

Romanæ historiæ anthologia recognita et avcta. An English exposition of the Roman antiquities, wherein many Roman & English offices are paralleld, and divers obscure phrases explained. For the use of Abingdon Schoole / [Thomas Goodwin].

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ROMANÆ
HISTORIAE
ANTHOLOGIA
RECOGNITA ET
AVCTA.

High Series

AN
ENGLISH EXPOSITION
OF THE ROMAN ANTI-
quities, wherein many Roman
& English offices are paralleled
and divers obscure phra-
His ses explained *Book*

For the use of ABINGDON Schoole.

Newly revised and enlarged by the
Author. *1740/41*

AT OXFORD,
Printed by JOHN LICHFIELD,
Printer to the famous University
for HENRY GRIPPS.

Ann Dom. 1531.

~~Samuel Witternunge~~

~~And the~~

Lucas Woodman

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13/2/99
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VIRO
COLENDISSIMO

D^o IOANNI YOUNG SS. THE.

OLOGIE DOCTORI, & Eccle.

sia WINTONIENSIS Decano

Ornatissimo.

Ἐυδαίμωνέστατα διαγινώσκω

Vir Ornatissime,

NON liberi quàm libri plu-
ribus exponi periculis so-
lent, cùm primum prode-
ant in lucem: vtrisque pari-
ter opus est tutelari aliquo
numine obstetricante. Hoc
olim sensit Anthologia hæc nostra primum
edita: idem sentit eadem in hodierna dua-
rum sectionum, & capitulorum aliquot su-
perfectione. Nacta igitur secundas suas co-
gitationes te ambit Patronum, qui facem a-
liquam mihi in his antiquitatibus obambu-
lanti prætulisti, & quem multum fuisse in
studijs

studijs meis promovendis, palam, & sub
Dio prædico. Videbis me aliquoties alium à
doctissimis viris, & ab illorum sententijs ali-
enum: Veritate enim præponderante, nullus
apud me Plato, nullus erit Aristoteles, (nolo
ego istiusmodi insaniam insanire, vtcunque
splendidam & *autoritativam*.) Cæterum taci-
tus hoc facio, & apud me, citra omnem veli-
tationis pulverem, rarò admodum quovis
protracto in arenam, ne videar ex illorum
numero, qui ex nuda pugna cum adversario
aliquo eximio commissa, gloriolæ nescio
quos fumos sibi pollicentur. Hæc scribendi
ratio si tibi placeat, alios non moror, quibus
si simplex veritas non arrisseret, cum magnis
nominibus deviare per me licebit. Vale, &
meas Musas, vt soleas, ama, illæ, quod iam fa-
ciunt, te colent semper, & omni obsequio
prosequuntur. *Datum Abindoniæ 14. Calend.
Decemb. Anno χριστογωρίας 1622.*

Dignitati tuæ

multiplici nexu mancipatus,

THO. GODWYN.



BENEVOLO LECTORI

Ἐυπράττειν, Ἐυχεῖσθαι.



IRARIS forsan & redarguis, quòd nondum destitum ab his elementaribus; quasi vita mihi vitalis foret, in his minutijs integram meam ætatem eludere, & votum vnicum in his prævijs studijs senium contrahere. Qui sic sentis, nec me satis noris; nec ludi literarij (pone lenocinium nominis, moletrinae dices) iniquas leges, aut miseras quotidianas, & omnigenas. Sentio ego me in pistrinum damnatum, & cogita tu hanc Anthologiam è pistrino prodeuntem. Si minus placeat, illud dabis puerorum circumstrepentium susurris, inter quos nata est: Si placeat, illud debes puerorum crebris interrogatiunculis, quarum enodationes, me vel invitum indices reducant ad hæc studia, quæ alias jamdudum jussissem suas sibi res habere; Sic me amet Theologia, sacratior mihi pagina in votis, cum hæc in manibus, ludo cogente. Interim te monitum velim, quæ accedere, non vulgaria, aut obvia, nec quæ vulgus hominum, aut docuit, aut didicit. Vale.

A short table shewing the argument of
every Booke and Section.

Lib.	1 Of the Ro- man citie. Sect.	1. Of the chiefe parts thereof. 2. Of the generall divisions of the Roman people.
	2 Of the Ro- man Religi- on. Sect.	1. Of certaine generall divisions of their Gods. 2. Of their Roman Priests with some par- ticular Gods, together with their rites in mariages and burialls. 3. Of the Roman games, which endeth with their manner of taking meat.
	3 Of the state politicall. Sect.	1. Of their assemblies called Comitia, which Section is begun with the Roman yeare, concluded with two chapters of Roman garments. 2. Of their civill Magistrates. 3. Of their civill punishments. 4. Of all those lawes which I have observ- ed to be touched in Tully his orations.
	4 Of the art military, as it was pra- ctised by the Romans. Cap.	1. Of their manner observed in establish- ing their leagues. 2. Of the Roman Legion and the parts thereof. 3. Of the manner of besieging a city. 4. Of the punishments towards their ene- mies captivated. 5. Of punishments towards the Roman souldiers offending. 6. Of certaine rewards after the perfor- mance of any noble exploits.

A Short and Plain every Book and Section.

1.	Of the first part of the book.	1.
2.	Of the second part of the book.	2.
3.	Of the third part of the book.	3.
4.	Of the fourth part of the book.	4.
5.	Of the fifth part of the book.	5.
6.	Of the sixth part of the book.	6.
7.	Of the seventh part of the book.	7.
8.	Of the eighth part of the book.	8.
9.	Of the ninth part of the book.	9.
10.	Of the tenth part of the book.	10.
11.	Of the eleventh part of the book.	11.
12.	Of the twelfth part of the book.	12.
13.	Of the thirteenth part of the book.	13.
14.	Of the fourteenth part of the book.	14.
15.	Of the fifteenth part of the book.	15.
16.	Of the sixteenth part of the book.	16.
17.	Of the seventeenth part of the book.	17.
18.	Of the eighteenth part of the book.	18.
19.	Of the nineteenth part of the book.	19.
20.	Of the twentieth part of the book.	20.



THE ROMANE ANTIQUITIES

Expounded in English

LIB. I. Sect. I.

Of the chiefe parts of the Citty.

CAP. I.

De modo condendarum, delendarumq; urbium.



Efore we handle the description of the particular places in the Romane Citie, it will not be amisse to premise some what concerning the ancient manner of building and raising Cities. In the building of Cities, the founders thereof did vsually consult with their Gods in their *Augurall* ob-

servations; & ^a this course was obserued by *Romulus* himselfe, in the first foundation of *Rome*; After their *Augurall* observations, they marked out the place where the wall of the Citty should be built, by plowing vp the ground, & because they left that space of ground vnplowed, lightly lifting the plough over it, where they appointed

*a M. Tullius
lib. i. de diuinat.*

^a M. Cato in
fragm.

pointed the gate of the city, thence *a portando*, from carying and lifting the plough, they called the gate *Porta*. This custome is fully described by ^b Cato: *Captato augurio, qui urbem novam condebat, tauro & vaccâ arabat: ubi arâset murum faciebat, ubi portam volebat esse, aratrum tollebat & portam vocabat.* Virgil also alludeth vnto it,

Interea Aeneas urbem designat aratro,

The maner hereof was, that he who held the plough, did cast vp the skirt of his gowne on the right shoulder, & gird himselfe about, either because this was the vsuall habit of such who performed holy rites, in the number of which this present action was reputed; or that he might the more readilie addresse himselfe to the businesse; or lastly, that hee might symbolically by that pacifical habit intimate, that the flourishing estate of a Citie is not so much preserued by warre, as by peace. Hence Ovid, lib. 4. *Fastorum*.

Ipse tenens strigam, designat mœnia sulco,

Alba iugum nixeo cum bove vacca tulit.

^c Cæli. Rhod.
antiq. lib. 26.
cap. 7.

The ^c like custome was vsed also in the razing or demolishing of cities, when they had beene vanquished by the enemies. which obseruation giueth light to that of Horace. Lib. 1. Od. 16.

urbibus ultime

Stetere causa, cum perirent

Funditus, imprimeretque muris

Hostile aratrum exercitus insolens.

CAP. 2.

De monte Palatino,

^d Vid. Anton.
Constantium
in Ovid. Fast.
lib. 1.

Touching the name of *Rome*, from what occasion the citie should be so denominated, diuerse authors conceit diuerslie. ^d Some are of opinion, that this citie was built long before *Aeneas* came out of *Troy*, & was then called by the

the Latines *Valentia*, which was a name of strength, whence *Euander* comming into *Italy*, called it *Roma* from *ro-ma* *Robur*. Others say, it was so called from *Ascanius* his daughter, whose name was *Roma*. But it is agreed vpon by most Writers, that the Founders were *Romulus* & *Remus*, & from *Romulus* it was called *Roma*, not *Romula*, because the diminutive, *Romula*, might ominate lesse prosperity there vnto.

Some say, that the built it in forme of a quadrangle, vpon one only hill, called *Mons Palatinus*.^e Others say, that *Fabius* left *Rome* as it was first built, with the fields thereof, painted in the forme of a bow, the riuer *Tiber* being the string thereof. Vpon this *Palatine* hill, was alwaies the seat of the *Romane* Empire, which from the hill tooke the denomination of a *Palace*: & hence all g stately buildings which we call *Palaces*, took their name, *Palatia*. This hill had his first appellation^h *Balatinus* à *Balando*, from the bellowing of cattle pasturing there in former times, and afterwards the first letter being changed, it was called *Palatinus*: by the figureⁱ *αλίστοχος*. *Virgil* seemeth to be of opinion, that the hill was called *Palatinus*, by *Euander* in remembrance of his grandfather, whose name was *Pallas*, according to that

---- Posuere in montibus urbem,

Pallantis proauide nomine Palanteum. Virg. Aeneid. l. 8.

In proceſſe of time six other hills by seuerall Kings of *Rome* were added; whereby the city, and the *Pomarum*, that is, the territories of the city were enlarged: and *Rome* called *Vrbs septuaginta collis*, id est, the city vpon seuen hills.

Sed qua de septem totum circumspicit orbem

Montibus, imperij Roma deumq, locus. Ouid. Trist.

lib. 1. Eleg. 4.

Vpon this *Palatine* hill also stood the *Asylum*, or sanctuarie of refuge, which *Romulus* opened in imitation of *Cadmus*, i *Alex. Gen. dier. l. 3. c. 20.* who at the building of *Thebes* was said to haue opened a sanctuarie of refuge, whether whatsoeuer malefactor could escape, were he bod or free, he was not to be punished. It was much

^e Rosin. antiq. lib. 1. cap. 2.

^f Sigon. de iur. Rom. lib. 1. c. 2.

^g Rosin. antiq. lib. 1. cap. 4.

^h Vid. Seruium in Aeneid. lib. 8.

ⁱ vbi plura lecti one digna de Asylis,

much like vnto a custome of the people in the Citie *Croton* who flying vnto the altars of their Gods, obtained the forgiveness of faults not voluntarily committed. Whence these two phrases are expounded alike, *Ad te tanquam ad Asylum*, and, *Ad te tanquam ad aram confugimus, id est*, we fly vnto thee as our only refuge.

CAP. 3.

De monte Capitolino.

Rosin. antiq.
lib. 1. c. 5.

Plutarch. in
Romulo.
2.

3
Dion. Halicarn.
lib. 4.
Lipsius de
magnitud.
Rom. cap. 5.

THIS hill was famous for three names: it was called *Capitolium*, *mons Tarpeius*, and *mons Saturni*. It was named *Saturnes* hill ^k from the heathenish God *Saturne*, who vouchsafed to undertake the protection of that place. It was named the *Tarpeian* hill ^l from *Tarpeia* one of the *Vestall Nuns*, daughter to the chiefe keeper of the *Capitoll*, (this hill being the castle of defence for the whole towne) For this *Tarpeia* betrayed the *Capitoll* into the enemies hands, bargaining to haue the golden bracelets vpon her enemies left hands, for this her treason. Now the enemies when they were admitted in, did cast not their bracelets alone, but their bucklers also vpon her, through the weight whereof she was pressed to death: vpon which occasion the whole hill was afterwards called, the *Tarpeian* mount; but more principally a certaine rocke of that hill called *Tarpeia rupes*, from whence malefactors were sundry times tumbled headlong. The same was likewise called the *Capitoll*, because when the foundation of a certaine Temple, built in the honour of *Iupiter* was laide; a mans head, full fresh and liuely, as if it had beene lately buried, ^m yea hot blood issuing out of it, was found there. ⁿ *Arnobius* saith, that the name of this man being aliue was *Tolus*, & hence from *Caput* and *Tolus*, the whole hill was called *Capitolium*.

CAP.

CAP. 4.

De colle Quirinali.

THis hill being in former time called *Agonalis*, then began to be called *Quirinalis*, when certaine *Sabines*, called in Latine *Curetes*, came and inhabited there; (truce being made betweene the *Romanes* & the *Sabines*;) though some would therefore haue it named *Quirinalis*, because there was a Temple erected in the honour of *Romulus*, called also *Querinus*. It was called in the time of the Emperours *mons Caballus*, that is, the horse hill, taking its denomination from two marble statues of *Alexander* taming his horse *Bucephalus*: which statues *Constantine* the Emperour brought to *Rome*, and placed them in the midst of certaine bathes, which he made vpon this hill. There doe appeare in this hill three risings, or hillocks; the one being called *Salustiaris*, the other *Martialis*, and the third *Latiaris*. All this may be collected out of *o Rosinus*.

o Antiq Rom.
l. 1. cap. 6.

CAP. 5.

De monte Caelio.

THis hill hath his name from a certaine p Captaine of *p Alex. Gen.*
Hetruria, which assisted *Romulus* against the *Sabines*. *dier. l. 6. c. 11.*
On this hill, King *Tullus Hostilius* erected stately edifices, which for a time serued as his Palace: but afterward they became the chiefe Councill-house, whether the *Senatours* assembled themselves, for the determining of State-matters: and because this *Curia*, did farre exceed all others, therefore Authors many times vse this word *Curia* simply, without any adiunction, to signifie *Curiam Hostiliam*, as if *q Alex. Gen.*
there were no other. It much resembleth our Priuy-councill *dier. l. 1. c. 16.*

* Rosin. antiq.
lib 7. c. 6.

f Rosin. Ibid.

† Munster. in
sua Cosmog.
lib. 2. cap. 9
a Alex. Gen.
dier. l. 6. c. 11.

Chamber, in respect that none might sit there, but only *Senatours*; where as in the court house, which *Pompey* built) being therefore called (*Curia Pompeia*) & other City Magistrats were admitted amongst the *Senatours*: & in *Curia Julia*, id est the Court-house which *Julius* made, were examined f for-
reigne matters, as Embassages: but in *Curia Hostilia* dome-
sticall matters onely were treated of, & that onely by the *Se-
natours*. At this present time, this hill is beautified with ma-
ny Christian Churches, as the Churches of *S. Stephen*, *S. Paul*, and *S. Iohn*, our Sauours Hospitall, &c. * It was also
called *Mons Querculanus*, from the abundance of oakes
growing there.

CAP. 6.

De monte Esquilino.

* Rosin. antiq.
l. 1. cap. 8.

THis hill was so named quasi * *excubinus ab excubijs*, id est, from the night watching, which *Romulus* did vnder-
take vpon that, some what distrusting the fidelity of the
Sabines, in the beginning of their league. In this hill there
were three hillockes named, *Cispius*, *Oppius*, and *Septimius*.

CAP. 7.

De monte Aventino

a Alex. Gen.
dier. l. 6. c. 11.

b Plutarch. in
Romulo.

THe *Aventine* mount, tooke his name a from *Aven-
tinus*, a certaine King of *Albaunum*, which was there
buried. Vpon this hill stood *Hercules* his Altar, and certaine
Temples consecrated to *Iuno*, *Diana*, *Minerva*, *Lucina*, and
Murcia, id est, *Venus*: whence the hill hath sometimes beene
called *Diana* her hill, and *mons Murcius*. Vpon b this
Mounr, *Remus* would haue built *Rome*, and therefore it was
called *Remonius mons*: but since, it hath beene called *Mons
Rig.*

Of the chiefe parts of the City.

7

Rignarius, as it appeareth by *Plut.* in the same place. It had moreouer the name of the *Holy Mount*, being called in Latine *Mons sacer*.

CAP. 8.

De monte Viminali.

BEcause of the abundance of wicker twigs, which did grow vpon this hill, it was called *Mons Viminalis*, *vimen* signifying a twigge or ozier. I am not ignorant, that some would haue this hill to be named *Viminalis*, from *Iupiter Vimineus*, whereas *Iupiter* himselfe was named *Viminius* from this hill, because he had here many altars erected in the honour of him. Both this hill, and *Iupiter*, were called *Faguales*, from *sylua fagea*, id est, a cops of Beech-trees, which did grow thereupon. *Vid. Rosin. Antiq. lib. 1. cap. 9.*

CAP. 9.

De tribus collibus adiectis.

THree^e other hills there were, which in proesse of time^e were added vnto the City; which partly because they^e were not included within the *Pomerium* so soone as the other, but chiefly because they were not of such note, therefore *Rome* retained the name *Septi-collis*. The first of those hills was called *Collis Hortulorum*, id est, the hill of Gardens, so tearmed because of the many gardens neere adioyning.^d Here was the *Cirque*, or the shew place of the strumpet *Flora*, which made the people of *Rome* heire to those goods which she had gotten by prostituting her body to young Gentlemen, leauing also a certaine summe of mony to procure a celebration of her birth day: which because of her infamie, the people shaming to doe, they feigned her to bee the

^e Rosin. Ant.
lib. 1. cap. 11.

^d Barthol. Lat.
tomus in Ver.
rin. Orat. 7.

¶ Lactant, de
fall. relig. lib.
2. cap. 20.

¶ Munster in
sua Cosmog.
lib. 2. cap. 8

the Goddesse of flowers, and that she must be first appeased, by sports and plaies, performed in the honour of her, before the trees and fruits of the earth would prosper; and that they might gaine the better credit vnto this their fable, they adde further, that she was once called *Chloris*, and was married vnto *Zephyrus*, from whom by way of dowry she receiued power ouer the flowers. The second was called *Ianiculus*, from *Ianus* that two-faced God: who, as writers tellie, was there buried. It did lye beyond the riuer *Tiber*, and hath now changed its name, being called from the yellow sands, *Mons aureus*, and through negligence of the Printer, *Montorius*, id est, the Golden Mountaine. The third was famous for the many diuinations. and prophesies, vttered vpon it, and thence was it named *Vaticanus* from *Vaticinium*, a fore-telling. ¶ It is at this time famous for a Library in it, called *Bibliotheca Vaticana*.

CAP. IO.

De Foro Romano.

¶ Hubertus in
Cip. lib. 3. ep.
lam. 6.

Forum hath diuers acceptions: some times it is taken for a place of negotiation, or marchandising, which wee call a market place: and beeing taken in this sence, it hath commonly some adiectiue ioyned with it, as *Forum boarium*, the beast market, *Forum piscarium*, the fish market, *Olitorium forum*, the hearb market: other times it is taken for any place, wheresoeuer the chiefe gouernour of a Prouince doth conuocate his people together, there to giue iudgment according to the course in law: whence a man is said, *Forum agere*, when hee keepes the assises, and *Forum indicere*, when hee appointeth the place where the Assises shall bee kept. Thirdly, it is taken for a place, where controuersies in law are iudicially determined, and Oratiōs are had vnto the people. At first, of this sort were only three, *Romanum*, *Iuli-*

Of the chiefe parts of the City.

9

um, & Augustum, as is clearly evidenced by that of *Martial*,

Atq; erit in triplici par mihi nemo foro.

Afterward the number was increased to fixe distinct *Forums*: one called *Forum Iulium*, because it was built by *Iulius Caesar*. A second was added by *Octavius Augustus*, called therefore *Augusti Forum*. The third *Forum*, was founded by *Domitian* the Emperour: but by reason of his sudden death, *Nerva* had the finishing thereof. It had the name of *Forum Transitorium*, the transitory *Forum*, because there was *Transitus*, *id est*, a way or passage through it into three severall market places. The same *Martial* calleth it sometimes *Forum Palladium*, because in the middle thereof a Temple was erected in the honour of *Minerva*. A fourth was added by the Emperour *Traianus*, wherein was erected a stately column or pillar 140 cubits high, having all the noble exploits performed by *Traianus* engraven in it: another was called *Salustij Forum*, because *Salust* bought it with divers Gardens adjoyning, which since have been called *horti Salustini*. The last *Forum*, which indeed was first built, and in all respects excelled the rest, was called *Forum Romanum*, and *Forum vetus*, or by way of excellency the *Forum*, as if there were no other *Forum*: where we must understand, that as often as *Forum* is vsed in this latter sense, namely for a pleading place, it is so vsed figuratiuely, by the figure *Synecdoche*: for in truth the pleading place, wherein Orations were had, was but one part of the *Forum Romanum*, namely that Chappell, or great building, which they called *Rostra*. Round about this *Forum Romanum*, were built certaine trades mens shopps, which they termed *Tabernae*, and also other stately buildings, called *Basilica Pauli*. Here was the *Comitium*, or Hall of Justice; the *Rostra*, *id est*, the Orators Pulpit; *Saturnes Sanctuane*, or the common treasure house; and *Castors Temple*. of all which in their order.

b *Lipius de magnitud. Rom. l. 3. c. 74*

i *Henr. Sal-muth. in Pan-croli. lib. re-rum de iudic. cap. de basil. & tabern.*

CAP. II.

De Basilicis

¶ Sigon. de iud.
lib. I. cap. 7.

Basilica where vpper buildings, of great state and much cost, being supported with *Pila*, *id est*, flat-sided pillars; and hauing vnderneath them walkes, much resembling our Cloisters, sauing that the *Intercolumnia*, or space betweene the pillars lay open vnto the very ground. That they were vpper buildings may be collected by the custome of many men, which were wont to walke vnder these Basilicall buildings, and therefore were called, *Subbasilicani* by *Plautus*. The vse of these were principally for the ^k Iudges to sit in iudgment: but in their absence it was lawfull for Marchants to deale in their businesse. Those of chiefe note were three, thus named, *Pauli*, *Porcia*, and *Julia*.

CAP. 12.

De Comitijs.

¶ Sig. de iud.
lib. I. cap. 7.

Comitium^I was a part of the *Forum Romanum*, being a great large hall of iustice, which for long time was open at the top, hauing no couering, and for that reason the assemblies were often dissolued in rainy, or vnseasonable weather. In it stood the *Tribunall*, being a place erected vp on high in forme of our pulpits, but many degrees larger, and in the middest thereof, the *Sella Curulis*, *id est*, the Iuory chaire, from whence the chief Magistrate administred iustice; other inferior Magistrats sitting on benches on each side, which were called *Subsellia*, because they were lower then the Tribunall. Those which sate vpon these benches had power *cognoscere*, but not *pronuntiare*; much like to our Iustices at Assises, which may examine or informe against a male-

malefactor, but not condemne him. Where wee may observe the difference betweene *Comitium*, signifying such an edifice, or building, and *Comitia*, signifying the Romane assemblies: both being called à *coeundo*. This hall was many times called by the name of *Puteal Libonis*. The reason of which name is rendred thus by ^m some. That in this *Comitium*, *Aetius Navius* did once with a razor cut in two a whetstone, and in memory thereof, his statue was erected, with an hat vpon his head, for *Puteal*, properly doth signify the cover of a well, but in a large acception, it signifieth a broad brimmed hat, as *Calius Rodiginus* noteth in the same place. ⁿ *Cicero* toucheth this. *Cotem illam, & novaculam defossam in Comitio, supraq; impositum Puteal accepimus.* But why it should be called, *Puteal Libonis*, is yet doubtfull, except happely *Libo* was the first erecter of this statue. That it was a common court, & knowne place of justice, *Horace* witnesseth, *Roscius orabat, sibi adesses ad puteal oras.*

^m Cæj. Rhod.
lib. 10. c. 17.

ⁿ Cic. de divi-
nat.

C A P. 13.

De Rostris.

NExt to the *Comitium* stood the *Rostra*, a goodly faire edifice, in manner of the body of a Cathedrall Church. In it stood an Orators Pulpet, deckt and beautified with the stemmes of many ships, which the *Romans* got from the people of *Antium*, in a memorable battaile vpon the Sea: And hence from those ship-beakes, called in Latine *Ro-*
stra, hath this place taken its name. It may be Englished, the great Oratory, or place of common-plea.

^o Hubert, in
Cic. ep. lib. 8,
ep. 122. 1.

CAP. 14.

De templo Castoris.

Suer. in Iu-
lio Cesare.

ANother part of the *Forum* was a sanctuary built in the honour of *Castor* and *Pollux*: the reason thereof was because they appeared vnto the *Romans* in the Latine warre, in the likenesse of two Angells sent from heauen to lead the *Romane* army, and to assist the *Romans* against the *Latines*: who being vanquished, they suddenly were departed out of the field, none knowing how, and even in the same moment they appeared vpon their sweet horses vnto the *Roman* Cittizens in the *Forum*, who taking them for souldiers, demanded what newes they brought home from the campe: they replied that the *Romans* were conquerors: which newes being delivered they suddenly vanished and were seene no more. Vpon this occasion did *A. Posthumus* being at that time *Dictator*, build a temple in that place of the *Forum*, where they were seene in honour of them both. Although in the after Ages, it had the name only of *Castors* temple. Whence arose the jest of *M. Bibulus*, against his fellow Consull *Iulius Caesar*, saying; it fared with him, as it did with *Pollux*; *id est*, as this temple which was erected in the honour of both the brethren, carried the name onely of *Castors* Temple; so the great expences in exhibiting shewes in the time of their Consulshippe, though they were deeper on *Bibulus* his side, yet *Caesar* carried away all the thanks, and credite. In so much that the people being wont to subscribe the names of both Consuls at the end of their deeds, and Charters, for a remembrance of the yeare; that yeare they wrote, Such a thing done; not *Bibulus* and *Caesar*, but *Iulius ad Caesar*, being Consuls.

CAP. 15.

De aede Saturni.

Saturnes sanctuary was the common treasure house, ^{q Plutarch in} wherein the subsidie money which the commons paid ^{Publicola.} vnto the treasurers called *Quaestores*, was to be laid vp: wherof diuers coniecture diversly. *Alexander Neop.* saith, ^{r Alex. Gen.} that *Saturne* found out the vse of brassen money: and there- ^{dier. l. 4. c. 15.} fore this Temple might be thought the fittest place for the treasury. *Plutarch* thinketh rather, that the making of the treasure in that place did allude to the integrity of time, wherein *Saturne* reigned, being the Worlds golden Age. But the most received opinion, is the strength of the place, ^{r Alex. Gen.} whereby it was the safer from theeuers. The temple by rea- ^{dier. l. 2. c. 2.} son of the vse it was put vnto, was called *erarium* from *as*, *id est*, Brasse: which name now is common to all treasure houses: for that the first money vsed by the *Romans* was of that mettall, vntill the yeare of *Rome*, 485. (as *Pliny* witnesseth lib. 3. cap. 33.) Some are of opinion, that before ^{r Alex. Gen.} the vse of brasse, they made mony of leather: whence ^{dier. l. 4. c. 15. 1} *Numa Pompilius* is said to haue giuen leather mony in a dole vnto the people. Touching their order observed in the treasure, wee must vnderstand that their care in providing against sudden dangers was such, that they laid aside the twentieth part of their receipts, which they ^{u Alex. Gen.} called *aerarium* ^{dier. lib. 2. c. 2.} *vicefimarium*, *Incensimarium*, and *Cimiliarchium*, into an inner Chamber or more sacred roome, named in Latine *aerarium sanctius*. * Wee may read also of a third treasury called *Erarium militare*, wherein *Augustus* had appointed ^{r Seruius l. 2.} that the twentieth part of certain legacies should be laid vp ^{Virg. Georg.} to defray charges in extraordinary wars: where it lay so privileged, that it was a capitall crime to vse any of it, but in extreame and desperate necessity. Notwithstanding, howso-

x Alex. Gen. ever it was vsed as a treasure house & yet diuers Authors
 diar. lib. 2. c. 2. testifie that the Acts of their senate, the bookes of records,
 together with such bookes, as were for their immesurable
 bignesse, called *libri Elephantini*, wherein all the names of
 their Cittizens were registred, and also their millitary En-
 signes, were contained there. y And from those statute
 bookes called *tabula publica*, this treasury was also called
Tabularium, because they were laid vp there.

y Plutarch in
 suis proble-
 mat. vid.
 Franc. Sylvi-
 um in Catili-
 nar. 4.

CAP. 16.

De campo scelerato.

x Munster. in
 sua Cosmog.

a Plutarch. in
 Numa.

C *Ampus sceleratus*, the field of execution & lying with-
 in the Citty, joyned to the gate *Collina*. It was the place
 where the Vestall Nuns, if they were deflowred, suffered
 punishment after this manner. There ^a was made a Vault
 vnder the earth with a hole left open aboue, whereby one
 might goe downe; and within there was a little couch with
 a burning lampe: and a few victuals whether the defiled
 Votary was to be brought, through the market place, in a
 litter so closed vp with thicke leather, that her mournings
 might not be heard to the moving of pittie. Shee being
 thus brought to the place of execution, was let downe by a
 ladder into the hollow Caue, & the hole presently stopped.
 And the reason why they suffered such a kind of death,
 was because they thought it not fit, that shee should bee
 burnt with fire, which kept not the sacred fire with greater
 sanctity. And it was thought vnlawfull to punish them by
 laying violent hands on them, because they had in former
 time served in so holy a function.

CAP.

CAP. 17.

De Campo Martio.

THe ^b *Campus Martius*, otherwise called *Tiberinus*, ^b *Rosin. antiq. lib. 6. cap. 11.*
 (because it was neere the riuer *Tiber*) was giuen vnto the Roman people, by *Caia Tarratia*, a Vestall Virgin: but *Tarquinius Superbus*, the last king of *Rome*, did take it from the people, conuerting it to his owne priuat vse: insomuch that he sowed corne there; which when he was deposed, the *Romans* did cast into the riuer *Tiber*, iudging it vnfit that any man should reap any comodity from so holy a ground. In proceesse of time, the sheaues of corne being stopped in a shallow foard of the riuer, became firme ground, and was called, *The holy Island*, or *Aesculapius his Island*. and presently after the expulsion of *Tarquinius*, this *Campus Martius* was restored vnto its former vse. Beside the naturall pleasantnesse of the place it selfe, it was beautified with many ornaments brought out of the *Capitoll* (the *Capitoll* being too full) as likewise with diuers images of well deseruing men. Hither did the younger sort of *Romans* come to exercise Chiuallry, namely the horse-race, the foot-race, wrestling, fencing, casting the bowle, the sledg, the dart, vsing the sling, the bow, vaulting, with such like: and vpon this occasion it was dedicated to *Mars*, & called by *Strabo*, the *Romans* great schoole of defence. The manner of vaulting, was in riding, to leape from one horse backe vpon another, ^c *Cael. Rhod. l. 21. c. 29. 30.* their custome being for their horse-men in warre, to lead a spare horse in their hāds, besides that whereon they did ride, that when the one did sweat, they leaped vpon the others backe; à *desiliendo*; those horses were called *Equi desultori*: whence an vnconstant, wauering, and vnsetled minde, which *Seneca* calleth *Volaticum ingenium*, others haue called *Desultorium ingenium*. In this field were men of best note burned, when they died. Here were the kings, and other Magistrates,

^d Servius in
Bucol. eclo. I.

gistrates at first created. In this ^d field of *Mars* also was a place at first railed, like a sheep-pen, called therefore *Ovilia*, or *septa*; but afterwards it was mounted with Marble stone, beautified with stately Walkes and Galleries, and also with a Tribunall or seat of justice, within which precinct the people oftentimes assembled to giue their suffrages toward the election of Magistrates. The means of ascending vp vnto these *Ovilia* was not by staires, but by many bridges made, for that time, every parish in the assembly of parishes, and every Tribe, or Ward in the assembly of the Tribes, & every hundred in the assembly of Centuries hauing his Bridge: whence this proverb was occasioned, *de ponte deiiciendus*, id est, hee is to be barred from giuing his voice. ^e These bridges were not made over any river but over the dry land: whence men were said to be cast, *Non ut periclitarentur de vita, sed ne suffragarentur in Comitijs*.

^e Ioan. Saxo-
nius in Orat.
pro S. Roscio.

CAP. 18.

De Circo Maximo.

AMongst other places where the Romans exhibited their Plaies vnto the people, the most remarkable was the great Cirque, or shew-place, called in Latine *Circus Maximus*. It was a large peece of ground, lying neere that part of the *Aventine* Mount, where *Dianaes* Temple stood. It was built by *Tarquinius priscus*, with diuers galleries round about it, from whence the *Senators* & *Gentlemen* of the Citty did behold the running with great Horses at lists, the fire-workes, tumbling, the bayting, and chasing of wild beasts &c. In former time, all did stand on the ground, being sheltred from the raine by the help of boards vpheld with forkes in manner of house-pentices: and this custome continued vntill the aforesaid *Tarquinius* erected those Galleries, called *Fori*, making thirty distinctions of them

them, allotting euery ward or company their feuerall quarters, all the seats being able to containe one hundred fiftie thousand parties. ^f Vnder these places were cels, or vaults, ^f *Rofin. antiq. lib. 5. c. 4.* where women did prostitute their bodies, and would buy stolne goods, and for this reason *Horas* calleth it *Fallacem circum*, *id est*, the deceitfull shew-place. There was at the one end of the cirque certaine barriers, *id est*, places barred, or railed in, at which place the horses began the race; and at the other end was the marke, whether the horses ran it was called in Latin *Meta*, and the barriers *carceres*, *à coercendo*. Whence we say *a carceribus ad metam*, *id est*, from the beginning to the ending.

C A P. 19.

De Theatro.

THe Theatre hath his name from the Greeke verbe *θεωω*, *id est*, to behold: because the people flocked thither, to behold plaies and shewes exhibited to them. The custome ^h first sprang from the sheepeheards, who leading a contemplatiue life, were wont to compose dialogues in meetre, and at their leasure to recite them vnder the trees pressed down in forme of an arbor; whence this theatrall tearme *σκηνή*, hath beene deriued from *σκη*, a shadow, but afterward learned Poets composed Comedies, and Tragedies, which were publicly acted in the Citie vpon a stage: and although at the first it was counted infamous to frequent them, yet afterwards the Senators themselves, yea the Emperour, and all the chiefe of *Rome* assembled thither. ⁱ Neither for a long continuance were there any seats built, but Commons, and Nobles, promiscuously one with another, all stood one the ground: in somuch that those which stood behinde, raised vp places with turfes of earth, which gaue the people occasion to call the place betweene those

^g *Ioach cameo*
^{rar. in orat.}
^{pro L. Flacco}
^b *Servus lib. 2.*
Virg. Georg.

ⁱ *Alex. Gen.*
dier. l. 5. c. 16.

C

turfes

turfes and the scaffold, *Cauea, id est*, a caue or denne: yea the people that stood there, were so called frō the place. Though the Theatre be now taken only for the stage; yet then by it was vnderstood the whole roome, where these plaies were acted: and it had diuerse parts, some proper to the actours, some to the spectators. To the actors first belonged the *proscenium, id est*, the house, whence the players came: where they apparellled themselves; though sometimes it is takē for the scaffold, or stage it selfe: secondly, the *pulpitum, id est*, the stage or scaffold vpon which they acted: and thirdly, the *scena*, that is, the partition which was commōly made of wood not of hangings. Now that the might change their sceane according to their pleasure, they made it *versatilem, id est*, so that with enginnes it might vpon the suddaine be turned round, and so bring the pictures of the other side into outward appearance: or otherwise *ductilem, id est*, so that by drawing aside of some wainscot shuttles (which before did hide the inward painting) a new pertition might seeme to be put vp: and I thinke because those shepheards did act no more at a time, then one of our *Scenes*, hence haue we distinguished our plaies into so many parts, which wee call *Scenes*. The places which were proper to the spectators were distinguished according to their degree & ranck; for the remotest benches were for the Commons, and called *popularia*; the next for the Knights and Gentlemen of Rome; and called therefore *Equestris*; the others wherein the Senators did sit were commouly called *Orchestra*: this may be collected out of ¹Lipsius, ^mCael. Rhodiginus saith, that the *Orchestra* was that place ioining to the stage, where *Chorus* spake to the people at the end of euery act. Diuerse authors are of Cael. Rhod: his opinion, deriuing the word *Orchestra*, from the Greeke *ὀρχήστρις*, to dance: but it seemeth more probable, to haue bin a peculiar place, allotted for the Senators. *In Sat. 3.*

& Sernius, l. 3.
Virg. Georg.

Lipsius de
amphith. c. 14.
m Cael. Rhod.
lib. 8. cap. 8.

Aequales habitus illic similemque videbis

Orchestram, & populum--id est, optimates & plebem. The whole

whole building made for entertainment of the spectators, resembled a triangle or wedge, sharpe towards the stage, & broad behind: whence the whole was denoted by the name *Cuneus*; when *Cuneus* signified any particular place about the theatre, then by it we are to vnderstand that which formerly we call *popularia*, the place for the meaner sort of people, whence when we would point out a base and ignoble person, *Inter cuneos residere distitamus*. There was also another kinde of scaffold, built quite round, made as it were of two theatres joyned together, it was called *Amphitheatrum*, and differed from the Theatre, only as the full moone doth from the halfe, or a compleat rundle from a semi-circle: it resembled an edge. Vpon this kind of scaffold did the Masters of defence play their prizes, & wild bealts were baited. In *Amphi-theatro gladiatorij ludi, & conclusarum ferarum venationes exhibebantur*. The *Amphitheatre* it selfe in the judgment of *Lipsius* was tearmed *Cavea*, ab *interiore parte qua concave erat*; And *Arena* because it was strowed with gravell & sand, that the blood of such as were slaine in the place might not make the place too slipery for the combatants. Hence cometh that phraise, *In arenam discendere*, to goe into the field: & the combatants were thence called *Arenarij*. Here wee must note, that howsoever the *Amphitheatre* was strowed commonly with common & ordinary gravell, yet sometimes in their extraordinary shewes that gravell was couered & as it were new coated, with the scrapings & dust of some Extraordinary stones, to adde the greater lustre vnto it: thus much *Pliny* intimateth. *Invenere & alium usum eius lapidis, in ramentis quoq; Circum maximum sternendi, ut si in commendatione & candor*. Againe, sometimes the hollow places or dennes vnder the *Amphitheatre*, in which the wild bealts were kept, & likewise men to be committed with wild bealts, out of which these were let loose by the lifting vp of trap dores to be hunted or baited vpon the *Amphitheatre*, were called *Cavea*. For we must

n Cael Rhod.
lib. 8 cap. 3.

o Turneb. ad.
vers. lib. 5. c. 5.

p Holp. de. o.
rig fest.

q Lipl. de. Am.
phith. c. 3.

r Plin. lib. 36.

(Sueton. in
Domitian.

know that the *Amphitheatre* was full of hollow passages for many reasons, as for the conueniēt keeping of wilde beasts, and beaſtiaries; ſo ſometimes for the better conueying of waters thither, by the meanes whereof reall ſhips and ſea-skirmiſhes were often times exhibited vpon the *Amphitheatre*.

CAP. 20.

Moreouer for the better vnderſtanding of claſſicall authors it will not be impertinent to point at the general names, by which the religious places were called: and to declare the proper acception of each name, the names being theſe, *Templum*, *Fanum*, *Delubrum*, *Aedes ſacra*, *Pulvinar*, *Sacrarium*, *Lucus*, *Scrobiculum*, *Ara*, *Altare*, *Focus*.

De Templo.

a Roſin. Ant.
lib. 2. cap. 2.

c Lilius Gy.
rald, de diis
gentil. ſyntag.
17.

This word *Templum* doth ſometimes ſignifie thoſe^a ſpaces, and regions in the aire, and earth, which the *Augures* did quarter out with their crooked ſtaffe at their ſouth-ſaying. Sometimes it doth ſignifie a ſepulchre or graue,^c becauſe in old times, men did ſuperſtitiously pray, and worſhip at the toombes & monuments of their deceased friends, as if it had beene in *Temples* or *Churches*, and in this ſenſe may *Virgil* be vnderſtood;

d Li. 4. *Aene.*
ad. v. 457.

^d *Præterea fuit antiquo de marmore templum.
Coniungis antiqui.---*

e Fr. Siluius
in orat. pro
Marco,

Moſt commonly it doth ſignifie a *Church*, or *Temple*: in which ſenſe as often as it is vied, it is^e ſaid a *templando*, from beholding; becauſe when we be in the Church by liſting vp our hearts by a diuine contemplation, we doe, as it were behold the great maieſtie of God.

De Fano

It is alſo called *Fanum*, à *fando*, from ſpeaking: not from the ſpeaking of the *Prieſt*, but becauſe the people doe there ſpeake

speake vnto God, & God againe to the people.^f Some are of ^fTurneb, ad, opinion that *Fanum* in proprietic of speech signified the ^{vers. lib. 3. c. 9.} Church-yeard, or court before the Temple: *Templum* signifieth the edifice, or Church built.

De Delubro.

Thirdly, a Church was called, *delubrum Synecdochicū*, because it was the principall part of the Church, namely, the place where their Idol God stood; and it was called *delubrum* from *Deus*: ^g as wee call the place where the candle is put, ^g *Rosin. Antiq* *candelabrum* from *candela*. As concerning the outwarde ^{lib. 2. c. 2.} forme of the Churches, some were vncovered because they counted it an hainous matter to see those Gods confined vnder a rooffe, whose doing good consisted in being abroad; other some couered; some round, some otherwise: but within they much resembled our great Churches. They had their *prondon*, or Church-porch, whereabouts they were wont to haue the image of the beast *Sphinx*, which was so famous for his obscure riddles: so that by this Image was signified, that the oracles of the Gods, which were treated of within the Church, were darke and mysticall. They had certaine walks on each side of the body of the Church, which they called *porticus*: and in these places it was lawfull for them to marchandise, make bargaines, or confer of any worldly businesse; as likewise, in the *basilica*, or Body it selfe. But their Quire called *Chorus*, was counted a more holy place, set a part only for diuine seruice. The manner of hallowing it, was as followeth ^h When the place where the Temple should be built, had ^h *Rosin. Ibid.* beene appointed by the Augures (which appointing, or determining the place they called *Effari templa*, and *fistere Fana*) then did the party, which formerly in time of neede vpon condition of helpe from the gods had vowed a Temple, call together the *Auspices*, which should direct him in what forme the temple should be built: which being knowne certaine ribbands, and fillets were drawne about the *area*, or plot of ground with flowers, and garlands strowed vnderneath, as it was probable to distinguish the limits of this

ground now to be hallowed. Then certaine souldiers marched in with boughs in their hands, and after followed Vestall Nunns leading young boyes, and maids in their hands who sprinkled the place with holy-water. After this following the Prator, some Pontific going before, who after the *area* had beene purged by leading round about it a sow, a ramme and a bull, sacrificed them, and their entralls being laid vpon a turfe, the Prator offered vp prayers vnto the Gods that they would blesse those holy places, which good men intended to dedicate vnto them. This being done the Prator touched certaine ropes, wherewith a great stone being the first of the foundation was tyed together with that, other chiefe Magistrats, Priests, and all sorts of people did helpe to pluck that stone, and let it downe into its place, casting in wedges of gold, and siluer, which had never bin purified, or tryed in the fire. These ceremonies being ended, the *Aruspex* pronounced with a loud voice, saying, *Ne temeretur opus, saxo, aurum in aliud destinato, id est*, let not this worke be vnhalloved by converting this stone, or gold, into any other vse.

De Aedesacrâ.

Fourthly, a Church was called *Aedes sacra*, an holy house, because of the sacrifices, praier and other holy exercises performed therein. Although (as *Gellius* hath long since observed every holy house was not a Church. For the proper note of distinction between a Church, & a religious house was this. that a Church beside that it was dedicated vnto some God, it was also hallowed by the Augures, without which hallowing the edifice was not called a Church but a religious house: of which sort was the Vestall Nunnery, and the common treasure, called *Aedes saturni*. Wee may adde herevnto this word *Pulvinar*,¹ which doth often signifie a church: the reason being taken from a custome amongst the *Painims*, who were wont in their Churches to make certaine beds in the honour of their Gods, and those beds they called

Pulvinaria

¹Barthol. Lat.
temus in Phi-
lippic. 4. am.

Pulvinaria from *pulvis*, because they were filled with dust or chaffe.

De Sacrario.

Sometimes *Sacrarium* signifieth a temple, though properly it signifieth a Sextry, or Vestry, nempe *Sacrorum repositorium*. Cic. pro Milone.
I Franc. Syluius in orat.
p. o L. Muran.

De Lucis.

Neere vnto diuerse Temples stood certaine groues dedicated to some of the Gods: they were called in Latine *Luci à non lucendo*, as diuerse say, by the figure *antiphrasis*. But others are of a contrary opinion, giuing it that name, because of the exceeding light it had in the night time by reason of the sacrifices there burnt.

De Scrobiculo, Ara, & Altari.

The places vpon which they sacrificed either in their religious houses, or there groues, were of three sorts, wch wee in english tearme altars; but the Romans distinguished them by three seuerall names, *Scrobiculus*, *Ara*, and *Altare*.

De Scrobiculo.

Scrobiculus was a furrow, or pit containing an altar in it, into which they powred downe the blood of the beast slaine, together with milke, hony, & wine, when they sacrificed vnto an infernall God. Alex. Gea. dier. l. 5. c. 36.

De Ara.

The second kind of altar was called *Ara*, either *ab arden-do*, because their sacrifices were burned vpon it: or from their imprecations vsed at that time: which in Greeke they called *aisas*. It was made foure square, not very high from the ground, or as some say, close to the ground: and vpon this they sacrificed vnto the terrestriall Gods, laying a turffe of grasse on the altar: and this gaue *Virgil* occasion to call them *Aras gramineas*, id est, grasse altars.

De Altari.

The third sort was called *Altare*, either because it was exalted, and lifted vp some what high from the ground; or because

Virg. Æn. 12.

cause he that sacrificed (by reason the altar was so high) was constrained to lift vp his hands *in altum*, on high:° and vpo this they sacrificed vnto their celestiaall Gods only.

¶ Serv. in Bucolic. eclog 5.

De Foco.

Focus is a generall name, signifying any of these altars. So called a *foendo*: because as *Servius* hath obserued that is *focus*, *quicquid fouet ignem, sine ara sit, sine quicquid aliud, in quo ignis fouetur*. But in strict proprietie of speech, it is take for that altar on which they sacrificed to their domestick Gods, such as were their *Penates* or *Lares*. As it appeareth by *Plautus* P:

¶ *Aulular. act. 2. Sc. 5.*

*Hec imponentur in focum nostro Lari
Vt fortunatas faciat gnata nuptias.*

Whence ariseth that Adage *Pro aris & focis certare*, sounding as much as to fight for the defence of religion & ones priuate estate; or (as our English prouerbe is) for God and our country; the prouerbe being in its originall, part of the oath that was administred vnto the Romane Souldiers: and thus it is expounded by *Turnebus*.

¶ *Turneb. A. 6. lib. 10. c. 7.*



LIB. I. SECT. 2.

The generall divisions of the Romane people.

CAP. I.

De populo Romano, & eius prima divisione.

THus hauing premised a short Treatise concerning the first situation of *Rome*, and the most remarkable parts thereof, I purpose to proceed to the inhabitants, which antiquitie hath stiled Citizens of *Rome*. And *Erasmus* rather describing a *Romane*, then defining him, saith, A *Romane* was graue in his conversation, severe in his iudgement constant in his purpose: Whence *Cicero* in his Epistles often vseth this phrased, *More Romano*, for *ex animo, id est*, vnfeinedly. ^a *Sigonius* rendring the definition of a *Roman* citizen, averreth that no man is *lege Optimá, id est*, in full and compleat manner a citizen of *Rome*, but he which hath his habitation there, which is incorporated into a tribe, and which is made capeable of citie preferments. By the first particle those which they tearme *municipes*; by the second those which they call *Inquilini*; and by the third those which they call *Libertini* are in a man-

a Sig. de iure Rom. l. i. c. i.

b Sigon. de iur
Rom. l. 1. c. 3.

ner disfranchised. But whereas *Sigonius* saith that they must haue their habitation at *Rome*, hee would not bee so vnderstood, as if a *Romane* citizen might not remoue his habitation to any other countrey: For, saith hee, a *Romane* citizen may be as long absent from *Rome*, and the fields belonging to *Rome*, as he please, so that he suffer himselfe to bee sessed and taxed in common with others toward the subsidie payments, and denieth to be incorporate into another citty. For *T. Pomponius* was a true citizen of *Rome*, though hee dwelt at *Athens*. The *Romane* citizens being by these priuiledges as by a more proper and peculiar character distinguished from other people; and being planted in the citty according to the appointment of *Romulus* their King, it seemed good vnto him to diuide them into ^b Tribes, not taking the note of distinction only from the diuers places they then inhabited, as we read that *Seruius* the sixth king of *Rome* did, making therefore foure tribes *tribus*, locall, namely *Suburanam*, *Pallatinam*, *Collinam*, and *Esquilinam* (which number of local tribes in proceesse of time increased vnto the number of 35) but diuiding them according to their severall nations, which at the first were *donati civitate*, *id est*, made free denizens of *Rome*: and they being in number three. 1. The *Sabines*, which were named *Tatienses*, from their king *Tatius*. 2. The *Albanes*, called *Rhamnenses* from *Romulus*. 3. Other nations promiscuously flocking out of other countries to the *Roman Asylum* placed in a groue called in Latine *Lucus*, which gaue *Romulus* occasion to name them *Luceres*) he made in all three tribes *tribus* or nationall. After that *Romulus* had thus diuided the whole body of the *Romanes* into three Tribes, hee then subdivided each tribe into ten lesser numbers, which he called *Curia*, or parishes: & then followed five other divisions in respect of their different degrees, and callings: of which in their severall order.

CAP. 2.

*De prima divisione Romanorum in Senatores five
Patres, Patricios, five Patronos, & Ple-
beios, five Clientes.*

THe first division of the Romans in respect of their de-
gree, and place was this. The elder, wealthier, & gra-
vest sort of Romanes, were called sometimes *Patricij*, either because of their age, and gravity; or because they
had many children (for great priviledges were granted vnto
fathers of three children:) and sometimes *Patroni*, because
they were as patrons, and fathers in helping and assisting the
causes of the common people seeking to them. The yonger,
poorer, and simpler sort were called, as they had relation to
the *Patricij*, *Plebeij*, *id est*, the commons; as they had relation
to their *Patroni*, they were named *Clientes*, *id est*, Clients.
betweene whom there was such a mutuall, and reciprocall
entercourse of loue, & duty, that as their *Patrons* were ready
to protect their clients, so the clients were bound with all
faithfulnessse to cleave vnto their *Patrons*: & that not only to
credit thē with their attendance in publike assemblies, but to
disburse out of their owne purses towards the bestowing of
their daughters, the paying of publike mulcts, the giuing of
largesses in suing for offices, &c. Neither was it lawfull for
either of them to enforme, to depose, to giue their voices, or
to side with adversaries one against another without the
guilt of treason: for which crime of treason they were *dijs in-
feris devoti*, *id est*, cursed to hell, and the law gaue liberty for
any man to kill them. Out of the *Patricij* did *Romulus* elect
100 counsellors to assist him in determining matters cōcer-
ning the common-weale: to these did *Romulus* after adde a-
nother 100. and *Tarquinius Priscus*, as divers Authors testi-
fie, made them a compleat 300. which they called *Patres*, or

*Lazius de
Repub. Romi
lib. 12. cap. 3.*

dMartyn. Phi-
leticus in Cic.
1.1. Ep. fam. 1.

e Alex. Gen.
dier. 2. c. 29.

Senatores, and their sonnes *Patricij*. But in proceſſe of time the commons alſo were eligible into a *Senators* place. Some ſay that *Tarquinius Priſcus* added the ſecond hundred to the Senate out of the commons,^d who were called *Senatores minorum gentium*, id eſt, *Senators* of the lower houſe. *Brutus* added the laſt 100: and made them 300. at what time they began to be called *Patres conſcripti*. And this accordeth with *Ioannes Roſa* in his Epitome of the *Roman* hiſtory, in his Ch. de *Regibus Romanis*: where he ſaith, that *Tarquinius Priſcus* did double the number of the *Senators*: And likewise ^e *Alexander Neop*: ſaith, that *Brutus* made them a compleat 300

CAP. 3.

De ſecunda diſiſione Romanorum in tres ordines, Senatorium, Equeſtrem, Popularem, ſeu Plebeium.

f Roſa An-
tig. 1.1. cap. 17.

After that through *Tarquinius Superbus* his tyranny, the very name of a king became odious to the *Romans*, not only the preſent king was exiled, but the authority of a king ever afterward deteſted, and perpetually abrogated: ſo that the office, which was before monarchicall then was divided betweene two, called *Conſulls*: neither were they admitted for any longer ſpace then one yeate. At which time of change, the *Romans* were divided into three orders, or ranges, 1. into *Senators*, of whom before. 2. into *Gentlemen*, called of the *Romans*, *ordo Equeſtris*: by which we doe not vnderſtand thoſe 300. *Celeres*, id eſt, *Penſioners*, called ſometimes *Equites*, for that was a place of ſervice, this a title and token of gentility. Who although they were inferior to the chiefe Senate, yet they were of great eſteeme among the *Romans*: and although thy might not weare the ſame robe as the *Senators* did, namely the *laticlavium*, or garment beſtudded with flouriſhings of purple ſilke in manner of broad naile heads; yet they might weare the anguſt-
clavium.

clavium, a garment differing from the former onely in this, because the purple studdes, wherewith it was purfled was narrow, and not so large as the *lati clavium*. They also at the time of their electio receaved from the *Censors* an horse called by them *equus publicus*, because of the yearely allowance out of the common treasurie to keepe him: it was also called *equus militaris*, because of their service in warre (they hauing their horses kept as well in peace as warre.) They receaved also a gold-ring, ^h whereby they were distinguished from the Populacie: for it was not lawfull for any to weare a gold-ring vnder the degree of a *Senator*, or a Gentleman. The estimation and value of a *Senators* estate ⁱ vntill *Augustus* his time was *oflingenta sestertia*, that is, 6000^l. ^k Of a Gentlemans estate it was *quadringenta sestertia*, that is, of our English mony 3000^l. 3. The third order, or degree in the Roman common-wealth was *Populus*, the populacy, or commons, which should exercise trading, manure the ground, look vnto the cattle, &c. Where by the way wee must vnderstand that the baser sort of the *Romanes*, which did wander vp & downe, to and fro, not settling themselves to any vocation, were not contained within this division: for vnto them there was no name vouchsafed: but according to the Poet they were *sine nomine turba*; or as *Livy* saith, *ignota capita*, men of no account, and therefore of no name.

^g Lipsius de magnitud.
Rom l. 1. dial. 5.
^h Alex. Gen.
dic. l. 2. c. 29.
ⁱ Suet. in August.
^k Plin. lib. 33.
cap. 22.

C A P. 4.

De tertiâ divisione in Nobiles, Novos,
& Ignobiles.

THis division was taken from the right or priviledge of hauing images; for they were accounted Noble men, which had the images of their predecessours: Those which had their owne images onely were called *Novi*, id est, late-coyned nobles or vpstarts. *Salust* vseth this

word often in the disgrace of *Tully* calling him *Novum & reptitum civem*, one that lately crept into the city. The third sort called *ignobiles* were those that had no images, neither of their predecessors, nor of themselves. Before we proceed, we must understand, that it was not lawfull for who would to have his owne image if he so desired; for none might be thus priviledged, but those alone to whom the right of riding in a Curule chaire belonged; and to these the right of images was permitted, as well for the credit of their house, as to incite others to the like achievements, whē they would consider the diverse ceremonies used vnto these images in an honourable remembrance of those whom they did represent. Whence it followeth, that *Ius nobilitatis* is nothing else but *Ius imaginis*: insomuch that this word *Imago* doth oftentimes signifie Nobilitie: and the right of hauing Images with them, was the same as the right of hauing armes with vs.^m The superstitious conceipt which the *Romanes* had of these images was such, that vpon festivall daies and all occasions of ioy and mirth, those images should be beautified and adorned with garlands and flowres; vpon occasions of griefe & mourning they would take from them all their ornaments, making them in a manner to partake of their mourning. Some they kept in their private closets, ⁿ others they exposed to the publike view of passengers, placing them in the gates of their houses together with the swords, targets, helmets, shipbeakes, and such other spoiles as formerly they had taken from their enemies; ^o which it was not lawfull for any, though they bought the house so much as to deface. Yea they were so annexed to the freehold that they passed alwaies in the conveyance of the house. The matter of which they were commonly made was waxe, as that of *Iuvenall*, doth sufficiently witnesse.

^l Sig. de iur.

Rom. l. 2. c. 20.

^m Alex. Gen.

dier. l. 5. c. 24

ⁿ Barth. Lato.

in Verrin. 7.

^o Plin. 25. 2.

^p Iuv. Sat. 8.

P Tota licet veteres exornent undiq; cera

Atria, nobilitas sola est atq; unica virtus.

Again we may not thinke that they made in wax a compleat

pleat statue or a full portraiture of the whole body, but only from the shoulders upward.

CAP. 5.

De quarta divisione Romanorum in Optimates & Populares.

THis fourth division of the *Romanes* hath been occasioned through the faction & siding of the citizens. Those (according to the description of *q Tully*) were *Optimates, id est*, the best citizens, who desired their actions might be liked, and approved by the better sort. Those *Populares, id est*, popular, who through desire of vaine-glory, would not so much consider, what was most right, as what should be most pleasing unto the populacie. So that hereby this word *popular*, we vnderstand not the commons, as formerly we did, but be he Senator, Gentleman, or inferiour, if he doe more desire that which shall bee applauded by the major part, then that which shall be approved by the better part, him the *Romanes* called *Popular, id est*, such a one, that preferreth the popular applause before the right.

*q Cic. pro
Sex. io.*

*Geor. Meru-
la in orat. pro
ligario.*

CAP. 6.

De quinta & ultimâ divisione Romanorum in Libertos, Libertinos, & ingenuos : item de Manumissione.

THe difference of the freedoms in the city of *Rome* hath giuen occasion of this division : For he, or shee that had served as an *apprentice*, and afterward was manumized, was named *Libertus*, or *Liberta*. The son whose father, and mother were once apprentices, was called *Libertinus*, but that sonne whose father and mother were both libertines,

Justin, inst.
lib. i. tit. de In-
genuis, vid.
Franc. Sylv. in
Catilinæ 4.

P. Ramus in
orat. pro C.
Rabirio,

Tert. de re-
fur. carn.

bertines, or both free-borne, yea whose mother onely was free, was called *Ingenuus*, id est, freeborne. But after *Appius Cæcus* his Censorship, then began *Liberti* & *Libertini* to signifie one and the same degree of freedome: so that *Liberti* & *Libertini* were taken for those which serued for their freedome, and *Ingenui* were taken for those which were freeborne, whether their parents were *Liberti* or *Libertini*. Here is occasion giuen vs to cōsider the maner of their freedome, and such ceremonies which belonged therevnto. The freedome of the citie of *Rome* was three waies obtained: first by birth, both or at least one of the parents being free and such were called *cives originarij*. secondly by gift and *cooptation*, when the freedome was bestowed on any stranger, or natiō, and they were tearmed *civitate donati*: and so we read that *Cæsar* tooke in whole nations into the freedome. Lastly, by *manumission*, which was thus: when as the servant was presented by his master before the Consul or Pretor, the master laying his hand vpon his servants head, vsed this forme of words, *hunc liberum esse volo*, and with that turning his servant round & giuing him a cuffe on the eare he did *emittere servum è manu*: the Pretor then laying a certaine wand or rod called *Vindicta*, vpon the servants head, replied in this manner *Dico eum liberum esse more Quiritum*. The lictor or sergeant taking the wand did strike therewith the servant on the head, and with his hand he stroke him on the face & gaue him a push in the back, & after this he was registred for a freeman. Moreover the servant hauing his head shauen purposely at that time receiued a cappe as a token of libertie whence *ad pileum vocare aliquem*, is to set one at libertie, as likewise *vindicta liberare*. According to *Tertullian* at this time of their manumission the servants receaued from thier masters, a white garment, a gold-ring & a new name added vnto their former. Whose authority if we admit, then the ha-ving of three names among the Romans was rather a signe of freedome then of Nobility. And that of *Iuuenal*.

Tan

Tanquam habeas tria nomina---

Is not to bee expounded, as if you were a noble man but as if you were a free-man. Here wee may also consider the two severall kinde of servants: the first were called *serui*, and they could neuer attaine to any freedome, without the consent of their master.* For those that were thus *serui* were commonly captiues, either bestowed as a reward vpon this or that souldier, or bought *sub coronâ*, or of other citizens that had gotten them one of those two former waies: the second were called properly *next & additi*, because though they were free, yet by reason of their debt, *addicebantur*, that is, they were deliuered vp vnto their creditors by the Prator to worke out the debt, so that after the payment thereof, either by mony or worke, they did recouer their liberty: whence they were said *2 nomina sua liberare*, when they paid the debt: as on the contrary they were said, *nomina facere*, when they became in debt. And their creditors when they sued for the payment were said *nomina exigere*: *nomen* in these and the like places signifying as much as *debitum* a debt.^a because the creditors did vse to write downe their debtors names.^b The manner of suing for their debts was as it followeth. The debt being confessed, thirty daies were allowed the debtor for the payment of the mony (those dayes of respite they called *dies iustos, velut institutum quoddam, id est, iuris inter eos interstitionem & cessationem.*) The mony not payd, the debtor was deliuered vp as a servant to his creditor, yea he was sometimes cast into prison, and vnlesse the creditor were in meane time compounded with, he remained threescore daies in prison, & three market daies one after the other being brought before the Iudge, the debt was solemnly proclaimed, and vpon the third market day, hee was either sold to forraieners for a slaue or els was punished with death, each creditor being suffered if he would to cut a peice of his dead body instead of payment.

x Dion Halicar. lib. 4.

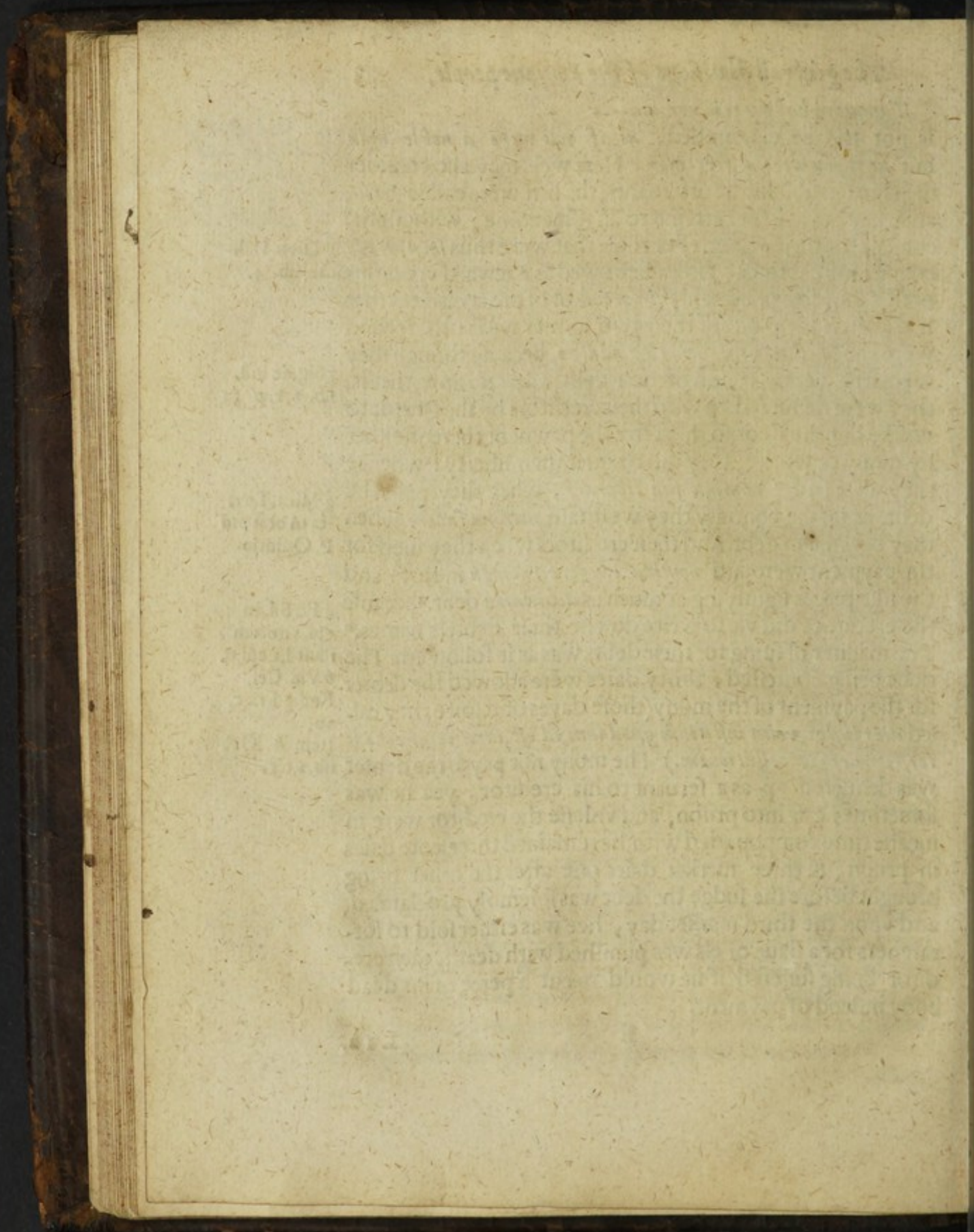
y Sig. de iud. lib. 1. cap. 31

z Mica. Tox. ita in orat pro P. Quintio.

a Fr. Sil. in epi. virorum illust. l. 1. epi. 6.

b Vid Cel. Rodig. l. 12. c. 20.

Item A. Gel lib. 2. c. 1.





LIB. 2. SECT. 1.

The generall diuisions of the Romane Gods.

CAP. 1.

De dijs.

THough *Satan* had much blinded the hearts of men in old time, yet was not the darknesse of their vnderstanding so great, but that they did easily perceiue, and therefore willingly acknowledge, that there was some supream gouernour, some first mouer, as *Aristotle* saith: some first originall of all goodnesse, as *Plato* teacheth. So that if any made this question, whether there was a God or no? hee should bee vrged to confesse the truth of that rather *argumento bacillino*, quam *Aristotelico*, rather with a good cudgell, then with any long dispute. But as they where most certaine, that there was a God, so were they againe very blinde in discerning the true God: and hence hath bin inuented such a tedious catalogue of Gods, that as *Varro* averreth, their number hath exceeded thirty thousand, and proued almost numberlesse. Wherefore I shall omit to make any distinct treatise of the Gods, intending *obiter*, and by the way to speake of them, which either had priests, or sacrifices instituted for them. Only I purpose to shew what is vnder-

^a Alex. Gen.
dier. l. 6. c. 6.

stood by those generall distinctions of the Gods, which di-
vers authors haue vsed, *Tulli lib. 2. de legibus* reduceth all vn-
to three heads, Gods celestiall, which *Varro* calleth select,
and others haue styled Gods *maicrum gentium*, id est of the
greater nations, because their power was greater then the o-
thers ^a *Alexander Neapolitanus* saith, that twelue of these
were the *Penates*, which *Aeneas* did take forth with him at
the destruction of *Troy*. *Ouid* calleth them *Deos nobiles*,
noble Gods: others call them *Deos consentes*, quasi *consenti-*
entes, because *Iupiter* would doe nothing without the con-
sent of all. *Ennius* hath diluiered them in this distich,

Iuno, Vesta, Minerva, Ceres, Diana, Venus, Mars.

Mercurius, Iouis, Neptunus, Vulcanus. Appollo.

^b *Seruius* in
lib. *Georgic.*

The sccond sort of Gods were called *Semidei*, id est, Demi-
gods, also *Indigites*, id est, Gods adopted, or canonized; men
deified. For as the select Gods had possession of beauen by
there owne right; so these Gods canonized had it no other-
wise then by right of donation, being therefore translated
into heauen, because they liued as Gods vpon earth: but be-
cause their merit was inferior, and could not parallel the de-
serts of the Gods select, therefore were they called Gods
of inferior note. ^c *Seruius* would haue these called *Diui*:
observing this difference betweene *Dij* and *Diui*, that *Dij*
should signifie those which had bin Gods perpetually, but
Diui should signifie men made Gods, though commonly
they are vsed one for another. Whence they called all their
Emperours *Diui*, because for their deserts they thought
them worthy to be Gods. Now the ^d manner how a man
became deified was this: The party to be canonized being
dead, a pile of wood was made in forme of a great tent, or
tabernacle, with three other lesser tabernacles one vpon top
of another, the lowermost hauing in it dry cumbustible
matter, but in the out-side adorned Richly with gold, Iuory
and painted tables: Hither the dead corps was to be carry-
ed with great solemnities; the Senate, the gentlemen, and all
the

^c In *Aeneid.*
lib. 5.

^d *Rosin. Ant.*
lib. 3. c. 18. vid.
Hospiniam de
orig. Christ. F.
p. 21. Vid. ex-
emplum hius
consecrationis
in *Seueri se-*
pultura Hero-
dian. lib. 4. p. 2
298.

the chiefe magistrats going before, with hymnes and songs, and all kinde of honour, which was to be perfourmed euen to the Gods themselues. He being in this manner brought, and laid within the second tabernacle, the fire was kindled, by him who was to succeed in the Empire for I finde none canonized but onely Emperours at their decease forthwith at the kindling of the fire, a liuing eagle was let fly from the top of the tabernacle which was supposed to transport the soule of the dead body into heauen, in so much that euer after he was canonized amongst the Gods, & worshipped as a God. And because they were thus turned into Gods, some haue called them *Deos animales, quoniam anima humana uerterentur in Deos*. This canonization was by the Greekes tearmed *ἀποθέωσις*, by the Latines *consecratio*. The third sort were those morall vertues, by which as by a ladder men climed into heauen: and therefore did men stile them Gods, because by their meanes men became deified. Late writers perceiuing that all the number of the Gods could not bee reduced vnto these three heads, haue added a fourth sort which they^f call *Semones, quasi semi homines*, because ancient writers, as *Rosinus* hath obserued, called men *hemones*, not *homines*, In which point I shall willingly condescend vnto him; but I shall leaue to the iudgment of others, to determine how iustly he hath restrained the Gods *minorum gentium*, of the lesser nations, only vnto this last *classis*: whereas my opiuiom is, that the demy. gods, the morall vertues which haue beene styled Gods, and these *Semones*, may all of them be called Gods of the lesser nations standing in opposition with the Gods select, which are called Gods of the greater nations. But that wee may vnderstand what is meant by these *Semones*, we must remember that by them are signified vnto vs not those Gods, which do appertaine to man himselfe, but to the necessities of mans liuing, his victualls, his cloathing and the like: not to the being of a man but to the well being of him, of which sort is *Salus*, *Fortuna*, with others. we read likewise of other names

^e Serv. in Æn. lib. 3.

(Rosin. antiq; lib. 2. c. 19.

giuen in common to diuers Gods, not as opposite members of a diuision, but as notes of distinction dtawne from the diuersity of helpe, which they severally did aford vnto man. In this respect some were called *dy patrij*, or *tutelaes*, such as had vnderaken the protection of any citie or towne which opinion had sometimes beene entertained by our Englishmen, and thence haue risen these and the like speeches *s. George for England, s. Denis for France, s. Patricke for Ireland, &c.* And the Romans being fully perswaded of the truth thereof, whensoever they went about to besiege any towne, by certaine enchantments, or spells they would first call out these Tutelar Gods; because they deeme it matter impossible to captiuat the citie, as long as these Gods werewithin; or at least they thought it a crime vnexpiable to take the Gods as prisoners. and least other natinos might vse the same meanes in belieging Rome, therefore, as divers authers haue thought, the true name of the Romane citie was neuer knowne, least thereby the name of their Tutelar God might be deseryed. Others namely the *Tyrians* haue tied fast their God *Hercules* with a golden chaine, thereby the more to secure themselues of his residence among them.^h Others haue bene called *Dij communes*, namely *Mars Bellona*, and *Victoria*, because in time of war they are not bound to either side: but sometimes they helpe one side and sometimes the other. And as they supposed some Gods to haue the protection of whole countries, so did they beleue that others had the charge of particuar men; and that so soone as any man was borne, two spirits did presently accompanie him invisibly, the one termed the *bonus Genius*, or good angell. perswading him to that which should be good: the other called the *malus Genius*, or euill angell, tempting him to that which should be hurtfull: inso-much that they thought all the actions of men to be guided by these angles called *Genij*. so that if any misfortune befell a man, they would say that the matter was enterprised *Dijis iratis*, id est, our *Genius* being displeased with vs. *Virgill* calleth

^g Syluius in
epist. viro-
rum
illustrum.

