ARCHÆOLOGIÆ ATTICÆ LIBRI TRES.

THREE BOOKES OF THE ATTICK Antiquities.

CONTAINING

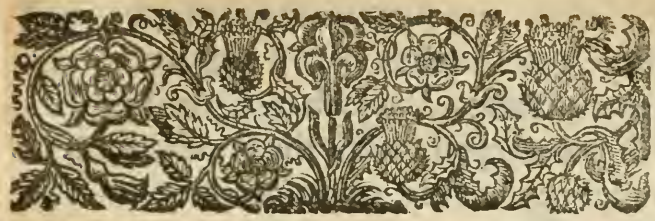
The description of the Cities glory, government, division of the People, and Townes within the *Athenian* Territories, their Religion, Superstition, Sacrifices, account of their Year: as also a full relation of their Judicatories.

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

ARISTIDES.

Περὶ καὶ πληρῶσι τὰς ἀκοὰς, ἐπερχόμεθα, μεῖζον ἔχοντες ἔργον ὅ, τι φυλαξόμεθα ἢ ὅτῳ χρησόμεθα, εὑρεῖν. When others have in the same Argument preoccupated mens eares, they that speak afterward of the same subject, have a greater trouble to consider what they must passe by unsaid, then what to say.

LONDON,
Printed for JOHN WILLIAMS, and are to be sold at his shop in *Pauls* Church-yard at the signe of the Crowne, 1645.



TO THE

RIGHT WORSHIPFVLL

Sr 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 patrónage of their errours 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 that ever some will bite in secret; and scourge these errours of my youth with private reproaches. But such malignant tongues I will counterpoise with the winde; and set 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 truely 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 assimulate 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 atchievements, more then all *Greece*, could not, unlesse in her miserable ruines, have without her disgrace beene spoken of by mee. That ATHENS whence the learned Fathers of the Church suckt rare Literature; *Basil* his eloquence

*Ausis literarum ignoscere Vegetius in Prolog.

* Cic. Epist. [a]Patercul. in fine Lib, 1.

eloquence, *Nazianzen* his strength, and others their flowing Oratory. That ATHENS which who had not seene is by * *Lysippus* accounted a blocke. Accept, *Honoured Sir*, 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; præsens est se accommodat, paulum admodum sentiens præteritum, &c.* never caring for what is past. But you weigh well the excellencie of talking with those Champians 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 Tract will not seeme a spurious and de-

* Apud Dicæarchum Εἰκὼν τοῦ θέατρου τῆς Ἀθήνας, φησὶ Λυσίππος.

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*, Iun. 9. 1737.

Your Worſhips in all humility

to be commanded

F. ROUS.

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 ſtopt, 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 *ATTICÆ*

Lib. I. Cap. I.

Javan, Jas, Jaones, Jonia, Ἀκτική. Ἀκτάια. Ἀκτή. *Athenæ in actâ, Cecropiæ, Cranaæ, Atthis, Attica, Athenæ sub Cecrope. Certamen Palladis & Neptuni, Plutarchi ea de re sententia, alii sub Erectheo volunt nominari, Justinus sub Amphictyone. Salenos. Selines. Satinæ. Scthina.*

BY the the sonnes of *Noah* [a] 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, a scattering abroad upon the face of the earth; he having so 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. Travellers 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 *Madai* and *Javan*, with whom I purpose one furlong

a Gen. 10. 5.

to keepe company, leaving the rest on one side or other, or behinde, looking only to my proposed scope. [a] Ἀπὸ τοῦ Ἰαυάνου Ἰωνία καὶ πάντες Ἕλληνες γεγόνασι. From *Javan* came *Jonia and all the Greekes.* And in Scripture we have *Javan* 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 *Javan*, yet it is so found in the originall. He then comming into the Country called afterwards *Attica*, left unto it his owne name, whence it was tearmed *Jonia* and *Jas.* ἡ γὰρ Ἀττικὴ τὸ παλαιὸν Ἰωνία καὶ Ἰὰς ἐκαλεῖτο. *For Attica was anciently called Jonia and Jas.* In which words we still retaine some reliques of the radix, notwithstanding the small difference of the termination. But if we please to view after what title the *sonnes of Javan* were stiled *Iaones* wee shall come neerer home. *Strabo* in the above quoted place, Ὁ τραγῳδὸς ὅταν φῇ - Ἐνθάδε Βοιωτοὶ καὶ Ἰάονες - τοὺς Ἀθηναίους λέγει. *Homer* when he saies, *There the Bœotians and Iaones* speaks of the *Athenians.* The *Scholiast* of *Æschylus* on these words,

[e] Ἰάονων γὰρ οἱ χρῆ πέρα θέλων

Ἰστέον τοῦ ὅτι Ἰάονες οἱ Ἀθηναῖοι λέγονται ἐκ τινος Ἰάνου βασιλέως αὐτῶν. *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 ψιλὸν 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 [f] antique Latines and the Greeks spake it as broad *a*, as if it had been *thesaros* not *thesauros*. Sr *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 maritimate 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

a Joseph. Antiq. l. 1. c. 7. p. 13.
b Dan. 10 20.
c Cap. 11. 2.
d Strabo l. 9. p. 392.
e In Persis v. 133.
f Donat. in Ter. p. 130.

will beare me out. [a] *Thucydides* reports that it is manifest, that all Greece was not βεβαίως οἰκουμένη, 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 migrate coloni: Be gone you ancient Boores.* But the more fertill soyle had hard bickrings. *Thessalie*, *Bœotia*, and a great part of *Peloponnesus*, except *Arcadia*, was often invaded, and the old Lords expelled. Τὴν γὰρ Ἀττικὴν ἐκ τῆς ὀπωπαλέου διὰ τὸ λεπτόγεων ἀεὶ ἀνάστατον οὖσαν, ἄνθρωποι ὤκουν οἱ αὐτοὶ ἀεί. *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 ἐκ ἱκανῆς ἔσης, *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 *Creusa*, who in the words of *Euripides* is thought to be [c] Κτίστωρ Ἀσίας θ' ὁ χθονὸς, *the maker or founder of Asia.* The mother *Jonia* (for so I please to say) kept not still her former name, for in processe of time shee owned *Actæa*, from *Actæon*, as [d] *Strabo* sayes, or from *Actæus*, according to [e] *Pausanias*, who was the first King thereof, by [f] *Tzetzes on Lycophron* called *Acteus.* But [g] *Dion Chrysostom* brings a more naturall reason then this, why it was *Actæa*, *Acta* 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] ἀλιπτὲς, it might challenge unto it self *Actæa.* *Dion*

a Lib. 1. p. 1.

Thucid.

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.

ἐπεγχεῖται τι ὀλίγον πᾶσιν αὐτοῖς ἐπὸ τῆς θαλάσσης ὅθεν καὶ γένος λαβεῖν, καὶ ἀκτὴ τινὰ ἔσαν. Hence Acta by the *Ænigmaticall Poet* in his [a] *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 *Plautus* is said *Athenæ in acta, pro Athenis Atticis*, as [b] *Palmerius* hath noted. But this grew old after a season, and *Cecrops* having married the daughter of *Actæus* glories in his *Cecropia* (and Athens *Cecropia*, and *Cecropis civitas*, and after that *Cranaæ* from *Cranaus* the king that succeeded him.) This *Cranaus* among other of his daughters had one [c] *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 wity Divell to bring in ἐπιχείους θεὸς, Gods of his owne making, to infold the superstitious in an ignorant zeale. However let us leave the shadow of poëticall fictions, and take the true draught out of *Mythologie*. *Plutarch* is of opinion that the ancient kings striving to draw away their subiects 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. Ἐκεῖνοι 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 *Amphictyon*, & *nomen civitati Athenas dedit.* [f] *Justine.* Others in the time of *Erectheus*, among which is *Herodotus*, will have this name given

a Pag. 22.

b In Spicilegus

c Strabo & Paus. locis præd.

d Varro apud August. l. 18. c. 9. de civit. D. l.

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

f Lib. 2.

given. Which Author[a] *Marcianus Heracleota* doth follow, ὑστέροις δ χρόνοις Ερεχθέως τ πόλεως ἐγυμνῶν ἀπὸ τ Αθηνᾶς τὴν παρουσίαν λαβόν. This was that *Erectheus*, who in a time of drougth 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 *Ægyptian*. In the time of *Diodorus Siculus* and before him was it a received opinion that *Athens* was peopled by the *Ægyptians*, *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 *Saitæ* and *Athenians* have divers customes alike. Witnesse *Diodorus Siculus*. But it pleases not me. I conjecture that first it was called *Athens*, when the people began more seriously to addict themselves to civill government, and study of good literature; knowledge and art being ascribed to *Minerva*. Τῆ γὰρ Αθηνᾷ τ ἐπιστήμην τεκμήρια τὴν τέχνην. saies [c] *Aristotle*. Nay her name being derived from thence, אתנה *thena* in the *Chaldy* tongue signifying to *study* or *learn*: from which come *thenaa* and with an article *Hatthenaa*, as [d] *Heinsius* the most learned. As for the conceit of *Goropius Becan*, from ana the number of three which notes eternity, and so from hat-hat-ana. *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 beleeve some they tell us, that now it is *Salenos* or *Selines*. To whom I accord not. Because that I have read *Selines* for *Megara* called *Nisæa*, 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 *Ateene*, which others write *Satina* corrupted as *Portus* and *Meursius* truly thinke for εἰς Αθήνας. Nay [f] *Hugo Favolius* who was there himselfe

a ἐν τεκμηρίοις.

b Aristoph. sch. pag. 79. Tzetz. in Licoph. p. 23.

c Polit. l. 8. c. 9.

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

e Isidor.

f In Hodœp. Byz. l. 3.

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

Undiq; sic miseræ nobis spectantur Athenæ
Dædala quas Pallas sese coluisse negaret,
Quas, Neptune pater, nunquam tua mænia dicas
Indigenæ 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'st disavow,
To which the Homebred give *Sethina* name.

CAP. II.

Athenarum situs. Ἀστυ. πόλις. Ἀκρόπολις. *Herbæ lucentes, Murus, Pelasgicus & Cimonius,* Propylæa. *Circuitus veteris urbis, & novæ,* ἡ ἄνω & κάτω πόλις. *Piræei brachia. Murus Phalericus. Portæ. Aer. Laus passim apud scriptores. Cephissus Fluvius.*

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] *Strabo*: on the top of which stands that renowned fabrick even to this day, which *Cecrops* from himselfe names * *Cecropia*; of old ἄστυ *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 incolæ ἀστοὶ 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

a In Panath. p.171.172.
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.

which ever were sacred to *Minerva*, as [a] *Aristides*. Who therefore is by *Catullus* in his *Argonauticks* named *Divaretinens in summis urbibus arces. The Goddesse that keepes the Turrets of Cities.* This only now remaines, 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 Minerv. To. 1. p. 21.

b Hodœp. Byz. l. 3.

Arx tantum celebris hec tempore montis eodem
Quæq; impôsta jugo est, vastas prospectat in undas
Æquoris, & circum dispersa mapalia, & omnes
Externo indigenas nocuo tutatur ab hoste,
Nobilis arx, toto qua non est altera Graio
Nota magis regno, validisq; instructior armis,
Ignivomoq; magis tormentorum impete tuta.

A Castle only famous at this day,
Set on an hill, below which viewes 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 *Ishmaelites*, who have the Moone in no small honour, as my much honoured Mr. [c] *Selden* hath observed. Of which Lunulets thus speaks *Favolius*,

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

Cujus inauratis longe rutilantia Lunis
Ardua cœlivagas feriunt 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.

side of this hill, on which the *Acropolis* is built, growes 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 discerne 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 πελαργοὶ, *Pelargi*, Storkes, διὰ τὸν πλάνον, 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 δὲ Ἀγρόλαν καὶ Ὑπέρβιον. From these was that part which they edified called *Pelargicum*. *Aristophanes in Avibus*.

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

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

Τίς δ' αὖ καθέξει 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 *Propylæum* 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.

d Tul.Off.l.2.
e Val. Max. lib.3.c.1.

By

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 ἀκολάστε καὶ δυσώδες 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*, ἀφ' κάτω καὶ τοῦς θαλάσσης τεθηθέντες, τὴν ἄνω πόλιν φαφυλάξαι. 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] Ἐφεῤῥόν τε καὶ ἀλλήλους τε καὶ ἀφ' ἄλλων ὅσοι ὄντες τῆ θαλάσσοι κάτω ᾤκουν. *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. ἤτοι ἐγγὺς 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, *Morellus* produces a *Scholiast* testifying that the walls were μιλίων ις ἥτοι στάδιον ἕν, fifteene miles save one furlong. Where I wonder that the learned man had not eftsoone perceived the number to have beene corrupt, and written κε for ις twenty five for fifteen. 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 and

[a] Ἑλλωρ. p.175.
[b] De re Rust.
* Five feet make a pace, and a thousand paces a mile. Isidor. Orig. 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* speakes 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] περὶ τὸν τοῖχον, as he saies, τὸ ἀφεστὸς μὲν πάλαι καὶ τοῦτο ξύμπαντα. In which I appeale to more judicious heads. Neither can I silently passe by the opinion of *John Meursius*, who reading [b] *Pausanias* these words Ἀθηναίοις δὲ ἐν σταδίοις μάλιστα ἐκατὸν ἀφέστηκε τῆς πόλεως ἡ περὶ Φαληρῷ θάλασσα, 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. *Athenæ à Phalero absunt stadia haud amplius xx.* And that this was the meaning of the Author, proves that which followes. He might have likewise considered that περὶ 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 μακρὰ τείχη, in [e] *Propertius*, --*Theseæ brachia longa viæ*. [f] *Appian* of *Alexandria*, μακρὰ σκέλη, and [g] *Plutarch* in *Cimone*. One lying towards the North, of which [h] *Plutarch*. The other towards the South,

a Loco citato.

b In Attica. p. 244. l. 37.

c Att. Lect. l. 3. c. 4.

d Lib. 31.

e Lib. 3. Eleg. 39. p. 192.

f In bello Mith. p. 125. l. 9.

g Pag. 355. l. 10

h In Pericle. p. 215. l. 20.

in

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

Τὸν Πειραιᾶ περιεσίμαξεν.

Which his [e] Scholiast affirmes. Τὸν δὲ Πειραιᾶ Θεμιστοκλῆς περιέβαλλε τῇ πόλει. *For Themistocles added Pireum 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* gainsaies this, and that he did only πῶς πόλιν ἐξάπαντα τῇ θαλάσσῃ, καὶ τῷ γλῷ τῆς θαλάσσης, conjoyne the City and *Pireum*, and put the land to take acquaintance with the sea. It seemes somewhat forward before. However, so fennie 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 *Thriasia*, the fairest of all, *velut in ore urbis posita*, placed as it were in the front of the City, saies, *Livie*, *major aliquanto patentior q̃ quam cæteræ est*, greater somewhat and wider then the rest. Hence I suppose named *Dipylon* as if it were as big as two gates. Πειραϊκαὶ Pi-

[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. unlesse τὸ ὕστερον may have respect to Conon who after the victory at Cnidus erected these wals 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.

raica neere the Temple of *Chalcodoon*. Here were buried some of those that dyed in fight with the *Amazons* in the time of *Thesens*. [a] *Plutarch*. Ἱππάδες. *Hippades*. where the bones of *Hyperides* the famous Oratour 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] Ἱερά. *Sacra*, the sacred gate. We read of this in [c] *Theophrastus's Characters* but to my great admiration, that the Eagle-sighted *Casaubon* had not espied a fault. For though it be true that there were such gates at *Athens* as Ἱερά, yet is there any that ever read χὴ τὰς ἱερὰς πύλας ἐξεκλωχθῆναι νεκρὸς, 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 Ἱεῖας. Ἱεῖα 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*, Αἰγέως πύλαι. The gate of *Ægeus*. It seems to have been in *Delphinium* where he dwelt; whence the *Hermes* or Image towards the East end of the Temple was called [e] Ἑρμῆς ἐπ' Αἰγέως πύλαις. *The statue at the gates of Ægeus*. Μελιτίδες. *Melitiaes*. Where lyes *Thucydides* the sonne of *Olorus* that wrote the *Peloponnesian war*, who after his returne into his country from banishment, was treacherously murthered, his Sepulchre stands neare these gates [e] *Pausanias*. Κεραμικά. *Ceramica*. These are called by *Xenophon* αἱ ἐν τῷ Κεραμικῷ πύλαι *The gates in Ceramicus*, where many of the *Lacedemonians* were buried, which dyed in the seditious war that *Thrasybulus* made against the *thirty Tyrants*. [f] *Xenophon*. Διοχάρης πύλαι. The gates of *Diochares*. Of whom I have nought to speake. Ἀχαρνικαὶ 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 neare. The *Romans* their *porta Collatina* from

[a] In Theseo. p. 9. l. 10.

[b] ἐν βίοις τῶν p. 456.

[c] περὶ αὐθαδείας. p. 45.

[d] Pag. 725. num. 95.

[e] Plut. Thes. p. 4. l. 21.

[f] Atticis p. 21. l. 42.

[g] Ἑλληνικ. β. p. 479. l. 43.

from *Collatia*, a Burge not farre off. And happily it is so here, as also in Διόμεια *Diomæa*; for *Diomus* is a people of *Athens* not any great matter distant from the City. Θρακία *Thracia*. These are all that ever I met with named: others there are obscurely pointed at by [a] *Pausanias*, as that neare the Gallery which from its various draughts they call *Pæcile*, where is the effigies of *Mercurie* Agoræus 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 [c] *Euripides* may well straine to this note, that *Venus* sitting neare, and adorning herselfe, sends forth continually *Cupids of learning*, παντοίας ἀρετῶς ξυνεργάς. Well may he blesse that clime stiling it, [d] λαμπρότατον αἰθέρα, 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 [e] *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. [f] No coast so truly void of all earthly dregs, and participating more of the celestiall and defecated aire. Not unworthily hath *Sophocles* beene lavish in expressions. [g] *Famous*, [h] *The most renowned*, [i] *Happy*, [k] *Sacred Athens*. *Pindarus*. [l] *Wonderfull*. [m] *Much spoken of*. [n] *Neat, &c.* To the making up of her delight comes to all the river *Cephissus*, 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. *Itonia*, & *Scæ. in Attica*, which I never saw untill I had written this place, as God and man is my witnesse. 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 Præf. 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.

Ἀττικοί. Ἀθηναῖοι, *Mores, & Ingenia.* τὸ μισοβάρβαρον. *Quantum hodierni differunt à veteribus; & qualem vitæ rationem modumq; habent.*

THE *Athenians* by [a] *Dicæarchus* are divided into two sorts, Ἀττικοὺς, *Atticos*, and Ἀθηναίους. 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 Ἀθηναίους, *Athenians*, but Ἀττικοὺς, *Atticos*. A revenge I suppose opprobrious enough. For thus writes my Author. Οἱ μὲν, περίεργοι καὶ λαλιαῖς, ὕπουλοι, συκοφαντώδεις, φιλοπόνηροι τὸν ξενικὸν βίον. *Curious bablers, Deceitfull, Calumniators, Observers of the lives of strangers,* περίεργοι ταῖς λαλιαῖς. A sufficient witnesse of this is [c] S[t] *Luke*, that saies, they did regard nothing more then to heare and speake noveltie. 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 ὄπ' τοῖς κουρείοις λόγοι, [d] *Aristophanes*.

> Καί τοι λόγοι γ' ἦν, ἡνίκ' Ἡρακλεὼ, πολὺς
> Ἐπὶ τοῖσι κουρείοισι καθεψόμενος
> Ὡς ἐξαπίνης ἀνὴρ γεγένοιτο πλούσιος.

They that sate in the Barbers shops did talke much that he was suddenly growne rich. The Scholiast 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* Καθεζόμενοι ἐν ἰατρείῳ, φλύαροι, καὶ κακῶς ἀγορεύειν ἐκ παντὸς τρόπου δι-

a ἐν βίῳ Ἑλλάδος. p. 169.

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

c Act. 17.

d In Pluto p. 38.

e Var. hist. lib. 3. c. 7.

διψῶντας. Sitting in a Chirurgions shop, scandalous, and thirstie to speake ill by all meanes. ὕπουλοι. men Italianated, who can smile, even when they cut your throat. Such as *Theophrastus* 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 clasp e you in those armes, which they meane to embrew in your dearest blood. In summe, faire without, but rotten within, like a wound which is healed above and seemes sound, but putrifies under the skin. And so much the word doth import. Συκοφαντῶδεις. Given to false accusations. The [b] Scholiast of *Aristophanes* writes, that it being forbidden to carry figges out of *Athens*, and some nevertheless the decree being absolute against it, presuming so to doe, they set rogues in the gates that did appeach them (as [c] *Plutarch* likewise.) Hence came this word to be used for any crafty knave that gets his living by promooting, [d] ἀπὸ συκοφαντίας ζῶν. One that meddles in every mans affairs, and therefore [e] *Aristophanes* hath fitly brought one upon the scene terming himselfe an *Overseer* both of private and publike 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 delinquent towards the flesh, or any Lawyer a credulous client, & having well plumed him, afterwards give him a dimissorie. Εκεῖνοι (*Sycophantæ*) ὧν δὲ παρ' ὧν χρήματα λαμβάνοιεν, ζῶν εἶεν. *Xenophon.* Such were many in *Athens*, insomuch that *Aristotle* being asked what *Athens* was, answered, πανδώρα. *All beautifull*, ἀλλ' ὅπῃ ἐπ' ὄχθῃ ἠβάσκει σῦκον δ' ὄχθῃ σύκῳ, in a verse of [g] *Homer* in the description of *Alcinous* his garden, but pears grew ripe after peares, and figs after figs, meaning a continuall succession of Sycophants. This made *Isocrates* the Oratour to compare the City to a Cortezan, 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. περὶ εἰρωνείας.

b In Plut. p. 5.

c In Solone p. 65.

d Xenophon. Ἑλλήνικ. β. p. 271 l. 20.

e Pluto. p. 90. p. 91. b.

f Ἑλλήν. β. p 272 l. 19.

g Οδυσσ. η.

By

By reason of their Sycophants and trecheries of nimble tongued Oratours. Παραπεπτωκὼς ξενικῶν βίων. I was once halfe in an opinion that these words were to have been put to the former thus, συκοφαντώδεις παραπεπτωκὼς ξενικῶν βίων, 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 μὴ ἀδικῶν. [a] *Socrates* in *Xenophon.* Now he discommends the Ἀπλοῖ 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 ἁπλοῖ τοῖς ἤθοις, φιλίας γνήσιοι φύλακες, *Brave spirited, single dealing, and faithfull friends.* But as the words were at length confounded, so did their manners degenerate, growing into ἀνωμαλίαν τῆς φύσεως, an *Irregularity of nature.* as [b] *Polybius.* No μεγαλοψυχία afterwards, but hautinesse of spirit, magnanimity now fallen. And when [c] *Livy* sayes *ex vetere fortuna nihil præter animos servare,* hee meanes, they had nothing left but those proud spirits, which their ancient flourishing fortune had puffed up. No ἁπλότης, 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 toyes, rejoycing in their own praises, and nothing moved with scurrility. 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 statutes? As for their impudence, so great was it, that to expresse a countenance void of shame, the Comedian hath put Ἀπλοῦν βλέπω, An *Athenian looke,* in [g] *Nubibus.* φιλίας γνήσιοι φύλακες, So accounted in the time of [h] *Paterculus,*

a Απομνημ. β. p. 428.

b Lib. 6.

c Dec. 4 p. 7 l. 1

d Aristoph. p. 694.

e πολιτ. παρεγγ. p. 387.

f Lib. 5 c. 3. p. 207.

g Pag. 189. g.

h Lib. 2. p. 47.

culus, that what was done in sincerity and faithfull trust, the *Romans* would say, it was performed *fide Attica* with an *Athenian* loyalty. Feare and power might make them trusty, but how they brake their leagues, took part with other *Ilanders* against confederates, and violated the laws of arms, Historians are not dumb. As for their wrath it was ἀείμνηστος, ever mindfull, as [a] *Virgil. memor ira.* And the hatred they prosecuted the *Barbarians* withall was so unquenchable, that it burned against [b] all *Barbarians* for the *Persians* sake; and they forbad 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 *Catelani* I cannot justly tell. *Mahumetans* all, poore and miserable, living by rapine, or fishing, or tilling the earth, [c] *Favolius*

Duraq; coacti
Pauperie assuerunt vitam tolerare rapina.
Aut passim infestant furto, raptoq; propinqua
Æquora piratæ, sed quæ pars æquior, hamis
Fallit inescatos tereti sub arundine pisces.
Aut desolatas exercet 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'rable, still poore.

a Æneid. 1.

b Isocrat. in Pan p. 109.

c Hodœp. Byz. l. 3.

CAP. IV.

De populo divisione, Εὐπατρίδαι. Γεωμόροι. Δημιουργοί. Πεντακοσιομέδιμνοι. Ἱππεῖς. Ζευγῖται. Θῆτες. *Quid Athenienſibus cum Ægyptiis commune.*

THere were at firſt but two kindes of people in *Athens*, [a] two orders *quibus inter gradus dignitatis fortunæq; aliquid interlucebat*, 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 ſpeakes: [b] τρία δὲ τὰ ἔθνη πάλαι. Εὐπατρίδαι, Γεωμόροι. Δημιουργοί. Εὐπατρίδαι, *Eupatridæ*, 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 *Praxiergidæ, Eteobutadæ, Alcmæonidæ, Cynidæ, 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. Δημιουργοὶ, *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 δὲ ἄστεος, ſaies *Diogenes Laertius*; and the *Pediæi* which likewiſe are πεδιῆς, 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 Democratie, as [d] *Plutarch* writes, the *Pediæi* to an Oligarchie, and the *Paralii* between both, and had choſen *Solon* to arbitrate and determine the matter

a So doth *Dionyſius Halicarnaſſeus* divide them into εὐπατρίδας & ἀγροίκους. lib.2.n.2.

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

c In Solone.

d Pag. 61. in Solonem.

matter; he made these foure rankes. Πεντακοσιομεδίμνους, ἱππεῖς, ζευγίτας, Θῆτας, *Pentacosiomedimnos. Equites. Zeugitas. Thetas.* *Pentacosiomedimni* were those who ἐν ξηροῖς ὁμῶς καὶ ὑγροῖς, 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 *Pentacosiomedimnus* 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 ὑσεῖς. For he seems to sow upon the waters. This is he whom the *Elzevirii* printed at *Leydon*, *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 Ἱππάδας τελεῖς. *Zeugitæ*, 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 [b] Θῆτας, *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 *Ægyptians* had divided their people into three classes as the *Athenians* did, as I have spoken above. For the first degree or *Enpatridæ* addicted to learning and study, who were had in greater honour, answer to the *Ægyptian* Priests. [c] Nay those great houses in *Athens* had Priesthood by succession, as *Eumolpidæ*, *Ceryces*, *Cynidæ*. For out of the stock were chosen Priests, hence ἱεροφαντῶν ἐκ γένους in [d] *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 skilfull in some art, did set out their labour to daily hire: as *Diodorus Siculus* can testifie.

a Plut. p. 65.

b Plutarch. loco prædicto.

c Plut. Thes. p. 8. l. 18.

d Pag. 741. num. 164.

CAP. V.

Tribus quatuor sub Cecrope mutata earum nomina. Augentur à Clisthene : duæ additæ. Φρατρεία. Φράτορες. Τριττύς. Γένος. *Tribulum* Κοινωνία Φυλετικὴ δεῖπνα, φρατρικά.

