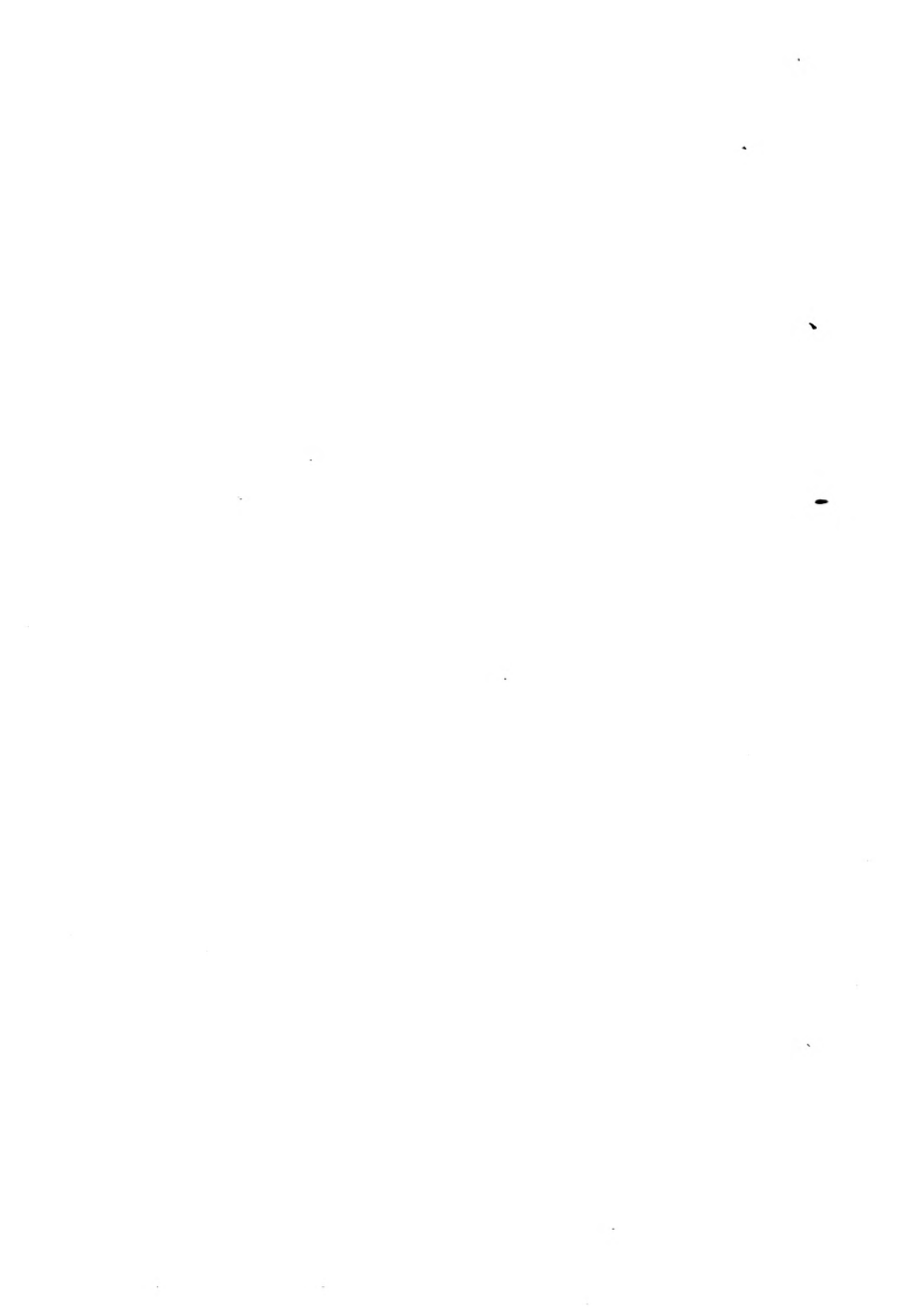


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ARCHÆOLOGIÆ
ATTICÆ
LIBRI TRES.

THREE BOOKES OF THE
ATTICK Antiquities.

CONTAINING

The description of the Cities glory, govern-
ment, division of the People, and Townes with-
in the *Athenian* Territories, their Religi-
on, Superstition, Sacrifices, account of
their Year: as also a full relati-
on of their Judicatories.

By FRANCIS ROUS Scholler of *Merton*
Colledge in *Oxon.*

ARISTIDES.

Προκαληθεσι τας ακοαs, επρχομεθα, μειζον εχοντες εργον, η φυ-
λαξομεθα η οτω χειρομεθα, ευρειν. When others have
in the same Argument preoccupied mens eares, they that
speak afterward of the same subject, have a greater trou-
ble to consider what they must passe by unsaid, then what
to say.

L O N D O N,

Printed for JOHN WILLIAMS, and are to be
sold at his shop in *Pauls* Church-yard at the
signe of the Crowne, 1 6 4 5.



TO THE
RIGHT WORSHIPFULL

S^r NATHANIEL BRENT Knight,
Vicar Generall, and the most vigilant
Warden of Merton College
in OXFORD, Health,
&c.

IT is the custome of most, to impose a patronage of their errors upon some eminent person. But it shall bee my ambition in this my Dedication to manifest my observancie. Others make their choice of potent men, thereby to shun the darts of envy. It shall be my glory to be thought worthy of invidency; whose ignorance is not so great but well knowes

* 2

THE EPISTLE

knowes that ever some will bite in secret; and scourge these errors of my youth with private reproaches. But such malignant tongues I will counterpoise with the winde; and let as lightly by as they are vaine. And although I am confidently perswaded that the covert of your wings bee sufficiently able to shelter my faults; yet had I rather to expresse my dutie towards you in these naked infirmities, whose goodnesse truly knowes how * to pardon the bold adventures of learning. I present you therefore with ATHENS, whose deplorable raggednesse my papers well resemble, which may challenge this excuse, that they assimilate themselves to the Treatise in them contained: VVhich of all men, I my selfe am conscious most unfitly to have handled. That Citie once the * nurse of reason; * which flourisht in eloquence, and brave achievements, more then all Greece, could not, unlesse in her milerable ruines; have without her disgrace beene spoken of by mee. That ATHENS whence the learned Fathers of the Church sucked rare Literature; Basil his eloquence

* Ausis literarum ignoscere
Vegetius in
Prolog.

* Cic. Epist.
Patercul. in
sine Lib. 1.

DEDICATORY.

eloquence, *Nazianzen* his strength, and others their flowing Oratory. That *ATHENS* which who had not seene is by * *Lysippus* accounted a blocke. Accept, *Honoured* *Vir*, these Reliques of that famous Vniversitie, though by me offered, as Devotion paid to Antiquitie, by you well esteemed of, though among most of these our daies accounted dirt; whose labour it is to seeke new fashions, and like nought but what may bee accounted novelty. Resembling the brute, of which *Cicero*. *Ad id solum quod adest, quodq; praesens est se accommodat, paulum admodum sentiens praeteritum, &c.* never caring for what is past. But you weigh well the excellencie of talking with those Champions of Learning, hundreds of yeares since gathered to their former dust. By whose pensils wee see drawne the lively images of deceased Monarchs, the forms of government, and very lives of states. Out of which patternes, if you please to deeme the least part of this to have beene taken, it shall heape to my joy that the following *Tra&* will not seeme a spurious and de-

* Apud Di-
ca archum
Et ad re De-
a omi rity A-
Suias, sed
X^o &c.

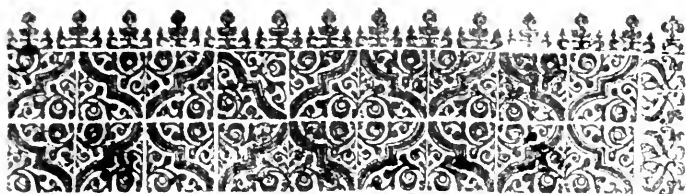
THE EPISTLE &c.

generate off-spring. Vpon presumption of which I feare not, as the Eagles doe their young, to expose my brood to the rayes of the open Sunne. Thus with continuall wishes for addition to your happinesse, I take leave. From my Study in *Merton College*, Jun. 9. 1737.

Your Worships in all humility

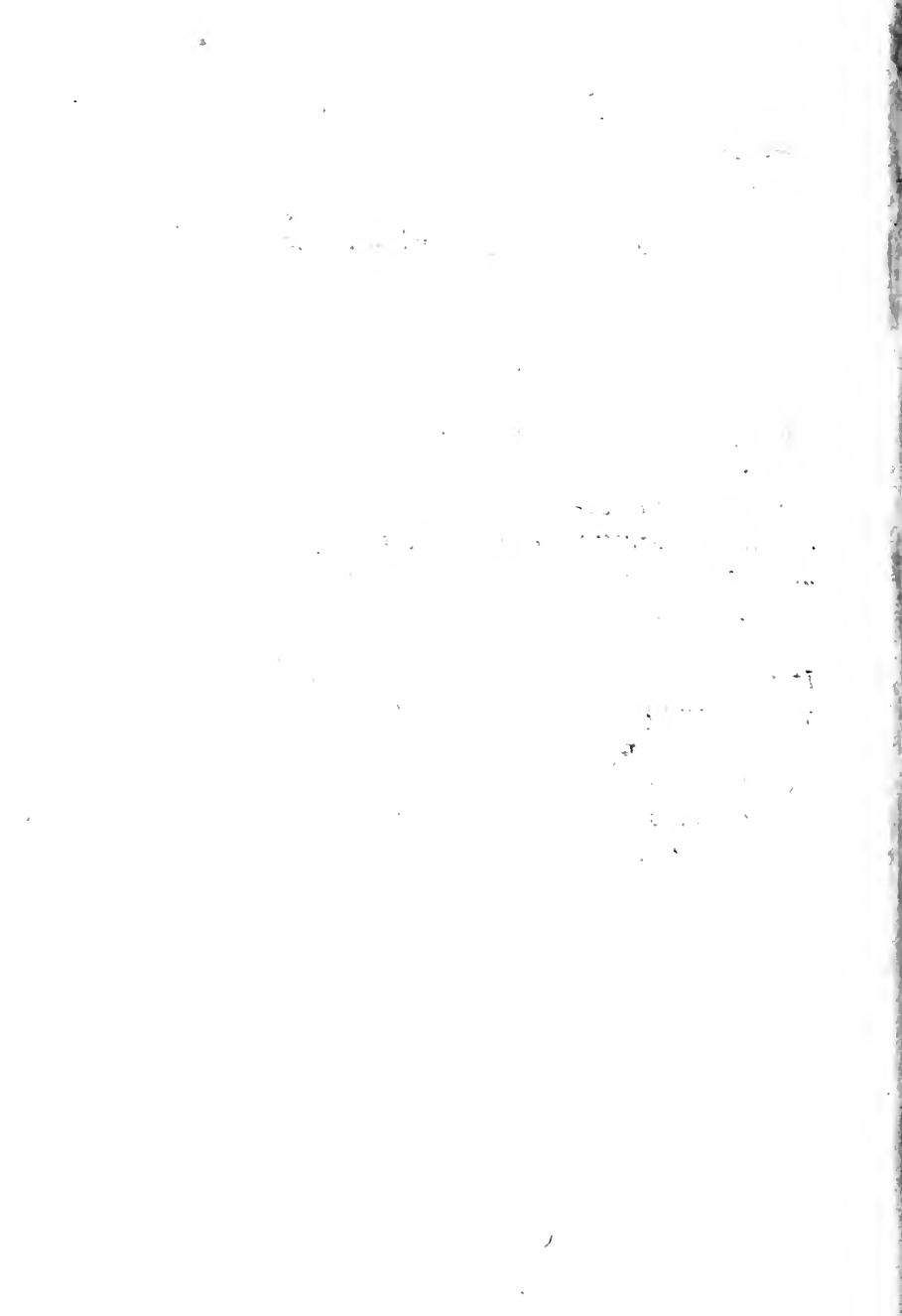
to be commanded

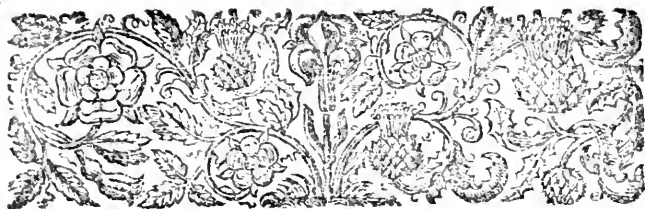
F. R O U S.



To the Reader.

IT is not the thirst of empty glory that makes me runne hazard of your censure, but a consideration of the weaknesse of Schoolemasters, who undertake to read the Greeke Orators to raw Schollers, themselves being not ripe in the Attick customes. I have therefore so farre endeavoured as you see. If any thing may afford a scruple to any, he shall engage me that will require satisfaction. If any thing seem amisse, it shall be taken by me as a favour to heare of it from any. For I am not of those whose ears are stoppt, when their errors are told them. If this please it shall adde spurres to the finishing of this course intended; and as occasion may give leave, you shall have the rest that may be spoken.





ARCHAEOLOGIAE ATTICAE

LIB. I. CAP. I.

Javan, Jas, Jaones, Jonia, Αζιανή. Αζτια. Αζία. Athena in αθήναις, Cecropia, Cranaa, Αθθία, Attica, Athena sub Cecrope. Certamen Palladis & Neptuni, Plutarchi ea de re sententia, alii sub Eretheo volunt nominari, Justinus sub Amphictyone. Salenos. Selines. Satina. Sethina.



BY the the sonnes of Noah ^{a Gen. 10. 5.} were the Iles of the Gentiles divided in their lands, every one after his tongue; when by their audacious folly they would have mounted up to heaven, thinking to leave a name to posterity, by building Castles in the ayre. From which attempt proceeded that which before they were jealous of, namely, as scattering abroad upon the face of the earth; he having spoken it, whose breath alone affords a faire wind: hoyst then they must their Sailes, and bidding adieu to the plain in the land of *Shenar*, seeke out some new habitation. Travelers they were of yore, and yet still must journey. Each one in as different a course, as of a divers language. The sonnes of *Shem* their way, the sonnes of *Japhet*, theirs. *Gomer* and *Magog*, and *Adadai* and *Javan*, with whom I purpose one furlong

to keepe company, leaving the rest on one side or other, or behinde, looking only to my proposed scope. ^a Ἀπὸ τῆς Ἰαυάνης Ἰωνία καὶ πάντες ἑλληνιστὶ γέγοναν. From *Iavan* came *Ionia* and all the *Greekes*. And in Scripture we have *Iavan* put for *Greece*; in *Daniel* twice, ^b And when I am gone forth, loe the Prince of *Grecia* shall come. And again, ^c He shall stirre up all against the *Realme of Grecia*. Where although the old translation renders it not *Iavan*, yet it is so found in the original. He then comming into the Country called afterwards *Attica*, left unto it his owne name, whence it was tearmed *Ionia* and *Ias*. ἡ γὰρ Ἀττικὴ τὸ παλαιὸν Ἰωνία καὶ Ἰὰς ἐκαλεῖτο. For *Attica* was anciently called *Ionia* and *Ias*. In which words we still retain some reliques of the radix, notwithstanding the small difference of the termination. But if we please to view after what title the *sonnes of Iavan* were stiled *Iaones* wee shall come neerer home. *Strabo* in the above quoted place, Ο ἢ περὶ τῆς ὅταν εἴη - Ἐν δὲ τῇ Βοιωτίᾳ καὶ Ἰαόνες - τὸς Ἀθηναίους λέγει. *Homer* when he saies, *I here the Bœotians and Iaones* speaks of the *Athenians*. The *Scholias*t of *Æschylus* on these words,

^c Ἰαόνες γὰρ οὐκ ἐστὶν πέρα θείων

Ἰαόνες ἢ ὅτι Ἰαόνες ἐν Ἀθῆναις λέγουσιν ἐν πρῶτῳ Ἰαόνος Βασιλέως οὐτῶν. It is to be understood, quoth he, that the *Athenians* are tearmed *Iaones*, from one *Iaon* (he means *Iavan*) that was their *King*. Neither is it strange that the *van* or *υ φιλόν* is left out; for though it be not written, yet perswaded I am that it was as much pronounced, as other *au* Diphthongs were. For the *fantique Latines* and the *Greeks* spake it as broad *a*, as if it had been *thesaros* not *thesauros*. *St. Walter Raleigh* is of opinion that *Asia* the lesse had people before *Greece* had any, and that *Iavan* did not fly from *Babylonia* into *Greece*, but tooke *Asia* the lesse in his passage, and from thence past over the nearest way, leaving his owne name to some *maritime Province* on that side as he did to that part so called. In which, although the authority of so worthy and judicious a man might move much, yet it shall be sufficient for me, only to goe so far, as antiquity will

Joseph. Ant. uq. l. 1. c. 7. p. 13.
 Dan. 10. 20.
 Esp. 11. 2.

Strabo l. 9. p. 392.

In Perlis
 1. 1. 3.

Donat. in
 Ter. p. 130.

will beare me out. ^a *Thucydides* reports that it is manifest, ^a *Lib. 1. p. 1.* that all Greece was not *βελήως διακευθίτην*, firmly inhabited, but that there were continuall pilgrimages, or removings of the inhabitants, forsaking their former places, being driven out by a stronger and greater number. Wherefore when there was no safe traffique or commerce by sea or land, each manured his grounds for to have provent, alone to serve for present necessity, desiring no more then from hand to mouth; it being uncertain, how soone they might be compelled to get them thence. Whereupon they did more willingly change their seats; not taking grievous that sharp charge, *Veteres migrato coloni: Be gone you ancient Boores.* But the more fertill soyle had hard bickrings. *Thessalic, Bœotia,* and a great part of *Peloponnesus*, except *Arcadia*, was often invaded, and the old Lords expelled. *Τὴν γὰρ Ἀττικὴν ἐν τῷ ἑπιπλεῖσθαι διὰ τὸ λεπτότατον* ^{Thucyd.} *ἀστυπείστον ἔτι τῶν ἀνθρώπων ὄντων ἐπιπέτῃ ἀτῆ.* But Attica, by reason of the thinnesse or barrennesse of the ground, was alwaies inhabited by the same men (none it seems being willing to leave his better, for a worse) not affording fuell to contention. Out of which peace sprung up so great a multitude, that Attica, even now swarming, and *ἔχουσα κατὰ τὴν ἔσπευ*, not able to contain and feed so many, is constrained to send forth Colonies into Ionia, a region of Asia the lesse, which is reported by the Greeks to borrow denomination from *Ion* the son of *Xuthus*, or, as the Poets say, *Apollo* and *Crensa*, who in the words of *Euripides* is thought to be *Ἐπίστροπος Ἀσίου δῶκε ἕσπευ*, the maker or founder of Asia. The mother *Ionia* (for so I please to say) kept not still her former name, for in processe of time shee owned *Ἀἴλαια*, from *Ἀἴλαιον*, as ^d *Strabo* sayes, or from *Ἀἴλαιος*, according to ^e *Pausanias*, who was the first King thereof, by ^f *Tzetzes* on *Lycophron* called *Ἀἴλαιος*. But ^g *Dion Chrysostom* brings a more naturall reason then this, why it was *Ἀἴλαια*, *Ἄλτα* signifies a shore, both in the Greeke and ^{*} *Latine* speech. Now because all of it within a little was washed with the sea, and ^h *ἀλιπερές*, it might challenge unto it self *Ἀἴλαια*. *Dion*

Thucyd.

^c In *Jone*. T. 2. p. 619.

^d *Lib. 9. p. 397*

^e In *Att. p. 2.*

^f *pag. 23.*

^g *Orat. 6.*

^{*} *Virg. Æn. 5*

^{p. 214.}

^h *Strabo. l. 9.*

^{p. 391.}

ἀποκαταστήσει τὴν ἑλπίδα πάντων οὐτοῦ ἐξ ἑσθ' ἀφ' ἧς ἐδενθ' ἡ Ἰστορία λέγει. Ἐκ τούτου ἡ ἀποκαταστήσει. Hence *Acta* by the *Enigmaticall Poet* in his *Cassandra* is put for this country. *Tzetzes*. Because it is (*Acta*) a cliffe, that is cast forth and lying in the sea. And *Athens* herselfe by *Plantus* is said *Athena in Acta*, pro *Athenis Atticis*, as *Palmerius* hath noted. But this grew old after a season, and *Cecrops* having married the daughter of *Acteus* glories in his *Cecropia* (and *Athens* *Cecropia*, and *Cecropis civitas*, and after that *Cranæ* from *Cranæus* the king that succeeded him.) This *Cranæus* among other of his daughters had one *Atthis*, from whom also was derived *Atthis* and *Attica*, next *Posidonia* and *Minerva*, from *Neptune* and *Pallas*. In this region stood *Athens* *Queen of Greece*, so called, from that victory which *Minerva* got over *Neptune*, when *Cecrops* moved with a prodigie of a sudden shooting up of an *Olive*, and bubling forth of a salt spring in the *Acropolis*, consulted the Oracle of *Apollo*, who taught them that the one did signifie *Neptune*, the other *Minerva*, taking therefore the men into suffrages for *Neptune*, and the women for *Minerva*, who had most voices should carry it. The females being more the Goddesse bore away the bell. Lo here a witty Divell to bring in *εμπροσθε θεῶν*, Gods of his owne making, to infold the superstitious in an ignorant zeale. However let us leave the shadow of poeticall fictions, and take the true draught out of *Mythologie*. *Plutarch* is of opinion that the ancient kings striving to draw away their subjects from seafaring negotiations, and a desire to live by sayling, untill tillage and manuring of ground, gave occasion of the speech that *Neptune* and *Minerva* did altercate about the citie. *Ἐκείνοι δὲ*. &c. *Neptune* is put for the Sea and businesses thereof, *Minerva* for Arts and ingenuous kinde of life, nay sayes *Ovid* in his *Kalender*. *Mille Dea est operum*, she is Goddesse of a thousand trades. Others say that the City was consecrated to her by *Amphillyon*, *Ἄμφιλιον ἑστὶν ἡ πόλις ἧς ἄρ' ἔστιν ἡ πόλις ἧς ἄρ' ἔστιν ἡ πόλις*. *Justine*. Others in the time of *Erectheus*, among which is *Herodotus*, will have this name given

a Pag. 21.

b In Spicilegus

c Strabo & Paus. locis præd.

d Varro apud August. l. 18. c. 9. de civit. l. 2. c. 1.

e In Them. p. 87. l. 23.

f Lib. 1.

given

given. Which Author^a *Marcianus Heracleota* doth follow, a ἐν ἀετινί-
σει
 Ἰσέεσις ἢ χόνοις Ερεχθίδος ἢ πόλεως ἰγυρῆς ἀπὸ τῆς Ἀθῶναις τῶν ἀε-
 σιγγεῖων λαβῆν. This was that *Erectheus*, who in a time of
 droughth over all the world except *Egypt*, brought corne to
Athens, and taught the *Eleusinian mysteries*. Beholding this
 Citie hath been to *Egypt* for other kings; to wit, ^b *Cecrops*
 and *Menestheus*, for his father *Petes* was an *Egyptian*. In
 the time of *Diodorus Siculus* and before him was it a recei-
 ved opinion that *Athens* was peopled by the *Egyptians*,
Sais in that tongue answering to *Athene* in *Greek*, as *Tzetzes*
 out of *Carax*. Nay that they should be of the inhabitants of
Sais, they argue from this. Because that the *Saita* and *Athe-
 nians* have divers customes alike. Witnesse *Diodorus Siculus*.
 But it pleaseth not me. I conjecture that first it was called *A-
 thens*, when the people began more seriously to addict them-
 selves to civill government, and study of good literature;
 knowledge and art being ascribed to *Minerva*. Τῆ δ' Ἀθῶναις
 ἢ ἀπὸ τῆς αἰτίας αἰτιῶν ἢ τῶν ἰγυρῶν. saies ^c *Aristotle*. Nay her
 name being derived from thence, ἄθηνα in the *Chaldy*
 tongue signifying to *study* or *learn*: from which come *thenaa*
 and with an article *Haathenaa*, as ^d *Heinsius* the most learned.
 As for the conceit of *Goropius Becan*, from ἀθη the number of
 three which notes eternity, and so from ἄθη-θη-θη-θη. *Athena*.
 Because wisdome doth containe eternity, let us send it back
 into *Germany*. Loe now *Athens* named from learning, which
 was once the ^e *shop of letters* and the *Muses*, whereof it is now
 deplorably destitute, having lost the glory of former *Athens*,
 nay the name it selfe. For if we beleeveth some they tell us,
 that now it is *Salenos* or *Selines*. To whom I accord not. Be-
 cause that I have read *Selines* for *Megara* called *Nisaa*, which
 is not many miles from *Athens*. Furthermore in discourse
 with a native of *Peloponnesus*, who lived many years in that
 City, I had no other appellation from him then *Aceone*, which
 others write *Satina* corrupted as *Portus* and *Meursius* truly
 thinke for αἰς Ἀθῶνας. Nay ^f *Hugo Favolius* who was there
 himselfe f In. Hodap.
By. l. 3.

b Aristoph.
sch. p. 79.
Tzet. in
Lucoph. p. 23.

c Polit. l. 3. c. 9.

d In Aristar.
Sac Syn. l. c. 1
p. 27.

e Isidor.

himselfe even to the same purpose names it *Sethina*.

Undi q̄ sic misera nobis spectantur Athene

Dadala quas Pallas sese coluisse negaret,

Quas, Neptune pater, nunquam tua mania dicas

Indigena Sethina vocant —

We wretched *Athens* round do view, which now,
Though once ingenious *Pallas* love, 's her shame,
And t'have beene thine, *Neptune*, would't disavow,
To which the Homebred give *Sethina* name.

C A P. II.

*Athenarum situs: Ἀστυ. πόλις. Ἀκρόπολις. Herba lucentes, Μυρ-
rus, Πελασγicus & Cimonius, Propylæa. Circuitus veteris
urbis, & nova, ἡ ἄνω & κατὰ πόλις. Piræi brachia. Murus
Phalericus. Porta. Aer. Laus passim apud scriptores. Ce-
phissus Fluvius.*

a In Panath.
p. 171. 172.

Greece, saies ^a *Aristides*, is placed in the midst of the
whole Earth, and in the midst of it stands *Attica*; the
navell whereof is *Athens*, by which all *Greece*, closeted in
the wombe of time, received nourishment, before an happy
birth had brought her forth into the light. She is seated upon
a very high rocke, which habitations doe encompasse, as

b Lib. 9. p. 396

* Plin. Nat.
hist. l. 7. c. 56.

c In Att. p. 13.
l. 16.

d Eunuch. act.
5. sc. 6.

e Attic. p. 24.
l. 43.

^b *Strabo*: on the top of which stands that renowned fabrick
even to this day, which *Cecrops* from himselfe names * *Ce-
cropia*; of old ἡ ἄνω *The City*, by a kinde of excellence, in a
bravado of their antiquity, concerning which they were in
perpetuall contention with the *Argivi*. Witnes ^c *Pausanias*.
^d *Terent*, *An in astu venit?* Donat. *Sic Athenienses urbem
suam vocabant, unde ipsi incola ἄστυ vocantur.* So, saith he,
the *Athenians* called their City, whence the Citizens
themselves are called *astoi*, after that they called it πόλις
^e *Pausanias*. Which in his time was called Ἀκρόπολις or the
high City, although it be often interpreted *Arx* a Castle,
which

which ever were sacred to *Minerva*, as ^a *Aristides*. Who therefore is by *Catullus* in his *Argonauticks* named *Divaretiens* in *summis urbibus arces*. The Goddess that keeps the *Turrets of Cities*. This only now remains, the succour and shelter of the barbarous *Athenians*, being strongly furnished with men and armes, in which alone dwell *Ianizaries*, to the number of seven hundred thousand, as *Christophoro Angelo* told me, and avouched it, I fearing lest he had mistaken the number. As for the forces thereof ^b *Hugo Favolius* shall thus instruct you.

^a Orat. in Mithrac. Co. 1. p.

21.

^b Hodæp. Byz. l. 3.

*Arx tantum celebris hoc tempore montis eodem
Qua q̄ impōsta jūgo est, vastas prospētat in undas
Æquoris, & circum dispersa mapalia, & omnes
Externo indigenas nocuo tutatur ab hoste,
Nobilis arx, toto qua non est altera Graio
Nota magis regno, validisq̄ instructior armis,
Ignivomōq̄, magis tormentorum impete tuta.*

A Cattle only famous at this day,
Set on an hill, below which views the sea.
The scattered thatcht sheds, that stand it about,
The fort defends, and keeps invasion out,
And natives safe. A fort; none noted more
In Greece, which hath a better warlike store,
Or it for fiery Canons goes before.

Upon the toppe of this Turret stand the fashions of *Halfe-Moones* most rarely gilded, after the manner of the *Ismaelites*, who have the Moone in no small honour, as my much honoured Mr. ^c *Selden* hath observed. Of which Lunulets thus speaks *Favolius*,

*Cujus inauratis longe rutilantia Lunis
Ardua coelivagas ferunt fastigia nubes.*

Whose tops with gilded Moons aspiring high,
Doe knock the Clouds the pilgrims of the skie.
Neither may it passe obscurely which I have taken up being
let fall from the mouth of an eye witnesse; namely that on the
side

^c De Diis Syris Syn. 2. cap. 2. p. 288.

side of this hill, on which the *Acropolis* is built, grows a certaine kinde of herbe, that farre off, in the night season, gives a most shining and glittering light, to which when a man shall approach, he shall discern nothing but the herbe it self. Of which matter I seriously wish that I could testifie the truth. It was delivered to me, *bona fide*, with good credit. The walls that environ this, are none now, saies *Favolius*, but in former time it hath beene well fenced; some part thereof erected by those two *Tuscan* brothers, who leaving their country, lived here under the *Acropolis*, called *πελαργίδι*, *Pelargi*, *Storkes*, *διὰ τὴν πηλῶν*, for their wandring, ^a *Strabo*, ^b *Plinie* sayes their names were *Euryalus* and *Hyperbius*. The two that first built houses of bricke at *Athens*, when formerly they had caves for dwelling places. But by the authority of *Pausanias*, though the Printers and Scribes have done both that Author, and the persons wrong, in putting a false name upon one of them, I will doe them none. Read then *Laterarias domus constituerunt primi Agrolas & Hyperbius fratres Athenis, &c.* ^c *Pausanias*. *φασὶ γὰρ Ἀγρόλαν καὶ Ὑπέρβιον*. From these was that part which they edified called *Pelargicum*. *Aristophanes in Avibus*.

Υἱς δ' αὖ κατέβηκε τῆς πόλεως τὸ Πελαργικόν;

The other part of the *Acropolis* which was left naked, *Cimon* the sonne of *Miltiades* clothed. *Pausanias* in the fore quoted place. These walls admitted no gate but one, so rarely beautified with that costly *Propylaum* or porch, on which *Pericles* is discommended by ^d *Demetrius Phalareus* for disbursing so great a summe of money. ^e For which he was not smally troubled how he might give up his accounts to the people; His Nephew *Alcibiades* therefore seeing him somewhat sad, and demanding the cause, to whom when his unkle replied, that it was about giving his accounts, seek rather, quoth he, how you may not give them. By which counsell the *Athenians* were entangled with that neighbour warre against the *Lacedemonians*, in which they found not vacancy for an audit.

By

^a Lib. 9. p. 391
^b Nat. Hist. l. 7. c. 56.

^c In Attic. p. 26. l. 34.

^d Tul. Off. l. 2
^e Val. Max. lib. 3. c. 7.

By the way it shall be fit to acquaint you with thus much, that it was not permitted to a dog to enter into the *Acropolis*, as ^a *Plutarch*, διὰ τὸ ἀκολάσει καὶ δουλείας it may be, for his heat in venerie and ill savour. Goats likewise sayes ^b *Varro*, came not thither, unlesse for a necessary sacrifice once, lest they should hurt the *Olive* which is said first to have sprung up there. The circuit of this *Acropolis* is said to be threescore *stadia*. Now a *Stadium* is about some *six hundred and twenty five feet, eight of which make a mile, it being the custome of the ancient Greekes, to measure the length or distance of grounds, or Cities, by the στάδια. The first City then is contained in seven miles and an halfe. But to this were added more houses able to make a City of themselves. And so indeed were they distinguished by ἡ ἄνω & ἡ κάτω πόλις, The upper and the lower City. ^c *Plutarch*, τῆς καὶ τοῦ πρὸς θαλάσσης περιήκοντες, τῶν ἄνω πόλιν διαφυλάττειν. Note here moreover, in the reading of your Greeke Authors, that when you meet with τὸ ἄνω in the description of a country, you presently must conceive the higher part, if it be τὸ κάτω, *Thucydides*. ^d Ἐρεθόν τε τῶν ἀλλήλων τε καὶ τῶν ἄλλων ὅσοι ὄντες ἢ θαλάσσιοι καὶ τὸ ἄνω. And they prayed upon each other, and among the rest who were not addicted to the sea, yet lived below, understand neare the sea, *Schol.* κάτω. ἢ τοὶ ἐγγυὲς τῆς θαλάσσης. The τὸ ἄνω then, and τὸ κάτω knit together made but one joynt corporation; both, as it were uniting *Piræum* unto themselves, tooke up, as ^e *Dion Chrysostom* writes, two hundred *stadia*, which is about five and twenty miles. Upon which place, *Morrellus* produces a *Scholiasst* testifying that the walls were μυλίων 16 ἢ πρὸς στάδιον 15, fiftene miles save one furlong. Where I wonder that the learned man had not estsoone perceived the number to have beene corrupt, and written κα for 16 twenty five for fiftene. For so it ought to be. Neither is it strange that it had so large bounds. For consider that from *Piræum* to *Athens* were reckoned five miles, as you may see in ^f *Plinie*, from *Athens* to *Phalerum*, and so to the other side of *Piræum* foure miles

^a *Επιλωρε.*
p. 175.
^b *De re Rust.*

^c Five feet
make a pace,
and a thousand
paces a
mile. *Isidor.*
Or *g. lib. 15.*
c. 16.

^c In *Phoc* p.
549. l. 47.

^d *Lib. p. 6.*

^e *Orat. 6.*

^f *Nat. hist. l. 2.*
c. 85.

and a quarter. The utmost wall of which *Thucydides* speaks in his second book consisted of five miles a quarter and half, The girdle of *Piræum* and *Munychia* had seven miles and an half more. All which being put together make up but twenty two miles one quarter and one furlong. But *Dion Chrysostom* must be here understood; and it behoves us to conceive that he spake not barely of the naked wals, for then it cannot hold; but I suppose some houses to have been without ^a *οὐκ ἔστι* *ἄνευ* *τοῦ* *ἑσπερίου*, as he saies, *τὸ* *ἀπὸ* *τῆς* *ἑσπερίας* *ἄνευ* *τῆς* *πύλαι* *ἢ* *ταῦτα* *ἔμπετα*. In which I appeal to more judicious heads. Neither can I silently passe by the opinion of *John Meursius*, who reading ^b *Pausanias* these words *Ἀθῶναιος* *ἢ* *δι* *σταδίων* *μάλιστα* *ἔχουσιν* *ἀφ᾽* *ἑσπερίας* *τῆς* *πόλεως* *ἢ* *οὐκ* *ἔστι* *ἄνευ* *θάλασσης*, should presently obtrude to us, that *Pausanias* teaches, that the ^c wall called *Phalericus* is but twenty *stadia* or two mile and an halfe. When indeed he meant nothing lesse. For speaking of salt springs, which he calls *θαλάσσης* *κύματα*, he seems to involve a reason drawne from the nearnesse of the sea. For when he writes of this brackish well, *Among the Athenians, the sea which comes up neere Phalerus is distant from the City but twenty stadia at the most*, quoth he. Where *Amasæus* hath thus strangely doted. *Athene à Phalero absunt stadia hand amplius xx.* And that this was the meaning of the Author, proves that which followes. He might have likewise considered that *οὐκ ἔστι* with a Dative case signifies not onely *juxta* and *prope* as I have translated it; but *supra* sometimes, which will now serve better. And *Meursius* indeed blames the number; but sees not into the words. Now it is not needlesse that the two walls which joynes *Piræum* and *Athens* at so long a distance, be somewhat spoken of, seeing they are reckoned by ^d *Livie* among the *multa visenda*, Many things worthy of sight at *Athens*. These are the *ἑσπερία* *ἑσπερία* in ^e *Propertii* *lib. 3. l. 10*, -- *The sea brachia longa via.* ^f *Appian* of *Alexandria*, *μακρὰ* *ἑσπερία* *ἑσπερία*, and ^g *Plutarch* in *Cimon*. One lying towards the North, of which ^h *Plutarch*. The other towards the South,

^a *Loco citato.*

^b *In A. Gal.*
244. l. 37.

^c *Att. Lect. l. 3.*
C. 4.

^d *Lib. 37.*
^e *Lib. 3. Eleg*
^f *In bello*
^g *Mith. p. 125.*
^h *l. 9.*

ⁱ *Pag. 355. l. 10*
^j *In Pericle. p.*
^k *15. l. 20.*

in height above forty Cubits, as ^a Appian testifies. These are called *δι μέτε τείχη* by ^b Dion Chrysostom, because *Athens* being at one end, and *Piræum* at the other, these were drawn forth between. And when writers speak of *Νόπον διὰ μέτε τείχη* ⊙, it may be conjectured that it is for distinction of that *Νόπον τείχη* ⊙ in the *Acropolis* which *Cimon* built, ^c witnesseth *Pausanias*. *Aristophanes* seems to bring authority for an opinion that *Themistocles* built these. In ^d *Equitibus*.

Τὸν Πειραιᾶ περιέμαζεν.

Which his ^e Scholiast affirms. Τὸν γὰρ Πειραιᾶ Θμιστοκλῆς περιέμαζε τῷ πόλει. For *Themistocles* added *Piræum* to the City. We read in ^f *Probus* that he was the only agent in walling the City, and that he so hastned the accomplishing, that they were faine to be as it were sacrilegious, and make use of materials formerly consecrated to the edifying of Temples and Monuments of the dead. But ^g *Plutarch* gain-saies this, and that he did only τὴν πόλιν ἐξάπην τῶ περιεῶς, ἢ τὴν γλῶ τῆς θαλάσσης, conjoyne the City and *Piræum*, and put the land to take acquaintance with the sea. It seemes somewhat forward before. However, so fennic was the ground it was founded upon, that the worke soone came to great reparation, which ^h *Cimon* the sonne of *Miltiades* undertook. For with stones of an huge weight and lime he made the earth so firm that it could not give. Nay he was so liberall, that he did out of his own expences so great favours, to a people that some years after gratified him with exile. Neither did he only mend the breaches; but in after time ⁱ finished the whole worke, so that he may truly be said to be the founder of them. Let us now come to the Gates of the City. * *Meursius* hath observed tenne, but I feare they will scarce suffice to such a vast City. Take then these. *Dipylon* or *Tbriaasia*, the fairest of all, *velut in ore urbis posita*, placed as it were in the front of the City, saies, *Livie*, *major aliquanto patentiorq̄, quam cetera est*, greater somewhat and wider then the rest. Hence I suppose named *Dipylon* as if it were as big as two gates. Παι, αἰχῆ: Πι-
ραϊα

^a In Mith p. 124. l. ult.
^b Orat. 6.

^c In Attic. p. 19 l. 8.
^d P. 337.

^e P. 338. A. col. 2.
^f In Them. p. 27.

^g In Them p. 89 l. 25.
^h Plut. in Cim. p. 355. l. 14.
ⁱ Plut. p. 355. l. 12. unless τὸ περιεῶν may have respect to Conon who after the victory at Cnidus erected these walls as Pausan. in Atticis, p. 2. l. 14. I would neither deceive my selfe or the Reader.
* Attic. Lect. initio.
^k Dec. 4. l. 1. p. 11. A.

raisa neere the Temple of *Chalcodoon*. Here were buried
 some of those that dyed in fight with the *Amazons* in the time
 of *Theseus*. ^a *Plutarch*. Ἰππιδῆς. *Hippades*. where the bones
 of *Hyperides* the famous Orator rest with his progenitours,
 who being racked under *Antipater*, chose rather to bite off his
 tongue, then to divulge the secrets of his country. ^b *Isegi*. *Sa-*
cra, the sacred gate. We read of this in ^c *Theophrastus's* *Cha-*
*ra*sters but to my great admiration, that the Eagle-eyed *Ca-*
sauhon had not espied a fault. For though it be true that there
 were such gates at *Athens* as *Isegi*, yet is there any that ever
 read *ἡ τῶν τῶν πύλας ἐξενώχου νεκρῶν*, the dead to have been
 carried out to buriall through the Sacred gate? It makes not
 any thing that it was spoken to a stupid fellow, for they spake
 not as our vulgar doe, such as, *When Christmas comes out of*
Wales, write then *Ἡείας*. *Heia* are the gates at which they
 went forth with their corps at the solemnizations of their
 obsequies, the reason of which shall be spoken hereafter.
^d *Demosthenes*, *Αἰγίως πύλαι*. The gate of *Egeus*. It seems to
 have been in *Delphinium* where he dwelt; whence the *Her-*
mes or Image towards the East end of the Temple was called
^e *Ἐρμῆς ἐπ' Αἰγίως πύλαις*. The statue at the gates of *Egeus*.
Μελισσίδης. *Melissias*. Where lyes *Thucydides* the sonne ^f of
Olorus that wrote the *Peloponnesian war*, who after his re-
 turne into his country from banishment, was treacherously
 murdered, his Sepulchre stands neere these gates ^g *Πάνσανι-*
ας. *Κεραμικῆ*. *Ceramicea*. These are called by *Xenophon* αἱ ἐν τῷ
Κεραμικῷ πύλαι The gates in *Ceramicus*, where many of the
Lacedæmonians were buried, which dyed in the seditious war
 that *Thrasylbulus* made against the thirty Tyrants. ^h *Xeno-*
phon. *Διοχάρης πύλαι*. The gates of *Diochares*. Of whom I
 have nought to speake. *Ἀχαρνικῆ πύλαι*. The *Acharnan gates*.
 I suppose they were called so from that Towne or Village
 neere, named *Acharnia*, to which it is probable it looked. For
 so did the ancients name their Gates from the Towne to
 which they were neere. The *Romans* their *porta Collatina*
 from

^a In *Theleo*.
 p. 91. 80.

^b ἐν βίαις ἡ
 p. 456.
^c ἐπὶ ἀνατολῆν
Cicero. p. 45.

^d *Pag.* 925.
num. 95.

^e *Plut.* *Theo.*
 p. 41. 21.

^f *Atticis* p. 21.
 42.

^g *Βυλλωνικ.* β.
 p. 79. 1. 43.

from *Collatia*, a Burge not farre off. And happily it is so here, as also in *Διομναι Diomæa*; for *Diomus* is a people of *Athens* not any great matter distant from the City. *Θρακίαι Thracia*. These are all that ever I met with named: others there are obscurely pointed at by *Pausanias*, as that neare the Gallery which from its various draughts they call *Pæcile*, where is the effigies of *Mercurie* *Agoraus* in brasse. And others about the beginning of his *Attica*, of which I had better hold my peace then speake as good as nothing. Thus have we found twelve gates; which being opened, enter; sucke that sweet aire, whose excellent purity brought forth such acute wits^b and prepared with a most happy bounty understanding judgements for contemplation. Whence *Euripides* may well straine to this note, that *Venus* sitting neare, and adorning herselfe, sends forth continually *Cupids of learning*, *πανπίης ἀρετῆς ξυνορ ἔς*. Well may he bleste that clime stiling it, *ἡ λαμπρώτατη αἰθήρα*, which hath beene the Mother of the *Muses* (by the leave of *Mnemosyne*) or at least the Nurse to them, for there are they said to have travelled with *Harmonia*; as if there were no such melodious content, as in the Sciences. Let not *Theophrastus* assert all *Greece* to lye under the same temperature and disposition of the heavens, when at this day it may be spoken, as once *Aristides* did of it. ^fNo coast so truly void of all earthly dregs, and participating more of the celestiall and defecated aire. Not unworthily hath *Sepholcles* beene lavish in expressions. ^gFamous, ^hThe most renowned, ⁱHappy, ^kSacred *Athens*. *Pindarus*. ^lWonderfull. ^mMuch spoken of. ⁿNeat, &c. To the making up of her delight comes to all the river *Cephisus*, which is able to beare vessels of a good burthen, as I have been informed, but the *Turkes* fearing lest it might be advantagious to an enemy that might invade them, have cut it into many and sundry little streams damming up with an innumerable quantity of stones the mouth of the river for a mile in length. Thinking they have sufficiently prevented, which they did but suppose could happen.

Meursius hath added two. *Ionæ*, & *Scæ*. in *Atticæ*, which I never saw untill I had written this place, as God and men is n.y witness. I speak lest any should thinke that I have stolne out of him, because we meet a *Atticis* p. 14. l. 11. ^b *Cassiod.* Var. l. 12. ^c *Medea*. p. 460. 461. ^d *Med.* p. 459. ^e In *Pæc.* ad *Charact.* ^f *Tom.* 1. p. 173.