^h Alex. Gen.
dier. l. 6. c. 4.

eth these bad Angels *Manes*, as it appereth by that,

Quiq; suos patitur manes, *id est*, Euery man hath

his euill Angell, *id est*, some misfortune. These *Genij* were

though to be a middle essence betweene men & Gods: They

are therefore called *Genij*, because they haue the tuitio of vs

so soone, as we are *Geniti*, *id est*, borne, it is most certaine that

old autors vsed *Geno*, for *Gigno* whence ¹*Tully* saith, *si mihi fi-*

lius genitur, and ^k*Varo* *Antequam genat siliquas*, although

euery place had also his *Genius*, as hereafter shall appeare.

This opinion was the more confirmed by a vision which ap-

peared vnto ¹*Brutus* in *Asia* neere vnto the time of his death

for *Brutus* watching vpon a certaine night in his pavilion,

the candle being neere spent, saw a fierce tragicall person ap-

peare vnto him, some what bigger then a man, & he present-

ly being of an vndaunted spirit, demaded whether he were a

God or a man? To whome the vision answered, *Brutus* I am

thy euill *Genius*, which haunteth thee, thou shalt see me at the

city *Philippi* againe, and the same vision appeared vnto him,

as he was fighting at *Philippi*: which was the last fight that

euer he fought. And because *Iuno* was wont to be inuocated

in the time of Childe-birth therefore many haue thought

that euery man hath not his two Angels but on Angel, & *Iu-*

no to obserue him, but it is agreed vpo by best autors, that as

the angels or spirits which did attend men were termed *Ge-*

nij: so those which guarded women were termed *Iunones*.

This *Genius*, as oftē as he is vnderstood for the good or euill

Angell, which hath charge of a mans body, is painted in

forme of a man as we read did appeare to *Brutus*; though

some time he is painted as a young boy, sometime as an olde

decrepitate man, ^m but alwaies with a crowne of plane-tree,

which therefore was called *genialis arbor*, in the right hand

he held a platter ouer an alter garnished with flowers: in the

left he held a scourge hanging downe. The sacrifice that was

performed vnto the *Genius* was wine, and flowers: wherev-

on (as if by wine & fragrant odors, were signified all kinde of

plea-

ⁱ*Cic. lib. 2. de*
orat.

^k*Varro Rei.*
Rust. li. 1. c. 31.

¹*Plut. in Brut.*

^m*Rosin, ant.*
lib. 3. cap. 14.

pleasures) certaine prouerbiall speeches haue beene occasioned: as when wee see a man giuen much to his pleasure, and dainty feeding, wee say hee doth *indulgere genio*, *id est*, pamper or make much of his *Genius*: on the contrary hee that is abstemious and debarreth him selfe of his pleasure, & dainty feeding, is said *defraudare Genium*, to defraud his *Genius*: & *genialis* signifieth iocund or pleasant. ⁿ It was also the custome after meales to haue a cup passe round the table, much like vnto our *poculum charitatis*, & it was called *poculum boni genij*. ^o The *Grecians* had a like custome, whence that cuppe was called by them, *κράσις ἀγαθῆς δαίμονος*. But the reason, why they would not sacrifice vnto their *Genius* by kindling some host, as they did to their other gods, was, because they iudged it vnfit to depriue any creature of his life vpon that day, when they first began their life (for this sacrifice was performed yearly by euery one vpon his birth day) *Horace* notwithstanding doth more then intimate the killing of a young pigge in that sacrifice

---cras *Genium mero*

Placabis, & porco bimestri. Hor. lib. 3. Od. 17.

The other *Genius* which is supposed to haue chief power ouer high waies and places, being therefore called *Genius loci*, was pictured in form of a Snake, in which forme *Virgil* fained him to haue appeared, to *Aeneas*, when hee performed the funerall rites due vnto his Father *Anchises*, *Aeneid* l. 5.

---*Adytis cum lubricus anguis ab imis*

Septem ingens giro, septena volumina traxit,

And *Persius*.

Pinge duos angues, pueri sacer est locus, extra.

Mejre, id est, duos Genios.

Sat. I.

p Franc. Sylv.
in orat. pro
Sext. Rosc
Am.

Another sort of Gods was supposed to haue the keeping of mens houses: p which they painted in forme of a dogge because those to whom the charge of houses is committed ought to resemble doggs, that is to seeme fierce, and angry towards strangers, but gentle & kinde to those of the household

hold other properties wherein these *Lares* doe resemble dogs are recited by *Ovid. Fast. 5.*

Servat uterq, domum, domino quoq, fidus uterq, est,

Compita grata Deo, compita grata cani:

Exagitant & lar, & turba Diania fures,

Pervigilantq, lares, pervigilantq, canes.

They were named *Lares*, & because of the charge, they had over mens houses, this word *Lar* is sundry times taken for an house it selfe, as *paruo sub lare, Horat.* In a little cottage, *homo incerti laris, id est,* a man that hath no house to dwell in. *Sen in Med.* And the custome in sacrificing vnto them, was to eat vp all whatsoeuer was left at the offering, for they thought it an heinous matter to send any of that sacrifice abroad, either among their friends, or the poore: and thereupon when wee see a glutton leaue nothing in the platter, not so much as the curtesi-morsel, we say *Lari sacrificat, id est,* he sacrificeth to his household God.

F **LIB.**



LIB. 2. SECT. 2.

Of the Roman Priests with some particular Gods.

E *Annus* the ancientest of all the kings in *Italie* was the first, that brought any forme of religion into *Italie*. He consecrated groues, gaue names vnto Cities, erected Temples, ordained sacrifices, &c. from whom the Churches, as some say, were named *Fana*. But after *Faunus*, *Evander* comming out of *Arcadia*, and afterward being king of *Latium*, he instituted, and appointed many other ceremonies, which before were vnkowne to the Latines. After him *Aeneas* comming from *Troy*, taught many of the *Troian* ceremonies: by whose examples *Romulus* & *Numa* were incited to adde many other kindes of holy rites, and at length reduced their whole religion into a certaine order, especially *Numa* who that hee might gaine the more credit and authority to his new invented superstitions feigned that he had conference about them every night with the goddesse *Egeria*. My intent therefore is, to speake first of the God, in whose honour these holy rites were performed, and then to descend vnto the Priests, which were to performe them, shewing withall the ceremonies they vsed in the performance.

CAP.

CAP. I.

De Pane Lyceo, sine Iuno: de Lupercis,
& Lupercalibus.

PAN was supposed to be the God of the sheep-heards, and is thus described: he is pictured naked, hauing hornes in likenesse of the sunne-beames, a long beard, his face red like the cleere ayre, in his brest the starre *Nebis*, the neather part of his body rough, his feet like a Goat: in one hand hee holdeth a pipe, in the other a sheep-herdes crooke, and alwaies is imagined to laugh. ^b Hee was worshipped first in *Arcadia*, and there called the God *Pan Lycaeus*, but afterward hee was had in great esteeme at *Rome* and in the honour of him certaine sacrifices, and games called *Lupercalia* were solemnized by the *Romanes*, ^d There he tooke the name *Inuus*, or as some say *Iunus*. Concerning the time, when these sacrifices were to bee performed; it was vpon the ^e vnfortunate daies of the month *Februarie*, which hath his name *à februario*, from purging: whence the feast or game is as a purification; though the Latine word signifieth as much as a feast of wolues, in a memoriall that *Romulus* and *Remus* were nursed by a shee-woolfe. This seemeth very probable, because the Priests, which were called *Luperci* beganne their course at the foot of the mount *Palatine*, called by the *Romans* *Lupercal*, *id est*, the place, where the wolfe nursed ^f *Romulus*. The ceremonies were these: the hoast (being two Goats) was to bee slaine; and two Noble mens sonnes were to bee present, whose foreheads being blounded with the kniues of them that had slaine the Goats, by and by were to be dried vp with wooll dipped in milke. Then the young boyes must laugh immediarly after their foreheads were dry. That done they cut the goats skins, and made thongs of them, which they tooke in their hands, and

^a Seruius in
Virg. Ecl. 2.

^b Feneft. de
sacerd. cap. 1.

^c Feneft. ib.

^d Pomponius
Lætus de Sa-
cerdot. cap. de
Luper.

^e Plutarch. in
Romulo.

^f Plutarch. in
Romulo.

ran with them all about the citie stark-naked (saying they had a cloath before their privities) and so they strooke with those thongs all they met in the way. The young wiues did neuer shun them at all, but were well contented to bee stricken with them; beleeuing it helped them to bee with childe, and also to bee easily deliuered. Moreouer it is to bee noted, that a dogge was sacrificed at this time, because there is a naturall antipathie, or contrarietie of nature, betweene the dogge and the wolfe: whereby *Romulus* thought to testifie his gratefulnesse vnto the wolfe for her paines in nourishing him. The reason why the Priests ran vp and downe the streets naked, was, because that *Pan* the God of this sacrifice was painted naked. As the feast, so also the place from whence they came, and likewise the Priests had their names à *Lupa*, which signifieth a wolfe. Some Authors haue obserued three sorts of the *Luperci*, some called *Fabiani*, some *Quintiliani*, from *Fabius* and *Quintilius* their gvernours: the third sort, which *Rosinus* affirmeth to haue beene added in the honour of *Julius Caesar*, I cannot find according to his quotation in *Suetonius*. But thus much *Suetonius* saith in ^h another place, namely that *Augustus Caesar* when he was chiefe Pontific did restore these games againe being formerly abolished.

^g Rosin. ant. 1.
3. cap. 2.

^h Sueton in
August.

CAP. 2.

De Cerere, & sacris eius.

Ceres otherwise called *Eleusina* was honoured first among the *Gracians*, afterward among the *Romans*, as a Goddesse, which first taught men the skill of husbandry.

*Prima Ceres ferro mortales vertere terram
Instituit. Virg. Georg.*

Whence shee is sometimes *metonymicū*s taken for *corne*, as
Credenda

Credenda Ceres aruis. Ovid. It is seed time. She is called *Ceres*, ⁱ*quasi Geres à g'rendis frugibus*, from bearing fruit. because, as some say, by *Ceres* is vnderstood sometimes the earth it selfe: whence also *ἡ μήτηρ* being the greeke name of *Ceres* is said *quasi ἡ μήτηρ*, *id est*, the earth, which is the common mother of vs all. ^kShee is painted in the habit of a Matron wearing a garland of corne, sometime sorrowfull with a lampe in her hand, as if she were seeking out her daughter *Proserpina* carried by *Pluto* into hell; and sometime with a handfull of corne or poppy-seed. Vpon the first of the Kalends of Aprill the *Romans* were wont to performe sacrifices vnto her, which they called *sacra Graca*, *id est*, the *Græcian* sacrifices, as likewise they tearmed the chiefe woman which did performe them, *sacerdotem Gracam*, *id est*, the Greeke Ministresse, because they were translated into *Rome* out of *Greece* by *Evander*. The time of their solemnities was at the dawning of the day, and the Priests, which were only women which ran vp and downe with lampes in their hands in manner of mad woman; into whose temple none that was guilty of any fault comitted might enter: whose mysteries were to be buried in silence, and by no meanes to be blabbed abroad. And as it is to be supposed, that was the reason why all wine was forbad in this sacrifice. So that hence ^lwe say *Cerei sacrificat*, he sacrifices to *Ceres*, when he maketh a feast without wine.

Cic. lib. 3 de nat. Deor.

Rosin. ant. lib. 2. cap. 11.

Plautus in Asinaria.

CAP. 3.

De Potitijs, est Pinarijs Herculis sacerdotibus.

Hercules had an altar erected in the memoriall of himneere vnto *Tiber* by *Evander*, vpon occasio of the heards-mens complaint brought vnto *Evander* of him, whom they accused to haue slaine their chiefe heardsmen *Cacus*, the history being thus. *Hercules* after his conquest

Scru. Enn. lib. 8.

quest ouer *Geryon* brought away with him certaine goodly Oxen, and as well to rest himselfe, as to pasture his Oxen, he laid him downe to sleepe in agreene field neere the riuer *Tiber*. In the meane while a certaine heards-man called *Cacus* happened to come that way, and perceiuing *Hercules* to be in a sound sleep, he stole away two of his Oxen, which he hid in a caue, or hollow rocke pulling them in by the taile bakward, thinking that *Hercules* when he should look his oxen and see the print of his footsteps, would easily beleeeue, that his oxen had rather gone out from that rock then into it, as indeed he did for a time beleeeue. but afterward by the bel-
lowing of the oxen within answering their fellows without *Hercules* entred the rock, and finding the theefe *Cacus* there with his oxen, he killed him, by reason of which murder he was brought before *Evander*, and after a while knowne to be the *Hercules*, of whom the Prophetesse *Garmenta* had foretold vnto *Evander*, that he should be a God. Wherevpon *Evander* presently saluted him by the name of *Hercules* the sonne of *Iupiter*, and in honor of him caused an altar to be built there in that place: vpon which yearely was to bee offered vp an heifer which had never borne yoke; and that this sacrifice might be had in the more esteeme, two Noble men well stroken in yeares, and of good repute among the *Romans*, one of them being called *Potitius*, and the other *Pinaris* were appointed as the Priests to performe these sacrifices; from whom ever after *Hercules* his priests were called *Potitii*, and *Pinari*. Where by the way we must obserue, that *Pinaris* was not the sur-name of this Noble man, but, a name added vnto him, intimating his, and his successours punishment for not comming soone enough according to the time appointed by *Hercules*. For asⁿ diuerse writers testify, the entralls of hoast were almost eaten vp by the familie of *Potitius*, before *Pinaris*, and his familie came; and in punishment of their negligence *Hercules* enioined the *Pinari* never after to eat of the entralls, giuing them this name *Pinari* at that

¶ *Serv. Aeci.*
¶ *lib. 8.*

that time, from the Greeke word *πειν* signifying hunger.

CAP. 4.

De Fratibus arvalibus,

THis College or company of Roman Priests may bee Englished the *Arvall* fraternity: the nūber of them being twelue, eleuen of them naturall brothers, sons to *Acca Laurentia Romulus* his foster mother; ° for which respect *Romulus* yeelded himselfe her adopted sonne, instituting this order in the honour of *Ceres* & *Bacchus* for the plentie of wine and corne vnto whom they did offer vp certaine sacrifices called *Ambaruales hostie*, *quod antequam maturentur ter circum arua ducebantur*, according to that of *Virg. Georg.* *Terq; nonas circumfoelix eat hostia fruges*, that they being therewith appeased might the willinger cause the earth to fructify, & added himselfe to the former eleuen as the twelue priest or brother to helpe in the performance of this publike sacrifice, moreouer beside the performance of this sacrifice, these twelue were appointed *arbitrators*, or iudges to decide controuersies concerning landmarks and bounds of the field, from whence they tooke their name *fratres Aruales*. Their sacerdotall ornaments was a garland of wheat bound vp with a white riband, this being, as *Pliny* writeth, the first crowne, or garland amongst the Romans.

° *Fenest. de Sacerd. c. 3.*

Hosp. de orig. Monach. c. 10.

° *Plin. lib. 17. cap. 2.*

CAP. 5.

De sexaginta Curionibus.

After that *Romulus* had diuided the whole body of the Romans into three tribes, or wardes, and subdiuided those three wardes into thirty parishes, called *Curia*, he ordained out of each *Curia* two parish Priests or Curats called *Curiones*, or *Flamines curiales*; which were pub-

2 Dion. Hal.
lib. 2.

7 Dion. Hal.
lib. 2.

publikely to offer vp sacrifice in the behalfe of the people. Neither was every one equally capable of this honour of Priesthood; 9 but hee was to bee at the least fiftie yeare old, of a life vnspotted, and a body vnmaimed. And ouer all these there was one which had chiefe rule, and therefore was called *Curio Maximus*, the Bishop, or chiefe Prelate: and these sacrifices were called *Curionia*. 1 Their sacrifice being ended each parish had a feast in a common hall built for that purpose: it was called *Domus Curialis*, and sometimes *Curia*.

C A P. 6.

De Auguribus, & eorum Collegio.

AMongst other kinds of Fore-tellers we read of three principally vsed in former time, namely, *Aruspices*, *Auspices*, & *Augures*: all which we english *soothsayers*, though the Latine words doe import a maine difference worth our obseruation: all are alluded vnto by *Ouid*.

Ouid. trist. l. 1.
Eleg. 6.

*Hoc mihi non ovium fibra, tonitrusve sinistri,
Linguae servata, pennaue dixit avis.*

The *Aruspices* did diuine, or foretell things to come by beholding the entrals of beasts sacrificed: whence they had their name. *Ab aras inspiciendo*, from beholding the altars. The *Auspices* did foretell things by beholding the flight of birds so that *Auspices* are said *quasi avispices*, *ab aves aspiciendo*. The *Augures* did diuine frō hearing the chatting or the crowing of the birds: whence they are called *Augures ab avium garritu*, from the chirping and chatting of birds. These two last kinds of soothsaying haue occasioned these, and the like phrases, *bonis avibus*, or *auspicijs*, With good lucke, *malis avibus*, *id est*, with ill lucke: and because they would beginne nothing *inauspicato*, *id est*, without the counsell of the *Augures*, hence *Auspiciari rem* hath beene translated, to beginne

2 Fr. Sylv. in o-
rat. pro Civen-
tio.

ginne a matter. The Colledge of the *Augures* at Rome was first appointed by ^a *Romulus* himselfe being very expert in soothsaying, there being at the first but three, namely one of each tribe: (The word *Augur* being not taken in his owne proper sence, and signification aboue-mentioned; but generally by the trope *Synecdoche*, signifying all kinds, and sorts of diuining whatsoever, whether it were by obseruing the entrails of beasts, the flying, screeching, and chatting of birds, or thundring, or lightning in the heauen, or marking the rebounding of crumms cast vnto birds, which kinde of diuining was called *Tripudium*.) ^x *Seruius Tullius* the sixt Romane king, when he diuided Rome into foure locall tribes: *id est*, Regions, or quarters, then did hee adde the fourth *Augur*, all of them being elected out of the *Patricij*, or the nobility of Rome. ^y In proceesse of time *Quintus*, and *Cneus Egulinus* being chosen *Tribuni plebis*, *id est*, protectors of the commons, obtained that fise other *Augures* should bee chosen out of the commonaltie, and added vnto the former foure: at which time the Senate decreed that the colledge of *Augures* should neuer exceed the nūber of nine. ^z Notwithstanding *Sylla* being *Dictator* added six more, insomuch that their colledge encreased to the number of fiteene: the eldest of which was called ^a *Magister Collegij*, the master, or *Rector* of the colledge. The *Augures* excelled other Priests in ^b this respect, because if any of them had beene convinced of any heynous crime, he did not loose his office, neither was any other subrogated into his roome, although the Romaine custome was, that if any other priest had committed any notorious offence hee should presently be discharged of his office, and another chosen in his place. ^c The manner how the *Augur* did obserue was this: Hee sate vpon a castle, or a towre, the ayre being cleere, and faire without clouds, or raine, holding a crooked staffe, (called in Latine *Lituis*) in his hand, where sitting in his soothsaying robe, called *Lena*, and in Greeke *ῥαῖνα, παρὰ τὸ χαλᾶναι, ἢ καλεσθαι*, *ἄ καλεσθαι*, from heating, because it was well

^a Pomp. Lxv
tus cap. de
Augur.

^x Rosin. an-
tiq; lib. 3. cap. 8

^y Rosin. ibid.

^z Rosin. id.

^a Alex. Gen.
dier. l. 5. c. 19.
^b Alex. ib.

^c Pomp. Lxv
tus, de Aug.

lined within, being garded in the outside with purple and crimson gards) hauing his head couered, and his face turned toward the east, so that his back was west-ward, his right side south-ward, and his left north-ward, Being thus placed he quartered out with his crooked staffe the heauen into certaine *templa*, *id est*, Regions, or places, obseruing in what region the birds did appeare: Then killing his sacrifice, and offering vpon certaine prayers called *Effata*, he proceeded in manner as followeth. But first suppose we for our better vnderstanding hereof, that now the *Augures* were to resolute the people, whether the Gods would assent that *Numa pompilius* should bee King. The *Augur* hauing done as aboue is shewed, his *Litus* being in his left hand, he reached forth his right hand putting it vpon *Numa Pompilius* his head, vsing this forme of words, *Iupiter pater, si fas sit Numam Pompiliu, cuius ego caput teneo, regem Romae esse, uti nobis signa certa accedant sint inter eos fines, quos feci, id est*: If it be lawfull for this *Numa Pompilius*, whose head I hold to be king of Rome, shew some manifest tokens within these regions, or quarters which I haue described. Then if he obserued luckie signes & tokens he presently pronounced *Numa Pompilius* king of Rome: if he perceiued vnlucky tokens, then did he *obnunciare*, or gaine say, and shew that the matter proposed was not pleasing to the Gods. Whereby the way we must note, that nothing was confirmed by the *Augures* without the appearance of two lucky tokens one after another; neither was any thing gaine-said by the appearance of one only euil tokē. The distinctions of the soothsayings haue beene taken, some from the event, & thence are they called *prospera*, luckie, or *aduersa*, vnluckie. Some from the manner of their appearing, and that was either wished being called therefore *impetratina*; or vnwished called *oblatina*. Some from the diuersity of things which offered themselues in time of diuining, and so there were five distinct sorts: The first was by the obseruing of lightning, and thunder from heauen; the second from the flying, and chatting

¶ Serv. Aenei.
lib. 6.

chatting of birds; the third from bread cast to pullets, or little chicken; the fourth from foure footed beasts, which either should crosse the way, or appeare in some vnaccustomed place; the fift from those casualties, whereby the Gods doe make their anger appeare vnto vs. Of this sort are those voices which we heare we know not whence; (as *Cadmus* heard when he ouercame the serpent) the falling of salt towards vs at the table, the shedding of wine vpon our cloathes. From which casualties, and the like the *Augures* would pronounce either good fortune, or bad to ensue. And these tokens were therefore called *Dra*, because thereby *Dei ira nobis innotescit*, the Gods anger is made knowne vnto vs. Now the things that in diuining time appeared on the left-hand where commonly tokens of good lucke, because the giuers right hand in bestowing a benefit is opposite to the receiuers left hand. Whence *sinistrum* though in humane affaires signifieth as much as vnluckie, yet in those holy rites of diuining *sinistrum* is taken in a contrary sence as *Avis sinistra*, good lucke, *Intonuit lauum*, it hath thundered luckily, we shall haue good successe: and it is said a *sinendo*, because the Gods thereby doe suffer vs to proceed in our purposed projects. And therefore *Tully* saith, lib. 1. de diuinatione, *A sinistra cornice ratum, & firmum augurium fieri*; and in the law of the 12 tables it is said, *Ave sinistra populi magister esto*, The *Gracians* from hence in the iudgement of *Lipsius* haue called the left hand *ἀριστερά* from *ἀριστερ* signifying the best.

Vox subito audita est neque erat cognoscere promptum Vnde, sed audita est Ouid. Met. lib. 3. fab. 1.

f Serv. Anci. lib. 2.

d Lips. El. c. 1. lib. 2. cap. 2.

CAP. 7.

De Tripudijs & pullarijs.

THis kinde of coniecturing is called *auspiciu coactū*, *quoniam necesse erat offa obiecta cadere frustum ex pulli ore, cum pascitur*. The word *Tripudium* is vsed by a syncopation for *terripudium*, which is as much as *terripa-*

g Cic. de divi. nat. lib. 1.

^h Humbert, in
lib. 6. Ep. fam.
Cic.

ⁱ Alex. Gen.
dier. 11. c. 29.

^j Alex. lib.

vitium, id est, a dancing or rebounding of any thing vpon the ground: for *pavire* is the same with *ferire*, ^h Others say *Tripudium quasi tritio pedum*. It is here taken for the diuining, or coniecting of good or euill to come by the rebounding of crummes cast to chicken in a coop or pen: whence the *Augur* from these pullets or chicken was called *Pullarius* id est, A-Bird. prophet. ⁱ The manner in obseruing was this. As often as by this kinde of coniecting they desired to know the Gods pleasure concerning the interprizing of any matter, early in the morning those that were skilfull in this kinde of obseruation, repaired vnto the place where the chicken were kept, where silence being commanded, and the coope opened, they cast crummes of bread to the chicken. Now if the chicken either came slowly, or not at all vnto the bread, or if they walked vp and downe by it not touching it, then was it a token that the matter to be enterprized was displeasing vnto the Gods: but if contrarily the chicken did hastily leape out of the coop and eate so greedily of the crums; that some should fall out of their mouths againe, then the *pullarius*, that is, the *Augur* pronounced that it was well pleasing to the Gods, and encouraged the enterprizing of what they had intended cheerefully: and this was called *Tripudium solistimum*. This kinde of coniecting may seeme to haue its originall from the *Lycians*, ^k who as often as they desired to foreknow the succeffe of any enterprise, they went vnto the fountaine dedicated to *Apollo*, into which they cast baites for the fish: now if the fishes did eate them, it did betide goodlucke; if otherwise they neglected the baites, then it did betoken some euill euent.

CAP. 8.

De Aruspiciis, Aruspiciâ. & Extispicio.

THIS kinde of soothsayers as they were called *Aruspices*, *ab aras aspiciendo* from beholding the beast vpon the altar; so were they called *Extispices*, *ab extra aspiciendo*, from beholding the bowels or entrails of the beast, called in Latines *Extra*. In this kind of soothsaying the *Aruspex* obserued in manner as followeth: first whether the beast to be sacrificed came vnto the altar willingly, without plucking and halting; whether he died without much strugling, or lowd bellowing; at one blow or many; whether any vnluckie object were seene, or heard by them, whiles they were sacrificing. Againe after the beast was slaine, then would they obserue, whether the bowels were of an vnnaturall colour, whether they were not vlcerous, exsiccate, or impostumated: moreouer they would diuide the bowels into two parts, the one they would call *partem familiarem*, from whence they would fore-tel what would befall themselves, and their friends; the other they would call *partem hostilem*, whence they gathered prædictions touching their enemies. Hence *Manto* in *Seneca* describing the entrails of his killed sacrifice saith, *Hostilo valido robore insurgit latus*, meaning by *hostile latus*, *partem hostilem*. Afterward when the sacrifice was to be burned, they considered, whether the flame of the fire was smokie, whether the smoke rolled, and tumbled in the aire, whether it were of any continuance or no: for all these were vnfortunate tokens, as the contrary did betoken a good & fortunate issue to their designments. These last which obserued the fire and smoke were called by a more peculiar name, *Capnomantes* smoke-augurers from the greeke words *καπνός* signifying smoke, & *μαντις*, id est, *vates*, or a soothsayer. The first instructions that the Romans received

*Seneca. Ged. 4
Act. 2. scen. 2.*

*m Oedip. Act.
2. scen. 2.*

¶ Cic. de diui-
nat.
Indigenæ dixerē
Tagem, quē pri-
mus Hetruscum
edocuit gentem,
casus aperire
futuros Ovid.
Met. lib. ult.

was from the *Hetrusci*, (who as they themselves say) receiued their knowledge from a little boy, which they named *Tages*, the history being thus. When the *Hetrusci* were plowing their lands, vpon a suddaine vpstart this *Tages* out of one of the furrowes vsing diuers speeches vnto the plow-men: but they being much affrighted at this suddē, & strange vision, beganne with a lowd cry to lift vp their voices; vpon occasion whereof many other people flocked thither, where he gaue many good instructions concerning this kinde of sooth-faying, which were presently recorded in books, and practised afterward by the *Hetrusci*.

CAP. 9.

De Flaminibus.

¶ Rosin. Antiq.
lib. 3. c. 15.
¶ Rex. Anius.
rex idem homi-
num Phebiq, sa-
cerdos. Virg.

THe mitre or head-ornament which these Priests did weare. was called in old time ° *Flama*, whence the Priests tooke their name *Flamines*. The custome amongst the *Gracians*, as likewise afterwards among the *Romanes* was, that the kings should aswell performe ceremonies, and holy rites of religion, as civill busineses. But *Numa Pompilius* perceauing that forraine wares did oftentimes occasion the kings absence, in so much that those religious ceremonies which hee himselfe personally should performe were of necessity sometimes neglected, herevpon he ordained out of the *Patricij* three Priests to performe that diuine seruice vnto *Iupiter*, *Mars*, and *Romulus*, which hee himselfe otherwise ought to haue performed, calling the first *Flamē Dialis*, the other *Flamen Martialis*, and the last *Flamen Quirinalis* from *Romulus*, which was often called *Quirinus*.

Sine quod hasta quiris priscis est dicta Sabinis,

Bellicus a telo venit in astra deus.

Siue suo regi nomen posuere Quirites.

Sen quia Romanus iunxerat ille Cures.

In prolesse of time twelue others chosen from the commons were added vnto these, but with this note of distinction, that the three first were had in greater esteeme, and were called *Flamines maiores*, high Priests; the other of lesse note called *Flamines minores*, inferior Priests. The chiefe of all was the *Flamen Dialis Iupiters* high priest, and whereas every one did weare a certaine bonnet in forme of a mitre, which sometimes was called *Pileum*, so netime by the figure *synecdoche* *Apex* (whereas *Apex* doth properly signifie onlie the toppe of the bonnet) none might weare *Albo-galerum*, *id est*, a white mitre, but only *Iupiters* Priests, and that was to be made of a white sheepe-skin, after the sheepe had beene sacrificed. Whatsoever malefactor could escape vnto this Priest, he should not be punished that day. None was eligible into this office, but he that was married: neither was it lawfull for him to marry twice, but if his wife died *Flaminio abibat*, *id est*, hee religned his sacerdotall office. To him was permitted a rich robe of state, and a curule chaire: none might fetch fire out of his house; vnlesse it were to performe some sacrifice therewith. None might barbe or poll him, but a freeman, and that with brasen scissers. Many other ceremonies there were which concerned this *Flamen*, as likewise time added many other *Flamines*, namely every God one, yea sometime those threescore parish priests which formerly were called *Curiones*, were called *Flammes*, *Curiales*; and diuers Emperors after their death had also their *Flamines*. Moreouer wee must note that those priests wiues were called *Flaminica*; Their ministers (for they were wont, when they went to sacrifice to take a boy or a maide with them *Flaminij*, or *Flaminia*: And the Chiefe flamins dwelling house was called *edes Flaminea*, or *Flammia*. But as it seemeth probable *Nunna Pompilius*, and so the other kings succeeding him did still reserue their right and authority in holy matters so farr, that they would instruct other inferior priests, yea and specially performe some speciall sacrifices themselves.

q Alex Gen.
dier. 16. c. 12.

Servius Æn.
lib. 1.

Fenestde
sacrd. cap. 5.

q Alex. Gen.
dier. 16. 12.

⁂ Serv. in Æn.
10

themselves: wherevpon after that the kings authority was abrogated amongst them, then that these sacrifices might be continued they chose a certaine Priest, which they preferred before the *Flamen Dialis*, but iudged him inferior to the *Pontifex maximus*, or Arch-Pontife, and him they called, *Rex sacrificulus*, and *Rex sacrorum*, the King priest. To him once every yeare the vestall Nunns repaired, and vsed this forme of words, *Vigilasne Rex? Vigila.* King art thou awake? awake. For vnto him it did belong to bid holy-dayes, and to provide all things necessarie for publik sacrifices. He was to instruct those that sought vnto him, the causes of the holy-daies, and to tell them what was lawfull and vnlawfull every moneth, and vpon the fift of the Ides of Ianuarie he sacrificed a Romane to *Ianus*. He was likewise wont to offer vp a sacrifice in the *comitium* or great hall of iustice, which being finished he ranne as fast as he could out of the market-place without delay. His wife was called *Regina sacrorum*, the Queene-priestesse, and was wont vpon the Kalends of every month to sacrifice a porker or a lambe in her place in the honour of *Iuno*.

CAP. 16.

*De mare, siue Mauorte, & Salis
Palatinis Marti dicatis.*

Mars otherwise called *Mavors* by the figure *Epen-thesis*, as wee say *Induperator* for *Imperator*, was reputed the God of warre, and so *Metonymicū* is vsed for warre as *vario Marte pugnatum est*, the battell was doubtfull; *proprio Marte*, by ones owne strength, and labour. He was the sonne of *Iuno* onely without company of her husband: for when *Iuno* was greatly displeased with her selfe, that *Iupiter* by stricking her head without company of a woman did bring forth the goddesse *Minerva*, shee by the counsell

counsell of the goddesse *Flora* touched a certaine flowre in the field of *Olenus*, by vertue whereof, she immediatly conceived the God *Mars*. This God, by reason of his dominion in warre the Romans painted fiery, sometimes in his chariot, sometimes on horsebacke, with a fadell in one hand, and a Scourge in the other. In old coines there was sometimes the picture of a cocke ioyned with him, to shew the vigilancie, and carefulnesse that souldiers are to vse. Hee was called * *Gradius* a *gradiendo*, from marching in battell against his enemies. He had a temple without the Citie, whence he was called *Extra murem*. Neere vnto this temple without the gate *Capena*, did lie a stone of great note, which vpon great droughts, the people would bring into the city, and presently Raine would follow; wherevpon it was called the Raine-Stone *Lapis manalis* a *manando*. *Numa pompilius* in the honour of *Mars*, surnamed *Gradius*, ordained 12. dauncing Priests, called *Saly* a *salendo* from dauncing, which number after ward wee finde to haue beene doubled by *Tullus Hostilius*, in the war against *Fidena*, a towne of the *Sabines*. The former 12. being called *Saly palatini*, from the palatine Mount, where they did begin their maurske: the other, *Collini*, from the hill where their chappell stood; * and sometimes *Quirinales*, and sometimes *Agoiales*: so that the whole colledge contained 24. Priests. ^b The occasion of their first institution was this: Vpon a certaine time, in the reigne of *Numa*, the plague, or some other contagious sicknesse was very hot among the Romans, insomuch, that no sacrifice, or holy offering could remoue it: at that time a certaine brasen Target, or Scutcheon, called in Latine *ancipitia*, or *ancile*, bigge at both ends, but cut like an halfe Moone on each side, fell from heauen into *Numa* his hands, with a certaine voice promising all health vnto Rome, so long as that brasen target could be kept safe. Wherevpon *Mamurius*, a cunning workman, by the appointment of *Numa*, made eleuen other *ancipitia* so like the first, that neither could be known from the o-

x Rosin. anti.
lib. 2 cap. 10.

y Rosin. Ibid.

z Plutarch. in
Numa.

a Dion. Halic.
c. 1. lib. 2.

b Plutarch. in
Numa.

c Dion. Halic.
cara, lib. 2.

d Horat., lib. 1.
Ode. 37.

ther: (to the intent that if any should be so wicked minded as to steale it, he might faile of his purpose by mistaking one for another.) These twelue Priests, had the custodie & keeping of them committed to their charge, and in the month of *March* every yeere they apparelled themselves with a party coloured coat, called *tunica versicolor*, girt close to their body, with a belt, or sword-girdle, and a breast-plate of harnesse, called *aneum tegmen* vpon that, and a robe of estate called *tarbea*, clasped about them ypmost of all. Vpon their heads they did weare *apices*, id est, Caps^e much like vnto the *Persian Bonnets*, called in Greeke, *κεκασίαι* or *νάγαι*. They did somewhat resemble our head-peeses in warre, made close vnto the head, with a crest of cloath vpon the top, whence some haue called them *Galeas*. They being thus apparelled, danced about the *Forum*, or market-place, and the *Capitoll* with short swords by their sides, a Iauelin in the right hand, and their *anoile* in the other; vsing certaine Songs, either of the gods, and those they called *Iannualij*, *Iunonij*, and *Mineruij*; or of men, and those they called *examenta*, because in those Songs they did *axare*, id est, nominate and call vpon the names of some well deseruing men; as *Mamurinus* which made those eleauen Scutcheons, was often called vpon in those Songs. Vpon their feastiuall daies they had excesse of cheere, whence ^d *Horace* hath vsed, *saliarum dapes*, to signifie dainty fare.

CAP. II.

De Fœcialibus, & Patre-patrato.

e Pomp. L^z
tus de sacerdot.
f Dion. Halic.
cara, lib. 2.

THese *Fœciales* were Officers at Armes, or Heralds, to denouce war, or proclaime peace, appointed therevnto at first ^e by *Numa Pompilius*. ^f The chiefe part of their Office was to disswade the *Romanes* from molesting any confederate Nation with vniust warre: and if any confederate

cōfederate Nation did offer iniury vnto the *Romane* people, the did these *Fœciales*, goe as Embassadours vnto them; perswading, and exhorting them to yeelde the *Romanes* their right: but if they continued thirty daies obstinate, refusing to yeelde vnto that which should be iust and right, then did they presently denounce warre against them, casting forth a dart in token thereof: which denunciation was called *clarrigatio à clarâ voce, quâ utebantur Fœciales*. Others are of opinion, that whensoever warre was denounced, this Herald at Armes, should turne loose a Ramme vnto their enemies borders; signifying thereby, that their fieldes should shortly become pasture for the *Romues*: from which custome wee say of one that challengeth another into the field, *Arietem emisit*. Againe if the *Imperator*, or Lord-generall had done ought against his Oath, these *Fœciales* by their sacrifice did avert the wrath of the Gods from him. The chiefe of them was called *Pater-patrus*, a perfect Father: for he onely could be *Pater-patrus*, which had both children of his owne, and his Father also aliue. They were called *Fœciales à fœdere faciendo*, from making a league or peace betweene Nations. This league which we in Latine do call *Fœdus*, the *Romanes* in old time did call *Fidus*, as *Ennius* and *Pighius* witnesse: whence these *Fœciales* were tearmed also *Fidei Flamines*.

g Serv. Aen. lib. 10.

b Vid. Erasim. Adag.

i Pighius Scythim, lib. 1.

C A P. 12.

De Duum viris, & Decemviris, & Quindecemviris, sacris faciendis, item de Sibillis.

THIS Priest-hood had tis first institution, from *Tarquinius Superbus*, whose Office was, as well to expound, as to keepe the Oracles of those tenne Prophetesses so famous throughout the world, called *Sibilla*. Concerning whom *Munster* hath these words: In times past there came

* Munster, in sua Cosmog. lib. 2.

a strange woman to *Tarquinius* the King offering nine bookes, full of the *Sibylline* Oracles to be sold: But *Tarquinius*, thinking the bookes too deere, refused to buy them. The woman departing, burned three of these bookes, and came the second time vnto *Tarquinius*, demanding as much for those six bookes, as formerly shee had done for the nine. *Tarquinius* began to deride her, whereat the woman departing, and burned three more, returning againe vnto *Tarquinius*, and asking as much for the three left, as she asked at first for all nine. Then began *Tarquinius*, more seriously to be-thinke himselfe thereof, & sent for his *Augures*, asking counsell and advise of them. And they vnderstood, by certaine signes observed, that the King had refused some speciall goodnes sent from the Gods: and for the bookes that remained, they advised, that the woman should haue what she asked: As soone as the woman had deliuered her bookes, shee presently vanished, and was never seene againe; onely warning them to keepe the bookes as safe as possibly they could. For the safe keeping of these, *Tarquinius* chole two of the Noblemen, or *patricij*, calling them *Duumviri*, appointing them, as well by study to expound, as with care to keepe those Oracles. In proceffe of time, the people obtained, that ten should be appointed to this office, ¹ five of them being chosen out of the Commons, and five out of the Nobles: and then they were called, the *Decem. viri*. Afterward by *L. Silla* as it is thought, five more were added, so that they were then called, the *Quindecem. viri*: nay the number was encreased by *Sylla* vnto forty, ^m as *Servius* thinketh, but still called by the name of *Quindecim. viri*. Of these women that had the spirit of prophecy, ten were very famous: the first was called *Persica*, the second *Libyca*, the third *Delphica*, the fourth *Cumæa*, the fifth *Erythraea*, the sixth *Samia*, the seventh *Cumana*, the eighth *Hellepontia*, the ninth *Phrygia*, the tenth *Tiburтина*. They all Prophecied of the incarnation of *Christ*. The place where these bookes were kept, was within the Capitoll vnder

Feneste. de
sacerd. c. 13.

in Serv. Aen.
lib. 6.

Under ground in a chest of stone, where they remained safe vntill the burning of the Capitol, at which time they also were burned. Notwithstanding, many of the prophecies haue beene knowne, partly by tradition, and partly beeing taken out of; other Copies in other Countries. One of the prophecies concerning our Saviour Christ, was vttered by *Sibylla Delphica* in manner as followeth: *Nascetur propheta absq; matris coitu ex utero eius*, that is, There shalbe a Prophet borne without any copulation of the mother, even out of her wombe. It was spoken at *Delphos*. All their prophecies were of that certainty, that when we would averse any thing to bee vndoubtedly true, wee vie to say, it is *Sibylla folium*, as true as *Sibyllas* Oracles. The *Cumae Sibylla*, did write her Oracles at the mouth, or entrance of her Caue, in leaues of trees, which the fiercenesse of the winde did oftentimes to scatter, that they could hardlie be brought in order againe: insomuch that when wee would shew the great difficulty of bring ng things in order wee may vse *Politian* his words, *Laboriosius est, quam Sibylla folia colligere* it is easier to gether *Sybillas* leaves. This name *Sybillia*, is not a proper name, but an appellative, common to all woman endowed with the spirit of propheticie, taking their denomination from *οἰδς*, which is in the *Aeolicke* dialect the same that *οἰδς*, *id est*, God, and *βουλή*, *id est*, counsell, because they did open and declare the counsell and determination of God vnto the people. It appertained also vnto these *Quindecim viri* aboue mentioned, to see that sacrifice, and divine service, that supplications, and processions, expiations, and all cerimoniall rites were duely performed.

n Munster. in
sua Cosmog.
lib.

Credite me vo-
bis folium reci-
tare Sibylla.

o Epist. lib. i.
epist. i.

p Serv. Aeni.
lib. 6.

οἰδς enim
Deos, non
θεοὺς: &
consilium πο-
βουλήν
βουλήν appel-
labant Aeolica
genere sermonis
Iact. de
falsa religione,
lib. i. cap. 2.

H 3

CAP

CAP. 13.

De Bonâ deâ, & sacris eius.

¶ Cic. orat. de
Arusp. respon-
sio.

¶ Alax. Gen.
dier. l. 6. c. 8.

THis Goddesse, which is so famous by the name of *Bona dea*, is the Globe of the earth, which is therefore termed *Bona dea*, the good Goddesse, because wee reape many good things from the earth. She is called also *Ops*, the helping Goddesse *ab ope*, from helpe, because by her helpe we liue. She is called *Fatua*, and *Fauna*, *id est*, the Goddesse of speech, because young children doe never speake vntill they are able to goe, and so haue touched the earth. The *Grecians* called her *γῶναια θεῖς*, the Femall Goddesse, because that no Male might be admitted to her sacrifices; nay the very pictures of men were at that time to be covered. The inner roome, where her sacrifices were, was called, *τὸ γυναικῶν* or the place for womens assemblies. ¶ Those that were chiefe in these sacrifices, were the Vestall Nunnes. This good Goddesse was supposed to be the wife of *Faunus*, & vpon a time to haue beene taken drunk with wine by him: for which fault, *Faunus*, is said to haue beaten her to death with rods of Mirtle tree. But afterward being sorie for that he had done, in amends he made her a Goddesse: and as it were ever after detesting the Mirtle tree, hee hallowing all other hearbs, and flowersto be vsed in these sacrifices, forbad the Mirtle tree. Some say she was so chaste, that she never was seene by any man but by her husband, and in respect of her chastitie the Mirtle tree is forbid, because it was consecrated to *Venus*. But whereas in this sacrifice they vsed wine, they called it not by the name of wine, but milke or hony: whence they called the vessell wherein the wine was put, *amphoram mellariam*, *id est*, the hony vessell. This sacrifice became very famous by reaso of *Clodius*, who being in loue with *Pompeia*, *Iulius Cæsars* wife, came vnto these sacrifices in womans apparell and was

was found out by *Anrelia*, *Iulius Casars* mother. This *Clodius* became so infamous for this^l, and other his adulterous pranks that hee occasioned a common proverbe amongst the *Romanes*, *Clodius accusat machos*, answerable to which our English saying is, One theefe accuseth another.

CAP. 14.

De Cybelle, & sacerdotibus eius.

THis Goddesse *Cybele*, or rather *Cybelle* was in her infancie exposed vnto wilde beasts, vpon the hill *Cybellus*, where she being nourished by the wilde beasts afterward became a woman of admirable beauty, and being found by a sheapheards wife, was brought vp by her as her owne child, & called *Cybelle*, from the hill *Cybellias*. She excelled in all naturall guifts, and was the first that vsed a Taber and Pipe, and Cymbals among the Greekes. Moreover, shee tenderly loved children, and therefore was called *magna mater*: shee was also called *mater deorum*, the mother of the Gods.

Ipsa deum fertur genetrix Berecynthia. Virg.

Shee was called *Rhea*, à *ῥέω*, to flow, because shee doth flow and abound with all kinde of goodnesse. She was also named *Pessinuntia*, from the City *Pessinus* a Mart-towne in *Phrygia*, where shee had a Temple. Moreouer, shee was called *Berecynthia*, from the hill *Berecynthus* in *Phrygia*, where she was worshipped. Her Priests were called *Galls*, and their chiefe *Pomp. Lxtus* *gouverneur Archigallus*: they tooke their name from a cer- de sacerd.
taine Riuer in *Phrygia*, called *Gallus*: of which whosoever dranke, he became so mad, that he would presently geld himselfe, (as in truth all her Priests were enioyned to geld themselves with a fish shell.) The originall of which custome is rendred thus: *Cybelle* loued a young man of *Phrygia* called *Alys*: and him shee appointed chiefe overseer for her sacrifice

*e Cybellinis Asia
Exuit hac homi-
nem
truncat, indu-
xit illo, Or.
Mer.*

free vpon condition that he would keepe himselfe chaste perpetually: But hee not long after deflowered a Nimphe, for which fact, *Cibelle* bereft him of wits and vnderstanding, so that he in his madnesse did geld himselfe, and would haue killed himselfe also, had not the Gods in their commiseration towards him, turned him into a Pine-tree. In remembrance of him ever after her Priests were gelded. Every yeere the *Prators* did sacrifice vnto this Goddesse. But the performance of the holy and religious rites at that time did belong vnto a *Phrygian* man, and *Phrygian* woman chosen for that purpose: which according to the manner of their Country being apparelled with a party coloured garment, called in Latine *Synthesis*, or *amictus variegatus*, & carying the picture of their Goddesse about with them in the streetes, they strooke their breasts with their hands, keeping tune with the Tabers, Pipes, and Cymbals, which other people following plaied vpon: The Priests were also called *Corybantes* from one *Coribantus*, which was one of her first attendants. And herevpon we call the Cymball *era corybantia*. In this manner dancing about the streets, they begged money of the People whom they met: and hence were they named, *Cybelle* her collectors, or her *circulatores*, *id est*, Iuglers. Some called them *μυτταγυσται* from *μήμη* which in this place signifieth *Cybelle*, called the great mother, and *αγυστ* a begger or gatherer of almes. Others haue called them *Mitricia*: But by what name soever they were called, the place was so infamous by reason of their drunkenesse, and vncivility vsed at these times, that when they would point out a notorious naughty fellow, they would call him, *circulatorem Cybellinum*, *Cybelle* her Iugler. Neither was it lawfull for any free borne to vndertake that office.

*u Robn. ant. 1.
3. cap. 27.*

CAP.

CAP. 15.

De Collegio Pontificum, & Pontifice Maximo.

THIS word *Pontifex*, is commonly translated a Bishop or Prelate, being called *Pontifices* in Latine, as also Pontifies in English from one part of their Office, which was to haue the oversight of a great wooden bridge, called in Latine *Pons publicus*, being so great, that Carts & Waines might passe over it; haueing no arches to vphould it, but only great piles, and posts of wood: * and that which is most remarkable in it, was that it was ioyned together onely with wooden pinnes, without any iron at all. Others are of opinion, that they were tearmed *Pontifices quasi potifices*, from *potis* and *facio*, of which opinion *Lucane* seemeth to bee, according to that, *Pontifices sacri quibus est commissa potestas*. Concerning the y number of them, onely foure were appointed by *Numa*, all which then were to bee chosen out of the *Patricij*: afterward foure more were added out of the Commons. These were called *Pontifices maiores*, or chiefe Pontifices, to distinguish them from seuen other, which afterward *Sylla* added, and z called them, *Pontifices maiores*, inferiour Pontifices. The whole company of them was called the Colledge of Pontifies. This Colledge is priuiledged from all allegiance, being not bound to render account of their doings either to the Senate or Commonalty. They were to determine all questions concerning religion, as wel betweene their Priests, as betweene priuate men, They had authority to punish any inferior priests, if he either detracted or added vnto those religious Rites, which were prescribed him. They had their great pontife, whom they called *Pontificem maximum*. These Pontifies were wont to exceed in their diet, insomuch that when the Romanes would shew the greatnes of a feast, they would say it was *Pontifica caena*, id est, according to

x Plutarch, in Numa.

y Feneft, de sacerd.

z Rosin. antiq; lib. 3. c. 22.

a Lib. 4. de
magnit. Rom.
cap. 9.

Our English phrase, a feast for an Abbot. *Cæna adyicialis*, is taken for the same. ^a *Lipsius* in the exposition of the latter phrase taxeth the Printers negligence, and is of opinion, that it should rather be printed, *Cæna aditialis*, vnderstanding hereby a solempne feast made by Magistrates in *aditu honoris*, at their entrance into their office, and at their day of inauguration.

CAP. 16

De Epulonibus

b Lazius de
Repub. Rom. l
3. cap.

THE Pontifies in old time appointed three men, whom they called ^b *Triumviros Epulorum* (from *Epulum* a feast) to haue the oversight of the feasts made at sacrifices afterward by reason of two twice added, they were called first *Quinquéviri*, and at length *Septemviri Epulorum*.

CAP. 17.

De Titijs.

c Pancirollus
lib. rerum de-
perditarum c.
de mole Ha-
driani

ANother sort of religious men there were, which lived in the Suburbs of the City, and practised soothsaying: They were called *Titij* ^c from the name of the birds which they observed, which in Latine were called *Titie*.

CAP. 18.

De Virginibus Vestalibus.

N Eere vnto *Castors* Temple, stood the religious house or Nunnerie, dedicated to the Goddesse *Vesta*: where at the first were foure, after six Virgins, or Votaries elected

elected, whose office was chiefly to keepe the sacred fire;
 the extinction whereof prooved ominous, and did portend
 some evill euent shortly to happen: And therefore for their
 negligence herein as for all other smal faults, they being had
 into a darke corner, stripped naked, and a curtaine drawne
 halfe way ouer them, the chiefe Pontifie scourged them: nei-
 ther was it lawfull to kindle the fire once put out, with any
 other fire, but from the sun beames; for which purpose they
 had certain instruments named *exapela*, which were formed c Plutarch in
Numa.
 in the manner of a *pyramis*, but hollow; so that the beames
 being collected within the circumference, & meeting in the
vertex, did easily kindle any combustible matter put into it;
 but chiefly if the matter was of blacke colour; because, as
 philosophy teacheth, a darke colour doth congregate, or col-
 lect the beames, whereas whiteneffe doth disperse them. A
 second part of their office was to worke reconciliation be-
 tweene parties offended, as appeareth by ^d *Suetonius*: where d Suet in Iulio
 we may reade, that by their intercession, *Sylla* was reconciled
 to *Cesar*. They were chosen into this place betwene the
 sixth, and the eleuenth yeere of their age: and they were to
 remaine in this Nunnery 30. yeares space, 10. yeares to learne
 their ceremonies and mysteries, 10. yeares to exercise them,
 and 10. yeares to instruct others: within which space if they
 had suffered their bodys to be defiled, they were to vndergoe
 that fearefull punishment * afore mentioned. But these 30. * Vid, sup. p. 11.
 yeares being expired, marriage was lawfull for them, so that
 they laid aside their scepters, their fillets and other their Sa-
 cerdot all ornamēts Notwithstanding those which did mar-
 rie, in the end dyed fearfull deaths: whereupon they chose
 rather to abstaine commonly. The *Romanes* had them in
 great honour, so that they never walked abroad, but with an
 yron scepter in their hands, and whatsoever malefactor met
 them (if the Nun would take her oath it was by chance) he
 escaped punishment. They were named *Vestals* from their e Munst. in sua
cosmog. lib. 2.
c. 9.
 goddesse *Vesta*, which word (as ^e *Munster* writeth) is deri-

ved from the Hebrew *radix* signifying fire. The eldest was called *Maxima Vestalis virgo, id est*, the Lady prioresse, or chiefe-gouvernesse.

CAP. 19.

De veterum sacrificijs & ritu sacrificandi.

WHatsoever was burnt or offered vp vnto the Gods vpo an Altar, it had the name of a sacrifice: & sometimes it was called, *victimam, quod vineta ad aras stabat*, because the beast to be sacrificed, stood bound vnto the Altar. Sometimes, *Hostia*, from an obsolete verbe *Hostio*, which is to strike: because certaine vnder Officers called in Latine *Popæ* (standing by the Altars, all their vpper part naked, and a Lawrell garland vpon their head) did *Hostiare victimam, id est*, strike downe and kill the sacrifice. Others are of opinion, that this name *Hostia*, is taken from *Hostis*, an enemy; according to that of *Ovid*: *Hostibus à domitis hostia nomen habet*; because either before warre, to procure the Gods fauour; or after warre, in token of thankfullnesse, they did *hostiam ferire, id est*, offer vp the sacrifice. The second difference of sacrifices haue bene occasioned in respect of the time, & so they haue bene called *Præcidaneæ*, or *succidaneæ*, *quasi præcidaneæ & succidaneæ*. Those sacrifices which were offered vp the day before any solemne sacrifice, were called *Præcidaneæ hostiæ*, fore-sacrifices, as we English *præcursorum*, a forerūner: which fore-sacrifices, if by any token they found vnlucky, then would they offer vp a second sacrifice which they tearmed *hostiam succidaneam*: and because these second sacrifices were to be offered only in sfeed of the other, when they were vnlucky or faulty; hence hath *Plautus* vsed this speech. *Meum tergum stultitiæ tuæ subdes succidaneum?* Must I bee whipped for thy fault? The manner of sacrificing was as followeth. Some certaine daies before any sacrifice was to be

be performed, the priest was wont to wash his whole body, especially his hands and feet, which if he had not washed, the sacrifice was accounted polluted and alluding vnto this custom, we say, a man doth *Accedere ad rem illotis manibus* or *illotis pedibus*, as often as he enterprised any businesse, without due reverence or preparation therevnto.

f Vid. Erasmo.
Adag.

Μηδὲ ποτ' ἐξ ἡμῶν αὐτὸν λείβειν αἶδο παθόντων.

Χερσὶν ἀγνῶταισιν. Hesiod. ἔργα καὶ ἡμέραι,

Moreover, the priest was to abstaine from his marriage bed, as likewise from diuers kinds of meats, and at the time of his going to sacrifices, either himselfe, or some inferior Sexton going before him, with a rod or wand in his hand (called *commentaculum*) vsed this forme of words vnto the people: *Hoc age*, attend this you are about: which custome seemeth to haue had its originall from the *Grecians*. For before the time of sacrifice, the Grecian Priest vsed almost the like spech vnto his people: as, *τίς τί δὲ*, *id est*, Who is here? the people answered, *πολλοὶ καὶ καλοὶ* *id est*, many men, and good. After this preparatiō, then did the Priest, laying his hand vpon the altar, rehearse certaine prayers vnto the God *Ianus*, and the Goddesse *Vesta*; because the *Romans* were perswaded, that without their intercession, the might not haue accessie vnto the other gods, His prayers being ended, then did hee lay vpon the beasts head a little corne, together with a cake made of meale and salt, called in Latine *Mola*, *k Mola erat factum, sale aspersum*. From this ceremony, the act of sacrificing hath beene termed *Immolatio*. After this, the soothsayer drank wine out of an earthen or woodden chalice, called in Latine *Simpulum*, or *σινπυγιον*: It was in fashiō much like our ewers, when wee powre water into the bason, This chalice was afterward carried about to all the people, that they also might *libare*, *id est*, lightly taste thereof, which rite hath beene called *Libatio*, Now euery one hauing tasted thereof, the rest of the wine with frankincense mixt in it, was to be powred vpon the beasts head, *m betweene the hornes*,

g Plutarchi.
Numa.

h Seru. Aeci.
lib 1.

i Pancirol lib.
rerum deper-

dit cap. de sale
Ammoniaco,
k Textor in
sua officina.

Spange salsa ca-
la taurorum

mola, Sen. Oe-
dip. Act. 2. sc. 2.

l Pancirol. lib.
rerum deper-

dit. cap. de.
Ammoniaco
sale.

m Media inter
cornua fundit.

Virg Aeneid.

one crying out with aloud voyce, *Mahta est hostia, id est, Magis auhta*, more encreased and made more pleasing vnto the Gods; as *Virgil* saith, *Mahte novâ virtute puer, id est*, O good child which increaseth in vertue. And hence euen from this tearme, we may coniect, that the word *Mahto*, which signifieth to kill, and sometimes to sacrifice, hath had its originall, because they did immediately after that voice, *mahtare hostiam*, that is, slay the sacrifice, and that was done in this manner. First the Priest did pluck off some of the beasts haire betweene the hornes, and cast them into the fire, calling them his *prima libamina, id est*, his first offerings: Then did he, turning his face toward the East, draw a long crooked knife vpon the beasts back, commanding his vnder Officers, which I called *Pope* (others *Cultrarij*, from their knife; *Victimarij*, from the host; and *Agones*, because they standing ready to giue the stroake, often vsed this word *Agone, id est*, must I to my work?) to kill the beast. The other people standing by, some did with vessels saue the blood, others did flea or skinne the beast; others washed it. Anon, some Soothsayer or Priest, did obserue the entrals, turning & winding them with a knife, which was called *Seceppita, á secâdo*: for he might not touch them with his hand, they conceiting, that if the sacrifice had proued polluted, his hand would the haue perished. Now after the Soothsayer or Priest had sufficiently turned the entrals, & found no ill token therein, then did those *Pope*, or Church-buchers, cut off from every bowel some portiô, which after they had rolled in barley meale, they sent it in baskets to the Priests, & the Priests taking it vp into a broad charger or platter, called *discus*, or *lanx*, laid it vpon the Altar & burnt it, and this was properly tearmed *litare*, or *Reddere, id est*, to satisfie by sacrifice, or to pay the sacrifice, which was owen vnto the Gods. After that the portion laid out for the Gods, had beene burnt: then did all the people repaire vnto a common feast; where, as they were eating, they sung Hymnes, and Songs, in the praise of their Gods, & playing

nRoßn. antiq
lib 3. c. 33

oIoac. Came-
rar pro Flacc.

ing on Cymbals, they danced about the Altars; intimating thereby, that there was no part of their bodie, but should be imployed in the service of their Gods. Now vntill all their Ceremonies and Mysteries were finished, it was not lawfull for any to tast of this feast: insomuch that we since haue vsed to checke a glutton, or greedy-gut, which cannot abstaine from his meat till grace be saide, in this manner, *Sacra hand immolata devorat.*

CAP. 20.

De nuptijs, & nuptiarum renunciatione.

Seeing that marriages, and burials, haue such dependance vpon the Priests, it will not be amisse to conclude this Section, with two Chapters, briefly opening the Ceremonies of both. Before we come vnto the solemne Ceremonies, vsed by the *Romanes* in their marriages, wee will first shew the manner of their contracts, which were called by the *Romanes*, a *Sponsalia* a *spondendo*, because in their contracts, each did promise other to liue as man and wife. Now the manner of contracting was commonly thus: They did for the greater security, write downe the forme of the contract vpon tables of record, as appeareth by *Iuuenal. Sat. 6.*

Sitibi legitimis pactam, iunctumq; tabellis

Non es amaturus

These tables were also sealed with the signets of certaine witnesses there present, who were termed from their act of sealing, *Signatores*. Moreover, before they would begin the Ceremonies of their contract, the man procured a Soothsayer, and the woman another, with whom first they would consult. Whence *Iuuenal. Sat. 10.*

Veniet cum signatoribus auspex.

The token or signe which these Soothsayers in time of observing accounted most fortunate, was a Crow: *b Ea enim corni-*

a Salanuth, in
panciroll. lib.
rerum deper-
dit, cap. de
nuptiis.

b Alex. Gen.
lib. 2. c.

c Aul. Gell.

d Rosin. ant.

lib. 5. c. 37.

e Plin. lib. 21.
cap. 8.

f Sig. de iur.
Rom. l. 1. c. 9.

g Salmuth. in
Panciroli lib.
rerum deper-
dit. cap. de
nuptiis.

h Boeth. Topi-
cor. 2. Vid.
Cz. Rhodig.
lib. 28. cap. 17.

i Sig. de iure.
Rom. l. 1. c. 9.

enim societas est, ut ex duabus sociis altera extincta, vidua altera perpetuo maneat. The man also gaue in token of good will, a Ring vnto the woman, which she was to weare vpon the next finger vnto the litle of the left hand ^c because vnto that finger alone: proceedeth a certaine artery from the heart The word *Nuptia*, which signifieth mariage, had its derivation ^a *Nubo*, ^d which verbe in old time, signified to cover: the custome being, that the woman should be brought vnto her husband, with a ^e yellow vaile (called *Flammeum*) cast over her face. Againe because of the good successe that *Romulus*, and his followers, had in the violent taking away of the *Sabine* women, they continued a custome, that the man should come and take away his wife by a seeming violence, from the lap or bosome of her mother, or her next kinne. She being thus taken away, her husband did disseuer & diuid the haire of her head, with the top of a speare, wherewith some Fencer formerly had beene killed. This speare was called by them *Hasta calibaris*, ^g & the Ceremony did betoken, that nothing should disioyne them, but such a speare, or such like violence. The next day after the marriage, a solemne feast was held, where all the Bride-mans and Bride-womans friends met to make merry; this feast they called *Repotia*. We must note, that ^h three manner of wayes, a woman became a mans lawfull wife: *usu*, *confarreatione*, *coemptione*. A woman became a mans lawfull wife, *Usu*, ⁱ By prescription or long possession, if that she were wedde with the consent of her overseets, and so did liue with the man, as with her lawfull husband, a whole yeeres space, *nullo interrupto usu*, *id est*, ⁱ she being not absent from him three nights in the whole yeere. and some haue thought, that the counterfeited violence, in taking away the Mayde from her friends, was vsed onely in this kind of marriage. A woman became a mans wife *confarreatione*, *id est*, by certaine solemnities vsed before a Pontife, or chiefe Bishop, when the woman was giuen vnto the man vsing a set forme of words, ten witnesses being present, & a solemne sacrifice

sacrifice being offered, at which the couple married should
 eate of the same barly cake, which formerly had beene vsed
 in the sacrifice. Which sacrifice was tearmed, *a farre*, *confar-*
reatio, & the marriage it selfe, *Farracia*,^k and sometimes *sacra* ^{k Cic. orat. pro}
 simply; the dissolution of this kind of marriage *Diffarreatio*. ^{Muræna.}
 A woman became a mans wife, *coemptione*, *id est*, by buying
 & selling, when the woman did vnder a feigned forme of saile
 buy her husband, by giving him a piece of coyne. *Veteri Ro-*
manorum lege, nubentes mulieres tres ad virum asses ferre sole-
bant: atq; unum quidem quem in manu tenebant, tanquam e-
merdi causâ marito dare.^m To these three some teach, that a
 fourth sort of marriage was in vse among the Romans; name-
 ly, when a woman became a mans wife, *sortitione*, by a kind
 of lottery: and of this they say, *Sueton* speaketh.ⁿ In that kind
 of marriage, which was *per coemptionem*, the man was not na-
 med by his proper name, nor the woman by hers; but the man
 was named *Caius*, & the woman *Caia*, in the memory of the
 chaste and happy marriage of *Caia Cecilia*, wife to *Tarquini-*
us Priscus: from whence sprang a custome among them, that
 the new married wife, when shee was brought home vnto
 her husbands house, was to vse this proverbe. *Vbi tu Caius,*
ibi ego Caia; by which words she signified, that she was now
 owner of her husbands goods, as well as himselfe: and there-
 fore *Erasmus* hath expounded that saying, by these wordes;
Ut tu dominus, ita ego domina,^o And she that was thus mar-
 ried, *Per coemptionem*, was properly called *Mater-familias*.
 If any of these Ceremonies were omitted, then was the mar-
 riage tearmed, *Nuptia innupta*, in which sense wee call our
 enemies guifts, no guifts; *Ἐξ ὧν ἀδωγα δώρα*. These Cere-
 monies being ended, towards night the woman was brought
 home to her husbands house, with five Torches; signifying
 thereby, the neede which married persons haue of five Gods,
 or Goddesses, *id est*, *Iupiter*, *Iuno*, *Venus*, *Suadea* and *Diana*,
 who oftentimes is called, *Lucina* (the reason of the name be-
 ing rendred by *Ovid*,

^l Sig de iure.
 Rom. l. i. c. 9.

^m Sueton in
 Tiber. c. 35.

ⁿ Cic. orat.
 pro Muræna.
 Item Fr. Sil. lib.

^o Cel. Rhodig
 lib. 28. c. 17.

^p Hieron. Fe-
 rarius in Phi-
 lippic. orat.

— *Dedit hæc tibi nomina lucus,
Aut quia principium tu Dea Lucis habes.*

* Panciroll. 1.
rerum deperd.
cap. denup-
tiis.

q̄ Seruius. Aen
lib. 4.¹

† Plutarch vi.
ta Pompeii.

There are of opinion, who thinke that the vse of these Torches, was not only to giue light, but to represent the element of fire: for no marriages were thought happy, which were not contracted *Sacramento ignis & aquæ*: for which reason the custome likewise was, to be sprinkle the new married wo-
man with water* yea they did both in time of their contract touch water and fire prouided for that purpose. The signification of this Ceremonie, some thinke to be thus. The fire, because it is an active element, to represent the man: the water, because it is passive, to represent the woman. Others say that in the community of these two elements, was intimated the community betweene man & wife, of all other their goods and possessions, which was more fully declared in that forequoted proverbe, vsed by the wife. *Ubi tu Caius, ibi ego Caia*. The matter whereof these Torches were made, was a certaine tree, from which a pitchie liquor did issue: it was called *Teda*, and thence haue the Poets figuratiuely, called both the Torches, and the wedding it selfe *Tedas*. When the woman had beene thus brought to the doore, then did she annoint the posts of the doore with oyle, & from which Ceremonie, the wife was called *uxor quasi unxor*. This Ceremonie of annointing being ended, the Bride-man did lift her ouer the threshold, and so caried her in by a seeming force, because in modesty shee would not seeme to go without violence into that place, where shee should lose her maidenhead. At her carrying in, all the company did cry out with a loud voice, *Talassio, Talassio*: for which custome, [†] *Plutarch* alleageth many occasions; this being one. Among those who rauished the daughters of the *Sabines*, there were found some of the meaner and poorer sort, carrying away one of the fairest women: which being knowne, certaine of the Citizens would haue taken her from them, but they beganne to cry out, that they carryed her to *Talassius*, a man well

well beloued among the *Romanes* at which naming of *Talassius*, they suffered her to be carried away, themselves accompanying her, and often crying *Talassio, Talassio*. From whence it hath beene continued a custome among the *Romanes*, ever at their marriages to sing, *Talassio, Talassio* as the Greekes did, *Hymen, Hymenae*. From this custome of leading or bringing home of the new married Bride, cometh that Comickall phrase, *Ducere uxorem*, to marrie a wife. She being thus brought home, receiued the keyes of her husbands house, whereby was intimated, that the custody of all things in the house was then committed vnto her. The marriage bed was called, *Genialis lectus*, as we may suppose, *quasi Genitalis*. Sometimes it was called, *Lectus adversus*, *quod hunc lectulum religiose seruari mos fuit, & in atrio collocari, ianua ex adversum, id est*, they placed this bed in the Court, directly opposite to their gate, keeping it as some religious monument or pledge of matrimony. The next day after the marriage, the Bride-woman received gifts of her friends, which the Lawyers tearme, *Nuptialia dona*. But *Cicerō* expoundeth these *Dona nuptialia*, to be certaine tokens, which the husband sent to his wife before the betroathing. If after the marriage, any discontent had fallen out betweene the man and his wife, then did they both repaire to a certaine Chappell, built in the honour of a certaine Goddesse, called *Dea viri-placa, à viris plandis*, whence after they had bene a while there, they returned friends. We haue thus seene the Rites and Ceremonies, which the *Romanes* vsed in their contracts and marriages; it would not be impertinent to annex the manner of their diuorcements, which vpon iust causes were permitted. There were two manner of diuorcements, the one between parties only contracted; the second between parties married. The first was properly called *Repudium*, in which the partie suing for diuorcement, vsed this forme of words, *Conditione tuâ non vtar*. The second was called *Diuortium*, wherein the partiesuing for it, vsed these words. *Res*

f Alex. Gen.
dier. l. 2. c. 5.
t Lips. Elect.
lib. 1. c. 17.

u Vid. Fr. Silv.
pro Cluentio

* Sig de iure
Rom. l. 1. c. 6.

x Rosin. ant.
l. 5. cap. 38.

Ep. fam. l. 5.

tuas tibi habeto: vel res tuas tibi agico. Both these kinds were tearmed, *Matrimonij renuntiationes*, renouncing or refusall of marriage. where we must note, that instead of this verbe *renunciare*, diuers good Authors doe vse this phrase *Mittere*, or *Remittere nuncium*: as *C. Caesar Pompeia nuncium remisit*, *C. Caesar* hath divorced *Pompeia*. And alludiug hereunto *Cicero* saith, *virtute nuncium remisit, id est*, he hath cast of all goodnesse, he hath even diuorced vertue. Secondly, we must note, that this verbe *Renuncio*, doth not onely signifie to renounce, or to refuse, but many times in *Tully*, it signifieth to declare or pronounce a Magistrate elected, as *Renunciare consulem, Praetorem, &c.* The reason why in matrimoniall contracts, it signified to renounce, or refuse, was becaufe in these divorces, they did oftentimes send to their wife *per nuncium* by a Messenger, some bill or scrole of paper, containing the causes of the divorce. Moreover, we are to obserue, that in these divorces, the ceremonies were quite contrary to those in mariages; the iust causes of divorce being foresignified to the Censors, the marriage tables were broken, the dowry restored the keyes of the house taken from the woman, and she turned out of doores: all which Ceremonies are at large treated of by *Thom. Dempster. lib. 5. Antiq; Rom. cap. 38.*

CAP. 21.

Quo apparatu, quibusq; ceremonijs apud veteres defuncta corpora igni tradebantur.

THe Romans in ancient time, when they perceiued a body dying, had such a custome, that the next of the kinne should receiue the last gaspe of breath from the sicke bodie, into his mouth, as it were by the way of kissing him: (to shew thereby how loath and vnwilling they were to be deprived of their friends) and likewise should close the eyes of the party being deceased. Whence *Anna* said vnto he

her sister *Dido* now dying.

——— *Extremus si quis super halitus errat.*

Virg. Aen. 4.

Ore legam ———

And *Penelope* wishing that her sonne *Telemachus* might outlive her selfe, and his father writeth to her husband in this manner,

Ille meos oculos comprimat ille tuos.

After the body had thus deceased, they kept it seven dayes unburied, washing the corps every day with hot water, and sometimes annointing it with oyle, hoping that if the body were only in a slumber, and not quite dead, it might by these hot causes be revived.

Per calidos larices & aliena undantia flammis

Expediunt, corpusque lavant frigentis & ungunt.

In these seven daies space, all the dead mens friends met together now and then, making a great outcrie or shout with their voyces, hoping that if the dead bodie had beene onely in a swoond or sleepe, he might therby be awaked. This action was termed *conclamatio*, whence when wee haue done the best we can in a matter, and cannot effect it, we say proverbially *conclamatū est*, for this third conclamation or generall outcrie (which was alway vpon the seventh day after the decease) was even the last refuge, at which if the bodie did not revieve, then was it carried to buriall being invested with such a gowne, as the parties place or office formerly had required. Those who had the dressing, chestring or embalming of the dead corps, were called *Pollintores*: After they had thus embalmed the corps, they placed it in a bed fast by the gate of the dead mans house, with his face and heeles outward toward the street, according to that of *Persius*:

——— *Tandemque beatulus alto*

Compositus lecto, crassisque lutatus amomis

In portam rigidos calces extendit. ———

Herewith accordeth *Homer* speaking of *Patroclus* his funeral.

Ὅς μοι ἐγὶ κλισίῃ δεικνυμένος ἄξει χαλκῷ,

καὶ τῷ ἀνὰ πρὸ θυγὸς τετραμμένος ——— *id est,*

K 3

Qui

*Qui mihi in tabernaculo confossus acuto ere,
Iacet ad vestibulum conversus.*

t Alex. Gen.
dier. l. 3. c. 7.

This ceremony was properly called *corporis collocatio*: and fast by this bed, neere the gate, also, was erected an altar, called in Latine, *Acerra*, vpon which his friends did every day offer incense vntill the buriall. The gate in the outside was garnished with cypresse branches, if the dead man were of any wealth or note: for the poorer sort, by reason of the scarcitie of the tree, could vse no such testimony of their mourning:

u Lucanus.

Et non plebeios luctus testata cupressus.

x Alex. Gen.
dier. l. 5. c. 26.