IN *Athens* there were but foure Tribes under the rule of *Cecrops. Cecropis, Autochthon, Actæa, Paralia* ; which had other names put to them, *Cranais, Atthis, Mesogæa, Diacris.* I suppose from the parts of *Attica*, it lying partly neare the sea, thence *Actæa* partly hilly, thence *Diacris*, partly Mediterrane, 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*, *Erichthonius* called them after the name of *Jupiter, Pallas, Neptune, Vulcan.* Διάς. Ἀθηναίς. Ποσειδωνιάς. Ἡφαιστάς. But when *Ion* came to rule they were named after his foure sonnes, *Geleontes, Ægicoreis, Argades, Hopletes*, as [a] *Herodotus* and [b] *Euripides* ; though *Plutarch* sayes that they were so called [c] ἀπὸ τῆς ἡγεμονίας, εἰς ἃ διηρέθησαν οἱ βίοι τὸ παλαιόν, from the courses of life which they first tooke. But *Clisthenes* a man factious and wealthy is said by the Councel of [d] *Apollo*, *Alcmæon* being *Archon* to make tenne of them, changing the ancient titles, & taking new from some Demigods or *Heroes* borne in that land all, except *Ajax*, whom though a stranger, he put to the rest, as a neighbour and companion. [e] *Herodotus*. These then were called Ἐπώνυμοι, as you would say giving names; the word so signifies sometimes, as *Minerva* is said by *Dion Chrysostom*: Ἐπωνυμὶς Ἀθηνῶν, who gave the name to *Athens*. To these were erected Statues near the Councell place of the Senate. Their names are these as [f] *Pausanias* hath them, *Hippothoon, Antiochus, Ajax Telamonius,*

a In Terpsic. p.137.
b In Ione versus finem.
c In Solon p. 65.
d Aristides T. 1. p.336. A. T.1, p.352.
e In Terpsic. p.137.
f In Att. p.45.

nius, Leo, Erectheus that slew *Immaradus* the sonne of *Eumolpus* in the *Eleusinian* war, *Ægeus, Oeneus, Acamas, Cecrops, Pandion.* From these Ἰωποδοντὶς, Ἀντοχὶς, Αἰαντὶς, Λεοντὶς, Οἰνηὶς, Ἀκαμαντὶς, Κεκροπὶς, Πανδιονὶς 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 τὴν ἐπωνύμων εὐφρανθέντες 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] *Eustathius* writes that they were divided in imitation of the yeare, the foure Tribes according to the four quarters; each Tribe into three Fraternities, which they call τριττὺς or φρατρίας answerable to the twelve Moneths, each φρατρία or τριττὺς into thirty γένη or kindreds equalising the dayes. For so many only had the yeare of old. Witnesse the Riddle of [c] *Cleobulus* concerning the yeare,

* These are reckoned among the Eponymos in Paus. p. 5. who had Statues likewise.

a Decad. 4. l. 1. p. 6.

b In Il. b. pag. 181.

c Laertius p. 63. l. 1.

Εἷς πατὴρ, παῖδες δυώδεκα· τοῖς δ' ἑκάστῳ
Παῖδες τριήκοντα, διαμέτρα 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 φυλοβασιλῆς, Kings of the Tribes, who sate upon controversies between party and party of their owne Tribes. Each Tertian also had his overseer called, Τριτύαρχος the Ruler of the *Trittys* or *Phratria*. The word may seeme to signifie a Society, fellowship, or

company. It skills not whether you derive it from φατρία, as *Eustath.* or πατρὰ, as *Suidas*, or φρέαρ, 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 φρέασι πυιητοῖς, digged wells, as [a] *Plutarch.* Φράτορες 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 δημότης, which then we are not to interpret (*Curialis*, for this is as much as συγγενὴς, and συμφυλέτης) 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) φρατρίζειν, *Phratrizein* from hence comes which is τὸ εἰς φρατρίαν Ζωιέναι, to meet, for so *Eustathius* in another place, εἰς τωτὸ Ζωιέναι. 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. Γένει μὲ (every γένος or kindred consisted of thirtie, whence they were named τριακάδες) ἢ τριακόντες, ἐκ τῆς τοιούτου ὅτι τῶν φρατριδόμενοι Not of affinity so called, but for their Synod; which the Grammarians call σύστημα κοινωνικὸν, 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 kindely entertaine each other. δεῖπνα φυλετικὰ, and φρατρικὰ. [c] *Athenaus.* Τῶν δὲ νεῶν δεῖπνων πρότερον οἱ νομοθέται τά τε φυλετικὰ δεῖπνα καὶ τὰ δημοτικὰ προσέταξαν ἐπὶ τοῦ θιάσου καὶ τὰ φρατρικὰ. &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. l. 33.

b Iliad. β pag. 181. & Il. ι. pag. 629.

c Lib. 3. c. 4.

d Dipnosoph. 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 Εστάζειν τὴν φυλὴν and ἐστάζειν τοὺς φράτορας. Of which in due time. The reason of this the *Diponosophist* gives, saying that wine hath ἑλκωστικόν τι πρὸς φιλίαν, an attractive and perswading force to procure love and friendship.

CAP. VI.

Græcia vicatim habitata. Δῆμος *quid? Athenienſibus proprium habere* δῆμος. *Quot? Templa & ſacra pagatim.*

ALL *Greece* was inhabited κατὰ κώμας, as [a] *Thucydides* ſpeakes, by Villages before there were any Townes; from whence comes the word Comœdie. [b] *At verò nondum* [a] Lib. 1.
reactis in urbem Athenienſibus, cum Apollini Nomio, id eſt, Paſtorum vicinorumq; præſidi Deo, conſtructis aris in honorem divinæ rei circum Atticæ vicos, villas, & compita feſtum carmen ſolenniter cantarent: orta eſt Comœdia ἀπὸ τοῦ κωμάζειν καὶ ᾄδειν, *quod eſt, commeſſatum 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 ſheepheards and neighbours, about the villages, houſes and croſſe waies of *Attica*, altars being built in honour of the celebrity, ſprung up a Comœdie ἀπὸ τοῦ κωμάζειν καὶ ᾄδειν 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] Ὦ δεινὰ ἀδικεῖ, καὶ τὰ τοιαῦτα, θεῶν ὄντων καὶ νόμων. *Such a one doth* [c] Thomas Magiſter.
wrong, and commits ſuch and ſuch outrages, although there bee Gods and Laws, by which theſe abuſes were reformed. But the *Anonymus* in a preface to *Ariſtophanes* ſaies, μὴ κώμας καλεῖσθαι τοῖς Ἀθηναίοις, ἀλλὰ δήμους, that they were not called κώμας or villages by the *Athenians*, but δήμους which they tranſlate

ſtate *Populos*, better in my minde *oppida* or Townes. *Cicero ad* [a] *Atticum. Venio ad Piræea in quo magis reprehendendus ſum, quod homo Romanus Piræea ſcripſerim, non Piræeum (ſic enim omnes noſtri locuti ſunt) quàm quod M. addiderim. Non enim hoc ut oppido præpoſui, ſed ut loco: & tamen Dionyſius noſter, qui eſt nobiſcum, & Nicias Cous, non rebatur oppidum eſſe Piræea, 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 Cæcilium, Mane ut ex portu in Piræum (malus enim auctor Latinitatis eſt) ſed Terentium cujus fabellæ propter elegantiam ſermonis putabantur à Caio Lælio ſcribi.* Heri aliquot adoleſcentuli coimus in Piræeum, & idem, Mercator hoc addebat captam de Sunio. *Quod ſi δήμους oppida volumus eſſe, tam eſt oppidum* Sunium *quam* Piræeus. If ſo be we will have δήμους to be Townes, *Sunium* as well as *Piræeus* is a Towne. Theſe were formerly kingdomes as [b] *Pauſanias* teſtifies. Γέγραπται δὴ μοι, τὴν ἐν τοῖς δήμοις φάναι πολλὰς, ὡς καὶ πρὸ τῆς ἀρχῆς ἑκάστου τὸν 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 νεμοκλάειοι, as [c] *Ariſtoph. Schol.* or Ναυκράειοι, as [d] *Pollux*, twelve belonging to every Tribe. But *Cliſthenes* changed them into δήμους, as out of *Ariſtotle* the *Schol.* of *Ariſtoph.* The number of them is, as [e] *Euſtathius* out of *Strabo*, and [f] *Caſaubon*, an hundred ſeventy foure. Some whereof having the ſame name are diſtinguiſhed according to their ſituations καθύπερθεν and ὑπένερθεν, as we may ſay the upper and the lower Wakefield, &c. All of them are divided into Greater and Leſſer. The [h] μικροὶ or leſſe are theſe. *Alimuſii, Zoſter, Proſpaltii, Anagyraſii, Cephale, Praſieis, Lampreis, Phlyeis, Myrrinuſii, Athmoneis, Acharnæ, Marathon, Brauron, Rhamnus.* The reſt were greater. Take them promiſcuous according to their Tribes.

[a] Lib.7. Ep.3.

[b] Atticis p.30. l.42.

[c] In Panath. T.1.p.326.

[d] Nub. pag. 225.e.

[e] L.8.p.430.

[f] In Il.b pag. 215.

[g] In Atheneæum l.6.c.9.

[h] Pauſan. Att. pag.30.

KE-

ΚΕΚΟΠΙΣ.

Αἰξωνὴ. Δαιδαλίδαι. Ἐπιείδαι. Ξυπέτη. Πίθος. Συπαλήττιος. Τριτεμεῖς. Ἀθμονον ἢ Ἀθμονία. Ἀλαὶ Αἰξωνίδες. Φλύα. *Æxone. Dædalidæ, Epiecidæ, Xypete, Pithus, Sypalettus, Trincmei, Athmonon* or *Athmonia. Alæ Æxonides. Phlya.*

ΕΡΕΧΘΗΙΣ.

Ἀγραύλη ἢ Ἀγρύλη. Εὐωνυμία ἢ Εὐώνυμος. Θήμακοι ἢ Θήμακος, Κηφισία. Λαμπρὰ. Καθύπερθεν. Λαμπρὰ. Ὑπένερθεν ἢ παράλιος. Παμβωτάδαι. Περγασή. Συβρείδαι. Φηγοῦς. Ἀναγυροῦς. *Agraule* or *Agryle. Euonymia* or *Euonymus. Themaci* or *Themacus. Cephisia.* The upper *Lampra.* The lower *Lampra,* in which *Sigonius* errs calling one the maritimate, the other the inferior, which to be one and the same I have shewn above. *Pambotadæ, Pergase. Sybridæ, Phegus, Anagyrus.*

Πανδιονίς.

Ἀγγελή. Κυδαθηναῖον. Κύθηρον. Οἂ ἢ Οἷς. Παιανιὰ καθυπέρθεν. Παιανιὰ ὑπέρθεν. Πρόβαλινθος. Στειριά. Φηγαία. Μυῤῥινοῦς. *Angele. Cydathenæum. Cytharum. Oa* or *Oeis.* The upper *Paania,* the under *Paania. Probalinthus. Stiria. Phegæa. Myrrhinus.*

Αἰγηΐς.

Ἀλαὶ Ἀραφηνίδες. Ἀραφήν. Βατή. Γαργηττός. Διονεία. Ἐρεχθία. Ἐρίκρια. Ἔχεια. Ἰκαρία ἢ Ἰκαρίς. Κολυττός. Κυδαντίδαι Πλωθεά Τίθραι. Φηγαία. Φιλαίδαι. Χολλίδαι. *Ala Araphenides. Araphen. Bate. Gargettus. Dionea. Erecthia. Ericria. Ecbria. Icaria* or *Icarius. Ionidæ. Colyttus. Cydantidæ. Plothea. Tithras. Phegæa. Philadæ. Chollidæ.*

Ἀκαμαντίς.

Ἀγνοῦς. Εἰρεσίδαι. Ἑρμοὶ ἢ Ἑρμοί. Ἡφαιστιάδαι Θόρικος. Ἰτέα. Κίκυννα. Σφηττός Χόλαργος Χόλαργοι Χολαργία. Κεφαλή Προσπάλτα. *Agnus. Eresidæ. Hermus* or *Hermi. Hephestiadæ. Thoricus. Itea. Cicynna. Sphettus. Cholargus Cholargi Cholargia. Cephale. Prospaltæ.*

Λεοντίς.

Αἰθαλίδαι. Αἰθαλία. Ἀφίδνα. Δεῤῥιάδες. Ἐκάλη Εὐπυρίδαι. Κοθωκίδαι. Κυδαθηναῖα.

Κρωπία Λευκόνιον. Οἶον Κεραμ. Παιονίδαι. Πήληκες. Ποταμός. Σκαμβωνίδαι. Σούνιον. Ὑβα Ὑβάδαι Φρέαρροι. Μαραθών. Ἀλιμοῦς. *Æthalidæ Æthalia. Aphidna. Dirades. Hecale. Sypyradæ. Cetti. Cropia. Leuconium. Oeum Ceramicum. Paeonidæ. Peleces. Potamus. Scambonidæ. Sunium. Hyba Hybadæ. Phrearri. Marathon. Alimus.*

Ἰπποθοωντίς.

Αἰζωνιά. Ἀμαξαντιά. Ἀνάγυρα. Ἀχερδοῦς. Δεκέλεια. Ἐλαιοῦς Ἐλαιοῦς. Ἐλεῦσις. Ἐρεσιάδαι. Θυμοιτάδαι. Κηφισιάδαι. Κορυδαλλός. Οἶον Δεκελ. Οἰνόη Ἐλευθ. Σφενδάλη. *Azenia. Amaxantea. Anacæa. Acherdus. Decelia. Eleans. Eleusis. Eræadæ. Thymætadæ. Ceriadæ. Corydallus. Oeum Decelicum. Oeum* ad *Eleutheras. Sphendale.*

Ἀντιοχίς.

Αἰγιλία ἢ Αἰγιλός. Ἀλωπεκὴ Ἀλωπεκαί. Ἀμφίδροπι. Ἀναφλυστός. Ἀτιώνη Ἀτιωία Βῆσα. Θοραί. Κειῶνα. Λευκοπύρα. Μελαινεῖς ἢ Μέλαιναι. Παλλήνη. Πεντέλη. Σημαχίδαι. Φάληρον. *Ægilia* or *Ægilus. Alopece* or *Alopeca. Amphitrope. Anaphlystus. Atene* or *Atenia. Bessa. Thora. Criôa. Leucopyra. Melaneis* or *Melana. Pallene. Pentele. Semachidæ. Phalerum.*

Αἰαντίς.

Οἰνόη Μαραθ. Τιτακίδαι. Τρικόρυθος. Ῥαμνοῦς. *Oenoe* at *Marathon. Titacidæ. Tricorythus. Rhamnus.* Of this Tribe were some towns taken away & put to other, *Aphydna, Persidæ, &c.*

Οἰνηΐς.

Βοῦτεια, Βουτάδαι. Ἐπικηφισία. Θρία ἢ Θρίω. Ἱπποτομάδαι. Λακία, Λακιάδαι. Λυσιά. Μελίτη. Οἴη ἢ Ὄιη. Περιθοΐδαι. Πτελέα. Φυλή. Ἀχάρνα. Τυρμίδαι. *Butea, Butadæ. Epicephisia. Thria* or *Thrio. Hippotomadæ. Lacia Laciadæ. Lusia. Melite. Oe* or *Æa. Perithadæ. Ptelea. Phyle. Acharna. Tyrmidæ.*

Πτολεμαΐς.

Βερενικίδαι. Θυργωνίδαι. *Beronicidæ. Thyrgonidæ.* Κονθύλη. *Conthyle.*

Ἀτταλίς.

Ἀπολλωνιῆς. *Apollonienses.* 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*, *Archilia*, *Astypalæa*, *Atalanta*, *Achradus*, *Belbina*, *Brauron*, *Brilessus*, *Enna*, *Echelidæ*, *Zoster*, *Thrion*, *Gale*, *Cedæ*, *Cothocidæ*, *Coele*, *Cynosarges*, *Ceramicus* without the City, the same with *Academia*, *Laurium*, *Lenæum*, *Limnæ*, *Munychia*, *Parnes*, *Pnyx*, *Patroclus* his ditch or trench, *Scirum*, *Sporgilus*, *Hydrusa*, *Hymettus*, *Hysiæ*, *Phaura*, *Phormisii*, *Phrittii*, *Phoron*, *Chitone*, *Oropus*. To which are put the Ilands, called *Pharmacusæ*, two in number and *Psyttalia*. The Scholiast of [a] *Aristophanes* speakes 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 Κοίλης, ἐκ Μελίτης. ἐκ Κεραμέων, of *Cale*, of *Melite*, of *Cerameis*. In these villages were Temples of the gods. [b] *Livie*, *Templo pagatim sacrata*. And againe, *Delubra sibi fuisse, quæ quondam pagatim habitantes in parvis illis castellis viisq; consecrata, ne in unam quidem urbem contributi majores sui deserta reliquerint*. So much witnesseth [c] *Pausanias*, who tells us that they worshiped some peculiar Deity, and yet nevertheless did τῷ Ἀθηνᾷ ἄγειν ἐν πόλει, 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.* Ἰεῖδις Σωτηρίαν Μέρας. Δόξ.

THe Ancients had but three ſorts of government. *Tyrannis, Democratia, Oligarchia* as [a] *Æſchines*, which *Polybius* calls βασιλείαν, ἀριστοκρατείαν, δημοκρατείαν. 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 *Homer*, nor *Heſiod* knew; and therefore are the Poets noted, as, ἴδιον ποιητοῦ, 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. Ἀριστοκρατία an Ariſtocratie, when moſt wiſe and juſt men are fitly choſen to ſit at the Helme of the Weale publike. Δημοκρατία a Democratie, when the Laws and cuſtomes of the Country 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, τὸ δόξαν τοῖς πλείοσι, ſaies *Polybius*; 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 perſwaſions 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. [c] *Vi conſecutus*, who gets it by violence, [d] *Omnes autem & habentur & dicuntur Tyranni, qui poteſtate ſunt perpetua in ea civitate, quæ libertate*

[a] In Cteſiphontem p.4.

[b] Ariſtot. l. Pol. 5. c. 4.

[c] Probus in Miltiade.

[d] Probus ibid. p. 17.

tertate 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 [a] *Aristotle* hath it, *Vertue*, which of no long continuance doth soon degenerate, [b] εἰς ὀλιγαρχίαν τραπέσης κατὰ φύσιν, 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 [c] πῶς ὑπὸ τῶν ἐφεστηκότων, by their presidents. Such dominion is taken away by the people set on a rage, and not bearing τὰς τῶν ἐφεστώτων ἀδικίας, the injuries of their rulers. Hence comes in a *Democratie*, which *Sophocles* calls ὅπου τὸν πλήθει λόγον, the power of a multitude, whose end is freedome, when all can equally partake of the same priviledges and immunities, who are true citizens; whence *Terence* stiles it *æquam libertatem*, for which the *Greek Oratours* have properly used the word πολιτεία as [d] *Vlpian* 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 these in their times did *Athens* feele, for they were governed by Kings foure hundred eightie seven years: the last of which was *Codrus*, who in a fight between the *Dorienses* and *Athenians* offered himselfe willingly to be slaine, it being foretold by the Oracle of *Apollo* that the *Dorienses* should be conquerours unlesse the *Athenian* King were killed; he therefore clothing himself *famulari veste ne posset agnosci*, saies [e] *Cicero*, with a servants habit lest he should bee

[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 memoriæ nominis ejus tributum est*, which was done in memory to his name. For after that, *Archontes* or *Judges* ruled; in the Title ἄρχοντες, *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 yeare, called therefore [b] *annui Magistratus*, yearly Magistrates. These continued *Pisistratus*, for a fained 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, ἀγορὰν, 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 *Lacedæmonians*, the offspring of *Alcmæon* 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 fift 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 *Sicily*

a Justin. l. 2.

b Justin. l. 2.

c Heraclides in Pol.

d Herodotus 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] πεντακισχίλιοι, τετρακόσιοι ὄντες, 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 Republique. Their authority was granted by an [d] Act of the people, to which *Theramenes* was very forward, but after they were inducted none more ready to drive out; whereupon they termed him Κόθορνον *Cothurnum*, from a kinde of ſtart-up which did fit both feet. καὶ ὁ Κόθορνος Θηραμένης μὲν τοῖς πολλοῖς ἀμφοτέροις δοκεῖ. The word may ſute with a Jack of both ſides. Theſe Τετρακόσιοι were conſtrained for feare of [e] *Alcibiades* to reſigne the right unto the people, and to goe into wilfull baniſhment. But when *Lyſander* had overcome *Athens* (the [f] *Lacedemonians* ever affecting an *Oligarchie*, as the *Athenians* a *Democratie*) he ordained theſe thirty to be chiefe: [g] *Polyarches*, *Critias*, *Melobius*, *Hippolochus*, *Euclides*, *Hiero*, *Meſilochus*, *Chremo*, *Theramenes*, *Areſias*, *Diocles*, *Phædrias*, *Charileos*, *Anatius*, *Piſo*, *Sophocles*, *Eratoſthenes*. *Charicles*, *Onomocles*, *Theognis*, *Æſchines*, *Theogenes*, *Cleomedes*, *Eraſiſtratus*, *Phido*, *Dracontides*, *Eumathes*, *Ariſtoteles*, *Hippomachus*, *Meſithides*. They began at firſt to put to death the worſt and moſt abhorred, laies [h] *Saluſt*, without triall of law, but afterwards the good and bad alike; [i] 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 Alcyb.p.148.
d Xen.Ελλ.β. 274.l.38.
Xen.p.275.
e Juſtin.l.5.
f Ariſt.Pol.l.5 c.7.
g Xen.Ελλ.β. p.270.
h In Catil. Conſp.
i Xen.p.272.

a Xen.p.275. some, stiled [a] χαριεὶ νόμοι, which were nullified by a decree, as we shall speak hereafter) none was to suffer ἐντὸς καταλόγου, 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 *Thrasybulus*, at last shook off his yoke, and remained free untill the death of *Alexander* even foure score 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 revenewes come not to tenne *minæ* or pounds, should undergoe any function in the Commonweale; 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, insomuch 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] ἱερέα Δημήτριον. The Priest of the Gods that saved them, calling the yeare after his name, and adding * two Tribes to the

b Dem.p.467.

c Vide Laert. in vita, & Strabonem.

d Plut. in Demetrio.

* Pollux l.8.

the Tenne, whence the Senate consisted of six hundred, but five before, as [a] *Stephanus*, but when *Cassander* had overthrowne the sonne and father, such was the ingratitude and levity of the *Athenians*, that they forbad *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 presidiarie 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 Doson*, 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 shakeit, 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] *Archelaus*, *Mithridates* his Generall, within their walls; against which *Sylla* laid siege, and captivated the City, whence proceeded ἀνέλεησ φόνοι, 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 Cæsar*, *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 dehorted 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 Στεφανηφόρος Ἀθηνῶν, as [g] *Julian* saies, which in the words of *Nicephorus Gregoras* is [h] τὸν τῶν μεγάλων Δούκας (ἐπῶνυμον) the *Grand Duke*, whom simply afterwards

[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.

[g] In Oratione Constantium. Hist. Rom. l. 7. p. 166.

wards they called the [a] Duke of *Athens*, in that Historians time. Emperours have taken them wives citizens of this place, and the [b] daughters of their Dukes have beene desired by that eminent ranke. And indeed no marvell. For they were potent. *Rainerius Acciajolus* is said to have taken the Citie from the *Spaniards* that inhabit *Arragon*, ἔχον δὲ ἡ γυναῖκα τοῦτον οὐ ἰσχυρός; who having no issue male of his wife, *Euboea* but an illegitimate named *Antonius*, by another woman, bequeathed by will *Bœotia* and *Thebes* to him, but *Athens* to the * *Venetians*, from whom his sonne recovered it againe. *Nerius* succeeded him in the Dukedom who thrust out *Chalcocondilas* his father. After him came in *Antonius Nerius* brother to the former *Nerius*. Now about this time we must know that *Mahomet* the sonne of *Amurat* the second got *Athens*, [d] whose beauty and building he held in admiration; which when he had made his own, he continued the Title. For another *Nerius* from those above named dying, leaving one sonne an infant, his mother in the childs Title exercised Tyranny. The woman loved a *Venetian* Noble man (sonne to *Petrus Palmerius*, to whose government the Citie *Nauplium* was committed, he is called by *Chalcocondilas Priamus*) who came thither for merchandize. Him by discourse and flattery she inticed into her love, promising that she would take him to her husband, and give up the Princedome of *Athens* unto him. But upon condition, that he would divorce his owne wife. Whereupon the young man going to *Venice* slew his wife, swelling with ambition, and thirsty of honour. Which being done, he returnes to *Athens*, marries this woman, enjoyes the government of the Citie; who being hated of the *Athenians*, and complained of at the Court, to avoid envy termed himselfe the *Childes* Tutor. And not long after taking the boy with him, went to the Court, where *Francus Acciajolus* waited, expecting to be promoted to the Dukedome. When the Emperour therefore understood the folly of the woman, he gave the title to him. Who being installed, im-

[a] Hist. Rom. l. 7. p. 167.
[b] Nic. Greg. lib. cita.
[c] Chalcocon. ἀλλὰ θυγατέρας τῶν Ναβάρων.
* In the time of *Pietro Zani* came Ambassadors from Athens to doe homage to the Venetian Senate. M. Leunenor in history and lives of the Venetian Princes.
[d] Chalcocon. l. 9. p. 299.

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

[a] Chalcocon. p.309.

LIBER SECVNDVS.

CAP. I.

Duodecim Dii Atheniensium Idololatria septifariam commissa. Dii Adscriptitii. Θεὸς Ἄγνωστος.

Herodotus in [a] *Terpsichore* is of opinion that the Greekes derived their religion from the *Ægyptians.* But [b] *Plutarch* doth stoutly deny. it And not without good testimony may I affirm that it seemes to be a falsity. For *Orpheus* is thought to have brought the mysteries of pietyinto *Grece*; who was himselfe a *Thracian*, from whom the word [c] θρησκεία is supposed to be drawn, which signifies devotion. Ἔπειτα τὸ παλαιὸν θεὸς ἐκάλεσαν θεοὺς, ὡς Θρᾷκες ἔσης τῆς εὑρέσεως, saies [d] *Nonnus.* They called θεοὺς, to worship God, &c. Appositely to which [e] *Aristophanes* ἐν Βαβυλώνιοις.

Ὀρφεὺς μὲν γὰρ τελετὰς θ' ἡμῖν κατέδειξε, φόνου τ' ἀπέχεσθαι.

Orpheus shewedus sacrifices and to abstaine from slaughter. Neither is [f] *Euripides* disagreeing in *Rheso.*

Μυστηρίων τε τοὺς ἀπορρήτους φανὰς

Ἐδείξεν Ὀρφεύς--- *Orpheus revealed the hidden mysteries. Herodotus* names not the Gods, the worship of whom the *Greeks* might borrow from the *Ægyptians*; Twelve in number

a Pag. 48.

b In Tractu περὶ Ἡροδότου καὶ πονηρίας p. 669.

c Sch. Eurip. in Alcest. pag. 661.

d Ξωαρ. ἰερ. in Stel. 1.

e Pag. 260.

f P. 281.

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 *Ægyptians* is too hard a taske for me to prove. The *Athenians* I am sure had twelve Gods in especiall honour, whose [a] pictures they had drawne out in a Gallery in *Ceramicus*; and had an Altar erected, called [b] Βωμὸς τῶν δώδεκα θεῶν, 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. [c] Μὰ τοὺς δώδεκα θεούς. 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 Idolatrie? First worshipping the Sun, and punishing with death the neglect thereof; as you may read in [d] *Plutarch* in the life of *Pericles*. Secondly, deifying the effects of God, as bread, &c. For *Clemens Alexandrinus* interprets Δημὼ, *Ceres*, ἢ σῖτος, corne or food. Thirdly, the poeticall Gods. *Furies and revengers of wickednesse*, as *Alastores*, *Palamnæi*. Fourthly, the Passions, as *Love*, *Pity*. *Injury* likewise and *Impudence*, to whom *Epimenides* built an Altar at *Athens*. Fiftly, the accidents of growth and nourishment; hence *Auxo* and *Thallo* two deities, αὐξάνειν, to increase, and θάλλειν to flourish; to which may be put *Clotho*, *Lachesis*, and *Atropos*, the three fatall sisters, and Εἱμαρμένη, *Necessity*, taken sometime for death it selfe. Sixtly, the Theogonie or pedigree of their Gods, able to make up the summe of which *Homer* speakes. Τεὶς δὲ μύριοι &c. Three thousand. Seventhly, an ignorance of the providence and bounty of God toward them, fained *Hercules* the repeller of evill, and *Æsculapius* the God of Physick. And if this serve not, I can adde an eighth way, namely hospitality and good entertainment of strange Gods. Ἀθηναῖοι δ' ὥσπερ καὶ τὰ ἄλλα φιλοξενοῦντες διατελοῦσι, ὅκο

[a] Paus. Attic. p. 3. l. 18.

[b] Plut. in Nicia. pag. 387. l. 26.

[c] Aristoph. Equ. p. 300. A.

[d] Vide Bodinum in Demonologia.

καὶ φιλεῖ τοὺς θεούς. sales [a] *Strabo.* as the *Athenians love forrainers, so forraine Gods.* Οὐ γὰρ μόνον τοὺς πρεσβυτάτους ἄρα τῶν θεῶν, &c. [b] *Aristides.* 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] *Orthane, Conissalus*, 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] *Pausanias.* Neither may we doubt of it, the Scripture bearing witnesse. The cause of this they say to be a fearfull vision appearing to *Philipides*, sent Ambassador to the *Lacedæmonians* concerning aid against the *Persians*, and complaining that he ([f] *Pan*, from whom πανικὸν ἀ *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 UNKNOWNE 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 Αιβύης, Θεῷ Αγνώστῳ καὶ Ξένῳ. TO THE GODS OF ASIA, EUROPE, AND AFRICA, TO THE UNKNOWN AND STRANGE GOD. As *Justin* [g] *Martyr* and *Oecumenius.* 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.

a Pag. 471.
b In Panath. T. 1. p. 188.
c Strab. p. 587.
d Act. Apost. c. 17. v. 18.
e In Attic. p. 1. l. 35.
f Vide Eurip. Sch. in Med. p. 481.
g Pag. 137.