^g *Aia.* p. 57. ^h *Oed. Col.* p. 258. ⁱ *Oed. Col.* p. 264. ^k *Aia.* p. 71. ^l m. p. 361.

CAP. III.

Ἀθηναῖοι. Ἀθωαῖοι, *Mores, & Ingenia.* τὸ μισθὰ ἔρθεον. *Quantum hodierni differunt à veteribus; & qualem vitam rationem modumq̄, habent.*

a ἐν βίῳ Ἑλλ.
λαδ. 6.
p. 169.

THE Athenians by *Dicaearchus* are divided into two sorts, Ἀθηναῖοι, *Atticos*, and Ἀθωαῖοι. Of which though there were no difference in latter times, yet certainly of old there was. Inſomuch as one of the puniſhments, which the Athenians are ſaid to inflict upon their women (for the appeaſing of *Neptune*, bringing in an inundation upon their fields to their great damage, in anger conceived for loſſe of the Title of the City) was this, ^b That none ſhould after call them Ἀθωαῖα, *Athenians*, but Ἀθηναῖα, *Atticas*. A revenge I ſuppoſe opprobrious enough. For thus writes my Author. Οἱ περὶ, πειράροι ἢ ληϊαῖς, ὑπελοῖοι, σοκοφαντόεις, & καταρητὰ τῶν ξενικῶν βίῳι. *Curious bablers, Deceitfull, Calumniators, Observers of the lives of ſtrangers*, Πειράροι ταῖς λαλιαῖς. A ſufficient witneſſe of this is ^c *S^c Lake*, that ſaies, they did regard nothing more then to heare and ſpeake novelty. To which end they often met in Barbers ſhops, where all the news that was going in thoſe daies, was currant. Hence ſay we, *verba in tonſtrinis preculcata*: and in Greek ἐπὶ τοῖς κερταίοις λόγῳ, ^d *Ariſtophanes*.

b Varro apud
Aug. de Civ.
Dei. l. 18. c. 9.

c A. R. 17.

d In Plutop.
38.

Καὶ τοὶ λόγῳ γ' ἰσὶ, ἐν τῇ Ἡράκλειά, πολὺς
ἐπὶ πῶσι κερταίοισι κερταίων
ὧς ἐξ ἀπύνης ἀπὸ τοῦ γερῶν πλάσθη.

They that ſate in the Barbers ſhops did talke much that he was ſuddenly growne rich. The Scholiſt ſeemes to take the meaning as if the Comædian had quipped them for reſorting to Barbers, and neglecting Barber Chirurgions of better credit. But I ſee no reaſon. They met in both to prattle. ^e *Ælian* Καθεζομένης ἐν ἰατρῶν, ἰατρῶδες, ἡ κακῶς ἀγορεύειν ἐκ παντὸς ἔπει.

e Var. hiſt. lib.
3. c. 7.

Συκοφάντης. Sitting in a Chirurgions shop, scandalous, and thir-
 stie to speake ill by all meanes. *Ἰταλιανός*. men Italianized, who
 can smile, even when they cut your throat. Such as *Theophras-
 tus* hath in his Characters drawn out, who can be affable to
 their enemies, and disguise their hatred in commendation,
 while they privily lay their snares; that salute with mortall
 embracements, and claspe you in those armes, which they
 meane to embrew in your dearest blood. In summe, faite
 without, but rotten within, like a wound which is healed a-
 bove and seemes sound, but putrifies under the skin. And so
 much the word doth import. *Συκοφάντης*. Given to false ac-
 cusations. The Scholiast of *Aristophanes* writes, that it be-
 ing forbidden to carry figges out of *Athens*, and some never-
 thelesse the decree being absolute against it, presuming so to
 doe, they set rogues in the gates that did appeach them (as
Plutarch likewise.) Hence came this word to be used for
 any crafty knave that gets his living by promoting, *ἄπο συ-
 κοφάντιος ζῶν*. One that meddles in every mans affairs, and
 therefore *Aristophanes* hath fitly brought one upon the
 scene terming himselfe an Overseer both of private and pub-
 like matters: If then such a person had espied any tripping,
 and gotten him upon the hip, he would as sure have fetched
 him over for his coyn, as any Summoner doth a person delin-
 quent towards the flesh, or any Lawyer a credulous client, &
 having well plumed him, afterwards give him a dimissorie.
Ευκρίτης (*Sycophanta*) *ὡς δὲ παρ' ὧν γνήματα λαμβάνοιεν, ζῶν εἶον.*
Xenophon. Such were many in *Athens*, insomuch that *Aristotle*
 being asked what *Athens* was, answered, *πᾶσι γὰρ ἅνθρωποις* All beanie-
 full, *ἀλλ' ὁππότερ' ἄνθρωπος ἴσθαι σὺκκὸν δ' ἐπι σὺκκῷ*, in a verse of *Ho-
 mer* in the description of *Alcinous* his garden, but pears grew
 ripe after pears, and figs after figs, meaning a continuall
 succession of *Sycophants*. This made *Isocrates* the Oratour to
 compare the City to a *Cuttezan*, with whom few there were
 but would have to doe, yet none dare take to wife; affirming
 it to be the best place to sojourn in, but the worst to inhabit:

a Cap. 28
εὐκρίτης.

b In *Plut.* p. 5.

c In *Solone*
 p. 65.

d *Xenophon*.
Ἐκκλ. μ. β.
 p. 271 l. 20.

e *Pluto*, p. 90.
 p. 51. b.

f *Ἐκκλ. β.*
 p. 272 l. 19.
 g *Ὀδυσσ. γ.*

By reason of their Sycophants and trecheries of nimble tongue Oratours. Πάραπρητοι τῶν ξενικῶν βίωσι. I was once halfe in an opinion that these words were to have been put to the former thus, συκοφαντόδεσι ἀπαπρητοι τῶν ξενικῶν βίωσι. And I thinke the sense will runne well, *Malitious observers of the lives of strangers.* The Athenians were φιλόξενοι and held hospitality sacred, and I doubt not but they had that Law, *That forrainers should receive no wrong,* (ἵνα μη ἀδικῶν.) ^a *Socrates* in *Xenophon*. Now he discommends the Ἀθηκοὶ as ready to trouble and vex strangers in law, duly marking and bearing an eye unto them to take them at an advantage: As for the Athenienses they were μεγαλόψυχοι ἀπλότους ἑσπίους, φιλίας γήσιοι φύλακες, *Brave spirited, single dealing, and faithfull friends.* But as the words were at length contounded, so did their manners degenerate, growing into ἀνωμαλίαν τῆς φύσεως, an *Irregularity of nature.* as ^b *Polybius*. No μεγαλόψυχία afterwards, but hautinesse of spirit, magnanimity now fallen. And when ^c *Livy* sayes *ex vetere fortuna nihil prater animos servare*, hee meanes, they had nothing left but those proud spirits, which their ancient flourishing fortune had puffed up. No ἀπλότης, or simplicity, ^d *no lambe like innocency*, or mildnesse; but as ^e *Plutarch* speakes, *people rashly angry, soone pitifull, rather inclined sharply to take opinion, then quietly to be enformed.* And as they are ready to helpe base and object peasants, so friendly doe they entertaine childish and ridiculous toys, rejoycing in their owne praises, and nothing moved with scurrilisy. Fearfull and terrible even to their governours, humane towards their enemies. Not unfitly then ^f *Valerius Maximus*, *Quantum ergo reprehensionem merentur, &c.* How deserve they to be blamed; who though they had just laws, yet had most wicked disposition, and chose rather to take their owne courses, then put in practise their statntes? As for their impudence, so great was it, that to expresse a countenance void of shame, the Comedian hath put Ἀθηκὸν βλέπον, *An Athenian looke,* in ^g *Nubibus*. φιλίας γήσιοι φύλακες, So accounted in the time of ^h *Paterculus*,

^a Απομνημ. β.
P. 428.

^b Lib. 6.

^c Dec. 4 p. 7. 11

^d Aristoph. p.
694.

^e Πολιτ. πα-
ρ. 47. P. 387.

^f Lib. 4 c. 3.
p. 207.

^g Ραβ. 1 89 g.
^h Lib. 2. p. 47.

culus, that what was done in sincerity and faithfull trust, the Romans would say, it was performed *sive Attica* with an Athenian loyalty. Feare and power might make them trusty, but how they brake their leagues, took part with other *Illanders* against confederates, and violated the laws of arms, Historians are not dumb. As for their wrath it was *αειδινησθε*, ever mindfull, as *Virgil. memor ira*. And the hatred they prosecuted the *Barbarians* withall was so unquenchable, that it burned against ^aall *Barbarians* for the *Persians* sake; and they ^bforbad them their sacrifices as they used to doe murderers among them. Where you must note that all that were not *Grecians* were called of them *Barbarians*. But loe! How are they now become all barbarous! whether or no people of *Africa* or some of the *Catelan* I cannot justly tell. *Mahumetans* all, poore and miserable, living by rapine, or fishing, or tilling the earth, ^c*Favolius* *Duraq₃ coalti*

^a *Æneid. 1.*

^b *Isocrat. in Pan p. 109.*

^c *Hodæp. Byz l. 3.*

Pauperie assuerunt vitam tolerare rapina.
Aut passim infestant furto, raptoq₃ propinqua
Æquora pirata, sed qua pars æquior, hamis
Fallit inescatos tereti sub arundine pisces.
Aut desolatas exerceat vomere terras,
Semper inops, misera, infelix, rerum omnium egena.
 Opprest with need they doe their life sustaine
 By rapine, and anoy the neighbour maine
 With pillaging. Who are more just and good
 With angling doe the silly fish delude;
 Or plough the grounds made desolate before,
 Unhappy, wretched, mis'erable, still poore.

C A P. IV.

*De populo divisione, Ευπατρίδαι. Γεωμόροι. Δημιουργοί. Πλεττακοσιομέ-
θιμοι. Ιπατρίες. Ζωγίη. Θήρες. Quid Atheniensibus cum Æ-
gyptiis commune.*

a. So doth Di-
onysius Hali-
carnassens di-
vide them into
Ευπατρίδαι &
Προίκοι.
lib. 2. n. 2.

Here were at first but two kinds of people in Athens, a two orders quibus inter gradus dignitatis fortunæq, aliquid interlucobat, in which there was difference of dignity & fortune: such as at this day are in France either Peers or Peasants, or as in Venice Particians and Plebeians. And although Pollux calls them τρία γένη, three sorts, yet I make but two, because the γεωμόροι were not any way more gentile for blood, surpassing for riches, or happy for life. But because he hath so set them, take them thus, as he speaks: τρία γένη ἐστὶν πάλαι. Ευπατρίδαι, Γεωμόροι. Δημιουργοί. Ευπατρίδαι, *Eupatride*, were such as were descended from the loyns of those *Heroes* famous in the Greek history, whose families were ever renowned, and posterity propagated to many generations; such as *Praxiergide*, *Eteobutada*, *Alcmaeonide*, *Cynide*, *Ceryces*, &c. whom we may tearme Nobles, or men of good birth. Γεωμόροι, *Geomori*, may not seeme unlike our Yeomen, who had lands of their own, and sustained themselves with the fruit and commodity of their possessions. Δημιουργοί, *Demiurgi*, were men of some handi-craft, Tradesmen, such as Tentmakers, Shoemakers, Carpenters, Masons, and the like. But Solon made another division. For when the *Diacrii*, which were those that lived in the upper part of the City, οἱ ἐξ ἄστεω, saies *Diogenes Laertius*; and the *Pediai* which likewise are πεδῆις, such as lived in the middle of the City, or the plain. And the *Paralii* who lived neare the sea, were at contention about government. The *Diacrii* leaning to a Democratic, as *Plutarch* writes, the *Pediai* to an Oligarchie, and the *Paralii* between both, and had chosen *Solon* to arbitrate and determine the matter

b Pollux. l. 8.
c. 9. p. 404.

c In Solone.

d Pag 61. in
Solonam.

matter; he made these four ranks. Πεντακοσιμεδίμνος, Ἴππαις, Ζεγγίταις, Θῆταις, *Pentacosimedimnos. Equites. Zengitas. Thetas.* *Pentacosimedimni* were those who ἐν ξηραῖς ὄμα καὶ ὑγρῶν, could make five hundred measures in wet, and drie commodities alike. What *Possardus* then brings out of *Varro* concerning *modium*, hath no place here, for he supposes that *Pentacosimedimnus* was he that had as much ground as fifty *Medimni* could suffice to sow, but here I will confute him with a wet finger, ἐν ὑδατῶν. For he seems to sow upon the waters. This is he whom the *Elzevirii* printed at *Leyden*, anno 1635. under the name of *Postellus* who was sometime a Professor of Tongues in *France*, and author of the Treatise *de Magistratibus Atheniensium*. *Equites* were such as were of ability to keep an horse, or had the quantity of three hundred measures in dry, & as many in wet; called likewise Ἴππιδαι τελευτήτες. *Zengite*, were such as could of wet and dry in all make but three hundred. Any of these three could beare office in the Commonwealth. A fourth ranke which he called Ἰσθηταί, *Thetas*, a name from servility, which had no power in the rule of the weale publique. But it had not beene amisse if I had shewn how the *Egyptians* had divided their people into three classes as the *Athenians* did, as I have spoken above. For the first degree or *Enpatride* addicted to learning and study, who were had in greater honour, answer to the *Egyptian* Priests. Nay those great houses in *Athens* had Priesthood by succession, as *Eumolpide, Ceryces, Cynide*. For out of the stock were chosen Priests, hence ἱερὸς οὐρανὸν ἐκ ἄλλοις in *Demosthenes*. The *Geomori* who had lands assigned to them for the maintenance of the war, are not dislike them in *Egypt* who hold possessions on these tearmes, namely to provide souldiers when need shall require to fight. The *Demiurgi* resemble those *Plebeians* who skiltfull in some art, did set out their labour to daily hire: as *Diodorus Siculus* can testifie.

^a Plut. p. 65.

^b Plutarch. 10. co prædixo.

^c Plut. Thef. p. 8. l. 18.

^d Pag 741. num. 164.

CAP. V.

Tribus quatuor sub Cecrope mutata earum nomina. Augustus
 à Clisthene : duæ additæ. Φεστεια. Φεστορες. Τετθίς. Γενθ.
 Tribulum Κοινωνία Φυλετηρῶν δ' εἰπία, φεστρηῶν.

IN Athens there were but foure Tribes under the rule of
 Cecrops. Cecropis, *Autochthon*, *Actea*, *Paralia*; which had
 other names put to them, *Cranaïs*, *Atthis*, *Mesogæa*, *Diacris*.
 I suppose from the parts of *Attica*, it lying partly neare the
 sea, thence *Actea* partly hilly, thence *Diacris*, partly Medi-
 terrane, thence *Mesogæa*, the other name from the King that
 was then; whether the King would honour the Tribe so
 much, or the Tribe glory in the name of the King, I know
 not. It is probable that it was an honour to their governour,
 for as *Cecrops* gave the first names, *Cranaus* the second, each
 assuming a title to himselfe, *Eriethonius* called them after the
 name of *Jupiter*, *Pallas*, *Neptune*, *Vulcan*. *Διός. Αθηνάϊς. Ποσει-*
δωνιάς. Ηφαιστιάς. But when *Ion* came to rule they were named
 after his foure sonnes, *Geleontes*, *Egicoreis*, *Argades*, *Hople-*
tes, as ^a *Herodotus* and ^b *Euripides*; though *Plutarch* sayes
 that they were so called ^c *ἐπὶ τῶν βίων, εἰς αἰσπεδῶνται οἱ βίοι τῶν*
προσώτων, from the courses of life which they first tooke. But
Clisthenes a man factious and wealthy is said by the Council
 of ^d *Apollo*, *Alcæon* being *Archon* to make tenne of them,
 changing the ancient titles, & taking new from some Demi-
 gods or *Heroes* borne in that land all, except *Ajax*, whom
 though a stranger, he put to the rest, as a neighbour and com-
 panion. ^e *Herodotus*. These then were called *Ἐπωνυμοί*, as you
 would say giving names; the word so signifies sometimes, as
Minerva is said by *Dion Chrysostom*: *Ἐπωνυμῶς Αθηνῶν*, who
 gave the name to *Athens*. To these were erected Statues near
 the Councell place of the Senate. Their names are these as

^a In Terpsic.
p. 137.

^b In Ione ver-
sus suem.

^c In Solon p.
68.

^d Aristides T.
1. p. 336. A.
T. 1. p. 352.

^e In Terpsic.
p. 137.

^f In Arg. p. 45.

^f *Pausanias* hath them, *Hippothon*, *Antiochus*, *Ajax Telamoni-*
nis,

nus, Leo, Erechthens that slew Immaradus the sonne of Eumolpus in the Eleusinian war, Ægeus, Oeneus, Atamas, Cærops, Pandion. From these Ἰαποδωρονίς, Ἀνποχίς, Αἰαντίς, Λεωνίς, Οἰωνίς, Ἀκαμασίς, Κεχροπίς, Πανδονίς To which they put two more, one called after Antigonus, the other after Demetrius his name, in gratuity to them for the favours received; which in proceſſe of time they changed into Attalis, and Ptolemais, as Stephanus writes, διὰ τῆς ἐπιπονούων εὐερσιτεθῆναι βασιλέων, having beene curteously entreated by the * Kings bearing that name. Which being so, let us take heed that Livie deceive us not, who at the time, when Attalus did succour the Athenians against Philip, saies they first thought of adding that Tribe to the tenne, in thanksgiving that the Rhodii rescued four fighting ships of the Athenians taken by the Macedonians, and sent them home, ^a Tum primum mentio illata de tribu quam Attalida appellarent, ad decem veteres tribus addenda. Thus have we seene that there were twelve Tribes in all. Let us look back to the first institution. I suppose they were first ordained for the better administration of civill government.

^b Eusebius writes that they were divided in imitation of the year, the foure Tribes according to the four quarters; each Tribe into three Fraternities, which they call τριπλῆς or φεαργίας answerable to the twelve Moneths, each φεαργία or τριπλῆς into thirty γέν or kindreds equalising the dayes. For so many only had the year of old. Witnesse the Riddle of ^c Cleobulus concerning the year,

Ἐἷς πατήρ, πᾶνδες ἢ δωάντα· τῆς ἢ ἐν σέσω
 Πᾶδες τριήκοντα, δ' αὖ δ' ἵχα εἶδος ἔχουσι.

One Father had twelve Sonnes, and each son thirty daughters, and every daughter black and white, meaning daies and nights. Over these were governours φυλοκαταίης, Kings of the Tribes, who sate upon controversies between party and party of their owne Tribes. Each Tertian also had his overseer called, Τεινάρης the Ruler of the Τριτύς or Phratria. The word may seeme to signifie a Society, fellowship, or

* These are reckoned among the Eponymos in Paul. p. 5. who had Statues likewise. a Decad. 4. l. 1. p. 6.

^b In II. b. pag. 181.

^c Laertius p. 63. l. 1.

company. It skills not whether you derive it from *οαρία*, as *Eustath.* or *πατεία*, as *Suidas*, or *φρίαρ*, as others, which is a Well, because they drew water from the same well. For the place being scanty of Springs where *Athens* was founded, there being but one well-spring in *Athens*, they were constrained to use *φρίασι πινιτοῖς*, digged wells, as ^a *Plutarch.* *φριπτορες* are the men of that society, called by *Tully*, *Curiales*, of the same Ward. speaking of *Cimon*, who gave command that his servants should afford what they had if any *Laciades* should come into his Farme. In description of which thing *Plutarch* uses *δημιότης*, which then we are not to interpret (*Curialis*, for this is as much as *συγγενής*, and *συμφυλῆτις*) but *popularis*. These at festivall daies in *Athens* met in a place called *Phratrion*, as ^b *Eustathius* observes, & ^c *Pollux* (where they brought their children to be ingrossed in their books, as shall be hereafter spoken with the reasons thereof) *φρατίζειν*, *Phratrizein* from hence comes which is *πρὸς φρατρίαν* *Ἐπιέναι*, to meet, for so *Eustathius* in another place, *ἐς πρὸς Ἐπιέναι*. As for the *γένη* or kindreds wee must not thinke that they were of one blood, but from that neare conjunction which they had each with other being admitted into this society. *Ἐνὲ μὲν* (every *Γένος* or kindred consisted of thirtie, whence they were named *τριακάδες*) ἢ *πρὸς ἑσπόμετες*, *ἐν ἡ τὸ σωθὲν ἔτα ἀφ' ἑαυτῶν ἀφ' ἑαυτῶν* Not of affinity so called, but for their Synod; which the Grammarians call *σύστημα κοινοφρονῶν*, a Communicative familiarity, *κοινωνία* being a participating in one thing, or having an equall share in the same priviledges. Great was their care of each other; great was their mutuall love; which that it might continue, *Solon* their Law-giver ordained certaine feasts to be provided, wherein they should kindly entertaine each other. *δῆμιτα φυλετικά*, and *φρατειακά*. ^c *Athenæus*. *Τῶν δὲ νῦν δῆμιτων προνοήσας ἐν νομοθέσῳ τὰ τε φυλετικά δῆμιτα καὶ τὰ δημοτικά προσέταξεν ἐπὶ τῶν διασέως καὶ τῶν φρατειακά. &c.* Of feasts celebrated at this day the Law-makers have appointed *Phyletica* for Tribes, *Demotica* for the people or popular,

moreover

^a in Solone p.
65. 34.

^b Iliad. β pag.
181. & II. 1.
pag. 629.
^c Lib. 3. c. 4.

^d Dipnoloph.
l. 5. p. 185. d.

Moreover *Thiasos* for Colledges (as Philosophers for the death of their Grand Masters) and *Phratrica* for the same Ward. Hence *ἑστάζειν τῷ φυλῶ* and *ἑστάζειν τῷ φρατρῶς*. Of which in due time. The reason of this the *Diponosophist* gives, saying that wine hath *ἑλκυστικὸν πρὸς φιλίαν*, an attractive and perswading force to procure love and friendship.

C A P. VI.

Græcia vicatim habitata. Δῆμοι quid? Atheniensibus proprium habere δῆμος. Quot? Tempa & sacra pagatim.

ALL Greece was inhabited *κτῆ κάμας*, as ^a *Thucydides* a Lib. 1. speaks, by Villages before there were any Townes; from whence comes the word *Comædie*. ^b *At verò nondum vocatis in urbem Atheniensibus, cum Apollini Nomio, id est, Pastorum vicinorumq; præsidi Deo, constructis aris in honorem divina rei circum Attica vicos, villas, & compita festum carmen solenniter cantarent: orta est Comædia ἀπὸ τῶ κωμάζειν κτῆ ἀδειν, quod est, commessatam ire cantantes.* The Athenians being as yet not gathered into Corporations, when they sung sacred hymnes to *Apollo Nomius*, that is, the President of the shepherds and neighbours, about the villages, houses and crosse waies of *Attica*, altars being built in honour of the celebrity, sprung up a *Comædie ἀπὸ τῶ κωμάζειν κτῆ ἀδειν* from revelling and singing. Others will have it derived from an ancient custome they had, when any were injured among them, for the party wronged to come to the street where the offender lived, and in the night time to cry aloud, ^c *Ὁ δεινα ἀδικῆ, κτῆ τὰ τὰ παρῆται, θεῶν ὄντων κτῆ νόμων.* c Thomas Magister. *Such a one doth wrong, and commits such and such outrages, although there be Gods and Laws, by which these abuses were reformed.* But the *Anonymus* in a preface to *Aristophanes* saies, *μὴ κάμας καλεῖται τῶν Ἀθωαίων, ἀλλὰ δῆμος*, that they were not called *κάμας* or villages by the Athenians, but *δῆμος* which they translate

state *Populos*, better in my minde *oppida* or Townes. *Cicero*
ad Atticum. Venio ad *Piræa* in quo magis reprehendendus
 sum, quod homo Romanus *Piræa* scripserim, non *Piræum* (sic
 enim omnes nostri locuti sunt) quam quod *M.* addiderim. Non
 enim hoc ut oppido prapofui, sed ut loco: & tamen *Dionysius* nos-
 ter, qui est n. *biscum*, & *Nicias* Cous, non rebatur oppidum esse
Piræa, sed de eo videro. Nostrum quidem si est peccatum, in eo
 est, quod non ut de oppido locutus sum, sed ut de loco: secutusq;
 sum non dico *Cacilius*, Mane ut ex portu in *Piræum* (malus
 enim auctor Latinitatis est) sed *Terentium* cujus *sabella* propter
 elegantiam sermonis putabantur à *Caio Lelio* scribi. Heri
 aliquot adolescentuli coimus in *Piræum*, & idem, Mercator
 hoc addebat captam de *Sunio*. Quod si *δήμους* oppida volumus
 esse, tam est oppidum *Sunium* quam *Piræus*. If so be we will
 have *δήμους* to be Townes, *Sunium* as well as *Piræus* is a
 Towne. These were formerly kingdoms as *Pausanias* te-
 stifies. Γέγραπται δὲ δήμοι, τὴν ἐν τοῖς δήμοις φάναι πολλούς, ὡς καὶ περὶ τὸ
 ἀρχαῖος ἐστὶν ἀσπίδων τοῦ Κέκροπος. Moreover I have written, that
 some of the Townes were governed by a King before the
 reigne of *Cecrops*. And no marvell, for some of them farre
 surpassed other Cities, as *Aristides* affirmeth. These were
 most peculiar to the Athenians, anciently called *νευκλαεῖοι*,
 as *Aristoph. Schol.* or *Ναυκλαεῖοι*, as *Polux*, twelve belong-
 ing to every Tribe. But *Clisthenes* changed them into *δήμους*,
 as out of *Aristotle* the *Schol.* of *Aristoph.* The number of
 them is, as *Eustathius* out of *Strabo*, and *Casaubon*, an hun-
 dred seventy foure. Some whereof having the same name
 are distinguished according to their situations *καὶ ἀνωτέρωθεν*: and
καὶ κατωτέρωθεν, as we may say the upper and the lower Wakefield,
 &c. All of them are divided into Greater and Lesser. The
 ἡ μικροὶ or lesse are these. *Alimusis*, *Zoster*, *Prospaltii*, *Ana-
 gyrsii*, *Cephale*, *Præcis*, *Lampreis*, *Phlycis*, *Myrrinusi*,
Athmoneis, *Acharna*, *Marathon*, *Brauron*, *Rhamnus*. The
 rest were greater. Take them promiscuous according to
 their Tribes.

a Lib. 7. Ep. 3.

b Atticis p. 30.
b. 42.

c In Panath.
T. 1. p. 326,
d Nub. pag.
225. c.

e L. 8. p. 430.
f In Il. b pag.
215.

g In Athenæ-
um l. 6. c. 9.

h Paulan. Att.
pag. 30.

ΚΕΚΟΠΙΣ.

Αἰζώνη. Δαδαλίδα. Επείδα. Συπέτη. Πίθος. Συπληθής. Τεινεμίς. Αθμονον. ἢ Αθμορία. Αλαί Αἰζωνίδες. Φλύα. *Exone.* *Dadalida*, *Epicsida*, *Xypete*, *Pithus*, *Sypalettus*, *Trincmei*, *Athmonon* or *Athmonia*, *Ala* *Exonides*. *Phlya*.

ΕΡΕΧΘΗΣ.

Αγρούλη ἢ Αγρόλη. Ευνομία ἢ Ευνομίον. Θήμανοι ἢ Θήμανος. Κιρυσία. Λαμπρά. Καδύφορον. Λαμπρά. Ἐπέρεθρον ἢ παρσάλιος. Παμβωτιάδα. Περγασί. Συβείδα. Φηγῆς. Αναγυρῆς. *Agrauls* or *Agryle*. *Eponymia* or *Eponymus*. *Themasi* or *Themacus*. *Cephisia*. The upper *Lampra*. The lower *Lampra*, in which *Sigonius* erres calling one the maritime, the other the inferior, which to be one and the same I have shewn above. *Pambotada*, *Pergase*. *Sybrida*, *Phegus*, *Anagyris*.

Παρδελίς.

Ἀγγελή. Κυδαθηνάιον. Κυθέρων. Οἶα ἢ Οἶς. Παιανία καδυπερθεῖα. Παιανία Ἐπέρεθρον. Πυθαλίθος. Στιρεία. Φηλαία. Μυρβίνος. *Angela*. *Cydathenium*. *Cybarum*. *Oa* or *Oeis*. The upper *Paania*, the under *Paania*. *Probalinthus*. *Stiria*. *Phega*. *Myrbinus*.

Αιγυίς.

Αλαί Αεραφνίδες. Αεραφύ. Βαπή Γαρδηπός. Διομεία. Ερεχθία. Εείκρια. Ἐχρία. Ἰκαεία ἢ Ἰκαεῖος. Κολυττός. Κυδαθίδει Πλωθία. Γίθρα. Φηλαία. Φιλιάδα. Χολίδα. *Ala* *Araphenides*. *Araphen*. *Bate*. *Gargettus*. *Dionea*. *Erethia*. *Ericria*. *Ecbria*. *Icaria* or *Icarus*. *Ionida*. *Colyttus*. *Cydantida*. *Plothea*. *Tisbras*. *Phegan*. *Philade*. *Cholliaa*.

Ακαμαντίς.

Αγῆς. Ερεσίδα. Ερμῶς ἢ Ερμῶ. Ηρασιπιάδα. Θόεικος. Ἰτέα. Κίκωα. Σοφίς. Χόλαργος. Χόλαργι. Χολαργία. Κεφαλή. Προσπάλη. *Agnus*. *Erisida*. *Hermus* or *Hermi*. *Hephestiada*. *Thoricus*. *Itea*. *Cicyana*. *Sphettus*. *Cholargus* *Cholargi* *Cholargia*. *Cephale*. *Prospalta*.

Λεοντίς.

Αἰδαλίδα. Αἰδαλίχ. Αἰδίνα. Δεφνίδες. Εγγλή. Ευπυρίδα. Κεφί.

Κρωτία Λακόνιον. Ὀιον Κερεμ. Παιονίδα. Πήληκας. Ποταμός.
Σκαμβωνίδα. Σύνιον. Υβα Υβάδα Φριάφοι Μαραθών. Αλιμύς.
Athalida Athalia. Aphidna. Dirades. Hecale. Syprade.
Cetti. Cropsia. Lemconium. Oeum Ceramicum. Peonida. Pele-
ces. Potamus. Scambonida. Sunium. Hyba Hybada. Phrearrri.
Marathon. Alimus.

Ιποθοοντίς.

Αζωιά. Αμαξανία. Ανάγρια. Αχρεός. Δεκέλεια. Ελαιδής Ε-
ραιός. Ελδύσις. Ερειάδα. Θυμοσίδα. Κεσειάδα. Κορυθαλλός. Ὀιον
Δεκέλ. Οινόη Ελδύς. Σφενδάλη. *Azenia. Amaxantea. Anacsa.*
Acherdus. Decelia. Eleus. Eleusis. Ereada. Thymetada.
Ceriada. Corydabus. Oeum Decelicum. Oeum ad Eleutheras.
Sphendale.

Αιποχίς.

Αιγιλία ἢ Αιγίλος. Αλωπεική Αλωπεικί. Αμφίβυτι. Ανάφλυστες. Α-
τιών Ατιώια Βήσα. Θοραί. Κειώα. Λάκοπύρα. Μελαινεΐς ἢ Μέλαινα.
Παλλώνη. Πεντίλις. Σημαχίδα. Φάληρον. *Aegilia* or *Aegilus.*
Alopec or *Alopeca. Amphitrope. Anaphlystus. Atene* or *Atenia.*
Bessa. Thora. Criða. Leucopyra. Melaneis or *Melana. Pallene.*
Pentele. Semachida. Phalerum.

Αιαντίς.

Οινόη Μαραθ. Τιτακίδα. Τεικόρουθος. Ραμνός. *Oenoe* at *Ma-*
rathon. Titasida. Tricorythus. Rhamnus. Of this Tribe were
some towns taken away & put to other, *Aphydna, Persida, &c.*

Οινίης.

Βύβεια, Βυβιάδα. Επικηφισία. Θρία ἢ Θρίω. Ιπποτάδα. Λακία,
Λακιάδα. Λυσία. Μελίτη. Οη ἢ Ὀση. Πεισίδου. Πηλέα. Φυλή.
Αχάρινα. Τυρμίδα. *Butea, Butada. Epicephisa. Thria* or *Thrio.*
Hippotomada. Lacia Laciada. Lusia. Melisse. Oc or *Æa. Pe-*
rishada. Pselea. Phyle. Acharna. Tyrmida.

Πυλωνίης.

Βερενικίδα. Θυρρανίδα. *Beronicide. Thyrgonida.* Κονθύλη.
Conthyle.

Απάλις

Απολλωνίης. *Apolloniensis.* These are all which authours
make

make mention of according to their Tribes, others there are, which I know not how to distribute, none of the Antients either directing or furnishing me. But these are they: *Agra, Anchesmus, Amphiade, Arebilis, Astypalea, Atalanta, Achradus, Belbina, Brauron, Brilessus, Enna, Echelida, Zoster, Thrion, Gale, Ceda, Cothecida, Coele, Cynosarges, Ceramicus* without the City, the same with *Academia, Laurium, Lenaeum, Limnae, Munychia, Parnes, Pnyx, Patroclus* his ditch or trench, *Scirum, Sporgilus, Hydrusa, Hymettus, Hysia, Phaura, Phormisii, Phrittii, Phoron, Chitone, Oropus*. To which are put the Islands, called *Pharmacusa*, two in number and *Psittalia*. The Scholiast of ^a *Aristophanes* speaks as if *Io* were a *Demus*, but I say not with him. The greatest use we have of these among authors, is in their forme of Law, matters of contracts, and the like, that there might be no fraud or deceit; that none either unjustly be taxed for any thing, or tax an other. Hence we read such punctuall clauses in their writs; N. the son of N. dwelling at *Alopeca*, ἐκ Κοίλων, ἐκ Μελίτης, ἐκ Κεραυίων, of *Cale*, of *Melite*, of *Cerameis*. In these villages were Temples of the gods. ^b *Livie*, *Templo pagatim sacrata*. And againe, *Delubra sibi fuisse, quae quondam pagatim habitantes in parvis illis castellis usq; consecrata, ne in unam quidem urbem contributi majores sui deserta reliquerint*. So much witnesseth ^c *Pausanias*, who tells us that they worshipped some peculiar Deity, and yet neverthelesse did *πῶ Ἀθῶν* ἄγειν ἐν πῶν, honour *Minerva*. Some of them had peculiar festivalls, as *Brauron* the solemnities *Brauronea*, to *Diana*. *Diomea* to *Jupiter Diomeus, Chitonea*, &c.

^a In Ranis p. 235.

^b Dec. 4. l. 1. p. 12. 13.

^c In Attic. p. 77. l. 40.

CAP. VII.

Τυραννίς. Ολιγαρχία. Δημοκρατία. *Atheniensium status mutatio.*
 Ἰεῦδος Σωτηριῶν Μιγας. Δύξ.

^a In Ctesiphontem p. 4.

THe Ancients had but three sorts of government. *Tyrannis, Democratia, Oligarchia* as ^a *Æschines*, which *Polybins* calls βασιλείαν, αἰετοκρατίαν, δημοκρατίαν. where although the one names it a *Tyrannis* or Tyranny, the other βασιλεία the rule of a King, yet must we understand the same. For in old time all Kings were called Tyrants, as *Servius* on *Virgil* hath observed. A word taken up by the *Grecians* about the time of *Archilochus*, which neither *Homèr*, nor *Hesiod* knew; and therefore are the Poets noted, as, ἴδιον πεποιθότες, for calling the Kings, or βασιλεῖς before the *Trojan* wars, Tyrants or Tyrannos. βασιλεία or a Kingdome, is where obeisance is free, yeelded rather out of a good advice, then for feare or might. Αἰετοκρατία an Aristocratie, when most wise and just men are fitly chosen to sit at the Helme of the Weale publike. Δημοκρατία a Democratic, when the Laws and customes of the Countrey in matters belonging both to Gods and men are truly observed, and that rules the rost, which shall be approved of by the greater part, πῶς δόξαν τοῖς πλείοσι, saies *Polybins*; as that may be said at a banquet to please all, which doth relish well with the most. But the grave Historian hath observed changes in such government, as they use to be, inclining to the worst, Monarchies being turned into Tyrannies; as when the people are led away by the persuasions of some pleasing ^b popular man, and are as it were, willingly constrained to take the yoke that his usurping authority shall lay on them, a Tyrant indeed said. *Viconsecutus*, who gets it by violence, ^d *Omnes autem & habentur & dicuntur Tyranni, qui potestate sunt perpetua in civitate, que libertate*

^b Aristot. l.

Pol. 5. c. 4.

^c Probus in

Miltiade.

^a Probus ibid.

p. 17.

bertate usa est. But all are accounted and called Tyrants, who have perpetuall authority in that City, which formerly hath enjoyed liberty. The deprivation of which causing murmuring and rebellion, brings forth an *Aristocratie*, or government of the best men, such as are well brought up, and exercised in vertue. The end of an *Aristocratie* being, as *Aristotle* hath it, *Vertue*, which of no long continuance doth soon degenerate, ^a *ἡ εἰς ἀγαθότητα καὶ εὐδαιμονίαν*, naturally enclining to an *Oligarchie*, or rule of few. These few being chosen according to their riches. And because that many in a state cannot be wealthy, therefore the number of them cannot be great. These are great Lords and little Kings, whose power swaies all, and not the Laws; who unjustly favour those that are partially theirs, and oppresse them that would defend their liberty against them. All things being administred ^b *ὑπὸ τῶν πλουσίων*, by their presidents. Such dominion is taken away by the people set on a rage, and not bearing ^c *τὴν ἀδικίαν*, the injuries of their rulers. Hence comes in a *Democratie*, which *Sophocles* calls *ὄππῃ τῶ πλῆθει λόγον*, the power of a multitude, whose end is freedom, when all can equally partake of the same priviledges and immunities, who are true citizens; whence *Terence* titles it *aquam libertatem*, for which the *Greek Orators* have properly used the word ^d *πολιτεία* as *Vulpius* observeth. But the vulgar for the most part strangely insolent, prone to wrong, and ready to trespasse against the Lawes, bring in by a miserable proceeding, the worst kinde of government an *Ochlocratie*, the rule of Rascality. All the same in their times did *Athens* teele, for they were governed by Kings foure hundred eightie seven years: the last of which was *Codrus*, who in a fight between the *Dorians* and *Athenians* offered himselfe willingly to be slaine, it being foretold by the Oracle of *Apollo* that the *Dorians* should be conquerours unless the *Athenian King* were killed; he therefore clothing himselfe *famulari veste ne possit agnosci*, saies ^e *Cicero*, with a servants habit lest he should be knowne

a Pol. l. 4 c. 9.

b Polyb. l. 6.

c Æschines in Ctes.

d In Demost. p. 59.

e Tusc. Q. l. 1.

known, put himself among the enemies, by one of which in a brawle he was murdered. After whom none enjoyed the name of King, ^a *quod memoria nominis ejus tributum est*, which was done in memory to his name. For after that, *Archontes* or Judges ruled; in the Title ἀρχοντες, *Archontes*, but in power Kings, whose authority was for tearme of life. These continued three hundred and fifteen years. These being ended, it pleased the State to choose a man, whose office should continue but ten yeares; seven succeeded each other, and made up the number of seventy yeares; who, because they abused their power, were made but for one year, called therefore ^b *annui Magistratus*, yearly Magistrates. These continued *Pisistratus*, for a feined feare of the seditious, begged a guard of the people for his safety. For when the faction sprung up, of which I have spoken in the fourth Chapter, hee cutting himselfe with lashes, and the Mules which drew his Chariot, went into the place of meeting, ἀγορῆ, and beseeching the people to afford him some defence against their violence, who did (but did not) assault him, procured a company of chosen Citizens who armed with clubs, not weapons, possessed the Castle, and so Tyranny came in, which *Pisistratus* enjoyed ^c thirtie yeares, and deceased, leaving behinde him two sons, *Hipparchus*, and *Hippias*, whom *Heraclides* calls *Thessalus*. *Hipparchus* was slaine by *Aristogiton*, after whose death the *Athenians* lived under a tyranny ^d foure yeares, from which they were delivered by the helpe of the *Lacedamonians*, the offspring of *Alcmeon* corrupting the Oracle, to the end that whensoever they came for counsell he should wish them to free the *Athenians* of that servitude. The *Democratie* came in eight hundred sixtie eight yeares after *Cecrops*, established by *Solon*, who excluded the fifth rank of plebeitie from office or honour by a law, afterwards abrogated by *Aristides*. After this *Pericles* brought in an *Ochlocratie* by weakning the power of the *Areopagites*. Then after the overthrow in Sici-

^a Justin. l. 2.

^b Justin. l. 2.

^c Heraclides
in Pol.

^d Hero. to us
l. 5. p. 135.

ly the Τετρακόσιοι, or foure hundred tooke upon them state, deceiving the people, as ^a Aristotle and ^b Thucydides affirme. For perswading them that they should reconcile *Tissaphernes* and *Alcibiades* unto themselves by that meanes, and that the Persian Monarch would afford supply for the war, they most willingly condescended to this motion in the one and twenty yeare of the *Peloponnesian* warre. These Princes were called ^c πεντεκισχίλιοι, τετρακόσιοι ἄνδρες, five thousand, though not exceeding foure hundred. The reason is, because they boasted that none should be rewarded, but who bare arms; nor any admitted to publique power but five thousand, such as with person and estate could be beneficiall to the Republic. Their authority was granted by an ^d Act of the people, to which *Themamenes* was very forward, but after they were inducted none more ready to drive out; whereupon they termed him ^e Κόθορρον *Cothurnum*, from a kinde of start-up which did fit both feet. ^f καὶ γὰρ Κόθορον θρασύμωπεν μὲν τοῖς παρὶν ἀμφοτέρωθεν δουκῶν. The word may sute with a Jack of both sides. These *Τετρακόσιοι* were constrained for feare of ^g *Alcibades* to resigne the right unto the people, and to goe into wilfull banishment. But when *Lysander* had overcome *Athens* (the *Lacedemonians* ever affecting an *Oligarchie*, as the *Athenians* a *Democratie*) he ordained these thirty to be chiefe: ^h *Polyarches*, *Critias*, *Melobius*, *Hippolochus*, *Euclides*, *Hiero*, *Mnesiochus*, *Chremo*, *Themamenes*, *Aresias*, *Diocles*, *Phadrias*, *Charileos*, *Anatius*, *Piso*, *Sophocles*, *Eratosthenes*. *Charicles*, *Onomocles*, *Theognis*, *Æschines*, *Theogenes*, *Cleomedes*, *Erasistratus*, *Phido*, *Dracontides*, *Eumathes*, *Aristoteles*, *Hippomachus*, *Mnesishides*. They began at first to put to death the worst and most abhorred, saies ⁱ *Salust*, without triall of law, but afterwards the good and bad alike; ^j some for envie, others for riches. These to make their party firme chose about three thousand to whom alone they permitted to have weapons, disarming all the rest, to the end they might easily command their lives. But by their lawes (for they made some

^a Pol. l. c. 57
^b Lib. 8.

^c Plat. in Alcib. p. 148.

^d Xen. Ecl. β. 274. l. 38.

^e Xen. p. 275.

^f Justin. l. 5.

^g Arist. Pol. l. 5 c. 7.

^h Xen. Ecl. β. p. 270.

ⁱ In Catil. Confp.

^j X. o. p. 272.

^a Xen. p. 275.

^b Dem. p. 467.

^c Vide Laert.
in vita, & Strabonem.

^d Plut. in Demetrio.