In these seven dayes space, certaine men were appointed to provide all things in readines for the funerall; which things were commonly sold in the *x* Temple of *Libitina*, from whence those providers were termed *Libitinarij*; though somtimes this word *Libitinarius* doth signifie as much as *capularis*, an old decrepit man, readie for the graue. vpon the eight day a certaine crier in maner of a bell-man, went about the towne to call the people to the solemnization of the funerall, in this forme of words: *Exequias y L. Tito L. Filio quibus est commodum ires. Iam tempus est. Ollus ex adibus effertur.* After the people had assembled themselues together, the bed being covered with purple, or other rich coverings, the last conclamation being ended, a trumpeter went before all the company, certaine poore women called *Prasica*, following after and singing songs in the praise of the partie deceased. where we must note, that none but the better sort had a trumpet sounded before them; others had only a pipe. *z Senatoribus & patricijs tuba; minoribus & plebeijs tibia caneant siticines*; this word *Siticines*, signifying either a trumpeter or piper, because they did both *ad sitos, id est mortuos canere*. Againe, except it were one of the Senators, or chiefe citizens, he was not carried out vpon a bed, but in a coffin vpon a Beere. Those that carried this bed, were the next of the kin, so that it fell often among the Senators themselues to beare the corp's

y Rosin. ant.
lib. 5.

z Alex. Gen.
dier. lib. 3.

corps, and because the poorer sort were not able to vndergoe the charges of such solemnities, therevpon were they buried commonly in the duske of the evening; and hence à *vespertino tempore*, those that carried the corps were termed *vespæ*, or *vespillones*. In the buriall of a Senator, or chiefe Officer, certaine waxen images, of all his predecessors were caried before him vpon long poles or speares, together with all the ensignes of honour, which he deserved in his life time. Moreover, if any servants had beene manumized by him, they accompanied the mourners lamenting for their masters death. After the corps followed the dead mans children, the next of the kinne, and other of his friends *atrati*, *id est*, in mourning apparell. From which act of following the corps, namly à *sequendo*, these Funerall Rites have beene tearmed, *Exequia*, as *Donat* hath obserued vpon that of *Terence*. *Funus interim procedit, nos sequimur*. Which Rites, because they were performed as debts due vnto the party deceased hence were they also called, *Iusta*. *Eò dicuntur Iusta, quod iure mortuis factitari debet à viuis*, *Polid. de invent. lib. 6. c. 9.* The corps being thus brought vnto their great Oratory, called the *Rostra*, the next of the kinne ^a *laudabat defunctum pro rostris, id est*, ^a *Suet. C. Iulius Cæsar. c. 6.* made a funerall Oration in the commendation principally of the party deceased, but touching the worthy acts also of those his predecessors, whose images were there present. The Oration being ended, the corps was in old time carried home againe, in manner as it was brought forth.

Sedibus hunc referente suis & conde sepulchro.

But afterward by the law of the twelue Tables, it was provided that no man besides the Emperour, and Vestall Nunnes, should be buried within the City; though some vpon especial fauour haue obtained it. The manner of their buriall was not by interrreing the corps, as in former times it had beene, but burning them in a fire (^b the reason thereof being to prevent the cruelty of their enemies, who in a mercilesse revēge would at their conquests digge vp the buried bodies, ^b *Salmuth. in Pancir. lib. rerum deperd. de exequiis.* making

c Servius Aen.
acid, 5.

* Sup. pag, 30

d Alex Gen.
dier, lib, 3.

e Servius

king even the dead also subjects of their implacable wrath) This fire before the burning, was properly called, *Pira*; in the time that it burned, it was called, *Rogus*, *quod tunc temporis Rogari solerēt manes*; after the burning, then was it called *Bustum quasi beneustum*. This *Pira* was alwaies built in forme of a Tabernacle, as it is* aboue more at large to be seene: whither after the dead man had beene brought, his friends were wont to cut off one of his fingers, which they would afterward bury, with a second solemnity. The charges at funerals growing by this meanes to be doubled, the law of the 12. tables provided in these words, *Homini immortuo ossa ne legito*, &c. that no mans finger should be cut off, except he dyed either in the warre, or in a strange Country. Where wee must obserue, that *lego* in this place doth signifie as much as *adimo* or *aufero*, in which sense we call him *sacrilegum, qui legit, id est, qui adimit & aufert sacra*. After the dead body had beene laid vpon the *Pyra*, then were his eyes opened againe to shew him heauen if it were possible: d and with all an halfe penny was put in his mouth, they superstitiously conceiting, that that halfe penny was *navis Charontis*, the pay of *Charon*, the supposed ferry-man of hell, who was to carry mens soules in his boate over the *Stigian* lake after their decease. About this *Pira* were first many boughes of Cypresse trees to hinder the evill sent of the corps to be burned. The dead body being thus laid vpon the *Pira*, the next of the kinne turning his face averse from the *Pyra*, did kindle the fire with a torch: After this, commonly certaine Fencers hired for this purpose did combate each with other, till one of them was killed; they were tearmed *bustumarii*, from *bustum*. The blood of those that were slaine, serued instead of sacrifice to the infernal Gods, which kinde of sacrifice they tearmed, *Inferiae*. e *Inferiae sunt sacra mortuorum, que inferis solvuntur*. Anon after the body had beene burned, his neereft friends did gather vp the ashes and bones, which being washed with milke and wine, were put into certaine pitchers called *urnae*: whence this word

word *urna*, is often vsed by the Poets, to signifie a graue or sepulcher, as

— *Vna requiescit in urnâ: Ovid. Met. lib. 4.*

^f Though properly *sepulchrum* was in old time, a vault or arched rooffe, round about the wales whereof weere placed certaine coffines called *loculi*, within which those former *urna* were laid vp and kept, namely, two or three in each cof-
fine. Now these funerall solemnities were commonly to-
wards night, insomuch that they vsed Torches; these Tor-
ches they properly called, *gfunalia à funibus cerâ circumdatis*,
unde & funus dicitur. ^h Others are of opinion, that *funus* is so
said from the Greeke word *φόνος* signifying death or slaugh-
ter. The bones of the buried body being thus gathered vp,
then did the Priest besprinkle the company with cleane wa-
ter thrice, and the eldest of the mourning women called *pra-*
fica, with a loud voice pronounced this word *Ilicet*, thereby
dismissing the company, (the word signifying as much as *Ire*
licet;) Then presently did the companie depart, taking their
farewell of the dead body in this forme of words: *Vale, Vale,*
vale: nos te ordine quo natura permiserit sequemur. If any of
these ceremonies had bene omitted ⁱ then was it termed *sepul-*
tura insepulta, in the same sence as *nuptia*, formerly were tear-
med *innuptia*. The old & aged men were invited after the bu-
riall, to a feast, or funerall banquet called, *silicernium* ^k *quasi si-*
licanium, id est, cœna supra silicem posita, their custome being
to eate that feast vpon an Altar of stone, and because this feast
was only eaten at funerals, and by the elder sort, ^l hence figu-
ratiuely this word *silicernium*, doeth sometimes signifie an
old cripple ready for the graue, The poorer people insteede
of a feast, receiued a dole or distribution of raw flesh: this
dole was termed *Visceratio*. Moreover there was a potati-
on, or drinking of wine after the buriall called *Murrata*, or
Murrhina potio which afterwards the law of the 12. Tables
for the avoiding of expences did prohibite: as likewise for the
moderating of grieife in the mourners, it did prohibite the vse

^f Rosin. ant.
lib. 5.

^g Seruius in
Æneid. lib. 1.
^h Hub. in Cic.
ep. fam. lib. 4.

ⁱ Hieron. Fe-
rarius in Cic.
orat. Philip.

^k Seruius in
Æneid. lib. 5.

^l Antefig. in
Ter. Adelph.
Act. 4.

^m Alex. Gen.
dier. l. 3. c. 7.

of this word *Lessum*, [*Neve lessum funeris ergo habento*] for that word was often ingeminated in their mourning as a dolefull eiulation, or note of inward sorrow. This sorrowing or mourning, was in some cases vtterly prohibited, in others limited; ^m Namely, an infant dying before he was three yeeres old, should not be mourned for at all; because he had scarcely yet entred into his life. Elder persons were to bee mourned for soe many daies, as they were yeeres old. Wiues were permitted to mourne for their husbands (*Alexander* addeth also children for their fathers) ten months, if they would: within which time, the widdow could not marry another husband without infamy and discredit. *Polyd. de invent. lib. 6. cap. 9.* Here we may with *Revardus* observe a distinction betweene *Lugere* and *Elugere* *Lugere* signified no more then to mourne some part of the time prescribed; *Elugere* to mourne the whole and full time.



Lib. 2. Sect. 3.

Of the Romane Games.

CAP. I.

De ludis Megalensibus.



THE playes vsually exhibited by the Romanes, may be divided into three sorts: some were *Ludi sacri*, others *Honorarij*, others *Ludicri*. Those were tearmed *Sacri*, which were instituted immediately to the honour of the Gods: such were these that follow in their severall Chapters. *Megalenses ludi*, they are called simplie *Megalesia*, from the Greeke word *μεγας*, signifying *Magnus*; because they were performed in the honour of *Cybele*, called *Magna mater*, of which I haue spoken formerly, and there also discovered the manner of this feast. Only here take notice of that which is not mentioned there, namely, that these Games beganne, *a pridie Nonas Aprilis, id est*, on the fourth of *Aprill*, and continued sixe dayes after: it appeareth by divers Authors, but more especially by *Ovid*, who could not easily be corrupted, *Ovid. Fast. lib. 4.* He hauing spoken of the rising of the *Pleiades*, which is on the second of *Aprill*, addeth,

L 2

Ter

*Ter sine perpetuo cælum versetur in axe,
Ter iungat Titan, terq; resoluat equis,
Protinus inflexo Berecynthia tibia cornu
Flabit, & Idæa festa parentis erunt.*

^a Liv. lib. 29.

^b Ant. Const.
in Ovid. Fast.
lib. 4.

^c Ju. Scalig.
poet. l. 1. c. 29.

This I note, that the error crept into ^a Livy, may be observed, who treating of the matter in hand, saith: *In eadem victoria, quæ est in Palatio, pertulere Deam pridie Idus Aprilis, isq; dies festus fuit: populus frequens dona Deæ in Palatium tulit; Lectisternium, & Ludifueræ, Megalesia appellata.* That is, that these playes were celebrated vpon the twelfth of Aprill. But in the iudgement of many expositors, we are to read *Pridie Nonas*, for *Pridie Idus*. Moreouer, servants might not be spectators here, & because the *Prætors* did frequent these sports, in their purple and best robes, ^b hence grew that proverbe, *Purpura Megalensis*. To the younger sort at this time, liberty was granted, to counterfeite all mens gestures and speeches, without distinction of degree or age. ^c They were sometimes termed *Ludiscenici*, though properly, *Ludiscenici*, signified stage-playes, and were performed in the honour of *Bacchus*,

CAP. 2.

Ludi Cereales

THat these Games were performed in the honour of *Ceres*, is by none doubted. In them was represented the *Roman* Matrons, *Ceres* her lamentation for her daughter *Proserpina*, taken away by *Pluto*; the *Roman* men beheld these playes in white gownes: the woman performed the sacred and holy Rites in a white garment also. Among whom it was obserued, that then they thought their service gratefull to the Gods, when it was performed by those that were ioyfull, and free from all funerall pollutions. At this time there was a solemne going in procession, and carrying about their Gods in the Cirque, this solemnity was pro

properly called *Pompa*.

Circus erat pompâ celebr, numeroque Deorum,

Primaque ventosis palma petetur equis,

Hic Cereris lud, &c. Ovid Fast. lib. 4.

The maner of this solemne shew, which as I noted, was properly called *Pompa*, is described thus by its particulars; That there was, *Simulachrorum series, imaginum agmen, currus, thense, armamaxa sedes, corona, exuvie, id est.* First in this solemne procession, were carried about the Images of the Gods. Secondly, the images of well deseruing men. Thirdly, Chariots led vp and downe for greater state and magnificence; vnto this *Virgil* alludeth:

— *Hic illius arma*

Hic currus fuit. —

Fourthly, Pageants, so I interpret *thense*, which were so called, *quasi tensa, a tendendo*, as *Asconius* noteth, because they were carried vp and downe, by the help of certaine ropes, which to touch they counted a point of religion. Fifthly, horse-litters, for that these *armamaxa*, were not Chariots, or wagons, appeareth by him, *Qui ex curris in armamaxam deponebatur*. They seeme to haue beene of a compounded forme, in parte like chariots, called *ἀρματα*, in part like waines, called *ἀμαξαι*, and thence *ἀρμαμαξα* hath its appellation, *ἀρμαμαξα*, inquit, *Phavorinus*, ἡ ἀρμαμαξα καὶ ἀρματα καὶ ἀμαξαι ἀρμαμαξα, ὅτι ἀρμα καὶ ἀμαξα, ἡ ἀρμαμαξα τὴν ἵππον, ἡ ἀμαξα τοὺς ἀνδρας. In which words, besides the etymologie expressed, the vse thereof is declared to be for the carriage of men. That as the chariots went emprie for greater magnificence, and as in their pageants were carried, the *Simulachra Deorum*, according to that, *g Thensa Deorum vehiculum*: so in these horse-litters were carried men; or rather that same *agmen imaginum*, which was the second particular. Sixthly, chaires of State. Seventhly, crownes. Lastly, spoiles taken from their enemies. These three last I take to haue been vsed chiefly and principally in the *Romane* supplications, or publique thank-

d Ter. respect.
cap. 7.

e Vid. Franc.
Jun. annot. in
Text. de spect.
It. de tensis vi.
Turneb. 29. 27
f Herodot. l. 7.

g Alex. ab A-
lex l. 2. c. 30.

h Vid. Isaac.
Cassub. in
Sueton. Iul. c.

76.

i Hosp. de orig.
fest. Rosin. l. 5.
c. 14 Alex. ab
Alex. l. 6. c. 19.

k Solis hono-
re novi grati
spectacula cir-
ci Anti qui sa-
xere patres.
Corip. Afric. l.
1. n. 17. vid.
Dempster. l.
Franc. lun. an-
not. in Ter. de
spect. c. 8.

giuings, for any great victorie; the custome being in such shewes, when they came to such and such remarkable places in the cirque, to pitch a certain chaire, adorned with crowns of victorie, & spoyles taken from the enemy, reputing it not the least office, ^h thus to honour their Emperour, though absent, with the prerogative of such a chaire. Now in the preparation to this particular Shew, we read, that an egge was especially provided. It is observed by ⁱ many out of *Macrobius*, whose words are; *Ovumq; in Cerealis Pompa apparatum numerabatur primum*. The observation is generall, but the reason thereof, *Inter arcana Cereis*, quite suppressed, & by none that ever I could meete with, yet explained; if my coniecture may satisfie in a matter so obscure, conceive it thus. These pompous shewes were various, & in the honour of divers Gods, & accordingly the *Romanes* made choise in every such solemnity, of some one principall thing in their shew, vnto which the glory of the present solemnity should in more especiall maner belong. Thus in the *Pompa circensis*, which was celebrated in the honour of the ^k Sun, great horses were led vp & downe for greater state. ^l *Quia equis, & equestribus exercitamentis, sol praesse credebatur superstitione antiquissima*. Hence the cirque place it selfe was called *τὸ ἱπποδρόμιον*, & *ἱπποδρόμιον*. After this same manner in this *Pompa Cerealis*, (which was also sometimes called *Circensis*, from the place where it was exhibited) an egge was chiefly and principally provided: for seeing that vnder the name of *Ceres*, this solemnity was performed to the *Earth*, how could the *Earth* be more honoured, then by bearing about the hieroglyphick of the whole world? As if they did intimate thereby, that even heaven it selfe was beholding to the *Earth*.

— *Pecori frondes, alimenta que mitia fruges*

Humano generi, vobis quaq; thura ministro. Ovid. Met. l. 2.

And such an hieroglyphick ^m *Cælius Rodiginus* proveth an egge to be, partly from its circular & globe-like forme; partly from the matter whereof it consisteth; the hard shew, resembling

bling the solid earth; the more spirituous part thereof, the ayre; the moist and liquid part, the water; the yolke, the element of fire; yea he noteth also, as there is, *in mundo*, so likewise, *in ovo*, *vis vitalis*, a kinde of quickening, and enlivening power in both. Otherwise if this opinion giue not content, we may interpret the carrying about of this egge, to be in the honour of *Castor* and *Pollux*: for as there were markes, or goales in the Cirque, some in the forme of *Dolphins*, in the honour of *Neptune*: so were there others *ovoides*, *in usquequatuor*, markes of along roundnesse, in forme of an egge, in memory of *Castor* and *Pollux*, which were *evo editi*; according to that of *Horace*:

n Dio lib. 49.

o Tertull. de
spect. cap. 8.

Ovoprognatus eodem. Hor. serm. 2. sat. 1.

For the same reason happily it was, that an egge was at this time carried vp and downe, as the chiefe & principal ensigne.

CAP. 3.

Ludi Florales.

These Games or sports, were instituted in the honour of the Goddess *Flora*, that she being therewith appeased, the earth might bring forth flowers, and fruits in great abundance. Of the Goddess it hath bine spoken before. The time of the yeere when these sports were observed, was upon the foure last dayes of *Aprill*, and the first of *May*, whence is that of *Ovid. Fast. 5.*

p Alex. ab Alex. lib. 6. c. 8.

Incipis Aprili, transis in tempora Maij:

Alter te fugiens, cum venit alter habet.

The manner thereof was, that shamelesse strumpets did then run vp and downe the streets naked, vsing manie lascivious and obscene gestures, and speeches, they were called together by the sound of a trumpet, vnto which *Iuvenal* alludeth.

*Dignissima prorsus
Florali matrona tuba.*

More-

q Hosp. de o.
rig. Fest.

r Suet. in Gal.

f Plin. l. 8. c. 3.

Moreover, whereas in other games, Boares, Lions, & Beares, where publicly baited, to recreate the spectators: here only Goates, and Hares, and such milder beasts were hunted, & because the Goddesse *Flora*, had not the custody of woods, and Forrests, where the wilde beasts, ranged; but Gardens, and Medowes. At this time also, Elephants, were brought forth, into the publique view of the people, which were taught to walke on ropes, and that there is an aptnesse in Elephants to goe forward and backward on ropes, *Pliny* testifieth.

CAP. 4.

Ludi Martiales.

z Dio lib. 60.

u Tert. de spe.
cap. 5.

OF these sports there is not much spoken: they were observed vpon the first of *August*, because on that day the Temple of *Mars* was consecrated. They were first instituted by *Numa Pompilius*.

CAP. 5.

Ludi Appollinares.

* Liu. lib. 5.
dec. 3.

z Macrob. l. 1.
Sat. c. 17.

y Suet. Pomp.
Fest. vid. Hof.
de orig. fest.

There was an ancient Poet, called *Martius*, * out of whose writing, as likewise out of the *Sybelline* Oracles, the *Romans* were admonished to dedicate certaine games to *Apollo*. At the first celebration of them, * it is reported, that a suddaine and v unexpected invasion of enemies, enforced the *Roman* people to forsake their sports, and to betake themselves to weapons: in which time of their distraction, a cloud of darts and arrowes was seene to fall vpon their enemies, so that they presently returned conquerours vnto their sports, where y at their returne they found one *C. Pomponius*, an old man dancing to a minstrell, and being very ioyfull, that their sports had beene continued with-

without interuption they cryed forth, *Salua res est, saltat senex*. Which speech afterward became proverbiall, and is firly vsed, when a suddaine euill, is seconded with a good event, beyond hope or expectation.

CAP. 6.

De ludis Romanis, qui & magni, & Consuales, & Circenses dicti.

THese solemnities are sometimes called *Romani ludi*, because of their antiquitie amongst the *Romans*, being first instituted by *Romulus*: sometimes *Magni ludi*, either because of the great charge & expence of mony at that time, or because they were performed in the honour of their great God *Neptune*, called also *Consus*, because hee ^{a Tertul de spect. cap. 5.} was reputed the God of secret counsels, whence the solemnities themselues are somerimes called *Consualia*: wheras many of the *Roman* temples, for certaine mysterious significations, had their peculiar manner of building. ^{b Serv. in Virg. Æn. lib. 8.} *Servius* noteth, that the temple in the great Cirque, dedicated to *Consus*, was covered, to signifie that counsels must be secreted, and concealed. Likewise for the same reason, ^{c Alex. ab. Alex. lib. 5. c. 26.} his altar was made vnder the earth, not appearing in publique view, saue only in the time of these solemnities exhibited. The chiefe ceremonies vsed at this time, consisted in the adoring of their horses and asses, with garlands, wherein they thought that *Neptune* was honoured, who was the first author and inuenter of horse-riding: hence *Neptune* himselfe is called *ἵππος*. ^{d Vid. Suid.} This festiuall was first instituted by *Evander*, in the honour of *Neptune*, vnder the name of *ἵππιον*, & thence the feast was called *ἵππωνοργία*. Afterward it was ruined by *Romulus*, in ^{e Dion. Hal. lib. 1.} the honour of *Neptune* likewise, but vnder the name of *Consus*, because *Romulus* needed a God of counsell to assist him, in that designement of his, for the violent taking away of so

M

many

f Val. Max. lib.
cap. 4.

g Iul. Scal. lib.
poet. cap. 32.

h Alex. ab A-
lex. lib. 3. c. 12.

i Cael. Rhod.
antiq. lib. 8. c. 2

many *Sabine* women, as were taken away at the first celebra-
tion of these games. The reason of *Romulus* his institution
of them, being no other, but that vpon the same of these
new sports, many *Sabine* women flocking thither to be spe-
ctatours, his proiect might be the sooner effected. These &
the cirque-shewes, so often mentioned in ancient authors, at
first were all one, as appeareth by that of *Valerius*. *Ad id
tempus circensis spectaculo contenta est civitas nostra, quod pri-
mus Romulus raptis virginibus Sabinis consualium nomine ce-
lebravit.* Touching these cirque shewes, some are of opinion
that they were performed in the honour of *Ceres*, this *Iulius
Scaliger* disliketh, & he is of opinion, they were celebrated
in the honour of *Neptune*: others are of opinion they were
instituted in the honour of the *Sun*. All opinions may be re-
conciled, if we vnderstand first, those authors who ascribe
these cirque shewes to *Ceres*, to speake of the *Cereales iudi*,
which we read sometimes to be called *Circenses*, because they
were exhibited in the *Cirque*: Secondly, if we distinguish the
Pompa Circensis, from the *Circenses ludi*, and from the *Cere-
ales ludi*. The *Cereales ludi*, were instituted in the honour of
Ceres; the *Circenses ludi*, in the honour of *Neptune*; the *Cir-
censis Pompa*, in the honour of the *Sun*. And furthermore
for the full vnderstanding hereof, we must knowe that the
horses brought into the *Cirque* at this time, were of two
sorts: some were only *πομπικοί*, such as were led vp & downe
for shew & state; I vnderstand *Alex. ab Alex.* to speake of these
horses, when he saith ^h horses were consecrated to the sunne;
nay I vnderstand those horses mentione *1. 2. Kings, 23.* to
haue bin of the like superstitious invention; where it is said;
that *Iosiah* did put downe the horses given to the sun, & the
Chariots of the sun. That practise, I say, hath neer affinity with
this of the *Romans*. but I thinke it to haue bin originally deri-
ved to the people of *Iudah*, from the *Persians*, who also ac-
counted holy to the sun, ⁱ & the *Persian* king when he would
shew himselfe in great state, caused an exceeding great horse
to

to be led vp and downe, which was called *Equus solis*. Other horses were for exercise and race, we may call them *Aequus*, the institution of these I suppose to haue beene in the honor of *Neptune*. The prizes of masteries exercised in time of this cirque. shew were many. Fencing, and that vntill one of the combatants were killed in the place; fighting with beasts; wrestling; running of races on foote; iumping and leaping; horse-racing; sea-skirmishes exhibited in some riuer; coach-races; and fighting at worle bats. Howsoever the nature and manner of these games, are in some measure vnderstood by the very names, yet a more large discourse concerning the two last, will be very behouefull, for the more full vnderstanding of the *Roman* history. These coach-races, when this manner of race was first instituted, were divided into two companies, which they tearmed *Factiones albas*, & *rufseas*: distinguishing each faction or company, by the different colour of their ^k coats. Afterward they were divided into foure companies, distinguished alwaies by their colours: whence came that distinction; *Factiones Prasina, Veneta, Rufsata, Albata*; which colours may thus be englished. The first signifieth a deepe green; the next a kind of russet inclining to red; the third a Venice blew, or Turkey colour; and the last a perfect white. Of these ¹ *Tertullian* speaketh as followeth: *Aurigis coloribus idololatriam vestierunt, & ab initio duo soli fuerunt, albus & rufseus. Albus hyemi ob nives candidas: rufseus aestati ob solis ruborem voti erant: sed postea tam voluptate, quam superstitione prosecta; rufseum, alii Marti, alii album Zephyris consecraverunt: Prasimum vero terra matri, vel Venetum caelo & mari, vel autumnno.* As the Emperour, so the people; sometimes favoured one faction or company, sometimes another, & accordingly as they favoured the company, they would lay wagers on their side, which wagers they tearmed by a peculiar name *Sponsiones*, this ^m *Turnebus* interpreteth *Tertullian*, where he saith that the people flockt to these races, sometimes for one reason, sometimes for ano-

^k Henr. Salma,
in Pancir, cap.
de Circo Max

¹ Tertul. de
spect, cap. 9.

^m Turneb. ad.
lib. 3 cap. 4.

* Tertul. de
spect. cap. 16.
o Suet. in Do-
mitian cap. 7.

p Iul. Scaliger.
lib. poet. c. 22.

q Aldus Ma-
nuc. lib. 2. de
quæst. per. epi-
stolam epist. 8.
vid. Rosin. an-
tiq. lib. 5. cap. 5

* Rosin. antiq.
1. 5. c. 5.

ther, but so netimes ^o *sponsionibus concitatus*, id est, stirred vp with a desire of abetting, or laying wagers. To these foure
o *Domitian* in his time added two other companies, the one wearing cloath of gold, the other of purple: but these latter remained not long in vie. Their fighting at whorle bats they teatmed *bellare cestra*. The maner of the fight conceaue thus, the combatants had in each hand a strap of leather, with which each stroke at the other (for wee must know that this kind of fight succeeded fistie cuffs, & because in fistie cuffs the party striking, did by the blow as well hurt his own fist, as he did him that was stroken, herevpon they invented this other kinde of fight with leatherne switches) these leatherne switches they called *Cestus*, from the ^p Greeke *κεστος*, signify- ing a belt or girdle; to make the fight more dangerous, they did in after times tie peeces of ledde, or iron at the end of these leatherne straps, so that they did with the force of the stroke, often dash out one anothers braines, and vnlesse by the waight of the lead or yron, the strap might chance to fly out of their hands, they caused each strap to be tied fast to their armes, and shoulders: neither was this without reason, for those iron or leden peeces could not be but very weighty, being made in the bignesse, and a forme of Rams hornes. Lastly these cirque shewes, had their appellation *Circenses*, either from the great cirque, or shew-place, called *Circus Max*: where the games were exhibited; or from the swords wherewith the plaiers were environed, as one would say *Circa enses*. They much resembled those greecian games called *certamina Olympica*, where the runners with Chariots, were hemmed in on the one side with the running river, & on the other with swords pitched point-wise, that they should hold the race on directly, and not swarue aside without danger.* So ne haue thought them to be the same with *ludi Gymnici*, so called from *γυμνός*, naked; because that those which did performe those kindes of exercises, did either put off all, or the greatest part of their cloaths, to the intent that they

they might the more readily and nimbly performe their games; for which purpose they did also annoint their bodies with oyle; whence we say, when a man hath lost his cost & labour. *Operam & oleum perdidit*; *oleum* in this place signifying cost and charges, so that the proverbe was the same with that of the Cobler's crow, *Opera & impensa perit*.

CAP. 7.

Ludi capitolini, & Agones Capitolini.

THE first institution of these games ^r *Livy* sheweth, where likewise he intimateth the reason, why they were called *Capitolini*, to haue beene in the honour of *Iupiter Capitolinus*, because he preserved the Capitoll, when it was assaulted by the *Gauls*: wee must distinguish these games from those other shewes called *Agones Capitolini*, instituted by *Domitian*: For those *Ludi* were exhibited yearly, these *Agones* every fift yeare; in those was celebrated the deliverance of the Capitoll; In these Rhetoricians, & Poets, and men of other profession contended for the victory, & hence ^r *Rosinus* thinketh the *Poets Laureat* to haue taken their beginning. He is likewise of opinion, that *Iuvenall* alludeth vnto these solemnities,

^r *Liv. Dec. 1. lib. 5.*

^r *Sueton. in Domit. cap. 4.*

^r *Rosin. antiq. lib. 5. c. 18.*

--- *Sed cum fregit subsellia versu*

Esurit, intactam Paridinisi vendit Agaven. Sat. 7.

Although the allusion may be granted, yet herein I thinke *Rosinus*, though otherwise learned to haue beene mistaken, in interpreting *Fregit subsellia*, by *Non stetit*; *Excidit*, or *No placuit*; as if the Poet of whom *Iuvenal* speaketh, had bin conquered at this time. In my opinion neither will the purpose of *Iuvenal*, nor that phrase of speech admit that construction. Not the purpose of *Iuvenal*, for the scope & drift of that Satyre, is to shew, that be the Poet never so pleasing, or let him giue full satisfaction to the people, yet he shall re-

ceae no benefit thereby, but a vaine and empty applause, so that he shall be compell'd to sell those very Poems, which are receiued with so generall an approbation, to buy victu- als, and prevent hunger. Neither doth that interpretation a- gree with that phrase, for *Frangere subsellia*, doth rather on the contrary, signify the vehement acclamation given by the people in approbation of the Poem, it being a poetick ele- gancy, to expresse the vehemency and greatnesse of the ap- plaufe. ^u *Sidonius Apollinaris* vieth the selfe same phrase. *Hunc olim perorantem, & rhetorica sedilia plausibili oratione frangentem, socer eloquens ultro in familiam patritiam ascivit.* Neither is that of *Virgil* vnlike.

^u Sidon, Ap. 1.
5. epist. ad Sa-
pand,

Et cantu querelarumpunt arbusta cicadae.

Yea the *Gracians* vsed the same manner of speech, ^x *κατὰ πρῶτον* *ὁ νόμος, καὶ τὸ Κρότος, καὶ τὸ κρυγῆναι*. So that hereby I thinke the Poet vnderstandeth, that *Grande sophos*, so often mentioned by *Martial*, it being a vsuall custome amongst the *Romans*, to signify their approbation of their Oratour or Poet, by the lowd acclamation of *σοφῶς*, or *ῥηδῶς*. Vnto which *Horace* alludeth *de arte poet.*

^x Polyb. in
hist. 15.

-----clamabit enim pulchrè, benè, rectè.

But to retorne whence we haue digressed, these latter solem- nities were of such note, that wheras the *Romans* formerly, made their computations of their greater yeare, called *An- nus magnus*, by their *lustray* now they made it by these *Agones capitolini*. Againe we must distinguish these *Agones quin- quennales* instituted by *Domitian*; from those *Ludi quinquen- nales* instituted by ^a *Augustus Caesar*, in memory of the vi- ctory, which he got against *Antonius*, vpon the promonto- ry *Altiū*, whence they were called *Altiaci Ludi*.

^y Hospin. de
orig. fest.

^z Sueton.
Aug. cap. 18.

CAP 8.

De ludis secularibus.

AVthors agree not vpon the iust period of time, when these secular names were to be renewed; some are of opinion that they were to be celebrated every hundredth yeare; some every hundredth and ten, some once onely in three hundred: but in this all agree, that they were named *seculares*, from *seculum* which signified at least an hundred yeares, ^a *seculum in centum annos extendi existimabant*. Because the full and compleat age of a man, might extend it selfe to the hundredth yeare, and seldome to many aboute an hundred: thence it was, that the forme of words vsed by the publike crie in proclaiming these games was ^b *Venite ad Ludos quos nemo mortalium vidit, neq; visurus est*. Vnto which ^c *Ouid*. alludeth *Trist. l. 2.* *Carmina---*

Herodian, lib. 3, in vita Scueri.

a Rosin. antiq. l. 5 c. 21.

b Pol Virg. de invent. l. 8. c. 11.

c Ov. Trist. l. 2.

Iusserat & Phoëbo dici, quo tempore ludos Fecit: quos atq; aspexit vna semel.

But the Emperours being ambitious of honour, & desirous to be spectators of the games in time of their owne reigne, they did often anticipate the time. *Claudius Caesar* amongst the rest, proclaimed them within ^d sixty three yeares, after *Augustus* had observed them, which occasioned the people to deride his crier, inviting the people to those shewes and sports, which no man liuing either had seene, or should see againe. Because ^e some who were spectators, may actors in those solemnities exhibited by *Augustus*, liued at the same time, when *Claudius* caused this to bee proclaimed. These plaies were also ^f called *Tarentini ludi*, not from the Citie *Tarentum* in great Greece; but from a certaine place of the same name nere *Rome*, adioning to the riuer *Tiber*. All the Theatres at this time were filled, & sacrifices offered throughout all the Temples, for the space of three daies, and three nights

d Alex. ab Alex. l. 6. c. 9.

e Suet. Claud. c. 21.

f Hospinian. de orig. fest.

nights, which giueth light to that of *Ansonius*.

Trina Tarentino celebrata trinoctia ludo.

The first day the Emperour, and the *Quindecim viri*, early in the morning ascended the *Capitoll*, & there offered sacrifice according to the wonted manner, thence they departed to the Theaters, to performe solemne plaies in the honour of *Apollo* & *Diana*. The second day the noble Matrons assembled together in the *Capitoll*, they offered vp supplications vnto their Gods, they fasted and sung hymnes, in the honour of the Gods. The third day seuen and twenty boyes, going along three and three, and as many maides in like manner, all of them nobly descended, and having both father and mother aliue, sung verses, in which they commended the *Roman* state to the protection of the immortall Gods. This was tearmed *Paanas concinere*, which word *Paan*, though it signifieth primarily an hymne, or song of praise made to *Apollo*, who was called *Paan*, g from *παῖς*, a *feriendo*; because of his victory gotten of the *Python*: yet *h* sometimes, and so in this place, it denoteth the praises in generall of all the Gods. Againe the phrase intimateth an elevation of the voice in singing, with a kind of rising from one note to another. Thus *Turnebus* maketh *παῖς*, & *μυρίσιν* to be opposite i *Videtur autem Paan contentionis vocis esse, minuratio remissionis.*

g Cael. Rhod.
antiq. lib. 7. c. 5
h Servius in
Æn. lib. 6.

i Turneb. adv.
lib. 1. cap. 12.

C A P. 9.

*De ludis plebeis, compitalitijs, Augustabilibus
Palatinis, Taurilibus, & Votivis.*

Other games there were performed in the honour of the Gods, which are rather named by Authors the explained, they are these that follow *1 Plebey ludi*, which were celebrated in memory of the liberty procured to the *Roman* state, by the succession of Consuls in the place of

k Alex. ab A-
lex. lib. 6. c. 19.

of Kings: or as others say, in memory of the reconciliation, wrought between the Senators & the Comonalty, by reason of their great oppression at that time, when the Commons in a kinde of mutiny departed to the *Aventine* mount. 2 *Compitalij Ludi*, so called because they were vsually solemnized in *Cometis* (*id est*) in the crosse wayes, and open streets, they were first ordained by *Servius Tullius*, in the honour of those Gods, whom they tearmed *Lares*, in memory of his natiuity. The forme of words vsed by the *Pretor*, when he signified to the people the time of these solemnities, was as followeth.

Die noni post Calendas Ianuarij Quiritibus compitalia erunt. Concerning which words, *Gellius* noteth, *Die noni Pretor dicit, non die nono, neq; Pretor solum, sed pleraq; omnis vetustas sic locuta est.* 3 *Augustales ludi*, performed in the honour of *Augustus Caesar*. 4. *Palatini ludi*, so named, because they were performed in the *Palatine* mount. Some are of opinion that they were instituted in the honour of *Julius Caesar*; Others in the honour of *Augustus*. 5 *Taurij ludi*, which receaved their name from *Taurus*, a bull: They were first ordained by *Tarquinius superbus*, when there happened a great pestilence amongst the women with child, occasioned by much bullflesh sold vnto the people, for the remoueall of which plague, these games were instituted, in the honour of the infernall Gods. They are sometimes also called *Boalia*, & *Bupery*. 6. To those may we add their *Votiuos ludos*, which were also performed in the honour of some God, vpon some speciall vow made. For whensoever the *Romans* did vnder take any desperate warre, then did some *Roma* Magistrate *Vovere ludos, vel templa*, conditionally that they got the conquest; whiles the Magistrate vttered this his vow, he was said *Vota nuncupare* or *facere vota*, (*id est* to make a solemne vow vnto the Gods, the vow being thus made, hee which made it did write it in paper, & with wax fastened it to the knees of their Gods, thereby binding himselfe the more strongly, to the performace; & this in *Pliny* his phrase is *signare vota*

Plin. lib. 36. cap. vlt.

in Macrobi. i. i. Satur. n A. Gel. no. 2. At l. 10. c. 24.

o Alex ab A. lex. lib. 6. c. 19. p lib. 56. cap. vlt. q Fests. vid. Ho spm. de orig. fest.

r Turneb. aduer. lib. I. c. 17.

Iuvenal tearmeth it,

Genua incerare decorum. Satyr. 10.

After this he was said to be *Votivus*, *id est*, conditionally bound & obliged to the performance thereof, so that the Gods might challenge the thing vowed as due debt, if they granted his request, yea after that the thing craved had been obtained, then was he said, *Damnatus voti, vel voto (id est)* simply bound to the performance of the vow, so that by consequence, *Damnari voti, vel voto*, is to haue ones desire accomplished. Thus haue we gone over the chiefe and principall games which were meerely *Sacri*, tending to religion, the second sort were, *Ludi honorarij*, of which in the next chapter.

CAP. 10.

De Gladiatura.

Such sports and plaies, which were performed by private men vpon their owne purse & charges, they seeking thereby to winde themselues into the affections of the common people, and to make way for their owne preferment and honour, were tearmed ^a *Ludi honorarij* & howsoever any game or shew might bee tendered vnto the people in this respect, yet those of this nature, were for the most part, either *fencing*, or *stage-plays: fencing*, because the sight there of was so often freely bestowed vpon the people, is therefore many times denoted by the latine word, ^b *Munus*; and those that bestow these sights, are for the same reason tearmed *Munerarij*. The first originall of this fencing, and sword playing, to the killing of one another, hath been derived ^c from a customary practise among the Heathens, at the burials of their friends, who being perswaded that the shedding of mans bloud would be propitiatory for the soule deceased, hence would they buy captiues and slaues, purposely to be sacrificed at burials: afterward that this wicked spectacle

^a Isaac, Casaubon, in Suet. Aug. 32.

^b Lips. Sat. l. 1. cap. 7.

^c Tertul. It. Servius in *Æneid.* 10.

ele might be the more pleasant & delightfull, they changed their sacrifice into a fencing with art, where the combatants did fight for their life. This particular kind of fencers were called *Bustuarij* from *bustum*, they place where dead mens bodies were burned; but ambition and cruelty, made these bloody spectacles in after ages more frequent, insomuch that prizes at last were plaid not only at the toombes but in diverse other places, as the *Cirque* and *Amphitheatre*, &c. yea they were giuen as legacies by wil and testament vnto the people, the prizes haue continued many daies together, and the number of the combatants sometimes exceeded number. At the first none would thus hazard their liues, but captiues and fugitiue seruants, which were enforced therevnto, being bought for that purpose, afterward those that were freeborne suffered themselves to be hired, for which cause they were tearmed *Auctorati* hirelings; ^{d Sen. ep. 108.} yea noble men themselves sometimes by reason of their decayed estates; sometimes to demerit the Emperour his loue, endangered their liues in this fight, those that were hired, bound themselves by a solemne oath to fight vnto death, or else they would yeeld their bodies to be whipt, yea and to be burnt, vnto which ^{e Horace} alludeth.

*Quid refert, vri, virgis ferroq; necari
Auctoratus cas? an turpi clausus in arcâ?*

The manner of this bloody spectacle was thus, the Master, or exhibiter thereof, did by a publique bill, giue notice vnto the people, what day the prize should be performed, how many couples were to combat, what their names, &c. thereby to procure the greater expectation & concourse of people, of this speaketh ^{f Sueton}, *Munus populo pronunciauit in filia memoriam.* ^{g Plin. 35.7.} Yea they did in tables hanged in publique view, paint and repræsent, not onely the description of the place, but also they very forme and gesture of the fencers.

----velut si

Re vera pugnent, feriant, vitentq; moventes

N 2

Arma

Arma viri. Horat. lib. 2. Sat. 7.

Vpon the day appointed when all met, then were the weapons brought forth, and those, they were of two sorts: *Lusoria*, or *Exercitoria tela*, such as were the speare, and wands, or cudgells, that they might toss the one, and fence with the other, and shew other feats of actiuity, All being but preparations to that more solemne & dangerous fight ensuing. The Greeks calleth them *ισοφαρμαμένα ἀκρόβλια*, because of the little balls tied at the sharpe end of the weapons, to prevent dangers. Others were ^h *Decoratoria tela*, so called, *Quia hac velut decreto Pratoris, sive Editoris dabantur*. These were those, with which they really encounterd each other for life or death, and therefore sometimes they are called *Pugnatoria*, ⁱ *Seneca* speaketh of both. *Remoue ista lusoria arma, decretorijs opus est*. And that the Apostile doth not allude to both, I dare not gaine say, 1. *Cor.* 9. 26. 27. where hee saith *ἵνα πικρὺν ὡς ἐκ ἀέρος δέξω, ἀλλ' ὑπαμύζω με τὸ σῶμα*. Hee did not beat the ayre, and flourish with those lusorius, and preparatory weapons, but he did truely fight against his naturall corruption, to the wounding and subduing of it; for ^k *ἵστωμα* signifieth putrified wounds. That phrase of ^l *Seneca* alluding to the fore-flourishings; is not much v nlike. *Aliud est ventilare, aliud pugnare*. This fore skirmish with cudgells was properly tearmed *preludium*: *Megara* speaking of *Hercules* his conquest over the two Serpents, assaul-
ting him being yet an infant, saith, ^m *Prelusit Hydra, id est*, that combate was but the prologue, preface, or introduction to that greater, which should ensue betweene him and the *Hydra*. Afterward when they betooke themselves to naked weapons, and to a reall fight, then were they said *Dimicare ad certum*, and *Versis armis pugnare*. This word ⁿ *Versis* being put for *Transmutatis*. In the act of fighting, they did frame & compose their body according to the rules of their art, for the better warding of themselves, and the readier wounding of their adversary. This frame and posture of the body

^h Lipf. Sat. l. 2.
cap. 19.

ⁱ Senec. epist.
117.

^k Suid. in voce
ἵστωμα
^l Sen. l. 3 cont

^m Sen. Herc.
fur. vers. 231.

ⁿ Lipf. Sat. l. 2.
cap. 19.

body, was by a peculiar name called *Status*, or *Gradus*. Whence arose those elegant Metaphors *Cedere de gradu*, *Demigare de gradu*: To change ones purpose, and as it were to draw back from what he formerly intended. In like manner we say, *De mentis statu deijcitur*, or *deturbatur*; He is driven to change his minde, or in generall he is amazed. In the conflict oftentimes, the sword players after they had received any dangerous wounds, laid down the weapons, which though in extremity was a token of cowardise, neither were they therevpon acquitted or discharged; but this depended vpon the consent either of the Emperour, or the people, or the Master of the shew. This discharge was properly called *Missio*. Such was the cruelty of those times, that many prizes were proclaimed, wherein they fore-signified, that such discharges should neither be craued, nor granted: wherevpon *Augustus Caesar* made a decree, wherein *Gladiatores sine missione edi prohibuit*. Those combatants that overcame, received by way of reward, sometimes mony, sometimes a garland, or coronet of palme tree, wound about with certain wollen ribbands called *Lemnisci*; the coronet it selfe was therefore called *Palma lemniscata*, and hence figuratiuely hath *Palma* been translated to signifie the victory it selfe, & such a man as hath often gotten the prize, we say proverbially that he is *Plurimarum palmarum homo*. The reason why the Palme-tree, rather then any other tree, should be given in token of victory, is rendred by a diverse approued authors to be this; because the Palme tree, though you put never so ponderous and heauy waight vpon it, yet it will not yeeld, but rather endeauour the more vpward. Sometimes the reward given by the people, was one of those wands, or cudgells vsed in the fore-skirmish. That wand was properly called *Rudis*, and it was given in token of liberty, signifying thereby, that he should thence forward lead his life free from sheading of blood, alluding to which custome, this word *Rudis* hath beene vsed to signifie any other kinde of freedom.

o Suet. Aug. 49

p Franc. Sylv
in orat. pro
Sext. Rosc.

q Arist. probl.
7. Plut. symp. 8
q. 4. A. Gell. l.
3. c. 6,

r Eraſ. Adag
Rudem accip.

dome or discharge: Where vpon, *Horace* said of himselfe, that he was *Rude donatus*, id est, discharged from his paines in poetry. Lastly, sometimes he that conquered receaved *Pileum*, a cap: And here it will not be amisse, to note the difference betweene *Palma*, *Missio*, *Rudis*, & *Pileus*. *Palma*, was only a token of victory, not of liberty, or discharge. *Missio* was not full discharge, but a kinde of vacation, or respite granted vpon request, vntill the morrow, or some other time: againe it was granted to those that were conquered, not to the conquerers. *Rudis* was a token of full discharge from bloudie combats, whereby a mans life might bee indangered: but yet with this distinctio, that if it were bestowed vpon free citizens, hired to be actors in these masteries, then were they thereby restored to their freedome also, which formerly they forfeited by vndertaken such base conditions: to others which were formerly servants, or captiues, it was only a token of liberty and discharge. Notwithstanding, sometimes vpon fauour, such seruants or captiues, obtained together with their discharge from such fights, a priuiledge also of enfranchisement, whereby they were thence forward incorporated amongst free Citizens, the token hereof was *Pileus*, for then they receaued a cap, which latter observation helpeth for the vnderstanding of *Tertullian*, where he saith. *Qui in signiori cuiq; homicida leonē pascit, idem gladiator atroci petat rudem, & pileum premium conferat.* In which speech, the vniust, and the vnreasonable practice of those Heathens is displayed, whiles they iudge a man slayer to bee exposed to Lions and wild beasts: & yet notwithstanding will reward the bloudinesse of sword players. These Fencers fought with diuerse manner of weapons, and accordingly had severall names, the chiefe of which we read are these. 1. *Retiarij*, so called from *reteiaculum*, signifying a floatenet vsed in fishing because this sort of Fencers, did fight with a cast-net in one hand, to catch, and claspe about their aduersaries head; and a three forked engin in the other, which they vsed instead of a sword

f Tertul. de
spect. cap. 21.

sword of this *Iuvenal* speaketh, *Satyr. 8.*

— *Mouet ecce tridentem,*

They did alwayes fight in their coats, whence that Epithetō floweth, *Retiarij tunicati*. The reason why they bore vp & downe sponges, which *Tertullian* calleth *spongijs retiariorum* may be for the drying vp of the blood, and wiping, or stopping of the wounds, which vse of sponges, ² *Pliny* noteth. *Plin. lib. 31. cap. 11.* now because these *Retiarij* were so light armed, they were compelled every time they stroke with their net, to retire backe vntill they recouered their net againe: & hence the second sort of fencers, which fought with them, were tearmed ^u *Secutores, ab insequendo*, from following and pursuing these *Retiarij*. The weapons wherewith these *Secutores* did fight, were a target, to keep off the net of the aduersary; a sword; & an helmet. ³ *ly, Thraces*, so called from the *Thracian* weapons which they vsed, their Target was round and litle, called *Parma*, it was at first in vse among the ^{*} *Thracians*, & afterward so proper to this sort of sword players, that ^{*} *Parmularius*, signifieth such a one as fauored this companie, or faction of fencers. Their sword was a crooked falchion, tearmed by them *Sica*. The *Roman* souldiers did vse to weare two of these, along one on the left side, and shorter on the right side, answerable to our sword and dagger, but the forme of the *Sica*, was alwayes crooked, according to that. *Sica Σεκιον* *ἔξωτος ἐπιγαυαίς*. Priue murtherers, practising the killing of men, may seeme to haue vsed the lesser, as a pocket dagger; such are those *Sicarij*, of which there is such often mention in *Tulli* ⁴ *ly Myrmillones*, they are sometimes called *Gallij*, because they were appointed after the maner of the *Gauls*. their weapons were a sword, a target, an helmet with a crest in forme of a fish. ⁵ *ly Hoplomach*, the name imports them to be armed in their fight, it is deriued from the *Greek* *ὅπλον* *vel ὅπλα* *arma*, and *μάχουμαι*, *pugno*: vntill *Augustus* his time they were named *Samnites*, their armour was an helmet with a tuft on the crest, a sword, a sheild, and a boot on the

Plin. lib. 31.

cap. 11.

u Lisp. Satur.

lib. 2. c. 7.

^{*} *Turn. Adv.*

lib. 5. cap. 10.

Suet. in Dom.

mit. cap. 10.

^y *Alex. ab. A.*

lex. lib. 6. c. 22.

* Veget. vide
Lipl. de milit.
lib. 3. dial 7.

1 Lips. Sat. 2.

the left legge, 6^{ly} *Provocatores*, sometimes called *Probaetores*, these vsually fought with the *Hoplomachi*; their armour was a sword, a target, an helmet, and boots on both legges. For as the footmen amongst the souldiers; so likewise, some of the sword-plaiers vsed boots, for the safeguard of their leggs, these bootes were made of * iron, and so common amongst the Grecians in warre, that bootes alone are oftentimes put to expresse the Grecians whole armature, as appeareth by that vsuall epitheton in *Homer* *ἄλκιυς Ἀχαιοὶ* *id est, Bene ocreati Græci*. These bootes they wore sometimes on both legs, sometime on one, according as the manner of fight required 7^{ly} *Essedarij*, such as fought one againg another out of wagons, so called from *Essedum*, a wagon or chariot. 8^{ly} *Andabate*, *quasi ἀναβάται, ascensores*, because they did fight on horse-back, or out of chariots. This sort of fencers, did fight winking, whence ariseth that Adage. *Andabatarum more pugnare*, the phrase is fitly vsed, when two ignorant persons, are hot in contention about that which neither vnderstandeth. 9^{ly} *Dimachari*, called also *Orbela*, they fought each againg the other, with two swords apeece, as the first name importeth. 10^{ly} *Laquearij*, such as fought with swords & halters, the vse of the halters, was the same as the *Retarij* made of their nets, to cast about their adversaries necke or arme: that they might the easier wound them with their sword. Of all these sorts of fencers 1^{ly} *Lipsius* treateth largely, to whom I referre the reader. Only here let him take notice that it was in the power of the people, to discharge any of these combatants in time of the fight, which discharge they signified, *premiendo pollicem* by holding down their thumbe: or else to adiudge him to continue the fight, though in neuer so great danger, and this latter they signified *conuertendo pollicem*, by turning vp their thumbe.

----Et verso pollice vulgi

Quemlibet occidunt populariter. Iuven. Sat. 3.

Moreover that there might be alwaies in readines, a sufficient

ent number of sword-players, hence were their schooles erected, into which captiues, fugitiue seruants, and notorious offenders, were sometimes condemned, sometimes sold. The Masters of these schooles were called *Lanista*, the schollers or vnder-fencers, trained vp there for more publike & dangerous fights, were called *Familia*. The word *Familia* is often taken in this sense, to signifie the whole company of vnder-fencers, belonging to one schoole, & the Master of defence, is for this reason, more then once by ^m Sueton called *Paterfamilias*. Moreover, when one challenged another to these combats, they signified their challenge, by beckning with their little finger. *Horace* alludeth vnto this,

Crispinus minimo me provocat, accipe si vis,

Accipe iam tabulas. lib. I, Serm. 4.

This must be vnderstood of a beckning, and that with the little finger; for otherwise in time of the fight, if either of the combatants did hold vp his finger, ⁿ hee signified thereby that he did yeeld, and giue place vnto his aduersary: some thinke that *Perfius* had respect vnto this custome, in that phrase. ---- *Digitum exere, peccas, Sat. 5.*

CAP. II.

De ludis Scenicis.

THE second sort of plaies bestowed on the people for their favour, were *ludi Scenici*, stage-plaies. The reason of this name *scena* may be seene before. ^x The first institution of them was occasioned by reason of a great sicknes, which by no medicinary help could be remoued; The *Romans* superstitiously conceiting, that some new games or sports being found out, the wrath of the Gods would thereby bee vnarmed. ^y Wherevpon, about the fowre hundreth yeare after the building of *Rome*, they sent for certaine stage-players out of *Hetruria*, which they called *Histriones*, from

^m Sueton. Ca-
lig. 26. It. in
Domit. 10.

ⁿ Alex. ab A-
lex. 1. 4. c. 26.

^x *Lazius* de
Repub. Rom.
lib. 12. cap. 11.

^y *Alex. Gen.*
dier. 16. c. 19.

the *Hetrurian* word *Hister*, which signifieth such a player. *Quia Hister Thusco verbo ludus appellatur, id nomen Histri- nibus est inditum. Polidor. de inven. lib. 3. cap. 13.* Concerning the diverse kindes of stage plaies I read of foure, called by the *Grecians*, *Mimica*, *Satyræ*, *Tragædiæ*, *Comædiæ*: by the *Romans*, *Planipedes*, *Attellana*, *Prætextata*, *Tabernaria*. In English, *Fables Mimicall*, *Satyricall*, *Tragicall*, *Comicall*. These *Mimicall* players did much resemble the clowne in many of our English stage-plaies, who sometimes would goe a tip-toe in derision of the mincing dames; sometimes would speak full-mouthed to mock the country clownes; sometime vpon the top of their tongue to scoffe the citizen. And thus, by the imitation of all ridiculous gestures or speeches, in all kinde of vocations, they provoked laughter; whence both the plaies and plaiers were named *Mimi*, from $\mu\mu$ an imitator, or one that doth ape like counterfeit others; as likewise they were called *Planipedes*, because the Actors did enter vpon the stage *planis Pedibus*, id est, *Excalceati* barefooted. The second sort of plaies were called *Satyræ*, ^a from the lasciuious and wanton country-Gods called *Satyræ*, because the Actors in these *Satyricall* plaies, did vse many obscene poems, and vnchast gestures to delight their spectators. Afterward these kinde of actors as we may coniect, did assume such liberty vnto themselves; that they did freely and without controlement, sharply tax & censure the vices even of kings, as well as of the commons in so much that now we calleuery witty poem, wherein the liues & manners of men are sharply taxed, A *satyre*, or *Satyricall* poem. ^b *Satyræ mordax fuit & salsum genus carminis*. These *satyricall* plaies were also called *Attellana*, from the city *Attella* in *Campania*, where they were often acted. The third sort of stage-playes, were called *Tragædiæ*, from $\tau\rho\alpha\gamma\omicron\varsigma$ a Goat, and $\omega\delta\eta$ an Ode or song; because the actors thereof had a Goat giuen them as a reward. And likewise they were called *Prætextata* from *prætecta*, a certain Roman robe, which these actors

z Alex. lib.

a Ante signan.
in suis obler.
de metris co-
micis, Teren.
præfixis.

b Vid. Erasm.
adag.
Komædies
causæ.

tors did vse to weare in their plaies. The fourth sort were *co-mœdia*, from *κῶμαι* which signifieth villages, & *ᾠδή* because these kind of actors did goe vp and downe the countrey acting these *Cœdies* in the villages as they passed along. They werelikewise called *Tabernaria à tabulis*, *id est*, from the boards or pentices wherewith they were sheltred from the weather, whiles they were acting. These two last sorts of plaies, namely *Tragedies* and *Comedies*, being still in vse among vs, it will be worth our labour to consider the communities, wherein they agree; otherwise the proprieties or notes of distinctiō by which they differ. I find three sorts of parts, wherein they agree, namely *partes primariae, accessorie, circumstantes*; parts principall, accessory, and circumstances, which are not so truly parts, as accidentall ornaments added to beautifie the plaies. The principall parts are 4. in respect of the matter treated of, For as far as the declaration or exposition of the matter in hand reacheth, without intimation of the event to ensue, so far reacheth the first part called *ὑπόθεσις*, which word signifieth no more then a proposition or declaration. But when the play enclineth to its heat and trouble, then ensueth the second part called *ἐπιτασις*, which signifieth the intention or exaggeration of matters. The third part is called *κατάθεσις*, *id est*, the state and full vigor of the play. The last part which is an vnexpected change into a suddaine tranquillity & quietnesse is called *κατάστροφὴ* whence by a *metaphor* it hath beene translated to signifie the end or period of any other thing; or rather the inclinatio vn to the end, as *vita humana catastrophe*, the end of amans life, In respect of the plaiers forsaking the stage, the parts were five; namely the five *Acts*. For the Actors did five times in every *Comedie* and *Tragedie* forsake the stage, & make as it were so many interruptions. The occasion whereof is supposed to haue bin this, that the spectators might not be wearied out with a continued discourse or action, but that they might sometimes be delighted with varietie intermixed. For

those breaches and chafmes betweene each act, were made vp and supplied, either by the *Chorus*, or *Musicke*. Where we must note, that every *Tragedie* and *Comedie* must haue five *Actus*, and no more, according to that of *Horace*.

Neue minor quinto, ne sit productior actu

Fabula, ---

Againe wee must remember that it is not necessarie that the *aptrasis* should alwaies be contained in the first Act: though many times it hapneth so: for in *Plautus* his bragging souldier the *Protasis* is found in the second Act: and so likewise haue the other three parts, *id est*, *Epitasis*, *Catastasis*, and *Catastrophe*, their bounds vnbounded. These Acts are divided into severall scenes, which sometimes fall out more, sometimes fewer in everie Act. The definition of a scene being *c Mutatio personarum*: Whence we call a subtile *Gnatho* which can humour himielfe for all persons & times *omnium scenarum homino*, a man fit for all parts. Now amongst the *Romanes* it was thought vnfit, that aboue three persons should come on the stage in one scene.

*c Vid. Erasmi.
Adag.*

Nec quarta loqui persona laboret. Hor.

The *partes accessorie* in a *Comedie* are foure *Argumentum*, *Prologus*, *Chorus*, and *Mimus*. The first is the matter or subject of the Comedy: the second is the Prologue, which is either the *prodelinde*, such as doth open the state of the fable, at which time there needeth no argument: or else the *euasalinde*, such as commendeth the fable, or the Poet vnto the people; or lastly the *anapoeinde*, such as shall refute the obiections and cavills of aduersaries. The third is *Chorus*, which speaketh betweene each Act; and this *Chorus* may consist either of one, or many speakers, and that either male or female: ^b but with this caution, that if a male be to be commended, then must the *Chorus* consist of males; if a female be to be commended, then must it consist of females. And alwaies whatsoever the *Chorus* speaketh, it must be pertinent to the Act past, or covertly intimating somewhat ensuing.

*d Rosin. ant.
cap. de trag. &
com. lib. 5.*

--- Non

--- Non quid medios intercinat actus,

Quod non proposito conducatur & hereat aptè. Horat.

It may seeme sometimes that in the midst of the play, some other sport was interposed, as hunting, or fencing, or such like to delight the spectators with the greater variety, whence Horat. Si discordet eques, medio inter carmina poscunt

Aut versus aut pugiles.

These interposed varieties were denoted by the name of *Diludia*, *Displicet iste locus, clamo, & Diludia posco.* Horat.

The fourth and last accessory part, was *Mimus* the clowne, or foole of the play. Of all these parts a Tragedy hath only a *Chorus*. The *partes circumstantes*, or accidentall ornaments

were foure, common to both, *Tiulus*, *Cantus*, *Saltatio*, *Apparatus*, *id est*, the title of the play, Musicke, Dauncing, and

the beautifying of the Scene. By the Scene in this place, I vnderstand the partition betweene the plaiers vestrie, and the

stage or scaffold. This partition at the acting of a Tragedy

was vnderpropped with stately columnes and pillars, and beautified with paintings resembling princely buidings, &

the images as well of Gods as Kings. At the acting of a Comedy country-cottages and private buildings were painted

in the out-face of the partition. In the *Satyricall* plaies the painting was overcome with shadowes of mountaines and

woods: The first of these partitions they called *Scenam Tragicam*, the second *Comicam*, the third *Satyricam*. The difference betweene a Tragedy and a Comedy, which may bee

collected out of *Antesignanus* are these: first in respect of the matter, because a Tragedy treateth of exilements, murders, matters of griefe, etc. a Comedy of loue toyes, merry

fiCTIONS and pety-matters, the one being *ἀνθρώπων παροχῆς*; the other *τόχης παροχῆς*. In a Tragedy the greatest part of the

Actors are Kings and noble persons; in a Comedy priuate persons of meaner state and condition. The subject of a Comedy is often feigned, but of a Tragedy it is commonly true

and once really performed. The beginning of a Tragedy is

e Alex. Gen.
dier. l. 5. c. 16.

Antesig in
suis observ. de
metris comi-
cis Terent.
præfixis.

ob. a. 16. H. n.
Religio

*Nigri is medium
impedit crux
Pellibus. Horat
Ser. l. i. Sat. 6.*

calme and quiet, the end fearefull and turbulent; but in a Comedy contrarily the beginning is turbulent, and the end calme. Another difference which *Antesignarius* hath omitted is behouefull for vs to knowe, namely that the Tragedians did weare vpon the stage a certaine shooe, comming halfe way vp the legge in manner of buskins, which kind of shooe was called by them *Cothurnus*, and from that custome it hath bene occasioned, that *Cothurnus* is translated to signifie a Tragicall and loftie stile, as *Sophocles digna Cothurno*, matters beieeming *Sophocles* his stile: and sometimes a Tragedie it selfe. The Comedians did vse an high shooe comming vp about the ankle, much like a kind of shooes which plough men vse to weare to keepe themselves out of the durt. This kinde of shooe is called *Soccus*, by which word sometimes also is signified a Comedy, as

Hunc socci cepere pedem grandesq, Cothurni. Horat.

g Antefig. ib.

¶ All these sorts of stage plaies both *Mimicall*, *Satyrical*, *Tragicall* and *Comical*, if they are acted according to the *Gracian* rite and custome, then were they called *Palliatæ*, from *Pallium*, a certaine mantle which the *Gracians* did vse to were, if according to the *Romane* maner, then were they called from the *Romane* gowne *Togatæ*.

CAP. 12.

De Troiano ludo, siue Troia.

a Holpin. de
orig. fest.

IT was custome among the *Romans*, sometimes in the yeare to haue a generall muster of the younger sort, who meeting in the cirque, exercised there running, racing, riding at tilt, and other such like feats of activitie, whereby they might be trained vp for their better service in the war. They chose a Captaine, one or other of noble birth;^a He was called *Princeps iuventutis*. They divided themselves into distinct companies, sometimes marching forward, one against

gainst another, sometimes retiring backward, sometimes skirmishing, sometimes imbatling themselves in one forme, sometimes in another, as if it were a true field pitch. A large and full description hereof we haue in *Virg. Æn. 5.* This game was called *Troianus ludus*; or simply ^d*Troia*, without the addition of any other word, because *Ascanius Aeneas* his sonne first brought it out of *Troy*, according to that of *Virgil.* in the fore-quoted place.

*Hunc morem, cursus, atq; hac certamina primus
Ascanius, longam muris cum cingerit Albam,
Rettulit, & priscos docuit celebrare Latinos.*

Among other sports vsed at this time, ^ethere was also a kind of moriske daunce, wherein the younger men danced in har-
ness, after a warlike manner, being thereby trained, to exer-
cise all parts of their body, by sundry gestures, as well to a-
void all venues and defend themselves, as to annoy & offend
the enimies. This kinde of dance is generally called *Pyrrhica
saltatio*; because it was invented by ^f*Pyrrhus*. Yea ^gsome
say, that *Suetonius* taketh *Troianus ludus*, and this *Pyrrhica
saltatio*, for one and the same thing. Nay *Alexander* con-
foundeth both these, with those other games tearmed *Iuue-
nales ludi*. But doubtlesse herein he was mistaken, for those
Iuvenalia, were instituted by ^h*Nero* at the shauing of his
beard, and had not their name, because young men were the
chiefe actors, but because old men would now by the pra-
ctise of youthfull sports, turne young againe. The actions at
this time were so farre, from fauoring of military discipline,
that on the contrary, they were for the most part effeminate
and wanton.

^d *Suet. in Iul.
cap. 39.*

^e *Alex. ab A-
lex. l. 6. cap. 19.*

^f *Plin. l. 7. c. 56*

^g *Serv. in l. 5.*

Æn. It. Alex.

ab Alex. ioco

supra citato.

^h *Sueton. in*

Meron c. 11.

ⁱ *Cœl. Rhod.*

lib. 19. cap. 22.

^k *Rosin. Rom.*

antiq. l. 5. c. 22.

De tesseris, talis, & latrunculis.

o Alex. ab A-
lex. lib. 4. c. 2.

p Sueton. Aug
cap. 40.

BEfore we treat of the game called *Ludus tesserarius*, it will not be amisse first to cleere the word *tessera* from all ambiguity. The word hath foure remarkable significations, all alluding to matters of antiquity, First it signified a watch word among the souldiers in the campe, whereby they discerned their enemies, or spies, from their own fellows; o *Alexand. ab Alexandro* giueth many examples hereof: *Augustus Caesar* in his camp, gaue for his watchword *Venus genetrix*. *Pompeius magnus* gaue for his, *Hercules invictus* &c. & this was called *Tessera militaris*. 2^{ly} There was *Tessera frumentaria*, a certaine ticket, or token giuen by the Magistrare vnto the poore, at the rendring whereof, p at the beginning of every month, certaine doles & measures of corne were giuen; it is evident that at first there were such monthly distributions of corne, even by that endeavour of *Augustus* his, who for the avoiding of trouble, would had reduced all to three set distributions in the yeare, but prevailed not: sometimes instead of corne, or happily over and aboue the corne, there were at certaine times, doales of mony giuen to the poore, which doale whosoever receaued, tendred his token or bill of exchange, termed *Tessera nummaria*; these two last acceptions, although they may be distinguished, yet because they both tended to the reliefe of the poore, I haue ioined them together, Thirdly, there was *Tessera hospitalis*, a certaine token of wood, or such like matter, which vsually was cut in two by those who had engaged themselves mutually to entertaine each other, whenioever entertainment should be craued, yea this wooden ticket or tally being mutually accepted, it was lawfull for their posterity bringing this token, to challenge hospitality. Thus he in *Plautus*, ha-
ving

ving formerly vsed *Antidomus* as his hoast. after *Antidomus* his death, hee commeth vnto *Antidomus* his adopted sonne not doubting of entertainment for saith hee. *Deum hospitalem, ac tesseram mecum fero*, Hence from this custome, or tendering a token when hospitality should be craued, that adage hath been deriued *Tesseram hospitij confregit, id est*, He hath broken the league of hospitality. Lastly, *Tessera* signifieth a dye, where wee must note that the word *alea*, which commonly is translated a dye, is a generall word, applyed equally both to the *Tessera*, and the *Tali*, to denote the vncertainty of both games, *Tessera*, properly signifieth a dye; *Talus*, an huckle bone, such where with children play *Coc-kall*. In determining the severall chaunces in these playes, Authors are not onely diuers, but in many things contrary each to other, neither can any certainty be gathered from their writings; whether my coniectures drawn from comparing their severall and contrary writings, may giue light for the right vnderstanding of decayed knowledge herein, I shall willingly submitte my selfe to the censure of the iudicious. The severall chaunces which I reade of are these, some arising from the number of poynts in the dye, as *Senio*, *Monas*. More vsually amongst the Grecians; & these two were termed *Κῶος*, & *Χίος*, ὁ μὲν γὰρ *Χίος* ἐδύνατο ἕν, ὁ δὲ *Κῶος* ἑξ, *id est*, *Chius* answered our *Ace*, *Cous* our *Six*. And this is confirmed by a proverbe in vse among the Græcians. *Κῶος πρὸς Χίον*, which the learned interpret to be, a comparison of vnequalls: a Pygmie, with a gyant, others named from the number I reade not of: Perhaps they played not with a single dye, but with three as wee vse in *Passage*, whence their chaunces might haue their name, not from the number of poynts in each severall dye, but from them all being cast. But that the *Tessera* had poynts in them, appeareth by the testimony of ^a *Turnebus*: And hence *Numeri*, is sometimes, vsed for *Tessera*. ^a *Turneb. adu lib. 5, c. 6*

Sen ludet numerosque manu iactabit eburnos.

P

Ouid.

Ovid. 2. de Art. Amand.

b Turn. adu.
lib. 6. c. 10.

That they vsed more *Tali* in their plaies, then they did *Tessera*,^b *Turnebus* observeth from that verse.

Non sum talorum numero par tessera.

c Cœl. Rhod.
l. 20. c. 27.

Martial. 14. epigr. 15.

d Cœl. Rhod.
l. 20. c. 18.

e Turn. adu. l.
5. cap. 6.

c *Calius Rhodiginus* speaketh more distinctly, saying that in their play they vse three *Tessera*, but foure *Tali*. These *Tali*, were sometimes called *Vulturij* as appeareth by the same d *Rhodiginus*, and likewise *Reguli*, the reason of both is rendered by e *Turnebus*, he being of opinion, that these *Tali*: had not points in them as the *Tessera*, sayth, *pro numeris effigies animalium habebant ut vulturum, aut regulorum*, that they were termed *Vulturij*, is probable by that of *Plautus*.

Tace parumper, iacit Vulturios quatuor.

Plant. curcul. Act. 2. sc. 3.

But that the cocklebones should be called *Reguli*, I somewhat doubt, for no question: but *Regulus* and *Basilicus* in this place signified one and the same thing, the one being the *Latine*, the other the *Greeke* word, now *Basilicus* as shall presently appeare, signified the whole chaunce. So confused are the opinions of Authors herein, that to assigne the reason for euery chaunces name, or to reduce euery chaunce determinately, either to the *Tessera*, or the *Tali*, I thinke it impossible. Only some may bee thus reduced, and in generall wee may conceiue probably, which chaunces were fortunate, which vnfortunate. The vnfortunate chaunce in the *Tali*, was commonly called *Canis*, or *Canicula*, or *Chius*:

f Lips. antiq.
lect. lib. 3. c. 1.

The most fortunate chaunce *Venus*, or *Basilicus*, f *Lipsius* taketh them both for one, and that not without ground, if we compare *Horace*, and *Plautus*; both of them treating of that old custome of throwing these cocklebones at their feasts, for they choice of their *Modiperator*, or master of the feast, which should prescribe lawes for drinking to the whole company.

Venus arbitrum,

Dicet bibendi. saith *Horace*.

Iacto Basilicum, propino magnum poculum.

Saith *Plautus, curcul:* and why may not this Cast be iustly termed *Basilicus*, seeing the *Mediperator* hereby designed, was by the *Gracians*, not only called *συντολαγχος*, but also *Βασιλευς*, King, Prince, or chiefe commander at the table. This cast was then brought to be thrown, when all foure cockleboes appeared not one like the other, but all with different faces, *Venus consurgebat ex talis quatuor iactatis, ubi diuersam omnes ostendissent faciem:* with whome accordeth ^g *Cael. Rhod.*
^h *Turnebus. Venus erat, cum nullus eodem vultu stabat talus* lib. 20. c. 27.
Hercules was also a lucky throw, but whether the same as ^b *Turn. adu.*
Venus? I haue not yet learned. lib. 5. cap. 6.

The games with the *Tessera* I make no question were diuerse, the ignorance of which, they being long since out of vse, haue caused much obscurity in this matter, one game there may seeme to haue bin in vse, where the iust number of eight seemeth to haue bene the chiefe cast, It was called ⁱ *Stesichorius iactus*, or *Stesichorius numerus*. The reason is rendred by *Rhodiginus*, because *Stesichorius* his tobe, erected at great charges for greater magnificence, *Ex octonis constabat omnibus, id est* consisted of many eights; to wit, eight angles, or corners; eight columnes; eight stepps. or greefes. In their common game, the most fortunate throw is thought to haue bin three *Sices*. wee call it in *Passage*. a *Royall Passe*, whence it was commonly called *Senio*;

ⁱ *Cael. Rhod.*
lib. 20. cap. 27.

---- *Quid dexter senio ferret*

Scire erat in votis, damnosa canicula quantum

Raderet, angusta collo non fallier orca. Pers. Sat. 3.

Which one place of *Persius*, giueth light to this in three things. First, that the winning cast, was tearmed *Senio*, and if you make *Basilicus*, a terme common both to dice, & cocklebones; as *Venus* is, we may fitly render it, a *Royall passe*. Secondly, the loosing cast *Canis* or *Canicula*, in English a *Dogge Chaunce*. Thirdly the manner of their play, both in their Dice, & Cocklebones, was by casting them, not imme-

diatly out of their hand, but out of a dish or narrow mouth-
ed vessell, that there might be faire play, without striking, or
cogging the dye; this vessell *Persius* calleth *Orca*, and descri-
beth it to haue a narrow mouth, streight necke. *Horace*
applyeth it vnto the *Tali*, *Satyr*, 7. l. 2.