CAP.

CAP. II.

Jupiter Βασιλεύς. Νέμιος. Ἱκέσιος. Πολιοῦχος. Βουλαῖος. Φράτριος. Φίλιος. Ὁμόγνιος καταιβάτης. Ἑρκεῖος. Ἀγοραῖος. Ξένιος. *Modii salis edendi, Tessera hospitalis seu Symbolum. Apollo* Ἀποτρόπαιος. παῖρῴος. Ἀλεξίκακος. Οὐραῖος. *Pæan, & ejusdem verbi origo. Mercurius* Παλιγκάπηλος. Βεύκνιος. Σοφραῖος. Πεντάλαιος.

ABove other of their Gods *Jupiter* was had in high esteeme. And that commanded by the Oracle. For when the *Athenians* were bidden to dissolve their kingdoms, they were charged to make choice of *Jupiter*, [a] πρεσβεύειν τὸν Δία Βασιλέα. And so by [b] *Aristophanes* he is called Ζεὺς Βασιλεύς. Him they worshipped as *President of Law and Justice*, under the name of *Jupiter* [c] *Nemius* (different from that of *Corinth* named Νέμεος) Him as *God of supplicants*, hence [d] Ἱκέσιος, Him as *Protector of Cities*, hence πολιοῦχος. Him as *Governour and director of their counsels*, hence Βουλαῖος. Him as *chiefe of their Societies*, hence φράτριος, and of their friendship too, hence φίλιος; and of kindred likewise, hence ὁμόγνιος. To him they ascribed *Thunder*, hence [e] Ζεὺς Καταιβάτης, as much as comming downe in thunder. To him they thankfully acknowledged their delivery from the *Persians*, wrought by *Themistocles*, hence [f] Ἐλευθέριος. Him they confessed the *greatest of all*, hence [g] ὕπατος. Him the *overseer of their buying and selling*, hence [h] Ἀγοραῖος. To him stood an Altar sacred in the *courts of their houses*, hence *Jupiter Hercêus*, from [i] Ἕρκος a wall, as if hee were the watch and defender of the house. *Phavorinus.* Ἑρκεῖος Διὸς βωμὸς ἔξω τοῦ θεοῦ τοῦ αὐλοῦ, αὔθεος εἰ δοκεῖ, ἐν ᾧ ἔθυον τῷ Διὶ ἐφόρῳ τοῦ ἕρκους. There was also an Altar to him before the gates, of which [k] *Ovid.*-- *Ante ades stabat Jovis Hospitis 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.251.
d Ulpian in Dem.p.273. Paus.p.18.l. 40. Who thinkes *Spla* to be eaten with lice by a judgement, that slew *Aristion* suppliantly flying to the Temple of *Minerva*.
e Aristoph. Avib.p.626.
f Plut.& Paus.
g Pausan.
h Aristoph. p.317.
i Metamorph.

that they would not receive a stranger without great ceremonies, such as giving of the right hand each to other [a] πιστότατον δηλωτικὸν, a most certain signe of fidelity, and security; as also washing and cleansing with salt, or salt water, as [b] *Tzetzes* on *Lycophron*, whence it is called ἁγίας τὰ ς. Salt they highly esteemed of, ever upbraiding violated hospitality with [c] φῶ ἅλες &c. where is the salt? And yet it may be thought to be said of the community of the table [d] ἐδῶν τῆς δηλόν πάν μὴ κακοργεῖν τοὺ ὁμοτραπέζους ξυνεσίας, 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 agree, [e] *multos modios salis simul edendos esse, ut amicitiæ munus expletum sit*, Men must eat many bushels of salt together, before 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 [f] *Aristophanes*. Neither was this all, for they sacrificed moreover, calling *Jupiter* to witnesse, and using these words in the time of sacrifice; [g] Εἰς Δία Ξένιον ἁμαρτεῖν, εἰ καταφρονῶ ξένους. *Let my trespasse be against Jupiter Xenius, if I offend, contemne, or neglect strangers.* 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 necessity should make either of them stand in need of other, [h] ἐπιφέρωσι τὴν ἡμιτάλαντον, ἀναγνῶνται τὴν ξενίαν, *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. Πέμπειν τοῖς ξένοις σύμβολ' ὃ δεξάσοσί σ' ἀεί. And to send a *Symbolum* or token to strangers that shall courteously entertaine you. But of this enough, as also of *Jupiter*, whom celebrated in [i] other Epithites I know by the *Athenians*. *Apollo* was next in request to *Jupiter*, invocated in *danger or sudden events*; hence [k] ἀπότροπος, from ἀπατρεπῶ, to turne away, as if he

[a] Eustath. in Il. θ.
[b] Pag. 27. But *Eustath.* saies that they did set salt before any other meat to strangers.
[c] Demosth p. 241.
[d] Tzetzes in Lycoph p. 28.
[e] Cic. de Amicitia. *Eustath.* says that it betokens love permanent. For salt preserves. And as it is made of many lettings in of water, so they who come fro divers places by hospitality are made one. In ιλα. p 100.
[f] In Acharn. p. 414. vide Sch
[g] Eustath in Il. λ.
[h] Eurip. Sch. p. 446.
[i] As πολιάς. Aristophan. ὄμβριος. Pausan &c.
[k] Aristophan. πλ. p. 86.

he should deliver them from eminent evill, for which reason he is called *Alexicacus.* [a] *Apollinem aspellentem mala intelligas, quem Athenienses* Αλεξικακον *appellant.* He was one of the first Gods they had, hence is he termed [b] πατρῴος, 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 ἀγυιάς: as if he were set over their waies [e] *Illi enim vias, quæ intra pomœria sunt,* ἀγυιάς. This *Agyeus* was a sharp pillar [f] κίων ὀξὺς ὢν ἐς ὀξὺ λήγων. Although the *Greeks*, as [g] *Macrobius* saies, did worship him as Θυραῖον, *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 *Pæan*, 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] *Athæneus.* 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 ἰὲ Παιὰν. [i] *Hanc vocem, id est* ἰὲ Παιὰν, *confirmasse fertur Oraculum Delphicum Athenienſibus, petentibus opem Dei adversus Amazonas, Theseo regnante. Namq; inituros bellum jussit his ipsis verbis semetipsum auxiliatorem invocari, hortariq;.* I doubt not but the words are changed somewhat, especially if we consider the ancient *Io Pæan.* *Pæan*, 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 *Jehova*; *Pæan* then comes from פנה to look, so that *Io Pæan* is in force *Jehova Penoh*, LORD LOOKE 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] *Symerons*

[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. l. 1. c. 17. pag. 253.
[k] In Plut. p. g. 68.
[l] Græc. Trag.
[m] Vide Sir Fr. Drake.

a people of the West Indies, who in their fighting dance, and leap, and sing *Yó Peko*, at this day. *Mercury* is hallowed by the name of [a] παλιγκάπηλος or Εμπαλαῖος, 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] Εὐένιος, *Very profitable*, from εὖ, an augmenting word, and ὄνω to profit. He had a statue erected to him in the Market place called [c] Εμπῆς Ἀγοραῖος. The entry of their houses was sacred to him, from which he is named [d] Πρόπυλαιος, as likewise Στρεφαῖος from στρέφειν, 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. More of his names you may read in [e] *Aristoph. Schol.*

a Aristop. πλ. p. 110. Ach. p. 410.

b Aristop. Cacep p. 266.

c Aristop. 304.

d Paus. p. 20. l. 35.

e Pag. 110.

CAP. III.

De Saturno, Vulcano, Neptuno, Marte, Hercule, ἄνακτες.

Saturne was worshipped by the *Athenians*, witnesse the feasts kept in honor to him called Κρόνια, witnes 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] Κρονικὰ γνώμαι, *Saturnina animæ*, 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] Ἀσφάλειος. [l] *Mars* also had his worship, and Temple, and *Hercules* too, who in a dreame appeared to *Sophocles*, revealing unto him the sacriledge of one who had stolen a golden cup out of his Temple, called therefore Μάντις or *Index Hercules*, as [m] *Tully*. Neither

f Paus. p. 16. l. 32.

g Aristop. πλ. p. 61.

h P. 536. n. 26.

i παραπρ. τοῦς Ἀπατ.

k Aristop. p. 403.

l Paus. p. 7. l. 27.

m De divinatione. l. 1.

Neither were they contented with such a quantity, but canonized more daily, as the sonnes of *Tyndarus*, *Castor* and *Pollux*, naming them ἄνακτες. [a] αὐακῶς γὰρ ἔχειν τοὺς δημελεμφῶς ὑ φυλάττοντας ὅπερ· καὶ τοὺς βασιλεῖς ἴσως ἄνακτας διὰ τοῦτο καλοῦσιν. For they who have a care and watch of any thing doe diligently observe it αὐακῶς ἔχειν: for which Kings perhaps are called ἄνακτες, as keepers of their people. [b] The Scholiast of *Euripides* teaches us that ἄναξ properly signifieth a Saviour. So *Pan* is said to be Αναξ Κυλλήνης, *the Tutelar God of Cyllene.* And *Apollo* in [c] *Homer.* χείσης ἴφι ἀνάσσειν. The word is simply put for God in [d] *Aristophanes*, [e] τοὺς ἓν θεοὺς Ἀνακλεῖς καὶ Σωτῆρας Καλοῦμεν. To these may be put *Harmodius* and *Aristogiton. Lycus. Theseus. Alon. Hesychus. Aristomachus* the Physitian. *Celeus* and *Metanira.* And many more (of whom see [f] *Meursius*) made of men, as *Silanion* and *Parrhasius* that made the statue of [g] *Theseus.*

a Plut. Thes. p. 11. l. 25.
b In Hippol. p. 507.
c Iliad. a.
d In Avib. pag 578.
e Eurip. Sch. p. 507.
f In Athen. Att. l. 3. c. 1. & 7
g Plut. in Th. p. 2. l. 14.

C A P. IV.

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

Minerva the especiall deitie of the *Athenians*, had the Festivals called *Panathenæa*, of which you may fully read in [h] *Meursius.* Next to her *Ceres* and *Proserpina*, whose rites *longe maximis & occultissimis ceræmoniis continentur*, [i] saies *Cicero*, were greatest and most hidden; therefore called *mysteria* from [k] μυεῖν, to hide; [l] 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 [p] *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

h In Panath.
i In Verrem. 5.
k Nonnus ad Naz. σπλ.
l Vide Plut. in Alcib.
m Cap. 7.
n Aristop. Sch. p. 85.
o Arist. p. 222.
p Idem p. 123.
q Clem. Alex. p. 1. 9.
r Vide Æsch. in Eumen. & Sch. Sophan. Oed. Col.

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

[a] In Theogonia.
[b] Paus. p.27. l.3
[c] In Eumen. p.275.
[d] Aristop. p.228.
[e] Loco citato.

> [e] χὦ νυκτίσεμνα δεῖπνα ἐσ' ἐρᾶρα πυξὶς
> Ἔθυον ὤρᾳν ὑδρεὶς κοινὰ Θεῶν.

Scholiast: ἐν δὲ τῷ μεσονυκτίῳ μόναις Εὐμενίσιν ἀπάρχονται. By [f] *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 tearmed [g] νηφάλια μειλίσματα) the mouthes and ears of which are to be covered with the wool of a young sheep, turning himself towards the East, he powred out some of two of them, but the third wholy; then with both hands setting thrice nine branches of Olive on the place where he cast his χοὰς, he uttered his conceived supplications. Other sacrifices they had as shall bee shortly spoken. [h] *Hecate* was worshipped by them in *triviis*, where three wayes met, supposed to be the Moone in heaven, *Diana* on earth, and *Hecate* below. [i] 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 [k] *Penia* in *Aristophanes* complaines, that they snatcht it before it could be laid downe. Reference to this hath Ἐκατεῖα κατεδίειν, to eat the cates of *Hecate*, in [l] *Demosthenes*, which he seems to object, as a sordid or wicked thing. Indeed βωμολόχος, which signifies one that privily taketh away any of the sacrifices from the Altar, imports somtimes *impious*, βωμολόχος ἀσεβής. *Schol.* * *Aristoph.* And yet the same Scholiast tels us that the needy sustained themselves by the sacrifices. [m] καὶ τῶν ἱερῶν δὲ οἱ πένητες ζῶσιν. *Junoes* rites were

[f] In Oedipo. Col. p.271.
[g] Æschylus loco præd.
[h] Vide Interp. Hor. in illud Diva triformis
[i] Aristoph. Sch p.63.
[k] Pag.64.
[l] In Orat. περὶ τῶν χόνων. p.693. n.59.
* In Nubes p.176.
[m] In Plut. 63.

were performed in great pomp with haire over their shoulders and down the back, in a vesture that swept the ground, their armes bedecked with glorious bracelets, their paces so minced, that [a] Ἡραῖον βαδίζειν, *Junoninum incedere*, is to go stately. *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 beleeved him to have stolne out of heaven. To say more of their Gods were needlesse, either for you to read, or me to write. More they had, among whom *Pan* was of a latter making, introducted by [b] *Philippides*, and [*] Σφραγιτίδες Νύμφαι. *Sphragitides Nymphæ*, after the *Persian* overthrow.

a Vide Schottum in Proverb. Isaacum Casaub. in Athen.l.12. c. 5.p.388.
b Cl.Alex.p.22
* Plut. Arist. p.240.l.30.

CAP. V.

Θεοὶ Ἀυθήλιοι. Ἑρμαί. *Phacasiani Dii.*

THE *Athenians* before their dores erected statues which they called [c] θεοὺς αὐθηλιοὺς, because they were exposed to the Sunne. Neither had they these alone, but certaine others sacred to *Mercury*, named from *Hermes Herma*, *Mercurials*. The fashion of them was divers. For first they were not ἀνατετραμμένοι, *porrecto veretro*, but made after to that forme by the *Athenians*, who received it from the *Pelasgi*, as [d] *Herodotus*. Neither did they want legs, untill the *Athenians* made them ἀκώλους, according to [e] *Pausanias*. The manner was this, *A face of Mercury set upon a pillar of foure corners*. The head only and neck were shapen, and therefore it was called *truncus Hermes*, [f] *Juvenal*,

Nil nisi Cecropides, truncoq; similimus Herma.
Nullo quippe alio vincis discrimine, quam quod
Illi marmoreum caput est, tua vivit imago.

For which reason likewise the *Greeks* name them [g] ἀγυιὰς, without limbs. On the lower part of them were certain verses engraven, containing the praises of some well deserving men;

c Vide Hesychium & Dionysium Petavium in Themistium.
d In Euterp. p.48.
e In Atticis p.22.l.14.
f Sat.8.v.52.
g Vide Ulpian.in Dem. p.332. & G. Langbaine in Notis ad Longinum. ἀφόδυλος.

men; but the *Hermæ* 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 Ἑρμῆς Στοὰ 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 χύτραις ἱερεῖς may be said to sacrifice with that which costs but little. [a] *Aristophanes.* Χύτραισιν, ὥσπερ μεμαθήκαμεν Ἑρμίδιον; *Schol.* Ἑρμίδιον, ἀπὸ τοῦ εὐτελές. *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* alludes, saying, ---καὶ γὰρ θεοί. Γνώσει δ' ἀπὸ τῆς χειρῶν τε καὶ ἀγαλμάτων. Ὅταν γὰρ εὐχώμεθα διδόναι τἀγαθά. Ἕστηκαν ἐκτεταμένα τὼ χεῖρ' ἀνωτάτω. Οὐχ ὡς πιθώσιν· ἀλλ' ὅπως τι 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 Phacasiani*, from φακασία, a kind of low shoos which the *Athenians* called κοτίπεδας, from κόνις, dust, and πέδις, the foot, because they were neare the ground. διὰ τὸ πελάζειν μοι δοκεῖν τῇ κόνει τὸ πέδιλον, saies [c] *Clemens Alexandrinus.* But more sure I am that they were pictured with them on their feet. [d] *Juvenal.*

Hic aliquid præclarum Euphranoris & Polycleti
Phacasianorum vetera ornamenta Deorum.

a Pag. 693.

b Concion. p. 747.

c Pæd. l. 2. c. 11 p. 152.

d Sat. 3. v. 217.

CAP.

CAP. VI.

De Superstitione Atheniensium, & vaticiniis.

LOng since were the *Athenians* taxed by the Apostle for superstition, which though it properly signifies [a] a worshipping of the Gods too much, yet under it these follies are comprehended. Purification after fearfull dreames, in [b] *Aristophanes* ὄνειρον ἀποκλύζειν. In which sense some understand *Persius. Noctem flumine purgare.* Wearing of rings against witchcraft as a spell, called [c] δακτυλίους φαρμακίτας. [d] Spitting into their bosomes thrice at the sight of a mad man, or one troubled with an *Epilepsie.* Of which also *Theocritus,* τεὶς εἰς ἐμὸν ἔπτυσα 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 πτύειν is put for καταφρονεῖν and ἐν ὀδενὶ λόγῳ θέσθαι to contemne or set little by, as the [f] Scholiast of *Sophocles* on these words, πτύσας ὡσεὶ δυσμενῆ. Washing with water the head as often as hee shall goe into the streets κατὰ κεφαλῆς λέσασθαι, [g] *Theophrastus.* Anointing of stones, divers it seemes from those heaps sacred to *Mercury*, termed Ἑρμάκες. This hath beene of old. Done indeed as a token of thankfulnesse by [h] *Jacob* in *Bethel*, where he tooke 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 [i] *Terence. Introiit in ædes ater alienus canis. Anguis per impluvium decidit de tegulis. Gallina cecinit.* Put to these a [k] Cat or Weesell (the word signifieth both) crossing his way, the Mouse 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 Ranis p. 274. vide & Æsch. in Persis.
d Aristop. Pl. p. 88. f.
e Thoph. Ch. p. 49.
f Antigonen.
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; ὀφθῆναι μνήματα. Furthermore observing of daies good & bad, of which [b] *Hesiod*, ἄλλη μὲν τε γυνὴ, ἄλλη δ' μήτηρ, that one is a stepdame, another a mother. [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*, ὠνεῖται ὠνησίμβροτος. Of the vertue I speake nought. [e] *Boemus* relates that in *Darien* in *America* the women eat an hearb 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] πταρμὸς ἐκ δεξιῶν. Observation of Διοσημείας, 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 *Cephissus*. Marking the flight of the owle, whence came the proverb, [i] γλαῦξ ἀπέπτατο, *The Owle hath fled.* And γλαῦξ ἵπταται for good lucke, the Owle being a token of victory to the *Athenians*, [k] ἡ πτῆσις τῆς γλαυκὸς νίκης σύμβολον τοῖς Ἀθηναίοις ἐνομίζετο. 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 Σαλαμῖνι γὰρ ταύτης ἀθεθείσης θαρρήσαντες Ἕλληνες ἐνίκησαν. Other madnesse of theirs was sleeping in the [l] Temple of *Æsculapius*, who were ill at ease, supposing the deity to give, or shew them a remedy, [m] for which in gratulation they were wont to offer him a cock. If I mistake not. What shall I say of [n] putting him to death who should cut downe an Oake or an Holme (so *Ilex* which in Greek is πρινίδιον may be taken, I thinke it an Holme) in the *Heroum*; And punishing *Atarbes* capitally who being distracted

a In Hip. p. 603. vide etiã Eustath. in Ιλ. π.
b ἐν ἔργοις καὶ 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 Paus. Att. p. 35. l. 31. vide Eust. in Il. B.
i Aristop. Vespis. p. 508.
k Zenobius.
l Aristop. pp. 44. 66. T. 438.
m Petronius.
n Ælian. ποικ. l. 5. c. 17.

feed had slaine a sparrow sacred to *Æsculapius*? Thus far have we gone. Let us proceed to their vaticinations or prophecyings. *Æschylus* brings *Prometheus* on the stage, vaunting how first he taught men * Ονειροκριτικόν· Οιωνιστικόν· Ηπατικόν· Θυτικόν. All which were practised among the *Athenians*, as you may read in [a] *Xenophon*. Ονειροκριτικόν, *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 *Atossa* 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 tearmed ἐνύπνιον ἰδεῖν, *Æschylus*, ascribing much to the truth of them, supposing them to be sent from a Deitie--καὶ γὰρ ὅταν ἐκ Διὸς ὄζῃ. [b] *Homer*. The skill in them is ἐξ ὀνειράτων δ' χρὴ παρ' γνῶναι, κληδόνας τε δυσκείτους (γνωείζειν) to truly tell the event; which was no small art, certaine bookes written of that subject. [d] καὶ εἰσὶν ἔγγραφοί τινες τέχναι ὀνειροκριτικαὶ, as *Artemidorus* his *Onirocritica*. Οιωνιστικόν, *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. [c] *Æschylus*, Γαμψωνύχων τε πτῆσιν οἰωνῶν σεσῳῶς διώσειν· ὅτι τινὲς δεξιοὶ φύσιν, Εὐώνυμοί τε, ἢ δίαιταν ἡσύχα Εχουσ' ἕκαστοι, καὶ πρὸς ἀλλήλους τινὲς Εχθροί τε καὶ σέρστηθεα καὶ σωτηρίαι. It was formerly stiled, [f] οἰωνοϊστικὴ, ἀπὸ τῆς διανοίας προτιζομένων ἀνθρώπῳ ὑπὸ τῶν σημείων) which the minde doth suggest to the opinion. It is put for any divination in Greek writers, but most properly ὀρνεοσκοπικὴν, which [g] *Telegonus* is related to have found according to *Nonnus*, but according to [h] *Plinie*, *Car*, whence it is called *Caria*, Ηπατικὸν, looking into the Liver or entralls, like the Latines *extispicium*, observing the colour of them, [i] λοβοῦ τε ποικίλων εὐμορφίαν; as likewise the soundnesse, hence taken as a prodigie λοβὸς ἐκ ἔχων κεφαλῆς, in [k] *Plutarch*, the extremitie of the liver (like the outmost parts of the vine leafe, saies *Isider*) not to be seen, or rather that which they call the head,

* Vide Scli. pag. 32.
a Απομνημ. a. initio.
b Iliad. 1.
c Æsch. Pro. p. 33.
d Eust. in Il. a. p. 36.
e Pag. 33.
f Aristides. T. 3. p. 25.
g Nonnus. Σωαγ. l. 5. a. oβ.
h Nat. hist. l. 7. c. 56.
i Æsch. loco citato.
k Pag. 357. l. 31.

Ovid, casumq; caput reperitur in extis. Θυπκὸν, in marking the flame of the sacrifice burnt, [a] φλογωπὰ σήματα, the Tragœdian calls them, by which they could foretell events. More doubtlesse had they wayes of witchcraft, as the other Greeks. Ἐνόδιον, as when one shall meet you carrying such or such things then this shall befall you. [c] *Æschylus* termes them ἐνοδίους συμβόλους *Sch.* τοὺς ἐξ ὑπαντήσεως. See *Scaliger* in *Tibullum*, on these words *Puer è triviis.* The Scholiast of [b] *Aristophanes* on ξύμβολον ἔξνιν, 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 εὐφήμους σέμα φέροντ' ἐν θεῷ, wishing luck, as χαῖρε among the Greeks, and the Latines [d] *Esto bonis avibus visus &c.* Σύμβολον is put likewise for sneesing, or the conjecturing at them. *Sternutamentum* being accounted a Deitie by the Romans, but sacred to [e] *Ceres*, as the Greeks, whence proceeded that Ζῆσεια, 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 *Casaubon* on *Athenæus.* Οἰκοσκοπικὸν, 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. Χειροσκοπικὸν, Palmistrie, when by the length of the hand, or lines of the table, they can judge of freenesse in housekeeping, of mariage & posterity, of which [g] *Helenus* once left a monument. Πεγωσικὸν, 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. Ἐγγαστριμυθία, 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 [h] *Athenians* was *Euryoles*; hence they who are possessed with this spirit of prophecying are called Εὐρυκλῆς, *Euryclitæ*, as the [h] *Schol.* of *Aristoph.* who calls this art [i] Εὐρυκλέους μαντεία, *the divining of Euryoles.* Νεκυομαντεία, where after solemn sacrifices they were wont to call up the soules

a Æsch. loco citato.

b In Av. 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. 503.

i Ib. 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, & comederunt sacrificia mortuorum*, to which they sacrificed, and at whose sepulchres they fed, against whom the Scripture inveyghing & 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 γοήτεια from γόος lamentation; by *Wierus* termed *diræ execrationes*, [e] for with great mourning they invocated κακοποιὸς δαίμονας, wicked gods for the accomplishment of their divelish designes. 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 witnesse. This is supposed to be the good Magick. [i] Ἐπίκλησις ὅτι δαιμόνων ἀγαθοποιῶν, ὡς ἀγαθὸν τινος σύστασιν 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. Κοσκινομαντεία. Tricks with a paire of sheers and sive, of which *Theocritus.* [k] Ἀξινομαντεία. To take councell 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. Ἀστραγαλομαντεία, by the casting of the dice to aske the number of wives, children, farmes, &c. which answer to the quantity of the chance. [l] Ἀλφιτομαντεία & Ἀλφιτομαντεία, done by corne, [m] Ἀριθμομαντεία, 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.* Ὀρνιθομαντεία, making a circle they divided it into four and twenty parts,

a De magis Inf. l.2.c.11.
b Dæmonomaniæ l.2.c.3.
c In Avib. P. 613.a.
d Lib. λ.
e Nonn. in Naz.
f Vide Bodin.
g Vide Non.
h In Procœm.
i Nonnus.
k Vide Odys.
l Vide Theocrit. in Phar.
m Delrio Disqui. 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. Σπυριομαντεία, opening a book of *Homer*, and by the first verse that they lighted upon to divine, as that of the death of *Socrates*, who so foretold it, meeting with that verse of *Homer*, which speakes of the arrivall of *Achilles* within three dayes at *Thessaly*. [a] *Et quoniam poemata provaticiniis, &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 Delphicæ*, for foretelling or divination. [b] I know the the Priest of *Apollo* being inspired with a kinde of holy fury spake to those who asked counsell. Whence the word [c] μαντικὴ at this time read for Soothsaying, was anciently called μαντικὴ madnesse. 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 κλῆρον δὶ χεῦται 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 ἀερομαντεία 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 Plut.

c Arist. id. T. 3. pag. 25.

d In Hippol. p. 580.

e In Il. a. p. 6.

CAP. VII.

De Templis & Asylis.

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

first originall of their Temples was the erecting of an edifice to the honour of the deceased [a] νεὼς γὰρ ἐυσήμως ὀνομαζομένος, πάφος ἢ γαμμένος, τετέστι τοῦ τάφου νεὼς ἐπικεκλημένος. *Cecrops* buried in the *Acropolis*, *Erictbonius* 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 ἔξω περιῤῥαντηρίων the other ἔσω. [b] *Casaubon* tells us that περιῤῥαντηρίων was that holy water set at the dore of the Temple, with which every one that entred 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. Νεὼς, quoth hee, is the place where the Altar stands. Βωμὸς the Altar on which they offered their oblations, Τέμενος, where they placed the Idoll which they worshipped; in ancient time a rude table or stock [d] σανὶς *Clemens Alexandrinus* calls it, as that of *Juno Samia*, afterward made in the Magistracy of *Procles* to be a statue. At first named [e] ξόανα, διὰ τὸ ἐξεῖσθαι τῆς ὕλης, from the shaving of it; but when art began to bee so expert to make it resemble a man, they termed it βρέτας, from βροτὸς *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 thankfulnesse for their first food [f] εὐχαριστήρια ἐπενέμοντες τῆς πρώτης διαίτης For as much as I conceive out of *Pollux*, they prayed not where this was consecrated, or did divine honors, but in the ἱερῶ or ναῶς, the body of the Church, framing, as may bee gathered, their gesture towards it. [g] Αὐτὰ δὲ τὰ θεραπεύοντα, ἀγάλματα, ξόανα, εἴδη θεῶν, &c. Furthermore belonging to their Temples there was a kinde of Vestry, in Greek Ἀρχεῖον 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. c. 7.

b In Theop. Charact.

c In Oed. Tyrannum.

d Protreptice p. 23.

e Idem.

f Schol. Arist. p. 115.

g Lib. 1. c. 1. num. 7.

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 shamelesly 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 θεῖφεγμα 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 Pytheum*, or if there were more, in the plurall number. Κρεῖττον ἦν αὐτοῖς ἐν τῷ Πυθίῳ ἀποπατῆσαι. 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 trespasse 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 *Heraclide*.

[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.

CAP.

CAP. VIII.

De Sacerdotiis.