* Pollux l. 8.

some, stiled ^a *κατεστρόμεις*, which were nullified by a decree, as we shall speak hereafter) none was to suffer *ἐν τῷ καταλόγῳ*, who was registred in the list of three thousand. So cruell were they, that the people fled into ^b *Phyle* a castle in the Athenian borders; and making an head, under the conduct of *Thrasylbulus*, at last shook off his yoke, and remained free untill the death of *Alexander* even fourescore yeares, whom *Antipater* succeeded, who in battle at the City *Lamia* gave the Athenians an overthrow, and gave them quarters on these termes that they should submit to a few Peeres, whose revenues amounted to two thousand *Drachm'es* at least, the chiefe of whom was *Demetrius Phalereus*, that they should likewise receive a garrison into *Munychia* for the asswaging of riots and uproares. But foure years after, *Antipater* dying, the City fell into the power of *Cassander*, of whom they often strove to acquit themselves. But in vain. For he brought them to such an exigencie, that they were glad to come to composition. And indeed he dealt fairely with them, giving them their Citie, Territories, Tributes, and all other things, so that they would be confederates to him, that none, whose revenues come not to tenne *mina* or pounds, should undergoe any function in the Commonwealth; and he should bee their overseer whom he would be pleased to nominate. The man appointed was *Demetrius Phalereus*, ^c who made the Citie to shine in her full lustre, in tomuch that they erected in honour of him three hundred Statues. He wrote a Treatise of the Athenian Republique, which had not time devoured, would have given no small light to my poore endeavours. After he in trouble and vexation had spent fourteene yeares he was put out by *Demetrius* the sonne of *Antigonus* surnamed *Poliorcetes*, who restored the ancient customes to them againe. To him they ascribed such worship, as also to his father, that they changed the name of their Judge from *Archon* into ^d *ἄρχων λέγεις*. The Priest of the Gods that saved them, calling the yeare after his name, and adding * two Tribes to the

the Tenne, whence the Senate consisted of six hundred, but five before, as ^a *Stephanus*, but when *Cassander* had overthrown the sonne, and father, such was the ingratitude and levity of the *Athenians*, that they forbade *Demetrius* to approach neare their City. After this *Lacharis* plaid the Tyrant, and was expelled by *Demetrius*, whom they utterly cast off, assuming againe the title of *Archon*. *Demetrius* dying *Antigonus Gonatas* succeeded, who in the nineteenth year of his reigne put in presidarie souldiers to the City, which tenne years after he tooke out. The *Macedonians* still kept some of the *Athenians* forces in this space. *Demetrius Antigoni Gon.* F & *Antigonus Dofon*, out of whose hands ^b *Aratus* the *Sicyonian* rescued the City, and made it stand by it selfe untill *Philip*, the last king of the *Macedonian Monarchy* except one, did somewhat shake it, as you may read in ^c *Livie*. But he was expelled by the *Romans*, who tooke the *Athenians* into league, with a maintaining of their ancient right. So they remained untill the war between *Mithridates* and the *Romans*. For by feare they were driven to receive ^d *Archestratus*, *Mithridates* his Generall, within their walls; against which *Sylla* laid siege, and captivated the City, whence proceeded *alexandri* (ερασι), a mercilesse slaughter, saies *Appian*, that the ^e streets did run with blood. But the Lawes were not much altered by this Conquerour; and therefore they lived in a neare resemblance of their former state; in favour with the *Roman Emperours*. *Julius Caesar*, *Adrian*, *Antonius*, *Gallienus*, in whose successours time *Claudius* the second of that name, this City was ransacked by the *Gothes*, who when they had heaped up innumerable companies of bookes to burne, were denorted by this reason, that the *Greekes*, spending their time in reading of them, might be made more unfit for war. *Constantine* the Great likewise had this City in high esteeme, taking to himselfe the Title of *Στρατιάρχης Ἀθηνῶν*, as ^f *Julian* saies, which in the words of *Nicephorus Gregoras* is

^a In *Berenice*.
^b *Plut.* in *vita*.
^c *Decad.* 4. l. 1.
^d Vide *Appianum Alex.* in *Mithridatico*, circa pag. 122. 123. &c.
^e *Plut.* in *vita*. p. 335.
^f *Cedrenus* *Baptista Egnatius*. *Rom. Pri.* l. 1. In *Oratione* *Constantinum*. H. R. m. 7. p. 166.

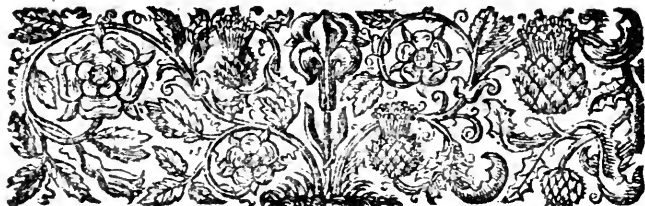
^b 20 το παλαιον Δουλος Κορυνη the Grand Duke whom I imply at

imprisoned the woman at *Megara*, and afterwards (by means not known to the Author) slew her. This *Francus* in time was taken away from men by *Zogus* governour of *Peloponnesus*, *Mahomes* having intelligence that the *Athenians* would have delivered the Citie to the Prince of *Bœotia*. Hee was the last Duke.

Chalcidica
p. 109.

E 2

LIB.



LIBER SECVNDVS.

CAP. I.

Duodecim Dii Atheniensium Idololatria septifariam commissa. Dii Adscriptitii. Θεοὶ Ἀγνοῦσται.

a Pag. 48.

b In Tractu
 ἑστὶ Ἡρόδοτος
 κατὰ ἠδείας
 p. 669.

c Sch. Eurip.
 in Alcist. pag.
 661.

d Ευρωστ. ἰστ.
 in Stel. 1.

e Pag. 260.

f P. 281.

Herodotus in *Terpsichore* is of opinion that the
 Greekes derived their religion from the *E-*
gyptians. But *Plutarch* doth stoutly deny it
 And not without good testimony may I affirm
 that it seemes to be a fallity. For *Orpheus* is
 thought to have brought the mysteries of pie-
 ty into *Greece*; who was himselfe a *Thracian*, from whom the
 word *ἑρωςκεία* is supposed to be drawn, which signifies de-
 votion. Ἰὺτο ἔγυτο πικρὰν θεὸς ἐκδέξατο θυσίαν ἑρωςκείαν, ὡς ἑρακλειδῶντος ἢ
 ἐνέειπας, Laies *Nonnus*. They called *θεσησκείαν*, to worship
 God, &c. Appositely to which *Aristophanes* ἐν Βαλέαρχοις.

Ὁρφέδης ἰδὼν ὅτι τελετὴν θ' ἡμῖν κατέδειξε, εὐδαν ἔ' ἀπέχεσθαι.
Orpheus shewed us sacrifices and to abstaine from slaughter. Nei-
ther is Euripides disagreeing in Rheso.

Μύσησιων τε τῶν ἀπορρήτων σαρῶν

Ἐδείξαν Ὁρφέδης-- *Orpheus revealed the hidden my-*
steries. Herodotus names not the Gods, the worship of whom
the Greeks might borrow from the Egyptians; Twelve in
number

number they were, quoth he, but these only are reckoned, *Jupiter. Bacchus. Hercules. Apollo. Mars. Pan. Diana. Isis or Ceres. Sais or Minerva. Latona.* as I have gathered, which all at once to have beene made knowne to the *Greekes*, and that by the *Egyptians* is too hard a taske for me to prove. The *Athenians* I am sure had twelve Gods in especiall honour, whose pictures they had drawne out in a Gallery in *Ceramics*; and had an Altar erected, called *Βωμὸς τῶν δωδεκαθεῶν*, on which a little before the *Sicilian* war, a man dismembred himselfe with a stone, which was accounted prodigious. By these twelve would they swear in common discourse. *Μὲν τοῦ δωδεκαθεῶν.* The heathens thinking that they did honour those Gods, by whom they sware, as I have elsewhere spoken. But they were not confined to so small a number as twelve. For how could it be, when they ran through the seven sorts of Idolatry? First worshipping the Sun, and punishing with death the neglect thereof; as you may read in *Plutarch* in the life of *Pericles*. Secondly, deifying the effects of God, as bread, &c. For *Clemens Alexandrinus* interprets *Διὸς*, *Ceres*, ἢ *στῆσι*, corne or food. Thirdly, the poetical Gods. *Furies and revengers of wickednesse*, as *Alectores, Palamæi*. Fourthly, the Passions, as *Love, Pity. Injury* likewise and *Impudence*, to whom *Epimenides* built an Altar at *Athens*. Fifthly, the accidents of growth and nourishment; hence *Auxo* and *Thallo* two deities, *αὐξάνειν*, to increase, and *δαίνειν* to flourish; to which may be put *Clotho, Lachesis, and Atropos*, the three fatall sisters, and *Επιβριότης*, *Necessity*, taken sometime for death it selfe. Sixthly, the *Theogonie* or pedigree of their Gods, able to make up the summe of which *Homer* speaks. *Τεῖς γὰρ μύριοι* &c. Three thousand. Seventhly, an ignorance of the providence and bounty of God toward them, fained *Hercules* the repeller of evill, and *Esculapius* the God of Phylick. And if this serve not, I can adde an eighth way, namely hospitality and good entertainment of strange Gods. *Ἀδυνατοὶ δ' ἄπαρ; ἀλλὰ τι ἄλλα φιλοξενῶντις διατελοῦσι, ἕκκο*

^a Pauf. Attic. p. 3. l. 18.

^b Plut. in Nicia. pag. 387. l. 26.

^c Aristoph. Equi. p. 300. A.

^d Vide Bodinum in De-monologia.

a Pag. 471.

b In Panath.
T. I. p. 188.

c Strab. p. 587.

d Act. Apost.
c 17. v. 18.

e In Att. p. 1.
l. 35.

f Vide Eurip.
Sch. in Med.
p. 481.

g Pag 137.

καὶ οἱ τῶν Θεῶν. sates ^a Strabo. as the Athenians love forrainers, so forrains Gods. Οὐ γὰρ μόνον τῶν πρεσβυτάτων ἀρχαῶν Θεῶν, &c. ^b Aristiden. For they serve not only the most ancient Deities, in a peculiar manner above all their followers, but have assumed adventitious ones; such as ^c *Orbane*, *Conisfalus*, and *Tychon*. So prone were they to conceive superstition, that when ^d *Paul* preached *Jesus and the resurrection of the dead*; they forthwith deemed *Anastasin*, or resurrection to be a God. And lest they should omit any, they erected Altars to the unknowne Gods, of which ^e *Pansanias*. Neither may we doubt of it, the Scripture bearing witness. The cause of this they say to be a fearfull vision appearing to *Philipides*, sent Ambassador to the *Lacedemonians* concerning aid against the *Persians*, and complaining that he (^f *Pan*, from whom *πνεῦμα à spectrum*) was neglected and other Gods worshipped; promising likewise his helpe, they therefore being victorious, and fearing the like event, built a Temple and Altar TO THE UNKNOWNNE GOD. Another opinion is, that a plague being at *Athens* hot, and the people finding no helpe from the Gods they implored, surmising some other power to have sent the disease, whereupon they set up this Altar, on which was written ΘΕΟΙΣ Ασίας καὶ Ευρώπης, καὶ Αἰθίως, Θεῶν Ἀγνώστων καὶ Ξένων. TO THE GODS OF ASIA, EUROPE, AND AFRICA, TO THE UNKNOWNNE AND STRANGE GOD. As *Justin Martyr* and *Octumenius*. Much may be said of their Tutelar Gods, both for their Cities and houses, much of their *Heroes* or Demigods. We will view them in order.

CAP. II.

Jupiter Βασιλῆς. Νέμιος. Ἰχίσιος. Πολιῦχος. Βαλαῖος. Φράπειος. Φίλιος. Ομόγιος καταβάτης. Ἐρκίος. Ἀρηραῖος. Ξένιος. *Modii salis edendi, Tessera hospitalis seu Symbolum.* Ἀπολλοῦ Ἰσθμίου. Παιζῶος. Ἀλξίμαχος. Θυραῖος. Ρωαν, & ejusdem *verbi origo.* *Mercurius* Παλιγχαῖπλος. Βελένιος. Σῆραῖος. Περύλαος.

Above other of their Gods *Jupiter* was had in high esteeme. And that commanded by the Oracle. For when the *Albanians* were bidden to dissolve their kingdoms, they were charged to make choice of *Jupiter*, ^a *περσησάου ἢ Δία* Βασιλῆα. And so by ^b *Aristophanes* he is called *Zōs* Βασιλῆς. Him they worshipped as *President of Law and Justice*, under the name of *Jupiter Nemius* (different from that of *Corinth* named Νέμιος) Him as *God of supplicants*, hence ^d *Ἰσθμίου*, Him as *Protector of Cities*, hence *πολιῦχος*. Him as *Governour and director of their counsels*, hence Βαλαῖος. Him as *chiefe of their Societies*, hence *φράπειος*, and of their friendship too, hence φίλιος; and of kindred likewise, hence *ομόγιος*. To him they ascribed *Thunder*, hence *Ζῶς Καταβάτης*, as much as comming downe in thunder. To him they thankfully acknowledged their delivery from the *Persians*, wrought by *Themistocles*, hence ^e *Ελδθίειος*. Him they confessed the *greatest of all*, hence ^f *Ἰσθμίου*. Him the *overseer of their buying and selling*, hence ^g *Ἀρηραῖος*. To him stood an Altar sacred in the *courts of their houses*, hence *Jupiter Hercēus*, from Ἐρκος a wall, as if hee were the watch and defender of the house. *Phavorinus*. *Ερκίος* Δίδος βαμνος ἔξω παρ Ἰσθμίου πύλῳ ἀλλῶ, αἰθελος ἔνδον, ἐν ᾧ ἔδουσαν Διὸς ἑρῆρον τῷ ἔρκου. There was also an Altar to him before the gates, of which ^h *Ovid*.-- *Anse ades stabas Jovis Hospitalis ara*, hence *Jupiter Xenius*, as if he were the *God of strangers and hospitality*. So solemne were they in their entertainments, that

^a Sch. Aristop. p. 122.
^b In Nubibus.
^c Dem. in Mid. p. 252.
^d Ulpian in Dem. p. 273.
^e Paus. p. 18. l. 40. Who thinks *Sylla* to be eaten with lice by a judgement, that slew *Aribion* suppliantly flying to the Temple of *Minerva*.
^f Aristoph. A. vib. p. 626.
^g Plut. & Paus.
^h Pausan.
ⁱ Aristoph. p. 317.
^k Metamorph.

a Eustath. in
I. 3.
b P. 1. 27. But
Eustath. saies
that they did
set salt b. for
any other
meat to stran-
gers.
c D. mosh p.
241.
d Tz. zezes in
Lycoph. p. 28.
e Cic. de A-
micitia. Eu-
stath. saies
that it beto-
kens love per-
manent. For
salt peeces.
And as it is
made of many
lettings in of
water, so they
who come fr^o
divers places
by hospitality
are made one.
In *Il. a.* p. 100.
f In Acharn.
p. 414. vide
Sch
g Eustath in
Il. a.
h Eurip. Sch.
p. 446.
i As *παιδς.*
Aristophan.
μεισις.
Paulân &c.
k Aristophan.
πλ. p. 66.

that they would not receive a stranger without great cere-
monies, such as giving of the right hand each to other *αἰσώ-*
σις διλοπκόν, a most certain signe of fidelity, and security; as
also washing and cleansing with salt, or salt water, as *Τετ-*
ζες on *Lycophon*, whence it is called *αἰσώσις πρὸς*. Salt they
highly esteemed of, ever upbraiding violated hospitality with
καὶ ἄλας &c. where is the salt? And yet it may be thought
to be said of the community of the table *ἔδω ἤνδ' ἀλλήντων*
μὴ κακέρων τῶν ἑμοτέρων πέτρων ἐπισημίας, customes shewing that
fellow commoners, and such as feed of the same table must
not injure one another, to which the old saying may well a-
gree, *multos modios salis simul edendis esse, ut amicitia munus*
expletum sit, Men must eat many bushels of salt together, be-
fore they can be perfect friends; meaning that friendship is
not to be soone established. But I take salt, of the lustration,
to which also they added fire, as you may see in *Aristophan-*
es. Neither was this all, for they sacrificed moreover, calling
Jupiter to witness, and using these words in the time of sac-
rifice; *εἰς εἰς εὐαί εἰς ἑβριον ἀμάρταν, ἢ ἀπειρῶ ξένος. Let my trespass*
be against Jupiter Xenius, if I offend, contemne, or neglect stran-
gers. And for the continuation of this even to their posterity
they were wont to cut an huckle bone in two, the one party
keeping one peece, the other party the other halfe, that when
occasion or nec^{ess}ity should make either of them stand in
need of other, *ἢ ἐπαρῶν ἢ ἢ ἀπαρῶν ἀλλήλων, ἀναγῶν τὴν ξείλιον,*
bringing with them their halfe huckle bone they might renew
their hospitality. This they call *σύμβολον* *Symbolum* a token,
which sometimes they would send to their acquaintance in
others behalfe, as *Jason* in *Euripides* offers to *Medea* to
doe. *Περὶ τῶν τεξέων σύμβολ' εἰ δεχσοίσ' εἶ* And we send a
Symbolum or token to strangers that shall courteously enter-
taine you. But of this enough, as also of *Jupiter*, whom cele-
brated in other Epithires I know by the *Athenians*. *Apollo*
was next in request to *Jupiter*, invocated in danger or sudden
events; hence *ἄπο δ' ἑπαιος*, from *ἀπὸ δ' ἑπαιος*, to tune away, as if
he

he should deliver them from eminent evill, for which reason he is called *Alexicacus*. ^a *Apollinem aspellentem mala intelligas, quem Athenienses* Ἀλεξιακον *appellant.* He was one of the first Gods they had, hence is he termed ^b *πρωτης*, but ^c others thinke because he was the father of *Ion*. ^d *Macrobius* is of opinion, because the *Sun* the same with *Apollo*, is the Author of progenerating all things, *quod sol humoribus exsiccatis progenerandis omnibus præbuit causam.* To him stood Altars in their streets, hence is he ἀγυδῖς: as if he were set over their waies ^e *Illi enim vias, quæ intra pomaria sunt, ἀγυδῖς.* This *Agycus* was a sharp pillar ^f *λίον ἢ ἑστῶς ἡ δὲ ὑψὺ λίθον.* Although the *Greeks*, as ^g *Macrobius* saies, did worship him as *Θυγατρῶν, exitus & introitus potentem*, one that kept the doores of their houses, yet I finde no monument of that Title in *Pausanias*. Famous he was for the name of *Paan*, of which though I have taken occasion to speake elsewhere, yet this is a most proper place. I will not trouble you with the triviall derivations of the *Greekes*, which you read in ^h *Arbæneus*. When the *Athenians* asked helpe of the Oracle at *Delphos* against the *Amazons* in the daies of *Theseus*, the God bid them implore his succour in these words ⁱ *ἰε Παιῶν.* ^j *Hanc vocem, id est ἰε Παιῶν, confirmasse fertur Oraculum Delphicum Atheniensibus, potentibus operi Dei adversus Amazonas, Theseo regnante. Namq̄, inituros bellum jussit his ipsis verbis semetipsum auxiliatorem invocari, hortariq̄.* I doubt not but the words are changed somewhat, especially if we consider the ancient *Io Paan*. *Paan*, saies the ^k *Scholiast of Aristophanes* is a song or hymn praying for the ceasing of a plague, or war, nay for the preventing of apparent hurt. The originall of *Io* ^l *Scaliger* hath already found, *Iao*, and *Io* being contracted by the *Greekes* for *ἰεῖοῦα*; *Paan* then comes from *πᾶν* to look, so that *Io Paan* is in force *ἰεῖοῦα Penob*, LORD LOOK UPON US, it being a craft of the Divell to come as near as possibly he may to God, so to bereave him of his deare honour, if he could. The remnants of these words the ^m *Sumerons*

a Macrob. Sat. 1 p. 253.

b Aristoph. Nub. p. 203.

c Aristoph. Sch. p. 611. g.

d Satur. 1. p. 257.

e Macrob. Sat. 1 c. 9.

f Schol. Eurip. Phæ p. 322.

g Sat. 1. c. 9.

h In fin. lib. 14. Dip.

i Macrob. Sat. 1. c. 17. pag. 253.

k In Pitt. p. g. 68.

l Græc. Trag.

m Vide Six Fr. Drake.

¶ Aristop. πλ.
p. 110. Ach.
p. 410.

¶ Aristop. Κατ' ε
p. 266.

¶ Aristop. 304.
¶ Paul. p. 20.
l. 35.

¶ Pag. 210.

a people of the West Indies, who in their fighting dance, and leap, and sing *Yó Pekó*, at this day. *Mercury* is hallowed by the name of ^a *παραγαμίτης* or *Εμπαλαός*, deemed to be the God whose favour could enrich Merchants and Tradesmen. He is the God of craft, so by consequence he is that cunning to cheat may soone grow rich, wherefore this God is termed ^b *Εεώνιος*, *Very profitable*, from *έει*, an augmenting word, and *ών* to profit. He had a statue erected to him in the Market place called ^c *Εμής Αγοράος*. The entry of their houses was sacred to him, from which he is named ^d *Περίπυλαιος*, as likewise *Ξεραός* from *ερείπειν*, to turne, because he was set up behinde the doore to keep away theeves, that were wont to lurk thereabout, and then afterward commit their villanie. Mere of his names you may read in ^e *Aristoph. Schol.*

C A P. III.

*De Saturno, Vulcano, Neptuno, Marte,
Hercule, άνακτες.*

¶ Paul. p. 16.
l. 32.

¶ Aristop. πλ.
p. 61.

¶ P. 536. n. 26.

¶ πλάτ. 695
Απύ.

¶ Aristop. p.
403.

¶ Paul. p. 7. 127.
¶ De divinati
one. l. 1.

Saturne was worshipped by the *Athenians*, witnesse the Stealts kept in honor to him called *Κεόρια*, witnesse a ^f Temple which he had in *Athens*. Of his antiquity I cannot much affirme any thing. He seemes to have beene of old, as I conjecture out of ^g *Κεορινγί γλώσσαι*, *Saturnina anitna*, put for dotage proverbially. *Vulcan* likewise had his honour there, and a Temple, of which ^h *Demosthenes*, where was one of the *Athenian* prisons; some controversies in law in it decided, as I gather out of ⁱ *Demosthenes*. *Neptune* was an ancient Patron of this City, which he loved even to strife. He was feared for security in navigation; hence ^k *Ασπόμενος*. ^l *Mars* also had his worship, and Temple, and *Hercules* too, who in a dreame appeared to *Sophocles*, revealing unto him the sacrifice of one who had stolen a golden cup out of his Temple, called therefore *Μηρής* or *Index Hercules*, as ^m *Tully*.
Neither

Neither were they contented with such a quantity, but canonized more daily, as the sonnes of *Tyndarus*, *Castor* and *Pollux*, naming them *ἀνακτες*. ^a ἀνακῶς γὰρ ἔχειν τὸ δπιμελευμενός a Plut. Theſ. ὁ φυλάσσοντας ὁπῶν κ) τὸ βασιλεῖς ἴσως ἀνακτες διὰ τὸ καλεῖσθαι. p. 111. 25.

For they who have a care and watch of any thing doe diligently observe it ἀνακῶς ἔχειν. for which Kings perhaps are called ἀνακτες, as keepers of their people. ^b The Scholiast of *Euripides* teaches us that ἀναξ properly signifieth a Saviour. p. 507.

So *Pan* is said to be *Αναξ Κυλλήνης*, the *Tutelar God of Cyllene*. ^c Inad. 2.

And *Apollo* in *Homer*. χειρὸς ἱερίων ἀδοσεῖν. The word is simply ^d In Avib. pag. 578.

put for God in *Aristophanes*, ^e τὸ ἐν θεῶς Ἀνακίης κ) Σωτήρας Eurip. Sch. p. 507.

Καλῶμυρ. To these may be put *Harmodius* and *Aristogiton*. ^f In Athen. Att. l. 3. c. 1. & 7.

Lycus. *Theseus*. *Alon*. *Hesychus*. *Aristomachus* the Physitian. ^g Plut. in Th. p. 21. 54.

Celeus and *Metanira*. And many more (of whom see ^h *Meursius*) made of men, as *Silanion* and *Parrhasius* that made the statue of *Theseus*.

C A P. IV.

De Minerva, Cerere & Proserpina, Baccho, Venere, Eumenidibus, Hecate, Junone, Prometheo, &c.

M*inerva* the especiall deitie of the *Athenians*, had the ^b In Panath. i In Verrem. 5. Festivals called *Panathenæa*, of which you may fully ^k Nennus ad Naz. c. 12. read in ^l *Meursius*. Next to her *Ceres* and *Proserpina*, whose ^m Vide Plut. in Alcib. rites *longe maximis & occultissimis ceremoniis continentur*, ⁿ Cap. 7. ^o Aristop. Sch. p. 35. ^p Arist. p. 222. ^q Idem p. 123. ^r Clem. Alex. p. 19. ^s Vide Æsch. in Eumen. & Sch. Sophan. Oed. Col.

¹ saies *Cicero*, were greatest and most hidden; therefore called *mysteria* from ^k *μυσθαι*, to hide; ¹ death and a curse lying on him who should disclose their abominable secrets. See *Meursius* in his ^m *Eleusinia*, of the initiation into these stews. They were of two sorts. ⁿ Greater to *Ceres*, lesse to *Proserpina*. *Bacchus* also the sonne of *Ceres* had his Temple allotted and a double tide holy to him. *Dionysia parva* and *Magna*. *Venus* had her honour and sacrifice, in which they offered to her ^q money the price of an whore. ^r *Eumenides* were first adored

dored by *Orestes* after he escaped the Judgement at *Athens* in *Arcopagus* for killing his mother *Clytemnestra*. These by *Hesiod* are called *Erinyes*, by the *Athenians* Σεμνὰ Θεῶν, the venerable Goddesses. To these they offered drinke offerings without wine though at mid-night, a custome peculiar to them alone, as *Aeschylus* witnesseth, though I am not ignorant that *Bacchus* his feasts were kept in the night, whence he is called *Nyctelius*. But the Tragedian.

οὐκ ἔστιν ἐπισημασμένον, ἀλλ' ἐστὶν ἐξ ἁπλῶν πινυμένων.

* Ἔθνον ἄρα ἐστὶν ἡ δὲ τοῦ Θεῶν.

Scholias: ἐν γὰρ τῷ μεσσηνικῷ μόνον Εὐεργεσίᾳ ἀπέρχοντο. By *Sophocles* the manner of oblation is set downe. First having cleane hands and pure, the worshipper ought to draw out of a running fountain water, and having filled three cups with water and honey (hence termed ἑνθάλια μελισμῆτα) the mouthes and ears of which are to be covered with the wool of a young sheep, turning himself towards the East, he powdered out some of two of them, but the third wholly; then with both hands setting thrice nine branches of Olive on the place where he cast his ἄσπετον, he uttered his conceived supplications. Other sacrifices they had as shall bee shortly spoken. *Hecate* was worshipped by them in *trivis*, where three wayes met, supposed to be the Moone in heaven, *Diana* on earth, and *Hecate* below. To her the richer sort every new Moone made a feast in the crosse waies, setting bread and other provision, which the poore greedily fed on, and were so ravenous after, that *Penia* in *Aristophanes* complains, that they snatched it before it could be laid downe. Reference to this hath Ἐκτατα κατεδίων, to eat the cates of *Hecate*, in *Demosthenes*, which he seems to object, as a sordid or wicked thing. Indeed βαμολόχος, which signifies one that privily taketh away any of the sacrifices from the Altar, imports sometimes *impious*, βαμολόχος ἀσεβής. *Schol.* * *Aristoph.* And yet the same *Scholias* tells us that the needy sustained themselves by the sacrifices. καὶ τῶν ἰσθμῶν γὰρ οἱ πτωχοὶ ζῶσιν. *Juno's* rites were

a. In Theogon.

b. Paus. p. 27. l. 3

c. In Eumen.

p. 275.

d. *Aristoph.*

p. 228.

e. *Loco citato.*

f. In *Oedipo.*

Col. p. 271.

g. *Aeschylus*

loco citato.

h. *Vide Interp.*

Hor. in illud

Diva triformis

i. *Aristoph.* *Sch.*

p. 63.

k. *Pag.* 64.

l. In *O. at.*

καὶ τῶν ἰσθμῶν.

p. 693. n. 59.

* In *Nubes*

p. 176.

m. In *Plur.* 63.

were performed in great pomp with haire over their shoul-
 ders and down the back, in a vesture that swept the ground,
 their armes bedecked with glorious bracelets, their paces so
 minced, that ^{Ἡγήτων βαδίζεν, ἴκνησιν} *incedere*, is to go state-
 ly. *Promethens* was worshipped in a kinde of Torch-dance,
 or running with links or lamps, it may be in memoriall of
 the fire, which superstitiously they beleevd him to have
 stolne out of heaven. To say more of their Gods were need-
 lesse, either for you to read, or me to write. More they had,
 among whom *Pan* was of a latter making, introduced by
^{Ῥησπιδῆς} *Philippides*, and ^{Σπράγιτιδῆς Νύμφαι} *Spragitides Nympha*,
 after the *Persian* overthrow.

a Vide Scho-
 tum in Pro-
 verb. Isaacum
 Casaub. in
 Athen. l. 12. c.
 5. p. 388.
 b Cl. Alex. p. 22
 * Plut. Arist.
 p. 240. l. 30.

CAP. V.

Θεοὶ Ἀνδάλιοι. Ερμῶν. *Phacasiæ Dii.*

THE *Athenians* before their dores erected statues which
 they called ^{ὀρθῶν ἀνδρῶν}, because they were exposed to
 the Sunne. Neither had they these alone, but certaine others
 sacred to *Mercury*, named from *Hermes Herme*, *Mercurials*.
 The fashion of them was divers. For first they were not <sup>ἀνα-
 πτερωτοί</sup> *porreſto veretro*, but made after to that forme by the
Athenians, who received it from the *Pelaſgi*, as ^{Ἡρόδοτος} *Herodotus*.
 Neither did they want legs, untill the *Athenians* made them
^{ἀνδρῶν} *andrus*, according to ^{Πανσανίας} *Pausanias*. The manner was this, *A*
face of Mercury set upon a pillar of foure corners. The head on-
 ly and neck were shapen, and therefore it was called *truncus*
Hermes, ^{Ἰουβενάλ} *Juvenal*,

c Vide Hely-
 chium & Dio-
 nyſium Petri-
 vium in The-
 miſtium.

d In Eusebri-
 p. 48.

e In Atticis
 p. 22. l. 14.

f Sat. 8. y. 52.

Nil nisi Cecropides, truncosq; simillimus Herma.
Nullo quippe alio vincis discrimine, quam quod
illi marmoreum caput est, tua vivit imago.

g Vide Ulpi-
 an. in Dem.
 p. 332. & G.
 Langbaine in
 Notis ad
 Longinum.
 τριβύλιος.

For which reason likewise the *Greeks* name them ^{ἀγυῶν} *agyas*,
 without limbs. On the lower part of them were certain ver-
 ses engraven, containing the praises of some well deterving

men; but the *Hermes* on which they wrote the exploits of those that had merited, seeme to me to have beene set up in that gallery, which from the number of these images was commonly knowne by *Ἐρμῆος Στου* the gallery of *Mercurials*. At the consecration of these they used some ceremonies, and sacrificed a kinde of gruell, which was of no great preparation; because they would not stand about it. Hence *χίτρας ἱστύεσθ* may be said to sacrifice with that which costs but

a Pag. 693.

little. ^a *Aristophanes*. *Χύτρασιν, ὡσπερ μεμβόαντον Ἐρμίδιον; Schol.* Ἐρμίδιον, ἀπὸ τοῦ εὐτελέος. *in Pace*. Now to the erecting of their Images it will not be unseasonable to adde something of the forme of their Gods, whom they made standing with their hands upward, as if they were more willing to receive then bestow any thing. To which ^b *Aristophanes* al-

b Concion.

P. 747.

ludes, saying, -- *καὶ θεοί. ἄγώσιν δ' ἀπὸ τῆς χειρῶν τε καὶ ἀσθενῶτων. Οὕτω γὰρ ἀυχαίμεθα δίδουαι τὰ χαρὰ. Ἐσηκεν ἐκλείνεντα τῷ χεῖρ ὑψίαν. Οὐχ ὡς πτώσεν, ἀλλ' ὅπως π λήψεται. Even the Gods you shall know by their hands and statues. For when we pray them to give us some good thing, they stand with their hands upward, as if they would send downe nothing, but rather take oblation. To tell you likewise that these Idols were clothed, is no newes doubtlesse to one meanly versed in the Greeke antiquities. To say that they weare shooes too, is probable, whence they are named *Dii Phacasiæ*, from *φακασία*, a kind of low shooes which the Athenians called *κορίποδες*, from *κόβης*, dust, and *πῦς*, the foot, because they were neare the ground. *Διὰ τὸ πελάζειν**

c Præd. l. 2. c. 11

p. 152.

d Sat. 3. v. 217.

μοι δοκῶν τῷ κόβει τὸ πῦς, saies ^c *Clemens Alexandrinus*. But more sure I am that they were pictured with them on their feet. ^d *Juvenal*.

Hic aliquid præclarum Euphranoris & Polyclesti Phacasiarum vetera ornamenta Deorum.

CAP. VI.

De Superstitione Atheniensium, & vaticiniis.

Long since were the Athenians taxed by the Apostle for superstition, which though it properly signifies a worshipping of the Gods too much, yet under it these follies are comprehended. Purification after fearfull dreames, in ^a Aristopanes ὄνειρον ἀποκλύζειν. In which sense some understand *Persius. Noctem flumine purgare.* Wearing of rings against witchcraft as a spell, called ^b δακτυλῖος φαρμακίτης. ^c Spitting into their bosomes thrice at the sight of a mad man, or one troubled with an *Epilepsie.* Of which also *Theocritus,* τρίς εἰς ἐμὸν ἔψησα κόλπον. I know not whether the custome of our silly people have reference to this foppery, who use to spit at the naming of the Divell. Certaine it is that anciently they did spit in defiance, hence *πῦεν* is put for *καταφρονεῖν* and *ἐν ἔσει* λόγῳ θίγειν to contemne or set little by, as the ^d Scholiast of *Sophocles* on these words, πῦσας ὡς εἰ δουλεύῃ. Washing with water the head as often as hee shall goe into the streets *κτὶ κεφαλῆς λέσασθαι*, ^e *Theophrastus.* Anointing of stones, divers it seemes from those heaps sacred to *Mercury*, termed *Ἐρμῆνες.* This hath beene of old. Done indeed as a token of thankfulness by ^f *Jacob* in *Bethel*, where he took the stone that he put for his pillows, and set it up, and powred oyle on the top of it in his journey to *Padan Aram.* Hennes crowing, the bold entrance of a blacke dog into their houses, Serpents seene *ἐν τῇ οἰκίᾳ*, saies *Theophrastus*, of which ^g *Terence.* *In troiis in ades ater alienus canis.* *Anguis per impluvium decidit de tegulis.* *Gallina cecinit.* Put to these a ^h Cat or Weefell (the word signifieth both) crossing his way, the Mousse eating his salt bag. Not unlike them now adaies, whose clothes the Rats or Mice shall chance to eat, deemed not long after like to live by our ignorant, or that he shall have great ill betide him.

^a Donat. in Ter. p. 67.
^b R. mis. p. 274. vide & Aeth. in Petus.

^d Aristop. Pl. p. 88. f.
^e Theoph. Ch. p. 49.

^f Antigonon.

^g Charact.

^h Gen. 28. 18.

ⁱ In Phor. Ac. 4. Sc. 4.
^k γαλῆ. Theoph.

him. Adde the avoiding of obsequies for feare of pollution. Antiquity was of opinion that sacred persons were defiled with the sight of the dead, as *Chemnitius* hath observed, and ^a *Euripides* brings *Diana* speaking, that it is not lawfull for her to behold dying *Hippolytus*; nay the standing upon a grave was a great religion; *ὄπισθε μνημάτων*. Furthermore observing of daies good & bad, of which ^b *Hesiod*, ἀλλήλων τε καὶ, ἀλλήλη μὴ-
^c *Amazement* at the Eclipse of the Sun, as also the ^d *Moone*; not knowing the reason, why she did lose her light at that time, when she was in her full lustre. Buying of Medicines or enchanted stones for the quicker delivery in child-birth, in *Aristophanes*, ἀνωτόχει ἀνοπιδύρος. Of the vertue I speake nought. ^e *Boemus* relates that in *Darien* in *America* the women eat an herb when they are great with child which makes them to bring forth without paine. Joyn to this the sneezing over the right shoulder, or the right side, ^f *παρὰ τὴν δεξιάν*. Observation of *Διοσμείας*, or sudden storms, as the ^g *Sch.* of *Aristophanes* interprets it, snow, haile, or the like. ^h Cutting off their haire, and sacrificing it to rivers, as *Cephistus*. Marking the flight of the owle, whence came the proverb, ⁱ γλαῦξ διέπτατο, *The Owle hath fled*. And *γλαῦξ ἵπτατο* for good lucke, the Owle being a token of victory to the *Athenians*, ^k ἢ πῆσις πῆς γλαυκῆς νίκης σύμβολον τοῖς Ἀθηναίοις ἐνομιζέτο. They ever accounting it so since the warre at *Salamis*, where the *Greeks* seeing an Owle, took courage and beat the *Barbarians*. *Appendix Vaticana*, ἐν Σαλαμίῃ γὰρ πάντες διεθθόσης θαρρή-
^l *Appendix Vaticana*, ἐν Σαλαμίῃ γὰρ πάντες διεθθόσης θαρρή-
^m *Appendix Vaticana*, ἐν Σαλαμίῃ γὰρ πάντες διεθθόσης θαρρή-
ⁿ *Appendix Vaticana*, ἐν Σαλαμίῃ γὰρ πάντες διεθθόσης θαρρή-
^o *Appendix Vaticana*, ἐν Σαλαμίῃ γὰρ πάντες διεθθόσης θαρρή-
^p *Appendix Vaticana*, ἐν Σαλαμίῃ γὰρ πάντες διεθθόσης θαρρή-
^q *Appendix Vaticana*, ἐν Σαλαμίῃ γὰρ πάντες διεθθόσης θαρρή-
^r *Appendix Vaticana*, ἐν Σαλαμίῃ γὰρ πάντες διεθθόσης θαρρή-
^s *Appendix Vaticana*, ἐν Σαλαμίῃ γὰρ πάντες διεθθόσης θαρρή-
^t *Appendix Vaticana*, ἐν Σαλαμίῃ γὰρ πάντες διεθθόσης θαρρή-
^u *Appendix Vaticana*, ἐν Σαλαμίῃ γὰρ πάντες διεθθόσης θαρρή-
^v *Appendix Vaticana*, ἐν Σαλαμίῃ γὰρ πάντες διεθθόσης θαρρή-
^w *Appendix Vaticana*, ἐν Σαλαμίῃ γὰρ πάντες διεθθόσης θαρρή-
^x *Appendix Vaticana*, ἐν Σαλαμίῃ γὰρ πάντες διεθθόσης θαρρή-
^y *Appendix Vaticana*, ἐν Σαλαμίῃ γὰρ πάντες διεθθόσης θαρρή-
^z *Appendix Vaticana*, ἐν Σαλαμίῃ γὰρ πάντες διεθθόσης θαρρή-

a In Hip. p.
603. vide etiā
Euitach. in

Il. α.

b ἐν ἔργοις ἔξ
ἡμ.

c Plut Pericle

p. 123. l. 35.

d Plut. Nicia.

p. 392. l. 21.

e Lib. 4. c. 11.

f Plut. Them.

p. 85. l. 23.

g In Ach. p.

379. & p 424.

h Paul. Att. p.

35. l. 31. vide

Eust. in Il. B.

i Aristop. Ve-

spit. p. 508.

k Zenobius.

l Aristop. pp.

44. 66. T. 438.

m Petronius.

n Ælian.

περικ. l. 5. c. 17.

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æd had Ilaïne a sparrow sacred to *Æsculapius*? Thus far have we gone. Let us proceed to their vaticinations or prophesyings. *Æschylus* brings *Prometheus* on the stage, vaunting how first he taught men * Ονειροπειπόν· Οιωτισκόν· Ηπαπκόν· Ουπκόν. All which were practised among the Athenians, as you may read in *Xenophon*. Ονειροπειπόν, the interpretation of dreams, is a resolution of those doubts which we conceive of things offered to our fancie in sleep, as that of *Hecuba* dreaming that she should bring forth a firebrand; and that of *Noëssa* before the fall of her sonne *Xerxes*, whom shee saw striving to yoke the Barbarian and Greeke woman, one of which overthrew him. This the Ancients termed *ἐνύπνιον ἱεῖν*, *Æschylus*, ascribing much to the truth of them, supposing them to be sent from a Deitie--*χὶ γὰρ ἴσθαι ἐκ Διὸς ὄζει*. *Homer*. The skill in them is *ἐξ ὀνειρότων δ' ἔστι παρ' ἡμετέροις κληθέντας τε δουκείτας (ἡραεζέειν)* to truly tell the event; which was no small art, certaine bookes written of that subject. *χὶ εἶσιν ἔργατοί πινες τέχνην οὐνευπνιῶν*, as *Artemidorus* his *Onirocritica*. Οιωτισκόν, Soothsaying by birds when such or such flie either before or behinde him, at the right or left hand, to shew what it doth prognosticate. *Æschylus*, *Γαμψορύχων τε κτῆσιν ὀρνέων σκεδρῶς Διόειπ' ὅτι πινες δ' ἔστι· οὐ γούσαι, Εὐώνομοι τε, ἃ διαίταν ὠπνῶα ἔχουσ' ἕκαστοι, καὶ πρὸς ἀλλήλους πινες ἔχθεσι τε καὶ σέρσηθεσι καὶ σωμαθείαι.* It was formerly stiled, *ἰδιοκοῖσκη*, ἀρεκὲ διανοίας ποριζομεθῶν ἀνδρωπῆν ὀπίσσω σσημῶν) which the minde doth suggest to the opinion. It is put for any divination in Greek writers, but most properly *ὀνειροσκοπικόν*, which *Telegonus* is related to have found according to *Nonnus*, but according to *Plinie*, *Car*, whence it is called *Caria*, *ἡπαπκόν*, looking into the Liver or entralls, like the Latines *extispicium*, observing the colour of them, *λοβῶν τε ποικίλων εὐμορφίας*; as likewise the soundnesse, hence taken as a prodigie *λοβῶν ἐκ ἔχαστο καὶ ἐξ ἑνὸς*, in *Plutarch*, the extremitie of the liver (like the outmost parts of the vine leafe, saies *Isidor*) not to be seen, or rather that which they call the head,

* Vide S. li. p. 2. a. Λ. τ. μ. η. κ. i. n. i. o.

b Iliad. 7. c Æsch. Pro. p. 33.

d Eud. in Il. a. p. 36.

e Pag. 33.

f Aristides. T. 3. p. 25.

g Nonnus. Σιωα γ. l. 5. a. 98. b Nat. hist. l. 7. c. 56.

i Æsch. loco citato. k Pag. 357. l. 31.

Ovid, cæsumq; caput reperitur in extis. Ουγκὸν, in marking the flame of the sacrifice burnt, ^a ελοζωπὶ σήματα, the Tragedian calls them, by which they could foretell events. More doubtlesse had they wayes of witchcraft, as the other Greeks. Ενδωτορ, as when one shall meet you carrying such or such things then this shall befall you. *Æschylus* termes them ενωδιὺς συμβέβηκες *Sch.* τὸ ἐξ ὀπιπτήσεως. See *Scaliger* in *Tibullam*, on these words *Puer à trivitiis*. The Scholiast of ^b *Aristophanes* on ξύμβολον ἔρην, They made, quoth he, whom they met first as it were tokens of good hap. Whence it may be came up the salutation, which ^c *Sophocles* calls ἐντρήμα σέμα θεοτιδῶ, wishing luck, as χαίρε among the Greeks, and the Latines ^d *Esto bonis avibus visus &c.* Σύμβολον is put likewise for sneezing, or the conjecturing at them. *Sternutamentum* being accounted a Deitie by the Romans, but sacred to ^e *Ceres*, as the Greeks, whence proceeded that Ζήσεις, which wee imitate in our God help you, as often as we see any man so purging his head. Which not to have proceeded from any deadly disease, is sufficiently evinced by *Cassanbon* on *Athenens*. Οικοσκοπιτικὸν, at the sight of a Mouse, Serpent, Cat, or the like in the house, or when the oyle cruse is dry, hony, wine, water is spent, to guesse at future things. Of this ^f *Xenocrates* wrote. Χειροκοπιπιδν, Palmistric, when by the length of the hand, or lines of the table, they can judge of freeness in housekeeping, of marriage & posterity, of which ^g *Helenuis* once left a monument. Πλάμιστικὸν, gathered out of the shaking of the parts of the body as the shoulder, thigh, or right eye, in which kinde *Posidonius* was an author exposed to the world. Εγγαστριμυθία, as that wherein the *Witch* of *Endor* was experienced, out of the lower parts of whose belly the Divell spake. The first that practised this among the *Athenians* was *Euryoles*; hence they who are possessed with this spirit of prophecying are called Ευρυκλήϊς, *Euryclite*, as the ^h *Schol.* of *Aristoph.* who calls this art ⁱ Ευρυκλήϊσμαστία, the divining of *Euryoles*. Νεκρομαστία, where after solemn sacrifices they were wont to call up the soules

^a *Æsch. loco citato.*

^b *In Arist. p. 574*

^c *In Oed. Tyr. initio.*
^d *Ovid. Fast.*

^e *Sch. Aristop. loco citato.*

^f *Nonnus in Naz.*

^g *Nonnus.*

^h *In Vesp. pag. 502.*
ⁱ *Ido 502.*

soules of the deceased, demanding of them what afterward should befall. As ^a *Wierus*. And no wonder, for they held the spirits of their parents and kindred for Gods, *quibus sacrificabant* (saies *Bodin*) & *ad quorum sepulchra comedebant, in quos scriptura invehens ac detestans, inquit, & concederunt sacrificia mortuorum*, to which they sacrificed, and at whose sepulchres they fed, against whom the Scripture inveighing & detesting speaketh, *And they ate the oblations of the dead.* Of this ^c *Aristophanes* makes mention, and ^d *Homer* in his *Odysses*. This is that which most properly is called *ῥησιεία* from *ῥησι* lamentation; by *Wierus* termed *diræ execrationes*, ^e for with great mourning they invocated *κακοπαῖς δαίμονες*, wicked gods for the accomplishment of their divelish designs. It may most fitly have the name of *Nigra Magia*, ^f for so the *Wisards* divide them into the blacke and white Magicke. *Μαγεία*, from whence the word Magicke is derived seems to have beene found by the ^g *Medes* and *Persians*, whose Priests were called *Magi*, great Philosophers as ^h *Laertius* is witnessse. This is supposed to be the good Magick. ⁱ *Ἐπικλησις ὄσι δαυμόνων ἀγαθοποιῶν, πρὸς ἀγαθὴν πύθ σύσειν φαρμακεία*, is a giving of *philtrum*, a medicine for the procurement of love, or rather enraging of lust, by bewitching something and giving it to be eaten; which to have power over swine is credibly reported. *Κοκκινομαντεία*. Tricks with a paire of sheers and five, of which *Theocritus*. ^k *Ἀξινομαντεία*. To take counsell of an hatchet, taking it & laying it on a piece of timber flatwaies, which did the feat by turning round. Like to which is that naughty use of a key and Bible. *Ἀσερχηγομαντεία*, by the casting of the dice to aske the number of wives, children, farmes, &c. which answer to the quantity of the chance. ^l *Ἀλεξιμαντεία* & *Ἀλδομαντεία*, done by corne, ^m *Ἀειθρομαντεία*, by taking the letters of the name, as when two were to fight, and by the value of them to judge the conquest; As they said of *Hectors* being overcome by *Achilles*. *Ὀρθομαντεία*, making a circle they divided it into four and twenty parts,

^a De magis
lib. 2. c. 11.
^b Demonomania l. 2. c. 3.

