii., p. 533.)—10. (Dionys., i., 8.—Liv., i., 8.)—11. (Dionys., i., 9.—Plat. Romul., 13.—Cic., De Repub., ii., 9.—Festus, s. v. Patrocinia.)

rise to the story mentioned by the writers just referred to.

Whatever may be thought of the existence of plebeians at Rome in the earliest times, their number, at all events, cannot have been very great. The time when they first appear as a distinct class of Roman citizens, in contradistinction to the patricians, is in the reign of Tullus Hostilius. Alba, the head of the Latin confederacy, was in his reign taken by the Romans and razed to the ground. The most distinguished of its inhabitants were transplanted to Rome and received among the patricians; but the great bulk of Alban citizens, who were likewise transferred to Rome, received settlements on the Cælian Hill, and were kept in a state of submission to the *populus Romanus*, or the patricians. This new population of Rome, which in number is said to have been equal to the old inhabitants of the city, or the patricians, were the plebeians. They were Latins, and, consequently, of the same blood as the Ramnes, the noblest of the three patrician tribes.¹ After the conquest of Alba, Rome, in the reign of Ancus Marcius, acquired possession of a considerable extent of country, containing a number of dependant Latin towns, as Medullia, Fidene, Politorium, Tellene, and Ficana. Great numbers of the inhabitants of these towns were again transplanted to Rome, and incorporated with the plebeians already settled there, and the Aventine was assigned to them as their habitation.² Some portions of the land which these new citizens had possessed were given back to them by the Romans, so that they remained free land-owners as much as the conquerors themselves, and thus were distinct from the clients.

The order of plebeians, or the commonalty, which had thus been formed, and which far exceeded the *populus* in number, lived partly in Rome itself in the districts above mentioned, and partly on their former estates in the country subject to Rome, in towns, villages, or scattered farms. The plebeians were citizens, but not *optimo jure*; they were perfectly free from the patricians, and were neither contained in the three tribes, nor in the curie, nor in the patrician gentes. They were, consequently, excluded from the comitia, the senate, and all civil and priestly offices of the state. Dionysius is greatly mistaken in stating that all the new citizens were distributed among the patrician curies, and under this error he labours throughout his history, for he conceives the patricians and plebeians as having been united in the comitia curiata.³ That the plebeians were not contained in the curies is evident from the following facts: Dionysius himself⁴ calls the curies a patrician assembly; Livy⁵ speaks of a *lex curiata*, which was made without any co-operation on the part of the plebeians; and those who confirm the election of kings or magistrates and confer the imperium, are in some passages called patricians, and in others curie,⁶ which shows that both were synonymous. That the plebeians did not belong to the patrician gentes, is expressly stated by Livy.⁷ The only point of contact between the two estates was the army; for, after the inhabitants of Alba had been transplanted to Rome, Tullus Hostilius doubled the number of legions of the Roman army.⁸ Livy also states that Tullus Hostilius formed ten new *turnæ* of equites; but whether these new *turnæ* consisted of Albans, as Livy says, or whether they were taken from the three old tribes, as Götting⁹ thinks, is only matter

of speculation. The plebeians were thus obliged to fight and shed their blood in the defence and support of their new fellow-citizens, without being allowed to share any of their rights or privileges, and without even the right of intermarriage (*connubium*). In all judicial matters they were entirely at the mercy of the patricians, and had no right of appeal against any unjust sentence, though they were not, like the clients, bound to have a patronus. They continued to have their own *sacra* which they had before the conquest, but they were regulated by the patrician pontiffs.¹ Lastly, they were free land-owners, and had their own gentes. That a plebeian, when married to a plebeian woman, had the *patria potestas* over his children, and that, if he belonged to a plebeian gens, he shared in the *jura* and *sacra gentilia* of that gens, are points which appear to be self-evident.

The population of the Roman state thus consisted of two opposite elements; a ruling class or an aristocracy, and the commonalty, which, though of the same stock as the noblest among the rulers, and exceeding them in numbers, yet enjoyed none of the rights which might enable them to take a part in the management of public affairs, religious or civil. Their citizenship resembled the relation of aliens to a state, in which they are merely admitted on condition of performing certain services, and they are, in fact, sometimes called *peregrini*. While the order of the patricians was perfectly organized by its division into curie, *decurie*, and gentes, the commonalty had no such organization, except its division into gentes; its relations to the patricians were in no way defined, and it consequently had no means of protecting itself against any arbitrary proceedings of the rulers. That such a state of things could not last, is a truth which must have been felt by every one who was not blinded by his own selfishness and love of domination. Tarquinius Priscus was the first who conceived the idea of placing the plebeians on a footing of equality with the old burghers, by dividing them into tribes, which he intended to call after his own name and those of his friends.² But this noble plan was frustrated by the opposition of the augur *Attus Navius*, who probably acted the part of a representative of the patricians. All that Tarquinius could do was to effect the admission of the noblest plebeian families into the three old tribes, who were distinguished from the old patrician families by the names of Ramnes, Tities, and Luceres *secundi*, and their gentes are sometimes distinguished by the epithet *minores*, as they entered into the same relation in which the Luceres had been to the first two tribes before the time of Tarquinius.³ This measure, although an advantage to the most distinguished plebeian families, did not benefit the plebeians as an order; for the new patricians must have become alienated from the commonalty, while the patricians, as a body, were considerably strengthened by the accession of the new families.

It was reserved to his successor, Servius Tullius, to give to the commonalty a regular internal organization, and to determine their relations to the patricians. The intention of this king was not to upset the old constitution, but only to enlarge it, so as to render it capable of receiving within itself the new elements of the state. He first divided the city into four, and then the subject country around, which was inhabited by plebeians, into twenty-six regions or local tribes,⁴ and in these regions he assigned lots of land to those plebeians who

1 (Liv., i., 30.—Dionys., iii., 29, 31.—Val. Max., iii., 4, § 1.)
—2 (Liv., i., 33.—Dionys., iii., 31, 37.)—3 (iv., 12; ix., 41.)
—4 (iv., 76, 78.)—5 (v., 46.)—6 (Dionys., ii., 69; vi., 90; x., 4.—Liv., vi., 42.—Compare Niebuhr, Hist. of Rome, ii., p. 120.)
—7 (x., 8.)—8 (Liv., i., 30.)—9 (Gesch. der Röm. Staatsv., p. 225.)

1 (Fest., s. v. *Municipalia sacra*.)—2 (Verrius Flaccus in Fest., s. v. *Navia*.—Liv., i., 36, &c.—Dionys., iii., 71.—Cic. De Repub., ii., 20.)—3 (Fest., s. v. *Sex Veste Sacerdotum*.—Cic. De Repub., ii., 23.—Liv., i., 35, 47.)—4 (Liv., i., 42.—Dionys., iv., 14, &c.)

landed property. Niebuhr¹ thinks the plebeians consisted of seven *jugera* which is controverted by Götting.² Four city tribes, it should be observed, the *Montemurronensis* and the *Capitolina* were not in the *plebs*; the former forming a part of the *patricians*, and the latter being, as it were, the *patricians*'s gods.³ The twenty-six country tribes mentioned by Livy in his account of the *plebs*, and where he first speaks of the number of tribes,⁴ he only mentions the number of thirty. Niebuhr⁵ is undoubtedly right in this number with the *plebs*, by the supposition that in the year 509 B.C. Rome lost one third of her tribes, so that there were only thirty, therefore, after the immigration of their clients, a new tribe was added in only mentioning twenty-five and thirty Servian tribes did not, at least contain any patricians; and even had come to Rome, it is not necessary that the gens *Claudia*, which rank of patrician, was contained in the new tribe probably consisted of whom lands were assigned beyond the *plebs* (pare *TRIBUS*.) Some of the clients however, were probably contained in the *plebs*.⁶ Each tribe had its *præfatus*, (*Vid. TRIBUNUS*.) The tribes had their *præfatus*, festivals, and meetings (*comitia*) were convoked by their *tribunes*. The *plebs* into tribes, with *tribunes* at their head, more than an internal organization analogous to the division of the *plebs* into thirty *curiæ*, without conferring the right to interfere in any way in the public affairs, or in the elections, entirely to the senate and the *curiæ*, but, however, they obtained by the law of Servius Tullius, which was independent of the thirty tribes. For he instituted a census, and divided the Roman citizens, plebeians as well as patricians, into five classes, according to their property. Taxation and the *plebs* were arranged according to these classes in such a manner that the heavier burdens fell on the wealthier classes. The whole body of the *plebs* was divided into a great number of *comitatus maximus* or *centuriæ*. (*Vid. COMITIA*, p. 295, &c.) In the *plebs* now met the patricians on a footing of equality, but the votes in such a way that it was always the wealthiest classes, to which originally belonged, to decide a question put to the vote of the poorer classes. The number of such noble plebeian clients, the subjugation of the Latin towns, fitted into the *curiæ* by Tarquinio now constituted by Servius into a *plebs*, with twelve suffragia in the *comitia*. (*Vid. EQUITES*, p. 414, &c.) Lastly it is said to have regulated the *plebs* between the two orders by about fifty *οὐς μὲν συναλλακτικῶς καὶ τοὺς ἄλλους*.)

During the reign of the last king, the plebeians, as such, did not belong to the senate, nor to the higher offices, nor to any of the priestly offices. The *plebs* sees the patricians alone thought

themselves entitled by divine right. The plebeians also continued to be excluded from occupying any portion of the public land, which as yet was only possessed by the patricians, and were only allowed to keep their cattle upon the common pasture, for which they had to pay to the state a certain sum. It is true that by the acquisition of wealth plebeians might become members of the first property class, and that thus their votes in the *comitia* might become of the same weight as that of the patricians, but the possibility of acquiring such wealth was diminished by their being excluded from the use of the *ager publicus*. Niebuhr¹ infers from the nature of the Servian constitution that it must have granted to the plebeians greater advantages than those mentioned by our historians: he conceives that it gave to them the right of appeal to their own assembly, and to pass sentence upon such as grossly infringed their liberties; in short, that the Servian constitution placed them on the same footing in regard to the patricians as was afterward permanently effected by the laws of C. Licinius and L. Sextius. There is no doubt that such might and should have been the case, but the arguments which he brings forward in support of his hypothesis do not appear to be convincing, as has been pointed out by Götting.² All that we know for certain is, that Servius gave to the body of the plebeians an internal organization by the establishment of the thirty plebeian tribes, and that in the *comitia centuriata* he placed them, at least apparently, on a footing of equality with the *populus*. Whether he intended to do more, or would have done more if it had been in his power, is a different question. But facts like those stated above were sufficient, at a later period, when the benefits actually conferred upon the plebeians were taken away from them, to make the grateful commonalty look upon that king as its great patron, and even regard him as having granted all those rights which subsequently they acquired after many years of hard struggle. Thus what he actually had done was exaggerated to what he possibly might have done or would have wished to do. In this light we have to regard the story that he intended to lay down his royal dignity, and to establish the government of two consuls, one of whom was to have been a plebeian.

During the reign of the last king, the plebeians not only lost all they had gained by the legislation of his predecessor,³ but the tyrant also compelled them to work like slaves in his great architectural works, such as the *cloacæ* and the *circus*.

On the establishment of the Republic, the *comitia centuriata*, and perhaps the whole constitution, such as it had been before the reign of the last Tarquinus, were restored, so that the patricians alone continued to be eligible to all the public offices.⁴ That the *comitia centuriata* were restored immediately after the banishment of the Tarquins, may be inferred from the words of Livy,⁵ who says that the first consuls were elected *ex commentariis Servii Tullii*, for these words probably refer to the *comitia centuriata*, in which, according to the regulations of King Servius, the elections were to be held. There was still no connubium between the two orders, and the *populus* was still, in every respect, distinct from the *plebs*. Considering the fact that the patricians reserved for themselves all the powers which had formerly been concentrated in the king, and that these powers were now given to a number of patrician officers, we must admit that the plebeians, at the commencement of the Republic, were worse off than if the kingly rule had contin-

(p. 239, &c.)—3. (Varro, De Ling. Lat., i., 1.)—4. (ii., 21.—Compare Dionys., vii., 64.) Liv., ii., 16.)—7. (Liv., l. c.)—8. (Dionys., iv., 14.—Appian, Civil., i., 23.)—10. Compare v., 2; vi., 22.—Götting, p. 240.)

1. (i., p. 430, &c.)—2. (p. 265, &c.)—3. (Dionys., iv., 43, 44.) 4. (Liv., iv., 6; vi., 40, &c.; x., 8.)—5. (i., 60.)

ned under the institutions introduced by Servius. They, however, soon gained some advantages. The vacancies which had occurred in the senate during the reign of the last king were filled up with the most distinguished among the plebeian equites (*patres conscripti*)¹ (*vid. SENATUS*), and Valerius Publicola carried a number of laws by which the relations between patricians and plebeians were more accurately defined than they had hitherto been, and which also afforded some protection to the plebeians. (*Vid. VALERIE LEGES*.) Both orders acted in common only in the army and the *comitia centuriata*, in which, however, the patricians exercised an overwhelming influence, through the number of their clients who voted in them; and, in addition to this, all decrees of the centuries still required the sanction of the curie. Notwithstanding these disadvantages, the plebeians occupied a position which might soon have enabled them to rise to a perfect equality with the patricians, had not a great calamity thrown them back, and put an end to their political progress. This was the unfortunate war with Porsenna, in which a great number (a third) of the plebeians lost their estates, became impoverished, and perhaps, for a time, subject to the Etruscans.

In the mean while, the patricians, not satisfied with the exercise of all the authority in the state, appear not seldom to have encroached upon the rights granted to the plebeians by the Valerian laws.² Such proceedings, and the merciless harshness and oppression on the part of the rulers, could not fail to rouse the indignation and call forth the resistance of the plebeians, who gradually became convinced that it was impossible to retain what they possessed without acquiring more. The struggle which thus originated between the two parties is, as far as the commonalty is concerned, one of the noblest that has ever been carried on between oppressors and oppressed. On the one hand we see a haughty and faithless oligarchy applying all means that the love of dominion and selfishness can devise; on the other hand, a commonalty forbearing to the last in its opposition and resistance, ever keeping within the bounds of the existing laws, and striving after power, not for the mere gratification of ambition, but in order to obtain the means of protecting itself against fraud and tyranny. The details of this struggle belong to a history of Rome, and cannot be given here; we can only point out in what manner the plebeians gradually gained access to all the civil and religious offices, until at last the two hostile elements became united into one great body of Roman citizens with equal rights, and a state of things arose totally different from what had existed before.

After the first secession in B.C. 494, the plebeians gained several great advantages. First, a law was passed to prevent the patricians from taking usurious interest of money which they frequently lent to impoverished plebeians;³ secondly, tribunes were appointed for the protection of the plebeians (*vid. TRIBUNI*); and, lastly, plebeian *ædiles* were appointed. (*Vid. ÆDILES*.) Shortly after, they gained the right to summon before their own *comitia tributa* any one who had violated the rights of their order,⁴ and to make decrees (*plebiscita*), which, however, did not become binding upon the whole nation until the year B.C. 449. (*Vid. PLEBISCITUM*.) A few years after this (445 B.C.), the tribune Canuleius established, by his rogations, the *connubium* between patricians and plebeians.⁵ He also

attempted to divide the consulship between the two orders, but the patricians frustrated the realization of this plan by the appointment of six military tribunes, who were to be elected from both orders. (*Vid. TRIBUNI*.) But that the plebeians might have no share in the censorial power with which the consuls had been invested, the military tribunes did not obtain that power, and a new curule dignity, the censorship, was established, with which patricians alone were to be invested. (*Vid. CENSOR*.) Shortly after the taking of Rome by the Gauls, we find the plebeians again in a state little better than that in which they had been before their first secession to the Mons Sacer. In B.C. 443, however, they were admitted to the *questura*, which opened to them the way into the senate, where henceforth their number continued to increase. (*Vid. QUÆSTOR, SENATUS*.) In B.C. 367, the tribunes L. Licinius Stolo and L. Sextius placed themselves at the head of the commonalty, and resumed the contest against the patricians. After a fierce struggle, which lasted for several years, they at length carried a rogation, according to which *decemvirs* were to be appointed for keeping the *Sylline* books instead of *duumvirs*, of whom half were to be plebeians.¹ The next great step was the restoration of the consulship, on condition that one consul should always be a plebeian. A final rogation of Licinius, which was only intended to afford momentary relief to the poor plebeians, regulated the rate of interest. From this time onward the plebeians also appear in the possession of the right to occupy parts of the *Ager Publicus*.² In B.C. 366, L. Sextius Lateranus was the first plebeian consul. The patricians, however, who always contrived to yield no more than what it was absolutely impossible for them to retain, stripped the consulship of a considerable part of its power, and transferred it to two new curule offices, viz., that of *praetor* and of *curule ædile*. (*Vid. ÆDILES, PRÆTOR*.) But, after such great advantages had been obtained by the plebeians, it was impossible to stop them in their progress towards a perfect equality of political rights with the patricians. In B.C. 350, C. Marcus Rutilius was the first plebeian dictator, in B.C. 351, the censorship was thrown open to the plebeians, and in B.C. 336, the praetorship. The Ogulnian law, in B.C. 300, also opened to them the offices of *pontifex* and *augur*. These advantages were, as might be supposed, not gained without the fiercest opposition of the patricians; and even after they were gained and sanctioned by law, the patricians exerted every means to obstruct the operation of the law. Such fraudulent attempts led, in B.C. 286, to the last secession of the plebeians, after which, however, the dictator Q. Hortensius successfully and permanently reconciled the two orders, secured to the plebeians all the rights they had acquired until then, and procured for their *plebiscita* the full power of *leges* binding upon the whole nation.

In a political point of view, the distinction between patricians and plebeians now ceased, and Rome, internally strengthened and united, entered upon the happiest period of her history. How completely the old distinction was now forgotten, is evident from the fact that henceforth both consuls were frequently plebeians. The government of Rome had thus gradually changed from an oppressive oligarchy into a moderate democracy, in which each party had its proper influence, and the power of checking the other, if it should venture to assume more than it could legally claim. It was this constitution, the work of many generations,

1. (*Liv.*, ii., 1.—*Dionys.*, v., 13.—*Fest.*, s. v. *Qui patres*.—*Plut.*, *Public.*, 11.)—2. (*Liv.*, ii., 27.)—3. (*Dionys.*, vi., 83.)—4. (*Fest.*, s. v. *Sacer Mons*.—*Götting.*, p. 300, &c.)—5. (*Liv.*, iv., 44; v., 11, 12.—*Dionys.*, x., 60; xi., 28.—*Cic.*, *De Republ.*, ii., 37.)

1. (*Liv.*, vi., 27, 42.)—2. (*Liv.*, vii., 16.—*Niebuhr*, iii., p. I., &c.)

cited the admiration of the great statesman is.

stated above that the plebeians, during their life with the patricians, did not seek power for the gratification of their ambition, but as a ready means to protect themselves from oppression. The abuse which they, or, rather, their sons, made of their power, belongs to a much later age, and no traces of it appear until more than a century after the Hortensian law; and even in that power was only abused by individuals, and on behalf of the real plebeians, but of a declining democratical party, which is unfortunately designated by later writers by the name of *populus*, and thus has become identified with them.

who know the immense influence which rendered its public ministers had upon the whole government of the state, will not wonder that the *patres*, in their contest with the aristocracy, exacted themselves as much to gain access to the offices as to those of a purely political character. The latter, in reality, would have been of little avail without the former. The office of *curio maximus*, which the plebeians sought and obtained a century after the Ogulnian law,¹ seems to afford ground for supposing that in this office the plebeians sought a distinction merely for the purpose of extending their privileges; but the office had rendered it more than probable that the office of *curio maximus* was at that time of political importance than is generally believed.

It is also well known, that such priestly offices had little or no connexion with the management of public affairs, such as that of the *rex sacrorum*, the *flamines*, *Salii*, and others, were never held by the plebeians, and continued to be held by the patricians down to the latest times.²

The passing of the Hortensian law, the position between patricians and plebeians, and, with a few unimportant exceptions, orders were placed on a footing of perfect equality. Henceforth the name *populus* is sometimes applied to the plebeians alone, and sometimes to the whole body of Roman citizens, as assembled in the *comitia centuriata* or *tributa*.³ The term *plebs*, on the other hand, was applied, in the same manner of speaking, to the multitude or *plebs*, in opposition to the *nobiles* or the *senatorium*.

A person who was born a plebeian could only be raised to the rank of a patrician by a *lex curiata*, sometimes done during the kingly period, and in the early times of the Republic. Cæsar was the first who ventured in his own name to raise a plebeian to the rank of patricians, and his example followed by the emperors. (Vid. PATRICII.)

requently occurs in the history of Rome that the same gens contains plebeian as well as patrician families. In the gens *Cornelia*, for instance, we find the plebeian families of the *Balbi*, *Clæ*, *Merulæ*, &c., along with the patrician families of the *es*, *Sullæ*, *Lentulæ*, &c. The occurrence of the same nomen may be accounted for in different ways. It may have been that one branch of a plebeian family was made patrician, while the others remained plebeians.⁴ It may also have happened that some families had the same nomen gentile being actual members of the same gens.⁵ A plebeian family might go over to the patrician, and, as such a family continued to bear the

name of its patrician gens, this gens apparently contained a plebeian family.¹ At the time when no *connubium* existed between the two orders, a marriage between a patrician and a plebeian had the consequence, that the same nomen gentile belonged to persons of the two orders.² When a *pergrinus* obtained the *civitas* through the influence of a patrician, or when a slave was emancipated by his patrician master, they generally adopted the nomen gentile of their benefactor,³ and thus appear to belong to the same gens with him.

PLEBISCITUM, a name properly applied to a law passed at the *comitia tributa* on the rogation of a tribune. According to *Lælius*,⁴ he who had authority to convene, not the *universus populus*, but only a part, could hold a *concilium*, but not *comitia*; and as the tribunes could not summon the *patricii*, nor refer any matter to them, what was voted upon the proposal of the tribunes was not a *lex*, but a *scitum*. But in course of time *plebiscita* obtained the force of *leges* properly so called, and, accordingly, they are sometimes included in the term *leges*. (Vid. *LEX*, p. 579.)

Originally a *plebiscitum* required confirmation. The progress of change as to this matter appears from the following passages. A *lex Valeria*, passed in the *comitia centuriata* B.C. 449,⁵ enacted that the *populus* should be bound (*teneretur*) by that which the *plebs* voted *tributum*; and the same thing is expressed in other words thus: "*Scita plebis injuncta patribus.*" This *lex* was passed to settle the disputed question whether the *patres* were bound by *plebiscita*. A *lex Publilia*, 339 B.C.,⁶ was passed, to the effect that *plebiscita* should bind all the *Quirites*; and a *lex Hortensia*, B.C. 286, to the effect that *plebiscita* should bind all the *populus* (*uni versus populus*), as *Gaius*⁷ expresses it; or, "*ut e jure, quod plebes statuisset, omnes Quirites teneretur,*" according to *Lælius Felix*, as quoted by *Gellius*; and this latter is also the expression of *Pliny*.⁸ The *lex Hortensia* is always referred to as the *lex* which put *plebiscita*, as to their binding force, exactly on the same footing as *leges*.

If we might judge of the effect of the two preceding *leges* by the terms in which they are expressed, as above quoted, they were the same as the *Hortensian lex*. From the terms in which *Livy* speaks of the *lex Valeria*, it is clear that in that passage *populus* and *patres* are the same, and the only question in dispute was whether the *plebiscita* bound the rest of the state besides the *plebs*. Consistently with this, we read of the rogation of an agrarian *plebiscitum* shortly after, the carrying of which was only prevented by the senate prevailing on part of the tribunes to put their veto on the measure.⁹ No allusion is made to any power of the senate to prevent the carrying of such a measure; but the want of such power must be supposed, in order that the narrative may be intelligible. In the case of the *lex Canuleia*,¹⁰ it is said that the *patres* were at last prevailed upon to give their consent to the rogation on the *connubium* of the *patres* and the *plebs* being proposed. In this case the consent of the *patres* was considered necessary; but as this was a *plebiscitum*, which diminished, as they supposed, their rights, it is not inconsistent to say the *lex Valeria* made the *plebiscita* binding on the *populus*, and yet that a *plebiscitum* could not alter the privileges of the *populus*. A *plebiscitum* might appertain to a matter which indifferently concerned all, and such a *plebiscitum* would, consistently with *Livy's* expression, be a *lex*. It is, however, stated

¹ Livy, vii. 6, 8.—2. (Studien und Andeutungen, p. 95.)
² Livy, v. 1.—Cic., Pro Dom., 14.—Fest., s. v. Major.
³ Livy, xxvii. 5.—Cic. ad Att., iv. 2.—Gell., x. 20.
⁴ Just. Jug., 63.—Cic. ad Att., i. 16.—Hor., Epist., ii. 1, l. 1.—Bell. Alex., 3, &c.—6. (Cic., Brut., 16.—De Legg., seton., Ner., 1.)—7. (Cic., Brut., 16.—Tacit., Ann.,

1. (Livy, iv. 16.—Plin., H. N., xviii. 4.)—2. (Niebuhr, ii. p. 337, n. 756.—Suet., Octav., 2.)—3. (Cic. ad Fam., xiii. 35, 36, c. Verr., iv. 17.—Appian, Civil., i. 100.)—4. (Gell., xv. 27.)—5. (Livy, iii. 55, 67.)—6. (Livy, viii. 12.)—7. (ii. 3.)—8. (xv. 10.)—9. (Livy, iv. 48.)—10. (Livy, iv. 1, &c.)

by several modern writers that the effect of the Valeria lex was to put plebiscita on the footing of leges centuriatæ, when they had been first approved by the senate, or were subsequently approved by the senate and confirmed by the curiæ. It is Niebuhr's opinion, that the effect of the lex Publilia was to render a senatus consultum a sufficient confirmation of a plebiscitum, and to make the confirmation of the curiæ unnecessary; and that the effect of the lex Hortensia was to render unnecessary even the confirmation of the senate, and to give to the tributa comitia complete legislative force. Thus, by the lex Publilia, the senate succeeded to the place of the curiæ, and the tribes to that of the old burghers.¹ According to this view, the lex Publilia was not a mere repetition of the lex Valeria, as it would seem to be from the terms of Livy. Numerous passages of Livy are cited by modern writers in confirmation of their views as to the first two of these leges, but, on the whole, it is not easy to come to any certain conclusions for them. It would be no improbable hypothesis that our accounts of all early Roman legislation should be exceedingly confused, and that they are so is apparent enough. It would also be no improbable hypothesis to suppose that much of early Roman legislation was irregularly conducted, of which fact, also, there is evidence. It farther appears to be clear enough, that without farther information we must remain ignorant of the precise effect of the two leges herebefore mentioned, which preceded the lex Hortensia. It cannot be a matter of doubt that the objects which a plebiscitum might embrace must have been as important to determine as the forms which should give it validity; and that these objects which could be comprised in a plebiscitum were more limited in number and extent before the passing of the lex Hortensia than after, is easily shown.

The principal plebiscita are mentioned under the article LEX.

PLECTRUM. (Vid. LYRA, p. 605.)

PLEMO'CHOAI (πλημοχόαι). (Vid. ELEUSINIA, p. 396.)

PLETHRON (πλήθρον). (Vid. PES, p. 763.)

PLINTHOS (πλίνθος). (Vid. LATER.)

*PLOCIMOS (πλόκιμος), a sort of Reed. According to Sprengel, the *Arundo ampelodesmos*.²

PLUMARIII, a class of persons mentioned by Vitruvius,³ Varro,⁴ and in inscriptions. It cannot be decided with certainty what their exact occupation was: their name would lead us to suppose that it had something to do with feathers (*plumæ*). Salmasius⁵ supposes that they were persons who wove in garments golden or purple figures made like feathers. The word, however, probably signifies all those who work in feathers, as *lanarii* those who work in wool, and *argentarii* those who work in silver. Seneca⁶ speaks of dresses made of the feathers of birds.⁷

*PLUMBAGO (μολύβδαινα), a term which was sometimes applied to *Plumbago* or *Graphite*, and sometimes to *Molybdate of Lead*. "What the Latins call *Plumbago*," says Agricola, "the Greeks term *μολύβδαινα*. It appears to be an oxyde of lead." Sprengel says it is found in the mountains of Austria, consisting of oxyde of lead with molybdic acid, silica, and carbonate of lime. He alludes, as Adams supposes, to the molybdate of lead, or the *Plombe jaune* of Brochant, the yellow lead spar of Jameson.⁸

*PLUMBUM (μόλυβδος), Lead. "The ancients," says Fallopius, "distinguished lead into two kinds,

1. (iii., 490, &c.)—2. (Theophr. H. P., iv., 11.—Adams, Appendix, s. v.)—3. (vi., 7, p. 177, ed. Bip.)—4. (ap. Nonium, ii., p. 716.)—5. (ad Varro, Carin., c. 20.)—6. (Ep., 90.)—7. (Becker, Gallus, i., p. 44-48.)—8. (Dioscor., v., 100.—Galen, De Simpl., ix.—Adams, Appendix, s. v. Μολύβδαινα.)

the black and the white, the latter of which the Greeks called *κασσίτερος*." The former of these, namely, the *Plumbum nigrum*, was, according to Adams, the same as our lead, and comprehended several of the native varieties of it. The *κασσίτερος*, or *Plumbum album*, was the "Pyramidal Tin Ore" of Jameson, or oxyde of tin. (Vid. STRAS NUM.)¹

PLYNTERIA (from πλύνειν, to wash) was a festival celebrated at Athens every year on the 25th of Thargelion, in honour of Athena, surnamed Aglauros,² whose temple stood on the Acropolis.³ The day of this festival was at Athens among the *ἀσφράδες*, or *dies nefasti*; for the temple of the goddess was surrounded by a rope, to preclude all communication with it;⁴ her statue was stripped of its garments and ornaments for the purpose of cleaning them, and was in the mean while covered over to conceal it from the sight of man.⁵ The persons who performed this service were called *πυλντηρίδαι*.⁶ The city was therefore, so to speak, on this day without its protecting divinity, and any undertaking commenced on it was believed to be necessarily unsuccessful. A procession was also held on the day of the Plynteria, in which a quantity of dried figs, called *ἡγηγορία*, were carried about.⁷ Other particulars are not known.

PLUTEUS was applied in military affairs to two different objects: 1. A kind of shed, made of hides and covered with raw hides, which could be moved forward by small wheels attached to it, and under which the besiegers of a town made their approaches.⁸ 2. Boards or planks placed on the vallum of a camp, on movable towers or other military engines, as a kind of roof or covering for the protection of the soldiers.⁹

The word *pluteus* was also applied to any board used for the purpose of protection or enclosure, as, for instance, to the board at the head of a bed.¹⁰

PNEUMATICI (Πνευματικοί), a medical sect, founded at Rome by Athenæus of Cilicia in the time of Nero and Vespasian, about A. D. 69.¹¹ This was at the time when the Methodici enjoyed their greatest reputation, from whom the Pneumatici differed principally in that, instead of the mixture of primitive atoms (*δύκται*), they admitted an active principle of immaterial nature, to which they gave the name of *πνεῦμα*, spirit. This principle was the cause of health or disease, and from this word they derived their name. It is from Galen alone that we learn the doctrines of the founder of the Pneumatici, for of his numerous writings only a few fragments remain preserved by Oribasius. The theory of Plac had already laid the foundations of the doctrine of this ethereal substance, of which Aristotle was the first who gave a clear idea, in describing the ways by which the *πνεῦμα* is introduced into the body and the sanguineous system. The Stoics developed it still more, and applied it to the explanation of the functions of the body; and Erasistratus and his successors had made the *πνεῦμα* act a great part in the animal economy, whether in health or disease. The doctrine, therefore, of the Pneumatici could not be regarded as new. Galen, who gives the above history of it, asserts¹² that the Stoics followed the steps of Aristotle with respect to Physiology. The foundation, however, of the sect of the Methodici appears to have done away with much of the consideration

1. (Dioscor., v., 96.—Plin., H. N., xxiv., 47.—Isid., Orig., vii., 21.—Adams, Appendix, s. v. Μολύβδος.)—2. (Plut., Alex., 34.—Harpocr. et Suidas, s. v.)—3. (Herod., viii., 53.—Heesych., s. v. Πυλντηρία.)—4. (Pollux, Onom., viii., 141.)—5. (Plut., l. c.—Xen., Hellen., i., 4, § 12.)—6. (Plut., l. c.—Heesych., s. v.)—7. (Etymol. Magn.—Heesych., s. v. ἡγηγορία.)—8. (Festus, s. v.—Veget., iv., 15.—Liv., xxiv., 17.)—9. (Festus, s. v.—Cass., Bell. Gall., vi., 25, 41, 72.)—10. (Suet., Cal., 26.)—11. (Galen, De Diff. Pula., iv., 10, p. 749, tom. viii., ed. Kiliac.)—12. (De Formis Natural., ii., c. 4, p. 92, tom. ii.)

which the theory of the *πνεῦμα* had formerly enjoyed. Those physicians who would not follow the sect of the Methodici chose that which revived the *πνεῦμα*, in order to oppose to the former sect a firmly established principle, and agreed in that, as upon various other points, with the Stoics.¹ They thought especially that logic was indispensable to the perfection of science; for in many cases they disputed simply about names, and Galen tells us² that the Pneumatici would rather have betrayed their country than abjured their opinions. Like the greater part of the Stoics of his time, Athenæus had adopted all the doctrines of the Peripatetics.³ What undeniably proves it is, that, besides the doctrine of the *pneuma*, he developed the theory of the elements, much more, at least, than the Methodici were in the habit of doing. He recognised in the four known elements the positive qualities (*ποιότητες*) of the animal body; but he often regarded them as real substances, and gave to the whole of them the name of *Nature of Man*.⁴ Although the followers of this doctrine attributed, in general, the greater number of diseases to the *pneuma*,⁵ nevertheless they paid at the same time great attention to the mixture of the elements. The union of heat and moisture is the most suitable for the preservation of health.

Heat and dryness give rise to acute diseases, cold and moisture produce phlegmatic affections, cold and dryness give rise to melancholy. Everything dries up and becomes cold at the approach of death.⁶ It cannot be denied, says Sprengel,⁷ that the Pneumatici rendered great services to pathology, and discovered several new diseases. It is only to be regretted that they carried their subtleties too far. Thus, for instance, they established many more kinds of fever than there really exist in nature.⁸ But their taste for subtleties shows itself nowhere more than in their doctrine of the pulse, which was more complex than that of any other sect. They commonly defined it to be an alternate contraction and dilatation of the arteries, and attributed this latter motion to the attraction and separation of the *pneuma* or spirit, which, according to the opinion of Aristotle, passes from the heart into the great arteries.⁹ The *diastole* or dilatation pushes forward the spirit, and the *systole* or contraction draws it back, in the same way as the respiratory organs contract in drawing in the breath and dilate in letting it out.¹⁰ The Pneumatici did not occupy themselves at all with the causes which produced the changes in the pulse, but confined themselves to collecting observations to serve as a basis for their prognosis.¹¹

The following is a list of the physicians that belonged to the sect of the Pneumatici: Archigenes,¹² Herodotus,¹³ Ægthinus,¹⁴ Magnus,¹⁵ Theodoros.¹⁶ To these the name of Aretæus has been added by Le Clerc,¹⁷ Wigan,¹⁸ Barchusen,¹⁹ Schulze,²⁰ and Haller;²¹ but the passages brought forward in support of this opinion (for it rests only on internal evidence) are considered to be insufficient to prove the point by Pet- it,²² Osterhausen,²³ and Ackermann.²⁴ Sprengel²⁵

1. (Galen, De Different. Puls., iii., p. 642, tom. viii.)—2. (De Different. Puls., ii., p. 630.)—3. (Galen, De Semine, ii., c. 2, p. 612, seq., tom. iv.)—4. (Id., De Element., i., p. 457, tom. i.)—5. (Pseudo-Galen, Introd., p. 699, tom. xiv.)—6. (Galen, De Temperam., i., c. 3, p. 522, tom. i.)—7. (Hist. de la Méd.,—8. (Id., De Different. Febr., ii., p. 370, tom. vii.)—9. (Id., De Different. Puls., iv., p. 756, 757, tom. viii.)—10. (Id., De Usu Puls., p. 162, tom. v.)—11. (Id., De Different. Puls., ii., p. 22, tom. viii.)—12. (Pseudo-Galen, Introd., c. 9, p. 699, tom. xiv., ed. Kühn.)—13. (Id., De Simpl. Medic. Temper. ac Facultat., i., 29, p. 432, tom. ii.; et De Diff. Puls., iv., 11, p. 751, tom. viii.)—14. (Id., De Diagnos. Puls., i., 3, p. 787, tom. viii.)—15. (Id., De Different. Puls., iii., 2, p. 646, tom. viii.)—16. (Diog. Laert., ii., 104.)—17. (Hist. de la Méd., p. 508, &c., ed. 1723.)—18. (Pref. in Aret.)—19. (Hist. Medic., p. 269.)—20. (Compend. Hist. Medic., Halæ, 1774, p. 232.)—21. (Biblioth. Medic. Pract., tom. i., p. 192, &c.)—22. (Prefat. ad Comment. in Aret.)—23. (Dissert. Inaug. de cetera Pneumat. Medic. Hist., Altorf, 1791, 8vo.)—24. (De Aretæo, in elst. Kühn.)—25. (Hist. de la Méd., tom. ii., p. 82.)

thinks that he was brought up in the principles of the Pneumatici, and afterward embraced those of the Electici, as it is impossible to overlook the traces of the doctrines of the former sect that exist in his works. For farther information respecting this sect, the reader is referred to Wigan, Ackermann Le Clerc, and Sprengel (from whom the above account is principally abridged), and especially Osterhausen, *loc. cit.*

*PNIĞITIS (*πνιγιτις γῆ*), Pnigitic Earth, so called from a village named Pnigeus, on the coast of Egypt, near which it was obtained. It consisted principally of alumine. "Dioscorides describes the Pnigitic earth as resembling the Eretrian, that is, as being of a pale gray, cold to the touch, and adhering so firmly to the tongue as to hang to it suspended. Pliny confirms this account. Galen, Paulus Ægineta, and a number of later writers, affirm, on the contrary, that it is black, and a tough, stiff, and viscid clay. Agricola describes it as black, dense, soft, and partly astringent, partly acrid." Sir John Hill, from whom these remarks are taken, thinks that there were two kinds of Pnigitic earth. That the earlier one of these, the true Pnigitis of the ancients, was a kind of gray marl; and that afterward a medicinal earth of another colour and texture, a black, tough, and viscous clay, was found in the same vicinity with the former, and called by the same name. This latter he makes the Pnigitis of Galen and subsequent writers.¹

PNYX. (*Vid. ECCLESIA*, p. 384.)

PO'CULUM was any kind of drinking-cup. It must be distinguished from the *crater* or vessel in which the wine was mixed (*vid. CRATER*), and from the *cyathus*, a kind of ladle or small cup, which was used to convey the wine from the crater to the poculum or drinking-cup. (*Vid. CYATHUS*.) Thus Horace :²

"Tribus aut novem
Miscentor cyathis pocula commodis."

PO'DIUM. (*Vid. AMPHITHEATRUM*, p. 52.)

*POE (*πόη*). "Theophrastus would seem to restrict this term sometimes to a particular genus of grasses, like modern botanists. But Homer, Hesiod, and the Greek writers in general, apply it to all sorts of herbage."³

*POE'CILIS (*ποικιλίς*), the name of a bird mentioned by Aristotle. The scholiast on Theocritus makes it the same as the *ἀκανθίς*, or Siskin.⁴

*POE'CILUS (*ποικίλος*), the name of a fish mentioned by Oppian, and which Pennant suggests may be the *Squalus canicula*.⁵

PCENA (Greek *ποινή*). The Roman sense of this word is explained by Ulpian⁶ at the same time that he explains *fraus* and *molta*. *Fraus* is generally an offence, *noxæ*; and *pœna* is the punishment of an offence, *noxæ vindicta*. *Pœna* is a general name for any punishment of any offence; *multa* is the penalty of a particular offence, which is now (in Ulpian's time) pecuniary. Ulpian says in his time, because by the law of the Twelve Tables the *multa* was pecuniaria, or a certain number of oxen and sheep.⁷ (*Vid. LEX ATERNA TARPEIA*, p. 581.) Ulpian proceeds to say that *pœna* may affect a person's caput and existimatio, that is, *pœna* may be loss of citizenship and infamia. A *multa* was imposed according to circumstances, and its amount was determined by the pleasure of him who imposed it. A *pœna* was only inflicted when it was imposed by some lex or some other legal authority (*quo alio jure*). When no *pœna* was imposed, then

1. (Dioscor., v., 176.—Hill, Nat. Hist., p. 35.)—2. (Carm., iii., 19, 11.)—3. (Theophr., H. P., i., 3, 6.—Id. ib., vii., 3, 5.—Adams, Append., s. v.)—4. (Aristot., H. A., ix., 2.)—5. (Oppian, Hal., i., 381.)—6. (Dig. 50, tit. 16, s. 13.)—7. (Plin., N., xviii., 3.—Festus, Multam Peculatus.)

a multa or penalty might be inflicted. Every person who had jurisdiction (this seems to be the right reading instead of *judicatio*) could impose a multa, and these were magistratus and praesides provinciarum. A pœna might be inflicted by any one who was intrusted with the judicial prosecution of the offence to which it was affixed. The legal distinction between pœna and multa is not always observed by the Roman writers.

POLEMAR'CHUS (πολέμαρχος). An account of the functions of the Athenian magistrate of this name is given under **ARCHON**. Athens, however, was not the only state of Greece which had officers so called. We read of them at Sparta and in various cities of Bœotia. As their name denotes, they were originally and properly connected with military affairs, being intrusted either with the command of armies abroad, or the superintendence of the war department at home: sometimes with both. The polemarchs of Sparta appear to have ranked next to the king when on actual service abroad, and were generally of the royal kindred or house (γένος).¹ They commanded single moræ,² so that they would appear to have been six in number,³ and sometimes whole armies.⁴ They also formed part of the king's council in war, and of the royal escort called *δαμοσία*,⁵ and were supported or represented by the officers called *συμφορείς*.⁶ The polemarchs of Sparta had also the superintendence of the public tables: a circumstance which admits of explanation from the fact that Lycurgus is said to have instituted the *syssitia* for the purposes of war, and, therefore, as military divisions, so that the Lacedæmonians would eat and fight in the same company.⁷ But, in addition to their military functions and the duties connected therewith, the polemarchs of Sparta had a civil as well as a certain extent of judicial power,⁸ in which respect they resembled the *άρχων πολέμαρχος* at Athens. In Bœotia, also, there were magistrates of this name. At Thebes, for instance, there appears to have been two, perhaps elected annually, and, from what happened when Phœbidas, the Lacedæmonian commander, seized the Cadmeia or citadel of Thebes (B.C. 352), we may infer that in times of peace they were invested with the chief executive power of the state and the command of the city, having its military force under their orders.⁹ They are not, however, to be confounded with the Bœotarchs. At Thespiæ, also,¹⁰ there were officers of this name, and likewise in Ætolia¹¹ and Arcadia. At Cynaëtha, in the latter country, the gates of the city were intrusted to the special care of the polemarchs: they had to keep guard by them in the daytime, and to close them at night, and the keys were always kept in their custody.¹²

***POLEMO'NIUM** (πολεμώνιον), a species of plant; most probably, as Adams thinks, the *Polemonium caruleum*. The same authority makes the popular name to be Greek Valerian.¹³

POLETAI (πωλήται), a board of ten officers or magistrates (for they are called *ἀρχή* by Harpocration), whose duty it was to grant leases of the public lands and mines, and also to let the revenues arising from the customs, taxes, confiscations, and forfeitures. Of such letting the word *πωλεῖν* (not *μισθῶν*) was generally used, and also the correlative words *ἀνείσθαι* and *πρῆσθαι*. Their official place of business was called *πωλήτηριον*. One was chosen from each tribe. A chairman presided at their meetings (*ἐπρωτεύευσεν*). In the letting of the

revenue they were assisted by the man theoric fund (τῶ θεωρικόν), and they act with the authority of the senate of Five Hundred, exercised a general control over the management of the administration. Resident foreigners did not pay their residence tax (*μετοικίον*), but were summoned before them, and, if found to have committed default, were sold in a room called *μετοικίον τοῦ μετοικίου*.¹ Other persons who had forfeited their freedom to the state were sold to the *πωλήται*, as foreigners who had been guilty of usurping the rights of citizenship.²

***POL'ION** (πόλιον), a plant, which has been generally considered to be the *Teucrium Polium* of the ancients, or Germander. "Sprengel and Schneider," remarks Adams, "agree in preferring the *Teucrium Creticum*. Schneider is, notwithstanding, disposed to agree with Columna in referring it to the *Santolina chamaecyparissus*, or Cyprian Lavender Cotton. This last we are rather inclined to hold as one of the species of *ἀρότονον* described by Dioscorides."³

POLITEIA, **POLITES** (πολιτεία, πολίτης) (POLITY, GREEK).

POLLICAR'IS. (Vid. **PES**, p. 762.)

POLLICITATIO. (Vid. **OBLIGATIONES**, p. 676.)

POLLINCTORES. (Vid. **FUNUS**, p. 459.)

POL'OS (πόλος). (Vid. **HOROLOGIUM**.)

***POLYCARPUM** (πολύκαρπον), a plant, the *Polygonum Persicaria*.⁴

***POLYG'ALON** (πολύγαλον), the *Polygala vulgaris*, or Butterwort. Such, at least, is the opinion of Tragus, who is followed by Sprengel.⁵

***POLYGON'ATON** (πολύγωνάτον), a species of plant, the common name of which, according to Stephens and Bauhin, is Solomon's Seal. Sprengel also agrees in referring it to the *Convallaria majolica*.⁶

***POLYG'ONUM** (πολύγονον), a plant. "The *πολύγονον ἄρβεν* of Dioscorides is generally acknowledged to be the *Polygonum aviculare*, or Knot Grass. The *π. ἄρβεν* is referred by Sprengel to the *Polygonum maritimum*. It is deserving of remark, however, that nearly all the older authorities, as, for example, Matthioli, Dodoneus, and Bauhin, make the latter to have been the *Hippuris vulgaris*, or Mare's Tail. The *πολύγονον* is the *Sanguinaria* of Pliny."⁷

POLYMITA. (Vid. **TELA**.)

***POLYYPUS** (πολύπους or πόλυπος), the *Polypus*. Several species of the *Polypus* are described by Aristotle, most of which are to be referred to the genus *Hydra* of Linnæus. The *H. viridis* is its most remarkable species. The ancient writers use the general term *polypus* in speaking of these animals, but modern naturalists employ the appellation *octopus*, as specifying more distinctly a particular class, and the name *polypus* is now exclusively assigned to a tribe of the radiata. "Aristotle, Pliny, and, in fact, all the ancient writers, affirm that this animal issues from the water, and that it sometimes visits the land; avoiding, however, all the smooth places. Ælian and Athenæus add that it can also mount on trees! It appears that the octopi make their principal food of crustacea, as Aristotle observed long ago. They also feed on conchyliiferous mollusca; and Pliny relates concerning them the *πέπλος*, which has also been attributed to apes, of placing a little stone between the two valves of oysters, of

1. (Herod., vii., 173.)—2. (Xen., Rep. Lac., xi., 4.)—3. (Müller, Dorians, iii., 12, § 4.)—4. (Herod., i. c.)—5. (Xen., Hell., vi., 4, 14.)—6. (Müller, iii., 12, § 5.)—7. (Müller, iii., 12, § 4.)—8. (Id., iii., 7, § 8.)—9. (Xen., Hell., v., c. 2, § 2.)—10. (Plut., Demetr., c. 39.)—11. (Polyb., iv., 79.)—12. (Id., iv., 12, § 12.)—13. (Dioscor., iv., 8.—Galen, De Simpl., iv.—Adams, Append., s. v.)

1. (Demosth., c. Aristog., 787.)—2. (Harpoc. et Suda, s. v. Πωλήται and μετοικίον.—Pollux, Onom., viii., 99.—Blæsch, Staatsh. der Att., i., 167, 338, 353.—Meier, De bon. Dem., 41.)—3. (Theophr., H. P., i., 10.—Dioscor., ii., 114.—Adams, Append., s. v.)—4. (Hippoc., Morb. Mulier., i., 615.—Adams, Append., s. v.)—5. (Dioscor., iv., 140.—Adams, Append., s. v.)—6. (Dioscor., iv., 6.—Adams, Append., s. v.)—7. (Dioscor., iv., 6.—Adams, Append., s. v.)

they are extremely fond, so as to prevent from closing, and that then they extract the But how could an octopus take up a little place it so adroitly, even supposing that hiatus of the oyster, continually filled by acular cirrhi of the edges of its mantle, admit it? It has been asserted, absurdly that the octopus, when pushed by hunger, its own arms, which possess the singular of shooting forth again. But Aristotle and justly attribute the fact of octopi being and which have some fewer appendages than their having been eaten off by the conger are ignorant respecting the full size of octopi may attain. We find in the recertain travellers, and even of some natural a species exists to which the name of has been given, which arrives at an imable bulk, so as to resemble an island when oaches the surface of the water, and to overe largest vessel under full sail when it beentangled in their cordage. But we may sured, without any fear of deceiving ourselves, this is but an exaggeration of what has been by the ancients, especially Pliny, concerning anpus, which, according to Trebius, had a head e size of a barrel containing fifteen amphoræ, whose tentacular appendages, which, as well as head, were presented to Lucullus, were thirty n length, knotted like clubs, and so thick that an could scarcely embrace them round: the ers resembled basins, and the teeth were in pron. All that was preserved of the body weighven hundred pounds. There are other traits more curious in the history of this most maras octopus. It was observed at Castera, in ea, in Spain, and was accustomed to come forth the sea into the depôts for salted fish, &c., and our those provisions. The pertinacity of its ries at length roused the indignation of the rs; they built very lofty palisades, but all in this persevering polypus succeeded in getting them by taking advantage of a neighbouring so that it could not be taken but by the sagan of the dogs, which, having marked it one night was returning to the sea, intimated the affair e keepers, who were struck with terror and ashment at the novelty of this tremendous spec. In truth, the animal was of an immeasuraulk; its colour was changed by the action of rine, and it exhaled a most intolerable odour. rtheless, after a desperate combat with the which Pliny depicts with all the vigour of his cal style, and by the efforts of men armed with ts, it was at last killed, and the head was ht to Lucullus. Ælian also tells us that, in ourse of time, these animals arrive at a most ordinary bulk, so as to equal in size the largest ea. On this subject he favours us with a story nearly similar to that of Trebius, of a polywhich, having devastated the magazines of berian merchants, was besieged by a great numf persons, and cut in pieces with hatchets, just e same style that woodmen cut down the thick es of trees. Aristotle, indeed, tells us there olypi whose arms are as much as five cubits n length, which would make above seven feet. his is a long way behind the narrations of Treand Ælian, and falls still shorter of the wonof the Northern romances concerning their n. The ancients tell us that the octopi are nemies of the lobsters, which dread them, while are themselves pursued by the muræneæ, which ur their arms. They likewise inform us that bite is stronger than that of the sepia; but not omous. Ælian adds, that it is said by fisher-

men that the octopi are attracted to the land by the fruit of the olive-tree.¹¹

*POMATIAS (*ποματίας*), a species of esculent Snail, mentioned by Dioscorides. It is the *Helix Pomatia*.²

POMÆRIUM. This word is compounded of *post* and *mærium* (*murus*), in the same manner as *pomeridiam* of *post* and *meridiam*, and thus signifies a line running by the walls of a town (*pone* or *post muros*). But the walls of a town here spoken of are not its actual walls or fortifications, but symbolical walls, and the course of the pomærium itself was marked by stone pillars (*cippi pomærii*) erected at certain intervals. The custom of making a pomærium was common to the Latins and Etruscans, and the manner in which it was done in the earliest times, when a town was to be founded, was as follows: A bullock and a heifer were yoked to a plough, and a furrow was drawn around the place which was to be occupied by the new town in such a manner that all the clods fell inward. The little mound thus formed was the symbolical wall, and along it ran the pomærium, within the compass of which alone the city-auspices (*auspicia urbana*) could be taken.⁴ That the actual walls or fortifications of a town ran near it may naturally be supposed, though the pomærium might either be within or without them. This custom was also followed in the building of Rome, and the Romans afterward observed it in the establishment of their colonies. The sacred line of the Roman pomærium did not prevent the inhabitants from building upon or taking into use any place beyond it, but it was necessary to leave a certain space on each side of it unoccupied, so as not to unhallow it by profane use.⁵ Thus we find that the Aventine, although inhabited from early times, was for many centuries not included within the pomærium.⁶ The whole space included in it was called *ager effatus* or *finis effati*. The pomærium of Rome was not the same at all times; as the city increased the pomærium also was extended, but this extension could, according to ancient usage, only be made by such men as had by their victories over foreign nations increased the boundaries of the Empire,⁷ and neither could a pomærium be formed nor altered without the augurs previously consulting the will of the gods by augury, whence the *jus pomærii* of the augurs.⁸ The formula of the prayer which the augurs performed on such occasions, and which was repeated after them by the people who attended, is preserved in Festus.⁹

The original pomærium of Romulus ran, according to Gellius,¹⁰ around the foot of the Palatine, but the one which Tacitus¹¹ describes as the pomærium of Romulus comprised a much wider space, and was, as Niebuhr thinks,¹² an enlargement of the original compass, taking in a suburb or borough. Niebuhr also believes that pomærium properly denotes a suburb taken into the city. The Romulian pomærium, according to Tacitus, ran from the Forum Boarium (the arch of Septimius Severus) through the valley of the Circus so as to include the *ara maxima* Hercules; then along the foot of the Palatine to the *ara Consi*, and thence from the Septizonium to the *curia veteres* (a little below the baths of Trajan), along the top of the *Velia* to the *Sacellum Larium*, and lastly by the *Via Sacra* to the Forum. From the eastern side of the Forum to

1. (Aristot., H. A., iv., 1.—Griffith's Cuvier, vol. xii., p. 289 seq.)—2. (Dioscor., Mat. Med., ii., 11.—Adams, Append., s. v.)—3. (Varro, De Ling. Lat., iv., p. 40, ed. Bip.)—4. (Varro, De Ling. Lat., l. c.)—5. (Liv., i., 44.)—6. (Gell., xii., 14.)—7. (Tacit., Annal., xii., 23.)—8. (Dionys., iv., 13.—Cic., De Div., ii., 35.)—9. (s. v. Prosimurium.)—10. (l. c.)—11. (Annal., xii., 24.)—12. (Hist. of Rome, i., p. 288.—Compare Bunsen, Beschreib. d. Stadt Rom., i., p. 138.—Sachse, Beschreib. von Rom i., p. 50.)

the Velabrum there was a swamp, so that Tacitus does not mention the line of the pomerium here. Servius Tullius again extended the pomerium,¹ but the Aventine was not included, either because the auspices here taken by Remus had been unfavourable, or, which is more probable, because there stood on this hill the temple of Diana, the common sanctuary of the Latins and Romans.² The Aventine did not become included within the pomerium until the time of the Emperor Claudius.³ Dionysius⁴ states that, down to his time, nobody had extended the pomerium since the time of King Servius, although we know from authentic sources that at least Augustus enlarged the pomerium,⁵ and the same is said of Sulla and J. Cæsar.⁶ The last who extended the pomerium of Rome was the Emperor Aurelian, after he had enlarged the walls of the city.⁷

POMPA (πομπή), a solemn procession, as on the occasion of a funeral, triumph, &c.⁸ It is, however, more particularly applied to the grand procession with which the games of the circus commenced (*Pompa Circensis*). (Vid. CIRCUS, p. 255.)

POMPELÆ LEGES. (Vid. LEX, p. 584, 585.)

*POMPH'OLYX (πομφόλυξ). "Pompholyx," says Charrias, "is a white, light powder, that sticks upon the tops of furnaces where they melt and refine copper, like flour of meal, and sometimes little poulses or blisters. They call it *Nil* or *Nihil*. Tutia comes from the same copper and at the same time as the pompholyx, but the weight of it causes it to stick about the lower part of the furnaces. The Greeks call Tutia by the name of *Spodium*." Hardouin, as Adams remarks, gives it the French name of "*La fleur de la Calamine*." Blancard gives it the English name of "The White Tutty," but it is generally called "Brown Ashes" or "White Calamy" in English.⁹

*POMP'ILUS (πομπίλος), a species of fish, supposed to be the *Coryphæna Pompilus*. It is of a rare kind, and, according to Rondelet, is sometimes sold for Spanish mackerel. Athenæus calls it the *τερόος ιχθύς*. Oppian makes it the *κάλλιχθους*.¹⁰

PONS. (Vid. BRIDGE.)

PONTIFEX. The origin of this word is explained in various ways. Q. Scævola, who was himself pontifex maximus, derived it from *posse* and *facere*, and Varro from *pons*, because the pontiffs, he says, had built the Pons Sublicius, and afterward frequently restored it, that it might be possible to perform sacrifices on each side of the Tiber.¹¹ This statement is, however, contradicted by the tradition which ascribes the building of the Pons Sublicius to Ancus Marcius,¹² at a time when the pontiffs had long existed and borne this name. Götting¹³ thinks that *pontifex* is only another form for *pompifex*, which would characterize the pontiffs only as the managers and conductors of public processions and solemnities. But it seems far more probable that the word is formed from *pons* and *facere* (in the signification of the Greek *ῥέζειν*, to perform a sacrifice), and that, consequently, it signifies the priests who offered sacrifices upon the bridge. The ancient sacrifice to which the name thus alludes is that of the Argeans on the sacred or Sublician bridge, which is described by Dionys-

1. (Liv., i., 44.—Dionys., iv., 13.)—2. (Gell., i. c.—Varro, De Ling. Lat., iv., p. 14, ed. Bip.)—3. (Gell., i. c.—Tacit., Annal., xii., 23.)—4. (l. c.)—5. (Bunsen, l. c., p. 139.)—6. (Tacit., Annal., i. c.—Gell., i. c.—Fest., s. v. Prosimurium.—Cic. ad Att., xiii., 20.—Dion Cass., xliii., 50; xlv., 49.)—7. (Fl. Vopisc., Div. Aurel., 21.)—8. (Cic., Pro Mil., 13.—Suet., Jul., 37, &c.)—9. (Dioscor., v., 183.—Hardouin ad Plin., H. N., xxxiv., 33.—Blancard, Lex. Mid.—Adams, Append., s. v.)—10. (Ælian, N. A., ii., 15.—Id., ib., xv., 23.—Plin., H. N., xxxi., 11.—Oppian, i., 185.—Adams, Append., s. v.)—11. (Varro, De Ling. Lat., iv., p. 24, &c., ed. Bip.)—12. (Liv., i., 33.)—13. (Gesch. d. Röm. Staatsv., p. 173.)

ius.¹ (Compare ΑΓΚΤΙ.) Greek writers sometimes translate the word, and call the pontiffs *γερουσιασται*.

The Roman pontiffs formed the most illustrious among the great colleges of priests. Their institution, like that of all important matters of religion, was ascribed to Numa.² The number of pontiffs appointed by this king was four,³ and at their head was the pontifex maximus, who is generally not included when the number of pontiffs is mentioned. Cicero,⁴ however, includes the pontifex maximus when he says that Numa appointed five pontiffs. Niebuhr⁵ supposes, with great probability, that the original number of four pontiffs (not including the pontifex maximus) had reference to the two earliest tribes of the Romans, the Ramnes and Tities, so that each tribe was represented by two pontiffs. In the year B.C. 300, the Ogulnian law raised the number of pontiffs to eight, or, including the pontifex maximus, to nine, and four of them were to be plebeians.⁶ The pontifex maximus, however, continued to be a patrician down to the year B.C. 254, when Tib. Coruncanius was the first plebeian who was invested with this dignity.⁷ This number of pontiffs remained for a long time unaltered, until, in 81 B.C., the dictator Sulla increased it to fifteen,⁸ and J. Cæsar to sixteen.⁹ In both these changes the pontifex maximus is included in the number. During the Empire the number varied, though, on the whole, fifteen appears to have been the regular number.

The mode of appointing the pontiffs was also different at different times. It appears that after this institution by Numa, the college had the right of co-optation, that is, if a member of the college died (for all the pontiffs held their office for life), the members met and elected a successor, who, after his election, was inaugurated by the augurs.¹⁰ This election was sometimes called *captio*.¹¹ In the year 212 B.C., Livy¹² speaks of the election of a pontifex maximus in the comitia (probably the comitia tributa) as the ordinary mode of appointing this high-priest. But, in relating the events of the year 181 B.C., he again states that the appointment of the chief pontiff took place by the co-optation of the college.¹³ How these anomalies arose (unless Livy expresses himself carelessly) is uncertain,¹⁴ for, as far as we know, the first attempt to deprive the college of its right of co-optation, and to transfer the power of election to the people, was not made until the year B.C. 145, by the tribune C. Læcius Crassus; but it was frustrated by the prætor C. Lælius.¹⁵ In 104 B.C. the attempt was successfully repeated by the tribune Cn. Domitius Ahenobarbus; and a law (lex Domitia) was then passed, which transferred the right of electing the members of the great colleges of priests to the people (probably in the comitia tributa); that is, the people elected a candidate, who was then made a member of the college by the co-optatio of the priests themselves, so that the co-optatio, although still necessary, became a mere matter of form.¹⁶ The lex Domitia was repealed by Sulla in a lex Cornelia de Sacerdotiis (81 B.C.), which restored to the great priestly colleges their full right of co-optatio.¹⁷ In the year 63 B.C. the law of Sulla was abolished, and the Domitian law was restored, but not in its full extent; for it was now determined that, in case of a vacancy, the college itself should

1. (l., 38.)—2. (Liv., i., 20.—Dionys., ii., 73.)—3. (Liv., x., 6.)—4. (De Republ., ii., 14.)—5. (Hist. of Rom., i., p. 202, &c.—Compare iii., p. 410.—Liv., x., 6.—Cic., De Republ., ii., 9.)—6. (Liv., x., 6.)—7. (Liv., Epit., 15.)—8. (Liv., Epit., 89.)—9. (Dion Cass., xliii., 51.)—10. (Dionys., ii., 22, 73.)—11. (Gell., i., 12.)—12. (xxv., 5.)—13. (Liv., xl., 42.)—14. (Götting, l. c., p. 253.)—15. (Cic., De Am., 25.—Brut., 21.—De Nat. Deor., ii., 2.)—16. (Cic., De Leg. Agr., ii., 7.—Epist. ad Brut., i., 2.—Festus Pat., ii., 12.—Sueton., Nero, 2.)—17. (Liv., Epit., 83.—Festus, in Divina, p. 102, ed. Orell.—Dion Cass., xxxv., 8.)

nominate two candidates, and the people elect one of them. This mode of proceeding is expressly mentioned in regard to the appointment of augurs, and was consequently the same in that of the pontiffs.¹ Julius Cæsar did not alter this modified lex omnia, but M. Antonius again restored the right of election to the college.²

The college of pontiffs had the supreme superintendence of all matters of religion, and of things of a personal nature connected with public as well as private worship. A general outline of their rights and duties is given by Livy³ and Dionysius.⁴ This prerogative is said to have been given to them by Numa; and he also intrusted to their keeping the books containing the ritual ordinances, together with the regulations to give information to any one who might consult them on matters of religion. They had to stand against any irregularity in the observance of religious rites that might arise from a neglect of the ancient customs, or from the introduction of foreign rites. They had not only to determine in what manner the heavenly gods should be worshipped, but also the proper form of burials, and how the souls of the departed (manes) were to be appeased; in like manner, what signs either in lightning or other phenomena were to be received and attended to. They had the judicial decision in all matters of religion, whether private persons, magistrates, or priests were concerned; and in cases where the existing laws or customs were found defective or insufficient, they made new laws and regulations (*decreta pontificum*), in which they always followed their own judgment as to what was consistent with the existing customs and usages.⁵ They watched over the conduct of all persons who had anything to do with the sacrifices or the worship of the gods, that is, over all the priests and their servants. The forms of worship and of sacrificing were determined by the pontiffs, and whoever refused to obey their injunctions was punished by them, for they were "verum quæ ad sacra et religiones pertinent, iudices et vindices."⁶ The pontiffs themselves were not subject to any court of law or punishment, and were not responsible either to the senate or to the people. The details of these duties and functions were contained in books called *libri pontificii* or *pontificales*, *commentarii sacrorum* or *sacrorum pontificalium*,⁷ which they were said to have received from Numa, and which were sanctioned by Ancus Marcius. This king is said to have made public that part of these regulations which had reference to the *sacra publica*,⁸ and when, at the commencement of the Republic, the wooden tables on which these published regulations were written had fallen into decay, they were restored by the pontifex maximus C. Papirius.⁹ One part of these *libri pontificales* was called *indigitamenta*, and contained the names of the gods, as well as the manner in which these names were to be used in public worship.¹⁰ A second part must have contained the formulas of the *jus pontificium*.¹¹ The original laws and regulations contained in these books were in the course of time increased and more accurately defined by the decrees of the pontiffs, whence perhaps their name *commentarii*.¹² Another tradition concerning these books stated that Numa communicated to the pontiffs their duties and rights merely by word of mouth, and that he had buried the books in a stone chest on the Janiculum.¹³ These books

were found in 181 B.C., and one half of them contained ritual regulations and the *jus pontificium*, and the other half philosophical inquiries on these same subjects, and were written in the Greek language. The books were brought to the prætor urbanus Q. Petilius, and the senate ordered the latter half to be burned, while the former was carefully preserved. Respecting the nature and authenticity of this story, see Hartung, *Die Relig. d. Röm.*, i., p. 214, &c. Concerning the *annales maximi* which were kept by the pontifex maximus, and to which Livy¹ applies the name *commentarii pontificum*, see *ANNALES*.

As to the rights and duties of the pontiffs, it must first of all be borne in mind that the pontiffs were not priests of any particular divinity, but a college which stood above all other priests, and superintended the whole external worship of the gods.² One of their principal duties was the regulation of the *sacra*, both *publica* and *privata*, and to watch that they were observed at the proper times (for which purpose the pontiffs had the whole regulation of the calendar: *vid. CALENDAR*, p. 195, &c.) and in their proper form. In the management of the *sacra publica* they were in later times assisted in certain performances by the *triumviri epulones* (*vid. EPULONES*), and had in their keeping the funds from which the expenses of the *sacra publica* were defrayed. (*vid. SACRA*.)

The pontiffs convoked the assembly of the *curiæ* (*comitia calata* or *curiata*) in cases where priests were to be appointed, and *flamines* or *rex sacrorum* were to be inaugurated; also when wills were to be received, and when a *detestatio sacrorum* and adoption by *adrogatio* took place.³ (*vid. ADROGATIO*.) Whether the presence of the pontiffs, together with that of the augurs and two *flamines*, was necessary in the *comitia curiata*, also, in cases when other matters were transacted, as Niebuhr thinks,⁴ does not appear to be quite certain. The curious circumstance that on one occasion the pontifex maximus was commanded by the senate to preside at the election of tribunes of the people, is explained by Niebuhr.⁵

As regards the jurisdiction of the pontiffs, magistrates and priests, as well as private individuals, were bound to submit to their sentence, provided it had the sanction of three members of the college.⁶ In most cases the sentence of the pontiffs only inflicted a fine upon the offenders,⁷ but the person fined had a right to appeal to the people, who might release him from the fine. In regard to the vestal virgins and the persons who committed incest with them, the pontiffs had criminal jurisdiction, and might pronounce the sentence of death.⁸ A man who had violated a vestal virgin was, according to an ancient law, scourged to death by the pontifex maximus in the comitium, and it appears that originally neither the vestal virgins nor the male offenders in such a case had any right of appeal. Götting⁹ considers that they had the right of appeal, but the passage of Cicero¹⁰ to which he refers does not support his opinion. Incest in general belonged to the jurisdiction of the pontiffs, and might be punished with death.¹¹ In later times we find that, even in the case of the pontiffs having passed sentence upon vestal virgins, a tribune interfered, and induced the people to appoint a *quæstor* for the purpose of making a fresh inquiry into the case; and it sometimes happened that after

1. (Cic., Philipp., ii., 2.)—2. (Dion Cass., xlv., 53.)—3. (i., 20.)—4. (ii., 73.)—5. (Gell., ii., 28; x., 15.)—6. (Fest., s. v. *Maximus pontifex*.—Compare Cic., *De Legg.*, ii., 8, 12.)—7. (Fest., s. v. *Altiuta* and *Occisum*.)—8. (Liv., i., 32.)—9. (Dionys., iii., 26.)—10. (Serv. ad Virg., *Georg.*, i., 21.)—11. (Cic., *De Republ.*, ii., 31.)—12. (Plin., H. N., xviii., 3.—Liv., iv., 3.—Cic., *Brut.*, 14.)—13. (Plot., *Num.*, 22.—Plin., H. N., xiii., 27.—Val. Max., i., l., 12.—August., *De Civit. Dei*, vii., 34.)

1. (vi., i.)—2. (Cic., *De Legg.*, ii., 8.)—3. (Gell., v., 19; xv., 27.)—4. (i., p. 342; ii., p. 223.)—5. (ii., p. 359, &c.)—6. (Cic., *De Harusp. Resp.*, 6.)—7. (Cic., *Philipp.*, xi., 8.—Liv., xxxvii., 51.—Id., xl., 42.)—8. (Dionys., ix., 40.—Liv., xxii., 57.—Fest., s. v. *Probrum*.)—9. (p. 185.)—10. (*De Republ.*, ii., 31.)—11. (Cic., *De Legg.*, ii., 19.)

this new trial the sentence of the pontiffs was modified or annulled. Such cases, however, seem to have been mere irregularities, founded upon an abuse of the tribunitian power. In the early times the pontiffs, as a portion of the patricians, were in the possession of the civil as well as religious law, until the former was made public by C. Flavius. (*Vid. Actio*, p. 17.) The regulations which served as a guide to the pontiffs in their judicial proceedings formed a large collection of laws, which was called the *jus pontificium*, and formed part of the *libri pontificii* (Compare *Jus*, p. 560, &c.) The new decrees which the pontiffs made, either on the proposal of the senate, or in cases belonging to the *sacra privata*, or that of private individuals, were, as Livy¹ says, innumerable.⁴

The meetings of the college of pontiffs, to which, in some instances, the *flamines* and the *rex sacrorum* were summoned,² were held in the *curia regia* on the *Via Sacra*, to which was attached the residence of the *pontifex maximus* and of the *rex sacrorum*.⁶ As the chief pontiff was obliged to live in a *domus publica*, Augustus, when he assumed this dignity, changed part of his own house into a *domus publica*.⁷ All the pontiffs were in their appearance distinguished by the conic cap called *tutulus* or *galerus*, with an apex upon it, and the *toga prætexta*.

The *pontifex maximus* was the president of the college, and acted in its name, whence he alone is frequently mentioned in cases in which he must be considered only as the organ of the college. He was generally chosen from among the most distinguished persons, and such as had held a *curule magistracy*, or were already members of the college.⁸ Two of his especial duties were to appoint (*capere*) the *vestal virgins* and the *flamines* (*vid. VESTALES, FLAMEN*), and to be present at every marriage by *confarreatio*. When festive games were vowed or a dedication made, the chief pontiff had to repeat over, before the persons who made the vow or the dedication, the formula in which it was to be performed (*præire verba*).⁹ During the period of the Republic, when the people exercised sovereign power in every respect, we find that if the pontiff, on constitutional or religious grounds, refused to perform this solemnity, he might be compelled by the people.

A pontiff might, like all the members of the great priestly colleges, hold any other military, civil, or priestly office, provided the different offices did not interfere with one another. Thus we find one and the same person being pontiff, augur, and *decemvir sacrorum*;¹⁰ instances of a *pontifex maximus* being at the same time *consul* are very numerous.¹¹ But, whatever might be the civil or military office which a *pontifex maximus* held besides his pontificate, he was not allowed to leave Italy. The first who violated this law was Licinius Crassus, in B.C. 131;¹² but after this precedent pontiffs seem to have frequently transgressed the law, and Cæsar, though *pontifex maximus*, went to his province of Gaul.

The college of pontiffs continued to exist until the overthrow of paganism;¹³ but its power and influence were considerably weakened, as the emperors, according to the example of J. Cæsar, had the

right to appoint as many members of the colleges of priests as they pleased.¹ In addition to this, the emperors themselves were always chief pontiffs, and, as such, the presidents of the college; hence the title of *pontifex maximus* (P. M. or P. M. M.) appears on several coins of the emperors. If there were several emperors at a time, only one bore the title of *pontifex maximus*; but in the year A.D. 238, we find that each of the two emperors Maximus and Balbinus assumed this dignity.² The last traces of emperors being at the same time chief pontiffs are found in inscriptions of Valentinian, Valens, and Gratianus.³ From the time of Theodosius the emperors no longer appear in the dignity of pontiff; but at last the title was assumed by the Christian bishop of Rome.

There were other pontiffs at Rome, who were distinguished by the epithet *minores*. Various opinions have been entertained as to what these *pontifices minores* were. Niebuhr⁴ thinks that they were originally the pontiffs of the *Luceres*; that they stood in the same relation to the other pontiffs as the *patres minorum gentium* to the *patres majorum gentium*; and that subsequently, when the meaning of the name was forgotten, it was applied to the secretaries of the great college of pontiffs. In another passage⁵ Niebuhr himself demonstrates that the *Luceres* were never represented in the college of pontiffs, and his earlier supposition is contradicted by all the statements of ancient writers who mention the *pontifices minores*. Livy,⁶ in speaking of the secretaries of the college of pontiffs, says, "*quos nunc minores pontifices appellant*;" from which it is evident that the name *pontifices minores* was of later introduction, and that it was given to persons who originally had no claims to it, but to the secretaries of the pontiffs. The only natural solution of the question seems to be this. At the time when the real pontiffs began to neglect their duties, and to leave the principal business to be done by their secretaries, it became customary to designate these scribes by the name of *pontifices minores*. Macrobius,⁷ in speaking of minor pontiffs previous to the time of Cn. Flavius, makes an anachronism, as he transfers a name customary in his own days to a time when it could not possibly exist. The number of these secretaries is uncertain: Cicero⁸ mentions the names of three minor pontiffs. The name cannot have been used long before the end of the Republic, when even chief pontiffs began to show a disregard for their sacred duties, as in the case of P. Licinius Crassus and Julius Cæsar. Another proof of their falling off, in comparison with former days, is, that about the same time the good and luxurious living of the pontiffs became proverbial at Rome.⁹

PONTIFICIUM JUS. (*Vid. Jus*, p. 560.)

PONTIFICIALES LUDI. (*Vid. LUDI PONTIFICIALES*.)

PONTO, a Pontoon, was a vessel used for transporting troops across rivers. We are told that it was a kind of Gallic vessel, but we have no farther particulars respecting it.¹⁰

POPA. (*Vid. SACRIFICIUM*.)

POPINA. (*Vid. CAFFONA*, p. 226.)

POPULARIA. (*Vid. AMPHITHEATRUM*, p. 53.)

POPULUS. (*Vid. PATRICII*.)

POPULIFUGIA or POPULIFUGIA, the day of the people's flight, was celebrated on the noes of July, according to an ancient tradition preserved by

1. (Ascon. ad Milon., p. 46, ed. Orelli.)—2. (Cic., De Orat., i., 43.—Id. ib., iii., 33.—Id., Pro Domo, 13.)—3. (xxxix., 16.)—4. (Compare Cic., De Leg., ii., 23.—Macrobi., Sat., iii., 3.—Diogenes. Hal., ii., 73.)—5. (Cic., De Harusp. Resp., 6.)—6. (Suet., Jul., 46.—Sert. ad Æn., viii., 263.—Plin., Epist., iv., 11.)—7. (Dion Cass., liv., 27.)—8. (Liv., xxv., 5.—Id., xl., 42.)—9. (Liv., v., 40.—Id., ix., 46.—Id., iv., 27.)—10. (Liv., xl., 42.)—11. (Liv., xxxiii., 38.—Cic., De Harusp. Resp., 6.—Compare Ambrosch, "Studien und Andeutungen," p. 229, note 105.)—12. (Liv., Epit., lib. 59.—Val. Max., viii., 7, 6.—Oros., v., 10.)—13. (Aronb., iv., 35.—Symmach., Epist., ix., 128, 129.)

1. (Dion Cass., xlii., 51.—Id., xliii., 51.—Id., l., 20.—Id., lvi., 17.—Suet., Cæs., 31.)—2. (Capitol., Maxim. et Balb., 8.)—3. (Orelli, Inscr., n. 1117, 1118.)—4. (i., p. 302, n. 775.)—5. (ib., p. 411.)—6. (xxii., 57.—Compare Jul. Capitol., Opul. Macrobi., 7.)—7. (Sat., i., 15.)—8. (De Harusp. Resp., 6.)—9. (Harad., Cæs., ii., 14, 26, &c.—Mart., xii., 48, 12.—Macrobi., Sat., ii., 1.)—10. (Cæs., Bell. Civ., iii., 29.—Gell., x., 25.)

in commemoration of the flight of the people the inhabitants of Ficulea, Fidene, and places round about, appeared in arms against shortly after the departure of the Gauls, and such a panic that the Romans suddenly before them. Macrobius,² however, says that the flight was celebrated in commemoration of the flight of the people before the Tuscans, while Livius³ refers its origin to the flight of the people the death of Romulus. Niebuhr⁴ seems disposed to accept the tradition preserved by Varro; different accounts of its origin given by Macrobius and Dionysius render the story uncertain. The *πορταί* (*poristai*) were magistrates at Athens probably levied the extraordinary supplies *ἄρχη τις Ἀθήνησιν, ἥτις πόρους ἐξήλασεν*. Antiphon⁵ classes them with the *πολεῖται* and Demosthenes⁶ joins *τῶν χρημάτων καὶ πορταί*, from which it would appear they were public officers in his time, although Livius does not necessarily prove this.⁷

Πῶρος (*poros*). "Theophrastus," says Adams, describes a species of marble under this name. It resembles the Parian in hardness and the *Tophus* (*πῶρος*) in lightness. The stone would seem to have been the Potstone of the mineralogists. The medical authors likewise applied the term to the chalk-stones which are found in the joints of persons who have long laboured under the gout."⁸

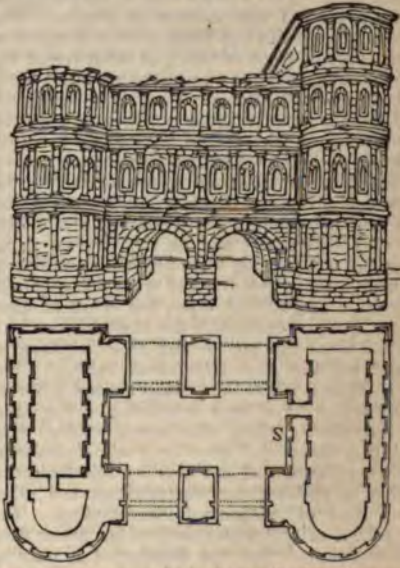
Πύλη (*pyly*). (Vid. *FIBULA*.) *Πύλη* (*pyly*, dim. *πύλις*), the gate of a city, or other open space enclosed by a wall, in distinction to *Janua*, which was the door of a house or any covered edifice. The terms *porta* and *πύλη* are often found in the plural, even when they refer to a single gate, because it consisted of two gates.⁹

The gates of a city were, of course, various in number and position. The ancient walls of Rome, Sepianum, and Aosta still remain, and enclose a square: the centre of each of the four walls is a gate. If, instead of being situated on a plain, a city was built on the summit of a precipitous hill, there was a gate on the sloping declivity which afforded the easiest access. If, in consequence of the unevenness of the ground, the form of the walls was irregular, the number and situation of the gates varied according to the circumstances. Thus Mehad had 5 gates;¹⁰ Thebes, in Bœotia, had 7; Athens had 8;¹¹ and Rome 20, or perhaps even more. The jambs of the gate were surmounted, 1. by a pediment, which was large and strong in proportion to the width of the gate. The lintel of the centre gate projecting into the Athenian acropolis is 17 feet long, and is supported by an arch, as we see exemplified at Pompeii, at Capri, at Sepianum, Volterra, Autun, Bezançon, and Autun. 3. At Arpinum, one of the gates now remaining is arched, while another is constructed of stones projecting one beyond another, after the manner represented in the woodcut at p. 85.¹² At Como, Verona, and other ancient cities of Italy, the gate contains two passages close together, the one designed for carriages entering, the other for carriages leaving the city. The same provision is observed in the magnificent ruin of the gate at Treves. (See the following woodcut, giving a view of it, together with its plan.) In some instances we find only one gate for carriages,

but a smaller one on each side of it (*παρὰπύλις*) for foot-passengers. (See the plan of the gate of Pompeii, p. 224.) Each of the fine gates which remain at Autun has not only two carriage-ways, but, exterior to them, two sideways for pedestrians.¹³ When there were no sideways, one of the valves of the large gate sometimes contained a wicket (*portula*, *πύλις*: *μυνοπύλη*) large enough to admit a single person. The porter opened it when any one wished to go in or out by night.¹⁴

The contrivances for fastening gates were in general the same as those used for doors (*vid. JANUA*), but larger in proportion. The wooden bar placed across them in the inside (*μοχλός*) was kept in its position by the following method. A hole, passing through it perpendicularly (*βαλανοδόκη*), admitted a cylindrical piece of iron, called *βάλανος*, which also entered a hole in the gate, so that, until it was taken out, the bar could not be removed either to the one side or the other.¹⁵ Another piece of iron, fitted to the *βάλανος*, and called *βαλανάγρα*, was used to extract it.¹⁶ When the besiegers, for want of this key, the *βαλανάγρα*, were unable to remove the bar, they cut it through with a hatchet,¹⁷ or set it on fire.¹⁸

The gateway had commonly a chamber, either on one side or on both, which served as the residence of the porter or guard. It was called *πύλων*.¹⁹ Its situation is shown in the following plan. (See woodcut.) But the gateway was also, in many cases, surmounted by a tower, adapted either for defence (*portis turres imposuit*)²⁰ or for conducting the general business of government. In the gates of Como and Verona this edifice is three stories high. At Treves it was four stories high in the flanks, although the four stories remain standing in one of them only, as may be observed in the annexed woodcut. The length of this building is 115 feet; its



depth, 47 in the middle, 67 in the flanks; its greatest height, 92. All the four stories are ornamented in every direction with rows of Tuscan columns. The gateways are each 14 feet wide. The entrance of

De Ling. Lat., vi., 18, ed. Müller.)—2. (Saturn., iii., 2.)—3. (Hist. of Rome, ii., p. 573.)—4. (Compare Arist. Hist. of Rome, ii., p. 10.)—5. (Bekker, Anec., p. 294, 19.)—6. (Chor., p. 791, ed. Reiske.)—7. (Philop., i., p. 49, 15.)—8. (Eckh., Publ. Econ. of Athens, i., p. 223.)—9. (Thucyd., ii., 10.)—10. (Thucyd., ii., 4.)—11. (Thucyd., ii., 4.)—12. (Erich and Gruber, Encyc., s. v. Attica, p. 240, 241.)—13. (Kappeler Cuzzen, "Excurs. in the Abruzzi," vol. i., p. 108.)

1. (Heliodor., viii., p. 394.)—2. (Millin, "Voyage dans les Départemens," &c., tom. i., ch. 22; Atlas, pl. 18, figs. 3, 4.)—3. (Polyb., viii., 20, 24.—Liv., xxv., 9.)—4. (Æn. Tact., 18.)—5. (Thucyd., ii., 4.—Aristoph., Vesp., 200.—Βεβαδάνωται: Aves, 1159.)—6. (Æn. Tact., l. c.)—7. (Thucyd., iv., 111.—Polyb., viii., 23, 24.—8. (Æn. Tact., 19.)—9. (Polyb., viii., 20, 23, 24.)—10. (Cæs. B. G., vii., 9.—Virg., Æn., vi., 552-554.)

PORTORIUM.

porticoes of Rome, which were exceedingly numerous and very extensive (as that around the Forum and the Campus Martius), a variety of business was occasionally transacted: we find that lawsuits were conducted here, meetings of the senate held, goods exhibited for sale, &c. (See Pitiaria: which has given a complete list of all the porticoes

PORTORUS (κελευστής), an officer in a ship, who gave the signal to the rowers, that they might commence rowing. The same name was also applied to the pole or hammer, by the striking of which he regulated the motion of the oars.¹ The duties of this officer are thus described by Solinus

*Media stat margine puppi.
Portorus nautarum temperet ubi,
Et daret sonitum, pariterque relatu
plaudat resonantia cœrula tons.*

This *Portor* is sometimes called *Horator*,² or

PORTORES. (Vid. PUBLICANI.)

PORTORIUM was one branch of the regular revenues of the Roman state, consisting of the duties on imported and exported goods: sometimes, however, the name portorium is also applied to the duties raised upon goods for being carried through a country or over bridges.³ A portorium, however, on imported goods, appears to have been known in a very early period, for it is said that Valerius Publicola exempted the plebes from the portorium at a time when the Republic was threatened with invasion by Porsenna.⁴ The time of its abolition is uncertain; but the abolition of it, according to Publicola, can only have been a temporary measure; and as the expenditure of the state was increased, new portoria must have been introduced. Thus the censors M. Æmilius Lepidus and M. Fulvius Nobilior instituted portoria of several kinds,⁵ and C. Gracchus again increased the number of articles which had to pay portoria in the conquered places and in the provinces, the import and export duties, which had been paid in the provinces, were generally not only retained, but increased, and appropriated to the ærarium. Thus portoria being paid at Capua and Puteoli on goods which were imported by merchants,⁶ Sicily, and, above all, Asia, furnished to the Roman treasury large sums which were raised as portoria.⁷ In some cases, however, the Romans allowed a subject nation, as a particular favour, to raise for themselves whatever portoria they pleased in their ports, and only stipulated that Roman citizens and soldiers should be exempted from them.⁸ In the year 60 B.C., all the portoria in the ports of Italy were done away with by a lex Cœcilia, carried by the prætor Q. Metellus Nepos.⁹ It appears, however, that the cause of this abolition was not any complaint by the people of the tax itself, but of the collectors, *i. e.*, the persons who collected it, and who greatly annoyed the merchants by their unfair conduct and various vexations. (Vid. PUBLICANI.) Thus the Republic for a time only levied import and export duties in the provinces, until J. Cæsar restored the duties on commodities imported from foreign countries.¹⁰ During the last triumvirate new portoria were introduced,¹¹ and Augustus partly increased the old import duties and partly instituted

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1. (Ascon. ad M.
i., 43.—Id. ib., iii., 3.
4. (Compare Cic., De
ony. III., ii., 73.)—5.
Jul., 46.—Serr. ad J.
(Dion Cass., liv., 27.)—
Liv., v., 40.—Id., ix., 46
Liv., xxviii., 38.—Cic.,
Brosch., Studien und A.
(Liv., Epit., lib. 59.—Val
(Aruob., iv., 35.—Symmach.

1. (Ascon. s. v. Porticus).—2. (Festus, s. v.).—3. (ii., 36.
4. (Dion. Met., iii., 618.—Plaut., Merc., iv., 2. 5.—Verg.
Æn., iii., 128.)—5. (Compare Blomfield ad Æsch., Pers., 403.
6. (Plin., H. N., xii., 31.—Sueton., Vitell., 14.)—7. (Liv., ii., 4.
Compare Dionys., v., 22.)—8. (Liv., xl., 51.)—9. (Vellet. Pat.
Liv., xxxii., 7.)—10. (Cic., c. Verr., ii., 73.—Plin.
Metell., 6.)—11. (Liv., xxxviii., 44.—Gruter, Inscr., p. 504.)
12. (Dion Cass., xxxv., 51.—Cic. ad Att., ii., 16.)—13. (Suet.,
43.)—14. (Dion Cass., xlvii., 34.)

the subsequent emperors increased or as a branch of the revenue as necessity required their own discretion dictated.

The articles subject to an import duty, stated in general terms, that all coming slaves, which were imported by the purpose of selling them again, to the portorium, whereas things brought with him for his own use were not. A long list of such taxable things in the Digest.¹ Many things, howsoever more to the luxuries than to the necessities of life, such as eunuchs and handmaids, had to pay an import duty, even when they were imported by persons for their own use, whereas things which were imported for the use of the state were also exempt from the portorium. The provincial governors (*praesides*), and the persons to purchase things for the state, had to write a list of such things (*portitores*), to enable the latter to know more things were imported than what was allowed for the practice of smuggling to appear as common among the Romans of those times. Respecting the right of the foreign travellers and merchants, see also such goods as were duly stated to be called *scripta*, and those which were not *scripta*. If goods subject to a duty were discovered, they were, on their discovery, con-

sidered as the amount of the import or export duty, but very few statements in the ancient law. In the time of Cicero, the portorium of Sicily was one twentieth (*centesima*) of the value of taxable articles;² and as this was the rate in Greece,³ it is probable that the average sum raised in all the other times of the emperors, the ordinary portorium appears to have been one fourth (*quadragesima*) of the value of imports.

At a late period, the exorbitant sum (*octava*)⁴ is mentioned as the ordinary rate, but it is uncertain whether this is the rate of the portorium, or merely for cer-

tains, like all other vectigalia, were levied by the censori, or the publicani, who were called the *portitores*. (*Vid. Vectigalia*.)⁵

PORTUNIA or **PORTUNA/LIA**, a festival in honour of Portunus or Portunus of harbours.⁶ It was celebrated on the 17th of the calends of September.⁷

The *portorium* mixed with water, was the common drink of the lower orders among the Romans, when on service,⁸ slaves,⁹ &c.

POSEIDONIA (*Ποσειδώνια*), a festival held every year in honour of Poseidon.¹⁰ It seems to have been celebrated by all the inhabitants of the island.¹¹ Pausanias¹² calls it a panegyris, and mentions one celebration, Phryne, the celebrated courtesan, walked naked into the sea in the presence of the assembled Greeks. The festival was mentioned by Theodoretus,¹³ but no particu-

POSSESSIO. Paulus¹ observes. "*Possessio appellata est, ut et Labco ait, a pedibus*" (ed. Flor., "Sedibus"), "*quasi positio: quia naturaliter tenetur ab eo qui insistit.*" The absurdity of the etymology and of the reason is equal. The elements of possession are either *pot* (pot-is) and *sedere*, or the first part of the word is related to *apud* and the cognate Greek form of *ποσί* (*πρός*).

Possessio, in its primary sense, is the condition or power by virtue of which a man has such a mastery over a corporeal thing as to deal with it at his pleasure and to exclude other persons from meddling with it. This condition or power is detention, and it lies at the bottom of all legal senses of the word possession. This possession is no legal state or condition, but it may be the source of rights, and it then becomes possessio in a juristical or legal sense. Still, even in this sense, it is not in any way to be confounded with property (*proprietas*). A man may have the juristical possession of a thing without being the proprietor, and a man may be the proprietor of a thing without having the juristical possession of it, and, consequently, without having the detention of it.² Ownership is the legal capacity to operate on a thing according to a man's pleasure, and to exclude everybody else from doing so. Possession, in the sense of detention, is the actual exercise of such a power as the owner has a right to exercise.

Detention becomes juristical possession and the foundation of certain rights when the detainer has the intention (*animus*) to deal with the thing as his own. If he deal with it as the property of another, as exercising over it the rights of another, he is not said "*possidere*" in a juristical sense, but he is said "*alieno nomine possidere.*" This is the case with the commodatarius and with him who holds a deposit.³

When the detention is made a juristical possession by virtue of the *animus*, it lays the foundation of a right to the interdict, and by virtue of usucapion it becomes ownership. The right to the interdict is simply founded on a juristical possession, in whatever way it may have originated, except that it must not have originated illegally with respect to the person against whom the interdict is claimed. (*Vid. INTERDICTUM.*) Simply by virtue of being possessor, the possessor has a better right than any person who is not possessor.⁴ Usucapion requires not only a juristical possession, but in its origin it must have been bona fide and founded on a justa causa, that is, there must be nothing illegal in the origin of the possessio. (*Vid. USUCAPIO.*)

The right which is founded on a juristical possession is a *jus possessionis*, or right of possession, that is, a right arising from a juristical possession. The expression *jus possessionis* is used by the Roman jurists. The right to possess, called by modern jurists *jus possidendi*, belongs to the theory of ownership.

All juristical possession, then, that is, possessio in the Roman law as a source of rights, has reference only to usucapion and interdicts; and all the rules of law which treat possession as a thing of a juristical nature, have no other object than to determine the possibility of usucapion and of the interdicts.⁵

In answer to the question to which class of rights possession belongs, Savigny observes,⁶ "So far as concerns usucapion, one cannot suppose the thing to be the subject of a question. No one thinks of asking to what class of rights a justa causa belongs, without which tradition cannot give owner-

16.—Compare Cic., c. Verr., ii., 72, 74.)—2. (Ihet., i.—Cod., iv., tit. 42, s. 2.)—3. (Dig. 39, Dig. 39, tit. 4, s. 16.)—5. (Cic., c. Verr., ii., Staats., i., p. 348.)—7. (Suet., Vesp., 1.—359.—Symmach., Epist., v., 62, 65.)—8. (Cod., 9. (Burm., De Vect. Pop. Rom., p. 50—77.—Hegewisch, Versuch über die Röm. Ed. 804.)—10. (Varro, De Ling. Lat., vii., 10, ed. lendarium Maff.)—12. (Spart., Hadr., 10.)—13. 2, 23.)—14. (Atten., xiii., p. 588.)—15. (xiii., erap., 7.)

1. (Dig. 41, tit. 2, s. 1.)—2. (Dig. 41, tit. 2, s. 12.)—3. (Dig. 41, tit. 2, s. 18, 30.)—4. (Dig. 43, tit. 17, s. 1, 2.)—5. (Savigny, Das Recht des Besitzes, p. 24, &c.)—6. (¶ 6.)

ship. It is no right, but it is a part of the whole transaction by which ownership is acquired. So is it with possession in respect to usucapion."

The right to possessorial interdicts belongs to the law of obligationes ex maleficiis. "The right to possessorial interdicts, then, belongs to the law of obligationes, and therein possession is only so far considered as containing the condition without which the interdicts cannot be supposed possible. The jus possessionis, consequently—that is, the right which mere possession gives—consists simply in the claim which the possessor has to the interdicts as soon as his possession is disturbed in a definite form. Independent of this disturbance, bare possession gives no rights, neither a jus obligationis, as is self-evident, nor yet a right to the thing, for no dealing with a thing is to be considered as a legal act simply because the person so dealing has the possession of the thing."¹

The term possessio occurs in the Roman jurists in various senses. There is possessio generally, and possessio civilis, and possessio naturalis.

Possessio denoted originally bare detention. But his detention under certain conditions becomes a legal state, inasmuch as it leads to ownership through usucapion. Accordingly, the word possessio, which required no qualification so long as there was no other notion attached to possessio, requires such qualification when detention becomes a legal state. This detention, then, when it has the conditions necessary to usucapion, is called possessio civilis; and all other possessio, as opposed to civilis, is naturalis. But detention may also be the foundation of interdicts, which notion of possession is always expressed by possessio simply, and this is the meaning of possessio when used alone and in a technical sense. As opposed to this sense of possessio, all other kinds of detention are also called naturalis possessio, the opposition between the natural and the juristical possession (*possessio*) being here expressed just in the same way as this opposition is denoted in the case of the civilis possessio. There is, therefore, a twofold juristical possessio: *possessio civilis*, or possession for the purpose of usucapion, and *possessio*, or possession for the purpose of the interdict. It follows that possessio is included in possessio civilis, which only requires more conditions than possessio. If, then, a man has possessio civilis, he has also possessio, that is, the right to the interdict; but the converse is not true. Possessio naturalis, as above observed, has two significations, but they are both negative, and merely express in each case a logical opposition, that is, they are respectively not possessio civilis or possessio. The various expressions used to denote bare detention are "*teneré*," "*corporaliter possidere*," "*esse in possessione*."

In the case of a thing being pignored, the person who pledges it has still the possessio ad usucapionem, but the pledgee alone has the possessio ad interdicta. It is not a possessio civilis which is the foundation of the pledger's title by usucapion; but by a special fiction he is considered to have such possession, and so the case is a special exception to the general rule, "*sine possessione usucapio contingere non potest*."

Possessio justa is every possessio that is not illegal in its origin, whether such possessio be mere detention or juristical possessio. The word justa is here used, not in that acceptance in which it has reference to jus civile, and is equivalent to civilis or legitima, but in another sense, which is more indefinite, and means "rightful" generally, that is, not wrongful. The creditor who is in possession of a pledge has a justa possessio, but not a civilis

possessio: he has, however, a juristical possessio, that is, *possessio*, and, consequently, a right to the interdicts. The missio in possessionem is the foundation of a justa possessio, but, as a general rule, not of a juristical possessio. Possessio injusta is the logical opposite of justa, and in the case of possessio injusta there are three special *viz* possessiois, that is, when the possession has originated *vi*, *clam*, or *precario*¹ (*Hanc tu tuis vel si vel clam, vel precario fac tradas*).

With respect to the causa possessionis, there was a legal maxim: "*Nemo sibi ipse causam possessionis mutare potest*." This rule is explained by Savigny by means of Gaius,² as having reference to the old usucapio pro herede, and the meaning of it was, that if a person had once begun to possess for any particular cause, he could not at his pleasure change such possessio into a possessio pro herede.³

A possessor bonæ fidei is he who believes that no person has a better right to possess than himself. A possessor malæ fidei is he who knows that he has no right to possess the thing.⁴

Besides these various meanings of possessio, possessor, possidere, at the bottom of all which lies the notion of possession, there are some other meanings. "To have ownership" is sometimes expressed by possidere; the thing which is the object of ownership is sometimes possessio; and the owner is possessor. This use of the word occurs frequently in the Code and Pandect, and also in Cicero, Quintilian, Horace, and other writers. But it is remarked by Savigny that these meanings of possidere, possessio, &c., always refer to land as their object.

Possessio also denotes the relation of a defendant with respect to a plaintiff. For instance, when ownership is claimed, the demand must be against a person in possession; but this does not mean that such person must have a juristical possessio. In a vindicatio, accordingly, the plaintiff is called petitor, and the defendant is named possessor, because, in fact, he has the possession of that which the plaintiff claims. The procedure by the vindicatio was also adapted to the case of an hereditas, and here also the term possessor was applied to the defendant. In many cases the possessor was really such, and one object of the hereditatis petitio was to recover single things which the defendant possessed pro herede or pro possessore. But the term possessor was not limited to such cases, for the defendant is called possessor when the petitio is not about a matter of possession. He is called juris possessor, because he refuses to do something which the heres claims of him, or because he asserts his right to a portion of the hereditas.

The juristical notion of possession implies a thing which can be the object of ownership; it also implies that the possessor can be no other than a person who has a capacity for ownership.

The notion of possession is such that only one person at a time can possess the whole of a thing (*plures eandem rem in solidum possidere non possunt*). When several persons possess a thing in common, so that their possession is mutually limited, each, in fact, possesses only a definite part of the thing, but does not possess the other parts; and, though the division into parts is only ideal, this does not affect the legal consideration of the matter. Persons may also possess the same thing in different senses, as in the case of the debtor and his creditor who has received from him a pignus.

Though things incorporeal are not strictly ob

1. (Savigny, p. 34.)

1. (Terent., Eunuch., ii., 3.—Dix. 43, tit. 17, s. 1, 2.)—2. (l. 52, &c.)—3. (Savigny, p. 56.)—4. (Savigny, p. 84.)

acts of possession, yet there is a *juris quasi possessio* of them, as, for instance, in the case of servitudes (*servitutes*). The exercise of a right of this kind is analogous to the possession of a corporeal thing: in other words, as real possession consists in the exercise of ownership, so this kind of possession, which is fashioned from analogy to the other, consists in the exercise of a *jus in re*, or of one of the component parts of ownership. In the case of possession, it is the thing (*corpus*) which is possessed, and not the property: by analogy, then, we should not say that the servitus or the *jus in re* is possessed. But as in the case of a *jus in re* there is nothing to which the notion of possession can be attached, while in the case of ownership there is the thing to which we apply the notion of possession, we are compelled to resort to the expression, *juris quasi possessio*, by which nothing more is meant than the exercise of a *jus in re*, which exercise has the same relation to the *jus in re* that proper possession has to ownership.¹

In order to the acquisition of juristical *possessio*, apprehension and *animus* are necessary. The apprehension of a corporeal thing is such a dealing with it as empowers the person who intends to acquire the possession to operate on the thing to the exclusion of all other persons. But actual corporeal contact with the thing is not necessary to apprehension: it is enough if there is some act on the part of the person who intends to acquire possession, which gives him the physical capacity to operate on the thing at his pleasure. Thus, in the case of a piece of ground, he who enters upon part of it is considered to have entered upon the whole. A man may acquire possession of what is contained in a thing by delivery of the key which gives him access to the contents, in the presence of (*apud*) the thing. The case mentioned in the Digest² is that of the key of a granary being delivered in sight of the granary (*apud horrea*). The delivery of the key is not a symbolical delivery, as some have supposed, but it is the delivery of the means of getting at the thing.³

The *animus* consists in the will to treat as one's own the thing that is the object of our apprehension. All persons, therefore, who are legally incompetent to will, are incompetent to acquire a juristical possession. Children and lunatics are examples of such persons. If a man has the detention of a thing, he can acquire the *possessio* by the *animus* alone, for the other condition has been already implied with.

In order that juristical possession may be acquired, there must always be the *animus* on the part of him who intends to acquire the possession; but the act of apprehension (*corpus*) may be effected by another as his representative, if that other does the necessary acts, and with the intention of acquiring the possession for the other, and not for himself.⁴ There must be a certain relation between the person for whom possession is thus acquired and the person who acquires it for him, either of legal power (*potestas*) or of agency: the former is the case of a slave or *filiusfamilias* who obeys a command, and the latter is the case of an agent who follows instructions (*mandatum*). A person who is the representative of another, and has the possession of a thing, may by the *animus* alone cease to have the possession, and transfer it to that other, retaining only the bare detention.

Possessio, that is, the right of possession, is, however, a thing that can be transferred without the transfer of ownership. In this case of deriva-

tive *possessio*, the apprehension is the same as in the case of acquiring a juristical *possessio*; but the *animus* with which the thing is apprehended cannot be the "*animus domini*," but merely the "*animus possidendi*," that is, the will to acquire the *jus possessionis*, which the possessor transfers, and nothing more. The detention of a thing may be transferred without the ownership, but the transfer of the detention is not always accompanied by a transfer of the *jus possessionis*. There are three classes into which all acts may be distributed which are accompanied with a transfer of detention: 1. those which are never the foundation of a derivative *possessio*; 2. those which always are; and, 3. those which are sometimes. The first class comprehends such cases as those when the detention of a thing is transferred to an agent (*procurator*), and the case of a *commodatum*. (*Vid. COMMODATUM*.) The second class comprehends the case of the *emphyteuta*, which is a *possessio*, but only a derivative one, as the *emphyteuta* has not the *animus domini*; it also comprehends the case of the creditor who receives the detention of a *pignus* by a *contractus pignoris*, but it does not comprehend the case of a *pignus pratorium*, *pignus in causa judicati captum*, nor a *pactum hypothecæ*. In the case of a *contractus pignoris*, when the thing was delivered to the creditor he had *possessio*, that is, a right to the interdicts, but not *possessio civilis*, that is, the right of usucapion. The debtor had no *possessio* at all, but, by virtue of an exception to a general rule, he continued the usucapion that had been commenced. (*Vid. PIGNUS*.) The third class comprehends *depositum* and *precarium*.

The right of possession consists in the right to the protection of the interdict (*vid. INTERDICTUM*), and this protection is also extended to *jura in re*. The relation of the *juris quasi possessio* to *possessio* has been already explained. The objects of this *juris quasi possessio* are personal servitudes, real servitudes, and *jura in re* which do not belong to the class of servitudes, of which superficies is the only proper instance. In all the cases of *juris quasi possessio*, the acquisition and the continuance of the right of possession depend on the *corpus* and *animus*; and the *animus* is to be viewed exactly in the same way as in the case of possession of a corporeal thing. The exercise of personal servitudes (particularly *usus* and *usufructus*) is inseparable from the natural possession of the thing, and the possession of them is consequently acquired in the same way as the possession of a corporeal thing. As to the *juris quasi possessio* of real servitudes, there are two cases: either he who has a right to the servitus must do some act, which, if he had not the right, he might be forbidden to do (*servitus quæ in patiendo consistit*), or the owner of property has no right to do some particular thing, which, if the right did not exist, he might do (*servitus quæ in non faciendo consistit*). As to the first class, which may be called positive servitudes, the acquisition of the *juris quasi possessio* consists merely in doing some act which is the object of the right, and the doing of this act must be done for the purpose of exercising the right.¹ This rule applies to the *jus itineris*, *actus*, *via*, and others, which are independent of the possession of any other property. Such an act as the *jus tigni immittendi*, or the driving a beam into the wall of one's neighbour's house, is a right connected with the possession of another piece of property, and the possession of this right consists in the exercise of it. As to the second class, which may be called negative servitudes, the *juris quasi possessio* is acquired in consequence of

1. (Savigny, p. 166.)—2. (Dig. 18, tit. 1, s. 74.)—3. (Compare Hardwicke's remarks on this matter, *Ward v. Turner*, 2 ex.)—4. (Paulus, S. R., v. tit. 2, s. 1.)

POSTLIMINIUM.

lysis of this excellent work by Warnkönig, see du traité de la possession par M. de Sa- liège, 1824;" and a summary view of Sa- Theory is given by Mackeldey, *Lehrbuch*, p. 7.¹

ESSIO BONORUM. (*Vid.* BONORUM POS-

ESSIO CLANDESTINA. (*Vid.* INTER-

ICUM. (*Vid.* JANUA, p. 524.)

POSTLIMINIUM, JUS POSTLIMINII. "There is Pomponius,² "two kinds of postliminium, in may either return himself or recover it." Postliminium is farther defined by to be the "right of recovering a lost thing extraneous and of its being restored to its status, which right has been established be- (the Romans) and free people and kings and enactments (*moribus ac legibus*); for have lost in war or even out of war, if we we are said to recover postliminio; and has been introduced by natural equity, in it he who was wrongfully detained by should recover his former rights on re- into his own territories (*in fines suos*)." Julius says, "a man seems to have returned io when he has entered our territory (*in tros intraverit*), as a foundation is laid for inium (*sicuti admittitur*)" (?) when he has on our territories (*ubi fines nostros exces- t if a man has come into a state in alliance friendship with Rome, or has come to a liance or friendship with Rome, he appears forthwith returned by postliminium, be- then first begins to be safe under the of the Roman state." These extracts are for the purpose of clearing up the etymology ord, as to which there was a difference of*

The explanation of Scævola, as given by has reference to the etymology of the word, *limen*: "what has been lost by us and has an enemy, and, as it were, has gone from *limen*, and then has afterward (*post*) re- to the same *limen*, seems to have returned *liminium*." According to this explanation, en was the boundary or limit within which was under the authority of Rome and an of the Roman law. A recent writer³ sug- gest postliminium must be viewed in a sense us to pomerium. There is a fanciful expla- of the matter by Plutarch⁷ in his answer to tion. Why are those who have been falsely to have died in a foreign land, not received house through the door in case of their re- let down through an opening in the roof? man citizen, during war, came into the pos- of an enemy, he sustained a *diminutio capita*, and all his civil rights were in abey- being captured by the enemy, he became a ut his rights over his children, if he had re not destroyed, but were said to be in e (*pendere*) by virtue of the *jus postliminii*: returned, his children were again in his and if he died in captivity, they became sui Whether their condition as *sui juris* dated time of the captivity or of the death, was ed matter;³ but Ulpian, who wrote after eclares that in such case he must be con- to have died when he was made captive; is certainly the true deduction from the

also Gaius, iv., 138-170.—Inst., iv., tit. 15.—Dig. 41, 3, tit. 16-23, 26, 31.—Cod., vii., tit. 32; viii., tit. 4, 5, Theod., iv., tit. 22, 23.—2. (Dig. 49, tit. 15, s. 14.) 49, tit. 15, s. 19.)—4. (The reading in Flor., Geb., r. is "sicuti admittitur.")—5. (Cic., Top., 8.)—6. Geschichte der Röm. Staatsverfassung, p. 117.)—Rom., 5.)—8. (Gaius, i., 129.)

POSTLIMINIUM.

premises. In the case of a *filius* or *nepos* being made captive, the parental power was suspended (*in suspensio*). If the son returned, he obtained his civic rights, and the father resumed his parental powers, which is the case mentioned in the Di- gest.¹ As to a wife, the matter was different: the husband did not recover his wife *jure postliminii*, but the marriage was renewed by consent. This rule of law involves the doctrine, that if a husband was captured by the enemy, his marriage, if any then existed, was dissolved. If a Roman was ransomed by another person, he became free, but he was in the nature of a pledge to the ransomer, and the *jus postliminii* had no effect till he had paid the ransom money.

Sometimes, by an act of the state, a man was given up bound to an enemy, and if the enemy would not receive him, it was a question whether he had the *jus postliminii*. This was the case with Sp. Postumius, who was given up to the Samnites, and with C. Hostilius Mancinus, who was given up to the Numantines; but the better opinion was that they had no *jus postliminii*:² and Mancinus was restored to his civic rights by a *lex*.³

Cicero⁴ uses the word *postliminium* in a different sense; for he applies it to a man who had, by his own voluntary act, ceased to be a citizen of a state, and subsequently resumed his original civic rights by *postliminium*.

It appears that the *jus postliminii* was founded on the fiction of the captive having never been absent from home—a fiction which was of easy applica- tion; for as the captive, during his absence, could not do any legal act, the interval of captivity was a pe- riod of legal non-activity, which was terminated by his showing himself again.

The Romans acknowledged capture in war as the source of ownership in other nations, as they claimed it in their own case. Accordingly, things taken by the enemy lost their Roman owners; but when they were recovered, they reverted to their original owners. This was the case with land that had been occupied by the enemy, and with the following movables, which are enumerated by Cicero as *res postliminii*:⁵ "*homo* (that is, slaves), *navis*, *mulus cli- tellarius*, *equus*, *equa qua frana recipere solet*."⁶ Arms were not *res postliminii*, for it was a maxim that they could not be honourably lost.

The recovery above referred to seems to mean the recovery by the Roman state or by the original owner. If an individual recaptured from an enemy what had belonged to a Roman citizen, it would be consistent that we should suppose that the thing recaptured was made his own by the act of capture; but if it was a *res postliminii*, this might not be the case. If a thing, as a slave, was ransomed by a person not the owner, the owner could not have it till he had paid the ransom: but it does not appear to be stated how the matter was settled if a Roman citizen recaptured property (of the class *res postliminii*) that had belonged to another Roman citizen. But this apparent difficulty may perhaps be solved thus: in time of war, no Roman citizen could individually be considered as acting on his own behalf under any circumstances, and, therefore, whatever he did was the act of the state. It is a remark of Labeo,⁷ "*Si quid bello captum est, in preda est, non postliminio redit*;" and Pomponius⁸ states, that if the enemy is expelled from Roman lands, the lands return to their former owners, being neither considered public land nor *preda*; in making which remark he evidently assumes the *general doctrine*

1. (49, tit. 15, s. 14.)—2. (Cic., De Or., i., 40.—Id., De Off., iii., 30.—Id., Top., 8.—Id., Pro Cæcina, c. 34.—Dig. 49, tit. 15, s. 4; 50, tit. 7, s. 17.)—3. (Dig. 50, tit. 7, s. 17.)—4. (Pro Balbo, c. 12.)—5. (Top., 8.)—6. (Compare Festus, s. v. *Postliminium*.)—7. (Dig. 49, tit. 15, s. 28.)—8. (Dig. 49, tit. 15, s. 28.)

laid down by Labeo. Paulus also, in his remark on Labeo's rule of law, merely mentions an exception to the rule, which was of a peculiar kind. If, then, anything taken in war was booty (*præda*), to what did the *jus postliminii* apply? It applied, at least, to all that was restored by treaty or was included in the terms of surrender, and slaves, no doubt, were a very important part of all such things as were captured or lost in time of war; and they were things that could be easily identified and restored to their owners. It also applied to a slave who escaped from the enemy and returned to his master. The maxim "*quæ res hostiles apud nos sunt, occupantium fiunt*," has no reference to capture from the enemy, as it sometimes seems to be supposed.²

It may be objected, that the explanation of one difficulty that has been already suggested raises another. According to this explanation, if a man in time of war recaptured his own slave, it would be *præda*, and he would not at once recover the ownership, as above supposed. The answer is, that it may be so, and that this matter of postliminium, particularly as regards things, waits for a careful investigation. As a general rule, all movables belonging to an enemy which were captured by a Roman army were *præda*, apparently not the property of the individual soldier who happened to lay his hands on them, but the property of the state, or, at least, of the army. Now the difficulty is to ascertain whether all movables so taken were *præda*, except *res postliminii*, or whether all things so taken were *præda*, *res postliminii* included. In the former case, the *res postliminii* would be the property of the owner when he could prove them to have been his: in the latter, when a thing had become *præda*, it had lost its capacity (if we may so speak) of being a *res postliminii*. The distinction here made is a fundamental one. The difficulty partly arises from the expression of Labeo above quoted, *Si quid, &c.*, where the Florentine reading has been followed. But Bynkershoek³ amends the reading into *Si quod, &c.*, the propriety of which may be doubted.

If a man made a will before he was taken captive, and afterward returned, the will was good *jure postliminii*. If he died in captivity, the will was good by the *lex Cornelia*. The law of postliminium applied to time of peace as well as war, when the circumstances were such that the person or the thing could become the property of another nation,⁴ as, for instance, of a nation that had neither an *amicitia*, *hospitium*, nor a *foedus* with Rome; for such might be the relation of a nation to Rome, and yet it might not be *hostis*. A nation was not *hostis*, in the later acceptation of that term, till the Romans had declared war against it, or the nation had declared war against Rome. Robbers and pirates were not *hostes*, and a person who was captured by them did not become a slave, and therefore had no need of the *jus postliminii*.

POSTUMUS. (Vid. HERES, ROMAN.)

*POTAMOGEÏTON (*ποταμογείτων*), the *Potamogeton natans*, or Floating Pondweed.⁵

*POTERION (*ποτίριον*), a species of plant. Pena and Lobelius held it to be the *Poterium spinosum* L., but Sprengel is inclined to think, with Matthioli and Clusius, that it is the *Astragalus Poterium*, Pall., being a species of Tragacanth, according to Linnæus.⁶

POTESTAS. (Vid. PATRIA POTESTAS.)

*POTHUS (*πόθος*), "a species of plant, which Sprengel, in the first edition of his R. H. H., sets

down for the *Lychnis Chalcedonica*, and in the second for the *Amaryllis lutea*, but upon a doubtful reading according to Schneider. Bauhin, however, is pretty decided in favour of the *Lycium Chalcedonica*.⁷

PRÆCTORES (*πράκτορες*), subordinate officers (*ὄνομα ὑπηρεσίας*, says Pollux⁸) who collected the fines and penalties (*ἐπιβολὰς* and *τιμῶνας*) imposed by magistrates and courts of justice, and payable to the state. The magistrate who imposed the fine, or the *ἡγεμὼν δικαστηρίου*, gave notice thereof in writing to the *πράκτορες*. He was then sent *ἐν γράφειν τὸ τίμημα τοῖς πράκτορσιν*, and the debtor's name *παράδοθῆναι τοῖς πράκτορσιν*. If the fine of any part thereof was to go to a temple, the *ἡγεμὼν* was sent to the *ταμίαι* of the god of whom the temple belonged.⁹ The name of the debtor, with the sum which he was condemned to pay, was entered by the *πράκτορες* in a tablet in the Acropolis. Hence the debtor was said to be *ἐγγεγραμμένον τῷ δημοσίῳ, σὶ ἐν τῇ ἑσπέρῃ*. It was the business of the *πράκτορες* to demand payment of this sum, and, if they received it, to pay it over to the *ὑποδέκται*, and also to erase the name of the debtor in the register (*ἐξολοκίσαι* or *ἐραδιῶσαι*). Such erasure usually took place in the presence of some members of the senate. An *ἑσπέρη* lay against any man who made or caused to be made a fraudulent entry or erasure of a debt.¹⁰ The collectors took no steps to enforce payment: but after the expiration of the ninth *πρωτανεία* from the registering of the debt (or, in case of a penalty imposed on a *γραφή ὕβρεως*, after the expiration of eleven days), if it still remained unpaid, it was doubled, and an entry made accordingly.¹¹ Thereupon immediate measures might be taken for seizure and confiscation of the debtor's goods; but here the *πράκτορες* had no farther duty to perform, except, perhaps, to give information of the default to the senate.¹²

PRÆCINCTIO. (Vid. AMPHITHEATRON, p. 53.)

*PRÆCŌCIA (*πραϊκόκκια*), called *βερικόνια* in the *Geoponica*, the same as the *μήζα Ἀρμενίαν*, being a variety of the Apricot, or *Prunus Armeniaca*.

PRÆCONES, Criers, were employed for various purposes: 1. In sales by auction, they frequently advertised the time, place, and conditions of sale: they seem also to have acted the part of the modern auctioneer, so far as calling out the biddings and amusing the company, though the property was knocked down by the *magister auctionis*.¹ (Vid. Αὐκτιο.) 2. In all public assemblies they ordered silence.² 3. In the *comitia* they called the centuries one by one to give their votes, pronounced the vote of each century, and called out the names of those who were elected.³ They also recited the laws that were to be passed.⁴ 4. In trials, they summoned the accuser and the accused, the plaintiff and defendant.⁵ 5. In the public games, they invited the people to attend, and proclaimed the victors.⁶ 6. In solemn funerals they also invited people to attend by a certain form; hence these funerals were called *funera indictiva*.⁷ 7. When things were lost, they cried them and searched for

1. (Dig. 40, tit. 1, s. 51.)—2. (Möhlenbruch, Doctr. Pand., p. 242.)—3. (Op. Omn., i., p. 76.)—4. (Dig. 49, tit. 15, s. 5.)—5. (Dioscor., iv., 99.)—6. (Dioscor., iii., 15.—Adams, Append., s. v.)

1. (Theophrast., H. P., vi., 8.—Bauhin, Pinax, 281.—Eusebius, ad Hom., Od., xi, 201.—Adams, Append., s. v.)—2. (Cicero, de Off., ii., 114.)—3. (Æsch., c. Timarch., 5.—Amlod., De Myrta, ii., ed. Steph.—Demosth., c. Theocr., 1328.)—4. (Harpo., ad Soudam, s. v. Ἀγροτίων, ἀποδέκται, γενεθιγραφεῖ.—Amlod., De Myrta, ii., ed. Steph.—Demosth., c. Aristog., 778.—Id., c. Theocr., 1338.)—5. (Æsch., c. Timarch., 3, ed. Steph.—Demosth., c. Pant., 973.—Id., c. Theocr., 1322.—Id., c. Neer., 1347.)—6. (Böckh, Staatsh. der Ath., i., 167, 171, 418, 421.)—7. (Dioscor., i., 165.—Geopon., s. v., 73.—Hardouin ad Plin., II, N., xv, 31.—Adams, Append., s. v.)—8. (Hor., Ep., ad Pis., 419.—Cic. ad Att., xii., 40.—Id., De Off., ii., 23.)—9. (Liv., iii., 47.—Plaut., Pæn., prol. 11.)—10. (Cic. in Verr., II, v., 15.—Id., Pro Mil., 34.)—11. (Suet., Tib., 11.)—12. (Cic. ad Fam., v., 12.)—13. (Petrus, v. v. Quirites.—Suet., Jul., 84.)

their.¹ 8. In the infliction of capital punishment, they sometimes conveyed the commands of the magistrates to the lictors.²

Their office, called *præconium*, appears to have been regarded as rather disreputable: in the time of Cicero, a law was passed preventing all persons who had been præcones from becoming decuriones in the municipia.³ Under the early emperors, however, it became very profitable,⁴ which was, no doubt, partly owing to fees to which they were entitled in the courts of justice and on other occasions, and partly to the bribes which they received from the suitors, &c.

PRÆCONIUM (Vid. PRÆCONES.)

PRÆDA. (Vid. POSTLIMINIUM.)

PRÆDIATOR. (Vid. PRÆS.)

PRÆDIATORIUM JUS. (Vid. PRÆS.)

PRÆDIUM. This word originally signified, according to Varro,⁵ any property which was made a security to the state by a præ: "*Prædia dicta, item ut prædes, a præstando, quod ea pignori data publicæ mancipis fidem præsent.*" Subsequently the word was limited to signify land generally. In this sense prædia were divided into *rustica* and *urbana*, of which the following definition has been given: "*Rustica* are those on which there are no *ædes* or which are in the country (*in agro*), and *urbana* are those which are in the city, and comprise buildings.

Those incorporeal things which consisted not in the ownership of prædia, but in certain rights with respect to them, were called *jura prædiorum*. As to a difference in the mode of transferring such *jura* in the case of prædia *rustica* and *urbana*, see *Gaius*.⁶ A prædium which was liable to a servitus was said "*servire*," and was "*a prædium serviens.*"

Provincialia prædia were either *stipendiaria* or *tributaria*: the former were in those provinces which were considered to belong to the *populus Romanus*, and the latter in those provinces which were considered to belong to the *Cæsar*.⁷

Under the word *Colonus* a reference was made to prædium for an explanation of the term *coloni* of the later imperial period.

These *coloni* were designated by the various names of *coloni*, *rustici*, *originarii*, *adscriptitii*, *inquilini*, *tributarii*, *insenti*. A person might become a *colonus* by *birth*, with reference to which the term *originarius* was used. When both the parents were *coloni* and belonged to the same master, the children were *coloni*. If the father was a *colonus* and the mother a slave, or conversely, the children followed the condition of the mother. If the father was free and the mother a *colona*, the children were *coloni*, and belonged to the master of the mother. If the father was a *colonus* and the mother free, the children before the time of Justinian followed the condition of the father; afterward Justinian declared such children to be free, but finally he reduced them to the condition of *coloni*. If both parents were *coloni* and belonged to different masters, it was finally settled that the masters should divide the children between them, and if there was an odd one, it should go to the owner of the mother. If a man lived for thirty years as a *colonus*, he became the *colonus* of the owner of the land on which he lived; and, though he was still free, he could not leave the land: and a man who had possessed for thirty years a *colonus* belonging to another, could defend himself against the claim of the former owner by the *prescriptio triginta annorum*. A constitution of Valentinian III. declared how free persons might become *coloni* by agreement, and, though

there is neither this nor any similar regulation in the Code of Justinian, there is a passage which apparently recognises that persons might become *coloni* by such agreement.¹

The *coloni* were not slaves, though their condition in certain respects was assimilated to that of slaves, a circumstance which will explain their being called *servi terræ*, and sometimes being contrasted with *liberi*. They had, however, *connubium*, which alone is a characteristic that distinguishes them clearly from slaves.² But, like slaves, they were liable to corporeal punishment, and they had no right of action against their master, whose relation to them was expressed by the term *patronus*.³ The *colonus* was attached to the soil, and he could not be permanently separated from it by his own act, or by that of his *patronus*, or by the consent of the two. The *patronus* could sell the estate with the *coloni*, but neither of them without the other.⁴ He could, however, transfer superabundant *coloni* from one to another of his own estates. When an estate held in common was divided, married persons and relatives were not to be separated. The ground of there being no legal power of separating the *coloni* and the estate was the opinion that such an arrangement was favourable to agriculture, and there were also financial reasons for this rule of law, as will presently appear. The only case in which the *colonus* could be separated from the land was that of his becoming a soldier, which must be considered to be done with the *patronus's* consent, as the burden of recruiting the army was imposed on him, and in this instance the state dispensed with a general rule for reasons of public convenience.

The *colonus* paid a certain yearly rent for the land on which he lived: the amount was fixed by custom, and could not be raised; but, as the land-owner might attempt to raise it, the *colonus* had in such case for his protection a right of action against him, which was an exception to the general rule above stated.⁵ There were, however, cases in which the rent was a money payment, either by agreement or by custom.

A farther analogy between the condition of *servi* and *coloni* appears from the fact of the property of *coloni* being called their *peculium*. It is, however, distinctly stated that they could hold property;⁶ and the expressions which declare that they could have nothing "*propria*,"⁷ seem merely to declare that it was not *propria* in the sense of their having power to alienate it, at least without the consent of their *patroni*. It appears that a *colonus* could make a will, and that, if he made none, his property went to his next of kin: for if a bishop, presbyter, deacon, &c., died intestate and without kin, his property went to the church or convent to which he belonged, except such as he had as a *colonus*, which went to his *patronus*, who, with respect to the ownership of the land, is called *dominus possessionis*.⁸ Some classes of *coloni* had a power of alienating their property.⁹

The land-tax due in respect of the land occupied by the *colonus* was paid by the *dominus*; but the *coloni* were liable to the payment of the poll-tax, though it was paid in the first instance by the *dominus*, who recovered it from the *colonus*. The liability of the *colonus* to a poll-tax explains why this class of persons was so important to the state, and why their condition could not be changed without the consent of the state. It was only when the *colonus* had lived as a free man for thirty years that

1 (Plant., Merc., iii., 4, 78.—Petron., 57.)—2 (Liv., xxvi., 15.)—3 (Cic. ad Fam., vi., 18.)—4 (Juv., iii., 157.—Id., vii., 6.—Mart., v., 56, 11.—Id., vi., 8, 5.)—5 (L. L., v., 40, ed. Müller.)—6 (ii., 29.)—7 (Gaius, ii., 21.)

1. (Cod., xi., tit. 47, s. 22.)—2. (Cod., xi., tit. 47, s. 24.)—3. (Cod. Theod., v., tit. 11.)—4. (Cod., xi., tit. 47, s. 2, 7.)—5. (Cod., xi., tit. 47, s. 5.)—6. (Cod. Theod., v., tit. 11.)—7. (Cod., xi., tit. 49, s. 2.)—8. (Cod. Theod., v., tit. 3.)—9. (Cod., xi., tit. 47, s. 23.)

They were the medium through which the emperors received the petitions and presents from their capital.¹ At the election of a pope, the prefect of Rome had the care of all the external regulations.²

PRÆFECTURA. (Vid. COLONIA, p. 282, 283.)

PRÆFICÆ. (Vid. FUNUS, p. 459.)

PRÆFURNIUM. (Vid. BATHS, p. 151.)

PRÆJUDICIUM. This word, as appears from its etymology, has a certain relation to *judicium*, to which it is opposed by Cicero,³ "*de quo non præjudicium, sed plane jam judicium factum.*" The commentator, who goes under the name of Asconius, observes on this passage, that a *præjudicium* is something which, when established, becomes an *exemplum* for the *judices (judicaturi)* to follow; but this leaves us in doubt whether he means something established in the same cause by way of preliminary inquiry, or something established in a different, but a like cause, which would be what we call a precedent. Quintilian⁴ states that it is used both in the sense of a precedent, in which case it is rather *exemplum* than *præjudicium (res ex paribus causis judicata)*, and also in the sense of a preliminary inquiry and determination about something which belongs to the matter in dispute (*judicis ad ipsam causam pertinentibus*), whence also comes the name *præjudicium*. This latter sense is in conformity with the meaning of *præjudiciales actiones* or *præjudicia*, in which there is an intentio only, and nothing else.⁵ (Vid. ACTIO.) These, accordingly, were called *præjudiciales actiones*, which had for their object the determination of some matter which was not accompanied by a condemnation. For instance, the question might be whether a man is a father or not, or whether he has a potestas over his child: these were the subject of *præjudiciales actiones*. If a father denied that the child who was born of his wife, or with which she was then pregnant, was his child, this was the subject of a "*præjudicium cum patre de partu agnoscendo.*" If a *judex* should have declared that the child must be maintained by the reputed father, there must still be the *præjudicium* to ascertain whether the reputed father is the true father. If it was doubtful whether the mother was his wife, there must be a *præjudicium* on this matter before the *præjudicium de partu agnoscendo*. These *præjudicial* actions, then, were, as it appears, actions respecting status, and they were either *civiles* or *prætorias*. It was a *civilis actio* when the question was as to *libertas*; the rest seem to have been *prætorias actiones*. Quintilian makes a third class of *præjudicia*, "*cum de eadem causa pronuntiatum est.*" &c.

Sometimes *præjudicium* means inconvenience, damage, injury, which sense appears to arise from the notion of a thing being prejudged, or decided without being fairly heard; and this sense of the word seems to be very nearly the same in which it occurs in our law in the phrase "without prejudice to other matters in the cause."⁶

PRÆLU'SIO. (Vid. GLADIATORES, p. 476.)

PRÆNOMEN. (Vid. NOMEN, ROMAN.)

PRÆPOSITUS, which means a person placed over, was given as a title in the later times of the Roman Empire to many officers: of these, the most important was the *præpositus sacri cubiculi*, or chief chamberlain in the emperor's palace.⁷ Under him was the *primicerius*, together with the *cubicularii* and the corps of *silentarii*, commanded by three *decuriones*, who preserved silence in the interior of the palace.⁸

1. (Symmach., Epist., x., 26, 29, 35.—Cod., xii., tit. 49.)—2. (Symmach., Epist., x., 71-83.)—3. (Drvinat., 4.)—4. (Inst. Orat., v., 1, 2.)—5. (Gaius, iv., 44.)—6. (Gaius, iii., 123; iv., 44.—Dig. 25, tit. 3.—Dig. 22, tit. 3, s. 8.—Inst., iv., tit. 6, s. 13.—Theophilus, Paraphr. ad Inst., iv., tit. 6, s. 13.)—7. (Cod., xii., tit. 5.—Cod. Theod., vi., tit. 8.)—8. (Cod., xii., tit. 10.—Walter, Gesch. des Röm. Rechts, p. 360.)

PRÆROGATIVA CENTURIA. (Vid. CENTURIA, p. 297.)

PRÆS. If we might trust a definition by Aemilius, he was called *vas* who gave security for another in a *causa capitalis*; and he who gave security for another in a civil action was *præs*. But this authority cannot be trusted, and the usage of the words *vas* and *præs* was certainly not always conformable to this definition. According to Varro,¹ any person was *vas* who promised *vadimonium* for another, that is, gave security for another in any legal proceeding. Festus² says that *vas* is a synonyme in a *res capitalis*. If *vas* is *genus*, of which *vas* is its special sense, and *præs* are species, these definitions will be consistent. Under *Manceps* Festus remarks, that *manceps* signifies him who buys or hires any public property (*qui a populo emit conductus*), and that he is also called *præs* because he is bound to make good his contract (*præstare quod promissum*) as well as he who is his *præs*.³ According to this, *præs* is a surety for one who buys of the state, and so called because of his liability (*præstare*). But the etymology at least is doubtful, and, we are inclined to think, false. The passage of Festus explains a passage in the Life of Atticus,⁴ in which it is said that he never bought anything at public auction (*ad hastam publicam*), and never was either *manceps* or *præs*. A case is mentioned by Gellius⁵ in which a person was committed to prison who could not obtain *prædes*. The goods of a *præs* were called *prædia*,⁶ and in Cicero⁷ and Livy⁸ "*prædia et prædis*" come together. The phrase "*prædia cavere*," to give security, occurs in the Digest,⁹ where some editions have "*pro adibus cavere*." (See its various readings, ed. Gebauer and Spangenberg.) The phrase "*prædes vendere*" means to sell, not the *prædes* properly so called, but the things which are given as a security.

Prædiatores are supposed by Brissonius to be the same as *prædes*,¹⁰ at least so far as they were sumptuous to the state. But *prædiator* is defined by Gains¹¹ to be one "who buys from the people," and from the context it is clear that it is one who buys a *prædium*, which is farther defined to be a thing pledged to the *populus* "*res obligata populo.*" The *prædiator*, then, is he who buys a *prædium*, that is, a thing given to the *populus* as a security by a *præs*; and the whole law relating to such matters was called *jus prædiatorium*.

PRÆSCRIPTIO, or, rather, TEMPORIS PRÆSCRIPTIO, signifies the exceptio or answer which a defendant has to the demand of a plaintiff, founded on the circumstance of the lapse of time. The word, then, has properly no reference to the plaintiff's loss of right, but to the defendant's acquisition of a right by which he excludes the plaintiff from prosecuting his suit. This right of a defendant did not exist in the old Roman law. When the *prætors* gave new actions by their edict, they attached to them the condition that those actions must be brought within a year (*intra annum judicium haberi*), that is, a year from the time when the right of action accrued. These actions, then, were exceptions from the old rule, that all *actiones* were *perpetuæ*. This rule became extended by the *longi temporis præscriptio*, which established that in actions about ownership, or *jura in re*, ten, or in some cases twenty years, would give a *præscriptio*, when the possessor could show that he had complied with the main conditions of *usucapion*, for if he had, he had

1. (Idyll., xii., 9.)—2. (Ling. Lat., vi., 74, ed. Müller.)—3. (v. Vadem.)—4. (Vid. also Varro, l. c.)—5. (C. Nep., 5.)—6. (vii., 19.)—7. (Pseudo-Ascon. in Verr., II., l., 54.)—8. (l. c.)—9. (xxii., 60.)—10. (II., tit. 2, s. 6.)—11. (Cic., Pro Balb., c. 26.—ad Attic., xii., 14, l. 1.—Sueton., Claud., c. 4.—Vid. also, 12.—12. (l., 61.)

any exceptio. This rule was farther extended by Constantine, and a period of 30 or 40 years seems that the time was not quite settled to be considered sufficient for a præscriptio, if the defendant had not complied with the conditions of usucapion. A general constitution made by Theodosius, A.D. 424, which, with its variations, appears in both the Codes; and it is stated that, as in the case of the actiones mentioned, there should be no hereditatis præscriptio for 30 years, and that, after the same period, the personal action should be brought. The præscriptio in regundorum was excepted, and also of a creditor for his pignus or hypotheca against a debtor, but not against others. Præscriptioes as to status are not enumerated, and those against which there was a præscriptio seem to be included in the general words of the law.

Justinian, by a constitution of the year 529, established the general rule of 30 years for all actions, with the exception of the actio hypothecarum, which he required 40 years. His constitution relates the following actions to which the term of 30 years would apply: *Familiæ hereditatis dividendo, Finium regundorum, Furti et Vi Bonorum Raptorum*; and it is stated *que alterius cujuscunque personalis actionem esse triginta annis, &c., sed ex quo competit, et semel nata est, &c., post memoriam finire.*" It thus appears that all actions originally perpetual, then some were reduced to præscriptio, and, finally, all were reduced to præscriptio. In consequence of this change, the term originally applied to actions that were reduced to præscriptio, was used to signify an action in which 30 years were necessary to give a right, as opposed to actiones in which the præscriptio accrued in a shorter time.³

Conditions necessary to establish a præscriptio. 1. Actio nata, for there must be a right of action. 2. There must be a neglect on the part of the person entitling the action, in order that the time of præscriptio may be reckoned uninterruptedly. 3. Neglect was not a necessary ingredient in a præscriptio, as such, because it was the neglect of the prætor which laid the foundation of the præscriptio. 4. The longi temporis præscriptio was reduced to usucapion as to its conditions, of which a fides was one. Justinian⁴ required a fides in the case of a thirty-year præscriptio; and as to a new rule, except so far as the possession of the benefit of usucapion; and as to the longi temporis præscriptio, as an independent rule appeared from the legislation of Justinian, it was reduced to a condition of præscriptio, went to the præscriptio, as a condition of præscriptio, went to the præscriptio. The lapse of time, which was 30 years; and there were many exceptions.

Authorities on the subject of præscriptio are Brinkmann's *Institutiones Juris Romani*, and Bruch's *Doctrina Pandectarum*, § 261 on the distinction being ultimately abolished between præscriptio and usucapion. — Savigny's *heutigen Röm. Rechts*, vol. v., from which the outline is taken. *Vid.* also USUCAPIO. The actio had a special sense in Roman pleadings; Gaius has explained as existing in his time these præscriptioes were pro actore, and an example will explain the term. It appears that an obligatio is such that a creditor can go to another to do certain acts at cer-

tain times, as, for instance, yearly, half yearly, or monthly. The payment of interest on money would be an example. At the close of any of these certain periods, the party to whom the obligatio was due might sue for what was due, but not for what was not due, though an obligatio was contracted as to future time. When a debt had become due in consequence of an obligatio, there was said to be a præstatio, or it was said "*aliquid jam præstari oportet*;" when the obligatio existed, but the præstatio was not due, it was "*futura præstatio*," or it was said "*præstatio adhuc nulla est*." If then the plaintiff wished to limit his demand to what was due, it was necessary to use the following præscriptio: "*Ea res agatur cujus rei dies fuit*."¹ The name of præscriptioes, observes Gaius, is manifestly derived from the circumstance of their being prefixed (præscribuntur) to the formulæ, that is, they came before the intentio. In the time of Gaius the præscriptioes were only used by the actor; but formerly they were also used in favour of a defendant (reus), as in the following instance: "*Ea res agatur quod præjudicium hereditati non fiat*," which in the time of Gaius was turned into a kind of exceptio or answer, when the petitioner hereditatis, by using a different kind of actio, was prejudging the question of the hereditas (*cum petitor, &c. . . præjudicium hereditati faciat*). (*Vid.* PRÆJUDICIUM.)

Savigny shows that, in the legislation of Justinian, præscriptio and exceptio are identical, and that either term can be used indifferently. He observes, that the præscriptioes which in the old form of procedure were introduced into the formulæ for the benefit of the defendant, were properly exceptions, and it was merely an accidental matter that certain exceptions were placed before the intentio instead of being placed at the end of the formulæ, as was the usual practice. Subsequently, as appears from Gaius, only the præscriptioes pro actore were prefixed to the formulæ; and those pro reo were placed at the end, and still retained, though improperly, the name of præscriptioes. Thus exceptio and præscriptio came to be used as equivalent terms, a circumstance to which the disuse of the ordo judiciorum contributed. Yet, in the case of particular exceptiones, one or other of the names was most in use, and the indiscriminate employment of them was an exception to the general rule. The prevalence of one or the other name, in particular cases, is easily explained: thus, the doli and rei judicatæ exceptiones were always at the end of the formulæ, and the temporis and fori præscriptioes in earlier times were placed at the beginning. Savigny adds, that in modern times præscriptio has acquired the sense of usucapion, but this is never the sense of the word præscriptio in the Roman law. Though exceptio and præscriptio came to be used as equivalent, yet neither exceptio nor præscriptio is used in the sense of temporis præscriptio without the addition of the words temporis, temporalis, triginta annorum, &c.²

PRÆSES. (*Vid.* PROVINCIA.)

PRÆSUL. (*Vid.* SALLI.)

PRÆTERITI SENATORES. (*Vid.* NOTA CENSORIA, p. 665.)

PRÆTEXTA. (*Vid.* TOGA.)

PRÆTEXTATA FÆBULA. (*Vid.* COMÆDIA, p. 300.)

PRÆTOR. According to Cicero,⁴ prætor was a title which designated the consuls as the leaders of the armies of the state; and he considers the word to contain the same elemental parts as the verb *præire*. The period and office of the command

1. (Compare Cic., *De Or.*, i., 37.)—2. (Compare Gaius.—*Dig.* 10, tit. 2, s. 1.)—3. (Savigny, *System*, &c. iv., 309; v., 163.)—4. (*Leg.*, iii., 3.)

of the consuls might appropriately be called prætorium.¹ Prætor was also a title of office among the Latins.

The first prætor specially so called was appointed in the year B.C. 366, and he was chosen only from the patricians, who had this new office created as a kind of indemnification to themselves for being compelled to share the consulship with the plebeians.² No plebeian prætor was appointed till the year B.C. 337. The prætor was called *collega consulis*, and was elected with the same auspices at the *comitia centuriata*.

The prætorship was originally a kind of third consulship, and the chief functions of the prætor (*jus in urbe dicere*,³ *jura reddere*⁴) were a portion of the functions of the consuls, who, according to the passage of Cicero above referred to, were also called *judices a judicando*. The prætor sometimes commanded the armies of the state; and while the consuls were absent with the armies, he exercised their functions within the city. He was a *magistratus curulis*, and he had the *imperium*, and, consequently, was one of the *magistratus majores*: but he owed respect and obedience to the consuls.⁵ His insignia of office were six lictors, whence he is called by Polybius *ἡγεμών* or *στρατηγὸς ἑξαπέλεκυς*, and sometimes simply *ἑξαπέλεκυς*. At a later period, the prætor had only two lictors in Rome.⁶ The prætorship was at first given to a consul of the preceding year, as appears from Livy.

In the year B.C. 246 another prætor was appointed, whose business was to administer justice in matters in dispute between peregrini, or peregrini and Roman citizens; and, accordingly, he was called prætor peregrinus.⁷ The other prætor was then called prætor urbanus "*qui jus inter cives dicit*," and sometimes simply prætor urbanus and prætor urbis. The two prætors determined by lot which functions they should respectively exercise. If either of them was at the head of the army, the other performed all the duties of both within the city. Sometimes the military *imperium* of a prætor was prolonged for a second year. When the territories of the state were extended beyond the limits of Italy, new prætors were made. Thus, two prætors were created B.C. 227, for the administration of Sicily and Sardinia, and two more were added when the two Spanish provinces were formed, B.C. 197. When there were six prætors, two stayed in the city, and the other four went abroad. The senate determined their provinces, which were distributed among them by lot.⁸ After the discharge of his judicial functions in the city, a prætor often had the administration of a province, with the title of *pro-prætor*. Sulla increased the number of prætors to eight, which Julius Cæsar raised successively to ten, twelve, fourteen, and sixteen. Augustus, after several changes, fixed the number at twelve. Under Tiberius there were sixteen. Two prætors were appointed by Claudius for matters relating to *fideicommissa* when the business in this department of the law had become considerable; but Titus reduced the number to one, and Nerva added a prætor for the decision of matters between the *fiscus* and individuals. "Thus," says Pomponius, speaking of his own time, "eighteen prætors administer justice (*jus dicunt*) in the state."⁹ M. Aurelius, according to Capitolinus,¹⁰ appointed a prætor for matters relating to *tutela*, which must have taken place after Pomponius wrote. (*Vid. PANDECTÆ.*) The main duties of the prætors were judicial, and it appears that it was found necessary from time

to time to increase their number, and to assign to them special departments of the administrative justice.

The prætor urbanus was specially named *prætor* and he was the first in rank. His duties could only leave the city for ten days at a time. He was part of his duty to superintend the *Judi Apud Nares*. He was also the chief magistrate for the administration of justice, and to the edicts of the successive prætors the Roman law owes in a great degree its development and improvement. Both the prætor urbanus and the prætor peregrinus had the *jus edicendi*,¹ and their functions in this respect do not appear to have been limited on the establishment of the imperial power, though it must have been gradually restricted as the practice of imperial constitutions and rescripts became common. (*Vid. EDICTUM.*)

The chief judicial functions of the prætor in civil matters consisted in giving a *judex*. (*Vid. JUDEX.*) It was only in the case of interdicts that he decided in a summary way. (*Vid. INTERDICTUM.*) Proceedings before the prætor were technically said to be *in jure*.

The prætors also presided at trials of criminal matters. These were the *questiones perpetuæ*,² or the trials for *repetundæ*, *ambitus*, *majestas*, and *perulatus*, which, when there were six prætors, were assigned to four out of the number. Sulla added to these *questiones* those of *falsum*, *de sicariis et veneficiis*, and *de parricidis*, and for this purpose he added two, or, according to some accounts, four prætors, for the accounts of Pomponius and of other writers do not agree on this point.³ On these occasions the prætor presided, but a body of *judices* determined by a majority of votes the condemnation or acquittal of the accused. (*Vid. JUDICIUM.*)

The prætor, when he administered justice, sat on a *sella curulis* in a tribunal, which was that part of the court which was appropriated to the prætor and his assessors and friends, and is opposed to the *subsellia*, or part occupied by the *judices*, and others who were present.⁴ But the prætor could do many ministerial acts out of court, or, as it was expressed, *e plano* or *ex aquo loco*, which terms are opposed to *e tribunali* or *ex superiore loco*: for instance, he could, in certain cases, give validity to the act of manumission when he was out of doors, as on his road to the bath or to the theatre.⁵

The prætors existed with varying numbers to a late period in the Empire, and they had still *jurisdiction*.⁶

The functions of the prætors, as before observed, were chiefly judicial, and this article should be completed by a reference to *EDICTUM, IMPERIUM, JUDEX, JURISDICTION, MAGISTRATUS, PROVINCIÆ*. To the authorities referred to under *Edictum* may be added, "*Die Prætorischen Edicte der Römer*, &c., von D. Eduard Schrader, Weimar, 1815."

PRÆTORIA A'CTIO. (*Vid. ACTIO*, p. 17.)

PRÆTORIA COHORS. (*Vid. PRÆTORIANI.*)

PRÆTORIA'NI, sc. *milites*, or *Prætoria Cohortes*, a body of troops instituted by Augustus to protect his person and his power, and called by that name in imitation of the *prætoria cohors*, or select troop, which attended the person of the prætor or general of the Roman army.⁷ This cohort is said to have been first formed by Scipio Africanus out of the bravest troops, whom he exempted from all other duties except guarding his person, and to whom he gave sixfold pay;⁸ but even in the early

1. (Livy, viii., 11.)—2. (Livy, vi., 42; vii., 1.)—3. (Livy, vi., 42.)—4. (Livy, vii., 1.)—5. (Polyb., xxxiii., 1.)—6. (Censorinus, s. 24.)—7. (Dig. 1, tit. 2, s. 25.)—8. (Livy, xxxii., 27, 28.)—9. (Dig. 1, tit. 2, s. 34.)—10. (M. Ant., c. 10.)

1. (Gaius, i., 2.)—2. (Cic., Brut., c. 27.)—3. (Suet., Jul., 41.—Dion Cass., xli., 51.)—4. (Cic., Brut., 84.)—5. (Gaius, i., 30.)—6. (Cod., vii., tit. 62, s. 17; vi., tit. 71, s. 18.)—7. (Sallust, Cat. 60.—Cic., Cat., ii., 11.—Cass., B. Gall., i., 40.)—8. (Festus, s. v.)

In the Republic the Roman general seems to have been attended by a select troop.¹ In the time of the civil war the number of the prætorian cohorts was greatly increased,² but the establishment of them as a separate force was owing to the reign of Augustus. They originally consisted of ten cohorts,³ each consisting of a thousand, horse and foot. They were chosen only from Italy, chiefly from Etruria and Umbria, or Anatolium, and the old colonies,⁴ but afterward Macedonia, Noricum, and Spain also.⁵ Augustus, in accordance with his general policy of diminishing the appearance of despotism, stationed three of these cohorts in the capital, and divided the remainder in the adjacent towns of Italy. Tiberius, however, under pretence of introducing a stricter discipline among them, assembled all at Rome in a permanent camp, which was strongly fortified.⁶ Their number was increased by Augustus to sixteen cohorts, or 16,000 men.⁷ The prætorians were distinguished by double pay and special privileges. Their term of service was usually fixed by Augustus at twelve years,⁸ but afterward increased to sixteen years; and they had served their time, each soldier received 20,000 sesterces.⁹ All the prætorians seem to have had the same rank as the centurions in the other legions, since we are told by Dio¹⁰ that they were privileged of carrying a vitis (*βάβδος*) like centurions. The prætorians, however, soon became the most powerful body in the state, and the janizaries at Constantinople, frequently aided and elevated emperors according to their will. Even the most powerful of the emperors were obliged to court their favour; and they were often obtained a liberal donation upon the accession of each emperor. After the death of Pertinax (193) they even offered the empire for sale, and was purchased by Didius Julianus;¹¹ but the accession of Severus in the same year were disbanded, on account of the part they were taken in the death of Pertinax, and banished from the city.¹² The emperors, however, could dispense with guards, and accordingly the prætorians were restored on a new model by Severus, and increased to four times their ancient number, and of being levied in Italy, Macedonia, Noricum, or Spain, as formerly, the best soldiers were draughted from all the legions on the frontier, so that the prætorian cohorts now formed the most select troops of the Empire.¹³ Dioclesian reduced their numbers and abolished their privileges, but they were still allowed to remain at Rome, and were no longer the guard of the emperor's person; he never resided in the capital. Their numbers were again increased by Maxentius, but his defeat by Constantine, A.D. 312, entirely suppressed by the latter, their fortifications destroyed, and those who had not perished in the battle between Constantine and Maxentius were dispersed among the legions.¹⁴ The form of government established by Constantine did not require such a body of troops, and, accordingly, they were never revived. The emperor's body-guards now only consisted of the domestic horse and foot under two comites, and of the *tores*.¹⁵

v., ii., 20.)—2. (Appian, *Bell. Civ.*, iii., 67.—*Id. ib.*, v., 3.)—3. (*Ann.*, iv., 5.—Suet., *Octav.*, 49.)—4. (*Dion Cass.*, iv., 17.—*Tacit.*, l. c.—*Id.*, *Hist.*, i., 84.)—5. (*Dion Cass.*, lxxiv., 1.—Suet., *Octav.*, 49.)—6. (*Tacit.*, *Ann.*, iv., 2.—Suet., *Tiber.*, vi., 19.)—7. (*Tacit.*, *Hist.*, ii., 93.)—8. (*Dion Cass.*, vi., 25.)—9. (*Id.*, iv., 23.—*Tacit.*, *Ann.*, i., 17.)—10. (*Id.*, l. c.)—11. (*Id.*, iv., 23.—*Tacit.*, *Ann.*, i., 17.)—12. (*Id.*, l. c.)—13. (*Dion Cass.*, lxxiii., 11.—*Spart.*, *Julian.*, 2.—*Herodian.*, 14.)—14. (*Dion Cass.*, lxxiv., 1.)—15. (*Dion Cass.*, lxxiv., 2.—*Id.*, iii., 13.)—16. (*Aurel. Vict.*, *De Cæs.*, 39.)—17. (*Zosim.*, 17.—*Aurel. Vict.*, *De Cæs.*, 40.)—18. (*Cod.*, xii., tit. 17 *Theod.*, vi., tit. 24.)

The commanders of the prætorians were called PRÆFECTI PRÆTORIO, whose duties, powers, &c., are mentioned in a separate article.

PRÆTORIUM was the name of the general's tent in the camp, and was so called because the name of the chief Roman magistrate was originally prætor, and not consul. (*Vid. CASTRA*, p. 220.) The officers who attended on the general in the prætorium, and formed his council of war, were called by the same name.¹ The word was also used in several other significations, which were derived from the original one. Thus the residence of a governor of a province was called the prætorium;² and the same name was also given to any large house or palace.³ The camp of the prætorian troops at Rome, and frequently the prætorian troops themselves, were called by this name. (*Vid. PRÆTORI ANI*.)

PRA'NDIUM. (*Vid. CÆNA*, p. 274.)

*PRASITES LAPIS (*πρασίτης λίθος*), "the *Prase* of Jameson and *Prasium* of Kirwan. It is a subspecies of quartz, and, as Cleaveland remarks, usually of a leek or dark olive colour. It is a gem, as Sir J. Hill says, of the lower class, and is known by our jewellers by the name of root of emerald. De Laet states that the χρυσόπρασος is a gem of greater value."⁴

*PRASIUM (*πράσιον*), a name applied to more than one species of the *Marrubium*, L., or Horehound.⁵

*PRASOCURIS (*πρασοκούρις*), a species of larva or caterpillar noticed by Aristotle, Theophrastus, and Athenæus. Stackhouse refers it to the *Cimex prasinus*, or Lady-cow.⁶

*PRASON (*πράσον*), the Leek, or *Allium porrum*, L. (*Vid. ALLIUM*.)⁷

PRECARIUM. (*Vid. INTERDICTUM*, p. 544.)

PRELUM or PRÆLUM is a part of a press used by the ancients in making wine, olive oil, and paper. The press itself was called *torcular*, and the prelum was that part which was either screwed or knocked down upon the things to be pressed, in order to squeeze out the last juices.¹ Sometimes, however, prelum and torcular are used as convertible terms, a part being named instead of the whole. As regards the pressing of the grapes, it should be remembered that they were first trodden with the feet; but as this process did not press out all the juice of the grapes, they were afterward, with their stalks and peels (*scopi et folliculi*), put under the prelum.² Cato³ advised his countrymen always to make the prelum of the wood of black maple (*carpinus atra*). After all the juice was pressed out of the grapes, they were collected in casks, water was poured upon them, and after standing a night they were pressed again. The liquor thus obtained was called *lora*; it was preserved in casks, and was used as a drink for workmen during the winter.⁴ Respecting the use of the prelum in making olive-oil and in the manufacture of paper, see *Plin.*, *H. N.*, xv., 1; xiii., 25.—*Column.*, xii., 50.

*PRESTER (*πρηστήρ*). (*Vid. DIPRAS*.)

PRIMICERIIUS, a name given to various officers and dignitaries under the later Roman Empire, is explained by Suidas¹ to be the person who holds the first rank in anything. The etymology of the word is doubtful: it is supposed that a person was

1. (*Liv.*, xxx., 5.)—2. (*Cic. in Verr.*, II., iv., 28; v., 35.—*St. John*, xviii., 28, 33.)—3. (*Suet.*, *Octav.*, 72.—*Id.*, *Cal.*, 37.—*Juv.*, i., 75.—*Dig.*, 50, tit. 16, s. 198.)—4. (*Theophrast.*, *De Lapid.*, c. 65.—*Hill*, ad loc.—*Adams*, *Append.*, s. v.)—5. (*Theophrast.*, *H. P.*, vi., 1.—*Dioscor.*, iii., 109.)—6. (*Aristot.*, *H. A.*, v., 17.—*Theophrast.*, *H. P.*, vii., 5.—*Adams*, *Append.*, s. v.)—7. (*Theophrast.*, *H. P.*, vii., 1.)—8. (*Serv.*, ad *Virg.*, *Georg.*, ii., 242.—*Vitruv.*, vi., 9.)—9. (*Varro*, *De Re Rust.*, i., 54.—*Columella*, xii., 38.)—10. (*De Re Rust.*, 31.)—11. (*Varro*, l. c.)—12. (*s. v.*)

called *primicerius* because his name stood first in the wax (*cera*), that is, the tablet made of wax, which contained a list of persons of any rank.

The word *primicerius* does not seem to have been always applied to the person who was at the head of any department of the state or army, but also to the one second in command or authority, as, for instance, the *primicerius sacri cubiculi*, who was under the *propositus sacri cubiculi*. (Vid. ΠΡΑΞΟΠΟΥΣ.) Various *primicerii* are mentioned, as the *primicerius domesticorum* and *protectorum*,¹ *fabrica*,² *mensurorum*,³ *notariorum*,⁴ &c.

PRIMIPILA'RIS. (Vid. CENTURIO.)

PRIMIPI'LUS. (Vid. CENTURIO.)

PRINCEPS JUVENTU'TIS. (Vid. EQUITES, p. 418.)

PRINCEPS SENATUS. (Vid. SENATUS.)

PRINCIPES. (Vid. ARMY, ROMAN, p. 103.)

PRINCIPIA, PRINCIPALIS VIA. (Vid. CAS-TRA.)

*PRINOS (*πρίνος*), "the *Quercus coccifera* or *Quercus ilex*" (which would appear to be varieties of the same species). "The κόκκος, Vermes, or Scarlet-grain, is produced on this tree by a certain class of insects."⁵

*PRISTIS (*πρίστις*), the *Squalus Pristis*, L., or *Pristis antiquorum*, L., the Sawfish, a large fish of the Shark tribe.⁶

PRIVILEGIUM. (Vid. Lex, p. 581.)

ΠΡΟΑΓΓΕΛΙΑΣ ΓΡΑΦΗ (*προαγωγείας γραφή*), a prosecution against those persons who performed the degrading office of pimps or procurers (*προαγωγοί*). By the law of Solon, the heaviest punishment (*τὰ μέγιστα ἐπιτίμια*) was inflicted on such a person (*εἴν τις ἑλευθερον παῖδα ἢ γυναῖκα προαγωγέσθῃ*).⁷ According to Plutarch,⁸ a penalty of twenty drachms was imposed for the same offence. To reconcile this statement with that of Æschines, we may suppose with Platner⁹ that the law mentioned by Plutarch applied only to prostitutes. An example of a man put to death for taking an Olynthian girl to a brothel (*σῆσας ἐπ' οἰκήματος*) occurs in Dinarchus.¹⁰ A prosecution of a man by Hyperides *ἐπὶ προαγωγίᾳ* is mentioned by Pollux.¹¹ A charge (probably false) was brought against Aspasia of getting free-born women into her house for the use of Pericles.¹² In connexion with this subject, see the *γραφαὶ ἘΤΑΙΡΗΣΕΩΣ*, and *ΦΘΟΡΑΣ ΤΩΝ ΕΛΕΥΘΕΡΩΝ*.¹³

PROBOLE (*προβολή*), an accusation of a criminal nature, preferred before the people of Athens in assembly, with a view to obtain their sanction for bringing the charge before a judicial tribunal. It may be compared in this one respect (*viz.*, that it was a preliminary step to a more formal trial) with our application for a criminal information, though in regard to the object and mode of proceeding there is not much resemblance. The *προβολή* was reserved for those cases where the public had sustained an injury, or where, from the station, power, or influence of the delinquent, the prosecutor might deem it hazardous to proceed in the ordinary way without being authorized by a vote of the sovereign assembly. In this point it differed from the *εἰσαγγελία*, that in the latter the people were called upon either to pronounce final judgment, or to direct some peculiar method of trial; whereas in the *προβολή*, after the judgment of the assembly, the parties proceeded to trial in the usual manner. The court before whom they

appeared, however influenced they might be by the *prejudicium* of the people, were under no legal compulsion to abide by their decision; and, on the other hand, it is not improbable that, if the people refused to give judgment in favour of the complainant, he might still proceed against his adversary by a *γραφή* or a private action, according to the nature of the case.¹

The cases to which the *προβολή* was applied were complaints against magistrates for official misconduct or oppression; against those public reformers and mischief-makers who were called *εὐνοφάνται*; against those who outraged public decency at the religious festivals; and against all such as, by evil practices, exhibited disaffection to the state.²

With respect to magistrates,³ Schömann thinks that the *προβολαὶ* could only be brought against them at those *ἐπιχειροτονίαι* which were held at the first *κυρία ἐκκλησία* in every Prytanea, when the people inquired into the conduct of magistrates, with a view to continue them in office or depose them, according to their deserts. An example of magistrates being so deposed occurs in Demosthenes, *c. Theocr.*, 1330. The people (says Schömann) could not proceed to the *ἐπιχειροτονία* except on the complaint (*προβολή*) of some individual; the deposed magistrate was afterward brought to trial, if the accuser thought proper to prosecute the matter further. There appears, however, to be no authority for limiting the *προβολαὶ* against magistrates to these particular occasions; and other writers have not agreed with Schömann on this point.⁴

An example of a *προβολή* against sycophants is that which the people, discovering too late their error in putting to death the generals who gained the battle of Arginusæ, directed to be brought against their accusers.⁵ Another occurs in Lygias,⁶ where the words *συλλήθδην ἅπαντες καὶ ἐν τῷ θιάμ καὶ ἐν τῷ δικαστηρίῳ σκοφαντίας κατέγγωνε*, describe the course of proceeding in this method of prosecution.⁷

Those who worked the public mines clandestinely, and those who were guilty of peculation or embezzlement of the public money, were liable to a *προβολή*. A case of embezzlement is referred to by Demosthenes, *c. Mid.*, 584.⁸

But the *προβολή* which has become most celebrated, owing to the speech of Demosthenes against Midias, is that which was brought for misbehaviour at public festivals. We learn from the laws cited in that speech,⁹ that *προβολαὶ* were enjoined against any persons who, at the Dionysian, Thargelian, or Eleusinian festival (and the same enactment was probably extended to other festivals), had been guilty of such an offence as would fall within the description of *ἀπέθεια περὶ ἑορτήν*. A riot or disturbance during the ceremony, an assault, or other gross insult or outrage, committed upon any of the performers or spectators of the games, whether citizen or foreigner, and even upon a slave, much more upon a magistrate or officer engaged in superintending the performance; an attempt to impose by legal process, and even a levying of execution upon the goods of a debtor during the continuance of the festival, was held to be a profanation of its sanctity, and to subject the offender to the penalties of these statutes. For any such offence complaint was to be made to the prytanes (*i. e.*, the *προεδροὶ*), who were to bring forward the charge at an assembly to be held soon after the festival in the theatre

1. (Cod., xi., tit. 17, s. 2.)—2. (Cod., xi., tit. 9, s. 2.)—3. (Cod., xii., tit. 28, s. 1.)—4. (Cod., xii., tit. 7.)—5. (Theophrast., H. P., i., 6, 9.—Id. ib., iii., 3.—Adams, Append., s. v.)—6. (Aristot., H. A., vi., 12.)—7. (Æsch., c. Timarch., 3, 26, ed. Steph.)—8. (Sol., 23.)—9. (Proc. and Klag., ii., 216.)—10. (c. Demosth., 93, ed. Steph.)—11. (Onom., iii., 27.)—12. (Plut., Pericl., 32.—Aristotoph., Achaz., 527.)—13. (Meis., Att. Proc., 332.)

1. (Platner, Proc. and Kl., i., 382.)—2. (Harpoer. and Pausan., s. v. Καταχειροτονία.—Pollux, Onom., viii., 46.—Æsch., De Fals. Leg., 47.—Isocr., περὶ ἀντιδ., 344, ed. Steph.)—3. (De Comit., 231.)—4. (Platner, Proc. and Kl., i., 385.—Meis., Att. Proc., 273.)—5. (Xen., Hell., i., 7, § 39.)—6. (c. Agripp., 123, ed. Steph.)—7. (Schömann, De Com., 254.)—8. (Schömann, l. c.—Pausan., Proc. and Kl., i., 381.)—9. (Sitt., 518, 511.)

s. The defendant was to be produced assembly. Both parties were heard, and people proceeded to vote by show of hands. o voted in favour of the prosecution were *γειροτονεῖν*, those who were against it *νεῖν*. The complainant was said *πρότων ἀδικούντα*, and the people, if they consent, *προκαταγνοῦναι*.¹

Difficulty has arisen in explaining the words in the law above referred to: *τὰς ἀραδίδοτῶσαν ὅσαι ἂν μὴ ἐκτετισμέναι ὦσιν*. and Schömann² suppose that by these prytanes are commanded to bring before those complaints for which satisfaction is made by the offender to the prosecution show that a compromise would be referred to Demosthenes, *c. Mid.*, 563, which we may add the circumstance that it is said to have compromised his inst Midias for a sum of money. Meier³ thus: that the prytanes (or, rather, were to bring before the people all the except those of a trifling character, for were themselves empowered to impose fines to the power of fining, see *Att. Proc.*, suppose the complaint to take the name upon its being presented to the proedri- sion *ἐκτετισμένη πρόβολή* will cause no for as *δίκην τίνειν* signifies to pay the ward in an action, so *προβόλην τίνειν* y to pay the fine imposed by the magis- whom the charge was brought; and not used improperly for *ἐπιβολήν*, any *δίκην* is for *τίμημα* in the other case. ere is more force in another objection later, viz., that (according to this inter- he not bringing the case before the as- ade to depend on the non-payment, and ht have been expected) on the *imposition*

ple having given their sentence for the i, the case was to be brought into the *litæ*. In certain cases of a serious na- defendant might be required to give bail ceance or (in default thereof) go to the persons on whom devolved the *ἡγε- τηρίου* were, according to Pollux,⁴ the e. Meier⁵ thinks this would depend re of the case, and that, upon a charge fanation of a festival, the cognizance ng to such of the three superior archons superintendence thereof. This would follow from the ordinary principles of urisprudence; but it may be conceived traordinary nature of the complaint by ht take it out of the common course of

The dicasts had to pronounce their the guilt of the party, and to assess the ich might be death, or only a pecuniary ing to their discretion. The trial (it attended with no risk to the prosecutor, nsidered to proceed under the authority ar decree.⁶

PLEUMA. (*Vid. BOULE*, p. 168, 169.)

PROBOULOI (πρόβουλοι), a name applicable to those who are appointed to consult or take for the benefit of the people. Thus the ho were sent by the twelve Ionian cities e Panionian council, and deliberate on of the confederacy, were called *πρόβου-* were the deputies sent by the several s to attend the congress at the Isthmus,

on the occasion of the second Persian invasion;¹ and also the envoys whom the Greeks agreed to send annually to Plataea.² The word is also used, like *νομοφύλακες*, to denote an oligarchical body, in whom the government of a state was vested, or who at least exercised a controlling power over the senate and popular assemblies. Such were the sixty senators of Cnidus; and a similar body appears to have existed at Megara, where, although democracy prevailed at an earlier period, the government became oligarchical before the beginning of the Peloponnesian war.³ A body of men called *πρόβουλοι* were appointed at Athens, after the end of the Sicilian war, to act as a committee of public safety. Thucydides⁴ calls them *ἀρχὴν τινα πρεσβυτέρων ἀνδρῶν, οἵτινες περὶ τῶν παρόντων ὡς ἂν καιρὸς ἢ προβουλεύουσι*. They were ten in number.⁵ Whether their appointment arose out of any concerted plan for overturning the constitution, is doubtful. The ostensible object, at least, was different; and the measures which they took for defending their country and prosecuting the war appear to have been prudent and vigorous. Their authority did not last much longer than a year; for a year and a half afterwards Pisander and his colleagues established the council of Four Hundred, by which the democracy was overthrown.⁶ The first step which had been taken by Pisander and his party was to procure the election of a body of men called *συγγραφεῖς αυτοκράτορες*, who were to draw up a plan, to be submitted to the people, for remodelling the constitution. Thucydides says they were ten in number. Harpocration⁷ cites Androtion and Philochorus as having stated that thirty were chosen, and adds, *Ὁ δὲ Θεουκιδίδης τῶν δέκα ἐμνημόνευσε μόνον τῶν προβούλων*. This and the language of Suidas⁸ have led Schömann to conjecture that the *πρόβουλοι* were elected as *συγγραφεῖς*, and twenty more persons associated with them, making in all the thirty mentioned by Androtion and Philochorus.⁹ Others have thought that the *συγγραφεῖς* of Thucydides have been confounded by grammarians with the thirty tyrants, who were first chosen *οἱ τοὺς πατέρας νόμους συγγράψωσι καθ' οὐδὲ πολιτεύουσι*.¹⁰ These Athenian *πρόβουλοι* are alluded to by Aristophanes in the *Lysistrata*,¹¹ which was acted the year after the Sicilian defeat, and by Lysias, *c. Eratosth.*, 126, ed. Steph.

PROCHEIROTON'IA (προχειροτονια.) (*Vid. BOULE*, p. 169)

PROCL'ESIS (πρόκλησις.) (*Vid. ΔΙΑΙΤΗΤΑΙ*, p. 353, 354.)

PROCONSUL is an officer who acts in the place of a consul without holding the office of consul itself; though the proconsul was generally one who had held the office of consul, so that the proconsulship was a continuation, though a modified one, of the consulship. The first time that we meet with a consul whose imperium was prolonged after the year of his consulship, is at the commencement of the second Samnite war, at the end of the consular year 327 B.C., when it was thought advisable to prolong the imperium (*imperium prorogare*) of Q. Publilius Philo, whose return to Rome would have been followed by the loss of most of the advantages that had been gained in his campaign.¹² The power of proconsul was conferred by a *senatus consultum* and *plebiscitum*, and was nearly equal to that of a regular consul, for he had the imperium and ju-

¹, *c. Mid.*, 578, 583, 586.)—2. (*Proc. und Kl.*, i., *Com.*, 238.)—4. (*Att. Proc.*, 275.)—5. (Meier, *Att.* 6. (viii., 87.)—7. (l. c.)—8. (Platner, 385.)—9. *Proc.*, 277.)—10. (Herod., vi., 7.)

1. (Herod., vii., 172.)—2. (Plutarch, *Arist.*, 21.)—3. (*Aristot.*, *Pol.*, iv., 12, 8.—*Id.*, vi., 5, 13.—Müller, *Dor.*, iii., 9, 4 10.—Wachsmuth; *Alterth.*, i., ii., 91.—Schömann, *Antiq. Jur. Publ.*, 82.)—4. (viii., 1.)—5. (Suidas, s. v. *Πρόβουλοι*.)—6. (Thucyd., viii., 67.—Wachsmuth, l. ii., 197.)—7. (s. v. *Συγγραφεῖς*.)—8. (s. v. *Πρόβουλοι*.)—9. (*Ant. Jur. Publ.*, 181.)—10. (*Xen.*, *Hec.* 1, 3, 4 2.—Göller ad Thucyd., viii., 67.)—11. (v., 467.)—12. (*Liv.*, viii., 23, 26.)

risdictio, but it differed inasmuch as it did not extend over the city and its immediate vicinity (see Niebuhr, *Röm. Gesch.*, iii., p. 214, who infers it from Gaius, iv., 104, 105), and was conferred without the auspicia by a mere decree of the senate and people, and not in the comitia for elections.¹ Hence, whenever a proconsul led his army back to Rome for the purpose of holding a triumph, the imperium (*in urbe*) was especially granted to him by the people, which was, of course, not necessary when a consul triumphed during the year of his office. Livy,² it is true, mentions men appointed with proconsular power at a much earlier period than the time of Publius Philo; but there is this difference, that in this earlier instance the proconsular power is not an *imperium prorogatum*, but a fresh appointment as commander of the reserve, and Niebuhr³ justly remarks that Livy here probably applies the phraseology of a much later time to the commander of the reserve; and this is the more probable, as Dionysius⁴ speaks of this ἀντιστρατηγός as having been appointed by the consuls. Nineteen years after the proconsulship of Publius Philo, 308 B.C., Livy⁵ relates that the senate alone, and without a plebiscitum, prolonged the imperium of the consul Q. Fabius Maximus Rullianus; but it is manifest that here again Livy transfers a later institution to a time when it did not yet exist; for it was only by the lex Maenia (236 B.C.) that the senate obtained the right to prolong the imperium.

When the number of Roman provinces had become great, it was customary for the consuls, who during the latter period of the Republic spent the year of their consulship at Rome, to undertake at its close the conduct of a war in a province, or its peaceful administration.⁶ There are some extraordinary cases on record in which a man obtained a province with the title of proconsul without having held the consulship before. The first case of this kind occurred in B.C. 211, when young P. Cornelius Scipio was created proconsul of Spain in the comitia centuriata.⁷ During the last period of the Republic such cases occurred more frequently.⁸ Respecting the powers and jurisdiction of the proconsuls in the provinces, see *PROVINCIA*.

After the administration of the Empire was newly regulated by Constantine, parts of certain dioceses were under the administration of proconsuls. Thus a part of the diocese of Asia, called Asia in a narrower sense, Achaia in the diocese of Macedonia, and the consular province in the diocese of Africa, were governed by proconsuls.⁹

PROCURATOR is the person who has the management of any business committed to him by another. Thus it is applied to a person who maintains or defends an action on behalf of another, or, as we should say, an attorney (*vid. ACTIO*, p. 19): to a steward in a family (*vid. CALCULATOR*): to an officer in the provinces belonging to the Cæsar, who attended to the duties discharged by the quæstor in the other provinces (*vid. PROVINCIA*): to an officer engaged in the administration of the fiscus (*vid. FISCUS*, p. 444); and to various other officers under the Empire.

PRODIGIUM, in its widest acceptation, denotes any sign by which the gods indicated to men a future event, whether good or evil, and thus includes omens and auguries of every description.¹⁰ It is, however, generally employed in a more restricted sense to signify some strange incident or wonderful appearance, which was supposed to herald the approach of

misfortune, and happened under such circumstances as to announce that the calamity was impending over a whole community or nation rather than private individuals. The word may be considered synonymous with *ostentum*, *monstrum*, *portentum*. "*Quia enim ostendunt, portendunt, monstrant, prædicunt; ostenta, portenta, monstra, prodigia dicuntur.*"¹¹ It should be observed, however, that *prodigium* must be derived from *ago*, and not from *divo*, as Cicero would have it.

Since prodigies were viewed as direct manifestations of the wrath of heaven, and warnings of coming vengeance, it was believed that this wrath might be appeased, and, consequently, this vengeance averted, by prayers and sacrifices daily offered to the offended powers. This being a matter which deeply concerned the public welfare, the necessary rites were in ancient times regularly performed, under the direction of the pontifices, by the consuls before they left the city, the solemnities being called *procuratio prodigiorum*. Although, from the very nature of the occurrences, it was impossible to anticipate and provide for every contingency, we have reason to know that rules for expiation, applicable to a great variety of cases, were laid down in the *Ostentaria*, the *Libri Rituales*, and other sacred books of the Etrurians,¹² with the contents of which the Roman priests were well acquainted; and when the prodigy was of a very terrible or unprecedented nature, it was usual to seek counsel from some renowned Tuscan seer, from the Sibylline books, or even from the Delphic oracle. Prodiges were frequently suffered to pass unheeded when they were considered to have no direct reference to public affairs, as, for example, when the marvel reported had been observed in a private mansion or in some town not closely connected with Rome, and in this case it was said *non suscipi*, but a regular record of the more important was carefully preserved in the Annals, as may be seen from the numerous details dispersed throughout the extant books of Livy.¹³ For an interesting essay on the illustrations of Natural History to be derived from the records of ancient prodigies, see Heyne, *Opusc. Acad.*, iii., p. 198, 255.

PRODOSIA (*προδοσία*). Under this term was included not only every species of treason, but also every such crime as (in the opinion of the Greeks) would amount to a betraying or desertion of the interests of a man's country. The highest sort of treason was the attempt to establish a despotism (*τυραννίς*) or to subvert the constitution (*καταλύει τὴν πολιτείαν*), and in democracies *καταλύει τὸν δῆμον ἢ τὸ πλῆθος*. Other kinds of treason were a secret correspondence with a foreign enemy; a betraying of an important trust, such as a fort, army, or fortress; a desertion of post; a disobedience of orders, or any other act of treachery or breach of duty in the public service.¹⁴ It would be a betrayal of the state to delude the people by false intelligence or promises, or to disobey any special decree, such as that (for instance) which prohibited the exportation of arms or naval stores to Philip, and that which (after Philip had taken possession of Phocis) forbade Athenian citizens to pass the night out of the city.¹⁵ But not only would *prodosia* denote acts of disobedience or treachery amounting to the crime of *προδοσία*, but also the neglect to perform those active duties which the Greeks in general ex-

1. (Livy, ix., 42.—Id., x., 22.—Id., xxxii., 28.—Id., xxiv., 13.)—2. (ib., 4.)—3. (Hist. of Rome, ii., p. 123)—4. (ix., 12.)—5. (ix., 42.)—6. (Cic., De Nat. Doctr., ii., 3.—Livy, xxxiii., 25.—Cic. ad Fam., viii., 5, 13.)—7. (Livy, xxvi., 18.)—8. (Plut., Æmil. Paul., 4.—Cic., De Leg., i., 20.)—9. (Walter, Gesch. des Röm. Rechts, p. 352, &c.)—10. (Virg., Æn., v., 638.—Serv. ad loc.—Phla., H. N., xi., 37.—Cic. in Ver., II., iv., 49.)

1. (Cic., De Div., i., 42.)—2. (Cic., De Div., i., 21.—Müller, Etrusker, i., p. 33, 36, 343; ii., 30, 99, 122, 121, 146, 225.)—3. (See Livy, ii., 42; iii., 10; xxiv., 44; xxxvii., 1, also II.—Müller, Die Etrusker, ii., p. 191.—Hartung, Die Religion des Römer, i., p. 96.)—4. (Demosth., Pro Cor., 242.—Id., c. Lept., 481.—Id., c. Timocr., 745.—Id., c. Timocr., 1204.—Id., Pro Cor. Trierarch., 1230.—Lys., c. Agor., 130, 131, ed. Steph.—Lys., c. Leocr., 155, ed. Steph.)—5. (Demosth., c. Lept., 48, 49.—Id., Pro Cor., 238.—Id., De Fals. Leg., 423.)

every good citizen. Cowardice in battle would be an instance of this kind; so any breach of the oath taken by the *ἐφηβοί*, or any line of conduct for which a disaffection to the people (*μισοδημία*) successfully maintained.¹ Thus we find whose offence was the propounding unconstitutional laws, or advising bad measures, or being by their political opponents with an intent to overthrow the constitution.² Of the instances which such charges might be made at especially in times of political excitement, most eminent citizens were liable to be accused of plots against the state, history affords proof; and Greek history, no less than Roman, shows the danger of leaving the crime of treason undefined by the law, and to be interpreted as such.³ One of the most remarkable trials of treason at Athens was that of Leocrates, who left the city after the defeat at Chæronea, and was prosecuted by Lycurgus for deserting his country. The speech of Lycurgus is preserved to us, and is a good specimen of his eloquence. The facts of the case are stated in p. 150.

The nature of the charge may be seen from various expressions of the orator, such as *οὐκ ἔστιν ἄλλο τὸ ἐπὶ τῶν πατρίων νόμιμον* (148), *οὐ συμβεβημένος οὐδὲν εἰς τὴν πόλιν* (153), *φείγων τὸν ἕπαινον τῆς πατρίδος κίνδυνον* (154), and the like. The defence of the accused was, that he did not leave Athens with a traitorous intention (*ἐπὶ προδοσίᾳ*), but for the purposes of trade (*ἐπὶ ἐμπορίᾳ*).⁴

The ordinary method of proceeding against those who were accused of treason or treasonable practices was by *εἰσαγγελία*, as in the case of Leocrates.⁵ In some cases a *γραφὴ* might be laid before the *thesmothetæ*.⁶ We read of an old law, by which the jurisdiction in trials for high treason was given to the archon *βασιλεύς*.⁷ But it could hardly be expected that in a Greek city state offences would always be prosecuted according to the forms of law; and we find various instances in which magistrates, generals, and others, took a summary method for bringing traitors and conspirators to justice. Thus a certain person, named Antiphon, who had promised Philip to burn the Athenian arsenal, was seized by the council of Areopagus, and afterward put to the torture and condemned to death by the people.⁸ As to the power of the Areopagus, see farther Lycurgus, c. *Leocr.*, 154. The people in assembly might, of course, direct any extraordinary measures to be taken against suspected persons, as they did in the affair of the Hermes busts,⁹ and by their *ψήφισμα* might supersede even the form of a trial. So fearful were the Athenians of any attempt to establish a tyranny or an oligarchy, that any person who conspired for such purpose, or any person who held an office under a government which had overthrown the constitution, might be slain with impunity. Every citizen, indeed, was under an obligation to kill such a person, and for so doing was entitled by law to honours and rewards.¹⁰

The regular punishment appointed by the law for most kinds of treason appears to have been death,¹¹

which, no doubt might be mitigated by decree of the people, as in the case of Miltiades¹ and many others. The less heinous kinds of *προδοσία* were probably punished at the discretion of the court which tried them.² The goods of traitors who suffered death were confiscated, and their houses razed to the ground; nor were they permitted to be buried in the country, but had their bodies cast out in some place on the confines of Attica and Megara. Therefore it was that the bones of Themistocles, who had been condemned for treason, were brought over and buried secretly by his friends.³ The posterity of a traitor became *ἄτμοι*, and those of a tyrant were liable to share the fate of their ancestor.⁴ Traitors might be proceeded against even after their death, as we have seen done in modern times. Thus the Athenians resolved to prosecute Phrynichus, who had been most active in setting up the oligarchy of the Four Hundred (*τὸν νεκρὸν κρίνειν προδοσίας*), and also to subject his defenders to the punishment of traitors in case of a conviction. This was done. Judgment of treason was passed against Phrynichus. His bones were dug up, and cast out of Attica; his defenders put to death; and his murderers honoured with the freedom of the city.⁵

ΠΡΟΔΟΣΙΑΣ ΓΡΑΦΗ (*προδοσίας γραφή*). (*Vid. PRODOSIA.*)

PROEDRI (*Vid. BOULE*, p. 168, 170.)

PROEDROSIA or PROEDROSIAI (*προηδροσία* and *προηδροσίαί*) were sacrifices (or, according to other writers, a festival) offered to Demeter at the time when the seeds were sown, for the purpose of obtaining a plentiful harvest.⁶ According to Suidas, the Athenians performed this sacrifice in Ol. 5, on behalf of all the Greeks; but from all the other accounts it would appear that the Athenians did so at all times, and that the instance mentioned by Suidas is only the first time that *proedrosia* were offered by the Athenians for all the Greeks. They are said to have been instituted on the command of some oracle, at a time when all the world was suffering from scarcity or from the plague.⁷

PROEISPHORA (*προεισφορά*). (*Vid. EISPHORA*, p. 392.)

ΠΡΟΕΙΣΦΟΡΑΣ ΔΙΚΗ (*προεισφοράς δίκη*), an action brought by a member of a *symmoría*, to recover a rate paid on account of another. The *symmoría* being so arranged that three hundred of the richest men were selected to form a superior board, responsible to the state in the first instance for the collection of a property tax, the people passed a decree, in case of need, commanding them to pay the whole tax in advance. These then were entitled to be reimbursed by the remaining nine hundred of the *symmoría*, and each of them probably had a certain number assigned to him by the strategus for that purpose, against whom he might bring actions for contribution according to their respective assessments. To recover money so advanced was called *προεισφορὰν κομίζεσθαι*.⁸ This cause, like others relating to the property tax and the trierarchy, belonged to the jurisdiction of the strategus.⁹

PROELIALES DIES. (*Vid. DIES*, p. 362.)

PROFESTI DIES. (*Vid. DIES*, p. 362.)

PROGAMEIA. (*Vid. MARRIAGE, GREEK*, page 619.)

1. (Xen., *Cyrop.*, vi., 4, § 14; 3, § 27.—Eurip., *Phœniss.*, 1003.—*Andoc.*, c. *Alcib.*, 30, ed. Steph.—Lycurg., c. *Leocr.*, 157, ed. Steph.—*Demosth.*, Pro Cor., 242.)—2. (*Demosth.*, *περὶ συμμαχίας*, 170.—*Æsch.*, c. *Timarch.*, 1.—*Id.*, c. *Ctes.*, 82, ed. Steph.—*Lys.*, Pro *Polyst.*, 159, ed. Steph.)—3. (*Aristoph.*, *Eq.*, 236, 475, 862.—*Yesp.*, 483, 953.—*Wachsmuth*, *Hell. Alt.*, I. ii., 154; II. i., 178.)—4. (See *Argument*, and p. 155.)—5. (*Pollux*, *Onom.*, viii., 32.—6. (*Demosth.*, c. *Steph.*, 1137.)—7. (*Meier*, *Att. Proc.*, 50.)—8. (*Demosth.*, Pro Cor., 371.—*Æsch.*, c. *Ctes.*, 69, ed. Steph.)—9. (*Thucyd.*, vi., 60, 61.)—10. (*Andoc.*, *De Myst.*, 12, 13, ed. Steph.—*Lyc.*, *Δημ. κατὰ ἀπολ.*, 172, ed. Steph.)—11. (*Xen.*, *Hell.*, i., 7, § 2.—*Demosth.*, Pro Cor., 238.—*Lycurg.*, c. *Leocr.*, 145, 152, ed. Steph.)

1. (*Herod.*, vi., 136.)—2. (*Demosth.*, c. *Timocr.*, 740.—*Id.*, c. *Theocr.*, 1344.)—3. (*Thucyd.*, i., 138.)—4. (*Meursius*, *Them. Att.*, ii., 2, 15.—*Platner*, *Proc. und Klug.*, ii., 82.—*Meier*, *Att. Proc.*, 341, *De bon. Damn.*, 11-13, 136.)—5. (*Thucyd.*, viii., 92.—*Lysias*, c. *Agor.*, 136.—*Lycurg.*, c. *Leocr.*, 164, ed. Steph.)—6. (*Suidas*.—*Hezych.*—*Etymol. Mag.*, s. v.—*Arrian* in *Epict.*, iii., 21.)—7. (*Suid.*, s. v. *Επεισιώνη*.—*Compare* *Lycurg.*, *Fragm.*, c. *Menes*.—8. (*Demosth.*, c. *Pantæn.*, 977.—*Id.*, c. *Phisnipp.*, 1046.—*Id.*, c. *Polycl.*, 1208.)—9. (*Böckh*, *Staatsh. der Ath.*, ii., 70, 71.—*Meier*, *Att. Proc.*, 107, 550.)

PROIX (προίξ). (Vid. DOS, GREEK.)
 PROLETA'RII. (Vid. CAPUT.)
 PROMETHEIA (Προμηθεΐα), a festival celebrated at Athens in honour of Prometheus.¹ The time at which it was solemnized is not known, but it was one of the five Attic festivals which were held with a torch-race in the Ceramicus² (compare LAMPADOPHORIA), for which the gymnasiarch had to supply the youths from the gymnasium. Prometheus himself was believed to have instituted this torch-race, whence he was called the torch-bearer.³ The torch-race of the Prometheia commenced at the so-called altar of Prometheus in the Academia,⁴ or in the Ceramicus, and thence the youths with their torches raced to the city.⁵

PROMISSOR. (Vid. OBLIGATIONES, p. 673.)
 PROMULSIS. (Vid. CENA, p. 275.)
 PRO'NUBÆ, PRO'NUBI. (Vid. MARRIAGE, ROMAN, p. 625.)
 PROPNI'G'UM. (Vid. BATHS, p. 151.)
 PROPRIÆTOR. (Vid. PROVINCIÆ.)
 PROPRIETAS. (Vid. DOMINIUM.)
 PROQUESTOR. (Vid. QUÆSTOR.)
 PRORA. (Vid. SHIPS.)
 PROSCENIUM. (Vid. THEATRUM.)
 PROSCLE'SIS (πρόσκλησις). (Vid. DICE, p. 358.)

PROSCRIPTIO. The verb *proscribere* properly signifies to exhibit a thing for sale by means of a bill or advertisement: in this sense it occurs in a great many passages. But in the time of Sulla it assumed a very different meaning, for he applied it to a measure of his own invention,⁶ namely, to the sale of the property of those who were put to death at his command, and who were themselves called *proscripti*. Towards the end of the year 82 B.C., Sulla, after his return from Præneste, declared before the assembly of the people that he would improve their condition, and punish severely all those who had supported the party of Marius.⁷ The people appear tacitly to have conceded to him all the power which he wanted for the execution of his design, for the *lex Cornelia de Proscriptione et Proscriptis* was sanctioned afterward, when he was made dictator.⁸ This law, which was proposed by the interrex L. Valerius Flaccus at the command of Sulla, is sometimes called *lex Cornelia*⁹ and sometimes *lex Valeria*. Cicero¹⁰ pretends not to know whether he should call it a *lex Cornelia* or *Valeria*.¹¹

Sulla drew up a list of the persons whom he wished to be killed, and this list was exhibited in the Forum to public inspection. Every person contained in it was an outlaw, who might be killed by any one who met him with impunity, even by his slaves and his nearest relatives. All his property was taken and publicly sold. It may naturally be supposed that such property was sold at a very low price, and was in most cases purchased by the friends and favourites of Sulla; in some instances, only part of the price was paid at which it had been purchased.¹² The property of those who had fallen in the ranks of his enemies was sold in the same manner.¹³ Those who killed a proscribed person, or gave notice of his place of concealment, received two talents as a reward; and whoever concealed or gave shelter to a proscribed, was punished with death.¹⁴ But this was not all; the proscription was regarded as a corruption of blood, and, consequent-

ly, the sons and grandsons of proscribed persons were forever excluded from all public offices.¹⁵

After this example of a proscription had been set, it was readily adopted by those in power during the civil commotions of subsequent years. This was the case during the triumvirate of Antonius, Cæsar, and Lepidus (43 B.C.). Their proscription was not less formidable than that of Sulla, for 2000 equites and 300 senators are said to have been murdered.¹⁶

PROSECUTORIA ACTIO. (Vid. ACTIO, p. 17.)
 PROSTIME'MA (προστίμημα). (Vid. TIMONIA.)
 PROSTATES (προστάτης). (Vid. LIBERTAS, GREEK; ΜΕΤΟΙΚΟΙ.)

ΠΡΟΣΤΑΤΗΣ ΤΟΥ ΔΗΜΟΥ (προστάτης τοῦ δήμου), a leader of the people, denoted at Athens and in other democratical states a person who by his character and eloquence placed himself at the head of the people, and whose opinion had the greatest sway among them:¹⁷ such was Pericles. It appears, however, that *προστάτης τοῦ δήμου* was also the title of a public officer in some Doric states.¹⁸

PROTHESIS (πρόθεσις). (Vid. FUNUS, p. 434.)
 PROTHESMIA (προθεσμία), the term limited for bringing actions and prosecutions at Athens. In all systems of jurisprudence some limitation of this sort has been prescribed, for the sake of quieting possession, and affording security against vexatious litigation. The Athenian expression *προθεσμία νόμος* corresponds to our *statute of limitations*. The time for commencing actions to recover debts or compensation for injuries appears to have been limited to five years at Athens. *Τοῖς ἰδιωτικῶν ἑ Σόλων τὰ πέντε ἐτη ἱκανὸν ἤγησας εἶναι εἰσπραίνεσθαι*.¹⁹ Inheritance-causes stood on a peculiar footing. When an estate had been adjudged to a party, he was still liable to an action at the suit of a new claimant for the whole period of his life, and his heir for five years afterward. This arose from the anxiety of the Athenians to transmit inheritance in the regular line of succession. (Vid. HEIRE, GREEK.) The liability of bail continued only for a year (*ἑπετειοὶ ἦσαν*), and, of course, no proceeding could be taken against them after the expiration of the year.²⁰ It is doubtful whether any period was prescribed for bringing criminal prosecutions, at least for offences of the more serious kind, though, of course, there would be an indisposition in the jury to convict if a long time had elapsed since the offence was committed.²¹ Certain cases, however, must be excepted. The *γραφὴ παρανόμων* could only be brought within a year after the propounding of the law;²² and the *εἰδόμεναι* against magistrates were limited to a certain period, according to Pollux.²³ Amnesties or pardons, granted by special decrees of the people, scarcely belonged to this subject.²⁴ The term *προθεσμία* is applied also to the time which was allowed to a defendant for paying damages, after the expiration of which, if he had not paid them, he was called *ὑπερίημερος, ὑπερίημεσπος, or ἐκπρόθεσμος*.²⁵

PROTHYRA (πρόθυρα). (Vid. HOUSE, GREEK, p. 514.)

PROTRYG'IA (Προτρυγία), a festival celebrated in honour of Dionysus, surnamed Protryges, and of Poseidon.²⁶ The origin and mode of celebration of

1. (Xen., De Rep. Ath., 3, § 4.—Harpocrat., s. v. Δαπνάς.)—2. (Harpocrat., l. c.—Schol. ad Aristoph., Ran., 131.)—3. (Hygin., Poet. Astron., ii., 15.—Euseb., Phœnias., 1139.—Philostr., Vit. Soph., ii., 20.)—4. (Paus., i., 30, § 2.)—5. (Welcker, Æschyl. Trilog., p. 120, &c.)—6. (Vell. Patere., ii., 28.)—7. (Appian, Bell. Civ., i., 95.)—8. (Cic., De Leg., i., 15.—Id., De Leg. Agr., iii., 2, &c.—Appian, Bell. Civ., i., 98.)—9. (Cic. in Verr., i., 47.)—10. (Pro Rosc. Amer., 43.)—11. (Compare Schol. Gronov., p. 435, ed. Orelli.)—12. (Sallust. Fragm., p. 238, ed. Gerlach.)—13. (Cic., Pro Rosc. Amer., 43.)—14. (Cic. in Verr., i., 47.—Plut., Sull., 31.—Suet., Jul., 11.)

1. (Plut., l. c.—Vell. Patere., ii., 28.—Quintil., xi., l. 42.)—2. (Appian, Bell. Civ., iv., 5.—Vell. Patere., ii., 66.—Suet., Cæsar., 27.—Liv., Epit., lib. 120.)—3. (Plato, Rep., viii., p. 262, &c.—Müller, Dor., iii., 9, § 1.—Wachsmuth, i., 2, p. 435, &c.—C. Müller, De Corey. Repub., p. 49.—K. F. Hermann, Itebuch, &c., § 69, 3, 4.)—5. (Demosth., Pro Phœnia, 521.—Id., Nausim., 989.—Harpocrat., s. v. Πρόθεσμιος νόμος.)—6. (Demosth., c. Apatur., 961.)—7. (Lys., c. Sotamus., 95.—Πλάτωνος κολλ., 109: c. Agor., 137, ed. Steph.)—8. (Περικλέους γραφή καὶ Schöma, De Comit., 275.)—9. (Onom., viii., 45.)—10. (Vid. Æsch., c. Timarch., 6, ed. Steph.)—11. (Meier, Att. Proc., 64, 746.)—12. (Meuschen., s. v.—Zélissa, V. M., iii., 41.)

his festival at Tyre are described by Achilles Tatius.¹

PROVINCIA. The original meaning of this word seems to be "a duty" or "matter intrusted to a person," as we see in various passages; though some writers, apparently not correctly, consider this sense of "provincia" to be derived from that ordinary acceptance of it which will presently be mentioned. The etymology appears to be uncertain; but, if the usual orthography be correct, it is difficult to assign any other meaning to the verb than to "push forward," to "drive before one," and in this sense provincia is the commission which a Roman general received to drive the enemy from the Roman state.² But this sense of the word, if it was the original one, became changed in the course of time, or perhaps it received additions to its meaning. Thus, for instance, in the age of Cicero, provincia denoted a part of the Roman dominion beyond Italy which had a regular organization and was under Roman administration. This is the ordinary sense of the word, that of a foreign territory in a certain relation of subordination to Rome. It is clear, however, from Livy,³ that the word was also used, before the establishment of any provincial governments, to denote a district or enemy's country which was assigned to a general as the field of his operations; a circumstance which confirms the correctness of the primary meaning of the word, as above explained.

The Roman state, in its complete development, consisted of two parts with a distinct organization, Italia and the provincia. There were no provinciae in this sense of the word till the Romans had extended their conquests beyond Italy; and Sicily⁴ was the first country that was made a Roman province: Sardinia was made a province B. C. 235. The Roman province of Gallia Ulterior in the time of Cæsar was sometimes designated simply by the term provincia,⁵ a name which has been perpetuated in the modern Provence.

A conquered country received its provincial organization either from the Roman commander, whose acts required the approval of the senate, or the government was organized by the commander and a body of commissioners appointed by the senate out of their own number. The mode of dealing with a conquered country was not uniform. When constituted a provincia, it did not become to all purposes an integral part of the Roman state; it retained its national existence, though it lost its sovereignty. The organization of Sicily was completed by P. Rupilius, with the aid of ten legates, and his constitution is sometimes referred to under the name of *leges Rupiliae*. (*Vid. Lex*, p. 585.) The island was formed into two districts, with Syracuse for the chief town of the eastern, and Lilybæum of the western district: the whole island was administered by a governor annually sent from Rome. He was assisted by two *quæstors*, and was accompanied by a train of *præcones*, *scribæ*, *haruspices*, and other persons, who formed his cohorts. The *quæstors* received from the Roman *ærarium* the necessary sums for the administration of the island, and they also collected the taxes, except those which were farmed by the *censors* at Rome. One *quæstor* resided at Lilybæum, and the other with the governor or *prætor* at Syracuse. The governor could dismiss the *quæstors* from the province if they did not conform to his orders, and could appoint *legati* to do their duties. The whole island was not treated exactly in the same way. Seventeen conquered towns forfeited their land, which was re-

stored on condition of the payment of the *decimæ* and the *scriptura*. But this restoration must not be understood as meaning that the ownership of the land was restored, for the Roman state became the owner of the land, and the occupiers had at most a *possessio*. These taxes or dues were let to farm by the *censors* at Rome. Three cities, Messana, Tauromenium, and Netum, were made *fœderatæ civitates*, and retained their land. The duties of *fœderatæ civitates* towards the Roman state are explained in another place. (*Vid. Fœderatæ Civitates*.) Five other cities, among which were Panormus and Segesta, were *liberæ et immunes*, that is, they paid no *decimæ*; but it does not appear whether they were free from the burdens to which the *fœderatæ civitates*, as such, were subject by virtue of their *fœdus* with Rome. Before the Roman conquest of Sicily, the island had been subject to a payment of the tenth of wine, oil, and other products, the collecting of which had been determined with great precision by a law or regulation of King Hiero (*lex Hieronica*). The regulations of Hiero were preserved, and these tenths were let to farm by the *quæstors* in Sicily to Sicilians and Romans settled in Sicily: the tenths of the first-mentioned towns were let to farm to Romans in Rome. The towns which paid the tenths were called by the general name of *stipendiariæ*.

For the administration of justice, the island was divided into *fora* or *conventus*, which were territorial divisions. Sicilians who belonged to the same town had their disputes settled according to its laws; citizens of different towns had their disputes decided by judges appointed by lot by the governor; in case of disputes between an individual and a community, the senate of any Sicilian town might act as judges, if the parties did not choose to have as judges the senate of their own towns; if a Roman citizen sued a Sicilian, a Sicilian was *iudex*; if a Sicilian sued a Roman citizen, a Roman was *iudex*; but no person belonging to the cohorts of a *prætor* could be *iudex*. These were the provisions of the *Rupiliae leges*. Disputes between the lessees of the tenths and the aratores were decided according to the rules of Hiero.¹ The settlement of the municipal constitution of the towns was generally left to the citizens; but in some instances, as in the case of C. Claudius Marcellus and the town of Alesa, a constitution was given by some Roman, at the request, as it appears, of the town. The senate and the people still continued as the component parts of the old Greek cities. Cicero mentions a body of 130 men, called *censors*, who were appointed to take the census of Sicily every five years, after the fashion of the Roman census.² The island was also bound to furnish and maintain soldiers and sailors for the service of Rome, and to pay *tributum* for the carrying on of wars. The governor could take provisions for the use of himself and his cohorts on condition of paying for them. The Roman state had also the *portoria*, which were let to farm to Romans at Rome.

The governor had complete *jurisdictio* in the island, with the *imperium* and *potestas*. He could delegate these powers to his *quæstors*, but there was always an appeal to him, and for this and other purposes he made circuits through the different *conventus*.

Such was the organization of Sicily as a province, which may be taken as a sample of the general character of Roman provincial government. Sicily obtained the *Latinitas* from Julius Cæsar, and the *civitas* was given after his death;³ Lat. notwith-

1. (iii., inst.)—2. (Götting, *Gesch. der Röm. Staatsv.*, p. 413.)—3. (iii., 40; iii., 2.)—4. (*Cic. in Verr.*, II., ii.)—5. (*Cæs.*, *Bell. Gall.*, i., 1, 7, &c.)

1. (*Cic. in Verr.*, II., ii., 13.)—2. (*in Verr.*, II., ii., 55, &c.)—3. (*Cic. ad Att.*, xiv., 12.)

standing this, there remained some important distinctions between Sicily and Italy, as hereafter explained. The chief authority for this account of the provincial organization of Sicily is the Verrine orations of Cicero.

Hispania was formed into two provinces, Citerior or Tarraconensis, and Ulterior or Bætica. Hispania Citerior was divided into seven conventus: Carthaginensis, Tarraconensis, Cæsaraugustanus, Cluniensis, Asturum, Lucensis, and Bracarum. The diversity of the condition of the several parts of the province appears from the enumeration of coloniae, oppida civium Romanorum, Latini veteres, Fœderati, oppida stipendiaria. Hispania Bætica was divided into four juridici conventus: Gaditanus, Cordubensis, Astigitanus, Hispalensis. The oppida consisted of coloniae, municipia, Latio antiquitus donata, which appear to be equivalent to Latini veteres, libera, fœderata, stipendiaria.¹ The provincia of Lusitania was divided into three conventus: Emeritensis, Pacensis, and Scalobitanus. The classes of oppida enumerated are coloniae, municipia civium Romanorum, oppida Latii antiqui or veteris, stipendiaria.² This example will give some idea of the Roman mode of administering a province for judicial purposes. All Hispania received the Latinitas from Vespasian.³ The province paid a fixed vectigal or land-tax in addition to the tributum which was collected by præfecti, and in addition to being required to deliver a certain quantity of corn. And the prætor had originally the right to purchase a twentieth part at what price he pleased.⁴

This organization was not confined to the Western provinces. In Asia, for instance, there was a Smyrnaeus conventus which was frequented by a great part of Æolia; the term conventus was applied both to the territorial division made for the administration of justice, and also to the chief city or place "in quem conveniebant." Ephesus gave name to another conventus. As the conventus was mainly formed for judicial purposes, the term jurisdiction is sometimes used as an equivalent. Thus Pliny⁵ speaks of the Sardiana jurisdiction, which is the same as Sardinian conventus. The object of this division is farther shown by such phrases as "eodem disceptant foro," "Tarracone disceptant populi xliii."

Strabo remarks⁶ that the boundaries of Phrygia, Lydia, Caria, and Mysia were confused, and that the Romans had added to the confusion by not attending to the subsisting national divisions, but making the administrative divisions different (*τὰς διοικήσεις*), in which are the fora (*ἀγορᾶς*, MS.) and the administration of justice. The word ἀγορᾶ probably represents conventus (as to the reading, see Casaubon's note). The conventus, it appears, were sometimes held (*conventus acti*) in the winter;⁷ but in Cæsar's case this might be a matter of convenience. Cicero proposed to do the same in his province.⁸ The expression "forum agere" is equivalent to "conventum agere."

The conventus were attended by the Romans who were resident in the province, among whom were the publicani, and generally by all persons who had any business to settle there. The iudices for the decision of suits were chosen from the persons who attended the conventus. Other acts were also done there which were not matters of litigation, but which required certain forms in order to be legal. In the case of manumission by persons under thirty years of age, certain forms were required by the lex Ælia Sentia, and in the provinces it was effect-

ed on the last day of the conventus;⁹ from which it appears that conventus means also the time during which business was transacted at the place "in quem conveniebant."

The governor, upon entering on his duties, published an edict, which was often framed upon the Edictum Urbanum. Cicero, when proconsul of Cilicia, says that on some matters he framed an edict of his own, and that as to others he referred to the Edicta Urbana.² Though the Romans did not formally introduce their law into the provinces, and as much of it as applied to land and the status of persons was inapplicable to provincial land and provincial persons, great changes were gradually introduced by the edictal power, both as to the forms of procedure and all other matters to which the Roman law was applicable, and also by special enactments.³

There was one great distinction between Italy and the provinces as to the nature of property in land. Provincial land could not be an object of Quiritarian ownership, and it was accordingly appropriately called possessio. The ownership of provincial land was either in the populus or the Cæsar, at least this was the doctrine in the time of Gains.⁴ Provincial land could be transferred without the forms required in the case of Italian land, but it was subject to the payment of a land-tax (vectigal). Sometimes the jus Italicum was given to certain provincial towns, by which their lands were assimilated to Italian land for all legal purposes. With the jus Italicum such towns received a free constitution, like that of the towns of Italy, with magistrates, as decemviri, quinquennales (censores), and ædiles, and also a jurisdiction. It was a ground of complaint against Piso that he exercised jurisdiction in a libera civitas.⁵ Towns possessing the jus Italicum in Hispania, Gallia, and other countries, are enumerated. The Latinitas or jus Latii also, which was conferred on many provincial towns, appears to have carried with it a certain jurisdiction; and those who filled certain magistratus in these towns thereby obtained the Roman civitas.⁶ It is not easy to state what was the precise condition of the coloniae Romanæ and Latinae which were established in the provinces: if the name is a certain indication of their political condition, that is pretty well ascertained.

It has been stated that the terms Italia and provinciae are opposed to one another as the component parts of the Roman state, after it had received its complete development. Under the emperors we had Gallia Cisalpina or Citerior an integral part of Italy, and without a governor, the provincial organizations having entirely disappeared. In the year B.C. 49, when Cæsar crossed the Rubicon on his march towards Rome, it was a province of which he was proconsul, a circumstance which gives a distinct meaning to this event. Cicero still calls it Provincia Gallia at the epoch of the battle of Mutina. In the autumn of B.C. 43, D. Brutus, the proconsul of the Provincia Gallia, was murdered, and from that time we hear of no more proconsuls of this province, and it is a reasonable conjecture that those who then had all the political power were unwilling to allow any person to have the command of an army in a district so near to Rome. The name Italia was, however, applied to this part of Italia before it became an integral portion of the peninsula by ceasing to be a provincia.⁷ On the determination of the provincial form of government in Gallia Cisalpina, it was necessary to give to this part

1. (Plin., *lib.*, 1, 3.)—2. (Plin., *lib.*, 22.)—3. (Plin., *lib.*, 3.)—4. (Liv., *lib.*, 2.—Compare Tacit., *Agri.*, 19.—Cic. in *Verr.*, *lib.*, 81, *De æstimato frumento*)—5. (*v.*, 29.)—6. (XIII., p. 629.)—7. (Cass., *B. Gall.*, *lib.*, 54; *vi.*, 44.)—8. (ad Att., *v.*, 14.)

1. (Gaius, 1, 20.)—2. (ad Att., *v.*, 1.)—3. (Gaius, 1, 132, 133, 134.)—4. (*lib.*, 1, 1—5. (Cic., *De Prov. Cons.*, 2, 3—6. (Cic., p. 180, ed. Casaub.)—7. (Cass., *B. Gall.*, *lib.*, 54, *v.*, 1, *v.*, 44 &c.—Cic., *Phil.*, *v.*, 12.)

w organization suited to the change of s, particularly as regarded the adminis- tration, which was effected by the lex lilia Cisalpina. The proconsul of Gal- had the imperium, but, on his functions urisdiction was placed in the hands of gistrates who had not the imperium. ratus could give a iudex : in some ca- diction was unlimited ; in others it did cases above a certain amount of mon- d remit a novi operis nuntiatio, require se of damnum infectum, and, if it was y could grant an action for damages.

n provinces up to the battle of Actium, ed by Sigonius, are, Sicilia, Bithynia ispania Citerior et Ulterior, Gallia Ci- Narbonensis et Comata, Illyricum, chaia, Asia, Cilicia, Syria, Bithynia et us, Africa, Cyrenaica et Creta, Nut- antia. Those of a subsequent date, ither new or arose from a subsequent according to Sigonius, Rhetia, Noria, Mœsia, Dacia, Britannia, Maurita- sis and Tingitana, Ægyptus, Cappa- a, Rhodus, Lycia, Commagene, Judæa, potamia, Armenia, Assyria. The æc- s enumeration is not warranted. It that it does not contain Lusitania, of the two divisions of Hispania Ute- r being Bætica : Lusitania may, how- e had a separate governor. Original- of Spain, so far as it was organized, nto the two provinces Citerior and Ul- vision of Ulterior into Bætica and Lu- s to a later period. Under Augustus, vided into four provinces : Narbonen- Lugdunensis, Belgica, and Aquitania. ia of Cæsar's Commentaries, from he modern name Provence is derived, ave corresponded to the subsequent onensis. He had also the province alpina or Citerior,¹ which, as already is subsequently incorporated with It- gral part of it. Cicero speaks of the s then united in one imperium under sar, and he farther distinguishes them of Citerior and Ulterior.² The same are used by Cæsar in his Commenta-

res the division into provinces (ἐπαρ- tituted by Augustus. The provinces s (δῆμος) were two consular provinces d ten prætorian provinces (στρατηγιαί). he eparchies, he says, belong to the itania is not enumerated among the the populus, and if it was a distinct ust have belonged to the Cæsar ac- e principle of the division of the prov- ed by Strabo. The list of provinces in stratio Provinciarum"³ mentions the Asturia et Galleca Lusitania. Dion es the distribution of the provinces by follows : the provinces of Africa, Nu- Hellas (Achæa) with Epirus, Dalmatia, icilia, Creta with the Cyrenaica, Bi- he adjacent Pontus, Sardinia, and Bæ- l to the senate and the people (δῆμος) ; Tarraconensis, Lusitania, all Gal- a, Phœnice, Cilicia, Cyprus, and Ægyp- to Augustus. He afterward took Dal- he senate, and gave to them Cyprus arbonensis, and other changes were ntly.

At first prætors were appointed as governors of provinces, but afterward they were appointed to the government of provinces upon the expiration of their year of office at Rome, and with the title of prætores. In the later times of the Republic, the consuls also, after the expiration of their year of office, received the government of a province, with the title of proconsules : such provinces were called consulares. Cicero was proconsul of Cilicia B.C. 55, and his colleague in the consulship, C. Antonius, obtained the proconsulship of Macedonia immediately on the expiration of his consular office. The provinces werè generally distributed by lot, but the distribution was sometimes arranged by agreement among the persons entitled to them. By a Sempro- nia lex the proconsular provinces were annually de- termined before the election of the consuls, the ob- ject of which was to prevent all disputes. A sena- tus consultum of the year 55 B.C. provided that no consul or prætor should have a province till after the expiration of five years from the time of his consul- ship or prætorship. A province was generally held for a year, but the time was often prolonged. When a new governor arrived in his province, his prede- cessor was required to leave it within thirty days.

The governor of a province had originally to ac- count at Rome (ad urbem) for his administration from his own books and those of his quæstors ; but after the passing of a lex Julia, B.C. 61, he was bound to deposit two copies of his accounts (ratio- nes) in the two chief cities of his province, and to forward one (totidem verbis) to the Ærarium.¹ If the governor misconducted himself in the adminis- tration of the province, the provincials applied to the Roman senate, and to the powerful Romans who were their patroni. The offences of repetundæ and peculatus were the usual grounds of complaint by the provincials ; and if a governor had betrayed the interests of the state, he was also liable to the penalties attached to majestas. Questiones were established for inquiries into these offences ; yet it was not always an easy matter to bring a guilty governor to the punishment that he deserved.

With the establishment of the imperial power un- der Augustus, a considerable change was made in the administration of the provinces. Augustus took the charge of those provinces where a large military force was required ; the rest were left to the care of the senate and the Roman people.² Accordingly, we find in the older jurists³ the division of provinciæ into those which were "propria populi Romani," and those which were "propria Cæsaris ;" and this di- vision, with some modifications, continued to the third century. The senatorial provinces were dis- tributed among consulares and those who had filled the office of prætor, two provinces being given to the consulares and the rest to the prætorii : these governors were called proconsules or præsides, which latter is the usual term employed by the old jurists for a provincial governor. The præsides had the iurisdiction of the prætor urbanus and the prætor peregrinus, and their quæstors had the same iurisdiction that the curule ædiles had at Rome.⁴ The imperial provinces were governed by legati Cæsaris with prætorian power, the proconsular power being in the Cæsar himself, and the legati being his deputies and representatives. The legati were selected from those who had been consuls or prætors, or from the senators. They held their office and their power at the pleasure of the emperor, and he delegated to them both military command and iurisdiction, just as a proconsul in the republican period delegated these powers to his legati. These legati had also legati under them. No quæstors were sent to the

all., i., 54.)—2. (De Prov. Cons., ii., 15, 16.)—3. v., 1, 2.)—4. (xvii., p. 840, ed. Cassub.)—5. Bode.)—6. (liii., 12.)

1. (Cic. ad Fam., ii., 17 ; v., 20.)—2. (Strabo, xvii., p. 840.)—3. (Gaius, ii., 21.)—4. (Gaius, i., 6.)

provinces of the Cæsar, and for this reason, observes Gaius, *this edict (hoc edictum)* is not published in those provinces, by which he appears, from the context, to mean the edict of the curule ædiles. In place of the questors, there were procuratores Cæsaris, who were either equites or freedmen of the Cæsar. Egypt was governed by an eques, with the title of præfectus. The procuratores looked after the taxes, paid the troops, and generally were intrusted with the interests of the fiscus. Judæa, which was a part of the province of Syria, was governed by a procurator who had the powers of a legatus. It appears that there were also procuratores Cæsaris in the senatorial provinces, who collected certain dues of the fiscus, which were independent of what was due to the ærarium. The regular taxes, as in the Republican period, were the poll-tax and land-tax. The taxation was founded on a census of persons and property, which was established by Augustus. The portoria and other dues were farmed by the publicani, as in the republican period.

The governors of the senatorial provinces and the legati of the Cæsar received their instructions from him, and, in all cases not thus provided for, they had to apply to the Cæsar for special directions. The rescripta of the emperors to the provincial governors are numerous. Justice was administered in the provinces according to the laws of the provinces, and such Roman laws as were specially enacted for them, and according to imperial constitutiones, senatus consulta, and the edict of the governors. In some instances the provisions of Roman laws were extended to the provinces.¹

The organization of the Italian towns under the Empire has been already explained in the article Colonia; and the same observations apply, in general, to the senates of provincial towns which have been made with respect to the functions of the senates of Italian towns. Even in the provinces, the names senate and senator occur in the sense, respectively, of curia and decuriones. But there was a great distinction between the magistratus of provincial and those of Italian towns. The functions of these personages in the provincial towns were generally munera (*burdens*), and not honores. (*Vid. HONORES.*) Such honores as have reference to religious functions they certainly had, and probably others also; but they had nothing corresponding to the duumviri juri dicundo of the Italian towns, that is, no functionary "qui jus dicebat." The only exception were such towns as had received the jus Italicum, the effect of which, as elsewhere explained, appears to have been, in brief, to give to a certain city and district the same character that it would have had if it had been a part of the Italic soil, but only so far as affected the whole district: it did not affect the status of individuals. Freedom from the land-tax, and a free constitution in Italian form, with duumviri J. D., quinquennales, ædiles, and jurisdiction, were essential ingredients of this jus Italicum. Sicily received the civitas after the death of Julius Cæsar, and from the occurrence of the mention of duumviri in the inscriptions of a Sicilian town, Savigny draws the probable inference that the Sicilian towns received the jus Italicum also: at least, if in any case we can show that any provincial city had duumviri, we may conclude that such city had the jus Italicum, and, consequently, magistratus with jurisdiction. The regular jurisdiction in all the provinces was vested in the governor, who exercised it personally and by his legati: with reference to his circuits in the provincia, the governor, in the later ages of the Empire, was called *judex ordinarius*, and sometimes simply *judex*. The towns which had the jus Italicum were, as already observ-

ed, not under his immediate jurisdiction, though a right of appeal to the governor from the judgments of the duumviri must be considered as always existing. The provincial towns had the management of their own revenue; and some of the provincial towns could coin money. It does not appear that the religion of the provincials was ever interfered with, nor had it been put under any restraint in the republican period.

The constitution of Caracalla, which gave the civitas to all the provinces and towns of the Empire, merely affected the personal status of the people. The land remained provincial land when the jus Italicum had not been communicated to a soil, and the cities which had not received the jus Italicum were immediately under the jurisdiction of the governors. This constitution, however, must have entailed considerable changes in the condition of the provincials; for, when they all became Roman citizens, the Roman incidents of marriage, such as the patria potestas, and the Roman law of succession in case of intestacy, would seem to be inseparable consequences of this change, at least so far as the want of the jus Italicum did not render it inapplicable.

The constitution of the provincial towns was materially affected by the establishment of defensores, whose complete title is "*Defensores Civitatis Publici Locii*." Until about the time of Constantine, so far as the Pandect shows, defensor was the title of persons who were merely employed in certain municipal matters of a temporary kind. In the year A.D. 365, the defensores appear as regularly established functionaries.¹ They were elected by the decuriones and all the city; but, unlike the magistratus, they could not be elected out of the body of decuriones.² The office was originally for five years, but after the time of Justinian only for two years. The principal business of the defensor was to protect the town against the oppression of the governor.³ He had a limited jurisdiction in civil matters, which Justinian extended from matters to the amount of 100 solidi to matters to the amount of 300 solidi. There was an appeal from him to the governor.⁴ He could not impose a multa, but he could appoint a tutor. In criminal matters, he had only jurisdiction in some of the less important cases.

The number of senators, both in the Italic and provincial towns, seems to have been generally one hundred; and this was the number in Capua.⁵ But the number was not in all places the same. Besides the actual members, the album decurionum comprised others who were merely honorary members. The album of the town of Canusium, of the year A.D. 223, which has been preserved, consists of 100 members, of whom 30 were patrones, Roman senators, and 2 were patrones, Roman equites; the remainder were 7 quinquennalicii, a term which is easily explained by referring to the meaning of the term quinquennales (*vid. COLONIA*, p. 283), 4 alii inter quinquennales, 22 duumviralicii, 19 ædiles, 31 pedani, 34 prætextati. The distinction between patrones and prætextati Savigny professes himself unable to explain. In many towns, the first persons in the list of actual senators were distinguished from the rest, and generally the first ten, as decempræses, of which there is an example in Livy;⁶ and in the case of America, and of Centuripe in Sicily.⁷

It has been previously shown, that, at the time when the Roman republica had attained its complete development, Italia and the provincia were the two great component parts of the Empire; and one great distinction between them was this, that in

1. (Cod., i., tit. 55, "De Defensoribus.")—2. (Cod., i., tit. 55, s. 4.)—3. (Nov., 15, c. 5.)—4. (Cic. in Rull., ii., 25.)—5. (Liv., 15: "Magistratus decemque principes.")—6. (Cic. Pro Ros. Amer., c. 9.—Id. in Verr., ii., 67.)

1. (Gaius, i., 47.—Ulp., Frag., xi., 20.)

ns had magistratus with jurisdiction; es, except in places which had receiv- icum, the governor alone had jurisdic- the growth and development of the r a greater uniformity was introduced nistration of all parts of the Empire, r Italy itself was under a provincial nment. (*Vid.* COLONIA.) AS above ation of the governor to the province ame when a city had magistratus and ot; and, consequently, it was in this e same in Italy as in the provinces.

ution of Constantine was based on a ration of the civil and military power, sentially united in the old system of ernment: Justinian, however, uld the civil and military power in the

The governor, who had civil power, ator, judex, judex ordinarius; and of rs there were three classes, consu- res, præsides, among whom the only s in the extent and rank of their gov- e writings of the older jurists, which in the Pandect, the præsides is a gen- a provincial governor.¹ The military en to duces, who were under the gen- dence of the magistri militum. Some were called comites, which was ori- f rank given to various functionaries, em to the duces; and when the title regularly given to certain duces, who mmands, the name dux was drop- es became a title. This was more e case with important com rands on

The comes is mentioned in imperial before the dux, whence we infer his

to add a few remarks on the exercise tio, so far as they have not been ant- aking of the functionaries themselves. o the towns which had the privileges s, all matters, as a general rule, came gistratus in the first instance; but in ed matters, and in cases where the estion was above a certain sum (the t of which is not known), the matter e governor of the province in the first

Italy before the Roman prætor. Un-

of the fourth century A.D., all matters ial towns which had not magistratus e governor in the first instance; but e the defensor acquired a power like magistratus of the privileged towns, imited. The old form of proceeding rs has been explained elsewhere (*vid.* magistratus empowered the judex to natio; and this institution was the m privatorum. That which the ma- without the aid of a judex was extra

id. INTERDICTUM.) The same institu- in those towns which had a magis- ras of the essence of a magistratus or o name a judex.⁴ Under the emper- ly became common for the magistra- various cases without the aid of a ju- e are the extraordinariæ cognitiones e Digest.⁵ In the reign of Dioclesian, iorum, as a general rule, was abolish- inces, and the pedanei iudices (*hoc est miliora disceptant*) were only appointed s when he was very much occupied , or for some trifling matters (*vid.* Ju-

18.)—2. (Cod. Theod., vii., tit. 1, s. 9.)—3. 6., tit. 7, s. 11: "Ad magistrum militum, et comes."—4. (Lex Gall. Cisalp., c. 20.)—5. (50,

DEX PEDANEUS¹); and in the time of Justinian the institution had entirely disappeared,² and, as it is conjectured, both in Rome and the municipia.

By the aid of the iudices, two prætors were able to conduct the whole judicial business between citizens and peregrini at Rome; and by the aid of the same institution, the judicial business was conducted in the jurisdictiones out of Rome. In no other way is it conceivable how the work could have been got through. But when the *ordo judiciorum* was abolished, the difficulty of transacting the business must have been apparent. How this was managed is explained by Savigny, by referring to the growth of another institution. Even in the time of the Republic, the prætors had their legal advisers, especially if they were not jurists themselves; and when all the power became concentrated in the Cæsars, they were soon obliged to form a kind of college for the despatch of business of various kinds, and particularly judicial matters which were referred to the Cæsar. This college was the Cæsar's *consistorium* or *auditorium*. The provincial governors had their body of assessors, which were like the Cæsar's *auditorium*; and it is a conjecture of Savigny, which has the highest probability in its favour, that the new institution was established in the municipal towns and in the provincial towns, so that here also the magistratus and the defensor had their assessors.

Besides the *jurisdictio* which had reference to litigation, the so-called *contentiosa jurisdictio*, there was the *voluntaria*. Matters belonging to this *jurisdictio*, as manumission, adoption, emancipation, could only be transacted before the magistratus *populi Romani*, and, unless these powers were specially given to them, the municipal magistrates had no authority to give the legal sanction to such proceedings; though in the old municipia it is probable that the power of the magistratus was a little limited in the *voluntaria* as in the *contentiosa jurisdictio*. In the imperial period it was usual to perform many acts before the public authorities, and in the three cases of large gifts, the making of a will, and the opening of a will, it was necessary for these acts to be done before a public authority. Such acts could be done before a provincial governor, and also before the *curia* of a city in the presence of a magistratus and other persons. (Compare the Constitution of Honorius, *Cod. Theod.*, xii., tit. 1, s. 151, and a Novel of Valentinian, *Nov. Theod.*, tit. 23, with Savigny's remarks on them.)

Though the general administration of the Roman provinces is adequately understood, there are differences of opinion as to some matters of detail; one cause of which lies in the differences which actually existed in the administration of the provinces, and which had their origin in the different circumstances of their conquest and acquisition, and in the diversity of the native customary law in the different provinces, with a large part of which the Romans originally did not interfere. A general view of the provinces should therefore be completed and corrected by a view of the several provinces.

The authorities for this imperfect view of the provincial government have been generally referred to. They are, more particularly, Sigonius, *De Antiquo Jure Provinciarum*, lib. i.—iii.—Göttling, *Geschichte der Römischen Staatsverfassung*.—Walter, *Geschichte des Römischen Rechts*, where the authorities are very conveniently collected and arranged, and chap. xxxi., notes 76, 79, wherein he differs from Savigny as to the *jus Italicum*; in chapter xxxvii., Walter has described the provincial divisions of the Empire, which existed about the middle of the fifth century

1. (Cod., iii., tit. 9, s. 2.)—2. (*Iust.*, iv., tit. 15, s. 8.)—3. (*Dig.* 1, tit. 23.)

A. D.—Savigny, *Geschichte des Röm. Rechts im Mittelalter*, vol. i.—Puchta, *Ueber den Inhalt der Lex Rubria*, Zeitschrift, &c., vol. x.

*PROUMNOS (προῦμνος), a name given, according to Galen, to the Wild Plum.¹

PROVOCATIO. (Vid. APPELLATIO, ROMAN.)

PROVOCATOR'ES. (Vid. GLADIATORES, p. 476.)

PROXENIA (προξενία), PROXENOS (πρόξενος). (Vid. HOSPITIUM.)

PRUDENTES. (Vid. JURISCONSULTI.)

*PRUNUM, the Plum, called in Greek κοκκύμηλον. (Vid. COCCYMELEA.) It is the fruit of the *Prunus domestica*, L.

*PRUNUS (κοκκύμηλα), the Plum-tree, or *Prunus domestica*, L. (Vid. COCCYMELEA.) Theophrastus and Dioscorides designate the Plum-tree by the name of κοκκύμηλα. It is also called by Theophrastus προῦνη. Galen styles it προῦνη. The compound term κοκκύμηλα, however (meaning the tree that bears for fruit little balls or pillules), is the most classical form of expression. The term προῦνη, whence comes the Latin *prunus*, seems to be a barbarian word Græcised. The Plum-tree is originally from the mountains in the vicinity of Damascus.²

PRYTANEION (Πρυτανεῖον). The Πρυτανεία of the ancient Greek states and cities were to the communities living around them, the common houses of which they in some measure represented, what private houses were to the families which occupied them. Just as the house of each family was its home, so was the Πρυτανεῖον of every state or city the common home of its members or inhabitants, and was consequently called the ἐστία πόλεως, the "focus" or "penetræ urbis."³ This correspondence between the Πρυτανεῖον, or home of the city, and the private home of a man's family, was at Athens very remarkable. A perpetual fire, or πῦρ ἁδεστων, was kept continually burning on the public altar of the city in the Prytaneum, just as in private houses a fire was kept up on the domestic altar in the inner court of the house.⁴

The same custom was observed at the Prytaneum of the Eleans, where a fire was kept burning night and day.⁵ Moreover, the city of Athens exercised in its Prytaneum the duties of hospitality, both to its own citizens and strangers. Thus foreign ambassadors were entertained here, as well as Athenian envoys on their return home from a successful or well-conducted mission.⁶ Here, too, were entertained from day to day⁷ the successive prytanes, or presidents of the senate, together with those citizens who, whether from personal or ancestral services to the states, were honoured with what was called the σίτησις ἐν Πρυτανείῳ, the "victus quotidianus in Prytaneo,"⁸ or the privilege of taking their meals there at the public cost. This was granted sometimes for a limited period, sometimes for life, in which latter case the parties enjoying it were called δέιστοι. The custom of conferring this honour on those who had been of signal service to the state and their descendants was of so great antiquity, that one instance of it was referred to the times of Codrus; and in the case to which we allude, the individual thus honoured was a foreigner, a native of Delphi.⁹ Another illustration of the uses to which the Prytaneum was dedicated is found in the case of the daughters of Aristeides, who, on the death of their father, were considered as the adopted children of the state, and married

from (ἐκδοθείσας) that common home of the city just as they would have been from their father's (had he been alive).¹ Moreover, from the everlasting fire of the Prytaneum, or home of a state, was carried the sacred fire which was kept burning in the prytaneia of her colonies; and if it happened that this was ever extinguished, the flame was rekindled from the prytaneum of the parent city.² Lastly, a Prytaneum was also a distinguishing mark of an independent state, and is mentioned as such by Thucydides,³ who informs us that before the time of Theseus every city or state (παλις) of Attica possessed a Prytaneum. The Athenians, we are told,⁴ called their Prytaneum λαός (from λέως, populus), or the "town-hall," and occasion from it seems to have been a sort of civil communication.

The Prytaneum of Athens lay under the Acropolis, on its northern side (near the ἄγορα), and was, as its name denotes, originally the place of assembly of the πρυτανεῖς: in the earliest times probably stood on the Acropolis. Officers called πρυτανεῖς were intrusted with the chief magistracy in several states of Greece, as Corcyra, Corinth, Miletus, and the title is sometimes synonymous with βουλήεις, or princes, having apparently the same root as πρῶτος or πρώτατος. At Athens they were in early times probably a magistracy of the second rank in the state (next to the archon), acting as judges in various cases (perhaps in conjunction with him), and sitting in the Prytaneum. That this was the case is rendered probable by the fact, that even in after times the fees paid into court by plaintiff and defendant, before they could proceed to trial, and received by the dicasts, were called πρυτανεῖς.⁵ The court of the Prytaneum, or the πρὸ ἐν Πρυτανείῳ, is said⁷ to have been presided over by the φιλοδικαστεῖς, who, perhaps, were the same as the ἀρχεῖς.

In later ages, however, and after the establishment of the courts of the helias, the court of the Prytaneum had lost what is supposed to have been its original importance, and was made one of the courts of the ephete, who held there a species of mock trial over the instruments by which any individual had lost his life, as well as over persons who had committed murder, and were not forthcoming or detected.

The tablets or ἄξονες, otherwise κάρτεες, on which Solon's laws were written,⁸ were also deposited in the Prytaneum;⁹ they were at first kept on the Acropolis, probably in the old Prytaneum, but afterward removed to the Prytaneum in the ἄγορα, that they might be open to public inspection.¹⁰ Ephialtes is said to have been the author of this measure,¹¹ but their removal may have been merely the consequence of the erection of a new Prytaneum on the lower site in the time of Pericles.¹²

PRYTANEIS. (Vid. PRYTANEION, BOULE, p. 168, 170.)

*PSAR (ψάρ), the Starling, or *Sturnus vulgaris*. Starlings are gregarious, and hence mention is made by Homer of "a cloud of starlings."¹³

*PSEN (ψήν), the insect on the fig-tree which performs the work of caprifigation. It is the *Cynips Psenes* of modern naturalists.¹⁴

PSEPHISMA (ψηφισμα). (Vid. BOULE, p. 168, NOMOTETES, p. 664.)

PSEPHOS (ψηφός). The Athenian dicasts, giving their verdict, voted by ballot. For this pur-

1. (Galen, De Simpl., vii.—Theophr., ix., 1.—Adams, Append., s. v.)—2. (Theophr., H. P., i., 18; iv., 1.—Dioscor., i., 138.—Féte, Flore de Virgile, p. cxxxiv.)—3. (Cic., De Leg., ii., 12.—Liv., xli., 20.—Dionys., ii., 23, 65.)—4. (Pollux, Onom., i., 7.—Arnold ad Thucyd., ii., 15.)—5. (Paus., v., 15, § 5.)—6. (Aristoph., Ach., 125.—Pollux, Onom., ix., 40.)—7. (Böckh, Publ. Econ., i., p. 329.)—8. (Cic., De Orat., i., 54.)—9. (Lycur., c. Leocr., p. 158.)

1. (Plut., Arist., c. 27.)—2. (Duker ad Thucyd., i., 24.)—(ii., 15.)—4. (Herod., vii., 197.)—5. (Wachsmuth, l. i., 194.)—6. (Pollux, Onom., viii., 38.)—7. (Id. ib., viii., 120.)—8. (Plut. Sol., 25.)—9. (Paus., i., 18, § 3.)—10. (Pollux, Onom., viii., 12.)—11. (Harpocr., s. v. 'Ο κάρωθεν νόμος.)—12. (Thiersch, Hist. of Greece, ii., p. 54.)—13. (Hom., Il., xvii., 755.—Didymus, ad loc.—Adams, Append., s. v.)—14. (Theophr., H. P., i., 24.—Adams, Append., s. v.)

They used either seashells, *χορίνια*,¹ or beans. The *δήμος* is called *κυμοστρώξ* by Aristophanes. These balls of metal (*σπόνδυλοι*), or stone (*ψήφαι*) these last were the most common: hence *ψήφαι* and its various derivatives are used to signify voting, determining, &c. The balls were pierced (*τετρυνπημέναι*) and whole (*πληρῆ*) former for condemnation, the latter for acquittal or they were black and white, for the purposes respectively, as the following lines

*Mos erat antiquus niveis atrisque lapillis,
His damnare reos, illis absolvere culpa.*"

There might be three methods of voting. First, the secret method, called *κρύβδην ψηφίζεσθαι*, when the dicast had two balls given him (say a black and a white); two boxes (*κάδοι, καδίσκοι, or ὑμφορίαι*) prepared, one of brass, called the judgment-box (*κρίσιος*), into which the dicast put the ball by which he gave his vote, and the other of wood, called the ballot-box, into which he put the other ball, and the object of which was to enable him to conceal his vote. Each box had a neck or funnel (*κηρός, i. e. σθῆμα μῦς ψήφον χῶραν ἔχον*), into which the dicast put his hand, but only one ball could pass through the lower part into the box.² Secondly, the dicast might be only one box, in which the dicast put one of the two balls he pleased, and returned the box to the officer of the court. Thirdly, there might be two boxes, one for condemnation, the other for acquittal, and only one ball.³ The first method was most commonly practised at Athens. Where, however, there were several parties before the court, as in inheritance causes, to one of whom an estate was to be adjudged, it was customary to use as many ballot-boxes as there were parties, at least, parties in distinct interests; and the dicast put the white or whole ball into the box of the person in whose favour he decided. (*Vid. HEGREK.*) The same system of balloting was used by the dicasts voted on the question of guilty or not guilty, or for the plaintiff or defendant to distinguish it from the other), is called *πρώτη ψηφία*.⁴ A curious custom was in vogue in the time of Aristophanes. Each dicast had a waxen tablet, on which, if the heavier penalty was awarded, he drew a long line (lengthway on the tablet); if the lighter penalty, he drew a short line (breadthway on the tablet). We must suppose, not that the voting took place in this way, but that, on the votes being counted, the jurors took a note of the result to their own satisfaction; unless we resort to this thesis, viz., that the drawing lines on the tablets was an act preliminary to the division, whereby the jury intimated to the parties how the matter was likely to go unless they came to a compromise.

Such intimation might be necessary in those cases where, the estimates of the parties being widely different, the one proposing too high a penalty, the other too low a one, the jury wished to inform the more unreasonable party that, unless he offered some better alternative, they should adopt the rate of his adversary. (As to this point, see *Att. Proc.*, 181.) The tablet is called by Aristophanes *πινάκιον τιμητικόν*. In the expression *ἐπὶ τῆν μακρῶν*, we understand *γραμμῶν or τιμη-*

In the popular assemblies, the common method of voting was by show of hands. (*Vid. CHEIROTONIA.*) There were some occasions, however, when the ballot was employed, as when it was deemed important that the voting should be secret, or that the numbers should be accurately counted. Thus, to pass a law for the naturalization of a foreigner, or for the release of a state debtor, or for the restoration of a disfranchised citizen, and, indeed, in every case of a *privilegium*, it was necessary that six thousand persons should vote in the majority, and in secret.¹ On the condemnation of the ten generals who gained the battle of Arginusæ, the people voted by ballot, but openly, according to the second of the plans above mentioned. The voting was then by tribes, *κατὰ φύλας*.² Secret voting by the senate of Five Hundred is mentioned in Æschines,³ and in ostracism the voting was conducted in secret.⁴

The people or jury were said *ψηφίζεσθαι, ψήφον φέρειν or θεῖσθαι, to vote, or give their vote or judgment. Ψήφον τιθέναι, to cast accounts, is used with a different allusion.*⁵ The presiding magistrate or officer, who called on the people to give their votes, was said *ἐπιψηφίζεω, ψήφον ἐπάγειν or δίδόναι*, though the last expression is also used in the sense of *voting in favour of a person. Ψηφίζεσθαι, to vote, to resolve, ἀποψηφίζεσθαι, to acquit, and other derivations from ψήφος, are often used metaphorically, where the method of voting was χειροτονία, and conversely. Χειροτονεῖν, however, is not used, like ψηφίζεσθαι, with the accusative of the thing voted. As to this, see Schömann, De Com., 123.*

*PSETTA (*ψήττα*), a species of fish, mentioned by Aristotle, Ælian, Oppian, and others. According to Adams, it would seem to have been the *Pleuronectes Passer*, or Sea Flounder, called in French *Turbot buclé*. The *ψήττα* of Athenæus, on the other hand, is referred by Artedi and the writer on Ichthyology in the Encyclopedie Methodique, to the *Pleuronectes Platessa*, or Plaise. The name is often written *ψίττα*.⁶

ΨΕΥΔΕΓΓΡΑΦΗΣ ΓΡΑΦΗ (*ψευδεγγραφῆς γραφή*) It is shown under PRACTORES that the name of every state debtor at Athens was entered in a register by the practores, whose duty it was to collect the debts, and erase the name of the party when he had paid it. The entry was usually made upon a return by some magistrate, to whom the incurring of the debt became officially known; as, for instance, on a return by the *παλῆται* that such a person had become a lessee of public lands or farmer of taxes, at such a rate or on such terms. In case the authorities neglected to make the proper return, any individual might, on his own responsibility, give information to the registering officers of the existence of the debt; and thereupon the officers, if they thought proper, might make an entry accordingly, though it would probably be their duty to make some inquiry before so doing. If they made a false entry, either wilfully, or upon the suggestion of another person, the aggrieved party might institute a prosecution against them, or against the person upon whose suggestion it was made. Such prosecution was called *γραφῆ ψευδεγγραφῆς*. It would lie, also, where a man was registered as debtor for more than was really due from him. And the reader must understand the like remedy to be open to one who was falsely recorded as a debtor by the *ταμίαι τῶν θεῶν*. Whether this form of proceeding could be adopted against magistrates for making a false return, or whether the rem-

Aristoph., Vesp., 333, 349; Eq., 1332.—2. (Equit., 41.)—Sch., c. Timarch., 11, ed. Steph.—Harpocr., s. v. Τετρυνπη.—4. (Ovid, Met., xv., 41.)—5. (Aristoph., Vesp., 99, 751.)—Harpocr., s. v. Καδίσκος.—7. (Æsch., c. Ctes., 82, ed. Demosth., De Fals. Leg., 434; c. Aristocr., 676; c. Ar., 795; c. Neær., 1347.)—8. (Vesp., 106, 167, 850.—Comptolux, Onom., viii., 16, 17, 123.—Meier, Att. Proc., 720.—Platonæ Proc. and Klug., i., 188.—Wachsmuth, II., i.,

1. (Andoc., De Myst., 12, ed. Steph.—Demosth., c. Timocr., 715, 719; c. Neær., 1375.)—2. (Xen., Hell., i., 7, § 9.)—3. (c. Timarch., 5, ed. Steph.)—4. (Schömann, De Comit., 121-128, 245.)—5. (Demosth., Pro Cor., 304.)—6. (Aristot., H. A., iv., 11; v., 9.—id., ix., 37.—Ælian, N. A., xiv. 2.—Coray ad Xenoc., p. 90.—Adams, Append., s. v.)

among the ancients for cooling wine, see NIX. A vessel specially adapted for this operation was sometimes made of bronze¹ or silver.² One of the vessels is preserved in the Museum of Antiquities at Copenhagen. It consists of one deep vessel for holding ice, which is fixed within another for holding wine. The wine was poured in at the top, thus surrounded the vessel of ice, and was cooled by the contact. It was drawn off so as to fill the cooling-cups by means of a cock at the bottom. Thus the ψυκτήρ was a kind of CRATER; and, accordingly, where Phylarchus,³ in describing the life of Cleomenes, king of Sparta, uses the former term, Plutarch⁴ adopts the latter.

The size of the ψυκτήρ was very various. It contained from two quarts⁵ to a great number of gallons.⁶ It was sometimes given as a prize to the victors in the game of the ΚΟΤΤΑΒΟΣ.

PSYLLA (ψύλλα), the Flea, or *Pulex irritans*, L. The name is applied, also, to another insect engendered in turnips or radishes, which Stackhouse refers to be the *Tenthredo rapæ*.⁷

PSYLLION (ψύλλιον), the *Plantago Psyllium*, L. or Teawort.⁸

PSYLON (ψύλων), probably the *Cyprinus Tinca*, or Tench. "Willoughby does not hesitate to affirm that Ausonius is the only ancient author who mentions the Tench. He may be presumed, then, to have overlooked the description of the ψύλων and τέντις by Aristotle and Athenæus, which certainly ought to apply to the Tench. Schneider, in his edition of Aristotle's Natural History, reads τέντιον instead of the common lectio ψύλων."⁹

PTARMICE (παρμική), a plant. "Although," says Adams, "Dalechamp referred it to the *Artemisia montana*, I can see no good reason for not referring it to the *Achillea Ptarmica*, or Sneezewort, which answers very well to the description of Dioscorides."¹⁰

TELEA (πελέα), the Common Elm, or *Ulmus campestris*, L.¹¹

PTERIS (πέρεις), the Fern. "When we consider the general resemblance which several of the ferns have to one another, we have cause to apprehend that botanists in ancient times did not distinguish them very nicely from one another. The πέρεις, then, although Sprengel sets it down for the *Aspidium filix mas*, was probably not restricted to it."¹²

PTERNIX (πτέρνις), a plant, according to Sprengel, the *Acaena cancellata*.¹³

PYANEPSIA (Πυανέψια), a festival celebrated at Athens every year on the seventh of Pyanepsion, in honour of Apollo.¹⁴ It was said to have been instituted by Theseus after his return from Crete.¹⁵ The festival, as well as the month in which it took place, are said to have derived their names from κύαμος, another form for κύαμος, i. e., pulse or beans, which were cooked at this season and carried about.¹⁶ The procession appears to have taken place at the Pyanepsia, in which the εἰρεσιώνη was carried about. The εἰρεσιώνη was an olive-branch surrounded with wool and laden with the fruits of the year, for the festival was in reality a harvest-feast. It was carried by a boy whose parents were still living, and one who followed him sang certain verses, which

are preserved in Plutarch.¹ The procession went to a temple of Apollo, and the olive-branch was planted at its entrance. According to others, every Athenian planted, on the day of the Pyanepsia, such an olive-branch before his own house, where it was left standing till the next celebration of the festival, when it was exchanged for a fresh one.²

PUBES, PUBERTAS. (Vid. CURATOR, IMPUBES, INFANS.)

PUBLICANI, farmers of the public revenues of the Roman state (*vectigalia*.) Their name is formed from *publicum*, which signifies all that belongs to the state, and is sometimes used by Roman writers as synonymous with *vectigal*.³ The revenues which Rome derived from conquered countries, consisting chiefly of tolls, tithes, harbour-duties, the scriptura or the tax which was paid for the use of the public pasture-lands, and the duties paid for the use of mines and saltworks (*salinae*), were let out, or, as the Romans expressed it, were sold by the censors in Rome itself to the highest bidder.⁴ This sale generally took place in the month of Quinctilis, and was made for a lustrum.⁵ The terms on which the revenues were let were fixed by the censors in the so-called *leges censoriae*.⁶ The people or the senate, however, sometimes modified the terms fixed by the censors in order to raise the credit of the publicani,⁷ and in some cases even the tribunes of the people interfered in this branch of the administration.⁸ The tithes raised in the province of Sicily alone, with the exception of those of wine, oil, and garden produce, were not sold at Rome, but in the districts of Sicily itself, according to a practice established by Hiero.⁹ The persons who undertook the farming of the public revenue of course belonged to the wealthiest Romans. Their wealth and consequent influence may be seen from the fact that, as early as the second Punic war, after the battle of Cannæ, when the ærarium was entirely exhausted, the publicani advanced large sums of money to the state on condition of repayment after the end of the war.¹⁰ But what class of Romans the publicani were at this time is not stated; scarcely half a century later, however, we find that they were principally men of the equestrian order,¹¹ and down to the end of the Republic, as well as during the early part of the Empire, the farming of the public revenues was almost exclusively in the hands of the equites, whence the words equites and publicani are sometimes used as synonymous.¹²

The publicani had to give security to the state for the sum at which they bought one or more branches of the revenue in a province; but as for this reason the property of even the wealthiest individual must have been inadequate, a number of equites generally united together and formed a company (*socii, societas, or corpus*), which was recognised by the state,¹³ and by which they were enabled to carry on their undertakings upon a large scale. Such companies appear as early as the second Punic war.¹⁴ The shares which each partner of such a company took in the business were called *partes*, and if they were small, *particulæ*.¹⁵ The responsible person in each company, and the one who contracted with the state, was called *manceps*¹⁶ (*vid. MANCEPS*); but

1. (Athen., iv., 142.)—2. (v., 199.)—3. (ap. Athen., iv., 142.)—4. (Cleom., p. 1486, ed. Steph.)—5. (Plato, l. c.)—6. (Athen., 193, d, f.)—7. (Theophr., vii., 7.—Adams, Append., s. v.)—8. (Dioscor., iv., 70.—Galen, De Simpl., viii.—Adams, Append., s. v.)—9. (Aristot., vi., 14.—Dor. ap. Athen., vii.—Hesych., s. v. πέρεις.—Adams, Append., s. v.)—10. (Dioscor., ii., 191.—Galen, De Simpl., viii.—Adams, Append., s. v.)—11. (Dioscor., ii., 1.—Theophr., ii., 8.—Galen, De Simpl., viii.—Adams, Append., s. v.)—12. (Theophr., i., 10; ix., 13.—Dioscor., iv., 183.—Galen, De Simpl., viii.—Adams, Append., s. v.)—13. (Theophr., H. P., i., 4.—Adams, Append., s. v.)—14. (Harpoer. Hesych., Suidas, Θεωνέψια.)—15. (Plut., Thes., 22.)—16. (Harpoer. et Suid., Athen., ix., p. 408.)