OF holy orders among them I conceive to have been divers sorts, Παράσιτοι, *Parasiti*, a word had in latter times in great derision, exagitated almost in every Comedy, put for a shark or smell-feast,[a] *Edax Parasitus*. But held once in good esteem. For when they had set aside such a parcell of land as they thought the revenews thereof would suffice for the sa-the of such and such Gods, they chose certain men who should receive or gather the harvest.[b] *Crates*, ὅτι ὅλη τῶν τῶν ἱερῶν σίτου ἐκλογὴν αἱρούμεθα. With the incomes of this were the charges of those publique sacrifices defraied. Hence πρόσοδα μεγάλα *Introitus magni*, great yearly substance, is used for great sacrifice in[c] *Aristophanes*. Scholiast. οὕτω δὲ ἔλεγον τοὺς παρὰ μόνοις τοῖς θεοῖς θυσίας Κήρυκες. *Ceryces*, the same signifies a cride, but in sacred functions a Minister, who slew and offered the *victim*. [d] *Anthenio* the Comœdian ascribes much honour to them, as if they had first taught men to eeth victuals, the flesh of sheep and oxen, while before they devoured each other raw. They take their names from[e] *Ceryx* the sonne of *Mercury* and *Pandrosus*. But[f] *Casaubon*, ἀπὸ τοῦ Κρείττονος. *A præstantiore parte numeris quod obibant, sic dicti. Idem namq; & hostias mactabant, odolebant q;, &c.* They in the time of divine rites craved the silence of the people in these words, Εὐφημεῖτε. Σιγᾶ πᾶς ἔστω λεώς. Be whist all yee people. Good words, for so[g] 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 ἄφεσις. To which custome he unfitly looked who derived the Masse from *Missa est, ite*, better fetcht in my minde by[h] *Wechelius* from *Masath* the Hebrew which availes as much as to praise. Μυσταγωγοὶ, the same

a Terent.

b Scoli. Arc. Dialecti. apud Athen. p.235.

c Avib. p.581.

d Apud Ath. l.14 p.661.

e Vide Salm. in Inscripti. Pollucem. l. 8.

f In Athen. lib.15.c.23.

g Casaub. in Theophrast. p.321.

h In lib. quem scripsit de Sacrament.

same with [a] Ἱεροφάντης, who intiated them who desired to bee admitted into the society of the superstitiously zealous (who after they were entred, were not under a yeare compleat, permitted to see the Bible) [b] *Schol. Naz.* Ἱεροφάντης ὅθεν τὸ τὰ ἱερὰ ἀναφαίνειν. *Hierophanta* so called from ἀναφαίνειν τὰ ἱερά, opening the holy things. Εἰσὶ δὲ οἱ Ἱεροφάνται. [c] The learned Bishop upon that place of *Nazianzene*, notes that *Moses* among the *Israelites* was an *Hierophanta*, shewing unto them what they were to do in those sacred businesses. Πυροφόροι, they who lighted the fire of the Altar, whose office made them safe in war and danger. Hence of bloody fight we say ὁ δὲ πυροφόρος, *Ne ignifer quidem*, there escaped not he that served at the Altar. Ἱεροποιοί, The Priests in the *Great Mysteries*, tenne in number. Νεωκόροι whom [d] *Nicander* calls ζάκοροι from [e] κορεῖν τὸ καθαρίζειν, to bee decent, because they kept the Temples cleane and swept them as *Ion* in [f] *Euripides* speakes. These were the ναῦλακες, 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. Ἱερεῖς in [h] *Aristophanes* likewise termed πρόπολοι. These are the Priests ever waiting on the Gods, [i] whose praiers 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 stomack did share. Well known to [m] *Aristop.* who relates the like of the Priest of *Æsculapius*. It was requisite to this function that they who undertook it should be sound both wind and limb, they being asked ἀκρελής before their creation, whether they were whole in every member; which ceremony to have beene used among holy orders of latter daies is well known, their neighbours

a Meursius Eleusin. in c. 13.
b In Steph. p. 63.
c L. Mountac. of Chichester.
d In Alexaph. p. 144.
e Aristop. Sc. p. 125.
f T. 2. p. 621.
g In polit. c.
h In Plut. p. 71
i Casaub. in Theoph.
k Arist. p. 481.
l Arist. p. 101.
m In Plut. p. 71

neighbours wives bearing record, saies [a] *Christianus*, that they have not taken into their societies *quid mutilum*. There were moreover shee Priests as the Βασίλισσα, in *Demosthenes*, and the Κωνεόφοροι, whom in all things [b] *Dionysius Halicarnasseus* compared to the vestall Nunnes.

a In Aristoph.

b Antiq. l. 2. n. 3.

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 ἀπαρχαι, from whence ἀπαρχεσθαι is read generally to do any sacrifice. Neither doth ἀκροθίνια import lesse. For [c] θὴ signifies the bend, or great chest of the garnet, wherein they laid up the harvest thresht & winnowed; ἄκρον, 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 ἔκκριτα ἱερεῖα, 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] σεσαρκωμένων ἡμερῶν ἀριθμὸν, the number of them is not set down. I take ἁγιζόμενον here to abstain from carnall delights, *Tibull. Discedite ab aris. Quos tulit hesterna 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. Being thus prepared they came and stood round the Altar, having with them a basket in which was the knife hid (covered

c Vide Schol. Eur. in Phœn. p. 291.

d Plut. p. 65. l. 26. they called their leane sacrifices κόρρατα καὶ γόρρεον hornes and haire, as if naught else, Arist. p. 524.

d Demosth. pp. 400. 476.

with flower and salt, in [a] *Aristophanes* ὁλαὶ. in [b] *Homer* ἐλοχύτας) with which they cut the throat of the *victime*. Then they purified the Altar going about it with the right hand towards it. [c] *Aristophanes* Περίειδι τὸ βωμὸν τὰ χέρας ὀδὶ δεξιά. 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 νέμειν was forbidden him whom they took for a polluted and forlorne rogue.) Then they cast some of the flower on them. And having thus expiated, they cried out, [f] Τίς τῇδε; *Who is here*, to which they made reply, Πολλοὶ καὶ ἀγαθοί. Many and good. Then they praied. [g] *Homer*, Ἐξείης ἕστηκαν εὐδμήτῳ ἐπὶ βωμῷ. Χερνίψαντο δ' ἔπειτα, καὶ ἐλοχύτας ἀνέλοντο, Τοῖσιν δ' Κρῆθεν μεγάλ' ὄμβρεε χεῖρας ἀνασχών. Among the latter they spake with a loud voice εὐχώμεθα, before they began, *Let us pray*. Supplications ended they drew the victime so as (if it were to the Gods above) the head might looke upwards, which [h] *Homer*, αὖ ἐρύειν. *Eust.* εἰ μὴ τοῖς ἄνω ἔδυον, ἀνακλᾶν τὸν ἱερεῖα πρὸς ὕψος, ὥστε ἀφορᾶν, ὡς εἰς τὸν οὐρανόν. If it were to the *Heroes* or Demi-gods, with his throat downwards. Then they slew him & skinned him, & cutting out the *huck shinbones and hanch, they covered them with fat, which is called κνίσσα (hence the Gods of the heathen are deciphered by [i] *Nazianzen*, κνίσσῃ χαίροντες, rejoycing in the fat) to the end that they might burne all out in a great flame. [k] Διὸ καὶ πᾶσαν ὁλοκαυτοῦσθαι τοὺς μηροὺς λαμπρῷ καταφλεχθέντας πυρί. For the Grecians accounted it unluckie if it did not so consume, and thought that it was not καθιέρωται. upon the μηροὺς they cast small peeces of flesh cut from every part of the beast, beginning with the shoulder (which is in Greek ὦμος) hence this is called ὠμοθέσιον. The reason *Eustathius* gives, [l] ὡς δοκεῖν κατὰ τοὺς παλαιοὺς, ὅλα ἔστω τὰ μέρη τοῦ ἱερείου καρπούσθαι, 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

[a] In pace. p. 695.
[b] Ἰλ. α. with these ἐλοχύτας the *Greeks* 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] Ἰλιαδ. α.
[h] Ἰλιαδ. α.
*Μηρία.
[i] In Stel.
[k] Eustath. p. 101. Ἰλ.
[l] Loco laud.

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] Τῶν ῥῴ ἱερείων πολὺ ἧσσον ἱερέων τὰ κρέα ἐπιδιδόασι, saies *Theophrastus*; where [b] *Casaubon* notes, *Coxam ferè offerebant, aut intestina, aut aliud non magna rei persæpe.* 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 πολάγχνα, for though the word be taken for the bowels, yet it signifies the heart too, in which sense we say ἄπολαγχνος ἀνὴρ, a pusillanimous man, & εὔπολαγχνος a couragious, as the [c] Scholiast of *Sophocles* teaches us. & so πολάγχνος ἔλεος, 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, Ἑστίᾳ δύειν, 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' Ἑστίας ἄρχεσθαι to be taken, but this was done in *Libaminibus*, in their drinke offerings, as he on [d] *Aristophanes*. As for their meat offerings it was required that they should be [e] sound and without blemish, whether it were an oxe, sheep, goat, swine, calfe: to sacrifice they simply termed θύειν, which our Latines have interpreted fitly, *Facere*. [f] 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 θυλήματα meale, which by the richer was mingled with oyle and wine, as the [h] Scholiast 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. περὶ Ἀπελευθερίας.
[b] Pag 336.
[c] In Ajacem Lorarium.
[d] Vide p. 582.
[e] Vide Pollucem. l. 1.
[f] In Bucolicis.
[g] Casaub. in Theop p. 237.
[h] Pag. 701. D.
[i] Pag. 378.

a Schol. Arist. p.304.

their oblations the μάγειροι or cooks gave the 10 part to the *Prytanes*. So ἀδεκατοῦτος, put for ἀσία where the Gods cannot have their allowance. Schol. *Aristop.* on ἀδεκατοῦτος τῶν θεῶν ἱερὸς ἔχοντα κοιλίας. Εὐς ὃ ἔιχον τὸς δεκάτας τῶν δυωδεκάων τοῖς Πρυτάνεσιν οἱ μάγειροι διδόναι. ἀδόνῃ ὃ ἔιπεῖν ἀδεκάτοῦτον ἔχοντα ἀσίαν, &c.

CAP. X.

De Anno Attico.

THE ancient Greek yeare consisted of three hundred & sixtie daies, each month consisting of thirty. Rude antiquity ignorant of celestiall contemplations, deeming the Moon to finish her course in that space. Which according to b *Petavius* seems false. *Lunaris enim non fuit, sed ejus menses tricenis diebus constabant singuli.* By which reckoning, had they not used intercalations, they had soone found a maine difference in the times, when they ought to have celebrated their festivals. They made therefore a *Tetraeteris*, in which when they found seven daies deficient, they supplied them by adding * 2 to every end of the year, called ἀπαρχοι ἡμέραι, c *cò quod per illud biduum Athenæ Magistratibus carebant*, because for those two daies *Athens* was without Magistrates. But the last of these foure had but 359 daies, besides the two ἐπιβάλλεται, in respect to the Olympick games, ever kept in the *Olympick* games, ever kept in the * full Moone, which could not have happened, had they began the *Tetraeteris* with a new Moone. Nevertheleſse the Sunne and Moone appearing 14 daies oddes in a *Tetraeteris*, they made every eight yeare an interjection of one Moneth, that this time being ended, the course might still returne the same. This all *Greece* observed, saies *Petavius*, by the *Athenians* termed μυσήρια, by the people of *Elis* an *Olypiad*. What kinde of Lunary yeare was in use among the Grandfires of *Greece*, is not

b De Doct. Temp. l.1.c.1.

* Negat Petitus Miscel. l.8. p.192 Petav. affirmat.

c Mr. Selden in Apparat. ad Græco Epoch. Chro.

* *id.est*, The fifteenth day

a De D. Tem. T.1.p.4.

not truly knowne; by [a] *Petitus* 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: *ἰταῦ Tetracterida fecerunt.* This consisted of 5445 D: 723 & 722 make 1445. So many daies 354. foure times doubled hath, if you pleate to adjoyne 29. Of this sort of calculation doth he understand [c] *Geminus*. Τὰς μὲν ὡς τριακοσθημέρους ἦσαν, καὶ ὃ ἐμβολίμους παρ' ἐνιαυτόν. *That must be sitly understood,* quoth hee, *for they did number the Months as if they were* 30 D: *when notwithstanding they had but* 29. [d] *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 [e] *Geminus* you may account 29. $\frac{1}{2}$. $\frac{1}{31}$. and [f] *Ulpian*, εἰκοσιεννέα ἡμέρας 29. And yet are we not destitute of authority, that a Moneth was supputed 29 D. [g] *Theon.* Μῆνα δὲ λέγομεν, τὸν ὑπὸ σελήνης καὶ Ἡλίου χρόνον ὅτε σελήνη, ὃς ἐστὶν ἡμερῶν κθ. But that the fragments were left out, the words are plaine, Ἐπὶ δὲ τῶν πάντων ζωόδεν ἡμέραν ἀνάγει, τὴν ἐν τῇ νυκτὶ καὶ ἡμέρας χρόνον. Τοῦτο δὲ πρὸ μιᾶς ἐχρῶντο πρὸς τὰ τῶν πολιτικῶν ἡμερῶν διαγραφὰ καὶ νῦν ἔτι χρῶνται πολλοὶ τῶν Ἑλλήνων. *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 yeare. But the scruples comming short in sixteene yeares 3 D: they intercalated three. And seeing still they could not make it even, [g] *Euctemon* and *Philippus* made an Almanack for nineteen yeares, which by *Callippus* was produced to 76 Moneths 940. of them 28. ἐμβόλιμοι, ἵν' ὃ πάλιν τῶν ἐμβολίμων ὁμοίως ἐχρήσαντο, saies *Geminus*. This was the progresse of their reformation.

a Eclog. Chr. p. 225. Petavius goes not to home. Lib. de Doct. Temp. 1. c 6.

* Each of these two years severally taken was called *vertens*, joyned *annus magnus*.

b Loco laud.

c Elem. Astro. c 8. p. 36.

d In Auctario e Loco citato

f In Arg Orat. contra And. p. 380.

g In Arati Diosem. p. 74.

h Geminus p. 38. Whom I follow. Not ignorant that *Meton* was the first that made the Cicle of 19. yeares. Hence Μέτωνος ἐνιαυτός. *Metons* 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 CCCLIIII, when they made their months interchangeably πλήρεις καὶ κοίλους, *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 *Synalæpha* or contradiction of the words νεμηνία. The second δευτέρα. The eight διχομηνία, or halfe full: the full πανσέληνος. The last τριακὰς, [b] ἀπὸ αὐτῆς τοῦ συμβαίνοντος, 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] οἱ ἐν ᾅδου τριακάδες, 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 nevertheleſse that the yeare might be correspondent to the Sun, they put five daies, called ἐπαγόμενοι epacted, to the last Month *Scirrophorion*, 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 [f] *Aratus* stiles μέσαν ἐνιαυτόν. To this point the Greeke Authors, telling the years by seed time. [g] *Sophocles*--Ἐιλομένων Ἀρότρων ἔπος εἰς ἔτος. For the ancients, saies [h] *Theon*, took the yeare three waies, either by the Sun, or seasons; as spring, summer, autumne, winter, [i] (*Sophocles.* Ἐξ οὗ τὸς εἰς Ἀρκτοῦρον ἐμμένοις χρόνους Χειμῶνι δ' ἥδη--) or thirdly, by the Moon; whose irregularity *Solon* is reported by [k] *Plutarch* first to have marked. Observing therefore that she on the same day overtooke and surpassed the Sun, [l] τῇ αὐτῇ ἡμέρᾳ καὶ καταλαμβάνουσαν καὶ παρερχομένου τὸν ἥλιον, he caused that to bee called [m] ἕνη καὶ 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 Laertius 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 Laert. in vit.

the precedent Month, and that remnant which was after the conjunction, appertaining to the subsequent. (These peeces [a] *Aratus* calls σωιόντων Μωνῶν πέρατα) 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 μὲ φθίνοντ' μίνὸς, τῷ δ' ἱσταμένοιο. Where we may note that then they had no μεσοῦντ', but counted from one to twelve in the *ordinall numbers*, used by [c] *Demosthenes* in one Oration, ἑνδεκάτῃ and δωδεκάτῃ Ἑκατομβαιῶνος. Then putting the lesser to the greater they said τρίτῃ ὑπὲρ δέκα, τετάρτῃ ὑπὲρ 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 δεκάτῃ φθίνοντος, ἐννάτῃ, &c. *the tenth of the decrease, the ninth of the decrease*, and so to the twenty nine, δευτέρᾳ φθίνοντος, *the second of the decrease, or from the end*, going lower in number stil, as the splendor of the Moon was diminished, but the thirtieth they call'd ἕνη καὶ νέα for the cause above. Here likewise they take the reason why the Moneth ending was φθίνων [d] Ἐπεὶδὴ φθίνειν ὥσπερ καὶ φθείρεσθαι δοκεῖ τὰ φῶτα. Because the daies and Moons doe as it were die, according to that of *Horace*. *Νουᾶς pergunt interire Lunæ.* [e] *Macrobius, quid aliud nisi illum* φθίνοντα *dicit, cujus paulatim deficientis supputatio in nomen desinit secuturi: & ἱστάμενον illum, qui præcedit numerum successurus priori in defectum meanti.* Ἱστάμενος standing to supply the place of the departing Moneth; fixed and still waiting untill the Moone shall have journied to the compleating and ending of the precedent time. Thus the last day of our lives is said to stand. *Virgil,* [f] *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 μῆνας καὶ πόλιν ἄγειν, to count the Month as they do, who manage politick businesses, or belonging to government. In which course they made their yeare of CCCLIIII daies, which divided into ten parts make ten times

a In Diosem. p. 125.
b Ὀδυσ. ξ. pag. 164.
c Contra Timocratem. p. 446. n. 39.
* Vide Plutarch. loco nuper laudat.
d Ulpian in Dem. p. 210.
e Macrobius Sat. l. 1. c. 16.
f Æneid. 10. p. 330.

times 35, which space each [a] πρυτανεία ruled in its turne, the foure that abounded were called ἀρχαιρεσίαι, in which they chose Magistrates, being for that time destitute of them. The yeare thus disposed, the Moneths must of necessity be πλῆρες καὶ κοῖλοι *cavi & pleni*, as [b] *Geminus*. Οἱ δὲ περὶ τὸν πολιτικὸν ἀγῶνα ὁλοσχερέστερον λαμβανόμενοι μηνιαῖοι χρόνοι εἰσὶν ἡμερῶν κθ', ὥστε τὸν δίμηνον γίνεσθαι ἡμερῶν νθ, ὅθεν διὰ παντὸς τοῦ αἰῶνος οἱ καθ' ἡμᾶς μῆνες ἐναλλὰξ ἄγονται πλῆρες καὶ κοῖλοι. διὸ τὸ τοῦ Σελήνου δίμηνον ἡμερῶν ξθ νθ. If a Moneth have 29 D: ½, two have 59. Because therefore the two halfes might bee made one whole, they so ordered it that now it should bee 29 D. then 30 D: The *Athenians* counted their day from the setting of the sun on this day, untill the going down of the next. In respect to which [d] *Nicander* may be thought to say of noon sleep,--ἀμφέπερθε δύδειν. *To take rest at the beginning of the even.* I know that the Ancients wrought but six houres in the day. [e] *Martial*, *sexta quies lassis septima finis erit.* Which [f] *Eustath.* affirmes in his Commentary on *Homer*. And therefore Z H Θ I. were the notes of the 7,8,9,10. houres, which joyned make Ηὖδι, as if they should have said to the Laborers *Rest*. The beginning of the yeare was [g] *Hecatombæon*, *July*, the eight, saies [h] *Petitus*. They ever accounting that to be the first Moneth. In which order I have found them set downe in a [i] Manuscript in our publique Library, only *Mæmacterion* is to be put above *Pyanepsion*.

a Argum. Or. Dem. contra Androt. pag. 380.

b Elemen. Astronom. p. 31.

c Macrob. l. 1. Sat. 3. Plin. nat. hist. l. 2. c. 77.

d In Theriac.

e Lib. 4. Ep. 8.

f In Il. ad ἀγαθὸν καὶ νυκτὶ πθέαζ.

g Casanb. in Athen. p. 931

h Chronol. Eclog.

i In 4. num. 24. p. 264.

Roman.	*Macedon.*	*Hebrew.*	*Ægypt.*	*Hellen.*	*Athenian.*
Ιανουάριος.	Αιγόκερως.	Σάβαρ.	Τυβί.	Λυναῖος	Εκατομβαιών.
Φεβρουάριος.	Υδροχόος.	Αδαρ.	Μεχείρ.	Πεείχιος.	Μεταγειτνιών.
Μάρτιος.	Ιχθύες.	Νισάν	Φαμενώθ.	Δύστρος.	Βοηδρομιών.
Απείλλιος.	Κρίος.	Ιάβ.	Φαρμεθί.	Ξανθικός.	Πυανεψιών.
Μάιος.	Ταῦρος.	Ψιθοναὶ	Παῶν.	Αρτεμίσιος.	Μαιμακτηριών.
Ιούνιος.	Δίδυμος.	Θαμαί.	Παυνί.	Δαίσιος.	Ποσιδεών.
Ιούλιος.	Καρκῖνος.	Αβ'.	Επεί.	Πάνημος.	Γαμηλιών.
Αὔγουστος.	Λέων.	Εὐλ.	Μεσορί.	Λῶος.	Ανθεστηριών.

Sept.

Σεπτέμβριος.	Παρθένος.	Θεοῖ.	Θυσία.	Γοργπιός.	Ἐλαφηβολιών.
Ὀκτώβριος.	Ζυγός.	Μυρσιών.	Φαωφί.	Ταῦρος.	Μουνυχιών.
Νοέμβριος.	Σκορπίος.	Χαλιβ'.	Ἀθυρί.	Δίος.	Θαργηλιών.
Δεκέμβριος.	Τοξότης.	Τιβηθ'.	Χοιάκ.	Ἀπόλλων.	Σκιροφοριών.

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 [a] *Petitus* will have it, *Epiphanius* contradicting, of which by and by. Indeed when the Christians in honour of their Easter began the yeare in April, they called April *Hecatombæon*, as [b] he himself 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 yeare from *July*, to the seventh of *October*, it is like that they began at *Mæmacterion* according to this [c] rule.

a Echog. Chr. p. 214.

b Loco laud.

c Ex M.S. Bibliothecæ Bodleianæ in 8.n.8.

Μαιμακτηριών.
Ποσειδεών.
Γαμηλιών.
Ἀθεσηριών.
Ἐλαφηβολιών.
Μουνυχιών.
Θαργηλιών.
Σκιροφοριών.
Ἑκατομβαιών.
Μεταγειτνιών.
Βοηδρομιών.
Πυανεψιών.

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

d Vide Petav. in Epiphan. p. 138.

Ulpian on *Demosthenes* parallels *Hecatombæon* to [a] *January*, and in the Oration for *Ctesiphon*, to *March*, and again to [b] *April*. [c] *March* he calls *Boedromion*, which also he interprets [d] *June*. *Elaphebolion* [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 Cæsar* they were changed to conforme their year to the *Julian*, they [k] thus numbred:

[a] Pag. 27.
[b] Pag. 163.
[c] In Olynth. 3.
[d] Pag. 148.
[e] Pag. 140.
[f] Pag. 167.
[g] Pag. 120.
[h] Pag. 167.
[i] Eclog. l. 1. c. 6. p. 213.
[k] Vide Petav. in Epiphan. pag. 139.

Menses Attici.	*Menses Juliani.*
Ελαφηβολιών.	*March.*
Μουνυχιών.	*April.*
Θαργηλιών.	*May.*
Σκιροφοριών.	*June.*
Εκατομβαιών.	*July.*
Μεταγειτνιών.	*August.*
Βοηδρομιών.	*September.*
Μαιμακτηριών.	*October.*
Πυανεψιών.	*November.*
Ποσειδεών.	*December.*
Γαμηλιών.	*January.*
Ανθεστηριών.	*February.*

But of this, so much only. Wee must handle their Lunarie yeare because according to them were their feasts kept. From whence sometimes they would count, as [l] ποσῶν καὶ ὅσον 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.

[l] Aristoph. p. 106. c.

Hecatombæon. July.

1 ΠΡΩΤΗ ΙΣΤΑΜΕΝΟΥ. ΠΡΥΤΑΝΕΙΑ ΠΡΩΤΗ.
2 Τείτη.
3 Τετάρτη.
4 Πέμπτη.

5 Εκτη.

5 Εκτη.
6 Εβδόμη. * Καθιδρυθεῖσα Θησέως Δωρεᾶς. Kept in memory of
7 *ΟΓΔΟΗ the return of *Theseus* out of *Creet*, after he had
8 Ενάτη slaine the *Minotaure*. [a] *Plutarch*. The solemni-
9 Δεκάτη. tie [b] *Ovid* seems to describe. *Nullus Erechthidis*
fertur celebratior illo Illuxisse dies, &c. the eight
day of every Month was sacred to him. He had
also a festivall called *Theseia*, in honour of ga-
thering together the dispersed people of *Attica*
10 πρώτη μετοικεσίου.
11 Δωδέκατη. ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Α.
12 ΤΡΙΤΗ. ΚΡΟΝΙΑ. Of these, as also of the day, speakes
13 Τετάρτη. [c] *Demosthenes*. Then did the Masters wait on
14 πέμπτη. their servants; as in the Roman Saturnalls.
15 * Εκτη. [d] *L. Accius. Maxima pars Graium Saturno, &*
16 Ἑβδόμη. *maxime Athenæ Conficiunt sacra, quæ Cronia*
17 Ογδόη. *esse iterantur ab illis, Cumq; diem celebrant, per*
18 Ενάτη. *agros, urbesq; fere omnes Exercent epulis læti, fa-*
19 Εικάς. *muloq; procurant Quisq; sucs.*
20 Δεκάτη φθίνοντος. ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β. Hence was
21 Ενάτη. this Moneth called by the ancient *Athenians*,
22 Ογδόη. Κρόνιος; afterward *Hecatombæon*, from
23 Ἑβδόμη. ἑκατομβαῖα, sacrifices to *Jupiter* or *Apollo*, as
24 Εκτη. some thinke with the bloud of an hundred
25 πέμπτη. beasts: For so were they profuse in their sacri-
26 Τετάρτη. fices. [e] *Ovid. Taurorum sanguine centum.*
27 * ΤΡΙΤΗ ΠΑΝΑΘΗΝΑΙΑ. [f] The Scholiast of *Homer*
28 Δωδέκατη. sayes that *Hecatombe* may be used for five and
29 Ενη καὶ νέα. twenty beasts, whose feet make up the num-
ber of an hundred, ἀπὸ τῆς ἑκατονταβάσεων, ὅ ἐστιν ἐξ εἰκοσιπεντε-
ζώων.

a In vita p. 12.
b Metamorph. l. 7. Fab. 23. Vide illum diligenter. Nam erit operæ pretium.
c Pag. 486. contra Timocratem.
d In Annalib. vide Macrob. Satur. l. 1. c. 7. versus finem.
* Then were kept the Μετοίκια in memoriall of their transmigration. Plut. p. 8. l. 9. By some it is termed Ξωοίκια Aristop. pag. 700. Plut. initio Them. l. 12.
e Metamorph. l. 12.
f In Il. α. pa. 6.

* To *Minerva* the protectresse of their city, as hath been before said, instituted by *Theseus*, as [g] *Plutarch*. καὶ παναθήναια θυσίας

g In vita p. 8. l. 8.

συσίαν ἐποίησε κοινήν. At first they had the name Αθλίαα by *Erictbonius*, or *Orpheus*. In the time of solemnization there were rare shews exhibited to the people, such as horse races, wrestling, dancing in armour, called Πυρρίχη, from *Pyrrhus* that invented it; Then carrying in procession the *Peplus*, or robe, in which was wrought the fight of the Gyants. All which you may read in [a] *Meursius* at large, and [b] *Aristophanes* his Scholiast.

a In Panathenæis.
b Pag. 140 197. 180. 181. 467. 580 650. 746.

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

Metagitnion. August.

From the sacrifices of *Apollo*, called Μετοικήτια.

1 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.
2
3
4 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.
5
6
7 ΠΡΥΤΑΝΕΙΑ ΔΕΥΤΕΡΑ.
8
9
10
11
12
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16
17 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Α.
18
19
20
21

22
23
24
25
26 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β.
27
28
29
30

* *Boedromion.* September.