^c In Avib. P.
613. a.
^d Lib. λ.
^e Nonn. in
Naz.

^f Vide Bodin.

^g Vide Nonn.
ⁿ In Procem.
ⁱ Nonnus.

^k Vide Odyf.

^l Vide Theocrit. in Phar.
^m Deltio Dico. Mag. l. 4.
c. 2. q. 5. sec. 7.

and on each part made a letter, and putting wheat upon the letters they brought in a Cock, and observing from what letters he tooke up the grain, they at last joyned them together, and so knew their successors, husbands, &c. *Στοιχειοματῶν*, opening a book of *Homer*, and by the first verse that they lighted upon to divine, as that of the death of *Socrates*, who foretold it, meeting with that verse of *Homer*, which speakes of the arrivall of *Achilles* within three dayes at *Thebes*.

^a *Wier. de magis. Inf. l. 2. c. 13.* ^a *Et quoniam poemata pro vaticiniis, &c.* and because poems were accounted prophecies, as Poets Prophets, they were most busie in them. Hence in publique causes had the Romans recourse to the *Sibylline Oracles*, & the private Grecians to the verses of *Homer*. And that *Sors* was put for the writing of Oracles, is manifest out of the words, *Sortes Delphica*, for foretelling or divination. ^b I know the she Priest of *Apollo* being inspired with a kinde of holy fury spake to those who asked counsell. Whence the word ^c *μαντιή* at this time read for Soothsaying, was anciently called *μαντιή* madness. And yet that their cunning men had a kind of lottery, is as clear as day, the ^d Scholiast of *Euripides* testifying; done it seems in matters of question, so *κλήρον δι χροται* may intimate as much as to undergoe triall. Predictions there were, ^e saith *Eustath.* out of signes and wonders, as also of the noise that leaves make when they are burned. To which some adde *αἰσχρομαντεία* or divination by the ayre, quoting for it *Aristophanes* in *Nubibus*, which I now remember not.

^a Wier. de magis. Inf. l. 2. c. 13.

^b Vide Sch. Arist. in Plat. c Ar Rid. T. 3. pag. 25.

^d In Hippol. p. 580.

^e In Il. p. 6.

CAP. VII.

De Templis & Apylis.

THeir Churches were of two sorts; sacred to their Gods in Greek, *θεῶν* or *ἱερὰ*. And sacred to their Demi-gods most properly *σημῶν*. But the word is promiscuously used by the Tragedians. *Clemens Alexandrinus* is of opinion that the first

first originall of their Temples was the erecting of an edifice to the honour of the deceased ^a νεός ἢ ἐπιτάφιος ὀρθοστάσιος, ^a Vide p. 2. πέποις ἢ ἡσυχῆος, τῶντι τῶν πατρῶν νεός ὀρθοστάσιος. Cecrops buried in the *Acropolis*, *Eriethonius* in the Temple of *Minerva*, *Polias*, the daughter of *Celeus* in *Eleusis*, &c. They were divided into two parts, the sacred and prophane, this called ἕσπερον ἕσπερον or the other ἕσπερον. ^b *Casaubon* tells us that ἕσπερον νεός was that holy water set at the dore of the Temple, with which every one that entered into the Temple besprinkled himselfe, or was besprinkled by those that sacrificed; of which in the next Chapter. But others have written that it stood at the entrance of the *Adytum*, in which it was not lawfull for any but the Priests to come. The ^c *Schol. of Sophocles* thus describes the Church. Νεός, quoth hee, is the place where the Altar stands. Βασις, the Altar on which they offered their oblations, Τίβη, where they placed the Idoll which they worshipped; in ancient time a rude table or stock ^d *Clemens Alexandrinus* calls it, as that of *Juno Samia*, afterward made in the Magistracy of *Procles* to be a statue. At first named ^e ἕσπερον, δια τὸ σποχεῖσθαι τὸ ὄνομα, from the shaving of it; but when art began to bee so expert to make it resemble a man, they termed it βεβήτος, from βεβήτος *mortalis*, whose shape it bare. At the setting up thereof they used these ceremonies, That a woman neatly trimmed and deckt in a purple vesture should bring on her head a pot of sodden pulse as beanes, pease, and the like, which they sacrificed in thankfulness for their first food ^f εὐχαριστήσιον σπονδύων τῶν πρώτων διαίτης For as much as I conceive out of *Polix*, they prayed not where this was consecrated, or did divine honours, but in the ἱερόν or ναὸν, the body of the Church, framing, as may bee gathered, their gesture towards it. ^g Αὐτὰ ἢ ἀπὸ τοῦ ἀγάλματος, ἕσπερον νεός, ἕσπερον νεός, &c. Furthermore belonging to their Temples there was a kinde of Vestry, in Greek *Ἀρχαῖον*, by some translated *summum templum*, as if it were at the upper end. This seemes to have been a Treasury both for the Church, and

a Vide p. 2.

^b In Theop. Cornet.

^c In Oed. Tyr. manum.

^d Protrepticus p. 23.

^e Idem.

^f Schol. Arist. p. 115.

^g Lib. 1. c. 1. p. 12.

any soever, who fearing the security of his wealth would commit it to the custody of the Priest, as ^a Xenophon is reported to have done at the Temple of Diana in Ephesus. Martial points at this, when he saies,

Templa vel arcano demens spoliaverat auro.

So reverently did they esteem of these houses of their gods, that to do those offices of nature, I meane venting of excrements too shamelessly seen among us, in the Church-yards, as I may call them, was an abomination; punished severely by Pisistratus. For when he had taken tribute of all that the Attick ground had brought forth, they so hated him for that taxation as they made the *αἰρεσινα* of the Temple of Apollo Pythius a Jakes; which although forbidden never was redressed. And yet so secretly was it done, that he could apprehend none save at last one stranger, whom he caused to be whipt, with this Proclamation, THAT BECAUSE HE CONTEMNED THE EDICT HE SHOULD DIE. Hence to a man that soundly smarted for his wickednesse, they were wont proverbially to say, *He had better have eased himselfe in the Pythæum*, or if there were more, in the plurall number. *Κρεττὸν ὅτι αὐτῶς ἐν τῷ Πυθίῳ διαπατήσαι*. Nay so honourable held they these Churches that to them they granted priviledge of Sanctuary, to which who should fly, might not from thence bee drawne out under a trespassse upon religion. Of this kinde was the Temple of Minerva, and Theseus, the Altars of the Eumenides, and Mercy, ^b whose image they would not have erected any where in their City, although in the midst thereof she had a Grove. ^c The first Asylum among the Heathens is held to have beene in Athens, built by the Heracleide.

^a Laertius in vita. p. 122. vide ad eum locum Cas.

^b Vid. Rosin.
^c Polyd. Virg. in Eurip. they are presented setting near the Altar. T. 2. p. 472.

C A P. VIII.

De Sacerdotiis.

OF holy orders among them I conceive to have been divers sorts, Παράσιτι, *Parasiti*, a word had in latter times in great derision, exagitated almost in every Comedy, put for a shark or smell-feast, *Edax Parasitus*. But held once in good esteem. For when they had set aside such a parcell of land as they thought the renewes thereof would suffice for the ^{the} service of such and such Gods, they chose certain men who should receive or gather the harvest. *Crates*, δι' ὅτι τῶν τῶν θεῶν σίτην ἐκλογίζω αἰρέσασθαι. With the incomes of this were the charges of those publique sacrifices defraied. Hence *Περίστω* *Introitus magni*, great yearly substance, is used for great sacrifice in *Aristophanes*. Scholiast. ἄνω ἢ ἄλαρον τῶν περὶ παρασῆτας τῶν θεῶν δούσις κήρυκες. *Ceryces*, the same signifies a cride, but in sacred functions a Minister, who slew and offered the victims. *Anthenio* the Comcedian ascribes much honour to them, as if they had first taught men to leeth victuals, the flesh of sheep and oxen, while before they devoured each other raw. They take their names from *Ceryx* the sonne of *Mercury* and *Pandrosus*. But *Casaubon*, ἀπὸ τῶν κρείττωνων. *A* *praestantiore parte numeris quod obibant, sic dicti. Idem namq̄* *& hostias mactabant, odolebant q̄, &c.* They in the time of divine rites craved the silence of the people in these words, Ἐυφημίτε. Σιγὰ πῶς ἔστω λαῶς. Be whist all yee people. Good words, for τοῦ εὐφημεῖν signifies, as well as to say nought, which *Horace* fitly interprets when he sayes, *Male ominatis Parcite verbis*. When sacrifice was ended they dismissed the congregation with these words λαῶν ἀφισις. To which custome he unfitly looked who derived the Masse from *Missa est, ite*, better fetcht in my minde by *Welhelius* from *Masab* the Hebrew which avails as much as to praise. *Μυσταγοροί*, the same

a Terent.

b Scen. Att.
Dialecti. apud
Athen. p. 235.

c Avib. p. 581.

d Apud Ath.
l. 14 p. 661.e Vide Salm.
in Infcripti.
Pollucem. l. 8.f In Athen.
lib. 15. c. 23.g Casaub. in
Theophrast.
p. 321.h In lib. quem
scripsit de Sa-
crament.

a Meffius E.
buln. in cas.

b H. Sicut.
p. 93.

c L. Mourac.
de thebellis.

d In Alexaph.
p. 244.

e Aristop. Sc.
p. 125.

f T. p. 621.

g In politic.

h In Plat. p. 1
i Casaub. in
Theoph.

k Arist. p. 481.
l Arist. p. 101.

m In Plat. p. 71

same with ^a *ἱεργαί*), who initiated them who desired to be admitted into the society of the superstitiously zealous (who after they were entered, were not under a yeare compleat, permitted to see the Bible) ^b *Schol. Naz. ἱεργαί* ὡς τὸ τὰ ἱερὰ ἐνοφθαλμεῖν. *Hierophanta* is called from *ἐνοφθαλμεῖν τὰ ἱερὰ*, opening the holy things. *Εἰπὶ δὲ ἱεργαί*. The learned Bishop upon that place of *Nazianzeno*, notes that *Moses* among the *Israelites* was an *Hierophanta*, shewing unto them what they were to do in those sacred businesses. *Πυρρόεσι*, they who lighted the fire of the Altar, whose office made them safe in war and danger. Hence of bloody fight we say *ἢ δὲ πυρράλαθ*, *Ne ignifer quidem*, there escaped not he that served at the altar. *ἱερπιδί*, The Priests in the *Great Mysteries*, tenne in number. *Νεακόεσι* whom ^d *Nicander* calls *ζάκοροι* from ^e *κορεῖν τὸ κέρας πιζεῖν*, to be decent, because they kept the Temples cleane and swept them as *Ion* in ^f *Euripides* speaks. These were the *καυθλαυες*, whose charge it was to preserve that which was found in the Church, and to see that repaired which went to ruine, saies ^g *Aristotle*. And yet we read that the *Parasiti* did sometime look to the mending of it. There being a law enacted that what they laid out should be restored againe. *ἱερπιδί* in ^h *Aristophanes* likewise termed *αερόποδοι*. These are the Priests ever waiting on the Gods, whose prayers the ancients required at their sacrifices, out of which they had a fee, ^k the trotters and skinnes, as the ^l *Cercyes* the tongues. And indeed there was no necessity, for there being tables in their Temples, as *Casaubon* teaches us, whereon they might lay their oblations (and perhaps sometimes depart) of which the Priest according to his stomach did share. Well known to ^m *Aristop.* who relates the like of the Priest of *Esculapius*. It was requisite to this function that they who undertook it should be sound both wind and limb, they being asked ⁿ *αερόπιδί* before their creation, whether they were whole in every member; which ceremony to have been used among holy orders of latter daies is well known, their neighbours

neighbours wives bearing record, saies ^a *Christiannus*, that they have not taken into their societies *quid mutilum*. There were moreover shee Priests as the *Bacchantes* in *Demosthenes*, and the *Kunobeci*, whom in all things ^b *Dionysius Halicarnassensis* compared to the vestall Nunnes.

CAP. IX.

De Sacrificiis.

THE father of Philosophie is of opinion that Sacrifices first began after the ancients had ended their harvest. For then being free from care, they found time for mirth and jollity. In which they offered their first fruits called *ἀπαργου*, from whence *ἀπαργου* is read generally to do any sacrifice. Neither doth *ἀνεσθια* import lesse. For *αν* signifies the bend, or great chest of the garner, wherein they laid up the harvest threshed & winnowed; *εσθια*, the first or beginning, as if when they began to treasure up their store, they first of all liberally paid some devotion to their Gods. The Attick oblations, even to *Draco*, were nothing else but the earth beneficence, but before *Solons* age burnt offering, who willed in his laws, that they should be *ἐκλεκτα ιερεῖα*, chosen and selected sacrifices. The rites performed in them were not different from those in the daies of *Homer*, but somewhat reformed. It behoved them that would take in hand these holy things to purifie themselves some certaine daies before; ^d *ἀνεσθια* *ἀειδμων*, the number of them is not set down. I take *ἀνεσθια* here to abstain from carnall delights, *Tibull. - Discedite ab aris Quos tulit hesternæ gaudia nocte Venus.*) To which purpose *Theano* being asked when it might be lawfull for a woman, from the company of a man to go to sacrifice; answered, from her own at any time, but a stranger never. Bring thus prepared they came and stood round the Altar, having with them a basket in which was the knife hid (covered

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with

^a In Anstoph.^b Antiq. l. 2. n. 3.^c Vide Schol. Eur. in Phœn. pag. 1.^d Plut. p. 63. l. 26. they called their leane sacrifices *ἀνεσθια* *ἀειδμων* horns and haire, as if nought else, Arist. p. 524. ^d Demosth. pp. 200. 476.

a In pæce. p.

b In a with these ελοχύ-
πις the *Grieks*

ever beganne
sacrifice, the
Romans Far.
Dionys. Halic.
l. 2. n. 4.

c Loco laud.

d Athen. l. 9.

P. 409.

e Sophocles

Oed. Tyr.

f Aristoph. p.

g Ιλιαδ. α.

b Ιλιαδ. α.

* Μηρια.

i In Stei.

† Eustath. p.

101. Ιλ.

i Loco laud.

with flower and salt, in ^a *Aristophanes* ἄλει. in ^b *Homer* ελοχύ) with which they cut the throat of the *viſtyme*. Then they purified the Altar going about it with the right hand towards it. ^c *Aristophanes* Περίδι τ βωμόν ταχέως ἐπι δ' ἔξιά. This lustration was made with meale and holy water (sprinkled thereon. This water is called ^d χέρνιψ in which they quenched a firebrand taken from the Altar; with which they bedewed the standers by, accounting it a kinde of clenſing, (Hence ^e χέρνιβας ἐμίειν was forbidden him whom they took for a polluted and ſorlorne rogue.) Then they caſt ſome of the flower on them. And having thus expiated, they cried out, ^f *Ἰς τῆδε; Who is here,* to which they made reply, *Πολλὰ παράδοι.* Many and good. Then they praied. ^g *Homer*, Εξείης ἔστησαν ἐυδμητην φει βαμόν. Χερνίψαντο δ' ἔπειτα, κὺ ελοχύτας ἀέλοντο, τοῖσιν δ' Κρύσης μετὰλ' ἀχτο χεῖρας ἀνασχών. Among the latter they ſpake with a loud voice *ευχόμεθα*, before they began, *Let us pray.* Supplications ended they drew the viſtyme ſo as (if it were to the Gods above) the head might looke upwards, which ^h *Homer*, ἀ' ἐρύειν. *Eust.* εἰ μὲν τις ἄνω ἔδουον, ἀνακλῶν δ' ὅ εἰρεῖς πρὸ χθλον, ὡς ἀφορᾶν, ὡς εἰς τ' ἕβρον. If it were to the *Heroes* or *Demi-gods*, with his throat downwards. Then they ſlew him & ſkinned him, & cutting out the *huck ſhin-bones and hanch, they covered them with fat, which is called *κρίσι* (hence the Gods of the heathen are deciphered by ⁱ *Nazianzen*, κρίσι χαίροντες, rejoycing in the fat) to the end that they might burne all out in a great flame. ^k *ὡδ' ἄσπουδὴ ὀλοκευσιδιῶα τὸς μηρὸς λαμπρῶ καταφλεχθῆντας πνεῖ.* For the *Grecians* accounted it unluckie if it did not ſo conſume, and thought that it was not *καμνίζηται*. upon the *μηρὸς* they caſt ſmall peeces of fleſh cut from every part of the beaſt, beginning with the ſhoulder (which is in *Greek* ὤμο) hence this is called *ὠμοθήειν*. The reaſon *Eustathius* gives, ^l *ὡς δοκεῖν χρι τὸς παλαιῖς, ὅλα ἔπι τὸ μέρη τῶ ἱερέυ καρπῶας,* that they might ſeem to conſume all, which the *Athenians* did not, being commanded by law to carry ſome of the ſacrifice home. By
reaſon

reason of which in junction, they did so strain curtesie of their gods, that the illiberall or nigardly sort of people would sell that which was left, and so make gaine of their devotion.

^a Τὸ ῥηϊερεῖα πλὴν ῥῆ ἰδέων τὴ χρεῖα ἀποδιδόναι, saies *Theophrastus*; where ^b *Casaubon* notes, *Cūxam ferè offerēbant, aut intestina, aut aliud non magna rei persape.* They offered the hanch bone or the intralls, or somewhat of no great worth. Where by entralls you are to understand the spleene, the liver, and the heart, which *Homer* calls ἀλλόγχεα, for though the word be taken for the bowels, yet it signifies the heart too, in which sense we say ἀσπλάγχεος ἀνὴρ, a pusillanimous man, & εὐσπλάγχεος a couragious, as the *Scholias*t of *Sophocles* teaches us. & so ἀσπλάγχεος ἔλασος, the bowels of compassion. These the ancients did divide among them at sacrifice to feed on, and afterwards cut out the rest to rost. For whē they had finished their devotions, they let the reins loose to all manner of voluptuousnesse, gluttony, and drunkennesse. For oft-times they left nothing of their sacrifice, especially when they offered to *Vesta*, whence the proverb, *Εἰς ἃ δύνειν*, is to eat up all, like the Roman *Lari sacrificare*. To say that publickly they begun to *Vesta* were more then I could well prove; but that they did so is plain. In their houses they had Altars, and so I supposed once Ἀφ' Ἐστίας ἀρχέσθαι to be taken, but this was done in *Libanibus*, in their drinke offerings, as he on ^d *Aristophanes*. As for their meat offerings it was required that they should be sound and without blemish, whether it were an oxe, sheep, goat, swine, calfe: to sacrifice they simply termed ἔρθεῖν, which our Latines have interpreted fitly, *Facere*. ^e *Virgil*, *cum faciam vitula*: Whose poverty was so great that he could not afford a sheep, or the like, they thought the Gods would be well pleased if he offered *Molas*, which the Greeks call εἰδυλίματα meale, which by the richer was mingled with oyle and wine, as the ^h *Scholias*t of *Aristoph.* The more wealthy instead of this did cast frankincense on the Altars. For the sacrifices of *Pallas* the tithes were set apart, as ⁱ *Demosthenes*. In

^a Th. Charac.
ῥῆ ἰδέων
εἰας.
^b Pag 336.

^c In Ajtece.
Locarium.

^d Vide p. 382.

^e Vide Pollu-
cem. l. r.
^f In Bucolicis.

^g Casub. in
Theop p 237.
^h Pag. 701. D.

ⁱ Pag. 378.

not truly knowne; by *Petavius* delivered to be of **D: 347.** every Month 29 **D:** except one, which like our February had but 28 **D:** Every two years one Moneth was inserted, once of 29 **D:** another time of 28 **D:** But because in two yeares this * *magnus annus* surpassed the Moon 15 **D:** *itaq; Tetracterida fecerunt.* This consisted of 5445 **D:** 723 & 722 make 1445. So many daies 354. foure times doubled hath, if you please to adjoyne 29. Of this sort of calculation doth he understand *Geminus.* *Ἰὸς μῶνας πεντακονταμένας ἦσαν, καὶ ὃ ἐμβολίμους παρ' ἐπιπέδου.* That must be sily understood, quoth hee, for they did number the Months as if they were 30 **D:** when notwithstanding they had but 29. *Petavius* is otherwise conceited, who takes the Scholiast of *Aristophanes* in that sense, as meaning 29 **D:** full ones, when indeed exactly taken according to *Geminus* you may account 29. *ἡ.* and *Ulpian,* *ἐπιπέδου δ' ἦσαν 29.* And yet are we not destitute of authority, that a Moneth was supposed 29 **D.** *Theon.* *Μῶνα δ' ἑκατόν, τὸν δὲ πεντακοντακονταμένας καὶ ἑκατὸν χεῖρα ὅτι σωλοῦν, ὅς ἔστιν ἡμερῶν καὶ.* But that the fragments were left out, the words are plaine, *Ἐπι δ' ἦν πέντε τὰν ἡμερῶν ἡμερῶν ἀνέει, ἢ ἐν τ' ἡμερῶν δ' ἡμερῶν χεῖρα. Τέτω δ' τὸ μῶνα ἐγγένον πέντε τῶν πεντακοντακονταμένας ἀναγνώ καὶ ἡμερῶν ἡμερῶν. πολλοὶ τ' ἐπιπέδου.* Hee meanes a day the space of a night and a day, for according to such Moneths did they administer their civill affaires. And now it is in request among many of the Greeks. But of this enough. Soone was the *Tetracteris* found faulty; therefore was made a Kalender of eight yeares, in which doubling eight times the difference of the Sunne, to wit, 11 **D:** $\frac{1}{4}$ made up three Moneths, inserted every third, fift, and eighth year. But the scruples comming short in sixteene yeares 3 **D:** they intercalated three. And seeing still they could not make it even, *Euclemon* and *Philippus* made an Almanack for nineteen yeares, which by *Callippus* was produced to 76 Moneths 940. of them 28. *ἐμβολίμοι, ἵνα ὃ πέντε τ' ἐμβολίμων ὁμοίως ἐχρήσαντο,* saies *Geminus.* This was the progresse of their reformation.

a Edic. Cit. p. 25. Pet. p. 10. h. m. Lib. de Doct. Temp. l. c. 6.

* Each of these two yeares severally taken was called *epimeron*, joined with *magnus*, b *Isocrus* Ind. c *Elem. Astro.* c 8. p. 36.

d In *Ancient* e *Loco citato* f In *Arg. Orat.* contra *Andr.* p. 30.

g In *Arri Di.* clem. p. 74.

h *Geminus* p. 38. Whom I follow. Not ignorant that *Mecron* was the first that made the Circle of 19. yeares. Hence *Métronos ἐπιπέδου.* *Mecron's* year is put for a long time proverbially.

But we must look back again and consider that they counted their year two waies. First, of ^a CCCLX, as hath been already spoken, next CCC LIII, when they made their months interchangeably *πλήρεις κ' κείρας*, full and deficient, that is, one 29, the other 30 dayes, yet both Lunary. For that is proved even by the names of their daies. The first, wherein the moon appeared new, called by a *Synalapha* or contradiction of the words *νεμῶνα*. The second *διπέρα*. The eight *διχουμῶνα*, οὐ ἡμῆε fall : the full *πρωσίλων* ☉. The last *τετρακάς*, ^b ἀπ' αὐτῆ τοῦ *εὐμβαίοντος* ☉, because that in the dayes of *Thales Milesius*, ^c who was the author of that term, the month had 30, and no more, but ended: whence I suppose ^d αἰ ἐν ἀδὸ τετρακάδες, signifie the dead, the period of whose life hath beene come to. Though *Diogenian* gives other reasons. And by the way we must not thinke, that they had no regard to the course of the Sunne; ^e *sed tamen ut annus fieret Solaris, &c.* But nevertheless that the yeare might be correspondent to the Sun, they put five daies, called *ἐπαρόμηναι* epacted, to the last Month *Scirophorion*, for the supplying of the defect. And so the yeare had 365 D: which was the true and just measure. But hee might have added, sometimes 366, by reason of that ^f which *Geminus* acknowledges the Greeks to have reckoned, although they accounted their Months but 30 D. This is that *annus implicitus*, which ^g *Aratus* stiles *μέσαν ἐνιαυτῶν*. To this point the Greeke Authors, telling the years by seed time. ^h *Sophocles*-- *Ἐιλομύθων Ἀεότῶν ἔτις εἰς ἐτ* ☉. For the ancients, saies ⁱ *Theon*, took the yeare three waies, either by the Sun, or seasons; as spring, summer, autumn, winter, ^j (*Sophocles*. *Ἐξ ἡ* ☉ *εἰς Ἀρχαῖων ἐμῶν ἡμέρας χειμῶντι δ' ἡδον*--) or thirdly, ^k by the Moon; whose irregularity *Solon* is reported by ^l *Plutarch* first to have marked. Observing therefore that she on the same day overtooke and surpassed the Sun, ^m αὐτῆς ἡμερῶν κ' καταλαμβάνουσαν κ' παρερχομένην τ' ἡλιον, he caused that to be called ⁿ ἔνη κ' νέα the old and new, because that remnant, which was before the conjunction, he thought belonging to the

^a Then were all the months of 30 D. as you may see in Schol. Aristop. Achar. p. 412.c

^b Gem p. 32. ^c Lærtius in vita.

^d Pollux l. 1.

^e Petit. Eccl. Chro. p 215.

^f In Διοσημ. p. 78.

^g In Antigon. p. 213.

^h In Aratum p. 48.

ⁱ In Oedipo Tyran. p. 183.

^k In vita pag. 66. l. 15.

^l Plutarch.

^m Lært. in vit.

the precedent Month, and that remnant which was after the conjunction, appertaining to the subsequent. (These pæces * *Aratus* calls *συνώντων Μηνῶν περίεργα*) in which matter hee is thought to have had *Homer* in sight, who in his *Odysses* termes the thirtieth day, as *Didymus* expounds it, Τῷ τῷ ᾗ ἡμέρῃ τοῦ Ἰανουαρίου, τὸ δὲ ἑκατομῆσιο. Where we may note that then they had no *μηνῶν*, but counted from one to twelve in the ordinall numbers, used by *Demosthenes* in one Oration, ἐν δεκάτῃ and ἐν δεκάτῃ ἑκατομῆσιαιος. Then putting the lesser to the greater they said τῆτι ὀκτὶ δέκα, τετάρτη ὀκτὶ δέκα, the third above ten, the fourth upon tenne, and so to twenty. * But when at the one and twentieth day they perceived the wane of the Moon to be great, and the light almost lost, they changed the order and used δεκάτη ἐπιπλεον, ἐννάτη, &c. the tenth of the decrease, the ninth of the decrease, and so to the twenty nine, δεκάτη ἐπιπλεον, the second of the decrease, or from the end, going lower in number still, as the splendor of the Moon was diminished, but the thirtieth they call'd ἔρηκη, νεα for the cause above. Here likewise they take the reason why the Moneth ending was ἐπιπλεον δὲ ἑκατομῆσιαιος ὡστερὲς ἢ φθείρεται δοκεῖ τὰ φῶτα. Because the daies and Moons doe as it were die, according to that of *Horace*. *Novæq; pergunt interire Luna.* *Macrobiius*, quid aliud nisi illum φθίνοντα dicit, cujus paulatim deficiens suppeditatio in nomen desinit secuturi: Ἐπιπλεον illum, qui precedit numerum successurus priori in defectum meani. *Ἐπιπλεον* standing to supply the place of the departing Moneth; fixed and still waiting untill the Moone shall have journeyed to the compleating and ending of the precedent time. Thus the last day of our lives is said to stand. *Virgil*, *Stat sua cuiq; dies,* as unto which we must passe through all the rest, and once approach. Thus squared they their times and state matters to the Moone. Hence read we *μηνῶν ἀρχὴν πάλιν ἀρχεῖν*, to count the Month as they do, who manage politick busineses, or belonging to government. In which course they made their yeare of CCCLIII daies, which divided into ten parts make ten times

a In Dissem. p. 125.
b Odyss. E. pag. 164.

c Contra Timocratem, p. 446. n. 39.

* Vide Plutarch. loco super laudat.

d Ulpian in Dem. p. 210.
e Macrobius Sat. l. 1. c. 16.

f Æneid. 10. P 330.

times

a Argem. Or. times 35, which $\mu\alpha\sigma\epsilon$ each $\pi\rho\upsilon\tauαν\epsilon\iota\alpha$ ruled in its turne, the
 Dem. contra foure that abounded were called $\alpha\rho\chi\alpha\iota\sigma\iota\alpha\iota$, in which they
 Androt. pag. chose Magistrates, being for that time destitute of them. The
 380. year thus disposed, the Moneths must of necessity be $\pi\lambda\eta\rho\epsilon\varsigma$
 b Elemen. A- $\chi\eta\ \kappa\alpha\iota\ \lambda\omicron\iota\ \kappa\alpha\upsilon\iota$ & *pleni*, as *Geminus*. Οι δ' $\sigma\omega\epsilon\varsigma$ τῶ πολυπληθὲ ἀγῶ
 thronom. p. 31. γῶν ὀλογορροεσσιν λαμβανόμενοι μάλιστα ἄριστοι εἰσὶν ἡμερῶν καὶ
 6. ἀπὸ τῶ δὲ μὲν ἡμέρας ἡμέρας ἡμέρας, ὅθεν δια πάντων τῶ αἰτῶν ἐκ
 καὶ πᾶν μὲν ἐναντιᾶται ἀπὸ τῶ πλῆρες ἡ καὶ ἡ. διὰ τὸ τῶ Σε-
 λῶν δὲ μὲν ἡμέρας ἡ ἡ. If a Moneth have 29 D: $\frac{1}{2}$, two
 have 59. Because therefore the two halves might bee made
 one whole, they so ordered it that now it should bee 29 D.
 c Macrobi. l. 1. then 30 D: The Athenians counted their day from the setting
 Sat. 3. Plin. of the sun on this day, untill the going down of the next. In
 nachist. l. 2. respect to which *Nicander* may be thought to say of noon
 c. 77. sleep, -- ἀπὸ πρὸ ἄδεν. To take rest at the beginning of the
 d In Theriac. even. I know that the Ancients wrought but six houres in the
 e Lib. 4 Ep. 8. day. *Martial*, *sexta quies lassis septima finis erit*. Which
 f In Il. ad a. *Enstath*. affirms in his Commentary on *Homor*. And there-
 γαδὲν ἡ ἡμέρας
 πηλῶς. fore Z H @ I. were the notes of the 7, 8, 9, 10. houres, which
 g Casaub. in joyned make H η δ ι , as if they should have said to the Laborers
 Athen. p. 93 i *Rest*. The beginning of the year was *Hecatombæon*, July,
 u Chronol. the eight, saies *Petitus*. They ever accounting that to be the
 Eilog. first Moneth. In which order I have found them set downe
 i In 4. num. 24. in a Manuscript in our publique Library, only *Memæsterion*
 p. 64. is to be put above *Pyanepson*.

Roman.	Macedon.	Hebrew.	Egypt.	Hellen.	Athenian.
Γαρδικίαι.	Λιρόνεςαι.	Σάβωρ.	Τυβί.	Λυβῶναιος	Εκαπμβαιών.
Φώρδικίαι.	Τυροχίαι.	Αβωρ.	Μαχμυρ.	Πειρίαιος.	Μεταχρησίων.
Μαδύται.	Ιχθύναι.	Μεσώ	Φαμενιά.	Δύσπος.	Βονδρομιών.
Απειλλίαι.	Κεΐαι.	Ιάβ.	Φαμενιά.	Ξανδικός.	Πυανεψών.
Μαΐαι.	Ταυρῶναι.	Ψεδοιαν	Παύν.	Αρτεμισίαιος.	Μαμμανθησιών.
Ιάναι.	Διδυμοί.	Θαμνί.	Παυνί.	Δάσιαιος.	Ποσιδωνί.
Ιόλιαι.	Καρχηδόναι.	Αβ.	Ετσί.	Πάναιος.	Γαμηλιών.
Αιγισταί.	Λέναι.	Εβλ.	Μεσυεί.	Λῶναιος.	Ανθισθησιών.

Σεπτεμβριος.	Παρθένος.	Θισεί.	Θυσία.	Γορπῆος.	Ἐκατηβολίων.
Οκτώβριος.	Ζυγός.	Μερσιάν.	φαοσί.	Ταρβεζελῶος.	Μενυχίων.
Νοέμβριος.	Σκορπίος.	Χαλιβ'.	Αθυσί.	Δίος.	Θαργηλιών.
Δεκέμβριος.	Τοξότις.	Τιθηθ'.	Χοιάκ.	Απολλαι.	Σκίρροφοειών.

In which table although *Hecatombæon* be compared to the *Julian* Moneth *January*, yet it appears not that *Hecatombæon* was ever so removed out of his place, as *Peitius* will have ^a *Eclog. Chr.* it, *Epiphanius* contradicting, of which by and by. Indeed ^{P. 214.} when the Christians in honour of their Easter began the year in April, they called April *Hecatombæon*, as ^b he himself ^b *Loco laud.* testifies. But that *Hecatombæon*, was alwaies the first Month is not probable. For when the *Athenians* under the dominion of *Alexander* the Great's successors changed the head of the year from *July*, to the seventh of *October*, it is like that they began at *Mamastherion* according to this ^c rule. ^c *Ex M.S. Bib. Hoth. Bodleiana in S. n. S.*

Μαιμακπειών.

Ποσειδεών.

Γαμηλιών.

Αθηνειών.

Ἐκατηβολίων.

Μενυχίων.

Θαργηλιών.

Σκίρροφοειών.

Ἐκατηβολίων.

Ματαγελνιών.

Βοηδρομιών.

Πυανεσιών.

* Certaine it is that the same *Attick* Moneths are sometimes ^d *Vide Petar.* *Lunary*, and sometimes not, but of 30 *D:* or *Julian*; When ^e *in Epiph.* they are *Lunary* they have no sure seat, but are now at this ^e *p. 138.* time, then at another. And this hath been the reason why the same Months have not been suted to the *Julian*, by writers.

a Pag. 27.
 b Pag. 63.
 c In Olynth. 3.
 d Pag. 148.
 e Pag. 140.
 f Pag. 167.
 g Pag. 120.
 h Pag. 167.
 i Eclog.
 l. i. c. 6. p. 213.
 k Vide Petav.
 in Epiphani.
 pag. 139.

Ulpian on *Demosthenes* parallels *Hecatombaon* to ^a *January*, and in the *Oration* for *Ctesiphon*, to *March*, and againe to ^b *April*. ^c *March* he calls *Boeodomion*, which also he interprets ^d *June*. *Elaphobolion* ^e *November*, ^f *September* (in the margin *February*) and ^g *December*. ^h *Thargelion*, *April*, *Munychion* *January*. *Scirrophorion*, *March*. Which errors are cursorily noted by ⁱ *Petit* in part, to no great satisfaction. But when by the decree of *Augustus Caesar* they were changed to conforme their year to the *Julian*, they ^k thus numbered :

<i>Menses Attici.</i>	<i>Menses Juliani.</i>
Ελαφηβολιών.	<i>March.</i>
Μουνυχιών.	<i>April.</i>
Θαρσηλιών.	<i>May.</i>
Σκιρροφοριών.	<i>June.</i>
Ἐκατομβαιών.	<i>July.</i>
Μετασειθιων.	<i>August.</i>
Βοηδρομιών.	<i>September.</i>
Μαιμακτηριών.	<i>October.</i>
Πυανεσιών.	<i>November.</i>
Ποσειδεών.	<i>December.</i>
Γαμηλιών.	<i>January.</i>
Ανθεστηριών.	<i>February.</i>

But of this, so much only. Wee must handle their *Lunatic* yeare because according to them were their feasts kept. From whence sometimes they would count, as ¹ *ποσῶτον ἔστιν ἐκ Διονυσίων*. So much and as long since the *Bacchanals*; speaking of the age of a girle. For a more compendious way of comprehending their holy-daies view this Almanack.

Hecatombaon. July.

- 1 ΠΡΩΤΗ ΙΣΤΑΜΕΝΟΤ. ΠΡΥΤΑΝΕΙΑ ΠΡΩΤΗ.
 2 Τεῖτις.
 3 Τετάρτη.
 4 Πέμπτη.

5 Ἑκτα.

- 5 ΕΚΤΗ. 71.
- 6 ΕΒΔΟΜΗ. * Καθ. ΔΘ Θενεως Αδολος. Kept in memory of the return of *Theseus* out of *Creece*, after he had slain the *Minotaure*. * *Plutarch*. The solemnitie ^a *Ovid* seems to describe. *Nullus Erethidis fertur celebratio illo lxxiisse dies*. &c. the eighth day of every Month was sacred to him. He had also a festivall called *Theseia*, in honour of gathering together the dispersed people of *Attice*.
- 7 * ΟΓΔΟΗ
- 8 ΕΥΔΗ
- 9 ΔΙΟΥΣΙΑ. ^b *Metamorph.* 17. Feb. 13. Vide I. lxxii. diligenter. Nunciat operæ premium. c *Pag.* 436. contra Timocritum. d In *Annalib.* vide *Macrob.* Saturn. l. 1. c. 7. v. r. usq. finem. * Then were kept the *Metaxia* in memoriall of their transmission. *Plut.* p. 8. l. 9. By some it is termed *Ξωδίκια*. *Aristop.* pag. 700. *Plut. initio Them.* l. 12. e *Metamorph.* f In *Il.* c. 4. pa. 6.
- 10 ΤΕΤΑΡΤΗΜΕΤΩΡΙΘ.
- 11 ΔΑΔΙΕΩ. ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Α.
- 12 ΤΡΙΤΗ ΚΡΟΝΙΑ. Of these, as also of the day, speaks
- 13 Τετάρτη. * *Demosthenes*. Then did the Masters wait on their servants, as in the Roman Saturnalls.
- 14 Πέμνη.
- 15 * ΕΚΤΗ. ^d *L. Accius*. *Maxima pars Graium Saturno, & maxime Athena Consciunt sacra, quæ Cronia esse iterantur ab illis, Cumq; diem celebrant, per agros, urbesq; fere omnes Exercent epulis læti, famulosq; procurant Quisq; suæ.*
- 16 ΕΒΔΟΜΗ
- 17 ΟΥΔΩΝ.
- 18 ΕΥΔΗ.
- 19 ΕΙΟΥΣΙΑ.
- 20 ΔΕΥΔΗΤΗ ΦΙΔΙΟΥΣ. ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ Β. Hence was this Moneth called by the ancient *Athenians*, *Κεβύθη*; afterward *Hecatombaon*, from *ἑκατόμβαι*, sacrifices to *Jupiter* or *Apollo*, as some thinke with the blood of an hundred beasts: For so were they profuse in their sacrifices. c *Ovid*. *Taurorum sanguine centum.*
- 21 ΕΥΔΗ.
- 22 ΟΥΔΩΝ.
- 23 ΕΒΔΟΜΗ.
- 24 ΕΚΤΗ.
- 25 Πέμνη.
- 26 Τετάρτη.
- 27 * ΤΡΙΤΗ ΠΑΝΑΘΗΝΑΙΑ. The Scholiast of *Homer*
- 28 ΔΑΔΙΕΩ. sayes that *Hecatombe* may be used for five and
- 29 ΕΠΗΧ΄ΕΙΩΝ. twenty beasts, whose feet make up the number of an hundred, *ὅτι τῶν ἑκατηβάσεων, ὃ ὄντι ἐξ εἰκοσιπυρῶ-ζώων.*

* To *Minerva* the protectresse of their city, as hath been before said, instituted by *Theseus*, as s *Plutarch*. & *παλαιστιαία*

Σοφία ἐπινοήσε κοινῶς. At first they had the name *Αθλία* by *Eriethonius*, or *Orpheus*. In the time of solemnization there were rare shews exhibited to the people, such as horse races, wrestling, dancing in armour, called *Πυρρική*, from *Pyrrhus* that invented it; Then carrying in procession the *Peplos*, or robe, in which was wrought the fight of the Gyants. All which you may read in *Meursius* at large, and *Aristophanes* his Scholiast.

^a In Panathenæis.

^b Pag. 140

197. 180. 181.

467. 380 650.

746.

The second of this Moneth is called *Ἰουλίη*, because it hath but 29 daies, and so alwaies in *cavii*.

Metagitnion. August.

From the sacrifices of *Apollo*, called *Μεταγίτης Πιε*.

1 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.

2

3

4 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.

5

6

7 ΠΡΥΤΑΝΕΙΑ ΔΕΥΤΕΡΑ.

8

9

10

11

12

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17 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Α.

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ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β.

* Boedromion. September.

1
2 ΝΙΚΗ ΕΝ ΠΛΑΤΑΙΑΙΣ. When Pausanias and Aristides
3 overthrew Mardonius, Xerxes his Generall neare Plataea,
4 a citie of Boeotia, ^a Herodotus, ^b Justin.
5 ΝΙΚΗ ΕΝ ΜΑΡΑΘΩΝΙ. Miltiades leader of the Attick
6 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ. forces got the upper hand of
7 the Persians. In which battell
8 when Cynagirus pursued the
9 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ. flying enemies to their ships,
10 he caught hold of one with his
11 right hand, which lost, he made
12 use of his left; that cut off, hee in
13 token of his prowesse spared not
14 his teeth, to the eternizing of his name for valour a-
15 gainst his enemies.
16 * ΑΓΥΡΜΟΣ ΜΥΣΤΗΡΙΑ.
17 * In thankfulnessse for the delivery of Greece, at what
18 time Darius and his Fleet went homeward. ^b Aristides
19 describes the joy at full, and the erecting of an Altar
20 to Jupiter that freed them.
21 * The greater in which they were made ^c ἐπόω, or
22 admitted to the sight of that they worshipped. The first
23 day was called ἀγυρμῶς, perhaps from the conflux of the

From this
moneth came
the feasts Bo-
edromia, from
Theseus over-
throwing the
Amazons.
Plut. p. 2. or
Ion helping
the Athenians
against Eu-
molpus. Ben-
dromion to aid
because in ne-
cessity they
made a cry.
Aristophan.
Ecolw Ἰσαδς.
Lucian.
ὄπικα λείδου.
Latini Quiri-
tari, hence
help came in.
^a Callion p.
234. b. lib. 3.
^b Tom. 1. pag.
257. see Plut.
in Aristid. p.
241.
^c Sch. Aristop.
pag. 247.

Here I look on
Æneïdus for
 brevities like,
 but if you
 please to read
 severally, see
 Aristoph. Sch.
 p. 85. 98. 131.
 138. 455.
 529. 647. 142.
 218. 227. 228.
 231. 233. 217.
 262. 264. 316.
 Aristid. T. 1.
 p. 323. Clem.
 Alex. in P10.
 cap p. 10.

22 * ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ.Α. people. The second *ἀλατὸν*
 23 *ἕλαιον*, because the Crier then
 24 warned them to goe to the sea. The third day they sa-
 25 crificed a Barble, because it devours the sea hare, an ene-
 26 mie to man. The fourth, two Oxen drew a basket, re-
 27 presenting *Proserpine* gathering flowers, which wo-
 28 men following cried *χαῖρε Διμήτερ*, Haile *Ceres*. The
 29 *λαμπάδων ἡμέρα*. The sixt *Bacchus* was carried in pomp.
 Hence is it termed *ἰάνχ*. The 7th day they exercise in feats
 of activity & he that overcame had wheat given him. The 8th
 was *Epidauria* from *Æsculapius* his comming from *Epidaurus*
 to *Athens* to bee initiated. In the ninth they filled two
 measures of corne, and setting one at East and the other at
 West, they powred them out, one looking to heaven and
 crying *ἄε*, the other to the ground, saying, *πίψε*. Thus *Μεν-
 σίος*. That day was *πληρωχὴ*.