Mitteret in Pyrgum talos ---

Calling it *Pyrgus*, vsing the Greeke word *πύργος* a tower, or
steeple so called from *πύρ* fire; because the forme thereof, be-
ing *acuminata*, resembleth the rising of fire: the word inti-
mateth *Horace* his *Pyrgus*, to haue beene of the like forme,
with *Persius* his *Orca*. But to returne to the game, the chiefe
cast as I said was thought to be when three *Sices* appeared;
which opinion is strengthned, by that common prouerbe:
Aut tres sex, aut tres tesserae, id est, either three *Sices*, or
three *Acēs*. And the first of these being the best, the other the
worst chance in the Dice: The prouerb implyeth thus much,
I will put all to the hazard, I will winne all or loose all. This
cast was also called *Mydas*, for as *Rhodiginus* speaketh, *In*
Tesserario ludo, Mydas iactus erat fortunatissimus, with who
accordeth ^k *Dempster*, prouing it out of *Suidas*.

^k Dempst. an-
tiq. Rom. lib. 5
cap. 1.

Mydas ὁ ἐν τῷ τesserario ἀτυχότατος

Mydas in tesseris consultor optimus.

This name signifieth the best chaunce, was not appropriated
to the *Tessera*, but sometimes also signified the fortunatest
chnace of the *Tali*. Likewise from that of *Martial*. lib. 13. l. 1.

Senio nec nostrum cum cane quassat ebur.

^l Erasmi, adag.
Chius ad
Colum,

It is noted by ^l *Erasmus*, that as often as an *Ace* hapned to be
throwne together with a *Sice*; so that *Senio*, and *Canicula*
appeared together at one throwe, it was a loosing cast. ^m *Sue-*
tonius is cleere in the prooffe hereof, if for *Aut* we substitute
Et, which vnlesse we doe, it will be a matter of great difficul-
ty, to make congruity of sence. His words are *Talis enim ia-*
ctatus, ut quisq; Canem aut Senionem miserat, in singulos talos,
singulos denarios in medium conferebat, quos tollebat vniuersos
qui Venerem iecerat. Turne *aut* into *et*, the sence is obuius,

Looke

Looke who threw an Ace and Sice together for every dye he staked and laid to the stocke a Dinere; which he tooke vp and swooped all cleane, whose luck it was to throwe *Venus*. *Euripides*, as I take it, was not a chaunce but a kinde of game, much resembling that which is in vse with vs, called one and thirtie: The number of that game was *fourty*, and the game called *Euripides*, because *Euripides* was one of the *fourty* chiefe gouernours in *Athens*, when the thirty Tyrants were deposed. The reason of my coniecture is taken from *Rhodiginus* whose words are these: *Euripides numerum continebat quadragenarium quoniam uidetur unus fuisse Euripides praefectorum quadraginta, post triginta Tyrannos Athenis exactos*. From all we may note, that the *Iactus pronus*, or *Iactus plenus*, that is the lucky cast, wee may english it *Take all*, was comonly called *Senio*, *Venus*, *Cons*; the *iactus supinus*, or *iactus inanis*: was likewise commonly knowne. by nlo other name then *Canis*, *Canicula*, or *Chius*, we may English it *Blanke*.

Some haue delivered their minde touching these plaies thus that the *Tali*, or Cockle bones had but foure faces or sides, and therefore yeelded foure chaunces, and no more; the first is called *Canis*, or *Canicula*, or answering to our Ace: and it was the worst of all: the opposite vnto it they tearme *Venus*, or *Cons*, and is accounted the best: *Mercula* against sense vnderstandeth the number of seauen by it, it may stand for our *Sice*. The third bore the name of *Chius*, proportioned to *Trey* with vs, and the last *Senio*, which is as much as *Quatre*. For in these *Tali* there is no chaunce of *Deaur*, or *Cinque*. This opinion at first I confesse seemed plausible to me, but how fully it discouereth the game, and how agreeable it is to antiquity let others iudge. The chaunces of the dice, or cocklebones, as they were tearmed *Iactus*, & *Missus*, castes: so also were they called *Manus*, figuratiuely, as every stroke in the fencing schoole, was tearmed *Manus*: The first acception of *Manus*, is prooued out of *Suetonius*,

n Coel. Rob.
lib. 10. cap. 27.

o Barthol Me
rula in Ov. de
art. amand. l. 2.

p Lips. Satur.
lib. 2. cap. 20.

q Suet. Aug.

where 7¹.

where *Augustus Caesar* speaketh thus. *Si quas manus remisi cuiq; exegissem, aut retinuissem quod cuiq; donavi, vicissē &c: id est, If I had exacted those chaunces which I remitted every one, and kept that which I bestowed, I had gotten &c. The*

† *Quint. lib. 5. cap. 14.*

second acception of *Manus*, is confirmed by † *Quintilian*, who calleth the second, third, and fourth strokes in fencing, *secundas, tertias, & quartas manus*. Our English phrase is not much vnlike; He hath had a good or bad, lucky or vnlucky hand. Another game there was of like nature played with table-men, the word *Latrunculus* translated a table-man, doth properly signify an hired souldier, such a one as serued for pay: whence *Latro*, whose diminutiue *Latrunculus* is, hath his denomination ἀπὸ τῆς λατρευεῖν ἀσθενείας. In this sense the word is vsed by † *Plautus*.

† *Plaut. mjl. glor. Act. 1. sc. 1.*

*Nam rex Seleucus me opere orauit maximo,
Ut sibi latrones cogerem, & conscriberem.*

Secondly, because souldiers are so prone, and apt to commit robberies, hence *Latro*, and *Latrunculus*, hath beene vsed also to signifie a theife or robber. And thirdly in a borrowed sense, these words are applied to signifie tablemen, or chessmen; because this game hath the expresse forme and representation of a warre, or battle, fought between two armies: Insomuch that † *Pyrhus* King of Epire, being skillfull in plotting stratagems, first taught his souldiers that art of projecting, by plaies and representations therof in the tablemen.^u Some are of opinion, that it was first inuented in the seige of Troy, by *Palamedes*, who that he might keepe his souldiers in better order, allowed them this kinde of recreation, whence these chesse-men, are sometimes called *Palamediaci calculi*, they were made sometimes of wax, sometimes of glasse, sometimes of other matter, The game seemeth to haue beene the very same with that which we call chesse. Other games there were of lesser note for recreation, of which sort were principally these that follow; *Petaurum*, *Discus*, *Pila*, *Trochus*, *Nuces*, πύλαυρον, from whence this latine word

Petaurum

† *Donat. in Terent. Eun. Act. 4. Sc. 7. ad Illud, Idem. hoc iam Pyrrhus fecitavit*
‡ *Stuidas in voce πύλαυρον*

Petaurum commeth, signifying properly a perch or pole, on which poultry roost, and hence the rope or staffe on which light persons were wont to dance, and try masteries, was termed *Petaurum*. It signified also a certaine hoope, or wheele, through which actiue persons would runne swiftly, their body so warily carried, that in their running, they would not touch the hoope or wheele, to this purpose *Alex. Neop.* speaketh. *Fuit quoq; petauri ludus admirationis precipue, cum per circulos, quisspiam veloci cursu transuolat, corpore ita librat, ut circulum non offendat.* Such tumblers as were practized in this kinde of actiuity were thence called *Petaurista*. *Discus* was a round stone in manner of a bowle, sometimes made of yron, or brasie, whosoever could cast it farthest got the victorie: the players thereat were called *δισκοβόλοι*, from *δίσκος* and *βόλλω* to dart, or cast out any thing. *Pila* it signifieth a ball, and of it there were many sorts. 1 *Harpastum*, which we may English a Foote-ball, ^b This ball being put downe in the middle, two companies of young men, stroue who should driue it through the others goale. 2^{ly} *Pila* which signified a distinct kinde of ball so called, from the haire with which it was stuffed. 3^{ly} *Follis*, light kinde of ball, so called because it was stuffed with a bladder: with this old men, and young children played. 4^{ly} *Paganica*, this had its name à *pagis*, from villages and country townes, where it was chiefly in vse, it was stuffed with feathers of all these. *Martial. 14.45.*

*Hæc quæ difficilis turgēt paganica plūmā,
Folle minū laxa est, & minū arcta pilā.*

Fiftly *Trigonalis*, & this I thinke both the *Pila*, and the *Follis* were called, in opposition to the *Paganica*: the reason of the name is taken from the forme of the tennis-courts, which because they were three square, in manner of a triangle, hence was the ball with which they played in such courts termed *Trigonalis*. The players themselues. were termed *factores*; those that did cast in the ball into the court, were called simply *datores*; and ^d hence *datatum ludere*, is to play at ball

^a Alex. ab A.
lex. l. 3. c. 21.

^b Alex. ab A.
lex. ibid.

^c Cœl. Rhod.
lib. 2. c. 13.
^d Turneb. ad-
vers. l. 7. c. 4.

ball, or else, we may imagine the reason of this phrase to be, because such as in their play by negligence did let downe the ball, did *suram dare*: hold out their legge, to haue the ball snug at it. *Trochus*, it signifieth a top, as it were commonly called *Trochus*, from *τρέχω* to runne, because of the swiftnes thereof: and likewise *Turbo* in latine, for the same reason: so sometimes it was called *buxum*, from the matter whereof it was made, as.

--- *Buxum torquere flagello. Pers. sat. 3.*

Nuces, with nuts they had many plaies, some of which are at this day in vse. One holding an vncertaine number of nuts in his hand, his fellow that plaied with him, was to diuine whether the number was even or odde. This *Horace* calleth.

Ludere par impar.---

The *Grecians* ζυγὰ ἢ ἀζυγὰ. of this *Ovid. de nuce.*

Est etiam, par sit numerus qui dicat, an impar:

Ut divinatus auferat augur opes.

Sometimes they piled their nutts, three beneath and one on the toppe, in manner of a castle, of this *Ovid*: speaketh likewise.

Quatuor in nucibus non amplius alea tota est,

Cum sibi suppositis additur vnatribus.

Yea, these nutte-games were so many, and so peculiar to children, that striplings growing into mans estate, were still reputed children, vntill they forsooke these nutte-sports, whence *nucibus relictis*, sounds as much, as childishnes being past: and this is thought to be the reason, why the ^cbride-man, as soone as he was married vsed to cast nutts among the people: intimating thereby a farewell to such childish pastimes. Many other childish games they had, among which one resembled our crosse and pile: ^fthey termed it *Capita vel navim*? because the coyne which they flipp'd or tossed into the ayre, bore stamped on the one side *Ianus* his two faces, on the other side a shippe.

^e *Rosin. ant.*
Ram. l. 5. c. 27.

^f *Anton. Constant. in Ovid.*
Fast. lib. 1.

CAP. 14.

De mensis & convivij Romanorum.

BEfore wee proceed vnto the description of the Roman tables, wee will explaine those five tearmes, *Ientaculum*, *Prandium*, *Merenda*, *Cœna*, & *Commissatio*, which five words doe signifie the five severall feedings each day, which children, old men, labourers, travellours, & such like, did vsually obserue; for others of healthier and stronger constitution, did commonly eat but one meale, at the most but two in the day. *Ientaculum* signifieth their break-fast, and it had its name, like as our English word hath, ^a *ieiunio*, from fasting: In former times it was called ^a *silatium* from *Sile*, the name of a certaine hearb, with the root whereof, they were, wont to season that wine, which they had at breakfast: For as ^b *Plutarch* saith, their break-fast was nothing but a sop dipped in wine. In the same place, hee like wise saith, that in old time they had no dinner, but that which we call *Prandiū*, was the same with them as *Ientaculum*, and thus much the Greeke word *ἀγισον* signifying a dinner, doth intimate, it being so called, *quasi ἀγισον*, from *ἀγισον*, which signifieth the morning. The name *Prandium*, which we render a dinner, was so said *quasi πᾶν ἑσπῆριον*, signifying noone-tide, or mid-day. The third time of taking meat, was called *Merenda*: we may english it our afternoones beauer: it was called also *Antecanium*, because it was taken a little before supper. ^c *Merenda est cibus qui declinante die sumitur, quasi post meridiem edendus, & proxime cœne; unde & Antecanium à quibusdam dicitur.* The fourth time, was their supper, called *cœna*, *quasi κοινὴ*, which signifieth as much as *Common*, ^d *quia antiquitus seorsim solebant prandere Romani, cœnare cum amicis*: Their fift and last time of feeding, was called in Latine *Cōmessatio* by some, by most *Comeffatio* à *comedendo*. ^e *Ioannes*

^a *Rosin. antiq. lib. 5. c. 27.*

^b *Plut. in sym. lib. 8. q. 6.*

^c *Lust. Lipl. cent. 1. ep. 65.*

^d *Plut. symp. lib. 8. q. 6.*

^e *In orat. pro M. Cœlio.*

Flazius dere.
pub. Rom. 13.
cap. 3.

nes Tristinus saith, that it is a beauer taken after supper, or a night drinking. But the chiefe feast; where at they gaue entertainment, being their supper, we will consider these three things therein. First *accumbendi vel discumbendi rationem*, that is the manner of their lying at supper (for they did neither stand, nor sit at table as we doe:) secondly, the forme & fashion of their table; and lastly the parts of their supper. The place where they supped was commonly called *Cenaculum à cena*, as our dining chamber is so called from our dinner. It was also called *Triclinium* or *Biclinium*, from *κλινη* a bed: for some times their were three beds, sometimes but two about the table, vpon which the guests did sit, or rather lye along. In this dining parlour, was placed a table, sometimes made quite round, and for the common sort of people it was made of ordinary wood, standing vpon three feet; but for men of better ranke, it was made of better timber, inlaid sometimes with wood of diuers colours, sometimes with silver, and it stood vpon one whole intire foot, made of Iuory, in the forme of a great lyon, or Leopard, &c. Vnto the meaner sort of these tables Horace alludeth.

---- *Modò sit mihi mensa tripes.* Hor. Serm. 13.

Vnto the other Iuvenal. Sat. 11. vers. 122.

---- *putere videntur*

Unguenta atq; rose, latos nisi sustinet orbes

Grande ebur, & magno sublimis pardus hiatu.

Sometimes this table was made in the forme of an halfe moone, the one part thereof being cut in with an arch or semicircle, and then it was called *Sigma*, because it did much resemble the letter *Sigma*, which as it appeareth by certain marble monuments, was in old time made like a Roman C. Hence is that of Martial. lib. 14. 87.

Accipe lunata scriptum testudine sigma.

If any man should demaund the reason, why they cut their table in that forme, I must confesse I haue not read any reason in any author bearing shew of probability, My conjecture

g Rom. antiq.
13 c. 28.

lecture is this. It is agreed vpon by most authors, that in the round tables the one quarter was reserved void from guests that the waiters might haue a conuenient roome to attend: therevpon it seemeth not improbable vnto mee, that this crooked arch was made for the waiters. I acknowledge that this *Sigma* hath beene translated diuersly by diuers writers, as it appeareth by *Lipsius* in the forequoted place. By some it hath beene taken for the parlour, or supping chamber: so *Lipsius* in his *Antiquities*; by others for the supper or feast it selfe: so *Calius*. By *Lipsius* since it hath beene thought a certaine place, erected in the manner of a hemicycle, or halfe moone, against which they did place one continued bed, able, to take six or seuen guests. But *Brodaus* and *Ditmarus*, in my opinion, haue more truely taken it for the table it selfe. About the table that was perfectly round, were placed three beds, couered with tapestrie, or some other kinde of couering, according to the wealth and abilitie of the person, and thus.

-----*Srato discumbitur ostro;*

the beds being ready furnished, the guests lay downe in manner as followeth. Each bed contained three persons. Sometimes foure, seldome or never more, except at their great and more solemne feasts. If one only lay vpon the bed, then he rested the vpper part of his body vpon his left elbow the lower part lying at length vpon the bed: but if many lay vpon one bed, then the vppermost did lie at the beds head, laying his feet behind the second his back; the second rested his head in the others bosome, hauing a cushion put betweene, laying his feet behind the thirds backe; in like manner the third and fourth did lie. The number of the guests was not great, seldometimes exceeding nine whēce *A Gel-*
lius ^hsaith, that the number of guests should begin with the *Graces*, & end with the *Muses*, that is, they must not be fewer then three, nor more then nine. This also hath bin the reason of that adage. *Septē convivium, novem convitium faciunt.*

b A Gel. noct.
Attic. 13. c. 11.
Tribus aut no-
vem miscetur
cyathis pocula
commodis. Qui
musas amat im-
pares, Ternos ter
cyathos atton-
tus petet
Vates: tres pro-
hibet supra
Rixarum metu-
ens tāgere Gra-
tia Nudis iun-
cta sororibus.
Horat. carm.
1.3. Od 19.
i Alex. Gen.
dier. 1.5. c. 22.

k Stuckius de
conv. l. 2. c. 2.

Heliogabalus seemeth to to have beene delighted with the number of eight, k whence he invited to supper *otto calvos; otto luscus; otto podagrosos; otto surdos; otto rancos; otto insigniter nigros; otto insigniter longos; otto prapingues; & otto, nassutos; delectatus illo Græco proverbio, ἀπαντοκτά*. Those that were not invited, but came of there owne accord vnto a feast without bidding, by *Plautus* they are called *Musca*, flies; by others they are called *Vmbra*, shadows. Hence is that of *Horace*.

----*Locus est pluribus umbris.*

The party which invited the guests, sometimes expressed his earnestnesse, by pulling and hailing one by the cloake: whence *Stuckius* obserueth, that when they would shew how earnestly they were invited, they would say, *Penulam mihi scidit*; he tore my cloake off my shoulder. Againe on the other-side, when they would shew, how easily the guest was intreated, they would say *Illius ego vix tetigi penulam, tamen remansit*. Before the guests sate downe, their shooes were usually pluckt off, that they might not foule the beddes, on which they did lie ^l.

l Terent. in
Heautont.

Accurrunt servi soleas detrahunt,

Video alios festinare, lectos sternere, coenam parare.

m Cæli. Rhod.
27. c. 26.

n They likewise did gird their heads with fillers and haire-laces, as often as they intended to drinke more then ordinary, thereby to prevent the vapours, which otherwise would annoy the head: for which reason, they did likewise n vse garlands of yuie, and mirtle-tree, and roses; the coolenesse of which comforted the braine. These garlands were also *Symbolum plenæ libertatis*, a token of their full liberty. The carver in these feasts, was called from his artificiaall setting and ordering the dishes vpon the table *structor*; & from his artificiaall carving and cutting vp of the dishes, *Carptor*. *Trypherus*, as appeareth by *Iuvenal. Satyr. 11.* was famous for his skill in carving: he did set vp a schole, teaching such as came vnto him by rules and precepts; and also shewing them the manner

n Plin. l. 16. c. 1.

manner of earuing; which that he might the better do, he furnished a table with severall dishes of meat, formed and fashioned in wood, with a dull knife, shewing his schollers after what manner, and with what gesture of their body, they should cut vp this or that dish. This supper, because of the wooden dishes of meat, was called *Cæna ulnea*. They divided there supper vsually into three parts, which they termed their first, second, & third course. In the first course commonly was serued mulberies, lettices, sausages, & alwaies eggges: as likewise in the last course (whether the second, or third) were serued, nuts, figs, grapes, but alwaies apples: P whence we say proverbially, *Ab ovo ad mala*, from the beginning of the feast to the end, or simply, from the beginning of any thing to the end thereof. The middle course, was the maine supper, and the chiefe dish thereof was called *Caput cænae*: In *Lipsius* his phrase, it is called *q Fundus & fundamentum cænae*. Their first messe they called the *proœmium*; the last the *epilogue*, which because it consisted so much of sweeter and delicious meats, hence did they apply that vnto the second course, *αἱ δευτέραι ὀψῳδῖαι σοφώτεραι, id est, Secundæ cogitationes sunt sapientiores*. If the table were well furnished with plentie and variety of dishes, it was called *Cæna recta*, or *cæna dubia*: *Recta* in this place signifieth as much as *vera*: thus *ἰσθῆς*; among the *Græci*ans, sometimes signifieth *verus & sincerus*. The phrase intimateth, that it was a true supper, opposed to that dole of meat distributed by prince to the people which from the panier or basket, in which it was brought, was called *sportula*: sometimes they distributed money instead of meat: this also was named *sportula*: so that *sportula* denoted any kind of dole either of meat or mony, which as often as it was giuen in lieu of a supper, it was opposed to *cæna recta*. Yea sometimes by *sportula* wee may vnderstand a light and short supper.

Promissa est nobis sportula, recta data. Martial.

The reason why a great feast should be tearmed *cæna dubia*,

o Stuk de
conv. l. 3. c. 3.

p Panciroll.
lib. rer deper-
dit cap. decibi
capiendi mo-
do

q Stuk. lib. 3. de
conviv.

Turneb. adv.
lib. 5. cap. 10.

is, because in such variety of dishes, the guest is many times doubtfull of which to beginne. Contrary to this is *cana ambulatoria*, a supper where one dish walketh through the table.

LIB.





LIB. 3. SECT. I

Of the Roman Assemblies.

De Comitijs.



IT HER-VNTO haue wee insisted vpon the description of the most remarkable parts of the *Roman* citie, together with the severall divisions of the *Roman* people, as also the *Roman* religion; where wee haue seene the generall divisions of their Gods and their sacrifices, with their ceremonies therevnto belonging, and likewise of the *Roman* games both greater and lesse. Now are wee to proceed to that part of government, which is politicall or civill: where wee will first speake of their assemblies called *Comitia*, then of their civill magistrates, afterwards of their punishments, and lastly of so many of their ciuill lawes, as I haue obserued needfull for the vnderstanding of *Tully*, and that principally in his *Orations*. For the more easie conceaving of all which I haue præfixed one Chapter of the *Roman* yeare, treating there; of the *Calends*, *Ides*, and *Nones*, the knowledge of which is needfull for that which followeth.

CAP. I.

De Anno & partibus eius

INasmuch as there cannot be a full knowledge of the Roman assemblies, without some generall vnderstanding of the Roman yeare, and the generall distinctions of the Roman daies, it cannot bee but worth our labour in this short chapter, briefly to consider what may bee spoken therein. This word *Annus*, is so called *quasi Annulus*, because (as the Greeke word *ἐνιαυτός* signifieth) *ἐν ἑαυτοῦ ἑστ*, id est, *in se conuertitur annus*: which was the reason, why the Egyptians in their mysticall cyphers (called *litera hieroglyphica*) did vse the picture of a serpent, hauing his taile in his mouth, to signifie an yeare. The time or space, of this yeare hath beene diuerse, according to the diuersitie of nations. ^a Some allowed no more daies to an yeare, then we doe to a month, whence that monthly space which the Latines called *Mensis* from ^b *μῆν*, signifying the Moone, they called *Annum Lunarium*. Some allowed foure months, some six months, some tenne. And thus *Romulus* measured his yeare, counting the months either from the number of our fingers, or from the time that a woman goeth with child, or from the time that a widdow commonly mourned for her husbands death, or lastly from the multiplication of vnities which in a simple number doth not exceed ten.

^a Vid. Plin. lib. 7. cap. 48.

^b Paulus Mar. in Ovid. Fast. lib. 1.

Quod satis est utero matris dum prodeat infans,

Hoc animo statuit temporis esse satis.

Per totidem menses a funere coniugis uxor

Sustinet in vidua tristitia signa domo. Ovid. Fast. lib. 1.

Annus erat, decimum cum Luna receperat orbem,

Hic numerus magno tunc in honore fuit.

Sen quia tot digiti per quos numerare solemus,

Sen quia bis quino famina mense parit,

Sen

Sen quod ad usq, decem numero crescente venimus,

Principium spatij sumitur inde novis. Ovid. Fast. lib. 3.

Thus *Romulus* his yeare contained of months ten; of daies 304. But after this *Numa* added two months,

At Numa nec Ianum, nec avitas praterit umbras.

Mensibus antiquis addidit ille duos. Ovid lib. 1. Fast.

Numa,^c or as some say, *Tarquinius Priscus* perceauing that the months did not alwaies fall out alike euery yeare; but sometimes the same month would happen in the summer, sometimes in the winter, therevpon after long study & many iustructions from the *Grecians*, finding the reason of this confusednesse, hee added vnto *Romulus* his yeare fifty daies, so that the whole yeare afterward was divided into twelue months; because the moone had finished her course twelue times in that space; beginning their yeare then at Ianuary: because then in his iudgment was the fittest time to beginne the yeare, when the sunne being farthest from vs, did beginn to turne his course, and to come vnto vs againe; which is about Ianuary, the sunne being about the Tropicke of Capricorne. Afterward vpon a superstitious conceit of the odde number, *Numa* added one day more vnto Ianuary, so that whereas at the first *Numa* his yeare did agree with the *Grecian* yeare, both of them containing three hundred hftie foure daies; Now the *Roman* yeare contained three hundred fifty five dayes, which computation falling out too short for the true yeare by the space of ten dayes, and six houres yearly, it occasioned every eighth yeare in the interposition of 3 whole months, which they called their leap yeare:^d This confusednes afterward *Iulius Caesar* by long study remedied, adding the odder ten dayes vnto *Numa pompilius* his yeare. And least the odde six houres might at last breed disorder in their computation, he appointed that every fourth yeare a whole day should be inserted, next after the three and twentieth of February; which inserting they called *Intercalatio* from an old verbe *Intercalo*, and that day they called *Intercalarem*.

R

Now

^c Vid. George.
Merulam in
orat. pro Q.
Ligario.

^d G. Merula
in orat. pro
Q. Ligario.

e G. Merula in
orat. pro Q.
Ligar.

f Rolin. ant.
Rom. lib. 4.

* Hubert. l. 3.
epist. fam. 18.

g Suet. Octav.
Aug. c. 87.

Now the day following being the foure and twentieth of Februarie, was alwaies the sixt of the Kallends of March,^e & therefore because of the interposition of that day, they called the leap yeare *Annum bissextilem*, that is, the yeare where in their fallied out two daies, which they called *Sext. Calend. Martij*. And the day thus interposed, was called *dies bissextus*. This computation, which *Iulius Caesar* found out, wee haue embraced, & doe at this day follow, calling our yeare *Annum Iulianum*,^f and *Annum magnum*, having relation to the monthly yeare called *Annus Lunaris*; & sometimes this great yeare is called, *Annus vertens à vertendo*, because it is alwaies turning, and running on. * Moreover wee must remember, that the Romans did begin their yeare at March; whence that month, which since hath beene called *Iulius* in the honour of *Iulius Caesar*, was by them called *Quintilis*, because it was the 5. month: and that month, which since hath beene called *Augustus*: in the remembrance of *Augustus Caesar*, was by them called *Sextilis*, because it was their sixt month. Thus then the great yeare being diuided into twelue months, every month was diuided into three parts, *id est*, *Calendas*, *Nonas*, and *Idus*. The *Kalends* were so proper vnto the Romans, that *Augustus Caesar*, when he purposed never to doe what he was requested, was wont by way of proverb to say, that he would doe it *Ad Calendas Grecas*, that is to say in our English proverb, *At latter Lammas*, never. For the better vnderstanding of which, I shall insert three common verses.

*Principium mensis nostri dixere Calendas:
Sex Maius Nonas, October, Iulius, & Mars,
Quatuor at reliqui: tenet Idus quilibet octo.*

That is, the first day of every month is called the *Kalends* of that month. The 2. 3. 4. 5. 6. and 7. of these foure months, May, October, Iuly, and March, were called the *Nones* of that month: but in all the other months the *Nones* contained but the 2. 3. 4. & 5. day: so that the sixt day (for example
like

sake) of Ianuary was called *Nona Ianuaria*, or *Ianuarij*, the fourth *Pridie Nonarum*, or *Nonas Ian.* (For they vsed alwaies to say *Pridie Cal. Pridie Nonar.* and *Pridie Idum:* instead of *secundo Cal. Non. Id.*) The third day of Ianuarie, they called *tertium Nonarum*, vel *Nonas Ianuar.* the second day of Ianuary they called *quartum Nonarum*, vel *Nonas Ianuar.* After the Nones followed the Ides, which contained eight dayes in every month, so that the 15 day of the foure aforesaid months, were called *Idus Maij*, *Idus Octob.* *Idus Iulij*, and *Idus Martij.* In all the other months, the 13th day was the ides: as to proceed in Ianuarie, the thirteenth day was called *Idus Ianuar.* the twelfth *Pridie Idum*, vel *Idus Ianuar.* The eleuenth *tertio Iduum*, or *Idus Ian.* the tenth *quarto Iduum*, vel *Idus Ian.* the ninth 5^o *Id. Ian.* the eight 6^o *Id. Ian.* the seaventh 7^o *Id. Ian.* the sixth 8^o *Id. Ian.* After the Ides then followed the Kalends of the next month. As the fourteenth of Ianuarie was *decimo nono Calendarum*, or *Calendas Februar.* the fifteenth *decimo octavo Calend. Febr.* the sixteenth *decimoseptimo Cal. Febr. &c.* Where wee must note that as often as we vse *Pridie*, *tertio*, *quarto*, or any of those numerals with an accusatiue case, as *Pridie Calendas*, &c. the *Grammarians* say that this præposition *Ante* is eclipsed; Again every month had in its compasse three great markets, which because they were observed every ninth day were called *Nundina*, and the latter of them being the greatest is called by *Athenæus* τῆς ἑκτατης, which we may render *Trinundinum*, or *Trinum nundinum*. It followeth now that I should treat of the dayes, which are the lesser parts of the yeare: where before wee proceed, wee will consider the parts, which the *Romans* divided their day into.

Dies Crepusculi continet	Lucē, cuius partes sunt	<i>Diluculum.</i> The breake of day.
		<i>Mane.</i> The full morning.
		<i>Admeridiem.</i> The fore-noone.
		<i>Meridies, quasi Medidies.</i> Mid-day, or quasi
		<i>Morus dies.</i> Perfect day, Noone.
		<i>De meridie.</i> After noone.
		<i>Solis occasus.</i> Sunne setting.
		<i>Crepusculum,</i> The duske of the evening.
		<i>Primus fix,</i> Candle-tining.
		<i>Vesper.</i> The night.
	Noctem, cuius partes sunt	<i>Concubium.</i> Bed time.
		<i>Nox intempesta.</i> The first sleepe.
		<i>Ad mediam noctem,</i> Towards mid-night.
		<i>Media nox.</i> Mid-night.
		<i>De media nocte.</i> A litle after mid-night.
		<i>Gallicinium,</i> Cock-crowing.
		<i>Conticinium.</i> All the time from cock-crow- ing to the breake of day.

g Alex. Gen.
lib. 1. cap. 12.

The day and night againe were each of them divided into *primam, secundam, tertiam, & quartam vigiliam*, every watch containing three houres. The first of the night began at sixe of the clocke in the evening: and the fourth ended at six of the clock in the morning. These watches were distinguished by severall notes and sounds of Cornets, or Trumpets, that by the distinction and diversitie thereof, it might easily be knowne what watch was sounded. Moreouer wee must vnderstand that the *Romans*, vpon a superstitious conceit & obseruation of misfortunes and euill events falling out on some daies, and more happy successe vpon others, haue called the former sort of daies *Atros dies*, or *dies postriduanos*, & *Egyptiacos*: ἀπορῥῆας *Graci nuncupant*, perinde ac si nefandos dicas. The reason why they were called *Postriduanus* was because they thought *Dies Postridie, Calendas, Nonas, & Idus id est*, The next day after the Calends, Nones, & Ides, of every moneth to be vntfortunate; and the latter sort they called *Albos*

Of the Romane yeare.

I 33

Albos dies,^h borrowing the names from the *Scythians*, who vsed to chalk out the fortunate daies in their Kalenders with white characters, whence *Horace*. saith.

Cressa non careat pulchra dies notâ.

Other some, as their vnfortunate and vnluckie daies, were noted with a coale or blak character, according to that,
Nigro carbone notatus.

Againe their Kaleuder distinguished some daies for Holy-daies, which they called *Dies festos*, festiuall daies, or *dies Feriatis*, & *Ferias*, Holy-daies, because they did vpon such daies *Ferre victimas*, *id est*, offer vp sacrifices. Others were distinguished for working daies, which they called *Profestos quasi procul à festis*. The third distinction was of halfe holy-daies, which *ab intercidendo*, they called *Dies intercisos*, as it were daies cut asunder: the one part of them being allotted for worldly businesse, the other for holy and religious exercises.^k The *feria* were either *privata*, and so they belonged sometime to whole families, as *Familie Claudie*, *Emilia*, *Julia*, &c, sometimes to private persons, as every one his birth day, particular expiations, &c. or else they were *Publice* such as the whole common-wealth did observe: and they were of two sorts, the one called *Anniversaria*, which were alwaies to be kept on a certaine day,^l and therevpon they were called *feria statina*; the other *conceptina*, which were arbitrary, and solemnised vpon such daies as the Magistrats and Priests thought most expedient, whereof the *Latina FERIA* were chiefe: which *Latina FERIA* were kept on mount *Albane* to *Iupiter Latiar*, for the preservation of all the Latine people in league and confederacie with the *Romans*, and were solemnized in memorie of the truce betweene those two nations. Those *Feria* which were called *Imperativa*, and *Indictina*, because the *Consul*, *Praetor* or chiefe Pontifical, according to their pleasure *imperabant*, & *indicebant* *has id est*, commanded them, may in my opinion bee contained vnder that number of *Feria conceptina*, in respect of the vn-

^b Vid. *Erasm.*
Adag. vnione
signare.

ⁱ *Ascensius* in
epist. 3. illust.
vir. lib. 2.

^k *Rosin.* ant.
lib. 4. c. 3.

^l *Alex. Gen.*
dier. lib. 5. c. 7.

^m *Alex. Gen.*
dier. lib. 6. c. 7.
ⁿ *Serv. Aeneid.*
lib. 11.

p Carminum
lib. 2. Ode. 13.

p Ioach, Ca-
merat. pro
Flacao.
q Beriman. in
fuis andot. in
Rom Calend.
ad finem. Ov.
Fast.

certainetie of them. Another distinction of daies is found in the Roman Kalender, to haue beene in *Fastos*, whole court or lee-daies; *Ex parte Fastos*, Halfe court daies; *Nefastos*, Non-leet daies; though this word *Nefastos* be often expounded vnluckie, as in that of *Horace* touching the tree, *Ille nefasto te posuit die*, that is, Hee planted thee in an vnhappy time. These Daies were called *à fando*, from speaking; because vpon those daies which were *Fasti*, the *Prator* or *L.* chiefe Iustice might lawfully keepe court and administer iustice, which was not done without the speaking of these three words, *Do, Dico, and Addico*; p *Dabat actionem dicebat ius*; *Addicebat tam res quam homines*. Where by the way we must note, that sometimes these court daies were also called *dies comitiales*, because that vpon every such day which was noted in the Kalender for a coitall day, if the publique assemblies were not held, it was lawfull to keep court: whence not only *comitiales dies* doth signifie a law day, but *comitalis homo* also doth signifie a wrangler in the law, or a litigious person.

CAP. 2.

*De comitijs idq; Calatis precipue, de Rogationibus,
& antiqua scribendi ratione.*

Very assembly of all the *Romane* people being called together by a lawfull magistrate to determine any matter by way of giuing voices, is *à coeundo* tearmed *Comitia* simply, without the adiection of any other word; or *Comitia calata*, that is assemblies called together, from *καλώ* or the obsolete latine verbe *calo*, which signifieth to call: though afterward those assemblies onely, which were held either for the inauguring of some pōtify, some *Augur*, some *Flamē* or him that was called *Rex sacrorū*, or for the making of their wills & testamēts, were called *Calata comitia*.
Whence

Whence the will that was made in these assemblies was called *Testamentum calatis comitijs*. This kind of assembly is sometimes called *comitia pontificia*, and *comitia sacerdotum*, in that sense as others are called *Consularia*, or *Edilitia comitia*; namely because the pontifices in these, as the *Consuls*, and *Ediles plebis* in the others, were chosen. There followeth three others kinds of assemblies: for either the people did assemble themselves by parishes, called *Curia*; or by hundredths, called *Centuria*; or by wards, called *Tribus*. The first sort of assemblies they called *comitia Curiata*, the second *comitia Centuriata*, the last *comitia Tributa*.^b Where by the way we must note, that that thing which was determined by the *maior* part in any parish, hundreth, or ward, was said to be determined by that whole parish, hundreth, or ward and that which was determined by the *maior* part of parishes, hundreths, or wards, was said to be approued *comitijs Curiatis, Centuriatis, vel tributis*. Secondly we must note, that neither children vntill they were seenteene yeares old, nor old men after the sixtieth yeare of their age, were allowed to suffrage in these assemblies, whence arose that adage. *Sexagenarij de ponte dei jciēdi*: & old men were hence called *Depontani*, for the explication of which see before. Here before wee speake of those three seve all kinds of assemblies, wee will consider the manner of their proceedings in propounding cases vnto the assemblies.^d The custome was at first, that the *Romans* should bestow their suffrages *Viva voce*, but afterward that every one might with freer liberty giue his voice, they commanded certain wooden tables, wherein the names of those that stood for offices were written, to bee carried about, every suffrager receiuing so many tables, as their were suitors: then did the people giue back that table with whom they would suffrage. But if a law were to be enacted, then every suffrager receaued two tables, in the one of which were written theie two great letters V.R in the other was written a great *Roman A*. Those who deliuered these tables vnto the

a Ioan. Tiffi-
nus in orat.
pro Cælio.

b Sigon. de iur.
re Rom. lib. 1.
c. 17.

c Pars putat ut
serrent iuuenes
suffragia soli:
Pontibus infer-
mos precipitasse
senes Ov. Fast.
d Philip Bero-
aldus in orat.
Phil. 11.

the people; did stand at the lower end of those bridges (which were erected vp for the suffrages to ascend vnto the *ovilia*) whence they were called *a diribendo*, *id est*, from distributing *Diribitores*. At the other end of the bridges were placed certaine chests or little coffers, into which the suffragers which did approue the law did cast in the first table; those that disliked it, did cast in the second for by those two letters V. R. which were written in the first, is meant *Vti Rogas*, *i. e.* Be it as thou hast asked, this word *fiat* being vnderstood. By A in the second table was meant *Antiquo*, *id est*, I forbid it, the word signifying as much as *antiquum volo*, I like the old law, I loue no innovations. The tables being thus cast into the chests, certaine men, appointed for that purpose in manner of Scrutators (they called them *Custodes*, & sometimes *Nonaginti*) did take the tables out of the chests, and so number the voices by making so many points or pricks in a void table, as they found tables alike. which kind of accounting occasioned these and the like phrases; *Suffragiorum puncta non tulit septem*, and *Omne tulu punctum*; where *punctum* is vsed for *suffragium*. The voices being thus numbred, it was pronounced by the common crier what was decreed. Because the vse of those tables is now growne quite out of vse, I shall make bold to insert that, which with much labour I haue collected out of severall autors touching these tables. It is certain that a long time the vse of paper was not knowne, whence men were wont to write sometimes vpon the inward rindes of trees, called in Latine *Libri* (so that to this day wee call our bookes *Libri*, because in old time they were made of those rindes of trees) sometimes they did write in great leaues made of that rush *Papyrus*, growing in *Aegypt*, from which we haue deriued our English word *paper*, & the latin word *Papyrus*, now signifying our writing paper. Shortly after the inventio of this *Aegyptian* paper, *Ptolomy* the king of *Aegypt* restraine the common making thereof, because of the great emulation betweene him and *Eumenes* King of *Pergamus* concer

concerning their libraries; not long after therefore *Eumenes* hauing found out the making of parchment, hee made vse thereof in writing, and called it from the place *Pergamenta*. At this time did the *Romans* vse to write in tables of wood, couered with wax, called in latine *cerata tabula*. They wrote their wills & testaments in tables,^b *Hinc secundum & contra tabulas bonorum possessio*; The possession of goods either according or against the testator his will. Because of the wax wherewith these tables were couered, *cera* is often vsed in the same sense, as *Heredes prima cera, id est, prima tabula, & in primo gradu instituti*; by which words I thinke are vnderstood such heires as^c *Alexander* calleth *Heredes ex toto asse*, that is, heires to the maine inheritance, opposing them to those which did receiue only legacies, whom he calleth there *Heredes in imâ cera, secundos heredes, & legatarios*.^d *Sylvius* not vpon improbable grounds doth thinke, that *Tully* doth vnderstand by *Heredes secundi*, such heires as were nominated to succcede the chiefe heire or heires if they died. They wrote their accounts in tables; hence *tabule accepti & expensi*, signifying reckoning bookes. These count-bookes were of two sorts, some monthly without order or method called *Adversaria*. *Quod aduersa parte etiam scriptis implerentur*. Others perpetuall, being the transcript of the forme, called *Tabula accepti & expensi*. They wrote their statutes also in tables, whence *Tabula publicæ*, are englished statute bookes, or rather bookes of record. Those writings or instruments which the Senate or Emperour caused to be hanged vp in the market place, to release and discharge any bankrupt from paying his debts, they termed *tabulas novas*, wee may english them letters of protection. They wrote their inventories of goods set at sale in tables, calling them *tabulas auctionarias*; yea they indited their epistles and common letters in tables; in somuch that *tabellæ* are expounded missiue letters, and *tabellarius* which properly signifieth a carrier of tables, is now vsed to signify a letter carrier; yet they some-

^b P. Pellitar.
In orat. pro
A. Cæcinna.

^c Alex. Gen.
dier. l. i. c. i.

^d Fr. Siluius.
pro Cluentio.

^e Cæli. Rhod.
lib. 12. cap. 21.

^f Fr. Sylv. in
orat. Catalin

^g Suidas in
voce

μυλὸς ὄσος

h Sueton,
Nero. 20.
i Plinil. 13. c. 11

k Fr. Sylv. in
orat. Catil. 3.

l Iust. Lipse-
pistol. inst. c. 4.

m Cic. 4. in
Verrem.
n P. Pellitar.
in orat. pro A.
Cecinna.

o Vid. Erasim.
Adag.

p Horman.
Hugo. de. pri-
ma scrib. orig.
cap. 9.
q Cic. orat.
cent. Catil.

times wrought also in plaies of lead, *ἢ ἐλασμός μολύβδω*
ὑπερφύλλας; And thus we may vnderstand what ^h Suetonius
meaneth by *charta plumbea*: concerning all these, *Pliny* writ-
teth excellently; before the vse and making of paper was in-
vented; men wrote at first in palme tree leaues, afterwards
in the rindes of certaine trees, afterward publike monuments
were recorded in volūes or roles of lead, at last priuate mat-
ters on fine linnen or wax. ^k The manner how they sealed their
letters was thus: they did binde another table vnto that
wherein the inditemēt was, with some strong thread, sealing
the knot of that thread with wax, whence *Cicero* saith *Li-
num incidimus*, that is, we opened the letters, hence also is that
of *Plautus*, *Cedo tu ceram ac linum: age, oblige, obsigna cito*,
^l The impression was commonly their owne image, or the i-
mage of some of their ancestors. The matter on which the im-
pression was made, was not alwaies waxe, but sometimes a
kinde of tempered chaulke, which occasioned that phrase of
Tullies, ^m *Signum ille animadvertit in cretula*. ⁿ Lastly they
wrote their bookes in tables, whence from them we do at this
day call our books *codices à caudicibus*, *caudex* signifying
properly the truncke or stocke of a tree, whereof these tables
or bookes were made. We must note withall that they wrote
not with inke or quille, but with an instrument of steele; or
yron, hauing ^o a sharp point at the one end, and being broad,
yet keene and well edged at the other, with the sharpe point
they did write what they pleased, with the broad end they
did scrape out what they had written: Whence *Stylum inuer-
tere* is to say and vsay a thing, to turne his punch the wrong
end downeward, as it were to scrape out that which one had
formerly written. The Romas did afterward vse instead there-
of, an instrument made of bone, prohibiting the vse of yron
ones, as ^p *Isidore* noteth by that law, *Ceram for one cædito*. And
as we vse this word *Manus* to signify the writing it selfe,
according to that of ^q Tully, *cognovit manum, & signum suum*:

so in the like sense we vse this word *Stylus*, to signify the peculiar tenure or straine of phrase, which any man obserueth in the composing of an oratio, epistle, or such like; in which sense Tully vseth it, as the antitheton to *gladius*, in that speech of his, *Cedat forum castris, otium militia, stylus gladio*, though in another place he vseth it to signify, if not a sword, yet a pocket dagger, as *Et si meus ille stylus fuisset*; in which place *Stylus* doth signify as much as *pugio*. And here seeing wee are fallen into the manner and custome of ancient writings, it will not be amisse to note that vsually at the end of their books they printed a little marke, which they tearmed *Coronis*. Those that interpret *Aristophanes* describe that marke thus, saying that it is ** Linea brevis ab inferirre parte flexa*. All agree in this, that it was some common & known dash, vsually subioyned to the end of bookes: * others are of opinion that the ancient *Romans* did in like manner adorne the frontispice, or beginning of their books, with the picture of an halfe moone, which obseruation giueth light not only to that adage *ἀπὸ τοῦ ἀρχῆς μὲχρι τῆς καταστάσεως*, From the beginning to the ending. But also that of *Marcial. lib. 10.*

Cic. orat.
pro Muræna,
(Mic. Tox. 12.
in orat. Phil. 2.

† Cæc. Rhod.
lib. 15. cap. 20.
u. Turn. adv.
lib. 22. cap. 10.

Si nimius videor; seraq; coronide longus

Esse liber, legito pauca, libellus ero.

And of Ovid.

Candida nec nigra cornua fronte geras.

For in *Turnebus* his iudgement those halfe moones prefixed, were called *Cornua*. Howsoever this may be true touching the dash, or character at the end of a booke, and that it was tearmed *Coronis*: yet I doubt whether any such halfe moone was vsually prefixed in the beginning of bookes, or whether such an halfe moone were denoted by the Latine word *Cornu*: more probable is his opinion, * who treating of this very matter, saith that in old time a whole booke was written in one continued page, nether did they then cut their books into many leaues, and bind them vp in that manner as we doe; but that one entire page in which alone the whole book was

* Pir. hierog.
lib. 34.

written, was wont to be roled vp vpon a staffe fastned at the end thereof, in manner as many large maps are now adaies with vs. Hence it is *à voluendo*, that we call our books, *volamina*, Volumes this staffe on which the booke is roled was called *Vmbilicus*, the same word signifieth a navill, which because it is the middle part, and as it were the centre of a mans body, hence approved authors vse the word to signify the middle of any thing; and happily that name was first giuen this staffe, because when the booke was roled vp, the staffe was the middle thereof: howsoever because it was fastned alwaies at the end of the page, hence *Vmbilicus*, especially when it is applied to a booke, signifieth the end thereof: as *Horace*, *Ad umbilicum ducere*: to bring to an end the two pummels, or ends of this staffe, which did iut out & appeare on each side of the volume, they called *Cornua*; & they were wont to be tipt with siluer, or gold, or otherwise adorned. The title which was the beginning of euery booke, was tearmed *frons*. This seemeth more probable then that of *Turnebus* his, and giueth greater light to that of *Ouid*,

Candida nec nigra cornua fronte geras.

Now that we may proceede to the matter whence we haue digressed, it remaineth that wee shoud declare the manner how they enacted their lawes. All the *Romans*, though free Cittizens had not power & authority of preferring the law, but only eight of their Magistrats, which they called *Magistratus Maiores*: namely the *Prator*, the *Consuls*, the *Dictator*, the *Interrex*, the *Decemviri*, the *Military Tribunes*, the *Kings* & those *triumviri*, vnto these eight was added one of those who they entituled *Magistratus minores*, namely the *Tribunus plebis*. If any of these Magistrats thought it fit to preferre a law, then did he first write it downe at home, & coulsult with some lawyer, whether or no it might be for the good of the Commonwealth, whether it should not weaken any former law, or whether it was not formerly included in some other law, &c. These and many other cautions were to be considered

dered before it was preferred, yea some would haue the approbation of the whole senate after the advice of their lawyer, though diuerse times that hath beene omitted. And the lawyer alone allowing it, the law was hanged out publicly in the market place for the space of 3 market daies, which kind of publishing the law was tearmed, *Legis promulgatio*, *quasi promulgatio*, during which time of promulgation, reasons were alleaged *pro & con* by the spectators: and all the people had so much time to cōsult of the cōueniency thereof, and euery one vpon iust reason, had free liberty to admonish him that preferred the law, either to amend it, or to furcease the proposall. After the third market day (for vnlesse it were vpon an extraordinary occasion, no assembly might be called vpon a market-day, because of the country folkes busineses, they also hauing freedome of suffraging) the Magistrate did conuocate the people to that place where the law was to be proposed: there the Towne-clearke, or Notary reading the law, the common crier proclaimed it, then did he which promulged it, make an oration vnto the people, perswading them that it might passe, Sometimes others of his friends would second him with orations in his behalfe, as likewise others that disliked it, would by orations disswade the people, shewing the inconueniency thereof. After the orations had bin ended, an vrne or pitcher was brought vnto certaine Priests there present, into which were cast the names of the tribes, if the *Comitia* were *Tributa*; or of the centuries, if they were *centuriata*; of the parishes, if *curiata*: then *sortibus equatis*, that is, the lots being shakē together they drew their lots; and that tribe or centurie whose name was first drawen, was called *Tribus*, *vel centuria prerogativa*, à *prerogando*, because they were first asked their voices. *Turnebus*, interpreting that of *Tully*, *Maiores voluerunt prerogatiuam omen esse iustorum comitiorum*, interprets it; That the *Romanes* did so depend vpon the prerogatiue Centurie, that they would alwaies declare him *Consull* that was cho-

¶ Rosin ant.
lib. 6. cap. 7.

¶ Cic. pro
Muræ.

¶ Huber. in
lib. 1. Cic. ep.
fam. 2.

¶ Fuchsi in
medi. cn. 13.
sect. 1. i

¶ Stadius in
Flor. 1. 3. c. 7.

sen by them. *Turneb. adv. l. 5. c. 23.* That *Curia* vpon which the first lot fell, was called a *Principium*, because that *Curia* did first suffrage Those Tribes vpon whom the other lottes fell; namely the second, third, fourth, &c. were tearmed *Tribus Iure vocate*. From this distinction it is, that such a man as hath the voices of the prerogative Tribe, or Centurie, is said to haue a *Omen prerogativum*: which good fortune whosoever could attaine vnto, was in great hope of obtaining the other voices of the *Iure vocate*, for they neuer, or very seldome wold swarue from the determination of the prerogative Tribe, or centurie. Whiles the people were busie in their lotterie, in the meane time if any Tribune of the Commons would *intercedere*, that is, forbid the proceeding, he might be heard, and the whole assembly therevpon should be dismissed. likewise they were dismissed if either he which first promulged the law did alter his opinion, or if the *Consul* commanded supplications to be offered vp in the behalfe of their Emperour, or any of those holy daies called *Feria latine, vel Imperatoria* to be observed vpon that day; or if any of the people assembled were taken with the falling sicknesse (by reason whereof that disease is called by the Physitians at this day *Morbus comitialis*.) Lastly, the assemblies were dissolued by reason of the soothsayings, which kind of dissolution was caused either by the civill Magistrate his observing of signes and tokens in the heauen, and that was called *Spectio*, and sometimes *de celo observatio*; the very act of this observation, though no vnlucky token did appeare dissolved the assembly: or else it was caused by the *Augures*, and civill magistrate promiscuously, whensoever any civill token was seene or heard, either by the Magistrate, or Augur (amongst which thunder was alwaies counted the vnluckiest) at which time the assemblies were in like manner to be dissolued: this manner of dissolution was tearmed *obnuntiatio*, or *Nuntiatio*. *Obnuntiabat, qui contra auspicia aliqua fieri nuntiabat.* Both these kinds are easily to be collected out of

of that speech in Tully, *Nos Augures nunciationem solam habemus. Consules & reliqui magistratus etiam spectationem.* Here we may fitly in way of conclusion vnto this tract, adde a iust difference to be observed betweene these phrases, *Promulgare, Rogare: Ferre, & Figere legem.* *Promulgare legem*, was to hang vp a law not yet asked, to the publike view of the people, to be examined by them touching the conueniency thereof. *Rogare legem* was to vse a certaine oration vnto the people, to perswade the conueniency of the law, which Oration because it began with this forme of words, *Velitis, iubeatisne Quirites?* that is, O yee Romans, is it your will and pleasure that this law shall passe or no? Hence was it tearmed *legis rogatio*. *Ferre legem*, was when the law had beene approued of by the people, then to write it downe vpon record, and so to lay it vp into the treasure-house; *Cum approbata fuisset lex, in as incidebatur, & in arario condebatur, & tunc demum lata dicebatur.* Lastly *Figere legem*, was to publish the law after it had beene approued and recorded, by hanging it vp in tables of brasse in their market-places, or at their church dores: Hence it is that we vse *Tabulum figere* in the same sense, namely to enact or establish a law, and *Resigere legem*, to disproue or cancell a lawe.^b And that which was determined *Comitijs curiatis*, was tearmed *lex curiata*; that which was *Comitijs centuriatis*, *lex centuriata*, that which was *Comitijs tributis*, was not called a lawe, but *Plebiscitum*.

y Fr. Maturantius in Phil. 1.

z Corn. Tacit. annal. lib. 11.

a Fr. Matur. in Phil. 12.

b Sig. de Iure. prou. lib. 3. c. 1.

CAP. 3.

De comitijs Curiatis.

Comitia Curiatia were those, wherein the *Romane* people being diuided into thirty parishes did giue their suffrages: They were so called from *Curia* signifying a parish. And vntill *Servius Hostilius* his time, who did first institute the *comitia centuriata*, all things which were determined

mined by the suffrages of the people, were determined by these *curiata comitia*: But after the other two sorts of assemblies had beene established, these *curiata* were vsed only either for the enacting of some particular lawes, or for the creating of some certaine priests, called *Flamines*. For the better vnderstanding hereof we must remember that though at first these thirty parishes were parts of the three Tribes (each tribe being divided into ten parishes,) yet in proceſſe of time the increaſe of the *Romane* people was ſuch, that a great part of the *Romane* fields were filled with buildings and places of habitation, in ſomuch that the tribes of the *Romans* were encreaſed to thirty five: but the parishes (becauſe none that dwelt out of the city were tied to the rites and ceremonies of the *Romane* religion) did not encreaſe, ſo that the parishes did not alwaies remaine parts of the tribes. Hence it followeth that all the *Romans* had not power to ſuffrage in theſe aſſemblies, but thoſe alone, who dwelt within the city: for no other could be of any pariſh. The place where theſe aſſemblies were held, was the great hall of Juſtice, called from theſe aſſemblies, *Comitium*. Before theſe aſſemblies were held, it was required that ſome lawfull magiſtrate for ſome competent time before hand ſhould ſolemnly proclaime them, and the thirty ſeriants (each pariſh hauing for that purpoſe his ſeriant) ſhould call the people together; as likewiſe three *Augures*, or at leaſt one ſhould be preſent to aſſure them by their obſeruations, either of the fauour, or diſpleaſure of the Gods. Vpon theſe premiſes the matter was propoſed vnto the people, who if they liked it, then they proceeded vnto their election; if otherwiſe they diſliked it, then did the *Tribunus plebis intercedere*, that is, forbid their proceedings: wherevpon their aſſemblies were preſently diſſolued.

CAP. 4.

De Comitij Centuriatis.

AS those former assemblies were called *Curia à curijs*, so were these called *Centuriata à Centurijs*. *Servius Tullius* caused a generall valuation of every citizens estate throughout *Rome*, to be taken vpon record, together with their age; and according to their estates and age, he divided the *Romans* into six great armies, or bands, which he called *Classes*; though in truth there were but five of speciall note: the first contained none but the poorer sort, and those of no worth or esteeme. The valuation of those in the first *Classis* was not vnder two hundred pounds, and they alone by way of excellency were rearmed *Classici*; and hence figuratiuely are our best and worthiest authors, called *Classici scriptores*, *Classicall authors*.^d All the others, though they were enrolled in the second, third, or any other *Classis*, yet were they said to be *Infra classem*. The valuation of the second band was not vnder seauen score pounds. The valuation of the third was not so little as an hundred pounds: of the fourth not lesse then forty pounds; of the fifth not lesse then twenty five pounds. The sixth contained the poorer sort, whom *Horace* calleth *Tenuis census homines*, men of small substance; and also they were called *Proletarij*, à munere officioq; prolis edenda, as if the only good that they did to the common weale, were in begetting of children: & sometimes they were called *Capite-censi*, that is such as paid very little or nothing at all towards subsidies, but only they were registered among the citizens, as it appeareth by *⁊ Sigonius*. These six great bands or armies were subdivided into hundreths, called in Latine *Centuria*. The first *Classis* contained fourescore centuries of foot men, and eightene of horsemen: the second contained twenty centuries of footmen, and two of

d A. Gel. lib. 7.
cap. 13.

e Sig. de iure
Rom. lib. 1. c. 4.

T

workmen

workmen, which followed after to make military engines & weapons: the third also, as likewise the fourth contained 20. centurys of footmen, but to the fourth were added two other centuries of Trumpeters, Drummers, and such like, who vpon iust occasion did *Classicum canere*, sound the alarme, & vpon iust occasion did againe *receptui canere*, sound the retreat: the fifth *Classis* contained thirty centuries of footmen: the sixt, or last *Classis* contained one centurie: so that in all the fixe *Classes* were contained one hundred fourescore and thirteene centuries. Where we must note that all the centuries of footmen did consist, the one halfe in every *Classis* of the younger sort who were to make warre abroad vpon the enemies; the other halfe of old men, who remained at home for the safety of the citty. All that hath been hitherto spoken of these *Centuriata comitia*, may be collected out of *Sigonius* in the place aboue quoted. The chiefe commander of every cēturie was called *Centurio*; the rod, or tip-staffe, wherewith he did strike his souldiers to keepe them in aray, was called by *Pliny*, *Centurionum vitis*. So then we may perceauē, that those *Centuriata comitia* were those, wherein the people did giue their voices by centuries, or hundreds. Now the centuries did not consist of those alone which had their places of habitation at *Rome*, but of certaine *Municipall* states also, & such colonies or other states, that could ^d *Plenum civitatis ius cum iure suffragij adipisci*. ^e Now the custome in old time was that all these centuries should march in their armour after the Magistrate which assembled them, into the *Campus Martius*, there to giue their voices. But this custome continued not long, for thereby they did disarmē the citie, & giue their enemies (if any should assaile them in time of their assemblies) the greater advantage: for their greater security thereof, they appointed a flagge to be hanged out vpon the mount *Ianiculus*, some few armed men standing there in watch and ward for the safeguard o' the citty: and when the assembly was to be dissolved, then did the watch depart, and
the

^d *Rosin, ant.*
lib. 6. cap. 10
^e *Rosin, antiq.*
Rom. lib. 6. c. 16.

the flag was taken downe: neither could any thing after that be determined; but if they continued their assemblies, then did they proceed to the giuing of their voices, in old time thus. Those centuries of the first *Classis* being the wealthier had the prerogative of suffraging first, and because this first *Classis* contained more centuries then all the rest, therefore if they could agree among themselves, the other centuries were neuer asked their voices. This kind of suffraging being somewhat partiall, in as much as the richer & wealthier being placed in the first *Classis*, did ouersway the elections against the poorer sort of people; thence did the after ages appoint that that century should haue the prerogative of suffraging first, vpon whom the lot fel. The other centuries were all called *Centuria Iurevocata*, & did giue their voices not by lots (as the *Tribus Iurevocata* did) (but the elder and wealthier centuries did suffrage next after the prerogative century accordingly as their place required.

f Rosin. antiq;
Rom. l. 6, c. 20.

CAP. 5.

De Comitijs Tributis.

FOR the better vnderstanding of these assemblies by Tribes, or wards, it will be needful first to learne, that this word *Tribus* in this place doth signifie a certaine region ward, or locall place of the citty, or the fields belonging therevnto according to that, *g Tributa comitia erant cum ex regionibus & locis suffragabantur.* It was so called either *à tributo dando*, every severall region or quarter paying such a tribute; or *quia primò tres tantum fuerunt*, the whole citie being at first diuided only into three regions, or wards, each nationall tribe hauing his severall region or local tribe to dwell in. The first national tribe called *Ramnenses*, did inhabit the mount *Palatine*, and the mount *Cælius*, and those too hills made the first locall tribe. The second nationall

g A. Gell. l. 15
cap. 27

tribe called *Tatienses*, did inhabit the *Capitoll*, and the *Quirinal* mountaine, which two mountaines made the second locall tribe. The third nationall tribe did inhabite the plaine betweene the *Capitoll* and the *Palatine* hill, and that plaine was called the third locall tribe. Of these tribes more is spoken in the first division of the Roman people. Only here we must note thus much, that in processe of time after the cittie was enlarged, and the number of Roman citizens increased, these locall tribes were also augmented, so that they amounted at the last to the number of 35. some of them being called *Urbana*, others *Rustica*; ^h *Urbana ab urbis regionibus*, *Rustica ab agri partibus erant nuncupata*. And of these two sorts the *Tribus rustica* were accounted the more honorable. Moreover we must remember, that a man might be reputed of this or that tribe, although he had no place or habitation therein. Concerning the place where these *Tributa comitia* were had, sometimes they fell out to be in the *Campus Martius*, sometimes in their great hall of iustice called *Comitium*; sometimes in the *Capitoll*; many times in other places, according to the discretion of the Magistrate which caused these assemblies.

b Sig. de iure
Rom. l. 1. c. 3.

CAP. 6.

De Candidatis

IT shall not be impertinent to annex some necessary observations touching the *Romane* petitioners or suiters for bearing office: where we will obserue these three phrases *ambire magistratum*, *inire magistratum*, and *abire magistratum*. The first signifieth, to sue for an office; the second, to enter into the office; the third to depart out of the office. Again the difference of these phrases, *Conficere legitima suffragia*, & *Explere suffragia*.ⁱ The first signifieth to haue so many voices as the law doth require. The second signifieth to haue more voices

i Rosin. ant.
Rom. l. 20. c. 6.

voices then any other competitour, but not so many as the law requireth.

These persons were tearmed *Candidati*, à *toga candida*, from the white gowne which they did weare, as appeareth more at large, where we haue spoken *De Romana toga*. That they might the easier procure the good will of the people, these foure things were expected from them. First *Nomenclatio*, the saluting of euery citizen by his name; for the better discharge of which, they had a certaine follower, which should by way of prompting, tell every citizens name as he passed by, and hence this prompter was sometimes called ^a *Nomenclator*, which word doth properly signifie a cōmon-crier in a court of Iustice, such as call mento their appearance, whence they had their name from *Nomen & calo*, an old latine word to call; sometimes ^b *Monitor*, sometimes *Fartor*, *ab infarciendo in aures*. Secondly, *Blanditia*, that is, a friendly compellation by the addition of some complementall name, as well mer friend, brother, father, &c. Thirdly, *Affiduitas*, that is an hot canuasing, or soliciting men without intermission. Lastly, *Benignitas*, a bountifull, or liberall largesse, or dole of mony called *Congiarum*, from the measure *Congius* containing a gallon, because their ¹ dole was at the first made of oyle or wine distributed in those measures. Howbeit *taxatensis* any dole, gift, or largesse in mony, or otherwise is called *congiarum*. The distributors of this dole were called ^m *divisores* & ⁿ *sequestres*, although sometimes *sequester* signified a briber or corrupter of a Iudge. Likewise their bounty or liberality consisted in prouiding great dinners, and exhibiting magnificent shews vnto the people, &c. Where we must obserue, that as often as this largesse is called *Largitio*, it is taken in the worst sence, namely, for an vnlawfull bribing of the suffragers, vnder a pretended largesse, ^o *Benignitas liberalitatem magis significat quam largitionem*.

^k Rosin, ant.
Rom. l. 7. c. 8.

^a Cic. orat pro
L. Mur.

*Mercenarius ser-
uum qui dislet
nomina, &c.*

Hor. l. 1. ep. 6.

^b Cic. loco, su-
pra citato.

^l G. Trapez.
in Phil. 2.

^m Sig. de iud.
lib. 2. cap. 29.

ⁿ Batth. Latro-
mus in orat.
pro M. Cœlo.

^o Cic. orat.
L. Muræ.

CAP. 7.

De Romanis vestibus.

WEE may obserue in reading old autors, that as well the *Romans* as the *Grecians* had diuerse distinct habits, or outward vestiments. The *Grecians* had their mantle called *Pallium*; the *Romans* their gowne called *Toga*, and by this different kinde of garment the one was so certainly distinguished from the other, that this word *Togatus* was often vsed to signifie a *Roman*, and *Palliatum* a *Grecian*. ^f*Togati pro Romanis dicti, vt Palliati pro Grecis*. Before we proceed, wee will first obserue what this *Toga* was, and then how many sorts there were. ^g*Toga à tegendo dicta est*. It was made commonly of wooll, but according to the worth and dignitie of the person, sometimes of courser, sometimes of finer wooll. As we may collect by that of *Horace*.

--- *Mihi sit toga, quæ defendere frigus
Quamuis crassa queat.* ---

We must note with *Toxita*, that no women of any credit did weare the *Roman* gowne, but instead thereof did vse a garment called *stola* from *ἐσθλο* signifying *demitto, quod usq̃ ad talos demitteretur*: whence old Poets, when they would point out vnto vs an infamous or lewd strūpet, they would terme her ⁱ*Mulierem togatam*. ^kThis *toga* sometimes was worne open and vntuckt; then was it called *Toga aperta*: other times it was tuckt vp, and then it was called *toga praecincta*. This cincture or girding vp of the gowne was according to ^l*Sigonius* threefold; *Cinctura laxior*, *Astrictior*, and *Cinctus Gabinus*. *Cinctura laxior*, or the loose kinde of girding was such, that notwithstanding the tucke, yet the taile trailed on the ground. *Cinctura astrictior* the close kinde of girding was such, that after the gowne had beene lapped

or

^f Sigon. de iud.
dic. 13. c. 19.
^g Mic. Toxita
in orat. Philippi.
2.

^b Mic. Toxita
ib.

ⁱ Rosin. aut.
Rom.
^k Sig. de iud.
lib. 3. cap. 19.

^l Sig. ib.

or tucked vp, it should not reach so far as the feet. The first kind of these cinctures did argue a remisse, soft, and effeminate minde; the latter did signifie the promptnesse or readinesse of the person; ^m *Unde, Alte precincti pro expeditis disti sunt.* Thirdly, *Cinctus Gabinus* was a warlike kind of girding not so that the whole gowne should be tucked vp about the middle, but that it being cast quite backward, the partie should gird himselfe with one skirt thereof. ⁿ This kind of girding was so called from a certaine cittie of *Campania* called *Gabij*, because vpon a time the inhabitants of this citie being at sacrificie; were set vpon by their enemies; at which time they casting their gownes behind them, and girding one lappet or skirt about them, went immediately to warre even from the altars, and got the conquest. ^o In memory of which euer after, the *Consul* when he should proclaime war, girded himselfe in like manner. Neither had the *Consul* alone a peculiar garment when he proclaimed war, but every souldier in time of warre did weare a different kinde of garment from the gowne, which they called *Sagum*: we may english a souldiers coat. Whence *Tully* useth this phrase *ad saga ire*; which *Erasmus* hath paralleld with this. *Ad certamen se accingere*, to buckle for warre. In so much that *Cedant saga toga*, is equivalent to that of the *Oration*. *Cedant arma toga*. Touching the difference of the *Romane* gownes, I find them distinguished by ^p *Sigonius* according as followeth; in *Togam Puram*, *Candidam*, *Pullam*, *Prætextam*, *Paludamentum*, *Pictam*, *Trabeam*. *Toga pura* was the common ordinary gowne worne by new married women, and, *Tanaquil prima texnit rectam tunicam, qua simul cum toga pura tyrones induuntur novæq; nuptæ.* *Plin. lib. 8. cap. 48.* and by priuate men at mans estate, about the sixteenth yeare of their age, at which time they were said, *Excedere ex ephebis*, that is, to be past striplings. Notwithstanding the sixteenth yeare was not alwaies strictly without exception observed, ^q for *M. Aurelius* was permitted to weare this gowne being but fifteene yeares old

^m Sig. ibib.

ⁿ Serv. Æneid lib. 7.

^o Alex. Gen. dier. l. 1. c. 14.

^p Sig. de iud. 3. cap. 19.

^q Rosin. antiq. lib. 7. cap. 32.

Et toga non ta-
lias vincere ius-
sanivas Martialis

† Rosin. antiq.
Rom. l. 5. c. 32.
† Aldus Mann-
tius. v. Ros. ib.

† Cic in orat.
pro Caelio.

u Sig. de iud.
lib. 3. cap. 19.

x Sigon. ib.

y Sigon. ib.

old; & *Caligula* did not weare it till the nineteenth yeare of his age. This kinde of gowne besides that it was called *Pura* it was also sometimes called *virilis*, sometimes *libera*. It was called *pura* in respect of its pure white colour, being free from all admixtures of purple, or any other colour and therefore some haue termed it *ἀλόλευκον*, all white, others *στέργουσαν*, void of purple. It was called *virilis*, because it was given to striplings now growing to mans estate. Whence we vse to say of a stripling past 16. yeares of his age, *virilem togam sumpsit*, he is now become a man. Lastly, it was called *libera*, because then they did receaue some beginning of freedom as being about that time freed from their school-masters, & overseers. This kind of gowne was not made open but sowed downe to the bottome, and also it was made without sleeues, so that if at any time they had occasion to vse their armes, they would take vp their gowne and cast it quite behind them, or vpon their shoulders. But these striplings could not for one whole yeares space, cast back their gowns in that manner for the liberty of their armes without the imputation of immodesty, as it appeareth by *Cicero*, *Nobis annus erat vnus ad cohibendum brachium toga constitutus*. The like liberty it seemeth was denied those that stood for places of office; and thence is it, that *Huace* wisheth such to hire them a servant

--- *Launum*

*Qui fodiat latum, & cogat trans pondera dextram
Porrigere---*

In which place by *pondera* is vnderstood the Roman gowne, as *Sigonius* hath expounded that place. Now for the vnderstanding of *Toga candida*, wee are to learne a difference betweene this *candida toga*, and the *toga pura* aboue spoken of, which is oftentimes called *toga alba*, both of which were white, but differed in the degree of whitenesse. The *toga alba* had only the naturall whitenesse of the wooll; the *toga candida* had an artificiall white die: whereby the glasse of the white was made more orient and intensue. Or else as *Sigonius*

nina

nus hath observed out of *Isidorus*, *intendenda albedinis causâ* *cretam addiderant*, that is, they chalked it to encrease the whiteneſſe thereof. And herevnto *Persius* alludeth

--- *Quem ducit hiantem Cretata ambitio.*

Whence *Polybius* calleth it *togam lauceam*, that is, shining or splendent. Moreover whereas the *alba toga* was the ordinarie Roman gowne which commonly the *Romane* cittizens did weare; this *candida toga* was only worne by those which did *ambire magistratum*, sue for a magistracie or place of office, who during the time of their suit were called from their gowne *candidati*: and *Quintilian* borrowing his metaphor from them, hath called an young student *eloquentia candidatum*. The third sort of gowne which I tearmed *togam pullam*, was a blacke gowne, and thereof was two severall kindes; the one cole-blacke, which was worne *luctus causa*, in token of mourning and the mourners were thence called *Atrati*, and as often as they did weare this gowne, they were said *Mutare vestem*, which phrase in old authors doth signifie nothing else, but to go in mourning apparell: The other not cole-blacke, but only fould or stained, and that was worne *reatus causa*, in times of arraignment, & those that wore it were called *sordidati*, a *sordibus in veste*, frô the spots or stains in the gowne. Where we must note, that in processe of time *Toga pulla* became the ordinary gowne which the cômôn people did weare, at which time the ordinary gowne, which the cittizens of better place and esteeme did weare, was the *toga candida*: wherevpon there did then grow a distinction of the cittizens vnknowne to the former age, saith *Rosinus*, namely that some were tearmed *candidati*, others *pullati*, *Candidati* were those, not which became suiters for places of office (as in old time it signified) but those which did liue in better repute then others, from whence it is, that he whose office was to read the Emperours letters in the Senate was called *Candidatus principis*, or *Questor candidatus*. It did somewhat resemble the office of the King his Maiesties chiefe Secretary

2 Sig. de iud.
lib. 3 cap. 19.
Cic. orat. pro
P. Sext.
Summ dolorem
veste mutata
significabant
Romani.

a Fenestella
de mag. Rom.
cap. 3.

cretary. *Pullati* were those of the commonalty or inferiour sort. The fourth sort of gowne was the *toga prae-texta*, so called, *quia ei purpura prae-texta erat*, because it was garded about with purple filke. This kinde of gowne at the first was vsed only by the Romane priests, & chiefe magistrats: Neither was it lawfull for such as did weare that gowne to bee arraigned, or sentenée to be given on them vntill that gowne was put off. In continuance of time this *toga prae-texta* was permitted first to Noble-mens children: afterward to all Romane children in generall: wherevpon, ^b *Togatus à prae-texto differt, ut privatus à magistratu, & vir à puero*, and *et as prae-texta*, is taken for childhood; and *prae-textati* sometimes for magistrates, but commonly for young children. The fift sort of gowne was called *Paludamentum*; It was a military garment, which none but the L. Generall of the chiefe captaines did vse to weare ^d *Isidorus* said it was not only garded with purple, but with skarlet and gold lace, whence it was sometimes called ^e *toga purpurea*, sometimes *coccinea*. It was much like the habit which the *Gracian* Emperour was wont to weare called *Chlamys*; yea now it is called *Chlamys*; we may english it an *Heralds* coate of Armes. The sixt sort of gowne was called *toga picta*, & because in it were imbroadered goodly pictures with needle work: it was also called *Purpurea*, not because of any purple gard (in which respect the *prae-texta*, and the *paludamentum* were called *purpurea*) but because it was all over with a purple die. It was by some tearmed *toga prlmata*, because in it many palme branches being the reward & token of victory were wrought; whence by others it was called *toga triumphalis*, because emperours in their triumphs did weare such gownes. The last sort of gowne was *Trabea*, whereof there were ^h three seuerall kinds; the one woven all of purple, which was consecrated vnto the Gods: the second was purple woven vpon white, and this only kings and *Consuls* might weare, the third was skarlet woven vpon purple, and this the *Augures* onely did weare. ⁱ This last sort was there-

^b Pet. Pellitarius, in orat. pro A. Cæcin.