1
2 ΝΙΚΗ ΕΝ ΠΛΑΤΑΙΑΙΣ. When *Pausanias* and *Aristides*
3 overthrew *Mardonius, Xerxes* his Generall neare *Plataæ,*
4 a citie of *Bœotia,* [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 *Cynægirus* pursued the
9 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ. flying enemies to their ships,
10 he caught hold of one with his
right hand, which lost, he made
11 *Χαριστήρια Ἐλευθερείας. use of his left; that cut off, hee in
token of his prowesse spared not
12 his teeth, to the eternizing of his name for valour a-
13 gainst his enemies.
14 *ΑΓΥΡΜΟΣ ΜΥΣΤΗΡΙΑ.
15 * In thankfulnesse for the delivery of *Greece,* at what
16 time *Darius* and his Fleet went homeward. [b] *Aristides*
17 describes the joy at full, and the erecting of an Altar
18 to *Jupiter* that freed them.
19 * The greater in which they were made [c] ἐπόπτοις, or
20 admitted to the sight of that they worshipped. The first
21 day was called ἀγυρμὸς, perhaps from the conflux of the

* From this moneth came the feasts *Boedromia,* from *Thesius* overthrowing the Amazons. Plut.p.2. or *Ion* helping the Athenians against *Eumolpus.* Βοηθρομεῖν to aid because in necessity they made a cry. Aristophan. Βοὴν ἱστᾶσι. Lucian. ὅπῃ καλεῖσθαι. Latini *Quiritari,* 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] look on *Meursius* for brevities sake, 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. 262.264.516. Aristid.T.1. p.323.Clem. Alex.in Protrep p.10.

22 * ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ.Α. people. The second ἁλαδε μυσαι, because the Crier then
23 warned them to goe to the sea. The third day they sa-
24 crificed a Barble,because it devours the sea hare,an ene-
25 mie to man. The fourth, two Oxen drew a basket, re-
26 presenting *Proserpine* gathering flowers, which wo-
27 men following cried χαῖρε Δήμητερ, Haile *Ceres*. The
28 fift they ranne with torches. Hence λαμπαδηδρομία,and
29 λαμπάδων ἡμέρα. The sixt *Baccus* was carried in pomp. Hence is it termed ἴακχος. 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 ὑέ, the other to the ground, saying, πκῦε. Thus *Meursius*. That day was πληωοχόη.

The second of this Moneth was left out ever, saies [a] *Plutarch*, instead of which some are perswaded, the name only was omitted, as τεσσάρτη for τέτη, which was recompenced by ἐν δεκάτῃ φθίνοντος, or ἰσαυθὸς as in a defective Moneth δεκάτῃ φθίνοντος, for the the twenty. Of this judgement is the [b] *worthy Petavius*.

[a] Sympos.Q. l.9.q.6. & in l. περὶ φιλαδελφίας.p.331.
[b] Lib. de doct. Temp 1.c.5. p.11.D.
* Mæmacterion is to be inserted here.

* *Pyanepsion.* October.

This Moneth took denomination from the feasts *Pyanepsia*. For mingling the remainder of their food after their ariving, 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 ΠΥΑΝΕΨΙΑ. 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 *Minotaure*, hee
9 would sacrifice unto him a pot of sodden beans. Hence
10 πυανέψια, as it were κυαμέψια. For the antiques called
11 Ανοσδς ἐις τὰ θεσμοφόρια. [beans πύαμος.
12 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.
13

14 ΘΕΣΜΟΦΟΡΙΑ. [a] *Plautus* calls this festivall *vigilias*
15 *Cereris*, which the *Attick* Dames 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 gave lawes first, as shee is tearmed
23 Δημήτηρ θεσμοφόρος. Of these you may read [b] *Aristophanes*
24 and his Scholiast.
25 * Απαθεια. 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 Δορπία. The se-
29 cond Αναρρυσις. The third, Κρεῶπις. The fourth, Επίδοσα.
30 ΚΑΛΚΕΙΑ. In honour to *Minerva*, [c] *Meursius* tea-
ches us that they were celebrated the 17 of this Moneth, but *Petitus* hath thus placed them.

a In Aulularia

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

c Græcia Feria. l. 1.

Mamacterion.

Mæmacterion. November.

This Moneth is to be placed before *Pyanepsion*, 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 *Bœotians*, nay and *Greeks* send yearly some to sacrifice to
18
19 the memory of those that died at *Platæa*, 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 Mæmactes*: for I suppose they
24 first found Gods, afterwards festivals to them. Not the
25 Months first, and then named the Gods from them.
26

a Pag. 242.

27

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29

Posideon. 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 Ποσιδῶνος ἡμέρα. [a] In Theoph. Char. ult.

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3
4 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Α.
5 ΛΗΝΑΙΑ. *Dionysia* τὰ κατ' ἀγρούς. Without the citie. It seems when they had gathered in vintage
6 and pressed their grapes. Ληνὸν *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*. ὀπηλαία
9 χαίρων. On which words [c] *Conradus Rittarshusius* takes
10 Λωναιὼν to be *January*. [b] Κυνηγ. α. v. 127. [c] Pagina 18.
11
12
13 ΚΥΡΙΑ 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 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.
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26 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.
27
28
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 *Lycophron*. That moneth wherein this people coup-
4 led, hence is called *Gamelion*, from Γάμος, *nuptiæ*. 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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28 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.
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Anthesterion. February.

1
2 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.
3
4
5 ΠΡΥΤΑΝΕΙΑ. Ζ.
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11 ΑΝΘΕΣΤΗΡΙΑ. Kept in great mirth for three daies in the honour of *Bacchus*. The first Πιθοίγια, Of this you may see Aristoph. p. 293. 417. 419. 422. 222.
12 from πίθος the tubs, and οἴγειν, to open, for at the broa-
13 ching of their vessells they drunk stiffely. The second
14 Χοαὶ from *Chus*, a good capacious vessell. In this he that
15 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ. could drink down the rest of his companions had a The day was called χύδοι likewise, but not in the sense spoken.
16 golden crowne. The third χύτρα, I suppose different
17 from χύδοι. From this festivall the moneth is named,
18 The twelfth of which *Dionysia* in *Limnis* were kept,
19 called μεγάλα & ἀχαιότερα. The 13th were acted Comœ-
20 dies, begun the 3d yeare of the 93 Olympiad, when
21 *Callias* was *Archon*. But after they were taught as [a] *Do-*
22 *nat* and [b] *Ulpian* witnesse, and [c] *Aristophanes*, ὅτε πᾶσθαι
23 σωτρέχει ὀπὶ δυμῶν τὰ κωμικὰ δράματα βλέπειν, saies one.
24 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β.
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[a] In Terent. p. 289.
[b] In Demost. p. 184.
[c] Pag. 143.

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Elaphebolion. March.

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4 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.
5
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7 Θυσία Ἀσκληπίειον. ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.
8
9
10 ΠΡΥΤΑΝΕΙΑ. Η.
11
12
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15
16 Διονύσια τὰ κατ' ἄστυ.
17
18
19
20 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Α.
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29 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β.

[a] Contra Ctesiphont.

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

Munychion.

Munychion. April.

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10 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.
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13 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Α.
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16 Μυνύχια. Πρυτανεία ἐνάτη. *Munychia* were observed
17 to *Diana*, who was so cal-
18 led, and had a Temple in *Munychia*, by *Athens*.
The Moneth beares the name. In this Moneth were
the causes of strangers judged, [a] *Arist. Sc.*
19 ΔΙΑΣΙΑ. To *Jupiter Meilichius*. The greatest day
that the *Attick* route was kept in. See of
20 this[b] *Aristophanes* and [c] *Eustathius*.
21
22
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26 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Α.
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a Avib.p. 609.
b Pag.150. 174. Ismen.& Ism.l.2.

Thargelion. May.

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5 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β.
6 Θαρδήλια. 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 more
13 properly καθάρματα & φαρμακοὶ,[b] *Aristophanes.*
14
15 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.
16
17
18 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.
19
20 ΒΕΝΔΙΔΕΙΑ. To *Diana*, who by the *Thracians* is named Βένδις.
21 ΠΑΝΑΘΗΝΑΙΑ ΜΙΚΡΑ. Not much different from the greater. See *Meursius.*
22 ΚΑΛΛΥΝΤΗΡΙΑ. ΠΡΥΤΑΝΕΙΑ. Ι.
23
24 ΠΛΥΝΤΗΡΙΑ. *Petitus* places it on the 24 day, others will have it the 25. To *Minerva*,
25 on which they take off the ornaments of her statue,
26 and wash it I suppose, [c] *Plutarch*, [d] *Xenophon.*
27
28
29

a In Equites pag.353.
b In Ranis.
c Pag.152.
d Ἑλλω.α. p.257.

Scirrophorion.

Scirrophorion. June.

ΣΚΙΡΑ. To *Minerva*, from σκίρον, a Canopie, under which her Priests did walke in pomp at that time: or from the statue of *Minerva* found in *Scirus*. [a] *Schol. Aristoph.*

ΒΟΥΦΟΝΙΑ. It was not lawfull anciently to kill an Oxe: wherefore when one had slain that beast eating the meale provided for the sacrifice, hee slew him and fled, in memory of which this day was kept. Afterward they did mitigate the Law, and gave licence to butcher an Oxe, so that hee was not for the plough. To which [b] *Juvenal* may allude. *Ut vetulus bos Qui domini cultris tenue & miserabile collum Præbet, ab invito jam fastiditus aratro.*

ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.

ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.

Πρυτανεία. ἡ φυλὴ πρώτη, &c.

Where *Petitus* makes the foure first Tribes to governe each his day, on those foure that abounded above the yeare, * *Sigonius* seems to agree, and * *Manussacus* approves

a Pag 497.

b Satyr. 10. v. 268.

* Athen. Rep. l. 2. c. 3.

* In Notis ad Harpocra.

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.

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

CAP. XI.

De Tragœdiâ, Satyricâ, & Comœdiâ.

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 [c] *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 writen, impolisht, and in the first rudiments not so neat & trim, as in processe of time they were made. For Poesie 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 witnesse 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 κῶμος, *commessatio*; [e] κωμάζειν, signifying μὴ μέδυς αἰχρῶς ἄδειν, to sing basely at the cup. Secondly, from κῶμα, 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

a Vid. Can. Chro. ad Gr. Epoch. Mar. Arund. p. 97.
b Hermog. de Eloq. Meth. p. 561. c. 33. Eustath. in Præf. ad Iliad.
c Tract. de Trag. & Comœd. præfat. Terentio.
d Marmo Arundel. & ad ea. Seld. C.L. Præfixa etiam Aristophan. περὶ κωμῳδ.
Sch. in Naz. Stel. C. p. 106.

the night season into the streets, and with a loud voice cry such and 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 κώμη, 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 vicos & compita ex omnibus locis læti, 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 ἀσκωλιάζειν from ἀσκὸς a skin and ἅλλεσθαι, to leap[d] *Aristophanes.* Ἀσκωλιάζ' ἐν τοῖς τῶν ἀθεῖαν. [e] *Virgil* hath fitly set it out.

Non aliam ob culpam Baccho caper omnibus aris
Ceditur, & veteres ineunt proscennia ludi:
Præmiaq; [f] ingentes Pagos & compita circum
Thesceidæ posuere: atq; inter pocula læti
Mollibus in pratis unctos saliere per utres.

After *Susarion*, sprang up *Thespis*, the first that made Tragœdies, which by *Horace* are termed, *Lachrymosa poemata*, 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 Tragœdies we mark

a Donatus de Tra. & Com.
b Idem ibid.
c In synopsi vitæ Aristop. Th. Magister.
d Plut p. 108.
e Geor. 2. p. 71
f Isa. Tzetzes in Proleg. ad Poetas, interpretes κώμας, μέσας χωρίας
g In Epictet. p. 95.
h Ælian. Var. l. 2. c. 11.

that such as *Atreus*, *Thyestes*, and *Agamemnon* are slaine; 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 Tragœdie of him, who prayed that nothing proper to a Tragœdy might happen to him; meaning sorrow and lamentation. For so is Τραγῳδία used, as [a] Κωμῳδία for joy and mirth, and glee conceits. The first Tragœdie that *Thespis* taught was that of *Alcestis* repriving her husband from death by her owne, as [b] Mr *Selden* hath conjectured. This *Thespis* was forbidden by *Solon* to act his Tragœdies, as [c] αἰωφελῆ ψευδολογίαν, a fruitlesse lying. *Horace* of him thus speakes:

Ignotum tragicæ genus invenisse camœnæ
Dicitur, & plaustris vexisse poemata Thespis.
Quæ canerent agerent q̃ peruncti fœcibus 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! [d] *Franciscus Lusinius, Uticensis* is of opinion that *Thespis* carried his scene upon cars: and *Acron*; That the *Chorus* carried about in waines acted Tragœdies. *Chori plaustris circumducti tragœdias agebant.* [e] 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 ὑποκριτὴς, intimating a Poet. Οἱ ἀρχαῖοι ὑποκριτὰς, &c. The ancients, saies [f] *Ulpian*, called the Poets *Hypocritas actors*, which we now terme *Tragœdi*, 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 *Nazianzen*. Of the manner in those ancient times, * *Plutarch* shall thus informe you. Ἀμφορεὺς ὅλος καὶ κλήματος, &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 [h] *Dionysius Halicarnassæus*;

a Atten. l. 3. p. 90.
b Ad Marm. 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.
* περὶ φιλόπλου p. 343.
h Antiq. Rom. l. 7.

ſeus; or were wont, as the [a] Schol. of *Nazian.* to raile upon each other, whence πομπεύειν, 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 [c] πομπεία, a ſcandall or reproach, ὕβεις, λοιδορία. Whence likewiſe came the Greek proverb, [d] ὡς ἐξ ἁμάξης λέγειν, *tanquam ex plauſtro loqui*, and [e] ὡς ἐξ ἁμάξης ὑβρίζειν, *tanquam ex plauſtro 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 fæce*, with the dregs of oyle, ſaies *Donat.* or of wine, (for ſo I interpret τρύγα) from which Poets by [f] *Ariſtophanes* are called τρυγοδαίμονες, *Horace--Perunctis fœcibus ora.* Sometimes would they put on vizards, [g] which leaſt they ſhould hurt the head, were defended from the skin with a wollen cap, named πιλίδιον. A word elegantly uſed by [h] *Demoſthenes*, in a Metaphor drawn from the liberty and impunity of the perſons that wore it. Οὐκ οἴει δίκαιον δώσειν πληκτῶν καὶ ποσθάτων ἀδικημάτων κἂν πιλίδιον λαβὼν δῆτ' τοῦ κεφαλοῦ. Thinke not to eſcape ſcot-free for ſuch villanie, 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 Tragœdies; ſo called, as *Donat.* tels, becauſe (leſt there ſhould be rewards wanting, by which good wits might be ſtirred up to write, and men incouraged to get them tunable voices *ad dulcedinem commendationis*) they gave the Actors a Goat. *Caper namq; pro dono his dabatur.* τράγος is a Goat, and ᾠδὴ a ſong. *Horace, Carmine qui Tragico vilem certavit ob hircum.* Before that time ſome ſay that *Epigenes* the *Sicyonian* made Tragœdies, but the moſt received opinion is this which *Horace* hath ſet downe of *Thespis.* Before him there was no art of poeſie 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 Eloquentia, c. 2. p. 519.
[c] Dem. pro Coron. p. 134.
[d] Schol. Ariſt. p. 142.
[e] Ulpian in loc. cit. Dem.
[f] Nubibus p. 141.
[g] Ulpian. in Dem. p. 254.
[h] De falſa Legatione.

ly to *Bacchus* (and so afterward, when Actors are called, Διονύσου τεχνῖται, and τεχνῖται, simply by [a] *Demosthenes*, by *Donat. Artifices*. The word is used for Juglers, and such as *Hokus Pokus* in [b] *Theophrastus*) they would feast, and afterward scoffe and deride each other, which grew afterward 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 αὐτοσχεδιάσματα, as they terme them, in [c] *Virgils* language, *versus incomptos*, [d] *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 [e] *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 πρὸς Διόνυσον, whence our proverbiall adverb is fitly used ἀπροσδιονύσως, for nothing to the purpose. But to give content to the people, the Satyres did *Præludere*. 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 [f] *Horace*.

a Orat. παραπρ. p. 242.
b Charact. vi. Casaub.
c Georg. 2.
d Casaub. de Sat. Poesi l. 1.
e Casaub. ib.
f De arte Poet.

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

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

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 Dramatis interjectas Satyricas fabulas.* Of this I say *Thespis* was the first inventer, who likewise to ease the *Chorus* ([b] 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 δευτεραγωνιστὴς, *Sophocles* his τριταγωνιστὴς, a word put for an obscure & base fellow in [c] *Demosthenes, Ulpian,* ὡς ἀδοκιμώτατον τῶν ὑποκριτῶν, speaking of *Æschines*, if I remember, *Tully* calls them Actors *secundarii & tertiarum partium.* [d] *Ut in actoribus Græcis fieri vidimus, sæpe illum qui secundarum & tertiarum partium, cum possit aliquanto clarius dicere, quam ipse primarum, multum summittere, ut ille princeps quam maxime excellat.* 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 τῆς πόλεως γραμματέα ἀναγιγνώσκειν τοῖς ὑποκρινομένοις, οὐκ ἐξεῖναι δὲ αὐτοὺς ὑποκρίνεσθαι. And to this purpose by a Law of *Lycurgus* 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 διδάσκειν the plaies of *Æschylus* after his death. I put the word διδάσκειν, *docere.* Because Tragœdians as well as the Comœdians were said εἰς διδαχὴν τῶν πραγμάτων ἐργαζόμενοι, 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 repræsentationem fecerit antiquitas. Cum non mores tantum ab utrisq; emendari, ac prudentiam conferri, sed & scripta antiquissima, & formas Reipublicæ, ac vitam magistratuum, cum summo spectatorum fructu,*

[a] P. 129. de Sat. Poesi.

[b] Lacis. p. 220

[c] 184.

[d] In divinat.

[e] Plutarch in vita X Rhet. p. 452. B.

[f] Juxta finem.

[g] Heinsius Proleg. ad Aristarchum Sacrum.

in Comœdia examinari, factiones 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] διδάσκεται, *docetur fabula*, and διδάσκειν, *docere*, as sometime διακύειν, 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 σκηνογραφίαν. the painting of the Scenes; which some thinke *Horace* to aime at, when he saies, *Modicis instravit 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 πολλὰ καινουργεῖν, 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 σκηνογραφίαν 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] Sr *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] Διονυσιακοὶ Κριταὶ, and [g] Κριταὶ ἐπὶ Διονυσίῳ, 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 Casaub.
b Pag. 270.
c Lib.10.
d T. Magister.
e In the defence of Poesie.
f Heinsius in Proleg. ad Aristarchum sacrum.
g Æschines cont. Ctesiph.

cause when he had brought the Reliques of *Theseus* out of *Scyrus*, *Apheepsion* 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 *Cimons* service. And yet in judgement upon Tragœdians, the number might be so great. For there seems to be a difference between the Judges of Tragœdies and Comœdies. The number of Tragick Judges, grant we haply to be such as we speak the power incontrolable, as from whom there was no appeal to others. [b] *Cum neq; provocatio ab iis esset, neq; de quibus illi judicarent, magistratus cæteri sententiam pronunciarent.* The Comick Judges were in number but five, from whence came the Greek proverb, [c] Πέντε κριτῶν ἐν γόνασι κεῖται. *sub quinq; judicibus lis est.* The [d] Scholiast of *Aristophanes* speaks somewhat uncertaine. Judges, quoth he, passe censures upon the Comœdians, & 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- Ἑνὶ κεῖσθαι 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, ἀναστήσαντες τοῦς κριτὰς ἄνωθεν Ἀριστοφάνει, ἀλλὰ μὴ ἄλλον γράφειν, saies [e] *Ælian*, and commanded the Judges to write *Aristophanes* uppermost (as the fashion was,) which [f] *Aristophanes*

a Plut. Cimone 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 cals πρωτεύειν ἐν πινακίοις, 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 tertiisve 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.*

Ὀμνυμὶ ὅπῃ τύπτοις πᾶσι νικᾶν τοὺς κριτὰς
Καὶ τοὺς θεατὰς πᾶσι-- Where the Scholiast interprets ὄμνυμι truly as it is to be understood, δέομαι, 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 hisse them, which they terme κλῶζειν and συρίττειν, sometime stamp them out of the Theater, which they call πατροκοπεῖν, by [c] *Pollux* interpreted ἐδώλια καὶ πέτραις κατακρύειν. 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 Iudges 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 Iudges of Tragœdies and Comœdies. But of this, Reader, your 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 * ἐκπίπτειν, by [e] *Casaubon* interpreted *non stare*. The time of exhibiting their Tragœdies, 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 write 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 Cresiph.p.98.

e Heinsius Prolegom. e Sat. Poesi.

f Platone pag. 220.

with more plaies then one. *Mos autem Tragicorum Græcorum fuit Athenis, ut modo singulas committerent fabulas, modo plures*, saies [a] *Casaubon:* Sometime in the same yeare three, and then was it called τριλογία, sometime foure, and then they stiled it τετραλογία, [b] Τὰ δὲ τέτταρα δράματα ἐκαλοῦντο 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, Ἀγαμέμνων. Χοηφόροι Εὐμενίδες. 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. Dictys.* The fourth was Θυεστὴς, saies the Author of the argument to *Medea*. Where the interpreter seems to me not to reach to the expression of the Greek word Θυεστὴς, Σάτυρος; *Messores, Satyros*; he ought to have rendred it thus, *Messores, Drama Satyricum*. For that the word beare this sense 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 στοῖχοι foure, each στοῖχος six men, in Tragœdies fifty, untill the time of *Æschylus* his *Eumenides*, the number of which so terrified the people, [d] 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 στοίχους, and ζυγὰ Ζυγὸν was when the *Chorus* entred by three, and then it was called κατὰ ζυγὰ πορευόμενος, by file. Στοῖχος, when they came on the stage in rank five at a time; and this they terme κατὰ στοῖχος Sometime one of them entered alone, which they say καθ' ἕνα. Of interlocutors the ancients for the most part never had above three; but if a fourth spake, that they named ὑποκρίσεις; and if the *Chorus* supplied the part of a fourth actor, it was stiled παρασκήνιον. To speak of the severall verses of Tragœdies, is *actum agere:*

[a] De Satyrica Poesi p. 131.
[b] Laertius Lib. citato.
[c] Lib. laudat.
[d] Author vitæ Æschyli.

and I had rather speak of the action, then the art in composing & yet not much, only this of their motions, termed στροφαὶ and ἀντιστροφαί. Στροφὴ, saies the Scholiast of *Pindar*, is a turning from the right hand to the left, in analogie to the motion of the universe τοῦ παντὸς, 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. Ἀντιστροφὴ 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 discomfeit of the[a] *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 *Susarion* (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

[a] Plut. in fine vitæ Niciæ.
[b] Plut. in vit. Resp. Pauf. Atticis p. 18.
[c] De arte Poetica.
* Grammat. ἡ παλαιὰ ἐξαιτῆς 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 Comœdy *Baptæ*, and ſo drowned. Nay there was a law enacted not [a] ὀνομάζειν Κωμῳδεῖν, to name any whom they wrote that Comœdy of. Of which *Horace*,

-- Sed in vitium libertas excidit, & vim
Dignam lege regi. Lex eſt accepta, Choruſq;
Turpiter obticuit 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 diſpleaſe the great *Macedonian*, they changed the Argument of their plaies, and inſteed 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: [b] ſometimes ſcoffing on the ſtage at mean men, and this they termed Νέα Κωμῳδία, the new Comœdy. But afterward it was a piece of the *Athenian* policie to forbid that the people ſhould be toſſed on the ſtage, unleſſe they would themſelves, ſaies [c] *Xenophon*; knowing that none were wont to be brought thither but the wealthier ſort, πλούσιοι, γυναῖκες, δυνάμεις. 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 Tragœdy 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] *Æmilius 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, [e] where they nayled ſcaffolds to a black poplar tree. For in ancient

a Hermog. Partiti p.76.

b Donat. Generaliter ad omnes homines qui mediocribus fortunis agunt, &c.

c Athen Rep.

d P. æfatione ad vitas. p. 2.

e Meurſ. Attic. Lect. l. c. ult.

ancient time they had no Theater of ſtone, only of wood, which they call ἰκρία.[a] *Ariſtophan.*

--Ἀπὸ τῆς ἰκρίων
Ὑποκλέπτουσ' ἡμᾶς--

[a] Theſmoph. p. 787.

Theſe were built by ſome, who upon ſome conſideration of money admitted any to a ſeat, named therefore [b] Θεατῶται. 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] Δραχμὴν χαλῶπα; becauſe at the eſtabliſhing of it, there fell haile.) This money they called θεωρικά, from θεωρεῖν, becauſe with it they did θεωρεῖν, 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 mony, 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 ἐπὶ θεωρικῷ. But afterwards *Apollodorus* ſtrove that in warre and publicke neceſſity, theſe ſummes might be imployed 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 [e] *Demoſthenes* deſiſt, willing, yet not daring to perſwade to convert the money to the uſe of the Army. But ſee the folly of them! [f] 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 effœminate, and ſo put their necks under the *Macedonian* yoake.[g] *Juſtin* of the death of *Epaminondas*. *Siquidem amiſſo, quem æmulari conſueverant, in ſegnitiem torporemq; reſoluti, non ut olim in claſſem exercituſq;, ſed in dies feſtos, apparatuſq; luderum, redditus publices*

[b] Caſaub. in Theoph. p. 245.

[c] Zenobius.

[d] Cont. Leocha. p. 617. n. 50. 51.

[e] Olynth. 1. p. 7.

[f] Lacon apud Plut. Mor. p. 421.

[g] Lib. 6. fine.

publices effundunt: & cum auctoribus nobilissimis, poetisq; theatra celebrant, frequentiùs scenam, quam castra visentes. Versificatores Oratoresq; meliores, quam duces laudantes. Tunc vectigal 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 [a] βελευτικὸν among which it is probable the Judges had the first place, as [b] *Pollux*. The seats for the youth were called Ἐφηβικόν. 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 Λαιός. There was moreover a Table called Πίνακες, on which before the time of *Thespis* some body ascending in the Poets place, did answer the *Chorus*. [c] *Plutarch* thinks Θέατρον to be derived from Θεὸς, because that before the building of Theaters the ancients embracing *Musick* 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, ἄγραφοι καὶ ἔγγραφοι. Ψήφισμα. Προβούλευμα. *De sanciendis Legibus.*

AS [a] *Justin* hath been too forward in relating the mutation of the *Athenian* government, passing by the perpetuall and decennal 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 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 (τοῦτ' ἔνων) αὐτὸς μόνον ἄρχειν πολέμου καὶ νόμων φύλακα κατεστήσας. 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 *Agathyrsi*, a people neare to the *Scythians*. Whence afterwards the rules

a Lib. 2. p. 27.

b Arist. Plut. pag. 67.

c In Theseo p. 8. l. 2.

d Problem. μ. θ. τρ. κή. fol. 189. b.

rules of Musick, for the true keeping of time, singing, & playing, are supposed to bee called Νόμοι. Neither may it bee 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 Musitians of old prescribed, for the tuning of voices or instruments, lest they should be confounded; and therefore he calls it, οἰκείαν τάξιν. [c] *Idem.* Νόμοι δὲ προσηγορεύθησαν, ἐπειδὴ οὐκ ἐξῶν παραβαίνειν καθάπερ νενομισμένον ἕκαστος τὸ τάξει. The *Greekes*, saies [d] *Cicero*, thinke the cause of this word, *jus suum cuiq; tribuendo*, intimating νέμειν, 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, *Nullæ civitati leges tunc erant, quia libido regnum pro legibus 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 [f] hundred and ninth *Olympiad*. His Acts, saies [g] *Ælian*, were called θεσμοί. Καλοῦνται δ' ἐκεῖνοι θεσμοί. Now θεσμὸς, by [h] *Ulpian* is interpreted νόμος ἀπαγορευόμενος τοῖς δεῖ νομοθετεῖν. A Law giving in precept how to make a Law. And yet [i] *Aristotle* calls them νόμους, giving them this commendation, that they are not worth remembrance, but for their great severity. Which gave occasion to [k] *Herodicus* to say, that they were not the Laws of man, ἀλλὰ δρακόντος, in a double sense of the word which is also put for a Dragon. And [l] *Demades*, that they were not written with black, but bloud. For he punished every peccadillo almost with death, those that were convicted of idlenes, or stealing of pothearbs, alike the sacrilegious and man-slayers. Wherefore were they made of none effect by *Solon*. For he abrogated all, except those which concerned murther, intituled ΦΟΝΙΚΟΙ ΝΟΜΟΙ. Him succeeded * *Solon*, a man so well tempered, and equall betwixt the Commons and the Peers, that he was beloved of both

a Vide Alypium in Isagoge Musica.

b In libro de Musica.

c Loco citato pag. 437.

d De leg. lib. 1. fol. 16. b.

e Loco laudat.

f Clem. Alex. p. 226.

g Variæ hist. l. 8 c. 10.

h Arg. orat. con. lepti.

i Polit. 2. c. 10.

k Arist. Rhet. l. 2. c. 44.