The second of this Moneth was left out ever, saies a *Πλα-
 τάρχ*, instead of which some are perswaded, the name only
 was omitted, as *τέλειτη* for *τείτη*, which was recompenced by
ἐν δεκάτῃ φθίνοντος, or *ισαμβίου* as in a defective Moneth *δεκάτη
 φθίνοντος*, for the the twenty. Of this judgement is the *ἄξιος
 Πειραιεύς*.

a Sympol. Q.
 l. 9. 76. & in l.
*ὑπὲρ φιλαδέλ-
 φίας* p. 331.
 b Lib. de doct.
 Temp 1. c. 5.
 p. 11. D.

* *Pyanesion*. October.

This Moneth took denomination from the feasts *Pyanes-
 sion*. For mingling the remainder of their food after their a-
 riving, they put it into one pot, and seething it, were joviall
 altogether at the same.

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2 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β.

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7 ΠΥΡΑΝΕΨΙΑ. After that *Theseus* had buried his father,
 he paid the vow made at *Delos*, to wit, if
 8 he returned safe from the death of the *Minotaur*, hee
 9 would sacrifice unto him a pot of sodden beans. Hence
 10 πυράνεια, as it were πυράνεια. For the antiques called
 11 *Αυλολαρία* *de Quorbena*. [beans πυράνεια.

12 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.

13

14 ΘΕΣΜΟΦΟΡΙΑ. ^a *Plautus* calls this festivall *vigilias* ^a In *Aulularia*
Cereris, which the *Attick* Dames

15 kept most sober and chaste, strowing their beds with *co-*
 16 *nyza* for that purpose, it being an enemy to lust. They
 17 prepared themselves with fasting, but after that tooke

18 ΠΡΥΤΑΝΕΙΑ. Δ. their liquor freely. The number
 of daies were three allotted, as

19 some, or foure, as others. When *Castellanus* saies that
 20 *Ovid* makes them nine, is false; for that was the *Myste-*
 21 *ria*, as we above have shewne. They were done in ho-

22 nour to *Ceres*, that gavelawes first, as shee is tearmed
 23 *Δημιτρη δε Quorbena*. Of these you may read ^b *Aristophanes*
 24 and his Scholiast.

^b Pag. 611.
 770. 782.
 783. 819. 820
 829.

25 * *Απαύθεια*. Kept this Moneth. When the Parents
 26 brought their children to their Tribes to be enrolled, I
 27 suppose for feare of deceit in patrimonies. Then they
 made merry for four daies.

28 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Α. The first was *Δορπια*. The se-
 29 cond *Αυλολαρία*. The third, *Κυρεια*. The fourth, *Επιθεα*.

30 ΚΑΛΚΕΙΑ. In honour to *Minerva*, ^c *Maurusius* tea- ^c *Græcia Fe-*
 ches us that they were celebrated the 17 ^d *ria*. l. i.
 of this Moneth, but *Petius* hath thus
 placed them.

Mamaeterion.

Memaßerion. November.

This Moneth is to be placed before *Pyanepson*, as I have above given notice, but in this Almanack I follow *Petitus*, who so hath set it, though much against the opinion of other learned; as Mr. *Selden*, *Petavius* and others, whom I would have you, Reader, to accept as for most approved.

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7 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β.

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17 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ. *Plutarch* in the life of *Aristides*, sayes that the *Beotians*,18 *ans*, nay and *Greeks* send yearly some to sacrifice to the memory of those that died at *Plataea*, and every five
19 the memory of those that died at *Plataea*, and every five
20 year they have great pastimes, which^a he sets downe
21 the manner of.

22

23 ΠΡΥΤΑΝΕΙΑ. Δ. This Moneth is derived from *Jupiter Memætes*: for I suppose they
24 first found Gods, afterwards festivals to them. Not the
25 Months first, and then named the Gods from them.

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Posidon. December.

From Neptune, who is Posidon. For the first day of this moneth was sacred to him, as ^a Casaubon. Hence he thinks it to be called Ποσειδών & ἡμέρα. ^a In Theoph. Charult.

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4 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Α.
5 ΔΗΝΑΙΑ. *Dionysia τὰ κατ' ἀγέας.* Without the cite. It seems when they had gathered in vintage
6 and pressed their grapes. *Alwin Torcular.* Then were they
7 most jocund, as may appeare out of that. *Like the voice of*
8 *them that tread the wine presse,* and in ^b Oppian. *Ἐπιλωία* ^b Κωνσταντ. v. 127.
9 *χέρων.* On which words ^c Conradus Rittarshusius takes v. 127.
10 *Ἀλωαίων* to be *January.* c. 1. Pagina 18.

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12
13 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Β.
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16 ΑΛῶα. A feast to Ceres. The day doubtfull. ^d Demosthen. d Pag 743.

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23 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.
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26 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.

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29 ΠΡΥΤΑΝΕΙΑ. ΣΤ.

30

Gamelion. January.

1 From the marriages first made by *Cecrops*, of whom be-
 2 fore we have spoken, and more you may read in *Tzetzes*
 3 on *Lycophon*. That month wherein this people coup-
 4 led, hence is called *Gamelion*, from *γάμος*, *nuptia*. It is sa-
 5 cred to *Juno*, who by the Poets is called *Pronuba* and *con-*
 6 *jugalis*, President of weddings and the marriage bed.

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9 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Α.

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18 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β.

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Anthesterion. February.

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2 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.

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5 ΠΡΥΤΑΝΕΙΑ. Ζ.

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11 ΑΝΘΕΣΤΗΡΙΑ. Kept in great mirth for three daies in the honour of *Bacchus*. The first Πιθίσια from πῖθος the tubs, and ὄρειν, to open, for at the broaching of their vessells they drunk stiffely. The second Χοῶ from *Chus*, a good capacious vessell. In this he that

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15 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Α. could drink down the rest of his companions had a golden crowne. The third χύτρα, I suppose different from χύτρα. From this festivall the moneth is named, The twelfth of which *Dionysia* in *Limnis* were kept, called μεγάλα & ἀχαύτητα. The 13th were acted Comedies, begun the 3^d yeare of the 93 Olympiad, when *Callias* was *Archon*. But after they were taught as *Demosthenes* and *Ulpian* witness, and *Aristophanes*, ὅτε πῖθος σωτρεῖ χύτρα ὅπου μὲν τὰ κενὰ δ' ἄματα βλέπειν, saies one.

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24 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β.

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Of this you may see *Anthoph.* p. 293. 417. 419. 422. 222. The day was called χύτρα likewise, but not in the sense spoken. In *Terent.* p. 289. In *Demost.* p. 184. *Pag.* 143.

Elephobolion. Martii.

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4 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.

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7 Θυσία Α(κκλησιαν. ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.

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10 ΠΡΥΤΑΝΕΙΑ. Η.

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α Conira
Ctesiphont.

16 Διονύσια τῆ. κατ' ἄσιν.

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20 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Α.

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29 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β.

Of these *Æschines* makes mention, and you shall have them obvious every where in the Greek Authors.

Minychion.

Munychion. April.

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ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.

ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.

Μεθύχεια. Πρωτανία ἐνάτη. *Munychia* were observed to *Diana*, who was so called, and had a Temple in *Munychia*, by *Athens*. The Moneth bears the name. In this Moneth were the causes of strangers judged, ^a *Arist. Sc.*

ΔΙΑΣΙΑ.

To *Jupiter Meilichius*. The greatest day that the *Attick* route was kept in. See of this ^b *Aristophanes* and ^c *Eusebius*.

^a Avib. p. 609.
^b Pag. 150.
174. Ismen. &
Ism. 1. 2.

ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Α.

Thargelion. May.

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5 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β.

6 Θαρσίλια. To *Apollo* and *Diana*; holding it to be their na-

7 tivitie. On this day did they expiate for the sins of the

8 people. For they were wont to nourish some base men,

9 and of no account, at the publique charge whom in time

10 of pestilence, or the like, they sacrificed for the sins of

11 the city. Two in number, saies the ^a *Scholiast* of *Ari-*12 *stophanes*, whence they were called *δημόσιοι*; but more13 properly *κράματα & φαρμακοί*; ^b *Aristophanes*.

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15 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.

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18 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.

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20 ΒΕΝΔΙΑΕΙΑ. To *Diana*, who by the *Thracians* is
named *Βένος*.21 ΠΑΝΑΘΗΝΑΙΑ ΜΙΚΡΑ. Not much different from
the greater. See *Meurfins*.

22 ΚΑΛΛΥΝΤΗΡΙΑ. ΠΡΥΤΑΝΕΙΑ. I.

23

24 ΠΑΥΝΤΗΡΙΑ. *Petitus* places it on the 24 day, o-
thers will have it the 25. To *Miner-*25 *va*, on which they take off the ornaments of her statue,26 and wash it I suppose, ^c *Plutarch*, ^d *Xenophon*.

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Scirophorion.^a In Equites

pag. 353.

^b In Ranis.^c Pag. 152.^d *Ελλην. α.*

p. 257.

Scirrephorion. June.

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12 ΣΚΙΡΑ. To *Minerva*, from *σκιά*, a Canopie, under
13 which her Priests did walke in pomp at that
14 time: or front the statue of *Minerva* found in *Scirus*.

14 ^a Schol. *Aristoph.*

^a Pag 497.
725.

15 ΒΟΥΦΟΝΙΑ. It was not lawfull anciently to kill an
16 Oxe: wherefore when one had slain that
17 beast eating the meale provided for the sacrifice, hee
18 slew him and fled, in memory of which this day was
19 kept. Afterward they did mitigate the Law, and gave
20 licence to butcher an Oxe, so that hee was not for the
20 plough. To which ^b *Juvenal* may allude. *Ut vetulus bos*

^b Satyr, 10.
v. 268.

21 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ. *miserabile collum Præbet, ab*
22 *invito jam fastiditus aratro.*

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24 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.

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27 Πρωταίεα. ή φυλή αρεφή, &c.

28 Where *Pestus* makes the foure first Tribes to governe
29 each his day, on those foure that abounded above the
30 yeare, * *Sigonius* seems to agree, and * *Mansuetus* ap-

* Athen. Rep;
l. 2. c. 3.
* In Notis ad
Harpocra.

proves

* De Doct.
Tem. l. 2. c. 1.
* De emend.
Tem, lib. 1

proves it. Neither is it misliked by * *Petavius*. * *Scaliger* hath falsely taught us otherwise, who makes each *Prytaneia* to rule 36 daies, which none ever are to have done, except the first foure.

C A P. XI.

De Tragœdiâ, Satyricâ, & Comœdiâ.

^a Vid. Cas.
Chro. ad Gr.
Epoch. Mar.
Arund. p. 97.
^b Hermog. de
Eloq. Meth. p.
361. c. 33. Eu-
stath. in Præf.
ad Iliad.
^c Tract. de
Trag. & Co-
mœd. præfat.
Terentio.

^d Marmo A-
rundel. & ad
ca. Seld. CL.
P. a fixa etiam
Aristophan.
ἐπιχοροῖ.

S. h. in Naz.
Seld. c. p. 106.

IT is taken for grant among the Ancients, that *Homer*, who lived ^a 907 yeares before Christ, was the first that taught ^b *τραγικῶς λέγειν*, to speak in Tragœdie; comprehending great and weighty matters in few words and very concisely, being more large and using circumlocution in matters of lesse consequence, which *Hermogenes* acknowledges to be the property of a Tragœdian. This foundation being laid, following ages still built (though rudely) a structure to small perfection. *Nam post illius tale tantumq; documentum, &c.* saies *Donat.* For after that *Homer* by the *Iliads* had represented a Tragœdie, by the *Odysses* a Comœdie, most ingenious imitators took those Poems and set them in order, and divided them, which at that time were inconsideratly, & without judgement written, impolisht, and in the first rudiments not so neat & trim, as in processe of time they were made. For Poësie was a great while in her minoritie, and very rude, after the first publishing of plaies. For we see little or nothing of ^d *Susarion*, the first Comœdian, worth our time; some few verses only, & so few as may but witness such an Authour. The originall of the word-Comœdy is supposed to be taken from divers reasons: First, because in their revelling, kept in honour to *Bacchus*, they sung them, and so it may be derived from *χοῦρος*, *commesatio*; *χορεύειν*, signifying *ὑπὸ τῆς αἰχρῶς ἀδειν*, to sing basely at the cup. Secondly, from *κόμα*, sleep; because when any of the *Attick* husbandmen had been injured, it was the custome (as before hath been spoken) for the party abused, to come in the

the night season into the streets, and with a loud voice cry such a nd such rejoyce in wrong, and commit such outrages, though there be Gods and Laws. And after that, proclaimed the parties name, who on the morrow was sought out by the husbandmen and much ashamed; by which these wrongs were redressed. Thirdly, from *κώμῳ*, a street, because when the old Athenians would note a wicked mans life out to the world, meeting merrily in the streets and high waies, they laid open every mans life, and concealed not his name, ^a *In vicis & compita ex omnibus locis lati, alacresq; veniebant: ibiq; cum nominibus singulorum vitam publicabant.* These verses were first sung^b in the green meadows,^c about the beginning of the spring; When the husbandmen kept the festivalls of *Bacchus* the God of Wine, to whom they sacrificed a Goat, because his biting is an enemy to the vine, the skin of which they took and sowed up close, filled with wine, and anointed it with oyle to make it slippery, and so hopped with one leg upon it, making themselves laughter at the falls they often tooke. This sport they call *ἀσκαλιάζειν* from *ἀσκάς* a skin and *ἀμειβαν*, to leap^d *Aristophanes*. *Ἀσκαλιάζειν τῷ θεῷ πρὸς τῷ ἀσκαλίῳ.* ^e *Virgil* hath fitly set it out.

^a Donatus de Tr. & Com.
^b Idem ibid.
^c In synopsi vitæ Aristop.
Th. M. giffen

^d Plut. p. 108.
^e Geor. 2. p. 71

Non aliam ob culpam Baccho caper omnibus aris

Ceditur, & veteres ineunt profcennia ludi:

Premi aq; ^e ingentes Pagos & compita circum

Theseida posuere: atq; inter pocula lati

Mollibus in pratis unctos saliere per utres.

^f Ila, Tzetzes in Proleg. ad Poetas, interpretis κώμῳ, μέστρα χαλάρω

After *Susarion*, sprang up *Theſpis*, the first that made Tragedies, which by *Horace* are termed, *Lachrymosa pœmata*, sad Poems; because they represent humane miseries, the misfortunes of Kings & great men especially, there being no place for a poor man, but only to dance, as^g *Arrian* hath observed. Which thing gave an occasion to^h *Socrates*, when he saw the most worthy & rich put to death under the thirty tyrants, to say to *Antisthenes*, doth it not repent thee that we in our lives never did some famous exploit? So in Tragedies we mark

^g In Epictet. p. 95.
^h Ælian. Var. l. 2. c. 11.

that such as *Atreus*, *Thyestes*, and *Agamemnon* are slain; but what Poet was yet so impudent as to bring a base fellow on the stage sacrificed? Not supernumerary is that of *Euripides* for *K. Archelaus*, desiring that he would write a Tragedie of him, who prayed that nothing proper to a Tragedy might happen to him; meaning sorrow and lamentation. For so is *Τραγῳδία* used, as *ἡ Κωμῳδία* for joy and mirth, and glee conceits. The first Tragedie that *Thespis* taught was that of *Alceſtis* repriving her husband from death by her owne, as *M^r Selden* hath conjectured. This *Thespis* was forbidden by *Solon* to act his Tragedies, as *ἡ ἀνωφελὴν ἰδαιολογίαν*, a fruitlesse lying. *Horace* of him thus speaks:

*Ignotum tragica genus invenisse camæna
Dicitur, & plaustris vexisse poemata Thespis.
Qua cantrent agerent ἢ peruncti sacibus ora.*

Upon which words some have written that his Poems were so voluminous, that he was constrained to bring them upon waines. But alas, a poore conceit! *Franciscus Lusinius, Uticensis* is of opinion that *Thespis* carried his scene upon cars: and *Acron*; That the *Chorus* carried about in waines acted Tragedies. *Chori plaustris circumducti tragedias agebant.*

I avouch that at the first the Poets acted alone their owne Fables; And to me it seems a ground for to stand on, the Greek Authors by the word *ὑποκριτής*, intimating a Poet. *Oi ἀρχαῖοι ὑποκριταί.* &c. The ancients, saies *Ulpian*, called the Poets *Hypocritas actors*, which we now terme *Tragedians*, such as *Euripides*, *Aristophanes*, &c. The place in which they sung their Poems, was a Scene upon a wain drawn in procession to the honor of their God *Bacchus*, as among the *Greeks* the custome was, saies the Scholiast of *Naxianzen*. Of the manner in those ancient times, *Plutarch* shall thus informe you.

Ἀμφοδὸς οἶνου καὶ κληματῆς, &c. A pot of wine and a vine twig, then one drawing a Goat, next another with a basket of figs, and last of all the *Phallus*. In which solemnitie the Poets in waines following the pomp, might with controle laugh, scorne, and deride any they met, saies *Dionysius Halicarnas-*

sen;

a Athen. l. 3.
p. 90.

b Ad Murm.
Arund.
c Laert. in
Solone. p. 40.

d In Horatii
Poeticen.

e Schol. Arist.
p. 142.

f In Demost.
p. 40.

g Stel. β pag.
107.
ἡ ἀνωφελὴν ἰδαιολογίαν
p. 343.

h Antiq. Rom.
l. 7.

sens; or were wont, as the^s Schol. of Nazian. to raise upon each other, whence *πυμπλῆν*, is as much as to convitiate impudently (though in a good sense sometimes^b to celebrate the pom, or goe in procession in honour to the festivall) and *επιμύθεον*, a scandall or reproach, *ὑβρις, λοιδορία*. Whence likewise came the Greek proverb, *ὡς ἐξ ἀμάξης ληστῆρ, tanquam ex plauastro loqui*, and *ὡς ἐξ ἀμάξης ὑβελζειν, tanquam ex plauastro convitiari*, to give reins to the tongue, to be free in abuse. Which that they might doe the better without shame, or blushing, sometimes would they anoint their faces *amurca, olei face*, with the dregs of oyle, saies *Donat.* or of wine, (for so I interpret *κρύμα*) from which Poets by *Aristophanes* are called *κρυματάμοιροι*. *Horace--Perunelli facibus ora*. Sometimes would they put on vizards,^s which least they should hurt the head, were defended from the skin with a wollen cap, named *πυλίδιον*. A word elegantly used by *Demosthenes*, in a Metaphor drawn from the liberty and impunity of the persons that wore it. *Ὅσα οἱεὶ δύνω δάτειν πυλιδέων καὶ ποσέτων ἀδικημάτων καὶ πυλίδιον λαβὼν ὄπι πῶ κεκαλω*. Thinke not to escape scot-free for such villanic, though you get a *pileum* on your head. We may apply it in threatning to any slanderer, of whom we surely intend to be revenged. But I seem to forget the Poet, while I speake of the stage, I will therefore returne to him. *Thespis*, as I said, was the first that invented Tragedies; so called, as *Donat.* tels, because (lest there should be rewards wanting, by which good wits might be stirred up to write, and men encouraged to get them tunable voices *ad dulcedinem commendationis*) they gave the Actors a Goat. *Caper namq, pro dono his dabatur. τέρψθ* is a Goat, and *ἀδν* a song. *Horace, Carmine qui Tragico vilem certavit ob hircum*. Before that time some say that *Epigenes* the *Sicyonian* made Tragedies, but the most received opinion is this which *Horace* hath set downe of *Thespis*. Before him there was no art of po^{sie} Tragicall, but at their festivals, when they ascribed all their mirth and delight to their gods, they did it especial-

a Loco laud.

b Hermog. Meth. de Elo-quentia, c. 2. p. 519.

c Dem. pro Coron. p. 134.

d Schol. Arist. p. 142.

e Ulpian in loc. cit. De iur. f Nubibus p. 147.

g Ulpian. in Dem. p. 254.

h De fasti Legatione.

ly to *Bacchus* (and so afterward, when *Actors* are called, *Διονύσιος τεχνίτης*, and *τεχνίτης*), simply by *Demosthenes*, by *Donat. Artifices*. The word is used for *Juglers*, and such as *Hokus Pokus* in *Theophrastus*) they would feast, and afterward scoffe and deride each other, which grew after ward a part of their solemnity. They would moreover dance at rude Musick, and from thence suppose they the *Chorus* to have sprung up. They would likewise cast forth *ἀντιθέματα*, as they terme them, in *Virgil's* language, *versus incomptos*, *Numeros innumeros eo tempore fundi solitos & sine arte*. For they had of old but two sorts of verses, *Heroicks*, in which they sung the praise of Gods and Noble-men, and from this in a short time with small care grew a *Tragœdie*; the other sort was *Iambicks* as toying and lascivious as the *Phallica*, but biting too, and from hence came a *Comœdie*. At first small was the difference between a *Tragœdy* and *Comœdy* *constat sane, primis temporibus ignoratum fuisse discrimen inter Tragœdiam & Comœdiam*, and the reason is, because even *Tragœdies* had their wantonnesse and petulancie. At first they sung in honour to *Bacchus Dithyrambicks*, and afterwards neglecting him they praised their *Demi-gods*, which when the people saw they cryed downe, with *Οὐδὲν τοῖς Δίονυσου*, whence our proverbiall adverb is fitly used *ἀνεργιστίως*, for nothing to the purpose. But to give content to the people, the *Satyres* did *Preludere*. But after that, when a *Tragœdy* took state they excluded the *Satyres*, and were only for sad and serious persons; by which mournfull Poems the people were wont to be cast down, sympathizing with the person represented, therefore to cheer them, a *Chorus* of wanton *Satyres* were brought in by *Thespis* as *Horace*.

*Mox etiam agrestes Satyros nudavit, & asper
Incolumi gravitate, jocum tentavit, eo quod
Illecebris erat & grata novitate morandus
Spectator, funditusq; sacris, & potus & exlex.*

In a *Satyrick* play, *Satyres* have a *Chorus* place, or else the persons

a Orat. πα-
ραπ. p. 242.
b Charact. vi.
Cafaub.

c Georg. 2.
a Cafaub. de
Sat. Poet. l. 1.

c Cafaub. ib.

De arte Poet.

persons are Satyrick and ridiculous, and for the easing of the
 mindes of the spectators, they would bring in Satyres for
 sports sake; and many of their Tragœdies had some mixture
 of Satyrick sport, saies ^a Casaubon. *Fuisse aliquando pluribus*
Tragicis Dramaticis interjectas Satyricas fabulas. Of this I say
Thespis was the first inventor, who likewise to ease the *Cho-*
rus (* for that acted only) brought one actor upon the stage,
 to whom *Æschylus* added one, and *Sophocles* another, so the
 number was three, *Æschylus's* is *δδτεεργωνιστις*, *Sophocles* his
πειραηριστις, a word put for an obscure & bate fellow in *De-*
mosthenes, *Ulpian*; *ὡς ἀδουμῶπι* & *τῷ ὑποκριτῷ*, speaking of
Æschines, if I remember, *Tully* calls them Actors *secundarii*
 & *tertiarum partium*. ^d *Ut in actoribus Grecis fieri vidimus,*
sepe illum qui secundarum & tertiarum partium, cum possit ali-
quanto clarius dicere, quam ipse primarum, multum summitte-
re, ut ille princeps quam maxime exceleat. But let mee speake
 what I have to say of a Tragœdie. ^e None was permitted
 once to act *Æschylus*, *Euripides*, or *Sophocles* his Tragœdies,
 but they were to bee recited by the Scribe, that the Actors
 might (as I conceive) repeat them. *Τὸν ἀπόλεως γεγραμμένα*
ἀδραναγνώσκει πῖς ὑποκριτῶν, ἢ ἐξείναι ἑαυτὸς ὑποκρίεσθαι.
 And to this purpose by a Law of *Lycærgus* the Oratour
 were they commanded to be transcribed, and kept under
 custody *ἐν κοινῷ*. Yet the ^f Author of the life of *Æschylus*
 writes, that the people made a decree, that he should receive
 such a summe of gold, that would *διδάσκει* the plaies of *Æs-*
chylus after his death. I put the word *διδάσκειν*, *docere*. Because
 Tragœdians as well as the Comœdians were said *εἰς διδασκῶ*
ὡν προσῆκον ἐργαζέμενοι, to labour in teaching the people. And
 for this end did the ancients lay out so much mony upon their
 Theaters. ^g *Sed immane quos quantosq; sumptus, in Theatra,*
in Comœdiarum ac Tragœdiarum representationem fecerit an-
tiquitas. Cum non mores tantum ab utrisq; emendari, ac prin-
dentiam conferri, sed & scripta antiquissima, & formas Reipub-
licæ, ac vitam magistratum, cum summo spectatorum fructu,

^a P. 129. de
 Sat. l. c. 11.

^b Lucan. p. 129

^c 184.

^d In div. nat.

^e Plutarch in
 vita X Rhet.
 p. 45 2. B.

^f Juxta finem.

^g Heinsius
 Proleg. ad A-
 ristarchum
 Sacrum.

in Comœdia examinari, falliones componi, ac gravissima subinde publico suppeditari crederent consilia. Not unfitly therefore did the Poet reply to the people that carped at him in the Theater. *I came hither to teach you, not to be taught by you.* Hence of a Tragœdie or Comœdie the Greeke writers say, ^a *ἰδίᾳ (xῆ), docetur fabula*, and *ἰδίζουσι, docere*, as sometime *ἰδίζουσι*, as you may see in ^b *Athenæus*. The following Poets did not alwayes represent their owne Fables, but oft-times their predecessors; so saies ^c *Quintilian*, the people permitted the works of *Æschylus* to be dealt with, because in many places his verses were not set in order. Hee brought great grace to the stage, & first taught *αὐτοσχεσίαν*. the painting of the Scenes; which some thinke *Horace* to aime at, when he saies, *Modicis intravit pulpita cignis*. Which because it was perfected by *Sophocles*, is thought (nay spoken affirmatively by some) to have been invented by him. *Sophocles* indeed did *πυλὰ κεινέσσειν*, bring in many new things, such as leaving out the action of the Poet (for before the Poet himself acted) by reason of the badnesse of his owne voice; hee found out white shooes, which the Actors and Dancers wore; he made the number of Dancers fifteen, before but twelve; he fitted likewise his Tragœdies to the natures of the Actors, & c. but that he invented *αὐτοσχεσίαν* I cannot finde. Somewhat likewise was added by *Euripides*:^d as to set out the Argument of the Fable in the beginning of the Tragœdie, as you may observe; leading the Auditor, as it were by the hand, to the last and principall point of that one action which he would represent, which by the glory of our nation, ^e *St Philip Sidney* is not past by, as frivolous, without noting. These three were the Princes of Tragick stile, who exhibited to the People every yeare at some certain solemnities their Poems, striving who should get the victory by the approbation of Judges, chosen for that purpose, called ^f *Διορυσία καὶ Κεῖται*, and *ἑκεῖται ἐν Διορυσίᾳ*, Ten in number, thinke some at first, gathering out of *Plutarch*, in the life of *Cimon*, authority for it. Because

^a Athenæus
Dip. l. 6 pag.
268. vide C. 1.
saub.

^b Pag. 270.
^c Lib. 10.

^d T. Magister.

^e In the defence of
Poësie.
^f Heinſius in
Proleg. ad A.
ristarchum
sæcrum.
^g Ælchines
cont. Cæciliæ.

cause when he had brought the Reliques of *Thesens* out of *Scyrus*, *Aphepsion* the *Archon*, in gratulation to him, chose not the Judges as soon as the Theatre was filled, and spectators placed; but presently after *Cimon* entred the Theatre with nine more of his fellow Captaines, of each Tribe one, after accustomed sacrifice he swore them Judges, who gave the victory to *Sophocles*, but then young; for which *Æschilus* grieving went into *Sicilie*, where he dyed, and was buried near *Gelas*. But out of this place we cannot prove that the number of these Critick Judges was alwaies Tenne. This we acknowledge done in testimony of high acceptation of *Cimon's* service. And yet in judgement upon Tragedians, the number might be so great. For there seems to be a difference between the Judges of Tragedies and Comædies. The number of Tragick Judges, grant we haply to be such as we speak the power incontrollable, as from whom there was no appeal to others. ^b *Cum neq; provocatio ab iis esset, neq; de quibus illi judicarent, magistratus cateri sententiam pronuntiarent.* The Comick Judges were in number but five, from whence came the Greek proverb, ^c Πέντε κριτῶν ἐν γύνασι καὶ. *Sub quinque Judicibus lis est.* The ^d Scholiast of *Aristophanes* speaks somewhat uncertaine. Judges, quoth he, passe censures upon the Comædians, & they who had five voices were happy. Those were all. For if there had been ten of them too, it would have made nothing to the Poets felicity to have had equall voices. For the odde gave a great stroake. Hence wishes the *Chorus* in the behalfe of the Poet. *Ἐνὶ κελῶν νικᾶν μόνον*, to be victor by one voice only. Another difference is that, whereas the Tragick Judges had free liberty of suffrages beyond the power of the people, the Comick had not: For whē *Aristophanes* taught his *Νεφέλαι*, they so much took the people, that they applauded the Poet, cried him up Conqueror, *ὃ σέσσι παῖον πῖς κειπῖς ἀνωθεν Αἰσιοφάνω*, ἀλλὰ μὴ ἄλλον γράφειν, saies ^e *Ælian*, and commanded the Judges to write *Aristo-*

^a Plat. Cimo-
ne p 352 l. 39.

^b Heinsius
loco laudato.

^c Zenobius.
^d Ad Aves p.
562.

^e Var. H. l. 2.
^f Avib. p. 562.

nes calls *πρῶτος* ἐν πινάκῳ, the most excellent first, the next to him second, and next to him third (which was no small praise, according to that of *Quintilian*, as I remember, *Honestum est in secundis tertiusve consistere*) and no other. For which cause I suppose the Poets before reciting, were wont to sacrifice, and pray for the favour of the Judges and Spectatours. ^a *Aristophan.*

Οὐνοῦ δὲ τῆς πάνσι νικῶν τῆς κριτῆς

καὶ τῆς θεαταῖς πάνσι-- Where the Scholiast interprets

οὐνοῦ truly as it is to be understood, *δέχομαι*, to supplicate. And good reason. For if they pleased not the people in reciting, they were overwhelmed with stones. To which use ^b *Aristophanes* points, saying-- ἐκ ἐβάλλετο; nay sometime would they hiss them, which they terme *κλάζειν* and *σείπειν*, sometime stamp them out of the Theater, which they call *πρωκοπεῖν*, by ^c *Pollux* interpreted *ἐδώλια ἢ πῆραις κατακρούειν*. Another difference is that ^d the Comick Judges were punished if they judged not right, the Tragick not so. And for these reasons have some conjectured, nay positively written, that their Judges were of two sorts, old and new, in which matter, if there be place for a conjecture, mine is, that they confounded both, making no oddes between the Critick Judges of Tragedies and Comædies. But of this, Reader, you may determine as your Authors shall afford authority. Before Judges, as I said, the Poets in emulation presented their labours, & they who in their opinion lost the day, were said ^e *ἐκπιπῆεν*, by ^e *Casaubon* interpreted *non stare*. The time of exhibiting their Tragedies, were the holy daies of *Bacchus* called *Dionysia in agris*, or *Lenæa*, in the moneth *Posideon*, on the *Antheſteria*, or *Dionysia in Limnis*, in the moneth *Antheſterion*, on *Dionysia in urbe* in the moneth *Elaphebolion*, to which I find added the *Panathenæa* by *Thrasylus* in ^f *Laertius*, which some deny; yet the same writeth that when *Sophocles* exhibited but one, it was at this festivall. I say but one, because it was a custome among the Poets of ancient daies to entertain their people with

^a Loco laud.

^b Ranis p. 248.

^c Lib 6. c. 19.

p. 203.

^d *Æschines*
contra *Cre-*
siph p. 98.

^e *Heir. ſius*
Prolegom.
^e Sat. Poeti.

^f *Platone* pag.
120.

with more plaies then one. *Atos autem Tragicorum Grecorum fuit Athenis, ut modo singulas committerent fabulas, modo plures, saies^a Casaubon:* Sometime in the same yeare three, and then was it called *τραγωδια*, sometime foure, and then they stiled it *τετραγωδια*, ^b *Τὰς τῆσδε Δραμάτων ἐπιπέται ΤΕΤΡΑΛΟΓΙΑ* Whereof, saies mine Author, the fourth was a Satyricall play, the three other now treating of the fortunes of one and the same man, as those of *Æschylus*, named therefore *Orestia*; to wit, *Αγαυωνων Χορηγεῖ Εὐριπίδης*. Which are all extant; the fourth was *Proteus Satyricus*. At other times they were not of the same subject, as that of *Euripides*. *Medea*. *Philoctetes*. *Dillys*. The fourth was *Θεωρία*; saies the Author of the argument to *Medea*. Where the interpreter seems to me not to reach to the expression of the Greek word *Θεωρία*, *Σάτυρος*; *Messores*, *Satyros*; he ought to have rendred it thus, *Messores*, *Drama Satyricum*. For that the word bears this sence is sufficiently dilucidated by ^c *Casaubon*. That the greatest task of action lay on the *Chorus*, is as apparent as the Sun at noone. The number of them in Comœdies were twenty foure, and six *juga* (each *jugum* consisting of foure; but *σοιχοι* foure, each *σοιχοι* six men) in Tragedies fifty, untill the time of *Æschylus* his *Euменides*, the number of which so terrified the people, that the children and younger sort fainted & the women suffered abortion; for which reason, saies *Pollux*, the number was lessened (which some deny) by law. They were by that Act brought to fifteen, five *juga*: I say *juga*, because they were divided into *σοιχοι*, and *ζυγα ζυγοι* was when the *Chorus* entred by three, and then it was called *κτὶ ζυγα τριεσδ*, by file. *Σοιχοι*, when they came on the stage in rank five at a time; and this they terme *κτὶ σοιχοι*. Sometime one of them entered alone, which they say *καθ' ἑνα*. Of interlocutors the ancients for the most part never had above three; but if a fourth spake, that they named *δραχοπίσυνας*, and if the *Chorus* supplied the part of a fourth actor, it was stiled *παρακλήσιον*. To speak of the severall verses of Tragedies, is *ἀλλήμ αγερει*:

and I had rather speak of the action, then the art in composing & yet not much, only this of their motions, termed *στροφαι* and *ἀνστροφαι* Σ(εφ), saies the Scholiast of Pindar, is a turning from the right hand to the left, in analogie to the motion of the universe *τὸ πρὸς τὸς*, from the East to the West; because Homer calls the East the right hand, the West the left: contrary to the Hebrews, who terme the South *Jamin*, which signifies the right hand, and the North they counted the left. *Ἀνστροφὴ* was a turning from the West to the East, that is from the left hand to the right, as the Planets move. Another posture they had in their *Epodes*, for (if it be so in Tragœdies, as in Lyrick Musick, which I beleeve) to expresse the immobility of the earth they stood still. They used *Epodes* for the most part at the end of the Acts, when the players avoided the stage. Thus much of Tragœdies; the authors of which were highly of old esteemed of; insomuch as after the dismall ditcomfeit of the Athenians in Sicilie, they were relieved, who could repeat somewhat of Euripides. Nay, by a law made by ^b *Lycurgus*, and established in Athens, *Æschilus*, *Sophocles*, and *Euripides* had statues erected in brasse for the continuation of their memory. After Tragœdies had proceeded to perfection, Comœdies were with great applause taught, as ^c *Horace*,

*Successit vetus his Comœdia, non sine multa
Laude--*

He saies, *vetus Comœdia*, because a Comœdy was divided into three, or if you please so to speak, two sorts, the Old and New. I said three sorts, because * the old was different from it selfe. The meaning is, that the old Comœdy, of which *Sannyrion* (by some named *Sannyrion*,) was author, tended only to laughter, being without order and decencie. For the *Chorus*, now walking, now dancing about the smoaking Altars, sung *simplex carmen*, some naked verse, saies *Donat*. Which by *Cratinus* was redressed; for he ordained three Actors, and mingled with his sport, profit, I mean for instruction. For under the *Democracie* it was lawfull to exagitate and propose

for

* Plur. in fine
vitæ Niciæ.
b Plur. in vit.
c Resp. Pauf.
Atticis p. 18.

d De arte Po-
eticâ,

* Grammat.
ἢ παλαιὰ ἐ-
πιτὴ διαφέρει.

for a laughing stock Captains and corrupt Judges, Citizens given to bribery, and such as lead a dissolute life, naming the men upon the stage and fitting the Actors with vizards, bearing the shape of those whom they intended to deride. But as the state grew to an *Oligarchie*, that licence was taken away, *Eupolis* being cast into the sea by those, against whom he wrote his Comædy *Bapta*, and so drowned. Nay there was a law enacted not ^α *ὀνειμασι* *κωμῳδεῖν*, to name any whom they wrote that Comædy of. Of which *Horace*,

^a *Hermoz.*
Pat. cap. p. 76.

-- *Sed in vitium libertas excidit, & vim*
Dignam lege regi. Lex est accepta, Chorusq;
Turpiter obtulit sublato jure nocendi.

But when *Alexander of Macedon* grew potent and a terror to *Greece*, the Poets fearing lest any of their abusive wit might displeasè the great *Macedonian*, they changed the Argument of their plaies; and instead of abusing states & people they fell upon ancient Poets, or some part of History not truly written, personating the Actors so as to be most ridiculous: sometimes scoffing on the stage at mean men, and this they

termed *Νεῖα Κωμῳδία*, the new Comædy. But afterward it was a piece of the *Athenian* policie to forbid that the people should be tossed on the stage, unless they would themselves, saies *Xenophon*; knowing that none were wont to be brought thither but the wealthier sort, *πλέστι*, *ῥουχι*, *δουῆρι*.

^b *Donat. Ge-*
neraliter ad
omnes homi-
nes qui medi-
ocibus fortu-
nis agunt, &c.
^c *Athen Rep.*

Some are of opinion that no Player came on the stage untill thirty or forty; I dispute not the matter, for sure I am that *Sophocles* taught his first Tragedy at twenty eight, in which doubtlesse himselfe came on the stage. It being among the *Athenians* no disgrace, as the *Romans* accounted it, to appeare there. ^d *Emilius Probus. In scenam verò prodire, & populo esse spectaculo nemini in eisdem gentibus (Græcis) fuisse turpitudini: quæ omnia apud nos partim infamia, partim humilia, atq; ab honestate remota, ponuntur.* The place where the people beheld these plaies and pastimes was in the market place, where they nayled scaffolds to a black poplar tree. For in

^d *P. æfatione*
ad vitas. p. 2.

^e *Meurs. Attic.*
Leët. l. c. ult.

ancient time they had no Theater of stone, only of wood, which they call *κεία*.^a *Aristophan.*

^a Theſmoph. p. 787.

— Ἀπὸ τοῦ ἱερῶν
ὑποκλίπεσθ' ἡμᾶς—

These were built by some, who upon some consideration of money admitted any to a seat, named therefore ^b *Θεατρῶναι*. Once it seems places were not hired. But there grew great enormities and abuses. For striving to get places, there rose wrangling and brawls, and fights; wherefore the *Attick* Senate ordained that each place should be hired for two *oboli* (in the Consulship of *Diophantus*, a *Drachme*, say some, whence rose the Proverb, ^c *Δραχμὴ χαλῶσα*; because at the establishing of it, there fell haile.) This money they called *θεατρῶναι*, from *θεατρῶναι*, because with it they did *θεατρῶναι* *προβίζεσθαι*, buy a seat to behold the shew exhibited. Now because the poor people had not to give, & so were deprived of the spectacle; *Pericles* desiring to be popular, made a law that they should receive out of the Cities revenues two *oboli* each man.^d For the right of exacting which money, they were to produce the authority of the *Lexiarchicall Rolles*, as appears out of *Demosthenes*. For the distribution of this were certain officers appointed, named *οἱ ὄμι θεατρῶν*. But afterwards *Apollodorus* strove that in warre and publicke necessity, these summes might be employed in military affaires, but he endeavoured in vaine; *Eubulus* in flattery to the people, enacting it capitall for any that should attempt that which *Apollodorus* did; which makes *Demosthenes* desist, willing, yet not daring to perswade to convert the money to the use of the Army. But see the folly of them! For they spent as much on these sports as in obtaining the Mastery and liberty of *Greece*. And the end was miserable: for they became effeminate, and so put their necks under the *Macedonian* yoake.^e *Justin* of the death of *Epaminondas*. *Siquidem amisso, quem emulari consueverant, in segnitatem torporemq; resoluti, non ut olim in classem exercitusq;, sed in dies festos, apparatusq; ludorum, redditis publices*

^b Casaub. in Theoph. p. 245.

^c Zenobius.

^d Cont. Leoch. p. 617. n. 50. 51.

^e Olynth. 1. n. 7.

^f Lacon. apud Plat. Mor. p. 421. e.

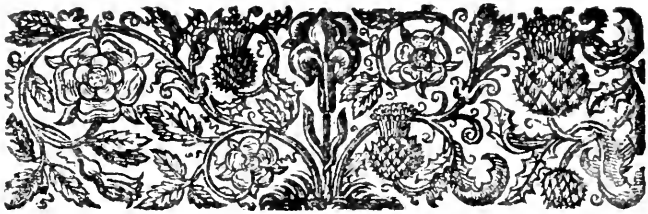
^g Lib. 6. fine.

publicos effundunt : & cum auctoribus nobilissimis, poetisq; theatra celebrant, frequentius scenam, quam castra visentes. Versificatores Oratoresq; meliores, quam duces laudantes. Tunc veritigal publicum, quo ante milites & remiges alebantur, cum urbano populo dividi cœptum est. Quibus rebus effectum est, ut inter otio Græcorum, sordidum & obscurum antea Macedonum nomen emergeret, &c. Of the Theater I will say little, as also of the stage: Only that the places in the Theater were not promiscuous. For there was a distinction between the Senatours and younger sort. The Senatours was named *βουλευτήριον* among which it is probable the Judges had the first place, as *Pollux*. The seats for the youth were called *ἑφηβικόν*. One part of the stage was *Orchestra*, in which was *Θυμέλη*, either a Tribunall or an Altar. That upon all their stages there was an Altar sacred to *Bacchus*, is apparant out of *Donat*: he saies it stood on one side of the stage, before the doores, *Pollux*: who names it *Ἀλιδίς*. There was moreover a Table called *Ἐπίδης*, on which before the time of *Thespis* some body ascending in the Poets place, did answer the *Chorus*. *Plutarch* thinks *Ἐπίδης* to be derived from *Ἔδος*, because that before the building of Theaters the ancients embracing *Music* only for institution of youth and praise of their Gods, sung the commendation of good men, and honour of their Deities in Temples.

a Aristoph. p. 578.

b Lib. 4 c. 19. p. 202.

c De Musica 441.



LIBER TERTIVS.

CAP. I.

De Legum latoribus Atticis. Νόμοι, ἄρχαὶ καὶ ἔργαται.
 ἡγεσία. Περίβλημα. *De sancendis Legibus.*

^a Lib. 2. p. 27.



S ^a Justin hath been too forward in relating the mutation of the Athenian government, passing by the perpetuall and decennial Consuls, and naming only the yearly : so hath he erred in the originall of their Laws, making *Solon* the father of them. But it seems

^b Arist. Plut. pap. 67.