^c Alex. Gen. dier. l. 5. c. 18.
^d Sig. de. iud. lib. 3. cap. 19.
^e Sigon ib.

^f Rosin. antiq. lib. 5. c. 31.
^g Sig. de. iud. lib. 3. c. 19.

^h Serv. Anci. lib. 7.

ⁱ Alex. Gen. dier. l. 5. c. 18.

therefore called *trabea auguralis*, the second *trabea regia*, the first *trabea consecrata*.

CAP. 8.

De Tunica.

THose coats which were worne vnder the gowne were called *Tunica*; & that they were worne vnder the gowne it appeareth by that Adage, *Tunica pallio propior est*, that is every one for himselfe first; or according to our english proverb, Close sitteth my shirt, but closer sitteth my skinne. ^kThis *tunica* was both narrower and shorter than the gowne: at first it was made without sleeues, afterward with sleeues, and by it, as well as by the gowne were the cittizens distinguished. The first sort of coats was made of white cloath commonly, ¹but purfled over and embroadred with studs of purple in manner of broad nayle heads; whence it was called *Laticlavia*, or *Latus clavus*; and the persons wearing the coat were Senators called thence *Laticlavij*. The second sort belonged vnto the *Romane* knights, and it differed in making from the first, only that the purple studs or embroadred works of this, were not so broad as the former: whence the coat was called *Angusticlavia*, or *Augustus clavus*, and the persons wearing it were called *Angusticlavij*. The third sort belonged vnto the populacy and poorer sort of *Romans*; it was made without any purfled workes, being called *Tunica recta*. This coat was giuen together with the *Virile* gowne to striplings past fixeene yeares old, & to new married women. And as the *recta tunica* was giuen with the *virile* gowne; so was the *tunica clavata* giuen together with the *toga praetexta*; & the *Laticlavia* otherwise called *tunica palmata*, giuen with the *toga picta*. The fourth and last sort belonged vnto women, being a long coat reaching downe vnto the heeles; they called it *stola*. ^mVpon it they did weare an outward garment ^mcalled *palli*.

^k Sig. de iud. lib. 3. c. 20.

¹ Salmuth. in Panciroll. lib. rerum deperdit. cap. de fibula.

Vid Turneb. aduers. 1. 1. c. 2.

^m Rosin. Ant. lib. 5. cap. 35.

* Sig. de iud.
lib. 3. cap. 19.

* Sigon. ib.

p Sigon. ib.

um, and sometimes *palla*, quia *palam gestabatur*. * *Sigonius* saith, that this *palla* was a certaine gowne vsed by stage-plai-ers: howsoever certaine it is, that not only women, but men also and children did weare this kinde of garment. Besides the *Romane* gowne & coat there remaine other parts of their apparell to be spoken of: such are these which follow, *Lacerna*, which some do English a cloake, but * *Festus* would haue it to be a little kind of hood, which men should weare to defend themselues from the raine & weather; It was made that either side might be worne outward; and at first it was worn only in warre, so that *lacernati* stood in opposition with *togati*. p *Isidorus* *Togatos pro urbanis*, *lacernatos pro militibus usurpatos scribit*. Afterward as we may coniect, it was made longer in manner of a cloake, for it was diuerse times worne vpon their coats insteede of gownes. Another kinde of garment was the *Penula*, so called *quasi pendula*, we may translate it a long hanging cloake. A thirde was called *Mitra*, which sometimes did signifie a certaine attire for womens heads, as a coife or such like; though this kinde of attire was more properly called *Calantica*: other times it signified a girdle, which more properly was called *zona*; This *zona* chiefly signified a souldiers belt, or a marriage girdle: The souldiers belt was lined within in the inside, where whē they went to warre, they did put their mony: whence *Horace* saith of a man that hath lost his mony, *zonam perdidit*, And *ζώνη* *das*, to be girt, signifieth *ἔνδυναι τὰ ὅπλα*, *Arma induere*. *Cael. Rhod. l. 22. 19.* happely because that part of the body which was girt, was consecrated to *Mars*, as the forehead was to every mans particular *Genius*, the armes to *Iuno*, the breast to *Neptune*, the reines to *Venus*, the feete to *Mercurie*, and the fingers to *Minerva*. *Alex. ab Alex. l. 2. c. 19.* Young maides when they were married were wont to haue a marriage girdle tied about their middle, which their husband at the first night of their marriage should vntie: whence *zonam soluere* hath beene translated to deflowre a Virgine: this marriage girdle

girdle in former times was called *Cestus*, from whence com-
meth the Latine word *incestum*, and the English word Incest:
which in truth signifieth all kind of pollution committed by
vndoing, or vntying this girdle called *cestus*: but now in a
more strict acception it signified only that kinde of naugh-
tinesse, which is committed betweene two of neere kin: and
that other folly which is committed with a strangers wife, is
now properly called *adulterium*, and that which is commit-
ted with a maide or widdow *stuprum*. The last thing tou-
ching their apparel is their shooes. *Calceamentorum genera*
duo fuerunt, calceus, & solea. For the soale of the shooe called
in Latine *solea*, sometimes *crepidula*, and in *Cicero* his time
gallica, was tied on to the bottome of the foot with letherne
straps or buckles, and so worne instead of shooes: the diverse
kinds of these shooes did distinguish the *Romane* people
also. To omit the difference in colours, wee may reduce the
chiefe kinds to five heads, *Mullei*, *Vincenati*, *Perones*, *Cothurni*,
Socci. All these sorts of shooes were made halfe way vppe
the legge, as the Turkish shooes are according to *Iosephus*
Scaliger: and they were either laced close to the legge, as ma-
ny of our bootes are now adaies; or clasped with taches or
haspes. The first sort called *Mullei* (from the fish *mullus*, be-
ing like vnto it in colour, were also called from their claspes
calcei lunati, because the claspes were made in forme of an
halfe moone, which halfe mooned clasp resembling a *Romane*
C, signified an hundred, intimating thereby that the num-
ber of the *Senators* (they only being permitted to weare this
kinde of shooe) were at first a full hundred and no more. O-
thers are of opiniõ that they woare this mooned clasp to put
them in minde that the honour to which they had attained
was mutable and variable as the moone. For they thinke that
these *Lunati calcei* were not received as a token of Nobility
only at *Rome*, but in other places, to which purpose they in-
terpret that of the Prophet *Esay*, cap. 3. *In die illo auferet Do-*
minus ornamentum calceorum & lunulas. *Cæl. Rhod. lect. An-*

q Cælius in
orat. pro Mi-
lone.

r Rosin. ant.
Rom. l. 5. c. 36.

ni Salmuth in
Pancirol. lib.
rerum deper-
dit. cap. de fi-
bula.

(Salmuth in
Pancirol. lib.
rerum deper-
dit. cap. de fi-
bula.

t Appositam ni-
græ lunam sub-
texit alute.

Iuvenal.
u Salmuth. in
Pancirol. lib.
rerum deper-
dit. cap. de fi-
bula.

sig. l. 20. c. 28. *Uncinati calcei*, were those, which the souldiers were wont to weare, I take them to bee the same with those which they called *Caliga*, from which kinde of shooes *C. Caesar Caligula* had his name, because it was borne in the army. *Quia natus in exercitu fuerat, cognomentum calceamēti-militaris, id est, Caligula sortitus est. Aurel. Viét, Epitō. de vi-ra imperat. Perones* (as we may coniecture) were laced vp the legge, for *Tertullian* making but two sorts of shooes, saith there were the *Mullei* called from their clasps *lunati*, & the *Perones* made without such halfe mooned clasps, called also *calcei puri, quoniam ex puro corio facti*; and these *perones*, or *puros calceos* all the other *Romans* did weare^x with this note of distinction, that the magistrats shooes were be set with precious stones, priuate mens were not. Thus much concerning both the kinds and fashion of the shooes may be collected out of *Rosinus* in the place aboue quoted. The description and vse of the *Cothurnus*, & *Soccus*, may be seene in the tract *de Romanis ludis*.

& Salmuch in
Panciroli lib.
agrum deper-
dit. c. de fibula.

L I B.





LIB. 3. SECT. 2.

Of the Romane Magistrase.

CAP. I.

De Magistratibus Romanis.

Where being to treat of the *Romane* Magistrats will first see what the definition of a Magistrate is. A magistrate is he ^o who receaveth ^o by publique authority, the charge and oversight of humane affaires belonging to the common wealth. These *Romane* Magistrats were either to be chosen only out of the better sort of *Romanes*, called the *Patricij*; or else only out of the commonalty. ^p The first were thence called *Magistratus patricij*, the second *Magistratus plebey*. The *Patricij* had power to hinder the assēblies of the people; namely their *Comitia*, by observing signes and tokens from the heavens: howbeit some of them had greater power, others lesse; insomuch that some were called *Maiores Magistratus, quoniam habebant maiora auspicia, id est, & magis rata*. Others were called *minores magistratus, quoniam habebant minora auspicia*. Of these in their order.

^o Sig. de iur.
Rom. l. 1. c. 20.

^p Sig. de iure
Provinc. l. 3.
cap. 1.

^q Fenest. de.
Magist. Rom.
cap. 1.

CAP. 2.

CAP. 2.

De Rege & Tribuno Celerum.

Plutarch. in
Romulo.

Plin. lib. 33.
cap. 2.

IN the infancy of Rome, it was governed by a king vnto *Tarquinus Superbus* his time, who by maintaining that shamefull act of his sonne towards *Lucretia*, did so incense the people, that they did not only for the present exile him, but decreed that their city should never after that bee governed by a king. This king had absolute rule and government over the citty. For the safety of his person he had three hundred chosen young men alwaies to bee attendant about him, much like vnto our Kings Maiesties Guard here in England, or rather his Pensioners. They were called *Celeres à celeritate*, from their readinesse in assistance: sometimes they were called *Trossuli*, because they alone without the helpe of any foot-men did take a certaine citty in *Etruria* called *Trossulum*. Other times they haue beene called *Flexumines*, whereof as yet there hath beene no certaine reason rendred. Each hundred of them had their severall overseer called *Centurio*: and over them all there was one generall overseer, and chiefe commander, whom they called *Præfectum vel Tribunum Celerum*, his place being next to the king. A second sort of attendants about the king were called *Lictores à ligando*, according to that, *Lictor colliga manus*. They were by the Grecians, called *παλῶχοι*, which we may render Virgers from *παλῶς*; a rodde, and *ἵχω*, to haue: though sometimes *παλῶχοι* doe signifie the same as *παλῶδοι*. The rehearsers of *Homers* verses, or in generall of any other Poets: *ἑρῶν παλῶδοι*, from patching together other mens Poems. For the reciters of *Homers* verses were wont to hold a rod or wand in their hand during the time of rehearsall. *Cæsar. Rhod. l. c. 29*. They did somewhat resemble our Seriants, there being in number twelue of them. Their office was to carrie certaine bundels of birchen

birchen rods with an axe wrapped vp in the midst of them: the rods in Latin were called *Fasces*, the axe *Securis*. The reason why they carried both axes and rods was to intimate the different punishment that belonged to notorious and petty malefactors. The reason why they were wrapped vp together was not only that they might thereby be more portable, but that the anget of the magistrats might be somewhat allayed, while they were vnbinding. Hence, because these *Fasces virgarum & securium*, did betoken honour and chieftome in place and authority, by the figure *synecdoche* this word hath beene vsed to signifie honour and dignity, as *Fascibus suis abrogatis*, he being discharged of his magistracie or dignity. And *Fasces submittere* to giue place, or yeeld vnto. *Valerius Publicola* gaue the occasiō of the proverb. He to insinuate himselfe into the harts of the people is said, *Submittere fasces populo quoties prodiret in concione*. Some interpret it, as if he were wont to command the seriants quite to depart out of the assembly with their rods, which opinion *Plutarch* in *Publicola* confuteth writing thus: *αὐτὰς τε τὰς ῥάβδους εἰς ἐκκλησίαν παiewν, ὑπὸ κατὰ δῆμον, κατέκλινε. Fasces ipsos in concionem progressus populo submitit inclinavitq.* So that the phrase signifieth properly, the not holding vp of the rods, or rather the laying them downe as it were at the feete of the people. *Cal. Rhodig. l. 12. c. 7.*

*Ioac. Came.
rarius in orat.
pro Flacco.*

*Immedicabile
vulnus Enjeve-
cidendum, &c.*

C A P. 3.

*De Senatu, & quis Princeps Senatus, & qui
Senatores Pedarij?*

Touching the election of the *Senators*, the number of them, and the distinction of them into *Senatores maiorum* & *Senatores minorum gentium*, sufficient hath beene delivered in the second division of the *Roman* people; as likewise in the third division hath beene shewne the habit

or gowne by which the *Senators* were distinguished from the *Roman Gentlemen*. Here therefore it shall be sufficient for vs to vnderstand, that every solemne meeting, or consistory of these *Senators* was called *Senatus*. The foreman of them (which could be no other then such, as had been either *Consul* or *Censor*, was called *Princeps Senatus*, and his opinion was alwaies first asked. Now among those that had borne those foresaid offices, it was in the *Censors* power to make whom he would fore-men. The decree of this consistory was called *Senatus-consultum*. And many times it is written with these two letters onely, S. C. In like manner their preface to these decrees was commonly these two capitall letters B. F. That is *Bonum factum*. *Sueton. Iul. Caf. cap. 80.* and it had the same vse as, *In nomine Dei* with vs. The place where this consistory was had they called *Senaculum*, None was ordinarily admitted into the place of a *Senator*, before the five and twentieth yeare of his age: and of those that were admitted, some were allowed to ride vnto the Senate-house in a Curule-chaire, namely when they had borne such office, which gaue them right vnto that chaire: others which had not borne such office went on foot: * whence these latter were called *Senatores pedarij*. They determined their acts which they called *Senatus-consulta*, sometimes by departing down their branches, & dividing themselues into sides; those which did approue that which was proposed, sided with the party who did *Referre ad Senatum*, that is, propose the matter vnto the Senate; the others departed vnto the contrary side; or if they came not downe at all, but sate still on the benches, then did they signifie by holding vp, or beckning with their hands, what side they would take. Now if the maior part were easie to be discerned, then they rested there, tearing that act to be decreed *per discessionem*: and hence these and the like phrases haue taken their beginning, *In illius sententiam iterum sum*, and *Manibus pedibusq; discedere in alicuius sententiam*, that is to be fully perswaded of ones opinion. Now if both

com.

¶ Mart. Phile-
ticus, in Cic. l.
1. ep. fam. 1.

¶ Mart. Phile-
ticus ibid.
It. A. Gel. no 6
Atr. l. 3. c. 18.

¶ Hubert. in
Cic. lib. 1. ep.
fam. 2.

companies were almost equall, so that the maior part could not easilie be discerned, then did they proceed to giue their voices. and that which was thus determined was said to be decreed, *per singulorum sententias exquisitas*, that is, by voices. Here we may obserue that to those, who were favourably heard in Senate, *His senatus dari dicebatur*; and ^z likewise they were said, *Stare in Senatu*: as on the contrary they were said *lacere*, whom the Senate neglected or rather condemned. ^a *Cum mihi stanti iacens minaretur*, saith ^b Tully. If anie Senator were absent without a lawfull excuse, then was hee fined; and for the payment thereof, he did put in a pledge, which if he did not ransom, then did the common Treasurer *Cadere vel concidere pignora*, that is, straine or seaze vpon the pledges, making common sale thereof, in which sense those two phrased are vsed, namely, *capere pignora*, & *auferre pignora*, that is, to straine or seaze vpon a mans goods.

^a Ascensius in
Cic. l. 1. epist.
fam. 4.
^a Cic. orat. de
arusp. respon.
^b Rosin. antiq.
l. 7. c. 7.

C A P. 4.

De Consulibus.

After the expulsion of *Tarquinus Sup.* the last *Romane* King, all the citizens in *Rome* assembled, and concluded that the governement of the cittie, which before was in the hand of one alone governour, called their King, should now be divided betweene two: ^c who at first (before there was any such subordinate office as a *Pretorship*) the *Romanes* called *Pretores*, *quod preirent populo*. Not long after they were called *Indices*, *a indicando*. In proceffe of time they were knowne by no other name then *Consules a consulendo populo*. ^d No citizen, was ordinarily created *Consul* before the fortie third yeare of his age. Neither might any be chosen without speciall dispensation, either of their absence out of *Rome*, ^e or in time of their triumph; which was the reason that *Iulius Caesar* was glad to forgoe his triumph at that

^c Rosin. ant.
Rom. l. 7. c. 9.

^d Cic. orat.
Phil. 5.

^e Suet. Iul.
Cæs. cap. 18.

f Alex. Gen.
dier l. 3 c. 3.
* Cael. Rhod.
lib. 12, c. 8.

g Feneft. de
magift. Rom.

h A. Gell l 3.
cap. 18.

i Stadius in
Flor. l. 1. c. 5.

that time when he was Consul with *Bibulus*. The signes or tokens of this *Consular* dignity were the twelue *Lictors* carrying their bundles of rods and axes, the first month before one *Consul*, and the second before the other, as formerly they had done before the Kings. * Now he that had the rods carried before him in the first month, either he had more children then the other, for the *lex Iulia* gaue precedency to him who had most children, or he was elder then the other, or in time of the election he was pronounced before the other, for which respects hee was called *Consul maior*, and *Consul prior*. † The reason why each *Consul* had not twelue *Lictors* alwaies, was because the tyranny of the *Consuls* might then seeme to be doubled and to exceed the tyranny of the Kings: another token was a certaine chaire of estate called *Sella eburnea*, that is, an yvorie chaire, so called from the matter whereof it was made, & ^h because this chaire was commonly carried about in a certaine coach or chariot, wherein the *Consul* did ride, hence from *Currus* which signifieth a chariot it is also called *Sella curulis*: where ⁱ note that the word *Curulis* is sometimes vsed substantiuely: and then it signifieth some chiefe magistracy or office amongst the *Romans*. The gowne, by which they were distinguished from other magistrates or priuate men, was a certaine purple gowne, which from the great embroadred workes was called *Trabea*, and he that did weare it was thence called *Trabeatus*, according to that, *Trabeati cura Quirini*. it will be worth the observation to note, that the *Romans* did date their deeds and charters in old time, by naming the yeare wherein their citie was first founded; as to say *Ab vrbe condita* the twentieth, thirtieth, or fortieth yeare, &c. But in proesse of time their manner of dating was by subscribing the names of their present *Consuls*: as to say, such a thing was determined *L. Valerio. M. Horatio Consulibus*, such and such being *Consuls*. Whence *Suetonius* speaking of *Iulius Caesar*, saith, he was appointed to be *Flamen Dialis, sequentibus consulibus*, that is, the

the next yeare following. Yea this was so common a date that to know the age of their wines they signed their vessels with the names of their *Consuls*, adding withall, that they might know the goodnesse of their wine, the name of the country whence it came, according to that of *Iuvenal. sat. 5.*

--- *Cuius patriam, titulumq, senectus*

Delevit multa veteris fuligine testa. Turn. adv. l. 1. ca. 1.

Those alone who had borne the office of a *Consul*, not everie one that was capeable therof, were said to be *Viri consulares.*

^k At the first those who were created *Consuls* remained in their office the space of an whole yeare, being *designati ad consulum* vpon the twenty fourth of October. ^l *Ad consulum* ^l *non inierant ante Calendas Ian.* that is, the first of *Iennary.* ^l *orat. Cic. pro Caelio.*

^l *orat. Cat. 1.*

The reason of this chasme, or *interim* between their designation vnto their office, and their entrie into it, was (as we may probably coniect) that the competitours might haue some time to enquire *de Ambitu*, that is, whether there was no vndirect and vnlawfull meanes vsed in their canuasing. In pro-
cesse of time either by voluntary resignation or deposition or death many *Consuls* haue beene chosen in the same yeare, & they were called ^m *Nonordinarij & suffecti Consules.* At such

times all their deedes were dated by the names of the 2 first *Consuls* which beganne the yeare: whence those two first, and likewise all those that continued in their office the whole yeare were called ⁿ *Consules Honorarij*, and *Consules Ordinarij.*

^m *Fr. Syluius in Cic. Orat. pro Muræ.*

ⁿ *Rosin. ant. Rom. l. 7. c. 9.*

CAP. 5.

De Censoribus.

THE *Consuls* finding them selues encombred with so many busineses of a different nature, did by consent of the *Senate* choose two peculiar officers called ^o *Censores à censendo*; because they cessed and valued everie

^o *Fenest. de magistr. Rom. cap. 17.*

mans estate, registering their names, and placing them in a fix centurie. For it did concerne the *Romanes* to know the number, and likewise the wealth of the people, to the end they might be informed of their owne strength, and so shape their course accordingly, either in vndertaking warres, transplanting Colonies, or in making provision of victuals in time of peace. A second and maine part of their office was in reforming māners, to which end they had power to enquire into every mans life. This part of their authority was noted out vnto vs by this phrase, being called *Virgula censoria*. If anie one had played the ill husband, & neglected his farme, or left his vine vntrimmed, the *Censors* tooke notice thereof. They did *Senatu & Tribu movere*, that is, they did depose Senarors and pull downe men from a more honourable tribe, to a lesse honorable. *Diminutio maxima* was the losse of ones Tribe, cittie, and freedome. These *Censors* were reputed of the best rancke of Magistrates in *Rome*: they remained in their office an whole five yeares space ordinarilie. I say ordinarily, because ^r through the abuse of their place, the office hath beene made sometimes annuall. ^f That five yeares space the *Romanes* did call *Lustrum*, because they did once in everie five yeares revolution *Lustrare exercitum Romanum*, by sacrifice purge the *Romane* army. Hence we say *duo Lustra*, 10 yeares; *tria Lustra*, 15 yeares, &c. The performance of this *Lustration* belonged also vnto the *Censors*: for after the *Censors* had performed the one part of their office, in registering the iust valuatō of every citizens estate, ^r they did lead a Sow, a Ram and a Bull, three times about the army, and in the end sacrificed them to *Mars*: and thus to purge an army, is *condere Lustrum*; though sometimes *condere Lustrum* doth signifie, to muster an army. These sacrifices, as likewise all others of the like nature, that is, wherein there was a Sow, a Ramme, and a Bull sacrificed, were tearmed sometimes ^u *Suovetauralia*, sometimes *Solitauralia*, sometimes ^x *Taurilia*. Moreover it did belong vnto these *Censors* to farme out the tributes

^r Feneft. de
Rom. magist.
cap. 7.

^f Pomp. Læt.
de Rom. mag.
c. de Censor.

ⁱ Pancirol. lib.
rerum deperd
c. de cibi capi-
endi modo.

^u Alex. Gen.
dier. l. 5. c. 27.

^x Pomp. Læt.
de mag. Rom.
c. de Censor.

butes, imposts, tollage, &c. 7 At the five yeares end, the acts of
 both their *Censors* were registred vpon bookes of record,
 which records were laid vp in a certaine religious house de-
 dicated to the *Nymphs*. Whence ² *Cicero* speaking of *Clodium*
 saith, *Qui eadem Nympharum incendit, vt memoriam publicam*
incensis tabulis publicis impressam aboleret.

^y Pancirol. l.
 rerum deperd.
 cap. de cibi ea-
 piendi modo.
² Cic. pro
 Milone.

CAP. 6.

De Pratoribus.

THE *Consuls* by reason of their many troubles in
 warre, having no time to administer iustice vnto the
 Romane people, did for their better helpe therein,
 create two new officers for the executing of iustice; the one
 to examine and iudge of matters within the cittie, betweene
 citizen, & citizen; the other to decide controversies between
 forreiners: The first they ^a called *Pratorem urbanum*, & *Pra-*
torem maiorem; the other *Pratorem peregrinum*, & *Pratorem*
minorem. we may english them Lord-chiefe-Iustices. Where
 we must note that at the first there was only the *Prator Ur-*
banus, vntill the cases and suits in law became so many, that
 one was not sufficient to heare them all: ^b yea at last the num-
 ber of the *Prators* came to sixteene: namely, when those two
 were added for the providing of corne and graine: whence
 they were called *Pratores cereales*; ^c nay there were at last
 eightene *Prators*, there being two others added to iudge of
 controversies touching feofmets of trust, called thence *Pra-*
tores fidei commissarii. ^d *Causarum duo genera sunt: alie priva-*
te, alie publicae; has criminosas, illas civiles appellant. In those
 cases which were private, that is, ^e touching equity and vp-
 rightnes of any act, or the restitution of any mony, or goods
 vnlawfully detained from the right owner, it belonged prin-
 cipally vnto the ^f two first *Prators* to iudge, ^g but vnder them
 vnto the *Centumviri*, who oftentimes are called by *Tully*, *Re-*
cuperi-

^a Pighius &
 quipet. comp.

^b Alex. Gen.
 dier. l. 2. c. 15.

^c Fenest. de
 mag. Rom. c.
 19.

^d Fr. Sylvius
 in orat. pro
 Muræ.

^e I. Saxonius
 in Cic. orat.
 pro S. Roscio.

^f Rosin. ant.
 lib. 7. ca. 11.

^g I. Saxonius
 ibid.

operatores, and *Indices hasta*; the court *Hasta centūvialis*; because one of the markes and speciall enignes was a speare erected vp in the place the court was kept. Those cases which were publique or criminal, as treason, murder, bying of voices in the canuasing of offices, &c. were called also *causa capitalis*, and *capitis dimicatio*, that is, ^h such cases wherein if the party accused had beene found guilty he was *capita damnatus*; by which phrased we must not vnderstand alwaies *Ultimum supplicium sed aliquando exilium*, quo scilicet caput, that is, *civis eximitur à civitate*. ⁱ These cases at the first were heard by the Kings and *Consuls*; afterward by certaine appointed therevnto by the people, being called from their inquisition *quasitores parricidij*. In continuance of time the examination and hearing of these publique cases was turned over vnto certaine Magistrates, who because they were to continue their office a full and entire yeare (whereas the others had their authority no longer then they sate in iudgement) were thence for distinction sake called *Pratores Quasitores*, and the cases were tearmed *Quaestiones perpetue*: ^k because in these cases there was one set forme of giving iudgement perpetually to remaine; whereas in those private or civil causes the *Prator* did commonly every yeare change the forme of giving iudgement by hanging vp new edicts. ^l Here we must note that these *Quasitores Parricidarum*, otherwise called *Pratores Quasitores*, had not the examination of all publike cases, but sometimes vpon extraordinary occasions either the *Consuls*, the *Senate*, or the people themselves would giue iudgement. Now as those former *Prators* had a speare erected vp, whereby their court for private causes was knowne; so had these *Quasitores* a sword hanged out in token of their court. ^m *Pratorum insignia duo fuere, hasta, & gladius; illa ad iurisdictionem, hic ad quaestionem significandam*. The officers which did attend these *Prators* were *Scribae*, that is, certaine notaries much resembling the Clarkes of our Assises, their office being to write according as the *Prators*

^b Fr. Sylv. in
orat pro Mur.

ⁱ Rosin. ant.
lib. 9. c. 18

^k Rosin. ant.
lib. 7. c. 11.

^l Rosin. ant.
lib. 6. c. 18.

^m Sig. de iud.
lib. 1. cap. 7.

or chiefe Iustices did bid them, taking their name à *scribendo*. The second sort were called *Accensi ab acciando*, from summoning, because they were to summon men to their appearance. They much resembled our Bayliffes errant. The third sort were *lictors* of which before ⁿ The authority of the *urbane Prator* was so increased in time, yea his honour was such, that whatsoeuer he commanded, it had the name of *Ius honorarium*.^o Others are of opinion, that onely the *Prators* edict was that *Ius honorarium*; ^p the *Prator Urbanus* being wont at the entrance into his office, to collect a set forme of administration of iustice out of the former lawes & severall edicts of former *Prators* according vnto which hee would administer iustice all the yeare following. And least the people might be ignorant of the contents thereof, he caused it to be hanged vp to the publike view. This forme of iustice was tearmed *Edictum ab edicendo, id est, imperando*; because thereby he did command, or forbid something to bee done. Whence *Pellitarius* in the place now quoted doth translate *consultum edicta*, Mandatory letters, that it might be distinguished from other Magistrats edicts. It was commonly called *Pratoris edictum*. And as *Pighius* obserueth in the place aboue quoted, it was called *edictum perpetuum*; not absolutely, because the vertue thereof was perpetuall (for that expired togerher with the *Prators* office and therefore *Tully* calleth it *legem annuam*;) but in respect of others edicts made in the midle of the yeare vpon extraordinary and vnexpected occasions, which latter sort of edicts ^t *Tully* calleth *peculiaris & nova edicta*. Afterward, ^r *Salvius Iulianus* collected an Edict out of all the old edicts of the former *Prators*, wherein almost all the whole ciuill law was contained, and this was called properly *Edictum perpetuum*, because that all the *Prators* ever after did administer iustice according to the Edict, by the appointment of *Hadrianus* being then Emperour. The edict being giuen out, the administration of iustice consisted in the vse of one of these three words, *Do, Di-*

ⁿ Feneft de
Rom, maist.
cap 19.

^o P. Pellit in
Cic. orat. pro
A. Cœcinna.
^p Pighius Æ-
quibpet. comp

^q Pellit in
Cic. orat. pro
A. Cœcinna.

^r Cic. in Ver.

^s Cic. in Ver.
^t Sig. de iud.
lib. 1. cap. 6.

u I. Camerar.
in Cic. orat.
pro Flacco.

co, & *Addico, id est, u* Dat actionem, *Dicit ius, Addicit tam res quam homines.* That is, he is said *Dare*, when he granteth out an action or writ against a man. *Dicere* when hee passeth iudgement on him, and *Addicere* when he in the court doth see & allow the delivery of the thing, or the person on which iudgment is passed. The forme of Addition was thus. After iudgement had beene pronounced in the court the partie which prevailed, laid his hand on the thing or the person against which sentence was pronounced using this forme of words, *Hunc ego hominem, sive hanc rem, ex iure Quiritium meam esse dico.* Then immediatly did the L. chiefe Iustice *Addicere*, that is approve the challenge, and grant a present possession. *Anton. in Fast. lib. 1.* For explanation whereof wee must know, that this word *Addico*, is sometimes *verbum Augurale*, sometimes *Forense*, sometimes a tearme of art belonging vnto the discipline of the *Augures*, and so the birds are said *Addicere*, when they shew some good and lucky token, that the matter consulted about is approved by the Gods; the opposite herevnto is *Abdicere*. Sometimes this verbe *Abdico* is a tearme of law signifying as much as to deliver vp into ones hands, or into ones possession: whence we doe not only call those goods that are delivered by the *Prator* vnto the right owner *bona addicta*, but those debtors also which are delivered vp by the *Prator* vnto their creditors to work out their debt, are tearmed *serui Addicti*: yea moreover because in all port-sales it was necessarie that the *Prator* should *Addicere bona* deliver vp the goods sold: hence doth this word often signifie to sell, as *Addicere sanguinem alicuius*, to take money to kill a man, to sell a mans life. Touching the reason of their name, they were called *Pratores à praeundo quoniam iure praebant*. And those alone were properly tearmed *viri pratorij*, which had borne this office, not they which were capeable thereof: in the same sense we say *Viri censorij*, and *viri Edility*, &c.

* M. Toxita
in orat. pro
Pub. Quint.

y Fr. Matu-
rantius in
Philippic. 13.

CAP. 7.

*De Imperatoribus, Caesaribus,
sive Augustis.*

WHen C. Iulius Caesar had overcome Pompey his sonnes in Spaine, at his returne to Rome the Senate welcomed him with new invented titles of singular honour, styling him *Pater patria*, *Consul in decennium*, *Dictator in perpetuum*, *Sacrosanctus* and *Imperator*, all which titles were afterward conferred vpo Octavius Caesar, and all the Emperours succeeding desired to be called *Imperatores* & *Cesares* from him. Where we must vnderstand that this name *Imperator* was not altogether vnknowne before, for by that name the *Romane* souldiers were wont (even at that time) to salute their L. Generall after some speciall conquest. ² These *Romane* Emperours were afterward called also *Augusti* from Octavius Caesar whom when the Senate studied to honour with some noble title, some were of minde that he should be called *Romulus*, because he was in manner a second founder of the citie. But it was at length decreed by the advise of *Manutius Plancus*, that he should be styled by the name of *Augustus*: which wee may English *Soueraigne*, and they counted this name of more reverence and maiestie then that former name of *Romulus*, because all consecrated and hallowed places were called *Loca augusta*. The authority of these Emperours was very great, even as great as the Kings in former times.

2 Serv. Aul. 6

CAP. 3.

*De principibus inventuris Caesaribus, &
nobilissimis Caesaribus.*

^a Rosin. a nt.
1.7. c. 13.

A custom was received amongst the *Romane Emperours* in their lifetime to nominate him whom they would have to succede them in their Empire; & him they called *Princeps inventuris, Caesar, & Nobilissimus Caesar*. The like custome was practised by *Charles* the fifth Emperour of *Germany*, and so hath beene continued by his successours; namely, that one should be chosen whom they called *Rex Romanorum*, who should bee so farre invested in the title to the Empire by the meanes of the present Emperour, that vpon the death, resignation, or deposition of the then being Emperour, he immediatly should succede.

CAP. 9.

De Prefecto urbis.

Romulus for the better government of the citty appointed a certaine officer called *Urbis Prefectus*, to have the hearing of all matters or causes betweene the master and the servant, betweene orphans and their overseers, betweene the buyer and the seller, &c. Afterward in time of the *Roman Emperours*, this *Urbis Prefectus* did assume vnto himselfe such authority, that hee would examine and have the hearing of all causes, of what nature soever, if they were *Intra centesimum lapidē*, within an hundred miles of *Rome* (for ^b *Lapis* in old time signified a mile, because at every miles end a great stone in manner of a marke-stone was erected) In the absence of the King or Consuls, he had all authority which belonged vnto them resigned vnto him. I am

^b Despaunterius in sua syntaxi.

NOT

not ignorant, that some doe make this latter kinde of Prefecture, or Lieutenantship, a different office from the former. But I should rather thinke them to be one and the same, only his authority to be more enlarged in the Kings absence, and of this opinion doe I finde *Fenestella*, *Alexand. Neopol.* and *Sigonius*.

CAP. 10.

De Decemviris legibus scribendis.

FOR the better administration of iustice: the^d Romans appointed three men, namely ^a *Sp. Posthumius*, *Ser. Sulpitius*, *A. Manlius*, to goe to *Athens*, and other *Grecian* cities, there to peruse the *Grecian* lawes: to the intent that at their returne, both a supply might be made of those lawes that were wanting in *Rome*, and the other which were faultie, might thereby be rectified and amended. At the returne of those three men, the *Consuls* were deposed, & both their authority and ensignes given vnto^b ten men newly elected for the government of the state, & were thence called *Decemviri*. The first elected into this *Decemvirat* were, *Ap. Claudius*, *T. Genucius*, *P. Sextius*, *Sp. Velurius*, *C. Julius*, *A. Manlius*, *Ser. Sulpitius*, *P. Curatius*, *T. Romulus*, *Sp. Postumius*. All of them such as had borne the office of a *Consul*. The lawes which they brought from *Athens* were written at first in ten tables of brasse: afterward two other tables were added at which time those lawes began to be knowne and distinguished from others by the name of *Leges 12 tabularum*. And according to those lawes iustice ever after was administered to the *Roman* people: at first by these ten men appointed therevnto, whose authority was as large even as the *Kings* and *Consuls* in old time, only it was annuall, one of them only had the ensignes of honor carried before him; one alone had the authoritie of convocating the *Senate* confirming

^c Sig. de iure
Rom. l. i. c. 20.

^d Fenest. de
magist. Rom.
cap. 14.
^a Rosin. lib. 7.
cap. 9.

^b Lips. Reg.
Leg.

e Rosin. ant.
Rom. l. 7. c. 19.

confirming their decrees, and the discharge of all state businesses. The other did little differ from private men in their habit; only when the first had ruled a set time, the others succeeded by turnes. This kind of government did not continue long in Rome, for in the third yeare all their power was abrogated, because of their tyrannie and oppression used by them towards the Romane people.

CAP. II.

De Interregia potestate.

f Dion. Halic.
l. 2.

g Rosin. lib. 6.
cap. 16.

h Alex. Gen.
dier. l. 5. c. 6.

AFTER the death of *Romulus* the Senators divided themselves into severall companies called *Decurie*, committing the government of the kingdome to that *Decury*, that is to those ten men, upon whom the lot fell, calling them the *Interreges*: where we must know, that these ten did not rule altogether, but each man ruled for the space of five daies, whence *Rosinus* calleth this magistracie *Magistratum quinqueduanum*. After that five daies government had passed through the first, then did they go to lots to have a second *Decury* chosen, and so a third, &c. This office of an *Interrex* remained evē in the *Consuls* time, so that if by some extraordinary occasion the *Consuls* could not bee created then they chose one, to whom alone they committed the whole government of the kingdome, and him they called *Interregem*.

CAP. 12.

De Dictatore.

WHENsoever the *Romanes* found themselves encumbred with dangerous warres, or any other eminent dangers, they presently chose a *Dictator*,

to whom alone was committed the authority and rule of the whole kingdome, differing from a King only in respect of his name, and the continuance of his office. Touching his name he was so called, *quoniam dictis eius parebat populus*. His office continued but sixe months, and at the expiration thereof, if need required, hee was chosen againe for another six months. He was also called *Populi Magister*, in as much as none could make their appeale from him vnto the people. As soone as himselfe was established in his office, he chose a subordinate officer whom hee called *Equitum Magister*: his authoritie much resembled his, whom they called *Vrbi Praefectum*: for as the *Praefectus vrbi* in the absence of the king, so this *Magister equitum* in absence of the Dictator had full and vncontroleable authoritie of doing what he would.

CAP. 13.

De Tribunis militum.

These ¹ military *Tribunes* were of two sorts. The one had all power and authority, which belonged vnto the *Consuls*; and thence were called *Tribuni militum consulari potestate*. The occasion of them was this: The protector of the commons called *Tribuni plebis*, did earnestly labour that the commonalty might be made as capeable of the consular dignity as the Nobilitie: This was followed so hot, that in the end though the Nobilitie would not grant them way vnto that dignity vnder the name of *Consuls*; yet in effect they would graunt it them. Namely the *Consuls* should be deposed, & in their steed other magistrates should be chosen; part out of the Nobility, part out of the commonalty, who though they were not called *Consuls*, but *Tribuni* yet were they of *Consular* authoritie: by which they were distinguished from the other sort of *Militarie Tribunes*, who had power and authority only in matters military, and were knowne

i Pighius in Tyran.

Stadius in Flor. li. i. c. xi.

i Roſin. ant. lib. 7. c. 20.

⁂ Alex Gen.
lib. 6. c. 18

⁂ Rosin antiq;
lib. 7. cap. 20.

knowne by the name of *Tribuni militum* without any addition. ⁂ Sometimes there was one of these three words prefixed, *Rutuli* or *Rufuli*, *Suffecti* and *comitiati*; not thereby to intimate vnto vs any distinction of office or place, but to signifie their manner of election. For if they were chosen by the *Consules*, then were they called *Tribuni Rutuli*, or *Rufuli* because they had their authoritie conformed vnto them by vertue of an act or law preferred by *Rutilius Rufus*, when he was *Consul*. If they were chosen by the souldiers themselves in their campe, then were they called *Tribuni Suffecti* that is, *Tribunes* substituted or put in the place of another. Whence wee may coniect, that the souldiers were not permitted to make any election, but in time of need, when their former *Tribunes* were taken from them by some violent or vnnaturall death. The last sort called *Comitiati*, were so called because they were chosen by the Roman assemblies called in Latine *Comitia*. They were termed *Tribuni*, because at the first institution of them (whether we vnderstand the *Consular Tribunes*, or this latter sort) there were but three of each. In proesse of time notwithstanding I finde the number not only of those *Consular Tribunes*, ⁂ but of those other also to haue beene encreased to six, accordingly as the thousands in a legion were multiplied. These latter sort of *Tribunes*, in respect of their military discipline, which was to see the souldiers being faultie to be punished, we may english *Knights Martiall*: In respect that their authoritie was over foot-men only we may english them *Serians maior*: only this difference there was, to every thousand of foot-men in any legion, there were as many military *Tribunes* vnder their chiefe commander called *Imperator*. But in our english armies there is but one *Seriant maior*, who alone vnder the *L. Generall* hath command over all the foot-men, bee there never so many thousands.

CAP. 14.

De Triumviris Reipub: constituenda.

THis tyranny of the *Triumviratus* beganne by a conspiracy betweene *Augustus Caesar*, *Antonius*, and *Lepidus*. For these three vnder the pretence of revenging *Iul. Caesar* his death, obtained chiefe power and authority for the space of five yeares throughout *Rome*, & pretending that they would settle the common wealth, which at that time by reason of *Iul. Caesars* death was much out of order. Those five yeares being expired, they refused to resigne their authority, exercising excessiue crueltie towards all the *Romans* of what degree soever. ¶ This kinde of government remained but ten yeares, neither ever were there any other then those three aboue named. They had power to enact any new law, to reverse any former Act, without the consent of the *Senate*, or commons. They might proscribe and banish any *Roman* at their pleasure, and as often as we read *de Triumviratu* simply without any adiunction, or *de Triumviratu Senatus legendi*, wee are to vnderstand it of this, though some vpon vnsecure grounds doe disioine them.

p Fenest de
mag Rom:
cap. 21.

q Suet. Octav.
Aug. cap. 27.

CAP. 15.

De Quaestoribus erarij.

THis office of the *Quaestors* seemeth not vnlike to a publique Treasurers, which collecteth the subsidies, customes, mony, yearely reuenues, and all other payments belonging to any state or corporation. And hence *quoniam publica pecunia quarendae propositi erant*, they took their name *Quaestores*: Sometimes they are called *Quaestores Urbani*, to distinguish them from the provinciall *Quaestors*,

p Fenest. de
Rom. magistr.
cap. 3.

Z

which

^f Sig. de iure
Rom. l. 2. c. 8.

which bare office in the *Roman* Provinces: sometimes they are called *Quaestores ararij*, to distinguish them from those that were called *Quaestores parricidij*, or *rerum capitalium*, of which you may see more in the tract *de pratoribus*. Lastly they were called *Quaestores ararij*, to distinguish them from the *Tribuni ararij*, that is, those Martial treasurers, or Clerks of the band, which did receaue the souldiers pay from these citty treasurers, and so pay it to the souldiers. The office of those city Treasurers (then being at first but two) was to receaue all the city accounts; to disburse at all occasions of publique expenses; to take an oath of him that the souldiers had saluted by the name of *Imperator*, that he had truely informed the *Senate* both of the number of enemies slaine, as also of the number of citizens lost: otherwise he might barre the Emperour of his triumph. Moreover whatsoever spoiles were taken in warre, they were delivered vp vnto these city-*Quaestors*, and they selling them, laid vp the mony in the great Treasure-house called *Aedes Saturni*.

CAP. 16.

De Tribunis Plebis.

^e l. Rosa in.
Epik. rerum,
Rom.

^u Rosin. ant.
ly. c.

THE *Roman* commonalty finding themselves oppressed by the wealthier sort, departed vnto the *Aventine* mount, threatening the *Roman* nobility, that they would forsake their city, and never againe adventure themselves in warr for the defence thereof, vnlesse they did finde some release and easement, from those excessiue payments of vse & interest vnto their creditours: yea beside the remission of their present debts, before they would returne vnto their city againe, they would haue certaine magistrates chosen, which should be *Sacro-sancti*, that is, such as might not be hurt or violently vsed, not so much as in words: and if any had violated that law, whereby they were made *Sacro-sancti*

sancti, then was he accounted *homo sacer*, that is, and excommunicate person, or such an one whose soule should be vowed vnto some God; insomuch that if any after had killed him, he should not be liable vnto iudgement: *x quoniam illius anima dijs devota amplius humani commercij non sit.* To those *y* magistrats the protection of the commons was committed who because they were at first chosen out of the *Military Tribunes*, therefore did they alwaies retaine the name of *Tribunes*, being called that they might be distinguished from the others, *Tribuni Plebis*, Protectours of the commons. At the first institution of them they were in number but two, as *z* some haue thought: *a* Others say five: afterward (as it is yeelded by all writers) they increased vnto ten. Their authoritie at first consisted chiefly in this, that they had power to hinder any proceedings in the *Senate*, which they thought might proue preiudiciall vnto the commons, so that they had not authority to enact any new decrees, as afterward by abusing their authority they did. *b Sed eorum autoritas magis in intercedendo, quam iubendo.* And hence was it that in old time these protectours of the commons were not permitted to come into the *Senate*: but *c* they sate without at the dore, whether whatsoever was determined within the *Senate* was sent vnto them, to be perused by them, and if they did approve it, then did they subscribe a great *Roman T*, being the first letter of this word *Tribuni*. *d* The houses of these *Tribunes* stood open night and day, as a common refuge or place of succour for all that would come; *e* neither was it lawfull for them to bee absent out of the towne one whole day throughout the yeare.

x Alex Gen-
dier. l. 6. c. 14.
y Rosin ant.
lib. 7. c. 13.

z Pighius in
suo Tiranni
fug.
a Pomp: Lat,

b Stadius in
Flor: lib: 3. c: 2.

c Pigh. in suo
Tirannifug.

d Rosin ant.
Rom. l. 7. c. 23.

e Pigh. in suo
Tyrannifug

CAP. 17.

De *Edilibus*, & *Prefecto annona.*

WE may read of three sorts of *Roman* magistrats called *Ediles*, the two first had their names *ab edibus curandis*, hauing in their charge to repaire

f Philet. in l.
2. Cic. epist.
fam 10:

g Alex. Gen.
civ. l. 4. c. 4.

h Alex. Gen.
ibid.
i Pighius in
suo tyrannif.

k Rosin antiq.
lib. 7. cap. 38.

both temples and priuate dwelling-houses which belonged vnto the cittie. The first sort were called *Ediles curules*, à *sella curuli*, from the chaire of state, wherein it was permitted them to ride, and these were chosen ^f out of the Senators. The second sort were called *Ediles plebei*, and they were added vnto the former at the earnest suit of the commons, they being to be chosen out of them. Where we must note that they were not so added, that both sorts should rule at one and the selfe same time, ^g but that the *Curules* should rule the one yeare, and the *Plebei* the other. To these *Ediles* it did belong, beside the reparation of temples & private houses, to looke vnto the weights and measures in common sale: for they had power to examine *Actiones redhibitorias*, that is, such actions. by vertue of which he that had sold any corrupt or sophisticated wares, was constrained to take them againe. Moreover they had the charge of the publique conduit or water-conveiances, of provision for solemne plaies, &c. Of the third sort their were also two, who were in a manner Clarkes of the Market. ^h For vnto them belonged the looking vnto the victuals sold in the market, and corne: Whence they were called by them *Ediles cereales*, and ⁱ by the Greekes ἀγοραβοιοι. This office, for ought that can bee collected out of those that treat of it, differeth but little from his, whom the Romans called *Annina prefectum*, only this, the *Ediles Cereales* wete *magistratus ordinarij*, the *Prefectus*, *extraordinarius*, namely, ^k such as was chosen only in time of extraordinary dearths: he hauing for that time larger authority then those ordinary clarkes of the market. For as it appeareth by *Rosinus* in the place now quoted, this *Prefectus* had power of himselfe, to examine all such cases or questions as should arise touching the dearth: as suppose the hoarding of corne, forestalling the market, &c.

CAP. 18.

De Triumviris.

BEside that *Triumviratus Reip, constituenda*, of which we spake before, there were divers kindes of *Triumvirates*, namely *Triumviri capitales*, three high Sheriifes, who had the charge of prisons, and were to see malefactors punished: for which purpose eight *Lictors* did attend them. There were also ¹ *Triumviri Mensarii*, three men, we may tearme them Bankers, who had authority to pay out of the common treasure poore mens debts. Sometimes there were appointed five to this office, whence they were called also ^m *Quinqueviri Mensarii*, both being called *Mensarii* from *Mensa*, a table, whereon they told their mony. Another sort of *Triumviri* there were appointed to presse soldiers, whence they were called *Triumviri conquirendi iuvenes idoneos ad arma ferenda*. We read also of certaine *Triumviri*, which were elected as chiefe captaines to guid and conduct the people in transplanting colonies, and thence were they named *Triumviri Colonia deducenda*; but sometimes for this purpose they elected seven, ten, or twenty, and so named them *Quinqueviri*, *Septemviri*, *Decemviri*, and *Vigintiviri Colonia deducenda*. Three other sorts of *Triumviri* remaine, which were officers of small account, as the *Triumviri monetales*, three Masters of the Mint, who thence were called *Triumviri A. A. E. F. F.* that *Auro*, *Argento*, *Aere*, *Flando*, *Ferundo*, for they had the charge of coining the mony. Secondly, *Triumviri valetudinis*, Three Pest-men, which were to oversee those that lay infected with any contagious sicknesse. Thirdly, ⁿ *Triumviri nocturni*, three Bell men which were to walke the towne at night, and to giue notice of fire.

¹ Alex. Gen.
dier. l. 3. c. 16.

^m I. Camerar.
in orat. Cic.
pro Flacco.

ⁿ Alex. Gen.
dier. l. 3. c. 16.

CAP. 19.

De Praefectis Aerarij.

Augustus Caesar desiring for the better safety of the citty, to maintaine many bands of souldiers, which should alwaies be in readines for the defence of the Citty, desired of the citty an yearely subsidie for the maintenance of those souldiers: but being denied it, hee built a certaine Treasure-house, which hee called *Aerarium militare*, whereinto he cast his mony for himselfe, and *Tiberius*; and promised to doe so every yeare. Afterward when he saw the Treasurie not to be enriched enough, either by that mony which himselfe bestowed, or by the contributions of others he appointed that the twentieth part of all inheritances and legacies (except it were to the next of the kin, or to the poore) should fall vnto this Treasurie. For the charge & custody hereof he appointed three of those souldiers which alwaies attended about him for the safegard of his person, calling them *Praefectos Aerarij*.

CAP. 20.

De praefecto Pratorio.

All Captaines and Gouvernours to whom the rule of any army belonged, were in ancient time called *Pratores*: This word *Prator* signifying then three chiefe officers among the *Romans*: First a *Consul*, secondly a L. chiefe Iustice, thirdly, a L. Generall in warre, all of them being called *Pratores*, *quasi Praetores quoniam iure & exercitu praebant*. Answerable to which thre-fold acception, this word *Pratorium* hath three severall significations: sometimes it signifieth a Prince's palace or mannour house, sometimes a great

o Pancirol. in
notitiam im-
per. orient. c. 5
p. Pighius in
Equipet.
compol.

great ball or place where iudgement was wont to be given; and lastly the L. Generall his pavilion in the campe; & from which last signification it is, that those souldiers that gaue attendance about that pavilion for the gard of their Capitaines person, are sometimes called *Milites Pratoriani*, sometimes *Cohors pratoria*: and he to whom the oversight of these souldiers was committed was thence called *Prætorio præfectus*.

q Asconius in Verrinam 3.

r Fr. Sylu. in Catil. 2^m.

CAP. 21.

De Advocato fisci.

FOR the right vnderstanding of this office, we must first note a difference betweene these two words, *Ærarium*, & *Fiscus*. *Ærarium* was a common treasury belonging vnto an whole state or corporation, whence all publike and common expences are to be supplied. *Fiscus* was the Kings or Emperours private coffers: it may be englished the Kings Exchequer. The keeper thereof was called *Advocatus Fisci*. There are many other petty offices within the city, which I haue purposely omitted, because there is but seldome mention of them in old autors, and as often as they are mentioned, their names doe explaine their office.

CAP. 22.

De præcipuis magistratibus provincialibus.

OVer the Provinces at first ruled certaine magistrats sent from Rome, by commission from the Roman Senate, called *Prætores*, whose office was to administer iustice vnto the provinciall inhabitants, yea & if occasion serued, to make war also vpon their enemies, & this was the reason that the number of the *Prætors* did so increase alwaies

alwaies, namely accordingly as the number of Provinces did encrease. The wars and tumults in the Provinces sometimes were so great, that the *Prator* was not sufficient both to manage war and execute iustice: wherevpon the *Senate* thought fit to send another magistrate into the Prouinces, whom they called a *Consul*, because properly the managing of warre belonged vnto the *Consul*. So that there were at first two ordinary Provinciall magistrates, a *Consul* to manage warre, and a *Prator*, or L. chiefe Iustice to sit in iudgement. And if these two by a second grant from the *Senate* did continue in their office aboue the space of an yeare, then were they called *Proconsules*, & *Propratores*. But in proesse of time this custome was altered. For then none could be *Proconsules*, but those alone who had beene *Consuls* in *Rome*: neither could any bee *Propratores*, which had not beene *prators* at *Rome*. Their manner being, that the next yeare after the expiration of their offices in *Rome*, they should depart into some certaine Province, to beare the same offices againe, being not called *Consules* or *Pratores* as before, but *Proconsules* & *Propratores*: and for this cause alwaies, so soone as the *Consuls* had beene created, the *Senate* did appoint certaine Provinces for the *Consuls*, which being appointed, the *Consuls* did either agree betweene themselves, who should goe to the one, who to the other: and that was tearmed *comparare provincias*: or else they did decide the question by lots, and that was tearmed *sortiri provincias*: howbeit sometimes the *Senate* did interpose their authority, and dispose the same. Vnder the Emperours the gouernours of some Provinces were appointed by the *Senate*, and the people, and those were called *Proconsules*, and the Prouinces, *Provincia Consulares*: others were appointed by the Emperours, and they were called *Propratores*, and the provinces *Pratoria Provincia*. For all this, which hath beene noted touching the provinciall Magistrates, it is almost *verbatim* translated out of *Rosinus*. To which we adde this, namely that every *Proconsul* and *Proprator* did usually

Alex. Gen.
lib. 1. c. 3.

Il. Camerar.
pro L. Flacco.

Rosin. ant.
lib. 1. c. 24.

usually choose a Lieutenant such a one as should be assistant vnto him in matters of gouernment; whom they called *Legatum*: So that this word *Legatus* signified three severall Magistrats amongst the Romans, two whereof may be proued out of *Y Sigonius*: first that it signified such a Lieutenant, or L. Deputy vnder a *Proconsul*, or *Proprator* in a Province; secondly, that it signified such a one as is employed in the delivery of a message or embassage from one Prince or State to another; we commonly call them *Embassadors*. Lastly it signified a Lieutenant or cheife Captaine in warre, whose place was next vnder the L. Generall. His office at the first institution was not so much to rule or command, as to assist the L. Generall in councell; whence *Polibius* commonly ioyneth these two together, *πρεσβευτὰς καὶ συμβούλους*, that is, *Legatos & Consiliarios*, that the latter word might expound the former. *Lips. de mil. Rom. l. 2. dial. 11*. Moreouer every *Proconsul* and *Proprator* had with them certaine Treasurers, called *Quæstores Provinciales*. These provinciall Treasurers were chosen by the Roman people commonly, namely such a number as the number of provinces did require. After the election, they betweene themselves did cast lots who should goe vnto the one, who vnto the other provinces: sometimes extraordinarily by vertue of speciall Act or decree, this or that speciall man hath obtained this or that Province without any lottery. By the way wee must note, that all Prouinciall *Quæstores* could not be called *Proquæstores*, as all Prouinciall *Consuls* and *Pretors* were called *Proconsules* and *Propratores*. For these only were called *Proquæstores*, which did succeed these provinciall *Quæstores*, when they did either die in their office, or depart out of the Prouince, no successor being expected from Rome: at which times it was lawfull for the *proconsul*, or *Proprator* to choose his *Proquæstor*. Moreouer there were beside these *Legati & Quæstores* other military officers; such as are the *Tribuni militum*, *Centuriones*, *Præfecti*, *Decuriones*, together with other inferior officers, as their Secretaries, Bayliffs, Cryers, Seriants, and such like.

x Pomp. Lat. de mag. Rom.

y Sig. de iure prou. l. 2. c. 2.

a Sig. de iure prou. l. 2. c. 8.

b Sigon. ib.

c Rosin. Ant Rom. l. 7. c. 45.

d Sig. de iure prou. l. 2. c. 2.



LIB. 3. SECT. 3.

Of the Roman Punishments.

CAP. I.

*Supplicia, Muletta, Lex Ateria, Tarpeia. Ego ei
unum ovem mulctam dico &c.*



Touching the military punishment, which belonged to military discipline, it shall bee treated of in it's proper place. Here only of the Citty discipline, and the usuall punishments exercised therein, which we may divide thus. Punishments publickly inflicted on malefactors are either *Pecuniarie mulcts*, or *Corporall punishments*; the *Pecuniary mulcts* were of two sorts: either an appointed summe of mony was required of the party guilty, and then it was called *Muletta*: or his whole estate was seized on, and then it was tearmed a *Confiscation* of his goods. The *Mulct* was twofold, the one tearmed *Muletta suprema*, the other *Muletta minima*. Of both these ^a Gellius writeth thus: *Suprema mulcta erat duarum ovium, & triginta boum, pro copia scilicet boum, & penuria ovium: sed cum eiusmodi mulcta pecoris, armentiq; a magistratibus dicta erat, adigebantur boues onesq; alias pretii parvi, alias maioris, eaq; res faciebat inaequalem mulcta punitionem. Idcirco postea lege Ateria constituti sunt*

^a Gellius, l. 11.

sunt in oues singulas aris deni, in boves aris centeni: Minima vero multa fuit ouis unius. Moreover as he observeth in the same place, whensoever the Magistrat did set a fine or Mult^a vpon the offenders head, he vsed the word *Ovis* in the Masculine gender: as, *Ego ei unum ouem multam dico, &c.* The law which *Gellius* calleth *Ateriam legem*: ^b *Festus* calleth ^c *peculatus*. *Legem Tarpeiam*, becauie *Aterius* enacted it, when he was Colleague or fellow Consul with *Tarpeius*. Likewise wee may take notice of the clemency vsed in those times. It was provided by the law, that seeing there was greater plenty of Oxen then of Sheepe, & to be fined an Oxe, was not so much as to be fined a Sheepe, therefore the Magistrate pronouncing the Fine *Bonem prius quam Ouem nominaret, ut innotesceret Romanis mitiores semper panas placuisse.*

^b *Festus* in *vo-*
cc peculatus.

^c *P. in lib: 18.*
cap: 3. It Alex.
ab Alex: lib: 8:
cap: 5:

CAP. 2.

Capitis diminutio, maxima, media, minima Aqua, & Igni interdicti. Proscriptio, Lata fuga, Deportatio, & proscriptione, & interdictum, Ararij, In ararios relati, Religatio, Lang cum tintinnabulis.

THE corporall punishments are either such as were Capitall, depriving a man of his life: or Castigatory, such corrections as served for the humbling and reforming of the offender, or for the destroying of him. Capitall punishments were sometimes taken in a civill acception, for the losse of freedome, which the *Romanes* called *Capitis diminutionem*, Disfranchising, because in every Free-man thus disfranchised, one head of the corporatio was as it were cut off: sometimes it is taken for the losse of ones life, & this they called *Ultimum supplicium*. That disfranchising called *Capitis diminutio* was ^d threefold. *Maxima, Media & Minima*. The least degree was, when the *Censors* pulled a man from

^d *Rosin. ant.*
Rom. 1.9. cap: 3

an higher Tribe, downe to a lower and lesse honorable, or when by any censure they disabled a man from suffraging, or giuing his voice in the publike assemblies: such as werethus in the last manner punished, were tearmed *Erarii*, and *In erarios relati*: *quia omnia alia iura ciuium Romanorum, præterquam tributum & æris conferendi amiserunt*. This kinde of punishment, as it may seeme, was many times exercised for irreuerend gesture, or speeches vsed by such as were questioned by the *Censors*. Three seuerall examples are noted by *Gellius*; the last is this: *P. Scipio. Nasica*, and *M. Pompius* being *Censors*, taking a view of the *Roman* knights obserued one of them to haue a leane starueling horse, himselfe being fat, and in good plight, wherevpon they demanded the reason why his horse was so leane, himselfe being so fat: his answere was. *Quoniam ego, inquit, me curo; equum Statius meus seruus*. *Diminutio media* was an exilement out of the Citty, without the losse of ones freedome: It was commonly set downe in this forme of words: *Tibi aqua & igni interdico*. And it seemeth by *hælium Rhodiginus*, to be all one with that kinde of banishment, which the *Romans* called *proscriptio*, though it cannot be denied, but that *Proscriptus* sometimes signifieth only such a one, whose goods are set at sale to satisfie his creditors, because hee will not appeare in the Court, the forme thereof is thus. The Creditours hauing obtained leaue of the Lord chiefe Iustice to proceed in this manner, they committed the ordering of the sale to one principal Creditour and he was called simply *Magister*, and he in the name of all the rest, solennely proclaimed in the chiefe places of the City in forme as followeth. *Ille debitor noster in eiusmodi causa est, ut bona eius diuendi debeant, nos creditores patrimonium eius distrahimus: quicumq; emere volet, adesto*. But for the reconciling of both opinions, we may tearme the first to be *Proscriptionem hominum*: the other *Proscriptionem bonorum*: which distinction being not obserued, breedeth a great confusion in the Authors that treat of this punishment, and because

e Sig. de iure
Rom. l. 1. c. 17.

f A. Gell, noct.
Attic. l. 4.
cap. vii.

g Camerar. in
orat. Cic. pro
Muræ.
h Cæli. Rhod.
lib. 15. cap. 17.

i Rosin. ant.
lib. 9. cap. 12.

because both was performed by solemn and publique proclamations, hence the name *Proscriptio* agreed as well to the goods confiscated, as to the persons banished: according to that, ^k *Quoniam eorum nomina in publico scribebantur, hinc proscribi dicebantur*. Hence the ^l *Gracians* use not only the word *προσγεδορ*, but also *ἐν λιπιδι*, to signify the act of *Proscription*, because they wrote in a publique pillar the faults & offences of such as were thus banished. But to proceed without farther digression. *Diminutio maxima* was the losse both of the city, and the freedome; and this I take to be the same which in other rearmes was called *Lata fuga*, or *Deportatio*, namely a perpetuall exilement: all standing in opposition to that other kind of banishment, called *Relegatio*, which was the exilement ^{*} only for a season, happily for five yeares &c. see *C. Rhod. lib. 10. c. 5.* though I deny not but that *lata fuga* was so called not only in respect of the duration of time, it being a perpetuall banishment: but also in regard of the places so generally prohibited, ^m for he that was thus banished, was tied and limited to one peculiar country, all other places in generall being forbidden him. Those punishments that deprived of life in ordinary use, and of which there is most frequent mention in *Roman* Authors are these which follow. *Furca, Crux, Carcer, Culeus, Eculeus: De rupe Tarpeia deiectio Scale, Gemonie, Tunica. Damnatio in gladium, in ludum, ad bestias*: In generall we are to note, that the execution was without the gates of the city, to prevent the noysomes which such abundance of blood might occasion, ⁿ for which reason the executioner dwelt without the City. Likewise those that were adjudged to death, when they went to the place of execution, a certaine little bell was tyed about them, that by the sound thereof, the people might beware of touching the condemned person, because the very touch of him was counted a kinde of pollution: this ^o *Turnebus* obserueth out of *Zonaras*: and from hence the executioners are called *P Lanij* ^q *q Rosin. ant. cum tintinnabulis*. And for this reason ⁹ it was, that a little

^k Fr. Matur. in Philip. orat. 5.
^l Suidas in voce *ἐν λιπιδι*.

^{*} Adde quod edicta qaamvis immitte minaxq;
Attamen in pænæ nomine lene fuit.
Quippe relegatus, non exul dicor in illo.
Ovid, de trist. 1.2. Eleg. 1.
^m Tholosan. syntag. iur. v. univers. lib. 31.

ⁿ Plaut. Cas. 2. 6.
^o Turn. adv. 1. 11. c. 21.
^p Plaut. pseud. lib 3.
^q Rosin. ant. 1. 10. c. 39.

r Tertul. Apo-
log. cap. 33.

bell and a scourge was hanged vp in the hindmost part of the chariot, wherein the Lord generall did ride in his triumph, a publike officer which rodde with him in the same chariot, now & then plucking him behind, & bidding him looke back, vsing this forme of words, *Respice post te, hominem memento te*, that is, Sir looke behind you, remember your selfe to bee but a man. For the sight of the scourge and bell serued to put him in minde, that notwithstanding, his present triumph and acclamations his after-miseries might be such, that he might be punished not onely with whippes, but euen with death at selfe.

CAP. 3.

Furca. Furcifer. Supplicium more maiorum, sive suae.

a Isidor. orig.
lib. 10.

b Plutarch, in
Coriol.

c Epit. Livij.
dec. 6. lib. 5.

AVncient autors which doe write of the *Roman furca*, doe rather mention it, then explaine it, but if wee diligently obserue what they speake of it, wee shall finde the vse thereof to haue bin three fold. The first ignominious. Wh^{ch} a was when the master forced the servant for small offences *furcam circa urbem ferre*, to carry this *furca* vpon his shoulders about the citty, confessing his fault and admonishing others to beware of the like offence, & hence such a servant was afterward called *furcifer*; and here I thinke was vse of those *stimuli* or goades, whereof I shall speake more in the chapter following; namely that when the party thus to be punished dragged back, and shewed himselfe unwilling, then did the executioner priek him forward with these kinde of goades. The second sort was penall, when the party hauing the *furca* on his neck, was ledde vp and downe the Cirque or some publike place, and on the way to bee whipt but not vnto death, thus *C. Marienus damnatus sub furca diu virgis caesus erat*, & *sestertio nummo varijs*. He was after-

afterward sold, and therefors died not vnder the punishment. The third sort was penall to, but in an higher degree; namely, when the malefactor hauing his head fastned to the *furca*, was whipt vnder it vnto death; and this was by a peculiar name called *supplicium more maiorum*. This yet differed from that beheading with an axe which was in vse among the *Romans*, and called by the *Grecians* πελεκισμός from πέλεκυς fig. d Sueton in Ner. 49. nifying an axe or hatchet; it differed I say from this, because howsoever there were in this *σαυρώ αρδεδεσις*, a tying the party to a stake or post, and also *μαστιγωσις*, a whipping, in both which it agreed with the former punishment, yet herein they differed, because in the former they were whipped vnto death, in the latter they were after their whipping beheaded with an axe, as appeareth by the execution of *Antigonius* the King of the Iewes. But to proceed in the description of the *furca*, the forme thereof I take to be like the beame of a wayne vnto which the yoakes are fastned; it resembleth a forke, & the *furca* is called ξύλον διπλῶν, δικεῖν, δίδυμον, id est, *lignum duplex, bicornutum, geminum*, in english a forked piece of timber; there is no such piece throughout the whole wayne as the forme of waynes is in these daies, but only the beame thereof *Plutarch* treating of the *furca*, saith that it is, ξύλον ἀμάξης ὡ τὸ ῥύμον υπερίδουσι, that is, a piece of timber about the wagon or wayne, wherewith they vpheld the beame; and he addeth, that what the *Grecians* call ὑπὸ ἀτὴν & σήρισμα, that the *Romans* call *furca*; now *Hesychius* describeth σήρισμα to be τὸ δικεῖν ὃ πρὸ ὑπὸ σιδέαςι τῆς ἀμάξης ζυγῶ, that is, the forked piece of timber, which they put vnder the yolk of the wayne; correct *Plutarch* by *Hesychius*, and for τὸν ῥύμον reade τὸ ζυγόν, & you haue in both the description of the beame in the wayne. Some thinke that *Plutarch* compareth the *furca* to a certaine forked peice of timber, wherewith the waine was vpheld whiles it was vnloaded, but how this can stand with *Hesychius* his description of σήρισμα, I am yet to learne; notwithstanding if we admit this interpretation, that which

Dio. lib. 49.

Plut. in Catiol.

which I would hence inferre, is rather confirmed, then any way weakened: namely that the forme of the old *Roman furca* was forked, neither doe there appeare any testimonies so evident to me, as to persuaade that among the auncient *Romans* any other was in vse. True it is, that in after ages the forme thereof was the very same with our *gallowes* which are now in vse, and this happily beganne, when the vse of crucifying was interdicted, which interdiction we read first to *Sozom.* ¹ ec. clef. hist. l. i. c. 8. haue taken place in *Constantines* time.

CAP. 4.

Crux. Servile supplicium. Titulus.

CRUCIFIXION hath beene a punishment in auncient vse among the *Romans*, it was abrogated by *Constantine*. It was a death that commonly servants were sentenced vnto, seldome times free-men, whence it is many times noted out by the name of *servile supplicium* by *Tacitus*, yet ^h sometimes freemen though of the baser sort, & for notorious offences were adiudged to this kind of death: nay a cleare example hereof we haue in that * *Guardian* which *Galba* crucified, for poysoning his ward, for the *Guardian* calling for the benefit of the law, & avouching in his plea, *That he was a Roman citizen*. *Galba* as if hee would allay his punishment with some comfort and honour, commanded the crosse already made to be changed, and another to be reared far higher then the ordinary, and the same laid ouer with a white colour. Those which were thus to be punished, they bore their crosse vpon their shoulders to the place of execution. ⁱ *Malefici* cum ad supplicium educuntur, quisq; suam effert crucem. ^k *Artemidorus* is as plaine ^l *Εἰς τὸ καὶ ὁ σωγὲς θανάτω, καὶ ὁ μέλλων προσηλῆσθαι, πρότερον αὐτὸν βασάζει*, that is. The crosse is like vnto death, & he which was to be crucified did first bear it. The party that suffered this kind of death was first strip-
pe d

^h Vid. Lips. de cruce. l. i. c. 11.

* Suet. Galb. 9.

ⁱ Plut. de sera numinis vind.
^k Vid. Lips. de cruce. l. 2. c. 5.

ped of all his clothes, for he suffered^l naked; then was he fast-
ned vnto the crosse and that commonly with nayles, the
Greek word *πασήλωσις* clearely evinceth as much, we may
render it *Clauifixio*. Now that the equity of the proceeding
might clearely appeare to the people, the cause of his punish-
ment was written in capitall letters, hence^m *Dio* speaketh of
a servant drag'd to the crosse, *μεταγραμμάτων τῷ αἰτίαν*
τῆς θανάτωσώς δηλῶν, that is, with letters declaring the
cause of his death. This inscription was called *αἰτία* *Mat.* 27.
37. It was also called *τίτλος* *Ioā.* 19. 19, from the latine word
titulus vsed in the same sense. And sometimes *ἐπιγραφὴ* & *αἰ-*
τίας *Mar.* 15, 26. or simply *ἐπιγραφὴ* *Luc.* 23. 38. ⁿ *Tertullian*
& ^o *Suetonius* calleth it *elogium*. The like kinde of publishing
the cause, either by an inscription, or by the voice of a com-
mon crier was not vnusuall in other capitall punishments;
as *Attalus* the Martyr was led about the Amphitheatre, *πί-*
νακ & *αὐτὸν προάγον* & *ἐν ᾧ ἐγέγραπτο ῥωμαῖσι, ὅτι ἐστὶν Ἀττάλδης*
ὁ χριστιανός, i. A table being carried before, in which it was
written in latine, *This is Attalus the Christian*. That of ^q *Sue-*
tonius his is not much vnlike. *Patrem familias detractum ē spe-*
ctaculis in arenam, canibus obiecit, cum hoc titulo: Impiē locu-
tus Parmularius. What is meant in this place by *Paterfami-*
lias and *Parmularius*, hath bin already declared in the chap-
ter of *Scencers*. Moreouer such as were to be crucified, they
were also whipt before they suffered. That same *horrendum*
carmen clearely evinceth as much; the parts whereof are two;
first: *Verbera intra aut extra pomerium*, secondly: *Arbore*
infelici suspendito. This whipping was sometimes *sub furca*,
for this ^{*} *Valerius* is plaine. *Cum servum suum verberibus*
multatum sub furca ad supplicium egisset: sometimes *ad co-*
lumnā. *Artemidorus* is cleare in this, *προσδεθείς κίονι, πολλὰς*
ἔλαβε πλῆγας, that is, being tied to the pillar, hee receaved
many stripes. Happily ^f *Plautus* alludeth to the same.