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

* Demosth. p. 70.

* His lawes continued 100 years, sayes *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 punishment.

both, having still a care, lest while he should side with one, he might displease the other. Whom, for his uprightnesse, [a] *Juvenal* stiles *Justum*, and for the care of the Republique, which [b] *Demosthenes* averres he had in all his Lawes, [c] *Aristophanes* termes, φιλόδημον, a lover of the people. [d] *Plato* brings him learning his Laws from a *Barbarian*: And [e] *Plutarch* tells us that he travelled afterwards into *Ægypt*. But it seems by [f] *Ammianus Marcellinus*, that in the making of his laws he had the approbation and judgement of the *Ægyptian* Priests. *Et Solon adjutus sententiis Ægypti Sacerdotum, latis justo moderamine legibus, Romano quoq; Juri maximum addidit firmamentum.* [g] *Diodorus Siculus* relates two things brought from thence to the *Athenians* by him. First, that all the *Ægyptians* 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 satisfie 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 Σεισάχθεια· so called from Σείειν, to shake off, and ἄχθος, 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 accessary to the injuries of some, who having an inkling of his intent, borrowed much

a Sat. 10. v. 11. 274.
b Κατὰ Ἀριστ. pag. 390.
c Pag. 190.
d In Timæo.
e In Solone p. 66 l. 31.
f Lib. 22.
g Bibliotheca.
h Initio vitæ Solonis.
i In Solone p. 62. l. 8.
k Plutarch. p. 62.
l Androtio.
m Loco laud.
n Pag. 62. fifteen saies Polyzetus Rhodius.

much money with hope of never making restitution.[a] *Casaubon* is conceited, that this was not his first exloit, but long after he had sate 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 [b] Σεισάχθεια 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 [c] πόρνας, ἑταίρας; φόρυς, σωτάξας; φυλακὰς, φρουρὰς τῆς πόλεως, δεσμωτήριον οἴκημα, &c. as our blades name drunkennesse good fellowship; whores, shee sinners; and nigardise, thriftinesse; springing from this root of *Solons*, who called χρεῶν ἀποκοπὴν Σεισάχθειαν. [d] To these Lawes two ends were proposed, mutuall commerce, and direction of behaviour towards the state. [e] To curbe wickednesse, and unjustice; 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 [f] *Justinian* teaches, giving a denomination unto her Statutes. *Nam si quis velit Solonis vel Draconis leges appellare jus civile Atheniensium, non erraverit.* They were engraven in tables of wood called [g] ἄξονες, triangular, if we may beleeve the [h] Scholiast of *Aristophanes*, who quotes *Aristotle* and *Apollodorus*, witnessing that they were called κύρβεις, also ὅθεν τὸν κανοῦφῶδες εἰς ὕψος ἀνατεταμένον, 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 στῆλαι. I know that decrees, merits, praise and dispraise too, were written in stone. Whence [k] λογὸς στηλιτευτικὸς may be put for a Treatise

[a] In Laert. p. 14.

[b] Plutarch. p. 62. l. 43.

[c] Plutarch. loc. laudato.

[d] Demost. p. 477.

[e] Idem p. 484.

[f] Institut. l. 1. Tit 2. Sed jus quidem civile ex unaquaq; civitate appellatur, veluti Atheniensium

[g] Sch. Apollo. Rho. Argo. 4.

[h] In Avibus pag. 604.

[i] Vide Plut. pag. 66.

[k] ἀπὸ στάσεως.

[l] Vide Nonnum in Nat. στηλ. α.

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 ὁ κάτωθεν νόμος 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 [b] *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 βουστροφηδὸν, *converso sive retrogrado literarum ordine*, saies [c] *Silburgius*; which [d] *Pausanias* explaines, ὅπῃ τὰ λαιὰ ἐκ δεξιῶν, from the right hand to the left, [e] or more significantly, Ἀπὸ τοῦ πέρατος τοῦ ἑτέρου ὅπερ ἐφεξῆς τῶν ἐπῶν τὸ δεύτερον, ὥσπερ ἐν διαύλῳ δρόμῳ. 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
ΥΟΘΞΕΜΩΥΧ

See those that have written of divers waies of writing.

They therefore take the lower, that is turned, ὁ κάτωθεν νόμος. 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 [g] *Josephus*, yet surely had their customes great force, insomuch as [h] *Aristophanes* uses νόμος for ἔθος-- Διὰ τὸν νόμον κεφαλὴν ἔμβαλε. [i] *Scholiastes*. νόμον νῦν οὐ πάντα τὰ γεγραμμένον 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 Pausaniam p.426.
d In Eliacis pag.174.
e Eodem lib. pag.165.
f Contra Appionem. Vide Justinianum. Inst.l.tit.2.
g In Avibus pag.576.
h Pag.577.
i Vide Justinianum.

divide their Laws into ἐγγράφους καὶ ἀγράφους, written and unwritten. The unwritten, *sine scripto jus venit, quod usus approbavit*, use. The [a] Interpreter of *Sophocles* thus. Νόμος ἐστὶν ἔγγραφος συνήθεια, συνήθεια δ' ἄγραφος νόμος. A Law is a written custome, and a custome an unwritten Law. Besides these there were decrees, which they termed ψηφίσματα, *psephismata*, a word used by [b] *Cicero*, nothing different, ψηφισμάτων ὀδόντες διαφέρουσιν οἱ νόμοι. [c] *Demosthenes*, who meanes in vertue and power. For they differ much. [d] A Law maintaines justice once found, common for ever. A *Psephisma* 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, [e] that no decree is greater then a Law. Of decrees there were two sorts; [f] τὰ βουλῆς ψηφίσματα, 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 [g] προβουλεύματα, which *Demosthenes* proves to be ἐπέτεια *Ulpian* ἐπ' ἐνιαυτόν. Like to the edicts of the Roman Prætors which lasted but a yeare. [h] *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. [i] τὰ δ' ὑπὸ τοῦ δήμου γνώμας, καὶ πλείονα μένει χρόνον. And therefore wee may easily know a *probuleuma* from a decree of the peoples confirming, by this observation. Ἔδοξε τῇ βουλῇ only, gives us to wit, that it is a *probuleuma*. Ἔδοξε τῷ δήμῳ, in the beginning of a decree, shewes it to be ψήφισμα παρὰ δήμου κύριον λαμβανόμενον. The Senate alwaies sate 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] ἀπροβούλευτον ψήφισμα μὴ εἰσιέναι ἐν τῷ δήμῳ. Which done, the *Prytaneis* took certain Tables and wrote on them,

[a] In Ajacem Locarium.
[b] In Orat. pro Flacco.
[c] Cont. Lept. p.296.
[d] Aristides. Tom.2.p.30.
[e] Demosthen. pag.4, 6.
[f] Demosth. κατ' Ἀριστοκράτους.p 417.
[g] Ulp.in Dem. p.418.
[h] In Verr.1.
[i] Ulpian loco laudato.
[k] Ulp.in Arg. Orat. And. p.181. Vide Dem.p.182, in.10.vi Plutarchum.p.63. l.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] πρόγραμμα. 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 ὁπηχειροτονία νόμων, which [b] *Ulpian* expounds διάσκεψις ὅ, τι δεῖ ποιεῖν περὶ τῶν νόμων. A consideration of what ought to be done concerning the Laws. [c] 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 *Nomothetæ*, chosen out of the Councell 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] εἰς λόγον, *Demosthenes*, the forme thereof, and set it up at the Statutes of the *Heroes* before spoken of, [f] πρόσθεν τῶν ἐπωνύμων, which

a Sch. in Naz. πλ. α. pag. 55. vid. Ulp. in Dem. p. 240.

b Demost. p. 445.

c Vid Dem. loco cit.

d χρηματίζειν Demosthen. Ulp. expounds ἀπαγγέλλειν 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 diſanulling of the old, that might contradict it, otherwiſe he came within the compaſſe of παρανομίας γραφῆς, a writ of *Tranſgreſſion of the Lawes*: which was of two ſorts. Firſt, when time is not obſerved in writing them, [a] ἢ τῷ ὡρισμένον χρόνον. 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 [b] a yeares ſpace; [c] but if the time was expired, he could not. [d] 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 [e] δημαγωγοί, becauſe they lead their people with their Rhetorick and flattery, wrote Laws and decrees, as we learn out of [f] *Demoſthenes*; and therefore are they deciphered by [g] *Athenæus*, οἱ λέγοντες καὶ τὰ ψηφίσματα γράφαντες.

a Ulp. in Dem. p. 297.
b Dem Orat. Arg. con. Leptinem.
c Dem. p. 419.
d Idem p. 468.
e Gellius l. 3. c. 13. Iſ. Callistratus Athenis Orator fuit, quos illi. δημαγωγὸς appellant. Livie Dec. 4. of Athens, ubi Oratio plurimum pollet, favore multitudinis alitur, Ulpian. δημαγωγὸς ὁ δήμου ἄρχων.
f Pag. 468. n. 225.
g Dipnoſ. 12.

CAP. II.

De Comitiis. Κυρία & Σύγκλητος Ἐκκλησία, &c.

THE Aſſemblies were called by the *Prytaneis* foure 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 Κυρίαι Ἐκκλησίαι, because in them they did κυρεῖν ψηφίσματα, establish decrees, as the [c] Scholiast of *Aristophanes*. Other assemblies there were which are termed [d] σύγκλητοι, 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 σύγκλητοι, 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 Cryer τρὶς δεύτερον κεκόκκυκεν 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 concionantib p.725.

warning and compulsion too; for so slow were they in comming to assemblies, that the *Logistæ* were fain to thong them to the meetings, as the Schol. of *Aristophanes* on these words [a] Τὲς δ' ἵματι τις ἐν λεωφῶν. 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] Comœdian-- Κἄνω κἄτω τὸ ὁριόν φεύγουσι τὸ μεμιλτωμένον. Up and down they shun the cord stained with Vermilion. And again- ἡ μίλτος ὦ Ζεῦ φίλτατε γέλων παρέσχεν ἐπὶ πεντόβραιον κόκκῳ. *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 *Ecclesia*: 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. Whē 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] Γισιτήρια, because they were done at the entry of the Councell. [g] *Ulpian* προηγεῖ γὰρ ἐισιόσης τῆς βουλῆς ὁ τὰς θυσίας ποιούμενος. 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 φειστάρχος, from φείστα, τὰ καθάρσια, 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 voice

a In Achar. p. 406.

b Aristoph. Achar. p. 371.

c Schol. Arist. loco laudato.

d Vide Arist. p. 379.

e Plut. p. 386. l. 7. & 384. l. 34

f Demosth. φὸς Δφ. p. 241.

g Vide & Ulpian. p. 351.

h In Conscion. p. 728. A.

i Demosth. φὸς Δφ. p. 213.

k Id. p. 418.

voice,[a] Τίς ἀγορεύειν βέλεται; Who will make a speech; whereupon one of the[b] Elders arose that gave his verdict, it being not permitted to any to utter his opinion before the reverend hoary head had spent his judgement. Whence by [c] *Demosthenes* 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 sate, or the *Areopagiticall* Councell; 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] ἀπεπάρυθον θέατρον τοῖς θεαταῖς, an open Theater to all commers. The place of meeting was called Πνὺξ, *Pnyx*, ἀπὸ τοῦ πεπυκνῶσθαι ἄνδρας ἐν αὐτῇ, from the frequent concourse of people there. It stood on a rock, and therefore by *Aristophanes* is called πέτρα. 345. Sch. ὀρεινὴ δίφρος. There was a stipend for them that came to Assemblies, as you may see in *Demosth. contra Timoc.* And ἀεὶ βοιωτὸν ἀεὶ ὀρόμαλος. Because they might bee at leasure without damage. *Aristot. Pol. l.* 1. *c.* 13. They assembled also in *Piræeus. Ulp. in Dem.*

a Alcidamas Aristoph. p. 372. Diod. Sic. l. 15.
b Demosth. p. 29. Æschines contra Ctes. initio.
c Philippic. 1.
d Plut. p. 552. L. 11. 17.

CAP. III. SECT. I.

De Tribunalibus Atticis, & primum de Senatu Πεντακοσίων.

WHen the mutinie between the faction of *Megacles* and *Cylo* disturbed the *Attick* commonwealth, *Solon* perswaded the people that those, whom for their audacitie in drawing away the suppliants from the Altars they named ἐναγεῖς, should undergoe judgement, there were chosen [e] three hundred men, ἀξιοῖνδιοι, according to their worth, to sit upon the case. But these were not a perpetual judicatorie. For when the people murmured at the cutting off of the usury

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

usurie money, then was the Grand Councell 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 Rout rules, Βουλή. But when *Clisthenes*, who by *Plutarch* is termed ὁ καταστήσας 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 Councell by *Aristotle* is described ἡ μάλιστα κυρία πάντων. *The Mistresse of all the rest*, and I am not of opinion that ἡ ἄνω Βουλὴ 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, quàm officio, secundum post Areopagitas locum obtinuere.* To this Councell none was chosen under thirty yeares of age, which time is stiled Βουλευτικὴ ἡλικία by [d] *Libanius*. And doubtlesse [e] *Plutarch* justifies it, speaking that *Demosthenes* wrote his Orations against *Androtio, Timocrates, Aristocrates*, ὅπω τῇ πολιτείᾳ προσελθεῖν λυσιτελεῖ con. Androt. 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] *Juneus*, who saies that *Solon* admitted none very young, though very wise to Magistracie or Councell. Nay the [g] Scholiast 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:

Κἀγὼ παρὰ τὸν γὲρ ἐν λῶ, κὐκ ἐξῶ πῶ μοι τεκεῖν.

Which to be otherwise understood by some, is not hidden from me. They were called likewise Ἡλιαστάι, as well as Πενταπόσιοι, and their Tribunall Ἡλιαία, from the word ἁλίζεσθαι,

a Polit. l. 6. c. 8.

b In Solone p. 63.

c Possardus. false, for Pausanias calls it μίγισον. in Att. p. 27. l. 15.

d In Arg. orat.

e Vita decem. Rhet. p. 378.

f Stobæus serm. 112.

g In Nub. p. 157.

h Ulp. in Demos. p. 445.

which signifies to throng together, because the people were frequent there. But the more probable reason is, [a] ἐκ τοῦ ὕπαιθρον εἶναι τὸν τόπον καὶ τὸν ἥλιον ἐκεῖ ἔνεστι προσβάλλειν, because the place was open and exposed to the Sunne. And in respect of this [b] *Aristophanes* makes that cold conceit branded by *Didymus*, Εἴληφας ὄρθρου, ἡλιάσεις πρὸς Ἥλιον, *In the morning thou shalt* ἡλιάζειν in the sun shine. At their admission they had this oath given them. [c] ψηφιοῦμαι κατὰ τοὺς νόμους, &c. *I will give sentence according to the Lawes, 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 two 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, I sweare by* Jupiter, Neptune, Ceres. * There is also another oath which they took; some clauses whereof, we have left in record. *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 hee conspire the subversion of the state popular, or buy custome, or be engaged, or gather publique money and not pay it. I will sit in that order which lot shall direct me to. I will not permit any unlesse banished*

[a] Ulp. loc. laudato. vide & Aristoph. Sc. p. 436.

[b] Pag 486.

[c] Dem. Orat. conr. Tim.

* If I transgresse any of these, let mee and my house perish, but if I faithfully keep them according 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] *Thrasybulus* gave them to oath μὴ μνησικακήσειν, not to remember ancient wrongs, which they call ἀμνηστίαν. The authority of this Councel was great, for it handled causes of war, tributes, making of Lawes, civill businesses and events, affairs of confederates, collections of money, performance of sacred rites, accounts of offices discharged, appointing keepers for prisoners, and δικαστία of Orphans, as *Xenophon.* [b] Resembling our Court of Parliament in *England*, by whose consent all Laws are abrogated, new made, right & possessions of private men changed, formes of Religion established, Subsidies, Tailes, 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 Republica appertiene 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] *Budæus* of the Parliament of *France: Amplissimam eam curiam causarum q; 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 alludes [g] *Aristophanes.* Πόθεν τὸ ᾦόν, Εὐ. ὅθεν αἱ τειήρεις κεῖται. Επ. Μὴν Ηλιαστάς. [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*, τῷ βουλῇ ποιήσαντι τὸ δόγμα κυρίαν. In testimony of their preheminence are they termed [k] Κύριοι ψήφου and [l] οἱ ἀεὶ κύριοι. The Lords of sentence. In

a Vide Xenoc. in Ελλῆν. Cic. imit. Phil. 1. Velleium Paterculum. l. 2. p. 84. Arist. Sch. in πλ. Æschin. cont. Ctesiph.

b Athen. Rep. pag. 407.

c See Sir *Th. Smith* in the Commonwealth of England.

d As Eranchirio Anditimi hath translated it. lib. 3. fol. 34. 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. περὶ Αλο.

l Idem κατὰ τὰ Μειδίου.

time of warre they would send Commissions to their Captaines, as they thought requisite. [a] Such as in the battaile between the *Lacedemonians* and their country-men in *Tanagra*, 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 τῶν πεντακοσίων καθ' ἕκαστον ἐνιαυτὸν κληρωμένη βουλευεν. Which *Anonymus in Arg. Orat. contra Androt.* expresses by καθ' ἐνιαυτὸν διεδέχετο. The manner of choosing them is this. [b] The 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 Senator. 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 election observed by the [c] *Venetians* upon the fourth day of December, 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 Councellors, with which there is another pot, wherein are round bals equall with the number of the names written in the first, every one having his marks, the fift part of these bals is guilded 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, unlesse in the mean space they accomplish twenty five, at which age all the young Noble men partake of

[a] Plut. in Cimon. p 356. l. 50.

[b] Verbo Emmius in Descript. Reip. Athen.

[c] Contaren. l. 1. fol. 11. b.

of the Cities liberties. So every year the fifth part of the yonkers 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 *Clisthenes* 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 *Demetrias*, after named *Attalis* and *Ptolemais* in honour to the Kings of that name which were benefactors to the State; [a] ὅθεν καὶ τοὺς βουλευτὰς πεντακοσίους εἶναι, ἐξακοσίων ἐπίπαν. [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. εἰσήρχοντο μὲν εἰς τὴν ἐκκλησίαν, οὐκ ἐδίκαζον δέ. To these was any businesse referred, of which the Senate and people were in suspense what to determine. [c] *Aristoph.* Εἰπ δ' ἡ Βουλὴ χ' ὁ δῆμος ὅταν κεῖναι μέγα πρᾶγμ', ὑποῤῥήσῃ ἐψηφισαν τοὺς ἀδικοῦντας τοῖσι δικαστῆς φράδσαι. When the Councell and people are in doubt how to judge a great matter, They decree to deliver over the guilty to the Judges. And no marvell. For the office of a Judge is κύριον κρίνειν, 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 Olympiad I know not. Afterwards they sate by turne in their own Tribes every one as his lot fell. For there being formerly 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 [e] *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. [f] 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 πρὶ πολ.
b Arist. Schol. p.37.
c In Vespis p. 471.
d Pol. l. 3. c. 13. πρὶ ὃν ἐγένετο ἀδικαστὴς ἐδοκίζειν.
e Cic. in Verrem. Act. 3.
f Aristophan. πολ. p.30.

every one of them was noted with a red letter, Α, Β, 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, sate 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 staffe: because that [a] Βακτηρία καὶ ῥάβδος καὶ τριβώνιον ἢ τριώβολον, was as a proverb used in derision 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, Ὦ γέροντες Ἡλιασταί, φερέπορες τριωβόλου, Οὓς ἐγὼ βόσκω-- *Judges which I feed.* Their pay was not alwaies the same, οὐχ ἵστατο, [d] saies the Interpreter of *Aristophanes.* First they had *obolum*, which *Calistratus*, surnamed *Parnytes* was author of. Hence the proverb [e] Ὀβολὸν δὲ ῥῆς Παρνύπης. Afterwards it was augmented by *Callicrates*, and from him grew the word ἢν τὰ Καλλικράτης, it may be for a pretty summe of money. Nay it changed, for now I read of Ὀβολὸς Ἡλιαστικὸς one, and anon τριώβολον three, a [g] *Drachme* to two. And therefore may wee conclude that it was sometime more, sometimes lesse. Thus having spoken a little 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 τῶνδε καὶ προσδιώκω τῶν διὰ τὸν δεῖνα 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 [i] *Plautus* alludes. *Ibo ego ad tres viros vestraq; ibi nomina Faxo erunt*-- when this note was given up, the Magistrate asked the Plaintiffe, whether he had witnesses

a Suidas proverb.
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 Act. 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 κλητὴρ, [a] for κλῆσις is ἡ ἐν δίκῃς εἰσαγωγή, a bringing into suit. καλεῖν δὲ εἰς δικαστήριον. The word signifies a witnesse also. For when they warned any to the Tribunall, they bad any that stood by to testifie that they had admonished them. [b] Κλητῆρες οἱ καλοῦντες εἰς τὸ δικαστήριον πάντας· σημαίνει δὲ καὶ λέξις καὶ τὸν μάρτυρα. You may use κλητὴρ for an Apparator, Sergeant, Bailiffe, or the like. Sometimes they would run streight to the Court, as it were headlong, in [c] *Demosthenes* his phrase, sometimes the Suiter would forthwith draw the Defendant, if he were loath to come, as you may see out of [c] *Aristophanes*, Κἀθ' εἷλκον αὐτόν. But if the party could put in two ἀξιόχρεως, sufficient baile, he was dismissed. Hence in the [d] Comœdian. Ἀλλ' ἐγγυητάς σοι καταστήσω δύο Ἀξιόχρεως *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 Ἐρήμης *a Writ of Eremodicium*, refusall to come in and answer. Which was avoided by suing for a μὴ ὄσα in tenne daies after. For when the party to defend was absent, hee was condemned *indictâ causâ*, so [f] *Budæus* expounds ἐξ ἐρήμης καταδικασθῶσι, 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 μὴ ὄσα, ἐπὶ πρότερον δικῶσα εἶ κεκυρῶσθαι, ὕστερον εἰς τὸ μὴ εἶ ἀφείσατο, *because in the beginning it seemed to carry some power, but at last was nothing.* The businesse then made a new, the party that was cast by an ἐρήμη, after that he had obtained a μὴ ὄσα, was [h] within two Moneths to set the Law on foot, which they terme ἀνάπλαξιν δίκης, or else the sentence given before was ratified. Whosoever should offer to call any man to the Court, unlesse upon good grounds, was liable

[a] Sch. Arist. 190.

[b] Sch Arist. p.442.

[c] ὅπου κεφαλὴν εἰς τὸ δικαστήριον βαδίζειν. p.596.n.17.

[d] In Vespis 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 to ψευδοκλητίας δίκη, a writ of molestation for a false cause. Having thus far proceeded, the Impleader gave in a Libell, which held contents of his action, and the summe of the defendants answer. This the *Greeks* call [a] Αντιγραφὴ, *Antigraphen.* Though I know also that all cases in law were termed [b] πράγματα, καὶ γραφαί. 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, συκοφαντία, they made a [c] 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; [d] 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 *Antigraphe*, testimonies were also delivered, (formes of which you shall often meet with in [e] *Demosthenes*) & a copy of an oath, which the Suiter gave, in these words [f] Ταληθῆ κατηγορήσειν, that he would justly accuse. Ταληθῆ ὑπολογήσαιτο, that he would according to truth make his Apologie; and this they name [g] αὐτωμοσίαν. These writings were cast into a certain coffer, forth comming as occasion should require; all which [h] *Aristophanes* in one verse comprehends, Αὐτωμοσίας καὶ προσκλήσεις καὶ μαρτυρίας συνεκόλλων. They joyned or put together oaths, citations, & testimonies. I so interpet it against the Scholiasts minde, who will have, προσκλήσεις to be exhortations given to the Plantiffe and Defendant to come to composition. But I know that [i] προσκαλεῖται is κατηγορεῖν, εἰς δικαστήριον ἕλκειν, to accuse, *in jus rapere*, [k] and προσκεκλήσεται, διὰ μαρτύρων ὑποχθήσεται. The chest or coffer was called ἐχῖνος, and of this are the words of the Greeke Oratours to be understood [l] εἰς ἐχῖνον βάλλειν [m] *Theophrastus* of a mad man that would entangle himselfe in any thing, ἐχῖνον ἐν τῷ περικολπίῳ, καὶ ὁρμαθὸς γραμματιδίων ἐν ταῖς χερσίν. Having an *Echinus* in his lap, and a bundle of libells in his hands. *Pollux* makes a different exposition of his oath from that

a You have a forme of this in Demosth. p.628.
b Arist. Nub. p.154. v. Sch.
c Demost. p. 716. n.7.
d Arist. Schol. p.170.
e Unum contra Stephan. ψευδ. α. p 622. aliud p.624.629.
f Sch. Arist. Vesp. 505.
g In Vesp. p. 467.505.
h In Vesp. p. 504.
i Sch. Arist. 239.
k Idem, p.195.
l Demosth. 622. n.33. 629. n.80. 640 n.22. 655. n.65. 665 n.66.
m Charact. περὶ ἀπορ. p. 21.

that which other Grammarians doe, confounding, as is most probable, the πρεσβυμοσία and αὐτωμοσία with διωμοσία. For πρεσβυμοσία is that first oath which the Plaintif gave to prosecute, the party prosecuted to answer, which on the defendants side was called αὐτωμοσία, and generally on both. Διωμοσία was a Sacrament taken by both, the Impleader that he did [a] πρέξαντα δίκαιον, follow the delinquent in law; the defendant οὐκ ἠπρεξεν ἀποφάσκειν, to stand stiffly to it that he did not trespasse. 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 [c] whether he would *persequi*, follow the suits and had sufficient witnesse for evidence; in causes capitall it was asked if there were need of any, who could not then be present. This interrogation was termed [d] Ἀνάκρισις. If then any thing was deficient the judgement was prorogued by an [e] ἐπωμοσία, or oath, which the Plantiffe took, that for the present he could not perform it, but certainly would. [f] Perhaps for that time pretending sicknesse, 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 Tribunall, the Judges first swearing [g] 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 γνώμῃ δικαιοτάτῃ) [h] 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. [i] *Plutarch.* ψῆφον ἀπὸ βωμοῦ φέροντες. The oath is called ἀμφιορκία. Then went the Judges to their seats, [k] neatly spread with mats, in Greeke, ψάθαι, and ψιάθοι, and all others being warned by the *Praeco*, to goe without the Bars, in this forme [l] μετὰ σπυρίδος ἔξω they sate down. For we must know that the *Athenian* Judicatories were environed in, as the Romans with lettice I suppose, by them

[a] Schol. Aristoph. V. p. 505.
[b] In Demost. p. 287.
[c] Vide Ulpian in Dem. pp. 347 341.
[d] Bud. in Annot. Rel. ad Pan. p. 341.
[e] Ulpian in Demp. p. 326. the Scho. of Aristoph. makes it the same with ἐπωμοσία. ωλ. p. 75.
[f] Ulpian in Demost. 341.
[g] Pollux. i. 8. p. 406.
[h] Dem. pag. 628.
[i] Pag. 122.
[k] Aristoph. Sch. p. 239.
[l] Demosth.

called [a] Αγκελαι *Cancellata*, by the Greekes κιγκλίδες, [b] though κιγκλὶς more properly signifie the door of the δικαστηρίου, before which was [c] a rope of fifty feet length drawn, and publique servants set, that none might enter, but who had businesse. The partition I think was but weak, and therefore by *Demosthenes* called ἀδεὴς κιγκλίς. Within which none was permitted to come but the Judges. And therefore when *Demosthenes* did long to heare *Callistratus* plead concerning *Oropus*, he over entreated his *Pædagogue* that hee would bring him, where he might have the happinesse to be an auditor. The *Pædagogue* therefore acquainted with the publique officers that opened the doores, τὸν αἰδοῖον τοὺς τὰ δικαστήρια δημοσίᾳ, procured him a place where he might heare and not be seen, ἐν ᾧ καθήμενος ἀδήλως ἀκούοι. When then the Judges had gone within the bars, lest any should bee wanting the *Præco* cried [f] Εἴ τις δύεται τὴν Ἡλιαστὴς, εἰσίτω, [g] if any Iudge be without the doore of the place of Iudgement, 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 [h] *Demosthenes*. ΕΒΑΛΛΕ ΝΙΚΟΒΟΥΛΟΣ ΕΠΙΒΟΥΛΕΥΣΑΣ ΕΜΟΙ &c.) in which according to the custome of the [i] old *Ægyptians*, 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 Iudges 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 *Rhamnusian*, [k] *Clemens* of *Alexandria* calls δικανικὰς λόγους εἰς ἔνδοσιν γράφειν, [l] *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 certaine time, by a vessell,