^c In Theseo p. S. l. 2.

otherwise. For, as ^b Gerardus hath observed, *Theseus* gave Lawes to the Athenians. And ^c Plutarch witnesseth, that when he congregated the Attick people, and constituted a Democracie, he reserved only to himself the government of war and custodie of the Lawes. Δημοκρατίαν (περὶ τῶν) ἀπὸ μόνου ἀρχοῦ π πολέμου καὶ νόμων φύλαξι χρησαμένω. Adde to this, that before the knowledge of letters & writing, it was a custome among the ancients to sing their Laws, lest they might forget them, used in the daies of ^d Aristotle by the *Agathyrst*, a people neare to the *Scythians*. Whence afterwards the rules

^d Problem. γμ. ιθ. αρ. κί. fol. 189 b.

rules of Musick, for the true keeping of time, singing, & playing, are supposed to be called Νόμοι. Neither may it be thought otherwise, because all the notes of the ^a Lydian, Hypolydian, &c. Dorick, Hypodorick, &c. Phrygian, Hypophrygian, Ionick, &c. songs were distinguished by the Alphabet. Yet ^b Plutarch is of opinion, that they derived the word from those bounds, which the Musicians of old prescribed, for the tuning of voices or instruments, lest they should be confounded; and therefore he calls it, *ὀκείαν τῆτιν*. ^c Idem. Νόμοι γὰρ *περισσὸς ἔστιν, ἔτι δὲ ἐκ ἐξέλιπὼν πρῶτον καὶ δευτέρου νόμου ἀφ' οὗ ἔστι τῆτιν*. The *Greekes*, saies ^d Cicero, thinke the cause of this word, *ius suum cuiq; tribuendo*, intimating *ἕμερον*, which signifies to distribute, because the Law gives every man his due. Thus see we, that there were Laws of yore, let ^e Justin say, *Nulla civitati leges tunc erant, quia libido regnum prolegibus habebatur*; That the City was without Law, because the wills of Kings were Laws. In succeeding ages, and before *Solon* too, *Draco* gave Lawes, living about the three hundred and ninth *Olympiad*. His Acts, saies ^f *Ælian*, were called *θεσμῶν*. *Ἐκαλέθη δ' ἐπινοῖ θεσμῶν*. Now *θεσμῶν*, by ^g *Ulpian* is interpreted *νόμοι* *ὡς καὶ ἀθύρησι πρὸς δὲ νόμοι θεσμοῖν*. A Law giving in precept how to make a Law. And yet ^h *Aristotle* calls them *νόμοι*, giving them this commendation, that they are not worth remembrance, but for their great severity. Which gave occasion to ⁱ *Herodotus* to say, that they were not the Laws of man, *ἀλλὰ δράκοντι*, in a double sense of the word which is also put for a Dragon. And ^k *Demades*, that they were not written with black, but blood. For he punished every peccadillo almost with death, those that were convicted of idleness, or stealing of potheerbs, alike the sacrilegious and man-slayers. Wherefore were they made of none effect by *Solon*. For he abrogated all, except those which concerned murder, intituled *ΦΟΝΙΚΟΙ ΝΟΜΟΙ*. Him succeeded ^l *Solon*, a man so well tempered, and equall betwixt the Commons and the Peers, that he was beloved of both

^a Vide Alypi-um in Ifagege Musica.

^b In libro de Musica.

^c Loco citato pag. 437. d De leg. lib. 1. fol. 16. b.

^e Loco laudar, / Clem. Alex. p. 226.

^f Varæ hist. l. 8 c. 10.

^g Arg. orat. con. lepti.

^h Polit. 2. c. 10.

ⁱ Arist. Rhet. l. 2 c. 44.

^j Plut. in Solone. p. 63. l. 2.

^k Demosth. p. 70.

^l His lawes continued 100 years, saies

Plutarch, in strength. In

Solone p. 66.

and afterward by little and little decayed.

Ælian. Var. hist. l. 2. c. 22.

If any spake against them,

he had corporall punish-

ment.

both

both, having still a care, lest while he should side with one, he might displeasè the other. Whom, for his uprightnesse, ^a *Juvonal* stiles *Justum*, and for the care of the Republicque, which ^b *Demosthenes* averres he had in all his Lawes, ^c *Aristophanes* termes, *οὐδὲδρακον*, a lover of the people. ^d *Plato* brings him learning his Lawes from a *Barbarian*: And ^e *Plutarch* tells us that he travelled afterwards into *Egypt*. But it seems by ^f *Ammiannus Marcellinus*, that in the making of his lawes he had the approbation and judgement of the *Egyptian* Priests. *Et Solon adjutus sententiis Ægypti Sacerdotum, Latè justo moderamine legibus, Romano quoq, furi maximum addidit firmamentum.* ^g *Diodorus Siculus* relates two things brought from thence to the *Athenians* by him. First, that all the *Egyptians* were compelled to bring to the governours of the countries their names written, and by what meanes they sustained themselves; wherein if any were found false, or that lived by unjust gain, he fell into danger of life. Secondly, it was a custom among them, that payment should be made only with the goods of the debtor, and that the body should not suffer. For they thought the estate alone to be subject to the creditor, the body addicted to the Cities in which they lived. Neither was it fit that Souldiers, who were to undergo hazard for their country, should for usurie be committed to prison, or the country be in jeopardy for the avarice of some one man: Which induced *Solon* to make the first decree, as ^h *Laertius* and ⁱ *Plutarch* say, of freeing the bodies; which, if there were not wherewithall to satishe the craving loaner, were compelled to serve. He therefore cut off all use, ^k as some write, or else ^l lessened the burthen of it, making it more moderate by his Law *Σεισάχθερα* so called from *Σείω*, to shake off, and *ἄβη*, an heavy weight. Forgiving himself first, ^m as *Laertius*, seven talents; or, as ⁿ *Plutarch*, five. But this seems to have been done for the avoiding of the aspersion cast upon him as necessary to the injuries of some, who having an inkling of his intent, borrowed

much

^a Sat. 10. c. 11.
274.

^b *Katè An. 5.*
p. 8. 390.
179.
^c In *T. maxo.*
^e In *Solone*
p. 66 l. 31.
^f Lib. 22.

^g Bibliothecæ.

^h *Initio vitæ*
Solonis.

ⁱ In *Solone*
p. 62. l. 8.

^k *Plutarch*, p.
62.

^l *Androtio.*

^m *Loco laud.*

ⁿ *Pag. 62* fifteen faies *Polyzetus Rhodius.*

much money with hope of never making restitution.^a *Cassian*^a In Laert. p. 14. *bon* is conceited, that this was not his first exploit, but long after he had fate at the sterne of the Weale-publique. Yet it seems probable; there being no more compendious way to make a man popular, then to give liberty to the common people. Which he, to bring an innovation of Laws, did willingly invent; and they afterwards lovingly accepted. For in testimony of their approbation, they kept a festivall named ^bΣειπέχθαια Here likewise may you observe the ancient flattery of the Athenians towards their owne vices, putting gilded names on those things, which themselves were ashamed of, calling ^cπόρναις, ἑταίρας; φόρβις, σωματίξιδις, ουλαγιάς, φρεσίδις τῆς πείλειαν, δεσμωνπέλειοι οἰκηματα, &c. as our blades name drunkennesse good fellowship; whores, shee sinners; and nigardise, thriftinesse; springing from this root of Solons, who called ^dἡποκοπιῶν Σειπέχθαιαν. To these Lawes two ends were proposed, mutuall Commerce, and direction of behaviour towards the state. To curbe wickednesse, and injustice; and to punish offenders that they may be bettered. And although they were the ordinances of *Draco* and *Solon*, yet may wee fitly call them the *Athenian* Civill Law. Each Citie, as ^eJustinian teaches, giving a denomination unto her Statutes. Tit 2. Sed jus quidem civile ex unaquaque civitate appellatur, veluti Atheniensium g Sch. Apollo. Rho. Argo. 4. h In Avibus pag. 604. i Vide Plut. pag. 66. Nam si quis velit Solonis vel Draconis leges appellare jus civile Atheniensium, non erraverit. They were engraven in tables of wood called ^fἄξονες, triangular, if we may beleeve the Scholiast of *Aristophanes*, who quotes *Aristotle* and *Apollodorus*, witnessing that they were called κύρβεις, also ὠρεῖα τὸ κεκορυφῶδες εἰς ὑψὸς ἀνὰ τετραγών, from the elevation. h Some are of opinion that the rites pertaining to the gods, and their worship were written in the *Cyrbes*, and Lawes belonging to men in the *Axones*. *Apollodorus* sayes that all decrees are called *Cyrbes*, because they were written in stone; and so set up, i which from their standing, were termed ^gἄλλαι I know that decrees, merits, praise and dispraise too, were written in stone. Whence ^kλογὸς σιληθωπικός may be put for a Treatise

tending to a mans disgrace. But this by the way. These Tables were kept in the *Acropolis*, translated afterwards to the *Prytaneum* by *Ephialtes*, where to the dayes of ^a *Plutarch*, some reliques of them were to be seen. The *Autographon*, or copy written with his owne hand was not removed, but those that were transcribed by them. Because in matters of doubt and controversie they might have recourse unto them. * For the distinction of which, some think that $\delta\ \kappa\alpha\ \tau\omega\ \delta\epsilon\iota\ \nu\ \rho\acute{o}\mu\textcircled{\text{C}}$ is used in *Demosthenes* for that in the *Prytaneum*. Others for the Law in the lower part of the table; but to me it seemes improbable, for then the number of the table ought to be cited; and indeed, one Table sometime could not containe a Law. For we read in ¹ *Plutarch*, that the eight Law was cut in the thirteenth Table. I am not averse from the guesse of *Petitus*, who supposes the Orator to meane the Law which afterwards he quotes; not ignorant of the opinion of some, who think that it is to be understood of the under line. For the Lawes being written *βυρροζουδδν*, *converso sive retrogrado literarum ordine*, saies ^c *Silburgius*; which ^d *Pausanias* explains, *ὅππῃ τὰ λαίμα ἐκ δεξιῶν*, from the right hand to the left, ^e or more significantly, *Ἀπὸ τῶ πῆρσι τῶ ἑτερος ὀπισθέρῃ τῶ ἐπῶν τὸ δεξιῶν, ἅσπερ ἐν διαύλου δέμῳ*. When the second verse begins at the end of the former, as in the race which they call *Diaulus*, or if I shall speake nearest to the word, as husbandmen turne their Oxen when they plough, as for example.

ΕΚ ΔΙΟΣ ΑΡ See those that have written of divers
 ἴΘΑΞΕΜΥΧ waies of writing.

They therefore take the lower, that is turned, $\delta\ \kappa\alpha\ \tau\omega\ \delta\epsilon\iota\ \nu\ \rho\acute{o}\mu\textcircled{\text{C}}$. After this manner were the Lawes written, and doubtlesse there were some customes as strong as Lawes. For although the *Lacedæmonians* governed by tradition of custome, and the *Athenians* by written statutes, as ^e *Josephus*, yet surely had their customes great force, insomuch as ^h *Aristophanes* uses $\nu\acute{o}\mu\textcircled{\text{C}}$ for *ἔθος*. *Ἀιχρεὶ νόμου κερθάρηα*. ⁱ *Scholias*. *νόμου δὲ ἔθῶν πάντα ἢ γυγαμάρων φησὶν ἀλλὰ τὸ ἔθος*. So did the ^k *Greekes* divide

a In Solone pag. 66.

* Pollux. l. 8. pag. 408.

b Solone pag. 63. l. 37.

c In Pausani. am p. 426.
 d In Elucis pag. 174.
 e Eodem lib. pag. 165.

f Contra Ap-
 pionem. Vide
 Justinianum.
 Inst. l. tit. 2.
 g In Avibus
 pag. 576.
 h Pag. 577.
 i Vide Justi-
 anianum.

divide their Laws into *ἠγγελάτους* & *ἀγγελάτους*, written and unwritten. The unwritten, *sine scripto jus venit*, quod usus approbavit, use. The ^a Interpreter of *Sophocles* thus. Νῆμα ἔστιν ἠγγελάτου σωθήσει, σωθήσει δ' ἀγγελάτου νόμος. A Law is a written custome, and a custome an unwritten Law. Besides these there were decrees, which they termed *ψήφισματα*, *psophismata*, a word used by ^b *Cicero*, nothing different, *ψήφισμάτων ἔδοξεν διατίθειν ἐν τόμοι*. ^c *Demosthenes*, who means in vertue and power. For they differ much. ^d A Law maintaines justice once found, common for ever. A *Psophisma* follows the necessity of the time, as it differs in events: it directs not warlike affaires, but is applied unto the occasion of arms, and as lawes can be abrogated, so degrees changed. And here ought we to note, that no decree is greater then a Law. Of decrees there were two sorts; ^e τῆ Βουλῆς ψήφισματα, such as the Senate by it self established, which were but of twelve months continuance; to the confirming of which, the people were not convocated, or their consent required, termed ^f *απεσβόλαια*, which *Demosthenes* proves to be *ἐπίτεια* *Ulpian* ἐπ' ἐνιαυτῷ. Like to the edicts of the Roman Prætors which lasted but a yeare. ^g *Cicero*. *Qui plurimum tribuunt edicto, Prætoris edictum legem annuam esse dicunt*. In other decrees the opinion and good liking of the people was asked, for the giving of the authority unto them, which endured in force a longer time. ^h τὰ δ' ἕκαστὰ τῶ δῆμοι γινόμενα, & πλείονα μὲν χρόνον. And therefore wee may easily know a *probuleuma* from a decree of the peoples confirming, by this observation. ⁱ Ἐδοξε τῇ βουλῇ only, gives us to wit, that it is a *probuleuma*. ^j Ἐδοξε τῷ δήμῳ, in the beginning of a decree, shewes it to be *ψήφισμα* *παρὰ δῆμον* κῆρ δ' ἀμείνων. The Senate alwaies fate in consultation about that which was to be enacted, whether any damage might accrue to the State by it or no, the Law commanding that no decree should go forth without deliberation. ^k ἀπεσβόλαιον ψήφισμα μὴ εἰσέναι ἐν τῷ δήμῳ. Which done, the *Prætor* took certain Tables and wrote on them,

^a In Ajicem Locarium.
^b In Orat. pro Flacco.
^c Cont. Lept. p. 296.
^d Aristides. Tom. 2. p. 30.
^e Demosthen. pag. 41. 6.
^f Demosth. κατ' Αἰεσο- κείτους. p. 417.
^g Ulpian Dem. p. 418.
^h In Verit.
ⁱ Ulpian loco laudato.
^j Ulpian Arg. O ar. And. p. 181. Vide D. m. p. 182. n. 10. vi Plur. olone. p. 63.
^k 31.

Such or such a day, about such a time there should be an assembly to consult of these and these affaires: and this they called ^a *συνελευσις*. When then they were assembled, and the people purified, the decree was read; which if the people allowed of, stood; if not, decayed. It was forbidden that any should raze out a Decree of any Table. And he was brought in question of life, who should presume in making a decree to pretend a fallacie.

Now because future time might haply perceive some inconveniences to arise by oversight in their Lawgiver, and that as abuses should happen, which in his dayes were not discerned, so there would be a necessity of making new statutes: It was ordained therefore that every yeare there should be *συνελευσις γενική*, which ^b *Ulpian* expounds *διάσκεψις ὅ, τι δεῖ ποιεῖν ἐπὶ τῶν νόμων*. A consideration of what ought to be done concerning the Laws. The manner was thus: Every eleventh day of July in the assembly after the Crier had made his prayes, as his fashion was, and shall anon be spoken of, the Laws were read over in order. First, those which concerned their Senate, next the weal-publique; and thirdly the nine *Archons*, & afterwards the other Magistrates. Then was it demanded if there were Laws enough for the Senate, and so for the Common-weale, &c. If any of the Laws in force were to be abrogated, it was adjourned untill the last of the three daies of the 3 Convocations. On which the *Prytanes* appointed for the revising and reciting of the Lawes, were to take the matter in hand. The *Proedri* chiefe of the Assembly, were to ^d acquaint them with it. Five men at the first meeting were chosen out of all the *Athenians*, who should patronize the Law to be abolished; and according to the judgement of the *Nomotheta*, chosen out of the Councill of five hundred, was the businesse carried, that the Lawes should be of none effect, or full strength. Whosoever would bring in a new Law, was to write in a Table, ^e *ἐπιτάγματα*, *Demosthenes*, the forme thereof, and let it up at the Statutes of the *Heros* before spoken of, ^f *ἐπιτάγματα ἡρώων*,

which

^a Sch. in Naz. 511. a. pag. 55. vid. Ulp. in Dem. p. 240.

^b Demost. p. 445. ^c Vid Dem. loco cit.

^d *ἡγεμῶνες* Demosthen. Ulp. expounds *ὑποβύλλαι* to report.

^e Cont. Timocr. p. 446. ^f Demosth. p. 297.

which standing in a place conspicuous, that some certaine daies before the Sessions, any Citizen might read what was to be handled; and if any so pleased, he might at the proposall of the Law declare his mind either for, or against it, as at the preferring of a *Bill in our High Court of Parliament*, where it is not denyed any *Burges* or *Knight* of a shire, to speake his opinion *pro* or *con*, either with any whole Bill or some part thereof, or in opposition to it, or some one clause. Provided likewise that hee, who attempted to enact a new Statute, should take care for the disannulling of the old, that might contradict it, otherwise he came within the compasse of *ἄδικομίας χειρῶν*, a writ of *Transgression of the Lawes*: which was of two sorts. First, when time is not observed in writing them, *ἄδικον ἢ ὠλετωμένον χεῖρον*. Next when one is made that is adverse to a former. And if it so hapned, that any perswaded the people to make a Law that was not commodious to the weale-publique, hee might bee questioned within a yeares space; but if the time was expired, he could not. Nay, they slew *Eudemus*, a *Cydiathenian*, for bringing in a Law they liked not; scarce different in that one example from the *Locri*; among whom, he that would propose a Law, should doe it, his neck adorned with a halter, that if his request pleased not, he streight way powred out his soul under the hands of the hangman. Their Orators, which are called *δημαγωγῶν*, because they lead their people with their Rhetoric and flattery, wrote Laws and decrees, as we learn out of *Demosthenes*; and therefore are they deciphered by *Ἀθηναῖοι*, οἱ λέγοντες καὶ τὰ ψήφισματα γράψαντες.

a Ulp in D m. p. 297.
 b Dem Orat. Arg. con. Lep. tinum.
 c Dem p. 419.
 d Idem p. 468.
 e Gellius l. 3. c. 13. If. Cal. lustratus Athenis Orator fuit, quos illi. *δημαγωγῶν* appellat.
 Livie Dec 4. of Athens, ubi Oratio plurimum pollet, favore multitudinis auctur, Ulpian.
δημαγωγῶν ὁ *δημῶν ἀρχαῖν*.
 f Pag. 468. n. 225.
 g Dipnos. l. 2.

C A P. II.

De Comitibus. Κουρία & Σύβουλος Εκκλησία, &c.

TH E Assemblies were called by the *Prytaneis* four times in five and thirty dayes. ^f In the first they confirmed

f Pollux. l. 8. c. 9. Sect. 7. pag. 398.

med the Magistrates in their offices, if all things were managed well by them, otherwise they put them out. They heard publick causes, looked into confiscate goods, and possessions left by inheritance. In the second, any one with leave might freely speake of private and publique affaires. In the third, they gave audience to Ambassadors, who before ought to deliver their letters to the *Prytaneis*. In the fourth, they treated of holy things, such as belonged to their Gods and worship of them. The first meeting was the eleventh day of the *Prytanea*; the second, the twentieth: the third, the thirtieth: the fourth, the three and thirtieth. I finde a difference between the ^a Scholiast of *Aristophanes* and *Ulpian* in the daies on which they came together, one making the first day of the Moneth to be the day on which the first assembly was, the other the eleventh of the *Prytanea*, which seems truest. And whereas they both write that every month there were three lawfull assemblies, to wit, on the first, tenth, thirtieth; or tenth, twentieth, thirtieth, we are not so to reckon them, but according to the *Prytanea*, it being the *Prytanes* charge to congregate the people. They seem to have been called *Κυβείαι* *Εκκλησίαι*, because in them they did *κυβεῖν ψήφισματα*, establish decrees, as the ^c Scholiast of *Aristophanes*. Other assemblies there were which are termed ^d *σύνκλητοι*, when war, or any sudden accident troubled the State, then the people were called together over and above those four times in a *Prytanea*. They are styled *σύνκλητοι*, because the people of their owne accord met on the other dayes; but when they would have a Convocation some went about the City and called them. There is likewise ^e *κατεκκλησία*, when they were summoned out of the fields to go to the Assembly. It seems to me that the Crier in the streets on their lawfull assemblies gave some token when they should hasten; and so much ^f *Aristophanes* witnesses bringing in the women speaking that it is high time to be stirring, because the Crier, *ἄδτερον κἀκούκων*, had cryed the second time. And indeed need there was of some warning

^a In Achar.

p. 371.

^b In Dem. p.

445.

^c In Acharn.

d Ulp. & Sch.

Arist loc. laud.

^e Poll. p. 405.

In concio-

nantib p. 725.

warning and compulsion too; for so slow were they in coming to assemblies, that the *Logista* were fain to thong them to the meetings, as the Schol. of *Aristophanes* on these words αἱ ἐς δ' ἱκανῆς ἐν Ἀσπιδῶν. Sometimes they tooke a rope, and dying it with red earth, they sent two slaves into the market place, who should one of the one side of the way, & the other of the opposite, pursue the people, & to whose chance it fell to be marked with the paint, paid a certain peece of money. Hence in the ^b Comædian--Κόρινθ' ἢ καὶ τῷ τὸ θομίον ἐδύγει τι μιλταρῶν. Up and down they shun the cord stained with Vermilion. And again--ἡ μίλιθ' ὡς Ζεὺς φίλατε Γέλων παρέσαν ἡδ' ἐσπέρραυν' ἠέλιω. *Jupiter*, the red earth which flew about made laughter. ^c Sometimes would they take Hurdles, and barracado all the streets except those that led to the *Ecclisia*: Sometimes take away all their saleable wares which they brought into the market, lest peoples intent on their traffique should absent themselves from the Assemblies: When they had met oft-times the company would be dismissed at some prodigious sign, as thunder, lightning, tempest, and the like, which they called ^d Διοσημεία, ^e and earthquakes, or other occasions, deferring the Assemblies meeting untill the next day. When they were come together, and the Senate ready to sit, one man sacrificed; which rites were called ^f Γιστήσια, because they were done at the entry of the Council. ^g *Ulpian* προηεῖ γὰρ ἐισιέουσιν τὸ βαλῆς ὁ τὸς θυσίας ποιῶντος. I will not justly say that it was the purification made with a young pig before the bench was sate; and yet I may presume to averre it; the Grammarian that interprets ^h *Aristophanes* witnessing that immediatly preceding the Sessions this custome was observed by one, who they named *πεισιδύχος*, from *πείσις*, τὰ καθαύσια, which signifies cleansing, because by that he purged the Assembly, Theater, and congresse of the people. After they were sate, ⁱ the Cryer did pray for the good of the people, ^k & cursed those who should offer to deceive the Senate or people. After this, he spake with a loud

^a In A. her. p. 406.

^b Aristoph. A. ch. p. 37.

^c Schol. Arist. loco laudato.

^d Vide Arist. p. 379.
^e Plut. p. 386.
 l. 7. & 384. l. 34
^f Demosth. ὄρ. π. 241.
^g Vide & Ulpian. p. 351.

^b In Confession. p. 728. A.

ⁱ Demosth. ὄρ. π. 213.
^k Id. p. 418.

voice

a Alcidas
Aristoph. p.
372. Diod.
Sic. l. 15.
b Demosth. p.
29. Æschines
contra Ctes.
initio.
c Philippic. 1.

voice, ^a Τίς ἀρρῶν ἐβλήθη; Who will make a speech; where-
upon one of the ^b Elders arose that gave his verdict, it being
not permitted to any to utter his opinion before the reve-
rend hoary head had spent his judgement. Whence by ^c *De-
mosthenes* they are stiled οἱ εἰωθότες, those that were wont to
orate. After they had finished their sayings, others had leave
to declare themselves. Neither must we omit the fashion
they had to exclude all private men from their assemblies
sometimes, when the Senate alone sat, or the *Areopagiticall*
Councill; sometimes to debarre all servants, strangers, and
men deprived of their liberties from their convents, which
at other times they admitted, and then was it called ^d ἀπὸ ἀ-
μύθων θέμα καὶ τὸ θέατρον, an open Theater to all commers. The
place of meeting was called Πνύξ, Πνύξ, ἀπὸ τοῦ πεπυκῆσαι ἀν-
δρας ἐν αὐτῇ, from the frequent concourse of people there. It
stood on a rock, and therefore by *Aristophanes* is called πύργος.
345. Sch. ὄρεν ἡ δῶν. There was a stipend for them that came
to Assemblies, as you may see in *Demosth. contra Timoc.* And
περὶς βοιωτῶν περὶ ὀνόμασις. Because they might bee at leasure
without damage. *Aristot. Pol. l. 1. c. 13.* They assembled also
in *Piræus.* *Ulp. in Dem.*

d Plut p. 552.
L. II. 17.

CAP. III. SECT. I.

*De Tribunalibus Atticis, & primum de
Senatu Πεντακοσίω.*

e Plut, Solone,
p. 60. l. 31.

WHen the mutinie between the faction of *Mega-
cles* and *Cylo* disturbed the *Attick* commonwealth,
Solon perswaded the people that those, whom for their auda-
citie in drawing away the suppliants from the Altars they
named ἐναγείς, should undergoe judgement, there were cho-
sen ^e three hundred men, εἰς ἑκατὸν, according to their worth,
to sit upon the case. But these were not a perpetual judicato-
rie. For when the people murmured at the cutting off of the
usury

usurie money, then was the Grand Councill ordained; out of every Tribe, which were then but foure, an hundred chosen, who by their advice should direct the people in those things which were to be handled, lest any thing should be inducted, or proposed to the Assembly, without due consideration. Who from their office in a *Democracie*, ^a *Aristotle* saies are more properly called *πρόβουλοι*, but where the Routs rules, *Βελή*. But when *Clisthenes*, who by *Plutarch* is termed *ὁ κατὰ συνάδα* & *τὴν πολιτείαν*, had augmented the number of the Tribes from foure to tenne, eighty six yeares after *Solon's* Lawes were received, he made the number five hundred, taking fifty of every Tribe, which doubled ten times make up the summe. This Councill by *Aristotle* is described *ἡ μάρις αὐτῶν*. *The Mistresse of all the rest*, and I am not of opinion that *ἡ ἀνα Βελή* in ^b *Plutarch*, is to be understood of the *Areopagus*, as if that were about the Senate, but as instituted first by *Solon*, and so related by the Author. And yet I know ^c one writes, *Tam dignitate, fama, quam officio, secundum post Areopagitas locum obtinere*. To this Councill none was chosen under thirty yeares of age, which time is stiled *Βελή* & *πύλη* *ἡλικία* by ^d *Libanius*. And doubtlesse ^e *Plutarch* justifies it, speaking that *Demosthenes* wrote his Orations against *Androsio*, *Timocrates*, *Aristocrates*, *ἔπερ τῆ πολιτεία προσελθὺς* when he had not attained to the managing of state businesse, because he wanted two or three of thirty yeares. Agreeing to this is ^f *Juncus*, who saies that *Solon* admitted none very young, though very wise to Magistracie or Councill. Nay the ^g *Scholias*t of *Aristophanes* tells us, that green heads were not permitted to speak publickly. The Law prohibiting any to attempt it under forty, or as some some say (which is truest) thirty, on these words:

Καί γε παρθέρον & γόετον ἴω, καὶ ἐξέω πῶ μοι ταῦτα.

Which to be otherwise understood by some, is not hidden from me. They were called likewise *ἡλιασται*, as well as *Πυρ-παρόστοι*, and their Tribunal *ἡλιαία*, from the word ^h *ἡλιζομαι*, ^b *Ulp.* in *De-* *mol.* p. 445.

○

which

^a Polit. l. 6. c. 8.

^b In Solene p. 63.

^c Pollardus. false, for Paulanias calls it *μύρις*. in Att. p. 27. L. 15. ^d In Arg. orat. con. Andron. ^e Vita decem. Rhet. p. 378.

^f Stobæus serm. 112. ^g In Nub. p. 157.

which signifies to throng together, because the people were frequent there. But the more probable reason is, ^{ἐκ τῆς ὕπαι-}
 ἔρον εἶ) ἢ τόπον κ) ἢ ἥλιον ἐκεῖ ἕνθεν παρῆλθον, because the
 place was open and exposed to the Sunne. And in respect of
 this ^b *Aristophanes* makes that cold conceit branded by *Didy-*
mus, Εἴληματ' ὄρερον, ἡλιόσσις πρὸς Ἥλιον, *In the morning thou*
shalt ἰλιθίζειν *in the sun shine.* At their admission they had
 this oath given them. ^c *Ἐπιδικῶμαι κατὰ τὸν νόμον, &c.* *I will give*

sentence according to the *Laws*, and decrees of the people of
Athens, and Councell of five hundred; *I will not consent to bee a*
Tyrant, or bring in an *Oligarchie*: *Neither shall my approbation*
be to any that will dissolve the Democracie of Athens by speech
or decree. *I will not cut off private use, or suffer a division of the*
Athenian lands or houses. *I will not bring backe exilde men, or*
those that are condemned. *I will not thrust out of the citie any*
innocent against the Lawe and Statutes of the Athenians and
Senate of five hundred: neither by my selfe or suffer any other. *I*
will not create a Magistrate, who hath not given an account of
his former office, whether of the nine Archons, or agents for the
holy things, or they, who at the same day are chosen with the nine
Archons by lot, Ambassadors and assistants. *Neither shall the*
same man beare the same office twice, or twice in one yeare. *I will*
not take gifts for judgement, neither my selfe or other for me, or
others with my privacy, by fraud or deceit. *I am not younger then*
thirty. *I will heare both parties, the accuser and defendant alike.*

I will passe judgement aright on the thing prosecuted, & sweare by
Jupiter, Neptune, Ceres. * There is also another oath
 which they took; some clauses whereof, we have left in re-
 cord. *To ratifie the Lawes of Solon.* *Plutarch in Solone, pag. 62.*
To give counsell for the best of the people. *To advise according*
to the Lawes. *I will not binde any Athenian who shall give three*
sureties of the same revenues, unlesse for treason, or bee con-
spire the subversion of the state popular, or buy custome, or be enga-
ged, or gather publique money and not pay it. *I will sit in that or-*
der which lot shall direct me to. *I will not permit any unlesse ba-*

nished

a Ulp. loc. lau-
 dato. vide &
 Aristoph. Sc.
 p. 436.
 b Pag 486.

c Dem. Orat.
 cont. Tim.

* If I trans-
 gresse any of
 these, let mee
 and my house
 perish, but if I
 faithfully
 keep them ac-
 cording to my
 oath, let us bee
 happy and
 prosperous.
 Dem. p. 470.

nished, to be accused or imprisoned for what is past. This last was made after the driving out of the 30 Tyrants, when ^a *Thra-sybulus* gave them to oath *ὡς μνηστικακήσειν*, not to remember ancient wrongs, which they call *ἀμνηστία*. The authority of this Council was great, for it handled causes of war, tributes, making of Lawes, civill busineses and events, affairs of confederates, collections of money, performance of sacred rites, accounts of offices discharged, appointing keepers for prisoners, and *ἀνακομιτὴ* of Orphans, as *Xenophon*. Resembling our Court of Parliament in *England*, by whose consent all Lawes are abrogated, new made, right & possessions of private men changed, formes of Religion established, Subsidies, Tailles, Taxes, and impositions appointed, weights and measures altered, &c. As not unlike also the *Venetian Gran Consiglio*, or Senate, of which the *Contarene*. ^d *Tutta la cura del governo della Repubblica appartiene al Senato, &c.* The whole maner of the Commonwealths government belongeth to the Senate. That which the Senate determineth is held for ratified and inviolable. By their authority and rule is peace confirmed & war denounced. The whole rents and receipts of the Commonwealth at their appointment collected and gathered in, and likewise laid out againe and defrayed, &c. In a word, I may say of these five hundred, as ^e *Budaus* of the Parliament of *France*: *Amplissima eam curiam causarumq; omne genus disceptatricem justam ac legitimam esse*, that that Court is most ample, and justly and equally decided all sorts of controversies whatsoever. ^f To their charge was committed the making of new ships, for which at the yeares end they were to be rewarded by the people. To this alludese *Aristophanes*. *Πολλὰ πῶ τὸ ἔθνος*, *Εὐδοτεν αἱ τεύξεις κέραι*. *Επ. Μὲν Ἡλιαστὴς*.
^h Without their consent could the people doe nought, as indeed they made not any thing *sanctum* against the peoples wills. Hence in ⁱ *Demosthenes*, *ἔβωλλω ποιήσαι τὸ δῆμον κείν*. In testimony of their preheminance are they termed ^k *Κρείοι ἄνθρωποι*. and ^l *οἱ ἀπὸ κρείων*. The Lords of sentence. In

^a Vide *Xenoi* in *Ελλῶν*.

^b *Cicim. Phil.*

^c *1. Velleium*

Paterculum. l.

^d *2. p. 84. Ar. Et*

Sch. in πλ.

^e *Ælchin. cont.*

C. c. 5. p.

^f *Athen. Rep.*

pag 407.

^g *See Sir Th.*

Smith in the

Common-

wealth of En-

gland.

^h *As Eranchi-*

rio Andicimi

hath transla-

ted it. lib. 3.

fol. 3. B.

^e *In Pandect.*

Prio. p. 298.

^f *Dem. p. 386.*

^g *Avib p. 546.*

^h *Sch. Arist. p.*

93.

ⁱ *pag. 234.*

^k *Demosth.*

ἄρ. Αλο.

^l *idem ἐξ-*

τὰ Μεσσην.

time of warre they would send Commissions to their Cap-
taines, as they thought requisite. ^aSuch as in the battaile be-
tween the *Lacedemonians* and their country-men in *Tana-*
gra, where fearing lest *Cimon* banished by *Ostracisme* should
betray them to the *Laconians*, they sent to the Commanders
not to entertaine him in the Armie. This honour was not
during terme of life, but every yeare changed. *Apostolius.*
ἡ μὲν οὖν περτεκασίων καὶ ἕκαστον ἐνιαυτὸν κληρωμένην βελδίειν.
Which *Anonymus* in *Arg. Orat. contra Androt.* expresses by
καὶ ἐνιαυτὸν διεδέχθη. The manner of choosing them is this.

^bThe chiefe of every Tribe, on an appointed day before the
beginning of the month *Hecatombaon*, brought the names
of all their Tribe that were capable of this dignity, and cast
them written into a vessell, and into another they put an
hundred white beans and all the rest black; then drawing
out a name, and then a beane, to whose chance the white
beane fell to be extracted with his name, was designed Sen-
nator. This they did when they had but foure Tribes, and so
foure hundred Senatours. But when they had ten Tribes,
there could be but fifty white beans, to the making up of
the tenth part of five hundred. This differs not from the ele-
ction observed by the *Venetians* upon the fourth day of De-
cember, when the names of all the young men that have not
by lot obtained the right of citizens, nor passed twenty five
yeares old, are put into a pot, and carried unto the Prince, &
there the same set before the Councillors, with which there
is another pot, wherein are round bals equall with the num-
ber of the names written in the first, every one having his
marks, the fift part of these bals is gilded with gold, the rest
with silver. The Prince taketh out of the first pot the ball,
which if it be of the golden sort, the young man whose name
is drawn, is presently admitted to publique authority, they
to whom the silver chance, lose it for that time, expecting it
the ensuing year, unless in the mean space they accomplish
twenty five, at which age all the young Noble men partake

of

^a Plat. in Ci-
mon. p 356.
l. 50.

^b Verbo Em-
muis in De-
script. Reip.
Athen.

^c Contaren.
l. 2. fol. 111. b.

of the Cities liberties. So every year the fifth part of the yōn-
 kers is chosen to give voice with the other Citizens. The use
 in choosing I deem the same, & shall untill I find authentick
 writers contradict it. But the number, as augmented by *Clis-
 thenes* according to their tribes, so by his successors. For when
 they added two, the number was increased 100, by reason of
 the Tribes *Antigonis* and *Demetrius*, after named *Attalis* and
Ptolemæis in honour to the Kings of that name which were
 benefactors to the State; ^a ἔθεν κὲ τῶν βελῶν πεντοκοσίαν ἔσαν, ^a Stephanus
 ἑξακοσίων ἐποίησαν. ^b Out of these were their Judges chosen,
 but such as were about threescore yeares old. For although
 juniors were admitted into this company, yet none judged
 under that age. ^c εἰσάρχοντο μὲν εἰς τῶν ἐκκλησίαν, ἐκ ἐδικάζον ἧ.
 To these was any businessse referred, of which the Senate and
 people were in suspense what to determine. ^c *Aristoph.*
 Εἶπ' ἡ Βελὰ χ' ὅ δ' ἄμ' ἔσαν κείναι μέγα πρᾶγμα, ^c In V. l. p.
 καὶ τὸν ἀδικῶντας τοῖσι δικασαῖς πρᾶξ' εἶναι. ^c 471
 When the Councill
 and people are in doubt how to judge a great matter, They
 decree to deliver over the guilty to the Judges. And no mar-
 vell. For the office of a Judge is κρείον κείναι, prerogative in
 sentence, saies ^d *Aristotle*, that is, to state those Questions
 which the Law hath not decided. The order of their giving
 sentence before the third yeare of the ninety second Olym-
 piad I know not. Afterwards they sate by turne in their
 own Tribes every one as his lot fell. For there being former-
 ly ten Tribes in *Athens*, they chose out of each five men, and
 to which one of them the chance happened, he sate Judge. I
 cannot say that the manner of election was like that of the
Syracusans concerning the Priest of *Jupiter*, who taking the
 names of so many as were nominated, and casting them into
 a pot, created him, whose name should first be drawn of that
 sacred function. But of our owne must I speake. ^e When then
 they were appointed, they met, every of them bringing with
 him a Table and a wand on which was written a letter that
 did betoken some Judicatory, (for there being ten Tribunals

^a Stephanus
 ἑξ' ἑστ. λ.
^b Arist. Schol.
 P. 37.

^c In V. l. p.
 471

^d Pol. l. 3. c. 13.
 ἀπὸ ὧν ἐγί-
 μοσ' ἀδωαῖ ἡ
 διοικήσει.

^e Cic. in Ver-
 rem. A. 3.

^f Aristophan.
 πλ. p. 30.

every one of them was noted with a red letter, A, B, Γ, Δ, Ε & c. to K. over the dore) time calling them to sit, they drew lots, and he to whom A. was taken out, sat in the Court noted with A. and B with B, and so to K. This done, they shewed their lot to the *Præco* of the Judicatorie, who gave them their Wand & Table. This they did, lest any should rashly attempt to sit, and pervert Justice. I know not whether I may better call that rod of authority a wand or staff: because that ^a Βαν-περία ή ρήμα ή παύωνιον ή παύβωλον, was as a proverb used in division of the Judges. ^b This staffe at the daies end they brought to the *Prytanes*, who gave them their wages; But the ^c Scholiast teaches us otherwaies, saying that the *Demagôgi* paid them, it being manifest out of *Cleon's* words the Oratour, Ω γέροντες Ηλιασσι, φερόμεν παύβωλε, Οὐς ἐγὼ βόσκω-- Judges which I feed. Their pay was not alwaies the same, ἐχ' ἴστω, ^d saies the Interpreter of *Aristophanes*. First they had *obolam*, which *Calistratus*, surnamed *Parnytes* was author of. Hence the proverb ^e Οβολὸν ὄρε Παριύπης. Afterwards it was augmented by *Calliocrates*, and from him grew the word ἑξὸς τὰ Κρημαράτης, it may be for a pretty summe of money. Nay it changed, for now I read of Οβολὸς Ηλιαστικός one, and anon *παύβωλον* three, a ^b *Drachme* to two. And therefore may wee conclude that it was sometime more, sometimes lesse. Thus having spoken a litle of their Judges, I proceed to their cases of Law, in which I shall adde.

When any had received wrong in *Athens*, it was their custome to make their cases known to a Magistrate, whose office it was to report to the Judicatory. And this they did by a Table in which was written, ^h Κατηγορῶ τῶδε καὶ προειδήμαί τῶπι δια τῶ δέουσι εἰς τὸ δικαστήριον. I accuse H. B. and cite him to the Court by W. N. not unlike the *Romans* proceeding, who brought the name of the delinquent to the Magistrate before the accusation; to which *Plautus* alludes. *Ibo ego ad tres viros vestrag, ibi nomina Faxo erunt*. - when this note was given up, the Magistrate asked the Plaintiffe, whether he had witnesses

^a Suidas pro-
v erb.

^b Sch. Aristop.
πλ. 30.

^c In Equites.
pag. 301.

^d In Nubes
pag. 174.

^e Appendix
Vaticana.

^f Zenobius.

^g Sch. Aristop.
pag. 487.

^h Ulp in Dem.
P. 343.

ⁱ Aſinaria
A. ſ. 1. p. 54

witnesses and would prosecute the matter, who answering that he intended it, had thereupon authority to summon the Defendant to his appearance, and this he did either by himselfe, or other, called therefore κλητήρ, ^afor κλησις is ἡ ἐν τῷ δικαστηρίῳ ἐπιπαροχή, a bringing into suit. καλῶν τὸ δὲ ἐστὶν ἀναγγέλλειν. The word signifies a witness also. For when they warned any to the Tribunal, they bad any that stood by to testify that they had admonished them. ^bΚλητῆρες ὅτι καλεῖται ἐν τῷ δικαστηρίῳ πάντας σημαίνει ἢ ἡ λέξις καὶ τὸ μάρτυρα. You may use κλητῆρ for an Apparator, Sergeant, Bailiffe, or the like. Sometimes they would run streight to the Court, as it were headlong, in ^cDemosthenes his phrase, sometimes the Suiter would forthwith draw the Defendant, if he were loath to come, as you may see out of ^cAristophanes, καὶ θ' ἔλκον αὐτὸν. But if the party could put in two ἀξιοχρεῖας, sufficient baile, he was dismissed. Hence in the ^dComœdian. ἀλλ' ἐγγυητὰς σικε κατασίσω δύο ἀξιοχρεῖας I will procure thee a couple of able sureties. Sometimes they would appoint a day of appearance, that might be a weeke or more, after the vocationem in jus, at which time if the Defendant were not personally at the Judgement seat, he came within compasse of ἐρήμια a Writ of Eremodicium, refusall to come in and answer. Which was avoided by suing for a μίσησα in tenne daies after. For when the party to defend was absent, hee was condemned *in default causa*, so ^eBudaus expounds ἐξ ἐρήμιας καταδικασθῆναι, by this therefore the case was renewed, and stood as at first, the sentence that before past, being made of no force; and for this was it termed μίσησα, εἰ ὅτι πρότερον δικασα ἔδ' ἢ κεκυρωῶμαι, ὅτερον εἰς τὸ αὐτὸ ἔδ' ἀπέστατο, because in the beginning it seemed to carry some power, but as last was nothing. The businesse then made a new, the party that was cast by an ἐρήμια, after that he had obtained a μίσησα, was ^hwithin two Moneths to set the Law on foot, which they terme ἀππλαχεῖν δίκην, or else the sentence given before was ratified. Whosoever should offer to call any man to the Court, unless upon good grounds, was

a S. h. Arist. 190.

b Sch Arist. p. 442.

c ὅτι κεφαλαίως εἰς τὸ δικασθῆναι βασιλεύει. p 596 n. 17.

d In Vectis pag 487.

e Arist. Concio. p. 755.

f In Prioris & Post. No. ad Pand. g Ulp. in Dem. p 343.

h Pollux. l. 8. p. 390.

liable

liable to $\psi\delta\delta\theta\lambda\eta\pi\tau\iota\alpha\varsigma\ \delta\iota\kappa\eta$, a writ of molestation for a false cause. Having thus far proceeded, the Implicader gave in a Libell, which held contents of his action, and the summe of the defendants answer. This the *Greeks* call $\alpha\ \text{Antigraph}\omega$, *Antigraphen*. Though I know also that all cases in law were termed $\beta\ \text{περ}\gamma\mu\alpha\tau\alpha\ \kappa\alpha\tau\eta\gamma\epsilon\sigma\theta\alpha\iota$. They tooke this course because the Defendant might know what to answer. And because it was ordinary in *Athens* for knaves to accuse out of envy, which is, $\gamma\ \text{συκοφαν}\tau\iota\alpha$, they made a Law, that whosoever accused and had not the fifth part of the voices should be fined a thousand Drachmes. And he that could not prove his objections was also punished in the purse a certain summe; δ which if he paid not at the constituted time, was fourfold; And if his ability reached not so far, he suffered imprisonment. At the presenting of the *Antigraphē*, testimonies were also delivered, (formes of which you shall often meet with in $\epsilon\ \text{Demosthenes}$) & a copy of an oath, which the Suiter gave, in these words $\zeta\ \text{Τα}\lambda\eta\ \delta\eta\ \kappa\alpha\tau\eta\gamma\rho\eta\sigma\eta\iota$, that he would justly accuse. $\eta\ \text{Τα}\lambda\eta\ \delta\eta\ \delta\iota\sigma\tau\omicron\lambda\omicron\gamma\eta\sigma\alpha\iota\varsigma$, that he would according to truth make his Apologie; and this they name $\theta\ \text{ἀ}\tau\omega\mu\omicron\sigma\iota\alpha\ \nu$. These writings were cast into a certain coffer, forth coming as occasion should require; all which $\iota\ \text{Aristophanes}$ in one verse comprehends, $\text{ἀ}\tau\omega\mu\omicron\sigma\iota\alpha\ \kappa\alpha\iota\ \text{π}\epsilon\sigma\sigma\alpha\lambda\eta\sigma\iota\varsigma\ \kappa\alpha\iota\ \text{ὑ}\rho\tau\upsilon\epsilon\iota\alpha\varsigma\ \sigma\omega\mu\epsilon\kappa\omicron\tau\omicron\lambda\omicron\omega\upsilon$. They joyned or put together oaths, citations, & testimonies. I so interpret it against the Scholiasts minde, who will have, $\text{π}\epsilon\sigma\sigma\alpha\lambda\eta\sigma\iota\varsigma$ to be exhortations given to the Plantiffe and Defendant to come to composition. But I know that $\kappa\ \text{π}\epsilon\sigma\sigma\alpha\lambda\eta\sigma\iota\varsigma\ \text{ἰ}\sigma\ \kappa\alpha\tau\eta\gamma\rho\eta\sigma\eta\iota$, $\epsilon\iota\varsigma\ \delta\iota\kappa\alpha\sigma\eta\epsilon\iota\omega\upsilon\ \epsilon\lambda\kappa\epsilon\iota\upsilon$, to accuse, *in jure rapere*, and $\text{π}\epsilon\sigma\sigma\alpha\lambda\eta\sigma\iota\varsigma\ \delta\iota\alpha\ \text{ὑ}\rho\tau\upsilon\epsilon\iota\omega\upsilon\ \delta\iota\sigma\tau\omicron\lambda\omicron\gamma\eta\sigma\alpha\iota\varsigma$. The chest or coffer was called $\epsilon\chi\lambda\upsilon\theta\omicron$, and of this are the words of the Greeke Oratours to be understood $\lambda\ \epsilon\iota\varsigma\ \epsilon\chi\lambda\upsilon\theta\omicron\ \beta\alpha\lambda\lambda\epsilon\iota\upsilon$ $\mu\ \text{Theophrastus}$ of a mad man that would entangle himselfe in any thing, $\epsilon\chi\lambda\upsilon\theta\omicron\ \epsilon\chi\lambda\upsilon\theta\omicron\ \epsilon\upsilon\ \tau\omega\ \text{π}\epsilon\sigma\sigma\alpha\lambda\eta\sigma\iota\omega\upsilon\ \kappa\alpha\iota\ \omicron\upsilon\mu\alpha\theta\epsilon\varsigma\ \gamma\epsilon\sigma\mu\alpha\tau\omicron\pi\delta\iota\omega\upsilon\ \epsilon\iota\ \tau\alpha\iota\varsigma\ \chi\epsilon\rho\sigma\iota\upsilon$. Having an *Echinus* in his lap, and a bundle of libells in his hands. *Pollux* makes a different exposition of his oath from that

α You have a forme of this in Demosth. p. 628.
 β Arist. Nub. p. 154. v. Sch.
 γ Demost. p. 716. n. 7.