1. (l. c.—Compare Clem. Alex., Strom., iv., p. 474.—Eustath ad Il., xxii.—Suid., s. v. Εἰρεσιώνη, and Etym. Mag., where a different account is given.)—2. (Schol. ad Aristoph., Plut., 1050.)—3. (Dig. 39, tit. 4, s. 1, § 1; 50, tit. 16, s. 16.—Suet., Nero, l.—Cic., Pro Rabir. Post., 2.—Val. Max., vi., 9, § 7.)—4. (Cic., De Leg. Agr., ii., 21; c. Verr., iii., 7.)—5. (Macrob., Sat., i., 12.)—6. (Cic. ad Quint. Frat., i., 1.—Varro, De Re Rust., ii., 1.—Fest., s. v. Product.)—7. (Plut., Flamin., 19.—Polyb., vi., 17.—Liv., xxxix., 44.)—8. (Liv., xliii., 16.)—9. (Cic., c. Verr., ii., 3, 64, 33, &c.)—10. (Val. Max., v., 6, § 8.—Liv., xxiv., 18.—Compare xxiii., 48, &c.)—11. (Liv., xliii., 16.)—12. (Cic., c. Verr., i., 51; ii., 71; ad Att., ii., 1.—Suet., Octav., 24.—Tacit., Ann., iv., 6.)—13. (Dig. 3, tit. 4, s. 1.)—14. (Liv., xxiii., 48, 49.)—15. (Cic., Pro Rabir. Post., 2.—Val. Max., vi., 9, § 7.)—16. (Festus, s. v. Manceps.—Pseudo-Ascon. in Divinat., p. 113, ed. Orelli.)

domini was abolished, and ownership in all cases be transferred by tradition. The actio, therefore, became useless for any purpose than a case of *bonæ fidei possessio*, which seems to explain why the words "non a plebe" appear in the edict as cited in the Digest,¹ and do not appear in Gaius.²

The *publiciana actio* applied also to servitudes, which had not been transferred by manumission, but which had been enjoyed by the consent of the owner of the land. As Justinian rendered the old forms of servitudes unnecessary, the *Publiciana* then only apply to a case of possession.³

PUBLICUM. (Vid. PUBLICANI.)
PRIVATUM JUS. (Vid. Jus, p.

AGRI. (Vid. AGRARIÆ LEGES.)

LEX. In the consulship of L. Pina-

Furius, B.C. 472, the tribune Publilius proposed in the assembly of the tribes that should in future be appointed in the

tribes (*ut plebei magistratus tribuitis*) instead of by the centuries, as had

been the case, since the clients of the patricians were so numerous in the centuries that they could not elect whom they wished.⁴ This

proposition was violently opposed by the patricians, who prevented the tribes from coming to any resolution throughout this year; but in the

following year, B.C. 471, Publilius was re-elected tribune together with him C. Lætorius, a man of greater resolution than Publilius. Fresh

measures were added to the former proposition: the tribes were to be chosen by the tribes as well as by the centuries, and the tribes were to be competent to deliberate and determine on all matters affecting the whole nation, and not such only as might concern the plebes.⁵ This proposition was still more violently resisted by the patricians than the one of the previous year; and, although the consul Appius Claudius, the tribes could not be prevented from passing the proposition. It was then laid before the senate to receive the assent of that body; and, although the advice of the other consul, T. Quinctius Cincinnatus, secured the sanction of the senate, and afterward the force of the law, and thus obtained the force of a law. He said that the number of tribes was now for the first time raised to five, having been only two formerly.⁶

PUBLILIE LEGES, proposed by the dictator Publius Philo, B.C. 339. Niebuhr⁷ thinks that the main object of these laws was to abolish the power of the patrician assembly of the curies, and they were carried with the approbation of the plebes, which was opposed to the narrow-mindedness of the great body of the patricians. Great opposition, however, seems to have been expected; accordingly, the consul Ti. Æmilius named his colleague, Q. Publilius Philo, dictator, in order that the reforms might be carried with the authority of the highest magistracy in the state.

According to Livy,⁸ there were three *Publiliae*. The first is said to have enacted that plebes should bind all Quirites (*ut plebiscita omnes Quirites tenerent*), which is to the same purport as the *Lex Hortensia* of B.C. 286. (Vid. PLEBISCITUM.) Niebuhr, however, thinks that the object of this law was to render the approval of the senate a sufficient condition of a plebiscitum, and to make the confirmation of the curiæ unnecessary. The second

law enacted: "ut *legum quæ comitiis centuriatis ferrentur ante initium suffragium patres auctores fierent*." By *patres* Livy here means the curiæ; and, accordingly, this law made the confirmation of the curiæ a mere formality in reference to all laws submitted to the *comitia centuriata*, since every law proposed by the senate to the centuries was to be considered to have the sanction of the curiæ also.

The third law enacted that one of the two censors should necessarily be a plebeian. Niebuhr supposes that there was also a fourth, which applied the Licinian law to the prætorship as well as to the censorship, and which provided that in each alternate year the prætor should be a plebeian.¹

PUGILATUS (πύξις, πυγμή, πυγμαχία, πυγμοσύνη), Boxing. The fist (*pugnus*, πύξις) being the simplest and most natural weapon, it may be taken for granted that boxing was one of the earliest athletic games among the Greeks. Hence gods and several of the earliest heroes are described either as victors in the *πυγμή*, or as distinguished boxers, such as Apollo, Heracles, Tydeus, Polydeuces, &c.² The scholiast on Pindar³ says that Theseus was believed to have invented the art of boxing. The Homeric heroes are well acquainted with it.⁴ The contest in boxing was one of the hardest and most dangerous, whence Homer gives it the attribute *ἀλεγεινή*.⁵ Boxing for men was introduced at the Olympic games in Ol. 32, and for boys in Ol. 37.⁶ Contests in boxing for boys are also mentioned in the Nemea and Isthmia.⁷

In the earliest times boxers (*pugiles*, πύκται) fought naked, with the exception of a ζώνη round their loins;⁸ but this was not used when boxing was introduced at Olympia, as the contests in wrestling and racing had been carried on here by persons entirely naked ever since Ol. 15. Respecting the leathern thongs with which pugilists surrounded their fists, see Cæsius, where its various forms are illustrated by woodcuts.

The boxing of the ancients appears to have resembled the practice of modern times. Some particulars, however, deserve to be mentioned. A peculiar method, which required great skill, was not to attack the antagonist, but to remain on the defensive, and thus to wear out the opponent, until he was obliged to acknowledge himself to be conquered.⁹ It was considered a sign of the greatest skill in a boxer to conquer without receiving any wounds, so that the two great points in this game were to inflict blows, and at the same time not to expose one's self to any danger (*πληγῆ καὶ φύλαξις*).¹⁰ A pugilist used his right arm chiefly for fighting, and the left as a protection for his head, for all regular blows were directed against the upper parts of the body, and the wounds inflicted upon the head were often very severe and fatal. In some ancient representations of boxers, the blood is seen streaming from their noses, and their teeth were frequently knocked out.¹¹ The ears especially were exposed to great danger, and with regular pugilists they were generally much mutilated and broken.¹² Hence, in works of art, the ears of the pancratiasts always appear beaten flat, and although swollen in some parts, are yet smaller than ears usually are. In order to protect the ears from severe blows, little covers, called

1. (Compare Arnold, Hist. of Rome, ii., p. 154, &c.)—2 (Paus., v., 7, § 4.—Theocrit., xxiv., 113.—Apollod., iii., 6, § 4.—Paus., v., 8, § 2.)—3. (Nem., v., 89.)—4. (Hom., Il., xxiii., 691 &c.—Compare Odys., viii., 103, &c.)—5. (Il., xxiii., 653.)—6 (Paus., v., 8, § 3.)—7. (Paus., vi., 4, § 6.)—8. (Hom., Il., xxiii., 683.—Virg., Æn., v., 421.)—9. (Dio Chrysost., Melanc., ii., orat. 29.—Eustath. ad Il., p. 1322, 29.)—10. (J. Chrysost., Serm. vii., 1.—Plut., Sympos., ii., 5.—Compare Paus., vi., 12, § 3.)—11. (Apollon. Rhod., ii., 785.—Theocrit., ii., 126.—Virg., Æn. v., 469.—Ælian, V. H., x., 19.)—12. (Plat., Gorg., p. 316. Protog., p. 342.—Martial., vii., 32, 5.)

6, tit. 2, s. 1.)—2. (iv., 36.)—3. (Dig. 6, tit. 2.—Inst., iv., —Savigny, Das Recht des Besitzes.)—4. (Liv., ii., 56.)—5. (Dionys., ix., 43.—Zonaras, vii., 17.)—6. (Liv., ii., 58.—Niebuhr, Hist. of Rome, ii., p. 211, &c.)—7. (Römische Gesch., i., 167—173.)—8. (viii., 12.)

ἀμφωρίδες, were invented.¹ But these ear covers, which, according to the etymologist, were made of brass, were undoubtedly never used in the great public games, but only in the gymnasia and palaestrae, or, at most, in the public contests of boxing for boys; they are never seen in any ancient work of art.

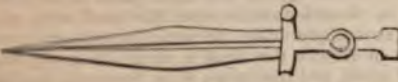
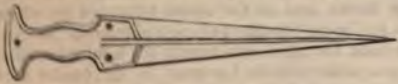
The game of boxing was, like all the other gymnastic and athletic games, regulated by certain rules. Thus pugilists were not allowed to take hold of one another, or to use their feet for the purpose of making one another fall, as was the case in the *pancratium*.² Cases of death, either during the fight itself or soon after, appear to have occurred rather frequently;³ but if a fighter wilfully killed his antagonist, he was severely punished.⁴ If both the combatants were tired without wishing to give up the fight, they might pause a while to recover their strength; and in some cases they are described as resting on their knees.⁵ If the fight lasted too long, recourse was had to a plan called *κλίμαξ*; that is, both parties agreed not to move, but to stand still and receive the blows without using any means of defence except a certain position of the hands.⁶ The contest did not end until one of the combatants was compelled by fatigue, wounds, or despair, to declare himself conquered (*ἀπαγορεύειν*),⁷ which was generally done by lifting up one hand.⁸

The Ionians, especially those of Samos, were at all times more distinguished pugilists than the Dorians, and at Sparta boxing is said to have been forbidden by the laws of Lycurgus.⁹ But the ancients generally considered boxing as a useful training for military purposes, and a part of education no less important than any other gymnastic exercise.¹⁰ Even in a medical point of view, boxing was recommended as a remedy against giddiness and chronic headaches.¹¹

In Italy boxing appears likewise to have been practised from early times, especially among the Etruscans.¹² It continued as a popular game during the whole period of the Republic as well as of the Empire.¹³

PUGILLARES. (Vid. TABULÆ.)

PUGIO (*μάχαιρα*, *dim. μαχαιρίων; ἐγχειρίδιον*), a dagger; a two-edged knife, commonly of bronze, with the handle in many cases variously ornamented or enriched, sometimes made of the hard black wood of the Syrian terebinth.¹⁴ The accompanying woodcut shows three ancient daggers. The



two upper figures are copied from Beger:¹⁵ the third represents a dagger about a foot long, which

was found in an Egyptian tomb, and is preserved in the museum at Leyden. The middle figure is entirely of metal. The handles of the two others were fitted to receive a plate of wood to which the lowermost has also two bosses of ivory or horn, and shows the remains of a thin plate of gold metal with which the wood was covered.

In the heroic ages the Greeks sometimes wore a dagger suspended by the sword on the left side of the body (*vid. GLADIUS*), and used it on all occasions instead of a knife.¹ Thus *Thersites* drew his dagger to cut his meat at table.² The custom continued to the present day among the *Assasins*, who are descended from the ancient *Grisas*.³ The Romans (see *WOODCUTS*, p. 11, 454) wore the dagger as the Persians did (*vid. ACROBATA*), on the right side, and consequently drew it with the thumb at the upper part of the hilt, the position most effective for stabbing. The terms *pugio* and *parpugilium* denote both its smallness and the manner of grasping it in the hand (*πύξ, pugnis*). In the same way we must understand "the two swords" (*gladios*) worn by the Gallic chieftain slain by *Manlius Torquatus*; and the monuments of the Middle Ages prove that the custom long continued in our own and in adjoining countries.⁴ Among some of the northern nations of Europe, a *dolch* was constantly worn on the side, and was in readiness to be drawn on every occasion.⁵ The *Chalybes* employed the same weapon, stabbing their enemies in the neck.⁶ For the Greek horsemen, the dagger was considered preferable to the long sword as a weapon of offence.⁷ For secret purposes it was placed under the armpit.⁸

PUGME, PUGON (*πυγμή, πυγών*). (Vid. PUG. p. 763.)

PULAGORAI (*πυλαγόραι*). (Vid. ΑΝΘΡΩΠΙΝΟΝ, p. 49.)

PULLARIUS. (Vid. AUSPICIUM, p. 130.)

PULPITUM. (Vid. THEATRUM.)

PULVINAR. A representation of the mode of using cushions or pillows (*pulvini*), to recline upon at entertainments, is given in the woodcut at p. 326. The most luxurious of such cushions were stuffed with swan's-down.¹⁰ An ancient Egyptian cushion, filled with feathers, is preserved in the British Museum. In reference to this practice, the Romans were in the habit of placing the statues of the gods upon pillows at the *lectisternia*. (Vid. EPULONES, LECTISTERNIUM.) The couches provided for this purpose in the temples were called *pulvinaria*.¹¹ There was also a *pulvinar*, on which the images of the gods were laid, in the *Circus*.¹²

PULVINUS. (Vid. PULVINAR.)

PUPILLA PUPILLUS. (Vid. IMPUBES, INFANS TUTELA.)

PUPILLARIS SUBSTITUTIO. (Vid. HERES ROMAN, p. 498.)

PUPPIS. (Vid. SHIPS.)

PUTEAL properly means the enclosure surrounding the opening of a well, to protect persons from falling into it. It was either round or square, and seems usually to have been of the height of three or four feet from the ground. There is a round one in the British Museum, made of marble, which was found among the ruins of one of *Tiberius's* villas in Capræ; it exhibits five groups of fauns and bacchanalian nymphs, and around the edge at the top may be seen the marks of the

1. (Pollux, *Onom.*, ii., 82.—*Etymol. Mag.*, s. v.)—2. (Plut., *Symp.*, ii., 4.—Lucian, *Anach.*, 3.)—3. (Schol. ad Pind., *Ol.*, v., 14.)—4. (Paus., viii., 40, § 3; vi., 9, § 3.)—5. (Apollon, *Rhod.*, ii., 86.—Stat., *Theb.*, vii., 796.)—6. (Eustath. ad *Il.*, xiii., p. 1324.—Paus., viii., 40, § 3.)—7. (Paus., vi., 10, § 1.)—8. (Plut., *Lucian.*, 19.)—9. (Paus., vi., 2, § 4.—Plut., *Lycurg.*, 19.)—10. (Lucian, *Anach.*, 3.—Plut., *Cat. Maj.*, 20.)—11. (Aretæus, *De Morb. diut. Cur.*, i., 2.)—12. (Liv., i., 35.—Dionys., vii., 72.)—13. (Suet., *Octav.*, 45.—Cic., *De Legr.*, ii., 15, 18.—Tacit., *Ann.*, xvi., 21.—Suet., *Calig.*, 18.—Vid. Krause, *Die Gymnastik und Agon. d. Hellenen*, p. 497-534.)—14. (Theophr., *H. P.*, v., 3, § 9.)—15. (Thes. Brand., V., iii., p. 398, 419.)

1. (Hom., *Il.*, iii., 271.—Athen., vi., 232, c.)—2. (Plut., *Thes.*, p. 10, ed. Steph.)—3. (Dodwell, *Tour.*, i., p. 133.—4. (Gell., ii., 13.)—5. (Vid. Stothard, *Mon. Effigies of Gr. Britain*.)—6. (Vid. *Trist.*, v., 8, 19, 20.)—7. (Xen., *Anab.*, iv., 7, § 16.)—8. (Id., *Re Equest.*, xii., 11.)—9. (Plato, *Gorg.*, p. 71, 72, *Hemid.*—10. (Mart., *xiv.*, 16, 1.)—11. (Hor., *Carm.*, i., 37, 2.—Ovid, *Met.*, xiv., 827.—Cic., in *Cat.*, iii., 10.—Harusp., 5.—Dion., 51.—Tusc., iv., 2.—Val. Max., iii., 7, § 1.—Serv. in *Ving.*, *Gorg.* iii., 533.)—12. (Suet., *Octav.*, 45.—Claud., 4.)

drawing up water from the well seem to have been common in the ; the *putealia signata*, which Cicero's Tusculan villa, must have been of as the one in the British Museum ; fers to its being adorned with figures. practice in some cases to surround a with an enclosure open at the top, and es, from the great similarity they bore are called by this name. There were es in the Roman Forum : one of these *teal Libonis* or *Scribonianum*, because *Hum*) in that place had been struck and Scribonius Libo expiated it by nies, and erected a puteal around it, op, to preserve the memory of the form of this puteal is preserved on of the Scribonian gens. (See wood- pare Spanheim, *De Præst. et Usu* . 190.)



seems to have been near the Atrium was a common place of meeting for e other puteal was in the comitium, e of the senate-house, and in it were whetstone and razor of Attus Navius.⁵ (*πύθιοι*), called *πύθιοι* in the Laclect,⁶ were four persons appointed by ings, two by each, as messengers to of Delphi (*Θεοπρόποι ἐς Δελφοῦς*), as highly honourable and important : ways the messmates of the Spartan

E. PUTI-CULI. (*Vid. FUNUS*, p. 461.) OMON (*πυκνόκομον*), a plant, about olus and Sprengel are undecided ; Bauhin states, Columna took for the a, or Devil's bit.⁸ *πύλοιοι*). (*Vid. FUNUS*, p. 456.)

US (*πύγαργος*), an animal noticed by d also mentioned in the Septuagint. oses it a species of Antelope, which e.⁹

es of Eagle. (*Vid. AQUILA*, 76.)

IS (*πυγμαίος*), a name given to a fab- very diminutive size, who were said at stated periods in warfare with the a full account of the legend, and the nations that have been given of it, *Classical Dictionary*, s. v.

MPIS (*πυγολαμπίς*), the common *id Lampyrus noctiluca*.¹⁰ *id. FUNUS*, p. 456, 460.)

RUM (*πύρεθρον*), a plant described by id others. "Although," says Adams, on of Dioscorides be somewhat loose, n to doubt that his plant was the *Azum*, or Pellitory of Spain. At all facts, as described by Dioscorides,

correspond very well with those of the Pellitory, that is to say, it is represented as a powerful masticatory, and is recommended for toothache."¹¹

*PYRILAMPIS (*πυριλαμπίς*), a name applied by Suidas to the *PYGOLAMPIS*, which see.

*PYROMACHUS LAPIS (*πυρόμαχος λίθος*), the *Common Pyrites* of modern mineralogists, consisting principally of sulphurate of iron, with some admixture of copper and arsenic. "Stones of this class," says Adams, "are often called *Marchasites*, from the barbarous term *Marchasita*, which is given to the Pyrites in the Latin translation of Serapion." Dioscorides calls the Pyromachus the *πυρίτης λίθος*.²

PYRRHICA (*Vid. SALTATIO*.)

*PYRRHULAS (*πυρρούλας*), a bird mentioned by Aristotle, and corresponding, as Gesner thinks, to the Bullfinch, or *Pyrrhula vulgaris*. It would appear, according to Adams, not to have been the same bird as the *πυραλίς* of Aristotle, the *πύρα* of Ælian, and the *πύρρα* of Philo.³

*PYRUS (*ἄπιος*), the Pear-tree, or *Pyrus communis*, L., the fruit of which was called *Pyrum* by the Latins, and *ἄπιον* by the Greeks. Virgil mentions several kinds of pears. The one termed "*Crustumian*," called also, according to Celsus, *Navianum*, was the best. Columella ranks it the first, and Pliny says of these pears, "*cunctis autem Crustumina gratissima*." Dalechamp makes the Crustumian the same as the French "*Poire perle*," while Stapel says that it is known in Flanders under the name "*Poire de Saint Jacques*." Some make it the same as the English "*Warden pear*." The appellation of Crustumian (*Crustumium* or *Crustuminum*) was derived from the Italian town of Crustumium, in the territory adjacent to which they particularly abounded. Virgil speaks also of the "*Syrian*" pear ; but in Columella the *Syrium pyrum* is a generic name, embracing both the *Crustumium* and the *Tarentinum*. Pliny, on the other hand, distinguishes between the *Syrian* and Tarentine kinds. Servius says that the epithet "*Syrian*" has no relation whatever to the country of Syria, but comes from the Greek *σῦρος*, "dark-coloured" or "black," and Pliny, in fact, assures us that the Syrian was a dark-coloured pear. Some modern writers, however, take it to be the Bergamot. The pear called *Volemum* took its name, as is said, from its large size, "*quia volam manus impleant*," "because they fill the palm of the hand." Ræus thinks they are the *Bon Chretien* ; but it would seem more correct, with Dryden, Martyn, and others, to make them the "*Pounder-pears*," or, as they are more commonly termed, "*Pound-pears*." The *Bon Chretien* answers rather to the *ταλανταῖον ἄπιον*, which Pliny calls *Librale pyrum*, and which must not be confounded with the *Volemum*.⁴

*II. (*πυρός*), Wheat. (*Vid. TRITICUM*.)

PYTHIAN GAMES (*Πύθια*), one of the four great national festivals of the Greeks. It was celebrated in the neighbourhood of Delphi, anciently called Pytho, in honour of Apollo, Artemis, and Leto. The place of this solemnity was the Crissean plain, which for this purpose contained a hippodromus or racecourse,⁵ a stadium of 1000 feet in length,⁶ and a theatre, in which the musical contests took place.⁷ A gymnasium, prytaneum, and other buildings of this kind probably existed here, as at Olympia, although they are not mentioned.

10.)—2. (Festus, s. v. Scribonianum.)—3. b. der Stadt. Rom., i., p. 134.)—4. (Ovid, Rem. Pro Sex., 8.—Pers., Sat., iv., 49.—Hor., Epist., e., De Div., i., 17.—Compare Livy, i., 36, and ii., p. 171.)—6. (Photius, s. v.)—7. (Herod., p. Lac., xv., 5.—Müller, Dor., iii., 1, § 9.)—8. 1.—Galen, De Simpl., viii.—Adams, Append., iv., 192.—Deuteron., xiv., 5.—Adams, Ap- (Adams, Append., s. v.)

1. (Dioscor., iii., 78.—Galen, De Simpl., viii.—Adams, Append., s. v.)—2. (Theophr., De Lapid.—Aristot., Met., iv., 6.—Dioscor., v., 142.—Adams, Append., s. v.)—3. (Aristot., H. A., viii., 5.—Ælian, N. A., iv., 5.—Adams, Append., s. v.)—4. (Theophr., iv., 12, &c.—Dioscor., ii., 107.—Fée, Flore de Virgile, p. 134.—Martyn ad Virg., Georg., ii., 87.—Adams, Append., s. v.)—5. (Paus., x., 37, § 4.)—6. (Censor, De Die Nat., 13.)—7. (Lucian, adv. iud., 9.)

Once the Pythian games were held at Athens, on the advice of Demetrius Poliorcetes (Ol. 122, 3¹), because the Ætolians were in possession of the passes around Delphi.

The Pythian games were, according to most legends, instituted by Apollo himself:² other traditions referred them to ancient heroes, such as Amphictyon, Adrastus, Diomedes, and others. They were originally, perhaps, nothing more than a religious panegyris, occasioned by the oracle of Delphi, and the sacred games are said to have been at first only a musical contest, which consisted in singing a hymn to the honour of the Pythian god with the accompaniment of the cithara.³ Some of the poets, however, and mythographers represent even the gods and the early heroes as engaged in gymnastic and equestrian contests at the Pythian games. But such statements, numerous as they are, can prove nothing; they are anachronisms in which late writers were fond of indulging. The description of the Pythian games in which Sophocles, in the *Electra*, makes Orestes take part, belongs to this class. The Pythian games must, on account of the celebrity of the Delphic oracle, have become a national festival for all the Greeks at a very early period; and when Solon fixed pecuniary rewards for those Athenians who were victors in the great national festivals, the Pythian agón was undoubtedly included in the number, though it is not expressly mentioned.⁴

Whether gymnastic contests had been performed at the Pythian games previous to Ol. 47 is uncertain. Böckh supposes that these two kinds of games had been connected at the Pythia from early times, but that afterward the gymnastic games were neglected; but, however this may be, it is certain that about Ol. 47 they did not exist at Delphi. Down to Ol. 48 the Delphians themselves had been the agonothetæ at the Pythian games, but in the third year of this olympiad, when, after the Crissæan war, the Amphictyons took the management under their care, they naturally became the agonothetæ.⁵ Some of the ancients date the institution of the Pythian games from this time,⁶ and others say that henceforth they were called *Pythian games*. Owing to their being under the management of the Amphictyons, they are sometimes called Ἀμφικτυονικὰ ἄθλα.⁷ From Ol. 48, 3, the Pythiads were occasionally used as an era, and the first celebration under the Amphictyons was the first Pythiad. Pausanias⁸ expressly states that in this year the original musical contest in *Kitharodia* was extended by the addition of *aulodia*, i. e., singing with the accompaniment of the flute, and by that of flute-playing alone. Strabo,⁹ in speaking of these innovations, does not mention the *aulodia*, but states that the contest of cithara-players (*κitharistai*) was added, while Pausanias assigns the introduction of this contest to the eighth Pythiad. One of the musical contests at the Pythian games, in which only flute and cithara-players took part, was the so-called νόμος Πύθικος, which, at least in subsequent times, consisted of five parts, viz., ἀνάκρουσις, ἄμπειρα, κατακελευσμός, ἰαμβοὶ καὶ ἑκταυλοὶ, and σύριγγες. The whole of this νόμος was a musical description of the fight of Apollo with the dragon, and of his victory over the monster.¹⁰ A somewhat different account of the parts of this νόμος is given by the scholiast on Pindar,¹¹ and by Pollux.¹²

Besides these innovations in the musical tests which were made in the first Pythiad, gymnastic and equestrian games as were customary at Olympia were either revived or introduced for the first time. The chariot-race with four horses was not introduced till the second Pythiad.¹ Some games, on the other hand, which had not yet been practised at Olympia, viz., the *δολιχός* and the *διαιλος* (the first Pythiad the victors received their prize, but in the second a chaplet was bestowed as the reward for the victors.² Pausanias reckon the first Pythiad from the introduction of the chaplet, and their introduction has been followed by most modern chronologists. Pausanias expressly assigns this institution to the second Pythiad.³ The *αὐλοδία*, which was introduced in the first Pythiad, was omitted in the second and ever after, as only elegies and songs were sung to the flute, which were the melancholy for this solemnity. The chariot-race with four horses, however, was introduced in the same Pythiad. In the eighth Pythiad (Ol. 55, 3), the contest in playing the cithara was introduced; in Pythiad 23, the race in arms was added; in Pythiad 48, the contest of *οἰκονομία* or *οἰκονομία* (οἰκονομία) of-race with two full-grown horses (*συνωμολογία*) was performed for the first time; in Pythiad 53, the chariot-race with four foals was introduced. In Pythiad 61, the pancratium for boys; in Pythiad 63, the horserace with foals; and in Pythiad 64, the chariot-race with two foals, were introduced.⁴ Various musical contests were also added in the course of time, and contests in tragedy, as well as in other kinds of poetry and in recitations of historical compositions, are expressly mentioned.⁵ Works of art, as paintings and sculptures, were exhibited to the assembled Greeks, and prizes were awarded to those who had produced the finest works.⁶ The musical and artistic contests were at all times the most prominent features of the Pythian games, and in this respect they even excelled the Olympic games.

Previous to Ol. 48, the Pythian games had been an *ἐναετηρίς*, that is, they had been celebrated at the end of every eighth year; but in Ol. 48, 3, they became, like the Olympia, a *πενταετηρίς*, i. e., they were held at the end of every fourth year; and a Pythiad, therefore, ever since the time that it was used as an era, comprehended a space of four years, commencing with the third year of every olympiad.⁷ Others have, in opposition to direct statements, inferred from Thucydides⁸ that the Pythian games were held towards the end of the second year of every olympiad. Respecting this controversy, see Krause, *l. c.*, p. 29, &c. As for the season of the Pythian games, they were, in all probability, held in the spring; and most writers believe that it was in the month of Bysius, which is supposed to be the same as the Attic Munychion. Böckh,⁹ however, has shown that the games took place in the month of Bucatius, which followed after the month of Bysius, and that this month must be considered as the same as the Attic Munychion. The games lasted for several days, as is expressly mentioned by Sophocles,¹⁰ but we do not know how many. When ancient writers speak of the *day* of the Pythian agón, they are probably thinking of the musical agón alone, which was the most important part of the games, and probably took place on the 7th of

1. (Vid. Plut., Demetr., 40.—Corsini, *Fest. Att.*, iv., p. 77.)—2. (Athen., xv., p. 701.—Schol., *Argum. ad Pind.*, Pyth.)—3. (Paus., x., 7, § 2.—Strab., ix., p. 421.)—4. (Diog. Laërt., i., 55.)—5. (Strab., ix., p. 421.—Paus., x., 17, § 3.)—6. (Phot., *Cod.*, p. 533, ed. Bekker.)—7. (Helioid., *Æthiop.*, iv., 1.)—8. (*l. c.*)—9. (*l. c.*)—10. (Strabo, *l. c.*)—11. (*Argum. ad Pyth.*)—12. (iv., 81, 84.)

1. (Paus., x., 7, § 3.)—2. (Paus., and Schol. ad Pind., *l. c.*)—3. (Vid. Clinton, *F. H.*, p. 195.—Krause, *Die Pyth. Nem.*, 64, p. 21, &c.)—4. (Paus., *l. c.*)—5. (Philost., *Vit. Soph.*, ii., 27, § 2.—Plut., *Sympos.*, ii., 4.)—6. (Plin., *H. N.*, xxxv., 35.)—7. (Paus., *l. c.*—Diod., xv., 60.—Compare Clinton, *F. H.*, p. 195.—3 (*iv.*, 117; v., 1.)—9. (ad Corp. Inscript., n. 1688.)—10. (Eliod., 60 &c.)

It is quite impossible to conceive that serious games should have taken place on

course of strangers at the season of this must have been very great, as undoubtedly Greeks were allowed to attend. The going to the amphictyony of Delphi on their theory in the month of Bysius, some the commencement of the festival itheori sent by the Greeks to Delphi on u were called *Ἰθαῖοι*,² and the theory the Athenians were always particular.³ As regards sacrifices, processions, demnities, it may be presumed that they in a great measure, those of Olympia. though probably, in some degree, fiction of a theory of Thessalians, may Ieliodorus.⁴

order in which the various games were scarcely anything is known, with the f some allusions in Pindar and a few Plutarch. The latter⁵ says that the tests preceded the gymnastic contests, ophocles it is clear that the gymnas- preceded the horse and chariot races. e, moreover, which was performed by r boys, was always first performed by

stated above that, down to Ol. 48, the ad the management of the Pythian t of the manner in which they were revious to that time, nothing is known. came under the care of the Amphicty- d persons were appointed for the pur- ducting the games and of acting as they were called *ἐπιμεληταί*,⁷ and ane Olympian hellanodica. Their num- own.⁸ In later times it was decreed by tyons that King Philip, with the Thes- Bœotians, should undertake the man- the games;⁹ but afterward, and even oman emperors, the Amphictyons again he possession of this privilege.¹⁰ The ad to maintain peace and order, and ed by *μαστιγοφόροι*, who executed any t their command, and thus answered pian *ἀλόγαι*.¹¹

e given to the victors in the Pythian from the time of the second Pythiad a et, so that they then became an *ἀγών* while before they had been an *ἀγών* .² In addition to this chaplet, the victor Olympia, received the symbolic palm- was allowed to have his own statue he Crissean plain.¹³

when the Pythian games ceased to be is not certain, but they probably lasted the Olympic games, *i. e.*, down to the 94. In A. D. 191, a celebration of the mentioned by Philostratus;¹⁴ and in the Emperor Julian they still continued to is manifest from his own words.¹⁵ games of less importance were celebra- at many other places where the worship as introduced; and the games of Del- etimes distinguished from these lesser the addition of the words *ἐν Δελφοῖς*. far the greater number of the lesser not mentioned in the extant ancient

writers, and are only known from coins or inscrip- tions, we shall only give a list of the places where they were held: Ancyra in Galatia, Aphrodisias in Caria, Antiochia, Carthæa in the island of Ceos,¹ Carthage,² Cibyra in Phrygia, Delos,³ Emisa in Syria, Hierapolis in Phrygia, Magnesia, Megara,⁴ Miletus, Neapolis in Italy, Nicaea in Bithynia, Ni- comedia, Pergamus in Mysia, Perge in Pamphylia, Perinthus on the Propontis, Philippopolis in Thrace, Side in Pamphylia, Sicyon,⁵ Taba in Caria, Thes- salonice in Macedonia, in Thrace, Thyatira, and Tralles in Lydia, Tripolis on the Mæander, in Caria.⁶

PYXIS, *dim.* PYXIDULA (*πίξις, dim. πύξιδον*), a Casket, a Jewel-box.⁷ Quintilian⁸ produces this term as an example of catachresis, because it prop- erly denoted that which was made of box (*πύξος*), but was applied to things of similar form and use made of any other material. In fact, the caskets in which the ladies of ancient times kept their jew- els and other ornaments, were made of gold, silver, ivory, mother-of-pearl, tortoise-shell, &c. They were also much enriched with sculpture. A silver coffer, 2 feet long, 1½ wide, and 1 deep, most elab- orately adorned with figures in bas-relief, is de- scribed by Böttiger.⁹ The annexed woodcut (from



Ant. d'Ercolano, vol. ii., tab. 7) represents a plain jewel-box, out of which a dove is extracting a rib- band or fillet. Nero deposited his beard in a valu- able pyxis when he shaved for the first time. (*Vid. BARBA*, p. 138.)

The same term is applied to boxes used to con- tain drugs or poison,¹⁰ and to metallic rings employ- ed in machinery.¹¹

* PYXUS (*πύξος*), the Boxwood-tree. (*Vid. Buxus*.)

Q.

QUADRAGESIMA, the fortieth part of the im- ported goods, was the ordinary rate of the portori- um.¹² Tacitus¹³ says that the quadragesima was abolished by Nero, and had not been imposed again (*manet abolitio quadragesimæ*); but it appears most probable that this quadragesima abolished by Nero was not the portorium, but the tax imposed by Caligula¹⁴ of the fortieth part of the value of all prop- erty respecting which there was any lawsuit. That the latter is the more probable opinion appears from the fact that we never read of this tax upon law- suits after the time of Nero, while the former one is mentioned to the latest times of the Empire. Considerable difficulty, however, has arisen in con- sequence of some of the coins of Galba having *Quadragesima Remissa* upon them, which is sup- posed by some writers to contradict the passage of Tacitus, and by others to prove that Galba *abol- ished* the quadragesima of the portorium. The words, however, do not necessarily imply this: it was common, in seasons of scarcity and want, or as an act of special favour, for the emperors to *remit* certain taxes for a certain period, and it is

1. (Athen., x., p. 456, 467.)—2. (Tertull., Scorp., 6.)—3. (Di- onys. Perieg., 527.)—4. (Schol. ad Pind., Nem., v., 84.—Ol., xiii., 155.—Philostr., Vit. Soph., i., 3.)—5. (Pind., Olym., xii., 105, with the schol.—Nem., ix., 51.)—6. (Krause, Die Pythien, Nemeen, und Isthmien, p. 1-106.)—7. (Mart., ix., 38.)—8. (viii., 6, § 35.)—9. (Sabina, i., p. 64-80, pl. iii.)—10. (Cic., Pro Calio, 25-29.—Quintil., vi., 3, § 25.)—11. (Plin., H. N., xviii., 11, § 29.)—12. (Suet., Vespas., i.—Quintil., Declam., 359.—Sya- mach., Epist., v., 62, 65.)—13. (Ann., xiii., 51.)—14. (Suet., Cal., 40.)

pro a i) that the coins of Galba were struck in commemoration of such a remission, and not of an abolition of the tax. (See Burmann, *De Vectigal.*, p. 64, &c., who controverts the opinions of Spanheim, *De Prast. et Usu Numism.*, vol. ii., p. 549.)

QUADRANS. (*Vid. AS*, p. 111.)

QUADRANTAL. (*Vid. CUBUS*.)

QUADRIGA. (*Vid. BIGA*, *CURRUS*.)

QUADRIGATUS. (*Vid. BIGATUS*.)

QUADRUPES. (*Vid. PAUPERIES*.)

QUADRUPLETORÆ, public informers or accusers, were so called, either because they received a fourth part of the criminal's property, or because those who were convicted were condemned to pay fourfold (*quadrupli damnari*), as in cases of violation of the laws respecting gambling, usury, &c.¹ We know that on some occasions the accuser received a fourth part of the property of the accused;² but the other explanation of the word may also be correct, because usurers who violated the law were subjected to a penalty of four times the amount of the loan.³ When the general right of accusation was given, the abuse of which led to the springing up of the *quadrupletores*, is uncertain; but originally all fines went into the common treasury, and while that was the case, the accusations, no doubt, were brought on behalf of the state.⁴ Even under the Republic, an accusation of a public officer, who had merited it by his crimes, was considered a service rendered to the state: the name of *quadrupletores* seems to have been given by way of contempt to mercenary or false accusers.⁵ Seneca⁶ calls those who sought great returns for small favours *Quadrupletores beneficiorum suorum*.

QUADRUPPLICATIO. (*Vid. ACTIO*, p. 19.)

QUESTIONES, QUESTIONES PERPETUÆ. (*Vid. JUDEX*, p. 552; *PRÆTOR*, p. 806.)

QUESTOR is a name which was given to two distinct classes of Roman officers. It is derived from *quæro*, and Varro⁷ gives a definition which embraces the principal functions of both classes of officers: "*Quæstores a quærendo, qui conquirent publicas pecunias et maleficia.*" The one class, therefore, had to do with the collecting and keeping of the public revenues, and the others were a kind of public accusers. The former bore the name of *quæstores classici*, the latter of *quæstores parricidii*.⁸

The *quæstores parricidii* were, as we have said, public accusers, two in number, who conducted the accusation of persons guilty of murder or any other capital offence, and carried the sentence into execution.⁹ Respecting their confusion with the *duumviri perduellionis*, see *PERDUELLIONIS DUUMVIRI*. All testimonies agree that these public accusers existed at Rome during the period of the kings, though it is impossible to ascertain by which king they were instituted,¹⁰ as some mention them in the reign of Romulus, and others in that of Numa. When Ulpian takes it for certain that they occurred in the time of Tullus Hostilius, he appears to confound them, like other writers, with the *duumviri perduellionis*, who in this reign acted as judges in the case of Horatius, who had slain his sister. During the kingly period there occurs no instance in which it could be said with any certainty that the *quæstores parricidii* took a part. As thus everything is so uncertain, and as the late writers are guilty of such manifest confusions, we can say no more than

that such public accusers existed, and by the analogy of later times, that they were by the populus on the presentation of the early period of the Republic the *quæstores parricidii* appear to have become a stam which, like others, was held only for They were appointed by the populus on the presentation of the consuls.¹¹ When *quæstores* discovered that a capital offence had been committed, they had to bring the charge before the *comitia* for trial.¹² They convoked through the person of a trumpeter, who on the day of meeting from the Capitol, at the city, and at the house of the accused.¹³ The sentence had been pronounced by the *quæstores parricidii* executed it; thus they threw Spurius Cassius from the Tarpeian rock.¹⁴ They were mentioned in the laws of the Twelve Tables, and after the time of the decemvirs they still continued to be appointed, though probably no longer by the *curies*, but either in the *centuriata* or *tributa*, which they therefore also have had the right to assemble in case of emergency.¹⁵ This appears to be implied in the statement of Tacitus, that in the year 44 B.C. they were created by the people without any presentation of the consuls. From the year 306 B.C. they are no longer mentioned in Roman history, as their functions were gradually transferred to the *triumviri capitales*¹⁶ (*vid. TRIUMVIRI CAPITALES*, and partly to the *ædiles* and *tribunes*). (*Vid. ÆDILES*, *TRIBUNI*.) The *quæstores parricidii* have not only been confounded with the *duumviri perduellionis*, but also with the *quæstores classici*,¹⁷ and this probably owing to the fact that they ceased to be appointed at such an early period, and that the two kinds of *quæstores* are seldom distinguished in ancient writers by their characteristic epithets.

The *quæstores classici* were officers intrusted with the care of the public money. Their distinguishing epithet *classici* is not mentioned by any ancient writer except Lydus,¹⁸ who, however, gives an absurd interpretation of it. Niebuhr¹⁹ refers to their having been elected by the centuries ever since the time of Valerius Publicola, who is said to have first instituted the office.²⁰ They were at first only two in number, and, of course, taken only from the patricians. As the senate had the supreme administration of the finances, the *quæstores* were in some measure only its agents or paymasters, as they could not dispose of any part of the public money without being directed by the senate. Their duties consequently consisted in making the necessary payments from the *ærarium*, and receiving the public revenues. Of both they had to keep correct accounts in their *tabula publica*.²¹ Demands which any one might have on the *ærarium*, and outstanding debts, were likewise registered by them.²² Funds to be paid to the public treasury were registered and exacted by them.²³ Another branch of their duties, which, however, was likewise connected with the treasury, was to provide the proper accommodations for foreign ambassadors and such persons as were connected with the Republic by ties of public hospitality. Lastly, they were charged with the care of the burials and monuments of distinguished men, the expenses for which had been

1. (Pseudo-Ascon. in Cic., *Divin.*, § 24, p. 110, ed. Orelli; in Verr., II., ii., § 21, p. 208.—Festus, s. v.)—2. (Tac., *Ann.*, iv., 21.)—3. (Cato, *De Re Rust.*, *init.*)—4. (Niebuhr, *Röm. Gesch.*, iii., p. 44.)—5. (Cic., *Div.*, ii., 7; c. Verr., II., ii., 7.—Plaut., *Pers.*, i., 2, 10.—Liv., iii., 72.)—6. (De Benef., vii., 25.)—7. (De Ling. Lat., iv., p. 24, ed. Bip.)—8. (Dig. I., tit. 2, s. 2, § 22, 23.)—9. (Festus, s. v. *Parici* and *Questores*.—Liv., ii., 41.—Dionys., viii., p. 546, ed. Sylb.)—10. (Fest., l. c.—Tacit., *Ann.*, xi., 22.—Dig. I., tit. 13.)

1. (Liv., iii., 24, 25.)—2. (Dig. I., tit. 2, s. 2, § 22.—Tacit., l. c.)—3. (Liv., iii., 24.—Dionys., viii., p. 544.)—4. (Varro, *De Ling. Lat.*, v., p. 75, &c., ed. Bip.)—5. (Dionys., viii., p. 546.—Liv., ii., 41.—Cic., *De Repub.*, ii., 25.)—6. (Varro, *De Ling. Lat.*, v., p. 76.)—7. (Varro, iv., p. 24.—Val. Max., v., 4, § 1.—4, § 2.—Sallust., *Cat.*, 55.)—8. (Niebuhr, *Hist. of Rome*, i., p. 44.—Zachariae, *Sulla*, sive *vinct.*, &c., ii., p. 147, &c.)—9. (Tacit., l. c.—Zonar., vii., 13, &c.)—10. (De Mæc., i., 27.—Liv., i., p. 430.)—11. (Plut., *Publ.*, 12.)—12. (Polyb., vi., 13.)—13. (Pseudo-Ascon. in Verr., p. 158, ed. Orelli.—Plut., *Cat. Mæc.*, 27.—15. (Liv., xxxviii., 60.—Tacit., *Ann.*, iii., 28.)

by the senate to be defrayed by the treasury in the ærarium, and, consequently, under the dependence of the quæstors, were kept in the annales in which the senatus consulta were registered, while the original documents were in the possession of the ædiles, until Augustus transferred the custody of them also to the quæstors.¹

In the year B.C. 421 the number of quæstors was increased to four, and the tribunes tried to effect, by an amendment of the law, that a part (probably two) of the quæstors should be plebeians.² This attempt was frustrated, but the interrex L. Papius Mutilus effected a compromise, that the election should not be restricted to either order. After this law was passed, eleven years passed without any plebeian being elected to the office of quæstor, until, in B.C. 396, three of the four quæstors were plebeians.³ A law was passed, which gave the office of quæstor had unconditionally, as in later times, the right to take his seat in the senate, unless he was excluded as unworthy by the next censors. And this was probably the reason why the patricians so determinately resisted the admission of plebeians to this office.

(SENATUS.) Henceforth the consuls, whenever they took the field against an enemy, were accompanied by one quæstor each, who at first had only to superintend the sale of the booty, the produce of which was either divided among the legion, or was transferred to the ærarium.⁴ Subsequently, however, we find that these quæstors also kept the accounts of the army, which they had received from the treasury at Rome, and gave the soldiers their pay; they were, in fact, the paymasters in the army.⁵ The two other quæstors, who remained at Rome, continued to discharge the same duties as the quæstor, and were distinguished from those who accompanied the consuls by the epithet *urbani*. In the year B.C. 265, after the Romans had made themselves masters of Italy, and when, in consequence, the administration of the treasury and the management of the revenues became more laborious and important, the number of quæstors was again doubled to eight;⁶ and it is probable that henceforth the number continued to be increased in proportion as the Empire became extended. One of the quæstors was appointed by lot to the *quæstura prætoris*, a most laborious and important post, as it led to provide Rome with corn.⁷ Besides the quæstor *prætoris*, who resided at Ostia, three other quæstors were distributed in Italy, to raise those parts of the revenue which were not farmed by the publicani, and to control the latter. One of them resided at Caesarea, and the two others probably in Sicily on the Upper Sea.⁸ The two remaining quæstors, who were sent to Sicily, are spoken of by Cicero.

Julius Cæsar, in his dictatorship, raised the number of quæstors to twenty, that he might have a large number of candidates for the senate (*senatusi expleret*) and J. Cæsar even to forty.⁹ In the year B.C. 63, quæstors were elected, and Cæsar transferred the custody of the ærarium to the ædiles. From that time forward the treasury was sometimes assigned to the prætors, sometimes to the prætorii, sometimes, again, to quæstors. (*Vid. ÆRARIUM.*) The duties of the quæstors, however, both in the city and in the provinces, occur down to the latest period of the Empire. The consuls bore the title of *candidati principis*, their only duty was to read in the senate the communications which the principes had to make to

this assembly (*libri principales, epistula principis*).¹ From the time of the Emperor Claudius, all quæstors, on entering upon their office, were obliged to give gladiatorial games to the people at their own expense, whereby the office became inaccessible to any one except the wealthiest individuals.² When Constantinople had become the second capital of the Empire, it received, like Rome, its quæstors, who had to give games to the people on entering upon their office; but they were probably, like the prætors, elected by the senate, and only announced to the emperor.³

The proconsul or prætor, who had the administration of a province, was attended by a quæstor. This quæstor had undoubtedly to perform the same functions as those who accompanied the armies into the field; they were, in fact, the same officers, with the exception that the former were stationary in their province during the time of their office, and had, consequently, rights and duties which those who accompanied the army could not have. In Sicily, the earliest Roman province, there were two quæstors, answering to the two former divisions of the island into the Carthaginian and Greek territory. The one resided at Lilybæum, the other at Syracuse. Besides the duties which they had in common with the paymasters of the armies, they had to levy those parts of the public revenue in the province which were not farmed by the publicani, to control the publicani, and to forward the sums raised, together with the accounts of them, to the ærarium.⁴ In the provinces, the quæstors had the same jurisdiction as the curule ædiles at Rome.⁵ The relation existing between a prætor or proconsul of a province and his quæstor was, according to ancient custom, regarded as resembling that between a father and his son.⁶ When a quæstor died in his province, the prætor had the right to appoint a pro-quæstor in his stead;⁷ and when the prætor was absent, the quæstor supplied his place, and was then attended by lictors.⁸ In what manner the provinces were assigned to the quæstors after their election at Rome is not mentioned, though it was probably by lot, as in the case of the quæstor *Ostiensis*. But in the consulship of Decimus Drusus and Porcina it was decreed that the provinces should be distributed among the quæstors by lot, *ex senatus consulto*.⁹ During the time of the Empire this practice continued, and if the number of quæstors elected was not sufficient for the number of provinces, those quæstors of the preceding year who had had no province might be sent out. This was, however, the case only in the provinces of the Roman people, for in those of the emperors there were no quæstors at all. In the time of Constantine the title of *quæstor sacri palatii* was given to a minister of great importance, whose office probably originated in that of the *candidati principis*. Respecting his power and influence, see Walter, *Gesch. d. Röm. R.*, p. 365.

QUÆSTORII LUDII. (*Vid. LUDI QUÆSTORII.*)

QUÆSTORIUM. (*Vid. CASTRA.*)

QUALUS. (*Vid. CALATHUS.*)

QUANTI MINORIS is an actio which a buyer had against the seller of a thing, in respect of faults or imperfections with which the buyer ought to have been made acquainted; the object of the actio was to obtain an abatement in the purchase-money. This action was to be brought within a year or

Joseph., Ant. Jud., xiv., 10. 10.—Plut., Cat. Min., 17.)—*ad Cass.*, iv., 36.)—3. (Liv., iv., 43.—Niebuhr, ii., p. 430, 4. (Liv., iv., 54.)—5. (Liv., iv., 53.)—6. (Polyb., vi., 39.)—*Lyd.*, De Mag., i., 27.—Liv., Epit., lib. 15.—Niebuhr, iii., 1.)—8. (Cic., Pro Muræna, 8; Pro Sext., 17.)—9. (Cic. in Clod., 10.—Tacit., Annal., xi., 22.)—11. (Dion Cass., xliii., 7.)

1. (Dig. 1, tit. 13, § 2 and 4.—Lyd., De Mag., i., 28.—Lampriid., Alex. Sev., 43.—Plin., Epist., vii., 16.)—2. (Suet., Claud., 24.—Tacit., Annal., l. c., xiii., 5.—Suet., Domit., 4.—Lampriid., Alex. Sev., 43.)—3. (Walter, Gesch. des Röm. Rechts, p. 371.)—4. (Pseudo-Ascon. in Verr., p. 167, ed. Orelli.)—5. (Gaius, i., 6.)—6. (Cic., Divin., 19; c. Verr., II., i., 15; Pro Plano., 11; ad Fam., iii., 10.)—7. (Cic., c. Verr., l. c.)—8. (Cic. ad Fam., ii., 15; Pro Plano., 41.)—9. (Dig. 1, tit. 13, § 2.—Cic., c. Verr., ii., 1, 13.)

within six months, according as there was a cautio or not.¹ (Vid. EMTIO ET VENDITIO.)

QUARTARIUS. (Vid. SEKTARIUS.)

QUASILLARIE. (Vid. CALATHUS.)

QUASILLUM. (Vid. CALATHUS.)

QUATUORVIRI JURI DICUNDO. (Vid. COLONIA, p. 282.)

QUATUORVIRI VIARUM CURANDARUM, four officers who had the superintendence of the roads (*vias*), were first appointed after the war with Pyrrhus, when so many public roads were made by the Romans.² They appear to be the same as the *Viocuri* of Varro.³

*QUERCUS (*δρῦς*), the Oak, or "*Quercus* (Linn., gen. 1447) *species omnes*." "On reading attentively," says Fée, "the different passages of Virgil where mention is made of the oak, it is easy to perceive that the poet refers to several species, the determination of which would not be an easy task. The kind of oak, however, which figures most commonly in his verses as the symbol of strength, and which, moreover, from its majestic beauty, was consecrated to the father of the gods, is the species to which botanists have given the name of *Quercus robur*, and which abounds in Europe." According to ancient legends, the fruit of the oak served as nourishment for the early race of mankind. If this account be true, it must have been on the acorns of the *Quercus ilex* that the primitive race of mankind supported themselves. They are still used as an article of food by the inhabitants of certain countries in the south of Europe, and taste, when roasted, like chestnuts. In the year 1812, during the Peninsular War, the French troops cantoned in the environs of Salamanca, where immense forests of the *Quercus ballota* exist, lived for several days on the fruit of these trees. "The species of oak described by Theophrastus may be thus arranged: 1. the *δρῦς ἡμερίς*, *Quercus robur*.—2. *δ. αἰγίλωψ*, *Q. agrifolia*.—3. *δ. πλατύφυλλος* (uncertain).—4. *δ. φηγός*, *Q. asculus*.—5. *δ. ἀλίλοτος* (uncertain).—6. *δ. φέλλος*, *Q. suber*.—7. *δ. ἐτυμόδρος* (uncertain).—8. *δ. ὄσπρις*, *Q. cerris*.—The *δρῦς* of Homer is referable to both the *Q. ilex* and *Q. asculus*." (Vid. *ÆSCULUS*.)

QUERELA INOFFICIO/SI TESTAMENTI. (Vid. TESTAMENTUM.)

QUINARIUS. (Vid. DENARIUS.)

QUINCUNX. (Vid. AS, p. 110.)

QUINDECENVIRI. (Vid. DECENVIRI, p. 340.)

QUINQUAGE/SIMA, the fiftieth, or a tax of two per cent. upon the value of all slaves that were sold, was instituted by Augustus, according to Dion Cassius.⁴ Tacitus,⁵ however, mentions the twenty-fifth, or a tax of four per cent. upon the sale of slaves in the time of Nero: if both passages are correct, this tax must have been increased after the time of Augustus, probably by Caligula, who, we are told by Suetonius,⁶ introduced many new taxes.⁷

We are also told by Tacitus⁸ that Nero abolished the quinquagesima; this must have been a different tax from the above-mentioned one, and may have been similar to the quinquagesima mentioned by Cicero⁹ in connexion with the aratores of Sicily.

A duty of two per cent. was levied at Athens upon exports and imports. (Vid. PENTECOSTE.)

QUINQUATRUS or QUINQUATRIA, a festival sacred to Minerva, which was celebrated on the 19th of March (*a. d. XIV., Kal. Apr.*), and was so

called, according to Varro,¹ because it was the 5th day after the *ides*, in the same way as the *Terentians* called a festival on the sixth day after the *Ides* *Seztrus*, and one on the seventh *Septimatrus*. Ovid² and Festus³ also give the same etymology; the latter states that the *Faliscans* too called a festival on the tenth day after the *ides* *Decimatrus*. Both Varro and Festus state that the quinquatrus was celebrated for only one day, but Ovid² says that it was celebrated for five days, and was for this reason called by this name: that on the 5th day no blood was shed, but that on the last four there were contests of gladiators. It would appear however, from the above-mentioned authorities, that the first day was only the festival properly so called, and that the last four were merely an addition, made, perhaps in the time of Cæsar, to gratify the people, who became so passionately fond of gladiatorial combats. The ancient calendars, however, assign only one day to the festival.

Ovid⁴ says that this festival was celebrated in commemoration of the birthday of Minerva; but according to Festus, it was sacred to Minerva because her temple on the Aventine was consecrated on that day. On the fifth day of the festival, according to Ovid,⁵ the trumpets used in sacred rites were purified; but this seems to have been originally a separate festival, called *Tubilustrium*,⁶ which was celebrated, as we know from the ancient calendars, on the 23d of March (*a. d. X., Cal. Apr.*) and would, of course, when the quinquatrus was extended to five days, fall on the last day of that festival.

As this festival was sacred to Minerva, it seems that women were accustomed to consult fortune-tellers and diviners upon this day.⁷ Domitian caused it to be celebrated every year in his Alban Villa, situated at the foot of the hills of Alba, and instituted a collegium to superintend the celebration, which consisted of the hunting of wild beasts, the exhibition of plays, and of contests of orators and poets.⁸

There was also another festival of this name called *Quinquatrus Minuscula* or *Quinquatrus Innoxia*, celebrated on the *ides* of June, on which *atrobicines* went through the city in procession to the Temple of Minerva.⁹

QUINQUENNALIA were games instituted by Nero, A. D. 60, in imitation of the Greek festivals, and celebrated, like the Greek *πενταετηρίδες*, at the end of every four years: they consisted of musical, gymnastic, and equestrian contests, and were called *Neroniana*.¹⁰ Suetonius and Tacitus¹¹ say that these games were first introduced at Rome by Nero, which they can only mean that games consisting of the three contests were new, since *quinquennialia* had been previously instituted both in the time of Julius Cæsar¹² and of Augustus.¹³ The quinquennialia of Nero appear not to have been celebrated after his time till they were revived again by Trajan in honour of the Capitoline Jupiter.¹⁴

QUINQUENNALIS. (Vid. COLONIA, p. 282.)

QUINQUEREMIS. (Vid. SHIPS.)

QUINQUERTIUM. (Vid. PENTATHLOS.)

QUINQUEVIRI, or five commissioners, were frequently appointed, under the Republic, as extraordinary magistrates to carry any measure into effect. Thus *quinqueviri mensarii*, or public bankers, were sometimes appointed in times of great distress.

1. (Dig. 21, tit. 1, § 44, tit. 2.)—2. (Dig. 1, tit. 2, § 2, § 30.—Orelli, Inscript., n. 773.)—3. (De Ling. Lat., v., 7, ed. Müller.)—4. (Pœt., *Flora de Virgile*, p. cxxviii.—Theophr., H. P., l., § 3, iii., § 4; iv., 6.—Adams, *Append.*, s. v.)—5. (iv., § 1.)—6. (xiii., § 1.)—7. (in *Vita*, c. 40.)—8. (Burmann, *De Vectig.*, p. 69, &c.)—9. (Ann., xiii., § 1.)—10. (c. Verr., II., iii., 49.)

1. (De Ling. Lat., vi., 14, ed. Müller.)—2. (ii., 21.)—3. (Compare Müller, *Etrusker*, II., p. 49.)—4. (Fast. &c.)—5. (l. c.)—6. (1, 849.)—7. (Festus, s. v.—Varro, (Plaut., *Mil.*, iii., 1, 98.)—10. (Suet., *Dom.*, 4.)—11. (De Ling. Lat., vi., 17.—Ovid, *Fast.*, vi., 631, &c.—Festus, ed. Müller.)—12. (Suet., *Ner.*, 12.—*Top.*, Ann., vi., 21.)—13. (Ann., xiii., § 1.)—14. (Orelli, *Inscript.*, c. 1, § 1.)—15. (Suet., *Octav.*, 39.)—16. (Suet., *Dom.*, 4.)

MENSARIUM); the same number of commissioners was sometimes appointed to superintend the formation of a colony, though three (*triumviri*) was a more common number. (Vid. COLONIA, p. 280.) We find, too, that quinquéviri were created to superintend the repairs of the walls and of the towers of the city,¹ as well as for various other purposes.

Besides the extraordinary commissioners of this name, there were also permanent officers, called quinquéviri, who were responsible for the safety of the city after sunset, as it was inconvenient for the regular magistrates to attend to this duty at that time: they were first appointed soon after the war with Pyrrhus.²

QUINTANA. (Vid. CASTRA.)

QUINTILIS. (Vid. CALENDAR, ROMAN.)

QUIRINALIA, a festival sacred to Quirinus, which was celebrated on the 17th of February (a. d. XIII, Cal. Mart.), on which day Romulus (Quirinus) was said to have been carried up to heaven.³ This festival was also called *Stultorum feria*, respecting the meaning of which, see FURNACALLA.

QUIRINALIS FLAMEN. (Vid. FLAMEN.)

QUIRITIUM JUS. (Vid. CIVITAS, ROMAN; JUS, p. 561.)

QUOD JUSSU, ACTIO. (Vid. JUSSU, QUOD, ACTIO.)

QUORUM BONORUM, INTERDICTUM. The object of this interdict is to give to the prætorian heres the possession of anything belonging to the hereditas which another possesses pro herede or pro possessore. The name of this interdict is derived from the introductory words, and it runs as follows: "*Ait prætor: Quorum bonorum ex edicto meo illi possessio data est: quod de his bonis pro herede aut pro possessore possides, possideresve si nihil usucaptum esset: quod quidem dolo malo fecisti, uti desineres possidere: id illi restituas.*" The plaintiff is entitled to this interdict when he has obtained the bonorum possessio, and when any one of the four following conditions apply to the defendant.

1. *Quod de his bonis pro herede.*
2. *Aut pro possessore possides.*
3. *Possideresve si nihil usucaptum esset.*
4. *Quod quidem dolo malo fecisti, uti desineres possidere.*

The first two conditions are well understood, and apply, also, to the case of the hereditatis petitio. The fourth condition also applies to the case of the hereditatis petitio and the rei vindicatio; but, instead of "*quod quidem*," the reading "*quodque*" has been proposed, which seems to be required; for No. 4 has no reference to No. 3, but is itself a new condition. The words of No. 3 have caused some difficulty, which may be explained as follows.

In establishing the bonorum possessio, the prætor intended to give to many persons, such as emancipated children and cognati, the same rights that the heres had; and his object was to accomplish this effectually. The Roman heres was the representative of the person who had died and left an hereditas, and by virtue of this representative or juristical fiction of the person of the dead having a continued existence in the person of the heres, the heres succeeded to his property, and to all his rights and obligations. In the matter of rights and obligations, the prætor put the bonorum possessio in the same situation as the heres, by allowing him to sue in respect of the claims that the deceased had, and allowing any person to sue him in respect of claims against the deceased, in an actio utilis or fictitia.⁴ In respect to the property, according to the old law any person might take possession of a thing belonging to the

hereditas, and acquire the ownership of it in a certain time by usucapion.¹ The persons in whose favour the prætor's edict was made could do this as well as any other person; but if they found any other person in possession of anything belonging to the hereditas, they could neither claim it by the vindicatio, for they were not owners, nor by the hereditatis petitio, for they were not heredes. To meet this difficulty, the interdictum quorum bonorum was introduced, the object of which was to aid the bonorum possessor in getting the possession (whence the title of the interdictum adipiscende possessionis), and so commencing the usucapion. If he lost the possession before the usucapion was complete, he could, in most cases, recover it by the possessorial interdicts properly so called, or by other legal means. This, according to Savigny, is the origin of the bonorum possessio.

In course of time, when bonitarian ownership (in bonis) was fully established, and coexisted with Quiritarian ownership, this new kind of ownership was attributed to the bonorum possessor after he had acquired the bonorum possessio, and thus all that belonged to the deceased ex jure Quiritium became his in bonis, and finally, by usucapion, ex jure Quiritium, though in the mean time he had most of the practical advantages of Quiritarian ownership. Ultimately the bonorum possessio came to be considered as a species of hereditas, and the like forms of procedure to those in the case of the real hereditas were applied to the case of the bonorum possessio: thus arose the possessoria hereditatis petitio, which is mentioned by Gaius, and cannot, therefore, be of later origin than the time of Marcus Aurelius. Thus the new form of procedure, which would have rendered the interdict quorum bonorum unnecessary if it had been introduced sooner, coexisted with the interdict, and a person might avail himself of either mode of proceeding, as he found best.² In the legislation of Justinian we find both forms of procedure mentioned, though that of the interdict had altogether fallen into disuse.³

According to the old law, any possessor, without respect to his title, could, by usucapion pro herede, obtain the ownership of a thing belonging to the hereditas; and, of course, the bonorum possessor was exposed to this danger as much as the heres. If the time of usucapion of the possessor was not interrupted by the first claim, the heres had no title to the interdict, as appears from its terms, for such a possessor was not included in No. 1 or 2. Hadrian,⁴ by a senatus consultum, changed the law so far as to protect the heres against the complete usucapion of an improbus possessor, and to restore the thing to him. Though the words of Gaius are general, there can be no doubt that the senatus consultum of Hadrian did not apply to the usucapion of the bonorum possessor nor to that of the bonæ fidei possessor. Now if we assume that the senatus consultum of Hadrian applied to the bonorum possessor also, its provisions must have been introduced into the formula of the interdict, and thus the obscure passage No. 3 receives a clear meaning, which is this: You shall restore that also which you no longer possess pro possessore, but once so possessed, and the possession of which has only lost that quality in consequence of a lucrativa usucapio. According to this explanation, the passage No. 3 applies only to the new rule of law established by the senatus consultum of Hadrian, which allowed the old usucapion of the improbus possessor to have its legal effect, but rendered it useless to him by compelling restitution. In the legislation of Justinian, consequently, these words have no meaning,

1. (Liv., xxv., 7.)—2. (Dig. l. tit. 2, s. 2, § 31.)—3. (Ovid, Fast., ii., 475.—Fest., s. v.—Varro, De Ling. Lat., vi., 13, ed. Müller.)—4. (Ulp., Frag., tit 28, s. 12.—Gaius, iv 34.)

1. (Gaius, ii., 52-58.)—2. (Gaius, iii., 34.)—3. (Just., iv., tit 15.)—4. (Gaius, ii., 57.)

of sale, or from the time when any promise had been made relating to *promissumve*, the words of the

LUM (*καθετήρ*), a fillet attached to ΔΙΑΔΕΜΑ, mitra, or other headdress and passed over the shoulders so as to fall over the breast.² Redimiculi female ornaments;³ and in the times they were imitated in gold.⁴

X. A *lex regia* during the kingly age had its first place, it was a law which was passed by the comitia under the presidency and was thus distinguished from a *lex* which was passed by the comitia under the presidency of the tribunes *celerum*. In the laws, the origin of which was at a time of the kings, were called *leges* it by no means follows that they were enacted by the kings without the curies. Some of these laws and followed at a very late period. Livy⁵ tells us, that after the conquest by the Gauls, the *leges regię* still collected. That they were followed in a period is clear from Livy.⁶ Fragments are preserved in Festus,⁷ Pliny,⁸ The minute detail into which they appear to have entered, allows us to number was not small. The existing laws belonging to the period of the republic are doubted, though it may be uncer- tainly were written at so early a period.

(*VID. CIVILE, PAPIRIANUM*)
The meaning of *lex regia* during the republic was undoubtedly the same as that of the *de imperio*. (*VID. IMPERIUM*.) This is mentioned by any ancient writer, but from the *lex regia* which we meet in the Empire, for the name could scarcely have been invented then; it must have come into use some times, when its meaning was simple and by far as extensive. During the republic continued to hold their meetings were only a shadow of former times, after the election of a new emperor, upon him the *imperium* in the *lex curiata de imperio*, which was called *lex regia*. The *imperium*, however, *lex regia* conferred upon an emperor a different nature from that which it had conferred upon the kings. He had all the rights and powers which the *populus Romanus* had possessed, so he became what formerly the *populus* is, sovereign. Hence he could act upon his own authority which had been conferred upon the *populus Romanus*, or, at its sanction.¹¹ A fragment of such conferring the *imperium* upon Vespasian upon a brazen table, is still extant at Rome. It is generally called, *Senatus consultum de Vespasiani* copied in Ernesti, Excurs. ii. on p. 604, &c., ed. Bekker.¹²

2.—Virg., *Æn.*, ix., 616.—Ovid, *Met.*, x., v.—Ovid, *Epist.*, ix., 71.—*Juv.*, ii., 70.—448.—4. (Ovid, *Fast.*, iv., 135-137.)—5. 6.—7. (s. v. *Florare* and *occisum*.)—8. (H. (Compare Dionys., ii., 10.—Tacit., *Ann.*, iii., tit. 2, s. 2, § 2.)—10. (Dirksen, *Uebersicht d. e. zur Kritik und Herstellung des Textes der den Gesetzen der Röm. Könige*, p. 234, &c.) s. 1.—Cod., i., tit. 17, s. 1.)—12. (Compare 6.—Niebuhr, *Hist. of Rome*, i., p. 343.)

REGIFUGIUM or FUGALIA, the king's flight, a festival which was held by the Romans every year on the 24th of February, and, according to Verrius¹ and Ovid,² in commemoration of the flight of King Tarquinius Superbus from Rome. The day is marked in the *fasti* as *nefastus*. In some ancient *calendaria* the 24th of May is likewise called *Regifugium*, and in others it is described as Q. Rex C. F., that is, "*quando rex comitavit fas*," or "*quando rex comito fugit*." Several ancient as well as modern writers have denied that either of these days had anything to do with the flight of King Tarquinius,³ and are of opinion that these two days derived their name from the symbolical flight of the *rex sacrorum* from the *comitium*: for this king-priest was generally not allowed to appear in the *comitium*, which was destined for the transaction of political matters, in which he could not take part. But on certain days in the year, and certainly on the two days mentioned above, he had to go to the *comitium* for the purpose of offering certain sacrifices, and immediately after he had performed his functions there he hastily fled from it; and this symbolical flight was called *Regifugium*.⁴

REGULA (*κανών*), the ruler used by scribes for drawing right lines with pen and ink;⁵ also the rule used by carpenters, masons, and other artificers, either for drawing straight lines or making plane surfaces.⁶ That it was marked with equal divisions, like our carpenter's rules, is manifest from the representations of it among the "*instrumenta fabrorum tignariorum*," in the woodcuts at pages 252, 664. The substance with which the lines were made was raddle or red ochre (*μύλτρος*?). (*VID. LINEA*.)

The scalebeam is sometimes called *κανών* instead of *ζυγόν*. (*VID. JUGUM*.) Two rulers were sometimes fixed crossways, in the form of the letter X, as a support for a piece of machinery.⁷

REI UXORIE or DOTIS ACTIO. (*VID. DOS*.)
RELATIO. (*VID. SENATUS*.)
RELEGATIO. (*VID. BANISHMENT, ROMAN*.)
REMANCIPATIO. (*VID. EMANCIPATIO*.)
REMMIA LEX. (*VID. CALPURNIA*.)
REMURIA. (*VID. LEMURIA*.)
REMUS. (*VID. SHIPS*.)
REPA'GULA. (*VID. JANUA*, p. 526.)
REPETUNDÆ or PECUNIE REPETUNDÆ.

Repetundæ pecuniæ was the term used to designate such sums of money as the socii of the Roman state or individuals claimed to recover from magistrates, judges, or publici curatores, which they had improperly taken or received in the provincię or in the urbs Roma, either in the discharge of their jurisdiction, or in their capacity of judges, or in respect of any other public function. Sometimes the word *repetundæ* was used to express the illegal act for which compensation was sought, as in the phrase "*repetundarum insimulari, damnari*;" and *pecuniæ* meant not only money, but anything that had value. Originally inquiry was made into this offence *extra ordinem ex senatus consulto*, as appears from the case of P. Furius Philus and M. Matienus, who were accused of this offence by the Hispani.⁸ The first *lex* on the subject was the *Calpurnia*, which was proposed and carried by the tribune plebis L. Calpurnius Piso (B.C. 149), who also distinguished himself as an historical writer. By this *lex* a prætor was appointed for trying persons charged with this crime.¹⁰ This *lex* only applied to provincial

1. (ap. Fest., s. v. *Regifugium*.)—2. (*Fast.*, ii., 685, &c.)—3. (Cincius ap. Fest., l. c.)—4. (Festus, l. c.—Plut., *Quest. Rom.*, 63.—Ovid, *Fast.*, v., 727.)—5. (Brunck, *Anal.*, iii., 69, 87.)—6. (Aristoph., *Ran.*, 798.—Vitruv., vii., 3, § 5.)—7. (Brunck, *Anal.*, i., 221.)—8. (Col., *De Re Rust.*, ii., 13.)—9. (Liv., xliii., 2.)—10. (Cic., *De Off.*, ii., 21.—*Id.*, *Brut.*, 27.)

magistratus, because in the year B.C. 141, according to Cicero,¹ the like offence in a magistratus urbanus was the subject of a *questio extra ordinem*. It seems that the penalties of the *lex Calpurnia* were merely pecuniary, and, at least, did not comprise *exsilium*, for L. Lentulus, who was censor B.C. 147, had been convicted on a charge of *repetundæ* in the previous year. The pecuniary penalty was ascertained by the *litis æstimatio*, or taking an account of all the sums of money which the convicted party had illegally received.

Various *leges De Repetundis* were passed after the *lex Calpurnia*, and the penalties were continually made heavier. The *lex Junia* was passed probably about B.C. 126, on the proposal of M. Junius Pennus, *tribunus plebis*. It is probable that this was the *lex* under which C. Cato, proconsul of Macedonia, was living in exile at Tarraco;² for at least *exsilium* was not a penalty imposed by the *Calpurnia* *lex*, but was added by some later *lex*. This *lex Junia* and the *lex Calpurnia* are mentioned in the *lex Servilia*.

The *lex Servilia Glaucia* was proposed and carried by C. Servilius Glaucia, prætor, in the sixth consulship of Marius, B.C. 100. This *lex* applied to any magistratus who had improperly taken or received money from any private person; but a magistratus could not be accused during the term of office. The *lex* enacted that the prætor peregrinus should annually appoint 450 judices for the trial of this offence: the judices were not to be senators. The penalties of the *lex* were pecuniary and *exsilium*; the law allowed a *comperendinatio*.³ Before the *lex Servilia*, the pecuniary penalty was simply restitution of what had been wrongfully taken; this *lex* seems to have raised the penalty to double the amount of what had been wrongfully taken; and subsequently it was made quadruple. *Exsilium* was only the punishment in case a man did not abide his trial, but withdrew from Rome.⁴ Under this *lex* were tried M. Aquilius, P. Rutilius, M. Scævius, and Q. Metellus Numidicus. The *lex* gave the civitas to any person on whose complaint a person was convicted of *repetundæ*.⁵ When Sigonius was professor at Padua, he found in the library of Cardinal Bembo two fragments of a Roman law on bronze, which, for reasons apparently sufficient, he considers to be fragments of this *lex Servilia*. The inscription, which is greatly mutilated, is given in the work of Sigonius *De Judiciis*, and has also been published by Klenze, *Berol.*, 1825, but the writer has not seen the work of Klenze.

The *lex Acilia*, which seems to be of uncertain date, was proposed and carried by M. Acilius Glaucio, a *tribunus plebis*, which enacted that there should be neither *ampliatio* nor *comperendinatio*. It is conjectured that this is the *lex Cæcilia* mentioned by Valerius Maximus,⁶ in which passage, if the conjecture is correct, we should read *Acilia* for *Cæcilia*.⁷ It has been doubted whether the *Acilia* or *Servilia* was first enacted, but it appears that the *Acilia* took away the *comperendinatio* which the *Servilia* allowed.

The *lex Cornelia* was passed in the dictatorship of Sulla, and continued in force to the time of C. Cæsar. It extended the penalties of *repetundæ* to other illegal acts committed in the provinces, to judges who received bribes, to those to whom the money came, and to those who gave into the *ærummum* their proconsular actions (*comperendinatio rationes*). The prætor who was to try this *questio* chose the judges by lot

from the senators, whence it appears that the *lex Julia* was repealed by this *lex*, at least so far as related to the constitution of the court. This *lex* also allowed *ampliatio* and *comperendinatio*. The penalties were pecuniary (*litis æstimatio*) and *exsilium* and *ignis interdictio*. Under this *lex* were tried L. Dolabella, Cn. Piso, C. Verres, C. Mæcer, M. Fufius, and Lucius Flaccus, the last two of whom were defended by Cicero. In the *Verrine orationes*, Cicero complains of the *comperendinatio*, or double hearing of the cause which the *lex Cornelia* allowed, and refers to the practice under the *lex Julia*, according to which the case for the prosecution, the defence, and the evidence were only heard once, and so the matter was decided.¹

The last *lex De Repetundis* was the *lex Julia*, passed in the first consulship of C. Julius Cæsar, B.C. 59.² This *lex* consisted of numerous *capita*, which have been collected by Sigonius. This *lex* repealed the penalty of *exsilium*, in addition to the *litis æstimatio*, it enacted that persons convicted under this *lex* should lose their rank, and be disqualified from being witnesses, *judices*, or senators. This is the *lex* which was commented on by the jurists, whose expositions are preserved in the *Digest*³ and in the *Code*.⁴ This *lex* adopted some provisions that existed in previous *leges*, as, for instance, that by which the money that had been improperly retained could be recovered from those into whose hands it could be traced.⁵ The *lex* had been passed when Cicero made his oration against Piso, B.C. 55.⁶ A. Gabinius was convicted under this *lex*. Many of its provisions may be collected from the oration of Cicero against Piso. Cicero boasts that in his proconsulship of Cilicia there was no cost caused to the people by himself, his legatus, quaestor, nor any one else; he did not even demand from the people what the *lex (Julia)* allowed him.⁷ Under the Empire, the offence was punished with exile.⁸

In Clinton's *Fasti Hellenici*, the *lex Calpurnia* is incorrectly stated to be the first law at Rome against bribery at elections. Bribery is *AMBITUS*.

(Sigonius, *De Judiciis*, ii., c. 27, to which subsequent writers have added very little.)

REPLICATIO. (*Vid. ACTIO*, p. 19.)

REPOSITORIA. (*Vid. CÆNA*, p. 275.)

REPOITIA. (*Vid. MARRIAGE, ROMAN*, p. 625.)

REPUDIUM. (*Vid. DIVORTIUM*.)

RES. (*Vid. DOMINIUM*.)

RES MANCIPII. (*Vid. DOMINIUM*.)

RESIPTUM. (*Vid. CONSTITUTIONES*.)

RESPONSA. (*Vid. JURISCONSULTI*.)

RESTITUTIO IN INTEGRUM, in the sense in which the term will here be used, signifies the rescinding of a contract or transaction, so as to place the parties to it in the same position with respect to one another which they occupied before the contract was made or the transaction took place. The *restitutio* here spoken of is founded on the *Æquitas*. If the contract or transaction is such as not to be valid according to the *ius civile*, this *restitutio* is not needed, and it only applies to cases of contracts and transactions which are not in their nature or form invalid. In order to entitle a person to the *restitutio*, he must have sustained some injury capable of being estimated, in consequence of the contract or transaction, and not through any fault of his own, except in the case of one who is *minor XXV. annorum*, who was protected by the *restitutio* against the consequences of his own carelessness. The injury, also, must be one for which the injured person has no other remedy.

1. (in *Verr.*, II., 1, 9.)—2. (Cic. in *Vat.*, 12.)—3. (48, in *Ulp.*—4. (9, tit. 27.)—5. (Cic., *Pro C. Rabir. Post.*, 4.)—6. (in *Pro.*—21.)—7. (ad *Att.*, v., 16.)—8. (Tacit., *Ann.*, xiv., 28, and the note of Lipsius.)

1. (Cic., *Pro Balbo*, 11.—Vell. Patere., II., 1, 3.)—2. (Savigny, *Von dem Röm. Recht*, II., 1, 3.)—3. (Cic., *Pro Balbo*, 23, 24.)—4. (Tacit., *Ann.*, xiv., 28.)—5. (Tacit., *Ann.*, xiv., 28.)

restitutio may either be effected on the com- of the injured party, which would generally de after the completion of the transaction, or he is sued by the other party in respect of the tion, and defends himself by an exceptio. complaint, as a general rule, must be made four years of the time of the injury being sored, and of the party being capable of bring- action; in the case of minores, the four ere reckoned from the time of their attain- r majority. In the case of an exceptio as no limitation of time.¹ According to the e complaint must be made within one

application for a restitutio could only be made who had jurisdiction, either original or delega- ch flowed from the possession of the impend- it might, according to the circumstances, eed by the magistratus extra ordinem, or the ight be referred to a iudex. When a res- as decreed, each party restored to the other ad received from him, with all its acces- d fruits, except so far as the fruits on one ht be set off against the interest of money rned on the other side. All proper costs enses incurred in respect of the thing to be were allowed. If the object of the restituti- a right, the injured party was restored to his if he had incurred a duty, he was released e duty.

action for restitutio might be maintained by son injured, by his heredes, cessionarii, and ; but, as a general rule, it could only be ed against the person with whom the con- ad been made, and not against a third per- o was in possession of the thing which was to be recovered, except when the actio for stio was an actio in rem scripta, or the injured had an actio in rem, or when the right which d lost was a right in rem.

grounds of restitutio were either those ex- ed in the Edict, or any good and sufficient : "item si qua alia mihi iusta causa esse vide- r: integrum restituam, quod ejus per leges ple- t, senatus consulta, edicta, decreta principum ."²

ground of the restitutio was, that the party ad just cause of complaint had not bona fide- nted to the contract or transaction by which s injured. The following are the chief cases ch a restitutio might be decreed :

case of vis et metus. When a man had acter the influence of force, or reasonable fear l by the acts of the other party, he had an quod metus causa for restitution against the who was the wrong-doer, and also against an nt person who was in possession of that which s illegally been got from him, and also against redes of the wrong-doer if they were enriched g his heredes. If he was sued in respect of naction, he could defend himself by an ex- quod metus causa. The actio quod metus ven by the prætor L. Octavius, a contempo- Cicero.³

case of dolus. When a man was fraudulent- eed to become a party to a transaction which gal in all respects saving the fraud, he had io de dolo malo against the guilty person and redes, so far as they were made richer by the for the restoration of the thing of which he en defrauded, and, if that was not possible, mpenation. Against a third party who was a fide possession of the thing, he had no ac- If he was sued in respect of the transaction,

he could defend himself by the exceptio doli mali. (Vid. CULPA.)⁴

The case of minores xxv. annorum. A mino could by himself do no legal act for which the ass- ent of a tutor or curator was required, and, there- fore, if he did such act by himself, no restitutio was necessary. If the tutor had given his auctoritas, or the curator his assent, the transaction was legally binding, but yet the minor could claim restitutio if he had sustained injury by the transaction. Gaius⁵ gives an example when he says that, if too large an amount was inserted in the condemnation of the formula, the matter is set right by the prætor, or, in other words, "reus in integrum restituitur;" but if too little was inserted in the formula, the prætor would not make any alteration; "for," he adds, "the prætor more readily relieves a defendant than a plaintiff; but we except the case of minores xxv. annorum, for the prætor relieves persons of this class in all cases wherein they have committed error (in omnibus rebus lapsis)."

There were, however, cases in which minores could obtain no restitutio; for instance, when a min- or, with fraudulent design, gave himself out to be major; when he confirmed the transaction after becoming of age; and in other cases. The benefit of this restitutio belonged to the heredes of the min- or, and generally, also, to sureties. The demand could only be made, as a general rule, against the person with whom the minor had the transaction and his heredes. The minor had four years after attaining his majority in which he could sue. The older law allowed only one year. If the time had not elapsed when he died, his heres had the benefit of the remaining time, which was reckoned from the time adeundi hereditatem; and if the heres was a minor, from the time of his attaining his majority (Vid. CURATOR.)

The case of absentia: which comprehends not merely absence in the ordinary sense of the word, but absence owing to madness or imprisonment, and the like causes.⁶ If a man had sustained injury by his own absentia, he was generally entitled to restituti- o if the absentia was unavoidable: if it was not unavoidable, he was entitled to restitutio, either if he could have no redress from his procurator, or was not blameable for not having appointed one. If a man found that he might sustain damage on ac- count of the absence of his adversary, he might avoid that by entering a protestation in due form.

The case of error, mistake, comprehends such error as cannot be imputed as blame; and in such case, a man could always have restitutio when another was enriched by his loss. The erroris causæ probatio somewhat resembles this case.⁴

The case of capitis diminutio through adrogatio or in manum conventio, which was legally followed by the extinction of all the obligations of the per- son adrogated or in manum. The prætor restored to the creditors of such persons their former rights.⁵

The case of alienatio iudicii mutandi causa facta is hardly a case of restitutio, though sometimes con- sidered such. It occurs when a man alienates a thing for the purpose of injuring a claimant by sub- stituting for himself another against whom the claimant cannot so easily prosecute his right. In the case of a thing which the possessor had thus alienated, the prætor gave an actio in factum against the alienor to the full value of the thing. If a man assigned a claim or right with the view of injuring his adversary by giving him a harder claimant to deal with, the adversary could meet the assignee, when he sued, with an exceptio iudicii mutandi causa.

od., ii., tit. 53, s. 7.)—2. (Dig. 4, tit. 6, s. 1.)—3. (Com- t. in Verr., II iii, 65, and Dig. 4, tit. 2, s. 1.)

1. (Compare Dig. 4, tit. 3.)—2. (iv., 57.)—3. (Dig. 4, tit. 6, s. 28.)—4. (Gaius, i., 67-75.)—5. (Gaius, iii., 83; iv., 38.)

The case of alienatio in fraudem creditorum facta.¹ When a man was insolvent (non solvendo), and alienated his property for the purpose of injuring his creditors, the praetor's edict gave the creditors a remedy. If, for instance, a debt was paid post bona possessa, it was absolutely void, for the effect of the bonorum possessio in the case of insolvency was to put all the creditors on the same footing. If any alienation was made before the bonorum possessio, it was valid in some cases. A debtor might reject anything which was for his advantage, for the praetor's edict related only to the diminution of his property, and not to its increase. If the act was such as to diminish his property (fraudationis causa), the creditors, as a general rule, were entitled to have the act undone. A creditor who exacted his just debt was entitled to retain it. The actio by which the creditors destroyed the effect of an illegal alienation was called *pauliana*, which was brought by the *curator bonorum* in the name of the creditors, for the restoration of the thing which had been improperly alienated, and all its fruits. The creditors were also entitled to an *interdictum fraudatorium* in order to get possession of the thing that had been improperly alienated.²

In the imperial times, restitutio was also applied to the remission of a punishment,³ which could only be done by the imperial grace.⁴

RESTITUTORIA ACTIO. (Vid. INTERCESSIO, p. 544.)

RETIARIE. (Vid. GLADIATORES, p. 476.)

RETICULUM. (Vid. CALANTICA.)

RETIS and RETE, *dim.* RETICULUM (*diminutio*) a Net. Nets were made most commonly of flax from Egypt, Colchis, the vicinity of the Cinypts in North Africa, and some other places. Occasionally they were of hemp.⁵ They are sometimes called *lina* (*lino*) on account of the material of which they consisted.⁶ The meshes (*maculae*,⁷ *βρόχοι*, *dim.* *σπυρίδες*)⁸ were great or small, according to the purposes intended, and these purposes were very various. But by far the most important application of network was to the three kindred arts of fowling, hunting, and fishing: and besides the general terms used alike in reference to all these employments, there are special terms to be explained under each of these heads.

I. In fowling, the use of nets was comparatively limited,⁹ nevertheless, thrushes were caught in them,¹⁰ and doves or pigeons, with their limbs tied up or fastened to the ground, or with their eyes covered or put out, were confined in a net, in order that their cries might allure others into the snare.¹¹ The ancient Egyptians, as we learn from the paintings in their tombs, caught birds in clap-nets.¹²

II. In hunting, it was usual to extend nets in a curved line of considerable length, so as in part to surround a space into which the beasts of chase, such as the hare, the boar, the deer, the lion, and the bear, were driven through the opening left on one side.¹³ This range of nets was flanked by cords, to which feathers dyed scarlet and of other bright colours were tied, so as to flare and flutter in the wind. The hunters then sallied forth with their dogs, dislodged the animals from their coverts, and by shouts and barking drove them first within the *formido*, as

the apparatus of string and feathers was called, and then, as they were scared with this apparatus within the circuit of the nets. Splendid descriptions of this scene are given in some of the following passages, all of which allude to the expansion or closure of network.¹ The accompanying woodcuts are taken from two bas-reliefs in the collection of ancient marbles at Ince-Blundell in Lancashire. In the uppermost figure, three servants with staves carry on their shoulders a large net, which is now



ed to be set up as already described.² The foremost servant holds by a leash a dog, which is eager to pursue the game. In the middle figure the net is set up. At each end of it stands a watchman hold-



ing a staff.³ Being intended to take such large quadrupeds as boars and deer (which are never taken in it), the meshes are very wide (*retia raris*,⁴ *varia*). To dispose of the nets in this manner was called *retia ponere*,⁵ or *retia tendere*.⁶ Comparing it with the stature of the attendants, we perceive the net to be between five and six feet high. The upper border of the net consists of a strong rope, which was called *σαρδόν*.⁷ The figures in the following woodcut represent two men carrying the



home after the chase; the stakes for supporting the two of which they hold in their hands, are torques at the top, as is expressed by the terms for them already quoted, *ancones* and *vari*.

Besides the nets used to enclose woods and coverts, or other large tracts of country, two additional kinds are mentioned by those authors who treat of hunting. All the three are mentioned together by Xenophon (*δίκτυα, ἐνόδια, ἄρκυες*, ii. 4), and by Mesiasianus.¹¹

The two additional kinds were placed at intervals in the same circuit with the large hunting-net or haye. The road-net (*πλαγή, ἐνόδιον*) was much less than the others, and was placed across roads and narrow openings between bushes. The purse or tunnel net (*κάσσις, ἄρκυς*) was made with a bag (*σπυρίδα*)¹², intended to receive the animal when chased towards the extremity of the enclosure. Within this bag, if we may so call it, were placed branches of trees, to keep it expanded, and to decoy

1. (Dig. 48, tit. 8.)—2. (Dig. 30, tit. 1, s. 67.)—3. (Tac. Ann., xiv. 18.—Plin., Epist., x. 64, 65.—Dig. 45, tit. 19, s. 27.)—4. (Dig. 4, tit. 1-7; 44, tit. 4.—Paulus, S. R., i. tit. 7-9.—Cod., ii. tit. 20-23.—Cod. Theod., ii. tit. 15, 16.—Mühlenbruch, Doct. Pandect.—Mackelley, Lehrbuch, &c.—Rein, Das Röm. Privatrecht.)—5. (Varro, De Re Rust., iii. 5.)—6. (Hom., Il. v. 487.—Bruck, Anal., ii. 494, 495.)—7. (Ovid, Epist., v. 19.—Varro, De Re Rust., iii. 11.—Nemesiani, Cynege., 302.)—8. (Heliop., vi. p. 231, ed. Commelin.)—9. (Aristoph., Av., 528.)—10. (Hut., Epod. ii. 33, 34.)—11. (Aristoph., Av., 1083.)—12. (Wilson, Man and Cust., vol. iii., p. 35-38, 45.)—13. (Ælian, H. A., vi. 40.—Tibullus, iv. 3, 12.—Plin., H. N., xix., 2, § 2.)

1. (Virg., Georg., iii. 411-413.—Æn., iv. 121, 151-159; 4, 707-715.—Ovid, Epist., iv. 41, 42; v. 19, 20.—Oppian, Cynege., iv. 120-123.—Eurip., Baccha, 821-832.)—2. (Tibullus, i. 4, 4, 50.—Sen., Hippol., i. l. 44.—Propert., iv. 2, 32.)—3. (Oppian, Cynege., iv. 124.)—4. (Virg., Æn., iv. 131.—Hor., Epod. ii. 33.)—5. (Oppian, Cynege., iv. 67, &c.—Pollux, v. 31.)—6. (Grævius, Cynege., 87.)—7. (Lucan, iv. 439.)—8. (Virg., Georg. i., 307.)—9. (Ovid, Art. Amat., i. 45.)—10. (Xen., De Venat. vi., 9.)—11. (Cynege., 299, 300.)—12. (Xen., De Venat., vi., 7.)



Martial² speaks of it under the name

S (*ρύτρος*), a plant, which many of the writers on Theophrastus, &c., and Sprengel among the rest, conclude to be *Echinops*, L. "But," as Schneider is better, with Bauhin, to admit our plant, than indulge in unfounded conjecture. (*FLAMEN*, p. 446.)

RECINIUM, or RECINUS, an article of dress consisting of a square piece of purple in a fragment of the Twelve Tables the ancient commentators, according to Festus, explained the word there as a toga for reading *ver. togam* be right instead of *gam*), with a purple stripe in front. It was an article of female dress, and more small and short kind of pallium, is mentioned by Varro. It was worn in grief and mourning, and in such a manner half of it was thrown back,⁵ whence grammarians derive the word from *reji-*na it is manifestly a derivative from *re-* as a covering of the head used by female grammarians appear themselves to have a clear idea of the ricinium; but, after the explanation of the passages above referred to, it is to be taken to have been a kind of mantle, with a purple stripe attached to it, in order to cover the head also worn by mimes upon the stage;¹⁰ and in triumph, mavorite, or mavors of later times thought to be only another name for the ricinium.

ANNULI. Every freeman in Rome was to have used a ring; and, at least in the early times, not as an ornament, but as a seal, as the ring always served as a seal. The custom of wearing rings among the Romans cannot be ascertained, though it is mentioned by Pliny¹¹ observes, that in the History there are no traces of it. In works of art, and those legends in which the later ages are mixed up with those of the ancients, we find the most ancient heroes wearing rings.¹² But it is highly probable that the custom of wearing rings was introduced from Asia, where it appears to have been most universal.¹³ In the time of Solon, (*σφραγίδες*), as well as the practice of wearing them, appears to have been rather common.

Diogenes Laërtius¹⁴ speaks of a law which forbade the artists to keep the form of a seal (*σφραγίς*) which he had sold. (Instances of sealed seals are given in Becker's *Charities*, however, it was customary, as

early as the time of Solon, to wear rings with precious stones on which the figures were engraved, may justly be doubted; and it is much more probable that at that time the figures were cut in the metal of the ring itself, a custom which was never abandoned altogether. Rings without precious stones were called *ἀσηφοί*, the name of the gem being *ψήφος* or *σφραγίς*.¹ In later times rings were worn more as ornaments than as articles for use, and persons now were no longer satisfied with one, but wore two, three, or even more rings; and instances are recorded of those who regularly loaded their hands with rings.² Greek women likewise used to wear rings, but not so frequently as men; the rings of women also appear to have been less costly than those of men, for some are mentioned which were made of amber, ivory, &c.³ Rings were mostly worn on the fourth finger (*παράμεσος*).⁴ The Lacedæmonians are said to have used iron rings at all times.⁵ With the exception, perhaps, of Sparta, the law does not appear to have ever attempted, in any Greek state, to counteract the great partiality for this luxury; and nowhere in Greece does the right of wearing a golden ring appear to have been confined to a particular order or class of citizens.

The custom of wearing rings was believed to have been introduced at Rome by the Sabines, who were described in the early legends as wearing golden rings with precious stones (*gemmati annuli*) of great beauty.⁶ Florus⁷ states that it was introduced from Etruria in the reign of Tarquinius Priscus, and Pliny⁹ derives it from Greece. The fact that among the statues of the Roman kings in the Capitol, two, Numa and Servius Tullius, were represented with rings, can scarcely be adduced as an argument for their early use, as later artists would naturally represent the kings with such ensigns as were customary for the highest magistrates in later times. But, at whatever time rings may have become customary at Rome, thus much is certain, that at first they were always of iron; that they were destined for the same purpose as in Greece, namely, to be used as seals; and that every free Roman had a right to use such a ring. This iron ring was used down to the last period of the Republic by such men as valued the simplicity of the good old times. Marius wore an iron ring in his triumph over Jugurtha, and several noble families adhered to the ancient custom, and never wore golden ones.⁹

When senators, in the early times of the Republic, were sent as ambassadors to a foreign state, they wore, during the time of their mission, golden rings, which they received from the state, and which were, perhaps, adorned with some symbolic representation of the Republic, and might serve as a state-seal. But ambassadors used their rings only in public; in private they used their iron ones.¹⁰ In the course of time it became customary for all the senators, chief magistrates, and at last for the equites also, to wear a golden seal-ring.¹¹ This right of wearing a golden ring, which was subsequently called the *jus annuli aurei*, or the *jus annulorum*, remained for several centuries at Rome the exclusive privilege of senators, magistrates, and equites, while all other persons continued to use iron ones.¹² Magistrates and governors of provinces seem to have had the right of conferring upon

colano, v., t. 46.—Zahn, Ornament und Wandgem., p. 35.—3. (Becker, Charities, i., p. 505.)—4. (v., t. 4.—Adams, Append., s. v.)—5. (s. v.)—6. (ii., 23.)—7. (xiv., 33.)—8. (Varro, De Ling. Lat., Serv. ad Æn., i., 286.—Isidor, Orig., xix., 25.)—9. (Fest., s. v. Rica.)—10. (Fest., l. c., and s. v. (H. N., xxxiii., 4.)—12. (Paus., i., 17, § 3; x., Iph. Aul., 154.—Id., Hippol., 859.)—13. (Herod., De Republ., ii., p. 359.)—14. (ii., 57.)—15. (ii., p.

1. (Artemid., Oneirocrit., ii., 5.)—2. (Plat., Hipp. Min., p. 368.—Aristoph., Eccles., 632.—Nub., 332, with the scholia.—Dinarch in Demosth., p. 29.—Diog. Laërt., v., 1.)—3. (Artemid., l. c.)—4. (Plut., Symp. Fragm., lib. iv.—Gell., x., 10.)—5. (Plin., H. N., xxxiii., 4.)—6. (Liv., i., 11.—Dionys., ii., 38.)—7. (ii., 5.)—8. (l. c.)—9. (Plin., H. N., xxxiii., 6.)—10. (Plin., xxxiii., 4.)—11. (Liv., ix., 7, 46; xvii., 36.—Cic., c. Verr., iv., 25.—Liv., xxiii., 12.—Flor., ii., 6.)—12. (Appian, De Reb. Pub., 104.)

inferior officers, or such persons as had distinguished themselves, the privilege of wearing a golden ring. Verres thus presented his secretary with a golden ring in the assembly at Syracuse.¹ During the Empire, the right of granting the *annulus aureus* belonged to the emperors, and some of them were not very scrupulous in conferring this privilege. Augustus gave it to Mena, a freedman, and to Antonius Musa, a physician.² In A.D. 22 the Emperor Tiberius ordained that the golden ring should only be worn by those *ingenui* whose fathers and grandfathers had had a property of 400,000 sesteritia, and not by any freedman or slave.³ But this restriction was of little avail, and the ambition for the *annulus aureus* became greater than it had ever been before.⁴ The emperors Severus and Aurelian conferred the right of wearing golden rings upon all Roman soldiers,⁵ and Justinian at length allowed all the citizens of the Empire, whether *ingenui* or *libertini*, to wear such rings.

The status of a person who had received the *jus annuli* appears to have differed at different times. During the Republic and the early part of the Empire, the *jus annuli* seems to have made a person *ingenuus* (if he was a *libertus*), and to have raised him to the rank of *eques*, provided he had the requisite equestrian census,⁶ and it was probably never granted to any one who did not possess this census. Those who lost their property, or were found guilty of criminal offences, lost the *jus annuli*.⁷ Afterward, especially from the time of Hadrian, the privilege was bestowed upon a great many freedmen, and such persons as did not possess the equestrian census, who therefore, for this reason alone, could not become equites; nay, the *jus annuli*, at this late period, did not even raise a freedman to the station of *ingenuus*: he only became, as it were, a half *ingenuus* (*quasi ingenuus*), that is, he was entitled to hold a public office, and might at any future time be raised to the rank of *eques*.⁸ The *lex Visellia*⁹ punished those freedmen who sued for a public office without having the *jus annuli aurei*. In many cases a *libertus* might, through the *jus annuli*, become an *eques* if he had the requisite census, and the princeps allowed it; but the *annulus* itself no longer included this honour. This difference in the character of the *annulus* appears to be clear, also, from the fact that women received the *jus annuli*,¹⁰ and that Alexander Severus, though he allowed all his soldiers to wear the golden ring, yet did not admit any freedmen among the equites.¹¹ The condition of a *libertus* who had received the *jus annuli* was in the main as follows: Hadrian had laid down the general maxim that he should be regarded as an *ingenuus salvo jure patroni*.¹² The patronus had also to give his consent to his freedman accepting the *jus annuli*, and Commodus took the *annulus* away from those who had received it without this consent.¹³ Hence a *libertus* with the *annulus* might be tortured if, *e. g.*, his patron died an unnatural death, as, in case of such a *libertus* dying, his patron might succeed to his property. The freedman had thus, during his lifetime, only an *imago libertatis*; he was a quasi *ingenuus*, but had not the status of an *ingenuus*,¹⁴ and he died quasi *libertus*. In the reign of Justinian these distinctions were done away with. Isidorus¹⁵ is probably allu-

ding to the period preceding the reign of Justinian when he says that freedmen wore golden rings, silver, and slaves iron rings.

The practical purposes for which rings, or rather the figures engraved upon them, were used at times, were the same as those for which we use our seals. Besides this, however, persons who they left their houses, used to seal up such persons contained stores or valuable things, in order to secure them from thieves, especially slaves.¹ The ring of a Roman emperor was a kind of seal, and the emperor sometimes allowed the use of it to such persons as he wished to be regarded as his representatives.² The keeping of the imperial seal-ring was intrusted to an especial officer (*magister anuli*).³ The signs engraved upon rings were very various, as we may judge from the specimens still extant: they were portraits of ancestors or friends, subjects connected with the mythology or the worship of the gods; and in many cases a person engraved upon his seal symbolical allusions to his real or mythical history of his family.⁴ Sulla wore a ring with a gem, on which Jupiter was represented at the moment he was made *optimus*. Pompey used a ring on which three trophies were represented,⁵ and Augustus at first sealed with a sphinx, afterward with a portrait of Alexander the Great, and at last with his own portrait, which was subsequently done by several emperors.⁶ The principal value of a ring consisted in the gem framed in it, or, rather, in the workmanship of the engraving. The stone most frequently used was the *onyx* (*σφενδάρινος*, *σφενδάρις*), on account of its various colours, of which the artists made the most skilful use. In the art of engraving figures upon gems, the ancients, in point of beauty and execution, far surpass every thing in this department that modern times can boast of. The ring itself (*σφενδάριον*), in which the gem was framed, was likewise, in many cases, of beautiful workmanship. The part of the ring which contained the gem was called *pala*. (Vid. *Pal.*) In Greece we find that some persons fond of show used to wear hollow rings, the inside of which was filled up with a less valuable substance.⁷

With the increasing love of luxury and show, the Romans, as well as the Greeks, covered their fingers with rings. Some persons also wore rings of immoderate size, and others used different rings in summer and winter.⁸

Much superstition appears to have been connected with rings in ancient as well as in more modern times; but this seems to have been the case in the East and in Greece more than at Rome. Some persons made it a lucrative trade to sell rings which were believed to possess magic powers, and to preserve those who wore them from external dangers. Such persons are Eudamus in Aristophanes,⁹ and Phertatus in Antiphanes.¹⁰ These rings were for the most part worn by the lower classes, and thus not of costly material, as may be inferred from the price (one drachma) in the two instances referred to. There are several celebrated rings with magic powers mentioned by the ancient writers, as that of Gyges, which he found in a grave,¹¹ that of Charicleia,¹² and the iron ring of Eucrates.¹³

1. (Plat., De Legg., xii., p. 954.—Aristoph., Thesmoph. ii. &c.—Plaut., Cus., ii., 1. 1.—Cic. ad Fam., xvi., 26.—De Or., 61.—Mart., ix., 88.)—2. (Dion Cass., lxxv., 2.)—3. (Jul. Max. xliii., 5.)—4. (Cic. in Cat., iii., 5.—Val. Max., iii., 5, 1.—Cic., Fin., v., 1.—Suet., Tib., 55, 63.—Plin., H. N., ii., 7, &c.—Plin., H. N., xxxvii., 4.—Plut., Mar., 10.)—5. (Dion Cass., xliii., 18.)—6. (Plin., H. N., xxxvii., 4.—Suet., Octav., 50.—Dion Cass., li., 3.—Spartian., Hadr., 26.)—7. (Artemid., l. c.)—8. (Quint., xi., 3.—Juv., i., 28.—Mart., xi., 59; xiv., 123.)—9. (Plat., with the schol.)—10. (ap. Athen., iii., p. 123.)—11. (Plat., Republ., ii., p. 359, &c.—Plin., H. N., xxxii., 4.)—12. (Hæc. Æth., iv., 8.)—13. (Lucian., Philop., 17.—Compare Becker, Phil., i., p. 398, &c.—Kirchmann, De Annulis, Sleswig, 1804.—P. Burmann, De Jure Annulorum, Ultrasjecti, 1734.)

1. (Cic., Ver., iii., 70, 80; ad Fam., x., 32.—Suet., Jul., 80.—Dion Cass., xliii., 48; liii., 30.)—2. (Plin., H. N., xliii., 5.—Plin., Epist., vii., 26; viii., 6.—Suet., Galba, 13.—Stat., Sylv., 8.—Vopisc., Aurel., 7.)—3. (Plin., H. N., xliii., 5.—Tacit., Hist., i., 13; ii., 57.)—4. (Juv., Sat., iii., 6.—Suet., Jul. Capitol., Macrin., 31.—Dion Cass., li., 10, Dig. 40, tit. 10, s. 4.)—5. (Lampridius, 31.—Dion Cass., li., 10, s. 6.)—6. (Dig. 40, tit. 10, s. 5.)—7. (Dig. 40, tit. 10, s. 5.)—8. (Dig. 40, tit. 10, s. 5.)—9. (Plat., with the schol.)—10. (ap. Athen., iii., p. 123.)—11. (Plat., Republ., ii., p. 359, &c.—Plin., H. N., xxxii., 4.)—12. (Hæc. Æth., iv., 8.)—13. (Lucian., Philop., 17.—Compare Becker, Phil., i., p. 398, &c.—Kirchmann, De Annulis, Sleswig, 1804.—P. Burmann, De Jure Annulorum, Ultrasjecti, 1734.)

the same way for the purpose of trophies: this was called by them ἀκροτηριάζειν. (Vid. ACROTERIUM.)

The rostra lay between the comitium or place of meeting for the curies, and the Forum or place of meeting for the tribes, so that the speaker might turn either to the one or the other; but, down to the time of Caius Gracchus, even the tribunes, in speaking, used to front the comitium; he first turned his back to it, and spoke with his face towards the Forum.¹ The form of the rostra has been well described by Niebuhr² and Bunsen:³ the latter supposes "that it was a circular building, raised on arches, with a stand or platform on the top bordered by a parapet, the access to it being by two flights of steps, one on each side. It fronted towards the comitium, and the rostra were affixed to the front of it, just under the arches. Its form has been, in all the main points, preserved in the ambones, or circular pulpits of the most ancient churches, which also had two flights of steps leading up to them, one on the east side, by which the preacher ascended, and another on the west side for his descent. Specimens of these old churches are still to be seen at Rome in the churches of St. Clement and S. Lorenzo fuori le mure." The speaker was thus enabled to walk to and fro while addressing his audience.

The suggestus or rostra was transferred by Julius Cæsar to a corner of the Forum, but the spot where the ancient rostra had stood still continued to be called *Rostra Vetera*, while the other was called *Rostra Nova* or *Rostra Julia*.⁴ Both the rostra contained statues of illustrious men;⁵ the new rostra contained equestrian statues of Sulla, Pompey, J. Cæsar, and Augustus.⁶ Niebuhr⁷ discovered the new rostra in the long wall that runs in an angle towards the three columns, which have for a very long time borne the name of Jupiter Stator, but which belong to the Curia Julia. The substance of the new rostra consists of bricks and casting-work, but it was, of course, cased with marble: the old rostra Niebuhr supposes were constructed entirely of peperino.

The following cut contains representations of the rostra from Roman coins, but they give little idea of their form: the one on the left hand is from a denarius of the Lollia Gens, and is supposed to represent the old rostra, and the one on the right is from a denarius of the Sulpicia Gens, and supposed to represent the new rostra.⁸



ROSTRATA COLUMNA. (Vid. COLUMNA, p. 290.)

ROSTRATA CORONA. (Vid. CORONA, p. 310.)

ROSTRUM. (Vid. SHIPS.)

ROTA. (Vid. CURRUS, p. 331.)

*RUBETA. (Vid. PHRYNUS.)

RUBRIA LEX. (Vid. LEX, p. 585.)

*RUBRICA. (Vid. MILITOS.)

RUDENS (κάλας, dim. καλωδιού⁹), any rope used

to move or fix the mast or sail of a vessel, especially: I. The ropes used to elevate or depress the mast, and to keep it firm and steady when elevated, were called *rudentes*, in Greek τενόνες. These ropes extended from the higher part of the mast towards the prow in one direction, and the stern in the other. (Vid. WOODEN, p. 62.) II. Those used to raise or lower the yard. (Vid. TENNA.)¹ According to the ancient school, these ropes are the κάλοι mentioned in *Od.*, v. 290. III. Those fastened to the bottom of the sail at its two corners, and therefore called πώδες.² Before setting sail, these ropes, which our seamen call the *ears*, would lie in a coil or bundle. In order, therefore, to depart, the first thing was to unroll or unfold them (*excutere*), the next to adjust them according to the direction of the wind and the aim of the voyage.³ With a view to fill the sail and make it expose the largest surface, they were let out, which was called *immittere* or *lazare*.⁴ "Lazate rudens" among the Romans⁵ was equivalent to "Ease the sheets" with us. IV. Those used in towing (πλώσι ἀπὸ καλῶν) as when the oars became useless in consequence of the proximity of the shore⁶ (παρόλιον).

In a more extended sense, the terms *rudens* and *κάλας* were applied to ropes of any description. In the comedy of Plautus¹¹ it is applied to a rope with which a fisherman drags his net.

RUDERATIO. (Vid. HOUSE, ROMAN, p. 310.)

RUDARIUM. (Vid. GLADIATORES, p. 478.)

RUDIS. (Vid. GLADIATORES, p. 478.)

RUNCINA (ρῦκάνη), a Plane.¹²

The plane, which is delineated in the accompanying tools (*Instrument. Fabr. Tignar.*) in the p. 664, showing the stock with two hands, and the iron (ξίφη¹³) very long, but in our planes, seems to be of that kind which is adapted to make grooves, rebates, &c. The square hole in the right side of the stock is intended for the passage of the shavings. It is certain that the shavings of firwood by such a plane as that here exhibited, precisely answer to Pliny's description of turning them to curls of human hair and to that of the vine.¹⁴ The Latin and Greek name of the instrument gave origin to the correspondentive verbs *runcino* and *ρῦκανάω*, meaning they seem to be allied etymologically with referring to the operation of those beasts which use their snout or beak to plough ground.

RUPILLE LEGES. (Vid. LEX, p. 585.)

RUTILIANA ACTIO was a praetorian remedy introduced by the praetor Publius Rutilius, by which the bonorum emptor could sue in the name of the person whose goods he had bought, and the condemnatio to be made in his own favor in his own name.¹⁶

RUTRUM, dim. RUTELLUM, a kind of plough which had the handle fixed perpendicularly in the middle of the blade, thus differing from the *Rutrum*. It was used before sowing to level the ground, breaking down any clods which adhered to the plough together.¹⁷ This operation is described by Virgil in the following terms, which also assign the derivation of the name: "*Cumulosque ruit male pinguis*"

1 (Niebuhr, *Hist. of Rome*, i. p. 426, note 990.)—2. (iii. p. 166, n. 268.)—3. (Quoted by Arnold, *Hist. of Rome*, ii. p. 164.)—4. (Ascon. in Cic., *Mil.*, § 12, p. 43, ed. Orelli.—Dion Cass., xliii. 49; lvi. 34.—Suet., *Octav.*, 100.)—5. (Cic., *Philipp.*, ii. 61.)—6. (Paterc., ii. 61.)—7. (l. c.)—8. (Spanheim, *De Præst. et Usu Numism.*, ii. p. 191.)—9. (Synos., *Epist.*, 4, p. 28, ed. Par., 1605.)

1. (*Juv.*, vi. 102.—*Ovid. Met.*, iii. 616.—*Achilles*, 32.)—2. (*Hom.*, ii. 1. 434.—*Od.*, ii. 425; vi. 408.—*Rhod.*, i. 564, 1204.—*Æschyl.*, *Agam.*, 570.—*Euryp.*, *Phœn.*, 100.—*Bruck.*, *Anal.*, i. 22; ii. 210.)—3. (*Catullus*, *Att.*, 4.—*Hom.*, *Od.*, i. c.; x. 32.—*Apoll. Rhod.*, ii. 73.—*Virg.*, *Æn.*, iii. 267, 683.)—4. (*Id. ib.*, v. 733.)—5. (*Virg.*, *Æn.*, x. 229.)—6. (*Ovid.*, *De Ponto*, IV. iv. 73; *cyd.*, iv. 25.—*Schol.* ad loc.)—7. (*Herod.*, ii. 28.—*Sic.*, xvii. 43.)—8. (*Rudens*, iv. 3, l. 76, 92.—*Id.*, *Apol.*, 12.—*Bruck.*, *Anal.*, i. 227.)—9. (*Hesych.*, *αὐτ.*, 42, s. 82.)—10. (*Min. Felix*, 23.)—11. (*Gaius*, *Inst.*, iv. 35.)—12. (*Non. Marc.*, p. 15, ed. Mercen.)

The same implement was used in mixing clay with water and straw to make plaster.

The word *rutabulum* ought to be considered as the form of *rutrum*. It denoted a hoe or rake of the same construction, which was used by the farmer in stirring the hot ashes of his oven.² A *rutabulum* was employed to mix the contents of the vats in which wine was made.⁴

S.

SACCHARUM (σάκχαρον). Sugar. "The anise-sugar, called also 'the Honey of Reeds' and 'a Salt,' was a natural concretion, forming on reeds, but more especially on the bamboo (*Bambusa arundinacea*). It would appear that Chorrenensis, in the fifth century, is the first who distinctly mentions our sugar, that is, the sugar procured by boiling from the cane. The first mention of the bamboo cane is by Herodotus, and then by Ctesias."⁵

SACELLUM is a diminutive of *sacer*, and signifies a small place consecrated to a god, containing an altar, and sometimes, also, a statue of the god to whom it was dedicated.⁶ Festus⁷ completes the definition by stating that a *sacellum* never had a fence, was, therefore, a sacred enclosure, surrounded by a fence or wall to separate it from the ground around it, and answers to the Greek *temple*. The form of a *sacellum* was sometimes square and sometimes round. The ancient *sacellum* of Janus, which was said to have been built by the god, was of a square form, contained a statue of the god, and had two gates.⁸ Many Romans had private *sacella* on their own estates; but the city of Rome contained a great number of public *sacella*, such as that of *Caca*,⁹ of *Hercules* in the *Boarium*,¹⁰ of the *Lares*,¹¹ of *Nenia*,¹² of *Ma*,¹³ and others.

SACERDOS, SACERDOTIUM. Cicero¹⁴ distinguishes two kinds of sacerdoties; those who had the superintendence of the forms of worship (*cere* and of the *sacra*, and those who interpreted and what was uttered by seers and prophets. The division is that into priests who were not devoted to the service of any particular deity, such as pontiffs, augurs, fetiales, and those who were connected with the worship of a particular divinity, as the *flamines*. The priests of the ancient world did not consist of men alone, for in Greece, as at Rome, certain deities were only attended by priestesses. At Rome the wives of pontiffs were regarded as priestesses, and performed certain sacred functions, as the *regina sacrorum* and the *flaminica*. (*Vid. FLAMEN, SACERDOTIUM*.) In other cases maidens were appointed as priestesses, as the *vestal virgins*, or boys, regard to whom it was always requisite that their fathers and mothers should be alive (*patrimi et matrum*). As all the different kinds of priests are mentioned separately in this work, it is only necessary to make some general remarks.

In comparison with the civil magistrates, all priests at Rome were regarded as *homines privati*,¹⁵ and all of them, as priests, were sacerdoties pub-

lici, in as far as their office (*sacerdotium*) was connected with any worship recognised by the state. The appellation of *sacerdos publicus* was, however, given principally to the chief pontiff and the *flamines dialis*,¹ who were, at the same time, the only priests who were members of the senate by virtue of their office. All priestly offices or sacerdotia were held for life, without responsibility to any civil magistrate. A priest was generally allowed to hold any other civil or military office besides his priestly dignity;² some priests, however, formed an exception, for the *duumviri*, the *rex sacrorum*, and the *flamines dialis* were not allowed to hold any state office, and were also exempt from service in the armies.³ Their priestly character was, generally speaking, inseparable from their person as long as they lived;⁴ hence the augurs and *fratres aruales* retained their character even when sent into exile, or when they were taken prisoners.⁵ It also occurs that one and the same person held two or three priestly offices at a time. Thus we find the three dignities of *pontifex maximus*, *augur*, and *decemvir sacrorum* united in one individual.⁶ But two persons belonging to the same gens were not allowed to be members of the same college of priests. This regulation, however, was in later times often violated or evaded by adoptions.⁷ Bodily defects rendered, at Rome as among all ancient nations, a person unfit for holding any priestly office.⁸

All priests were originally patricians, but from the year B. C. 367 the plebeians also began to take part in the sacerdotia (*vid. PLEBES*, p. 784); and those priestly offices which, down to the latest times, remained in the hands of the patricians alone, such as that of the *rex sacrorum*, the *flamines*, *salii*, and others, had no influence upon the affairs of the state.

As regards the appointment of priests, the ancients unanimously state that at first they were appointed by the kings;⁹ but after the sacerdotia were once instituted, each college of priests—for nearly all priests constituted certain corporations called *collegia*—had the right of filling up the occurring vacancies by co-optatio. (*Vid. PONTIFEX*, page 790.) Other priests, on the contrary, such as the *vestal virgins* and the *flamines*, were appointed (*capiebantur*) by the *pontifex maximus*, a rule which appears to have been observed down to the latest times; others, again, such as the *duumviri sacrorum*, were elected by the people¹⁰ or by the *curiæ*, as the *curiones*. But, in whatever manner they were appointed, all priests, after their appointment, required to be inaugurated by the pontiffs and the augurs, or by the latter alone.¹¹ Those priests who formed colleges had originally, as we have already observed, the right of co-optatio; but in the course of time they were deprived of this right, or, at least, the co-optatio was reduced to a mere form, by several laws, called *leges De Sacerdotiis*, such as the *lex Domitia*, *Cornelia*, and *Julia*; their nature is described in the article *PONTIFEX*, page 790, &c.; and what is there said in regard to the appointment of pontiffs, applies equally to all the other colleges. The *leges annales*, which fixed the age at which persons became eligible to the different magistracies, had no reference to priestly offices; and, on the whole, it seems that the *pubertas* was regarded as the time after which a person might be appointed to a sacerdotium.¹²

¹ Cic. De Legg. ii. 8.—² Varro, De Ling. Lat. ed. Spengel.—³ (Cato, De Re Rust., 10, 128.—*Pal.*—*Re Rust.*, i., 15.—*Plin.*, H. N., xxxvi., 23, s. 55.)—⁴ (Colum., De Re Rust., xii., 20.)—⁵ (Dioscorid.—*Theophr.*, *Fragm.*—*Strabo*, xv.—*Plin.*, H. N., xii., *Orig.*, xvii., 7.—*Herod.*, iii., 98.—*Adams*, *Append.*, s. *Call.*, vi., 12.)—⁶ (S. v.)—⁷ (S. Ovid, *Fast.*, i., 275.—*Manr.* in *Wernsdorff's* *Poet. Min.*, ii., p. 279.)—⁸ (*En.*, viii., 190.)—⁹ (*Solin.*, i.—*Plin.*, H. N., x., 29.)—¹⁰ (S. v.)—¹¹ (Fest., s. v. *Nannin* *Dem.*)—¹² (*Liv.*, x., 2.)—¹³ (Fest., s. v. *Nannin* *Dem.*)—¹⁴ (*Liv.*, x., 2.)—¹⁵ (Cic., c. *Cat.*, i., 1; *De Off.*, *Att.*, iv., 2.—*Philipp.*, v., 17.)

1. (Cic., *De Legg.*, ii., 9.—*Serv.* ad *Æn.*, xii., 534.)—2. (*Liv.*, xxxviii., 47; xxxix., 45.—*Epit.*, lib. xix; xl., 45.—*Epit.*, 59, &c.)—3. (*Dionys.*, iv., 8.)—4. (*Plin.*, *Epist.*, iv., 8.)—5. (*Plin.*, H. N., xviii., 2.—*Plut.*, *Quæst. Rom.*, 99.)—6. (*Liv.*, xl., 42.)—7. (*Serv.* ad *Æn.*, vii., 303.—*Dion Cass.*, xxxix., 17.)—8. (*Dionys.*, ii., 21.—*Senec.*, *Controv.*, iv., 2.—*Plut.*, *Quæst. Rom.*, 73.—*Plin.*, H. N., vii., 29.)—9. (*Dionys.*, ii., 21. &c., 73.—*Liv.*, i., 20.)—10. (*Dionys.*, iv., 62.)—11. (*Id.*, ii., 22.)—12. (*Liv.*, xlii., 28.—*Plut.*, *Tib. Gracc.*, 4.)

obligation was in later times evaded in various ways.

The *sacra privata* were reckoned also the *municipalia*, that is, such *sacra* as a community had been accustomed to perform before receiving the Roman franchise. After this the Roman pontiffs took care that they were in the same manner as before.¹ (COMPENSIFICIUM.)

MENTUM. (*Vid.* VINDICLÆ.)

SACRARIUM was, according to the definition of its place in which sacred things were deposited, whether this place was a part of a private house.² A *sacrarium*, therefore, that part of a house in which the images and statues were kept. Respecting the *sacrarium* see LABARARIUM. Public *sacraria* at Rome: one attached to the Temple of the Jupiter, in which the *tensæ*, or chariots of processions, were kept;³ the place of the which the *ancilia* and the lituus of Romulus, and others. In the time of the emperor the name *sacrarium* was sometimes applied to a place in which a statue of an emperor was

Livy⁴ uses it as a name for a sacred place in general.

SACRATÆ LEGES. (*Vid.* LEX, p. 585.)

SACRIFICIUM (*ιερείον*): Sacrifices or offerings were the chief part of the worship of the ancients. They are partly signs of gratitude, partly a means of propitiating the gods, and partly, also, intended to induce the deity to bestow some favour upon the sacrificer, or upon those on whose behalf the sacrifice is offered. Sacrifices in a wider sense would embrace the *DONARIA*; in a narrower sense, they were things offered to the gods, which afforded momentary gratification, which were deposited upon their altars, or were believed to be conveyed to the gods. We shall divide all sacrifices into three great divisions, bloody sacrifices and unbloody sacrifices, and, where it is necessary, connect Greek and Roman sacrifices separately.

Sacrifices.—As regards sacrifices in the ancient times, the ancients themselves sometimes distinguished between unbloody sacrifices, chiefly offerings which had been customary long before bloody sacrifices were introduced among them.⁵ It cannot, however, be denied, that sacrifices of fruit, cakes, libations, and the like, existed in very early times; but bloody sacrifices, and, more than this, human sacrifices, were very frequently mentioned in early story; and the mythology of Greece is full of instances of human sacrifices being offered, and of their pleasures. Wachsmuth⁶ has given a list of the celebrated instances. It may be said that the evidence has come down to us with any degree of certainty; but surely the spirit which pervades the legends is sufficient to prove that human sacrifices had nothing repulsive to the ancients, and must have existed to some extent in the earliest times of Greece, we find various instances of human sacrifices, and in several parts of Greece, which can only be accounted for by supposing that they were introduced as subordinate human sacrifices. In other cases, where there had shown less of its softening influence, human sacrifices remained customary through-

out the historical periods of Greece, and down to the time of the emperors. Thus, in the worship of Zeus Lycaeus in Arcadia, where human sacrifices were said to have been introduced by Lycaon,¹ they appear to have continued till the time of the Roman emperors.² In Leucas a person was every year, at the festival of Apollo, thrown from a rock into the sea;³ and Themistocles, before the battle of Salamis, is said to have sacrificed three Persians to Dionysus.⁴ Respecting an annual sacrifice of human beings at Athens, *vid.* THARGELIA. With these few exceptions, however, human sacrifices had ceased in the historical ages of Greece. Owing to the influence of civilization, in many cases animals were substituted for human beings, in others a few drops of human blood were thought sufficient to propitiate the gods.⁵ The custom of sacrificing human life to the gods arose undoubtedly from the belief, which, under different forms, has manifested itself at all times and in all nations, that the nobler the sacrifice, and the dearer to its possessor, the more pleasing it would be to the gods. Hence the frequent instances in Grecian story of persons sacrificing their own children, or of persons devoting themselves to the gods of the lower world. In later times, however, persons sacrificed to the gods were generally criminals who had been condemned to death, or such as had been taken prisoners in war.

That the Romans also believed human sacrifices to be pleasing to the gods might be inferred from the story of Curtius, and from the self-sacrifice of the Decii. The symbolic sacrifice of human figures made of rushes at the Lemuralia (*vid.* LEMURALIA) also shows that in the early history of Italy human sacrifices were not uncommon. For another proof of this practice, see the article VER SACRUM. One awful instance also is known, which belongs to the latest period of the Roman Republic. When the soldiers of J. Cæsar attempted an insurrection at Rome, two of them were sacrificed to Mars in the Campus Martius by the pontiffs and the flamen Martialis, and their heads were stuck up at the regia.⁶

A second kind of bloody sacrifices were those of animals of various kinds, according to the nature and character of the divinity. The sacrifices of animals were the most common among the Greeks and Romans. The victim was called *ιερείον*, and in Latin *hostia* or *victima*. In the early times it appears to have been the general custom to burn the whole victim (*όλοκαυτείν*) upon the altars of the gods, and the same was in some cases, also, observed in later times,⁷ and more especially in sacrifices to the gods of the lower world, and such as were offered to atone for some crime that had been committed.⁸ But, as early as the time of Homer, it was the most general practice to burn only the legs (*μηροί, μηρία, μῆρα*) enclosed in fat, and certain parts of the intestines, while the remaining parts of the victim were consumed by men at a festive meal. The gods delighted chiefly in the smoke arising from the burning victims, and the greater the number of victims, the more pleasing was the sacrifice. Hence it was not uncommon to offer a sacrifice of one hundred bulls (*εκατόμβη*) at once, though it must not be supposed that a hecatomb always signifies a sacrifice of a hundred bulls, for the name was used in a general way to designate any great sacrifice. Such great sacrifices were not less pleasing to men than to the gods, for in regard to the former they were, in reality, a donation of meat. Hence, at Athens, the

¹ s. v. *Municipalia sacra*.—Comparez Ambrosch, *Stud. it.*, p. 215.—Götting, p. 173, &c.—Walter, *Gesch. Rechts*, p. 178.—Hartung, *Die Relig. der Röm.*, i., p. 2.—(Dig. 1, tit. 8, s. 9, § 2.)—3. (Compare Cic., c. 2.—*Pro Mil.*, 31.—*Suet.*, *Tib.*, 51.)—4. (*Suet.*, *Vesp.*, *Falisc.*, 534.)—5. (*Val. Max.*, i., 8, 11.—*Serv. ad Virg.*, 603.)—6. (*Tacit.*, *Ann.*, ii., 41.—*Stat.*, *Sylv.*, v., 1, 1, 21.)—8. (*Plat.*, *De Leg.*, vi., p. 782.—*Paus.*, viii., 26, § 6.—*Müller*, *Sat.*, i., 10, &c.)—9. (*Hell. Alt.*, ii.,

1. (*Paus.*, viii., 2, § 1.)—2. (*Theophrast. ap. Porphyr.*, *de Abst.*, ii., 27.—*Plut.*, *Quest. Gr.*, 39.)—3. (*Strab.*, x., p. 452.)—4. (*Plut.*, *Them.*, 13.—*Arist.*, 11.—*Platop.*, 21.)—5. (*Paus.*, viii., 23, § 1; ix., 8, § 1.)—6. (*Dion Cass.*, xlii., 24.)—7. (*Xen.*, *Anab.*, vii., 8, § 5.)—8. (*Apollon. Rhod.*, iii., 1030, 1209.)

partiality for such sacrifices rose to the highest degree.¹ Sparta, on the other hand, was less extravagant in sacrifices; and while in other Greek states it was necessary that a victim should be healthy, beautiful, and uninjured, the Spartans were not very scrupulous in this respect.² The animals which were sacrificed were mostly of the domestic kind, as bulls, cows, sheep, rams, lambs, goats, pigs, dogs, and horses; but fishes are also mentioned as pleasing to certain gods.³ Each god had his favourite animals, which he liked best as sacrifices; but it may be considered as a general rule, that those animals which were sacred to a god were not sacrificed to him, though horses were sacrificed to Poseidon notwithstanding this usage.⁴ The head of the victim, before it was killed, was in most cases strewed with roasted barley-meal (*οβλόχυρα* or *οβλοχῆται*) mixed with salt (*mola salsa*). The Athenians used for this purpose only barley grown in the Rharian plain.⁵ The persons who offered the sacrifice were generally garlands round their heads, and sometimes, also, carried them in their hands, and before they touched anything belonging to the sacrifice they washed their hands in water. The victim itself was likewise adorned with garlands, and its horns were sometimes gilt. Before the animal was killed, a bunch of hair was cut from its forehead and thrown into the fire as primitiæ.⁶ In the heroic ages, the princes, as the high-priests of their people, killed the victim; in later times this was done by the priests themselves. When the sacrifice was to be offered to the Olympic gods, the head of the animal was drawn heavenward (see the woodcut in p. 157); when to the gods of the lower world, to heroes, or to the dead, it was drawn downward. While the flesh was burning upon the altar, wine and incense were thrown upon it,⁷ and prayers and music accompanied the solemnity.

The most common animal sacrifices at Rome were the *suovetaurilia* or *solivaurilia*, consisting of a pig, a sheep, and an ox. They were performed in all cases of a lustration, and the victims were carried around the thing to be lustrated, whether it was a city, a people, or a piece of land. (*Vid. Lustratio*.) The Greek *τριπύρα*, which likewise consisted of an ox, a sheep, and a pig, was the same sacrifice as the Roman *suovetaurilia*.⁸ The customs observed before and during the sacrifice of an animal were, on the whole, the same as those observed in Greece.¹⁰ But the victim was in most cases not killed by the priests who conducted the sacrifice, but by a person called *popa*, who struck the animal with a hammer before the knife was used.¹¹ The better parts of the intestines (*exta*) were strewed with barley-meal, wine, and incense, and were burned upon the altar. Those parts of the animal which were burned were called *prosecta*, *proscicia*, or *ablegmina*. When a sacrifice was offered to gods of rivers or of the sea, these parts were not burned, but thrown into the water.¹² Respecting the use which the ancients made of sacrifices to learn the will of the gods, *vid. HARUSPEX* and *DIVINATIO*.

Unbloody sacrifices.—Among these we may first mention the libations (*libationes*, *λοιβαί* or *σπονδαί*). We have seen above that bloody sacrifices were usually accompanied by libations, as wine was poured upon them. Libations always accompanied a sacrifice which was offered in concluding a treaty

with a foreign nation; and that here they formed a prominent part of the solemnity, is clear from the fact that the treaty itself was called *σπονδή*. But libations were also made independent of any other sacrifice, as in solemn prayers,¹ and on many other occasions of public and private life, as before drinking at meals, and the like. Libations usually consisted of unmixed wine (*ἐσποπόδος*, *μερῦμα*), but sometimes also of milk, honey, and other fluids, either pure or diluted with water.² Incense was likewise an offering which usually accompanied bloody sacrifices; but it was also burned as an offering for itself. *Frankincense* appears to have been used only in later times;³ but in the early times, and afterward also, various kinds of fragrant wood, such as cedar, fir, vine, and myrtle-wood, were burned upon the altars of the gods.⁴

A third class of unbloody sacrifices consisted of fruit and cakes. The former were mostly offered to the gods as primitiæ or tithes of the harvest, and as a sign of gratitude. They were sometimes offered in their natural state, sometimes, also, adorned or prepared in various ways. Of this kind were the *εἰρησίωνη*, an olive-branch wound around with wax, and hung with various kinds of fruits; the *γυμναῖα*, or pots filled with cooked beans (*vid. ΠΥΡΑΓΓΕΙΟΝ*); the *κέρρον* or *κέρρα*, or dishes with fruit; the *δραγα* or *δραγα* (*vid. OSCHOPHORIA*). Other instances may be found in the accounts of the various festivals. Cakes (*πίλανοι*, *πέμματα*, *πόπανα*, *libum*) were peculiar to the worship of certain deities, as to that of Apollo. They were either simple cakes of flour, sometimes also of wax, or they were made in the shape of some animal, and were then offered as symbolical sacrifices in the place of real animals, either because they could not easily be procured, or were too expensive for the sacrificer.⁵ This appearance, instead of reality, in sacrifices was also manifest on other occasions, for we find that stags were sacrificed instead of stags, and were then called *stags*: and in the Temple of Isis at Rome the priests used water of the river Tiber instead of wine-water, and called the former water of the Nile.⁶

SACRILEGIUM is the crime of stealing things consecrated to the gods, or things deposited in a consecrated place.⁷ A lex Julia, referred to in the Digest,⁸ appears to have placed the crime of sacrilegium on an equality with *peculatus*. (*Vid. PULCRUS*.) Several of the imperial constitutions made death the punishment of a sacrilegus, which consisted, according to circumstances, either in being given up to wild beasts, in being burned alive, or hanged.⁹ Paulus says, in general, that a sacrilegus was punished with death; but he distinguishes between such persons as robbed the *sacra publica*, and such as robbed the *sacra privata*, and he is of opinion that the latter, though more than common thieves, yet deserve less punishment than the former. In a wider sense, sacrilegium was used by the Romans to designate any violation of religion,¹⁰ or of anything which should be treated with religious reverence.¹¹ Hence a law in the Codex¹² states that any person is guilty of sacrilegium who neglects or violates the sanctity of the divine law. Another law¹³ decreed that even a doubt as to whether a person appointed by an emperor to some office was worthy of this office, was to be regarded as a crime equal to sacrilegium.

1. (Athen., i., p. 3.—Compare Böckh, Staatsh., i., p. 226, &c.)
—2. (Plat., Alcib., ii., p. 149.)—3. (Athen., vii., p. 297.)—4. (Paus., viii., 7, § 2.)—5. (Pans., i., 38, § 6.)—6. (Hom., ii., xix., 254.—Id., Od., xiv., 422.)—7. (Compare Eustath. ad H., i., 459.)
—8. (ii., i., 264; xi., 774, &c.)—9. (Callim. ap. Phot., s. v. Τριπύρα.—Aristoph., Plat., 820.)—10. (Virg., Æn., vi., 245.—Serv. ad Virg., Æn., iv., 57.—Fest., s. v. Immolare.—Cato, De Re Rust., 134, 132.)—11. (Serv. ad Æn., xii., 120.—Suet., Calig., 32.—12. (Cato, De Re Rust., 134.—Macrob., Sat., ii., 2.—Liv., xxix., 27.—Virg., Æn., v., 774.)

1. (ii., xvi., 233.)—2. (Soph., Œd. Col., 159, 46.—Trag. N., xiv., 19.—Æschyl., Eum., 107.)—3. (Plin., ii., 2, § 2.)—4. (Suid., s. v. Νηφάλια βίβλα.)—5. (Suid., s. v. Βιβλίον.—Serv. ad Virg., Æn., ii., 116.)—6. (Pestus, s. v. Ovis ovis.—Serv., l. c.—Vid. Wachsmuth, Hell. Alt., ii., 2, § 2.—Hartung, Die Relig. der Römer, i., p. 169, Anm. 1.—Virg., Æn., vii., 3, 21, &c.—Cic., De Leg., ii., 16.—Liv., xii., 1, § 2.—Tit., 13, s. 4.)—9. (Dig., 48, tit. 13, s. 6.)—10. (Cato, De Re Rust., 134, § 1.—Ovid., Met., xv., 529.—Röm. Ant., s. v. Sacra.)—11. (ix., tit. 23, s. 1.)—12. (Cod., ix., tit. 2, § 1.)

RUM DETESTA'TIO. (Vid. GENS, p.

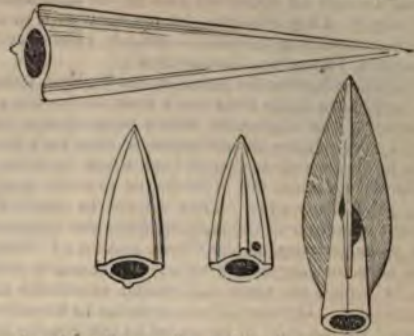
ARES LUDI. (Vid. LUDI SÆCULARES.)
 UM. A sæculum was of a twofold na-
 , either civil or natural. The civil sæc-
 ding to the calculation of the Etruscans,
 adopted by the Romans, was a space of
 ing 110 lunar years. The natural sæc-
 the calculation of which the former was
 pressed the longest term of human life,
 tion or length was ascertained, accord-
 tual books of the Etruscans, in the fol-
 ner: the life of a person, which lasted
 of all those who were born on the day
 dation of a town, constituted the first
 that town; and the longest liver of all
 orn at the time when the second sæcu-
 again determined the duration of the
 dum, and so on.¹ In the same manner
 uscans thus called the longest life of a
 dum, so they called the longest existe-
 te, or the space of 1100 years, a sæcu-
 longest existence of one human race,
 of 8800 years, a secular week, &c.² It
 l that the return of a new sæculum was
 various wonders and signs, which were
 the history of the Etruscans. The re-
 t sæculum at Rome was announced by
 who also made the necessary interca-
 ich a manner, that at the commence-
 ew sæculum, the beginning of the ten-
 r, of the twelve months' year, and of
 ear coincided. But in these arrange-
 eatest arbitrariness and irregularity ap-
 e prevailed at Rome, as may be seen
 equal intervals at which the ludi sæcu-
 ecelebrated. (Vid. LUDI SÆCULARES.)
 counts for the various ways in which
 was defined by the ancients: some be-
 tained thirty,³ and others that it
 hundred years;⁴ the latter opinion ap-
 e been the most common in later times,
 lum answered to our century.⁵

ΣNUM (σαγαπηρόν). "All the ancient
 scribe this as the juice of a ferula;
 zel supposes it the *Ferula Persica*, Willd.
 describes it as being μεταξὺ ὀπῶν, σιλ-
 βάνης, and in like manner it is said of
 burgh Dispensatory, that 'Sagapenum
 l of middle place between asafœtida
 n.'¹⁶

Δ (διστός, ἴος; Herod. τόξενμα), an Ar-
 ccount of the arrows of Hercules⁷ enu-
 describes three parts, viz., the head or
 aft, and the feather.

d was denominated ἄρδης,⁸ whence the
 sed to extract arrow-heads from the
 wounded was called ἄρδιοθήρα. (Vid.
 Great quantities of flint arrow-heads
 Celtic barrows throughout the north of
 orm exactly resembling those which
 l by the Indians of North America,⁹
 the Scythians and Massagetæ had
 ze.¹⁰ Mr. Dodwell found flint arrow-
 plain of Marathon, and concludes that
 igned to the Persian army.¹¹ Those
 Greeks were commonly bronze, as is
 the epithet χαλκῆρης, "fitted with
 ch Homer applies to an arrow.¹² An-

other Homeric epithet, viz., "three-tongued" (τρι-
 λῶχον¹), is illustrated by the forms of the arrow-
 heads, all of bronze, which are represented in the
 annexed woodcut. That which lies horizontally



was found at Persepolis, and is drawn of the size
 of the original. The two smallest, one of which
 shows a rivet-hole at the side for fastening it to the
 shaft, are from the plain of Marathon.² The fourth
 specimen was also found in Attica.³

The use of barbed (*adunca, hamata*) and poisoned
 arrows (*venenata sagitta*) is always represented by
 the Greek and Roman authors as the character-
 istic of barbarous nations. It is attributed to the
 Sauromatæ and Getæ,⁴ to the Servii⁵ and Scythi-
 ans,⁶ and to the Arabs⁷ and Moors.⁸ When Ulyss-
 es wishes to have recourse to this insidious prac-
 tice, he is obliged to travel north to the country of
 the Thresprotians;⁹ and the classical authors who
 mention it do so in terms of condemnation.¹⁰ Some
 of the northern nations, who could not obtain iron,
 barbed their arrow-heads with bone.¹¹ The poi-
 son applied to tips of the arrows having been called
toxicum (τοξικόν), on account of its connexion
 with the use of the bow,¹² the signification of this
 term was afterward extended to poisons in gen-
 eral.¹³

II. The excellence of the shaft consisted in be-
 ing long, and at the same time straight, and, if it
 was of light wood, in being well polished.¹⁴ But it
 often consisted of a smooth cane or reed (*Arundo
 donax* or *phragmites*, Linn.), and on this account
 the whole arrow was called either *arundo* in the
 one case,¹⁵ or *calamus* in the other.¹⁶ In the Egyp-
 tian tombs reed-arrows have been found, varying
 from 34 to 22 inches in length. They show the
 slit (γλῶφίς¹⁷) cut in the reed for fixing it upon the
 string.¹⁸

III. The feathers are shown on ancient monu-
 ments of all kinds, and are indicated by the terms
ala,¹⁹ *pennata sagitta*,²⁰ and *περόντες διαστός*.²¹
 The arrows of Hercules are said to have been feath-
 ered from the wings of a black eagle.²²

Besides the use of arrows in the ordinary way,
 they were sometimes employed to carry fire. Octa-
 vianus attempted to set Antony's ships on fire
 by sending βέλη πυρφόρα from the bows of his arch-
 ers.²³ A headdress of small arrows is said to have

De Die Nat., 17.—2. (Plut., Sulla, 7.—Niem-
 me, i., p. 137.)—3. (Censorin., l. c.)—4. (Varro,
 , p. 54, ed. Bip.—Fest., s. v. Sæculares ludi.)—5.
 Hist. of Rome, i., p. 275, &c.)—6. (Dioscor., iii.,
 Simpl., viii.—Adams, Append., s. v.)—7. (He-
 rod., i., 115; iv., 81.)—8. (Hoare's
 South, p. 783.)—9. (Herod., l. c.)—10. (Tour
 vol. ii., p. 159.)—11. (Il., xiii., 650, 662.)

1. (Il., v., 293.)—2. (Skelton, Illust. of Armour at Goodrich
 Court, i., pl. 44.)—3. (Dodwell, l. c.)—4. (Ovid, Trist., iii., 10,
 63, 64.—De Pont., iv., 7, 11, 12.)—5. (Arnoldi, Chron. Slav., 3,
 § 8.)—6. (Pia, H. N., x., 53, s. 115.)—7. (Pollux, Onom., i.,
 10.)—8. (Hor., Carm., i., 22, 3.)—9. (Hom., Od., i., 261-263.)
 10. (Homer, Pliny, l. cc.—Ælian, H. A., v., 16.)—11. (Tac.,
 Germ., 46.)—12. (Plin., H. N., xvi., 10, s. 20.—Fest., s. v.—Di-
 oscor., vi., 20.)—13. (Plaut., Merc., ii., 4, 4.—Hor., Epod., xvii.,
 61.—Propert., i., 5, 6.)—14. (Hes., Scut., 133.)—15. (Virg.,
 Æn., iv., 69-73; v., 525.—Ovid, Met., i., 471; viii., 382.)—16.
 (Virg., Buc., iii., 12, 13.—Ovid, Met., vii., 778.—Hor., Carm., i.,
 15, 17.—Juv., xiii., 80.)—17. (Hom., Il., iv., 192.—Ovid, xxi.,
 419.)—18. (Wilkinson, Man. and Cust., &c., i., 209.)—19. (Virg.,
 Æn., ix., 578; xii., 319.)—20. (Prudent., Hamart., 498.)—21
 (Hom., Il., v., 171.)—22. (Hes., l. c.)—23. (Dion Cass., i., 34.)

been worn by the Indians,¹ the Nubians and Egyptians, and other Oriental nations.²

In the Greek and Roman armies, the *sagittarii*, more anciently called *arquitæ*, i. e., archers or bowmen,³ formed an important part of the light-armed infantry.⁴ They belonged, for the most part, to the allies, and were principally Cretans.⁵ (Vid. ARCUS, COERTUS, PHARETRA, TORMENTUM.)

SAGMINA were the same as the *Verbena*, namely, herbs torn up by their roots from within the enclosure of the Capitoline, which were always carried by the fetiales or ambassadors when they went to a foreign people to demand restitution for wrongs committed against the Romans, or to make a treaty. (Vid. FETIALES.) They served to mark the sacred character of the ambassadors, and answered the same purpose as the Greek *κρίκεια*.⁶ Pliny⁷ also says that *sagmina* were used in *remediis publicis*, by which we must understand expiations and lustrations. The word *Verbena* seems to have been applied to any kind of herbs, or to the boughs and leaves of any kind of tree, gathered from a pure or sacred place.⁸

According to Festus,⁹ the *verbenæ* were called *sagmina*, that is, pure herbs, because they were taken by the consul or the prætor from a sacred (*sanctus*) place, to give to legati when setting out to make a treaty or declare war. He connects it with the words *sanctus* and *sancire*, and it is not at all impossible that it may contain the same root, which appears in a simpler form in *sacer* (*sag-men*, *sa(n)c-tus*): Marcian,¹⁰ however, makes a ridiculous mistake when he derives *sanctus* from *sagmina*.

Müller¹¹ thinks that *samentum* is the same word as *sagmen*, although used respecting another thing by the Anagninenses.¹²

SAGUM was the cloak worn by the Roman soldiers and inferior officers, in contradistinction to the *paludamentum* of the general and superior officers. (Vid. PALUDAMENTUM.) It is used in opposition to the toga or garb of peace, and we accordingly find that, when there was a war in Italy, all citizens put on the *sagum*, even in the city, with the exception of those of consular rank (*saga sumere, ad saga ire, in sagis esse*): hence, in the Italic war, the *sagum* was worn for two years.¹³

The *sagum* was open in the front, and usually fastened across the shoulders by a clasp, though not always:¹⁴ it resembled in form the *paludamentum* (see woodcuts, p. 721), as we see from the specimens of it on the column of Trajan and other ancient monuments. It was thick and made of wool,¹⁵ whence the name is sometimes given to the wool itself.¹⁶ The cloak worn by the general and superior officers is sometimes called *sagum* (*Punicum sagum*¹⁷), but the diminutive *sagulum* is more commonly used in such cases.¹⁸

The cloak worn by the northern nations of Europe is also called *sagum*: see woodcut, p. 171, where three Sarmatians are represented with *saga*, and compare PALLIUM, p. 719. The German *sagum* is mentioned by Tacitus;¹⁹ that worn by the Gauls seems to have been a species of plaid (*versicolor sagulum*²⁰).

The outer garment worn by slaves and poor persons is also sometimes called *sagum*.²¹

1. (Prudent., l. c.)—2. (Claud., De Nupt. Honor., 222.—De 3 Cons. Honor., 21.—De Laud. Stil., l., 254.—3. (Festus, s. v.)—4. (Cæs., Bell. Civ., i., 81; iii., 44.—Cic. ad Fam., xv., 4.)—5. (Q. Curt., iv., 50.)—6. (Plin., H. N., xii., 2, s. 3.—Liv., i., 24; xxi., 43.—Dig. l., tit. 8, s. 8.)—7. (l. c.)—8. (Serv. ad Virg., Æn., xii., 120.)—9. (s. v.)—10. (Dig., l. c.)—11. (ad Festum, p. 320.)—12. (M. Aurel., in Epist. ad Fronton., iv., 4.)—13. (Cic., Phil., viii., 11; v., 12; xiv., 1.)—14. (Liv., Epit., 72, 73.—Vell. Patere., ii., 16.)—15. (Trebell. Pa., Trig. Tyrann., 10.)—16. (Mart., xiv., 159.)—17. (Varro, L. L., v., 167, ed. Müller.)—18. (Hor., Ep., ix., 28.)—19. (Compare Sil. Ital., iv., 519; xvii., 528.—Liv., xxx., 17; xxxvii., 19.)—20. (Germ., 17.)—21. (Tac., Hist., ii., 20.)—22. (Col., l., 8.—Compare Dig. 34, tit. 2, s. 23, § 2.)

*SALAMANDRA (*σαλαμάνδρα*), the *Salamander*, or *Lacerta Salamandra*, a batracian reptile, of the second family of its order, and constituting a type of a distinct genus. "To have some idea of its figure," says Buffon, "we may suppose the tail of a lizard applied to the body of a frog." For a full and accurate account, however, of this reptile and its peculiar structure, the reader is referred to Griffith's Cuvier. The popular belief that the salamander is proof against the action of fire (a belief to which Aristotle is guilty of giving some countenance) is now entirely exploded. According to Sprengel, the only foundation for this belief is the fact that the reptile emits a cold, viscid secretion from its body, which might be capable of extinguishing a small coal. Dioscorides states definitely that it is not true that the salamander can live in fire. "The salamander," says Griffith, "selects up its abode in the humid earth, in the tufted woods of high mountains, in ditches and shady places, under stones and the roots of trees, in hedges, by the banks of streams, in subterraneous caverns, and ruined buildings. Though generally feared, it is by no means dangerous. The milky fluid which exudes from its skin, and which it sometimes discharges to the distance of several inches, though somewhat acrid, and, according to Gesner, even deadly, is fatal only to very small animals. This humor, however, was doubtless the cause of a general prescription of the salamander. According to Flory, by infecting with its poison all the vegetables of a vast extent of territory, this reptile could produce death to entire nations! Other animals seem to have an instinctive horror of it. Its bite, however, is perfectly harmless, though Matthioli has declared it to be equally mortal with that of the viper—an atrocious absurdity."¹

SALAMINIA (*Σαλαμίνια*). The Athenians, from very early times, kept for public purposes two sacred or state vessels, the one of which was called *Παραλος*, and the other *Σαλαμίνια*; the crew of the former bore the name of *παραλίται* or *παραλοί*, and that of the other *σαλαμίνιοι*.² In the former of these two articles Photius erroneously regards the two names as belonging to one and the same ship.³ The *Salamina* was also called *Δηλία* or *Θεωρία*, because it was used to convey the *θεωρία* to Delos, on which occasion the ship was adorned with garlands by the priest of Apollo.⁴ Both these vessels were quick-sailing triremes, and were used for a variety of state purposes: they conveyed theories, despachés, &c., from Athens, carried treasures from subject countries to Athens, fetched state criminals from foreign parts to Athens, and the like.⁵ In battles they were frequently used as the ships in which the admirals sailed. These vessels and their crews were always kept in readiness to act, in case of any necessity arising; and the crew, although they could not, for the greater part of the year, be in actual service, received their regular pay of four oboli per day all the year round. This is expressly stated only of the *Paralos*,⁶ but may be safely said of the *Salamina* also. The statement of the scholiast on Aristophanes,⁷ that the *Salamina* was only used to convey criminals to Athens, and the *Paralos* for theories, is incorrect, at least if applied to the earlier times. When Athens had become a great maritime power, and when other ships were employed for purposes for which before either the *Salamina* or the *Paralos* had been used, it is natural to suppose that these two vessels were chiefly

1. (Aristot., H. A., v., 19.—Adams, Append., s. v.—Griffith's Cuvier, vol. ix., p. 464.)—2. (Phot., s. v. *Παραλος* and *Σαλαμίνια*.)—3. (Pollux, Onom., viii., 116.—Hesych., s. v. *Παραλος*.)—4. (Plat., Phæd., p. 58, c.)—5. (Thucyd., vi., 23, 61.)—6. (Aristot. et Phot., s. v. *Παραλος*.)—7. (Av., 147.—Compare Scân., v. *Σαλαμίνια* ταύς.)

in matters connected with religion, as and in extraordinary cases, such as when the criminal like Alcibiades was to be solemnly led to Athens. The names of the two ships point to a very early period of the history, when there was no navigation except between Sicily and Salamis, for which the Salaminia, and around the coast of Attica, for which the Paralos was destined. In later times these vessels were retained, although the destination was principally to serve the purposes of war, whence they are frequently called the *hips*.¹

SAL AMMONIACUM (ἄλας Ἀμμωνιακός), a Fossil procured from the district of Africa about the Temple of Jupiter Ammon. It was different from the *Sal Ammoniac* of the moderns which is *Hydrochlorus Ammoniac*. (Vid. AMMONIA.) "It has been thought," says Dr. Moore, "the ancients knew *Sal Ammoniac* under the name of *Nitrum*; and, although Beckmann maintains the opposite opinion, the grounds on which he advances his argument do not bear him out. He objects that 'there are two properties with which sal ammoniac might have accidentally become acquainted, and which, in that case, would have been sufficient to make known or define to us this salt ammoniac.' In the first place, by an accidental mixture of quicklime, the strong smell or unwholesome vapour diffused by the volatile alkali separated from the acid might have been observed." But Beckmann seems willing to admit as a source of sal ammoniac is mentioned by Pliny the Elder, which, he says, 'sprinkled with lime, emits a powerful odour' (*calce aspersum redolentem vehementiorem*). Beckmann appears to object to that, he says, 'several writers have asserted that sal ammoniac comes also from the East.

But it certainly is brought thence at this day, and may have been manufactured there, and its way to Europe in the time of Pliny the Elder we find that unchangeable country produce the same things then as now, indigo, Iron, fine steel, sugar, silks, &c. The manufacture of sal ammoniac in Egypt also may, for we know, have been more ancient than in Italy. We are not justified in concluding that the ancients were ignorant of everything of which we have no mention in their works. One of the reasons for supposing the ancients to have been ignorant of our sal ammoniac and nitre is, that we know of very few uses to which they have been applied. But, though they may have had little inducement to manufacture them, yet they possessed the art, yet they could not have failed to observe them in a native state, and these salts are found occurring thus in Italy and elsewhere."²

SALARIIUM, a Salary. The ancients derive the name from *sal*, 'i. e., salt'; the most necessary support to human life being thus mentioned as representative for all others. Salarium comprehended all the provisions with which the officers were supplied, as well as their pay. In the time of the Republic the name does not appear to have been used; it was not until Augustus, in order to place the governors of provinces and other military officers in a greater degree of dependence, gave salaries to them or certain sums of money, to which afterward various additions in kind were added.³ Before the time of Augustus, the provincial magistrates had been pro-

vided in their provinces with everything they wanted, through the medium of redemptores (πάροχοι), who undertook, for a certain sum paid by the state, to provide the governors with all that was necessary to them. During the Empire we find instances of the salarium being paid to a person who had obtained a province, but was nevertheless not allowed to govern it. In this case the salarium was a compensation for the honour and advantages which he might have derived from the actual government of a province, whence we can scarcely infer that the sum of 10,000 sesterces, which was offered on such an occasion,⁴ was the regular salarium for a consul.

Salaries were also given under the Empire to other officers, as to military tribunes,⁵ to assessores (vid. ASSESSOR), to senators,⁶ to the comites of the princes on his expeditions,⁷ and others. Antoninus Pius fixed the salaries of all the rhetoricians and philosophers throughout the Empire;⁸ and when persons did not fulfil their duties, he punished them by deducting from their salaries.⁹ Alexander Severus instituted fixed salaries for rhetoricians, grammarians, physicians, haruspices, mathematicians, mechanicians, and architects;¹⁰ but to how much these salaries amounted we are not informed. Respecting the pay which certain classes of priests received, vid. SACERDOS.

SALII were priests of Mars Gradivus, and are said to have been instituted by Numa. They were twelve in number, chosen from the patricians even in the latest times, and formed an ecclesiastical corporation (*lecta juvenus patricia*).¹¹ They had the care of the twelve ancilia (vid. ANCILE), which were kept in the Temple of Mars on the Palatine Hill, whence these priests were sometimes called *Salii Palatini*, to distinguish them from the other *salii* mentioned below. The distinguishing dress of the *salii* was an embroidered tunic bound with a brazen belt, the *trabea*, and the apex, also worn by the *flamines*. (Vid. APFEX.) Each had a sword by his side, and in his right hand a spear or staff.¹²

The festival of Mars was celebrated by the *salii* on the 1st of March and for several successive days, on which occasion they were accustomed to go through the city in their official dress, carrying the ancilia in their left hands or suspended from their shoulders, and at the same time singing and dancing,¹³ whence Ovid, apparently with correctness, derives their name.¹⁴ The songs or hymns which they sang on this occasion (*saliaria carmina*)¹⁵ were called *asamenta*, *assamenta*, or *axamenta*, of which the etymology is uncertain. Götting¹⁶ thinks they were so called because they were sung without any musical accompaniment, *assa voce*; but this etymology is opposed to the express statement of Dionysius.¹⁷ Some idea of the subject of these songs may be obtained from a passage in Virgil,¹⁸ and a small fragment of them is preserved by Varro.¹⁹ In later times they were scarcely understood, even by the priests themselves.²⁰ The praises of Mamurius Veturius formed the principal subject of these songs, though who Mamurius Veturius was the ancients themselves were not agreed upon.²¹ He is generally said to be the armorer who made eleven ancilia like the one that was sent from heaven (vid. ANCILE²⁰), but some modern writers suppose it to be

¹ Böckh, Staatsh. i., p. 258.—Götting ad Thucyd., iii., §mann ad Isæum, p. 296.—2. (ACAMS, Append. v. v. 263.) 3.—Moore's Ancient Mineral, p. 96-98.—3. N., xxxi., 41.—4. (Suet., Octav., 36.—Tacit., Agric., b. Poll., Claud 14, 15.—Flav. Vopisc., Prob. 4.)

1. (Dion Cass., lxxviii., 22.)—2. (Plin., H. N., xxiv., 6.—Juv., iii., 132.)—3. (Suet., Nero, 10.)—4. (Suet., Tib., 46.)—5. (Capitol., Ant. Pius, 11.)—6. (Id. ib., 7.)—7. (Lamprid., Alex. Sev., 44.)—8. (Liv., i., 20.—Dionys., ii., 70.—Cic., Rep., ii., 14.)—9. (Lucan., ix., 478.)—10. (Dionys., i. c.)—11. (Liv., i. c.—Dionys., i. c.—Hor., Carm., i., 36, 12; iv., 1, 28.)—12. (Fast., iii., 387.)—13. (Hor., Epist., ii., 1, 86.—Tacit., Ann., ii., 83.)—14. (Gesch. der Röm. Staatsverf., p. 192.)—15. (Ibid., 32.)—16. (Æn., viii., 286.)—17. (Ling. Lat., vii., 26, ed. Müller.)—18. (Varro, Ling. Lat., vii., 2.—Hor., Epist., ii., 1, 86.—Quint., ii., 6, p. 54, Bip.)—19. (Varro, Ling. Lat., vi., 45.)—20. (Festus, a. v. Mam Vet.—Dionys., ii., 71.—Ovid., Fast., iii., 384.)

merely another name of Mars. Besides, however, the praises of Mamurius, the verses which the salii sang appear to have contained a kind of theogony, in which the praises of all the celestial deities were celebrated, with the exception of Venus.¹ The verses in honour of each god were called by the respective names of each, as Januli, Junonii, Minervii.² Divine honour was paid to some of the emperors by inserting their names in the songs of the salii. This honour was first bestowed upon Augustus,³ and afterward upon Germanicus;⁴ and when Verus died, his name was inserted in the song of the salii by command of M. Antoninus.⁵

At the conclusion of the festival, the salii were accustomed to partake of a splendid entertainment in the Temple of Mars, which was proverbial for its excellence.⁶ The members of the collegium were elected by co-optation. We read of the dignities of præsul, vates, and magister in the collegium.⁷

Tullus Hostilius established another collegium of salii in fulfilment of a vow which he made in a war with the Sabines. These salii were also twelve in number, chosen from the patricians, and appear to have been dedicated to the service of Quirinus. They were called the Salii Collini, Agonales or Agonenses.⁸ Niebuhr⁹ supposes that the oldest and most illustrious college, the Palatine Salii, were chosen originally from the oldest tribe, the Ramnes, and the one instituted by Tullus Hostilius, or the Quirinalian, from the Tities alone: a third college for the Luceres was never established.¹⁰

SALINÆ (ἀλαί, ἀλοπήγιον), a Saltwork.¹¹ Although the ancients were well acquainted with rock salt¹² (ἀλες ὀρυκτοί, i. e., fossil salt¹³), and although they obtained salt likewise from certain inland lakes,¹⁴ and from natural springs or brine pits,¹⁵ and found no small quantity on certain shores, where it was coagulated by the heat of the sun without human labour (ἀλες ἀτόματοι¹⁶), yet they obtained by far the greatest quantity by the management of works constructed on the seashore, where it was naturally adapted for the purpose by being so low and flat as to be easily overflowed by the sea (*maritima areæ salinarum*¹⁷), or even to be a brackish marsh (ἀλακίς) or a marine pool (λαμνοθάλαττα¹⁸). In order to aid the natural evaporation, shallow rectangular ponds (*multifidi lacus*) were dug, divided from one another by earthen walls. The seawater was admitted through canals, which were opened for the purpose, and closed again by sluices. (Vid. CATACTA.) The water was more and more strongly impregnated with salt as it flowed from one pond to another.¹⁹ When reduced to brine (*coacto humore*), it was called by the Greeks ἄλμη, by the Latins *salsugo* or *salsilago*, and by the Spaniards *muria*.²⁰ In this state it was used by the Egyptians to pickle fish,²¹ and by the Romans to preserve olives, cheese, and flesh likewise.²² From *muria*, which seems to be a corruption of ἀλμυρός, "briny," the victuals cured in it were called *salsa muratica*.²³ As the brine which was left in the ponds crystallized, a man intrusted with the care of them, and therefore called *salinator* (ἀλοπηγός), raked out the salt, so that it lay

in heaps (*tumuli*) upon the ground to drain¹ in Attica,² in Britain,³ and elsewhere, several places, in consequence of the works established in them, obtained the name of Ἀλαί or Salina.

Throughout the Roman Empire, the saltworks, having been first established by the early kings of Rome, were commonly public property, and were let by the government to the highest bidder. The publicans who farmed them, and often maintained upon them a great number of servants,⁴ were called *manicipes salinarum*. (Vid. MANCEPS.) Malefactors of both sexes were employed in them, as they were in the mines.⁵

SALINUM, *dim.* SALILLUM, a Saltcellar. Among the poor, a shell served for a saltcellar,⁶ but all who were raised above poverty had one of silver, which descended from father to son,⁷ and was accompanied by a silver plate, which was used together with the saltcellar, in the domestic sacrifices.⁸ (Vid. PATERA.) These two articles of silver were alone compatible with the simplicity of Roman manners in the early times of the Republic.⁹ The saltcellar was no doubt placed in the middle of the table, to which it communicated a sacred character, the meal partaking of the nature of a sacrifice.¹⁰ (Vid. FOCUS, MENSA.) These circumstances, together with the religious reverence paid to salt, and the habitual comparison of it to wit and treasure, explain the metaphor by which the soul of a man is called his *salillum*.¹¹

*SALPE (σάλπη), the Stockfish, or *Sparus Salpa*, in French, *la Saupre*; in Italian, *Sarpa*.¹²

*SALPINX (σάλπιγξ), a bird whose note resembled the sound of a trumpet (σάλπιγξ, "a trumpet"). Hesychius and Photius identify it with the *τροχίλος*, or golden-crested wren, "the notes of which," says Adams, "are certainly piping, but cannot well be compared to the sound of a trumpet!"¹³

*II. A kind of shellfish, called also *στρομόλος*.

SALTATIO (ὄρχησις, ὄρχηστὴς), Dancing. The dancing of the Greeks, as well as of the Romans, had very little in common with the exercise which goes by that name in modern times. It may be divided into two kinds, gymnastic and mimetic; that is, it was intended either to represent bodily activity, or to express by gestures, movements, and attitudes, certain ideas or feelings, and also single events or a series of events, as in the modern ballet. All these movements, however, were accompanied by music; but the terms *ὄρχησις* and *saltatio* were used in so much wider a sense than our word dancing, that they were applied to designate gestures even when the body did not move at all (*saltare solis oculis*).¹⁴

We find dancing prevalent among the Greeks from the earliest times. It is frequently mentioned in the Homeric poems: the suitors of Penelope delight themselves with music and dancing,¹⁵ and Ulysses is entertained at the court of Alcinoüs with the exhibitions of very skilful dancers, the rapid movements of whose feet excite his admiration.¹⁶ Skilful dancers were at all times highly prized by the Greeks: we read of some who were presented with golden crowns, and had statues erected in their honour, and their memory celebrated by inscriptions.¹⁷

I. (Manilius, v., *prope fin.* — Nicander, *Alex.*, 518, 519) — 2 (Steph. Byz.) — 3. (Ptol.) — 4. (Cic., *Pro Lege Man.*, 6) — 5. (Strab., *De Trib. et Vect.*, xxi.) — 6. (Hor., *Sat.*, i., 3, 14) — 7. (Schol. ad loc.) — 7. (Hor., *Carm.*, ii., 15, 14) — 8. (Pers., iii., 24, 25) — 9. (Plin., *H. N.*, xxxii., 12, s. 54) — Val. Max., iv., 4, 2 — Catull., xxiii., 19) — 10. (Arnob. *adv. Gent.*, ii., p. 91, ed. Maass) — L. Bat., 1651) — 11. (Plaut., *Trin.*, ii., 4, 90, 91) — 12. (Aristotle, *H. A.*, iv., 8) — Elian, *N. A.*, ix., 7) — 13. (Elian, *N. A.*, ii., 19) — Hesychius — Phot. *Lex.* — Aristoph., *Av.*, 569 — *Agones*, *Pend.*, s. v.) — 14. (Ovid, *Art. Am.*, i., 595; ii., 363) — 15. (Aristotle, *Met.*, x., p. 251, ed. Bip.) — 16. (Od., ii., 152, 421; xviii., 30) — 17. (Od., viii., 265) — 18. (Plut., *De Pyth. Orac.*, 8) — *Id.* *Plan.*, iv., n. 383, &c.)

1. (Macrob., *Sat.*, i., 12) — 2. (Festus, s. v. *Armenta*) — 3. (Monum. Ancyr.) — 4. (Tacit., *Ann.*, ii., 83) — 5. (Capitol., *M. Act. Phil.*, 21) — 6. (Suet., *Claud.*, 33) — Cic. *ad Att.*, 7, 9) — Hor., *Carm.*, i., 37) — 7. (Capitol., *ib.*, 4) — 8. (Liv., i., 27) — Dionys., ii., 70, 3; iii., 32) — Varro, *Ling. Lat.*, vi., 14) — 9. (Röm. *Gesch.*, iii., p. 410) — 10. (Compare Hartung, *Die Religion der Römer*, ii., p. 163, &c.) — 11. (Varro, *Ling. Lat.*, viii., 25, ed. Spengel) — 12. (Herod., *iv.*, 181-185) — 13. (Arrian, *Exp. Alex.*, ii., 4, p. 161, 162, ed. Blanc.) — 14. (Herod., viii., 30) — 15. (Cic., *Nat. Deor.*, ii., 53) — Plin., l. c.) — H. N., xxxi., 7, s. 39-42) — 16. (Herod., *iv.*, 52) — Plin., l. c.) — 17. (Col., *De Re Rust.*, ii., 2) — 18. (Strabo, *iv.*, 1, § 6; viii., 4, § 7) — Ctes., *Bell. Civ.*, ii., 37) — 19. (Attalii, *Itin.*, i., 475-490) — 20. (P'lin., l. c.) — 21. (Herod., ii., 77) — 22. (Cato, *De Re Rust.*, 7, 89-165) — Hor., *Sat.*, ii., 8, 53) — 23. (Plaut., *Poen.*, I., ii., 32, 39)

vely imagination and mimetic powers of the found abundant subjects for various kinds of, and, accordingly, the names of no less than different dances have come down to us.¹ It will be inconsistent with the nature of this to give a description of all that are known: the most important can be mentioned, and will give some idea of the dancing of the

ing was originally closely connected with Plato² thought that all dancing should be a religion, as it was, he says, among the Greeks. It has been shown under *CHORUS*, that as in the oldest times consisted of the whole of a city, who met in a public place to thanksgivings to the god of their country by hymns and performing dances. These dances, like all others, were accompanied by music therefore of a strictly religious nature; all the public festivals, which were so numerous among the Greeks, dancing formed a very important part. We find, from the earliest times, the worship of Apollo was connected with a dance called *HYPOCHREMA*. All the dances, with the exception of the Bacchic and Corymbantian, were very simple, and consisted of movements of the body, with various turnings and windings around the altar: such a dance was the *γέρανος*, which Theseus is said to have performed on Delos on his return from Crete.³ The Bacchic or Bacchic and the Corymbantian were of a different nature. In the former, the life and adventures of the god were represented by mimetic (vid. *DIONYSIA*): the dance called *Βακχική* or *Βακχική* was a satyric dance, and chiefly performed in Ionia and Pontus; the most illustrious state danced in it, representing Titans, Giants, satyrs, and husbandmen, and the dancers were so delighted with the exhibition that they remained sitting the whole day to witness the performance of everything else. The Corymbantian was of a very wild character: it was chiefly danced in Crete and in Sicily: the dancers were armed with their swords against their shields, and danced in the most extravagant fury; it was accompanied chiefly by the flute.⁴ The following woodcut in the Museo Pio-Clementino,⁵ is supposed to represent a Corymbantian dance. Respecting the name of the theatre, vid. *CHORUS*.



ing was applied to gymnastic purposes and to dancing for war, especially in the Doric states, it is believed to have contributed very much to the success of the Dorians in war, as it enabled them to perform their evolutions simultaneously and in unison.

Hence the poet Socrates⁷ says, *ὅτι χοροὶς κάλλιστα θεοῖς τιμᾶσιν, ἀριστοὶ πολέμῳ.* There were various dances in early times which were as a preparation for war; hence Homer⁸ speaks of the hoplite *πυρρῆες*, a war-dance having been performed by the Cretans.⁹ Of such dances, the most celebrated was the Pyrrhic (*ἡ Πυρρική*), of

which the *πυρρῆες* was probably only another name for this Plato¹ takes as the representative of all war dances. The invention of this dance is placed in the mythical age, and is usually assigned to one Pyrrhicos; but most of the accounts agree in assigning it a Cretan or Spartan origin, though others refer it to Pyrrhus or Neoptolemus, the son of Achilles, apparently misled by the name, for it was undoubtedly of Doric origin.² It was danced to the sound of the flute, and its time was very quick and light, as is shown by the name of the Pyrrhic foot (*πυρρική*), which must be connected with this dance: and from the same source came also the Proceusmatic (*πυρρική*), or challenging foot.³ The Pyrrhic dance was performed in different ways at various times and in various countries, for it was by no means confined to the Doric states. Plato⁴ describes it as representing, by rapid movements of the body, the way in which missiles and blows from weapons were avoided, and also the mode in which the enemy were attacked. In the non-Doric states it was probably not practised as a training for war, but only as a mimetic dance: thus we read of its being danced by women to entertain a company.⁵ It was also performed at Athens at the greater and lesser Panathenæa by Ephebi, who were called Pyrrhichists (*Πυρρῆισταί*), and were trained at the expense of the choragus.⁶ In the mountainous parts of Thessaly and Macedon, dances are performed at the present day by men armed with muskets and swords.⁷

The following woodcut, taken from Sir W. Hamilton's vases,⁸ represents three Pyrrhichists, two of whom, with sword and shield, are engaged in the dance, while the third is standing with a sword. Above them is a female balancing herself on the head of one, and apparently in the act of performing a somerset; she, no doubt, is taking part in the dance, and performing a very artistic kind of *κυβιστησις* or tumbling, for the Greek performances of this kind surpass anything we can imagine in modern times. Her danger is increased by the person below, who holds a sword pointing towards her. A female spectator, sitting, looks on astonished at the exhibition.



The Pyrrhic dance was introduced in the public games at Rome by Julius Cæsar, when it was danced by the children of the leading men in Asia and Bithynia.⁹ It seems to have been much liked by the Romans; it was exhibited both by Caligula and Nero,¹⁰ and also frequently by Hadrian.¹¹ Athenæus¹² says that the Pyrrhic dance was still practised in his time (the third century A.D.) at Sparta,

1. (Leg., vii., p. 815.)—2. (Athen., xiv., p. 630, c.—Strabo, x., p. 466.—Plat., Leg., p. 796.—Lucian, ib., 9.)—3. (Müller, Hist. Greek Lit., i., p. 161.)—4. (Leg., vii., p. 815.)—5. (Xen., Anab., vi., 1, § 12.)—6. (Schol. ad Aristoph., Nub., 988.—Lysias, ἀπολ. ὑποδόξ., p. 698, ed. Reiske.)—7. (Dodwell, Tour through Greece, ii., p. 21, 22.)—8. (ed. Tischbein, vol. i., pl. 60.)—9. (Suet., Jul., 39.)—10. (Dion Cass., ix., 7.—Suet., Nero, 12.)—11. (Spart., Hadr., 19.)—12. (xiv., p. 631, a.)

where it was danced by boys from the age of fifteen, but that in other places it had become a species of Dionysiac dance, in which the history of Dionysus was represented, and where the dancers, instead of arms, carried the thyrsus and torches.

Another important gymnastic dance was performed at the festival of γυμνασιας at Sparta, in commemoration of the battle at Thyrea, where the chief object, according to Müller,¹ was to represent gymnastic exercises and dancing in intimate union: respecting the dance at this festival, see ΓΥΜΝΑΣΙΑ.

There were other dances besides the Pyrrhic in which the performers had arms, but these seem to have been entirely mimetic, and not practised with any view to training for war. Such was the Καρμια, peculiar to the Ætians and Magnesians, which was performed by two armed men in the following manner: one lays down his arms, sows the ground, and ploughs with a yoke of oxen, frequently looking around as if afraid; then comes a robber, whom as soon as the other sees, he snatches up his arms, and fights with him for the oxen. All these movements are rhythmical, accompanied by the flute. At last the robber binds the man and drives away the oxen, but sometimes the husbandman conquers.² Similar dances by persons with arms are mentioned by Xenophon on the same occasion. These dances were frequently performed at banquets for the entertainment of the guests,³ where also the κυβιστήρες were often introduced, who in the course of their dance flung themselves on their head and alighted again upon their feet. See ΚΥΒΙΣΤΗΡΕΣ, where the remarks which are made respecting the κυβιστῶν εἰς μαχαίρας are well illustrated by the following woodcut from the Museo Borbonico, vol. vii., tav. 58. We learn from Tacitus⁴ that the German youths also used to dance among swords and spears pointed at them.



Other kinds of dances were frequently performed at entertainments, in Rome as well as in Greece, by courtesans, many of which were of a very indecent and lascivious nature.⁵ The dancers seem to have frequently represented Bacchanals: many such dancers occur in the paintings found at Herculaneum and Pompeii, in a variety of graceful attitudes.⁶

Among the dances performed without arms, one of the most important was the ὄρμος, which was danced at Sparta by youths and maidens together; the youth danced first some movements suited to his age, and of a military nature; the maiden followed by measured steps and with feminine gestures. Xenophon says that it was similar to the dance performed at the Gymnædia.⁷ Another common dance at Sparta was the Βίβασις, which is described

In many of the Greek states, the art of dancing was carried to great perfection by females, who were frequently engaged to add to the pleasure and enjoyment of men at their symposia. The dancers always belonged to the hetærae. Xenophon⁸ describes a mimetic dance which was represented at a symposium where Socrates was present. It was performed by a maiden and a youth belonging to a Syracusan, who is called the ἑσπεροπόδισιαλοῦς, and represented the loves of Diogenes and Ariadne.

Respecting the dancers on the tight-rope, see ΓΥΜΝΑΣΙΑ.

Dancing was common among the Romans in ancient times in connexion with religious festivals and rites, and was practised, according to Serrinus,⁹ because the ancients thought that no part of the body should be free from the influence of religion. The dances of the salii, which were performed by men of patrician families, are described elsewhere. (Vid. ANCILO.) Dionysius¹⁰ mentions a dance with arms at the Ludi Magni, which, according to his usual plan of referring all old Roman usages to a Greek origin, he calls the Pyrrhic. There was another old Roman dance of a military nature, called Βελήκρηπα Saltatio, which is said to have been instituted by Romulus after he had carried off the Sabine virgins, in order that a like misfortune might not befall his state.¹¹ Dancing, however, was not performed by any Roman citizens except in connexion with religion; and it is only in reference to such dancing that we are to understand the statements, that the ancient Romans did not consider dancing disgraceful, and that not only freemen, but the sons of senators and noble matrons, practised it.¹² In the later times of the Republic we know that it was considered highly disgraceful for a freeman to dance. Cæcero reproaches Cato for calling Murena a dancer (saltator), and adds "nemo fere saltat sobrius, nisi forte insanit."¹³

The mimetic dances of the Romans, which were carried to such perfection under the Empire, are described under Pantomimus.¹⁴

SALVIANUM INTERDICTUM. (Vid. INTERDICTUM, p. 543.)

SALUTATORES was the name given in the later times of the Republic and under the Empire to a class of men who obtained their living by visiting the houses of the wealthy early in the morning to pay their respects to them (salutare), and to accompany them when they went abroad. This arose from the visits which the clients were accustomed to pay to their patrons, and degenerated in later times into the above-mentioned practice; and such persons seem to have obtained a good living among the great number of wealthy and vain persons at Rome, who were gratified by this attention.¹⁵ (Vid. SPURTULA.)

SAMBUCA (σαμβύκη or σαβύκη?), a Harp.

The preceding Latin and Greek names are with good reason represented by Bochart, Vossius, and other critics to be the same with the Hebrew שָׁבַק (sabeca), which occurs in Daniel.¹⁶ The performances of sambucistria (σαμβυκίστρια) were only known to the early Romans as luxuries brought over from Asia.¹⁷ The Athenians considered them as an exotic refinement;¹⁸ and the Rhodian women who played on the harp at the marriage-feast of

1. (Xen., Anab., vi., 1, § 7, 8.—Athen., Tyr., Diss., xxviii., 4.)—3. (Athen., 24.)—5. (Macrob., Sat., ii., 10.—Vid. Museo Borb., vol. vii., tav. 5, 6, 54.)—7. (De Salt., 12.)—8. (Xen., Anab., vi., 1, § 7, 8.)

1. (Symp., ix., 2, 7.)—2. (ad Virg., Ecl., v., 72.)—3. (ibid., 72.)—4. (Fest., s. v.)—5. (Quint., Inst. Orat., i., 11, § 18.—Macrob., Sat., ii., 10.)—6. (Pro Muren., 6.—Compare in Pict., 10.)—7. (Meursius, Orchestra.—Bürotte, De la Danse des Anciens.—Krause, Gymnastik und Agon. der Hell., p. 507, 508.)—8. (Mercenarius Saluator, Colum., Præf., i.—Mart., x., 74.—Baker, Gallus, i., p. 146.)—9. (Arcæol., De Accent., p. 167.)—10. (iii., 5, 7, 10.)—11. (Plaut., Stich., ii., 3, 27.—Liv., xxxi., 12.)—12. (Philemon, p. 370, ed. Meineke.)

ranus in Macedonia, clothed in very thin tunics, were introduced with a view to give to the entertainment the highest degree of splendour. Some Greek authors expressly attributed the invention of this instrument to the Syrians or Phœnicians.¹ The opinion of those who ascribed it to the lyric poet Ibycus can only authorize the conclusion that had the merit of inventing some modification of the instrument, as improved by him, being called *ικενον*.² Strabo, moreover, represents *σαμβύκη* as "barbarous" name.³ The *sambuca* is several times mentioned in connection with the small triangular harp (*τρίγωνον*), which it resembled in the principles of its construction, though it was much larger and more complicated. The *triganum*, a representation of which in the Museum at Naples is given in the annexed woodcut, was held like the lyre in the hands of the



former,⁴ whereas the harp was sometimes considerably higher than the stature of the performer, and was placed upon the ground. The harp of the Phœnicians and Troglodytæ had only four strings.⁵ Those which are painted on the walls of Egyptian tombs (see Denon, Wilkinson, &c.) have from four to thirty-eight. One of them, taken from Bruce's travels, is here introduced. From the allusions to this instrument in Vitruvius,⁶ we find that the long-string was called the "proslabanomenos," the next "hypate," the shortest but one "paranete," and the shortest, which had, consequently, the highest tone, was called "nete." (Vid. Musæc, p. 646.) Under the Roman emperors the harp appears to have come into more general use,⁷ and was played upon by men (*σαμβυκισται*) as well as women.⁸

Sambuca was also the name of a military engine, used to scale the walls and towers of besieged cities. It was called by this name on account of its general resemblance to the form of the harp. Accordingly, we may conceive an idea of its construction by turning to the woodcut, and supposing a mast or upright pole to be elevated in the place of the longest strings, and to have at its summit an apparatus of pulleys, from which ropes proceed in the direction of the top of the harp. We must suppose a strong ladder, 4 feet wide, and guarded at the sides with palisades, to occupy the place of the sounding-board, and to be capable of being lowered or raised at pleasure by means of the ropes and pulleys. At the siege of Syracuse Marcellus had engines of this description fixed upon vessels, which the towers moved up to the walls so that the soldiers might enter the city by ascending the ladders.⁹

1. (Athen., iv., 175, d.)—2. (Athen., l. c.—Suidas, s. v. Ἰβύκος, Σαμβύκαι.)—3. (x., 3, § 17.)—4. (Spon, Misc. ed. Ant., p. 21.)—5. (Athen., xiv., 633, f.)—6. (vi., 1.)—7. (rs., v., 95.—Spart., Hadr., 26.)—8. (Athen., iv., 182, c.)—9. (Lyb., viii., 5.—Plut., Marc., p. 558, ed. Steph.—Athen., xiv., §.—Onosандр., Strat., 42.—Vitruv., x., 10, § 9.—Festus, s. sambuca.—Athen. De Mach. ap. Math. Vet., p. 7.)

When an inland city was beleaguered, the *sambuca* was mounted upon wheels.¹

*SAMIÀ TERRA (*Σαμία γῆ*). "The Samian Earth," says Sir John Hill, "was a dense, ponderous, unctuous clay, of a sub-astringent taste, and either white or ash-coloured. It was dug in the island of Samos, whence it had its name, and never was found in any other place that we know of." It consisted principally of alumine, according to Adams. The *ἀστῆρ* was merely a dense variety of it. "The Samian earth," observes Dr. Moore, "was obtained from a vein of considerable extent, but only two feet in height between the rocks which formed its roof and floor, so that one could not stand erect while digging it, but was obliged to lie upon his back or side. This vein contained four different qualities of earth, which became better in proportion as it was obtained from nearer the centre of the vein. The outer and inferior kind, called *ἀστῆρ* (*ἀστῆρ*), was chiefly or solely employed for cleansing garments."²

*SAMIUS LAPIS (*Σάμιος λίθος*). According to Gesner and De Laet, the Samian Stone belonged to the same class of substances as the Samian earth, from which it differed only in hardness.³

SAMNITES (Vid. GLADIATORES, p. 477.)

*SAMPsYCHON (*σάμψυχον*), a species of plant, the *Origanum marjorana*, or Marjoram. It was *Sampsychnon* in Egypt, Cyprus, and Syria, and *Amaracus* in other places, such as Cyzicus, &c.⁴

SANDALIUM (*σανδάλιον* or *σάνδαλον*), a kind of shoe worn only by women. In the Homeric age, however, it was not confined to either sex, and consisted of a wooden sole fastened to the foot with thongs.⁵ In later times, the sandalium must be distinguished from the *ὑπόδημα*, which was a simple sole bound under the foot,⁶ whereas the sandalium, also called *βλαύτια* or *βλαύτη*, was a sole with a piece of leather covering the toes, so that it formed the transition from the *ὑπόδημα* to real shoes. The piece of leather over the toes was called *ξυγός* or *ζυγόν*.⁷ The *σανδάλια ἄζυγα* in Strabo⁸ are, however, not sandalia without the *ζυγόν*, but, as Becker⁹ justly remarks, sandalia which did not belong to one another, or did not form a pair, and one of which was larger or higher than the other. The *ζυγόν* was frequently adorned with costly embroidery and gold,¹⁰ and appears to have been one of the most luxurious articles of female dress.¹¹ This small cover of the toes, however, was not sufficient to fasten the sandalium to the foot, wherefore thongs, likewise beautifully adorned, were attached to it.¹² Although sandalia, as we have stated, were in Greece, and subsequently at Rome also, worn by women only, yet there are traces that, at least in the East, they were also worn by men.¹³

The Roman ladies, to whom this ornament of the foot was introduced from Greece, wore sandalia which appear to have been no less beautiful and costly than those worn by the Greeks and the Oriental nations.¹⁴

SANDAPILA. (Vid. FUNUS, p. 459.)

*SANDARACHA (*σανδαράχη*), a red pigment, called now *Realgar*, or red sulphuret of arsenic. According to the analysis of Thenard, it consists of

1. (Veget., iv., 21.—Bito ap. Math. Vet., p. 110, 111.)—2. (Dioscor., v., 171.—Hill ad Theophr., De Lapid., c. 108.—Moore's Anc. Mineral., p. 76.)—3. (Dioscor., v., 172.—Adams, Append., s. v.)—4. (Dioscor., iii., 41.—Geopon., xi., 27.—Adams, Append., s. v.)—5. (Hom., Hymn. in Merc., 79, 83, 139.)—6. (Pollux, Onom., viii., 84, with Kühn's emendation.)—7. (Aristoph., Lysistr., 390, with the schol.—Hesych., s. v. Ζυγός.—Pollux, Onom., vii., 81.—Phot., Lex., p. 54, ed. Dobr.)—8. (vi., 1, p. 13, Tauchn.)—9. (Charikles, ii., 367, &c.)—10. (Cephalad. ap. Poll. Onom., vii., 87.—Clem. Alex., Pædagog., ii., 11.)—11. (Ælian, V. H., i., 18.)—12. (Pollux, Onom., vii., 92.)—13. (Herod., ii., 91.—St. Mark, vi., 9.)—14. (Tarpilius ap. Non., v. 24.—Tertent., Euchar., v., 7, 4.)

In the history of Roman literature we have to distinguish two different kinds of satires, viz., the *satira* and the later *satira*, which received its latest development from the poet C. Lucilius (148-83 B.C.). Both species of poetry, however, are altogether peculiar to the Romans. The literal meaning of *satira*, the root of which is *sat*, comes nearest to what the French call *pot-pourri*, or to the Latin *farrago*, a mixture of all sorts of things. The name was accordingly applied by the Romans in many ways, but always to things consisting of various parts or ingredients, e. g., *lanx satira*, an offering consisting of various fruits, such as were offered at harvest festivals and to Ceres;¹ *lex per saturam lata*, a law which contained several distinct regulations at once.² It would appear from the etymology of the word, that the earliest Roman *satira*, of which we otherwise scarcely know anything, must have treated in one work on a variety of subjects just as they occurred to the writer, and perhaps, as was the case with the satires of Varro, half in prose and half in verse, or in verses of different metre. Another feature of the earliest *satira*, as we learn from the celebrated passage in Livy,³ is that it was scenic, that is, an improvisatory and irregular kind of dramatic performance, of the same class as the *versus Fescennini*. (Vid. *FESCENNINA*.) When Livius Andronicus introduced the regular drama at Rome, the people, on account of their fondness for such extempore jokes and raileries, still continued to keep up their former amusements, and it is not improbable that the *exodia* of later times were the old *satira* merely under another name. (Vid. *EXODIA*.)

Ennius and Pacuvius are mentioned as the first writers of satires, but we are entirely unable to judge whether their works were dramatic like the *satira* of old, or whether they resembled the satires of Lucilius and Horace. At any rate, however, neither Ennius nor Pacuvius can have made any great improvement in this species of poetry, as Quintilian⁴ does not mention either of them, and describes C. Lucilius as the first great writer of satires. It is Lucilius who is universally regarded by the ancients as the inventor of the new kind of *satira*, which resembled, on the whole, that species of poetry which is in modern times designated by the same name, and which was no longer scenic or dramatic. The character of this new *satira* was afterward emphatically called *character Lucilianus*.⁵ These new satires were written in hexameters, which metre was subsequently adopted by all the other satirists, as Horace, Persius, and Juvenal, who followed the path opened by Lucilius. Their character was essentially ethical or practical, and as the stage at Rome was not so free as at Athens, the satires of the former had a similiar object to that of the ancient comedy at the latter. The poets, in their satires, attacked not only the follies and vices of mankind in general, but also of such living and distinguished individuals as had any influence upon their contemporaries. Such a species of poetry must necessarily be subject to great modifications, arising partly from the character of the time in which the poet lives, and partly from the personal character and temperament of the poet himself; and it is from these circumstances that we have to explain the differences between the satires of Lucilius, Horace, Persius, and Juvenal.

After Lucilius had already, by his own example, established the artistic principles of satires, Terentius Varro, in his youth, wrote a kind of satires which were neither like the old *satira* nor like the

satira of Lucilius. They consisted of a mixture of verse and prose, and of verses of different metres, but were not scenic like the old *satira*. They were altogether of a peculiar character; they were therefore called *satira* Varronianæ, or Menippeæ, or Cynicæ, the latter because he was said to have imitated the works of the Cynic philosopher Menippus.⁶

SATURA LEX. (Vid. *LEX*, p. 580.)

SATURNALIA, the festival of Saturnus, to whom the inhabitants of Latium attributed the introduction of agriculture and the arts of civilized life. Falling towards the end of December, at the season when the agricultural labours of the year were fully completed, it was celebrated in ancient times by the rustic population as a sort of joyous harvest-home, and in every age was viewed by all classes of the community as a period of absolute relaxation and unrestrained merriment. During its continuance no public business could be transacted, the law courts were closed, the schools kept holiday, to commence a war was impious, to punish a malefactor involved pollution.⁷ Special indulgences were granted to the slaves of each domestic establishment: they were relieved from all ordinary toils; were permitted to wear the *pileus*, the badge of freedom; were granted full freedom of speech; and partook of a banquet attired in the clothes of their masters, and were waited upon by them at table.⁸

All ranks devoted themselves to feasting and mirth, presents were interchanged among friends, *cerei* or wax tapers being the common offering of the more humble to their superiors, and crowds thronged the streets, shouting *Io Saturnalia* (this was termed *clamare Saturnalia*), while sacrifices were offered with uncovered head, from a conviction that no ill-omened sight would interrupt the rites of such a happy day.⁹

Many of the peculiar customs exhibited a remarkable resemblance to the sports of our own Christmas and of the Italian Carnival. Thus, on the Saturnalia, public gambling was allowed by the *ædiles*,⁵ just as in the days of our ancestors the most rigid were wont to countenance card-playing on Christmas-eve; the whole population threw off the toga, wore a loose gown called *synthesis*, and walked about with the *pileus* on their heads,⁶ which reminds us of the dominoes, the peaked caps, and other disguises worn by masques and mummers; the *cerei* were probably employed as the *moccoli* now are on the last night of the Carnival; and, lastly, one of the amusements in private society was the election of a mock king,⁷ which at once calls to recollection the characteristic ceremony of Twelfth-night.

Saturnus being an ancient national god of Latium, the institution of the Saturnalia is lost in the most remote antiquity. In one legend it was ascribed to Janus, who, after the sudden disappearance of his guest and benefactor from the abodes of men, reared an altar to him, as a deity, in the Forum, and ordained annual sacrifices; in another as related by Varro, it was attributed to the wandering Pelasgi, upon their first settlement in Italy; and Hercules, on his return from Spain, was said to have reformed the worship, and abolished the practice of immolating human victims; while a third tradition represented certain followers of the last-named hero, whom he had left behind on his

1. (Acron. ad Horat., Sat., i., l. 1.—Diomed., iii., p. 483, ed. Putsch.)—2. (Fest., s. v. Satira.)—3. (vii., 2.)—4. (x., l., 93.)—5. (Varro, De Re Rust., iii., 2.)

1. (Gell., ii., 18.)—2. (Macrob., Sat., i., 10, 16.—Mart., i., 86.)—Suet., Octav., 32.—Plin., Ep., viii., 7.)—3. (Macrob., Sat., i., 7.—Dion Cass., lx., 19.—Hor., Sat., i., 7, 5.—Mart., xi., 6; xiv., 1.—Athen., xiv., 44.)—4. (Cattull., 14.—Senec., Ep., 18.—Suet., Octav., 75.—Mart., v., 18, 19; vii., 53; xiv., 1.—Plin., Ep., iv., 9.—Macrob., Sat., i., 8, 10.—Serv. ad Virg., Æn., iii., 407.)—5. (Mart., v., 84; xiv., 1; xi., 6.)—6. (Mart., xiv., 141; vi., 24; xiv., 1; xi., 6.—Senec., Ep., 18.)—7. (Tacit., Ann., xiii., 15.—Arrian, Diss. Epictet., i., 25.—Lucian, Sat., 4.)

return to Greece, as the authors of the Saturnalia.¹ Records approaching more nearly to history referred the erection of temples and altars, and the first celebration of the festival, to epochs comparatively recent, to the reign of Tattius,² of Tullus Hostilius,³ of Tarquinius Superbus,⁴ to the consulship of A. Sempronius and M. Minutius, B.C. 497, or to that of T. Lartius in the preceding year.⁵ These conflicting statements may be easily reconciled by supposing that the appointed ceremonies were in these rude ages neglected from time to time, or corrupted, and again at different periods revived, purified, extended, and performed with fresh splendour and greater regularity.⁶

During the Republic, although the whole month of December was considered as dedicated to Saturn,⁷ only one day, the xiv. Kal. Jan., was set apart for the sacred rites of the divinity: when the month was lengthened by the addition of two days upon the adoption of the Julian Calendar, the Saturnalia fell on the xvi. Kal. Jan., which gave rise to confusion and mistakes among the more ignorant portion of the people. To obviate this inconvenience, and allay all religious scruples, Augustus enacted that three whole days, the 17th, 18th, and 19th of December, should in all time coming be hallowed, thus embracing both the old and new style.⁸ A fourth day was added, we know not when or by whom, and a fifth, with the title *Juvenalis*, by Caligula,⁹ an arrangement which, after it had fallen into disuse for some years, was restored and confirmed by Claudius.¹⁰

But although, strictly speaking, one day only, during the Republic, was consecrated to religious observances, the festivities were spread over a much longer space. Thus, while Livy speaks of the first day of the Saturnalia (*Saturnalibus primis*¹¹), Cicero mentions the second and third (*secundis Saturnalibus*,¹² *Saturnalibus tertius*¹³); and it would seem that the merry-making lasted during seven days, for Novius, the writer of Atellanæ, employed the expression *septem Saturnalia*, a phrase copied in later times by Memmius;¹⁴ and even Martial speaks of *Saturni septem dies*,¹⁵ although in many other passages he alludes to the five days observed in accordance with the edicts of Caligula and Claudius.¹⁶ In reality, under the Empire, three different festivals were celebrated during the period of seven days. First came the *Saturnalia proper*, commencing on xvi. Kal. Dec., followed by the *Opalia*, anciently coincident with the Saturnalia,¹⁷ on xiv. Kal. Jan.; these two together lasted for five days, and the sixth and seventh were occupied with the *Sigillaria*, so called from little earthenware figures (*sigilla, oscilla*) exposed for sale at this season, and given as toys to children.

*SATYR'ION (*σατύριον*), a plant, having the property of exciting salacity, was given the name. The *σατύριον τριφυλλιον* of Dioscorides and Galen has given rise to many conjectures, as Adams remarks. Sprengel inclines to the *Tulipa Gesneriana*. The *σατύριον ἐρυθρόνιον* has been commonly held for the *Erythronium Dens Canis*, or Dog's-tooth; Sprengel, however, is not quite satisfied about it.¹⁸

*II. A four-footed amphibious animal. (Vid. ENHYDRUS.)

*SATYRUS. (Vid. SIMIA.)

*SAURUS and SAURA (*σαῦρος, σαῦρα*). "These terms are applied to several species of the genus

Lacerta; to the Salamander, the Stello, and the Gecko. The *σαῦρος χλωρός* noticed by Ælian may have been the *Lacerta viridis*, L. It is a very large species. Virgil mentions it in the following line

"Nunc virides etiam occultant spineta lacertæ."

*II. A species of fish, about which great uncertainty prevails. "Some have referred it," says Adams, "to the *Salmo Saurus*, L., called at Rome *Tarantola*. Schweighæuser mentions that Coray supposed it the same as the *κίχλη*. Schœnidius upon the whole, prefers some species of the *Zadon*, L. Coray inclines to the opinion that it was a species of mackerel, or *Scomber*, and that it is the fish called *δάκερδα* by the modern Greeks."¹⁹

*SAXIFR'AGIUM (*σαξίφραγον*), a plant, which Adams conjectures may have been the Burnet Saxifrage, or *Pimpinella Saxifraga*. Sprengel, however, has shown, as Adams remarks, that there is great uncertainty about it.²⁰

SCALÆ (*κλίμαξ*), a Ladder. The general construction and use of ladders was the same among the ancients as in modern times, and therefore requires no explanation, with the exception of those used in besieging a fortified place and in making an assault upon it. The ladders were erected against the walls (*admovent, ponere, apponere, or cingere scalas*), and the besiegers ascended them under showers of darts and stones thrown upon them by the besieged.²¹ Some of these ladders were formed like our common ones; others consisted of several parts (*κλίμακες πηκταί or διαλυταί*), which might be put together so as to form one large ladder, and were taken to pieces when they were in use. Sometimes, also, they were made of tubes of leather, with large iron hooks at the top, by which they were fastened to the walls to be ascended. The ladders made wholly of leather consisted of tubes sowed up air-tight, and when they were wanted these tubes were filled with air.²² Heron also mentions a ladder which was constructed in such a manner that it might be erected with a man standing on the top, whose object was to observe what was going on in the besieged town.²³ Others, again, were provided at the top with a small bridge, which might be let down upon the wall. In ships, small ladders or steps were likewise used for the purpose of ascending into or descending from them.²⁴

In the houses of the Romans, the name *scalas* was applied to the stairs or staircase leading from the lower to the upper parts of a house. The steps were either of wood or stone, and, as in modern times, fixed on one side in the wall.²⁵ It appears that the staircases in Roman houses were as different as those of old houses in modern times, for it is very often mentioned that a person concealed himself *in scalis* or *in scalarum tenebris*,²⁶ and passages like these need not be interpreted, as some commentators have done, by the supposition that *scalas* is the same as *sub scalis*. The Roman houses had two kinds of staircases: the one were the common *scalas*, which were open on one side; the others were called *scalas Græcæ* or *κλίμαξ*, which were closed on both sides. Massurius Sabinus states that the flammica was not allowed to ascend higher than three steps on a common *scalas*, lest that she might make use of a climax like even

1. (Ælian, N. A., v., 7.)—2. (Dionys., ii., 50.)—3. (Dionys., iii., 32.—Macrob., Sat., i., 8.)—4. (Dionys., vi., 1.—Macrob., l. c.)—5. (Dionys., vi., 1.—Liv., ii., 21.)—6. (Compare Liv., xxiii., 1, sub fin.)—7. (Macrob., i., 7.)—8. (Id., i., 10.)—9. (Dion Cass., lix., 6.—Suet., Cal., 17.)—10. (Dion Cass., lx., 2.)—11. (Liv., xxx., 26.)—12. (ad Att., xv., 32.)—13. (ad Att., v., 20.)—14. (Macrob., i., 10.)—15. (xiv., 72.)—16. (ii., 89; xiv., 79, 141.)—17. (Macrob., i., 10.)—18. (Dioscor., iii., 133, 134.—Adams, Append., p. 7.)

1. (Ælian, N. A., v., 47.—Virg., Ecl., ii., 9.—Adams, Append., s. v.)—2. (Aristot., H. A., ii., 2.—Ælian, N. A., vi., 2.—Schweigh. ad Athen., vii., 120.—Adams, Append., s. lxxi.)—3. (Dioscor., iv., 15.—Adams, Append., s. 1.)—4. (Sueton., Jug., 64.—Cass., De Bell. Civ., i., 29, 63.—Tacit., Hist., iv., 23.—Veget., De Re Milit., iv., 21.—Polyb., ix., 15.)—5. (Hæm., c. 21.—6. Id., c. 12.)—7. (Id., c. 19.)—8. (Virg., Æn., x., 264.—Hæm., c. 11.)—9. (Vitruv., ix., l. 7, &c.)—10. (Cic., Pro Mæ., 13.—Philip., ii., 9.—Hor., Epist., ii., 2, 15.)—11. (see Gall., s. 14, 20.)

n, as here she was concealed when going to the *URATUM*. (Vid. HOUSE, ROMAN, p. 107.)

SCAMMONIA (*σκαμμωνία*), a plant, the *Convolvulus*. An extract, called Scammony, from the roots, having purgative properties, is described by Sprengel as another species, which he and Sprenzel take to be the *Convolvulus*. Scammony is named *δάκρυ κάμμωνος* by Alexander Trallianus.¹ *SCABELLUM*, a step which was used before the beds of the ancients, in order that persons in getting into them, as some high; others, which were lower, required steps, which were called *scabella*.² A *scabellum* was sometimes also used as a footstool.³ A *scabellum* extended in length becomes a bench, in which sense the word is frequently used. The *scabellum*, before couches were introduced, was used to sit upon benches (*scamnia*) beneath when they took their meals.⁴ The ships were also sometimes called scammonia, because of the technical language of the agrimensores, in which a field which was broader than it and one that was longer than broad was called *scabellum*.⁵ In the language of the Roman peasant, a *scabellum* was a large clod of earth which was broken by the plough.⁶

SCANDIX (*σκάνδιξ*), a plant, the *Scandix Asperifolia*. Aristophanes makes use of the word to Euriptides that his mother had instead of good potherbs. The scholiast on Aristophanes calls it *λάχανον ἀγριον εὐτέλες*, a potherb. Hence, when Nicias, in a comedy, alludes to the name of Euriptides, his replies, *μή μοι γε, μή μοι, μή διασκάνδιξ* (*scandix*), says Pliny, "*quam Euriptidi poeta objecit joculariter, maculatus quidem legitimum venditasse, sed*

(Vid. LEX, p. 585.)

SCAPHA, a skiff or boat, usually rowed by two persons (*scapha*), which was frequently taken as a means of transport in case of shipwreck or other accidents.¹⁰

SCAPHOPHORIA (*σκαφηφορία*). (Vid. HYDRIOPHORIA.)

SCARUS (*σκάρος*), a species of fish, the *Scarus*. There is considerable difficulty in deciding what it was, owing to the general resemblance of the fishes contained in the Linnæan genera *Scarus* and *Labrus*. The ancient naturalists were of opinion, and this opinion, although the author of the article *Ichthyology* in the *Encyclopædie Methodique* has received the countenance of Rondelet and Linnæus.¹¹ The roasted *scarus* was a favourite dish with the ancients, and was particularly commended. The liver of the *scarus*, so Sibthorp, is still prized by the moderns and is celebrated in a Romanic couplet.¹²

(Vid. THEATRUM.)

SCAPANOS (*σκέπανος*), a kind of flat fish, renowned for swimming rapidly, gliding, as it were, low, whence the name (*σκέπανος*, "covered"). It would seem to have been a tunny. Some, however, are in favour of the *scapanos*.¹²

***SCEPINOS** (*σκεπινός*), another name for the preceding, used by Athenæus.¹

SCEPTRUM is a Latinized form of the Greek *σκήπτρον*, which originally denoted a simple staff or walking-stick.² (Vid. BACULUS.) The corresponding Latin term is *scipio*, springing from the same root and having the same signification, but of less frequent occurrence.

As the staff was used not merely to support the steps of the aged and infirm, but as a weapon of defence and assault, the privilege of habitually carrying it became emblematic of station and authority. The straight staves which are held by two of the four sitting figures in the woodcut at p. 61, while a third holds the curved staff, or *LITUS*, indicate, no less than their attitude and position, that they are exercising judicial functions. In ancient authors the sceptre is represented as belonging more especially to kings, princes, and leaders of tribes;³ but it is also borne by judges,⁴ by heralds,⁵ and by priests and seers.⁶ It was more especially characteristic of Asiatic manners, so that, among the Persians, whole classes of those who held high rank and were invested with authority, including eunuchs, were distinguished as the sceptre-bearing classes (*οἱ σκηπτουχοί*).⁷ The sceptre descended from father to son,⁸ and might be committed to any one in order to express the transfer of authority.⁹ Those who bore the sceptre swore by it,¹⁰ solemnly taking it in the right hand and raising it towards heaven.¹¹

The original wooden staff, in consequence of its application to the uses now described, received a variety of ornaments or emblems. It early became a truncheon, pierced with golden or silver studs.¹² It was enriched with gems,¹³ and made of precious metals or of ivory.¹⁴ The annexed woodcut, taken from one of Sir Wm. Hamilton's fictive vases, and representing Æneas followed by Ascanius, and carrying off his father Anchises, who holds the sceptre in his right hand, shows its form as worn



by kings. The ivory sceptre (*eburneus scipio*)¹⁵ of the kings of Rome, which descended to the consuls, was surmounted by an eagle.¹⁶ (Vid. INSIGNIA.) Jupiter and Juno, as sovereigns of the gods, were represented with a sceptre.¹⁷

SCEUOPHORUS (*σκευόφορος*). (Vid. HYPERBATES.)

1. *Æn.*, iv., 664.—2. (Theophr., H. P., iv., 5.—168.—Adams, Append., s. v.)—3. (Varro, De Ling. 9.—*Isid.*, xi., 11.—Ovid, *Art. Am.*, ii., 211.)—4. 162.)—5. (*Id.*, *Fast.*, vi., 305.)—6. (*Varij Auct.*, 40, 125, 198, ed. Goes.)—7. (*Colum.*, ii., 2.)—8. (*P.*, vii., 8.—*Dioscor.*, ii., 167.—Aristoph., *Acharn.*, ii., ad loc.)—9. (*Hor.*, *Carmin.*, iii., 29, 62.)—10. (*Cic.*, ii., 1.)—11. (*Aristot.*, H. A., ii., 17; viii., 2; ix., 37, A., i., 2.—*Id.*, ii., 54.—Adams, Append., s. v.)—12. *Saxicon*, 4th ed., s. v.)

1. (*vii.*, 120.)—2. (*Hom.*, II., xviii., 416.—*Æschyl.*, *Agam.*, 74.—*Herod.*, i., 195.)—3. (*Hom.*, II., ii., 186, 199, 265, 288, 279, xviii., 557.—*Id.*, *Od.*, ii., 37, 80; iii., 412.)—4. (*Id.*, *Od.*, xi., 568.)—5. (*Id.*, II., iii., 218; vii., 277; xviii., 505.)—6. (*Id.*, *ib.*, i., 15, *Od.*, xi., 91.—*Æsch.*, *Agam.*, 1236.)—7. (*Xen.*, *Cyr.*, viii., 3, § 17; viii., i., § 38; 3, § 15.)—8. (*Hom.*, II., ii., 46, 100—109.)—9. (*Herod.*, vii., 52.)—10. (*Hom.*, II., i., 234—239.)—11. (*Hom.*, II., vii., 412; x., 321, 328.)—12. (*Id.*, i., 246; ii., 46.)—13. (*Ovid.*, *Met.*, iii., 264.)—14. (*Id.*, 178.—*Fast.*, vi., 38.)—15. (*Val. Max.*, iv., 4, § 5.)—16. (*Virg.*, *Æn.*, xi., 238.—*Serv.*, ad loc.—*Juv.*, i., 43.—*Id.*, *Orig.*, xviii., 2.)—17. (*Ovid.*, II., cc.)

and other ancient authors describe several species. Sprengel remarks that Nicander's division of scorpions had been adopted by modern naturalists. The scorpion," says Wilkinson, "was among the ancients an emblem of the goddess Selk, though I rather expect it to have been chosen as the Evil Being. Ælian mentions scorpiontoptis, which, though inflicting a deadly wound, was dreaded by the people, so far respected the goddess Isis, who was particularly worshipped by that women, in going to express their devotion, walked with bare feet, or lay upon the ground, without receiving any injury from them." fables," says Griffith, "which superstition and credulity have brought forth, during a series of ages, respecting this animal, are exhibited at the Natural History of Pliny. The answer, however, did observe that it coupled, and was voracious; that its sting was pierced, so as to give rise to the poison, and that this poison was fatal to the young, but they supposed that there was one to each mother; that this had escaped the punishment from the general slaughter which she made of her posterity, and that it finally avenged its brethren by devouring the author of its life. According to others, the mother became the prey of her own family; but, at all events, the voracity of these animals was fully recognised. It is probable that the winged scorpions, which excited astonishment from their size, such as those which Megasthenes informs us were to be found in India, are orthoptera of the genus *Phasma*, or spectrum or heptaptera of that of *Nepa* of Linnæus. Pliny informs us that the Psylli endeavoured to naturalize in Italy the scorpions of Africa, but that their attempts proved wholly unsuccessful. He distinguishes nine species, on the authority of Apollodorus. Nicander, who reckons one less, gives some particular details on the subject, but is guided by views purely medical.¹

*III. A species of fish, the *Scorpana porcus*, L., called in Italian *Scrofanello*; in modern Greek, *σκορπιδα*, according to Belon and Coray.²

*IV. A species of thorny plant, which Anguillara, Sprengel, and Schneider agree in regarding as the *Spartium Scorpium*. Stackhouse, however, finds objections to this opinion.³

*SCORPIOIDES (*σκορπιοειδής*), a species of plant, which Dodonæus and Sprengel agree in referring to the *Scorpiurus sulcatus*, L., or *Scorpioides*, Tournefort.⁴

SCRIBÆ. The scribæ at Rome were public notaries or clerks in the pay of the state. They were chiefly employed in making up the public accounts, copying out laws, and recording the proceedings of the different functionaries of the state. The phrase "*scriptum facere*"⁵ was used to denote their occupation. Being very numerous, they were divided into companies or classes (*decuria*), and were assigned by lot to different magistracies, whence they were named *questorii*, *ædilicis*, or *prætorii*, from the officers of state to whom they were attached.⁶ We also read of a *navalis scriba*, whose occupation was of a very inferior order.⁷ The appointment to the office of a "scriba" seems to have been either made on the nomination of a magistrate, or purchased. Thus Livy⁸ tells us that a scriba was appointed by a *questor*; and we meet with the phrase "*decuriam*

emere," to "purchase a company," i. e., to buy a clerk's place. Horace, for instance, bought for himself a "patent place as clerk in the treasury" (*scriptum questorium comparavit*). In Cicero's time, indeed, it seems that any one might become a scriba or public clerk by purchase,⁹ and, consequently, as freedmen and their sons were eligible, and constituted a great portion of the public clerks at Rome,¹⁰ the office was not highly esteemed, though frequently held by ingenui or freeborn citizens. Cicero,¹¹ however, informs us that the scribæ formed a respectable class of men, but he thinks it necessary to assign a reason for calling them such, as if he were conscious that he was combating a popular prejudice. Very few instances are recorded of the scribæ being raised to the higher dignities of the state. Cn. Flavius, the scribe of Appius Claudius, was raised to the office of *curule ædile* in gratitude for his making public the various forms of actions, which had previously been the exclusive property of the patricians (*vid. Actio*, p. 17), but the returning officer refused to acquiesce in his election till he had given up his books (*tabulas posuit*) and left his profession.¹² The private secretaries of individuals were called *LIBRARI*, and sometimes scribæ ab *epistolis*. In ancient times, as Festus¹³ informs us, scriba was used for a poet.¹⁴

SCRIBONIA LEX. (*vid. Lex*, p. 585.)

SCRINIUM. (*vid. CAPSA*.)

SCRIPULUM. (*vid. SCRUPULUM*.)

SCRIPTA DUODECIM. (*vid. LATRUNCULLI*.)

SCRIPTURA was that part of the revenue of the Roman Republic which was derived from letting out those portions of the *ager publicus* which were not or could not be taken into cultivation as pasture-land.¹⁵ The name for such parts of the *ager publicus* was *pascua publica*, *saltus*, or *silvæ*. They were let by the censors to the publicani, like all other *vectigalia*; and the persons who let their cattle graze on such public pastures had to pay a certain tax or duty to the publicani, which, of course, varied according to the number and quality of the cattle which they kept upon them. To how much this duty amounted is nowhere stated, but the revenue which the state derived from it appears to have been very considerable. The publicani had to keep the lists of the persons who sent their cattle upon the public pastures, together with the number and quality of the cattle. From this registering (*scribere*) the duty itself was called *scriptura*, the public pasture-land *ager scripturarius*,¹⁶ and the publicani, or their agents who raised the tax, *scripturarii*. Cattle not registered by the publicani were called *pecudes inscriptæ*, and those who sent such cattle upon the public pasture were punished according to the *lex Censoria*,¹⁷ and the cattle were taken by the publicani and forfeited.¹⁸ The *lex Thoria*¹⁹ did away with the *scriptura* in Italy, where the public pastures were very numerous and extensive, especially in Apulia,²⁰ and the lands themselves were now sold or distributed. In the provinces, where the public pastures were also let out in the same manner,²¹ the practice continued until the time of the Empire, but afterward the *scriptura* is no longer mentioned.²²

SCRUPULUM, or, more properly, SCRIPULUM or SCRIPULUM (*γραμμία*), the smallest denomination of weight among the Romans. It was the 24th part

1. (Sprengel, *Hist. de la Med.*—Adams, *Append.*, s. v.—Wilkinson's *Mann. and Customs*, &c., vol. v., p. 254.—Griffith's *Cuvier*, vol. xiii., p. 434, &c.)—2. (Aristot., *H. A.*, ii., 17.—Adams, *Append.*, s. v.)—3. (Theophr., *H. P.*, ix., 13, 18.—Adams, *Append.*, s. v.)—4. (Dioscor., iv., 192.—Adams, *Append.*, s. v.)—5. (Livy, ix., 46.—Gell., vi., 9.)—6. (Cic., c. Verr., II., iii., 79; c. Cat., iv., 7; Pro Cluent., 45.—Plin., *H. N.*, xxvi., l. s. 3.)—7. (Festus, s. v. *Navalis*.)—8. (xl., 29.)

1. (Tate's *Horace*, ed. i., p. 58.)—2. (Cic., II., iii., c. Verr., 79.)—3. (Tacit., *Ann.*, xiii., 27.)—4. (l. c.)—5. (Gell., l. c.)—6. (s. v.)—7. (Ernesti, *Clav. Cic.*, s. v.—Götting, *Gesch. der Röm. Staatsv.*, p. 274.)—8. (Varro, *De Ling. Lat.*, iv., p. 10, Bip.—Festus, s. v. *Saltum*.)—9. (Festus, s. v. *Scripturarius ager*.)—10. (Varro, *De Re Rust.*, ii., 1.)—11. (Plaut., *Truc.*, i., 2, 42, &c.)—12. (Appian, *De Bell. Civ.*, i., 27.—Cic., *Brut.*, 36.)—13. (Varro, *De Re Rust.*, l. c.—Livy, xxxix., 29.)—14. (Cic., c. Verr., II., ii., 3; Pro Leg. Man., 6; ad Fam., xiii., 65.—Plin., *H. N.*, xix., 15.)—15. (Compare Niebuhr, *Hist. of Rome*, iii., p. 15, &c.—Burmann, *Vectig. Pop. Rom.*, c. 4.)

of the *UNCIA*, or the 288th of the *LIBRA*, and therefore = 18.06 grains English, which is about the average weight of the scrupular aurei still in existence. (*Vid. AURUM*.)

As a square measure, it was the smallest division of the *JUGERUM*, which contained 288 scrupula. (*Vid. JUGERUM*.) Pliny¹ uses the word to denote small divisions of a degree. It seems, in fact, to be applicable to any measure.

Though the scrupulum was the smallest weight in common use, we find divisions of it sometimes mentioned, as the *obolus* = $\frac{1}{2}$ of a scruple, the *semi-obolus* = $\frac{1}{4}$ of an obolus, and the *siliqua* = $\frac{1}{8}$ of an obolus, = $\frac{1}{16}$ th of a scruple, which is thus shown to have been originally the weight of a certain number of seeds.²

"*Semioboli duplum est obolus, quem pondere duplo Gramma vocant, scriplum nostri dicere priores. Semina sex alii siliquis latitantia curvis Attribuant scriplo, lentissime grana bis octo, Aut totidem speltas numerant, tristesse lupinos Bis duo.*"

SCULPTURA (*γλυφή*) properly means the art of engraving figures upon metal, stone, wood, and similar materials, but is sometimes improperly applied by modern writers to the statuary art, which is explained in a separate article. (*Vid. STATUARY*.) There are two different forms of the word, both in Greek and Latin, viz., *sculpro*, *sculptura*, and *sculpro*, *sculptura* (in Greek *γλάφω* and *γλύφω*). The general opinion is, that both *sculpro* and *sculpro*, with their derivatives, signify the same thing, only different in degree of perfection, so that *sculptura* would signify a coarse or rude, *sculptura* an elaborate and perfect engraving. This opinion is chiefly based upon the following passages: Horat., *Sat.*, ii., 3, 22.—Ovid, *Met.*, x., 248.—Vitruv., iv., 6.³ Others, again, believe that *sculpro* (*γλάφω*) signifies to cut figures into the material (intaglio), and *sculpro* (*γλύφω*) to produce raised figures, as in cameos. But it is very doubtful whether the ancients themselves made or observed such a distinction.

It may be expedient, however, in accordance with this distinction, to divide *sculptura* into two departments: 1. The art of cutting figures into the material (intaglio), which was chiefly applied to producing seals and matrices for the mints; and, 2. The art of producing raised figures (cameos), which served for the most part as ornaments.

The former of these two branches was much more extensively practised among the ancients than in modern times, which arose chiefly from the general custom of every free man wearing a seal-ring. (*Vid. RINGES*.) The first engravings in metal or stone, which served as seals, were simple and rude signs without any meaning, sometimes merely consisting of a round or square hole.⁴ In the second stage of the art, certain symbolical or conventional forms, as in the worship of the gods, were introduced, until at last, about the age of Phidias and Praxiteles, this, like the other branches of the fine arts, had completed its free and unrestrained career of development, and was carried to such a degree of perfection, that, in the beauty of design as well as of execution, the works of the ancients remain unrivalled down to the present day. But few of the names of the artists who excelled in this art have come down to us. Some intaglios, as well as cameos, have a name engraved upon them, but it is in all cases more probable that such are the names of the owners rather than those of the artists. The first artist who is mentioned as an engraver of stones is Theo-

dorus, the son of Telecles, the Samian, who engraved the stone in the ring of Polyocrates.⁵ The most celebrated among them was Pyrgoteles, who engraved the seal-rings for Alexander the Great.⁶ The art continued for a long time after Pyrgoteles in a very high state of perfection, and it appears to have been applied about this period to ornamental works, for several of the successors of Alexander and other wealthy persons adopted the custom, which was and is still very prevalent in the East, of adorning their gold and silver vessels, craters, *candelabra*, and the like, with precious stones, on which raised figures (cameos) were worked.⁷ Among the class of ornamental works we may reckon such vessels and *pateræ* as consisted of one stone, upon which there was in many cases a whole series of raised figures of the most exquisite workmanship.⁸ Respecting the various precious and other stones which the ancient artists used in these works, see Müller.⁹

As regards the technical part of the art of working in precious stones, we only know the following particulars. The stone was first polished by the politor, and received either a plane or convex surface; the latter was especially preferred, when the stone was intended to serve as a seal. The sculptor himself used iron or steel instruments mounted with oil, and sometimes also a diamond framed in iron. These metal instruments were either sharp and pointed, or round.⁶ The stones which were destined to be framed in rings, as well as those which were to be inlaid in gold or silver vessels, then passed from the hands of the sculptor into those of the goldsmith (*annularius*, *compositor*).

Numerous specimens of intaglios and cameos are still preserved in the various museums of Europe, and are described in numerous works. For the literature of the subject, see Müller.⁷

ΣΚΥΡΙΑ ΔΙΚΗ (*σκυρία δική*) is thus explained by Pollux: Σκυρίαν δικην ὀνομάζουσιν οἱ κομμοδοδοῦνται τοὺς τὴν τραχίαν οἱ γὰρ φυγοδικούντες ἐσκήπτουσι εἰς Σκυρίαν ἢ εἰς Λήμνον ἀποδημεῖν. By *τραχία δική* meant one beset with difficulties, in which the plaintiff had to encounter every sort of trickery and evasion on the part of the defendant. On the appointed day of trial both parties were required to be present in court, and if either of them did not appear, judgment was pronounced against him, unless he had some good excuse to offer, such as illness or inevitable absence abroad. Cause was shown by some friend on his behalf, supported by an affidavit called *ὑπωμοσία*, in answer to which the opponent was allowed to put in a counter-affidavit (*ἀνθεπωμοσία*), and the court decided whether the excuse was valid. It seems to have become a practice with persons who wished to put off or shirk a trial, to pretend that they had gone to some island in the *Ægean* Sea, either on business or on the public service; and the isles of Scyrus (one of the Cyclades), Lemnos, and Imbrus were particularly selected for that purpose. Shammers of this kind were therefore nicknamed Lemnians and Imbrians.⁸

SCYTHÆ (*σκύθαι*). (*Vid. DEMOSTOI*.)

SCUTUM (*θυρεός*), the Roman shield worn by the heavy-armed infantry, instead of being round like the Greek *CLEPEUS*, was adapted to the form of the human body by being made either oval or of the shape of a door (*θύρα*), which it also resembled in being made of wood or wickerwork, and from which,

1. (*H. N.*, ii., 7.)—2. (*Rhem. Fann.*, De Pond., v., 8-13.)—3. Compare the commentators on Suet., Galb., 10.)—4. (*Meyer, Griech. Gesch.*, i., 10.)

1. (*Herod.*, ii., 41.)—2. (*Winckelmann*, vi., p. 107, &c.)—3. (*Athen.*, xi., p. 781.—*Cic.*, c. Verr., ii., iv., 27, &c.)—4. (*Apyru, Mithr.*, 115.—*Cic.*, l. c.—*Plin.*, H. N., xxxvii., 2.)—5. (*Archæol.*, § 313.)—6. (*Plin.*, H. N., xxxvii., 76.—*Müller, Arch.*, i., 314, 2.)—7. (*Archæol.*, § 315, &c.)—8. (*Pollux, Onom.*, viii., 66, 81.—*Kühn*, ad loc.—*Suidas*, s. v. *Σκυρία ἕκρη*.—*Hezsch*, s. v. *Ἰμβριος*.—*Steph.*, *Thes.*, 8484, c., s. v. *Σκυρία*.—*Demuth*, s. *Olympiod.*, 1174.—*Meier*, *Att. Proc.* 696

ently its Greek name was derived. Two forms are shown in the woodcut at page 111, that which is here exhibited is also of fre-



occurrence, and is given on the same authority in this case the shield is curved, so as in part to enclose the body. The terms *clipeus* and *scutum* are confounded; but that they properly denote different kinds of shields is manifest from the works of Livy and other authors which are quoted, p. 102, 269. In like manner, Plutarch describes the Roman *θυρεός* from the Greek *ἀσπίς* the life of Titus Flaminius.¹ In *Eph.*, vi., 16, he uses the term *θυρεός* rather than *ἀσπίς* or because he is describing the equipment of a soldier. (*Vid. ARMA*, p. 95.) These Shields are called *scuta longa*;² *θυρεός* ἐπιμή- Polybius³ says their dimensions were 4 feet square. The shield was held on the left arm by a handle, and covered the left shoulder.

SCUTUM (σκύλλον), a species of Shark, probably *Squalus canicula*, or Bounce.⁴

SCYTHALE (σκυτάλη), I. is the name applied to a mode of writing, by which the Spartans communicated with their kings and generals abroad.⁷ When a king or general left Sparta, he gave to him a staff of a definite length and thickness, and retained for himself another of the same size. When they had any communication to make to him, they cut the message which they intended to write into the wood of a narrow ribband, wound it round their staff, and wrote upon it the message which they had to him. When the strip of writing material was unrolled from the staff, nothing but single letters were seen, and in this state the strip was sent to the king, who, after having wound it around his staff, was able to read the communication. This rude but perfect mode of sending a secret message has come down from early times, although the use of it is recorded previous to the time of Solon.⁸ In later times, the Spartans used the scythale sometimes also as a medium through which they sent their commands to subject and allied

States (σκυτάλη), the Blue-bellied Snake. "From Solon's description of the scythale," says Adams, "it nearly resembled the amphibæne." The Latin translation of Avicenna it is *renasculus*. Avicenna says it resembles the scythale both in form and in the effects of its bite. Hence Sprengel refers the scythale to the

Anguis eriox, a serpent which differs in length only from the *Anguis fragilis*, or Blindworm."¹¹

SECTIO. "Those are called sectores who buy property publice."¹² Property was said to be sold publice (*venire publice*) when a man's property was sold by the state in consequence of a condemnation, and for the purpose of repayment to the state of such sums of money as the condemned person had improperly appropriated, or in consequence of a proscription.³ Such a sale of all a man's property was a *sectio*;⁴ and sometimes the things sold were called *sectio*.⁵ The sale was effected by the prætor giving to the quæstors the bonorum possessio, in reference to which the phrase "*bona publice possideri*" is used. The property was sold sub hasta, and the sale transferred Quiritarian ownership, to which Gaius probably alludes in a mutilated passage.⁶ The sector was entitled to the interdictum sectorium for the purpose of obtaining possession of the property;⁷ but he took the property with all its liabilities. An hereditas that had fallen to the fiscus was sold in this way, and the sector acquired the hereditatis petitio.

SECTOR. (*Vid. SECTIO.*)

SECTORIUM INTERDICTUM. (*Vid. INTERDICTUM*, p. 543; *SECTIO.*)

SECURIS, *dim. SECURICULA* (ἀξίνη, πελέκους) an Axe or Hatchet. The axe was either made with a single edge, or with a blade or head on each side of the haft, the latter kind being denominated *bipennis* (πελέκους διατόμος, or ἀμφιστόμος⁸). As the axe was not only an instrument of constant use in the hands of the carpenter and the husbandman, but was, moreover, one of the earliest weapons of attack,⁹ a constituent portion of the Roman fasces, and a part of the apparatus when animals were slain in sacrifice, we find it continually recurring under a great variety of forms upon coins, gems, and bas-reliefs. In the woodcut to the article *SECTIVUM*, the young Ascanius holds a battle-axe in his hand. Also real axe-heads, both of stone and metal, are to be seen in many collections of antiquities. Besides being made of bronze and iron, and more rarely of silver,¹⁰ axe-heads have from the earliest times and among all nations been made of stone. They are often found in sepulchral tumuli, and are arranged in our museums together with chisels, both of stone and of bronze, under the name of *celts*. (*Vid. DOLABRA.*)

The prevalent use of the axe on the field of battle was generally characteristic of the Asiatic nations,¹¹ whose troops are therefore called *securigera caterva*.¹² As usual, we find the Asiatic custom propagating itself over the north of Europe. The bipennis and the spear were the chief weapons of the Franks.¹³

In preparing for a conflict, the metallic axe was sharpened with a whetstone (*subigunt in cote securas*¹⁴).

SECUTORES. (*Vid. GLADIATORES*, p. 477.)

SEISACHTHEIA (σεισάχθεια), a disburdening ordinance, was the first and preliminary step in the legislation of Solon.¹⁵ The real nature of this measure was a subject of doubt even among the ancients themselves; for, while some state that Solon thereby cancelled all debts, others describe it as a mere reduction of the rate of interest. But from the various accounts in Plutarch and the grammarians, it

88, ed. Steph.)—2. (Josephus, as quoted in p. 728, art. 8.—Florus, iii., 10.)—3. (Virg., *Æn.*, viii., 602.—Ovid., 393.)—4. (Joseph., *Ant. Jud.*, viii., 7, § 2.)—5. (vi., Aristot., *H. A.*, vi., 10.—Oppian, *Hal.*, l.—Adams, *Art.*, § 7. (Plut., *Lysand.*, 19.—Schol. ad *Theoc.*, i., 131, s. v.)—8. (Corn. Nep., *Paus.*, 3.)—9. (Xen., *Hæ.*, i., v.,

1. (Adams, *Append.*, s. v.)—2. (Gaius, iv., 146.—Festus, s. v. *Sectores*.)—3. (Liv., xxxviii., 60.—Cic. in *Verr.*, ii., i., 20.)—4. (Cic., *Pro S. Rosc. Amer.*, 36, 43, &c.)—5. (Tacit., *Hist.*, i., 90;—6. (iii., 80.—Compare Varro, *De Re Rust.*, ii., 10, s. 4.—Tacit., *Hist.*, i., 20.)—7. (Gaius, iv., 146.)—8. (Agathias, *Hist.*, ii., 5, p. 73, 74.)—9. (Hom., *Il.*, xv., 711.—Suet., *Galba*, 18.)—10. (Virg., *Æn.*, v., 307.—Wilkinson's *Man. and Cust. of Egypt*, i., p. 324.)—11. (Curt., iii., 4.)—12. (Val. Flacc., *Argon.*, v. 138.)—13. (Agathias, l. c.)—14. (Virg., *Æn.*, viii., 627.)—15. (Plut., *Sol.*, 15.—Diog. Laert., i., 45.)

seems to be clear that the *σεισάχθεια* consisted of four distinct measures. The first of these was the reduction of the rate of interest; and if this was, as it appears, retrospective, it would naturally, in many cases, wipe off a considerable part of the debt. The second part of the measure consisted in lowering the standard of the silver coinage, that is, Solon made 73 old drachmas to be worth 100 new ones; so that the debtor, in paying off his debt, gained rather more than one fourth. Böckh¹ supposes that it was Solon's intention to lower the standard of the coinage only by one fourth, that is, to make 75 old drachmas equal to 100 new ones, but that the new coin proved to be lighter than he had expected. The third part consisted in the release of mortgaged lands from their encumbrances, and the restoration of them to their owners as full property. How this was effected is not clear. Lastly, Solon abolished the law which gave to the creditor a right to the person of his insolvent debtor, and he restored to their full liberty those who had been enslaved for debt.

This great measure, when carried into effect, gave general satisfaction, for it conferred the greatest benefits upon the poor without depriving the rich of too much, and the Athenians expressed their thankfulness by a public sacrifice, which they called *σεισάχθεια*, and by appointing Solon to legislate for them with unlimited power.²

*SELL'NON (*σέλινον*). "I agree with Sprengel," says Adams, "in thinking this the *Apium Petroselinon*, or Curled Parsley, although Stackhouse be doubtful. Ludovicus Nonnius correctly remarks that it ought not to be confounded with the *Petroselinon* of the ancients, or Macedonian Parsley."³

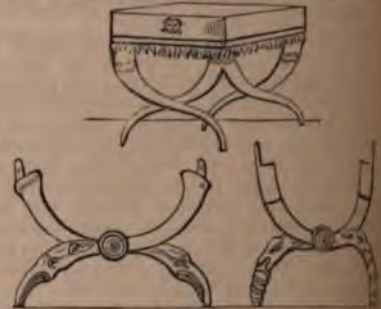
SELLA. The general term for a seat or chair of any description. The varieties most deserving of notice are:

I. SELLA CURULIS, the chair of state. *Curulis* is derived by the ancient writers from *currus*;⁴ but it more probably contains the same root as *curia*, which is also found in *Quirites*, *curiatus*, the Greek *κῦριος*, *κόιβανος*, &c. (*Vid. COMITIA*, p. 295.) The sella curulis is said to have been used at Rome from a very remote period as an emblem of kingly power (hence "*curuli regia sella adornavit*"⁵), having been imported, along with various other insignia of royalty, from Etruria,⁶ according to one account by Tullus Hostilius;⁷ according to another by the elder Tarquinius;⁸ while Silius names Vetulonii as the city from which it was immediately derived.⁹ Under the Republic, the right of sitting upon this chair belonged to the consuls, praetors, curule aediles, and censors;¹⁰ to the flamen dialis¹¹ (*vid. FLAMEN*); to the dictator, and to those whom he deputed to act under himself, as the *magister equitum*, since he might be said to comprehend all magistracies within himself.¹² After the downfall of the constitution, it was assigned to the emperors also, or to their statues in their absence;¹³ to the augustales,¹⁴ and perhaps to the praefectus urbi.¹⁵ It was displayed upon all great public occasions, especially in the circus and theatre,¹⁶ sometimes even after the death of the person to whom it belonged, a mark of special honour bestowed on Marcellus, German-

icus, and Pertinax;¹ and it was the seat of the praetor when he administered justice.² In the provinces it was assumed by inferior magistrates as they exercised proconsular or propraetorian authority, as we infer from its appearing along with *fasces* on a coin of the Gens Pupia, struck at Nicara, Bithynia, and bearing the name ΑΥΑΟC: ΗΟΥΡΗC: ΤΑΜΙΑC. We find it occasionally exhibited on medals of foreign monarchs likewise, on those of Ariobarzanes II. of Cappadocia, for it was the practice of the Romans to present a curule chair, an ivory sceptre, a toga praetexta, and such like ornaments, as tokens of respect and confidence to their rulers whose friendship they desired to cultivate.³

The sella curulis appears from the first to have been ornamented with ivory, and this is commonly indicated by such expressions as *curuleclor*; *Nimis sculptile dentis opus*; and *Ελεφαντίνος δίπρος*,⁴ at a later period it was overlaid with gold, and eventually we find *δίπρος επιχρυσούς*, *ἀρόνησιν χρύσεους*, *τὸν δίπρον τὸν κεκρωμένον*, recurring constantly in Dion Cassius, who frequently, however, employs the simple form *δίπρος ἄρχαίο*. In shape it long remained extremely plain, closely resembling a common folding (*plicatilis*) camp-stool with crossed legs. These last gave rise to the name *ἐπιπλοῦς δίπρος*, found in Plutarch;⁵ they strongly remind us of elephant's teeth, which they may have been intended to imitate, and the Emperor Augustus proposed to construct one in which each foot was to consist of an enormous tusk entire.⁶

The form of the sella curulis, as it is commonly represented upon the denarii of the Roman Emperors, is given in p. 431. In the following cut are represented two pairs of bronze legs belonging to a sella curulis preserved in the Museum at Naples,⁷ and a sella curulis copied from the Vatican collection.



II. BISELLIUM. The word is found in no classical author except Varro,⁸ according to whom it means a seat large enough to contain two persons. We learn from various inscriptions that the right of using a seat of this kind upon public occasions was granted as a mark of honour to distinguished persons by the magistrates and people in provincial towns. There are examples of this in an inscription found at Pisa, which called forth the long and rambling dissertation of Chimentelli;⁹ and two others found at Pompeii.¹⁰ In another inscription we have BISELLIATUS HONOR;¹¹ in another containing the roll of an incorporation of capitalists of the office-bearers is styled COLLEGIUM BISELLIARIUM.¹²

1. (Staatsk., i., p. 17.)—2. (Plut., Sol., 16.—Compare Soidas, Hesych. Etym. Mag., s. v.—Cic., De Republ., ii., 34.—Wachsmuth, Hell. Alt., i., p. 240.)—3. (Dioscor., iii., 67.—Theophrast., H. P., i., 2.—Adams, Append., s. v.)—4. (Aul. Gell., iii., 18.—Festus, s. v. Curules.—Servius ad Virg., Æn., xi., 334.—Ibid., xx., 11, 11.)—5. (Liv., i., 20.)—6. (Liv., i., 8.)—7. (Macrobi., Sat., i., 6.)—8. (Flor., i., 5.)—9. (viii., 487.)—10. (Liv., ii., 84; vi., 1; ix., 40; x., 7; xi., 45.—Aul. Gell., vi., 9, &c.)—11. (Liv., i., 20; xxvii., 8.)—12. (Dion Cass., xliii., 48.—Liv., ii., 31.—Festus, s. v. Sella curulis.)—13. (Tacit., Ann., xv., 29.—Hist., ii., 59.—Servius, l. c.)—14. (Tacit., Ann., ii., 83.)—15. (Spanheim, De Praest. et Usu Numism., x., 3, § 1.)—16. (Liv., ii., 31.—Sueton., Octav., 43.—Dion Cass., lvi., 4.)

SELLA.



ze bisella were discovered at Pompeii, uncertainty with regard to the form of s been removed. One of these is en-

e.¹
 A GESTATORIA² or FERTORIA,³ a sedan town and country⁴ by men⁵ as well as (*muliebris sella*⁷). It is expressly dis- from the LECTICA,⁸ a portable bed or ch the person carried lay in a recumbent ile the *sella* was a portable chair in occupant sat upright; but they are some- mended, as by Martial.⁹ It differed from also, but in what the difference consist- eady to determine. (Vid. CATHEDRA.) is sometimes entirely open, as we infer ount given by Tacitus of the death of ore frequently shut in.¹¹ Dion Cas- ds that Claudius first employed the cov- ut in this he is contradicted by Sueto- y himself.¹⁴ It appears, however, not to ntroduced until long after the lectica n, since we scarcely, if ever, find any until the period of the Empire. The made sometimes of plain leather, and namented with bone, ivory, silver,¹⁵ or ding to the rank or fortune of the pro- ey were furnished with a pillow to sup- ad and neck (*cervical*¹⁷); when made pithet *laxa* was applied;¹⁸ when smaller hey were termed *sellula*;¹⁹ the motion t that one might study without incon- while, at the same time, it afforded rcise.²¹

e of different kinds are mentioned in- ancient writers, accompanied by epi- serve to point out generally the purpo- h they were intended. Thus we read *carca*, *sella tonsoria*, *sella obstetricia*, *ricæ V. pertusæ*, and many others. Both Festus²² have preserved the word *seli-* The former classes it along with *sedes*, t, *sella*; the latter calls them "*sedilia is*;" and Arnobius includes them among icles of furniture. No hint, however,

son, vol. ii., tav. 31.)—2. (Suet., Ner., 26.—
 mian., xxix., 2.)—3. (Cael. Aurelian., i., 5; ii., 1.)
 an., xiv., 4.—Suet., Claud., 25.)—5. (Tacit.,
 , 65.—Juv., vii., 141.—Mart., ix., 23.)—6. (Ta-
 4.—Juv., i., 124.—Id., vi., 532.)—7. (Suet.,
 aet., Claud., 25.—Mart., x., 10; xi., 98.—Sen-
 2.)—9. (iv., 51.)—10. (Hist., i., 35, &c.)—11.
 Suet., Ner., 26.—Vitell., 16.—Otho, 6.)—12. (ix.,
 , 53.)—14. (xlvii., 23; lvi., 43.)—15. (Lamp.,
 t. (Claud., Honor. Cons., iv., 583.)—17. (Juv.,
 ol.)—18. (Senec., De Const., 14.)—19. (Tacit.,
 20. (Plin., Ep., iii., 5.)—21. (Senec., brev. vit.,
 Tuend. Val., vi., 4.—Cilius Aurel., l. c.)—22.
 —23. (s. v.)

SEMEIOTICA.

is given by any of these authorities which could lead us to conjecture the shape, nor is any additional light thrown upon the question by Hyginus, who tells us, when describing the constellations, that Cassiopeia is seated "*in siliquastro*."

Of chairs in ordinary use for domestic purposes, a great variety, many displaying great taste, has been discovered in excavations, or are seen represented in ancient frescoes. The first cut annexed



represents a bronze one from the Museum at Naples:¹ the second, two chairs, of which the one on



the right hand is in the Vatican, and the other is taken from a painting at Pompeii.² A chair of a very beautiful form is given in the *Mus. Borb.*³

V. SELLÆ EQUESTRES. (Vid. EPHIPIUM.)

SEMATA. (Vid. FUNUS, p. 457.)

SEMEIOTICA (τὸ Σημειωτικόν), one of the five parts into which, according to some authors, the ancients divided the whole science of medicine. (Vid. MEDICINA.) The more ancient name for this branch of medicine was *Diagnostica* (τὸ διαγνωστικόν), but in Galen's time the more common name appears to have been *Semeiotica*. Its particular province was the studying the symptoms of diseases, so as to be able to form a correct judgment as to their precise nature, and also to foretell with tolerable accuracy their probable termination. It was divided into three parts, comprehending, I. the knowledge of the past accidents and history of the disease; II. the inspection and study of the patient's actual condition; and, III. the prognosis of the event of his illness. As perhaps this branch of medicine depends less on the state of science, and more on observation and natural acuteness than any other, this is the part in which the ancients laboured under the fewest disadvantages, and approached most nearly to ourselves. They seem also to have paid particular attention to the study of it, and their writings on this subject are still well worth consulting. Its necessity is insisted on by Galen and Alexander Trallianus; and the author of the treatise *De Arte*, in the Hippocratic collection, seems to think the knowing the nature of a disease almost the same as curing it. There are so many anecdotes of the skill and acuteness of the ancients in diagnosis and prognosis, that it is difficult to select the most striking. That of Erasistratus is well known, who discovered that the secret disease of which Antiochus, the son of Seleucus Nicator, was dying, was in fact nothing but his love for his stepmother Stratonice.⁴

1. (Mus. Borb., vol. vi., tav. 28.)—2. (Id., vol. xii., tav. 3.)—
 3. (vol. viii., tav. 20.)—4. (Appian, De Reb. Syr., 59, &c.—Plut.,
 Demetr., c. 38, p. 907.—Suidas, s. v. Ἐρασ.—Val. Max., v., 7.)

Many instances are recorded of Galen's extraordinary penetration, inasmuch that he ventured to say that, by the assistance of the Deity, he had never been wrong in his prognosis.¹ Asclepiades is said to have gained a great reputation by discovering that a man who was supposed to be dead, and was on the point of being buried, was in fact alive;² and several similar instances are upon record. It must not, however, be supposed, that the natural acuteness of the ancients enabled them, in this branch of medicine, to overcome the force of vulgar prejudices, which so distinctly appear in other parts of their writings; on the contrary, on some subjects (as, for example, everything connected with generation) their prognosis was formed on the most ridiculous and superstitious grounds.