[a] Pollux. lib. 8. p. 407.
[b] Pollux loco citato.
[c] This is ἀφεχόινιγμα. Pollux.
[d] Pag. 485.
[e] Plutarch. in vita.
[f] Aristoph. pag. 494.
[g] Aristoph. Sch. Ibid.
[h] Περὶ Παραπρεσβείας. p. 567.
[i] Boemus De Costumi de le Genti lib. 1. cap. 5.
[*] Arist. Rhet. l. 1. c. 33.
[k] Stromat. 1. pag. 226.
[l] In Bruto.

in

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 leſt there ſhould be deceit, there was an officer made for that purpoſe, named [a] Ἐφύδωρος ὁ φυλάττων τὴν ἰσότητα τῆς κλεψύδρας filling alike for the Impleader and anſwerer. [b] 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 ſtopped at the reciting of Lawes, or the like, which *Demoſthenes* intimates in-ΣΥ δὲ δὴ λαβὲ τὸ ὕδωρ as φίνη ἐμπλαμβάνει is to ſtop the noſe in [d] *Ariſtophanes*. [e] *Apuleius. At tu interea dum legit, aquam ſuſtine. Pancirollus. Ne ſi aqua interim effluxiſſet, amplius ſibi dicendi præbita fores facultas*, [f] leſt hee might not have leave to ſpeak any more, 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 τῷ ἐμῷ ὕδατι λαλείτω. But if he would not permit it, he bad the *Præco* caſt it forth [g] ἐξέρα τὸ ὕδωρ *Ulpian.* Τοῦτ' ἐστὶν ἐκβαλλε. From which kind of pleading it grew into a proverbe, [h] λαλεῖν τῇ κλεψύδρᾳ, *Cicero, ad Clepſydram*, to ſpeake by the houre or an alotted time. His ſpeech being ended, he ſate downe. [i] The defendant then ſitting 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 [k] *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 φεύγοντες 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, [l] μόνον καταῤῥηθέντων λύσιν ποιεῖν, And in that had the plaintiffe a prerogative. For he might

[a] Pollux l.8. p.104.
[b] Ulpia. in Dem. p.356.
[c] Demoſth. περὶ Βοιωτ. p.586.
[d] In Pluto.
[e] Apologia.
[f] Demoſth. ὑπὲρ φορμ.
[g] Ariſtoph. p.617.
[h] Tuſc Qu. l.2. in fine.
[i] Ulpian in Dem. 226.
[k] Problem. περὶ δικαιοσύνης καὶ ἀδικίας.
[l] Ulpian in Demoſth. p. 252.

object what he would; nay and as [a] Aristotle, forecast all before he commenced his suit, and feigne to himselfe what he pleased; The defendant, perhaps innocent, was at that instant to cleare himselfe, [b] either by witnesse, or probabilities, of all doubts, whatsoever the Plaintiffe could cast in. Sometimes the Plaintiffe and Defendant would desire Advocates of the Judges, Σωηγόρους, hence ἐπὶ μισθῷ Σωηγορεῖν, to plead for a fee. In the time of their pleading, witnesses were called, who came in, and gave their testimonies, and after they had uttered what they had to say, they went to the Altar (as it seems to me, either in, or very nigh the Judicatorie) and swore. [d] *Cicero. Athenis aiunt cum quidam apud eos sanctè graviterq; vixisset, & testimonium dixisset publicè; &, ut mos Græcorum est, jurandi causa ad aras accederet; una voce omnes Judices, ne is juraret, reclamasse.* They report that in Athens when a certain man (*Xenocrates*) who had lived godly and gravely among them, had given witnesse, and as the fashion of the Greeks is, approached to the Altar to take oath, all the Iudges with one voice cried that he should not. (They would not, it seems, have beliefe rather be bound with religion then truth.) Fit to this is the answer of *Pericles* to a friend of his desiring him μαρτυρεῖν ψευδῆς, to testifie a lye, which he was to avouch with an oath, I am your friend, quoth he, to the Altar, that is, as farre as conscience, religion and honesty shall permit; hence ἄχρι βωμοῦ φίλος εἰμὶ ὑμῖν, ad aras, grew, I suppose to be a proverb. *Plut. Apophth. p.* 112. Whether in this ceremony they touched the Altar, I cannot justly say; in delivering their testimonies they were wont to touch the tips of the eare (for reason to me unknown;) called λοβοὶ from λαμβάνειν, *etymologicon*; (But I rather may suppose to be a Roman fashion, where the Plaintiffe was wont to pluck his witnesse by the ear, for remembrance sake. *Horace lib.* 1. *Sat.* 9. *Licet attestari? ego vero oppono auriculam*--To which *Virgil* looked, saying *Cynthius aurem vellit & admonuit. Eclog.* 6.) and at the end thereof

[a] Loco laudato.

[b] Demosth. 219.

[c] Clemens Aland. These had certaine pettifoggers under them, that administred the Lawes and formes of action. Cicero apud Græcos infimi homines mercedulâ adducti ministros se præbent in judiciis Oratoribus iis qui apud illos σεσαγματοφόροι vocantur.

[d] Cornelianæ Vide at Atticum. l. 1. c. 13.

[e] Vide Laertium in vita ejus.

thereof wish all destruction to themselves and house if they dealt falsely. Which if they did, they were subject to a writ ψευδομαρτυριῶν, of false witnesse, and he that suborned them κακοτεχνιῶν. Sometimes the witnesse was not present at the doing of the wrong, but tooke it from others by hear-say, which the Greek Lawyers terme, ἀκοὴ, as [a] ἀκοὴ τεθελεμκότων, when they take from those that are dead, which went for currant, 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, ἄτιμοι; or servants, or any man in his owne cause. [b] The manner of witnesse was two-fold, either by personall appearance and testifying αὐτοπροσώπως, and then he was called μάρτυς, in no case lyable to the Law, ἐπίδικος; 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 μαρτυρία. Both parties being heard, and the altercation ceased, the *Præco* cried, *To whom E.N. hath seemed to violate right* (so they interpret ἀδικεῖν, *jus 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 [c] χοιρίναι (which the French semblably terme *Procellaines*, χοῖρος *porcus*) [d] *Ovid.*

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 [e] ἐπιστεύεις τῇ πατρίδι πῶς σοῦ κρίνει, Wilt thou not trust thy country which begat thee to be thy Iudge? Οὐδὲ τῇ μητρίδι; quoth hee, Δέδοικα γὰρ μὴ ἀγνοήσασα καὶ σφαλεῖσα τοῦ ἀληθοῦς, πῶς μέλλωσαν ἐμβάλλειν τὴν ἀλεκτρυόνα φῆφον. No not her, that brought me

a Demosth. pp 619. 634

b Vlpian in Demosth 238.

c Aristoph. 438.

d Metamorph. 15.F.1.

e Ælian. Var. lib.13.c.38. Plut. Mor.p. 140.

me forth. For I feare left ſhee 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, κυάμους μὴ ἐδίειν, not to eat beans, by [a] *Nonnus* interpreted μὴ περιδίδοντας τὸ δίκαιον δωροδοκαῖς χρήμασιν. 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 bee forward in getting places of Iudgement. For [b] κυαμοτρώξ in *Ariſtophanes* is by the Scholiaſt expounded δικαστὴς and [c] κυάμοις τρώγων is uſed for a Iudge, 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, [d] πεκτυπωμένοι, the ſaving were whole, ἄπτυστοι. Of theſe every one took of each other from the Altar, as I have ſaid, [e] 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 [f] the *Præco* carried about the Κάδον or Καδίσκον, a certaine pitcher (for ſo [g] *Xenophon* calls it, ὑδρίαν) having on the mouth of it a conveyance like a Tunnell, named κημὸς, 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, left one man might caſt in more; and therefore were they to touch the ψῆφον, only with the forefinger, middle, and thumb. [h] *Ariſtoph.* Τὸν τρεῖς λωὸ χὠν δὴ δακτύλων ἀνίσαν. But we muſt know that the blacke and white pellets were not promiſcuouſly caſt into one pot, but two; [i] The one which freed was made of braſſe, called πρότερον, whether becauſe they firſt threw into it their voices, or becauſe it may ſignifie the better, I know not; The other that condemned, being

[a] In Naz. Stelit. ιζ.

[b] Pagina 290.

[c] Lyſiſtrata. 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.

[h] Pag.437. vide Scholiaſt.

[i] Ariſtoph. Veſpis.500.

wodden

wodden ὑστέρου. 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, [a] Τίς ἀψήφιστος; ἀνιστάσθω, 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, mony 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 [b] ψηφοκλέπτης. Which [c] *Teucer* objects to *Menelaus* about *Ajax*, when by his deceit the armour was given to *Ulisses*; and therefore hee calls him κλέπτην ψηφοποιόν. Sch. ἥλιον κρίτην not amisse, ψηφοκλέπτην. [d] 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 [e] ἀπιστι τιμᾶν μακρᾶν, may be used, for to condemne every body. The thing it selfe they termed [f] ἀλοκίζειν, as *Aristophanes*. By this the one party being overthrown (as none ever was without the sentence of the Iudges) his adversary wrote down what damages hee should pay, which they terme ὑπογράφειν. [h] *Plutarch.* δέκα τάλαντα τίμημα ἐπέθη τοῖς δικῶν ὑπογραφάμενος. [i] 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, Ἰκέσιον, Καθάρσιον, Ἐξακεστήριον, and put it into the *Echinus*, that they would stand to such and such conditions, before sentence, that he that was cast should undergoe somewhat; and afterwards ὑπογράφειν, that is set down what losse of limbs or life, or meanes, &c. For although they did [k] ἐνεχυράζεσθαι give their estates as pledges to answer and meet at the Court; yet it may be that might be lesse or more then the fine. There was

[a] Aristoph. Vespis.
[b] Schol. Naz. in σπλ.
[c] Sophocles Ajacc. p. 68.
[d] Schol. Arist. 438.
[e] Aristoph. Vesp. loco. cit.
[f] Pag. 491.
[g] Aristoph. p. 472.
[h] βίοις ῥητ. p. 454.
[i] Schol. Arist. in πλ. pag. 50.
[k] Schol. Arist. 740.

in cauſes capitall or other proceeding, like to that in the City of [a] *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 bad the accuſed to fine himſelfe, which [b] *Xenophon* intimates by ὑποτιμᾶν, 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 [c] *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. [d] *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 [e] *Demoſthenes* of *Cimon* like to be puniſhed with death, ὀλίγῳ τριῶν ψήφοις, if three had not been wanting. And againe, [f] τριῶν δ' μόνοι ψῆφοι διωμόσαν τὸν μὴ θανάτῳ πωνῆσαι. Nay one was ſufficient, [g] *Demoſthenes*: Μιᾷ μόνον ἁλῶναι ψήφῳ. But *Ulpian* on the place, [h] ὥστε μικρὰν διδόναι πωνείαν, ſaies, that hee was lightly puniſhed. [i] If the voices were equall, then was the priſoner looſed; becauſe ſometimes he might be accuſed upon ſuſpition, or of thoſe things which he did not willingly commit, or perhaps was ſued out of envy, and many other reaſons given by [k] *Ariſtotle*: therefore did the Lawgiver leave

a Contaren. de Rep. Ven. lib.3.

b Apolog. Socr. p 265.

c De Orat. 1. fol 61 b.

d Laertius in Socrat. p. 115.

e Pag. 436.

f Pag 430.

g Pag. 338.

h Ariſtoph. p. 244.

i Probl. 71. 18.

leave some place for pity and compassion. To which the Judges were often moved. And therefore would they plead the [a] deserts of their ancestors; their own lives formerly well led. [b] Sometimes shewed they their wounds; and brought the venerable gray haires of their parents, but [c] mothers chiefly, to intercede in silence: Sometimes embracing their children in their armes, they held them up in the Judges view; or caused them to [d] come up into the βῆμα, or pulpit, & supplicate with teares; which wrought so much upon the Judges, that [e] *Aristophanes* in a scoffe presents one ἀποδακρύσαντα τὴν γνώμην, drowing his sentence in weeping. Then in compunction would the Judges speak to the prisoner, [f] Κατίβα, Κατίβα, wishing him to go down from the βῆμα, a token often of mercy; though now and then it proved otherwise. Nay it was a word of displeasure too, as when [g] *Plato* would have been Advocate for *Socrates*. Νεωτάτος ὤν, ὦ ἄνδρες Ἀθηναῖοι, τοῦ δὴ τὸ βῆμα ἀναβαίνειν, they thundred out, Καταβάτω τοῦτο τὸ κατάβημα. Neither may I forget [g] *Amynias* the brother of *Æschylus* the Tragœdian, 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 *Salamis*: by which spectacle the Judges calling to minde the merits of *Amynias*, dismissed the Poet. Neither may I omit what [h] *Xenophon* objects to them, that they cared not so much for justice, as regarded what might conduce most to their own profit, and be convenient: [i] And 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 [k] *Xenophon*, and [l] *Aristophanes*. Ἀλλ' οὐχὶ νυνὶ τὰς ὑπερξηκοντέτεις εἰσάγομεν, ἀλλ' εἰσαῦθις ἀναβεβλήμεθα. Now we doe not handle suits of above threescore yeares, but we are put off untill the next day. Τὰς ἐντὸς εἴκοσιν γὰρ ἐνδικάζομεν. For wee come to triall within twenty yeares. This *Xenophon* imputes to the multitude of their imployments. As long as the case hung in suspense, the name of the

[a] Dem. p. 492.
[b] Aristid. T. 3. p. 292.
[c] Dem. p. 493.
[d] Aristid. loco cit. παιδία ἀναβιβάζω. βῆμον.
[e] Aristop. pp. 469 499.
[f] Vesp. p. 499.
[g] Sch. Ar. 500.
[h] Lucrt Socr. p. 115.
[i] Ælian Var. hist. l. 5. c. 19.
[k] Athen. Rep. ὁ τῶν δικῶν αὐτοῖς μέλλεν μᾶλλον ἢ τῶν αὐτοῖς συμφέρειν. p. 404.
[l] Apol. Socr. initio.
[m] Athen. Rep. 406.
[n] Ἐκκλησιαζ. 752. 753. They are translated foolishly into latine. εἰσαῦθις is what the Proctours in the Civill law usually mean by *in proximum*, *in Proximum*.

the accused was (as among the Romans, whence [a] *Rei pendu-li*) exposed in a publique table to the view of all men, which they terme ἐκκεῖσθαι. *Demosthenes.* ἵνα ἐκκέοιτο πρὸς τοὺς Ἐπωνύμους. *Ulpian.* παρεστῶτα καὶ πᾶσι βλέπουσα 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 [c] *Demosthenes* termed ψιλὸς λόγος, a bare report; but after proofe ἔλεγχος. ὅταν δὲ εἴπῃς τὶς, καὶ τἀληθὲς ὁμῶς δείξει. After judgement past, [d] ἀδίκημα. An inditement of sacriledge, theft, murder, treason, is but αἰτία; the evidence and conviction makes it ἔλεγχος: the sentence, ἀδίκημα.

[a] Budæus in Pand. No. Relig. p. 31.
[b] Demost. in Mid 347.
[c] Cont. Andro. 388.
[d] Dem p. 406.

CAP. III. SECT. II.

De Areopago, & ejus appellatione. Areopagitæ.

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 [e] πάγος beares not that signification, but what [f] *Justin Martyr* interprets, ὁ ὑψηλὸς τόπος, an eminent place. Εν γὰρ ὄχθῳ τινὶ λῶ ἐκεῖνο τὸ δικαστήριον. For that Judicatory was on a high rock. Therefore named by [g] *Æschylus*, & [h] *Euripides*, Αρειος ὄχθος, by [i] *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 adviouterv, μοιχείας 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*,

[e] When *Tullius* had divided the Romã field, he made on high hills and places fortified by nature, refuges for the husbandmen and called them πάγους. 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. Perot.
[f] In Acta p 136.
[g] Eumenid. p. 296.
[h] Elect. p 836.
[i] Metamorp. l. 6. fab. 2.
[k] Vide Scalig. in conject.
[l] Demost. p 413. Paus. p. 26. Simeon Met. & Pachym. in vit. Dionys. Areopag.
[m] Loc. citato
[n] Paus. Attic. p. 31.

whence

whence *Jupiter Parnethius*, *Hymettius*, *Anchesmius*. And as in *Athens*, *Neptune* had a hil Ποσειδῶνος πάγος, *Saturne* another, Κρόνου πάγος. *Pan* another, Πανὸς πάγος. *Mercury* another, Ἑρμοῦ πάγος, 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*, Ἄρειος φονικός. That when [b] *Juvenal* calls it *Curiam Martis*, you may interpret it, *The Court of murther*, but willingly committed. This is termed by the [c] *Tragœdian*, *the most uncorrupt, sharp, reverend councell*, then which nothing is more constant (saies [d] *Tully*, comparing to it the Roman Senate) nothing more severe, as by [e] *Pseudo Dictys Cretensis*, it is stiled *Judicium severissimum per omnem Græciam*. Then which none judged better, more just, or honest, saies [f] *Xenophon*. [g] *Plutarch* writes that this Court was ordained by *Solon*, and [h] *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, unlesse they were condemned by the *Areopagites*, *Epheta*, *Prytanes*, *Basileis*, of murther, slaughter, tyranny, when that Law was enacted. And by and by, [i] Τίνες δ' ἦσαν οἱ περὶ 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 *Epheta* (Judges so called, because when formerly the *Basileis* made inquisition after murder unwillingly committed, *Draco* made it ἐφέσιον, that is, translated it to the *Epheta*, 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 Emmius* 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 296.
b Satyr.9.v. 100.
c Æschylus pag.297.
d Ad Atticum. l.1.ep 11.
e De bello Tro.l 6.p. 147.
f Ἀπομνημ. 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.

lessened the authority of it, deriving it to the *Ephetæ*; *Solon* restored that authority and made it greater. [a]To this company none were admitted, but wise, wealthie, and noblemen; [b] famous for good life, and innocencie, τὸ ἐπὶ πᾶσι ἀνεπίληπτον, whom no man could justly charge of misdemeanour. Nay, men, whose behaviour was intolerable, [c] ἐν τοῖς ἄλλοις παραγμασιν ἀνεκτὶ ὄντες, after they were chosen into the Colledge of the *Areopagites*, abhorring and blushing at their former dispositions, ὀκνοῦντες τῇ φύσει χρῆσθαι, changed their natures, and embraced vertue. The number of them is uncertaine [d] *Nicephorus* makes them but nine; as *Maximus* too out of [e] *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, πολὺ ἐξ Εὐπατριδῶν καὶ πλούτῳ καὶ βίῳ σώφρονι διαφερόντων. By which words he seemes to aime at the nine *Archontes*, [f]who when they had governed one year, and given an account of their offices, and had administred 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; ΤΩΝ ΛΑΜΠΡΟΤΑΤΩΝ &c. To the most famous *Rufius Festus*, *Proconsul of Greece & Areopagite*, *the councel 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. [g] They continued all their lifetime in their dignity, and were never put out, εἰ μή τις μεγάλως ἥμαρτε, unlesse for some grand offence. [h] *Bozius* tells us (how true I wot not) that they were all Priests. *Athenienses olim, &c.* The *Athenians*, quoth he, did strive to challenge to themselves the prerogative of wisdome, and to them is it bent what the Apostle saies, *The Greeks seek after wisdome.* Nevertheless their *Areopagus*, who had the power of all things consisted of Iudges that were Priests, and the High Priest-

[a] Vide Maximum in Prolog. ad S. Dionys. opera & Niceph. lib 2. in vita Dion.
[b] Pachymer.
[c] Isoc. in Areopag. p. 133.
[d] Loco supra laudato.
[e] Atthid. l. 2.
[f] Anonym. in Argu. Oratio. Androtia.
* They were of those Magistrates that were chosen by Lot, as the Archon, Thesmothetæ, Basileus, Polemarchus, for which cause Pericles was not of that number because he never attained to these offices. Plut. in Peric. p. 113.
[g] Anonymus loco laudat.
[h] De statu Italiæ adversus Machiavel.

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 murthers, 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 [c] *Mantitheus* against *Bœotus*. They sate upon incendiaries and imprisoners, if the party dyed that tooke their doses. [d] They saw that the Laws should be put in execution, such as *Contaren* would have in *Venice* to be guardians of their Statutes. [e] In a word all great delinquencies came under their censures. They inquired into the behaviours of men; and we read in [f] *Xenophon* that they sharply reproved a young man for his loose living, Ἀνακαλεσαμένου αὐτὸν τῆς Ἀρειοπαγιτῶν, &c. saies the *Dipnosophist*. [g] *Valerius Maximus*. *Est & ejusdem urbis* [h] *sanctissimum 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. [i] The 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* Republique can be well governed, without the councell of the *Areopagites*, he may as well say that the world may bee governed without the providence of the Gods. When the *Medes* and *Persians* invaded *Greece*, [l] by the advice of them was the war waged, wherein *Themistocles* purchased an everlasting memory of a victory. [m] And 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*, Σωματωτέραν ποιῆσαι τὴν πολιτείαν, to give strength and sinewes to the

a Plutarc. Solon. p.63.
b Ælian. Var. l.15.c.15. Dem. p.406.
c Demost. in Orat. περὶ Βοιωτοῦ περὶ ὀνόματος.
d Dem. p.445.
e Pachymer.
f In Sympos. unlesse I am extreamly forgetfull. It is quoted likewise by Athenæus Dipnos. l.4.p.167.
g Lib.2.c.6.
h Aristides. T.1.p.331. τῶν ἐν τοῖς Ἕλλησι δικαστηρίων ἐπιμελούμενον καὶ ἀμότατον.
i Anon. Arg. Orat. Androt.
k De natura Deorum.2.
l Est enim bellum gestum consilio Senatus ejus. Cicero Off.1.
m Plutarch. in Themistocl. pag.84 l.3.
n Polit.l.5.c.4.

Commonwealth. [a] Under their sight 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, then when they were children; not observed by our countrymen in sending their sons young to the *Innes of Court*) 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*, Τίνες εἰσὶν οἱ ἀσεβοῦντες περὶ τὰ μυστήρια, who offended against the mysteries? Οἱ πᾶς ἀμυήτοις αὐτὰ ἐκφέροντες, replied, such as open them to those who are not initiated. Therefore, quoth the Philosopher, art thou impious. For which crime, had not *Demetrius Phalereus* befriended him, the *Hierophanta* was in danger, εἰς Ἄρειον πάγον ἀναχθῆναι πάλιν, 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 αὐτονόμους, *sui juris*, and permitted them to keep their ancient customes. The manner or proceeding in this Court, was thus. After the fellony 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*, [d] and putting off the crown which he was wont to wear, sate 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] προοιμιάζεσθαι καὶ οἰκτίζεσθαι, 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] παραγωγαί. This *Aristotle*

[a] Isocrates Areop. p. 152.

[b] Laert. lib. 2. in Aristippo. p. 154.

[c] Symeon Metaphrast.

[d] Pollux. l. 8.

[e] Hermotim. p. 505.

[f] Pollux pag. 405.

[g] Vide Ulp. in Demost. pag. 396.

stotle calls ἔξω τοῦ πράγματος λέγειν, to speake beside the matter. Before the triall both parties sweare (which they style [a] 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 τοῦ ἵππου τῆς τομίας, and *Hercules* to the children of *Heleus* ἐπὶ τομίου κάρα) tooke oath, therefore named ὅρκος ἐπὶ τομίων, in which he maintained that he dealt justly and rightly, and that he was joyned 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 τομίων, I suppose is, because they are the instruments of generation, 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 among the Romans. [e] *Jurisjurandi contempta religio satis Deum ultorem habet.* For swearing is punished by a revenging God, but if any swore false by the life of the Prince, he fell under the *Julian* Law, *Læsæ 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 named λίθος τρεῶς, the stone of injury; the other Ἀναιδείας, by *Adrian Junius* thought Ἀναιτίας of innocence, not impudence. Then the appealer asked the prisoner three questions, which [g] *Æschylus* calls τρία πρὸς τὸ σῆμα. First; whether he were guilty or no, [h] εἰ κατέκτονας, to which he answered, ἔκτονα or οὐκ ἔκτονα, yea or nay: Secondly, ὅπως καὶ ἔκτονας; for what reason he did the murther. Thirdly, Τίνες συνεβούλευσαν; who were the Abettours. Then arose there certaine Lawyers, ἐξηγηταί, who shewed whether the murther was committed [i] σὺν δίκῃ, in justice. ([k] For in *Athens* there were such Councellours, to whom in matters of difficulty they had resort.) By σὺν 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 Messaniacis. p.126.
d Demosth. p. 608. & 416. These agreed, saies *Pessard*, about the punishment, according to the damage received. 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 ſententiæ* of the *Romans*,in which they wrot C.if they condemned.A.if abſolved.N.L. if the caſe were not manifeſt) hence Αρειοπαγίτης σεμνότερος, for one that is cloſe and ſilent;and Αρειοπαγίτης,for one that is grave,and who can hold his peace,&in whoſe countenance is [a] *triſtis ſeveritas*, ἐπὶ τῆς σκυθρωπῶν καὶ ὑβριστικῶν καὶ σιωπηλῶν. Whatſoever they concluded of, ſtood irrecoverable, [b] neither could there be any appeal to another Tribunall.And no marvell.For ſo upright was their ſentence,[c]that none,either Appellant or priſoner could ever ſay, that he was unjuſtly condemned. Nay both parties,as well thoſe that are caſt, as they that caſt, are alike contented, [d] ἡδόμενοι τέργοις ὁμοίως πᾶς κατεργαζόμενος. After doom the priſoner was to ſuffer death. In which execution alſo the *Areopagites* had a care leſt the innocent ſhould be puniſhed with the guilty. When therefore they had condemned a woman for poyſoning 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. [f] 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 hopefull youth, begot of her by a former husband, referred the audience of the matter to the *Areopagites*, who commanded the woman and her accuſer to appear ſome hundred yeares after; that by ſuch a bottome of time,ſcarce able to be unwinded,they might ſhew, that neither would condemne nor acquit the woman. One thing more, [g] *Quintilian* tels us,that they condemned a boy for

Vide Sylvium in Orat.pro Flacco.

a Torentius.
b Η τῶν κρίσις οὐκ ἐδίδοτο τοῦ κριθέντος ἔφεσιν. 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.

for putting out the eyes of Quailes. Because it was a sign of a minde, likely to prove most pernitious. Their power was shaken and somewhat pluckt downe by [b] *Ephialtes*, a sore enemy of *Oligarchical* government, and more enclining to the people, who was secretly slain by [c] *Aristodicus* of *Tanagra*. They sate three daies every Moneth, τετάρτη φθίνοντος, τείτη, δ' δ' τέρα.

b Plutarch Vit. p 355. & M r. 291.
c Liv. in Pericle p. 113.

CAP. III. SECT. III.

De Judicio. ὅτι Παλλαδίῳ.

After the siege of Troy some of the Grecians came with *Diomedes*, [d] 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 *Domopho* 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 (οὐδὲν πρόσπαπτο ζώων, saies *Pollux*, 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 Ἀγνῶτας, 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, * Ἐπὶ Παλλαδίῳ, *juxta Palladium*, as some. Here was *Demopho* first tried, who returning from this battell, killed with his horse, somewhat diverting, an *Athenian*; [g] for whose kinred some think 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, ἀειφυγία, as in wilfull felony; (kept by us in England once, called *Abjuration*,

d Dictis Cretensis de bello Trojano l. 5. p. 14. P.
e Libro octavo pag. 406.
f Schol. Soph. in Oed. Tyr.
* It is simply so called Palladium. Ælian Var. l. 5. c. 15. περὶ ὃ τὴν ἀκροπόλεων ἐν Παλλαδίῳ.
g Pausan. Attic pag 27.
h Demosth. contra Neæram. pag. 727. Vide 647.
i Demosth. pag. 329.

(where the guilty had his life upon oath, that he would never returne) but he did [a] ἐξέφευγε, in a gentler terme. [b] For it was a custome of old, to give a certain summe of mony (the *Attiek* Law χρήματα ἐπίπμα, 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 aboad they went somewhere else. [c] *Ovid. Cade puer factâ Patroclus Opuntæ reliquit.* Their discontinuance was but for one yeare, Ἄλλως ἢ ἔφυγεν ὁ φονεὺς ἢ πλεῖστον ὡς τὰ πολλὰ ἐνιαυτοῦ. The money disbursed on such occasions was properly called ποινὴ, *quasi* φοινὴ, from φόνος, murder, as if it were the price of bloud. And the Scholiast of *Sophocles* tells us that ποινὴ is spoken only, ἐπὶ καταδικῆς χρημάτων of payment of mony, but abusively of any punishment. [d] 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*, *Peleas*, *Medea*, *Alcmæon* purified. [e] *Ovid.*

Græcia principium moris fuit: illa nocentes
Impia lustratos ponere facta putat.
Alcoridem Peleus, ipsum quoq; Pelea Phoci
Cade per Æmonias solvit Acastus aquas.
Vectam frenatis per inane draconibus Ægeus
Credulus immeritâ Phasida fovit ope;
Amphiaraiades Naupactio Acheloo
Solve nefas dixit, solvit & ille nefas.
Ah nimium faciles, qui tristia crimina cædis
Fluminea tolli posse putatis aqua.