δ Arist. S. hol. p. 170.

ϵ Unum contra Stephan. $\psi\delta\delta\theta$. α . p. 622. aliud p. 624. 629. ζ Sch. Arist. Vesp. 505. η In Vesp. p. 467. 505. θ In Vesp. p. 504. ι Sch. Arist. 239.

κ Idem, p. 195. λ Demosth. 622. n. 33. 629. n. 80. 640. n. 22. 655. n. 65. 665. n. 66. μ Charact. ν $\epsilon\iota\ \delta\iota\sigma\tau\omicron\lambda\omicron\gamma\eta\sigma\alpha\iota\varsigma$. p. 21.

that which other Grammaticians doe, confounding, is is most probable, the *ἑπιδικασίαι* and *ἀποκαυσίαι* with *ἀπομοσίαι*. For *ἀπομοσίαι* is that first oath which the Plaintiff gave to prosecute, the party prosecuted to answer, which on the defendants side was called *ἀπομοσία*, and generally on both. *Διαιμοσία* was a Sacrament taken by both, the Impleader that he did *ἀπεξέσταν δίκην*, follow the delinquent in law; the defendant *ὡς ἐν ἑταίρῳ ἀποδόνειν*, to stand it ifly to it that he did not trespass. And yet ^b *Ulpian* makes both these one. After this were they that sued one another admitted to the Judicatory, it being first demanded of the Suiter whether he would *persequi*, follow the suit, and had sufficient witness for evidence; in causes capitall it was asked if there were need of any, who could not then be present. This interrogation was termed *Ἀνάκρισις*. If then any thing was deficient the judgement was prorogued by an *ἑπιδικασίαι*, or oath, which the Plantiffe took, that for the present he could not perform it, but certainly would. ^c Perhaps for that time pretending sickness, death of friends, or some urgent necessity, on which their fortunes might depend. When then all things were ready, and at hand, they proceeded towards the Tribunal, the Judges first swearing ^d that they would give sentence according to the Laws, and in those things concerning which there were no Laws, according to conscience and equity (which the Greeks call *γνώμην δικαιοσύνης*) ^e and of those things only concerning which they did debate. This oath seems to have been taken at the Altar, from whence they brought their little stones (of these by and by) with which they gave sentence. ^f *Plutarch*. *ἤθρον ἀπὸ βωμῆς ἕζεσσαντες*. The oath is called *ἀπομοσία*. Then went the Judges to their seats, ^g neatly spread with mats, in Greeke, *μῆδαι*, and *μαδοί*, and all others being warned ^h by the *Præco*, to goe without the Bars, in this forme *μηνίσμεθε* they sat down. For we must know that the *Athenian* Judicatories were environed in, as the Romans with lettice I suppose, by them

a Schol. Aristo
Roph V. l. p.
 505.
b In Demost.
 p. 287.
c Vide Ulpian
 in Demost. pp. 347
 348.
d Bud. in An-
 not. Rel. ad
 Pan. p. 347.
e Ulpian in
 Demost. p. 36.
 the Scho. of
 Aristoph.
 makes it the
 same with
ἑπιδικασίαι.
 αλ. p. 75.
f Ulpian in
 Demost. 348.
g Pollux. l. 8.
 p. 406.
h Dem. pag.
 628.
i Pag. 122.
k Aristoph.
 Sch. p. 239.
l Demosth.

called *Ἀγγελία*, *Cancellata*, by the Greekes *κηλίδες*, although *κηλίς* more properly signifie the door of the *δικαστείου*, before which was ^a a rope of fifty feet length drawn, and publique servants set, that none might enter, but who had business. The partition I think was but weak, and therefore by *Demosthenes* called *ἀδελφῆς κηλίς*. Within which none was permitted to come but the Judges. And therefore when *Demosthenes* did long to hear *Callistratus* plead concerning *Oropus*, he over entreated his *Padagogue* that hee would bring him, where he might have the happiness to be an auditor. The *Padagogue* therefore acquainted with the publique officers that opened the doores, *τὸς ἀδελφῆς τὰς δικαστείας δημοσίω*, procured him a place where he might hear and not be seen, *ἐν ἡ κηλίδι ἀδελφῆς ἀκούσθαι*. When then the Judges had gone within the bars, lest any should be wanting the *Præco* cried ^f *Εἰς τὸ δέξιόν τιν Ἑλληνιστῆς εἰσέλθαι*, if any Judge be without the doore of the place of judgement, let him enter. ^g Because if any came after the case began to be pleaded, he could not have admission. Being then seated the Crier read the Inditement, *ἔγκλημα*, (a copy of some part of which you have in *Demosthenes*. *ΕΒΛΑΨΕ ΝΙΚΟΒΟΤΛΟΣ ΕΠΙΒΟΤΑΕΤΣΑΣ ΕΜΟΙ*; &c.) in which according to the custome of the ⁱ old *Egyptians*, were given up to the court in writing all the reasons of accusation, the wrong received and the manner of it, with an estimation of the damage; The severall heads of which the Judges wrote downe, lest the Impleader and defendant should swerve from what they had in hand. Then stood up the Suiter in a pulpit on the left hand of the tribunall, and spake an accusatory oration, made for the most part by some of the *Attick* Oratours; which use brought in by ^{*} *Antiphon* the *Rhamnufian*, ^{*} *Clemens* of *Alexandria* calls *δικαιικῆς λόγος εἰς ἐκδοσὶν γελῶν*, ^h *Cicero*, scribere aliis causas, quibus in judiciis uterentur, such as *Lysias* is reported to have done for *Socrates*: Which lest it should exceed in length, was limited to a certain time, by a vessel,

^a Pollux lib. 8. p. 407.
^b Pollux loco citato.
^c This is *ἀδελφῆς κηλίς*.
 Pollux.
 d Pag. 485.
^e Plutarch in vita,

^f Arifoph. pag. 494.
^g Arifoph. Sch. Ibid.

ⁱ Περὶ Παιδείας. p. 567.
^h Boemus De. Costumi del le Gentil lib. i. cap. 5.

^{*} Arif. Rhet. l. 1. c. 33.
^h Stromat. l. 1. pag. 216.
 In Bruto.

in the bottome of which was a small hole for water to run, as sand doth in our houre-glasses, thence called κλέψυδρα, into which was poured an equall measure of water; and left there should be deceit, there was an officer made for that purpose, named Ἐφύδαρτος ὁ Πρακτικῶν πῶ ἰσόπιτα κλέψυδρα, filling alike for the Impleader and answerer. When therefore the glasse was runne, it was not lawfull for them to speak farther, nay for scantnesse of time they were compelled to passe by many things; and for that reason were they chary of their water, bidding that it should be stopp'd at the reciting of Lawes, or the like, which Demosthenes intimates in τὸ δὲ δῆμιλα βε τὸ ὕδωρ as ῥίτη ἐπιλαμβάνει is to stop the nose in Aristophanes. Apuleius. At tu interea dum legit, aquam sustine. Pancirollus. Ne si aqua interim effluxisset, amplius sibi dicendi præbita fores facultas, lest hee might not have leave to speak any mote; if the water were spent. If any would give way to another to speak while his glasse was running he might; which Demost. testifies, ἐν πρῶ ἐαυῦ ὕδαρ κληῖται. But if he would not permit it, he had the Præco cast it forth ἐξέειρα τὸ ὕδωρ Ulpian. Τυτῶσιν ἐυβαλλε. From which kind of pleading it grew into a proverbe, βεῖς τῷ κλέψυδρα, Cicero, ad Clesydram, to speake by the houre or an allotted time. His speech being ended, he late downe. The defendant then fitting all that while over against him, untill he had finished, after addressed himselfe to his answer, which he made from the right hand of the Iudicatorie; where he had a pulpit, and station; for this reason saies Aristotle, because they would make both parties equall: For the Suiter having the better part, they gave the upper hand to the defendant. Or because οἱ φάριτες or defendants, were for the most part in custody; If therefore the guard stood on the right hand, the defendant stood there also. Thence then he pleaded for himselfe; in which plea he was only to wipe out those accusations which his adversary laid against him, μόνον κατηγορηθέντων λύσιν ποιῆν. And in that had the plaintiffe a prerogative. For he might

Pollex l. 3.
p. 104.
Ulpia. in
Dem. p. 356.
Demosth.
τῶς Βουλι.
p. 586.
In Pluro.
Apologia.
Demosth.
ὕπὲρ φρομ.
Aristoph.
p. 617.
Tufc Q.
l. 2. in fine.
Ulpian in
Dem. 226.
Problem.
τῶν δικαιο-
σύνην κῆ ἀ-
δικίαν.
Ulpian in
Demosth. p.
252.

thereof with all destruction to themselves and house if they dealt falsely. Which if they did, they were subject to a writ $\psi\delta\delta\omega\sigma\tau\epsilon\pi\omega\epsilon\iota\delta\epsilon\iota\tau$, of false witness, and he that suborned them $\kappa\alpha\kappa\omicron\tau\epsilon\gamma\eta\omega\acute{\nu}$. Sometimes the witness was not present at the doing of the wrong, but took it from others by hear-say, which the Greek Lawyers terme, $\alpha\kappa\omicron\theta\eta\sigma$ as $\alpha\kappa\omicron\theta\eta\tau\epsilon\gamma\epsilon\lambda\delta\omicron\pi\alpha\kappa\omicron\tau\omicron\upsilon\omicron$, when they take from those that are dead, which went for current, and was allowable: But to bring a testimony from the Mouth of one that was alive, and within the territories of Athens, it would not passe. As neither theirs who were discarded the liberties of the City, $\alpha\pi\mu\omicron\iota$, or servants, or any man in his owne cause. The manner of witness was twofold, either by personall appearance and testifying $\omega\pi\omicron\pi\epsilon\sigma\omega\pi\omega\varsigma$, and then he was called $\mu\acute{\alpha}\rho\tau\iota\varsigma$, in no case lyable to the Law, $\chi\omicron\sigma\iota\delta\iota\kappa\omicron\theta$; or else by writing, by which he offered himselfe to his questions or attachments in Law, against whom he witnessed; if he were not true; and this is $\mu\acute{\omega}\rho\tau\omega\epsilon\iota\alpha$. Both parties being heard, and the altercation ceased, the *Præco* cried, *To whom E. N. hath seemed to violate right* (so they interpret $\alpha\delta\iota\kappa\acute{\alpha}\iota\upsilon$, *ius violare*) *let him cast in the black stone, or hollow, to whom he seemeth not, the whole or white.* For we must know that anciently the Greeks gave their sentences with black and white pebles, called $\chi\omicron\iota\omega\epsilon\iota\upsilon\alpha\iota$ (which the French seemably terme *Procellaines*, $\chi\omicron\iota\pi\omicron\theta$ *porcus*) *Ovid.*

a De Testib. p. 612. 614

b Ulpian in Demosth 238.

c Aristoph. 438.

d Metamorph. 15, F. 1.

Mos erat antiquis, niveis atrisq; Lapillis,

His damnare reos, illis absolvere culpa.

The antique fashion was with white stones to absolve, with black to condemne the accused. Pertinent to which is the saying of *Alcibiades*, when he was called out of *Sicilie* to go home and answer for his life, counting it foolish to goe thither, whence he never was like to escape; when one asked $\epsilon\upsilon\pi\iota\sigma\tau\omicron\upsilon\epsilon\iota\varsigma\tau\eta\pi\acute{\alpha}\tau\epsilon\lambda\delta\iota\tau\omega\sigma\pi\acute{\iota}\sigma\tau\omicron\upsilon\kappa\rho\iota\sigma\iota\upsilon$, *Wilt thou not trust thy country which begat thee to be thy Iudge?* $\text{O}\upsilon\delta\epsilon\tau\eta\mu\eta\tau\epsilon\iota\delta\iota$; quoth hee, $\Delta\acute{\epsilon}\delta\omicron\iota\kappa\alpha\gamma\acute{\omega}\mu\eta\alpha\gamma\gamma\omicron\theta\eta\sigma\alpha\upsilon\alpha\chi\eta\sigma\phi\alpha\lambda\eta\sigma\alpha\tau\epsilon\alpha\lambda\eta\delta\acute{\omega}\varsigma$, $\tau\omega\mu\acute{\epsilon}\lambda\lambda\omega\upsilon\alpha\upsilon\tau\epsilon\mu\epsilon\lambda\lambda\alpha\upsilon\alpha\upsilon\tau\eta\lambda\lambda\omega\mu\eta\varsigma\psi\eta\phi\omicron\upsilon\alpha$. *No not her, that brought*

e Ælian. Var. lib. 13. c. 38.

Plur. Mor. p. 140.

me forth. For I feare lest (hee being ignorant, and not conceiving the truth, mistake the black for the white stone. The black made *tristem sententiam*, and was so named; the sad-sentence, the white *candidam* or acquitting. They used likewise black and white beans; in respect of which *Pythagoras* is thought to have spoken a riddle, and *κυάμους μὴ ἐσθίειν*, not to eat beans, by *Nicomachus* interpreted *μὴ περιδιδόντας τὸ δίκαιον δωροδοκᾶν ἢ χεῖμασιν*. Not to undermine justice with bribes; or that men should get by the perverting of equity. I see no reason, but that I may think he means men ought not to be forward in getting places of Judgement. For *κυάμους* in *Aristophanes* is by the Scholiast expounded *δικαστῆς* and *κυάμους τρώγων* is used for a Judge, which properly signifies an eater of beans. But afterwards they had little pellets of brasse: The bloody ones of them were pierced through, therefore termed, *πυροπιμύλαι*, the saving were whole; *ἀτροπι*. Of these every one took of each other from the Altar, as I have said, *where laying their hands upon the ψήφους*, or balls, they intimated by a transposition of them (as from the black to the white, and from the white to the black againe) that they would not for envy or by-respects, but indifferently and truly judge. When then they were ready to passe sentence the *Præco* carried about the *Κάδον* or *Καδύσκον*, a certaine pitcher (for so *Xenophon* calls it, *ὕδριον*) having on the mouth of it a conveyance like a Tunnell, named *κημός*, but the top thereof was covered close, except a little hole for one pellet at a time to be put in, made for avoiding of deceit, I suppose, lest one man might cast in more; and therefore were they to touch the *ψήφον*, only with the forefinger, middle, and thumb. *Aristoph.* *Τὸς τρεῖς λαυέχων ἤδη δακτύλων ἀρίστα*. But we must know that the blacke and white pellers were not promiscuously cast into one pot, but two; ⁱ The one which freed was made of brasse, called *πέστρον*, whether because they first threw into it their voices, or because it may signifie the better, I know not; The other that condemned, being

wodden

a In Naz.
Stelit. 17.

b Pagina 290.
c Lylistrata.
p. 870.

d Pollux. l. 8.
pag. 407.
Ulpian. in
Dem. p. 470.
e Ulpian in
Dem. p. 162.

f Aristoph.
485.
g Pag. 263.

b Pag. 437.
vide Scholiast.

i Aristoph.
Vespis. 500.

wodden ὕψισθ. After the Crier had gone round with both because some would keep their bals, and for favour not give their voice against a friend or great person, therefore he cried, ὅτις ἀψήρις ἐπισημασθῶ, Who hath not cast in his ball? let him rise. So he rose and threw it in. Then they took them out and numbered them; and in matter of lands, money or the like, whose vessell (for there were as many set as the number of the litigants came to) had most; got the upper hand. At the counting of them a Magistrate stood by with a rod, and laid it over those that were told, lest they should mistake the one from the other, or wittingly doe it. For so were they wont to doe; thence named ἡφοκλέω. Which *Tencer* objects to *Menelaus* about *Ajax*, when by his deceit the armour was given to *Ulysses*; and therefore hee calls him κλέπτω ἡφοκλόων. Sch. δόλιον κριτέω not amisse, ἡφοκλέπτω. When the number was knowne, if the white or solid bals, were more, they tooke their tables which they had in their hands, and drew a short line, as a token of absolution; if the black or hollow were more, they drew a longer line, as condemning. Hence ἀπιστιμῶν μακρόν, may be used, for to condemne every body. The thing it selfe they termed ἀλοκίζεις as *Aristophanes*. By this the one party being overthrown (as none ever was without the sentence of the Judges) his adversary wrote down what damages hee should pay, which they terme ἐπιγεφθῆναι. *Plutarch*. δίκαια τέλα πάντα τιμημα ἐλάσθη δίκων ἐπιγεφθῆναι. For it was a use of old for those that went to Law to make agreements: I know not whether by oath, for they did swear by three Gods, Ἰάσιον, Καδούριον, Ἐξακισήειον, and put it into the *Echimus*, that they would stand to such and such conditions, before sentence, that he that was cast should undergoe somewhat; and afterwards ἐπιγεφθῆναι, that is set down what losse of limbs or life; or meanes, &c. For although they did κῆνα χυρόζεσθαι give their estates as pledges to answer and meet at the Court; yet it may be that might be lesse or more than the fine. There was

^a Aristoph. V. Igit.

^b Schol. Naz. in 571.

^c Sophocles

Ajace, p. 68.

^d Schol. Arist. 438.

^e Aristoph. Vesp. loco. cit.

^f Pag. 491.

^g Aristoph. p. 472.

^h βίσις ῥη.

ⁱ 454.

^j Schol. Arist. in 571. pag. 50.

^k Schol. Arist. 740.

in causes capitall or other proceeding, like to that in the City of *Venice*; where they gave two sentences. In the first they determined whether they should condemne or free; If in the first he was condemned, the manner of punishment was ordained in the second. But if in the first they found no cause of death, they had the accused to fine himselfe, which *Xenophon* intimates by *ἡπιμαζον*, and if it were too little the Iudges doubtlesse made it more, as the *Scholiast* of *Aristophanes*, if I forget not: The custome is set downe by *Cicero*, speaking of *Socrates*. *Ergo ille quoq; damnatus est, &c.* And he too was condemned, not only by the first suffrages, but also by those which by the appointment of the Lawes they were to give the second time. For in *Athens* the accused being found guilty, if the offence were not capitall, they weighed and considered the penalty. When the sentence was to be given by the Iudges, they asked the defendant, what hee thought himselfe to have deserved to forfeit, &c. (In the *Venetian Commonwealth* this is not observed.) In tryall if there be more for the prisoners liberty, then against him, he is strait acquitted, but if more then halfe be in the pot of condemnation he suffers. *Socrates* at the first had two hundred eighty and one more against him, then on his side; and at the next eighty more were added to the former, so in all he had three hundred threescore and one condemnatory suffrages. But fewer might have done as much. For we read in *Demosthenes* of *Cimon* like to be punished with death, *ὅσα τρεῖς ἢ ἑξήκοντα, ἢ ἑπτὰς*, if three had not been wanting. And againe, *ἢ ἑξήκοντα ἢ ἑπτάς ἢ ἑξήκοντα ἢ ἑπτὰς* *δὲ μόνον ἀλλοῦναι ἦν τῶν*. Nay one was sufficient, *Demosthenes*. *Μία μόνον ἀλλοῦναι ἦν τῶν*. But *Ulpian* on the place, *ὅτι ἡμῶν δίδοναι πινυειαν*, saies, that hee was lightly punished. *h* If the voices were equal, then was the prisoner loosed; because sometimes he might be accused upon suspicion, or of those things which he did not willingly commit, or perhaps was sued out of envy, and many other reasons given by *Aristotle*: therefore did the Lawgiver leave

a Contareno.
de Rep. Ven.
lib.3.

b Apolog.
Socr p 265.

c De Orat. 1.
fol 61 b.

d Laetius in
Socrat. p. 115.

e Pag. 436.

f Pag 430.

g Pag. 338.

h Aristoph. p.
244.

i Probl. γμω.
29.

leave some place for pity and compassion. To which the Judges were often moved. And therefore would they plead the ^adeserts of their ancestors; their own lives formerly well led. ^bSometimes shewed they their wounds; and brought the venerable gray haire of their parents, but ^cmothers chiefly, to intercede in silence: Sometimes embracing their children in their armes, they held them up in the Judges view; or caused them to ^dcome up into the βήμα or pulpit, & supplicate with teares; which wrought so much upon the Judges, that ^eAristophanes in a scoffe presents one ^{κροδάριον} κροδάριον πικρὸν, ^{πικρὸν} πικρὸν, drowing his sentence in weeping. Then in compunction would the Judges speak to the prisoner, ^fΚατέβα, Κατέβα, wishing him to go down from the βήμα, a token often of mercy; though now and then it proved otherwise. Nay it was a word of displeasure too, as when Plato would have been Advocate for Socrates. ^gΝεωτάτος ὦν, ἀνδρες Ἀθωαῖοι, ἤν' ἐπὶ τὸ βήμα ἀναβύτων, they thundred out, Κατεβύτων τρεῖς κατέβη. Neither may I forget ^hAmyntas the brother of ⁱAeschylus the Tragædian, who, when the people would have stoned his brother for some impiety brought on the stage, held up his elbow and arme without a hand, lost in the fight at ^jSalamis: by which spectacle the Judges calling to minde the merits of ^kAmyntas, dismissed the Poet. Neither may I omit what ^lXenophon objects to them, that they cared not so much for justice, as regarded what might conduce most to their own profit, and be convenient: ^mAnd that they condemned innocents, and spared offenders that could speak well. Furthermore another fault of theirs was the prolonging of cases a whole yeare, saies ⁿXenophon, and ^oAristophanes. ^pἌλλ' ἔτι νῦν τὰς ὑπερβηνοντέρας Εἰσαγγελίαι, ἀλλ' εἰσώδης ἀναβελήμεθα. Now we doe not handle suits of above three-score yeares, but we are put off unill the next day. ^qΤὰς ἐπὶ εἰκοσιν ἢ ἐν σὺνταξίῳ. For wee come to triall within twenty yeares. This ^rXenophon imputes to the multitude of their imployments. As long as the case hung in suspense, the name of

^a Dem. p. 492.
^b Aristid. T. 3. p. 292.
^c Dem. p. 493.
^d Aristid. loco cit. πικρὸν ἀν' ἐβίβαζον.
^e Aristop. pp. 469 499.
^f Vesp. p. 499.
^g Sch. Ar. 500.
^h Murt Socr. p. 115.
ⁱ Ælian Var. hist. l. 5. c. 19.
^k Athen. Rep. 8 τὸ δὲ αἰεὶ αὐτοῖς αἰεὶ μάλλον ἢ τὸ αὐτοῖς σιμπεύοντος. p. 404.
^l Apol. Socr. initio.
^m Athen. Rep. 406.
ⁿ Εκκλησιαζ. 752-753.
^o They are translated foolishly into latine. εἰσώδης is what the Proctours in the Civill law usually mean by *in proximum*, in Proxi-
^p mum.

Q

the

^a Budæus in Pand. No. Re- lig. p. 31.

^b Demost. in Mid 347.

^c Conr. Andro. 388.

^d Dem p. 406.

the accused was (as among the Romans, whence *Reipenduli*) exposed in a publique table to the view of all men, which they terme *ἐκκλήσις*. *Demosthenes*. ἴνα ἐκκλήσις περὶ τῆς Ἐπιούρου. *Ulpian*. περὶ τῆς ἐκκλήσεως καὶ πᾶσι βλέπεται You see here the place too, viz. at the Statues of the *Eponymi*. Before a man was convicted, all that they objected to him was but *αἰτία*, by *Demosthenes* termed *ψῆδος λόγος*, a bare report; but after prooffe *ἔλεγχος*. ὁ πανδῆς ἀπὲρ εἰρηπῆς, καὶ τὰ ληθῆς ὁ μὲν δείξει. After judgement past, ^d *ἀδικήματα*. An inditement of sacrilege, theft, murder, treason, is but *αἰτία*; the evidence and conviction makes it *ἔλεγχος*: the sentence, *ἀδικημα*.

CAP. III. SECT. II.

De Areopago, & ejus appellatione. Areopagita.

^z When *Tullius* had divided the Roman field, he made on high hills and places fortified by nature, refuges for the husbandmen and called them *πίργους*.

^{Dion. Hal. 4.} Not as if it signified a village, but as it was situated.

For *Pagus villa rustica*

comes from *πηγή*. Because built neare a well. Peror. ^f In Acta p. 136. ^g *Eumenid. p. 296.* ^h *Ele & p. 836.* ⁱ *Metamor. l. 6. fab. 2.* ^k Vide *Scalig. in conj. & t. Demost. p. 413.* ^l *Paus. p. 26.* ^m *Simon Met. & Pachym. in vit. Dionys. Areopag. m. Loc. citato* ⁿ *Paus. Attic. p. 31.*

ON the hill, on which the *Acropolis* was built, stood the *Areopagus*, in the old translation of the Acts of the Apostles rendred *Vicus Martius*, by our Englishmen, *Mars his Street*, Falsly. For ^c *πίργος* beares not that signification, but what ^f *Justin Martyr* interprets, ὁ ὑψηλὸς πῖργος, an eminent place. ^g *Εν ᾧ ὄρθω πνιῶν ἐκεῖνο τὸ δικαστήριον*. For that Judicatory was on a high rock. Therefore named by ^h *Aeschylus*, & ⁱ *Euripides*, *Ἀρειῶν ὄρθος*, by ^j *Ovid*, *Scopulus Mavortis*, and ^k *Ennius*, *Areopagitica petra*: so called, as fond Antiquitie would have it, ^l from the judgement of the twelve Gods upon *Mars*, for killing *Halirrhothius* the sonne of *Neptune*. But ^m *Justin Martyr*, because he was there arraigned of advourtery, *ἡ ὑψηλὸς ἐκεῖσε δίκας ἔδωκεν*. But alike true. It pleases mee well to consider the superstition of the Ancients, that consecrated high places to their deities, and erected the statues of their Gods upon hills: As ⁿ *Parnes*, *Hymettus*, *Anchesmus*,

whence

whence *Jupiter Parnethius, Hymettius, Ancebesmus*. And as in *Athens, Neptune* had a hill Ποσειδάωνος πύργος, *Saturno* another, Κεφύρα πύργος *Pan* another, Πανός πύργος. *Mercury* another, Ερμῆος πύργος, so *Mars* his *Areopagus*. ^a *Æschylus* gives it a nomination from the *Amazons*, sacrificing to *Mars* there, when they came and fought against *Theseus*. Or if you will receive the opinion of others, it takes the name from the cases in it handled, of blood wilfully shed: so *Hesychius*, Ἀρεῖος φρονιῶς. That when ^b *Juvenal* calls it *Curtam Martis*, you may interpret it, *The Court of murder*, but willingly committed. This is termed by the ^c *Tragedian*, the most uncorrupt, sharp, reverend censure, then which nothing is more constant (saies ^d *Tully*, comparing to it the Roman Senate) nothing more severe, as by ^e *Pseudo Dicitys Cretensis*, it is stiled *Judicium severissimum per omnem Græciam*. Then which none judged better, more just, or honest, saies ^f *Xenophon*. & *Plutarch* writes that this Court was ordained by *Solon*, and ^g *Cicero* received the like opinion; but that seems to contradict it, which *Plutarch* presently brings, quoted in the thirteenth table, that they who had lost their liberties should be restored again, unless they were condemned by the *Areopagites, Ephete, Prytanes, Basileis*, of murder, slaughter, tyranny, when that Law was enacted. And by and by, ⁱ Τίνας δ' ἦσαν οἱ ἀπὸ Σόλωνος, &c. Who were condemned in *Areopagus* before *Solons* time (if he first instituted the *Areopagites*.) ^k Others are of opinion, that *Solon* added the *Areopagites* to the *Ephete* (Judges so called, because when formerly the *Basileis* made inquisition after murder unwillingly committed, *Draco* made it ἐπίσιτοι, that is, translated it to the *Ephete*, their number was but fifty one. And though they judged in five Courts once, yet by little & little they became ridiculous.) ^l *Possardus* saies, he abolished their severity, and substituted the *Areopagites*. But ^m *Urbo Emminis* more probably, that *Solon* was not the Author of this Senate, but brought it into a better forme, made it more strong and firme; and augmented the power of it. For *Draco* it seemes

^a Eumenidib. p. 196.

^b Satyr. g. v. 100.

^c Æschylus pag. 297.

^d Ad Atticum. l. 1. ep. 11.

^e De bello Tro. l. 6. p. 147.

^f Απομνημ. p. 448.

^g In Solone pag. 63.

^h Offic. l. 1.

ⁱ Loc. laudato.

^k Pollux. l. 8. p. 407.

^l De Athen. Mag. p. 446.

^m De Rep. Athen. p. 20.

a Vide Maximum in Prolog. ad S. Dionys. opera & Nicéph. lib. 2. in vita Dion.
 b Pachymer. e Ifoc. in Areopag. p. 133.
 d Loco supra laudato.
 e Arthid. l. 2.
 f Anonym. in Argu. Oratio. Androtia.
 * They were of those Magistrates that were chosen by Lot, as the Archon, The-smothesz, Basileus, Polkmarthuz, for which cause Pericles was not of that number because he never strained to these offices. Plut. in Peric. p. 213.
 g Anonymous loco laudat.
 i De statu Italiae adversus Machiavel.

lessened the authority of it, deriving it to the *Epheta*; *Solon* restored that authority and made it greater. ^aTo this company none were admitted, but wise, wealthie, and noblemen; ^bfamous for good life, and innocencie, ^cὅ ἐπι πάσι ἀνεπίληπτον, whom no man could justly charge of misdemeanour. Nay, men, whose behaviour was intolerable, ^dἐν πῶσι ἀλλοις ἀεζυμασιν ἀνεκτιόντες, after they were chosen into the Colledge of the *Areopagites*, abhorring and blushing at their former dispositions, ^eἀκνήστες τῆ φύσει χυθῶναι, changed their natures, and embraced vertue. The number of them is uncertaine ^f*Nicophorus* makes them but nine; as *Maximus* too out of ^g*Philochorus*; *Pachymerius* fifty and one. But what *Maximus* produces after, is somewhat, that they consisted of fifty and one, beside the Nobility most wise and rich, ^hπάλω ἐξ Ευπατειδῶν καὶ πλείω καὶ εἰς σώφρονοι διατρέχοντων. By which words he seemes to aime at the nine *Archontes*, ⁱwho when they had governed one year, and given an account of their offices, and had administr'd all things justly, were chosen yearly into this society. For which election anuall, the number was doubtfull. For some might dye in that space, or all live, and in the next yeare be increased. *Volaterran* out of an old inscription in *Acropolis*, that they were three hundred; ^kΤε ΛΑΜΠΡΟΤΑΓΩ &c. To the most famous *Rufinus Festus*, *Proconsul of Greece* & *Areopagite*, the council of *Areopagus* consisting of three hundred; and the people of *Athens* set up this monument for a testimoniall of his good will and benevolence. But that might only happen when this was erected. ^lThey continued all their lifetime in their dignity, and were never put out, ^mεἰ μή τις μεγαλως ἥωρτε. unless for some grand offence. ⁿ*Bozins* tells us (how true I wot not) that they were all Priests. *Athenienfes olim*, &c. The *Athenians*, quoth he, did strive to challenge to themselves the prerogative of wisdom, and to them is it bent what the Apostle saies, *The Greeks seek after wisdom*. Neverthelesse their *Areopagus*, who had the power of all things consisted of Iudges that were Priests, and the High Priest.

Priest of all that asked every of their sentences, took the suffrages. Their authority was unlimited. For^a they were overseers of all, ^b Judges of wilfull murders, wounds given out of pretended malice; which would make some, having a desire to drive a man out of *Athens*, go to a Chyrurgion and make an incision in their heads, that they might sue him who they hated, upon an action of battery, as *Mantitheus* against *Bæotus*. They sate upon incendiaries and prisoners, if the party dyed that tooke their doses. ^dThey saw that the Laws should be put in execution, such as *Contaren* would have in *Venice* to be guardians of their Statutes. In a word all great delinquencies came under their censures. They inquired into the behaviours of men; and we read in *Xenophon* that they sharply reprov'd a young man for his loose living, *Ἀνακαλεσάμενον αὐτὸν ἢ Ἀρειοπαγῶν, &c.* saies the *Dipnosophist*. ^e*Valerius Maximus*. Est & ejusdem urbis ^fsanctissimum consilium *Areopagus*. &c. There is likewise in that City the most sacred Councell *Areopagus*, where they were wont most diligently to enquire, what either the *Athenians* did, by what gaine he maintained himself, and what his trade and actions were. That men, knowing and remembring that once they must give an account of their lives, might imbrace honesty. ⁱThe Greek author tells us that except in great cases of necessity they medled not with state affaires, but it seemes otherwise. For if any one say, quoth ^k*Tully*, that the *Attick* Republicke can be well governed, without the councell of the *Areopagites*, he may as well say that the world may be governed without the providence of the Gods. When the *Medes* and *Persians* invaded *Greece*, ^lby the advice of them was the war waged, wherein *Themistocles* purchased an everlasting memory of a victory. ^mAnd when their publique Treasurie was bare, they furnished each man with eight *Drachmes*, and stored the ships with Mariners. Which advice, when they had won the day, was a cause, saies ⁿ*Aristotle*, *ἑωτέραν ποιῆσαι τὴν πόλιν, &c.* to give strength and sinewes to the

^a Plutare. Solon. p. 63.
^b Ælian. Var. l. 15. c. 15.
 Dem. p. 406.
^c Demost. in Orat. περὶ Βοιωτῶν πρὸς ὀνόματες.
^d Dem. p. 445.
^e Pachymer.
^f In Sympol. unless I am extremely forgetfull. It is quored likewise by Athenæus Dipnos. l. 4. p. 167.
^g Lib. 2. c. 6.
^h Aristides. Γ. 1. p. 331.
ⁱ Ἐν τοῖς Ἑλλησι διακρίσειν ἐπιμύθητον καὶ ἀγνοήτων.
^j Anon. Arg. Orat. Androz.
^k De natura Deorum. 2.
^l Est enim bellum gestū consilio Senatris ejus. Cicero Off. 1.
^m Plutarech. in Themistocl. pag. 84 l. 3.
ⁿ Polit. l. 5. c. 4.

Commonwealth. Under their fight were all the youth of Athens. For this reason especially, because that when they were reckoned among men, and were come to age, they needed more care to be had of them, than when they were children; not observed by our countrymen in sending their sons young to the *Innes of Courts*) youth and heat of blood, unstaidnesse in judgement, rashnesse in adventures, and pronenesse to vice, leading, or rather carrying headlong tender yeares to their owne destruction. To them appertained blasphemies against their Gods, violating of religion, and divulging mysteries, as when ^b *Euryclides* the *Hierophanta* in answer to the question of *Theodorus*, Τίς εἰδὼς ἀσεβείας περὶ τὰ μυστήρια, who offended against the mysteries? Οἱ τοῖς ἀμυβήσις αὐτὰ ἐπέειπες, replied, such as open them to those who are not initiated. Therefore, quoth the Philosopher, art thou impious. For which crime, had not *Demetrius Phalerens* befriended him, the *Hierophanta* was in danger, εἰς Ἀρεῶν ἀνάχθῃσαι πάρον, to have been brought before the Councell of *Areopagus*. By vertue of which authority *S. Paul* was here judged for teaching strange Gods (as they supposed.) ^c For although that the *Athenians* were under the *Romans*, yet their Lords made them αὐτὸ μυσθῆναι *sui juris*, and permitted them to keep their ancient customes. The manner or proceeding in this Court, was thus. After the felony committed, the appellant brought his inditement to the *Basileus*, who giving the prisoner and his accuser audience once a month, at three severall times to debate the businesse, in the fourth month, brings in the accusation to the *Areopagites*, and putting off the crown which he was wont to wear, late down as judge with the *Areopagites* in the dark: for they judged by night, saies ^e *Lucian*, that they might not regard the speaker, but what was spoken. It being there forbidden ^f ἀποσιναί ζῆδαι καὶ ἐκπῆζῆδαι to move to compassion, and use Proems, as in other Courts, wherein they craved the Judges favour and attention, which by *Demosthenes* are termed ^g πρῶτα γῶρες. This *Aristotle*

^a *Hocrates*
Recop. p. 132.

^b *Liart.* lib. 2.
in *Artisippo.*
p. 154.

^c *Symeon*
Metaphrast.

^d *Pollux.* l. 8.

^e *Hermotim.*
p. 505.

^f *Pollux* pag.

405.

^g Vide *Ulp.*
in *Demost.*
pag. 396.

Stoile calls ἕξω τῷ ἀπειγμῶν λόγῳ, to speak beside the mat-
 ter. Before the triall both parties sweare (which they style
 * *Διωμοσίαν*.) The appealer standing upon the testes of a Goat, a
 Ram, and a Bull (usuall to the *Greeks*, as *Tyndareus* swore the
 Suiters of *Helena*, that they should revenge any wrong done
 to her and her predestinated husband, ^b ἐπὶ τῶν ἰππευτικῶν κριμίων,
 and *Hercules* to the children of *Helens* ἐπὶ τριμίων κριμίων) tooke
 oath, therefore named ^c ἐπὶ τριμίων, in which he maintain-
 ed that he dealt justly and rightly, and that he was joynd
 in affinity to the slaine man; ^d which if he were not, he could
 not prosecute, the Law forbidding. The reason why he stood
 ἐπὶ τριμίων, I suppose is, because they are the instruments of ge-
 neration, and in that oath, if he were not true, he wished an
 extirpation of his house, himself, and his posterity. In which
 if he were perjured, he was liable to the punishment, as a-
 mong the Romans. ^e *Jurisjurandi contempta religio satis De-
 um ultorem habet.* For swearing is punished by a revenging
 God, but if any swore false by the life of the Prince, he fell un-
 der the *Julian Law, Læsa Majestatis.* After this the prisoner
 swore; which among us will not be allowed. Then setting
 each of them upon ^f two silver stones, one of which was na-
 med λίθος Ἰσχυρίας, the stone of injury; the other *Αναδείας*, by
Adrian Junius thought *Αραπίας*, of innocence, not impudence.
 Then the appealer asked the prisoner three questions, which
^g *Æschylus* calls τρία πῶδες ἑσθμῶτα. First; whether he were
 guilty or no, ^h εἰ κατέκτανες, to which he answered, ἔσθνα or ἔκ-
 ἔσθνα, yea or nay: Secondly, ὅπως κατέκτανες; for what reason he
 did the murther. Thirdly, Τίς ἔσθ ἑσθμῶτα; who were the A-
 bettours. Then arose there certaine Lawyers, ἐξήγηται, who
 shewed whether the murther was committed ⁱ ἰσῶ δίκῃ, in
 justice. (^k For in *Athens* there were such Councillours, to
 whom in matters of difficulty they had resort.) By ἰσῶ δίκῃ,
 you must understand those causes, in which ^l *Draco* thought it
 lawfull to kill a man; as taking him committing uncleaneſſe
 with wife, mother, sister, daughter, or concubin, or any whom
 he

a Pollux loco
 laudato. Dem.
 cont. Aristocr.
 p. 413.
 b Pausanias
 Lacon. p. 103.
 c Idem Meſſa-
 niacis. p. 126.
 d Demosth. p.
 608. & 416.
 These agreed,
 saies Poffard,
 about the pu-
 nishment, ac-
 cording to the
 damage recei-
 ved. De Athen.
 Mag. p. 449.
 e Lib. 2 C. de
 reb. cred.

f Paus. Attic.
 p. 27.

g Eumonid.
 p. 292.
 h Ibidem.

i Æschylus p.
 293.
 k Demost. vid.
 p. 647.
 l Demost. p.
 312.

Vid. Demost.
cont. Aristocr.

he accounts among his children; the party so offending might be slain in the manner by him, against whom he had trespassed. Likewise, in the defence of a mans goods, if the thiefe were killed, impunity was granted. After this inquisition, they passed to sentence, which was given very privily, as *Juvenal* intimates, *Ergo occulta teges, ut curia Martis Athenis*; without speaking (as the *Tabellares sententia* of the *Romans*, in which they wrot C. if they condemn'd. A. if absolved. N. L. if the case were not manifest) hence *Ἀρειοπαγίτου σεραιώτερος*, for one that is close and silent; and *Ἀρειοπαγίτης*, for one that is grave, and who can hold his peace, & in whose countenance

Vide Sylvium
in Orat. pro
Flacco.

a Torrentius.
b Η γέτων
κείσις ἔκ ἐδύ-
σε τῶν κει-
δὲν ἔρεσι.
Pachymerius.
c Demost. con.
Aristocrat p.
413.

d Aristides
Tom. 1. p. 185.
e Ælian. Var.
hist. l. 5. c. 13.

f Valer. Max.
p. 322.

g Lib. quinto.

is a *tristis severitas*, ἐπὶ ᾧ στυγρῶτων καὶ σφοδρῶτων καὶ σιωπηλῶν. Whatsoever they concluded of, stood irrecoverable, b neither could there be any appeal to another Tribunal. And no marvell. For so upright was their sentence, c that none, either Appellant or prisoner could ever say, that he was unjustly condemn'd. Nay both parties, as well those that are cast, as they that cast, are alike contented, d ἡπώμενοι σεργασιοὶ ὁμοίως πύκνωσεν τῶσιν. After doom the prisoner was to suffer death. In which execution also the *Arcopagites* had a care lest the innocent should be punished with the guilty. When therefore they had condemn'd a woman for poisoning another, they deferred the execution, because shee was great with childe, and strait way after her delivery put the mother to death. Which custome is by us also observed at our Assises. It will not be amisse to relate one memorable thing done in the time of *Dolabella* Proconsul of *Asia*, who, when a dame of *Smyrna* was brought before him, for killing her husband and son, who had deprived her of a hopeful youth, begot of her by a former husband, referred the audience of the matter to the *Arcopagites*, who commanded the woman and her accuser to appear some hundred yeares after; that by such a bottom of time, scarce able to be unwinded, they might shew, that neither would condemne nor acquit the woman. One thing more, e *Quintilian* tells us, that they condemn'd a boy for

for putting out the eyes of Quails. Because it was a sign of a miade, likely to prove most pernicious. Their power was shaken and somewhat plucked downe by ^b Ephialtes, a fore enemy of *Oligarchical* government, and more enclining to the people, who was secretly slain by ^c Aristodocus of Tanagra. They sate three daies every Moneth, τετάρτη δέσποια, τετρη, δέσποια.

^b Plutarch
Vulp. 355.
& M. r. 291.
^c Lucian Pe-
sicle p. 113.

CAP. III. S E C T. III.

De iudicio. ἐπι Πάλλαδιω.