^l *Artemidor*
lib. 2. 58.

^m *Vid. Lipsde*
cruce, l. 2. c. 11.

ⁿ *Apol. cap. 2.*
^o *Sueton. in*
Calig.

^p *Euseb. eccl.*
hist. lib. 5. c. 1.

^q *Sueton. Do-*
mit. cap. 10.

^r *Liv. lib. 1.*

^{*} *Valer. Max.*
l. 1. c. 7.

^f *Plaut. Bacch.*

----- *Abducite hunc*
Intrò atq; adstringite ad columnam fortiter.

Bb

Yea

† Prudentius
Hieronym. Be
da. vid. Lipt. de
cruce. l. 2. c. 4.

¶ Plaut. Mil.
2. 6.

× Plaut. Most.
1. 1.

* Cœl. Rhod.
lect. antiq. l. 10
cap. 5.

Yea the auncient *Fathers* say that our blessed Saviour was thus whipt: touching the place or manner the scripture is silent, only that he was whipt it testifieth, and that with scourges. Τὸν δὲ Ἰησοῦν ὁ βασιλεὺς παρέδωκεν ἵνα σαυρωθῇ *Mat. 27. 26.* This fore-whipping I take to bee a matter vnquestionable, but that they should be whipt on the way towards the place of execution, I much doubt, much more that they should be goaded on the way with pricks and goads by the Executioner. That there was a *stimuleum supplicium*, a kinde of punishment with pricks and goades is evident, and hence cometh that phrase *Stimulo fodere*, and hence that other phrase of *Kicking* against the prickles. Parrallel to which is that of *Plaut. Truc. 4. 2. Stimulos pugnis cadere*. But this kinde of punishment I take to haue beene exercised only by Masters towards evill servants, and that not as præparatory to death, but for their reformation in future times: whence by way of contempt, a servant thus handled was tearmed *Carnificium cribrum*, because he had his backe so boared with those pricking instruments, that it looked like a sieue full of holes. Otherwise, if we vnderstand it as a punishment imposed by publique authority, we may say, that thereby is denoted a certaine punishment, exercised towards theeues in time of their examination, that by the pricking and goading of them, the truth might bee confessed, * for to that ende theeues were thus tortured, and thence were they called *Centrones*, from κέντρον, *Stimulus*. Lastly wee must remember that these three words *Furca*, *Crux*, and *Patibulum*, are many times vsed promiscuously, signifying the whole crosse on which malefactors suffred: but in strict propriety of speech, *Furca* signifieth that forked instrument of which wee treated in the former chapter: *Crux*, that erect part of the crosse standing vpright: and *Patibulum*, the thwart peece of timber vpon the top of the crosse: yet sometimes also *Patibulum* is taken for the *Roman furca*, whence *Patibulatus* and *Furcifer* are vsed as words æquivalent, and in both senses it may

may borrow its name from *Pateo* to lie open; because as the malefactors hands were spread abroad being fastned to the thwart peece of timber vpon top of the crosse: so were they likewise spread abroad vnder the *Furca*, his two hands being tyed to the two forked ends thereof.

C A P. 5.

*Carcer, Ergastulum Tullianum, Robur.
Mala mansio, Nervus, Collum.
bar, Numella, Codex.*

Howsoever *carcer* & *ergastulum* are vsed promiscuously by moderne writers, yet if wee diligently enquire vnto each words origination, and how they haue bene vsed by more ancient autors, wee shall finde them thus differenced. *Ergastulum* was a prison much resembling our house of Correction, into which servants only were cast: *Carcer* a more publike prison, vnto which men of better ranke & fashion vpon iust occasion were committed: secondly, the power of sentencing any servant to the *Ergastulum*, was proper and peculiar to the master of the servant, without approbation from publike authoritie, but the power of the committing to the prison called *Carcer*, was onely in the publike magistrate: thirdly *Ergastulum* tooke away only the libertie and pleasure of life: *Carcer* life it selfe. The word *Carcer* hath his name *a coercendo*, from restraining men of their liberty.^a It had two principal parts, the one called *Tullianum*, the other *Robur*, besides many other roomes wherein men were kept close prisoners, these two places were assigned for execution. In that which they called the *Tullianum* (wee may english it *Dungeon*) they strangled malefactors.^b It had its name from *Servius Tullius* a Roman King, the first inuenter & autor thereof. Of this *Salust* writeth, *Est locus in carcere quod Tullianum appellatur ubi paula-*

^a Sigon. de iudic. lib. 3. c. 17.

^b Sigon. ibid.

o Plau. pæn.
 5.3.
 d Plau. pæn.
 5.6.
 e Her. lib. 2.
 od. 13.
 f Turneb. adv.
 lib. 23, cap 21.
 g Plau. in
 Curc. act 5. sc.
 5.
 h Valer. l. 5. c. 4

i Plau. Aulul.
 25.

k Cic. pro Mi-
 lone.

tim ascēderis ad levam, circiter duodecim pedes humide pressus
 eum muniunt undiq; parietes, atq; insuper camera lapideis for-
 nicibus iuncta, sed inculta tenebris, odore feda, atq; terribilis e-
 ius facies est. In that other place which they called common-
 ly *Robur*, sometimes *Robustus Codex*, sometimes *Custodia*
lignea, sometimes *Italum robur*, (our english phrase strong
 hold fitly answereth it) they broke malefactors necks, by a
 kinde of præcipation or tumbling them headlong, f from a
 certaine stock of a tree fastned there in the earth; vnto this
 Tully alludeth. *Quæro frgeris ne in carcere cervices illi ipsi*
Vellio. But more expressely *Plautus*. g *At ego faciam vos am-*
bos in robusto carcere ut pereatis; those that had the chiefe o-
 versight in such executions were called *Triumviri capitales*,
 that is high Sheriffs The whole proceeding is set downe by
Valerius. h *Mulierem damnatam Prator Triumviro necandā*
in carcere tradidit, quam receptam is qui custodia præerat, mi-
sericordiā motus non protinus strangulavit; aditum etiam filie
dedit. sed diligenter excussit, ne quid cibi inferret, existimās fu-
turum, ut inediā consumeretur; cum verò animadvertisset, fili-
am matrem lactis sui presidio sustentantem, rem ad Triumvi-
rum, Triumvir ad Pratorem, Prator ad consilium indicum per-
tulit, & remissionem mulieri impetravit. It is much controver-
 sed among interpreters, what that kinde of punishment was
 which they tearmed *Malam mansionem*, wee may english it
 little ease: Some vnderstand hereby a certaine deepe dunge-
 on, made in the forme of a pitt or well, called therefore in la-
 tine *puteus*; but this as it seemeth by that of *Plautus*, was a
 punishment proper and peculiar to theevish cookes. i *Coqui*
abstulerunt, comprehendite, vincite, verberate, in putrum condi-
te. Others vnderstand hereby a close prison, which because
 of its straightnes & closenes they called *arcam*, a chest: the vse
 of this prison, was for the safe keeping of such who were af-
 terward to be examined of farther matters; though some-
 times other offenders were cast into the same. Of these pri-
 sons Tully speaketh. k *Subito arrepti in questionem, tamen se-*
 paran-

parantur à cæteris; & in arcas conijciuntur, nequis cum his colloqui possit. Another kinde of prison there was called *Sextritium*, thus it is commonly rendred in Latine, but the Greeke word is *σέκτριον*, and accordingly ^a *Turnebus* renders it *Sextritium*, being of opinion that it was so called from the quantitie of ground it contained, namely two acres and a halfe, C. *Rhodiginus* thinketh that *Spoliarium* and *Sextritium* were not places vnlike, but herein not he alone, but diuers others haue bin deceaued: for *Sextritium* is apparently a place of execution, where those were executed whom the Roman Empe ours adiudged to death, now whether that *Spoliarium* were a place of punishment I much doubt. What in Latine we call *Spoliarium*, that the Greeks termed *ἀποδύλνιον* both doe signifie primarily little cells or chambers neere adioyning to the bathes, where such as washed theselues laid vp their cloathes: In a borrowing sense both are vsed to signifie chambers and cells adioyning neere vnto the Amphitheatre or fencing place, wherein the fencers did put vp their cloathes in time of fight and because such as were wounded in fight were carried into those chambers, where they languishing with much paine, at last notwithstanding expired for the most part, & that not without much torturing of the Chirurgion, hence such a Spittle-house is also called *Spoliarium*. Thus much *Seneca* seemeth to intimate, ^c *Numquid aliquem tam cupidum vitæ putas, ut ingulari in spoliario, quam in arena mactari?* Whereby it appeareth, that *Spoliarium* was not a prison vnto which male factors were iudged, but rather as I said a kinde of Spittle-house. Other kinde of punishments, there were of a neere likenesse with imprisonments, and casting into the pillory, laying one by the heeles, &c. of these little is spoken more than the very names; of this sort those that doe most commonly occur, in autors, are these. *Nervus*, *Collum-bar*, *Nismella*, *Codex*. *Nervus* is generally thought to resemble our Stocks, ¹ some take it to bee made of wood, others of yron, ^m *Nervum appellamus ferreum vinculum, quo pedes im-*

^a Turn. adv. lib. 3. cap. 18.

^b Plutarch, in Galba.

^b Plutarch, in Galba.

^c Sen. ep. 94. De spoliario. Vid. Lips. Sat. 1. 18.

¹ Vid. Taubman. in Plau. Aulul. 4. 10. ^m Festus. Vid. Lam. in Plau. Aulul. 4. 10.

n Turneb. ad-
vers. l. 23, c. 21.

pediuntur: quanquam Plautus eo etiam vinciri cervices ait,
Two of the last seeme to have some resemblance with our
Pillory. *Collumbar* had its name from *Collum*, because the
neck was chiefly pained in this kinde of punishment. *Nu-*
mella was also a kind of Pillory, being so called *quasi* *Nu-*
ella, quod qui eo vinculo constricti erant, nuere demissoq; capite
esse cogebantur. *Codex* was a certaine block or Clogge, so ri-
ed vnto the malefactors, that they vsed it as a stoole to sit on,
the vse of this may seeme to have been only in private hou-
ses, thereby to keepe evill servants the closer to their work,
of this *Iuvenal* speaketh *Sat. 2.*

o Turneb. ibid.

Horrida quale facit residens in codice pellex.
o Turnebus describeth it thus. *Codex est ligneus stipes, quem*
alligati serui, qui deliquerant trahebant, cuiq; insidebant vincti

CAP. 6.

Culeus.

p Cic. pro
Sext. Roscio.

q Senec. lib. 5.
controv. 4. in
fine,

THE crime which in Latine we call *Parricidium*, is
murder practised by father or mother towards the
children, or by the children towards either of the
parents. It had in old times a larger acception, signifying any
murder betweene man and man, and then it was called *Par-*
ricidium, quia par parem occiderat. The word taken in his first
and proper signification, denoted a fact so vnnaturall, that
neither *Solon* nor *Romulus* would determine any punish-
ment against such offenders, because they thought none so
wicked as to commit it, and the prohibition it selfe might
proue a kinde of irritation, to provoke some to the commis-
sion of that crime, which otherwise would never haue entred
into their hearts. But the wickednesse of the aftertimes, enfor-
ced Lawgiuers to invent a sharpe punishment against such
vnnaturall offences. The punishment decreed against *Parri-*
cides in *Senecaes* age, was, that such malefactors should be
sowed

sowed vp in a leatherne sack together with serpents, and so cast into the sea, afterward there was sowed vp in the same sack an ape, and a cock, and at last a dogge. Whence *Iuvenal*, *Satyr. 8.*

Cuius supplicio non debuit una parari

Simia, nec serpens vnus, nec culeus vnus.

^a *Modestus* describeth the manner thereof thus. The Parricide being first whipt with rods vntill the blood came, then was he sowed vp in this sacke called *Culeus*, together with a dog, a cock, a serpent, and an ape. ^b They would not cast him naked into the sea, least the water thereof thereby might be polluted, wherewith all other pollutions in their opinion were expiated.

^a Digest. lib. 48. ad legem Pomp. de par. ric. vid. Cael. Rhod. lib. 11. cap. 21.
^b Cic. pro Sext. Rosc.

CAP. 7.

Eculeus. Lamine Vngula. Fidicula. σχοινιουδε.

E *Culeus* had its determination from *Equus*, quasi *Equ- leus*, as may be collected from that description which ^c *Turnebus* giueth. But not so much from the posture or situation of the offenders body on the engine as *Turnebus* would haue it, for he in no wise resembled a man on horsebacke, but rather from the horling or horling vp of the party fastned with ropes vnto the *Eculeus*, so that his hands being tied fast at the vpper part of the engine, & his feet at the neather part, hee was hoysted vp into the ayre like vnto one fastned one a crosse. The forme of the *Eculeus* I conceaue thus, it was not on entire stake, but rather two long peeces of timber ioyned together in forme of a stake, ioyned together I say, by the meanes of a vice or scrue, and the reason hereof was that by helpe of this scrue, the vpper part of the engine might be lifted vp to the racking and torturing of the malefactor, or let downe to the easing and remitting of his paines as should seeme good to the executioner, or other officers, who

^c Turneb. ad. vet. l. 4. c. 3.

d Sigon. de
Iud. l. 3. c. 18.

e Sozom. hist.
Ecclef. lib. 5.
f Prudent. in
hymno Vin-
cent. Martyr.
g Turneb. adu.
lib. 4. c. 3.

who now and then would grant some remission and respite in hope of a confession, For in the first institution, the maine end of this torture was to worke out the knowledge of the truth. Neither did the alone rack they parties joints in this kind of punishment, but to enforce him vnto a confession by an augmentation of his paine, they did often with hot plates & iron pinfords, burne and teare his flesh from his sides, and all this we shall finde warranted by ^d Sigonius, whose words I haue written downe at large. *Eculeus catasta fuit lignea, cochleata, ad intendendum ac remittendum apta atq; ad torquendos homines ut facti veritas eliceretur instituta. Tormenti vero genus erat huiusmodi, ubi catasta huic brachia pedesq; eius, qui torquendus erat, nervis quibusdam, quae fidicula dicebantur alligaverant, tum catasta intenta atq; in altum erecta, ut ex eo quasi ex cruce quadam miser ille penderet, primum compagem ipsam ossium illius divellebant, deinde candentibus eiusdem corpori laminis admotis, atq; bisulcis ungulis ferreis lateribus laniatis doloris acerbiter augebant.* And thus wee see what the vse of those *Lamina* and *Ungula* were, namely that they were not severall torments of themselves, but adiuncts to this, to encrease the paine. The *Eculeus* was sometimes called *lignum tortorium*: sometimes *stipes noxialis*. The torturing engine called *Fidicula* was not much unlike. *Fides* signifieth the string of any muscicall instrument, and the engine had its name from the strings and cords wherewith men were tortured vpon it; of this ^g Turnebus writeth. *Fidicula quae in tormentis numerantur, mihi videntur lascivia quadam ioci nomen invenisse, quod ut in fidibus nervi item quoq; ut nervi hinc & inde: multis funibus homines distendebantur.* The torment *σχινοῦδος* used by the *Gracians*, was either this same or very like.

CAP. 8.

De rupe Tarpeia deiectio. De lapide empti. A furca redempti. Scala Gemonie. Tunica. Damnatio in gladium, in Ludum, ad bestias.

Malefactors for notorious offences were tumbled downe headlong from a certaine rock in the *Tarpeian Mount*: This kinde of punishment was called either simply *Deiectio e saxo*; or *Deiectio e Tarpeia rupe*. In some cases notwithstanding, by the intercession of friends, or some other meanes, pardons were sometimes obtained for the condemned persons, whereby they were freed from death howsoever the disgrace and infamy cleaved ever after vnto them, and therefore they were tearmed *de lapide empti*: which phrase ^b *Cælius Rhodiginus* hath parallel'd with that, *a furca redempti*, that is, *saued from the gallows*. In the *Aventine Mount* was a place of like nature, called *Scala Gemonia*: certaine stayres whether condemned persons were dragged, & so cast headlong into the riuer *Tiber*. *Cælius Rhodiginus* seemeth to be of another opinion: ⁱ who describing this punishment, saith, that an hook was thrust into the malefactors throat, and so hee haled by the Executioner vnto these stayers, where hauing his thighs broken he was burnt. Furthermore he addeth, that they were called *Scala Gemonia*, or *gradus Gemonij*, because, as some are of opinion, the first that suffered this kinde of punishment his name was *Gemonius*: or as others would haue it, because it was *locus gemitus, & calamitatum*. If wee admit that malefactors were here burnt, then may we thinke this punishment *ad Scalas Gemonias*, to be the same, which sometimes was called *Tunica*. The reason of which name was, because persons thus to be burned, were clad with a coat dawbed in the inside with pitch and brim-

^b Cæli. Rhod.
ant. l. 25. c. 22.

ⁱ Cæli. Rhod.
lib. 10. cap. 5.

^k Sen. ep. 14.

^l Tertul. ad
Martyr.

^m Vid. Lipf.
Satur. l. 2. c. 3.
ⁿ Lipf. Satur.
lib. 2. cap. 23.

^o Alex. ab A.
lex. lib. 3. cap. 5

^p A. Gel. lib. 5.
cap. 14.

stone. Thence is that of ^k Seneca, *Cogita illam tunicam a timē-
tis ignium, & illitam & intexam.* This giueth light to that of
Iuuenal. Sat. 8. Tunicam pūire molesta.

^l Tertullian also mentioneth it in this sense. To these may bee
added two other punishments vſually inflicted vpon fugi-
tiue ſervants, but yet not ſo reſtrained vnto them, as that
they were not ſometimes extended to other malefactours.
The firſt is *Damnatio in gladium.* A condemning one into a
fence-ſchoole, there to be trained vp in the art of fencing, vn-
till ſome publike prizes were plaied, at what time ſuch a con-
demned perſon was to fight for his life. ^m Capitolinus calleth
it *Ad gladij ludum deputacionem.* But *Vlpian*, as ⁿ *Lipſius*
eſewhere obſerueth, differenceth theſe two phraſes thus. He
that was *ad gladium damnatus*, was either preſently put to
death, or elſe at fartheſt within the compaſſe of an yeare: but
he that was *damnatus in ludum*, had not death ſo perempto-
rily ſentenced vpon him; if he ſcaped the danger of thoſe pub-
like prizes, & alwaies got the vpper hand of his aduerſaries,
at three yeares end, he receaued the *Rudem*, or wand, which
was a token of diſcharge from thoſe bloody combats: yea at
five yeares end, he receaued the *Pileum*, or cap, which was a
token of his franchiſement or freedome in the citty. The
ſecond ſort was *Damnatio ad beſtias.* A condemning of a mā
to fight for his life with beaſts; as with Beares, Leopards,
Lions, &c. The perſons thus condemned were tearmed ^o *Be-
ſtiary.* A memorable example thereof wee haue in a certaine
Roman ſervant called *Androclus*, ^p who hauing runne from
his maſter liued in a wilderneſſe, and whiles hee reſted him-
ſelfe in a denne, there came a fierce Lyon vnto him, moaning
and grieuing becauſe of a ſtumpe of a tree which ſtucke faſt
in his foot; *Androclus* at firſt beganne to bee affrighted, but
the Lyon comming neerer and neerer vnto him, and laying his
foot on the mans lap, intimated his deſire of helpe from him,
which when the man perceaued, he plucked out the ſtumpe,
and gaue him what eaſe he could. Afterward this fugitiue
being

being apprehended & adjudged to this punishment, it happened that this very Lion was brought into the shew-place for *Androclus* to fight with, where instead of a fierce on-set, the Lion used a tame and familiar fawning on him, whereupon the spectators admired, and understanding the former passages betweene *Androclus* & the Lion, they released the servant and freed him from his punishment. Where wee must note that this pardon was extraordinary & for vially if any so condemned happened to overthrow a beast or two, yet was he not thereby discharged, but was to encounter with others vntill he were killed. Yea it was very seldome that the man could prevaile against the beast, on the contrary one Lion hath prevailed against two hundred men; according to that *Præclara adilitas, unus leo ducenti bestiarij*. By which we see many më one after another did thus fight with beasts at the same meeting: yea the *Gracian*, called such as succeeded the first combatants ἐπὶ ἀγῶνι, the Apostle *S. Paul* calleth them ἐσχατῶς, because they were reserved vntill the last.^u *Tertullian* readeth that place in this sense, and the words themselves enforce as much, for what shall we vnderstand by θιάζον ἐς ἐνδύμην but the very spectacle or shew it selfe, and what by ἀπὸ ἀνέστη, which signifieth properly *Ostendit*, but allusion to him who was the chiefe author and exhibiter of these bloody spectacles vnto the people.* *Lipsius* hath paralleld that phrase of *Tully*, *Ostendere munus*, with that of *Suetonius*, *proponere munus*; both signifying the setting forth or bestowing the sight of such masteries, and fightings. And that it was no vnusuall kinde of Martyrdome in times of the primitive Church, thus to expose holy men to the fury and rage of wild beasts, appeareth by the example of *Ignatius*, who reioyced to be grownd betweene the teeth of wild beasts, that he might bee found pure bread. Whose words were *Frumentum sum Christi, & per dentes bestiarum molor, ut mundus panis Dei inveniar*: yea the word *ἐν τῷ σαλαμῶνι*, *mortis addictos*, helpeth this interpretation: the word intimateth

q H. Salmuth.
in Pancirol.
de veter. ludis.

r Cic. in orat.
pro Sestio.
/ Suid in voce.
* Epod. 9.
t 1. Cor. 4. 9.
u Tertul lib.
de pudicit.

* Lips. Satur.
lib. 2. cap. 18.

x Iren. advers.
hæres. 15. c. 28
It. Euseb. hist.
Eccl. 3. c. 33.

Suet. Claud.
cap. 34.

2 Senec. ep. 7.

that there was a sure death remained for them also, though the last. The custome being in the morning to commit men with beasts, but those *εσχαλοι* which remained till noone-tide, and were therefore called *Meridiani*, were committed each against other, and that without any defensive weapons, with swords in one hand cutting, and with the other hand being empty, grasping and tearing each others flesh, so that *Seneca* speaking of this, comparing it with that former fighting with beasts, saith, *Quicquid ante pugnatum est, misericordia fuit.*

CAP. 9.

Ergastulum. Ergastula inscripta. Pistrinum, Danonari in Antliam. Metallum. Inscripti. Stigmatici. Literati. Virga. Flagella. Talio.

THE state and condition of servants was various and different amongst the *Romans* in old time, but of all they were most miserable who lived in prison. Whence those that were ordinarily imployed in these prison seruices, they were either such servants as were bought for that purpose, or such as for notorious crimes were adjudged therevnto in way of punishment, whence the word *Ergastulum* is iustly deriued from the Greek *ἐργαστομα* because it is *τοπος ἐν ᾧ οἱ δεσμεῖται ἐργάζονται*: *locus in quo vincti operantur.* For even in the day time when they were sent forth to work they had shackles and bolts about their legs to prevent their escapes or running away, though not so bigge as those into which they were cast at night when they returned into prison. Their fetters or bolts are oftentimes in ancient writers (peradventure from the forme of their links) tearmed *Annuli* & themselves said to haue *pedes Annulatos*. They had also their foreheads marked or burned with some letters of infamy, which is the reason of *Iuvenals* Epitheton. *Inscripta ergastula.*

Quem

Quem mirè adficiunt inscripta ergastula. The labours in which they were imployed, were sometimes digging, delving, and tilling the ground: sometimes digging of quarry pits, sometimes grinding with an handmill, sometimes drawing water: this latter kinde of punishment in *Suetonius* his phrase is *In Antliam damnari*. Those Criticks who for the word *Antlia* doe substitute *Anticyra*, or *Andia*, *m Suet. Tiber. cap. 51.* or such like names of Ilands, doe vtterly faile of the Autors scope, and drift; for the punishment which *Suetonius* speaketh of, is some strange or vnusuall punishment: now seeing that Senatours themselues were often exiled, it could not seeme strange that *Roman* knights should bee banished into forreigne lands. But this was a matter vnusuall, and vnheard of, that a *Roman* knight should be imployed in such drudgeries. Again the word *Antlia* fitly denoteth such a kinde of labour, whether we respect its Etymology ἀντὶ τοῦ ἀντλῆν; or its signification in Latine autors, it being vsed by them to signifie a great bucket, or water-scoupe to draw vp water. Thus *Martial.* *Curta laboratas antlia tollit aquas.*

The handmill is often expressed by the latine word *pistrinum*, a word frequent in Comicall Autors. It much resembled our Bride-well or place of correction, being called *pistrinum* a *pinfendo*, from pounding. For before the vse of mills was knowne, the *Romans* did pound their corne in a great mortar, calling the place where they pounded it *pistrinum*: wherevpon our hand-mill hath retained the same name to this day. And because of the great paines that men did suffer in pounding, as likewise the strict discipline vsed towards servants thus punished (for their neck was thrust into a certaine wooden engine called *pausicape*, made for the purpose least happily in time of grinding they might eat of the meal) hence grew a custome among them, that when a servant had offended his master, he would menace him in this manner. *In pistrinum te dedam.* I will cast thee into Bride-well. The punishment *Metallum* was not much vnlike the digging in Met-

Turn adv. lib. 4. cap. 13.

tall-mines, and working in metall houses, appeareth not only to haue beene a base and servile, but also a very laborious and painefull worke, whence it was esteemed a grievous punishment to be adiudged to Metall workes, or cast into a Metall-house. And either for the encrease of such mens paines, or for to keepe the from escapes, they were enforced to worke with their fetters and geiues about them, as is implied by *Vlpian*,^o who makes the difference betweene these two phrases: *Damnari in metallum*, and *Damnari in opus metalli*, to be thus; that the first sort did weare heavier & greater fetters then the last. How true the difference is I leaue it to the enquiry of others, but that it was a great and infamous punishment *Tertullian* witnesseth, in that speech of his against the Heathen people. *De vestris semper astat carcer, de vestris semper metalla suspirant*. Sometimes there was only ignominy and disgrace intended in their punishments, of which sort was the bearing vp and downe the *Roman Furca* in the market place, or elsewhere in publike view, whereof I haue spoken in the chapter *Furca*: likewise a branding of the Malefactor with some infamous letter in his forehead or hand, or some other part of the body. Whence *Pliny* calleth such servants *Inscriptos*. Generally they are called *Stigmati* from *σῖγμα*, which signifieth to brand with markes; As *Nebulo stigmaticus*, A rogue burnt in the hand; or any way marked: sometimes such are called *Literati*. The *Athenians* being enemies to the *Sami*, as often as they tooke them captiues, they did vse thus to burne them for Rogues, which occasioned that proverbiall scombe; *Samis neminem esse literatiorem*.

^o Vid. Cæl.
Rhodig. l. 10.
cap. 5.

^o Tertul. apo-
log cap. 44.

^q Plin. l. 18. c. 3.

^r Cæl. Rhod.
lib. 7. cap. 13.

Sometimes besides the disgrace there was also toilesome paines as appeared by their *Ergastula*; & sometimes to their paines stripes added: though I deny not, but that many times, correction with stripes was a preparation for death it selfe. This correction by stripes was twofold, either it was *Verberatio*, or *Flagellatio*: the first was with rods called *Virga*

Virga; the other with scourges called *Flagella*. That there was a difference betweene *Virga* and *Flagella*, is plainly by *Tully*, where by way of Ironie he saith, *porcia lex virgas ab omnium civium corpore amovit; hic misericors flagella retulit*. Both of them were counted servile, so that Freemen were ordinarily exempted from them, as appeareth.^m

^m Ter. Adelph
Act 2. scen. 1.

--- *Ad necem operiere loris. Sann: loris liber?*

Horace also intimating the servile condition of *Meua* saith:

ⁿ *Sectus flagellis hic triumvirabilibus.*

ⁿ Epod. ed. 4.

They are called *Flagella Triumvralia*, from those *Triumviri* who formerly I translated *Shreiffes*, because to them belonged the oversight of this punishment. *Eustathius* calleth them *ἀσκητικὰς μάστιγας*, id est, *Flagra talaria*, seu *taxillata*, because to augment the paines, they did vsually in these scourges tie certaine hucklebones or plummets of led at the end of the whip-cords or thongs, and such scourges they tearmed *scorpiones*. The cruelty of these scourges was such that they many times died vnder them. Thus haue we generally and briefly touched the more vsuall punishments. But sometimes wrongs done betweene party and party, were punished with a retaliation of the same kinde: according to that. *A tooth for a tooth, and an eye for an eye*. And this kinde of punishing was called *Talis*. Yet wee are to knowe that a simple retaliation, such as is tearmed *Talis Pythagorica*, was not alwaies exacted; but sometimes satisfaction might bee wrought by a commutation of the punishment. *o Rens habuit facultatem paciscendi, & non necesse habuit pati talionem, nisi eam elegisset*. It were endlesse to speake of all the punishments, and happily not worth the labour, their very names being sufficient comments to explaine them. As, *Effossio oculorum*. *Amputatio manuum*, *crurifragium*, *Talifragium*, and such like.

Tholos. in synt
iur. vniuers.
cap. 11. lib. 31.

^o A. Gell. 1. 11.
cap. 1.



LIB. 3. SECT. 4.

Of the Roman Lawes.

CAP. I.

De Legibus.

^a Sig. de iud.
lib. 1. cap. 7.

^b Fr. Sylv. in
orat. pro Mil.

Aving spoken of the civill Magistrates, and punishment, we will now also descend vnto the civill law: where first we will note among other differences betweene *Ius* and *Lex* principally these. First, *Lex* signifieth only the law, but ^a *Ius* signifieth also that place, wheresoever the Law or Iustice was administred: not only if it were administred out of the Tribunall in the *Comitio*, or great hall of Iustice, which was tearmed by the Lawyers, *Agere pro Tribunali*: but also if it were administred in a private house, or in ones journey, so that it were by a lawfull Magistrate, and out of the curule chaire; and this was tearmed by the Lawyers, *Agere de Plano*: and hence is it, that *In ius vocare* signifieth to cite one into the Court. Secondly, *Lex*, signifieth only the written law, but *Ius* signifieth equitie, so that ^b *Ius permaneat semper, nec unquam mutetur: Lex vero scripta sapius*. Notwithstanding these two words are vsed promiscuously one for the other, and therefore leauing all curious differences betweene those words (whether the
Roman

Roman lawes were truly *Iura* or *Leges*) thus much wee may obserue, that the lawes vsed among them were of three sorts; either they were such as were made by seuerall Roman kings, and afterward collected and digested into a method by *Papirius*, ^c from whence it was called *Ius Papirianum*: or they were such as the *Decemviri* brought from *Athens*, and were called *Leges 12. tabularum*: or lastly they were such as the *Consuls*, the *Tribuni plebis*, and such Magistrates did preferre, whence every seuerall law bore the name of him or them that preferred it. My purpose is to explaine only this latter sort, and that not all of them, but such alone as I haue obserued in *Tully*, and that chiefly in his orations. My proceeding shall be first to shew the diuers kinds of iudgements; and then to descend vnto the lawes themselues, beginning with those which shall concerne the *Roman* religion, and then proceeding to the others, which concerne the common-wealth.

c Fr. Sylu. in
epist. virorum
illust. l. 5. ep. 13.

CAP. 2.

De Iure publico & privato.

THE Cases to bee decided by the law were either publike or priuate; and accordingly were the iudgements, ^d *vel publica, in quibus ius suum priuatus quisq;* ^d *persequabatur: vel publica, in quibus iniuria qua reip. facta erat vindicabatur.* The priuate (as we observed before) belonged vnto the *Pratori urbano & peregrino*, that is, the *L. cheife Iustices*, who did either giue iudgement themselues, and then were they said *Iudicare*, or they did appoint others to sit in iudgement, and ^e then were they said *Iudicium dare*: in the absence of the *Prators* there were ten called *Decemviri Stlitibus indicandis*, ^f *id est, Super lites indicandas*, who in the same manner, as the *Prator*, might either giue iudgement themselues, or appoint others, for they were euen in ^g one place

d Sig. de iure
Rom. l. 2. c. 18.

e Sig. de iud.
lib. 1. c. 7.
f Rosin. ant.
l. 7. c. 29.
g Alex. Gen.
dier. l. 3. c. 16.

Dd

and

h Pet. Ramus.
in 2^m de lege
Agrar.

i Sid. de Iud.
lib. 1. c. 18.
k Sic. de Iud.
lib. 1. c. 29.

l Cic. pro
Quin. Roscio.

m Rosin. ant.
lib. 2. cap. 18.

n Sig. de Iud.
lib. 2. c. 4.

o Sig. de Iud.
lib. 1. c. 6.

p Sig. ibid.
q Sig. de iur.
Rom. 1. 2. c. 18.

and instead of *Prators*. Those which either the *Prator* or the *Decemviri* did appoint to debate the cases vnder them, were taken out of the *Centumviri*, that is, ^h out of certaine Commissioners chosen for that purpose; namely three out of every Tribe or ward; so that in all, the number of them amounted vnto an hundred and fise, but in round reckoning they went for an hundred; and from a certaine speare that was wont to be erected vp in token of this court, hence was the ⁱ Court called either *Pratoria Decemviralis*, or *Centumviralis hasta*: In some cases their forme of acquittance was thus: ^k *Secundum illum litem do*, whence ^l Tully saith, *Quo minus secundum eos lis detur, non recusamus*, that is, we doe not deny, but they may be acquitted. Those that were cast in their suit, were said, *Lite vel causa cadere*. The publike Cases belonged ordinarily (except the *Consuls*, the *Senate*, or the people did interpose their authority) vnto those whom we called *Pratores Quaestores*. Some haue ^m thought them to be the same with those, whom *Rosinus* calleth *Indices Quaestionum* and that I thinke not altogether vpon vnure grounds: first because most of these publike cases, which they tearmed *Quaestiones*, had their ⁿ severall *Prators* to enquire them, whence they were called *Quaestores*, an may in my opinion be called *Indices Quaestionum*, especially seeing that those which would haue them bee different officers, cannot well shew the difference of their offices. Now as the *Vrbane prator* had an hundred commissioners vnder him: so had these *Pratores Quaestores* certaine Iudges chosen ^o by the *Vrbane* or *forreigne prator*, when he tooke his oath; and that not according to his pleasure as many as he would, or whom hee would, but sometimes more, sometimes fewer, sometime only our of the *Senators*, sometimes only out of the order of *Roman Gentlemen*, sometimes out of both, sometimes also out of other orders, p according as the law appointed, which oftentimes varied in those points. The Iudges how great soever the number was, ^p were called *Indices selecti*, & were di-
vided

vided into severall companies called *Dacturie*. These Judges were vpon any citation from any of the *Pretors*, to giue their assistance in the Court vpon the day appointed by the *Pretor*. Now the manner how they did proceed in their iudgement followeth in the exposition of one of the lawes, and therefore I will refer the reader thither. Only let him by the way vnderstand, that whereas *Tully* is quoted in every law, it is not so much for the prooffe of the law, as to signifie, that he in that place maketh mention thereof. For the prooffe of the lawes I referre the reader to *Rosinus* and *Sigonius*: touching the expositions, my marginall quotations doe proue sufficient.

C A P. 3.

De Legibus religionem spectantibus:

Lex Papiria.

L *Papirius Trib. Pleb.* established a law touching the consecration or hallowing of places, that it should be vnlawfull for any to consecrate either houses, grounds, altars, or any other things *Inius plebis*, that is, without the determination of the *Roman* people in their assemblies called *Comitia Tributa*, which determination was alwaies tearmed *Plebiscitum*. Cic. pro Do. mo.

Roscia Lex.

L. Roscius Otho. Trib. Pleb. preferred a law, that whereas heretofore the *Roman* Gentlemen did stand promiscuously with the commons at their theatrall shewes, now there should be foureteene benches or seats built for those *Roman* Gentlemen which were worth *H. S. quadringenta*, that is, about 3125^l. of our *English* mony. As for other Gentlemen whose substance was vnder the rate, they had a certaine place allotted them by themselves, with a punishment imposed vpon them, if they offered to come into any of those benches. Cic. Philip. 2.
Item pro
Murzen.

r Fr. Matur.
in Philip. 2.

f Cht. Hegen-
dorphius in
Verrinam 1.

t P. Nannius
in Verrin. 5.
n Ch. Hegen-
dorphius in
Verrin. 5^m.

Here wee must note that this character H.S. standeth for a silver coyne in Rome called *Sestertius*, and is by *Rosinus* in this place improperly vsed for *Sestertium*. For this character H. S. is by our printers false printed, the true character being L. L. S. signifying *duas libras*, (as the two L. L. doe intimate) and *Semissim*, which is intimated by the latter S. Where if *Libra* doth signifie no more then the Roman coyne called A S, then is this opinion touching the character LL-S easie to bee confirmed. For diuers authors rendering a reason of the name *Sestertius*, say it was so called *quasi Semitertius*, that is, such a coyne as containeth *Duos solidos asses & semissim*. This *Sestertius*, was such a common coyne among the Romans, that *Nummus* and *Sestertius* became at length one to be vsed for the other; *Mille huiusmodi sestertii vel nummi faciunt unum sestertium in neutro genere*, & *conficiunt plus minus viginti quinq; coronas*. According to which rate, *quadringenta sestertia* amounteth to 3125; and every particular *Sestertius* is according to this rate, in value three halfe-pence farthing q.

And here wee may fitly obserue the art of numbring by these *Sesterces*, which consisteth in three rules. First, if the numerall or word that denoteth the number be a nounce adiectiue agreeing in case gender & number with the substantiue *Sestertius*, then it signifieth precisely so many *Sestertij*: For example sake; *Decem sestertij* doe signifie so many times *id ob q^a q*. Secondly, if the numerall being an adiectiue, and of a different case, be ioyned with *Sestertium* in the genitiue case plurall, then doth it note so many thousand *Sestertij*: For example, *Decem sestertium* signifyeth ten times *7^l 16^f 3^d*. Thirdly if the numerall ioyned with *Sestertium* be an adverb, then it signifieth so many hundred thousand *Sestertii*, *ex. gra*: *Decies sestertium*, doe signifie ten hundred times *7^l 16^f 3^d*. Yea the numerall being an adverb, is oftentimes put simply by it selfe, without the addition of any other word to signify in the same manner, the genitiue case *Sestertium* being vnderstood

stood. For the better conceauing hereof, the former example may beethus set downe.

Decē sestertij	valent	10 Sestertios	De nostro	0000 ^l 01 ^f 6 ^d 0b q ^s
Decē sester- tium		10 Millia se- stertium		0078 02 6 0 0
Decies sester- tium		10 Centena Millia		
Decies		sestertium		7812 10 0 0 0

Clodia lex.

Publius Clodius Trib. Pleb. made a law, by vertue where-
of the Priest called *Pessinuntius sacerdos* (from the place
where he did first exercise those holy rites in the honour of
the mother Goddesse) should be depriued of his Priesthood,
and the Temple built in the honour of this Goddesse should
be bestowed vpon *Brotigarus*, of *Gallo Gracia*.
Cic. pro Sext.
item de Arusp.
respon.

Domitia lex.

Cn Domitius Abenobardus Trib. Pleb. enacted a law, that
the Colledges of Priests should not as they were wont, admit
whom they would into the order of priesthood, but it should
be in the power of the people. And because it was contrary
to their religion, that Church-dignities should be bestowed
by the common people, hence did he ordaine, that the lesser
part of the people, namely seauenteene Tribes should elect
whom they thought fit, and afterward hee should haue his
confirmation or aduission from the Colledge,
Cic. Agrar.

Lex incerti nominis de vacatione sacerdotum.

Cicero in his orations mentioneth a law (not naming the
author thereof) whereby the Priests were priuiledged from
their service in all warres, except onely in vproares or civill
tumults. * And these priuiledges were tearmed *Vacationes*.
Cic. Philip. 8.
& pro Font.
r B. Latomus
in Philip. v.

CAP. 4.

De Civitate, & iure civium Rom.

Cic. pro Ra-
bir. & saepe a-
lias.

Forcia lex de civitate.

M Porcius Trib. Pleb. established a law, that no Magistrate should beate any Roman Cittizen with rodde.

Lex Sempronia.

Cic. pro Clu-
entio, & saepe
alias.

C. Sempronius Gracchus Trib. Pleb. preferred a law, where- by hee disabled the Magistrate from punishing any Roman Cittizen, either with rods, or with his axe, that is, with death; without the allowance of the people. Secondly, by vertue of this law, If any Magistrate did condemne any Roman cittizen *Indicta causa* he should be liable to the iudgement and cen- sure of the people. A third clauseto this law was, *Ne quis coiret, conveniret, quo quis iudicio publico circumveniretur In- dicta causa*. He was said to bee condemned *causa indicta*, which was condemned before hee had spoken for himselfe. Although *Indicere pro non dicere, sicut & invidere pro non vi- dere vix reperiatur, tamen indictum & invisum, pro non dicto, & non viso saepe reperiuntur*. * They were properly said Coire; which did worke vnderhand against a man, that he might be condemned; we may translate it in this place, to Conspire. The verbe *Circumvenio* doth commonly signifie as much as *Circumscribo*, to deceaue or cheate one: but in this place, to oppresse one with false iudgement, procured by bribery or confederacy.

y P. Ramus in
orat. pro Ra-
birio.

z Fr. Sylv. in
orat. pro Clu-
entio,

a I. Camerat
in orat Cic.

pro L. Flacco.

b Fr. Sylv. in
orat. pro Clu-
entio,

Cic. pro Balb.

Lex Papia de peregrinis.

The priviledges of the Roman cittizens became so great, that almost all the inhabitants of the confederate nations, would forsake their one dwellings, and vse meanes to be- come free denisons in the Roman citty; insomuch that the Embassadours of the Allies, and associates, did grieue much and

and complaine of the losse of their inhabitants: wherevpon a law was made by *Papius*, that all forreigners & strange comers should be expelled out of the Citty. To the same effect was *Lex Iunia*, and also *Licinia Mntia de peregrinis*: the first being preferred by *Mar. Iunius Pennus*: the second by *L. Licinius Crassus*, and *Q. Mutus Scaevola*.

Cic. offic. l. 3.

Servilia lex de civitate:

C. Servilius Glancia preferred a law, *Ut si quis Latinus*, If any of the Latine associates could proue an action of bribery against a *Senatour*, then should he be made a free-man of the Citty.

Cic pro Balb

Quis Latinus] Here wee will obserue with *c. Sigonius*, that the Latine people were not alwaies called *Latini* & *Italici*: Sed & *socij*, & *Latini socij* & *socij nominis Latini*, & *socij nominis Latinum*, & *socij ab nomine Latino*, & *socij ac Latinum dicti sunt*.

c. Sig. de iura Ital. l. 1, c. 2.

Sylvani & Carbonis lex de peregrinis.

Sylvanus and *Carbo* being *Tribuni Pl.* preferred a law, *ut qui federatis civitatibus adscripti essent, si tum, cum lex ferebatur, in Italia domicilium habuissent, ac sexaginta diebus apud prætorem professi essent, cives Romani essent.*

Cic pro Archia.

Adscripti.] For the right vnderstanding hereof wee must note, that there were^d two sorts of citizens; some *cives nati*, that is, citizens by birth, others *civitate donati*, that is, citizens by donation, or gift: who because they were added vnto, and registred with the first sort of cittizens, were thence called *Adscripti cives*.

d. Fr. Sylv. in orat. pro lege Manil.

Professi apud prætorem.] This verbe *profiteri* is sometimes *c. Comitiale verbum*, and signifieth as much as *profiteri nomen*, that is, to tender ones name vnto a Magistrate: and this construction it beareth in this place.

c. P. Ramus in or. Cic. Agrar. 2.

Cornelia de Municipiis.

L. Cornelius Sylla preferred a law, that all *Municipall* states should loose their freedome in the *Roman* citty, and also their priviledge of hauing commons in the *Roman* field.

Cic. pro De-mo.

Gellia

Gellia Cornelia lex.

L. Gellius Publicola, & Cn. Cornelius Lentulus being Consuls decreed a law, that all those private persons vpon whom *Cn. Pompeius* in his wisdom should bestowe the freedome of the *Roman* cittizens, should ever be accounted free deni-
sons.

Cic. pro balb.

CAP. 5.

*De legibus ad comitia spectantibus.**Alia lex.*

Cic. multis in locis.

Q *Alius Petus* asked a law in time of his Consulship, vt *quoties cum populo ageretur*, that is, as often as any *Roman* Magistrate did assemble the people to giue their voices, the *Augures* should obserue signes and tokens in the firmament, & the magistrate should haue power *obnunciandi*, & *intercedendi*, that is, to gainsay and hinder their proceedings.

fA. Gell. l. 13. cap. 14.

Ageretur cum populo.] Here wee may note the difference betweene these two phrases, *Agere cum populo*, and *Agere ad populum*. He was said *Agere ad populum*, whosoever made any speech or oration vnto the people, and this might bee done vpon any day indifferently, But then only was it said *Agere cum populo*, when the people were assembled to the giuing of their voices by a lawfull Magistrate, and the people were demanded what their opinion was in the matter proposed: and this could not bee done, but vpon one of those daies which they called *Dies Comitiales*.

g Borsman. de
vet. dier. ratio
ne ad finem.
Ovid. Fast.
Cic. in suis o-
rat. 12. p.

Fusia Lex.

Pub. Furius sine Fusius Philus. being Consul ordained a law, that vpon some certaine daies, although they were *dies Fasti*, that is, Leet-daies, yet no Magistrate should summon an assembly.

Clodia

Clodia Lex.

Cic. pro Sext.

P. Clodius Trib. Pl. abrogated both those former lawes, making it vnlawfull to obserue signes and tokens in the heauens, vpon those daies when the Roman people were to bee assembled: And secondly, making it lawfull to assemble the people vpon any Leet-day whatsoever.

Gabinia lex.

At first, for many yeares the Roman people in their assemblies did suffrage *Viva voce*: at which time many of the inferiour sort, gaue their voices contrary to their wills, fearing the displeasure of those that were of higher place. For the better helpe in this point, *Gabinus* asked a law, that the people in all their elections might not suffrage *Viva voce*, but by giuing vp certaine tablets, the manner whereof hath beene formerly shewne: whence both this, and all other lawes tending to this purpose haue beene called *Leges tabellariae*.

Cic. 3. de leg.

Cassia Lex.

After *Gabinus*, *Cassius* also preferred a law, that both the Iudges in their iudgements, and the people in their assemblies should suffrage by rendring such tablets: ^h but this is to bee vnderstood onely of those assemblies by wards called *Comitia Tributa*: wherein they treated of mulcts and mercements.

Cic. in Lælio.

^h Rosin. ant. lib. 8. c. 3.

Cælia lex.

Cic. 3. de leg.

Cælius Trib. Pl. established a law, that not only in mulcts and mercements, but also *In perduellionis iudicio*, that is, in taintments of reason against any person of state (namely such as were *sacro sancti*) or against the common-weale, this *Tabellary* liberty should haue place, when the people should iudge thereof.

In perduellionis ind. ⁱ This word *perduellis* doth signify an enimie vnto the state, a traitour: and hence commeth this word *perduellio*, signifying not only the crime of treason, but the punishment also due therevnto, ^k *Si crimen quod erat gra-*

ⁱ Cælius Sec. Curio in orat. pro Milone, ^k Sig. de iud. lib. 3. c. 3.

E e

vissi-

visissimum inter crimina, nempe inminuta maiestatis: si poena, qua erat acerbissima, nempe mortis.

Cic. de leg. 3.

Papiria lex.

C. Papirius Carbo Trib. Pl. perswaded that not only in their elections, but in the proposall of their lawes also, this suffraging by tablets should be vsed.

Cic. multis in locis,

Sempronia lex.

C. Sempronius Gracchus Trib. Pleb. preferred a law, that the Associates of *Latium* should haue as great right of suffraging, as the *Roman* citizens.

Manilia lex.

Cic. pro Mur.

C. Manilius Trib. Pl. preferred a law, that all those who were *Libertini*, in what tribe or Ward soever, should haue the right of suffraging.

C A P. 6.

De Senatu & Senatoribus.

Claudia lex.

Cic Verrin. 7.

Q *Claudius Trib. Pleb.* perswaded a law that no Senator or Senators father, should haue any shippe, which should containe aboue three hundred of those measurers called *Amphora* deeming that sufficient for the transportation of their corne from the *Roman* field. Secondly, by this law the *Senatours* were forbidden the vse of trading.

[Alex Gen. diet.], 2. c. 20.

Amphora,] *Alexander Neopol.* obserueth two sorts of these measures, namely *Amphora Italica* containing 2 *Vrnas* & *Amphora Attica* containing 3 *Vrnas*: every *urna* contained two gallons and a pottle. This in probability is vnderstood of the *Italian Amphora*.

Cic. Philip. 1.

Tullia lex.

When as a custome had growne, that many of the *Senators* hauing by speciall fauour obtained *Liberam legationem*, vpon

vpon all occasions would abuse that their authority, procuring thereby their priuate gaine, & the increase of their owne honour, then *M. Tullius Cic.* being *Consul* laboured, quite to take away these kinde of embassages. which though hee could not effect, yet thus farre he prevailed; That whereas in former times this *Libera legatio* being once obtained, was neuer (not through a mans whole life) taken from him againe, yet afterward this authority should never bee granted to any longer, then the space of one yeare.

Legatio Libera.] We may obserue in ancient autors three seuerall kinde of embassages. The one, which is a message sent from the Prince or chiefe gouernours of one countrey vnto another, and that is expressed commonly by this one word *Legatio*, without any addition therevnto; sometimes it is called *Legatio mandata*. The second, which is when one purchaseth the title of an Embassadour, thereby the more honourably to performe some vow made, whence it was called *Legatio votina*. The third is the office or title of an Embassadour, granted vpon speciall fauour vnto a *Senatour*, that hee might with the greater authority prosecute, his private suits in law, or gather vp his debts in that Prouince whether he went, this last was tearmed *Legatio libera*. All three sorts are briefly touched by *M. Toxita*.

m M. Toxita
in orat. Phil. i.

CAP. 7.

De Magistratibus.

L Cornelius Sylla being *Dictator*, made a law, that all such as would follow him in the ciuill warre, should be capeable of any office or magistracy before they came vnto their full yeares. A second part of this law was, that the children of such as were *proscripti*, should bee made vncapeable of the *Roman* magistracies.

Cic. in Pison

n P. Ramus, in
Agrat. 2.

Before they came to their full age] For *L. Villius* preferred a law, whereby he made such as were vnder age, to bee vncapeable of the city preferments: and those he accounted vnder age, who had not attained vnto that number of yeares which he had prescribed each severall office: and this law was tearmed *lex annalis*.

Proscripti were such persons as were banished. For the fuller vnderstanding, looke Proscription in the tract of punishments. *Iulius Caesar* did contrary to this law. *Admisit ad honores & proscriptorum liberos*. *Sueton. Iul. 41.*

Hircia lex.

Cic. Phil. 13.

A. Hircius made a law, that all those that followed *Pompey*, should bee made vncapeable of all places of office.

Cornelia lex.

Cic. Phil. 2.

L. Cornelius Sylla finding the *Pratores*, that is, the *L. chiefe Iustices* not to giue sentence alwaies according to equitie, yea sometimes to goe quite contrary to their owne Edict, made a law, that every *L. chiefe Iustice* should administer iustice according to that his first Edict, hanged vp at the beginning of his office. And addition vnto this law was, that the *L. chiefe Iustice* should not be absent out of the city aboue ten daies.

Clodia lex.

Cic. pro Sext.

In former times it was lawfull for either of the *Censors* to censure whom he pleased, and how he pleased, except his fellow *Censor* did plainly gaine say it, and make opposition therein. But many abusing this their authority. *P. Clodius Tisb, Pl.* made a law, that the *Censors* should not overskippe any in their election of *Senatours*; neither should they brand any with disgrace, except such as had beene accused vnto them, and beene condemned by them both.

Cic. Verrin. 4.

Valeria lex.

The office of a *Dictator* at the first institution continued but six months space, vntill *L. Valerius Flaccus* being *Interrex*

rex, in the vacancy of the *Consuls* preferred a law, that L. *Cornelius Sylla* should be a perpetuall *Dictator*.

Cornelia lex.

L. *Cornelius Sylla* in the time of his *Dictatorship*, did by Cic. 3. de leg. vertue of a law preferred by him, clip the authority of the *Tribuni Pl.* disabling them of bearing any office after the expiration of their *Tribuneship*, taking away their authority of preferring lawes, of vsing any solemn speech, or publike oration vnto the people, of hearing appeales, of hindring any statute, or decree tending to the hurt of the populacy.

CAP. 3.

De Legibus.

Cecilia Didia lex.

Q *Cæcilius Metellus*, & *Titus Didius* being *Consuls*, Cic. pro domo sua ad pontif. forbad that *Vna rogatione*, that is, in one and the same bill many things should bee proposed vnto the people: least by that meanes, the people by granting the whole bill, might grant something which they would not, or in denying the whole bill, might deny some particular clause which by it selfe they would haue accepted. Moreouer these two *Consuls* ordained, that before a law should be asked in the assemblies it should be promulged, that is, hanged vp to the publique view of the people three market daies,

Iunia Licinia lex de trinuindino

Iunius Silanus, and L. *Licinius Muræna* being *Consuls* Cic. Philip. 5. established that law of *Cæcilius* & *Didius*, annexing a more severe punishment for the breakers thereof.

Clodia lex de intercessione.

P. Clodius Trib. Pleb. made a law, that the *Trib. Pl.* should Cic. pro Sext. haue full authority, and power to propose lawes; neither should they be hindred by the *Intercession*, that is, gainfaying of any.

Cic. pro domo
sua ad pont,

Licinius and Aebutius being Trib. Pl. ordained that if any preferred a law touching the oversight, the charge, or cure of any businesse in hand; neither he, nor any fellow-officer with him, nor any allied vnto him should haue his oversight, or charge committed to him.

CAP. 9.

De Provincijs.

Sempronia de Provincijs.

Cic. de prou.
consularibus.

C Sempronius Gracchus Trib. Pleb. ordained, that the Senate every yeare before the election of their Consuls, should as it seemed best to them, appoint out what Provinces the Consuls now to be elected, should after the expiration of their office goe vnto; for which Provinces afterward the Consuls designed should cast lots. Another clause to this law was, that whereas in former times by a decree from the Senate, it was lawfull for the Tribunes to hinder the Roman assemblies, hence forward they should haue no authority.

Cornelia de Provincijs.

Cic. ep. 9. ad
Lentul.

L. Cornelius Sylla being Dictator preferred a law, that whosoever went into a province *cum imperio*, *tam diu illud imperium retineret, quoad in urbem reversus esset*; where as in former times his rule and gouernment was to be resigned at the expiration of a set time appointed: yea although no successor were sent, yet could he not continue there *cum imperio* without a new commission. A clause added vnto this law was that after the coming of any new President or Gouernour into the Province, the old *Provinciall President* should depart within thirtie-daies.

p Sig. de iur.
Prov. l. 3. c. 13.
q Sig. eiusd.
lib. cap. 6.

Esse cum imperio.] that is, p *Exercitui praesse*, q *vel habere ius administrandi*, & *suis auspicijs gerendi belli*.

Titia

Titia lex de Provincia.

Tirius, or (as some saye) *Decius* preferred a law, that the provinciall Treasurers called *Questores*, should cast lots for their Provinces: whence *Tully* in the Oration now quoted inferreth, that although *Ostia* being the better Province fell vpon *Seruius Sulpitius*, yet in as much as it is fell *Lage Titia*, that is, by casting lots, he could not therefore challenge any superiority aboue *L. Muræna*, *Sed utriusq; nomen confedit in Questura*, that is, their fame and renowne was equall in their *Quæstorship*.

Cic. pro L.
Muræn.
r Melanðh.
in orat. pro
Muræna.

Julia lex de Provincijs.

C. Julius Caesar established two lawes touching the Roman Provinces: one that no *Prætor* should gouerne a Province aboue twelue months; nor *Proconsul* aboue two yeare. The severall heads or clauses of his second law could not all be found out, but those which haue come to light are these. First that *Achaia*, *Theffalia*, and all *Græcia* should bee free, neither should any Roman Magistrate sit in iudgment in those Provinces (*Cic pro domo*) Secondly, that the Provinciall gouernours and their *Comites*, that is, assistants, or attendants should haue hay, and all other necessities provided them on the way, by those Townes and Villages through which they passed. (*Cic in Pison.*) Thirdly, that the provinciall Magistrates at their departure, should leaue a booke of their accounts in two Cities of their Province, and likewise should send a copy of their accounts vnto the Roman Treasurehouse (*Cic. in Pison.*) Fourthly, that it should neither be lawfull for the people to bestow, nor for the provinciall Magistrate to receaue *Aurum coronarium* vnlesse it were in a triumph. (*Cic. in Pison.*) Lastly, that it should be vnlawfull for the Provinciall Magistrate without the allowance of the people or the Senate, to depart out of their province, to lead forth any army, to wage warre, or to goe into any forraine country. (*Cic. in Pison.*)

Cic. Philip. 1.

Aurum coron.] There was a custome among the Romans

(Lipf. de mag.
Rom. l. 2. c. 5.

in

in times of victory to present vnto the L. Generall Coronets of gold, instead whereof the after-ages presented a certaine summe of mony, which was thence called *Aurum coronarium*.

Vatinia de Provincijs.

Cic. pro Balb. P. *Vatinus* Trib. Pl. procured a law, that *Iulius Caesar* should haue the gouernment of *Gallia Cisalpina* and *Illiricum* for five yeares space, without any decree from the *Senate*, or casting lots. Secondly, that they also should goe as Legates, or L. Deputies vnto *Caesar*, without any decree from the *Senate*, whosoever were nominated in that law. Thirdly, that *Caesar* should receaue mony out of the common Treasurie-house towards hauing an army. Lastly, that hee should transplant a Colony vnto a certaine towne of *Cisalpina Gallia*, called *Nonocomum*.

Clodia de Provincijs.

Cic. pro Dom. P. *Clodius* being Trib. Pleb. procured a law, that the gouernment of *Syria*, *Babylon*, and *Persia* should be committed to *Gabinus*. The gouernment of *Macedonia*, *Achaia*, *Thessalia*, *Gracia*, and all *Boetia* should bee committed vnto *Piso*; and they should receaue to geather with an army, mony out of the common Treasurie towards their iourney.

Clodia altera de Cypro.

Cic. pro Sext. P. *Clodius* preferred another law, that the Iland *Cyprus* should be made a Prouince. That *Protolomeus* the king of *Cyprus* sitting in his purple, with his scepter & other his princely ornaments, *Praconi publico subiceretur*, & *cum bonis omnibus publicaretur*, that is, should himselfe with all his goods be sold by a common cryer. That *M. Cato* being then Treasurer, *cum iure Praetorio*, *adiecto etiam Quaestore*, hauing by commission the office of a L. chiefe Iustice, and another Treasurer to accompany him, should be sent into the Iland *Cyprus*, both to make sale of the kings goods and estate, and also to bring backe the mony. Lastly, it was decreed by this law, that those who lived in exilement at *Byzantium* being

condem-

condemned for some capitall crime. should be brought back vnto the citty, vnder the name of *Romanes*.

Praconi publico subijceretur.] For the better vnderstanding of that phrase, we are to vnderstand the manner of port-sale amongst the *Romanes*: which wee may read in *Sigonius* thus. Those things were rightly sold in port-sale, which were publikely sold *Per praconem sub hasta*, that is, by the cryer vnder a speare sticked vp for that purpose, and some Magistrate making good the sale by deliury of the goods. Whence I take *Publico praconi subijci*, and *Hasta subijci*, to signifie one and the selfe same thing, namely, to be set at sale: and ¹ *Cicero* ¹ *Cic. Phil. 11.* vseth almost the selfe same phrase, *Bona Cn. Pompeij, voci acerbissima subiecta praconis*. This kinde of sale was tearmed *Auctio*: because as *Sigonius* saith in the same place, to him the goods were sold, *Qui plurimum rem auget*, that is, which would bid most for it: and hence is the seller thereof tearmed *Auctor*, as ^u *Cic. Id quod à malo auctore emissent*, that is, that which they had bought of one which had no authority to sell: and from this custome of setting vp a speare in this kinde of sale, this word *Hasta* alone is vsed to signifie port-sale, as ^x *Hasta Caesaris*, the sale of *Caesar's* goods. Those who bought these goods ^y *Tully* doth call *Sectores* ^z *quia spem lucri sui sectabantur*. In such kinde of sales a catalogue or note of the good to bee sold was hanged vp in tables for the publique view of passengers. Whence such goods were tearmed *suspensa bona*. And if any friend would redeeme the goods, then did he *deijcere libellos*, that is, put in bands and securitie to answer the matter. The phrase is vsed by *Tully Cic. pro Quinctio*. And also by *Seneca, de benef. lib. 4. cap. 12. Suspensis amici bonis libellū deicio, creditoribus eius me obligaturus*. It is thus explained by *Turnebus adv. l. 12. cap. 9.* If the sale proceeded on, then such as proposed to bee chapmen, signified their desire by holding vp their finger: whence *Digitum Tollere* signifieth the desire of buying such goods. *Alex. ab Alex. lib. 4. cap. 26.*

¹ *Cic. Phil. 11.*

^u *Verrin. 7.*

^x *Cic. Phil. 8.*

^y *Cic. in Ver.*

^z *Sig. de iud. lib. 2. cap. 24.*

CAP. 10.

De legibus Agrarijs.

THose lawes were tearmed *Leges Agraria*, which did concerne the diuision of the publique, or common fields. And these were either giuen by *Romulus* and other Kings; or taken from the enimies, or from priuate men which had made incloasures; or lastly bought out of the common *Treasurie*. *Vid. a Sigon.*

a Sig. de iur.
Ital. l. 2. c. 2.

Sempronia lex Agraria.

Cic. pro Sext.

b Sig. de iure
Ital. l. 2. c. c.

Titus Sempronius Gracchus Trib. Pleb. preferred a law which forbad, that any of the *Romans* should haue to his owne part aboue fīue hundred acres of the common fields, the one halfe of which it was lawfull for his sonns to enioy. If it had so hapned that any should enlarge these common fields, three suruayers called the *b Triumviri agro diuidendo*, did mark out which was common, which private ground. Moreouer it was by this law prouided, that the mony of king *Attalus* who made the people of *Rome* his heire might be bestowed vpon those citizens, which had by this law obtained a part of the common fields, to the buying of instruments for husbandry. Moreouer that the kings lands should be farmed out at a set rent by the *Censors*, whence an yearely tribute should be paid to the people.

Cornelia lex.

Cic. in Rullū.

L. Cornelius Sylla being *Dictator* preferred a law, that all the fields of those *Romans* which he had banished, should be common. This publication is to bee vnderstood cheisly of those fields in *Thuscia*, neere vnto the Citty *Volaterra*, & the citty *Fesula*, which grounds *Sylla* diuided amongst his souldiers.

CAP. II.

De frumentarijs legibus.

Sempronia lex.

T *Sempronius Gracchus* being tribune of the commons provided, that a certaine quantity of corne should monthly be giuen vnto the poorer sort at a low price. *Semisse & triente*: that is, about six pence farthing a bushell. Herevpon was there a place appointed in *Rome*, for the keeping of this common corne, together with certaine lawes hanged vp there called *leges frumentariae*. This place was called *Horrea Sempronia*. The quantity of corne laid vp in euery Citty for this purpose is by the latter Lawyers tearmed *Canon*: as *Canon Alexandrinus*, *Canon urbis Roma*. &c. *vid. Stuck. de conviv. lib. 1. c. 35.*

Cic. pro Sext.

c Rosin ant.
lib. 8. c. 21.

Semisse & triente] It appeareth by the next law, that *Semissis* in this place, must signifie the same as *senis aris* doth there. Whereby wee may note, that *semissis* doth not alwaies signify the halfe part of the *Roman* coyne called *As*, but sometime it signifieth a greater coine valuing almost our six-pence.

Clodia lex.

P. Clodius Trib. Pl. ordained, that that corne which heretofore was sold to the poore *senis aris & trientibus* in singulos modios, that is, for six pence farthing a bushell, should hereafter be giuen gratis, & the charge and ouersight of this dole was committed to *Sext. Claudius*.

Terentia Cassia

M. Terentius and *C. Cassius* being *Consuls* preferred a law, *Uti altera decumā a provincijs coemerentur, pretio in singulos modios HS trium constituto. Item ut civitatibus equaliter imperaretur, pretio in singulos modios HS quatuor constituto.*

Cic. pro Sext.
in Pisone.Cic. Verrin. 5.
& 7.

d Sig. de iure
Prov. l. i. c. r.

e Fr. Sylv. in
orat. pro Clu-
entio.

For the better vnderstanding of this law, wee must note
a threefold tithe payd by the Provinces. The first was the
tenth part of the graine, growing in the Prouince to be paid
in *gratis*, and that was properly called *Decuma*, or *frumen-
tum Decumanum*, and those that tooke this tithe to rent were
called thence *Decumani*. A second sort of tithes was a certain
quantity of corne taken vp for the L. President or chiefe go-
vernour of the province, to keepe his house, & that was cal-
led *Frumentum aestimatum*, that is. corne gathered vp by way
of taxation: for so this word *aestimo* comming from *as* doth
signifie, *Est autem aestimare ab are dictum, id quod vulgo di-
cunt appreciare & taxare*. The third sort of tithes, was when
the Senate finding scarcity of corne in Rome, did inioyne
the Prouinces to sell them a quantity of corne at a price set
downe by the *Senatores* themselues, and this corne sold vp-
on iniunctio if it was paid but once in the yeare, it was tear-
med *Frumentum emptum*. but if in the same yeare a second
sale was inioyned them, then they called that second pay
Frumentum imperatum. In the first clause of this law by [*alte-
ra decuma*] is meant *Frumentum emptum*; in the second clause,
by these words [*ciuitatibus aequaliter imperaretur*] is vnder-
stood *Frumentum imperatum*.

Lex Hieronica.

Cic. Vetrin. 4. *Hiero* king of *Sycily* obtained a law, wherein was set down
the quantity of corne that the *Aratores* or country farmers
should pay vnto the *Publicani*, that is: those which receaued
the tithes, together with the time of payment and the price
agreed vpon.

C A P. 12.

De legibus sumptuariis siue cibariis.

IN ancient times there was a commendable frugality a-
mong the *Romanes* in their feasts, but after ages grew to
immoderate excesse therein, so that whole Goates and
Boares

Boares &c. were set on the table at one time. Such a hogge thus dressed *Cincius* was wont to call ^a*Porcum Troianum*, alluding to the *Troian* horse; because the belly thereof was stuffed with variety of fowle and rabbats, & such like, as the *Troian* horse was with armed men. This kinde of excesse *Tiberius Caesar* laboured to redresse, by serving at table his cold halfe-eaten dishes at solemne feasts, vsing this proverb ^b*Di-* *midatus aper omnia eadem habet quæ totus*. Hence also men of seuerer discipline enacted lawes tearmed *Leges sumptuaria*, or *Cibaria*, which prescribed a moderation, not onely for the charges in their greatest feasts, that they should not exceed such and such summes of mony, but also for the guests to be inuited, that they should not exceed such a number. The chiefe of these lawes were these that follow.

^a Stuck de cō-
viv. lib. 3. c. 3.

^b Suet. Tiber.
34. lib. 3. c. 3.

Lex Orchia.

C. Orchius being protector of the commons, by the consent of the *Senate*, the third yeare before *Caro* was *Censor*, preferred a law, whereby he only moderated the number of guests, without any limitation of the charges or superfluous expence at feasts.

Lex Fannia.

Twentie two yeares after *Orchius* his law *C. Fannius* being *Consul* enacted another, for the moderating of expences, allowing: *Non plures denis assibus* to bee spent in their ordinary feasts: But vpon those more solemne feasts dedicated vnto *Saturne*, and from thence called *Saturnalia*, likewise when any publique games were exhibited to the *Roman* people, he then allowed *Centum asses*, ordaining that no other fowle should then be dressed but only one henne, & that not fatted for the purpose.

Non plures denis assibus] The *Roman* coyne *As* was so called ^c*quasi as*. because the matter thereof was *brasse*; ^d at first it consisted of a full pound weight; afterward in the first *Punick* warre, by reason of the scarcity of mony, they made of euery pound of *brasse* six of those coynes, each valuing as

^c Varro lib. 4.
de ling. Latina
^d Plin. l. 33. c. 4

c A Gell. lib. 11.
ap. 2.

much as they did at first. In the second *Punick* warre there were twelue made of euery pound; at last by vertue of a law which *Papirius* enacted, foure and twenty were made of a pound; and so they continued; the value alwaies remained the same, *videl: ob. q^a*. so that to allow but ten of these to a feast, seemeth a matter altogether vncredible, but consider with the frugality the cheapnes of those times, it may bee graunted for a truth; ^c for tenne of these were the price of a sheepe, and an hundred the price of an oxe.

Lex Didia.

Eightene yeares after *Fannius*, *Didius* ordained that the former sumptuary lawes should bee of force, not onely in *Rome*, but throughout *Italy*; Moreouer that not only the feast-master transgressing, but all the guests should be liable to the penalty.

Lex Licinia.

P. Licinius Crassus preferred a law in a manner agreeing with the *lex Fannia*, whereby hee rather confirmed *Fannius* his law being now antiquated, then made an new.

Lex Cornelia.

Cornelius Sylla being *Dictator* ordained a law for the price of meates, so that he was thought by cheapnes of vittayles to encrease, rather then to restraine superfluities at feasts.

Lex Antia

Antius Restio preferred a vsfull law, to moderate expenses in feasting, which notwithstanding was violated, and in a manner abrogated, by the contrary practise of the Citizens in generall. For which cause, *Restio* afterward being invited, would neuer come to any feast, because he would not be an ey-witnesse of the contempt of that law, which himselfe had caused. If any desire to see more lawes of this nature, let him read *Stuck. conviv. lib. 1. cap. 3.* *Aul. Gell. lib. 2. cap. 24.* And *Macrob. Saturn. lib. 3. cap. 17.*

CAP. 13.

De re militari & bellis.

Gabinia lex.

A *Gabinus Tr. Pl.* preferred a law that the managing of the warre against the Pyrates should be in such manner committed vnto *Pompey* for three yeares space, that over the whole sea betweene *Hercules* his pillars, and in the maritime prouinces vnto the foure hundreth *Stadium* from the sea, hee should haue power to command any Kings, L. Presidents, or whole corporations to furnish him with all things necessary to that warre.

Cic. pro lege Manilia.

Manilia lex.

C. Manilius Trib. Pleb. perswaded a law, that the managing of warre against *Mithridates* should be committed vnto *Cn. Pompeius*. That the whole Province where *L. Lucullus* ruled together with his whole armie should bee resigned vp vnto him. Moreouer that *Bithinia*, where *Glabrio* ruled, should be added, together with all those bands and forces, which he had vpon the sea against the Pyrats, and all those provinces, over which the law *Gabinia* did entitle him gouernour, as *Phrygia*, *Licaonia*, *Galatia*, *Cappadocia*, *Cilicia*, *Colchis superior*, and *Armenia*.

Cic. pro lege Manilia.

CAP. 14.

De Tutelis.

T His word *Tutela* doth signifie a wardship, guardianship, or protection of a child in his nonage: whereof *f. I. Camerarius* obserueth foure sorts, & wee may with *f. I. Camerarius* adde the fift. Either the ouerseers were appointed by will; or else the next of the kinne were ouerseers; or the magi-

f. I. Camerarius
in orat. pro L.
Flacco.

g I. Omphal.
in orat pro
Cæcinna.

b Pellitarius
pro Cæcin.

i Cic. pro
Muren.

k Vid. leg. 12.
tabul.
l Sig. de iure.
Rom. l. 1. c. 10.

C. 3. de offic.

magistrate did appoint whom he thought fit: and these three sorts: *Omphalius* calleth thus: the first *Testamentariam*, the second *Legitimam* the third *Datnam*. The fourth sort *Camerarius* calleth *Tutelam fiduciariam*, *qua eorum est, qui emancipati desissent esse agnati*. the fifth *Pellitarius* calleth *Tutelam honorariam*, namely, when as the office of administration is committed to others, but yet certaine chiefe ouerseers were appointed to see the will performed, who were called *Tutores honorarij*.ⁱ Where wee must note, that the law provided ouerseers, not for children vnder age only, but for women also.

Emancipati desissent esse agnati] By the Roman law every sonne was in such subiection vnto his father, that before hee could be released of this subiection, and made free, he should by an imaginary sale^k be sold three times by his naturall father to another man, who was called by the lawyers ^l*Pater fiduciarius*, that is, a father in trust; yea and be bought againe by the naturall father, and so manumised by him, and then he became free. The forme of this kind of sale or alienation is set downe more at large in the explanation of one of the lawes that followeth, with an example not much vnlike this. This imaginary sale was called *Mancipatio*, the children thus alienated from the father were tearmed *Emancipati*, this forme of setting free was tearmed *Emancipatio*. This *Fiduciaritutela* then, in my opinion was thus. That when any goods did fall vnto a child thus alienated, by the death of his father, then should not the oversight of this child fall vnto the next of the kinne, tearmed *Agnati*, but *Quoniam desijt esse agnatus* that is, because he had in a manner lost his alliance with his kindred, therefore should the oversight of the child belong vnto the father in trust, tearmed *Pater fiduciarius*, whence the gardianship it selfe was called *Tutela fiduciaria*.