In the Hippocratic collection, the following works are found on this subject, of which, however, only the first is considered as undoubtedly genuine:³ 1. Προγνωστικόν, *Prænotiones*; 2. Κωακαὶ Προγνώσεις, *Prænotiones Coaca*, supposed to be more ancient than Hippocrates; 3. Προφήτικόν, *Prædictiones*, in two books, of which the former is probably anterior to Hippocrates, the second cannot be older than Aristotle and Praxagoras;⁴ 4. Περὶ Χυμῶν, *De Humoribus*; 5. Περὶ Κρίσεων, *De Judicationibus*; 6. Περὶ Κρίσεων, *De Diebus Judicatoriis*. Aretæus has left four valuable books Περὶ Αἰτιῶν καὶ Σημείων Ὀξέων καὶ Χρονίων Παθῶν, *De Causis et Signis Acutorum et Diuturnorum Morborum*. Galen's six books, Περὶ τῶν Πεπονθότων Τόπων, *De Locis Affectis*, are not unfrequently quoted by the title of Διαγνωστικῆ, *Diagnostica*,⁵ and treat chiefly of this subject.⁶ We have also various other works by Galen on the same subject. Stephanus Atheniensis has written a Commentary on the *Prænotiones* of Hippocrates; and these (as far as the writer is aware) are all the works of the ancients that remain upon this subject.

SEMENTIVÆ FERLE. (*Vid. FERIA*, p. 435.)

SEMIS, SEMISSIS. (*Vid. AS*, p. 110.)

SEMPRONIÆ LEGES, the name of various laws proposed by Tiberius and Caius Sempronius Gracchus.

AGRARIA. In B.C. 133 the tribune Tib. Gracchus revived the Agrarian law of Licinius (*vid. ROGATIONES LICINIÆ*): he proposed that no one should possess more than 500 jugera of the public land (*ne quis ex publico agro plus quam quingenta jugera possideret*), and that the surplus land should be divided among the poor citizens, who were not to have the power of alienating it.⁷ he also proposed, as a compensation to the possessors deprived of the land on which they had frequently made improvements, that the former possessors should have the full ownership of 500 jugera, and each of their sons, if they had any, half that quantity;⁸ finally, that three commissioners (*tribuniviri*) should be appointed every year to carry the law into effect.⁹ This law naturally met with the greatest opposition, but was eventually passed in the year in which it was proposed, and Tib. Gracchus, C. Gracchus, and Appius Claudius were the three commissioners appointed under it. It was, however, never carried fully into effect, in consequence of the murder of Tib. Gracchus. The other measures contemplated by Tib. Gracchus¹⁰ do not require to be mentioned here, as they were never brought for-

ward.¹ In consequence of the difficulties were experienced in carrying his brother's a law into effect, it was again brought forward by C. Gracchus B.C. 123.²

DE CAPITIS CIVIUM ROMANORUM, proposed by Gracchus B.C. 123, enacted that the people should decide respecting the caput or civil condition of a citizen (*ne de capite civium Romanorum jussu vestro judicaretur*). This law continued in force till the latest times of the Republic.

FRUMENTARIA, proposed by C. Gracchus 123, enacted that corn should be sold by the state to the people once a month at $\frac{1}{4}$ ths of an each modius (*ut semisse et triente frumenti daretur*);³ Livy says *semissis et trientis*, that is, 4 oz. = 10 oz., because there was no representation of the *dextans*. (*Vid. AS*, p. 110.) Being this law, see also Appian, *Bell. Civ.*, i. Plut., *C. Gracchus*, 5.—Vell. Pat., ii., 6.—*Tusc.*, iii., 20; *Pro Sext.*, 48.—*Schol. Bell. Sext.*, p. 300, 303, ed. Ore^{li}.

JUDICIARIA. (*Vid. JUDEX*, p. 553.)

MILITARIA, proposed by C. Gracchus B.C. 123, enacted that the soldiers should receive their pay gratis, and that no one should be enrolled a soldier under the age of seventeen.⁴ From a fixed sum was deducted from the pay for clothes and arms issued to the soldiers.⁵

NE QUIS JUDICIO CIRCUMVENIRETUR, proposed by C. Gracchus B.C. 123, punished all who conspired to obtain the condemnation of a person in a publicum. One of the provisions of the Cornelia de Sicariis was to the same effect.⁶ CORNELIA LEX, p. 308.)

DE PROVINCIIS CONSULARIBUS, proposed by C. Gracchus B.C. 123, enacted that the senate should fix each year, before the comitia for electing consuls were held, the two provinces which were to be allotted to the two new consuls.⁷

There was also a Sempronian law concerning the province of Asia, which probably did not form part of the *lex De Provinciis Consularibus*, which enacted that the taxes of this province should be left to farm by the censors at Rome.⁸ This law was afterward repealed by J. Cæsar.⁹

SEMUNCIÆ. (*Vid. UNCIÆ*.)

SEMUNCIARIUM PUNUS. (*Vid. INTERDICTUM*, p. 547.)

SENATUS. In all the republics of antiquity the government was divided between a senate and a popular assembly; and in cases where a king reigned at the head of affairs, as at Sparta and in Rome, the king had little more than the executive power. A senate in the early times was always regarded as an assembly of elders, which is, in fact, the meaning of the Roman *senatus* as of the *ἄγῶν γερουσία*, and its members were elected from among the nobles of the nation. The number of senators in the ancient republics always bore a distinct relation to the number of tribes of which the senate was composed. (*Vid. BOULE GERONTIA*, p. 8.) Hence, in the earliest times, when Rome consisted of only one tribe, its senate consisted of one hundred members (*senatores* or *patres comitiales*); and when the Sabine tribe, or the Latin tribe, was united with the Latin tribe, or the Roman tribe, the number of senators was increased to two hundred.¹ This number was again augmented by

1. (Comment. in Hippocr., lib. i., "De Morb. Vulgar.", § 2, 20, tom. xviii., pt. i., p. 283.)—2. (Plin., H. N., vii., 37; xxvi., 8.—Cels., De Med., ii., 6.—Apul., Florid., iv., p. 302.)—3. (*Vid. Choulant, Handb. der Bücherkunde für die Ältere Medicin, Leipzig, 8vo, 1841.*)—4. (*Vid. Littre's Hippocr., Introd.*)—5. (*Vid. note on Theophr. Protospath., De Corp. Hum. Fabr.*, p. 186, ed. Oxon.)—6. (*Vid. Galen, ibid. init.*, tom. viii., p. 1.)—7. (*Liv., Epit.*, 58.)—8. (Appian, *Bell. Civ.*, i., 10, 27.)—9. (*Id.*, i., 9, 11.)—10. (*Id.*, i., 9.—*Liv.*, i., c.—Vell. Patere., ii., 2.—Aurel. Vict., De Vir. Ill., 64.)—11. (*Liv.*, i., c.)

1. (Compare Plut., Tib. Gracch., 8-14.)—2. (*Liv., Epit.*, 58.—Vell. Pat., ii., 6.—Plut., *C. Gracch.*, 5.—*Florus*, iii., 10.—*Cic.*, *Pro Rabir.*, 4; in *Cat.*, iv., 5; in *Verr.*, ii., v., 8.—*C. Gracch.*, 4.)—3. (*Liv., Epit.*, 60.)—4. (Plut., *C. Gracch.*, 6.—*Polyb.*, vi., 39, § 15.)—5. (*Cic.*, *Pro Cluent.*, 23, 24.)—6. (*Sallust.*, *Jug.*, 27.—*Cic.*, *De Prov. Cons.*, 2, *Pro Dom.*, 3.—*Cic.*, in *Verr.*, ii., iii., 6; ad *Att.*, i., 17.)—7. (*See Cic. xlii.*, 6.—Appian, *Bell. Civ.*, v., 4.)—8. (*See Cic. Plut., Rom.*, 20.)

ed when the third tribe, or the Luceres, be-
incorporated with the Roman state. Dionys-
and Livy² place this last event in the reign of
minius Priscus; Cicero,³ who agrees with the
historians on this point, states that Tarquinius
ed the number of senators, according to which
e obliged to suppose that before Tarquinius
nate consisted only of 150 members. This
nce, however, may be accounted for by the
sition, that at the time of Tarquinius Priscus
ber of seats in the senate had become va-
which he filled up at the same time that he
100 Luceres to the senate, or else that Cicero
ed the Luceres, in opposition to the two oth-
es, as a second or a new half of the nation,
as incorrectly considered their senators like-
s the second or new half of that body. The
enators added by Tarquinius Priscus were
ished from those belonging to the two old-
es by the appellation *patres minorum genti-*
previously those who represented the Tities
een distinguished by the same name from
who represented the Ramnes.⁴ Servius Tul-
ed not make any change in the composition
senate; but under Tarquinius Superbus the
y of senators is said to have become very
diminished, as this tyrant put many to death,
nt others into exile. This account, howev-
ears to be greatly exaggerated, and it is a
le supposition of Niebuhr,⁵ that several va-
s in the senate arose from many of the sen-
accompanying the tyrant into his exile. The
ies which had thus arisen were filled up im-
ely after the establishment of the Republic,
Junius Brutus, as some writers state,⁶ or, ac-
cording to Dionysius,⁷ by Brutus and Valerius Pub-
and, according to Plutarch⁸ and Festus,⁹ by
as Publicola alone. All, however, agree that
ersons who were on this occasion made sen-
were noble plebeians of equestrian rank.
sius states that the noblest of the plebeians
irst raised to the rank of patricians, and that
the new senators were taken from among

But this appears to be incompatible with
ame by which they were designated. Had
een made patricians, they would have been
s like the others, whereas now the new sena-
are said to have been distinguished from the
ues by the name of *conscripti*.¹⁰ Hence the
ary mode of addressing the whole senate
eforth always was *patres conscripti*, that is, *pa-*
et conscripti. There is a statement that the
ber of these new senators was 164;¹¹ but this,
Niebuhr has justly remarked, is a fabrication,
aps of Valerius of Antium, which is contradict-
y all subsequent history.

enceforth the number of 300 senators appears
ave remained unaltered for several centuries.¹²
Sempronius Gracchus was the first who at-
pted to make a change, but in what this con-
d is not certain. In the epitome of Livy it is
essly stated that he intended to add 600 equi-
to the number of 300 senators, which would
made a senate of 900 members, and would
given a great preponderance to the equites.
appears to be an absurdity.¹³ Plutarch¹⁴ states
Gracchus added to the senate 300 equites,
n he was allowed to select from the whole
of equites, and that he transferred the judicia
is new senate of 600. This account seems to
unded upon a confusion of the *lex Judiciaria* of

C. Gracchus with the later one of Livius Drusus,¹
and all the other writers who mention the *lex Ju-*
diciaria of C. Gracchus do not allude to any change
or increase in the number of senators, but merely
state that he transferred the judicia from the sen-
ate to the equites, which remained in their posses-
sion till the tribuneship of Livius Drusus. The
latter proposed that, as the senate consisted of 300,
an equal number of equites should be elected (*ἀποσ-*
τίθηναι) into the senate, and that in future the judi-
ces should be taken from this senate of 600.² After
the death of Livius Drusus, however, this law was
abolished by the senate itself, on whose behalf it
had been proposed, and the senate now again con-
sisted of 300 members. During the civil war be-
tween Marius and Sulla, many vacancies must
have occurred in the senate. Sulla, in his dicta-
torship, not only filled up these vacancies, but in-
creased the number of senators. All we know of
this increase with certainty is, that he caused
about 300 of the most distinguished equites to be
elected into the senate;³ but the real increase
which he made to the number of senators is not
mentioned anywhere. It appears, however, hence-
forth to have consisted of between five and six
hundred.⁴ J. Cæsar augmented the number to 900,
and raised to this dignity even common soldiers,
freedmen, and peregrini.⁵ This arbitrariness in
electing unworthy persons into the senate, and of
extending its number at random, was imitated af-
ter the death of Cæsar, for on one occasion there
were more than one thousand senators.⁶ Augustus
cleared the senate of the unworthy members,
who were contemptuously called by the people *Or-*
cini senatores, reduced its number to 600,⁷ and or-
dained that a list of the senators should always b
exhibited to public inspection.⁸ During the first
centuries of the Empire, this number appears, o
the whole, to have remained the same; but, as ev-
erything depended upon the will of the emperor,
we can scarcely expect to find a regular and fixed
number of them.⁹ During the latter period of the
Empire their number was again very much dimi-
nished.

With respect to the eligibility of persons for the
senate, as well as to the manner in which they
were elected, we must distinguish between the sev-
eral periods of Roman history. It was formerly a
common opinion, founded upon Livy¹⁰ and Festus,¹¹
which has in modern times found new supporters
in Husehke and Rubino, that in the early period
of Roman history the kings appointed the members
of the senate at their own discretion. It has, how-
ever, been shown by Niebuhr and others, with in-
controvertible arguments, that the *populus* of Rome
was the real sovereign; that all the powers which
the kings possessed were delegated to them by the
populus; and that the senate was an assembly
formed on the principle of representation: it rep-
resented the *populus*, and its members were elect-
ed by the *populus*. Dionysius¹² is therefore right
in stating that the senators were elected by the
populus, but the manner in which he describes the
election is erroneous, for he believes that the three
tribes were already united when the senate con-
sisted of only one hundred members, and that the
senators were elected by the *curiæ*. Niebuhr¹³
thinks that each gens sent its decurio, who was its
alderman, to represent it in the senate; Götting,¹⁴
on the other hand, believes, with somewhat more

ii., 67.)—2. (i., 35.)—3. (De Republ., ii., 20.)—4. (Dionys.,
i., 5.)—5. (Hist. of Rome, i., 526.)—6. (Liv., ii., 1.)—7. (v., 13.)
Publ., 11.)—9. (s. v. Qui Patres.)—10. (Liv., ii., 1.)—Festus,
conscripti and Adlecti.)—11. (Plut., Publ., 11.—Fest., s. v.
patres.)—12. (Liv., Epit., 60.)—13. (Götting, Gesch. d.
Staatsv., p. 437.)—14. (C. Gracch., 5, &c.)

1. (Walter, Gesch. d. Röm. Rechts, p. 244.)—2. (Appian, Civ-
il., i., 35.—Aurel. Vict., De Vir. Illust., 66.—Liv., Epit., 71.)—
3. (Appian, Civil., i., 100.)—4. (Cic. ad Att., i., 14.)—5. (Dion
Cass., xliii., 47.—Suet., Jul., 80.)—6. (Suet., Octav., 35.)—7.
(Dion Cass., liv., 14.)—8. (Id., iv., 3.)—9. (Dion Cass., liii., 17.)
—10. (i., 8.)—11. (s. v. Præteriti senatores.)—12. (ii., 14.)—13.
(i., p. 338.)—14. (p. 151.—Compare p. 67.)

last century of the Republic the senatorial was only regarded as one conferred by the

But, notwithstanding this apparently popular character of the senate, it was never a popular assembly, for now its members belong to the nobles, who were as aristocratic as the patricians. (*Vid. NOVI HOMINES.*) The office of *prætor senatus*, which had become independent of *prætor urbanus*, was now given by the king, and at first always to the eldest among the *prætores*, but afterward to any other senator they thought most worthy, and, unless there was a charge to be made against him, he was elected at the next *lustrum*. This distinction, so great as it was, afforded neither power nor advantages,¹ and did not even confer the privilege of presiding at the meetings of the senate, which only belonged to those magistrates who had the right to convoke the senate.²

It has been supposed by Niebuhr³ that a senatorial census existed at Rome at the commencement of the second Punic war, but the words of Livy⁴ on this supposition is founded seem to be too weak to admit of such an inference. Götting⁵ in his *Annals* Cicero⁶ that Cæsar was the first who introduced a senatorial census, but the passage of Livy is still more inconclusive than that of Livy, who may safely take it for granted that during the whole of the republican period no such census existed, although senators naturally always belonged to the wealthiest classes. The institution of a census for senators belongs altogether to the time of the Empire. Augustus first fixed it at 1,000,000 sesterces, afterward increased it to double that sum, and at last even to 1,200,000 sesterces. Senators whose property did not amount to this sum received grants from the emperor to make up the deficiency.

Subsequently it seems to have become customary to remove from the senate those who had lost their property through their own prodigality, or who, if they did not quit it of their own accord, were expelled by the emperor.

Augustus also, after having cleared the senate of unworthy members, introduced a new and animating element into it, by admitting men from the municipia, the colonies, and even from the provinces.¹² When an inhabitant of a province was admitted in this manner, the province was said to be in the *ius senatus*. Provincials who were admitted to the senate, of course, went to reside at Rome, with the exception of such as belonged to Sicily or Gallia Narbonensis, they were not allowed to return to their native countries without a special permission of the emperor.¹³ In order to make Rome their new home, the provincial candidates for the senate were subsequently always expected to acquire landed property in Italy.¹⁴ On the whole, however, the equites remained during the first century of the Empire the *seminarium senatus*, which had also been in the latter period of the Republic.

As regards the age at which a person might become a senator, we have no express statement for the time of the Republic, although it appears to have been fixed by some custom or law, as the senatorial age is frequently mentioned, especially in the latter period of the Republic. But we may by induction discover the probable age. We find that, according to the *lex annalis* of the tribune C. Licinius Stolo, the age fixed for the *quæstorship* was

thirty-one.¹ Now as it might happen that a *quæstor* was made a senator immediately after the expiration of his office, we may presume that the earliest age at which a man could become a senator was thirty-two. Augustus at last fixed the senatorial age at twenty-five,² which appears to have remained unaltered throughout the time of the Empire.

No senator was allowed to carry on any mercantile business. About the commencement of the second Punic war, some senators appear to have violated this law or custom, and, in order to prevent its recurrence, a law was passed, with the vehement opposition of the senate, that none of its members should be permitted to possess a ship of more than 300 amphoræ in tonnage, as this was thought sufficiently large to convey to Rome the produce of their estates abroad.³ It is clear, however, from Cicero,⁴ that this law was frequently violated.

Regular meetings of the senate (*senatus legitimus*) took place during the Republic, and probably during the regal period also, on the *calends*, *nones*, and *ides* of every month:⁵ extraordinary meetings (*senatus indictus*) might be convoked on any other day, with the exception of those which were *atri*, and those on which *comitia* were held.⁶ The right of convoking the senate during the regal period belonged to the king, or to his vicegerent, the *custos urbis*.⁷ (*Vid. PRÆFECTUS URBI.*) This right was during the Republic transferred to the *curule magistrates*, and at last to the *tribunes* also. Under the Empire, the *consuls*, *prætors*, and *tribunes* continued to enjoy the same privilege,⁸ although the emperors had the same.⁹ If a senator did not appear on a day of meeting, he was liable to a fine, for which a pledge was taken (*pignoris captio*) until it was paid.¹⁰ Under the Empire, the penalty for not appearing without sufficient reason was increased.¹¹ Towards the end of the Republic it was decreed that, during the whole month of February, the senate should give audience to foreign ambassadors on all days on which the senate could lawfully meet, and that no other matters should be discussed until these affairs were settled.¹²

The places where the meetings of the senate were held (*curia, senacula*) were always inaugurated by the *augurs*. (*Vid. TEMPLUM.*) The most ancient place was the *Curia Hostilia*, in which alone, originally, a *senatus consultum* could be made. Afterward, however, several temples were used for this purpose, such as the Temple of Concordia, a place near the Temple of Bellona (*vid. LEGATUS*), and one near the *Porta Capena*.¹³ Under the emperors the senate also met in other places: under Cæsar, the *Curia Julia*, a building of immense splendour, was commenced; but subsequently meetings of the senate were not seldom held in the house of a consul.

When, in the earliest times, the king or the *custos urbis*, after consulting the pleasure of the gods by *auspices*, had convoked the senate (*senatum edicere, convocare*), he opened the session with the words "*Quod bonum, faustum, felix fortunatumque sit populo Romano Quiritibus,*" and then laid before the assembly (*referre, relatio*) what he had to propose. The president then called upon the members to discuss the matter, and when the discussion was over,

¹ Cic. Pro Sext., 65; De Legg., iii., 12; c. Verr., II., iv., c. Cluent., 56.—2. (Liv., xviii., 11.)—3. (Zonar., vii., 4. (Gell., xiv., 7.—Cic., De Legg., iii., 4.)—5. (iii., p. 6. (xxiv., 11.)—7. (p. 346.)—8. (ad Fam., xiii., 5.)—9. (H. N., xiv., 1.)—10. (Suet., Octav., 41.—Dion Cass., liv., 30; iv., 13.)—11. (Tacit., Annal., ii., 48; xii., 52.—Tib., 47.)—12. (Tacit., Annal., iii., 55; xi., 25.—Suet., 9.)—13. (Tacit., Annal., xii., 23.—Dion Cass., iii., 46; ix., 4. (Plin., Epist., vi., 19.)

1. (Orelli, Onom., iii., p. 133.)—2. (Dion Cass., lii., 20.)—3. (Liv., xxi., 63.)—4. (c. Verr., II., v., 18.)—5. (Cic. ad Q. Frat., ii., 13.)—6. (Cic. ad Q. Frat., ii., 2.)—7. (Dionys., ii., 8.)—8. (Dion Cass., lvi., 47; lix., 24.—Tacit., Hist., iv., 39.)—9. (Dion Cass., liii., 1; liv., 3.)—10. (Gell., xiv., 7.—Liv., iii., 28.—Cic., De Legg., iii., 4.—Philip., i., 5.—Plut., Cic., 43.)—11. (Dion Cass., liv., 18; iv., 3; ix., 11.)—12. (Cic. ad Q. Frat., ii., 13; ad Fam., i., 4.)—13. (Fest., s. v. Senacula.—Varro, De Ling. Lat., iv., p. 43, ed. Bip.)

every member gave his vote. The majority of votes always decided a question. The majority was ascertained either by *numeratio* or by *discessio*, that is, the president either counted the votes,¹ or the men who voted on the same side joined together, and thus separated from those who voted otherwise. This latter method of voting appears in later times to have been the usual one, and, according to Capito,² the only legitimate method. (*Vid. SENATUS CONSULTUM.*)

The subjects laid before the senate partly belonged to the internal affairs of the state, partly to legislation, and partly to the finance; and no measure could be brought before the *populus* without having previously been discussed and prepared by the senate. The senate was thus the medium through which all affairs of the whole government had to pass: it considered and discussed whatever measures the king thought proper to introduce, and had, on the other hand, a perfect control over the assembly of the *populus*, which could only accept or reject what the senate brought before it. When a king died, the royal dignity, until a successor was elected, was transferred to the *decem primi*,³ each of whom, in rotation, held this dignity for five days. The candidate for the royal power was first decided upon by the *interreges*, who then proposed him to the whole senate, and, if the senate agreed with the election, the *interrex* of the day, at the command of the senate, proposed the candidate to the *comitia*, and took their votes respecting him.⁴ The will of the gods was then consulted by the augurs, and when the gods too sanctioned the election,⁵ a second meeting of the *populus* was held, in which the augurs announced the sanction of the gods. Hereupon the king was invested with the powers belonging to his office.

Under the Republic, the right of convoking the senate was at first only possessed by the dictators, prætors, or consuls, *interreges*, and the *prefectus urbi*, who also, like the kings of former times, laid before the senate the subjects for deliberation. The power of the senate was at first the same as under the kings, if not greater: it had the general care of the public welfare, the superintendence of all matters of religion, the management of all affairs with foreign nations; it commanded the levies of troops, regulated the taxes and duties, and had, in short, the supreme control of all the revenue and expenditure. The order in which the senators spoke and voted was determined by their rank as belonging to the *maiores* or *minores*.⁶ This distinction of rank, however, appears to have ceased after the *decemvirate*, and even under the *decemvirate* we have instances of the senators speaking without any regular order.⁷ It is also probable that after the *decemvirate* vacancies in the senate were generally filled with *ex-magistrates*, which had now become more practicable, as the number of magistrates had been increased. The tribunes of the people likewise obtained access to the deliberations of the senate;⁸ but they had no seats in it yet, but sat before the opened doors of the *curia*.⁹ The senate had at first had the right to propose to the *comitia* the candidates for magistracies, but this right was now lost: the *comitia centuriata* had become quite free in regard to elections, and were no longer dependant upon the proposal of the senate. The *curies* only still possessed the right to sanction the election; but in the year B.C. 299 they were compelled to sanction any election of

magistrates which the *comitia* might make when it took place,¹ and this soon after became the *lex Mœnia*.² When, at last, the *curies* no longer assembled for this empty show of power, the senate stepped into their place, and henceforth in elections, and soon after, also, in matters of legislation, the senate had previously to sanction whatever the *comitia* might decide.³ After the *lex Mœnia*, a decree of the *comitia tributa* became law even without the sanction of the senate. The original state of things had thus gradually become reversed, and the senate had lost very important branches of its power, which had all been gained by the *comitia tributa*. (*Vid. TRIBUNUS PLACIDUS.*) In the *comitia centuriata*, however, the sanction to the *comitia centuriata*, as laws, declarations of war, conclusions of peace, treaties, &c. were brought before them, and decided by them on the proposal of the senate.⁴

The powers of the senate, after both orders were placed upon a perfect equality, may be thus briefly summed up. The senate continued to have the supreme superintendence in all matters of religion: it determined upon the manner in which a war was to be conducted, what legions were to be placed at the disposal of a commander, and whether any levies were to be levied; it decreed into what provinces the consuls and prætors were to be sent (*PROVINCIA*), and whose *imperium* was to be prolonged. The commissioners who were generally sent out to settle the administration of a newly-conquered country were always appointed by the senate.⁵ All embassies for the conclusion of peace or treaties with foreign states were sent out by the senate, and such ambassadors were generally sentors themselves, and ten in number.⁶ The senate alone carried on the negotiations with foreign ambassadors,⁷ and received the complaints of subjects or allied nations, who always regarded the senate as their common protector.⁸ By virtue of this office of protector, it also settled all disputes which might arise among the *municipia* and colonies of Italy,⁹ and punished all heavy crimes committed in Italy which might endanger the public peace and security.¹¹ Even in Rome itself, the judices, to whom the prætor referred important cases, both public and private, were taken from among the senators,¹² and in extraordinary cases the senate appointed special commissions to investigate them;¹³ but such a commission, if the case in question was a capital offence committed by a citizen, required the sanction of the people.¹⁴ When the Republic was in danger, the senate might confer unlimited power upon the magistrates by the formula "*videntibus consules, ne quid respublica deiecerit capiat*,"¹⁵ which was equivalent to a declaration of martial law within the city. This general care for the internal and external welfare of the Republic included, as before, the right to dispose over the finances requisite for these purposes. Hence all the revenue and expenditure of the Republic were under the direct administration of the senate, and the censors and questors were only its ministers or agents. (*Vid. CENSOR, QUÆSTOR.*) All the expenses necessary for the maintenance of the armies required the sanction of the senate before anything could be done, and it might even prevent the triumph of a retreating

1. (Fest., s. v. *Numeri*.)—2. (sp. Gell., xiv., 7.)—3. (Liv., i., 17.)—4. (Dionys., ii., 58; iii., 36; iv., 40, 80.—Compare Walter, p. 25, n. 28.)—5. (Liv., i., 18.)—6. (Cic., De Republ., ii., 20.—Dionys., vi., 69; vii., 47.)—7. (Dionys., vi., 4, 16, 19, 21.—Liv., ii., 39, 41.)—8. (Liv., iii., 69; vi., 1.)—9. (Val. Max., ii., 2, § 7.)

1. (Cic., Brut., 14.—Aurel. Vict., De Vir. Illust., 33.)—2. (Orelli, Onom., iii., p. 215.)—3. (Liv., i., 17.)—4. (Walter, p. 132.)—5. (Gellius, xiv., 7.)—6. (Liv., xiv., 17.—Appian, De Bell. Hisp., 99; De Reb. Pun., 135.—Sall., Jug., 16.)—7. (Polyb., vi., 13.—Liv., passim.)—8. (Polyb., l. c.—Cic. in Vatin., c. 14.)—9. (Liv., xxix., 16; xxxix., 3; xlii., 14; xliii., 2.—Polyb., l. c.)—10. (Dionys., ii., 1.—Liv., ix., 20.—Varro, De Re Rust., iii., 2.—Cic. ad Att., iv., 15; De Off., i., 10.)—11. (Polyb., l. c.)—12. (Id., vi., 17.)—13. (Liv., xxxviii., 54; xxxix., 14; xl., 27, 44, &c.)—14. (Polyb., vi., 16.—Liv., xxvi., 33, &c.)—15. (Sallust Cat., 29.—Cass., De Bell. Civ., i., § 7.)

eral, by refusing to assign the money necessary.¹ There are, however, instances of a triumphing without the consent of the

many members were required to be present to constitute a full assembly is uncertain, it appears that there existed some regularity on this point,² and there is one instance in which at least one hundred senators were to be present.³ The presiding magistrate the business, and as the senators sat in the order, principes senatus, consulares, censorii, ædificii, tribunicii, quæstorii, it is to suppose that they were asked their opinion in the same manner (*suo loco sententia*). Towards the end of the Republic, in which the question was put to the appears to have depended upon the disapproval of the presiding consul,⁴ who called upon member by pronouncing his name (*nomina*) if usually began with the principes senatus if consules designati were present, with

The consul generally observed all the and the same order in which he had come on the first of January.¹⁰ A senator, when on to speak, might do so at full length, and produce subjects not directly connected with the point at issue.¹¹ It depended upon the president which of the opinions expressed he would put to the vote, and which he would pass over.¹² Those men who were not yet real senators, but had only a seat in the senate on account of the office they held or had held, had no right to vote, but merely stepped over to the party they wished to join, and they were now called *senatores pedarii*.¹³ When a senatus consultum was passed, the consuls ordered it to be written down by a clerk in the presence of some senators, especially of those who had been most interested in it or most active in bringing it about.¹⁴ (*Vid. SENATUS CONSULTUM*.) A senate was not allowed to be held before sunrise, or to be prolonged after sunset:¹⁵ on extraordinary emergencies, however, this regulation was set aside.¹⁶

During the latter part of the Republic the senate was degraded in various ways by Sulla, Cæsar, and others, and on many occasions it was only an instrument in the hands of the men in power. In this way it became prepared for the despotic government of the emperors, when it was altogether the creature and obedient instrument of the princes. The emperor himself was generally also princeps senatus,¹⁷ and had the power of convoking both ordinary and extraordinary meetings,¹⁸ although the consuls, prætors, and tribunes continued to have the same right.¹⁹ The ordinary meetings, according to a regulation of Augustus, were held twice in every month.²⁰ A full assembly required the presence of at least 400 members, but Augustus himself afterward modified this rule according to the difference and importance of the subjects which might be brought under discussion.²¹ At a later period we find that seventy, or even fewer, senators constituted an assembly.²² The regular president in the

1. (Polyb., vi., 15.)—2. (Liv., iii., 63; viii., 17; ix., 37.)—3. (Liv., xxxviii., 44; xxxix., 4.—Cic. ad Fam., viii., 5.—Festus, s. v. Numera.)—4. (Liv., xxxix., 18.)—5. (Cic., Philip., v., 17; xii., 13, &c.; ad Att., xii., 21.)—6. (Varro ap. Gell., xiv., 7.)—7. (Cic., c. Verr., iv., 64.)—8. (Cic., Pro Sext., 32.)—9. (Salust., Cat., 50.—Appian, De Bell. Civ., ii., 5.)—10. (Suet., Cæs., 21.)—11. (Cic., De Legg., iii., 18.—Gell., iv., 10.—Tacit., Annal., ii., 38; xiii., 49.—Compare Cic., Philip., vii., 12.) (Polyb., xxxiii., 1.—Cic. ad Fam., i., 2; x., 12.—Cæs., De Bell. Civ., i., 2.)—12. (Gell., xiii., 8.)—13. (Polyb., vi., 12.—Cic., De Orat., ii., 2; ad Fam., viii., 8.)—14. (Varro ap. Gell., l. c.)—15. (Dionys., iii., 17.—Macrob., Sat., i., 4.)—16. (Dion Cass., liii., 1; lvi., 8; lxxiii., 5.)—17. (Dion Cass., liv., 3.—Lex De Imperio Vespasiani.)—18. (Tacit., Hist., iv., 39.—Dion Cass., lvi., 47; lxx., 24; lxx., 16, &c.)—19. (Suet., Octav., 35.—Dion Cass., lv., 2.)—20. (Dion Cass., liv., 35; lv., 3.)—21. (Lamprid., Alex. Sev., 6.)

assembly was a consul, or the emperor himself, if he was invested with the consulship.¹ At extraordinary meetings, he who convoked the senate was at the same time its president. The emperor, however, even when he did not preside, had, by virtue of his office of tribune, the right to introduce any subject for discussion, and to make the senate decide upon it.² At a later period this right was expressly and in proper form conferred upon the emperor, under the name of *jus relationis*; and, accordingly, as he obtained the right to introduce three or more subjects, the jus was called *jus tertia, quarta, quinta, &c., relationis*.³ The emperor introduced his proposals to the senate by writing (*oratio, libellus, epistola principis*), which was read in the senate by one of his quæstors.⁴ (*Vid. ORATIONES PRINCIPUM*.) The prætors, that they might not be inferior to the tribunes, likewise received the *jus relationis*.⁵ The mode of conducting the business, and the order in which the senators were called upon to vote, remained, on the whole, the same as under the Republic;⁶ but when magistrates were to be elected, the senate, as in former times the comitia, gave their votes in secret with little tablets.⁷ The transactions of the senate were, from the time of Cæsar, registered by clerks appointed for the purpose, under the superintendance of a senator.⁸ In cases which required secrecy (*senatus consultum tacitum*), the senators themselves officiated as clerks.⁹

As the Roman emperor concentrated in his own person all the powers which had formerly been possessed by the several magistrates, and without limitation or responsibility, it is clear that the senate, in its administrative powers, was dependant upon the emperor, who might avail himself of its counsels or not, just as he pleased. In the reign of Tiberius, the election of magistrates was transferred from the people to the senate,¹⁰ which, however, was enjoined to take especial notice of those candidates who were recommended to it by the emperor. This regulation remained, with a short interruption in the reign of Caligula, down to the third century, when we find that the princes alone exercised the right of appointing magistrates.¹¹ At the demise of an emperor, the senate had the right to appoint his successor, in case no one had been nominated by the emperor himself; but the senate had in very rare cases an opportunity to exercise this right, as it was usurped by the soldiers. The ærarium, at first, still continued nominally to be under the control of the senate,¹² but the emperors gradually took it under their own exclusive management,¹³ and the senate retained nothing but the administration of the funds of the city (*arca publica*), which were distinct both from the ærarium and from the fiscus,¹⁴ and the right of giving its opinion upon cases connected with the fiscal law.¹⁵ Its right of coining money was limited by Augustus to copper coins, and ceased altogether in the reign of Gallienus.¹⁶ Augustus ordained that no accusations should any longer be brought before the comitia,¹⁷ and instead of them he raised the senate to a high court of justice, upon which he conferred the right of taking cognizance of capital offences committed

1. (Plin., Epist., ii., 11.—Panegyri., 76.)—2. (Dion Cass., liii., 32.—Lex De Imperio Vespasiani.)—3. (Vopisc., Prob., 12.—J. Capit., Pert., 5.—M. Antonin., 6.—Lamprid., Alex. Sev., 1.)—4. (Dion Cass., liv., 25; lx., 2.—Suet., Octav., 65; Tit., 6.—Tacit., Annal., xvi., 27.—Dig. 1, tit. 13, s. 1, § 2 and 4.)—5. (Dion Cass., lv., 3.)—6. (Plin., Epist., viii., 14; ix., 13.)—7. (Id. ib., iii., 20; xi., 5.)—8. (Suet., Cæs., 20.—Octav., 36.—Tacit., Annal., v., 4, &c.—Spart., Hadr., 3.—Dion Cass., lxxviii., 22.)—9. (J. Capitol., Gord., 20.)—10. (Vell. Patern., ii., 124.—Tac., Annal., i., 15.—Plin., Epist., iii., 20; vi., 19.)—11. (Dig. 48, tit. 14, s. 1.)—12. (Dion Cass., liii., 16, 22.)—13. (Id. ib., lxxi., 33.—Vopisc., Aurel., 9, 12, 20.)—14. (Vop., Aurel., 20, 45.)—15. (Dig. 49, tit. 14, s. 15 and 42.)—16. (Eckhel, D. N. Proleg., c. 13.)—17. (Dion Cass., lvi., 40.)

by senators,¹ of crimes against the state and the person of the emperors,² and of crimes committed by the provincial magistrates in the administration of their provinces. The senate might also receive appeals from other courts,³ whereas, at least from the time of Hadrian, there was no appeal from a sentence of the senate.⁴ The princeps sometimes referred cases which were not contained in the above categories, or which he might have decided himself, to the senate, or requested its co-operation.⁵ Respecting the provinces of the senate, see PROVINCIA.

When Constantinople was made the second capital of the Empire, Constantine instituted also a second senate in this city,⁶ upon which Julian conferred all the privileges of the senate of Rome.⁷ Both these senates were still sometimes consulted by the emperors in an oratio upon matters of legislation:⁸ the senate of Constantinople retained its share in legislation down to the ninth century.⁹ Each senate also continued to be a high court of justice, to which the emperor referred important criminal cases.¹⁰ Capital offences committed by senators, however, no longer came under their jurisdiction, but either under that of the governors of provinces, or of the prefects of the two cities.¹¹ Civil cases of senators likewise belonged to the forum of the *præfectus urbi*.¹² The senatorial dignity was now obtained by descent,¹³ and by having held certain offices at the court, or it was granted as an especial favour by the emperor on the proposal of the senate.¹⁴ To be made a senator was indeed one of the greatest honours that could be conferred, and was more valued than in the times of the Republic; but its burdens were very heavy, for not only had the senators to give public games,¹⁵ to make rich presents to the emperors,¹⁶ and, in times of need, extraordinary donations to the people,¹⁷ but, in addition, they had to pay a peculiar tax upon their landed property, which was called *folles* or *gleba*.¹⁸ A senator who had no landed property was taxed at two folles.¹⁹ It was, therefore, only the wealthiest persons of the Empire, no matter to what part of it they belonged, that could aspire to the dignity of senator. A list of them, together with an account of their property, was laid before the emperor every three months by the prefect of the city.²⁰ Down to the time of Justinian the consuls were the presidents of the senate, but from this time the *præfectus urbi* always presided.²¹

It now remains to mention some of the distinctions and privileges enjoyed by Roman senators: 1. The tunica with a broad purple stripe (*latus clavus*) in front, which was woven in it, and not, as is commonly believed, sewed upon it.²² 2. A kind of short boot, with the letter C on the front of the foot.²³ This C is generally supposed to mean *centum*, and to refer to the original number of 100 (*centum*) sen-

ators. 3. The right of sitting in the orchestra in the theatres and amphitheatres. This distinction was first procured for the senators by Scipio Africanus Major, 194 B.C.²⁴ The same honour was granted to the senators in the reign of Claudius at the games in the circus.²⁵ 4. On a certain day in the year a sacrifice was offered to Jupiter in the Capitol, and on this occasion the senators alone had a feast in the Capitol; the right was called the *jus publice epulandi*.²⁶ 5. The *jus libera legumina*. (Vid. LEGATUS, p. 576.)

SENATUS CONSULTUM. In his enumerations of the parts of the *jus civile*, Cicero includes *senatus consulta*,²⁷ from which it appears that in his time there were *senatus consulta* which were laws. Numerous *leges*, properly so called, were enacted in the reign of Augustus, and *leges* properly so called were made even after his time. It was under Augustus, however, that the *senatus consulta* began to take the place of *leges* properly so called, a change which is also indicated by the fact that until his time the *senatus consulta* were not designated by the names of the consuls, or by any other personal name, so far as we have evidence. But from that time we find the *senatus consulta* designated either by the name of the consuls, as *Aprianum*, *Silvanium*, or from the name of the Cæsar, as *Claudianum*, *Neronianum*; or they are designated as made "auctore" or "ex auctoritate Hadriani," &c., or "ad orationem Hadriani," &c. The name of the *senatus consultum Macedonianum* is an exception, as will afterward appear.

Senatus consulta were enacted in the republican period, and some of them were laws in the proper sense of the term, though some modern writers have denied this position. But the opinion of those who deny the legislative power of the senate during the republican period is opposed by facts. An attempt has sometimes been made to support it by a passage of Tacitus ("tum primum ex campo consilia ad patres translata sunt"), which only refers to the elections. It is difficult, however, to determine how far the legislative power of the senate extended. A recent writer²⁸ observes "that the *senatus consulta* were an important source of law for matters which concerned administration, the maintenance of religion, the suspension or repeal of laws in the case of urgent public necessity, the rights of the *ædarium* and the *publicani*, the treatment of the Italian and the provincials."²⁹ The following are instances of *senatus consulta* under the Republic: a *senatus consultum* "ne quis in urbe sepeliatur;" the *senatus consultum De Bacchanalibus*, hereafter more particularly mentioned; a *senatus consultum De Libertinorum Tribu*;³⁰ a *senatus consultum De Sublicis* at the *Megalenses ludi*;³¹ a *senatus consultum* "ne homo immolaretur;"³² a *senatus consultum De Provinciis Questoriis*; a *senatus consultum* made M. Tullio Cicerone referente to the effect, "ut legationum liberarum tempus annum esset;" various *senatus consulta De Collegiis Dissolvendis*; an old *senatus consultum*, "*senatus consultum vetus ut liberet Africanas (bestias) in Italiam advehere*," which was so far repealed by a plebiscitum proposed by Cn. Aufidius, tribus plebis, that the importation for the purpose of the *Circenses* was made legal;³³ an old *senatus consultum* by which "*quæstio (scærorum) in caput domini prohibebatur*;"³⁴ a rule of law which Cicero³⁵ refers to mores as its foundation. From these instances of *senatus consultum* made

1. (Dion Cass., li., 31, &c.—Suet., Calig., 2.—Tacit., Annal., xiii., 44.—J. Capitol., M. Antonin., 10.)—2. (Dion Cass., liii., 15, 17, 22; lx., 16; lxxvi., 8.—Suet., Octav., 66.—Tacit., Annal., iii., 49, &c.)—3. (Suet., Nero, 17.—Tacit., Annal., xiv., 28.—J. Capitol., M. Antonin., 10.—Vopisc., Prob., 13.)—4. (Dion Cass., lix., 18.—Dig., 49, tit. 2, s. 1, § 2.)—5. (Suet., Claud., 14, 15.—Nero, 15.—Domit., 8, &c.)—6. (Sozomen., ii., 2.—Excerpt, de gest. Const., 30.)—7. (Zosim., iii., 11.—Liban., Orat. ad Theodos., ii., p. 393, ed. Morell.)—8. (Cod. Theod., vi., tit. 2, s. 14.—Symmach., Epist., x., 2, 28.—Cod., i., tit. 14, s. 3.)—9. (Nov. Leon., 78.)—10. (Amm. Marcell., xxviii., 1, 23.—Symmach., Epist., iv., 5.—Zosim., v., 11, 38.)—11. (Walter, p. 367, &c.)—12. (Cod., iii., tit. 24, s. 3.—Symmach., Epist., x., 69.)—13. (Cod. Theod., vi., tit. 2, s. 2; xii., tit. 1, s. 58.—Cassiod., Variar., iii., 6.)—14. (Cod. Theod., l. c.—Symmach., Epist., x., 25, 118.)—15. (Symmach., Epist., x., 25, 28.)—16. (Cod. Theod., vi., tit. 2, s. 5.)—17. (Zosim., v., 41.—Symmach., Ep., vi., 14, 26; vii., 68.)—18. (Zosim., ii., 32.—Cod. Theod., vi., tit. 2.—Symmach., Ess., iv., 61.)—19. (Cod. Theod., vi., tit. 2, s. 2; vi., tit. 4, s. 21.)—20. (Symm., Ep., x., 66, &c.)—21. (Cod. Theod., vi., tit. 6, s. 1.—Nov. Inst., 62.)—22. (Acron. ad Jur., Sat., i., 5, 35.—Compare i., 6, 28.—Quinct., xi., 3.)—23. (Huv., vii., 192.—Cic., Phil., xiii., 13.)

1. (Liv., xxxiv., 54.—Cic., Pro Cluent., 47.)—2. (Suet., Claud., 21.—Dion Cass., lx., 7.)—3. (Gell., xii., 8.—Suet., Octav., 21.—4. (Top., 5.)—5. (Ann., i., 15.)—6. (Walter, Geschichte des Röm. Rechts, 437.)—7. (Liv., xvi., 34; xxxix., 2; xli., 2.)—8. (Liv., xv., 15.)—9. (Gell., ii., 24.)—10. (Plin., H. N., xxx., 1.)—11. (Plin., H. N., viii., 17.)—12. (Ts et., Ann., ii., 207—13. (Pro Milon., 22.)

in the republican period, we may collect, in a general way, the kind of matters to which this form of legislation applied. The constitution of the senate was such as to gradually bring within the sphere of its legislation all matters that pertained to religion, police, administration, provincial matters, and all foreign relations. And it seems that the power of the senate had so far increased at the time of the accession of Augustus, that it was no great change to make it the only legislating body. Pomponius,¹ though his historical evidence must be received with caution, states the matter in a way which is generally consistent with what we otherwise know of the progress of senatorial legislation: "As the plebs found it difficult to assemble, &c., it was a matter of necessity that the administration of the state came to the senate: thus the senate began to act, and whatever the senate had determined (*constituisse*) was observed (*observabatur*), and the law so made is called *senatus consultum*."

The *senatus consultum* was so named because the consul (*qui refutit*) was said "*senatum consulere*:" "*Marcus L. F. S. Postumius L. F. Cos. Senatam Consolverent*" (*Senatus consultum De Bacchanalibus*). In the *senatus consultum De Philosphis et De Rhetoribus*,² the prætor "*consuluit*." In the enacting part of a lex the populus were said "*jubere*," and in a plebiscitum, "*scire*:" in a *senatus consultum* the senate was said "*censere*:" "*De Bacchanalibus, &c., ita exdecidendu censere*" (*S. C. De Bacch*). In the *senatus consulta* of the time of Augustus cited by Frontinus,³ the phrase which follows "*censere*" is sometimes "*placere huic ordini*." In Tacitus the verb "*censere*" is also applied to the person who made the motion for a *senatus consultum*.⁴ Sometimes the term "*arbitrari*" is used;⁵ and Gaius,⁶ writing under the Antonines, applies to the senate the terms which originally denoted the legislative power of the populus: "*Senatus jubet atque constituit; idque legis vicem optinet, quomodo fuit quæsitum*."

The mode in which the legislation of the senate was conducted in the imperial period is explained in the article *ORATIONES PRINCIPUM*.

Certain forms were observed in drawing up a *senatus consultum*, of which there is an example in Cicero:⁷ "*S. C. Auctoritates*" (for this is the right reading), "*Pridie Kal. Octob. in Æde Apollinis, scribendo adfuerunt L. Domitius Cn. Filius Ahenobarbus, &c. Quod M. Marcellus Consul V. F. (verba fecit) de prov. Cons. D. E. R. I. C. (de ea re ita censuerunt Uti, &c.)*." The preamble of the *senatus consultum De Bacchanalibus* is similar, but the names of the consuls come at the beginning, and the word is "*consolverunt*:" the date and place are also given; and the names of those *qui scribendo adfuerunt* (*S. C. ARF.* in the inscription). The names of the persons who were witnesses to the drawing up of the *senatus consultum* were called the "*auctoritates*," and these auctoritates were cited as evidence of the fact of the persons named in them having been present at the drawing up of the *S. C.* ("*id quod in auctoritatibus præscriptis extat*"⁸), from which passage, and from another⁹ ("*illud S. C. ea præscriptione est*"⁹), in which Cicero refers to his name being found among the auctoritates of a *S. C.* as a proof of his friendship to the person whom the *S. C.* concerned, it is certain that "*præscribo*," in its various forms, is the proper reading in these *senatus consulta*. (Compare the similar use of *præscriptio* in Roman pleadings, *vid. PRÆSCRIPTIO*.) There can be no doubt that certain persons were required

to be present "*scribendo*," but others might assist if they chose, and a person in this way might testify his regard for another on behalf of whom, or with reference to whom, the *S. C.* was made ("*Cato autem et scribendo adfuit*," &c.¹). Besides the phrase "*scribendo adesse*," there are "*esse ad scribendum*"² and "*poni ad scribendum*" (as to which, see the curious passage in Cicero³). When a *S. C.* was made on the motion of a person, it was said to be made "*in sententiam ejus*." If the *S. C.* was carried, it was written on tablets and placed in the *ærarium*: the *S. C. De Bacchanalibus* provides that it shall be cut on a bronze tablet, but this was for the purpose of its being put up in a public place where it could be read (*ubi facillime gnosceri possit*).

A measure which was proposed as a *senatus consultum* might be stopped by the intercession of the tribunes, and provision was sometimes made for farther proceeding in such case: "*si quis huic senatus consulto intercesserit senatus placere auctoritatem perscribi (præscribi) et de ea re ad senatum populumque referri*."⁴ This explains one meaning of *senatus auctoritas*, which is a *senatus consultum* which has been proposed and not carried, and of which record was kept with the "*auctoritates eorum qui scribendo adfuerunt*." In one passage Cicero calls a *S. C.* which had failed, owing to an intercession, an auctoritas.⁵ One meaning of auctoritas, in fact, is a *S. C.* proposed, but not yet carried; and this agrees with Livy:⁶ "*Si quis intercedat slo, auctoritate se fore contentum*." If *senatus auctoritas* occasionally appears to be used as equivalent to *senatus consultum*, it is an improper use of the word, but one which presents no difficulty if we consider that the names which denote a thing in its two stages are apt to be confounded in popular language, as with us the words bill and act. In its general and original sense, *senatus auctoritas* is any measure to which a majority of the senate has assented. (See the note of P. Manutius on Cicero.⁷)

The proper enacting word in the *senatus consulta* is "*censeo*," but the word "*decerno*" was also used in ordinary language to denote the enacting of a *senatus consultum*⁸ (*Senatus decrevit ut, &c.*⁹). But a *senatus consultum*, which was a law in the proper sense of the term, is not called a *decretum*, which was a rule made by the senate as to some matter which was strictly within its competence. The words *decretum* and *senatus consultum* are often used indiscriminately, and with little precision.¹⁰ (*Vid. DECRETUM*.)

The forms of the *senatus consulta* are the best evidence of their character. The following are some of the principal *senatus consulta* which are preserved: the *senatus consultum De Tiburtibus*, printed by Gruter and others; the *senatus consultum De Bacchanalibus*; the *senatus consultum* in the letter of Cicero already referred to;¹¹ the six *senatus consulta* about the Roman aqueducts in the second book of Frontinus, *De Aquæductibus*; the *senatus consultum* about the Aphrodisiensens;¹² the oration of Claudius;¹³ the various *senatus consulta* preserved in the Digest, which are mentioned in a subsequent part of this article. See also the *senatus consultum* printed in Sigonius, "*De Antiquo Jure Provinciarum*," i. 288.

The following list of *senatus consulta* contains perhaps all of them which are distinguished by the name of a consul or other distinctive name. Nu-

1. (Dig. 1, tit. 2, s. 2.)—2. (Gell., xv, 11.)—3. (De Aqueduct. Romæ, ii.)—4. (Ann., iv, 20.)—5. (Dig. 16, tit. 1, s. 2.)—6. (l. 4.)—7. (Ep. ad Div., viii, 8.)—8. (Cic., De Or., i, 2.)—9. (Cic., Ep. ad Div., v, 2.)

1. (Cic., Ep. ad Att., vii, 1.)—2. (Id. ib., i, 19.)—3. (ad Div., ix, 15.)—4. (Id. ib., viii, 8.)—5. (Id. ib., i, 7.)—6. (iv, 57.)—7. (ad Div., v, 2.)—8. (Id. ib., viii, 8.)—9. (Id. ad Att., i, 19.)—10. (Gell., ii, 24.)—11. (Vid. Ælius Gallus ap. Festum, s. v. Senatus decretum.)—12. (Cic., Philipp., v, 13.—Gell., xv, 11.)—13. (Tacit., Ann., iii, 62.—Tacit., ed. Oberlin, ii, 835.)—14. (Id. ib., xi, 24.—Tacit., ed. Oberlin, ii, 806.)

merous *senatus consulta* under the Empire are referred to in the Latin writers, for which we find no distinctive name, though it is probable that all of them had a title like the *leges*, but many of them being of little importance, were not much referred to or cited, and thus their names were forgotten. Tacitus, for instance, often speaks of S. C. without giving their names, and in some cases we are able to affix the titles from other authorities. Many of the imperial *senatus consulta* were merely amendments of *leges*, but they were laws in the proper sense of the word.

Some of the *senatus consulta* of the republican period were laws, as already observed, but others were only determinations of the senate, which became *leges* by being carried in the *comitia*. Such S. C. were really only *aucloritates*. One instance of this kind occurred on the occasion of the trial of Clodius for violating the mysteries of the Bona Dea. A *rogatio* on the subject of the trial was proposed to the *comitia ex senatus consulto*,¹ which is also spoken of as the *aucloritas* of the senate, and as "*quod ab senatu constitutum*" (the word of Gaius, l., 4).

APRONIANUM, probably enacted in the time of Hadrian, empowered all *civitates* which were within the Roman imperium to take a *fideicommissa hereditas*. This *senatus consultum* is cited by Ulpian² without the name; but it appears, from comparing Ulpian with the Digest,³ to be the *senatus consultum Apronianum*. A *senatus consultum* also allowed *civitates* or *municipia*, which were legally considered as *universitates*, to be appointed *heredes* by their *liberti* or *libertae*. Ulpian speaks of this *senatus consultum* in the passage referred to, immediately before he speaks of that *senatus consultum* which we know to be the *Apronianum*, and it appears probable that the two *senatus consulta* were the same, for their objects were similar, and they are mentioned together without any indication of their being different. This last-mentioned provision is also mentioned in the Digest⁴ as being contained in a *senatus consultum* which was posterior to the *Trebellianum*, but the name is not given in the Digest. Under this provision a *municipium* could obtain the *bonorum possessio*. Bachius⁵ assigns the *senatus consultum* to the reign of Trajan; but it appears to belong to the time of Hadrian, and to be the same *senatus consultum* which allowed *civitates* to take a legacy.⁶

ARTICULEIANUM gave the *praeses* of a province jurisdiction in the case of *fideicommissa libertas*, even when the *heres* did not belong to the province. The *heres* could be compelled to give the *libertas* which was the subject of the *fideicommissum*. (*Vid. MANUMISSIO*, p. 616.)

DE BACCHANALIBUS. This *senatus consultum*, which is sometimes called *Marcianum*, was passed in the year B.C. 186. The terms of it are stated generally by Livy,⁷ and may be compared with the original *senatus consultum*, which is printed in the edition of Livy by Drakenborch, and in that by J. Clericus, Amsterdam, 1710. There is a dissertation on this *senatus consultum* by Bynkershoek,⁸ who has printed the *senatus consultum*, and commented upon it at some length. The provisions of this *senatus consultum* are stated generally under *DIONYSIA*, p. 366. There is no ancient authority, as it appears, for the name *Marcianum*, which has been given to it from the name of one of the consuls who proposed it, and in accordance with the usual titles of *senatus consultum* in the imperial period.

1. (Cic. ad Att. l. i., 14.)—2. (Frag., tit. 22.)—3. (36, tit. 1, s. 26.)—4. (38, tit. 3.)—5. (Historia Jurisprudentiae Romanae.)—6. (Ulp., Frag., tit. 24.)—7. (Dig. 40, tit. 5, s. 44, 51.)—8. (xxxix., 18.)—9. (De Cultu Religionis Peregrinae apud Veteres Romanos, Op., l., 412.)

CAVITIANUM.¹ (*Vid. JULIA ET PAPIA Pura Lex*, p. 557.)

CLAUDIANUM, passed in the time of the Emperor Claudius, reduced a free woman to the condition of a slave (*ancilla*) if she cohabited with the slave of another person, after the master had given her notice that he would not permit it. But if a woman who was a Roman citizen cohabited with a slave with the consent of the slave's master, she might, by agreement with the master, remain free, and yet any child born from this cohabitation would be a slave; for the *senatus consultum* made void any agreement between the free woman and the slave's master, and by such agreement the woman was relieved from the penalty of the *senatus consultum*. But Hadrian, being moved thereto by a consideration of the hardness of the case and the incongruity of this rule of law (*inelegantia juris*), restored the old rule of the *ius gentium*, according to which the woman continuing free, was the mother of a free child.

A difficulty arose on the interpretation of this *senatus consultum* for which the words of the law had not provided. If a woman who was a Roman citizen was with child, and because an *ancilla* pursuant to the *senatus consultum* in consequence of cohabiting with a slave contrary to the master's wish, the condition of the child was a disputed matter: some contended that if the woman had been pregnant in a legal marriage, the child was a Roman citizen; but if she had become pregnant by the cohabitation, the child was the property of the person who had become the master of the mother. (*Vid. SERVUS, ROMAN.*)

There is an apparent ambiguity in a passage of Gaius,² in which he says, "but that rule of the same *lex* is still in force, by which the issue of a free woman and another man's slave is a slave whom the mother knew that the man with whom she cohabited was a slave." The *lex* of which he speaks is the *lex Ælia Sentia*. The exception in the case of the compact between a free woman and the slave, which compact implies that the woman must know the condition of the slave, and therefore, according to the terms of the *lex*, the child would be slaves. But Gaius says³ that the *senatus consultum* of Claudius might, if continued, continue free, and yet give birth to a slave. The *senatus consultum* gave validity to the compact between the woman and the master of the slave, from the first sight it appears as if the *senatus consultum* produced exactly the same effect as the *lex* in respect to the condition of the child. This is explained by referring to the chief provision of the *senatus consultum*, which was, that cohabitation with a slave "*invito et denuntiante domino*" reduced a woman to a servile condition, and it was the consequence of this change of condition that the issue of her cohabitation must be a slave. The *lex Ælia Sentia* had already declared the children born of the union of a free woman and a slave to be servile. The *senatus consultum* added to the penalty of the *lex* by making the issue of a free woman and a slave also, unless she cohabited with the slave with the consent of the master, and thus resulted that "*inelegantia juris*" by which a free mother could escape the penalty of the *senatus consultum* by her agreement, yet her child must be a slave pursuant to the *senatus consultum*. But Hadrian removed this *inelegantia* by declaring that if the mother, notwithstanding the cohabitation with a slave, escaped from the penalties of the *senatus consultum* by virtue of her compact, the child also had the benefit of the agreement. The

1. (Ulp., Frag., tit. xxv.)—2. (l., 86.)—3. (l., 84.)

duced the cohabiting woman to a slave cohabited with a man's slave *ante domino*:" if she cohabited with him to be a slave, without the master, there could be no denounce, it appears, was not affected by the *senatus consultum*, for Gaius observes, as the *lex* had still effect, and the cohabitation was a slave. The effect of the *lex* remaining in force of the *senatus consultum*, appears from the strict interpretation which was applied to positive enactments; *senatus consultum* of Hadrian, as stated by Paulus in the case of a contract between a slave and the woman, and did not comprehend a case of cohabitation, there was no compact. Besides, a woman cohabited with a man's slave without the knowledge of the master or without the *denuntiatio*, it was considered as if the woman had committed promiscuous intercourse (*vulgo* *fornicatio*) neither being free, the child also was considered as *gentium filius* till the *lex* attempted to regulate intercourse by working on the father's mother, and the *senatus consultum* imposed a penalty on herself. There was a *senatus consultum* in a free woman giving birth to a child was not regarded by Hadrian, as the inelegantia of a woman by which she sought to evade the penalty of the *senatus consultum* her child was still subject to *lex*.

Senatus consultum was passed A.D. 52, and *senatus consultum* *de senectute*, but the terms in which they do not contain the true meaning of *senatus consultum*, and in one respect, "*senatus consultum pro libertis haberentur*," they are not the text of Gaius, unless they should be "*liberis*."¹ It appears, however, from Paulus,² that a woman, who is not mentioned by him, was the condition of a *liberta* by the *senatus consultum* in a circumstance which confirms the text of Tacitus, but also shows how he has stated the *senatus consultum* attributes the *senatus consultum* to the *senatus consultum*, and expresses its effect in general and incorrect than those instances show how little we can learn from historians for exact information

Paulus that the provisions of this *senatus consultum* are stated very imperfectly even when they applied to a great number of women, whether free, and slaves.

Senatus consultum was entirely repealed by the *senatus consultum* of Justinian. Some writers refer the name of the *senatus consultum* Claudianum, consequently, refer the words so to this *senatus consultum*; but neither case appears to refer to the *lex Ælia Sentia*.³ Several other *senatus consulta* Claudiana are a short notice in *Jo. Augustini Jurisprudentiæ Romanæ*. Passed in the reign of Trajan, *relata libertas*.⁴

Senatus consulta. Numerous *senatus*

consulta were passed in the reign of Hadrian but there does not appear to be any which is called *Hadrianum*. Many *senatus consulta* of this reign are referred to by Gaius as "*senatus consulta auctore Hadriano facta*,"¹ of which there is a list in the index to Gaius. The *senatus consulta* made in the reign of Hadrian are enumerated by Bachius, and some of them are noticed here under their proper designations.

JUNCIANUM, passed in the reign of Commodus, related to *fideicommissa libertas*.² This *senatus consultum* is preserved in one of the passages of the *Digest* referred to.

JUNIUM, passed in the time of Domitian, in the tenth consulship of Domitian, and in the consulship of Ap. Junius Sabinus, A.D. 84, had for its object to prevent collusion between a master and his slave, by which the slave should be made to appear to be as a free man. The person who discovered the collusion obtained the slave as his property.³

LARGIANUM, passed in the first year of the Emperor Claudius, A.D. 42, gave to the children of a manumissor, if they were not exheredated by name, a right to the bona of Latini in preference to extraneous heredes.⁴ (*Vid. PATRONUS*, p. 746.)

LIBONIANUM, passed in the reign of Tiberius, in the consulship of T. Statilius Taurus and L. Scribonius Libo, A.D. 16, contained various provisions, one of which was to the effect that if a man wrote a will for another, everything which he wrote in his own favour was void: accordingly, he could not make himself a tutor,⁵ nor heres or legatarius.⁶ This *senatus consultum* contained other provisions, and it appears to have been an extension of the *lex Cornelia de Falsis*.⁷ (*Vid. FALSUM*.)

MACEDONIANUM, enacted A.D. 46, provided that any loan of money to a *filiusfamilias* could not be recovered, even after the death of the father. The *senatus consultum* took its name from Macedo, a notorious usurer, as appears from the terms of the *senatus consultum*, which is preserved.⁸ Theophilus⁹ states incorrectly that the *senatus consultum* took its name from a *filiusfamilias*. The provision of the *senatus consultum* is cited by Tacitus,¹⁰ but in such terms as might lead to ambiguity in the interpretation of the law. Suetonius¹¹ attributes this *senatus consultum* to the time of Vespasian, but he states its provisions in less ambiguous terms than Tacitus.

MEMMIANUM. This name is sometimes given to the *senatus consultum* passed in the time of Nero, the terms of which are preserved by Tacitus:¹² "*Ne simulata adoptio in ulla parte muneris publici juretur, ac ne usurpandis quidem hereditatibus profectet*." The object of this *senatus consultum* was to prevent the evasion of the *lex Julia et Papia Poppæa*. (*Vid. JULIA ET PAP. POP. LEX*.) It is sometimes referred to the consulship of C. Memmius Regulus and Virginus Rufus, A.D. 63, but it appears to belong to the preceding year.¹³

NERONIANUM de Legatis, the provisions of which are stated in the article *LEGATUM*.¹⁴

NERONIANUM, also called *PISONIANUM*, from being enacted in the consulship of Nero and L. Calpurnius Piso, A.D. 57. It contained various provisions: "*Ut si quis a suis seruis intersectus esset, si quoque, qui testamento manumissi sub eodem tecto mansissent, inter seruos supplicia penderent*:"¹⁵ "*Ut occisa uxore etiam de familia viri questio habeatur, idemque ut jux-*

the notes on Tacitus, *Ann.*, xii., 53, ed. 1., tit. 10.)—4. (*Vesp.*, 11.)—5. (Gaius, i., 7. (id., i., 84, 86, 91, 160.—Ulp., *Frag.*, 4.—Paulus, *S. R.*, ii., tit. 21.)—8. (Dig.

1. (i., 47, &c.)—2. (Dig. 40, tit. 5, s. 28, 51.)—3. (Dig. 40, tit. 16.)—4. (Gaius, iii., 63-71.—Inst., iii., tit. 7, s. 4.—Cod., vii., tit. 6.)—5. (Dig. 26, tit. 2, s. 29.)—6. (Dig. 34, tit. 8.)—7. (*Vid.* also *Coll. Legg. M. & R.*, viii., 7.)—8. (Dig. 14, tit. 6.)—9. (*Paraphr. Inst.*)—10. (*Ann.*, xi., 13.)—11. (*Vesp.*, 11.)—12. (*Ann.*, xv., 19.)—13. (*Vid.* Dig. 31, s. 51, and 35, tit. 1, s. 76.)—14. (*Coll. Leg.*, ii., 137, 198, 212, 218, 220, 222.—Ulp., *Frag.*, xxxiv.)—15. (*Coll. cit.*, *Ann.*, xiii., 32.)

in uxoria familia observetur, si vir dicatur occisus" (Paulus,¹ who gives in substance, also, the provision mentioned by Tacitus, but adds, "*Sed et hi torquentur, qui cum occiso in itinere fuerint*"): "*Ut, si pœna obnoxius servus venisset, quandoque in eum animadversum esset, venditor pretium præstaret.*"²

ORPHITIANUM enacted in the time of M. Aurelius³ that the legitima hereditas of a mother who had not been in manu might come to her sons, to the exclusion of the consanguinei and other agnati. The name Orphitianum is supplied by Paulus⁴ and the Digest;⁵ the enactment was made in the consulship of V. Rufus and C. Orphitus.⁶

Paulus⁷ speaks of rules relating to manumission being included in a senatus consultum Orphitianum. (*Vid. HERRS.*) This senatus consultum was made in the joint reign of M. Aurelius and Commodus.⁸ (*Vid. ORATIONES PRINCIPUM.*)

PEGASIANUM was enacted in the reign of Vespasian, Pegasus and Pudio being consules (suffecti) in the year of the enactment.⁹ The provisions of this senatus consultum are stated under FIDEICOMMISSA and LEGATUM. This senatus consultum, or another of the same name, modified a provision of the lex Ælia Sentia as to a Latinus becoming a Romanus.¹⁰

PERNICIANUM, which may be the correct form instead of Pernicianum, was enacted in the time of Tiberius, A.D. 34, and was an amendment of the lex Julia et Papia Poppæa.¹¹ (*Compare JULIA ET PAP. POP. LEX.*)

PISONIANUM. (*Vid. NERONIANUM.*)

PLANCIANUM, of uncertain date, is by some writers assigned to the time of Vespasian. The lex Julia Papia et Poppæa apparently contained a provision by which a fideicommissum was forfeited to the fiscus if a heres or legatarius engaged himself by a written instrument, or any other secret mode, to pay or give the fideicommissum to a person who was legally incapable of taking it.¹² Such a fideicommissum was called tacitum, and when made in the way described was said to be "*in fraudem legis*," designed to evade the law. If it was made openly (*palam*), this was no fraud; and though the fideicommissum might be invalid on account of the incapacity of the fideicommissarius to take, the penalty of the lex did not apply. It does not appear certain whether this provision as to the confiscation was contained in the original lex, or added by some subsequent senatus consultum. However this may be, the fiduciarius still retained his quarta. But a senatus consultum mentioned by Ulpian¹³ enacted that, if a man undertook to perform a tacitum fideicommissum, he lost the quadrans or quarta (*vid. FIDEICOMMISSUM*), nor could he claim what was caducum under the testaments, which, as a general rule, he could claim if he had children. (*Vid. LEGATUM, BONA CADUCA.*) This senatus consultum, it appears from an extract in the Digest,¹⁴ was the Plancianum or Plautianum, for the reading is doubtful; and in this passage it is stated that the fourth, which the fiduciarius was not allowed to retain, was claimed for the fiscus by a rescript of Antoninus Pius. The penalty for the fraud only applied to that part of the property to which the fraud extended; and if the heres was heres in a larger share of the hereditas than the share to which the fraud extended, he had the benefit of the Falcidia for that part to which the fraud did not ex-

tend, which is thus expressed by Papinian¹⁵ "*Sed major modus institutionis quam fraudis fuerit quod et Falcidiam attingit, de superfluo quarta retinetur*." The history of legislation on the subject of tacitum fideicommissa is not altogether free from some doubt.

PLAUTIANUM. (*Vid. PLANCIANUM.*)

RUBRIANUM, enacted in the time of Trajan, in the consulship of Rubrius Gallus and Q. Cælius Fuscus, A.D. 101, related to fideicommissa libertis. The terms are given in the Digest:¹⁶ "*Si hi a quibus libertatem præstari oportet evocati a prætoribus admissi, si causa cognita prætoris præsentibus libertatem hi debent, eodem jure statum servari ac si recto manumissi essent.*" Compare Plin., *Ep.*, iv. 9, ad Ursum, with the passage in the Digest.

SABINIANUM, of uncertain date, but apparently after the time of Antoninus Pius. It related to the rights of one of three brothers who had been adopted to a portion of the hereditas contra tabulas testamenti.¹⁷

SILANIANUM, passed in the time of Augustus in the consulship of P. Cornelius Dolabella and C. Junius Silanus, A.D. 10, contained various enactments. It gave freedom to a slave who discovered the murderer of his master. If a master was murdered, all the slaves who were under the roof at the time, if the murder was committed under a roof, or who were with him in any place at the time of the murder, were put to the torture, and, if they had not done their best to defend him, were put to death. Tacitus¹⁸ refers to this provision of the senatus consultum, and he uses the phrase "*relaxare more.*" Lipsius (note on this passage) refers to Cicero.¹⁹ Servi impuberes were excepted from this provision of the senatus consultum.²⁰ The heres who took possession of the hereditas of a murdered person before the proper inquiry was made, forfeited the hereditas, which fell to the fiscus: the man was the same whether, being heres ex testamento, he opened the will (*tabula testamenti*) before the inquiry was made, or whether, being heres ab intestato, he took possession of the hereditas (*adit hereditatem*) or obtained the bonorum possessio; he was also subjected to a heavy pecuniary penalty. A senatus consultum, passed in the consulship of Taurus and Lepidus, A.D. 11, enacted that the penalty for opening the will of a murdered person could not be inflicted after five years, except it was a case of parricide, to which this temporis præscriptio did not apply.²¹

TERULLIANUM is stated in the Institutes of Justinian²² to have been enacted in the time of Trajan, in the consulship of Tertullus and Sabinus, but some critics, notwithstanding this, would refer it to the time of Antoninus Pius. This senatus consultum empowered a mother, whether imperia or libertina, to take the legitima hereditas of an instatate son; the ingenua, if she was or had been the mother of three children; the libertina, if she was or had been the mother of four children. She could also take, though they neither were nor had been mothers, if they had obtained the jus liberorum by imperial favour. Several persons, however, took precedence of the mother: the sui heredes of the son, those who were called to the bonorum possessio as sui heredes, the father, and the frater consanguineus. If there was a soror consanguinea, she shared with her mother. The senatus consultum Orphitianum gave the children a claim to the hereditas of the mother.²³

1. (S. R., iii., tit. 5.)—2. (Dig. 29, tit. 5, s. 8.)—3. (Capit. in vita, 11.)—4. (S. R., iv., tit. 10.)—5. (38, tit. 17.)—6. (Inst., iii., tit. 4.)—7. (iv., tit. 14.)—8. (Imp. Anton. et Commodi orationes in senatu recitata: Ulp., Frag., tit. xvi.)—9. (Inst., ii., tit. 23. Gaius, ii., 254, &c.)—10. (Gaius, i., 31.)—11. (Ulp., Frag., tit. xvi.—Suet., Claud., 23.)—12. (Dig. 30, s. 103; 24, tit. 9, s. 10, 18; 49, tit. 14, s. 3.)—13. (Frag., tit. xvi., s. 17.)—14. (33, tit. 2, s. 59.)

1. (Dig. 24, tit. 9, s. 11.)—2. (40, tit. 3, s. 96.)—3. (Dig. tit. 48, s. 10.—Inst., iii., tit. 1.)—4. (Ann., vi., 62.)—5. (Dig. Div., iv., 12.)—6. (Dig. 29, tit. 5, s. 14.)—7. (Paulus 22, tit. 5.—Dig. 29, tit. 5.—Cod., vi., tit. 22.)—8. (Ulp., Frag., tit. xvi.—Paulus, 2, R., iv., tit. 4.—Dig. 22, s. 59.)

(*χρυσόπαστος, χρυσοθήκη*), was adorned with embroidery, this part of the work being executed either in Egypt or Asia Minor (*Nilotis, Maonia, acus*). The Christian authors, from Clemens Alexandrinus² and Tertullian³ downward, discourage or condemn the use of silk. Plutarch also dissuades the virtuous and prudent wife from wearing it,⁴ although it is probable that ribands for dressing the hair⁵ were not uncommon, since these goods (*Serica*) were procurable in the vicus Tuscus at Rome.⁶ Silk thread was also imported and used for various purposes.⁷

Although Commodus in some degree replenished the palace with valuable and curious effects, including those of silk,⁸ this article soon afterward again became very rare, so that few writers of the third century make mention of it. When finely manufactured, it sold for its weight in gold, on which account Aurelian would not allow his empress to have even a single shawl of purple silk (*pallio blatteo Serico*).⁹ The use of silk with a warp of linen or wool, called *tramoserica* and *subserica*, as distinguished from *holoserica*, was permitted under many restrictions. About the end, however, of the third century, silk, especially when woven with a warp of inferior value, began to be much more generally worn both by men and women; and the consequence was, that, in order to confine the enjoyment of this luxury more entirely to the imperial family and court, private persons were forbidden to engage in the manufacture, and gold and silken borders (*paragauda*) were allowed to be made only in the imperial gynæceæ. (*Vid. PARAGAUDA.*)

The production of raw silk (*μέραζα*) in Europe was first attempted under Justinian, A.D. 530. The eggs of the silkworm were conveyed to Byzantium in the hollow stem of a plant from "Serinda," which was probably Khotan in Little Bucharía, by some monks, who had learned the method of hatching and rearing them. The worms were fed with the leaf of the black or common mulberry (*σουλμυρος*).¹⁰ The cultivation both of this species and of the white mulberry, the breeding of silkworms, and the manufacture of their produce, having been long confined to Greece, were at length, in the twelfth century, transported into Sicily, and thence extended over the south of Europe.¹¹ The progress of this important branch of industry was, however, greatly impeded even in Greece, both by sumptuary laws restricting the use of silk except in the church service, or in the dress and ornaments of the court, and also by fines and prohibitions against private silkmills, and by other attempts to regulate the price both of the raw and manufactured article. It was at one time determined that the business should be carried on solely by the imperial treasurer. Peter Barsames held the office, and conducted himself in the most oppressive manner, so that the silk-trade was ruined both in Byzantium and at Tyre and Berytus, while Justinian, the Empress Theodora, and their treasurer, amassed great wealth by the monopoly.¹² The silks woven in Europe previously to the thirteenth century were in general plain in their pattern. Many of those produced by the industry and taste of the Seres, i. e., the silk manufacturers of the interior of Asia, were highly elaborate, and appear to have been very similar in their patterns and style of ornament to the Persian shawls of modern times.

*SERPENS. (*Vid. ASPIS, DRACO, SERPS, &c.*)

1. (Lucan, x., 141. — Seneca, Herc. Cl., 66f.) — 2. (Pudag., ii., 10.) — 3. (De Fallo, 4.) — 4. (Conj. Præc., p. 250, vol. vi., ed. Reiske.) — 5. (Martial, xiv., 24.) — 6. (xi., 27.) — 7. (Galen, Hist. An., p. 533, vol. vi., ed. Charrier.) — 8. (Capitol., Pertin., 8.) — 9. (Vopisc., Aurel., 45.) — 10. (Procop., B. Goth., iv., 17. — Cyprian, Ann., iv., p. 209. — Zonar., Ann., xiv., p. 69, ed. Du Cange. — Phot., Bibl., p. 80, ed. Roth.) — 11. (Otto Fusingau, Hist. Imp. Freder., i., 33. — Man. Comnenus, ii., 8.) — 12. (Procop., Hist. Arcan., 25.)

*SERPYLLUM. (*Vid. HERPYLLUS.*)

SERRA, *dim. SERRULA* (*σπίριον*), a Saw. It was made of iron (*ferrea, de ferro lamina*). The form of the larger saw used for cutting timber is seen in the annexed woodcut, which is taken from a miniature in the celebrated Dioscorides written at the beginning of the sixth century.² It is of the kind



which we call the frame-saw, because it is fixed in a rectangular frame. It was held by a workman (*serrarius*)⁴ at each end. The line (*vid. LINA*) was used to mark the timber in order to guide the saw,⁵ and its movement was facilitated by driving wedges with a hammer between the planks (*teretes trabes*) or rafters (*trabes*).⁶ A similar representation of the use of the frame-saw is given in a painting found at Herculaneum, the operators being winged genii, as in this woodcut;⁷ but in a bas-relief published by Micali,⁸ the two sawyers wear tunics girt round the waist like that of the shipbuilder in the woodcut at p. 112. The woodcut here introduced also shows the blade of the saw detached from its frame, with a ring at each end for fixing it in the frame, and exhibited on a funeral monument published by Gruter. On each side of the last-mentioned figure is represented a hand-saw adapted to be used by a single person. That on the left is from the same funeral monument as the blade of the frame-saw: that on the right is the figure of an ancient Egyptian saw preserved in the British Museum. These saws (*serrula manubriata*) were used to divide the smaller objects. Some of them, called *lupi*, had a particular shape, by which they were adapted for separating the branches of trees.⁹

St. Jerome¹⁰ seems clearly to allude to the circular saw, which was probably used, as at present to cutting veneers (*lamina pratenuis*).¹¹ We have the intimations of the use of the centre-bit, and we find that even in the time of Cicero¹² it was employed by thieves.

Pliny¹³ mentions the use of the saw in the ancient Belgium for cutting white building stone: some of the oolitic and cretaceous rocks are still treated in the same manner, both in that part of the Coast and in the south of England. In this case they must be understood to speak of a proper or toothed saw. The saw without teeth was then used, just as it is now, by the workers in marble, and in place of teeth was supplied, according to the hardness of the stone, either by emery, or by various kinds of sand of inferior hardness.¹⁴ In this manner the ancient artificers were able to cut slabs of the hardest rocks, which, consequently, were adapted to receive the highest polish, such as granite, por-

1. (Non. Marc., p. 223, ed. Merceri.) — 2. (Ibid., Orig. 25. 19. — Virg., Geor., i., 143.) — 3. (Montfaucon, Pal. Em., i., 203.) — 4. (Sen., Epist., 57.) — 5. (Id. ib., 90.) — 6. (Theophrastus, Laud. Just., iv., 45-48.) — 7. (Ant. d'Ercole, t. 1, pag. 80-81. (Ital. av. il don. dei Rom., tav. 49.) — 8. (Pallad., De Re Rust., i., 43.) — 9. (On Lib., xxviii., 27.) — 10. (Plin., H. N., vi., 84.) — 11. (Pro Cluent., 64.) — 12. (H. N., xxxi., 23.) — 13. (Plin., H. N., xxxvi., 6, s. 6.)

zuli, and amethyst. (*Vid.* MOLA, PA-

an instrument of high antiquity, its
g attributed either to Dædalus¹ or to
ardix² (*vid.* CIRCINUS), also called Ta-
ng found the jaw of a serpent, and di-
of wood with it, was led to imitate the

In a bas-relief published by Winckel-
alus is represented holding a saw ap-
y closely in form to the Egyptian saw
ed.

ed only in the plural (στέρμα, στεφάνω-
or Garland.

weaving wreaths (*vid.* CORONA), gar-
owns, employed a distinct class of per-
ii and coronaria, στεφανηλόκοι³ or
, who endeavoured to combine all
tiful variety of leaves, of flowers, and
s to blend their forms, colours, and
most agreeable manner. The annex-
aken from a sarcophagus at Rome,⁷
on adapted to be suspended by means
t both ends. Its extremities are skil-
in acanthus-leaves: its body consists



aurel or bay, together with a profusion
as apples, pears, pomegranates, bunch-
and fir-cones. At Athens there was a
στεφανηλόκιον, for the manufacture
is class of productions, the work being
formed by women and girls.⁸

est was preparing a sacrifice, he often
a festoon intended to be placed on
e temple (*festa fronde, 9 variis sertis*¹⁰),
of the altar¹¹ (*vid.* ARA, p. 77, 78), or
l of the victim. Thus, in the Iliad,¹²
es the gilded sceptre which denoted
authority (*vid.* SCEPTRUM), carries a



garland in honour of Apollo, which was probably
wound about the sceptre.¹ The act here described
is seen in the annexed woodcut, which is taken from
a bas relief in the collection of antiques at Ince-
Blundell, and represents a priestess carrying in her
two hands a festoon to suspend upon the circular
temple which is seen in the distance. As the festo-
ons remained on the temples long after their fresh-
ness had departed, they became very combustible.
The Temple of Juno at Argos was destroyed in
consequence of their being set on fire.² The gar-
lands on funereal monuments hung there for a year,
and were then renewed.³ The funeral pile was
also decorated in a similar manner, but with an ap-
propriate choice of plants and flowers.⁴ (*Vid.* FUNUS,
p. 458, 460.)

Festoons were placed upon the doorposts of pri-
vate houses in token of joy and affection⁵ (*vid.*
JANUA, p. 527), more especially on occasion of a
wedding.⁶ They were hung about a palace in com-
pliment to the wealthy possessor (*insertabo coronis
atria*⁷), and on occasions of general rejoicing; the
streets of a city were sometimes enlivened with
these splendid and tasteful decorations.⁸

The smaller garlands or crowns, which were
worn by persons on the head or round the neck,
are sometimes called *serta*.⁹ The fashion of wear-
ing such garlands suspended from the neck was
adopted by the early Christians.¹⁰

SERVILIA LEX. (*Vid.* LEX, p. 586.)

SERVIANA ACTIO. (*Vid.* PIGNUS, p. 776.)

SERVITUS. (*Vid.* SERVUS, ROMAN.)

SERVITU'ES are considered by the Roman
law as parts of ownership, which are opposed to
ownership as the totality of all those rights which
are included in the term ownership. The owner of
a thing can use it in all ways consistent with his
ownership, and he can prevent others from using it
in any way that is inconsistent with his full enjoy-
ment of it as owner. If the owner's power over
the thing is limited either way, that is, if his enjoy-
ment of it is subject to the condition of not doing
certain acts in order that some other person may
have the benefit of such forbearance, or to the con-
dition of allowing others to do certain acts, which
limit his complete enjoyment of a thing, the thing is
said "*servire*," to be subject to a "*servitus*." Hence,
when a thing was sold as "*optima maxima*," this
was legally understood to mean that it was war-
ranted free from servitudes.¹ Servitudes are also
expressed by the terms "*jura*" and "*jura in re*,"
and these terms are opposed to dominium or com-
plete ownership. He who exercises a servitus,
therefore, has not the *animus domini*, not even in
the case of usufructus, for the usufructuarius is
never recognised as owner in the Roman law. The
technical word for ownership, when the usufructus
is deducted from it, is *proprietas*.

A man can only have a right to a servitus in an-
other person's property: the notion of the term has
no direct relation to his own property. Also, a ser-
vitus can only be in a corporeal thing. Viewed
with respect to the owner of the thing, a servitus
either consists in his being restrained from doing
certain acts to his property, which otherwise he
might do (*servitus quæ in non faciendo consistit; Ser-
vitus negativa*), or it consists in his being bound to
allow some other person to do something to the
property, which such person might otherwise be
prevented from doing (*servitus quæ in patiendo con-*

, vii., 56.—Sen., Epist., 90.)—2. (Hygin., Fab.,
viii., 246.)—3. (Diod. Sic., iv., 76.—Apollod.,
n. Ined., ii., fig. 94.)—5. (Theophr., H. P., vi.,
N., xxi., 2, 3.)—6. (Virg., Cops., 14, 35.—
Myth., ii., 100.)—8. (Aristoph., Thesm., 455.)
ii., 249.)—10. (Id. ib., iv., 202.—Juv., xii., 84.)
.)—11. (Virg., Æn., i., 417.)—12. (i., 14, 28.)

1. (*Vid.* also Aristoph., Av., 894.—Pax, 948.—Callim., Hymn.
in Cor., 45.)—2. (Thucyd., iv., 133, § 2.—Paus., ii., 17, § 7.)—
3. (Tibull., ii., 4, 48; 7, 32.—Propert., iii., 16, 23.)—4. (Virg.,
Æn., iv., 506.)—5. (Tibull., i., 2, 14.)—6. (Lucan., ii., 354.)—7
(Prudent. in Symm., ii., 726.)—8. (Mart., vi., 79, 8.)—9. (Tibull.,
i., 7, 52.)—10. (Min. Felix, 38.)—11. (Dig. 50, tit. 16, a. 90, 109,
—Compare Cic., De Leg. Agr., iii., 2.)

SERVITUDES.

... of a duty. The servitus of a praedium or urbanum is, in the former sense, a right which belongs to a particular praedium; in the latter sense, it is the servitus praedium praedium owes as a duty. ... two praedia are concentrated together in the same person, the relations of right and duty, the two, disappear. Servitudes appear to be those which are for the advantage of a piece of ground, and restrict those who possess it to the benefit of agriculture.

The following are the principal servitudes: 1. Servitus stillicidii, or the right which a man has to receive water or rain from the roof of his neighbour's house. The owner of the house is consequently bound to keep the roof in such a state as to discharge the water, immittendi, or the right of sending something to a neighbour's ground.

2. Servitus oneris, or the right which a man has to pass over another man's ground from his house upon the neighbour's premises, or a right to use the neighbour's premises for the purpose of carrying off the water of a running stream, or the duty which a man has to forbearance of such forbearance.

3. Servitus stillicidii non recipiendi, or the duty which a man has to forbearance of such forbearance. 4. Servitus oneris, or the duty which a man has to forbearance of such forbearance. 5. Servitus stillicidii non recipiendi, or the duty which a man has to forbearance of such forbearance.

6. Servitus oneris, or the duty which a man has to forbearance of such forbearance. 7. Servitus ne luminibus, or the duty which a man has to forbearance of such forbearance. 8. Servitus luminum, or the duty which a man has to forbearance of such forbearance. 9. Servitus funi tendendi, or the right of sending one's smoke into a neighbour's chimney.

The following are the principal servitudes: 1. Servitus itineris, or the right of a man to pass over another man's ground, or to ride on horseback, or in a sella or lectica, for such cases was said *iter*, and not *agere*. With reference to the person who exercised the right, this servitus was properly called *jus*

1. (Dig. 8, tit. 5, s. 6.)—2. (Varro, De Ling. Lat., Müller.—Cic., De Or., 1, 38.)—3. (Dig. 8, tit. 2, s. 2.)—4. (Gaius, ii., 31.—Cic., De Or., 1, 39.)—5. (Dig. 8, tit. 40.)—6. (Gaius, iv., 3)

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agendi, or the right of driving a beast or another man's land. 3. *Via*, or the right of ambulandi. *Via* of course included other two servitudes, and it was distinguished from them by its width, which was defined in the Tables.¹ The width of an iter or *via* was a matter of evidence, and if it was not, it was settled by an arbiter. If the width was not determined, its width was the legal width (*latitudo legitima*). In Frontinus, *De Colonis*, the phrase "*iter ar"* or "*non debetur*" frequently occurs. "*debetur*" occurs, the width of the iter is determined. It seems that, in the assignment of lands in these instances, the lands were made *pulo*, for the purposes of a road. 4. *Servitus personarum*, or the right of a man in respect to his cattle or to his land, or to land on another's ground. 5. *Servitus rerum*, or the *ducenti aquam per fundum alienum* were also other servitudes, as *aquæ horis ad aquam appulsus, calcis coquendæ fodiendæ*. If a publicus locus or a *via* intervened, no *servitus aquæductus* could be established, but it was necessary to apply to the owner for permission to form an *aquæductus* on a public road. The intervention of a sacerdos or a publicus locus was an obstacle to imposing a *servitus*, for no *servitus* could be due to a public ground which was sacer or religi-

os *negativa* could be acquired by mere use, and it seems the better opinion that a *servitus* could be so acquired, and that at least in the later periods, was not necessary to establish the *ius servitutis*, but a right to the publiciana in rem actio.² "*aquæ jus constituere*," "*servitutem constituere*," occur.³ According to Gaius, *servitus* could only be transferred by the *in rem actio*: *servitutes rusticæ* could be transferred to also.⁴

Servitus might be established by testament (*testata*), and the right to it was acquired "*dies legati cecidit*" (*vid. LEGATUM*); but as necessary in order to give a right to a *servitus* in rem actio. A *servitus* could be established by the decision of a *iudex* in the *iudicium* *erescundæ, communi dividundo*, and here the *iudex* adjudicated the property and the usufruct to another.⁵ *Servitus* could also be acquired by the *præscriptio longi temporis*.

An obscure and corrupt passage of Cicero alludes to the possibility of acquiring a *servitus* by use, as to which a *lex* made a change. (*Vid. LEX SCRIBONIA*.) *Servitutes* were sometimes simply founded by enactments, which limited the owner of land in its enjoyment;⁶ and others were conferred "*velut jure impositæ*."⁷

Servitus might be released (*remitti*) to the owner of the *fundus serviens*,⁸ or it might be surrendered to the owner of the *fundus serviens* in acts upon it which were inconsistent with the continuance of the *servitus*.⁹ If both the dominant and the servient land came to belong to the same owner, the *servitutes* were extinguished; there was *confusio*.¹⁰ If the separate owners of two estates jointly acquired an estate which included both the two separate estates, the *servi-*

tutes were not extinguished; but they were extinguished if the joint owners of a dominant estate jointly acquired the servient estate.¹ The *servitus* was also extinguished when the usufructarius acquired the *proprietas* of the thing. A *servitus* was extinguished by the extinction of the object; but if the servient object was restored, the *servitus* was also restored.² A *servitus* was extinguished by the extinction of the subject, as in the case of a personal servitude, with the death of the person who was entitled to it; and in the case of prædial servitudes, with the destruction of the dominant subject; but they were revived with its revival. A *servitus* might be extinguished by not using it. According to the old law, usufructus and usus were lost, through not exercising the right, in two years in the case of things immovable, and in one year in the case of things movable. In Justinian's legislation, usufructus and usus were only lost by not exercising the right when there had been a *usu-capio libertatis* on the part of the owner of the thing, or the ownership had been acquired by *usucapio*.³

Servitutes might be the subjects of *actiones* in rem. An *actio confessoria* or *vindicatio servitutis* had for its object the establishing the right to a *servitus*, and it could only be brought by the owner of the dominant land when it was due to land. The object of the action was the establishment of the right, damages, and security against future disturbance in the exercise of the right. The plaintiff had, of course, to prove his title to the *servitus*. The *actio negatoria* or *vindicatio libertatis* might be brought by the owner of the property against any person who claimed a *servitus* in it. The object was to establish the freedom of the property from the *servitus* for damages, and for security to the owner against future disturbance in the exercise of his ownership. The plaintiff had, of course, to prove his ownership, and the defendant to prove his title to the *servitus*.⁴

In the case of personal servitudes, the interdicts were just the same as in the case of proper possession; the interdict which was applied in the case of proper possession was here applied as a *utile interdictum*.⁵

In the case of prædial servitudes, we must first consider the positive. In the first class, the acquisition of the *ius quasi possessio* is effected by an act which is done simply as an exercise of the right, independent of any other right. The interference with the exercise of the right was prevented by interdicts applicable to the several cases. A person who was disturbed in exercising a *ius itineris, actus, viæ*, by any person whatever, whether the owner of the servient land or any other person, had a right to the interdict: the object of this interdict was protection against the disturbance, and compensation; its effect was exactly like that of the interdict *uti possidetis*. Another interdict applied to the same objects as the preceding interdict, but its object was to protect the person entitled to the *servitus* from being disturbed by the owner while he was putting the way or road in a condition fit for use.

There were various other interdicts, as in the case of the *ius aquæ quotidianæ vel æstivæ ducentæ*;⁶ in the case of the repair of water passages;⁷ in the case of the *ius aquæ hauriendæ*.⁸

The second class of positive servitudes consists in the exercise of the servitude in connexion with

tit. 3, s. 8.)—2. (Gaius, ii., 30, 31.—Savigny, *Das Recht des Eigentums*, § 133.)—3. (Cic. ad Quint., iii., 1, c. 2.)—4. (Gaius, 5. (Dig. 33, tit. 3.)—6. (Dig. 7, tit. 1, s. 6.)—7. (Dig. 33, s. 12.)—8. (ad Att., xv., 26.)—9. (Nov., 22, c. 1.)—10. (Dig. 39, tit. 3, s. 1, § 23, and Dig. 43, tit. 27, De ducendo.)—11. (Dig. 8, tit. 1, s. 14.)—12. (Dig. 8, tit. 3, s. 8.)

1. (Dig. 8, tit. 3, s. 27.)—2. (Dig. 8, tit. 2, s. 20; tit. 6, s. 14.)—3. (Cod., iii., tit. 33, s. 16, § 1, and tit. 34, s. 13.)—4. (Gaius, iv., 3.—Dig. 8, tit. 5.)—5. (Frag. Vat., 90, as amended by Savigny.)—6. (Dig. 43, tit. 20.)—7. (43, tit. 21, De Rivis.)—8. (43, tit. 22.)

the possession of another piece of property. The interdicts applicable to this case are explained under the next class, that of negative servitudes.

In the case of negative servitudes, there are only two modes in which the *juris quasi possessio* can be acquired: 1, when the owner of the servient property attempts to do some act which the owner of the dominant property considers inconsistent with his servitus, and is prevented; 2, by any legal act which is capable of transferring the *ius servitutis*. The possession is lost when the owner of the servient property does an act which is contrary to the right. The possession of the servitudes of the second and third class was protected by the interdict *uti possidetis*. There was a special interdict about sewers (*De Cloacis*).¹

It has been stated that quasi servitudes were sometimes founded on positive enactments. These were not servitudes properly so called, for they were limitations of the exercise of ownership made for the public benefit. The only cases of the limitation of the exercise of ownership by positive enactment which are mentioned in the Pandect, are reducible to three principal classes. The first class comprehends the limitation of ownership on religious grounds. To this class belongs *finis*, or a space of five feet in width between adjoining estates, which it was not permitted to cultivate. This intermediate space was sacred, and it was used by the owners of the adjoining lands for sacrifice. To this class also belongs the rule, that if a man had buried a dead body on the land of another without his consent, he could not, as a general rule, be compelled to remove the body, but he was bound to make recompense.² The second class comprehends rules relating to police. According to the Twelve Tables, every owner of land in the city was required to leave a space of two feet and a half vacant all round any edifice that he erected: this was called *legitimum spatium, legitimus modus*. Consequently, between two adjoining houses there must be a vacant space of five feet. This law was, no doubt, often neglected; for, after the fire in Nero's reign,³ it was forbidden to build houses with a common wall (*communio parietum*), and the old *legitimum spatium* was again required to be observed; and it is referred to in a rescript of Antoninus and Verus.⁴ This class also comprehends rules as to the height and form of buildings. Augustus⁵ fixed the height at seventy feet; Nero also, after the great fire, made some regulations with the view of limiting the height of houses. Trajan fixed the greatest height at sixty feet. These regulations were general, and had no reference to the convenience of persons who possessed adjoining houses: they had, therefore, no relation at all to the servitudes *altius tollendi* and *non tollendi*, as some writers suppose. The rule of the Twelve Tables, which forbade the removing a "*tignum furtivum adibus vel vineis junctum*," had for its object the preventing of accidents.⁶ Another rule declared that the owners of lands which were adjoining to public aqueducts should permit materials to be taken from their lands for these public purposes, but should receive a proper compensation. The Twelve Tables forbade the burning or interring of a dead body in the city; and this rule was enforced by a *lex Duilia*. In the time of Antoninus Pius, this rule prevailed both in Rome and other cities.

The third class of limitations had for its object the promotion of agriculture. It comprised the rules relating to *AQUA PLUVIA*, and to the *tignum junctum* in the case of a vineyard; and it gave a man permission to go on his neighbour's premises

to gather the fruits which had fallen thereon from his trees, with this limitation, that he could only go every third day.¹ The Twelve Tables enacted that if a neighbour's tree hung over into another person's land, that person might trim it to the height of fifteen feet from the ground (*quindecim pedes altius non subluccator*). The rule was a limitation of ownership, but not a limitation of the ownership of the tree-owner: it was a limitation of the ownership of the land-owner; for it allowed his neighbour's tree to overhang his ground, provided there were no branches less than fifteen feet from the ground.

With these exceptions, some of which were of great antiquity, ownership in Roman law must be considered as unlimited. These limitations, also, had no reference to the convenience of individuals who had adjoining houses or lands. With respect to neighbours, the law allowed them to regulate their mutual interests as they pleased; and, accordingly, a man could agree to allow a neighbour to derive a certain benefit from his land, which his proximity rendered desirable to him, or he could agree to abstain from certain acts on his land to the benefit of his neighbour's land. The law gave force to these agreements under the name of servitudes, and assimilated the benefits of them to the right of ownership by attaching to them a right of action like that which an owner enjoyed.

This view of the limitation of ownership among the Romans by positive enactment is from a valuable essay by Dirksen.²

This imperfect sketch may be completed by reference to the following works, and the authorities quoted in them: Mackeldey, *Lehrbuch, &c.*—Möhlenbruch, *Doctrina Pandectarum*, p. 268, &c.—Savigny, *Das Recht des Besizes, Juris Quasi Possessio*, p. 525, 5th ed.—*Von der Bestellung der Servituten durch simple Vertrag und Stipulation*, von Emmerich Rhein. Mus. für Jurisprudenz, *Erster Jahrgang*—*Von dem Verhältnis des Eigenthums zu den Servituten*, von Puchta, Rhein. Mus. *Erst. Jahrg.*

SERVUS (GREEK). The Greek *δοῦλος*, like the Latin *servus*, corresponds to the usual meaning of our word slave. Slavery existed almost throughout the whole of Greece; and Aristotle³ says that a complete household is that which consists of slaves and freemen (*οἰκία δὲ τέλειος ἐκ δούλων καὶ ἐλευθέρων*), and he defines a slave to be a living working-tool and possession (*ὁ δούλος ἐστὶν ἔργον ζῶν*;⁴ *ὁ δούλος κτήματι τι ἐμψύχῳ*).⁵ None of the Greek philosophers ever seem to have objected to slavery as a thing morally wrong; Plato, in his perfect state, only desires that no Greeks should be made slaves by Greeks,⁶ and Aristotle⁷ defends the justice of the institution on the ground of a diversity of race, and divides mankind into the free (*ἐπιθεροὶ*), and those who are slaves by nature (*ἀπὸ φύσεως δούλοι*): under the latter description he appears to have regarded all barbarians in the Greek sense of the word, and therefore considers their slavery justifiable.

In the most ancient times there are said to have been no slaves in Greece;⁸ but we find them in the Homeric poems, though by no means so generally as in later times. They are usually prisoners taken in war (*δοριάλωτοι*), who serve their captors; but we also read as well of the purchase and sale of slaves.⁹ They were, however, at that time mostly confined to the houses of the wealthy.

There were two kinds of slavery among the Greeks. One species arose when the inhabitants

1. (Dig. 43, tit. 23.)—2. (Dig. 11, tit. 7, s. 2, 7, 8.)—3. (Tacit., *Ann.*, vi., 43.)—4. (Dig. 8, tit. 2, s. 14.)—5. (Suet., *Octav.*, 89.) (Dig. 47, tit. 4.)

1. (Dig. 43, tit. 28, De Glanis legenda.)—2. (Velleus in p. setzlichen beschränkungen des Eigenthums, &c., Zöcherer, vol. ii.)—3. (Polit., i., 3.)—4. (Ethic. Nicom., vi., 12.)—5. (Polit., i., 4.)—6. (De Rep., v., p. 469.)—7. (Polit., i., 2.)—8. (Hesiod., vi., 137.)—9. (Pausanias, ap. Athen., vi., p. 262, 4.)—(Pl., p. 453.)

country were subdued by an invading tribe, reduced to the condition of serfs or bondsmen: and upon and cultivated the land which they had appropriated to themselves, and paid certain rent. They also attended their master. They could not be sold out of the country or separated from their families, and could not be manumitted. Such were the Helots of Sparta (Lacedæmonians), the Penestæ of Thessaly (*vid.* Penestæ), the Bithynians at Byzantium, the Calliopyriæ at Calliopyria, the Mariandyni at Heraclea in Pontus, the Amiotæ in Crete. (*Vid.* Cosmi, p. 316.) The species of slavery consisted of domestic slaves acquired by purchase (*ἀργυρώνητοι* or *χρυσῶν*), who were entirely the property of their masters, and could be disposed of like any other goods or chattels: these were the *δοῦλοι* properly so called, and were the kind of slaves that existed at Athens and Corinth. In commercial cities slaves were numerous, as they performed the work of mechanics and manufacturers of modern towns. In the republics, which had little or no capital, slaves subsisted wholly by agriculture, they were few: thus in Phœcis and Locris there are said to have been originally no domestic slaves. The majority of slaves were purchased; few, however, were born in the family of the master, because the number of female slaves was small in comparison with the male, and partly because the cohabitation of slaves was discouraged, and considered cheaper to purchase than to manumit. A slave born in the house of a master was called *οἰκότροφος*, in contradistinction to one purchased, who was called *οἰκέτης*.¹ If both the father and mother were slaves, the offspring was called *οἰκότροφος*:² if the parents were *οἰκότροφες*, the offspring was called *οἰκότροφίαιος*.³ This was a recognised rule of Greek national law, persons of those who were taken prisoners became the property of the conqueror,⁴ but the practice for the Greeks to give liberty to their own nation on payment of a ransom. In fact, almost all slaves in Greece, with the exception of the serfs above mentioned, were barbarians, and it appears to follow, from a passage in Thucydides, that the Chians were the first who carried on slave-trade, where the slaves were more numerous than in any other place except Sparta, in comparison with the free inhabitants. The early ages of Greece, a great number of slaves were obtained by pirates, who kidnapped persons on the coast, but the chief supply seems to have come from the Greek colonies in Asia Minor, who had many opportunities of obtaining them from their neighbourhood and the interior of Asia. A considerable number of slaves also came from the East, where the parents frequently sold their children. In Athens, as well as in other states, there was a slave-market, called the *κύκλος*,⁵ where the slaves stood round in a circle. They were sometimes sold by auction, and appear to have been placed on a stone called the *λίθος*:⁶ the same was also the practice at Rome, whence the phrase *homo de lapide emtus*. (*emtus*.) The slave-market at Athens seems to have been held on certain fixed days, usually the first day of the month (the *ἑνὴ καὶ νῆα* or *νοῦνα*). The price of slaves also naturally differed according to their age, strength, and acquire-

ments. "Some slaves," says Xenophon,¹ are well worth two minas, others hardly half a mina; some sell for five minas, and others even for ten; and Nicias, the son of Niceratus, is said to have given no less than a talent for an overseer in the mines.² Böckh³ has collected many particulars respecting the price of slaves; he calculates the value of a common mining slave at from 125 to 150 drachmas. The knowledge of any art had a great influence upon the value of a slave. Of the thirty-two or thirty-three sword-cutlers who belonged to the father of Demosthenes, some were worth five, some six, and the lowest more than three minas; and his twenty couch-makers, together, were worth 40 minas.⁴ Considerable sums were paid for courtesans and female players on the cithara; twenty and thirty minas were common for such.⁵ Neæra was sold for thirty minas.⁶

The number of slaves was very great in Athens. According to the census made when Demetrius Phalereus was archon (B.C. 309), there are said to have been 21,000 free citizens, 10,000 metics, and 400,000 slaves in Attica:⁷ according to which, the slave population is so immensely large in proportion to the free, that some writers have rejected the account altogether,⁸ and others have supposed a corruption in the numbers, and that for 400,000 we ought to read 40,000.⁹ Böckh¹⁰ and Clinton,¹¹ however, remark, with some justice, that in computing the citizens and metics, the object was to ascertain their political and military strength, and hence the census of only males of full age was taken; while, in enumerating slaves, which were property, it would be necessary to compute all the individuals who composed that property. Böckh takes the proportion of free inhabitants to slaves as nearly one to four in Attica, Clinton as rather more than three to one; but, whatever may be thought of these calculations, the main fact, that the slave population in Attica was much larger than the free, is incontrovertible: during the occupation of Decelea by the Lacedæmonians, more than 20,000 Athenian slaves escaped to this place.¹² In Corinth and Ægina their number was equally large: according to Timæus, Corinth had 460,000, and according to Aristotle, Ægina had 470,000 slaves;¹³ but these large numbers, especially in relation to Ægina, must be understood only of the early times, before Athens had obtained possession of the commerce of Greece.

At Athens even the poorest citizen had a slave for the care of his household,¹⁴ and in every moderate establishment many were employed for all possible occupations, as bakers, cooks, tailors, &c. The number possessed by one person was never so great as at Rome during the later times of the Republic and under the Empire, but it was still very considerable. Plato¹⁵ expressly remarks, that some persons had fifty slaves, and even more. This was about the number which the father of Demosthenes possessed;¹⁶ Lysias and Polemarchus had 120,¹⁷ Philemonides had 300, Hipponicus 600, and Nicias 1000 slaves in the mines alone.¹⁸ It must be borne in mind, when we read of one person possessing so large a number of slaves, that they were employed in various workshops, mines, or manufactories: the number which a person kept to attend to his own private wants or those of his household was probably never very large. And this constitutes one

1. (Mem., ii., 5, § 2.)—2. (Publ. Econ. of Athens, i., p. 92, &c.)—3. (in Aphob., i., p. 516.)—4. (Ter., Adelp., iii., i., 37, 2, 15; iv., 7, 24.—Id., Phorm., iii., 3, 24.)—5. (Demosth. in Neær., p. 1354, 16.)—6. (Ctesicles ap. Athen., vi., p. 272, c.)—7. (Niebuhr, Hist. of Rome, ii., p. 69, n. 143.)—8. (Hume's Essays, vol. i., p. 443.)—9. (Ibid., i., p. 52, &c.)—10. (F. H., ii., p. 391.)—11. (Thucyd., vii., 27.)—12. (Athen., i. c.)—13. (Aristotoph., Plut., init.)—14. (De Rep., ix., p. 578.)—15. (in Aphob., i., p. 823.)—16. (Lys. in Erastosth., p. 395.)—17. (Xen., De Vect., iv., 14, 15.)

Isocr., Plat., p. 300, ed. Steph.)—2. (Athen., vi., p. 272, c.)—3. (Athen., vi., p. 272, c.)—4. (Eustath. ad Od., ii., 290.)—5. (Pollux, Onom., 6. (Xen., Cyr., vii., 5, § 73.)—7. (ap. Athen., vi., p. 272, c.)—8. (Thucyd., vii., 40.)—9. (Herod., v., 6.)—10. (Har., i., p. 11.)—11. (Pollux, Onom., iii., 78.)—12. (Aristotoph., Equit., e schol.)

great distinction between Greek and Roman slaves, that the labour of the former was regarded as the means by which an owner might obtain profit for the outlay of his capital in the purchase of the slaves, while the latter were chiefly employed in ministering to the wants of their master and his family, and in gratifying his luxury and vanity. Thus Athenæus¹ remarks that many of the Romans possess 10,000 or 20,000 slaves, and even more: but not, he adds, for the sake of bringing in a revenue, as the wealthy Nicias.

Slaves either worked on their masters' account or their own (in the latter case they paid their masters a certain sum a day), or they were let out by their master on hire, either for the mines or any other kind of labour, or as hired servants for wages (*ἀποδορά*). The rowers on board the ships were usually slaves;² it is remarked as an unusual circumstance, that the seamen of Paralos were freemen.³ These slaves belonged either to the state or to private persons, who let them out to the state on payment of a certain sum. It appears that a considerable number of persons kept large gangs of slaves merely for the purpose of letting out, and found this a profitable mode of investing their capital. Great numbers were required for the mines, and in most cases the mine lessees would be obliged to hire some, as they would not have sufficient capital to purchase as many as they wanted. We learn from a fragment of Hyperides preserved by Suidas,⁴ that there were at one time as many as 150,000 slaves who worked in the mines and were employed in country labour. Generally none but inferior slaves were confined in these mines: they worked in chains, and numbers died from the effects of the unwholesome atmosphere.⁵ We cannot calculate with accuracy what was the usual rate of profit which a slave proprietor obtained. The thirty-two or thirty-three sword-cutlers belonging to the father of Demosthenes annually produced a net profit of 30 minas, their purchase value being 190 minas, and the twenty couch-makers a profit of 12 minas, their purchase value being 40 minas.⁶ The leather-workers of Timarchus produced to their masters two oboli a day, the overseers three:⁷ Nicias paid an obolus a day for each mining slave which he hired.⁸ The rate of profit upon the purchase-money of the slaves was naturally high, as their value was destroyed by age, and those who died had to be replaced by fresh purchases. The proprietor was also exposed to the great danger of their running away, when it became necessary to pursue them, and offer rewards for their recapture (*σώστρα*).⁹ Antigenes of Rhodes was the first that established an ensurance of slaves. For a yearly contribution of eight drachmas for each slave that was in the army, he undertook to make good the value of the slave at the time of his running away.¹⁰ Slaves that worked in the fields were under an overseer (*ἐπίτροπος*), to whom the whole management of the estate was frequently intrusted, while the master resided in the city; the household slaves were under a steward (*ταμίης*), the female slaves under a stewardess (*ταμία*).¹¹

The Athenian slaves did not, like the Helots of Sparta and the Penestæ of Thessaly, serve in the armies; the battles of Marathon and Arginuse, when the Athenians armed their slaves,¹² were exceptions to the general rule.

The rights of possession with regard to slaves differed in no respect from any other property, they could be given or taken as pledges.¹ The condition, however, of Greek slaves was, upon the whole, better than that of Roman ones, with the exception, perhaps, of Sparta, where, according to Plutarch,² it is the best place in the world to be a freeman, and the worst to be a slave (*ἐν Λακεδαιμονίᾳ καὶ τὸν ἐλεύθερον μάλιστα ἐλεύθερον εἶναι, καὶ τὸν δούλον μάλιστα δούλον*). At Athens especially the slaves seem to have been allowed a degree of liberty and indulgence which was never granted to them at Rome.³ On the reception of a new slave into a house at Athens, it was the custom to minister sweetmeats (*καταχύματα*), as was done in the case of a newly-married pair.⁴

The life and person of a slave were also protected by the law: a person who struck or maltreated a slave was liable to an action (*ἔβρωσε γροφῆ*); a slave, too, could not be put to death without legal sentence.⁵ He could even take shelter from the cruelty of his master in the Temple of Theseus, and there claim the privilege of being sold by him (*ἔρπαισιν αἰτεῖσθαι*).⁶ The person of a slave, however, was not considered so sacred as that of a freeman: his offences were punished with corporeal chastisement, which was the last mode of punishment inflicted on a freeman:⁷ he was not believed upon his oath, but his evidence in courts of justice was always taken with torture. (*Vid. ΒΑΣΙΛΙΚΑ*.)

Notwithstanding the generally mild treatment of slaves in Greece, their insurrection was not unfrequent;⁸ but these insurrections in Attica were usually confined to the mining slaves, who were treated with more severity than the others. On one occasion they murdered their guards, took possession of the fortifications of Sunium, and from this ravaged the country for a considerable time.⁹

Slaves were sometimes manumitted at Athens, though not so frequently as at Rome; but it is somewhat doubtful whether a master was ever obliged to liberate a slave against his will for a certain sum of money, as some writers have concluded from a passage of Plautus.¹⁰ Those who were manumitted (*ἀπελεύθεροι*) did not become citizens, as they might at Rome, but passed into the condition of freedmen. They were obliged to honour their former master as their patron (*προστάτης*), and to fulfil certain duties towards him, the neglect of which rendered them liable to the *δική ἀποστραφίου*, by which they might again be sold into slavery. (*Vid. ΛΑΤΙΝΑ GREEK; ΑΠΟΣΤΑΣΙΟΥ ΔΙΚΗ*.)

Respecting the public slaves at Athens, see *ΒΑΣΙΛΙΚΑ*.

It appears that there was a tax upon slaves at Athens,¹¹ which Böckh¹² supposes was three oboli a year for each slave.

Besides the authorities quoted in the course of this article, the reader may refer to Petrus de Att., ii., 6, p. 254, &c.—Reitermeier, *Gesch. der Sklaverei in Griechenland*, Berl., 1789.—Lambert Brouwer, *Histoire de la Civilisation des Grecs*, p. 267, &c.—Wachsmuth, *Hell. Alt.*, i., 1, p. 17.—Göttling, *De Notione Servitutis apud Antiquos*, Jen., 1821.—Hermann, *Lehrbuch der Griech. Rechtsh.*, § 114.—Becker, *Charikles*, ii., p. 30, &c.

1. (Dem. in Pantænet, p. 967; in Aphob., p. 251, *ἀποστραφίου*, i., p. 871.)—2. (Lyc., 28.)—3. (Compare Plat., *Rep.*, 18.—Xen., *De Rep. Athen.*, i., 12.)—4. (Aristoph., *Eccl.*, with schol.—Demosth. in Steph., p. 1123, 28.—Pellin, *Antiq.*, iii., 77.—Hesych. and Suidas, s. v. *Καταχύματα*.)—5. (Dem. in Mid., p. 529.—Æschin. in Tim., p. 41.—Xen., *De Rep. Athen.*, i., 10.—Athen., vi., p. 267, f.—Mém., *Ac. Ins.*, 322, &c.)—6. (Eurip., *Hec.*, 287, 298.—Antiph., *De Cæc. Bæce*, p. 728.)—7. (Plat., *Thes.*, 36.—Pollux, *Onom.*, vi., 12.—*Att. Proc.*, p. 403, &c.)—8. (Dem. in Timost., p. 23.—Plat., *Leg.*, vi., p. 777.—10. (Athen., vi., p. 272, f.—*Att. Proc.*, p. 403, &c.)—11. (Xen., *De Vect.*, iv., 23.—*Att. Proc.*, p. 47, 48.)

1. (vi., p. 272, e.)—2. (Isocrat., *De Pace*, p. 169, ed. Steph.)—3. (Thucyd., viii., 73.)—4. (s. v. *Ἀπελευθέρωσις*.)—5. (Böckh, on the Silver Mines of Laurion, p. 469, 470, transl.)—6. (Demosth. in Aphob., i., p. 816.—Böckh, *Public Econ.*, &c., i., p. 160.)—7. (Æschin. in Tim., p. 118.)—8. (Xen., *Vect.*, iv., 14.)—9. (Xen., *Mém.*, ii., 10, § 1, 2.—Plat., *Protag.*, p. 310.)—10. (Pseudo-Arist., *Econ.*, c. 35.)—11. (Xen., *Econ.*, xii., 2; *Ac. II.*)—12. (Pausan., i., 32, § 3.—Schol. ad Aristoph., *Ran.*, 33.)

RVUS (ROMAN). SERVITUS. "*Servitus est utio juris gentium qua quis dominio alieno ncturam subicitur.*"¹ Gaius also considers testas of a master over a slave as "*juris gen-*"² The Romans viewed liberty as the natural and slavery as a status or condition which contrary to the natural state. The mutual re- of slave and master among the Romans was sed by the terms *servus* and *dominus*; and ver and interest which the *dominus* had over the slave was expressed by *dominium*. The -ominium or ownership, with reference to a -ointed to the slave merely as a thing or ob- -ownership, and a slave, as one of the res -a, was classed with other objects of owner- -The word *potestas* was also applied to the -s power over the slave, and the same word sed to express the father's power over his -a. The boundaries between the *patria* and -a *potestas* were originally very narrow, but -ad had certain legal capacities which were -er wanting to the condition of the slave. -ter had no *potestas* over the slave if he -ely a "*nudum jus Quiritium in servo.*"³ It was -ary that the slave should be his in *bonis* at

arding to the strict principles of the Roman -was a consequence of the relation of master -e that the master could treat the slave as -ed; he could sell him, punish him, and put -death. Positive morality, however, and the -tercourse that must always subsist between -er and the slaves who are immediately about -eliorated the condition of slavery. Still we -acts of great cruelty committed by masters -ater republican and earlier imperial periods, -e *lex Petronia* was enacted in order to pro- -ve slave. (*Vid. LEX PETRONIA, p. 584.*) The -al power of life and death over a slave, which -considers to be a part of the *jus gentium*, -imited by a constitution of Antoninus, which -ed that, if a man put his slave to death with- -efficient reason (*sine causa*), he was liable to -me penalty as if he had killed another man's

The constitution applied to Roman citizens, -o all who were under the *imperium Roma-* -The same constitution also prohibited the -reatment of slaves by their masters, by enact- -if the cruelty of the master was intoler- -e might be compelled to sell the slave, and -ave was empowered to make his complaint to -per authority.⁴ A constitution of Claudius -d, that if a man exposed his slaves who -nfirm, they should become free; and the con- -on also declared, that if they were put to death, -t should be murder.⁵ It was also enacted,⁶ -sales of division of property, slaves, such as -ad and wife, parents and children, brothers -sters, should not be separated.

ave could not contract a marriage. His -otion with a woman was *contubernium*, and -al relation between him and his children was -used. Still nearness of blood was considered -ediment to marriage after manumission: -manumitted slave could not marry his mand- -sister.⁷

ave could have no property. He was not in- -e of acquiring property, but his acquisitions -ed to his master, which Gaius considers to -ule of the *jus gentium*.⁸ A slave could ac- -or his master by *mancipatio*, *traditio*, *stipula-* -in any other way. In this capacity of the

slave to take, though he could not keep, his con- -dition was assimilated to that of a *filiusfamilias*, and -he was regarded as a person. If one person had a -nudem *jus Quiritium* in a slave, and he was ano- -er's in *bonis*, his acquisitions belonged to the person -whose he was in *bonis*. If a man possessed ano- -ther man's slave or a free person, he only acquired -through the slave in two cases: he was entitled to -all that the slave acquired out of or by means of -the property of the possessor (*ex re ejus*), and he was -entitled to all that the slave acquired by his own -labour (*ex operis suis*); the law was the same with -respect to a slave of whom a man had the usufruc- -tus only. All other acquisitions of such slaves or -free persons belonged to their owner or to them- -selves, according as they were slaves or free men.¹ -If a slave was appointed heres, he could only ac- -cept the *hereditas* with the consent of his master, -and he acquired the *hereditas* for his master: in -the same way the slave acquired a legacy for his -master.²

A master could also acquire *possessio* through -his slave, and thus have a commencement of us- -ucapion;³ but the owner must have the possession -of the slave in order that he might acquire posses- -sion through him, and, consequently, a man could not -acquire possession by means of a pignorated slave. (*Vid. PIGNUS.*) A *bonæ fidei* possessor, that is, -one who believed the slave to be his own, could ac- -quire possession through him in such cases as he -could acquire property; consequently, a pledgee -could not acquire possession through a pignorated -slave, though he had the possession of him *bona* -*fide*, for this *bona fides* was not that which is meant -in the phrase *bonæ fidei* possessor. The usufruc- -tarius acquired possession through the slave in the -same cases in which the *bonæ fidei* possessor ac- -quired it.⁴

Slaves were not only employed in the usual do- -mestic offices and in the labours of the field, but -also as factors or agents for their masters in the -management of business (*vid. INSTITORIA ACTIO*, -&c.), and as mechanics, artisans, and in every -branch of industry. It may easily be conceived -that, under these circumstances, especially as they -were often intrusted with property to a large amount, -there must have arisen a practice of allowing the -slave to consider part of his gains as his own: this -was his *peculium*, a term also applicable to such -acquisitions of a *filiusfamilias* as his father allowed -him to consider as his own. (*Vid. PATRIA POTES-* -*TAS.*) According to strict law, the *peculium* was -the property of the master, but according to usage -it was considered to be the property of the slave. -Sometimes it was agreed between master and slave -that the slave should purchase his freedom with his -*peculium* when it amounted to a certain sum.⁵ If a -slave was manumitted by the owner in his lifetime, -the *peculium* was considered to be given together -with *libertas*, unless it was expressly retained.⁶ -Transactions of borrowing and lending could take -place between the master and slave with respect -to the *peculium*, though no right of action arose on -either side out of such dealings, conformably to a -general principle of Roman law.⁷ If, after the -slave's manumission, the master paid him a debt -which had arisen in the manner above mentioned, -he could not recover it.⁸ In case of the claim of -creditors on the slave's *peculium*, the debt of the -slave to the master was first taken into the account, -and deducted from the *peculium*. So far was the -law modified, that in the case of the *naturales obli-*

1. (Ulp., *Frag.*, tit. 19.)—2. (Gaius, ii., 87, &c.)—3. (Id., ii., 89, &c.)—4. (Savigny, *Das Recht des Besitzes*, p. 314, ed. 5.)—5. (Tacit., *Ann.*, xiv., 42, and the note of Lipsius.)—6. (*Dig.*, 15, tit. 1, s. 53, *De Peculio*.)—7. (Gaius, iv., 78.)—8. (*Dig.*, 22, tit. 6, s. 64.)

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whose property he had stolen; but it was not clear whether the effect of the *addictio* was to make a *servus*, or to put him in the condition of a *judicatus*.¹

The *constitutio* or *senatus consultum* of Claudius freedman who misconducted himself towards his master was reduced to his former state of slavery.

But this was not the rule of law in the time of Augustus. (Vid. PATRONUS, LIBERTUS.)

The state of slavery was terminated by *MANUMISSIO*. It was also terminated by various positive laws, either by way of reward to the slave, or as punishment to the master. The *SENATUS CONSULTUM*

CRISPINIANUM is an example of the former; various subsequent constitutions gave freedom to slaves who discovered the perpetrators of crimes.² Liberty might also be acquired by *descriptio temporis*. After the establishment of Christianity, it might be acquired, subject to certain limitations, by becoming a monk or a nun; but if the person left his monastery to lead a secular life, or rambled about in the country, he might be reduced to his former servile condition.

There were slaves that belonged to the state, and were called *servi publici*: they had the testamentary right to the amount of one half of their property, in which circumstance it appears that they were viewed in a light somewhat different from the slaves of private persons.

The preceding account treats of the legal condition of slaves in their relation to their masters. It is now to give an account of the history of slavery among the Romans, of the sale and value of slaves of the different classes into which they were divided, and of their general treatment.

Slavery existed at Rome in the earliest times of which we have any record, but they do not appear to have been numerous under the kings and in the early ages of the Republic. The different trades and mechanical arts were chiefly carried on by the hands of the patricians, and the small farms in the country were cultivated, for the most part, by slaves of the proprietor and of his own family. As the territories of the Roman state were extended, the patricians obtained possession of large estates out of the *ager publicus*, since it was the duty of the Romans to deprive a conquered province of part of their land. These estates required a larger number of hands for their cultivation than could readily be obtained among the free population; and since the freemen were liable to be called away from their work in the armies, the lands began to be cultivated almost entirely by slave labour.³ Through war and commerce slaves could easily be obtained, and at a cheap rate, and their number soon became so great that the poorer class of freemen was thrown almost entirely out of employment. This state of things was one of the chief arguments used by Licinius and the Gracchi for limiting the quantity of land which a person might possess;⁴ and it was not until there was a provision in the Licinian law that a certain number of freemen should be employed on every estate.⁵ This regulation, however, was probably of little avail: the lands continued to be almost entirely cultivated by slaves, although, in the latest times of the Republic, it is said that Julius Cæsar attempted to remedy the state of things to some extent, by enacting laws that those persons who attended to cattle, a third

should always be freemen.⁶ In Sicily, which supplied Rome with so great a quantity of corn, the number of agricultural slaves was immense: the oppressions to which they were exposed drove them twice to open rebellion, and their numbers enabled them to defy for a time the Roman power. The first of these servile wars began in B.C. 134, and ended in B.C. 132, and the second commenced in B.C. 102, and lasted almost four years.

Long, however, after it had become the custom to employ large gangs of slaves in the cultivation of the land, the number of those who served as personal attendants still continued to be small. Persons in good circumstances seem usually to have had one only to wait upon them,⁷ who was generally called by the name of his master, with the word *por* (that is, *puer*) affixed to it, as *Caipor*, *Lucipor*, *Marcipor*, *Publipor*, *Quintipor*, &c.; and hence Quintilian⁸ says, long before whose time luxury had augmented the number of personal attendants, that such names no longer existed. Cato, when he went to Spain as consul, only took three slaves with him.⁹ But during the latter times of the Republic, and under the Empire, the number of domestic slaves greatly increased, and in every family of importance there were separate slaves to attend to all the necessities of domestic life. It was considered a reproach to a man not to keep a considerable number of slaves. Thus Cicero, in describing the meanness of Piso's housekeeping, says, "*Idem coquus, idem atriensis: pistor domi nullus.*"¹⁰ The first question asked respecting a person's fortune was "*Quot pascit servos?*"¹¹ Horace¹² seems to speak of ten slaves as the lowest number which a person in tolerable circumstances ought to keep, and he ridicules the prætor Tullius for being attended by no more than five slaves in going from his Tiburine villa to Rome.¹³ The immense number of prisoners taken in the constant wars of the Republic, and the increase of wealth and luxury, augmented the number of slaves to a prodigious extent. The statement of Athenæus,¹⁴ that very many Romans possessed 10,000 and 20,000 slaves, and even more, is probably an exaggeration; but a freedman under Augustus, who had lost much property in the civil wars, left at his death as many as 4116.¹⁵ Two hundred was no uncommon number for one person to keep,¹⁶ and Augustus permitted even a person that was exiled to take twenty slaves or freedmen with him.¹⁷ The mechanical arts, which were formerly in the hands of the *clientes*, were now entirely exercised by slaves;¹⁸ a natural growth of things, for where slaves perform certain duties or practise certain arts, such duties or arts will be thought degrading to a freeman. It must not be forgotten that the games of the amphitheatre required an immense number of slaves trained for the purpose. (Vid. GLADIATORES.) Like the slaves in Sicily, the gladiators in Italy rose in B.C. 73 against their oppressors, and, under the able generalship of Spartacus, defeated a Roman consular army, and were not subdued till B.C. 71, when 60,000 of them are said to have fallen in battle.¹⁹

Under the Empire, various enactments, mentioned above (p. 883), were made to restrain the cruelty of masters towards their slaves; but the spread of Christianity tended most to ameliorate the condition of slaves, though the possession of them was for a long time by no means condemned as contrary to Christian justice. The Christian writers,

1. (Suet., Jul., 42.)—2. (Plin., H. N., xxxiii., 1, s. 6.)—3. (Tacitus, l., 27.)—See the notes of Ernesti and Lipsius on this.—4. (Cod. Theod., tit. 21, s. 2.)—5. (Nov., 5, c. 2; and 25.)—6. (Ulp., Frag., tit. 20.)—7. (Compare Liv., vi., Appian, B. C. i., 7, 9, 10.)—9. (Ib. id., 1, 8.)

1. (Suet., Jul., 42.)—2. (Plin., H. N., xxxiii., 1, s. 6.)—3. (Ib., 4, s. 26.)—4. (Apul., Apol., p. 430, ed. Ouden.)—5. (in Pis., 27.)—6. (Juv., iii., 141.)—7. (Sat., i., 3, 12.)—8. (Sat., i., 6, 107.)—9. (vi., p. 272, c.)—10. (Plin., H. N., xxxiii., 10, s. 47.)—11. (Hor., Sat., i., 3, 11.)—12. (Dion Cass., lvi., 27.)—13. (Cic., De Off., i., 42.)—14. (Liv., Epit., 97.)

earlier times, and that, therefore, recourse was had to propagation for keeping up the number of slaves. But under the Republic, and in the early times of the Empire, this was done to a very limited extent, as it was found cheaper to purchase than to breed slaves.

Slaves were divided into many various classes: the first division was into public or private. The former belonged to the state and public bodies, and their condition was preferable to that of the common slaves. They were less liable to be sold, and under less control than ordinary slaves: they also possessed the privilege of the *testamenti factio* to the amount of one half of their property (see above, p. 885), which shows that they were regarded in a different light from other slaves. Scipio, therefore, on the taking of Nova Carthago, promised 2000 artisans, who had been taken prisoners, and were therefore to be sold as common slaves, that they should become public slaves of the Roman people, with a hope of speedy manumission, if they assisted him in the war.¹ Public slaves were employed to take care of the public buildings,² and to attend upon magistrates and priests. Thus the *ædiles* and *questors* had great numbers of public slaves at their command,³ as had also the *triumviri nocturni*, who employed them to extinguish fires by night.⁴ They were also employed as *lictors*, jailers, executioners, watermen, &c.

A body of slaves belonging to one person was called *familia*, but two were not considered sufficient to constitute a *familia*.⁵ Private slaves were divided into urban (*familia urbana*) and rustic (*familia rustica*); but the name of urban was given to those slaves who served in the villa or country residence as well as in the town house, so that the words urban and rustic rather characterized the nature of their occupations than the place where they served (*urbana familia et rustica non loco, sed genere distinguitur*).⁶ The *familia urbana* could therefore accompany their master to his villa without being called *rustica* on account of their remaining in the country. When there was a large number of slaves in one house, they were frequently divided into *decuriæ*:⁷ but, independent of this division, they were arranged in certain classes, which held a higher or a lower rank according to the nature of their occupation. These classes are: *Ordinarii*, *Vulgares*, *Mediastini*, and *Quales-Quales*:⁸ but it is doubtful whether the *Literati*, or literary slaves, were included in any of these classes. Those that were called *Vicarii* are spoken of above (p. 884).

Ordinarii seem to have been those slaves who had the superintendence of certain parts of the housekeeping. They were always chosen from those who had the confidence of their master, and they generally had certain slaves under them. To this class the *actores*, *procuratores*, and *dispensatores* belong, who occur in the *familia rustica* as well as the *familia urbana*, but in the former are almost the same as the *villici*. They were stewards or bailiffs.⁹ To the same class also belong the slaves who had the charge of the different stores, and who correspond to our housekeepers and butlers: they are called *cellarii*, *promi*, *condi*, *procuratores peni*, &c. (Vid. CELLA.)

Vulgares included the great body of slaves in a house who had to attend to any particular duty in the house, and to minister to the domestic wants of their master. As there were distinct slaves or a distinct slave for almost every department of household economy, as bakers (*pistores*), cooks (*co-*

qui), confectioners (*dulciarii*), picklers (*salsmentarii*), &c., it is unnecessary to mention these more particularly. This class also included the porters (*ostiarii*), the bedchamber slaves (*vid. CUBICULARII*), the litter-bearers (*lecticarii*) (*vid. LECTICA*), and all personal attendants of any kind.

Mediastini. (Vid. MEDIASTINI.)

Quales-Quales are only mentioned in the Digest,¹ and appear to have been the lowest class of slaves, but in what respects they differed from the *mediastini* is doubtful: Becker² imagines they may have been a kind of slaves, *qualiqui conditione viventes*, which, however, does not give us any idea of their duties or occupations.

Literati, literary slaves, were used for various purposes by their masters, either as readers (*anagnostæ*) (*vid. ACROAMA*), copyists or amanuenses (*vid. LIBRARI, AMANUENSIS*), &c. Complete lists of all the duties performed by slaves are given in the works of Pignorius, Pompa, and Blair, referred to at the close of this article.

The treatment of slaves, of course, varied greatly according to the disposition of their masters, but they appear, upon the whole, to have been treated with greater severity and cruelty than among the Athenians. Originally the master could use the slave as he pleased: under the Republic the law does not seem to have protected the person or life of the slave at all, but the cruelty of masters was to some extent restrained under the Empire, as has been stated above (p. 883). The general treatment of slaves, however, was probably little affected by legislative enactments. In early times, when the number of slaves was small, they were treated with more indulgence, and more like members of the family; they joined their masters in offering up prayers and thanksgivings to the gods,³ and partook of their meals in common with their masters, though not at the same table with them, but upon benches (*subsælia*) placed at the foot of the lectus. But with the increase of numbers and of luxury among masters, the ancient simplicity of manners was changed: a certain quantity of food was allowed them (*dimensum* or *demensum*), which was granted to them either monthly (*menstruum*)⁴ or daily (*diarium*).⁵ Their chief food was the corn called *far*, of which either four or five modii were granted them a month,⁶ or one Roman pound (*libra*) a day.⁷ They also obtained an allowance of salt and oil: Cato⁸ allowed his slaves a sextarius of oil a month, and a modius of salt a year. They also got a small quantity of wine, with an additional allowance on the Saturnalia and Compitalia,⁹ and sometimes fruit, but seldom vegetables. Butcher's meat seems to have been hardly ever given them.

Under the Republic they were not allowed to serve in the army, though after the battle of Cannæ, when the state was in such imminent danger, 8000 slaves were purchased by the state for the army, and subsequently manumitted on account of their bravery.¹¹

The offences of slaves were punished with severity, and frequently the utmost barbarity. One of the mildest punishments was the removal from the *familia urbana* to the *rustica*, where they were obliged to work in chains or fetters.¹² They were frequently beaten with sticks or scourged with the whip (of which an account is given under FLAGRUM); but these were such every-day punishments that many slaves ceased almost to care for them: thus Chrysalus says,¹³

1. (Liv., xxxi., 47.)—2. (Compare Tacit., Hist., i., 43.)—3. (Gell., xiii., 13.)—4. (Dig. 1, tit. 15, s. 1.)—5. (Dig. 50, tit. 16, s. 40.)—6. (Dig. 50, tit. 16, s. 166.)—7. (Petron., 47.)—8. (Dig. 47, tit. 10, s. 15.)—9. (Collum., l., 7, s.—Plin., Ep., iii., 13.—Cic. ad Att., xi., 1.—Suet., Galb., 19; Vesp., 22.)

1. (l. c.)—2. (Gallus, i., p. 125.)—3. (Hor., Ep., ii., 1, 142.)—4. (Plaut., Coriol., 24.)—5. (Plaut., Stich., i., 2, 3.)—6. (Hor., Ep., i., 14, 41.—Mart., xi., 108.)—7. (Donat in Ter., Phorm., i., 1, 9.—Sen., Ep., 80.)—8. (Hor., Sat., i., 5, 69.)—9. (R. R., 58.)—10. (Cato, De Re Rust., 57.)—11. (Liv., xxx., 57; xxxi., 14—16.)—12. (Plaut., Most., i., 1, 18.—Ter., Phorm., ii., 1, 50.)—13. (Plaut., Bacchid., ii., 3, 131.)

"*Si illi sunt virgæ ruri, at mihi tergum est domi.*"

Runaway slaves (*fugitivi*) and thieves (*fures*) were branded on the forehead with a mark (*stigma*), whence they are said to be *notati* or *inscripti*.¹ Slaves were also punished by being hung up by their hands with weights suspended to their feet,² or by being sent to work in the *Ergastulum* or *Pistrinum*. (*Vid. ERGASTULUM, MOLA*.) The carrying of the *furca* was a very common mode of punishment. (*Vid. FURCA*.) The toilet of the Roman ladies was a dreadful ordeal to the female slaves, who were often barbarously punished by their mistresses for the slightest mistake in the arrangement of the hair or a part of the dress.³

Masters might work their slaves as many hours in the day as they pleased, but they usually allowed them holidays on the public festivals. At the festival of Saturnus in particular, special indulgences were granted to all slaves, of which an account is given under *SATURNALIA*. There was no distinctive dress for slaves. It was once proposed in the senate to give slaves a distinctive costume, but it was rejected, since it was considered dangerous to show them their number.⁴ Male slaves were not allowed to wear the *toga* or *bullæ*, nor females the *stola*, but otherwise they were dressed nearly in the same way as poor people, in clothes of a dark colour (*pullati*) and slippers (*crepidæ*) (*vestis servilis*).⁵

The rites of burial, however, were not denied to slaves; for, as the Romans regarded slavery as an institution of society, death was considered to put an end to the distinction between slaves and freemen. Slaves were sometimes even buried with their masters, and we find funeral inscriptions addressed to the *Dii Manes* of slaves (*Dis Manibus*). It seems to have been considered a duty for a master to bury his slave, since we find that a person who buried the slave of another had a right of action against the master for the expenses of the funeral.⁶ In 1726 the burial vaults of the slaves belonging to Augustus and Livia were discovered near the *Via Appia*, where numerous inscriptions were found, which have been illustrated by Bianchini and Gori, and give us considerable information respecting the different classes of slaves and their various occupations. Other *sepulchreta* of the same time have been also discovered in the neighbourhood of Rome.⁷

**SES* (*σῆς*), "a term generally supposed to signify the *Tinea* of the Latins, i. e., the Book-worm, but used by Aristotle in a more extended sense. That said to be formed in wax would appear to be the *Phalæna cereana*; that formed in wood (called by him *ἄκαρι*) is the *Tennes fatalis*, or White Ant; that formed among clothes is probably the *Phalæna sarcitella*. Others, says Schneider, hold them to be the *Tinea vestinella*, *T. pellinella*, and *T. mellonella*. It is to be borne in mind that the *Tinea* form a division of the genus *Phalæna*."⁸

**SES'AMUM* (*σῆσαμον*), the *Sesamum Orientale*, or Eastern Oily-grain.⁹

SESCUNX. (*Vid. AS*, p. 110.)

**SESELI* (*σῆσέλι*), a plant, of which Dioscorides describes three species, the *Seseli Massiliense*, *S. Ethiopicum*, and *S. Peloponnesiacum*. "The *σῆσέλι* of Galen is the first of these. The *σῆσέλι* of Theophrastus is the same as the *τορδύλλιον*, namely, the *Tordylium officinale*, or Hartwort. The alliance between the *σῆσέλι* and *tordylium* is pointed out

1. (Mart., viii., 75, 9.)—2. (Plaut., *Asin.*, ii., 2, 37, 38.)—3. (Ovid., *Am.*, i., 14, 15.—*Art. Amat.*, iii., 235.—*Mart.*, ii., 66—*Juv.*, vi., 498, &c.)—4. (Sen., *De Clem.*, i., 24.)—5. (Cic., in *Pis.*, 38.)—6. (Dig. ii., tit. 7, s. 31.)—7. (Pignorius, *De Servis et eorum apud Vet. Minist.*—*Poppa, De Operis Servorum*.—Blair, *An Inquiry into the State of Slavery among the Romans*, Edinb., 1832.—Becker, *Gallus*, i., p. 103, &c.)—8. (Aristot., *H. A.*, v., 26.—*Adams*, *Append.*, s. v.)—9. (Dioscor., ii., 121.—*Theophr.*, *H. P.*, i., 11.)

by Dioscorides and Pliny. According to Stephens Alston, and others, the popular name of the *Seseli Massiliense* is 'Hard Meadow Saxifrage,' but its scientific name is *Seseli tortuosum*. This species is the '*Sil Gallicus*' of Apicius. It is also called '*Sil*' by Celsus. Dr. Milligan, however, confounds it with the *Sil Atticum*, a sort of red ochre, which was never used for medicinal purposes. Sprengel follows Anguillara in referring the *S. Ethiopicum* to the *Bupleurum fruticosum*, and Matthioli in holding that the *Peloponnesiacum* is the *Liguanicum Peloponnesiacum*.¹¹

SESTERTIUS, a Roman coin, which properly belonged to the silver coinage, in which it was one fourth of the denarius, and therefore equal to 2½ asses. Hence the name, which is an abbreviation of *sestertius* (sc. *nummus*), the Roman mode of expressing 2½. The word *nummus* is often expressed with *sestertius*, and often it stands alone, meaning *sestertius*.

Hence the symbol *HS* or *IIIS*, which is used to designate the *sestertius*. It stands either for *IIIS* (*Libra Libra et Semis*), or for *IIIS*, the two *II* merely forming the numeral two (sc. *asses* or *libra*), and the whole being in either case equivalent to *Libra pondus et semis*.²

When the *as* was reduced to half an ounce, and the number of asses in the denarius was made sixteen instead of ten (*Vid. AS, DENARIUS*), the *sestertius* was still ¼ of the denarius, and therefore contained no longer 2½, but 4 asses. The old reckoning of 30 asses to the denarius was kept, however, in paying the troops.³ After this change the *sestertius* was coined in brass as well as in silver; the metal used for it was that called *aurichalcum*, which was much finer than the common *Æs*, of which the asses were made.⁴

The sum of 1000 *sestertii* was called *sestertium*. This was also denoted by the symbol *HS*, the obvious explanation of which is "*IIIS* (2½) *millia*," but Gronovius understands it as 2½ pounds of silver (*sestertium pondus argenti*), which he considers to have been worth originally 1000 *sestertii*, and therefore to have represented this value ever after. The *sestertium* was always a sum of money, never a coin; the coin used in the payment of large sums was the denarius.

According to the value we have assigned to the *DENARIUS* up to the time of Augustus, we have

£. s. d. *farth.*

the *sestertius* = 0 0 2 5

the *sestertium* = 8 17 1

after the reign of Augustus:

the *sestertius* = 0 0 1 3 5

the *sestertium* = 7 16 3

The *sestertius* was the denomination of money almost always used in reckoning considerable amounts. There are a very few examples of the use of the denarius for this purpose. The mode of reckoning was as follows:

Sestertius = *sestertius nummus* = *nummus*.

Sums below 1000 *sestertii* were expressed by the numeral adjectives joined with either of these forms.

The sum of 1000 *sestertii* = *mille sestertii* = *M sestertium* (for *sestertiorum*) = *M nummi* = *M nummi* (for *nummorum*) = *M sestertii nummi* = *M sestertium nummum* = *sestertium*. These forms are used with the numeral adjectives below 1000; sometimes *millia* is used instead of *sestertii*; sometimes both words are omitted; sometimes *nummum* or *nummi* is added. For example, 600,000 *sestertii* =

1. (Theophr., *H. P.*, ix., 15.—*Dioscor.*, iii., 33—35.—*Galen*, v., 23.—*Adams*, *Append.*, s. v.)—2. (Varr., *L. L.*, v., 172, ed. Müller.—*Festus*, s. v.—*Plin.*, *H. N.*, xxxv., 12.)—3. (Pomponius Ponder., p. 127.—*Festus*, p. 247, *Mucius*.)—4. (Pomponius Ponder., s. v.)—5. (Plin., *H. N.*, xxiv., 2.)—6. (Poc. *Vet.*, i., 4, 11.)

sails near the prow, whence Homer occasionally calls ships *μυλοπάρροι*, i. e., red-checked;¹ they were also painted occasionally with a purple colour (*φοινικοπάρροι*).² When the Greeks had landed on the coast of Troy, the ships were drawn on land, and fastened at the poop with a rope to large stones, which served as anchors.³ (Vid. ANCHORS.) The Greeks then surrounded the fleet with a fortification to secure it against the attacks of the enemy. This custom of drawing the ships upon the shore, when they were not used, was followed in later times also, as every one will remember from the accounts in Cæsar's Commentaries. There is a celebrated but difficult passage in the *Odyssey*,⁴ in which the building of a boat is described, although not with the minuteness which an actual ship-builder might wish for. Odysseus first cuts down with his axe twenty trees, and prepares the wood for his purpose by cutting it smooth and giving it the proper shape. He then bores the holes for nails and hooks, and fits the planks together, and fastens them with nails. He rounds the bottom of the ship like that of a broad transport vessel, and raises the bulwark (*ἰκρία*), fitting it upon the numerous ribs of the ship. He afterward covers the whole of the outside with planks, which are laid across the ribs from the keel upward to the bulwark; next the mast is made, and the sailyard attached to it, and lastly the rudder. When the ship is thus far completed, he raises the bulwark still higher by wicker-work, which goes all around the vessel, as a protection against the waves. This raised bulwark of wickerwork and the like was used in later times also.⁵ For ballast, Odysseus throws into the ship *ἔλγῃ*, which, according to the scholiast, consisted of wood, stones, and sand. Calypso then brings him materials to make a sail of, and he fastens the *ὑπέροι* or ropes, which run from the top of the mast to the two ends of the yard, and also the *κάλοι*, with which the sail is drawn up or let down. The *πέδες* mentioned in this passage were undoubtedly, as in later times, the ropes attached to the two lower corners of the square sail.⁶ The ship of which the building is thus described was a small boat, a *σχεδία*, as Homer calls it; but it had, like all the Homeric ships, a round or flat bottom. Greater ships must have been of a more complicated structure, as ship-builders are praised as artists.⁷ In the article *СЕВЕРНИ*, p. 234, a representation of two boats is given, which appear to bear great resemblance to the one of which the building is described in the *Odyssey*.⁸

It is a general opinion that in the Homeric age sailors did not venture out into the open sea, but that such was really done is clear from the fact that Homer makes Odysseus say that he had lost sight of land, and saw nothing but the sky and water,⁹ although, on the whole, it may be admitted that, even down to the later historical times, the navigation of the ancients was confined to coasting along the shore. Homer never mentions engagements at sea. The Greeks most renowned in the heroic ages as sailors were the Cretans, whose king, Minos, is said to have possessed a large fleet, and also the Phœacians.¹⁰

After the times of the Trojan war, navigation, and with it the art of ship-building, must have become greatly improved, on account of the establishment of the numerous colonies on foreign coasts, and the increased commercial intercourse with

these colonies and other foreign countries. The practice of piracy, which was during this period carried on to a great extent, not only between Greeks and foreigners, but also among the Greeks themselves, must likewise have contributed to the improvement of ships and of navigation, although no particulars are mentioned. In Greece itself the Corinthians were the first who brought the art of ship-building nearest to the point at which we find it in the time of Thucydides, and they were the first who introduced ships with three ranks of rowers (*τριήρεις*, *triremes*). About the year 700 B. C., Ameinocles the Corinthian, to whom this invention is ascribed, made the Samians acquainted with it; but it must have been preceded by that of the *biremes*, that is, ships with two ranks of rowers, which Pliny attributes to the Erythraeans. These innovations, however, do not seem to have been generally adopted for a long time; for we read that, about the time of Cyrus, the Phœcians introduced long double-keeled ships called *πεντηκόντοροι*.¹ These belonged to the class of long war-ships (*πῆξ μακρῶν*), and had fifty rowers, twenty-five on each side of the stern who sat in one row. It is farther stated that before this time vessels called *στρογγύλαι*, with round or flat bottoms, had been used exclusively by all the Ionians in Asia. At this period most Greeks seem to have adopted the long ships with only one rank of rowers on each side; their name varied accordingly as they had fifty, or thirty (*τρισκέρωνες*) or even a smaller number of rowers. A ship of war of this class is represented in the accompanying woodcut, which is taken from Montfaucon, *Antiq. Expliq.*, vol. iv., part 2, pl. 142.



The following woodcut contains a beautiful representation of a bireme, with a complete deck.² Another specimen of a small bireme is given in p. 58.



The first Greek people who acquired a naval importance were the Corinthians, Samians, and Phœcians. About the time of Cyrus and Cambyses, the Corinthian triremes were generally adopted by the Sicilian tyrants and by the Corecyraeans, who soon acquired the most powerful navies among the Greeks. In other parts of Greece, and even in Athens and in Ægina, the most common vessels at this time were long ships with only one rank of rowers. Athens, although the foundation of maritime power had been laid by Solon (and Nicias), did not obtain a fleet of any importance until the time of Themistocles, who persuaded them to build 200 triremes for the purpose of carrying

1. (Il., ii., 637.—Od., ix., 125.)—2. (Od., xi., 124.)—3. (Menschop ad Il., i., 436.)—4. (v., 243, &c.)—5. (Eustath. ad Od., v., 256.)—6. (Compare Nitzsch, Anmerk. zu Odys., vol. ii., p. 55, &c.—Ukert, Bemerk. über Hom. Geogr., p. 39.)—7. (Il., v., 60, &c.)—8. (Comp. Thirlwall, Hist. of Greece, i., p. 219.)—9. (Od., xii., 403.—Compare xiv., 302.—Virg., Æn., iii., 192, &c.)—10. (Thucyd., i., 4.—Hom., Od., viii., 110, &c.)

1. (Thucyd., i., 13.—Plin. H. N., vi., 25.)—2. (Montfaucon, Antiq. Expliq., vol. iv., part 2, pl. 142.)—3. (Winckelmann, Mon. Antich. Rom., p. 262.)

the war against Ægina. But even then ships were not provided with complete decks (*καταστρώματα*) covering the whole of the vessel.¹ A complete deck appears to have been an invention of later times; Pliny ascribes it to the Thasians, and before this event the ships had only small decks at the poop and the prow. At the same time that Themistocles induced the Athenians to build a fleet of 200 sails, he also carried a decree that every year twenty new triremes should be built from the produce of the mines of Laurium.² After the time of Themistocles as many as twenty triremes must have been built every year, both in times of war and of peace, as the average number of triremes which was always ready was from three to four hundred. Such an annual addition was the more necessary, as the vessels were of a light structure, and did not last long. The whole superintendence of the building of new triremes was in the hands of the senate of the Five Hundred,³ but the actual business was intrusted to a committee called the *τριηροποιοί*, one of whom acted as their treasurer, and had in his keeping the money set apart for the purpose. In the time of Demosthenes, a treasurer of the *τριηροποιοί* ran away with the money, which amounted to two talents and a half. During the time after Alexander the Great, the Attic navy appears to have become considerably diminished, as in 307 B.C. Demetrius Poliorcetes promised the Athenians timber for 100 new triremes.⁴ After this time the Rhodians became the most important maritime power in Greece. The navy of Sparta was never of great importance.

Navigation remained, for the most part, what it had been before: the Greeks seldom ventured out into the open sea, and it was generally considered necessary to remain in sight of the coast, or of some island, which also served as guides in daytime: in the night, the position, the rising and setting of the different stars, also answered the same purpose. In winter navigation generally ceased altogether. In cases where it would have been necessary to coast around a considerable extent of country, which was connected with the main land by a narrow neck, the ships were sometimes drawn across the neck of land from one sea to the other by machines called *ὄλκοι*. This was done most frequently across the Isthmus of Corinth.⁵

Now, as regards the various kinds of ships used by the Greeks, we might divide them with Pliny, according to the number of ranks of rowers employed in them, into moneres, biremes, triremes, quadriremes, quinqueremes, &c., up to the enormous ship with forty ranks of rowers, built by Ptolemæus Philopator.⁶ But all these appear to have been constructed on the same principle, and it is more convenient to divide them into *ships of war* and *ships of burden* (*φορτικά, φορτηγοί, ὄλκαδες, πλοία, στρογγύλαι, ναυες οπερῶνα, ναυες ακτιωῶνα*). Ships of the latter kind were not calculated for quick movement or rapid sailing, but to carry the greatest possible quantity of goods. Hence their structure was bulky, their bottom round, and, although they were not without rowers, yet the chief means by which they were propelled were their sails.

The most common ships of war, after they had once been generally introduced, were the triremes, and they are frequently designated only by the name *νῆες*, while all the others are called by the name indicating their peculiar character. Triremes, however, were again divided into two classes: the

one consisting of real men-of-war, which were quick-sailing vessels (*ταχέαια*), and the other of transports, either for soldiers (*στρατιώτιδες* or *ὄπλαταγογοί*) or for horses (*ἱππηγοί, ἱππαγογοί*). Ships of this class were more heavy and awkward, and were therefore not used in battle except in cases of necessity.¹ The ordinary size of a war-galley may be inferred from the fact that the average number of men engaged in it, including the crew and marines, was two hundred, to whom, on some occasions, as much as thirty epibatae were added.² (*Vid. ΕΠΙΒΑΤÆ*.) The rapidity with which these war-galleys sailed may be gathered from various statements in ancient writers, and appears to have been so great, that even we cannot help looking upon it without astonishment when we find that the quickness of an ancient trireme nearly equalled that of a modern steamboat. Among the war-ships of the Athenians their sacred state-vessels were always included (*vid. SALAMINIA*³); but smaller vessels, such as the *πεντηκόντοροι* or *τριακόντοροι*, are never included when the sum of men-of-war is mentioned, and their use for military purposes appears gradually to have ceased.

Vessels with more than three ranks of rowers were not constructed in Greece till about the year 400 B.C., when Dionysius I., tyrant of Syracuse, who bestowed great care upon his navy, built the first quadriremes (*τετράρεις*), with which he had probably become acquainted through the Carthaginians, since the invention of these vessels is ascribed to them.⁴ Up to this time no quinqueremes (*πεντήρεις*) had been built, and the invention of them is likewise ascribed to the reign of Dionysius. Mnesigeiton⁵ ascribes the invention of quinqueremes to the Salaminians; and, if this statement is correct, Dionysius had his quinqueremes probably built by a Salaminian ship-builder. In the reign of Dionysius II. hexeres (*ἑξήρεις*) are also mentioned, the invention of which was ascribed to the Syracusans.⁶ After the time of Alexander the Great, the use of vessels with four, five, and more ranks of rowers became very general, and it is well known from Polybius' that the first Punic war was chiefly carried on with quinqueremes. Ships with twelve, thirty, or even forty ranks of rowers,⁷ such as they were built by Alexander and the Ptolemies, appear to have been mere curiosities, and did not come into common use. The Athenians at first did not adopt vessels larger than triremes, probably because they thought that with rapidity and skill they could do more than with large and unwieldy ships. In the year B.C. 356 they continued to use nothing but triremes; but in 330 B.C. the Republic had already a number of quadriremes, which was afterward increased. The first quinqueremes at Athens are mentioned in a document⁸ belonging to the year B.C. 325. Herodotus,⁹ according to the common reading, calls the theoris, which in Olympiad 72 the Æginetans took from the Athenians, a *πεντήρης*; but the reading in this passage is corrupt, and *πεντητηρίς* should be written instead of *πεντήρης*.¹¹ After the year 330 the Athenians appear to have gradually ceased building triremes, and to have constructed quadriremes instead.

Every vessel at Athens, as in modern times, had a name given to it, which was generally of the feminine gender, whence Aristophanes¹² calls the triremes *παρθένους*, and one vessel, the name of which

1. (Thucyd., i., 14.—Herod., vii., 144.)—2. (Polyæn., i., 30.—Plin., Themist., 4.—Compare Böckh, Staatsh., i., p. 268.)—3. (Demosth., c. Androt., p. 598.)—4. (Diod., xx., 46.—Plut., Demosth., 10.)—5. (Herod., vii., 24.—Thucyd., viii., 1; iii., 15, with the schol.—Strab., vii., p. 380.—Polyb., iv., 19; v., 101.)—6. (Plin., E. N., l. c.—Athn., v., p. 203, &c.)

1. (Thucyd., i., 116.)—2. (Herod., viii., 17; viii., 184, 96.—Compare Böckh, Staatsh., i., p. 298, &c.)—3. (Compare Böckh, Urkunden über d. Seeweßen des Att. Staates, p. 76, &c.)—4. (Plin., E. N., vii., 57.—Diodor., xiv., 41, 42.)—5. (ap. Plin., J. c.)—6. (Ælian., V. H., vi., 12, with the note of Perizonius.—Plin., E. N., l. c.)—7. (i., 63.)—8. (Plin., l. c.—Athn., v., p. 204, &c.)—9. (in Böckh's Urkunden, N. xiv., litt. K.)—10. (vi., 87.)—11. (Böckh, Urkunden, p. 76.)—12. (Æq., 1313.)

was Nauphante, he calls the daughter of Nauso.¹ The Romans sometimes gave to their ships masculine names. The Greek names were either taken from ancient heroines, such as Nausicaa, or they were abstract words, such as *Ἐπιλοία*, *Θεραπεία*, *Πρόνοια*, *Σώζουσα*, *Ἥγειόνη*, &c. In many cases the name of the builder also was added.

We now proceed to describe some of the parts of ancient vessels.

1. The prow (*πύρα* or *μέτωπον*, *prora*) was generally ornamented on both sides with figures, which were either painted upon the sides or laid in. It seems to have been very common to represent an eye on each side of the prow.² Upon the prow or fore-deck there was always some emblem (*παράση-υον*, *insigne*, *figura*) by which the ship was distinguished from others. (Vid. *ἸΝΣΙΓΝΕ*.) Just below the prow, and projecting a little above the keel, was the *rostrum* (*ἔμβολος*, *ἔμβολον*) or beak, which consisted of a beam, to which were attached sharp and pointed irons, or the head of a ram, and the like. This *ἔμβολος* was used for the purpose of attacking another vessel, and of breaking its sides. It is said to have been invented by the Tyrrhenian Pisæus.³ These beaks were at first always above the water, and visible; afterward they were attached lower, so that they were invisible, and thus became still more dangerous to other ships.⁴ The annexed woodcuts, taken from Montfaucon,⁵ represent three different beaks of ships.



Connected with the *ἔμβολος* was the *προμβολίς*, which, according to Pollux,⁶ must have been a wooden part of the vessel in the prow above the beak, and was probably the same as the *ἐπιπέδες*, and intended to ward off the attack of the *ἔμβολος* of a hostile ship. The command in the prow of a vessel was exercised by an officer called *πρωρεύς*, who seems to have been next in rank to the steersman, and to have had the care of the gear, and the command over the rowers.⁷

2. The stern (*πύμνη*, *purpura*) was generally above

1. (Böckh, *Urk.*, p. 81, &c., and a list of names in p. 84, &c.)
 2. (Böckh, *Urk.*, p. 102. — Becker, *Charities*, ii., p. 60, &c.)
 3. (Plin., vii. 57) — 4. (Diod., xi., 27; xiv., 60, 75. — Polyb., i., 26; xvi., 5; viii., 6.) — 5. (L'Antiq. Expl., iv., 2, tab. 133. — 6. (i., 85.) — 7. (Xen., *Econ.*, vii., 14.)

the other parts of the deck, and in it the helmsman had his elevated seat. It is seen in the representations of ancient vessels to be rounder than the prow, though its extremity is likewise sharp. The stern was, like the prow, adorned in various ways, but especially with the image of the tutelary deity of the vessel (*tutela*). In some representations a kind of roof is formed over the head of the sternman (see woodcut, p. 58), and the upper part of the stern has the elegant form of a swan's neck. (Vid. *CANINISCUS*.)

3. The *τράφηξ* is the bulwark of the *πρύμνη*, or rather, the uppermost edge of it.¹ In small boats, the pegs (*σκαλμοί*, *scalmi*) between which the oars move, and to which they are fastened by a string (*τροπώτηρ*), were upon the *τράφηξ*.² In all other vessels the oars passed through holes in the side of the vessel (*ὀφθαλμοί*, *τρήματα*, or *τρήματα*).³

4. The middle part of the deck in most ships of war appears to have been raised above the bulwark, or, at least, to a level with its upper edge, and thus enabled the soldiers to occupy a position from which they could see far around, and hurl their darts against the enemy. Such an elevated deck appears in the annexed woodcut, representing a *ναυπηγία*. In this instance the flag is standing upon the *καταπέτασμα* of the deck.⁴



5. One of the most interesting as well as important parts in the arrangement of the biremes, triemes, &c., is the position of the ranks of rowers, from which the ships themselves derive their names. Various opinions have been entertained by those who have written upon this subject, as the information which ancient writers give upon it is extremely scanty. Thus much is certain, that the different ranks of rowers, who sat along the sides of a vessel, were placed one above the other. This seems at first sight very improbable, as the common ships of later times must have had five ordines of rowers on each side; and since even the lowest of them would have been somewhat raised above the surface of the water, the highest ordo must have been at a considerable height above it, and, consequently, require very long oars: the apparent improbability is still more increased when we hear of vessels with thirty or forty ordines of rowers above one another. But that such must have been the arrangement is proved by the following facts: First, On works of art, in which more than one ordo of rowers is represented, they appear above one another, as in the fragment of a bireme given above, and in several others figured by Montfaucon. Secondly, the scoliast on Aristophanes⁵ states that the lowest rank of rowers having the shortest oars, and consequently, the easiest work, received the smallest pay, while the highest ordo had the longest oars, and consequently, had the heaviest work, and received

1. (Hesych., s. v.) — 2. (Böckh, *Urkund.*, p. 101.) — 3. (Aristoph., *Acharn.*, 97, &c.) — 4. (Mazon, *Plaut.*, p. 1, v. 221. — *ibid.*, 2.) — 5. (*Acharn.*, 1108. — *Comment. Aristoph.*, p. 1105.)

the highest pay. Thirdly, in the monstrous *τεσσαροκωντακωντης* of Ptolemaeus Philopator, the description of which by Callixenus¹ is as authentic as it well may be, the height of the ship from the surface of the water to the top of the prow (*ἀκροστόλιον*) was 53 cubits, and from the water to the top of the stern (*ὀπισθόστολον*) 53 cubits. This height afforded sufficient room for forty ranks of rowers, especially as they did not sit perpendicularly above one another, but were, as may be seen in the above representation, a bireme, sat behind the other, only somewhat elevated above him. The oars of the uppermost ordo of rowers in this huge vessel were 38 cubits long.

In ordinary vessels, from the moneris up to the biremis, each oar was managed by one man, which cannot have been the case where each oar was 38 cubits long. The rowers sat upon little benches attached to the ribs of the vessel, and called *ἰδοῦλα*, and in Latin *fori* and *transtra*. The lower rowers were called *θαλάμος*, the rowers above them *ἐπιθαλάμιαι* or *θαλάμιοι*.² The uppermost rowers were called *θράνος*, and the rowers below them *θρανίται*.³ The middle ordo or ordines of rowers were called *ζυγά*, *ζυγιοί*, or *ζυγίται*.⁴ Each of this last class of rowers had likewise his own seat, and did not, as some have supposed, sit upon benches running across the vessel.⁵

We shall pass over the various things which were necessary in a vessel for the use and maintenance of the crew and soldiers, as well as the machines of war which were conveyed in it, and confine ourselves to a brief description of things belonging to a ship as such. All such utensils are divided into *κόδων* and *ἄνευ κόδων* (*σκεύη ζύλινα* and *σκεύη κρημαστά*).⁶ Xenophon⁷ adds to these the *σκεύη ἱμακτά*, or the various kinds of wickerwork, but these are more properly comprehended among the *κρημαστά*.

I. Σκεύη ζύλινα.

1. *Oars* (*κῶπαι*, *remi*).—The collective term for oars is *παρῆρος*, which properly signified nothing but the blade or flat part of the oar;⁸ but was afterward used as a collective expression for all the oars, with the exception of the rudder.⁹ The oars varied in size accordingly as they were used by a lower or higher ordo of rowers; and from the name of the ordo by which they were used, they also received their especial names, viz., *κῶπαι*, *θαλάμιοι*, *ζυγιοί*, and *θρανίτιδες*. Böckh¹⁰ has calculated that each trireme, on an average, had 170 rowers. In a quinquereme during the first Punic war, the average number of rowers was 300;¹¹ in later times we even find as many as 400.¹² The great vessel of Ptolemaeus Philopator had 4000 rowers,¹³ and the handle of each oar (*ἐγχειρίδιον*) was partly made of lead, that the shorter part in the vessel might balance in weight the outer part, and thus render the long oars manageable. The lower part of the holes through which the oars passed appear to have been covered with leather (*ἄσκωμα*), which also extended a little way outside the hole.¹⁴ The *παρῆρος* also contained the *περίρην*, which must, consequently, be a particular kind of oars. They must have derived their name, like other oars, from the class of rowers by whom they were used. Böckh supposes that they were oars which were not regularly used, but only

in case of need, and then by the *epibatae*. Their length in a trireme is stated at from 9 to 9½ cubits, but in what part of the vessel they were used is unknown. Respecting oars in general, see the Appendix in Arnold's *Thucydidēs*.¹⁵

2. *The rudder*. (Vid. *GUBERNACULUM*.)

3. *Ladders* (*κλιμακίδες*, *scale*). Each trireme had two wooden ladders, and the same seems to have been the case in *τριακόντοροι*.¹⁶

4. *Poles* or *punt poles* (*κοντοί*, *conti*). Three of these belonged to every trireme, which were of different lengths, and were accordingly distinguished as *κοντὸς μέγας*, *κοντὸς μικρὸς*, and *κοντὸς μέσος*. Triacontores had probably always four punt poles (Vid. *CONTUS*).¹⁷

5. *Παραστάται*, or supports for the masts. They seem to have been a kind of props placed at the foot of the mast.¹⁸ The mast of a trireme, as long as such props were used, was supported by two. In later times they do not occur any longer in triremes, and must have been supplanted by something else. The triacontores, on the other hand, retained their *παραστάται*.¹⁹

6. *The mast and yards*. (Vid. *MALUS* and *AN TENNA*.)

II. Σκεύη κρημαστά.

1. *ὑπόζωμα α*.—This part of an ancient vessel was formerly quite misunderstood, as it was believed to be the boards or planks covering the outside of a ship, and running along it in the direction from poop to prow. But Schneider²⁰ has proved that the word means cordage or tackling, and this opinion, which is supported by many ancient authors, is confirmed by the documents published by Böckh, where it is reckoned among the *σκεύη κρημαστά*. The *ὑπόζωματα* were thick and broad ropes, which ran in a horizontal direction around the ship from the stern to the prow, and were intended to keep the whole fabric together. They ran round the vessel in several circles, and at certain distances from one another. The Latin name for *ὑπόζωμα* is *tormentum*.²¹ The length of these tormenta varied accordingly as they ran around the higher or lower part of the ship, the latter being naturally shorter than the former. Their number varied according to the size of the ship. The tessaracontores of Ptolemaeus Philadelphus had twelve *ὑπόζωματα*, each 600 cubits long.²² Such *ὑπόζωματα* were always ready in the Attic arsenals, and were only put on a vessel when it was taken into use. Sometimes, also, they were taken on board when a vessel sailed, and not put on till it was thought necessary.²³ The act of putting them on was called *ὑποζώνναι*, or *διαζώνναι*, or *ζῶσαι*.²⁴ A trireme required four *ὑπόζωματα*, and sometimes this number was even increased, especially when the vessel had to sail to a stormy part of the sea.²⁵

2. *Ἰστιόν* (*velum*), sail. Most ancient ships had only one sail, which was attached with the yard to the great mast. In a trireme, too, one sail might be sufficient, but the trierarch might nevertheless add a second. As each of the two masts of a trireme had two sailyards, it farther follows that each mast might have two sails, one of which was placed lower than the other. The two belonging to the mainmast were probably called *ἱστία μεγάλα*, and those of the foremast *ἱστία ἀκάτεια*.²⁶ The former were used on ordinary occasions, but the latter probably only in cases when it was necessary to sail with extraordinary speed. The sails of the Attic

1. (asp. Athen., v., p. 203, &c.)—2. (Schol. ad Aristoph. Acharn., 1106.)—3. (Thucyd., vi., 31.)—4. (Pollux, Onom., i., 9.)—5. (Böckh, Urkund., p. 102, &c.)—6. (Pollux, Onom., x., 13.)—Athen., i., p. 27.)—7. (Econ., viii., 12.)—8. (Herod., viii., 12.)—Pollux, Onom., i., 90.)—9. (Eurip., Iph. Taur., 1346.—Id., Hel., 1544.—Polyb., xvi., 3.)—10. (Urk., p. 119.)—11. (Polyb., i., 26.)—12. (Plin., xxxii., 1.)—13. (Athen., v., p. 204.)—14. (Aristoph., Acharn., 97, with the schol.—Schol. ad Ran., 367.—Strabon., s. v. Ἀσκόματα and ἐπέθρα.—Compte Böckh, Urk., 106, &c.)

1. (vol. ii., p. 461, &c.)—2. (Böckh, p. 125, &c.)—3. (Id. ib.)—4. (Isid., Orig., xix., 2, 11.)—5. (Böckh, p. 126, &c.)—6. (ad Vitruv., x., 15, 6.)—7. (Isid., Orig., xix., 4, 4.—Plato, De Republ., x., p. 616.)—8. (Athen., v., p. 204.)—9. (Act. Apost., xxvii., 17.)—10. (Polyb., xxvii., 3.—Appian, Civil., v., 91.—Apoll. Rhod., Argon., i., 368.)—11. (Böckh, p. 133.—138.)—12. (Xen., Hell., vi., 2, § 27.—Bekker, Anecd., p. 19, 10.)

war-galleys, and of most ancient ships in general, were of a square form, as is seen in numerous representations on works of art. Whether triangular sails were ever used by the Greeks, as has been frequently supposed, is very doubtful. The Romans, however, used triangular sails, which they called *surpata*, and which had the shape of an inverted Greek Δ (∇), the upper side of which was attached to the yard. Such a sail had, of course, only one *πόος* (*pes*) at its lower extremity.¹

3. *Τοπεία*, cordage. This word is generally explained by the grammarians as identical with *σχονία* or *κάλοι*: but from the documents in Böckh it is clear that they must have been two distinct classes of ropes, as the *τοπεία* are always mentioned after the sails, and the *σχονία* before the anchors. The *σχονία* (*funes*) are the strong ropes to which the anchors were attached, and by which a ship was fastened to the land; while the *τοπεία* were a lighter kind of ropes, and made with greater care, which were attached to the masts, yards, and sails. Each rope of this kind was made for a distinct purpose and place (*τόπος*, whence the name *τοπεία*). The following kinds are most worthy of notice: *a. καλώδια* or *κάλοι*. What they were is not quite clear, though Böckh thinks it probable that they belonged to the standing tackle, *i. e.*, that they were the ropes by which the mast was fastened to both sides of the ship, so that the *πρότονοι* in the Homeric ships were only an especial kind of *καλώδια*, or the *καλώδια* themselves differently placed. In later times the *πρότονος* was the rope which went from the top of the mainmast (*καρχήσιον*) to the prow of the ship, and thus was what is now called the mainstay. *b. λυάντες* and *κεροῦχοι* are probably names for the same ropes which ran from the two ends of the sail-yard to the top of the mast. In more ancient vessels the *λύες* consisted of only one rope; in later times it consisted of two, and sometimes four, which, uniting at the top of the mast, and there passing through a ring, descended on the other side, where it formed the *ἐπίτονος*, by means of which the sail was drawn up or let down.² Compare the woodcut at p. 62, which shows a vessel with two *ceruchi*, and the woodcut at p. 234, which shows one with four *ceruchi*. *c. ἀγκοίνα*, Latin *anquina*,³ was the rope which went from the middle of a yard to the top of the mast, and was intended to facilitate the drawing up and letting down of the sail. The *ἀγκοίνα διπλή* of quadriremes undoubtedly consisted of two ropes. Whether triremes also had them double is uncertain.⁴ *d. Πόδες* (*pedes*) were in later times, as in the poems of Homer, the ropes attached to the two lower corners of a square sail. These *πόδες* ran from the ends of the sail to the sides of the vessel towards the stern, where they were fastened with rings attached to the outer side of the bulwark.⁵ Another rope is called *πρότονος*, *πρῶτος*,⁶ which was probably nothing else than the lower and thinner end of the *πόος*, which was fastened to the ring. *e. Ὑπέραι* were the two ropes attached to the two ends of the sail-yard, and thence came down to a part of the ship near the stern. Their object was to move the yard in a horizontal direction. In Latin they are called *opifera*, which is, perhaps, only a corruption of *hypocra*.⁷ The last among the *τοπεία* is the *χαλινός*, or bridle, the nature of which is quite unknown.⁸

4. *Παράρρηματα*. The ancients, as early as the time of Homer, had various preparations raised above the edge of a vessel, which were made of

skins and wickerwork, and which were intended as a protection against high waves, and also to serve as a kind of breastwork, behind which the men might be safe against the darts of the enemy. These elevations of the bulwark are called *παράρρηματα*, and in the documents in Böckh they are either called *τρίχυνα*, made of hair, or *λενία*, which they were probably fixed upon the edge on both sides of the vessel, and were taken off when not wanted. Each galley appears to have had several *παράρρηματα*, two made of hair and two made of skins, these four being regularly mentioned as belonging to one ship.¹

5. *Κατάβλημα* and *ὑπόβλημα*. The former of these occurs in quadriremes as well as in triremes, the latter only in triremes. Their object and nature are very obscure, but they appear to have been a lighter kind of *παράρρημα*.²

6. *Σχονία* are the stronger and heavier kinds of ropes. There were two kinds of these, *εἰς*, the *σχονία ἀγκύρεια*, to which the anchor was attached, and *σχονία ἐπίγυα* or *ἐπίγυα* (*retinacula*), by which the ship was fastened to the shore or drawn upon the shore. Four ropes of each of these two kinds is the highest number that is mentioned as belonging to one ship. The thick ropes were made of several thinner ones.³

The Romans in the earlier periods of their history, never conceived the idea of increasing their power by the formation of a fleet. The time when they first appear to have become aware of the importance of a fleet was during the second Samnite war, in the year B.C. 311. Livy,⁴ where he mentions this event, says: *duumviri navales classes parando refrendaque causa* were then for the first time appointed by the people. This expression seems to suggest that a fleet had been in existence before, and that the *duumviri navales* had been previously appointed by some other power. (Vid. De *DUUMVIRI*.) Niebuhr⁵ thinks that the expression of Livy only means that at this time the Romans resolved to build their first fleet. The idea of forming a navy was probably connected with the establishment of a colony in the Pontian islands, as the Romans at this time must have felt that they ought not to be defenceless at sea. The ships which the Romans now built were undoubtedly triremes, which were then very common among the Greeks of Italy, and most of them were perhaps furnished by the Italian towns subject to Rome. This fleet, however insignificant it may have been, continued to be kept up until the time when Rome became a maritime power. This was the time of the first Punic war. That their naval power until then was of no importance, is clear from Polybius,⁶ who speaks as if the Romans had been totally unacquainted with the sea up to that time. In the year B.C. 260, when the Romans saw that without a navy they could not carry on the war against Carthage with any advantage, the senate ordained that a fleet should be built. Triremes would now have been of no avail against the high-bulwarked vessels (quinqueremes) of the Carthaginians. But the Romans would have been unable to build others, had not, fortunately, a Carthaginian quinquereme been wrecked on the coast of Bruttium, and fallen into their hands. This wreck the Romans took as their model, and after it built 120,⁷ or, according to others,⁸ 130 ships. According to Polybius, one hundred of them were *πεντήρεις*, and the remaining twenty *τρίρεις*, or, as Niebuhr proposes to translate

1. (Schol. ad Lucan., Phars., v., 429.—Isid., Orig., xix., 3, 4.—Böckh, p. 138-143.)—2. (Böckh, p. 148-152.)—3. (Isid., Orig., xix., 4, 7.)—4. (Pollux, Onom., l. c.—Böckh, p. 152.)—5. (Herod., ii., 36.)—6. (Isid., Orig., xix., 4, 3.)—7. (Id. ib., xix., 4, 6.)—8. (Böckh, p. 154, &c.)

1. (Xen., Hell., i., 6, § 19.—Böckh, 159, &c.)—2. (Polybius, Strat., iv., 11, 13.—Böckh, p. 160, &c.)—3. (Aristoph., Pac., 2.—Varro, De Re Rust., i., 135.—Böckh, p. 161-166.)—4. (Isid., l. c.)—5. (Hist. of Rome, iii., p. 282.)—6. (C. 20.)—7. (Polybius, l. c.)—8. (Oros., iv., 7.)

This large fleet was completed within days after the trees had been cut down.¹ The built of green timber in this hurried way, very clumsily made, and not likely to last for long; and the Romans themselves, for want of skill in naval affairs, proved very unsuccessful in their first maritime undertaking, for seventeen galleys were taken and destroyed by the Carthaginians at Messana.² C. Duilius, who perceived the advantage with which his countrymen had to be taken at sea, devised a plan which enabled them to engage a seafight, as it were, into a fight on land. The machine by which this was effected was called *corvus*, and is described by Polybius (*id. Corvus*.) From this time forward the Romans continued to keep up a powerful navy, and at the end of the Republic they also increased the size of their ships, and built war-vessels of three to ten ordines of rowers.⁴ The construction of their ships, however, scarcely differed from that of Greek vessels; the only great difference was that the Roman galleys were provided with a greater variety of destructive engines of war than those of the Greeks. They even erected turribus upon the decks of their great men-of-war (*naves turritae*), and fought upon them in the same manner as if they were standing upon the walls of a fortress. Some of such naves turritae are represented in the woodcuts given above.⁵

For a more detailed account of the ships and navy of the ancients, see Scheffer, *De Militia Navali*, 1654.—Berghaus, *Geschichte der Schifffahrt der vornehmsten Völker des Alterthums*, &c., *Geoch. der Schifffahrt und des Handels*, &c.—Howell, *On the War-galleys of the Ancients*.—A. Jal, *Archéologie Navale*, Paris, 1840; and the Attic navy especially, Böckh's *Urkunden des Seewesens des Attischen Staates*, Berlin,

SIBYLLINI LIBRI. These books are said to have been obtained in the reign of Tarquinius Priscus according to other accounts, in that of Tarquinius Superbus, when a sibyl (Σιβυλλα), or prophetess, presented herself before the king, and offered nine books for sale. Upon the king refusing to purchase them, she went and burned three, and returned and demanded the same price for the remaining six as she had done for the nine. The king again refused to purchase them, whereupon she burned three more, and demanded the same sum for the remaining three as she had done at first for the nine: the king's curiosity now became excited, and he purchased the books, and then the sibyl died.⁶ (Respecting the different sibyls mentioned by ancient writers, see DIVINATION, p. 369.) The books were probably written in Greek, as the Sibyls themselves undoubtedly were, and, if so, solely came from a Greek source, though it is not clear from what quarter: Niebuhr⁷ supposes they have come from Ionia, but they were more probably derived from Cumæ in Campania.⁸ They were deposited in a stone chest under ground in the Temple of Jupiter Capitolinus, under the custody of the officers, at first only two in number, but afterwards increased successively to ten and fifteen, as an account is given under DECEMVIRI, p. 100. The public were not allowed to inspect the books, and they were only consulted by the officers

who had the charge of them at the special command of the senate (*ad libros ire*). They were consulted in the case of prodigies and calamities, but it is difficult to ascertain whether they contained predictions, or merely directions as to what was to be done for conciliating or appeasing the gods, in consequence of the mystery which enveloped them from the time that one of their keepers was put to death for divulging their secrets.⁹ Niebuhr remarks, from the instances in Livy, that the original books were not consulted, as the Greek oracles were, for the purpose of getting light concerning future events, but to learn what worship was required by the gods when they had manifested their wrath by national calamities or prodigies. Accordingly, we find that the instruction they give is in the same spirit; prescribing what honour was to be paid to the deities already recognised, or what new ones were to be imported from abroad. They were probably written on palm-leaves,¹⁰ and it is not unlikely that the leaves of the Cumæan sibyl described by Virgil were designed as an allusion to the form of the sibylline books. Their nature being such, Niebuhr supposes that they were referred to in the same way as Eastern nations refer to the Koran and to Hafiz: they did not search for a passage and apply it, but probably only shuffled the palm-leaves and then drew one.

When the Temple of Jupiter Capitolinus was burned in B.C. 82, the sibylline books perished in the fire; and in order to restore them, ambassadors were sent to various towns in Italy, Greece, and Asia Minor to make fresh collections, which, on the rebuilding of the temple, were deposited in the same place that the former had occupied.¹¹ But as a great many prophetic books, many of them pretending to be sibylline oracles, had got into general circulation at Rome, Augustus commanded that all such books should be delivered up to the prætor urbanus by a certain day and burned, and that, in future, none should be kept by any private person. More than 2000 prophetic books were thus delivered up and burned, and those which were considered genuine, and were in the custody of the state, were deposited in two gilt cases at the base of the statue of Apollo, in the temple of that god on the Palatine, and were intrusted, as before, to the quinceviri.¹² The writing of those belonging to the state had faded by time, and Augustus commanded the priests to write them over again.¹³ A fresh examination of the sibylline books was again made by Tiberius, and many rejected which were considered spurious.¹⁴ A few years afterward, also in the reign of Tiberius, it was proposed to add a new volume of sibylline oracles to the received collection.¹⁵

The Christian writers frequently appeal to the sibylline verses as containing prophecies of the Messiah; but these, in most cases, are clearly forgeries. A complete collection of sibylline oracles was published by Gallæus, Amst., 1689: fragments of them have also been published by Mai, Milan, 1817, and Struve, Regiomont., 1818.¹⁶

The sibylline books were also called *Fata Sibyllina*¹⁷ and *Libri Fatales*.¹⁸ Those that were collected after the burning of the temple on the Capitol were undoubtedly written in Greek verses, and were acrostics (ἀκροστιχίς¹⁹). Along with the sibylline books were preserved, under the guard of the same officers, the books of the two prophetic brothers,

H. N., xvi., 74.)—2. (Polyb., i., 21.—Polyæn., Strat., i., 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.)—3. (i., 22.—Compare Niebuhr, iii., p. 100.)—4. (Florus, iv., 11.—Virg., Æn., viii., 691.)—5. (Plut., Anton., 33.—Dion Cass., xxxii., 33.—Plin., i., 1.—Compare Cas. De Bell. Gall., iii., 14.—Dion Cass., 43.—Veget., De Re Milit., v., 14, &c.)—6. (Dion Cass., 62.—Varro ap. Lactant., i., 6.—Gell., i., 19.—Plin., i., 27.)—7. (Hist. of Rome, i., p. 506.)—8. (Götting, Rom. Staatsv., p. 212.)

1. (Cic., De Div., i., 43.—Liv., xxii., 57.)—2. (Dionys., l. c.—Val. Max., i., 1, § 13.)—3. (Serr. ad Virg., Æn., iii., 444; vi., 74.)—4. (Dionys., l. c.)—5. (Suet., Octav., 31.—Tacit., Ann., vi., 12.)—6. (Dion Cass., liv., 17.)—7. (Id., lvii., 18.)—8. (Tacit., l. c.)—9. (Compare Heindbrede, De Sibyllis Dissertat., Berol., 1835.)—10. (Cic., Cat., iii., 4.)—11. (Liv., v., 15; xxii., 57.)—12. (Cic., De Div., ii., 54.—Dionys., l. c.)

the Marci, the Etruscan prophecies of the nymph Bygoe, and those of Albuna or Albunea of Tibur.² Those of the Marci, which had not been placed there at the time of the battle of Cannæ, were written in Latin: a few remains of them have come down to us in Livy³ and Macrobius.⁴

SICA, *dim.* SICILA, whence the English *sickle*, and SICILICULA,⁵ a curved Dagger, adapted by its form to be concealed under the clothes, and therefore carried by robbers and murderers. (*Vid.* ACINACES, p. 14.)⁶ Sica may be translated a *cimeter*, to distinguish it from PUGIO, which denoted a dagger of the common kind. Sicarius, though properly meaning one who murdered with the sica, was applied to murderers in general.⁷ Hence the forms *de sicariis* and *inter sicarios* were used in the criminal courts in reference to murder. Thus *judicium inter sicarios*, "a trial for murder;"⁸ *defendere inter sicarios*, "to defend against a charge of murder."⁹ (*Vid.* JUDEX, p. 552.)

SICARIUS. (*Vid.* SICA, CORNELIA LEX DE SICAR.)

SICYS (σίκυσ or σίκυα), the Cucumber. The σίκυς ἄγριος, which produces the medicinal *Elatarium*, was formerly called *Cucumis agrestis*, but has now got the name of *Momordica elaterium*. It may be proper to remark in this place, that Hippocrates uses the term *ελατήριον* rather loosely, as applicable to all drastic purgatives. See *κολοκύνθη*, where the interchange of names between it and σίκυς is pointed out.¹⁰

*SIDE (σίδη), according to Sprengel, the white Water Lily, or *Nymphaea alba*. This, however, Adams regards as very uncertain.¹¹

*SIDERITES LAPIS (σιδηρίτης λίθος), Magnetic Iron Ore. (*Vid.* ADAMAS, towards the end of that article.)

*SIDEROS (σίδηρος), Iron. (*Vid.* ADAMAS.)

SIGILLARIA. (*Vid.* SATURNALIA, p. 856.)

*SIGILLATA. (*Vid.* LEMNIA TERRA.)

SIGMA. (*Vid.* MENSA, p. 633.)

SIGNA MILITARIA (σημεία, σημαίαι), military ensigns or standards. The most ancient standard employed by the Romans is said to have been a handful of straw fixed to the top of a spear or pole.



1 (Serv. ad Virg., Æn., vi., 72.—Cic., De Div., i., 40; ii., 55.)
2 (Lactant., i., 6.)—3. (xxv., 12.)—4. (Sat., i., 17.—*Vid.* Niebuhr, i., p. 507.—Götting, Gesch. d. Röm. Staatsv., p. 213.—Hartung, Die Religion der Römer, i., p. 129, &c.)—5. (Plaut., Rud., iv., 4, 125.)—6. (Cic., Cat., iii., 3.)—7. (Quintil., X., i., § 12.)—8. (Cic., Pro Rosc., 5.)—9. (Phil., ii., 4.)—10. (Theophr., H. P., i., 11; vii., 6, &c.—Dioscor., ii., 162; iv., 152.—Adams, Append., s. v.)—11. (Theophr., H. P., iv., 10.—Adams, Append., s. v.)

Hence the company of soldiers belonging to it was called MANIPULUS. The bundle of hay or fern was soon succeeded by the figures of animals, of which Pliny¹ enumerates five, viz., the eagle, the wolf, the minotaur,² the horse, and the boar. These appear to have corresponded to the five divisions of the Roman army as shown on page 614. The eagle (*aquila*) was carried by the *aquilifer* in the midst of the *hastati*, and we may suppose the wolf to have been carried among the *principes*, and so on. In the second consulship of Marius, B.C. 104, the four quadrupeds were entirely laid aside as standards, the eagle being alone retained. It was made of silver or bronze, and with expanded wings, but was probably of a small size, since a standard-bearer (*signifer*) under Julius Cæsar is said, in circumstances of danger, to have wrenched the eagle from its staff, and concealed it in the folds of his girdle.³ The bronze horse just represented belonged to a Roman standard, and is delineated but a little less than the original: it is preserved in the collection at Goodrich Court.⁴

Under the later emperors the eagle was carried, as it had been for many centuries, with the legion, a legion being on that account sometimes called *aquila*,⁵ and, at the same time, each cohort had for its own ensign the serpent or dragon (*draco, dracōis*), which was woven on a square piece of cloth (*trialis anguis*), elevated on a gilt staff, to which a ensoubar was adapted for the purpose,⁶ and carried by the *draconarius*.⁷

Another figure used in the standards was a ball (*pila*), supposed to have been emblematic of the dominion of Rome over the world;⁸ and for the same reason, a bronze figure of Victory was sometimes fixed at the top of the staff, as we see it sculptured, together with small statues of Mars, on the Column of Trajan and the Arch of Constantine.⁹ (See the next woodcut.) Under the eagle or other emblem was often placed a head of the reigning emperor, which was to the army the object of idolatrous adoration.¹¹ The name of the emperor, or of him who was acknowledged as emperor, was sometimes a



1. (H. N., x., 4, s. 5.)—2. (Festus, s. v. Minotaur.)—3. (Tac., iv., 12.)—4. (Skelton, Engraved Illust., i., pl. 45.)—5. (Her., Bell. Hisp., 39.)—6. (Sidon. Apoll., Carm., x., 409.)—7. (Theophr., Orat., i., p. 1; xviii., p. 267, ed. Dindorf.—Cassian., Cons. Honor., 546; vi. Cons. Honor., 566.)—8. (Veget., De Re Mil., ii., 13.—Compare Tac., Ann., i., 15.)—9. (Isid., Orig., xviii., 3.)—10. (Vid. Causeus, De Sig. in Græv. Thes., 2, p. 2529.)—11. (Joseph., B. J., ii., 9, § 2.—Sueton., Tibur., § Calig., 14.—Tac., Ann., i., 39, 41; iv., 62.)

same situation.¹ The pole used to be had at its lower extremity an iron case of need, to repel an attack.² Divisions of a cohort, called centuries, an ensign, inscribed with the number of the century. By this proper attention to the diversities of the crests and standards (*vid. GALEA*), every soldier with the greatest ease, to take his place in the *ARMY*, p. 104, and *MANIPULUS*, p.

of the cavalry, properly called *vezillarii* a square piece of cloth expanded upon a banner already indicated, and perhaps of some figure.⁴

of Constantine at Rome there are panels near the top, which exhibit a variety of standards, and illustrate some of them as described. The preceding woodcut shows two out of the four. The first panel shows a king to the Parthians: standards are held by the soldiers. The second panel shows five standards, representing the sacrifice called *suovetaurilia*.⁴



Constantine had embraced Christianity, a cross of Christ, woven in gold upon purple, substituted for the head of the emichly-ornamented standard was called

movements of a body of troops, and of the signs, acts, and incidents of the Roman army, expressed by phrases derived from this

Thus *signa inferre* meant to advance to retreat, and *convertere* to face to *castris vellere*, to march out of the camp, *signa convenire*, to reassemble.⁵ Notwithstanding the obscurity in the use of terms, it is known that the standard of the legion was the *aquila*, those of the cohorts were, in the use of the term, called *signa*, their bearers, *signiferi*, and that those of the manipuli, or divisions of the cohort, were denominated *centurionum signiferi*. Also, those of the first ranks of the legion, before the legion and cohorts, were called

antesignani.¹ A peculiar application of the terms *vezillarii* and *subsignani* is explained in page 103.

In military stratagems it was sometimes necessary to conceal the standards.² Although the Romans commonly considered it a point of honour to preserve their standards, yet, in some cases of extreme danger, the leader himself threw them among the ranks of the enemy, in order to divert their attention or to animate his own soldiers.³ A wounded or dying standard-bearer delivered it, if possible, into the hands of his general,⁴ from whom he had received it (*signis acceptis*).⁵ In time of peace the standards were kept in the *ÆRARIUM*, under the care of the *QUÆSTOR*.

We have little information respecting the standards of any other nation besides the Romans. The banners of the Parthians appear to have had a similar form to that of the Romans, but were more richly decorated with gold and silk. (*Vid. SERICUM*.) A golden eagle with expanded wings was the royal standard of Persia.⁶ The military ensigns of the Egyptians were very various. Their sacred animals were represented in them,⁷ and in the paintings at Thebes we observe such objects as a king's name, a sacred boat, or some other emblem, applied to the same purpose.⁸ The Jewish army was probably marshalled by the aid of banners;⁹ but not so the Greek, although the latter had a standard, the elevation of which served as a signal for joining battle, either by land¹⁰ or by sea.¹¹ A scarlet flag (*φοινικίς*) was sometimes used for this purpose.¹²

SIGNINUM OPUS. (*Vid. HOUSE, ROMAN*, p. 519.)

**SIL*, a term applied by the Romans to *Yellow Ochre*, the *ὄχρα* of the Greeks. "It appears to have been the principal yellow pigment of the ancients. Pliny specifies three varieties: the *Attic*, which was the best; the *Marmosum*, which may have been what we call Stone Ochre; and the *Syriacum*, of a dull colour, named from the island of Syros; as may have been the red paint also, called by the same name. *Sil* was found in many places, Vitruvius observes, but the *Attic*, which used to be the best, was no longer to be obtained; because the veins of it, which occurred in the silver mines of Attica, were no longer now explored. It is described by Dioscorides as light, smooth, free from stone, friable, and of a full bright yellow."¹³

SILENTIARIUM. (*Vid. PRÆPOSITUS*.)

**SILER*, a tree about which great uncertainty prevails. Martyn translates it "Osier," but speaks very doubtfully respecting it. Féé makes it the same with the *ἐλική* of the Greeks, and refers it to the *Salix vitellina*, L., though without condemning the opinion of Anguillara and Sprengel, who declare for the *Salix caprea*. Pliny merely says that it delights in watery places.¹⁴

**SILEX*. "The *Silices*," says Dr. Moore, "of which certain kinds are specified by Pliny as fit to be used in building, may in some cases have been such as we also term silicious; but the more probable opinion is, that the name *silices* was somewhat indiscriminately applied to the more compact and harder stones. The *Viridis silex*, which so remarkably resisted fire, which was never abundant, may perhaps have been serpentine. No inference to the contrary need be drawn from Pliny's calling it *silex*, for he presently after speaks of lime made

spas. 6.)—2. (Sueton., Jul., 62.)—3. (Veget., i., 20.)—4. (Tertull., Apoll., 16.)—5. (Bartoli, 6. (Prudent. cont. Symm., i., 466, 488.—Nicom., 37.)—7. (Cæsar, Bell. Gall., i., 25; ii., 25.)—iv., 108.)—9. (Cæsar, B. G., vi., 1, 37.)

1. (Cæsar, B. C., i., 43, 44, 56.)—2. (Id., B. G., vii., 45.)—3. (Florus, i., 11.)—4. (Id., iv., 4.)—5. (Tac., Ann., i., 42.)—6. (Xen., Cyr., vii., 1, § 4; Anab., i., 10, § 12.)—7. (Diod. Sic., i., 86.)—8. (Wilkinson, Man. and Cust., i., p. 294.)—9. (Pausan., ii., 5.—Cant., vi., 4.—Is., xiii., 2.)—10. (Polyæn., iii., 9, § 27.—C. Nep., xi., 2, § 2.)—11. (Thucyd., i., 49.)—12. (Polyæn., i., 48, § 2.)—13. (Moore's Anc. Mineral., p. 59.—Plin., H. N., xxxiii., 56.—Dioscor., v., 108.)—14. (Fée, Flore De Virgile, p. chiii.—Martyn ad Virg., Georg., ii., 12.)

ex silice;' as Vitruvius also directs that it be burned 'de albo saxo aut silice.' It is probable that by *silix* in these passages is meant a dark-coloured, compact limestone.¹

SILICERNIUM. (Vid. FUNUS, p. 462.)

*SILPHIUM (σίλφιον), a kind of *Laserpitium* or *Asafotida*, forming one of the chief natural productions of Cyrenaica. It was fattening for cattle, rendering their flesh also tender, and was a useful aperient for man. From its juice, too, when kneaded with clay, a powerful antiseptic was obtained. The silphium formed a great article of trade, and at Rome the composition just mentioned sold for its weight in silver. It is for this reason that the silphium appeared always on the medals of Cyrene. Its culture was neglected, however, when the Romans became masters of the country, and pasturage was more attended to. Captain Beechy, in the course of his travels through this region, noticed a plant about three feet in length, very much resembling the hemlock or wild carrot. He was told that it was usually fatal to the camels which ate of it, and that its juice was so acrid as to fester the flesh, if at all excoriated. He supposed it to be the silphium. Della Cella describes, apparently, the same production as an umbelliferous plant, with compound, indented leaves, fleshy, delicate, and shining, without any involucre; the fruit being somewhat flattened, surmounted by three ribs, and furnished all round with a membrane as glossy as silk. Captain Smith succeeded in bringing over a specimen of the plant, which is said to be now thriving in Devonshire. M. Pacho says that the Arabs call it *Derias*, and he proposes to class the plant as a species of *Laserwort*, under the name of *Laserpitium ferulaceum* of Linnæus.²

*SILURUS (σίλουρος), the name of a numerous genus of fishes, the species *Glanis* belonging to which inhabits the fresh waters of Europe, Asia, and Africa. It is the *Scheid* of the Germans, and the *Sheat-fish* of the English, and is the largest of the fresh-water fishes of Europe, growing sometimes to the weight of 150 lbs. and upward. "The silurus of Ausonius," says Adams, "has been referred by some to the sturgeon; this opinion, however, is untenable. It is a voracious fish, and is found in the Elbe, the Vistula, the Rhine, and the Danube. It is therefore natural to suppose that mention of it would have been made among the fishes of the Moselle, which forms the subject of Ausonius's poem, the Moselle being a branch of the Rhine."³

SILVA'NI ET CARBONIS LEX. (Vid. LEX PAPIRIA PLAUTIA, p. 584.)

*SIMIA (πίθηκος), the Ape. Buffon, treating of monkeys, says, "The ancients were only acquainted with one, the *Pithecos* of the Greeks; the *Simia* of the Latins is of this kind, and the real monkey, on which Aristotle, Pliny, and Galen have instituted all their physical comparisons, and founded all their relations of the monkey to mankind: but this *Pithecos*, this monkey of the ancients, so generally resembling man in external form, and still more so in its internal organization, nevertheless differs from it in an essential point, the size of the human species being generally above five feet, while that of the *pithecos* is seldom more than a fourth of that height." So far Buffon. "I am inclined to think, however," remarks Adams, "that the species of baboon called *Papia maimon*, or Mandril, answers best to the ancient accounts of the *pithecos*. It is

proper to mention, however, that Dr. Trail holds that Aristotle's description of the *pithecos* applies best to the young Barbary ape, or *Simia Innus*. The *κῆβος* was a species of monkey having a long tail. The *κυνόκεφαλος* would appear to have been the species of monkey now called Magot, which is the adult *Simia Innus*, L., or Barbary ape. Buffon refers the *καλλιθριξ* to the green ape; but, according to Dr. Trail, it may rather be set down as the *Simia sabæa* of Senegal. The *κερκοπιθήκος* was a monkey with a tail, as its name implies. Hardouin refers it, with little probability, to the Marmoset. The *χοιροπιθήκος* of Aristotle cannot be determined satisfactorily. Pennant supposes the *Simia senex* to be representative of the ancient *σάτυρος*, but Dr. Traill supposes it rather some species of large baboon.⁴

*SINAPI (σίγηπι), Mustard. (Vid. NARY.)

SINDON. (Vid. PALLIUM, p. 718.)

*SINO'PICA TERRA (Σινωπική γῆ), Sinopia Earth, a species of red ochre. According to Sir John Hill, the "*Rubrica Sinopica* was a dense, heavy, firm substance, of a deep red colour, staining the fingers on handling, and of a styptic, astringent taste." From Tournefort's account of it there can be no doubt, as Adams thinks, that it owes its colour to an admixture of iron.⁵

*SION (σίον), a plant, of which *Speusippus* (cited by Adams) says that it grows in water, having a head like the Marsh Parsley. Sprengel inclines with Fuchsius, to make it the *Veronica anagallis*, but mentions that others took it for the *Sium latifolium* or *angustifolium*. Dierbach makes it the *Sium modiflorum*, or procumbent Water Parsnip.⁶

SIPA'RORIUM, a piece of tapestry stretched on a frame, which rose before the stage of the theatre, and consequently answered the purpose of the drop-scene with us, although, contrary to our practice, it was depressed when the play began, so as to go below the level of the stage (*aulæ promonturæ*), and was raised again when the performance was concluded (*tolluntur*).⁷ From the last-cited passage we learn that human figures were represented upon it, whose feet appeared to rest upon the stage when this screen was drawn up. From a passage of Virgil we farther learn that the figures were sometimes those of Britons woven in the canvass, and raising their arms in the attitude of lifting up a purple curtain, so as to be introduced in the same manner as ATLANTES, PERSÆ, and CARYATIDES.

In a more general sense, *siparium* denoted any piece of cloth or canvass stretched upon a frame.⁸ (Vid. PAINTING, p. 702.)

*SIRIUS (Σείριος) and PRO'CYON (Προκύων), the Greek names of the bright stars in the constellations of the Great and Little Dog (*Canis Major* and *Minor*). These are Orion's dogs, according to some, and those of minor personages according to others: the whole of their mythic explanations form a strong proof that these constellations are not Greek in their origin. In a passage of Hesiod, he has been supposed to speak of the sun under the name of Sirius; and Hesychius confines the word to mean both the sun and the dog star. The Egyptians called the dog-star *Sois*, and from its heliacal rising had warning that the overflow of the Nile was about to commence. Now the overflow of the Nile follows the summer solstice; whereas, by the precession of the equinoxes, the heliacal rising of Sirius is now about the tenth of August. The greatest heats of sum-

1. (Moore's Anc. Mineral, p. 87.)—2. (Theophr., H. P., vi., 3.—Dioscor., iii., 84.—Anthon's Class. Dict., s. v. Cyrenaica.)—3. (Elian, N. A. xii., 29.—Aristot., H. A., ii., 13.—Plin., H. N., ix., 15.—Adams, Append., s. v.)

1. (Hardouin ad Plin., H. N., viii., 80.—Aristot., H. A., ii., 7.—Adams, Append., s. v.)—2. (Theophr., De Lapid., c. 36.—Dioscor., v., iii.—Adams, Append., s. v.)—3. (Dioscor., v., iii.—Athen., ii., 19.—Adams, Append., s. v.)—4. (Festus, s. v.—Cic., Prov. Cons., 6.—Juv., viii., 186.)—5. (Har., Epist., li., 187.)—6. (Ovid, Met., iii., 111—114.)—7. (Georg., iii., 25.)—8. (Vid. tit., v., 1, & 22.)

generally follow the summer solstice, and in some times it was observed that the unhealthy oppressive period coincided with the heliacal of the dog-star. We say the dog-star, without saying whether it was Sirius or Procyon; uncertain which it was, and may have been for the heliacal risings do not differ by many degrees.

The star itself was in Latin *canicula*, which seems to apply to the lesser dog, and Horace, 'Jam Procyon furit,' &c. Pliny supports the meaning of *canicula*, and perhaps Hyginus also the framers of the Alphonsine Tables, and Kepler among the moderns; while Varro and Julius Firmicus, with Apian, Martignoli, Stephens, and Petavius among the ancients, contend for Sirius, which is the more ancient opinion. All antiquity ascribed an evil influence to the star: and though Geminus among the ancients, and Petavius among the moderns, held that the effects were to be attributed to the dog-star, they had hardly any followers until the revival of the judicial astrology. Even at this day, when the effects of the latter part of summer are excessive, it is gravely told that we are in the dog-days.

The real classical dog-days are the twenty-one days preceding and the twenty days following the heliacal rising of whichever star it was, whether Sirius or Procyon.¹

S'ARUM (*σίσαρον*). "Sprengel, who had formerly held this to be the *Sium Sisarum*, in his work declares himself a convert to the opinion of the ancients, who made it to be the *Pastinaca sativa*, or Garden Parsnip."²

STRUM (*σειστρον*), a mystical instrument of music used by the ancient Egyptians in their ceremonies, and especially in the worship of Isis.³ It held in the right hand (see woodcut), and sheweth a circumstance it derived its name from (*epulsa manu*). Its most common form is that in the right-hand figure of the annexed woodcut. It represents an ancient sistrum formerly



found in the library of St. Genovefa at Paris. The circular apsis represented the agitation of the four elements within the compass of the earth, by which all things are continually destroyed and reproduced, and that the cat sculptured upon the apsis was an emblem of the moon. Apuleius⁴ describes the sistrum as a bronze rattle (*æreum crepitulum*), consisting of a narrow plate curved like a sword-belt (*balteus*), through which passed a few rods that rendered a loud, shrill sound. He says

1. (Mart., xii., 29.)—2. (Dioscor., ii., 139. s. Append., s. v.)—3. (Ovid, Met., ix., 784.—Id., Amor., i., 1.—Id., ib., iii., 9, 34.—Id., De Ponto, i., 1, 38.)—4. (Tit., 3, 24.)—5. (De Is. et Os., p. 670, 671, ed. Steph.)—6. (Plin., p. 119, 121, ed. Ald.)

that these instruments were sometimes made of silver, or even of gold. He also seems to intimate that the shakes were three together (*tergeminos scutus*), which would make a rude sort of music.

The introduction of the worship of Isis into Italy, shortly before the commencement of the Christian æra, made the Romans familiar with this instrument. The "*lingeri calvi, sistrataque turba*,"¹ are exactly depicted in two paintings found at Portici,² and containing the two figures of a priest of Isis and a woman kneeling at her altar, which are introduced into the preceding woodcut. The use of the sistrum in Egypt as a military instrument to collect the troops, is probably a fiction.³

Sistrum, which is, in fact, like *Scyrrum*, a Greek word with a Latin termination, the proper Latin term for it being *crepitaculum*, is sometimes used for a child's rattle.⁴

***SISYMBRIUM** (*σισύμβριον*), a plant. "From the description," says Adams, "which Dioscorides gives of his first species, there can be no doubt that it was a species of mint, probably the *Mentha sylvestris*, as Anguillara contends. The other species is unquestionably the *Nasturtium officinale*, or Water-cress."⁵

***SISYRINCHION** (*σισυρήχιον*). "Sprengel and Stackhouse make this plant to be the *Iris Sisyriochium*, in which opinion they are supported by Cordus, Bauhin, and many of the earlier authorities. Schneider's objection appears to me too fine-spun."⁶

SITELLA. (Vid. **SITULA**.)

SITONAI (*σιτώναι*). (Vid. **SITOS**.)

SITOPHYLACES (*σιτοφύλακες*), a board of officers, chosen by lot, at Athens. They were at first three, afterward increased to fifteen, of whom ten were for the city, five for the Piræus. Their business was partly to watch the arrival of the corn-ships, take account of the quantity imported, and see that the import laws were duly observed; partly to watch the sales of corn in the market, and take care that the prices were fair and reasonable, and none but legal weights and measures used by the factors; in which respect their duties were much the same as those of the *agoranomi* and *metronomi* with regard to other saleable articles. (Vid. **SITOS**.) Demosthenes refers to the entry in the books of the *sitophylaces* (*τῶν παρὰ τοῖς σιτοφύλαξιν ἀπογραφῆν*) to prove the quantity of corn imported from Pontus, which (he says) was equal to all that came from elsewhere, owing to the liberality of Leucon, king of the Bosphorus, who allowed corn to be exported from Theodosia to Athens free of duty.⁷ These books were probably kept by the five who acted for the Piræus, whose especial business it would be to inspect the cargoes that were unladen.⁸

SITOS (*σίτος*). The soil of Attica, though favourable to the production of figs, olives, and grapes, was not so favourable for corn; and the population being very considerable in the flourishing period of the Athenian republic, it was necessary to import corn for their subsistence. According to the calculation of Böckh, which does not materially differ from that of other writers, there were 135,000 free men and 365,000 slaves residing in Attica. The country, which contained an area of 64,000 stadia, produced annually about two millions of medimni of corn, chiefly barley. The medimnus was about 1 bushel, 3 gallons, and 5.75 pints, or 48 Attic χοί-

1. (Mart., xii., 29.)—2. (Ant. d'Ercolano, t. ii., p. 309-320.)—3. (Virg., Æn., viii., 696.—Propert., iii., 11, 43.)—4. (Mart., xiv., 54.—Pollux, Onom., ix., 127.)—5. (Dioscor., ii., 154, 155.—Theophr., ii., 1.—Nicand., Ther., 896.—Adams, Append., s. v.)—6. (Theophr., H. P., i., 10; vii., 13.—Adams, Append., s. v.)—7. (Demosth., c. Leptin., 466, 467.)—8. (Harpoer., s. v. Σιτοφύλακες.—Böckh, Staatsh. der Athen., i., 52, 88-91.)

cover the principal, *dίκη σίτου*, for the interest. The interest was called *σίτος* (alimony or maintenance), because it was the income out of which the woman had to be maintained, *αὐθελήσονται τροφῆι, ἢ διδομένη πρόσδος εἰς τροφήν ταῖς γυναῖξιν*.¹ The word *σίτος* is often used generally for provisions, just as we use the word *bread*. So in the law, which required the son of an *ἐπικληρος* to maintain his mother when he came of age and took possession of her inheritance, the expression is *τοῦ σίτου μετρεῖν τῇ μητρὶ*.² The allowance for rations given to soldiers was called *σπηρέσιον*.³ The *dίκη σίτου* was tried before the archon in the Odeum, the same building in which the corn granaries were kept, which makes it not improbable that in earlier times the defendant was called upon to pay the damages *in kind*, that is, in corn or some other sort of provisions; though it was soon found to be more convenient to commute this for a money payment. This cause, like the *dίκη προικός*, seems to have belonged to the *ἑμμετροὶ δίκαι*, as it was presumed that the woman could not wait long for the means of her daily subsistence. It was *ἀτίμητος*, for the damages were clearly liquidated, being a mere matter of calculation, when the payment of the marriage portion was proved.⁴

*SITTA (*σίτρα*). According to Gesner, who follows the authority of Turner, this is the bird called *Nuthatch*, namely, the *Sitta Europea*.⁵

SITULA, *dim.* SITELLA (*ὑδρία*), was probably a bucket or pail for drawing and carrying water,⁶ but was more usually applied to the vessel from which lots were drawn: *sitella*, however, was more commonly used in this signification.⁷ It appears that the vessel was filled with water (as among the Greeks, whence the word *ὑδρία*), and that the lots (*sortes*) were made of wood; and as, though increasing in size below, it had a narrow neck, only one lot could come to the top of the water at the same time, when it was shaken (*situlam huc tecum afferto cum aqua et sortes*).⁸ The vessel used for drawing lots was also called *urna* or *cista* as well as *situla* or *sitella*.⁹

It is important to understand the true meaning of *sitella*, since almost all modern writers have supposed that the name of *sitella* or *cista* was given indifferently to the ballot-box, into which those who voted in the comitia and courts of justice cast their tabellæ; but Wunder¹⁰ has proved that the opinion of Manutius¹¹ is correct, who maintained that the *sitella* was the urn from which the names of the tribes or centuries were drawn out by lot, so that each might have its proper place in voting, and that the *cista* was the box into which the tabellæ were cast (*cistas suffragiorum in comitiis*).¹² The form of the *cista* is preserved on a coin of the Cassian gens, figured by Spanheim,¹³ where a man is represented in the act of placing a tabella, marked with the letter A (i. e., *absolvo*) in the *cista*. This *cista*, which is represented in the annexed cut, is evidently made of wicker or similar work (to which Tibullus¹⁴ alludes in the line "*Et levis occultis conscia cista sacris*"), and therefore could not possibly be used in the drawing of



lots, since we know that the vessels used for that purpose were filled with water. The form of the *sitella* is also given by Spanheim,¹ from another coin of the Cassian gens. (See cut annexed.) This account has been taken from a very excellent dissertation by Wunder on the above-mentioned work.

SITYBÆ. (*Vid.* LIBER, p. 588.)

*SMARAGDUS (*σμάραγδος*), the Emerald. "The ancients," says Sir John Hill, "distinguished twelve kinds of emerald, some of which, however, seem to have been rather stones of the prasiur or jasper kind, and others no more than coloured crystals and spars from copper mines." "As for the statues, obelisks, and pillars," observes Dr. Moore, "formed of emeralds of prodigious size, mentioned by Theophrastus, Pliny, and others, they were of some one or other of the several more abundant minerals that have been already suggested, or else of coloured glass. Larcher thinks the pillar of emerald which Herodotus saw in the Temple of Hercules at Tyre, and which shone at night, was a hollow cylinder of glass, within which lamps were placed. Theophrastus himself, speaking of this column, suggests that it may be a false emerald; for such, says he, there are. And such there are, even at the present day, which pass for native stones. Beckmann says that a piece of glass in the monastery of Reichenau, seven inches long, and weighing 28 lbs., and a large cup at Genoa, which is, however, full of flaws, are given out to be emeralds, even to the present time. It is very probable that our emerald ought not to be reckoned among the many varieties of smaragd mentioned by the ancients. Dutens doubts if it was known to them; and from the researches and the positive assertion of Tavernier, it appears, at least, that no locality of emerald is known in Asia or its islands."²

*SMARIS (*σμάρις*), a species of fish, the *Sparus Smaris*, L., or Pickerel.³

*SMILAX (*σμίλαξ*), Bindweed. (*Vid.* MILAX.)

SMILE (*σμίλη*). (*Vid.* DOLABRA.)

*SMIRIS (*σμίρις*) or SMYRIS (*σμίρις*), the *Emery* of British, and *Emeril* of French mineralogists. It was used by the ancients, as it is by the lapidaries of the present day, in polishing hard stones. It consists principally of alumine, with a small proportion of silice and iron.⁴

*SMYRNA (*σμίρνα*), Myrrh. "It is not yet well ascertained," says Adams, "what is the nature of the tree which produces the *Myrrh* of the East. Bruce, the Abyssinian traveller, supposed it a species of *Acacia* or *Mimosa*. The ancients describe two kinds of liquid myrrh, under the name of *στάκτη*: the finest is that which runs fluid from the tree without cutting; the other was a fluid myrrh taken out of the midst of the larger pieces of the solid kind."⁵

SOCCUS, *dim.* SOCCULUS, was nearly, if not altogether, equivalent in meaning to CREPIDA, and denoted a slipper or low shoe, which did not fit closely, and was not fastened by any tie.⁶ Shoes of this description were worn, more especially among the Greeks, together with the PALLIUM, both by men and by women. But those appropriated to the female sex were finer and more ornamented⁷ (*soccus muliebris*), although those worn by men were likewise, in some instances, richly adorned, according to the taste and means of the wearer.⁸ Caligula wore gold and pearls upon his slippers.¹⁰

1. (Harpocr., s. v. Σίτρος.—Pollux, Onom., viii., 33.—Demosth., s. Aphob., 839, 834.)—2. (Dem., c. Steph., 1135.)—3. (Böckh, Staatsh. der Athen., i., 293.)—4. (Suidas, s. v. Ὑδρία.—Pollux, Onom., iii., 47; vi., 153; viii., 31, 33.—Meier, Att. Proc., 43, 422—427.—Platner, Proc. und Klug., ii., 266.)—5. (Aristot., H. A., ix., 2.—Adams, Append., s. v.)—6. (Plaut., Amph., ii., 2, 39.)—7. (Id., Cas., ii., 5, 34, 43; ii., 6, 7, 11.—Liv., xxv., 3; xli., 18.)—8. (Plaut., Cas., ii., 4, 17.—Cic. in Verr., ii., 2, 51.—Vopisc., Prob., 8.)—9. (Cic. in Vatini, 14.—Val. Max., vi., 3, § 4.—Virg., Æn., vi., 431, &c.—Lucian, v., 394, with schol.—Compare Pers., sat., 45.)—10. (Codex Erculanus, p. civiii., &c.)—11. (De Comitiis Rom., c. 15, p. 527, ed. Grav.)—12. (Plin., H. N., xxxiii., 2, s. 7.—Auctor, ad Herenn., i., 12.—Pseudo-Ascon. ad Cic., Div., 2, p. 105, ed. Orelli.)—13. (De Præst. et usu Numism., p. 550, tab. 1671.)—14. (i., 7, 45.)

1. (l. c.)—2. (Hill ad Theophr., De Lapid., c. 44.—Moore's Anc. Mineral., p. 150.)—3. (Aristot., H. A., viii., 30.—Plin., H. N., xxxii., 11.)—4. (Dioscor., v., 165.—Adams, Append., s. v.)—5. (Theophr., H. P., ix., 1.—Dioscor., i., 77, 78.—Adams, Append., s. v.)—6. (Isid., Orig., xix., 53.)—7. (Plin., H. N., ix., 35, s. 56.)—8. (Sueton., Calig., 52.—Vitell., 2.)—9. (Plaut. Bacch., ii., 3, 98.)—10. (Sen., De Ben., ii., 12.—Plin. H. N. xxxvii., 2, s. 6.)

For the reasons mentioned under the articles *BAXA* and *CREPIDA*, the *soccus* was worn by comic actors,¹ and was in this respect opposed to the *COTHURNUS*.² The annexed woodcut is taken from an ancient painting of a buffoon (*Mimus*), who is



dancing in loose yellow slippers (*luteum soccus*?). This was one of their most common colours.⁴ (*Vid. SOLEA*.)

SOCIETAS. *Societas* is classed by Gaius⁵ among those obligations which arise consensu. When several persons unite for a common purpose, which is legal, and contribute the necessary means, such a union is *societas*, and the persons are *socii*. The contract of *societas* might either be made in words, or by the acts of the parties, or by the consent of the parties signified through third persons. A *societas* might be formed either for the sake of gain to arise from the dealings and labour of the *socii* (*quæstus*), or not. *Societas* for the purpose of *quæstus* corresponds to the English partnership. A *societas* might be formed which should comprise all the property of the *socii* (*societas omnium bonorum*); in which case, as soon as the *societas* was formed, all the property of all the *socii* immediately became common (*res cœquentium continuo communicantur*). But the *societas* might be limited to a part of the property of the *socii* or to a single thing, as the buying and selling of slaves, or to carry on trade in a particular thing in a particular place.⁶ The communion of property in a *societas* might also be limited to the use of the things.

Each *socius* was bound to contribute towards the objects of the *societas* according to the terms of the contract. But it was not necessary that all the *socii* should contribute money; one might supply money, and another might supply labour (*opera*), and the profit might be divisible between them, for the labour of one might be as valuable as the money of the other. In the case of *Roscius* the actor, *Fannius* had a slave *Panurgus*, who, by agreement between *Roscius* and *Fannius*, was made their joint property (*communis*). *Roscius* paid nothing for his one half of the man, but he undertook to instruct him in his art. Apparently they became partners in the man in equal shares, for *Cicero* complains of the terms of the *societas* on the part of *Roscius*, whose instruction was worth much more than the price of the slave before he was taught his art.⁷ The agreement between the *socii* might also be, that one *socius* should sustain no loss and should have a share of the gain, provided his labour was so valuable as to render it equitable for him to become a partner on such terms. If the

shares of the *socii* were not fixed by agreement, they were considered to be equal. One partner might have two or more shares, and another might have only one, if their contributions to the *societas* in money or in labour were in these proportions. If the agreement was merely as to the division of profit, it followed that the *socii* must bear the losses in the same proportion. Each *socius* was answerable to the others for his conduct in the management of the business; he was bound to use *diligentia*, and was answerable for any loss through *culpa*. The action which one *socius* had against another in respect of the contract of partnership was an *actio directa*, and called *pro socio* (*actio pro socio*).¹ The action might be brought for any breach of the agreement of partnership, for an account, and for a dissolution. A partner might transfer his interest to another person, but this transfer did not make that other person a partner, for consent of all parties was essential to a *societas*; in fact, such a transfer was a dissolution of the partnership, and the person to whom the transfer was made might have his *actio de communibus* *interdundo*.

Each *socius* had a right of action in proportion to his interest against any person with whom any of the *socii* had contracted, if the *socii* had commissioned him to make the contract, or had approved of the contract, or if it was an action arising from a delict. Thus, in the case of *Roscius* and *Fannius*, they had severally sued a third person in respect of their several claims as partners, and yet *Fannius* still claimed the half of what *Roscius* had recovered in respect of his share in the partnership.² In all other cases the person who made the contract could alone sue. All the *socii* could be sued if they had all joined in the contract with a third person, and each in proportion to his share. If one *socius* contracted on behalf of all, being commissioned to do so, all were liable to the full amount. If a *socius* borrowed money, the other *socii* were in no case bound by his contract, unless the money had been brought into the common stock. In fact, the dealings of one partner did not bind the other partners, except in such cases as they would be bound independent of the existence of the *societas*. *Condemnatio* in an *actio pro socio* was sometimes attended with *INFAMIA*.

A *societas* could be ended at the pleasure of any one of the *socii*: any member of the body could give notice of dissolution when he pleased (*renunciare societati*), and therefore the *societas* was dissolved (*solvetur*). But in the case of a *societas omnium bonorum*, if one *socius* had been appointed *heres*, he could not, by giving notice of dissolution, defraud his copartners of their share of the *hereditas*. The death of a partner dissolved the *societas*, and a *capitis diminutio* was said to have the same effect. If the property of any one of the *socii* was sold either publicè (*bonorum publicatio*) or privatim, the *societas* was dissolved. It was also dissolved when the purpose for which it was formed was accomplished, or the things in which there was a *societas* had ceased to exist.

If, on the dissolution of a partnership, there was no profit, but a loss to sustain, the loss was borne, as already stated, by the *socii* in proportion to their shares. If one man contributed money and another labour, and there was a loss, how was the loss borne? If the money and the labour were considered equivalent, it would seem to follow that until the partnership property were exhausted by the payment of the debts, there should be no pecuniary contribution by the person who supplied

1. (Hor., Ep. ad Pis., 80, 90.)—2. (Mart., viii., 3, 13.—Plin., Epist., ix., 7.)—3. (Catull., Epithal. Jul., 10.)—4. (De L'Aulnaye, Salt. Theat., pl. iv.)—5. (iii., 135.)—6. (Cic., Pro F. Quinctio, c. 3.)—7. (Cic., Pro Q. Roscio Com., 10.)

1. (Cic., Pro Q. Roscio Com., 9.)—2. (Pro Q. Roscio Com., II, 17, 18.)

the labour. This principle is a consequence of what Gaius states, that the capital of one and the labour of another might be considered equal, and the gain might be divided; and if there was a loss, the loss must be divided in the same proportion.

Societates were formed for the purpose of farming the public revenues.¹ (*Vid. PUBLICANI.*)

SOCII (σύμμαχοι). In the early times, when Rome formed equal alliances with any of the surrounding nations, these nations were called *Socii*.² After the dissolution of the Latin league, when the name *Latini*, or *nomen Latinum*, was artificially applied to a great number of Italians, few only of whom were real inhabitants of the old Latin towns, and the majority of whom had been made Latins by the will and the law of Rome, there necessarily arose a difference between these Latins and the *Socii*, and the expression *Socii nomen Latinum* is one of the old *asyndeta*, instead of *Socii et nomen Latinum*. The Italian allies, again, must be distinguished from foreign allies. Of the latter we shall speak hereafter. The Italian allies consisted, for the most part, of such nations as had either been conquered by the Romans, or had come under their dominion by other circumstances. When such nations formed an alliance with Rome, they generally retained their own laws; or if at first they were not allowed this privilege, they afterward received them back again. The condition of the Italian allies varied, and mainly depended upon the manner in which they had come under the Roman dominion;³ but, in reality, they were always dependant upon Rome. Niebuhr⁴ considered that there were two main conditions of the *Socii*, analogous or equal to those of the provincials, that is, that they were either *federati* or *liberi (immunes)*.⁵ The former were such as had formed an alliance with Rome, which was sworn to by both parties; the latter were those people to whom the senate had restored their autonomy after they were conquered, such as the Hernican towns.⁶ But the condition of each of these classes must again have been modified according to circumstances. The cases in which Rome had an equal alliance with nations or towns of Italy became gradually fewer in number: alliances of this kind existed indeed for a long time with Tibur, Præneste, Naples, and others,⁷ but these places were nevertheless, in reality, as dependant as the other *Socii*. It was only a few people, such as the Camertes and the Heracleans, that maintained the rights of their equal alliance with Rome down to a very late time.⁸ With these few exceptions, most of the Italians were either *Socii* (in the later sense) or *Latini*. During the latter period of the Republic they had the connubium with Rome,⁹ but not the suffrage of the Latins. It sometimes happened, as in the case of the Macedonian Onesimus, that a foreign individual was honoured by the senate by being registered among the Italian *Socii* (*in sociorum formulam referre*), and in this case the senate provided him with a house and lands in some part of Italy.¹⁰

Although the allies had their own laws, the senate, in cases where it appeared conducive to the general welfare, might command them to submit to any ordinance it might issue, as in the case of the *senatus consultum De Bacchanalibus*.¹¹ Many regulations, also, which were part of the Roman law,

especially such as related to usury, sureties, wills, and innumerable other things,¹ were introduced among the *Socii*, and nominally received by them voluntarily.² The Romans thus gradually united the Italians with themselves, by introducing their own laws among them; but, as they did not grant to them the same civic rights, the *Socii* ultimately demanded them, arms in their hands.

Among the duties which the Italian *Socii* had to perform towards Rome, the following are the principal ones: they had to send subsidies in troops, money, corn, ships, and other things, whenever Rome demanded them.³ The number of troops requisite for completing or increasing the Roman armies was decreed every year by the senate,⁴ and the consuls fixed the amount which each allied nation had to send, in proportion to its population capable of bearing arms, of which each nation was obliged to draw up accurate lists, called *formulæ*.⁵ The consul also appointed the place and time at which the troops of the *Socii*, each part under its own leader, had to meet him and his legions.⁶ The infantry of the allies in a consular army was usually equal in numbers to that of the Romans; the cavalry was generally three times the number of the Romans;⁷ but these numerical proportions were not always observed.⁸ The consuls appointed twelve præfects as commanders of the *Socii*, and their power answered to that of the twelve military tribunes in the consular legions.⁹ These præfects, who were probably taken from the allies themselves, and not from the Romans, selected a third of the cavalry, and a fifth of the infantry of the *Socii*, who formed a select detachment for extraordinary cases, and who were called the *extraordinarii*. The remaining body of the *Socii* was then divided into two parts, called the right and left wing.¹⁰ The infantry of the wings was, as usual, divided into cohorts, and the cavalry into *turmæ*. In some cases, also, legion were formed of the *Socii*.¹¹ Pay and clothing were given to the allied troops by the states or towns to which they belonged, and which appointed questors or paymasters for this purpose;¹² but Rome furnished them with provisions at the expense of the Republic: the infantry received the same as the Roman infantry, but the cavalry only received two thirds of what was given to the Roman cavalry.¹³ In the distribution of the spoil and of conquered lands, they frequently received the same share as the Romans.¹⁴ The *Socii* were also sometimes sent out as colonists with the Romans.¹⁵ They were never allowed to take up arms of their own accord, and disputes among them were settled by the senate. Notwithstanding all this, the *Socii* fell gradually under the arbitrary rule of the senate and the magistrates of Rome; and after the year B.C. 173, it even became customary for magistrates, when they travelled through Italy, to demand of the authorities of allied towns to pay homage to them, to provide them with a residence, and to furnish them with beasts of burden when they continued their journey.¹⁶ Gellius¹⁷ mentions a number of other vexations which the Roman magistrates inflicted upon the *Socii*, who could not venture to seek any redress against them. The only way for the allies to obtain any protection against such arbitrary proceedings, was to enter into a kind of clientela with

1. (Gaius, iii., 148-154.—Dig. 17, tit. 2.—Inst., iii., tit. 26.—Cod., iv., tit. 37.—Mühlenbruch, *Doctrina Pandectarum*.—Mackeldey, *Lehrbuch*, &c.—Hasse, *Die Culpa des Röm. Rechts*, s. 46, 49.)—2. (Liv., ii., 53.)—3. (*Id.*, viii., 25; ix., 20.)—4. (*Hist. of Rome*, iii., p. 616.)—5. (Cic., c. Verr., iii., 6.)—6. (Liv., ix., 43.)—7. (Polyb., vi., 14.—Liv., xlii., 2.—Cic., Pro Balb., 8.)—8. (Liv., xxviii., 45.—Plut., Mar., 28.—Cic., Pro Balb., 20; Pro Arch., 4.)—9. (Diodor., Excerpt. Mai., xxviii., 6.)—10. (Liv., div., 10.)—11. (Liv., xxxix., 14.)

1. (Liv., xxxv., 7.—Gaius, iii., 121, &c.—Cic., Pro Balb., 8.)—2. (Cic., l. c.—Gell., xvi., 13; xix., 8.)—3. (Liv., xxvi., 39; xxviii., 45; xxxv., 16, &c.)—4. (Liv., *passim*.)—5. (*Id.*, xxiv., 56.—Polyb., vi., 21, 26.—Liv., xxii., 57; xxvii., 10.)—6. (Polyb., l. c.—Liv., xxxiv., 56; xxxvi., 3; xli., 5.)—7. (Polyb., iii., 108; vi., 26, 30.)—8. (Polyb., ii., 24, iii., 72.)—9. (*Id.*, vi., 26, 37.)—10. (Polyb., l. c.—Liv., xxxi., 21; xxxv., 5.)—11. (Liv., xxvii., 39.)—12. (Polyb., vi., 21.—Cic., c. Verr., v., 24.)—13. (Polyb., vi., 39.—Cic., Pro Balb., 20.)—14. (Liv., xl., 43; xli., 1, 13; xiv., 43; xlii., 4.)—15. (Appian, *De Bell. Civ.*, i., 24.)—16. (Liv., xli., 1.)—17. (x., 3.)

some influential and powerful Roman, as the Samnites were in the clientela of Fabricius Luscinus,¹ and the senate, which was at all times regarded as the chief protector of the Socii, not only recognised such a relation of clientela between Socii and a Roman citizen, but even referred to such patrons cases for decision which otherwise it might have decided itself.² Socii who revolted against Rome were frequently punished with the loss of their freedom, or of the honour of serving in the Roman armies.³ Such punishments, however, varied according to circumstances.

After the civitas had been granted to all the Italians by the lex Julia De Civitate, the relation of the Italian Socii to Rome ceased. But Rome had long before this event applied the name Socii to foreign nations also which were allied with Rome, though the meaning of the word in this case differed from that of the Socii Italici. Livy⁴ distinguishes two principal kinds of alliances with foreign nations: 1. *Fœdus æquum*, such as might be concluded either after a war in which neither party had gained a decisive victory, or with a nation with which Rome had never been at war; 2. a *fœdus iniquum*, when a foreign nation conquered by the Romans was obliged to enter the alliance on any terms proposed by the conquerors. In the latter case the foreign nation was to some extent subject to Rome, and obliged to comply with anything that Rome might demand. But all foreign Socii, whether they had an equal or an unequal alliance, were obliged to send subsidies in troops when Rome demanded them: these troops, however, did not, like those of the Italian Socii, serve in the line, but were employed as light-armed soldiers, and were called *militæ auxiliaries*, *auxiliarii*, *auxilia*, or sometimes *auxilia externa*.⁵ Towards the end of the Republic, all the Roman allies, whether they were nations or kings, sank down to the condition of mere subjects or vassals of Rome, whose freedom and independence consisted in nothing but a name.⁶ (Compare *Fœderatæ Civitates*.)

SO'CIO, PRO, ACTIO. (*Vid. SOCIETAS*.)

SO'CIUS. (*Vid. SOCIETAS*.)

SODALES AUGUSTA'LES. (*Vid. AUGUSTALES*.)

SODALITIUM. (*Vid. AMBITUS*.)

SOLARIUM. (*Vid. HOROLOGIUM*, p. 509; *HOUSE, ROMAN*, p. 518.)

SOLEA was the simplest kind of sandal (*vid. SANDALUM*), consisting of a sole with little more to fasten it to the foot than a strap across the instep.⁷ It was sometimes made of wood,⁸ and worn by rustics (*καλοπέδιλα*), resembling probably the wooden sandals which now form part of the dress of the Capuchins. The solea, as worn by the upper classes, was adapted chiefly for wearing in the house, so that when a man went out to dinner he walked in shoes (*vid. CALCEUS*), taking with him slippers (*vid. SOCCUS*) or soleæ, which he put on when he entered the house. Before reclining at table, these were taken away by a servant⁹ (see woodcut, p. 276); consequently, when dinner was over, it was necessary to call for them.¹⁰ But, according to the state of the roads or of the weather, the shoes or boots were again put on in order to return home, the soleæ being carried, as before, under the arm.¹¹ When circumstances were favourable, this change of the

shoes for slippers or soleæ was not considered necessary, the latter being worn in the streets.¹

Solea lignea, soles or shoes of wood, were put on, under the authority of the Roman law, either for the purpose of torture, or perhaps merely to indicate the condition of a criminal, or to prevent his escape.² In domestic life, the sandal, commonly worn by females, was often used to chastise a hand band, and to bring him into subjection³ (*soleas abire gabere rubra, sandalia*).⁴

Iron shoes (*solea ferrea*) were put on the feet of mules;⁵ but instead of this, Nero had his mules shod with silver,⁶ and his empress Poppæa hers with gold.⁷

*SOLEA, Π. (*βοῦγλωσσος* or -η), the *Picromelasma Solea*, L., or Sole. "The *Lingulaca* of Pestus and Varro is supposed to have been the Sole. By a play on the word, it is called *σάνδαλον* in the curious parody of Matron preserved by Athenæus."⁸

*SOLEN (*σολήν*), "the name of a testaceous fish mentioned by Aristotle, Galen, Xenocrates, and Pliny, and called also *αἰλός*, *ὄνις*, and *ὄνις* according to Rondelet, they are called *Cape lang* by the Italians, *Couteaux* by the French, and *Penn* by the English. Belon, however, gives them the name of *Piloto*, and Gesner of *Bagfish*. It is difficult to determine what animal they point to. There is here any reason to doubt that the *σολήν* of the Greeks belonged to the genus *Solen* of modern naturalists!"⁹

SO'LDUS. (*Vid. AERUM*, p. 129.)

SOLITAU'RILIA. (*Vid. SACRIFICIUM*, p. 604; *Lustratio*, p. 604; and woodcut on p. 897.)

SO'LUM. (*Vid. BATHUS*, p. 146.)

SOPHRONISTÆ. (*Vid. GYMNASIUM*, p. 481.)

*SORBUM, the fruit of the Sorb or Service-tree (*Vid. OUA*.)

*SOREX. (*Vid. MUS*.)

SOROI (*σοροί*). (*Vid. FUNUS*, p. 456.)

SORTES, Lots. It was a frequent practice among the Italian nations to endeavour to ascertain a knowledge of future events by drawing lots (*sortes*): in many of the ancient Italian temples the will of the gods was consulted in this way, as at Preneste, Capæ, &c. (*Vid. ORACULUM*, p. 693.) Respecting the meaning of *Sors*, see Cicero.¹

These sortes or lots were usually little tablets or counters of wood or other materials, and were commonly thrown into a sitella or urn filled with water, as is explained under *SITELLA*. The lots were sometimes thrown like dice.² The name of *sortes* was in fact given to anything used to determine chances,³ and was also applied to any verbal response of an oracle.⁴ Various things were written upon the lots according to circumstances, as, for instance, the names of the persons using them, &c.: it seems to have been a favourite practice in later times to write the verses of illustrious poets upon little tablets, and to draw them out of the urn like oracles, the verses which a person thus obtained being supposed to be applicable to him: hence we read of *sortes Virgilianæ*, &c.⁵ It was also the practice to consult the poets in the same way as the Mahomedans do the Koran and Hafiz, and many Christians the Bible, namely, by opening the book at random, and applying the first passage that struck the eye to a person's own immediate circumstances.⁶ This practice was very common among the early

1. (Val. Max., iv., 3, § 6.)—2. (Dionys., ii., 11.—Liv., ix., 20.—Cic., Pro Sulla, 21.)—3. (Gell., l. c.—Appian, De Bell. Hannib., 61.—Strab., v., p. 385; vi., p. 389.—Festus, s. v. Brutianus.)—4. (xxiv., 57.—Compare xxv., 46.)—5. (Polyb., ii., 32.—Liv., xxi., 46, &c.; xxii., 22; xxvii., 37; xxxv., 11; xlii., 29, 35.)—6. (Walter, Gesch. d. Röm. Rechts, p. 192, &c.)—7. (Gell., iii., 14; xvi., 21.)—8. (Isid., Orig., xix., 33.)—9. (Theocrit., xxv., 102, 103.)—10. (Plaut., Truc., ii., 4, 16.—Ovid, Art. Am., ii., 212.—Mart., viii., 59, 14.)—11. (Plaut., Truc., ii., 4, 12; Most., ii., 1, 37.—Hor., Sat., ii., 8, 77.)—12. (Hor., Epist., i., 13, 15.)

1. (Mart., xii., 88.)—2. (Cic., Invent., ii., 50; id. Invent., 13.)—3. (Memander, p. 68, 186, ed. Meimius.)—4. (Iren., i., 169.)—5. (Ter., Eunuch., v., 8, 4.—Juv., vi., 216.)—6. (Iren., xvi., 26.)—7. (Sueton., Nero, 30.)—8. (Plin., H. N., xxvi., c. s. 49.)—9. (Æl., N. A., xi., 23.—Athen., iv., 2.—Adrian. Iren., s. v. Βοῦγλωσσος.)—10. (Adams, Append., i., v.)—11. (Div., ii., 41.)—12. (Suet., Tib., 14.)—13. (Compare Cic., Div., i., 24.)—14. (Id. ib., ii., 56.—Virg., Æn., ii., 106, 107.)—15. (Lamprid., Alex. Sev., ii.—Spartan. Hist., 3.—Spartan. Confess., v., 2.)

s, who substituted the Bible and the Psalter and Virgil: many councils repeatedly used these *sortes sanctorum*, as they were called. The sibylline books were probably also used in this way. (*Vid. SIBYLLINI LIBRI*.) The foretold future events by lots were called

sortes conviviales were tablets sealed up, and were sold at entertainments, and, upon being unsealed, entitled the purchaser to things of unequal value: they were, therefore, a kind of

GAN'ION (*σπαργίνιον*). "It is clearly," says Pliny, "one or other of the well-known *Bursera Sparganium ramosum* according to Mattheus the simplex according to Sprengel."¹⁴

STUM (*σπάρτον, σπάρτιον, or σπάρτη*) or *S* (*σπάρτος*), a shrub, a species of broom, or young branches and bark of which ropes were made, and the seeds of which were used medicinally; the *Spartium junceum* or *scoparia*.

JS. (*Vid. HASTA*, p. 489.)

LA'RIA. (*Vid. HOUSE, ROMAN*, p. 521.)

LA'RIS LAPIS. (*Vid. HOUSE, ROMAN*,

LA'TORES or *EXPLORATO'RES* were spies sent before an army to reconnoitre and observe the movements of the enemies: Pliny makes a distinction between these spies, which is not sustained by the usage of ancient writers. As these speculatores were active men, they were frequently employed by the emperors to convey letters, news, &c.⁸

Under the emperors there was a body of troops of speculatores, who formed part of the praetorian cohorts, and had the especial care of the emperor. They appear to have been so called from their duty of watching over the emperor's

ULUM (*κάτοπτρον, ἑσοπτρον, ἔνοπτρον*), a Looking-glass. The use of mirrors is of great antiquity,¹¹ but they are not mentioned by Pliny when he describes in so circumstantial a manner the toilet of Juno. In the historical times they are frequently spoken of,¹² and they are probably known in Greece long before, since the ancients were capable of receiving a fine polish which answered the purpose of a mirror. Thus bas-reliefs employed instead of mirrors,¹³ and also the inside of which was sometimes so disposed as to reflect the image of the person who drank from them, seen multiplied.¹⁴

Looking-glasses of the ancients were usually of metal, at first of a composition of tin and copper, but afterward more frequently of silver.¹⁵ It is probable that silver mirrors were first made by the ancients in the time of Pompey the Great, but they are mentioned as early as that of Plautus.¹⁶ In the Roman Empire the use of silver mirrors was so common that they began to be used even by maidens.¹⁷ They are constantly mentioned in the Decree of silver plate is spoken of.¹⁸ At first they were made of the purest silver, but metal of an inferior quality was afterward employed.¹⁹ Frequent-

ly, too, the polished silver plate was no doubt very slight; but the excellence of the mirror very much depended on the thickness of the plate, since the reflection was stronger in proportion as the plate was thicker.¹ We find gold mirrors mentioned once or twice by ancient writers;² but it is not impossible, as Beckmann has remarked, that the term golden mirror rather refers to the frame or ornaments than to the mirror itself, as we speak of a gold watch, though the cases only may be of that metal.

Besides metals, the ancients also formed stones into mirrors; but these are mentioned so seldom that we may conclude they were intended for ornament rather than for use. Pliny³ mentions the obsidian stone, or, as it is now called, the Icelandic agate, as particularly suitable for this purpose. Domitian is said to have had a gallery lined with phengites, which, by its reflection, showed everything that was done behind his back,⁴ by which Beckmann understands a calcareous or gypseous spar or selenite, which is indeed capable of reflecting an image; but we cannot therefore conclude that the ancients formed mirrors of it. Mirrors were also made of rubies, according to Pliny,⁵ who refers to Theophrastus for his authority; but he seems to have misunderstood the passage of Theophrastus,⁶ and this stone is never found now sufficiently large to enable it to be made into a mirror. The emerald, it appears, also served Nero for a mirror.⁷

The ancients seem to have had glass mirrors also like ours, which consist of a glass plate covered at the back with a thin leaf of metal. They were manufactured as early as the time of Pliny at the celebrated glass-houses of Sidon,⁸ but they must have been inferior to those of metal, since they never came into general use, and are never mentioned by ancient writers among costly pieces of furniture, whereas metal mirrors frequently are. Pliny seems to allude to them in another passage,⁹ where he speaks of gold being applied behind a mirror, which we can understand, if we admit that Pliny was acquainted with glass mirrors.

Of mirrors made of a mixture of copper and tin, the best were manufactured at Brundisium.¹⁰ This mixture produces a white metal, which, unless preserved with great care, soon becomes so dim that it cannot be used until it has been previously cleaned and polished. For this reason, a sponge with pounded pumice-stone was generally fastened to the ancient mirrors.¹¹



¹ Decline and Fall, c. xxxviii., note 51.)—2. (Lucan, c. 10.)—3. (Suet., Octav., 75.—Lamprid., Heliogab., 22.)—4. (Plin., vi., 21.—Adams, Append., s. v.)—5. (Fée, Flore de l'Asie Mineure, Lex., 4th ed., s. v. *Σπάργιον*.)—6. (Cass., B. i., 11.)—7. (s. v. *Explorat.*)—8. (Suet., Cal., 44.—Claud., 73.)—9. (Tac., Hist., ii., 11.—Suet., Claud., 35.—10. (Compare Spanheim, De Præst. et Usu Numism., 234, &c.)—11. (Job, xxxviii., 18.—Exodus, xxxviii., 35.—Cyr., vii., 1, & 2.—Eurip., Medea, 1161; Orest., 13.—Artemid., Oneir., iii., 30, p. 279, ed. Reiff.)—12. (Plin., xxxviii., 9, s. 45.—Compare Vopisc., Prob., 4.)—13. (Most., i., 3, 111.)—14. (Plin., H. N., xxxiv., 18. (33, tit. 6, s. 3; 34, tit. 2, s. 19, & 8.)—15. (Plin., H. N., 9, & 45.)

1. (Vitruv., vii., 3, p. 204, ed. Bip.)—2. (Eurip., Hec., 925.—Senec., Quæst. Nat., i., 17.—Ælian, V. H., xii., 55.)—3. (xxxvii., 26, s. 67.)—4. (Suet., Dom., 14.)—5. (xxxvii., 7, s. 25.)—6. (De Lapid., 61.)—7. (Plin., H. N., xxvii., 5, s. 16.—Ibid., Orig. xvi., 7.)—8. (Plin., H. N., xxxvi., 26, s. 60.)—9. (xxxviii., 9, s. 45.)—10. (Id. ib., l. c.; xxxiv., 17, s. 48.)—11. (Plin., Tim., p. 72, c.—Vossius ad Catull., p. 97.)

Looking-glasses were generally small, and such as could be carried in the hand. Most of those which are preserved in our museums are of this kind; they usually have a handle, and are of a round or oval shape. Their general form is shown in the preceding woodcut.¹

Instead of their being fixed so as to be hung against the wall, or to stand upon the table or floor, they were generally held by female slaves before their mistresses when dressing,² which office was also performed sometimes by the lover, when admitted to the toilet of his mistress.³ On ancient vases we sometimes find female slaves represented holding up mirrors to their mistresses.⁴

Looking-glasses, however, were also made of the length of a person's body (*specula totis parva corporibus*), of which kind the mirror of Demosthenes must have been.⁵ They were fastened to the walls sometimes (*speculum parieti affixum*), though not generally. Suetonius, in his life of Horace, speaks of an apartment belonging to that poet which was lined with mirrors (*speculatum cubiculum*), which expression, however, Lessing considers as contrary to the Latin idiom, and therefore regards the whole passage as a forgery. That there were, however, rooms ornamented in this way, is probable from Claudian's description of the chamber of Venus, which was covered over with mirrors, so that whichever way her eyes turned she could see her own image.⁶ We frequently find the mirror mentioned in connexion with Venus,⁷ but Minerva was supposed to make no use of it.¹⁰

SPEIRON (σπειρον). (Vid. PALLIUM, p. 720.)