After the siege of Troy some of the Grecians came with *Diomedes*, ^a who kept the *Palladium*, to the coast of *Attica*, and arriving by night at *Phalerum*, supposing it to be an enemy country, went to make a prey. Where *Demopho* ignorant that they were Grecians came to aid and defend his own; and slew many of the *Argivi*, which they cast out unburied, whose bodies when no beast had toucht (^b ἐν πρῶτον τὰ ζώων, saies *Polux*, the interpreter, *nullus vivus*, I better thinke it no creature, either fowle or beast) *Acamas* shewed that they were *Argivi* having the *Palladium*; being warned then by the Oracle (who named them *Ἀργῶτες*, that is, ^f neither knowing nor knowne) they buried them; and in that place consecrated the *Palladium*; where they made also a judicatory, for murders unwillingly committed, and called it, ^{*} ἐπι Πάλλαδιω, *juxta Pallaasum*, as some. Here was *Demopho* first tried, who returning from this battell, killed with his horse, somewhat diverting, an *Athenian*; sfor whose kined some thinke he satisfied the Law, or generally for the *Argivi*. ^h If any had stricken a man or woman, and the party chanced to dye, he was judged in this Court. ⁱ In such cases the Law was very favourable; for the party offending was not punished with perpetuall exile, *αἰσούσια*, as in wilfull felony; (kept by us in England once, called *Abjuration*,

^d D. & C. Cre-
tentis de bello
Trojano l. 5.
p. 14. P.

^e Libro octi-
vo pag. 406.
^f Schol. Soph.
i Oed. Tyr.
^{*} It is simply
(b) called Pal-
ladium. *Ælian*
Var. l. 5. c. 15.
^πει β̄ τ̄ ᾱ-
κρίτων ἐν
Πάλλαδιω.
^g Pausan. Ar-
tic pag 27.
^h Demosth.
contra Nere-
ram pag 727.
Vide 647.
ⁱ Demosth.
pag. 329.

R where

(where the guilty had his life upon oath, that he would never returne) but he did ^{ἐξέηχε} in a gentler terme. For it was a custome of old, to give a certain summe of mony (the Attick Law ^{χρῆματα ἐπιτήματα}, in wilfull, all was confiscate;) to the kindred of the slaine, that they might not depart their country; but if they could not purchase an abroad they went somewhere else. ^c Ovid. *Cade puer factâ Patroclus Opanta reliquit.* Their discontinuance was but for one year, ^{ἄλλως ἢ ἔφουζεν ὁ φονδῆς ἔπλεθρον ὡς τὰ πολλὰ ἐν ταῦτῳ.} The money disbursed on such occasions was properly called ^{ποινή, quasi φονή,} from ^{ξέβη}, murder, as if it were the price of blood. And the Scholiast of *Sophocles* tells us that ^{ποινή} is spoken only, ^{ἐπὶ καταβολῆς χρημάτων} of payment of mony, but abusively of any punishment. If the party wounded had forgiven the offender before his death, or the allies of the man desperately hurt, none could afterwards compell him to flye; otherwise hee fled. And in that flight he betook himselfe to some acquaintance, by whom he was cleansed from the guilt with certain ceremonies of washing, which the Romans call *Februa*. So was *Patroclus*, *Peleus*, *Medea*, *Alcmaeon* purified. ^c Ovid.

*Græcia principium moris fuit : illa nocentes
Impia lustratos ponere facta putat.*

*Attoridem Peleus, ipsum quoq; Pelea Phoci
Cade per Amonias solvit Acastus aquas.*

*Vestam frenatis per inane draconibus Aegus
Credulus immeritâ Phasida fovit ope;*

Amphiaraiades Naupacteo Acheloo

Solve nefas dixit, solvit & ille nefas.

Ab nimium faciles, qui tristia crimina cadis

Fluminca tolli posse putatis aqua.

In this ceremony they did ^{θύσαι}, sacrifice, saies ^c Demosthenes, (which custome likewise was observed by the ^c Thracians in the lustration of *Orestes* from the blood of his mother, which I gather by the feast which they presently celebrated

there

^a Demosthenes, *Midiana*.
^b Eust. in *Iliad*.
1. *Ἐδος πικραυδὶ ὡς, φονδῆς, &c.*
^c De Ponto lib. 1. *Eleg. 4.*
^d Eustath. But Demosth. *ἔως αὐτὸς αἰδέσθαι πρὸς τὸ ἐν γένει τῷ πεπρωθῶτῳ.*
Unill he obtained remission from some of the kindred of the slaine.
^e Demosth. *f* *Fastorum 2.* *initio.*

^g Κατὸ Αἰετοῦ p. 414.

^b Pausan. *Corinth* p. 74.

Καθ' ἑαυτῶν

φασὶν Ὁπέ-

στω καὶ ἀπορί-

αἰς ἡ ἀπορί-

&c.

there, and yearly observed afterward. This manner was done with water, as you may read, taken out of the well *Hippocrene*, made by the foot of *Pegasus*; the sprinkling was with a little bough of *Lawrell*, as I suppose by the words following perswaded to it; which tell us, that when the *καθάριαι* were buried, there sprouted out of them a *Bay tree*) and after that *καθαίρειν, θύσαι ἢ καθαρθῆναι*. This as I said was in his sight, *καπὸνθ' ὄσειν ἢ καθαίρειθ' νομίμοις ποί*. The proceeding in this Court, was first, *διδωμοσία* such as before I mentioned, an oath in each party, accuser and defendant: secondly, *λόγος*, their speeches of both sides: thirdly, *γνώσις δικάσειν*, Judgment. If the prisoner were found guilty, that is, unwillingly to have murdered, then had he a time appointed him, how long he should flye, as above said, untill he had made peace and gotten pardon from the Cousins of the deceased.

C A P. III. S E C T. IV.

De Judiciis, ἐν Δελφίνῳ Πρωτορείῳ. Φρεαπόι'.

AT Athens there was a Temple erected by *Ægeus* (who lived in *Delphinium*) to the honor of *Apollo Delphinus* and *Diana Delphinia*,^b where was the Tribunal named ἐν Δελφίνῳ, or ἐπὶ Δελφίνῳ δικάσειον. * In this Iudicatory were heard cases of murder, when the party confessed the fact, but pleaded that it was legitimate. ^c For the Law required no punishment of any man that should kill another taking him committing adultery with his Wife, or uncleanness with his Mother, Sister, Daughter, Concubine, or free Children. Likewise if in preservation of his goods, or own defence he spilt blood it was not capitall. The first that was arraigned here was *Theseus*, maintaining the right he had to slay the theeves, saies ^d *Pollux* (I know not whether hee mean *Sciron* and *Procrustes* &c.) and *Pallas* with his children, who were rebels. Before this trial of *Theseus*, who-

^a Plutarch. pag. 41. 19.

^b Schol. Arist. pag. 333.

^{*} Ælian. Var. l. 5 c. 15.

^c Demosth. contra Arist. pag. 410.

411.

^d Lib. 8. pag. 406.

^e Pausan. Att. P. 27.

Salamis, unto which that he might be restored he made appeal to this court: Which gives light to *Aristotle* ὅτι τοῖς ἐφ' ἡγουσὶ φόνοι, ἐπὶ καθέδρῳ ἐπιφέρει: ὅς Ἀθῶνισι λέγει, καὶ τὸ ἐν ἑρεαπτοῖ δικαστήριον. Judicatories concerning men flying for murder, that care for their bringing back againe, such as in *Athens*, τὸ ἐν ἑρεαπτοῖ. When the party prosecuting will not admit of reconciliation.

a Politicon 4. c. 17.

C A P. III. S E C T. V.

De Tribunalis reliquis. Παράλευσον. Τετράγωνον. Βατραχίον. Φοινικίον. Τὸ ἐπὶ Λύκῳ. Μητῆρος δικαστήριον. Ἐν Ἀρδύπῳ. Διατηταῖ.

Besides these Courts of blood and causes criminall, there were for civill matters these, *Heliaea*, of which before for the excellencie of it I treated. Παράλευσον. Of this name there were two, παράλευσον μείζον καὶ μέσον, the greater and the middle. In this Court were handled matters, saies *Petit*, that exceeded not one drachme, to which *Aristotle* might be thought to looke speaking of Judicatories, περὶ τῶν μικρῶν συναλλαγμάτων, ὅσα δραχμαῖα, &c. And this was the meaning of *Pausanias*, Ἐπὶ ἐλαχίστοις συμβιόντων, εἰς αὐτὸ. Suing here for the least occasions. The *Undecimviri* were Judges of the Court, which made *Petit* to suppose that it was not to be reckoned among the δέκα δικαστήρια. It stood ἐν ἀφανῆ πύλῳ, in an obscure place of the city; whence ἐν παράλευσῳ, in *Demosthenes*, is by *Ulpian* expounded, privily, by a *Metaphor* taken from the situation of this Judicatory, or, ἐστὶν ἀπὸ κρυψίων ἢ ἐν τῇ οἰκοδομίᾳ ἔσθον, καὶ κρυφαῖα τῶν φαινομένων, from goods secretly hidden. Ἐν παράλευσῳ, ἀπὸ τῆς λάθρα. Τετράγωνον, from the forme of it, which seems to have been triangular. Βατραχίον, and Φοινικίον; from the colours that were painted ἐπὶ τῷ σφηνίσκῳ τῆς εἰσοδῆς upon the post of the entry, answerable to which there was a staffe given to the Judges, that they

b Polit. lib. 4. c. 17.

c Atticis. pag. 27. l. 13.

d Pausanias ibidem.

e Pag. 450.

f Aristoteles Athen. Rep. apud Arist. Sch. pag. 37.

they might know in what court to sit; For they presently went to that court which had the same colour with their staffe. Το δὴ Λύκος. From the statue of *Lycus* on *Heros*, which was there set up, having the face of a wolfe; where likewise the statue of *Ζηνο* stood visaged in the same manner. But we must not omit that the image of *Lycus* was erected in every court; hence Ἰ Λύκος δεκάς. *Lyci decem*, for sycophants and such as corrupt judgement, because that such persons were very frequent and busie there: And so thinke I *Pollux* is to be read

a Zenobius.

b Lib. octavo p. 406. The place is extremely corrupted, as you may perceive by the false Greek.

c Vesp. p. 457.
d Pollux lib. 8.

e Athen. At. l. 2. c. 12. p. 124
f Lib. 8. p. 13. 406.

g Ἀπόλλω Πατρῶν, ἔ Διμντρεξ, ἔ Δία Βασίλειά.
h Etym. mag. p. 147.

b παλαι ἢ σωήσαν ὁ σωδεκάζοντες τὰ δικασίαια (understand σὺς ὄν or the like) at which they who bribed the Judicators met. *Zenobius* helps my conjecture, ἐντα ὁ σωεδοκῆρες, ἔ συκοφάν) καὶ δεκά μεγάλοι σωερέφοντο. The c Scholiast of *Aristophanes* writes that this noble *Lycus* had a Temple neare the Judicatory, where the Judges divided their mony for pay, three oboli, to each, a day. d Μητήχου δικασίαιον. This was a great Judicatory, so named from *Metichus* an artificer, which built it. Here, who had passed thirty yeares of his age, and was well and nobly descended, and owed nothing to the publique treasury, might be chosen Judge. For of such they all consisted. Εἰ Ἀρδύη. Some have falsely supposed that there was a Tribunal so called; neither did e *Menrsius* think otherwise, when he translated these words of *Pollux*, ἐν Ἀρδύῃ δικασίαιῳ, *apud tribunal Ardestum*. The fault crept in by the negligence of the transcriber; for the place is thus to be read, ἄμισον ἐν Ἀρδύῃ δικασίαιῳ. The Judicatories were wont to take oath or be sworne in *Ardestus*. *Ardestus* is a place near the river *Ilissus*, so named from *Ardestus* a Peer, who swore the people, being in sedition and mutinie, to love and amity. Where afterwards, as is most probable, the Judges took oath (I cannot justly say presently after their election) to give sentence according to the Laws, and concerning things to which no Lawes were enacted, in equity and justice, h by *Apollo Patris*, *Ceres* and *Jupiter Rex*. And this the Etymologist affirmes, speaking of *Ardestus*, h ἐν τῷ

τῶ ἐν τῷ χαλεπῷ μὲν οἱ δίκασαι ἢ δικάσκειν ὄρεον. The Judges in this place took their oath touching the discharge of their office. From whence among the Ancients such as would presently sweare, were called ^a *Ardetti*, proverbially; as also those who were perjurious and forsworne. ^b *Καὶ Ἀρδίτες τῆς ἐπιόρκου*. Thus have we viewed the Athenian Iudicatories, in number tenne. For Murther, *Areopagus, Palladium, Delphinium, Prytanæum*, and *Phreatys*. For other matters, *Helica, Trigonum, Parabyssum* (not the *Medium* but *Majus*) *Metichi forum*, & *ad Lycum*, where the *Διαίτηται* were wont to sit, saies ^c *Possardus*, of whom, because ^d *Emmius* numbers them among *Judicia quatuor precipua* the four chief Courts, I will now speak. But of every Tribe were chosen ^e forty four men, ^f above threescore yeares old, who judged in severall Tribes, as it fell to them by lot. And if any refused to sit according to his lot, he was deprived of the privileges of an *Athenian* Citizen. ^g In former time there came no controversie into the Courts, which had not first past through their hands (if it exceeded tenne drachmes. Although ^h *Ulpian* tells us that they determined of petty businesses) but that seems to be, *ἢ ἐν ἱερίῃ*, holy matters, if *Pollux* be so to be read. For some things there were which came not under their jurisdiction. What ever the *Διαίτηται* *κλιρωποῖ* judged, if the Plaintiffe and Defendant, or either of them liked not the award, they might referre it to the Senate (as appeares out of the ⁱ Argument of *Demosth. Orat. contra Callippum*, & ^k *Pollux*) at which removing of the suit they were to cast their suffrages into a pot as they gave them on what side soever, for the Plaintiffe by themselves, and for the Defendant by themselves. ^l When they were appointed for the hearing of a case, they were to meet at the place for them ordained, there to expect both parties untill the even, at which time if neither, or but one was present, it was in their power to fine them according to the Law. At the time they entred the suit, and wrot the accusation, with the fine

^a Casaub.

Theop.

Char. p 178.

^b Etym. Mag. loco laudato.

^c De Mag.

Athen. p 540.

^d Descrip.

Reip. Ash. p.

41.

^e Ulpian in

Dem. p. 342.

^f Pollux l. 8.

p. 407.

^g Pollux. ib.

^h Demosthenem loco citato.

ⁱ Pag. 678.

^k Lib. 8. p. 407.

^l Vide Dem.

Midian. &c.

Ulpian in il-

lum. p. 344.

which

a Pollux l. 8.
c. 10. p. 408.

b Orat. in
Bæotum pro-
dote.

* Idem pag.
682. n. 41.

c Ulpian loco
laudato. 342

d Petit Mi-
cel. l. 8. p. 211.

e Vide legem
apud Dem. p.
344.

f Zenobius,

which was required for damages; they received as a fee from the Plaintiff one drachme, which they called ^a δάσασθ, as also another from the defendant, when they gave him his oath. The office was but annual: And because they would pervert justice, (as ^b Demosthenes is witness, * although they were not to judge before they had sworn) give sentence according to favour, envy, or for gain; therefore ^c at the yeares end they made an account of their function upon the last day of ^d Thargelion, on which it was lawfull for any to speak what he could object against them; and if any were faulty, they were ἀπυοι. Thus much of the Διαιτηταὶ Κληροτάι. There were other Διαιτηταὶ likewise, such as our Civilians call *Arbitri compromissarii*; and we in English *Arbitrators*: whom two parties choose with a resolution to stand to their determination; whether in matter of debt, covenant, or other controversie soever. Such by the *Attick* law any might request, but with a necessity of abiding at their judgement. ^e For they could not appeal from them to any other court. To referre matters to their arbitrement, the Greeks terme, ἐπιτρέπει δίατην. And it will not be superfluous here to relate the story of *Bunas* an *Athenian*, whom when the *Elei* and *Calydonii* had chosen arbitrator in a difference, after he had heard both parties, he prolonged the sentence untill at last he died. Whence it grew to a proverb, ^f Βένας δικάζει, *Bunas judicat*, *Bunas judgeth*, of those that defer to passe sentence, and hold a case long in suspence.

C A P. IV.

De Nominibus Judicialibus.

g Descrip.

Recip. Arb. p. 41

HAVING thus treated of the *Attick* Courts, it follows that I speake of their Terms of Law, Writs, and Accusations. These were of two sorts, private and publique. The publique were properly termed *καταπέλασεις* *Emmissis*. Of

Κατηγοριῶν, there were divers sorts. Γραφή φάσις, ἐνδειξις, ἀπαγο-
 γή, ἀφίψισις, ἀφραδηνεία, ἐσαυτελεία. Γραφή, saies ^a *Ulpian*, is ὄνη ἢ
 παροϊμῶν, of any trespassse against the Law, by which the Sta-
 tutes of the Commonwealth are violated; and most properly
^b quoth he, elsewhere, it signifies an accusation made a ceor-
 ding to the Law; or to come nearer, it is the same which in
 English we call a ^c Writ or Right, in Latine, *Actio* or *Formu-
 la*, as in ^d *Sueton*, *Injuriarum formulam intendere*, to serve a
 man with a Writ: φάσις is a kinde of an Information made
 against any for abuses in the Mines, or Custome houses, for
 converting Tribute mōny to a mans owne use, or the like.
 Which offences were brought to the *Archon* in writing, with
 the names of the accuser and accused, and the fine which the
 parties convinced should undergoe, to be paid to him to
 whom the wrong was offered. But if the Informer had not
 the fift part of the suffrages, he was to lay downe the sixt
 part of the fine; which the ^e Orators call ἐπιγραφίαν, from ἐβόλῃς,
 because it signifies the sixt part of a Drachme. At the end
 of the accusation, the informer was to subscribe the names of
 the witnesses that were present. In generall, all discoveries
 of private injuries are called φάσις, which in Latine you may
 name *delationes*. For which the Romans allotted the fourth
 part of the forfeit, whence they are stiled *Quadruplicatores*;
 but among the *Athenians* not so, if ^f *Pollux* say right, ἡ πρὸς ἀφί-
 πμηθὲν ἐχίροστο ἢ ἀδικημάτων, ἢ καὶ ἀλλοῦ ὑπερὶ αὐτῶν φαίνεται. The
 amercement fell to the person injured, although another
 accused for him. If the fine were written down a thousand
 Drachmes, & the accuser had not the fift part of the voices;
 he paid two hundred and one Drachme, if it exceeded, a
 thousand, foure hundred and one. Εἰδειξις is a Writ against
 those that owe to the City Tresurie, and yet goe about to
 beare office, saies ^h *Ulpian*, which by the *Attick* Law was ut-
 terly forbidden. The ⁱ Scholiast of *Aristophanes*, takes it for
 the accusing of any that did amisse in publique affairs; and the
^k Interpreter of *Demosthenes* in another place, ἐπιφίσις ἀπίμων,

^a In Demost.
 pro Corona.
 p 159.
^b O. at. contra
 Lept. p 196.
^c Sir T. Smith
 Com. Wealth
 of Eng. l. 2. c.
 10.
^d In Vuellto.
^e Pollux l. 8.
 p 387.

^f Demosthen.
 cont. Caricl.
 p. 699. n. 6.
 cont. Everg. &
 Mnesib. pag.
 646. n. 90.
 cont. Steph.
 φ. δ. Α. p.
 622. n. 9. con-
 tra Onetora.
 Εξουλ. β. p.
 528. n. 19.
 cont. Aphob.
 β. p. 508. n. 97.
^g Onomast. l.
 8. c. 6 p. 387.

^h In Demost.
 p. 391.
ⁱ In Equit. p.
 303.
^k Pag. 469.

a Onom.lib.8. p.388.
b In stelir. r.

c Sir T. Smith Commonw. of Engl. l. 2. c. 26. p. 281.
d Loco laud.

e Ulp. in Dem. p. 389.
f Idem. p. 407

for men disfranchised. But *Pollux* teaches us that it is a declaration made to the *Archon* against one taken in the manner; which the *Greeks* terme *ἑπαγωγῶρα*, ¹Schol. *Naxian.* ἐπ' αὐτῆ γλοσῆ, *Pollux* expresses by *ὁμολογήσει ἀδικήματι*, when the offence is confessed. Because men so apprehended were forced to condemne themselves; no further evidence required then from their own mouths. By which acknowledgement of their guiltinesse, without greater triall, they received their doom; as among us when a prisoner arraigned, confesses his inditement to be true, no twelve men goe upon him; there resteth but the Judges sentence of the paine of death. Whence grew our proverb, **Confesse and be hanged.** ^d*Πολυὸ ὁμολογήσει ἀδικήματι*, ἐκείτωρ, ἀλλὰ πτωχὴν δεομένην. He that thus made this declaration, was to subscribe his name, that if he were false, he might be liable to the Writ, *ἡ δὲ δὲ ἐν σελήξειατ.* The declaration was against men who were not present. *Ἀπαγωγή*, is a carrying of a man before the Magistrate, being taken in the fact, whom otherwise he was to accuse by declaration in his absence. By which a thousand Drachmes were endangered. In this *ἀπαγωγή*, they brought not all offenders to the same Magistrates, but according as they were made Judges of such and such offences; sometimes to the eleven, sometimes to the *Thesmotheta*, sometimes to the *Archon*. Now if any man had found out any indebted to the publique treasury, or bound for those places or countries, where it was not permitted for him to go, or one who had committed murder, if by reason of weaknesse he durst not venture to apprehend the person, and *ἄπαγειν*, he would perhaps fetch the *Archon* to the house where such a party lay hid, which the *Attick* Lawyers terme *ἀπαγείδου Ἀνδροπόρου*, is when a fellow hath committed murder, and flies for succour to any; (as the Law suffered any to receive him) if the kindred of the slain or others had required the malefactor to be delivered to thē, and the protector would not, it was lawfull to enter into his house, and carry away any three persons, as some translate it,

or all save three, ἀγχι πειῶν, as others, who were to answer for the outrages done. But who so entred unjustly, was not to escape unpunished. *Εισαγγελία*, saies* *Ulpian*, is an accusation concerning great and publique matters, such as ^b elsewhere he speaks of, to wit, the dissolution of the *Democracie*; or if an Orator had spoken what was not for the benefit of the weale-publique, if any went to warres before they were sent, or betrayed a garrison, army, or fleet. In other accusations, if the accuser had not a fift part of the suffrages, he was fined a thousand Drachmes, and lost the priviledges of a Citizen, in this he was uncontrolable. But in after time, because men would accuse presently for none, or small offences; therefore was there a law enacted, that whosoever accused by *εἰσαγγελία*, and had not the fift part of voices on his side, was fined a thousand Drachmes, although he lost not the priviledges of a Citizen. This *εἰσαγγελία* contained no written crimes, but was only by bare word of mouth; and as the accusation was given, so was the defence made according to the Law called *Εισαγγελητικός*. The Senate was *ῥηδο* (*Pollux* saies that *Solon* made a thousand to sit on this, and *Phalerus* 1500. Where the interpreter erres. For *αὐτῶν πρὸς τακτοῦσι* is 500. to them, as *ἐπὶ πρὸς*, in *Demosthenes*, and somewhat more) and whom they found delinquent, if in small faults, they fined; but if the offence were heinous, they committed him to prison. Thus much for publique actions; private were these that follow, more properly called *δίκη*.

Αικίας δ. is an Action against a man, who when two shall scuffle, gives the first blow, which the Greeks call *ἵρξαι πλινθῶν ἀδίκων* ^d The matter was heard before the Judges; and though the Law ordained not any set summe of money for damages, yet it was permitted for the party smitten to write down what he thought fitting. ^e The reason why these actions were so strictly looked into, was lest any not able to defend himselfe with his hand, should seek to revenge himselfe with stones, or other hurtfull weapon.

a Idem const.
Arist. p. 415.
* In D. m. p. 58
b Eud. p. 453.

c D. m. p. 410.
v de Ulp. ibid.
& Arg. Orat.
cont. Everg.
P
a Sch. Arist.
Cont. p. 745.
e Dem. cont.
Con. p. 690.

a Idem ibid.

b Arg. Orat.
Dem. contra
Callidem.
c Dem. contra
Callip. p. 680.
n. 20.
d Dem. contra
Tim. p. 659.
n. 25.
e Sch. Aristot.
137. E.
f Cont. Phor.
p. 559. n. 7. 8.
g Vide Cujac.
œm. Observ.
16. c. 15.

h This is reckoned among the Lawes which were made for private men. Ulp. in Dem. p. 481
i Vi. Casaub. in Theoph. p. 191. Char. περί Απονοίας.
k Pol. l. 2. c. 3
l Dem. p. 651.
n. 13.
m Ulp. in Dem. p. 62. & 310.

^a Κακηγορίας δ. Somewhat neare our proviso of giving the lye, left by taunting and reproachfull words, men be provoked to blowes. Βλάτης δ. Is when any man receives damage and hurt in estate by another man. ^b As to turne water into his ground, by which it is annoyed: ^c To refuse to pay money where it is required, or to give it to another. ^d To promise to bear witness in a suit, and then not to be present, by which the case falls, and the like. Παροκατωθήκης δ. About pawns, I suppose, which men that needed money were wont to leave with the usurers, ^e as cloaths, householdstuffe, &c. Or about money put to the banke, which the exchangers did employ to the advantage of the owners, as I gather out of ^f Demosthenes. The word imports both. Αποτομής δ. Of divorce. ^g For they were wont to put away their wives in former time, upon discontent or hope of greater portions; which divorce they called *στοπιμω* & as *Lysias* *στοπιμω* on the husbands side, and on the wives *στοληψω*, for hee did as it were turne her away, she was said to forsake him. Κακώσεως δ. Of ill usage of parents, as not relieving them if they were poore. Of wives against husbands, of Pupils against Tutors. κλοπής of theft, after what manner soever. Which if it were by day, was not capitall, but by night was deadly. Χρέως δ. Such as our Act of Parliament hath allotted for extortion, it being by ^h Law provided in *Athens* that none should take too much use, although once allowed by *Solon*, that any might make the best of his money: which he termes ⁱ *σαότιμον ἀγορον*. Of usury I shall speake more in Chap. of money. Συμβολαίων δ. When men had bargained and would not stand to it. ^k *Aristotle*. *δίκαια πρὸς ἀλλήλους περὶ συμβολαίων*. *Σωθῆκης ὠφελείας* δ. When men broke the Articles which they made to each other, about dividing of inheritance between man and man, or between city and city, concerning free trading, as that of the *Carthaginians* with the *Romans*. *Arist. Pol.* 3. c. 6. or the like. ^l These *σωθῆκαι* were usually confirmed by oath to each other. *Διαδικασίας* δ. ^m a contention

tion about bearing office, in which they seek to have a time appointed, when a man shall enter into it. For the discharge whereof they are to prove him fit. *Επιδικασίας δ.* When parents died and left their daughters inheritrices, the kindred was wont to sue each other, to make it appeare who was nearest joyned in blood, that he might marry her. Hence a Virgin to whom an inheritance falls, is called *ἐπιδικός*, that is,

Controversa. *Μεδικασίας οἶκος δ.* About letting of houses. (For *Herodotus* termes that *ἐπιδικός*, which other Greek writers *μεδῶναι*, it is well to let to hire, as to take rent, *ἀμειδῶν* and *ἀπομειδῶν*, to let out. Which they often did for want of mony, which that they might obtaine the quicker, they wrote over their dore as we use to do, *Ἐπιδικασίας οἶκος εἶναι*. Which custome *Menedemus* in *Terence* expresses-- *Inscripti ilico,*

a Pollux l. 3. c. 3. p. 136.

ÆDES MERCEDE.) This Writ was properly against Guardians of Orphans (not concerning men of years, such as immediatly is before spoken) who having taken the charge upon them of tuition, were to imploy for the benefit of their Pupils what was left them: they therefore made known to the *Archon* that such a house was to be let, he then put it out upon some pledge for security. But if the house were let under the yearly rent it could bring in, or was suffered to remaine void of a Tenant, to the losse of a Pupill, then was it lawfull for any man to sue the Guardian in the *Arcons* court, upon a Writ of *Μεδικασίας.* *Επιῒπης.* I have observed it to have been a custome among the Ancients, when they perceived themselves to draw neare to death, to call for some one, to whose care they would commit their children, and delivering them into their hands, beseech them to have a tender eye over them, and to provide for them, what should be most convenient; such as *Oedipus* in *Sophocles* entreats of *Theſeus* in the behalfe of his daughters - *Ω φίλον κέ εἰς Δός μοι*

b Heaut. Act. 1. Sc. 7.

χειρὸς σὸς πιστὴν ἀρχαίαν τέκνοις, Τμῶς τε πύξες τῶ δὲ καὶ παίνισσον Μήποτε περδῶσειν τὰς δ' ἐμῶν, Τελείη δ' ὅσ' αὐ Μίνης φρονῶν δ' ἕξω φέρον τ' αὐτίκ' αἰεὶ. Not unlike is that of the *Comædian* under

c O-dip. Col. P. 3 14.

d Ter. Andr. Act. 1. Sc. 5.

the person of *Crysis*, committing *Glycerium* to the Tuition of *Pamphilus*.

Accessi: vos semote: nos soli: incipit:

M Pamphile, hujus formam atq; aetatem vides:

Nec clam te est, quam illi nunc utraq; inutiles

Et ad pudicitiam, & ad tutandam rem sient.

Quod ego te hanc per dextram oro, & ingenium tuum.

Per tuam fidem, perq; hujus solitudinem

Te obtestor, ne abs te hanc segreges, non deseras.

Si te in Germani fratris dilexi loco;

Sive hac te solum semper fecit maximum,

Sen tibi morigera fuit in rebus omnibus.

Te istum virum do, amicum, tutorem, patrem.

Bona nostra hac tibi committo, & tua mando fidei.

Hanc mihi IN MANUM DAT, mors continuo ipsam occupat.

But among the *Athenians* the use was to nominate in their Testaments and last Wills, whom they would have to be Guardians. Which office after they had undertaken, if they should defraud the Orphans of their patrimonie, or any part thereof, they were sued with a Writ *ἐπιεπις*, as *Demosthenes* did sue his as soone as he came to age. But if the matter were not questioned within five yeares after the pupill was admitted among the number of men, by the ^bLaw the Guardian could not be taxed. *Ἀπὸς αἰσίου*, Of a Master against a Servant ingratfull for his manumission, not doing his duty to his Master. Because, as ^c*Demosthenes* witnesses, it was the nature of servants once made free, not only to be ingratfull, but also to hate their Masters most of all men, as those who had been conscious to their servitude. It was enacted therefore that whosoever was convicted of ingratitude should againe be made a bondslave. **Valerius Maximus*. *Age quid illud institutum Athenarum, quam memorabile? quod convictus à patrono liberus ingratus, jure libertatis exiit.* The Romans did not only acquit them of the liberty of the Citie (which

^a Plut. in vita
^c jus.

^b Demosth p.
724. n. 22.

^c Pag 465.

* Lib. 2. c. 1.
n. 670.

(which the Athenians gave not) but made them also slaves, which punishment they terme *Maximam capitis diminutionem*. Σίτα. If any man put away his wife hee was to restore her portion again; if he refused he was ἐπ' ἐνιαυτοῦ βολοῖς πικοφορεῖν, that is, every month for one pound to pay nine *oboli* which the Atticks terme *εἰσόδειον περικός*, the renew of her dowrie The Writ whereby he was sued was Σίταδική, for the repayment. *ἐνοικίε*, If any went to Law, as claiming Title to an house, he was first to serve him that dwelled in it with a Writ, *ἐνοικίε*, by which he demands his rent for the time the defendant had the house; if it were for any parcell of land, there was a Writ *καρπῶ* given out, for the provent and fruit thereof; afterwards (in both cases alike) they proceeded to an *ὑστίας δίκη*, in which they claymed right and title to the house or land. Although in all these trialls the defendant were cast, yet could he keep justly either house or land: but if in a third triall, which they call *ἐξέλις*, he were overthrown, he was compelled to relinquish his possession. This *ἐξέλις* also is a Writ against those that would cast an inhabitant out of his house, it being termed from *ἐξέλειν*, to throw forth. It is also a Writ of Execution against any overthrown in the Court, and fined a thousand Drachmes, which at such a day he was to pay; and if he laid it not down upon the nail, there went forth a Writ *ἐξέλις*, to make enter upon the lands and possessions of him so cast. It is also a Right against any who wil not suffer him, who hath bought any thing of the publik, to reap the fruit thereof. Who either with-holds any thing from the owner, or violently takes from any, &c *Εἰς δαπτίψυ ἀίρεσις*. When two had been partners in estates, and one of them would have a dividence made, if the other refused, hee might be constrained to it by the Writ. *Βεβαιώσεως*, Because the Market place among the Greeks was the fittest to cheat & copen in, as *Anacharxis* was wont to say, therefore the Athenians enacted that none should buy in the market place (to which the *Scythian* wisemen pointed likewise, saying, that they

a Justin. Inst. l. 1. T. 16.

b Demost. p. 723.

c Dem. pag. 655. n. 58.

d Ulp. in Dem. p. 340.

e Apud Laert. p. 74.

they forbid to speak false, and yet did in ἡ κριτικῆς ἐπιπέρας (if any man had bargained for any thing, and another sued and doubted of the right of it, he might require the seller to confirme the lawfulness of the thing sold, and maintaine it against all controuersie, otherwise the seller was liable to Βεβαιώσεως δίκη. For although in Athens they bought for the most part *Gracâ fide*, with ready mony; as ^bScaliger and *Cassaubon* truly interpret it, ^dTurnebus, *Representatâ pecuniâ*: yet sometime gave they *Carnist* only to make the thing sure, which the *Greeks* and *Latines* call ἑ ἀρραβών, from the *Hebrew* ארר. This seemes to me to have been the hundredth part of the mony which was to be paid for the thing bought, as ^eScobæus out of *Theophrastus*: Where you may read likewise that it was the custome, when any thing was to be sold, to bring a note thereof to the Magistrate some threescore daies before. Εἰς ἐμφανὸν κατὰσασιν, for the laying open of any thing, concerning which was a suit in law, by ^hPollux his words I may conjecture, goods or mony privily taken away. Εξαιρέσεως δίκη. When any should offer to take another mans servant, and make him free against the will of the Master which the *Greeks* terme ἰ μὴ δικαίως ἐλάσσειαν ἀφελῆσθαι. *Αμφισβήσις* is a suit about nearness of blood, in matter of inheritance, when a man dies without issue of his own body. Περικατάσολή, When a man went to prove that he was to challenge the inheritance of right, as near of blood, or upon some other conditions: from περικατάσολη, because he laid downe the tenth part of the inheritance, which if he were cast in Law, he was to pay, if the cause were private, saies ^kBudens: but if publique, the fift. ἰ Διαῦρσις When any shall protest that an inheritance doth hang in controversie, and is ὅτι δίκῃ, as a true heire being still alive, of which thing chiefly treats the Oration of *Demosthenes*, against *Leochares*. Ἐπισκεψίς. When any shall try to falsifie the διαῦρσις. Ἀνιζαρή. When men went to Law about kindred, as to prove themselves of such and such houses.

Ἀπερσασίς

^a Pollux l. 8. c. 6. p. 385.

^b In Aufon.

Le. Et. l. 2. c. 6.

^c In Theop.

Char. p. 312.

^d Adversatio-

rum l. 4. c. 13

^e Don, Quod

prius datur, ut

reliquum red-

datur. in Ter.

Heaut. Act. 3.

Sc. 3.

^f Vide Dasq.

in Basil. Sel.

^g Sermone 24.

^h Onomast l.

3. c. 6. p. 384.

ⁱ Demost. p.

718. n. 29.

^k Pand. Prio.

p. 100.

^l Dem. p. 620.

n. 78.

Here follow.

eth the termes

promiscuous;

private and

publique,

which are pub-

lique and law

full for any to

prosecute. See

Pollux, pag.

386.

Ἀνεστρατιδῶν. All strangers in Athens were compelled by the Law to get them Patrons (as my most worthy School-master the glory of his time, ^a M *Matthew Buxt* hath observed, whom for honours sake I name) or else they might be questioned, and if they were convicted their goods were sold and put into the City Treasury. *Ἀχαεσία*, of ingratitude against those who shewed not themselves thankfull to those who had well deserved of them. *Ξένια* the same with *ἀπεστρατιδῶν*, when any will reckon himselfe among the number of Citizens who hath never been made free, by which he purchased imprisonment untill such time as there was a Court kept, and then he was sold. *Μαρτυρία*, when a man is eye witness of a matter. *Ἐκιδρυεῖα*, when an other witnesses from the report of him that saw it. *Ψευδομαρτυρίαν* false witness, which to prosecute in Law they terme *ἐπισημῶσαι* *Ψευδομαρτυρίαν*. *Λειποπαρτίαν*, when one was eyewitnes and promised to testifie, yet would not appear at the appointed time, which they were wont to compell them to do, which they call *ἔλληθεν*, after which citation the party was to be at court, or forswear that he saw not the matter, or was not present; otherwise he was to pay a thousand *Drachmes*, in which summe to be fined the *Atticke* Laywers give the appellation *ἐκκήκετ' ἔδου*. *Δάρον γραφῆ*, when the Judges were corrupted with bribes. *Δικασμῶ* against those that did corrupt them. *Ἀργίας* of a man convinced of idleness, which once taken *Draco* punished the delinquent with losse of the City priviledges, *Solon* not unlesse hee were thrice delinquent. *Λειποναυτίαν*, when any of the Marriners ran away from their ships. *Ἀναυμαχίαν*, when the Marriners that staid in the ships would not fight, if occasion required. *Ψευδεγγραφίαν*, when any would falsely accuse, there was likewise against them a writ *ἐπισημῶσαι*. *Ψευδισυνορίας* Against those that unjustly cite to the Court. *Δωροξενίας*, when any is accused of encroaching into the number of Citizens, and gives gifts to escape free. *Παρονομίαν*, when

^a In Epist. Dedic. suo Euchaitensi præfixa ad Richat. Cantuariensem Archiepiscopum.

any was accused of making a decree or Law contrary to former statutes. This accusation was called *ἵπωμασία* because the accuser swore that it was against the Lawes or unjust or inconvenient for the Commonwealth. *Δοκιμασία* was an examination of the Magistrates whether they were fit to governe or no. Whether the Orators were not given to Lust and incontineney, whether they had not spent their patrimonies or dealt unkindly with their parents or led a life any other waies blameable, whereupon they were discarded the priviledges of the City, and not suffered to plead or speake publickly. *Εὐθῶν* An account of publicke offices borne, laying out of mony and dispatching Ambassages, made to the Tenne *Logista* (for the breach of which went out a Writ, *Αλογιστῶν δίδνααι*, *Rationem reddere*) if concerning injuries given to the Judges. *Πεσβολὴ* an accusation against those who are ill affected toward the Commonwealth, made by the decree of the people, and such as are welwishers to the state. *Πεσβολαί*, likewise are accusations against men injurious *ἔξυβείσαντας*, and such as are delinquent against their festivalls, as the oration of *Demosthenes* against *Midias*. *Πεσμοσία*, An oath which the accusers tooke that he would justly accuse. *Ἀνταμοσία*, The defendants oath that he had done no wrong. *Ἐξομοσία*, an oath of Ambassadors or men chosen for state service, that by reason of sicknes they cannot give attendance. They may do it by a proxie if they please. It is likewise the oath of one called to witness, wherein he swears that he knowes nothing of the businesse. *Ἀπομοσία*, When others shall sweare that pretended weaknes was only a shift to put off the burthen of publique office which the state laid on them. *Υπωμοσία* an accusation of Law or decree unprofitable, against the motioner, as above said. *Παραγρησὴ* & *παραμαρτυρία*, when a man shall object a case not to be entred rightly, that the writ ought to be such and such, and not as it is *ex. gr.* for a man that runs away from the Army, which is *ληπτὸς ἄπ' ἡμῶν* and I accuse him

a Lib. Argin
Medianam.

b Ulpian in
Dem. 226.

of leaving his ranke, to wit, *λαπηταξίς*, or objection of the time past within which space the suit was to be commenced, or that it should be handled in such a Court and not in such, as wilfull murder in *Areopagus* not *Palladium*, by which evasion if the case fell it was termed *ἀγροπή*. *Ἀγροπή*, when he that is sued puts in a bill against the Plaintiff in like manner. But if the Defendant (I call *ἀγροφάμβρον* so) were cast hee payed *ἐπωβελίαν*. *Ἐπωβελία*, when a man is summoned to answer before the Arbitri a controversie, if he sweare that he is sick or pretends a journey from home, and appears not at the day appointed, he was cast in *ἐρήμῃ Eremodicio*, as if he scorned to come, or were obstinate, hee ought within ten daies to sue out *μίσσησιν*, wherein hee reprov'd the sentence, and made it of no effect so as it came to its first state againe. But if he could not obtaine a *μίσσησιν*, having before sworn that he would stand to the award of the Judges, their determination stood in full strength and power and he was constrained to pay a thousand drachmes, as *Ὀβελία*, which was the mulct appointed by the law, for the discharge whereof he put in good security, *Ἀππαραχάειν δίκην*, 340. When any was absent from the Court, or heard not his name called by the Crier to answer thereunto he was fined, as conscious of *Eremodicionem*, and if within the space of two Moneths he did not renew the suit (which is *ἀππαραχάειν δίκην*) he was sure to pay the fine. *Ἐπισηλίσσειν*, when any man will challenge out of goods forfeited and publikly sold somewhat as debt to him, or say that part belongs to him the state would narrowly search into it, which thing they terme *ἐπισημα*. *Πρόκλησις*, is a citing of one before the *Archon* in controversie about inheritance, or a virgin left inheriatrix. Now if the Plaintiff did not warn the Defendant *Ἐπιδησιωμέναι*, the suit died, and such actions are called *ἀποκλήτοι δίκαι*. *Ἐπὶ κλήσει*, is as letting a case fall or dissolving it upon some witness oath, confession extorted by torments, and the like. *Ἐφεσις* is an appeal from one court to the

^a Ulpian in Dem. 343.

^b In Dem. p. 340.

^c Dem. p. 623.

the other, as from the Senate to the people, and from the people to the Senate againe, or from their Judicatories as home to some forrainers in another Country. *Ατιμωσις Δικη* when there is no more fine laid upon a man then what his adverſay did *ἐπιχρᾶσθαι*, write downe at the lower end of his inditement; of which custome somewhat hath before been spoken. *Βολιτε Δικη*, Against such as stole oxen out of their neighbours lands; whence of those that are put in the court for triviall matters the proverb *Βολιτε δ' αὖτις*. *Ασεβείας* of impiety against their Gods, as *Aristotle* for his hymn on *Hermias*, Tyrant of the *Atarnenses*, which he engraved on a statue at *Delphos*. For revealing mysteries, or imitating them as *Alcibiades*. Of which if a man were convicted he was put to death; as on the contrary the accuser if he got not the better. *Προδοσίας*, of being false to the state, the punishment was death, and after that, that they should be cast out of the Territories of *Athens* unburied. * *Αγραφία*, If any owed to the City Treasury, and his name were registred, and before the discharge of the money his name were blotted out, they sued him before the *Thesmothetai αγραφία*, but if his name were never entred he was prosecuted by an *εφορευξίς*, *Μεταλλικαί* proper only to such as dealt in the mines, like to the Stanneries in the County of *Cornwall* my Country, and *Devonshire* her sister. † Lyable to this Court were they who should thrust any man from his work, who should dig within anothers mans liberties, who should bring weapons thither, I suppose to take away Minerals by violence, who should kindle any fire in the Mines, &c. who should offer to take away the props that upheld the weight of the incumbent earth, which to do was death, as *Plutarch* tells us. There was likewise *αγραφία μετρη* against the labourers in the Mines, who if they intended to begin a new work were to acquaint the overseers appointed for that end by the people, that the foure and twentieth part of the new coine might come to the publique Treasury. Now if any preſu-

α Aristoph.
Sch. p. 328.
Laertius in
vita.

* Dem. cont.
Theocr. pag.
723. n. 76. 77.

† Dem. cont.
Pantæ. p 568.
n. 51. 52.

ε In vitis De-
cem. Rhet. p.
453.

med to work who had not made it known to the officers, it was lawfull for any to accuse him, ἀρεῖται μετὰ ἡμῶν. Ἀρζυμῆς δ. About mony put out to the mony changers. ^a For ἀφορμῆ among the *Atticks* is the same that ἐνθάκη in the lawyers of latter time, *in fure Græco. Rom.* Sometimes indeed they used ἀφορμῆ for means and sustenance, ^b προσορή εἰς τὸ ζῆν. Καταδικῶσας and καταδικαστῶν have this difference, that ^c καταδικῶσας is the Judge that gives sentence, καταδικαστῶν is he that put in the controversie, to be the means that the sentence pass against the defendant. ^d Ἀρεσις is when a man deeply indebted pretends that he is not able to discharge all, and therefore desires the people that a part thereof might be remitted.

^a Argum
Platorm. Orat:
p. 554.

^b Sch. Eurip.
Med. p. 368.
^c Ulpian in
Med. p. 368;
^d Idem in
Dem. p. 450.

F I N I S.

Archaeological Excavations

Excavations were conducted in the area of the old fortification. The remains of the walls and foundations were clearly visible. The site was well preserved and provided valuable information about the past. The findings were carefully documented and analyzed. The results of the excavations are being published in a series of reports.

The work was carried out by a team of experts in the field of archaeology. Their expertise and dedication were essential for the success of the project.





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DATE
24/6/01