In this ceremony they did θύσαι, sacrifice, saies [f] *Demosthenes*, (which custome likewise was observed by the [g] *Trœzenians* in the lustration of *Orestes* from the bloud of his mother, which I gather by the feast which they presently celebrated there

[a] Demosthenes, Midiana.
[b] Eust. in Iliad. 1. Ἔθος παλαιὸν ἦν, φονεύσαντος τινός, &c.
[c] De Ponto lib. 1. Eleg. 4.
[d] Eustath. But Demosth. ἕως αὐ αἱ δέησεις τῆς ἐν γένει τοῦ πεπονθότος. Untill he obtained remission from some of the kindred of the slain.
[e] Demosth.
[f] Fastorum 2. initio.
[g] Κατὰ Αἰσχιν. p. 414.
[h] Pausan. Corinth. p. 74. Καθαίρεται δ' φασιν Ορέστης καθαρσίοις ἁλλοῖς, &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 καθάρσια were buried, there sprouted out of them a Bay tree) and after that καθαίρειν, θῦσαι καὶ καθαρθῶναι. This as I said was in his flight, Κἄπειθ' ὁσιῶν καὶ καθαίρειν νομίσαις πτί. The proceeding in this Court, was first, διωμοσία, such as before I mentioned, an oath in each party, accuser and defendant: secondly, λόγοι, their speeches of both sides: thirdly, γνῶσις δικαστηείου, Iudgement. 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.

CAP. III. SECT. IV.

De Judiciis, ἐν Δελφινίῳ. Πρυτανείῳ. Φρεάτιοῖ.

AT Athens there was a Temple erected by [a] *Ægeus* (who lived in *Delphinium*) to the honor of *Apollo Delphinius* and *Diana Delphinia*, [b] where was the Tribunall named ἐν Δελφινίῳ, or ἐπὶ Δελφινίῳ δικαστήριον. * 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 uncleanesse with his Mother, Sister, Daughter, Concubine, or free Children. Likewise if in preservation of his goods, or own defence he spilt bloud 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 triall of *Theseus*, whosoever

a Plutarch. pag.4.l.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.

soever had slain any body was compelled to flye the country, or staying dye, were the cause never so just. Ἐν Πρυτανείῳ. Here they sate on things inanimate. As if a stone, timber, iron, or such like, fall on a man, and kill him, if the party that flung this be not knowne, sentence was past on that thing which slew him; and the φυλοβασιλεῖς, that were the Masters of this court, were to see this thing cast out of the Territories of Athens, to which [b] *Æschines* alludes, Τὰ μὲν ξύλα καὶ τοὺς λίθους, καὶ τὰ σίδηρον τὰ ἄφωνα, καὶ ἀγεώμενα ἐὰν τινα ἐμπεσόντα ἀποκτείνῃ, ἀποβοείζομεν. The first thing that here was judged was an Axe, wherewith the Priest, whom they call Βωμόνθ, had slain an Oxe on the altar of *Jupiter Polieus* in the time of *Erectheus*. Ἐν φρεαττοῖ In that part of *Pireæum* which is next the Sea, is a place which they name φρεαττὺς, from *Phreatus* an *Heros*, some think; not because it stood in a pit, whence [c] *Pollux* names it ἐν φρεάτει. Here they were judged who having fled out of another country for unwilfull murther, [d] μή πω τὸν ἀποβαλόντων αὐτὸν ἢ δεσμῶν, they that drove him out not acquitting him, if in the space of his exile it happened that he wittingly slew another, he answered heer. The proceeding was in this sort. The Judges assembled in φρεαττοῖ, in a place seated on the Sea, [e] πόρρω ἐπικαλούμενον ἐπὶ θαλάττιον; where the guilty drawing near in a boat or bark, was to make his apology, τὴν γῆς ἐκ ἀπόβαινον θ, not comming to land or touching it, neither casting anchor [f] or moaring his bark; and if he were found guilty he underwent deserved punishment: If he were not found guilty they cleared him of that fact, not discharging him of the former, [g] πῶς ἢ ἐν τοῖς τέρμα φόβῳ φυγὼν ὑπέχει. I know not whether I may be of that opinion that others are in this, that if he were cast in this tryall, he was exposed to the cruell mercy of the wind and waves. These last quoted words seem to contradict it. The first that ever answered here was *Teucer*, proving himselfe to be innocent of the death of *Ajax*; [h] whom treacherously circumvented because he defended not his father *Telamon* drove out of

a Pollux loco citato.
b Contra Ctesiph. p. 103.
c Lib. octav. 406.
d Demosth. contra Aristocr. 415.
e Demosth. ib.
f Rodolphus Gualterus out of Pollux interprets it. Scalam terræ injicientem, putting downe a ladder; the Greek ὑποβάθραν.
g Demosthenes.
h D. Atis cretensis de bello Trajano l. 6. p. 145.

Salamis

Salamis, unto which that he might be restored he made appeal to this court: Which gives light to [a] *Aristotle* Ὅτι τοῖς φεύγουσι φόνου, ἐπὶ καθόδῳ ἐπιφέρεται· ὅθ' Ἀθήνησι λέγεται καὶ τὸ ἐν Φρεαττοῖ δικαστήριον. Judicatories concerning men flying for murther, that care for their bringing back againe, such as in *Athens*, τὸν Φρεαττοῖ When the party prosecuting will not admit of reconciliation.

a Politicon 4. c.17.

CAP. III. SECT. V.

De Tribunalis reliquis. Παράβυσον. Τείγωνον. Βατραχῆν. Φοινικῆν. Τὸ ἐπὶ Λύκῳ. Μικρὸν δικαστήριον. Ἐν Ἀρδηττῷ. Διαιτηταί.

BEsides these Courts of bloud and causes criminall, there were for civill matters these, *Heliæa*, of which before for the excellencie of it I treated. Παράβυσον. Of this name there were two, παράβυσον μεῖζον καὶ μέσον, the greater and the middle. In this Court were handled matters, saies *Petit*, that exceeded not one drachme, to which [b] *Aristotle* might be thought to looke speaking of Iudicatories, περὶ τῶν μικρῶν συναλλαγμάτων, ὅσα δραχμαῖα, &c. And this was the meaning of [c] *Pausanias*, Ἐπ' ἐλαχίστοις συνιόντων, εἰς αὐτό. Suing here for the least occasions. The *Undecimviri* were Iudges of the Court, which made *Petit* to suppose that it was not to bee reckoned among the δέκα δικαστήρια. It stood [d] ἐν ἀφανεῖ πόλεως, in an obscure place of the city; whence ἐν παράβυσῳ, in [e] *Demosthenes*, is by *Ulpian* expounded, privily, by a *Metaphor* taken from the situation of this Iudicatory, or, παρὰ πληρωμάτων τῶν ἐν τοῖς οἰκοδομίαις ἔνδον, καὶ κρύφα τοῦ φαινομένου, from goods secretly hidden. Ἐν παράβυσῳ, ἀντὶ τοῦ λάθρα. Τείγωνον, from the forme of it, which seems to have been triangular. Βατραχῆν, and Φοινικῆν; from the colours that were painted [f] ἐπὶ τοῦ σφηνίσκου τῆς εἰσόδου upon the post of the entry, answerable to which there was a staffe given to the Iudges, 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.31.

they might know in what court to sit; For they presently went to that court which had the same colour with their staffe. Τὸ ὅπὶ Λύκῳ. From the statue of *Lycus* on *Heros*, which was there set up, having the face of a wolfe; where likewise the statue of *Juno* stood visaged in the same manner. But we must not omit that the image of *Licus* was erected in every court; hence [a] Λύκου 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 [b] πάλαι ὃ συωήεναν ὁι συωδεκάζοντες τὰ δικαςήρια (understand ὀφεὶς ὄν or the like) at which they who bribed the Judicatories met. *Xenobius* helpes my conjecture, ἔνθα ὁι δωροδοκοῦντες, καὶ συκοφάνται καὶ δέκα μνᾶς μισθοῦμενοι συωεςρέφοντο. 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] Μετίχου δικαςήριον. 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. Ἐν Ἀρδήττῳ. Some have falsly supposed that there was a Tribunall so called; neither did [e] *Meursius* think otherwise, when he translated these words of [f] *Pollux*, ἐν Ἀρδήττῳ δικαςήριον, *apud tribunal Ardettum*. The fault crept in by the negligence of the transcriber; for the place is thus to be read, ὄμνυον ἐν Ἀρδήττῳ δικαςήριον. The Judicatories were wont to take oath or be sworne in *Ardettus*. *Ardettus* is a place near the river *Ilissus*, so named from *Ardettus* a Peer, who swore the people, being in sedition and mutinie, to love and amity. Where afterwards, as is most probable, the Iudges 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, [g] by *Apollo Patrius*, *Ceres* and *Jupiter Rex*. And this the Etymologist affirmes, speaking of *Ardettus*, [h] Ἐν τέ-

[a] Zenobius.

[b] Lib. octavo p. 406. The place is extreamly 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. pag. 406.

[g] Ἀπόλλω Πατρῷον, καὶ Δήμητραν, καὶ Δία Βασιλέα.

[h] Etym. mag. p. 147.

τῷ ὃν τῷ χαρίῳ ὤμνυον οἱ δικαστὴ ἢ δικαστικὸν ὅρκον. The Iudges 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 Ἀρδιτὴς τὸς ἐπιόρκους. Thus have we viewed the Athenian Iudicatories, in number tenne. For Murther, *Areopagus*, *Palladium*, *Delphinium*, *Prytaneum*, and *Phreattys*. For other matters, *Heliæa*, *Trigonum*, *Parabystum* (not the *Medium* but *Majus*) *Metichi forum*, *& ad Lycum*, where the Διαιτηταὶ were wont to sit, saies [c] *Possardus*, of whom, because [d] *Emmius* numbers them among *Iudicia quatuor præcipua* 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 priviledges 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, ἱερῶν ἐνιεγῶν, holy matters, if *Pollux* be so to be read. For some things there were which came not under their jurisdiction. What ever the δικαστὴ κληρωτὴ 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 which

a Casaub. Theop. Char. p 178.
b Etym. Mag. loco laudato.
c De Mag. Athen. p 540.
d Descrip. Reip. Ath. 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 illum. p. 344.

which was required for damages; they received as a fee from the Plaintif one drachme, which they called [a] δίασιν, as also another from the defendant, when they gave him his oath. The office was but annuall: And because they would pervert justice, (as [b] *Demosthenes* is witnesse, * although they were not to judge before they had (worne) give sentence according to favour, envy, or for gaine; 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 ἄτιμοι. Thus much of the Διαιτητὰ Κληρωτί. There were other Διαιτητὰ 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, ἐπιτρέπειν δίαιταν. 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 differencie, after he had heard both parties, he prolonged the sentence untill at last he died. Whence it grew to a proverb, [f] Βῦνας δικάζει, *Bunas judicat*, Bunas judgeth, of those that defer to passe sentence, and hold a case long in suspence.

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

b Orat. in Bœotum prodote.

* Idem pag. 682. n. 41.

c Ulpian loco laudato. 342

d Petit Miscel. l. 8. p. 211.

e Vide legem apud Dem. p. 344.

f Zenobius.

CAP. IV.

De Nominibus Judicialibus.

HAving thus treated of the *Attick* Courts, it follows that I speake of their Tearms of Law, Writs, and Accusations. These were of two sorts, private and publique. The publique were properly termed Καταγραφαὶ, saies [g] *Emmius*. Of

g De scrip. Reip. Ath. p. 41

Κατα

Καταγελῶν, there were divers sorts. Γραφὴ, φάσις, ἔνδειξις, ἀναγωγὴ, ἀφήγησις, ἀνδραληψία, συκοφαντία. Γραφὴ, saies [a] *Ulpian*, is ὅτι τι παρατόμων, of any trespasse against the Law, by which the Statutes of the Commonwealth are violated; and most properly [b] quoth he, elsewhere, it signifies an accusation made according 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 *Formula*, 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 mony 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 [f] Orators call ἐπωβελίαν, from ὀβολὸς, 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 φάσεις, which in Latine you may name *delationes*. For which the Romans allotted the fourth part of the forfeit, whence they are stiled *Quadruplatores*; but among the *Athenians* not so, if [g] *Pollux* say right, καὶ τὸ ὀφλημενδὲν ἐγίγνετο τοῦ ἀδικουμένου, οὐ καὶ ἄλλῳ ὑπὲρ 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. Ἔνδειξις is a Writ against those that owe to the City Treasurie, and yet goe about to beare office, saies [h] *Ulpian*, which by the *Attick* Law was utterly 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, ἐπὶ τοῦ ἀτίμου, for

[a] In Demost. pro Corona. p. 159.
[b] Orat. contra Lept. p. 296.
[c] Sir T. Smith Com. Wealth of Eng. l. 2. c. 10.
[d] In Vitellio.
[e] Pollux l. 8. p. 387.
[f] Demosthen. cont. Caricl. p. 699. n. 6. cont. Everg. & Mnesib. pag. 646. n. 90. cont. Steph. ψευδ. A. p. 622. n. 9. contra Onetora. Ἐξουλ. 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.

for men disfranchised. But[a] *Pollux* teaches us that it is a declaration made to the *Archon* against one taken in the maner; which the *Greeks* terme ἐπαυτοφώρῳ, [b] Schol. *Nazian.* ἐπ' αὐτῇ κλοπῇ, *Pollux* expresses by ὁμολογούμενα ἀδικήματα, 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; [c] 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] *Pollux* ὁμολογούμενα ἀδικήματα, ἐκείτεως, ἀλλὰ πρωείας δεομένα. He that thus made this declaration, was to subscribe his name, that if he were false, he might be liable to the Writ, ψευδοῦς ἐνδείξεως. The declaration was against men who were not present. Ἀπαγωγὴ, 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 ἀπαγωγῇ, they brought not all offenders to the same Magistrates, but according as they were made Judges of such and such offences; [e] sometimes to the eleven, sometimes to the [f] *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 ἀπάγειν, he would perhaps fetch the *Archon* to the house where such a party lay hid, which the *Attick* Lawyers terme ἀεπηρεῖαν Ἀνδρολήψιον: is when a fellon hath committed murder, and flies for succour to any; ([g] as the Law suffered any to receive him) if the kindred of the slain or others had required the malefactor to be delivered to them, and the protector would not, it was lawfull to enter into his house, and carry away any three persons, as some translate it,

[a] Onom. lib. 8. p. 388.
[b] In stelit. 1.
[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
[g] Dem. p. 416.

or

or all save three, ἄχρι τεῶν, as others, who were to answer for the outrages done. But who so entred unjustly, was not to escape unpunished. Εἰσαγγελία, 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 Εἰσαγγελτικός. The Senate was *Judg* (*Pollux* saies that *Solon* made a thousand to sit on this, and *Phalereus* 1500. Where the interpreter erres. For πρὸς πεντακόσιοι is 500. to them, as ὑπ 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 δίκαι.

Αἰκίας δ. is an Action against a man, who when two shall scuffle, gives the first blow, which the Greeks call ἴρξαι πληγῶν 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 cont. Arist. p 415.
*In Dem. p. 58
b Eund p 453.
c Dem. p. 410.
v de Ulp. ibid. & Arg Orat. cont. Everg.
P
a Sch. Arist. Conc. p. 745.
e Dem. cont. Con. p. 690.

 [a] Κα-

[a] Idem ibid.

[a] Κακηγορείας δ. Somewhat neare our proviso of giving the lye, left by taunting and reproachfull words, men be provoked to blowes. Βλάβης 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 anoyed: [c] To refuse to pay money where it is required, or to give it to another. [d] To promise to bear witnesse in a suit, and then not to be present, by which the case falls, and the like. Παρακαταθήκης δ. About pawns, I suppose, which men that needed mony were wont to leave with the usurers, [e] as cloaths, housholdstuffe, &c. Or about mony put to the banke, which the exchangers did imploy to the advantage of the owners, as I gather out of [f] *Demosthenes.* The word imports both. Ἀποπομπῆς 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 ἀποπομπὴν & as *Lysias* ἀπόπεμψιν on the husbands side, and on the wives ἀπόλειψιν, 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. κλοπῆς 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] ἐπίσημον ἀργύριον. Of usury I shall speake more in Chap. of money.

[b] Arg. Orat. Dem. contra Callicl.

[c] Dem. cont. Callip. p. 680. n. 20.

[d] Dem. cont. Tim. p. 659. n. 25.

[e] Sch. Aristo. 137. E.

[f] Cont. Phor. p. 555. n. 7. 8.

[g] Vide Cujacium. Observ. l. 6. c. 15.

[h] This is reckoned among the Lawes which were made for private men. Ulp. in Dem. p. 481

[i] Vi. Calsub. in Theoph. p. 191. Char. περὶ Ἀπονοίας.

Συμβολαίων δ. When men had bargained and would not stand to it. [k] *Aristotle.* δίκαι περὶ ἀλλήλους περὶ συμβολαίων.

Συνθήκης περιβλάσεως 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 συνθῆκαι were usually confirmed by oath to each other. Διαδικασίας δ. [m] a contention

[k] Polit. l. 2. c. 3

[l] Dem. p. 651. n. 13.

[m] Ulp. in Dem. p. 62. & 310.

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. Ἐπιδικασίας 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 ἐπίδικος, that is, *Controversa.* Μισθώσεως οἴκου δ. About letting of houses. (For *Herodotus* termes that οἰκήσιν, which other Greek writers μισθοῦσι, it is well to set to hire, as to take rent, ἀμισθῶν and ἐπιμισθοῦν, 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, THIS HOUSE IS TO BE LET. Which custome *Menedemus* in [b] *Terence* expresses--*Inscripsi ilico,* 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 Μισθώσεως. Ἐπιτροπῆς. 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 [c] *Sophocles* entreats of *Theseus* in the behalfe of his daughters -Ὦ φίλον κάρα Διὸς μοι χειρὸς σῆς πίσυν ἀρχαίαν τίκνοις, τιμῆς τε παῖδες τῷ δὲ κἀμοὶ τάνεσον Μήποτε προδώσειν τὰς δ' ἐμὰς, τελεῖν δ' ὅσ' αὖ μέλλῃς φρονῶν δ' ξυμφέρον τ' αὐτὰς ἀεί. Not unlike is that of the [d] *Comaedian* under

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

[b] Heaut. Act.1. Sc.1.

[c] Oedip. Col. p.314.

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

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

Accessi: vos semotæ: nos soli: incipit:
Mi Pamphile, hujus formam atq; ætatem vides:
Nec clam te est, quàm illi nunc utræq; 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 hæc te solum semper fecit maximum,
Seu tibi morigera fuit in rebus omnibus.
Te istum virum do, amicum, tutorem, patrem.
Bona nostra hæc tibi committo, & tuæ 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 bee 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 ἐπιτροπῆς, as [a] *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 [b] Law the Guardian could not be taxed. Ἀποστασίου, Of a Master against a Servant ingratefull for his manumission, not doing his duty to his Master. Because, as [c] *Demosthenes* witnesses, it was the nature of servants once made free, notonly to be ingratefull, 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 libertus ingratus, jure libertatis exuitur.* The Romans did not only acquit them of the liberty of the Citie (which

a Plut. in vita ejus.

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 [a] *Maximam capitis diminutionem.* Σίτα. If any man put away his wife hee was to restore her portion again; if he refused he was ἐπ' ἐννέ' ὀβολοῖς πεκφερῆν, that is, every month for one pound to pay nine *oboli* which the *Atticks* terme [b] εἰσόδειον πεζικὸς, the revenew of her dowrie The Writ whereby he was sued was Σιτοδίκη, for the repayment. [c] 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 ἀσίας 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 ἐξέλης, he were overthrown, he was compelled to relinquish his possession. This ἐξέλη also is a Writ against those that would cast an inhabitant out of his house, it being termed from ἐξέλλειν, to throw forth. [d] 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 ἐξέλης, 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 διαιρέσιν. 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 & cosen in, as *Anacharsis* 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. 733.

[c] Dem. pag. 655. n. 58.

[d] Ulp. in Dem. p. 340.

[e] Apud Laer. p. 74.

they forbad to ſpeak falſe, and yet did (ἐν τῇ καπηλείᾳ φεύδεσθαι) if any man had bargained for any thing, and another ſued and doubted of the right of it, [a] he might require the ſeller to confirme the lawfulneſſe 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 *Græcâ fide*, with ready mony; as [b] *Scaliger* and [c] *Caſaubon* truly interpret it, [d] *Turnebus, Repreſentatâ pecuniâ:* yet ſometime gave they Earneſt only to make the thing ſure, which the *Greeks* and *Latines* call [e] ἀῤῥαβῶν, from the [f] *Hebrew* ערב. This ſeemes to me to have been the hundreth part of the mony which was to be paid for the thing bought, as [g] *Stobæus* 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 ἐμφανῶν καταστάσιν, for the laying open of any thing, concerning which was a ſuit in law, by [h] *Pollux* his words I may conjecture, goods or mony privily taken away. Ἐξαιρέσεως δίκη. When any ſhould offer to take another mans ſervant, and make him free againſt the will of the Maſter which the Greeks terme [i] μὴ δικαίως ἐλευθερίαν ἀφελεῖν. Ἀμφισβήτησις is a ſuit about nearneſſe of blood, in matter of inheritance, when a man dies without iſſue of his own body. Παραπαταβολή, 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 παραπαταβάλλειν, 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 [k] *Budæus:* but if publique, the fift. [l] Διαμαρτυρία When any ſhall proteſt that an inheritance doth hang in controverſie, and is ἀδίκως, as a true heire being ſtill alive, of which thing chiefly treats the Oration of *Demoſthenes* againſt *Leochares.* Ἐπίσκηψις. When any ſhall try to falſifie the διαμαρτυρία. Ἀπογραφή. When men went to Law about kindred, as to prove themſelves of ſuch and ſuch houſes.

[a] Pollux l.8. c.6.p.385.

[b] In Auſon. Lect.l.2.c 6.

[c] In Theop. Char.p.312.

[d] Adverſariorum l.4.c 13

[e] Don. Quod prius datur, ut reliquum reddatur. in Ter. Heaut. Act.3. Sc.3.

[f] Vide Daſq. in Baſil. Sel.

[g] Sermone 24.

[h] Onomaſt l. 8.c.6.p.384.

[i] Demoſt. p. 718.n.29.

[k] Pand. Prio. p.100.

[l] Dem.p.620. n.78.

Here followeth the termes promiſcuous, private and publique, which are publique and law full for any to proſecute. See Pollux, pag. 386.

Ἀπεγραφὴ. All strangers in Athens were compelled by the Law to get them Patrons (as my most worthy Schoolmaster the glory of his time,[a] M. *Matthew Bust* hath observed, whom for honours sake I name) or else they might bee questioned, and if they were convicted their goods were sold and put into the City Treasury. Ἀχαριστίας of ingratitude against those who shewed not themselves thankfull to those who had well deserved of them. Ξενίας the same with ἀπεγνώσιον, 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 witnesse of a matter. Ἐκμαρτυρία, when an other witnesses from the report of him that saw it. Ψευδομαρτύριον false witnesse, which to prosecute in Law they terme δικὴν φεύγειν ψευδομαρτυρίων. Λιποπαρτυρίου, 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 κλητεύειν, 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 ἐκκλητεύεσθαι. Δώρων γραφὴ, when the Judges were corrupted with bribes. Δικάσμῶν against those that did corrupt them. Ἀργίας of a man convinced of idlenesse, which once taken *Draco* punished the delinquent with losse of the City priviledges, *Solon* not unlesse hee were thrice delinquent. Λιποναυτίου, when any of the Marriners ran away from their ships. Ἀναυμαχίου, when the Marriners that staied in the ships would not fight, if occasion required. Ψευδογραφῆς, when any would falsely accuse, there was likewise against them a writ δικῶν ψευδοκλητείας. Ψευδοκλητείας 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. Παρανόμων, when

[a] In Epist. Dedic. suo Euchaitensi præfixa ad Richar. Canturiensem Archiepiscopum.

any was accuſed of making a decree or Law contrary to former ſtatutes. This accuſation was called ὑπωμοσία 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 incontinency, 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. Εὐθύνη 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, Λογίου λόγον διδόναι, *Rationem reddere*) if concerning injuries given to the Judges. Παραβολὴ 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. Παραβολαὶ, likewiſe are accuſations againſt men injurious ἐξυβρίσαντας, [a] and ſuch as are delinquent againſt their feſtivalls, as the oration of *Demoſthenes* againſt *Midias*. Πεῖμοσία, An oath which the accuſers tooke that he would juſtly accuſe. [b] Ἀντωμοσία, The defendants oath that he had done no wrong. Ἐξωμοσία, 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 witneſſe, wherein he ſweares that he knowes nothing of the buſineſſe. Ἀπωμοσία, 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. Γραφὴ παρανόμων an accuſation of Law or decree unprofitable, againſt the motioner, as above ſaid. Παραγραφὴ & παραγραφεία, 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 λιποστρατίου, and I accuſe him of

a Lib. Arg. in Medianam.

b Ulpian in Dem. 226.

of leaving his ranke, to wit, λειποταξία, 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 murther in *Areopagus* not *Palladium*, by which evasion if the case fell it was termed ἀγραφία. Ἀντιγραφή, when he that is sued puts in a bill against the Plaintif in like manner. But if the Defendant (I call ἀντιγραφάμενον so) were cast hee payed ἐπωβελίαν. [a] Μὴ ἔσται, 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 ἐρημῆ *Eremodicio*, as if he scorned to come, or were obstinate, hee ought within ten daies to sue out μὴ ἔσται, where in hee reproved the sentence, and made it of no effect so as it came to its first state againe. But if he could not obtaine a μὴ ἔσται, 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 [b] *Ulpian*, which was the mulct appointed by the law, for the discharge whereof he put in good security, Ἀπλαγχάνειν δίκῃ, 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 *Eremodicium*, and if within the space of two Moneths he did not renew the suit (which is ἀπλαγχάνειν δίκῃ) he was sure to pay the fine. Ἐνεστιλήψασθαι, 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 ἐνεστήκημα. Πρόκλησις, is a citing of one before the *Archon* in controversie about inheritance, or a virgin left inheritrix. Now if the Plaintiff did not warn the Defendant ἢ ἐπιδεδικασμένοι, the suit died, and such actions are called ἀπρόκλητοι δίκαι. [c] Πρόκλησις, is as letting a case fall or dissolving it upon some witnes, oath, confession extorted by torments, and the like. Ἔφεσις is an appeal from one court to

[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. Ἀτιμία & δίκη when there is no more fine laid upon a man then what his adversay did ἐπιγράφειν, write downe at the lower end of his inditement; of which custome somewhat hath before been spoken. Βολίτου δίκη, Against such as stole oxe dung out of their neighbours lands; whence of those that are put in the court for triviall matters the proverb Βολίτου δίκλω. Ἀσεβείας 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. * Ἀγραφίου, If any owed to the City Treasury, and his name were registred, and before the discharge of the mony his name were blotted out, they sued him before the *Thesmotheta* ἀγραφίου, but if his name were never entred he was prosecuted by an ἔνδειξις, Μεταλλικαὶ proper only to such as dealt in the mines, like to the Stanneries in the County of *Cornwall* my Country, and *Devonshire* her sister. b 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 c *Plutarch* tels us. There was likewise ἀγραφεμεταλλ. 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 Treasurie. Now if any presumed

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

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

b Dem. cont. Pantæ. p 568. n. 51. 52.

c In vitis Decem. Rhet. p. 453.

med to work who had not made it known to the officers, it was lawfull for any to accuse him, ἀρχαίρεσιμοθάλλειν. Ἀρτεμῶς δ. About mony put out to the mony changers. [a] For ἀφορμὴ among the *Atticks* is the same that ἐνδεκὴ in the lawyers of latter time, *in Jure Graeco.Rom.* Sometimes indeed they used ἀφορμὴ for meanes and sustenance, [b] προβολὴ εἰς τὸ ζῆν. Καταδικάσας and καταδικασάμενος have this difference, that [c] καταδικάσας is the Judge that gives sentence, καταδικασάμενος is he that put in the controversie, to be the meanes that the sentence past against the defendant. [d] Ἄφεσις 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 Phorm. Orat: p.554.

b Sch. Eurip. Med.p.368.

c Ulpian in Med.p.368.

d Idem in Dem.p.450.

FINIS.