SPHÆRISIS (σφαίρισις). (Vid. GYMNASIUM, p. 483.)

SPHÆRISTERIUM. (Vid. BATHS, p. 153; GYMNASIUM, p. 483.)

*SPHACELOS (σφάκελος), the *Salvia hortensis*, or common Sage.¹¹

*SPHENDAMNOS (σφένδαμνος), a species of Maple. Sprengel hesitates between the *Acer Pseudo-platanus* and the *Creticum*; Stackhouse between the former and the *A. campestris*. The γλευίνος and ζυγία are varieties or synonymes of it.¹²

SPHENDONETÆ (σφενδονήται). (Vid. FUNDA.)

*SPHEX (σφήξ), a term applied to the *Vespa vulgaris*, or common Wasp, but sometimes misapplied to the *Vespa crabro*, or Hornet.¹³

SPHRAGIS (σφραγίς). (Vid. RINGS, p. 839.)

*SPHYRÆNA (σφύραϊνα), a species of fish somewhat larger than the pike, and found only in the Mediterranean. "It is the *Esox Sphyræna*, L., or *Sphyræna*, Lacepede. In Italian, *Luzzo marino*; in French, *Spet*. The κέστρα of Athenæus is the same as the σφύραϊνα. Oppian mentions two species, the former of which is the one just described. Rondelet calls the other *Sphyræna parva*; in French, *Hautin*."¹⁴

SPHYRELATON (σφυρήλατον). (Vid. BRONZE, p. 177.)

SPICULUM. (Vid. HASTA, p. 489.)

*SPINA (ἄκανθα), the Thorn. (Vid. ACANTHA.)

1. Caylus, Recueil d'Ant., vol. v., pl. 62.)—2. (Propert., iv., 7, 75, 76.)—3. (Ovid, Ar. Am., ii., 216.)—4. (Tischbein, Engraving from Anc. Vases, i., pl. 10.)—5. (Senec., Quest. Nat., i., 17.)—6. (Quint., Inst. Orat., xi., 3, § 68.)—7. (Dig. 34, tit. 2, s. 19, § 8.—Vitruv., ix., 6 (9), p. 250, ed. Bip.)—8. (Hymn. in Nupt. Honor. et Mar., 106, &c.)—9. (Athen., xv., p. 687, c.)—10. (Callim., Hymn. in Lavacr. Pallad., 17.—Spanheim, Observ. in Callimachi Hymnum in Lavacrum Palladis, p. 547, Ultraj., 1697.—Mé-nard, Recherches sur les Miroirs des Anciens in l'Histoire de l'Académie des Inscr., xxiii., p. 140.—Caylus, Recueil d'Antiquités, iii., p. 331; v., p. 175.—Beckmann, History of Inventions, vol. iii., p. 164, transl.—Böttiger, Sabina, i., p. 133, 152; ii., p. 145, 169.—Griechischen Vasengemälden, iii., p. 46.—Becker, Gallus, i., p. 97; ii., p. 111.)—11. (Theophr., H. P., vi., 1.—12. (Theophr., H. P., iii., 3; v., 3.—Adams, Append., s. v.)—13. (Adams, Append., s. v.)—14. (Aristot., H. A., ix., 2.—Ælian, N. A., i., 33.—Plin., H. N., xxxii., 11.—Adams, Append., s. v.)

SPINTER or SPINTHER. (Vid. ARMILLA, p. 96.)

SPIRA, *dim.* SPIRULA,¹ the base of a column. This member did not exist in the Doric order of Greek architecture (*vid.* COLUMNA), but was always present in the Ionic and Corinthian, as well as the Attic (*vid.* ATTICURGES), which may be regarded as a variety of the Ionic. The term occurs frequently in Vitruvius² and in Pliny.³ They adopt it from the writings of Greek architects, whose works have perished. It is, in fact, the Greek σπειρα, which was applied to this member of a column,⁴ probably on account of its resemblance to a coil of rope. In ancient Greek inscriptions, *επιρ* denotes the base both of Ionic and Corinthian columns, being applied to those of the temples of Minerva Polias at Athens,⁵ and of Jupiter at Labranda.⁶

In the Tuscan and the Roman Doric the base consisted of a single torus,⁷ sometimes surmounted by an astragal. In the Ionic and Attic it commonly consisted of two tori (*torus superior* and *torus inferior*) divided by a *scotia* (τροχιλος), and in the Corinthian of two tori divided by two *scotia*. The upper torus was often fluted (ράβδος), and surmounted by an astragal (*vid.* ASTRAGALUS), as in the left-hand figure of the annexed woodcut, which shows the form of the base in the Ionic or Attic temple of Panops on the Ilissus. The right-hand figure in the same woodcut shows the corresponding part in the Temple of Minerva Polias at Athens. In this the upper torus is wrought with a pleated ornament, perhaps designed to represent a rope or cable. In these two temples the *spira* rests, not



upon a plinth (*plinthus*, πλίνθος), but on a podium. In Ionic buildings of a later date it rests on a square plinth, corresponding in its dimensions with the ABACUS.

SPITHAME (σπιθαμή). (Vid. PES, p. 763.)

*SPIZA (σπίζα), a species of bird, "generally held to be the Chaffinch, to which Rennie has given the scientific name of *Fringilla Spiza*, instead of the misnomer given to it by Linnaeus, namely, *Fringilla caelebs*. I cannot help thinking it doubtful, however, whether the σπίζα of Aristotle be the chaffinch, seeing he compares the mispel-thrush to the σπίζα, and it is well known that the former is much larger than the chaffinch."⁸

*SPODIAS (σποδίας). According to Sprengel, the *Prunus insititia*, or Bullace-tree.⁹

SPOLIA. Four words are commonly employed to denote booty taken in war, *Præda*, *Manubia*, *Uwia*, *Spolia*. Of these, *præda* bears the most comprehensive meaning, being used for plunder of every description. (*Vid.* POSTLIMIUM.) *Manubia* would seem strictly to signify that portion of the spoil which fell to the share of the commander-in-chief.¹⁰

1. (Serv. in Virg., Æn., ii., 217.)—2. (iii., 3, § 2, 4, § 1, 2, § 1-4; iv., 1, § 7; v., 9, § 4, ed. Schneider.)—3. (H. N., xvi., 5, § 4; 24, s. 56.)—4. (Pollux, Onom., vii., 121.)—5. (C. Müller, Minerva Polias Sacra, p. 35, 50.—Böttig., Corp. Inscr. Gr., i., 261-286.)—6. (C. Fellows, Excursus in Asia Minora, p. 262, 331.)—7. (Festus, s. v. Spira.)—8. (Aristot., H. A., viii., 3.—Adams, Append., s. v.)—9. (Theophr., iii., 2.—Adams, Append., s. v.)—10. (Cic., c. Rull., ii., 20; c. Verr., ii., 1, 2, and the note of the Pseudo-Asconius.)

of which were frequently applied to some public building.¹ Aulus Gellius endeavours to prove that we must understand the money which the quaestor takes the sale of those objects which consist; but the following passage, adduced in a garbled form (for he omits the in roman), when quoted fairly, is sufficient to show his views: "Aurum, argentum, ex rebus, ex coronario, ad quoscunque per term *Eruvia* indicates anything strip- person of a foe, while *Spolia*, properly at to be confined to armour and weap- both words are applied loosely to tro- chariots, standards, beaks of ships, which might be preserved and dis-

posed in ancient ages, no victory was considered as complete unless the conquerors could succeed in the bodies of the slain, the spoils thus ob- tained (like scalps among the North Americans) as the only unquestionable evi- dence of successful valour; and we find in Homer, the champions came forward to contend in combat, the manner in which the bodies of the vanquished were to be disposed of was the subject of a regular compact between the belligerents.

Among the Romans, spoils taken in war were considered the most honourable of all, and were to have twice stripped an enemy, in the case of a soldier, entitled the soldier to promotion;² in the second Punic war, Fabius, when he had secured numerous vacancies in the senate, proposed a law, that the slaughter at Cannæ and by other disasters, after having selected such as had the great offices of state, named *qui spolia ex hoste fixa domi habent, nonnam accipissent*.³ Spoils collected in the field after an engagement, or found in the town, were employed to decorate the temples of the gods, triumphal arches, porticoes, and places of public resort, and sometimes, in extreme need, served to arm the people with arms which were gained by individual soldiers. The property considered the most honourable, was the property of a successful combatant, and were exhibited in the most conspicuous part of his dwelling,⁴ being hung in the atrium, suspended from the door- way, or displayed in the vestibulum, with appropriate ornaments.⁵ They were regarded as peculiarly sacred, that, even if the house was sold, the spoils were not permitted to remove them.⁶ An instance of this occurred in the case of Pompey, which was decorated with the spoils of ships captured in his war against the pirates, the house passed into the hands of Antonius, and was eventually inherited by Octavian, or Gordian, in whose time it appears to have retained its ancient ornaments.⁷ But on the other hand, it was unlawful to remove the spoils from the place where they had fallen down or become decayed, the object of this regulation being to guard against the frauds of false pres-

ents, the most important were the *spolia*

1. l. c.—Plin., H. N., vii., 26.—2. (xiii., 24.)—3. (ii., 22.)—4. (Vid. Dederlein, Lat. Syn., vol. i., p. 869.—Habicht, Syn. Hand- buch, 758.)—5. (Horn., li., vii., 75, &c.; xiii., 254, &c.; ii., 7, & 14.)—7. (Liv., xxiii., 23.)—8. (Id., 21; x., 47.—Val. Max., viii., 6, & 1.—Silius, x., vi., 39.)—10. (Liv., x., 7, xxxviii., 43.—Cic., de Suet., Nero, 28.—Virg., Æn., ii., 504; iii., 54.—Propert., iii., 9, 26.—Ovid., Ar. Am., ii., 446.)—11. (Plin., H. N., xxxv., 2.)—12. (Cic., de Capto. Gordian. 3.)—14. (Plutarch. Quæst.

opima, a term applied to those only which the commander-in-chief of a Roman army stripped in a field of battle from the leader of the foe.¹ Festus² gives the same definition as Livy, but adds, "*M. Varro ait opima spolia esse [etiam] si manipularis miles detraxerit dummodo duci hostium*," a statement, if correctly quoted, directly at variance with the opinion generally received and acted upon. Thus, when M. Crassus, in the fifth consulship of Octavianus (B.C. 29), slew Deldo, king of the Bastarnæ, he was not considered to have gained *spolia opima*, because acting under the auspices of another;³ and Plutarch⁴ expressly asserts that Roman history up to his own time afforded but three examples. The first were said to have been won by Romulus from Acro, king of the Cæninenses; the second by Aulus Cornelius Cossus from Lar Tolumnius, king of the Veientes; the third by M. Claudius Marcellus from Viridomarus (or Βριτόμαρος, as he is called by Plutarch), king of the Gætæ. In all these cases, in accordance with the original institution, the spoils were dedicated to Jupiter Feretrius. The honours of *spolia opima* were voted to Julius Cæsar during his fifth consulship (B.C. 44, the year of his death), but it was not even pretended that he had any legitimate claim to this distinction.⁵ (The question with regard to the true definition of *spolia opima* is discussed with great learning by Perizonius.⁶)

SPONDA. (Vid. LECTUS, p. 573.)

SPONDIO. (Vid. OBLIGATIONES, p. 672.)

*SPONDYLE or SPONDYLE (σπονδύλη or σπονδύλη), "an insect noticed by Aristotle and Theophrastus, and about which there has been much diversity of opinion. Some suppose it the *Gryllotalpa*; some the larva of the *Scarabæus melolontha*; and others a species of *Blatta*. Stackhouse offers another conjecture, that it is the *Julus*, L."⁷

*SPONDYLUS (σπόνδυλος), a small species of oyster, mentioned by Galen and Pliny; probably the Prickly Oyster, a species of the genus *Spondylus*.⁸

SPONGIA. (Vid. PAINTING, p. 704.)

*II. SPONGIA (σπογγία), Sponge, or *Spongia officinalis*. "The animal nature of the sponge is distinctly and repeatedly indicated by Aristotle. Of the three kinds, the *μάκρος*, the *πίκνος*, and the *Ἀχίλλειος*, it is difficult to specify exactly the last two; but the first may be confidently pronounced to be the *Spongia officinalis*." Dr. Vincent derives the term "sponge," through the Greek, from the Arabic *suffange* (s'funge, s'phunge, spunge).⁹

SPONSA, SPONSUS. (Vid. MARRIAGE, ROMAN, p. 623.)

SPONSA LIA. (Vid. MARRIAGE, ROMAN, p. 623.)

SPONSOR. (Vid. INTERCESSIO, p. 541.)

SPORTULA. In the days of Roman freedom, clients were in the habit of testifying respect for their patron by thronging his atrium at an early hour, and escorting him to places of public resort when he went abroad. As an acknowledgment of their courtesies, some of the number were usually invited to partake of the evening meal. After the extinction of liberty, the presence of such guests, who had now lost all political importance, was soon regarded as an irksome restraint, while, at the same time, many of the noble and wealthy were unwilling to sacrifice the pompous display of a numerous body of retainers. Hence the practice was introduced, under the Empire, of bestowing on each client, when he presented himself for his morning visit, a certain portion of food as a substitute and compensation

1. (Liv., iv., 20.)—2. (s. v. Opima.)—3. (Dion Cass., li., 24.—Compare Val. Max., iii., 2, & 6.)—4. (Marcell., 8.)—5. (Dion Cass., xlv., 4.)—6. (Animad. Hist., c. 7.)—7. (Aristot., H. A., v., 7.—Theophr., H. P., ix., 14.—Adams, Append., s. v.)—8. (Adams, Append., s. v.)—9. (Aristot., H. A., i., 1.—Adams, Append., s. v.—Vincent's Anc. Commerce, vol. ii., p. 78, in nota.)

or the occasional invitation to a regular supper [*caena recta*]; and this dole, being carried off in a little basket provided for the purpose, received the name of *sportula*. Hence, also, it is termed by Greek writers on Roman affairs *δείπνον ἀπὸ σπορίδος*, which, however, must not be confounded with the *δείπνον ἀπὸ σπορίδος* of earlier authors, which was a sort of picnic.¹ For the sake of convenience, it soon became common to give an equivalent in money, the sum established by general usage being a hundred quadrantes.² Martial, indeed, often speaks of this as a shabby pittance (*centum miselli quadrantes*), which, however, he did not scorn himself to accept,³ but, at the same time, does not fail to sneer at an upstart who endeavoured to distinguish himself by a largess to a greater amount on his birthday.⁴ The donation in money, however, did not entirely supersede the *sportula* given in kind; for we find in Juvenal a lively description of a great man's vestibule crowded with dependants, each attended by a slave bearing a portable kitchen to receive the viands, and keep them hot while they were carried home.⁵ If the sketches of the satirist are not too highly coloured, we must conclude that in his time great numbers of the lower orders derived their whole sustenance, and the funds for ordinary expenditure, exclusively from this source, while even the highborn did not scruple to increase their incomes by taking advantage of the ostentatious profusion of the rich and vain.⁶ A regular roll was kept at each mansion of the persons, male and female, entitled to receive the allowance; the names were called over in order, the individuals were required to appear in person, and the almoner was ever on his guard to frustrate the roguery of false pretenders,⁷ whence the proverb quoted by Tertullian,⁸ "*sportulam furunculus captat*." The morning, as we have seen above,⁹ was the usual period for these distributions, but they were sometimes made in the afternoon.¹⁰

Nero, imitating the custom of private persons, ordained that a *sportula* should be substituted for the public banquets (*publica caena*) given to the people on certain high solemnities; but this unpopular regulation was repealed by Domitian.¹¹

When the Emperor Claudius, on one occasion, resolved unexpectedly to entertain the populace with some games which were to last for a short time only, he styled the exhibition a *sportula*; and in the age of the younger Pliny, the word was commonly employed to signify a gratuity, gift, or emolument of any description.¹²

(Compare a dissertation on the *sportula* by Buttmann, in the *Kritische Bibliothek* for 1821.—*Vid.* also Becker, *Gallus*, i., p. 147.)

STABULARIUS. (*Vid.* RECEPTA ACTIO.)

*STACTE (*στάκτη*). (*Vid.* SMYRNA.)

STADIUM (*ὁ στάδιος* et *τὸ στάδιον*), I. A Greek measure of length, and the chief one used for itinerary distances. It was adopted by the Romans, also, chiefly for nautical and astronomical measurements. It was equal to 600 Greek or 625 Roman feet, or to 125 Roman paces; and the Roman mile contained 8 stadia.¹³ Hence the stadium contained 606 feet 9 inches English. (*Vid.* PÆS.) This standard prevailed throughout Greece under the name of the Olympic stadium, so called because it was the exact length of the stadium or footrace-course at Olympia, measured between the pillars at the two extremities of the course. The first use of the

measure seems to be contemporaneous with the formation of the stadium at Olympia, when the Olympic games were revived by Iphitus (B.C. 884 or 883). This distance doubled formed the *δίαυλος*, the *ἰσηκόν* was 4 stadia, and the *δολιχος* is differently stated at 6, 7, 8, 12, 20, and 24 stadia.

It has been supposed by some authors that there were other stadia in use in Greece besides the Olympic. The most ancient writers never either say or hint at such a thing; but when we compare the distances between places, as stated by them in stadia, with the real distances, they are found almost invariably too great if estimated by the Olympic stadium, never too small. Hence the conclusion has been drawn, that the Greeks used for itinerary measurements a stade much smaller than the Olympic. Major Rennell, who analyzes several of these statements, gives 505½ feet for the value of the itinerary stade.¹ It is, however, scarcely credible, that these authors, some of whom expressly inform us that the stade contained 600 feet, should reckon distances by another stade without giving any intimation of the fact, especially as they usually warn their readers when they speak of measures differing from the common standard.² The real cause of the error in the itinerary distances of the Greeks is explained by Ukert in a way which seems decisive of the question.³ The most ancient mode of reckoning distances among the Greeks, as among most other nations, was by the number of days required to perform the journey. When the stadium was brought into use, the distances were still computed by days' journeys, but transferred into stadia by reckoning a certain number of stadia to a day's journey.⁴ It is evident that nearly all the distances given by the ancient Greek writers were computed, not measured. The uncertainties attending this mode of computation are obvious; and it is equally obvious that, as a general rule, the results would be above the truth. At sea the calculation was made according to the number of stadia which could be sailed over in a day by a good ship, in good order, and with a fair wind. Any failure in these conditions (and some such there must always have been) would increase the number of days' sail, and therefore the calculated distance when reduced to stadia. Similarly on land a day's journey was reckoned equal to the number of stadia which a good traveller (*ἀγρὸν ἀνδρῶν*) could perform in a day, which, for obvious reasons, would generally exceed the space passed over under ordinary circumstances. Even the Greeks themselves are not agreed as to the number of stadia in a day's journey. Herodotus⁵ gives 700 stadia for the voyage of a sailing ship by day, 600 by night. Most commonly 1000 stadia were reckoned as a 24 hours' voyage, but under unfavourable circumstances scarcely 500 were performed.⁶ Allowance must also be made for the windings of the coast, the difficulties of the navigation, the currents of the sea, the skilfulness of the seamen, and other circumstances.

A day's journey by land was reckoned at 200 or 180 stadia,⁷ or for an army 150 stadia.⁸ And here also delays would often occur. The ancients themselves differ widely in their accounts of distances, not only as compared with the true distances, but with one another, a fact which the theory of a separate itinerary stade cannot account for, but which is a natural result of their mode of reckoning, as explained above.

The following testimonies are advanced in sup-

1. (Athen., viii., c. 17.)—2. (Juv., i., 120.—Mart., x., 70, 75.)—3. (iii., 7.—Compare i., 60; iii., 14; x., 74.)—4. (x., 75.)—5. (x., 28.)—6. (iii., 249.)—7. (Juv., i., 95.)—8. (Juv., i., c.)—9. (c. Maecion., iii., 16.)—10. (Juv., i., 128.)—11. (Mart., x., 70.)—12. (Suet., Nero, 16; Dom., 7.—Mart., viii., 50.)—13. (Plin., Ep., ii., 14; x., 118.)—14. (Herod., ii., 149.—Plin., H. N., ii., 23, & c.)—Columell., R. R., v., 1.—Strabo, vii., p. 497.)

1. (Geog. of Herod., sec. 2.)—2. (Herod., ii., 2, 17, 88, &c.—Plin., H. N., vi., 30.)—3. (Geog. der Griech. und Römer, i., p. 56, &c.—Ueber die Art der Gr. und Röm. die Entfernungen zu bestimmen.)—4. (Herod., iv., 85, 86.)—5. (Id., iv., 86.)—6. (Plin., Tyn. ap. Ptolem., Geog., i., 17.)—7. (Herod., iv., 101.—Ptolem., i., 33.—Ptol., i., 9.)—8. (Herod., v., 52—54.)

of different stadia. Censorinus, at the time of Alexander Severus, after astronomical measurements of Eratosthenes, says that by the stadium he must understand "the stadium of Italy, of 625 feet, for there are others of different lengths, as the Olympic of 600 feet, and the Pythian, of passage is evidently a complication of the "Italic stadium," unknown elsewhere the same as the Olympic, but in fact, of which it contained 625 feet, of 600 feet," is the same in Greek as given for the Pythian stadium is for the Olympic racecourse was the same (as appears from the passage of Pausanias), and, besides, Censorinus calls the racecourses named stadia of the same name; for it is not the former were of different lengths, never varied.

Plutarch quotes from Plutarch to the effect measured out the stadium at Olympia at 600 feet long; and that other stadia were established in the same number of feet, these in the Olympic in the proportion of Hercules exceeded that of other ever there is of fact in this story to the courses themselves, not the that he speaks of is "curriculum stantent that the other stadia, besides originally 600 feet long, is probably Plutarch's.

It has been made, especially by Romé de Hélian, to prove the existence and lengths of different stadia from the assigned by ancient writers to a earth. But surely it is far more to these different values as a proof that the ancients did not know the great circle, than, first assuming that knowledge, to explain them as refer-standards.

Therefore, there seems no reason different stadia existed before the Christian era.

Now, however, we do find varieties of which are those of 7 and mile.²

Table of supposed varieties of the Hussey's *Ancient Weights, &c.*:

	Yards.	Feet.	Inches.
to Aristotle's of the earth's	109	1	2-26992
al stade com- for Rennell . . .			
	168	1	6
	202	0	9
the Roman mile	215	2	2-4
Roman mile . .	231	0	5-124

As mentioned above that the Olympic was called a stadium, and the same throughout Greece wherever games.

It was originally intended for the other contests which were added a time to time (*vid. OLYMPIC GAMES*) held in the stadium, except the horse- place was set apart, of a similar stadium, but larger: this was called *ἰσπιδρόμος*.

It was an oblong area terminated at right line, at the other by a semi-

circle having the breadth of the stadium or its base. Round this area were ranges of seats rising above one another in steps.

It was constructed in three different ways, according to the nature of the ground. The simplest form was that in which a place could be found which had by nature the required shape, as at Laodicea. Most commonly, however, a position was chosen on the side of a hill, and the stadium was formed on one side by a natural slope, on the other by a mound of earth (*γῆς χῶμα*), as at Olympia, Thebes, and Epidaurus.¹ Sometimes, however, the stadium was on level ground, and mounds of earth were cast up round it to form seats, and covered with stone or marble. We have two celebrated examples of this construction in the Pythian stadium at Delphi and the Panathenaic at Athens. The former was originally constructed of Parian stone, and afterwards covered with Pentelic marble by Herodes Atticus,² who adorned in the same manner the stadium at Athens, which had been originally constructed on the banks of the Ilissus by the orator Lycurgus. The marble covering, which took four years to complete, has now disappeared, but the area is still left, with some ruins of the masonry.³

The stadium sometimes formed a part of the buildings of the gymnasium (*vid. GYMNASIUM*), at other times it was placed in its neighbourhood, and often, as at Athens, stood entirely by itself. That at Olympia was in the sacred grove called Altis.

The size of the stadium varied both in length and breadth. The general length was, as above stated, the geographical stadium of 600 Greek feet. This was not, however, the total length, but only the distance between the pillars at the two ends, and it was exclusive of the semicircular end of the area.

The accounts left by ancient writers of the arrangement of the parts of the stadium are scanty, but, from a comparison of them with existing remains of stadia, we may collect the following particulars.

At one end a straight wall shut in the area, and here were the entrances, the starting-place for the runners, and (at Olympia) an altar of Endymion. At the other end, at or near the centre of the semicircle, and at the distance of a stadium from the starting-place, was the goal, which was the termination of the simple footrace, the runners in which were called *σταδιοδρόμοι*: the race itself is called *στάδιον* and *δρόμος*. In the *διανλος δρόμος*, the racers turned round this and came back to the starting-place. The starting-place and goal had various names. The former was called *ἀφῆσις*, *γραμμή*, *ὑσπληξ*, and *βαλβίς*: the latter, *τέρμα*, *βατήρ*, *τέλος*, *καμπτήρ*, and *νύσσα*. The term *γραμμή* is explained as the line along which the racers were placed before starting; *ὑσπληξ*, which means the *lash of a whip*, is supposed to have been a cord which was stretched in front of the racers to restrain their impatience, and which was let fall when the signal was given to start; the name *καμπτήρ* was applied to the goal because the runners in the *διανλος* and *δολιχος* turned round it to complete their course. These terms are often applied indifferently to the starting-place and the goal, probably because the starting-place was also the end of all races except the simple *στάδιον*. The starting-place and goal were each marked by a square pillar (*στήλαι*, *κίονες κυβοειδεις*), and half way between these was a third. On the first was inscribed the word *ἀρίστευε*, on the second *σπεύθε*, and on the third *κάμψον*. The *δολιχοδρόμοι* turned round both the extreme pillars till

c. 13.)—2. (i., 1.)—3. (Wurm, De Pond.,

1. (Pausan., ii., 27, § 6; vi., 20, § 5, 6; ix., 23, § 1.)—2. (Id. x., 32, § 1.)—3. (Id., i., 19, § 7.—Leake's Topog. of Athens.)

they had completed the number of stadia of which their course consisted.¹

The semicircular end of the area, which was called *σφενδομή*, and was not used in the races, was probably devoted to the other athletic sports. This *σφενδομή* is still clearly seen in the Ephesian and Messenian stadia, in the latter of which it is surrounded by 16 rows of seats. The area of the stadium was surrounded by the seats for spectators, which were separated from it by a low wall or podium.

Opposite to the goal on one side of the stadium were the seats of the hellanodicae, for whom there was a secret entrance into the stadium (*κρυπτή ἐσοδος*), and on the other side was an altar of white marble, on which the priestesses of Demeter Chamyne sat to view the games. The area was generally adorned with altars and statues.

Such was the general form and arrangement of the Greek stadium. After the Roman conquest of Greece, the form of the stadium was often modified so as to resemble the amphitheatre, by making both its ends semicircular, and by surrounding it with seats supported by vaulted masonry, as in the Roman amphitheatre. The Ephesian stadium still has such seats round a portion of it. A restoration of this stadium is given in the following woodcut, copied from Krause.



A is the boundary wall at the aphesis, 77 feet deep. B C the sides, and D the semicircular end, of the same depth as A; F F the area, including the *σφενδομή*; b b pieces of masonry jutting out into the area; e e the entrances; from o to P is the

length of an Olympic stadium; from q—z of amphitheatrical seats mentioned above (OLYMPIC GAMES.)

STALA'GMIA. (Vid. INAURIS, p. 533)

*STANNUM, the same with the *Plumbum* of the Romans or *κασσίτερος* of the Greeks. "Pyramidal Tin Ore" of Jameson, or Ox "The Phœnicians, at a very early period acquainted with the tin ores of Cornwall. They had vessels of tin as early as the days of the *κασσίτερος* of the Greeks, and referred to Beckmann's *History of Invention* p. 1, &c. Heeren says of this work, 'first shown that the Latin *stannum* may be derived from the *κασσίτερος*. The former is what the German smelting-houses, is called *weck*, is the *Plumbum album* of the Romans,' and tin," observes Dr. Moore, "are made we have the best reason for treating them as the same metal, since the ancients frequently confused them; and, however strange may appear, nevertheless, in Hebrew, Arabic, Greek, &c. are often indifferently used. The Greeks they would distinguish the two metals, *κασσίτερος*, and lead *μόλυβδος*; but as they at the present day call pewter *tain*, and it with pure tin, so did the Greeks call under the name *κασσίτερος* various alloys of lead or other metal; and some such Homerus is supposed to mean when he speaks of tin (as used in the fabrication or ornament of various pieces of armour. The Romans distinguished *leucum* into black and white. The latter (*album*) was the more precious, Pliny says what the Greeks called *κασσίτερος*. *Plumbum* is sometimes called *stannum*, while on some occasions the latter is spoken of as somewhat different, in which case it may have been an alloy of tin and lead, or, as Beckmann thinks, of lead; or it may have been designated by a name merely because obtained from a different place, from an ore of different appearance, or some different process; since any one of these names, was anciently sufficient ground of distinction between substances that were identical. If the alliance could be placed on Pliny's account, in a matter of this kind, we might infer, from what he says of the mode in which *stannum* was obtained, that the ancients were acquainted with a mineral galena containing also tin. Beckmann, however, in his examination of this passage, is of opinion that lead is seldom found without, but that silver, has never been found with, silver. He is of opinion that the passage in question cannot be fully explained with any explanation, yet he thinks it is to be brought to conviction that the *stannum* of the ancients was not tin, but a mixture of silver and lead, as the German smelting-houses *weck*. It is true, however, that the names *stannum* and *tin*. He supposes the oldest *κασσίτερος* to have been nothing else than the *stannum* of the Romans. Aristotle, however, relating a phenomenon applicable to tin, calls the metal *τὸν κασσίτερον τὸν κόβν.*"¹²

STATER (*στατήρ*), which means simply a weight (in this case both of weight and more properly of money), was the name of the principal coin of Greece, which was also called *χρυσός* (gold). The general subject of Greek gold

1. (Krause, Die Gymnastik und Agonistik des Alterthums, p. 131, § 14.—Müller's Archæol. der Kunst, § 290.)—2. (Pliny, xiv., 47.—Isid., Orig., xvi., 21.—Nubis, 22.—Heeren's Hist. Researches, vol. vi., p. 167.—Müller's, s. v.—Moore's Ancient Mineralogy, p. 44, 61.)

1. (Schol. ad Soph., Electr. 691.)

is discussed under *AURUM*, where it is stated that the Greeks obtained their principal supply of gold from Asia. To the same quarter we must look for the origin of their gold money. The daricus, which came to them from Persia, has been already mentioned. (*VID. DARICUS.*) The stater is said to have been first coined in Lydia by Cræsus. To this country, indeed, one tradition ascribes the origin of gold and silver money; but, be this as it may, the stater of Cræsus was the first gold coin with which the Greeks were acquainted.² Pollux asserts that these staters were undoubtedly made of the pale gold or electrum which was obtained down from Tmolus by the Pactolus, and Sophocles speaks of as Sardinian electrum.³ *AURUM*, according to Pliny,⁴ was gold containing one part of $\frac{1}{4}$ th part of silver. There is in the British Museum collection (plate 66, fig. 1) a very ancient specimen of this pale gold, of an oval, ball-like shape, stamped with the figure of a man kneeling, holding a staff in his left hand, and in his right a knife pointing downwards, which Pinkerton takes for a coin of Cræsus, but respecting which nothing more can be said with safety than that it is a very ancient specimen of Asiatic money. Its weight is 248½ English grains, or about that of the Attic tetradrachm, which is twice the weight of the stater. This, therefore, would be a double stater.⁵ At all events, in the absence of certain specimens of the Lydian standard of any express statement of its value, we must suppose, from the very silence of the Greek writers, that it did not differ materially from the stater which was afterward current in Greece, and which was equal in weight to two drachmæ, and in value to twenty.⁷



MACEDONIAN STATER. BRITISH MUSEUM.

The following were the principal Greek staters: the Attic stater, which has been spoken of under *DRACHMA*. The weights of the coins there mentioned are 232.7, 132.6, and 132.75 grains, the average of which is 132.5875 grains, which only falls a little below the weight of the Attic didrachm by a little more than half a grain. (*VID. DRACHMA.*) The Attic coins are remarkably pure. The stater of Cyzicus was common in Greece, especially at Athens. We learn from Demosthenes⁸ that at a particular period (a little after B.C. 335) a stater passed on the Bosphorus for 28 Attic drachmæ, which, by a comparison with the then value of the daricus (*VID. DARICUS*), would give for the stater about 180 grains. Several Cyzicene staters exist, but none of them come up to this weight. Hence we may conclude that the price of gold on the Bosphorus was at that time unusually high. Some of the existing coins give 160 grains, others not more than 120, for the weight of the Attic stater, so that the element of this coinage to have been a piece of 40 grains. Its value, estimated from the number of drachmæ it passed for, would be 1*l.* 2*s.* 9*d.*

The stater of Lampsacus is mentioned in an inscription of B.C. 434. Several gold coins of Lampsacus are extant: they may be known by

the impression of a seahorse upon them. There are two in the British Museum, of the weight of about 129 grains, which is just that of the daricus. The weights of the Lampsacene staters are very unequal; and both Lampsacus and Cyzicus appear to have had gold coins which were multiples of different standards.

4. The stater of Phocæa is mentioned by Thucydides¹ and Demosthenes² as in circulation in their times. Sestini gives several of these, the largest of which, stamped with a Φ , weighs 255.42 English grains. This is a double stater, giving a single one of 127.71 grains, or 5 grains less than the Attic, and seems to follow the standard of the daricus. Most of the others are thirds of the stater, and of a lighter comparative weight. There was also at Athens a Phocæan coin called *ἐκτη*,³ which may have been either the sixth of the stater or (Mr. Hussey conjectures) of the mina. Hesychius⁴ mentions the *ἐκτη*, *τρίτη*, and *τετάρτη* as coins of gold, or silver, or copper. There was a gold coin (of what state we are not told) called *ἡμίλεκτον*, which was worth eight silver obols.⁵ This stood in the same relation to the stater as the obol to the didrachm, namely, one twelfth, and was, therefore, probably equal to the obol in weight. Its low value (giving the proportional worth of gold to silver as 1 to 1) may be accounted for by supposing that it was, like the Phocæan coins, of a light standard, or that the gold in it was not very pure.

5. The stater of Macedonia was coined by Philip II. and Alexander the Great after the standard of the Attic didrachm, and of very fine gold. Under those princes it came into general circulation in Greece and throughout the Macedonian empire. The extant specimens of this coinage are very numerous.

Mr. Hussey gives the following report of an assay which was made for him of a stater of Alexander:

Gold,	11 oz. 9 dwts. 6 grs.
Silver,	18 "
Alloy,	0

The silver is an accidental admixture, or, if known to be present, was not allowed for, so that this coin may be reckoned at 133 grains of fine gold. Our sovereign, after deducting the alloy, contains 113.12 grains of fine gold. Therefore the Macedonian stater = $\frac{133}{113.12}$ of the English sovereign, or 1*l.* 3*s.* 6*d.*

0.672 farthing. The average is, however, a little below this stater, but not more so than is due to wear. The stater of Philip was very recently current in Greece at the value of about 25 shillings. This standard was preserved, or very nearly so, under the later Macedonian kings, and was adopted by other states, as Epirus, Ætolia, Acarnania, and Syracuse.

Besides the staters noticed above, most of the cities of Ionia had gold coins, but their value is very doubtful. There are specimens in existence from Chios, Teos, Colophon, Smyrna, Ephesus, and many other places. Samos, Siphnus, Thasos, the Greek cities of Sicily, and Cyrene, had gold money at an early period.

Pollux mentions a Corinthian stater as used in Sicily, which he calls *δεκάλιτρος στατήρ*, and makes equal to ten Æginetan obols.⁶ The explanation of this statement is very difficult, and depends in a great measure on the disputed question whether the Corinthian money followed the Attic or the Æginetan standard.⁷

¹ Herod., i. 94.—² Herod., i. 84.—Pollux, Onom., iii. 84.—³ (Metrolog. Untersuch., p. 129.)—⁴ (Antiq., i. 23.)—⁵ (Böckh, l. c.)—⁶ (Hesych., s. v. ἐκτὴ—Pollux, Onom., iv. 173.—Harpocrat., s. v. Δαρικός.)—⁷ Phorm., p. 914.)

¹ (iv., 52.)—² (in Bnot., p. 1019.)—³ (Böckh, Inscript., 150.)—⁴ (s. v. ἐκτὴ.)—⁵ (Crates ap. Poll., Onom., ix. 62; and Meuschen, Frag. Comic., ii., p. 241.)—⁶ (Pollux, Onom., iv. 174.)—⁷ (ix., 80.)—⁸ (Compare Hussey c. iv., s. 2, with Böckh, Metrolog. Untersuch., vii., 8.)

In calculating the value of the stater in our money, the ratio of gold to silver must not be overlooked. Thus the stater of Alexander, which we have valued, according to the present worth of gold, at 1*l.* 3*s.* 6*d.*, passed for twenty drachmæ, which, according to the present value of silver, were worth only 16*s.* 3*d.* But the former is the true worth of the stater, the difference arising from the greater value of silver in ancient times than now. (*Vid.* ARGENTUM.)

Besides the stater itself, there were, as appears from the above remarks, double staters, and the halves (*ἡμιχρυσοὶ, ἡμιστατήρες*), quarters, thirds, sixths, and twelfths of the stater. The coins of the last four denominations are, however, much less common than the single, double, and half staters.

The term *στατήρ*, in later times, was applied to the silver tetradrachm, but whether it was so used in the flourishing times of Athens is doubtful. (*Vid.* DRACHMA.)

It was also used in reference to weight, apparently like the Hebrew *shekel* and the Latin *pondo*, in a general sense. The ΜΙΝΑ¹ and the Sicilian ΛΙΤΡΑ² are both called stater.³

STATI DIES. (*Vid.* DIES, p. 362.)

STATIONES. (*Vid.* CASTRA, p. 222.)

STATIONES FISCI. The FISCUS was divided into various departments, called *stationes*, according to the different revenues belonging to it.⁴ Thus we read of a *statio XX. hereditarium*,⁵ a *statio hereditarium*,⁶ a *statio annona*.⁷

STATIONES MUNICIPIO-RUM, mentioned by Pliny,⁸ are supposed by Niebuhr⁹ to be places by the side of the comitium allotted to municipals, that they might hear the debates, like privileged seats in the hall of a parliamentary assembly. The *Græcostasis* mentioned by Cicero¹⁰ and Varro¹¹ was a similar place, as Niebuhr remarks, on the right of the comitium, allotted to the Greeks from the allied states for the same purpose.

STATOR, a public servant, who attended on the Roman magistrates in the provinces. The *statores* seem to have derived their name from standing by the side of the magistrate, and thus being at hand to execute all his commands: they appear to have been chiefly employed in carrying letters and messages.¹² Alexander Severus forbade the use of *statores* in the provinces, and commanded that their duties should be discharged by soldiers.¹³

STATU LIBER. (*Vid.* MANUMISSIO, p. 616.)

STATUARY (*statuaria ars*) is, in its proper sense, the art of making statues or busts, whether they consist of stone or metal, and includes the art of making the various kinds of reliefs (*alto, basso, and mezzo relievo*). The ancients, accustomed to trace all their arts and sciences to a single person, who was generally believed to have been led to his discovery by some accidental circumstance, relate several stories to account for the origin and discovery of the arts of painting and statuary.¹⁴ But arts such as these cannot, like those which are the necessary result of particular local circumstances, or are in their origin of a complicated nature, be assigned to any particular nation or to any particular individual: they spring up naturally in all countries, and take their origin alike everywhere in the imitative faculty of man. It is, therefore, idle talk when modern

writers gravely repeat the stories about the invention of sculpture or painting, or assign the invention of either of them to the Egyptians or any other nation. These arts, in their infant state, existed among the Greeks from time immemorial, and there are any resemblances between the earliest works of Grecian art and those of Egypt, we have still no right to infer that the Greeks learned them from the Egyptians; and we might as well assert that the Greeks learned their arts from the Greeks or from the Siamese, for the works of these nations, too, resemble those of early Greece. An art in its primitive state manifests itself nearly in the same manner in all parts of the world. But what is of real interest is to know the causes through which statuary, or, to use a more common but less appropriate term, sculpture, became so pre-eminently the art of the Greeks, that down to this day no other nation has produced artists that can compare with them, and that all look upon the Greeks as the great masters and models for all ages. Winckelmann has pointed out three great causes, viz., their innate genius, their religion, and their social and political institutions; and these three points, if accurately examined, will certainly be found to have amply co-operated in making the Greek artists what they were. There is another point connected with the origin of Grecian sculpture which appears to have led some modern writers to form erroneous opinions. The peculiar form of the *Hermæ* (*ἄνδρες ἑρμῆος*) has given rise to the belief that in the earliest statues the head only (*bust*) was represented, and that the remaining part of the body was expressed by a simple pillar or block. This view is contrary to nature as well as to history; for neither a nation nor a child (which in this case may be fairly taken as a representative of a nation in its infancy, when they begin to exercise their imitative faculty, will rest satisfied with forming the mere head of a human being, but endeavour to produce the whole as well as they can. We may add, that no other nation presents such a phenomenon in the earliest history of its arts. The *Hermæ*, therefore, cannot have arisen from an incapability of forming a whole human figure. They appear rather to point to the time when the Greeks began to represent their gods in a human form. To give to a god the entire form of a man would have been irreverent, whereas the head was necessary, and, at the same time, sufficient to represent him as a distinct individual being, and endowed with spiritual and thinking powers. The process of humanizing the gods must have been preceded by the custom of representing them in natural forms, or such as were partly human and partly animal. The earliest images of the gods were pure images (not the gods themselves) and intended to express some thought or idea: now the natural figure of man is only expressive of himself, the significant parts of two or more beings were put together to express the idea which man had formed of their gods. Such monstrous figures were retained as representations of some gods down to the latest times. As instances of this, we may mention Glaucus with the tail of a fish;¹ the Amalthea Pan with goat's feet;² and the Demeter of Phigalia with the head and mane of a horse.³ Hence the inference on such compound representations of the gods is no proof that they did not exist in early times.

Before proceeding to consider statuary in its several stages of development, it is necessary to make a few preliminary remarks respecting the materials used by the Greeks in this art. On this point it may be said that there is no material applicable to statuary which was not used by the Greeks. It

1. (Pollux, Onom., ix., 6.)—2. (Id. ib., iv., 24.)—3. (Sestini, degli Stateri Antichi.—Hussey.—Wurm.—Böckh.)—4. (Cod., iv., tit. 31, s. 1; 10, tit. 5, s. 1.)—5. (Orelli, Inscr., n. 3332.)—6. (Orelli, n. 3207.—Gruter, p. 451, n. 3.)—7. (Orelli, n. 4107, 4420.—*Vid.* Walter, Gesch. des Röm. Rechts, p. 350.)—8. (H. N., xvi., 44, s. 80.)—9. (Hist. of Rome, ii., p. 58, note 116.)—10. (ad Quint., ii., 1.)—11. (Ling. Lat., v., 155, ed. Müller.)—12. (Cic., ad Fam., ii., 17, 19; x., 21.—Dig. 4, tit. 6, s. 10.)—13. (Dig. 4, tit. 6, s. 10.—Lamprid., Alex. Sev., 52.)—14. (Plin., H. N., xxv., 5 and 43.—Compare Quint., x., 2, § 7.)

1. (Philostr., Icon., ii., 15.)—2. (Hort., Mythol. Bilder., p. 161, &c.)—3. (Paus., viii., 42, § 2.)

is capable of being shaped without difficulty in any form, and is easily dried either by being exposed to the sun or by being baked, we may conclude this substance to have been the earliest material which figures were made. We have a trace in the story that Zeus, in his anger at Prometheus having stolen the fire, ordered Hephæstus to Pandora of earth moistened with tears.¹ Some plastic art (*ἡ πλαστική*), by which the ancients sometimes designate the art of statuary, proper signifies to form or shape a thing of clay. But, notwithstanding the great facility of making figures of it, they are not often mentioned in the early history of Greece, while in Italy the *Dia fictiles* (*πῆλι-κῆ*) were very common from the earliest times. Figures, however, never fell into disuse entirely. In later times we find not only statues of the pediments in small or rural temples, but also contained the most beautiful reliefs in which were copies of the marble reliefs of large temples. When Pliny² speaks of Rhæcus and Pyros of Samos as the inventors of the *plasticæ*, he seems to labour under a mistake, and to confound the art of working in clay with that of working in metal, as in later times the latter of these two arts commonly called plasticæ. Some ancient figures of clay are still preserved.

The second material was *wood*, and figures made of it were called *ξόανα*, from *ξέω*, "to polish" or "to burn." Various kinds of wood were used in statuary, we find mention of oak, cedar, cypress, sycamore, pine, fig, box, and ebony. It was chiefly used for making images of the gods, and probably on account of the facility of working in it than for any other reason. It should, however, be remembered, that particular kinds of wood were used to the images of particular deities: thus the statues of Dionysus, the god of figs, were made of fig-wood.

The use of wood for statues of the gods ceased to the latest times; but statues of men, and, for example, some of the victors in the public games, were likewise made of wood at a time when the Greeks were sufficiently acquainted with the art of carving in stone and metal.

Wood was little used in statuary during the early history of Greece, though it was not altogether unknown, as we may infer from the relief on the Lion of Mycenæ. In Italy, where the soft peperino afforded an easy material for working, stone appears to have been used at an earlier period, and commonly than in Greece. But in the histories, the Greeks used all the principal varieties of marble for their statues; the most celebrated of which were the marbles of Paros and of Pentelicus, both of which were of a white color.

Different kinds of marble and of different colors were sometimes used in one and the same work, in which case the work is called Polyolithic.

Iron (*χάλκος*, *æs*), *silver*, and *gold* were used in the state of society described in the early poems, which is a sufficient proof that the use of art in these metals were not altogether unknown in those times. Iron came into use much later than the art of casting iron is ascribed to Rhæcus, according to Theodorus of Samos.³ (*Vid. BRONZE.*)

Iron came into use at a later period than any of the pre-mentioned materials, and then was highly valued both for its beauty and rarity. In its application to statuary, ivory was generally combined with iron, and was used for the parts representing the face. Winckelmann has calculated that about 1000 statues of this kind are mentioned by ancient writers.

The history of ancient art, and of statuary in particular, may be divided into five periods.

1. *First Period, from the earliest times till about Ol. 50, or 580 B.C.*

The real history of the arts is preceded by a period of a purely mythical character, which tradition has peopled with divine artists and most extraordinary productions. Three kinds of artists, however, may be distinguished in this mythical period: the first consists of gods and dæmons, such as Athena, Hephæstus, the Phrygian or Dardanian Dactyli, and the Cabiri. The second contains whole tribes of men, distinguished from others by the mysterious possession of superior skill in the practice of the arts, such as the Telchines and the Lycian Cyclopes. The third consists of individuals who are, indeed, described as human beings, but yet are nothing more than personifications of particular branches of art, or the representatives of families of artists. Of the latter the most celebrated is *Dædalus*, whose name indicates nothing but a smith or an artist in general, and who is himself the mythical ancestor of a numerous family of artists (*Dædalids*), which can be traced from the time of Homer to that of Plato, for even Socrates is said to have been a descendant of this family. He was believed to be an Athenian, but Crete also claimed the honour of being his native country. The stories respecting him are sometimes more like allegorical accounts of the progress of the arts than anything else. He was principally renowned in antiquity for his *ξόανα*, and several parts of Greece, as Bœotia, Attica, Crete, and even Libya in later times, were believed to possess specimens of his workmanship.¹ Numerous inventions, also, especially of instruments used in carving wood, are ascribed to him. He is said to have made his statues walking, which appears to mean that before his time human figures were represented with their legs close together, and that in his statues the legs were separated, which was at once a great step forward, as it imparted greater life and activity to a figure. *Smilis* (from *σμίλη*, a carving-knife) exercised his art in Samos, Ægina, and other places, and some remarkable works were attributed to him.² *Endæus* of Athens is called a disciple of Dædalus. Various works were attributed to him by the ancients. One among them was a colossal *ξόανον* of Athena Polias in a temple at Erythræ in Ionia. She was represented sitting upon a *θρόνος*, holding a spindle in her hand, and with a *πόλος* on her head. Pausanias³ saw this *ξόανον* himself.

According to the popular traditions of Greece, there was no period in which the gods were not represented in some form or other, and there is no doubt that for a long time there existed no other statues in Greece than those of the gods; a round statue of a man appears for a long time to have been a thing unheard of in Greece. The earliest representations of the gods, however, were by no means regarded as the gods themselves, or even as images of them, but only as symbols of their presence; and as the imagination of a pious primitive age does not require much to be reminded of the presence of the Deity, the simplest symbols were sometimes sufficient to produce this effect. Hence we find that in many places the presence of a god was indicated by the simplest and most shapeless symbols, such as unhewn blocks of stone (*λίθοι ἄρρητοι*), and by simple pillars or pieces of wood.⁴ (*Vid. DOXANA and DÆDALA.*) Many such symbolic rep-

¹ Paus., Theog., 571, &c.—Stob., Serm., 1.)—2. (H. N., 2.)—3. (Paus., x., 38, § 3.)

1. (Paus., vii., 5; ix., 40, § 2; i., 18, § 5.—Scylax, p. 53, ed. Huds.)—2. (Müller, Æginet., p. 97.)—3. (vii., 5, § 4.)—4. (Paus., ix., 27, § 1; 35, § 1; vii., 22, § 3.)—5. (Paus., vii., 22, § 3.—Clem. Alex., Strom., i., p. 418, and p. 348, ed. Sybburg.)

representations of gods were held in the greatest esteem, even in the historical ages, as sacred inheritances of former times, and remained the conventional representations of the gods, notwithstanding the progress which the arts had made. The general name for a representation of a god not consisting of such a rude symbol was *ἀγάλμα*.¹

In the Homeric poems, although the shield of Achilles, the gold and silver dogs which kept watch at the palace of Alcinoüs, and other similar things, may be pure fictions, there are sufficient traces of the existence of statues of the gods; but it would seem that, as the ideas of the gods were yet gigantic and undefined, the representations of several superhuman beings were more calculated to inspire awe than to display any artistic beauty.² This was, however, not always the case. Temples are mentioned in several places,³ and temples presuppose the existence of representations of the gods. A statue of Athena is mentioned at Iliön, upon whose knees the queen places a magnificent peplos.⁴ The statue thus appears to have been in a sitting position, like the statues of Athena among the Ionians in general.⁵ The existence of a statue of Apollo must be inferred from Iliad, i., 28, for the *στῆμμα θεοῦ* can only mean the wreath or diadem with which his statue itself used to be adorned. This statue must, moreover, have been represented carrying a bow, for attributes like *ἀργυρότοφος* could have no meaning unless they referred to something existing and well-known. Other proofs of representations of the gods in human form may be found in Iliad, ii., 478, &c.; iii., 396, &c. These statues were undoubtedly all *ξόανα*, and, as we must infer from the expressions of Homer, were far more perfect than they are said to have been previously to the time of Dædalus. A work still extant, which is certainly as old as the time of Homer, if not much older, is the relief above the ancient gate of Mycenæ, representing two lions standing on their hind legs, with a sort of pillar between them.⁶ These facts justify us in supposing that, at the time of Homer, the Greeks, but more especially the Ionians of Asia Minor, had made great progress in sculpture. The Ionians appear to have been far in advance of the Greeks of the mother-country. The cause of this must probably be sought in the influence which some of the nations of Western Asia, such as the Lydians, Lycians, and Phœnicians, had upon the Ionian colonists, for that these nations excelled the Greeks in various branches of the arts is abundantly attested by numerous passages in the Homeric poems. We must not, however, attribute too much to this foreign influence, for there were many other causes at work besides, by which the Greek colonies, not only of Asia, but of Sicily and Italy also, were enabled to be in advance of the mother-country. The ancient coins of the Italian Greeks, too, are much more beautiful, and show more individuality than those of Greece proper; we also find that Learchus of Rhegium, about 720 B. C., came to Sparta, and formed there the earliest bronze statue of Zeus, which consisted of several pieces nailed together.⁷ It appears to have been shortly after this time that Gitiades of Sparta made a bronze statue of Athena.⁸ Another great work in bronze belonging to this period is the colossal statue of Zeus, which was dedicated at Olympia by Cypselus or Periander of Corinth, and for which the wealthy Corinthians were obliged to sacrifice a

considerable part of their property.¹ About 500 B. C., Myron of Sicyon dedicated two *θῦλας* of bronze at Olympia, which were still there in the days of Pausanias.²

The time which elapsed between the composition of the Homeric poems and the beginning of the fifth century before our era, may be termed the age of discovery; for nearly all the inventions upon the application of which the development of the arts is dependant are assigned to this period, which may, at the same time, be regarded as the first historical period in the history of art. Glaucus of Chios on Samos is said to have invented the art of soldering metal (*σιδήρου κόλλησις*).³ The two artists most celebrated for their discoveries were the two brothers Telectes and Theodorus of Samos, about the time of Polycrates. The most important of them was the art of casting figures of metal. The art appears to have been peculiar to the Greeks; at least we do not find that it was ever made use of by any other ancient nation. It is a singular circumstance, that the very two artists to whom this invention is ascribed are said to have made their studies in Egypt; and the curious story of the two brothers executing a *ξόανον* of the Pythian Apollo in such a manner, that while Telectes made the one half of the statue at Delos, the other half was made by Theodorus at Ephesus, and that, when the two halves were put together, they tallied so accurately as if the whole had been the work of one artist,⁴ has been thought to support the Egyptian tradition that these artists were greatly assisted in the exercise of their art by what they had learned in Egypt. But, in the first place, the whole story has a very fabulous appearance; and even admitting that the artists, as the Egyptians asserted, had actually been in their country, nobody will on this ground maintain that they learned their art there; the utmost they could have learned might have been some mechanical processes; the art itself must be vindicated for the Greeks. In the second place, Telectes and Theodorus are called by Diocærus sons of Rhæcus; and Pausanias himself, who was unable to discover a bronze work of Theodorus, saw at Ephesus a bronze statue which was the work of Rhæcus.⁵ Hence we have reason to suppose that Telectes and Theodorus learned, at separate, the art of casting metal from their father, and not in a foreign country. Respecting the various accounts of these two artists, and the time at which they lived, see Pliny,⁶ Herodotus, and Pausanias. Pliny⁷ says that Pasiteles called the art of modelling clay the mother of the art of casting figures in metal (*statuaria*), and this passage has been explained as if Pasiteles meant to say that in Samos the former of these arts had given rise to the latter. But this is manifestly wrong; for, from the words which follow in the text of Pliny, it is clear that the meaning is, that he never executed any work in metal, marble, &c., without previously making a model in clay.

Statues of gods in naked clay, though in general more used for domestic and private than for public worship, continued to be made as before. Many specimens of small dimensions and of very fine workmanship have been discovered in Attic graves.⁸ Ornaments and reliefs on houses, porticoes, and temples, were likewise very commonly made of clay, especially at Corinth and in the Cæcæonæ.⁹

Representations of the gods in marble are not mentioned in Homer, although they may have existed in his time as well as statues of wood, which are

1. (Ruhnken ad Tim., p. 2).—2. (Il., xi., 36, &c.—Hesiod. Scut. Herc., 144, 156, 248, &c.).—3. (Il., i., 29, vii., 83, &c.).—4. (Il., vi., 92.—Compare ib., 273.).—5. (Strab., xiii., p. 601.).—6. (Paus., ii., 16, § 4.—Sir W. Gell. Argol. pt. 8-10.—Götting in the Rheinisch. Mus., 1841, pt. 2.).—7. (Paus., iii., 17, § 6.).—8. (Paus., iii., 17, § 13.).

1. (Strab., viii., p. 353, 378.—Phot. and Sand. s. v. *Κεραμίδων*).—2. (vi., 19, § 2.).—3. (Herod., i., 25.).—4. (Diod., i., 96.).—5. (x., 38, § 3.).—6. (H. N., xxxv., 53.).—7. (Pliny, ii., 8, xxxv., 35.).—8. (Vid. Schœn. ad Aristoph. Av. 436.—4. *Πρωτ.* i., 2, § 4.; i., 2, § 1.).

wise not expressly mentioned. Marble is found in the ancient Thesaurus of Orchomenos. Pliny¹ relates that works in marble were executed by artists in Chios at the beginning of the olympiads; about Ol. 50 (580 B.C.) Dipœnus and Scyllis renowned for their works in marble. The ancient specimen of a marble statue was seen at Pausanias² in the market-place of Megara. The statue consisted of two figures, Corebus killing Lycus. There are still extant some works in marble which may with certainty be ascribed to the period previous to Ol. 50.

Before we conclude our account of the works executed during this period, we have to mention the celebrated chest of Cypselus at Olympia, which Pausanias saw and described.³ It belonged, perhaps to the year 733 B.C. The chest was made of cedar-wood, which was thought most durable. It was adorned on its four sides and on the cover with figures, partly in ivory, partly in gold, and partly in the cedar-wood itself, which represented various scenes taken from the stories of the heroic age.

Pausanias does not express his opinion as to their artistic merits, but the minuteness with which he describes them is a sufficient proof that he did not consider them as bad either in design or execution. Quatremère de Quincy has attempted (in his *Jupiter Olympien*) to restore this chest and ornaments from the description of Pausanias; but the restoration is so egregiously bad, that an artist accustomed to the contemplation of genuine works of art shrinks from it in disgust.

During the whole of this period we scarcely hear of statues except those of the gods; and although marble and bronze began to be extensively used, yet wood was much more generally used in the representations of the gods. These statues were made of wood (*vid. PAINTING*, p. 700), and in most cases were dressed in the most gorgeous attire. The general character of the statues produced in the earlier part of this period is, on the whole, the same as among other nations at such an early period. The style in which they are executed is called the archaic or the hieratic style. The figures are stiff and clumsy, the countenances have little or no individuality, the eyes long and small, and the outer angles turned a little upward; the mouth, which is always drawn upward at the two corners, has a smiling appearance. The hair is carefully worked, has a stiff, wiry appearance, and hangs generally down in straight lines, which are curled at the ends. The arms hang down the sides of the body, as if the figure carries something in its hands. The drapery is likewise stiff, and the folds are very unmetrical, and worked with little regard to nature.

As the arts, during this period, were chiefly employed in the service of religion, they could, notwithstanding the many mechanical discoveries of the time, make but slow progress towards the production of works of sublimity or beauty, for in the representations of the gods for public worship, ancient forms, hallowed by time and custom, were repeated, and repeated without the artist being allowed, even if he was able to do it, to depart from these forms, or to introduce any material change. Art, therefore, could not make any great progress until it was applied to purposes in which the artist's genius was not restrained by religious custom, and was bound to conventional forms. Religion, although the fostering mother of the arts in their infancy, became a tedious restraint when they grew to manhood. But, as soon as other spheres of action were opened, religion, in her turn, could not escape from the influence of the advancement of

the arts, and the old conventional forms in many places gave way to works of real merit and genius. This great and important change took place about Ol. 50.

II. Second Period, from Ol. 50 to Ol. 75. (580-480 B.C.)

This period, although comprising no more than one century, developed all the elements which combined to make Grecian art what it became during the third and most flourishing period of its history. Greece now came into close contact with the nations of the East and with Egypt; commerce flourished at Corinth, Ægina, Samos, Miletus, Phocæa, and other places; gold became more abundant in Greece than it had been before, and the tyrants who sprang up in several parts of Greece surrounded themselves with splendour and magnificence, and acted as the patrons of art to palliate their own usurpation. But all these were only external influences, and could not have produced a nation of artists like the Greeks. Epic poetry had gradually created in the minds of the people more defined ideas of their gods and heroes, while philosophy began to make men look beyond what was conventional and traditional. The athletic and orchestric arts attained about Ol. 50 a high degree of perfection, and the circumstance that about the same time the gymnastic and athletic contests at the great public festivals began to be performed naked, directed the attention of the artists, as well as of the public, to nature, and rendered them familiar with the beautiful forms of the human body. But the imitation of nature was at first of a very hard and severe character, and the influence of conventional forms still acted in many cases as an obstacle.

The number of artists who flourished during this period is truly astonishing. It has been said that the close connexion of father and son among the artists ceased at this time, and that individual artists worked free, and according to the dictates of their own genius. But this is going too far, for it still continued to be the common practice for a son to be instructed by his father; and although this relation is usually expressed by the term *μαθητής*, yet on statues we only meet with the term *υἱός*. But, along with these families of artists, schools now became more general, in which the arts were taught and cultivated according to certain principles which were or became traditional in each school; the schools thus acquired something of the spirit of castes or corporations.

The Ionians of Asia Minor and the islanders of the Ægean, who had previously been in advance of the other Greeks in the exercise of the fine arts, had their last flourishing period from Ol. 55 to Ol. 63 (560-528 B.C.). But this short period must have been one of the greatest as well as one of the most active and productive of numerous costly works of art. The presents which Cressus sent to Delphi, and some of which were said to have been made by the Samian Theodorus, must have been executed at the beginning of these forty years. Our want of information respecting the Ionians must be ascribed to the circumstance that we have no Pausanias to take us through their cities, and to describe and explain the works of art with which they were adorned. It is owing to the same circumstance that we know so little of Rhodes, Lemnos, Naxos, and Cyprus, although we may take for granted that these flourishing islands did not by any means neglect the arts. Respecting Chios and Samos we possess more information. Works in metal were produced in high perfection in the latter island, in Ægina, and Argos, while Chios gained the greatest reputation from its possessing the earliest

[H. N., xxxvi., 4, 2.)—2. (i., 43, § 7.)—3. (iv., 17, § 2, &c.)

great school of sculptors in marble, in which Bupalus and Anthermus were the most distinguished, about Olympiad 60. Their works were scattered over various parts of Greece, and their value may be inferred from the fact that Augustus adorned with them the pediment of the Temple of Apollo on the Palatine.¹ These works must be supposed originally to have belonged to a Greek temple of the same god, and must certainly have been of superior beauty to the works discovered in the island of Ægina, otherwise Augustus would not have chosen them as ornaments for the Palatine temple. Sicyon also possessed a celebrated school of sculptors in marble, and about Ol. 50 Dipœnus and Scyllis, who had come from Crete, were at the head of it, and executed several marble statues of gods.² In Ætolia, whither they withdrew for a time, and at Argos, there likewise existed works in marble by these artists. Disciples of them, such as Dorycleidas, Medon, and Theocles, were engaged at Sparta and in other places.³ Respecting Magna Græcia and Sicily we know few particulars, though it appears that the arts here went on improving, and continued to be in advance of the mother-country. The most celebrated artists in southern Italy were Dameas of Croton and Pythagoras of Rhegium.

In Greece itself, Sicyon continued, from early times, to be the seat of a distinguished school of artists. Here Canachus and Aristocles flourished about Ol. 70 as sculptors in metal, though the former was also celebrated in the art of carving in wood and in toreutic. Pliny⁴ calls Sicyon *dux artificiarum omnium metallorum patria*. Canachus, whose works Cicero⁵ calls more rigid and hard than was consistent with the truth of nature, was the most distinguished among the Sicyonian artists, and his skill found employment in other parts of Italy also. His most celebrated work was a colossal bronze statue of Apollo Philesius in the Didymœon, the description of which may give us an idea of the character of temple-statues at this period. The whole figure was stiff, very muscular, and without any elegance. In his right hand, which was stretched out, the god held a fawn, and in the left, which was somewhat lower, a bow. The features of the countenance were hard, and worked in the old hieratic style: the hair was divided, and hung down like wire, with little curls at the end.⁶

In Ægina the arts appear likewise to have continued to flourish as before, and the most celebrated among its artists was Callon, about Ol. 66.⁷ Athens, which at this time rivalled Ægina in the fine arts, appears in a short space to have made great progress, for great artists, as well as great works, begin now to appear in the pages of Athenian history. This was in part owing to the influence of the Pisistratids. After the death of Pisistratus himself, the first quadriga of bronze was erected in front of the Temple of Pallas. The most celebrated among the Athenian sculptors were Critias and Hegias or Hegesias, both distinguished for their works in bronze. The former of them made in Ol. 75 the statues of Harmodius and Aristogiton.

Argos also distinguished itself, and it is a curious circumstance, that the greatest Attic artists with whom the third period opens, and who brought the Attic art to its culminating point, are not disciples of Critias or Hegias, but of the Argive Ageladas (about Ol. 66), which at once raises this city and her other artists, such as Aristomedon, Glaucus, Dionysius, and others, to a greater importance than we might otherwise be inclined to attribute to them.

Among the numerous works produced during this

period we shall first mention the representations of the gods (*ἀνθήματα*). In all the statues which were made for temples as objects of worship, the hieratic style was more or less conscientiously retained, and it is therefore not in these statues that we have to seek for proofs of the progress of art. They were, for the most part, as of old, made of wood, and when an old statue was to be replaced by a new one, the latter was generally a faithful copy of the former. Thus the wooden statue of Demeter at Phigalia, with a horse's head, from which dragons and other monsters sprang forth, and which bore a dolphin and a dove in its hands, was imitated by Onatas in bronze after the wooden figure had been burned.¹ The same adherence to ancient forms of the gods was also visible in other cases, for when colonies were sent out, the images of the gods of the mother-city were, for the most part, faithfully copied for the colony, and such copies were called *ἀνθήματα*.² The instances of the Apollo Philesius and of the Demeter of Onatas show that, even in temple-statues, wood began to give way to other and better materials. Besides bronze, marble also, ivory, and gold were now applied to statues of the gods, and it was not very uncommon to form the body of a statue of wood, and to make its head, arms, and feet of stone (*σκληροί*), or to cover the whole of such a wooden figure with ivory and gold.³ The latter method, which about this time became a distinct and much admired branch of statuary, was practised by Dorycleidas, Theocles, Medon, Canachus, Menachmus, and others, and appears to have been introduced by Dipœnus and Scyllis. Quatremère de Quincy considered this kind of sculpture, which the moderns call chryselephantine sculpture, as a part of the art which the ancients called toreutic (*τερευτική*). There are few errors more surprising than this, and yet the opinion of the French critic has been repeated as if there could be no doubt about it. But, although it is easy enough to see that the toreutic art is not what he thought, yet it would be difficult to say what it was. (*Vid. BRONZE, p. 177.*)

From the statues of the gods erected for worship, we must distinguish those statues which were dedicated in temples as *ἀνθήματα*, and which now became customary instead of craters, tripods, &c. But here, too, the change was not sudden, for the statues at first were frequently connected with tripods and similar ornaments. At Amyclæ there were tripods made by Callon and Gitiadas, with small statues of goddesses under them.⁴ In the execution of statues to be dedicated as *ἀνθήματα*, even though they were representations of gods, the artists were not only not bound to any traditional conventional forms, but were also, like the poets, allowed to make free use of mythological subjects to add, and to omit, or to modify the stories, so as to render them more adapted for their artistic purposes.

A third class of statues, which were erected during this period in great numbers, were those of the victors in the great national games, and of other distinguished persons (*ἀνδραγαθῶν*). The custom of erecting statues of the victors in public appears to have commenced about Ol. 58;⁵ but these statues soon became extremely numerous, and many of them were executed by the first artists of the time. In some the influence of the hieratic style was visible, or were even made in that style, as the statue of Mylon by Dameas.⁶ Although these statues were generally not portraits, for Pliny⁷ states that only

1. (Paus., viii., 42.)—2. (Dionys. Hal., ii., 22; vii., M.—Strab., iv., p. 179.)—3. (Paus., ii., 3, § 1; vi., 23, § 4, &c.; vi., 22, § 6.—Eurip., *Troed.*, 1081.)—4. (Paus., vi., 18) —3. (Paus., vi., 18, § 5.)—5. (Philostr., *Apoll. Tyana.*, ix., 25.—Cassius Dio, iv., 25; vi., 14, § 2.)—7. (M. N., xxxv., 4.)

1. (Plin., H. N., xxxvi., 4.)—2. (Plin., l. c.)—3. (Paus., v., 17, § 1; vi., 19.)—4. (H. N., xxxvi., 4.)—5. (Strab., 18.)—6. (Müller, *Archæol.*, p. 64.)—7. (Paus., iii., 18, § 5; iv., 14, § 2.)

o had gained the victory thrice were allowed to have iconic statues erected, yet they were to preserve the memory of the particular powers and the bodily development of the victor or even to show the peculiar skill or the stratagems by which an athlete had excelled come his adversary, and thus afforded to the artist numerous opportunities of representing a variety of attitudes and actions.¹ Statues erected in public, or dedicated in temples in honor of other distinguished persons, are met more rarely during this period, but they appear generally to have been portraits (*eikônes*, statues).

The earliest statues of this kind we know of are those of Cleobis and Biton of Argos, which were dedicated in the Temple of Delphi about OI. 50.² Iconic statues of Harmodius and Aristogiton, made by Antenor in 509 B.C., and in 477 B.C. statues of the same persons were made by the same artist. It is allowed on all hands that nothing was done more to the advancement of statuary contests at the public games, as they rendered the artists familiar with the greatest variety of attitudes, and with the most beautiful and varied forms of the bodies of the athletes, but afforded to them numerous opportunities to study in their works those same persons and attitudes which they had seen and admired. The will for study and exercise was thus opened to the public.

We have seen that, at a very early period of Greece, attempts were made to adorn the outside of temples and other public buildings, but it was not until the period we are now describing that it became customary to adorn the pediments, friezes, and temples with reliefs or groups of statues of various kinds.

We still possess two great works of this kind which are sufficient to show their general character during this period. 1. The *Selinuntine Metopes*, or the metopes of two temples on the island of Selinus in Sicily, which were discovered in 1823 by W. Harris and Sam. Angell, and are now in the Museum of Palermo. Those belong to the western temple appear to have been made at the beginning of this period, as they show a great resemblance to the works in the temple of Paestum. The figures of the other or middle temple indeed a considerable advancement of the art, the execution is still hard and stiff; they were possibly been executed a short time before 475.³ 2. The *Æginetan Marbles* were discovered in 1812, in the island of Ægina, and are now in the collection of the King of Bavaria. They consisted of eleven statues, which adorned two pediments of a temple of Athena, and represented the goddess leading the Æacids against the Persians, and contain manifest allusions to the war of Greece with the Persians. Many small holes in the marble render it probable that originally the statues were of bronze, perhaps the armour, and fixed to them with nails. The character of these Æginetan statues is a mixture of the archaic style and an anxious imitation of the Attic. The hair is wiry, and traces of paint are visible on all parts of the statues with the exception of those representing the flesh.⁴

Besides these, a great number of works in bronze of this period are still extant; they are found in figures or statues, and partly reliefs, and of the best specimens in marble relief, which form the transition from this to the third

period, are preserved in the British Museum.¹ It is not always easy to say whether a work made in the archaic style is really as old as the style indicates, as this style was never entirely abandoned, and was retained in temple-statues even under the Roman emperors.

III. Third Period, from OI. 75 to OI. 111. (480-336 B.C.)

During this period Athens was the centre of the fine arts in Greece. The Persian wars awakened in the hearts of the people the feeling and the conviction of their own power, and the Greeks, who had at first only warded off the attacks of the barbarians, now felt strong enough to act on the offensive. The fall of the Spartan Pausanias raised Athens in 472 B.C. to the supremacy in the wars against Persia. Athens had now acquired a powerful navy, and the tributes of the allies, which amounted at different times from 460 to 1200 talents, and which, from 462 B.C., were deposited in the treasury at Athens, raised the city to a height of power such as few cities have ever possessed. Only a small portion of these treasures were spent upon war; the rest was applied at first to the fortification of the city, and afterward to the building of temples, porticoes, theatres, gymnasia, &c. Among them we need only mention the Theseum, the Parthenon, the Propylæa, the stone theatre, the Pœcile, and the Odeum. After the wars with Persia, Athens appears by no means exhausted or broken down, but refreshed and strengthened, like nature after a heavy storm.

Statuary during this period went hand in hand with the other arts and with literature: it became emancipated from its ancient fetters, from the stiffness and conventional forms of former times. The free and noble spirit of the Athenian democracy showed its influence in all departments of literature and art, and among the latter statuary reached its culminating point in the sublime and mighty works of Phidias. The democratical spirit did not, however, lead to any kind of extravagance in the arts: no vehement passions or actions were represented; and although the character of those which belong to the latter half of this period differs very much from those of the former half, yet, on the whole, all show a calm dignity and an almost passionless tranquillity of mind, a feature so peculiar to all the great masterworks of Grecian art. The Peloponnesian war, and the calamities which accompanied it, produced a change in the state of things; a new generation now stepped into the place of the heroic race which had partaken in or witnessed the memorable events of the Persian war. Sensuality and an indulgence of the passions became the prominent features in the character of the Athenian people; and the prevailing desire after pleasures and strong excitements could not fail to produce an injurious influence upon the arts also. In the works of art which were produced after the year 380 B.C., there was no longer that calm and sublime majesty which characterized the works of Phidias and his more immediate followers, but the figures were more pathetic, and calculated to have a greater effect upon the senses of the beholders. The different stages of the arts during this period bears the most striking analogy with the three phases of tragedy, as they lie before us in the works of the three great dramatists, Æschylus, Sophocles, and Euripides.

Argos was, next to Athens, the most distinguished seat of the arts during this period, and the works of the Athenian and Argive artists spread over all Greece, and became the models for other Greek artists.

1. (Vid. Combe, *Marbles of the Brit. Museum*, ii., pl. 6 and 7. *Specimens of Anc. Sculpture*, pl. 11.)

Opusc., vi., 10, § 1; viii., 40.—Schol. ad Pind., Ol., vii., init. *Mém.*, iii., 10, § 6.)—2. (Herod., i., 31.)—3. (Vid. Schol. ad Th. Evans, *Sculptured Metopes discovered among the ruins of Selinus*, Lond., 1826.)—4. (Vid. Edw. Lyon, *On the Ægina Marbles*, 1829.)—5. (Müller, *Archæol.*, p. 73,

of the place which the sculptures occupied in the temples they adorned, we find everywhere a truth in the imitation of nature, which, without supplanting or omitting anything that is essential, and without any forced attempt to go beyond nature, presents the purest and sublimest beauty: these show lively movements combined with calm and ease, a natural dignity and grace united with unaffected simplicity; no striving after effect, no exaggeration of the passions. These sculptures afford us ample means to justify the ancient writers who state that the *μεγαλειον* and *σεμνον*, or grand and the sublime, were the characteristic qualities of Phidias and his school.¹ Phidias was the chief of statuary, and it may be safely asserted, although the art subsequently made certain advances in the execution of details, yet Phidias and his school were never excelled by subsequent generations. The sculptures of the three temples mentioned above, there are also similar ornaments of temples extant, which show the influence of the school of Phidias must have exercised in the parts of Greece, though they are executed in a different style. Of these we need only mention the most important.

The Phigalian marbles, which belonged to the temple of Apollo Epicurius, built about Olympiad 86 B.C. They were discovered in 1812, and consist of twenty-three plates of marble belonging to the frieze of the cella. They are now in the British Museum. The subjects represented in them are fights with Centaurs and Amazons, and one shows Apollo and Artemis drawn in a chariot. Many of the attitudes of the figures appear to be repetitions of those seen on the Attic marbles; but there are, at the same time, great differences. The Phigalian marbles sometimes show a looseness of design which almost borders on extravagance, while some figures are incorrectly drawn and forced attitudes. The best descriptions of these are those in *Bassi relievi della Grecia, disegni di Wagner* (1814), and in *Stackelberg's Apollon zu Bassa in Arcadien u. die dasebst ausgeführte Werke*, 1828.

The marbles of the Temple of the Olympian Zeus, at Paestum, were made by Pæonius of Mende and Alkamenes of Athens.² Several fragments of these marbles were discovered in 1829, and are at present at Paris.³ The figures of these marbles are freed from the fetters of the ancient school, and show a true imitation of nature, but do not quite come up to the ideal simplicity of the school of Phidias.

At the same time that the Attic school rose to its highest perfection under Phidias, the school of Polycletus was likewise raised to its summit by Polycletus himself, who was inferior to the former in his statues, though he advanced the theoretic art in his statue of Hera at Argos farther than Phidias. The art of making bronze statues of athletes, carried by him to the greatest perfection: his statues of youthful and manly beauty was the sphere in which he excelled. Among his statues of gods we find two, that of Hera and another of Hermes. In his representations several of his representations of human figures, in which, without neglecting to give them individuality, he made youthful figures in their beauty, and with the most accurate proportions of the several parts of the human body.⁴ Once again, a youthful doryphorus, was made with the most accurate observation of the proportions

of the parts of the body, that it was looked upon by the ancient artists as a canon of rules on this point.¹ Polycletus is said to have written a work on the same subject, and it may be that his doryphorus was intended to give a practical specimen of the rules he had laid down in his treatise. He gained a victory over Phidias in the representation of an Amazon, which must, consequently, have been a figure in the greatest luxuriance of female beauty combined with a manly character.² Polycletus was also distinguished in portrait-statues, among which that of Artemon Periphoretus, a mechanician of the time of Pericles, is mentioned with especial praise.

Myron of Eleuthera, about Olympiad 87, was, like Polycletus, a disciple of Ageladas, but adhered to a closer imitation of nature than Polycletus, and, as far as the impression upon the senses was concerned, his works were most pleasing; but "*animi sensus non expressit*," says Pliny.³ The cow of Myron in bronze was celebrated in all antiquity.⁴ Pliny mentions a considerable number of his works, among which a dog, a discobolus, pentathli, and pancratiasts were most celebrated; the last of them were especially distinguished for their eurythmia, and the animation displayed in their movements, as well as for the most beautiful athletic attitudes. Among his statues of gods we find only mention of a colossal group representing Heracles, Zeus, and Athena, which he made for the Samians.⁵ In his execution of the hair, he adhered, according to Pliny, to the ancient style.

The deviation from the sublime ideality of the Attic school of Phidias was still more manifest in the works of Callimachus and Demetrius. The former executed his statues with the utmost possible accuracy and attention to the minutest details, but was careless in the conception as well as in the execution of the whole, which destroyed the value of his works, whence he was designated by the nickname of *καταηξίτεχνος*. Quintilian⁶ says of him, "*nimius in veritate*." On the whole, it should be observed, that near the end of the Peloponnesian war, and afterward, the greater part of the artists continued to work in the spirit and style of Polycletus, and that the principal productions in Peloponnesus were bronze statues of athletes, and statues erected in honour of other distinguished persons.⁷

The change which took place after the Peloponnesian war in the public mind at Athens could not fail to show its influence upon the arts also; and the school of statuary, which had gradually become developed, was as different from that of Phidias as the then existing state of feeling at Athens was from that which had grown out of the wars with Persia. It was especially Scopas of Paros and Praxiteles of Athens, about one generation after Myron and Polycletus, who gave the reflex of their time in their productions. Their works expressed the softer feelings, and an excited state of mind, such as would make a strong impression upon, and captivate the senses of the beholders. But the chief masters of this new school still had the wisdom to combine these things, which were commanded by the spirit of the age, with a noble and sublime conception of the ideas which they embodied in their works. Scopas and Praxiteles were both distinguished as sculptors in marble, and both worked in the same style; the legendary circles to which most of their ideal productions belong are those of Dionysus and Aphrodite, which also show the

1. (Cic., Brut., 86; Orat., 2.—Quintil., v., 12, § 21.—Lucian, De Saltat., 75.)—2. (Müller, Archæol., p. 109.)—3. (H. N., xxxiv., 19, § 3.)—4. (Tzetzes, Chil., viii., 194, &c.—Propert., ii., 31, 7.)—5. (Plin., l. c.—Cic., e. Verr., iv., 3.—Strab., xiv., p. 637.)—6. (xii., 10, § 9.)—7. (Compare Lucian, Phil., 18.—Plin., Epist., iii., 6.)—8. (Paus., x., 9, § 4; vi., 2, § 4.—Plut., Lysand., 1, 18.—De Orac. Pyth., 2.)

character of the age. There was a time when this school of statuary was considered superior even to that of Phidias, and it is indeed true that its productions are distinguished by exquisite beauty and gracefulness, whence their female statues in particular are, in one sense, unrivalled; but the effect they produced upon the minds of the beholders was by no means of the same pure and elevating nature as that of the works of their predecessors. Pliny¹ mentions a number of works of Scopas, some of which he himself saw at Rome. Among them were Aphrodite, Pothos, Phaëthon, Apollo, a sitting Demeter, Poseidon, Thetis, Achilles, the Nereids riding on dolphins, and a number of other marine deities.² Whether the celebrated group of Niobe and her children, which in the time of Pliny stood in a Temple of Apollo at Rome, was the work of Scopas or Praxiteles, was a matter of doubt among the ancients themselves. This group was discovered in 1583, near the Porta S. Giovanni at Rome, and the greater number of its fragments is at present in the museum of Florence, but some figures are in other museums; Munich possesses the finest head of all the Niobids. It has been the subject of much discussion whether the group discovered in 1583 is the original work of Scopas or Praxiteles, or only a copy; but, although the latter is by far the more probable opinion, these remains are the most beautiful relics of ancient art; the mother Niobe herself, especially, is unrivalled.³ The works of Praxiteles were of the same character as those of Scopas. The transition in all departments of the arts, from the ancient simplicity to the representation of subjects exciting sensual desires and appetites, was exceedingly slow and gradual; and thus, although in the works of Praxiteles youthful and female beauty appears naked, and clothed with all the charms that art can bestow, and although many of his figures were represented in actions and situations peculiar to the worship of Dionysus, yet we cannot say that they displayed any kind of sensuality. His most celebrated works were: 1. Figures of Dionysus, Satyrs, and Mænades.⁴ 2. Statues of Eros for various parts of Greece.⁵ 3. Statues of Aphrodite. The most celebrated among these were the Aphrodite of Cos (*velata specie*), and, above all, the naked Aphrodite of Cnidus, which stood in a chapel built expressly for the purpose, and open on all sides. This statue was of such extraordinary beauty, that, as Pliny states, many persons sailed to Cnidus merely for the purpose of seeing it.⁷ Some critics have asserted that the Venus known under the name of the Medicean is the Cnidian Venus of Praxiteles, or a copy of it, but Visconti has clearly proved that this is impossible. There is much more sensuality in the Medicean Venus than we have any reason to suppose existed in that of Cnidus. Praxiteles had also great reputation for his statues of the most beautiful hetærae, and it is said that he took the most charming among them as models for his representations of Aphrodite. There was also a statue of Praxiteles representing Apollo, surnamed Sauroctonos, or the lizard-killer, which had great reputation in antiquity.⁸

Cephalosodorus and Timarchus were sons of Praxiteles. There were several works of the former at Rome in the time of Pliny: he made his art subservient to passions and sensual desires. Pliny⁹ mentions among his works a celebrated Symplegma at Pergamus, which is the first instance of this kind

that we hear of in Grecian art. A similar spirit pervaded the works of Leochares (a Garmyetes carried by an eagle up to Zeus), of Polycletes, who was the first that made the voluptuous statues of Hermaphroditus, and of Silanion, who made a dying Jocaste.¹ Leochares also made a number of portrait-statues in ivory and gold, of members of the royal family of Macedonia, and of other persons. Such portrait-statues about this time began to give much occupation to the artists. About the year 220 B.C., several of the greatest artists of the age, such as Scopas, Leochares, Timotheus, and Bryaxia, were engaged in Caria in making the magnificent Mausoleum of Mausolus, a general description of which is given by Pliny.²

Most of the above-mentioned artists, however widely their works differed from those of the school of Phidias, may yet be regarded as having only continued and developed its principles of art in a certain direction; but towards the end of this period Euphranor and Lysippus of Sicyon carried out the principles of the Argive school of Polycletes.³ Their principal object was to represent the highest possible degree of physical beauty, and of athletic and heroic power. Lysippus was the greater of the two: he was one of the most fruitful artists that have ever lived, for he is said to have made no less than 1500 figures. Among the heroes Hercules appears to have been a favourite subject of Lysippus, for he made several statues of him, representing him in various situations,⁴ and his figures of this hero served as types for subsequent artists. We still possess some representations of Hercules which are considered to be imitations of his works. The most celebrated among his portrait-statues were those of Alexander the Great.⁵ The chief characteristic of Lysippus and his school is a close imitation of nature, which even contrived to represent bodily defects in some interesting manner; its tendency is entirely realistic. The ideal statues of former times disappear more and more, and make way for mere portraits. Lysippus, it is true, made statues of gods, but they did not properly belong to his sphere; he merely executed them because he had received orders which he could not well refuse. His greatest care was bestowed upon the execution of the details (*argutia operum*), upon the correct proportions of the parts of the human body, and upon making portrait-statues slender and tall above the common standard. In short, all the features which characterize the next period appear in the school of Lysippus.

IV. Fourth Period, from Ol. 111 to Ol. 158. (336-146 B.C.)

Within a few generations Grecian art had passed through the various stages of development, and each of them had produced such an abundance of masterpieces, that it was difficult for a new generation of artists to produce new and original works. Hence the periods which followed could not be much more than imitate, and their productions as better or worse in proportion as they were founded upon the study of earlier works or not. But even this period of eclecticism has nevertheless produced statues and groups worthy of the highest admiration, and which can be placed by the side of the best works of antiquity. The very slow decay of the arts, in comparison with the rapid decline of literature, is indeed a strange phenomenon.

During the first fifty years of this period, the schools of Praxiteles and that of Sicyon continued

1. (H. N., xxvi., 4, § 7.)—2. (Compare Paus., i., 43, § 6; vi., 25, § 2.)—3. (Vid. Galeria di Firenze, Stat., p. i., 4, 1, &c.)—4. (Paus., vi., 26, § 1.—Plin., H. N., xxxiv., 19, § 10; xxxvi., 4, § 5.—Paus., i., 20, § 1; 43, § 5.—Athen., xiii., p. 591.)—5. (Plin., H. N., l. c.—Jocian, Amor., ii., 17.—Paus., ix., 27.—Cic., c. Verr., iv., 2.)—6. (Plin., l. c.)—7. (Compare Lucian, Amor., 13; Imag., 6.)—8. (Müller, Arch., p. 121.)—9. (H. N., xxxv., 4, § 6.)

1. (Plin., H. N., xxxiv., 19, § 17 and 20.—Plat., De Leg. Poet., 3.—Symp., v., 1.)—2. (Paus., v., 28.)—3. (H. N., xxxv., 4, § 9.)—4. (Cic., Brut., 86.)—5. (Müller, Arch., p. 120.—Plin., De Iud., 24.—De Alex. vita., 4.—Alex., 4.—Plin., H. N., xxxiv., 19, § 6.)

ourish, especially in works of bronze; but after time bronze statues were seldom made until the was carried on with new vigour at Athens about end of the period. The school of Lysippus rise to that of Rhodes, where his disciple es formed the most celebrated among the hun- colossal statues of the sun. It was seventy es high, and partly of metal. It stood near the our, and was thrown down by an earthquake e 225 B.C.¹ Antiquarians assign to this part e fourth period several very beautiful works extant, as the magnificent group of Laocoon is sons, which was discovered in 1506 near aths of Titus, and is at present at Rome. This xt to Niobe, the most beautiful among the ex- works of ancient art; it was, according to e work of three Rhodian artists: Agesan- oyldorus, and Athenodorus.² The celebrated sian bull is likewise the work of two Rhodian es, Apollonius and Tauriscus.³

The various kingdoms which arose out of the ests of Alexander, the arts were more or less ated, and not only were the great master- e of former times copied to adorn the new es, but new schools of artists sprang up in al of them. Alexandria, Pergamus, and Se- rivalled each other in art no less than in ure. At Pergamus the celebrated groups composed which represented the victories of es and Eumenes over the Gauls.⁴ It is be- by some⁵ that the so-called dying gladiator ne is a statue of a Gaul, which originally be- to one of these groups. Ephesus also had rishing school of art, which appears to have ed, in the main, the style of Lysippus, and ed, like that of Pergamus, in the representa- e battle scenes. The Borghese fighter in the e is supposed to be the work of an Ephesian es, and to have originally formed a part of a battle scene. In Syria, too, art flourished eochia until the time of Antiochus IV., before e reign a number of statues had already been ed away by Scipio.

These new monarchies statues of the gods seldom made, and when they were executed, were, in most cases, copies from earlier works, e character in which the gods were represented gradually become fixed, and few artists ventured ter the forms, which had become typical. Por- t-statues of kings increased, on the other hand, a great extent. The vanity of the kings and the lery of the artists created a new kind of statues: rinces were frequently identified with certain es, and were consequently represented as such, h all the requisite attributes. In many cases mere bust of a king was put upon the body of a ue of a god. This was a most dangerous rock artists; for the simple representation of a king he shape of a god, which commenced as early he time of Alexander, was soon thought an in- cident mark of veneration, and art degenerated a mere instrument of the most vulgar flattery: p, and show, and tasteless ornaments were mis- in for art. Flattery towards the great was also vn in the monstrous number of statues that e erected to one and the same individual. De- rius Phalerus had 360, or, according to others, 0 statues erected to him.⁶ When the honour statue ceased to be considered as a high dis- tion, and when it became necessary to produce

such numbers of statues, the workmanship natural ly became worse in proportion as the honour sank in public estimation. During this time it became customary to combine with the statues of kings and generals symbolical representations of towns, which are called *τύχαι πόλεων*. In Magna Græcia art gradually fell into decay after the wars with the Romans; and the example of Capua, from which all the statues were carried to Rome, affords us an instance of the robberies and plunder which were committed by the Romans in other towns of Italy. But even after the Roman conquests, the cultiva tion of the plastic arts cannot have ceased altogether, as we must infer from the numerous works found at Pompeii, some of which possess a higher degree of perfection and beauty than might have been ex- pected in works of so late a date. In Sicily the activity of the artists appears to have ceased after the Roman conquest, for the numerous works with which Syracuse was adorned, and with which we are made acquainted by Cicero,¹ mostly belong to an earlier period.

Shortly before the taking of Corinth by Mum- mius, statues in bronze and marble were revived at Athens; and, although the artists were far inferior to those of former times, yet they still produced works of great excellence, as they showed their good sense and taste by making the masterworks of their predecessors the subjects of study and imi- tation.² Among those who contributed most to this revival of statuary were Cleomenes (who made the Medicean Venus, an imitation of that of Cnidus, but inferior in point of taste and delicacy), his son Cleomenes (by whom there is a statue in the Lou- vre, which shows an exquisite workmanship, but little life), Glycon, Apollonius, and others.

About the close of this period, and for more than a century afterward, the Romans, in the conquest of the countries where the arts had flourished, made it a regular practice to carry away the works of art; and, as they were unable to appreciate their value and merit, they acted, in many cases, no bet- ter than rude barbarians, regarding the most pre- cious relics of art in no other light than that of chairs and tables, which might be made again at pleasure, and at any time. At first these robberies were carried on with some moderation, as by Mar- cellus at Syracuse and by Fabius Maximus at Tarentum, and only with a view to adorn their triumphs and the public buildings of Rome. The triumphs over Philip, Antiochus, the Ætolians, the Gauls in Asia, Perseus, Pseudo-Philip, and, above all, the taking of Corinth, and subsequently the victories over Mithradates and Cleopatra, filled the Roman temples and porticoes with the greatest va- riety of works of art. After the taking of Corinth, the Roman generals and governors of provinces be- gan to show a kind of amateurship in works of art which was probably more owing to the fashion pre- vailing among the Roman grandes than to any real taste or love for the fine arts: they now robbed whatever they could to adorn their own residences. Sometimes either their avarice or necessity induced them to melt down the most precious works with- out any regard to artistic worth. The sacrilegious plunder of temples, and the carrying away of the sa- cred statues from the public sanctuaries, which had at first been prevented to some extent by the pon- tiffs, became afterward a common practice. The manner in which Verres acted in Sicily is but one of many instances of the extent to which these rob- beries were carried on. The emperors, especially Augustus, Caligula, and Nero, followed these exam- ples, and the immense numbe, of statues which,

(Plin., H. N., xxiv., 18.—Meursius, Rhodus, i., 16.)—2. (Plin., H. N., xxiv., 4, § 11.—Lessing's Laocoon.)—3. (Plin., H. N., xxiv., 4, § 10.)—4. (Id., xxiv., 19, § 24.—Paus., i., 25, § 2; Ant., Anton., 60.)—5. (Müller's Archæol., p. 154.)—6. (Plin., xv., p. 537.—Paus., v., 24, § 3.—Clem. Alex., Protrept., 16, ed. Sylb.—Dion Chrysost., Orat., 37, p. 122.)

1. (c. Verr., iv.)—2. (Plin. H. N., xxiv., 19.)

notwithstanding all this, remained at Rhodes, Delphi, Athens, and Olympia, is truly astonishing.¹

Before we proceed to describe the state of statuary during the last stage, in which Rome was the centre of the ancient world, it will be necessary to give an outline of the history of statuary among the Etruscans and Romans down to the year 146 B.C.

The Etruscans were, on the whole, an industrious and enterprising people. Different hypotheses have been proposed to account for the cultivation of the arts, in which this nation excelled all others in central and northern Italy, as well as for the peculiar style in some of their productions. Some writers think that it was owing to colonies from Lydia, which were established at Cære and Tarquinii; others, that the Etruscans themselves were a Pelasgian tribe. With the works of Grecian art they must have become acquainted at an early time, through their intercourse with the Greeks of southern Italy; and their influence upon the art of the Etruscans is evident in numerous cases. The East, also, appears to have exercised some influence upon the Etruscans, as many works of art found in Etruria contain precisely the same representations as those which we find in Asia, especially among the Babylonians. However this may have been effected, we know for certain that the whole range of the fine arts was cultivated by the Etruscans at an early period. Statuary in clay (which here supplied the place of wood, *ξόανα*, used in Greece) and in bronze appears to have acquired a high degree of perfection. In 267 B.C., no less than 2000 bronze statues are said to have existed at Volsinii,² and numerous works of Etruscan art are still extant, which show great vigour and life, though they do not possess a very high degree of beauty. Among them we may mention the Chimæra of Arretium (at Florence); the Capitoline She-wolf,³ which was dedicated in B.C. 296; the Minerva of Arezzo (now at Florence), and others. Some of their statues are worked in a Greek style; others are of a character peculiar to themselves, and entirely different from works of Grecian art, being stiff and ugly; others, again, are exaggerated and forced in their movements and attitudes, and resemble the figures which we meet with in the representations of Asiatic nations. Etruscan utensils of bronze, such as candelabra, patera, cups, thrones, &c., embellished with various ornaments and figures, were very highly valued in antiquity, and even at Athens at a time when the arts were still flourishing there.⁴ Their works in stone, especially the alto and basso relievos, which are found in considerable numbers on chests containing the ashes of the dead, are, with few exceptions, of very inferior merit.

The Romans, previously to the time of the first Tarquin, are said to have had no images of the gods, and for a long time afterward their statues of gods in clay or wood were made by Etruscan artists.⁵ During the early part of the Republic, the works executed at Rome were altogether of a useful and practical, and not of an ornamental character, and statuary was, in consequence, little cultivated. But in the course of time, the senate and the people, as well as foreign states, which were indebted to some Roman, began to erect bronze statues to distinguished persons in the Forum and other places.⁶ The earliest works of this kind which we can consider as really historical are the statues of Attus Navius,⁷ of Minucius outside the Porta Trigemina, and of Pythagoras and Alcibiades, which

stood in the corners of the comitium from the year B.C. 314 down to the dictatorship of Sulla.⁸ The last two statues were undoubtedly of Greek workmanship. The earliest metal statue of a deity was, according to Pliny, a Ceres which was made of the confiscated property of Spurius Cassius, about 400 B.C.⁹ Two other metal statues of gods were the Capitoline Hercules, 306 B.C.,¹⁰ and the colossal statue of the Capitoline Jupiter, which, according to Livy, was made about 490 B.C.¹¹ The number of statues of men in the Forum appears soon to have become very great, and many persons seem to have had them erected there without any right: hence, in 161 B.C., the censors P. Cornelius Scipio and M. Popilius removed from the Forum all statues of magistrates which had not been erected with the sanction of the senate or the people.¹² A statue of Cornelia, the mother of the Gracchi, stood in the porticus of Metellus. The artists by whom these and other statues were executed were undoubtedly Greeks and Etruscans.

V. Fifth Period, from Ol. 158 (B.C. 146) to the fall of the Western Empire.

During this period Rome was the capital of nearly the whole of the ancient world, not through its intellectual superiority, but by its military and political power. But it nevertheless became the centre of art and literature, as the artists resorted thither from all parts of the Empire for the purpose of seeking employment in the houses of the great. The mass of the people, however, had as little taste for, and were as little concerned about the arts as ever. In addition to this, there was still a strong party of the Romans who, either from an affected or an honest contempt for the Greeks, entertained the vain hope of being able to restore the golden age. These circumstances account for the fact that a man like Cicero thought it necessary to counsel and disguise his love and knowledge of the fine arts. It was, therefore, only the most distinguished and intellectual Romans that really loved and cherished the arts. This was both a fortunate and an unfortunate circumstance: had it not been so, art would have perished at once; now it continued in some degree to be cultivated, but it experienced the same fate, which it has met with at all times, when it continued its existence without the sympathies of the people, and merely under the patronage of the great. Notwithstanding these unfavourable circumstances, there were a number of distinguished artists at Rome during the latter period of the Republic, who had really imbibed the spirit of the ancient Greeks, and produced works of great beauty and merit. We need only mention such names as Praxiteles of southern Italy, who was a Roman citizen, and made an ivory statue of Jupiter for the Temple of Metellus;¹³ Arcesilaus, of whom Pliny mentions several highly valued works, and whose models were prized more than the statues of others; Marcus, who even ventured to rival Chares in the art of founding metal statues; Praxiteles, Diogenes, and others. During the Empire the arts declined, and, with some noble exceptions, merely adhered to the vanity, luxuries, and caprices of the emperors.¹⁴ The inertness of the times, says Pliny, has destroyed the arts; and as there were no great minds to be represented, the representations of the bodies were likewise neglected. Occasionally, however, excellent and talented sculptors still arose, and adorned the palaces of the emperors with beautiful

1. (Vid. Völkel, Ueber die Wegführung der Alten Kunstwerke aus den eroberten Ländern nach Rom.—Müller, Arch., p. 165, &c.)—2. (Plin., H. N., xxiv., 16, 18.—Compare Vitruv., iii., 2.)—3. (Dionys., i., 79.—Liv., x., 23.)—4. (Athens., i., p. 28; xv., p. 700.)—5. (Plin., H. N., xxxv., 45; xxiv., 16.)—6. (Id. ib., xxiv., 14.)—7. (Id., xxxiv., 11.—Cic., De Div., i., 11.)

1. (Plin., H. N., xxiv., 12.)—2. (Id., xxiv., 9.)—3. (Id. ib., 44.)—4. (Id. ib., 40; x., 38.—Plin., H. N., xxiv., 11.)—5. (Id. ib., xxiv., 14.)—6. (Horat., ad Pis., 323.—Pompe., 6.)—7. (Plin., H. N., xxxv., 4, 12.)—8. (Sueton., August., 88.—Id. ib., xxiv., 2.)

Pliny¹ mentions as such Craterus, Pythodorus, Hermolaus, a second Pythodorus, and Aphrodisius of Tralles. In the time of Nero, who did much for the arts, we meet with Craterus, a founder of metal statues, who was commissioned by the emperor to execute a colossal statue of 110 feet high, representing Nero as the

The work was not completely executed, as the metal had fallen into oblivion. D. 75 the statue was consecrated as a Sol, and afterward changed into a statue of Commodus covering the head.² The principal sculptures that were produced during the Empire were, on public monuments, such as those adorning the triumphal arch of Titus, which represented the apotheosis of the emperor, and his triumph over the Gauls. The invention and grouping of the figures is good and tasteful, but the execution is careless. The same may be said of the reliefs of the Temple of Vesta in the Forum of Domitian, in which the work in particular is very bad. 2. Statues and busts of the emperors. These may again be divided into classes, and are easiest distinguished by the costumes in which they are represented. They are (a) faithful portraits in the costume of ordinary citizens (*statuæ thoracata*), or in the attire of warriors (*statuæ thoracata*), generally in an attitude as if they were addressing a body of men, as, *e. g.*, the colossal statue of Augustus in the palace Grimani. To this class belong the equestrian statues, and the statues of triumphal cars with from two to six horses, sometimes even with elephants, which were only made for emperors out of mere vanity, without there having been any real triumph to commemorate such a work.³ (b.) Such statues as were intended to show the individual in an exalted, heroic, or deified character. Among these were reckoned the so-called Achillean statues, which were made in the time of Augustus; they were naked, bore a hasta in one hand;⁴ and, secondly, were in a sitting position, with the upper part of the body naked, and a pallium covering the loins.

Statues were intended to represent an emperor as Jupiter, but sometimes also as an Apollo.⁵ The method of representing an emperor as a god was first practised with much good taste. The statues of the ladies of the imperial families are likewise either simple and faithful portraits, or they are treated as goddesses: specimens of each kind are extant. The custom adopted in the Macedonia, of combining allegorical representations of emperors and provinces with the monuments erected in honor of the sovereigns, was sometimes followed by the Romans also, and some of them were executed by very distinguished artists.⁶ In the reign of Trajan, the column of Trajan, with sculptures representing the victory of this emperor over the Germans, and other similar works, were executed. In the Vatican, and in the Louvre there is a beautiful *statuæ thoracata* of Trajan, and several fine busts of the same emperor.

From the reign of Hadrian, statuary had become more and more confined to the representation of subjects of a common nature, so that at length scarcely find anything else but the records of the emperor in the reliefs on the public monuments, and various kinds of statues of the emperors and the members of their families. But in the reign of Hadrian the arts seemed to begin a new era. He himself was undoubtedly a real lover and connoisseur

of art, and he encouraged it not only at Rome, but in Greece and Asia Minor. The great villa of Trajan below Tivoli, the ruins of which cover an extent of ten Roman miles in circumference, was richer in works of art than any other place in Italy. Here more works of art have been dug out of the ground than anywhere else within the same compass. Hadrian was fond of the ancient forms in art as well as in language, and many works in the archaic style still extant may have been executed at this time. Some statues made at this time combine Egyptian stiffness with Grecian elegance, and especially the representations of Egyptian deities, such as that of Isis, are half Greek and half Egyptian. But by the side of this strange school there existed another, in which the pure Greek style was cultivated, and which has produced works worthy of the highest admiration. Foremost among these stand the statues and busts of Antinous, for whom the emperor entertained a passionate partiality, and who was represented in innumerable works of art. The colossal bust of Antinous in the Louvre is reckoned one of the finest works of ancient art, and is placed by some critics on an equality with the best works that Greece has produced. The two centaurs of black marble on the Capitol probably belong to the reign of Hadrian: one of them is executed in an old and noble style, and is managed by a little Eros riding on his back; the other looks more like an intoxicated satyr. There are also some very good works in red marble which are referred to this period, as it is not known to have been used before the age of Hadrian.

As the arts had received such encouragement and brought forth such fruits in the reign of Hadrian, the effects remained visible for some time during the reign of the Antonines. Antoninus Pius built the great villa at Lanuvium, of which ruins are still extant, and where many excellent works of art have been discovered. But sophistry and pedantic learning now began to regard the arts with the same contempt as the ignorance of the Romans had formerly done. The frieze of a temple, which the senate caused to be erected to Antoninus Pius and Faustina, is adorned with griffons and vessels of very exquisite workmanship; but the busts and statues of the emperors show in many parts an affected elegance, while the features of the countenance are tasteless and trivial copies of nature. The best among the extant works of this time are the equestrian statue of Marcus Aurelius of gilt bronze, which stands on the Capitol, and the column of M. Aurelius, with reliefs representing scenes of his war against the Marcomanni. The busts which we possess of M. Aurelius, Faustina, and Lucius Verus, are executed with very great care, especially as regards the hair. The number of the extant busts of the Antonines amounts to above one hundred; and the rate at which busts of emperors were sometimes multiplied, may be inferred from the fact that the senate sometimes ordained that the bust of an emperor should be in the house of every citizen.

After the time of the Antonines, the symptoms of decline in the arts became more and more visible. The most numerous works continued to be busts and statues of the emperors, but the best among them are not free from affectation and mannerism. The hair, especially in the representations of female figures, becomes gradually utterly tasteless; and instead of the natural hair, the artists made it a point to show that it was a large peruke, which in some cases might be put on and taken off at pleasure. (Vid. GALERUS.) In the time of Caracalla many statues were made, especially of Alexander the Great. Alexander Severus was a great admirer of

¹ N., xxxvi., 4, § 11.—2. (Id., xxxiv., 18.—Herodian, i., 10.—Dion Cass., liii., 22.—Stat., Sylv., l., 1.—Mart., ix., 69.—De Orat., 8, 11.—Juv., vii., 120.—Plin., H. N., xxxiv., 1, c.)—3. (Müller, Arch., p. 219.)—4. (Strab., 9, 2.—Müller, Arch., p. 220.)

of the contemporary historians, nor is it at all probable. The barbarians were only anxious to carry with them the most precious treasures in order to enrich themselves; a statue must have been an object of indifference to them. What perished, perished naturally by the circumstances and calamities of the times: in times of need, bronze statues were melted down, and the material used for other purposes; marble statues were frequently broken to pieces and used for building materials. If we consider the history of Rome during the first centuries after the conquest of Italy by the Germans, we have every reason to wonder that so many specimens of ancient art have come down to our times.¹

STELAI (στῆλαι). (Vid. FUSUS, p. 457.)

STHENIA (σθῆνια), a festival with contests, celebrated by the Argives in honour of Zeus, surnamed Sthenius, who had an altar, consisting of a large rock in the neighbourhood of Hermione.² Plutarch³ states that the πάλη or wrestling, which formed a part of the contests at this festival, was accompanied by a flute; and he also mentions a tradition, according to which the festival had originally been held in honour of Danaus, and that it was afterward consecrated to Zeus Sthenius.

STIBADIUM. (Vid. MENSA, p. 633.)

*STIBIUM (στῆμι), a Sulphuret of Antimony, used from the earliest times, and still employed at the present day in the East for tinging black the hair and eyebrows, the eyelashes and edges of the eyes; this last application being with a view to increase the apparent size of the eye. "Pliny's description of stibium," says Dr. Moore, "does not suit in all respects, the common sulphuret of antimony; but this mineral may have been found then more frequently associated, as it now sometimes is with the white oxide, or with the nickeliferous sulphuret, to either of which Pliny's description of *stibium nitensque* might be with propriety applied." Hardouin correctly states, according to Adams, that the ancients were most probably unacquainted with pure antimony, which is a fictitious substance, or, at least, is rarely found as a natural ore. It is called τετραγωνον by Hippocrates, from its being made into pastils of a square form." On the ancient antimony, consult Pliny's Natural History.⁴

STILLICIDIUM. (Vid. SERVITUTES, p. 878.)

STILUS or STYLUS is in all probability the same word with the Greek στύλος, and conveys the general idea of an object tapering like an architectural column. It signifies,

1. An iron instrument,⁵ resembling a pencil in size and shape, used for writing upon waxed tablets.⁶ At one end it was sharpened to a point for scratching the characters upon the wax,⁷ while the other end, being flat and circular, served to render the surface of the tablets smooth again, and so to obliterate what had been written. Thus *vertere stilum* means to *erase*, and hence to *correct*, as in the well-known precept *sape stilum vertas*.⁸ The stylus was also termed *graphium*,⁹ and the case in which it was kept *graphiarium*¹⁰ or *graphiaria theca*.¹¹ The following woodcut is from a picture found in Herculaneum.¹²

2. A sharp stake or spike placed in pitfalls before

1. (Winckelmann, *Gesch. der Kunst.*—Meyer, *Gesch. der bildenden Künste bei den Griechen.*—F. Theuerck, *Über die Epochen der bildenden Kunst unter den Griechen.*—E. O. Müller, *Archäol. der Kunst*, 2d ed., 1835.)—2. (Heuzel, *Ét. v. Yéna.*—Compare Paus., ii., 32, § 7; 34, § 6.)—3. (*De Mus.*, p. 1140, C.)—4. (Dioscor., iii., 99.—Plin., ii., N., xxxiii., 33.—Hardouin ad Plin., l. c.—Adams, *Append.*, s. v.—Moore's *Anc. Mineralogy*, p. 51.)—5. (Ovid, *Met.*, ix., 521.—Mart., xiv., 21—4 (Plaut., *Bacch.*, iv., 4, 63.—Plin., H. N., xxxiv., 14.)—7. (Quint., i., 1, § 27.)—8. (Hor., *Sat.*, i., 10, 72.—Cic., *c. Ver.*, ii., n. 41)—9. (Ovid, *Amor.*, i., 11, 13.—Suet., *Jul.*, 82.)—10. (Mart., vi., 21.)—11. (Suet., *Claud.*, 35.)—12. (*Mus. Bourbon.*, tom. ii., pl. 33.)

1. (Vid. *Vulgaris*...
werke aus dem...
165, &c.)—2. (Dionysius, iii., 2)—3. (Dionysius, xv., p. 700.)—5. (Dionysius, xiv., 14.)—



entrenchment to embarrass the progress of an attacking enemy.¹ It was intended to answer the same purpose as the contrivances called *cippi, lilia, stimuli* by Cæsar.²

A bronze needle or rod for picking worms off trees;³ also a wooden probe employed in gardening operations.⁴

Bears, also, the meaning of the stem of a tree or stable,⁵ which is, perhaps, the primary significance of *στύλος*.

STIMMI, the Greek name for what the Romans called *Stibum*. (Vid. *STIBIUM*.)

STIPENDIARII. The stipendiariæ urbes of the Roman provinces were so denominated, as being subject to the payment of a fixed money tribute, *stipendium*, in contradistinction to the vectigales, who paid a certain portion, as a tenth or twentieth of the produce of their lands, their cattle, or customs. The word "*stipendium*" was used to signify a tribute paid, as it was originally imposed for, afterward appropriated to, the purpose of furnishing the Roman soldiers with pay (*stipendium*).⁶ The condition of the urbes stipendiariæ is generally thought to have been more honourable than that of the vectigales, but the distinction between the two was not always observed.⁷ The word *stipendarius* is also applied to a person who receives a salary or pay, as a "*stipendarius miles*,"⁸ a word which is sometimes used to denote a veteran who has received pay for many years, or served in several campaigns.⁹ Some MSS. have *stipendiosus* for *stipendium*, which is, perhaps, a bet-
 ter reading.¹⁰

STIPENDIUM, a pension or pay, from *stipem* and *pendo*, because, before silver was coined at Rome, the copper money in use was paid by weight, and not by tale.¹¹ According to Livy, the practice of paying pay to the Roman soldiers (*ut stipendium de publico acciperet*) was not introduced till 405, on the occasion of the taking of Tarracina by the Romans. He represents the change as the spontaneous and unsolicited act of the senate; but from his passage¹² we learn, that in the year 421 B.C. the tribunes had proposed that the occupiers of the public land should pay their vectigal regularly, and that it should be devoted to the payment of the stipendium. The concession was probably accelerated by the prospect of the last war with Veii, and made as a view of conciliating the plebs, who, without such favour, would in their then humour have refused to vote for the war. Livy also represents the funds for the payment to have been raised by a new tax or general tax; but, as Arnold observes,¹³ the vectigal or tithe due from the occupiers of the public land was to provide pay for the soldiers; and this was not sufficient, it was to be made good

by a tax or tribute levied upon the whole people. This tithe, however, was probably paid very irregularly, and hence the pay of soldiers would, in point of fact, be provided chiefly out of the tributum." A few years after this concession (B.C. 403), and during the hostilities against Veii, a certain amount of pay was assigned (*certus numerus æris est assignatus*) to the knights also, or *Equites*, p. 415. Livy, however, seems to be here speaking of the citizens who possessed an equestrian fortune, but had no horse (*equus publicus*) assigned to them by the state; for it had always been customary for the knights of the 18 centuries to receive pay out of the common treasury in the shape of an allowance for the purchase of a horse, and a yearly pension of 2000 *asses* for its keep. (Vid. *ÆS EQUESTRE, ÆS HORDEARIUM*.) Hence Niebuhr² doubts the accuracy of the account which is given by Livy,³ and observes that "the Veientine war cannot have been the occasion on which the practice of giving pay to the troops was first established: the *æarii* must undoubtedly have always continued to pay pensions (*capita*) to the infantry, in the same way as single women and minors did to the knights; and the change consisted in this, that every legionary now became entitled to pay, whereas the number of pensioners had previously been limited by that of the persons liable to be charged with them; and hence the deficiency was supplied out of the *æarium* from the produce of the vectigal, and when this failed, by a tribute levied even from those plebeians who were themselves bound to serve." Consequently, the tribunes murmured that the tribute was only imposed for the sake of ruining the plebs.⁴ In support of his opinion, Niebuhr⁵ advances arguments which at least make it very probable that the "paternal legislation" of Servius Tullius provided for the pay of the infantry in the manner mentioned; but even admitting this, the practice might have been discontinued, so as to justify the statement made on this subject by Livy. We have not space to repeat or discuss those arguments here, and therefore simply refer to them in vol. i., p. 374, and vol. ii., p. 441, of his History. According to Polybius,⁶ the daily pay of a legionary amounted, in his time, to two oboli, which, as he makes a drachma equivalent to a denarius, and a denarius, in paying the soldiers, was then estimated at ten *asses*,⁷ and not at sixteen, as was usual in other money transactions, gives 3½ *asses* a day, or 100 a month. Now the yearly pension of the knights (2000 *asses*), observes Niebuhr, gives, if we take the old year of 10 months, 200 *asses* a month; just double the pay of the foot-soldiers. In later times the knights received triple pay (*triplex stipendium merebant*). This allowance was first established by the military tribune Cn. Cornelius Cossus (400 B.C.), and, according to Niebuhr, was then designed as a compensation to those who served with their own horses: it did not become the general custom till some time afterward. Polybius⁸ thus speaks of the stipendium of his day, which he calls *βιβάνιον*, as St. Luke⁹ also does. "The foot-soldier receives as pay two oboli a day; the centurion twice as much; the horseman a drachma or denarius. The foot-soldiers also receive in corn every month an allowance (*demensum*) of ⅔ *ds* of an Attic medimnus, or about 2 bushels of wheat; the horsemen 7 medimni of barley and 2 of wheat. The infantry of the allies receive the same allowance (*σισιμετρούνται*) as the Roman; the horsemen 1½ *ds* medimni of wheat and 5 of barley. But there is this difference, that the allied forces receive their allowance as a gratuity; the Roman

(Bell. African., 31.—Silius, x., 415.)—2. (B. G., vii., 73.)—3. (Cæsar, Gall., iv., 10, § 20.)—4. (Columell., xi., 3, § 53.)—5. (Id., i., § 21; xi., 3, § 46.)—6. (Liv., iv., 60.—Tacit., Hist., iv., 7. (Liv., xxxvii., 32.)—8. (Hirtius, De Bell. Afric., 43.)—9. (Geogr., De Re Milit., i., 15.)—10. (Götting, Gesch. der Röm. Imper., p. 418.)—11. (Varro, Ling. Lat., v., 182, ed. Müller. 11. N., xxx., 3.)—12. (iv., 36.)—13. (Hist. of Rome, i., 374.—4 compare Niebuhr, ii., p. 440.)

1. (Liv., v., 7.)—2. (ii., 474, and ii., p. 441.)—3. (iv., 59.)—4. (Liv., iv., 60.)—5. (l. c.)—6. (vi., 37.)—7. (Plin., l. c.)—8. (vi., 37.)—9. (iii., 14.)

soldiers, on the contrary, have deducted from their pay the money value of whatever they receive, in corn, armour, or clothes." There was, indeed, a law passed by C. Gracchus,¹ which provided that, besides their pay, the soldiers should receive from the treasury an allowance for clothes; but from Tacitus² this law seems either to have been repealed or to have fallen into disuse. The two oboli of Polybius, which we make equal to 3½ *asses*, are reckoned by Plautus in round numbers at 3 *asses*. Thus he says,³ "*Isti qui trium nummorum causa subeunt sub falas.*" This amount was doubled for the legionaries by Julius Cæsar⁴ before the civil war. He also gave them corn whenever he had the means, without any restrictions (*sine modo nensuraque*). Under Augustus⁵ it appears to have been raised to 10 *asses* a day (three times the original sum), or 300 a month, or 1200 in four months. Now, as the original amount of their pay had been tripled, the soldiers could not complain if the denarius were reckoned at 16 *asses* in payments made to themselves as well as other persons; and, taking this value, the 1200 *asses* amount to exactly 3 aurei, or 3×400 *asses*. This sum, then, was considered as a unit, and called *stipendium*, being paid three times a year. Hence Suetonius says of Domitian,⁶ "*Addidit et quartum stipendium, ternos aureos;*" a fact which Zonaras⁷ otherwise expresses by stating that, instead of 75 drachmæ (*i. e.*, denarii), Domitian gave the soldiers 100, *i. e.*, he made an addition of 25 denarii or 1 aureus to their pay. The expression of Suetonius supposes that 3 aurei were paid every quarter instead of every four months, after the addition made by Domitian; that of Zonaras implies that 4 aurei instead of 3 were paid, as before, every three months, the annual amount being the same either way, and the quarterly or four months' instalment of 3 or 4 aurei being called a *stipendium*. Niebuhr's⁸ statement on this subject is only partially correct, or else obscure: at any rate, if the soldiers received 10 *asses* a day, they must have received more than 1200 a year.

The prætorian cohorts received twice as much as the legionaries.⁹ The pay of the tribunes is not known; but it was considered very great,¹⁰ and probably was not less than 48 aurei per annum after the time of Domitian. We must not omit to mention that, if his pay were withheld, the Roman soldier was allowed, by an old unwritten custom, to distrain the goods (*per pignoris capionem*) of the officer whose duty it was to supply it. The eques was allowed the same privilege against the persons who were bound to furnish him with the *æs equestre* for the purchase of his horse, and the *æs hordearium* for its keep.¹¹

From an expression which Livy¹² puts into the mouth of a patrician orator, it might be supposed that the soldiers always received a full year's pay, independent of the length of their service. This, however, seems so unreasonable, that we cannot but agree with Niebuhr in supposing that the historian was misled by the custom of his own time, when a full year had long been the stipulated term of a soldier's pay as well as of his service.

STIPULATIO, STIPULATOR. (*Vid. OBLIGATIONES*, p. 673.)

STIVA. (*Vid. ARATRUM*, p. 79.)

STLENGIS (*στλεγγίς*). (*Vid. ΛΟΥΤΡΟΝ*, p. 506.)

STOA (*στοά*). (*Vid. PORTICUS*.)

STOCHEION (*στοχείον*). (*Vid. HOROLOGIUM*.)

*STEBE (*στειβή*). "According to Hardouin, a species of *Scabiosa*; but this opinion is rejected by

Sprengel, who rather too confidently refers *Peterium spinosum*, L. Stackhouse holds the *Stabe centaurea*."¹³

*STECHAS (*στοιχάς*), a species of *I* probably, as Sprengel maintains, the *Stachas*.¹⁴

STOLA was a female dress worn over it came as low as the ankles or feet (*ad demissa*), and was fastened round the waist by a girdle, leaving above the breast broad folds (*siorem stola frontem*). The tunic did not reach much below the knee, but the essential difference between the tunic and stola seems to have been that the latter always had an *INSTITA* or seam sewed to the bottom, and reaching to the feet. Over the stola the palla or pallium was worn (*PALLIUM*), as we see in the cut annexed.*



The stola seems to have been usually fastened over the shoulder by a *FIBULA* or clasp, and had sleeves, but not always.

The stola was the characteristic dress of Roman matrons, as the toga was of the Romans. Hence the meretrices were not allowed to wear it, but only a dark coloured toga,¹⁵ and, as Horace¹⁶ speaks of the *matrona* in contrast to the *togata*. For the same reason, women who had been divorced from their husbands on account of adultery were not allowed to wear the stola, but only the toga;¹⁷ to which Martial alludes.¹⁸

*STOMOMA. (*Vid. ADAMAS*.)

STRAGULUM. (*Vid. TAPES*.)

STRATEGOS (*στρατηγός*). The office of *στρατηγός*, or general, seem to have been especially peculiar to the democratic states of ancient Greece: we read of them, for instance, at Athens, Tarentum, Syracuse, Argos, and so on; and when the tyrants of the Ionian cities were deposed by Aristagoras, he sent the *στρατηγοί* in their room, to act as chief magistrates.

The strategi at Athens were instituted by Cleisthenes, in connection with the remodelling of the constitution by Cleisthenes, to discharge the duties which had formerly been performed either by the king or the polemarchus. They were ten in number, one from each of the ten tribes, and chosen by the *(χειροτονία)* of the people.¹⁹ Before entering on their duties, they were required to submit to a public examination of their character;²⁰ and no one was eligible to the office unless he had legitimate property, and was possessed of landed property to the value of 1000 drachmæ.²¹ They were, as their name denotes,

1. (Plin. in vita.)—2. (Ann., i. 17.)—3. (Mosc., ii. 1. 10.)—4. (Suet., c. 26.)—5. (Suet. Octav., c. 49.—Tacit., l. c.)—6. (c. 7.)—7. (Ann., ii. p. 196.)—8. (ii., p. 443.)—9. (Tacit., l. c.)—10. (Juv., iii., 132.)—11. (Gaius, lib. iv., § 26-28.)—12. (v., c. 4.)

1. (Dioscor., iv., 12.—Theophr., i., 10.—Adans., l. 2.—2. (Dioscor., iii., 28.—Adams, Append., s. v.)—3. (i., 2, 99.)—4. (Mart., iii., 93, 4.)—5. (Hor., Sat., i., 1. Ar. Anat., i., 32.)—6. (Mus. Barb., iii., var. 7.)—7. (ii., 18.)—8. (Tibull., iv., 10, 3.—Mart., i., 36, 5.)—9. (2, 62.)—10. (Schol. ad Hor., l. c.)—11. (ib., 99.)—12. (Becker, Gallus, l., p. 321, &c.)—13. (Walter, 24.)—14. (Herod., v., 32.)—15. (Pollux, Onom., vi., 11.)—16. (Dioscor., c. 26.)

the command on military expeditions, with superintendence of all warlike preparations, and the regulation of all matters in any way connected with the war department of the state. They enlisted the soldiers (*κατέλεξαν*), either singly or with the assistance of the taxiarchs.¹ They were intrusted with the collection and management of the *εἰσφοραί*, or property-taxes raised for the purposes of war; and also presided over the *εἰσαγωγαί* in the courts of justice, in which any disputes connected with this subject the trierarchy were decided.² They also selected from year to year persons to serve as *εὐβούτοι*,³ and took cognizance of the cases of *ἀποστία* arising out of the trierarchy and properties (*ἐπιούουν τὰς ἀντιδόσεις*). They also presided at courts-martial, and at the trials in cases of accusation for non-performance of military and nautical duties. (*Vid.* *ΑΣΤΡΑΤΕΙΑΣ* and *ΑΝΑΓΜΑΤΡΑΦΑΙ*.) They likewise had the power of calling extraordinary assemblies of the people in cases of emergency (*vid.* *ΕΚΚΛΗΣΙΑ*, p. 384), and the instance of Pericles, it would almost seem at critical times they had the power of preventing an assembly being holden.⁴ But their most important trust was the command in war, and it devolved upon circumstances to how many of the command it was given. At Marathon all the ten were equal, and the chief command came to each of them in turn. The archon polemarchus also was associated with them, and, according to the ancient custom, his vote in a council of war was equal to that of any of the generals.⁵ In the expedition against Samos, also, all the ten generals were equal,⁶ the poet Sophocles being one of the number, but it is obvious that in most cases it would devolve either conveniently nor useful to send out the command in number on the same undertaking, and, during the course of a protracted war, it would be necessary for some of them to be left at home in the department of the war there. Accordingly, the best times of Athens, three only were, for the most part, sent out; one of these (*πρῶτος αὐτός*) was considered as the commander-in-chief, but his colleagues had an equal voice in a council of war. Sometimes a strategus, as Pericles, was invested with extraordinary powers,⁷ in like manner, the generals engaged in the Sicilian expedition, Alcibiades, and Lamachus, were made *ἀντιστράτηγοι*, or supreme and independent in all matters connected with it.⁸ So also was Aristides in command at Plataea. But even in ordinary cases Athenian generals were not fettered in the execution of a campaign by any council of war or controlling authority, as the Spartan kings of old times were; still they were responsible for it, at the time of Demosthenes⁹ exposed, at the expiration of their command, to capital indictment on the caprice of the people, or from the malevolence of personal enmity.¹⁰ Even Pericles himself¹¹ was blamed by the people for imputed mismanagement, but because the Athenians were disappointed in their expectations. The times of Chabrias and Phocion, however, were a later part of the general's regularly remained free to conduct the processions, &c., as the citizen did to enjoy them, leaving their wars to be conducted by mercenaries and their leaders.¹² Many of them, too, were not commanders of all the

troops, but only of the horse and foot of separate armies (*στράτηγός δ' ἐπὶ τῶν ὀπλῶν ἢ ὀπλιτῶν*, and *ὁ ἐπὶ τῶν ἵππέων*): and one of them, the general of the administration (*ὁ ἐπὶ τῆς διοικήσεως*), performed part of the judicial labours of the strategoi and other civil services, such as that of giving out the pay of the troops.¹ We must also remember that the Athenian navy, as well as the army, was commanded by the strategoi, whence the "prætorian navis" or flag-ship is called *στρατηγὶς ναῦς*.²

The strategoi at Athens were perhaps the most important officers of the Republic, especially during war; and among them are numbered some of her most distinguished citizens, Miltiades, Themistocles, Pericles, Phocion, &c. But the generals of the early times differed in many respects from the contemporaries of Demosthenes. Formerly the general and the statesman were united in one person; the leader in the field was the leader in the assembly, and thus acquired a double influence, accompanied with a double responsibility. But in later times, the general and the professed orator or statesman were generally perfectly distinct,³ and the latter, as will always be the case in free states, had by far the greater influence. The last of the Athenian generals who was considered to unite the two characters was Phocion, who was general no less than forty-five times.⁴ Accordingly, the various parties into which the state was then divided had each their orator and general, the former acting as a recognised leader;⁵ and a general, when absent on foreign expeditions, was liable to be maligned or misrepresented to the people by an unfriendly and influential demagogue.⁶ Hence we cannot wonder that the generals of the age of Demosthenes were neither so patriotic nor so distinguished as those of former times, more especially when we call to mind that they were often the commanders of mercenary troops, and not of citizens, whose presence might have checked or animated them. Moreover, they suffered in moral character by the contamination of the mercenary leaders with whom they were associated. The necessity they were under of providing their hired soldiers with pay, habituated them to the practice of levying exactions from the allies; the sums thus levied were not strictly accounted for, and what should have been applied to the service of the state was frequently spent by men like Chares upon their own pleasures, or in the purchase of a powerful orator.⁷ Another effect of the separation of the two characters was, that the responsibility of the general and of the orator or minister was lessened, and it was in most cases easy for a general to purchase an apparently disinterested advocacy of his conduct. There was this farther abuse connected with the system, that, according to Isocrates,⁸ military command was so much coveted, that the election of generals was often determined by the most profligate bribery.

The most eminent generals of the time of Demosthenes were Timotheus, Chabrias, Iphicrates, and Diopithes: Chares and Lysicles were inferior to them both in loyalty and skill, but the former and the mercenary Charidemus were frequently employed. Towards the decline of the Roman Empire the chief magistrate at Athens was called *στράτηγός*, or the duke: Constantine bestowed on him the title of *μέγας στρατηγός*, or the *grand duke*.⁹ The military chieftains of the Ætolian and Achæan leagues were also called *στρατηγοί*. The Achæan *στρατηγοί* had the power of convening a

1. (Alein., 140, Pro Milit., 114.)—2. (Wolf ad Lept., Demosth., c. Lacr., 940, 16.)—3. (Demosth., c. Boet., i., Ken., De Rep. Athen., 3.)—4. (c. Phœnip., 1040.)—5. (Thucyd., ii., 22.)—6. (Herod., vi., 109.)—7. (Thucyd., i., 116.)—8. (Miller, Literature of Ancient Greece, p. 338.)—9. (Thucyd., vi., 8, 26.)—10. (Philip., i., 53.)—11. (Mid., 535; c. Aristocr., 676.)—12. (Thucyd., ii., 65.)—13. (Wachsmuth, 11, 1, p. 410.—Demosth., Phil., i., 47, 12.)

1. (Bœckh, Staatsh., ii., c. 7.—Dem., Pro Coron., p. 255, 11.)—2. (Hermann, Lehrbuch d. Griech. Staatsalt., § 152.)—3. (Isocr., De Pace, 170.)—4. (Plut., Phoc., 5.—Wachsmuth, i., ii., § 79.)—5. (Demosth., Olyn., ii., 26.)—6. (Demosth., De Cherson., 97, 12.—Wachsmuth, l. c.)—7. (Thirlwall, Hist. of Greece, v., § 214.)—8. (De Pace, 168.)—9. (Julian, Orat., i.)

general assembly of the league on extraordinary occasions.¹

*STRATIOTES (στρατιώτης), a species of plant, probably a kind of water-lentil. "The *στρατιώτης ποτάμιος* was most probably, according to Sprengel, the *Pistia Stratiotis*. Woodville, treating of the common *Yarrow* or *Mullefoil*, says of it, 'This plant appears to be the *στρατιώτης χιλιόφυλλος* of the Greek writers.' It is pretty generally looked upon as being the *Achillea millefolium*. It got the name of *Achillea* from its being supposed the herb used by Achilles in dressing wounds."²

STRATORES. 1. Imperial equestris subject to the tribunos stabuli. Their proper duty, as the name imports, was to saddle the horses; they also led them from the stable, and assisted the emperor to mount. Hence they were termed in Greek *ἀναβολαίται*. From the addition of *miles* to their title, it appears that they were considered as part of the military establishment.³ Consuls and prætors had their *stratores*, as we learn from inscriptions,⁴ and perhaps *adiles* also.⁵

2. Officers sent into the provinces to select horses for the stud of the prince or for the general service of the state.⁶ These, in all probability, belonged to the same body with those mentioned above; the title *stratores a publicis rationibus*, by which they are usually distinguished in works upon Roman antiquities, rests upon no authority except the letters STR. A. P. R. in an inscription,⁷ the interpretation of which is very doubtful.

3. Jailers under the orders of the *commentariensis*, or chief inspector of prisons.⁸ To these Ulpian refers, "nemo proconsulum *stratores suos habere potest, sed eorum vice milites ministerio in provinciis funguntur*," although the passage is quoted in most dictionaries as bearing upon the *stratores* of the stable.¹⁰

4. In the later Latin writers, and especially in the monkish historians of the Middle Ages, *stratores* denote a chosen body of soldiers sent in advance of an army to explore the country, to determine the proper line of march, to select the spots best fitted for encamping, and to make all the arrangements necessary for the safety and comfort of the troops when they halted, their duties being in some respects analogous to those of the classical *metatores*, and in others to those of a *modern corps de guides*.¹¹

5. We find in an inscription the words *DIOMEDES A. P. STRATOR*, which is generally understood to commemorate the labours of some individual in paving the Appian Way, and mention is made of *stratores* of this description, in another inscription found at Mayence.¹²

STRENA, a present given on a festive day and for the sake of good omen,¹³ whence a good omen is called by Plautus *boni strena*.¹⁴ It was, however, chiefly applied to a new-year's-gift, to a present made on the calends of January. In accordance with a *senatus consultum*, new-year's-gifts had to be presented to Augustus in the Capitol, even when he was absent.¹⁵ The person who received such presents was accustomed to make others in return (*strenarium commercium*); but Tiberius, who did not like the custom on account of the trouble it gave him, and also of the expense in making presents in re-

turn, frequently left Rome at the beginning of January, that he might be out of the way,¹⁶ and strictly forbade any such presents to be offered him after the first of January, as he used to be annoyed by them during the whole of the month.¹⁷ The custom, so far as the emperor was concerned, thus seems to have fallen almost entirely into disuse during the reign of Tiberius. It was revived again by Caligula,¹⁸ but abolished by Claudius;¹⁹ it was, however, have been restored afterward, as we find it mentioned as late as the reigns of Theodosius and Arcadius.²⁰

STRIGIL. (Vid. BATHS, p. 146; LOTION, p. 599.)

*STRIX, the Screech Owl. (Vid. GLAUCI.)

*STROMBUS (στρόμβος), a shellfish, called in French *Trompe*, in English *Trumpet*; namely, the *Cochlea Strombus*, L.²

STROPHIUM (στρῳφίον, ἀπόδεμα) was a girdle or belt worn by women round the waist and over the inner tunic or chemise (*strophium luctantes vincta papillis*). It appears from an epigram of Martial³ to have been usually made of leather.¹⁰

*STROUTHION (στρουθίον), the *Saponaria officinalis*, or Soapwort. "Lucian mentions," says Adams, "that the impostor Alexander used to procure a discharge of saliva from his mouth."¹¹

*STROUTHOS (στρουθός). "A term used by Paulus Aegineta in the same general sense that *Passeres* is by Linnæus, as applying to the order of small birds. It is more particularly applied, however, to the *Passer domesticus*, or House Sparrow. Gesner supposes the *πυργίτης* and *πρωτόδερος* names varieties of it; but it is more probable that the latter was the Hedge Sparrow, or *Accentor modularis*, Cuvier."¹²

*ΣΤΡΟΥΘΟΣ, μεγάλη, Λιβυκή, or Ἀραβική, called also *στρουθοκάμηλος*, the Ostrich, or *Struthio camelus*, L. It is described by Xenophon, Arrian, Ælian, Diodorus, and others. Oppian calls it *ἀγροπτερόν βοσόν ἀγκυλόδερον*, and again, *μὴ στρούθο κάμηλον*. "The length of its legs and of its neck," says Griffith, speaking of the ostrich, "and certain habits peculiar to it, have caused it to be compared to the camel. Eldemiri, in his 'History of Animals,' informs us, that the vulgar belief in Arabia is, that the ostrich is the production of a camel and a bird. From such approximations are derived the names which the ostrich has received in various countries. The Persian name of *struthio* literally signifies *camel-bird*; and it is the same with the *strouthio-camelus* of the Latins. We cannot, however, say with Aristotle, that the ostrich is of an equivocal nature, partly bird, partly quadruped; we still may aver that, in the chain of being, it evidently constitutes a link between the birds and the mammalia. Though decreed, from its bulk, to remain upon the earth, and deprived of that faculty which is the eminent characteristic of its class, it has received in compensation a force and rapidity in the race far surpassing that of all other existing animals."¹³

STRUCTOR. (Vid. CÆNA, p. 275.)

*STRYCHNUS or -UM (στρυχνός or -ον), the herb Nightshade. "I cannot pretend," says Adams, "to unravel all the confusion which invests the subject of the ancient *strychni*. Both Celsus and Hier-

1 (Liv., xxxviii, 11.—Polyb., iv, 7, § 5).—2. (Dioscor., iv, 109, 101.—Adams, Append., s. v.).—3. (Spart., Caracall., 7.—Ann. Marcell., xxx, 6.—Vid. Ducange, s. v.).—4. (Orell., Inscr., 795, 3920, 3523).—5. (Orell., n. 1584).—6. (Ann. Marcell., xix, 3.—Cod. Theod., viii, tit. 8, s. 4.—Cod., xii, tit. 25.—Salus, ad Capitol., M. Antonin., 8; ad Trebell. Poll., Valer., 3).—(Gruter, p. vi, xix, n. 8).—8. (Cod. Theod., ix, tit. 3, s. 1).—9. (Ibid., tit. 16, s. 4).—10. (Compare the Notitia Dignitatum Imperii Orientis, c. 13 and c. 101; in Grævi Thes. Rom. Antiqu., vii, p. 1373 and p. 1606).—11. (Symm., Epist. ad Theod., et Valent., l.—Ducange, s. v.).—12. (Orell., n. 1450.—Compare Fuchs, Geschichte Von Mainz.)—13. (Festus, s. v.).—14. (Sich., c. 2, 24.).—15. (Suet., Octav., 57.—Compare Dion Cass., liv, 25.)

1. (Dion Cass., lvi, 8).—2. (Suet., Tib., 34.—Dion Cass., lvi, 17).—3. (Suet., Cal., 42.—Dion Cass., lxx, 34.—Dion Cass., ix, 6).—4. (Auson., Ep., xviii, 4.—Symm., Ep., i, 2).—5. (Aristot., H. A., i, 9.—Id., iv, 4; s. 12.—Adams, Append., s. v.).—6. (Non., xiv, 8).—7. (Catull., Inscr., 64.—S. 10).—8. (Becker, Gallus, i, p. 321).—9. (Dionys., i, c. 10.—Theophr., H. P., vi, 4.—Adams, Append., s. v.).—10. (Adams, Append., s. v.).—11. (Oryza, Hist., ix, 630.—Id., Cypri, p. 1).—12. (Griffith's Cypri, vol. 1, p. 244, 245.—Adams, Append., s. v.).

the *Strychnos* of the Greeks was called by the Romans. The Latin writers of the term it *Mamella*. Apuleius describes : the first called *Hortualis*; the second *um*; the third called *Hypnotice somniferæ* fourth, *Furialis*. Sprengel, in his and Dioscorides, arranges the *strychni* as : The *στρύχνος κηραίος* is the *Solanum* (mon Nightshade), or *S. miniatum*. 2d. *κακός* is the *Physalis Alkekengi*, com-cherry. 3d. The *σ. ύπνωτικός* is the *nisfera*, or Cluster-leaved Winter-cherry. *μανικός* is the *Solanum Sodomeum*, or Nightshade. Theophrastus describes d, and fourth species. Stackhouse sup- st to be the *Atropa belladonna*, which, is generally supposed to be the plant anan calls '*Solanum somniferum*,' and y graphically. Woodville thinks this fourth) either the *Atropa belladonna dulcamara*. Stackhouse agrees with arding the first and third species. On of the ancients, see in particular Schulze erum, c. 18), whose account of them main with that given above."¹²

NUM FERLE. (Vid. FORNACALIA.)
JM. (Vid. ADULTERIUM, CONCUBINA,

(Vid. STILUS.)

ERIA (στυπτηρία). "From the cir- lone of the localities in which Dioscor- στυπτηρία was found, namely, Melos, nia, &c., we can have no difficulty in o have been the *Octohedral Alum* of e., Sulphate of Alumine and Potash. , however, have described several variave exercised the ingenuity of the com- determine what they were. Alston τηρία σχιστή 'alumen scissile vel plumo- ys, 'the true plumose or feathered alum colour and grain somewhat resembling sting like common alum.' Dr. Hill de- plumose alum as consisting of efflores- hang from the rocks in certain islands elago, where the earth is full of alum. ens were called *τριχίτις* by the Greeks, ed of hairs. He alludes, I presume, to tz (Hair Salt) of Werner, formerly sup- ty of alum, but consisting, according to a mixture of the sulphates of magnesia r. Kidd states that the capillary or plu- consists of very delicate fibres like down. liquid alum, according to Dr. Hill, was through the fissures of stones: when a round form, it was called *στρογγύλη*, Milligan finds fault with Drs. Jame- mpson for holding that the ancient alum ncipally of the sulphate of iron: they owever, in regard to the *alumen scissile*, , which, as we have stated, Klapproth ain sulphate of iron. This variety was nsiderably different from the common the Greeks."¹³

(στύραξ), a tree producing a resinous gum is called in Greek *τὸ στύραξ*, and ch produces it *ἢ* or *ὁ στύραξ*. The gum the dispensatories by the name of *Sty-*. It has a fragrant odour, and an agree- pungent, and aromatic taste; it is nd in some degree expectorant. The merce is chiefly obtained from Asiatic e *στύραξ καλαμίτη*, mentioned by Paulus

Ægineta, is the *Styrax calamita*, so called because anciently packed up in reeds for safety of carriage. The styrax-tree is still called in the East *istorak* or *isterk*. The gum was formerly much employed in medicine, but now is little used except in perfumes. Some suppose that the *storax* is the true *thus Judæorum*, presented by the Magi to the infant Saviour; others, however, are in favour of the balm exuded by the *Amyris*.¹

*SUBER (φέλλος), the Cork-tree, or *Quercus Su-* ber, L. (Vid. PHELLUS.)

SUBLIGA'CULUM or SUCCINCTORIUM (διά- ζωμα, περίζωμα), Drawers.² This article of dress, or a bandage wound about the loins so as to answer the same purpose, was worn by athletes at the public games of Greece in the earliest ages (*vid. ATHLETÆ: ζῶσαι νῦν*³); but the use of it was soon discontinued, and they went entirely naked.⁴ The Romans, on the contrary, and all other nations except the Greeks, always adhered to the use of it in their gymnastic exercises.⁵ It was also worn by actors on the stage,⁶ by those who were employed in treading grapes (*vid. TORCULAR?*), and by the Roman popa at the sacrifices, and it then received the denomination of *limus*,⁷ which name was also applied to it as worn by Roman slaves.⁸ The circumstance of the slaves in India wearing this as their only covering,¹⁰ is agreeable to the practice of modern slavery in the West Indies and other tropical countries. Some of the ancient Gauls had such a contempt for death as to descend into the field of battle naked, with the exception of the subligaculum, or clothing for the loins.¹¹

SUBSCRIPTIO CENSORIA. (Vid. INFAMIA, NOTA CENSORIA.)

SUBSECIVA. (Vid. LEGES AGRARIÆ, p. 37.)

SUBSIGNANI. (Vid. ARMY, ROMAN, p. 103.)

SUBSTITUTIO. (Vid. HERES, ROMAN, p. 498.)

SUBSTITUTIO PUPILLARIS. (Vid. HERES, ROMAN, p. 498.)

SUBTEMEN. (Vid. TELA.)

SUBUCULA. (Vid. TUNICA.)

SUCCE'SSIO. This word is used to denote a right which remains unchanged as such, but is changed with reference to its subject. The change is of such a nature, that the right, when viewed as attached to a new person, is founded on a preceding right, is derived from it, and depends upon it. The right must accordingly begin to be attached to the new person at the moment when it ceases to be attached to the person who previously had it. Thus, in the case of the transfer of ownership by tradition, the new ownership begins when the old ownership ceases, and it only arises in case the former possessor of the thing had the ownership; that is, prior ownership is a necessary condition of subsequent ownership. This kind of change in ownership is called *successio*. It follows from the definition of it that *usucapion* is not included in it. The *successio* of a *heres* is included; for though there might be a considerable interval between the death and the *aditio hereditatis*, when the *hereditas* was once taken possession of, the act of *aditio* had, by a legal fiction, relation to the time of the death. Thus, whereas we generally view persons who possess rights as the permanent substance and the rights as accidents, in the case of *successio* the right is the permanent substance, which persists in the persons.

The notion of *successio* applies

1. (Dioscor. i., 79.—Paulus *Ægineta*.)

pend., s. 7.—Encyc. Americ., s. 7.)

2. 1.—3. (Hom., Od., xviii., 30.)

683.—Ibid., Orig., xviii., 17.)

—Clem. Alex., *Paedag.*, iii., 9.)

De Off. i., 35.)—7. (Georg.)

—Servius in loc.—9. (Cic.)

1, § 73, p. 136, ed. Serv.—10.

H. P., vii., 15; ix., 13.—Dioscor., iv., 71, 72, 73 her., 75.—Adams, Append., s. v.)—2. (Dioscor., H. N., xxv., 52.—Celsus, ed. Milligan, p. 162—, s. 7.)

not exclusively, to property. With respect to the law that relates to familia, it applies so far as the parts of the familia partake of the nature of property, such as the power of a master over his slave, and the case of patronatus and mancipii causa. Thus the patria potestas and the condition of a wife in manu may be objects of succession. It applies also to the case of adoption.

Successio is divided into singular succession and universal succession. These terms conveniently express the notion, but they were not Roman terms. The Roman terms were as follows: in universum jus, in eam duntaxat rem succedere;¹ per universitatem, in rem succedere;² in omne jus mortui, in singularum rerum dominium succedere;³ in universa bona, in rei tantum dominium succedere.⁴

It is singular succession when a single thing, as an object of ownership, is transferred, or several things together, when they are transferred as individual things, and not as having relation to one another in consequence of this accidental common mode of transfer.

The object of universal succession is property as an ideal whole (*universitas*) without any reference to its component parts. Yet the notion of succession applies as well to a fraction of this ideal whole as to the unit which this ideal whole is conceived to be; for the whole property being viewed as a unit, it may be conceived to be divided into fractional parts without any reference to the several things which are included in the ideal whole. It was also consistent with this species of succession that many particular rights should be incapable of being transferred: thus, in the case of an hereditas, the usufructus of the deceased did not pass to the heres, and in the case of adrogation neither the usufructus nor the debts of the adrogated person, according to the old law.

The object of universal succession is a universitas as such, and it is by means of the words universitas and universum that the Romans denote this kind of succession; but it would be erroneous to infer from this use of the term that succession applies to all universitates. Its proper application is to property, and the true character of universal succession is the immediate passing over from one person to another of all the credits and debts that belong or are attached to the property. This happens in the case of an hereditas, and in the case of adrogation as to most matters. The debts would be transferred by adrogation if this were not accompanied with a capitis diminutio. Credits and debts could not be transferred by singular succession. The cases of universal succession were limited, and the notion could not be applied and made effectual at the pleasure of individuals. The most important cases of universal succession were the property of a deceased person; as hereditas, bonorum possessio, fideicommissaria hereditas, and others of the like kind. The property of a living person might be transferred in this way, in the case of adrogatio, conventio in manum, and the bonorum emptio.⁵ In many other cases, though the object is to transfer a whole property, it is, in fact, effected by the transfer of the several things: the following are instances of this kind of transfer, the gift of a whole property, or its being made a dos, or being brought into a societas, or the sale of an hereditas by a heres.

The notion of a universal succession among the Romans appears to have been derived from the notion of the hereditas, to which it was necessary to attach the credits and debts of the deceased and the sacra. Other instances of universal succession,

such as the bonorum possessio, grew out of the notion of the hereditas; and it was found necessary to extend it to other cases, such as adrogatio. But, as already observed, the extension of the notion was not left to the pleasure of individuals, and accordingly, this doctrine was, to use a Roman phrase, juris publici.

The words successio, successor, succedere in themselves, have a general meaning, and comprise both kinds of succession. Sometimes these words by themselves, signify universal succession, as appears from the context,⁶ and by such expressions are heredes ceterique successores. In other cases the kind of succession is denoted by appropriate words, as per universitatem succedere, acquirere, transire, in universum jus succedere, &c., in the case of universal succession; and in rem, in rei dominium, in singularum rerum dominium succedere, &c., in the case of singular succession.

In the phrase "*per universitatem succedere*," the notion of universal succession is not directly expressed; for the phrase has immediate reference to the acquisition of a single thing, and it is only by means of the word universitas that we express the notion that the acquisition of the individual thing is effected by means of the acquisition of the whole.⁷

SUCCESSOR. (*Vid.* SUCCESSIO.)

SUCCINCTORIUM. (*Vid.* SOBRIACULUM.)

*SUCCINUM, the Latin name for Amber, founded on the belief that it consisted of the resins *succus* (succus) of certain trees, which had in the course of time become mineralized in the earth. (*Vid.* EMBRYUM.)⁸

*SYCALIS (συκαλῖς), "a small bird, called by the Italians *Becchiago*. Its Latin name is *Fuscula*. Brookes says it is the same bird which is called *Pitichaps* in Yorkshire, being about the size of a Linnet. He alludes, probably, to the *Motacilla leucophaea*, L."⁹

*SYCAMINOS (συκάμινος). (*Vid.* MORIA.)

*SYCE (συκή), the fig-tree, properly called *Ficus Carica*. "The wild fig-tree is called *ἑραρός* by Homer. The *συκή Αἰγυπτίη*, called also *κερασία*, is the *Ficus religiosa* according to Stackhouse, but according to Schneider the *Ceratonia siliqua*, L., or Carob-tree. The *συκή Ἀλεξανδρεία* is the *Pyra amelanther* according to Sprengel, the *Laurus Pyrenaica* according to Stackhouse. The *συκή Ἰνδική* is the *Ficus Indica*, or Banyan, according to Sprengel, the *Rhizophora mangle*, or Mangrove, according to Stackhouse. The *Banyan*, or *India fig tree*, is noticed by Theophrastus, Pliny, Strabo, Dioscorus Siculus, Quintus Curtius, Arrian, and Aelianus."¹⁰

*SYCOMOROS or -ON (συκόμορος, -ον), the Sycamore-tree, or *Ficus Sycomoros*. (*Vid.* MORIA.)

SYCOPHANTES (συκοφάντης). At an early period in Attic history, a law was made prohibiting the exportation of figs. Whether it was made in a time of dearth, or through the foolish policy of presenting to the natives the most valuable of their productions, we cannot say. It appears, however, that the law continued in force long after the cause of its enactment, or the general belief of its utility had ceased to exist, and Attic fig-growers exported their fruit in spite of prohibitions and penalties. To inform against a man for so doing was considered harsh and vexatious, as all people are apt to think that obsolete statutes may be infringed with impunity. Hence the term *συκοφάντης*, which originally signified to lay an information against another.

1. (Dig. 21, tit. 2, s. 3.)—2. (Gaius, ii., 97.—Dig. 43, tit. 3, s. 1.)—3. (Dig. 29, tit. 2, s. 37.)—4. (Dig. 39, tit. 2, s. 24.)—5. Gaius, ii., 98.)

1. (Gaius, iii., 62.)—2. (Savigny, System, &c., iii., § 8.—Gaius, ii., 97, &c.—Austin's *Outlines of a Course of Lectures on General Jurisprudence* may also be consulted as to the origin of this article.)—3. (Moore's *Ann. Mineral.*, p. 105.)—4. (*Adrian Append.*, s. v.)—5. (Theophr., II. P., i., 5; ii., 2; ix., 2, 4.—Dioscor., i., 184.—Eustath. ad Il., vi., 423.—Adrian, *Append.*, s. v.)

exporting figs, came to be applied to all ill-named, malicious, groundless, and vexatious accusations. It is defined by Suidas *ψευδῶς τινος κατηγορεῖν*.¹ As to a different origin of the word, see *ἐκκοφάντης*.

ἐκκοφάντης, in the time of Aristophanes and Demosthenes, designated a person of a peculiar class, capable of being described by any single word in language, but well understood and appreciated by an Athenian. He had not much in common with our *sycophant*, but was a happy compound of common barrator, informer, pettifogger, busybody, liar, and slanderer. The Athenian law permitted any citizen (*τὸν βουλούμενον*) to give information against public offenders, and prosecute them in courts of justice. It was the policy of the legislature to encourage the detection of crime, and a reward (such as half the penalty) was frequently given to the successful accuser. Such a power, such a temptation, was likely to be abused, and was checked by the force of public opinion or vigilance of judicial tribunals. Unfortunately, the character of the Athenian democracy and the character of the judges furnished additional incentives to the informer. Eminent statesmen, orators, general magistrates, and all persons of wealth and influence, were regarded with jealousy by the people. The more causes came into court, the more fees were paid to the judges, and fines and confiscations enriched the public treasury. The prosecutor, therefore, in public causes, as well as the plaintiff in civil, was looked on with a more favourable eye than the defendant, and the chances of success were in the employment a lucrative one. It was not necessary to go to trial, or even to commence legal proceedings. The timid defendant was likely to compromise the cause, and the conscious prosecutor to avert the threat of a prosecution by paying a sum of money to his opponent. Thriving lawyers found it not very difficult to procure witnesses, and the profits were divided between them. According to Theophrastus,² Athens was full of *Δικαστῶν καὶ λωποδύτων καὶ ψευδομαρτύρων καὶ ψευδοκλητῶν*. The character of *ἐκκοφάντης* will be best understood by the examples and descriptions found in the Attic writers. Aristophanes directs the keenest edge of his satire against them.³ Demosthenes says: *πονηρὸν ὁ συκοφάντης καὶ βλάσκων καὶ φιλαίτιον*.⁴ *Συκοφαντεῖν* is used in Lysias,⁵ signifies "to extort thirty drachmas by *sycophant-like* practices."⁶ That the increase of litigation and perjury was in some measure owing to the establishment of clubs and political associations, and the violence of party spirit, may be gathered from various passages of the Attic writers.⁷

The Athenian law did indeed provide a remedy against this mischievous class of men. There was a *γραφὴ συκοφαντίας* tried before the thesmothetæ. Any person who brought a false charge against another, or extorted money by threat of legal proceedings, or suborned false witnesses, or engaged in a conspiracy to ruin the character of an innocent man, was liable to this *γραφὴ*. He might also be proceeded against by *φάσις*, *ἐνδείξις*, *ἀπαγωγὴ*, *προβή*, or *εἰσαγγελία*.⁸ (See articles PHASIS, &c.) A trial was an *ἀγὼν τιμητός*. The heaviest punishment might be inflicted, together with *ἀτιμία* and confiscation of property. Besides this, if any

man brought a criminal charge against another, and neglected to prosecute it (*ἐπιεξελεθεῖν*), he was liable to a penalty of 1000 drachmas, and lost the privilege of instituting a similar proceeding in future, which was considered to be a species of *ἀτιμία*.¹ The same consequence followed if he failed to obtain a fifth part of the votes at the trial. The *ἰπποβελία* in civil action was a penalty of the same kind, and having the same object, viz., to prevent the abuse of legal process, and check frivolous and unjust actions. Such were the remedies provided by law, but they were found inefficacious in practice; and the words of Aristophanes² were not more severe than true: "there is no charm against the bite of a *συκοφάντης*."³

ΣΥΚΟΦΑΝΤΙΑΣ ΓΡΑΦΗ'. (Vid. SYCOPHANTES.)

SUDATIO, SUDATORIUM. (Vid. BATHS, p. 149.)

*SYENITES LAPIS (*Συενίτης λίθος*), a species of stone quarried near Syene in Upper Egypt, whence its name. "Of this," says Dr. Moore, "were formed those celebrated obelisks described by Pliny, and which are still gazed at with wonder either in Egypt or at Rome. This stone is classed by Winckelmann with granite, of which, he says, Egypt furnished two varieties, one red and whitish, of which are formed these obelisks and many statues; the other white and black, peculiar, as he thinks, to Egypt."⁴

SUFFRAGIA SEX. (Vid. EQUITES, p. 416.)

SUFFRAGIUM, a vote. At Athens, the voting in the popular assemblies and the courts of justice was either by show of hands or by ballot, as is explained under *ΧΕΙΡΟΤΟΝΕΙΑ* and *ΠΕΡΦΟΣ*. It is commonly supposed that at Rome the people were always polled in the *comitia* by word of mouth, till the passing of the *Leges Tabellariæ* about the middle of the second century before Christ (*vid. TABELLARIÆ LEGES*), when the ballot by means of *tabellæ* was introduced. (Vid. *TABELLA*.) Wunder,⁵ however, has shown that the popular assemblies voted by ballot, as well as by word of mouth, long before the passing of the *Leges Tabellariæ*; but that, instead of using *tabellæ*, they employed stones or pebbles (the Greek *ψήφοι*), and that each voter received two stones, one white and the other black, the former to be used in the approval, and the latter in the condemnation of a measure. The voting by word of mouth seems to have been adopted in elections and trials, and the use of pebbles to have been confined to the enactment and repeal of laws. That the latter mode of voting was adopted in early times is proved by many passages of Dionysius, and especially by x., 41: *ὡς ὁ δῆμος ἀπῆτει τὰς ψήφους, οἱ νεώτατοι τῶν πατρικίων—τὰ ἀγγεῖα τῶν ψήφων τοὺς ἔχοντας ἀφροῦντο*; and xi., 52: *ἐκέλευσαν καθίσκον τεθῆναι ὑπὲρ τῆς πόλεως Ῥωμαίων, καθ' ἑκάστην φυλὴν, εἰς ἃν ἀποθῆσονται τὰς ψήφους*. It is also confirmed by the common expressions used with respect to voting, as *suffragium ferre*, *mittere in suffragia*, *inire*, or *ire in suffragia*, which lead us to suppose that the *suffragium* probably signified some thing which was put by the hand from one place into another. For if the Romans had from the first been polled only by word of mouth, it is scarcely possible that such an expression as *suffragium ferre* would have been used when they had nothing to carry; but, on the contrary, some such word as *dicere* would have been employed, more especially as it is certain that in the most ancient times those who voted by word of mouth did not go up one by one to the officer who received the votes, but re-

(Steph., Thesaur., 8873, b.)—2. (Staatsb. der Athen., i., 46.) (ap. Athen., vi., 254, b.)—4. (See particularly Acharn., 818; 1410; Plut., 850.)—5. (De Coron., 307.—Compare c. Eucl. 1209.)—6. (c. Evand., 177, ed. Steph.)—7. (See farther, *Δημ. Καταλ. Αρελ.*, 171.—Æsch., De Fals. Leg., 36, ed. Demosth., De Cor., 291.—Xen., Mem., ii., 9, § 4; De Ath., i., 4.)—8. (Thucyd., viii., 54.—Dem., c. Boeot. De., 1010; c. Panten., 978; c. Zenoth., 885.)—9. (Æsch., De Leg., 47, ed. Steph.—Dem., c. Theocr., 1325.)

1. (Dem., c. Mid., 548; c. Theocr., 1323.)—2. (Plutarch, 885.)—3. (Vid. Platner, Proc. und Klag., ii., 164.—Meier, Att. Proc., 335.—Schömann, Ant. Jur. Pub. Gr., 101, 165.—Wacsmuth, l., ii., 157.—Pollux, Onom., viii., 31, 46, 47, 88.)—4. (Moore's Anc. Mineral., p. 82.)—5. (Codex Erfv'ensis, p. cixvii., &c.)

of contract, the plaintiff went for unliquidated damages, which the court had to assess; whereas, in a claim to recover a debt or sum certain, or a specific chattel, the court had nothing more to do than to determine whether the plaintiff was entitled or not; the *ἀγών* was *ἀτίμητος*. All such actions were tried before the *θεσμοθέται*.¹

ἐπιλογία appears to be a word of less technical force than *συνθήκη*, though (as we might expect of words of this sort) they are often used indifferently.

Grammarians make them synonymous.² *ἔσθλας ποιέσθαι* or *τίθεσθαι μετὰ τίνος* is to make an agreement with any one; *ἐμμένειν ταῖς συνθήκαις*, abide by it; *ὑπερβαίνειν* or *παραβαίνειν*, to break through. Here we may observe that *συνθήκαι* is constantly used in the plural instead of *συνθήκη*, the only difference being that strictly the former signifies the terms or articles of agreement, in the same manner as *διαθήκαι*, the *testamentary dispositions* is put for *διαθήκη*, the *will*. *Σύμβολον* also signifies a compact or agreement, but had become (in the popular parlance) obsolete in this sense, except in the expression *δικαί ἀπὸ συμβόλων*. (*Vid. Συμβολισμ.*)

ΣΥΜΒΟΛΑΙΩΝ ΠΑΡΑΒΑΣΕΩΣ ΔΙΚΗ. (*Vid. ΠΟΛΙΤΕΙΟΝ*.)

ΣΥΜΒΟΛΩΝ, ΑΠΟ, ΔΙΚΑΙ (συμβόλων, ἀπὸ, δικαί).

ancient Greek states had no well-defined international law for the protection of their respective members. In the earlier times troops of robbers roamed about from one country to another, to commit aggressions upon individuals, who in turn made reprisals, and took the law into their own hands. Even when the state took upon itself to resent the injury done to its members, a legal remedy was resorted to, such as the giving of a surety to take *σῦλα* or *ῥύτια*, a sort of national pledge. As the Greeks advanced in civilization, and closer intercourse sprang up among them, disputes between the natives of different countries were settled (whenever it was possible) by friendly arbitration. It soon began to be evident that it would be much better if, instead of any interference on the part of the state, such disputes could be decided by legal process, either in the one country or the other. Among every people, however, the law was so framed as to render the administration of justice more favourable to a citizen than to a stranger; and, therefore, it would be disadvantageous and often dangerous, to sue a man, or be sued by him, in his own country. The most friendly relations might subsist between two states, such as *ἐφίλια* or *ἐπιγαμία*, and yet the natives of each were exposed to this disadvantage in their mutual intercourse. To obviate such an evil, it was necessary to have a special agreement, declaring the relations upon which justice was to be reciprocally administered. International contracts of this kind were called *σύμβολα*, defined by Suidas thus: *συνθήκαι ἢ ἀλλήλαις αἱ πόλεις θέμεναι τὰ τῶν αὐτῶν δικαίων, ὥστε δίδόναι καὶ λαμβάνειν τὰ δίκαια*; and causes tried in pursuance of such contracts were called *δικαί ἀπὸ συμβόλων*. The more constant and more important the intercourse between any nations, the more necessary would it be for them to establish a good system of international procedure. Commercial people would stand in need of it the most. Aristotle mentions the Tuscan and Carthaginians as having *σύμβολα περὶ τοῦ ἐκείν*.³ No such agreement has been preserved, and we know but little about the terms that were usually prescribed. The basis of them seems to have been the principle that *actor sequitur forum*

res; but this, as well as other conditions, must have varied according to circumstances. Liberty of person and protection of property would no doubt be secured to the foreigner as far as possible; and it would be the duty of the *πρόξενος* to see that these rights were respected. A common provision was, that the party who lost his cause might appeal to the tribunal of the other country, or to that of some third state mutually agreed upon.⁴ This was perhaps suggested by the practice which had grown up, of referring national quarrels to the arbitration of some individual or third state.⁵

When the Athenians made any such treaty, they required it to be approved of and finally ratified by a jury of the *ἡλιεῖα*, under the direction of the *thesmothetæ*. Hence Pollux⁶ says of those magistrates, *τὰ σύμβολα τὰ πρὸς τὰς πόλεις κηροῦσιν*. The other contracting state was therefore compelled to send an envoy to Athens, with power to conclude the treaty (if he thought fit) as it was drawn up and settled by the *thesmothetæ* and jurors. Most of the people with whom the Athenians had to deal were either subject or inferior to them, and were content to acquiesce in the above regulation. Philip, however, would not submit to it, and demanded that the terms should receive final ratification in Macedonia. This demand is made the subject of complaint by Demosthenes.⁴

The name of *δικαί ἀπὸ συμβόλων* was given also to the causes which the allies of the Athenians sent to be tried at Athens.⁶ This fact has been called in question by Böckh, but there is not much reason for doubting it. It is true that the expression is not strictly applicable to causes, not between an Athenian and a foreigner, but between two foreigners; and it may be allowed that the object of the Athenians in bringing such causes to Athens was, not to give the allies a better or speedier means of obtaining justice, but to secure certain advantages to the imperial city.⁶ It is, however, not improbable that the arrangement was called *σύμβολα* for the very purpose of softening the harshness of the measure, by giving an honourable name to that which, in reality, was a mark of servitude. For the same reason, the confederate states were called *σύμμαχοι*, *allies*, while in point of fact they were rather *ὑπὸ κκοί*, or *subjects*.

These causes were tried in the summer months, when the voyage to Athens was more convenient, and (like all other *δικαί ἀπὸ συμβόλων*) belonged to the jurisdiction of the *thesmothetæ*. We have but one example of such a cause preserved to us, viz., the speech of Antiphon on the death of Herodes, where both the prosecutor and the defendant are natives of Mytilene.⁷

As to the *σύμβολα* given to the jurors, see *DICASTES*.

ΣΥΜΒΟΛΟΙ (σύμβολοι). (*Vid. PAREDROI*.)

ΣΥΜΜΟΡΙΑ (συμμορία). (*Vid. ΕΙΣΦΟΡΑ*, p. 392; *ΤΡΙΕΡΑΡΧΙΑ*.)

**SYMPHYTON* (σύνφυτον), a plant having healing properties, Wallwort or Comfrey. The name is derived from its great efficacy in healing wounds, causing, as it were, the lips of the wound to grow together rapidly: hence the language of Pliny. "*Vulneribus sanandis tanta præstantia est, ut carnes quoque, dum coquuntur, conglutinetur addita: unde et Græci nomen imposuerunt.*" The first species of Dioscorides was the *σύνφυτον πετραίων*, which, according to Sprengel, is the *Coris Monspeliensis*. Pliny

(Meier, Att. Proc., 67, 184, 492-497, 510.)—2. (Harpoer., s. *συνθετώτατον*.—Suidas, s. v. *συνθήκη*.)—3. (Polit., iii., 1, 3, 8, 10)

1. (Etym. Magn., s. v. *Ἐκκλητος πόλις*.)—2. (Thucyd., i., 24, 78, 140; v., 41; vii., 18.—Schömann, Ant. Jur. Pub. Gr., 367.)—3. (viii., 88.)—4. (De Halon., 78.)—5. (Pollux, Onom., viii., 63.)—6. (Xen., De Rep. Ath., i., 16.)—7. (Harpoer., s. v. *Σύνβολα*.—Thucyd., i., 77, c. not. Götter.—Platner, Proc. and Klug., i., 105-114.—Meier, Att., Proc., 67, 773.—Wachsmuth, l., i., 93, 133; II., i., 194.—Schömann, Ant. Jur. Pub. Gr., 376.)

o were appointed to defend the ancient laws before the court of heliasts when an amendment or new law in abrogation thereof was proposed, are called both *σύνδικοι* and *συνήγοροι*. As to them, see ΝΟΜΟΤΗΤΕΣ, and also Schömann, *De Comit.*, p. 228. The name of *σύνδικοι* seems to have been peculiarly applied to those advocates who were sent by the state to plead the case of their countrymen before a foreign tribunal. *Ἐπίσκοπος*, for example, was appointed to plead before the Amphictyonic council on the subject of the Delian temple; but a certain discovery having been made not very creditable to his patriotism, the court of Areopagus took upon themselves to remove him, and appoint Hyperides in his stead.¹ These extraordinary advocates are not to be confounded with the *Πυλαγοραί*, or ordinary Amphictyonic deputies.² There were other *σύνδικοι*, who acted rather as magistrates or judges than as advocates, though they probably derived their name from the circumstance of their being appointed to protect the interests of the state. These were extraordinary tribunals, created from time to time to exercise jurisdiction in disputes concerning confiscated property; as when, for instance, an information was laid against a man for having in his possession the goods of a condemned criminal, or which were liable to be seized in execution on behalf of the state; or when the goods of a convict having been confiscated, a claim was made by a mortgagee, or other creditor having a lien thereupon, to have his claim satisfied out of the proceeds. Such a claim is called *ἐνεπίσκημμα*, and to prosecute it *ἐνεπίσκησθαι*.³ On this subject the reader is referred to the speeches of Lysias, *De Publ. Pecun.*, *De Nic. Patr. Pecun.*, *De Aristoph. Pecun.*, and more especially p. 149, 151, 154, ed. Steph. The first appointment of these judicial *σύνδικοι* took place after the expulsion of the thirty tyrants; and one of their duties appears to have been to receive informations from the *φύλαρχοι* against those persons who had served in the cavalry during the interregnum, and who, by a special decree of the people, were ordered to restore to the treasury all the pay which they had received for that service.⁴ (*Vid.* SYNEGOROS.) SYNEDROI (*σύνεδροι*), a name given to the members of any council or any body of men who meet together to consult or deliberate. The congress of the Greeks at Salamis is called *συνέδριον*.⁵ Frequent reference is made to the general assembly of the Greeks, *τὸ κοινὸν τῶν Ἑλλήνων συνέδριον*, at Corinth, Thermopylae, or elsewhere.⁶ When the new alliance of the Athenians was formed, after B.C. 377, on fair and more equitable principles than the former, the several states who were included therein were expressly declared to be independent, and a congress was held at Athens, to which each of the allied states sent representatives. The congress was called *συνέδριον*, and the deputies *σύνεδροι*, and the sums furnished by the allies *συντάξεις*, in order to avoid the old and hateful name of *φόρος*, or tribute.⁷ Many allusions to this new league are made in the orators, especially Isocrates, who strongly urges his countrymen to adhere to the principle on which the league was formed, and renounce all attempt to re-establish their old supremacy.⁸ Perhaps the *σύνεδροι* mentioned in the oath of the *Δελφῶν* are the Athenian members of this congress.⁹ For farther information on the subject of this con-

federacy, see Schömann, *Ant. Jur. Publ. Gr.*, 434.—Böckh, *Staatsh. der Athen.*, i., 449.—Thirlwall, *Hist. of Greece*, vol. v., p. 42, 203.

The name of *συνέδριον* was given at Athens to any magisterial or official body, as to the court of Areopagus;¹ or to the place where they transacted business, their board or council-room.²

SYNEGORICON (*συνήγορικόν*). (*Vid.* SYNEGOROS.)

SYNEGOROS (*συνήγορος*) may be translated an advocate or counsel, though such translation will convey to the English reader a more comprehensive meaning than the Greek word strictly bears.

According to the ancient practice of the Athenian law, parties to an action were obliged to conduct their own causes without assistance; but, on the increase of litigation, the sciences of law and rhetoric began to unfold themselves, and men who had paid no attention to these were unable to compete with more experienced opponents. To consult a friend before bringing an action, or about the best means of preparing a defence, were obvious expedients. It was but another step to have a speech prepared by such friend out of court, to be delivered by the party himself when the cause was brought to trial. A class of persons thus sprang up, somewhat in the nature of chamber-counsel, who received money for writing speeches and giving legal advice to those who consulted them. Of this class Antiphon was the first who acquired any celebrity. Lysias, Isæus, and Isocrates obtained considerable incomes by speech-writing. Demosthenes followed the same profession for some time, until his engagements in public business forced him to relinquish it.³ These persons were called, not *συνήγοροι*, but *λογογράφοι*, a name applied to Demosthenes reproachfully by his rival, who accuses him also of betraying his clients by showing the speeches which he had written to the adversary.⁴ Still, whatever assistance the party might have received out of court, the law which compelled him to appear in person at the trial remained in force; although the prohibition to speak by counsel was so far relaxed, that if the party was labouring under illness, or through any physical or mental debility was unable to conduct his own cause without manifest disadvantage, he might (by permission of the court) procure a relative or friend to speak for him. Thus, when Miltiades was impeached for treason, and by reason of a gangrene in his hip was unable to plead his own cause, he was brought on a litter into court, and his brother Tisagoras addressed the people on his behalf. So, when Isocrates was ill, his son Aphareus spoke for him in the cause about the *ἀντιδοσίαι*. And in the speech of Demosthenes against Leocrates, we see⁵ that the son conducts his father's cause. As a general rule, the party was expected to address the court himself; for the judges liked to form an opinion of him from his voice, look, and demeanour; and, therefore, if a man distrusted his own ability, he would open the case himself by a short speech, and then ask permission for his friend to come forward.⁶ This was seldom refused; and in the time of the orators, the practice was so well established that the principal speeches in the cause were not unfrequently made by the advocate. The defences by Demosthenes of Ctesiphon against Æschines, and of Phanus against Aphobus, may be cited as examples. In both of these it will be seen that Demosthenes was as much interested as the defendants themselves; and it is farther to be observed, that

¹ (Demosth., *De Coron.*, 271, 272.)—2. (Schömann, *De Co.*, 321; *Ant. Jur. Publ. Gr.*, 257.)—3. (Harpoer. and Suidas, s. v. *συνήγορος*.)—4. (Lysias, *Pro Mant.*, 146, ed. Steph.—Harpoer., s. v. *συνήγορος*.)—5. (Herodot., viii., 75, 79.)—6. (Æsch., c. Ctesiph., 62, ed. Steph.—Demosth., *Περὶ τῶν πρὸς Ἀλιεῶν ἄριστον*, 215.)—7. (Harpoer., s. v.—Plut., *Sol.*, 15.)—8. (De Pace, 163, ed. Steph.)—9. (Schömann, *Ant. Proc.*, 130.)

¹ (Æsch., c. Timarch., 13.—Dinarch., c. Demosth., 91, ed. Steph.)—2. (Isocr., *Περὶ Ἀντιδόσεως*, 318, ed. Steph.—Demosth., c. Theocr., 1324.)—3. (Demosth., c. Zenoth., 890.)—4. (Æsch., c. Ctesiph., 78; c. Timarch., 13, ed. Steph.)—5. (p. 1081.)—6. (Demosth., c. Phorm., 922; c. Neacr., 1349.)

the advocate was looked upon with more favour on this very account; for, as no fees were allowed to be taken, a speaker was regarded with suspicion who had no apparent motive for undertaking the cause of another person. Hence we find in most of the *συνηγορικοί λόγοι* that the speaker avows what his motives are; as, for instance, that he is connected by blood or friendship with the one party, or at enmity with the other, or that he has a stake in the matter at issue between them.¹ In the cause against Leochares above cited, it is evident that the son had an equal interest with his father in preserving the inheritance, and therefore he would be considered in the light of a party. The law which prohibited the advocate from taking fees under peril of a *γραφὴ* before the *thesmothetæ*,² made no provision (and perhaps it was impossible to make an effective provision) against an influence of a more pernicious kind, viz., that of political association, which induced men to support the members of their club or party without the least regard for the right or justice of the case. Hence the frequent allusions by the orators to the *ἐργαστήρια συκοφαντῶν, μοχθηρῶν ἀνθρώπων συνεστηκότων, παρασκευῆς λόγων, μαρτύρων, συναμοτιῶν*, all which expressions have reference to that system of confederation at Athens by which individuals endeavoured to influence and control the courts of justice. (Vid. ERANOS, SYCOPHANTES.)³ That friends were often requested to plead, not on account of any incapacity in the party, but in order that by their presence they might exert an influence on the bench, is evident from an attentive perusal of the orators. In some cases this might be a perfectly legitimate course, as where a defendant, charged with some serious crime, called a man of high reputation to speak in his behalf, and pledge himself thereby that he believed the charge was groundless. With such view Æschines, on his trial for misconduct in the embassy, prayed the aid of Eubulus and Phocion, the latter of whom he had previously called as a witness.⁴

On criminal trials, the practice with respect to advocates was much the same as in civil actions, only that it seems to have been more common to have several speakers on the part of the prosecution; and in causes of importance, wherein the state was materially interested, more especially in those which were brought before the court upon an *εἰσαγγελία*, it was usual to appoint public advocates (called *συνήγοροι, σύνδικοι, or κατηγοροί*) to manage the prosecution. Thus Pericles was appointed, not at his own desire, to assist in the impeachment of Cimon.⁵ Public prosecutors were chosen by the people to bring to trial Demosthenes, Aristogiton, and others, charged with having received bribes from Harpalus.⁶ In ordinary cases, however, the accuser or prosecutor (*κατηγορός*) was a distinct person from the *συνήγορος*, who acted only as auxiliary to him. It might be, indeed, that the *συνήγορος* performed the most important part at the trial, as Anytus and Lycon are said to have done on the trial of Socrates, wherein Melitus was prosecutor; or it might be that he performed a subordinate part, making only a short speech in support of the prosecution, like those of Lysias against Epicrates, Ergocles, and Philocrates, which are called *ἐπίλογοι*. But, however this might be, he was in point of law an auxiliary only, and was neither entitled to a share of the reward (if any) given by the law to a successful accuser, nor liable, on the other hand, to the

penalty of a thousand drachms, or the *ἀπίστα* consequent upon a failure to get a fifth part of the *πράξις*. Here we must distinguish between an advocate and a joint prosecutor. The latter stood precisely in the same situation as his colleague, just as a co-plaintiff in a civil action. The names of both would appear in the bill (*ἐγκλήμα*), both would attend the *δικασίαι*, and would, in short, have the same rights and liabilities; the elder of the two only having priority in certain matters of form, such as the *πρόσκλησις*. In the proceeding against the law of *Leximia* there were two prosecutors, Apepsion and Ctesias, the son of Chabrias; each addressed the court, Apepsion first, as being the elder; each had his advocate, the one Phormio, the other Demosthenes, who tells us in the exordium that he had undertaken to speak partly from a conviction of the impolicy of the law, and partly to oblige the son of Chabrias, who would have been deprived of certain *πρόξενον* inherited from his father if the law had taken effect.⁷

There seems to have been no law which limited the number of persons who might appear as advocates, either in public or private causes. There was, however, this practical limitation, that at the time allowed for speaking to either party was measured by the clepsydra, if either chose to employ a friend to speak for him, he subtracted so much from the length of his own speech as he meant to leave for that of his friend, and the whole time allowed was precisely the same, whatever the number of persons who spoke on one side. Both parties were usually allowed to make two speeches, the plaintiff beginning, the defendant following, then the plaintiff replying, and, lastly, the defendant again. These are often called *λόγοι πρότεροι* and *ὕστεροι* respectively, but are not to be confounded with the *συγγορίαι* or *δευτερολογίαί*, which might, and usually did, immediately follow the speech of the party in whose favour they were made, though as a matter of arrangement it might be convenient sometimes to reserve the speech of the advocate for the reply, in which case the *συνηγορικός λόγος* and the *ὕστερος λόγος* would be the same.⁸

With respect to the custom of producing friends to speak in mitigation of damages or punishment, see *ΤΙΜΕΜΑ*. As to the public advocates appointed to defend the old laws before the court of heliasts, see *ΣΥΝΔΙΚΟΣ, ΝΟΜΟΤΗΤΕΣ*.

The fee of a drachm (*τὸ συνηγορικόν*) mentioned by Aristophanes⁹ was probably the sum paid to the public advocate whenever he was employed on behalf of the state. It has been shown clearly by Schömann that Petit was wrong in supposing that the orators or statesmen who spoke in the assembly are called *συνήγοροι*. They are always distinguished by the title of *ρήτορες* or *δημόγγοροι*, or, if they possessed much influence with the people, *ἀρχαγοί*: and it is not to be supposed that they constituted a distinct class of persons, inasmuch as an Athenian citizen was at liberty to address the assembly when he pleased; though, as it was usual in practice that the possession of the *βῆμα* was confined to a few persons who were best fitted for it by their talent and experience, such persons assumed the title of *ρήτορες*, &c.¹⁰ There appears, however, to have been (at least at one period) a regular appointment of *συνήγοροι*, ten in number, with whom the scholiast on Aristophanes¹¹ confounded the *ρήτορες*, or orators. For what purpose such ten *συνήγοροι* were appointed, is a matter about which we have no certain information. Some think that they were officers connected with the board of scrutators

1. (Vid. the opening of the speeches of Isæus, De Nicost. her. and De Philoct. her.—Isocrates, c. Euthyn., and Demosthenes, c. Androt.)—2. (Demosth., c. Steph., 1137.)—3. (Reiske, Index in Orat. Att., s. v. Ἐργαστήριον and παρασκευῆς.)—4. (Æsch., De Fals. Leg., 51, 52, ed. Steph.)—5. (Plut., Pericl., 10.)—6. (Dinarçh, c. Demosth., 90, 96, ed. Steph.)

1. (Argum., Or. Dem., c. Androt., 592.)—2. (Vid. Argum., 453.)—3. (Schömann, Att. Proc., 707-712, 715—Platner, Plat. and Klag., i., 91.)—4. (Vespas., 691.)—5. (De Comiti. Att., 210.)—6. (l. c.)

dited magistrates' accounts. Aristotle¹ says authorities to whom magistrates rendered their accounts were called in some of the Greek states *λογισταί*, in others *λογισταί*, in others *συνήγοροι* or *αἰ*, and the author of the Lexicon Rhetoribus published by Bekker,² says that the *synegori* *ρχοντες κληρωτοὶ οἱ ἐβόηθον τοῖς λογισταῖς ἐκ εὐθύνας*. But what sort of assistance did they render? Is it not probable that they performed a duty which their name imports, viz., that of assisting such magistrates as, in the opinion of the state, had rendered an unsatisfactory account? An individual, indeed, might prefer charges against a magistrate when the time for rendering his account had arrived; but the prosecution by a *συνήγορος* would be an *ex officio* proceeding, such as the magistrate were bound to institute if they had any reason to suspect the accounting party of malversation or misconduct. If this conjecture be well founded, it is not unreasonable to suppose that these *συνήγοροι* were no other than the public advocates who were employed to conduct state prosecutions of a different kind. They might be appointed either by lot or by election (according to the constitution). Their duties would be only occasional, and they would receive a drachm as their fee whenever they were employed. Böckh's conjecture that they received a drachm a day for every business, is without much foundation.⁴ Every scholar will find the authorities on this subject referred to in Schömann⁵ and Böckh.⁶

ΣΥΝΕΝΙΑ (*συνγένεια*). (Vid. HERES, GREEK,

ΣΥΝΓΡΑΦΗ (*συγγραφή*) signifies a written contract or agreement *συνθήκη* and *συμβόλαιον* do not necessarily import that the contract is in writing; *συγγραφία* is, strictly speaking, a verbal agreement. Pollux explains the word *συνθήκη ἔγγραφος*, *ἔγγραφος*.⁷

When important contracts were usually reduced to writing, such as leases (*μισθώσεις*), loans, and all executory agreements where certain conditions were to be performed. The rent, interest, with other conditions, and also penalties for breach of contract (*ἐπιτίμια τὰ ἐκ συγγραφῆς*), were particularly mentioned. The names of the witnesses and the sureties (if any) were specified. The whole was contained in a tablet of wax or wood (*βιβλίον* or *γραμματεῖον*), written double, *δίπτυχον*, which was sealed, and signed with some third person, mutually agreed between the parties.⁸ An example of a contract for a bottomry loan (*ναυτικὴ συγγραφή*) will be found in Demosthenes,⁹ where the terms are carefully drawn up, and there is a declaration at the end, *ἡ ἀποδοτικὴ δὲ περὶ τούτων ἀλλὰ μηδὲν εἶναι τῆς συγγραφῆς*, "which agreement shall be valid, notwithstanding the contrary notwithstanding."

Nothing might form the subject of a written contract, such as the release (*ἀφίσις*), a settlement of disputes (*ἑσθία*), the giving up of a slave to be examined, or any other accepted challenge (*πρόκλησις*); in short, any matter wherein the contract-ties thought it safer to have documentary evidence of the terms. *Ἐκδιδόναι ἀνδράντα κατὰ μέτρον* is to give an order for the making of a tablet of certain dimensions, of a certain fashion, and at a certain price, &c., as specified in the agreement.

No particular form of words was necessary to make the instrument valid in point of law, the object being to furnish good evidence of the

parties' intention. The agreement itself was valid without any writing, and would form the ground of an action against the party who broke it, if it could be sufficiently proved. Hence it was the practice to have witnesses to a parol agreement. The law declared *ἐνυρία εἶναι τὰς πρὸς ἀλλήλους ὁμολογίας, ἅς ἂν ἐναντίον μαρτύρων ποιήσονται*.¹ It seems that for the maintenance of an *ἐμπορικὴ δίκη* it was necessary to have a written contract.²

Bankers were persons of extensive credit, and had peculiar confidence reposed in them. They were often chosen as the depositaries of agreements and other documents. Money was put into their hands without any acknowledgment, and often without witnesses. They entered these, and also the loans made by themselves to others, in their books, making memoranda (*ὑπομνήματα*) of any important particulars. Such entries were regarded as strong evidence in courts of justice. Sureties were usually required by them on making loans.³

Συγγραφή denotes an instrument signed by both or all the contracting parties. *Χειρόγραφον* is a mere acknowledgment by one party. *Συγγράψασθαι συγγραφήν* or *συνθήκην* is to draw up the contract, *σημῆνασθαι* to seal it, *ἀναρῆναι* to cancel, *ἀνελεῖσθαι* to take it up from the person with whom it was deposited, for the purpose of cancelling, when it was no longer of any use. *Ῥαπαρῆναι*, to break the seal clandestinely for some fraudulent purpose, as to alter the terms of the instrument, or erase or destroy some material part, or even the whole thereof (*μεταγράφειν* or *διαφθεῖρειν*). (Vid. ΣΥΜΒΟΛΑΙΟΝ.)

SYNCECIA (*συνοικία*) differs from *οικία* in this that the latter is a dwelling-house for a single family, the former adapted to hold several families, a lodging-house, *insula*, as the Romans would say. The distinction is thus expressed by Æschines:⁴ *ὅπου μὲν γὰρ πολλοὶ μισθωσάμενοι μίαν οἰκίαν διελόμενοι ἔχουσι, συνοικίαν καλοῦμεν, ὅπου δ' ἐλεῖ ἐνοικεῖ οἰκίαν*. There was a great deal of speculation in the building and letting of houses at Athens.⁵ The lodging-houses were let mostly to foreigners who came to Athens on business, and especially to the *μέτοικοι*, whom the law did not allow to acquire real property, and who therefore could not purchase houses of their own.⁶ As they, with their families, formed a population of about 45,000, the number of *συνοικίαι* must have been considerable. Pasion, the banker, had a lodging-house valued at 100 minas. Xenophon recommended that the *μέτοικοι* should be encouraged to invest their money in houses, and that leave should be granted to the most respectable to build and become house-proprietors (*οἰκοδομησάμενοις ἐγκεκτῆσθαι*). The *ἰσοτελεῖς* laboured under no such disability; for Lysias and his brother Polemarchus, who belonged to that class, were the owners of three houses. The value of houses must have varied according to the size, the build, the situation, and other circumstances. Those in the city were more valuable than those in the Piræus or the country, *cateris paribus*. Two counting-houses are mentioned by Isæus⁸ as yielding a return of rather more than 8½ per cent. interest on the purchase-money. But this probably was much below the average. The summer season was the most profitable for the letting of houses, when merchants and other visitors flocked to Athens. The rent was commonly paid by the month. Lodging-houses were frequently taken on speculation by persons called

1. (Demosth., c. Phenipp., 1042; c. Energ. et Mnes., 1162; c. Dionys., 1283; c. Onocr., 869.)—2. (Demosth., c. Zenoth., 882.)—3. (Isocr., Trapez., 269, ed. Steph.—Demosth., c. Apat., 894; Fro Phorm., 950, 958; c. Timoth., 1185; c. Phorm., 980.—Böckh, Staatsh. der Ath., i., 141, 146.)—4. (c. Timarch., 17, ed. Steph.)—5. (Xen., Econ., iii., 1.)—6. (Demosth., Pro Phorm., 946.)—7. (De Vectig., ii., 6.)—8. (De Hagn. her., 88, ed. Steph.)

ναύκληρο, or σταθμοῦχοι, who made a profit by underletting them, and sometimes for not very reputable purposes.¹ Hesyclus explains the word ναύκληρος, ὁ συνοικίας προσεστώς: see also Harpocration, s. v. Some derive the word from ναῶ: but it is more probable that it was given as a sort of nickname to the class, when they first sprang up.²

SYNŌECIA (συνοικία), a festival celebrated every year at Athens on the 16th of Hecatombæon, in honour of Athena. It was believed to have been instituted by Theseus to commemorate the concentration of the government of the various towns of Attica and Athens.³ According to the scholiast on Aristophanes,⁴ an unbloody sacrifice was on this day offered to the goddess of peace (εἰρήνη). This festival,⁵ which Plutarch calls μετοικία, is mentioned both by him and by Thucydides as still held in their days.⁶

SYNTAXEIS (συντάξεις). (Vid. SYNEDROI.)

SYNTHECE (συνθήκη). (Vid. SYMBOLAION.)

ΣΥΝΘΗΚΩΝ ΠΑΡΑΒΑΣΕΩΣ ΔΙΚΗ. (Vid. SYMBOLAION.)

SUOVETAURILIA. (Vid. SACRIFICIUM, p. 846, LUSTRATIO, p. 604, and woodcut on p. 897.)

SUPERFICIES, SUPERFICIA RIUS. "Those are ædes superficariæ which are built on hired ground, and the property of which, both by the jus civile and naturale, belongs to him to whom the ground (solum) also belongs."⁷ Every building, then, was considered a part of the ground on which it stood; and the ownership and possession of the building were inseparable from the ownership and possession of the ground. The superficies resembles a servitus, and is classed among the jura in re. According to the definition, the superficiarius had not the thing even in bonis; and as the animus domini could not exist in the case of superficies, he consequently could not be possessor. He had, however, a juris quasi possessio. The superficiarius had the right to the enjoyment of the superficies: he could alienate the superficies, and pledge it for the term of his enjoyment; he could dispose of it by testament; and it could be the object of succession ab intestato; he could also make it subject to a servitus; and he could prosecute his right by a utilis in rem actio. As he had a juris quasi possessio, he was protected against threatened disturbance by a special interdict, which is given in the Digest,⁸ and in its effect resembles the interdictum uti possidetis. The explanation of the passage relating to this interdict⁹ is given by Savigny.¹⁰ If he was ejected, he could have the interdictum de vi, as in the case of proper possession; and if he had granted the use of the superficies to another precario, who refused to restore it, he had the interdictum de precario.

A man could obtain the use of a superficies by agreement with the owner of the land for permission to erect a building on it; and he might also, by agreement, have the use of an existing superficies. He was bound to discharge all the duties which he owed in respect of the superficies, and to make the proper payment in respect of it (solarium), if any payment had been agreed on.

The rule of law that the superficies belonged to the owner of the soil was expressed thus: *Superficies solo cedit*.¹¹ If, then, a man built on another man's land, the house became the property of the owner of the land. But if the owner of the land

claimed the house, and would not pay the expense incurred by building it, the builder of the house could meet the claimant with a plea of *doli malus* (exceptio doli mali), that is to say, if he was a bona fidei possessor. In any other case, he had, of course, no answer to the owner's claim.

SUPERNUMERARI. (Vid. ACCENSU.)

SUPPARUM. (Vid. SHIPS, p. 894.)

SUPPLICATIO was a solemn thanksgiving or supplication to the gods decreed by the senate, when all the temples were opened, and the statues of the gods frequently placed in public upon couches (pulvinaria), to which the people offered up their thanksgivings and prayers (ad omnia pulvinaria supplicata decreta est). (Vid. LECTISTERNIUM.) A supplicatio was decreed for two different reasons:

I. As a thanksgiving when a great victory had been gained: it was usually decreed as soon as official intelligence of the victory had been received by a letter from the general in command. The number of days during which it was to last was proportioned to the importance of the victory. Sometimes it was decreed for only one day,¹² but more commonly for three or five days. A supplicatio of ten days was first decreed in honour of Pompey at the conclusion of the war with Mithradates,¹³ and one of fifteen days after the victory over the Belgæ by Cæsar, an honour which Cæsar himself never had never been granted to any one before.¹⁴ Subsequently a supplicatio of twenty days was decreed after his conquest of Vercingetorix.¹⁵ From this time the senate seems to have frequently increased the number of days out of mere compliment to the general. We thus find mention of thanksgivings for forty days,¹⁶ fifty days,¹⁷ and even sixty.¹⁸ A supplicatio was usually regarded as a prelude to a triumph, but it was not always followed by one. Cato reminds Cicero, to whose honour a supplicatio had been decreed.¹⁹ This honour was conferred upon Cicero on account of his suppression of the conspiracy of Catiline, which had never been decreed to any one before in a civil capacity (togator), as he frequently takes occasion to mention.²⁰

II. A *Supplicatio*, a solemn supplication and humiliation, was also decreed in times of public danger and distress, and on account of prodigia to avert the anger of the gods.²¹

SURDUS. (Vid. OBLIGATIONES, p. 673.)

*SUS. (Vid. HYS.)

SUSPENSURA. (Vid. BATHA, p. 144.)

SYMPOSIUM (συμπόσιον, comissatio, convivium), a drinking-party. The συμπόσιον, or the symposium, must be distinguished from the δεῖπνον; for though drinking almost always followed a dinner-party, the former was regarded as entirely distinct from the latter, was regulated by different customs, and frequently received the addition of many guests who were not present at the dinner. For the Greeks did not usually drink at their dinner, and it was not till the conclusion of the meal that wine was introduced, as is explained under DEIPNON, p. 344. Thus we read in the Symposium of Plato,²² that after the dinner had been finished, the banquet made, and the psalm sung, they turned to drinking (τρέπεσθαι πρὸς τὸν πότον).

Symposia seem to have been very frequent at Athens. Their enjoyment was heightened by agreeable conversation, by the introduction of music and dancing, and by games and amusements of various kinds: sometimes, too, philosophical subjects were

1. (Isæus, De Philoct. her., 58, ed. Steph.)—2. (Vid. Steph., Thesaur., 6608.—Reiske, Index in Or. Att., s. v. Συνοικία.—Böckh, Staatsch. der Athen., i., 71, 72, 154.)—3. (Thucyd., ii., 15.—Steph. Byz., s. v. Ἀθηναί.)—4. (Pax, 962.)—5. (Thes., 24.)—6. (Compare Meyer, De Bon. damnat., p. 190.)—7. (Gains, Dig. 43, tit. 18, s. 2.)—8. (43, tit. 18.)—9. (Dig. 43, tit. 18, s. 3.)—10. (Das Recht des Besitzes, p. 289, 5th ed.)—11. (Griess, ff., 73.)

1. (Cic. in Cat., iii., 10.)—2. (Liv., iii., 63.)—3. (Cic. Pro. Cons., 11.)—4. (Bell. Gall., ii., 25.)—5. (Cassiodorus, l. c.)—6. (Cæs., Bell. Gall., vii., 90.)—7. (Dion Cass., iii., 14.)—8. (Id., xliii., 42, and Cic., Phil., xiv., 16.)—9. (Ibid. Cass., xl., 50.)—10. (Cic. ad Fam., xv., 5.)—11. (In Puff. 6, 10; in Puff., 2.—Phil., ii., 8.)—12. (Cic., de Off., i., 2, § xxxii., 9; xxxvii., 3.)—13. (p. 176, s.)

scussed at them. The Symposia of Plato and Xenophon give us a lively idea of such entertainments at Athens. The name itself shows that the enjoyment of drinking was the main object of the symposia: wine from the juice of the grape (*οἶνος* *ἐξ ἄλκων*) was the only drink partaken of by the Greeks, with the exception of water. For palm-wine and beer (*vid. CEREVISIA*), though known to the Greeks from intercourse with foreign nations, were never introduced among them; and the extraordinary cheapness of wine at Athens (*vid. supra*) enabled persons even in moderate circumstances to give drinking-parties to their friends. In the most ancient times the enjoyment of wine was considered one of the greatest sources of pleasure, and hence Musæus and his son supposed that the just passed their time in Hades in a perpetual intoxication, as a reward of their industry (*ἡγασμένοι κάλλιστον ἀρετῆς μισθὸν μέθην*). It would appear from the Symposium of Plato that even the Athenians frequently concluded drinking-parties in rather a riotous manner, and were obliged to guard against this that such parties were forbidden at Sparta and in Crete.²

Wine was almost invariably mixed with water, and to drink it unmixed (*ἄκρατον*) was considered a characteristic of barbarians.³ Zaleucus had enacted a law among the Locrians, that any one who was ill and drank of unmixed wine without the command of his physician, was to die;⁴ and the Greeks in general considered unmixed wine as exceedingly prejudicial to the body and mental health.⁵ The Spartans attributed the insanity of Cleomenes to his indulging in this practice, which he learned from the Scythians. So universal was it not to drink wine unless mixed with water, that the word *οἶνος* is always used to such a mixture; and whenever wine is mentioned in connexion with drinking, we are always to understand wine mixed with water, unless the word *ἄκρατος* is expressly added (*τὸ κράμα, οἶνον μετὶ ὕδατος πλείονος, οἶνον καλούμενον*).⁶

The proportion in which the wine and water were mixed naturally differed on different occasions. To make a mixture of even half wine and half water (*ἰσον ἴσων*) was considered injurious,⁷ and generally there was a much greater quantity of water than of wine. It appears from Plutarch,⁸ Athenæus,¹⁰ and Eustathius,¹¹ that the most common proportions were 3:1, or 2:1, or 3:2. Hesiod¹² recommends the first of these.

The wine was mixed either with warm or cold water; the former, which corresponded to the *calida* or *caldida* of the Romans (*vid. CALIDA*), was by far the less common. On the contrary, it was endeavored to obtain the water as cool as possible, and for this purpose both snow and ice were frequently employed. (*Vid. NIX, PSYCTER.*) Honey was sometimes put in the wine,¹³ and also spices; in the latter case it received the name of *τρίμμα*, and is frequently mentioned by the writers of the New Comedy.¹⁴ Other ingredients were also occasionally used.

The mixture was made in a large vessel called the *κρατήρ* (*vid. CRATER*), from which it was conveyed into the drinking-cups by means of *οἰνοχόου κύβαλοι*. (*Vid. CYATHUS.*) The cups usually employed were the *κύλιξ*, *φιάλη*, *καρχήσιον*, and *κύνθαρος*, of which an account is given in separate articles. The *ρυτίον*, or drinking-horn, was also

very commonly used. We find several craters on vases representing drinking scenes.¹

The guests at a symposium reclined on couches, and were crowned with garlands of flowers, as is explained under *DEIPNON*. A master of the revels (*ἀρχὴν τῆς πρᾶξεως, συμποσίαρχος* or *βασιλεύς*) was usually chosen to conduct the symposium (*παιδαγωγεῖν συμπόσιον*), whose commands the whole company had to obey, and who regulated the whole order of the entertainment, proposed the amusements, &c. The same practice prevailed among the Romans, and their symposiarch was called the *magister* or *rex convivi*, or the *arbiter bibendi*. The choice was generally determined by the throwing of astragali or tali; but we find in Plato,³ Alcibiades constituting himself symposiarch. The proportion in which the wine and water were mixed was fixed by him, and also how much each of the company was to drink. The servants (*οἰνοχόοι* and *οἰνηροὶ θεράποντες*), usually young slaves, who had to mix the wine and present it to the company, were also under his orders; but if there was no symposiarch, the company called for the wine just as they pleased.⁴

Before the drinking commenced, it was agreed upon in what way they should drink,⁵ for it was not usually left to the option of each of the company to drink as much or as little as he pleased, but he was compelled to take whatever the symposiarch might order. At Athens they usually began drinking out of small cups (*μέτρια ποτήρια*), but as the entertainment went on, larger ones were introduced.⁷ In the Symposium of Plato,⁸ Alcibiades and Socrates each empty an immense cup, containing eight cotylæ, or nearly four English pints; and frequently such cups were emptied at one draught (*ἄπνευστι* or *ἄμυστι πίνειν, ἄμυστιζέειν*).⁹

The cups were always carried round from right to left (*ἐπὶ δεξιᾷ*), and the same order was observed in the conversation, and in everything that took place in the entertainment (*ἐπὶ δεξιᾷ διαπίνειν*;¹⁰ *ἐπὶ δεξιᾷ λόγον εἰπεῖν*).¹¹ The company frequently drank to the health of one another (*προπίνειν φιλοτησίας*),¹² and each did it especially to the one to whom he handed the same cup. This seems to have been the custom which Cicero alludes to when he speaks of "drinking after the Greek fashion" (*Græci more bibere*;¹³ *Græci in conviviis solent nominare, cui poculum traditur sunt*).¹⁴

Music and dancing were usually introduced, as already stated, at symposia, and we find few representations of such scenes in ancient vases without the presence of female players on the flute and the cithara. Plato, indeed, decidedly objects to their presence, and maintains that it is only men incapable of amusing themselves by rational conversation that have recourse to such means of enjoyment;¹⁵ but this says nothing against the general practice; and Xenophon, in his Symposium, represents Socrates mightily pleased with the mimetic dancing and other feats performed on that occasion. The female dancers, and the players on the flute and the cithara, were frequently introduced at the symposia of young men for another purpose, and were sometimes actually *ἐταῖραι* (*vid. HETÆRÆ*, p. 502), as we see clearly represented on many ancient vases.¹⁶ Respecting the different kinds of dances performed at symposia, see *SALTATIO*.

1. (Plat., Legg., ii., p. 363, c, d.)—2. (Plat., Min., p. 320, a.)—3. (Plat., Legg., i., p. 637, e.)—4. (Ælian, V. H., ii., 37.)—5. (Athen., ii., p. 36, b.)—6. (Herod., vi., 84.)—7. (Plut., Conjug. sec., 20.)—8. (Athen., i. c.)—9. (Symp., iii., 9.)—10. (x., p. 6.)—11. (ad Od., ix., 209, p. 1624.)—12. (Op., 596.)—13. (Athen., i., p. 32, a.—Id., p. 31, c.)—14. (Pollux, Onom., vi., 18.)

1. (See, for example, Mus. Borb., v., t. 51.)—2. (Plat., Legg., i., p. 641, a, b.)—3. (Symp., p. 213, e.)—4. (Xen., Symp., ii., 27.)—5. (Plat., Symp., p. 176, a, b.)—6. (Athen., x., p. 431, e.)—7. (Diog. Laert., i., 104.)—8. (p. 213, 214.)—9. (Athen., x., p. 431, b.)—Lucian, Lexiph., 8.—Suidas, s. v. Ἀμυστι.—10. (Plat., Rep., iv., p. 420, c.)—11. (Symp., p. 214, b.—Athen., xi., p. 463, e.)—12. (Lucian, Gall., 12.—Athen., xi., p. 498, d.)—13. (Verr., ii., i., 26.)—14. (Tusc., i., 40.)—15. (Protag., p. 347, c, d.—Symp., 176, c.)—16. (See, for example, Mus. Borb., v., t. 51.)

Respecting the games and amusements by which the symposia were enlivened, it is unnecessary to say much here, as most of them are described in separate articles in this work. Enigmas or riddles (*αἰνίγματα* or *γρίφοι*) were among the most usual and favourite modes of diversion. Each of the company proposed one in turn to his right-hand neighbour: if he solved it, he was rewarded with a crown, a garland, a cake, or something of a similar kind, and sometimes with a kiss; if he failed, he had to drink a cup of unmixed wine, or of wine mixed with salt-water, at one draught.¹ The cotabos was also another favourite game at symposia, and was played at in various ways. (*Vid. COTABOS.*)

The other games at symposia which require mention are the *ἀστραγαλισμὸς* and *κύβεια*, explained under *TALI* and *TESSERA*, the *πετρεῖα*, spoken of under *LATRUNCULI*, and the *χαλκισμὸς*. The latter consisted in turning round a piece of money placed upright on its edges, and causing it suddenly to stop while moving by placing a finger on its top.²

Representations of symposia are very common on ancient vases. Two guests usually reclined on each couch (*κλίνη*), as is explained on p. 344, and illustrated by the following cut from one of Sir W. Hamilton's vases, where the couch on the right hand contains two persons, and that on the left is represented with only one, which does not appear to have been the usual practice. The guests wear garlands of flowers, and the two who are reclining on the same couch hold a phiala each in the right hand. Sometimes there were four or five persons on one couch, as in the woodcut on p. 326.



A drinking-party among the Romans was sometimes called *convivium*, but the word *comissatio* more nearly corresponds to the Greek *συμπόσιον*. (*Vid. COMISSATIO.*) The Romans, however, usually drank during their dinner (*cæna*), which they frequently prolonged during many hours in the later times of the Republic and under the Empire. Their customs connected with drinking differed little from those of the Greeks, and have been incidentally noticed above.

The preceding account has been mainly composed from Becker's *Charikles*³ and *Gallus*,⁴ where the subject is treated at length.

SYNTHESIS, a garment frequently worn at dinner, and sometimes also on other occasions. As it was inconvenient to wear the toga at table on account of its many folds, it was customary to have dresses especially appropriated to this purpose, called *vestes canatoria* or *canatoria*,⁵ *accubitoria*,⁶ or *synthests*. The synthesis is commonly explained to be a loose kind of robe like the pallium, but Becker⁷ supposes, from a comparison of a passage of Dion Cassius⁸ with one of Suetonius,⁹ describing the dress of Nero, that it must have been a kind of tunic, an *indumentum* rather than an *amiculus*. (*Vid. AMICULUS.*) That it was, however, an easy

and comfortable kind of dress, as we should say, seems to be evident from its use at table above mentioned, and also from its being worn by all classes at the *SATURNALIA*, a season of universal relaxation and enjoyment.¹ More than this respecting its form we cannot say: it was usually dyed with some colour,² and was not white like the toga.

The word synthesis is also applied to a set of wearing apparel or a complete wardrobe.³ The use of the word agrees better with its etymology (*σύνθεσις, συντίθημι*) than the one mentioned above.⁴

SYRINX (*σύριγξ*), the Pan's Pipe, or *Pandean* Pipe, was the appropriate musical instrument of the Arcadian and other Grecian shepherds, and was regarded by them as the invention of Pan, their tutelary god,⁵ who was sometimes heard playing upon it (*συρίζοντος*),⁶ as they imagined, on Mount Mænalus.⁷ It was, of course, attributed to Pan, who was the same with Pan.⁸ When the Roman poets had occasion to mention it, they called it *litula*.⁹ It was also variously denominated according to the materials of which it was constructed, whether of cane (*tenui arundine*,¹⁰ *ποιμηνίῳ ὄσσειῳ*),¹¹ reed (*calamo*,¹² *κάλλαμος*),¹³ or hemlock (*cicutâ*).¹⁴ In general, seven hollow stems of these plants were fitted together by means of wax, having been previously cut to the proper length, and adjusted as to form an octave;¹⁵ but sometimes nine were admitted, giving an equal number of notes.¹⁶ Another refinement in the construction of this instrument, which, however, was rarely practised, was to arrange the pipes in a curve so as to fit the form of the lip, instead of arranging them in a plane.¹⁷ A syrinx of eight reeds is shown in the gem figured on page 696. The annexed woodcut is taken from a bas-relief in the collection at Appledurcombe in the Isle of Wight.¹⁸ It represents Pan reclining at the entrance of the cave which was dedicated to him in the Acropolis at Athens. He holds in his right hand a drinking-horn (*vid. RHYTON*), and a his left a syrinx, which is strengthened by two transverse bands.



The ancients always considered the Pan's Pipe as a rustic instrument, chiefly used by those who tended flocks and herds,¹⁹ but also admitted to regulate the dance.²⁰ The introduction of it on more solemn occasions was very unusual. Telephus

1. (Athen., x., p. 457.)—2. (Pollux, Onom., ix., 118.—Eustath. ad II., xiv., 291, p. 986.)—3. (i., p. 451, &c.)—4. (ii., p. 235, &c.)—5. (Mart., x., 87, 12; xiv., 135.—Petron., 21.)—6. (Petron., 30.)—7. (Gallus, i., p. 37.)—8. (lxiii., 13.)—9. (Net., 51.)

1. (Mart., xiv., 1, 141; vi., 24.)—2. (Mart., ii., 46; x., 26; 3. (Dig. 34, tit. 4, s. 38.)—4. (Becker, i., c.)—5. (Virg., Buc., ii., 32; viii., 24.)—6. (Vid. Theocr., i., 3, 14, 16.—Salm., s. v.—Longus, iv., 27.)—7. (Paus., viii., 26, § 5.)—8. (Her., i., 17, 10.)—9. (Virg., Buc., ii., 26; iii., 22, 25.—Estr., Gen., ii., 12, 10.—Ovid, Met., viii., 192; xiii., 784.—Mart., xv., 6.—Tibull., i., 5, 20.)—10. (Virg., Buc., vi., 8.—Hæm., Strabo, Pana, 15.)—11. (Brunck, Anal., i., 469.)—12. (Virg., Buc., 10; ii., 34; v., 2.)—13. (Theocr., viii., 24.—Longus, i., 4.—Virg., Buc., v., 85.)—14. (Virg., Buc., ii., 32, 36.)—15. (Theocr., viii., 18—22.)—16. (Id., i., 129.)—17. (Mus. Warræ pæne, i., 1.)—18. (Hom., II., xviii., 526.—Apoll. Rhod., i., 277.—Dionys. Perieg., 996.—Longus, i., 2; i., 14—16; ii., 24—26.)—19. (See Scut., 276.)

refused to go to the PYTHIAN GAMES on of the performance on Pandean pipes (σύ-
 The Lydians, whose troops marched to music, employed this, together with other nts, for the purpose.² This instrument was of the organ. (Vid. HYDRAULA.)
 in σύριγξ was also applied to levels, or nar-erranean passages made either in search-ets, in mining at the siege of a city,³ or ig catacombs for the dead.⁴
 ΛΑ (σύρμα), which properly means that drawn or dragged (from σύρω), is applied s with a train. The long peplos worn by n matrons was consequently a dress some- his kind.⁵ The syrma, however, was more y the name of the dress worn by the tragic hich had a train to it trailing upon the whence the word is explained by Pollux⁶ ακὸν φόρημα ἐπισυρόμενον, and is alluded to e⁷ in the words

traxitque vagus per pulpita vestem.
 e find *syrma* used metaphorically for trage-

ΤΙΑ (συσσίτια). The custom of taking ipal meal of the day in public prevailed among the Greeks from very early ages. d not only with the Spartans and Cretans, of whom it was kept up till compara-ent times, but also at Megara in the age nis,⁸ and at Corinth in the time of Perian-, it seems, abolished the practice as being le to aristocracy.¹⁰ Nor was it confined to nic nation; for, according to Aristotle,¹¹ it l still earlier among the Ctenotrians in the Italy, and also at Carthage, the political al institutions of which state resembled Sparta and Crete.¹² The origin of the not be historically established, but it seems le to refer it to infant or patriarchal com-, the members of which, being intimately d by the ties of a close political union and may naturally be supposed to have lived almost as members of the same family. ever and wherever it originated, the natu-ency of such a practice was to bind the of a state in the closest union; and, ac-, we find that at Sparta Lycurgus availed of it for this purpose, though we cannot de- with any certainty whether he introduced or merely perpetuated and regulated an n which the Spartans brought with them r mother-country, and retained at Sparta as itable to their position and agreeable to tional habits. The latter supposition is the more probable. The Cretan usage¹³ attributes to Minos; this, however, may idered rather "the philosopher's opinion historical tradition;" but the institution fessedly of so high antiquity, that the Pelo-n colonists may well be supposed to have already existing in Crete, even if there had Dorian settlers in the island before them.¹⁴ retan name for the syssitia was Ἀνδρεία,¹⁵ ar of which is used to denote the building hall where they were given. This title f itself a sufficient indication that they were o men and youths only: a conclusion jus- supported by all the authorities on the It is not, however, improbable, as Hoeck¹⁷

suggests, that in some of the Dorian states there were syssitia of the young unmarried women as well as of the men.¹ All the adult citizens partook of the public meals among the Cretans, and were divided into companies or "messes," called Ἐται-ριαί, or sometimes ἀνδρεία.² These divisions were perhaps originally confined to persons of the same house and kindred, but afterward any vacancies in them were filled up at the discretion of the mem- bers.³ The divinity worshipped under the name of Ζεὺς Ἐταιρείος⁴ was considered to preside over them.

According to Dosiadas, who wrote a history of Crete,⁵ there were in every town of the island (πανταχοῦ) two public buildings, one for the lodging of strangers (κοιμητήριον), the other a common hall (ἀνδρείον) for the citizens. In the latter of these the syssitia were given, and in the upper part of it were placed two tables for the entertainment of foreign guests (ξενικὰ τράπεζαι), a circumstance deserving of notice, as indicating the extent to which the Dorians of Crete encouraged mutual inter- course and hospitality. Then came the tables of the citizens. But, besides these, there was also a third table, on the right of the entrance, dedicated to Ζεὺς ξένιος, and perhaps used for the purpose of making offerings and libations to that god.

The syssitia of the Cretans were distinguished by simplicity and temperance. They always sat at their tables, even in later times, when the custom of reclining had been introduced at Sparta.⁶ The entertainment began with prayer to the gods and libations.⁷ Each of the adult citizens received an equal portion of fare, with the exception of the "archon" or "master of the tables," who was, per- haps, in ancient times, one of the κόσμοι, and more recently a member of the γερανία or council. This magistrate received a fourfold portion; "one as a common citizen, a second as president, a third for the house or building, a fourth for the furniture" (τῶν σκευῶν⁸): an expression from which it would seem that the care of the building, and the provision of the necessary utensils and furniture, devolved upon him. The management of all the tables was under the superintendence of a female of free birth (ἡ προστηκνία τῆς συσσιτίας γυνή), who openly took the best fare, and presented it to the citizen who was most eminent in the council or the field. She had three or four male assistants under her, each of whom, again, was provided with two menial ser- vants (καληφόροι, or wood-carriers). Strangers were served before the citizens, and even before the archon or president.⁹ On each of the tables was placed a cup of mixed wine, from which the messmates of the same company drank. At the close of the repast this was replenished, but all in- temperance was strictly forbidden by a special law.¹⁰

Till they had reached their eighteenth year, when they were classed in the ἀγέλαι, the youths accom- panied their fathers to the syssitia along with the orphans of the deceased.¹¹ In some places the youngest of the orphans waited on the men; in others this was done by all the boys.¹² When not thus engaged, they were seated near to the men on a lower bench, and received only a half portion of meat: the eldest of the orphans appear to have received the same quantity as the men, but of a plainer description of fare.¹³ The boys, like the men, had also a cup of mixed wine in common, which, however, was not replenished when emptied.

De Mus., p. 2084, ed. Steph.)—2. (Herod., i., 17.)—
 v., 17.)—4. (Elian, H. A., vi., 43; xvi., 15.)—5.
)—6. (vii., 67.)—7. (Ep. ad Pis., 215.—Compare
 29.)—8. (Juv., xv., 30.—Mart., iv., 49.)—9. (v., 305.)
 Pol., v., 9, 2.)—11. (Pol., vii., 9.)—12. (Id., ii., 8.)—
 9.)—14. (Thirlwall, Hist. of Greece, i., p. 287.)—
 Pol., ii., 7.)—16. (Plat., Leg., vi., p. 780, d.)—17.
 s. 123.)

1. (Compare Pind., Pyth., ix., 18.)—2. (Athen., iv., p. 143.)—
 3. (Hoeck, iii., p. 126.)—4. (Hesych., s. v.)—5. (Athen., l. c.)—6.
 (Cic., Pro Mur., 35.)—7. (Athen., iv., p. 143, c.)—8. (Heraclid.
 Pont., iii.)—9. (Id., l. c.)—10. (Plat., Minos, p. 285.)—11.
 (Hoeck, iii., p. 185.)—12. (Ephor. ap. Strab., x., p. 483.)—13.
 (Athen., iv., p. 143.)

During the repast a general cheerfulness and gayety prevailed, which were enlivened and kept up by music and singing.¹ It was followed by conversation, which was first directed to the public affairs of the state, and afterward turned on valiant deeds in war and the exploits of illustrious men, whose praises might animate the younger hearers to an honourable emulation. While listening to this conversation, the youths seem to have been arranged in classes (*ἀνδρεία*), each of which was placed under the superintendence of an officer (*παιδονόμος*) especially appointed for this purpose, so that the *syssitia* were thus made to serve important political and educational ends.

In most of the Cretan cities the expenses of the *syssitia* were defrayed out of the revenues of the public lands and the tribute paid by the Perioeci, the money arising from which was applied partly to the service of the gods and partly to the maintenance of all the citizens, both male and female,² so that in this respect there might be no difference between the rich and the poor. From the statement of Aristotle compared with Dosiadas,³ it appears probable that each individual received his separate share of the public revenues, out of which he paid his quota to the public table, and provided with the rest for the support of the females of his family. This practice, however, does not appear to have prevailed exclusively at all times and in all the cities of Crete. In Lyctus, for instance, a colony from Sparta, the custom was different: the citizens of that town contributed to their respective tables a tenth of the produce of their estates; a practice which may be supposed to have obtained in other cities, where the public domains were not sufficient to defray the charges of the *syssitia*. But, both at Lyctus and elsewhere, the poorer citizens were in all probability supported at the public cost.

In connexion with the accounts given by the ancient authors respecting the Cretan *syssitia*, there arises a question of some difficulty, viz., how could one building accommodate the adult citizens and youths of such towns as Lyctus and Gortyna? The question admits of only two solutions: we are either misinformed with respect to there being only one building in each town used as a common hall, or the number of Dorian citizens in each town must have been comparatively very small.

The Spartan *syssitia* were in the main so similar to those of Crete, that one was said to be borrowed from the other.⁴ In later times they were called *φειδίτια*, or the "spare meals," a term which is probably a corruption of *φιλίτια*, the love-feasts, a word corresponding to the Cretan *ἐραρεία*.⁵ Anciently they were called *ἀνδρεία*, as in Crete.⁶ They differed from the Cretan in the following respects. Instead of the expenses of the tables being defrayed out of the public revenues, every head of a family was obliged to contribute a certain portion at his own cost and charge; those who were not able to do so were excluded from the public tables.⁷ The guests were divided into companies generally of fifteen persons each, and all vacancies were filled up by ballot, in which unanimous consent was indispensable for election. No persons, not even the kings, were allowed what was called an *ἀφιδετος ἡμέρα*,⁸ or excused from attendance at the public tables, except for some satisfactory reason, as when engaged in a sacrifice or a chase, in which latter case the individual was required to send⁹ a

present to his table. Each person was supplied with a cup of mixed wine, which was filled *εἴσθην* when required; but drinking to excess was prohibited at Sparta as well as in Crete. The repast was of a plain and simple character, and the contribution of each member of a mess or *φειδίτηρ* was settled by law.¹ The principal dish was the *αἶλας* *ζωμῆ*, or black broth, with pork.² The *ἐπάκιον*, or *stret-meal* (from the Doric *δικλον*, a meal), was, however, more varied, and richly supplied by presents of game, poultry, fruit, &c., and other delicacies, which no one was allowed to purchase. (*Vid. Asinius*) Moreover, the entertainment was enlivened by cheerful conversation, though on public matters.³ Singing, also, was frequently introduced, as we learn from Alcman⁴ that "at the banquets and drinking entertainments of the men it was fit for the guests to sing the pæan." The arrangements were under the superintendence of the polemarchs.

The use and purposes of the institutions described above are very manifest. They united the citizens by the closest ties of intimacy and union, making them consider themselves as members of one family, and children of one and the same mother, the state. They maintained a strict and perfect separation between the higher and the subject classes, both at Sparta and in Crete, and kept up in the former a consciousness of their superior worth and station, together with a strong feeling of nationality. At Sparta, also, they were eminently useful as a military point of view; for the members of the *syssitia* were formed into corresponding military divisions, and fought together in the field, as they had lived together at home, with more bravery and a keener sense of shame (*αἰδώς*) than could have been the case with merely chance comrades.⁵ Moreover, "they gave an efficacy to the power of public opinion which must have nearly superseded the necessity of penal laws."⁶ With respect to their political tendencies, they were decidedly arranged upon aristocratical principles, though no individual of a company or mess was looked upon as superior to his fellows. Plutarch⁷ accordingly calls them *συνέδρια ἀριστοκρατικά*, or aristocratical meetings, and compares them with the Prytæum and Thesmothesium at Athens.

The simplicity and sobriety, which were in early times the characteristics both of the Spartan and Cretan *syssitia*, were afterward, in Sparta at least, supplanted by luxury and effeminate indulgence. The change was probably gradual, but the king Areus and Acrotatus (B.C. 300) are recorded as having been mainly instrumental in accelerating it. The reformer Agis endeavoured, but in vain, to restore the old order of things, and perished in the attempt.⁸ In his days Sparta contained 6500 families, out of which he proposed to make fifteen *syssitia*, whence Müller infers that formerly, when the number of families was 9000, the number of *syssitia* was thirty, and, consequently, that Herodotus, when he spoke of Lycurgus having instituted the "*syssitia*" for war, alluded to the larger divisions, and not the single banqueting companies, a conclusion justified by the context. Müller, moreover, supposes that in this sense the *syssitia* at Sparta corresponded to the divisions of the state called *οὐβῆ*, and sometimes *φαστρία*, which were thirty in number.⁹

1. (Alcman ap. Strab., l. c.)—2. (Arist., Pol., ii., 7, 4.)—3. (Athen., l. c.)—4. (Arist., Pol., ii., 7.)—5. (Götting ad Arist., Econ., p. 190.—Müller, Dor., iv., 3, § 3.)—6. (Plut., Lycor., c. 12.)—7. (Arist., Pol., ii., 7, 4.)—8. (Hesych., s. v.)—9. (Plut., l. c.—Agis, c. 10.)

1. (Wachsmuth, ii., 2, 24.—Plut., l. c.)—2. (Athen., s. v. H.)—3. (Xen., Rep. Lacor., v., 6.)—4. (Frag., 31.)—5. (Arist., Pol., ii., 7, 4.)—6. (Thirlwall, l. p. 289.)—7. (Quæst. Symp., c. p. 221.)—8. (Plut., Agis and Cleom.)—9. (Dorson, ii., 1, § 1, and ii., § 4.—Hoeck, Creta, iii., p. 120—129.—Hullmann's Athens, § 12.—Thirlwall, Hist. of Greece, i., p. 286 and 221.—Hermann, Gesch. d. Griech. Staats., § 22 and 28.)

T. Θ.

NU'S. (*Vid.* CÆSTRUS.)

L.², *dim.* of TABULA, a Billet or Tablet, each citizen and judex voted in the courts of justice. In the comitia, if a law was the passing of a law, each citizen voted with two tabellæ, one inscribed V. R., *rogas*, "I vote for the law," the other *in*, *i. e.*, *Antiquo*, "I am for the old law."¹ Business was the election of a magistrate, when was supplied with one tablet, on which the names of the candidates were written, or their names, as some suppose from the *pro Domo*, c. 43; the voter then placed a *tabella* against the one for whom he voted, *tabellæ* are spoken of in the sense of votes.² For particulars respecting the voting in the *comitia* see DIRIBITORES and SITELLA.

Tabellæ were provided with three *tabellæ*, each was marked with A., *i. e.*, *Absolvo*, "I absolve;" the second with C., *i. e.*, *Condemno*, "I condemn;" and the third with N. L., *i. e.*, *Non liquet*, "It is not clear to me." The first of these was called *tabella absolutoria*, and the second *tabella censoria*,³ and hence Cicero⁴ calls the first *tabella salutaria*, and the latter *tabella tristis*. We learn that in some trials the *tabellæ* were marked with the letters L. D. respectively, *i. e.*, *Libertatis Danno*, since we find on a denarius of Augustus a *tabella* marked with the letters L. D. as we know that the vote by ballot in the *comitia* was first introduced by C. Cælius (*vid.* TABELLARIÆ LEGES), the *tabella* on which was undoubtedly referred to that event. There is a passage in Caesar⁵ which seems to indicate that these initial letters were sometimes on the *tabellæ*: "*Unam fore tabellam, qui omni periculo censerent; alteram, qui caperent,*" &c.⁶

The cut annexed contains a copy of a coin of the Cassian gens, in which a man wearing a toga is represented in the act of placing a *tabella* marked with the letter A. (*i. e.*, *absolvo*) in the *cista*. The letter on the *tabella* is evidently intended for A.

For the other meanings of *Tabella*, see TABULA.

TABELLARIÆ LEGES, the laws by which the *comitia* were introduced in voting in the *comitia*. An ancient mode of voting at Rome, see *SCRIPTURA*. There were four enactments known by the name of *Tabellariæ Leges*, which are enumerated by Cicero.⁷ They are mentioned below according to the order of time in which they were

1. *PAPIRIA LEX*, proposed by the tribune Gaius Papirius Carbo B.C. 131, introduced the ballot in the enactment and repeal of laws.²

2. *CÆLIA LEX*, proposed by C. Cælius Caldus B.C. 108, introduced the ballot in cases of perduellio, which had been excepted in the Cassian law.³

There was also a law brought forward by Marius B.C. 119, which was intended to secure freedom and order in voting.⁴

TABELLA'RĪUS, a Letter-carrier. As the Romans had no public post, they were obliged to employ special messengers, who were called *tabellarii*, to convey their letters (*tabella, literæ*), when they had not an opportunity of sending them otherwise.⁵

TABELLĪO, a Notary.⁶ Under the Empire the *tabelliones* succeeded to the business of the *scribæ* in the times of the Republic. (*Vid.* SCRIBÆ.) They were chiefly employed in drawing up legal documents, and for this purpose usually took their stations in the market-places of towns.⁷ They formed a special order in the state.⁸

TABERNA is defined by Ulpian as any kind of building fit to dwell in, "*nempe ex eo, quod tabulis clauditur,*" or,⁹ according to the more probable etymology of Festus, because it was made of planks.¹⁰ Festus¹¹ asserts that this was the most ancient kind of abode used among the Romans, and that it was from the early use of such dwellings that the words *taberna* and *tabernaculum* were applied to military tents, though the latter were constructed of skins. We know very little of the form and materials of the ancient tents; but we may infer, from the notices we have of them, that they were generally composed of a covering of skins, partly supported by wooden props, and partly stretched on ropes. Sometimes, in a permanent camp, they may have been constructed entirely of planks; and sometimes, in cases of emergency, garments and rushes were spread over any support that could be obtained.¹² From *taberna*, when used in this sense, are derived *tabernaculum*, the more common name of a tent, and *CONTUBERNALES*.

The usual name of *taberna* is a *shop*. Neither the ancient authors nor the remains of Pompeii lead us to suppose that tradesmen often had their shops forming parts of their houses, as with us. A few houses are indeed found at Pompeii entirely devoted to the purposes of trade, consisting, that is, of the shop and the rooms occupied by the tradesman and his family.

Most commonly, the shops formed a part of a large house, to the owner of which they belonged, and were by him let out to tradesmen. (*Vid.* HOUSE, ROMAN, p. 519.) Some of the shops round a house were retained by the owner for the sale of the produce of his estates. This arrangement of the shops was probably an improvement on an older plan of placing them against the walls of houses. Even under the emperors we find that shops were built out so far into the street as to obstruct the thoroughfare. Martial¹³ mentions an edict of Domitian by which the practice was put down, and the shops were confined within the areas of the houses.

The following are the most remarkable classes of shops of which we have notices or remains:

1. Shops for the sale of wine, hot drinks, and ready-dressed meat. (*Vid.* CAUPONA.)

1. (Cic., De Leg., iii., 16.—Brut., 25, 27.—Pro Sextio, 48.—Ascon. in Cornel., p. 78, ed. Orelli.)—2. (Cic., De Leg., iii., 16.)—3. (Cic., l. c.)—4. (Cic., De Leg., iii., 17.—Plut., Mar., 4.)—5. (Cic., Phil., ii., 31.—Cic. ad Fam., xii., 19; xiv., 22.)—6. (Suidas, s. v.)—7. (Cod., iv., tit. 21, s. 17.—Novell., 73, c. 5, &c.—8. (Gothof. ad Cod. Theod., xii., tit. 1, s. 3.)—9. (Dig., 50, t. 10, § 183.)—10. (Festus, s. v. Contubernales, Tabernacula.)—11. (s. v. Adtibernalis.)—12. (Lipsius, De Milit. Rom., in oper. p. 154–155.)—13. (vii., 61.)

1. (Cic., ad Att., i., 14.)—2. (Cic., Pro Planc., 22.)—3. (Cic., Pro Mil., 6.)—4. (Bell. Civ., iii., compare Spanheim, Numism., ii., p. 199.)—5. (De Off., 1.)—6. (Cic., l. c.)—7. (Agr., ii., 2.)—8. (Index

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2. Bakers' shops. Of these several have been found at Pompeii, containing the mill as well as the other implements for making bread. (Vid. MOLA, PISTOR.)

3. Booksellers' shops. (Vid. BIBLIOPOLA.)

4. Barbers' and hairdressers' shops. (Vid. BARBA.)

TABERNA' CULUM. (Vid. TABERNA, TEMPLUM.)

TABL'NUM. (Vid. HOUSE, ROMAN, p. 517.)

TABULÆ. This word properly means planks or boards, whence it is applied to several objects, as gaming-tables,¹ pictures,² but more especially to tablets used for writing, of which alone we have to speak here. The name of *tabula* was applied to any flat substance used for writing upon, whether stone or metal, or wood covered with wax. Livy,³ indeed, distinguishes between *tabula* and *cera*, by the former of which he seems to mean tablets of stone and metal; but *tabula* and *tabellæ* more frequently signify waxen tablets (*tabula cerata*), which were thin pieces of wood, usually of an oblong shape, covered over with wax (*cera*). The wax was written on by means of the *stilus*. (Vid. STILUS.) These *tabulæ* were sometimes made of ivory and citron-wood,⁴ but generally of the wood of a more common tree, as the beech, fir, &c. The outer sides of the tablets consisted merely of the wood; it was only the inner sides that were covered over with wax. They were fastened together at the backs by means of wires, which answered the purpose of hinges, so that they opened and shut like our books; and to prevent the wax of one tablet rubbing against the wax of the other, there was a raised margin around each, as is clearly seen in the woodcut on p. 925. There were sometimes two, three, four, five, or even more tablets fastened together in the above-mentioned manner. Two such tablets were called *diptycha* (*δίπτυχα*), which merely means "twice-folded" (from *πύσιω*, "to fold"), whence we have *πτυκτίον*, or, with the *τ* omitted, *πτυκτίον*. The Latin word *pugillares*, which is the name frequently given to tablets covered with wax,⁵ may perhaps be connected with the same root, though it is usually derived from *pugillus*, because they were small enough to be held in the hand. Such tablets are mentioned as early as the time of Homer, who speaks of a *πίναξ πτυκτός*.⁶ (Vid. DIPTYCHA.) Three tablets fastened together were called *triptycha* (*τρίπτυχα*), which Martial⁷ translates by *triplices (ceræ)*; in the same way we also read of *pentaptycha* (*πεντάπτυχα*), called by Martial⁸ *quintuplices (ceræ)*, and of *polyptycha* (*πολύπτυχα*) or *multiplices (ceræ)*. The pages of these tablets were frequently called by the name of *ceræ* alone; thus we read of *prima cera*, *altera cera*, "first page," "second page."⁹ In tablets containing important legal documents, especially wills, the outer edges were pierced through with holes (*foramina*), through which a triple thread (*linum*) was passed, and upon which a seal was then placed. This was intended to guard against forgery; and, if it was not done, such documents were null and void.¹⁰ (Vid. TESTAMENTUM.)

Waxen tablets were used among the Romans for almost every species of writing where great length was not required. Thus letters were frequently written upon them, which were secured by being fastened together with packthread and sealed with wax. Accordingly, we read in Plautus,¹¹ when a letter is to be written,

"Effer cito stilum, ceram, et tabellas, et linum."

1. (Juv., i., 90.)—2. (Cic., De Fin., v., 1.—Propert., i., 2, 22.)
3. (I., 24.)—4. (Mart., xiv., 3, 5.)—5. (Mart., xiv., 2.—Gell., xvii., 9.—Plin., Ep., i., 6.)—6. (Il., vi., 169.)—7. (xiv., 5.)—8. (xiv., 4.)—9. (Compare Suet., Ner., 17.)—10. (Id., l. c.—Paul., S. R., v., 25, § 6.)—11. (Bacchid., iv., 4, 64.)

The sealing is mentioned afterward.¹ *Tabulæ* and *tabellæ* are therefore used in the sense of letters.² Love-letters were written on very small tablets called *vittelliani*,³ of which word, however, we do not know the meaning. Tablets of this kind are presented by Amor to Polyphemus on an ancient painting.⁴

Legal documents, and especially wills, were almost always written on waxen tablets, as mentioned above. Such tablets were also used for accounts, in which a person entered what he received and expended (*tabula* or *codex accepti et expensi*), whence *nova tabula* mean an abolition of debts, either wholly or in part.⁵ The above are merely instances of the extensive use of waxen tablets; it is unnecessary to pursue the subject farther. Respecting the *tabulæ publicæ*, see TABULARIUS.

Two ancient waxen tablets have been discovered in a perfect state of preservation, one in a gold mine four or five miles from the village of *Mindabánya* in Transylvania, and the other in a gold mine in the village itself. Of this interesting discovery an account has been published by Massmann in a work entitled "*Libellus Aurarius, sive Tabula Cerata, et antiquissima et unica Romana in Fobis Auraria apud Alrubbanyam, oppidulum Transylvanice nuper reperta*," Lipsiæ (1841). An account of these tablets, taken from Massmann's description, will serve as a commentary on what has been said above. Both the *tabulæ* are triptycha, that is, consisting of three tablets each. One is made of fir-wood, the other of beechwood, and each is about the size of what we call a small octavo. The outer part of the two outside tablets of each contains the plain surface of the wood, the inner part is covered with wax, which is now almost of a black colour, and is surrounded with a raised margin. The middle tablet has wax on both sides, with a margin around each, so that each of the two tablets contains four sides or four pages covered with wax. The edges are pierced through, that they might be fastened together by means of a thread passed through them. The wax is not thick in either; it is thinner on the beechen *tabulæ*, in which the *stilus* of the writer has sometimes cut through the wax into the wood. There are letters on both of them, but on the beechen *tabulæ* they are few and indistinct; the beginning of the first tablet contains some Greek letters, but they are succeeded by a long set of letters in unknown characters. The writing on the *tabulæ* made of firwood is both greater in quantity, and in a much better state of preservation. It is written in Latin, and is a copy of a document relating to some business connected with a collegium. The name of the colony is given, which determines its date to be A. D. 169. One of the most extraordinary things connected with it is, that it is written from right to left. The writing begins on what we should call the last or fourth page, and ends at the bottom of the third; and by some strange good fortune it has happened that the same document is written over again, beginning on the second page and ending at the bottom of the first, so that where the writing is effaced or doubtful in the one, it is usually supplied or explained by the other.

Waxen tablets continued to be used in Europe for the purposes of writing in the Middle Ages; but the oldest of these with which we are acquainted belongs to the year 1301 A. D., and is preserved in the Florentine museum.

The tablets used in voting in the comitia and the

1. (I. 96.—Compare Cic., in Catil., iii., 2.—Plin., Hist. Nat., x., 52.)—2. (Mart., xiv., 8, 9.)—3. (Mus. Borbon., l. c. 2.)—4. (Cic., Pro Rosc. Com., 2.)—5. (Suet., Jul., 4.—Cic., De Off., ii., 23.)

ts of justice were also called tabulæ as well as
 (Vid. TABELLÆ.)

ABULARII were notaries or accountants, who
 first mentioned under this name in the time of
 Empire.¹ Public notaries, who had the charge
 of public documents, were also called tabularii,² and
 seem to have differed from the tabelliones in
 circumstance that the latter had nothing to do
 with the custody of the public registers. Public
 tabularii were first established by M. Antoninus in
 the provinces, who ordained that the births of all
 children were to be announced to the tabularii with-
 in ten days from the birth.³ Respecting the other
 duties of the public tabularii, see Cod. Theod.,
 lib. 2, and Gothfr., ad loc.

ABULARIUM, a place where the public records
 (tabulæ publicæ) were kept.⁴ These records
 were of various kinds, as, for instance, senatus con-
 sultabulæ censoriæ, registers of births, deaths,
 names of those who assumed the toga viri-
 lis.⁵ There were various tabularia at Rome,
 which were in temples; we find mention
 of tabularia in the temples of the nymphs,⁶
 Minerva, of Juventus, of Libitina, of Ceres, and
 especially in that of Saturn, which was also
 the public treasury.⁷ (Vid. ÆRARIUM.)

ABULARIUM was also called by other names, as
 cataphylacium, archium, or archivum.⁸ In a
 house the name of tablinum was given to
 the room where the family-records and archives
 were kept. (Vid. HOUSE, ROMAN, p. 517.)

IDA or TEDA (δαΐς, Att. δᾶς, dim. δαΐδιον),
 a kind of firwood, called on this account pinca

Before the adoption of the more artificial
 method of obtaining light, described under CANDELA,
 CERNIUM, FAX, FUNALE, and LUCERNA, the in-
 habitants of Greece and Asia Minor practised the
 torch-light method, which still prevails in those
 countries, and to a certain extent in Scotland and
 Ireland, as well as in other parts of Europe, which
 abound in forests of pines.⁹ A tree having been se-
 lected of the species Pinus Maritima, Linn., which
 is called πεύκη by the ancient Greeks from the
 name of Homer,¹⁰ and which retains this name, with
 little change in its termination, to the present day,
 a diagonal incision was made near its root, causing the
 sap to flow so as to accumulate in its vicinity.

This highly resinous wood was called δᾶς, i.
 Birch-wood; a tree so treated was called ἐνδα-
 τήνην, the process itself ἐνδατῶσιν or δαδουργεῖν, and
 the workmen employed in the manufacture, δαδουρ-
 γοί.

After the lapse of twelve months, the portion
 of wood impregnated was cut out and divided into
 suitable lengths. This was repeated for three suc-
 cessive years, and then, as the tree began to decay,
 the heart of the trunk was extracted, and the roots
 were dug up for the same purpose.¹¹ These strips
 of resinous pinewood are now called δαΐδια by the
 inhabitants of Mount Ida.¹²

When persons went out at night they took these
 lights in their hands,¹³ more particularly in a nup-
 tial procession.¹⁴ Hence τὰ δαΐς signified "a
 nuptial marriage;"¹⁵ and these lights, no less than
 the torches, are attributed to Love and Hymen.¹⁷

It was usual to place these articles as offerings
 in the temples, especially at the great festivals.¹

Having been previously burned into charcoal,
 they were used in the manufacture of lampblack or
 ATRAMENTUM.²

TÆNIA or TAINIA. (Vid. VITTA, STROPHIUM.)

*II. The Cepola Tænia, L., or Tape-fish. It is so
 called from its being slender like a riband. Ron-
 delet describes two species of it.³

TAGUS (ταγός), a leader or general, was more
 especially the name of the military leader of the
 Thessalians. Under this head it is proposed to
 give a short account of the Thessalian constitution.

The Thessalians were a Thesprotian tribe,⁴ and
 originally came from the Thesprotian Ephyra. Un-
 der the guidance of leaders who are said to have
 been descendants of Hercules, they invaded the
 western part of the country, afterward called Thes-
 saly, and drove out or reduced to the condition of
 Penestæ, or bondsmen, the ancient Æolian inhabi-
 tants (τὴν τότε μὲν Αἰολίδα, νῦν δὲ Θεσσαλίαν καλου-
 μένην⁵). The Thessalians afterward spread over
 the other parts of the country, and took possession
 of the most fertile districts, and compelled the
 Peræbi, Magnetes, Achæan Phthiotæ, and other
 neighbouring people to submit to their authority
 and to pay them tribute.⁶ The population of Thes-
 saly therefore consisted, like that of Laconica, of
 three distinct classes. 1. The Penestæ, whose
 condition was nearly the same as that of the He-
 lots. (Vid. PENESTÆ.) 2. The subject people, who
 inhabited the districts which were not occupied by
 the Thessalian invaders. They paid tribute, as
 stated above, but were personally free, though they
 had no share in the government. They corre-
 sponded to the Perioeci of Laconica, by which name
 they are called by Xenophon.⁷ (Vid. ΠΕΡΙΟΕΚΙ.)
 3. The Thessalian conquerors, who alone had any
 share in the public administration, and whose lands
 were cultivated by the Penestæ.

For some time after the conquest Thessaly seems
 to have been governed by kings of the race of Her-
 cules, who may, however, have been only the heads
 of the great aristocratical families, invested with
 the supreme power for a certain time. Under one
 of these princes, named Aleuas, the country was
 divided into four districts, Phthiotis, Histiotis,
 Thessaliotis, and Pelasgiotis.⁸ This division con-
 tinued till the latest times of Thessalian history,
 and we may therefore conclude that it was not
 merely a nominal one. Each district may perhaps
 have regulated its affairs by some kind of provin-
 cial council, but respecting the internal government
 of each we are almost entirely in the dark.⁹

When occasion required, a chief magistrate was
 elected under the name of tagus (ταγός), whose
 commands were obeyed by all the four districts.
 He is sometimes called king (βασιλεύς¹⁰), and some-
 times ἀρχός.¹¹ His command was of a military
 rather than of a civil nature, and he seems only to
 have been appointed when there was a war, or one
 was apprehended. Pollux,¹² accordingly, in his list
 of military designations, classes together the βρο-
 τάρχης of the Thebans, the king of the Lacedæmo-
 nians, the polemarch of the Athenians (in reference
 to his original duties), and the tagus of the Thessa-
 lians. We do not know the extent of the power
 which the tagus possessed constitutionally, nor the
 time for which he held the office; probably neither

Sen., Ep., 88.—Dig. 11, tit. 6, s. 7; 50, tit. 13, s. 1, § 6.—
 Dig. 43, tit. 5, s. 3.—3. (Capitol., M. Anton., 9.)—4. (Cic.,
 Rabir., 3; Pro Arch., 4.)—5. (Vid. Abram. ad Cic., Mil.,
 6. (Cic., Pro Mil., 27.)—7. (Serv. ad Virg., Georg., ii., 502.
 Catull., M. Anton., 9.)—8. (Dig. 48, tit. 18, s. 9.)—9. (Catull.,
 5.—Ovid, Fast., ii., 568.)—10. (Fellows, Exc. in Asia Mi-
 nor, p. 140, 333-335.)—11. (Il., xi., 494; xxiii., 328.)—12. (The-
 ophrast., H. P., i., 6, § 1; iii., 9, § 3, 5; iv., 16, § 1; x., 2, § 2, 3.
 Plin., xv., 700, f.)—13. (Hunt and Sibthorp, in Walpole's
 Travels, p. 120, 235.)—14. (Arist., Eccl., 688, 970.)—15. (Hom.,
 Od., ii., 492.—Hes., Scut., 275.—Aristoph., Pax, 1317.—Ovid,
 Fast., v., 223.—Id., Fast., vi., 223.)—16. (Catullus, Met., iv.,
 223.—Prudent., c. Symm., ii., 165.)—17. (Ovid, Met., iv.,

1. (Theophrast., Char., 5, s. 3.)—2. (Vitruv., vii., 10.—Plin.,
 H. N., xxxv., 6, s. 25.)—3. (Aristot., H. A., ii., 13.—Oppian, i.—
 Adams, Append., s. v.)—4. (Herod., vii., 176.—Vall. Paterc., i.,
 3.)—5. (Diod., iv., 57.)—6. (Thuc., ii., 101; iv., 78; viii., 3.—
 Arist., Pol., ii., 6.)—7. (Hell., vi., 1, § 19.)—8. (Aristot. ap. Harp.,
 s. v. Τετραρχία.—Strab., ix., p. 430.)—9. (Thirlwall, Hist. of
 Greece, i., p. 437.)—10. (Herod., v., 63.)—11. (Dionys., v., 74.)—
 12. (i., 128.)

was precisely fixed, and depended on the circumstances and the character of the individual.¹ He levied soldiers from the states in each district, and seems to have fixed the amount of tribute to be paid by the allies.² When Jason was tagus, he had an army of more than 8000 cavalry and not less than 20,000 hoplites;³ and Jason himself says that when Thessaly is under a tagus, there is an army of 6000 cavalry and 10,000 hoplites.⁴ The tribute which Jason levied from the subject towns was the same as had been previously paid by one of the Scopadae, whom Buttmann supposes to be the same Scopas as the one mentioned by Ælian⁵ as a contemporary of Cyrus the younger. When Thessaly was not united under the government of a tagus, the subject towns possessed more independence.⁶ In later times some states called their ordinary magistrates *ταγοί*,⁷ which may have been done, however, as Hermann suggests, only out of affection.