Latoria lex.

This law made by *Latorius* provided, that there should be ouerseers appointed for those which were distracted, or did

did prodigally wast their patrimonie. For, as it appeareth by the common adage, *Ad agnatos & Gentiles deducendus est*, they did account all prodigals, mad men: they meaning no more by that, then we doe by our english prouerb, when we say of a spend-thrift: let him be begged for a foole. The reason of their adage was, because if any were distracted, by the Roman law his wardship fell *Ad agnatos & Gentiles*, that is, to the next of the kindred.

CAP. 15.

De Testamentis.

BEfore we descend vnto the lawes themselues, we will explaine thole three diuers sorts of wils in vse amongst the Romans. Namely *Testamentum calatis comitijs*; which was so called, because twice in the yeare in time of peace the Roman people assembled themselues together to this end and purpose, that if any would make his will, the whole people might beare witnesse therevnto: these assemblies were tearmed *Calata comitia*. Secondly *Testamentum in procinctu*, that is, when a souldier in time of warre ready to giue battle, did call out three or foure of his fellowes, and in the audience of them did by word of mouth pronounce his last will and testamenr. Thirdly, *Testamentum per emancipationem familiae*, that is, by making ouer his goods and possessions vnder a fained forme of sale, vnto a second party called *Heres fiduciarius & imaginarius*, that is, an heire in trust, who should afterward resigne them vnto the true & lawfull heire: and this imaginary kinde of sale, was performed with certaine solemnities *circa as & libram*, and also the sale it selfe was sometimes called *Nexus*, as likewise *Emancipatio*. Hence was the will sometimes called *Testamentum per as & libram*, sometimes *Testamentum per Nexum*. For the prooffe of this, which hath been deliuered, rouching the three sorts of wils I

^m Sig. de iure
Rom. l. 1. c. 12.

will referre the reader to ^m Sigonius.

Furia lex.

Cic. Verrin. 3.

C. Furius Trib. Pleb. made a law, that it should not be law-
full for any to giue a way in way of legacy, vnto any, except
to the kinsmen of him which manumised him, or some other
certaine persons *supra mille asses*, that is, aboute fifty shillings
or there about, there going two *Asses & semis* to the ma-
king of one *Sestertius*.

Voconia lex.

Cic. Verrin. 3.

Q. Voconius Saxa Trib. Pleb. tulit legem, *Ne qui census*
esset, virginem, neve mulierem supra quadrantem suorum bono-
rum heredem institueret, plusve cuiquam legaret, quam ad he-
redem, heredesve perveniret.

Census.] This word *Census* doth sometimes signifie all
such as haue tendred the iust valuation of their estate vnto
the *Censors*: and then *Incensus* is opposite to it, signifying
such an one, as hath not tendred his estate or name to be re-
gistred by the *Censors*. But in this place *Census* is taken for
such a rich man, whose estate was in the *Censors* book valu-
ed at on hundred thousand *Sesterces*. (*Vid. Asconium in Ver-*
rin. 3.)

Supra quadrantem suorum bonorum] that is, No woman
should be heire to more then one quarter of such a rich mans
goods. For the right conceauing of this, we must note with
ⁿ *Latomus*, that the whole inheritance (were it neuer so great)
was tearmed *As*, and that was diuided into twelue parts,
which the lawyers called *Vncia*: *Dna Vncia dicebantur Sex-*
tans, tres Quadrans, quatuor Triens, quinq, Quincunx, sex Se-
missis, septem Septunx, octo Bessis, novem Dodrans, decem De-
cunx, undecim Deunx, Totum As, ut dictum est. Againe every
Vncia was diuided into six parts called *Sextula*: *Dna sextu-*
la Duellam, tres Semunciam faciunt. So then according to the
lawyers (as ^o *Alexander* obserueth) if there were one heire a-
lone instituted, he was tearmed *Heres in Assen totum insti-*
tutus; if otherwise there were many co-heires, then was it ae-
cording

ⁿ Barth. La-
rom. in orat.
pro Cecinna.

^o Alex. Ge n.
dict. l. 1. c. 1.

according as the *Testator* did appoint. Some were *ex Deunce heredes*, that is, heires to eleven parts of his goods, there being but one part bestowed from him: some were *heredes ex quadrante*, that is, heires to one quarter of his goods: others were *Heredes ex semuncia*, that is, they had the foure and twentieth part: others were *Sextula aspersi*, that is, they had the threescore and twelke part of the whole *As*, that is, of the whole inheritance, be it more or lesse, &c. Here we must vnderstand, that there is great difference betweene these two phrases, *Institui heres in totum Assem, & ex toto Asse*. For all those, which were nominated *Heredes*, whether it were *ex Dodrante, Quadrante, vel Semuncia*, or howsoever, yet were they tearmed *Heredes ex toto Asse*, that is, they were not *Legatarij*, such as receaued legacies. Now none can be said *In totum assem institui*, but he which is the alone and sole heire vnto the whole.

CAP. 16.

De usu-capione.

Atinia lex.

Atinus made a law, that the plea of prescription or long possession should not auaile in things that had beene stolen, but the interest which the right owner had in those stolen goods, should remaine perpetuall. The words of the law are these: *Quod surreptum est, eius rei eterna auctoritas esset.* Whereby *auctoritas* is meant *ius domini*. This crime of theft, as likewise of vsury, was so odious vnto the Romans, that whosoever was found guilty thereof was condemned *q Lege quadrupli*, that is, to pay foure times as much: whence the informers against such, were tearmed *Quadruplatores*.

Cic. Verrin. 3.

p Sig. de iure
Rom. l. i. c. 11.q Fr. Sylv. in
Verrin. 1.

CAP. 17.

*De Iudicibus, & Iudicijs.**Lex accusatoria.*

Cic. pro Mur.

Tully mentioneth a law tearmed *Lex accusatoria*, which in truth was no law, neither was there any author thereof: but there was such a receaued custome amongst the *Romans*, that the accuser should obiect against the party accused, not onely the present crime then questioned, but all other scapes and faults committed long before to the bettering of his matter: that at length this accusatory custome became in manner of a law, and so was called *Lex accusatoria*. vid. *Franc. Sylvium in orat. pro Mur.* Their custome also was to procure others to ioine with them in their accusations; those Tully calleth *Subscriptores*, because they did subscribe vnto the accusation.

r Alex. Gen.
dier. l. 3. c. 5.
f Cic. pro
Muræm.

*Lex Servilia & Sempronia.*Curio in orat.
pro Scauro.

Whereas *Sempronius* had preferred a law, whereby hee tooke away the authority of sitting in iudgment from the *Senatours*, and appropriated it to the *Roman Gentlemen*; *Q. Servilius Capi* being *Consul* did afterward preferre another law, whereby the administration of iudgement was diuided betweene the *Senatours* and the *Gentlemen*.

Rupilia lex.

Cic. in Ver.
t Sig de iure
Prov. l. 2. c. 5.

Rupilia lex vetabat diebus triginta sortiri dicam.] Here we must note with *Sigonius*, that this law was of force only in the prouince of *Sicilia*: also that it is one thing *scribere dicam*, that is, to enter an action, another *sortiri dicam*, that is, by lots to choose the Iudges, which was 30. daies after.

Livia lex.

Cic de orat. l. 3

Though by vertue of *Servilius* his law the *Senators* were made capeable of the office of a Iudge, yet they were not thereby

thereby equally capable with the Roman Gentlemen: and therefore did *M. Linus Drusus* ordaine, that the Iudges should be elected equally out of both orders, namely three hundred out of the *Senate*, and three hundred out of the Gentry.

Plantia lex.

M. Plantius Sylvanus preferred a law, that the number of Iudges should be chosen not onely out of the *Roman Senators* and Gentlemen, but out of the populacy also, namely out of euery Tribe fiftene Iudges.

Cic. pro Cornel.

Aurelia lex.

L. Aurelius Cotta being *Prator* made a law, that the Iudges should be chosen out of the *Senators*, the Gentlemen and those Martiall Treasurers or Clearks of the band called *Tribuni aerarij*.

Cic. in Verr. saepe.

Pompeia lex.

Cn. Pompeius Magnus being Consul ordained, that the Iudges should be elected out of the wealthiest *Centuries*, tying the election notwithstanding to those three degrees of people, namely *Senators*, Gentlemen, and Martiall Treasurers; also hee added that the number of Iudges to examine causes should be seauentie and fise.

Cic. in Pison.

Julia lex.

C. Julius Caesar ordained, that the election of Iudges should be out of the *Senators* and Gentlemen onely, leauing out the Martiall Treasurers; and this *Tully* calleth *legem Iudiciariam Caesaris*.

Cic. Philip. I.

Antonia lex.

M. Antonius tulit *legem, ut tertia iudicium decuria e Centurionibus, Antesignanis, Alaudis, Manipularibus fieret.*

Cic. Philip. I. & 5.

Iudicium decuria: When the L. chiefe Iustice had taken his oath, he chose out some *ex certis ordinibus, non ex omni populo*, that is out of such degree and place, as the law required, to sit in iudgement on those cases, which were tearmed *causa publica*: and these Iudges hee afterward diuided into lesser

numbers called *Decuria*. vid. *Sigon. de iure Rom. lib. 2. c. 12. E Centurionibus.* Centuriones were Captaines ouer an hundred footmen.

Antesignanis. This word *Antesignanus* hath a double acception in the *Roman* histories. Sometimes *Antesignani* doe signifie the third part of the *Roman* army: For all those souldiers that fought before the banners or ensignes, as they were called *Hastati* in respect of their weapon, so were they called *Antesignani* in respect of their ensignes, before which they fought. The second part of the army, as they were called *Principes* in respect of their prowesse and valour, so were they called *Subsignani*, as fighting vnder the ensignes. The third part; as they were called *Triarii*, because they fought in the third, or rereward, so were they called *Postsignani*, as fighting behind the ensignes. Where we must not think, that those which were called *Antesignani* and *Subsignani*, were altogether destitute of ensignes among themselues: (for every Maniple had his ensigne:) But the Eagle, and other chiefe ensignes were carried by the *Subsignani*, and in respect had to them they had their names. And hence ariseth the second acception of this word, namely that all those souldiers of every Maniple, which stood in front before their ensigne were called *Antesignani*, and those were commonly the best souldiers in the company. See for the seuerall proofes of this, *Lips. milit. Rom. lib. 2. dial. 3.*

Alandis. *Iul. Caesar* pressed a legion of souldiers out of *Gallia Transalpina*, all which afterward hee made free of *Rome*. This legion he called *Legionem Alandarum*, from the forme of their helmets, which did resemble the head of the Larke, called in French *Alauda*. *Barthol. Latomus in Phil. 1.*

Manipularibus. Those Captaines which gouerned a Maniple of souldiers, were called *Manipulares*. *Fr. Matrantius in Phil. 1.*

Lex Cincia de donis & muneribus.

M. Cinctus being protector of the Commons, *M. Cornelius*

lius Cethegus, and *P. Sempronius Tuditanus* being *Consuls* preferred a law, that no man should receaue gift or bribe from his client for pleading his cause. Of this we read in *Plautus*, and he called it *Legem muneralem*: also in *Tully de Senect.*

Cornelia lex.

L. Cornelius Sylla preferred a law, that the chiefe iudge of the bench called *Iudex Quaestionis*, should referre it vnto the choice of the defendant, whether he would haue iudgement passed on him *Clam an Palam*, that is, (as *Sylvius* obserueth either by voices or by tables.

Cic. pro Clu-
entio.

Memnonia lex.

This law (made by *Memnius*) provided, that no action should be entred against those, who were imployed abroad in busineses for the common wealth. An addition vnto this law was, that whosoever should *calumniari*, that is, forge an accusation against another, a certaine letter should be burnt in his forehead in token of infamy. This law is sometimes called *Lex Rhemnia*. Here we may with *Fr. Sylvius* obserue the difference of these three phrases, *Calumniari*, *Prevaricari*, and *Tergiversari*. He which doth in his accusation forge faults neuer committed, is said *Calumniari*. Hee which vndertaketh ones suit, and either will not vrge reasons in the behalfe of his client, or answer the obiections of his aduersary when he is able, is said *Prevaricari*, that is, to play the false *Proctour*. He which doth resist in his accusation, and let his suit fall, is said *Tergiversari*.

Cic. in Vatin.

Cic. pro Sext.
Roscio.
u Fr. Sylv. in
orat pro Clu-
entio.

Lex incerta de Nexu.

In ijs rebus qua mancipi sunt; in periculum iudicij prestare debet, qui se nexu obligauit, that is, if the buyer of any thing in that forme of sale called *Nexu* be troubled in law, the seller thereof must secure him, and saue him harmeleffe.

Cic. pro Mur-

Mancipi sunt] * Those things were tearmed *res Mancipi*, which were alienated from the seller *Nexu*, that is, by such a forme of sale as followeth. The forme was thus: At the least fiue witneses, all *Romane* Cittizens and of full age, be-

x Fr. Sylv. in
trat pro Mur.

fides

sides one called *Libri-pens* (from holding of a paire of ballances) should be present: and the chapman or buyer should come with a certain brasle coyne in his hand, and say (for example sake, if it were a bondslaue to be sold) *Hunc ego hominem ex iure Quiritium meum esse aio, isq; mihi emptus est hoc ere;* & forthwith stricking the ballance with the brasle coyne he gaue it to him that made the sale. This kind of chaffering was tearmed *Nexus*, as wee may suppose *à nectendo*, because it did binde the seller to make good the sale: y sometimes it is called *Per as & librum venditio*, because of the ceremonies vsed in it.^z Now it is commonly called *Mancipatio* ^a*à manus capione*, from taking that which is sold into ones hands or possession: whence the word *Mancipatus*, and *Mancipium* are vsed to signifie a bondslaue, that is in this manner solde; though sometimes *Mancipium* doth signifie the sale it selfe: whence *Cic.* vseth this phrase, *Lex Mancipij*, to signifie a clause or condition put in the sale. All things sold after this manner were tearmed *Res mancipi*; ^bThe word *Mancipi* being a nowne indeclinable, as *Frugi, Cordi, Huiusmodi &c.* and from this forme of sale, the morgaging of land for the payment of mony may seeme to be called *Mancipatio fiduciaria*; He which did thus receaue the morgage, or land in way of securitie, is said *accipere fiduciam*. *Cic. orat. pro L. Flacco.* Vpon which place saith *Lambinus* in his annotations. *Accipere fiduciam, est fundum, aut aliam rem soli. seu ut appellant immobilem, ab aliquo mancipare, seu accipere ea lege, ut cum iller. petat ei remancipet.* We may coniect the reason of these ballances, why they should be vsed in this kinde of bargaining, to be, because in old time they did not bargain by paying coined mony, which was called *Æs signatum*, but by paying a certaine waight of mony, whence such mony was tearmed *Æs graue*. And hence it is, that metaphorically we translate *Tendo* and *rependo*, to pay and repay.

y Sylv. ibid.

z Melanct. in
orat. pro Mur.
a I. Camerar.
in orat. pro
Muræ,

b Priscian l. 3.
vid. Fr. Sylv. in
orat. pro Mur.

e Alex. Gen.
dier. l. 1. c. 15.

CAP. 18.

De Maiestate.

Lex Varia.

Q *Varius Trib. Pl.* made a law, that the *Pratores* Cic. pro Cor.
Quaestores should sit in iudgement vpon those, by nel.
 whom the Allies or Associates had beene moued
 to attempt warre against the Roman people.

Iulia lex.

C. Iul. Caesar ordained, that such as were condemned of Cic. Philip. 1.
 treason, or causing vproares in the common wealth, should
 bee banished.

CAP. 19.

De ambitu.

T hose lawes were tearmed *Leges de ambitu*, which
 were made against indirect or vnlawfull courses v-
 sed in canvasses for offices.

Fabia de ambitu.

This *Lex Fabia* restrained the number of those poore men
 who because they were wont to follow vp and downe, & all
 the day to attend such as did stand for offices, were thence
 called *Seſtatores*.

Acilia Calpurnia.

M. Acilius Glabrio, and *C. Calpurnius Piso*, being *Consuls*
 made a law, that such as were conuicted of sinister and vndi-
 rect meanes vsed in their canvasses, should be fined at a cer-
 taine summe of mony set on their heads, and they should be
 made both vncapable of bearing office, and vneligible into a
Senators place.

Cic. pro.
 Muræ.

Senatus consultum de Ambitu.

Cic. pro Mur.

M. Tullius Cic. and *C. Antonius* being *Consuls*, a certaine decree was made by the *Senate*, that if such as did either salute or attend vpon those which stood for offices, were hired by any manner of reward; or if any publike prizes were occasioned to be plaid; or any publike feasts made by them, they should be liable to the censure of *Calpurnius* his law.

Cic. pro Sext.

Tullia lex.
M. Tullius Cic. made a law, that no man standing for an office should cause any publike prize to be plaid, within two yeares that he either had stood, or should stand for an office, vnlesse the day had formerly bene appointed by some will. *Item*, he ordained, that *Senators* being found to haue vsed vnlawfull meanes for the attaining of any office, should suffer ten yeares exilement. And the commonaltie offending in that point, should be punished with an heauier punishment then the law made by *Calpurnius* laid on them. An addition vnto this was, that if any being cited to his answer in the court of their vndirect meanes, *Si morbum excusaret*, that is, If hee did vrge his sicknesse for his not appearance, then should he vndergoe a penaltie.

¶ Sig. de iud.
lib. 1. cap. 28.

Cic. pro Plan-
 cio.

Si morbum excusaret] So that *Tully* here seemeth to cut of that liberty which the twelue tables permitted in these words [*Si Index altervè ex litigatoribus morbo sontoico impediatur, iudicij dies diffusus esto.*] that is, If either Iudge, Plaintiffe, or Defendant were sicke, they should *diffundere diem, id est, d. proferre & in aliud tempus reicere* prorouge the time of iudgement. And vnlesse some might thinke, that by *morbis sontoicus* was meant some strange defease, *Sigonius* inferreth that euery defease is tearmed *Sonticus*, which hindreth vs in the performance of our businesses: *Sontes enim nocentes di-*

chnt.

Licina de Sodalitijs.

M. Licinius Crassus being *Consul*, perswaded, vt in *Sodalitijs Iudices, ab accusatore ex tribubus cederentur.*

Sodalitia

Sodalitia.] In the latter times the *Romans* in their canvaſſes would gather together a certain company of their ſide or faction to follow them, tearing them *Sodales*; and theſe *Sodales* would as it were by violence force the people to ſuffrage with them, whence the violence offered by them was tearmed *Sodalitia*, *Sig. de Iud. lib. 2. cap. 30.*

Indices ab accusatore ederentur ex tribubus.] We may read of three ſorts of Judges among the *Romans*, or rather of three diuers kinds of elections of their Judges. For either they were, *Lecti ſortitione*, or which more may be ſeene in one of the lawes following, or *Editione*, by nomination or naming them, the manner thereof being thus; That either the Plaintiffe ſhould chooſe them all, and then were they called *Indices edititij*, or the Plaintiffe ſhould chooſe one halfe, and the Defendant the other, and then were they called *Indices alterni*, *Melancthon in Cic. pro Muran.*

CAP. 20.

De pecunijs repetundis.

FIrſt touching the word *Repetunda* *Sigonius* ſaith that ſuch mony was tearmed *Pecunie repetundae* quae poſſent *repeti*, which might by the courſe of law be recovered. Namely ſuch mony as any magiſtrate, Iudge, or publike officer, did either in the Provinces, or in the Citty receaue as a bribe, from the Allies and Affociats, or from the *Roman* citizens for the adminiſtration of Juſtice, or the execution of any publike duety: and this kinde of bribe they tearmed *Pecunias repetundas*, *pecuniam ablatam, captam, coactam, conciliatam, averſam* (*Cic in Verinis*) But as it ſeemeth very probable theſe lawes againſt bribery were firſt occaſioned, for the eaſe and reliefe of the *Roman* Provinces and Allies, called in Latine *Socij*, who were much abuſed in this kinde by the Prov, *Conſuls*, *Prators*, and *Quaeſtors*, &c. Whence *Tully*

Cic in orat.
pro L. Flacco.

ly calleth this law against bribery, *Legem Socialem*. Here also may we note, that ^d Tully useth this phrase, *Pecuniam occupare*, for *Fœnerari*, to put mony to vse. *Occupare pecuniam est collocare*, inquit Nonius, id est, Fœnori dare. Vid. Lambin annot. in Cic. orat. pro L. Flacco.

Iunia lex.

M. Iunius Pennus Trib. Pl. preferred a law that no such as were convinced of bribery, *Prater litis æstimationem exilium etiam damnato esset irrogatum*.

e Sig. de iud.
lib. 1. cap. 27.

Litis æstimationem.] Here we will consider the difference of these three phrases, *Litis contestatio*, *Litis redemptio*, & *Litis æstimatio*. ^c The first signifieth the producing of witnesses when both sides shall openly in the court vse the forme of words, *Testes estote*: which was not done, *antequàm satisfationes factæ essent*, before sureties were put in, by the one, that he should *Iudicatum solvere*, pay that which he was condemned: by the other, that he would *rem ratam habere*, that is, stand to the verdict or sentence in the Court. The second phrase signifieth a composition or an argument agreed vpon by both sides betweene themselves: ^f *Redimere lites est pacificationem facere*; *qui enim paciscitur, facit ut lis non sit*. The third is when the party which is cast in the suit is adiudged to pay the mony, or the worth of the goods called in question, together with the cost and dammages in law vnto his adversary. ^g *Litem æstimare est pecuniam, de qua lis fuit, & propter quam cõdemnatus est reus, in summam redigere, quæ de bonis eius redigatur*. ^h And *Æstimare litem est, quod vulgò dicitur, Taxare litis expensas*.

f Fr. Sylu. in
orat. pro Q.
Roscio.

g Fr. Sylv. in
orat pro Clu-
entio.
h I. Tiflin. in
orat. pro Ra-
birio.

Acilia lex.

M. Acilius Glabrio made a law, that such as were accused of bribery, *Neg, ampliari, neg, comperendinari possent*, that is, they must out of hand receiue iudgement.

For the right vnderstanding of these two words [*Ampliari* & *Comperendinari*] we must consider the ancient customes and ceremonies vsed by the *Romanes* in handling their suits of

of law. First there was *In ius vocatio*, that is, a citation of one into the Court. Secondly, *postulatio*, that is, a request put vpon the *Prator*, that it might be lawfull for the Plaintiffe to enter his action against the Defendant; whence *Postulare aliquem de hoc vel illo crimine*, is to accuse one of this or that crime. Thirdly, *Nominis delatio*, that is, the taking of the Defendants name into the court-booke: and this was tearmed, *Intendere actionem vel Litem*; and *Diem alicui dicere*, that is, to enter an action against one. In the second of these Acts, namely when request was made by the Plaintiffe vnto the *Prator*, that hee might enter his action against the Defendant; then the plaintiffe did *Vadari eum*, that is, demande sureties or bale from the defendant, that he would appeare vpon the day appointed by the *Prator*. And the Plaintiffe did againe, *Promittere vadimonium*, enter bond also for his owne appearance vpon the same day, which commonly was the third day following, called properly *Dies perendinus*, and sometimes *dies tertius* simply, as it appeareth by those capitall letters. I. D. T. S. P. vsed to bee written in their actions: which letters ⁱ*Probus* expoundeth thus: *In diem tertium, siue perendinum*. So that then properly, *lis vel reus dicitur comperendinari*, when the giuing of sentence is differred till the third day. Moreouer before the *Prator* would suffer the action to be entred, hee would sweare the Plaintiffe, that he did not accuse the Defendant *calumniandi causa*, that is, falsely or maliciously, and this kinde of swearing was tearmed *Calumniam iurare, calumniam de iurare*, and *In litem iurare*. Now if either party were absent from the court vpon the third day, except he were sicke, hee was cast in his suite, and the *Prator* did grant an execution called *Edictum peremptorium*, whereby he gaue authority to his adversary to seaze vpon his goods. Sometimes there were two or three edicts in manner of Processes or writs, before the *Edictum peremptorium*, could be obtained; sometimes it was graunted at the first, and then was it ^k called *unum pro omni-*

ⁱSig de Iud.
lib. 1. cap. 27.

^kSig eiusd. l.
cap. 28.

1 Sig. eiufd. l.
cap. 21.

but. 1 Now if both parties came into the court and did appear, then were they said *se stitisse*: so that this word *sisto* amongst the lawyers did signifie to shew ones selfe in the court. Vpon the third day the *Prator* also with the whole bench of Iudges did meete, and the *Iudex Questionis* (whom *Rofinus* maketh a distinct officer differing from the *Prator*) did cause all the *Select* Iudges to pull out certaine lots, out of an urne or pitcher brought thither for that purpose, & those Iudges vpon whom the lot fell were to sit in iudgement: This was called *Sortitio Iudicum*. Now if either the Plaintiffe or Defendant did suspect any of those, that they would be partiall, then might he accept against them, and that was called *Iudicum reiectio*: Then the *Iudex questionis* would in manner aforesaid choose other Iudges in their places, and that was called *subsortitio*. Which being ended, those Iudges which were thus chosen receiued euery one of them from the *Prator* three tables, the one hauing this letter A written in it, betokening *Absolution*: whence *Tully* calleth it *literam salutarem*: The other hauing this letter C written in it, betokening *Condemnation*: the third hauing these two letters N. L. betokening *Non liquet*. After the receipt of the tables, then did the *Prator mittere vel dimittere indices in consilium*, that is, sent them to cast their tables into the urnes, there being three urnes or little coffers purposely provided; the one for those iudges which were chosen out of the *Senators*, the other for those that were chosen out of the *Gentlemen*, the third for those which were chosen out of the *Martiall* Treasurers. Now if they did cast the first sort of tables into the urnes, then the *Prator* pronounced the defendant absolved; if the second, then he pronounced him condemned; if the third then he pronounced *Amplius cognoscendum*, that they must haue longer time to enquire: And this is properly termed *Ampliatio*, a Repruie and in such manner it is said, *quod lis vel reus dicitur Ampliari*. The proofes for this manner of proceeding in law may be collected out of *Rofinus lib. antiq. 9.*
cap.

cap. 19. 20. & 24. and out of Sigonius according to the marginall quotations. The like custome, seemeth to have beene receaved also among the Græcians, who had three letters of their alphabet, answerable to those among the Romans; Θ was *damnationis symbolum*, which occasioned that of Persius,

Et potis es nigrum vitio prefigere Theta

T; a token of absolution, A of ampliation. *Vid. Erasmi Adag.* Θ *prefigere*. Some as it appeareth by *Erasmi*. giue a reason of Θ, because it resembleth the heart of man wounded in the midst with a dart, others because it is the first letter of *Θάνατος*, signifying death according to that.

Infelix multis theta est mihi littera felix.

Si Θάνατος scribit scribit & illa Θσος.

Cornelius Sylla Being Dictator ordained a law that the chiefe Iudge called *Iudex Questionis* with the whole bench of Iudges should sit vpon life & death on such as had killed a man; on such as had with an evill intent set any place on fire: on such as should walke with any weapon either to kill or rob a man; on such as had either made, bought, sold, had, or giuen any poyson, thereby to kill a man, on any magistrate, who soeuer should cause any conuenticle or secret assemblies, or should giue their consent to the suborning of any man to accuse another falsely, that thereby he being innocent might be oppressed and condemned by publique iudgement. Moreover *De eius capite querito &c.* that is, Let them sit vpon life and death on that man, which shall beare false witnesse, that another might bee condemned to death, on that magistrate or chiefe Iudge, which shall take a bribe to condemne another to death.

Cic. pro Cluent.

Parricidium.] This word doth properly signifie onely a murdering of ones parents or kinsfolk, but in *Numa Pompilius* his time it signified as much as *homicidium*, that is any man-flaughter whatsoeuer.

CAP. 21.

Lex. 12. tabularum de vindicijs

S *I qui in iure manum conferunt, utriq; superstites praesentibus vindicias sumunt.*

Si qui in iure.] Here we must note that the custome among the Romans in old time was, that as often as any controversie did arise touching the possession of an house, a field, or any such like thing, the *Prator* did goe vnto the house, field, or the thing questioned being accompanied thither with the plaintiffe and the defendant, together with others whom the law required to be present as witnesses. This place wherefoever it were, though in the open field, during the time that the *Prator* sate there to giue iudgment, was tearmed in Latine *Ius*, in English a Court. Wherein the presence of the *Prator* and the witness, the plaintiffe and Defendant did *manum conferere*, that is, as *m Camerarius* supposeth, argue and disputethe case *pro* and *con* in a solemne forme of words prescribed them by the law. For this phrase is borrowed by the Lawyers from the art military, where souldiers are saied *manum vel manu conferere*, when they fight hand to hand, [*Utriq; superstites praesentibus*] that is, let both parties in the presence of witnesses (so *n Festus* expoundeth *superstites*) [*Vindicias sumunt*] that is, let them take a turffe of the ground: for so *o Sigonius* expoundeth *Vindiciae*; though properly (as he obserueth) it signified the possession of a thing, rather then the thing possessed. This turffe being taken vp, was carried to the *Prator*, and iudgment was giuen vpon that, as vpon the whole. I do presume that in other cases, as in taking the possession of an house, &c. some other thing in manner of the turffe was presented vnto the *Prator*, vpon which as vpon the whole he gaue iudgement. In processe of time, the *Prator* by reason of the tumult of other employments; not finding conuenient leasure to review every particular

m I. Camerarius
pro L. Murzen

n Rosin. ant.
lib. 3. c. 29.

o Sig. de iud.
lib. 1. cap. 21.

Vindiciam ferre
est sententia de-
cretorq; rem obti-
nere: Dicebat
Vindicias iudex
ferebat Vindici-
ae qui rem obti-
nebat Turneb.
adu. l. 13. 27.

cular ground, or house called in question, & it was ordained contrary to the twelve tables, that the plaintiffe in such cases should come into the court, and challenge the defendant in this forme of words, *Ex iure manu conserutum te voco*, that is, I challenge thee to goe out of the court into the field, to vse one towards the other that solemne forme of words which the law inioyneth. Then did the defendant either yeeld the possession of the ground, or else did reply. *Vnde tu me ex iure manu conserutum vocasti, inde ibi ego te revoco*. Then did they both taking witnesses with them without the company of the *Prator inire viam*, that is, goe into the ground bringing back a turffe thereof, vpon the which (as in manner shewne) the *Prator* gaue iudgement at their returne.

p A Gell. noct
Artic. l. 10. c.
10.

For the better vnderstanding of this that hath beene spoken in the explanation of this law, wee must note that the action tearmed *Vindicatio* was twofold: either the suit for the possession of a thing, or the suit for the Lordship or right owning thereof. The possession of any thing was recouered, either by a true and reall violence, or by a seeming violence. This seeming violence was twofold, either it was *manus conserutio*, which was shewne immediatly before; or *Moribus deductio*, that is, a customary leading the vnlawfull possessor out of the ground. thereby to enter possession. *Vis simulata, altera à lege, altera emanavit à moribus*; saith *q Sigon*. The first of these did arise from the *Roman law*, the other from a custome amongst the *Romans*: the first of these is to be seen in *Tully* his oration *pro Murana*, the other *pro Cæcinnâ*. To these *Sigonius* addeth a third kinde of seeming violence; which how iustly he hath tearmed a violence, I shall leaue to the indifferent iudgment of the vnpartiall reader. The right of the Lordship or owning any thing was suied for in this manner: The plaintiffe did question with the defendant thus; first *An auctor esset?* that is, whether he had not couertly made away the possession of the thing, thereby to frustrate the action. Secondly, *An sponderet*, that is, whether he would

q De ind. lib. 1
cap. 21.

r Sigon de iu-
dic. l. 1. cap. 21

(Cic. orat. pro
Muræna &
pro Cæcinnæ.

§ Sig. de iud.
lib. I. cap. 21.

¶ Sigon. de iu-
dic. lib. I. c. 27,

put in a gage of mony into the court, which he would forfeit if he were cast; which being done, the plaintiffe did allso vpon the demand of the defendant put in a gage of mony to be forfeited, if he prevailed not in his suit. This gage of money was tearmed *sacramentum*, and in this sense, Tully pro Milone, saith, *In iustis iudicijs, & sacramentis alienos fundos petunt* that is, they sue for other mens grounds, with vniust actions and gages of mony. Thirdly, *An satisfaret*, that is, whether he would put in surety, that during the triall in law, the ground or house called in question should not be impaired, The solempne forme of words vsed in the first demand, is thus to be seene in Tully, *Quando in iure te conspicio, postulo an sies auctor?* If the defendant held his peace, then was hee adjudged to pay all costs and damages; if he professed himselfe the present possessor, then did the plaintiffe proceed in manner as he should for the possession thereof; if he denied it, then did the Prætor say vnto the plaintiffe, *Quando negat, sacramento querito*: Therevpon saith the plaintiffe to the defendant, *Quando negas, te sacramento quinquagenario provo- co: spondes ne te soluturum quinquaginta asses, si auctor sis?* To whom the defendant replied, *Spondeo quinquaginta asses si auctor sim; Tu verò spondes ne idem, nō sim?* The plaintiffe answered, *Ego quoq; spondeo*. Now in this kinde of stipulation, the plaintiffe was said *sponsione & sacramento provocare, sa- cramento rogare, querere, & stipulari*, that is, to challenge one to pawne a summe of money for the triall of a suit in law. The defendant was said, *contendere ex provocatione, contende- re sacramento, & restipulari*, that is, to be sued in such manner. This money was tearmed *sacramentum*, because when it was forfeited, it was bestowed in *rebus sacris & divinis*. Tou- ching the last interrogatory, I read no set forme of words, but by the word *satisfactio*, the intelligent reader may con- iect, that it did somewhat symbolize with our English cu- stome of putting in bale. This putting in of bale was two- fold. The one was *satisfacere iudicatum solui*, to bind himselfe to

to pay what should be adiudged. The second, was *satisfare rem ratam habere*. To become bound that he would stand to the verdict and iudgement of the court. The first of these bonds was required to be performed by the defendant: the second by the plaintiffes Proctour or Attourney. But if the Action were an Action of debt, then the Proctours alone became bound; the Plaintiffs Proctour that he would stand to the iudgement; the Defendants Proctour, that the debt adiudged should be payd.

I 2

LIB.





L f B. 4.

*Rites and customes observed by the Romans
in their warres.*

De Militia.



Touching the art *Military* vsed among the *Romans*, it will not be impertinent to consider, first how warre was proclaimed, & peace established by them: Then to march on to the description of their bands, or companies, where we may first obserue the office of their chiefe Captaine, and their subordinate leaders, together with the severall wards into which the vniversall army was diuided. After this we may descend vnto the diversitie of punishments vsed toward Captiues, and likewise towards refractarious and disobedient souldiers: Adding as a *Corollary*, or *Period* to our whole discourse the seuerall rewards, which the L. Generall with his souldiers after the performance of certaine noble atchiuements receaued.

CAP. I.

CAP. I.

De ritu, quem Romani observârunt vel fœdus ferientes, vel bellum inferentes: & de triplici ratione conscribendi milites.

WEE may remember that it hath beene already shewne, that both the proclaiming of warre and peace belonged vnto a certaine order of Roman Priests called *Fœciales*, whom by reason of their office I Englished *Heralds at armes*. The rites and ceremonies, which they vsed, when they proclaimed peace were as followeth. *viz.* One of those *Heralds* hauing his commission from the State (after that both sides had agreed vpon the truce and league now to be concluded) tooke vp a stone in his hand & vsing this solemne forme of words: *Sic rectè & sine dolo malo hoc fœdus atq; hoc iniurandum facio, dñi mihi cuncta felicia præstent, sin aliter aut ago aut cogito (ceteris omnibus salvis) in proprijs patrijs, in proprijs legibus, in proprijs laribus, in proprijs templis, in proprijs sepulchris solus ego percam, ut hic lapis è manibus decideret, and therewithall he cast the stone out of his hand: which manner of oath was tearmed *Iurare Iovem lapidem*, or *per Iovem lapidem*, that is, as it hath beene rendred by *Festus*, to sweare by *Iupiter* holding a stone in ones hand. ^b Many say that he did cast that stone at an hogge or porker brought thither purposely, adding these words to the former; *Si prior populus Romanus defexit publico consilio, tum ille Diespiter, populum Rom. sic ferito, ut ego hunc porcum hodie feriam*: alluding to which custome *Virgill* saith,*

^a Polyb. vid. Rosin. antiq. l. 10. c. 2.

^b Sig. de iure Ital. l. 1. c. 1.

Et caesa iungebant fœdera porcâ.

The manner of denouncing warre hath beene already shewne. The act of service in warre was tearmed *Mereri sub hoc vel illo duce*, that is, to serue in warre vnder this or that Captaine; and whatsoeuer souldier was discharged of his ter-

t Orat. pro
lege Manil.
d Servi. l. 2 &
7. Æneid.
e Lipsi. de mil.
lit. Rom. lib. 1.
dial. 8.

f Vid. Lipsi. de
mil. Rom. l. 1
dial. 6.
g Lipsi. de mil.
Rom. lib. 1.
dial. 4.

b Servi. Æn. l. 8

vice, as hauing serued out his whole time, he was called *miles emeritus*, & by ^c Tully, such an one is said *stipendia confecisse*. ^d Servius hath obserued that the Roman souldiers were pressed three manner of waies: *per Sacramentum, Coniurationem, & Evocationem*. But ^e Lipsius censureth him for the amisse explanation of the last member. Therefore the indifferent reader shall giue me leaue to borrow the tearmes from *Servius*; but the explanation of them partly from *Servius*, and partly from *Lipsius* in the places now quoted. Ordinarily souldiers at their presse did each seuerally take their oath not to forsake their Captaine or country; and this oath was called *Sacramentum militare*, The words thereof are rendred by ^f Polibius thus: *Obtemperaturus sum, & facturuss quicquid mandabitur ab imperatoribus, iuxta vires*; & those were tearmed *Milites per sacramentum*. ^g This sort of souldiers were vpon appointed daies as it were of publique Muster, elected and cholen by the military *Tribunes* vnder the *Consuls*; the assignement of the day did chiefly belong vnto the *Consuls*, at which time if any souldier withdrew himselfe, and did not appeare, he was severely punished, sometimes by imprisonment, sometimes by confiscation of his goods, sometimes by being sold for a bondslaue. Vpon extraordinary occasions (as when tumults or commotions did cause any suspicion of imminent danger) the chiefe leader of the souldiers did goe vnto the Capitoll, and bring forth two banners or flaggs, the one red called therefore *Vexillum Roseum*, vnto which the footmen repaired; the other sky-coloured called therefore *Ceruleum*, which the horsemen followed. The reason why the horsemens banner was sky-coloured, is ^h rendred thus, because it did most resembles the colour of the sea, which colour they deemed most acceptable to *Neptune*, who was both the God of the sea, and the first author of horses. Now because the suddaine danger would not yeeld so much time, that they might seuerally be sworne, therefore did they take their oath in common all together, onely one chiefe souldier throughout

throughout a whole legion, tooke his oath at large, and in expresse words, the rest followed in order one by one, saying *καθ' ἑαυτὸν*, that is, that hee swore the same as the first. If the Tribune distrusted his souldiers fidelitie, then would he swear them every one severally in tearmes at large. And thence were they called *Milites per coniurationem*; as likewise *Milites subitarij* in respect of their suddaine presse. The third member may also be admitted, if we with *Lipsius* vnderstand it in its true sense, namely for those souldiers who by the L. Generall were added vnto the body of their army; hee hauing authority to call out such other souldiers, who for their long service were discharged from giuing in their names at a muster. And these are generally by all authors tearmed *Milites evocati*, and *Lipsius* deemeth them all one, with those whom *Servius* calleth *Milites per evocationem*. The souldiers being thus pressed, if they purposed to make war vpon their enemies, then did the L. Generall summon them to prepare themselves by a sound of Trumpets; & this was tearmed *Classicum canere, à calando*, which signifieth to call. Which being done, a skarlet banner was hanged out at the L. Generall his pavilion: from which ceremony I think that that common adage did first arise, *Conferre signa, & Collatis signis pugnare*, to ioyne battle. Immediately vpon this they did *Barritum tollere*, make a great shout or noise with their voices to the greater terror of their enemies: & that the noyse might be the greater, they did *Arma concutere*, rustle together with their armour, and clasp their swords. These foure ceremonies are to be seene more at large in *Lipsius*. Vnto which we may adde the fift, observed by *Fr. Sylvius*; namely that at the remouing of their campe they did *conclamare vasa*, giue a great shout or cry in token that the souldiers should trusse vp their bagge and baggage: and hence it is that *Plautus* vseth this phrased, *Colligatis vasis*, to signify as much as *paratè* or *expeditè*. Now that they might be the readier for battle, they did gird (as I suppose) their souldiers coats close vnto

i Lipf. de mil.
lib. i dial. 6.

* Lipf. de mil.
Rom. lib. i.
dial 8.

Lib. 4. de mil.
lit. Rom. dial.
11. & 12.
In ep. viror.
illust. l. 4. ep. 1.
m Plaut. in
Pseudolo.

n Pigh. in sua
præf. ad lib. 1.
septim.
o Alex. Gen.
dier. l. 1. c. 20.

vnto them: & a souldier thus girt was called *Cinctus*, that is, (saith *Pighius*) *Cinctus*. o *Inde Discinctos ignavos, & militia minime aptos putarunt, Precinctos vero fortes & strenuos.* Hence also is that proverbiall speech, *Inpræcinctu stare* or *Vivere*, To be in a readinesse continually.

Non pudet ad morem discincti vivere Nacca? Pers. Sat. 3.

CAP. 2.

De Legione. Auxilijs, & legionis partibus.

p Plutarch. in
Romulo.
q Rosin. ant.
lib. 10. cap. 4.

r Sig. de iure
Rom. l. 1. c. 15.

f Sigon. ib.

s Alex. Gen.
dier. l. 1. c. 20.
u Pancirol. l.
rerum deper-
dit cap. de
habit & vest.
veter.

x Sig. de iure
Rom. l. 1. c. 15.

THE Roman forces were in old time diuided into two severall parts; namely in *Legiones & Auxilia*, into Legions and Auxiliary banas. The Auxiliarie bands were such forces as the neighbour and confederate countries did send vnto the *Romans*. The Legions were taken out of the body of the *Romans*, p *Legio, à diligendo dicta est*, from the choice and selecting of souldiers. q *Romulus* is said to haue beene the first author of these Legions, making every Legion to containe three thousand footmen, & three hundred horsemen, r one thousand footmen & one hundred horsemen being taken out of each nationall Tribe. Afterward it was augmented by *Romulus* himselfe into foure thousand footmen, f whence it was called *Quadrata legio*. And in proceffe of time a legion increased vnto the number of six thousand: which number it seldome or neuer exceeded (as it appeareth by *Sigon*. in the place now quoted.) Now t none could be ordinarily registred for a souldier vntill the seuen-teenth yeare of his age, u at which his first admission he was tearmed *Tyro*, a fresh-water souldier: and hence figuratiuely *Tyrocinium* hath not beene translated only the first entrance into warre, but also the initiation or first entrance into any art or science whatsoeuer. After he had serued many yeares, then was hee tearmed *Veteranus*, an old beaten souldier. x The Roman legion was diuided *Inpedites & equites*, there being

being commonly for every thousand footmen an hundred
horsemen. *Pedites distributi erant in Cohortes; Cohortes in
Manipulos; Manipuli in Centurias: Equites distributi erant in
Turmas, Turmae in decurias.* The word *Cohors* doth signifie
that part of ground, which is commonly enclosed before the
gate of an house, & which from the same word wee call a
Court: and *Varro* giueth this reason of the *Metaphor*. As in
a farme house (saith he) many out-buildings ioyned together
make on inclosure: so *Cohors* consisteth of severall maniples
ioined together in one body. It is manifest (saith *Alexander*)
that the *Romans* in ancient time did very seldome, yea neuer
(except in great necessity) inroll into their vniuersall army
aboue foure legions: & in an ordinary legion, which he tear-
meth *Legionem iustam*, ten *Cohortes*; euery *Cohors* containing
3 maniples, euery maniple two Centuries, euery Century an
hundred souldiers: whence they from *Centum* were called
Centuria, a centurie. ^b These centuries were sometimes divi-
ded into lesser numbers called *Contubernia*; euery *Contuber-*
nium containing ten souldiers besides their captaine, ^c which
was called *Decanus*, and *Caput Contubernij*. Where we must
obserue, that *Contubernium* doth signifie as well the pauilion
or lodging it selfe, as the souldiers lodging therein: & it may
be so called *quasi contubernium*, from *Taberna* signifying any
slight lodging made of boards. Those that ruled ouer a thou-
sand footmen we may in English call *Serians maior*: They
called them *Tribuni militum*. Those that gouerned ouer the
centuries were called by them *Centuriones*, by vs in English
Centurions: and they had their inferiour officers vnder them,
which were called *Tergiductores*, or *Extremi agminis ducto-*
res. ^d Their office was to ouerse and looke vnto those of the
campe which were sick, who commonly came behind the ar-
my, *quasi extremum agmen, & tergun aciei*. The horsemen
were diuided into ieueral troopes called *Turma*, euery *Tur-*
ma containing thirty horsemen. Againe euery *Turma* was
subdiuided into three lesse companies called *Decuria*; every

^y Edmunds in
his observ.
vpon Cæsars
Comment.
lib. 2. c. 3.
^z Varro. lib. 3.
de re rustica.
^a Alex. Gen.
dier. l. 1.

^b Varro. vid.
Rosin. ant.
Rom. l. 10. c. 5.
^c Rosin. ibid.

^d Veget. vid.
Rosin. ant.
Rom. l. 10. c. 7.

^e Lipf. de mil.
Rom. lib. 2.
dial. 10.

^f Barth. La.
tom. in Phil.
orat. 14.

^g Lipf. de mil.
Rom. lib. 1. dial. 3

^h Lipf. de mil.
Rom. lib. 4.
dial. 3

Decuria containing ten horsemen: whence their captaine was called *Decurio*, and the captaines ouer the greater troopes, namely ouer the seuerall wings of the horsemen, were called *Equitum praefecti*. Now the chiefe gouernour ouer the vniuersall army was called commonly *Imperator*: we in English call him a L. Generall. His Lieutenant or L. debatie was called *Legatus*, ^e who in old time was sent *non tam ad imperandum, quàm ad consulendum imperatori*. This word *Imperator* in the *Roman* histories hath a threefold acception. First it is taken for him, who by commission from the state hath the managing of an army, being the same that *Prator* was in ancient time: and in this sence it hath affinitie with the office of our L. Generall. Secondly for such a L. Generall, who by his prowesse hauing put ^f one thousand of his enemies to the sword, was both by his souldiers saluted, and the *Senate* stiled by the name of *Imperator*. But if he had slaine lesse then one thousand, he was not thought worthy of this solempne salutation by that name. Lastly it was taken for a soueraigne Prince, King, or Monarch, in which sence it was the *Pranomen* of all the *Roman* Emperours from *Iulius Caesar* forward. Now because the souldiers in a legion must of necessitie differ much in estate, age, & experience, some being wealthier, elder, and of more experience then others; hence was it requisite also, that there should be a distinction of places in their armies, according to the desert and worth of each severall person. We are therefore likewise to vnderstand, ^g that the *Consuls* every yeare made a generall muster: at which time the military tribunes chose out the youngest and poorest of all the rest, and called them by the name of *Velites*. Their place in regard of other souldiers was base and dishonourable, not onely because they fought a farre off and were lightly armed; but also because they were commonly exposed to their enemies as forelorne hopes. According to ^h *Lipsius* these *Velites* were commonly placed either *In Fronte*, *Viis*, or *Cornibus*. 1. In the front of the army, ² ^{ly} in the distances

stances, or spaces between the severall Maniples. 3^{ly} In *Cornibus*, that is, In the wings of the battle: Not that the wings at any time consisted of those *Velites*, for that was the *Socij* and Auxiliary forces; but either the spaces in the wings were filled up by those *Velites*, or else they might obtaine a promiscuous place among those forrainers. Notwithstanding they did like scouts run two and fro casting out their darts (as occasion was offered) and so retire: whence when a man doth leape from one thing to another in his talke, we say he doth *Agere velitatem*. Having chosen out a competent number of these scouts, they proceeded to the choice of them, which they called *Hastati*, that is, Pike-men: forasmuch as they fought with a kinde of iaveling, which the *Romans* called *Hasta*. These pike-men fought in the first part or fore-front of the maine army. The third choise which they made, was of the strongest and highest bodied men, who for the prime of their age were called *Principes*: and hence was the second place or ward in the maine army called *Principia*, according to *Thraso* his speech, *Ego ero post principia*, that is, I will follow the *Principes*, thereby choosing to himselfe the best, and safest place. The last sort of souldiers, which stood in the third place or rereward, were called *Triarii*. They were of all, the most approued, and the very last help of refuge; so that if they failed, all was lost: and hence ariseth that forme of speech, *Ad triarios ventum est*,^{*} whereby we signifie that a thing is come to the last push. As I suppose, the weapon, wherewith these *Triarii* fought, was a dart with yron fastned at the end of it, called in Latine *Pilum*. The reasons of this my coniecture are these: first because the first century of these *Triarii* was called *Primum pilum*, and their centurion *Primopilus*, and *Primipilus*, and *Primus centurio* because hee was the chiefe centurion in a whole legion, as hauing the charge of the chiefe banner called the Eagle; ¹ whence *Aquila* is sometimes vsed to signifie *Primopilatum*, the office and place of the *Primopilus*. The second Century was called *secundum pilum*

ⁱ Terent Eun. Act. 4. Scen. 7.

^k Alex. Gen. dier. 1. 5. c. 15.

¹ Lips. de mil. Rom. lib. 2. dial. 1.

pilum, and their Centurion *Secundipilus*, &c. Secondly, they called the *Principes*, which marched in the battle immediatly before these *Triarii*, *Antepilanos*: which argueth that those souldiers which followed next should be the *Milites Pilans*; and by consequence their weapon should be that kinde of dart which they called *pilum*. Their manner of embattelling was diuers. Sometimes they would make a winged army so that the maine body thereof should be in the middle, and on each side a lesser company: The maine body wee in English call the *Haungard*, and the two lesser companies wee call *Wings*; as likewise in *Latine* they called them *Alas aciei*, and *dextrum vel sinistrum cornu*. ^m *Pancirollus* calleth them *Vexillationes*, because there fought no more in either wing, then belonged to one banner called in *Latine* *Vexillum*. The gouernours of these wings he calleth *Alarum Praefectos*. Sometimes they embattled so, that the forefront of the Army being small, it was enlarged bigger and bigger backward in manner of a triangle: By ⁿ *Lipsius* it is demonstrated vnto vs vnder the forme of the greeke letter Δ . He in the same place calleth it *caput porcinum*, quia velut fodit & ruit in vadendo. Commonly it is called *Cuneus militum*, the metaphore being borrowed not only fro the resemblance it had with a wedge, but also from the vse of a wedge: for they neuer embattled in that forme, vnlesse it was to breake through their enemies, the piercing angle being thicke compacted with targets. Sometimes they did in a quite contrary manner enlarge their army in the fore-front, making it to end in an angle: and this they called *Forfex* and *Forceps militum*. Sometimes their forme of embattling was circular, and then was it called *Orbis vel globus militum*. The banner or flagge was properly called *Vexillum* being a deminutiue of *Velum*. It was also called ^p *Bandum*: whence we doe at this day call so many souldiers as doe fight *sub eodem bando*, a band of souldiers: as *Romulus* called those that fought *sub eodem manipulo* foeni an handfull of hay being vsed at that time instead of a flagge) *Manipulum militum*. *Ouid.*

^m *Pancir*, in
notit. orient.
& occident.
imper. c. 32.

ⁿ *Lips. milit.*
Rom. lib. 4.
dial. 7.

^p *Lips. milit.*
Rom. lib. 4.
dial. 7.

^p *Festus. id.*
Pancir, in not.
orient. & oc-
cident. *imp.*
cap. 32.

Pertica

Pertica suspensas portabat longa maniplos,

Unde manipularis nomina miles habet.

*Suidas is plaine, Βάνδον καλεῖσι Ῥωμαῖοι τὸ σημεῖον τὸ ἐν πολέμῳ
that is, The Romans called their military ensigne a Band: *Suid in voce
hence others haue vied Βανδοφόρος to signifie as much as Sig- Βανδον
nifer, an Auncient-barer.

CAP. 3.

De oppugnatione urbis, & ijs qua ad opugnationem requiruntur.

IF the siege of a towne seemed difficult and hard to com-
passe, then did the Romans vse certaine meanes of poli-
cie for the better effecting thereof. They invironed the
towne with a broad & deepe ditch, adding therevnto a ram-
pier fortified with many castles and fortresses; whereby they
both kept the towne from any forraigne succour, and with-
all secured themselues from sallies and other stratagems. This
rampier did extend it selfe toward the walles of the city, so
that by making (as it were) a great hill, they might overtop
the citty, and fight with the greater advantage. Now that
this greater heape of earth might become firme and well able
to support the buildings to be erected vpon it, they did cast
in such timber and stones among the earth; and this heape
of earth, stones, and timber when it was reared, was properly
called *Agger*; whence commeth both the Latine verbe *Ex-
aggerare*, and the English to *Exaggerate*, that is, to amplifie
or encrease a matter. The stakes, posts, and trees, which were
rammed in about this bulwarke or rampire to vphold the
earth, were sometimes caled *Cervi*, because of their forked
and sharp tops, but more properly *Valli*, and *Valla*. The
distance or space betweene each stake was called *Intervallum*;
though now *Intervallum* doth signifie not only such a
distance, but any distance either of space or time, as it appea-
reth

q Lips. polior.
lib. 2. dial. 2.
7 Serv. Ænei.
lib. 10.
(Cic. ep. fam.
lib. 1. ep. 7.)

- f Cic. ep. fam. reth by that of ^f Tully: *Intervallo locorum: & temporum dis-*
 lib. 1. ep. 7. *iuncti*. Sometimes *Vallus* doth signifie a pole or stake, where-
 vnto vines are tyed; according to that receiued adage, which
 we vse when a speciali friend forsaketh one, *Vallus vitem de-*
cepit. From the first signification it is, that *Vallum* doth often
 signifie the inclosure, or hedging in of trees & stakes, where-
 with the bulwarke is vpheld: Alluding wherevnto ^f A: Gellius
 e A. Gel. Noc. translateth ἐπεὶ οὐδὲν ἄλλο. *Vallum dentium*. The meanes of their
 Artic. 1. 1. c. 15. defense, whiles they were making this their rampire, was a
 certaine engine or ordinance of warre ^u made of planks and
 hurdles running vpon wheelles, vnder which they might rest
 secure from all stones and darts cast from the wals of the ci-
 ty: It was called *Vinea*. A second engine was *Musculus*: The
 matter whereof it was made I haue not read: but the vse of it
 was, that vnder it the souldiers might approach vnto the wals
 of the citty, and vndermine them. Thus much ^x *Lipsius* see-
 meth to inferre, when he rendreth the reason of the name:
Musculus ideo dictus, quia instar eius animalculi foderent sub
eo terram. A third meanes of their defence was *Militaris te-*
studo. This word *Testudo* in the art Military had a double ac-
 ception, both being borrowed from the resemblance of the
 Tortoise shell, which is the true and genuine signification of
 this word. In the first acception *Testudo*, ¹ doth signifie a
 warlike engine or fence made with boards couered ouer with
 raw hides, which serued against fire and stones cast at the
 souldiers, vnder this they might safely assaile the wals. ² In
 the second acception it signified a target-fence, which was a
 close holding together of targets ouer head like a vault or
 rooffe, wherewith the footmen did defend themselves from
 the thicke shot of arrowes or slinging of stones. Their rampier
 or countermour being finished they vsed certaine great tim-
 ber towers made vpon wheelles to run too and fro, which
 they called *Turres ambulatoria*, moueable turrets. These
 towers had many stories one ouer the other, ² wherein they
 carrying ladders and casting bridges thereby to scale the
 wals
- y Rosin. ant. R. 1. 10. c. 16.
 x Stad in Flor. 1. 4. c. 10.
 a Rosin. ant. Rom. lib. 10. cap. 16.

wals. The engines hithervnto haue beene defensiue, such wherewith the Romans defended themselues in their seige: others there were offensiue, wherewith they did assaile the city; and of those the chiefe were *Balista* siue *Catapulta*, *Scorpius* siue *Onager*, *Aries*, & *Malleoli*. The first of these engines, as it was called *Balista* ἀπὸ τοῦ βάλλειν, from darting or casting forth any thing, ^b so was it in old time called *Catapulta* ἀπὸ τοῦ πέλτε, which signifieth a shaft or dart; Though it cannot be denied, but that *Pelta* doth also signifie a kind of shield made in the forme of an halfe moone, according to that of *Virgil. Aneid lib. 1.*

^b Lipf. polior.
lib. 2. dial. 2.

Ducit Amazonidum lunatis agmina peltis,

Penthesilea furens.---

The forme thereof followeth, translated word for word out of *Marcellinus*. (Between two planks there is set in frame; and fast ioyned a strong and bigge yron, reaching out in length after the manner of a good great rule; out of the round body whereof, which is artificially wrought, there lyeth forth farther out a fowre square beame, made hollow with a direct passage in manner of a narrow trough, tyed fast with many cords of sinewes twisted one within another, and therevnto are ioyned two wooden skrewes; neere vnto one of which standeth the cunning Balistier, and subtilly putteth into the hollow passage of the beame a wooden shaft with a bigge head glewed fast to it. This done on both sides, two lustie young men doe bend the engine by turning about certaine wheeles. When the top of the head is drawne to the vntermost end of the cords, the shaft being carried forth of the *Balista*, by the inward force thereof, it flyeth out of sight.] That the reader may receaue the more light in the vnderstanding of this obscure description, I haue added the very words of *Marcellinus*. [*Ferrum inter axiuculos duos firmiter compaginatū & vastum, in modum regulae maioris extensum: cuius ex volumine teretis, quod in medio ars polita componit, quadratus eminet stylus extensus recto canalis angusti meatu cavatus, &* *hac*

^c Am. Marc.
lib. 23. cap 3.

*hac multiplici chorda nervorum tortilium illigatus: eiq; cochlea
 duo lignea coniunguntur aptissime, quarum propè unam assistit
 artifex contemplabilis, & subtiliter adponit in temonis canami-
 ne sagittam ligneam spiculo maiore conglutinatam: hocq; facto
 hinc inde validi iuvenes versant agiler rotabilem flexum.
 Quum ad extremitatem nervorum acumen venerit summum,
 percita interna pulsu à balista ex oculis evolat. In respect of its
 use we may english it a *Crosse-bowe*: but it was much bigger,
 and of a different forme, The *Scorpion*, which now they call
Onager, is described by *Marcellinus* in the same place thus.
 [Two oaken or elme beames were hewen out, and somewhat
 bended, so that they seeme to bunch out in backes; and these
 in manner of a saw engine are tied fast together, being bored
 through with wide holes, through which (by the meanes of
 those holes) strong cords are tied, keeping in the whole frame
 that it start not asunder: * From betweene those bunches, an-
 other wooden beame reaching forth ouerthwart, & in man-
 ner of a waine-beame erected vp, is tied with such devises vn-
 to certaine ropes, that it may be pulled vp higher, or let down
 lower at ones pleasure; and at the top thereof certaine yron
 hooks are fastned, from which hooks there hanged downe a
 certaine sling either of yron or tow: Vnder which erected
 beame therelyeth a great peece of haire-cloath full of small
 chaffe tied fast with cords, & placed vpon a banck of turfes,
 or a heape of bricke: When therefore it commeth to the
 point of skirmish, a round stone being put into the sling, foure
 young men on one side loosing the beames, into which the
 ropes are incorporated, doe drawe backe the erected beame
 vnto the hook. Thus at length the master of the engine stan-
 ding in some high place, giuing a mighty stroke with a ham-
 mer (and as I suppose vpon the cord, wherevnto the erected
 beame was fastned, with his hooke) setteth open the railes,
 that containe the whole worke, insomuch that this erected
 beame being now at liberty with that quicke stroke, and hit-
 ting against the soft haire-cloath, it hurleth out the stone,
 that*

* Machine.
 Scorpionis

* Ab hac me-
 dietate testi-
 um] Here we
 must note that
 this signification
 of testes is bor-
 rowed from the
 Anatomists,
 which do call
 certaine eminent
 parts behind.
 γαλλιδες
 αἵς
 Testes. Vid.
 Fuch. instir.
 med. l. i. Sec. 5.

that will batter whatsoever is in the way. And it is called *Tormentum*, quod ex eo omnis explicatio torquebatur. It is also called *Scorpio*, because when the long beame or tillar is erected, it hath a sharp top in manner of a sting. The moderne time hath imposed vnto it the name of *Onager*, that is a wild Assie, because that wild Asses, when they are coursed by hunters, fling back stones with their heeles a farre off, so that oftentimes: they peirce the breasts of them that follow them. The Latine word is made from the Greeke $\sigma\kappa\omicron\pi$, that is, *Afinus* & *Αγδς, rus vel ager*. Now if any aske mee, why that sackcloath of ashes was interposed, the reason is rendred by *Marcellinus* in two lines, which I purposely did not translate in their place, because I would continue the sense, without such a long parenthesis. The reason is there deliuered thus; because the violence and force of the erected beame recoiling, after it had beene by the stroke discharged, was such that it would shake in peeces the strongest wals, except there were some soft thing interposed, whereby the forcible strength of the recoil might be by degrees slaked. The *Aries* or Ramme is described also by *Marcellinus* in the same place. [The Ram was a great tree, or beame like vnto a mast of a ship, haning a peece of iron in manner of a Rams head, fastned at the end thereof, wherewith they did demolish and batter downe the wals of a Citty. It was hung vnto a beam, which lay a crosse ouer a couple of pillars, and hanged thus equally ballanced, it was by force of men pulled backward, and then recoiled vpon the wals.] The Rammes which *Titus* vsed at the siege of *Hierusalem*, ranne moe on wheelles: which kinde of Rammes are described by *Iosephus*. There be, saith he, other manner of engines, as an iron Ram vpon 4. wheelles, bound with yron, and fastned with yron nayles, to this they make foure feet answerable to the bignesse of the beame, & every foot hath his seuerall wheele, & when they will batter the wall, certaine men first pulling it backe, they recoil it by the helpe of foure wooden leuers put in the hin

der part thereof for that purpose. The head of this Ramme hath no hornes, but is blunt, made of the strongest kinde of yron, with a wonderfull thick neck. They haue also of both sides of the Ram a pentise of wood for the safegard of those that recoile it. *Iosephus Ben Gorion de bello Iudaico*. In lieu of these Rammes another engine was found out, called *Helepolis ab inuisitato* *Ἑλεπολις*, that is, *capiō*, and *πόλις*, that is, *civitas*. The forme of it is to be seen also in *Marcell. ibid* [There was (saith he) a *Testudo*, or vaulted frame made, strengthened with very long peeces of timber: it was covered ouer with Oxe hides, and greene wicker hurdles: the vpper part or conuex surface thereof was overlaid with mudde, to the end that it might keep off the fall of fire and casting of weapons. Now there were fastned in the front of it certaine *Cuspides trifurcae*, that is, iron pikes with three edges very massie, in manner of the thunderbolts, which Painters and Poets exhibit vnto vs. This great engine the souldiers ruling within with diuerse wheelles & ropes, with maine force they thrust it against the wals.]] *Malecolli* (saith the same *Marcellinus*) were certaine darts fashioned on this manner: there was an arrow made of a cane, betwixt the head and the nocke whereof was fastned an iron full of clefts; which arrow like vnto a womans distaffe, on which linnen is spinned, was finely made hollowe within the belly, yet open in many places: In the belly it receaued fire with fuell to feed vpon. And thus being gently discharged out of a weake bow (for with an ouerstrong shooting the fire was extinguished) if it tooke fast hold on any place, it burned the same, and water being cast thereon, the fire increased, neither was their any meanes to quench it, but by casting dust on it.] Now if they could not preuaile by these engines called *Machinae*, then did they make certaine passages vnder ground, which they called *Cuniculi* from *Cuniculus* signifying a cony-berry: insomuch that these two phrases are opposite, *Machinis*, and *Cuniculis oppugnare*, as it appeareth by that of *Plutarch*, *Cesar non iam cuniculis, sed*

*Plutarch in
vit, C. Caf.*

sed machinis tollit rempublicam, that is, He doth not now covertly, but with open violence assault the common weale.

C A P. 4.

De pœnis in hostes devictos.

ALbeit after the victory the *Romans* inflicted diverse degrees of punishment, according to the malice found in an enimie: yet were they alwaies compassionate, & (as histories testifie) more exorable then any other nation. The punishments which we finde them to have vsed towards a conquered nation are these. Either they punished them by death; or sold them *sub corona*; or dismissed them *sub iugum*; or merced them in taking away their territories; or made them tributary states. ^c An enimie was said to bee sold *sub corona*, when he being placed in the market place, a crowne was put vpon his head in token of such a sale: or therefore certaine captiues were said to be sold *sub corona*, because at such times they were environed about with souldiers to keepe them together, and this circle of souldiers, as likewise of all other companies, is called *Corona*. When they dismissed any *sub iugum*, ^f they erected two speares with a third lying a crosse in manner of a gallowes: then they caused them being disarmed, and their belt taken away to passe vnder in token of bondage. When their territories were taken from them, they were commonly conferred vpon old beaten souldiers, in way of remuneration for their faithfull service. This transplantation was tearmed *Colonia deductio*; and the place ever after *Romana colonia*, that is, a Roman Colonie. At which times they chose out every tenth man, *viz* such as were able and of best sufficiencie to make and establish a publike councell, ^g whom they named *Decuriones*. Whence we may obserue, that *Decurio* is not alwaies taken for a Captaine ouer ten horsemen, but sometimes it is vsed to

^c A. Gel 7. c. 4.

^f Stad in Flor.
lib. I. c. 12.

^g Sig. de iure
Ital. l. 2. c. 4.

signifie an Alderman or chiefe Burgesse in a Roman Colony. These Colonies were of two sorts, some called *Colonia Latina*: others *Italica*. The Latin Colonies had *Ius civitatis*, *suffragij* & *Magistratus capiendi*, si in sua Colonia magistratum gessissent. *Italicis autem, Ius civitatis & suffragij nullum erat, immunes tamen erant, nec tributum aut stipendium pendebant, ut provincie solebant.* Turneb. advers. l. i. c. ii. Divers times the Romans would bee content after the conquest to grant to their enemies a peaceable injoying of their lands & possessious, conditionally, that they would yeeld all faithfull allegiance vnto the L. Deputy, whomsoever the Senate of Rome should place over them. The L. Deputy was either stiled by the name of a *Proprator*, a *Proconsul*, or a *Præfectus*. Those places where the two first sorts of gouernours did rule, were tearmed *Provincia*; the other from the gouernour was tearmed *Præfectura*. Where we must obserue that this word *Provincia* hath a threefold acception. First it is taken for a country, which by the force and power of armes is subdued to the Roman Empire, and gouerned by some Roman Deputy sent from the Senate: and this is the proper & primitiue signification thereof, it being so called, *h Quod populus Rom: eam prouincit, id est, ante vicit.* Secondly, it is taken for any region or country, where the L. Generall or chiefe Captaine ouer a Roman army doth mannage warre against any nation by commission from the Senate. Lastly, it signifieth any publike function, or administration of office, yea any priuate duty, charge or taske either vnderaken, or imposed; according to that of Terence, *Provinciam cepisti duram*, that is, thou hast vnderaken an heard taske. Now the tribute to be paid was either certaine, or vncertaine. The certaine was properly called *Tributum vel Stipendium*; and those who paid it were tearmed *Tributarij sive Stipendiarij*: and this Tribute was of two sorts, either ordinary, such as was required from every house yearely, euen in the time of peace; or extraordinary, such as was leuied by a law or decree of the Senate towards vnexpected

h Pigh. lib.
Tyrannif.

i Terent. in
Phor.

pected charges. The vncertaine tribute ^k properly called *Ve-*
tigal, was either impost-mony, such as was collected in ha-
 ven townes for the transportation of marchants wares, and
 that was called from *Portus Portorium*, or frō *Porta Portu-*
rium, and the receauers thereof *Portitores*. The wars after
 the impost mony had beene paid were sealed by the *Publi-*
cans with a certaine kinde of tempered chaulke: and this is
 that which *Cicero* vnderstandeth by *Asiatica creta*, orat. pro
Flacco. Or Tithe corne, namely the tenth part of their graine
 and that was called from *Decem Decumae*, and the receauers
 thereof *Decumani*, though *Decumanus* when it is an adiec-
 tive signifieth as much as *Maximus*, according to that of
Ouid. lib. I. de Trist.

^k Sig. de iure
 Rom. l. 1. c. 16.
^l Stadius in
 Flor. l. 3. c. 13.

Qui venit hic fluctus fluctus supereminet omnes;

Posterior nono est, undecimog, prior.

The reason of this signification is ^m supposed to be, because
 in *Arithmetike* amongst simple numbers the tenth is the
 greatest: or lastly that mony, which was paid by certaine
 heards-men for pasturing their catle in the *Roman* fields &
 torrests. This kinde of tribute was called *Scriptura*, and the
 pastures *Agri Scripturarij*; because (as ⁿ *Festus* saith) the
 bayliffe or receauer of this mony, called *Pecunarius*, did *Scri-*
bendo conficere rationes, that is, keep his account by writing.
 Where we must note, first that all these kindes of Tributes
 were not only required in Provinces or Countries subdued,
 but throughout *Italy*, euen in *Rome* it selfe. Secondly though
 each collectour of these Tributes was distinguished by a pe-
 culiar name; yet by a generall name they were all called
^o *Publicani*, in as much as they did take to rent these publike
 tributes. The chiefe of them, which entred into bond, as the
 principall takers or farmers of these tributes *Tully* calleth
Manipes. The others which were entred into the same bond
 as sureties, were tearmed *Prædes*. Many times the *Romans* did
 bestow the freedome of their citty vpon forraigne countries;
 and the degrees of freedome were proportioned accordingly,

^m Fr. Sylv. in
 viro illust. ep
 2. lib. 1.

ⁿ Sig. de iure
 Rom. l. 2. c. 4.

^o Cic. de A-
 rusp. resp. et
 2. l. 1. c. 1.

p A Gel, noſt.
Attic lib. 16,
cap. 13.

* A. Gel. ibid.

q Sig. de iure
Ital. L. 1. cap. 1,

r Sigon, ib,

as the countries were. Some they honoured with the name of *Roman* citizens, but excluded them from the right of suffraging, leaving them also to be governed by their own lawes and magistrates. This state they called a *Municipal* state, in Latine *Municipium*, because they were *Muneris huius honorarij participes*.^q By *Munus honorarium* in this place is understood nothing but the bare title of a *Roman* citizen, whereby they were priuiledged to fight in a legion as free Denisons; not in an auxiliary band, as the associats. Now the first that ever obtained this *Municipal* state, were the *Cerites* who for preſeruing the holy things of *Rome* in the time of the warre against the *Gaules*, were rewarded with the freedom of the citie, but without power of suffraging; * From whence it is, that those tables, wherein the *Censors* inrolled such as were by them deſerued of their voices, were called *Cerites tabule*; *Horace* calleth such a table *Ceritem cerā*, for the reason shewne before. But we must withall obserue, that some *Municipall* townes haue either by desert or instant suit obtained the liberty of suffraging also, which occasioneth that receaued distinction, that there was *Municipium sine suffragio*, & *Municipiū cum suffragio*. Other countries which could not be admitted into the freedom of the citty, haue obtained, and that not without speciall & deserued respects to be associats and confederats vnto the state of *Rome*. The inhabitants of such countries were sometimes called *Socij*, sometimes *Amici*, sometimes *Latini nominis socij*, &c. The King or Prince of such a country did stile himselfe *Amicus & Socius Senat. & Pop. Rom.* Here we must obserue a difference betweene *Pactio* and *Fœdus*, both signifying a kind of league. That truce which in time of warre is concluded vpon and accepted of both sides for a certaine & limited space of time, is properly called *Pactio*; we commonly call it *Inducia*, and it differed from *Fœdus*: first because that *Fœdus* is a perpetuall truce or league, secondly because it was necessary, that one of those heralds at armes called *Fœciales*, should by

a solemne proclamation confirme this league called *Fœdus*, neither of which conditions was absolutely requisite in their truce tearmed *Pactio*.

C A P. 5.

Multa militares, quibus milites Romani ob delicta afficiebantur.