Thessaly, however, was hardly ever united under one government. The different cities administered their own affairs independent of one another, though the smaller towns seem to have frequently been under the influence of the more important ones (*τῶν ἐξ ἑμῶν τῶν Φαρσαλίων ἡρτημένων πόλεων*⁸). In almost all the cities the form of government was aristocratical (*ὀλιγαρχία μᾶλλον ἢ ἰσονομία ἐχρῶντο τὸ ἐγγύριον οἱ Θεσσαλοί*⁹); and it was chiefly in the hands of a few great families, who were descended from the ancient kings. Thus Larissa was subject to the Aleuadae, whence Herodotus¹⁰ calls them kings of Thessaly; Cranon or Crannon to the Scopadae, and Pharsalus to the Creonda.¹¹ These nobles had vast estates cultivated by the *Penestæ*; they were celebrated for their hospitality, and lived in a princely manner (*φιλόξενός τε καὶ μεγαλαρεπῆς τὸν Θεσσαλικὸν τριπύον*¹²); and they attracted to their courts many of the poets and artists of southern Greece. The Thessalian commonalty did not, however, submit quietly to the exclusive rule of the nobles. Contests between the two classes seem to have arisen early, and the conjecture of Thirlwall,¹³ that the election of a tagus, like that of a dictator at Rome, was sometimes used as an expedient for keeping the commonalty under, appears very probable. At Larissa the Aleuadae made some concessions to the popular party. Aristotle¹⁴ speaks, though we do not know at what time he refers to, of certain magistrates at Larissa, who bore the name of *πολιτοφύλακες*, who exercised a superintendence over the admission of freemen, and were elected themselves out of the body of the people, whence they were led to court the people in a way unfavourable to the interests of the aristocracy. There were also other magistrates at Larissa of a democratical kind, called *λαρισσοποιοί*.¹⁵ Besides the contests between the oligarchical and democratical parties, there were feuds among the oligarchs themselves; and such was the state of parties at Larissa under the government of the Aleuadae two generations before the Persian war, that a magistrate was chosen by mutual consent, perhaps from the commonalty, to mediate between the parties (*ἀρχὼν μεσιδίου*¹⁶). At Pharsalus, too, at the close of the Peloponnesian war, the state was torn asunder by intestine commotions, and for the sake of quiet and security the citizens intrusted the acropolis and the whole direction of the government to Polydamas, who discharged his trust with the strictest integrity.¹⁷

The power of the aristocratical families, however, seems to have continued with little diminution towards the close of the Peloponnesian war, and decided democratical movements first begin to appear. At this time the Aleuadae and the Scopadae had lost much of their ancient influence. Pheræ and Pharsalus then became the two leading states in Thessaly. At Pheræ a tyranny, probably arising from a democracy, was established by Lycophron, who opposed the great aristocratical families, and aimed at the dominion of all Thessaly.¹ The latter object was accomplished by Jason, the successor and probably the son of Lycophron, who effected an alliance with Polydamas of Pharsalus, and caused himself to be elected tagus about B.C. 374. While he lived the whole of Thessaly was united as a political power, but after his murder in B.C. 370 his family was torn asunder by intestine dissensions, and did not long maintain its dominion. The office of tagus became a tyranny under his successors, Polydorus, Polyphron, Alexander, Tisiphonus, and Lycophron; till at length the old aristocratical families called in the assistance of Philip of Macedonia, who deprived Lycophron of his power in B.C. 348 and restored the ancient government in the different towns. At Pheræ he is said to have restored popular, or, at least, republican government.² The country, however, only changed masters; for a few years later (B.C. 344) he made it completely subject to Macedonia by placing at the head of the four divisions of the country, tetrarchies or tetradarchies, which he re-established, governors devoted to his interests, and probably members of the ancient noble families, who had now become little better than his vassals.³ Thessaly from this time remained in a state of dependence on the Macedonian kings, till the victory of T. Flaminius at Cynoscephalæ, in B.C. 197, again gave them a show of independence under the protection of the Romans.⁴

TALARIA, small wings fixed to the ankles of Mercury, and reckoned among his attributes (*τάλα, πτηνοπέδιλος*). In many works of ancient art they are represented growing from his ankles, as if they were a part of his bodily frame; but more frequently they are attached to him as a part of his dress, agreeably to the description of the poets,¹ and this is commonly done by representing him with sandals, which have wings fastened to them on each side over the ankles. But there is a most beautiful bronze statue of this divinity in the Museum at Naples, in which the artist, instead of the sole of a sandal, has made the straps unite in a rosette under the middle of the foot (see woodcut), evidently intending by this elegant device to represent the messenger of the gods as borne through space without touching the ground.

Besides Mercury, the artists of antiquity also represented Perseus as wearing winged sandals,² because he put on those of Mercury when he went on his aerial voyage to the rescue of Andromeda.³ (Vid. FALX.) The same appendage was ascribed to Minerva, according to one view of her origin, viz. as the daughter of Pallas.⁴

1. (Thirlwall, i., p. 438).—2. (Xen., Hell., vi., 1, § 19).—3. (Xen., i., c.)—4. (Id., vi., 1, § 8).—5. (V. H., xii., 1).—6. (Xen., Hell., vi., 1, § 9).—7. (Böckh, Corp. Inscr., n. 1770).—8. (Xen., Hell., vi., 1, § 8).—9. (Thucyd., iv., 78).—10. (vii., 6).—11. (Compare Theocr., xvi., 34, &c.).—12. (Xen., Hell., vi., 1, § 3).—13. (i., p. 438).—14. (Pol., v., 5).—15. (Aristot., Pol., iii., 1).—16. (Aristot., Pol., v., 5).—17. (Xen., Hell., vi., 1, § 2, 3).

1. (Xen., Hell., ii., 3, § 4.—Diodor., xiv., 82.)—2. (Ibid., iii., 38).—3. (Dem., Philip., ii., p. 71; iii., p. 117.—Harpor., s. v.)—4. (Polyb., iv., 76).—5. (Liv., xxiii., 34; xxv., 31.—P. Hyg., xviii., 30.—Buttmann, Mythol., No. xxii.—Von dem Götterbild der Aleuadae. —Voemel, De Thessalie incolis antiq., Frankfurt, 1829.—Horn, De Thess. Maced. imp. subj., Gryphus, 1829.—Tittmann, Darstellung der Griech. Staatsv., p. 713, &c.—Schmann, Ant. Jur. Publ. Gr., p. 401, &c.—Hermann, Lehrbuch der Griech. Staatsalt., § 178).—6. (Athen., xii., 337, f.)—7. (Orph., Hymn., xxvii., 4.—Ovid, Met., ii., 636.—Fulgens., Mythol., i.).—8. (Hom., Il., xxiv., 340.—Od., v., 44.—Virg., Æn., iv., 239.—(Mon. Matth., iii., 28.—Inghirami, Vasi Etrusc., tav. 70; iv., tav. 166).—10. (Ovid, Met., iv., 665—667.—Bosch., Scut., 216—220.—Eratosth., Catast., 22.—Hygin., Poet. Astron., ii., 12).—11. (Cic., De Nat. Deor., iii., 23.—Tertullian, schol. de Lycoph., 355).



TALAROS (τάλαρος). (Vid. CALATHUS.)

TALA'SSIO. (Vid. MARRIAGE, ROMAN, p. 625.)

TALENTUM (τάλαντον) meant originally a *balance* (vid. LIBRA), then the substance weighed, and lastly and commonly a certain weight, the *talent*. The Greek system of money, as well as the Roman (vid. AS), and those of most other nations, was founded on a reference to weight. A certain weight of silver among the Greeks, as of copper among the Romans, was used as a representative of a value, which was originally and generally that of the metal itself. The talent, therefore, and its divisions, are denominations of money as well as of weight.

The Greek system of weights contained four principal denominations, which, though different at different times and places, and even at the same place or different substances, always bore the same relation to each other. These were the *talent* (τάλαντον), which was the largest, then the *mina* (μνᾶ), the *drachma* (δραχμή), and the *obolus* (ὀβολός). Their relative values are exhibited in the following table :

Obol.		Drachma.		Mina.		Talent.	
6	100	600	100	60	6000	100	60
36,000	6000	60	60	60	60	60	60

The multiples and subdivisions of the drachma and obolus have been noticed under DRACHMA.

1. *The Attic Talent*.—It appears from existing coins, which we have every reason to trust, since the Attic silver money was proverbially good, that the drachma, which was the unit of the system, weighed 66.5 grains. (Vid. DRACHMA.) Hence we get the following values for the Attic weights in English avoirdupois weight :

Obol	lb.	oz.	grs.
Drachma			11.08
Mina		15	83.75
Talent	56	15½	100.32

These values refer to the time after Solon, for we have no drachmæ of an earlier date. We may, however, arrive at a probable conclusion respecting the state of things before Solon's reform of the currency, by referring to another standard of the talent, which was used in commercial transactions, and the mina of which was called the *commercial mina* (ἡ ἀνὰ τὴν ἐμπορικὴν). This mina is mentioned in a decree,¹ the date of which is uncertain (about the 155th Olympiad, or B.C. 160, according to Böckh), as weighing 138 drachmæ, Στεφανηφόρου, according to the standard weights in the silver mint. (Vid. ΑΡΧΑΙΟΛΟΓΕΙΟΝ.) In this system, however, the relative proportion of the weights was the same as in the other ; we have, therefore,

Obol	lb.	oz.	grs.
Drachma			15.29
Mina	1	4½	93.69
Talent	75	5½	14.69

These weights were used for all commodities except such as were required by law to be weighed

according to the other standard, which was also the one always used for money, and is therefore called the silver standard. No date is mentioned for the introduction of this system : it was, therefore, probably very old ; and, in fact, as Böckh has shown, there is every reason to believe that it was the old system of Attic weights which was in use before the time of Solon.¹ Solon is known to have lowered the standard of money in order to relieve debtors ; and Plutarch² informs us, on the testimony of Androtion, that "Solon made the mina of 100 drachmæ, which had formerly contained 73." It is incredible that a large prime number, such as 73, should have been used as a multiplier in any system of weights ; but what Plutarch meant to say was, that Solon made a *minæ*, or 100 drachmæ, out of the same quantity of silver which was formerly used for 73 drachmæ. The proportion, therefore, of the ancient weights to those fixed by Solon was 100 : 73. Now this was very nearly the proportion of the commercial mina to the silver mina, namely, 138 : 100, = 100 : 73⅔. But why should Solon have adopted so singular a proportion ! It was probably an accident. Böckh has shown that in all probability Solon intended to reduce the mina one fourth, that is, to make 100 drachmæ of the new coinage equal to 75 of the old, but that, by some inaccuracy of manufacture, the new coins were found to be a little too light ; and, as Solon's coinage furnished the standard for all subsequent ones, the error was retained. In fixing upon one fourth as the amount of the reduction, Solon seems to have been guided by the wish of assimilating the Attic system to another which was extensively used, but the origin of which is unknown, namely, the Euboic talent, which will be presently spoken of.

The commercial weights underwent a change by the decree mentioned above, which orders that 12 drachmæ of the silver standard shall be added to the mina of 138 drachmæ ; that to every five commercial minæ one commercial mina shall be added ; and to every commercial talent five commercial minæ. Thus we shall have,

the mina = 150 drachmæ (silver),
5 minæ = 6 minæ (commercial),
the talent = 65 minæ (commercial).

The five-minæ weight of this system was equal to 7 lbs. 13½ oz. 14.96 grs. avoirdupois, and the talent to 85 lbs. 2½ oz. 70.7 grs.

"The weights were kept with great care at Athens. The standards or models (σηκίματα) were deposited in the Acropolis ; and there were others in the keeping of persons appointed to take charge of them, in the Prytaneum at Piræus and at Eleusis."³

The other Greek weights are computed from their relation to the Attic, as stated by ancient writers, and from existing coins. Unfortunately, the writers do not always agree with the coins, nor with each other.

2. *The Euboic Talent* is often reckoned equivalent to the Attic. Herodotus⁴ makes the Babylonian talent equal to 70 Euboic minæ, Pollux⁵ to 7000 Attic drachmæ, i. e., to 70 Attic minæ. Comparing these two statements, we find the Attic and Euboic weights equal. But it is likely that Pollux is not quite right, and that the Euboic standard was a little greater than the Attic : for Ælian⁶ gives 72 Attic minæ for the value of this same Babylonian talent, which would make the ratio of the Euboic to the Attic 72 : 70, which is the same as 75 : 72½. In this fact we have the ground of the supposition

1. (Böckh, *Publ. Econ. of Athens*, i., p. 193.—*Id.*, *Metrolog. Untersuch.*, ix., 1, p. 115.)—2. (Solon, 15.)—3. (Hussey, p. 28, who quotes Böckh, *Inscr.*, i., 150, § 24; 151, § 40; 123, § 5, 6.) 4. (iii., 89.)—5. (Onom., ix., 6.)—6. (Var. H. v., i., 22.)

1. (Böckh, *Corp. Inscr.*, i., 123, § 4.)

stated above, that Solon intended to assimilate the Attic standard to the Euboic: for we have seen that the old Attic talent was to Solon's as 100 : 72 $\frac{2}{3}$. Assuming that Solon intended this ratio to have been 100 : 75, we have the intended value of Solon's talent to its actual value as 75 : 72 $\frac{2}{3}$, which is almost identical with the ratio of the Euboic talent to the Attic talent of Solon. The Euboic talent would therefore exceed the Attic merely by the error which was made in the formation of the latter.

Another computation of the Euboic talent is given by Appian,¹ who makes it equal to 7000 drachmæ, i. e., 70 minæ of Alexandria. (See below, on the Alexandrian talent.)

Festus, in the Excerpta of Paulus,² makes it equal to 4000 denarii. This is clearly an error: very probably Paulus applied the statement of Festus respecting the Rhodian talent to the Euboic. (See below, on the Rhodian talent.)

The Romans seem to have reckoned both the Euboic and Attic talents equal to 80 Roman pounds.³

3. The Talent of *Ægina* has been almost always considered to have borne to the Attic the ratio of 5 : 3, according to the statement of Pollux, that the *Æginetan* talent contained 10,000 Attic drachmæ, and the drachma 10 Attic obols.⁴ Mr. Hussey, however, observes that this value would give an *Æginetan* drachma of 110 grains, whereas the existing coins give an average of only 96; and he explains the statement of Pollux as referring, not to the old Attic drachmæ of the full weight, but to the lighter drachma which was current in and after the reign of Augustus, and which was about equal to the Roman denarius. (Vid. DRACHMA.)

Taking, then, the value of the drachma given by the coins, we have the following values for the *Æginetan* weights:

	lb.	oz.	grs.
O sol			15
Drachma			96
Mina	1	5 $\frac{1}{2}$	78 96
Talent	82	3 $\frac{1}{2}$	30 46

On the other hand, Böckh adheres to the proportion of 5 : 3, as given by Pollux, who could not (he contends) have meant by drachmæ those equal to the denarii, because he is not making a calculation of his own, suited to the value of the drachma in his time, but repeating the statement of some ancient writer, who lived when the Attic and *Æginetan* currencies were in their best condition. Mr. Hussey himself states,⁵ and for a similar reason to that urged by Böckh, that when Pollux speaks of the value of the Babylonian talent in relation to the Attic, he is to be understood as referring to Attic money of the full weight: and Böckh adds the important remark, that where Pollux reckons by the lighter drachmæ, as in the case of the Syrian and small Egyptian talents, this only proves that those talents had but recently come into circulation. Böckh thinks it very probable that Pollux followed the authority of Aristotle, whom he used much, and who had frequent occasions for speaking of the values of money in his political works.

Again: as the *Æginetan* standard was that which prevailed over the greater part of Greece in early times, we should expect to find some definite proportion between it and the old Attic before Solon; and, if we take the statement of Pollux, we do get such a proportion, namely, that of 6 : 5.

Böckh supports his view by the evidence of existing coins, especially the old Macedonian, before the adoption of the Attic standard by Philip and Alexander, which give a drachma of about 110

grains, which is to the Attic as 5 : 3. The identity of the old Macedonian standard with the *Æginetan* is proved by Böckh.⁶ There are also other very ancient Greek coins of this standard, which had their origin, in all probability, in the *Æginetan* system.

The lightness of the existing coins referred to by Hussey is explained by Böckh from the well-known tendency of the ancient mints to depart from the full standard.

Mr. Hussey quotes a passage where Herodotus states that Democedes, a physician, after receiving a talent in one year at *Ægina*, obtained at Athens the next year a salary of 100 minæ, which Herodotus clearly means was more than what he had before. But, according to Pollux's statement, the two sums were exactly equal. But Herodotus says nothing of different standards; surely, then, he meant the same standard to be applied in both cases.

From comparing statements made respecting the pay of soldiers, Hussey⁷ obtains 4 : 3 as about the ratio of the *Æginetan* to the Attic standard. Böckh accounts for this by supposing that the pay of soldiers varied, and by the fact that the *Æginetan* money was actually lighter than the proper standard, while the Attic at the same period was very little below the full weight.

There are other arguments on both sides, but what has been said will give a sufficiently complete view of the question.

It is disputed whether the standards of Corinth and Sicily followed that of Athens or that of *Ægina*. For the discussion of this question, the reader is referred to the works of Böckh and Hussey.

4. The Babylonian talent had to the Attic the ratio of 7 : 6 according to Pollux⁸ and Herodotus,⁹ or 72 : 60 according to *Ælian*.¹⁰ Böckh, understanding these statements as referring to the old Attic, makes the Babylonian standard equal to the *Æginetan*. This standard was much used for silver in the Persian empire.

5. The accounts of the Egyptian, Alexandrian, or Ptolemaic Talent are very confused. On the whole, it seems to have been equal to twice the Attic.

6. The Tyrian Talent appears to have been exactly equal to the Attic.

7. A Rhodian Talent is mentioned by Festus in a passage which is manifestly corrupt.¹¹ The most probable emendation of the passage gives 4000 *astrophori* or 7500 denarii as the value of this Talent.

8. A Syrian Talent is mentioned, the value of which is very uncertain. There were two sizes of it. The larger, which was six times that used for money, was used at Antioch for weighing wood.

9. A Cilician Talent of 3000 drachmæ, or half the Attic, is mentioned by Pollux.¹²

The above were used for silver, but the actual coinage went no higher than the drachma, and a few multiples of it, the highest known with certainty being the tetradrachm. The mina and talent were sums of money, not coins.

A table of Attic money up to the tetradrachm is given under DRACHMA. The mina was 4*l.* 1*s.* 3*d.*, the talent 24*l.* 1*s.* The *Æginetan* mina was, according to the existing coins, 5*l.* 14*s.* 7*d.*, the talent 34*l.* 1*s.*; but, according to the statement of Pollux mentioned above, the mina was 6*l.* 1*s.* 5*d.*, the talent 40*l.* 5*s.*

A much smaller talent was in use for gold. It was equal to 6 Attic drachmæ, or about $\frac{1}{2}$ oz. and 71 grs. It was called the gold talent, or the Sicilian talent, from its being much used by the Greeks of Italy and Sicily. This is the talent always meant

1. (Hist. Sic., v., 2.)—2. (s. v. Eubolcum talentum.)—3. (Polyb., xxi., 14.—Liv., xxxviii., 45, compared with Polyb., xxii., 26.—Liv., xxxviii., 38.)—4. (Poll., Onom., ix., 76, 86.)—5. (p. 34.)

1. (Metrol., p. 89.—Compare Müller, Dor., iii., 16, § 11, and *Æginet.*, p. 54-58.)—2. (iii., 121.)—3. (p. 61.)—4. (ii., 86.)—5. (ii., 89.)—6. (v. Hist., i., 82.)—7. (s. v. Tarentinum.)—8. (ii., 4.)

the word occurs in Homer. The Italian divided it into 24 *nummi*, and afterward into each *nummus* containing $2\frac{1}{2}$ *litrae*. (Compare and *SESTERTIUS*.) This talent was perhaps estimated from the weight of gold contained in it equal in value to a talent of copper, for the nominal value of gold to copper was 1000 : 1. It seems to have been divided into 3 *minae*, equal in weight to a *didrachm* or *stater*; for the talent of *Thyatira* is said to have been equal to 60 *stater*,² and *Pollux*³ states that the gold talent was equal in value to a *mina*.

The small talent explains the use of the term *talent* (*magnum talentum*), which we find in authors, for the silver Attic talent was great in comparison with this. But the use of the word by the Romans is altogether very inexact.

There are other talents barely mentioned by ancient writers. *Hesychius*⁴ mentions one of 100 *λίτρων*, *Vitruvius*⁵ one of 120; *Suidas*,⁶ *Epiphanius*⁷ of 125; *Dionysius of Massus*⁸ one of 125 *asses*, and *Hesychius* of 165, 400, and 1125 pounds respectively.

These talents are mentioned in the classical writers without any specification of the standard, we generally understand the Attic.

TALIO, from *talis*, signifies an equivalent, but used only in the sense of a punishment or penalty, the same in kind and degree as the mischief the guilty person has done to the body of another.

A provision as to *talio* occurred in the *Twelve Tables*: "*Si membrum rupit nisi cum eo pacit*." This passage does not state what *talio* was, as quoted by *Priscian*,¹⁰ says: "*Si quis membrum rupit aut os fregit, talione proximum cognoscatur*." The law of *talio* was probably enacted by the individual or his friends: it is not said that the penalty was inflicted under a decree of a court of justice. It seems likely that it was an analogy to the permission to kill an adulterer and adultery in certain cases, which the *Julia* affirmed; and if so, the law would define the circumstances under which an injured person or his friends might take this *talio*. The punishment of death was *talio*; but it is not said that *agnati* could inflict death for death. *Talio*, or punishment, was a part of the *Mosaic law*: "eye for eye, tooth for tooth: as he has caused a blemish in a man, so shall it be done to him again."¹¹

TALPA, the Mole. (*VID. ASPALAX*.)

TALUS (*ἀστράγαλος*), a Huckle-bone. The bones of sheep and goats have often been used in Greek and Roman games, both real, and in ivory, bronze, glass, and agate. Those of antelope (*δορκάδειοι*) were sought as objects of desire and curiosity.¹² They were used to play



Pollux, l. c.—*Festus*, s. v. *Talentum*.—2. (*Ex. Seg.*, p. 10, (ix., 57.))—4. (s. v.)—5. (x., 21.)—6. (s. v.)—7. (*De Ponderibus*)—8. (ix., 27.)—9. (*Festus*, s. v. *Talio*)—10. 10, ed. Putsch.)—11. (*Levit.*, xxiv., 20.)—12. (*Theophr.*, *h. Hist.*, vi., 193, f.)

with from the earliest times, principally by women and children,¹ occasionally by old men.² A painting by Alexander of Athens, found at Resina, represents two women occupied with this game. One of them, having thrown the bones upward into the air, has caught three of them on the back of her hand.³ (See the annexed woodcut, and compare the account of the game in *Pollux*.)⁴

Polygnotus executed a similar work at Delphi, representing the two daughters of *Pandarus* thus employed (*παίζούσας ἀστράγαλους*).⁵ But a much more celebrated production was the group of two naked boys, executed in bronze by *Polyclletus*, and called the *Astragalizontes*.⁶ A fractured marble group of the same kind, preserved in the British Museum, exhibits one of the two boys in the act of biting the arm of his playfellow, so as to present a lively illustration of the account in *Homer* of the fatal quarrel of *Patroclus*.⁷ To play at this game was sometimes called *πενταλιθίζειν*, because five bones or other objects of a similar kind were employed,⁸ and this number is retained among ourselves.

While the tali were without artificial marks, the game was entirely one of skill; and in ancient no less than in modern times, it consisted not merely in catching the five bones on the back of the hand, as shown in the woodcut, but in a great variety of exercises requiring quickness, agility, and accuracy of sight. When the sides of the bone were marked with different values, the game became one of chance. (*VID. ALEA, TESSERA*.) The two ends were left blank, because the bone could not rest upon either of them, on account of its curvature. The four remaining sides were marked with the numbers 1, 3, 4, 6, 1 and 6 being on two opposite sides, and 3 and 4 on the other two opposite sides. The Greek and Latin names of the numbers were as follows:⁹ 1. *Μονάς, εἷς, κίων, Χίος*;¹⁰ *Ion. Οἶνη; Ὑπιο, Vulturius, canis*;¹¹ 3. *Τριάς; Τερνίος*; 4. *Τετράς; Quaternio*; 6. *Ἑξάς, ἔξιτης, Κῶος; Senio*.

As the bone is broader in one direction than in the other, it was said to fall upright or prone (*ὀρθός ἢ πρηνής, rectus aut pronus*), according as it rested on the narrow or the broad side.¹²

Two persons played together at this game, using four bones, which they threw up into the air, or emptied out of a dicebox (*VID. FRITILLUS*), and observing the numbers on the uppermost sides. The numbers on the four sides of the four bones admitted of thirty-five different combinations. The lowest throw of all was four aces (*jacit voltorios quatuor*).¹³ But the value of a throw (*βόλος, jactus*) was not in all cases the sum of the four numbers turned up. The highest in value was that called *Venus*, or *jactus Veneris*,¹⁴ in which the numbers cast up were all different,¹⁵ the sum of them being only fourteen. It was by obtaining this throw that the king of the feast was appointed among the Romans¹⁶ (*VID. SYMPOSIUM*), and hence it was also called *Basilicus*.¹ Certain other throws were called by particular names, taken from gods, illustrious men and women, and heroes. Thus the throw consisting of two aces and two trays, making eight, which number, like the *jactus Veneris*, could be obtained only once, was denominated *Stesichorus*. When the object was simply to throw the highest numbers, the game

1. (*Plut.*, *Alcib.*, p. 350.)—2. (*Cic.*, *De Senect.*, 16.)—3. (*Ant. d'Erc.*, i., tav. 1.)—4. (*ix.*, cap. 7.)—5. (*Paus.*, x., 30, § 1.)—6. (*Plin.*, *H. N.*, xxxiv., 8, s. 19.)—7. (*Il.*, xxiii., 87, 88.)—8. (*Pollux*, l. c.)—9. (*Pollux*, l. c.—*Eustath.* in *Hom.*, II., xxiii., 88.—*Suet.*, *Octav.*, 71.—*Mart.*, xiii., 1, 6.)—10. (*Brunck.*, *Anal.*, i., 35, 242.)—11. (*Propert.*, iv., 9, 17.—*Ovid.*, *Art. Amat.*, ii., 265.—*Fast.*, ii., 473.)—12. (*Plut.*, *Sympos. Prob.*, 1209, ed. *Steph.*—*Cic.*, *De Fin.*, iii., 16.)—13. (*Plaut.*, *Curc.*, ii., 3, 78.)—14. (*Plaut.*, *Asin.*, v., 2, 55.—*Cic.*, *Div.*, ii., 59.—*Sueton.*, l. c.)—15. (*Mart.*, xiv., 14.)—16. (*Hor.*, *Carm.*, i., 4, 18; ii., 7, 25.—*Plaut.*, *Curc.*, ii., 3, 80.)

was called *πλετροβόλιδα*.¹ Before a person threw the tali, he often invoked either a god or his mistress.² These bones, marked and thrown as above described, were also used in divination.³

In the Greek mythology, Cupid and Ganymede were supposed to play together at buckle-bones on Mount Olympus;⁴ and they are thus represented in some remaining specimens of ancient sculpture.⁵

TAMIAS (*ταμίας*). This was a name given to any person who had the care, managing, or dispensing of money, stock, or property of any description confided to him, as a steward, butler, housekeeper, storehousekeeper, or treasurer: and the word is applied metaphorically in a variety of ways. But the *ταμίας* who will fall under our notice in this article are certain officers intrusted with important duties by the Athenian government, and more especially the treasurers of the temples and the revenue.

In ancient times, every temple of any importance had property belonging to it, besides its furniture and ornaments, and a treasury where such property was kept. Lands were attached to the temple, from which rents accrued; fines were made payable to the god; trophies and other valuables were dedicated to him by the public; and various sacred offerings were made by individuals. There was a *ταμίας ἱερῶν χρημάτων*, who, together with *ἐπιστάται* and *ἱεροποιοί*, had the custody and management of these funds. The wealthiest of all the temples at Athens was that of Minerva in the Acropolis, in which were kept the spoils taken from the Persians (*τὰ ἄριστεια τῆς πόλεως*), besides magnificent statues, paintings, and other works of art.⁶ To the goddess large fines were specially appropriated by the law, or given by decree of the courts or the assembly; and, besides this, she received a tenth of all the fines that went to the state, a tenth of all confiscations and prizes taken in war. Her treasurers were called *ταμίας τῆς θεοῦ*, or *τῶν τῆς θεοῦ*, or *ταμίας ἱερῶν χρημάτων τῆς θεοῦ*, and sometimes simply *ταμίας*.⁷ They appear to have existed from an early period. Herodotus⁸ relates that the *ταμίας του ἱεροῦ*, with a few other men, awaited the attack of Xerxes upon the Acropolis, and perished in its defence. They were ten in number, chosen annually by lot from the class of Pentacosiomedimni, and afterward, when the distinction of classes had ceased to exist, from among the wealthiest of Athenian citizens.⁹ The treasurers of the other gods were chosen in like manner; but they, about the 90th Olympiad, were all united into one board, while those of Pallas remained distinct.¹⁰ Their treasury, however, was transferred to the same place as that of Minerva, viz., to the Opisthodomus of the Parthenon, where were kept not only all the treasures belonging to the temples, but also the state treasure (*δῶρα χρημάτων*, as contradistinguished from *ἱερά*), under the care of the treasurers of Pallas.¹¹ All the funds of the state were considered as being in a manner consecrated to Pallas; while, on the other hand, the people reserved to themselves the right of making use of the sacred moneys, as well as the other property of the temples, if the safety of the state should require it.¹² Payments made to the temples were received by the treasurers in the presence of some members of the senate, just as public moneys were by the apodectæ; and then the treasurers became responsible for their safe custody. As to fines, see

1. (Pollux, Onom., vii., 206; ix., 95, 110, 117.)—2. (Plaut., Capt., i., 1, 5.—Cure., ii., 3, 77-79.)—3. (Sueton., Tib., 14.)—4. (Apoll. Rhod., iii., 112-126.—Philost. Jun., Imag., 8.)—5. (Winckelmann, Mon. Ined., cap. 13.—Levezow, in Böttiger's Analth., i., p. 175-197.)—6. (Demosth., c. Timocr., 741.)—7. (Demosth., c. Androt., 615.)—8. (viii., 51, 53.)—9. (Harpocrot. and Suid., s. v. Ταμίας.)—10. (Demosth., c. Timocr., 742.)—11. (Aristoph., Plut., 1162, p. 12. (T. zeyd., ii., 12.)

ΕΡΙΒΟΛΕ, ΠΡΑΚΤΟΡΕΣ, and on the whole of this subject, Böckh, *Staatsh. der Athen.*, i., 172-176.

The treasurer of the revenue, *ταμίας* or *ἐπιμελητὴς τῆς τῆς κοινῆς προσόδου*, was a more important personage than those last mentioned. He was not a mere keeper of moneys like them, nor a mere receiver like the apodectæ, but a general paymaster, who received through the apodectæ all money which was to be disbursed for the purposes of the administration (except the property-taxes, which were paid into the war-office, and the tribute from the allies, which was at first paid to the *ἑλλοποταμίας*, and afterward to other persons hereafter mentioned), and then distributed it in such manner as he was required to do by the law; the surplus (if any) he paid into the war-office or the theatre fund. As this person knew all the channels in which the public money had to flow, and exercised a general superintendence over the expenditure, he was competent to give advice to the people upon financial measures, with a view to improve the revenue, introduce economy, and prevent abuses; he is sometimes called *ταμίας τῆς διοικήσεως*, or *ὁ ἐπιμελητὴς τῆς διοικήσεως*, and may be regarded as a sort of minister of finance. To him Aristophanes refers in *Equit.*, 947. He was elected by *χειροτονία*, and held his office for four years, but was capable of being re-elected. A law, however, was passed during the administration of Lycurgus, prohibiting re-election; so that Lycurgus, who is reported to have continued in office for twelve years, must have held it for the last eight years under fictitious names. The power of this officer was by no means free from control, inasmuch as any individual was at liberty to propose financial measures, or institute criminal proceedings for malversation or waste of the public funds; and there was an *ἀντιγραφὴς τῆς διοικήσεως* appointed to check the accounts of his superior. Anciently there were persons called *πορισταί*, who appear to have assisted the *ταμίας* in some part of their duties.¹ (Vid. PORISTAI.)

The money disbursed by the treasurer of the revenue was sometimes paid directly to the various persons in the employ of the government, sometimes through subordinate pay offices. Many public functionaries had their own paymasters, who were dependant on the *ταμίας τῆς προσόδου*, receiving their funds from him, and then distributing them to their respective departments. Such were the *τροφοποιοί*, *τεχνικοποιοί*, *ὀδοποιοί*, *ταφροποιοί*, *ἐπιμεληταὶ νεωρίων*, who received through their own *ταμίας* such sums as they required from time to time for the prosecution of their works. The payment of the judicial fees was made by the colacretæ (*κολακρέται*), which, and the providing for the meals at the Prytaneum, were the only duties that remained to them after the establishment of the apodectæ by Clisthenes.² The *ταμίας* of the sacred vessels, *ἐπιμελητὴς Παράλων* and *τῆς Σαλαμίνιος*, acted not only as treasurers, but as trierarchs; the expenses (amounting for the two ships together to about sixteen talents) being provided by the state. They were elected by *χειροτονία*.³ Other trierarchs had their own private *ταμίας* for the keeping of accounts and better despatch of business.⁴

The duties of the *ἐλλοποταμίας* are spoken of in a separate article. (Vid. HELLENOTAMIAE.)

The war fund at Athens (independently of the tribute) was provided from two sources; first, the property-tax (*vid. ΕΙΣΦΟΡΑ*), and, secondly, the surplus of the yearly revenue, which remained after defraying the expenses of the civil administration, *τὰ περιόντα χρημάτων τῆς διοικήσεως*. Of the lat

1. (Böckh, *id.*, 177.)—2. (Aristoph., *Vesp.*, 695, 721.)—3. (Dem., c. Mid., 570.—Pollux, Onom., vii., 116.)—4. (Cicero, *de*, 182-180, 190.—Schömann, *Ant. Jur. Publ. Gr.*, 266, 267.)

στρατηγοί who were annually elected to preside over the war department, one was called στρατηγός ἡ ἐπὶ τῆς διοικήσεως, to whom the management of the war fund was intrusted. He had under him a treasurer called ταμίης τῶν στρατιωτικῶν, who gave out the pay of the troops, and defrayed all other expenses incident to the service. Demosthenes, perhaps on account of some abuses which had sprung up, recommended that the general should have nothing to do with the military fund, but that this should be placed under the care of special officers, ταμίαι καὶ δημόσιοι, who should be accountable for its proper application: τὸν μὲν τῶν χρημάτων λόγον παρὰ τοῦτων λαμβάνειν, τὸν δὲ τῶν ἔργων παρὰ τοῦ στρατηγοῦ.¹ The passage just cited confirms the opinion of those who think that in Demosthenes² the words ἡ ἐπὶ τῆς διοικήσεως refer to a στρατηγός so designated, and not to the ταμίης τῆς προσόδου.³

So much of the surplus revenue as was not required for the purposes of war, was to be paid by the treasurer of the revenue into the theoric fund, of which, after the archonship of Euclides, special managers were created. (Vid. THEORICA.)

Lastly, we have to notice the treasurers of the demi, δήμων ταμίαι, and those of the tribes, φυλῶν ταμίαι, who had the care of the funds belonging to their respective communities, and performed duties analogous to those of the state treasurers. The demi, as well as the tribes, had their common lands, which were usually let to farm. The rents of these formed the principal part of their revenue. Φύλαρχοι, δήμαρχοι, and other local functionaries, were appointed for various purposes; but with respect to their internal economy we have but scanty information.⁴

*TANUS (τανός), a sort of bastard Emerald, consisting of crystal tinged by an admixture of metallic particles. In the old editions of Theophrastus (*De Lapid.*, c. 45), we have a small lacuna after τῶν δέ at the beginning of the chapter, and at the end of this the form ἄνων, the end of the word that is wanting. This lacuna Turnebus fills up by appending a capital T to ἄνων, and thus forming Τανῶν, whence we get our term τανός. Others, however, read Βακτριανῶν, filling up the lacuna with Βακτρι, and this latter is the more received reading.⁵

*TAOS (ταός), the Peacock, or *Pavo cristatus*, L. (*Vid. PAVO.*)

TAPES or TAPE'TE (τάπης, τάπις, or δάπις, dim. ταπίδιον), a piece of tapestry, a carpet.

The use of tapestry was in very ancient times characteristic of Oriental rather than of European habits.⁷ We find that the Asiatics, including the Egyptians, and also the Carthaginians, who were of Asiatic origin, excelled in the manufacture of carpets, displayed them on festivals and other public occasions, and gave them as presents to their friends.⁸ They were nevertheless used by the Greeks as early as the age of Homer,⁹ and by some of the later Roman emperors they were given as presents to the combatants at the Circensian games.¹⁰ The places most renowned for the manufacture were Babylon¹¹ (*vid. BABYLONICUM*), Tyre and Sidon,¹² Sardis,¹³ Miletus,¹⁴ Alexandria,¹⁵ Carthage,¹⁶ and Corinth.¹⁷ In reference to the texture, these articles

were distinguished into those which were light and thin, with but little nap, chiefly made at Sardes, and called ψιλοτάπιδες,¹ and those in which the nap (μαλλός) was more abundant, and which were soft and woolly (οἴλλοι,² μαλακοῦ ἐρίσιου³). The thicker and more expensive kinds (μαλλωτοί) resembled our baize or druggot, or even our soft and warm blankets, and were of two sorts, viz., those which had the nap on one side only (ἐτερόμαλλοι), and those which had it on both sides, called ἀμφίταποι,⁴ ἀμφίταρα,⁵ or ἀμφιτάπητες,⁶ and also ἀμφιμαλλοί, or ἀμφιμίλλα.⁷ Instead of being always used, like blankets, in single pieces as they came from the loom (*vid. PALLIUM*), carpets were often sewed together.⁸ They were frequently of splendid colours, being dyed either with the kermes⁹ or with the murex (*ἰλιονογείς, ἀλιπορφύροι*), and having figures, especially hunting-pieces, woven into them.¹⁰ These fine specimens of tapestry were spread upon thrones or chairs, and upon benches, couches, or sofas at entertainments,¹¹ more especially at the nuptials of persons of distinction. Catullus¹² represents one to have been so employed, which exhibited the whole story of Theseus and Ariadne. They were even used to sleep upon,¹³ and for the clothing of horses.¹⁴ The tapestry used to decorate the bier and catafaque at the APOTHEOSIS of a Roman emperor was interwoven with gold.¹⁵ The Orientals, upon occasions of state and ceremony, spread carpets both over their floors and upon the ground.¹⁶

Besides the terms which have now been explained, the same articles of domestic furniture had denominations arising from the mode of using them either in the TRICLINIUM (*triclinaria Babylonica*¹⁷), or in the CUBICULUM (*cubicularia polymita*¹⁸), and especially from the constant practice of spreading them out (*textile stragulum*;¹⁹ *stratum*;²⁰ *vestis stragula*;²¹ *στρωμαί*;²² *στρώματα*²³). The Greek term *peristroma*, which was transferred into the Latin,²⁴ had a special signification, meaning probably a coverlet made so large as to hang round the sides of the bed or couch.

TA'PHOI (τάφοι). (*Vid. FUNUS*, p. 457.)

*TARANDUS (τάρανδος), the Reindeer, or *Cervus Tarandus*, L. Such, at least, is the general opinion of naturalists. Schneider, however, refers it to the Elk, or *Cervus alces*, L.²⁵

TARENTINI LUDI. (*Vid. LUDI SÆCULARES.*)

TARRHOS (ταρρός). (*Vid. SHIPS*, p. 893.)

TAURII LUDI. (*Vid. LUDI SÆCULARES.*)

*TAURUS (ταῦρος). (*Vid. BISON.*)

TAXIARCHI (ταξιάρχοι) were military officers at Athens, who were next in rank to the strategi. (*Vid. STRATEGOS.*) They were ten in number like the strategi, one for each tribe, and were elected in the same way, namely, by *χειροτονία*.²⁶ In war each commanded the infantry of his own tribe,²⁷ and they were frequently called to assist the strategi with their advice at the war-council.²⁸ In peace they as-

1. (Athen., vi., p. 255, ε.; xii., p. 514, ε.—Diog. Laert., v., 72.)
—2. (Hom., II., xvi., 224.)—3. (Hom., Od., iv., 124.)—4. (Athen., v., p. 197, β.; vi., p. 255, ε.—Diog. Laert., v., 72, 73.)—5. (Non. Marcell., p. 540.—Lucil., Sat., i., p. 188, ed. Bip.)—6. (Eustath. in Hom., II., ix., 200.)—7. (Plin., H. N., viii., 48, s. 73.)—8. (Plaut., Stich., ii., 2, 54.)—9. (Hor., Sat., ii., 2, 14.)—10. (Sidon. Apoll., l. c.—Plaut., Pseud., i., 2, 14.)—11. (Hom., II., ix., 200.—Od., xx., 150.—Virg., Æn., i., 639, 697–700.—Ovid., Met., xiii., 638.—Cic., Tusc., v., 21.)—12. (Argon., 47–220.)—13. (Hom., II., x., 156.—Annæ., viii., 1, 2.—Theocr., xv., 125.—Aristoph., Plut., 540.—Virg., Æn., ix., 325, 358.)—14. (Æschyl., 277.)—15. (Herodian, iv., 2, p. 82, ed. Bekker.)—16. (Æschyl., Agam., 879–936.—Athen., iv., 131, β.; xii., 514, ε.)—17. (Plin., H. N., viii., 48, s. 74.)—18. (Mart., xiv., 150.)—19. (Cic., Tusc., v., 21.)—20. (C. Nepos, Ages., viii., 2.)—21. (Liv., xxiv., 7.—Hor., Sat., ii., 2, 118.)—22. (Plut., Lycurg., p. 86, ed. Steph.—Athen., iv., p. 142, α.)—23. (Id., ii., p. 48, d.)—24. (Diog. Laert., l. c.—Plaut., Stich., ii., 2, 54.—Cic., Phil., ii., 27.)—25. (Ælian, N. A., ii., 16.—Phil., Carm., 55.—Plin., H. N., viii., 24.—Adams, Append., s. v.)—26. (Demosth., Philipp., i., p. 27.—Pol. lux. Onom., viii., 87.)—27. (Dem. in Benot., p. 999.—Æsch., De Fals. Leg., p. 333.)—28. (Thucyd., vii., 60.)

TEGULA.

sisted the strategi in levying and enlisting soldiers, as stated under STRATEGOS, and seem to have also assisted the latter in the discharge of many of their other duties.

The taxiarchs were so called from their commanding τάξεις, which were the principal divisions of the hoplites in the Athenian army. Each tribe (φυλή) formed a τάξις, whence we find φυλή used as synonymous with τάξις.¹ As there were ten tribes, there were, consequently, in a complete Athenian army, ten τάξεις, but the number of men would, of course, vary according to the importance of the war. Among the other Greeks the τάξις was the name of a much smaller division of troops. The λόχος among the Athenians was a subdivision of the τάξις, and the λοχαγοί were probably appointed by the taxiarchs.²

TAXIS (τάξις). (Vid. TAXIARCHI.)

*TAXUS (μίλος), the Yew-tree, or *Taxus baccata*, L. The *Taxus* receives from Virgil the epithet of nocens, or "hurtful," because the berries of this tree pass for poisonous. The same opinion appears to have been prevalent during the Middle Ages, and still forms an article of popular belief. It has even been regarded as dangerous to sleep for some hours under the shade of this tree. A modern writer, however (M. Percy), has set himself in opposition to this very prevalent opinion, and maintains that the berries of the yew are innocuous, and merely possess a slight purgative property, which might be usefully employed in medicine. The yew is indigenous to the North. In southern countries, therefore, it seeks a mountainous and cold region. Hence it flourishes in Corsica. The wood might be turned to a variety of useful purposes: the Itureans of antiquity, dwelling in Coele-Syria, made bows of it. Its sombre foliage and general appearance have caused it to be selected by the moderns as a funeral tree.³

TEGULA (κέραμος, dim. κεραμίς⁴), a roofing-tile. Roofing-tiles were originally made, like bricks, of baked clay (γῆς ὀπτῆς). Byzes of Naxos first introduced tiles of marble about the year 620 B.C.⁵ Besides the superior beauty and durability of the material, these tiles could be made of a much larger size than those of clay. Consequently, when they were employed in the construction of the greatest temples, such as that of Jupiter at Olympia,⁶ the Parthenon at Athens, and the Serapeum at Puteoli, their dimensions were in exact proportion to the other parts of the building; and the effect of the parallel rows of joint-tiles descending from the ridge to the eaves, and terminated by ornamental frontons, with which the lions'-heads (capita leonina;⁷ χολέραι⁸) over the cornice alternated, was exceedingly grand and beautiful. How highly this invention was prized by the ancients is proved by the attempt of the Roman censor Q. Fulvius Flaccus to despoil the temple of the Lacinian Juno of some of its marble tiles (tegula marmorea), in order to adorn another temple which he had vowed to erect in Rome.⁹ A still more expensive and magnificent method of roofing consisted in the use of tiles made of bronze and gilt.¹⁰

Tiles were originally made perfectly flat, or with nothing more than the hook or nozzle underneath the upper border, which fulfilled the purpose of fixing them upon the rafters. They were afterward formed with a raised border on each side, as is shown in the annexed woodcut, representing the section of four of the tiles remaining at Pompeii.

1. (Lys. in Agorat., p. 498, 501.)—2. (Schömann, Ant. Jur. Publ. Gr., p. 253, &c.)—3. (Theophr., H. P., iii., 4.—Fés, Flore de Virgile, p. elix.)—4. (Xen., Hell., vi., 5, § 9.)—5. (Paus., x., 10, § 2.)—6. (Paus., l. c.)—7. (Vitruv., iii., 5, § 15.)—8. (Horapoll., Hier., i., 21.)—9. (Liv., xli., 4.—Val. Max., i., 1, § 20.)—10. (Plin., H. N., xxxiii., 3, § 18.)

TEGULA.



In order that the lower edge of any tile might overlap the upper edge of that which came next below it, its two sides were made to converge downward. See the next woodcut, representing a tiled roof, from a part of which the joint-tiles are removed, in order to show the overlapping and the convergence of the sides. It was evidently necessary to cover the lines of junction between the rows of flat tiles, and this was done by the use of semicylindrical tiles called imbrices. The above woodcut shows the section of three imbrices found at Pompeii, and indicates their position relative to the flat tiles. This is also shown in the next woodcut. The roof also, by the exact adaptation



of the broad tegulae and the narrow imbrices throughout its whole extent, became like one solid and compact framework.¹ The rows of joint-tiles divided the roof into an equal number of channels, down which the water descended into the gutter (canales), to be discharged through openings made in the lions'-heads, the position and appearance of which are shown in the woodcuts. The rows of flat tiles terminated in a variously ornamented front, which rose immediately above the cornice, and of which specimens are shown in the first woodcut. The first and fourth patterns are drawn from tiles found at Pompeii, and the two internal from tiles preserved in the British Museum, and brought thence from Athens. The lions'-heads upon the third and fourth are perforated. (Vid. ANTEFIXA, COLENTA, 289.) The frontons, which were ranged along the cornice at the termination of the rows of joint-tiles, were either painted or sculptured so as to represent leaves, aplustria (vid. APLUSTRE), or masks. The first woodcut shows three examples of such frontons, which belong to the Elgin collection in the British Museum. They are drawn on a much larger scale than the other objects in the same woodcut. The invention of these graceful ornaments is ascribed to Dibutades of Corinth.²

Other highly curious details upon the tiled roofs of Greek temples may be seen in the *Unclassed Antiquities of Attica*, Lond., 1817.

The same arrangement of tiles which was planned round a temple was also to be found within a house which was formed with an opening in the centre. Hence any person who descended from the roof

1. (Xen., Mem., iii., 1, § 7.)—2. (Vitruv., H. N., xxxiii., 3, § 18.)

the open court or impluvium of a house (*vid. ib.*, p. 516, 519) was said to pass "through the" (*per tegulas*; *διὰ τῶν κεράμων*²).

It mentions a kind of tiling under the name *accum*,³ so called probably because the tiles were semicircular at their lower edge, and overlaid one another like the feathers in the train of a cock.

ΕΙΧΟΠΟΙΟΣ (*τειχοποιός*). Among the persons to whom was intrusted the management of public works at Athens (*ἐπιστάται δημοσίων*) were those whose business it was to build and repair the public walls. It is needless to say how important to the city of Athens were her walls and fortifications, more especially the long walls, which connected the upper city with the Piræus, which gave it the advantages of an island. These were maintained at considerable expense. The *τειχοποιοί* appear to have been elected annually, one from each tribe, and probably for life. They were considered to hold a magistracy (*ἀρχή*), and in that capacity had an *ἡγεμονικαστήριον*. Æschines calls them *ἐπιστάται ἐγίστου τῶν ἔργων*. Funds were put at their disposal, for which they had their treasurer (*ταμίης*), and an assistant to the treasurer of the revenue. They were liable to render an account (*εὐθύνη*) of their management of these funds, and also of their conduct, like other magistrates. The office of *ποιός* has been invested with peculiar importance in modern times on account of its having been held by Demosthenes, and its having given occasion to the famous prosecution of Ctesiphon, who proposed that Demosthenes should receive the honour of a statue before he had rendered his account according to law. As to the nature of the office, and the duties thereto relating, we may probably rely upon the account given by Æschines.⁴

TELA (*ιστός*), a Loom. Although weaving was not peculiar to the Greeks and Romans a distinct trade, carried on by a separate class of persons (*ὀφάνται, textrices, linteones*), who more particularly occupied the inhabitants of the towns with the professions of their skill (*vid. PALLIUM*, p. 718), yet there was a considerable domestic establishment, especially in the country, contained a loom,⁵ together with the whole apparatus necessary for the working of wool (*lanificium, τάλαια, τάλαιονργία*). (*Vid. PALLIUM*.) These occupations were all supposed to be carried on under the protection of Minerva, and were generally denominated *Ἐργάνη*, who was always regarded in this character as the friend and patroness of industry, sobriety, and female decorum.⁶ The work on the farm or the palace was sufficiently simple to admit of it, a portion of it, called the *ιστών* (*vestis*) or *textrinum*, was devoted to this purpose.⁷ The work was there principally carried on by female slaves (*quasillariae, αἱ ἐριθοί*¹¹), under the supervision of the mistress of the house, who was assisted also, together with her daughters, took part in the labour, both by instructing beginners, and by directing the more tasteful and ornamental parts.¹² Although weaving was employed in providing ordinary articles of clothing among the Greeks and Romans from the earliest times, yet, as an industry and decorative art, subservient to luxury and refinement, it was almost entirely Oriental. It was especially celebrated in Babylonia, Egypt, Phœnicia, Phrygia, and Persia, and was also celebrated for the wonderful skill and

magnificence displayed in the manufacture of scarfs, shawls, carpets, and tapestry. (*Vid. BABYLONICUM, CHALAMYS, PALLIUM, PEPLUM, TAPES.*)

Among the peculiarities of Egyptian manners, Herodotus¹ mentions that weaving was in that country the employment of the male sex. This custom still continues among some Arab and negro tribes.² Throughout Europe, on the other hand, weaving was in the earliest ages the task of women only. The matron, assisted by her daughters, wove clothing for the husband and the sons.³ This domestic custom gives occasion, in the works of the epic and tragic poets, to some very interesting *descriptions* and expressions of affection between near relatives. Indeed, the recognition, or *ἀναγνώρισις*, as Aristotle calls it,⁴ often depends on this circumstance. Thus Creusa proves herself to be the mother of Ion⁵ by describing the pattern of a shawl which she had made in her youth, and in which she had wrapped her infant son. Iphigenia recognises her brother Orestes on one occasion,⁶ and Electra recognises him on another,⁷ by the figured clothing which he wore, and which they had long before woven for him.

Besides the shawls which were frequently given to the temples by private persons, or obtained by commerce with foreign nations, companies or colleges of females were attached to the more opulent temples for the purpose of furnishing a regular supply. Thus the sixteen women, who lived together in a building destined to their use at Olympia, wove a new shawl every five years to be displayed at the games which were then celebrated in honour of Hera, and to be preserved in her temple.⁸ (*Vid. HERÆA.*) A similar college at Sparta was devoted to the purpose of weaving a tunic every year for the sitting statue of the Amylean Apollo, which was thirty cubits high.⁹ At Athens the company of virgins called *εργαστιναι* or *εργάναι*, and *ἀρήφθοροι*, who were partly of Asiatic extraction, wove the shawl which was carried in the Panathænic procession, and which represented the battle between the gods and the giants.¹⁰ (*Vid. ARRHEPHORIA, PANATHENÆA*, p. 723.) A similar occupation was assigned to young females of the highest rank at Argos.¹¹ In the fourth century, the task of weaving began to be transferred in Europe from women to the other sex, a change which St. Chrysostom deploras as a sign of prevailing sloth and effeminacy.¹² Vegetius,¹³ who wrote about the same time, mentions *lintheones*, or the manufacturers of linen cloth, in the number of those who were ineligible as soldiers.

Everything woven consists of two essential parts, the warp and the woof, called in Latin *stamen* and *subtegmen, subtemen*, or *trama*,¹⁴ in Greek *στήμιον* and *κροκή*.¹⁵ Instead of *κροκή* Plato¹⁶ sometimes uses *ἐθνή*, and in the passages referred to he mentions one of the most important differences between the warp and the woof: viz., that the threads of the former are strong and firm, in consequence of being more twisted in spinning, while those of the latter are comparatively soft and yielding. This is, in fact, the difference which in the modern silk manufacture distinguishes *organzine* from *trama*, and

¹ Herod. i., 103. — Compare Gellius, x., 15. — ² (Strab., i., 19.) — ³ (H. N., xxxvi., 22, s. 44.) — ⁴ (Æsch., c. Ctes., ed. Steph.—Böckh, Staatsb. der Athen., i., 183, 218.) — ⁵ (De Re Rust., 135.) — ⁶ (Id. ib., 10, 14.) — ⁷ (Hesiod., Op., 779.—Virg., Georg., i., 285, 294.—Ovid., Fast., c. 701.) — ⁸ (Virg., Ecl., vi., 3.) — ⁹ (Varro, De Re Rust., i., 2.) — ¹⁰ (Verr., ii., iv., 26.) — ¹¹ (Theocr., xv., 80.—Hom., Od., 360; vi., 235, xxi., 350.) — ¹² (Vitruv., vi., 7, p. 164, ed. Der.—Symm., Epist., vi., 40.)

¹ (ii., 35.—Compare Athen., ii., p. 48, b.) — ² (Welsted, Travels, i., p. 123.—Prichard, Researches, ii., p. 60, 3d edition.) — ³ (Colum., De Re Rust., xii., Pref.—Plin., H. N., viii., 48, s. 74.—Herod., ix., 109.) — ⁴ (De Art., Poet., 6, § 18; 14, § 21.) — ⁵ (Eurip., Ion, 1416, 1417.) — ⁶ (Id. Iph., in Taur., 814—817.) — ⁷ (Æsch., Choeph., 225.) — ⁸ (Paus., v., 16, § 2—4; vi., 24, § 8.) — ⁹ (Paus., iii., 16, § 2; 19, § 2.) — ¹⁰ (Eurip., Hec., 461—469.—Virg., Ciris, 21—35.) — ¹¹ (Eurip., Iph. in Taur., 213—215.) — ¹² (Orat., 34, vol. iii., p. 470, ed. Saville.) — ¹³ (De Re Mil., i., 7.) — ¹⁴ (Vitruv., x., 1.—Ovid., Met., iv., 397.—Plin., H. N., xi., 24, s. 28.—Pers., Sat., vi., 73.) — ¹⁵ (Plato, Polit., p. 297, 301, 302, ed. Bekker.—Elian., H. A., ix., 17.—Plut. De Is. et Osir., p. 672.) — ¹⁶ (Leg., v., p. 380, ed. Bekker.)

in *licia*, in Greek *μίτος* (*μίτος*¹). By a leash we to understand a thread, having at one end a rod, through which a thread of the warp was passed, the other end being fastened to a straight rod called *liciatorium*, and in Greek *κανόν*.² The warp, having been divided by the arundo, as already mentioned, into two sets of threads, all those of the upper set were passed through the loops of the corresponding set of leashes, and all these leashes were fastened at their other end to the same woodcut rod. At least one set of leashes was necessary to decussate the warp even in the plainest and simplest weaving. The number of sets was increased according to the complexity of the pattern, which was called *bilix* or *trilix*,³ *δίμιτος*, *τρίμιτος*,⁴ or *πολύμιτος*,⁵ according as the number was two, three, or more.

The process of annexing the leashes to the warp was called *ordiri telam*,⁶ also *licia tela addere*, or *addere*.⁷ It occupied two women at the same time, one of whom took in regular succession each separate thread of the warp, and handed it over to the other; this part of the process was called *παράφειν*—*παράδιδόναι*, or *προφορεύσθαι*.⁸ The other woman, as she received each thread, passed it through the loop in proper order, and this act, which we call "entering," was called in Greek *διασεσθαι*.⁹ Supposing the warp to have been thus adjusted, the pen or the shuttle to have been carried through it, it was then decussated, by drawing forward the proper rod so as to carry one set of the threads of the warp across the rest, after which the woof was shot back again, and by the continuation of this process the warp and woof were interlaced.¹⁰ In the preceding figure of the Indian loom we observe two staves, which are occasionally used to fix the rods in such a position as is most convenient to assist the weaver in drawing the woof across her warp. After the woof had been conveyed by the shuttle through the warp, it was driven sometimes downward, as is represented in the first woodcut, but more commonly upward, as in the second.¹¹ Two different instruments were used in this part of the process. The most, and probably the most ancient, was in the shape of a large wooden sword (*spatha*, *σπάθη*, *dim. θελον*¹²). From the verb *σπαθῶ*, to beat with the sword, cloth rendered close and compact by this process was called *σπαθητός*.¹³ This instrument is still used in Iceland exactly as it was in ancient times, and a figure of it, copied from Olafsen, is given in the second woodcut.

The *spatha* was, however, in a great degree succeeded by the comb (*pecten*, *κερκίς*), the teeth of which were inserted between the threads of the warp, and thus made, by a forcible impulse, to drive the threads of the woof close together.¹⁴ It is probable that the teeth were sometimes made of metal;¹⁵ and they were accommodated to the purpose intended by being curved (*pectinis unci*¹⁶), as is still the case in the combs which are used in the same manner by the Hindus. Among us the office of the comb is executed with greater ease and effect by the reed, lay, or batten.

The lyre (*vid. LYRA*), the favourite musical instru-

ment of the Greeks, was only known to the Romans as a foreign invention. Hence they appear to have described its parts by a comparison with the loom, with which they were familiar. The terms *jugum* and *stamina* were transferred by an obvious resemblance from the latter to the former object; and, although they adopted into their own language the Greek word *plectrum*,¹ they used the Latin *PECTEN* to denote the same thing, not because the instrument used in striking the lyre was at all like a comb in shape and appearance, but because it was held in the right hand, and inserted between the stamina of the lyre, as the comb was between the stamina of the loom.²

After enumerating those parts of the loom which were necessary to produce even the plainest piece of cloth, it remains to describe the methods of producing its varieties, and more especially of adding to its value by making it either warmer and softer, or more rich and ornamental. If the object was to produce a checked pattern (*scutulis dividerē*), or to weave what we should call a Scotch plaid, the threads of the warp were arranged alternately black and white, or of different colours in a certain series, according to the pattern which was to be exhibited. On the other hand, a striped pattern (*βαθωτός*; *virgata sagula*) was produced by using a warp of one colour only, but changing at regular intervals the colour of the woof. Of this kind of cloth the Roman *trabea*³ was an example. Checked and striped goods were, no doubt, in the first instance, produced by combining the natural varieties of wool, white, black, brown, &c. (*Vid. PALLIUM*, p. 718.) The wool also was the medium through which almost every other diversity of appearance and quality was effected. The warp, as mentioned above, was generally more twisted, and consequently stronger and firmer than the woof; and with a view to the same object, different kinds of wool were spun for the warp and for the woof. The consequence was, that after the piece was woven, the fuller drew out its nap by carding, so as to make it like a soft blanket⁴ (*vid. FULLO*, p. 453); and, when the intention was to guard against the cold, the warp was diminished, and the woof or nap (*κρόξ*, *κρόκνυ*) made more abundant in proportion.⁵ In this manner they made the soft *χλαίνα* or *ΛΑΝΑ*. (*Vid. PALLIUM*, p. 718.) On the other hand, a woof of finely-twisted thread (*ήτριον*) produced a thin kind of cloth, which resembled our buntine (*lacernæ nimia subteminum tenuitate perfabiles*⁶). Where any kind of cloth was enriched by the admixture of different materials, the richer and more beautiful substance always formed part of the woof. Thus the *vestis subserica* or *tramoserica* had the tram of silk. (*Vid. SERICUM*.) In other cases it was of gold,⁷ or of wool dyed with Tyrian purple⁸ (*Tyrio subtegmine*,¹² *picto subtegmine*¹³), or of beavers'-wool (*vestis fibrina*¹⁴). Hence the epithets *φοινικόκροκος*, "having a purple woof,"¹⁵ *άνθοκρόκος*, "producing a flowery woof,"¹⁶ *χρυσεοπνήτος*, "made from bobbins or pens of gold thread,"¹⁷ *επηννος*, "made with good bobbins,"¹⁸ *κερκίδι ποικιλλούσα*, "variegating with the comb,"¹⁹ &c.

But, besides the variety of materials constituting the woof, an endless diversity was effected by the manner of inserting them into the warp. The terms *bilix* and *δίμιτος*, the origin of which has been explained, probably denoted what we call *dimity*, or

(Hom., II., xxiii., 762.)—2. (Aristoph., Thesm., 829.)—3. (Ibid., xiv., 143.)—4. (Crat. Jan., Frag., p. 103, ed. Runkel.)—5. (Mar. Eryth., p. 164, 170, 173, ed. Blancardi.)—6. (Plin., II., xi., 24, s. 28.)—7. (Virg., Georg., i., 285.—Tibull., i., 6, s. 8.—Schol. in Aristoph., Av., 4.—Suidas, Hesych., s. v.)—8. (Schol. in Hom., Od., vii., 107.)—9. (Plut., vii., sap. conv., p. 104, ed. Reiske.—Hom., II., xxiii., 760-763.)—10. (Isid., Orig., II., 22.—Herod., ii., 35.)—11. (Brunck, Anal., i., 222.—Plato, Rep., p. 118.—Æsch., Choeph., 226.)—12. (Athen., xii., p. 325, s. 14.—Ovid, Fast., iii., 880.—Met., vi., 58.—Juv., ix., 26.—Virg., Æn., vii., 14.—Hom., II., xxii., 448.—Aristoph., Aves, 832.—Eurip., Ion, 509, 760, 1418, 1492.)—13. (Hom., Od., v., 62.)—14. (Laudan in Eutrop., ii., 382.)

1. (Ovid, Met., xi., 167-170.)—2. (Virg., Æn., vi., 647.—Juv., vi., 290-293.—Pers., vi., 2.)—3. (Plin., H. N., viii., 48, s. 74.—Juv., ii., 97.)—4. (Diod. Sic., v., 30.)—5. (Virg., Æn., viii., 660.)—6. (Id. ib., vii., 188.)—7. (Plato, Polit., p. 302.)—8. (Hesiod, Op. et Dies, 537.—Proclus, ad loc.)—9. (Ann. Marc., xiv., 6.)—10. (Virg., Æn., iii., 483.—Serv. in loc.)—11. (Ovid, Met., vi., 578.)—12. (Tibull., iv., 1, 122.)—13. (Val. Flacc., vi., 228.)—14. (Isid., Orig., xix., 22.)—15. (Pind., Ol., vi., 39, ed. Böckh.—Schol. in loc.)—16. (Eurip., Hec., 466.)—7. (Eurip., Crest 829.)—18. (Eurip., Iph. in Taur., 814, 1465.)—19. (Id. ib., 215.)

weeled cloth, and the Germans *zwillich*. The poets apply *trilix*, which in German has become *drillich*, to a kind of armour, perhaps chain-mail, no doubt resembling the pattern of cloth which was denoted by the same term.¹ In the preceding figure of the Icelandic loom, the three rods with their leashes indicate the arrangement necessary for this texture. All kinds of damask were produced by a very complicated apparatus of the same kind (*plurimis liciis*), and were therefore called *polymita*.²

The sprigs or other ornaments produced in the texture at regular intervals were called flowers (*άνθη*; ² *θρόνα**) or feathers (*plumæ*). Another term, adopted with reference to the same machinery, was *ξάμιτον* or *εξάμιτον*, denoting velvet. In the Middle Ages it became *ζάμιτον*, and thus produced the German *sammlet*.

The Fates are sometimes mentioned by classical writers in a manner very similar to the description of "the Fatal Sisters" above referred to (*Dira sororum licia*; ³ *fatorem inextricabiliter contorta licia**).

As far as we can form a judgment from the language and descriptions of ancient authors, the productions of the loom appear to have fallen in ancient times very little, if at all, below the beauty and variety of the damasks, shawls, and tapestry of the present age, and to have vied with the works of the most celebrated painters, representing first mythological, and afterward scriptural subjects. In addition to the notices of particular works of this class, contained in the passages and articles which have been already referred to, the following authors may be consulted for accounts of some of the finest specimens of weaving: Eurip., *Ion*, 190-202, 1141-1165.—Aristot., *Mir. Auscult.*, 99.—Athen., xii., p. 541.—Asteri., *Homilia de Dir. et Laz.*—Theod. Prodrom., *Rhod. et Dos. Amor.*, ad fin.—Virg., *Æn.*, . . . 250-257; *Cir.*, 21-35.—Ovid., *Met.*, vi., 61-128.—Stat., *Theb.*, vi., 64, 540-547.—Auson., *Epig.*, 26.—Lamprid., *Heliog.*, 28.—Claudian., *De VI. Cons. Honor.*, 561-577; in *Stilich.*, ii., 330-365.

TELAMONES. (Vid. ATLANTES.)

*TELEPHION (*τελέριον*), a plant which Stephens and Hardouin call the Orpine, i. e., *Sedum Telephium*. Sprengel, however, although he inclined to this opinion in his R. H. H., seems in his edition of Dioscorides to join Sibthorp and others in referring it to the *Cerinth minor*. The leaves of this plant, as also of the poppy and anemone, were used by lovers in a species of divination; the leaf, laid on the thumb and forefinger, being smartly struck with the right hand, yielded a sound from which the sentiments of the beloved object were guessed.⁷

TELETAI (*τελεται*). (Vid. MYSTERIA.)

*TELIS (*τήλις*), the *Trigonella Fœnum Græcum*, or *Fenugreek*.⁸

TELONES (*τελώνης*). Most of the taxes at Athens were farmed by private persons, who took upon themselves the task of collecting, and made periodical payments in respect thereof to the state. They were called by the general name of *τελώναι*, while the farmers of any particular tax were called *ελοστώναι*, *πεντηκοστολόγοι*, &c., as the case might be. The duties were let by auction to the highest bidder. Companies often took them in the name of one person, who was called *άρχωνης* or *τελωνάρχης*, and was their representative to the state. Sureties were required of the farmer for the payment of his dues. The office was frequently undertaken by resident aliens, citizens not liking it, on account of the vexatious proceedings to which it

often led. The farmer was armed with considerable powers: he carried with him his books, armed for contraband or uncustomed goods, watched the harbour, markets, and other places, to prevent smuggling, or unlawful and clandestine sales; brought a *φάσις* or other legal process against those whom he suspected of defrauding the revenue, or even, seized their persons on some occasions, and took them before the magistrate. To enable him to perform these duties, he was exempted from military service. Collectors (*έκλογαίς*) were sometimes employed by the farmers, but frequently the farmer and the collector were the same person.¹

The taxes were let by the commissioners acting under the authority of the senate. (Vid. ΠΟΛΙΤΕΙΑ.) The payments (*καταβολαί τελώνης*) were made by the farmer on stated prytaneias in the senate-house. There was usually one payment made in advance, *προκαταβολή*, and one or more afterward, called *προσκατάβλημα*. Upon any default of payment, the farmer became *άτιμος* if a citizen, and he was liable to be imprisoned at the discretion of the senate, upon an information laid against him. If the debt was not paid by the expiration of the ninth prytaneia, it was doubled; and if not then paid, his property became forfeited to the state, and proceedings to confiscation might be taken forthwith. Upon this subject the reader should consult the speech of Demosthenes against Timocrates.²

TELOS (*τέλος*). The taxes imposed by the Athenians, and collected at home, were either ordinary or extraordinary. The former constituted a regular or permanent source of income; the latter were only raised in time of war or other emergency. The ordinary taxes were laid mostly upon property, and upon citizens indirectly in the shape of toll or customs, though the resident aliens paid a poll-tax, called *μετοίκιον*, for the liberty of trading at Athens under the protection of the state. (Vid. ΜΕΤΟΙΚΟΙ.) As to the customs and harbor dues, see PENTECOSTE. An excise was paid on all sales in the market, called *έπωνία*, though we know not what the amount was;³ and a duty was imposed on aliens for permission to sell their goods there.⁴ Slave-owners paid a duty of three *obols* for every slave they kept, and slaves who had been emancipated paid the same.⁵ This was a very productive tax before the fortification of Deceleia by the Lacedæmonians.⁶ There was also a *πυρναϊκόν τέλος*, and some others of minor importance, as to which the reader is referred to BÖCKH. The justice fees (*πυρναϊκία*, *παράστασις*, &c.) were a lucrative tax in time of peace.⁷

The extraordinary taxes were the property tax, and the compulsory services called *λειτούργια*. Some of these last were regular, and recurring annually; the most important, the *τραπηρχία*, was a war-service, and performed as occasion required. As these services were all performed, wholly or partly, at the expense of the individual, they may be regarded as a species of tax. (Vid. ΕΙΣΡΑΜΜΑ, ΛΕΙΤΟΥΡΓΙΑ, ΤΡΙΕΡΑΡΧΙΑ.)

The tribute (*φοροί*) paid by the allied states to the Athenians formed, in the flourishing period of the Republic, a regular and most important source of revenue.⁸ In Olymp. 91, 2, the Athenians substituted for the tribute a duty of five per cent (*πεντηκώ*) on all commodities exported or imported by the subject states, thinking by direct taxation.⁹ This was terminated by the issue of the Peloponnesian war.

1. (Virg., *Æn.*, iii., 467; v., 259; vii., 639; xii., 375.—Val. Flac., iii., 199.)—2. (Plin., H. N., viii., 48, s. 74.—Mart., xiv., 150.)—3. (Philost., *Imag.*, ii., 28.)—4. (Hom., *Il.*, xxii., 440.)—5. (Stat., *Achill.*, i., 520.)—6. (Apul., *Met.*, xi.)—7. (Dioscor., ii., 217.—Adams, *Append.*, s. v.—Donnegan, *Lex.*, s. v.)—8. (Thebr., iii., 17.—Dioscor., ii., 124.—Adams, *Append.*, s. v.)

1. (Böckh, *Staatsh. der Athen.*, i., 359.)—2. (Vid. Böckh, *ib.*, 362, &c.—Schömann, *Ant. Jur. Publ. Gr.*, 317.)—3. (Harpolet, s. v. *Έπωνία*.)—4. (Böckh, *Staatsh.*, &c., 230, 347.)—5. (Plin., *ib.*, 354, 356.)—6. (Xen., *De Vectig.*, iv., 25.)—7. (*Id.*, 25.)—8. (Thucyd., vi., 91.—Böckh, *ib.*, 369, &c.)—9. (Böckh, *ib.*, 477.)—10. (Thucyd., vii., 28.—Böckh, *ib.*, 348.)

the tribute was afterward revised on more equitable principles, under the name of *σύνταξις*.¹ A duty of ten per cent. (*δεκάτη*) on merchandise brought into and from the Euxine Sea was established for a time by Alcibiades and other Athenian generals, who fortified Chryso polis, near Chalcedon, and built a station for the collection of the tax called *δεκατεντήριον*. This occurred in Ol. 92. Lost after the battle of Ægos Potamos, afterwards revived by Thrasybulus, and probably ceased after the battle of Antalcidas.² This may be regarded as an isolated case. In general, where *δεκάται* are mentioned among the Greeks, they denote the tithe of land, such as the Persian satraps collected from conquered countries, or such as tyrants exacted from their subjects for the use of land held of them as lord of the whole country. For instance, Pisistratus took a tithe of this kind, which was succeeded by his sons to a twentieth. The state officers held the tithe of some lands; others were assigned to the temples or service of the gods, having been dedicated by pious individuals. By reason of some conquest or vow, such as is recorded by Herodotus.³

Other sources of revenue were derived by the state from their mines and public lands, fines and confiscations. The public demesne lands, whether pasture or arable, houses or other buildings were usually let by auction to private individuals. The conditions of the lease were engraven on stone. The rent was payable by prytaneias. It was paid at the stipulated time, the lessee, if a citizen, became *ἀγριμος*, and subject to the same consequences as any other state debtor.⁴ As to fines and confiscations, see *ΤΙΜΕΜΑ*.⁵ These various sources of revenue produced, according to Aristophanes, an annual income of two hundred talents in the most flourishing period of the Athenian empire.⁶ See the calculations of

τέλειν signifies "to settle, complete, or perfect," hence "to settle an account," and generally "to pay." Thus *τέλος* comes to mean any payment in the nature of a tax or duty. The words connected with *zahlen* in German, and the old *tale* in English, and the modern word *toll*,⁷ with *τέλος* may signify any payment in the nature of a tax or duty, it is more commonly used of ordinary taxes, as customs, &c. *Τέλος, τελεῖν*, used with reference to the property-tax, in the sense of being rated in a certain proportion, or which is the same thing, belonging to a particular class of taxpayers. Thus *ἰππάδα*, or *ἰππικόν τελεῖν*, *ἰππάδα τελεῖν*, means to belong to the class of horse-owners; and the same expression is used metaphorically, without any immediate reference to the nature of a tax. Thus *εἰς ἀνδράς τελεῖν* is to belong among adults. So *εἰς Βωιωτοῦς τελεῖν*,⁸ *τελεῖν* signifies the right of being taxed on the footing, and having other privileges, the same as citizens; a right sometimes granted to residents. (Vid. *ΜΕΤΟΙΚΟΙ*.) *Ἀτέλεια* signifies exemption from taxes, or other duties and services, an honour very rarely granted by the Athenians. As to this the reader is referred to the speech of Demosthenes against Leptines, with the commentaries of Wolf. As to the farming of the taxes, see *ΕΛΟΝΕΣ*. For an epitome of the whole subject see Schömann.⁹

ΜΕΝΟΣ (*τέμενος*). (Vid. *AGER SANCTUS*, *τμήμα*.)

ΜΟ. (Vid. *CURRUS*, p. 331.)

TEMPLUM is the same word as the Greek *τέμενος*, from *τέμνω*, to cut off, for *templum*, according to Servius,¹ was any place which was circumscribed and separated by the augurs from the rest of the land by a certain solemn formula. The technical terms for this act of the augurs are *liberare* and *effari*, and hence a *templum* itself is a *locus liberatus et effatus*. A place thus set apart and hallowed by the augurs was always intended to serve religious purposes, but chiefly for taking the auguria ("Templum locus augurii aut auspicii causa quibusdam conceptis verbis finitus"²). When Varro³ says that a locus effatus was always outside the city, we must remember that this only means outside the pomerium, for the whole space included within the pomerium was itself a *templum*, i. e., a place in which auspices could be taken (vid. *ΠΟΜΕΡΙΜ*), but when they were to be taken in any place outside the pomerium, it was always necessary for such a place to be first circumscribed and sanctified by the augur (*liberare et effari*). The place in the heavens within which the observations were to be made was likewise called *templum*, as it was marked out and separated from the rest by the staff of the augur. When the augur had defined the *templum* within which he intended to make his observations, he fixed his tent in it (*tabernaculum capere*), and this tent was likewise called *templum*, or, more accurately, *templum minus*. To this minus *templum* we must refer what Servius⁴ and Festus⁵ state, that a *templum* was enclosed with planks, curtains, &c., attached to posts fixed in the ground, and that it had only one door (*exitus*). The place chosen for a *templum* was generally an eminence, and in the city it was the *arx*, where the fixing of a tent does not appear to have been necessary, because here a place called *auguraculum* was once for all consecrated for this purpose.⁶

Besides this meaning of the word *templum* in the language of the augurs, it also had that of a temple in the common acceptation. In this case too, however, the sacred precinct within which a temple was built was always a locus liberatus et effatus by the augurs, that is, a *templum* or a *fanum*;⁷ the consecration was completed by the pontiffs, and not until inauguration and consecration had taken place could *sacra* be performed or meetings of the senate be held in it.⁸ It was necessary, then, for a temple to be sanctioned by the gods, whose will was ascertained by the augurs, and to be consecrated or dedicated by the will of man (pontiffs). Where the sanction of the gods had not been obtained, and where the mere act of man had consecrated a place to the gods, such a place was only a *sacrum*, *sacrarium*, or *sacellum*. (Vid. *SACRARIUM*, *SACELLUM*.) Varro⁹ justly considers the ceremony performed by the augurs as essential to a temple, as the consecration by the pontiffs took place also in other sanctuaries which were not *templa*, but mere *sacra* or *ades sacra*. Thus the sanctuary of Vesta was not a *templum*, but an *ades sacra*, and the various *curiæ* (Hostilia, Pompeia, Julia) required to be made *templa* by the augurs before *senatus consulta* could be made in them. In what manner a *templum* differed from a *delubrum* is more difficult to decide, and neither the ancient nor modern writers agree in their definitions. Some ancients believed that *delubrum* was originally the name given to a place before or at the entrance of a temple, which contained a font or a vessel with water, by which persons, before entering the temple, perform-

1. (ad Æn., i., 446.)—2. (Varro, De Ling. Lat., vi., p. 81, Bip.)—3. (De Ling. Lat., v., p. 65, Bip.)—4. (ad Æn., iv., 200.)—5. (s. v. *Minora templa*.)—6. (Paul. Diac., s. v. *Auguraculum*.)—Com pare Liv., i., 18; iv., 18.—Cic., De Off., iii., 16.)—7. (Liv., x., 37.—Varro, De Ling. Lat., v., 65, Bip.)—8. (Serv. ad Æn., i., 446.)—9. (ap. Gell., xiv., 7, § 7.)

rents were paid to the authorities intrusted with the administration of the temples.¹ The superintendence over all property of temples belonged to the popular assembly.²

Respecting the persons intrusted with the superintendence, keeping, cleaning, etc., of temples, we possess very little information. (*Vid.* Ἐπιτηρητικοί.) We have mention of persons called κληροδοχοί, κληροδοχοί, and νεοφύλακες, who must have been employed as guards and porters,³ although it is not certain whether these functions were not performed by priests who were occasionally called κληροδοχοί derived from some particular function. Ἐπιτηρητικοί φαειρόνται were appointed who belonged to the family of Phidias, and had to keep clean the temple of the Olympian Zeus.⁴

Temples at Rome.—In the earliest times there appear to have been very few temples at Rome, and the spots the worship of a certain divinity had been established from time immemorial, while we find the building of a temple for the same divinity at a comparatively late period. Thus the dedication of a temple to the old Italian divinity Quirinus, on the Capitoline, did not take place till 300 B.C.⁵ In the same manner, Quirinus and Mars were temples built to them at a late period. Jupiter had no temple till the time of Ancus Marcius, when one then built was certainly very insignificant.

We may therefore suppose that the places of worship among the earliest Romans were in the shape of simple altars or sacella. The Roman temples of later times were constructed in the Greek style. The cella was here, as in Greece, the inner spacious part of the temple which contained the statue or statues of the gods, and an altar in front of each statue.⁷ The roof which covered the cella was called testudo, but it was in most cases not covered, in order to let the light in from above.

The entrance of a Roman temple was, according to Vitruvius, if possible, always towards the east, which side was at the same time faced the image of the divinity, so that persons offering sacrifices at the altar looked towards the east.

If it was not practicable to build a temple in the best position, it was placed in such a manner that the greater part of the city could be seen from the temple, and when a temple was erected by the side of a street or road, it was always so situated that those passing by could look into it, and offer their prayers to the deity.

As regards the property of temples, it is stated that in early times lands were assigned to each temple, but these lands were probably intended for the maintenance of the priests alone. (*Vid.* SACERDOTES.)

The sacra publica were performed at the expense of the treasury; and in like manner we may suppose, that whenever the regular income of a temple, arising from fees and fines, was not sufficient to keep a temple in repair, the state supplied the deficiency, unless an individual volunteered to do so.

The supreme superintendence of the temples of Rome, and of all things connected with them, belonged to the college of pontiffs. Those persons who had the immediate care of the temples were the *Epitriptici*.

TEMPORALIS ACTIO. (*Vid.* ΑΚΤΙΟ, p. 18.)

TENSÆ. (*Vid.* ΤΗΝΣΑΞ.)

TENTHREDO (τενθηρηδών), a species of *Tenthredo*, or Saw-fly.¹⁰

¹ Böckh, *Statist.*, i., p. 327, &c.; ii., p. 339.—² (Demosth. *Orat.*, p. 1380.)—³ (Æsch., *Suppl.*, 294.)—⁴ (Paus., v., 14, 5; Liv., ii., 21.—Dionys., vi., 1.—Plut., *Publ.*, 12.)—⁵ (Varro *De Ling. Lat.*, i., 33.)—⁶ (Vitruv., iv., 5.)—⁷ (Varro *De Ling. Lat.*, i., 505.)—⁸ (Comp. Isidor., xv., 4, 7.—Hygin., *De Astr.*, p. 153, ed. Goss.)—⁹ (Aristot., ix., 27.—Ad-
Append., s. v.)

TEPIDARIUM. (*Vid.* ΒΑΤΗΣ, p. 146.)

*TEREBINTHUS (τερεβινθος), the *Pistacia Terebinthus*, or Chian Turpentine-tree. The modern Greek name is κοκορέτσια. According to Sibthorp, the fruit of this tree is eaten, and an oil expressed from it. In Cyprus it is called τριμίθια, a corruption evidently of its other and more ancient appellation, *τέρμινθος*. The Cyprian turpentine was formerly much esteemed, and employed for medical uses; at present the principal culture of the turpentine-tree, as well as the mastic, is in the island of Scio, and the turpentine, when drawn, is sent to Constantinople.¹

*TERE'DO (τερηδών), an insect that preys on wood, especially that species which injures the timbers of ships at sea, the *Teredo navalis*. "The term *τερηδών* is also applied by the Greek writers on veterinary surgery," says Adams, "to a worm which is formed in the intestines of cattle. The word is also used by the medical authors to signify the caries of bones."²

TERENTILIA LEX. (*Vid.* LEX, p. 586.)

TERMINALIA, a festival in honour of the god Terminus, who presided over boundaries. His statue was merely a stone or post stuck in the ground to distinguish between properties. On the festival the two owners of adjacent property crowned the statue with garlands, and raised a rude altar, on which they offered up some corn, honeycombs, and wine, and sacrificed a lamb³ or a sucking pig. They concluded with singing the praises of the god.⁴ The public festival in honour of this god was celebrated at the sixth milestone on the road towards Laurentum,⁵ doubtless because this was originally the extent of the Roman territory in that direction.

The festival of the Terminalia was celebrated *a. d.* VII. *Kal. Mart.*, or the 23d of February, on the day before the Regifugium. The Terminalia was celebrated on the last day of the old Roman year, whence some derive its name. We know that February was the last month of the Roman year, and that when the intercalary month Mercedonius was added, the last five days of February were added to the intercalary month, making the 23d of February the last day of the year.⁶ When Cicero, in a letter to Atticus,⁷ says, "*Accipi tuas litteras a. d. V. Terminalia*" (*i. e.*, Feb. 19), he uses this strange mode of defining a date, because, being then in Cilicia, he did not know whether any intercalation had been inserted that year, as is explained under CALENDAR, ROMAN, p. 191.

TERUNCIUS. (*Vid.* AS, p. 110.)

TESSERA, *dim.* TESSERULA and TESSELLA (τέσσερα), a square or cube, a die, a token.

The use of small cubes of marble, earthenware, glass, precious stones, and mother-of-pearl for making tessellated pavements (*pavimenta tessellata*) is noticed under HOUSE, ROMAN, p. 519, and PAINTING, p. 715.

The dice used in games of chance (*vid.* ALEA) had the same form, and were commonly made of ivory, bone, or some close-grained wood, especially privet (*ligustra tesseris utilissima*). They were numbered on all the six sides like the dice still in use;¹⁰ and in this respect, as well as in their form they differed from the *tali*, which are often distinguished from tesseræ by classical writers.¹¹ (*Vid.* TALUS.) While four tali were used in playing, only three tesseræ were anciently employed. Hence arose the proverb, ἢ τρεῖς ἔξ, ἢ τρεῖς κύβοι, *i. e.*,

1. (Theophr., H. P., iii., 2.—Dioscor., i., 92.—Adams, *Append.*, s. v.—Walpole's *Memoirs*, vol. i., p. 242.)—2. (Theophr., H. P., v., 5.—Adams, *Append.*, s. v.)—3. (Hor., *Epod.*, ii., 59.)—4. (Ovid, *Fast.*, ii., 639, &c.)—5. (*Id.*, 682.)—6. (Varro, L. L. vi., 13, ed. Müller.—Macrob., *Sat.*, i., 13.)—7. (*Id.*, i., 1.)—8. (Suet., *Jul.*, 46.)—9. (Plin., H. N., xvi., 18, s. 31.)—10. (Ovid, *Trist.*, ii., 473.)—11. (Gellius, xviii., 13.—Cic., *De Sen.*, 15.)

"either three sizes or three aces," meaning all or none;¹ for κύβος was used to denote the ace, as in the throw δύο κύβω και τέτταρα, i. e., 1, 1, 4.—6.² Three sizes is mentioned as the highest throw in the Agamemnon of Æschylus (32). As early as the time of Eustathius³ we find that the modern practice of using two dice instead of three had been established.

The ancients sometimes played with dice πλειο-ροβολίνθα (vid. TALUS), when the object was simply to throw the highest numbers. At other times they played also with two sets of LATRUNCULI or draughts-men, having fifteen men on each side. The board (alveus lusorius,⁴ alveolus⁵) was divided by twelve lines, so that the game must have been nearly or altogether the same with our backgammon.⁶ Perhaps the duodecim scripta of the Romans was the same game. (Vid. ABACUS.)

Objects of the same materials with dice, and either formed like them or of an oblong shape, were used as tokens for different purposes. The tessera hospitalis was the token of mutual hospitality, and is spoken of under HOSPITIUM, p. 512. This token was probably in many cases of earthenware, having the head of Jupiter Hospitalis stamped upon it.⁷ Tessera frumentaria and nummaria were tokens given at certain times by the Roman magistrates to the poor, in exchange for which they received a fixed amount of corn or money.⁸ Similar tokens were used on various occasions, as they arose in the course of events. For example, when the Romans sent to give the Carthaginians their choice of peace or war, they sent two tesserae, one marked with a spear, the other with a CADUCEUS, requesting them to take either the one or the other.⁹

From the application of this term to tokens of various kinds, it was transferred to the word used as a token among soldiers. This was the tessera militaris, the σπθήμα of the Greeks. Before joining battle it was given out and passed through the ranks, as a method by which the soldiers might be able to distinguish friends from foes.¹⁰ Thus, at the battle of Cunaxa, the word was "Zeus the Saviour and Victory," and on a subsequent engagement by the same troops, "Zeus the Saviour, Heracles the Leader."¹¹ The soldiers of Xenophon used a verbal sign for the same purpose when they were encamped by night.¹² Æneas Tacticus¹³ gives various directions necessary to be observed respecting the word.

TESTA. (Vid. FICTILE, p. 441.)

TESTAMENTUM is "mentis nostræ justa contestatio in id solemniter facta ut post mortem nostram valeat."¹⁴ In this passage the word justa means "jure facta," "as required by law." The word contestatio is apparently used with reference to the origin of the term testamentum, which is to be referred to "testari," which signifies "to make a solemn declaration of one's will." Testamentum is not so named with reference to testes. Gellius¹⁵ severely finds fault with Servius Sulpicius for saying that the word is compounded "a mentis contestatio." The person who made a testamentum was

not to be able to make a valid Roman will, the testator must have the testamentum, which expresses the legal capacity to make a valid will. The word has also another signification. (Vid.

HERE, ROMAN, p. 497.) The testamentum was the privilege only of Roman citizens who were not tresfamilias. The following persons, consequently, had not the testamentum: those who were in potestas or manus of another, or in manu causa, as sons and daughters, wives and slaves; but, with respect to his casti (vid. PATRIA POTESTAS, p. 742), a filiusfamilias had the privilege of testamentary disposition. Juniani, dediticii; peregrini could not make their property according to the form of the will: a person who was doubtful as to his status, as, for instance, a person whose father was abroad and the fact was not ascertained, could not make a testament: an impubes could not make his property by will, even with the authority of a tutor; when a male was fourteen years of age he obtained the testamentum, and a female at the completion of her twelfth year: mutui, prodigi and prodigi "quibus lege bonis interdicitur" had not the testamentum; and several classes of persons had not the testamentum, because they could not utter the words of nuncupatio; the surdus, because he could not hear the words of the nuncupatio; the furiosus, because he had not the intellect to declare his will (testari) about himself and the prodigus, because he was under a restraint, so that he had no commercium; consequently, could not exercise the form of familiae mancipatio.¹ (Vid. CURATOR, p. 302.)

Women had originally no testamentum, when they did acquire the power, they could exercise it with the auctoritas of a tutor or a daughter in the power of her father, but was unmarried or married, and a woman could never make a will. The rules of testamentum to a woman's capacity to make a will, were only to unmarried women after the death of her father, and to widows who were not in the power of a father. This subject requires explanation.

Cicero² observes, "if a woman has not the auctoritas of a tutor and has never undergone a capitis diminutio, not appear that the bonorum possessio could be effected in pursuance of such will according to the edict; for if it could, the edict must be in possession in respect of the wills of servorum and pueri." Cicero means to say that if a woman made a will without having sustained a capitis diminutio, the will could have no effect at all. Cicero derives his argument "ab adjunctis," for if a will could have any effect, then the wills of persons, who had not the testamentum, would be effectual so far as to give the bonorum possessio. It is not a logical inference from the language of Cicero that a woman who had sustained a capitis diminutio could make a will; but this is the ordinary meaning of such language, and it appears to be his. Consistently with this, Ulpian says,³ "after their twelfth year, can make a will with the auctoritas of a tutor, so long as they are in tutela;" and the comment of Boethius on the passage of the Topica clearly shows that he understood it in this way. A woman, then, could make a will with the auctoritas of her tutor, and not without. Now if a woman was in tutela legitima, it might be correctly said that she could not make a will; for if she was ingenua, the tutela belonged of right to the agnati and gentiles, and if she was a liberta, she belonged to the patron. In these cases a woman could indeed make a valid will with the consent of

1. (Ulp., Frag., tit. 20, s. 13.)—2. (Top., 4.)—3. (Frag., s. 20, s. 15.)

1. (Ulp., Frag., tit. 20, s. 13.)—2. (Top., 4.)—3. (Frag., s. 20, s. 15.)
 4. (Ulp., Frag., tit. 20, s. 13.)—5. (Ulp., Frag., tit. 20, s. 13.)—6. (Ulp., Frag., tit. 20, s. 13.)—7. (Ulp., Frag., tit. 20, s. 13.)—8. (Ulp., Frag., tit. 20, s. 13.)—9. (Ulp., Frag., tit. 20, s. 13.)—10. (Ulp., Frag., tit. 20, s. 13.)—11. (Ulp., Frag., tit. 20, s. 13.)—12. (Ulp., Frag., tit. 20, s. 13.)—13. (Ulp., Frag., tit. 20, s. 13.)—14. (Ulp., Frag., tit. 20, s. 13.)—15. (Ulp., Frag., tit. 20, s. 13.)

res, but, as her tutores were her heirs in intestacy, such consent would seldom be and though a woman under such circumstances might be allowed to make a will, it may be that it was a circumstance altogether und thus the rule as to a woman in tutela as above stated, might be laid down as true. The passage of Cicero, therefore, apply to the tutela legitima, but to some. Since the discovery of the Institutes the difficulty has been cleared up, though solved in a satisfactory manner by S before the publication of Gaius.¹

an could make a "coemptio fiducia causa" to qualify herself to make a will; for "at women had not the power of making a certain persons, unless they made a and were emancipated and manumitted; e recommendation of Hadrian, the senate ceremony of coemptio unnecessary for use."² The coemptio was accompanied capitis diminutio, and this is what Cicero in the passage of the Topica. (Vid. MAR- MAN.) A woman who came in manum sustained a capitis diminutio, but it must from this that if she became a widow make a will. The capitis diminutio means that the will must be made with the of a tutor. Now if the husband died wife had been in manu, and he appointed for her, she was in the legitima tutela of st agnati, who would be her own children children, if she had any. But the tutela in such a case would seem something un and, accordingly, the magistratus would to the woman; and such a tutor, as he erest in the woman's property, could not er from making a will. The husband his will, give the wife a power to choose a oris optio), and such a tutor could not re- sistent to the woman making a will; for, f the woman being in the potestas of the was in the potestas of the woman, so far bound to assent to her testamentary dis-

se of Silius⁴ may be a case of a woman's will without the auctoritas of a tutor, for s that a woman (Turpilia) had disposed of by will, and Scervius Sulpicius was of opin- this was not a valid will, because the will ad not the testamentario. There may, t, have been other reasons why the will ad not the testamentario than the want itis diminutio (in the sense of Cicero⁵), and, ently, the opinion of those critics who refer mentioned in this letter to the principle of tis diminutio is not a certain truth.

Following references may be consulted as to ter: Cic., *Pro Cæciliis*, 6, 25; *Pro Flac.*, 35; ren., 12; *ad Att.*, vii., 8.—*Liv.*, xxxix., 19, i., 150, &c.

æ could not make a testament without the as of their patronus, except so far as this s altered by enactments, for they were in ima tutela of their patronus. Libertæ who tain number of children could make a will the auctoritas of their patronus. (Vid. 78.)

vestal virgins had no tutor, and yet they ke a testament. The Twelve Tables re- hem from all tutela "in honorem sacer-

In order to constitute a valid will, it was necessary that a heres should be instituted, which might be done in such terms as follow: *Titius heres esto, Titium heredem esse jubeo.* (Vid. HERES, ROMAN, p. 497.)

All persons who had the commercium could be heredes; slaves also, and others who were not sui juris, could be made heredes. (Vid. HERES; SERVUS, ROMAN, p. 883.) But there were many classes of persons who could not be heredes: Peregrini, who had not received the commercium: persons who were imperfectly described: juristical persons or universitates, except by their liberti, a privilege granted by a senatus consultum; gods, or the temples of gods, except such as were excepted by a senatus consultum and imperial constitutions, such as Jupiter Tarpeius, Apollo Didymæus, Mars in Gallia, Minerva Iliensis, Hercules Gaditanus, and others enumerated by Ulpian:¹ a postumus alienus could not be made a heres, for he was an incerta persona: it is a disputed question whether, according to the old law, women could be made heredes; but the question concerns only those who were sui juris, as to whom there seems no sufficient reason why they could not be made heredes; the capacity of women to take under a will was limited by the VOCONIA LEX: unmarried persons, and persons who had no children, were limited as to their capacity to take under a will by the PAPIA POPPEA LEX. (Vid. JULIA LEX ET PAPIA POPPEA.)

The first question as to the validity of a will was the capacity of the testator; the next question was as to the proper observance of the forms required by law, "except in the case of soldiers, who, in consideration of their little acquaintance with such matters, were allowed to make their wills as they pleased or as they could."² This remark of Gaius seems to refer to the imperial period.

As to the form of wills, Gaius³ and Ulpian⁴ are now the best authorities.

Originally there were two modes of making wills for people made their wills either at calata comitia, which were appointed twice a year for the making of wills, or they made wills in procinctu, that is, when they were going to battle, for an army in movement and under arms is procinctus. A third mode of making wills was introduced, which was effected per æs et libram, whence the name of testamentum per æs et libram. If a man had neither made his will in calata comitia nor in procinctu, and was in imminent danger of death, he would mancipate (mancipio dabit) his familia, that is, his patrimony, to a friend, and would tell him what he wished to be given to each after his death. The old form of making a will per æs et libram was this: The familiæ emtor, that is, the person who received the familia by mancipation, filled the place of heres, and, accordingly, the testator instructed him what he wished to be given to each after his death. In the time of Gaius the practice was different. One person was instituted heres (heres testamento instituitur), who was charged with the payment of the legacies, or, as it is expressed in the phraseology of the Roman law, "a quo etiam legata relinquuntur;" and another person was present as familiæ emtor, from a regard to the old legal form. The mode of proceeding was this: The testator, after having written his will (tabulæ testamenti), called together five witnesses, who were Roman citizens and puberes, and a libripens, as in the case of other mancipationes, and mancipated his familia to some person in compliance with legal forms (dicis causa). The words of the familiæ emtor show clearly the original nature of the transaction: "Familiam pe-

rag zur Gesch. der Geschlecht., Zeitschrift, vol. iii., p. (Gaius, 115, a.)—3. (Comp. Liv., xxxix., 19, and Cic., i., c. 17.—Gaius, i., 150.)—4. (Cic. ad Div., vii., 21.) , 4.)—6. (Cic., De Rep., iii., 10.—Gaius, i., 145.)

1. (Frag., tit. 22, s. 6.)—2. (Gaius, ii., 114.)—3. (ii., 101.)—4. (Frag., tit. xx.)

unquamque tuam endo mandatam tutelam custodelamque meam recipio eaque quo tu jure testamentum facere possis secundum legem publicam hoc ære (æneaque libra) esto mihi emta." The emtor then struck the scales with a piece of money, which he gave to the testator as the price of the familia. Then the testator, taking the will in his hand, said: "*Hæc ita ut in his tabulis cerisque (or cerise) scripta sunt ita do ita lego ita testor itaque vos Quirites testimonium mihi perhibetote.*" This was called the nuncupatio or publishing of the will; in other words, the testator's general confirmation of all that he had written in his will.

As the familie emtio was supposed to be a real transaction between the emtor and the testator, the testimony of their several families was excluded, and, consequently, a person who was in the power of the familie emtor, or in the power of the testator, could not be a witness. If a man who was in the power of another was the familie emtor, it followed that his father could not be a witness, nor his brother, if the brother was in the power of the father. A filiusfamilias who, after his missio, disposed of his castrense peculium by testament, could not have his father as witness, nor any one who was in the power of his father. The same rules applied to the libripens, for he was a witness. A person who was in the power of the heres or of a legatee, or in whose power the heres or legatee was, or who was in the power of the same person as the heres or a legatee, and also the heres or a legatee, could all be witnesses; for, as Ulpian observes, there is no objection to any number of witnesses from the same family. But Gaius observes that this ought not to be considered as law with respect to the heres, and him who is in the power of the heres, and him in whose power the heres is.

According to Gaius, wills were originally made only at calata comitia and in procinctu. The comitia were held twice a year for the purpose of making wills, and a will not made there was invalid. It is sometimes assumed that these comitia were held in order that the gentes might consent to the testamentary disposition, in which it is implied that they might refuse their consent. But there is no direct evidence for this opinion, and it derives no support from a consideration of the mode of disposing of property per æs et libram. The form per æs et libram was a form introduced in cases when the will had not been made at the calata comitia nor in procinctu. It had effect because it was an alienation of property inter vivos without the consent of any parties except the buyer and seller, which alienation must be assumed to have been a legal transaction at the time when this new form of will was introduced. This new form was a sale, and the familie emtor undertook a trust: he resembled the heres fiduciarius of later times. It is probable enough that there were originally no means of compelling him to execute the trust, but opinion would be a sufficient guarantee that the testator's will would be observed, and thus would arise one of those parts of law which had its source in Mos. Now when the Romans introduced new legal forms, they always assimilated them to old forms, whence we have a probable conclusion that the form of mancipatio was also observed at the calata comitia; and if so, the consent of the gentes was not necessary, unless it was necessary to every alienation of property, which in the absence of evidence must not be assumed, though such may have been the fact. The difference, then, between the will made at the calata comitia and the will per æs et libram, consisted in the greater solemnity and notoriety of the former, and the consequent greater security that the testator's intentions would

be observed. Written wills are not spoken of with reference to this time, nor is it probable that wills were written: it does not appear that a written will was ever required by law. The testator's disposition of his property would be short and simple at those early times, and easily remembered; but there would be greater security for an unwritten will made at the comitia than for an unwritten will made per æs et libram; whence, in course of time, tabulæ became a usual part of the ceremony of a will.

As we are ignorant of the true nature of private property among the Romans, viewed with respect to its historical origin, we cannot determine with certainty such questions as these respecting testamentary disposition, but it is of some importance to exclude conjectures which are devoid of all evidence. Rein¹ has referred to the modern writers who have discussed this subject: he has adopted the opinion of Niebuhr, according to which, "the property of an extinct house escheated to the curia, that of an extinct curia to the publicum of the citizens at large, the consent of the whole populus was requisite; and this is the origin of the rule that testaments were to be made in the presence of the pontiff and the curies."² But there is no evidence of the assertion contained in the first part of this passage; and if this rule as to escheat is admitted to be a fact, the rule that testaments must be confirmed by the pontiff and curies is no necessary conclusion. Niebuhr further observes that "the plebeian houses were not so connected, but the whole order had a public coffer in the Temple of Ceres; and when the army, being assembled in centuries, either on the field of Mars or before a battle, passed the last will of a soldier into a law, it thereby resigned the claims of the whole body to the property." This assertion, also, is not supported by evidence, and is therefore a mere conjecture against the probability of which there are sufficient reasons.

The testamentum in procinctu is, for aytimes we know to the contrary, as old as the testamentum at the calata comitia. In this case the forms of the calata comitia were of necessity dispensed with, or the soldier would often have died intestate. This power of disposition in the case of a testamentum in procinctu could not depend on the consent of the whole populus in each particular instance, for the nature of the circumstances excluded such consent. He had, therefore, full power of disposition in procinctu, a circumstance which leads to the probable conclusion that the will made at the calata comitia differed only from the other will in its forms and not in its substance. Some writers assert that the testamentum in procinctu could only be made after the auspices were taken, which gave the testament the religious sanction, and that, when the auspices ceased to be taken in the field, this kind of testament ceased to be valid; and that the military testaments mentioned in the latter part of the Republic (as by Cæsar) were not the same kind of testaments, but purely military testaments made without any form, which in the imperial period became in common use, and which J. Cæsar probably introduced the practice. Cicero, however, speaks of the will in procinctu as then in use, and he describes it as made "*non sine et tabulis,*" that is, without the forms which were used after the introduction of the testamentum per æs et libram. Thus the testamentum in procinctu always retained its characteristic of being exempted from legal forms, but as to the capacity of the testator

1. (Das Röm. Privatrecht, p. 373, note 2.) 2. (Hist. d. Rom. p. 335.) — 3. (Bell. Gall., t. 39 — Vall. Firm., p. 44.) 4. (Dig. 28, tit. 1. De Testamentis M. 24, c. 26.)

er, it was always subject to the same rules of law as other wills, so far as we know.

The form of mancipatio owed its origin to positive enactments (*vid. USUCAPION*): it was a form of alienation accompanied with certain public ceremonies, the presumed object of which was to secure evidence of the transfer. The form of mancipatio as applied in a will was exactly the same form as mancipatio applied to any other purpose: it was an alienation of the property, and, according to strict principles, it must have been irrevocable. It is sometimes assumed that the five witnesses to the testament (*civis Romani puberes*) were representatives of the five classes of Servius Tullus. If this is true (which is mere assumption), the classes were represented as witnesses only, not as persons who gave their consent to the act. Engelbach states: "Mancipatio as originally a formal sale, in which the publicness of the transaction constituted the essential characteristic. When the seller had transferred to the buyer the ownership of a thing before the five representatives of the five classes of the Roman people, this was as valid as any other *lex* which was sought before the assembly of the people and passed into a *lex*." The whole meaning of this is not clear, but so far as this is clear and true: the testamentum per æs et libram differed in no respects from the capacity of the alienor from any other mancipation. Now we must either suppose that the assumed consent of the populus to the testamentary disposition at the calata comitia was expressed by a special enactment, which should transfer the property according to the testator's wish, or that the consent only must have been given to the transfer, and the transfer must have been made in the usual way: the latter is the only conceivable case of the two. In assuming this original necessity of consent on the part of the populus to the testamentary disposition, we assume that Roman property was originally inalienable at the will of the owner. This may be true, but it is not yet shown to be so.

The Twelve Tables recognise a man's power to dispose of his property by will as he pleased: "*Uti gassit super pecunia tutelave suæ rei ita jus esto*."¹ It is generally admitted, and the extant passages are consistent with the opinion, that the new testamentary form per æs et libram existed while the two original forms were still in use. Now in the testamentum per æs et libram there is no pretence for saying that any consent was required except that of the buyer and seller; and the Twelve Tables recognise the testator's power of disposition. If, then, the form of testament at the comitia calata subsisted after the Twelve Tables, we have, according to the views of some writers, a form of testamentum in which the consent of the testator was sufficient, and another form in which it was not. There still remains to those who support this opinion the power of saying that the consent of the sovereign people became a form, and therefore it was indifferent, so far as concerns this consent, whether the will was made at the comitia, where it would be fully witnessed, or per æs et libram, where it would be witnessed by the five representatives. But it is easy to suggest possibilities; less easy to weigh evidence accurately, and to deduce its legitimate consequences.

As already observed, there seems to have been a rule of law that a testament must be written. The mancipatio required no writing, nor did the institution of a heres, and the number of witnesses were probably required in order to secure evidence of the testator's intentions. Thus it is said² that

the heres might either be made by oral declaration (*nuncupatio*) or by writing. Written wills, however, were the common form among the Romans, at least in the later republican and in the imperial periods. They were written on tablets of wood or wax, whence the word "*cera*" is often used as equivalent to "*tabella*;" and the expressions *prima*, *secunda cera*, are equivalent to *prima*, *secunda pagina*. The will might be written either by the testator or any other person with his consent, and sometimes it was made with the advice of a lawyer. It was written in the Latin language until A. D. 439, when it was enacted that wills might be in Greek.¹ By the old law, a legacy could not be given in the Greek language, though a *fideicommissum* could be so given. It does not appear that there was originally any signature by the witnesses. The will was sealed, but this might be done by the testator in secret, for it was not necessary that the witnesses should know the contents of the will; they were witnesses to the formal act of mancipatio, and to the testator's declaration that the *tabule* which he held in his hand contained his last will. It must, however, have been in some way so marked as to be recognised, and the practice of the witnesses (*testes*) sealing and signing the will became common. It was necessary for the witnesses both to seal (*signare*), that is, to make a mark with a ring (*annulus*) or something else on the wax, and to add their names (*adscribere*). The five witnesses signed their names with their own hand, and their subscription also declared whose will it was that they sealed.² The seals and subscriptions appear to have been on the outside. A *senatus consultum*, which applied to wills among other instruments, enacted that they should be witnessed and signed as follows: They were to be tied with a triple thread (*linum*) on the upper part of the margin, which was to be perforated at the middle part, and the wax was to be put over the thread and sealed. *Tabule* which were produced in any other way had no validity. (Compare Paulus,³ where *impositæ* seems to be the true reading, with Suetonius.⁴) A man might make several copies of his will, which was sometimes done for the sake of caution.⁵ When sealed, it was deposited with some friend, or in a temple, or with the vestal virgins; and after the testator's death it was opened (*resignare*) in due form. The witnesses or the major part were present, and after they had acknowledged their signatures, the thread (*linum*) was broken, and the will was opened and read, and a copy was made; the original was then sealed with the public seal, and placed in the archium, whence a fresh copy could be got if the first copy should ever be lost.⁶ This practice, described by Papius, may have been of considerable antiquity. The will of Augustus, which had been deposited with the vestal virgins, was brought into the senate after his death: none of the witnesses were admitted except those of senatorian rank; the rest of the witnesses acknowledged their signatures outside of the *curia*.⁷

A curious passage in a Novel of Theodosius II. (A. D. 439, *De Testamentis*) states the old practice as to the signature of the witnesses. "In ancient times a testator showed (*offerebat*) his written testament to the witnesses, and asked them to bear testimony that the will had so been shown to them (*oblatarum tabularum perhibere testimonium*)," which are almost the words of Gaius. The Novel goes on to state that the ignorant presumption of posterity had changed the cautious rule of the ancient law, and the witnesses were required to know the con-

1. (Ueber die Usucapion zur Zeit der Zwölf Tafeln, p. 80.)—2. (Ulp., Frag., tit. xi., 14.)—3. (Dig. 28, tit. 1, s. 21.)

1. (Cod., vi., tit. 23, s. 21.)—2. (Dig. 28, tit. 1, s. 30.)—3. (S. R., tit. 25, s. 6.)—4. (Ner., 17.)—5. (Suet. Tib., 76.)—6. (Paulus, iv., 6.)—7. (Suet., Tib., 23.)

tests of the will; the consequence of which was, that many persons preferred dying intestate to letting the contents of their wills be known. The Novel enacted what we may presume to have been the old usage, that the testator might produce his will sealed, or tied up, or only closed, and offer it to seven witnesses, Roman citizens and puberes, for their sealing and subscription, provided at the same time he declared the instrument to be his will, and signed it in their presence, and then the witnesses affixed their seals and signatures at the same time also.

A fragment of a Roman will, belonging to the time of Trajan, was published by Puggé in the *Rheinisches Museum*.¹

The penalties against fraud in the case of wills and other instruments were fixed by the *lex Cornelia*. (*Vid. FALSUM*.)

The Edict established a less formal kind of will, since it acknowledged the validity of a will when there had been no *mancipatio*, provided there were seven witnesses and seven seals, and the testator had the *testamentifacio* at the time of making the will and at the time of his death.² The terms of the edict are given by Cicero.³ The Edict only gave the *bonorum possessio*, which is the sense of *hereditas* in the passage of Cicero referred to, as well as in Gaius.⁴ This so-called praetorian testament existed in the republican period, and for a long time after. Thus a man had his choice between two forms of making his will; the civil form by *mancipatio*, and the praetorian with seven seals and seven witnesses, and without *mancipatio*.⁵

The praetorian testament prepared the way for the abolition of *mancipatio*, the essential character of a will made according to the *ius civile*, and in the legislation of Justinian the form of making a testament was simplified. It required seven male witnesses of competent age and legal capacity, and the act must be done in the presence of all, at the same place, and at the same time, that is, it must be continuous. The testator might declare his last will orally (*sine scriptis*) before seven witnesses, and this was a good will. If it was a written will, the testator acknowledged it before the witnesses as his last will, and put his name to it, and the witnesses then subscribed their names and affixed their seals. The testator might write his will or have it written by another person, but such other person could derive no advantage under the will. (*Vid. SENATUS CONSULTUM LIBONIANUM*.)

The cases in which a will was not valid, because the *heredes sui* were not expressly exheredated, are stated in *HERES (ROMAN)*.

A testament which was invalid from the first was *injustum*, and never could become valid: it was *non jure factum* when the proper forms had not been observed; it was *nullius momenti*, as in the case of a *filiusfamilias* who is "praeteritus." A testamentum *justum* might become either *ruptum* or *irritum* in consequence of subsequent events.⁶

A testament became *ruptum* if the testator made a subsequent testament in due form as required by law: and it made no matter whether or not there turned out to be a *heres* under the second will; the only question was whether there could have been one. If, then, the *heres* named in the second will refused the *hereditas*, or died either in the lifetime of the testator, or after his death, and before the *cretio*, or failed to comply with the conditions of the will, or lost the *hereditas* under the *lex Julia et Papia Poppaea*—in all these cases the *paterfamilias* died intestate.

A valid will became *irritum* if the testator retained a *capitis diminutio* after the date of the will or if it failed of effect because there was no *heres*. Thus a prior will which was invalidated by a subsequent will was *ruptum*; and if there was no *heres* under the subsequent will, such will was *irritum*.

If a man who had made a will was taken prisoner by the enemy, his will was good *jure postliminio* if he returned home; if he died in captivity, it was made as valid by the *lex Cornelia* as if he had not been a captive.

Though a will might be *ruptum* or *irritum* by the *ius civile*, it was not always without effect: for the *bonorum possessio secundum tabulas* might be had by the *scriptus heres*, if the will was witnessed by seven witnesses, and if the testator had the *testamentifacio*. The distinction between the case of a will which was invalid *jure civili* for want of the forms, and one which was invalid for want of legal capacity to dispose of property by will, was well recognised in the time of Cicero.¹ A will also became *ruptum* by *adgnatio*, that is, if a *suus heres* was born after the making of the will, who was not either instituted *heres*, or exheredated as the law required. A quasi *adgnatio* also arose by adoption or by the *in manum conventio*, or by succession in the place of a *suus heres*, as in the instance of a grandson becoming a *suus heres* in consequence of the death or the emancipation of a son: a will also became *ruptum* by the manumission of a son, that is, where the son, after a first and second manumission, returned into the power of his father. (*Vid. EMANCIPATIO*.)

A testament was called *inofficiosum* which was made in legal form, "*sed non ex officio pietatis*." For instance, if a man had exheredated his own children, or passed over his parents, or brothers or sisters, the will was in form a good will, but if there was no sufficient reason for this exheredation or praeterition, the persons aggrieved might have an *inofficiosi querela*. The ground of the complaint was the allegation that the testator was "*non sanae mentis*," so as to have capacity to make a will. It was not alleged that he was furious or demented for these were technical words which implied complete legal incapacity. The distinction was a fine one, and worthy of the subtlety of the *jurista*, to whom it may be presumed to owe its origin. In the legislation of Justinian, no person could maintain a *querela inofficiosi* beyond the degree of brothers and sisters; and brothers and sisters could only maintain their claim against "*scripti heredes*" who were "*turpes personae*." The complaint could only be maintained in cases where the complaining parties had no other right or means of redress. If any portion, however small, was left by the will to the complaining party, he could not maintain a *querela inofficiosi*, and he was only entitled to so much as would make up his proper share. If the *judex* declared the testamentum to be *inofficiosum*, it was rescinded; but if there were several *heredes*, the testament would only be rescinded as to him or them against whose institution the *judex* had pronounced. The portion of an *hereditas* which might be claimed by the *querela inofficiosi* was one fourth, which was divided among the claimants *pro rata*.²

The *querela inofficiosi* is explained by Savigny with his usual perspicuity.³ When a testator passed over in his will any of his nearest *heredes* who in the case of intestacy would be his *heredes*, this gave rise to the opinion that the person thus passed over had merited this mark of the testator's disapprobation. If this opinion was unfounded, the

1. (U. 249, &c.)—2. (Gaius, ii., 147.)—3. (in Verr., c. 1., 45.)—4. (ii., 119.)—5. (Savigny, *Beitrag zur Gesch. der Röm. Test.*, Zeitschrift, i., 78.)—6. (Dig. 28, tit. 2, s. 1.)

1. (Top., ii.)—2. (Plin., Ep., v., 1.—Inst., ii., tit. 2.)—3. (Savigny, *loc. cit.*)

had done an unmerited injury to the person, remedy was by getting the will set aside, under the influence of passion. If the will was set aside, the testator was thereby declared to be intestate, and the complainant obtained the hereditas which was the immediate object of the action, or his share of it. But the ultimate object of the querela was the public re-establishment of the injured honour of the complainant, this action appeared in a hostile position respect to the testator who had brought his action in question. Consequently, this action was the ultimate object vindicta, and the peculiar object of the action consisted in the difference between the ultimate object of the action and the object of it (property), which was merely the immediate object. (*Vid. VINDICTA.*) There is no evidence to show when the querela was introduced as a mode of setting aside a will. The phrase *testamentum inofficiosum occidero* and in Quintilian.¹

There were an informal will: they may be deemed a testamentary disposition of such a kind which does not allow the direct appointment of an heir, even though the codicill confirmed by a testament; but he who was named heir by a testament might be requested to give the hereditas to another altogether in part, even though the codicilli were not confirmed by a testament. A legacy could not be confirmed by codicilli unless the codicilli were confirmed by a will; and this must be the case to which Pliny refers.² Acilianus had made Pliny his heir *ex parte*,³ but he had also made codicilli in handwriting, which, as Pliny alleges, were confirmed by the will. Now, as already observed, it appears from Gaius⁴ that a person who was named heir by a will might be required to give the whole hereditas or a part to another, even though the codicilli were not confirmed by a will. But Pliny is speaking of codicilli which were void for want of a testamentary confirmation; and this, as we learn from Gaius, is the case of a legacy given by codicilli which have not been confirmed by a will. This confirmation might be prospective or retrospective (*si in testamento testator, ut quidquid in codicillis scriptum sit; quos novissimos fecero*).⁵ This confirmation of Pliny, as to the confirmation of codicilli by a testament, has sometimes been misunderstood.

It is stated,⁶ "Conficiuntur codicilli quatuor modis: aut enim in futurum confirmantur aut in presentem per fideicommissum testamento facto aut in presentem." These four modes are referred to in the text: the first two are contained in the text quoted, "*si in testamento*," &c.: the third is the case of the heres institutus being required to give the hereditas to another person by a codicill confirmed; and the fourth is the case of a fideicommissum given by codicilli of a person named heir by no other testamentary disposition. It is the law that codicilli, when duly made, are considered (except in a few cases) as confirmed in the will at the time when the will was made, a principle which led to various legal consequences, which the Roman jurists deduced with great precision.⁷

Originally there was probably no particular form for codicilli; but there must have been some form of containing the testator's intentions, subsequently witnesses were required, and these were sufficient for codicilli made in

writing, if the witnesses subscribed their names to the codicilli.¹ But a man could, without writing and in the presence of five witnesses, impose a fideicommissum on his heres. A testament which was defective as such, might be effectual as codicilli. The power to make codicilli was the same as the power to make a testament.²

The subject of Roman testaments can only be satisfactorily expounded in a large treatise, and it would require to be treated historically. The preceding sketch may be useful, and generally true, and it affects to be nothing more.

TESTIS. (*Vid. OATH, ROMAN, p. 670.*)

TESTUDO (*χελώνη*), a Tortoise, was the name given to several other objects.

1. To the Lyra, because it was sometimes made of a tortoise-shell. (*Vid. LYRA.*)

2. To an arched or vaulted roof. (*Vid. TEMPLEUM, p. 959.*) Thus, in a Roman house, when the *cavum ædium* was roofed all over, and had no opening or compluvium in the centre, the *cavum ædium* was called *testudo*.³ (*Vid. HOUSE, ROMAN, p. 516, 517.*)

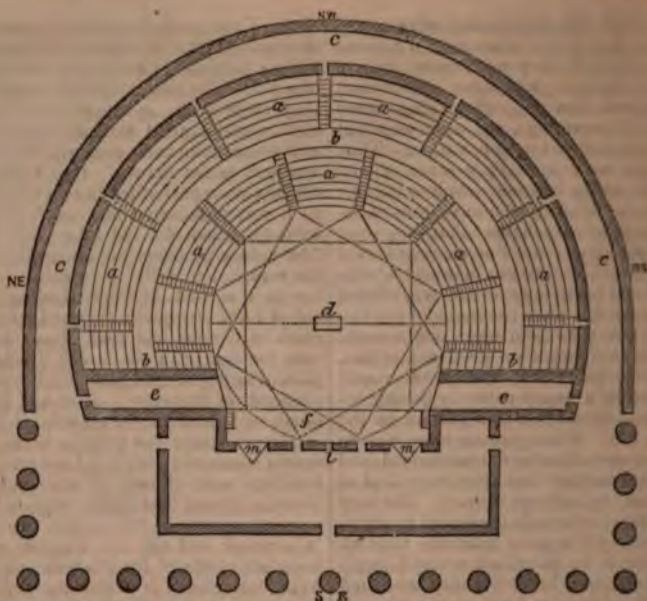
3. To a military machine moving upon wheels and roofed over, used in besieging cities, under which the soldiers worked in undermining the walls, or otherwise destroying them.⁴ It was usually covered with raw hides or other materials which could not easily be set on fire. The battering-ram (*vid. ARIES*) was frequently placed under a *testudo* of this kind, which was then called *Testudo arietaria*.⁵ Vitruvius also mentions and explains the construction of several other military machines to which the name of *testudines* was given.⁷

4. The name of *testudo* was also applied to the covering made by a close body of soldiers, who placed their shields over their heads to secure themselves against the darts of the enemy. The shields fitted so closely together as to present one unbroken surface, without any interstices between them, and were also so firm that men could walk upon them, and even horses and chariots be driven over them.⁸ A *testudo* was formed (*testudinem facere*) either in battle, to ward off the arrows and other missiles of the enemy, or, which was more frequently the case, to form a protection to the soldiers when they advanced to the walls or gates of a town for the purpose of attacking them.⁹ (See



1. (Cod., vi., tit. 36.)—2. (Dig. 29, tit. 7: De Jure Codicillorum.)—3. (Virg., Æn., i., 505.—Cic., Brut., 22.)—4. (Varr., l. L., v., 161, ed. Müller.)—5. (Cæs., B. G., v., 42, 43.—B. C., ii., 2.)—6. (Vitruv., x., 19, p. 322, Bip.)—7. (x., 20, 21.—Compare Polyb., ix., 41.)—8. (Dion Cass., xlix., 30.)—9. (Dion Cass., l. c.—Liv., x., 43.—Cæs., B. G., ii., 6.—Sall., Jug., 94.)

Dr., ix., 2.)—2. (Ep., ii., 16.)—3. (ii., 273.)—4. (Dig. 29, tit. 7, s. 8.)—5. (Id. ib.)—7. (Dig. 29, tit. 7, s. 8.)



for the spectators, which were in most cases cut out of the rock, consisted of rows of benches rising one above another; the rows themselves (*a*) formed parts (nearly three fourths) of concentric circles, and were at intervals divided into compartments by one or more broad passages (*b*) running between them, and parallel with the benches. These passages were called *διαζώματα* or *κατατομαί*, Latin *præinunctiones*,¹ and when the concourse of people was very great in a theatre, many persons might stand in them. One side of such a passage formed towards the upper rows of benches a wall, in which, in some theatres, though perhaps not at Athens, niches were excavated, which contained metal vessels (*ήχηια*) to increase the sounds coming from the stage and orchestra.² Across the rows of benches ran stairs, by which persons might ascend from the lowest to the highest. But these stairs ran in straight lines only from one præinectio to another, and the stairs in the next series of rows were just between the two stairs of the lower series of benches. By this course of the stairs the seats were divided into a number of compartments resembling cones from which the tops are cut off; hence they were termed *κερκίδες*, and in Latin *cunei*. The whole of the place for the spectators (*θέατρον*) was sometimes designated by the name *κοίλον*, Latin *cavea*, it being in most cases a real excavation of the rock. Above the highest row of benches there rose a covered portico (*c*), which of course far exceeded in height the opposite buildings by which the stage was surrounded, and appears to have also contributed to increase the acoustic effect.³ The entrances to the seats of the spectators were partly underground, and led to the lowest rows of benches, while the upper rows must have been accessible from above.⁴

2. The orchestra (*ὄρχήστρα*) was a circular level space extending in front of the spectators, and somewhat below the lowest row of benches. But it was not a complete circle, one segment of it being appropriated to the stage. The orchestra was the place for the chorus, where it performed its ev-

olutions and dances, for which purpose it was covered with boards. As the chorus was the element out of which the drama rose, so the orchestra was originally the most important part of a theatre: it formed the centre round which all the other parts of the building were grouped. In the centre of the circle of the orchestra was the *θυμέλη*, that is, the altar of Dionysus (*d*), which was, of course, nearer to the stage than to the seats of the spectators, the distance from which was precisely the length of a radius of the circle. In a wider sense, the orchestra comprised the broad passages (*παράδοι*, *e*) on each side between the projecting wings of the stage and the seats of the spectators, through which the chorus entered the orchestra. The chorus generally arranged itself in the space between the thymele and the stage. The thymele itself was of a square form, and was used for various purposes, according to the nature of the different plays, such as a funeral monument, an altar, &c. It was made of beams and surrounded on all sides with steps. It thus stood upon a raised platform, which was sometimes occupied by the leader of the chorus, the flute-player, and the rhabdophori.¹ The flute-player, as well as the prompter (*ὑποβολετής*, *monitor*), were generally placed behind the thymele, so as to face the stage, and not to be seen by the spectators.² The orchestra, as well as the *θέατρον*, lay under the open sky; a roof is nowhere mentioned.

3. The stage. Steps led from each side of the orchestra to the stage, and by them the chorus probably ascended the stage whenever it took a part in the action itself. The back side of the stage was closed by a wall called the *σκήνη* or *scenæ frons*, from which on each side a wing projected, which was called the *παρασκήνιον*. The whole depth of the stage was not very great, as it only comprised a segment of the circle of the orchestra. The whole space from the *scenæ* to the orchestra was termed the *προσκήνιον*, and was what we should call the real stage. That part of it which was nearest to the orchestra, and where the actors stood when they spoke, was the *λεγίον*, also called *ὀκρίβας* or *ὀκρίβαντες*, in Latin *pulpitum*, which was

1. (Vitruv., v., 3 and 7. — Bekker, Anecd., p. 270. — Pollux, Onom., iv., 123. — Harpocrat. and Suidas, s. v. *Κατατομαί*.) — 2. (Vitruv., i., 1, § 9; v., 4. — Stieglitz, Archkol. der Baukunst, &c., ii., 1, p. 150.) — 3. (Apuleius, Met., iii., p. 49, Bip.) — 4. (Pollux, Onom., iv., 123. — Athen., xiv., 622.)

1. (Müller, Dissert. on the Eumen. of Æschylus, p. 166, transl.) — 2. (Plut., Reipubl. Gerend. Præf., § 103, L. — Müller, xiv., p. 631.)

urse, raised above the orchestra, and probably level with the thymele. What the *ὑποσκήνιον* is not clear; some think that it was a place to the actors withdrew when they had acted parts, others think that it was the same as the *σκήνη*;¹ but, as it is stated that the *ὑποσκήνιον* adorned with statues, it seems more probable that it was the wall under the *λογεῖον* which faced the orchestra and the spectators. The *σκήνη* or was, as we have already stated, the wall which closed the stage (*proscenium* and *logeum*) behind. It represented a suitable background, the locality in which the action was going on, the play began it was covered with a curtain (*παραπέτασμα, προσκήνιον, ἀλῆται*, Latin *azurarium*).² When the play began this curtain set down, and was rolled up on a roller under the stage. The *proscenium* and *logeum* were concealed from the spectators. As regards scenery represented on the *σκήνη*, it was different in tragedy, comedy, and the satyric drama, and each of these kinds of poetry the scenery must have been capable of various modifications, according to the character of each individual play; at least that this was the case with the various tragedies is evident from the scenes described in the plays still extant. In the latter, however, the *σκήνη*, in most cases, represented the front of a palace with a door in the centre (*ἵ*), which was called the *royal door*. This palace generally consisted of two stories (*διστεγία*), and upon its top there appears to have been some elevated platform from which persons might observe what was going on at a distance.⁴ The palace presented on each side a projecting wing, each of which had its own entrance. These wings generally represented the habitations of guests and visitors. All three doors must have been visible to the spectators. The protagonistes always entered the stage through the middle or royal door, the deuteragonistes and tritagonistes through those on the right and left wings. In tragedies like the *Prometheus*, the *Persians*, *Philoctetes*, *Ædipus at Colonus*, and others, the background did not represent a palace. There are other pieces, again, in which the background must have been changed in the course of the performance, as in the *Eumenides* of *Æschylus* and the *Ajax* of *Sophocles*. The dramas of *Euripides* presented a great variety of scenery; and if, in addition to this, we recollect that several pieces were acted in one day, it is manifest that the mechanism of stage performance, at least in the days of *Euripides*, must have been brought to great perfection. The scena in the satyric drama appears to have always represented a woody district, with rocks and grottoes; in comedy the scena represented, in later times, the fronts of private dwellings and habitations of slaves.⁶ The art of scene-painting must have been applied long before the time of *Sophocles*, although *Aristotle*⁷ ascribes its invention to him. (*Vid. PAINTING, p. 707.*) The machines in the Greek theatres were exceedingly numerous, but we are in many cases unable to form an exact idea of their nature and their uses. We shall only mention the most important of them. 1. The *περίακτοι* (*m*) stood near the side entrances of the scena; their form was that of a prism, and by a single turn they produced a change in the scenery.⁸ 2. The *Χαρόνιοι κλίμακες* or the *Charonian steps*, by which the shades descended from the lower world upon the stage.⁹ 3.

The *μηχανή, κράδη, or ἐώρημα*, a machine by which gods or heroes were represented passing through or floating in the air; hence the proverb, *Deus ex machina*.¹ 4. The *ἐξώστρα or ἐκκύκλημα*. (*Vid. ΕΞΩΣΤΡΑ.*) 5. The *θεολογεῖον*, an especial elevated place above the scena for the Olympian gods when they had to appear in their full majesty.² 6. The *βρονταεῖον*, a machine for imitating thunder. It appears to have been placed underneath the stage, and to have consisted of large brazen vessels in which stones were rolled.³ Respecting several other machines of less importance, see *Pollux, iv., περὶ μέρων θεάτρον*.

It is impossible to enter here upon the differences which are presented by many ruins of theatres still extant, from the description we have given above. It is only necessary to mention, that in the theatres of the great cities of the Macedonian time, the space between the thymele and the *logeum* was converted into a lower stage, upon which mimes, musicians, and dancers played, while the ancient stage (*proscenium* and *logeum*) remained destined, as before, for the actors in the regular drama. This lower stage was sometimes called *thymele* or *orchestra*.⁴

The Romans must have become acquainted with the theatres of the Italian Greeks at an early period, whence they erected their own theatres in similar positions upon the sides of hills. This is still clear from the ruins of very ancient theatres at *Tusculum* and *Fæsulæ*.⁵ The Romans themselves, however, did not possess a regular stone theatre until a very late period, and, although dramatic representations were very popular in earlier times, it appears that a wooden stage was erected when necessary, and was afterward pulled down again, and the plays of *Plautus* and *Terence* were performed on such temporary scaffolds. In the mean while many of the neighbouring towns of *Rome* had their stone theatres, as the introduction of Greek customs and manners was less strongly opposed in them than in the city of *Rome* itself. Wooden theatres, adorned with the most profuse magnificence, were erected at *Rome* even during the last period of the Republic. The first attempt to build a stone theatre was made a short time before the consulship of *P. Cornelius Scipio Nasica*. It was sanctioned by the censors, and was advancing towards completion, when *Scipio*, in 155 B.C., persuaded the senate to command the building to be pulled down, as injurious to public morality.⁶ Respecting the magnificent wooden theatre which *M. Æmilius Scaurus* built in his ædileship, 58 B.C., see *Pliny*.⁷ Its scena consisted of three stories, and the lowest of them was made of white marble, the middle one of glass, and the upper one of gilt wood. The *cavea* contained 80,000 spectators.⁸ In 55 B.C., *Cn. Pompey* built the first stone theatre at *Rome*, near the *Campus Martius*. It was of great beauty, and is said to have been built after the model of that of *Mytilene*: it contained 40,000 spectators.⁹ *C. Curio* built, in 50 B.C., two magnificent wooden theatres close by one another, which might be changed into one amphitheatre.¹⁰ After the time of *Pompey*, however, other stone theatres were erected, as the theatre of *Marcellus*, which was built by *Augustus*, and called after his nephew *Marcellus*;¹¹ and that of *Balbus*,¹² whence *Suetonius*¹³ uses the expression *per trina theatra*.

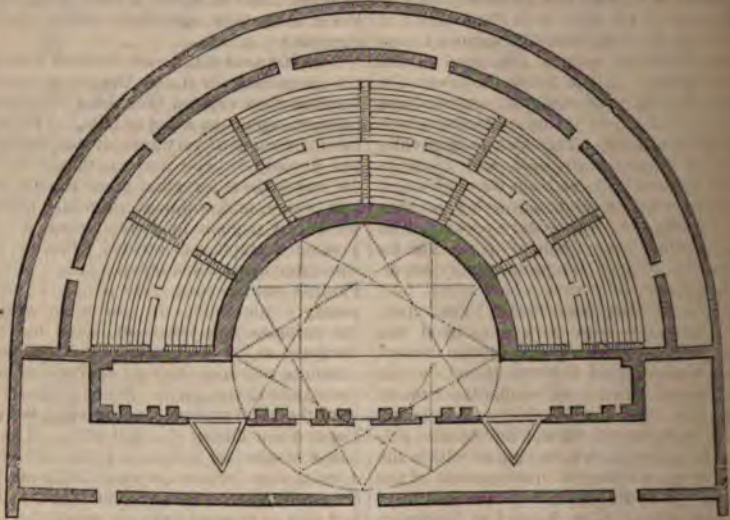
1. (*Pollux, iv., 126, 128, 131.* — *Suidas, s. v. Ἐώρημα.* — *Herodotus, s. v. Κράδη.*) — 2. (*Pollux, Onom., iv., 130.* — *Phot., Lex., p. 597.*) — 3. (*Pollux, Onom., iv., 130.* — *Suidas, s. v. Βρονταεῖον.* — *Vitruv., v., 7.*) — 4. (*Müller, Hist. of Greek Lit., i., p. 299.*) — 5. (*Niebuhr, Hist. of Rome, iii., p. 364, &c.*) — 6. (*Liv., Epit., 48.*) — 7. (*H. N., xxxvi., 24, § 7.*) — 8. (*Comp. Plin., H. N., xxxiv., 17.*) — 9. (*Plin., H. N., xxxvi., 24, § 7.* — *Compare Drumann, Gesch. Rom's, iv., p. 520, &c.*) — 10. (*Plin., H. N., xxxvi., 24, § 8.*) — 11. (*Dion Cass., lliii., 49.* — *Plin., H. N., xxxvi., 12.*) — 12. (*Plin., l. c.*) — 13. (*Octav., 44.*)

(*Suidas, s. v. Σκηνή.*) — 2. (*Etymol. Mag., s. v. Ἀλῆται.* — *Id., xiii., p. 587.* — *Pollux, Onom., iv., 122.*) — 3. (*Id. ib., iv., 124.*) — 4. (*Eurip., Phœniss., 88, &c.*) — 5. (*Vitruv., v., 7.*) — 6. (*Id. ib., v., 8, § 1.* — *Pollux, Onom., iv., 125.*) — 7. (*Poet., iv., 16.*) — 8. (*Vitruv., v., 7.* — *Pollux, Onom., iv., 126.*) — 9. (*Id., iv., 132.*)

The construction of a Roman theatre resembled, on the whole, that of a Greek one. The principal differences are, that the seats of the spectators, which rose in the form of an amphitheatre around the orchestra, did not form more than a semicircle; and that the whole of the orchestra likewise formed only a semicircle, the diameter of which formed the front line of the stage. The Roman orchestra contained no thymele, and was not destined for a chorus, but contained the seats for senators and other distinguished persons, such as foreign ambassadors, which are called "*primus subselliorum ordo*." In the year 68 B.C., the tribune L. Roscius Qtho carried a law which regulated the places in the theatre to be occupied by the different classes of Roman citizens: it enacted that fourteen ordines of benches were to be assigned as seats to the equites.¹ Hence these quatuordecim ordines are sometimes mentioned, without any farther addition, as the honorary seats of the equites. They were undoubtedly close behind the seats of the senators and magistrates, and thus consisted of the rows of benches

immediately behind the orchestra. Valerius of Cicero² speak of this law in a manner to lead us to infer that it only restored to the equites a right which they had possessed before. Another part of this law was, that spendthrifts, and persons ruined in their circumstances (*decoctores*), whether through their own fault or not, and whether they belonged to the senatorian or equestrian order, should no longer occupy the seats assigned to their order, but occupy a separate place set apart for them.³ In the reign of Augustus the senate made a decree, that foreign ambassadors should no longer enjoy the privilege mentioned above, as it sometimes happened that freedmen were sent to Rome as ambassadors. The soldiers also were separated from the people by the same decree: the same was the case with women, *prætextati* and *pædagog*.⁴ This separation consisted probably in one or more rows being assigned to a particular class of persons. The following woodcut contains a probable representation of the plan of a Roman theatre.

For a fuller account of the construction of Greek



and Roman theatres, see the commentators on Vitruvius,⁵ J. Chr. Genelli, *Das Theater zu Athen, hinsichtlich auf Architectur, Scenerie und Darstellungskunst überhaupt*, Berlin, 1818, 8vo. — G. C. W. Schneider, *Das Attische Theaterwesen, zum bessern Verstehen der Griech. Dramatiker*. — Stieglitz, *Archäologie der Baukunst der Griech. u. Römer*, ii., 1. — G. Ferrara, *Storia e descrip. de' princip. teatri ant. e moderni*, Milano, 1830. — The supplement to Stuart's *Antiq. of Athens*. A general outline is also given by Müller, *Hist. of Gr. Lit.*, i., p. 299, &c.; and by Bode, *Gesch. der dram. Dichtkunst d. Hellen.*, i., p. 156, &c.

It remains to speak of a few points respecting the attendance in the Greek theatres. Theatrical representations at Athens began early in the morning, or after breakfast;⁶ and when the concourse of people was expected to be great, persons would even go to occupy their seats in the night. The sun could not be very troublesome to the actors, as they were, in a great measure, protected by the buildings surrounding the stage, and the spectators protected themselves against it by hats with broad brims.⁷ When the weather was fine, especially at the Dionysiac festivals in spring, the people appear-

ed with garlands on their heads; when it was cold as at the Lenæa in January, they used to wrap themselves up in their cloaks.⁸ When a storm or a shower of rain came on suddenly, the spectators took refuge in the porticoes behind the stage, or those above the uppermost row of benches. Those who wished to sit comfortably brought cushions with them.⁹ As it was not unusual for the theatrical performances to last from ten to twelve hours, the spectators required refreshments, and were that in the intervals between the several plays used to take wine and cakes.⁷

The whole of the cavea in the Attic theatre may have contained about 50,000 spectators. The places for generals, the archons, priests, foreign ambassadors, and other distinguished persons, were in the lowest rows of benches, and nearest to the orchestra,⁸ and they appear to have been sometimes covered with a sort of canopy.⁹ The rows of benches above these were occupied by the senate of 500, those next in succession by the *ephoroi*, and the rest by the people of Athens. But it would seem that they did not sit indiscriminately, but that the better places were let at a higher price than the

1. (Liv., Epit., 99. — Ascon. ad Cornel., p. 78, ed. Orell.) — 2. (Æschin., c. Ctesiph., p. 466. — Athen., xi., p. 464.) — 3. (Suidas, s. v. Πέτρος; and Δράκων.)

4. (ii., 32.) — 2. (Pro Muron., 19.) — 3. (Cic., Philipp., ii., 10.) — 4. (Suet., Oct., 44.) — 5. (Suidas, l. c.) — 6. (Æschin., c. Ctesiph., l. c. — Theophr., Char., 2.) — 7. (Athen., xi., p. 464. — Anon. Eth. Nicom., x., 5.) — 8. (Pollux, Onom., iv., 12; vii., 12.) — Schol. ad Aristoph., Equit., 572.) — 9. (Æschin., l. c.)

and that no one had a right to take a place which he had not paid.¹ The question whether the theatre was open to all, and more especially at Athens, women were present at the performance of tragedies, is one on which have given rise to much discussion among modern scholars, as we have scarcely any authority in ancient writers in which the presence of women is stated as a positive fact. But Jacobs² and Ross³ have placed it almost beyond doubt, and various allusions made by ancient writers, in which women were allowed to be present during the performance of tragedies. This opinion is now confirmed by a passage in Athenæus,⁴ which is quoted by Becker⁵ in corroboration of the opinion to which the above-mentioned writers are inclined. In this passage we find that at Athens, at the time of the Peloponnesian war, the spectators at the theatre consisted of men and women. It is, however, on the other hand, every reason to suppose that women were not present at comedies, which boys might be present both at tragedy and comedy.⁶ The seats which women occupied at Greek theatres appear to have been separated from those of the men.⁷

The purpose of maintaining order and preventing excesses, the ancients had a sort of theatre-guard, the persons who held this office were called *θεατροφύλακες* or *θεατρούχοι*, and at Rome *ædiles*.⁸

Respecting the attendance at the Greek theatres and the conduct of the people, see a very good dissertation of Becker, in his *Charikles*.⁹

ΘΕΒΑΪΚΟΣ ΛΑΠΙΣ (*Θεβαϊκός λίθος*), a species of sphyry, according to the more correct opinion, is a kind of marble, as has been supposed by writers. It was of a red colour, and was also *Pyrropacilus*.¹⁰

ΘΕΙΟΝ (*θειον*), Sulphur. "Pliny and Isidorus (Adams, "describe four kinds of sulphur. *θειον* of Dioscorides, or the *Sulphur vivum* of moderns, is native sulphur. The *Sulphur ignem* (*τὸ πεπυρωμένον*) is sulphur which has been subjected to the action of fire." "Sulphur was applied by the ancients," observes Dr.

"to various uses in medicine and other arts. The use of the physician was required transmutative sulphur, which the Greeks called *ἀντιπυρ* that which had been freed from impurities artificial process, which had passed the fire, called *πεπυρωμένον*, and distinguished into various kinds, appropriated to various uses, according to their several degrees of purity. Thus, it was used for fumigating woollens, to render them whiter and softer; another for making various purposes to which sulphur yet continues applied. The employment of it in expiation and purification, which was very common, we find mentioned by many ancient authors."¹¹

ΘΗΚΑΙ (*θηκαι*). (Vid. *FUNUS*, p. 457.)

ΘΗΛΥΚΡΑΝΕΙΑ (*θηλυκρανεια*), the *Cornus officinalis*, or Dogberry.¹²

ΘΗΛΥΠΤΕΡΙΣ (*θηλυπτερις*), a plant. Stackhous holds the *θηλυπτερις* of Theophrastus to be *rostichium Thelypteris*. Sprengel makes the *θηλυπτερις* of Dioscorides to be the *Asplenium filix* L., Bernh. (*Polypodium*, L.).¹³

THELYPHONON (*θηλυφόνον*), called also

SCORPION (*σκορπίον*), a plant, about which Stackhouse is quite undecided. "Sprengel suggests that it may be the *Doronicum pardalianches*, or Scorpion-rooted Leopard's-bane. This opinion is also supported by Bauhin."¹⁴

THENSÆ or **TENSÆ** (for the orthography and etymology of the word are alike doubtful, although the oldest MSS. generally omit the aspirate) were highly-ornamented sacred vehicles, which, in the solemn pomp of the Circensian games, conveyed the statues of certain deities, with all their decorations, to the pulvinaria, and, after the sports were over, bore them back to their shrines.¹ We are ignorant of their precise form; for, although we find several representations upon ancient medals and other works of art, of gods seated in cars, and especially of the sun-chariot of Elagabalus,² yet we have no means of deciding which, if any, of these are *tensæ*. We know that they were drawn by horses (Plutarch³ calls them *θήσσαις*), and escorted (*deducere*) by the chief senators in robes of state, who, along with *pueri patrimi* (vid. *PATRIMI*), laid hold of the bridles and traces, or perhaps assisted to drag the carriage (for *ducere* is used as well as *deducere*), by means of thongs attached for the purpose (and hence the proposed derivation from *tendo*). So sacred was this duty considered, that Augustus, when labouring under sickness, deemed it necessary to accompany the *tensæ* in a litter. If one of the horses knocked up, or the driver took the reins in his left hand, it was necessary to recommence the procession, and for one of the attendant boys to let go the thong or to stumble was profanation.⁴

The only gods distinctly named as carried in *tensæ* are Jupiter and Minerva,⁵ to which number Mars is usually added on the authority of Dion Cassius,⁶ but in the passage referred to he merely states that, at the Circensian games celebrated A.D. 216, the statue of Mars, which was in the procession (*πομπείον*), fell down; and it is very remarkable that Dionysius,⁷ in his minute description of the *Pompa Circensis*, takes no notice whatever of the *tensæ*, but represents the statues of the gods as carried on men's shoulders, i. e., on *fercula*. That a considerable number of deities, however, received this honour, seems probable from the expression of Cicero, in his solemn appeal at the close of the last Veerian oration, "*omnesque dii, qui vehiculis tensarum solemnibus cætus ludorum initis*," though we cannot determine who these gods were. We frequently hear, indeed, of the chariot of Juno,⁸ of Cybele,⁹ and many others; but, as these are not mentioned in connexion with the *Pompa Circensis*, there is no evidence that they were *tensæ*. Among the impious flatteries heaped on Cæsar, it was decreed that his ivory statue should accompany the images of the gods to the circus in a complete chariot (*ἀρμα ὄλον*, that is, a *tensa*, in opposition to a mere *ferculum*), and that this chariot should stand in the Capitol immediately opposite to that of Jupiter.¹²

Similar homage was paid upon high festivals to the images of their gods by other ancient nations. Thus, in the curious ceremonies performed at Paphos connected with the worship of the Egyptian deity, whom Herodotus¹³ imagined to be identical

at. Apolog., p. 26.—Ælian, V. H., ii., 13.—Demosth. in 572.)—2. (Vermischt. Schrift., iv., p. 272.)—3. (in Zimara's Zeitschr. für die Alterth., 1837, p. 29.)—4. (xii., p. 5. (Charikles, ii., p. 560.)—6. (Theophr., Char., 9.—Eiron. herod., p. 206.—Aristoph., Nub., p. 537, &c.—De Gymn., 22.)—7. (Götting in the Rhein. Mus., 1834, &c.)—8. (Schol. ad Aristoph., Pax, 718.)—9. (ii., p. 10.)—10. (Moore's Anc. Mineral., p. 134.)—11. (Adams, s. v.—Moore's Anc. Mineral., p. 102, 103.)—12. (Theophr., P., i., 13; iii., 4.—Adams, Append., s. v.)—13. (Theophr., P., ix., 18.—Dioscor., iv., 184.—Adams, Append., s. v.)

1. (Theophr., l. c.—Adams, Append., s. v.)—2. (Cic. in Verr., ii., 1, 59, and note of Pseudo-Ascon., iii., 27; v., 72.—Serv. ad Virg., Æn., i., 21.—Festus, s. v.—Diomedes, i., p. 372, ed. Putsch.—Dion Cass., xlvii., 40.—Tertull., De Spect., 7.)—3. (Herodian, v., 6.—Vid. Visitant, Numis. Imp., tom. ii., p. 269.—Ginzort, Die Wagen und Fahrwerke, &c., tab. xlii., fig. 6.)—4. (Coriolan., 25.)—5. (Liv., v., 41.)—6. (Liv., l. c.—Plut., l. c.—Ascon., l. c.—Arnob. adv. Gent., iv., 31, compared with the oration De Harusp. Resp., 11.—Tertull., De Coron. Mil., 13, and De Spectac., 7.—Suet., Octav., 43.)—7. (Suet., Vespas., 5.—Dion Cass., xlvii., 40; l. 8; lxxvi., 1.)—8. (lxxviii., 8.)—9. (vii., 72.)—10. (Virg., Georg., iii., 531.)—11. (Æn., vi., 789.)—12. (Dion Cass., xliii., 15, 21, 45, xlv., 6.)—13. (ii., 83.)

with Ares, the statue, enshrined in a chapel made of gilded wood, was dragged in a four-wheeled car by a body of priests. So also, in the account given by Athenæus,¹ after Callixenes of Rhodes, of the gorgeous pageant at Alexandria, during the reign of Ptolemy Philadelphus, we read of a car of Bacchus of prodigious size, most costly materials, and most elaborate workmanship, which was dragged by 180 men, and to such customs we may find a parallel in modern times in the usages which prevail at the festival of S. Agatha at Catania, and S. Rosalia at Palermo.

(Scheffer, *De Re Vehiculari*, c. 24.—Ginzrot, *Die Wagen und Fahrwerke der Griechen und Römer*, c. 55; but the latter author, both here and elsewhere, allows his imagination to carry him farther than his authorities warrant.)

THEODOSIA'NUS CODEX. (*Vid. CODEX THEODOSIANUS.*)

THEOPH'ANIA (*θεοφάνια*), a festival celebrated at Delphi, on the occasion of which the Delphians filled the huge silver crater which had been presented to the Delphic god by Cresus.² Valckenær on Herodotus³ thought that the reading was corrupt, and that *θεοφάνια* should be read, as this festival is well known to have been celebrated by the Delphians.⁴ But both festivals are mentioned together by Pollux⁵ and Philostratus.⁶ An agon called the-oxenia was also celebrated at Pellene in Achaia in honour of Hermes and Apollo.⁷ But no particulars of any of these festivals are known.

THEOR'IA (*θεωρία*). (*Vid. THEOROI.*)

THEORICA (*θεωρική*). Under this name, at Athens, were comprised the moneys expended on festivals, sacrifices, and public entertainments of various kinds, and also moneys distributed among the people in the shape of largesses from the state.

There were, according to Xenophon, more festivals at Athens than in all the rest of Greece.⁸ Besides those which were open to the whole body of the people, there were many confined to the members of each tribe, deme, and house. These last were provided for out of the funds of the community who celebrated them. At the most important of the public festivals, such as the Dionysia, Panathenæa, Eleusinia, Thargelia, and some others, there were not only sacrifices, but processions, theatrical exhibitions, gymnastic contests, and games, celebrated with great splendour and at a great expense. A portion of the expense was defrayed by the individuals upon whom the burden of *λειτουργία* devolved; but a considerable, and perhaps the larger part, was defrayed by the public treasury. Demosthenes complains that more money was spent on a single Panathenæic or Dionysiac festival than on any military expedition.⁹ The religious embassies to Delos and other places, and especially those to the Olympian, Nemean, Isthmian, and Pythian games, drew largely upon the public exchequer, though a part of the cost fell upon the wealthier citizens who conducted them.¹⁰

The largesses distributed among the people had their origin at an early period, and in a measure apparently harmless, though from a small beginning they afterward rose to a height most injurious to the commonwealth. The Attic drama used to be performed in a wooden theatre, and the entrance was free to all citizens who chose to go. It was found, however, that the eagerness to get in led to much confusion and even danger. On one occasion, about B.C. 500, the scaffolding which supported

the roof fell in, and caused great alarm. It was then determined that the entrance should no longer be gratuitous. The fee for a place was fixed at two obols, which was paid to the kassee of the theatre (called *θεατρώνης*, *θεατροπόλης*, or *ἀρχιτέκτων*), who undertook to keep it in repair and constantly ready for use on condition of being allowed to receive the profits. This payment continued to be exacted after the stone theatre was built. Pericles, to relieve the poorer classes, passed a law which enabled them to receive the price of admission from the state; after which, all those citizens who were too poor to pay for their places applied for the money in the public assembly, which was then frequently held in the theatre.¹ In process of time this donation was extended to other entertainments besides theatrical ones, the sum of two obols being given to each citizen who attended; if the festival lasted two days, four obols; and if three, six obols, but not beyond. Hence all theoric largesses received the name of *διοβελία*. The sums thus given varied at different times, and, of course, depended on the state of the public exchequer. These distributions of money, like those of grain and *ἀγροί*, were called *διανομαί* or *διαδόσεις*. They were often made at the Dionysia, when the allies were present, and saw the surplus of their tribute distributed from the orchestra. The appetite of the people for largesses grew by encouragement, stimulated from time to time by designing demagogues; and in the time of Demosthenes they seem not to have been confined to the poorer classes.² Böckh calculates that from 25 to 30 talents were spent upon them annually.³

So large an expenditure of the public funds upon shows and amusements absorbed the resources which were demanded for services of a more important nature. By the ancient law, the whole surplus of the annual revenue which remained after the expense of the civil administration (*τὰ κοινὰ χρήματα τῆς διοικήσεως*) was to be carried to the military fund, and applied to the defence of the commonwealth. Since the time of Pericles various demagogues had sprung up, who induced the people to divert all that could be spared from the other branches of civil expenditure into the theoric fund, which at length swallowed up the whole surplus, and the supplies needed for the purpose of war or defence were left to depend upon the extraordinary contributions or property-tax (*ἐπιβολή*). An attempt was made by the demagogue Eubulus, of whom Theopompus says that *τὸς κοινὰς ἀποταμισθοφόρον διετέλει*,⁴ to perpetuate this system. He passed a law, which made it a capital offence to propose that the theoric fund should be applied to military service. In B.C. 263, Apollodorus carried a decree empowering the people to determine whether the surplus revenue might be applied to the purpose of war, for which he was indicted by a *γραφὴ παρανομίης*, convicted and fined, and the decree was annulled, as a matter of course.⁵ The law of Eubulus was a source of great embarrassment to Demosthenes, in the prosecutions of his schemes for the national defence; and he seems at last, but not before B.C. 339, to have succeeded in repealing it.⁶

In the earlier times there was no *πρόεδρος* or board of persons expressly appointed to manage the theoric fund. The money thus appropriated was disbursed by the hellenotamias. After the monarchy, the largess system having been restored by Agyrrius, a board of managers was appointed.

1. (v. c. 27, &c.)—2. (Herod., i., 51.)—3. (l. c.)—4. (Plur., *De his qui sero a num. pun.*, p. 557, F.—Polemon ap. Athen., ix., p. 372.)—5. (l., 34.)—6. (Vit. Apoll., iv., 31.)—7. (Schol. ad *Find.*, Ol., vii., 150; ix., 146.)—8. (*De Rep. Ath.*, iii., 8.)—9. (Philip., i., 50.)—10. (Schömann, *Ant. Jur. Pub. Gr.*, 205.)

1. (Schömann, *ib.*, 219.)—2. (Philip., ix., 141.)—3. (Schol. der Athen., i., 241.)—4. (Athen., iv., 166.)—5. (Demosth., i., Neur., 1246—1248.)—6. (Macropod. and Suidas, s. v. *ἐπιβολή*, *Κρίθουτος*—Böckh, *ib.*, i., 222—240.—Schömann, *ib.*, 205.)

to were called ἀρχὴ ἐπὶ τῷ θεωρικῷ, οἱ ἐπὶ τὸ θεωρικῶν τεταγμένοι or κειροτονημένοι, θεωρικὴ ἀρχή, &c. They were elected by show of hands at the festival of the great Dionysia, one from each tribe. At the time of Eubulus many other branches of the administration were placed under the control of a board, as the management of the civil expenditure, the office of the apodectæ, the building of docks, arsenals, streets, &c. This was dictated by anxiety on the part of the people that no part of the revenue should be improperly diverted from the theoric fund, which they thought would be prevented by increasing the powers of its managers. But these extraordinary powers appear not to have been of long continuance.¹

THEOROΙ (θεωροί) were persons sent on special missions (θεωρίαι) to perform some religious duty, to consult an oracle, or to offer a sacrifice on behalf of the state. It is thus explained by the grammarians: θεωροί, ἢ οἱ θεώμενοι, ἢ οἱ φροντίτες περὶ τὰ θεῖα οἱ εἰς θυσίαν πεμπόμενοι καὶ οἱ καὶ πανηγυρεῖς καὶ χρηστήρια.² There were among the Dorians states, as the Æginetans, Argives, Messenians, and Mantineans, official envoys called θεωροί, whose duty it was to consult the oracles, interpret the responses, &c., as among the Athenians there were men called Pythii, chosen by lot to consult the oracle at Delphi.³ At Athens there were no official persons called θεωροί, but the name was given to those citizens who were selected from time to time to conduct religious missions to various places; of which the most ancient were those that were sent to the Olympic, Pythian, Nemean, and Isthmian games, those sent to consult the god at Delphi, and those sent on the solemn procession to Delos, where the Athenians established a quadriennial festival in reference to the ancient Ionian one, of which Homer speaks.⁴ The expense of these embassies was defrayed partly by the state and partly by wealthy citizens, to whom the management of them was intrusted, called ἀρχιθεωροί, chiefs of the embassy. There was a sort of λειτουργία, and frequently a very important one, as the chief conductor represented the state, and was expected to appear with a suitable degree of splendour; for instance, to wear a golden wreath, to drive into the city with a handsome retinue, &c. Nicias, who was very rich, is reported to have incurred great expenses on his embassy to Delos, beyond what was required of him; and Alcibiades astonished all the spectators at Olympia by the magnificence of his horses, chariots, &c., and the profuseness of his expenditure.⁵

(Vid. DELIA.)
The Salaminian or Delian ship was also called θεωρικὴ ναῦς, and was principally used for conveying embassies to Delos, though, like the Paralus, it was employed on other expeditions besides.⁶

THEOXENIA (θεοξένια). (Vid. THEOPHANTIA.)

THERAPEUTICA (τὸ θεραπευτικόν), one of the branches into which, according to some authors, the whole art and science of medicine was divided among the ancients.⁷ It was defined to be that branch which was conversant with the healing of disease, or recalling and restoring ruined health,⁸ and was subdivided into three parts, DΙÆΤΗΤΙΚΑ, ΧΗΡΟΥΡΓΙΑ, PHARMACEUTICA.⁹ From the incidental mention that is made by Homer and the old Greek

writers of the nature of the remedies that were employed by medical practitioners in the earliest times, it would appear that their practice was principally surgical, and almost confined to the treatment of wounds; and that, with respect to internal diseases, these were, for the most part, conceived to be the immediate infliction of the Deity, and therefore abandoned as incurable, or, at least, were to be obviated only by charms and incantations, and that the arts of magic formed no inconsiderable part even of their surgical practice.¹

From the mode in which Hippocrates speaks of certain practices, such as bleeding, and the administration of emetics, purgatives, and other analogous medicinal agents, we may infer that they were in common use among his contemporaries, and probably had been so for a long time before him. The great principle which directed all his indications was the supposed operation of nature in superintending and regulating all the actions of the system. The chief business of the physician, in the opinion of Hippocrates, was to watch these operations, to promote or suppress them according to circumstances, and perhaps, in some rare cases, to attempt to counteract them. The tendency of this mode of practice would be to produce extreme caution, or rather inertness, on the part of the practitioner; and, accordingly, we find that Hippocrates seldom attempted to cut short any morbid action, or to remove it by any decisive or vigorous treatment. Another principle which very materially affected his practice was the doctrine of critical evacuations. As diseases were supposed to originate in the prevalence of some morbid humour, so, when they are suffered to run their course without interruption, they are relieved by the discharge of the humour; and, consequently, the promotion of this discharge becomes an important indication, which it is often easy to accomplish, and which proves very effectual. Hence an important part of his practice consisted in producing evacuations of various kinds, and especially by the employment of purgatives, of which he used a great variety, and administered them with great freedom. With the same intention he prescribed diuretics and sudorifics; he drew blood both by the lancet and the scarificator; he applied the cupping-glasses; he administered injections, and inserted issues. He made very frequent use of external applications, such as ointments, plasters, liniments, &c., and was familiarly acquainted with the effects of external temperature. The disputes of the DOGMATICI and EMPIRICI do not appear to have had so much influence on their mode of practice as we might have expected; and, indeed, whatever may have been the professed plan of the supporters of the two sects, we shall always find that the practice of the most eminent of either party actually proceeded upon a judicious combination of the two systems.

Celsus, the next physician of sufficient importance to require to be noticed here, adopted to a certain extent the Hippocratic method of observing and watching over the operations of nature, and regulating rather than opposing them: a method which with respect to acute diseases (as was hinted above) may frequently appear inert. But there are occasions on which he displays considerable decision and boldness, and particularly in the use of the lancet, which he employed with more freedom than any of his predecessors. His regulations for the employment of bloodletting and of purgatives are laid down with minuteness and precision; and although he was in some measure led astray by his hypothesis of the crudity and concoction of the

1. (Hom., Il., xi., 636, &c.; Od., xix., 456, &c. — Vid. Gal., De Hom. Medic., tom. x., p. 573, ed. Cart., et ap. Alex. Trall., De Re Med., lib. ix., c. 4.)

humours, the rules which he prescribed were not very different from those which were generally adopted in the commencement of the present century. His description of the symptoms of fever, and of the different varieties which it assumes, either from the nature of the epidemic, or from the circumstances under which it takes place, are correct and judicious; his practice was founded upon the principle before referred to, of watching the operations of nature, conceiving that fever consists essentially in an effort of the constitution to throw off some morbid cause, and that, if not unduly interfered with, the process would terminate in a state of health.

Aretæus, also, in his practice followed, for the most part, the method of Hippocrates, but he paid less attention to what have been styled the natural actions of the system; and, contrary to the practice of the Father of Medicine, he did not hesitate to attempt to counteract them when they appeared to him to be injurious. The account which he gives of his treatment of various diseases indicates a simple and sagacious system, and one of more energy than that of the professed Methodici. Thus he more freely administered active purgatives; he did not object to narcotics; he was much less averse to bleeding; and, upon the whole, his materia medica was both ample and efficient. It may be asserted generally (says Dr. Bostock), that there are few of the ancient physicians since the time of Hippocrates who appear to have been less biased by attachment to any peculiar set of opinions, and whose account of the phenomena and treatment of disease has better stood the test of subsequent experience.

The most famous physician of antiquity after Hippocrates was Galen, who is also the last that can here be noticed. His practice in its general character appears to have been similar to his pathology (which depended on the four elements, the four humours, and the four qualities, connected in all the variety of combinations), and, indeed, to have been strictly deduced from it. His indications were in exact conformity to his theory, and the operation of medicines was reduced to their power of correcting the morbid states of the fluids, as depending upon their four primary qualities, or the various modifications of them. Many parts of his writings prove that he was a diligent observer of the phenomena of disease, and he possessed an acuteness of mind which well adapted him for seizing the most prominent features of a case, and tracing out the origin of the morbid affection. But his predilection for theory too frequently warped and biased his judgment, so that he appears more anxious to reconcile his practice to his hypothesis than to his facts, and bestows much more labour on subtle and refined reasoning, than on the investigation of morbid actions, or the generalization of his actual experience.¹

For the use of gymnastics, which formed an important part of the ancient system of therapeutics, the reader must consult the article on that subject. (Vid. GYMNASIUM, p. 484.) The subject of charms or amulets has been before alluded to, and this article would be incomplete without some farther notice of that very singular mode of cure. The instances that are to be found in the works of ancient authors (particularly Cato and Pliny) are very numerous, and the famous Abracadabra occurs for the first time in Serenus Samonicus.² This amulet was particularly recommended for the cure of the species of intermittent fever called by the Greeks *ημικρατικός* (or by the moderns *double-tertian*), and is described by him as follows:

"Inscribis chartæ, quod dicitur ABRACADABRA
*Sæpius: et subter repetis, sed detrahe nomen
 Et magis atque magis desint elementa literarum
 Singula, quæ semper rapies, et cetera litera
 Donec in angustum redigatur literarum numerus
 His lino nexis collum redimere memeris."*

Thus forming an equilateral triangle in this manner:

```

A B R A C A D A B R A
  A B R A C A D A B
    A B R A C A D A
      A B R A C A D
        A B R A C A
          A B R A C
            A B R A
              A B R
                A B
                  A
    
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For farther information respecting this magical word, see Du Cange, *Glossar. Med. et Inf. Libr.* ed. Paris, 1840.—Hofmann, *Lex. Univ.—Sprengel, Hist. de la Méd.*, tom. ii. p. 147.—C. Steph., *De Hist.*, etc., p. 8, edit. N. Lloyd.—Ger. Jo. Vos, *Op.* t. 5, p. 24.

One or two examples of this folly may be given from Alexander Trallianus, especially as it is surprising that an author who displays so much judgment in other matters should show so much weakness in this. For epilepsy he recommends a piece of an old sailcloth, taken from a shipwrecked vessel, to be tied to the right arm for seven weeks together;¹ for the colic he orders the heart of a lamb to be fastened to the left thigh;² for a quartan ague a few hairs taken from a goat's chin are to be carried about;³ several other equally ridiculous instances might be given. By way of excuse, he informs us that in his time many persons, particularly the rich, were very averse to medicine, and would by no means be persuaded to persist in a proper method, which forced them, he says, to have recourse to amulets, and such things as were fondly imagined to effect a cure in a more expeditious manner.⁴ (Vid. AMULETUM.)

The following is probably a complete list of the ancient treatises that remain on the subject of therapeutics: Hippocrates, *Ἐπιδημιῶν Βιβλία Ἑξ*, *De Morbis Popularibus*, lib. vii., of which the first and third books are considered as undoubtedly genuine, the second, fourth, and sixth as doubtful, and the fifth and seventh as certainly spurious.—Id., *Ἀφορισμοί*, *Aphorismi*, considered so certainly genuine that Stephanus Atheniensis says they were the touchstone by which to try the authenticity of the other works that go under the name of Hippocrates.—Id., *Περὶ Φαρμάκων*, *De Remediis Purgantibus*, a spurious work.⁵—Aretæus, *Περὶ Ὄξεων καὶ Χρονίων Παθῶν*, *De Curatione Acutorum et Diuturnorum Morborum*, in four books.—*Βιβλίον Τέχνης Ἱατρικῆς*, *Ars Medica*.—Id., *Θεραπευτικὰ Μεθόδους*, *Methodus Medendi*.—Id., *Τὰ πρὸς Πλάτωνος Θεραπευτικὰ*, *Ad Glaucōnem de Medendi Methodo*.—Id., *Περὶ Φλεβοτομίας πρὸς Ἐρασίστρατον*, *De Venæsectione adversus Erasistratum*.—Id., *Περὶ Φλεβοτομίας πρὸς Ἐρασιστρατέϊους τοὺς ἐν Ρώμῃ*, *De Venæsectione adversus Erasistrateos Romæ Degentes*.—Id., *Περὶ Φλεβοτομίας Θεραπευτικῶν Βιβλίων*, *De Curatione Venæsectionem per Venæsectionem*.—Id., *Περὶ Βδελύξεως, Ἄρτης πάσης, Σικτίας, καὶ Ἐγχαράξεως, καὶ Κατακλιτικῆς*, *De Hirudinibus, Revulsione, Cucurbitula, Incisione et Scarificatione*.—Alexander Aphrodisienseus, *Περὶ*

1. (Bostock's Hist. of Med.)—2. (De Medic., c. 52, v. 944, sq.)—3. (De Re Med., lib. i., c. 20, p. 30, ed. Goup.)—4. (Ib., lib. vi., c. 6, p. 165.)—5. (Ib., lib. x., c. 6, p. 241.)—6. (Ib., lib. x., c. 7, 10, p. 165, 198.)—7. (ap. Dietz, Schol. in Hippoc. x. c. 6, tom. ii., p. 239.)—8. (Vid. Choulant, Handb. der Buchdruckerkunst für die Ältere Medizin, 8vo, Leipzig, 1811.)

ων, *De Febribus*.—Great part of the *Συναγωγαίαι*, *Collecta Medicinalia*, of Oribasius, and also *Ἐπιτομή, Synopsis ad Eustathium*, treat of this st.—Palladius, *Περὶ Πυρετῶν Σύντομος Σύνοψις, Libri Concisa Synopsis*.—Aetius, *Βιβλία Ἱατρικὰ, Libri Medicinales Sedecim*.—Alexandri Trallianus, *Βιβλία Ἱατρικὰ Δωκαίδεκα, Libri Medica Duodecim*.—Paulus Aegineta, *Ἐπιτομικῆς Βιβλία Ἑπτα, Compendii Medici Libri 7*, of which great part relates to this subject. —Sophanes Nonnus, *Ἐπιτομή τῆς Ἱατρικῆς Ἀπάγχνης, Compendium Totius Artis Medicae*.—Aetius, *Περὶ Πυρετῶν, De Febribus*.—Joannes Aesculapius, *Methodus Medendi*.—Demetrius Pepagoras, *Περὶ Ποδάγρας, De Podagra*.—Celsus, *De Medicina*, in eight books, of which great part treat of this subject.—Caelius Aurelianus, *Celerum Passionum Libri iii*.—Id., *Tardarum Passionum Libri vi*.—Arenus Samonicus, *De Medicina Præcepta Salutaria*, a poem on the art of Healing.—Theodorus Priscianus, *Rerum Medicarum Libri iv*. To which may be added (though somewhat later than the treatise of in this work) the celebrated *Regimen Sanitatis Salernitanum*, of which more than 100 editions were published in the fifteenth century and more than forty in the sixteenth.

ERAPON (θεράπων). (Vid. HELOTES.)
 IRIACA (θηριακή), a word properly applied, according to Galen,¹ to preparations that would cure the bite of wild beasts (θηρίων), as those which meant as antidotes to other kinds of poisons (πληθηρίους) were properly called ἀλεξιφάρμακα.² The most celebrated of these preparations was the Theriaca Andromachi, invented by the physician to the Emperor Nero, which was nearly the same as that which was composed by Mithradates, king of Pontus, the receipt for which was said to have been found among his papers, after his death, by Pompey. It was published at Rome, under the title of *Antidotum Mithradaticum*. But as the various receipts for the preparation of this famous remedy differ from each other very widely, the probability is, says Heberden, that Mithradates was as much indebted to his own antidote as several eminent physicians have since been to the medicines that are advertised under their names. It was asserted whoever took a proper quantity of this preparation in the morning was ensured against the effects of poison during the whole of that day, and this, we are told by Galen,³ was regularly done by the Emperor Marcus Aurelius. It was farther stated that Theriaca adades himself was so fortified against all other drugs, that none would produce any effect unless he attempted to destroy himself.⁴ In the course of ages it underwent numerous alterations. According to Celsus, who first described it,⁵ it consisted only thirty-six simples; Andromachus added the bite of vipers,⁶ after cutting off the head and tail and increased the number of ingredients to thirty-five. These, and the method of putting them together, he handed down to posterity in a poem, consisting of one hundred and seventy-hexameter and pentameter lines, which has been preserved by Galen,⁷ and has several times been published separately. When thus improved, Andromachus called it γαλήνη,⁸ but in Trajan's time it retained the name of *Theriaca*, either from the

vipers in it, or rather κατ' ἐξοχήν, from its supposed effects in curing the bites of venomous animals. Damocrates differed from Andromachus with respect to some of the proportions,¹ and gave a receipt for it in one hundred and sixty-five Greek iambics, which has also been preserved by Galen,² and has been published along with his other poetical fragments at Bonne, 1833, 4to, ed. C. F. Harless. The reputation which this medicine enjoyed was immense; it is mentioned by Abulfaraj,³ and several Arabic physicians wrote treatises in its praise. It even maintained its ground in quite modern times, and it is only within comparatively a few years that it has been dismissed from the British Pharmacopœia. This was effected chiefly by the persuasion of Dr. Heberden, who wrote a pamphlet on the subject, entitled *Antitheriaca*, 1745. It consisted latterly of seventy-two ingredients, which were arranged under thirteen heads: viz., *Acria*, of which there were five species; *Amara*, of which there were eight; *Styptica* (vulgo *Astringentia*), five in number; *Aromatica Exotica*, fourteen; *Aromatica Indigena*, ten; *Aromatica ex Umbelliferis*, seven; *Resinosa et Balsama*, eight; *Graveolentia*, six; *Virosa* (seu *que Narcosin inducunt*), under which head there was but one species, viz., *Opium*; *Terra Inspida et Inertia*, which comprised only the celebrated *Lemnian Earth*; *Gummosa, Amylacea, &c.*, four species; *Dulcia*, viz., liquorice and honey; and *Vinum*, viz., Spanish (or *Sherry*). Upon no principle of combination could this heterogeneous farrago be vindicated; and the monstrous compound is well compared by Dr. Heberden to the numerous undisciplined forces of a barbarous king, made up of a dissonant crowd collected from different countries, mighty in appearance, but in reality an ineffective multitude, that only hinder each other.⁴

THERMÆ. (Vid. BATHS, p. 143.)
 THERMOPOLIUM. (Vid. CALIDA.)

*THERMOS (θέρμος), a kind of pulse, referable to the genus *Lupinus*, L., or Lupine; about the species, however, there is great uncertainty. "Sprengel, in the first edition of his R. H. H., set down the θέρμος of Theophrastus for the white lupine, or *Lupinus albus*; and in the second for the *L. pilosus*; but Schneider is not satisfied that the characters of the θέρμος, as given by Theophrastus, agree with either of them. Sprengel remarks that the θέρμος ἡμερος of Dioscorides may be either the *L. hirsutus* or *pilosus*. He joins Sibthorp and Smith in holding the *Lupinus angustifolius* to be the θέρμος ἄγριος of Dioscorides."⁵

THESEIA (θησεΐα), a festival celebrated by the Athenians in honour of their national hero Theseus,⁶ whom they believed to have been the author of their democratical form of government. In consequence of this belief, donations of bread and meat were given to the poor people at the Theseia, which thus was for them a feast at which they felt no want, and might fancy themselves equal to the wealthiest citizens. We learn from Gellius⁷ that a contest also was held on this occasion, but we are not informed in what it consisted. The day on which this festival was held was the eighth of every month (ὀγδόαι), but more especially the eighth of Pyanepsion,⁸ whence the festival was sometimes called *ὀγδόδιον*.⁹ From the passages above referred to, compared with Diodorus,¹⁰ it appears highly probable that the festival of the Theseia was not in-

Comment. in Hippocr. Libr., "De Alim." § 7, tom. xv., p. Kühn.)—2. (Conf. Gal., Comment. in Hippocr. Libr. vi., Verb. Vulgar. vi., § 5, tom. xvii., pt. ii., p. 337.)—3. (De i., 1, tom. xiv., p. 3.)—4. (Gal., l. c.—Cels., De Med., v., c. Gell., xvii., 16.—Justin, xxxvii., 2.—Flor., iii., 5.—Dion Cass., xxxvii., 13.—Appian, De Bell. Mithr., c. Aurel. Vict., De Vir. Illust., c. 76.)—5. (l. c.)—6. (Gal., tr. ad Pis., c. 5, tom. xiv., p. 232.)—7. (Id. ib., c. 9, p. 232.)—8. (De Antid., i., 6, tom. xiv., p. 32, sq.—De Ther. c. 6, 7, tom. xiv., p. 233.)—9. (Gal., l. c.)

1. (Gal., De Ther. ad Pis., c. 13, tom. xiv., p. 266.)—2. (De Antid., i., 15, tom. xiv., p. 90, sq.)—3. (Hist. Dynast., p. 63.)—4. (Vid. Dr. Paris's Pharmacologia, vol. i., p. 49.)—5. (Dioscor., ii., 132, 133.—Theophr., H. P., i., 6; iii., 3.—Adams, Append., s. v.)—6. (Aristoph., Plut., 622, &c., with the schol.—Suidas, s. v. Θησεΐος.)—7. (xv., 20, § 3.)—8. (Schol. ad Aristoph., l. c.—Plut., These., 36.)—9. (Hesych., s. v.)—10. (v., 52.)

eters determined, though the business of the
y was placed under the control of the senate
Hundred, and could not be held without its
y. Another important privilege conferred on
st class was the right of sitting as dicasts
eliasitic court, for which no farther qualifi-
as requisite than that the party should be
ars of age, and possessed of his full legal
e. (Vid. DICASTES.) Before the time of
E judicial power was vested in the superior
tes. He first gave an appeal from their
s to a court composed of a large number
ms, which in process of time became the
ribunal for the hearing of all civil causes,
ntendence or direction thereof (*ἡγεμονία*
ου) being alone reserved to the magistrate.
es the political condition of the lower class-
ens as established by Solon. After his
ariety of causes operated to increase the
the lower classes. Among these we may
irst, the reforms introduced by Clisthenes,
ated the *δῆμοι*, altered the tribes, subdivi-
eliasitic court, broke the old aristocratical
ms, and increased the number of citizens
achising aliens and slaves. Secondly, the
war caused the downfall of many wealthy
who lost their possessions by the capture
ing of the city; whereas the lower order
s, who served in the fleet, became elevated
success, and rose in estimation by the val-
e services they had rendered. This led to
re which is said to have been passed by
s, which enabled the poorest citizen to as-
the highest honours of the state; after
ll distinction of classes was gradually abol-
though a certain fortune appears to have
ill requisite for the office of archon, if the
asked at the examination previous to his
on, *εἰ τὸ τίμημα αὐτῷ ἐστίν*, had not become
form.¹ Trade and commerce increased the
of operative citizens, brought large crowds
en and idlers into the Piræus and the city,
med their attention to the public assemblies,
their numbers gave them a preponderance
uffrage. The attendance of the poorer peo-
le ecclesia was still farther encouraged by
which was introduced by Callistratus after
e of Pericles, by which every person who
d received a certain fee, first an obol, and
rd raised to three obols, called *μισθὸς ἐκ-
τατός*.² The remuneration given to the di-
n obol by the law of Pericles, but raised to
obols by Cleon) had the same effect as the
ly fee. The whole power of the state, judi-
administrative, which already resided in
titude in theory, soon came to be exercised
a in practice, when (besides their natural
power) they were stimulated to take upon
ves the performance of these duties by the
t of immediate reward. The establishment
theoric fund (*vid. THEORICA*) was another
e of democratic tendency, as it helped to
n the idle poor at the public expense, and
them to interfere in state business. That
hority of the court of Areopagus, as well as
the senate of Five Hundred, should be di-
d, was the natural consequence of the meas-
d changes above mentioned. To trace the
political and moral, which ensued from the
atic movements of the Athenians, belongs
ry.³

The name of *θήσσα* was also given to a poor
heirress at Athens, whom the next of kin was obli-
ged to marry, or give her a suitable portion. (Vid.
Suidas¹ and EPICLERUS.)

THIASOS (*θίασος*) signifies any company or as-
sembly of persons met together for a religious pur-
pose, such as a choir of bacchanals or dancers, a
party met to celebrate a festival, &c. (*ἱερός χορός*,
ἀπὸ τοῦ θέειν, ἢ ἀπὸ τοῦ ἐνθουσιᾶν τὸ ἀβραϊζόμενον
πλήθος ἐπὶ τέλει καὶ τιμῇ θεοῦ.² Compare DIONYSIA,
p. 363.) The word appears to be derived from *σιός*,
the Doric for *θείός*. Each member of a *θίασος* was
called *θιασώτης*. In the democratic states of Greece
there were religious associations called *θίασοι*, who
clubbed together, kept a common fund, purchased
land, &c., for religious purposes.³ (Vid. ERANOS.)

THOLOS (*θόλος, ὁ καὶ ἡ*, also called *σκιάς*) is
a name which was given to any round building
which terminated at the top in a point, whatever
might be the purpose for which it was used.⁴ At
Athens the name was in particular applied to the
new round Prytaneum near the senate-house, which
should not be confounded with the old Prytaneum
at the foot of the Acropolis.⁵ It was therefore the
place in which the prytanes took their common
meals and offered their sacrifices. It was adorned
with some small silver statues,⁶ and near it stood
the ten statues of the Attic *ἑπώνυμοι*. (Vid. EPONY-
MOI, PRYTANEION.)

Other Greek cities had likewise their public *θό-
λοι*: thus we find that Polykletus built one of white
marble at Epidaurus, the inside of which was adorn-
ed with paintings by Pausias. It was originally
surrounded by columns, of which in the days of
Pausanias six only were standing, and upon these
were inscribed the names of such persons as had
been cured of some disease by Asclepius, together
with the name of the disease itself, and the manner
in which they had obtained their recovery.⁷

THORAX. (Vid. LORICA.)

THORIA LEX. This agraria lex is the subject
of a very elaborate essay by Rudorff, "Das Acker-
gesetz des Spurius Thorius, Zeitschrift, vol. x."

This lex was engraved on the back part of the
same bronze tablet which contained the Servilia
lex Judiciaria, and on Repetundæ. The tablet was
broken at some unknown time, and the lower, which
was perhaps the largest part, is now lost. Seven
fragments of the upper part were preserved, which,
as the tablet is written on both sides, make four-
teen inscriptions, which were published by Fulvius
Ursinus: the first five of the inscriptions, as they
are numbered by him, belong to the lex Thoria, and
the last seven to the lex Servilia. The largest
and most important of the fragments are now in
the Museo Borbonico. Their history is traced and
their present condition described by Rudorff with
great minuteness. Two of the fragments were
copied by Sigonius when they were in the Museum
of Cardinal Bembo; and the copy of the two frag-
ments of the lex Thoria, and also the copy of the
two fragments of the lex Servilia, are printed in the
work of Sigonius, De Antiquo Jure Populi Romani,
Libri Undecim, Bononiæ, 1574.

The title of this lex does not appear from the
mutilated inscription, but Rudorff shows that the
lex belongs to the period between the consulship
of P. Cornelius Scipio Nasica and L. Calpurnius Piso
Bestia, B.C. 111, and that of L. Julius Cæsar, B.C.
90, within which space of twenty-two years five
agrarian laws were enacted, Boria, Thoria, Marcia,
Apuleia, and Titia. It farther appears, from com-

DE. Onom., viii., 86.)—2. (Böckh, Staatsh. der Ath., i.,
(Wachsmuth, l. ii., 26, 30, 150, 158.—Schömann, De
ref., x., xviii.—Antiq. Jur. Publ. Gr., 174, 253.—Thirl-
e of Greece, ii., p. 37-44, 73, 374; iii., p. 67.—Böckh,
&c., i., 250, 277; ii., 28-36.—Harpocrat. and S. idas,
&c. and ἑρτικόν.)

1. (l. c.)—2. (Suidas, Harpocr., and Hesych., s. v.)—3. (Böckh,
Staatsh., &c., i., 264.—Schömann, Ant. Jur. Publ. Gr., 305.)—4.
(Hesych. and Suidas, s. v. Θόλος.—Hom., Od., xxii., 442, 459,
466.)—5. (Paus., i., 5, § 1; 18, § 13.)—6. (Pollux, Onom., viii.,
155.—Demosth., De Fa's. Leg., p. 419.)—7. (Paus., ii., 17, § 3.)

comparing two passages of Cicero,¹ in which he speaks of the lex Thoria, with the fragments of this lex whose title is lost, that the fragments are those of the lex Thoria. Now the date of the lex Thoria is fixed by Rudorff at the year of the city 643, or B.C. 111, which is, consequently, the date of the lex on the bronze tablet, thus identified with the lex Thoria. Proceeding on the assumption that the fragmentary lex was the plebiscitum called the lex Thoria, Sigonius restored the beginning of it according to the usual form of Roman plebiscita: Sp. Thorivs . . . F. Tr. Pl. Plebem ivre rog. Plebesque ivre scivit Tribvs . . . Principvm fvit pro tribv Q. Fabivs. Q. F. primvs scivit.

The history of this inscription is curious. It was not cut on the rough back of the bronze tablet till after the other side, which is smooth, had been occupied by the Servilia lex. The Servilia lex is certainly not of earlier date than the year of the city 648, or B.C. 106, and, consequently, the Thoria could not have been cut on this tablet before the year 648. It seems that the tablet was large enough for the lex Servilia, for which it was intended, but much too small for the agrarian law: "consequently, the characters of the agrarian side of the tablet are remarkably small, the lines narrow, the abbreviations numerous, and the chapters only separated by two or three points, whereas on the other side the letters are uniform, large, and well made, the lines wide, the words written at full length, and the chapters of the lex separated by superscriptions. Farther, the lines (of the Agraria lex) are often so oblique that they cross the straight lines on the opposite side, which are cut very deep, and, consequently, are visible on the side on which the agrarian lex is cut." (Rudorff.)

The subject-matter of this lex cannot be stated without entering into detail: the whole is examined by Rudorff with great care. The main subject of the lex, to which the first eighteen chapters or forty-three lines refer, is the public land in Italy as far as the rivers Rubico and Macra. The second part of the lex begins with the nineteenth chapter and the forty-fourth line, and extends to the fiftieth chapter and the ninety-sixth line; this part of the lex relates to the public and private land in the province of Africa. The third and last part of the lex, from the fiftieth chapter and the ninety-sixth line to the end of the inscription, relates to the Roman public land in the territory of Corinth.

Rudorff concludes that the lex applied to other land also, and for two reasons. First, the Roman agrarian laws of the seventh century of the city related to all the provinces of the Empire, of which we have an example in the case of the lex Servilia of Rullus. Secondly, the fragment of the lex Thoria which is preserved is so broad compared with the height, that we may conclude that the complete tablet contained three times as much as it does now; for nearly all the bronze tablets on which Roman laws are cut are of an oblong form, with the height much greater than their width. Of the two thirds of the tablet which it is concluded have been lost, not a trace has yet been discovered.

The essay of Rudorff contains a copy of the inscription, with his restoration of the passages that are defaced. The value of this attempt can only be estimated by an investigation as complete as that of the author.

*THOS (θῶς). "Hardouin," remarks Adams, "upon the authority of Bochart and others, holds the improbable opinion that the Thos was the Papio or Baboon. Buffon concludes, with greater probability, that it was the *Canis aureus*, L.; he maintains, however, that it is not the same as the *Lupus*

1. (De Or., ii. 79; and Brutus, 36.)

cervarius, although generally held to be *Lupus cervarius* is, as he remarks, the *Chaus* of Pliny, which is our lynx or stoat, the character of which agrees with the *Thos*.

THRANITAI (θρανίται). (Vid. SUPRA.)

THRACES. (Vid. GLADIATORES, p. 4.)

*THRAUPIS (θραυπίς), the name of a bird mentioned by Aristotle, and the same, probably Goldfinch, or *Fringilla carduelis*.

*THRAU'PALŪS (θραυπάλος), a plant the *Fiburnum lantana*, Mealy Guilder-rose.

THRACUS, according to Sprengel, or the *opulus*, common Guilder-rose or Water-cordoning to Stackhouse.

*THRIDAX, the Lettuce. (Vid. LACTUCÆ.)

*THRIDAC'INE. (Vid. LACTUCÆ.)

*THRISSA (θρίσσα), a species of fish, *T. alosa*, or Shad. Ausonius states that it was used only by the lower ranks for food.

THRONUS, the Greek θρόνος, for which the proper Latin term is *solium*, a Throne. It does not differ from a chair (καθέδρα) (vid. CATHEDRA) except in being higher, larger, and more splendid. On account of its being used by the gods, it was always necessarily accompanied by a footstool (*subsellium*, υποπόδιον, Att. θρόνον θρηναίον). Besides a variety of ornaments, especially nails or studs of silver, bestowed on the throne itself, it was often covered with beautiful drapery. (Vid. TAPES.) The Egyptian woodcut shows two gilded thrones



found at Resina.³ These were intended to represent the thrones of Mars and Venus, which is explained by the helmet on the one and the dove on the other.

All the greater gods were sometimes represented as enthroned, especially Jupiter, Juno, Mars, Minerva, Diana, Ceres, Cybele, Neptune, Pluto, and Apollo. This was in imitation of the practice adopted by mortals, and more particularly in Asia, as in the case of Xerxes⁴ and of the Persians.⁵ When the sitting statue of the god was colossal, the throne was, of course, great in size, and consequently presented a very elegant appearance for the display of sculpture and painting. As early as the sixth century before Christ, Bathys, a Magnesian thus decorated the throne of the goddess Minerva. Instead of legs, it was supported by four statues, representing two Graces and two Hours. It was elevated on a basement (βάθρον). Being of the size of a considerable temple, and open all round so that the god might walk under it, it was covered with beautiful drapery both outside and inside. Not less than thirty mythological subjects were thus displayed in separate compartments, besides many other

1. (Hardouin ad Plin., viii., 52.—Aristot., H. A., i., 10, vi., 29.—Adams, Append., s. v.)—2. (Aristot., H. A., i., 5.)—3. (Theophrast., H. P., vi., 6.—Id. ib., iv., 1.—Id. ib., v., 1.—Id. ib., s. v.)—4. (Aristot., H. A., i., 32.—Id. ib., s. v.)—5. (Adams, Append., s. v.)—6. (Athen., v., p. 122, c.—Id. ib., xiv., 240.—Od., i., 131.—Id., x., 312.)—7. (Hem., 153.)—8. (Auct. d'Ercol., i., tav. 29.)—9. (Pausan., i., 31.)—10. (Claud. in iv. Cons. Honor., 334.)

THYMALLUS.

THYNNUS.

out it.¹ The throne of the Olympian
work of Phidias and Panænus, was
adorned in a similar manner,
instead of being open all round, and
the most valuable materials, viz., ivory,
and precious stones.² As a chair
se was sometimes made to hold two
a throne shared by two potentates
two divinities were sometimes sup-
ply the same throne.³ Besides those
the statues of the gods, the thrones
were sometimes deposited in the tem-
IA.⁶

ing woodcut, taken from a fictile vase



Borbonico at Naples, represents Juno
dendrid throne, which is elevated, like
described, on a basement. She holds
and a sceptre, and in her right the
Mercury is about to convey to Paris
o the celebrated contest for beauty on
Mercury is distinguished by his TALA-
CEUS, and his petasus thrown behind
hanging by its string. On the right
rone is the representation of a tigress

ed seat used by a schoolmaster was
me.⁷

Vid. LIBANOTUS.)

VITA, ΘΥΙΑ, ΘΥΕΙΑ, a species of tree,
f which was fragrant. "Botanical
ree in referring it to the *Arbor vita*;
r to the *Thya aphylla* according to
r the *Thya articulata* according to
ost probably it is the *Θύιον* of Homer."⁸
S LAPIS. "Galen," says Adams,
e Thyites of Dioscorides as being of a
r, like jasper. It would appear that it
of *turquoise*, but not the kind in com-
is the *callais* of Pliny, and hence the
lled by Fisher and Jameson *callaite*."⁹

LUS (Θύμαλλος), a species of fish, the
lus, L., called in English the Graying
The *Umbra* of Ausonius would ap-
ear a variety of it. Ardedi makes the
ave been a species of *Coregenus*; but
riter of the article on Ichthyology in
die Methodique, and Schneider, in his
n Ælian, rank it as a species of *Salm-*
ays that the name *Thymallus* is given
account of an imaginary scent pro-
it, resembling thyme, and that it is

more appropriately called *Umbra*, from its being so
swift in summer as to disappear like a passing
shadow."¹¹

*THYMBRA (θύμβρα), a plant. "Stackhouse
seems to be the only authority who refers it to the
Thymbra capitata; all the others are satisfied that it
is the *Satureia Thymbra*, or Savory. Aristophanes
alludes to the use of savory as a condiment."¹²

*THYMELÆA (θύμελαια). "Modern botanists,"
says Adams, "by a frequent change of names, have
occasioned some difficulty in determining accurate-
ly to which genus and species the *θύμελαια* is to be
referred. It was most probably the *Daphne Cnidium*,
or Flax-leaved Daphne. Botanists call this tribe
of plants *Thymelæa*. The fruit of the *θύμελαια* is
usually named κόκκος Κνίδιος."¹³

THYMELE (θύμλλη). (Vid. THEATRUM, p. 968.

*THYMUS (θύμος), the *Thymus vulgaris*, or Com-
mon Garden Thyme, according to most authorities
Matthioli alone suggests that it is the *Thymus*
Creticus, which is the *Satureia capitata*, L.¹⁴

*THYNNUS (θύννος), a fish, the *Scomber Thy-*
nnus, L., Spanish Mackerel, Albicore, or Tunny-fish.
According to Coray, its French name is *Thorr*
"The tunny is one of the largest sea fishes. Aris-
totle speaks of an old individual which weighed fif-
teen talents, or twelve hundred pounds, and which
measured two cubits and a palm from one point to
another of the caudal fin. This measure, too, is a
correction of Gaza's in his first editions, and after
Pliny. The majority of the manuscripts of Aris-
totle say five cubits, and Hardouin, always prone to
paradox, believed that it was Pliny who ought to
have been corrected. Five cubits for this part
would give a length of at least twenty or twenty-
two feet for the entire fish. The fishery of the
tunny dates from the highest antiquity. Euthyde-
mus even attributes some verses to Hesiod, in which
he describes the trade and exportation of it. But
Athenæus, who quotes them, proves, at the same
time, that they must of necessity have been the
production of a much later poet. It was more es-
pecially at the two extremities of the Mediterrane-
an, at the places where this sea contracts its chan-
nel, and where the migratory fishes are forced to
come more closely in contact with each other, that
the largest tunny-fisheries took place. In the East,
the Black Sea presented these fish with an abundant
degree of aliment, in consequence of the number of
rivers which run into it. They repaired thither in
crowds in the spring-time for the purpose of spawn-
ing, and Aristotle even believed that they did not
multiply elsewhere. They remained there during
the summer, and it was on their passage to the
Bosporus that such rich captures were made of
them. According to the very detailed account of
Strabo, their reproduction took place in the Palus
Mæotis. They followed the coast of Asia Minor,
and the first were taken at Trebizonde and Pharna-
cia; but they were then but small. At Sinope they
had already attained a size large enough for salting;
and that town, built upon an isthmus, and admir-
ably situated for this fishery, derived immense profits
from it. But it was more especially the city of
Byzantium that was enriched by this fish. The
shoals of them that entered into the Bosporus, near
Chalcedon, met with a white rock which terrified
them, and induced them to turn on the side of By-
zantium, and to enter into the bay which now forms
the port of Constantinople. This prodigious quan-
tity of fish still arrives at Constantinople at the
present day, as in the time of the ancients. Gyllius

18, § 6-19, § 4.—Heyne, Ant. Aufsätze, i., p. 1-
v., 11, § 2-4.—3. (Hom., Il., iii., 424.—Od.,
Iris ap. Athen., i., p. 17, f.)—5. (Paus., viii., 37,
ff., 19, § 4; v., 12, § 3.)—7. (Brueck, Anal., ii.,
Brast., H. P., i., 9.—Id. ib., iii., 4.)—9. (Dios-
c., H. N., xxvii., 68.—Adams, Append., s. v.)

1. (Ælian, N. A., xiv., 22.—Id. ib., xii., 49.—Daniell, Rural
Sports, vol. ii., p. 246.)—2. (Theophrast., C. P., iv., 3.—Dios-
cor., iii., 39.—Aristoph., Nub., l. 450.—Adams, Append., s. v.)—
3. (Dioscor., iv., 170.—Paul. Ægin., vii., 3.—Adams, Append.
s. v.)—4. (Theophrast., H. P., iv., 3.—Dioscor., iii., 38.)

speaks of them in terms well calculated to excite astonishment. The tunny-fishery was still more ancient in the West. The Phœnicians had established it very early on the coasts of Spain, and prosecuted it with great activity, both without and within the columns of Hercules. Accordingly, we find the tunny appear on the Phœnician medals of Cadiz and Carteia. From that period this species of industry was extended and perpetuated along these coasts. The salted preparations of fish of Spain, as well as of Sardinia, were considered in the time of the Romans as much more tender and of a more agreeable flavour than those of Byzantium. These preparations, too, sold at a higher price. Their savoury quality was attributed to the quantity of acorns which fell from a small species of oak very common on these coasts; and the people were led to believe that it was at the bottom of the sea itself that the oaks grew which produced these acorns, but which, in all probability, are nothing but fucus. The tunnies which removed farther towards the Straits of Gibraltar became more and more thin, because they no longer found this sort of aliment. Strabo, in his Geography, carefully marks the places where men were stationed to give notice of the arrival of these fish, in the very same manner as is done in our own times. These stations were called *θυνοσκοπεῖα*, 'look-out places for tunnies.' The fishery was carried on very nearly in the same way as in our days. The description given us by Ælian of that which took place along the coasts of the Euxine entirely resembles what is reported by Duhamel of the tunny-fishery as practised at Collioure. Particular names were given to the tunnies of different ages. The *Scordyla*, or, as it was called at Byzantium, *Auzis*, was the young tunny, when it first issued from the Euxine Sea in autumn. The *Pelamys* was the tunny in a more advanced age, when it returned to that sea in the spring. The very large tunnies bore the name of *Orycni*, and there were some so gigantic as to have been ranged among the cetacea. These large *orycni*, according to Dorian in Athenæus, were considered to come from the ocean. This was the reason why there were more of them near the coasts of Spain and in the Tuscan Sea, and it was supposed that they did not return into the more Eastern seas. In modern times, the tunny-fishery, without having diminished in product, is almost concentrated in the interior of the Mediterranean. It is no longer carried on upon a grand scale at Constantinople, nor on the Black Sea, since the establishment of the Turks in those fine countries. The fisheries on the coast of Spain, without the Straits, were supported for a longer time. Those of Conil, near Cadiz, and of the castle of Sara, near Cape Sparte, were particularly celebrated, and produced great revenues to the Dukes of Medina and Sidonia, their privileged proprietors. More than five hundred men were employed in them; but they are now fallen into decay, partly through bad management, and partly, as is said, because the earthquake, which destroyed Lisbon in 1755, has changed the nature of the coast, and determined the tunnies to seek in preference the shores of Africa. At the present day, it is in Catalonia, in Provence, in Sicily, Sardinia, and Liguria, that this fishery is most actively carried on, and yields the most abundant results.¹¹

THYRSUS (*θύρσος*), a pole carried by Bacchus, and by Satyrs, Mænades, and others who engaged in Bacchic festivities and rites.³ (*Vid. DIONYSIA*, p. 363.) It was sometimes terminated by the apple of the pine or fir-cone (*κωνοφόρος*), that tree (*πέυκη*) being dedicated to Bacchus in consequence of the

1. (Griffith's Cuvier, vol. x., p. 335, &c.)—2. (Athen., xiv., p. 531, a.—Vell. Patere., ii., 62.)—3. (Brunck, Anal., i., 431.)

use of the turpentine which flowed from it, of its cones in making wine.⁴ The monument of ancient art, however, most commonly instead of the pineapple, a bunch of vine or ivy with grapes or berries, arranged into the cone. The annexed woodcut, taken from



ornament,³ shows the head of a thyrsus of the leaves and berries of the ivy, and surmounted by acanthus-leaves. Very frequently, also, a fillet was tied to the pole just below the manner represented in the woodcut, where each of the figures holds a thyrsus in his hand. See also the woodcut to FUNAMBULI INSTITA.) The fabulous history of Bacchus, that he converted the thyrsi carried by him and his followers into dangerous weapons, ceasing an iron point in the head of leaves; his thyrsus is called "a spear enveloped in leaves,"¹⁰ and its point was thought to madden.⁷

TIA'RA or TIARAS (*τιάρα* or *τιάρας*, *βαβία*), a hat with a large high crown. The headdress which characterized the Northern Asiatics, and more especially the Armenians, the Parthians, and the Persians,¹⁰ as distinguished



from the Greeks and Romans, whose hats

1. (Walpole's Memoirs, vol. i., p. 235.)—2. (Ovid., Met., 27, 28.—Propert., iii., 3, 35.)—3. (Mos. Math., ii., 90.)—4. (Statius, Theb., vii., 654.)—5. (Diod. Sic., iii., 64.)—6.—Macrob., Sat., i., 19.)—7. (Ovid., Met., ii., 687.)—8. (Carm., ii., 19, 8.—Ovid., Amor., iii., 1, 22.—Id. ib., iii., 1, 1.)—9. (Trist., iv., i., 43.—Brunck, Anal., iii., 201.—Ovid., xlv., 5.—Id., i., 1, 8.)—10. (Meurs., s. v.—Herod., v., 40.—Nero, 13.—Aristoph., Aves, 487.)—11. (Xen., Cyrop., i., § 12.—Nero, 13.)—12. (Philostr. Sen., Imag., 2. Plaut., Pers., iv., 2, 2.)

had only a low crown. The Mysian hat, Lygian bonnet," as it is now called (*vid. Pr.* 778), was a kind of tiara,¹ formed with a band to be tied under the chin,² and dyed purple.³ The Kings of Persia wore an erect tiara, while his subjects were soft and flexible, falling side.⁴ He was also distinguished by the colours of his tiara,⁵ and by a ΔΙΑΔΕΜΑ encircled it, and which was variegated with spots upon a blue ground. The Persian name of the regal headdress was *cidaris* (κίδαρις or κίρα), the preceding woodcut shows the *cidaris* as used on a gem in the Royal Cabinet at Paris, supposed by Caylus to be worn by a sovereign of Persia.⁶ From a very remote period⁷ down to the present day, the tiara of the King of Persia has been invariably adorned with gold and jewelry.

The *aulos* (αὐλός), a Pipe, the commonest musical instrument of the Greeks and Romans. It was usually a hollow cane perforated with holes in proper places.¹⁰ In other instances it was of some kind of wood, especially box, and adorned with a gimlet (*terebrato buzo*¹¹). The Persians used a pipe, called *gingrus* or *αὐλός*, which did not exceed a span in length, made of a small reed or straw.¹² The same variety in Egypt is proved by specimens in the British Museum, which were discovered in an Egyptian tomb.

A single pipe was used by itself, the person who played it, as well as the instrument, was called *aulos*,¹³ *μόναυλος*.¹⁴ Thus used, it was much used at Alexandria.¹⁵ When its size became smaller, and it was both strengthened and adorned by the addition of metallic or ivory rings,¹⁶ it has been comparable to the flageolet, or the clarinet of modern times. Among the varieties of the single pipe, the most remarkable is the bagpipe, the performer on which was called *psaltery*¹⁷ or *ἀσκαύλης*,¹⁸ and the *αὐλός* *πλάττυλον*,¹⁹ which, as its name implies, a mouthpiece inserted into it at right angles. It is shown in a restored terminal statue of the Townley collection of the British Museum, and was the reputed inventor of this kind of pipe, as well as of the *fistula* or *SYRINX*. Among the Greeks and Romans it was much used to play on two pipes at the same time. The performance on this instrument (*tibicinium*) when executed by a single person, was called *cantare tibias*.²⁰ This act is exhibited in numerous works of ancient art, and often in a way as to make it manifest that the two pipes were perfectly distinct, and not connected, as we are supposed, by a common mouthpiece. This more especially in two beautiful paintings were found at Resina and Civita Vecchia which represent Marsyas teaching the Lympus to play on the double pipe.²¹ The *aulos* in the British Museum, which were found in a tomb at Athens, appear to be of a certain length is about 15 inches. Each of

them had a separate mouthpiece (γλώσσις), and, besides the hole at the end, it has five holes along the top and one underneath. The circumstance of these three instruments being found together is in accordance with the fact that they are very commonly mentioned together by ancient authors;¹ and the reason of this was, that performances on the double pipe were very frequently accompanied by the music of the lyre.² The mouthpieces of the two pipes often passed through a *CAPISTRUM*. (*Vid. PHORBIA*.) (See woodcut, p. 454.)

Three different kinds of pipes were originally used to produce music in the Dorian, Phrygian, and Lydian modes. (*Vid. Music*, p. 648.) About the third century B.C., Pronomus, the Theban, invented adjustments (*ἀρμονίαι*) by which the same set of pipes might be fitted to all the modes.³ In what these adjustments consisted we are not clearly informed. Probably stopples or plugs (*δύμοι*) were used for this purpose. (*Vid. AULOS*.) It appears also that, to produce the Phrygian mode, the pipe had only two holes above (*biforis*), and that it terminated in a horn bending upward.⁵ It thus approached to the nature of a trumpet, and produced slow, grave, and solemn tunes. The Lydian mode was much quicker, and more varied and animating. Horace mentions "Lydian pipes" as a proper accompaniment when he is celebrating the praise of ancient heroes.⁶ The Lydians themselves used this instrument in leading their troops to battle; and the pipes employed for the purpose are distinguished by Herodotus⁷ as "male and female," i. e., probably bass and treble, corresponding to the ordinary sexual difference in the human voice. The corresponding Latin terms are *tibia dextra* and *sinistra* (*lava*): the respective instruments are supposed to have been so called, because the former was more properly held in the right hand, and the latter in the left. The "*tibia dextra*" was used to lead or commence a piece of music, and the "*sinistra*" followed it as an accompaniment. Hence the former was called *incentiva*, the latter *succentiva*.⁹ The comedies of Terence having been accompanied by the pipe, the following notices are prefixed to explain the kind of music appropriate to each: *tibis paribus*, i. e., with pipes in the same mode; *tib. imparibus*, pipes in different modes; *tib. duabus dextris*, two pipes of low pitch; *tib. par. dextris et sinistris*, pipes in the same mode, and of both low and high pitch.

The use of the pipe among the Greeks and Romans was threefold, viz., at sacrifices (*tibia sacrificæ*), entertainments (*ludicæ*:¹⁰ woodcut, p. 276), and funerals¹¹ (see p. 650). 1. A sacrifice was commonly attended by a piper (*tibicen*:¹² woodcut, p. 897), who partook of the food offered, so that "to live like a piper" became a proverb applied to those who maintained themselves at the expense of other people.¹³ The worshippers of Bacchus,¹⁴ and still more of Cybele, used the Phrygian pipe, the music of which was on this account denominated τὸ Μητρῶον αὐλημα.¹⁵ 2. At public entertainments the *tibicines* wore tunics reaching down to their feet,¹⁶ as is exemplified in the woodcut at p. 240. In conformity with the use of this kind of music at public festivals, a band of *tibicines* preceded a Roman general when he triumphed.¹⁷ 3. The gravity and solemnity of the Phrygian pipes, which adapted them to the worship of Cybele, also caused them to be used at fu-

Æn., vii., 247.—Servius ad loc.—Sen., *Thyest.*, iv., Philostr. *Jan.*, *Imag.*, 8)—2. (*Juv.*, vi., 516.—*Val.* 90.)—3. (*Ovid.*, *Met.*, xi., 181.)—4. (*Herod.*, vii., 61.—*ii.*, 5, § 23.—*Id.*, *Cyrop.*, viii., 3, § 13.—*Schol.* in *c.*, § 5.—*Themist.*, *Orat.*, 2, p. 30, c.; 24, p. 306, c.)—*iii.*, 5.)—7. (*Strabo*, xi., 12, § 9.—*Pollux.*, vii., § 55.)—*Ant.*, t. ii., p. 124.)—9. (*Æschyl.*, *Pers.*, 668.)—*H. N.*, xvi., 36, s. 66.—*Athen.*, iv., p. 182.)—11. (*Ovid.*, 697.)—12. (*Athen.*, iv., p. 174, f.—*Festus*, s. v. *Cin.* 3. (*Mart.*, xiv., 64.)—14. (*Brunck.*, *Anal.*, i., 484.)—*iv.*, p. 174, h.)—16. (*Hor.*, *Epist.* ad *Pis.*, 202—205. *iv.*, 6, § 17.—*Sueton.*, *Nero*, 54.)—18. (*Onomast.* *scr.*, x., 29.—*Longus*, i., 2.—*Heliod.*, *Æthiop.*, v.—*A.*, vi., 19.—*Eustath.* in *Hom.*, ii., xviii., 493.—*20.* 7.)—21. (*Gell.*, iv., 13.)—22. (*Gell.*, xv., 17.—*C. Nep.*, —23. (*Ant. d'Ercolan.*, i., tav. 9; iii., tav. 19.—*Com.* x., § 5.)

1. (*Pind.*, *Ol.*, iii., 9; xi., 97, 98.—*Isth.*, iv., 30, ed. Böckh.—*1. Cor.*, xiv., 7.)—2. (*Hor.*, *Epod.*, ix., 5.)—3. (*Paus.*, ix., 12, § 4.—*Athen.*, xiv., p. 631, c.)—4. (*Virg.*, *Æn.*, iv., 617—620.)—5. (*Tibull.*, ii., 1, 86.—*Ovid.*, *Met.*, iii., 533.)—6. (*Carm.*, iv., 13, 30.)—7. (*ib.*, 17.)—8. (*Plin.*, l. c.)—9. (*Varr.*, *De Re Rust.*, l., 2.)—10. (*Plin.*, l. c.)—11. (*Ovid.*, *Fast.*, vi., 657.)—12. (*Varr.*, *De Re Rust.*, iii., 17.)—13. (*Suidas*, s. v. *Αὐλητής*.—*Aristoph.* *Pax*, 952.)—14. (*Virg.*, *Æn.*, xi., 737.)—15. (*Paus.*, x., 30, § 5.)—16. (*Ovid.*, *Fast.*, vi., 686.)—17. (*Florus*, ii., 2.)

nerals.¹ The pipe was the instrument principally used to regulate the dance (*vid.* SALTATIO), whether at sacrifices, festivals, or private occasions in domestic life;² by means of it, also, the rowers kept time in a trime.³

Notwithstanding the established use of the pipe for these important purposes, it was regarded, more especially by the Athenians, as an inelegant instrument, greatly inferior to the lyre.⁴ Horace, however, represents Clio as performing, according to circumstances, either on the lyre or the pipe;⁵ and it is certain that the pipe was by no means confined anciently, as it is with us, to the male sex, but that *αὐλητρίδες*, or female tibicians, were very common.⁶ The Thebans always esteemed this instrument, and excelled greatly in the use of it.⁷

TIBICEN. (*Vid.* TIBIA.)

TIGNI IMMITTENDI SERVITUS. (*Vid.* SERVITUTES, p. 878.)

*TIGRIS (*τίγρις*), the Tiger, or *Felis Tigris*, L. "The Greeks would appear to have got acquainted with the tiger during Alexander's expedition into Asia, for it is first mentioned by Aristotle. According to Varro, the word is borrowed from the Armenian language, and signifies an arrow or a rapid river."⁸

*ΤΙΚΤΟΙ ΔΙΟΟΙ (*τίκτοι λίθοι*), Prolific Stones. "By prolific or pregnant stones," says Adams, "were meant stones containing a nucleus within, such as the eagle-stone. (*Vid.* ΑΕΤΙΤΕΣ.) Dioscorides describes it thus: *ἀετίτης λίθος ὡς ἐτέρου ἐγκόμων λίθου ὑπάρχων*. These stones were at one time famous for their reputed powers in aiding delivery, preventing abortions, &c.; but this superstitious belief appears to have been of later origin than the age of Theophrastus."⁹

*ΤΙΛΙΑ. (*Vid.* PHILYRA.)

TIMEMA (*τίμημα*). The penalty imposed in a court of criminal justice at Athens, and also the damages awarded in a civil action, received the name of *Τίμημα*, because they were *estimated* or *assessed* according to the injury which the public or the individual might respectively have sustained. The penalty was either fixed by the judge, or merely declared by him according to some estimate made before the cause came into court. In the first case the trial was called *ἀγὼν τιμητός*, in the second case, *ἀγὼν ἀτίμητος*, a distinction which applies to civil as well as to criminal trials.

It is obvious that, on a criminal charge, two inquiries have to be made: first, whether the defendant is guilty; secondly, if he be found guilty, what punishment ought to be inflicted upon him. It may be advisable to leave the punishment to the discretion of the judge, or it may not. In some cases the Athenian lawgiver thought that the judge ought to have no discretion. Thus, in cases of murder and high treason, sentence of death was imposed by the law and only pronounced by the judge (*vid.* ΦΡΟΝΟΣ, ΠΡΟΦΟΣΙΑ), and in many other cases the punishment was likewise fixed by the law. But where the exact nature of the offence could not be foreseen by the lawgiver, or it might so far vary in its character and circumstances as to admit of many degrees of culpability, it might be desirable or even necessary to leave the punishment to the discretion of the judge. The law then directed that the same court which passed sentence on the culprit should forthwith impose the penalty which his crime deserved.

1. (Statius, *Theb.*, vi., 120.—Compare Joseph., *B. J.*, iii., 8, §.—St. Matth., ix., 23.)—2. (Herod., vi., 129.)—3. (Max. Tyr., 23.)—4. (Plutarch, *Aleib.*, p. 351.—Gell., *N. A.*, xv., 17.—Aristot., *Polit.*, viii., 6.)—5. (Carm., i., 19, 2.—Compare Philost. *Sen.*, *Imag.*, ii., 3.)—6. (Xen., *Symp.*, ii., 1.—Hor., *Epist.*, i., 14, 25.)—7. (Anthol., ed. Jacobs, ii., 633.)—8. (Aristot., *H. A.*, viii., 37.—Adams, *Append.*, s. v.)—9. (Theophr., *De Lapid.*, c. xi.—Adams, *Append.*, s. v.)

Thus, in the νόμος ὑδρεως,¹ it is enacted: *ἴνα δὲ καταγνῶ ἢ ἡλία, τιμᾶται περὶ αὐτοῦ παραρη, ὅπου ἂν δόξῃ ἄσιος εἶναι παθεῖν ἢ ἀποτίσαι, ἢ ἄλλῃ ἄποτίσαι* refers to pecuniary penalties, *παθεῖν* to any other sort of penalty, as death, imprisonment, &c. Sometimes a special provision was made as to the means of enforcing the punishment; as in the law last cited, and also in the laws in Demosthenes,² it is declared that, if a fine be imposed, the party shall be imprisoned until it is paid.

In civil causes, the sentence by which the court awarded redress to the injured party would vary according to the nature of his complaint. Where he sought to recover an estate in land, or a house, or any specific thing, as a ring, a horse, a slave, nothing farther was required than to determine to whom the estate, the house, or the thing demanded, of right belonged. (*Vid.* HERES, GREEK; ΟΙΚΙΑΣ ΔΙΚΗ.) The same would be the case in an action of debt, *χρέους δίκη*, where a certain sum was demanded; as, for instance, where the plaintiff had lent a sum of money to the defendant, and at the trial no question was made as to the amount, but the dispute was whether it was a loan or a gift, or whether it had been paid or not. So, in an action for breach of contract, if, by the terms of the contract, a certain penalty had been attached to its violation, it would be unnecessary to have an inquiry of damages, they being already liquidated by the act of the parties themselves.³ In these and many other similar cases the trial was *ἀτίμητος*. On the other hand, wherever the damages were in their nature *unliquidated*, and no provision had been made concerning them either by the law or by the agreement of the parties, they were to be assessed by the dicasts.

The following was the course of proceeding in the *τιμητοὶ ἀγῶνες*.

Let us suppose that on a criminal prosecution the defendant had been found guilty. The superintending magistrate then called upon the prosecutor to say what punishment he proposed to be inflicted on him, and what he had to say thereupon. The bill of indictment (*ἐγκλημα*) was always superseded with some penalty by the person who preferred it. He was said *ἐπιγράφειν τιμημα*, and the penalty proposed is called *ἐπίγραμμα*.⁴ We find also the expressions *ἐπάγειν τιμημα*, *τιμᾶσαι τῷ κρίνοντι τιμημα ποιεῖσθαι*. When a charge was brought, not by a private individual, but by a magistrate *ex officio*, the law required him in like manner to write down the penalty which he thought the case merited.⁵ The prosecutor was now called upon to support the allegation in the indictment, and for that purpose to mount the platform and address the dicasts (*ἀναβαίνειν εἰς τιμημα*).

Here he said whatever occurred to him as likely to aggravate the charge, or incense the dicasts against his opponents. He was not bound, however, to abide by the proposal made in the bill, but might, if he pleased (with the consent of the court), ask for a lower penalty than he had demanded before. This was often done at the request of the defendant himself or of his friends; sometimes from motives of humanity, and sometimes from prudential considerations. If the accused submitted to the punishment proposed on the other side, there was no farther dispute; if he thought it too severe, he made a counter proposition, naming the penalty (commonly some pecuniary fine) which he considered would satisfy the demands of justice. He was then said *ἀντιτιμᾶσαι* or *ἐαυτῷ τιμᾶσαι*.⁶ He was

1. (Demosth., *c. Mid.*, 529.)—2. (*c. Timocr.*, 733.)—3. (*Id.*, *c. Dionys.*, 1291, 1296, et argum.)—4. (*Id.*, *c. Nausim.*, 253.)—5. (*Id.*, *c. Macart.*, 1076.)—6. (*Id.*, *c. Timocr.*, 743; *c. Nausim.*, 1252.—*Æsch.*, *De Fals. Leg.*, 29, ed. Steph.)

allowed to address the court in mitigation of punishment; to say what he could in extenuation of his offence, or to appeal to the mercy of his judges. This was frequently done for him by his relatives and friends; and it was not unusual for a man who thought himself in peril of life or freedom, to produce his wife and children in court to excite compassion.¹ After both parties had been heard, the dicasts were called upon to give their verdict.

Here occurs a question about which there has been much difference of opinion, and which it is impossible to determine with any certainty, viz., whether the dicasts, in giving this verdict, were confined to a choice between the estimates of the opposing parties, or whether they had a discretion to award what punishment they pleased. Without entering upon any controversial discussion, the following appears to the writer the most probable view of the matter.

The dicasts had no power of discussing among themselves, or agreeing upon the fine or penalty to be awarded. Such power was incompatible with their mode of voting by ballot. (*Vid.* ΠΣΕΦΗΟΣ.) At the same time, it would be absurd to suppose that the Athenian court had no means of controlling the parties in the exercise of that privilege which the law gave them, or that it was the common practice for the parties to submit widely different estimates to the dicasts, and leave them no alternative but the extreme of severity on the one side, and the extreme of mercy on the other. Many passages in the orators are opposed to such a view, and especially the words of Demosthenes.²

The course of proceeding seems to have been as follows. The prosecutor usually superscribed his indictment with the highest penalty which the law or the nature of the case would admit of. In the course of the trial, there might be various indications on the part of the dicasts of a disposition to favour one side or the other. They often exhibited their feelings by vehement gestures, clamour, interruption, and questioning of the parties. It was not unusual for the speakers to make allusions to the punishment before the first verdict had been given.³ All this enabled both parties to feel the pulse of the court before the time had arrived for the second verdict. If the prosecutor saw that the dicasts were greatly incensed against his opponent, and he himself was not mercifully inclined, he would persist in asking for the highest penalty. If he was himself disposed to be merciful, or thought that the dicasts were, he would relax in his demand. Similar views would prevent the defendant from asking for too small a penalty, or would induce him to effect a compromise (if possible) with his opponent. We may reasonably suppose that it was competent for the prosecutor to mitigate his demand at any time before the magistrate called on the dicasts to divide; but not after, without the consent of the court.⁴ If the parties were endeavouring to come to an arrangement, the court would give them a reasonable time for that purpose; and there is reason to believe that the petitions addressed by the defendant or his friends to the prosecutor were made aloud in the hearing of the dicasts. As to the suggested explanation of *τιμῶν τὴν μακράν*, see ΠΣΕΦΗΟΣ. We cannot doubt that in case of heinous offences, or those which immediately concerned the state, the court would not permit of a compromise between the opposing parties; but in ordinary

cases, a public prosecutor was looked on by the Athenians much in the light of a plaintiff, especially where his object was to obtain some penalty given by the law to an informer. When the parties could not come to terms, the dicasts, after hearing what each of them had to say, divided on their respective propositions, and the majority of votes determined the penalty.¹

The course thus pursued at Athens must have led to injustice occasionally, but was, perhaps, the only course that could be adopted with so large a number of judges. Aristotle tells us that Hippodamus of Miletus (who no doubt perceived the evils of this system) proposed that the verdict should not be given by ballot (*διὰ ψηφοφορίας*), but that each judge should bring in a tablet with a special statement of his opinion; upon which proposal Aristotle remarks, that its effect would be to make each judge a *δαιτητής*: that it was an object with most of the ancient lawgivers that the judges should not confer with each other (*κοινολογούνται*), and then he comments on the confusion that would arise if the judge were allowed to propose a penalty different from that submitted to him by the parties.²

As a general rule, only one penalty could be imposed by the court, though the law sometimes gave more than one.³ Sometimes the law expressly empowered the jury to impose an additional penalty (*προστιμῆμα*) besides the ordinary one. Here the proposition emanated from the jury themselves, any one of whom might move that the punishment allowed by the law should be awarded. He was said *προστιμᾶσθαι*, and the whole dicasts, if (upon a division) they adopted his proposal, were said *προστιμᾶν*.⁴ We may observe, that the preposition *πρός* in the verb *προστιμᾶν* does not always imply that a second penalty is imposed, but is sometimes used with reference to other matters, as in Demosthenes.⁵

In private actions, the course of proceeding with respect to the assessment of damages was much the same as described above. In some cases, where the plaintiff's demand was made up of several charges, or arose out of various matters, he would give in his bill of plaint a detailed account, specifying the items, &c., instead of including them in one gross estimate. This seems to have been considered the fairer method, and may be compared to our *bill of particulars*, which the plaintiff delivers to the defendant.⁶ The liability of the plaintiff to *ἐπιβολία*, which was calculated upon the sum demanded, operated as a check upon exorbitant demands, in addition to that which we have already noticed.⁷

The *προστιμῆσις* rarely occurred in private actions, except in those where the wrongful act complained of had the character of a public offence, as in the *δίκη ψευδομαρτυριῶν*. (*Vid.* ΜΑΡΤΥΡΙΑ.)

As to the amount of revenue derived by the Athenians from public fines, see Böckh.⁸

As to *Τίμημα* in the sense of the *rateable value* of property with reference to the Athenian property-tax, see ΕΙΣΦΟΡΑ.

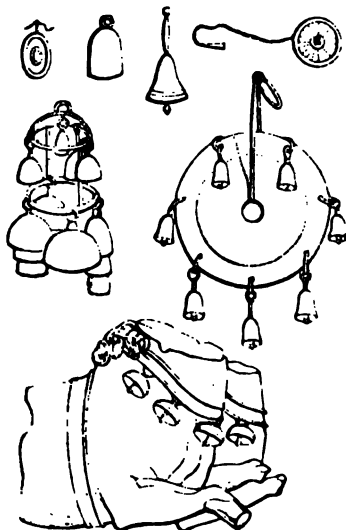
TINTINNA'BULUM (*κώδων*), a Bell. Bells were used for a great variety of purposes among the Greeks and Romans, which it is unnecessary to particularize here. One use, however, of them, for the purpose of keeping watch and ward in the fortified cities of Greece, deserves mention.⁹ A guard (*φύλαξ*) being stationed in every tower, a *περίπολος* (see p. 406) walked to and fro on the portion of the wall between two towers. It was his duty to carry

1. (Demosth., c. Mid., 573, 575; c. Aristocr., 793.—De Fals. Leg., 431, 434; c. Onetor., 878; c. Arphob., 834.—Aristoph., Vesp., 560.)—2. (c. Timocr., 737.)—3. (Æsch., c. Timarch., 12; De Fals. Leg., 48, ed. Steph.—Demosth., c. Mid., 523; c. Boet. de Dot., 1022, 1024; c. Spud., 1033; c. Macart., 1060; c. Steph., 1128.—Platner, Proc. and Klag., i., 384.)—4. (Demosth., c. Nicost., 1252, 1254; c. Theocrin., 1343; c. Neer., 1347.)

1. (Platner, Proc. and Klag., i., 198–202.—Meier, Att. Proc., 178–182.)—2. (Aristot., Polit., ii., c. 5, s. 3, 8, 9.)—3. (Demosth., c. Lept., 504; c. Neer., 1363.)—4. (Id., c. Timocr., 733.—Meier, Att. Proc., 183, 725.)—5. (c. Aristot., 790.)—6. (Id., c. Arphob., 853.)—7. (Böckh, Staatsh. der Athen., i., 388.)—8. (Staatsh., &c., i., 402, &c.)—9. (Thucyd., iv., 135.—Aristoph., Aves, 843, 1159.—Schol. in loc.)

the bell, which he received from the guard at one tower, to deliver it to the guard at the next tower, and then to return, so that the bell, by passing from hand to hand, made the circuit of the city. By this arrangement it was discovered if any guard was absent from his post, or did not answer to the bell in consequence of being asleep. Hence, to prove or try a person was called *κωδωνίζειν*;¹ to perform the office of patrol was *κωδωνοφορεῖν*.

The forms of bells were various in proportion to the multiplicity of their applications. In the Museum at Naples are some of the form which we call bell-shaped; others are more like a Chinese gong. The bell fig. 1, in the annexed woodcut, is a simple disc of bell-metal; it is represented in a painting as hanging from the branch of a tree.² Figure 2 represents a bell of the same form, but with a circular hole in the centre, and a clapper attached to it by a chain. This is in the Museum at Naples, as well as the bell fig. 3, which in form is exactly like those still commonly used in Italy to be attached to the necks of sheep, goats, and oxen. Fig. 4 is represented on one of Sir W. Hamilton's vases,³ as carried by a man in the garb of Pan, and probably for the purpose of lustration.⁴ Figure 5 is a bell, or rather, a collection of twelve bells, suspended in a



same, which is preserved in the Antiquarium at Munich. This jingling instrument, as well as that represented by fig. 6,⁵ may have been used at sacrifices in Bacchanalian processions, or for lustration. Fig. 7 is a fragment of ancient sculpture, representing the manner in which bells were attached to the collars of chariot-horses.⁶

TIPHE (τιπή), a variety of the *Triticum spelta*, or Spelt. It is to be borne in mind," says Adams, in his commentary on Paulus Aegineta, "that the words *σπῆλα*, and *σπῆλα* of the Greeks, and *far* and *farra* of the Romans, were all varieties of spelt, a species of grain bearing some resemblance to wheat. Truly, it is true, seems to distinguish the *σπῆλα* from the *ἀρῆλα*, but from the account which Theophrastus and Galen give of them, they would appear decidedly to have been more varieties of the same grain. Spelt, in this country, is known by the name of vicinial wheat."⁷

TIRO'CIINIUM. (TIRO) was the name of a newly-enlisted soldier, who had experience in troops is described in which the liability was 17.

From their first entrance when not actually serving were exercised every morning and afternoon exercises included notions and tactics proper ever could tend to activity, and especially ring toil. Vegetius⁸ exercises of the tiroes swimming, carrying (vid. PALUS), thrusting to striking, using their javelins, shooting arrows bullets, leaping on weights, fortifying the of battle.

Vegetius also gives according to their cot townsmen, their age, and previous occupation almost exclusively to emperors, when the from the citizens of Rome of the provinces.

At this period, the the army, was branded a mark (*stigmata*; *pun* conjectures to have been

The state of a tiro soldier who had attained then said *tirocinium po*

In civil life the term plied to the assumption was called *tirocinium* first appearance of an *ium eloquentia*.⁹

TITHEN'DIA (τιθήνδια) at Sparta by the nurses (τιθήναι) carried to the Temple of Artemis which was situated on assus, in the district sacrificed sucking pigs then had a feast, proltims, with which they (*τινίτρας ἄρτους*).

***TITHYMALLUS** (τιθύμαλλοι) are, without genus *Euphorbia*, or deners's Dictionary, de The *χαρᾶκις* is either by him Wood Spurge species, or Myrtle-leav is the *T. arboreus*, or The *πλατύφυλλος* is the The *κνπρισσῖας* is the in Scotland. The *ἥλα* Sun Spurge. The Besides these, the ancient species of spurge and *πεπλίς*, *θυμελαία*, &c.

1. (Cass., Bell. Civ., iii., 2—4. (i., c. 2-8.)—5. (Justin Rom. in Oper., iii., p. 32; em., l. ii.)—7. (Athen., iv Gr., vii., p. 211, Wyttenb.)

1. (Cass., Bell. Civ., iii., 2—4. (i., c. 2-8.)—5. (Justin Rom. in Oper., iii., p. 32; em., l. ii.)—7. (Athen., iv Gr., vii., p. 211, Wyttenb.)

that the *Lactuca marina* of Celsus is the *παράλιος*.¹¹

TITII SODALES, a sodalitas or college of priests at Rome, who represented the second tribe of the Romans, or the Tities, that is, the Sabines, who, after their union with the Ramnes or Latins, continued to perform their own ancient Sabine sacra. To superintend and preserve these, T. Tatius is said to have instituted the Titii Sodales.² In another passage,³ Tacitus describes this sacerdotium in a somewhat different manner, inasmuch as he says that it was instituted by Romulus in honour of King Tatius, who, after his death, was worshipped as a god. But this account seems only to mean that Romulus, after the death of Tatius, sanctioned the institution of his late colleague, and made the worship of Tatius a part of the Sabine sacra. From Varro,⁴ who derives the name Sodales Titii from Titia aves which were observed by these priests in certain auguries, it appears that these priests also preserved the ancient Sabine auguries distinct from those of the other tribes. During the time of the Republic the Titii Sodales are no longer mentioned, as the worships of the three tribes became gradually united into one common religion.⁵ Under the Empire we again meet with a college of priests bearing the name of Sodales Titii, or Titienses, or sacerdotēs Titiales flaviales; but they had nothing to do with the sacra of the ancient tribe of the Tities, but were priests instituted to conduct the worship of an emperor, like the Augustales.⁶ (*Vid.* AUGUSTALES.)

TITIES or TITIENSES. (*Vid.* PATRII, p. 743.)

TOKOS. (*Vid.* INTEREST OF MONEY.)

TOKOI NAITIKOI. (*Vid.* INTEREST OF MONEY, p. 545.)

TOGA (*τήβεννος*), a Gown, the name of the principal outer garment worn by the Romans, is derived by Varro from *tegere*, because it covered the whole body.⁷ Gellius⁸ states that at first it was worn alone without the tunic. (*Vid.* TUNICA.) Whatever may have been the first origin of this dress, which some refer to the Lydians, it seems to have been received by the Romans from the Etruscans, for it is seen on Etruscan works of art as the only covering of the body; and the *toga pretexta* is expressly said to have been derived from the Etruscans.⁹

The toga was the peculiar distinction of the Romans, who were thence called *togati* or *gens togata*.¹⁰ It was originally worn only in Rome itself, and the use of it was forbidden alike to exiles and to foreigners.¹¹ Gradually, however, it went out of common use, and was supplanted by the *PALLIUM* and *lacerna*, or else it was worn in public under the *lacerna*.¹² (*Vid.* LACERNA.) But it was still used by the upper classes, who regarded it as an honourable distinction,¹³ in the courts of justice, by clients when they received the *SPORTULA*,¹⁴ and in the theatre or at the games, at least when the emperor was present.¹⁵ Under Alexander Severus, guests at the emperor's table were expected to appear in the toga.¹⁶

The form of the toga, and the manner of wearing it, are matters which are much disputed, and about which, indeed, it seems almost impossible, with our present information, to arrive at certainty.

The form was undoubtedly, in some sense, *round*; *semicircular* according to Dionysius,² who calls it *περιβάλαιον ημικύκλιον*. It seems, however, impossible, from the way in which it was worn, that it could have been always a semicircle. Such may perhaps have been its form as worn in the most ancient times, when it had no great fulness; but to account for the numerous folds in which it was afterward worn, we must suppose it to have had a greater breadth in proportion to its length, that is, to have been a smaller segment than a semicircle. Probably the size of the segment which the toga formed (on which its fulness depended) was determined by the fashion of the time or the taste of the wearer. This appears to be the true explanation of Quintilian's words,³ "*Ipsam togam rotundam, et apte casam velim*," which could have no meaning if nothing more were required than to give the garment the very simple form of a semicircle. The only other point to be noticed respecting the form of the toga is the question whether, when it came to be worn in many complicated folds, the art of the tailor may not have been employed to keep these folds in their position. This question, however, belongs more properly to the mode of wearing the toga.

On this subject our principal information is derived from Quintilian⁴ and Tertullian,⁵ whose statements, however, refer to the later and more complicated mode of wearing the garment, and from statues in Roman costume.

Frequent reference is made to the *sinus* of the toga. This was a portion of the garment, which hung down in front of the body like a sling; it will be more fully explained presently.

We must make a clear distinction between the more ancient and simpler mode of wearing the toga and the full form, with many complicated folds, in which it was worn at a later period.

Quintilian⁶ says that the ancients had no *sinus*, and that afterward the *sinuses* were very short. The passage in Livy⁷ (*sinu ex toga facto, iterum sinu effuso*) seems to refer not to the *sinus*, technically so called, but a *sinus* which Fabius made at the moment by gathering up some part of his toga.

The ancient mode of wearing the toga is shown in the following cut, which is taken from the *Augustum*,⁸ and represents a statue at Dresden.



Let the toga, which in this case was probably not far from an exact semicircle, be held behind the figure, with the curved edge downward. First, one corner is thrown over the left shoulder; then the

1. (Theophr., H. P., ix., 11.—Dioscor., iv., 162.—Adams, Append., s. v.)—2. (Tacit., Ann., i., 54.)—3. (Hist., ii., 95.)—4. (De Ling. Lat., v., 85, ed. Müller.)—5. (Ambrosch, Stud. und Andeut., p. 192, &c.)—6. (Gruter, Inscr., xix., 4; ccciv., 9; cccxvi., 1.—Inscr. ap. Murator., 299, 5.—Compare Lucan, Phars., i., 602.)—7. (v., 144, ed. Müller.)—8. (vii., 12.)—9. (Liv., i., 8.—Plin., H. N., viii., 48 or 74.—Müller, Etrusker, i., p. 262.)—10. (Virg., Æn., i., 282.—Mart., xiv., 124.)—11. (Plin., Epist., iv., 11.—Suet., Claud., 15.)—12. (Suet., Octav., 40.)—13. (Cic., Philipp., ii., 30.)—14. (Mart., xiv., 125.)—15. (Suet., Claud., 6. Lamprid., Commod., 16.)—16. (Lamprid., Sever., 1.)

1. (Quintil., xi., 3, § 137.—Isid., Orig., xix., 24.)—2. (iii., 61.)—3. (xi., 3, § 139.)—4. (xi., 3, § 137, &c.)—5. (De Pallio.)—6. (xi., 3, § 137.)—7. (xxi., 18.)—8. (pl. 117.—Becker, Gallus, vol. ii., p. 83.)

Other part of the garment is placed on the right shoulder, thus entirely covering the back and the right side up to the neck. It is then passed over the front of the body, leaving very little of the chest uncovered, and reaching below nearly to the feet (in the figure, quite to one of them). The remaining end or corner is then thrown back over the left shoulder, in such a manner as to cover the greater part of the arm. By this arrangement the right arm is covered by the garment, a circumstance noticed by Quintilian;¹ but it was occasionally released by throwing the toga off the right shoulder, and leaving it to be supported on the left alone. The portion of the toga which, in the figure, hangs down from the chest, if it be a *sinus*, is certainly of the kind described by Quintilian as *perquam brevis*.

The next cut represents the later mode of wearing the toga, and is taken from an engraving in the *Museo Borbonico*² of a statue found at Herculaneum.



By comparing this and other statues with the description of Quintilian, we may conclude that the mode of wearing the toga was something like the following:

First, as above remarked, the form in this case was a segment less than a semicircle. As before, the curved side was the lower, and one end of the garment was thrown over the left shoulder, and hung down in front, but much lower than in the former case. This seems to be the part which Quintilian³ says should reach down half way between the knee and the ankle. In our figure it reaches to the feet, and in some statues it is even seen lying on the ground. The garment was then placed over the back, as in the older mode of wearing it; but, instead of covering the right shoulder, it was brought round under the right arm to the front of the body. This is the most difficult part of the dress to explain. Quintilian says: "*Sinus decentissimus, si aliquanto supra imam togam fuerit, nunquam certe sit inferior. Ille, qui sub humero dextro ad sinistram oblique ducitur velut balteus, nec strangulet nec fluat.*" Becker's explanation of this matter seems perfectly satisfactory. He supposes that the toga, when carried under the right arm, was then folded in two parts; one edge (namely, the lower or round edge) was then brought almost close under the arm, and drawn, but not tightly, across the chest to the left shoulder, forming the *velut balteus* of Quintilian, while the other part was allowed to fall gracefully over the lower part of the body, forming the *sinus*, and then the remaining end of the garment was thrown over the left shoulder, and hung down nearly as low as the other end, which was first put on. It is to this part that Quintilian seems

to refer when he says,⁴ "*Pars toga, quæ postea imponitur, sit inferior: nam ita et ædet melius, et cinetur;*" but the true application of these words is very doubtful. By the bottom of the toga (*imam togam*) in the above quotation, he seems to mean the end of the toga first put on. The part last thrown over the left shoulder, as well as the end first put on, covered the arm, as in the older mode of wearing the garment. The outer edge (*externa ora*) of this part ought not, says Quintilian,⁵ to be thrown back. He adds,⁶ "*Super quod (i. e. sinistrum brachium) ora ex toga duplex æqualiter subat;*" by which he probably means that the edge of this portion should coincide with the edge of the end which was first thrown over the left shoulder, and which is, of course, governed by this portion of the garment. He says⁷ that the shoulder and the whole of the throat ought not to be covered, otherwise the dress will become narrow, and lose that dignity which consists in width of chest. This direction appears to mean, that the part brought across the chest (*velut balteus*) should not be drawn too tight.

Tassels or balls are seen attached to the ends of the toga, which may have served to keep it in its place by their weight, or may have been merely ornaments.

There is one point which still remains to be explained. In the figure a mass of folds is seen in the middle of the part of the toga drawn across the chest (*velut balteus*). This is the *umbo* mentioned by Tertullian,⁸ and used by Persius for the toga mark.⁹ It was either a portion of the *balteus* itself, formed by allowing this part of the garment to hang loose (which perhaps it must have done, as it is so curved, and, therefore, longer edge than if drawn across the chest), and then gathering it up in folds and tucking these folds in, as in the figure, or else (which seems the better explanation) the folds which composed it were drawn out from the *sinus* and either by themselves, or with the loose folds of the *balteus*, formed the *umbo*. It seems to have been secured by passing the end of it under the girdle of the tunic; and perhaps this is what Quintilian means by the words,⁷ "*Subducenda etiam pars aliqua tunice, ne ad lacertum in actu redeat.*"

The back of the figure, which is not seen in our engravings, was simply covered with the part of the garment which was drawn across it, and which, in the ancient mode of wearing it, reached down to the heels.¹⁰ Quintilian states how low it was worn in his time, but the meaning of his words is very obscure¹¹ ("*pars ejus prior mediis cruribus ipsius terminatur, posterior eadem portione altius qua vestitura.*" See above).

A garment of the supposed shape of the toga, put on according to the above description, has been found by the writer of this article to present an appearance exactly like that of the toga as seen in statues; and Becker states that he has made similar experiments with equally satisfactory results.

Tertullian¹² contrasts the simplicity of the pallium with the complication of the toga, and his remarks apply very well to the above description. It appears by his account that the folds of the *umbo* were arranged before the dress was put on, and fixed at their places by pins or hooks; but, generally speaking, it does not seem that the toga was held in by any fastening; indeed, the contrary may be inferred from Quintilian's directions to an orator for the management of his toga while speaking.¹³

There is seen on many statues a mode of wearing the toga which resembles the more ancient fashion in having neither *sinus* nor *umbo*, and the modern

1. (¶ 138.)—2. (vi., tav. 40.)—3. (¶ 139.)—4. (¶ 140.)

5. (¶ 140.)—2. (id.)—2. (¶ 141.)—4. (id.)—3. (De Pallio.)
—6. (Sat., v. 23.)—7. (¶ 140.)—8. (Quintilian, l. 12, c. 2, § 12.)
—10. (De Pallio, §.)—11. (¶ 144.—145.)

in having the garment carried under instead of over the right arm. This is, in fact, nothing more than the ancient fashion with the right arm put out of the garment, a mode of wearing it which would naturally be often adopted for convenience.

Another mode of wearing the toga was the *cinctus Gabinus*. It consisted in forming a part of the toga itself into a girdle, by drawing its outer edge round the body, and tying it in a knot in front, and at the same time covering the head with another portion of the garment. It was worn by persons offering sacrifices,¹ by the consul when he declared war,² and by devoted persons, as in the case of Decius.³ Its origin was Etruscan, as its name implies.⁴ Festus⁵ speaks of an army about to fight being girt with the *cinctus Gabinus*. Persons wearing this dress were said to be *procincti* (or *incincti*) *cinctu* (or *ritu*) *Gabino*.

The colour of the toga worn by men (*toga virilis*) was generally white, that is, the natural colour of white wool. Hence it was called *pura* or *vestimentum purum*, in opposition to the *prætexta* mentioned below. A brighter white was given to the toga of candidates for offices (*candidati*, from their *toga candida*) by rubbing it with chalk. There is an allusion to this custom in the phrase *cretata ambitio*.⁶ White togas are often mentioned as worn at festivals, which does not imply that they were not worn commonly, but that new or fresh-cleaned togas were first put on at festivals.⁷ The toga was kept white and clean by the fuller. (*Vid. Fullo*.) When this was neglected, the toga was called *sordida*, and those who wore such garments *sordidati*. This dress (with disarranged hair and other marks of disorder about the person) was worn by accused persons, as in the case of Cicero.⁸ The *toga pulla*, which was of the natural colour of black wool, was worn in private mourning, and sometimes also by artificers and others of the lower orders. (See the passages in Forcellini.) The *toga picta*, which was ornamented with Phrygian embroidery, was worn by generals in triumphs (*vid. Triumphus*), and under the emperors by the consuls, and by the prætors when they celebrated the games. It was also called *Capitolina*.⁹ The *toga palmata* was a kind of toga picta. The *toga prætexta* had a broad purple border. It was worn with the *BULLA*, by children of both sexes. It was also worn by magistrates, both those of Rome, and those of the colonies and municipia, by the sacerdotes, and by persons engaged in sacred rites or paying vows.¹¹ Among those who possessed the *ius togæ prætextæ habenda*, the following may be more particularly mentioned: the dictator, the consuls, the prætors (who laid aside the *prætexta* when about to condemn a Roman citizen to death), the augurs (who, however, are supposed by some to have worn the *trabea*), the *decemviri sacris faciundis* (*vid. Decemviri*), the *ædiles*, the *triumviri epulones*, the senators on festival days,¹² the *magistri collegii*, and the *magistri vicorum* when celebrating games. (*Vid. Magister*.) In the case of the *tribuni plebis*, *censors*, and *quæstors*, there is some doubt upon the subject. The *prætexta pulla* might only be worn at the celebration of a funeral.¹³

The toga *prætexta*, as has been above remarked, is said to have been derived from the Etruscans. It is said to have been first adopted, with the *latus clavus* (*vid. Clavus Latus*), by Tullus Hostilius, as

the royal robe, whence its use by the magistrates in the Republic.¹ According to Macrobius,² the *toga* introduced by Hostilius was not only *prætexta*, but also *picta*. Pliny states³ that the *toga regia undulata* (that is, apparently, embroidered with waving lines or bands) which had been worn by Servius Tullius, was preserved in the Temple of Fortune. The toga *prætexta* and the *bullæ aurea* were first given to boys in the case of the son of Tarquinius Priscus, who, at the age of fourteen, in the Sabine war, slew an enemy with his own hand. (Macrobius,⁴ where other particulars respecting the use of the toga *prætexta* may be found.) Respecting the leaving off of the toga *prætexta* and the assumption of the toga *virilis*, see *IMPUBES*, *BULLA*, *CLAVUS LATUS*. The occasion was celebrated with great rejoicings by the friends of the youth, who attended him in a solemn procession to the Forum and Capitol.⁵ This assumption of the toga *virilis* was called *tiocinium fori*, as being the young man's introduction to public life, and the solemnities attending it are called by Pliny⁶ *officium togæ virilis*, and by Tertullian⁷ *solennitates togæ*. The toga *virilis* is called *libera* by Ovid.⁸ Girls wore the *prætexta* till their marriage.

The *trabea* was a toga ornamented with purple horizontal stripes. Servius⁹ mentions three kinds of *trabea*; one wholly of purple, which was sacred to the gods, another of purple and white, and another of purple and saffron, which belonged to augurs. The purple and white *trabea* was a royal robe, and is assigned to the Latin and early kings, especially to Romulus.¹⁰ It was worn by the consuls in public solemnities, such as opening the Temple of Janus.¹¹ The equites wore it at the *transvectio* and in other public solemnities.¹² Hence the *trabea* is mentioned as the badge of the equestrian order. Lastly, the toga worn by the Roman emperors was wholly of purple. It appears to have been first assumed by Julius Cæsar.¹³

The material of which the toga was commonly made was wool. It was sometimes thick and sometimes thin. The former was the *toga densa*, *pinguis*, or *hirta*.¹⁴ A new toga, with the nap neither worn off nor cut close, was called *peza*, to which is opposed the *trita* or *rassa*, which was used as a summer dress.¹⁵ On the use of silk for togas, see *SERICUM*.

It only remains to speak of the use of the toga. It was originally worn by both sexes; but when the *stola* came to be worn by matrons, the toga was only worn by the meretrices, and by women who had been divorced on account of adultery. (*Vid. Stola*.) Before the use of the toga became almost restricted to the upper classes, their toga was only distinguished from that of the lower classes by being fuller and more expensive. In war it was laid aside, and replaced by the *PALUDAMENTUM* and *SAGUM*. Hence *togatus* is opposed to *miles*. The toga was, however, sometimes used by soldiers, but not in battle, nor as their ordinary dress, but rather as a cloak or blanket. It was chiefly worn in Rome, and hence *togatus* is opposed to *rusticus*. The toga was often used as a covering in sleeping, and, lastly, as a shroud for the corpse.¹⁶

TOGA TA FA'BULA. (*Vid. Comedia*, p. 300.)

TOMA'CLULUM. (*Vid. Botulus*.)

TONSOR. (*Vid. Barba*.)

*TOPAZOS (τόπαζος), the Chrysolite. * By a sin

1. (Liv., v., 46.—Lucan, i., 596.)—2. (Virg., Æn., vii., 612.)—3. (Liv., v., 46.)—4. (Serv. in Virg., l. c.—Müller, Etrusker, i., 265.—Thiersch in Annal. Acad. Bavar., i., p. 29, quoted by Müller, Annot. ad Festum, p. 225.)—5. (l. c.)—6. (Pers., v., 177.)—7. (Vid. Lipsius, Elect., i., 13, in Oper., vol. i., p. 256, 257.)—8. (Plut., Cic., 30. 31.—Dion Cass., xxxviii., 16.—Liv., vi., 20.)—9. (s. v. Pullus, Pullatus.)—10. (Lamprid., Alex. Sev., c. 40.)—11. (Liv., xxxiv., 7.—Festus, s. v. Prætexta pulla.)—12. (Cic., Phil., ii., 43.)—13. (Festus, l. c.)

1. (Plin., H. N., ix., 39, s. 63.)—2. (Sat., ii., 6.)—3. (H. N., viii., 48, s. 74.)—4. (l. c.)—5. (Val. Max., v., 4, § 4.)—6. (Epist., i., 9.)—7. (De Idolol., c. 76.)—8. (Fast., iii., 771.)—9. (ad Æn., vii., 612.)—10. (Plin., H. N., viii., 49; ix., 39.—Virg., Æn., vii., 187; xi., 334.—Ovid, Fast., ii., 504.)—11. (Virg., Æn., vii., 612.—Claud. in Rufin., i., 249.)—12. (Val. Max., ii., 2.—Tacit., Ann., iii., 2.)—13. (Cic., Philipp., ii., 34.)—14. (Sueton., Octav., 82.—Quintil., xii., 10.)—15. (Mart., u., 85.)—16. (Becker, Gallus, u., p. 78—88.—Ferrarius, De Re Vest.—Rubenius, De Re Vest.)

gular interchange of terms," observes Adams, "the topaz of the ancients is our *chrysolite*, and the ancient *chrysolite* our *topaz*. The prevailing colour of *chrysolite* is green, with a mixture of yellow or brown. The French chemists distinguish it by the name of *peridot*; it consists principally of alumina." The name of the stone we are now considering is derived from that of the island of Topazos, in the Red Sea, whence it was originally brought. "Pliny," says Dr. Moore, "styles his 'topazius' the largest of gems, and speaks of a statue of Arsinoë, queen of Ptolemy Philadelphus, made of it, four cubits high, which seems wholly inconsistent with its being *chrysolite*, although a variety of this mineral, called *olivine*, has been found in masses of considerable size." Pliny's whole description of the topaz is thought by this writer as applicable to the mineral which we call prase and chrysoptase, as to any that we know. At the same time, however, he refers to the mention which Bruce makes of an island in the Red Sea, called Jibbel Seberget, or the Mountain of Emeralds, and where the latter says he met with a substance which was little harder than glass; and he also cites the query of Kidd, whether this substance may not have been *chrysolite*, and the island the Topaz island of Pliny.¹

TOPARIUS. (Vid. HOETUS.)

TORALIA. (Vid. TORUS.)

TORCULUM or TORCULAR (*ληνός*), a press for making wine and oil. When the grapes were ripe (*σταθυλή*), the bunches were gathered, any which remained unripe (*δυσφας*), or had become dry or rotten, were carefully removed² (*vid. FORFEX*), and the rest carried from the vineyard in deep baskets (*quati*,³ *ταλάροι*,⁴ *ἀρρίχοι*,⁵ *κοφίνοι*⁶), to be poured into a shallow vat. In this they were immediately trodden by men, who had the lower part of their bodies naked,⁷ except that they wore drawers. (*Vid. SUBLIGACULUM*.) At least two persons usually trod the grapes together. To "tread the winepress alone" indicated desolation and distress.⁸ The Egyptian paintings⁹ exhibit as many as seven treading in the same vat, and supporting themselves by taking hold of ropes or poles placed above their heads. From the size of the Greek and Roman vats, there can be no doubt that the company of treaders was often still more numerous. To prevent confusion and to animate them in their labour, they moved in time or danced, as is seen in the ancient mosaics of the church of St. Constantia at Rome, sometimes also leaning upon one another. The preceding circumstances are illustrated in the following woodcut, taken from a bas-relief.¹⁰ An



1. (Orpheus, De Lapid., 206.—Psell., De Lapid.—Diod. Sic., iii., 39.—Adams, Append., s. v.—Moore's Anc. Mineral., p. 161.)—2. (Geopon., vi., 11.)—3. (Virg., Georg., ii., 241.)—4. (Hes., Sent. Herc., 296.)—5. (Longus, ii., 1.)—6. (Geopon., l. c.)—7. (Virg., Georg., ii., 7.)—8. (Isaiah, lxiii., 3.)—9. (Wilkinson, Manners and Customs, ii., p. 152-157.)—10. (Mon. Matth., iii., tab. 45.)

antefixa in the British Museum¹ shows a press by the side of the vat performing during this act as the *scabellum* and *tibia parea*, for the purpose of mashing and regulating the movements of those in it. Besides this instrumental music, they were cheered with a song, called *μελὸς ἐπιλήριον*² or *ἵμνος ἐπιλήριος*, specimens of which may be seen in Ananias.³ After the grapes had been trodden sufficiently, they were subjected to the more powerful pressure of a thick and heavy beam (*vid. PALLUM*), for the purpose of obtaining all the juice yet remaining in them.⁴ Instead of a beam acted on by wedges, a press with a screw (*vid. COCHLEA*) was sometimes used for the same purpose.⁵ A strainer or colander (*vid. CATA*) was employed to clear the must from solid particles, as it flowed from the vat.

The preceding woodcut shows the aperture at the bottom of the vat, by which the must (*mustum γλεύκος*) was discharged, and the method of receiving it when the vat was small, in wide-mouthed jars, which, when full, were carried away to be emptied into casks (*dolia, πιβοί*⁶). (*Vid. DOLIA*.) When the vineyard was extensive, and the vat large in proportion, the must flowed into another vat of corresponding size, which was sunk below the level of the ground, and therefore called *ἐπιλήριον*,⁷ in Latin *lacus*.⁸

From *ληνός* Bacchus was called *Lenæus* (*Ληναιός*). The festival of the *Lenæa* was celebrated on the spot where the first Attic winepress was said to have been constructed. (*Vid. ΔΙΟΝΥΣΙΑ*, p. 364.)

Olives as well as grapes were subjected to the *prelum* for the sake of their oil;⁹ but, instead of being trodden, they were first bruised, so as to express great part of the oil, in a mill called *trapæcium*, which resembled our cider-mill.

The building erected to contain all the vessels and other implements (*torcula vasa*¹⁰) for obtaining both wine and oil was called *torcularium*¹¹ and *ἵνεωδον*.¹² It was situated near the kitchen and the wine-cellar.¹³

*TORDYLION (*τορδύλιον*), the *Tordilian* engine, or Hartwort.¹⁴

TORREUTICE (*τορρευτική*). (*Vid. BRONZE*, p. 178.)

TORMENTUM (*ἀσπετήρια ὄργανα*), a military engine. All the missiles used in war, except those thrown from the sling (*vid. FUNDA*), are projected either by the hand alone or with the aid of elastic substances. Of elastic instruments, the bow (*vid. ARCUS*) is still used by many nations. But the *tormentum*, so called from the twisting (*torquenda*) of hairs, thongs, and vegetable fibres,¹⁵ has fallen into disuse through the discovery of gunpowder. The word *tormentum* is often used by itself to denote engines of various kinds.¹⁶ Often, also, these engines are specified separately under the names of *Balista* and *Catapultæ*, which names, however, most commonly occur together in the accounts of sieges and other military operations, because the two kinds of engines denoted by them were almost always used in conjunction. (*Vid. HELICOIDES*.) The *balista* (*περροβόλος*) was used to shoot stones,¹⁷ the *catapultæ* (*καταπέλτης, καταπελτική*) to project darts, especially the *falarica* (*vid. HASTA*, p. 489).

1. (Combe, Anc. Terra-cottas, No. 59.)—2. (Athen., v., p. 106, a.)—3. (Ode xvii., l., and li.—Brunck, Anal., ii., 239.—*Vid. de cobs*, ad loc.—Comp. Theor., vii., 25.)—4. (Vitruv., x., l.—Virg., Georg., ii., 242.—Servius in loc.—Hor., Carm., i., 26, 2.)—5. (Vitruv., vi., 6.—Plin., H. N., xviii., 31, s. 74.)—6. (Longus, ii., 1, 2.)—7. (St. Mark, xii., 1.—Geopon., vi., 1, 11.)—8. (Ovid, Fast., v., 888.—Plin., Epist., ix., 20.—Columell., De Re Rust., xii., 18.)—9. (Plin., H. N., xv., 1, s. 2.)—10. (Varro, De Re Rust., iii., 2.)—11. (Cato, De Re Rust., 12, 13, 18.—Cato, De Re Rust., xii., 18.)—12. (Geopon., vi., 1.)—13. (Vitruv., ii., 6.—14. (Dioscor., iii., 56.—Nicand., Ther., 841.—Adams, Append., s. v.)—15. (Polyb., iv., 56.)—16. (Cic., Ep. ad Dir., xv., 4.—Cov. B. Civ., iii., 44, 45.—Bell. Alex., 10.—Liv., xx., 11.—Yell. Pictor., ii., 82.—Curt., iv., 9, 16.)—17. (Ovid, Trist., i., 2, 48.—Lucan., vi., 198.—Non. Marc., n. 553, wd. Merceri.)

and a kind of missile $4\frac{1}{2}$ feet long, called *trifax*.¹ While, in besieging a city, the ram (*vid. ARMES*) was employed in destroying the lower part of the wall, the balista was used to overthrow the battlements (*propugnacula*), and the catapult to shoot any of the besieged who appeared between them.² The forms of these machines being adapted to the objects which they were intended to throw, the catapult was long, the balista nearly square, which explains the following humorous enumeration by Plautus³ of the three *μηχαναί*, the application of which has just been explained.

"*Meus est balista pugnus, cubitus catapultula est mihi, Humerus aries.*"

In the same armament the number of catapults was commonly much greater than the number of balistæ.⁴ Also, these two classes of machines were both of them distinguished into the greater and the less, the number of "the less" being much more considerable than the number of "the greater." When Carthago Nova, which had served the Carthaginians for an arsenal, was taken by the Romans, the following were found in it: 120 large and 281 small catapults; 23 large and 52 small balistæ.⁵ Three sizes of the balista are mentioned by historians, viz., that which threw stones weighing half a hundred weight (*τριακονταμναίους λίθους*), a whole hundred weight (*balista centenaria*,⁶ *λιθοβόλος ταλανταίος*), and three hundred weight (*πετροβόλος τριτάλαντος*).⁷ Besides these, Vitruvius⁸ mentions many other sizes, even down to the balista which threw a stone of only two pounds' weight. In like manner, catapults were denominated according to the length of the arrows emitted from them.⁹ According to Josephus, who gives some remarkable instances of the destructive force of the balista, it threw stones to the distance of a quarter of a mile.¹⁰ Neither from the descriptions of authors, nor from the figures on the column of Trajan,¹¹ are we able to form any exact idea of the construction of these engines. Still less are we informed on the subject of the *Scorpio* or *Onager*, which was also a tormentum.¹² Even the terms *balista* and *catapultula* are confounded by writers subsequent to Julius Cæsar, and Diodorus Siculus often uses *καταπέλτης* to include both balistæ and catapults, distinguishing them by the epithets *πετροβόλοι* and *ὄξυβελείς*.¹³

The various kinds of tormenta appear to have been invented shortly before the time of Alexander the Great. When horsehair and other materials failed, the women in several instances cut off their own hair, and twisted it into ropes for the engines.¹⁴ These machines, with those who had the management of them, and who were called *balistarii* and *ἀφεταιί*,¹⁵ were drawn up in the rear of an advancing army, so as to throw over the heads of the front ranks. (*Vid. ARMY*, p. 106.) In order to attack a maritime city, they were carried on the decks of vessels constructed for the purpose.¹⁶

The meaning of *tormentum*, as applied to the cordage of SHIPS, is explained in p. 893. Compare Vegetius, *Mulom.*, ii., 46.

The torture or question (*questio*), as applied to criminals or witnesses, was called *tormentum* by

the Romans.¹ The executioner was called *tortor*, and among the instruments employed for the purpose were the wheel (*rota*, *τροχός*) and the *eculeus*. The Lydians had an instrument of torture which, as we may infer from its name (*κνίφος*), was full of points, and applied to the body of the sufferer like the card used in combing wool. The Jews seem to have used the harrow or threshing-machine in the same manner;² and the *κλίμαξ* mentioned by Aristophanes,³ if it resembled the ladder, which is still to be seen among the instruments of torture in the dungeons at Ratisbon, must have produced a similar effect. (*Vid. BASANOS*.)

TORQUES or TORQUIS (*στρεπτός*), an ornament of gold, twisted spirally and bent into a circular form, which was worn round the neck by men of distinction among the Persians,⁴ the Gauls,⁵ and other Asiatic and northern nations.⁶ *Torc* was the name of it among the Britons and ancient Irish. Virgil⁷ thus describes it as part of the attire of the Trojan youths:

"*It pectore summo Flexilis obtorti per collum circulus auri.*"

Ornaments of this kind have been frequently found, both in France, and in many parts of Great Britain and Ireland,⁸ varying in size and weight, but almost always of the form exhibited in the annexed woodcut, which represents a torquis found in Brecknockshire, and now preserved in the British Museum. The same woodcut contains a section of this torquis of the size of the original. It



shows, as Mr. Petrie observes concerning some found in the county of Meath, "four equidistant radiations from a common centre." The torquis in the British Museum is four feet and a half in length. Its hooks correspond well to the following description of the fall of a Celtic warrior: "*Torquis ab incisa decedit unca gula.*"⁹ A torquis, which, instead of being bent into a circular form, was turned into a spiral, became a bracelet, as is shown in the lowest figure of the woodcut to ARMILLA, p. 96. A torquis contrived to answer this purpose is called *torquis brachialis*.¹⁰ Such bracelets and torques are often found together, having been worn by the same people.

An inscription found in France mentions a torquis, which was dedicated to Æsculapius, having been made by twisting together two golden snakes.¹¹ In this respect, also, the torquis corresponded with the armilla, which was sometimes made in the form of a serpent. (See p. 96.) The head in the

1. Festus, s. v.—2. (Plaut., Bacch., iv., 4, 58, 61.)—3. (Diod. Sic. xvii., 42, 45.—Id., xx., 48, 88.)—4. (Capt., iv., 2, 16.)—5. (N. S. Marc., p. 552, ed. Merceri.—Liv., xxvi., 47.)—6. (Liv., l. c.)—7. (Polyb., ix., 34.)—8. (Non. Marc., l. c.)—9. (Polyb., l. c.—Diod. Sic., xx., 86.)—10. (Diod. Sic., xx., 48.)—11. (x., 11.)—12. (Vitruv., x., 10.—Schneider, ad loc.)—13. (H. J., iii., 7, § 19, 23.—Compare Procop., Bell. Goth., i., 21, 23.)—14. (Bartoli, Col. Traj., tab. 45-47.)—15. (Vitruv., x., 10.—Liv., xxvi., 6, 47.—Amm. Marcell., xx., 7; xxiii., 4.)—16. (xiii., 51; xx., 48, 83, 86; xvi., 4.)—17. (Cæsar, Bell. Civ., iii., 9.—Veget., De Re Mil., iv., 9.)—18. (Polyb., iv., 56.)—19. (Diod. Sic., xx., 83-86.—Tacit., Ann., ii., 6.)

1. (Suet., Tiber., 20.—Cic., Pro Mil., 20-22.—Quintil. v., 4.)—2. (Aristoph., Plut., 576.)—3. (Herod., i., 92.)—4. (2 Sam., xii., 31.—1 Chron., xx., 3.)—5. (Ran., 631.)—6. (Curt., iii., 3.—Thucyd., Orat., 24, p. 306, c.)—7. (Florus, i., 13.—Id., ii., 4.)—8. (Isid., Orig., xix., 30.)—9. (Æn., v., 558, 559.)—10. (Petrie, Trans. of R. Irish Acad., vol. xvii.—Antiq., p. 181-184.)—11. (Propert., ix., 10, 44.)—12. (Vopisc., Aurel., 7.)—13. (Montfaucon, Ant. Expl., iii., p. 53.)

preceding woodcut is that of a Persian warrior in the mosaic of the battle of Issus, mentioned in p. 520. It illustrates the mode of wearing the torquis, which in this instance terminates in two serpents' heads instead of hooks. Three other Persians in the same mosaic also wear the torquis, which is falling from the neck of one of them, who has been vanquished and thrown from his horse. It was by taking this collar from a Gallic warrior in similar circumstances that T. Manlius obtained the cognomen of *Torquatus*.¹

Torques, whether in the form of collars or bracelets, no doubt formed a considerable part of the wealth of those who wore them. Hence they were an important portion of the spoil, when any Celtic or Oriental army was conquered, and they were among the rewards of valour bestowed after an engagement upon those who had most distinguished themselves.² The monuments erected to commemorate Roman soldiers, and to enumerate the honours which they had obtained, often mention the number of torques conferred upon them.³ (*Vid. PHALERA*.)

TORUS, a Bed, originally made of straw,⁴ hay, leaves, woolly plants,⁵ seaweed (*de mollibus ulcis*), also stuffed with wool, and afterward with feathers or swans' down,⁶ so as to be as much raised and as soft as possible.⁷ It was sometimes covered with the hide of a quadruped⁸ (*vid. PELLIS*, p. 750), but more commonly with sheets or blankets, called *Toralia*.⁹ The torus may be observed on the sofa in the first woodcut, p. 276; and its appearance there may suffice to explain the transference of its name to the larger semicircular mouldings in the base of columns. (*Vid. ATTICURGES*, SPIRA.)

ΤΟΧ'ΟΤΑΙ (τοξόται). (*Vid. DEMOSIOI*.)

ΤΡΑΒΕΑ. (*Vid. ΤΟΒΑ*, p. 987.)

ΤΡΑΔΙΤΙΟ. (*Vid. DOMINIUM*.)

*TRAGACANTHA (*τραγάκανθα*), a prickly shrub, which yields gum tragacanth. It is the *Astragalus Tragacantha*, Goat's-thorn or Milk-vetch. The name is derived from *τράγος* (a goat) and *ἄκανθα* (a thorn), in allusion to the fancied resemblance which the plant bears to the beard of a goat. In the London Pharmacopœia the plant is called *Astragalus verus*, on the authority of Olivier.¹²

*TRAGION (*τράγιον*), a plant. One species, called by Dioscorides *τράγιον Κρητικόν*, is the kind of St. John's-wort called *Hypericum hircinum*, and has a foetid smell. A second sort, likewise described by Dioscorides, is named by Sprengel *Tragium columæ*.¹³

TRAGEDIA (*τραγωδία*), Tragedy.

I. GREEK TRAGEDY. The tragedy of the ancient Greeks, as well as their comedy, confessedly originated in the worship of the god Dionysus. It is proposed in this article, (1) to explain from what element of that worship Tragedy took its rise, and, (2) to trace the course of its development, till it reached its perfect form and character in the drama of the Attic tragedians, Æschylus, Sophocles, and Euripides.

The peculiarity which most strikingly distinguishes the Greek tragedy from that of modern times, is the lyrical or choral part. This was the offspring of the dithyrambic and choral odes, from which, as applied to the worship of Dionysus,

1. (Cic. Fin., ii., 22.—Id., Off., iii., 31.—Gellius, ix., 13.—Non. Marc., p. 227, 228, ed. Merceri.)—2. (Juv., xvi., 60.—Plin., H. N., xxxiii., 2, s. 10.—Sidon. Apoll., Carm., xxiii., 424.)—3. (Maffei, Mus. Veron., p. 218.)—4. (Plin., H. N., viii., 48, s. 73.)—5. (Mart., iv., 160, 162.)—6. (Ovid, Met., viii., 656.)—7. (xi., 611.)—8. (Mart., xiv., 161.)—9. (Virg., Æn., vi., 603.—Ovid, Amor., ii., 4, 14.)—10. (Virg., Æn., viii., 177.)—11. (Hor., Sat., ii., 4, 84.—Id., Epist., i., 5, 22.)—12. (Dioscor., iii., 20.—Theophrast., H. P., ix., 1.—Adams, Append., s. v.)—13. (Dioscor., iv., 49, 50.—Adams, Append., s. v.)

Greek tragedy took its rise. This worship, as may be observed, was of a twofold character, corresponding to the different conceptions which were anciently entertained of Dionysus as the changeable god of flourishing, decaying, or renovated nature, and the various fortunes to which, in this character, he was considered to be subject at the different seasons of the year. Hence Müller observes,¹ "the festivals of Dionysus at Athens and elsewhere were all solemnized in the months nearest to the shortest day, coincidentally with the changes going on in the course of nature, and by which his worshippers conceived the god himself to be affected." His mournful or joyous fortunes (*αἰθέρι*), his mystical death, symbolizing the death of all vegetation in winter, and his birth,² indicating the renovation of all nature in the spring, and his struggles in passing from one state to another, were not only represented and sympathized in by the dithyrambic singers and dancers, but they also carried their enthusiasm so far as to fancy themselves under the influence of the same events as the god himself, and in their attempts to identify themselves with him and his fortunes, assumed the character of the subordinate divinities, the Satyr, Nymphs, and Pans (*nympharumque lætes cum satyris chori*), who formed the mythological train of the god. Hence, as is explained under *DIONYSUS* (p. 363), arose the custom of the disguise of satyr being taken by the worshippers at the festivals of Dionysus, from the choral songs and dances of whom the Grecian tragedy originated, "being from its commencement connected with the public rejoicings and ceremonies of Dionysus in *chore*, while comedy was more a sport and merriment of the country festivals." In fact, the very name of Tragedy (*Τραγωδία*), far from signifying anything mournful or pathetic, is most probably derived from the goat-like appearance of the satyrs who sang or acted, with mimetic gesticulations (*ὄργιστος*), the old Bacchic songs, with Silenus, the constant companion of Dionysus, for their leader.³ From their resemblance in dress and action to goats, they were sometimes called *τράγοι*, and their song *τραγωδία*. Thus Æschylus, in a fragment of the Prometheus *Πυρόφορος*, calls a satyr *τράγος*, and the satyric chorus in the Cyclops of Euripides appears in the skin of a goat (*χλαίνα τράγου*). The word *σάτυρος*, also, is apparently the same as *σάτρος*, a kind of goat.⁴ According to another opinion, indeed, the "word tragedy was first coined from the goat that was the prize of it, which prize was first constituted in Thespis's time."⁵ This derivation, however, as well as another, connecting it with the goat offered on the altar of Bacchus,⁶ around which the chorus sang, is not equally supported either by the etymological principles of the language, or the analogous instance of *καμωδία*, the "revel-song."⁷

But the Dionysian dithyrambs were not always of a gay and joyous character: they were capable of expressing the extremes of sadness and wild lamentation as well as the enthusiasm of joy; and it was from the dithyrambic songs of a mournful cast, probably sung originally in the winter months, that the stately and solemn tragedy of the Greeks arose. That there were dithyrambs of such a character, expressive of the sufferings of Dionysus (*τὴν τὴν Διονυσίου πάθη*), appears from the statement in Herodotus,⁸ that at Sicily, in the time of Clisthenes (B. C. 600), it was customary to celebrate (*εὐφραίνεσθαι*)

1. (Literat. of Greece, p. 288.)—2. (Plat., De Leg., iii., p. 706.—Proclus, in Gaisford's Hephæst., p. 383.)—3. (Bode, Gesch. der Hellen. Dichtkunst, iii., p. 31.)—4. (i., 50.)—5. (Phal., Lex., s. v.)—6. (Bentley, Phalar., p. 240.)—7. (Müller, Literat. of Greece, p. 291.)—8. (Etymol. Magn., p. 764.—Eurip., Bacch., 131.—E' au, V. H., iii., 40.)—9. (v., 67.)

the sufferings of that god with "tragic choruses." But it must be remarked, that in the most ancient times the dithyrambic song was not executed by a regular chorus. Thus Archilochus says in trochaic verse, "I know how, when my mind is inflamed with wine, to lead off the dithyramb, the beautiful song of Dionysus" (*vid. Chorus*, p. 247), whence we may infer that in his time (B.C. 700) the dithyramb was sung by a band of revellers led by a flute-player. Lyrical choruses, indeed, had been even then established, especially in the Dorian states of Greece, in connexion with the worship of Apollo, the cithara, or *φάρμαξ*, being the instrument to which the chorēutæ sang and danced.¹ In fact, the connexion of the Dorian choral poetry with the worship of Apollo, the direct opposite to that of Dionysus, and its consequent subjection to established rules and forms, admitting, too, from the Dorian character, but little innovation, affords the most obvious explanation of the striking circumstance that nothing decidedly dramatic sprang from it, as from the dithyrambic performances.² Still there were some points in which the Dorian worship of Apollo resembled that of Dionysus, *e. g.*, the dances with which the former god was honoured, and the kind of mimicry which characterized them. Other circumstances also, on which we cannot here dwell, would probably facilitate the introduction of the Dionysian dithyramb among the Dorian states, especially after the improvements made in it by Arion (B.C. 600), which were so great, that even the invention of that species of poetry is ascribed to him, though it had been known in Greece for a century before his time. The worship of Dionysus was celebrated at his native place, Methymnæ in Lesbos, with music and orgiastic rites; and as Arion travelled extensively in the Dorian states of Hellas, he had ample opportunities of observing the varieties of choral worship, and of introducing any improvements which he might wish to make in it.³ He is said to have been the inventor of the "tragic turn" (*τραγικὸῦ τρόπου*), a phrase of doubtful signification, but which seems to mean, that he was the inventor of a grave and solemn style of music, to which his dithyrambs were danced and sung.⁴ (*Vid. Music, GREEK.*) Suidas⁵ adds of him, *λέγεται καὶ πρῶτος χορὸν στήσαι, καὶ δευτέρα ἄσαι καὶ ὀνομάσαι τὸ ᾄδόμενον ὑπὸ τοῦ χοροῦ, καὶ Σατύρου εἰσενεγκεῖν ἑμμετρα λόγοντας.* From the first clause, in connexion with other authorities,⁶ we learn that he introduced the cyclic chorus (a fact mythologically expressed by making him the son of *Cycleus*); *i. e.*, the dithyramb, instead of being sung, as before his time, in a wild, irregular manner, was danced by a chorus of fifty men around a blazing altar; whence, in the time of Aristophanes, a dithyrambic poet and a teacher of cyclic choruses were nearly synonymous.⁷ As the alteration was made at Corinth, we may suppose that the representation of the dithyrambic was assimilated in some respects to that of the Dorian choral odes. The clause to the effect that Arion introduced satyrs, *i. e.*, *τρίγυτοι*, speaking in verse (*trochaic*), is by some thought another expression for the invention of the "tragic style." A simpler interpretation is, that he introduced the satyrs as an addition and contrast to the dance and song of the cyclic chorus of the dithyramb, thus preserving to it its old character as a part of the worship of Bacchus. The phrase *ὀνομάσαι*⁸ alludes to the different titles given by him to his different dithyrambs, according to their subjects, for we need not suppose that they all related directly to Bacchus.⁹ As he

was the first cithara player of his age,¹ it is probable that he made the lyre the principal instrument in the musical accompaniment.

From the more solemn dithyrambs, then, as improved by Arion, with the company of satyrs, who probably kept up a joking dialogue, ultimately sprang the dramatic tragedy of Athens, somewhat in the following manner: The choruses which represented them were under the direction of a leader or exarchus, who, it may be supposed, came forward separately, and whose part was sometimes taken by the poet himself.² We may also conjecture that the exarchus in each case led off, by singing or reciting his part in a solo, and the chorus, dancing round the altar, then expressed their feelings of joy or sorrow at his story, representing the perils and sufferings of Dionysus, or some hero, as it might be. Accordingly, some scholars have recognised in such choral songs, or in a proximate deviation from them, what has been called a "lyrical tragedy," performed without actors distinct from the chorus, and conceived to be a transition step between the dithyramb and the dramatic tragedy. The title, however, does not occur in ancient writers, and, therefore, if it means anything, can only refer to representations of the character we have just ascribed to the dithyrambs of Arion, modified from time to time, according to circumstances or the fancy of the writer. That the names *τραγωδία* and *τράγωδος* are applied, indeed, to works and writers before the time of Thespis, and that the "tragedy" of that age was entirely choral, without any regular formal dialogue, is evident from many authorities. Thus Athenæus³ observes that the whole satyral poetry formerly consisted of choruses, as did the "tragedy" of old times (*ἡ τότε τραγωδία*). Again, Diogenes Laërtius⁴ states that formerly the chorus alone acted (*διδραματίζεν*) or performed a drama, on which Hermann⁵ observes, "after the dithyramb was sung, some of the chorus, in the guise of satyrs, came forward and improvised some ludicrous stories; but in exhibitions of this sort," he adds, "we see rather *dramatica tragœdia initia, quam ullum lyrici cujusdam generis vestigium.*" Lyric poets also seem to have been spoken of as tragedians; and, according to Suidas,⁶ Pindar wrote seventeen *δράματα τραγικά* ("but not lyrical tragedies"), and Simonides of Ceos wrote tragedies, or a tragedy, as some manuscripts have it. But, whatever may be inferred from this, it only proves that dithyrambic poets were also called tragedian, just as in the scholia on Aristophanes,⁷ a writer is described as *διθυραμποποιὸς ἢ τραγωδιδάσκαλος*. For the arguments on both sides, see Hermann, *l. c.*, and Böckh on the Orchomenian Inscriptions.⁸

The choral dithyrambic songs, accompanied with mimetic action (the lyrical tragedy!), prevailed to some extent, as all choral poetry did, among the Dorians of the Peloponnesus;⁹ whence their derivative, the choral element of the Attic tragedy, was always written in the Dorian dialect, thus showing its origin. The lyrical poetry was, however, especially popular at Sicily and in Corinth. In the latter city Arion made his improvements; in the former, "tragic choruses," *i. e.*, dithyrambs of a sad and plaintive character, were very ancient,¹⁰ and the Sicyonians are also said to have been the inventors of the *τραγωδία* (*τραγωδίας εὐρέται μὲν Σικυώνιοι, τελευσιουργοὶ δὲ Ἀττικοὶ ποιηταὶ*);¹¹ but, of course, this can only mean that the dramatic tragedy was a derivative, through many changes, of the old sa-

1. (Müller, *Literat. of Greece*, p. 204.—Dorians, iv, 7, § 8.)—2. (Bode, p. 16.)—3. (Bode, p. 22.)—4. (Hermann, *Opusc.*, vol. vii, p. 216.)—5. (s. v.)—6. (Schol. in Arist., *Aves*, 1403.)—7. (Müller, p. 204.)—8. (Compare Herod., i., 23.)—9. (Welcker, *Nachtrag*, p. 223)

1. (Herod., i., 23.)—2. (Plato, *Rep.*, iii., p. 394, c.)—3. (xiv, p. 630, c.)—4. (iii., 56.)—5. (*Opusc.*, vii., 218.)—6. (s. v.)—7. (Hermann, *l. c.*)—8. (Plut., 290.)—9. (*Greek Theatre*, p. 28.)—10. (Müller, *Dorians*, ii., 10, § 6.)—11. (Herod., v., 67.—Welcker, *Nachtrag*, p. 235.)—12. (Themist., xxvii., p. 406, Dindorf.)

satyric τραγῳδία, i. e., of the songs sung with mimetic dancing by the goat-like satyrs, or, as others would say, round the altar, on which lay the burned sacrifice of a goat. It appears, then, that there is a good and intelligible foundation for the claims which, according to Aristotle,¹ were made by the Peloponnesians, and especially by the Sicyonians, to the invention of "tragedy," understanding by it a choral performance, such as has been described above. Now the subjects of this dithyrambic tragedy were not always, even in ancient times, confined to Dionysus. Even Arion wrote dithyrambs relating to different heroes:² a practice in which he was followed by succeeding poets, who wrote dithyramb-like odes (whence they were classed among the τραγικοί ποιηταί), which they called Centaurs, Ajaees, or Memmons, as it might be.³ Thus Epigenes the Sicyonian is said to have written a tragedy, i. e., a piece of dithyrambic poetry on a subject unconnected with Dionysus, which was consequently received with the cry of οὐδὲν πρὸς τὸν Διόνυσον, or "this has nothing to do with Bacchus."⁴ If this anecdote be true, and Epigenes preceded Arion, the introduction of the satyrs into the dithyrambic chorus by the latter may possibly have been meant to satisfy the wishes of the people; but whether it was so or not, there is scarcely any doubt that, from the time of Arion, the tragic dithyramb gradually became less satyric and sportive in its character, till the creation of the independent satyric drama and the Attic dramatic tragedy.⁵

As to the steps by which this was effected, Aristotle⁶ says, "Tragedy was at the first an extemporaneous effusion (ἀπὸ ἀρχῆς αὐτοσχεδιαστικῆς), and was derived ἀπὸ τῶν ἐξαρχόντων τὸν Διθύραμβον," i. e., from the leaders or the chief singers of the dithyramb, who probably sung or recited their parts in the trochaic metre, while the main body of the ode was written in irregular verse. It is easy to conceive how the introduction of an actor or speaker, independent of the chorus, might have been suggested by the exarchs or coryphaei coming forward separately and making short off-hand speeches,⁷ whether learned by heart beforehand, or made on the spur of the moment. (Vid. *CHORUS*, p. 247.) But it is also possible, if not probable, that it was suggested by the rhapsodical recitations of the epic and gnomic poets formerly prevalent in Greece: the gnomic poetry being generally written in iambic verse, the metre of the Attic dialogue, and which Aristotle⁸ says was used by Homer in his *Margites*, though its invention is commonly ascribed to Archilochus. In fact,⁹ the rhapsodists themselves are sometimes spoken of as actors (ὑποκριταί) of the pieces they recited, which they are also said to act (ὑποκρινάσθαι¹⁰). But if two or more rhapsodes were called upon to go through an episode of a poem, a regulation which obtained at the Panathenæa, and attributed to Solon or Hipparchus,¹¹ it is clear that they would present much of a dramatic dialogue. In fact, the principal scenes of the whole *Iliad* might in this way have been represented as parts of a drama. These recitations, then, being so common, it was natural to combine with the representation of the dithyramb, itself a mixture of recitative and choral song, the additional element of the dialogue, written in iambic verse, a measure suggested, perhaps, by the gnomic poetry, and used by Solon about the time of the origin of the dialogue,¹² more especially as it is the most colloquial of all Greek metres (λεκτικόν), and that into which common con-

1. (Poet., iii., 3.)—2. (Herod., i., 23.)—3. (Zepob., v., 40.)—4. (Apostolius, xv., 13.)—5. (Bode, p. 23.)—6. (Poet., iv., 14.)—7. (Welcker, Nachtrag, p. 228.)—8. (Poet., 4.)—9. (Athen., xv., p. 629, d.—Müller, Lit. Gr., p. 34.)—10. (Wolf, Proleg., p. 17.—Plato, Hipparch., 238.)—11. (Bode, p. 6.)—12. (Solon, Fragm., 28, Gaisford.)

versation most readily falls. It is, indeed, only a conjecture, that the dialogue, or the Ionian element of Attic tragedy, was connected with the rhapsodical recitations, but it is confirmed by the fact that Homeric rhapsodes were common at Sicyon,¹ the cradle of the Dorian tragedy, and also at Brauron in Attica, where the worship of Dionysus existed from ancient times.² This, however, is certain, that the union of the iambic dialogue with the choral chorus took place at Athens under Pisistratus and that it was attributed to Thespis, a native of Icarus, one of the country demes or parishes of Attica, where the worship of Dionysus had long prevailed. The introduction of this worship into Attica, with its appropriate choruses, seems to have been partly owing to the commands of the Delphic oracle³ in very early times. Thus it is stated that tragedy (i. e., the old dithyrambic and satyric tragedy) was very ancient in Attica, and did not originate with Thespis or his contemporaries. The alteration made by him, and which gave to the old tragedy (ἀρχαίων τῶν περὶ Θεσπίων ἡδὴ τῶν Ἰκαρίων διασκευαίων) a new and dramatic character (making it an *ignotum tragicæ genus*), was very simple, but very important. He introduced an actor, as is recorded, for the sake of giving rest to the chorus, and independent of it, in which capacity he probably appeared himself,⁴ taking various parts in the same piece, under various disguises, which he was enabled to assume by means of the linen masks, the invention of which is attributed to him. Now as a chorus, by means of its leader, could maintain a dialogue with the actor, it is easy to see how, with one actor only, "a dramatic action might be introduced, continued, and concluded, by the speeches between the choral songs expressive of the joy or sorrow of the chorus at the various events of the drama." Thus Muller observes that, in the play of Pentheus, supposed to have been composed by Thespis, "a single actor might appear successively as Dionysus, Pentheus, a messenger, Agave the mother of Pentheus, and in these characters express designs and intentions, or relate events which could not be represented, as the murder of Pentheus by her mother: by which means he would represent the substance of the fable, as it appears in the *Bacchæ* of Euripides."⁵ With respect to the character of the drama of Thespis there has been much doubt: some writers, and especially Bentley,⁶ have maintained that his plays were all satyric and ludicrous, i. e., the plot of them was some story of Bacchus, the chorus consisted principally of satyrs, and the argument was merry: an opinion, indeed, which is supported by the fact that, in the early part of his time, the satyric drama had not acquired a distinctive character. It may also appear to be confirmed by the statement⁷ that at first the tragedians made use of the trochaic tetrameter, as being better suited to the satyric and saltatorial nature of their pieces. But perhaps the truth is, that, in the early part of his career, Thespis retained the satyric character of the older tragedy, but afterward inclined to more serious compositions, which would almost oblige him to discard the satyrs from his choruses. That he did write serious dramas is indicated by the titles of the plays ascribed to him, as well as by the character of the fragments of iambic verse quoted by Plutarch as his,⁸ and which, even if they are forgeries of Heracles Ponticus, at least prove what was the opinion of a scholar of Aristotle on the subject. Besides, the assertion

1. (Herod., v., 67.)—2. (Hesych., s. v. Βραυρωνίος.)—3. (The mosth., c. Mid., p. 531.)—4. (Plato, *Minos*, p. 231.—*Plut.*, 41, 29.)—5. (Hor., *Ep.* ad Pis., 275.)—6. (*Diog. Laert.*, ii., 30.)—7. (*Plut.*, *Sol.*, 29.)—8. (Müller, p. 29.—Bode, p. 27.)—9. (*Plut.*, p. 215.)—10. (Aristot., *Poet.*, 4.)—11. (*Boetius*, *Phil.*, 94.)

wrote against the chorus of Thespis that there was some similarity between the productions of the two nary of the arguments in favour of racter of the tragedy of Thespis is er.² The invention of the prologus gedy (an expression clearly, in some al with the introduction of an actor) to Thespis by Aristotle.⁴ By the meant the first speech of the actor,⁵ n with which he opened the piece ; sang the first ode, or *πάρoδος*, after *ῥῆσις*, or dialogue between the actipal choreute. The invention of also alluded to in the phrase *λέξεως* t is evident that the introduction of st also have caused an alteration in of the chorus, which could not rregular, but must have been drawn lar form about the thymele, or altar ont of the actor, who was elevated table (*ἐλεός*), the forerunner of the ement in *Ποῦξ*⁷ that this was the spis seems incorrect.⁸ If we are on of the general character of the , the phrase *οὐδὲν πρὸς Διόνυσον*, inly used in his time, was first aps at Athens, as being unconnected s of Dionysus, and as deviations *εἶθοι καὶ λέξεις γελοία* of his predech, however,⁹ supposes that its first later : he says, "when Phrynichus ontinued to elevate tragedy to le- of sufferings (*εἰς μύθους καὶ πάθη* : people, missing and regretting the us, said, 'What is this to Bac- the expression was used to signi- l-à-propos, or beside the question. ay have observed that we have not of Horace :¹⁰

*rustris vexisse poemata Thespis,
t agerentque peruncti facibus ora.*"

it they are founded on a misconcep- of the Attic tragedy, and that the agons of Thespis probably arose out of the wagon of the comedian Susa- tform of the Thespirian actor. The ion of Thespis was in B.C. 535. ecessors were the Athenian Chœrus, the former of whom represent- as B.C. 524. He is said by Suidas 150 pieces : from the title of one Alope," its subject seems to have Attic origin.¹¹ That he excelled in ma invented by Pratinas, is indica- f an unknown author,

αἰλιεύς ἢ Χοιρίλος ἐν Σατύροις :

nothing like the number of dramas it is also evident that the custom ith tetralogies must have been of there were only two dramatic fes- year.

as a pupil of Thespis, and gained in the dramatic contests B.C. 511. e lyric or choral element still pre- the dramatic, and he was distin- sweetness of his melodies, which, he Peloponnesian war, were very admirers of the old style of music. which his "ambrosial songs" were

then held is shown in several passages of Aristopha- nes,¹ and in the line² where the dicasts are made to chant the old Sidonian sweet songs of Phrynichus,

Καὶ μυνυρίζοντες μέλη

Ἀρχαιομελισιδωνοφρυνικήρατα,

"Sidonian" being an allusion to the play which he wrote called the Phœnissæ. The first use of female masks is also attributed to him,³ and he so far deviated from the general practice of the Attic tragedians as to write a drama on a subject of cotemporary history, the capture of Miletus by the Persians, B.C. 494.⁴

We now come to the first writer of satirical dramas, Pratinas of Phlius, a town not far from Sicyon, and which laid claim to the invention of tragedy as well as comedy.⁵ For some time previously to this poet, and probably as early as Thespis, tragedy had been gradually departing more and more from its old characteristics, and inclining to heroic fables, to which the chorus of satyrs was not a fit accompaniment. But the fun and merriment caused by them were too good to be lost, or displaced by the severe dignity of the Æschylean drama. Accordingly, the satirical drama, distinct from the recent and dramatic tragedy, but suggested by the sportive element of the old dithyramb was founded by Pratinas, who, however, appears to have been surpassed in his own invention by Chœrilus. It was always written by tragedians, and generally three tragedies and one satirical piece were represented together, which, in some instances at least, formed a collected whole, called a tetralogy (*τετραλογία*). The satirical piece was acted last, so that the minds of the spectators were agreeably relieved by a merry afterpiece at the close of an earnest and engrossing tragedy. The distinguishing feature of this drama was the chorus of satyrs, in appropriate dresses and masks, and its subjects seem to have been taken from the same class of the adventures of Bacchus and of the heroes as those of tragedy ; but, of course, they were so treated and selected that the presence of rustic satyrs would seem appropriate. In their jokes, and drollery, and naïveté consisted the merriment of the piece ; for the kings and heroes who were introduced into their company were not of necessity thereby divested of their epic and legendary character (Horace⁶ speaks of the "*incolumi gravitate*"), though they were obliged to conform to their situation, and suffer some diminution of dignity from their position. Hence Welcker⁷ observes, the satirical drama, which, so to speak, was "the Epos turned into prose, and interspersed with jokes made by the chorus," is well spoken of as a "playful tragedy" (*παίζουσα τραγῳδία*), being, both in form and materials, the same as tragedy. Thus also Horace⁸ says,

Effutire leves indigna tragœdia versus

Intererit satyris paulum pudibunda protervis,"

alluding in the first line to the mythic or epic element of the satyric drama, which he calls tragœdia, and in the second representing it as being rather ashamed of its company. The scene was, of course, laid in the supposed haunts of the satyrs, as we learn from Vitruvius :⁹ "*Satyrice scenæ ornantur arboribus, montibus reliquisque agrestibus rebus,*" all in keeping with the incidents of the pieces, and reminding the spectators of the old dithyramb and the god Dionysus, in whose honour the dramatic contests were originally held. We must, however, observe, that there were some characters and legends which, as not presenting any serious or pa-

—2. (Bode, p. 47.)—3. (Nachtrag, p. 257—p. 382, ed. Dindorf.)—5. (Aristot., Poet., 7. (iv., 123.)—8. (Welcker, Nachtrag, p. 5.)—10. (Ep. ad Pis., 276.)—11. (Paus., i.,)

1. (Aves, 748.—Thesm., 164.)—2. (Vesp., 219.)—3. (Suid in vit.)—4. (Herod., vi., 21.)—5. (Bode, p. 35.)—6. (Ep. ad Pis., 222.)—7. (Nachtrag, p. 331.)—8. (Ep. ad Pis., 231.)—9. (v., 8.)

thetic aspects, were not adapted for tragedy, and, therefore, were naturally appropriated to the satyric drama. Such were Sisyphus, Autolycus, Circe, Callisto, Midas, Omphale, and the robber Skiron. Hercules also, as he appears in Aristophanes¹ and the *Alcestis* of Euripides, was a favourite subject of this drama, as being no unfit companion for a drunken *Silenus* and his crew.² The *Odyssey* also, says Lessing,³ was in general a rich storehouse of the satyric plays; but, though the *Cyclops* of Euripides, the only satyric play extant, was taken from it, the list of satyric pieces given by Welcker⁴ hardly confirms this assertion.

We now come to the improvements made in tragedy by Æschylus, of which Aristotle⁵ thus speaks:—"He first added a second actor and diminished the parts of the chorus, and made the dialogue the principal part of the action" (*τὸν λόγον πρωταγωνιστῆν υπερεισεύειν*). He also availed himself of the aid of *Agatharchus* the scene-painter, and improved the costume of his actors by giving them thick-soled boots (*guthura*), as well as the masks, which he made more expressive and characteristic. Horace⁶ thus alludes to his improvements:

*"perona palliæque repertor honesta
Æschylus, et modicis instravit pulpita tignis
Et docuit magnamque loqui, nūquæ colthurno."*

The custom of contending with trilogies (*τριλογίαί*), or with three plays at a time, is said to have been also introduced by him. In fact, he did so much for tragedy, and so completely built it up to its "towering height," that he was considered the father of it. The subjects of his drama, as we have before intimated from Plutarch, were not connected with the worship of Dionysus, but rather with the great cycle of Hellenic legends and some of the myths of the Homeric Epos. Accordingly, he said of himself⁷ that his dramas were but scraps and fragments from the great feasts of Homer. Another instance of his departure from the spirit and form of the old tragedy, as connected with Dionysus, is shown in his treatment of the dithyrambic chorus of fifty men, which, in his trilogy of the *Oresteia*, he did not bring on the stage all at once, but divided it into separate parts, making a different set of choreutæ for each of the three pieces.⁸ In the latter part of his life Æschylus made use of one of the improvements of Sophocles, namely, the *τριγωνιστής*, or third actor. This was the finishing stroke to the dramatic element of Attic tragedy, which Sophocles is said to have matured by farther improvements in costume and scene-painting. Under him tragedy appears with less of sublimity and sternness than in the hands of Æschylus, but with more of calm grandeur, and quiet dignity, and touching incident. His latter plays are the perfection of the Grecian tragic drama, as a work of art and poetic composition in a thoroughly-chastened and classic style, written when, as he says of himself, he had put away the boyish pomp of Æschylus (*τὸν Αἰσχύλου διασπαταχῶς ὄγκον*), and the harsh obscurity of his own too great refinements, and attained to that style which he thought the best, and most suited for portraying the characters of men.⁹ The introduction of the third actor enabled him to do this the more effectually, by showing the principal character on different sides and under different circumstances, both as excited by the opposition of one, and drawn out by the sympathies of another. (*Vid. HIERATIO*, p. 505.) Hence, though the plays of Sophocles are longer than those of Æschylus, still

there is not a corresponding increase of action, but a more perfect delineation of character. *Creon*, in instance, in the *Antigone*, and *Ajax*, are more perfect and minutely drawn characters than any of Æschylus. The part of the chorus is, on the other hand, considerably diminished in his plays. Another distinguishing feature in them is their moral significance and ethical teaching. Though the characters in them are taken from the old subjects of national interest, still they do not always appear as heroes or above the level of common humanity, but in such situations, and under the influence of such motives, passions, and feelings, as fall to the lot of men in general: so that "every one may recognise in them some likeness of himself."

In the hands of Euripides tragedy deteriorated, not only in dignity, but also in its moral and religious significance. He introduces his heroes in rags and tatters, and busies them with petty affairs, and makes them speak the language of every-day life. As Sophocles said of him,¹ he represented men, not as they ought to be, but as they are, without any ideal greatness or poetic character—thoroughly prosaic personages. His dialogues, too, were little else than the rhetorical and forensic language of his day cleverly put into verse: full of sophistry and quibbling distinctions. One of the peculiarities of his tragedies was the *πρόλογος*, an introductory monologue, with which some hero or god opens the play, telling who he is, what is the state of affairs, and what has happened up to the time of his address, so as to put the audience in possession of every fact which it might be necessary for them to know: a very business like proceeding, no doubt, but a poor make-shift for artistical skill. The "*Deus ex machina*" also, though not always, in a "*malin tali vindice dignus*," was frequently employed by Euripides to effect the *dénouement* of his pieces. The chorus, too, no longer discharged its proper and high functions, either as a representative of the feelings of unprejudiced observers, or "as one of the actors and a part of the whole," joining in the development of the piece. Many of his choral odes, in fact, are but remotely connected in subject with the action of the play. Another novelty of Euripides was the use of "monodies" or lyrical songs, which, not the chorus, but the principal person of the drama, declare their emotions and sufferings. They were among the most brilliant parts of his pieces, and, being sung by persons on the stage, are sometimes described as *ὄδοι ἀπὸ σκηνῆς*.² Aristophanes often parodied them, and makes Euripides say of himself³ that he "nurtured tragedy with monodies, introducing Cephisophon," his chief actor, to sing them.

Εἶτ' ἀνέτρεφον μονωδίας, Κηφισοφῶντα μετρί.

Euripides was also the inventor of *tragi-comedy*, which not improbably suggested, as it certainly resembled, the *Ἰλαροτραγῳδία* of the Alexandrian age, the latter being a half-tragic, half-comic drama, or, rather, a parody or travesty of tragical subjects. A specimen of the Euripidean *tragi-comedy* is still extant in the *Alcestis*, acted B.C. 438, as the last of four pieces, and therefore as a substitute for a satyric drama. Though tragic in its form and some of its scenes, it has a mixture of comic and satyric characters (*e. g.*, *Hercules*), and concludes happily.

It remains to make some remarks on the nature and object of Greek tragedy in general, and on the parts into which it is divided. According to Plato,⁴ the truest tragedy is an imitation of the noblest and best life: *μίμησις τοῦ καλλίστου καὶ ἀρίστου βίου*.

1. *Rana.*—2. (*Müller*, 295.)—3. (*Leben des Sophocles*, § 115.)—4. (*Nachtrag*, p. 284, 322.)—5. (*Poet.*, iv., § 16.)—6. (*Ep. ad Pis.*, 278.)—7. (*Athen.*, viii., p. 347, c.)—8. (*Müller*, *Eumenid.*)—9. (*Plut.*, *De Pro V. S.*, p. 79, b.)

1. (*Aristot.*, *Poet.*, 25.)—2. (*Phot.*, *Lex.*, s. v.)—3. (*Roma*, 944.)—4. (*Leg.*, vii., p. 817.)

Aristotle's definition is more comprehensive and perhaps perfect. "Tragedy is an imitation of an action that is important (*σπουδαίας*), and entire, and of a proper magnitude, in pleasurable language, by means of action, not of narration, and effecting, through terror and pity, the refinement and correction of such passions" (*τὴν τοιοῦτων παθημάτων ἁρσιν*). He then adds, Tragedy contains six parts: the story, *i. e.*, the combination of incidents, plot, manners, expression, sentiment, decoration, and music (*μῦθος καὶ ἦθη, καὶ λέξεις, καὶ δianoia, καὶ ἔξοδος, καὶ μελοποιία*). Of these the story is the principal part, developing the character of agents, and being, in fact, the very soul of tragedy. The persons come next, and manifest the disposition of the speakers. The sentiments take the third place, and comprehend whatever is said, whether proving anything, or expressing some general reflection. Afterward he adds, Fables are of two sorts, simple and complicated (*οἱ μὲν ἀπλοῖ, οἱ δὲ πεπλεγμένοι*), the catastrophe of the former produced without a revolution or discovery, of the latter with one or the other. Now a revolution (*περιπέτεια*) is a change to the reverse of what is expected from the circumstances of the action: a discovery (*ἀναγνώρισις*) is a change from known to unknown, happening between characters whose happiness or unhappiness forms the catastrophe of the drama. The best sort of discovery is accompanied by a revolution, as in *Oedipus*. Aristotle next enumerates the parts in quantity (*κατὰ τὸ ποσόν*) or division in tragedy: these are, the prologue, episode, exode, and choral songs; the last divided into the parode and stasimon. The *πρόλογος* is all that part of a tragedy which precedes the parodos of the chorus, *i. e.*, the first act. The *ἐπεισόδιον* is all the part between the choral odes. The *ἐξόδος* that part which has a choral ode after it. Of the choral part, the *πάροδος* is the first speech of the whole chorus (not brought up into parts): the stasimon is without anapaests and trochees. These two divisions were sung by all the choreutæ (*κοινὰ πάντων*), but the songs on the stage" and the *κόμμοι* by a part only (*αὐτὰ ἀπὸ τῆς σκηνῆς καὶ κόμμοι*). The *κόμμος*, which properly means a wailing for the dead, is generally used to express strong excitement, lively sympathy with grief and suffering, especially by *Æschylus*. It was common to the actors and a portion only of the chorus (*κομμὸς δὲ θρήνητος, ὁδὸς χοροῦ, καὶ ἀπὸ σκηνῆς*), whence its derivative *ματικά* is used to designate broken and intermingled songs sung either by individual choreutæ or divisions of the chorus.¹ Again, the *πάροδος* was named as being the passage-song of the chorus, sung while it was advancing to its proper place in the orchestra, and therefore in anapaestic or march-verse; the *στάσιμον*, as being chanted by the chorus when standing still in its proper position.² With respect to the ends or purposes of tragedy, Aristotle observes that they are best effected by the representation of a change of fortune from prosperity to adversity, happening to a person neither eminently virtuous nor just, nor yet involved in misfortune by deliberate vice or villainy, but by some error of human frailty, and that he should also be a person of high fame and eminent prosperity, like *Oedipus* or *Thyestes*. Hence, he adds, *Euripides* is censurable, as is generally supposed; for tragedies with an unhappy termination, like his, have always the most tragic effect; and *Euripides* is the best tragic of all poets, *i. e.*, succeeds best in producing pity: an expression especially true of some scenes in the *Medea*. In *Æschylus*, the feelings of pity and melancholy interest are generally excited in the relation in which his heroes stand to desti-

ny. He mostly represents them as vainly struggling against a blind but irresistible fate, to whose power (according to the old Homeric notion) even the father of gods and men is forced to yield, and it is only occasionally, as in the splendid chorus of the *Eumenides* (522), that we trace in him any intimations of a moral and retributive government of the world. Hence there is a want of moral lessons in his works. In *Sophocles*, on the contrary, we see indications of a different tone of thought, and the superintendence of a directing and controlling power is distinctly recognised: "the great Zeus in heaven, who superintends and directs all things."³

The materials of Greek tragedy were the national mythology,

"Presenting Thebes, or Pelops' line,
Or the tale of Troy divine."

The exceptions to this were the two historical tragedies, the "Capture of Miletus," by *Phrynichus*, and the "Persians" of *Æschylus*; but they belong to an early period of the art. Hence the plot and story of the Grecian tragedy were, of necessity, known to the spectators, a circumstance which strongly distinguishes the ancient tragedy from the modern, and to which is owing, in some measure, the practical and quiet irony in the handling of a subject, described by *Thirlwall*⁴ as a characteristic of the tragedy of *Sophocles*.

The functions of the chorus in Greek tragedy were very important, as described by *Horace*:⁵

"*Actoris partes chorus officiumque virile*
Defendat: neu quid medios intercinat actus,
Quod non proposito conducat, et hæreat apte," &c.

We must conceive of it, says *A. W. Schlegel*, as the personification of the thought inspired by the represented action; in other words, it often expresses the reflections of a dispassionate and right-minded spectator, and inculcates the lessons of morality and resignation to the will of heaven, taught by the occurrence of the piece in which it is engaged. Besides this, the chorus enabled a poet to produce an image of the "council of elders," which existed under the heroic governments, and under whose advice and in whose presence the ancient princes of the Greek tragedy generally acted. This image was the more striking and vivid, inasmuch as the chorus was taken from the people at large, and did not at all differ from the appearance and stature of ordinary men; so that the contrast and relation between them and the actors was the same as that of the Homeric *λαοὶ* and *ἄνακτες*. Lastly, the choral songs produced an agreeable pause in the action, breaking the piece into parts, while they presented to the spectator a lyrical and musical expression of his own emotions, or suggested to him lofty thoughts and great arguments. As *Schlegel* says, the chorus was the spectator idealized. With respect to the number of the chorus, *Müller*⁶ thinks that, out of the dithyrambic chorus of 50, a quadrangular chorus of 48 persons was first formed, and that this was divided into sets of 12, one for each play of a tetralogy; but in the time of *Sophocles* the tragic chorus amounted to 15, a number which the ancient grammarians always presuppose in speaking of its arrangements, though it might be that the form of the *Æschylean* tragedy afterward became obsolete.

The preceding account should be read in connexion with the articles *CHORUS*, *DIONYSIA*, *HISTRIA*, and *THEATRUM*.

The explanation of the following phrases may be useful:

Παραχρήρημα: this word was used in case of a

1. (*Electr.*, 174.—*Thirlwall*, *Phil. Mus.*, vol. ii., p. 492.)—2. (*Phil. Mus.*, ii., p. 483, &c.)—3. (*Ep. ad Pis.*, 193.)—4. (*Lit. of Greece*, 300.)

1. (*Müller*, *Eumen.*, p. 54.)—2. (*Suid.* and *Etymol. Mag.*)

other party, either by throwing before them caltrops, which necessarily lay with one of their four sharp points turned upward, or by burying the caltrops with one point at the surface of the ground.¹ The preceding woodcut is taken from a bronze caltrop figured by Caylus.²

*TRIBULUS (*τρίβυλος*), an aquatic plant, producing a prickly nut having a triangular form, "Water-chestnut" or "Water-caltrops," the *Trapa natans*, called by some *τρίβυλος ἔνυδρος*.³

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TRIBUNAL, a raised platform, on which the prætor and judges sat in the Basilica. It is described under BASILICA, (p. 141).

There was a tribunal in the camp, which was generally formed of turf, but sometimes, in a stationary camp, of stone, from which the general addressed the soldiers, and where the consul and tribunes of the soldiers administered justice. When the general addressed the army from the tribunal, the standards were planted in front of it, and the army placed round it in order. The address itself was called *Allocutio*.⁵ (Vid. CASTRA, p. 223.)

A tribunal was sometimes erected in honour of a deceased imperator, as, for example, the one raised to the memory of Germanicus.⁶

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TRIBUNICIA LEX. (Vid. TRIBUNUS.)

TRIBUNUS. This word seems originally to have indicated an officer connected with a tribe (*tribus*), or who represented a tribe for certain purposes; and this is indeed the character of the officers who were designated by it in the earliest times of Rome, and may be traced, also, in the later officers of this name. We subjoin an account of all the Roman officers known under this name.

TRIBUNES OF THE THREE ANCIENT TRIBES. At the time when all the Roman citizens were contained in the three tribes of the Ramnes, Tities, and Luceres, each of them was headed by a tribune (*φύλαρχος*), and these three tribunes represented their respective tribes in all civil, religious, and military affairs; that is to say, they were in the city the magistrates of the tribes, and performed the sacra on their behalf, and in times of war they were their military commanders.⁸ Niebuhr⁹ supposes that the *tribunus celerum* was the tribune of the Ramnes, the oldest and noblest among the three tribes, and in this opinion he is followed by Götting,¹⁰ though it is in direct contradiction to Dionysius¹¹ and Pomponius,¹² according to whom the *tribunus celerum* was the commander of the *celeræ*, the king's body-guard, a statement which is rejected by Niebuhr without any ancient authority, except that Dionysius, in one passage,¹³ vaguely speaks of *tribuni celerum* in the plural. That, however, the *tribunus celerum* was really distinct from the three tribunes of the tribes, is acknowledged by Niebuhr himself in a subsequent part of his work.¹⁴ In what manner the *tribunus celerum* was appointed is uncertain; but, notwithstanding the statement of Dionysius, that Tarquinius Superbus gave this office to L. Junius Brutus, it is much more probable that he was elected by the tribes; for we find that when the imperium was to be conferred upon the king, the comitia

were held under the presidency of the *tribunus celerum*, and in the absence of the king, to whom the officer was next in rank, he convoked the comitia in an assembly of this kind that Brutus proposed to deprive Tarquinius of the imperium.¹⁵ A law passed under the presidency of the *tribunus celerum* was called a *lex tribunicia*, to distinguish it from one passed under the presidency of the king (Vid. REGIA LEX.) The tribunes of the three ancient tribes ceased to be appointed when these tribes themselves ceased to exist as political bodies, and when the patricians became incorporated in the local tribes of Servius Tullius. (Vid. TRIBUS, ROMAN.)

TRIBUNES OF THE SERVIAN TRIBES.—When Servius Tullius divided the commonalty into thirty local tribes, we again find that at the head of these tribes there was a tribune, whom Dionysius calls *φύλαρχος*, like those of the patrician tribes.¹⁶ He mentions them only in connexion with the city tribes, but there can be no doubt that each of the rustic tribes was likewise headed by a tribune. The duties of these tribunes, who were without doubt the most distinguished persons in their respective districts, appear to have consisted at first in keeping a register of the inhabitants in each district and of their property, for purposes of taxation, and in levying the troops for the armies. When, subsequently, the Roman people became exempted from taxes, the main part of their business was taken from them, but they still continued to exist. Niebuhr¹⁷ supposes that the *tribuni ærarii*, who occur down to the end of the Republic, were only the successors of the tribunes of the tribes. Varro¹⁸ speaks of *curatores omnium tribuum*, a name by which he probably means the tribunes of the tribes. When, in the year 406 B.C., the custom of giving pay (*stipendium*) to the soldiers was introduced, each of the *tribuni ærarii* had to collect the *tributum* in his own tribe, and with it to pay the soldiers;¹⁹ and in case they did not fulfil this duty, the soldiers had the right of *pignoris capio* against them.²⁰ In later times their duties appear to have been confined to collecting the *tributum*, which they made over to the military questors who paid the soldiers. (Vid. QUÆSTOR.) The *lex Aurelia* (70 B.C.) called the *tribuni ærarii* to the exercise of judicial functions, along with the senators and equites, as these tribunes represented the body of the most respectable citizens.²¹ But of this distinction they were subsequently deprived by Julius Cæsar.²²

TRIBUNI PLEBIS.—The ancient tribunes of the plebeian tribes had undoubtedly the right of controlling the meetings of their tribes, and of maintaining the privileges granted to them by King Servius, and subsequently by the Valerian laws. But this protection was very inadequate against the insatiable ambition and usurpations of the patricians. When the plebeians, impoverished by long wars, and cruelly oppressed by the patricians, at last seceded, in the year 494 B.C., to the Mons Sacer, the patricians were obliged to grant to the plebeians the right of appointing tribunes (*tribuni plebis*) with more efficient powers to protect their own order than those which were possessed by the heads of the tribes. The purpose for which they were appointed was only to afford protection against abuse on the part of the patrician magistrates; and that they might be able to afford such protection, their persons were declared sacred and inviolable, and it was agreed that whoever acted against this inviolability should

1. (Vergil, De Re Mil., iii., 24.—Jul. Afric., 69; ap. Vet. Math. Græc., p. 311.)—2. (Recueil, iv., pl. 98.)—3. (Dioscor., iv., 15.—Adams, Append., s. v.)—4. (Martyr ad Virg., Georg., i., 153.)—5. (Lipsius, De Milit. Rom., iv., 9.)—6. (Tacit., Ann., ii., 83.)—7. (H. N., xvi., 1.)—8. (Dionys., ii., 7.—Dig. 1, tit. 2, s. 2, § 20.—Serv. ad Æn., v., 560.)—9. (Liv., i., 59.—Dionys., ii., 64.—Varro, De Ling. Lat., iv., p. 24, ed. Bip.)—10. (Hist. of Rome, i., p. 331.)—11. (Gesch. der Röm. Staatsv., p. 166.)—12. (ii., 13.)—13. (De Orig. Jur., Dig. 1, tit. 2, s. 2, § 15.)—14. (ii., 64.)—15. (i., p. 41.)

1. (Liv., i., 59.)—2. (Dionys., iv., 14.)—3. (i., p. 421.)—4. (De Ling. Lat., v., p. 74, ed. Bip.)—5. (Varro, De Ling. Lat., ii., p. 49, ed. Bip.)—6. (Cato ap. Gell., vii., 10.)—7. (Oratio, Cæsar., Tull., iii., p. 142.—Appian, De Bell. Civ., iii., 23.)—8. (Sueton., Jul., 41.)

as at one time an unnatural heroism, at another a passion alike unnatural, which no atrocity of guilt can appal." Still they have had admirers: Heinsius calls the Hippolytus "divine," and prefers the Troades to the Hecuba of Euripides: even Racine has borrowed from the Hippolytus in his Phèdre.

Roman tragedians sometimes wrote tragedies on subjects taken from their national history. Pacuvius, e. g., wrote a *Paulus*, L. Accius a *Brutus* and a *Decius*.¹ Curvatus Maternus, also a distinguished orator in the reign of Domitian, wrote a *Domitian* and a *Cato*, the latter of which gave offence to the rulers of the state (*potentium animos offendit*).² The fragments of the *Thyestes* of Varius are given by Bothius, *Poet. Scen. Lat. Frag.*, p. 279.

*TRAGOPO'GON (*τραγοπόγων*), a plant, Goat's-beard. According to Stackhouse, it is the *Tragopogon Orientalis*. Sprengel, however, prefers the *crucifolia*.³

*TRAGORIG'ANON (*τραγορίγανον*), a species of Thyme. The two kinds described by Dioscorides are held by Sprengel to be the *Thymus Tragoriganum* and the *Stachys glutinosa*.⁴

*TRAGOS (*τράγος*), the male of the *Capra hircus*, I. the *αἴξ* being the female. "The ancients were likewise acquainted with the Wild Goat, or *Capra Ibez*; it is supposed to be the *akko* of the Hebrews, and the *τραγέλαφος* of the Septuagint and Diodorus Siculus."⁵

*II. A plant mentioned by Dioscorides, and now called *Salsola Tragus*. III. Another plant, mentioned by the same writer, and with which Spikenard was adulterated. According to Clusius and Sprengel, it is the *Saxifraga hirculus*.⁶

TRAG'ULA. (*Vid. HASTA*, p. 490.)

TRANS'ACTIO IN VIA. (*Vid. ACTIO*, p. 18.)

TRANS'FUGA. (*Vid. DESERTOR*.)

TRANSTRA. (*Vid. SHIPS*, p. 893.)

TRANSVE'CTIO EQUITUM. (*Vid. EQUITES*, p. 416.)

ΤΡΑΥΜΑΤΟΣ ΕΚ ΠΡΟΝΟΙΑΣ ΓΡΑΦΗ (*τραύματος εκ προνοίας γραφή*). Our principal information respecting this action is derived from two speeches of Lysias, namely, *πρὸς Σίμωνα* and *περὶ τραύματος εκ προνοίας*, though they do not supply us with many particulars. It appears, however, that this action could not be brought by any person who had been wounded or assaulted by another, but that it was necessary to prove that there had been an intention to murder the person who had been wounded; consequently, the *πρόνοια* consisted in such an intention. Cases of this kind were brought before the *epiopagus*: if the accused was found guilty, he was exiled from the state and his property confiscated.⁷

REBONIA LEX. (*Vid. LEX*, p. 586.)

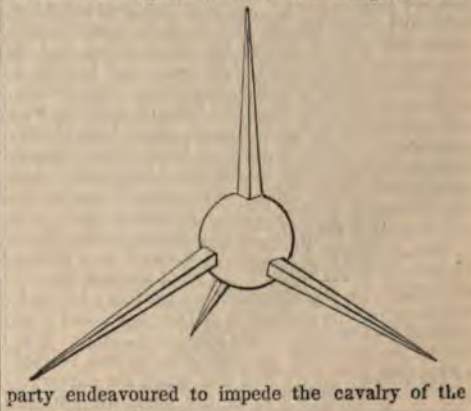
RESVIRI. (*Vid. TRIUMVIRI*.)

TRIARIII is the name of a class of soldiers belonging to the infantry of the Roman legion. Niebuhr supposes that the name was derived from the fact of their being formed of all the three heavy-armed classes, and not from their being placed in the third battle array,⁸ so that the triarians formed, in the Servian centuries, ten belonging to each class. The triarians would have existed from the institution of the Servian centuries;⁹ but, so long as the Roman legion resembled that of a Macedonian phalanx, the triarians could not be in the line

of battle. They may, however, nevertheless have existed with their name as guards of the camp, where they defended the walls and palisades, for which purpose they were armed with javelins, spears, and swords. Their javelin also may have been the *pilum* at an early time, whence their name *Pilani*. If the camp did not require a guard, the triarii would of course stand by their comrades in the phalanx. In the military constitution ascribed to Camillus,¹ the triarii formed part of the third ordo, consisting of fifteen maniples, and were arrayed behind the principes.² In the time of Polybius, when the 170 centuries no longer existed, the soldiers of the infantry were drawn up in four ranks, according to their age and experience, and the triarii now were 600 of the oldest veterans of a legion, and formed the fourth rank, where they were a kind of reserve.³ Their armour was the same as that of the hastati and principes, and consisted of a square shield, a short Spanish sword, two pila, a brass helmet with a high crest, and metal plates for the protection of the legs.⁴ (*Vid. ARMY, ROMAN*, p. 103.)

TRĪ'BULA or TRĪ'BULUM (*τριβόλος*), a corn-drag, consisting of a thick and ponderous wooden board, which was armed underneath with pieces of iron or sharp flints, and drawn over the corn by a yoke of oxen, either the driver or a heavy weight being placed upon it, for the purpose of separating the grain and cutting the straw.⁵ Together with the *tribula*, another kind of drag, called *traha*, was also sometimes used, which it is probable was either entirely of stone or made of the trunk of a tree.⁶ These instruments are still used in Greece, Asia Minor, Georgia, and Syria, and are described by various travellers in those countries, but more especially by Paul Lucas,⁷ Sir R. K. Porter,⁸ Jackson,⁹ and C. Fellows.¹⁰ The corn is threshed upon a circular floor (*area*, *ἄλων*), either paved, made of hardened clay, or of the natural rock. It is first heaped in the centre, and a person is constantly occupied in throwing the sheaves under the drag as the oxen draw it round. Lucas and Fellows have given prints representing the *tribula* as now used in the East. The verb *tribulare*¹¹ and the verbal noun *tribulatio* were applied in a secondary sense to denote affliction in general.

TRĪ'BULUS (*τριβόλος*), a caltrop, also called *mu-rex*.¹² When a place was beset with troops, the one



party endeavoured to impede the cavalry of the

1. (Plut., Camill., 40.)—2. (Tacit., Dial., 2.—Lang., Vind. Roman., p. 14.)—3. (Dioscor., ii., 172.—Theophrast., H. 7.)—4. (Dioscor., iii., 32.—Adams, Append., s. v.)—5. (Sic. ii., 51.—Adams, Append., s. v.)—6. (Dioscor., iv., Adams, Append., s. v.)—7. (Compare Demosth., c. Aristocr., ii., c. Boet., 1018, 9.—Æsch., De Fals. Leg., 270.—Ctes., 440, 608.—Lys., c. Andoc., p. 212.—Lucian, Timon, i., c. 101.—Onom., viii., 40.—Meier, Att. Proc., p. 314.)—8. (Cato, De Re Rust., i., p. 479.)—9. (Liv., viii., 8.)—10. (Niebuhr, ii., Compare n. 509, and ii., p. 117, &c.)

1. (Plut., Camill., 40.)—2. (Liv., viii., 8.)—3. (Polyb., vi., 21, &c.)—4. (Vid. Niebuhr, l. c., compared with the account of Götting, Gesch. der Röm. Staats., p. 365, 399.)—5. (Varro, De Re Rust., i., 52.—Ovid, Met., xiii., 803.—Plin., H. N., xviii., 30.—Longus, iii., 22.—Brunet, Anal., ii., 215.—Amos, i., 3.)—6. (Virg., Georg., i., 164.—Servius ad loc.—Col., De Re Rust., ii., 21.)—7. (Voyage, 1794, p. 182.)—8. (Travels, vol. i., p. 158.)—9. (Journey from India, p. 249.)—10. (Journal, p. 70, 333.)—11. (Cato, De Re Rust., 25.)—12. (Val. Max., iii., 7, § 2.—Curt., iv., 13, § 26.)

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TRIBUNUS. This word seems originally to have indicated an officer connected with a tribe (*tribus*), or who represented a tribe for certain purposes; and this is indeed the character of the officers who were designated by it in the earliest times of Rome, and may be traced, also, in the later officers of this name. We subjoin an account of all the Roman officers known under this name.

TRIBUNES OF THE THREE ANCIENT TRIBES. At the time when all the Roman citizens were contained in the three tribes of the Ramnes, Tities, and Luceres, each of them was headed by a tribune (*φύλαρχος*),¹ and these three tribunes represented their respective tribes in all civil, religious, and military affairs; that is to say, they were in the city the magistrates of the tribes, and performed the sacra on their behalf, and in times of war they were their military commanders.² Niebuhr³ supposes that the *tribunus celerum* was the tribune of the Ramnes, the oldest and noblest among the three tribes, and in this opinion he is followed by Götting,⁴ though it is in direct contradiction to Dionysius⁵ and Pomponius,⁶ according to whom the *tribunus celerum* was the commander of the *celeræ*, the king's body-guard, a statement which is rejected by Niebuhr without any ancient authority, except that Dionysius, in one passage,⁷ vaguely speaks of *tribuni celerum* in the plural. That, however, the *tribunus celerum* was really distinct from the three tribunes of the tribes, is acknowledged by Niebuhr himself in a subsequent part of his work.⁸ In what manner the *tribunus celerum* was appointed is uncertain; but, notwithstanding the statement of Dionysius, that Tarquinius Superbus gave this office to L. Junius Brutus, it is much more probable that he was elected by the tribes; for we find that when the imperium was to be conferred upon the king, the comitia

were held under the presidency of the *tribunus celerum*, and in the absence of the king, to whom the officer was next in rank, he convoked the comitia; it was in an assembly of this kind that Brutus proposed to deprive Tarquinius of the imperium.⁹ A law passed under the presidency of the *tribunus celerum* was called a *lex tribunicia*, to distinguish it from one passed under the presidency of the king (Vid. REGIA LEX.) The tribunes of the three ancient tribes ceased to be appointed when these tribes themselves ceased to exist as political bodies, and when the patricians became incorporated in the local tribes of Servius Tullius. (Vid. TRIBUS, § MAN.)

TRIBUNES OF THE SERVIAN TRIBES.—When Servius Tullius divided the commonalty into thirty local tribes, we again find that at the head of these tribes there was a tribune, whom Dionysius calls *φύλαρχος*, like those of the patrician tribes.¹⁰ He mentions them only in connexion with the civil tribes, but there can be no doubt that each of the rustic tribes was likewise headed by a tribune. The duties of these tribunes, who were without doubt the most distinguished persons in their respective districts, appear to have consisted at first in keeping a register of the inhabitants in each district and of their property, for purposes of taxation, and in levying the troops for the armies. When, subsequently, the Roman people became exempted from taxes, the main part of their business was taken from them, but they still continued to exist. Niebuhr¹¹ supposes that the *tribuni ærarii*, who soon down to the end of the Republic, were only the successors of the tribunes of the tribes. Varro¹² speaks of *curatores omnium tribuum*, a name by which he probably means the tribunes of the tribes. When, in the year 406 B.C., the custom of giving pay (*pendium*) to the soldiers was introduced, each of the *tribuni ærarii* had to collect the *tributum* in his own tribe, and with it to pay the soldiers;¹³ and in case they did not fulfil this duty, the soldiers had the right of *pignoris capio* against them.¹⁴ In later times their duties appear to have been confined to collecting the *tributum*, which they made over to the military questors who paid the soldiers. (Vid. QUÆSTOR.) The *lex Aurelia* (70 B.C.) called the *tribuni ærarii* to the exercise of judicial functions, along with the senators and equites, as these tribunes represented the body of the most respectable citizens.¹⁵ But of this distinction they were subsequently deprived by Julius Cæsar.¹⁶

TRIBUNI PLEBIS.—The ancient tribunes of the plebeian tribes had undoubtedly the right of convening the meetings of their tribes, and of maintaining the privileges granted to them by King Servius, subsequently by the Valerian laws. But this protection was very inadequate against the insatiable ambition and usurpations of the patricians. When the plebeians, impoverished by long wars, and cruelly oppressed by the patricians, at last succeeded, in the year 494 B.C., to the *Montes Sacer*, the patricians were obliged to grant to the plebeians the right of appointing tribunes (*tribuni plebis*) with more efficient powers to protect their own order than those which were possessed by the heads of the tribes. The purpose for which they were appointed was only to afford protection against abuse on the part of the patrician magistrates; and that they might be able to afford such protection, their persons were declared sacred and inviolable, and it was agreed that whoever acted against this inviolability should

1. (Veg., De Re Mil., iii., 24.—Jul. Afric., 69; ap. Vet. Math. Græc., p. 311.)—2. (Recueil, iv., pl. 98.)—3. (Dioscor., iv., 15.—Adams, Append., s. v.)—4. (Martyn ad Virg., Georg., i., 153.)—5. (Lipsius, De Milit. Rom., iv., 9.)—6. (Tacit., Ann., ii., 83.)—7. (H. N., xvi., 1.)—8. (Dionys., ii., 7.—Dig. 1, tit. 2, s. 2, § 20.—Serv. ad Æn., v., 560.)—9. (Liv., i., 59.—Dionys., ii., 64.—Varro, De Ling. Lat., iv., p. 24, ed. Bip.)—10. (Hist. of Rome, i., p. 231.)—11. (Gesch. der Röm. Staates, p. 166.)—12. (ii., 13.)—13. (Orig. Jur., Dig. 1, tit. 2, s. 2, § 15.)—14. (ii., 64.)—15. (1.)

1. (Liv., i., 59.)—2. (Dionys., iv., 14.)—3. (i., p. 42.)—4. (De Ling. Lat., v., p. 74, ed. Bip.)—5. (Varro, De Ling. Lat., iv., 49, ed. Bip.)—6. (Cato ap. Gell., vii., 10.)—7. (Oest. Com. Tull., iii., p. 142.—Appian, De Bell. Civ., vi., 22.—2. (Ann., Jul., 41.)

no, but not the right of *vocatio*; that is, they might command a person to be dragged by their viatores before the comitia, but not to summon him. An attempt to account for this singularity is made by Gellius.¹ They might, as in earlier times, propose a fine to be inflicted upon the person accused before the comitia, but in some cases they dropped this proposal, and treated the case as a capital one.² The college of tribunes had also the power of making edicts, as that mentioned by Cicero.³ In cases in which one member of the college opposed a resolution of his colleagues, nothing could be done, and the measure was dropped; but this useful check was removed by the example of C. Tiberius Gracchus, in which a precedent was given for proposing to the people that a tribune obstinately persisting on his veto should be deprived of his office.⁴

From the time of the Hortensian law, the power of the tribunes had been gradually rising to such a height that there was no other in the state to equal it, whence Velleius⁵ even speaks of the imperium of tribunes. They had acquired the right of proposing to the comitia tributa, or the senate, measures on nearly all the important affairs of the state, and it would be endless to enumerate the cases in which their power was manifested. Their proposals were indeed usually made *ex auctoritate senatus*, or had been communicated to and approved by it;⁶ but cases in which the people themselves had a direct interest, such as a general legal regulation,⁷ the granting of the franchise,⁸ the alteration of the attributes of a magistrate,⁹ and others, might be brought before the people, without their having previously been communicated to the senate, though there are also instances of the contrary.¹⁰ Subjects brought to the administration could not be brought before the tribes without the tribunes having pre-received through the consuls the auctoritas of the senate. This, however, was done very frequently, and hence we have mention of a number of tribunes on matters of administration. (See of them in Walter, p. 132, n. 11.) It sometimes even occurs that the tribunes brought the matter concerning the conclusion of a peace before the tribes, and then compelled the senate to the resolution as expressing the wish of the people.¹¹ Sulla, in his reform of the constitution the early aristocratic principles, left to the tribunes only the jus auxiliandi, but deprived of the right of making legislative or other laws, either to the senate or the comitia, without previously obtained the sanction of the senate. (Vid. TRIBUS, ROMAN.) But this arrangement did not last, for Pompey restored to them their former rights.¹² During the latter period of the Republic, when the office of quaestor was in most cases held immediately before that of tribune, the tribunes were usually elected from among the senators, and continued to be the same under the Empire.¹³ Tribunes, however, equites also obtained the office, and thereby became members of the senate,¹⁴ and they were considered of equal rank with the senators.¹⁵ Tribunes of the people continued down to the fifth century of our era, their powers became naturally much limited especially in the reign of Nero.¹⁶ They continued, however, to have the right of intercession

against decrees of the senate and on behalf of injured individuals.¹

TRIBUNI MILITUM CUM CONSULARI POTESTATE.—When, in 445 B.C., the tribune C. Canuleius brought forward the rogation that the consulship should not be confined to either order,² the patricians evaded the attempt by a change in the constitution; the powers which had hitherto been united in the consulship were now divided between two new magistrates, viz., the *tribuni militum cum consulari potestate* and the censors. Consequently, in 444 B.C., three military tribunes, with consular power, were appointed, and to this office the plebeians were to be equally eligible with the patricians.³ In the following period, however, the people were to be at liberty, on the proposal of the senate, to decide whether consuls were to be elected according to the old custom, or consular tribunes. Henceforth for many years, sometimes consuls and sometimes consular tribunes were appointed, and the number of the latter varied from three to four, until, in 405 B.C., it was increased to six, and as the censors were regarded as their colleagues, we have sometimes mention of eight tribunes.⁴ At last, however, in 367 B.C., the office of these tribunes was abolished by the Licinian law, and the consulship was restored. These consular tribunes were elected in the comitia of the centuries, and undoubtedly with less solemn auspices than the consuls. Concerning the irregularity of their number, see Niebuhr, ii., p. 325, &c.; p. 389, &c.—Compare Götting, p. 326, &c.

TRIBUNI MILITARES were officers in the Roman armies. Their number in a legion was originally four, or, according to Varro, three, and they were appointed by the generals themselves. In the year 363 B.C., it was decreed that henceforth six of these military tribunes should always be appointed in the comitia, probably the comitia of the centuries.⁵ Those who were appointed by the consuls were distinguished from those elected by the people (*comitiati*) by the name of *Ruffuli*.⁶ The number of tribunes in each legion was subsequently increased to six, and their appointment was sometimes left altogether to the consuls and prætors,⁷ though subsequently we find again that part of them were appointed by the people.⁸ Their duties consisted in keeping order among the soldiers in the camp, in superintending their military exercises, inspecting outposts and sentinels, procuring provisions, settling disputes among soldiers, superintending their health, &c. Compare ARMY, ROMAN.

TRIBUNUS VOLUPTATUM was an officer who does not occur till after the time of Diocletian, and who had the superintendence of all public amusements, especially of theatrical performances.⁹

TRIBUS (GREEK) (φύλον, φυλή). In the earliest times of Greek history, mention is made of people being divided into tribes and clans. Homer speaks of such divisions in terms which seem to imply that they were elements that entered into the composition of every community. Nestor advises Agamemnon to arrange his army *κατὰ φύλα, κατὰ φρήτρας*, so that each may be encouraged by the presence of its neighbours.¹⁰ A person not included in any clan (*ἀφρήτρων*) was regarded as a vagrant or outlaw.¹¹ These divisions were rather natural than political, depending on family connexion, and arising out of those times when each head of a family ex-

1. (Tacit., Ann., xvi., 26.—Id., Hist., ii., 91.—Id. ib., iv., 9.—Plin., Epist., i., 23.—Id. ib., ix., 13.)—2. (Liv., iv., 1.—Dionys., xi., 52.)—3. (Liv., iv., 7.—Dionys., xi., 60, &c.)—4. (Liv., iv., 61.—Id., v., 1.—Diodor., xv., 50.—Liv., vi., 27.—Diod. Sic., xv., 51.—Liv., vi., 30.)—5. (Liv., vii., 5.—Compare Polyb., vi., 19.)—6. (Liv., l. c.—Fest., s. v. Ruffuli.)—7. (Liv., xlii., 31.)—8. (Liv., xliii., 14.—Id., xlv., 21.)—9. (Cassiodor., Variar., vii., 10.)—10. (Il., ii., 302.)—11. (Il., ix., 63.)

1. (Tacit., Ann., xvi., 26.—Id., Hist., ii., 91.—Id. ib., iv., 9.—Plin., Epist., i., 23.—Id. ib., ix., 13.)—2. (Liv., iv., 1.—Dionys., xi., 52.)—3. (Liv., iv., 7.—Dionys., xi., 60, &c.)—4. (Liv., iv., 61.—Id., v., 1.—Diodor., xv., 50.—Liv., vi., 27.—Diod. Sic., xv., 51.—Liv., vi., 30.)—5. (Liv., vii., 5.—Compare Polyb., vi., 19.)—6. (Liv., l. c.—Fest., s. v. Ruffuli.)—7. (Liv., xlii., 31.)—8. (Liv., xliii., 14.—Id., xlv., 21.)—9. (Cassiodor., Variar., vii., 10.)—10. (Il., ii., 302.)—11. (Il., ix., 63.)

eressed a patriarchal sway over its members. The bond was cemented by religious communion, sacrifices, and festivals, which all the family or clansmen attended, and at which the chief usually presided. The aggregate of such communities formed a political society.¹ In the ages succeeding, the heroic tribes and clans continued to exist, though, in the progress of civilization, they became more extended, and assumed a territorial or political rather than a fraternal character. The tribes were not, in general, distinctions between nobles and commons, unless the people were of different races, or unless there had been an accession of foreigners, who were not blended with the original inhabitants. It is true that, in the common course of things, nobles or privileged classes sprang up in various countries, by reason either of wealth, or of personal merit, or descent from the ancient kings; and that, in some cases, all the land was possessed by them, as by the Gamori of Syracuse;² sometimes their property was inalienable, as under our feudal law;³ and the Bacchiadæ are an instance of a noble family who intermarried only among themselves.⁴ Still, however, as a general rule, there was no decided separation of tribe, much less of caste, between nobles and commons of the same race. Nor was there any such distinction of a sacerdotal order. The priestly function was in early times united to that of the king;⁵ afterward the priesthood of particular deities became hereditary in certain families, owing either to a supposed transmission of prophetic power, as in the case of the Eumolpidæ, Branchidæ, Iamidæ, or to accidental circumstances, as in the case of Telines of Gela;⁶ but the priests were not separated, as an order, from the rest of the people.⁷ The most important distinctions of a class-like nature between people living under the same government, arose in those countries that were conquered by the migratory hordes of Thesalians, Bœotians, and Dorians, in the century subsequent to the heroic age. The revolutions which they effected, though varying in different places according to circumstances, had in many respects a uniform character. The conquering body took possession of the country, and became its lords; the original inhabitants, reduced to subjection, and sometimes to complete vassalage or servitude, remained a distinct people or tribe from the conquerors. The former built cities, usually at the foot of some citadel that had belonged to the ancient princes, where they resided, retaining their military discipline and martial habits; while a rural population, consisting principally of the former natives, but partly, also, of the less warlike of the invaders, and partly of fresh emigrants invited or permitted by them to settle, dwelt in the surrounding villages, and received the name of *Περίοικοι*. The condition of the Lacedæmonian *περίοικοι* is spoken of under ΠΕΡΙΟΙΚΟΙ. A similar class arose in most of the countries so colonized, as in Argos, Corinth, Elis, Crete, &c.⁸ But their condition varied according to the manner in which the invaders effected their settlement, and other circumstances and events prior or subsequent to that time. In many places the new-comer was received under a treaty, or upon more equitable terms, so that a union of citizenship would take place between them and the original inhabitants. This was the case in Elis, Messenia, Phlius, Trœzen.⁹ So the Cretans, who invaded Miletus, min-

1. (Aristot., Pol., i., 1, § 7.)—2. (Herod., vii., 155.)—3. (Aristot., Pol., ii., 4, § 4.)—4. (Herod., v., 92.)—5. (Aristot., Pol., iii., 9, § 7.)—6. (Herod., vii., 153.)—7. (Wachsmuth, Hell. Alt., i., 1, 76, 149.—Schömann, Ant. Jur. Pub. Gr., p. 79.)—8. (Herod., vii., 73.—Thucyd., ii., 25.—Xen., Hell., iii., 2, § 23, 30.—Pausan., iii., 8, § 3.—Id., viii., 27, § 1.—Aristot., Pol., ii., 6, § 1.—Id. ib., v., 2, § 8.)—9. (Pausan., iii., 13, § 1; 30, § 10; v., 4, § 1.—Thirlwall's Hist. of Greece, vol. i., p. 342.)

gled with the ancient Carians, and the Ionæ with the Cretans and Carians of Colophon¹ in Mægara, the ruling class, after a lapse of some time, amalgamated with the lower.² In other places the *περίοικοι* were more degraded. Thus in Sicily they were compelled to wear sheepskins, and called *αἰτωνακοφόροι*;³ in Epidaurus they were styled *ἀσπίδοδες*, *dusty-footed*, a name which denoted their agricultural occupation, but was meant as a mark of contempt.⁴ But in general they formed a sort of middle order between the ruling people and the serf or slave. Thus in Argos there was a class of persons called *Gymnesii* or *Gymnetes*, corresponding to the Helots. (Vid. ΓΥΜΝΗΣΙΟΙ.) So in Thessaly the districts not immediately occupied by the Thesalian invaders, there dwelt a population of ancient Æolians, who were not serfs, like the *Πενεσταί* (vid. ΠΕΝΕΣΤΑΙ), but only tributary subjects, who retained their personal liberty, though not admitted to the rank of citizens.⁵ So also in Crete there were the Dorian freemen, the *περίοικοι*, or old inhabitants, similar to the Lacedæmonians, and the slaves (vid. *Cosmi*, p. 316). We may observe that the term *περίοικοι* is sometimes used in rather a different sense; as when Xenophon gives that name to the Thespians, who were not the subjects of the Thebans, as the Achæans were of the Spartans.⁶ In some of the maritime states the condition of the subject classes was somewhat different, they were suffered to reside more in the towns in Corinth, where they were artisans; at Tarentum, where they were fishermen.⁷

The ruling people, thus remaining distinct from the rest, were themselves divided into tribes and other sections. Of the Dorian race there were originally three tribes, traces of which are found in all the countries which they colonized. Hence they are called by Homer *Δωριεὺς τρεχάδαις*.⁸ These tribes were the *Υλλεῖς*, *Παρμῆνοι*, and *Δυμῆνοι* or *Δυμῶνες*. The first derived their name from Hylus, son of Hercules, the last two from Pamphylus and Dymas, who are said to have fallen in the last expedition when the Dorians took possession of the Peloponnesus. The Hyllean tribe was perhaps the one of highest dignity; but at Sparta there does not appear to have been much distinction, for all the freemen there were, by the constitution of Lycurgus, on a footing of equality. To these three tribes others were added in different places, either when the Dorians were joined by other foreign allies, or when some of the old inhabitants were admitted to the rank of citizenship or equal privileges. Thus the Cadmean Ægeids are said by Herodotus to have been a great tribe at Sparta, descended (as he says) from Ægeus, grandson of Theras,⁹ though others have thought they were incorporated with the three Doric tribes.¹⁰ At Argos, Ægina, and Epidaurus, there was an Hynethian tribe besides the three Doric.¹¹ In Sicily, Clisthenes, having changed the names of the Doric tribes to degrade and insult their members, and given to a fourth tribe, to which he himself belonged, the name of Archelai, sixty years after his death the Doric names were restored, and a fourth tribe added, called *Αἰγυλιῶτες* from Ægialeus, son of the Argive hero Adrastus.¹² Eight tribes are mentioned in Corinth,¹³ four in Tegea.¹⁴ In Elis there were twelve tribes, that were afterward reduced to eight by a war with the Arcadians,¹⁵ from which they appear to have been gro-

1. (Pausan., vii., 2, § 5; 3, § 1.)—2. (Thirlwall, i., 331.—1 (Athenæus, vi., 271.)—4. (Müller, Dorians, iii., 4, § 1.)—5. (Thirlwall, i., 438.—Schömann, Id., 401.)—6. (Hell., v., 4, § 7.)—7. (Wachsmuth, l. i., 162.—Schömann, Id., 80, 107.)—8. (Od., xix., 177.)—9. (Herod., iv., 149.)—10. (Thirlwall, i., 314.)—11. (Müller, Ægin., 140.)—12. (Herod., i., 177.)—13. (Suidas, s. v. Πύρρα ὄκτω.)—14. (Pausan., viii., 1, § 1.)—15. (Pausan., v., 9, § 6.)

graphical divisions.¹ Sometimes we find mention of only one of the Doric tribes, as of the Hylleans in Cydonia,² the Dymanes in Halicarnassus, which probably arose from colonies having been founded by the members of one tribe only.³

Of all the Dorian people, the Spartans kept themselves the longest unmixed with foreign blood. So jealous were they to maintain their exclusive privileges, that they had only admitted two men into their body before the time of Herodotus.⁴ Afterward their numbers were occasionally recruited by the admission of Laeonians, Helots, and foreigners; but this was done very sparingly, until the time of Agis and Cleomenes, who created large numbers of citizens. But we cannot farther pursue this subject.⁵

The subdivision of tribes into *φρατρίαι* or *πάτραι*, *γένη*, *τρίττες*, &c., appears to have prevailed in various places.⁶ At Sparta each tribe contained ten *ὄβαι*, a word, like *κῶμαι*, denoting a local division or district; each *ὄβ* contained ten *τριακάδες*, communities containing thirty families. But very little appears to be known of these divisions, how far they were local, or how far genealogical. After the time of Cleomenes the old system of tribes was changed; new ones were created corresponding to the different quarters of the town, and seem to have been five in number.⁷

The four Ionian tribes, Teleontes or Geleontes, Hopletes, Argades, Ægicorenses, who are spoken of below in reference to Attica, were found also in Cyzicum. In Samos a *φυλὴ Λισχρωινή* is mentioned by Herodotus,⁸ which was probably a Carian race that mingled with the Ionians. In Ephesus five tribes are mentioned, of different races. With respect to these, the reader is referred to Wachsmuth, II., i., 16.

The first Attic tribes that we read of are said to have existed in the reign, or soon after the reign, of Cecrops, and were called *Cecropis* (*Κεκροπίς*), *Autochthon* (*Αὐτόχθων*), *Actæa* (*Ἀκταία*), and *Paralia* (*Παροαλία*). In the reign of a subsequent king, Cranaus, these names were changed to *Cranaus* (*Κραναῖς*), *Atthis* (*Ἀθίς*), *Mesogæa* (*Μεσόγαια*), and *Diacris* (*Διακρίς*). Afterward we find a new set of names: *Dias* (*Διάς*), *Athenais* (*Ἀθηναίς*), *Posidonias* (*Ποσειδωνιάς*), and *Hephestias* (*Ἡφαιστιάς*), evidently derived from the deities who were worshipped in the country.⁹ Some of those secondly mentioned, if not all of them, seem to have been geographical divisions; and it is not improbable that, if not independent communities, they were at least connected by a very weak bond of union. But all these tribes were superseded by four others, which were probably founded soon after the Ionic settlement in Attica, and seem (as before observed) to have been adopted by other Ionic colonies out of Greece. The names *Geleontes* (*Γελέοντες*), *Hopletes* (*Ὀπλητῆς*), *Argades* (*Ἀργαδεῖς*), *Ægicores* (*Ἄγκυροεις*), are said by Herodotus¹⁰ to have been derived from the sons of Ion, son of Xuthus.¹¹ Upon this, however, many doubts have been thrown by modern writers, who have suggested various theories of their own, more or less ingenious, to which reference will be found in the books cited below. It is impossible, within our limits, to discuss the question at any length. The etymology of the last three names would seem to suggest that the tribes were so called from the occupations which their respective members followed; the Hopletes being

the armed men or warriors; the Argades, labourers or husbandmen; the Ægicores, goatherds or shepherds. It is difficult, however, to discover in the first name any such meaning, unless *Τελέοντες*, and not *Γελέοντες*, be the true reading, in which case it has been supposed that this tribe might be a sacerdotal order, from *τελεῖν*, used in its religious sense; or a peasantry who paid rent to the lords of the soil, from *τελεῖν*, in the sense *to pay*. Against the former of these interpretations it may be objected, that no trace of a priestly order is to be found in later times of Attic history; and against the latter, that the Argades and the Teleontes would denote a similar class of people, unless we resort to another interpretation of the word Argades, viz., *artisans*, who would hardly constitute a distinct tribe in so early a period of society. It may be observed, however, that Argades and Ægicores may be taken to signify a local distribution of inhabitants, the former being the tillers of the ground, dwelling in the plains, the latter mountaineers; and this agrees very well not only with the known character of the country of Attica, but also with the division above mentioned as having existed in the reign of Cranaus, viz., Mesogæa and Diacris. There is no more difficulty in the one case than in the other in supposing that some of the tribes were denominated from their localities or occupations, while others owed their names to other circumstances. Argades and Ægicores might be the old inhabitants, according to their previous division, while the other tribes might be the Ionic settlers, Hopletes, the most warlike portion of them, Geleontes, the great body, so called from a son of Ion; or the last might, as Schömann thinks, be the ancient nobility, as distinguished from the Ionic settlers. Whatever be the truth with respect to the origin of these tribes, one thing is more certain, that before the time of Theseus, whom historians agree in representing as the great founder of the Attic commonwealth, the various people who inhabited the country continued to be disunited and split into factions.

Theseus in some measure changed the relations of the tribes to each other, by introducing a gradation of ranks in each; dividing the people into *ἑν-πατρίδαι*, *γεωμόροι*, and *δημιούργοι*, of whom the first were nobles, the second agriculturists or yeomen, the third labourers and mechanics. At the same time, in order to consolidate the national unity, he enlarged the city of Athens, with which he incorporated several smaller towns, made it the seat of government, encouraged the nobles to reside there, and surrendered a part of the royal prerogative in their favour. The tribes of Philæ were divided, either in the age of Theseus or soon after, each into three *φρατρίαι* (a term equivalent to fraternities, and analogous in its political relation to the Roman *curiæ*), and each *φρατρία* into thirty *γένη* (equivalent to the Roman *gentes*), the members of a *γένος* being called *γεννήται* or *ὀμογαλύκτες*. Each *γένος* was distinguished by a particular name of a patronymic form, which was derived from some hero or mythic ancestor. We learn from Pollux¹ that these divisions, though the names seem to import family connexion, were in fact artificial, which shows that some advance had now been made towards the establishment of a closer political union. The members of the *φρατρίαι* and *γένη* had their respective religious rites and festivals, which were preserved long after these communities had lost their political importance, and perhaps prevented them from being altogether dissolved.²

The relation between the four Ionic tribes and

1. (Wachsmuth, II., i., 17.)—2. (Hesych., s. v. Ὑλλεῖς.)—3. (Wachsmuth, II., i., 15.)—4. (Herod., ix., 33, 35.)—5. (Schömann, I., 114.)—6. (Wachsmuth, II., i., 18.)—7. (Schömann, Ant. Jar. Pub., p. 115.—Müller, Dor., iii., 5.)—8. (iii., 26.)—9. (Compare Pollux, Onom., viii., 109.)—10. (v., 66.)—11. (Compare Ævrip., Ion, 1596, &c.—Pollux, l. c.)

1. (Onom., viii., 111.)—2. (Compare Niebuhr, Hist. of Rome, i., p. 311, &c.)

The three classes into which Theseus divided the nation, is a difficult and perplexing question. It would appear, from the statements of ancient writers on the subject, that each of the four tribes was divided into Eupatridæ, Geomori, and Demurgi; which is confirmed by the fact that the four *φυλοβασιλεις*, who were the assessors of the sovereign, were all taken from the Eupatridæ, but, at the same time, one from each tribe. (Vid. PHYLOBASILEIS.) This, as Thirlwall¹ has remarked, can only be conceived possible on the supposition that the distinctions which originally separated the tribes had become merely nominal; but Malden,² who rejects the notion that the four Ionic tribes were castes deriving their name from their employment, supposes that the tribes or phylæ consisted of the Eupatridæ alone, and that the latter were divided into four phylæ, like the patricians at Rome into three. The Geomori and Demurgi had therefore, according to his supposition, nothing to do with the tribes. This view of the subject would remove many difficulties, and is most in accordance with the subsequent history and political analogies in other states, but seems hardly supported by sufficient evidence to warrant us in receiving it.

After the age of Theseus, the monarchy having been first limited and afterward abolished, the whole power of the state fell into the hands of the Eupatridæ or nobles, who held all civil offices, and had, besides, the management of religious affairs, and the interpretation of the laws. Attica became agitated by feuds, and we find the people, shortly before the legislation of Solon, divided into three parties, *Πεδιῶται*, or lowlanders, *Διακρίοι*, or highlanders, and *Πάραλλοι*, or people of the seacoast. The first two remind us of the ancient division of tribes, Mesogæa and Diacris; and the three parties appear in some measure to represent the classes established by Theseus: the first being the nobles, whose property lay in the champaign and most fertile part of the country; the second, the smaller landowners and shepherds; the third, the trading and mining class, who had by this time risen in wealth and importance. To appease their discords, Solon was applied to, and thereupon framed his celebrated constitution and code of laws. Here we have only to notice that he retained the four tribes as he found them, but abolished the existing distinctions of rank, or, at all events, greatly diminished their importance, by introducing his property qualification, or division of the people into *Πεντακοσιομήδμοι*, *ἑπτακῆς*, *Ζευγῆται*, and *Θῆτες*. The enactments of Solon continued to be the law at Athens, though in a great measure suspended by the tyranny, until the democratic reform effected by Clisthenes. He abolished the old tribes, and created ten new ones, according to a geographical division of Attica, and named after ten of the ancient heroes: *Ερεχθίδης*, *Εγεῖς*, *Πανδωνίς*, *Λεοντίς*, *Αcamantis*, *Ενεῖς*, *Κεκροπίς*, *Ἱπποθοντίς*, *Ἐαντίς*, *Αντιοχίς*. These tribes were divided each into ten *ῶμοι*, the number of which was afterward increased by subdivision; but the arrangement was so made, that several *ῶμοι* not contiguous or near to one another were joined to make up a tribe. (Vid. DEMUS.) The object of this arrangement was, that by the breaking of old associations, a perfect and lasting revolution might be effected in the habits and feelings, as well as the political organization of the people. He allowed the ancient *φρατρίαι* to exist, but they were deprived of all political importance. All foreigners admitted to the citizenship were registered in a phylæ and demus, but not in a phratría or genos; whence Aristophanes³ says, as a taunting mode of designating new citi-

zens, that they have no phratros, or only barbarian ones (quoted by Niebuhr⁴). The functions which had been discharged by the old tribes were almost transferred to the *ῶμοι*. Among others, we may notice that of the forty-eight *κατασκευαῖαι* which the old tribes had been divided for the purpose of taxation, but which now became *ἐπιτολμαὶ*, the taxes being collected on a different system. The reforms of Clisthenes were destined to be permanent. They continued to be in force (with some few interruptions) until the downfall of Athenian independence. The ten tribes were blended with the whole machinery of the constitution. Of the senate of Five Hundred, fifty were chosen from each tribe. The allotment of *δικασταὶ* was according to tribes; and the same system of election may be observed in most of the principal offices of the judicial and magisterial, civil and military, as that of the *δαιτηγαί*, *λογισταί*, *πρωληγαί*, *ταμίαι*, *πυρραγοί*, *φύλαρχοι*, *στρατηγοί*, &c. In B.C. 307, Demetrius Poliorcetes increased the number of tribes to twelve by creating two new ones, namely, *Δαμναῖος* and *Δεμेत्रίος*, which afterward received the names of *Πτολεμαῖος* and *Αἰταῖος*; and a thirteenth was subsequently added by Hadrian, bearing his own name.⁵

The preceding account is only intended as a brief sketch of the subject, since it is treated of under several other articles, which should be read in connexion with this. (Vid. CIVITAS, GREÆ; DEMOS, PHYLARCHOI, PHYLOBASILEIS, &c.)⁶

TRIBUS (ROMAN). The three ancient Roman tribes, the Ramnes, Tities, and Luceres, or the Ramnenses, Titienses, and Lucercenses, to which the patricians alone belonged, must be distinguished from the thirty plebeian tribes of Servian Italia, which were entirely local, four for the city, and twenty-six for the country around Rome. The history and organization of the three ancient tribes are spoken of under PATRICII. They continued of great importance almost down to the time of the decemviral legislation, but after this time they no longer occur in the history of Rome, except as an obsolete institution.

The institution and organization of the thirty plebeian tribes, and their subsequent reduction to twenty by the conquests of Porcenna, are spoken of under PLEBES, p. 782, 783. The four city tribes were called by the same name as the regions which they occupied, viz., *Suburana*, *Esquilina*, *Collina*, and *Palatina*.⁷ The names of the sixteen country tribes which continued to belong to Rome after the conquest of Porcenna, are in their alphabetical order as follow: *Emilia*, *Camilia*, *Corodia*, *Felsa*, *Volturna*, *Horatia*, *Lemonia*, *Menenia*, *Paporia*, *Pollia* (which Niebuhr⁸ thinks to be the same as the *Pollia*, which was instituted at a later time), *Paposa*, *Pyrenia*, *Romilia*, *Sergia*, *Veturia*, and *Valturna*. As Rome gradually acquired possession of more of the surrounding territory, the number of tribes also was gradually increased. When Appius Claudius, with his numerous train of clients, emigrated to Lucania, lands were assigned to them in the district where the Anio flows into the Tiber, and a new tribe, the tribus Claudia, was formed. This tribe, which Livy⁹ (if the reading is correct) calls *vetus Claudia tribus*, was subsequently enlarged, and was then designated by the name *Crustumina* or *Clustumina*. This name is the first instance of a country tribe

1. (Hist. of Greece, ii. 10.) — 2. (Hist. of Rome, p. 140.) — 3. Rana, 419; Aves, 743.

1. (i. p. 312.) — 2. (Plut., Demetr., 10.—Paus., i. 13.—Plut., Orom., viii., 110.) — 3. (See Wachsmuth, l. i. p. 274—275.—Hermann, Lehrbuch der Griech. Staatsv., s. 51, 52, 53, 111, 121, 176.—Schömann, Ant. Jur. Pub., p. 165, 178, 206, 207.—Thirlwall, ii., 1-14, 32, 73.) — 4. (Varro, De Ling. Lat., s. 6, 7, 8.—Festus, s. v. "Urbanus tribus.") — 5. (i. p. 274.—Götting, Gesch. der Röm. Staatsv., p. 128.) — 6. (i. p. 149—150.) — 7. (Niebuhr, l. i. n. 1236.)

ned after a place, for the sixteen older ones ed their name from persons or heroes who the same relation to them, as the Attic called *ἑπώνυμοι*, were to the Attic phylæ. 387, the number of tribes was increased to ve by the addition of four new ones, viz., *Atina*, *Tromentina*, *Sabatina*, and *Arniensis*.¹ B.C., two more, the *Pomptina* and *Publilia*, med of Volscians.² In B.C. 332, the cen- tabilius Philo and Sp. Postumius increased ber of tribes to twenty-nine, by the addi- he *Macia* and *Scaptia*.³ In B.C. 318, the and *Falerina* were added.⁴ In B.C. 299, rs, the *Aniensis* and *Terentina*, were added nsors;⁵ and at last, in B.C. 241, the num- bers was augmented to thirty-five, by the of the *Quirina* and *Velina*. This number er afterward increased, as none of the con- tations were after this incorporated with reign Roman state.⁶ When the tribes, in embles, transacted any business, a certain *do tribuum*) was observed, in which they led upon to give their votes. The first in of succession was the *Suburana*, and the *Arniensis*.⁷ Any person belonging to a l, in important documents, to add to his ne that of his tribe, in the ablative case. MEN. ROMAN, p. 661.)

er the local tribes, as they were establish- e constitution of Servius Tullius, contained plebeians, or included the patricians also, t on which the opinions of modern scholars led. Niebuhr, Walter, and others, think patricians were excluded, as they had al- regular organization of their own; Wach- terlach, Reim, and others, on the contrary, t that the patricians also were incorporated rvan tribes; but they allow, at the same t by far the majority of the people in the es of the tribes were plebeians, and that e character of these assemblies was essen- beian; especially as the patricians, being numbers, and each of them having no more i in them than a plebeian, seldom attended ings of the tribes. The passages, however, re quoted in support of this opinion, are sufficient to prove the point (as *Liv.*, ii., 56, *mys.*, ix., 41), and partly belong to a later hen it certainly cannot be doubted that icians belonged to the tribes. We must suppose, with Niebuhr, that down to the ral legislation the tribes and their assem- re entirely plebeian.

semblies of the tribes (*comitia tributa*), as they were confined to the plebeians, can have had any influence upon the affairs of : all they had to do was to raise the tri- hold the levies for the armies, and to their own local and religious affairs.⁸ (*Vid.* s, *PLEBES*.) Their meetings were held in m, and their sphere of action was not ex- the establishment of the Republic. The at point they gained was through the lex passed by Valerius Publicola. (*Vid.* *VALE-* ES.) But the time from which the increase ower of the comitia of the tribes must be that in which the tribuni plebis were in- (494 B.C.). During the time of the del- legislation, the comitia were for a short rived of their influence, but we have every o believe that immediately after, probably

by this legislation itself, the comitia tributa, inster- of a merely plebeian, became a national assembly inasmuch as henceforth patricians and freeborn clients were incorporated in the tribes, and thus obtained the right of taking part in their assemblies.¹ This new constitution of the tribes also explains the otherwise unaccountable phenomena mentioned in the article *TRIBUNUS*, that patricians sought the protection of the tribunes, and that on one occasion even two of the tribunes were patricians. From the latter fact it has been inferred, with great prob- ability, that about that time attempts were made by the patricians to share the tribuneship with the plebeians. But, notwithstanding the incorporation of the patricians in the tribes, the comitia tributa remained essentially plebeian, as the same causes which would have acted had the patricians been included in the tribes by Servius Tullius were still in operation; for the patricians were now even fewer in number than two centuries before. Hence the old name of plebiscitum, which means originally a resolution of the plebes only, although in a strict sense of the word no longer applicable, was still retained, as a resolution of the comitia tributa was practically a resolution of the plebes, which the pa- tricians, even if they had voted against it unani- mously, could not have prevented. Moreover, owing to this, the patricians probably attended the comitia tributa very seldom.

In order to give a clear insight into the character and the powers which the comitia tributa gradually acquired, we shall describe them under separate heads, and only premise the general remark, that the influence of the comitia tributa was more di- rected towards the internal affairs of the state and the rights of the people, while the comitia centuriata exercised their power more in reference to the fore- ign and external relations of the state, although to- wards the end of the Republic this distinction grad- ually vanished.

I. *The Election of Magistrates.*—The comitia tri- buta had only the right of electing the magistratus minores.² The tribuni plebis were elected by them from the time of the Publilian law (*vid.* *TRIBUNUS*), and in like manner the ædiles, though the curule ædiles were elected under the presidency of the con- suls, and also at different meetings from those in which the plebeian ædiles were elected.³ In later times the questors also, and a certain number of the tribuni militares, were elected by the tribes.⁴ It also frequently occurs that the proconsuls to be sent into the provinces were elected by the tribes, and that others, who were already on their posts, had their imperium prolonged by the tribes.⁵ In the course of time, the comitia tributa also assumed the right to elect the members of the colleges of priests. This custom, however, was, towards the end of the Republic, frequently modified. (*Vid.* *PON- TIFEX*, p. 790, &c.)

II. *Legislative Powers.*—The legislation of the tribes was at first confined to making plebiscita on the proposal of the tribunes, which were only bind- ing upon themselves, and chiefly referred to local matters. Such plebiscita did not, of course, require the sanction either of the curiæ or of the senate.⁶ But when the comitia tributa came to be an assem- bly representing the whole nation, it was natural that its resolutions should become binding upon the whole people; and this was the case, at first with,

vi., 5.—Niebuhr, ii., p. 575.)—2. (*Liv.*, vii., 15.)—3. 17.)—4. (*Liv.*, ix., 20.)—5. (*Liv.*, x., 9.)—6. (*Liv.*, i., 43.)—7. (*Cic.*, *De Leg. Agr.*, ii., 29.)—8. (*Fest.*, *garius*, "Publica sacra," "Sobrium."—Varro, *De* v., p. 58, *Bip.*—*Cic.*, *Pro Dom.*, 28.—*Macrob.*, *Sat.*,

1. (*Liv.*, iv., 24.—*Id.*, v., 30.—*Id.*, vi., 18.—*Id.*, xxix., 37.)—2. (*Messala ap. Gell.*, xiii., 15.)—3. (*Gell.*, i. c.—*Compare* vi., 9.—*Cic.* *ad Att.*, iv., 3.—*Id.*, *ad Fam.*, viii., 4.—*Liv.*, ix., 46.—*Id.*, xxv., 2.—*Fest.*, s. v. "Plebei ædiles.")—4. (*Cic.* *ad Fam.*, vii., 30.—*Id.*, *In Vat.*, 5.—*Liv.*, iv., 54.—*Id.*, vii., 5.—*Id.*, ix., 30.—*Sallust.*, *Jug.*, 63.)—5. (*Liv.*, viii., 23, 26.—*Id.*, ix., 42.—*Id.*, x., 22.—*Id.*, xxvii., 22, &c.)—6. (*Gell.*, x., 20.—*Dionys.*, x. 3.—*Id.* xi., 45.)

and afterward without, the sanction of the *curies*, the senate, or the centuries, which were originally the real legislative assembly. (*Vid. PLEBISCITUM.*) It should, however, be observed, that even after the time when plebiscita became binding upon the whole nation, there occur many cases in which a plebiscitum is based upon and preceded by a *senatus consultum*, and we have to distinguish between two kinds of plebiscita: 1. Those relating to the administration of the Republic, which constitutionally belonged to the senate, such as those which conferred the *imperium*, appointed extraordinary commissions and *quæstiones*, dispensed or exempted persons from existing laws, decided upon the fate of conquered towns and countries, and upon the affairs of provinces in general, &c. These were always based upon a *senatus consultum*, which was laid before the tribes by the tribunes. 2. Plebiscita relating to the sovereignty and the rights of the people naturally required no *senatus consultum*, and in general none is mentioned in such cases. Plebiscita of this kind are, for example, those which grant the *civitas* and the *suffragium*, and those which concern a great variety of subjects connected with social life and its relations. The tribes also had the power of abolishing old laws.¹ The permission to enter the city in triumph was originally granted to a general by the senate,² but the *comitia tributa* began in early times to exercise the same right, and at last they granted such a permission even without a *senatus consultum*.³ The right of deciding upon peace and war with foreign nations was also frequently usurped by the tribes, or permitted to them by a *senatus consultum*. In the time of Sulla, the legislative powers of the *comitia* were entirely abolished; but of this change we shall speak presently.

III. *The jurisdiction of the tribes* was very limited, as they had only jurisdiction over those who had violated the rights of the people, while all capital offences belonged to the *comitia centuriata*. In case of a violation of the popular rights, the tribunes or *ædiles* might bring any one, even patricians, before the *comitia tributa*, but the punishment which they inflicted consisted only in fines. In course of time, however, they became a court of appeal from the sentence of magistrates in any cases which were not capital. Magistrates also, and generals, were sometimes, after the term of their office had elapsed, summoned before the tribes to give an account of their conduct and their administration. Private individuals were tried by them in cases for which the laws had made no provisions.⁴ (*Compare ÆDILES, TRIBUNUS.*)

The place where the *comitia tributa* assembled might be either within or without the city, although in the latter case not more than a mile beyond the gates, as the power of the tribunes did not extend farther.⁵ For elections, the *Campus Martius* was the usual place of meeting,⁶ but sometimes also the *Forum*,⁷ the area of the *Capitol*,⁸ or the *Circus Flaminius*.⁹

The usual presidents at the *comitia tributa* were the tribunes of the people, who were assisted in their functions by the *ædiles*. No matter could be brought before the tribes without the knowledge and the consent of the tribunes,¹⁰ and even the

ædiles were not allowed to make any proposal to the *comitia* without the permission of the tribunes.¹ The college of tribunes appointed one of its members, by lot or by common consent, to preside at the *comitia*,² and the members of the college usually signed the proposal which their colleague was going to lay before the assembly.³ During the period when the *comitia tributa* were a national assembly, the higher magistrates, too, sometimes presided at their meetings, though probably not without the sanction of the tribunes. In legislative assemblies, however, the higher magistrates presided very seldom, and instances of this kind which are known were probably extraordinary cases.⁴ In the *comitia tributa* assembled for the purpose of electing tribunes, *ædiles*, *quæstors*, *sacerdotes*, and others, the *consuls* frequently appear as presidents.⁵ On occasion the *pontifex maximus* presided at the election of tribunes.⁶ When the *comitia* were assembled for judicial purposes, *ædiles*, *consuls*, or *prætors* might preside as well as tribunes.⁷

The preparations preceding elective assemblies were very simple: the candidates were obliged to give notice to the magistrate who was to preside at the *comitia*, and the latter took their names and announced them to the people when assembled.⁸ For legislative assemblies, the preparations were greater and lasted longer. A tribune (*rogator* or *princeps rogationis*)⁹ announced the proposal (*rogatio*) which he meant to bring before the *comitia* three *nundines* before the general meeting. During this interval *conciones* were held, that is, assemblies of the people for considering and discussing the measure proposed, and any one might, at such meetings, canvass the people for or against the measure: but no voting took place in a *comitia*.¹⁰ The auspices were at first not taken in the *comitia tributa*, as patricians alone had the right to take them;¹¹ but subsequently the tribunes obtained the same right, though commonly they only insisted on the *spectio*.¹²

As regards the convocation of the *comitia tributa*, the tribune who was appointed to preside at the meeting simply invited the people by his *vocatio*, without any of the solemnities customary at the *comitia centuriata*.¹³ In the assembly itself the president took his seat upon a tribunal, was surrounded by his colleagues,¹⁴ and made the people acquainted with the objects of the meeting (*rogabat*). The *rogatio*, however, was not read by the tribune himself, but by a *præco*.¹⁵ Then discussion took place, and private individuals as well as magistrates might, with the permission of the tribune, speak either for or against the proposal. At last the president requested the people to vote by the phrase *ite in suffragium*,¹⁶ or a similar one; and when they stood in disorder, they were first called upon to arrange themselves according to their tribes (*discedite*), which were separated by *rope* until the time when the *septa* were built in the *Campus Martius*.¹⁷ The succession in which the tribes voted was decided by lot,¹⁸ and the one which

1. (Cic. ad Att. iii, 23.—Id., De Invent. ii, 45, &c.)—2. (Appian, De Bell. Civ. ii, 8.)—3. (Liv. iii, 63.—Id. v, 35, &c.—Id. x, 37.—Id. xxvi, 21.—Dion Cass., xxxix, 65.—Plut., Æm. Paul., 31, &c.—Lucull., 37.)—4. (Cic. De Repub. i, 40.—Id. ib., ii, 36.—Id., De Leg., iii, 4, 19.—Id., Pro Sext., 30, 34.)—5. (Dion Cass., xxxviii, 17.)—6. (Cic. ad Att. iv, 3, 10.—Id. ib., i, 1.—Id., ad Fam., vii, 30.—Plut., C. Græch. 3.)—7. (Cic. ad Att. i, 16.)—8. (Liv., xxxiii, 10.—Id. xliii, 16.—Cic. ad Att. i, 3.)—9. (Liv., xxvii, 22.)—10. (Liv., xxvii, 22.—Id., xxx, 40.—Cic., De Leg. Agr., ii, 8.)

1. (Gell., iv, 4.—Dionys., vi, 90.)—2. (Liv., ii, 56.—Id. iii, 64.—Id. iv, 57.—Id. v, 17, &c.)—3. (Cic., Pro Sext., 33.—Id. De Leg. Agr., ii, 9.)—4. (Plin., H. N., xvi, 15.—Cic., Pro Balb., 24.—Dion Cass., xxxviii, 6.—Id., xxxix, 65.—Appian, De Bell. Civ., iii, 7.)—5. (Liv., iii, 35, 64.—Dionys., ii, 6, &c.—Appian, De Bell. Civ., i, 14.—Dion Cass., xxxix, 22.—Cic. in Vat., 5.—Id., ad Fam., vii, 30.—Id., ad Brut., i, 2.—Id. (Liv., iii, 54.)—7. (Liv., xxv, 4.—Appian, De Bell. Civ. i, 30.—Dion Cass., xxxviii, 17.)—8. (Liv., iii, 64.—Appian, De Bell. Civ., i, 14.—Compare Cic. ad Brut., i, 5.)—9. (Cic., Pro Cæcilio, 33, 35.—10. (Gellius, xiii, 5.)—11. (Liv., vi, 41.—Dionys., ix, 41, 49.—Id., x, 4.)—12. (Cic. ad Att., i, 16.—Id. ib., iv, 3, 16.—Id., in Vat., 7.—Zonar., vii, 15.)—13. (Appian, De Bell. Civ., i, 29.)—14. (Liv., xxv, 3.—Dion Cass., xxxix, 65.—Plut., Cat. Mino., 25.)—15. (Ascon. in Cic. Corneli, p. 26 Orelli.)—16. (Liv., xxi, 7.)—17. (Liv., xxxv, 2.—Cic., Pro Dom., 18.—Appian, De Bell. Civ., iii, 30.)—18. (Cic., De Leg. Agr., ii, 9.—Liv., x, 24.—Id., xxv, 3.)

was to vote first was called *tribus prærogativa* or *præcipium*, the others *jure vocata*. In the *tribus prærogativa* some man of eminence usually gave his vote first, and his name was recorded in the resolution.¹ Out of the votes of each tribe a suffragium was made up, that is, the majority in each tribe formed the suffragium, so that, on the whole, there were thirty-five suffragia.² (Compare *Dixvirores*.) When the counting of the votes had taken place, the *renuntiatio* followed, that is, the result of the voting was made known. The president then dismissed the assembly, and he himself had the obligation to see that the resolution was carried into effect. The business of the *comitia tributa*, like that of the *centuriata*, might be interrupted by a variety of things, such as *obnuntiatio*, sunset, a tempest, the intercession or veto of a tribune, the *morbus comitalis*, &c. In such cases the meeting was adjourned to another day.³ If the elections could not be completed in one day, they were continued on the day following; but if the assembly had met in a judicial capacity, its breaking up before the case was decided was, in regard to the defendant, equivalent to an acquittal.⁴ If everything had apparently gone on and been completed regularly, but the augurs afterward discovered that some error had been committed, the whole resolution, whether it was on an election, on a legislative or judicial matter, was invalid, and the whole business had to be done over again.⁵

What we have said hitherto applies only to the *comitia tributa* as distinct from and independent of the *comitia centuriata*. The latter assembly was, from the time of its institution by Servius Tullius, in reality an aristocratic assembly, since the equites and the first class, by the great number of their centuries, exercised such an influence that the votes of the other classes scarcely came into consideration.⁶ (*Vid. PLEBES*, p. 783.) Now, as patricians and plebeians had gradually become united into one body of Roman citizens, with almost equal powers, the necessity must sooner or later have become manifest that a change should be introduced into the constitution of the *comitia* of the centuries in favour of the democratical principle, which in all other parts of the government was gaining the upper hand. The object of this change was perhaps to constitute the two kinds of *comitia* into one great national assembly. But this did not take place. A change, however, was introduced, as is manifest from the numerous allusions in ancient writers, and as is also admitted by all modern writers. As this change was connected with the tribes, though it did not affect the *comitia tributa*, we shall here give a brief account of it. But this is the more difficult, as we have no distinct account either of the event itself, or of the nature of the change, or of the time when it was introduced. It is therefore no wonder that nearly every modern writer who has touched upon these points entertains his own peculiar views upon them. As regards the time when the change was introduced, some believe that it was soon after the establishment of the Republic, others that it was established by the laws of the Twelve Tables, or soon after the decemviral legislation; while from Livy,⁷ compared with Dionysius,⁸ it appears to be manifest that it did not take place till the time when the number of the thirty-five tribes was completed, that is, after the year B.C. 241, per-

haps in the censorship of C. Flaminius (B.C. 224), who, according to Polybius,¹ made the constitution more democratical. This is also the opinion of Gerlach² and of Götting.³ In regard to the nature of the change, all writers agree that it consisted in an amalgamation of the centuries and the tribes; but in the explanation of this general fact, opinions are still more divided than in regard to the time when the change was introduced, and it would lead us much too far if we only attempted to state the different views of the most eminent modern writers. The question is one which still requires a careful and minute examination, but which will, perhaps, remain a mystery forever. In the mean while, we shall confine ourselves to giving the results of the latest investigations on the subject, which have been made by Götting.⁴

The five classes instituted by Servius Tullius continued to exist, and were divided into centuries of *seniores* and *juniores*;⁵ but the classes are in the closest connexion with the thirty-five tribes, while formerly the tribes existed entirely independent of the census. In this amalgamation of the classes and the tribes, the centuries formed subdivisions of both; they were parts of the tribes as well as of the classes.⁶ Götting assumes 350 centuries in the thirty-five tribes, and gives to the senators and equites their suffragium in the first class of each tribe as *seniores* and *juniores*. The centuries of *fabri* and *cornicines* are no longer mentioned, and the *capite censi* voted in the fifth class of the fourth city tribe. Each century in a tribe had one suffragium, and each tribe contained ten centuries, two (*seniores* and *juniores*) of each of the five classes. Götting farther supposes that the equites were comprised in the first class, and voted with it, and that they were even called the centuries of the first class.⁷ The mode of voting remained, on the whole, the same as in the former *comitia centuriata*. The equites voted with the senators, but the former usually among the *juniores*, and the latter among the *seniores*.⁸ The following particulars, however, are to be observed. We read of a *prærogativa* in these assemblies, and this might be understood either as a *tribus prærogativa*, or as a *centuria prærogativa*. If we adopt the former of these possibilities, which is maintained by some modern writers, the ten centuries contained in the *tribus prærogativa* would have given their suffrages one after the other, and then the *renuntiatio*, or the announcement of the result of their voting, would have taken place after it was ascertained. The inconsistency of this mode of proceeding has been practically demonstrated by Rein;⁹ and as we know, from the passages above referred to, that the votes were given according to centuries,¹¹ and according to tribes only in cases when there was no difference of opinion among the centuries of the same tribe, we are obliged to suppose that the *prærogativa* was a century taken by lot from all the seventy centuries of the first class, two of which were contained in each of the thirty-five tribes, and that all the centuries of the first class gave their votes first, that is, after the *prærogativa*. From the plural form *prærogativa*, it is, moreover, inferred that it consisted of two centuries, and that the two centuries of the first class contained in the same tribe voted to-

1. (Cic., *Pro Planc.*, 14.—Frontin., *De Aqued.*, p. 129, ed. Bip.)—2. (Dionys., vii., 64.—Appian, *De Bell. Civ.*, i., 12.—L. s., viii., 37, &c.)—3. (Dionys., x., 40.—Liv., xiv., 35.—Appian, *De Bell. Civ.*, i., 12.—Plut., *Tib. Gracch.*, 11, &c.—Dion Cass., xxxix., 34.)—4. (Cic., *Pro Dom.*, 17.)—5. (Liv., x., 47.—Id., xxx., 39.—Ascon. ad Cic., *Cornel.*, p. 68, Orelli.—Cic., *De Leg.*, ii., 12.)—6. (*Vid. Liv.*, ii., 64.—Id., vii., 18.—Id., x., 37.—Dionys., x., 43, &c.)—7. (i., 43.)—8. (iv., 21.)

1. (ii., 21.)—2. (*Die Verfassung des Servius Tullius*, p. 32, &c.)—3. (*Gesch. der Röm. Staatsv.*, p. 382.)—4. (p. 350, &c.)—5. (Liv., xliii., 16.—Cic., *Philipp.*, ii., 33.—Id., *Pro Flacc.*, 7.—Id., *De Rep.*, iv., 2.—Sallust, *Jug.*, 86.—Pseudo-Sallust, *De Rep. Ordin.*, 2, 8.)—6. (Cic., *Pro Planc.*, 20.—Id., *De Leg.*, ii., 2.—*De Petit. Cons.*, 8.)—7. (*Val. Max.*, vi., 5, § 3.)—8. (Liv., xliii., 16.)—9. (Cic., *De Rep.*, iv., 2.—*De Petit. Cons.*, 8.)—10. (in Pauly's *Real. Encyclop. der Alterthumswiss.*, ii., p. 556, &c.)—11. (Compare Ascon. in Cic., *Orat. in Tog. Cand.*, p. 95, ed. Orelli.)

gether.¹ If as in the passage of Pseudo-Asconius, a tribus prærogativa is mentioned in the comitia centuriata, it can only mean the tribe from which the prærogativa centuria is taken by lot, for a real tribus prærogativa only occurs in the comitia tributa. The century of the first class drawn by lot to be the prærogativa was usually designated by the name of the tribe to which it belonged, e. g., Galeria juniorum,² that is, the juniores of the first class in the tribus Galeria; Aniensis juniorum;³ Veturia juniorum,⁴ &c. C. Gracchus wished to make the mode of appointing the centuria prærogativa more democratical, and proposed that it should be drawn from all the five classes indiscriminately; but this proposal was not accepted.⁵ When the prærogativa had voted, the result was announced (*renuntiare*), and the other centuries then deliberated whether they should vote the same way or not. After this was done, all the centuries of the first class voted simultaneously, and not one after another, as the space of one day would otherwise not have been sufficient. Next voted, in the same manner, all the centuries of the second, then those of the third class, and so on, until all the centuries of the classes had voted. The simultaneous voting of all the centuries of one class is sometimes, for this very reason, expressed by *prima*, or *secunda classis vocatur*.⁶ When all the centuries of one class had voted, the result was announced. Respecting the voting of the centuries the following passages may also be consulted: Cic., *Pro Planc.*, 20; in *Verr.*, v., 15; *Post Red. in Senat.*, 11; *ad Quir.*, 7.—*Liv.*, x., 9, 22; xxiv., 7; xxvi., 22. It seems to have happened sometimes that all the centuries of one tribe voted the same way, and in such cases it was convenient to count the votes according to tribes instead of according to centuries.⁷

These comitia of the centuries, with their altered and more democratical constitution, continued to exist, and preserved a great part of their former power along with the comitia tributa, even after the latter had acquired their supreme importance in the Republic. During the time of the moral corruption of the Romans, the latter appear to have been chiefly attended by the populace, which was guided by the tribunes, and the wealthier and more respectable citizens had little influence in them. When the libertini and all the Italians were incorporated in the old thirty-five tribes, and when the political corruption had reached its height, no trace of the sedate and moderate character was left by which the comitia tributa had been distinguished in former times.⁸ Violence and bribery became the order of the day, and the needy multitude lent willing ears to any instigations coming from wealthy bribers and tribunes who were mere demagogues. Sulla, for a time, did away with these odious proceedings; since, according to some, he abolished the comitia tributa altogether, or, according to others, deprived them of the right of electing the sacerdoties, and of all their legislative and judicial powers.⁹ (Compare *TRIBUNUS*.) But the constitution, such as it had existed before Sulla, was restored soon after his death by Pompey and others, with the exception of the jurisdiction, which was forever taken from the people by the legislation of Sulla. The people suffered another loss in the dic-

tatorship of J. Cæsar, who decided upon peace and war himself in connexion with the senate.¹ He had also the whole of the legislation in his hands through his influence with the magistrates and the tribunes. The people thus retained nothing but the election of magistrates; but even this power was much limited, as Cæsar had the right to appoint half the magistrates himself, with the exception of the consuls;² and as, in addition to this, he recommended to the people those candidates whom he wished to be elected: and who would have opposed his wish?³ After the death of Cæsar the comitia continued to be held, but were always, more or less, the obedient instruments in the hands of the rulers, whose unlimited powers were even recognised and sanctioned by them.⁴ Under Augustus the comitia still sanctioned new laws and elected magistrates, but their whole proceedings were a mere farce, for they could not venture to elect any other persons than those recommended by the emperor.⁵ Tiberius deprived the people of this decisive power, and conferred the power of election upon the senate.⁶ When the elections were made by the senate, the result was announced to the people assembled as comitia centuriata or tributa.⁷ Legislation was taken away from the comitia entirely, and was completely in the hands of the senate and the emperor. Caligula placed the comitia again upon the same footing on which they had been in the time of Augustus,⁸ but this regulation was soon abandoned, and everything was left as it had been arranged by Tiberius.⁹ From this time the comitia may be said to have ceased to exist, in all the sovereign power formerly possessed by the people was conferred upon the emperor by the *lex regia*. (*Vid. REGIA LEX*.) The people only assembled in the Campus Martius for the purpose of receiving information as to who had been elected or appointed as its magistrates, until at last even this announcement (*renuntiatio*) appears to have ceased.

In addition to the works mentioned in the course of this article, the reader may consult Unterholzner, *De Mutata Centuriatorum Comit. a Servo Tullio Rege Institutorum Ratione*, Breslau, 1823.—G. C. Th. Francke, *De Tribuum, de curiarum atque Centuriarum Ratione*, Schleswig, 1824.—Huschke, *Die Verfassung des Servius Tullius*, 1838.—Wöllner, *Römische Grundverfassung*.—Rubino, *Untersuchungen über die Röm. Verfassung*, 1839.—Zumpt, *Die Abstammung des Röm. Volkes in Centuriationibus*.

TRIBUTA COMITIA. (*Vid. TRIBUS, ROMA*.)
TRIBUTORIA ACTIO. (*Vid. SERVUS, ROMA*, p. 884.)

TRIBUTUM is a tax which, as Niebuhr¹ supposes, was at first only paid by the plebeians, and the name itself is used by the ancients in connexion with the Servian tribes; for Varro² says "*tributum dictum a tribubus*," and Livy,³ "*tributopellata a tributo*." But this seems to be only partially correct, as Livy⁴ expressly states that the patres also paid the same tax. It is, indeed, true, that the patricians had little real landed property, and that their chief possessions belonged to the *ager publicus*, which was not accounted in the census as real property, and of which only the tithe had to be paid, until, at a late period, an alienation was attempted by the *lex Thoria*.⁵ But there was reason for supposing that the patricians did not pay

1. (Cic., *Philipp.*, ii., 33.—Fest., s. v. *Prærogativa*.—Pseudo-Ascon in Cic., *Verr.*, p. 139, ed. Orelli.—*Liv.*, x., 22.)—2. (*Liv.*, xxvii., 6.)—3. (*Liv.*, xxiv., 7.)—4. (*Liv.*, xxvi., 22.)—5. (Pseudo-Sallust, *De Rep. Ordin.*, 2, 6.)—6. (Cic., *Philipp.*, i. c.—Compare Pseudo-Ascon in Cic., *Verr.*, p. 139, Orelli.)—7. (Cic. *ad Att.*, i., 16.—*Id.*, iv., 15.—*Id.*, *De Leg. Agr.*, ii., 2.—*Id.*, *Pro Planc.*, 22.—Polyb., vi., 14.—*Liv.*, v., 18.—*Id.*, xl., 42.—*Id.*, *Epit.*, 49.—Suet., *Jul.*, 41, 48, 80, &c.)—8. (Sall., *Cat.*, 37.—Suet., *Jul.*, 41.—Cic. *ad Att.*, i., 16.)—9. (Cic. in *Verr.*, i., 13, 15.—*Id.*, *De Leg.*, iii., 9.—*Liv.*, *Epit.*, 89.—Appian, *De Bell. Civ.*, i., 59, 98.)

1. (Dion Cass., xlii., 20.)—2. (Suet., *Jul.*, 41.—*Id.*, *Oct.*, vii., 6.—Dion Cass., xliii., 51.)—3. (Dion Cass., xlii., 6—*Id.*, *De Bell. Civ.*, ii., 18.)—4. (Appian, *De Bell. Civ.*, 5, 7.—Dion Cass., xlii., 55.—*Id.*, xlvii., 2.)—5. (Suet., *Octav.*, 6, 40.—Dion Cass., liii., 2, 21.—*Id.*, iv., 34.—*Id.*, vi., 40.—*Id.*, vii., 47.—*Id.*, viii., 15, 81.—*Id.*, ix., 36, 51.—*Veil. Pat.*, i., 20.—7. (Dion Cass., lviii., 20.)—8. (Dion Cass., lxx., 9.—*Id.*, *Cal.*, 16.)—9. (Dion Cass., lxx., 20.)—10. (*Hist. of Rome*, i., 408.)—11. (*De Leg. Lat.*, iv., p. 49.)—12. (i., 42.—ii., 2, 30.)—14. (Appian, *De Bell. Civ.*, i., 35.)

tributum upon their real property, although the larger part of it naturally fell upon the plebeians.¹ The impost itself varied according to the exigencies of the state, and was partly applied to cover the expenses of war, and partly those of the fortifications of the city.² The usual amount of tax was for every thousand of a man's fortune,³ though the time of Cato it was raised to three in a thousand. The tributum was not a property-tax in the strict sense of the word, for the accounts respecting the plebeian debtors clearly imply that the debts were not deducted in the valuation of a person's property, so that he had to pay the tributum upon property which was not his own, but which he had, and for which he had, consequently, to pay interest as well. It was a direct tax upon objects without any regard to their produce, like a house tax, which, indeed, formed the main part of it.⁴ That which seems to have made it so oppressive was its constant fluctuation. It was raised according to the regions or tribes instituted by Servius Tullius, and by the tribunes of the tribes, subsequently called tribuni aerarii.⁵ Livy, in another passage,⁶ states that it was levied upon the centuries according to their census; but this seems to be a mistake, as the centuries contained a number of juniors who were yet in their fathers' power, and consequently could not be tributum. It was not, like the other branches of the public revenue, let out to farm, but, being in money, it was raised by the tribunes, unless as the case after the custom of giving pay to soldiers was introduced the soldiers, like the tribunes, demanded it from the persons themselves who were bound to pay it. (*Vid. ÆS EQUESTRE HORDEARIUM.*) When this tax was to be paid, the sum was to be raised, and what portion of the thousand asses of the census, were matters which the senate had to decide alone. But when it was decreed, the people might refuse to pay, when they thought it too heavy or unfairly distributed, or hoped to gain some other advantage by refusal.⁷ In later times the senate sometimes issued regulations to the censors, who often fixed it arbitrarily. No citizen was exempt from it; we find that the priests, augurs, and pontiffs attempted to get rid of it, but this was only an evasion which did not last.⁸ In cases of great distress, the tributum was not raised according to the census, but to supply the momentary wants of the Republic, it was designated by the name of *tributum Temerarium*.⁹ After the war with Macedonia (B.C. 147), when the Roman treasury was depleted with the revenues accruing from conquests from the provinces, the Roman citizens became exempt from paying the tributum;¹⁰ and this exemption lasted down to the consulship of C. C. and Pansa (43 B.C.¹¹), when the tributum was again levied on account of the exhausted state of the aerarium.¹² After this time it was imposed according to the discretion of the emperors. Respecting the tributum paid by conquered countries and cities, see *VECTIGALIA*.¹³

TRICLINIUM (τρίβων). (*Vid. PALLIUM*, p. 720.) The dining-room of a Roman house, the position of which, relatively to the other parts of the house, is explained in p. 519. It was an oblong shape, and, according to Vitruvius,¹⁴

ought to be twice as long as it was broad. The same author¹ describes triclinia, evidently intended to be used in summer, which were open towards the north, and had on each side a window looking into a garden. The "house of the tragic poet" at Pompeii, and also that of Actæon, appear to have had summer dining-rooms opening to the viridarium. The woodcut at p. 462 shows the arrangement of the three couches (*lecti, κλίβανι*), from which the triclinium derived its name. They also remain in the "house of Actæon," being built of stone.

The articles *LECTUS*, *TORUS*, *PULVINAR*, and *ACCUBITA*, contain accounts of the furniture used to adapt these couches for the *accubatio*, i. e., for the act of reclining during the meal. When so prepared for an entertainment they were called *triclinia strata*,² and they were made to correspond with one another in substance, in dimensions, and in shape.³ As each guest leaned during a great part of the entertainment upon his left elbow, so as to leave the right arm at liberty, and as two or more lay on the same couch, the head of one man was near the breast of the man who lay behind him, and he was therefore said to lie in the bosom of the other.⁴ Among the Romans, the usual number of persons occupying each couch was three, so that the three couches of a triclinium afforded accommodation for a party of nine. It was the rule of Varro,⁵ that the number of guests ought not to be less than that of the Graces, nor to exceed that of the Muses. Sometimes, however, as many as four lay on each of the couches.⁶ The Greeks went beyond this number: Cicero says they lay crowded by fives (see woodcut, p. 326), or packed even still more closely.⁷ The *οἶκοι τριακοντάκλινοι*⁸ may be supposed to have received about ninety guests at a time, there being ten triclinia, and nine guests to each.

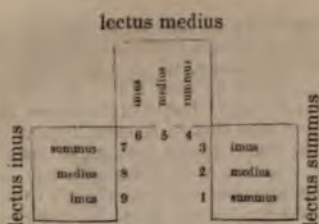
In such works of ancient art as represent a symposium or drinking-party, we always observe that the couches are elevated above the level of the table. This circumstance throws some light upon Plutarch's mode of solving the problem respecting the increase of room for the guests as they proceeded with their meal.⁹ Each man, in order to feed himself, lay flat upon his breast, or nearly so, and stretched out his hand towards the table; but afterward, when his hunger was satisfied, he turned upon his left side, leaning on his elbow. To this Horace alludes in describing a person sated with a particular dish, and turning in order to repose upon his elbow.¹⁰

We find the relative positions of two persons who lay next to one another commonly expressed by the prepositions *super* or *supra*, and *infra*. A passage of Livy,¹¹ in which he relates the cruel conduct of the consul L. Quintius Flamininus, shows that *infra aliquem cubare* was the same as *in sinu alicujus cubare*, and, consequently, that each person was considered as *below* him to whose breast his own head approached. On this principle we are enabled to explain the denominations both of the three couches and of the three places on each couch.

Supposing the annexed arrangement to represent the plan of a triclinium, it is evident that, as each guest reclined on his left side, the countenances of all, when in this position, were directed, first, from No. 1 towards No. 3, then from No. 4 towards No. 6, and, lastly, from No. 7 towards No. 9; that the guest No. 1 lay, in the sense explained, *above* No. 2, No. 3 *below* No. 2, and so of the rest; and that, going in the same direction, the couch to the right

Liv., iv., 60; v., 10.—2. (Liv., vi., 32.)—3. (Liv., xxiv., cxi., 7, 44.)—4. (Niebuhr, i., p. 581.)—5. (Dionys., iv., 14, 6. (iv., 19.)—7. (Liv., v., 12.)—8. (Liv., xxxiii., 42.)—9. (Plin., h. n., xxxiii., 17.)—10. (Cic., De Off., ii., 1.)—11. (Plut., Æm. Paol., 38.)—12. Compare Cic. ad Fam., xii., 30.—Philip., ii., 37.)—13. Compare Hegewisch, Versuch über die Röm. Finanzen, Altona, —Bosse, Grundzüge des Finanzwesens im Röm. Staat, Schweig, 1803.—14. (vi., 3, § 8.)

1. (§ 10.)—2. (Cass., Bell. Civ., iii., 92.—Compare Athen., ii., p. 47, 48.)—3. (Varro, L. L., ix., 47, ed. Müller.)—4. (Plin., Epist., iv., 22.)—5. (Gell., xii., 11.)—6. (Hor., Sat., i., 4, 86.)—7. (in Pis., 27.)—8. (Plut., Symp., v., 5, p. 1207.)—9. (Id. ib., v., 6.)—10. (Sat., ii., 4, 39.)—11. (xxxix., 43.)



hand was *above* the others, and the couch to the left hand *below* the others. Accordingly, the following fragment of Sallust¹ contains the denominations of the couches as shown on the plan: "*Igitur discubere: Sertorius (i. e., No. 6) inferior in medio; super eum L. Fabius Hispaniensis senator ex proscriptis (No. 5): in summo Antonius (No. 1); et infra scriba Sertorii Versius (No. 2): et alter scriba Mæcenas (No. 8) in imo, medius inter Tarquinium (No. 7) et dominum Perpennam (No. 9).*" On the same principle, No. 1 was the highest place (*locus summus*) on the highest couch; No. 3 was *locus imus in lecto summo*; No. 2 *locus medius in lecto summo*; and so on. It will be found that in the following passage³ the guests are enumerated in the order of their accubation—an order exhibited in the annexed diagram.



Fundanius, one of the guests, who was at the top relatively to all the others, says,

"*Summus ego, et prope me Viscus Thurinus, et infra, Si memini, Varius: cum Servilio Balatrone Vibidius, quos Mæcenas adduxerat umbras. Nomentanus erat super ipsum, Porcius infra.*"

It is possible that Mæcenas ought to be in the place No. 4 instead of No. 5, since the entertainment was given more especially in honour of him, and No. 4 was an honourable place. The host himself, Nasidienus, occupies the place No. 8, which was usually taken by the master of the feast, and was a convenient situation for giving directions and superintending the entertainment. Unless there be an exception in the instance of No. 4, it is to be observed that at each table the most honourable was the middle place.³

The general superintendence of the dining-room in a great house was intrusted to a slave called *trierarcha*, who, through the instrumentality of other slaves of inferior rank, took care that everything was kept and proceeded in proper order.

TRIDENS. (Vid. FUSCINA.)

TRIDRACHMON. (Vid. DRACHMA.)

TRIENS. (Vid. AS, p. 110.)

TRIERARCHIA (*τριεραρχία*). This was one of the extraordinary war-services or liturgies (*vid. ΛΕΙΠΟΥΡΓΙΑ*) at Athens, the object of which was to provide for the equipment and maintenance of the ships of war belonging to the state. The persons who were charged with it were called *Τριεραρχοι*, or trierarchs, as being the captains of triremes, though the name was also applied to persons who bore the same charge in other vessels. It existed from very early times in connexion with the forty-

eight nauceraries of Solon and the fifty of Cleisthenes, each of which corporations appears to have been obliged to equip and man a vessel. (Compare NAUCRARIA.) Under the constitution of Cleisthenes the ten tribes were at first severally charged with five vessels. This charge was, of course, superseded by the later forms of the trierarchy, explained in the course of this article.

I. *The services to which the trierarchs were liable.*—What these were previously to 358 B.C., there can be no doubt; the vessel was furnished by the state, though sometimes a wealthy and patriotic individual served in his own ship. Cleinias, for instance, did so at Artemisium;² but as it is particularly mentioned that this ship was his own, we may infer that he supplied at his own cost what the state was bound to provide. The same custom prevailed during the Peloponnesian war also. The 100 ships prepared and reserved at the beginning of the war for any critical emergency, were supplied by the state;³ in the expedition against Sicily,⁴ the state furnished the hull of the vessel (*ναῦν κενῶν*) and the pay of the crews, a drachma per day for each man; but the equipment of the ships was at the cost of the trierarchs, who also gave *ἐπιφοροί*,⁵ or additional pay, to secure the best men. The same *κοκοχῆται* are also deducible from the credit which a trierarch takes to himself for saving his vessel, when the city lost her ships at Egospotami;⁶ and from the further statement, that he paid the sailors out of his own pocket. From the threat of Cleon,⁷ that he would (as στρατηγός) make an adversary a trierarch, and give him an old ship with a rotten mast (*ισκίον κερρών*), it appears that the state furnished the hull and mast also, but that the trierarch was bound to keep and return them in good repair: an obligation expressed in the inscriptions quoted by Böckh,⁸ by the phrase *δεῖ τὴν ναῦν δοκιμὴν καὶ ἐντελῆ παραδόναι*. Consequently, the statement in the oration against Midias,⁹ that when Demosthenes was quite young (B.C. 364) the trierarchs paid all the expenses themselves (*τὰ ἀναλόματα ἐκ τῶν ἰδίων*), only implies that they defrayed the expenses which were customary at that time, and which were afterwards diminished by the regulation of the *symmorie*; but not that they supplied the ship, or pay and provisions for the crew. The whole expenditure, says Böckh,¹⁰ means nothing more than the equipment of the vessel, the keeping it in repair, and the procuring the crew, which was attended with much trouble and expense, as the trierarchs were sometimes obliged to give bounties in order to induce persons to serve, foreign sailors not being admissible. From the oration of Demosthenes against Polycles (B.C. 361), we learn the following particulars about the trierarchy of that time. The trierarchs were obliged to launch their ship; the sailors were supplied from particular parishes (*δημοί*), through the agency of the demarchi; but those supplied to Apollodorus, the client of Demosthenes, were but few and inefficient, consequently he mortgaged his estate (*ἐκθεῖναι τὴν οὐσίαν*), and hired the best men he could get, giving great bounties and premiums (*προδόσεις*). He also equipped the vessel with his own tackle and furniture, taking nothing from the public stores (*ἐκ τῶν δημοσίων οὐδὲν ἔλαβον*. Compare the Speech on the Crown of the Trierarchy¹¹). Moreover, in consequence of his sailors deserting when he was out at sea, he was put to additional and heavy expenses in hiring men at different ports. The provision-money for the sailors (*στραπέσιον*) was pro-

1. *Ign. Serv. in Vug. Jn. i., 698.*—2. (*Hor., Sat., ii., 8, 20-23.*)—3. (*Vug. Jn. i., 698.*)

1. (*Lex Rhet., p. 253.*)—2. (*Herod., viii., 17.*)—3. (*Thucyd., ii., 24.*)—4. (*Id., vi., 31.*)—5. (*Pollux, Onom., iii., 24.*)—6. (*Lucian, c. Callim., 382.*)—7. (*Aristoph., Equit., 916.*)—8. (*Urkunden, &c., p. 197.*)—9. (*p. 564, 22.*)—10. (*Public Econ. of Athens, &c., p. 334.*)—11. (*1239.*)

vided by the state and paid by the strategi, and so, generally speaking, was the pay for the marine (*ἐπιβάται*); but Demosthenes' client only received it for two months; and as he served for five months more than his time (from the delay of his successor elect), he was obliged to advance it himself for fifteen months, with but an uncertain prospect of repayment. Other circumstances are mentioned which made his trierarchy very expensive, and the whole speech is worth reading, as showing the unfairness and hardship to which a rich man was sometimes subjected as a trierarch. The observation that he took no furniture from the public stores proves that at that time (B.C. 361) the triremes were fitted out and equipped from the public stores, and consequently by the state; but, as we learn from other passages in Demosthenes and the inscriptions in Böckh,¹ the trierarchs were obliged to return in good condition any articles which they took; in default of doing so, they were considered debtors to the state.

That the ship's furniture was either wholly or in part supplied by the state, also appears from another speech,² but trierarchs did not always avail themselves of their privilege in this respect, that they might have no trouble in settling with the state. It is evident, then, that at the time referred to (about B.C. 360), the only expenses binding upon the trierarchs were those of keeping in repair the ship and the ship's furniture; but even these might be very considerable, especially if the ship were old, or exposed to hard service or rough weather. Moreover, some trierarchs, whether from ambitious or patriotic motives, put themselves to unnecessary expense in fitting out and rigging their ships, from which the state derived an advantage. Sometimes, on the other hand, the state suffered by the trierarchs performing their duties at the least possible expense, or letting out their trierarchy (*μισθῶσαι τὴν λειτουργίαν*) to the contractor who offered the lowest tender.³ One consequence of this was, that the duties were inadequately performed; but there was a greater evil connected with it, namely, that the contractors repaid themselves by privateering on their own account, which led to reprisals and letters of marque being granted against the state. (*Vid. SYLLAB.*)⁴ It seems strange that the Athenians tolerated this, especially as they were sometimes inconsistent enough to punish the trierarchs who had let out their trierarchy, considering it as a desertion of post (*λειποτάσιον*).⁵

We may here observe, that the expression in Isæus,⁶ that a trierarch "had his ship made himself" (*τὴν ναὺν ποιησάμενος*), does not mean that he was at the cost of building it (*ναυπηγησάμενος*), but only of fitting it up and getting it ready for sea. That the ships always belonged to the state is farther evident from the fact that the senate was intrusted with the inspection of the ship-building,⁷ and is placed beyond all doubt by the "Athenian Navy List" of the inscriptions in Böckh.⁸ Some of the ships there mentioned are called *ἀνεπικλήρωτοι*, whence it appears that the public vessels were assigned by lot to the respective trierarchs. A *τριῆρης ἐπιδοσίμιος* was a ship presented to the state as a free gift, just as *τριῆρη ἐπιδοῦναι* means to present the state with a trireme.⁹ The duration of a trierarchy was a year, and if any trierarch served longer than his legal time, he could charge the extra expenses (*τὸ ἐπιτριηράρχημα*) to his successor. To recover these expenses, an action (*ἐπιτριηραρχήματος*

δίκη) might be brought against the successor, of which we have an example in the speech of Apollodorus against Polyclus, composed by Demosthenes for the former.

II. *On the expenses of the trierarchy.*—These would, of course, depend upon circumstances; but, except in extraordinary cases, they were not more than 60, nor less than forty minæ: the average was about 50. Thus, about the year B.C. 360, a whole trierarchy was let out for 40 minæ; in later times the general amount of a contract was 60.¹

III. *On the different forms of the trierarchy.*—In ancient times one person bore the whole charge, afterward it was customary for two persons to share it, who were then called *syntrierarchs* (*συντριηράρχοι*). When this practice was first introduced is not known, but Böckh conjectures that it was about the year 412 B.C., after the defeat of the Athenians in Sicily, when the union of two persons for the choregia was first permitted. The most ancient account of a *syntrierarchy* is later than 410;² and we meet with one so late as B.C. 358, the year of the Athenian expedition into Eubœa.³ The *syntrierarchy* to which we allude was, indeed, a voluntary service (*ἐπίδοσις*), but there can be little doubt that it was suggested by the ordinary practice of that time; and even under the next form of the service, two trierarchs were sometimes employed for the immediate direction of the trierarchy. The *syntrierarchy*, however, did not entirely supersede the older and single form, being only meant as a relief in case of emergency, when there was not a sufficient number of wealthy citizens to bear the expense singly. Numerous instances, in fact, occur of single trierarchies between 410 and 358 B.C., and in two passages of Isæus,⁴ referring to this period, the single and double trierarchy are mentioned as contemporaneous. Apollodorus also was sole trierarch⁵ so late as B.C. 361. In the case of a *syntrierarchy*, the two trierarchs commanded their vessel in turn, six months each,⁶ according as they agreed between themselves.

The third form of the trierarchy was connected with or suggested by the *syntrierarchy*. In B.C. 358, the Athenians were unable to procure a sufficient number of legally-appointed trierarchs, and accordingly they summoned volunteers. This, however, was but a temporary expedient; and, as the actual system was not adequate to the public wants, they determined to manage the trierarchy somewhat in the same way as the property taxes (*vid. ΕΙΣΦΗΟΡΑ*), namely, by classes or *symmoriae*, according to the law of Periander, passed, as Böckh shows, in the year 558, and which was the primary and original enactment on the subject. With this view, 1200 *synteleis*, or partners,⁷ were appointed, who were probably the wealthiest individuals of the state, according to the census or valuation. These were divided into twenty *symmoriai*, or classes; out of which a number of persons (*σώματα*) joined for the equipment, or, rather, the maintenance and management of a ship, under the title of a *synteleia*,⁸ or union. Sometimes, perhaps, by special enactment, when a great number of ships was required, a *synteleia* of this kind consisted of four or five wealthy individuals, who bore jointly the expenses of one trireme;⁹ but generally to every ship there was assigned a *synteleia* of fifteen persons of different degrees of wealth, as we may suppose, so that four only were provided for by each *symmoria* of sixty persons.

1. (Urkunden, No. iii.)—2. (c. Euerget. et Mnesib., p. 1146.)—3. (Dem., De Coron. Triar., p. 1230.)—4. (Dem., ib., p. 1231.)—5. (Id., p. 1230.)—6. (De Apoll. hered., p. 67.)—7. (Dem., c. Androt., p. 599, 13.)—8. (Urkunden, &c.)—9. (Dem., c. Mid., 566 568.)

1. (Dem., c. Mid., 539, 564, 20.—De Coron., 260, 262.)—2. (Lys., c. Diogit., 907, 909.)—3. (Dem., c. Mid., 566, 24.)—4. (De Dicæog. hered., 54.—De Apoll., p. 67.)—5. (Dem., c. Polyclus.)—6. (Id., 1219.)—7. (Dem., c. Mid., 564.)—8. (Harpocr., s. v.)—9. (Id., s. v. Συμμορία.)

tion of Attica; *i. e.*, for the first class one third, two thirds, and one per cent. of their property: for the poorer a proportionally less amount: and of the annual incomes, taken as a tenth part of the property, 3½, 6½ and ten per cent. for the most wealthy. But we may reckon that Athens at that time had not more than 100 or 200 triremes at sea, very seldom 300; so that this war-tax did not, for the richest class, amount, on an average, to more than one third, and two thirds per cent. of their property.¹

This arrangement of Demosthenes was calculated for 300 triremes, for which number 300 persons serving in person would be necessary, so that the chief burden must have fallen upon the leaders of the former symmoriæ. The year of passing this law Böckh fixes at B.C. 340 or 339. How long it remained in force is uncertain. In the speech for the Crown (B.C. 330), where much is said on the subject of the trierarchy, it is neither mentioned that the law was in existence, nor that it was repealed; but Demosthenes¹ says that Æschines had been bribed by the leaders of the symmoriæ to nullify it.

It appears, then, that the trierarchy, though the most expensive of the liturgies, was not of necessity oppressive, if fairly and economically managed, though this, as has been before observed, was not always the case.²

With respect to the amount of property which rendered a man liable to serve a trierarchy or syntrierarchy, Böckh³ observes, "I am aware of no instance of liability arising from a property of less value than 500 minæ: and as an estate of one or two talents never obliged the possessor to the performance of any liturgy,"⁴ the assertion of Isæus,⁵ that many had served the office of trierarch whose property was not more than 80 minæ, obliges us (if true) to suppose that public-spirited individuals were sometimes found to contribute to a trierarchy (rather, perhaps, to a syntrierarchy) out of a very small property.⁶

The disadvantages which in later times resulted from the trierarchs not being ready for sea by the time for sailing, were in early times prevented by their appointments being made beforehand, as was the case with the trierarchs appointed to the 100 ships which were reserved at the beginning of the Peloponnesian war against an attack upon Athens by sea.

The appointment to serve under the first and second forms of the trierarchy was made by the strategi,⁷ and in case any person was appointed to serve a trierarchy, and thought any one else (not called upon) was better able to bear it than himself, he offered the latter an exchange of his property (*vid.* ANTINOSIS), subject to the burden of the trierarchy.

In cases of extreme hardship, persons became suppliants to the people, or fled to the altar of Artemis at Munychia. If not ready in time, they were sometimes liable to imprisonment (*ἐνοχοὶ δεσμῶν*). Thus, on one occasion,⁸ the trierarchs were, by a special decree, subjected to imprisonment if they were not off the pier (*χῶμα*) by the end of the month; on the contrary, whoever got his ship ready first was to be rewarded with the "crown of the trierarchy," so that, in this way, considerable emulation and competition were produced. Moreover, the trierarchs were *ὑπεύθυνοι*, or liable to be called to account for their expenditure, though they applied their own property to the service of the state.⁹

But they also received money out of the treasury for various disbursements, as the pay of the soldiers and sailors, and the extra hands (*ὑπηρεσία*): thus, on one occasion, each trierarch is stated to have received 30 minæ, *εἰς ἐκπίπλουν*.¹ The trierarchs may also have been considered *ὑπεύθυνοι*, from being required to show that they had performed their duties properly. The sacred triremes, the Paralus and Salamis, had special treasures (*vid.* ΤΑΜΙΑΙ, p. 950) appointed to them,² and, on the authority of Ulpian,³ it has been believed that the state acted as trierarch for each of them; but in the inscriptions quoted by Böckh,⁴ no difference is made between the trierarchs of the Paralus and other vessels, and therefore it would seem that the state appointed trierarchs for them as well as for other vessels, and provided out of the public funds for those expenses only which were peculiar to them.

IV. *On the exemption from the trierarchy.*—By an ancient law, in force B.C. 355,⁵ no person (but minors and females) could claim exemption from the trierarchy who were of sufficient wealth to perform it, not even the descendants of Harmodius and Aristogiton. But from Issus⁶ it appears that, in the time of the single trierarchy, no person could be compelled to serve a second time within two years after a former service (*δύο ἔτη διαλειπών*). The nine archons also were exempt, and the trierarchy was a ground of exemption from the other liturgies, any of which, indeed, gave an exemption from all the rest during the year next following that of its service.⁷

But all property was not subject to the service, as we learn from Demosthenes,⁸ who tells us that a person was exempt if *ἀδύνατος*, or unable to serve from poverty; so also were "wards, heiresses, orphans, cleruchi, and corporate bodies." Of course, an heiress could only claim exemption while unmarried. Wards, also, were free from *all liturgies* during their minority, and for a year after their *δοκιμασία*.⁹ By *κληρονοχοὶ* are meant colonists, who, while absent by the command of the state, could not perform a trierarchy. The *τὰ κοινωνικά* admits of doubt, but it probably means the property of joint tenants, as brothers or co-heirs, which had not yet been apportioned to them,¹⁰ or it may refer to moneys invested in partnership. Moreover, though the proper duration of a trierarchy was a year, it was legally dissolved if the general furnished no pay to the soldiers, or if the ship put into the Piræus, it being then impossible to keep the sailors together.¹¹

V. *On the legal proceedings connected with the trierarchy.*—These were either between individual trierarchs, or between trierarchs and the state, and therefore in the form of a *ΔΙΑΔΙΚΑΣΙΑ*. They generally arose in consequence of a trierarch not delivering up his ship and her rigging in proper order, either to his successor or to the state. If he alleged that the loss or damage of either happened from a storm, he was said *σκηψάσθαι κατὰ χεῖμῶνα ἀπολωλέναι*, and if his plea were substantiated, *ἔδοξεν ἐν τῷ δικαστηρίῳ κ. τ. λ.* Vessels or furniture on which a trial of this kind had been held, were said to be *διαδεδικασμένα*.

The presidency of the courts which tried matters of this sort was vested in the strategi, and sometimes in the superintendents of the dockyard, in conjunction with the *ἀποστολεῖς*. The senate also appears to have had a judicial power in these matters: *e. g.*, we meet in various inscriptions with the phrase *οἶδε τῶν τριηράρχων, ὧν ἐδίπλωσεν ἡ βου-*

1. (p. 329.)—2. (Demosth., c. Polycl.)—3. (ii., 367.)—4. (Demosth., c. Aphob., p. 533.)—5. (De Dicisog. hered., p. 54.)—6. (Demosth., c. Lacr., p. 940, 16.)—7. (I l., De Coron., 262, 15.)—8. (Id., De Coron. Trier., 1229, 6.)—9. (Id., c. Polycl., 1222, 11.—Æschin., c. Ctesiph., 56.)

1. (Dem., De Coron. Trier., 1231, 14.)—2. (Pollux, Onom., viii., 116.)—3. (ad Dem., c. Mid., 686.)—4. (Urkunden, &c., 169.)—5. (Dem., c. Lept.)—6. (De Apoll. hered., 67.)—7. (Dem., c. Lept., 459 and 464.)—8. (De Symm., 182, 14.)—9. (Lysias, c. Diogit., 908.)—10. (Pollux, Onom., viii., 184.)—11. (Dem., c. Polycl., 1209.)

λή τὴν τριήρη. Böckh conjectures that the trierarchs of whom this is said had returned their ships in such a condition that the state might have called upon them to put them in thorough repair or to rebuild them, at a cost for an ordinary trireme of 5000 drachmæ. Supposing that they were not released from this liability by any decree of a court of justice, and that the rebuilding was not completed, he conceives that it must have been competent (in a clear and flagrant case) for the senate to have inflicted upon them the penalty of twice 5000 drachmæ, the technical phrase for which was "doubling the trireme."¹

The phrase ὁμολογήσεν τριήρη καινὴν ἀποδόσειν, which occurs in inscriptions, does not apply to an undertaking for giving a new trireme, but merely for putting one in a complete state of repair.

The phrase φαίνειν πλοίων,² to lay an information against a vessel, is used, not of a public ship, but of a private vessel, engaged, perhaps, in smuggling or privateering.

TRIEROPOIOI (τριηροποιοί). (Vid. ΣΜΥΡΝ, p. 891.)

*TRIGLA (τρίγλα), a fish, the red Surnullet, or *Mullus barbatus*, L. It is from six to nine inches long, and was a great favourite with the ancient epicures.³

TRIGON. (Vid. ΠΙΛΑ.)

TRILIX. (Vid. ΤΕΛΑ, p. 956.)

TRINUNDINUM. (Vid. ΝΥΝΔΙΝÆ, p. 668.)

TRIOBOLON (τριόβολον), or τριόβολον ἡλιαστικόν, was the fee of three oboli which the Athenian citizens received for their attendance as dicasts in the courts of the heliæa, whence it is also called μισθὸς δικαστικός, or τὸ δικαστικόν. This pay had been first introduced by Pericles.⁴ It is generally supposed from Aristophanes,⁵ who makes Strepsiades say that for the first obolus he ever received as a dicast he bought a toy for his son, that at first the δικαστικόν was only one obolus. According to the scholiast on Aristophanes,⁶ the pay was subsequently increased to two oboli, but this seems to be merely an erroneous inference from the passage of his author. Three oboli, or the τριόβολον, occurs as early as B.C. 425 in the comedies of Aristophanes, and is afterward mentioned frequently.⁷ Böckh⁸ has inferred from these passages that the triobolon was introduced by Cleon about B.C. 421; but G. Hermann⁹ has disputed this opinion, at least so far as it is founded upon Aristophanes, and thinks that the pay of three oboli for the dicasts existed before that time. However this may be, thus much is certain, that the pay of the dicasts was not the same at all times, although it is improbable that it should ever have been two oboli.¹⁰ The payment was made after every assembly of a court of heliastæ by the colacretæ¹¹ in the following manner. After a citizen had been appointed by lot to act as judge in a particular court, he received, on entering the court, together with the staff (βακτηρία or βύβδος), a tablet or ticket (σύμβολον). After the business of the court was over, the dicast, on going out, delivered his ticket to the prytanes, and received his fee in return.¹² Those who had come too late had no claim to the triobolon.¹³ The annual amount of these fees is reckoned by Aristophanes¹⁴ at 150

talents, a sum which is very high, and can, perhaps only be applied to the most flourishing times of Athens.¹

TRIPOLIACTIO. (Vid. ΑΚΤΙΟ, p. 19.)

*TRIPOLION (τριπόλιον), a plant. "Serapion and Avicenna call it *Turbith*, which, however, is said by Actuarius to be the root of the *Alyssa*. Sprengel says the Arabians and their commentators committed a great mistake in confounding the *Turbith* with the *Tripolium*. He is disposed to think it the *Plumbago Europæa*, or *Leadwort*. *Bobergh*, however, holds it to be the *Statice annua*; and, in short, there is a great diversity of opinion respecting it."²

TRIPUS (τρίπους), a Tripod, i. e., any article or article of furniture supported upon three feet, more especially

I. A three-legged table (vid. ΜΕΝΙΑ, page 421). The first woodcut at p. 276 shows such a table in use. Its three supports are richly and tastefully ornamented. Various single legs (*τραπέζοποι*) wrought in the same style out of white marble, red porphyry, or other valuable materials, and consisting of a lion's head or some similar object at the top, and a foot of the same animal at the bottom, united by intervening foliage, are preserved in the British Museum,³ and in other collections of antiquaries. The tripod used at entertainments to hold the *Cantharus* (p. 319) had short feet, so that it was not much elevated. These tables were probably sometimes made to move upon castors.⁴

II. A pot or caldron used for boiling meat, and either raised upon a three-legged stand of bronze, as is represented in the woodcut, p. 678, or made with its three feet in the same piece. Such a stand was of great value, and was sometimes offered as a prize in the public games.⁵

III. A bronze altar, not differing, probably, in its original form, from the tall tripod caldron above described. In this form, but with additional ornament, we see it in the annexed woodcut, which represents a tripod found at Frejus.¹ That this was intended to be used in sacrifice may be inferred from the bull's head, with a fillet tied round the horns, which we see at the top of each leg.



All the most ancient representations of the so-called tripod exhibit it of the same general shape, together with three rings at the top to serve for handles (*οὐρα*).² Since it has this form on all coins and other ancient remains which have reference to the Delphic oracle, it has been a sufficient reason concluded that the tripod which the Pythian priestess gave responses was

1. (Urkunden, &c., 228.)—2. (Dem., c. Lacr., 941.)—3. (Aristot., H. A., li, 17, &c. —Ellan, li, 41, &c. —Adams, Append., s. v.)—4. (Aristot., Polit., ii, 9, p. 67, ed. Götting.—Plut., Pericel., 9.—Plat., Gorg., p. 515.)—5. (Nob., 840.)—6. (Ran., 140.)—7. (Aristoph., Equit., 51, 255.—Vesp., 584, 654, 660.—Ran., 1540, &c.)—8. (Staatsb., i, p. 252.)—9. (Præf. ad Aristoph., Nub., p. 1, &c., 2d edit.)—10. (Aristot., ad Schol. ad Aristoph., Vesp., 652.—Hesych., s. v. Δικαστικόν.—Suidas, s. v. ἡλιαστικόν.)—11. (Lucian, Bis accusat., 12, 15.)—12. (Schol. ad Aristoph., Plat., 277.—Suidas, s. v. Βακτηρία.—Etymol. Mag., s. v. Σύμβολον.—Pollux, Onom., viii, 16.)—13. (Aristoph., Vesp., 661.)—14. (Vesp., 560, &c., with the schol.)

1. (Böckh, Staatsb., &c., i, p. 250.—Meyer, Att. Prae 125, &c.)—2. (Dioscor., iv, 122.—Theophr., H. P., i, 10.—Adams, Append., s. v.)—3. (Cic. ad Fam., vii, 23.)—4. (Ancient Marbles, i, 3; ii, 13; iii, 28.)—5. (Hesych., s. v. 375.)—6. (xxxii, 264, 702, 703.)—7. (Sponon, Mus. Erud., p. 115.)—8. (Hesych., s. v. 378.)

TRIPUS

this kind. The right-hand figure in the preceding woodcut is copied from one published by K. O. Müller,¹ founded upon numerous ancient authorities, and designed to show the appearance of the oracular tripod at Delphi. Besides the parts already mentioned, viz., the three legs, the three handles, and the vessel or caldron, it shows a flat, round plate, called *άλμος*, on which the Pythia seated herself in order to give responses, and on which lay a laurel leaf at other times. This figure also shows the position of the *CORTINA*, which, as well as the caldron, was made of very thin bronze, and was supposed to increase the prophetic sounds which came from underneath the earth.²

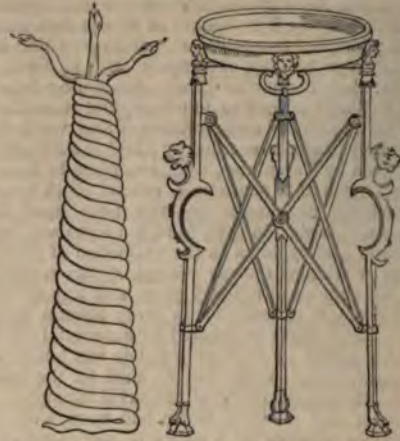
The celebrity of this tripod produced innumerable imitations of it,³ called "Delphic tripods."⁴ They were made to be used in sacrifice, and still more frequently to be presented to the treasury both in that place and in many other Greek temples.⁵ (*Vid. DONARIA*.) Tripods were chiefly dedicated to Apollo⁶ and to Bacchus. Partly in allusion to the fable of the rape of a tripod from Apollo by Hercules, and the recovery of it by the former,⁷ the tripod was one of his usual attributes, and therefore occurs continually on coins and ancient marbles which have a relation to him. Of this we have an example in the bas-relief engraved on p. 78, which also exhibits two more of his attributes, the lyre and the plectrum. In conformity with the same ideas, it was given as a prize to the conquerors at the Pythian and other games, which were celebrated in honour of Apollo.⁸ On the other hand, the theatre at Athens being considered sacred to Bacchus, the successful *CHORAGUS* received a bronze tripod as the appropriate prize. The choragic monuments of Thrasylus and Lysicrates, the ornamental fragments of which are now in the British Museum, were erected by them to preserve and display the tripods awarded to them on such occasions. We find, also, that a tripod was sometimes consecrated to the Muses⁹ and to Hercules.¹⁰

A tripod, scarcely less remarkable than that from which the Pythia delivered oracles, and consecrated to Apollo in the same temple at Delphi, was that made from the spoils of the Persian army after the battle of Plateæ. It consisted of a golden bowl, supported by a three-headed bronze serpent.¹¹ The golden bowl having been removed, the bronze serpent was taken to Constantinople, and is probably the one which was seen there by Spon and Wheler in 1675. The first figure in the following woodcut is copied from Wheler's engraving of it.¹² He says it was about fourteen or fifteen feet high.

The use of bronze tripods as altars evidently arose, in a great degree, from their suitability to be removed from place to place. We have an example of this mode of employing them in the scene which is represented in the woodcut on p. 897. To accommodate them as much as possible to this purpose, they were sometimes made to fold together into a small compass by a contrivance, which may be understood from an inspection of the following woodcut. The right-hand figure represents a tripod in the British Museum. A patera or a plain metallic disk was laid on the top when there was occasion to offer incense. Many of these movable folding tripods may be seen in museums, proving how common they were among the Romans.

Another species of tripods deserving of notice

TRIUMPHUS.



are those made of marble or hard stone. One was discovered in the villa of Hadrian, five feet high, and therefore unsuitable to be used in sacrifice. It is very much ornamented, and was probably intended merely to be displayed as a work of art.¹

TRIPUDIUM. (*Vid. AUSPICIUM*, p. 130.)

TRIREMIS. (*Vid. SUIVS*.)

TRITAGONISTES (τριγωνιστής). (*Vid. HISTORIO*, p. 505.)

*TRITICUM (πυρός), Wheat. "Sprengel remarks, that the *Triticum hybernum* and *astivum* are indicated by the *πυρός χειμωπορούμενος* και *τρίμηρος* of Theophrastus, &c. It is the *πυρός αιτανιος* of Dioscorides. The finest kind of wheat was called *σιλιγγίτης* by the Greeks, and *siligo* by the Romans; the second sort in quality was called *σεμίδαλις* by the Greeks, and *similago* by the Romans; the third sort was called *συγκόμιστος* and *αυτοπύριτης* by the Greeks, and *autopyrus* by the Romans; the last kind was called *πευριάς*."¹

TRITUA (τριττά). (*Vid. SACRIFICIUM*, p. 846.)

TRITTUS (τριττός). (*Vid. TRIBUS*, GREEK, p. 1003.)

TRIUMPHUS, a solemn procession, in which a victorious general entered the city in a chariot drawn by four horses. He was preceded by the captives and spoils taken in war, was followed by his troops, and after passing in state along the Via Sacra, ascended the Capitol to offer sacrifice in the Temple of Jupiter.

Such displays have been so universal among all warlike tribes from the earliest times, and are so immediately connected with some of the strongest passions of the human heart, that it would be as useless as it is impossible to trace their origin historically. It is scarcely necessary to advert to the fancies of those ancient writers who refer their first institution to the mythic conquests of Bacchus in the East,² nor need we attach much importance to the connexion between *triumphus* and *θρίαμβος*, according to the etymology doubtfully proposed by Varro.³ Rejoicings after a victory, accompanied by processions of the soldiery with their plunder, must have been coeval with the existence of the Romans as a nation; and, accordingly, the return of Romulus with spolia opima, after he had defeated the Cæninenses and slain Acro their king, is described by Dionysius⁴ with all the attributes of a regular triumph. Plutarch⁵ admits that this event was the origin of and first step towards the triumph of after-times, but censures Dionysius for the state-

1. (Böttiger's *Amalthea*, i., p. 119.)—2. (*Virg.* *Æn.*, iii., 92.)—3. (*Diod. Sic.*, xvi., 26.)—4. (*Athen.*, v., p. 199.)—5. (*Athen.*, vi., p. 231, f.; 232, d.—*Paus.*, iv., 32, § 1.)—6. (*Paus.*, iii., 18, § 5.)—7. (*Paus.*, iii., 21, § 7.—*Id.*, x., 13, § 4.)—8. (*Herod.*, i., 144.)—9. (*Hes.*, *Op.* et *Dies*, 658.)—10. (*Paus.*, x., 7, § 3.)—11. (*Herod.*, ix., 81.—*Thucyd.*, i., 132.—*Schol.* in loc.—*Paus.*, x., 13, § 5.—*Gyllius*, *Top. Const.*, ii., 13.—*Banduri*, *Imp. Orient.*, t. ii., p. 614.)—12. (*Journey into Greece*, p. 185.)

1. (*Caylus*, *Recueil*, t. ii., pl. 53.)—2. (*Adams*, *Append.*, s. v.)—3. (*Diod. Sic.*, iv., 5.—*Plin.*, *H. N.*, vii., 57.)—4. (*De Ling. Lat.*, vi., 68, ed. Müller.)—5. (*ii.* 34.—*Compare Prop.* iv., 1, 32.)—6. (*Rom.*, 16.)

ment that Romulus made his entrance in a quadriga, which he considers disproved by the fact that all the triumphal (τροπαιοφόρους) statues of that king, as seen in his day, represented him on foot. He adds, that Tarquinius Priscus, according to some, or Poplicola according to others, first triumphed in a chariot; and in corroboration of this, we find that the first triumph recorded by Livy¹ is that over the Sabines by Tarquinius, who, according to Verrius,² wore upon this occasion a robe of cloth or gold. Whatever conclusion we may form upon these points, it is certain that, from the first dawn of authentic history down to the extinction of liberty, a regular triumph (*justus triumphus*) was recognised as the summit of military glory, and was the cherished object of ambition to every Roman general. A triumph might be granted for successful achievements either by land or sea, but the latter were comparatively so rare that we shall for the present defer the consideration of the naval triumph.

After any decisive battle had been won, or a province subdued by a series of successful operations, the imperator forwarded to the senate a laurel-wreathed despatch (*littere laureatae*³), containing an account of his exploits. If the intelligence proved satisfactory, the senate decreed a public thanksgiving. (*Vid. SUPPLICATIO*.) This supplication was so frequently the forerunner of a triumph, that Cato thinks it necessary to remind Cicero that it was not invariably so.⁴ After the war was concluded, the general, with his army, repaired to Rome, or ordered his army to meet him there on a given day, but did not enter the city. A meeting of the senate was held without the walls, usually in the Temple of Bellona⁵ or Apollo,⁶ that he might have an opportunity of urging his pretensions in person, and these were then scrutinized and discussed with the most jealous care. The following rules and restrictions were, for the most part, rigidly enforced, although the senate assumed the discretionary power of relaxing them in special cases.

1. That no one could be permitted to triumph unless he had held the office of dictator, of consul, or of prætor.⁷ Hence a triumph was not allowed to P. Scipio after he had expelled the Carthaginians from Spain, because he had commanded in that province "*sine ullo magistratu*."⁸ The honours granted to Pompey, who triumphed in his 24th year (B.C. 81), before he had held any of the great offices of state, and again ten years afterward, while still a simple eques, were altogether unprecedented.⁹

2. That the magistrate should have been actually in office both when the victory was gained and when the triumph was to be celebrated. This regulation was insisted upon only during the earlier ages of the commonwealth. Its violation commenced with Q. Publilius Philo, the first person to whom the senate ever granted a "*prorogatio imperii*" after the termination of a magistracy,¹⁰ and thenceforward proconsuls and prætors were permitted to triumph without question,¹¹ although for a considerable time the event was of rare occurrence. It was long held, however, that it was necessary for the "*prorogatio imperii*" to follow immediately upon the termination of the magistracy, for a triumph was refused to L. Lentulus, who succeeded P. Scipio in Spain, on the ground that, although he had been formerly prætor, his imperium had not been continued uninterruptedly from the period when the

command expired, but had been renewed "*extra ordinem*" after a lapse of some years.¹² But towards the close of the Republic this principle was entirely abandoned. Consuls and prætors seldom ceased the city until their term of office had ceased, and when, at any subsequent period, they entered upon the government of a province, either in regular rotation or "*extra ordinem*," they enjoyed the full status, and all the privileges of proconsuls and prætors. The position of Pompey when sent against the pirates, and afterward against Mithradates, and of Cicero when he went to Cilicia, will be sufficient to illustrate this, without multiplying examples.

3. That the war should have been prosecuted on the battle fought under the auspices, and in the province, and with the troops, of the general seeking the triumph;¹³ and hence the triumph of the prætor Furius¹⁴ was considered irregular and imperfect. Thus, if a victory was gained by the legatus of a general who was absent from the army, the latter inasmuch as he had the auspices.

4. That at least 5000 of the enemy should have been slain in a single battle,¹⁵ that the advantage should have been positive, and not merely a compensation for some previous disaster,¹⁶ and that the loss on the part of the Romans should have been small compared with that of their adversaries.¹⁷ By a law of the tribunes L. Marius and M. Cæcilius were imposed upon all imperatores who should be found guilty of having made false returns to the senate, and it was ordained that, so soon as they returned to the city, they should be required to attest the correctness of such documents upon oath before the city quæstor.¹⁸ It is clear that these provisions could never have existed during the petty contests with which Rome was fully occupied for some centuries; and even when war was waged upon the most extensive scale, we find many instances of triumphs granted for general results, without reference to the numbers slain in any one engagement.¹⁹

5. That the war should have been a legitimate contest against public foes (*justis hostilibus bellis*), and not a civil contest. Hence Cæcilius celebrated no triumph over Lepidus, nor Antonia over Catiline, nor Cinna and Marius over their antagonists of the Sullan party, nor Cæsar after Pharsalus, and when he did subsequently triumph after his victory over the sons of Pompey, it caused universal disgust. Hence the line in Lucan:²⁰

"*Bella geri placuit nullos habitura triumphos*"
(*Vid. OVATIO*.)

6. That the dominion of the state should have been extended, and not merely something previously lost regained. Hence Fulvius, who won back Capua after its revolt to Hannibal, did not receive a triumph.²¹ The absolute acquisition of territory does not appear to have been essential.²²

7. That the war should have been brought to conclusion, and the province reduced to a state of peace, so as to permit of the army being withdrawn, the presence of the victorious soldiers being considered indispensable in a triumph. In consequence of this condition not being fulfilled, an ovation was granted to Marcellus after the capture of Syracuse,²³ and to L. Manlius upon his return to Spain.²⁴ We find an exception in Livy, xxxi.

1. (Livy, i. 38.—Compare Flor., i. 5.—Eutrop., i. 6.)—2. (Plin., H. N., xxxiii., 19.)—3. (Zonar., vii., 21.—Livy, xlvii., 1.—Plin., H. N., xv., 49.)—4. (Cic. ad Fam., xv., 5.)—5. (Livy, xxvi., 21.—Id., xxxvi., 39.)—6. (Livy, xxxix., 4.)—7. (Livy, xxviii., 38; xxxi., 20.)—8. (Val. Max., ii., 8, § 5.—Livy, l. c.)—9. (Livy, Ept., 89.—Cic., Pro Leg. Man., 21.—Vell. Patere., ii., 30.—Val. Max., viii., 15, § 8.—Plut., Pomp., 12, 22.—Dion Cass., xxxvi., 8.)—10. (Livy, viii., 25.)—11. (Livy, xxxix., 45.—Id., xl., 25, 34.)

but this and similar cases must be regarded as samples of peculiar favour.¹

The senate claimed the exclusive right of deliberating upon all these points, and giving or withholding the honour sought,² and they, for the most part, exercised the privilege without question, except times of great political excitement. The sovereignty of the people, however, in this matter, was asserted at a very early date, and a triumph is said to have been voted by the tribes to Valerius and Brutus, the consuls of B.C. 446, in direct opposition to the resolution of the fathers,³ and in a similar manner to C. Marcius Rutilus, the first plebeian dictator,⁴ while L. Postumius Megellus, consul B.C. 443, celebrated a triumph although resisted by the senate and seven out of the ten tribunes.⁵ Nay, more, we read of a certain Appius Claudius, consul C. 143, who, having persisted in celebrating a triumph in defiance of both the senate and people, was accompanied by his daughter (or sister) Claudia, a vestal virgin, and by her interposition saved him from being dragged from his chariot by a tribune.⁶ A disappointed general, however, seldom ventured to resort to such violent measures, but satisfied himself with going through the forms on the Alban Mount, a practice first introduced by C. Papirius Mago, and thus noticed in the Capitoline Fasti: C. PAPIRIUS MAGO COS. DE CORSEIS PRIMUS IN MONTE ALBANO III. NONAS MART. AN. DXXII.⁷ His examination was followed by Marcellus,⁸ by Q. Minucius,⁹ by many others; so that Livy,¹⁰ after mentioning that the senate had refused a triumph to Cicero (praetor B.C. 173), adds, "in monte Albano, in morem venerat, triumphavit."¹¹ The senate gave their consent, they at the same time voted a sum of money towards defraying the necessary expenses,¹² and one of the tribunes "ex auctoritate senatus" applied for a plebiscitum to permit the emperor to retain his imperium on the day he entered the city.¹³ This last form could be dispensed with either in an ovation or a triumph, because the imperium conferred by the curiata did not include the city itself; and the general had once gone forth "paludatus," his military power ceased as soon as he re-entered the city, unless the general law had been previously amended by a special enactment; and in this case the resolution of the senate was, as was usual, by the plebs. (Vid. IMPERIUM, PALUDAMENTUM.) For this reason, no one desiring a triumph entered the city until the question was decided by so doing he would ipso facto have renounced all claim. We have a remarkable example in the case of Cicero, who, after his return from Cilicia, lingered in the vicinity of Rome day after day, and dragged about his liectors from one place to another, without entering the city, in the hope of a triumph.

Such were the preliminaries, and it only now remains to describe the order of the procession. This, in ancient days, was sufficiently simple. The leaders of the enemy and the other prisoners were led along in advance of the general's chariot; the military standards were carried before the troops, who followed laden with plunder; banquets were spread before every door, and the populace brought up the rear in a joyous band, filled with good cheer, chanting songs of victory, jeering and bantering as they went along with the pleasantries customary on

such occasions.¹ But in later times these pageants were marshalled with extraordinary pomp and splendour, and presented a most gorgeous spectacle. Minute details would necessarily be different according to circumstances, but the general arrangements were as follow. When the day appointed had arrived, the whole population poured forth from their abodes in holiday attire; some stationed themselves on the steps of the public buildings in the Forum and along the Via Sacra, while others mounted scaffoldings erected for the purpose of commanding a view of the show. The temples were all thrown open, garlands of flowers decorated every shrine and image, and incense smoked on every altar.² Meanwhile the emperor called an assembly of his soldiers, delivered an oration commending their valour, and concluded by distributing rewards to the most distinguished, and a sum of money to each individual, the amount depending on the value of the spoils. He then ascended his triumphal car and advanced to the Porta Triumphalis (where this gate was is a question which we cannot here discuss³), where he was met by the whole body of the senate, headed by the magistrates. The procession then defiled in the following order:

1. The senate, headed by the magistrates.⁴
2. A body of trumpeters.
3. A train of carriages and frames⁵ laden with spoils, those articles which were especially remarkable either on account of their beauty or rarity being disposed in such a manner as to be seen distinctly by the crowd.⁶ Boards were borne aloft on ferula, on which were painted, in large letters, the names of vanquished nations and countries. Here, too, models were exhibited, in ivory and wood,⁷ of the cities and forts captured,⁸ and pictures of the mountains, rivers, and other great natural features of the subjugated region, with appropriate inscriptions. Gold and silver in coin or bullion, arms, weapons, and horse-furniture of every description, statues, pictures, vases, and other works of art, precious stones, elaborately-wrought and richly-embroidered stuffs, and every object which could be regarded as valuable or curious.
4. A body of flute-players.
5. The white bulls or oxen destined for sacrifice, with gilded horns, decorated with infulae and sarta, attended by the slaughtering priests with their implements, and followed by the Camilli bearing in their hands patenae and other holy vessels and instruments.
6. Elephants, or any other strange animals, natives of the conquered districts.
7. The arms and insignia of the leaders of the foe.
8. The leaders themselves, and such of their kindred as had been taken prisoners, followed by the whole band of inferior captives in fetters.
9. The coronae and other tributes of respect and gratitude bestowed on the emperor by allied kings and states.
10. The liectors of the emperor in single file, their fasces wreathed with laurel.⁹
11. The emperor himself, in a circular chariot of a peculiar form,¹⁰ drawn by four horses, which were sometimes, though rarely, white.¹¹ The circular form of the chariot is seen in the following cut, copied from a marble formerly in the possession of the Duke d'Alcala at Seville,¹² and also in the next following cut, which represents the reverse of one of the coins of the Antonines. He was attired in a gold-embroidered robe (*toga picta*) and flowered tunic (*tunica palmata*); he bore in his right hand a laurel bough,¹³ and in his left a sceptre;¹⁴ his

1. (See also Tacit., Ann., i., 65, compared with ii., 41.)—2. Liv., iii., 63.—Polyb., vi., 12.)—3. (Liv., iii., 62.—Dionys., xi., 1.)—4. (Liv., ii., 16.)—5. (Liv., x., 37.)—6. (Oros., v., 4.—Cic., de Off., 14.—Val. Max., v., 4, § 6.—Suet., Tib., 2.)—7. (Plin., N., xv., 38.)—8. (Liv., xxvi., 21.—Plut., Marc., 22.)—9. (Liv., xxxiii., 23.)—10. (Cic., 21.)—11. (See also Liv., xlv., 38.)—12. (Polyb., vi., 13.)—13. (Liv., xli., 35.—Id., xxvi., 21.)

1. (Liv., iii., 20.)—2. (Plut., Æmil. Paul., 32.—Dion Cass., lxxiv., 1.)—3. (Vid. Cic. in Pis., 23.—Suet., Octav., 101.—Josephus, B. J., vii., 24.)—4. (Dion Cass., ii., 21.—Serv. ad Virg., Æn., 542.)—5. (Josephus, B. J., vii., 24.)—6. (Suet., Jul., 37.)—7. (Quintil., vi., 3.)—8. (Plin., H. N., v., 5.)—9. (Plin., H. N., v., 40.)—10. (Zonar., vii., 21.)—11. (Plut., Camill., 7.—Serv., l. c.—Dion Cass., xliii., 14.)—12. (Montfaucon, Ant. Expl., tom. iv., pl. cv.)—13. (Plut., Paull., 32.)—14. (Dionys., v., 47.—Val. Max., iv., 4, § 5.)



brows were encircled with a wreath of Delphic laurel,¹ in addition to which, in ancient times, his body was painted bright red.² He was accompanied in his chariot by his children of tender years,³



and sometimes by very dear or highly-honoured friends,⁴ while behind him stood a public slave holding over his head a golden Etruscan crown ornamented with jewels.⁵ The presence of a slave in such a place, at such a time, seems to have been intended to avert "*invidia*" and the influence of the evil eye, and for the same purpose a fascinum, a little bell, and a scourge were attached to the vehicle.⁶ Tertullian⁷ tells us that the slave ever and anon whispered in the ear of the emperor the warning words "*Respice post te, hominem memento te,*" and his statement is copied by Zonaras,⁸ but is not confirmed by any earlier writer. Isidorus,⁹ misunderstanding Pliny,¹⁰ imagines that the slave in question was a common executioner. 12. Behind the chariot, or on the horses which drew it,¹¹ rode the grown-up sons of the emperor, together with the legati, the tribuni,¹² and the equites, all on horseback. 13. The rear was brought up by the whole body of the infantry in marching order, their spears adorned with laurel,¹³ some shouting *Io Triumphe*,¹⁴ and singing hymns to the gods, while others proclaimed the praises of their leader, or indulged in keen sarcasms and coarse ribaldry at his expense, for the most perfect freedom of speech was granted and exercised.¹⁵

The arrangement of the procession, as given above, is taken, with some changes, from the treatise of Onuphrius Panvinus, *De Triumpho*, in the 9th volume of the *Thesaurus* of Grævius. The different particulars are all collected from the accounts transmitted to us of the most celebrated triumphs, such as that of Pompey in Appian,¹⁶ of Paulus Æmilius in Plutarch¹⁷ and in Livy,¹⁸ of Vespasian

1. (Plin., H. N., xv., 28, 29.)—2. (Plin., H. N., xxiii., 26.)—3. (Liv., xlv., 40.—Tacit., Ann., ii., 41.)—4. (Dion Cass., ii., 16.—Id., lxxiii., 20.)—5. (Plin., H. N., xxxiii., 4.—Id., ib., xxviii., 7.—Zonar., vii., 21.)—6. (Plin., H. N., xxviii., 7.—Zonar., vii., 21.)—7. (Apol., 33.)—8. (l. c.)—9. (xviii., ii.)—10. (xxviii., 7.)—11. (Zonar., l. c.)—12. (Cic. in Pis., 25.)—13. (Plin., xv., 40.)—14. (Varro, De Ling. Lat., v., 7, ed. Müller.—Hor., Carm., iv., 2, 49.—Tibull., ii., 6, 121.)—15. (Liv., iv., 53.—Id., v., 49.—Id., xlv., 38.—Dionys., vii., 72.—Suet., Jul., 49, 51.—Mart., i., v., 2.)—16. (Bell. Mith., 116, 117.)—17. (Paul., 32.)—18. (xlv., 40.)

and Titus in Josephus,¹⁹ and of Caninius in Zonaras,²⁰ together with the remarks of Dionysius,²¹ Juvenal,²² and Juvenal.²³

Just as the pomp was ascending the Capitoline Hill, some of the hostile chiefs were led aside into the adjoining prison and put to death, a custom so barbarous that we could scarcely believe that it existed in a civilized age were it not attested by the most unquestionable evidence.²⁴ Pompey, indeed, refrained from perpetrating this atrocity in his third triumph,²⁵ and Aurelian, on like occasions, spared Zenobia, but these are quoted as exceptions to the general rule. When it was announced that these murders had been completed,²⁶ the victims were then sacrificed, an offering from the spoils was presented to Jupiter, the laurel wreath was deposited in the lap of the god,²⁷ the emperor was entertained at a public feast along with his friends in the temple, and returned home in the evening preceded by torches and pipes, and escorted by a crowd of citizens.²⁸ Plutarch²⁹ and Valerius Maximus³⁰ say that it was the practice to invite the consuls to the banquet, and then to send a message requesting them not to come, in order, doubtless, that the emperor might be the most distinguished person to the company.

The whole of the proceedings, generally speaking, were brought to a close in one day; but when the quantity of plunder was very great, and the troops very numerous, a longer period was required for the exhibition, and thus the triumph of Flaminius continued for three days in succession.³¹

But the glories of the emperor did not end with the show, nor even with his life. It was customary (we know not if the practice was invariably to provide him, at the public expense, with a site for a house, such mansions being styled *triumphales domus*).³² After death, his kindred were permitted to deposit his ashes within the walls (such, at least, is the explanation given to the words of Plutarch), and laurel-wreathed statues, standing erect in triumphal cars, displayed in the vestibulum of the family mansion, transmitted his fame to posterity.

A *TRIUMPHUS NAVALIS* appears to have existed in no respect from an ordinary triumph, except that it must have been upon a smaller scale, and would be characterized by the exhibition of beaks of ships and other nautical trophies. The earliest record was granted to C. Duillius, who had the foundation of the supremacy of Rome by sea in the first Punic war;³³ and so exalted was he by his success, that during the rest of his life, whenever he returned home at night from supper, he used flutes to sound and torches to be borne before him.³⁴ A second naval triumph was celebrated by Lucius Catulus for his victory off the *Insula Egrotis*, B.C. 241;³⁵ a third by Q. Fabius Labeo, B.C. 190, over the Cretans;³⁶ and a fourth by C. Octavius over King Perseus,³⁷ without captives and without spoils.

TRIUMPHUS CASTRENسيس was a procession of the soldiers through the camp in honour of a tribune or some officer inferior to the general, who had performed a brilliant exploit.³⁸

After the extinction of freedom, the emperor himself considered as the commander-in-chief of all the armies of the state, every military achievement was understood to be performed under his auspices, and

1. (B. J., vii., 5, § 4, 5, 6.)—2. (vii., 21.)—3. (l. c.)—4. (ad Virg., Æn., iv., 543.)—5. (Sat., i., 28—31.)—6. (Verr., H. v., 30.—Liv., xxvi., 13.—Joseph., vi., 20.—Appian, Bell. Mithrid., 117.)—7. (Joseph., l. c.)—8. (Dion Cass., sol. ad Helv., 10.—Plin., H. N., xv., 40.—Plin., Paneg., 4.—Stat., Sylv., iv., 1, 41.)—9. (Flor., ii., 1.)—10. (l. c.)—11. (l. c.)—12. (ii., 8, § 6.)—13. (Liv., xxxix., 22.—Plaut., Æn. Fragm., 14.)—14. (Plin., H. N., xxxvi., 24, § 6.)—15. (l. c.)—16. (l. c.)—17. (Ept., xvii.—Fast. Capit., 17.)—18. (Flor., ii., l.—Cic., Cat. M., 21.)—19. (Val. Max., ii., 2, 2.—Vast. Capit., 19.—Dion Cass., 37.)—20. (Liv., xlv., 42.)—21. (Liv., vi., 28.)

ording to the forms of even the ancient

er, he alone had a legitimate claim to a
This principle was soon fully recognised
upon; for, although Antonius had granted
to his legati,¹ and his example had been
owed by Augustus² in the early part of his
t after the year B.C. 14³ he entirely dis-
the practice, and from that time forward
were rarely, if ever, conceded to any ex-
bers of the imperial family. But to com-
some degree for what was then taken
custom was introduced of bestowing what
ed *Triumphalia Ornamenta*, that is, permis-
ceive the titles bestowed upon, and to ap-
ublic with the robes worn by the impera-
he commonwealth when they triumphed,
equeath to their descendants triumphal
These *triumphalia ornamenta* are said to
first bestowed upon Agrippa⁴ or upon
and ever after were a common mark of
of the prince.⁵

st triumph ever celebrated was that of
, who entered Constantinople in a quad-
rding to the fashion of the olden time,
ecovery of Africa from the Vandals. The
ber of triumphs upon record down to this
s been calculated as amounting to 350.
 reckons 320 from Romulus to Vespasian,
us⁶ estimates the number from Vespas-
lisarius at 30.

VIRI or TRESVIRI were either ordi-
strates or officers, or else extraordinary
ners, who were frequently appointed at
xecute any public office. The following
f the most important of both classes, ar-
alphabetical order.

IRI AGRO DIVIDENDO. (*Vid. TRIUMVIRI CO-*
DUCENDÆ.)

IRI CAPITALES were regular magistrates,
nted about B.C. 292.⁷ The institution
fice is said to have been proposed by L.
whom Festus⁸ calls tribune of the plebs,
 Niebuhr⁹ supposes to be L. Papirius
ho was prætor in B.C. 292. They were
the people, the comitia being held by the
They succeeded to many of the functions
estores paricidii.¹⁰ (*Vid. QUÆSTOR*, p.
was their duty to inquire into all capital
nd to receive informations respecting
d, consequently, they apprehended and
l to prison all criminals whom they de-

In conjunction with the ædiles, they had
the public peace, to prevent all unlaw-
lies, &c.¹¹ They enforced the payment
e to the state.¹² They had the care of
ons, and carried into effect the sentence
upon criminals.¹³ In these points they
the magistracy of the Eleven at Athens.
EN, THE.) They had the power of inflic-
ary punishment upon slaves and persons
rank: their court appears to have been
fœnian column.¹⁴ Niebuhr,¹⁵ who is fol-
Arnold,¹⁶ supposes that they might inflict
punishment on *all* offenders against the
ce who might be taken in the fact; but

the passage of Festus, which Niebuhr quotes, does
not prove this, and it is improbable that they should
have had power given them of inflicting summary
punishment upon a Roman citizen, especially since
we have no instances recorded of their exercising
such a power.¹

TRIUMVIRI COLONIÆ DEDUCENDÆ were persons
appointed to superintend the formation of a colony.
They are spoken of under COLONIA, p. 280. Since
they had, besides, to superintend the distribution of
the land to the colonists, we find them also called
Triumviri Colonia Deducendæ Agroque Dividendo,²
and sometimes simply *Triumviri Agro Dando*.³

TRIUMVIRI EPULONES. (*Vid. EPULONES.*)

TRIUMVIRI EQUITUM TURMAS REGOGNOSCENTI, OR
LEGENDIS EQUITUM DECURIIS, were magistrates first
appointed by Augustus to revise the lists of the
Equites, and to admit persons into the order. This
was formerly part of the duties of the censors.⁴

TRIUMVIRI MENSARII. (*Vid. MENSARII.*)

TRIUMVIRI MONETALES. (*Vid. MONETA.*)

TRIUMVIRI NOCTURNI were magistrates elected
annually, whose chief duty it was to prevent fires
by night, and for this purpose they had to go round
the city during the night (*vigilias circumire*). If
they neglected their duty, they appear to have been
accused before the people by the tribunes of the
plebs.⁵ The time at which this office was insti-
tuted is unknown, but it must have been previously
to the year B.C. 304.⁶ Augustus transferred their
duties to the præfectus vigilum.⁷ (*Vid. PRÆFEC-*
TUS VIGILUM.)

TRIUMVIRI REIFICIENDIS ÆDIBUS, extraordinary
officers elected in the comitia tributa in the time of
the second Punic war, were appointed for the
purpose of repairing and rebuilding certain temples.⁸

TRIUMVIRI REIPUBLICÆ CONSTITUENDÆ. Niebuhr⁹
supposes that magistrates under this title were ap-
pointed as early as the time of the Licinian roga-
tions, in order to restore peace to the state after
the commotions consequent upon those rogations.¹⁰
Niebuhr also thinks that these were the magistrates
intended by Varro, who mentions among the extra-
ordinary magistrates that had the right of summon-
ing the senate, triumvirs for the regulation of the
Republic, along with the decemvirs and consular
tribunes.¹¹ We have not, however, any certain
mention of officers or magistrates under this name
till towards the close of the Republic, when the
supreme power was shared between Cæsar (Octa-
vianus), Antony, and Lepidus, who administered the
affairs of the state under the title of *Triumviri Rei-*
publicæ Constituendæ. This office was conferred
upon them in B.C. 43 for five years;¹² and on the
expiration of the term in B.C. 38, was conferred
upon them again in B.C. 37 for five years more.¹³
The coalition between Julius Cæsar, Pompey, and
Crassus, in B.C. 60,¹⁴ is usually called the first tri-
umvirate, and that between Octavianus, Antony,
and Lepidus, the second; but it must be borne in
mind, that the former never bore the title of tri-
umviri, nor were invested with any office under that
name, whereas the latter were recognised as regul-
ary magistrates under the above-mentioned title.

TRIUMVIRI SACRIS CONQUIRENDIS DONISQ; RE-
SIGNANDIS, extraordinary officers elected in the
comitia tributa in the time of the second Punic
war, seem to have had to take care that all property

1. (Suet., Octav., 38.—Dion Cass.,
—2. (Dion Cass., liv., 24.)—4. (Dion Cass., l. c.)—
5. (Tacit., Ann., i., 72.—Id. ib., ii., 52.—
6. &c.—Id., Hist., i., 79.—Id. ib., ii., 78, &c.)—7.
(Lex. Antiq., s. v. Triumphus.)—9. (Liv., Epit., 11.
2, s. 2, § 30.)—10. (s. v. Sacramentum.)—11. (Rôm.
p. 480.)—12. (Festus, l. c.)—13. (Varro, Ling. Lat.,
Miller.)—14. (Varro, l. c.—Plaut., Asin., i., 2, 5.—Id.,
l. c.)—Cic., Pro Cluent., 13.)—15. (Liv., xxxix, 17.—
1, 10.—Cic., l. c.)—16. (Liv., xxv, 1; xxxix, 14.)
17. (Liv., xxxix, 26.—Val. Max., v., 4, § 7.
18. § 2.—Sall., Cat., 55.—Tacit., Ann., v., 9.)—19.
20.—Gell., iii., 3.—Plaut., Amphit., i., 1, 3.—Cic., Pro
—20. (l. c.)—21. (Hist. of Rome, ii., p. 389.)

1. (Walter, Gesch. der Röm. Rechts, p. 165, 858. — Götting,
Gesch. der Röm. Staatsv., p. 378.)—2. (Liv., viii., 16.)—3. (Liv.,
iii., 1.)—4. (Suet., Octav., 27.—Tacit., Ann., iii., 30.)—5. (Val.
Max., viii., 1, § 5, 6.)—6. (Liv., ix., 46.)—7. (Dig. 1, tit. 15, s. 1.)
—8. (Liv., xxv, 7.)—9. (Rôm. Gesch., iii., p. 50.)—10. (Lydus,
De Mag., i., 35.)—11. (Gellius, xiv., 7.)—12. (Liv., Epit., 120.—
Appian, Bell. Civ., iv., 2, 12.—Dion Cass., xlv., 54, 56.—Vell.
Paterc., ii., 65.—Plut., Cic., 46.)—13. (Appian, Bell. Civ., v.
95.—Dion Cass., xlviii., 54.)—14. (Vell. Paterc., ii., 44.—Liv.
Epit., 103.)

given or consecrated to the gods was applied to that purpose.¹

TRIVIRI SENATUS LEGENDI were magistrates appointed by Augustus to admit persons into the senate. This was previously the duty of the censors.²

*TROCHILUS (τροχίλος), the *Motacilla regulus*, or Golden-crested Wren. It has been supposed the same with the τῦραννος of Aristotle.

TROCHUS (τροχός), a hoop. The Greek boys used to exercise themselves, like ours, with trundling a hoop. It was a bronze ring, and had sometimes bells attached to it.³ It was impelled by means of a hook with a wooden handle, called *clavis*⁴ and *ἐλατήρ*. From the Greeks this custom passed to the Romans, who consequently adopted the Greek term.⁵ The hoop was used at the GYMNASIUM;⁶ and, therefore, on one of the gems in the Stosch collection at Berlin, which is engraved in the annexed woodcut, it is accompanied by the jar of oil and the laurel branch, the signs of effort and of victory. On each side of this we have represented another gem from the same collection. Both of these exhibit naked youths trundling the hoop by means of the hook or key. These show the size of the hoop, which in the middle figure has also three small rings or bells on its circumference.⁷



In a totally different manner hoops were used in the performances of tumblers and dancers. Xenophon describes a female dancer who receives twelve hoops in succession, throwing them into the air and catching them again, her motions being regulated by another female playing on the pipe.⁸

On the use of τροχός to denote the potter's wheel, and the wheel applied in torture, see FICTILE and TORMENTUM.

*TROGLODYTES (τρογλοδύτης), a variety of the στρουθός, or *Passer*. (Vid. STROUTHUS.)

TROJÆ LUDUS. (Vid. CIRCUS, p. 256.)

TROPÆUM (τρόπαιον, Att. τροπαῖον⁹), a trophy, a sign and memorial of victory, which was erected on the field of battle where the enemy had turned (τρέπω, τρέπη) to flight, and in case of a victory gained at sea, on the nearest land. The expression for raising or erecting a trophy is τροπαῖον στήσαι, or στήσασθαι, to which may be added ἀπό, or κατὰ τὸν πολέμιον.¹⁰

When the battle was not decisive, or each party considered it had some claims to the victory, both erected trophies.¹¹ Trophies usually consisted of the arms, shields, helmets, &c., of the enemy that were defeated; and from the descriptions of Virgil and other Roman poets, which have reference to the Greek rather than to the Roman custom, it appears that the spoils and arms of the vanquished were placed on the trunk of a tree, which was fixed on an elevation.¹² It was consecrated to some divinity, with an inscription (ἐπίγραμμα) recording the names of the victors and of the defeated party;¹³

1. (Liv., xxv., 7.)—2. (Suet., Octav., 37.)—3. (Mart., xi., 22, 2.—Id., xiv., 168, 169.)—4. (Propert., iii., 12.)—5. (Hor., Carm., iii., 24, 57.)—6. (Propert., l. c.—Ovid, Trist., ii., 485.)—7. (Winkelmann, Descr. des Pierres Gravées, p. 452, 455.)—8. (Sympos., ii., 7, 8.)—9. (Schol. ad Aristoph., Plat., 453.)—10. (Wolf ad Dem. in Lept., p. 296.)—11. (Thucyd., i., 54, 105; ii., 92.)—12. (Virg., Æn., xi., 5.—Serv. ad loc.—Stat., Theb., iii., 707.—Juv., x., 133.)—13. (Eurip., Phœn., 583.—Schol. ad loc.—Paus., v., 27, § 7.—Virg., Æn., iii., 288.—Ovid, Ar. Am., ii., 744.—Tacit., Ann., ii., 22.)

whence trophies were regarded as inviolable, which even the enemy were not permitted to remove. Sometimes, however, a people destroyed a trophy, if they considered that the enemy had erected it without sufficient cause, as the Milesians did with a trophy of the Athenians.² That rankling and hostile feelings might not be perpetuated by the continuance of a trophy, it seems to have been originally part of Greek international law that trophies should be made only of wood, and not of stone or metal, and that they should not be repaired when decayed.³ Hence we are told that the Lacedæmonians accused the Thebans before the Amphictyonic council, because the latter had erected a wooden trophy.⁴ It was not, however, uncommon to erect such trophies. Plutarch⁵ mentions one raised at the time of Alcibiades, and Pausanias⁶ speaks of several which he saw in Greece.⁷

The trophies erected to commemorate naval victories were usually ornamented with the *hiera* and *acroteria* of ships (vid. ACROTERRIUM, ROSSIA), and were generally consecrated to Poseidon or Neptune. Sometimes a whole ship was placed as a trophy.⁸

The following woodcut, taken from a painting found at Pompeii,⁹ contains a very good representation of a tropæum, which Victory is engaged in erecting. The conqueror stands on the right side of the trophy, with his brows encircled with laurel.



The Macedonian kings never erected trophies, for the reason given by Pausanias,¹⁰ and hence the same writer observes that Alexander raised no trophies after his victories over Darius and in India. The Romans, too, in early times, never erected trophies on the field of battle,¹¹ but carried home the spoils taken in battle, with which they decorated the public buildings, and also the private houses of individuals. (Vid. SPOLIA.) Subsequently, however, the Romans adopted the Greek practice of raising trophies on the field of battle: the trophies of this kind were erected by Domitian at nobarbus and Fabius Maximus, B.C. 121, after the conquest of the Allobroges, when they built a junction of the Rhone and the Isara towered with stone, upon which trophies were placed along with the spoils of the enemy.¹² Pompeii also

1. (Dion Cass., xlv., 48.)—2. (Thucyd., vii., 21.—3. (Quæst. Rom., 37, p. 273, c.—Diodor., xiii., 24.)—4. (Quæst. Rom., ii., 23.)—5. (Alcib., 29, p. 207, d.)—6. (Paus., ii., 14, § 7; v., 27, § 7.)—7. (Wachsmuth, Hist. Art., ii., § 92.)—8. (Schimann, Ant. Ji r. Pub. Gr., p. 370.)—9. (Thucyd., ii., 92.)—10. (Mux. Horvath, v., t. 7.—10. (p. 40, l. 1.—11. (rus., iii., 2.)—12. (Id., l. c.—Strab., v., 7, Vo.)

times on the Pyrenees after his victories in 101; Julius Cæsar did the same near Zela, after his victory over Pharnaces,² and Drusus near the Rhine to commemorate his victory over the Germani.³ Still, however, it was more common to erect some memorial of the victory at Rome than in the field of battle. The trophies raised by Marius to commemorate his victories over Jugurtha and the Cimbri and Teutoni, which were cast down from the Arx and restored by Julius Cæsar, must have been in the city.⁴ In the later times of the Republic under the Empire, the erection of triumphal arches was the most common way of commemorating a military victory, many of which remain to the present day. (Vid. ARCUS.)

TRULLA. (Vid. EQUITES, p. 415.)

TRULLA, *dim.* TRULLA (*τρούνη*), derived from *τρούω*, &c., to perforate; a large and flat spoon or strainer pierced with holes; a trowel. The ancient woodcut represents such a ladle, adapted to use for vegetables or other matters in the pot,⁵ to act as a strainer when they were taken out of the water to dispel the froth from its surface.⁶ The trulla were drawn was found in the kitchen of "the house of Pansa" at Pompeii.



The *trulla vinaria*⁷ seems to have been a species of strainer (*vid.* COLUM), used as a wine-strainer.⁸ It was generally applied to these domestic and culinary purposes,⁹ the trulla was found to be convenient for putting bees into a hive.¹⁰ It was also used only used to plaster walls,¹¹ and thus gave rise to the verb *trullissare*. (*Vid.* PARIET, p. 736.)

Fellows¹² explains the Eastern method of washing the hands with a kind of colander in washing the hands. It was used as a cover upon the jar (*vid.* OLLA), which was used to filter the dirty water. This may therefore be the *trullum*, which the ancients used, together with the *asin* and *ewer*, to wash their hands.¹³

TRUTINA (*τρούτινα*), a general term including the *LIBRA*, a balance, and *statera*, a steelyard.¹⁴ The instruments were originally made by weighing, not by counting. Hence a balance (*trutina*) was preserved in the Temple of Saturn at Rome.¹⁵ The steelyard was much more ancient than the steelyard, which, according to Isidore of Seville,¹⁶ was invented in Campania, and therefore called, by way of distinction, *Trutina Campana*. Consistently with this remark, steelyards have been found in great numbers among the ruins of Herculaneum and Pompeii.

The construction of some of them is more elaborate and complicated than that of modern steelyards, and they are in some cases much ornamented. The annexed woodcut represents a remarkably beautiful *statera* which is preserved in the Museum of the Capitol at Rome. Its support is the trunk of a tree, round which a serpent is entwined. The equipoise is a head of Minerva. Three weights lie on the base of the stand, designed to be hung upon the hook when occasion required.¹⁷ Pliny¹⁸ explains the principle of the steelyard, and mentions the following constituent parts of it: the scale (*lancula*), depending from the head (*caput*), which is the point of revolution (*centrum*) and



the handle (*ansa*). On the other side of the centre from the scale is the beam (*scapus*), with the weight or equipoise (*aquipondium*), which is made to move along the points (*per puncta*) expressing the weights of the different objects that are put into the scale.

*TRYGON (*τρογών*), the Turtle-dove, or *Columba turtur*, L.¹

*II. A species of Skate or Ray, the Fire-flaire, or *Raja pastinaca*, L., the same as the *Trygon pastinaca*, Adanson.²

TUBA (*σάλπιγξ*), a bronze trumpet, distinguished from the *cornu* by being straight, while the latter was curved: thus Ovid,³

"Non tuba directi non arvis cornua flexi."⁴

Faccioliati, in his Lexicon,⁵ is mistaken in supposing that Aulus Gellius and Macrobius,⁷ who copies him, intend to affirm that the tuba was crooked. The words of the former do not mean that both the lituus and the tuba were crooked, but that both that kind of trumpet which was called a lituus and also the staff of the augur were crooked, and that it was doubtful which of the two had lent its name to the other. (*Vid.* LITUUS.)

The tuba was employed in war for signals of every description,⁸ at the games and public festivals,⁹ also at the last rites to the dead (*hinc tuba, candelæ*¹⁰), and Aulus Gellius¹¹ tells us, from Atticus Capito, that those who sounded the trumpet at funerals were termed *siticines*, and used an instrument of a peculiar form. The tones of the tuba are represented as of a harsh and fear-inspiring character (*fractus sonitus tubarum*;¹² *terribilem sonitum are canoro*¹³), which Ennius¹⁴ endeavoured to imitate in the line

"At tuba terribili sonitu tarantara dixit."

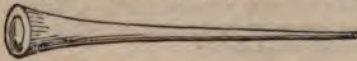
The invention of the tuba is usually ascribed by ancient writers to the Etruscans,¹⁵ and the epithet *ληστοσαλπικταί* (*i. e.*, robber-trumpeters¹⁶) would seem to indicate that they had made it famous by their piracies. It has been remarked that Homer never introduces the *σάλπιγξ* in his narrative but in comparisons only,¹⁷ which leads us to infer that, although known in his time, it had been but recently introduced into Greece; and it is certain that, notwithstanding its eminently martial character, it

Strab., iii., p. 156.—Plin., H. N., iii., 3.—Dion Cass., xli., fall. ap. Serr. in Virg., Æn., xi., 6.)—2. (Dion Cass., xlii., 3. (Id., li., 1.—Florus, iv., 12.)—4. (Suet., Jul., 11.)—5. 1. in Aristoph., Av., 78.)—6. (Non. Marcell., p. 19, ed. v. r.)—7. (Varro, L. L., v., 118, ed. Müller.)—8. (Cic., II., iv., 27.—Hor., Sat., ii., 3, 144.)—9. (Eupolis, p. 174, unkel.)—10. (Col., De Re Rust., ix., 12.)—11. (Pallad., Rust., i., 13, 15.)—12. (Exc. in Asia Minor, p. 153.)—13. Marcell., p. 547, ed. Merceri.)—14. (Id., p. 180.)—15. 1. L. L., v., 183, ed. Müller.)—16. (Orig., xvi., 24.)—17. Capit., c. ii., p. 213.)—18. (x., 3, s. 8, § 4.)

1. (Adams, Append., s. v.)—2. (Aristot., H. A., i., 5, &c.—Ælian, N. A., i., 37, &c.—Adams, Append., s. v.)—3. (Met., l. 98.)—4. (Compare Veget., iii., 5.)—5. (s. v. Tuba.)—6. (v., 8.)—7. (Macrobius, Sat., vi., 8.)—8. (Tacit., Hist., ii., 29.—Cass., B. C., iii., 46.—Hirt., B. G., viii., 20.—Liv., xxxii., 27.)—9. (Juv., vi., 249; x., 214.—Virg., Æn., v., 113.—Ovid, Fast., i., 716.)—10. (Pers., iii., 103.—Virg., Æn., xi., 191.—Ovid, Herod., xii., 140.—Amor., II., vi., 6.)—11. (x., 2.)—12. (Virg., Georg., iv., 72.)—13. (Id., Æn., ix., 503.)—14. (Serr. ad Virg., l. c.—Compare Priscian, viii., 18, 103, ed. Krehl.)—15. (Athen., iv., c. 89.—Pollux, Onom., iv., 85, 87.—Diodor., v., 40.—Serr. ad Virg., Æn., viii., 516.—Clem. Alex., Strom., i., p. 306.)—16. (Phot. and Hesych., s. v.—Pollux, l. c.)—17. (Il., xviii., 219, xxi 388.—Eustath. and Schol.)

was not until a late period used in the armies of the leading states. By the tragedians its Tuscan origin was fully recognised: Athena, in Æschylus, orders the deep-toned, piercing Tyrrhenian trumpet to sound;¹ Ulysses, in Sophocles,² declares that the accents of his beloved goddess fell upon his ears like the tones of the brazen-mouthed Tyrrhenian bell (κρόδωνος, i. e., the bell-shaped aperture of the trumpet), and similar epithets are applied by Euripides,³ and other Greek⁴ and Roman writers (*Tyrrhænus clangor*; *Tyrrhæna clangore tubæ*).⁵ According to one account, it was first fabricated for the Tyrrhenians by Athena, who, in consequence, was worshipped by the Argives under the title of Σάλπιγξ,⁶ while at Rome the *tubilistrum*, or purification of sacred trumpets, was performed on the last day of the Quinquatrus. (*Vid. QUINQUATRUS*.) In another legend the discovery is attributed to a mythical king of the Tyrrhenians, Maleus, son of Hercules and Omphale;⁷ in a third to Pisæus the Tyrrhenian;⁸ and Silius has preserved a tradition,⁹ according to which the origin of this instrument is traced to Vetulonii.¹⁰

There appears to have been no essential difference in form between the Greek and Roman or Tyrrhenian trumpets. Both were long, straight bronze tubes, gradually increasing in diameter, and terminating in a bell-shaped aperture. They pre-



sent precisely the same appearance on monuments of very different dates, as may be seen from the cuts annexed, the former of which is from Trajan's column, and the latter from an ancient fictile vase.¹²



The scholiast on the Iliad¹³ reckons six varieties of trumpets; the first he calls the Grecian *σάλπιγξ* which Athena discovered for the Tyrrhenians, and the sixth, termed by him *κάρ' ἐξόχην*, the *τυρρηνική σάλπιγξ*, he describes as bent at the extremity (κρόδωνα κεκλασμένον ἔχουσα); but by this we must unquestionably understand the sacred trumpet (*ιερατικὴ σάλπιγξ*),¹⁴ the *lituus* already noticed at the beginning of this article.¹⁵

TUBILISTRUM. (*Vid. QUINQUATRUS*.)

TULLIANUM. (*Vid. CARCER*.)

TUMBOS (τύμβος). (*Vid. FUNUS*, p. 457.)

TUMULTUARIUM. (*Vid. TUMULTUS*.)

1. (Eumen., 567.)—2. (Aj., 17.)—3. (Phœn., 1376.—Hærcul., 830.)—4. (Auctor., Rhœs., 988.—Brunck, Anal., tom. ii., p. 142.)—5. (Virg., Æn., viii., 526.—Stat., Theb., iii., 650.)—6. (Silius, ii., 19.)—7. (Schol. ad Hom., Il., xviii., 219, c. cod. Vict.—Paus., ii., 21, § 3.)—8. (Lutat. ad Stat., Theb., iv., 224; vi., 404.—Hygin., Fab., 274.—Schol. ad Hom., l. c.)—9. (Plin., H. N., vii., 57.—Photius, s. v.)—10. (Hæp., 490.)—11. (Möller, Die Etrusker, IV., 1., 3, 4, 5.)—12. (Hæp., Costumes of the Anc., pl. 156.)—13. (l. c.)—14. (Lydy, De Mens., iv., 6.)—15. (Compare Iucan., l., 431.)

TUMULTUS was the name given to a soldier in dangerous war in Italy or Cisalpine Gaul, and the word was supposed by the ancients to be a contraction of *timor multus* (*tumultus dictus, quasi timor multus*).¹ It was, however, sometimes applied to a sudden or dangerous war elsewhere;² but this does not appear to have been a correct use of the word. Cicero³ says that there might be a war without a tumultus, but not a tumultus without a war; but it must be recollected that the word was also applied to any sudden alarm respecting a war; whence we find a tumultus often spoken of as of less importance than a war,⁴ because the results were of less consequence, though the fear might have been much greater than in a regular war.

In the case of a tumultus there was a cessation from all business (*justitium*), and all citizens were obliged to enlist, without regard being had to the exemptions (*vacationes*) from military service which were enjoyed at other times.⁵ As there was not time to enlist the soldiers in the regular manner, the magistrates appointed to command the army displayed two banners (*vexilla*) from the Capitol, one red, to summon the infantry, and the other green, to summon the cavalry, and said, "*Qui respulione salvam vult, me sequatur*." Those that assembled took the military oath together, instead of one by one, as was the usual practice, whence they were called *conjurati*, and their service *conjuratio*.⁶ Soldiers enlisted in this way were called *Tumultuarii* or *Subitarii*.⁷

TUNICA (χιτών, ðim. χιτωνίσκος, χιτώνιον) is under-garment. The chiton was the only kind of *ἐνδύμα* or under-garment worn by the Greeks. Of this there were two kinds, the Dorian and Ionian. The Dorian chiton, as worn by males, was a short woollen shirt without sleeves; the Ionian was a long linen garment with sleeves. The under-garment, afterward distinguished as the Dorian, seems to have been originally worn in the whole of Greece. Thucydides⁸ speaks as if the long linen garment worn at Athens a little before his time was the most ancient kind, since he attributes the adoption of a simpler mode of dress to the Lacedæmonians, but we know with tolerable certainty that this dress was brought over to Athens by the Ionians of Asia.⁹ It was commonly worn at Athens during the Persian wars, but appears to have entirely gone out of fashion about the time of Pericles, from which time the Dorian chiton was the under-garment universally adopted by men through the whole of Greece.¹⁰

The distinction between the Doric and Ionic chiton still continued in the dress of women. The Spartan virgins only wore this one garment, and had no upper kind of clothing, whence it is sometimes called *himation* (*vid. PALLIUM*) as well as *chiton*.¹¹ Euripides¹² incorrectly calls this Doric dress *peplos*, and speaks of a Doric virgin as *μοῦσπεπλος*. From the circumstance of their only wearing one garment, the Spartan virgins were called *ἄνυτοι* (*vid. NUDUS*), and also *μονοχίτωνες*.¹³ They appeared in the company of men without any farther covering, but the married women never did so without wearing an upper garment. This Doric chiton was made, as stated above, of woollen stuff; it was without sleeves, and was fastened over both shoulders.

1. (Cic., Phil., viii., 1.)—2. (Serv. ad Virg., Æn., 2, 486; viii., 1.—Festus, s. v. Tumultuarii.)—3. (Liv., c. xxxv., l., 26, 6.—Cic., Phil., v., 12.)—4. (Phil., viii., 1.)—5. (c. p. Liv., 26, 6.—6. (Cic., Il. cc.—Liv., vii., 9, 14, 28; viii., 20; xxv., 36, 7.)—(Serv. ad Virg., Æn., viii., 1.)—8. (Festus, s. v.—Liv., vii., 26; x., 21; xl., 26.)—9. (i., 6.)—10. (Möller, De Min. Pæ., p. 41—11. (Dor., iv., 2, § 4.)—11. (Athens, xii., p. 512, c.—Eustath., p. 954, 47.—Thucyd., l. c.—Aristoph., Equit., 1232.)—12. (Comæ Herod., v., 87.—Schol. ad Eurip., Hæc., 932.)—13. (Hærcul., c.—Androm., 598.)—14. (Plut., Lye., 14.)—15. (Schol. ad Eurip., Athen., xiii., p. 389, f.)

TUNICA.

by clasps or buckles (*πόρπαι, περόναι*), which are often of considerable size.¹ It was frequently short as not to reach the knee,² as is shown in the figure of Diana on p. 245, who is represented equipped for the chase. It was only joined together on one side, and on the other was left partly open or slit up (*σχιστός χίτων*), to allow a free motion of the limbs: the two skirts (*πτέρυγες*) thus frequently flew open, whence the Spartan virgins were sometimes called *φαινομηρίδες*,⁴ and Euripides⁵ speaks of them as with

γυμνοῖσι μηροῖς καὶ πέπλοις ἀνεμμένοις.

Examples of this *σχιστός χίτων* are frequently seen in works of art: the following cut is taken from a bas-relief in the British Museum, which represents an Amazon with a chiton of this kind: some parts of the figure appear incomplete, as the original was mutilated.⁶



The Ionic chiton, on the contrary, was a long and flowing garment, reaching to the feet (*ποδῆρης*), with long sleeves (*κόραι*), and was usually made of linen. The sleeves, however, appear usually to have covered only the upper part of the arm; for in ancient works of art we seldom find the sleeve extending lower than the elbow, and sometimes not so far. The sleeves were sometimes slit up, and fastened together with an elegant row of brooches,⁷ and it is this kind of garment that Böttiger⁸ incorrectly calls the name of *σχιστός χίτων*. The Ionic chiton, according to Herodotus,⁹ was originally a Carian garment, and passed over to Athens from Ionia. The men at Athens originally wore the Doric chiton, and were compelled to change it for the Ionic after they had killed, with the buckles or clasps of their dresses, the single Athenian who had returned alive from the expedition against Ægina, because there were no buckles or clasps required in the Ionic dress. The Muses are generally represented with the Ionic chiton. The following woodcut, taken from a vase in the British Museum, represents the Muse Iphigeneia wearing an Ionic chiton. The peplum has been thrown off her shoulders, and is held up by the left hand. The right arm, holding a pædum, is a modern restoration.

Both kinds of dress were fastened round the middle with a girdle (*vid. ZONA*); and as the Ionic chiton was usually longer than the body, part of it was drawn up so that the dress might not reach farther than the feet, and the part which was so drawn up hung or overlapped the girdle, and was called *πρόπτερον*.

There was a peculiar kind of dress, which seems to have been a species of double chiton, called *διπλοῖδιον*, *διπλοῖδιον*, and *ἡμιδιπλοῖδιον*. Some writers suppose that it was a kind of little cloak thrown over the chiton, in which case it would be an amictus.

TUNICA.



It seems impossible to determine with certainty whether the diploidion formed part of the chiton, or was a separate piece of dress. Those writers who maintain the former view think that it is quite proved by the left-hand figure in the preceding cut; but this is not conclusive evidence, since the chiton may have terminated at the waist. In the right-hand figure we see that the chiton is girdled round the middle of the body, as described above, and that the fold which overhangs (*κόλπος*) forms, with the end of the diploidion, a parallel line, which was always the case. This is also plainly seen in the woodcut to the article *UMBRACULUM*. Since the diploidion was fastened over the shoulders by means of buckles or clasps, it was called *ἔπωμις*, which Müller² supposes, from Euripides (*Hecub.*, 553) and Athenæus (*xiii.*, p. 608, *b.*), to have been only the end of the garment fastened on the shoulder; but these passages do not necessarily prove this, and Pollux¹ evidently understands the word as meaning a garment itself.



Besides the word *χίτων*, we also meet with the diminutives *χιτωνίσκος* and *χιτώνιον*, the former of which is generally applied to a garment worn by men, and the latter to one worn by women, though this distinction is not always preserved. A question arises whether these two words relate to a different garment from the chiton, or mean merely a smaller one. Many modern writers think that

Herod.—Schol. ad Eurip., *ll. cc.*—2. (Clem. Alex., *Pæd.*, p. 258.)—3. (Pollux, *Onom.*, vii., 55.)—4. (Id., *l. c.*)—5. (Id., *l. c.*)—6. (See also *Mus. Borb.*, iv., t. 21.)—7. (Ælian, *l.*, 18.)—8. (Kleine Schr., iii., p. 56.)—9. (v., 87, 88.)

1. (*Mus. Borbon.*, ii., t. 4, 6.)—2. (*Archæol. der Kunst*, § 359, 4.)—3. (vii., 49.)

the chiton was not worn immediately next the skin, but that there was worn under it a shirt (*χιτωνίσκος*) or chemise (*χιτώμιον*). In the dress of men, however, this does not appear to have been the case, since we find *χιτωνίσκος* frequently used as identical with *χιτών*, and spoken of as the only under-garment worn by individuals (*Τὸ ἱμάτιον καὶ τὸν χιτωνίσκον*). It appears, on the contrary, that females were accustomed to wear a chemise (*χιτώμιον*) under their chiton, and a representation of such a one is given in p. 599.³

It was the practice among most of the Greeks to wear an himation, or outer garment, over the chiton, but frequently the chiton was worn alone. A person who wore only a chiton was called *μονοχιτών* (*οιοχιτών*), an epithet given to the Spartan virgins, as explained above. In the same way, a person who wore only an himation, or outer garment, was called *ἀχιτών*.⁴ The Athenian youths, in the earlier times, wore only the chiton; and when it became the fashion, in the Peloponnesian war, to wear an outer garment over it, it was regarded as a mark of effeminacy.⁵

Before passing on to the Roman under garment, it remains to explain a few terms which are applied to the different kinds of chiton. In later times, the chiton worn by men was of two kinds, the *ἀμφιμάσχαλος* and the *ἑτερομάσχαλος*, the former the dress of freemen, the latter that of slaves.⁶ The *ἀμφιμάσχαλος* appears to have signified not only a garment which had two sleeves, but also one which had openings for both arms; while the *ἑτερομάσχαλος*, on the contrary, had only a sleeve, or, rather, an opening for the left arm, leaving the right, with the shoulder and a part of the breast, uncovered, whence it is called *ἐξωμίς*, a representation of which is given on page 426. When the sleeves of the chiton reached down to the hands, it seems to have been properly called *χειροπότος*,⁷ though this word seems to have been frequently used as equivalent to *ἀμφιμάσχαλος*.⁸ (*Vid. CHITONOTA*.)

Α *χιτών ὀρθοστάδιος* was one which was not fastened round the body with a girdle:⁹ a *χιτών στολιδωτός* seems to have had a kind of flounce at the bottom.¹⁰

On the subject of the Greek chiton in general, see Muller, *Dorians*, iv., 2, § 3, 4.—*Archäologie der Kunst*, § 337, 339.—Becker, *Charikles*, ii., p. 309, &c.

The *tunica* of the Romans, like the Greek chiton, was a woollen under garment, over which the toga was worn. It was the *indumentum* or *indutus*, as opposed to the *amicus*, the general term for the toga, pallium, or any other outer garment. (*Vid. AMICTUS*.) The Romans are said to have had no other clothing originally but the toga; and when the tunic was first introduced, it was merely a short garment without sleeves, and was called *colobium*.¹¹ It was considered a mark of effeminacy for men to wear tunics with long sleeves (*manicata*) and reaching to the feet (*talaris*).¹² Julius Cæsar, however, was accustomed to wear one which had sleeves, with fringes at the wrist (*ad manus fimbriata*);¹³ and in the later times of the Empire, tunics with sleeves, and reaching to the feet, became common.

The tunic was girdled (*cinctus*) with a belt or girdle around the waist, but was usually worn loose, without being girdled, when a person was at home, or

wisred to be at his ease.¹ Hence we find the terms *cinctus*, *præcinctus*, and *succinctus* applied like the Greek *εὐζωνος*, to an active and diligent person, and *discinctus* to one who was idle or dissolute.²

The form of the tunic, as worn by men, is represented in many woodcuts in this work. In works of art it usually terminates a little above the knee; it has short sleeves, covering only the upper part of the arm, and is girded at the waist (see cuts, p. 54, 667): the sleeves sometimes, though less frequently, extend to the hands (cuts, p. 112, 132.)

Both sexes usually wore two tunics, an outer and an under, the latter of which was worn next the skin, and corresponds to our shirt and chemise. Varro³ says that when the Romans began to wear two tunics, they called them *subucula* and *indutus*, the former of which Böttiger⁴ supposes to be the name of the under tunic of the men, and the latter of that of the women. But it would appear from another passage of Varro⁵ referred to by Becker⁶ as if Varro had meant to give the name of *subucula* to the under tunic, and that of *indutus* or *indumentum* to the outer, though the passage is not without difficulties. It appears, however, that *subucula* was chiefly used to designate the under tunic of men. The word *interula* was of later origin, and seems to have applied equally to the under tunic of both sexes.⁷ The *supparus* or *supparium* is said by Festus⁸ to have been a linen vest, and to have been the same as the *subucula*; but Varro,⁹ on the contrary, speaks of it as a kind of outer garment, and contrasts it with *subucula*, which he derives from *subtus*, while *supparus* he derives from *supra*. The passage of Lucan¹¹ in which it is mentioned does not enable us to decide whether it was an outer or under garment, but would rather lead us to suppose that it was the former. Persons sometimes wore several tunics, as a protection against cold: Augustus wore four in the winter, besides a *subucula*.¹²

As the dress of a man usually consisted of an under tunic, an outer tunic, and the toga, so that of a woman, in like manner, consisted of an under tunic (*tunica intima*), an outer tunic, and the palla. The outer tunic of the Roman matron was properly called *stola* (*vid. STOLA*), and is represented in the woodcut on page 926; but the annexed woodcut, which represents a Roman empress in the character of Concordia, or Abundantia, gives a better idea of



1. (Plat., *Hipp. Min.*, p. 368.—Dem. in *Mid.*, p. 583, 21.—Æsch. in *Tim.*, p. 143.—Athen., xii., p. 545, α.)—2. (Compare Athen., xiii., p. 590, f.—Aristoph., *Lysist.*, 48, 150.)—3. (in *Hom.*, *Od.*, xiv., 489.)—4. (Xen., *Mem.*, i., 6, § 2.—Ælian, V. H., vii., 13.—Diod. Sic., xi., 26.)—5. (Aristoph., *Nub.*, 904, compared with 987.)—6. (Pollux, *Onom.*, vii., 47.)—7. (Gell., vii., 12.)—8. (Hesych., s. v. *Ἀμφιμάσχαλος*.)—9. (Pollux, *Onom.*, vii., 48.—Phot., *Lex.*, p. 246, Pers.)—10. (Pollux, *Onom.*, 54.—Xen., *Cyrop.*, vi., 4, § 2.)—11. (Gell., vii., 12.—Serv. ad *Virg.*, *Æn.*, ix., 616.)—12. (Cic., *Cat.*, ii., 10.)—13. (Suet., *Jul.*, 45.)

1. (Hor., *Sat.*, ii., 1, 73.—Ovid, *Am.*, i., 9, 61.)—2. (*Idem*, *ibid.*, i., 5, 6; ii., 6, 107.—Epid., i., 34.)—3. (sp. *Nov.*, xv., 2.—Sabina, ii., p. 113.)—4. (L. L., v., 131, ed. Müller.)—5. (Jul., ii., p. 89.)—6. (Suet., *Octav.*, 82.—Hor., *Epor.*, l., 90.)—7. (Apul., *Florid.*, ii., p. 22.—Metam., xiv., p. 121, ed. *Ind. Vossio*, Prob., 4.)—8. (s. v.)—9. (v. 131.)—10. (l. 10, 361.)—11. (Suet., *Octav.*, 82.)—12. (Gell., x., 12.)

over the tunic or stola the palla is in many folds, but the shape of the former is clearly shown.

The tunics of women were larger and longer than those of men, and always had sleeves; but in statues and busts we seldom find the tunic more than the upper part of the ample of the contrary is seen in the *nicco*.³ Sometimes the tunics were adorned with golden ornaments called *leria*.³ The poor, who could not afford to purchase a tunic alone, whence we find the tunic called *Tunicati*.⁴ Persons at work wore the toga; thus, in the woodcut on p. 667, representing ploughing in his tunic only. A person who wore only his tunic was frequently

called *clavus latus* and the *clavus angustus* on the tunics of the senators and knights respectively, see *CLAVUS LATUS*, *CLAVUS*

triumphalis. A triumph was celebrated, the conqueror was adorned with an embroidered toga (*toga picta*) tunic (*tunica palmata*), also called *paludamentum* because it was taken from the Temple of Minerva.⁵ (Vid. *TRIVMPHUS*, p. 1017.) Persons of a low kind were sent as presents to foreign monarchs.

TYRANNA TERRA (*Τυρναϊκὴ γῆ*), a species of gypsum which would appear, from the account of Pliny, to have been a kind of gypsum.⁷ (*τύρνη*), according to most authorities, *ifolia*, or Reed Mace. It is different from the *τύρνη* though often confounded with it.⁸

TYRANNUS (*τύραννος*). In the heroic age all governments in Greece were monarchical, the monarch himself performed the functions of the priest, the legislator, and the military chief. These were the *πατριάρχαι* of Thucydides.⁹ In the first two centuries following the Trojan war, various attempts were made at work which led to the abolition, or at least to the limitation of the kingly power. Emancipations of families, disasters in wars, and revolutions, may be reckoned among these. Hereditary monarchies became elective; the functions of the king were distributed; the *ἀρχων*, *κόσμος*, or *πρύτανις*, instead of the monarch, whose character was changed no less. Noble and wealthy families began to rise on a footing of equality with the monarch, in process of time, sprang up oligarchies, which most of the governments succeeded the ancient monarchies were not, though not as yet called by such names. These oligarchies did not possess the elements of happiness or stability. The principality contended with each other for the exercise of power, and were only unanimous in the desire of the rights of those whose station was their own. The people, oppressed by these classes, began to regret the loss of the hereditary form of government, and were ready to elect any one who would attempt to restore the monarchy. There were opportunities afforded to ambitious men to raise themselves by the champions of popular right. Disasters were soon found to prosecute in this sort, and they had a greater chance of success descended from the ancient royal families is an example; he was the more

acceptable to the people of Athens as being a descendant of the family of Codrus.¹ Thus in many cities arose that species of monarchy which the Greeks called *τυραννίς*, which meant only a *despotism*, or irresponsible dominion of one man, and which frequently was nothing more than a revival of the ancient government, and, though unaccompanied with any recognised military title, or the reverence attached to old name and long prescription, was hailed by the lower orders of people as a good exchange, after suffering under the domination of the oligarchy. All *tyrannies*, however, were not so acceptable to the majority; and sometimes we find the nobles concurring in the elevation of a despot to farther their own interests. Thus the Syracusan *Gamori*, who had been expelled by the populace, on receiving the protection of Gelon, sovereign of Gela and Camarina, enabled him to take possession of Syracuse, and establish his kingdom there.² Sometimes the conflicting parties in the state, by mutual consent, chose some eminent man, in whom they had confidence, to reconcile their dissensions, investing him with a sort of dictatorial power for that purpose, either for a limited period or otherwise. Such a person they called *αἰσυμένητης*. (Vid. *ΑΙΣΥΜΝΗΤΗΣ*.) A similar authority was conferred upon Solon when Athens was torn by the contending factions of the *Διάκροι*, *Πεδαιοί*, and *Πάραλοι*, and he was requested to act as mediator between them. Solon was descended from Codrus, and some of his friends wished him to assume the sovereignty; this he refused to do, but, taking the constitutional title of archon, framed his celebrated form of polity and code of laws.³ The legislative powers conferred upon Draco, Zaleucus, and Charondas were of a similar kind, investing them with a temporary dictatorship.

The *τύραννος* must be distinguished, on the one hand, from the *αἰσυμένητης*, inasmuch as he was not elected by general consent, but commonly owed his elevation to some *coup d'état*, some violent movement or stratagem, such as the creation of a body-guard for him by the people, or the seizure of the citadel;⁴ and, on the other hand, from the ancient king, whose right depended, not on usurpation, but on inheritance and traditional acknowledgment. The power of a king might be more absolute than that of a *tyrant*; as Phidon of Argos is said to have made the royal prerogative greater than it was under his predecessors; yet he was still regarded as a king, for the difference between the two names depended on title and origin, and not on the manner in which the power was exercised.⁵ The name of *tyrant* was originally so far from denoting a person who abused his power, or treated his subjects with cruelty, that Pisistratus is praised by Thucydides⁶ for the moderation of his government; and Herodotus says he governed *ὅστε τιμῆς τῆς εὐσίας συνταράξας, οὐτε θέσμιον μεταλλάξας, ἐπὶ τε τοῖσι καταστῆσαι ἐνεμε τὴν πόλιν κοσμεῖν καλῶς τε καὶ εὖ*.⁷ Therefore we find the words *βασιλεύς* and *τύραννος* used promiscuously by the Attic tragedians *passim*,⁸ and even by prose authors. Thus Herodotus calls the Lydian Candaules *τύραννος*,⁹ the kingdom of Macedonia *τυραννίς*,¹⁰ and Periander of Corinth *βασιλεύς*.¹¹ Afterward, when *tyrants* themselves had become odious, the name also grew to be a word of reproach, just as *rex* did among the Romans.¹²

Among the early *tyrants* of Greece, those most worthy of mention are Clisthenes of Sicyon, grand-

tonum. Gab., n. 34.—Böttiger, Sabina, tav. x.) v. 3.)—3. (Festus, s. v.—Gr. *Ληγοί*: Hesych., Cic. in Rull., ii., 34.—Hor., Epist., i., 7, 65.)—4. (Iart., vii., 1.—Juv., x., 38.)—6. (Liv., xxx., 15; Theophr. De Lapid., c. 110.—Adams, Append., hr., H. P., i., 5; iv., 10.—Dioscor., iii., 123.—v. v.)—9. (i., 13.)

1. (Herod., v., 65.)—2. (Id., vii., 154, 155.)—3. (Id., i., 29.—Plut., Sol., c. 13, &c.—Schömann, Ant. Jur. Pub. Gr., p. 173.)—4. (Herod., i., 59.—Thucyd., i., 126.)—5. (Aristot., Polit., v., 8.)—6. (vi., 54.)—7. (i., 59.)—8. (See the argument of the *Edipus Tyrannus*.)—9. (i., 7.)—10. (viii., 137.)—11. (iii., 52.—Compare v., 27, 92.)—12. (Wachsmuth, Holl. Alt., I., i., 279—288.—Thirlwall, Gr. Hist., i., p. 401, 404.)

ment painting, shows the performance of both of these acts at the same time. Winckelmann¹ supposes it to represent Livia, the wife, and Octavia, the sister of Augustus, sacrificing to Mars in gratitude for his safe return from Spain.² The censor here represented has two handles, for the purpose of carrying it from place to place, and it stands upon feet, so that the air might be admitted underneath, and pass upward through the fuel.

As the censor was destined for the worship of the gods, it was often made of gold or silver,³ and enriched with stones and gems.⁴ We find a silver censor in the official enumerations of the treasures presented to the Parthenon at Athens: its bars (*ἀεργεῖαματα*) were of bronze.⁵

TURMA. (*Vid. ARMY, ROMAN*, p. 104.)

TURRIS (*πύργος*), a Tower. The word *τῦρραι*, from which comes the Latin *turris*, signified, according to Dionysius,⁶ any strong building surrounded by walls; and it was from the fact of the Pelasgians in Italy dwelling in such places that the same writer supposes them to have been called Tyrsenians or Tyrrhenians, that is, the inhabitants of towns or castles. *Turris*, in the old Latin language, seems to have been equivalent to *urbs*.⁷ The use of towers by the Greeks and Romans was various.

1. *Stationary Towers*.—1. Buildings of this form are frequently mentioned by ancient authors, as forming by themselves places of residence and defence. This use of towers was very common in Africa.⁸ We have examples in the tower of Hannibal, on his estate between Acholla and Thapsus,⁹ the *turris regia* of Jugurtha,¹⁰ the tower of a private citizen without the walls of Carthage, by the help of which Scipio took the city;¹¹ and in Spain, the tower in which Cn. Scipio was burned.¹² Such towers were common in the frontier provinces of the Roman Empire.¹³

2. They were erected within cities, partly to form a last retreat in case the city should be taken, and partly to overawe the inhabitants. In almost all Greek cities, which were usually built upon a hill, rock, or some natural elevation, there was a kind of tower, a castle, or a citadel, built upon the highest part of the rock or hill, to which the name of *Acropolis* was given. Thus we read of an *Acropolis* at Athens, Corinth, Argos, Messene, and many other places. The Capitolium at Rome answered the same purpose as the *Acropolis* in the Greek cities; and of the same kind were the tower of Agathocles at Utica,¹⁴ and that of Antonia at Jerusalem.¹⁵

3. The fortifications both of cities and camps were strengthened by towers, which were placed at intervals on the murus of the former and the vallum of the latter; and a similar use was made of them in the lines (*circumvallatio*) drawn round a besieged town. (*Vid. VALLUM*.) They were generally used at the gates of towns and of static camps. (*Vid. PORTA*.) The use of temporary towers on walls to repel an attack will be noticed below.

II. *Movable Towers*.—These were among the most important engines used in storming a fortified place. They were of two kinds. Some were made so that they could be taken to pieces and carried to the scene of operation; these were called folding towers (*πύργοι πτύκτοι* or *ἐκπτυγμένοι*, *turres plicatiles*, or portable towers, *φορητοὶ πύργοι*). The other

sort were constructed on wheels, so as to be driven up to the walls; and hence they were called *turres ambulatoria* or *subrotata*. But the *turres plicatiles* were generally made with wheels, so that they were also *ambulatoria*.

The first invention or improvement of such towers is ascribed by Athenæus, the mechanician (quoted by Lipsius¹), to the Greeks of Sicily in the time of Dionysius I. (B.C. 405). Diodorus² mentions towers on wheels, as used by Dionysius at the siege of Motya. He had before³ mentioned towers as used at the siege of Selinus (B.C. 409), but he does not say that they were on wheels. According to others, they were invented by the engineers in the service of Philip and Alexander, the most famous of whom were Polyidus, a Thessalian, who assisted Philip at the siege of Byzantium, and his pupils Chæreas and Diades.⁴ Heron⁵ ascribes their invention to Diades and Chæreas, Vitruvius⁶ to Diades alone, and Athenæus⁷ says that they were improved in the time of Philip at the siege of Byzantium. Vitruvius states that the towers of Diades were carried about by the army in separate pieces.

Appian mentions the *turres plicatiles*,⁸ and states that at the siege of Rhodes Cassius took such towers with him in his ships, and had them set up on the spot.⁹

Besides the frequent allusions in ancient writers to the movable towers (*turres mobiles*¹⁰), we have particular descriptions of them by Vitruvius¹¹ and Vegetius.¹²

They were generally made of beams and planks, and covered, at least on the three sides which were exposed to the besieged, with iron, not only for protection, but also, according to Josephus, to increase their weight, and thus make them steadier. They were also covered with raw hides and quilts, moistened, and sometimes with alum, to protect them from fire. The use of alum for this purpose appears to have originated with Sulla at the siege of Athens.¹³ Their height was such as to overtop the walls, towers, and all other fortifications of the besieged place.¹⁴ Vitruvius,¹⁵ following Diades, mentions two sizes of towers. The smallest ought not, he says, to be less than 60 cubits high, 17 wide, and one fifth smaller at the top; and the greater, 120 cubits high and 23½ wide. Heron,¹⁶ who also follows Diades, agrees with Vitruvius so far, but adds an intermediate size, half way between the two, 90 cubits high. Vegetius mentions towers of 30, 40, and 50 feet square. They were divided into stories (*tabulata* or *tecta*), and hence they are called *turres contabulata*.¹⁷ Towers of the three sizes just mentioned consisted respectively of 10, 15, and 20 stories. The stories decreased in height from the bottom to the top. Diades and Chæreas, according to Heron, made the lowest story seven cubits and 12 digits, those about the middle five cubits, and the upper four cubits and one third.

The sides of the towers were pierced with windows, of which there were several to each story.

These rules were not strictly adhered to in practice. Towers were made of six stories, and even fewer.¹⁸ Those of 10 stories were very common,¹⁹ but towers of 20 stories are hardly, if ever, mentioned. Plutarch²⁰ speaks of one of 100 cubits high, used by Mithradates at the siege of Cyzicus. The use of the stories was to receive the engines of war (*tormenta*). They contained balistæ and catapults,

1. (*Mon. Ined.*, 177.)—2. (*Hor.*, *Carm.*, iii, 14, 5.)—3. (*Ep. ad Hebr.*, ix, 4.—*Thucyd.*, vi, 46.)—4. (*Herod.*, iv, 162.—*Cic.*, *Verr.*, II, iv, 21–24.)—5. (*Bœckh*, *Corp. Inscr.*, i, p. 198, 235, 236.)—6. (*i.*, 26.)—7. (*Polyb.*, xxvi, 4.—*Götting.*, *Gesch. der Röm. Staatsv.*, p. 17.)—8. (*Diod. Sic.*, iii, 49.—*Itin. Ant.*, p. 4, 35, with Wesseling's notes.)—9. (*Liv.*, xxxiii, 48.)—10. (*Sall.*, *Jug.*, 103.)—11. (*Appian*, *Pun.*, 117.)—12. (*Id.*, *Hisp.*, 16.)—13. (*Anna. Marc.*, xxviii, 2.)—14. (*Appian*, *Pun.*, 14.)—15. (*zeph.*, *Bell. Jud.*, v, 5, § 8.—*Act. Apostol.*, xxi, 31.)

1. (*Oper.*, iii, p. 297.)—2. (xiv, 51.)—3. (xiii, 54.)—4. (*Vitruv.*, x, 19, s. 13.)—5. (c. 13.)—6. (l. c.)—7. (l. c.)—8. (*Bell. Civ.*, v, 36, 37.)—9. (*Id.*, iv, 72.)—10. (*Liv.*, xxi, 11.)—11. (x, 19 or 13.)—12. (iv, 17.)—13. (*Ann. Marc.*, xx, and *Claud. Quadrig.* ap. *Lips.*, p. 300.)—14. (*Liv.*, xxi, 11.)—15. (l. c.)—16. (c. 13.)—17. (*Liv.*, xxi, 34.)—18. (*Diod.*, xiv, 51.)—19. (*Hirt.*, *Bell. Gall.*, viii, 41.—*Sil. Ital.*, xiv, 300.)—20. (*Cæcilius*, 10.)

If the testator appointed no tutor by his will, the tutela was given by the Twelve Tables to the nearest agnati, and such tutores were called legitimi. The nearest agnati were also the heredes in case of the immediate heredes of the testator dying intestate and without issue, and the tutela was, therefore, a right which they claimed as well as a duty imposed on them. Persius¹ alludes to the claim of the tutor as heres to his pupillus. A son who was pubes was the legitimus tutor of a son who was impubes; and if there was no son who was pubes, the son who was impubes had his father's brother (*patruus*) for his tutor. The same rule applied to females also, till it was altered by a *lex Claudia*. If there were several agnati in the same degree, they were all tutores. If there were no agnati, the tutela belonged to the gentiles, so long as the *jus gentilitium* was in force.² The tutela in which a freedman was with respect to his patronus was also *legitima*; not that it was expressly given by the words (*lex*) of the Twelve Tables, but it flowed from the *lex* as a consequence (*per consequentiam*); for as the hereditates of intestate liberti and libertæ belonged to the patronus, it was assumed that the tutela belonged to him also, since the Twelve Tables allowed the same persons to be tutores in the case of an ingenuus, to whom they gave the hereditas in case there was no suus heres.³

If a free person had been mancipiated to another either by the parent or coemptionator, and such other person manumitted the free person, he became his tutor fiduciarius by analogy to the case of freedman and patron.⁴ (*Vid. EMANCIPATIO, FIDUCIA.*)

If an impubes had neither a tutor dativus nor legitimus, he had one given to him, in Rome, under the provisions of the *lex Atilia*, by the prætor urbanus and the major part of the *tribuni plebis*; in the provinces, in such cases, a tutor was appointed by the præsides under the provisions of the *lex Julia et Titia*. (*Vid. JULIA LEX ET TITIA.*) If a tutor was appointed by testament either *sub condicione* or *ex die certo*, a tutor might be given under these *leges* so long as the condition had not taken effect or the day had not arrived: and even when a tutor had been appointed absolutely (*pure*), a tutor might be given under these *leges* so long as there was no heres; but the power of such tutor ceased as soon as there was a tutor under the testament, that is, as soon as there was a heres to take the hereditas. If a tutor was captured by the enemy, a tutor was also given under these *leges*, but such tutor ceased to be tutor as soon as the original tutor returned from captivity, for he recovered his tutela *jure postliminii*.

Before the passing of the *lex Atilia*, tutores were given by the prætor in other cases, as, for instance, when the *legis actiones* were in use, the prætor appointed a tutor if there was any action between a tutor and a woman or ward, for the tutor could not give the necessary authority (*auctoritas*) to the acts of those whose tutor he was in a matter in which his own interest was concerned. Other cases in which a tutor was given are mentioned by Ulpian.⁵

Ulpian's division of tutores is into legitimi, *senatus consultis constituti*, *moribus introducti*. His legitimi tutores comprehend all those who become tutores by virtue of any *lex*, and specially by the Twelve Tables: accordingly, it comprises tutores in the case of intestacy, tutores appointed by testament, for they were confirmed by the Twelve Tables, and tutores appointed under any other *lex*, as the *Atilia*. Various *senatus consulta* declared in what cases a tutor might be appointed: thus the

lex Julia de maritandis ordinibus (*Papia et Poppæa*), enacted that the prætor should appoint a tutor for a woman or a virgin, who was required to marry by this law, "*ad dotem dandam, dicendam, promittendam*," if her legitimus tutor was himself a pupillus: a *senatus consultum* extended the provision to the provinces, and enacted that in such case the præsides should appoint a tutor, and also that, if a tutor was mutus or furiosus, another should be appointed for the purposes of the *lex*. The case above mentioned of a tutor being given in the case of an action between a tutor and his ward, is the case of a tutor *moribus datus*. In the imperial period, from the time of Claudius, tutores *extra ordinem* were appointed by the consuls also.

Only those could be tutores who were *suif juris*, a rule which excluded women among other persons. A person could not be named tutor in a testament unless he had the *testamentum factio* with the testator, a rule which excluded such persons as peregrini. The *Latini Juniani* were excluded by the *lex Junia*.¹ Many persons who were competent to be tutores might excuse themselves from taking the office; these grounds of excuse (*excusationes*) were, among others, age, absence, the being already tutor in other cases, the holding of particular offices, and other grounds, which are enumerated in the *Fragmenta Vaticana*.²

The power of the tutor was over the property, not the person of the pupillus; and the passage of the Twelve Tables, which gives or confirms to a testator the power of disposing of his property, uses the phrase, *Uti legassit super pecunia tutelave sua rei*, that is, the tutela of the property. It might happen that the tutores, from their nearness of blood and other causes, might have the guardianship of the impubes; but then the protection of the property of the impubes was the special office of the tutor, and the care of the infant belonged to the mother, if she survived (*custodia matrum*).³ In a case mentioned by Livy,⁴ where the mother and the tutores could not agree about the marriage of the mother's daughter, the magistratus decided in favour of the mother's power (*secundum parentis arbitrium*).

A pupillus could do no act by which he diminished his property, but any act to which he was a party was valid, so far as concerned the pupillus, if it was for his advantage. Consequently, a pupillus could contract obligations which were for his advantage without his tutor.⁵ The tutor's office was "*negotia gerere et auctoritatem interponere*."⁶ The negotiorum gestio, in which the tutor acted alone, took place when the pupillus was an infans, or absent, or furiosus: it was his duty to preserve and improve the property, and to do all necessary acts for that purpose. When the pupillus was no longer infans, he could do various acts with the auctoritas of his tutor: the auctoritas was the consent of the tutor to the act of the pupillus, which was necessary in order to render it a legal act. Thus it was a rule of law that neither a woman nor a pupillus could alienate a *res mancipi* without the auctoritas of a tutor: a woman could alienate a *res nec mancipi* without such consent, but a pupillus could not.⁷ The incapacity of the pupillus is best shown by the following instance: if his debtor paid a debt to the pupillus, the money became the property of the pupillus, but the debtor was not released, because a pupillus could not release any duty that was due to himself without the auctoritas of his tutor, for he could alienate nothing without such auctoritas, and to release his debtor was equivalent to parting with a right. Still, if the money really became a

1. (ii., 12.)—2. (Compare Gaius, iii., 17, and i., 164.)—3. (Ulp., Frag., tit. 11.)—4. (Gaius, i., 165.)—5. (Compare Gaius, i., 166, with Ulp., Frag., tit. 11, s. 5.)—6. (Frag., tit. 11.)

1. (Gaius, i., 23.)—2. (123-247.)—3. (Hor., Ep., i., 1, 22.)—4. (iv., 9.)—5. (Gaius, iii., 107.)—6. (Ulp., Frag., tit. 11, s. 25.)—7. (Gaius, ii., 80.)

part of the property of the pupillus, or, as it was expressed according to the phraseology of the Roman law, *si ex ea pecunia locupletior factus sit*, and he afterward sued for it, the debtor might answer his demand by an *exceptio doli mali*.¹ The subject of the incapacity of impubes, and the consequent necessity of the auctoritas of a tutor, is farther explained in the articles IMPUBES and INFANS.

The tutela was terminated by the death or capitis diminutio maxima and media of the tutor. The case of a tutor being taken prisoner by the enemy has been stated.² A legitimus tutor became disqualified to be tutor legitimus if he sustained a capitis diminutio minima, which was the case if he allowed himself to be adopted;³ but this was not the case with a testamentary tutor. The tutela ceased by the death of the pupillus or pupilla, or by a capitis diminutio, as, for instance, the pupilla coming in manum viri. It also ceased when the pupillus or pupilla attained the age of puberty, which in the male sex was fourteen, and in the female was twelve. (*Vid. IMPUBES*.) The tutela ceased by the abdication of the testamentary tutor, that is, when he declared "*nolle se tutorem esse*." The tutor legitimus could not get rid of the tutela in this manner, but he could effect it by in jure cessio, a privilege which the testamentary tutor had not. The person to whom the tutela was thus transferred was called cessionis tutor. If the cessionis tutor died, or sustained a capitis diminutio, or transferred the tutela to another by the in jure cessio, the tutela reverted to the legitimus tutor. If the legitimus tutor died, or sustained a capitis diminutio, the cessionis became extinguished. Ulpian adds,⁴ "as to what concerns agnati, there is now no cessionis tutela, for it was only permitted to transfer by the in jure cessio the tutela of females, and the legitima tutela of females was done away with by a lex Claudia, except the tutela patronorum." The power of the legitimus tutor to transfer the tutela is explained when we consider what was his relation to the female. (*Vid. TESTAMENTUM*.)

The tutela of a tutor was terminated when he was removed from the tutela as *suspectus*, or when his excusatio was allowed to be *justa*; but in both of these cases a new tutor would be necessary.⁵

The tutor, as already observed, might be removed from his office if he was misconducting himself: this was effected by the *accusatio suspecti*, which is mentioned in the Twelve Tables.⁶

The Twelve Tables also gave the pupillus an action against the tutor in respect of any mismanagement of his property, and if he made out his case, he was entitled to double the amount of the injury done to his property. This appears to be the action which in the Pandect is called *rationibus distrahendis*, for the settlement of all accounts between the tutor and his pupillus. There was also the *judicium tutelæ*, which comprehended the *actio tutelæ directa* and *contraria*, and, like the *actio distrahendis rationibus*, could only be brought when the tutela was ended. The *actio tutelæ directa* was for a general account of the property managed by the tutor, and for its delivery to the pupillus, now become pubes. The tutor was answerable not only for loss through *dolus malus*, but for loss occasioned by want of proper care. This was an action *bonæ fidei*, and, consequently, in *incertum*.⁷ If the tutor was condemned in such a *judicium*, the consequence was *infamia*. (*Vid. INFAMIA*.) The tutor was entitled to all proper allowances in respect of what he had expended or done during his management of the property of the pupillus. The tutor had

the *actio tutelæ contraria* against the pupillus for all his proper costs and expenses; and he might have also a *calumniæ judicium*, in case he could show that the pupillus had brought an action against him from malicious motives.

In order to secure the proper management of the property of a pupillus or of a person who was in curatorem, the prætor required the tutor or curator to give security; but no security was required from testamentary tutores, because they had been selected by the testator; nor, generally, from *curatores* appointed by a consul, prætor, or præses, for they were appointed as being fit persons.⁸

The tutela of women who are *puberes* requires a separate consideration, in which it will not be possible to avoid some little repetition.

It was an old rule of Roman law that a woman could do nothing "*sine auctore*," that is, without a tutor to give to her acts a complete legal character.⁹ The reasons for this rule are given by Ciceron¹⁰ by Ulpian,¹¹ and by Gaius;¹² but Gaius considers the usual reasons as to the rule being founded on the inferiority of the sex as unsatisfactory, for women who are *puberes* (*perfectæ ætatis*) manage their own affairs, and, in some cases, a tutor must interpret his auctoritas (*dicis causa*), and frequently he is compelled to give his auctoritas by the prætor.¹³ Ulpian also observes:¹⁴ "in the case of pupilli and pupillæ, tutores both manage their affairs and give their auctoritas (*et negotia gerunt et auctoritates imponunt*); but the tutores of women (nuberes, that is, women who are *puberes*) only give their auctoritas." There were other cases, also, in which the capacity of a mulier was greater than that of a pupillus or pupilla. The object of this rule seems to have been the same as the restriction on the testamentary power of women, for her agnati, who were a woman's legitimi tutores, were interested in preventing the alienation of her property.

A mulier might have a tutor appointed by her father's testament, or by the testament of her husband, in whose hand she was. She might also receive from her husband's will the tutela agnati. Women who had no testamentary tutor were in the tutela of their agnati, until this rule of law was repealed by a lex Claudia, which Gaius illustrates as follows: "a masculus impubes has his *trahens* pubes or his patruus for his tutor; but women (*femina*) cannot have such a tutor." This old tutela of the Twelve Tables (*legitima tutela*) and that of manumissores (*patronorum tutela*) could be transferred by the in jure cessio, while that of pupilli could not, "being," as Gaius observes, "not *inchoatus*, for it terminated with the period of puberty." But, as already suggested, there were other reasons why the agnati could part with the tutela, which the case of patroni are obvious. The tutela patroni was not included within the lex Claudia. The tutela *fiduciaria* was apparently a device of lawyers for releasing a woman from the tutela legitima,¹⁵ though it seems to have been retained after the passing of the lex Claudia, as a general rule by which a woman changed her tutor.¹⁶ To effect this, the woman made a "*coemptio fiducia*" and she was then remancipated by the *coemptio* to some person of her own choice: this person manumitted her *vindicta*, and thus became her *fiduciarius*. Thus the woman passed from her familia to another, and her agnati lost all claim upon her property, and her tutor *fiduciarius* could be compelled by the prætor to give his auctoritas for her acts.¹⁷

A tutor dativus was given to women under

1. (Gaius, II, 84.—Cic., Top., II, 1.)—2. (Gaius, I, 167.)—3. (Id., I, 195.—Ulp., Frag., tit. 11, s. 13.)—4. (Frag., tit. 11, s. 8.)—5. (Gaius, I, 182.)—6. (Id., I, c.—Dirksen, Uebersicht, &c., der Zwölf Tafeln, 597—604.)—7. (Gaius, IV, 62.)

1. (Gaius, I, 199.)—2. (Liv., xxiv., 2.)—3. (Piv. Rom. II, 4.) (Frag., tit. 11, s. 13.)—4. (Gaius, I, 194.)—5. (Id., I, 195.)—6. (Frag., tit. 11, s. 25.)—7. (Id., I, 195.)—8. (Gaius, I, 195.)—9. (Gaius, I, 115.)—10. (Id., I, 199.)—11. (Id., I, 199.)—12. (Id., I, 199.)—13. (Id., I, 199.)—14. (Id., I, 199.)—15. (Id., I, 199.)—16. (Id., I, 199.)—17. (Id., I, 199.)

tutela when there was no tutor, and in other which have been already mentioned.¹ The virgins were exempt from all tutela; and ingenuæ and libertinæ were exempted from by the jus liberorum.² The tutela of fœminæ determined by the death of the tutor or that woman, and by her acquiring the jus liberæ either by bearing children or from the imperium. The abdicatio of the tutor and the in cessio (so long as the in jure cessio was in merely effected a change of tutor.

Mulieres differed from pupilli and pupillæ in having a capacity to manage their affairs, and only requiring in certain cases the auctoritas of a tutor. If the woman was in the legitima tutela of patroni or parentes, the tutores could not be compelled, except in certain very special cases, to give their auctoritas to acts which tended to deprive them of the woman's property, or to diminish it before it might come to their hands.³ Other tutores could be compelled to give their auctoritas. The special cases which the auctoritas of a tutor was required where the woman had to sue "lege," or in a legitimum, if she was going to bind herself by contract, if she was doing any civil act, or perhaps freedwoman to be in contubernium with the slave of another person, or alienating a res mancipi among civil acts (*civilia negotia*) was the case of a testament, the rules as to which are given in the article TESTAMENTUM. Libertæ could not make a will without the consent of their patroni, for the will was an act which deprived the woman of his rights⁴ as being a legitimus tutor. The auctoritas of Antoninus, by which the woman who claimed the bonorum possessio secundum tabulas non jure factas could maintain their rights against those who claimed it ab intestato. He mentions a rescript certainly applies to the wills of males, and also of fœminæ who had not performed the ceremony of mancipatio or nuncupatio; but he does not decide whether it applies to the testaments of women made without the auctoritas of a tutor; and by tutor he means not those who exercised the legitima tutela of parents or patroni, but tutors of the other kind (*alterius generis*), who could be compelled to give their auctoritas. It would be a fair conclusion, however, that a woman's will made without the auctoritas of such tutores ought to be valid under the rescript.

A payment made to a mulier was a release to the debtor, for a woman could part with *res nec mancipi* without the auctoritas of a tutor; if, however, she did not receive the money, but affected to release the debtor by *acceptilatio*, this was not a valid release to him.⁵ She could not manumit without the auctoritas of a tutor.⁷ Gaius⁸ states that no alienation of a *res mancipi* by a mulier in agnatorum tutela was valid unless it was delivered with the auctoritas of a tutor, which he expresses by saying that her *res mancipi* could not otherwise be the object of *usucapio*, and that this was a provision of the Twelve Tables.⁹ In other cases, if a *res mancipi* was transferred by tradition, the purchaser acquired the Quiritarian ownership by *usucapio* (*vid. USUCAPIO*); but in the case of a woman's *res mancipi*, the auctoritas of the tutor was required in order that *usucapio* might be effected. In another passage¹⁰ Gaius observes that a woman cannot alienate her *res mancipi* without the auctoritas of her tutor, which means that the formal act of *mancipatio* is null without his auctoritas;

and such act could not operate as a *traditio* for want of his auctoritas, as appears from the other passage. The passage of Cicero² is in accordance with Gaius; but another³ is expressed so vaguely, that, though the explanation is generally supposed to be clear, it seems exceedingly doubtful, if it can be rightly understood. The possibility of *usucapio*, when there was the auctoritas of the tutor, appears from Gaius; but it does not appear why Cicero should deny, generally, the possibility of *usucapio* of a woman's property when she was in *legitima tutela*. The passage, however, is perfectly intelligible on the supposition of there having been a transfer without the auctoritas of a tutor, and on the farther supposition of Cicero thinking it unnecessary to state the particular facts of a case which must have been known to Atticus.⁴

The auctoritas of a tutor was not required in the case of any obligatio by which the woman's condition was improved, but it was necessary in cases where the woman became bound.⁵ If the woman wished to promise a *dos*, the auctoritas of a tutor was necessary.⁶ By the *lex Julia*, if a woman was in the *legitima tutela* of a pupillus, she might apply to the *prætor urbanus* for a tutor who should give the necessary auctoritas in the case of a *dos constituenda*.⁷ As a woman could alienate *res nec mancipi* without the consent of a tutor, she could contract an obligatio by lending money, for by delivery the money became the property of the receiver. A *senatus consultum* allowed a woman to apply for a tutor in the absence of her tutor, unless the tutor was a *patronus*; if he was a *patronus*, the woman could only apply for a tutor in order to have his auctoritas for taking possession of an *hereditas* (*ad hereditatem adeundam*) or contracting a marriage.

The tutela of a woman was terminated by the death of the tutor or that of the woman; by a marriage, by which she came in *manum viri*; by the privilege of children (*jus liberorum*); by abdicatio, and also by the *in jure cessio*, so long as the agnatorum tutela was in use: but in these last two cases there was only a change of tutor.

A woman had no right of action against her tutor in respect of his tutela, for he had not the *negotiorum gestio*, but only interposed his auctoritas.⁸

(The most recent and the most complete work on the Roman tutela is said to be by Rudorff, the substance of which appears to be given by Rein, *Das Röm. Privatrecht*, p. 239, &c., Dig. 26 and 27).

TUTULUS was the name given to a pile of hair on a woman's head. Great pains were taken by the Roman ladies to have this part of the hair dressed in the prevailing fashion, whence we read in an inscription of an *ornatrix a tutulo*.⁹ Sometimes the hair was piled up to an enormous height.¹⁰ The tutulus seems to have resembled very much the Greek *κόρυμβος*, of which a representation is given in the woodcut on p. 314.

The flaminica always wore a tutulus, which was formed by having the hair plaited up with a purple band in a conical form.¹¹

TWELVE TABLES. In the year B.C. 462, the tribune C. Terentilius Arsa proposed a rogation that five men should be appointed for the purpose of preparing a set of laws to limit the imperium of the consuls.¹² The patricians opposed the measure, but it was brought forward by the tribunes in the following year with some modifications: the new

1. (Gaius, i., 173, &c.—Ulp., Frag., tit. 11.)—2. (Gaius, i., 145, 194.)—3. (Id., 192.)—4. (Id., iii., 43.)—5. (Compare ii., 122, and i., 194, 195.)—6. (Cic., Top., 11.—Gaius, ii., 83, 85; iii., 171.)—7. (Ulp., Frag., tit. 1, s. 17.—Compare Cic., Pro M. Cael., c. 29.)—8. (Id., 47.)—9. (Id., 47.)—10. (ii., 60.)

1. (ii., 47.)—2. (Pro Flacco, c. 34.)—3. (ad Att., i., 5.)—4. (Vid. Casaubon's note on Cic. ad Att., i., 5.)—5. (Gaius, i., 192; iii., 108.—Ulp., Frag., tit. 11, s. 27.—Cic., Pro Cæcina, 25.)—6. (Cic., Pro Flacco, 35.)—7. (Gaius, i., 178.—Ulp., Frag., tit. 11, s. 20.)—8. (Gaius, i., 191.)—9. (Gruter, 579, 3.)—10. (Lucian, ii., 358.—Juv., vi., 503.—Stat., Sylv., i., 2, 111.)—11. (Pausan., i., v.)—12. (Liv., iii., 9.)

10gation proposed that ten men should be appointed (*legum latores*) from the plebs and the patricii, who were to make laws for the advantage of both ranks, and for the "equalizing of liberty," a phrase the import of which can only be understood by reference to the disputes between the two ranks.¹ According to Dionysius,² in the year B.C. 454 the senate assented to a plebiscitum, pursuant to which commissioners were to be sent to Athens and the Greek cities generally, in order to make themselves acquainted with their laws. Three commissioners were appointed for the purpose. On the return of the commissioners, B.C. 452, it was agreed that persons should be appointed to draw up the code of laws (*decemviri legibus scribundis*), but they were to be chosen only from the patricians, with a provision that the rights of the plebeians should be respected by the decemviri in drawing up the laws.³ In the following year (B.C. 451) the decemviri were appointed in the comitia centuriata, and during the time of their office no other magistratus were chosen. The body consisted of ten patricians, including the three commissioners who had been sent abroad; Appius Claudius, consul designatus, was at the head of the body. The Ten took the administration of affairs in turn, and the insignia of office were only used by him who for the time being directed the administration.⁴ Ten tables of laws were prepared during the year, and after being approved by the senate, were confirmed by the comitia centuriata. As it was considered that some farther laws were wanted, decemviri were again elected B.C. 450, consisting of Appius Claudius and his friends; but the second body of decemviri comprised three plebeians, according to Dionysius,⁵ but Livy⁶ speaks only of patricians. Two more tables were added by these decemviri, which Cicero⁷ calls "*Dux tabule iniquarum legum.*" The provision which allowed no connubium between the patres and the plebs is referred to the eleventh table.⁸ The whole Twelve Tables were first published in the consulship of L. Valerius and M. Horatius, after the downfall of the decemviri, B.C. 449.⁹ This, the first attempt to make a code, remained also the only attempt for near one thousand years, until the legislation of Justinian. The Twelve Tables are mentioned by the Roman writers under a great variety of names: *Leges Decemvirales*, *Lex Decemviralis*, *Leges XII.*, *Lex XII. Tabularum* or *Duodecim*, and sometimes they are referred to under the names of *leges* and *lex* simply, as being pre-eminently The Law.

The laws were cut on bronze tablets and put up in a public place.¹⁰ Pomponius¹¹ states that the first Ten Tables were on ivory (*tabula eborea*): a note of Zimmern¹² contains references to various authorities which treat of this disputed matter. After the burning of the city by the Gauls, it was necessary to reconstruct the tables.¹³ It is not said that there had been two or more original copies, though, if the custom of placing laws in the *ærarium* was then in use, there may have been two copies at least. But whether there was only one copy, or whether that was found after the conflagration, the twelve were in some way restored, and the Romans of the age of Cicero had never any doubt as to the genuineness of the collection which then existed.

The legislation of the Twelve Tables has been a fruitful matter of speculation and inquiry to modern historians and jurists, who have often handled the

subject in the most uncritical manner, and without disregard to the evidence. As to the claims to the Greek cities, the fact rests on as much as good evidence as most other facts of the same age, and there is nothing in it improbable, though we do not know what the commissioners brought back with them. It is farther said that Hermocrates, an Ephesian exile, aided the decemviri in drawing up the Twelve Tables, though his assistance would probably be confined to the interpretation of Greek laws, as it has been suggested.¹ This tradition was confirmed by the fact of a statue having been erected in the comitium at Rome in honour of Hermodorus; but it did not exist in the time of Pliny.²

The Twelve Tables contained matters relating both to the *jus publicum* and the *jus privatum* (*res publicae privatique juris*).³ The *jus publicum* underwent great changes in the course of years, but the *jus privatum* of the Twelve Tables continued to be the fundamental law of the Roman state. Cicero speaks of learning the laws of the Twelve Tables (*ut carmen necessarium*) when a boy,⁴ but he adds that this practice had fallen into disuse when he wrote, the Edict having then become of more importance. But this does not mean that the fundamental principles of the Twelve Tables were ever formally repealed, but that the *jus prætorium* grew up by the side of them, and mitigated their rigour. There is, indeed, an instance in which legislative legislation interfered with them, by the abolition of the *legis actionis*; but the Twelve Tables themselves were never repealed. The Roman writers speak in high terms of the precision of the enactments contained in the Twelve Tables, and of the propriety of the language in which they were expressed.⁵ That many of their provisions should have become obscure in the course of time, owing to the change which language undergoes, is not surprising; nor can we wonder if the strictness of the old law should often have seemed unreasonably harsh in a later age.⁶ So far as we can form a judgment by the few fragments which remain, the enactments were expressed with great brevity and archaic simplicity.

Sextus Ælius Pactus Catus, in his *Tractatus* commented on the Twelve Tables, and the work existed in the time of Pomponius. (*Vid. Jus Ælianum*). Antistius Labeo also wrote a comment on the Tables, which is mentioned several times by Gellius.⁷ Gaius also wrote a comment on the Tables in six books (*ad legem xii. tabularum*), twenty fragments of which are contained in the Digest, and collected by Hommelius in his *Palingenesia*.⁸ There were also other commentaries or explanations of the laws of the Twelve Tables.⁹

The notion which has sometimes been entertained, that the Twelve Tables contained a body of rules of law entirely new, is not supported by any evidence, and is inconsistent with all that we know of them and of Roman institutions. It is more reasonable to suppose that they fixed in a written form a large body of customary law, which would be of obvious benefit to the plebeians, inasmuch as the patricians were the expounders of the law. One of the last two tables contained a provision which allowed no connubium between patricians and plebeians; but it is uncertain whether this was a new rule of law or a confirmation of an old one. The latter seems the more probable supposition, but in either case it is clear that it was not one of the

1. (Liv., ii., 10.—Dionys., x., 3.)—2. (x., 58, 62.)—3. (Liv., iii., 22, &c.)—4. (Liv., iii., 23.)—5. (x., 58.)—6. (iv., 3.)—7. (De Rep., ii., 37.)—8. (Dirksen, Uebers., &c., p. 740.)—9. (Liv., iii., 54, 57.)—10. (Liv., iii., 57.—Diod., xii., 56.)—11. (Dig. i., tit. 2, s. 2, § 4.)—12. (Gesch. des Röm. Privatrechts, i., 101.)—13. (Liv., vi., 1.)

1. (Strab., p. 642, Cassaub.—Pompon., De Orig. Jus. Dig. i., tit. 2, s. 2, § 4.)—2. (H. N., xxxv., 5.)—3. (Liv., ii., 40.)—4. (De Leg., ii., 4, 23.)—5. (Cic., De Rep., ii., 2.—Dionys., x., 3.—Gell., xvi., 10.)—6. (ib., xii., vii., 15.)—7. (ib., i., 10.)—8. (Cic., De Leg., ii., 23, 25.)

legislation to put the two classes on a footing. Modern writers often speak in favour of the decemviral legislation, and of the decemviri enacting laws, as if the decemviri had sovereign power; but they did not even legislate absolutely, for the Ten Tables were enacted by the comitia centuriata, or the people, or, as Niebuhr expresses it, "when the decemviri had satisfied every objection they considered reasonable, and their work was approved by the people, they brought it before the centuries, and it was ratified by the curies, under the sanction of the colleges of priests and the sancta mensura auspices."¹ The two new tables were enacted in the same way, as we may safely conclude from the circumstances of the case.² It is therefore evident that the sovereign people did not enact several laws included in the Tables: the act of legislation would have been impracticable, as Niebuhr observes, was not conformable to the usage of ancient commonwealths. How the decemviri really were able, by intrigue or force, to carry such particular measures as were inserted in the Tables, is a different question, but in form their so-called legislation was not a whole, by the sovereign, that is, the people, and consequently the decemviri are called legislators: they might be called

legislators consistent with the assumption that the decemviri had mainly for their object the improvement of the customary law in writing, to admit of modifications were also introduced from other states. Indeed, where the Roman law was perfect, the readiest mode of supplying deficiencies would be by adopting the rules of law not approved by experience among other states, as Gaius, in his Commentary on the Twelve Tables, where he is speaking of Collegia, says that the members of collegia may make what laws they please among themselves, if they thereto have no publica lex; and he adds, this lex is taken from one of Solon's, which he mentions in another passage, when he is speaking of the finium regundorum,⁴ he refers to it as the source of certain rules as to boundaries.

It is a possible case that the Romans had the ten law before the enactment of the Twelve Tables, except a few leges, and, if this is the case, the process of applying to those states which had written law, if it were only as samples of the form of legislation, is obvious. The provisions of the Twelve Tables have often been discussed, but the most complete essay on their origin and the critical labours of scholars and jurists is by Dirksen, *Uebersicht der bisherigen Verurtheilung und Herstellung des Textes der Fragmente*, Leipzig, 1824. Zimmermann's *Uebersicht*, etc., contains references to all the authorities on this subject.

TYMPANUM (τύμπανον), a small drum carried in the hands. Of these, some resembled in all respects the tambourine with bells. Others presented a shallow disk on the upper surface, and swelled out like a kettle-drum, a shape which is indicated by Pliny when he describes the tympanum as a class of pearls in the following terms: "Tympanum est facies, et ab ea rotunditas, et ab id tympania vocantur."¹⁵ Both represented in the cuts below. That the first is from a painting found at Pompeii,¹⁶ and here the

1. (Ovid, *Fast.*, iv., 342.—*Stat.*, *Theb.*, ii., 78.)—2. (*Phædr.*, iii., 20, 4.)—3. (*Suet.*, *Octav.*, 68.)—4. (*Phædr.*, i. c.)—5. (*Ovid*, *Met.*, iv., 30.)—6. (*Aristoph.*, *Lysist.*, i., 387.)—7. (*Catull.*, lxxv., 262.—*Claud.*, *De Cons. Stiliç.*, iii., 365.—*Lucret.*, ii., 618.—*Catull.*, lxxiii., 8.—*Virg.*, *Æn.*, ix., 619.—*Claud.*, *Eutrop.*, i., 278.—*Compare* *Lobeck*, *Aglaoph.*, p. 630, 632.)—8. (*Truc.*, ii., 7, 49.)—9. (*xli.*, 2.)—10. (*Virg.*, *Georg.*, iv., 444.)—11. (*Exc.* in *Asia Minor*, p. 72.)—12. (*Georg.*, iii., 536.)—13. (*Lucret.*, iv., 903.—*Vitruv.*, x., 4.)—14. (*Id.*, x., 15.)—15. (*Id.*, x., 9, 10.)—16. (*Plin.*, *H. N.*, xxxiii., 52.)—17. (*Vitruv.*, iii., 3; iv., 6.)—18. (*Schol.* ad *Aristoph.*, *Plut.*, 476.—*St. Paul*, *Ep.* to *Hebrews*, xii., 35.—*Pollux*, *Onom.*, viii., 70.)—19. (*Liv.*, ii., 2.—*Plut.*, *Publ.*, 11, 12)



convexity on the under side is distinctly seen. Tympana were covered with the hides of oxen¹ or of asses,² were beaten³ with a stick⁴ or with the hand⁵ (see cuts), and were much employed in all wild, enthusiastic religious rites,⁶ especially the orgies of Bacchus and of Cybele,⁷ and hence Plautus⁸ characterizes an effeminate coxcomb as "*Machum malacum, cincinnatum, umbraticolam, tympanotribum.*" According to Justin,⁹ they were used by the Parthians in war to give the signal for the onset.

2. A solid wheel without spokes for heavy wagons,¹⁰ such as is shown in the cut on page 781. These are to this day common in the rude carts of southern Italy and Greece, and Mr. Fellows,¹¹ from whose work the figure below is copied, found them attached to the farm vehicles of Mysia. "The wheels are of solid blocks of wood or thick planks, generally three, held together by an iron hoop or tire; a loud creaking noise is made by the friction of the galled axle," a satisfactory commentary on the "*stridentia plaustra*" of Virgil.¹²



3. Hence wheels of various kinds, a sort of crane worked by a wheel for raising weights,¹³ a wheel for drawing water,¹⁴ a solidtoothed wheel forming part of the machinery of a mill,¹⁵ and the like.

4. An ancient name for round plates or chargers, such as were afterward called *lances* and *statera*.¹⁶

5. An architectural term, signifying the flat surface or space within a pediment, and also the square panel of a door.¹⁷

6. A wooden cudgel for beating malefactors, and also a beating-post to which they were tied when flogged; hence the Greek verbs *τυμπανίζειν* and *ἀποτυμπανίζειν* are formed.¹⁸

U. V.

VACANTIA BONA. (*Vid.* BONA VACANTIA.)

VACATIO. (*Vid.* ARMY, ROMAN, p. 102; EMERITUS.)

VACCINIUM, most probably the *Delphinium Ajacis*, or Larkspur. (*Vid.* HYACINTHUS.)

VADIMONIUM, VAS. (*Vid.* ACTIO, p. 18; PRAES.)

VAGINA. (*Vid.* GLADIUS.)

VALERIE LEGES, proposed by the consul P. Valerius Publicola, B.C. 508, enacted, 1. That who ever attempted to obtain possession of royal power should be devoted to the gods, together with his substance;¹⁹ and, 2. That whoever was condemned by the sentence of a magistrate to be put to death,

1. (*Ovid*, *Fast.*, iv., 342.—*Stat.*, *Theb.*, ii., 78.)—2. (*Phædr.*, iii., 20, 4.)—3. (*Suet.*, *Octav.*, 68.)—4. (*Phædr.*, i. c.)—5. (*Ovid*, *Met.*, iv., 30.)—6. (*Aristoph.*, *Lysist.*, i., 387.)—7. (*Catull.*, lxxv., 262.—*Claud.*, *De Cons. Stiliç.*, iii., 365.—*Lucret.*, ii., 618.—*Catull.*, lxxiii., 8.—*Virg.*, *Æn.*, ix., 619.—*Claud.*, *Eutrop.*, i., 278.—*Compare* *Lobeck*, *Aglaoph.*, p. 630, 632.)—8. (*Truc.*, ii., 7, 49.)—9. (*xli.*, 2.)—10. (*Virg.*, *Georg.*, iv., 444.)—11. (*Exc.* in *Asia Minor*, p. 72.)—12. (*Georg.*, iii., 536.)—13. (*Lucret.*, iv., 903.—*Vitruv.*, x., 4.)—14. (*Id.*, x., 15.)—15. (*Id.*, x., 9, 10.)—16. (*Plin.*, *H. N.*, xxxiii., 52.)—17. (*Vitruv.*, iii., 3; iv., 6.)—18. (*Schol.* ad *Aristoph.*, *Plut.*, 476.—*St. Paul*, *Ep.* to *Hebrews*, xii., 35.—*Pollux*, *Onom.*, viii., 70.)—19. (*Liv.*, ii., 2.—*Plut.*, *Publ.*, 11, 12)

VALLUM.

to be scourged, or to be fined, should possess the right of appeal (*provocatio*) to the people.¹ Niebuhr² has pointed out that the patricians possessed previously the right of appeal from the sentence of a magistrate to their own council the *curies*, and that, therefore, this law of Valerius only related to the plebeians, to whom it gave the right of appeal to the plebeian tribes, and not to the centuries. This seems to be proved by a passage of Dionysius,³ and also by the fact that the laws proposed by the Valerian family respecting the right of appeal are spoken of as one of the chief safeguards of the liberty of the plebs.⁴ The right of appeal did not extend beyond a mile from the city,⁵ where the unlimited imperium began, to which the patricians were just as much subject as the plebeians.

VALE'RIÆ ET HORATILÆ LEGES were three laws proposed by the consuls L. Valerius and M. Horatius, B.C. 449, in the year after the decemvirate. 1. The first law is said to have made a plebiscitum binding on the whole people, respecting the meaning of which expression see PLEBISCITUM. 2. The second law enacted that whoever should procure the election of a magistrate without appeal should be outlawed, and might be killed by any one with impunity.⁶ 3. The third law renewed the penalty threatened against any one who should harm the tribunes and the *ædiles*, to whom were now added the judges and decemvirs (*"Ut qui tribunis plebis, ædilibus, iudicibus, decemviris nocuisset, ejus caput Jovi sacrum esset, familia ad eadem Cereis liberi liberaque venum iret"*). There has been considerable dispute as to who are meant by the "judices" and "decemviri" in this passage. Arnold⁷ supposes that they refer to two new offices, which were to be shared equally between the two orders, the "judices" being two supreme magistrates, invested with the highest judicial power, and discharging also those duties afterward performed by the censors, and the "decemviri" being ten tribunes of the soldiers, to whom the military power of the consuls was transferred. Niebuhr⁸ supposes the centumviri to be meant by the *judices*, and that the decemviri were the supreme magistrates, who were again to take the place of the consuls, as soon as it should be settled what share the commonalty ought to have in the curule dignities; only he imagines that it was the plebeian decemvirs alone that are meant in this passage.

VALE'RIA LEX, proposed by the consul M. Valerius, B.C. 300, re-enacted for the third time the celebrated law of his family respecting appeal (*provocatio*) from the decision of a magistrate. The law specified no fixed penalty for its violation, leaving the judges to determine what the punishment should be.¹⁰ We do not know why this law was re-enacted at this particular time.

VALLUM, a term applied either to the whole or a portion of the fortifications of a Roman camp. It is derived from *vallus* (a stake), and properly means the palisade which ran along the outer edge of the agger, but it very frequently includes the agger also. The *vallum*, in the latter sense, together with the *fossa* or ditch which surrounded the camp outside of the *vallum*, formed a complete fortification. (*Vid. AGGER.*)

The *valli* (*χάρακες*), of which the *vallum*, in the former and more limited sense, was composed, are described by Polybius¹¹ and Livy,¹² who make a comparison between the *vallum* of the Greeks and that of the Romans, very much to the advantage of the

latter. Both larger trees, the *valli* of the more branch had either trees, and the Greeks place ble intervals, up by the branches together, and sharpened the vallus could branches and removed a line. The Roman convenient to it down, and opening. The Romans soldier carried march.¹ The oak was preferred. The word is to *vallum*.²

A fortification by the Greek Varro's et much.⁴

In the operation be taken establish a bl fences similar which was the circumvallation between formed a defence. There was an inner against that might at the army was works.

This kind called *ἀσπερι* by the Peloponnesians. Their lines (turf) at the city in the were the hutlements (*ἑπί*) was a tower space between for the besieger. On the outside. This describes the Roman of the best that of Numa Cæsar.⁵ Those used in high, and, of

VALLUS.

VALVÆ.

VANNUS

a broad basket (*scus*, and was then It thus performs the office shovel. (*Vid. simple implement*

1. (Dionys., v., 19, 70.—Cic., De Republ., ii., 31.—Liv., ii., 8.)
2. (i., p. 531.)—3. (ix., 39.)—4. (Liv., iii., 55, 56.)—5. (Id., iii., 20.)—6. (Id., iii., 55; iv., 13.—Cic., De Rep., ii., 31.)—7. (Liv., iii., 55.)—8. (i., p. 317, &c.)—9. (ii., p. 368.)—10. (Liv., i., 9.)—11. (xvii., l., 1.)—12. (xxiii., 5.)

f Bacchus, as well as those of
ontinual reference to the occupa-
the vannus was borne in the pro-
in honour of both these divinities.
was one of the epithets of Bac-
BACCHIA in the British Museum (see
cut) the infant Bacchus is carried
o dancing bacchantes clothed in
(), the one male and carrying a
er female and carrying a torch.
r divinities were sometimes con-



en cradled in the same manner.³
also used in the processions to
ents of sacrifice and the first-fruits
those who bore them being called

(Vid. MAJESTAS.)

RÆS.)

X. (Vid. LEX, p. 586.)

goat's-hair or felt.⁴ Hesiod⁵ ad-
a to wear brogues (*perones*, *kap-*
ox-hide, with socks of the above
them. Socks of a finer felt were
by the Athenians.⁶

is the general term for all the
of the Roman state.⁷ The word
veho, and is generally believed to
gnified the duties paid upon things
ported (*quæ vehantur*). If this
uld necessarily imply that these
r the most ancient or the most im-
the Roman revenues, and that, for
asons, the name was subsequently
all the regular revenues in gen-
er point is borne out by the history
seems more probable that vectigal
which is brought (*vehitur*) into the
like the Greek *φόρος*. The earliest
f the state was, in all probability,
the use of the public land and pas-
enue was called *pascua*, a name
as late as the time of Pliny,⁸ in the
rs of the censors, for all the reve-
in general.

s the supreme authority in all mat-
as, as the state itself did not occupy
ing the taxes, duties, and tributes,
e intrusted with the actual busi-
ness, who in this respect may not
ared to modern ministers of finance,
arious branches of the revenue to
a fixed sum and for a certain num-
id. CENSOR, PUBLICANI.)

branches of the public revenues

of Rome are treated of in separate articles, it is
only necessary to give a list of them here, and to
explain those which have not been treated of sep-
arately.

1. The tithes paid to the state by those who oc-
cupied the *ager publicus*. (Vid. DECUMÆ, AGRARIÆ
LEGES.)

2. The sums paid by those who kept their cattle
on the public pastures. (Vid. SCRIPTURA.)

3. The harbour duties raised upon imported and
exported commodities. (Vid. PORTORIUM.)

4. The revenue derived from the salt-works (*salinæ*).
Ancus Marcius is said to have first established
salt-works at Ostia;¹ and as they were public prop-
erty, they were probably let out to farm. The pub-
licani appear, however, at times to have sold this
most necessary of all commodities at a very high
price, whence, during the war with Porsenna, the
Republic itself undertook the direct management
of the *salinæ* of Ostia, in order that the people might
obtain salt at a more moderate price.² Subsequent-
ly the *salinæ* were again farmed by the publicani,
but the censors M. Livius and C. Claudius fixed the
price at which those who took the lease of them
were obliged to sell the salt to the people. At
Rome the *modius* was, according to this regulation,
sold for a sextans, while in other parts of Italy the
price was higher and varied.³ The salt-works in
Italy and in the provinces were very numerous; in
conquered countries, however, they were sometimes
left in the possession of their former owners (per-
sons or towns), who had to pay to Rome only a
fixed rent. Others, again, were worked, and the
produce sold in the name of the state, or were, like
those of Ostia, farmed by the publicani.⁴

5. The revenues derived from the mines (*metalla*).
This branch of the public revenue cannot have been
very productive until the Romans had become mas-
ters of foreign countries. Until that time the mines
of Italy appear to have been worked, but this was
forbidden by the senate after the conquest of foreign
lands.⁵ The mines of conquered countries were
treated like the *salinæ*, that is, they were partly
left to individuals or towns, on condition of a cer-
tain rent being paid,⁶ or they were worked for the
direct account of the state, or were farmed by the
publicani. In the last case, however, it appears al-
ways to have been fixed by the *lex censoria* how
many labourers or slaves the publicani should be
allowed to employ in a particular mine, as other-
wise they would have been able to derive the most
enormous profits.⁷ Among the most productive
mines belonging to the Republic, we may mention
the rich gold-mines near Aquileia,⁸ the gold-mines
of Ietimuli, near Vercelli, in which 25,000 men were
constantly employed,⁹ and, lastly, the silver-mines
in Spain, in the neighbourhood of Carthago Nova,
which yielded every day 25,000 drachmas to the
Roman *erarium*.¹⁰ Macedonia, Thrace, Illyricum,
Africa, Sardinia, and other places, also contained
very productive mines, from which Rome derived
considerable income.

6. The hundredth part of the value of all things
which were sold (*centesima rerum venalium*). This
tax was not instituted at Rome until the time of the
civil wars; the persons who collected it were called
coactores.¹¹ Tiberius reduced this tax to a two
hundredth (*ducentesima*), and Caligula abolished it
for Italy altogether, whence upon several coins of
this emperor we read R. C. C., that is, *Remissa*

1. (Liv., i., 33. — Plin., H. N., xxxi., 41.) — 2. (Gronovius ad
Liv., ii., 9.) — 3. (Liv., xxix., 37.) — 4. (Burmman, Vectig. Pop.
Rom., p. 90, &c.) — 5. (Plin., H. N., xxxiii., 4; xxxvii., 13.) — 6.
(Id. ib., xxxiv., 1.) — 7. (Id. ib., xxxiii., 4.) — 8. (Polyb., xxxiv.,
10.) — 9. (Plin., H. N., xxxiii., 4 — Strab., v., p. 151.) — 10. (Polyb.,
xxxiv., 9. — Compare Liv., xxxiv., 21.) — 11. (Cic., Ep. ad Brut.,
i., 18; Pro Rab. Post., 11.)

Ducetesima.¹ According to Dion Cassius,² Tiberius restored the centesima, which was afterward abolished by Caligula.³ Respecting the tax raised upon the sale of slaves, see *QUINQUAGESIMA*.

7. The *vicesima hereditarium et manumissionum*. (*Vid. VICESIMA*.)

8. The tribute imposed upon foreign countries was by far the most important branch of the public revenue during the time of Rome's greatness. It was sometimes raised at once, sometimes paid by instalments, and sometimes changed into a poll-tax, which was in many cases regulated according to the census.⁴ In regard to Cilicia and Syria, we know that this tax amounted to one per cent. of a person's census, to which a tax upon houses and slaves was added.⁵ In some cases the tribute was not paid according to the census, but consisted in a land-tax.⁶

9. A tax upon bachelors. (*Vid. UXORIUM*.)

10. A door-tax. (*Vid. OSTIARIUM*.)

11. The *octava*. In the time of Caesar, all liberti living in Italy, and possessing property of 200 sestertertia and above it, had to pay a tax consisting of the eighth part of their property.⁷

It would be interesting to ascertain the amount of income which Rome at various periods derived from these and other sources, but our want of information renders it impossible. We have only the general statement that, previously to the time of Pompey, the annual revenue amounted to fifty millions of drachmas, and that it was increased by him to eighty-five millions.⁸ Respecting the sums contained at different times in the *ærarium* at Rome, see Pliny.⁹

VEHES (*ὄχημα*), a load of hay, manure, or anything which was usually conveyed in a cart. (*Vid. PLAUSTRUM*.) Pliny speaks of "a large load of hay" (*vehem feni large onustam*¹⁰), which shows that this term did not always denote a fixed quantity. With the Romans, however, as with us, the *load* was likewise used as a measure, a load of manure being equal to eighty modii, which was about twenty bushels.¹¹ The trunk of a tree, when squared, was also reckoned a load, the length varying according to the kind of timber, viz., 20 feet of oak, 25 of fir, &c.¹² A load was also called *CARPENTUM*.

VELARIUM. (*Vid. VELUM*.)

VELATI was a name given to the *Accensi* in the Roman army, who were only supernumerary soldiers ready to supply any vacancies in the legion. (*Vid. ACCENSI*.) They were called *Velati*, because they were only clothed (*velati*) with the *saga*, and were not regularly armed.¹³

VELITES. (*Vid. ARMY, ROMAN*, p. 104.)

VELLEIANUM SENATUS CONSULTUM. (*Vid. INTERCESSIO*, p. 542.)

VELUM (*ἀυλαία*,¹⁴ *παραπέτασμα*,¹⁵ *καταπέτασμα*¹⁶), a curtain, (*ιστίον*) a sail. In private houses curtains were either hung as coverings over doors,¹⁷ or they served in the interior of the house as substitutes for doors.¹⁸ (*Vid. HOUSE*, p. 515; *JANUA*, p. 526.) In the palace of the Roman emperor, a slave, called *velarius*, was stationed at each of the principal doors to raise the curtain when any one passed

through.¹ Window-curtains were used to window-shutters.² Curtains some partitions in the rooms,³ and, when they were kept in place by the use of *lari* (*Vid. FIBULA*, p. 439.) Iron curtain-rods found extending from pillar to pillar in *Herculaneum*.⁴

In temples curtains served more especially the statue of the divinity. They were occasionally, so as to discover the object to the devout.⁵ (*Vid. ΠΑΡΟΡΘΟΥΣ*.) presented to the Temple of Jupiter at woolen curtain of Assyrian manufacture, the Tyrian purple, and interwoven with gold. When the statue was displayed, this was drawn up on the ground, and it was afterward drawn down by means of cords; whereas, in the Temple of *Ephesus*, the corresponding curtain was attached to the ceiling, and was let down to conceal the statue.⁶ The annexed wood



in supplication and sacrifice before the statue of the goddess. The altar is adorned for the occasion. (*Vid. SÆCRUM*), and the curtain is drawn up and supported by a *terminus*.⁷

In the theatres there were hanging curtains to decorate the scene.⁸ The *velarium* was stretched over the whole of the cavea of the spectators from the sun and rain-awnings were in general either woollen or cotton was used for this purpose a little time of Julius Cæsar, and was continued by him.¹⁰ This vast extent of canvass was supported by masts (*malv*¹¹) fixed into the outer wall of the annexed woodcut shows the form and



the great rings, cut out of lava, which were placed near the top, and which are placed

1. (Tacit., *Ann.*, i., 78; ii., 42.—Suet., *Calig.*, 16.)—2. (*Dviii.*, 16; *lix.*, 9.)—3. (*Comp. Dig.*, 50, tit. 16, s. 17, § 1.)—4. (*Cic.*, *c. Verr.*, i., 53, 55, &c.—*Paus.*, vii., 16.)—5. (*Cic.*, *ad Fam.*, iii., 8; *ad Att.*, v., 16.—*Appian.*, *De Reb. Syr.*, 60.)—6. (*Appian.*, *De Bell. Civ.*, v., 4.—*Compare* *Walter.*, *Gesch. des Röm. Rechts*, p. 224, &c.)—7. (*Dion Cass.*, i., 10.)—8. (*Plut.*, *Pomp.*, 45.)—9. (*H. N.*, xxxiii., 17.—*Börnmann.*, *De Vestig. Pop. Rom.*—*Hegewisch.*, *Versuch über die Röm. Finanz.*—*Bosso.*, *Grundzüge des Finanzw. Röm. Staat.*)—10. (*Plin.*, *H. N.*, xxxvi., 15, s. 24.)—11. (*Col.*, *De Re Rust.*, ii., 15, 16; xi., 2.)—12. (*Col.*, l. c.)—13. (*Festus.*, *v. Velati.*, *Adscripticii*.)—14. (*Theophr.*, *Char.*, 5.—*Athen.*, v., p. 196, c.—*Pollux.*, *Onom.*, iv., 122.)—15. (*Plato.*, *Polit.*, p. 294, ed. Bekker.—*Synes.*, *Epist.*, 4.)—16. (*St. Matth.*, xvii., 51.)—17. (*Suet.*, *Claud.*, 10.)—18. (*Sen.*, *Epist.*, 81.)

1. (*Inscr. ap. Pignor.*, *De Servis*, p. 470.)—2. —3. (*Plin.*, *Epist.*, iv., 19.)—4. (*Gell.*, *Pomp.*, l., 1832.)—5. (*Apul.*, *Met.*, xi., p. 127, ed. A. d. l.)—6. § 2.)—7. (*Guattani.*, *Mon. Ined.*, per 1786, *Nov.*, *Virg.*, *Georg.*, iii., 25—*Propert.*, iv., 1, 15.)—8. —9. —*Suet.*, *Calig.*, 26.)—10. (*Plin.*, *H. N.*, xiv., 1, s. 6, xliii., 24—*Lucret.*, vi., 108.)—11. (*Lucret.*, l. c.)

ees, and one of them above another, so that the mast was fixed into two rings. Each ring is a piece with the stone behind it. At Rome we have a similar contrivance in the Coliseum; but the masts were in that instance ranged on the outside of the wall, and rested on 240 consoles, from which they rose so as to pass through holes cut in the cornice. The holes for the masts are also seen in Roman theatres at Orange and other places. *Velum*, and much more commonly its derivative *vela*, denoted the veil worn by women.¹ That worn by a bride was specifically called *flammeum* (MARRIAGE, p. 625): another special term was

Greek women, when they went abroad, covered their heads with the shawl (*vid. PÉplos*), thus making it serve the purpose of a veil. They also used a proper headdress, called *καλάνη*, which, besides serving to veil their countenances whenever they desired it, was graceful and ornamental, and was therefore attributed to Venus² and *Phrygia*.³ The veil of Ilione, the eldest daughter of Priam, was one of the seven objects preserved as pledges of the permanency of its power.⁴

Velum also meant a sail (*λεπίον* (*vid. ΣΗΨIS*, p. 270⁶)). Sailcloth was commonly linen, and obtained in great quantities from Egypt; but it was also woven at other places, such as Tarquinii in Etruria. But cotton sailcloth (*carbasa*) was also used; it is still in the Mediterranean. The septima (*lintea*) were taken as they came from Egypt, and were sewed together. This is shown in ancient paintings of ships, in which the seams are distinct and regular.

VELABULUM, a hunting-spear. This may have been distinguished from the spears used in warfare by being barbed; at least it is often so formed in the works of art representing the story of Meleager and other hunting-scenes. It was seldom, if ever, used upright, but held so as to slant downward, and was used for the attacks of the wild boars and other animals in the chase.⁷

VELICARIAE. (*vid. SERVUS, ROMAN*, p. 886.)

VENATIO, hunting, was the name given among the Romans to an exhibition of wild beasts, which was distinguished from a hunt by being given with one another and with men. These exhibitions originally formed part of the games of the

Julius Cæsar first built a wooden amphitheatre for the exhibition of wild beasts, which is mentioned by Dion Cassius¹⁰ *θεάτρον κεννηγετικόν*, and the name *ναυα* is given to the amphitheatre built by Atilius Taurus,¹¹ and also to the celebrated one at Capua,¹² but, ever after the erection of the latter, the term *venationes* in the circus.¹³ Persons who fought with the beasts were either armed with spears or captives, or individuals who were trained for the purpose of the chase for the sake of pay, and were trained for the purpose. (*vid. BESTIARI*.)

The Romans were as passionately fond of this amusement as of the exhibitions of gladiators, during the latter days of the Republic and under the Empire an immense variety of animals was procured from all parts of the Roman world for the amusement of the people, and many thousands were annually slain at one time. We do not know on what occasion a *venatio* was first exhibited at Rome, but the first mention we find of anything of the kind is in the year B.C. 251, when L. Metellus introduced in the circus 142 elephants, which he had brought from Sicily after his victory over the Car-

thaginians, and which were killed in the circus according to Verrius, though other writers do not speak of their slaughter.¹ But this can scarcely be regarded as an instance of a *venatio*, as it was understood in later times, since the elephants are said to have been only killed because the Romans did not know what to do with them, and not for the amusement of the people. There was, however, a *venatio* in the latter sense of the word in B.C. 186, in the games celebrated by M. Fulvius in fulfilment of the vow which he had made in the Ætolian war; in these games lions and panthers were exhibited.² It is mentioned as a proof of the growing magnificence of the age, that in the ludi circenses exhibited by the curule ædiles P. Cornelius Scipio Nasica and P. Lentulus, B.C. 168, there were 63 African panthers, and 40 bears and elephants.³ From about this time combats with wild beasts probably formed a regular part of the ludi circenses, and many of the curule ædiles made great efforts to obtain rare and curious animals, and put in requisition the services of their friends.⁴ Elephants are said to have first fought in the circus in the curule ædileship of Claudius Pulcher, B.C. 99, and, twenty years afterwards, in the curule ædileship of the two Luculli, they fought against bulls.⁵ A hundred lions were exhibited by Sulla in his prætorship, which were destroyed by javelin-men sent by King Bocchus for the purpose. This was the first time that lions were allowed to be loose in the circus; they were previously always tied up.⁶ The games, however, in the curule ædileship of Scæurus, B.C. 58, surpassed anything the Romans had ever seen; among other novelties, he first exhibited an hippopotamus and five crocodiles in a temporary canal or trench (*curiopus*).⁷ At the *venatio* given by Pompey in his second consulship, B.C. 55, upon the dedication of the Temple of Venus Victrix, and at which Cicero was present,⁸ there was an immense number of animals slaughtered, among which we find mention of 600 lions, and 18 or 20 elephants: the latter fought with Gætulians, who hurled darts against them, and they attempted to break through the railings (*clathri*) by which they were separated from the spectators.⁹ To guard against this danger, Julius Cæsar surrounded the arena of the amphitheatre with trenches (*curipi*).

In the games exhibited by J. Cæsar in his third consulship, B.C. 45, the *venatio* lasted for five days, and was conducted with extraordinary splendour. Camelopards or giraffes were then for the first time seen in Italy.¹⁰ Julius Cæsar also introduced bull-fights, in which Thessalian horsemen pursued the bulls round the circus, and, when the latter were tired out, seized them by the horns and killed them. This seems to have been a favourite spectacle; it was repeated by Claudius and Nero.¹¹ In the games celebrated by Augustus, B.C. 29, the hippopotamus and the rhinoceros were first exhibited, according to Dion Cassius;¹² but the hippopotamus is spoken of by Pliny, as mentioned above, in the games given by Scæurus. Augustus also exhibited a snake 50 cubits in length,¹³ and thirty-six crocodiles, which are seldom mentioned in the spectacles of later times.¹⁴

The occasions on which *venationes* were exhibited have been incidentally mentioned above. They seem to have been first confined to the ludi circen-

1. (Plin., H. N., viii., 6.)—2. (Liv., xxxix., 22.)—3. (Liv., xlv., 18.)—4. (Compare Cælius's letter to Cicero, ad Fam., viii., 9.)—5. (Plin., H. N., viii., 7.)—6. (Senec., De Brev. Vit., 13.)—7. (Plin., H. N., viii., 40.)—8. (Cic. ad Fam., vii., 1.)—9. (Senec., l. c.—Plin., H. N., viii., 7, 20.)—10. (Dion Cass., xliii., 23.)—11. (Suet., Jul., 39.—Plin., H. N., viii., 7.—Appian, B. C., ii., 102.—Vell. Patere., ii., 56.)—12. (Plin., H. N., viii., 70.—Suet., Claud., 21.—Dion Cass., lxi., 9.)—13. (Ibid., 22.—Suet., Octav., 43.)—14. (Dion Cass., lv., 10.)

ses, but during the later times of the Republic and under the Empire they were frequently exhibited on the celebration of triumphs, and on many other occasions, with the view of pleasing the people. The passion for these shows continued to increase under the Empire, and the number of beasts sometimes slaughtered seems almost incredible. At the consecration of the great amphitheatre of Titus, 5000 wild beasts and 4000 tame animals were killed,¹ and in the games celebrated by Trajan, after his victories over the Dacians, there are said to have been as many as 11,000 animals slaughtered.² Under the emperors we read of a particular kind of venatio, in which the beasts were not killed by bestiarii, but were given up to the people, who were allowed to rush into the area of the circus and carry away what they pleased. On such occasions a number of large trees, which had been torn up by the roots, was planted in the circus, which thus resembled a forest, and none of the more savage animals were admitted into it. A venatio of this kind was exhibited by the elder Gordian in his ædileship, and a painting of the forest, with the animals in it, is described by Julius Capitolinus.³ One of the most extraordinary venationes of this kind was that given by Probus, in which there were 1000 ostriches, 1000 stags, 1000 boars, 1000 deer, and numbers of wild goats, wild sheep, and other animals of the same kind.⁴ The more savage animals were slain by the bestiarii in the amphitheatre, and not in the circus. Thus, in the day succeeding the venatio of Probus just mentioned, there were slain in the amphitheatre 100 lions and the same number of lionesses,

100 Libyan and 100 Syrian leopards, and 300 It is unnecessary to multiply examples, as they are sufficient to give an idea of the number and variety of animals at these spectacles; but of beasts which were collected by the young Gordian for his triumph, and were exhibited by his successor Philip at the secular games, deserving mention on account of their variety and the number of some of them. Among these we find more than 32 elephants, 10 elks, 10 tigers (which seem to have been very seldom exhibited), 60 tame lions, 20 leopards, 10 hyenas, an hippopotamus and crocodile, 10 archoleontes (it is unknown what they were), 10 camelopards, 20 onagri (wild asses, or zebras), 40 wild horses, and an immense number of similar animals.⁵

How long these spectacles continued is uncertain, but they were exhibited after the abolition of the shows of gladiators. There is a law of Hadrian and Theodosius, providing for the safe custody of beasts intended for the spectacles, and inflicting a penalty of five pounds of gold upon any who injured them.⁶ They were exhibited at this time at the prætorian games, as we learn from Suetonius.⁷ Wild beasts continued to be exhibited at the games at Constantinople as late as the reign of Justinian.⁸

In the bas-reliefs on the tomb of Scaurus, there are representations of combats of wild beasts, which are copied in the following woodcut from Mazois.⁹ On the same tomb gladiatorial combats are represented, which are figured in another woodcut of this work.



The first represents a man naked and unarmed between a lion and a panther. Persons in this defenceless state had, of course, only their agility to trust to in order to escape from the beasts. In the second cut we see a similar person, against whom

a wild boar is rushing, and who appears to be preparing for a spring to escape from the animal. In the same relief there is a wolf running at a stag, and also a stag with a rope tied to his horns, which has been pulled down by two wolves or dogs.



third relief is supposed by Mazois to represent the

training of a bestiarius. The latter has



each hand; his left leg is protected by greaves, and he is in the act of attacking a panther, whose movements are hampered by a rope, which fastens him to the bull behind him, and which accordingly places the bestiarius in a less dangerous position, though more caution and activity are required than if the beast were fixed to a certain point. Behind the bull another man stands with a spear, who seems to be urging on the animal. The fourth woodcut represents a man equipped in the same way as the matador in the Spanish bullfights in the present day, namely, with a sword in one hand and a veil in the

other. The veil was first employed in the time of the Emperor Claudius.¹⁰



VENEVICIUM, the crime of poisoning, frequently mentioned in Roman history.

1. (Suet., Tit., 7.—Dion Cass., lvi., 25.)—2. (Id., lxxviii., 15.)—3. (Gordian, 3.)—4. (Vopisc., Proba, 19.)

1. (Vopisc., 1 c.)—2. (Id., Gord., 33.)—3. (Cæd. 4. (Epist., ix., 70, 71, 126, &c.)—5. (Procop., II.—6. (Pomp., i., pl. 32, 33.)—7. (Pline., M. N., vi.

was most addicted to it; but it seems not improbable that this charge was frequently brought against females without sufficient evidence of their guilt, like that of witchcraft in Europe in the Middle Ages. We find females condemned to death for this crime in seasons of pestilence, when the popular mind is always in an excited state, and ready to attribute the calamities under which they suffer to the arts of evil-disposed persons. Thus the Athenians, when the pestilence raged in their city during the Peloponnesian war, supposed the wells to have been poisoned by the Peloponnesians;¹ and similar instances occur in the history of almost all states. till, however, the crime of poisoning seems to have been much more frequent in ancient than in modern times; and this circumstance would lead persons to suspect it in cases when there was no real ground for the suspicion. Respecting the crime of poisoning at Athens, see ΦΑΡΜΑΚΩΝ ΓΡΑΦΗ.

The first instance of its occurrence at Rome in any public way was in the consulship of M. Claudius Marcellus and C. Valerius, B.C. 331, when the city was visited by a pestilence. After many of the leading men of the state had died by the same kind of disease, a slave-girl gave information to the curule aediles that it was owing to poisons prepared by the Roman matrons. Following her information, they surprised about twenty matrons, among whom were Cornelia and Sergia, both belonging to patrician families, in the act of preparing certain drugs for a fire; and being compelled by the magistrates to drink these in the Forum, since they asserted that they were not poisonous, they perished by their own wickedness. Upon this farther informations were laid, and as many as a hundred and seventy matrons were condemned.² We next read of poisoning being carried on upon an extensive scale as one of the consequences of the introduction of the worship of Bacchus.³ (Vid. DIONYSIA, p. 365.) In B.C. 184, the prætor Q. Nævius Matho was commanded by the senate to investigate such cases (*de veneficiis quærere*): he spent four months in the investigation, which was principally carried on in the municipia and conciliabula, and, according to Valerius of Antium, he condemned 2000 persons.⁴ We again find mention of a public investigation into cases of poisoning by order of the senate in B.C. 180, when a pestilence raged at Rome, and many of the magistrates and other persons of high rank had perished. The investigation was conducted in the city and within ten miles of it by the prætor C. Claudius, and beyond the ten miles by the prætor C. Mænius. Hostilia, the widow of the consul C. Calpurnius, who had died in that year, was accused of having poisoned her husband, and condemned on what appears to have been mere suspicion.⁵ Cases of what may be called private poisoning, in opposition to those mentioned above, frequently occurred. The speech of Cicero in behalf of Cluentius supplies us with several particulars on this subject. Under the Roman emperors it was carried on to a great extent, and some females, who excelled in the art, were in great request. One of the most celebrated of these was Locusta, who poisoned Claudius at the command of Agrippina, and Britannicus at that of Nero, the latter of whom even placed persons under her to be instructed in the art.⁶

The first legislative enactment especially directed against poisoning was a law of the dictator Sulla—*lex Cornelia de Sicariis et Veneficiis*—passed in B.C. 82, which continued in force, with some alterations, to the latest times. It contained provisions

against all who made, bought, sold, possessed, or gave poison for the purpose of poisoning.¹ The punishment fixed by this law was, according to Marcellan, the deportatio in insulam and the confiscation of property; but it was more probably the interdiction aquæ et ignis, since the deportatio under the emperors took the place of the interdiction, and the expression in the Digest was suited to the time of the writers or compilers. (Vid. CORNELIA LEX DE SICARIIS, &c., p. 308.) By a senatus consultum passed subsequently, a female who gave drugs or poison for the purpose of producing conception, even without any evil intent, was banished (*relegatus*), if the person to whom she administered them died in consequence. By another senatus consultum, all druggists (*pigmentarii*) who administered poisons carelessly, "purgationis causa," were liable to the penalties of this law. In the time of Marcellan (that of Alexander Severus) this crime was punished capitally in the case of persons of lower rank (*humiliores*), who were exposed to wild beasts, but persons of higher rank (*altiores*) were condemned to the deportatio in insulam.²

The word *veneficium* was also applied to potions, incantations, &c.,³ whence we find *veneficus* and *venefica* used in the sense of a sorcerer and sorceress in general.

VER SACRUM (*ἔρος ἱερών*). It was a custom among the early Italian nations, especially among the Sabines, in times of great danger and distress, to vow to the deity the sacrifice of everything born in the next spring, that is, between the first of March and the last day of April, if the calamity under which they were labouring should be removed.⁴ This sacrifice, in the early times, comprehended both men and domestic animals, and there is little doubt that in many cases the vow was really carried into effect. But in later times it was thought cruel to sacrifice so many innocent infants, and, accordingly, the following expedient was adopted. The children were allowed to grow up, and in the spring of their twentieth or twenty-first year they were, with covered faces, driven across the frontier of their native country, whereupon they went whithersoever fortune or the deity might lead them. Many a colony had been founded by persons driven out in this manner; and the Mamertines in Sicily were the descendants of such devoted persons.⁵ In the two historical instances in which the Romans vowed a *ver sacrum*, that is, after the battle of Lake Trasimene and at the close of the second Punic war, the vow was confined to domestic animals, as was expressly stated in the vow.⁶

VERBENA. (Vid. SAGMINA.)

VERBENARIUS. (Vid. FETIALIS.)

VERNA. (Vid. SERVUS, ROMAN, p. 884, 886.)

VERSO IN REM ACTIO. (Vid. SERVUS, ROMAN, p. 884.)

VERSURA. (Vid. INTEREST OF MONEY, p. 547.)

VERU, VERUTUM. (Vid. HASTA, p. 489.)

VESPÆ, VESPILLONES. (Vid. FUNUS, p. 459.)

VESTALES, the virgin priestesses of Vesta, who ministered in her temple and watched the eternal fire. Their existence at Alba Longa is connected with the earliest Roman traditions, for Silvia, the mother of Romulus, was a member of the sisterhood;⁷ their establishment in the city, in common with almost all matters connected with state religion, is generally ascribed to Numa,⁸ who se-

1. (Thucyd., ii., 48.)—2. (Liv., viii., 18.—Compare Val. Max., i., 5, § 3.—Augustin., De Civ. Dei, iii., 17.)—3. (Liv., xxxix, 8.)—4. *Id.*, xxxix., 38, 41.)—5. (*Id.*, xl., 37.)—6. (Tacit., Ann., ii., 66; xiii., 15.—Suet., Ner., 33.—Juv., i., 71.)

1. (Cic., Pro Cluent., 54.—Marcellan, Dig. 48, tit. 8, s. 3.—Inst., iv., tit. 18, s. 5.)—2. (Dig., l. c.)—3. (Cic., Brut., 60.—Pet., 118.)—4. (Fest., s. v. Ver Sacrum.—Liv., xxi., 9, 10; xxxiv., 44.—Strab., v., p. 172.—Sisenna ap. Non., xii., 18.—Serv. ad Virg., Æn., vii., 796.)—5. (Fest., l. c., and s. v. Mamertines.—Compare Dionys., i., 16.—Plin., II. N., iii., 18.—Justin., xxiv., 4.—Liv., xxxiii., 44.)—6. (Liv., l. c.—Plut., Fab. Max., 4.)—7. (Liv., i., 20.—Dionys., i., 76.)—8. (Dionys., ii., 65.—Plut., Numa, 19.)

VESTALES.

ected four (their names are given in Plutarch), two from the Titienses and two from the Ramnes,* and two more were subsequently added from the Lucrees by Tarquinius Priscus according to one authority,* by Ser-vius Tullius according to another.² This number of six remained unchanged at the time when Plutarch wrote, and the idea that it was afterward increased to seven rests upon very unsatisfactory evidence.⁴

They were originally chosen (*capere* is the technical word) by the king,⁵ and during the Republic and Empire by the pontifex maximus. It was necessary that the maiden should not be under six nor above ten years of age, perfect in all her limbs, in the full enjoyment of all her senses, *patrima et maritima* (*vid. Πατριμι*), the daughter of free and free-born parents who had never been in slavery, who followed no dishonourable occupation, and whose home was in Italy.⁶ The lex Papia ordained that, when a vacancy occurred, the pontifex maximus should name at his discretion twenty qualified damsels, one of whom was publicly (*in concione*) fixed upon by lot, an exemption being granted in favour of such as had a sister already a vestal, and of the daughters of certain priests of a high class.⁷ The above law appears to have been enacted in consequence of the unwillingness of fathers to resign all control over a child; and this reluctance was manifested so strongly in later times, that in the age of Augustus *libertinæ* were declared eligible.⁸ The casting of lots, moreover, does not seem to have been practised if any respectable person came forward voluntarily and offered a daughter who fulfilled the necessary conditions. As soon as the election was concluded, the pontifex maximus took the girl by the hand and addressed her in a solemn form, preserved by Aulus Gellius from Fabius Pictor: SACERDOTE. VESTALEM. QUÆ. SACRA. FACIAT. QUÆ. IUR. SIER. SACERDOTE. VESTALEM. FACERE. PRO. POPULO. ROMANO. QUIRITICUM. UTEL. QUÆ. OPTIMA. LEGE. FOVIT. ITA. TE. AMATA. CAPIO., where the title *AMATA* seems simply to signify "beloved one," and not to refer, as Gellius supposes, to the name of one of the original vestals; at least no such name is to be found in the list of Plutarch alluded to above. After these words were pronounced she was led away to the atrium of Vesta, and lived thenceforward within the sacred precincts, under the special superintendence and control of the pontifical college.⁹

The period of service lasted for thirty years. During the first ten the priestess was engaged in learning her mysterious duties, being termed *discipula*;¹⁰ during the next ten in performing them; during the last ten in giving instructions to the novices;¹¹ and so long as she was thus employed, she was bound by a solemn vow of chastity. But after the time specified was completed, she might, if she thought fit, throw off the emblems of her office,¹² unconsecrate herself (*exaugurare*¹³), return to the world, and even enter into the marriage state.¹⁴ Few, however, availed themselves of these privileges; those who did were said to have lived in sorrow and remorse (as might, indeed, have been expected from the habits they had formed); hence such a proceeding was considered ominous, and the priestesses, for the most part, died as they had lived, in the service of the goddess.¹⁵

The senior sister or *Virgo Maxima* (we find also the *matrem* and *tres max.*)

Their chief office and day, the everlastingly burning altar of Vesta (*VIRGOTUDINIO IONEM* for the function being considered prodigies, and emble state.⁷ If such man by the carelessness was stripped and so in the dark and with kindled the flame wood from a *felix* ties consisted in pi at stated times, an shrine each morn to the institution of the Egerian fount, considered lawful t spring or running s ed through pipes. ses it was mixed had been pounded earthen jar, and ba moreover, at all gr festivals of the Bon temples;¹¹ they we and we are told th emn appeal to the conspiracy of Catil credered relics which the pledge granted the Roman away, (*penus Vestæ*¹⁶), wter save the virgin this object was no it was the palladium carried by Dardani thence to Italy by d that something of ed, contained, it w closely sealed, w form, but empty, s

We have seen: was attached to t terrible punishment vow of chastity. she was simply to cruel torture was and inflicted from demned by the coll ped of her vittæ a scourged,¹⁸ was at close litter, and bo by her weeping kin a real funeral, to a *Sceleratus*, just wit Colline gate. The been previously pl lamp, and a table v maximus, having li

1. (Dionys., ii, 67.—Festus, s. v. Sex Vestæ.)—2. (Plut., Num., l. c.)—3. (Dionys., iii., 67.)—4. (Vid. Mémoires de l'Académie des Inscriptions, tom. iv., p. 167.—Ambros., Epist., v., 31, c. Symmach., and the remarks of Liparius.)—5. (Liv., i., 3, 20.—Dionys., ii. cc.)—6. (Gell., i., 12.)—7. (Gell., l. c.)—8. (Dion Cass., iv., 22.—Suet., Octav., 31.)—9. (Dionys., ii., 67.—Liv., iv., 44; viii., 15.—Plin., Ep., iv., 11.—Suet., Octav., 31.—Gell., i., 12.)—10. (Val. Max., i., 1, 67.)—11. (Dionys., l. c.—Plut., l. c.—S. nec., De Vit. Beat., 29.)—12. (Dionys., l. c.)—13. (Gell., vi., 7.)—14. (Plut., l. c.)—15. (Tacit., Ann., ii., 86.—Inscr. quoted by Gronov ad Tacit., Ann., iii., 64.)

1. (Ovid, Fast., iv., 61 Inscr., n. 2233, &c.)—2. 9.)—4. (Tacit., Ann., i 83.)—6. (Cic., De Leg., i., 1, § 6.—Senec., De xxvi., 1.)—8. (Dionys., Ignis.)—9. (Ovid, Fast Num. 13.—Fest., s. v. l —11. (Tacit., Hist., iv., Cass., xlvii., 19.)—13. (tus, s. v.)—15. (Dionys., xxvi., 27.—Lampriid., El ix., 904.—16. (Cœdrenus ker.)—17. (Dionys., iii. ix., 40.)

a secret prayer, opened the litter, led forth her, and placing her on the steps of the lictor gave access to the subterranean cell, delivered her over to the common executioner and his assistants, who conducted her down, drew up the earth and having filled the pit with earth until she was level with the surrounding ground, left her perished, deprived of all the tributes of respect paid to the spirits of the departed. In every case the paramour was publicly scourged in the Forum.¹

If the labours of the vestals were unremitted, the rules of the order rigidly and pitilessly enforced, so the honours they enjoyed were such as to measure to compensate for their privations. They were maintained at the public cost, and sums of money and land bequeathed from time to time to the corporation.² From the moment of their consecration, they became, as it were, the property of the goddess alone, and were released from all parental sway without going through the form of *emancipatio* or suffering any *minutio*.³ They had a right to make a will, to give evidence in a court of justice without oath,⁴ distinctions first conceded by a Roman law to a certain Caia Tarratia or Fufetia, and afterward communicated to all.⁵ From the time of the triumph, each was preceded by a lictor, and when he went abroad;⁶ consuls and praetors made way for them, and lowered their fasces;⁷ even the tribunes of the plebs respected their holy character,⁸ and no law was passed under their litter, he was put to death.⁹ Augustus granted to them all the rights of citizens who had borne three children,¹⁰ and assigned them a conspicuous place in the theatre,¹¹ a privilege which they had enjoyed before at the public shows.¹² Great weight was attached to their intercession on behalf of those in danger of death, of which we have a remarkable example in the entreaties which they addressed to Sulla on behalf of Julius Caesar;¹³ and if they chanced to see a criminal as he was led to punishment, they had a right to demand his release, provided it could be proved that the encounter was accidental, even those of the emperors, were committed to their charge,¹⁴ for when in such keeping they were considered inviolable;¹⁵ and in like manner solemn treaties, such as that of the triumph with Sextus Pompeius, were placed in their hands.¹⁶ That they might be honoured in death as well as in life, their ashes were interred within the pomæ-

rium, they were attired in a stola, over which was an palla, a vestment made of linen;¹⁷ and in addition to the palla and white woollen vitta, they wore, when officiating, a peculiar headdress called *suffibulum*, consisting of a piece of white cloth bordered with purple, oblong in shape, and secured by a clasp.¹⁸ Their dress and general deportment they were required to observe to the utmost simplicity and decorum, any

fanciful ornaments in the one or levity in the other being always regarded with disgust and suspicion.¹ We infer from a passage in Pliny² that their hair was cut off, probably at the period of their consecration; whether this was repeated from time to time does not appear, but they are never represented with flowing locks. The first of the following cuts, copied from a gem,³ represents the vestal Tuccia, who, when wrongfully accused, appealed to the goddess to vindicate her honour, and had power given to her to carry a sieve full of water from the Tiber to the temple.⁴ The form of the upper garment is here well seen. The second is from a denarius of the gens Clodia, representing upon the reverse a female priestess with a simpulum in her hand, and bearing the legend VESTALIS; on the obverse is a head of Flora, with the words C. CLODIVS C. F. Two vestals belonging to this gens were celebrated in the Roman Annals.⁵ (*Vid. TRIUMPHUS, p. 1017.*) The coin seems to have



been struck to commemorate the splendour of the Floralia as exhibited during the famous sedition of C. Clodius Pulcher, B.C. 99.⁶



(Lipsius, *De Vesta et Vestalibus Syntagma*, and Nøhden "On the worship of Vesta, &c., Classical Journal, vol. xv., 123, vol. xvi., 321," have collected most of the authorities on this subject.—Göttling, *Geschichte der Röm. Staatsverf.*, p. 189.)

VESTIBULUM. (*Vid. HOUSE, ROMAN, p. 516; JANUA, p. 527.*)

VESTICEPS. (*Vid. IMPUBES, p. 532.*)

VETERANUS. (*Vid. TIRO.*)

VEXILLARIL. (*Vid. ARMY, ROMAN, p. 103.*)

VEXILLUM. (*Vid. SIGNA MILITARIA, p. 897.*)

VIAE. Three words are employed by the Roman jurists to denote a road, or a right of road, *iter, actus, via*. Strictly speaking, *iter* was applicable to a footpath only, *actus* to a bridge-way, *via* to a carriage-road.¹ (*Compare SERVITUTES, p. 879.*)

We next find *vias* divided into *private* or *agraria* and *publica*, the former being those the use of which was free while the soil itself remained private prop-

lut., Num., 10.—Fab. Max., 18.—Quest. Rom., tom. vii., ed. Reiske.—Dionys., ii., 67; iii., 67; viii., 89; ix., 40.—x., 44; viii., 15; xxii., 57.—Plin., Ep., iv., 11.—Suet., i.—Dion Cass., lxxvii., 3; lxxviii., 16, and frag. xci., xcii., s. v. Probrum et Sceleratus Campus.)—2. (Suet., Octav., Tib., 76.—Sicil. Flac., 23, ed. Goes.)—3. (Gell., i., 11.)—4. (x., 15.)—5. (Id., i., 12.—Gaius, i., 145.—Compare Plin., xxxiv., 11.)—6. (Dion Cass., xvii., 19.)—7. (Senec., Con., Compare Plut., Tib. Grac., 15.)—8. (Oros., v., 4.—Tib., 2.—Compare Cic., Pro Cael., 14.—Val. Max., v., 4.—Plut., Num., 10.)—9. (Dion Cass., lvi., 10.—Plut., i. (Suet., Octav., 44.—Tacit., Ann., iv., 16.)—12. (Cic., ren., 35.)—13. (Suet., Jul., 1.—Compare Cic., Pro Font., et., Vitell., 16.—Dion Cass., lxxv., 18.—Tacit., Ann., iii., 32.—Id., Hist., iii., 81.)—14. (Suet., Jul., 83; Octav., Tacit., Ann., i., 8.)—15. (Plut., Anton., 58.)—16. (Ap. C., v., 73.—Dion Cass., xlviii., 37 and 46.—Compare 2.)—17. (Serv. ad Virg., Æn., xi., 206.)—18. (Val. Max., i.—Dionys., ii., 68.—Plin., Ep., iv., 11.)—19. (Festus, s. calom.)

1. (Liv., iv., 44; viii., 15.—Plin., Ep., iv., 11.—Ovid, Fast., iv., 285.)—2. (H. N., xvi., 85.)—3. (Montfaucon, Ant. Exp., i., pl. xxviii.—Supplem., t. 1, pl. xxiii.)—4. (Val. Max., viii., l. 6 5.—Plin., H. N., xxviii., 2.)—5. (Vid. Ovid, Fast., iv., 279.—Suet., Tib., 2.—Augustin, De Civ. Dei, x., 16.—Herodian, i., 11.)—6. (Cic., De Off., ii., 16; c. Verr., iv., 2.—Plin., H. N., xxxv., 4.)—7. (Dig. 8, tit. 1, s. 13; tit. 3, s. 1; s. 7, 8, 12.)

the terms *agger viae*¹ and *summum dorsum*,² although both may be applied to the whole surface of the pavement. Occasionally, at least in cities, rectangular slabs of softer stone were employed instead of the irregular polygons of silex, as we perceive to have been the case in the Forum of Trajan, which was paved with travertine, and in part of the great forum under the column of Phocas, and hence the distinction between the phrases *silice sternere* and *saxo quadrato sternere*.³ It must be observed, that while, on the one hand, recourse was had to piling when a solid foundation could not otherwise be obtained, so, on the other hand, when the road was carried over rock, the statumen and the rudus were dispensed with altogether, and the nucleus was spread immediately on the stony surface previously smoothed to receive it. This is seen to have been the case, we are informed by local antiquaries, on the Via Appia, below Albano, where it was cut through a mass of volcanic peperino.

Nor was this all. Regular footpaths (*margines*,⁴ *erepidines*,⁵ *umbones*⁶) were raised upon each side and strewn with gravel, the different parts were strengthened and bound together with *gomphi* or stone wedges,⁷ and stone blocks were set up at moderate intervals on the side of the footpaths, in order that travellers on horseback might be able to mount without the aid of an *ἀναβολεύς* to hoist them up.⁸ (Vid. STRATORES.)

Finally, Caius Gracchus⁹ erected milestones along the whole extent of the great highways, marking the distances from Rome, which appear to have been counted from the gate at which each road issued forth; and Augustus, when appointed inspector of the *viae* around the city, erected in the Forum a gilded column (*χρυσῶν μίλων—χρυσῶς κίων, miliarium aureum*)¹⁰, on which were inscribed the distances of the principal points to which the *viae* were conducted. Some have imagined, from a passage in Plutarch,¹¹ that the distances were calculated from the miliarium aureum, but this seems to be disproved both by the fact that the roads were all divided into miles by C. Gracchus nearly two centuries before, and also by the position of various ancient milestones discovered in modern times.¹²

It is certain that, during the earlier ages of the Republic, the construction and general superintendence of the roads without, and the streets within the city, were committed, like all other important works, to the censors. This is proved by the law quoted in Cicero,¹³ and by various passages, in which these magistrates are represented as having first formed and given their names to great lines, such as the Via Appia and the Via Flaminia, or as having executed important improvements and repairs.¹⁴ These duties, when no censors were in office, devolved upon the consuls, and in their absence on the praetor urbanus, the aediles, or such persons as the senate thought fit to appoint.¹⁵ But during the last century of the Commonwealth, the administration of the roads, as well as of every other department of public business, afforded the tribunes a pretext for popular agitation. Caius Gracchus, in what capacity we know not, is said to have exerted himself in making great improvements, both from a conviction of their utility, and with a view to the

acquisition of popularity; and Cato, when tribune, introduced a *lex Varia* for the construction and restoration of many roads, and the appointment of himself to the office of inspector (*ἐπιστάτης*) for five years.¹⁶ We learn from Cicero¹⁷ that Thermus, in the year B.C. 65, was *curator* of the Flaminian Way, and from Plutarch,¹⁸ that Julius Caesar held the same office (*ἐπιμελητής*) with regard to the Appian Way, and laid out great sums of his own money upon it, but by whom these appointments were conferred we cannot tell. During the first years of Augustus, Agrippa, being aedile, repaired all roads at his own proper expense; subsequently the emperor, finding that the roads had fallen into disrepair through neglect, took upon himself the restoration of the Via Flaminia as far as Ariminum, and distributed the rest among the most distinguished men in the state (*triumphalibus viris*), to be paid out of the money obtained from spoils (*ex manubiali pecunia sternendas*).¹⁹ In the reign of Claudius we find that this charge had fallen upon the quaestors, and that they were relieved of it by him, although some give a different interpretation to the words.²⁰ Generally speaking, however, under the Empire, the post of inspector-in-chief (*curator*)—and each great line appears to have had a separate officer with this appellation—was considered a high dignity,²¹ insomuch that the title was frequently assumed by the emperors themselves, and a great number of inscriptions are extant, bearing the names of upward of twenty princes from Augustus to Constantine, commemorating their exertions in making and maintaining public ways.²²

These *curatores* were at first, it would appear, appointed upon special occasions, and at all times must have been regarded as honorary functionaries rather than practical men of business. But from the beginning of the sixth century of the city there existed regular commissioners, whose sole duty appears to have been the care of the ways, four (*quatuorviri viarum*) superintending the streets within the walls, and two the roads without.²³ When Augustus remodelled the inferior magistracies, he included the former in the vigintivirate, and abolished the latter; but when he undertook the care of the *viae* around the city, he appointed under himself two *road-makers* (*δόδοποιούς*)²⁴, persons of praetorian rank, to whom he assigned two lictors. These were probably included in the number of the new superintendents of public works instituted by him,²⁵ and would continue from that time forward to discharge their duties, subject to the supervision and control of the *curatores* or inspectors-general.

Even the contractors employed (*manicipes*)²⁶ were proud to associate their names with these vast undertakings, and an inscription has been preserved²⁷ in which a wife, in paying the last tribute to her husband, inscribes upon his tomb ΜΑΝΙΠΕΙ ΒΙΛÆ ΑΡΡΙΑΣ. The funds required were of course derived, under ordinary circumstances, from the public treasury,²⁸ but individuals also were not unfrequently found willing to devote their own private means to these great national enterprises. This, as we have already seen, was the case with Cæsar and Agrippa, and we learn from inscriptions that the example was imitated by many others of less note.²⁹ The *Viae Vicinales* were in the hands of the rural authorities (*magistri pagorum*), and seem to have been main-

1. (Isid., xv., 16, § 7.—Amm. Marcell., xix., 16.—Compare Virg., *Æn.*, v., 373)—2. (Stat., l. c.)—3. (Liv., x., 23; xli., 37.)—4. (Liv., xli., 37.)—5. (Petron., 9.—Orelli, *Inscr.*, n. 3544.)—6. (Stat., *Syll.*, iv., 3, 47.)—7. (Stat., l. c.)—8. (Plut., C. Gracch., 7.)—9. (Id., l. c.)—10. (Dion Cass., liv., 8.—Plin., H. N., iii., 5.—Suet., *Oth.*, 6.—Tacit., *Hist.*, i., 37.)—11. (Galb., 24.)—12. (Vid. Holsten, *De Miliario Aureo in Grav.*, *Thes. Antiq. Rom.*, tom. iv., and Fabretti, *De Aq. et Aqueduct.*, *Diss.*, iii., n. 25.)—13. (De Leg., ii., 3.)—14. (Liv., ix., 29, 43.—Epit., 20; xxii., 11; xli., 37.—Aurel. Vict., *De Vir. Illust.*, c. 72.—Lips., *Excurs.*, ad Tac., *Ann.*, iii., 31.)—15. (Liv., xxxix., 2.—Cic., c. Verr., II., i., 49, 50, 59.)

1. (Plut., C. Gracch., 7.)—2. (Appian, B. C., ii., 26.—Cic. ad Fam., viii., 6.)—3. (ad Att., i., 1.)—4. (Cæs., 5.)—5. (Suet., Octav., 30.—Dion Cass., liii., 22.)—6. (Suet., Claud., 24.)—7. (Plin., Ep., v., 15.)—8. (Gruter, *Corp. Inscr.*, cxlix., . . . cxix.)—9. (Dig. l. tit. 2, s. 2, § 30, compared with Dion Cass., liv., 26.)—10. (Dion Cass., liv., 8.)—11. (Suet., Octav., 37.)—12. (Tacit., *Ann.*, ii., 31.)—13. (Orelli, *Inscr.*, n. 3221.)—14. (Dion Cass., liii., 22.—Sicil. Flacc., *De Cond. Agr.*, p. 9, ed. Goss.)—15. & g. Gruter, clxi., n. 1 and 2.)

tained by voluntary contribution or assessment, like our parish roads,¹ while the streets within the city were kept in repair by the inhabitants, each person being answerable for the portion opposite to his own house.²

Our limits preclude us from entering upon so large a subject as the history of the numerous military roads which intersected the Roman dominions. We shall content ourselves with simply mentioning those which issued from Rome, together with their most important branches within the bounds of Italy, naming, at the same time, the principal towns through which they passed, so as to convey a general idea of their course. For all the details and controversies connected with their origin, gradual extension, and changes, the various stations upon each, the distances, and similar topics, we must refer to the treatises enumerated at the close of this article, and to the researches of the local antiquaries, the most important of whom, in so far as the southern districts are concerned, is Romanelli.

Beginning our circuit of the walls at the Porta Capena, the first in order, as in dignity, is,

I. The VIA APPIA, the *Great South Road*. It was commenced, as we have already stated, by Appius Claudius Cæcus, when censor, and has always been the most celebrated of the Roman Ways. It was the first ever laid down upon a grand scale and upon scientific principles; the natural obstacles which it was necessary to overcome were of the most formidable nature, and, when completed, it well deserved the title of *Queen of Roads* (*regina viarum*³). We know that it was in perfect repair when Procopius wrote,⁴ long after the devastating inroads of the northern barbarians; and even to this day the cuttings through hills and masses of solid rock, the filling up of hollows, the bridging of ravines, the substructions to lessen the rapidity of steep descents, and the embankments over swamps, demonstrate the vast sums and the prodigious labour that must have been lavished on its construction. It issued from the *Porta Capena*, and, passing through *Aricia*, *Tres Tabernæ*, *Appii Forum*, *Tarracina*, *Fundi*, *Formiæ*, *Minturna*, *Sinuessa*, and *Casilinum*, terminated at *Capua*, but was eventually extended through *Calatia* and *Caudium* to *Beneventum*, and finally from thence through *Venusia*, *Tarentum*, and *Uria*, to *Brundisium*.

The ramifications of the Via Appia most worthy of notice are,

(1.) The VIA SETINA, which connected it with *Setia*. Originally, it would appear that the *Via Appia* passed through *Velitra* and *Setia*, avoiding the marshes altogether, and travellers, to escape this circuit, embarked upon the canal, which, in the days of Horace, traversed a portion of the swamps.

(2.) The VIA DOMITIANA struck off at *Sinuessa*, and, keeping close to the shore, passed through *Liternum*, *Cumæ*, *Puteoli*, *Neapolis*, *Herculaneum*, *Opolonti*, *Pompeii*, and *Stabia* to *Surrentum*, making the complete circuit of the Bay of Naples.

(3.) The VIA CAMPANA OR CONSULARIS, from *Capua* to *Cumæ*, sending off a branch to *Puteoli*, and another through *Atella* to *Neapolis*.

(4.) The VIA AQUILLIA began at *Capua*, and ran south through *Nola* and *Nuceria* to *Salernum*; from thence, after sending off a branch to *Pæstum*, it took a wide sweep inland through *Eburi* and the region of the *Mons Alburnus* up the valley of the *Tanager*; it then struck south through the very heart of *Lucania* and *Bruttium*, and, passing *Nerulum*, *Interamnia*, and *Consentia*, returned to the sea at *Vibo*, and thence through *Medma* to *Rhegium*. This road sent off a branch near the sources of the

Tanager, which the *Laus Sinus* line of the *Bru* to *Vibo*, where

(5.) The *V* struck north t *Eguoliticum*, t through *Herdo* Adriatic at *Bo* *Egnatia* to *Br* followed by *Hora* name given ab

(6.) The *V* in nearly a str on the *Sinus* : ward, the line *Thurii*, *Croto*, circuit of *Bru* *Rhegium*.

(7.) A *VIA M* a *VIA NUMIC* to have passe south, connect cutting the *Ap* is unknown. same.

Returning t *Porta Capena*,

II. The *VIA* Beneventum, than the *Via A* sent off a shor lum, and, pass *Ferentium*, *Fr* *Casinum*, *Ven* joined the *Via*

A cross-roa from *Minturno* connected the

III. From t *LATICANA*, whi *Latina* at the s

IV. The *VIA* BINA, issued fr Passing throu *Via Latina* jus

V. Passing importance, w sued from the to *Tibur*, a dis ued from then name of the *V* try of the *Sa* *Corfinium* to *Adria*, and so num, where it

A branch o and was called extended from through the co called, as som

VI. The *VIA* ran from the *Nomentum*, an *Salaria* at *Ere*

VII. The *V* lina (passing *F* and east throu and *Asculum I* reached the co the *Via Flamib*

VIII. Next *North Road*, co minius, and c

1. (Sicul. Flacc., p. 9.)—2. (Dig. 43, tit. 10, s. 3.)—3. (Stat., Sylv., ii., 2, 12.)—4. (Bell. Goth., i., 14.)

ued from the *Porta Flaminia*, and proceeded north to *Oriculum* and *Narnia* in Umbria. Here branch struck off, making a sweep to the east through *Interamna* and *Spoletium*, and fell again into the main trunk (which passed through *Mecania*) at *Algidia*. It continued through *Fanum Flaminii* and *Nuceria*, where it again divided, one line running nearly straight to *Fanum Fortunæ* on the Adriatic, while the other, diverging to *Ancona*, continued thence along the coast to *Fanum Fortunæ*. Here the two branches, uniting, passed on to *Ariminum* through *Pisaurum*. From thence the *Via Flaminia* was extended under the name of the *VIA FLAMINIA*, and traversed the heart of Cisalpine Gaul through *Bononia*, *Mutina*, *Parma*, *Placentia* (where crossed the Po), to *Mediolanum*. From this point branches were sent off through *Bergomum*, *Brizia*, *Verona*, *Vicentia*, *Patauium*, and *Aquileia* to *Tergeste* on the east, and through *Novaria*, *Vercelli*, *Eporedia*, *Augusta Prætoria* to the *Alpis Graia* on the west. Besides another branch in the same direction through *Ticinum* and *Industria* to *Augusta Taurinorum* must we omit the *VIA POSTUMIA*, which from *Verona* right down across the Apennines to *Genoa*, passing through *Mantua* and *Crescens* crossing the Po at *Placentia*, and so through *Dertona*, and *Libarna*, sending off a branch to *Asta*.

The roads striking out of the *Via Flaminia* in the immediate vicinity of Rome, the most important is the *VIA CASSIA*, which, diverging near the *Pons Sublicus*, and passing not far from *Veii*, traversed *Ardea* through *Baccanæ*, *Sutrium*, *Vulsinii*, *Clusium*, *Corchiano*, *Florentia*, *Pistoria*, and *Luca*, joining the *Via Aurelia* at *Luna*.

(2.) The *VIA AMERINA* broke off from the *Via Cassia* near *Baccanæ*, and held north through *Falerii*, *Verulanis*, and *Perusia*, reuniting itself with the *Via Cassia* at *Clusium*.

(3.) Not far from the *Pons Mulvius* the *VIA CLODIA* separated from the *Via Cassia*, and, proceeding to *Sabate* on the *Lacus Sabatinus*, there divided into two, the principal branch passing through central Etruria to *Rusella*, and thence due north to *Florentia*, the other passing through *Tarquini*, and then falling into the *Via Aurelia*.

(7.) Beyond *Baccanæ* the *VIA CIMINA* branched off, crossing the *Mons Ciminius*, and rejoining the *Via Cassia* near *Fanum Voltumnae*.

IX. The *VIA AURELIA*, the *Great Coast Road*, issued originally from the *Porta Janiculensis*, and subsequently from the *Porta Aurelia*. It reached the coast at *Alsium*, and followed the shore of the Tyrrhenian sea, along Etruria and Liguria, by *Genoa*, as far as *Forum Julii* in Gaul. In the first instance it extended no farther than *Pisa*.

X. The *VIA PORTUENSIS* kept the right bank of the Tiber to *Portus Augusti*.

XI. The *VIA OSTIENSIS* originally passed through the *Porta Trigemina*, afterward through the *Porta Ostiensis*, and kept the left bank of the Tiber to *Antium*. From thence it was continued, under the name of *VIA SEVERIANA*, along the coast southward through *Laurentum*, *Antium*, and *Circei*, till it joined the *Via Appia* at *Tarracina*. The *VIA LAURENTINA*, leading direct to *Laurentum*, seems to have branched off from the *Via Ostiensis* at a short distance from Rome.

XII. Lastly, the *VIA ARDEATINA*, from Rome to *Ardea*. According to some, this branched off from the *Via Appia*, and thus the circuit of the city is completed.

Alphabetical Table of the Viæ described above.

1. <i>Via Æmilia VIII.</i>	4. <i>Via Amerina VIII. (a.)</i>
2. " <i>Appia I.</i>	5. " <i>Ardeatina XII.</i>
3. " <i>Aquilia I. (4.)</i>	6. <i>Aurelia IX.</i>

7. <i>Via Campana I. (3.)</i>	23. <i>Via Minucia I. (7.)</i>
8. " <i>Cassia VIII.</i>	24. " <i>Nomentana VI.</i>
9. " <i>Cimina VIII. (γ.)</i>	25. " <i>Nunciata I. (7.)</i>
10. " <i>Clodia VIII. (β.)</i>	26. " <i>Ostiensis XI.</i>
11. " <i>Collatina V.</i>	27. " <i>Portuensis X.</i>
12. " <i>Consulares I. (3.)</i>	28. " <i>Postumia VIII.</i>
13. " <i>Domitiana I. (2.)</i>	29. " <i>Prænestina V.</i>
14. " <i>Egratia I. (5.)</i>	30. " <i>Salaria VII.</i>
15. " <i>Ficulnensis VI.</i>	31. " <i>Setina I. (1.)</i>
16. " <i>Flaminia VIII.</i>	32. " <i>Severiana XI.</i>
17. " <i>Frentana Appula V.</i>	33. " <i>Sublacensis X.</i>
18. " <i>Gabina IV.</i>	34. " <i>Tiburтина V.</i>
19. " <i>Hadriana II.</i>	35. " <i>Trajana I. (6.)</i>
20. " <i>Labicana III.</i>	36. " <i>Tusculana II.</i>
21. " <i>Latina II.</i>	37. " <i>Valeria V.</i>
22. " <i>Laurentina XI.</i>	

The most elaborate treatise upon Roman roads is *Bergier, Histoire des Grands Chemins de l'Empire Romain*, published in 1622. It is translated into Latin in the tenth volume of the *Thesaurus* of Grævius, and, with the notes of Henninius, occupies more than 800 folio pages. In the first part of the above article, the essay of Nibby, *Delle Vie degli Antichi dissertazione*, appended to the fourth volume of the fourth Roman edition of Nardini, has been closely followed. Considerable caution, however, is necessary in using the works of this author, who, although a profound local antiquary, is by no means an accurate scholar. To gain a knowledge of that portion of the subject so lightly touched upon at the close of the article, it is necessary to consult the various commentaries upon the *Tabula Peutingeriana* and the different ancient itineraries, together with the geographical works of Cellarius, Cluverius, and D'Anville.

VIA RIA LEX. (*Vid. Lex*, p. 586; *VIAE*, 1043.)

VIA TICUM is, properly speaking, everything necessary for a person setting out on a journey, and thus comprehends money, provisions, dresses, vessels, &c.¹ When a Roman magistrate, prætor, proconsul, or quaestor went to his province, the state provided him with all that was necessary for his journey. But as the state, in this as in most other cases of expenditure, preferred paying a sum at once to having any part in the actual business, the state engaged contractors (*redemptores*), who, for a stipulated sum, had to provide the magistrates with the viaticum, the principal parts of which appear to have been beasts of burden and tents (*muli et tabernacula*). Augustus introduced some modification of this system, as he once for all fixed a certain sum to be given to the proconsuls (probably to other provincial magistrates also) on setting out to their provinces, so that the *redemptores* had no more to do with it.²

VIA TOR was a servant who attended upon and executed the commands of certain Roman magistrates, to whom he bore the same relation as the *lictor* did to other magistrates. The name *viatores* was derived from the circumstance of their being chiefly employed on messages either to call upon senators to attend the meeting of the senate, or to summon people to the comitia, &c.³ In the earlier times of the Republic, we find *viatores* as ministers of such magistrates also as had their *lictors*: *viatores* of a dictator and of the consuls are mentioned by Livy.⁴ In later times, however, *viatores* are only mentioned with such magistrates as had only *potestas* and not *imperium*, such as the tribunes of the people, the censors, and the *ædiles*.⁵ How many *viatores* attended each of these magistrates is not known; one of them is said to have had the right, at the command of his magistrate, to bind persons (*ligare*), whence he was called *lictor*.⁶ It is

1. (*Plant.*, *Epid.*, v., 1, 9 — *Plin.*, *Epist.*, vii., 12. — *Cic.*, *De Senect.*, 18.) — 2. (*Cic.* ad *Fam.*, xii., 3. — *Suet.*, *Octav.*, 36. — *Gell.*, xvii., 2, 13. — Compare *Signonius*, *De Antiq. Jur. Prov.*, iii., 11. — *Casaubon* ad *Theophr.*, 11.) — 3. (*Cic.*, *De Senect.*, 16.) — 4. (*vi.*, 15; xvii., 11. — Compare *Plin.*, *H. N.*, xviii., 4. — *Liv.*, viii 18.) — 5. (*Gell.*, xiii., 12. — *Liv.*, ii., 56; xxx., 39; xxxix., 34 *Lydus*, *De Magist.*, i., 44.) — 6. (*Gell.*, xii., 3.)

not improbable that the ancient writers sometimes confounded viatores and lictores.¹

VICARII SERVI. (*Vid. SERVUS, ROMAN, p. 884.*)

*VICIA. (*Vid. APHACE.*)

VICTIMA. (*Vid. SACRIFICIUM.*)

VICESIMA, a tax of five per cent. Every Roman, when he manumitted a slave, had to pay to the state a tax of one twentieth of his value, whence the tax was called *vicesima manumissionis*. This tax appears to have been levied from the earliest times, and was not abolished when all other imposts were done away with in Rome and Italy.² Caracalla raised this tax to a *decima*, that is, ten per cent., but Macrinus again reduced it to the old standard.³ The persons employed in collecting it were called *vicesimarii*.⁴

A tax called *vicesima hereditatum et legatorum* was introduced by Augustus (*lex Julia Vicesimaria*): it consisted of five per cent., which every Roman citizen had to pay to the *ærarium militare*, upon any inheritance or legacy left to him, with the exception of such as were left to a citizen by his nearest relatives, and such as did not amount to above a certain sum.⁵ Peregrini and Latini who had become Roman citizens had, in a legal sense, no relatives, and were therefore obliged in all cases to pay the *vicesima hereditatum*.⁶ As only citizens had to pay this tax, Caracalla, in order to make it more productive, granted the franchise to all the subjects of the Empire, and at the same time raised it to ten per cent. (*decima*), but Macrinus again reduced it to five,⁷ and at last it was abolished entirely. It was levied in Italy and the provinces by procuratores appointed for the purpose, and who are mentioned in many inscriptions as *PROCURATORES XX. HEREDITATIUM, OR AD VECTIGAL XX. HEREDIT.* But these officers generally sold it for a round sum to the publicani, which the latter had to pay in to the præfects of the *ærarium militare*.⁸

VICOMAGISTRI. (*Vid. VICUS.*)

VICUS is the name of the subdivisions into which the four regions occupied by the four city tribes of Servius Tullius were divided, while the country regions, according to an institution ascribed to Numa, were subdivided into *pagi*.⁹ This division, together with that of the four regions of the four city tribes, remained down to the time of Augustus, who made the *vici* subdivisions of the fourteen regions into which he divided the city.¹⁰ In this division each *vicus* consisted of one main street, including several smaller by-streets; their number was 424, and each was superintended by four officers, called *vicomagistri*, who had a sort of local police, and who, according to the regulations of Augustus, were every year chosen by lot from among the people who lived in the *vicus*.¹¹ On certain days, probably at the celebration of the Compitalia, they wore the *prætecta*, and each of them was accompanied by two *lictores*.¹² These officers, however, were not a new institution of Augustus, for they had existed during the time of the Republic, and had had the same functions as a police for the *vici* of the Servian division of the city.¹³

VICTORIA'TUS. (*Vid. DENARIUS.*)

VIGILES. (*Vid. ARMY, ROMAN, p. 106; PRÆFECTUS VIGILUM.*)

VIGILLÆ. (*Vid. CASTRA, p. 222.*)

1. (Sigonius, *De Ant. Jur. Civ. Rom.*, ii., 15.)—2. (Liv., vii., 16; xxvii., 10.—Cic. *ad Att.*, ii., 16.)—3. (Dion Cass., lxxvii., 9; lxxviii., 12.)—4. (Petron., *Fragm. Tragic.*, 65.—Orelli, *Inscript.*, n. 3333, &c.)—5. (Dion Cass., iv., 25; lvi., 28.—Plin., *Paneg.*, 37, &c.—Capitol., *M. Antonin.*, 11.)—6. (Plin., *Paneg.*, l. c.)—7. (Dion Cass., lxxvii., 9; lxxviii., 12.)—8. (Plin., *Epist.*, vii., 14.—*Paneg.*, 37.)—9. (Dionys., ii., 76.)—10. (Suet., *Octav.*, 30.)—11. (Suet., l. c.—Dion Cass., v., 8.)—12. (Dion Cass., l. c.—*Ascon. ad Cic. in Pison.*, p. 7, ed. Orelli.)—13. (Liv., xxiv., 7.—Festus, s. v. *Magistrare*.—Compare Sextus Rufus, *Brev. de Reg. Urbis Romæ*, and P. Victor, *De Reg. Urbis Romæ.*)

VIGINTISEXVIRI were twenty-six magistrates minores, among whom were included the *triumvi capitales*, the *triumviri monetales*, the *quatuorviri viarum curandarum* for the city, the two *curatores viarum* for the roads outside the city, the *decemvir litibus (stilitibus) judicandis*, and the four *præfeti* who were sent into Campania for the purpose of administering justice there. Augustus reduced the number of officers of this college to twenty (*vigintiviri*), as the two *curatores viarum* for the roads outside the city and the four Campanian *præfeti* were abolished.¹ Down to the time of Augustus the sons of senators had generally sought and obtained a place in the college of the *vigintisexviri*, it being the first step towards the higher offices of the Republic; but in A.D. 13 a *senatus consultum* was passed, ordaining that only equites should be eligible to the college of the *vigintiviri*. The consequence of this was, that the *vigintiviri* had no seats in the senate, unless they had held some other magistracy which conferred this right upon them.² The age at which a person might become a *vigintivir* appears to have been twenty.³

An account of the magistrates forming this college has been given in separate articles, with the exception of the *decemvir litibus judicandis*, of whom we accordingly subjoin a brief account. These magistrates, consisting, as the name imports, of ten men, formed a court of justice, which took cognizance of civil cases. From Pomponius⁴ it would appear that they were not instituted till the year B.C. 292, the time when the *triumviri capitales* were first appointed. Livy,⁵ however, mentions *decemvirs* as a plebeian magistracy very soon after the legislation of the Twelve Tables; and while Niebuhr⁶ refers these *decemvirs* to the *decemviri magistratus*, who had shortly before been abolished, and thus abides by the account of Pomponius, Götting⁷ believes that the *decemvirs* of Livy are the *decemviri litibus judicandis*, and refers their institution, together with that of the *centumviri*, to Servius Tullius. (*Vid. CENTUMVIRI.*) But the history as well as the peculiar jurisdiction of this court during the time of the Republic are involved in inextinguishable obscurity. In the time of Cicero it still existed, and the proceedings in it took place in the ancient form of the *sacramentum*.⁸ Augustus transferred to these *decemvirs* the presidency in the courts of the *centumviri*.⁹ During the Empire this court had jurisdiction in capital matters, which is expressly stated in regard to the *decemvirs*.¹⁰

VIGINTIVIRI. (*Vid. VIGINTISEXVIRI.*)

VILLA, a farm or country-house. The Roman writers mention two kinds of villa, the *villa rustica* or farmhouse, and the *villa urbana* or *pseudo-urbana*, a residence in the country or in the suburbs of a town. When both of these were attached to an estate, they were generally united in the same range of buildings, but sometimes they were placed at different parts of the estate. The part of the *villa rustica* in which the produce of the farm was kept is distinguished by Columella by a separate name, *villa fructuaria*. Varro¹¹ derives the name from *villæ* ("quo fructus convocabantur, villæ").

1. The *villa rustica* is described by Varro,¹² Varro-vius,¹³ and Columella.¹⁴

The villa, which must be of a size corresponding to that of the farm, is best placed at the foot of a

1. (Dion Cass., liv., 26.)—2. (Id., l. c.)—3. (Compare Dion Cass., ix., 5.—Tacit., *Annal.*, iii., 29, with Lipsius's note; Spart., *Did. Julian.*, l.)—4. (De Orig. Jur., Dig. 1, tit. 1, l. 1, § 29.)—5. (iii., 55.)—6. (Hist. of Rome, ii., 324, &c.)—7. (Götting, *der Röm. Statut.*, p. 241, &c.)—8. (Cic., *Pro Cæciliis*, 32; *Pro Dom.*, 29.)—9. (Suet., *Octav.*, 36.—Dion Cass., liv., 25.—Böckh, *Corp. Inscr.*, i., n. 1133, 1237.—Compare Walter, *Gesch. des Röm. Rechts*, p. 721, and p. 864, n. 96.)—10. (L. I., l. 23, ed. Müller.)—11. (R. R., i., 11, 13.)—12. (vi., 9.)—13. (i., 4, 24)

wooded mountain, in a spot supplied with running water, and not exposed to severe winds, nor to the effluvia of marshes, nor (by being close to a public road) to a too frequent influx of visitors. The villa attached to a large farm had two courts (*cohortes, chortex, cortes*¹). At the entrance to the outer court was the abode of the *villicus*, that he might observe who went in and out, and over the door was the room of the *procurator*.² Near this, in as warm a spot as possible, was the kitchen, which, besides being used for the preparation of food, was the place where the slaves (*familia*) assembled after the labours of the day, and where they performed certain in-door work. Vitruvius places near the kitchen the baths, and the press (*torcular*) for wine and oil, but the latter, according to Columella, though it requires the warmth of the sun, should not be exposed to artificial heat. In the outer court were also the cellars for wine and oil (*cella vinaria et olearia*), which were placed on the level ground, and the granaries, which were in the upper stories of the farm-buildings, and carefully protected from damp, heat, and insects. These storerooms form the separate *villa fructuaria* of Columella; Varro places them in the *villa rustica*, but Vitruvius recommends that all produce which could be injured by fire should be stored without the villa.

In both courts were the chambers (*cellæ*) of the slaves, fronting the south; but the *ergastulum* for those who were kept in chains (*vincti*) was under ground, being lighted by several high and narrow windows.

The inner court was occupied chiefly by the horses, cattle, and other livestock, and here were the stables and stalls (*bubilia, equilia, ovilia*).

A reservoir of water was made in the middle of each court, that in the outer court for soaking pulse and other vegetable produce, and that in the inner, which was supplied with fresh water by a spring, for the use of the cattle and poultry.

2. The *villa urbana* or *pseudo-urbana* was so called because its interior arrangements corresponded for the most part to those of a town-house. (Vid. HOUSE.) Vitruvius³ merely states that the description of the latter will apply to the former also, except that in the town the atrium is placed close to the door; but in the country the peristyle comes first, and afterward the atrium, surrounded by paved porticoes, looking upon the palaestra and ambulatio.

Our chief sources of information on this subject are two letters of Pliny, in one of which⁴ he describes his Laurentine villa, in the other⁵ his Tuscan, with a few allusions in one of Cicero's letters,⁶ and, as a most important illustration of these descriptions, the remains of a suburban villa at Pompeii.⁷

The clearest account is that given by Pliny in the first of the two letters mentioned above, from which, therefore, the following description is for the most part taken.

The villa was approached by an avenue of plane-trees leading to a portico, in front of which was a *xystus* divided into flower-beds by borders of box. This *xystus* formed a terrace, from which a grassy slope, ornamented with box-trees cut into the figures of animals, and forming two lines opposite to one another, descended till it was lost in the plain, which was covered with acanthus.⁸ Next to the portico was an atrium, smaller and plainer than the corresponding apartment in a town-house. In this respect Pliny's description is at variance with the rule of Vitruvius, and the villa at Pompeii also has no atrium. It would appear from Cicero⁹ that both ar-

rangements were common. Next to the atrium in Pliny's Laurentine villa was a small elliptic peristyle (*porticus in O litera similitudinem circumacta*, where, however, the readings D and Δ are also given instead of O). The intervals between the columns of this peristyle were closed with tale windows (*specularibus*: vid. HOUSE, p. 521), and the roof projected considerably, so that it formed an excellent retreat in unfavourable weather. The open space in the centre of this peristyle seems often to have been covered with moss and ornamented with a fountain. Opposite to the middle of this peristyle was a pleasant *cavadium*, and beyond it an elegant triclinium, standing out from the other buildings, with windows or glazed doors in the front and sides, which thus commanded a view of the grounds and of the surrounding country, while behind there was an uninterrupted view through the *cavadium*, peristyle, atrium, and portico into the *xystus* and the open country beyond.

Such was the principal suite of apartments in Pliny's Laurentine villa. In the villa at Pompeii the arrangement is somewhat different. The entrance is in the street of the tombs. The portico leads through a small vestibule into a large square peristyle paved with *opus signinum*, and having an impluvium in the centre of its uncovered area. Beyond this is an open hall, resembling in form and position the *tablinum* in a town-house. Next is a long gallery extending almost across the whole width of the house, and beyond it is a large cyzicene *œcus*, corresponding to the large triclinium in Pliny's villa. This room looks out upon a spacious court, which was, no doubt, a *xystus* or garden, and which is surrounded on all sides by a colonnade supported by square pillars, the top of which forms a terrace. In the farthest side of this court is a gate leading out to the open country. As the ground slopes downward considerably from the front to the back of the villa, the terrace just spoken of is on a level with the cyzicene *œcus*, the windows of which opened upon it; and beneath the *œcus* itself is a range of apartments on the level of the large court, which were probably used in summer on account of their coolness.

The other rooms were so arranged as to take advantage of the different seasons and of the surrounding scenery. Of these, however, there is only one which requires particular notice, namely, a state bedchamber, projecting from the other buildings in an elliptic or semicircular form, so as to admit the sun during its whole course. This apartment is mentioned by Pliny, and is also found in the Pompeian villa. In Pliny's Laurentine villa its wall was fitted up as a library.

The villa contained a set of baths, the general arrangement of which was similar to that of the public baths. (Vid. BATHS.)

Attached to it were a garden, *ambulatio, gestatio, hippodromus, sphaisterium*, and, in short, all necessary arrangements for enjoying different kinds of exercise. (Vid. HORTUS, GYMNASIUM.)

(Becker's *Gallus*, i, p. 258, Schneider's notes on Columella and Varro, and Gierig's on Pliny, contain many useful remarks.)

VILLA ANNA'LIS LEX. (Vid. ÆDILES, p. 25.)
VILLICUS, a slave who had the superintendence of the *villa rustica*, and of all the business of the farm except the cattle, which were under the care of the *magister pecoris*.¹ The duties of the *villicus* were to obey his master implicitly, and to govern the other slaves with moderation; never to leave the villa except to go to market; to have no intercourse with soothsayers; to take care of the cattle and the implements of husbandry; and to manage

(Varro, l. 13.)—2. (Varro, l. c.—Colum., i, 6.)—3. (vi, 8.)—4. (ii, 17.)—5. (v, 6.)—f. (nd Quint., iii, 1.)—7. (Pomp., ii, c. 11, Lond., 1832.)—8. (Pim., v, 6.)—9. (l. c.)

1. (Varro, R. R., i, 2.)

VINDICATIO

all the operations of the farm.¹ His duties are described at great length by Columella,² and those of his wife (*villica*) by the same writer³ and by Cato.⁴

The word was also used to describe a person to whom the management of any business was intrusted. (See the passages quoted in Forcellini's Lexicon.)

VINALIA. There were two festivals of this name celebrated by the Romans: the *Vinalia urbana* or *priora*, and the *Vinalia rustica* or *altera*. The *vinalia urbana* were celebrated on the 23d of April (IX. *Calend. Mai.*). This festival answered to the Greek *κρηθρία*, as on this occasion the wine-casks which had been filled the preceding autumn were opened for the first time, and the wine tasted.⁵ But before men actually tasted the new wine, a libation was offered to Jupiter,⁶ which was called *calpar*.⁷

The rustic *vinalia*, which fell on the 19th of August (XIV. *Calend. Sept.*), and was celebrated by the inhabitants of all Latium, was the day on which the vintage was opened. On this occasion the *flamen dialis* offered lambs to Jupiter, and while the flesh of the victims lay on the altar, he broke with his own hands a bunch of grapes from a vine, and by this act he, as it were, opened the vintage (*vindicemiam auspicari*), and no must was allowed to be conveyed into the city until this solemnity was performed.⁸ This day was sacred to Jupiter, and Venus too appears to have had a share in it.⁹ An account of the story which was believed to have given rise to the celebration of this festival is given by Festus¹¹ and Ovid.¹²

VINDENIALIS FERIA. (*Vid. FERIE*, p. 437.)

VINDEX. (*Vid. ACTIO*, p. 18; *MANUS INJECTIO*.)

VINDICATIO. *Actiones in rem* were called vindicationes. *Actiones in personam* were called *condictiones*.¹³ Vindicationes, therefore, were actions about property and about *jura in re*.¹⁴ The distinction between vindicationes and *condictiones* was an essential distinction, which was not affected by the change in the form of procedure from the *legis actiones* to that of the *formulae*. The *legis actiones* fell into disuse,¹⁵ except in the case of *damnnum infectum* and a *judicium centumvirale*, and from this time both vindicationes and *condictiones* were prosecuted by the *formulae*, which is described in a general way in the article *ACTIO*. The peculiar process of the *vindicatio* which belonged to the period of the *legis actiones* remains to be described.

The five modes of proceeding *lege*¹⁶ were *sacramento*, *per iudices postulationem*, *per condictionem*, *per manus injectionem*, *per pignoris captionem*.

A man might proceed *sacramento* either in the case of an *actio in personam* or an *actio in rem*. If it was an *actio in rem*, that is, a *vindicatio*, movable things and moving things (*mobilia et moventia*) which could be brought before the *prætor (in jus)*, were claimed before the *prætor (in jure vindicabantur)* thus: he who claimed the things as his property (*quis vindicabat*) held a rod in his hand, and, laying hold of the thing, it might be a slave or other thing, he said, "*Hunc ego hominem ex jure Quiritium meum esse uso secundum causam sicut dixi. Ecce tibi vindictam imposui*;" and, saying this, he placed the rod on the thing. The other claimant (*adversarius*) did and said the same. This claiming of a thing as property by laying the hand upon it was in *jure*

manum cons Tables.¹ Th nem," and th made the fir ponent: "Po ris." The of dictam impos vindicatio pr called the sac a wager as to vindicavisti D ponent replie ego te." The in the case case of a vin cie in favour mean time he sessor, and c opponent for profits, or, as prædes adver prætor also to of the sacrar the amount o nomine), whi publicum cede

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1. (Gell., xx., 1—3 (xx., 10.)—4 1, 7; 32—Id., Fro

1. (Cato, R. R., 3, 142.)—2. (xi., 1, and i., 8.)—3. (xii., 1.)—4. (v. 143.)—5. (Plin., H. N., xviii., 69, § 3.)—6. (Fest., s. v. Vinalia.)—7. (Fest., s. v. Calpar.)—8. (Varro, De Ling. Lat., v., p. 55, &c., Bip.)—9. (Plin., H. N., xviii., 69, § 4.)—10. (Varro, De Re Rust., i., 1.—Macrob., Sat., i., 4.—Ovid, Fast., iv., 597, &c.)—11. (s. v. Rustica Vinalia.)—12. (Fest., iv., 563, &c.—Comptus Antiq. Vot., De Orig. Gent. Rom., 15.)—13. (Gaius, iv., 5.)—14. (Gaius, iv., 3.)—15. (Gaius, iv., 31.)—16. (Gaius, iv., 12.)

intentio in the formula was, that if the slave pledged to the plaintiff, the sum of money contained in the sponsio ought to be paid to the plaintiff (*sponsio summam actori dari debere*). The sponsio evidently took its name from the verb spondeo. If the plaintiff proved the slave to be his property, he was entitled to a judgment. Yet the sum of money was not paid, though it was the object of the intentio, for, says Gaius, "it is not pœnalis, but præjudicialis, and the sponsio is introduced merely as a means of trying the right to the property, and this explains why the defendant has no restipulatio." The sponsio was said to be "*pro præde litis et vindictæ*," because it took the place of the prædium, that is, when the legis actiones were in use, was "*pro lite et vindictis*," that is, "*pro re et fructibus*" by the possessor to the plaintiff. (Vid. PRÆJUDICATIO, PRÆS.)

The sponsio præjudicialis was merely a technical device for converting an actio in rem into an actio in personam, and we must suppose that there was some good reason for the practice. It might be supposed that it was introduced in order to obviate the trouble and difficulties attendant on the process of the vindicatio.

In the expression of Gaius, it appears that there was also a sponsio pœnalis, that is, both the plaintiff made a sponsio and the defendant made a restipulatio. Thus, in the case of "*certa pecunia in litis*" the defendant's sponsio was made at the risk of losing the sum if he could not sustain his claim, and the plaintiff's restipulatio was made at the like risk if he could not sustain his claim. The pœna of the sponsio restipulatio belonged to the successful party.¹ There was also a pœnalis sponsio in the case of in rem and pecunia constituta. In the case of in rem the sponsio was to the amount of one half the sum demanded, which was called legitima sponsio.² In the case of constituta pecunia the sponsio was to the amount of one half.³ These sponsiones were fixed by law; in other cases they were fixed by the Edict.

The sponsiones were introduced probably partly to give a view to check litigation, and partly with a view to give compensation to the party who ultimately obtained a verdict; for otherwise there do not appear in the Roman law to be any direct provisions as to the costs of suits. Thus Gaius⁴ enumerates four modes in which the actoris calumnia was checked: the calumnie iudicium, contrarium iudicium, jururandum, and the restipulatio. The restipulatio, he says, "is allowed in certain cases; in the contrarium iudicium, the plaintiff has a restipulatio in case of judgment against him if he cannot sustain his case, and it matters not whether or not he proves that his claim was not good, so in all cases the plaintiff (that is, if he cannot sustain his case) is condemned in the penalty of the restipulatio."⁵ This is to the form of the sponsio, the passage of Gaius already referred to is an example; and there is also in the oration of Cicero, *Pro Publ. Quintio*.⁶ The use of the word si or ni in the sponsio would depend on the fact which was affirmed, or, rather, the mode of affirmation and the party affirming. Cicero⁷ alludes to the use of these words (*sic, nise*). Gaius⁸ has collected instances of them.

The other mode of procedure in the case of vindictio, that was in use after the legis actiones fell into disuse, was per formulam petitoriam, in which the plaintiff (*actor*) claimed the thing as his property (*intendit rem suam esse*). In this form of proceeding there was the stipulatio called iudicatum

solvi, by which the defendant engaged to obey the decree of the iudex.¹ This formula was adapted also to the cases of prætorian ownership and the actio publiciana.² In cases which were brought before the centumviri, it was the practice, at least in the imperial period, to come first before the prætor urbanus or peregrinus, in order that the matter might be put in the old form of the sacramentum.³

An hereditas was sued for like any other thing, either by the sacramentum, so long as it was in use, or the sponsio, or the petitoria formula.⁴

VINDICTÆ. (Vid. VINDICATIO.)

VINDICTA. (Vid. MANUMISSIO, VINDICATIO.)

VINDICTA. A class of actions in the Roman law have reference to vindicta as their object, which is thus expressed: *ad ultionem pertinet, in sola vindicta constitutum est, vindictam continet*.⁵ Some of these actions had for their object simply compensation, as the actio doli. Others had for their object to give the complainant something more (*pœna*) than the amount of his injury, as in the *furti actio*, and sometimes in addition to this compensation also, as in the *vi bonorum raptorum actio*. A third class of actions had for its immediate object money or property, but this was not the ultimate object, as in the cases already mentioned, but merely a means to the real object was vindicta. This vindicta consists in the re-establishment of a right which has been violated in the person of the complainant, in which case the individual discharges the office which the state discharges generally in matters of crime. Those actions of which vindicta is the object are distinguished from other actions by forming exceptions to the general rules as to the legal capacity of those who may institute them, such as a *filiusfamilias*, and one who has sustained a *capitis diminutio*.

The following are actions of this kind: 1. *Actio injuriarum*. When a *filiusfamilias* was injured, a wrong was done both to him and to his father. The injury done to the son is the only one that belongs to the head of vindicta. The father generally brought the action, for he could acquire through his son all rights of action. But the son could bring an action in his own name, with the permission of the prætor, if the father was absent, or was in any way prevented from bringing the action, and in some cases if the father refused to bring the action. The pecuniary damages which were the immediate object of the action belonged to the father, so that the son appeared in the double capacity of suing in his own name in respect of the vindicta, and as the representative of his father in respect of the damages. If the son was emancipated, the right of action passed to him, and was not destroyed by the *capitis diminutio*.

2. *Actio sepulchri violati*, which could be brought by the children of the deceased, even if they refused the hereditas, or by the heredes. The object was vindicta, which was effected by giving the plaintiff damages to the amount of the wrong (*quantum ob eam rem æquum videbitur, &c.*).⁶ The action was consequently in bonum et æquum concepta, and the right was not affected by a *capitis diminutio*. If those who had a right to bring the action neglected to do so, any person might bring the action; but in that case they were limited to 100 aurei by the Edict.

3. *Actio de effusis*. When a free person was injured by anything being poured or thrown from a house, he had an actio in bonum et æquum concepta, the ultimate object of which was vindicta.

4. An action for mischief done to a man by any

¹ Gaius, iv., 13.—2. (Gaius, iv., 141, 165, &c.)—3. (Cic., *Pro Corn.*, 4, 5.)—4. (Gaius, iv., 171.)—5. (iv., 174.)—6. (8, 7. (*Pro Cæcina*), 23.)—8. (*De Formulæ*, &c., v., 7, p. 348.)

¹ (Gaius, iv., 91.)—2. (Gaius, iv., 34, 36.)—3. (Gaius, iv., 31, 95.—Gell., xx., 10.)—4. (Walter, *Gesch. des Röm. Rechts*.)—5. (Dig. 47, tit. 12, s. 6, 10; 29, tit. 2, s. 20, § 5.)—6. (Dig. 47, tit. 12, s. 3.)

It was marked with the name of the consul

For many years after this, foreign wines considered far superior to native growths; and famous were the Greek vintages esteemed in times of Marius and Sulla, that a single draught was offered to the guests at a banquet. The luxury with which luxury spread in this matter is illustrated by the saying of M. Varro, that Lucretius when a boy, never saw an entertainment in a Roman's house, however splendid, at which Greek wine was handed round more than once, but when, afterwards, he returned from his Asiatic conquests, he showed to the people a largess of more than a million thousand *as*. Four different kinds of wine were said to have been presented for the first time at the feast given by Julius Cæsar in his third consulship (B.C. 46), these being Falernian, Chian, Lesbian, and Mamertine, and not until after this were the merits of the numerous varieties, formerly domestic, accurately known and fully appreciated. But during the reign of Augustus and his immediate successors the study of wines became a passion, and the most scrupulous care was bestowed upon every process connected with their production and preservation.¹ Pliny calculates that the number of wines in the whole world deserving to be accounted of high quality (*nobilis*) amounted to 100, of which his own country could claim 60 kinds;² and in another passage³ he asserts that 50 distinct kinds might be reckoned up, and that all the varieties of these were to be included in the computation, the sum would be almost 1000.

The process followed in wine-making was essentially the same among both the Greeks and the Romans. After the grapes had been gathered, they were first trodden with the feet, and afterward subjected to the action of the press. This part of the process of wine-making is described in the article *UVA*.

The sweet, unfermented juice of the grape was called *γλυκύκος* by the Greeks and *mustum* by the Romans, the latter word being properly an adjectivizing *new* or *fresh*. Of this there were several kinds, distinguished according to the manner in which each was originally obtained and subtly treated. That which flowed from the stalks, in consequence merely of their pressure, which either before any force was applied, was called *πρόρρυμα*⁴ or *protropum*,⁵ and was reserved for manufacturing a particular species of rich wine mentioned by Pliny,⁷ to which the inhabitants of the island of Lesbos gave the name of *πρόδρομος* or *πρόδροπος*,⁸ which was obtained next, before the grapes were fully trodden, was the *mustum livivum*, and considered best for keeping.⁹ After the grapes were fully trodden and pressed, the mass was cut, the edges of the husks cut, and the whole subjected to the press; the result was the *tormentum* or *circumsisum*,¹⁰ which was set aside and used for inferior purposes.

The portion of the must was used at once, being fresh after it had been clarified with vinegar.¹¹ If it was desired to preserve a quantity in the state, an amphora was taken and coated with pitch within and without; it was filled with *mustum*, corked so as to be perfectly air-tight, and then immersed in a tank of cold, fresh water, and buried in wet sand, and allowed to remain for weeks or two months. The contents, after being removed, were found to remain unchanged for a

year, and hence the name *ἀεὶ γλυκύκος*, i. e., *sempiternum mustum*.¹ A considerable quantity of must from the best and oldest vines was inspissated by boiling, being then distinguished by the Greeks under the general names of *ἐψήμα* or *γλύξις*,² while the Latin writers have various terms, according to the extent to which the evaporation was carried. Thus, when the must was reduced to two thirds of its original volume, it became *carenum* (Pallad. Octobr., tit. xviii.); when one half had evaporated, *defrutum*;³ when two thirds, *sapa* (known also by the Greek names *σίραγμα* and *hepsema*); but these words are frequently interchanged.⁴ Similar preparations are at the present time called in Italy *musto cotto* and *sapa*, and in France *sabe*. The process was carried on in large caldrons of lead (*vasa defrutaria*), iron or bronze being supposed to communicate a disagreeable flavour, over a slow fire of chips, on a night when there was no moon,⁶ the scum being carefully removed with leaves,⁷ and the liquid constantly stirred to prevent it from burning.⁸ These grape-jellies, for they were nothing else, were used extensively for giving body to poor wines and making them keep, and entered as ingredients into many drinks, such as the *burratica potio*, so called from its red colour, which was formed by mixing *sapa* with milk,⁹ and others described hereafter.

The whole of the *mustum* not employed for some of the above purposes was conveyed from the *lacus* to the *cella vinaria* (*οἰνοθήκη*, *πιθεῖον*), an apartment on the ground floor or a little below the surface, placed in such a situation as to secure a moderate and equable temperature, and at a distance from dunghills or any objects emitting a strong odour.¹¹ Here were the *dolia* (*πίθοι*), otherwise called *serice* or *cupæ*, long, bell-mouthed vessels of earthenware (hooped tubs of wood being employed in cold climates only¹²), very carefully formed of the best clay and lined with a coating of pitch (*πίσσαθῆντρα*, *picata*), the operation (*πίσσασις*, *picatio*) being usually performed while they were hot from the furnace. They were usually sunk (*depressa*, *defossa*, *demersa*) one half or two thirds in the ground; to the former depth if the wine to be contained was likely to prove strong, to the latter if weak; and attention was paid that they should repose upon a dry bed. They were, moreover, sprinkled with sea-water, fumigated with aromatic plants, and rubbed with their ashes, all rank smelling substances, such as rotten leather, garlic, cheese, and the like, being removed, lest they should impart a taint to the wine.¹³ In these *dolia* the process of fermentation took place. They were not filled quite full, in order that the scum only might boil over, and this was also cleared off at regular intervals by skimming, and carried to a distance. The fermentation usually lasted for about nine days, and as soon as it had subsided, and the *mustum* had become *vinum*, the *dolia* were closely covered, the upper portion of their interior surface as well as the lids (*opercula doliorum*) having been previously well rubbed over with a compound of defrutum, saffron, old pitch, mastic, and fir-cones.¹⁴ The *opercula* were taken off about once every thirty-six days, and oftener in hot weather, in order to cool and give air to the contents, to add any preparation that might be required to preserve

1. (Geopon., vi., 16.—Plut., Q. N., 26.—Cato, R. R., 120.—Colum., xii., 29.—Plin., H. N., xiv., 11.)—2. (Athen., i., 31, c.)—3. (Plin., H. N., xiv., 9.)—4. (Plin., l. c.)—5. (See Varr. ap. Non., c. 17, n. 14.—Columell., xii., 19.)—6. (Plin., H. N., xviii., 74.)—7. (Plin., l. c.—Virg., Georg., i., 269.—Id. ib., iv., 296.)—8. (Plin., H. N., xxiii., 2.—Cato, R. R., 105.—Columell., xii., 19, 20, 21.—Pallad., xi., 18.—Dioscor., v., 9.)—9. (Festus, s. v. *Burratica*.—Compare Ovid, Fast., iv., 782.)—10. (Geopon., vi., 2, 12.)—11. (Varro, R. R., i., 13.—Geopon., l. c.)—12. (Plin., H. N., xiv., 21.)—13. (Geopon., vi., 2, 3, 4.—Cato, R. R., 23.—Varro, i., 13.—Colum., xii., 18, 25.—Dig. 33, tit. 6, s. 3.)—14. (Geopon., vi., 12.—Cato, R. R., 107.—Varro, i., 65.—Colum., xii., 29, 30.)

them sound, and to remove any impurities that might be thrown up. Particular attention was paid to the peculiar light scum, the *ἀγθος οἶνον* (*flos vini*), which frequently appeared on the surface after a certain time, since it was supposed to afford indications by its colour and consistence of the quality of the wine. If red (*πορφύρεον*), broad, and soft, it was a sign that the wine was sound; if glutinous, it was a bad symptom; if black or yellow, it denoted want of body; if white, it was a proof that the wine would keep well (*μόνιμον*). Each time that the opercula were replaced, they were well rubbed with fir-cones.¹ (*Vid.* THYRSUS.)

The commoner sorts of wine were drunk direct from the dolium, and hence draught wine was called *vinum doliare* or *vinum de cupa*,² but the finer kinds, such as were yielded by choice localities, and possessed sufficient body to bear keeping, were drawn off (*diffundere, μεταγγίζειν*) into *amphoræ* or *lagenæ*, many fanciful precautions being observed in transferring them from the larger to the smaller vessel.³ These *amphoræ* were made of earthenware, and in later times occasionally of glass; they were stopped tight by a plug of wood or cork (*cortex, suber*), which was rendered impervious to air by being smeared over with pitch, clay, or gypsum. On the outside the title of the wine was painted, the date of the vintage being marked by the names of the consuls then in office, or when the jars were of glass, little tickets (*pittacia, tessera*) were suspended from them indicating these particulars.⁴ The *amphoræ* were then stored up in repositories (*apotheca, horrea, tabulata*),⁵ completely distinct from the *cella vinaria*, and usually placed in the upper story of the house (whence *descende, testa, de-ripere horreo*), for a reason explained afterward.

It is manifest that wines prepared and bottled, if we may use the phrase, in the manner described above, must have contained a great quantity of dregs and sediment, and it became absolutely necessary to separate these before it was drunk. This was sometimes effected by fining with yolks of eggs, those of pigeons being considered most appropriate by the fastidious,⁶ or with the whites whipped up with salt,⁷ but more commonly by simply straining through small cup-like utensils of silver or bronze, perforated with numerous small holes, and distinguished by the various names *ἄλαστῆρ, τρύγοιπος, ἡθμός, colum vinarium*.⁸ (*Vid.* COLUM.) Occasionally a piece of linen cloth (*σάκκος, saccus*) was placed over the τρύγοιπος or *colum*,⁹ and the wine (*σακκία, saccatus*) filtered through.¹⁰ The use of the *saccus* was considered objectionable for all delicate wines, since it was believed to injure,¹¹ if not entirely to destroy their flavour, and in every instance to diminish the strength of the liquor. For this reason it was employed by the dissipated, in order that they might be able to swallow a greater quantity without becoming intoxicated.¹² The double purpose of cooling and weakening was effectually accomplished by placing ice or snow in the filter, which under such circumstances became a *colum nivarium*¹³ or *saccus nivarius*.¹⁴

The wine procured from the *mustum tortivum*, which was always kept by itself, must have been thin and poor enough, but a still inferior beverage was made by pouring water upon the husks and stalks after they had been fully pressed, allowing

them to soak, pressing again, and fermenting the liquor thus obtained. This, which was given to the labourers in winter instead of wine, was the *θήμα* or *δευτέριος* of the Greeks, the *lora* or *vinum operarium* of the Romans, and, according to Varro,¹ was, along with *sapa*, *defrutum*, and *passum*, the drink of elderly women.² The Greeks added the water in the proportion of one third of the must previously drawn off, and then boiled down the mixture until one third had evaporated; the Italians added the water in the proportion of one tenth of the must, and threw in the skimmings of the *defrutum* and the dregs of the *lacus*. Another drink of the same character was the *facatum* from wine-lees, and we hear also of *vinum prolignatum* given to the vintagers, which appears to have been manufactured from inferior and half-ripe fruit gathered before the regular period.³ We find an analogy to the above processes in the manufacture of *cider*, the best being obtained from the first squeezing of the apples, and the worst from the pulp and skins macerated in water.

In all the best wines hitherto described, the grapes are supposed to have been gathered as soon as they were fully ripe, and fermentation to have run its full course. But a great variety of sweet wines were manufactured by checking the fermentation, or by partially drying the grapes, or by converting them completely into raisins. The *πίσιον οἶνος* of the Geoponic writers⁴ belongs to the first class. Must obtained in the ordinary manner was thrown into the *dolia*, which remained open for some days only, and were then partially covered for two more; a small aperture was left until the seventh day, when they were luted up. If the wine was wished to be still sweeter, the *dolia* were left open for five days, and then at once closed. The free admission of air being necessary for brisk fermentation, and this usually continuing for nine days, it is evident that it would proceed weakly and imperfectly under the above circumstances. For the *vinum dulce* of Columella,⁵ the grapes were to be dried in the sun for three days after they were gathered, and trodden on the fourth during the full fervour of the midday heat. The *mustum lizivium* alone was to be used, and after the fermentation was finished, an ounce of well-kneaded iris-root was added to each 50 sextarii; the wine was racked off from the lees, and was found to be sweet, sound, and wholesome.⁶ For the *vinum diachytmum*, more hucosum still, the grapes were exposed to the sun for several days upon hurdles.⁷

Lastly, *passum* or *raisin-wine* was made from grapes dried in the sun until they had lost half their weight; or they were plunged into boiling oil, which produced a similar effect; or the bunches, after they were ripe, were allowed to hang for some weeks upon the vine, the stalks being twisted, or an incision made into the pith of the bearing shoot, as to put a stop to vegetation. The stalks and stems were removed, the raisins were steeped in must or good wine, and then trodden or subjected to the gentle action of the press. The quantity of *passum* which flowed forth was measured, and an equal quantity of water added to the pulpy residue, which was again pressed, and the product employed for an inferior *passum* called *secundarium*, expression exactly analogous to the *δευτέριος* mentioned above. The *passum* of Crete was most prized, and next in rank were those of Cilicia, Africa, Italy, and the neighbouring provinces. The kinds known as *Psychium* and *Melampsythium* possessed the pe-

1. (Geopon., vii., 15.—Colum., xii., 38.)—2. (Dig. 15, tit. 6, s. 1, § 4.—Varr. ap. Non., c. 2, n. 113.)—3. (Geopon., vii., 5, 6.—Compare Plin., xiv., 27.)—4. (Petron., 24.)—5. (Colum., i., 6.—Plin., Ep., ii., 17.)—6. (Senec., Ep., 115.)—7. (Colum., xii., 41.)—8. (Hor., Carm., iii., 21, 7.)—9. (Hor., Carm., iii., 28, 7.)—10. (Hor., Sat., ii., 4, 51.)—11. (Geopon., vii., 22.)—12. (Geopon., vii., 37.)—13. (Pollux, vi., 10; x., 75.)—14. (Martial, viii., 45.)—15. (Hor., Sat., ii., 4, 51.)—16. (Plin., xiv., 22.—Compare xxiii., 1, 24; xix., 4, 19.—Cic. ad Fam., ii., 8.)—17. (Martial, xiv., 103.)—18. (xiv., 104.)

1. (ap. Non., xvii., 12.)—2. (Vid. Athen., x., p. 443.)—3. (Geopon., vi., 3.—Cato, R. R., 23-27, 133.—Varr., l. 24.—Colum., xii., 40.—Plin., H. N., xiv., 12.)—4. (vii., 19.)—5. (ibid., l. 1.—Colum., i., c.)—7. (Plin., H. N., xiv., 11.)—8. (Mart., xiv., 103.—Juv., Sat., xv., 270.)

the grape, and not that of wine; the Galatia and the *Haluntium* from Mer, tasted like must. The grapes passum were those which ripened the varieties *Asiana* (called by the *circupa*, and *Psithia*.¹

cognised three colours in wines: i. e., pale straw-colour (*λευκός*), amber-coloured (*κιθρόος*).² Pliny dis-
albus, answering to *λευκός*, *fulvus* *έλας* is subdivided into *sanguineus* former being doubtless applied to wines, like Tent and Burgundy, or *ater*³ would resemble Port. In the authors the epithet *ερυθρός* is as-
and will represent the *sanguineus*.

that wine intended for keeping in the dolia into amphoræ. When in the first instance, to transport to another, or when carried by journey, it was contained in bags (*άσκοί, υτρες*), well pitched over, so seams perfectly tight. The cut be-
found at Herculaneum,⁴ exhibits upon one of them. When the



re, a number of hides were sewed
leathern tun thus constructed car-
place in a cart, as shown in the
ge 54.⁵

s of wine-making among the an-
upon no fixed principles, and for-
ducted in a most unscientific man-
necessary, except in the case of
es, to have recourse to various de-
ing or correcting acidity, heighten-
and increasing the durability of the

This subject was reduced to a
y the Greeks: Pliny mentions four
written formal treatises, and the
geoponic collection, together with
Columella, supply a multitude of
e same topic. The object in view
d sometimes by merely mixing dif-
vine together, but more frequently
the dolia or amphoræ various com-
mings (*άρτίσεις, medicamina, condio*-
wines were mixed together, those

were selected which possessed opposite good quali-
ties and defects.¹

The principal substances employed as *conditura* were, 1. sea-water; 2. turpentine, either pure or in the form of pitch (*pix*), tar (*pix liquida*), or resin (*resina*); 3. lime, in the form of gypsum, burned marble, or calcined shells; 4. inspissated must; 5. aromatic herbs, spices, and gums; and these were used either singly, or cooked up into a great variety of complicated confections.

We have already seen that it was customary to line the interior of both the dolia and the amphoræ with a coating of pitch; but, besides this, it was common to add this substance, or resin in powder, to the must during the fermentation, from a conviction that it not only rendered the wine more full bodied, but also communicated an agreeable bouquet, together with a certain degree of raciness or pi-
quancy.² Wine of this sort, however, when new (*novitium resinatum*), was accounted unwholesome, and apt to induce headache and giddiness. From this circumstance it was denominated *crapula*, and was itself found to be serviceable in checking the fermentation of the must when too violent.

It must be remembered, that when the vinous fermentation is not well regulated, it is apt to be re-
newed, in which case a fresh chemical change takes place, and the wine is converted into vinegar (*δξος, acetum*), and this acid, again, if exposed to the air, loses its properties, and becomes perfectly insipid, in which form it was called *vappa* by the Romans, who used the word figuratively for a worthless blockhead.

Now the great majority of inferior wines, being thin and watery, and containing little alcohol, are constantly liable to undergo these changes, and hence the disposition to acescence was closely watched, and combated as far as possible. With this view those substances were thrown into the dolia which it was known would neutralize any acid which might be formed, such as vegetable ashes which contain an alkali, gypsum, and pure lime, besides which we find a long list of articles, which must be regarded as preventives rather than correctives, such as the various preparations of turpentine already noticed, almonds, raisins steeped in must, parched salt, goats'-milk, cedar-cones, gall-nuts, blazing pine-torches, or red-hot irons quenched in the liquid, and a multitude of others.³ But, in addition to these, which are all harmless, we find some traces of the use of the highly-poisonous salts of lead for the same purpose,⁴ a practice which produced the most fatal consequences in the Middle Ages, and was prohibited by a series of the most stringent enactments.⁵

Defrutum also was employed to a great extent; but, being itself liable to turn sour, it was not used until its soundness had been tested by keeping it for a year. It was then introduced, either in its simple state, in the proportion of a sextarius to the amphora, that is, of 1 to 48, or it was combined with a great variety of aromatics, according to a prescription furnished by Columella.⁶ In this receipt, and others of the same kind, the various herbs were intended to give additional efficacy to the nourishing powers of the defrutum, and great pains were taken to prevent them from affecting the taste of the wine. But from a very early period it was customary to flavour wine highly by a large admixture of perfumes, plants, and spices. We find a spiced drink (*εξ άρωμάτων κατασκευασόμενος*) noticed under the name of *τρίμμα* by Athenæus and the writers of the

1.—Colum., xii., 39.—Plin., H. N., xiv., 11.
2.—2. (Athen., i., p. 32, c.)—3. (Plaut.,
—4. (Mus. Borbon., vol. iii., tav. 28.)—5.
ix., 6

1. (Athen., i., p. 32, 6.)—2. (Plin., H. N., xiv., 25.—Plutarch, Symp., v., 3.)—3. (Geopon., vii., 12, 15, 16, &c.)—4. (Geopon., vii., 19.)—5. (Vid. Beckmann's History of Inventions, vol. i., p. 396.)—6. (xii., 20.)

new comedy,¹ and for the whole class Pliny has the general term *aromatites*.²

There was another and very numerous family of wines, entitled *olvoi hygievoi*, into which drugs were introduced to produce medicinal effects. Such were *vinum marrubii* (horehound) for coughs; the *scillites* (squill-wine), to assist digestion, promote expectoration, and act as a gentle tonic; *absinthites* (wine of wormwood), corresponding to the modern *vermouth*; and, above all, the *myrtites* (myrtleberry-wine), which possessed innumerable virtues.³

Pliny, under the head of *vina fictitia*, includes not only the *olvoi hygievoi*, but a vast number of others, bearing a strong analogy to our British home-made wines, such as cowslip, ginger, elderberry, and the like; and as we manufacture Champagne out of gooseberries, so the Italians had their imitations of the costly vintages of the most favoured Asiatic isles. These *vina fictitia* were, as may be imagined, almost countless, every variety of fruit, flower, vegetable, shrub, and perfume being put in requisition: figs, cornels, medlars, roses, asparagus, parsley, radishes, laurels, junipers, cassia, cinnamon, saffron, nard, malobathrum, afford but a small sample. It must be remarked that there was one material difference between the method followed by the Greeks and that adopted by the Romans in cooking these potions. The former included the drug, or whatever it might be, in a bag, which was suspended in a jar of wine, and allowed to remain as long as was thought necessary; the latter mixed the flavouring ingredient with the sweet must, and fermented them together, thus obtaining a much more powerful extract; and this is the plan pursued for British wines, except that we are obliged to substitute sugar and water for grape-juice.⁴

But not only were spices, fragrant roots, leaves, and gums steeped in wine or incorporated during fermentation, but even the precious perfumed essential oils (*unguenta*) were mixed with it before it was drunk. The Greeks were exceedingly partial to this kind of drink.⁵ We also learn from Ælian⁶ that it was named *μυρρίνιτης*, which seems to be the same with the *μυρρίνης* of Poseidippus,⁷ the *μυρρίνη* of Hesychius, the *μυρρίνης* of Pollux,⁸ and the *myrrhina* of Plautus.⁹ The Romans were not slow to follow the example set them, valuing bitterness so highly, says Pliny,¹⁰ that they were resolved to enjoy costly perfumes with two senses, and hence the expressions "*foliata vitis*" in Martial,¹¹ and "*perfusa vero spumant unguenta Falerno*" in Juvenal.¹²

In a more primitive age we detect the same fondness for the admixture of something extraneous. Hecamede, when preparing a draught for Nestor, fills his cup with Pramnian wine, over which she grates goat-milk cheese, and sprinkles the whole with flour,¹³ the latter being a common addition at a much later epoch.¹⁴ So, also, the draught administered by Circe consisted of wine, cheese, and honey; and, according to Theophrastus,¹⁵ the wine drunk in the prytaneum of the Thasians was rendered delicious by their throwing into the jar which contained it a cake of wheaten flour kneaded up with honey.¹⁶

This leads us on to notice the most generally popular of all these compound beverages, the *oinόμελι* of the Greeks, the *mulsum* of the Romans. This was of two kinds; in the one honey was mixed

with wine, in the other was said to have been hero Aristæus, then considered most of some old, rustic or Falernian (although for this purpose proportions, as they were four, by name, and various spices, cassia, costum, might be added. of Isidorus,¹⁷ according to which was made in the original bulk, a portion of one to a very rich fruit. The virtues of which was considered an empty stomach immediately before began,¹⁸ and hence the cup of mulsum infer from Plautus triumph by the im-

Mulsum (sc. distinct from *mulsum* being made of honey), is the *μελικρ* though Pollux calls it *Again*, *ἰσορρομίζο μελι*¹⁴ was a compound pure water, boiling time; *ροδομέλι* juice of rose-leaves. The ancients

grateful to the perfume invigorating;¹⁵ to suppose that age, in consequence particles.¹⁷ Gen not seem to have Nestor, in the years old,¹⁸ and mentally mennoisseurs under transmarine wine maturity (*ad vet*). Many of the Italians see below, require five years before considered ample the humble grow from four to fifty importance to honey. This was times by elaborating vessels containing which an artificial *vetustas*), and the *thalassites*²²; by of heat.²⁴ Thus amphore for so sun's rays, or to manner as to be

1. (Athen., i., p. 31, c.—Pollux, Onom., vi., 18.)—2. (xiv., 19, 45.)—3. (Columell., 32, 39.—Geopon., viii., 1, 4 c.)—4. (Geopon., viii., 32, 33, 34.—Plin., H. N., xiv., 19.—Colum., ii. c.—Cato, R. R., 114, 115.)—5. (Ælian, V. H., xii., 31.)—6. (l. c.)—7. (Athen., i., p. 32, b.)—8. (vi., 2.)—9. (Pausan., ii., 4, 50.—Compare "nardai amphoram." Miles Glor., iii., 2, 11.—Festus, s. v. "Murrata potio" and "Murrina.")—10. (H. N., xiii., 5.)—11. (xiv., 110.)—12. (vi., 303.)—13. (ii., xi., 638.)—14. (Athen., i., p. 432.)—15. (Athen., i., p. 32, a.)—16. (Compare Plat. Symp., i., 1, 4.)

1. (Plin., H. N., xiii., 13.—Id., xiii., 108.—4. (Orig., xx., 3, 4.)—4.—Compare Geopon. Ep., 122.)—5. (Cic., 9, 149.—Compare I. Dioscor., vi., 9.—fast 20.)—11. (vi., 2.)—xx., 3, 4 11.)—14. (22.)—15. (Athen., i., 18. (iii., 391.)—16. (Hor., Carm., i., vii., 24.)—23. (Plin.,

of the bath furnaces,¹ and hence the name *fumaria* applied to such apartments, and the phrases *fumosos, fumum bibere, fuligine testæ* in reference to the wines.² If the operation was not conducted with care, and the amphora not stoppered down perfectly tight, a disagreeable effect would be produced on the contents; and it is in consequence of such carelessness that Martial pours forth his maledictions on the *fumaria* of Marseilles.³

The year B.C. 121 is said to have been a season singularly favourable to all the productions of the earth; from the great heat of the autumn, the wine was of an unprecedented quality, and remained long celebrated as the *vinum Opimianum*, from L. Opimianus, the consul of that year, who slew Caius Gracchus. A great quantity had been treasured up, and sedulously preserved, so that samples were still in existence in the days of the elder Pliny, nearly two hundred years afterward. It was reduced, he says, to the consistence of rough honey, and, like other very old wines, so strong, and harsh, and bitter as to be undrinkable until largely diluted with water. Such wines, however, he adds, were useful for flavouring others when mixed in small quantities.

Our most direct information with regard to the price of common wine in Italy is derived from Columella,⁴ who reckons that the lowest market price of the most ordinary quality was 300 sesterces for 40 urnæ, that is, 15 sesterces for the amphora, or 6d. a gallon nearly. At a much earlier date, the triumph of L. Metellus during the first Punic war (B.C. 250), wine was sold at the rate of 8 asses the amphora;⁵ and in the year B.C. 89, the censors P. Licinius Crassus and L. Julius Cæsar issued a proclamation that no one should sell Greek and Aminean wine at so high a rate as 8 asses the amphora; but this was probably intended as a prohibition to their being sold at all, in order to check the taste beginning to display itself for foreign luxuries, then we find that at the same time they positively forbade the use of exotic unguents.⁶

The price of native wine at Athens was four drachmas for the metretes, that is, about 4½d. the gallon, when necessaries were dear, and Böckh considers that we may assume one half of this sum as an average of cheaper times. In fact, we find, in an agreement in Demosthenes,⁷ 300 casks (*κεράμια*) of Mendæan wine, which we know was used at the most sumptuous Macedonian entertainments,⁸ valued at 600 drachmas, which gives two drachmas for metretes, or little more than 2d. a gallon; but still more astonishing is the marvellous cheapness of Lusitanian wine, of which more than ten gallons were sold for 3d. On the other hand, high prices were given freely for the varieties held in esteem, since as early as the time of Socrates a metretes of Chian sold for a mina.⁹

With respect to the way in which wine was drunk, and the customs observed by the Greeks and Romans at their drinking entertainments, the reader is referred to the article *ΣΥΜΠΟΣΙΟΝ*.

It now remains for us to name the most esteemed wines, and to point out their localities; but our limits will allow us to enumerate none but the most celebrated. As far as those of Greece are concerned, our information is scanty, since in the older writers we find but a small number defined by specific appellations, the general term *οίνος* usually standing alone without any distinguishing epithet. The wine of most early celebrity was that which

the minister of Apollo, Maron, who dwelt upon the skirts of Thracian Ismarus, gave to Ulysses. It was red (*ερυθρόν*) and honey-sweet (*μελιηδέα*), so precious that it was unknown to all in the mansion save the wife of the priest and one trusty house-keeper; so strong that a single cup was mingled with twenty of water; so fragrant that even when thus diluted it diffused a divine and most tempting perfume.¹ Pliny² asserts that wine endowed with similar noble properties was produced in the same region in his own day. Homer mentions also, more than once,³ *Prænnian wine* (*οίνος Πραρνειός*), an epithet which is variously interpreted by certain different writers.⁴ In after times a wine bearing the same name was produced in the island of Icaria, around the hill village of Latorea in the vicinity of Ephesus, in the neighbourhood of Symrna near the shrine of Cybele, and in Lesbos.⁵ The Prænnian of Icaria is characterized by Eparchides as dry (*σκληρός*), harsh (*αύστηρός*), astringent, and remarkably strong; qualities which, according to Aristophanes, rendered it particularly unpalatable to the Athenians.⁶

But the wines of greatest renown during the brilliant period of Grecian history and after the Roman conquest were grown in the islands of Thasos, Lesbos, Chios, and Cos, and in a few favoured spots on the opposite coast of Asia,⁷ such as the slopes of Mount Tmolus, the ridge which separates the valley of the Hermus from that of the Cayster,⁸ Mount Messogis, which divides the tributaries of the Cayster from those of the Meander,⁹ the volcanic region of the Catacecaumene,¹⁰ which still retains its fame,¹¹ the environs of Ephesus,¹² of Cnidus,¹³ of Miletus,¹⁴ and of Clazomene.¹⁵ Among these the first place seems to have been by general consent conceded to the *Chian*, of which the most delicious varieties were brought from the heights of Ariusium, in the central parts,¹⁶ and from the promontory of Phænæ, at the southern extremity of the island.¹⁷ The *Thasian* and *Lesbian* occupied the second place, and the *Coan* disputed the palm with them.¹⁸ In Lesbos the most highly prized vineyards were around Mytilene¹⁹ and Methymna.²⁰ Pliny,²¹ who gives the preference over all others to the *Clazomenian*, says that the Lesbian had naturally a taste of salt water, while the epithet "innocens," applied by Horace, seems to point out that it was light and wholesome.

It may here be observed that there is no foundation whatever for the remark that the finest Greek wines, especially the products of the islands in the Ægean and Ionian seas, belonged, for the most part, to the luscious sweet class. The very reverse is proved by the epithets *αύστηρός, σκληρός, λεπτός*, and the like, applied to a great number, while *γλυκύς* and *γλυκάριον* are designations comparatively rare, except in the vague language of poetry. "*Vinum omne dulce minus odoratum*," says Pliny;²² and the ancients appear to have been fully sensible that sweet wines could not be swallowed either with pleasure or safety except in small quantities. The mistake has arisen from not perceiving that the expressions *οίνος γλυκύς* and *οίνος ἡδύς* are by no means necessarily synonymous. The former signifies wine positively sweet, the latter wine agreeable

1. (Colum., i., 6.)—2. (Tibull., ii., 1, 26.—Hor., Carm., iii., 8, 9.—Juv., Sat., v., 35.)—3. (x., 36; iii., 82; xii., 123.)—4. (iii., 2, 4 12.)—5. (Varro ap. Plin., H. N., xviii., 4.)—6. (Plin., H. N., xiv., 16.—Id. ib., xiii., 3.)—7. (In Laert., p. 928.)—8. (Athens., ii., p. 129, d.)—9. (Plut., De Anim. Tranquil., 10.—Böckh, Publ. Econ. of Athens, i., p. 133.)

1. (Od., ix., 203.)—2. (H. N., xiv., 6.)—3. (Il., xi., 638.—Od., x., 234.)—4. (Athen., i., p. 28, f.)—5. (Athen., i., p. 30, c., &c.—Plin., H. N., xiv., 6.)—6. (Athen., i., p. 30, c.)—7. (Strabo, xiv., p. 637.)—8. (Plin., v., 20.—Virg., Georg., ii., 97.—Ovid, Met., vi., 15.)—9. (Strabo, xiv., p. 650.)—10. (Vitruv., iii., 3.)—11. (Keppell's Travels, ii., p. 355.)—12. (Dioscor., v., 12.)—13. (Athen., i., p. 29, a.)—14. (Athen., l. c.)—15. (Plin., xiv., 9.)—16. (Virg., Ecl., v., 71.—Plin., H. N., xiv., 7.—Silvius, vii., 210.)—17. (Virg., Georg., ii., 97.)—18. (Athen., i., p. 28, 29, &c.)—19. (Id. i., p. 30, b; iii., p. 86, c; p. 92, d.)—20. (Athen., viii., p. 363, b.—Paus., x., 19.—Virg., Georg., ii., 89.—Ovid, Ar. Am. i., 57.)—21. (xix., 9.)—22. (H. N., xv., 11.)

to the taste from the absence of acidity, in most cases indicating nothing more than sound wine.

It is well known that all the most noble Italian wines, with a very few exceptions, were derived from Latium and Campania, and, for the most part, grew within a short distance of the sea. "The whole of these places," says Strabo,¹ when describing this coast, "yield excellent wine; among the most celebrated are the Cæcuban, the Fundanian, the Setinian, and so, also, are the Falernian, the Alban, and the Statinian." But the classification adopted by Pliny² will prove our best guide, and this we shall follow to a certain extent.

In the first rank, then, we must place the *Setinum*, which fairly deserves the title of *imperial*, since it was the chosen beverage of Augustus and most of his courtiers. It grew upon the hills of Setia, above Forum Appii, looking down upon the Pomptine marshes (*Pendula Pomptinos quæ spectat Setia campos*³). Before the age of Augustus, the *Cæcubum* was the most prized of all. It grew in the poplar swamps bordering on the Gulf of Amyclæ, close to Fundi.⁴ In the time of Pliny its reputation was entirely gone, partly in consequence of the carelessness of the cultivators, and partly from its proper soil, originally a very limited space, having been cut up by the canal of Nero, extending from Baiæ to Ostia. Galen⁵ represents it as generous, full-bodied, and heady, not arriving at maturity until it had been kept for many years.⁶

The second rank was occupied by the *Falernum*, of which the *Faustianum* was the most choice variety, having gained its character from the care and skill exercised in the cultivation of the vines; but when Pliny wrote, it was beginning to fall in public estimation, in consequence of the growers being more solicitous about quantity than quality, just as was the case with Madeira a few years ago. The *Falernus ager*, concerning the precise limits of which there have been many controversies, commenced at the Pons Campanus, on the left hand of those journeying towards the Urbana Colonia of Sulla, the *Faustianus ager* at a village about six miles from Sinuessa, so that the whole district in question may be regarded as stretching from the Massic hills to the river Volturnus. Falernian became fit for drinking in ten years, and might be used until twenty years old, but when kept longer gave headaches, and proved injurious to the nervous system. Pliny distinguishes three kinds, the rough (*austerum*), the sweet (*dulce*), and the thin (*tenue*). Galen⁷ two only, the rough (*ἀσπιδρόος*) and the sweetish (*γλυκίζων*). When the south wind prevailed during the season of the vintage, the wine was sweetish and darker in colour (*μελάντερος*), but if the grapes were gathered during weather of a different description, it was rough, and tawny or amber-coloured (*κιθρόος*). The ordinary appearance of Falernian, which has been made a theme of considerable discussion, seems to be determined by a passage in Pliny,⁸ in which we are informed that the finest amber was named *Falerna*. Others arranged the varieties differently: that which grew upon the hilltops they called *Caucinum*; that on the middle slopes, *Faustianum*; that on the plain, *Falernum*.⁹

In the third rank was the *Albanum*, from the Mons Albanus (*Mons Juleus*¹⁰), of various kinds, very sweet (*prædulce*), sweetish (*γλυκίζων*), rough,¹¹

and sharp (*ὀμφακίας*), it was invigorating (*νεμενὴ*), and in perfection after being kept for three years.¹ Here, too, we place the *Surreccanum*, from the promontory forming the southern horn of the Bay of Naples, which was not drinkable until it had been kept for five-and-twenty years; for, being destitute of richness (*ἀλιπής*), and very dry (*ὀψιπύρος*), it required a long time to ripen, but was strongly recommended to convalescents, on account of its thinness and wholesomeness. Galen, however, was of opinion that it agreed with those only who were accustomed to use it constantly; Tiberius was said to say that the physicians had conspired to disparage what was only *generous vinegar*; while his successor or Caligula styled it *nobilis rappa*.² Of equal reputation were the *Massicum*, from the hills which formed the boundary between Latium and Campania, although somewhat harsh, as would seem from the precautions recommended by the epicurean Horace,³ and the *Gauranum*, from the ridge above Baiæ and Puteoli, produced in small quantity, but of very high quality, full bodied (*εἶστρος*), and thin (*παχύς*).⁴ In the same class are to be included the *Calenium* from Cales, and the *Fundanum* from Fundi. Both had formerly held a higher place, "the vineyards," moralizes Pliny, "as well as states, have their periods of rise, of glory, and of fall." The *Calenium* was light (*κοῦφος*), and better for the stomach than Falernian; the *Fundanum* was full bodied (*εἶστρος*) and nourishing, but apt to attack the stomach and head, therefore little sought after at banquets.⁵ This list is closed by the *Velitrinum*, *Privernatinum*, and *Signinum*, from Velitra, Privernum, and Signia, towns on the Volscian hills; the first was a sound wine, but had this peculiarity, that it always tasted as if mixed with some foreign substance; the second was thin and pleasant; the last was looked upon only in the light of a medicine, valuable for its astringent qualities.⁶ We may easily bring in one more, the *Formianum*, from the Gulf of Caieta (*Lastrygonia Bacchus in amphora*), associated by Horace with the Cæcuban, Falernian, and Calenian,⁷ and compared by Galen⁸ to the *Privernatinum* and *Rheginum*, but richer (*λαττοπιπρόος*), and ripening quickly.

The fourth rank contained the *Mamertianum*, from the neighbourhood of Messana, first brought into fashion by Julius Cæsar. The finest, called *Pædonum* (*Ἰσθαλίνοος*⁹), from the fields nearest to it mainland, was sound (*ἡδός*), light, and, at the same time, not without body. The *Taurromontianum* was frequently substituted fraudulently for the *Mamertianum*, which it resembled.¹⁰

Of the wines in Southern Gaul, that of *Rous* alone bore a high character. The rest were held upon with suspicion, in consequence of the various frauds of the dealers in the province, who ried on the business of adulteration to a great extent, and did not scruple to have recourse to such drugs. Among other things, it was known that they purchased aloes to heighten the flavour, improve the colour of their merchandise, and conducted the process of artificial ripening so unskillfully as to impart a taste of smoke, which called for as we have seen above, the malediction of Mars on the fumaria of Marseilles.¹¹

The produce of the Balearic Isles was supposed

1. (Plin., H. N., ll. cc.—Mart., xiii., 112.—See also vi., 86; ix., 3; x., 74; xiii., 112.—Juv., v., 34.—Silvius, viii., 378.—Plin., H. N., l. c.)—4. (Mart., xiii., 115.)—5. (Athen., i., p. 27, a.)—6. (Plin., l. c.—Strab., v., p. 231.—Mart., xiii., 115.—Hor., Carm., i., 20, 9; iii., 23, 2, &c.)—7. (ap. Athen., i., p. 26, c.)—8. (H. N., xxxvii., 12.)—9. (Plin., l. c., and xxiii., 21.—Athen., i., p. 26, c.—Hor., Carm., i., 20, 10.—Propert., iv., 6.—Mart., ix., 95.—Silvius, vi., 159.)—10. (Mart., xiii., 109.)—11. (Plin., H. N., xxii., 21.)

1. (Plin., H. N., ll. cc.—Mart., xiii., 109.—Her., Sat., ii.—Juv., v., 33.—Athen., i., p. 26, d.)—2. (Plin., H. N., ll. cc.—l. c.)—3. (Sat., ii., 4, 51.—Compare Carm., i., 1, 11; i., 3, 11; iii., 21.—Mart., xiii., 111.—Silvius Ital., vii., 207;—4. (Mart., c.—Plin., H. N., iii., 5.—Flor., iii., 5.)—5. (Strab., v., 2 Athen., i., p. 27, a.—Hor., Carm., i., 21, 0.—Juv., i., 25—x., 35.—Id., xiii., 113.)—6. (Athen., i., p. 27, a.—Plin., Mart., xiii., 116.)—7. (Hor., Carm., iii., 16, 24;—8. (Mart., i., 20.—Id., iii., 16.)—9. (ap. Athen., i., 26, c.—Id., i., p. 27, a.)—10. (Athen., i., p. 27, d.—Plin., l. c.—Id., i., p. 27, d.)—11. (Mart., ix., 95.)

the first growths of Italy, and the same praise is shared by the vineyards of *Tarraco* and *Lauron*, while those of the *Laletani* were not so much famed for the quality as for the abundance of their supply.¹ Returning to the East, several districts of Pontus, Bithynia, and Bithynia, Lampsacus on the Hellespont, Telmessus in Caria, Cyprus, Tripolis, Berytus, and Tyre, all claimed distinction, and, above all, *Chalybonium*, originally from *Beræa*, but afterwards grown in the neighbourhood of Damascus as the chosen and only drink of the Great King, to which we may join the *Babylonium*, called by *Chæreus*,² and the *Bύβλιος* from Phœnicia, which found many admirers.³ The last is spoken of elsewhere as Thracian, or Grecian, or Sicilian, which may have arisen from the same grape being disseminated through these countries.⁴ Coming on, in the last place, to Egypt, where, according to *Hellanicus*, the vine was first discovered, *retoticum*, from near *Alexandrea*, demands our notice. It is highly extolled by *Athenæus*, being sweet, fragrant, light (*λεπτός*), circulating through the frame, and not flying to the head, but superior even to this was the *Tamioticum*, produced from a long, narrow, sandy ridge (*ravina*) at the western extremity of the Delta; it was slightly astringent, and of an oily consistency, which disappeared when it was mixed with water: besides these, we hear of the *Sebenniticum*, wine of *Antylla*, a town not far from *Alexandrea*. Advancing up the valley, the wine of the *Thebais*, and especially of *Coptos*, was so thin and easily thrown off that it could be given without injury to fever patients; and ascending through *Nubia* to the confluence of the Nile with the *Astapus*, we reach *Meroë*, whose wine has been immortalized by *Lucan*.⁶ *Martial* appears to have held them all very cheap, since he pronounces the vinegar of Egypt better than its wine.⁷

We read of several wines which received their designation, not from the region to which they belonged, but from the particular kind of grape from which they were made, or from some circumstance connected with their history or qualities. Names belonging to the former class were, in all likelihood, bestowed before the most favoured districts were generally known, and before the effects produced upon the vine by change of soil and climate had been accurately observed and studied. After these matters were better understood, habit and mercantile usage would tend to perpetuate the ancient appellation. Thus, down to a late period, we hear of the *Amineum* (*Ἀμναῖος οἴνος*), from the *Aminea Vitis*, which held the first place among vines, and embraced many varieties, carefully discriminated and cultivated according to different methods.⁸ It was of Grecian origin, having been conveyed by a Thesalian tribe to Italy (a story which would seem to refer to some Pelasgian migration), and reared chiefly in Campania around *Naples*, and in the *Falerne* ager. Its characteristic excellence was the great body and consequent durability of its wine (*Firmissima vina*).⁹ So, in like manner, the *ψιθίος οἴνος*,¹¹ from the *ψιθία ἄμπελος*,¹² which *Virgil* tells us¹³ was particularly suitable for *passum*, and the *καπνίας* (smoke-wine) of *Plato* the comic poet,¹⁴ pre-

pared in greatest perfection near *Beneventum*, from the *κάπνεος ἄμπελος*, so named in consequence of the clusters being neither white nor black, but of an intermediate dusky or smoky hue.¹

On the other hand, the *Σαπρίας*, on whose divine fragrance *Hermippus* descants in such glowing language,² is simply some rich wine of great age, "toothless, and sere, and wondrous old" (*δδόντας οὐκ ἔχων, ἡδὴ σαπρὸς . . . γέρον γε δαιμονίως*).³ The origin of the title *ἀνθοσμίας* is somewhat more doubtful: some will have it to denote wine from a sweet-smelling spot;⁴ others more reasonably refer it to the "bouquet" of the wine itself;⁵ according to *Phanias* of *Eresus*, in one passage, it was a compound formed by adding one part of seawater to fifty of must, although in another place he seems to say that it was wine obtained from grapes gathered before they were ripe, in which case it might resemble *Champagne*.⁶

Those who desire more minute details upon this very extensive subject may consult the *Geoponic Collection*, books iii. to viii. inclusive; the whole of the 14th book of *Pliny's Natural History*, together with the first thirty chapters of the 23d; the 12th book of *Columella*, with the commentary of *Schneider* and others; the 2d book of *Virgil's Georgics*, with the remarks of *Heyne*, *Voss*, and the old grammarians; *Galen*, i., 9, and xii., 4; *Pollux*, vi., et seq.; *Athenæus*, lib. i. and lib. x.; besides which, there are a multitude of passages in other parts of the above authors, in *Cato*, *Varro*, and in the classics generally, which bear more or less upon these topics.

Of modern writers we may notice particularly, *Prosper Rendella*, *Tractatus de Vinca, Vindemia et Vino*, Venet., 1629.—*Galeatius Landrinus*, *Quæstio de Mixtione Vini et Aqua*, Ferrar., 1593.—*Andreas Baccius*, *De Naturali Vinorum Historia*, &c., Rom., 1596.—*De Conviviis Antiquorum*, &c., Gronov. Thes. Graec. Antiq.—*Sir Edward Barry*, *Observations on the Wines of the Ancients*, Lond., 1775.—*Henderson*, *History of Ancient and Modern Wines*, Lond., 1824. Some of the most important facts are presented in a condensed form in *Becker's Gallus*, vol. ii., p. 163-176, and p. 238-241, and *Charikles*, i., 456, seq.

VIOCURI. (Vid. QUATUORVIRI VIALES.)

*VIOLETA (Iov), the Violet. (Vid. ION.)

VIRGA, dim. VIRGULA (*ῥάβδος*), a Rod or Wand. This was in many cases the emblem of a certain rank or office; being carried, for example, by the *Salii* (vid. ANGLE), by a judge or civil officer (see woodcut, p. 61), a herald (vid. CADUCEUS), and by the *tricliniarcha* (vid. TRICLINIUM), or any other person who had to exercise authority over slaves.¹ The use of the rod (*ῥάβδον*) in the punishment of Roman citizens was abolished by the *lex Porcia* (p. 585). In the fasces a number of rods were bound together.

A rod was used to thrash the smaller kinds of grain, such as *cumin*.¹⁰ (Vid. FLAGRUM.)

The wand was also the common instrument of magical display, as in the hand of *Circe*¹¹ and of *Minerva*.¹² To do anything *virgula divina* was to do it by magic.¹³ The stripes of cloths were called *virga*.¹⁴ (Vid. PALLIUM, p. 718; TELA, p. 955.)

1. (Plin., H. N., xiv., 8, § 6.—Mart., xiii., 118.—Silvius, iii., 370.)—2. (Plin., H. N., xiv., 9.—Geopon., v., 2.—Athen., i., p. 28, d.)—3. (Athen., i., p. 29, f.)—4. (Athen., i., p. 29, b.)—5. (Herod., ii., 35.—Athen., i., p. 31, a.)—6. (Athen., i., p. 33, f.—Strab., xvii., p. 799.—Hor., Carm., i., 37, 10.—Virg., Georg., ii., 91.—Lucan, x., 161.—Plin., H. N., xiv., 9.)—7. (xiii., 112.)—8. (Hesych., i.—9. (Plin., H. N., xiv., 4, § 1.—Cato, R. R., 6 and 7.—Colum., iii., 2, § 7; § 3.)—10. (Virg., Georg., ii., 97.—Galen, Meth. Med., xii., 4.—Geopon., viii., 22.—Els., iv., 2.—Macrobius, ii., 16.—Anson., Ep., xviii., 32.—Seren. Samm., xix., 544.)—11. (Athen., i., p. 28, f.)—12. (Colum., iii., 2, § 24.)—13. (Georg., ii., 93.)—14. (Athen., i., p. 31, c.)

1. (Theophrast., H. P., ii., 4.—Id., C. P., v., 3.—Aristot., De Gen. An., iv., 4.—Plin., H. N., xiv., 4, § 7.—Compare xxxvii., 36 on the gem "Capnia.")—2. (Athen., i., p. 29, c.)—3. (Athen., x., p. 441, d.—Vid. Eustath. ad Hom., Od., ii., 340.—Casaub. ad Athen., i., p. 29.)—4. (Suid., s. v.)—5. (Hesych., s. v.)—6. (Athen., i., p. 32, a.—Compare p. 462, c.)—7. (Non. Marc., p. 528.—Ovid, Met., i., 716.)—8. (Senec., Epist., 47.)—9. (Acts, xvi., 22.)—10. (Hieron. in Is., xxviii., 27.)—11. (Hom., Od., x., 238, 293, 318, 389.)—12. (xvi., 712.)—13. (Cic. ad Att., i., 44.)—14. (Ovid, Ar. Am., iii., 269.)

VIRGINES VESTALES. (*Vid.* VESTALES VIRGINES.)

VIRIDARIUM. (*Vid.* HORTUS, p. 511.)

VIS. Leges were passed at Rome for the purpose of preventing acts of violence. The lex Plotia or Plautia was enacted against those who occupied public places and carried arms.¹ The lex proposed by the consul Q. Catulus on this subject, with the assistance of Plautius the tribunus, appears to be the lex Plotia.² There was a lex Julia of the dictator Cæsar on this subject, which imposed the penalty of exile.³ Two Julæ leges were passed as to this matter in the time of Augustus, which were respectively entitled De Vi Publica and De Vi Privata.⁴ The lex De Vi Publica did not apply, as the title might seem to import, exclusively to acts against the public peace, and it is not possible to describe it very accurately except by enumerating its chief provisions. The collecting of arms (*arma, tela*) in a house (*domus*) or in a villa (*agrove in villa*), except for the purpose of hunting, or going a journey or a voyage, was in itself a violation of the lex. The signification of the word *tela* in this lex was very extensive. The punishment for the violation of this lex was *aquæ et ignis interdictio*, except in the case of attacking and plundering houses or villas with an armed band, in which case the punishment was death; and the penalty was the same for carrying off a woman, married or unmarried. The cases enumerated in the Digest as falling within the penalties of the lex Julia De Vi Privata are cases where the act was of less atrocity; for instance, if a man got a number of men together for a riot, which ended in the beating of a person, but not in his death, he came within the penalties of the lex De Vi Privata. It was also a case of *vis privata* when persons combined to prevent another being brought before the prætor. The *senatus consultum Volusianum* extended the penalties of the lex to those who maintained another in his suit with the view of sharing any advantage that might result from it. The penalties of this lex were the loss of a third part of the offender's property; and he was also declared to be incapable of being a senator or *decurio*, or a *judex*: by a *senatus consultum*, the name of which is not given, he was incapacitated from enjoying any honour, *quasi infamis*.

VIS et VIS ARMATA. There was an interdict De Vi et Vi Armata, which applied to the case of a man who was forcibly ejected from the possession of a piece of ground or edifice (*qui vi dejectus est*). The object of the interdict was to restore the party ejected to possession.⁵ (*Vid.* INTERDICTUM.)

VISCERATIO. (*Vid.* FUNUS, p. 462.)

VISCUM (*ἴξος*), the Mistletoe. (*Vid.* IXOS.)

VITIS. (*Vid.* CENTURIO.)

VITIS (*ἄμπελος*), the Vine. "According to Sprengel, the *ἄμπελος ἄγρία* of Dioscorides is the *Taurus communis*; the *λευκή*, the *Bryonia dioica*; and the *μέλαινα*, the *Bryonia alba*. In this account of them he copies from Dodonæus. Stackhouse marks the first as the *Vaccinium Vitis Idæa*; but Schneider doubts whether either of the plants referred to by Sprengel and Stackhouse apply to the description of it given by Theophrastus. Dierbach marks the *ἄγρία* as being either the *Bryonia dioica* or *Cretica*. The *ἄμπελος οἰνοφόρος* is the *Vitis vinifera*, L." (*Vid.* VINUM, at the commencement of the article.)⁶

VITRUM (*ἔαλος*), Glass. A singular amount of ignorance and skepticism long prevailed with regard to the knowledge possessed by the ancients in

the art of glass-making to be regarded as while others, unacquainted with believing that in its coarsest and most remote epoch. Vases executed by the ancients prove that the art of glass-making had reached a high degree of skill long before the present time. We find that the ancients were not only acquainted with the art of glass-making, but that they employed it in the most various manner of domestic and public uses. We find that the ancients were not only acquainted with the art of glass-making, but that they employed it in the most various manner of domestic and public uses.

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There is some reason to believe that the ancients were not only acquainted with the art of glass-making, but that they employed it in the most various manner of domestic and public uses. We find that the ancients were not only acquainted with the art of glass-making, but that they employed it in the most various manner of domestic and public uses.

1. (i., c. 2, § 20.)—2. (H. N., ii., 9.)—3. (Cic., Pro Cl., 11.—Id., xii., 74.—Id., de Off. 1, 1.)—4. (Cic., de Off. 1, 1.)—5. (Cic., de Off. 1, 1.)—6. (Cic., de Off. 1, 1.)

1. (Cic. ad Att., ii., 24.—Id., De Harusp. Resp., 8.)—2. (Cic., Pro Cl., 29.—Sallust in Cic., Declam.)—3. (Cic., Philp., i., 9.)—4. (Dig. 48, tit. 6, 7.)—5. (Dig. 13, tit. 16.)—6. (Aelian, Ap. pend., s. v. ἄμπελος.)

processy told that it was dug in abundance out of the earth; and hence commentators have conjectured that rock-crystal, or rock-salt, or amber, or Oriental alabaster, or some bituminous or gummy product might be indicated. But when the same historian, in his account of sacred crocodiles,¹ states that they were decorated with earrings made of melted stone (*ἀρτήματά τε λίθινα χυτὰ καὶ χρύσεια ἐς τὰ ὄτα ἐνθλυταις*), we may safely conclude that he intends to describe some vitreous ornament for which he knew no appropriate name. The *σφραγὶς ὑαλίνη* and *σφραγίδε ὑαλίνα* of an Athenian inscription referred to B.C. 398,² together with the passage in Aristophanes,³ where the envoy boasts* that he had been drinking with the great king "ἐξ ὑαλίνων ἐκπομάτων," decide nothing, especially since in another comedy⁴ Strepsiades describes a *θαλασ*, or burning-glass, as a transparent stone sold in the shops of apothecaries, and we know that any solid diaphanous substance ground into the form of a lens would produce the effect. Setting aside the two problems with regard to glass, attributed to Aristotle, as confessedly spurious, we at length find a satisfactory testimony in the works of his pupil and successor Theophrastus, who notices the circumstance alluded to above of the fitness of the sand at the mouth of the river Belus for the fabrication of glass.

Among the Latin writers Lucretius appears to be the first in whom the word *vitrum* occurs;⁵ but it must have been well known to his countrymen long before, for Cicero names it, along with paper and linen, as a common article of merchandise brought from Egypt.⁶ Scaurus, in his *edileship* (B.C. 58), made a display of it such as was never witnessed even in after-times; for the *scena* of his gorgeous theatre was divided into three tiers, of which the under portion was of marble, the upper of gilded wood, and the middle compartment of glass.⁷ In the poets of the Augustan age it is constantly introduced, both directly and in similes, and in such terms as to prove that it was an object with which every one must be familiar.⁸ Strabo declares that in his day a small drinking-cup of glass might be purchased at Rome for half an as;⁹ and so common was it in the time of Juvenal and Martial, that old men and women made a livelihood by trucking sulphur matches for broken fragments.¹⁰ When Pliny wrote, manufactories had been established not only in Italy, but in Spain and Gaul also, and glass drinking-cups had entirely superseded those of gold and silver;¹¹ and in the reign of Alexander Severus we find *vitrearii* ranked along with carriers, coachmakers, goldsmiths, silversmiths, and other ordinary artificers whom the emperor taxed to raise money for his therme.¹²

The numerous specimens transmitted to us prove that the ancients were well acquainted with the art of imparting a great variety of colours to their glass; they were probably less successful in their attempts to render it perfectly pure and free from all colour, since we are told by Pliny that it was considered most valuable in this state. It was wrought according to the different methods now practised, being fashioned into the required shape by the blowpipe, *cut*, as we term it, although *ground* (*teritur*) is a more accurate phrase, upon a wheel, and engraved with a sharp tool like silver ("*aliud flatu figuratur, aliud torno teritur, aliud argenti modo*

calatur"¹³). Doubts have been expressed touching the accuracy of the last part of this statement; but, since we have the most positive evidence that the diamond (*adamas*) was employed by engravers of gems,² and might therefore have been applied with still greater facility to scratching the surface of glass, there is no necessity for supposing that Pliny was not himself aware of what he meant to say, nor for twisting his words into meanings which they cannot legitimately assume, especially since hieroglyphics and various other devices are now to be seen on Egyptian vases and trinkets which have been engraved by some such process.³ The *diatreta* of Martial⁴ were glass cups cut or engraved according to one or other of the above methods. The process was difficult, and accidents occurred so frequently⁵ that the jurists found it necessary to define accurately the circumstances under which the workman became liable for the value of the vessel destroyed.⁶ The art of etching upon glass, now so common, was entirely unknown, since it depends upon the properties of fluoric acid, a chemical discovery of the last century.

We may now briefly enumerate the chief uses to which glass was applied.

1. Bottles, vases, cups, and cinerary urns. A great number of these may be seen in the British Museum and all the principal Continental cabinets, but especially in the Museo Borbonico at Naples, which contains the spoils of Herculaneum and Pompeii, and includes upward of 2400 specimens of ancient glass. These sufficiently prove the taste, ingenuity, and consummate skill lavished upon such labours; many which have been shaped by the blowpipe only are remarkable for their graceful form and brilliant colours, while others are of the most delicate and complicated workmanship. A very remarkable object belonging to the last class, the property of the Trivulsi family, is described in the notes to Winkelmann,⁷ and figured here. It is



a glass cup contained within a sort of network also of glass, to which it is attached by a series of short and very fine glass props placed at equal distances from each other. Round the rim are several letters connected with the cup in the same manner as the network, and forming the words *BIBERE VIVAS MULTOS ANNOS*. The characters of the inscription are green, the network is blue, the cup itself resembles opal, shades of red, white, yellow, and blue predominating in turn, according to the angle at which the light falls upon it. It was at first believed that this effect was the result of long interment beneath the ground; but it is much more likely to have been produced by the artist, for it corre-

1. (ii., 69.)—2. (Böckh, Corp. Inscript., n. 150, § 50.)—3. (Acharn., 74.)—4. (Nub., 737.)—5. (iv., 604; vi., 991.)—6. (Pro Rab. Post., 14.)—7. (Plin., H. N., xxxvi., 34, § 7.)—8. (c. g., Virg., Georg., iv., 350.—Id., Æn., vii., 759.—Ovid, Amor., i., 6, 55.—Prop., iv., 8, 37.—Hor., Carm., iii., 13, 1.)—9. (xvi., p. 758.—Compare Martial, ix., 60.)—10. (Juv., v., 45.—Martial, i., 42.—Id., x., 3.—Stat., Sylv., i., 6, 73.—Compare Dion Cass., lvi., 17.)
1. (H. N., xxxvi., 66.)—12. (Lampid., Alex. Sev., 24.)

1. (Plin., H. N., xxxvi., 66.)—2. (Plin., H. N., xxxvii., 15.—Solin., 52.—Isidor., xvi., 13, 3.)—3. (Wilkinson, vol. iii., p. 105.)—4. (xii., 70.)—5. (Mart., xiv., 115.)—6. (Dug., 9, 68, 2, v. 23, § 29.)—7. (i., c. 2, § 24.)

sponds precisely to the account given of two precious cups presented by an Egyptian priest to the Emperor Adrian, and characterized as *calices allascentes versicolores*.¹ Neither the letters nor the network have been soldered to the cup, but the whole has been cut out of a solid mass after the manner of a cameo, the marks of the wheel being still visible on the little props, which are more or less angular, according as the instrument was able to reach them completely or not. But the great triumph of ancient genius in this department is the celebrated Portland Vase, formerly known as the Barberini Vase, which is now in the British Museum. It was found about three hundred years ago, at a short distance from Rome, in a marble coffin, within a sepulchral vault, pronounced, upon very imperfect evidence, to have been the tomb of Alexander Severus. The extreme beauty of this urn led Montfaucon and other antiquaries to mistake it for a real sardonix. Upon more accurate examination, it was ascertained to be composed of dark blue glass, of a very rich tint, on the surface of which are delineated in relief several minute and elaborately wrought figures of opaque white enamel. It has been determined by persons of the greatest practical experience, that these figures must have been moulded separately, and afterward fixed to the blue surface by a partial fusion; but the union has been effected with such extraordinary care and dexterity, that no trace of the junction can be observed, nor have the most delicate lines received the slightest injury. With such samples before us, we need not wonder that in the time of Nero a pair of moderate-sized glass cups with handles (*pteroti*) sometimes cost fifty pounds (*HS. sex milibus*).² For a full description of the Portland Vase, see the eighth volume of the *Archæologia*.

2. Glass pastes presenting fac-similes either in relief or intaglio of engraved precious stones. In this way have been preserved exact copies of many beautiful gems, of which the originals no longer exist, as may be seen from the catalogues of Stosch, of Tassie, of the Orleans collection, and from similar publications. These were in demand for the rings of such persons as were not wealthy enough to purchase real stones, as we perceive from the phrase "*vitreis gemmis ex vulgi annulis*."³ Large medallions also of this kind are still preserved, and bas-reliefs of considerable magnitude.⁴

3. Closely allied to the preceding were imitations of coloured precious stones, such as the carbuncle, the sapphire, the amethyst, and, above all, the emerald. These counterfeitings were executed with such fidelity, that detection was extremely difficult, and great profits were realized by dishonest dealers, who entrapped the unwary.⁵ That such frauds were practised even upon the most exalted in station, is seen from the anecdote given by Trebellius Pollio of the whimsical vengeance taken by Gallienus⁶ on a rogue who had cheated him in this way, and collections are to be seen at Rome of pieces of coloured glass which were evidently once worn as jewels, from which they cannot be distinguished by the eye.⁷

4. One very elegant application of glass deserves to be particularly noticed. A number of fine stalks of glass of different colours were placed vertically, and arranged in such a manner as to depict upon the upper surface some figure or pattern, upon the principle of a minute mosaic. The filaments thus

combined were then subjected to such a degree of heat as would suffice to soften without melting them, and were thus cemented together into a solid mass. It is evident that the picture brought on upon the upper surface would extend down through the whole of the little columns thus formed, and hence, if it was cut into thin slices at right angles to the direction of the fibres, each of these sections would upon both sides represent the design, which would thus be multiplied to an extent in proportion to the total length of the glass threads. Two beautiful fragments, evidently constructed in this way, are accurately commented upon by Winckelmann¹ and another, recently brought from Egypt, is shown on the frontispiece to the third volume of Wilson's work. Many mosaic pavements and pictures (*opus musivum*) belong to this head, since the cubes were frequently composed of opaque glass as well as marble; but these have been already discussed in p. 715 of this work.

5. Thick sheets of glass of various colours appear to have been laid down for paving floors, and to have been attached as a lining to the walls and ceilings of apartments in dwelling-houses, just as scagliuola is frequently employed in Italy, and occasionally in our own country also. Rooms fitted up in this way were called *vitrea camera*, and the panels *vitrea quadratura*. Such was the kind of decoration introduced by Scaurus for the scene of his theatre, not columns nor pillars of glass, as some, nor bas-reliefs, as others have imagined.²

6. The question whether glass windows were known to the ancients has, after much discussion, been set at rest by the excavation at Pompeii; for not only have many fragments of flat glass been interred from time to time, but in the *tepidarium* of the public baths a bronze lattice came to light with some of the panes still inserted in the frame, so as to determine at once not only their existence, but the mode in which they were secured and arranged.³ (*Vid. HOUSE, ROMAN, p. 521.*)

7. From the time that pure glass became known, it must have been remarked that, when darkened upon one side, it possessed the property of reflecting images. We are certain that an attempt was made by the Sidonians to make looking-glasses,⁴ and equally certain that it must have failed; for the use of metallic mirrors, which are more costly in the first instance, which require constant care, and attain but imperfectly the end desired, was universal under the Empire. Respecting ancient mirrors, see *SPECULUM*.

8. A strange story with regard to an alleged invention of malleable glass is found in Petronius,⁵ is told still more circumstantially by Dion Cassius,⁶ and is alluded to by Pliny,⁷ with an expression of doubt, however, as to its truth. An artist appeared before Tiberius with a cup of glass. This he dashed violently upon the ground. When taken up it was neither broken nor cracked, but dented like a piece of metal. The man then produced a mallet, and hammered it back into its original shape. The emperor inquired whether any one was acquainted with the secret, and was answered in the negative, upon which the order was given that he should be instantly beheaded, lest the precious metals might lose their value, should such a composition become generally known.

VITTA, or plural VITTE, a riband or fillet, is to be considered, I. as an ordinary portion of female

1. (Vopisc., Saturn., c. 8.)—2. (Plin., H. N., xxxvi., 66.)—3. (Plin., H. N., xxxv., 30.)—4. (See Winckelmann, i., c. 2, § 27.)—5. (Plin., H. N., xxxvii., 75.)—6. (Gall., c. 12.)—7. (Plin., H. N., xxxvii., 26, 33, 75.—Senec., Ep., 90.—Isidor., Orig., xvi., 15, § 27.—Beckmann, History of Inventions, vol. i., p. 199, English trans., 3d edit.)

1. (i., c. 2, § 22, 23, 24.)—2. (Plin., H. N., xxxvi., 66.—Stat., Sylv., i., 5, 42.—Senec., Ep., 70.—Vopisc., Firm., c. 1.—Winckelmann, i., c. 2, § 21.—Passeri, Lucernæ Fictiles, p. 67, tab. lxxi.)—3. (Mazois, Palais de Scouras, c. viii., p. 97.—Bianchi de Pompeii, tom. iii., p. 77.—Becker, Gallus, ii., p. 20.)—4. (Plin., H. N., xxxvi., 66.)—5. (c. 31.)—6. (Ivii., 21.)—7. (H. N., xxxvi., 66.)

dress. II. As a decoration of sacred persons and sacred things.

I. When considered as an ordinary portion of female dress, it was simply a band encircling the head, and serving to confine the tresses (*crinales vittæ*), the ends, when long (*longa tænia vittæ*), hanging down behind.¹ It was worn (1.) by maidens;² (2.) by married women also, the vitta assumed on the nuptial-day being of a different form from that used by virgins.³

The vitta was *not* worn by libertinae even of fair character,⁴ much less by meretrices; hence it was looked upon as an *insigne pudoris*, and, together with the *stola* and *instita*, served to point out at first sight the freeborn matron.⁵

The colour was probably a matter of choice; white and purple are both mentioned.⁶ One of those represented in the cuts below is ornamented with embroidery, and they were in some cases set with pearls (*vittæ margaritarum*).

The following woodcuts represent back and front views of the heads of statues from Herculaneum, on which we perceive the vitta.⁷



II. When employed for sacred purposes, it was usually twisted round the infula (*vid. INFULA*), and held together the loose flocks of wool.⁸ Under this form it was employed as an ornament for (1.) priests, and those who offered sacrifice.⁹ (2.) Priestesses, especially those of Vesta, and hence *vittata sacerdos* for a vestal, *κατ' ἐξόχην*.¹⁰ (3.) Prophets and poets, who may be regarded as priests, and in this case the vittæ were frequently intertwined with chaplets of olive or laurel.¹¹ (4.) Statues of deities.¹² (5.) Victims decked for sacrifice.¹³ (6.) Altars.¹⁴ (7.) Temples.¹⁵ (8.) The *ικετήρια* of suppliants.¹⁷

The sacred vittæ, as well as the infulæ, were made of wool, and hence the epithets *lanæa*¹⁸ and *mollis*.¹⁹ They were white (*nivea*²⁰), or purple (*punicææ*²¹), or azure (*cæruleæ*), when wreathed round an altar to the manes.²²

Vitta is also used in the general sense of a string for tying up garlands,²³ and *vittæ loreæ* for the leathern straps or braces by which a machine was worked.²⁴

*ULMUS (*πελέα*), the Elm, or *Ulmus campestris*, L. Few trees have enjoyed more of poetical ce-

lebrity than the elm. It was chosen particularly for the training of vines, and the marriage of the vine with the elm forms a favourite figure in the strains of the Roman bards.

ULNA. (*Vid. PES*, p. 762.)

*ULVA, a term applied generally by the Latin writers to all aquatic plants, and synonymous, therefore, with *Alga*. According to some, however, the term *alga* was employed to designate marine aquatic plants, and *ulva* those growing in fresh water. This distinction will not hold good, however, in all cases.

UMBELLA. (*Vid. UMBRACULUM*.)

UMBILICUS. (*Vid. LIBER*.)

UMBO. (*Vid. CLYPEUS; TOGA*, p. 986.)

UMBRACULUM, UMBELLA (*σκιάδειον, σκιάδιον, σκιάδισκη*), a Parasol, was used by Greek and Roman ladies as a protection against the sun. They seem not to have been carried generally by the ladies themselves, but by female slaves, who held them over their mistresses. The daughters of the aliens (*μέτοικοι*) at Athens had to carry parasols after the Athenian maidens at the Panathenæa, as is mentioned under *HYDRIAPHORIA*, p. 523. The parasols of the ancients seem to have been exactly like our own parasols or umbrellas in form, and could be shut up and opened like ours.¹ They are often represented in paintings on ancient vases. The annexed woodcut is taken from Millin's *Peintures de Vases Antiques*, vol. i., pl. 70. The female is clothed in a long chiton or diploidion (*vid. TUNICA*, 1023), and has a small himation, which seems to have fallen off her shoulders.



It was considered a mark of effeminacy for men to make use of parasols.² The Roman ladies used them in the amphitheatre to defend themselves from the sun or some passing shower,³ when the wind or other circumstances did not allow the velarium to be extended. (*Vid. AMPHITHEATrum*, p. 52.) To hold a parasol over a lady was one of the common attentions of lovers,⁴ and it seems to have been very common to give parasols as presents.⁵ Instead of parasols, the Greek women, in later times, wore a kind of straw hat or bonnet, called *βρόλια*.⁶ The Romans also wore a hat with a broad brim (*petasus*) as a protection against the sun.⁷ See *Paciardi, de Umbella gestatione*, Romæ, 1752.—*Becker, Charikles*, ii., p. 73.

I. (Aristoph., *Equit.*, 1348.—Schol. ad loc.—Ovid, *Art. Am.*, ii., 209.)—2. (Anacreon ap. Athen., xii., p. 534.)—3. (Mart., xiv., 28.)—4. (Mart., xi., 73.—Ovid, l. c.)—5. (Juv., Sat., ix., 50.)—6. (Pollux, vii., 174.—Compare x., 127.—Theocrit., xv., 39.)—7. (Suet., *Octav.*, 82.—Dion Cass., lix., 7.)

1. (Virg., *Æn.*, vii., 351, 403.—Ovid, *Met.*, ii., 413.—*Id.*, iv., 6.—Isidor., xix., 31, § 6.)—2. (Virg., *Æn.*, ii., 178.—*Prop.*, iv., 11, 34.—Val. Flacc., viii., 6.—*Serv.* ad Virg., *Æn.*, ii., 133.)—3. (*Prop.*, iv., 3, 15.—*Id.*, 11, 34.—Plaut., *Mil. Glor.*, iii., 1, 194.—Val. Max., v., 2, § 1.)—4. (Tibull., i., 6, 67.)—5. (Ovid, *A. A.*, i., 31.—*Id.*, R. A., 386.—*Id.*, *Trist.*, ii., 247.—*Id.*, *Ep. ex Pont.*, iii., 3, 51.)—6. (*Id.*, *Met.*, ii., 413.—*Ciris*, 511.—*Stat.*, *Achill.*, i., 611.)—7. (*Dig.*, 34, tit. 2, s. 25, § 2.)—8. (Bronzi d'Ercolano, tom. ii., tav. 72, 75.)—9. (Virg., *Georg.*, iii., 487.—*Id.*, *Æn.*, x., 537.—Isidor., xix., 30, § 4.—*Serv.* ad Virg., *Æn.*, x., 538.—The expression of Lucan is obscure, v., 142, &c.)—10. (Virg., *Æn.*, ii., 221.—*Id.*, iv., 637.—*Id.*, x., 537.—*Tacit.*, *Ann.*, i., 57.)—11. (Virg., *Æn.*, vii., 418.—Ovid, *Fast.*, iii., 30.—*Id.*, *ib.*, vi., 457.—*Juv.*, Sat., iv., 9.—*Id.*, vi., 50.)—12. (Virg., *Æn.*, iii., 81.—*Id.*, *ib.*, vi., 665.—*Stat.*, *Sylv.*, ii., 1, 26.—*Id.*, *Achill.*, i., 11.—*Id.*, *Theb.*, iii., 466.)—13. (Virg., *Æn.*, ii., 168, 296.—*Juv.*, vi., 50.—*Compare Stat.*, *Sylv.*, iii., 3, 3.)—14. (Virg., *Georg.*, iii., 487.—*Æn.*, ii., 133, 156.—*Id.*, v., 366.—Ovid, *Ep. ex Pont.*, iii., 2, 74.—*Stat.*, *Achill.*, ii., 301.)—15. (Virg., *Ecl.*, viii., 64.—*Æn.*, iii., 64.)—16. (*Prop.*, iv., 9, 27.—*Compare Tacit.*, *Hist.*, iv., 53.)—17. (Virg., *Æn.*, vii., 237.—*Id.*, *ib.*, viii., 128.)—18. (Ovid, *Fast.*, iii., 30.)—19. (Virg., *Ecl.*, viii., 64.)—20. (*Id.*, *Georg.*, iii., 487.—Ovid, *Met.*, xiii., 643.—*Stat.*, *Theb.*, iii., 466.)—21. (*Prop.*, iv., 9, 27.)—22. (Virg., *Æn.*, iii., 64.)—23. (Plin., *H. N.*, xviii., 2.—Isidor., xix., 31, 6.)—24. (Plin., *Hist. Nat.*, xviii., 31)

UNCIA (*ὄγκια, οὐγκία, οὐγγία*), the twelfth part of the *As* or *LIBRA*, is derived by Varro from *unus*, as being the unit of the divisions of the *as*.¹

Its value as a weight was 433·666 grains, or $\frac{1}{12}$ of an ounce, and 105·36 grains avoirdupois. (*Vid. LIBRA*.) It was subdivided into

	Oz.	Gr.
2 Semunciae, each	= $\frac{1}{6}$	107·46
3 Duellae "	= $\frac{1}{4}$	35·12
4 Sicilici "	=	108·416
6 Sextulae "	=	72·277
24 Scrupula "	=	18·069
144 Siliquae "	=	3·011

In connecting the Roman system of weights and money with the Greek, another division of the uncia was used. When the drachma was introduced into the Roman system as equivalent to the denarius of 96 to the pound (*vid. DENARIUS, DRACHMA*), the uncia contained 8 drachmae, the drachma 3 scrupula, the scrupulum 2 oboli (since 6 oboli made up the drachma), and the obolos 3 siliquae (*κερατία*). Therefore the uncia was divided into

8 drachmae, each	=	54·203 grs.
24 scrupula "	=	18·069 "
48 oboli "	=	9·034 "
144 siliquae "	=	3·011 "

In this division we have the origin of the modern Italian system, in which the pound is divided into 12 ounces, the ounce into three drams, the dram into three scruples, and the scruple into 6 carats. In each of these systems 1728 *κερατία*, siliquae, or carats make up the pound.

The uncial system was adopted by the Greeks of Sicily, who called their obol *λίτρα* (the Roman *libra*), and divided it into 12 parts, each of which they called *ὄγκια* or *οὐγκία* (the Roman *uncia*). (*Vid. LIBRA*.) In this system the *ὄγκια* was reckoned equal to the *χαλκοίς*.

Müller considers that the Greeks of Sicily, and also the Romans themselves, obtained the uncial system from the Etruscans.²

The Romans applied the uncial division to all kinds of magnitude. (*Vid. As*.) In length the uncia was the twelfth of a foot, whence the word *inch* (*vid. PES*); in area, the twelfth of a jugerum (*vid. JUGERUM*); in content, the twelfth of a sextarius (*vid. SEXTARIUS, CYATHUS, XESTES*); in time, the twelfth of an hour. (*Vid. As, sub fin.*)³

UNCIA, a Roman copper coin, the twelfth of the *As*.

UNCIA'RUM FŒNUS. (*Vid. INTEREST OF MONEY*, p. 547.)

UNCTO'RES. (*Vid. BATHS*, p. 148.)

UNCTUA'RIUM. (*Vid. BATHS*, p. 148.)

UNGUENTA, ointments, oils, or salves. The application of unguenta, in connexion with the bathing and athletic contests of the ancients, is stated under *BATHS* and *ATHLETÆ*, &c. But, although their original object was simply to preserve the health and elasticity of the human frame, they were in later times used as articles of luxury. They were then not only employed to impart to the body or hair a particular colour, but also to give to them the most beautiful fragrance possible; they were, moreover, not merely applied after a bath, but at any time, to render one's appearance or presence more pleasant than usual. In short, they were used then as oils and pomatums are at present.

The numerous kinds of oils, soaps, pomatums, and other perfumes with which the ancients were acquainted is quite astonishing. We know several kinds of soaps which they used, though, as it ap-

pears, more for the purpose of painting the skin for cleaning it.¹ For the same purpose they also used certain herbs.²

Among the various and costly oils which were partly used for the skin and partly for the hair, the following may be mentioned as examples: *masissium*, *megelesium*, *metopium*, *amaracinum*, *Cygnus*, *susinum*, *nardinum*, *spicatum*, *tasmanum*, *saceum*, and *crocus* oil, which was considered the most costly.³ In addition to these oils, the ancients also used various kinds of powder as perfumes, which, by a general name, are called *disperma*. To what extent the luxury of using fragrant oils and the like was carried on, may be inferred from Seneca,⁴ who says that people anointed themselves twice or even three times a day, in order that the delicious fragrance might never diminish. At Rome, however, these luxuries did not become very general till towards the end of the Republic,⁵ while the Greeks appear to have been familiar with them from early times. The wealthy Greeks and Romans carried their ointments and perfumes with them, especially when they bathed, in small boxes of costly materials and beautiful workmanship, which were called *narthecia*.⁶ The traffic which was carried on in these ointments and perfumes in several towns of Greece and southern Italy was very considerable. The persons engaged in manufacturing them were called by the Romans *unguentarii*,⁷ or, as they frequently were, *unguentariae*,⁸ and the art of manufacturing them *unguentaria*. In the wealthy and effeminate city of Capua there was one great street called the *Seplasia*, which consisted entirely of shops, in which ointments and perfumes were sold.

A few words are necessary on the custom of the ancients in painting their faces. In Greece this practice appears to have been very common among the ladies, though men also had sometimes recourse to it, as, for example, Demetrius Phalereus.⁹ But, as regards the women, it appears that their refined mode of living, and their sitting mostly in their own apartments, deprived them of a great part of their natural freshness and beauty, for which, of course, they were anxious to make up by artificial means.¹⁰ This mode of embellishing themselves was probably applied only on certain occasions, such as when they went out, or wished to appear more charming.¹¹ The colours used for this purpose were white (*ρομβίθιον, cerusa*) and red (*εργουσα* or *ὄγκουσα, κινδύρωρ, σικκίμινον, or φούκος*).¹² The eyebrows were frequently painted black (*μέλαν, ὑπόβολος, or στίμμιον*).¹³ The manner in which this operation of painting was performed, is still seen in some ancient works of art representing ladies in the act of painting themselves. Sometimes they are seen painting themselves with a brush, and sometimes with their fingers.¹⁴

The Romans, towards the end of the Republic and under the Empire, were no less fond of painting themselves than the Greeks.¹⁵ The red colour was at Rome, as in many parts of Greece, prepared from a kind of moss which the Romans called *fucus* (the *rocella* of Linnæus), and from which afterward all

1. (L. L., v., 171, ed. Möller.)—2. (Etrusker, i., p. 309.)—3. (Böckh, *Metrol. Untersuch.* p. 155, 160, 165, 293.—Wurm, *De Pond.*, &c., p. 8, 9, 63, 67, 115, 132.)

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kinds of paint were called *fuscus*. Another general term for paint is *creta*. For embellishing and cleaning the complexion, the Greeks as well as the Romans used a substance called *æsipum* (*vid.* the comment on Suidas, s. v. *Ολπη*), which was prepared of the wool taken from those parts of the body of a sheep in which it perspired most. Another remedy, often applied for similar purposes, consisted of powdered excrementa of the Egyptian crocodiles.¹

Respecting the subjects here mentioned, and everything connected with the toilet of the ancients, see Böttiger, *Sabina oder Morgenscenen in Putzzimmer einer reichen Römerin*, Leipz., 1806, 2 vols.

UNGUENTARIUM. (*Vid.* UNGUENTA.)

UNIVERSITAS. This word denotes the whole of anything as contrasted with its component parts. It signifies either a number of persons as a whole, or a number of things, or a number of rights. In the case of a number of things viewed as a universitas, it is indifferent whether the parts are corporally united or not; or whether the corporeal union, if it exists, is natural or not.

A single person only can properly be viewed as the subject of rights and duties; but the notion of legal capacity may, by a fiction, be extended to a number of persons, who are considered as a single person for legal purposes, and may, accordingly, be called juristical persons, or persons existing merely by virtue of legal fiction. Thus the "hereditas" is said by the Roman jurists "*persona vice fungit*," like a municipium, decuria, and societas: the bonorum possessor is "*in loco heredis*;" and as he is a fictitious heres, so a juristical person is a fictitious person. As persons, however, so constituted, such juristical persons have legal capacities, as individuals have; but their legal capacities are limited to property as their object. It is true that the Romans often considered other persons as a collective unity: thus they speak of the collegium of the consuls (*vid.* COLLEGIUM), and of the tribuni plebis. In like manner, they say that the *dumviri* of a municipium are to be viewed as one person.² But these fictitious unities have only reference to *jus publicum*, and they have no necessary connexion with juristical persons, the essential character of which is the capacity to have and acquire property. Juristical persons could be subjects of ownership, *jura in re*, obligations, and hereditas; they could own slaves, and have the patronatus; but all the relations of familia, as the patria potestas and others of a like kind, were foreign to the notion. But, though the capacity to have property is the distinguishing characteristic of juristical persons viewed with relation to *jus privatum*, the objects for which the property is had and applied may be any, and the capacity to have property implies a purpose for which it is had, which is often much more important than this mere capacity. But the purposes for which juristical persons have property are quite distinct from their capacity to have it. This will appear from all or any of the examples hereinafter given.

The following are juristical persons: 1. Civitas. 2. Municipis: this term is more common than municipium, and comprehends both citizens of a municipium and a colony; it is also used when the object is to express the municipium as a whole, opposed to the individual members of it. 3. Respublica. In the republican period, when used without an adjunct, Respublica expressed Rome, but in the old jurists it signifies a civitas dependant on Rome. 4. Respublica civitatis or municipii. 5. Commune, communitas. Besides the civitates, component parts of the civitates are also juristical persons: 1. Curiae or decuriones: the word decuriones often denotes the individuals composing the body of de-

curiones as opposed to the civitas (municipes), which appears from a passage in the Digest,¹ where it is stated that an action for *dolus* will not lie against the municipes, for a fictitious person cannot be guilty of *dolus*, but such action will lie against the individual decuriones who administer the affairs of the municipes. Sometimes the word curia is used as equivalent to civitas, and sometimes the decuriones are spoken of as a juristical person, which has property as such. 2. Vici; which have no political self-existence, but are attached to some respublica, yet they are juristical persons, can hold property, and maintain suits. 3. Fora, conciliabula, castella. These were places between civitates and vici as to extent and importance; they belonged to a respublica, but had the rights of juristical persons: they are not mentioned in the legislation of Justinian, but the names occur in the Tablet of Heraclea, in the *lex Galliae Cisalpinæ*, and in Paulus.² In the latter period of the Empire, provinces were viewed as juristical persons.

In the writings of the agrimensores, communities, and particularly colonies (*coloni*), are designated by the appropriate name of *publicæ personæ*, and property is spoken of as belonging to the *coloni*, that is, the *colonia*, *coloni* being used here in the same sense in which *municipes* was used, as above explained.

Other juristical persons were: 1. Religious bodies, as collegia of priests and of the vestal virgins, which could hold property and take by testament. 2. Associations of official persons, such as those who were employed in administration: the body of *scribæ* became one of the most numerous and important, as they were employed in all branches of administration; the general name was *scribæ*, a term which includes the particular names of *librarii*, *fiscales*, and others; they were divided into subdivisions called *decuria*, a term which, even under the Republic and also under the Empire, denoted the corporations of *scribæ*; the individual members were called *decuriati*, and subsequently *decuriales*; the *decuriati* had great privileges in Rome, and subsequently in Constantinople.³ 3. Associations for trade and commerce, as *fabri pistores*, *navicularii*, the individuals of which had a common profession, on which the notion of their union was founded, but each man worked on his own account. Associations properly included under *societates*, as corporations for effecting a common object (*vid.* SOCIETAS): such associations could be dissolved by the notice of any member, and were actually dissolved by the death of a single member. Some of these associations, such as those for working mines, *salinæ*, and farming the *portoria*, were corporate bodies, and retained the name of *societates*. 4. Associations, called *sodalitates*, *sodalitia*, *collegia sodalitia*, which resembled modern clubs. In their origin they were friendly associations for feasting together; in course of time many of them became political associations, but from this we must not conclude that their true nature really varied; they were associations not included in any other class that has been enumerated, but they differed in their character according to the times. In periods of commotion they became the central points of political factions, and new associations, it may be reasonably supposed, would be formed expressly for political purposes. Sometimes the public places were crowded by the *sodalitia* and *decuriati*,⁴ and the senate was at last compelled to propose a *lex* which should subject to the penalties of *vis* those who

1. (4, tit. 3, c. 15.)—2. (8. R., 4, tit. 6, s. 2.)—3. (Cic. in Verr. iii., 79.—Id. ad Quam. Frat. ii., 3.—Tacit., Ann., xiii., 27.—Suet., Aug., 57.—Id., Claud., 1.)—4. (Cic. ad Quam. Frat. ii., 3.)

1. (Horat., Plin., l. c.)—2. (Dig. 50, tit. 1, s. 25.)

that one or two years would be quite sufficient for the owner to look after his property, that being the time allowed to the possessor for usucapio."

The reason for limiting the owner to one or two years has little reason in it and possibly no historical truth; but it is clear from this passage that this application of the rule of usucapio was formed from analogy to the rule of the Twelve Tables, and that it was not contained in them. The limitation of the time of usucapio is clearly due to the Twelve Tables, and the time applied only to purchases of res mancipi from the owner when the legal forms of conveyance had been neglected. But the origin of usucapio was probably still more remote.

When Gaius states that there was originally only one kind of ownership at Rome, and that afterward ownership was divided, he immediately shows how this arose by taking the case of a res mancipi. This division of ownership rested on the division of things into res mancipi and res nec mancipi, a distinction that had reference to nothing else than the mode of transferring the property of them. Things were merely called res mancipi because the ownership of them could not be transferred without mancipatio. Things were res nec mancipi, the alienation of which could be effected without mancipatio. There could be no division of things into mancipi and nec mancipi except by determining what things should be res mancipi. Res nec mancipi are determined negatively: they are all things that are not res mancipi: but the negative determination presupposes the positive; therefore res mancipi were determined before res nec mancipi could be determined; and before the res mancipi were determined, there was no distinction of things into res mancipi and res nec mancipi. But this distinction, as such, only affected the condition of those things to which it had a direct application: consequently, all other things remained as they were before. The conclusion, then, is certain, that the res mancipi, as a class of things, were anterior, in order of time, to the class of res nec mancipi, which comprehended all things except res mancipi. Until then, the class of res mancipi was established, all property at Rome could be alienated by bare tradition, as res nec mancipi could be alienated by tradition after the class of res mancipi was constituted.

The time when the class of res mancipi was formed is not known; but it is most consistent with all that we know to suppose that it existed before the Twelve Tables. If we consider the forms of mancipatio (*vid.* MANCIPATIO), we cannot believe that they arose in any other way than by positive enactment. As soon as the forms of mancipatio and of the in jure cessio (which, from its character, must be posterior to mancipatio) were established, it followed that mere tradition of a thing to a purchaser and payment of the purchase-money could not transfer the ownership of a res mancipi. The transfer gave the purchaser merely a possessio, and the original owner retained the property. In course of time, the purchaser obtained the publiciana actio, and from this time it might be said that a double ownership existed in the same thing.

The introduction of mancipatio, which gave rise to the double ownership, was also followed by the introduction of usucapio. The bona fide possessor of a res mancipi which had not been transferred by mancipatio, had no legal defence against the owner who claimed the thing. But he had the exceptio doli, and subsequently the exceptio rei vendite et tradite, by which he could protect himself against the owner; and as possessor simply, he had the protection of the interdict against third persons. He had the full enjoyment of the thing, and he could enjoy the possessio, but he could do no act with

respect to it for which Quiritarian ownership was necessary; consequently, he could not alienate it by mancipatio or in jure cessio, and it was a necessary consequence that he could not dispose of it by testament in the same way in which Quiritarian ownership was disposed of by testament. The necessity for such a rule as that of usucapio was evident, but it could arise in no other way than by positive enactment, for its effect was to be the same as that of mancipatio. The Twelve Tables fixed the term of usucapio, but we do not know whether they fixed or merely confirmed the rule of law as to usucapio.

It is a mistake to suppose that tradition or delivery was a part of mancipatio as such. Mancipatio was merely a form of transferring ownership which was fixed by law, and the characteristic of which was publicity: a delivery of the thing would of course generally follow, but it was no part of the transfer of ownership. Land (*prædia*), for instance, could be mancipated without delivery (*in alienis mancipari solent*¹). In the case of movable things it was necessary that they should be present, not for the purpose of delivery, but that the thing mancipated might be identified. The essential to the transfer of ownership in all ages and in all countries is the consent of two persons who have legal capacity to consent, the seller and the buyer. All that is left is form that may be varied infinitely: the consent is the substance. Yet tradition as a form of transfer was undoubtedly the old Roman form, and consent alone was not sufficient; and it may be admitted that consent alone was never sufficient for the transfer of ownership without affording the principle laid down that consent alone is essential in the transfer of ownership. This apparent incongruity is ingeniously and sufficiently explained in the following manner: "Tradition owes its origin to a time when men could not sufficiently separate in their minds physical ownership, or the dominion over a thing, from legal ownership. As a man can only call a bird in the air or a wild animal in the forest his own when he has caught it, so man thought that tradition must be added to consent in order to enable a man to claim the thing as his own."²

Besides the case of property there might be usucapio in the case of servitudes, marriage, and hereditas. But as servitudes prædiorum rusticorum could only be the objects of mancipatio, and as being parts of ownership could only be established by the same form by which ownership of res mancipi was transferred, so, according to the old law, these servitudes alone could be the object of usucapio, and, as it is contended by Engelbach, only in the case of aquæductus, haustus, iter, and actus. As the ownership of res mancipi could be acquired by bare tradition followed by usucapio, so these servitudes could be established by contract, and could be fully acquired by usucapio. In the later Roman law, when the form of mancipatio was replaced by mere tradition, servitudes could be established per pacta et stipulationes only. In the case of a marriage coemptio, the form of mancipatio was used, and the effect was, that the woman came into the hand of her husband, and became part of his familia. The marriage use could not of itself effect this, but if the woman lived with her husband a year she passed into his familia by usucapio (*etiam coemptio possessione usucapiebatur*): and, accordingly, it was provided by the laws of the Twelve Tables, that if she did not wish thus to come into her husband's hand, she must in every year absent herself from him for three nights in order to interrupt the usucapio.³ The

1. (Ulp., Frag., 29, tit. 6.—Gloss. 1, 121.)—2. Engelbach, Ueber die Usucapion, &c., p. 66.)—3. Gaius, 1, 121.

es, he could work them for his benefit, if he had them properly (*quasi bonus paterfamilias*). After the bequest of the usufructus, minerals were found on the land, he could work them. He would be compelled to plant new trees in the place those which died, and generally to keep the land in good condition. If the usufructus was of *œdes*, the fructuarius was entitled to all the rents and profit which he received during the time of his enjoyment. He could be compelled to keep a house in repair, but it seems to be doubtful how far he was bound to rebuild the house if it fell down from decay; at any rate, he was liable for all moderate and reasonable expenses which were necessary for the maintenance of the property.

The fructuarius could not alienate the right to the usufructus, though he might give to another the exercise of his right; and he might surrender the right to the usufructus to the owner of the thing. He could not subject the thing to servitudes; nor could the owner do this, even with the consent of the fructuarius. The fructuarius could make such changes and alterations in the thing as would improve it, but such as would in any way deteriorate the thing. Consequently, he had greater power over cultivated land than over houses or pleasure-grounds, for a part of the value of houses or pleasure-grounds, and of things of the like kind, consists in opinion, and must be measured by the rank, wealth, and peculiar distinction of the owner.

The fructuarius could maintain or defend his rights against and by interdicts. On the completion of the time of the usufructus, the thing was to be restored to the owner, who could generally require satisfaction from the fructuarius both for the proper use of the thing and for its restoration in due time. The security was in some cases dispensed with by legislative enactments, and in other cases by agreement; but it could not be dispensed with by testament.

Originally there could be no usufructus in things which were things corporeal, and such as could be restored entire when the time of usufructus had expired. But by a *senatus consultum* of uncertain date there might be quasi usufructus of things which were consumed in the use, and in this case the fructuarius in fact became the owner of the things, but was bound to give security that he would either restore as much in quantity and value as he had received, or the value of the things in money. It is generally supposed that this *senatus consultum* was passed in the time of Augustus, and a passage of the Digest is alleged to show that it did not exist in the time of Cicero: "*Non debet ea mulier, cui vir bonorum usumfructum legavit, cellis vinariis et oleis relictis, putare id ad se pertinere. Usus non abusus legatur.*" The only difficulty is in the words "*id ad se pertinere*," which are usually translated "these things (the *cellæ vinariæ*, &c.) are not objects of usufructus," from which it is inferred that there was at that time no usufructus in things which were consumed in the use. But if this sense, the words which follow, "for the usufructus, the *abusus* (power to consume), is the object of the legacy," have no clear meaning. These words only signify that a usufructus is given, not an *abusus*; this does not prove that an *abusus* could not be given. Puchta shows that the phrase "*res pertinet usufructuario*," which exactly corresponds to the phrase in Cicero, does not mean "that the thing is the object of usufructus," but that "it does not belong to the fructuarius." In the Digest¹ the question is, whether the young child of a female slave belongs to the fructuarius (*an partus ad fructuarium*

pertineat), and it is answered in the negative, with the following explanation: "*non usumfructum in co-fructuario habebit.*" The passage of Cicero, therefore, will mean, that wine and oil in the testator's possession are not given to her by a bequest of the usufructus of his property, for it is *usus*, that is, the enjoyment of the property, which is given, and not "*abusus*," or the power to consume things. In other words, the testator gives the woman a usufructus in all his property, that is, a right to gather the fruits; but he does not give the wine and oil, which are fruits already gathered, to the woman to be her property, as if she had gathered them during her usufructus. Puchta contends that "*abusus*" does not necessarily signify that there could be "*abusus*" only in the case of things "*quæ usu consumuntur*;" he says that in the place of wine and oil Cicero might have given the place of animals, as an example, without altering his expression. If this interpretation is correct, Puchta contends that the *senatus consultum* as to quasi usufructus is older than the time of Cicero. But, in truth, the *senatus consultum* does not apply to the case under consideration, which is simply this, whether a gift of usufructus is a gift of the fruits that are already gathered; and Cicero says that it is not, for it is *usus* which is given, that is, usufructus, or the right of gathering the fruits, and not *abusus*, which implies the right to the unlimited enjoyment of a thing. If *abusus* had been given, the woman's power over all the property of the testator, including the wine and oil, would have been unlimited; but as *abusus* was not given, and as usufructus implies the gathering of the fruits by the fructuarius, the enjoyment of the fruits already gathered could not belong to her. The argument of Cicero, then, proves nothing as to the existence of a quasi usufructus in his time; so far as his argument goes, the quasi usufructus might have then existed or might not have existed. The interpretation of Puchta is correct, but his conclusion is not certain. In addition to this, it does not appear that *senatus consulta* were made on such matters as those relating to the law of property before the imperial period.

Usus is defined¹ by the negation of "*frui*:" "*cui usus relictus est, uti potest, frui vero non potest.*" The title of the Digest above referred to is "*De Usu et habitatione*," and the instances given under that title mainly refer to the use of a house or part of a house. Accordingly, the *usus* of a house might be bequeathed without the *fructus*:² it has been already explained what is the extent of the meaning of usufructus of a house. The *usus* of a thing implies the power of using it either for necessary purposes or purposes of pleasure. The man who was entitled to the *usus* could not give the thing to another to use, though a man who had the *usus* of a house could allow another to lodge with him. A man who had the *usus* of an estate could take wood for daily use, and could enjoy the orchard, the fruit, flowers, and water, provided he used them in moderation, or, as it is expressed, "*non usque ad compendium, sed ad usum scilicet non abusum.*" If the *usus* of cattle (*pecus*) was left, the usufructus was entitled to a moderate allowance of milk. If the *usus* of a herd of oxen was bequeathed to a man, he could use the oxen for ploughing, and for all purposes for which oxen are adapted. If the *usus* was of things which were consumed in the use, then the *usus* was the same as usufructus.³ *Usus* was in its nature indivisible, and, accordingly, a part of a *usus* could not be given as a legacy, though persons might have the *fructus* of a thing in common.⁴ As to his duties, the usufructus was in most respects like

1. (Top., 3.)—2. (7, tit. 1, s. 68.)

1. (Dig. 7, tit. 8, s. 2.)—2. (Dig. 7, tit. 8, s. 18.)—3. (Dig. 7, tit. 5, s. 5, § 2; s. 10, § 1.)—4. (Dig. 7, tit. 8, s. 19.)

commence working by candlelight, which was probably considered as an auspicious beginning of the use of fire, as the day was sacred to the god of this element.⁴

VULGARES. (Vid. SERVUS, ROMAN, p. 887.)

UXOR. (Vid. MARRIAGE, ROMAN, p. 623.)

UXORIIUM or ÆS UXORIIUM was a tax paid by persons who lived as bachelors.⁵ It was first imposed by the censors M. Furius Camillus and M. Postumius, B.C. 403,⁶ but whether it continued to be levied we do not know. Subsequent censors seem not unfrequently to have used endeavours to induce bachelors to marry; the orations of the censors Metellus Macedonicus (B.C. 131) and Metellus Numidicus (B.C. 102) on the subject were extant in the time of the Empire. Some extracts from the speech of the latter are given by Aulus Gellius,⁷ and Augustus read the speech of the former in the senate as applicable to the state of things in his time.⁸ Various penalties were imposed by Augustus upon those who lived in a state of celibacy, respecting which see JULIA LEX ET PAPIA POPPÆA, p. 556.

X. ζ.

*XANTHE (ξανθη), a kind of Hæmatite, or Bloodstone, of a pale yellowish colour, containing iron ore.⁹

*XANTHION (ξανθιον), a plant, lesser Burdock, or *Xanthium strumarium*.¹⁰

*XANTHOBALANUS (ξανθοβάλανος). According to Adams, "Some have taken this for the Nutmeg, but this opinion is refuted by Clusius. Sprengel inclines to refer it to the nut of the *Semecarpum anacardium*."¹¹

XEN'AGOI (ξεναγοί). The Spartans, as being the head of that Peloponnesian and Dorian league which was formed to secure the independence of the Greek states, had the sole command of the confederate troops in time of war, ordered the quotas which each state was to furnish, and appointed officers of their own to command them. Such officers were called *ξεναγοί*. The generals whom the allies sent with their troops were subordinate to these Spartan *ξεναγοί*, though they attended the council of war as representatives of their respective countries.¹² After the escape of Antalcidas, the

ger who misconducted himself injurious to public morals. Such exercises by the ephori. The icles reproach the Lacedæmotic, as if its object were to ex sharing in the benefits of the intention of Lycurgus, more serve the national character o prevent their being corrupted and vices (as Xenophon says) οί πολῖται ἀπὸ τῶν ξένων ἐμπ same view the Spartans were to go abroad without leave Both these rules, as well as th ple on the subject, were much when foreign rule and supremacy of Spartan ambition. Even a find that the Spartans knew laws of hospitality upon fit a such as public festivals, the r dors, &c.⁸ They worshipped 'Αθανᾶ ξενία.⁷ The connexion προξενία, was cultivated at Sp and by individuals, of which the Pisistratidæ is an example Spartan family with the fa (Vid. HOSPITIUM.) Many ill ported to have resided at Sp Terpander, Theognis, and oth highly esteemed by the nation πρόξενος. (See farther on the λασία, Thucyd., i., 144, with C toph., *Aves*, 1013.—Harpocr., *

ΞΕΝΙΑΣ ΓΡΑΦΗ (ξενίας : prosecution at Athens for un rights of citizenship. As n Athenian citizen except by bi or ποιήσει), if one, having neit sumed to act as a citizen, eit the popular assembly, or by a dicial or magisterial, or by a vals, or doing any other act w zen was privileged to do, he ξενίας, which any citizen mi him.¹⁰ Or he might be procee ελία.¹¹ If condemned, his were forfeited to the state, a

on tried on this charge was acquitted by means of fraudulent collusion with the prosecutor or witnesses, or by any species of bribery, he was liable to be indicted afresh by a *γραφὴ δωροξενίας*, the proceedings in which, and the penalty, were the same as in the *γραφὴ ξενίας*. The jurisdiction in these matters belonged, in the time of Demosthenes, to the *thesmothetæ*, but anciently, at least in the case of Lysias, to the *nautodica*.¹

In order to prevent fraudulent enrolment in the register of the *δῆμοι*, or *ληξιαρχικὸν γραμματεῖον*, which was important evidence of citizenship, the *γραφῆται* themselves were at liberty to revise their register, and expunge the names of those who had been improperly admitted. From their decision there was an appeal to a court of justice, upon which the question to be tried was much the same as in the *γραφὴ ξενίας*, and the appellant, if he obtained a verdict, was restored to the register; but if judgment was given against him, he was sold for a year. (*Vid. Demus.*)² For an example of this see the speech of Demosthenes against Eubulides.

XENICON (*ξενικόν*). At an early period there was no such thing as a standing army or mercenary force in the Greek republics. The former would be excited jealousy lest it should oppress the people, as the chosen band did at Argos,³ and for the latter there was rarely any occasion. The citizens of every state formed a national militia for the defence of their country, and were bound to serve for a certain period at their own expense, the richer classes usually serving in the cavalry or heavily-armed infantry, the lower classes as light-armed troops. Foreigners were rarely employed; Carians, Cretans, and Arcadians, who served as mercenaries,⁴ are an exception to the general rule.

In the Persian war we find a small number of Arcadians offering to serve under Xerxes;⁵ and it seems to have used themselves to such employment down to a much later period.⁶ The practice of maintaining a standing force was introduced by tyrants, who kept guards and soldiers in their *οἰκονομοὶ*, *μισθοφόροι* to prevent insurrections among the people, and preserve their influence abroad. It was unsafe to trust arms in the hands of their subjects, they usually employed foreigners.⁷ Hence, and because citizen soldiers used to fight for pay, *ξῆνοι* came to signify mercenaries.⁸ It is difficult to distinguish, however, between those who served as auxiliaries, whether for pay or otherwise, and those who were commissioned from their own country, and those who did not. The former were *ἐπίκουροι*, *ξῆνοι*.⁹ The terms *ξῆνοι* and *ξενικόν* implied that the troops were independent of, or severed from their own country.

The first Grecian people who commenced the employment of mercenaries on a large scale were the Athenians. While the tribute which they received from the allies placed a considerable revenue at their disposal, the wars which their ambition led them into compelled them to maintain a large force, naval and military, which their own population was unable to supply. Hence they swelled their armies with foreigners. Thucydides makes the Corinthian ambassador at Sparta say, *ὠνήτη ἡ Ἀθηναίων δύναμις*.¹⁰ They perceived, also, the advantage of em-

ploying men of different nations in that service, for which, from habit, they were best qualified; as, for instance, Cretan archers and slingers, Thracian peltastæ.¹ At the same time, the practice of paying the citizens was introduced; a measure of Pericles, which was, indeed, both just and unavoidable (for no man was bound by law, or could be expected to maintain himself for a long campaign), but which tended to efface the distinction between the native soldier and the foreigner.² Other Greek nations soon imitated the Athenians,³ and the appetite for pay was greatly promoted by the distribution of Persian money among the belligerents.⁴ At the close of the Peloponnesian war, large numbers of men who had been accustomed to live by war were thrown out of employment; many were in exile, or discontented with the state of things at home; all such persons were eager to engage in a foreign service. Hence there arose in Greece a body of men who made arms their profession, and cared little on which side they fought, provided there were a suitable prospect of gaining distinction or emolument. Conon engaged mercenaries with Persian money. Agesilaus encouraged the practice, and the Spartans allowed the members of their confederacy to furnish money instead of men for the same purpose.⁵ The Greeks who followed Cyrus in his expedition against Artaxerxes were mercenaries.⁶ So were the famous peltastæ of Chabrias and Iphicrates.⁷ The Phocians, under Philomelus, Onomarchus, and Phayllus, carried on the sacred war by the aid of mercenaries, paid out of the treasures of the Delphian temple.⁸ But higher pay and richer plunder were in general to be found in Asia, where the disturbed state of the empire created continual occasions for the service of Greek auxiliaries, whose superior discipline and courage were felt and acknowledged by the Barbarians. Even the Spartans sent their king Agesilaus into Egypt for the sake of obtaining Persian gold. Afterward we find a large body of Greeks serving under Darius against Alexander. It is proper here to notice the evil consequences that resulted from this employment of mercenaries, especially to Athens, which employed them more than any other Greek state. It might be expected that the facility of hiring trained soldiers, whose experience gave them great advantages, would lead to the disuse of military service by the citizens. Such was the case. The Athenian citizens stayed at home, and became enervated and corrupted by the love of ease and pleasure; while the conduct of wars, carried on for their benefit, was intrusted to men over whom they had little control. Even the general, though commonly an Athenian, was compelled frequently to comply with the humours, or follow the example of his troops. To conciliate them, or to pay them their arrears, he might be driven to commit acts of plunder and outrage upon the friends and allies of Athens, which thus found enemies where she least expected. It was not unusual for the generals to engage in enterprises foreign to the purposes for which they were sent out, and unconnected with the interests of their country, whose resources they wasted, while they sought their own advantage. The expeditions of Chabrias and Iphicrates to Egypt are examples of this. But the most signal example is the conduct of the adventurer Charidemus. Upon all these matters we may refer the reader more particularly to Demosthenes, whose comments upon the disastrous policy

(Harpoerat., s. v. *Δωροξενία*, *Παρίαταις*, *Ναυρόδικαι*.—Aesch., and Suid., s. v. *Ξενίας ἕξις*, *Ναυρόδικαι*.—Pollux, viii., 40, 126.—Meier, Att. Proc., 83, 347, 761.)—2. (Harpoerat., s. v. *Διαφόροις*.—Schömann, De Comit., 381.)—3. (Pausan., ii., 20, § 2.—Thucyd., v., 81.)—4. (Herod., i., 171.—Pausan., iv., 8, § 3; 10, § 1; 19, § 4.—Wachsmuth, Hell. Alterth., i., 0.—Schömann, Ant. Jur. Publ. Gr., 159.)—5. (Herod., viii., 6.—Xen., Hell., vii., 1, § 23.—Schömann, ib., 409.)—7. (Thucyd., vi., 55.—Diod. Sic., xi., 67, 72.—Xen., Hier., v., 3.)—Harpoerat., s. v. *Ξενιστομένους*.—9. (Herod., i., 64.—Id., iii., 10.—Id., v., 63.—Thucyd., i., 60.—Id., ii., 70.—Id., iii., 34.—Id., iv., 80.)—10. (ii., 121.)

1. (Thucydides, vi., 25.—Idem, vii., 27.—Aristophanes, Acharn., 159.)—2. (Böckh, Staatsk. der Athen., i., 292, &c.)—3. (Thucyd., iv., 76.)—4. (Thucyd., viii., 5, 29, 45.—Xen., Hell., i., 5, § 3.)—5. (Id. ib., iii., 4, § 15.—Id. ib., iv., 3, § 15.—Id. ib., v., 2, § 21.)—6. (Id., Anab., i., 3, § 21.)—7. (Harpoerat., s. v. *Ξενιστοί ἐν Κρήσι*.—Aristoph. Plat., 173.)—8. (Diod. Sic., xvi., 30, &c.)

pursued by his countrymen were no less just than they were wise and statesmanlike.¹

ΞΕΝΟΣ, ΞΕΝΙΑ (*ξένος, ξενία*). (*Vid. HOSPI- TIVM*, p. 512.)

XESTES (*ξέστης*), a Greek measure of capacity, both fluid and solid, which contained 12 cyathi or 2 cotyle, and was equal to $\frac{1}{8}$ of the *χοῦς*, $\frac{1}{4}$ of the Roman amphora or quadrantal, and $\frac{1}{2}$ of the Greek amphora or metretes; or, viewing it as a dry measure, it was half the *χœnix* and $\frac{1}{10}$ of the *medimnus*. It contained .9911 of a pint English.

At this point the Roman and Attic systems of measures coincide; for, though the *ξέστης* appears to have varied in different states of Greece, there is no doubt that the Attic *ξέστης* was identical, both in name and in value, with the Roman sextarius. Also, the Attic *χοῦς* was equal to the Roman congius, for the *ξέστης* was the sixth of the former, and the sextarius the sixth of the latter. (*Vid. CHOUS, CONGIUS, SEXTARIUS*.) Farther, the Attic metretes or amphora contained 12 *χοῦς*, and the Roman amphora contained 8 congi; giving for the ratio of the former to the latter 3 : 2, or $1\frac{1}{2}$: to 1. Again, the Attic medimnus was the double of the Roman amphora, and was to the metretes in the ratio of 4 : 3; and the Roman modius was the sixth of the Attic medimnus, and the third of the Roman amphora. Hence the two systems are connected by the numbers 2 and 3 and their multiples.

How and when did this relation arise? It cannot be accidental, nor can we suppose that the Greek system was modelled upon the Roman, since the former existed long before the Roman conquest of Greece. We must therefore suppose that the Roman system was in some way adapted to the Greek. It is a remarkable circumstance, that the uncial system of division which characterized the Roman weights and measures (*vid. AS, UNCIA*) is not found in the genuine Roman measures of capacity (for the use of the *cyathus* as the uncia of the sextarius appears to have originated with the Greek physicians in later times); and this is the more remarkable, as it is adopted in the Greek system: the Greek amphora being divided into 12 *χοῦς*, and the Roman into 8 congi instead of 12. In the Roman foot, again, besides the uncial division, we have the division into 4 palmi and 16 *digiti*, which seems clearly to have been borrowed from the Greek division into 4 *πασσάι* and 16 *δάκτυλοι*. (*Vid. PES*.) It seems, therefore, highly probable that the Greek system of measures had a considerable influence on that of the Romans.

To find the origin of this connexion, we must look from the measures to the weights, for both systems were undoubtedly founded on weight. The Roman amphora or quadrantal contained 80 pounds (whether of wine or water does not matter here), and the congius 10 pounds. Also the Attic talent was reckoned equal to 80 Roman pounds, and contained 60 minæ. Therefore the Attic mina had to the Roman pound the ratio of 80 : 60, or 4 : 3.

Now if we look at the subject historically, we find all the principal features of the Roman system in existence as early as the time of Servius Tullius. We must therefore seek for the introduction of the Greek element before that time. At that early period Athens does not appear to have had any considerable commercial intercourse with Italy, but other Grecian states had, through the colonies of Magna Græcia. The Phœceans, at a very early period, had a traffic with the Tyrrhenians; the Æginetans had a colony in Umbria; and Corinth and her colonies were in intercourse with the people of

central Italy, besides the traces of Corinthian influence upon Rome, which are preserved in the legend of the Tarquinii. It is therefore to the Æginetan Corinthian system of weights and measures that we must look for the origin of Grecian influence on the Roman system. Now the Æginetan pound, which was half of the Æginetan mina, had to the Roman pound the ratio of 10 : 8; and, since the Æginetan mina was to the Attic (most probably *vid. TALENTUM*) as 5 : 3, we get from the comparison of these ratios the Attic mina to the Roman pound as 4 : 3, as above.

The above view of the relation between the Greek and Roman system of measures of capacity is that of Böckh, who discusses the subject more fully in his *Metrologische Untersuchungen*, xi., § 10.

*XIPHIAS (*ξίφιας*), the Swordfish, or *Xiphi- gladius*, L. It would also appear to be the fish of Pliny and Isidorus.¹

*XIPHION (*ξίφιον*), the *Gladiolus communis*, or Corn-flag.²

XIPHOS (*ξίφος*). (*Vid. GLADIUS*.)

XO'ANON (*ξόανον*). (*Vid. STATUARY*, p. 914.)

*XYRIS (*ξύρις*), the *Iris fatidissima*, or *Stachys Gladwyn*. It is most probably the *ξύρις* of Theophrastus.³

XYSTARCHUS. (*Vid. GYMNASIUM*, p. 482.)

XYSTUS. (*Vid. GYMNASIUM*, p. 482; *LYCÆA*, p. 511.)

Z

ZAC'OROI (*ζάκοροι*) is the name by which in Greece, those persons were designated whose duty it was to guard a temple and to keep it clean. Notwithstanding this menial service, they partook of the priestly character, and are sometimes even called priests.⁴ In many cases they were known as *Timo* in Herodotus;⁵ but men are also mentioned as *ζάκοροι*. The priestess *Timo* is called by Herodotus *ὑπόζάκορος*, from which it is clear that, in some places, several of these priests must have been attached to one and the same temple, and that they differed among themselves in rank. A class of servants of the same kind were the *θεσπινοί*, or temple-sweepers.⁶ Subsequently, however, the menial services connected with this office were held by slaves, and the persons called *νεωκόροι* became priestly officers of high rank, who had the special superintendance of temples, their treasures, and the sacred rites observed in them.⁷ We learn from descriptions that in some towns the *νεωκόροι* formed a collegium, which was headed by the eldest among them. When the *νεωκόροι* had thus risen to the rank of high priestly officers, magistrates and persons of distinction, and even emperors, were anxious to be invested with the office, and, in the time of the emperors, whole nations and cities assumed the title of *νεωκόροι*, as we learn from numerous coins and inscriptions, and thus became the especial guardians of particular temples.⁸

*ZEIA (*Zeia*), a kind of grain, described by Aristotle and Avicenna as intermediate between wheat and barley. "In short," says Adams, "almost all the authorities agree that it is the *Triticum Spelta* or Spelt. The *πίση* of Theophrastus, and the *πίση* of Homer, as well as the *far* and *adorem* of the Romans, were in all probability merely varieties of Spelt."⁹

1. (Aristot., H. A., ii., 13. — Ælian, N. A., ii., 40. — *Index Append.*, s. v.) — 2. (Theophrast., H. P., vi., 8. — Dioscor., p. 29.) — 3. (Id., iv., 22. — Theophrast., H. P., ii., 8.) — 4. (Theophrast., H. P., ii., 8.) — 5. (Herodotus, i., 11.) — 6. (Herodotus, i., 11.) — 7. (Plat., De Leg., vi.) — 8. (Van Dale, *Disertat. de Insuetudine Marm. inpr. Græc.*, p. 298, &c. — Eckhel, *Doctr. Num.*, p. 288, &c.) — 9. (Theophrast., H. P., ii., 4. — Dioscor., p. 13. — Hom., II., viii., 560. — Theophrast., H. P., i., 6. — Adams, *op. cit.*, p. v.)

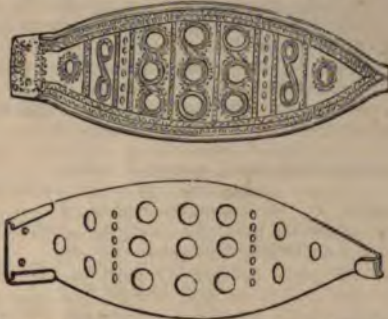
1. (Demosth., Philip., i., p. 46. — Id., c. Aristocr., p. 666, 671. — Id., περί τῶν ἑσφ. τῆς γῆρας, p. 1232, &c. — Athenæus, xii., 43. — Thirlwall, *Hist. of Greece*, v., p. 210. — Wachs, L., ii., p. 309.)

ΤΕΤΑΙ (ζητηται), *Inquisitors*, were extraordinary officers appointed by the Athenians to discover the authors of some crime against the state, bringing them to justice. Public advocates, *συνήγοροι* or *κατήγοροι*, were sometimes directed to them in this duty. Frequently the court of magus performed the office of inquisitors for the and, indeed, it was the duty of every magistrate to assist in procuring information against offenders.¹ Ζητηται were more frequently appointed to search for confiscated property, the goods of convicted criminals and state debtors; to receive information against any persons who concealed themselves in concealing them, and to deliver an inventory of all such goods (ἀπογράφειν) to the proper authorities. The delinquent was then produced, either before the *σύνδικος*, or, it might be, before the *ζητηται* themselves, if their commission related to the holding of an *ἡγεμονία δικαστηρίου*. Any person, however, who thought himself entitled to the goods which were the subject of such information, or to any part of them, might prefer a complaint against the inquisitor or informer, and petition for the goods, or the part to which he was entitled, or their proceeds, restored to him. This proceeding was called *επιπλοκή*. (Vid. *SYNDICARCATABOLE*.) Inquisitors were also called *ἵπτες*. On one particular occasion a set of commissioners, called *συλλογεῖς*, were appointed to seize the property of the oligarchs, who were concerned in overturning the democracy.²

ZINGIBERIS (ζυγίβρις). (Vid. *CENSUS*, p. 229.) ZINGIBERIS (ζυγίβρις), *Amomum Zingiber*, ginger.

ZONA, *dim.* ZONULA, also called CINGULUM (ζώνη, ζωστήρ³), a Girdle or Zone, worn about the waist by both sexes. As in the case of some articles of dress, the distinction between the male and female girdle was denoted by the use of a *ζώνη*, *ζώνη* or *ζωστήρ* being more properly a woman's girdle.⁴ The finer kinds of girdles were made by netting, whence the manufacture of them was called *ζώνισπλόκος*.⁵ The chief use of this article of dress was to hold up the tunic (ζώνισσθαι⁶), which was more especially requisite to be done when persons were at work, on a journey, or engaged in hunting. Hence we see the loins girdled in the woodcuts of the boatman (p. 26, of the shipbuilders at p. 62, 112, of the herd at p. 754, of the hunters at p. 836, and of the soldier at p. 245. The *ζώνη* or *ζωστήρ* is also represented in many ancient statues and pictures of men in armour, as worn round the cuirass. Among the Romans the *magister equitum* wore a girdle of red leather, embroidered with needlework, and having the extremities joined by a very splendid and ornate gold buckle. (Vid. *FIBULA*.)⁷ The girdle mentioned by Homer⁸ seems to have been a constituent part of the cuirass, serving to fasten it by means of a buckle, and also affording an additional support to the body, and having a short kind of strap attached to it, as is shown in the figure of the Greek warrior in p. 597. In consequence of the use of the girdle in fastening on the armour, the verbs *ζώνισσθαι* or *ζώσασθαι* meant to *arm one's self*,⁹ and this circumstance Athene was worshipped under the character Ζωστήρια.¹⁰ The woodcut at p. 15 shows that the ancient cuirass did not descend low

enough to secure that part of the body which was covered by the ornamental kilt or petticoat. To supply this defect was the design of the *mitra* (μίτρα), a brazen belt, lined probably on the inside with leather and stuffed with wool, which was worn next to the body,¹ so as to cover the lower part of the abdomen. The annexed woodcut shows the outside and inside of the bronze plate of a *mitra* one foot long, which was obtained by Brøndsted² in the island of Eubœa, and is now preserved in the Royal Library at Paris. We observe at one end two holes for fastening the strap, which went behind the body, and at the other end a hook, fitted probably to a ring, which was attached to the strap. A portion of a similar bronze plate is engraved by Caylus.³



Men used their girdles to hold money instead of a purse.⁴ The wallet (vid. *PERA*) was fastened to the girdle, and still more frequently the fold of the tunic, formed by tucking it up, and called *sinus*, was used as a pocket to carry whatever was necessary.

As the girdle was worn to hold up the garments for the sake of business or of work requiring despatch, so it was loosened, and the tunic was allowed to fall down to the feet, to indicate the opposite condition, and more especially in preparing to perform a sacrifice (*veste recincta*⁵) or funeral rites (*discincti*,⁶ *incinctæ*⁷).

A girdle was worn by young women even when their tunic was not girt up, and removed on the day of marriage, and therefore called *ζώνη παρθενική*,⁸ *παρθένων μίτρη*⁹). The Flora in the museum at



the ancient cuirass did not descend low

1. (Hom. II., iv., 137, 187; v., 707, 857.—Schol. in II., iv., 187.)
 2. (Bronzes of Siris, p. 42.)—3. (Rec. d'Ant., v., pl. 96, fig. 1.)
 4. (Plaut., Merc., v., 2, 84.—Gellius, xv., 12.—Suet., Vitell., 16.)—5. (Virg., Æn., iv., 518.—Ovid, Met., vii., 182.)—6. (Sueton., Octav., 100.)—7. (Tibull., iii., 2, 18.)—8. (Jacobs, Anthol., ii., p. 873.)—9. (Brunck, Anal., iii., 259.—Sen., Ed., ii., 3, 17.—Hom., Od., v., 231.—Longus, i., 2.—Ovid Epist. Her., ii., 116.—Id. ib., ix., 66.—Festus, s. v. Cingulum.—Catull., ii., 13.—Id. lxiv., 25.)

ZOOPHYTA.

Naples (see the preceding woodcut) shows the appearance of the girdle as worn by young women.

A horse's girth, used to fasten on the saddle (vid. EPHIPPIMUM), was called by the same names, and was sometimes made of rich materials, and embroidered in the most elaborate manner.¹ These terms, *zona* and *cingulum*, were also used to signify the five zones as understood by geographers and astronomers.²

*ZOOPHYTA (ζώφυτα). "Aristotle," says Adams, "ranks the *Urtica* or *Medusa* and sponges among those things which partake in part of the

1. (Ovid, Rem. Am. 236.—Claud, Epig., 24, 26.)—2. (Virg., Georg., i., 222.—Plin., H. N., ii., 68.—Macrob., Som. Scip., ii.)

ZYTHUS.

nature of animals and in part of plants. The term therefore corresponds to the *Zoophyta* of modern naturalists."¹

*ZYGÆNA (ζύγαενα), the *Squalus Zygaena*, L. or Balance Fish. It is a very large fish, and was placed among the *Cetacea* by Galen, Orbesius, Paulus Ægineta, and other ancient writers.²

*ZYG'IA (ζύγία), a plant, most probably the *Carpinus betulus*, or Hornbeam, as Stackhouse suggests.³

*ZYTHUS (ζύθος). (Vid. CEREVISIA.)

1. (Arist., De P. A., iv., 5.—Id., H. A., i., 1, &c.—Adams, Append., s. v.)—2. (Arist., H. A., ii., 25.—Eliac N. A., 2, 3.—Adams, Append., s. v.)—3. (Theophrast., H. P., iii., 4.—Id., iii., 6, &c.)

FASTI CONSULARES

(Referred to at Page 412 of this work.)

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| <p> ⁴ ^{c.}
 245 L. Junius Brutus. <i>Occis. est.</i>
 L. Tarquinius Collatinus. <i>Abd.</i>
 Sp. Lucretius Tricipitinus. <i>Mort. est.</i>
 M. Horatius Pulvillus.
 P. Valerius Poplicola.
 246 P. Valerius Poplicola II.
 T. Lucretius Tricipitinus.
 247 P. Valerius Poplicola III.
 M. Horatius Pulvillus II.
 248 Sp. Lartius Flavius s. Rufus.
 T. Herminius Aquilinus.
 249 M. Valerius Volusus.
 P. Postumius Tubertus.
 250 P. Valerius Poplicola IV.
 T. Lucretius Tricipitinus II.
 251 P. Postumius Tubertus II.
 Agrippa Menenius Lanatus.
 252 Opiter Virginius Tricostus.
 Sp. Cassius Viscellinus.
 253 Postumus Cominius Auruncus.
 T. Lartius Flavius s. Rufus.
 <i>Dictator rei gerunda causa.</i>
 T. Lartius Flavius s. Rufus.
 <i>Magister Equilum.</i>
 Sp. Cassius Viscellinus.
 254 Ser. Sulpicius Camerinus Cornutus.
 M^p. Tullius Longus. <i>Mort. e.</i>
 255 T. Æbutius Elva.
 P. Veturius Geminus Cicurinus.
 256 T. Lartius Flavius s. Rufus II.
 Q. Clælius (Volcula) Siculus.
 <i>Dict. rei ger. c.</i>
 A. Postumius Albus Regillensis.
 <i>Mag. Eq.</i>
 T. Æbutius Elva.
 257 A. Sempronius Atratinus.
 M. Minucius Augurinus.
 258 A. Postumius Albus Regillensis.
 T. Virginus Tricostus Cæliomontanus.
 259 Ap. Claudius Sabinus Regillensis.
 P. Servilius Priscus Structus.
 260 A. Virginus Tricostus Cæliomontanus.
 T. Veturius Geminus Cicurinus.
 <i>Dict. seditionis sedanda c.</i>
 M^p. Valerius Volusus Maximus.
 <i>Mag. Eq.</i>
 Q. Servilius Priscus Structus.
 261 Sp. Cassius Viscellinus II.
 Postumus Cominius Auruncus II.
 262 T. Geganius Macerinus.
 P. Minucius Augurinus.
 263 M. Minucius Augurinus II.
 A. Sempronius Atratinus II.
 264 Q. Sulpicius Camerinus Cornutus.
 Sp. Lartius Flavius s. Rufus II.
 265 C. Julius Julus.
 P. Pinarius Mamercinus Rufus.
 266 Sp. Nautius Rutilus.
 Sex. Furius Medullinus Fusus.
 267 T. Sicinius Sabinus.
 C. Aquilius Tuscus.
 268 Proculus Virginus Tricostus Rutilus.
 Sp. Cassius Viscellinus III.
 269 Ser. Cornelius Cossus Maluginensis.
 Q. Fabius Vibulanus. </p> | <p> A. C. A. U.
 484 ²⁷⁰ L. Æmilius Mamercus.
 K. Fabius Vibulanus.
 483 ²⁷¹ M. Fabius Vibulanus.
 L. Valerius Potius.
 482 ²⁷² C. Julius Julus.
 Q. Fabius Vibulanus II.
 481 ²⁷³ K. Fabius Vibulanus II.
 Sp. Furius Medullinus Fusus.
 480 ²⁷⁴ Cn. Manlius Cincinnatus. <i>Occ. e.</i>
 M. Fabius Vibulanus II.
 479 ²⁷⁵ K. Fabius Vibulanus III.
 T. Virginus Tricostus Rutilus.
 478 ²⁷⁶ L. Æmilius Mamercus II.
 C. Servilius Structus Ahala. <i>Mort. e.</i>
 Opiter Virginus Tricostus Esquilinus.
 477 ²⁷⁷ C. Horatius Pulvillus.
 T. Menenius Lanatus.
 476 ²⁷⁸ A. Virginus Tricostus Rutilus.
 Sp. Servilius Priscus Structus.
 475 ²⁷⁹ P. Valerius Poplicola.
 C. Nautius Rutilus.
 474 ²⁸⁰ A. Manlius Vulso.
 L. Furius Medullinus Fusus. <i>Lustr. VIII</i>
 473 ²⁸¹ L. Æmilius Mamercus III.
 Vopiscus Julius Julus.
 472 ²⁸² L. Pinarius Mamercinus Rufus.
 P. Furius Medullinus Fusus.
 471 ²⁸³ Ap. Claudius Sabinus Regillensis.
 T. Quinctius Capitolinus Barbatas.
 470 ²⁸⁴ L. Valerius Potius II.
 Ti. Æmilius Mamercus.
 469 ²⁸⁵ A. Virginus Tricostus Cæliomontanus.
 T. Numicius Priscus.
 468 ²⁸⁶ T. Quinctius Capitolinus Barbatas II
 Q. Servilius Priscus Structus.
 467 ²⁸⁷ Ti. Æmilius Mamercus II.
 Q. Fabius Vibulanus.
 466 ²⁸⁸ Sp. Postumius Albus Regillensis.
 Q. Servilius Priscus Structus II.
 465 ²⁸⁹ Q. Fabius Vibulanus II.
 T. Quinctius Capitolinus Barbatas III.
 464 ²⁹⁰ A. Postumius Albus Regillensis.
 Sp. Furius Medullinus Fusus.
 463 ²⁹¹ P. Servilius Priscus Structus.
 L. Æbutius Elva.
 462 ²⁹² L. Lucretius Tricipitinus.
 T. Veturius Geminus Cicurinus.
 461 ²⁹³ P. Volumnius Amintinus Gallus.
 Ser. Sulpicius Camerinus Cornutus.
 460 ²⁹⁴ C. Claudius Sabinus Regillensis.
 P. Valerius Poplicola II. <i>Mort. e.</i>
 L. Quinctius Cincinnatus.
 459 ²⁹⁵ Q. Fabius Vibulanus III.
 L. Cornelius Maluginensis.
 458 ²⁹⁶ L. Minucius Esquilinus Augurinus
 C. Nautius Rutilus II.
 <i>Dict. rei ger. c.</i>
 L. Quinctius Cincinnatus.
 <i>Mag. Eq.</i>
 L. Tarquinius Flaccus.
 457 ²⁹⁷ C. Horatius Pulvillus II.
 Q. Minucius Esquilinus Augurinus.
 456 ²⁹⁸ M. Valerius (Lactuca) Maximus.
 Sp. Virginus Tricostus Cæliomontanus.
 455 ²⁹⁹ T. Romilius Rocus Vaticanus. </p> |
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FASTI CONSULARES.

- A. C. A. U.
 C. Veturius Geminus Cicurinus.
 454 300 Sp. Tarpeius Montanus Capitolinus.
 A. Aternius Varus Fontinalis.
 453 301 Sex. Quinctilius Varus.
 P. Curiatius Festus Trigemini.
 452 302 P. Sestius Capitolinus Vaticanus.
 T. Menenius Lanatus.
 451 303 Ap. Claudius Crassinus Regillensis Sabi-
 nus II. *Abd.*
 T. Genucius Augurinus. *Abd.*
Decemviri.
 Ap. Claudius Crassinus Regillensis Sabi-
 nus.
 T. Genucius Augurinus.
 Sp. Veturius Crassus Cicurinus.
 C. Julius Julus.
 A. Manlius Vulso.
 Ser. Sulpicius Camerinus Cornutus.
 P. Sestius Capitolinus Vaticanus
 P. Curiatius Festus Trigemini.
 T. Romilius Rocus Vaticanus.
 Sp. Postumius Albus Regillensis.
 450 304 *Decemviri.*
 Ap. Claudius Crassinus Regillensis Sabi-
 nus II.
 M. Cornelius Maluginensis.
 L. Sergius Esquilius.
 L. Minucius Esquilius Augurinus.
 T. Antonius Merenda.
 Q. Fabius Vibulanus.
 Q. Postelius Libo Visolus.
 K. Duilius Longus.
 Sp. Oppius Cornicen.
 M. Rabuleius.
 449 305 L. Valerius Poplicola Potitus.
 M. Horatius Barbatus.
 448 306 Lar. Herminius Aquilinus (Continianus).
 T. Virginius Tricostus Caeliomontanus.
 447 307 M. Geganus Macerinus.
 C. Julius Julus.
 446 308 T. Quinctius Capitolinus Barbatus IV.
 Agrippa Furius Medullinus Fusus.
 445 309 M. Genucius Augurinus.
 C. Curtius Philo.
 444 310 *Tribuni militum consulari potestate.*
 A. Sempronius Atratinus.
 T. Clodius Siculus.
 L. Atilius.
Tribuni abdicarunt. Consules.
 L. Papirius Mugillanus.
 L. Sempronius Atratinus.
 443 311 M. Geganus Macerinus II.
 T. Quinctius Capitolinus Barbatus V.
Censores. Lustr. XI.
 L. Papirius Mugillanus.
 L. Sempronius Atratinus.
 442 312 M. Fabius Vibulanus.
 Postumus Æbutius Elva Cornicen.
 441 313 C. Furius Pacilus Fusus.
 M. Papirius Crassus.
 440 314 Proculus Geganus Macerinus.
 L. Menenius Lanatus.
 439 315 T. Quinctius Capitolinus Barbatus VI.
 Agrippa Menenius Lanatus.
Dict. sedit. sed. c.
 L. Quinctius Cincinnatus II.
Mag. Eq.
 C. Servilius Structus Ahala.
 438 316 *Trib. Mil.*
 Mam. Æmilius Mamercinus.
 L. Quinctius Cincinnatus.
 L. Julius Julus.
 437 317 M. Geganus Macerinus III.
 L. Sergius (Fidenas).
Dict. rei ger. c.
 Mam. Æmilius Mamercinus.
Mag. Eq.
 L. Quinctius Cincinnatus.
 1076

FASTI CONSULARES.

- A. C. A. U.
 436 318 M. Cornelius Maluginensis.
 L. Papirius Crassus.
 435 319 C. Julius Julus II.
 L. Virginius Tricostus.
Dict. rei ger. c.
 Q. Servilius Priscus Structus
 (nas).
Mag. Eq.
 Postumus Æbutius Elva Cornicen.
Censores. Lustr. XII.
 C. Furius Pacilus Fusus.
 M. Geganus Macerinus.
 434 320 *Trib. Mil.*
 M. Manlius Capitolinus.
 Ser. Cornelius Cossus.
 Q. Sulpicius Prætextatus.
 433 321 *Trib. Mil.*
 M. Fabius Vibulanus.
 M. Postius Flaccinator.
 L. Sergius Fidenas.
Dict. rei ger. c.
 Mam. Æmilius Mamercinus II.
Mag. Eq.
 A. Postumius Tubertus.
 432 322 *Trib. Mil.*
 L. Pinarius Mamercinus Rufus.
 L. Furius Medullinus Fusus.
 Sp. Postumius Albus Regillensis.
 431 323 T. Quinctius Pennus Cincinnatus.
 C. Julius Mento.
Dict. rei ger. c.
 A. Postumius Tubertus.
Mag. Eq.
 L. Julius Julus.
 430 324 C. Papirius Crassus.
 L. Julius Julus.
 429 325 L. Sergius Fidenas II.
 Hostus Lucretius Tricipitinus.
 428 326 A. Cornelius Cossus.
 T. Quinctius Pennus Cincinnatus II
 427 327 C. Servilius Structus Ahala.
 L. Papirius Mugillanus II
 426 328 *Trib. Mil.*
 C. Furius Pacilus Fusus.
 T. Quinctius Pennus Cincinnatus.
 M. Postumius Albus Regillensis.
 A. Cornelius Cossus.
Dict. rei ger. c.
 Mam. Æmilius Mamercinus III.
Mag. Eq.
 A. Cornelius Cossus.
 425 329 *Trib. Mil.*
 A. Sempronius Atratinus.
 L. Quinctius Cincinnatus II.
 L. Furius Medullinus Fusus II.
 L. Horatius Barbatus.
 424 330 *Trib. Mil.*
 Ap. Claudius Crassinus Regillensis.
 L. Sergius Fidenas II.
 Sp. Nautius Rutilus.
 Sex. Julius Julus.
Censores. Lustr. XIII.
 L. Julius Julus.
 L. Papirius Crassus.
 423 331 C. Sempronius Atratinus.
 Q. Fabius Vibulanus.
 422 332 *Trib. Mil.*
 L. Manlius Capitolinus.
 Q. Antonius Merenda.
 L. Papirius Mugillanus.
 (L. Servilius Structus.)
 421 333 N. Fabius Vibulanus.
 T. Quinctius Capitolinus Barbatus.
 420 334 *Trib. Mil.*
 T. Quinctius Pennus Cincinnatus II.
 L. Furius (Fusus) Medullinus III.
 M. Manlius Vulso.
 A. Sempronius Atratinus II.

FASTI CONSULARES.

- 35 *Trib. Mil.*
 Agrippa Menenius Lanatus.
 P. Lucretius Tricipitinus.
 Sp. Nautius Rutilus.
 C. Servilius (Structus) Axilla.
- 36 *Trib. Mil.*
 M. Papirius Mugillanus.
 C. Servilius (Structus) Axilla II.
 L. Sergius Fidenas III.
Dict. rei ger. c.
 Q. Servilius Priscus Fidenas II.
Mag. Eq.
 C. Servilius (Structus) Axilla.
Censores. Lustr. XIV.
 L. Papirius Mugillanus.
 Mam. Æmilius Mamercinus.
- 37 *Trib. Mil.*
 P. Lucretius Tricipitinus II.
 Agrippa Menenius Lanatus II.
 C. Servilius Structus III.
 Sp. Veturius Crassus Cicurinus.
- 38 *Trib. Mil.*
 A. Sempronius Atratinus III.
 Q. Fabius Vibulanus.
 M. Papirius Mugillanus II.
 Sp. Nautius Rutilus II.
- 39 *Trib. Mil.*
 P. Cornelius Cossus.
 C. Valerius Potitus Volusus.
 Q. Quinctius Cincinnatus.
 N. Fabius Vibulanus.
- 40 *Trib. Mil.*
 Q. Fabius Vibulanus II.
 P. Postumius Albinus Regillensis.
 L. Valerius Potitus.
 Cn. Cornelius Cossus.
- 41 A. Cornelius Cossus.
 L. Furius Medullinus.
- 42 Q. Fabius Vibulanus Ambustus.
 C. Furius Pacilus.
- 43 M. Papirius Mugillanus.
 C. Nautius Rutilus.
- 44 M'. Æmilius Mamercinus.
 C. Valerius Potitus Volusus.
- 45 Cn. Cornelius Cossus.
 L. Furius Medullinus II.
- 46 *Trib. Mil.*
 C. Julius Julus.
 P. Cornelius Cossus.
 C. Servilius (Structus) Ahala.
Dict. rei ger. c.
 P. Cornelius Rutilus Cossus.
Mag. Eq.
 C. Servilius (Structus) Ahala.
- 47 *Trib. Mil.*
 C. Valerius Potitus Volusus II.
 L. Furius Medullinus.
 C. Servilius (Structus) Ahala II.
 N. Fabius Vibulanus II.
- 48 *Trib. Mil.*
 P. Cornelius Rutilus Cossus.
 Cn. Cornelius Cossus.
 L. Valerius Potitus II.
 N. Fabius Ambustus.
- 49 *Trib. Mil.*
 C. Julius Julus II.
 T. Quinctius Capitolinus Barbatus.
 Q. Quinctius Cincinnatus (II).
 M'. Æmilius Mamercinus.
 L. Furius Medullinus II.
 A. Manlius Vulso Capitolinus.
- 50 *Trib. Mil.*
 P. Cornelius Maluginensis.
 Cn. Cornelius Cossus II.
 K. Fabius Ambustus.
 Sp. Nautius Rutilus III.
 C. Valerius Potitus Volusus III.
 M'. Sergius Fidenas.

FASTI CONSULARES.

- A. C. A. U.
 403 351 *Trib. Mil.*
 M'. Æmilius Mamercinus II.
 Ap. Claudius Crassinus Regillensis.
 M. Quinctilius Varus.
 M. Furius Fusus.
 L. Julius Julus.
 L. Valerius Potitus III.
Censores. Lustr. XVI.
 M. Furius Camillus.
 M. Postumius Albinus Regillensis.
- 402 352 *Trib. Mil.*
 C. Servilius (Structus) Ahala III.
 Q. Servilius (Priscus) Fidenas.
 L. Virginius Tricostus Esquilinus.
 Q. Sulpicius Camerinus Cornutus.
 A. Manlius Vulso Capitolinus II.
 M'. Sergius Fidenas II.
- 401 353 *Trib. Mil.*
 M. Furius Camillus.
 Cn. Cornelius Cossus III.
 L. Valerius Potitus IV.
 L. Julius Julus.
 M'. Æmilius Mamercinus III.
 K. Fabius Ambustus II.
- 400 354 *Trib. Mil.*
 P. Manlius Vulso.
 P. Licinius Calvus Esquilinus.
 L. Titinius Pansa Saccus.
 P. Mælius Capitolinus.
 Sp. Furius Medullinus.
 L. Publius Philo Vulscus.
- 399 355 *Trib. Mil.*
 Cn. Genucius Augurinus.
 L. Atilius Priscus.
 M. Pomponius Rufus.
 C. Duilius Longus.
 M. Veturius Crassus Cicurinus.
 Voler. Publius Philo.
- 398 356 *Trib. Mil.*
 L. Valerius Potitus V.
 M. Valerius Lactucinus Maximus.
 M. Furius Camillus II.
 L. Furius Medullinus III.
 Q. Servilius (Priscus) Fidenas II.
 Q. Sulpicius Camerinus Cornutus II
- 397 357 *Trib. Mil.*
 L. Julius Julus II.
 L. Furius Medullinus IV.
 A. Postumius Albinus Regillensis.
 L. Sergius Fidenas.
 P. Cornelius Maluginensis.
 A. Manlius Vulso Capitolinus III.
- 396 358 *Trib. Mil.*
 L. Titinius Pansa Saccus II.
 P. Licinius Calvus Esquilinus II.
 P. Mælius Capitolinus II.
 Q. Manlius Vulso.
 Cn. Genucius Augurinus II. *Occ.*
 L. Atilius Priscus II.
Dict. rei ger. c.
 M. Furius Camillus.
Mag. Eq.
 P. Cornelius Maluginensis.
- 395 359 *Trib. Mil.*
 P. Cornelius Maluginensis Cossus.
 P. Cornelius Scipio.
 K. Fabius Ambustus III.
 L. Furius Medullinus V.
 Q. Servilius (Priscus) Fidenas III.
 M. Valerius Lactucinus Maximus II
- 394 360 *Trib. Mil.*
 M. Furius Camillus III.
 L. Furius Medullinus VI.
 C. Æmilius Mamercinus.
 L. Valerius Poplicola.
 Sp. Postumius Albinus Regillensis.
 P. Cornelius II.
- 393 361 L. Valerius Potitus. *Abd.*

FASTI CONSULARES.

FASTI CONSULARES.

- A. C. A. U.
 P. Cornelius Maluginensis Cossus. *Abd.*
 L. Lucretius Flavius (Tricipitinus).
 Ser. Sulpicius Camerinus.
Censores.
 L. Papirius Cursor.
 C. Julius Julus. *Mort. c.*
 M. Cornelius Maluginensis.
 392 362 L. Valerius Potitus.
 M. Manlius Capitolinus.
 391 363 *Trib. Mil.*
 L. Lucretius (Flavius) Tricipitinus.
 Ser. Sulpicius Camerinus.
 L. Furius Medullinus VII.
 L. Æmilius Mamercinus.
 Agripp. Furius Fusus.
 C. Æmilius Mamercinus II.
 390 364 *Trib. Mil.*
 Q. Sulpicius Longus.
 Q. Servilius (Priscus) Fidenas IV.
 P. Cornelius Maluginensis II.
 Q. Fabius Ambustus.
 K. Fabius Ambustus IV.
 N. Fabius Ambustus II.
Dict. rei ger. c.
 M. Furius Camillus II.
Mag. Eq.
 L. Valerius Potitus.
 389 365 *Trib. Mil.*
 L. Virginius Tricostus.
 A. Manlius Capitolinus.
 L. Æmilius Mamercinus II.
 L. Postumius Regillensis Albinus.
 L. Valerius Poplicola II.
 P. Cornelius
Dict. rei ger. c.
 M. Furius Camillus III.
Mag. Eq.
 C. Servilius Ahala.
 388 366 *Trib. Mil.*
 T. Quinctius Cincinnatus Capitolinus.
 Q. Servilius (Priscus) Fidenas V.
 L. Julius Julus.
 L. Aquilius Corvus.
 L. Lucretius (Flavius) Tricipitinus II
 Ser. Sulpicius Rufus.
 387 367 *Trib. Mil.*
 L. Papirius Cursor.
 C. Sergius Fidenas.
 L. Æmilius Mamercinus III.
 L. Menenius Lanatus.
 L. Valerius Poplicola III.
 C. Cornelius
 386 368 *Trib. Mil.*
 Ser. Cornelius Maluginensis.
 Q. Servilius (Priscus) Fidenas VI.
 M. Furius Camillus IV.
 L. Quinctius Cincinnatus.
 L. Horatius Pulvillus.
 P. Valerius Potitus Poplicola.
 385 369 *Trib. Mil.*
 A. Manlius Capitolinus II.
 P. Cornelius II.
 T. Quinctius Capitolinus.
 L. Quinctius Cincinnatus II.
 L. Papirius Cursor II.
 C. Sergius Fidenas II.
Dict. sedil. sed. c.
 A. Cornelius Cossus.
Mag. Eq.
 T. Quinctius Capitolinus.
 384 370 *Trib. Mil.*
 Ser. Sulpicius Rufus II.
 C. Papirius Crassus.
 T. Quinctius Cincinnatus Capitolinus II.
 M. Furius Camillus V.
 Ser. Cornelius Maluginensis II
 1078

- A. C. A. U.
 P. Valerius Potitus Poplicola II
 383 371 *Trib. Mil.*
 L. Valerius Poplicola IV.
 A. Manlius Capitolinus III.
 Ser. Sulpicius Rufus III.
 L. Lucretius (Flavius) Tricipitinus
 L. Æmilius Mamercinus IV.
 M. Trebonius.
 382 372 *Trib. Mil.*
 Q. Servilius (Priscus) Fidenas.
 C. Sulpicius Camerinus.
 L. Æmilius Mamercinus V.
 Sp. Papirius Crassus.
 L. Papirius Crassus.
 Ser. Cornelius Maluginensis III.
 381 373 *Trib. Mil.*
 M. Furius Camillus VI.
 L. Furius Medullinus.
 A. Postumius Regillensis Albinus.
 L. Lucretius (Flavius) Tricipitinus
 M. Fabius Ambustus.
 L. Postumius Regillensis Albinus II
 380 374 L. Valerius Poplicola V.
 P. Valerius Potitus Poplicola III
 C. Sergius Fidenas III.
 C. Terentius.
 L. Æmilius Mamercinus VI.
 L. Menenius Lanatus II.
 Sp. Papirius Cursor.
 Ser. Cornelius Maluginensis IV.
Censores.
 C. Sulpicius Camerinus. *Abd.*
 Sp. Postumius Regillensis Albinus.
Dict. rei ger. c.
 T. Quinctius Cincinnatus Capitoli.
Mag. Eq.
 A. Sempronius Atratinus.
 379 375 *Trib. Mil.*
 P. Manlius Capitolinus.
 C. Manlius Capitolinus.
 L. Julius Julus II.
 C. Erenucius.
 M. Albinus.
 C. Sextilius.
 L. Antistius.
 P. Trebonius.
 378 376 *Trib. Mil.*
 Q. Servilius (Priscus) Fidenas II.
 Sp. Furius Medullinus.
 L. Menenius Lanatus III.
 P. Clælius Siculus.
 M. Horatius Pulvillus.
 L. Geganus Macerinus.
Censores.
 Sp. Servilius Priscus.
 Q. Clælius Siculus.
 377 377 *Trib. Mil.*
 L. Æmilius Mamercinus VII.
 C. Veturius Crassus Cicurinus
 Ser. Sulpicius Prætextatus.
 L. Quinctius Cincinnatus III.
 C. Quinctius Cincinnatus.
 P. Valerius Potitus Poplicola IV.
 376 378 *Trib. Mil.*
 L. Menenius Lanatus IV.
 L. Papirius Crassus II.
 Ser. Cornelius Maluginensis V.
 Ser. Sulpicius Prætextatus II.
 C. Licinius Calvus.
 375 379 } "Licinius Sextusque, tribuni p
 371 383 } fecti, nullos curules magistratu
 } passi sunt." (Liv., vi., 35.)
 370 384 *Trib. Mil.*
 L. Furius Medullinus II.
 A. Manlius Capitolinus IV.
 C. Valerius Potitus.
 P. Valerius Potitus Poplicola V.
 Ser. Sulpicius Prætextatus III.

FASTI CONSULARES.

- A. U.
 Ser. Cornelius Maluginensis VI.
 385 Trib. Mil.
 Q. Servilius (Priscus) Fidenas III.
 C. Veturius Crassus Cicurinus II.
 A. Cornelius Cossus.
 M. Cornelius Maluginensis.
 Q. Quinctius Cincinnatus.
 M. Fabius Ambustus II.
 386 Trib. Mil.
 T. Quinctius Cincinnatus Capitolinus.
 Ser. Cornelius Maluginensis VII.
 Ser. Sulpicius Prætextatus IV.
 Sp. Servilius Structus.
 L. Papirius Crassus.
 L. Veturius Crassus Cicurinus.
 Dict. rei ger. c.
 M. Furius Camillus IV.
 Mag. Eq.
 L. Æmilius Mamercinus.
 Dict. sedit. sed. et rei ger. c.
 P. Manlius Capitolinus.
 Mag. Eq.
 C. Licinius Calvus.
 387 Trib. Mil.
 A. Cornelius Cossus II.
 M. Cornelius Maluginensis II.
 M. Geganius Macerinus.
 L. Veturius Crassus Cicurinus II.
 P. Valerius Potitus Poplicola VI.
 P. Manlius Capitolinus II.
 Dict. rei ger. c.
 M. Furius Camillus V.
 Mag. Eq.
 T. Quinctius Cincinnatus Capitolinus.
 388 L. Æmilius Mamercinus.
 L. Sextius Sertius Lateranus.
 Censores.
 A. Postumius Regillensis Albinus.
 C. Sulpicius Peticus.
 389 L. Genucius Aventinensis.
 Q. Servilius Ahala.
 390 C. Sulpicius Peticus.
 C. Licinius Calvus Stolo.
 391 Cn. Genucius Aventinensis.
 L. Æmilius Mamercinus II.
 Dict. davi fig. c.
 L. Manlius Capitolinus Imperiosus.
 Mag. Eq.
 L. Pinarius Natta.
 Censores. Lustr. XX.
 M. Fabius Ambustus.
 L. Furius Medullinus.
 392 Q. Servilius Ahala II.
 L. Genucius Aventinensis II.
 Dict. rei ger. c.
 Ap. Claudius Crassinus Regillensis.
 Mag. Eq.
 P. Cornelius Scapula.
 393 C. Sulpicius Peticus II.
 C. Licinius Calvus Stolo II.
 Dict. rei ger. c.
 T. Quinctius Pennus Capitolinus Crispinus.
 Mag. Eq.
 Ser. Cornelius Maluginensis.
 394 C. Pœtelius Libo Visolus.
 M. Fabius Ambustus.
 Dict. rei ger. c.
 Q. Servilius Ahala.
 Mag. Eq.
 T. Quinctius Pennus Capitolinus Crispinus.
 395 M. Popilius Lænas.
 Cn. Manlius Capitolinus Imperiosus.
 396 C. Fabius Ambustus.
 C. Plautius Proculus.
 Dict. rei ger. c.
 C. Sulpicius Peticus.

FASTI CONSULARES.

- A. C. A. U.
 Mag. Eq.
 M. Valerius Poplicola.
 357 397 C. Marcius Rutilus.
 Cn. Manlius Capitolinus Imperiosus II.
 356 398 M. Fabius Ambustus II.
 M. Popilius Lænas II.
 Dict. rei ger. c.
 C. Marcius Rutilus.
 Mag. Eq.
 C. Plautius Proculus.
 355 399 C. Sulpicius Peticus III.
 M. Valerius Poplicola.
 354 400 M. Fabius Ambustus III.
 T. Quinctius Pennus Capitolinus Crispinus.
 353 401 C. Sulpicius Peticus IV.
 M. Valerius Poplicola II.
 Dict. rei ger. c.
 T. Manlius Imperiosus Torquatus.
 Mag. Eq.
 A. Cornelius Cossus Arvina.
 352 402 P. Valerius Poplicola.
 C. Marcius Rutilus II.
 Dict. rei ger. c.
 C. Julius Julus.
 Mag. Eq.
 L. Æmilius Mamercinus.
 351 403 C. Sulpicius Peticus V.
 T. Quinctius Pennus Capitolinus Crispinus II.
 Dict. comit. habend. c.
 M. Fabius Ambustus.
 Mag. Eq.
 Q. Servilius Ahala.
 Censores.
 Cn. Manlius Capitolinus Imperiosus.
 C. Marcius Rutilus.
 350 404 M. Popilius Lænas III.
 L. Cornelius Scipio.
 Dict. comit. habend. c.
 L. Furius Camillus.
 Mag. Eq.
 P. Cornelius Scipio.
 349 405 L. Furius Camillus.
 Appius Claudius Crassinus Regillensis
 Mort. e.
 Dict. comit. habend. c.
 T. Manlius Imperiosus Torquatus II.
 Mag. Eq.
 A. Cornelius Cossus Arvina II.
 348 406 M. Valerius Corvus.
 M. Popilius Lænas IV.
 Dict. comit. habend. c.
 C. Claudius Crassinus Regillensis.
 Mag. Eq.
 C. Livius Denter.
 347 407 T. Manlius Imperiosus Torquatus.
 C. Plantius Venno Hypsæus.
 346 408 M. Valerius Corvus II.
 C. Pœtelius Libo Visolus.
 345 409 M. Fabius Dorso.
 Ser. Sulpicius Camerinus Rufus.
 Dict. rei ger. c.
 L. Furius Camillus II.
 Mag. Eq.
 Cn. Manlius Capitolinus Imperiosus.
 344 410 C. Marcius Rutilus III.
 T. Manlius Imperiosus Torquatus II.
 Dict. feriar. Latin. c.
 P. Valerius Poplicola.
 Mag. Eq.
 Q. Fabius Ambustus.
 BELLUM SAMNITICUM.
 343 411 M. Valerius Corvus III.
 A. Cornelius Cossus Arvina.
 342 412 C. Marcius Rutilus IV.
 Q. Servilius Ahala.

FASTI CONSULARES

- .v. *Mag. Eq.*
 C. Junius Bubulcus Brutus.
Censores. Lustr. XXVI.
 Ap. Claudius Cæcus
 C. Plautius (Venox).
 43 C. Junius Bubulcus Brutus III.
 Q. Æmilius Barbula II.
 44 Q. Fabius Maximus Rullianus II.
 C. Marcius Rutilus (Censorinus).
 45 *Dict. rei ger. c.*
 L. Papirius Cursor II.
Mag. Eq.
 C. Junius Bubulcus Brutus II.
 (Hoc anno *Dict. et Mag. Eq. sine coss.*)
 46 Q. Fabius Maximus Rullianus III.
 P. Decius Mus II.
 47 Ap. Claudius Cæcus.
 L. Volumnii Flamma Violens.
Censores. Lustr. XXVII.
 M. Valerius Maximus.
 C. Junius Bubulcus Brutus.
 48 P. Cornelius Arvina.
 Q. Marcius Tremulus.
Dict. comit. habend. c.
 P. Cornelius Scipio Barbatus.
Mag. Eq.
 P. Decius Mus.
 49 L. Postumius Megellus.
 Ti. Minucius Augurinus. *Occis. e.*
 M. Fulvius Curvus Pætinus.
 50 P. Sulpicius Saverrio.
 P. Sempronius Sophus.
Censores. Lustr. XXVIII.
 Q. Fabius Maximus Rullianus.
 P. Decius Mus.
 51 L. Genucius Aventinensis.
 Ser. Cornelius Lentulus (Rufinus).
 52 M. Livius Denter.
 M. Æmilius Paullus.
Dict. rei ger. c.
 C. Junius Bubulcus Brutus.
Mag. Eq.
 M. Titinius.
 53 *Dict. rei ger. c.*
 Q. Fabius Maximus Rullianus II.
Mag. Eq.
 M. Æmilius Paullus.
Dict. rei ger. c.
 M. Valerius Corvus II.
Mag. Eq.
 C. Sempronius Sophus.
 (Hoc anno *Dict. et Mag. Eq. sine coss.*)
 54 M. Valerius Corvus V.
 Q. Appuleius Pansa.
 55 M. Fulvius Pætinus.
 T. Manlius Torquatus. *Mort. e.*
 M. Valerius Corvus VI.
Censores. Lustr. XXIX.
 P. Sempronius Sophus.
 P. Sulpicius Saverrio.
 56 L. Cornelius Scipio.
 Cn. Fulvius Maximus Centumalus.
 57 Q. Fabius Maximus Rullianus IV.
 P. Decius Mus IV.
 58 L. Volumnii Flamma Violens II.
 Ap. Claudius Cæcus II.
 59 Q. Fabius Maximus Rullianus V.
 P. Decius Mus IV.
 60 L. Postumius Megellus II.
 M. Atilius Regulus.
Censores. Lustr. XXX.
 P. Cornelius Arvina.
 C. Marcius Rutilus (Censorinus).
 61 L. Papirius Cursor.
 Sp. Carvilius Maximus.
 62 Q. Fabius Maximus Gurges.

FASTI CONSULARES.

- A. C. A. U.
 D. Junius Brutus Scæva.
 291 463 L. Postumius Megellus III.
 C. Junius Brutus Bubulcus.
 290 464 P. Cornelius Rufinus.
 M. Curius Dentatus.
 289 465 M. Valerius Maximus Corvint.
 Q. Cædicius Noctua.
Censores. Lustr. XXXI.

 288 466 Q. Marcius Tremulus II.
 P. Cornelius Arvina II.
 287 467 M. Claudius Marcellus.
 C. Nautius Rutilus.
 286 468 M. Valerius Maximus Potitus.
 C. Ælius Pætus.
Dict. sedit. sed. c.
 Q. Hortensius.
Mag. Eq.
 285 469 C. Claudius Canina.
 M. Æmilius Lepidus.
 284 470 C. Servilius Tucca.
 L. Cæcilius Metellus Denter.
 283 471 P. Cornelius Dolabella Maximus.
 Cn. Domitius Calvinus Maximus
Censores.
 Q. Cædicius Noctua. *Abd.*
 282 472 C. Fabricius Luscinius.
 Q. Æmilius Papius.
 281 473 L. Æmilius Barbula.
 Q. Marcius Philippus.
 280 474 P. Valerius Lævinus.
 Ti. Coruncanus.
Dict. comit. habend. c.
 Cn. Domitius Calvinus Maximus.
Mag. Eq.

Censores. Lustr. XXXII.
 Cn. Domitius Calvinus Maximus.
 279 475 P. Sulpicius Saverrio.
 P. Decius Mus. *Occis. e.*
 278 476 C. Fabricius Luscinius II.
 Q. Æmilius Papius II.
 277 477 P. Cornelius Rufinus II.
 C. Junius Brutus Bubulcus II.
 276 478 Q. Fabius Maximus Gurges II.
 C. Genucius Clepsina.
Dict. c.
 P. Cornelius Rufinus.
Mag. Eq.
 275 479 M. Curius Dentatus II.
 L. Cornelius Lentulus.
Censores. Lustr. XXXIII.
 C. Fabricius Luscinius.
 Q. Æmilius Papius.
 274 480 M. Curius Dentatus III.
 Ser. Cornelius Merenda.
 273 481 C. Claudius Canina II.
 C. Fabius Dorso Licinus. *Mort. e.*
 Q. Fabricius Luscinius III.
 272 482 L. Papirius Cursor II.
 Sp. Carvilius Maximus II.
Censores. Lustr. XXXIV.
 M. Curius Dentatus.
 L. Papirius Cursor.
 271 483 C. Quinctius Claudus.
 L. Genucius Clepsina.
 270 484 C. Genucius Clepsina II.
 Cn. Cornelius Blasio.
 269 485 Q. Ogulnius Gallus.
 C. Fabius Pictor.
 268 486 Ap. Claudius Crassus Rufus.
 P. Sempronius Sophus.

FASTI CONSULARES.

- A. C. A. U.
 267 487 M. Atilius Regulus.
 L. Julius Libo.
 266 488 N. Fabius Pictor.
 D. Junius Pera.
 265 489 Q. Fabius Maximus Gurgus III.
 L. Mamilius Vitulus.
Censores. Lustr. XXXV.
 Cn. Cornelius Blasio.
 C. Marcus Rutilus II. (Censorinus.)

BELLUM PUNICUM I.

- 264 490 Ap. Claudius Caudex.
 M. Fulvius Flaccus.
 263 491 M. Valerius Maximus (Messala).
 M. Otacilius Crassus.
Dict. clavi fig. c.
 Cn. Fulvius Maximus Centumalus.
Mag. Eq.
 Q. Marcus Philippus.
 262 492 L. Postumius (Megellus).
 Q. Mamilius Vitulus.
 261 493 L. Valerius Flaccus.
 T. Otacilius Crassus.
 260 494 Cn. Cornelius Scipio Asina
 C. Duilius.
 259 495 L. Cornelius Scipio.
 C. Aquilius Florus.
 258 496 A. Atilius Calatinus.
 C. Sulpicius Paternulus.
Censores. Lustr. XXXVI.
 C. Duilius.
 L. Cornelius Scipio.
 257 497 C. Atilius Regulus (Serranus).
 Cn. Cornelius Blasio II.
Dict. Latin. ser. c.
 Q. Ogulnius Gallus.
Mag. Eq.
 M. Lætorius Plancianus.
 256 498 L. Manlius Vulso Longus.
 Q. Cæcilius. *Mort. c.*

- M. Atilius Regulus II.
 255 499 Ser. Fulvius Prætinus Nobilior
 M. Æmilius Paullus.
 254 500 Cn. Cornelius Scipio Asina II.
 A. Atilius Calatinus II.
 253 501 Cn. Servilius Cæpio.
 C. Sempronius Blaesus.
Censores.
 D. Junius Pera. *Abd.*
 L. Postumius Megellus. *Mort.*
 252 502 C. Aurelius Cotta.
 P. Servilius Geminus.
Censores. Lustr. XXXVII.
 M. Valerius Maximus Messala.
 P. Sempronius Sophus.
 251 503 L. Cæcilius Metellus.
 C. Furius Pacilus.
 250 504 C. Atilius Regulus (Serranus) II.
 L. Manlius Vulso (Longus) II.
 249 505 P. Claudius Pulcher.
 L. Junius Pullus.
Dict. rei ger. c.
 M. Claudius Glicia. *Abd.*

- A. Atilius Calatinus.
Mag. Eq.
 L. Cæcilius Metellus.
 248 506 C. Aurelius Cotta II.
 P. Servilius Geminus II.
 247 507 L. Cæcilius Metellus II.
 N. Fabius Buteo.
Censores. Lustr. XXXVIII.
 A. Atilius Calatinus.
 A. Manlius Torquatus Atticus.
 246 508 M. Otacilius Crassus II.
 M. Fabius Licinus.
 1082

FASTI CONSULARES.

- A. C. A. U.
Dict. comit. hab. c.
 Ti. Coruncanus.
Mag. Eq.
 M. Fulvius Flaccus.
 245 509 M. Fabius Buteo.
 C. Atilius Balbus.
 244 510 A. Manlius Torquatus Atticus.
 C. Sempronius Blaesus II.
 243 511 C. Fundanius Fundulus.
 C. Sulpicius Gallus.
 242 512 C. Lutatius Catulus.
 A. Postumius Albinus.
 241 513 A. Manlius Torquatus Atticus I.
 Q. Lutatius Cerco.
Censores. Lustr. XXXIX.
 C. Aurelius Cotta.
 M. Fabius Buteo.
 240 514 C. Claudius Centho.
 M. Sempronius Tuditanus.
 239 515 C. Mamilius Turrimus.
 Q. Valerius Falto.
 238 516 Ti. Sempronius Gracchus.
 P. Valerius Falto.
 237 517 L. Cornelius Lentulus Caudinus.
 Q. Fulvius Flaccus.
 236 518 P. Cornelius Lentulus Caudinus.
 C. Licinius Varus.
Censores.
 L. Cornelius Lentulus Caudinus.
 Q. Lutatius Cerco. *Mort. c.*
 235 519 T. Manlius Torquatus.
 C. Atilius Balbus II.
 234 520 L. Postumius Albinus.
 Sp. Carvilius Maximus.
Censores. Lustr. XL.
 C. Atilius Balbus.
 A. Postumius Albinus.
 233 521 Q. Fabius Maximus Verrucosus.
 M. Pomponius Matho.
 232 522 M. Æmilius Lepidus.
 M. Publicius Malleolus.
 231 523 M. Pomponius Matho.
 C. Papirius Maso.
Dict. comit. hab. c.
 C. Duilius.
Mag. Eq.
 C. Aurelius Cotta
Censores.
 T. Manlius Torquatus. *Abd.*
 Q. Fulvius Flaccus. *Abd.*
 230 524 M. Æmilius Barbula.
 M. Junius Pera.
Censores. Lustr. XLI.
 Q. Fabius Maximus Verrucosus.
 M. Sempronius Tuditanus.
 229 525 L. Postumius Albinus II.
 Cn. Fulvius Centumalus.
 228 526 Sp. Carvilius Maximus II.
 Q. Fabius Maximus Verrucosus II.
 227 527 P. Valerius Flaccus.
 M. Atilius Regulus.
 226 528 M. Valerius Messala.
 L. Apustius Fullo.

BELLUM GALLICUM CISALPINUM.

- 225 529 L. Æmilius Papus.
 C. Atilius Regulus.
Censores. Lustr. XLII.
 C. Claudius Centho.
 M. Junius Pera.
 224 530 T. Manlius Torquatus II.
 Q. Fulvius Flaccus II.
Dict. comit. hab. c.
 L. Cæcilius Metellus.
Mag. Eq.
 N. Fabius Buteo.
 223 531 C. Flaminius.
 P. Furius Philus.

FASTI CONSULARES.

- 32 Cn. Cornelius Scipio Calvus.
M. Claudius Marcellus.
- 33 P. Cornelius Scipio Asina.
M. Minucius Rufus.
Dict. comit. hab. c.
Q. Fabius Maximus Verrucosus.
Mag. Eq.
C. Flaminius.
- 34 L. Veturius Philo.
C. Lutatius Catulus.
Censores. Lustr. XLIII.
L. Æmilius Pappus.
C. Flaminius.
- 35 M. Livius Salinator.
L. Æmilius Paullus.
- BELLUM PUNICUM II.
- 36 P. Cornelius Scipio.
Ti. Sempronius Longus.
- 37 Cn. Servilius Geminus.
C. Flaminius II. *Occis. e.*
- M. Atilius Regulus II.
Dict. interregni c.
Q. Fabius Maximus Verrucosus II.
Mag. Eq.
M. Minucius Rufus.
Dict. comit. hab. c.
L. Veturius Philo.
Mag. Eq.
M. Pomponius Matho.
- 38 C. Terentius Varro.
L. Æmilius Paullus II.
Dict. rei gerund. c.
M. Junius Pera.
Mag. Eq.
Ti. Sempronius Gracchus.
Dict. sine Mag. Eq. Senat. leg. c.
M. Fabius Buteo.
- 39 Ti. Sempronius Gracchus.
L. Postumius Albinus III. *Occis. e.*
- M. Claudius Marcellus II. *Abd.*
- Q. Fabius Maximus Verrucosus III.
Q. Fabius Maximus Verrucosus IV.
M. Claudius Marcellus III.
Censores.
M. Atilius Regulus. *Abd.*
P. Furius Philus. *Mort. e.*
- 41 Q. Fabius Maximus.
Ti. Sempronius Gracchus II.
Dict. comit. hab. c.
C. Claudius Centho.
Mag. Eq.
Q. Fulvius Flaccus.
- 42 Q. Fulvius Flaccus III.
Ap. Claudius Pulcher.
- 43 Cn. Fulvius Centumalus.
P. Sulpicius Galba Maximus.
- 44 M. Claudius Marcellus IV.
M. Valerius Lævinus.
Dict. comit. hab. c.
Q. Fulvius Flaccus.
Mag. Eq.
P. Licinius Crassus Dives.
Censores.
L. Veturius Philo. *Mort. e.*
P. Licinius Crassus Dives. *Abd.*
- 45 Q. Fulvius Flaccus IV.
Q. Fabius Maximus Verrucosus V.
Censores. Lustr. XLIV.
M. Cornelius Cethegus.
P. Sempronius Tuditanus.
- 46 M. Claudius Marcellus V. *Occis. e.*
T. Quinctius (Pennus Capitolinus) Crispinus. *Mort. e.*

FASTI CONSULARES.

- A. C. A. U.
- Dict. comit. hab. et tudor. magn. c.*
T. Manlius Torquatus.
Mag. Eq.
C. Servilius.
- 207 547 C. Claudius Nero.
M. Livius Salinator II.
Dict. comit. hab. caussa.
M. Livius Salinator.
Mag. Eq.
Q. Cæcilius Metellus.
- 206 548 L. Veturius Philo.
Q. Cæcilius Metellus.
- 205 549 P. Cornelius Scipio (Africanus).
P. Licinius Crassus Dives.
Dict. comit. habend. c.
Q. Cæcilius Metellus.
Mag. Eq.
L. Veturius Philo.
- 204 550 M. Cornelius Cethegus.
P. Sempronius Tuditanus.
Censores. Lustr. XLV.
M. Livius Salinator.
C. Claudius Nero.
- 203 551 Cn. Servilius Cæpio.
C. Servilius.
Dict. comit. hab. c.
P. Sulpicius Galba Maximus.
Mag. Eq.
M. Servilius Pulex Geminus.
- 202 552 M. Servilius Pulex Geminus.
Ti. Claudius Nero.
Dict. comit. hab. c.
C. Servilius.
Mag. Eq.
P. Ælius Pætus.
- 201 553 Cn. Cornelius Lentulus.
P. Ælius Pætus.
- BELLUM PHILIPPICUM.
- 200 554 P. Sulpicius Galba Maximus II
C. Aurelius Cotta.
- 199 555 L. Cornelius Lentulus.
P. Villius Tappulus.
Censores. Lustr. XLVI.
P. Cornelius Scipio Africanus.
P. Ælius Pætus.
- 198 556 Sex. Ælius Pætus Catus.
T. Quinctius Flamininus.
- 197 557 C. Cornelius Cethegus.
Q. Minucius Rufus.
- 196 558 L. Furius Purpureo.
M. Claudius Marcellus.
- 195 559 L. Valerius Flaccus.
M. Porcius Cato.
- 194 560 P. Cornelius Scipio Africanus II
Ti. Sempronius Longus.
Censores. Lustr. XLVII.
Sex. Ælius Pætus Catus.
C. Cornelius Cethegus.
- 193 561 L. Cornelius Merula.
Q. Minucius Thermanus.
- 192 562 L. Quinctius Flamininus.
Cn. Domitius Ahenobarbus.
- BELLUM ANTIOCHINUM.
- 191 563 P. Cornelius Scipio Nasica.
M. Acilius Glabrio.
- 190 564 L. Cornelius Scipio (Asiaticus).
C. Lælius.
- 189 565 M. Fulvius Nobilior.
Cn. Manlius Vulso.
Censores. Lustr. XLVIII.
T. Quinctius Flamininus.
M. Claudius Marcellus.
- 188 566 M. Valerius Messala.
C. Livius Salinator.
- 187 567 M. Æmilius Lepidus.
C. Flaminius.

FASTI CONSULARES

1

A. D.	A. U.	Sp.	A. G.	A. U.	
186	568	Sp. Postumius Albinus.	159	595	Cn. C.
		Q. Marcius Philippus.			M. F.
185	569	Ap. Claudius Pulcher.			Ce
		M. Sempronius Tuditanus.			P. C.
184	570	P. Claudius Pulcher.			M. F.
		L. Porcius Licinus.	158	596	M. A.
		<i>Censores. Lustr. XLIX.</i>			C. P.
		L. Valerius Flaccus.	157	597	Sex.
		M. Porcius Cato.			L. A.
183	571	M. Claudius Marcellus.	156	598	L. C.
		Q. Fabius Labeo.			C. M.
182	572	Cn. Bæbius Tamphilus.	155	599	P. C.
		L. Æmilius Paullus.			M. C.
181	573	P. Cornelius Cethegus.	154	600	Q. O.
		M. Bæbius Tamphilus.			L. P.
180	574	A. Postumius Albinus.			M. J.
		C. Calpurnius Piso. <i>Mort. e.</i>			Ce
		Q. Fulvius Flaccus.			M. V.
179	575	L. Manlius Acidinus Fulvianus.			C. V.
		Q. Fulvius Flaccus.	153	601	Q. F.
		<i>Censores. Lustr. L.</i>			T. A.
		L. Æmilius Lepidus.	152	602	M. C.
		M. Fulvius Nobilior.			L. V.
178	576	M. Junius Brutus.	151	603	L. Li.
		A. Manlius Vulso.			A. P.
177	577	C. Claudius Pulcher.	150	604	T. Q.
		Ti. Sempronius Gracchus.			M. A.
176	578	Q. Petillius Spurius. <i>Occis. e.</i>			Be
		Cn. Cornel. Scipio Hispallus. <i>Mort. e.</i>	149	605	L. M.
		C. Valerius Lævinus.			M. M.
175	579	P. Mucius Scævola.	148	606	Sp. P.
		M. Æmilius Lepidus II.			L. C.
174	580	Sp. Postumius Albinus Paullulus.	147	607	P. C.
		Q. Mucius Scævola.			C. Li.
		<i>Censores. Lustr. LI.</i>			Ce
		Q. Fulvius Flaccus.			L. C.
		A. Postumius Albinus.			L. M.
173	581	L. Postumius Albinus.	146	608	Cn. C.
		M. Popillius Lænas.			L. M.
172	582	C. Popillius Lænas.	145	609	Q. F.
		P. Ælius Ligus.			L. Li.
		BELLUM PERSICUM.	144	610	Ser. S.
171	583	P. Licinius Crassus.			L. A.
		C. Cassius Longinus.	143	611	Ap. C.
170	584	A. Hostilius Mancinus.			Q. C.
		A. Atilius Serranus.	142	612	L. C.
169	585	Q. Marcius Philippus II.			Q. F.
		Cn. Servilius Cæpio.			Ce
		<i>Censores. Lustr. LII.</i>			P. C.
		C. Claudius Pulcher.			nus
		Ti. Sempronius Gracchus.	141	613	L. M.
168	586	L. Æmilius Paullus II.			Cn. S.
		C. Licinius Crassus.			Q. P.
167	587	Q. Ælius Pætus.	140	614	C. Le
		M. Junius Pennus.			Q. S.
166	588	M. Claudius Marcellus.	139	615	Cn. C.
		C. Sulpicius Gallus.			M. P.
165	589	T. Manlius Torquatus.	138	616	P. C.
		Cn. Octavius.			D. Ju
164	590	A. Manlius Torquatus.	137	617	M. A.
		Q. Cassius Longinus. <i>Mort. e.</i>			C. H.
		<i>Censores. Lustr. LIII.</i>	136	618	L. Fu
		L. Æmilius Paullus.			Sex.
		Q. Marcius Philippus.			Ce
163	591	Ti. Sempronius Gracchus II.			Ap. C.
		M. Juventius Thalna.			Q. F.
162	592	P. Cornelius Scipio Nasica. <i>Abd.</i>	135	619	Ser. I.
		C. Marcius Figulus. <i>Abd.</i>			Q. C.
		P. Cornelius Lentulus.	134	620	P. C.
		Cn. Domitius Ahenobarbus.			nus
161	593	M. Valerius Messala.			C. Fu
		C. Fannius Strabo.	133	621	P. M.
160	594	L. Anicius Gallus.			L. C.
		M. Cornelius Cethegus.	132	622	P. P.
		1084			P. Ru
			131	623	F. Li

I CONSULARES.

is Flaccus.
Lustr. LIX.
 is Metellus Macedonicus.
 ius Rufus.
 is Pulcher Lentulus.
 na.
 nius Tuditanus.
 us.
 ius.
 Luscus Rufus.
 ; Longinus Ravilla.
 us Cinna.
 us Lepidus.
 is Orestes.
 is Hypsæus.
 s Flaccus.
Lustr. LX.
 ius Cæpio.
 ; Longinus Ravilla.
 ; Longinus.
 Calvinus.
 is Metellus (Balearicus).
 us Flaminius.
 ius Ahenobarbus.
 s Strabo.
 s.
 Maximus (Allobrogicus).
 s.
 s Carbo.
Lustr. LXI.
 ius Piso Frugi.
 is Metellus Balearicus.
 s Metellus (Dalmaticus).
 s Cotta.
 s Cato. *Mort. e.*
 s Rex.
 s Metellus Diadematus.
 ; Scævola.
 s Geta.
 Maximus Eburnus.
 is Scaurus.
 is Metellus.
Lustr. LXII.
 s Metellus Dalmaticus.
 ius Ahenobarbus.
 s Balbus.
 Cato.
 s Metellus Caprarius.
 us Carbo.
 Drusus.
 ius Piso Cæsoninus.

 UM JUGURTHINUM.
 us Scipio Nasica. *Mort. e.*
 ius Bestia.
 ius Rufus.
 ius Albinus.
 s Metellus (Numidicus).
 Silanus.

 us Scaurus. *Abd.*
 Drusus. *Mort. e.*
 ius Galba.
 ius. *Damn. e.*

 is Scaurus.
Lustr. LXIII.
 Maximus Allobrogicus.
 s Geta.
 Longinus. *Occis. e.*

 Serranus.
 is Cæpio.
 ; Rufus.
 is Maximus.
 II.
 ; Fimbria.
 III.

FASTI CONSULARES.

A. C. A. U.
 L. Aurelius Orestes. *Mort. e.*
 102 652 C. Marius IV.
 Q. Lutatius Catulus.
Censores. Lustr. LXIV.
 Q. Cæcilius Metellus Numidicus
 C. Cæcilius Metellus Caprarius.
 101 653 C. Marius V.
 M'. Aquilius.
 100 654 C. Marius VI.
 L. Valerius Flaccus.
 99 655 M. Antonius.
 A. Postumius Albinus.
 98 656 Q. Cæcilius Metellus Nepos.
 T. Didius.
 97 657 Cn. Cornelius Lentulus.
 P. Licinius Crassus.
Censores. Lustr. LXV.
 L. Valerius Flaccus.
 M. Antonius.
 96 658 Cn. Domitius Ahenobarbus.
 C. Cassius Longinus.
 95 659 L. Licinius Crassus.
 Q. Mucius Scævola.
 94 660 C. Cælius Caldus.
 L. Domitius Ahenobarbus.
 93 661 C. Valerius Flaccus.
 M. Herennius.
 92 662 C. Claudius Pulcher.
 M. Perperna.
Censores. Lustr. LXVI.
 Cn. Domitius Ahenobarbus.
 L. Licinius Crassus.
 91 663 L. Marcus Philippus.
 Sex. Julius Cæsar.

 BELLUM MARSICUM.
 90 664 L. Julius Cæsar.
 P. Rutilius Lupus. *Occis. e.*
 89 665 Cn. Pompeius Strabo.
 L. Porcius Cato. *Occis. e.*
Censores.
 P. Licinius Crassus.
 L. Julius Cæsar.
 88 666 L. Cornelius Sulla (Felix).
 Q. Pompeius Rufus. *Occis. e.*
 87 667 Cn. Octavius. *Occis. e.*
 L. Cornelius Cinna. *Abd.*

 L. Cornelius Merula. *Occis. e.*
 86 668 L. Cornelius Cinna II.
 C. Marius VII. *Mort. e.*

 L. Valerius Flaccus II.
Censores. Lustr. LXVII.
 L. Marius Philippus.
 M. Perperna.
 85 669 L. Cornelius Cinna III.
 Cn. Papirius Carbo.
 84 670 Cn. Papirius Carbo II.
 L. Cornelius Cinna IV. *Occis.*
 83 671 L. Cornelius Scipio Asiaticus.
 C. Norbanus Bulbus.
 82 672 C. Marius. *Occis. e.*
 Cn. Papirius Carbo III. *Occis. e.*
Dict. Reip. constituenda e.
 L. Cornelius Sulla Felix.
Mag. Eq.
 L. Valerius Flaccus.
 81 673 M. Tullius Decula.
 Cn. Cornelius Dolabella.
 80 674 L. Cornelius Sulla Felix II.
 Q. Cæcilius Metellus Pius.
 79 675 P. Servilius Vatia (Isauricus).
 Ap. Claudius Pulcher.
 78 676 M. Æmilius Lepidus.
 Q. Lutatius Catulus.
 77 677 D. Junius Brutus.
 Mam. Æmilius Lepidus Livianus.

FASTI CONSULARES

- A. C. A. J.
 76 678 Cn. Octavius.
 C. Scribonius Curio.
 75 679 L. Octavius.
 C. Aurelius Cotta.
 74 680 L. Licinius Lucullus.
 M. Aurelius Cotta.
 73 681 M. Terentius Varro Lucullus.
 C. Cassius Varus.
 72 682 L. Gellius Poplicola.
 Cn. Cornelius Lentulus Clodianus.
 71 683 P. Cornelius Lentulus Sura.
 Cn. Aufidius Orestes.
 70 684 Cn. Pompeius Magnus.
 M. Licinius Crassus Dives.
Censores. Lustr. LXX.
 L. Gellius Poplicola.
 Cn. Cornelius Lentulus Clodianus.
 69 685 Q. Hortensius.
 Q. Cæcilius Metellus (Creticus).
 68 686 L. Cæcilius Metellus. *Mort. c.*
 Q. Marcius Rex.
 67 687 C. Calpurnius Piso.
 M. Acilius Glabrio.
 66 688 M. Æmilius Lepidus.
 L. Volcatius Tullus.
 65 689 P. Cornelius Sulla. *Non inuit.*
 P. Autronius Pætus. *Non inuit.*
 L. Aurelius Cotta.
 L. Manlius Torquatus.
Censores.
 Q. Lutatius Catulus. *Abd.*
 M. Licinius Crassus Dives. *Abd.*
 64 690 L. Julius Cæsar.
 C. Marcius Figulus.
Censores.
 L. Aurelius Cotta.
 63 691 M. Tullius Cicero.
 C. Antonius.
 62 692 D. Junius Silanus.
 L. Licinius Murena.
 61 693 M. Pupius Piso Calpurnianus.
 M. Valerius Messala Niger.
 60 694 L. Afranius.
 Q. Cæcilius Metellus Celer.
 59 695 C. Julius Cæsar.
 M. Calpurnius Bibulus.
 58 696 L. Calpurnius Piso Cæsoninus.
 A. Gabinius.
 57 697 P. Cornelius Lentulus Spinther.
 Q. Cæcilius Metellus Nepos.
 56 698 Cn. Cornelius Lentulus Marcellinus.
 L. Marcius Philippus.
 55 699 Cn. Pompeius Magnus II.
 M. Licinius Crassus II.
Censores.
 M. Valerius Messala Niger.
 P. Servilius Vatia Isauricus.
 54 700 L. Domitius Ahenobarbus.
 Ap. Claudius Pulcher.
 53 701 Cn. Domitius Calvinus.
 M. Valerius Messala.
 52 702 Cn. Pompeius Magnus III. *Solus consula-*
tum gessit.
Ex Kal. Sextil.
 Q. Cæcilius Metellus Pius Scipio.
 51 703 Ser. Sulpicius Rufus.
 M. Claudius Marcellus.
 50 704 L. Æmilius Paullus.
 C. Claudius Marcellus.
Censores.
 Ap. Claudius Pulcher.
 L. Calpurnius Piso Cæsoninus.
 49 705 C. Claudius Marcellus.
 L. Cornelius Lentulus Crus.
Dict. sine Mag. Eq. Comit. hab. et fer. Latin. c.
 C. Julius Cæsar.
 1086

FASTI CONSULARES

- A. C. A. V.
 48 706 C. Julius Cæsar II.
 P. Servilius Vatia Isauricus.
 47 707 *Dict. Reip. constituenda c.*
 C. Julius Cæsar II.
Mag. Eq.
 M. Antonius.
 Q. Fufius Calenus. *Cos.*
 P. Vatinius. *Cos.*
 46 708 C. Julius Cæsar III.
 M. Æmilius Lepidus.
 45 709 *Dict. Reip. const. c.*
 C. Julius Cæsar III.
Mag. Eq.
 M. Æmilius Lepidus.
 C. Julius Cæsar IV. *Cos. sine a. leg.*
 Q. Fabius Maximus. *Mort. c.*
 C. Caninius Rebilus.
 C. Trebonius.
 44 710 *Dict. Reip. ger. c.*
 C. Julius Cæsar IV.
Mag. Eq.
 M. Æmilius Lepidus II.
Mag. Eq.
 C. Octavius.
Mag. Eq.
 Cn. Domitius Calvinus. *Non inuit.*
 C. Julius Cæsar V. *Cos. occis. a.*
 M. Antonius.
 P. Cornelius Dolabella.
 43 711 C. Vibius Pansa. *Mort. c.*
 A. Hirnius. *Occis. c.*
 C. Julius Cæsar Octavianus. *Abd.*
 C. Carrinas.
 Q. Pedius. *Mort. c.*
 P. Ventidius.
Triumviri Reipublicæ constituend.
 M. Æmilius Lepidus.
 M. Antonius.
 C. Julius Cæsar Octavianus.
 42 712 L. Munatius Plancus.
 M. Æmilius Lepidus II.
Censores.
 L. Antonius Pietas.
 P. Sulpicius.
 41 713 L. Antonius Pietas.
 P. Servilius Vatia Isauricus II.
 40 714 Cn. Domitius Calvinus II. *Abd.*
 C. Asinius Pollio.
 L. Cornelius Balbus.
 P. Canidius Crassus.
 39 715 L. Marcius Censorinus.
 C. Calvisius Sabinus.
 38 716 Ap. Claudius Pulcher.
 C. Norbanus Flaccus.
 37 717 *Triumviri Reipublicæ constituend.*
 M. Æmilius Lepidus II.
 M. Antonius II.
 C. Julius Cæsar Octavianus II.
 M. Agrippa. *Cos.*
 L. Caninius Gallus. *Cos. abd.*
 T. Statilius Taurus.
 36 718 L. Gellius Poplicola. *Abd.*
 M. Cocceius Nerva. *Abd.*
 L. Munatius Plancus II.
 P. Sulpicius Quirinus.
 35 719 L. Cornificius.
 Sex. Pompeius.
 34 720 L. Scribonius Libo.
 M. Antonius. *Abd.*

ISTI CONSULARES.

apronius Atratinus.
d. Jul. Paul. Æmilius Lepidus.
 C. Memmius.
d. Nov. M. Herennius Picens.
 Cæsar Octavianus II. *Abd.*
 Lucius Tullus.

 Nonius Pætus.
d. Mai. L. Flavius.
d. Jul. C. Fonteius Capito.
 M. Acilius (Aviola).
d. Sept. L. Vinucius.
d. Oct. L. Laronius.
 Gnaeus Ahenobarbus.
 Gnaeus.
d. Jul. L. Cornelius.
d. Nov. N. Valerius.
 Cæsar Octavianus III.
 Lucius Messala Corvinus.
d. Mai. M. Titius.
d. Oct. Cn. Pompeius.
 Cæsar Octavianus IV.
 Lucius Crassus.
d. Jul. C. Antistius Vetus.
Sept. M. Tullius Cicero.
d. Nov. L. Sænius.
 Cæsar Octavianus V.
 Appuleius.
d. Jul. Potitus Valerius Messala.
d. Nov. C. Furnius.
 C. Cluvius.
 Cæsar Octavianus VI.
 Gaius Iulius II. (*Lustr.* LXXI.)
 Cæsar Augustus VII.
 Gaius Iulius III.
 Cæsar Augustus VIII.
 Lucius Taurus II.
 Cæsar Augustus IX.
 Lucius Silanus.
 Cæsar Augustus X.
 Lucius Flaccus.
 Cæsar Augustus XI. *Abd.*
 Lucius Varrus Murena. *Mort. e.*

 Lucius.
 Gaius Iulius Piso.
 Lucius Marcellus Æsernius.
 Lucius.
 Lucius.
 Lucius Plancus.
 Gaius Æmilius Lepidus.
 Lucius.
 Gaius Lepidus.
 Appuleius.
 Lucius Nerva.
 Lucius Saturninus.
 Lucius Vespillo.
d. Jul. M. Vinucius.
 Lucius Lentulus Marcellinus.
 Lucius Lentulus.
 Lucius.
 Lucius Silanus.
 Lucius Ahenobarbus.
 Lucius Scipio.
d. Jul. L. Tarius Rufus.
 Lucius Drusus Libo.
 Lucius Iulius Piso.
 Lucius Crassus.
 Lucius Lentulus Augur.
 Lucius Nero (*postea* Ti. Cæsar Augustus).
 Lucius Nectilius Varus.
 Lucius Messala Barbatus Appianus.
Mort. e.
 Lucius Appuleius Quirinus. *Abd.*

 Lucius Rufus. *Abd.*

FASTI CONSULARES.

A. C. A. V.
 C. Caninius Rebilus. *Mort. e.*
 L. Volusius Saturninus.
 11 743 Q. Ælius Tubero.
 Paul. Fabius Maximus.
 10 744 Julius Antonius.
 Q. Fabius Maximus Africanus.
 9 745 Nero Claud. Drusus Germanicus. *Mort. e.*
 T. Quinctius (Pennus Capitolinus) Crispinus.
 8 746 C. Marcius Censorinus.
 C. Asinius Gallus.
 7 747 Ti. Claudius Nero II.
 Cn. Calpurnius Piso.
 6 748 D. Lælius Balbus.
 C. Antistius Vetus.
 5 749 Imp. Cæsar Augustus XII.
 L. Cornelius Sulla.
 4 750 C. Calvisius Sabinus.
 L. Passienus Rufus.
 3 751 L. Cornelius Lentulus.
 M. Valerius Messalinus.
 2 752 Imp. Cæsar Augustus XIII. *Abd.*
 M. Plautius Silvanus. *Abd.*

 Q. Fabricius.
 L. Caninius Gallus.
 1 753 Cossus Cornelius Lentulus.
 L. Calpurnius Piso.

 P. C. V. C.
 1 754 C. Cæsar.
 L. Æmilius Paullus.
 2 755 P. Vinucius.
 P. Alfenius Varus.
Ex Kal. Jul. P. Cornelius Lentulus Scipio.
 T. Quinctius Crispinus Valerianus.
 3 756 L. Ælius Lamia.
 M. Servilius.
Ex Kal. Jul. P. Silius.
 L. Volusius Saturninus.
 4 757 Sex. Ælius Catus.
 C. Sentius Saturninus.
Ex Kal. Jul. C. Clodius Licinus.
 Cn. Sentius Saturninus.
 5 758 L. Valerius Messala Volesus.
 Cn. Cornelius Cinna Magnus.
Ex Kal. Jul. C. Ateius Capito.
 C. Vibius Postumus.
 6 759 M. Æmilius Lepidus.
 L. Aruntius. *Abd.*

 L. Nonius Asprenas.
 7 760 A. Licinius Nerva Silianus.
 Q. Cæcilius Metellus Creticus.
 8 761 M. Furius Camillus.
 Sex. Nonius Quinctilianus.
Ex Kal. Jul. L. Apronius.
 A. Vibius Habitus.
 9 762 C. Poppæus Sabinus.
 Q. Sulpicius Camerinus.
Ex Kal. Jul. M. Papius Mutilus.
 Q. Poppæus Secundus.
 10 763 P. Cornelius Dolabella.
 C. Junius Silanus.
Ex Kal. Jul. Ser. Cornelius Lentulus Magnus.
 11 764 M. Æmilius Lepidus.
 T. Statilius Taurus.
Ex Kal. Jul. L. Cassius Longinus.
 12 765 Germanicus Cæsar.
 C. Fonteius Capito.
Ex Kal. Jul. C. Visellius Varro.
 13 766 C. Silius.
 L. Munatius Plancus.
 14 767 Sex. Pompeius.
 Sex. Appuleius.
Eodem anno a. d. xiv. Kal. Sept.
 Imp. Cæsar. Augustus. *Mort. e.*

FASTI CONSULARES.

FASTI CONSULARES.

- U. 2
 M. Valerius Messala.
 812 C. Vipstanus Apronianus.
 C. Fonteius Capito.
 813 Nero Claudius Cæsar Augustus Germanicus IV.
 Cossus Cornelius Lentulus.
 814 C. Petronius Turpilianus.
 C. Cæsonius Pætus.
 815 P. Marius Celsus
 L. Asinius Gallus.
Suf. L. Annaeus Seneca.
 Trebellius Maximus.
 816 C. Memmius Regulus.
 L. Virginius Rufus.
 817 C. Læcanius Bassus.
 M. Licinius Crassus Frugi.
 818 A. Licinius Nerva Silianus.
 M. Vestinus Atticus.
 819 C. Lucius Telesinus.
 C. Suetonius Paullinus.
 820 L. Fonteius Capito.
 C. Julius Rufus.
 821 Silius Italicus. *Abd.*
 Galerius Trachalus. *Abd.*
 Nero Claud. Cæsar Aug. Germanicus V.
(sine collega).
Suf. Kal. Jul. M. Plautius Silvanus.
 M. Salvius Otho (*postea*
 Cæs. Aug.).
Suf. Kal. Sept. C. Bellicus Natalis.
 P. Cor. Scip. Asiaticus.
Eodem anno a. d. IV. Id. Jun.
 Nero Claud. Cæs. Aug. Germ. *Mort. e.*
 SER. SULPICIVS GALBA CÆSAR AUGUSTUS.
 822 Ser. Sulpicius Galba Cæsar Augustus II.
 T. Vinius (Junius). *Occis. e.*
Eodem anno a. d. XVII. Kal. Febr.
 Ser. Sulp. Galba Cæsar Aug. *Occis. e.*
 M. SALVIUS OTHO CÆSAR AUGUSTUS.
Ex. a. d. XVI. Kal. Febr. M. Sal. Otho
 Cæs. Aug.
 L. Salvius Otho Titianus II.
Ex. Kal. Mart. T. Virginius Rufus.
 L. Pompeius Vopiscus.
Eodem anno a. d. XII. Kal. Mai.
 M. Salvius Otho Cæs. Aug. *Mort. e.*
 A. VITELLIUS IMP. AUGUSTUS.
Ex. Kal. Mai. M. Cælius Sabinus.
 T. Flavius Sabinus.
Ex. Kal. Jul. T. Arrius Antoninus.
 P. Marius Celsus II.
Ex. Kal. Sept. C. Fabius Valens.
 A. Licin. Cæc. *Damn. e.*
Ex. pr. Kal. Nov. Roscius Regulus.
Ex. Kal. Nov. Cn. Cæcilius Simplex.
 C. Quinctius Atticus.
Eodem anno a. d. IX. Kal. Jan.
 A. Vitellius Imp. Aug. *Occis. e.*
 IMP. T. FLAVIUS VESPASIANUS AUGUSTUS.
 823 Imp. T. Flavius Vespasianus Augustus II.
 T. Cæsar Vespasianus.
Ex. Kal. Jul. C. Licinius Mucianus II.
 P. Valerius Asiaticus.
Ex. Kal. Nov. L. Annius Bassus.
 C. Cæcina Pætus.
 824 Imp. T. Flavius Vespasianus Augustus III.
 M. Cocceius Nerva (*postea* Imp. Cæsar
 Augustus).
Ex. Kal. Mart. T. Cæsar Domitianus.
 Cn. Pedius Catus.
 C. Valerius Festus.
 825 Imp. T. Flavius Vespasianus Augustus IV.
 T. Cæsar Vespasianus II.
 826 T. Cæsar Domitianus II.
 M. Valerius Messalinus.
 827 Imp. T. Flavius Vespasianus Augustus.
 Tl. Cæsar Vespasianus III. *Abd.*
Ex. Kal. Jul. T. Cæsar Domitianus III.

P. C. U. C.

- Censores. Lustr. LXXV.*
 Imp. T. Flavius Vespasianus Augustus.
 T. Cæsar Vespasianus.
 75 828 Imp. T. Flavius Vespasianus Augustus VI.
 T. Cæsar Vespasianus IV.
Ex. Kal. Jul. T. Cæsar Domitianus IV
 M. Licin. Mucianus III.
 76 829 Imp. T. Flavius Vespasianus Aug. VII.
 T. Cæsar Vespasianus V.
Ex. Kal. Jul. T. Cæsar Domitianus V.
 (T. Plautius Silvanus
 Ælianus II.)
 77 830 Imp. T. Flavius Vespasianus Aug. VIII.
 T. Cæsar Vespasianus VI.
Ex. Kal. Jul. T. Cæsar Domitianus VI.
 Cn. Julius Agricola.
 78 831 L. Ceionius Commodus.
 D. Novius Priscus.
 79 832 Imp. T. Flavius Vespasianus Augustus IX.
 T. Cæsar Vespasianus VII.
Eodem anno a. d. VIII. Kal. Jul.
 Imp. T. Flav. Vespasianus Aug. *Mort. e.*
 IMP. TITUS CÆSAR VESPASIANUS AUGUSTUS.
 80 833 Imp. Titus Cæsar Vespasian. Aug. VIII.
 T. Cæsar Domitianus VII.
Suf. L. Ælius Plautius Lamia.
 Q. Pactumeius Fronto.
Suf. M. Tilius (Tittius) Frugi.
 T. Vinicius Julianus.
 81 834 L. Flavius Silva Nonius Bassus.
 Asinius Pollio Verrucosus.
Ex. Kal. Mai. L. Vettius Paulus.
 T. Junius Montanus.
Eodem anno Idib. Sept.
 Imp. Titus Cæs. Vespas. Aug. *Mort. e.*
 IMP. CÆSAR DOMITIANUS AUGUSTUS.
 82 835 Imp. Cæsar Domitianus Augustus VIII.
 T. Flavius Sabinus.
 83 836 Imp. Cæsar Domitianus Augustus IX.
 Q. Petillius Rufus II.
 84 837 Imp. Cæsar Domitianus Augustus X.
 Ap. Junius Sabinus.
 85 838 Imp. Cæsar Domitianus Augustus XI.
 T. Aurelius Fulvus.
 86 839 Imp. Cæsar Domitianus Augustus XII.
 Ser. Cornelius Dolabella Petronianus.
Suf. C. Secius Campanus.
 87 840 Imp. Cæsar Domitianus Augustus XIII
 A. Volusius Saturninus.
 88 841 Imp. Cæsar Domitianus Augustus XIV
 L. Minucius Rufus.
 89 842 T. Aurelius Fulvus II.
 A. Sempronius Atratinus.
 90 843 Imp. Cæsar Domitianus Augustus XV.
 M. Cocceius Nerva II.
 91 844 M. Acilius Glabrio.
 M. Ulpius Traianus (*postea* Imp. Cæsar
 Augustus).
Suf. Q. Valerius Vegetus.
 P. Met(i)lius Secundus).
 92 845 Imp. Cæsar Domitianus Augustus XVI.
 Q. Volusius Saturninus.
Ex. Id. Jan. L. Venu(leius Apronianus).
Ex. Kal. Mai. L. Stertinius Avitus.
 Ti.
Ex. Kal. Sept. C. Junius Silanus.
 Q. Arv.
 93 846 Pompeius Collega.
 Cornelius Priscus.
Suf. M. Lollius Paullinus Valerius Asi-
 aticus Saturninus.
 C. Antius Aulus Julius Torquatus
 94 847 L. Nonius Torquatus Asprenas.
 T. Sextius Magius Lateranus.
Suf. L. Sergius Paullus.
 95 848 Imp. Cæsar Domitianus Augustus XVII
 T. Flavius Clemens.
 96 849 C. Manlius Valens.

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L. App.
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1088

139 892

140 893

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I

FASTI CONSULARES.

. Peducaeus Stloga Priscinus.
 . Hænius Severus.
 . Staius Quadratus.
 . Cuspius Rufinus.
 . Bellicius Torquatus.
 . Claudius Atticus Herodes.
 . Lollianus Avitus.
 . Gavius Maximus.
 p. T. Æl. Cæsar Ant. Augustus Pius IV.
 . Aurelius Cæsar II.
 x. Erucius Clarus II.
 i. Claudius Severus.
 . Annius Largus.
 . Prast. Pacatus Messalinus.
 Torquatus.
 . Iulius Julianus.
 r. Scipio Orfitus.
 . Nonius Priscus.
 Gallicanus.
 . Antistius Vetus.
 r. Quintilius Condoniarius.
 r. Quintilius Maximus.
 . Acilius Glabrio.
 . Valerius Homullus.
 . Brutius Præsens.
 . Junius Rufinus.
 . Ælius Aurelius Commodus (*postea* Imp.
 Cæsar Augustus).
 . Sextius Lateranus.
 . Julius Severus.
 . Junius Rufinus Sabinianus.
 . Kal. Nov. Antius Pollio.
 . Opimianus.
 . Ceionius Silvanus.
 . Serius Augurinus.
 . Civica Barbarus.
 . Metilius Regulus.
 x. Sulpicius Tertullus.
 . Tineius Sacerdos.
 . Autius Quintillus.
 . Autius Priscus.
 i. Annius Atilius Bradua.
 . Clodius Vibius Varus.
 . Ælius Aurelius Verus Cæsar III.
 . Ælius Aurelius Commodus II.
Eodem anno.
 p. T. Æl. Cæs. Ant. Aug. Pius. *Mort. e.*
 P. CÆSAR M. AURELIUS ANTONINUS AUGUSTUS.
 P. CÆSAR L. AURELIUS VERUS AUGUSTUS.
 . Junius Rusticus.
 . Vettius Aquilinus.
Suf. Q. Flavius Tertullus.
 . Pontius Lælianus.
 Pastor.
Suf. Q. Mustius Priscus.
 . Pompeius Macrinus.
 . Juventius Celsus.
 . Gavius Orfitus.
 . Arrius Pudens.
 . Servilius Pudens.
 . Fufidius Pollio.
Eodem anno a. d. IV. Id. Oct.
 . Æl. Aurelius Commodus Cæs. *App. e.*
 p. Cæsar L. Aur. Verus Augustus III.
 . Ummidius Quadratus.
 . Venuleius Apronianus II.
 . Sergius Paulus II.
 . Sosius Priscus Senecio.
 . Cælius Apollinaris.
Eodem anno.
 p. Cæsar L. Aur. Verus Aug. *Mort. e.*
 . Cornelius Cethegus.
 . Erucius Clarus.
 . Statilius Severus.
 . Alfidius Herennianus.
 Maximus.
 Orfitus.

FASTI CONSULARES.

P. C. U. C.
 173 926 M. Aurelius Severus II.
 . Ti. Claudius Pompeianus.
 174 927 Gallius.
 Flaccus.
 175 928 Calpurnius Piso.
 . M. Salvidius Julianus.
 176 929 T. Vitrasius Pollio II.
 . M. Flavius Aper II.
 177 930 Imp. L. Aurelius Commodus Augustus.
 . M. Plautius Quintillus.
 178 931 Gavius Orfitus.
 . Julianus Rufus.
 179 932 Imp. L. Aurelius Commodus Augustus II.
 . P. Marcus Verus.
Ex. Kal. Jul. P. Helvius Pertinax (postea
 Imp. Cæsar Augustus).
 . M. Didius Severus Julianus
 (*postea* Imp. Cæs. Aug.).
 180 933 C. Brutius Præsens.
 . Sex. Quintilius Condanus.
Eodem anno a. d. XVI. Kal. April.
 Imp. Cæsar M. Aurelius Antoninus Aug.
Mort. e.
 IMP. M. AURELIUS COMMODUS ANTONINUS
 AUGUSTUS.
 181 934 Imp. M. Aurelius Commodus Antoninus
 Augustus III.
 . L. Antistius Burrus.
 182 935 Mamertinus.
 Rufus.
Ex. Kal. Jul. Æmilius Juncus.
 . Atilius Severus.
 183 936 Imp. M. Aurelius Commodus Antoninus
 Augustus IV.
 . C. Aufidius Victorinus II.
Ex. Kal. Febr. L. Tutilius Pontius Gen-
 tianus.
Ex. Kal. Mai. M. Herennius Secundus.
 . M. Egnatius Postumus.
 . T. Pactumeius Magnus
 . L. Septimius F.
 184 937 L. Cossonius Eggius Marullus.
 . Cn. Papius Ælianus.
Suf. C. Octavius Vindex.
 185 938 Maternus.
 Bradua.
 186 939 Imp. M. Aurelius Commodus Antoninus
 Augustus V.
 (M. Acilius) Glabrio II.
 187 940 Crispinus.
 Ælianus.
 188 941 Fuscianus II
 . M. Servilius Silanus II.
 189 942 Junius Silanus.
 . Q. Servilius Silanus.
 190 943 Imp. M. Aurelius Commodus Antoninus
 Augustus VI.
 . M. Petronius Septimianus.
 191 944 (Cass)ius Pedito Apronianus.
 . M. Valerius Bradua (Mauricus).
 192 945 Imp. L. Ælius Aurelius Commodus Au-
 gustus VII.
 . P. Helvius Pertinax II.
Eodem anno prid. Kal. Jan.
 Imp. L. Ælius Aurelius Commodus Au-
 gustus. *Occis. e.*
 193 946 IMP. CÆSAR P. HELVIUS PERTINAX AUGUS-
 TUS.
 . Q. Sosius Falco.
 . C. Julius Erucius Clarus.
Suf. Flavius Claudius Sulpicianus.
 . L. Fabius Cilo Septimianus.
Eodem anno a. d. V. Kal. April.
 Imp. Cæsar P. Helvius Pertinax Augustus.
Occ. e.
 IMP. CÆSAR M. DIDIUS SEVERUS JULIANUS
 AUGUSTUS.
Suf. Kal. Mai. Silius Messala.

FASTI CONSULARES.

P. C. V. C.
Eodem anno Kal. Jun.
 Imp. Cæsar M. Didius Severus Julianus Augustus. *Occis. e.*
 IMP. CÆSAR L. SEPTIMIUS SEVERUS PERTINAX AUGUSTUS.
Suf. Kal. Jul. Ælius. Probus.
Eodem anno.
 D. Clodius Albinus Cæsar. *App. est.*
 194 947 Imp. Cæsar L. Septimius Severus Augustus II.
 D. Clodius Albinus Cæsar.
 195 948 Scapula Tertullus.
 Tineius Clemens.
 196 949 C. Domitius Dexter.
 L. Valerius Messalla Thrasia Priscus.
Eodem anno.
 Bassianus M. Aurelius Antoninus Cæsar. *App. e.*
 197 950 Ap. Claudius Lateranus.
 Rufinus.
 198 951 Saturninus.
 Gallus.
Eodem anno.
 M. Aurelius Antoninus (Caracalla) Cæsar Imp. Augustus *App. e.*
 P. Septimius Geta Cæsar. *App. e.*
 199 952 P. Cornelius Anulinius II.
 M. Aufidius Fronto.
 200 953 Ti. Claudius Severus.
 C. Aufidius Victorinus.
 201 954 L. Annius Fabianus.
 M. Nonius Arrius Mucianus.
 202 955 Imp. Cæsar L. Septimius Severus Augustus III.
 Imp. Cæsar M. Aurelius Antoninus Aug.
 203 956 C. Fulvius Plautianus II.
 P. Septimius Geta.
 204 957 L. Fabius Cilo Septimianus II.
 M. Annius Flavius Libo.
 205 958 Imp. Cæsar M. Aurelius Antoninus Augustus II.
 P. Septimius Geta Cæsar.
 206 959 M. Nummius Albinus.
 Fulvius Æmilianus.
 207 960 Aper.
 Maximus.
 208 961 Imp. Cæsar M. Aurelius Antoninus Augustus III.
 P. Septimius Geta Cæsar II.
 209 962 Civica Pompeianus.
 Lollianus Avitus.
Eodem anno.
 P. Septimius Geta Cæsar Aug. *App. est.*
 210 963 M. Acilius Faustinus.
 Triarius Rufinus.
 211 964 (Q. Hædus Rufus) Lollianus Gentianus.
 Pomponius Bassus.
Eodem anno prid. Non. Febr.
 Imp. Cæsar L. Septimius Severus Augustus. *Mort. e.*
 Imp. CÆSAR M. AURELIUS ANTONINUS (CARACALLA) AUGUSTUS.
 212 965 C. Julius Asper II.
 Q. Julius Asper.
Eodem anno.
 Imp. Cæsar P. Septimius Geta Pius Aug. *Occ. est.*
 213 966 Imp. M. Aurelius Antoninus Augustus IV.
 D. Cœlius Balbinus II.
Suf. (M. Antoninus Gordianus [postea Imp. Cæsar Augustus].
 Helvius Pertinax.)
 214 967 Messalla.
 Sabinus.
 215 968 Lætus II.
 Cerealis.
 216 969 Catius Sabinus II.
 1092

FASTI CONSULARES.

P. C. V. C.
 Cornelius Anulinius.
 217 970 C. Brutius Præsens.
 T. Messius Extricator II.
Eodem anno a. d. VI. Id. Apr.
 Imp. Cæsar M. Aurelius Antoninus (Caracalla) Augustus. *Occ. e.*
Eodem anno a. d. III. Id. Apr.
 M. Opilius Severus Macrinus Imp. Augustus. *App. e.*
 M. Opilius Diadamenianus Cæsar. IMP. CÆSAR M. AURELIUS SEVERUS AUGUSTUS.
 218 971 Imp. Cæsar M. Opil. Severus Augustus II.
 C. Galatinus Adventus.
Eodem anno.
 Imp. Cæsar M. Opilius Severus Augustus. *Occ. e.*
 Varius Avitus Bassianus M. Antoninus Imp. Cæsar Augustus.
 IMP. CÆSAR M. AURELIUS A (ELAGABALUS) PICTUS FELIX A
Suf. Imp. Cæsar M. Aurelius (Elagabalus) Augustus II.
 219 972 Imp. Cæsar M. Aurelius Antoninus Augustus II.
 Q. Tineius Sacerdos II.
 220 973 Imp. Cæsar M. Aurelius Antoninus Augustus III.
 P. Valerius Entychianus Comaz
 221 974 Gratus Sabinianus.
 Claudius Seleucus.
Eodem anno.
 Bassianus Alexianus M. Aurelius Cæsar. *App. e.*
 222 975 Imp. Cæsar M. Aurelius Antoninus Augustus IV.
 M. Aurelius Alexander Cæsar.
Eodem anno.
 Imp. Cæsar M. Aurelius Antoninus Augustus. *Occ. e.*
 IMP. CÆSAR M. AURELIUS SEVERUS ALEXANDER AUGUSTUS.
 223 976 L. Marius Maximus II.
 L. Roscius Ælianus.
 224 977 Claudius Julianus II.
 L. Brutius Quinctius Crispinus
 225 978 Fuscus II.
 Dexter.
 226 979 Imp. Cæsar M. Aurelius Severus Augustus II.
 Marcellus II.
 227 980 Albinus.
 Maximus.
 228 981 Modestus II.
 Probus.
 229 982 Imp. Cæsar M. Aurelius Severus Augustus III.
 Cassius Dio II.
 230 983 L. Virius Agricola.
 Sex. Catus Clementinus.
 231 984 . . . Claudius Pompeianus.
 T. Fl. . . Pelignianus.
 232 985 Lupus.
 Maximus.
 233 986 Maximus.
 Paternus.
 234 987 Maximus II.
 (C. Cœlius) Urbanus.
 235 988 Severus.
 Quinctianus.
Eodem anno.
 Imp. Cæsar M. Aurelius Severus Augustus. *Occ. e.*

It has been considered unnecessary for the present work to continue the Fasti to the death of Alexander Severus.

INDEX.

Dammum Infectum.
 Decretum.
 Dediticii.
 Dejecti Effusive Actio.
 Depositum.
 Divortium.
 Dominium.
 Donatio Mortis Causa.
 Donatio Propter Nuptias.
 Donationes inter Virum et Uxorem.
 Dos (Roman).
 Edictum.
 Edictum Theodorici.
 Emancipatio.
 Emphyteusis.
 Empti et Venditi Actio.
 Emptio et Venditio.
 Evictio.
 Exercitoria Actio.
 Exhibendum Actio ad.
 Falernum.
 Familia.
 Familis Ericiscunde Actio.
 Fictio.
 Fideicommissum.
 Fiducia.
 Finium Regundorum Actio.
 Ficus.
 Foderate Civitates.
 Fundus.
 Furtum.
 Gens.
 Heres (Roman).
 Honores.
 Imperium.
 Impubes.
 Incestum.
 Infamia.
 Infans.
 Ingenti.
 Injuria.
 Iniustitia Actio.
 Institutiones.
 Intercessio (1, 2).
 Litterdictum.
 Instabilia.
 Iudex.
 Iudex Pedaneus.
 Iudicati Actio.
 Iulie Leges.
 Iure Cessio, in.
 Iuriconsulti.
 Iurisdicatio.
 Ius.
 Ius Ælianum.
 Ius Civile Flavianum.
 Ius Civile Papirianum.
 Jussu, Quod. Actio.
 Latinitas.
 Legatum.
 Legatus.
 Lex.
 Libertus.
 Litis Contestatio.
 Locatio.
 Magistratus.
 Majestas.
 Manceps.
 Mancipi Causa.
 Mancipium.
 Mandatum.
 Manumissio.
 Manus Injectio.
 Mutuum.
 Negotiorum Gestorum Actio.
 Nexum.
 Novelle.
 Noxalis Actio.
 Obligations.
 Occupatio.
 Operis Novi Nuntiatio.
 Orationes Principum.
 Orator.
 Pandectas.
 Patria Potestas.
 Patronus.
 Pauperes.
 Per Julatus.
 Per Conditionem.
 Per Iudicis Postulationem.
 Per Fignoris Capionem.
 Pignus.
 Plagium.
 Plebiscitum.
 Pœna.
 Possessio.
 Postliminium.
 Preditum.
 Prædium.
 Præjudicium.

Præs.
 Præscriptio.
 Prætor.
 Provincia.
 Publiciana in Rem Actio.
 Quanti Minoris Actio.
 Quorum Bonorum, Interdictum.
 Receipta: De Recepto, Actio.
 Redhibitoria Actio.
 Repetundæ.
 Restituito in Integrum.
 Rogationes Licinias.
 Rutiliana Actio.
 Sectio.
 Senatus Consultum.
 Servitutes.
 Servus (Roman, legal view).
 Societas.
 Successio.
 Superficies.
 Talio.
 Testamentum.
 Thoma Lex.
 Tutor.
 Twelve Tables.
 Vindicatio.
 Vindicta.
 Vis.
 Vis et Vis Armata.
 Universitas.
 Voconia Lex.
 Usucapio.
 Usurpatio.
 Usufructus.

J. S. MANSFIELD.

Ἀναρχαίου γραφή.
 Ἀνορθόδων δική.
 Ἀντιδωσία.
 Ἀντιγραφία.
 Ἀπογραφὴ δίκης.
 Ἀπογραφή.
 Ἀποσκρυψία.
 Ἀπολλύμενος δική.
 Ἀπονομία.
 Ἀπορρήθια.
 Ἀποστασιον δίκης.
 Ἀππελλatio (Greek).
 Ἀργυρίου δίκης.
 Ἀσθείας γραφή.
 Ἀσφαλείας γραφή.
 Ἀσφαλείας δική.
 Βιαιῶν δίκης.
 Βλάβης δίκης.
 Βουλαιστικῆς γραφή.
 Καταγορεύσας δίκης.
 Κακοεργῶν δίκης.
 Καρποῦ δίκης.
 Χωρίου δίκης.
 Χρόλου δίκης.
 Cleterus.
 Κλοπῆς δίκης.
 Concubina (Greek).
 Kurius.
 Diadicasia.
 Diamartyria.
 Dicasterion.
 Dicastes.
 Dice.
 Eisangelia.
 Endeixis.
 Engye.
 Ephagesis.
 Epidicasia.
 Epitropos.
 Epobelia.
 Grapho.
 Ἀρχαγῆς γραφή.
 Ἀργυροῦ γραφή.
 Ἐταιριστικῆς γραφή.
 Ἰεροσουλίας γραφή.
 Ὑβρεως γραφή.
 Ὑποδολλῆς γραφή.
 Δεικνοναυτίου γραφή.
 Δεικπορταίου γραφή.

J. NARRIEN.

Army (Greek).
 Army (Roman).

W. RAMSAY.

Fasti.
 Fetiales.
 Flamen.
 Lacinias.
 Lena.
 Lituus.
 Manipulus.

Oratio.
 Paludamentum.
 Periscelis.
 Pinacotheca.
 Prodigium.
 Saturnalia.
 Sella.
 Spoliata.
 Sportula.
 Stilus.
 Stratores.
 Triumphus.
 Tuba.
 Tympanum.
 Vis.
 Vinum.
 Vitrum.
 Vittæ.

A. RICH.

Arcus.
 Atlantes.
 Atticurgæ.
 Basiliens.
 Basilica (sc. sedes).
 Baths.
 Bridges.
 Bustum.
 Camera.
 Campus Martius.
 Campus Sceleratus.
 Canalis.
 Capitolium.
 Castellum Aquæ.
 Cella.
 Chalcedicum.
 Chernips.
 Chiramaxium.
 Circus.
 Clavis.
 Clavus.
 Clavus Annalis.
 Clavus Gubernaculi.
 Clavus Latus, Angustus.
 Clypeus.
 Clitella.
 Cloaca.
 Cochlea.
 Colossus.
 Columbarium.
 Coma.
 Conditorium.
 Corbis.
 Corbites.
 Corona.
 Cortina.
 Crypta.
 Cudo.
 Culina.
 Emissarium.
 Entasis.
 Epistylum.
 Fastigium.
 Fornix.
 Hermæ.

L. SCHMITZ.

Agrionia.
 Ἀγορεύσας Συσία.
 Agurnias.
 Aiscea.
 Aianteia.
 Ἀλυπητῶν ἐστῆθ.
 Aiora.
 Alala.
 Alcathoia.
 Ἀλεκτρονίων ἀγών.
 Aloa.
 Amarunthia.
 Ambrosia (festivals).
 Amphiarais.
 Amphidromia.
 Anakeia.
 Anacleteria.
 Anaxagoreia.
 Androgionia.
 Anthesphoria.
 Antinoeia.
 Apaturia.
 Aphrodisia.
 Apollonia.
 Arateia.
 Argentum.
 Ariadneia.
 Arrhaphorium.
 Artemisia.
 Asclepieia.
 Ascolia.
 Boëtronia.
 Boreasmoi.

Brasideia.
 Bratroia.
 Cabeiria.
 Callisteia.
 Carneia.
 Carra.
 Chalceia.
 Chalcoecia.
 Chelidonia.
 Chitonia.
 Chloeia.
 Chthama.
 Codex.
 Congiarium.
 Consualia.
 Contubernia.
 Contus.
 Conventus.
 Cophinus.
 Corybantæ.
 Corybantica.
 Cosmete.
 Cottabus.
 Cotytia.
 Covinus.
 Crater.
 Critai.
 Crocota.
 Cronia.
 Crypteia.
 Culter.
 Daidala.
 Daphnephoria.
 Darcus.
 Deikelistai.
 Delia.
 Delphinia.
 Demetria.
 Demasestrosia.
 Dapnephonia.
 Diassa.
 Dictynnia.
 Dies.
 Dipoleia.
 Diocleia.
 Dionysia.
 Diokouria.
 Divintia.
 Docana.
 Donaria.
 Ekkletoi.
 Eisiteria.
 Eisphora.
 Elaphoboli.
 Eleusinia.
 Eleuthera.
 Elliotia.
 Epangelia.
 Ephelus.
 Ephesia.
 Eponymus.
 Erotia.
 Eumolpidai.
 Eupatridai.
 Euthyne.
 Exaugurati.
 Exegetai.
 Exiteria.
 Exodia.
 Exomoesia.
 Exostra.
 Ferie.
 Fescennina.
 Floralia.
 Forum.
 Galli.
 Gamelia.
 Gausapa.
 Geomortoi.
 Grammateus.
 Gymnasium.
 Gymnopsidia.
 Gynaikonoma.
 Habes.
 Harmosta.
 Heræa.
 Hermæa.
 Hetaire.
 Hilaria.
 Histro.
 Hora.
 Homologium.
 Horreum.
 Hospitium.
 Hydriapha.
 Hylloros.
 Hyporetas.
 Hyporchea.
 Hyacinthia.
 Inauguratio.

INDEX.

P^o torium.
 Pa eidonia.
 Pnifectus.
 Pralum.
 Proconsul.
 Proedroia.
 Prometheia.
 Proscriptio.
 Protrugia.
 Publicani.
 Pugilatus.
 Pyonapsia.
 Pythian Games.
 Qumstor.
 Regia Lex.
 Regifugium.
 Rex Sacrificulus.
 Ricinium.
 Rings.
 Rorarii.
 Sacellum.
 Sacerdos.
 Sacra.
 Sacrarium.
 Sacrificium.
 Sacrilegium.
 Saculum.
 Salmimia.
 Salarium.
 Sandalium.
 Sarracum.
 Sartago.
 Satura.
 Scalm.
 Scamnum.
 Scriptura.
 Sculptura.
 Scytale.
 Seisachtheia.
 Senatus.
 Septimontium.
 Ships.
 Socii.
 Statuary.
 Sthenia.
 Synœcia (festival).
 Templum.
 Thalusia.
 Thargelia.
 Theatrum.
 Theophania.
 Theseia.
 Thesmophoria.
 Tholos.
 Tithenidia.
 Titii Sodales.
 Triarii.
 Tribunus.
 Tribus (Roman).
 Tributum.
 Triobolon.
 Vectigalia.
 Ver Sacrum.
 Viaticum.
 Viator.
 Vicesima.
 Vicus.
 Vigintisexviri.
 Vinalia.
 Vineæ.
 Unguenta.
 Volones.
 Vulcanalia.
 Uxorium.
 Zacoroi.

 P. SMITH.
 Aiclou.
 Alestryomanteia.
 Aliea.
 Alima.
 Alimentarii Pueri et Puella.
 Aliptæ.
 Alutai.
 Amanuensis.
 Amma.
 'Αμφικέκκλον δένας
 Amphora.
 Annales.
 Annona.
 Aretalogi.
 Argyroscopion.
 Argyraspides.
 Armilustrium.
 Artaba.
 Arura.
 As.
 Aurum.
 Barbitos.
 Basanos.

οὐς γραφή

i.

nviri.

Cheironomia.
 Cheirotoneia.
 Cheme.
 Chonix.
 Chous.
 Chrysendota.
 Chytia.
 Cistophorus.
 Concha.
 Congius.
 Cotyla.
 Cubitus.
 Cubus.
 Culeus.
 Cythus.
 Dalium.
 Extraordinarii.
 Helotes.
 Hortus.
 House (Greek).
 Jagerum.
 Libra or As.
 Ligula.
 Litra.
 Maris.
 Medimnus.
 Metrotes.
 Milliare.
 Modius.
 Mystrum.
 Pea.
 Schonus.
 Scrupulum.
 Sessertius.
 Sextarius.
 Sextula.
 Stadium.
 Stater.
 Taberna.
 Talentum.
 Tetrarches.
 Tiro.
 Toga.
 Tribunal.
 Turris.
 Vallum.
 Villa.
 Villicus.
 Uncia (weight).
 Uncia (coin).
 Xestes.

 W SMITH
 Ablegmina.
 Acaina.
 Acapna Ligna.
 Acation.
 Accensi.
 Acclamatio.
 Achæne.
 'Ακοήν μαρτυρεῖν
 Acroama.
 Acrolithoi.
 Acrostolion.
 Acroterium.
 Acrothinion.
 Acta Diurna.
 Actia.
 Actuarii.
 Addix.
 Adæia.
 'Αδικίας πρὸς τὸν δῆμον γραφή.
 Adlecti.
 Adlector.
 Admissionales.
 Adonia.
 Adoratio.
 Adversaria.
 Adunatoi.
 Aditui.
 Aeneatores.
 Eoliipylæ.
 Æra.
 Ærarium.
 Ærascatores.
 Æs (money).
 Æs Circumforaneum.
 Æs Equestre.
 Æs Hordearium.
 Æs Mædvarium.
 Agaso.
 Agathoergoi.
 Agele.
 Agema.
 'Αγρωπύλου δίκη.
 Ager Sanctus.
 Agger.
 Agmen.
 Agonalia.
 Agonotheta.

Agora.
 Agoranomus.
 Agrania.
 'Αγραφίου γραφή.
 'Αγράφου μετάλλου γραφή
 Agraulia.
 Agrestai.
 Agriana.
 Agronomi.
 Agurtai.
 'Ακίας δίκη.
 Aisymnetes.
 Alarii.
 'Αλεγίου γραφή.
 'Αμείλιου γραφή.
 Ambrosia.
 Ambarbium.
 'Αμείλιου δίκη.
 Amphioikia.
 Anaboleus.
 Anacornide.
 'Αναγωγής δίκη.
 'Ανδροκόσμου γραφή.
 Antambulones.
 Antecessores.
 Antigrapheia.
 Apagaloι.
 'Αφαροί ημέραι.
 Aphractus.
 Apodecte.
 Apoplansia.
 Apobora.
 Apophoreta.
 'Αποφράδες ημέραι.
 Apostoleis.
 Apotheca.
 Apotheosis.
 Apparitores.
 Aquarii.
 Arca.
 Arceæ.
 Archairesii.
 Archeion.
 Archones.
 Ardalion.
 Area.
 Asiarchæ.
 Asylum.
 Athletæ.
 Atrium.
 Augustales.
 Aurum Cur. vias
 Aurum L. vias = 10.
 Authepa.
 Autonomi.
 Axones.
 Basileia.
 Basteræ.
 Be. ciaræ.
 Ribas.
 Becæ.
 B-ismi.
 Bireneia.
 Bombyx.
 Boonai.
 Botulus.
 Buxum.
 Byssus.
 Cacosis.
 Caduceus.
 Cadus.
 Ceritum Tabule
 Calantica.
 Calathus.
 Calculator.
 Calida.
 Campestre.
 Campidoctores.
 Canabos.
 Canathron.
 Candela.
 Candelabrum.
 Cantharus.
 Canticum.
 Capes.
 Capsearii.
 Caracalla.
 Carnifex.
 Carrago.
 Carruca.
 Catalogos.
 Καταθέσεις τοῦ δήμου γραφή
 Cataphracti.
 Κατασκοπῆς γραφή.
 Cathedra.
 Caupona.
 Ceadas.
 Ceroma.
 Cestus.
 Cippus.

INDEX.

Dammum Infectum.
 Decretum.
 Dediticii.
 Dejecti Effusive Actio.
 Depositum.
 Divortium.
 Dominium.
 Donatio Mortis Causa.
 Donatio Propter Nuptias.
 Donationes inter Virum et Uxorem.
 Dos (Roman).
 Edictum.
 Edictum Theodorici.
 Emancipatio.
 Emphyteusia.
 Empti et Venditi Actio
 Emptio et Venditio.
 Evictio.
 Exercitoria Actio.
 Exhibendum Actio ad.
 Falsum.
 Familia.
 Familias Eroiscunda Actio.
 Fictio.
 Fideicommissum.
 Fiducia.
 Finium Regundorum Actio.
 Fiscus.
 Fœderatæ Civitates.
 Fundus.
 Furtum.
 Gens.
 Heres (Roman).
 Honores.
 Imperium.
 Impubes.
 Incestum.
 Infamia.
 Infans.
 Ingeui.
 Injuria.
 Institoria Actio.
 Institutiones.
 Intercessio (1, 2).
 Interdictum.
 Interdubialis.
 Jdex.
 Judex Pedaneus.
 Judicati Actio.
 Julia Leges.
 Jure Cessio, in.
 Jurisconsulti.
 Jurisdietio.
 Jus
 Jus Ælianum.
 Jus Civile Flavianum.
 Jus Civile Papirianum
 Jusu, Quod. Actio
 Latinitas.
 Legatum.
 Legatus.
 Lex.
 Libertus.
 Litis Contestatio.
 Locatio.
 Magistratus.
 Majestas.
 Mancipes.
 Mancipi Causa.
 Mancipium.
 Mandatum.
 Manumissio.
 Manus Injunctio.
 Mutuum.
 Negotiorum Gestorum Actio.
 Nexum.
 Novella.
 Noxalis Actio.
 Obligationes.
 Occupatio.
 Operis Novi Nuntiatio.
 Orationes Principum.
 Orator.
 Pandects.
 Patria Potestas.
 Patronus.
 Pauperes.
 Psalms.
 Per Conditionem.
 Per Judicis Postulationem
 Per Pignoris Capionem.
 Pignus.
 Plagium.
 Plebiacitum.
 Pœna.
 Possessio.
 Postliminium.
 Prædium.
 Præjudicium.

Præscriptio.
 Prætor.
 Provincia.
 Publiciana in Rem Actio.
 Quanti Minoris Actio.
 Quorum Bonorum, Interdictum.
 Recepta: De Recepto, Actio.
 Redhibitoria Actio.
 Repetunde.
 Restitutio in Integrum.
 Rogationes Licinias.
 Rutiliana Actio.
 Sectio.
 Senatus Consultum.
 Servitutes.
 Serrus (Roman, legal view).
 Societas.
 Successio.
 Superficies.
 Talio.
 Testamentum
 Thoria Lex.
 Tutor.
 Twelve Tables.
 Vindicatio.
 Vindicta.
 Vis.
 Vis et Vis Armata.
 Universitas.
 Voconia Lex.
 Usucapio.
 Usurpatio.
 Ususfructus

J. S. MANSFIELD.

'Αναμαχίον γραφή.
 'Ανδροπόδων δίκη.
 Antidosis.
 Antigraphæ.
 'Αφορηθής δίκη.
 Apographæ.
 Apocryphis.
 'Απολείψους δίκη.
 Aponosis.
 Aporrhœia.
 'Αποστασιον δίκη.
 Appellatio (Greek)
 'Αργυρίου δίκη.
 'Ασθετίας γραφή.
 'Αστυρίας γραφή.
 'Αστροβόλλας γραφή.
 Βελαιώτατος δίκη.
 Βαίλων δίκη.
 Βλάδης δίκη.
 Βουλαιώτατος γραφή.
 Κακτηγορίας δίκη.
 Κακοτεχνιῶν δίκη.
 Καρπού δίκη.
 Χωρίου δίκη.
 Χοίους δίκη.
 Cleteros.
 Κλοπής δίκη.
 Concubina (Greek).
 Kurios.
 Diadecasia.
 Diamartyria.
 Dicasterion.
 Dicastes.
 Dice.
 Eisangelia.
 Endeixis.
 Enge.
 Ephegesis.
 Epidicasia.
 Epitropos.
 Eprobolia.
 Graphæ.
 'Αρπαγής γραφή.
 Λιγυμῶν γραφή.
 'Εταιρηστικῆς γραφή.
 'Επισουβίας γραφή.
 'Υβριος γραφή.
 'Υποβολῆς γραφή.
 Λεπικανυτίου γραφή.
 Λεπτοστρατίου γραφή.

J. NARRIEN.

Army (Greek).
 Army (Roman).

W. RAMSAY.

Fasti.
 Fetiales.
 Flamen.
 Lacinia.
 Læna.
 Lituus.
 Manipulus

Ovatio
 Paludamentum.
 Periscelis.
 Pinacotheca.
 Prodrium.
 Saturnalis.
 Sella.
 Spolia.
 Sportula.
 Stiltus.
 Stratores.
 Triumphus.
 Tuba.
 Tympanum.
 Vis.
 Vinum.
 Vitrum.
 Vittæ.

A. RICH.

Arcus.
 Atlantes.
 Atticurgæ.
 Basileus.
 Basilica (sc. sedes).
 Baths.
 Bridges.
 Bustum.
 Camera.
 Campus Martius.
 Campus Sceleratus.
 Canalis.
 Capitulum.
 Castellum Aquæ.
 Cella.
 Chalcidicum.
 Chernipe.
 Chiramaxium
 Circus.
 Clavis.
 Clavis.
 Clavus Annalis.
 Clavus Gubernaculi.
 Clavus Latus, Angustus
 Clypeus.
 Clitellas.
 Closcs.
 Cochlea.
 Colossus.
 Columbarium.
 Coma.
 Conditorium.
 Corbis.
 Corbitum.
 Corona.
 Cortina.
 Crypta.
 Cudo.
 Culina.
 Emisarium.
 Entasis.
 Epistylum.
 Fastigium.
 Fornix.
 Hermæ.

I. SCHMITZ.

Agrionia.
 'Αγροτίδας Σουία.
 Agrupnis.
 Aiacia.
 Aiantia.
 Αλυγινητών ἱορτή.
 Aiora.
 Alala.
 Alcathoia.
 'Αλεκτρούων ἀγών.
 Alos.
 Amarunthia.
 Ambrosia (festivals).
 Amphiraria.
 Amphidromia.
 Anakeia.
 Anacletaria.
 Anaxagoreia.
 Androgonia.
 Anthesphoria.
 Antinoeia.
 Apaturia.
 Aphrodisia.
 Apollonia.
 Arateia.
 Argentum.
 Ariadneia.
 Arrhophorium.
 Artemisia.
 Asclepieia.
 Ascevia.
 Βοθρόνικα.
 Βοτσακόνια.

Brasidea.
 Braconia.
 Cabeira.
 Callistea.
 Carneia.
 Carya.
 Chalceia.
 Chalcoinea.
 Chelidonia.
 Chitonis.
 Chlonia.
 Chtham &
 Codex.
 Congiarium.
 Consualia.
 Contubernia.
 Costus.
 Conventus.
 Cophinus.
 Corymbantes.
 Corymbantes.
 Cosmeta.
 Cottaba.
 Cotytia.
 Covinus.
 Crater.
 Critis.
 Crocota.
 Cronis.
 Cryptea.
 Culter.
 Cuidala.
 Daphnephoris.
 Darcus.
 Deikelistai.
 Delia.
 Delphinia.
 Demetria.
 Dianastigusia.
 Daphniphia.
 Diana.
 Dictynnia.
 Dies.
 Dipoleia.
 Dioclea.
 Dionysia.
 Dioskouria.
 Divinatio.
 Docana.
 Douaria.
 Ekkletoi.
 Eisteria.
 Eiaphora.
 Elapheloboi.
 Eleosia.
 Eleutheria.
 Ellofia.
 Epangelia.
 Ephobus.
 Epheia.
 Eponymus.
 Erotia.
 Eumolpidae.
 Eupatridai.
 Euthyas.
 Exaugurati.
 Exagetai.
 Exilteria.
 Exodia.
 Exonomia.
 Exostra.
 Ferie.
 Fescennina.
 Florida.
 Forum.
 Galli.
 Gamelia.
 Gausaria.
 Geomoro.
 Grammatæus.
 Gymnasium.
 Gynnopaidea.
 Gynakomoi.
 Habes.
 Harnosta.
 Heræa.
 Hermæa.
 Heteræa.
 Hilaria.
 Histris.
 Hora.
 Homologium.
 Horreus.
 Hospitium.
 Hydrifrho.
 Hyloria.
 Hyperetes.
 Hysparchia &
 Hysparchus.
 Hysparchus.

INDEX.

Libra.
Limbus.
Linea.
Lodix.
Lope.
Lorica.
Lupus Ferreus.
Macellum.
Malleus.
Manica.
Manico.
Mantele.
Marsupium.
Masonomus.
Mensa.
Mola.
Monsile.
Mortarium.
Mystax.
Nebria.
Nix.
Nodus.
Norma.
Nudus.
Ocra.
Onophorum.
Olla.
Opsonium.
Oscillum.
Pedagogus.
Pala.
Pallium.
Panoplia.
Paragauda.
Paries.
Parma.
Pastophorus.
Patera.
Patina.
Pecten.
Pedita.
Podum.
Pogma.

Pellis.
Pelta.
Peplum.
Pera.
Pera.
Perpendiculum
Pertica.
Petrorritum.
Phalanga.
Phalera.
Pharetra.
Pharos.
Pileatum.
Pileus.
Planstrum.
Porta.
Prycter.
Pugio.
Pulvinar.
Pyxis.
Raster.
Redimiculum.
Regula.
Relia.
Rudens.
Runcina.
Rutrum.
Sagitta.
Salina.
Salinum.
Sambuca.
Sarculum.
Sceptrum.
Scutum.
Securis.
Sericum.
Serra.
Serta.
Sica.
Signa Militaria.
Siparium.
Sistrum.

Soccus
Soles.
Spira.
Subligaculum
Syrinx.
Teda.
Talaria.
Talus.
Tapes.
Tegula.
Tela.
Tessera.
Thronos.
Thyrus.
Tiara.
Tibia.
Tintinnabulum.
Torculum.
Tormentum.
Torques.
Torus.
Tribula.
Tribulus.
Triclinium.
Tripes.
Trochus.
Trus.
Trutina.
Turibulum.
Vannus.
Udo.
Vebes.
Velum.
Venabulum
Virga.
Urna.
Zona.

J. W. W.

Liburna.
Linter.
Malus.

INDEX III.

CONTRIBUTIONS BY THE AMERICAN EDITOR.

Ageraton.
Agnus.
Agrimonia.
Agriophyllon.
Agrostis.
Aigeiros.
Aigithalos.
Aigilope.
Aigipyros.
Aigotheias.
Aigyptos.
Aigolios.
Aithnia.
Ailouros.
Almatites.
Aimorrhous.
Aira.
Aix.
Alauda.
Alce.
Alcea.
Alcibiadium
Alga.
Alisma.
Allium.
Alnus.
Aloë.
Alopecias.
Alopecis.
Alopecurus
Alsiue.
Altercum.
Alypon.
Alysson.
Alphestes.
Amaracus.
Amaranthus.
Amethystus.
Amia.
Amianthus.
Ammi.
Ammodytes.

Ammoniacum.
Ampelitis.
Ampeloprasum.
Amphibena.
Amomum.
Amygdalus.
Anagallis.
Anagyris.
Anas.
Anaxuris.
Anchusa.
Andraphaxys.
Andrachne.
Androdamas.
Androsaces.
Androssemon.
Anemone.
Anethum.
Anguilla.
Anisum.
Anonis.
Anser.
Antacenus.
Anthemis.
Anthemum.
Anthericus.
Anthias.
Anthos.
Anthrax.
Anthrakion.
Anthrene.
Anthyllis.
Antipathes.
Antirrhinon.
Aparine.
Apate.
Aphace.
Apharce.
Aphia.
Apiastellum.
Apiaster.
Apion.

Aptos.
Apis.
Apium.
Apocynon.
Aporrhaktes.
Apus.
Aquila.
Arabica.
Arachne.
Arachidna.
Arcus.
Arbutum.
Arbutus.
Arctos.
Ardea.
Argemone.
Argentum Vivum.
Argilla.
Argitis.
Argyritis.
Ara.
Arion.
Arisarum.
Aristolochia.
Armenica Mala.
Arsenium.
Armoracia.
Arnabo.
Arnoglossus
Aron.
Arsenicon.
Asarum.
Asbestos II.
Ascalabotes
Ascaria.
Ascion.
Asclepias
Ascyron
Asilus.
Aspalathus.
Aspalax.
Asparagus.

* The full name of this contributor is not given in the English edition.

INDEX.

- Aspaodelus.
 Aspis.
 Asplenium.
 Assius Lapis
 Astacus.
 Aster.
 Aster Atticus
 Asteria
 Astrios.
 Astur.
 Asturo.
 Atherina.
 Atractylis.
 Attagen.
 Attalebus.
 Avellana Nrx.
 Augites.
 Aulopias.
 Austerhalis.
 Autachates.
 Baccar.
 Balena.
 Balsanus.
 Baleros.
 Ballote.
 Balsamum.
 Bambacion.
 Baptes.
 Bassaltes.
 Bassantes Lapis
 Basiliscus.
 Batis.
 Batos.
 Batrachium.
 Batrachus.
 Bdella.
 Bellium.
 Bechion.
 Belone.
 Berberi.
 Berricocca
 Beryllus.
 Beta.
 Bettonica.
 Bison.
 Bitumen.
 Blatta.
 Blennus.
 Bleton.
 Boca.
 Boites.
 Bolboi.
 Bombyllus.
 Bonassus.
 Bos.
 Bosca.
 Bos Mariana
 Bostrychites
 Brassica.
 Brathy.
 Bromos.
 Brucus.
 Bryon.
 Bryonia.
 Bubalis.
 Buceras.
 Buglossa.
 Bumamma.
 Bunia.
 Bunion.
 Buprestis
 Butyrum.
 Buxus.
 Byblus.
 Cacalia.
 Cactus.
 Cadmeia.
 Caeubum Vinum
 Cæpa.
 Calaminthe
 Κάλυμος άρωματικός
 Κάλυμος φαρματικός.
 Κάλυμος αβλιτικός.
 Κάλυμος ό ναυτικός.
 Κάλυμος ό Ίστικός.
 Calidris.
 Callionymus
 Camelopardalis.
 Camelus.
 Cammarus.
 Canamou.
 Canis.
 Cannabis.
 Cantharis.
 Cautarus II, III
 Caper.
 Caphura.
 Carnios.
 Capparis.
 Capra.
 Caprea.
 Caprificatio.
 Caprificus.
 Capros.
 Carabus.
 Carbunculus.
 Carcharias.
 Carcinium.
 Carcinus.
 Cardamine.
 Cardamomum.
 Cardamum.
 Carduelis.
 Carduus.
 Careum.
 Carex.
 Caris.
 Carota.
 Carpesium.
 Carpinus.
 Caryon.
 Caryophyllon.
 Casia.
 Castanea.
 Castor.
 Catanauko.
 Cataractes.
 Catoblepus.
 Catochites.
 Causalis.
 Cebilepyris.
 Cedrus.
 Celastrum.
 Cenobris.
 Cenochros.
 Centaurea.
 Centricus.
 Centrite.
 Centromyrrhine.
 Cepae.
 Cephalus.
 Cephon.
 Cepphos.
 Cerachates.
 Cerastes.
 Cerasus.
 Ceratia.
 Ceramion.
 Cercis.
 Cercopithecus.
 Carevisia.
 Cerintha.
 Cerussa.
 Cerylus.
 Ceryx.
 Cestrum.
 Chabane.
 Chalcanthus.
 Chalcis.
 Chalcitis.
 Chalcos.
 Chalcophonus.
 Chalcosmaragdus.
 Chalybs.
 Chamaeete.
 Chamacerasus.
 Chamadrys.
 Chamaleon.
 Chamemelon.
 Chamepitys.
 Chameliza.
 Charadrius.
 Chelidon.
 Chelidonium.
 Chelone.
 Chenalopez.
 Chenopodium.
 Chermites.
 Chersydrus.
 Chia Terra.
 Chium Marmor.
 Chium Vinum.
 Chlorena.
 Chloris.
 Χαίρος ποτάμιος.
 Chromis.
 Chrysalis.
 Chrysanthemum
 Chryselectrum.
 Chryselectrus.
 Chrysites.
 Chrystitis.
 Chrysocolla.
 Chrysocome.
 Chrysolithus.
 Chrysomelum.
 Chrysophrys.
 Chrysoptis.
 Chrysopterus Lapis.
 Cicada.
 Cici.
 Cimex.
 Cimolia Terra.
 Cinara.
 Cinnabaris.
 Cinnamomum.
 Ciris.
 Cirsium.
 Cis.
 Class.
 Classeria.
 Cissos.
 Cisthus.
 Citrus.
 Clematis.
 Clinopodium.
 Clapea.
 Clymenon.
 Cneorum.
 Cnicus.
 Cnips.
 Cnipologus.
 Cocalis.
 Coccones.
 Coccom.
 Coccyum.
 Coccygea.
 Coccymelea.
 Coccyz.
 Coehles.
 Colx.
 Colchicum.
 Colocasia.
 Colocyntha.
 Coloeynthis.
 Colias.
 Colotes.
 Coloutea.
 Coluber.
 Comarus.
 Combretum.
 Come.
 Concha.
 Conchylium.
 Concion.
 Conger.
 Conops.
 Convolvulus.
 Conus.
 Conyza.
 Coracinaus.
 Corallium.
 Corallia.
 Corax.
 Corchorus.
 Cordylus.
 Coriandrum.
 Coris.
 Corone.
 Coronopus.
 Corrada.
 Corylus.
 Cossyphus.
 Costum.
 Cotinus.
 Cotoneum Malum.
 Cottus.
 Cottyphus.
 Cotyledon.
 Κοκκοφόρον δένδρον.
 Crancon.
 Crania.
 Cratagus.
 Cratagonon.
 Creta.
 Crex.
 Crimnus.
 Crinanthemum.
 Crios.
 Crocodilus.
 Κροκοκόιλος χροαίος.
 Crocodolium.
 Crocus.
 Crocotus.
 Cromyon.
 Croton.
 Crystallus.
 Cucumis.
 Cucurbita.
 Culex.
 Cuniculus.
 Cunila.
 Cupressus.
 Curma.
 Curnea.
 Cyclaminus.
 Cyenus.
 Cydonium Malum.
 Cynocephali.
 Cynoglossum.
 Cynocranbe.
 Cynomys.
 Cynaraltes.
 Cynorodon.
 Cynostatum.
 Cynops.
 Cyperus.
 Cyprus.
 Cytisus.
 Dacrydion.
 Dactyli.
 Damasonium.
 Daphne.
 Daphnoides.
 Dascillus.
 Dasypus.
 Daucus.
 Delphia.
 Delphinium.
 Dendroschates.
 Dendrolihana.
 Δένδροφιλα κέρνυς.
 Διός άδής.
 Diospyrus.
 Diphryges.
 Dipsoeus.
 Dipus.
 Donax.
 Dorcas.
 Dorychnium
 Draco.
 Dracontium.
 Drepanis.
 Dromedarius.
 Dryinus.
 Dryocalaptes.
 Dryopteris.
 Drypis.
 Ebenus.
 Echenis.
 Echinus.
 Echis.
 Echium.
 Elais.
 Elatagus.
 Elaiomeli.
 Elaiochrysus.
 Elaios.
 Elaioselinon.
 Elaphoboscua.
 Elaphus.
 Elate.
 Elatine.
 Electrum.
 Eledone.
 Eledisthaeus.
 Elephas.
 Elmina.
 Ellops.
 Empetrum.
 Enhydrus.
 Entoma.
 Ephemeron
 Epimelia.
 Epiolus.
 Epiractis.
 Epithymon.
 Equus.
 Erebinthus.
 Eretria Terra.
 Eryca.
 Erymus.
 Erymus.
 Έριοςφόρον έσάρις.
 Erodias.
 Eruca.
 Eryum.
 Eryngium.
 Erythrodanum.
 Erythronium.
 Escarus.
 Eula.
 Eupatoriun.
 Faba.
 Fagus.
 Far.
 Faselua.
 Felis.
 Fel Terra.
 Feriala.
 Fervinga.
 Ficus.
 Filix.
 Flenum Graecum
 Fragum.
 Fraxinus.
 Fungus.
 Gagates Lapis.
 Galactites Lapis.
 Galactica Lapis

INDEX.

25

Isatis.
Isopyron.
Juncus.
Juniperus.
Jusquianus.
Jynx.
Labrax.
Labrusca.
Lactuca.
Ladanum.
Lagopus.
Lagopyrus.
Lagos.
Λαγός Σαλδρτιος.
Lamis.
Lampeane.
Lapathum.
Larus.
Latax.
Latos.
Laver.
Legumen.
Leimonium
Leiolobos.
Lemna
Lemnia Terra.
Leo.
Leontopetron.
Leontopodium.
Leopardus.
Lepas.
Lepidium.
Lepis.
Leucacantha.
Leucas.
Leuce.
Leucoion.
Libanotis.
Libanotus.
Lichen.
Ligusticum.
Ligustrum.
Lilium.
Linospartum.
Linospermum.
Linum.
Linum Vivum.
Lipareus Lapis.
Lithargyrus.
Lithospermum.
Lolium.
Lonchitis.
Lycapsus.
Lychnis.
Lychnites.
Lycium.
Lycopis.
Lydius Lapis.
Lyra.
Lysimachium
Macer.
Magnes.
Magnesius Lapis.
Magdalis.
Maia.
Mainis.
Malabathrum.
Malacha.
Malacia.
Maleocraneus.
Malinothalle.
Malthe.
Malva.
Malum.
Mandradoras.
Mantichora.
Mantis.
Marathrum.
Margarita.
Marmor.
Marrubium.
Mastiche.
Medica.
Medica Mala.
Medion.
Melampyron.
Melancranis.
Melanion.
Melantheria.
Melanthion.
Melanurus.
Melea.
Melesgris.
Melis.
Melis Terra.
Meilotus.
Melimela.
Meline.
Melis.
Melissa.

Melissophyllon.
Melolonthe.
Melopepon.
Memaiculon.
Menanthus.
Merops.
Mespila.
Meum.
Milax.
Milos.
Miltos.
Minitum.
Mintbos.
Misy.
Molybdæna.
Molybdos.
Mores.
Momyrus.
Μόμοχος λίθος.
Moeschus.
Murgena.
Musa.
Musmon.
Mustela.
Myagrum.
Myax.
Mylis.
Myops.
Myosotis.
Myrica.
Myrmex.
Myrus.
Mysticetus.
Myxon.
Myzon.
Napy.
Narcissus.
Nardus.
Narce.
Narthex.
Nautilus.
Nebrit ss.
Nepenthes.
Nerion.
Nerites.
Nitrum.
Noumenius.
Nycteris.
Nycticorax.
Nymphæa.
Ochns.
Ochra.
Ochrus.
Ocimoidees.
Ocimum.
Oë.
Oenanthe.
Oenas.
Oenothera.
Oestrus.
Oliva.
Ololygon.
Olostion.
Olyra.
Omphex.
Onitis.
Onobrychis.
Onos.
Onosma.
Onyx.
Opalus.
Ὀπός Σαλδρτιος.
Orphites.
Opobalsamum.
Ὀρός Μήδιος.
Orsianos.
Orechilus.
Orechis.
Oreichalcum.
Oroselinum.
Origanus.
Orobanchæ.
Orobos.
Orospiros.
Ortygometra.
Ortyx.
Oryx.
Oryza.
Ostracoderma.
Ostreum.
Ostrites.
Ostryx.
Otis.
Oris.
Padua.
Pederos.
Pæonia.
Panicum.
Panthera.
Papaver.

Papil o.
Papyrus.
Fardalis, I., II.
Fardalis.
Fardion.
Fareias.
Farium Marmor
Farnops.
Farnoychia.
Farra.
Farrhenion
Fasser.
Favo.
Fausia.
Fegason.
Pelamya.
Pelargus.
Pelican.
Pelocinus.
Peleias.
Pelorias.
Pemelops.
Penia.
Peantaphyllon.
Pentelicum Marmor
Peperi.
Peplis.
Perca.
Percnopterus
Percnus
Percidion.
Perdix.
Periclymenon.
Peristera.
Peristereon.
Persæa.
Persica Mala.
Phagrus.
Phacos.
Phalena.
Phalangion.
Phaselus.
Phasganon.
Phasianos.
Phasiolus.
Phassa.
Phellus.
Phillyrea.
Philyra.
Phlecos.
Phlomos.
Phlox.
Phoca.
Phocæna.
Phanniopterus
Phœnicurus.
Phœnix.
Phou.
Phoxinus.
Phrygius Lapis
Phrynos.
Phtheir.
Phycis.
Phycus.
Phyllitis.
Physalus.
Ficus.
Pinna.
Pinnophylax
Pinus.
Piper.
Pissaphaltes
Pistacia.
Pithecus.
Pityocampe
Pitya.
Platanus.
Placinos.
Plumbago.
Plumbum.
Pnigitis.
Poa.
Pocilis.
Pocilus.
Prasitis Lapis
Prasium.
Prascuria.
Prason.
Prester
Prinos.
Pristis.
Proumnos.
Prunum.
Prunus.
Psar.
Psæn.
Psætta.
Ψευδά Ευφραδης.
Pseudoboninum.
1099

m.

INDEX RAISONNE.

T. tinnabulum.
Torus.
Tripos.
Velum.

6. UTENSILS, TOOLS, &c.

Acetabulum.
Ἀμφικύπελλον ὄργανον.
Amphora.
Ampulla.
Ansa.
Ardalion.
Ascia.
Asilla.
Aurum.
Authepsa.
Bascauda.
Batillus.
Bicos.
Bombylius.
Cadus.
Calathus.
Cantharus.
Carchesium.
Chytra.
Cochlear.
Colum.
Cortina, I.
Culix.
Culter.
Diota.
Dolabra.
Falx.
Fictile.
Follis.
Forceps.
Forfex.
Incus.
Laferna.
Ligo.
Lima.
Linea.
Malleus.
Œnophorum.
Olla.
Pala.
Patera.
Patina.
Perpendicularum.
Poculum.
Pycter.
Pyxis.
Raster.
Regula.
Rete.
Rhyton.
Runcina.
Sarcinum.
Sartago.
Securis.
Serra.
Situla.
Trua.
Trotina.

7. WRITING, WRITING MATERIALS, &c.

Atramentum.
Calamus.
Cheiographum.
Commentarius.
Diploma.
Diptycha.
Libellus, III., IV.
Liber.
Logographoi, I., II.
Mortarium.
Murthina Vasa.
Norma.
Regula.
Scytale.
Stylus, I.
Tabula.

8. VEHICLES, EQUIPAGE, &c.

Biga.
Calcar.
Canathron.
Capistrum.
Carpentum.
Cartuca.
Cisium.
Clitelle.
Covinus.
Currus.
Ephippium.
Esseda.
Fronum.
Habens

Harmamara.
Hippopere.
Jugum, VI.
Petorritum.
Plantum.
Plaustrum.
Rheda.
Sarracum.
Zona.

9. SERVANTS, &c.

Agaso.
Alipte.
Amanuensis.
Anteambuloes.
Aquarii.
Calones.
Capsarii.
Cosmeta.
Cubicularii.
Cufiores.
Demostoi.
Erycteres.
Fartor.
Gymnestoi.
Holotes.
Librarii.
Mediastini.
Ornatix.
Pedagogus.
Pedisequi.
Tabellarius.
Viator.
Villicus.

10. RURAL ECONOMY, &c.

Abacus, IV.
Antlea.
Aratrum.
Ara.
Catinos.
Cochlea, I.
Columbarium.
Crates.
Culter.
Dolium.
Dorsuarus.
Ergastulum.
Falx.
Forfex.
Forma.
Horreum.
Hortus.
Irpey.
Jugum, II., VI.
Ligo.
Mola.
Mortarium.
Pala.
Pecten.
Pedum.
Prelum.
Raster.
Rete.
Rutrum.
Sarculum.
Sitos.
Stylus, III.
Torculum.
Tribula.
Tympnum, II., III.
Vannus.
Vehes.
Verabulum.
Venatio.
Villa.
Vinum.
Zona.

11. BURIALS, FUNERALS, MONUMENTS, &c.

Cenotaphium.
Cippus.
Columbarium, I.
Conditor t. m.
Crypta.
Fonus.

II. PUBLIC LIFE.

I. PUBLIC ASSEMBLIES.

Agora.
Archaisiai.
Comitia.
Conventus.
Ecclesia.
Ecclotoi.
Ephesia.
Panegyris.

Panicia.
Synedroi.

2. PUBLIC GAMES, SHOWS, EXERCISES, &c.

Æolipole.
Agonotheta.
Alaia.
Alcathola.
Ἀλεκτροδών ἀγών.
Amphiaraia.
Ascolia.
Atellazæ Fabulæ.
Augustales, I.
Bestiarii.
Bibasia.
Canticum.
Ceroma.
Cestus, I., II.
Cheironomia.
Choragus.
Chorus.
Comodia.
Conualia.
Cothurnus.
Cubisteteres.
Deicelistai.
Desultor.
Discus.
Equiria.
Exodia.
Fescennina.
Funambulus.
Gladiatores.
Harpastum.
Halteres.
Hellandicæ.
Histrion.
Hyporchema.
Isthmian Games.
Lampadephoris.
Ludi Apollinares.
Ludi Capitolini.
Ludi Circenses.
Ludi Funebres.
Ludi Honorarii.
Ludi Martiales.
Ludi Natalitii.
Ludi Palatini.
Ludi Piscatorii.
Ludi Plebei.
Ludi Pontificales.
Ludi Questorii.
Ludi Seculares.
Megalesia.
Mimus.
Naumachia.
Nemean Games.
Palestra.
Pala.
Pancratiun.
Pegma.
Pentathlon.
Persona.
Petaurum.
Pila.
Fugilatus.
Pythian Games.
Quinquennalis.
Talus.
Tessera.
Tragodia.
Trochus.

III. GOVERNMENT.

I. RULERS, MAGISTRATES, &c.

Adlecti.
Ædiles.
Agoranomi.
Asymnetes.
Amphictyones.
Archon.
Areiopagus.
Basileus.
Bidisi.
Bootarch.
Boule.
Censores.
Centumviri.
Consul.
Decadouchi.
Decarchia.
Decemviri.
Demarchi.
Demiurgi.
Dictator.
Duumviri

URE, &c

INDEX RAISONNE.

Eisagogia.
Eleven, the
Ephetai.
Ephori.
Epimeletai.
Eponymus.
Forty, the.
Gynaiconomoi
Honores.
Interrex.
Magistratus.
Nautodicae.
Nomophylaces
Pudonomos.
Patronomi.
Phylarchi.
Phylabasileis.
Polemarchus
Poletai.
Poristai.
Prætor.
Proconsul.
Questor.
Senatus.
Sitophylaces.
Tetrarches.
Tribuni.
Tribuni Plebis
Triumviri.
Tyrannus.
Vaticum.
Vigintiseviri.

2. PUBLIC OFFICERS. ATTENDANTS ON MAGISTRATES, &c.

Accensi, I.
Actuarii.
Adlector.
Admissionales
Ædilit.
Agrimensores.
Agronomi.
Alotai.
Antigraphæus.
Apodectæ.
Apostoleis.
Apparitores.
Archiatæ.
Asiarche.
Assessor.
Astynomi
Boonai.
Carnifex.
Conctor.
Comes.
Commentarius
Curatores.
Diatetæ.
Diribitores.
Ducenarii.
Episcopoi.
Epistates.
Exetastai.
Fruentarii.
Grammateus.
Harmostæ.
Hellenotamini.
Hyloroi.
Hyperetes.
Legatus.
Librator Aquæ.
Lictor.
Magister.
Mensores, I., IV., V.
Metronomi.
Opinatores.
Paredroi.
Pecuarii.
Prætores.
Præcones.
Præfectus Annonæ.
Præfectus Urbis.
Præpositus.
Primicerius.
Probouloi.
Procuratores.
Publicani.
Pythioi.
Quatuorviri Viarum Curandorum.
Quinqueviri.
Scribe.
Stator.
Stratores.
Syllogeis.
Tamias.
Theoroi.
Triumviri.
Xenagoi.
Zetetai.

3. CIVIL INSIGNIA, &c.

Clavus Angustus.
Clavus Latus.
Fasces.
Fascia.
Insigne, I.
Notitia Dignitatum.
Sella Curulis.
Virga.

4. PUNISHMENTS.

Cœulas.
Crates.
Crux.
Equuleus.
Fiducula.
Flagrum.
Furca.
Pedita.
Penna.
Timema.
Tympanum, VI
Virga.

IV. REVENUE, PUBLIC AND PRIVATE, &c.

Apophora.
Aurum Lustrale.
Decumæ.
Ducentesima
Ecoeste.
Eisphora.
Ellimention.
Epidosis.
Fiscus.
Interest of Money.
Pentecoste.
Portorium.
Publicani.
Quadragesima.
Quinquagesima.
Salarium.
Saline.
Scriptura.
Sitos.
Stationes Fisci.
Stipendium.
Telones.
Telos.
Theorica.
Tributum.
Vectigalia
Vicesima
Uxorium.

V. ROMAN LAW.

Acceptilatio.
Accessio.
Acquisitio.
Actio.
Actor.
Adoptio (Roman).
Adulterium.
Advocatus.
Ædiles.
Ælia Sentia Lex.
Affines.
Agrarie Leges.
Album.
Alluvio.
Ambitus.
Appellatio (Roman).
Aqua Pluvie Arcenda Actio.
Arra.
Assertor.
Assessor.
Auctio.
Auctor.
Auctoritas.
Banishment (Roman).
Basilica.
Beneficium.
Bona.
Bona Caduca.
Bona Fides.
Bona Rapta.
Bona Vacantia.
Bonorum Cessio.
Bonorum Collatio.
Bonorum Emptio et Emptor.
Bonorum Possessio.
Breviarium.
Calumnia.
Caput.
Cautio.
Centumviri.
Certi, Incerti Actio.
Cincia Lex.
Civitas (Roman).
Civitas.
Clitens.

Codex Gregorianus and Hermogenianus.

Codex Justinianus.
Codex Theodosianus.
Cognati.
Collegium.
Colonia (Roman).
Commissum.
Commissoria Lex.
Communum Dividendo Actio.
Commodati.
Compensatio.
Concubina (Roman).
Confessoria Actio.
Confusio.
Constitutiones.
Cornelia Lex.
Corpus Juris Civilis
Crimen.
Culpa.
Curator.
Danni Injuria Actio.
Dammum.
Dammum Infectum.
Decretum.
Deditio.
Dejecti Effusivæ Actio.
Depositum.
Divortium.
Dominium.
Donatio Mortis Causæ.
Donatio Propter Nuptias.
Donationes inter Virum et Uxorem.
Dox (Roman).
Edictum.
Edictum Theodorici.
Emancipatio.
Emphyteusis.
Empti et Venditi Actio
Emptio et Venditio.
Ereictio.
Exercitoria Actio.
Exhibendum Actio ad.
Falsum.
Familia.
Familias Exercundæ Actio.
Fictio.
Fideicommissum.
Fiducia.
Finium Regundorum Actio.
Fiscus.
Foderatæ Civitates.
Fundus.
Furtum.
Gens.
Heres (Roman).
Honores.
Imperium.
Impubes.
Incestum.
Infamia.
Infans.
Ingenui.
Injuria.
Institoria Actio.
Institutiones.
Intercessio (I, 2).
Interdictum.
Intestabilis.
Judex.
Judex Pedaneus.
Judicati Actio.
Juliz Leges.
Juro Cessio, in.
Jurisconsulti.
Jurisdictio.
Jus.
Jus Ælianum.
Jus Civile Flavianum.
Jus Civile Papirianum.
Jussu, Quod, Actio.
Latinitas.
Legatum.
Legatus.
Lex.
Libertus.
Litis Contestatio.
Locatio.
Magistratus.
Majestas.
Manceps.
Mancipi Causa
Mancipium.
Mandatum.
Manumissio.
Manus Injunctio.
Mutuum.
Negotiorum Gestorum Actio.
Nexum.

Novelle.

Noxalis Actio.
Obligaciones
Occupatio.
Operis Neri Nuntatio
Orationes Prætorum.
Orator.
Pantlecta.
Patria Potestas.
Patronus.
Pauperes.
Peculatus.
Per Conditioem.
Per Judicis Postulationem
Per Pignoris Capionem
Pignus.
Plagium.
Plebiscitum.
Penna.
Poenitentia.
Postliminium.
Prædium.
Præjudicium.
Præter.
Præscriptio.
Prætor.
Provincia.
Publicanus in Rem Actio
Publicis Leges.
Publicis Leges.
Quanti Mores Actio.
Quorum Bonorum Insolidi
Receipts: De Romæ, ad
Redhibitoria Actio.
Regia Lex.
Repetundæ.
Restitutio in Integrum
Rogationes Lætie.
Rutiliana Actio.
Sectio.
Semproniz Leges.
Senatus Consultum.
Servitutes.
Serrus (Roman, legi tæ)
Societas.
Successio.
Sumbusis Leges.
Superficiæ.
Tabularia Leges.
Tallo.
Testamentum.
Thoria Lex.
Tutor.
Twelve Tables.
Valeria Leges.
Valeria et Hæstia Leges
Valeria Lex.
Vindicatio.
Vindicta.
Vis.
Vis et Vis Armata
Universitas.
Voconia Lex.
Usucapio.
Usurpatio.
Usufructus.

VI. GREEK LA

* Ἀκοή μαρτυρία.
Adeia.
* Ἀδικία καὶ τὴν ἴσιν
Adoptio (Greek).
Adulterium.
Adunatoi.
* Ἀγρονομία δική.
Agones.
* Ἀγρονομία γρομή.
* Ἀγρονομία μεταλλῶν ἢ
Alicia; dies.
* Ἀλογία γρομή.
* Ἀριθμολογία γρομή
* Ἀριθμολογία δική.
Anaphioria.
Anacrisis.
* Ἀναγωγὴ δική.
* Ἀναγωγὴ γρομή
* Ἀναγωγὴ δική
* Ἀναγωγὴ δική
Andropepsia.
Antidosis.
Antigraphæ.
Antisomia.
Aragoge.
* Ἀφῆρη δική
Aprocyrtis.
Aprotyrtis.
* Ἀπολύτως ἴσιν
Aprotonia.
Aporrhania.

INDEX RAISONNE.

Abacus, I, II 71.
 Acroterium, I
 Antæ.
 Antefixa.
 Antepagmenta
 Arcus.
 Astragalus.
 Atlantes.
 Atticurgæ.
 Camara, I.
 Caryatis.
 Columna.
 Entasis.
 Epistylum
 Fascia.
 Fastigium.
 Later.
 Spira.
 Testudo, II.
 Tholos.
 Tympanum, V.

b. Public Buildings, Places, &c.

Abacus, IX.
 Amphitheatrum.
 Aqueductus.
 Arcus Triumphalis.
 Argyrocoption.
 Athenæum.
 Auditorium.
 Basilica.
 Baths.
 Bibliotheca.
 Bridge.
 Campus Martius.
 Campus Sceleratus.
 Capitolium.
 Carcer.
 Castellum Aquæ.
 Chalcidicum.
 Circus.
 Cloaca.
 Cochlea, III.
 Curtina, IV.
 Crypta.
 Curus.
 Erostra.
 Forum.
 Gymnasium.
 Labyrinthus.
 Later.
 Lautumia.
 Moneta.
 Museum.
 Obeliscus.
 Parthicus.
 Pharos.
 Pomerium.
 Porta.
 Porticus.
 Prytaneion.
 Sacellum.
 Sacrarium.
 Sijparium.
 Stationes Municipiorum.
 Suggestus.
 Tabularium.
 Tegula.
 Templum.
 Theatrum.
 Tribunal.
 Velum.
 Vicus.

c. Private Buildings, Shops, &c.

Apotheca.
 Armarium.
 Atrium.
 Bibliotheca.
 Cardo.
 Colla.

Clavis.
 Clavus.
 Columbarium.
 Crypta.
 Cubiculum.
 Emblema.
 Focus.
 Fornax.
 Fornix.
 House (Greek).
 House (Roman).
 Janua.
 Insigne, IV.
 Lararium.
 Later.
 Paries.
 Pergula.
 Pinacotheca.
 Sacrarium.
 Scala.
 Taberna.
 Tegula.
 Trichinium.
 Velum.
 Villa.
 Vitrum.

2. CANALS, ROADS, &c.

Aqueductus
 Canalis.
 Emisarium.
 Mansio.
 Via.

3. COMPUTATION AND DIVISION OF TIME.

Æra.
 Annales.
 *Aphrodisias *hulpas*.
 *Arophodias *hulpas*.
 Calendar (Greek).
 Calendar (Roman).
 Clavis Annalis.
 Dies.
 Fasti.
 Hora.
 Horologium.
 Lustrum.
 Mensis.
 Nundina.
 Olympiad.
 Sæculum.

4. MATHEMATICS AND MATHEMATICAL INSTRUMENTS.

Abacus, V, VI.
 Calculi.
 Circinus.
 5. MEASURES AND WEIGHTS.
 Acaina.
 Achane.
 Actus.
 Addix.
 Amma.
 Amphora.
 Artaba.
 Arura.
 As.
 Chems.
 Choinix.
 Chous.
 Concha.
 Congiarium.
 Cotyla.
 Cubitus.
 Cubus.
 Culeus.
 Cyathus.
 Decempeda.
 Jugerum.
 Jugum, IV.
 Libra.
 Libra (As).

Ligula.
 Maria.
 Medimnus.
 Metretas.
 Miliare.
 Modius.
 Mystrum.
 Parasang.
 Passus.
 Pertica.
 Pes.
 Schœnus.
 Scrupulum.
 Sextarius.
 Stadium.
 Uncia.
 Urna.
 Xestes

6 MEDICINE AND MEDICAL AFFAIRS.

Arquatus.
 Arteria.
 Chæirurgia.
 Diastetion.
 Dogmatist.
 Eolecti.
 Empirici.
 Episyndesici.
 Hæctici.
 Iatropici.
 Iatropiæ.
 Iatrosophista.
 Medicina.
 Medicus.
 Methodici.
 Pathologia.
 Pharmaceutica.
 Physiologia.
 Pneumatici.
 Semiotica.
 Therapeutica.
 Thorica.

7. METALS.

Adamas.
 Æs, I.
 Argentum.
 Aurum.
 Bronzæ.
 Hydrargyrus.
 Plumbum.
 Stannum.

8. MONEY.

Ærarium.
 Æs, II.
 Æs Circumforaneum.
 Æs Equestre.
 Æs Hordæarium.
 Æs Manuarium.
 As.
 Aurum (Greek).
 Aurum (Roman).
 Bigatus.
 Danæus.
 Denarius.
 Denarium.
 Interest of Money.
 Litra.
 Moneta.
 Sesterius.
 Sextilia.
 Stater.
 Talentum.
 Uncia.

9. MUSIC AND MUSICAL INSTRUMENTS.

Aulos.
 Barbitos.
 Buccina.

Coram.
 Crotalum.
 Cymbalum.
 Hydræus.
 Jugum, III.
 Lotus, II.
 Lyra.
 Music (Greek).
 Music (Roman).
 Pecten.
 Phorbæ.
 Sambuca.
 Sistrum.
 Syrix.
 Testud, I.
 Tibia.
 Tuba.
 Tympanum, I.

10 PAINTING

Colores.
 Painting.

11. STATUARY AND THE TIC ART.

Acrolithoi.
 Acroterium, III.
 Canabos.
 Colossus.
 Sculptura.
 Statuary.

XI. MANNERS AND TOMS

Acclamatio.
 Acta Duræ.
 Adversaria.
 Albus.
 Chelidonia.
 Corona Nuptialis.
 Corona Natalitia.
 Corona Longa.
 Corona Etruscæ.
 Corona Pæctilis.
 Congiarium.
 Cottabus.
 Crypteia.
 Hætera.
 Hoepitium.
 Leitourgia.
 Loutron.
 Marriage (Greek).
 Marriage (Roman).
 Mustax.
 Nomen (Greek).
 Nomen (Roman).
 Nudus.
 Oath (Greek).
 Oath (Roman).
 Oponium.
 Oscillum.
 Pædagogus.
 Parasit.
 Peregrinus.
 Phalanga.
 Proscriptio.
 Prytaneion.
 Salfatio.
 Salutatores.
 Satura.
 Sportule.
 Sirena.
 Sumtuaris Leges.
 Symposium.
 Synœcia.
 Synœcia.
 Tæda.
 Trierarchia.
 Triobolon.
 Visticum.
 Unguenta.
 Urna.

GENERAL INDEX.

indicate the pages, the letters a and b the first and second columns respectively, and the asterisks, the additions of the American editor.

	* <i>Ἀκροπόλιον</i> , 449, a.	Actio	Rescissoria, 542, a.	<i>Æmilia Lepidi Lex</i> , 934, b.
col. a.	* <i>Acropodium</i> , 16, a.	"	Restitutoria, 542, a.	" <i>Scauri Lex</i> , 934, b.
	Acropolis, 1027, a.	"	Rutiliana, 642, b.	<i>Æneatores</i> , 28, a.
	* <i>Acrostichis</i> , 16, a.	"	Sepulchri Violati, 462,	<i>Ænei Nummi</i> , 29, b.
47, a.	* <i>Ἀκροστόλιον</i> , 16, a.	"	a ; 1049, b.	<i>Æolippis</i> , 28, a.
b, a.	* <i>Acrostolium</i> , 449, a.	"	Serviana, 770, b.	<i>Æra</i> , 28, a.
	Acroterium, 16, a ; 842, a.	"	Pro Socio, 902, b.	<i>Ærarii</i> , 28, a.
	* <i>Ἀκροθίνιον</i> , 16, b.	"	Stricti Juris, 17, b	" <i>Præfecti</i> , 28, b.
77, b.	Acta Diurna, 16, b.	"	Temporalis, 18, a.	" <i>Tribuni</i> , 28, b ; 908, b
	Acta Senatus, 16, b.	"	Tributoria, 884, a.	<i>Ætariani</i> , 28, b
	* <i>Acte</i> , 16, b.	"	Tutela, 1030, a.	" <i>Militare</i> , 28, b.
	* <i>Ἀκτια</i> , 16, b.	"	Verso in Rem, 884, a.	" <i>Sanctus</i> , 28, b.
	Actio, 16, b.	"	Utilis, 17, b.	" <i>Sanctum</i> , 28, b.
b ; 816, a.	" <i>Alibi Corrupti</i> , 42, a.	Actor, 20, a.	Vulgaris, 17, b.	<i>Ærei Nummi</i> , 29, b.
7, b.	" <i>Aqua Pluvie Arcende</i> ,	Actores, 505, b.		<i>Æruscatores</i> , 29, a.
	76, a.	Actuaris Naves, 891, a.		<i>Æa</i> , 29, a.
	" <i>Arbitraria</i> , 17, b.	Actuarii, 20, b.		" (Money), 29, b.
	" <i>Bona Fidei</i> , 17, b.	Actus, 20, b ; 1041, b.		" <i>Ægineticum</i> , 177, a.
atio, 47, a.	" <i>Bonorum Vi Raptorum</i> ,	" <i>Quadratus</i> , 20, b.		" <i>Alieum</i> , 29, b.
	164, b ; 464, a.	" <i>Servitus</i> , 879, a.		" <i>Circumforaneum</i> , 30, a
	" <i>Carti Incerti</i> , 234, a.	Acus, 20, b.		" <i>Corinthiacum</i> , 176, b.
	" <i>Civilis</i> , 17, b.	Adamas, 1059, b.		" <i>Deliacum</i> , 177, a.
	" <i>Commodati</i> , 298, b.	* <i>Adamas</i> , 21, a.		" <i>Equestre</i> , 30, a ; 415, a.
a, 580, a.	" <i>Communi Dividundo</i> ,	* <i>Adarkes</i> , 21, b.		" <i>Grave</i> , 29, b, 110, b.
b.	298, b.	Adrescendi Jure, 499, b		" <i>Hordearium</i> or <i>Fœdian</i>
	" <i>Confessoria</i> , 302, b.	Addico, 559, b.		um, 30, a ; 415, a
	" <i>Damni Injuria Dati</i> , 337,	Addicti, 656, b.		" <i>Militare</i> , 28, a.
	a.	Addictio, 559, b.		" <i>Manuarium</i> , 30, a.
	" <i>Dejecti Effusive</i> , 342, a ;	* <i>Ἀδδῆξ</i> , * <i>Ἀδδῆξίς</i> , 21, b.		" <i>Uxorium</i> , 1070, a.
	1049, b.	* <i>Ἀδεια</i> , 21, b.		* <i>Æsculus</i> , 30, a.
	" <i>Depensi</i> , 542, a.	* <i>Ἀδελφώδης</i> , 495, a.		<i>Æstive Ferie</i> , 437, a.
	" <i>Depositi</i> , 350, a.	* <i>Ἀδελφός</i> , 495, a.		<i>Æsymnetes</i> , 41, a.
	" <i>Directa</i> , 17, b.	Ademptio, 575, a.		* <i>Ἀέτις</i> , 30, b.
	" <i>De Dolo Malo</i> , 326, a.	Adfines, 30, b.		* <i>Ἀέτος</i> , 30, b.
	" <i>Emti et Venditi</i> , 403, a.	Adfinitas, 30, b.		* <i>Ἀετός</i> , 433, b.
	" <i>Exercitoria</i> , 425, a.	Adgnati, 277, a.		* <i>Ἀετωμα</i> , 433, b.
	" <i>Ad Exhibendum</i> , 425, a.	Adgnatio, 277, a.		* <i>Ἀέχρον</i> , 27, b.
	" <i>Extraordinaria</i> , 17, b.	* <i>Adianton</i> , 21, b.		Affines, 30, b.
	" <i>Familie Erciscunds</i> ,	* <i>Ἀδίκιας πρὸς τὸν ἕμμεν γραφῆς</i> ,		Affinitas, 30, b.
	430, b.	21, b.		* <i>Ἀγαλαμο</i> , 914, a ; 916, γ
b.	" <i>Fictitia</i> , 17, b.	Aditio Hereditatis, 500, b.		* <i>Agalochon</i> , 31, a.
	" <i>Fiduciaria</i> , 443, a.	Adjudicatio, 19, b.		* <i>Ἀγαριον γραφῆς</i> , 618, a
a.	" <i>Finium Regundorum</i> ,	Adlecti, 21, b.		* <i>Agaraccon</i> , 31, a.
	444, a.	Adlector, 21, b.		Agaso, 31, a.
a.	" <i>Furti</i> , 463, b.	Admissionales, 22, a.		* <i>Agasseus</i> , 31, a.
	" <i>Honoraria</i> , 17, b.	Adolescentes, 537, b.		* <i>Ἀγαθοεργοί</i> , 31, a.
	" <i>Hypothecaria</i> , 776, b.	Adonis, 22, a.		* <i>Ἀγέλαστοι</i> , 31, a.
	" <i>Inanis</i> , 17, b.	Adoption (Greek), 22, a.		* <i>Ἀγέλατος</i> , 31, a.
	" <i>Injuriarum</i> , 539, b ;	Adoption (Roman), 22, b.		* <i>Ἀγέλας</i> , 31, a.
	1049, b.	Adoratio, 23, a.		Agema, 31, a.
	" <i>Instituta</i> , 540, b.	Adrogatio, 22, b.		* <i>Ἀγεωργίου ἕκτη</i> , 31, b.
	" <i>Insittutoria</i> , 542, a.	Adscripti Glebe, 886, a.		<i>Aggr</i> , 35, a ; 798, b.
	" <i>Inutilis</i> , 17, b.	Adscriptitii, 801, a.		" <i>Arcifinalis</i> , 39, a.
	" <i>Judicati</i> , 554, a.	Adscriptivi, 12, b.		" <i>Arcifinius</i> , 39, a.
	" <i>Quod Jussu</i> , 562, b.	Adsertor, 115, b.		" <i>Assignatus</i> , 35, b.
	" <i>Legis Aquilise</i> , 337, a.	Adsector, 115, b.		" <i>Concessus</i> , 35, b.
	" <i>Locati et Conducti</i> , 595,	Adstipulator, 673, a.		" <i>Decumanus</i> , 38, a.
	a.	Adstipulator, 541, b ; 673, a.		" <i>Effatus</i> , 789, b.
	" <i>Mandati</i> , 612, b.	Adulterium, 23, b.		" <i>Emphyteusis</i> , 38, a.
	" <i>Mixta</i> , 17, b.	Adversaria, 24, a.		" <i>Emphyteuticarius</i> , 38,
	" <i>Mutui</i> , 651, a.	Adversarius, 20, a.		401, a.
a Lex, 46, b.	" <i>Negativa</i> , 302, b.	Adulti, 537, b.		" <i>Limitatus</i> , 35, b ; 38, b
	" <i>Negotiorum Gestorum</i> ,	* <i>Ἀδύνητος</i> , 24, a.		" <i>Occupatorius</i> , 35, b.
	655, a.	* <i>Ἀδύνητος</i> , 958, a.		" <i>Privatus</i> , 34, b.
	" <i>Naxalis</i> , 666, b.	Adytum, 958, b.		" <i>Publicus</i> , 34 ; 798, b.
	" <i>Ordinaria</i> , 17, b.	Æacia, 39, b.		" <i>Quæstorius</i> , 35, b.
	" <i>De Pauperie</i> , 748, a.	Æbutia Lex, 17, a ; 389, b ;		" <i>Religiosus</i> , 34, b.
	" <i>De Peculio</i> , 884, a.	581, a.		" <i>Sacer</i> , 34, b.
	" <i>Perpetua</i> , 18, a.	Ædes, 455, a ; 515, b, 957, b.		" <i>Sanctus</i> , 31, b.
iv, 15, b.	" <i>Persecutoria</i> , 17, b.	Ædiles, 24, b.		" <i>Scripturarius</i> , 659, b.
	" <i>Pignoratitia</i> , 776, b.	Æditui, 26, a.		" <i>Vegetigalis</i> , 38, a, 401, a.
	" <i>Pennis</i> , 17, b.	Æditimi, 26, a.		* <i>Agerson</i> , 31, b.
b.	" <i>Popularis</i> , 1050, a.	* <i>Ἀέδον</i> , 26, a.		* <i>Ἀγρῆς</i> , 216, b.
	" <i>Præjudicialis</i> , 804, a.	Ægis, 26, a.		* <i>Ἀγρορία</i> , 216, b.
	" <i>Prætoria</i> , 17, b.	* <i>Ἀέgyptilla</i> , 27, b.		<i>Aggr</i> , 21, b.
	" <i>Prosecutoria</i> , 17, b.	* <i>Ἀεθροια</i> , 134, b.		<i>Agitator</i> , 256, a.
	" <i>Publiciana in Rem</i> , 822,	* <i>Ἀετῆροι</i> , 818, a.		* <i>Ἀγλαία</i> , 246, b.
	b.	Ælia Lex, 581, a.		<i>Agmen</i> , 32, a.
	" <i>Quanti Minoris</i> , 829, b.	Ælia Sentia Lex, 27, b ; 616, a.		" <i>Pilatun</i> , 32, a.
	" <i>Rationibus Distrahen-</i>	Æmilia Lex, 581, a.		" <i>Quadratum</i> , 32, a.
	<i>dis</i> , 1030, a.	" <i>Babbia Lex</i> , 46, b ; 581,		<i>Agnati</i> , 277, a ; 499, a
	" <i>De Recepto</i> , 832, a.	b ; 582, b.		<i>Agnatio</i> , 277, a.
	" <i>Redhibitoria</i> , 832, b.			<i>Agnomen</i> , 661, a.
	" <i>Rei Uxoriorum Dotis</i> , 380,			* <i>Agnes</i> , 32, a.
a ; 916, b	a.			<i>Agonales</i> , 850, a.
				<i>Agonalia</i> , 32, b.

GENERAL INDEX.

is, 74 ; 219, a.
 us Servitus, 879, a.
 us Interdictio, 137,
 us Servitus, 879, a.
 m Arcendæ Actio,
 a.
 4 ; 219, a.
 b.
 b.
 337, a.
 6, b.
 b.
 8, b.
 79, a.
 a.
 5, 290, b.
 a.
 a.
 b.
 ndi, 939, b.
 a.
 ctio, 17, a.
 52, b.
 51, b.
 a.
 5, a.
 781, a.
 0, b.
 a.
 a.
 450, b.
 81, b.
 414, a.
 b.
 a.
 i, b.
 a, 275, b.
 459, b ; 638, a.
 (vid. Amphitheatrum
 Ductus, Arcus,
 bath, House, Tem-
 p.)
 972, b.
 5, 822, a.
 345, b ; 973, a.
 5, a.
 45, a.
 b.
 b.
 i, b. 956, a.
 ger, 39, a.
 i, b.
 72, b.
 b.
 b.
 phalis, 85, b.
 b.
 7, a.
 7, a.
 t.
 49, a ; 847, a.
 a.
 455, a.
 87, b.
 ; 52, b.
 a.
 03, a.
 90, a.
 0, b.
 0, b.
 Vivum, 91, b.
 91, b.
 a.
 2, a.
 cy, 92, a.
 ion, 92, a ; 641, b.
 91, a.
 1, b.
 a, 881, a.
 b.
 92, a.
 2, a.
 93, a.
 i, 93, a.
 2, b ; 343, b.
 tura, 93, b.
 5, b.
 ium, 95, b.
 a Malum, 95, b.

*Armenium, 95, b.
 Armiductores, 95, b.
 Armilla, 95, b.
 Armilustrum, 97, a.
 *Armoracia, 97, a.
 Armour, 93, a.
 Arms, 92, b.
 Army (Greek), 97, a.
 Army (Roman), 102.
 *Arnabo, 107, a.
 *Arnoglossos, 107, a.
 Aromaites, 1054, a.
 *Aron, 107, a.
 *Αρορον, 79, b.
 *Αρορα, 109, a ; 763, b.
 Arquatus, 107, a.
 Arquites, 848, a.
 Arra, Arrabo, or Arrha, Arrha-
 bo, 107, b.
 *Αρρηφορια, 107, a.
 *Αρρηφοροι, 108, a.
 Arrogatio, 22, b.
 Arrows, 847, a.
 *Αρσενικόν, 108, a.
 Ariaba, 108, b.
 *Αρτεμισια, 108, b.
 Arteria, 108, b.
 *Αρτιασμός, 729, b.
 *Αρτιασμος, 729, b.
 *Αρτοσους, 780, a.
 *Αρτοσουλαι, 344, b.
 *Αρτοσουλαιος, 344, b ; 780, b.
 Artopta, 780, b.
 Artopici, 780, b.
 *Αρτοσιαι, 1053, b.
 Arvales Fratres, 109, a.
 Arundo, 847, b ; 940, b.
 Avura, 109, a.
 Aruspices, 488, a.
 *Αρυσαινα, 599, a.
 As, 110, a.
 Assamenta, 849, b.
 *Asamēthos, 143, b.
 *Asarum, 111, a.
 Asbestos, 111, a.
 *Asbestos, II., 111, b.
 *Ascalabotes, 111, b.
 *Ασκαλητης, 572, b.
 *Ascaris, 112, a.
 *Ασκαυλης, 951, a.
 Ascina, 112, a.
 *Ascion, 112, b.
 *Asclepias, 112, b.
 *Ασκληπειαι, 112, b.
 *Ασκολ, 1053, a.
 *Ασκόλια, 112, a.
 *Ascyron, 112, b.
 *Αστέρας γραφή, 113, a.
 Asiarchus, 113, b.
 *Ασιλλα, 114, a.
 *Asilus, 114, b.
 *Asplathus, 114, b.
 *Aspalax, 115, a.
 *Asparagus, 115, a.
 *Asphodelus, 115, a.
 *Ασπιδειον, 69, a.
 *Ασπιδισκη, 69, a.
 *Ασπις, 208, a.
 *Aspis, 115, a.
 *Ασπισται, 94, a.
 *Asplenium, 115, b.
 Assa, 150, a.
 *Assius Lapis, 116, a.
 Assamenta, 849, b.
 Assarius, 111, a.
 Assentatores, 733, a.
 Asseres Falcati, 429, b.
 Asseres Lecticarii, 571, a.
 Assertor, 115, b.
 Assessor or Adressor, 115, b.
 Assiduitas, 46, a.
 *Astacus, 116, a.
 *Aster, 116, a.
 *Aster Atticus, 116, a.
 *Asteria, 116, b.
 *Αστροδη, 407, b.
 *Αστρογάλος, 949, a.
 Astragalus, 116, b.
 *Αστρογραιας γραφή, 117, a.
 *Astrion, 116, b.
 *Αστρολος, 290, a.
 *Astur, 117, a.
 *Asturco, 117, a.
 Astynomi, 117, a.
 *Ασυλια, 117, a.
 Asylum, 117, a.
 Atavia, 277, b.
 Atavus, 277, b.
 *Ατρελια, 118, a.
 Atellane Fabule, 118, a.

Aternia Tarpeia Lex, 581, b.
 Athenæum, 119, a.
 *Atherina, 119, a.
 Athletes, 119, b.
 *Αθλοβήται, 33, a ; 723, a.
 Atia Lex, 581, b.
 Atilia Lex, 557, b ; 1029, a.
 *Ατιλια, 120, b ; 536, a.
 *Ατιμος, 121, a ; 536, a.
 Atinia Lex, 581, b.
 Atlantes, 121, a.
 Atnepos, 277, b.
 Atneptis, 277, b.
 *Ατρακτος, 464, b.
 *Atractylis, 121, a.
 Atramentum, 121, b.
 Atrium, 122, b ; 516, b.
 *Attagen, 123, b.
 *Attelebus, 123, b.
 *Ατθεις, 123, b.
 Atticurgues, 124, a.
 Auctio, 124, a.
 Auction (sale), 124, a.
 Auctor, 124, b.
 Auctores Fieri, 124, b.
 Auctoramentum, 157, a, 475, b.
 Auctorati, 475, b.
 Auctoritas, 125, a ; 871, a.
 Auditorium, 125, b ; 817, b.
 *Avellana Nux, 125, b.
 Aufidia Lex, 46, b.
 *Augites, 125, b.
 Augur, 125, b.
 Auguraculum, 130, b ; 957, b.
 Augurale, 130, b.
 Auguratorium, 130, b.
 Augurium, 360, b.
 Augustales Ludi, 127, a.
 Augustales (priests), 127, b.
 Augustalia, 127, a.
 Augustus, 196, b.
 Avia, 277, b.
 Aula, 677, b.
 Aulaum, 898, b.
 *Αυλαία, 1030, a.
 *Αυλαί, 122, b ; 514, b.
 *Αυλαϊος, 549, 514, b.
 *Αυλαϊοι, 826, a.
 *Αυλοπιαι, 128, a.
 *Αυλος, 128, a ; 981, a.
 Aurelia Lex, 553, a ; 998, b.
 Aureus, 79, b.
 Aureus, 129, a.
 Aurichalcum, 177, a.
 Aurigæ, 256, a.
 Aurum, 128, a.
 Aurum Coronarium, 129, b.
 Aurum Lustrale, 130, a.
 Auspicium, 130, a.
 *Australis, 131, a.
 *Autachates, 131, a.
 Authentica, 666, a.
 Authepsa, 131, a.
 *Αυτομαλιας γραφή, 131, a.
 Autonomi, 151, a.
 *Αυτοσελής δικη, 73, a ; 359, b.
 Avulsio, 303, b.
 Avus, 277, b.
 Auxilia, 904, a.
 Auxiliaries, 904, a.
 Auxiliarii, 904, a.
 Axamenta, 849, b.
 Axe, 861, b.
 *Αξινη, 861, b.
 Axis, 331, a.
 Axle, 331, a.
 *Αξων, 331, a.
 *Αξους, 131, b.
 B.
 Babylonicum, 131, b.
 Bacca, 641, b.
 *Bacca, 131, b.
 Bacchanalia, 365, b.
 Bakers, 780, a.
 Βακτρον, 132, a.
 Baculus, 132, a.
 Βακτρολια, 132, a ; 1014, a.
 Bæbia Lex, 581, b.
 Bæbia Æmilia Lex, 46, b ; 582,
 b.
 Bail (Greek), 404, a.
 Bail (Roman), 18, b.
 *Balena, 132, b.
 Βαλαναγρια, 793, b.
 Βαλανειον, 143, a ; 598, a.
 Βαλανεις, 598, b.
 Βαλανοδισκη, 793, b.
 Βάβια, 132, b ; 793, b.

Βαλόντιον, 636, a.
 *Balanus, 132, b.
 Balatro, 132, b.
 Βαλδεις, 368, a, 90 ; b.
 Baldric, 133, a.
 *Balerus, 132, b.
 Balneæ, 143, a.
 Balneum, 143, a.
 Ballista, Ballista, 988, b.
 Ballistarii, 989, a.
 Ball (game at), 448, b ; 777, a.
 Βαλλισμοί, 729, a.
 *Ballote, 132, b.
 Balneæ, 143, a.
 Balnearium, 143, a.
 Balnearor, 143, a ; 147, a.
 Balneum, 143, a.
 *Balsamum, 133, a.
 Baltearius, 134, a.
 Balteus, 133, a.
 *Bambacion, 134, b.
 Bankers, 90, b ; 634, a.
 Banishment (Greek), 134, b.
 Banishment (Roman), 136, a.
 Baphium, 137, a.
 *Baptēs, 138, a.
 Baptistarium, 148, a.
 Βαρθρον, 227, b.
 Barathrum, 132, b.
 Barba, 138, a.
 Barber, 138, b.
 Βαρόβιον, 139, a.
 Βαρόβιος, 139, a.
 Baridoculus, 325, b.
 *Basales, 139, a.
 Βασανισται, 140, a.
 *Basanites Lapis, 139, b.
 Βάσαντος, 139, b.
 Βασκαρια, 431, b.
 Bascaudæ, 140, a.
 Basket, 140, a.
 Βασίλευ, 140, a.
 Βασίλειος, 83, b ; 140, a.
 Basilica (building), 140, b.
 Basilica (legal work), 142, b.
 *Basiliscus, 142, b.
 Βασίλισσα, 83, b ; 365, a.
 Basterna, 142, b.
 Βαστρον, 909, b.
 Baths, 143, a ; 598, a.
 Batillus, 154, a.
 *Batis, 154, b.
 *Batos, 154, b.
 *Batrachium, 154, b.
 *Batrachus, 154, b.
 Baza or Baxea, 154, b.
 *Bellia, 155, a.
 *Bellium, 155, a.
 Beard, 138, a.
 Βενετώνας δικη, 155, b.
 *Beclion, 156, a ; 157, b.
 Beds, 572, a ; 990, a.
 Beer, 233, b.
 Bell, 983, b.
 Bellaria, 275, b.
 Belli crepa Sallatio, 822, b.
 Bellows, 449, a.
 *Belone, 156, a.
 Βελόνη, 20, b.
 Βελονις, 20, b.
 Βηλος, 524, b.
 Belt, 133, a.
 Βημα, 284, a ; 763, b.
 Βενετώνα, 156 a.
 Beneficium Aostinendi, 498.
 Beneficium Asi, 156, a.
 Beneficium, 156, a.
 Benignitas, 46, a.
 *Berberi, 156, b.
 *Berricocca, 156, b.
 *Beryllus, 156, b.
 Bes, 110, b ; 591, a.
 Bessis, 591, a.
 Bestiarii, 157, a.
 *Beta, 157, a.
 *Bottonica, 157, a.
 Βιθαν δικη, 157, b.
 Bithasis, 157, b.
 Βιβλιον, 587, b.
 Bibliopola, 158, a.
 Bibliotheca, 158, a.
 Bicos, 159, a.
 Hiden, 832, a.
 Bidental, 159, a.
 Bidimi, 159, b.
 Βιδιαισι, 159, b.
 Biga or Bigæ, 159, b.
 Bigatus, 159, b.
 Bids, 86, a.
 Bivalium, 715, b.

GENERAL INDEX.

228 a.
 in Trajanus, 998, a.
 226, b.
 795, 794, b.
 228, a; 958, b
 us, 228, b.
 73, a.
 ris, 228, b.
 ros, 228, b.
 phium, 228, b.
 1026, b.
 e, 871, a.
 802, a.
 es, 229, a.
 ia Nota, 664, b.
 229, b; 616, a
 urea, 230, a.
 ima, 1035, b.
 me Usura, 546, b.
 matio, 340, b.
 scous, 230, a.
 te, 230, a.
 myrrhine, 230, b.
 iviri, 230, b.
 ia, 231, b; 296, a.
 iata Comitia, 295, b.
 a.
 io, 231, b.
 sis, 111, a.
 i, 232, a.
 "Θύρα, 515, b.
 ius, 232, a.
 n, 232, b.
 510, b.
 ios, 232, b.
 44, a; 963, b.
 hates, 232, b.
 704, a.
 62, a.
 65, 439, a.
 or, 439, a.
 5, 213, a; 430, a; 952, a.
 62, a; 87, a; 291, b;
 b.
 tes, 232, b.
 us, 232, b.
 ia, 233, a.
 Tabulae, 944, b
 on, 1062, a.
 nion, 233, a.
 95, 968, a.
 955, a.
 pithecus, 233, a.
 ia, 233, a.
 iia, 233, a.
 iia, 233, b.
 iha, 234, a.
 " Hereditatem, 498, a.
 iofia, 703, b; 704, b.
 a, 234, a.
 i, 894, a.
 iera, 119, b.
 Incerti Actio, 231, a.
 ion, 185, b.
 on, 185, b.
 ii, 234, a.
 sa, 234, b.
 us, 234, b.
 i, 234, b.
 234, b.
 Bonorum, 165, a.
 in Jure, 557, b.
 s Pons, 174, b.
 in, 702, b; 704, b.
 um, 234, b.
 i, 234, b.
 or Cuetra, 235, b.
 62, a.
 224, b.
 291, a.
 ane, 236, a.
 anthus, 236, a.
 ia, 236, a.
 ion, 317, b.
 dium, 236, a.
 is, 236, b.
 iekta, 236, b.
 rios, 940, a.
 utis, 237, a.
 orphonos, 237, b.
 os, 237, a.
 s, 29, a; 29, b.
 osmaragdus, 237, b.
 65, 30, a.
 65, 452, a.
 78, 237, b.
 iacte, 238, a.
 edrys, 238, a.
 iaccatus, 238, a.

*Chamelion, 238, a.
 *Chamemelon, 238, b.
 *Chamepitys, 238, b.
 *Chamelaea, 238, b.
 Χαμύνη, 572, b.
 Χαμύνη, 572, b.
 Χάρκις, 1034, a.
 *Charadrius, 238, b.
 Chariot, 159, b; 331, a; 420, b.
 Charistia, 238, b.
 Χαρόνια Κλίμακες, 969, a.
 Charta, 588, a.
 Χαυρεμαγύριον, 615, a.
 Χαυρωτός Χατών, 240, h.
 Χαυρογραφον, 240, b; 937, b.
 Χαυρομακρον, 344, a; 615, a.
 Cheironomia, 239, a.
 Χαυροτονεί, 239, a.
 Χαυροτοντοί, 81, b.
 Χαυροτονία, 239, a; 386, a.
 Χελιδόνια, 239, a.
 *Chelidonium, 238, b.
 *Chelidonia, 238, b.
 *Chelone, 238, b.
 Χελών, 605, b; 965, b.
 Χίλος, 605, b.
 Χρηθ, 239, a.
 *Chenolopez, 239, b.
 Cheniscus, 239, b.
 *Chenopodium, 239, b.
 Χένουρον, 239, b.
 Χένουψ, 239, b.
 *Chernites, 240, a.
 Χρησται, 495, a.
 *Chersydryd, 240, a.
 *Chia Terra, 240, a.
 Χιλιαρχία, 100, a.
 Chimneys, 515, b; 521, a.
 Chiramaxium, 240, a.
 Chiridota, 240, b.
 Chirographum, 240, b.
 Chirurgia, 241, a.
 Chisel, 373, a.
 Χιτών, 1022, b.
 " Αμφορέαχος, 1024, a.
 " Χαυρωτός, 1024, a.
 " Επερομέαχος, 1024, a.
 " Σχιστός, 1023, a.
 " Σπιδιώτος, 1024, a.
 Χιτώνια, 244, a.
 Χιτώνιον, 1023, b; 1024, a.
 Χιτωνίσιος, 1023, b; 1024, a.
 Χιών, 658, b.
 *Chium Marmor, 244, a.
 *Chium Vinum, 244, b.
 Χίλινα, 561, a; 572, a; 718, b.
 Χιλίων, 718, b.
 Χιλιάδιον, 718, b.
 Χιλιάς, 718, b.
 Χιλιακίον, 718, b.
 Chlamsy, 244, b.
 Χλιδί, 291, b.
 Χλιδών, 95, b.
 Χλόια, 245, b.
 Χλόια, 245, b.
 *Chlores, 245, b.
 *Chloris, 246, a.
 Χοαί, 458, b.
 Χουοί, 450, b.
 Χόες, 364, b.
 Χοείς, 248, a.
 Χοινοκίς, 331, a.
 Χοϊνίς, 246, a.
 Χοιρίνα, 819, a.
 *Χοϊρος παράτος, 246, a.
 Χώρα, 457, a.
 Choragia, 246, a.
 Choragus, 246, a.
 Χωρίς Οικονομίας, 569, a.
 Χωρίον δικη, 246, b.
 Chorus, 246, b.
 Χούς, 248, a.
 Χρούς δικη, 248, a.
 Χρημαί, 369, a.
 Χρηματολογία, 369, a.
 Χρηστηρίον, 687, b.
 Χρούειν, 700, a.
 *Chromis, 248, b.
 Χροσάνθη, 881, a.
 Χροσός, 128, a.
 *Chrysalis, 248, b.
 *Chrysanthemum, 248, b.
 *Chryseletrum, 248, b.
 *Chryseletrum, 248, b.
 Chrysendeta, 248, b.
 *Chrysites, 248, b.
 *Chrysites, 249, a.
 *Chrysocolla, 249, a.
 *Chrysocome, 249, a.
 *Chrysolithum, 249, a.

*Chrysolithum, 249, a.
 *Chrysopsis, 249, a.
 *Chrysoptaris, 249, a.
 *Chrysoptarius Lapis, 249, b.
 Χρόνια, 249, b.
 Χύτρα, 250, a; 677, b.
 Χύτροι, 364, b.
 Κιβώσις, 81, a.
 *Cicada, 250, a.
 *Cici, 250, b.
 Κίκινος, 291, b.
 Cidaris, 981, a.
 Cider, 1054, b.
 Cilicium, 250, b.
 Cilliba, 633, b.
 *Cimex, 250, b.
 *Cimolia Terra, 251, a.
 *Cinara, 251, a.
 Cincia Lex, 251, a.
 Cincianus, 291, b.
 Cinctus, 1024, b.
 Cinctus Gabinus, 987, a.
 Cingulum, 1073, a.
 Cinerarius, 187, a.
 Cineres, 460, a.
 Cimifo, 187, a.
 *Cinnabaris, 251, b.
 *Cinnamomum, 252, a.
 Κίων, 288, a.
 Κίονες, 457, b.
 Cippus, 252, a.
 Circenses Ludi, 255, b.
 Circinus, 252, b.
 Circitores, 222, b.
 Circuitores, 222, b.
 Circumlitio, 705, a.
 Circumlvio, 44, b.
 Circumvallatio, 1034, b.
 Circus, 252, b.
 *Ciris, 257, a.
 Cirrus, 291, b.
 *Cirsium, 257, a.
 *Cis, 257, a.
 Cistum, 257, a.
 *Cissa, 257, a.
 *Cissaris, 257, a.
 *Cissoos, 257, a.
 Cista, 257, a; 901, a.
 *Cisthus, 258, a.
 Cistophorus, 258, a.
 Cithara, 605, b.
 Κίθαρς, 605, b.
 Κίθαρηδία, 826, a.
 Citizenship (Greek), 258, b.
 Citizenship (Roman), 260, b.
 *Citrus, 258, a.
 Civica Corona, 310, a.
 Civile Jus, 559, b.
 Civilis Actio, 17, b.
 Civis, 261, a.
 Civitas (Greek), 258, b.
 Civitas (Roman), 260, b.
 Claustrina Possessio, 544, a.
 Clariogtio, 438, a.
 Κλαυροί, 316, b.
 Classes, 290, a.
 Classica Corona, 310, b.
 Classicum, 309, a.
 Clathri, 521, a.
 Claudia Lex, 582, a.
 Clavarium, 263, b.
 Clavis, 262, a.
 Claustra, 262, a.
 Clavus, 263, a.
 Clavus Annalis, 263, b.
 Clavus Gubernaculi, 263, b.
 Clavus Augustus, 265, a.
 Clavus Latus, 264, a.
 Κληροδοχοί, 959, a.
 Κλαδοχοί, 959, a.
 Κλαίς, 262, a.
 Κλαίθρον, 526, a.
 *Clematis, 265, b.
 Clepsydra, 508, b.
 Clerks (Athenian), 169, b; 479, a.
 Κληρονομός, 495, a.
 Κληρος, 495, a.
 Κληρουχία, 265, b.
 Κληροδοχοί, 265, b.
 Κληροδοχοί, 266, b.
 Clibanarii, 223, b.
 Κλιδιος, 450, a.
 Cliens, 267, a.
 Clientela, 267, a.
 Κλημαί, 824, a; 856, b; 989, b.
 Κληση, 344, a; 570, a; 572, a.
 Κλειτόνιον, 570, a.
 *Clinopodium, 268, a.
 Clipeus, 268, a.

Clitella, 269, b.
 Cloaca, 269, b.
 Cloacarium, 270, a.
 Cloacarium Curatores, 270, a.
 Cloaks, 508, a.
 Clodia Leges, 582, a.
 Κλοπίς δικη, 270, a.
 *Cluemen, 270, b.
 *Clupea, 270, b.
 *Cleorum, 270, b.
 Κραφίς, 453, a.
 Κραφός, 989, b.
 Κρήται, 321, b.
 Κρηίς, 676, b.
 Κριφάλον, 572, a.
 *Cnicus, 270, b.
 Knife, 327, a.
 Knights (Athenian), 229, a.
 Knights (Roman), 414, b.
 *Cniphologus, 271, a.
 *Cnips, 271, a.
 Knickers, 526, b.
 Coa Vestis, 271, a.
 Coactor, 271, a; 1035, b.
 *Cocalis, 271, a.
 *Coccum, 271, b.
 *Coccygea, 271, b.
 *Coccyzela, 271, b.
 *Coccyx, 271, b.
 *Coccones, 271, b.
 *Cochlea, 271, b.
 Cochlea, 272, b.
 Cochlear, 272, b.
 Κοχλιαίον, 272, b.
 Codex, 272, b.
 Codex Gregorianus and Her
 mogeanianus, 272, b.
 Codex Justinianus, 273, a.
 Codex Theodosianus, 273, b.
 Codicilli, 965, a.
 Κόδοτον, 572, a.
 Κόδοτον, 983, b.
 Κόδα, 572, a.
 Colla or Colla Lex, 942, b.
 Coemptio, 623, b.
 Cosa, 274, a.
 Conaculum, 518, a.
 Conatio, 276, a.
 Conattoria, 276, a; 940, a.
 Coffin, 456, b; 460, a.
 Cognati, 277, a.
 Cognatio, 277, a.
 Cognitor, 19, a; 19, a.
 Cognitoria Exceptio, 19, a.
 Cognomen, 601, a.
 Coheres, 407, b.
 Cohors, 104, a.
 Κόλον, 968, a.
 Κορτώνς, 514, b.
 *Coix, 278, a.
 Κόλας, 733, a.
 Κωλακέραι, 950, b.
 *Colchicum, 278, a.
 Κολέξ, 478, a.
 Collatio Bonorum, 165, b.
 Collega, 278, a; 1064, a.
 Collegatarii, 573, b.
 Collegiati, 1064, a.
 Collegium, 278, a; 1064, a.
 Κόλλησις, 178, a.
 Καλλυσιτής, 30, a.
 Κόλλυσις, 30, a.
 Colobium, 1024, a.
 *Colocasia, 279, a.
 *Colocynthe, 279, b.
 *Colony (Greek), 279, b.
 *Colony (Roman), 284, a.
 Colores, 285, a.
 Colossicoteria, 287, a.
 Colossus, 287, a.
 *Colotes, 287, b.
 *Colutea, 287, b.
 Κόλυπος, 1023, b.
 *Coluber, 287, b.
 *Columba, 287, b.
 Colum, 287, b.
 Columbarium, 287, b.
 Columna, 288, a.
 Columna, 288, a.
 Columna Rostrata, 290, b.
 Colus, 464, b.
 Coma, 291, a.
 *Comaris, 294, a.
 *Combretrum, 294, a.
 Combs, 748 a.

GENERAL INDEX.

488, b.
 es, 367, b.
 Urbis, 803, a.
 εἰς, 756, b.
 is, 334, b; 889, b.
 335, a.
 minus, 334, b.
 is, 334, b.
 am Malum, 335, a.
 335, a.
 l, 322, b; 335, a.
 listria, 335, b.
 lum, 335, a.
 ephali, 335, b.
 lossium, 336, a.
 rambe, 336, a.
 aua, 336, a.
 aistes, 356, a.
 hodon, 336, a.
 batum, 336, a.
 336, a.
 us, 336, a.
 s, 336, a.
 336, a.
 D. Δ.
 otheca, 336, b.
 dion, 337, a.
 li, 337, a.
 395, 396, a.
 ion, 339, a.
 763, b.
 s, 824, a; 896, a.
 336, b.
 45, a.
 sonium, 337, a.
 rgi, 347, a.
 Injuria Actio, 337, a.
 m, 336, a; 337, a.
 m Infectum, 337, b.
 a, 337, b.
 g, 850, b.
 ia, 545, b.
 ie, 337, b.
 horia, 338, a.
 horos, 338, a.
 ioides, 338, b.
 951, a.
 ctionem, 18, b.
 s, 338, b.
 lus, 339, a.
 us, 339, a.
 is, 339, a.
 li, b.
 675, a.
 rchia, 339, a.
 rchi, 339, a.
 ia, 339, a.
 339, a.
 339, a.
 341, b; 659, a; 957, a.
 λογοι, 341, b.
 σται, 341, b.
 στήρον, 341, b; 957, a.
 341, b.
 ber, 191, a.
 peda, 339, b; 763, a.
 riri, 339, b.
 riri Legibus Scribendis,
 riri Litibus Judicandis,
 riri Sacris Faciendis,
 tio, 340, b.
 drus, 820, b.
 im, 340, b; 871, b.
 e, 340, b.
 sui, 340, b.
 au Agri, 340, b.
 ates Agri, 340, b.
 is, 591, a.
 s, 104, a.
 s, 470, b; 865, b; 866, a.
 e Judicum, 553, a.
 des, 1063, b; 1064, a.
 sti, 1063, b; 1064, a.
 mes, 104, a; 282, b;
 i; 1063, a.
 ere, 460, a.
 rita, 174, a.
 s, 111, a.
 376, a.
 io, 424, b; 532, b.
 341, b.
 li, 341, b.
 ores, 341, a.

Defensores, 816, b.
 Deformatio, 1051, b.
 Δήγμα, 452, b.
 Δεικλιολα, 341, b.
 Δείγμα, 342, a.
 Dejectum Effusum, 342, a.
 Dejecti Effusive Actio, 342, a;
 1049, b.
 Δειλη, 361, b.
 Δειλιας γραφή, 342, a.
 Δειπνολογοι, 342, a.
 Δείπνον, 342, a.
 Δειπνοφοροι, 696, a.
 Delator, 345, a.
 Delia, 345, a.
 Δήλια, 345, a.
 Delictum, 320, b.
 Delphine, 253, b.
 Delphinia, 345, a.
 Δελφίνα, 345, b.
 Δελφίν, 345, b.
 *Delphinium, 346, a.
 *Delphis, 346, a.
 Δελφίς, 345, b.
 Delubrum, 957, b.
 Δημαγωγοι, 936, b.
 Demarchi, 346, a.
 Δημαρχοι, 346, a.
 Δημήγοροι, 936, b.
 Demens, 328, b; 329, a.
 Demensum, 346, b; 887, b.
 Dementia, 329, a.
 Demetria, 346, b.
 Deminutio Capitis, 212, a.
 Δημόπρατα, 346, a.
 Δημοσυργι, 347, a.
 Demiurgi, 347, a.
 Δίμνον, 572, a.
 Δημόκοιτος, 394, b.
 Demonstratio, 19, b.
 Δημοσιότης, 347, a.
 Δήμος, 347, a.
 Δημόσιοι, 347, a.
 Δημόσιοι, 394, b.
 Δημόται, 348, a.
 Demus, 347, a.
 Denarius, 348, b.
 *Dendrachates, 349, b.
 *Dendrolibanus, 349, b.
 *Δενδρόφια κρίντια, 349, b.
 Denicales Feriae, 435, a; 462, a.
 Dentale, 79, a; 79, b.
 Dentificium, 349, b.
 Depensi Actio, 542, a.
 Deponens, 349, b.
 Deportatio in Insulam, 136, b.
 Deportatus, 136, b.
 Depositaris, 349, b.
 Depositum Actio, 349, b.
 Depositor, 349, b.
 Depositum, 349, b.
 Δείγμα, 749, b.
 Δείγματα Logem, 580, a.
 Δέφρις, 250, b.
 Desertor, 350, a.
 Designator, 459, b.
 Δειροφύλακας, 394, b.
 Δειροτήριον, 213, a.
 Δειροποιωνται, 260, a.
 Desultor, 350, a.
 Deunx, 110, b; 591, a.
 Dextans, 110, b; 591, a.
 Diadema, 350, b.
 Διαδατήρια, 351, a.
 Διαχυροστανία, 239, a.
 Διαδικασία, 351, a.
 Διαδικασία της επικλήρου, 411,
 a.
 Διαδοσεις, 355, b; 972, b.
 Diata, 276, a; 518, b.
 Dietetica, 351, a.
 Διαγραφείς, 392, b.
 Δίατα, 351, a.
 Διατηγὰς, 352, b.
 Διατηγική, 351, a.
 Diallis Flamen, 445, a.
 Διαμαρτορία, 355, a.
 Διαμαρτωσις, 355, b.
 Δαναοι, 355, b; 972, b.
 Διαβαθίματα, 355, b.
 Διαβαθίσεις, 355, b.
 Diarium, 346, b; 887, b.
 Διάσια, 356, b.
 Διάστωλος, 290, a.
 Diatreta, 1054, a.
 Διάλυτος, 908, b; 909, b.

Διάγραμμα, 929, b.
 Διαγράματα, 968, a.
 Διακαστήριον, 356, b.
 Διακαστής, 357, a.
 Dice, 959, b.
 Dice-box, 452, b.
 Δίση, 358, a.
 " άγτωργίου, 31, b.
 " αικίας, 40, a.
 " άμελιου, 47, a.
 " άναγωγής, 56, b.
 " άνάδικος, 73, a.
 " άνοσάουδων, 58, b.
 " άπολείψους, 70, b.
 " άποπέψους, 71, a.
 " άποστασιου, 71, b.
 " άπό συμβόλων, 933, a.
 " άργυριου, 92, a.
 " άυτοτελής, 73, a; 359, b.
 " άφορητής, 68, a.
 " ββατωσους, 155, b.
 " βιαίου, 157, b.
 " βλαδής, 161, a.
 " έγγυής, 404, b.
 " έμνημος, 400, b.
 " έμπορικη, 403, a.
 " έναικιου, 404, b.
 " έξαγωγής, 424, a.
 " εξαίρεσως, 424, a.
 " έξουλής, 427, a.
 " έπιτηρηραρχήματος, 1011,
 a, b.
 " έπιτροπής, 413, a.
 " κακουργίας, 184, a.
 " κακολογίας, 184, b.
 " κακοτεχνιών, 184, b.
 " κόρπου, 217, b; 404, b.
 " κλοπής, 270, a.
 " λειπομαρτυριου, 626, b.
 " λουδορίας, 184, a.
 " μεσθό, 639, a.
 " μεσθωσους οικου, 638, b.
 " οείας, 677, b.
 " οσσίας, 427, a.
 " παρακαταθήκης, 731, a.
 " πραιεσφορας, 811, b.
 " προικός, 379, b.
 " σίτου, 900, b.
 " Σκυρία, 860, b.
 " συμβολαίων οτ συνθηκών
 παραβάσεως, 932, b.
 " φοράς άφανούς και μεθ-
 μερίνης, 771, a.
 " χροίου, 248, a.
 " χωριου, 246, b.
 " Μεσομαρτυριών, 627, b.
 Δίκελλα, 592, a; 532, a.
 Διχροία, 996, a.
 Dicota, 160, a.
 Dictator, 360, a.
 Δεκτόνια, 361, b.
 Δίεσνον, 826, a.
 Didia Lex, 934, a.
 Δίδραχμον, 381, a.
 Δίθηος, 515, b.
 Dies, 361, b.
 " Comitiales, 362, b.
 " Comperndini, 362, b.
 " Fasti, 362, a.
 " Feriati, 435, b.
 " Festi, 362, b.
 " Intercisi, 362, b.
 " Nefasti, 362, b.
 " Praeiales, 362, b.
 " Profesti, 362, b.
 " Stati, 362, b.
 Diffractio, 371, a.
 Digesta, 725, a.
 Digitalia, 613, a.
 Digitus, 763, a.
 Διπλόλαια, 363, a.
 Διπλόλαια, 363, a.
 Dilatoria Exceptio, 19, a.
 Diligentia, 326, b.
 Dimachus, 363, a.
 Διμάχαι, 363, a.
 Dimacheri, 476, b.
 Dimensum, 887, b.
 Diminutio Capitis, 212, a.
 Dinner, 276, a; 343, b.
 Διωβελία, 972, b.
 Διόβολον, 381, a.
 Διόκλεια, 363, a.
 Διωμοσία, 65, b.
 Διωνύχεια, 363, b.
 Διωνύχεια κατ' άγροός οτ μικρά,
 364, a.
 Διωνύχεια εν άστω οτ μεγάλη,
 365, a.

Dionysia, 363, b.
 *Διός άθεος, 367, a.
 Διοσκούρια, 367, a.
 Διοσημία, 370, a.
 *Diospyrus, 367, a.
 Diota, 367, a.
 Δίπτερος, 290, a.
 Διφθόραι, 367, a.
 Διφθόροι, 388, a.
 Διφθόρος, 333, a.
 *Diphryges, 367, a.
 Δίπλαϊ, 718, a.
 Διπλοίδιον, 1023, a.
 Διπλοίς, 720, b; 1023, a.
 Diploma, 367, a.
 Διπόλαια, 363, a.
 Διπρωροι Νήες, 51, b.
 *Dipsacus, 367, a.
 *Dipsas, 367, a.
 Διπυχα, 367, b.
 Diptycha, 367, b; 944, a.
 Directa Actio, 17, a.
 Diribitores, 367, b.
 Discessio, 868, a.
 Discipula, 1040, a.
 Δίσκουρα, 368, a.
 Discinctio, 1024, b.
 Discus, 367, b.
 Dispensator, 190, a.
 Distaff, 464, b.
 Dithyrambus, 247, b.
 Diversorium, 226, a.
 Divisiculum, 219, a.
 Divinatio, 368, b.
 Divinatio (law term), 370, a.
 Divisores, 46, b.
 Divorce (Greek), 70, b; 622, a.
 Divorce (Roman), 370, b.
 Divortium, 370, b.
 Δόκανα, 371, a.
 *Δοκιμασία, 371, b; 406, a.
 Dodrans, 110, b; 591, a.
 Dogmatici, 371, a.
 Dolabella, 373, a.
 Dolabra, 373, a.
 Δολιχορόμοι, 909, b.
 Δόλιχος, 908, b; 909, b.
 Dolium, 374, a; 1051, b.
 De Dolo Malo Actio, 326, a.
 Dolus Malus, 326, a.
 Δωμάτια, 514, b.
 Dominium, 374, a.
 Dominus, 376, a.
 Dominus Funeris, 459, b.
 Domitia Lex, 790, b.
 Donus, 513, b.
 Dosa, 376, a.
 Donatia, 376, a.
 Donatio Mortis Causa, 377, b.
 Donatio Propter Nuptias, 377, a.
 Donationes inter Virum et U-
 orem, 377, b.
 Donativum, 373, b.
 *Donax, 378, a.
 Door, 514, b.
 Δορά, 749, b.
 Δορα, 376, a.
 Δορατίον, 483, b.
 Δορατοθήκη, 459, a.
 *Dorcas, 378, a.
 Δοριδάτωι, 880, b.
 Doronatoria, 517, b.
 Δωροδοκίας γραφή, 339, b.
 Δόρων γραφή, 339, b.
 Δωροδοκίας γραφή, 1071, a.
 Δόρτεια, 66, b.
 Δόρτια, 66, b.
 Δόρτιον, 342, b.
 Dorsarius, 378, a.
 Δόρυ, 488, b.
 Δοροφόροι, 488, b; 1071, a.
 *Dorycnium, 378, b.
 Dos (Greek), 378, a.
 " (Roman), 379, b.
 " Adventicia, 379, b.
 " Profecticia, 379, b.
 " Recipientia, 379, b.
 Dossuarius, 378, a.
 Δωσίον, 379, a.
 Δούλος, 880, b.
 Dowry (Greek), 379, b.
 Dowry (Roman), 379, b.
 Drachma, 380, b.
 Δραχμή, 380, b.
 Draco, 896, b.
 *Draco, 381, b.
 Draconarius, 896, b.
 *Dracontium, 382, a.
 Draughts, Game of, 569, a.
 Δρεπάνη, 428, b.

GENERAL INDEX.

ae, 462, a.
 t, 906, b.
 F.
 427, b.
 Lex, 780, b.
 428, a.
 Palliata, 300, b.
 Pretextata, 300, b.
 Togata, 300, b.
 es Aurigarum, 256, a
 t, 428, a.
 54, a.
 a, 489, b.
 a Lex, 574, b.
 i, 428, b.
 i, 428, a.
 28, b.
 t, 429, b; 887, a.
 s Emptor, 429, b; 430, a.
 s Ericiscunda Actio, 430, b.
 iris, 430, a.
 Libelli, 530, b; 587, a;
 b.
 is, 429, b.
 44, b.
 Lex, 934, a.
 t, 957, b.
 30, b.
 m, 623, b.
 430, b.
 2, a; 560, a.
 ius, 432, a.
 431, a.
 431, b.
 im, 431, b.
 a, 431, b.
 32, a.
 anales, 433, b.
 alendares, 432, a.
 apitolini, 433, b.
 onulares, 433, b; 1076.
 tes, 362, a; 432, a.
 istorici, 433, b.
 acri, 432, a.
 um, 432, a.
 517, b.
 Linguis, 369, b.
 4, a.
 re, 603, b.
 ius, 191, a; 603, b.
 e, 437, b.
 434, b.
 rra, 434, b.
 t, 778, a.
 t, 1030, b.
 lia, 435, a.
 a, 520, b.
 546, b.
 t, 462, b.
 im, 435, a.
 iri, 104, a.
 im, 459, b; 570, a.
 123, a.
 Estiva, 437, a.
 conceptiva, 435, b.
 Denicales, 435, a; 462, a.
 mperativa, 435, b.
 Latine, 436, b.
 Prædicaneæ, 437, a.
 Privata, 435, a.
 Publica, 435, a.
 sementiva, 436, b.
 Stativa, 435, b.
 stultorum, 450, a.
 indemales, 437, a.
 Jegen, 580, a.
 t, 437, a.
 go, 437, a.
 aina, 437, a.
 tes, 362, b.
 t, 615, b.
 t, 437, b.
 438, b.
 430, a.
 441, a.
 441, a.
 mmissarius, 441, b.
 mmissarii Praetores, 442, b.
 mmissum, 441, b.
 sor, 541, b.
 missor, 541, b.
 505, b; 606, b.
 e, 443, a.
 t, 443, a.
 ria Actio, 443, a.
 rius, 441, b.
 t, 443, a.

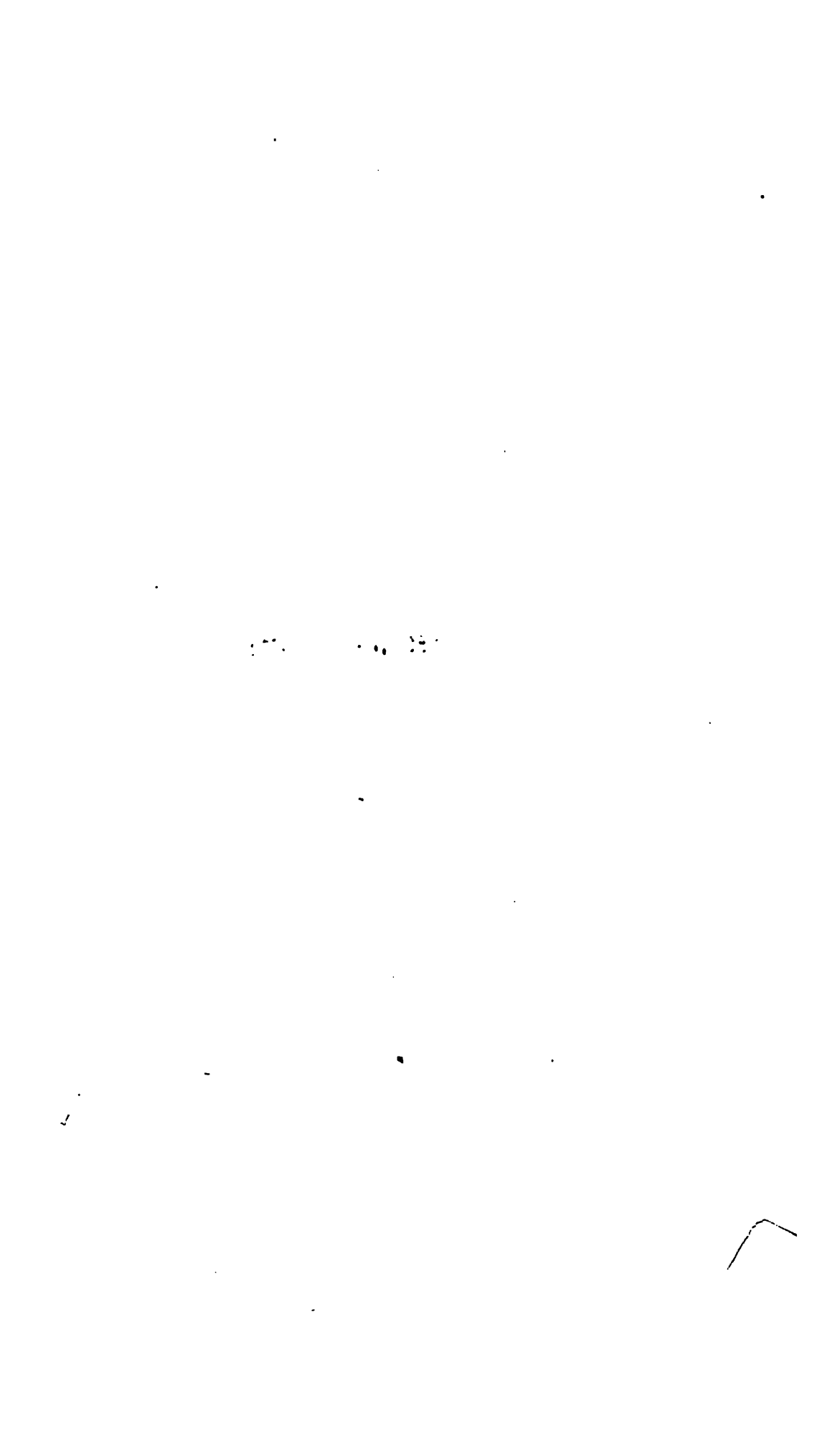
Figulina Ars, 439, a.
 Figulus, 439, a.
 Filia, 277, b.
 Filiafamilas, 430, a.
 Filius, 277, b.
 Filiusfamilas, 430, a; 741, b.
 Filamen, 446, a.
 *Filiæ, 442, a.
 Filum, 446, a.
 Fimbria, 443, b.
 Finis, 880, a.
 Finium Regundorum Actio,
 444, a.
 Fiscales, 476, b.
 Fiscalis Praetor, 444, b.
 Fiscus, 444, a.
 Fistucatio, 1042, b.
 Fistula, 219, b; 940, b.
 Flabelliferæ, 444, b.
 Flabellum, 444, b.
 Flagrio, 445, b.
 Flagram, 445, a.
 Flamen, 445, b.
 " Augustalis, 128, a.
 " Dialis, 445, b.
 " Martialis, 445, b.
 " Quirinalis, 445, b.
 Flaminia Lex, 582, b.
 Flaminica, 446, b.
 Flammæum, 625, a.
 Flavia Agraria Lex, 582, b.
 Fluximines, 415, b.
 Floors of Houses, 519, b.
 Floralia, 447, a.
 Flumen, 878, b.
 Fluminis Recipiendi or Immit-
 tendi Servitus, 878, b.
 Focale, 447, b.
 Foculus, 447, b.
 Focus, 447, b.
 Fœderata Civitates, 448, a.
 Fœderati, 448, a.
 Fœdus, 448, a; 904, a.
 *Fœnus Græcum, 448, b.
 Fœnus, 546, b.
 Folliculus, 448, b.
 Follis, 448, b; 870, a.
 Foot (measure of length), 761,
 b.
 Forceps, 449, a.
 Fores, 525, b.
 Forfex, 449, a; 327, b.
 Fori, 952, b; 893, a.
 Forma, 449, b.
 Formella, 449, b.
 *Formula, 18, b; 19, b.
 Fornaculia, 450, a.
 Fornaculia, 450, a.
 Fornax, 450, a.
 Fornix, 450, b.
 Forty, The, 450, b.
 Forum, 451, a; 813, b.
 Fossa, 31, b.
 *Fragum, 452, a.
 Franea, 489, b.
 Frater, 277, b.
 Fratres Arvales, 109, a.
 Frax, 787, b.
 *Fraxinus, 452, a.
 Frenum, 452, a.
 Fresco, 703, b.
 Frigidarium, 147; 148, a.
 Fringe, 443, b.
 Fritillus, 452, b.
 Frontale, 54, b.
 Fructuaria Res, 1068, b.
 Fructuarinus, 1068, b.
 Fructus, 1068, b.
 Frumentariae Leges, 582, b.
 Frumentarii, 452, b.
 Fucus, 1063, a.
 Fuga Lata, 136, a.
 Fuga Libera, 136, a.
 Fugalia, 833, b.
 Fugitivarii, 884, b.
 Fugitivus, 884, b.
 Fulera, 573, a.
 Fuller, 453, a.
 Fullo, 453, a.
 Fullonica, 454, a.
 Fullonicum, 454, a.
 Fullonium, 454, a.
 Fumi Immittendi Servitus, 878,
 b.
 Funale, 454, a.
 Funalis Equus, 332, b.
 Funambulus, 454, a.
 Funda, 454, b.
 Fundani, 448, b.
 Fundi res, 454, b.

Fundus, 448, a; 455, a.
 Funerals, 455, b.
 Funes, 894, a.
 *Fungus, 455, b.
 Funus, 455, b.
 " Indictivum, 459, a.
 " Plebeium, 459, a.
 " Publicum, 459, a.
 " Tacitum, 459, a.
 " Translativum, 459, a.
 Furca, 463, a.
 Furcifer, 463, a.
 Fumaria, 1055, a.
 Furia or Fusia Caninia Lex,
 583, a; 616, b.
 Furius, 328, b; 329, a.
 Furnace, 450, a.
 Furnus, 450, a.
 Furor, 329, a.
 Forti Actio, 463, b.
 Furtum, 463, a.
 " Conceptum, 463, b.
 " Manifestum, 463, b.
 " Nec Manifestum, 463,
 b.
 " Oblatum, 463, b.
 Fuscina, 464, a.
 Fustuarium, 464, b.
 Fusus, 464, b.
 G. F.
 Gabinia Lex, 943, a.
 Gabinus Cinctus, 987, a.
 Gesum, 465, b; 489, b.
 *Gagates Lapis, 465, b.
 Gaius, 465, b.
 Gaus, 541, a.
 *Galactites Lapis, 465, b.
 *Gale, 465, b.
 Galen, 466, a.
 *Galês, Acropolis, 466, b.
 *Galês, cœnon, 466, b.
 *Galês, Lætos, 466, b.
 *Galês, Podos, 466, b.
 Galerus, 293, a.
 *Galiopsis, 466, b.
 *Galium, 466, b.
 Gall, 466, b.
 *Gallus, 467, a.
 Gâlous, 31, a.
 Gamelia, 468, a.
 Gamblous, 190, a.
 Gambler, Gaming, 42, b.
 Gambrus, 471, b.
 Gâmos, 618, a.
 Gâgamon, 837, a.
 Ganea, 226, b.
 Garden, 510, b.
 Gates of Cities, 793, a.
 Gausapa, 468, a.
 Gausape, 468, a.
 Gausapum, 468, a.
 Gêlônτες, 1003, b.
 Gêloποιστοί, 733, a.
 Gêniou, 138, a.
 Genet, 31, a.
 Gêniou, 458, b.
 *Genista, 467, a.
 Gênothrai, 259, b; 1003, b.
 Gênos, 259, a; 259, b; 1003, b.
 Gens, 468, b.
 *Gentianna, 471, b.
 Gentiles, 468, b.
 Gentilitas, 469, a.
 Gentilitia Sacra, 469, b.
 Gentilitium Jus, 469, a.
 Γειωμφοί, 471, b.
 Γέφυρα, 173, a.
 Γεφυροί, 396, a.
 Γεφυροποιός, 396, a.
 Γεραραί, 365, a.
 *Geranium, 471, b.
 *Geranos, 472, a.
 Γέρανος, 524, a.
 Γερανουλός, 524, a.
 Γεραραί, 365, a.
 Germani, 277, b.
 Γερωνία, 473, b.
 Γερονσία, 472, b.
 Γέρβα, 385, a.
 Gestatio, 511, b.
 *Geteium, 475, a.
 *Gechyllis, 475, a.
 *Genm, 475, a.
 *Gingidium, 475, a.
 Gingrus, 981, a.
 *Gianus, 475, a.
 Girdle, 134, a; 1073, a.
 *Gith, 475, b.
 Gladiatorium, 475, b.

Gladiatores, 475, b.
 Gladiators, 475, b.
 *Gladiolus, 478, a.
 Gladius, 478, a.
 Glandes, 455, a.
 *Glaus, 478, a.
 Glass, 1058, a.
 *Glastum, 478, b.
 *Glaucium, 478, b.
 *Glaucus, 478, b.
 *Glaux, 478, b.
 Gleba, 870, a.
 *Glechon, 478, b.
 Γλακός, 1051, a.
 *Glis, 479, a.
 Glos, 31, a.
 Γλωσσις, 981, b.
 *Glottis, 479, a.
 *Glycyrrhiza, 479, a.
 *Glycymeris, 479, a.
 *Glycysside, 479, a.
 Γλωφός, 860, a.
 Γλωτίς, 1051, b.
 *Gnaphalium, 479, a.
 *Gnaphalus, 479, a.
 Γνωφός, 453, a.
 Γνώσις, 22, a.
 Γνώμων, 508, b; 664, a.
 *Gobius, 479, a.
 Gold, 128, a.
 Gomphi, 1043, a.
 Γόμφος, 263, a.
 Γοργόνα, 213, a.
 Γοργόνη, 315, a.
 *Gossipion, 479, a.
 Gradus, 53, a; 763, a.
 Gradus Cognationis, 277, b.
 Græcostasis, 912, a.
 Γραμματίων Ληξιαρχικός, 346
 b; 348, a.
 Γραμματέος, 479, a.
 Grammatophylacium, 945, a.
 Γραμμή, 508, a; 900, b.
 Granary, 510, b.
 Γραφός, 479, b.
 Γραφή ἀγρίου, 618, a.
 " ἀγρίου, 33, b.
 " ἀγρίου μετ'άλλου, 33, b.
 " αἰκίας πῶς τὸν δῆμον
 21, b.
 " ἀλοίου, 45, a.
 " ἀμβλασίου, 46, b.
 " ἀναμυχίου, 57, a.
 " ἀνδραποδείου, 58, b.
 " ἀπαρτήσεως τοῦ δήμου
 21, b; 66, b.
 " ἀπροσπίου, 74, a.
 " ἀργίου, 91, b.
 " ἀρπυγῆς, 487, b.
 " ἀσθῆτις, 113, a.
 " ἀστρατείας, 117, a.
 " ἀντομυχίου, 131, a.
 " βουλιόσιος, 171, a.
 " οὐλίας, 342, a.
 " δεκαμοῦ, 339, b.
 " δωροδοκίας, 339, b.
 " ὀμοφρονίας, 1071, a.
 " ὄφρου, 339, b.
 " εἰρημῶ, 490, b.
 " ἐπιτροπῆς, 430, a.
 " ἐταιρῆσεως, 503, a.
 " ἱερονομίας, 504, a.
 " κακογαμίου, 618, a.
 " κακώσεως, 184, b.
 " καταλύσεως τοῦ δήμου,
 223, b.
 " κατασκοπῆς, 224, b.
 " κλοπῆς, 278, a.
 " λεπτοναυτίου, 577, a.
 " λεπτοστρατίου, 577, a.
 " λεπτοστατίου, 117, a.
 " μεθόσεως οἴκου, 638, b.
 " μοιχείας, 24, a.
 " νομίματος διαφθοράς,
 662, a.
 " ξενίας, 1070, b.
 " ὄμφου, 618, a.
 " παρανομίας, 731, a.
 " παρανομῶ, 731, b.
 " παραπροδικίας, 732, a.
 " παραπροδικίας, 734, t.
 " προαγωγῆς, 808, a.
 " προδοσίας, 811, a.
 " ὀπταρῆ, 838, a.
 " σκεοφαντίας, 931, a.
 " τριέμματος ἐκ προνομίας
 997, a.
 " τυραννίδος, 811, a.
 " ἔθετος, 922, a.
 " ὑποβολῆς, 923, b.

GENERAL INDEX.

Testamentum,	Judicium Populi, 551, b; 552, b.	Jus Senatus, 867, a.	Atxávw, 317, b; 740, b
a	Judicium Privatum, 551, b.	Jus Suffragiorum, 261, a.	Atxávwv, 740, b.
7, a.	Judicium Publicum, 551, b.	Jus Vocatio, In, 18, a.	Atxávwv, 493, a.
c.	Jugurum, 554, b.	Jusjurandum, 670, a.	Atxávw, 572, a.
d.	Jugum, 554, b.	Jusjurandum Calumniae, 203, b.	Lectica, 570, a.
e.	Jugumentum, 62, b; 524, b.	*Jusquiamus, 562, b.	Lecticarii, 571, a.
f.	Juliae Leges, 555, b.	Justa Funera, 459, a.	Lectisternium, 571, b.
g.	Julia Lex de Adulteris, 23, b.	Justum, 562, a.	Λέκτρον, 572, a.
h.	" Agraria, 555, b.	Justinianus Codex, 273, a.	Lectus, 572, a.
i.	" de Ambitu, 46, b.	Justitium, 462, b.	Lectus Funeris, 570, a.
j.	" de Annona, 555, b.	Jussu, Quod, Actio, 562, b.	Λέκτρα, 456, a.
k.	" de Bonis Cedendis,	*lynx, 562, b.	Λέκτρον, 720, a.
l.	555, b.		Λέξος, 720, a.
m.	" Caducaria, 555, b.	K. See C.	Legacy, 573, a.
n.	" de Cade et Veneñ-	L. A.	Legatarius, 573, b.
o.	cio, 555, b.	Labarum, 897, a.	Legatio Libera, 576, b.
p.	" de Civitate, 261, b;	Λαβή, 211, b.	Legatum, 573, a.
q.	448, a; 555, b.	*Labrax, 562, b.	Legatus, 575, b; 815, b.
r.	" de Fano, 555, b.	Labrum, 149, b.	Leges, 579, b.
s.	" de Fando Totali,	*Labrusca, 563, b.	Leges Centuriatae, 579, b.
t.	555, b.	Labyrinthus, 563, a.	Leges Curiae, 579, b.
u.	" Judicaria, 553, a;	Lacerna, 563, b.	Legio, 102, b; 103.
v.	555, b.	Laciniae, 564, a.	Legis Actiones, 16, b.
w.	" de Liberis Legatio-	Laconicum, 144, a; 140, a;	Legis Aquilae Actio, 337, a.
x.	nibus, 576, b.	150, a.	Legitima Hereditas, 497, a.
y.	" Majestatis, 609, a.	*Lactuca, 564, b.	Legitimus Actiones, 16, b.
z.	" Municipalis, 556, a.	Lacunar, 520, b.	Legumen, 576, b.
aa.	" et Papia Poppaea,	Lacus, 74, b; 219, a.	*Leimonium, 577, a.
ab.	556, a.	*Ladanum, 564, b.	*Leibatos, 577, a.
ac.	" Peculatus, 748, b.	Ladders, 856, b.	Λειπομαρτυρίον έλεγχ, 626, b.
ad.	" et Plantia, 557, a.	Læna, 565, a.	Λειπομαρτυρίον γραφή, 577, a.
ae.	" de Provinciis, 815, b.	Læsa Majestatis, 609, a.	Λειπομαρτυρίον γραφή, 117, a.
af.	" Repetundarum, 834,	Lagens, 1052, a.	Λήθη, 818, b.
ag.	b	Λαγυβάλλος, 748, b.	Λεοντοπέδιον, 577, a.
ah.	" de Residuis, 748, b.	*Lagopus, 563, a.	*Lemnia Terra, 577, b.
ai.	" de Sacerdotis, 557, a.	*Lagopyrus, 565, a.	*Lemna, 575, a.
aj.	" de Sacrilegis, 748, b;	*Lagos, 565, a.	Lemniceus, 578, a.
ak.	846, b.	*Λαγός θαλάσσιος, 565, a.	Lemnula, 578, b.
al.	" Suntuaria, 557, b;	Λαίφος, 1037, a.	Lemuria, 578, b.
am.	934, b.	*Lamia, 565, b.	Lemua, 564, b.
an.	" Theatralis, 557, b.	Λαμπαδαρχία, 565, b.	Λήμνα, 364, b.
ao.	" et Titia, 557, b.	Λαμπαδόρορα, 565, b.	Λήμνα, 364, b.
ap.	" de Vi Publica et Pri-	Λαμπαδόρορα, 565, b.	Λεονοκίνιον, 535, a.
aq.	vata, 1058, a.	Λαμπαδόρορα, 566, a.	Λεονοκίνιον, 535, a.
ar.	" Vicesimaria, 1046, a.	Λαμπαδόρορα άγιών, 565, b.	Λεονοκίνιον, 535, a.
as.	Julius, 196, b.	Λαμπαδόρορα άγιών, 565, b.	Λεονοκίνιον, 535, a.
at.	*Junceus, 557, b.	Λαμπαδόρορα άγιών, 565, b.	Λεονοκίνιον, 535, a.
au.	Juncei or Juncei Norbana Lex,	Λαμπαδόρορα άγιών, 565, b.	Λεονοκίνιον, 535, a.
av.	569, a; 583, b; 589, a; 616, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
aw.	Junia Lex, Repetundarum,	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ax.	834, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ay.	Juniores, 296, a; 1007, b;	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
az.	1008, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ba.	*Juniperus, 557, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bb.	Junius, 191, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bc.	Jura in Re, 374, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bd.	Juramentum, 670, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
be.	Jure Actio, In, 559, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bf.	Jure Agere, 18, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bg.	Jure Cessio, In, 557, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bh.	Jure Conscriptio, 558, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bi.	Juris Auctores, 558, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bj.	Jurisconsulti, 558, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bk.	Jurisdicatio, 559, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bl.	Jurisperiti, 558, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bm.	Jurisprudentes, 558, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bn.	Jus, 559, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bo.	" Ælianum, 562, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bp.	" Annuli Aurei, 839, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bq.	" Annulorum, 839, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
br.	" Applicationis, 137, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bs.	" Civile, 559, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bt.	" Civile Flavianum, 562, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bu.	" Civile Papirianum or Pa-	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bv.	pisianum, 562, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bw.	" Civitatis, 260, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bx.	" Commerciali, 261, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
by.	" Connubii, 261, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
bz.	" Edicendi, 388, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ca.	" Fetiale, 438, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cb.	" Gentilitium, 469, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cc.	" Gentium, 559, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cd.	" Honorarium, 388, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ce.	" Honorum, 261, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cf.	" Italicum, 281, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cg.	" Latii, 261, b; 568, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ch.	" Liberorum, 557, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ci.	" Naturalis, 559, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cj.	" Non Scriptum, 560, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ck.	" Pontificium, 560, a; 791,	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cl.	b; 792, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cm.	" Postliminii, 799.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cn.	" Prædicatorum, 804, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
co.	" Prætorium, 388, a; 560, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cp.	" Privatum, 261, a; 561, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cq.	" Publicum, 261, a; 561, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cr.	" Quiritium, 261, a; 561, a.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cs.	" Relationis, 869, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ct.	" Respondendi, 558, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cu.	" Scriptum, 560, b.	*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cv.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cw.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cx.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cy.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
cz.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
da.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
db.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dc.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dd.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
de.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
df.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dg.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dh.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
di.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dj.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dk.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dl.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dm.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dn.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
do.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dp.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dq.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dr.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ds.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dt.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
du.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dv.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dw.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dx.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dy.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
dz.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ea.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
eb.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ec.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ed.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ee.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ef.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
eg.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
eh.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ei.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ej.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ek.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
el.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
em.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
en.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
eo.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ep.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
eq.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
er.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
es.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
et.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
eu.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ev.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ew.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ex.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ey.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ez.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fa.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fb.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fc.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fd.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fe.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ff.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fg.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fh.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fi.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fj.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fk.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fl.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fm.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fn.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fo.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fp.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fq.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fr.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fs.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ft.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fu.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fv.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fw.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fx.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fy.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
fz.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ga.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gb.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gc.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gd.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
ge.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gf.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gg.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gh.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gi.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gj.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gk.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gl.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gm.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
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go.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gp.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gq.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gr.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gs.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gt.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gu.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gv.		*Lampas, 565, b.	Λεονοκίνιον, 535, a.
gw.</			



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