T Ouching the punishments that the Roman L. General vsed towards his own souldiers, when they were faulty, they were commonly proportioned vnto the fault committed. Sometimes they were easie, of which sort were also those punishments which did only brand the souldiers with disgrace: other times they were heauier, such as did hurt & afflict the body. To the first sort belonged these: First *Ignominiosa dimissio*, that is, a shamefull discharging of a souldier, when he is with disgrace remoued from the army. Secondly, *Fraudatio stipendii*, that is, a stopping of their pay: & such souldiers which suffered this kind of mulct, were said to be *ere diruti*, because *Es illud diruebatur in fiscum, nō in militis sacculum*. Thirdly, *Censio hastaria*, whereby the souldier was iniointed to resigne and giue vp his speare: for as those which had atchieued any noble act, were for their greater honour *Hasta pura donati*: so others for their greater disgrace were inforced to resigne vp their speare. Fourthly, the whole *Cohors*, which had lost their banners, were compelled to eat nothing but barley bread, being deprived of their allowance in wheat: and every Centurion in that *Cohors* had his souldiers belt or girdle taken from him, which was no lesse disgrace amongst them, then it is now amongst vs, that a Knight of our order of the Garter, should be deprived of his Garter. 5^{ly}, for petty faults they made them to stand barefooted before the L. General his pavilion, with long poles of ten foot length in their hands: & sometimes in the sight of the other souldiers

(Rosin ant.
l. 10. c. 25.)

souldiers to walke vp and downe with turfes on their necks. In the last of these they seemed to imitate their city discipline whereby malefactors were inioyned to take a certaine beame resembling a forke vpon their shoulders, and so to carry it round about the towne; It hath some affinity with our carting of queanes here in England. In the first we haue no custome, that doth more symbolize, then the standing in a white sheet in the open view of a congregation. The last of their lesser punishments, was the opening of a vaine, or letting them blood in one of their armes: which kind of punishment was vsed towards those alone, which (as they conceited through the abundance of their hot blood) were too adventurous & bold. The heauier kinds of punishment were these: first *Virgis*; vel *Fuste cadi*, to be beaten with rods; or with staues & cudgels. None were ordinarily beaten with cudgels, but those who had not discharged their office, in the sending about that tablet called *Tessera*, wherein the watch word was written; or that had forsaken their place, where they were appointed to keepe watch; or those who had stolen any thing from out the campe: or borne false witness against their fellowes, or abused their bodies by women: or lastly, that had beene punished thrice for the same fault: those which were in this maner cudgelled, were often killed in the place: but if they escaped aliue, they went to liue in perpetual exilement. The ceremony vsed in this kind of cudgelling was, that the knight Martiall should lightly touch the party to be punished with a club, which being done, all the souldiers did beat him with staues and cudgels, whence we may say of on that deserueth a good cudgelling in * *Tully* his phrase *Fustuarium meretur*. *Polybius* calleth it *υαλονομισα*. *Vid. Lips. de milit. Rom. lib. 5. dial. 18.* If a *Roman* souldier had broken his ranke by going out of order, then *Virgis cadebatur*, that is, he was scourged with rods. Sometimes the knight Martiall vpon iust occasion would cause them to be sold for bondslaves, to be beheaded, to be hanged. All these punishments were

† Alex. Gen.
dier. 1.2. c. 13.

⁂ Trib. milit.

⁂ Cic orat.
Phil. 3.

were personall or particular; there remaineth one which was generall, namely when the fault was generall, as in their vproares, conspiracies, &c. Vpon such occasions the souldiers were called together, and every tenth man vpon whom the lot fell was punished with that kind of cudgelling aboue spoken of; all the others escaped either without punishment or with very litle. The punishment it selfe was tearmed *Decimatio legionis*, and the reason of this kinde of punishment is, recorded by *Tully: ut metus viz. ad omnes poena ad paucos perveniret*. Sometimes such was the clemencie of the L. Generall, that he would punish only the twentieth, nay the hundreth man, & then was it called *vicefimatio, vel centesimatio legionis*.

y Cic. pro Cluent.

CAP. 6.

De donis militaribus ob rem fortiter gestam.

Concerning the rewards which were bestowed in war, some were by the *Senate* conferred vpon the L. Generall: others were by the L. Generall conferred vpon his souldiers. Those honours which the L. Generall receiued were three. First *Nomen imperatoris*, of which before. Secondly *supplicatio*, that is, a solemne procession continued for many daies together, sometimes more, sometimes fewer: all which daies the *Roman* people did obserue as holy-dayes offering vp daily prayers and sacrifices to the Gods in the behalfe of their L. Generall. The custome being that after some notable victory, the souldiers hauing saluted their cheife captaine (whom I call their L. Generall) by the name of *Imperator*, then would he send letters vnto the *Senate* dight with lawrell, wherein he required both that name to be confirmed & approued by them, as likewise that they would *Decernere supplicationes*, that is, appoint such solemne supplications. Thirdly, they honored him at his comming home also with a triumph. *Triumphus vel maior, vel minor erat*, saith

Mm

Alex.

- Alexander.* The lesser kind of triumph was properly called *Ovatio* ² *ab ovis*, from a sheepe, which in this time of his triumph was led before him, and afterward sacrificed by him: As also in the greater triumph (called properly *Triumphus*) the L. Generall sacrificed a bull. It differeth from the greater triumph first in the acclamation; for in the lesser triumph the souldiers following did as it were reduble this letter O, and some are of opinion that it was therefore called *Ovatio*. In the greater triumph the souldiers followed crying *Io triumphe, Io triumphe*: an example whereof may be seene in ^a *Horace*, where he describeth the triumph of *Bacchus*, the first author of this greater triumph; from whose ^b name also divers authors doe deriue this word *Triumphus*, he being in greeke called *ἑπταμυχος* which by a little change is made *Triumphus*. Secondly they differed, because in the greater triumph, the L. Generall did weare a garment of state, called by some *Trabea*, ^c by others *Triumphalis*, *Pilæa*, vel *Aurata vestis*; likewise a garland of lawrell, riding in a chariot, the *Senators* themselves with the best of the *Romans* meeting him, his souldiers with their coronets, their chaines, and other rewards following after: But in the lesser triumph the L. Generall did weare a plaine purple gowne without any gold imbrodering, and a garland of myrtle tree ^d commonly going on foote, sometimes permitted to ride on a horse; the gentlemen and commonaltie of *Rome* alone without the *Senators* did meet him. Moreouer for a perpetuall memory of this their triumph in some publike place certaintrophies were erected. ^e *Trophæum monumentum dixerunt nunc marmoreum, modo æneum, cum inscriptione & titulis ævo perpetuo duraturis.* ^f *Dictum est ἀπὸ τοῦ ἐπέστρεφαι, id est, à conversione*, fro making the enemies to retire and turne backe. Sometimes there were statues, columnes, and arches built in token of triumph. These arches though commonly they were known by the name of *Arcus triumphales*, yet sometimes they are called *Fornices*, whence it is that *Tully* calleth *Fabians* triumphall arch.
- ^a Salmuth in Pancir. l. rerū deperd. cap. de triumph.
- ^b Salmuth in Pancir. l. rerū deperd. cap. de triumph.
- ^c Alex. Gen. dier. l. 6. c. 17.
- ^d Dion. Hali. car. lib. 5.
- ^e Alex. Gen. dier. l. 1. c. 22.
- ^f Serv. Ænci. lib. 10.
- ^g Fr. Sylv. in orat. Cic. pro Cn Plancio.

arch *Fabianum fornicem*. If it so hapned that the Roman Generall himselfe personally, did take away any spoiles from the chiefe captaine of the enemies, then did hee hang them vp in a temple consecrated to *Iupiter Feretrius*; who was so called, ^h because as the Romans conceited without the speciall assistance of *Iupiter*, *Dux duce[m] ferire non poterat*: these spoiles had the name of *Opima spolia*, that is, Royall spoiles. The rewards bestowed vpon the souldiers were diuers: either places of office, as the place of a Centurion, of a *Præfektus*, a *Decurio* &c. or their pay was increased, the spoiles distributed amongst them, or lastly they receiued certaine gifts tearmed *Dona militaria*. In ancient times those souldiers which had best deserued, receiued a certaine measure of corne called by them *Adorea*; ⁱ and hence it is, that *Adorea* is now vsed to signify such laude and praise, as is due vnto a souldier. But after ages for the better encouraging of the souldiers, haue found out more honorable rewards, of which ^k these were the chiefest; *Armilla*, that is, a bracelet for the handwrest; *Torquis*, a chaine to weare about their necke; *Phalera*, horsetrappings; *Hastapura*, that is, a speare hauing no yron at the end of it, (it is sometimes called *Hastadonatica*, and *Hastagraminea*;) Lastly *Corona*, crownes, of which *A. Gell. lib. 5. cap. 6.* obserueth these to haue beene the chiefe: 1. *Corona triumphalis*, which in old time was made of Lawrell, but afterward of gold, and thence was it called *Corona aurea*: it was sent by the Senate vnto the L. Generall in honour of his triumph: Secondly *Corona obsidionalis*, which was giuen by the souldiers vnto the Generall, when they were freed from a siege: it was made of grasse growing in that place, where they were besieged, whence it had the name also of *Corona graminea*. Now the reason why they made this crowne of grasse growing in the place where they were besieged, was thereby to yeeld vp their right in that place vnto their captaine: for by that ceremony, as ^m *Pliny* obserueth, they did *Terrâ & ipsa altrice humo & humatione*

^b Alex. Gen.
dier. l. i. c. 14.

ⁱ Alex. Gen.
dier. l. c. 18.

^k Sig. de iure
Rom. c. 15.

^l Rosin. ant.
lib. 10. c. 27.

^m Plin. lib. 22.
cap 4.

n Salmuth. in
Pancie. l. rerū.
deperd. cap. de
coronis
u Pigh. l. Ty-
rannif.

tiam cedere. And hence it is, that in races & the like masteries, he that was over come, did gather some of the grasse of that place, & giue it vnto the conquerour, as a token that he did acknowledge himselfe conquered. This is the reason of that Adage, *Herbam dare*, that is, to yeeld the victory. Thirdly, *Corona civica* which was bestowed onely vpon him, which had saued a cittizens life, though in processe of time it was also bestowed vpon the L. Generall, if hee spared a Roman citizen, when he had power to kill him. It was commonly made of oake; whence it was called *Corona quercea*. And this I take to be the reason why in *Ovids* time the Emperour had alwaies standing before his gates, an oake tree in the midst of two lawrels, as Emblem denoting two worthe vertues required in all Emperours and Princes, first, such whereby the enemy might bee conquered; secondly, such whereby cittizens might be saued. Vnto this *Ovid* seemeth to allude, speaking of the lawrell tree.

p Ouid. Met.
lib. Fab. 9.
q Dion. Halic.
car. lib. 10.

P *Postibus Augustis eadem fidissima custos*
Ante fores stabis, mediamq; tuebere quercum.

r Pigh. l. Ty-
rannif.
s A. Gel. noſt.
Artic. l. 2. c. 11.

Fourthly, *Corona Muralis*: Hee onely was honoured with this, which did first scale the wals, and enter first into the enemies city: and hence this crowne was cut vpon the circlet or top like vnto the battlements. Fifthly, *Corona Castrensis*. This the L. Generall bestowed on him, which first entred into the, enemies tents; it did beare in it the resemblance of a bulwark or at least of the mound, wherewith the bulwarke was strengthened; which mound was called in Latine *Vallum*, and thence the crowne it selfe was often called *Vallarum corona*. Sixtly, *Corona navalis*, with which he was honoured, which first entred into the enemies ship in a battle vpon sea: it was portrayed with many ship-beakes called in Latine *Rostra*, whence the crowne it selfe was often called *Corona Rostrata*. That Roman *Hercules Siccus Dentatus* obtained almost all those severall rewards, and that each many times. Lastly, *Corona ovalis*, it was made of Mertle-tree, the L. Generall

nerall vsed it in the lesser kinde of triumphs called *Ouationes*, from whence the Coronet it selfe was named *Oualis*. It was then bestowed when the Herald had committed some error in denouncing warre; or when the enimies conquered were of meane ranke and place, as Servants or Pyrats; or else if the victory were gotten without bloodshed or great hazard, the enimies yeelding without resistance. *In quibus*

impulvereis & incruentis victorijs, aptam esse Ve-

neris frondem crediderunt, quod non Mar-

tius, sed quasi Veneris quidam

triumphus foret.

A. Gel. l. 5. c. 6.

FINIS.



INDEX RERVM ET Verborum maxime insignium.

<i>A</i>		<i>Ærarium</i> unde dictum.	13
A Litera in tabula scripta quid significet.	135	<i>Ærarium</i> quomodo differat à fisco?	133
<i>A</i> litera salutaris.	246	<i>Ærarium</i> militare.	13, 182
<i>Abdicere</i> quid?	170	<i>Ærarium</i> sanctius.	13
<i>Abire</i> Flaminio.	55	<i>Ære</i> diruti qui, & quare dicti?	271
<i>Acea</i> Laurentia quæ & ei cur sacra instituta.	47	} Grave. } } Signatum. }	240
<i>Accensi</i> qui?	169		
<i>Accipere</i> fiduciam.	240	circa <i>Æs</i> & libram.	233
<i>Accumbendi</i> ratio apud Romanos qualis?	122	per <i>Æs</i> & libram venditio.	240
<i>Acerra</i> quid?	78	<i>Æsculapii</i> insula.	15
<i>Æliaci</i> ludi.	94	<i>Æstimo</i> unde?	218
<i>Æliones</i> redhibitorix quæ?	180	<i>Æsop</i> quid?	100
<i>Ætus</i> in fabula nec plures, nec pauciores esse debent, quam quinquæ.	180	<i>Agere</i> ad populum & cum populo.	216
<i>Addicere</i> quid significet?	170	<i>Agere</i> de plano quid?	268
<i>Addicti</i> bona quæ	170	<i>Agere</i> forum quid?	15
<i>Addicti</i> serui qui?	33, 170	<i>Agere</i> pro tribunali quid?	208
<i>Adiucialis</i> cœna quæ?	66	<i>Agere</i> velitatim.	259
<i>Adorea</i> quid?	275	<i>Agger</i> propriè quid?	261
<i>Adscriptus</i> ciuis quis?	215	ad <i>Agnatos</i> & gentiles deducendus est.	233
<i>Adversaria</i> .	137	<i>Agonales</i> Salij.	57
<i>Adulterium</i> quid?	157	<i>Agonalis</i> mons.	5
<i>Advocatus</i> fisci.	183	<i>Agones</i> qui & unde dicti?	70
<i>Ædes</i> sacra.	22	<i>Agones</i> Capitolini.	93
<i>Ædes</i> Saturni.	13	<i>Agones</i> Quinquennales.	94
<i>Ædiles</i> unde dicti?	179	<i>Agrarie</i> leges. vid. <i>Leges</i> .	
<i>Ædiles</i> Ceriales qui, & unde dicti?	180	<i>Agri</i> Scripturarij.	269
<i>Ædiles</i> Curules qui, & unde dicti?	180	<i>Ala</i> aciei.	260
<i>Ædiles</i> plebeij qui?	180	<i>Alarum</i> præfecti.	260
<i>Æra</i> Corybantia, & unde dicta?	64	<i>Alba</i> toga quomodo differabat à candida?	152
<i>Ærarij</i> qui	188	<i>Albi</i> dies qui?	132
		<i>Albo-galerus</i>	55
		<i>Altare</i> quid & unde dicta?	23
		<i>Alie</i>	

rerum & verborum.

<i>Alte præcincti pro expeditis dicti.</i>		<i>Apollinares ludi qui?</i>	38
	151	<i>Aqua & igni interdicere.</i>	188
<i>Ambarvales hostiæ.</i>	47	<i>Aquila pro primipilatu.</i>	259
<i>Ambulatoria cœna</i>	126	<i>Ara quid & vnde dicta?</i>	23
<i>Amici pop. Rom.</i>	270	<i>Are quare gramineæ dictæ.</i>	23
<i>Amicus & Socius Senat. & pop. Rom. ad te tanquam ad Aram confugi-</i>			
	270	<i>mus.</i>	4
<i>Amphitheatrum quid</i>	19	<i>Arca custodiæ genus.</i>	196
<i>Amphora Attica.</i>	218	<i>Archi gallus quis & vnde dictus</i>	63
<i>Amphora Italica</i>	218	<i>Arcus triumphalis.</i>	274
<i>Amphora mellaria</i>	62	<i>Arena</i>	19
<i>Ampliari quid?</i>	244 245. 246	<i>in Arenam descendere.</i>	19
<i>Amplatio quid?</i>	246	<i>Arenarii qui dicti?</i>	19
<i>An {</i>	<i>audtor esset?</i>	<i>Aries Machinæ genus & eius de-</i>	
		<i>scriptio.</i>	265
		<i>Arietem emisit prov.</i>	59
<i>Ancile cælo delapsum.</i>	57	<i>Arma concutere.</i>	255
<i>Andabate & Andabatarum more.</i>	104	<i>Armamaxe.</i>	85
<i>Angues pinge duos, id est, duos geni-</i>		<i>Amilla donum militare.</i>	275
<i>os</i>	40	<i>Armis versis pugnare.</i>	100
<i>Angusticlavus</i>	155	<i>Arvales fratres qui, quot, & vnde</i>	
<i>Angusticlavii.</i>	155	<i>dicti?</i>	47
<i>Annalis lex.</i>	220	<i>Aruspices vnde dicti?</i>	48
<i>Anniversarie feriæ quæ?</i>	133	<i>As</i>	212. 229. 234
<i>Antonie præfectus.</i>	180	<i>Asiatica Creta.</i>	169
<i>Annua lex.</i>	169	<i>Asylum.</i>	3
<i>Annulati pedes.</i>	204	<i>ad te tanquam ad Asylum confugi-</i>	
<i>Annulus in nuptijs dari solitus.</i>	72	<i>mus.</i>	4
<i>Annus à Romulo institutus.</i>	128	<i>Atellane vnde dictæ.</i>	106
<i>Annus quasi annulus.</i>	128	<i>Atri dies qui?</i>	132
<i>Annus Bessertilis</i>	130	<i>Auctio quid?</i>	225
<i>Annus Iulianus.</i>	129	<i>Auctor quis?</i>	225
<i>Annus Lunaris.</i>	128	<i>Auctoritas quales gladiatores?</i>	99
<i>Annus magnus & vertens.</i>	130	<i>Auctoritas, ius dominij.</i>	235
<i>Ante-cenium quid, & vnde dictum?</i>		<i>Augurandi ceremonia.</i>	49
	121	<i>Auguratus semel alicui datus, eidem</i>	
<i>Antepilani qui?</i>	260	<i>dum vixerat, adimi non potuit.</i>	
<i>Antesignani qui?</i>	238		49
<i>Antiquo quid significet.</i>	836	<i>Augures vnde dicti & eorum nume-</i>	
<i>In Aniliam damnari.</i>	205	<i>rus initio; & deinceps quan-</i>	
<i>Apex quid?</i>	55	<i>tus.</i>	48
<i>Apex pileorum genus.</i>	59	<i>Auguria impetrativa.</i>	50
		<i>Au.</i>	

Index

<i>Auguria Oblatua.</i>	50	<i>Boalia.</i>	57
<i>Auguria prospera & aduersa quando dicta?</i>	50	<i>Bona dea & quare dicta.</i>	62
<i>Augurum Collegium.</i>	49	<i>Eupetii ludi.</i>	97
<i>Augustales ludi.</i>	97	<i>Enstuarua qui & vnde dicti.</i>	80. 99
<i>Augustus Octavius Cæsar dictus.</i>	171	<i>Enstuum quid & vnde dictum.</i>	80. 99
<i>Avibus bonis & malis quid?</i>	48	C <i>Litera condemnationis nota.</i>	246
<i>Avia sinistra quid significet?</i>	51	<i>Caballus mons.</i>	5
<i>Avigarum factiones.</i>	91	<i>Calbaris hasta.</i>	72
<i>Aurum Coronarium quid & vnde dictum?</i>	224	<i>Calvus mons.</i>	5
<i>Auspiciari rem quid?</i>	48	<i>Cæsar, Iuventutis Princeps.</i>	172
<i>Auspices quasi Avispices.</i>	48	<i>Cæsar Nobilissimus.</i>	172
<i>Auspiciis bonis, malis.</i>	48	<i>Cæsares.</i>	171. 172
<i>Auspicium coactum quid, & vnde dictum?</i>	51	<i>Caius, Caia, maritus & vxor dicti.</i>	73
<i>Auxilia quæ?</i>	256	<i>Calanica.</i>	156
<i>Axare quid?</i>	58	<i>Calata Comitua</i>	134. 233
		<i>Calcei lunati.</i>	157
		<i>Calcei mullei.</i>	157
		<i>Calcei vincinati.</i>	158
		<i>Calculus Palamediaci.</i>	118
		<i>Calende.</i>	130
		<i>ad Calendas Græcas.</i>	130
		<i>Caligæ</i>	158
		<i>Calumniam iurare, de iurare.</i>	145
		<i>Calumniari, Prevaricari: Tergiversari quomodo differunt.</i>	239
		<i>Campus Martius quare dictus Tiberinus.</i>	15
		<i>Campus Sceleratus.</i>	14
		<i>Candida Toga.</i>	153
		<i>nomencclatio</i>	
<i>Bellare cæstu quid?</i>	92	<i>assiduitas</i>	} <i>in Candidatis</i> }
<i>Bellum quomodo indici solitum?</i>	59	<i>benignitas</i>	
		<i>blanditia</i>	
<i>Berecynthia vnde dicta.</i>	63	<i>Candidatus Principis.</i>	153
<i>Bessis quid.</i>	224	<i>Candidatus Questor.</i>	153
<i>Bestiarum qui.</i>	202	<i>Candidatus vnde.</i>	148
<i>Biolinium vnde dictum.</i>	122	<i>Canis & Canicula, iactus in ludo tesslerario.</i>	114
<i>Bissextilis annus qui.</i>	130	<i>Canon, vt Canon Alexandrinus vrbis Romæ</i>	
<i>Bissextilis dies quis?</i>	130		

rerum & verborum.

Rome &c. Iureconsultis quid?	Centum-viri.	167. 210
	227 Centuria quid?	257
Capita vel navim, ludi genus.	120 Centuria Prærogativa,	141
Capite censi.	145 Centurio.	145
Capite damnatus.	168 primus Centurio.	259
de eius Capite quærito.	247 Centuriones	238. 257
Capitis dimicatio.	163 Cereale tabulæ.	137
Capitis diminutio, maxima, media,	Cereales ludi.	84
minima.	187 Ceresi sacrificat. Prov.	45
Capitolini } ludi. }	Ceres quomodo effingi solita?	45
	93 Cerites, prima municipales.	270
	Cerites tabulæ.	270
Capitolinus mons.	4 Cervi, pars aggeris, quare dicti?	261
Capitolium vnde?	4 Cestus.	92. 157
Capnomantes.	33 Cibus, quid in talorum ludo?	113
Caput contubernij.	257 Cbloris Flora dicta.	8
Caput Porcinum in bello quid,	& Chorus tam è viris, quàm mulieribus	
quare dictum?	260 constabat.	108
Carcer ab Ergastulo differt.	195 Cidarie leges.	228
Carceres in circo quid & vnde?	17 Cimiliarchium quid?	13
à Carceribus ad metam.	17 Cisturia laxior.	150
Carpior.	124 astrictior.	
Castoris templum.	12 Cinctus Gabinus.	150
Catapulta quid & vnde?	263 Cinctus.	356
Kαταστροφὴ.	107 Circenses ludi.	80
Kαταστροφή.	107 Circumvenire quid signif.	214
Catastrophe vitæ humanæ.	107 Circus quare dicitur tallax?	17
Kαταστροφὴ ὀφθαλμοῦ.	255 Circus maximus,	16
Cavea quid?	18 Cispinus collis.	6
Cavea idem quod Amphitheatrum.	Cives originarij.	32
	19 Civilis dies quomodo dividitur?	132
Cause quæ pares Amphitheatrum.	Civis repretius.	30
	19 Civitate donatus.	32
Cause Capitales.	168 Clam an palam.	239
Cedere de gradu.	101 Clarigatio quid?	59
Celeres qui & vnde?	160 infra Classẽm.	145
Celerum tribunus.	160 Classici scriptores.	145
Censio hastaria.	271 Classicum canere.	146. 255
Censor, Censoria virga.	165 Classicus.	145
Census quid significet?	234 Clientes qui?	27
Centestatio legionis.	273 Clodius accusat mæchos. Prov.	63
Centrones qui, & vnde dicti.	194 Coactum auspicium.	51

Index

<i>Codex</i> vnde?	138	<i>Comædiæ & Tragediæ differentiæ</i>	
<i>Codex</i> supplicium quale?	198	quædam,	106
<i>Codex</i> robustus, locus in carcere.	196	<i>Comperendinari</i> quid propriè.	244
<i>Cœna</i> vnde dicta.	121		245
<i>Cœna</i> abijcialis, Pontificia.	66	<i>Compitales</i> ludi.	97
<i>Cœna</i> vlmæa.	125	<i>Conceptivæ</i> feriæ.	133
<i>Cœnæ</i> caput.	125	<i>Conclamare</i> vasa.	255
<i>Cognoscere & pronunciare</i> quomodo		<i>Conclamatum</i> est.	77
differunt.	10	<i>Concubium</i> .	132
<i>Cohors</i> .	257	<i>Condiitione</i> tuâ non utar.	75
<i>Cohors</i> prætoria.	183	<i>Confarriatio</i> .	72
<i>Coire</i> quid signif.	214	<i>Conferre</i> signa.	255
<i>Collatis</i> signis pugnare.	255	<i>Congiarium</i> .	148
<i>Collegij</i> Magister.	49	<i>Conscripti</i> patres quomodo primum	
<i>Colligatis</i> vasis.	255	dicti.	23
<i>Collis</i> .	26	<i>Consuales</i> ludi.	89
<i>Collis</i> {		<i>Consul</i> .	163
		5 <i>Consul</i> major, prior.	164
		<i>Consularis</i> vir.	165
<i>Collis</i> {		<i>Consules</i> Honorarij, ordinarij.	165
		6 <i>Consules</i> non Honorarij, & suffecti.	165
			165
<i>Collis</i> hortulorum.	7	<i>Consul</i> olim Neptunus dictus.	89
<i>Collumba</i> .	198	<i>Contendere</i> ex provocatione, <i>Conten-</i>	
<i>Colonia</i> Romana.	267	<i>dere</i> Sacramento.	250
<i>Coloniæ</i> deductio.	297	<i>Conicinium</i> .	132
<i>Coloniæ</i> Latinæ	268	<i>Contubernium</i> , <i>Contubernij</i> Caput.	257
Italicæ		<i>Convivarum</i> quantus numerus.	123
<i>Comessatio</i> .	121	<i>Convivia</i> Romanorum quàm varia.	121
<i>Comitia & Comitium</i> quomodo diffe-	11	<i>Kαὶ οὗτος ὁ Χρῖστος</i> .	113
runt.	134.233	<i>Cornix</i> felix auspiciu in sponsali-	
<i>Comitia</i> Calata.	135.145	bus.	72
<i>Comitia</i> Centuriata.	135.143	<i>Corum</i> dextrum vel sinistru aciei.	260
<i>Comitia</i> Curiata.	135	<i>Cornua</i> in libris quid.	139.140
<i>Comitia</i> Pontificia		<i>Corona</i> Castrens, Vallaris.	276
<i>Adilitia</i> .	134	<i>Corona</i> Civica, Quernea.	276
<i>Comitia</i> Tributa.	134	<i>Corona</i> Muralis.	276
<i>Comitialis</i> dies.	142	<i>Corona</i> Navalis, Rostrata.	276
<i>Comitialis</i> homo	10	<i>Corona</i> Obsidionalis, Graminea.	275
<i>Comitialis</i> morbus.	106	<i>Corona</i> Ovalis.	276.277
<i>Comitium</i> quid & vnde?		<i>Corona</i> .	
<i>Comædiæ</i> vnde. & ejus partes.			

rerum & verborum.

<i>Corona Triumphalis, aurea.</i>	275	D	
<i>Coronæ dona militaria.</i>	275	D	<i>Annari in metallum, & } 260</i>
<i>Coronatum vsus in convivij.</i>	124		<i>Dannari in opus metalli. }</i>
<i>Sub Corona quid.</i>	267		<i>Dannatio ad bestias.</i> 203
<i>Coronis quid.</i>	139		<i>Dannatio in gradium.</i> 202
<i>Corybantes vnde.</i>	64		<i>Dannatio in ludum.</i> 202
<i>Corybantia æra.</i>	64		<i>Dannatus voti.</i> 98
<i>Cothurnus.</i>	110		<i>Dapes Saliæres.</i> 58
<i>Coiis.</i>	113		<i>Datam ludere.</i> 119
<i>Crepusculum.</i>	132		<i>Datores in pilæ lusu.</i> 119
<i>Creta Asiatica.</i>	269		<i>Dea bona.</i> 62
<i>Cretata ambitio.</i>	153		<i>Dea viri placa.</i> 75
<i>Cretula vsus in literis signandis.</i>	138		<i>Debitorum quomodo tractari soliti.</i> 33
<i>Cribum Carnificinum.</i>	194		<i>Decanus quis.</i> 257
<i>Cruis.</i>	192		<i>Decem-viri</i> 60. 173
<i>Cultus.</i>	198		<i>Decem-viri Alitibus judicandis.</i> 209
<i>Cultrarii.</i>	70		<i>Decimatio legionis.</i> 273
<i>inter Cuneos residere.</i>	19		<i>Decretoria tela.</i> 100
<i>Cuneus in theatris quid.</i>	19		<i>Decumæ Decumanus.</i> 228. 269
<i>Cuneus militum quid, & cur dictus.</i>			<i>Decumanus idem quod maximus, &</i>
	260		<i>quare.</i> 262
<i>Cuniculi.</i>	266		<i>Decunx.</i> 234
<i>Cuniculis oppugnare.</i>	266		<i>Decurie.</i> 174. 210. 257. 258
<i>Curia per se quid signif.</i>	5		<i>Decurio.</i> 212
<i>Curia per se idem aliquando quod</i>			<i>Decurio, quot significet.</i> 267
<i>domus Curialis.</i>	48		<i>Deiectio è saxo.</i> 201
<i>Curia { Hostilia. }</i>			<i>Delubrum quid & vnde.</i> 21
<i>Curia { Pompeia }</i>	6		<i>Decrum mater.</i> 63
<i>Curia { Iulia. }</i>			<i>Depontani.</i> 16. 135
<i>Curia olim apud Rom. quot.</i>	47		<i>Deportatio.</i> 189
<i>Curiales Flamines.</i>	47		<i>Desultorium ingenium.</i> 15
<i>Curialis domus.</i>	48		<i>Desultorius equus.</i> 15
<i>Curio Maximus.</i>	48		<i>Denux.</i> 224
<i>Curiones Flamines dicti.</i>	55		<i>Devoret sacra haud immolata.</i> 71
<i>Curiones sexaginta.</i>	47		<i>Devorere dijs inferis quid.</i> 27
<i>Curioria.</i>	48		<i>Dialis Flamen.</i> 54
<i>Curulis sella.</i>	164		<i>Diane mōns.</i> 6
<i>Custodes qui.</i>	136		<i>Dicam scribere.</i> 236
<i>Custodia lignea.</i>	196		<i>Dicam sortiri.</i> 246
<i>Cybelle, vel Cybele.</i>	63		<i>Dictator.</i> 174
<i>Cybelleius circulator.</i>	64		<i>Die noni, pro die nono.</i> 97
			<i>Diem alicui dicere.</i> 245
		N n 2	<i>Dies</i>

Index

<i>Dies & atri.</i>	132	<i>Donatica hasta.</i>	275
<i>Dies bissextus.</i>	130	<i>Dubia cœna.</i>	125
<i>Dies civilis quomodo dividitur?</i>	132	<i>Ducere uxorem.</i>	75
<i>Dies comitiales.</i>	134	<i>Duella.</i>	234
<i>Dies fasti, ex parte fasti, & nefasti</i>	134	<i>Duum-viri sacris faciundis</i>	60
<i>Dies festi, feriatii profesti, intercesi.</i>	132		
<i>Dies iusti.</i>	33		
<i>Dies perendinus.</i>		E	
<i>tertius.</i>	233	<i>Culeus.</i>	199
<i>Dies postriduani & Ægyptiaci.</i>	132	<i>Edictum vnde.</i>	169
<i>Diffarreatio</i>	73	<i>Edictum peculiare & novum.</i>	169
<i>Diffindere diem.</i>	242	<i>Edictum peremptorium.</i>	245
<i>Digito provocare.</i>	105	<i>Edictum perpetuum.</i>	169
<i>Digitum attollere, deditionis signum</i>	105	<i>Effari templa quid.</i>	21
		<i>Elephantini libri qui.</i>	14
		<i>Eleusina Ceres dicta.</i>	44
		<i>Elogium quid.</i>	193
		<i>Eloquentiæ candidatus.</i>	153
<i>Dij & Divi quomodo differunt.</i>	36	<i>Emancipari qui.</i>	232
<i>Dij animales qui.</i>	37	<i>Emancipati defierunt esse agnati.</i>	232
<i>Dij communes.</i>	38	<i>Emancipatio.</i>	232, 233
<i>Dij consentes.</i>	36	<i>Emisit arietem, Prov.</i>	59
<i>Dij majorum gentium.</i>	36	<i>Empti de lapide, de furca.</i>	201
<i>Dij nobiles.</i>	36	<i>Enripere quid.</i>	107
<i>Dij patrij, Dii tutelares</i>	38	<i>Epulonum Triumviri.</i>	66
<i>Dii iratis aliquid facere.</i>	38	<i>Equestrie.</i>	18
<i>Dilaculum.</i>	132	<i>Equestris ordo.</i>	28
<i>Diludia in fabulis.</i>	139	<i>Equi proventus & sponsum.</i>	90
<i>Dimacheri.</i>	104	<i>Equitum distributio.</i>	257
<i>Dimicare ad certum.</i>	100	<i>Equitum magister.</i>	175
<i>Dimidiatus aper omnia habet eadem</i>	229	<i>Equitum præfeti.</i>	258
<i>quæ totus. Prov.</i>		<i>Equus militaris.</i>	29
<i>Diminutio Capitis, maxima, media,</i>	187	<i>Equus publicus.</i>	29
<i>minima.</i>	136	<i>Equus solis.</i>	90
<i>Diribitores.</i>	256	<i>Ergastulum vnde dictum.</i>	195, 204
<i>Discincli, qui.</i>	122	<i>Excor deservor quid Gellio signif.</i>	262
<i>Discumbendi ratio.</i>	70, 119	<i>Exharet qui dicti.</i>	203
<i>Discus.</i>	149	<i>Esquilina tribus.</i>	26
<i>Divisores.</i>	75	<i>Esquilinus mons.</i>	6
<i>Divortium.</i>	134, 170	<i>Essedarj qui.</i>	104
<i>Do, dico, addico.</i>	234	<i>Euxinus apud Homerum.</i>	104
<i>Dodrans.</i>	48		
<i>Domus Curialis.</i>	273, &c.	<i>Enripidis iactus in tesseris.</i>	117
<i>Donæ militaria.</i>			

Exaggera

rerum & verborum.

<i>Exaggero vnde.</i>	261	<i>Figere legem & refigere.</i>	143
<i>Exequiarum ritus.</i>	78	<i>Figere tabulam.</i>	143
<i>Exercitoria tela.</i>	100	<i>Fiscus ab Aëratio differt.</i>	183
<i>Extispices qui, & vnde dicti.</i>	53	<i>Flagella Triumvralia.</i>	207
<i>Extramuraneus cur mars appellatus.</i>		<i>Flagra taxillata.</i>	207
	57	<i>Flama.</i>	54
<i>Extremi agminis ductores.</i>	257	<i>Flamen Dialis.</i>	
		<i>Martialis.</i>	
		<i>Quirinalis.</i>	54
F			
<i>Fabiani Luperci.</i>	44	<i>Flamines quor & vnde dicti.</i>	54
<i>Fabianus fornix.</i>	275	<i>Flamines Curiales.</i>	55
<i>Fabule palliata & togata.</i>	110	<i>Flamines majores, & minores.</i>	55
<i>Factiores albæ & ruffæ.</i>	91	<i>Flaminia ædes.</i>	55
<i>Factores in pilæ lusu.</i>	119	<i>Flaminia.</i>	55
<i>Fagutalis Iupiter.</i>	7	<i>Flaminii & Flaminie.</i>	55
<i>Fagutalis mons.</i>	7	<i>Flaminio abire.</i>	55
<i>Familie appellatione quid aliquoties</i>		<i>Flammeus.</i>	72
<i>significatur.</i>	105	<i>Flexumines.</i>	160
<i>Familiaris pars in victimis.</i>	53	<i>Flora dea.</i>	7
<i>Fana sistere.</i>	21	<i>Florales ludi.</i>	87
<i>Fanum quid & vnde dictum.</i>	20	<i>Floralis turba.</i>	87
<i>Farracia quid.</i>	73	<i>Focus quid & vnde dictus.</i>	24
<i>Fartor.</i>	148	<i>pro aris & Focus certare.</i>	24
<i>Fasces pro magistratu.</i>	161	<i>Fœciales vnde dicti.</i>	58
<i>Fasces submittere.</i>	161	<i>Fœdus quid.</i>	270
<i>Fasti dies, & ex parte fasti.</i>	134	<i>Folium Sybellæ. v. Cybellæ folium.</i>	
<i>Fatua</i>		<i>Follis, pila qualis.</i>	119
<i>Bona Dea appellata.</i>	62	<i>Fors, seu Forceps militum.</i>	260
<i>Fauna</i>		<i>Fori in circo maximo quid.</i>	16
<i>Fax prima.</i>	132	<i>Fornices.</i>	274
<i>Februarius vnde dictus.</i>	43	<i>Fornix Fabianus.</i>	275
<i>Feretrius cur Iupiter dictus.</i>	275	<i>Forum quot modis sumitur.</i>	8
<i>Ferie, Imperativæ, & Indictivæ.</i>	133	<i>Forum agere</i>	8
<i>Ferie Latinæ.</i>	133	<i>indicere</i>	8
<i>Ferie privatæ, publicæ, anniversariæ</i>		<i>Forum Augusti.</i>	9
<i>stativæ, & conceptivæ.</i>	133	<i>Forum Iulium.</i>	9
<i>Feriatii dies.</i>	133	<i>Forum Palladium.</i>	9
<i>Ferre legem.</i>	143	<i>Forum Romanum, & Forum vetus.</i>	
<i>Festii dies.</i>	133		
<i>Fidei flamines.</i>	59	<i>Forum Salustij.</i>	9
<i>Fidicule.</i>	200	<i>Forum Trajani.</i>	9
<i>Fidus idem olim, quod fœdus.</i>	59	<i>Forum transitorium, & cur sic dictum</i>	

Index

<i>Fratres arvales qui, quor, & unde di-</i>	<i>Terminon.</i>	62
<i>Et.</i>		47
<i>Fraudatio stipendij.</i>		271
<i>Fregiu subsellia.</i>		93
<i>Frumentariae leges.</i>		227
<i>Frumentum aestimatum</i>	}	
<i>decumanum</i>		228
<i>emptum.</i>		
<i>imperatum.</i>		
<i>Funalia unde.</i>		81
<i>Fundus & Fundamentum coenae.</i>		125
<i>Funus.</i>		81
<i>de Furca redempti.</i>		201
<i>Furcae supplicium.</i>		190. 194
<i>Furcifer unde.</i>		190
<i>Fuste caedi.</i>		272
<i>Fustuarium meretur.</i>		272
G		
<i>Galli Cybelles sacerdotes.</i>		63
<i>Galli gladiatores quales.</i>		103
<i>Gallica quid.</i>		127
<i>Gallinimum.</i>		132
<i>Gemonie scalae ubi.</i>		201
<i>Genialis quid signif.</i>		40
<i>Genialis arbor quae.</i>		39
<i>Genialis lectus.</i>		75
<i>Genio indulgere.</i>		40
<i>Genium defraudare.</i>		40
<i>Genius bonus & malus.</i>		38
<i>Genius loci.</i>		40
<i>Geno idem quod gigno.</i>		39
<i>Gladiatoria.</i>		98
<i>Gladius in judicijs quid.</i>		168
<i>Globus militum.</i>		260
<i>Gradivus à gradiendo.</i>		57
<i>Gradus in gladiatura quid.</i>		101
<i>Graeca sacra, Graeci sacerdos.</i>		45
<i>Gaminea ara, hasta, corona, vid Ara.</i>		
<i>Hasta, corona.</i>		
<i>Grande sophes quid</i>		94
<i>Gymnici ludi.</i>		92
H		
<i>Heredes ex toto asse.</i>		137
<i>Heredes in ima cera</i>		137
<i>Heredes legatarij.</i>		137
<i>Heredes primae cerae.</i>		137
<i>Heredes secundi.</i>		137
<i>Heredes ex deince</i>	}	
<i>ex quadrante.</i>		235
<i>ex semuncia.</i>		
<i>sextula aspersus</i>		
<i>Heres fiduciarius, & imaginarius.</i>		233
<i>Heres in totum assem institutus.</i>		234
<i>quomodo differt ab Herede ex</i>		
<i>toto asse.</i>		235
<i>Harpastum.</i>		119
<i>Hasta Caelbaris.</i>		72
<i>Hasta Centumviralis.</i>		168. 110
<i>Hasta pura.</i>	}	
<i>donatica.</i>		275
<i>graminea.</i>		
<i>Hasta pura donati.</i>		271
<i>Haste Iudices.</i>		161
<i>Haste subijci.</i>		225
<i>Hastaria censio.</i>		271
<i>Hastati qui.</i>		238. 259
<i>Helepolis genus machinae describitur</i>		266
<i>Hemones aliquando homines dicti.</i>		37
<i>Herbam dare.</i>		276
<i>Hercules, jactus in tesserijs.</i>		114
<i>Histris unde dictus.</i>		105
<i>Homini mortuo essae ne legito.</i>		80
<i>Homo Comitialis.</i>		134
<i>Homo incerti laris.</i>		41
<i>Homo omnium scenarum.</i>		108
<i>Homo plurimarum palmarum.</i>		101
<i>Homo sacer.</i>		179
<i>Hopl. machorum armatura</i>		103
<i>Horica</i>		

rerum & verborum.

Horrea Sempronia.	227	Inferie.	80
Horti Salustini.	9	Ingenui qui.	32
Hostia vnde dicta.	68	Inire viam.	249
Hostiare victimam.	68	Inustus vindicijs & sacramentis alie-	
Hostilia Curia.	6	nos fundos petere.	252
Hostilis pars in victimis.	53	Inscripta ergastula.	240
Hymen Hymenee.	75	Inscripti serui.	206
		Intendere actionem, vellitem.	245
I.		Intercalaris dies.	129
I D.T.S.P. quid.	245	Intercedere.	142
I, Iacere in senatu.	163	Intercisi dies.	133
Iactus pronus, plenus, supinus, ina-		Inter rex.	174
nis.	117	Intervallum quid.	261
Ianiculus mons.	8	Intonui laevum.	51
Ianualii.	58	Io triumphe.	374
Iaus.	130.	Iædonæria ludi genus.	89
Ientaculum vnde dictum.	121	Italum robur.	196
Igni & aquâ interdicere.	188	Iudicatum soluere.	244
Ignobiles qui.	30	Judices hastæ.	163
Ignominiosa dimissio.	271	Iudices lecti sortione.	
Ignota capita.	29	editione, edititij }	243
Ilicet quid sig.	81	alterni.	
Illoris manibus accedere ad rem	69	Iudices questionum.	210
Illoris pedibus.	69	Iudices selecti.	210
Imago idem quod nobilitas.	30	Judicum da e.	209
Immolatio.	69	Iudicum decuriæ	237
Imperatiuæ feriæ.	133	Iudicum rejectio.	246
Imperator	258	Iudicium sortitio, sub sortitio.	246
Imperator quot significat.	171 258	sub Iugum quid.	267
Imperatoris nomen donum militare.		Iuvenes.	39
	273	Iunonii.	58
Esse cum Imperio quid.	222	Iunus sive Iuvus aliquando nomen	
Impetratiua auguria.	50	Panis.	43
Inauspicatô.	48	Iupiter Feretrius quare dictus.	275
Incesimarium.	13	Iurare calumpniam, sive in litem.	245
Inensus.	234	Iura e Iovem lapidem, vel per Io-	
Incerare genua decorum.	98	vem lapidem.	253
Incestus vnde.	157	Iurevocatæ centuriæ.	147
Indicere forum quid.	8	Ius & lex quomodo differunt.	208
Indicta causa damnari.	214	Ius honoratum.	169
Indigites.	36	Ius Papyrianum.	209
Inducie.	270	Ius pro loco in quo Prætor Iudex	
		sedebat.	248.

Index

in <i>Ius</i> vocare.	208	<i>Legionis</i> divisio.	25
in <i>Ius</i> vocatio.	245	<i>Lemniscata</i> palma.	101
<i>Iusta</i> .	79	<i>Lemniscus</i> quid.	101
<i>Iuvenales</i> ludi.	111	<i>Lessum</i> .	82
		<i>Lex</i> & <i>jus</i> quomodo differunt.	208
		<i>Lex</i> <i>Curiata</i> , <i>Centuriata</i> .	143
		<i>Legis</i> promulgatio.	141
		<i>Leges</i> <i>Agrariæ</i> .	216
		de <i>Ambitu</i> .	241
		<i>Cibariæ</i> .	218
		de <i>Civitate</i> & <i>iure</i> <i>civium</i> .	214
		ad <i>Comitia</i> <i>spectantes</i> .	216
		duodecem <i>tabularum</i> .	173
		<i>Lex</i> duodecim <i>tabularum</i> de <i>vindi-</i>	
		<i>cijs</i> .	248
		<i>Leges</i> <i>Frumentariæ</i> .	227
		de <i>Iudicijs</i> & <i>Iudicijs</i> .	236
		de <i>Legibus</i> .	211
		de <i>Magistratibus</i> .	219
		<i>Majestate</i> .	241
		re <i>Militari</i> .	231
		<i>Pecuniis</i> <i>repetendis</i> .	243
		<i>Prouincijs</i> .	222
		<i>Religionem</i> <i>spectantes</i> .	211
		de <i>Senatu</i> & <i>Senatoribus</i> .	218
		<i>Sumptuariæ</i> .	228
		<i>Tabellariæ</i> .	217
		de <i>Testamentis</i> .	233
		de <i>Tutelis</i> .	231
		de <i>Usucapione</i> .	235
		<i>Lex</i> <i>Accusatoria</i> .	236
		<i>Lex</i> <i>Acilia</i> .	244
		<i>Acilia</i> <i>Calpurnia</i> .	241
		<i>Ælia</i> .	216
		<i>Antia</i> .	230
		<i>Antodia</i> .	237
		<i>Ateriæ</i> .	186
		<i>Atinia</i> .	235
		<i>Aurelia</i> .	237
		<i>Lex</i> <i>Cœlia</i> .	217
		<i>Cassia</i> .	217
		<i>Cicilia</i> , <i>Didia</i> .	221
		<i>Lex</i>	
	L		
A Litera <i>Græcis</i> <i>ampliationis</i>	247		
signum.	156		
<i>Lacerna</i> quid.	156		
<i>Lacernatus</i> <i>oppositus</i> <i>togato</i> .	49		
<i>Lena</i> qualis <i>vestis</i> .	51		
<i>Levum</i> in <i>rebus</i> <i>sacris</i> quid.	200		
<i>Lamine</i> .	189		
<i>Laniæ</i> cum <i>continuat</i> <i>ulis</i> .	105		
<i>Laniæ</i> qui.	70		
<i>Lanx</i> .	57		
<i>Lapis</i> <i>manalis</i> .	172		
<i>Lapis</i> pro <i>mulle</i> <i>passi</i> .	104		
<i>Laquearii</i> quibus <i>armis</i> <i>pugnare</i> <i>so-</i>	41		
<i>liti</i> .	41		
<i>Lare</i> sub <i>parvo</i> .	41		
<i>Lares</i> .	149		
<i>Lari</i> <i>sacrificat</i> .	189		
<i>Largitio</i> .	5		
<i>Lata</i> <i>fuga</i> .	155		
<i>Latiaris</i> <i>collis</i> .	133		
<i>Laticlavis</i> , <i>Laticlavis</i> .	215		
<i>Latine</i> <i>ferix</i> .	215		
<i>Latini</i> <i>nominis</i> <i>socij</i> .	118		
<i>Latinus</i> <i>quis</i> .	76		
<i>Latro</i> & <i>Latrunculus</i> , <i>vnde</i> <i>dicti</i> .	75		
<i>Laudare</i> <i>defunctum</i> pro <i>rostris</i> .	219		
<i>Lectus</i> <i>genialis</i> & <i>adversus</i> .	258		
<i>Legatio</i> <i>mandata</i> , <i>votiva</i> , <i>libera</i> .	185		
<i>Legatus</i> .	256		
<i>Legatus</i> <i>quot</i> <i>significat</i> .	238		
<i>Legio</i> quid, & <i>vnde</i> .	257		
<i>Legio</i> <i>Alaudarum</i> .	256		
<i>Legio</i> <i>iusta</i> .	273		
<i>Legio</i> <i>quadrata</i> .			
<i>Legionis</i> <i>decimatio</i> , <i>vice</i> <i>decimatio</i> , <i>cen-</i>			
<i>tesimatio</i> .			

rerum & verborum.

<i>Lex Cincia.</i>	238	<i>Lex Licinia Mutia.</i>	215
<i>Claudia,</i>	218	<i>Livia.</i>	236
<i>Clodia de Comitijs,</i>	217	<i>Lex Mancipij.</i>	240
<i>de cipro.</i>	224	<i>Manilia comitialis.</i>	218
<i>de Frument.</i>	227	<i>Militaris.</i>	231
<i>de Intercess-</i>	221	<i>Memnonia.</i>	239
<i>de Magistrat.</i>	220	<i>Muneralis.</i>	239
<i>de Provincijs.</i>	224	<i>Lex Orchia.</i>	229
<i>ad religionem spect.</i>	213	<i>Lex Papia.</i>	214
<i>Cornelia Agraria,</i>	226	<i>Papiria ad religionem spec-</i>	
<i>de Iudicibus.</i>	239	<i>rans.</i>	211
<i>de Magistratibus.</i>	210	<i>ad comitia spect.</i>	218
<i>de municipijs.</i>	215	<i>Plautia.</i>	237
<i>de provincijs.</i>	222	<i>Pompeia.</i>	237
<i>de Sicarijs, Veneficio, &</i>		<i>Portia.</i>	214
<i>Parricidio.</i>	247	<i>Lex Quadrupli.</i>	235
<i>Sumptuaria.</i>	230	<i>Lex Rhemnia.</i>	239
<i>Lex Didia,</i>	230	<i>Rolcia.</i>	211
<i>Domitia.</i>	113	<i>Rupilia.</i>	136
<i>Lex Fabia</i>	241	<i>Lex Sempronia Agraria.</i>	226
<i>Fannia.</i>	229	<i>de Civitate.</i>	214
<i>Furia.</i>	234	<i>de comitijs.</i>	218
<i>Fusia.</i>	216	<i>Frumentaria.</i>	227
<i>Lex Gabinia Comitialis,</i>	217	<i>de iudicijs.</i>	236
<i>militaris.</i>	231	<i>de Provincijs.</i>	222
<i>Gellia Cornelia.</i>	216	<i>Servilia de Civitate.</i>	215
<i>Lex Hieranica.</i>	228	<i>de Iudicijs.</i>	236
<i>Hircia.</i>	220	<i>Locialis.</i>	244
<i>Lex incerta de Nexu.</i>	239	<i>Sylvani & carbonis.</i>	215
<i>Iudiciaria Cæsaris.</i>	237	<i>Lex Terentia cassia.</i>	227
<i>Iulia de Iudicijs.</i>	237	<i>Titia.</i>	223
<i>de Maiestate.</i>	241	<i>Tullia de Ambitu.</i>	242
<i>de Provincijs.</i>	223	<i>de Senat.</i>	218
<i>Iunia de pecunijs repetundis,</i>		<i>Lex Valeria.</i>	222
<i>de Peregrinis.</i>	244	<i>Varia.</i>	141
<i>Iunia Licinia de trinundino.</i>	215	<i>Varinia.</i>	224
		<i>Voconia.</i>	134
<i>Lex Lætoria.</i>	221	<i>Libamina prima.</i>	70
<i>Licinia de Sodalitijs.</i>	232	<i>Libatio.</i>	69
<i>Sumptuaria.</i>	242	<i>Libelles deijcere.</i>	225
<i>Licinia Æbutia.</i>	230	<i>Libera toga.</i>	152
	222	<i>Liberalij Ingenui, alij Libertini.</i>	32
		<i>O o</i>	<i>Liberti</i>

Index

<i>Liberti.</i>	31	<i>Maculare hostiam.</i>	70
<i>Libitini Libitinarij.</i>	78	<i>Magister per se quid</i>	138
<i>Libitinarius idem quod capularius.</i>	78	<i>Magister Collegij.</i>	49
<i>Libri unde?</i>	136	<i>Magister Equitum.</i>	175
<i>Libripens unde.</i>	240	<i>populi Magister.</i>	175
<i>Lictores qui & unde.</i>	160	<i>Magistratu abire.</i>	148
<i>Linum incidere.</i>	138	<i>Magistratum ambire, inire.</i>	148
<i>Litare</i>	70	<i>Magistratus quis.</i>	159
<i>Lite vel causa cadere.</i>	210	<i>Magistratus maiores.</i>	140. 159
<i>in Litem iurare.</i>	245	<i>minores.</i>	159
<i>Litis contestatio redemptio, & stima-</i>		<i>Magistra us patritij, plebeij.</i>	159
<i>tio quomodo differunt.</i>	244	<i>Magistratus Quinqueduanus.</i>	174
<i>Literati.</i>	206	<i>Magna mater.</i>	63
<i>Lituus.</i>	49	<i>Mala mansio.</i>	196
<i>Lotuli.</i>	18	<i>Malleoli, genus machinæ.</i>	266
<i>Luceres.</i>	26	<i>Mancipatio.</i>	232. 240
<i>Lucina Dea quæ.</i>	73	<i>Mancipatio fiduciaria.</i>	240
<i>Lucus unde dictus.</i>	23	<i>Mancipatus, Mancipium.</i>	240
<i>Ludorum Romanorum divisio.</i>	83	<i>Mancipes.</i>	269
<i>Ludi honorarij.</i>	98	<i>res Mancipi.</i>	239. 240
<i>Ludi Iuvenales.</i>	111	<i>Mane.</i>	132
<i>Ludi Plebeij.</i>	96	<i>Mares, mali genij.</i>	39
<i>Ludi quinquennales.</i>	94	<i>Manibus illotis accedere ad rem.</i>	69
<i>Ludi Romani, Magni, consuales,</i>		<i>Manibus, pedibusque discedere in ali-</i>	
<i>Circenses.</i>	89	<i>cuius sententiam.</i>	163
<i>Ludi sacri.</i>	83	<i>Manipulares.</i>	238
<i>Ludi seculares.</i>	95	<i>Manipuli.</i>	257
<i>Ludus Troianus.</i>	110	<i>Manipulus militum.</i>	260
<i>Lugere differt ab elugere.</i>	82	<i>ex iure Manu confertum te voco.</i>	
<i>Lupa aluit Romulum & Remum ex-</i>			249
<i>positos.</i>	43	<i>Manum conferere, Manus concer-</i>	
<i>Lupercal ubi.</i>	43	<i>tio.</i>	248. 249
<i>Lupercalium origo & ceremoniæ.</i>	43	<i>Manumissionis formula.</i>	32
<i>Luperci Fabiani.</i>	44	<i>Mors in ludo gladiatorio.</i>	117
<i>Luperci Quinctiliani.</i>	44	<i>Mors in ludo tesserario.</i>	117
<i>Lupercorum licentia.</i>	44	<i>Mars effingi quomodo solebat.</i>	57
<i>Lusoria tela.</i>	100	<i>Marte proprio.</i>	56
<i>Lustrum.</i>	166	<i>Marte vario pugnatum est.</i>	56
<i>Lustrum condere.</i>	166	<i>Martiales ludi.</i>	88
		<i>Martialis collis.</i>	5
M		<i>Mater Decorum.</i>	63
<i>Achinx bellicæ.</i>	269	<i>Mavors.</i>	57
<i>Matrinis oppugnare.</i>	266		

rerum & verborum.

Megalenses Iudi.	83	Mons Capitolinus, Tarpeius, Satur-	
Megalensis purpura.	84	ni.	4
Megalesia.	83	Mons Esquilinus.	5
Mellaria amphora.	62	Mons Palatinus.	3
Menses Romanorum quales.	128	Mons Quirinalis, Agonalis, Cabal-	
Merenda vnde dicta?	121	lus.	5
Mereri sub hoc vel illo Duce.	253	Mons Vaticanus.	8
Merisiani qui.	204	Mons Viminalis, Fagutalis.	7
de Meridie.	132	Mentorius.	8
ad Meridiem.	132	Morbus Comitialis.	142
Meridies.	132	Morbus Sonticus.	242
Meta.	17	Moribus deductio.	249
Metallum.	265	Mulcta suprema, minima.	186
Μετα' ὑπὲρ.	64	Mulctæ militares.	271 &c.
Miles emeritus.	354	Mullei calceorum genus vnde?	157
Militares mulctæ.	271. &c.	Munerarii qui?	98
Militaria dona.	273. &c.	Municipium quid & vnde?	270
Militaris testudo.	262	Municipium sine suffragio	
Milites per sacramentum.		cum suffragio	270
coniurationem.	254	Munus pro gladiatura.	98
evocationem, seu	255	Munus honorarium.	170
evocati.		Munus ostendere.	203
Milites Pilani.	260	Murcia Venus dicta.	6
Prætoriani.	183	Murcius mons.	6
Subitarij.	155	Murrbata, Murrbina potio.	81
Mimi qui, & quare Planipedes dicti.		Musce in convivijs qui?	134
Mimice fabulæ.	106	Musculus, machinæ genus.	262
Minervij.	106	Mutare vestem quid?	153
Minutio.	58	Mydas, iactus tessalarum.	116
Missio.	96	Myrmillones.	103
Mitra.	101		
Mitriaci.	156	N	
Mittere vel dimittere Iudices in con-	64	N L. quid signif.	246
filium.	346	Naulum Charontis.	80
Modiperator in convivijs.	144	Nefastus dies.	134
Mole.	69	Nervus.	197
Monas, talorum iactus.	113	Nexi qui.	33
Monitor.	148	Nexus.	133. 239. 240
Mons. Aventinus. Dianæ mons.		Nomen idem quod debitum.	33
Murcius, Remonius, sacer.	5	Nomina facere, liberare, exigere.	33
Mons Cælius, Querculanus.	5	Nominis delatio.	245

Index

Nomenclatio. Nomenclator.

Nona.

Nongenti qui

Novi qui dicti.

Nox intempesta
ad mediam Noctem.

media Nocte.

de media Nocte

Nucibus relictis.

Numelli.

Numeri in ludo tesserario.

Numerus stesichorius.

Nummus pro sestercio.

Nunciatio.

Nuncium mittere, remittere.

Nuncupare vota.

Nuptie.

Nuptie innuptæ.

Nuptie sacramento ignis, & aquæ

Nuptialia dona.

Nympharum ædes.

O

O Enunciatio.

O Observatio de cælo.

O Orearum usus in bellis.

O Olympica certamina.

O Omen prerogativum.

O Oager machinæ genus, eiusque de-

scriptio.

O Opera & inpena perit.

O Operam & oleum perdidit.

O Opima spolia.

O Opus collis.

O Opt.

O Optimates qui.

O Oracula Sibyllina.

O Orbelæ, gladiatores quidam sic dicti.

O Obis militum.

O Orca quis usus in ludo tesserario.

O

149 Orchestra, 18

130 Ostendere munus, 203

136 Ovasio quid & unde, 274

29 Ovem unem, 187

Ovilis, locus in campo Martio, 16

Ovi cum Mundo similitudo, 86

132 ab Ovo ad mala, 125

Ovum in Cereali pompa quid, 86

110

198

113 Pactio quid, 270

115 Pæanas concinere, 96

212 Pæoniarum & Musarum opponuntur

142 96

76 Paganica pila, 119

97 Palamediaci calculi, 118

72 Palatia unde dicta, 3

73 Palatina tribus, 206

Palatini ludi, 97

74 Palatini Salij, 57

75 Palatinus mons, 3

167 Palla, 16

Palliate fabulæ, 110

Palliatii pro Græcis dicti, 150

142 Pallium, 150

142 Palma quare victoriæ signum, 101

104 Palma lemniscata, 101

92 Palmarum plurimarum homo, 101

141 Palmata toga, 154

Paludamentum, 154

264. 265 Pan Lyceus & eius forma, 43

92 Papyrus, 136

92 Parma & Parmularius, 103

275 Parricidii Quæsitores, 168

6 Parricidium quid, 198 247

62 Paterfamilias aliquando lanista m de.

31 notat, 105

61 Pater. Fiduciarius, 232

Patris Patratus, 59

04 Patibulum, 194

260 Patres Conscripti quando primum

dicti, 28

116 Patricii

rerum & verborum.

<i>Patritii</i> qui.	27	<i>bantur Romani.</i>	267.&
<i>Patroni</i> qui.	27	<i>Pene, quibus in suos milites uteban</i>	
<i>Pausicape</i> quid.	205	<i>tur.</i>	171
<i>Pecuarius.</i>	269	<i>Poeta laureati.</i>	93
<i>Pecunia</i> ablata, capta, coacta, conciliata, averfa.	243	<i>Pollicem convertere.</i>	104
<i>Pecunia</i> repetundæ,	243	<i>Pollicem premere.</i>	77
<i>Pecuniam</i> occupare.	244	<i>Pollinctores.</i>	3
<i>Peditum</i> distributio.	257	<i>Pomarium</i> quid.	85
<i>Pelta</i> quid.	263	<i>Pompa.</i>	86
<i>Pendere</i> idem quod solvere.	240	<i>Pompa Circensis.</i>	152
<i>Penula.</i>	156	<i>Pondus</i> pro togâ.	65
<i>Penulam</i> mihi scidit.	114	<i>Pons sublicius.</i>	16
<i>Perduellis, Perduellionis</i> iudicium.	217	<i>de Ponte deiiciendus.</i>	16
<i>Pergamena</i> à quo inventa.	137	<i>Pontes per quos suffragia tulerint</i>	
<i>Perones</i> calceorum genus.	158	<i>apud Romanos qui.</i>	65
<i>Pessinuntia.</i>	63	<i>Pontifices vnde dicti.</i>	65
<i>Pessinuntius</i> sacerdos.	213	<i>Pontificiacæna.</i>	68
<i>Pesaurum.</i>	118	<i>Popæ.</i>	31
<i>Phalera</i> , donum militare.	275	<i>Populares.</i>	18
<i>Picta</i> toga.	154	<i>Popularia.</i>	219
<i>Pignora</i> , cedere, concidere, rapere, auferre.	163	<i>Porcus Trojanus.</i>	2
<i>Pila</i> paganica & trigonalis.	119	<i>Porta à portando.</i>	269
<i>Pilani</i> Milites.	260	<i>Portitores qui.</i>	269
<i>ad Pileum</i> vocare.	32	<i>Portorium, Portarium vnde.</i>	232
<i>Pileus</i> in re gladiatoria quid.	102	<i>Postsignari.</i>	245
<i>Pileus</i> signum libertatis.	32	<i>Postulatio, Postulare aliquem de hoc</i>	45
<i>Pileus</i> quomodo differt à palma, missione, & rude.	102	<i>vel illo crimine.</i>	68
<i>Pilum</i> quid.	259.260	<i>Potitii</i> qui.	256
<i>Pindari.</i>	46	<i>Precidaneæ hostiæ.</i>	256
<i>Pistrinum</i> quid & vnde.	205	<i>Præcincti</i> qui.	214
<i>in Pistrinum</i> te dedam.	205	<i>in Præcinctu stare vel vivere.</i>	269
<i>Planipedes</i> excalceati.	106	<i>Præconi publico subijci.</i>	268
<i>Plebei</i> qui.	27	<i>Prædes.</i>	182
<i>Plebiscitum.</i>	143	<i>Præfectura.</i>	180
<i>Plumbea</i> charta.	138	<i>Præfectus Atrarij.</i>	162.183
<i>Poculum</i> boni genij } Charitatis }	40	<i>Præfectus annonæ.</i>	172.175
<i>Pene</i> quibus in hostes divictos ute-		<i>Præfectus Prætorio.</i>	78
		<i>Præfectus Urbis.</i>	100
		<i>Præfice.</i>	141
		<i>Præludum.</i>	154
		<i>Prærogativa</i> tribus vel centuria.	
		<i>Prætexta</i> toga.	

Index

Quint-

rerum & verborum.

<i>Quintilis mensis.</i>	130	<i>Romani Civis descriptio.</i>	15
<i>Quirinales Salij.</i>	57	<i>Romani ludi.</i>	89
<i>Quirinalis Flamen.</i>	54	<i>Romano more pro ex animo.</i>	25
<i>Quirinalis mons.</i>	5	<i>Romulum & Remum expositos lupa</i>	
<i>Quirinus nomen Romuli.</i>	54	<i>aluit.</i>	43
		<i>Rostra ubi fuerint, & vnde dicta.</i>	9.11
		<i>pro Rostris laudare defunctum.</i>	79
<i>R</i>		<i>Rude donatus.</i>	102
<i>P^a Novus.</i>	160	<i>Rudis apud Gladiatores quid?</i>	101
<i>Rescriptui canere.</i>	146		
<i>Resla cœna.</i>	125		
<i>Recuperatores.</i>	167	<i>S</i>	
<i>Reddere.</i>	70	<i>Sacer homo.</i>	197
<i>Refigere legem.</i>	143	<i>Sacra per se quid signif.</i>	73
<i>Regna sacrorum.</i>	56	<i>Sacra Græca.</i>	45
<i>Reguli pro talis.</i>	115	<i>Sacra haud immolata devorat.</i>	71
<i>Relegatio.</i>	189	<i>Sacramento & sponsione provocare,</i>	
<i>Rem ratam habere.</i>	244	<i>rogare, quærere, stipulari.</i>	450
<i>Remonius mons.</i>	6	<i>Sacramento contendere, restipulari,</i>	
<i>Renunciare quid significat?</i>	76		250
<i>Renunciatio Matrimonij.</i>	76	<i>Sacramentum in iure quid?</i>	250
<i>Repetundæ.</i>	243	<i>Sacramentum militare.</i>	254
<i>Reposita.</i>	72	<i>Sacrarium quid?</i>	23
<i>Repudium.</i>	75	<i>Sacri ludi qui?</i>	83
<i>Res tuas tibi habeto.</i>	75	<i>Sacrificia, & ritus Sacrificandi.</i>	68
<i>Retiarij qui & vnde dicti?</i>	102	<i>Sacri regis vnde?</i>	80
<i>Retiarij tunicati, & Retiariorum spon-</i>		<i>Sacrosanctus quis dictus?</i>	178
<i>gix.</i>	102	<i>Saculum quantum temporis.</i>	95
<i>Reus voti.</i>	98	<i>Sagum quid?</i>	151
<i>Rex Romanorum.</i>	172	<i>ad Saga ire.</i>	157
<i>Rex sacrificulus, & Rex sacrorum.</i>		<i>Saga togæ cedant, idem quod ce-</i>	
	56	<i>dint armæ togæ.</i>	151
<i>Rhamnenses qui?</i>	26	<i>Saliares dapes.</i>	58
<i>Rhea.</i>	63	<i>Salij quot & vnde dicti?</i>	57
<i>Rignarius mons.</i>	7	<i>Salii Palatini</i>	
<i>Robur, locus in carcere.</i>	195	<i>Collini</i>	
<i>Robur Italum.</i>	196	<i>Agonales.</i>	57
<i>Rogare legem.</i>	143	<i>Quirinales.</i>	
<i>Rogus.</i>	80	<i>Salii quales pileos gestent.</i>	58
<i>Roma vnde dicta?</i>	3	<i>Saltatio Pyrrhica.</i>	111
<i>Roma Vrbs sceptri-collis.</i>	3	<i>Salva res est, saltat senex.</i>	89
<i>Romane vrbs nomen incognitum.</i>		<i>Salustini horti.</i>	9
	38	<i>Salutaris collis.</i>	5
		<i>Salutaris</i>	

Index

<i>Salutaris litera.</i>	246	<i>Senatores minorum gentium.</i>	28
<i>Samis nemo literator.</i>	206	<i>Senatores Pedarij.</i>	162
<i>Samnites.</i>	103	<i>in Senatu stare.</i>	163
<i>Satisfare iudicatum solvi.</i>	250	<i>ad Senatum referre.</i>	162
<i>Satisfare rem ratam habere.</i>	251	<i>Senatus.</i>	161
<i>Satisfatio quid?</i>	250	<i>Senatus Princeps</i>	262
<i>Saturni ædes cur ærarium populi?</i>	13	<i>Senatus consilium.</i>	161
<i>Saturni mons.</i>	4	<i>Senatus-consultum de Ambitu.</i>	242
<i>Satyræ quale genus carminis.</i>	106	<i>Senio in talis.</i>	113
<i>Satyræ.</i>	106	<i>in Sententiam alicuius ire.</i>	162
<i>Scale Gemoniæ.</i>	201	<i>Septa, locus in campo Martio.</i>	16
<i>Scena in fabulis quid?</i>	18, 108	<i>Septem convivium, novem convit-</i>	
<i>Scena in theatro quid?</i>	18	<i>um faciunt.</i>	123
<i>Scena Tragica</i>	}	<i>Septemviri Epulonum.</i>	66
<i>Comica</i>		<i>Septicollis vrbs.</i>	3
<i>Satyrica.</i>		<i>Septimius collis.</i>	8
<i>Scena versatilis vel ductilis.</i>	18	<i>Septuax.</i>	234
<i>omnium Scenarum homo.</i>	108	<i>Sepulchrum.</i>	81
<i>scenæ unde dicta?</i>	17	<i>Sepultura insepulta.</i>	81
<i>Scenici ludi.</i>	84, 105	<i>Sequestres.</i>	149
<i>Scorpio, machinæ genus.</i>	264, 265	<i>Servi addicti.</i>	33
<i>Scorpiones flagella qualia.</i>	207	<i>Servorum duo genera.</i>	33
<i>Scriba</i>	168	<i>Sestertius.</i>	212
<i>Scriptura, vectigalis genus cur dicta.</i>		<i>Sexagenarij de ponte deiiciendi.</i>	135
		<i>Sextans.</i>	234
<i>Scripturarum agri.</i>	269	<i>Sextilis mensis.</i>	130
<i>Scrobiculus.</i>	23	<i>Sextricium.</i>	193
<i>Secessita.</i>	70	<i>Sextule.</i>	234
<i>Seclatores.</i>	241	<i>Sibylla unde dicta.</i>	61
<i>Seclatores.</i>	225	<i>Sibyllæ quot.</i>	60
<i>Secundum illum litem do.</i>	201	<i>Sybelle folium.</i>	61
<i>Secundum pilum, secundi pilus.</i>	&c.	<i>Sibyllæ folia colligere.</i>	61
	260	<i>Sibyllina oracula.</i>	61
<i>Secutores gladiatores quales.</i>	103	<i>Sica & Sicarius.</i>	103
<i>Sella Curulis.</i>		<i>Sigma quid, & quomodo olim figu-</i>	
<i>Eburnea</i>	164	<i>ratum?</i>	122
<i>Semidei.</i>	36	<i>Signa conferre & collatis signis pug-</i>	
<i>Semissis.</i>	227, 234	<i>nare.</i>	255
<i>Semones quasi Semi homines.</i>	37	<i>Signare vora.</i>	97
<i>Semunia.</i>	234	<i>Signatores.</i>	71
<i>Senaculum.</i>	161	<i>Silatum.</i>	121
<i>Senator.</i>	161	<i>Silicernium quid.</i>	81

Sinistra

rerum & verborum.

<i>Sinistra avis.</i>	51	<i>Subsignari.</i>	238
<i>Sinistrum in rebus sacris.</i>	51	<i>Suburana.</i>	26
<i>Sistere fana.</i>	21	<i>Succidanea hostia.</i>	68
<i>Sisto iure consultis quid.</i>	246	<i>Succidaneum tergum.</i>	68
<i>Sitices.</i>	78	<i>Suffragia explere.</i>	148
<i>Socii, Socii Latini nominis.</i>	270	<i>Suffragia legitima conficere.</i>	148
<i>Socius senatus, populiq; Romani.</i>	270	<i>Suffragiorum puncta non tulit septem</i>	136
<i>Sodalitia, Sodales.</i>	243		228
<i>Solea.</i>	127	<i>Sumptuarie leges.</i>	166
<i>Solis occasus.</i>	132	<i>Suovetaurilia, Solitaurilia.</i>	248
<i>Soppocleo digna cothurno.</i>	210	<i>Superstites pro testibus.</i>	273
<i>Sordidatus vnde.</i>	153	<i>Supplicationes decernere.</i>	273
<i>Sortibus æquatis.</i>	141	<i>Supplicia Romanorum.</i>	186
<i>Sortitio, subfortitio Iudicum.</i>	256	<i>Supplicium more maiorum.</i>	191
<i>Spēctio.</i>	142	<i>Supplicium servile.</i>	192
<i>Spbinx in Pronao quid signif.</i>	21	<i>Suram dare.</i>	120
<i>Spoliarium.</i>	197	<i>Suspenfabona.</i>	225
<i>Sponsalia.</i>	71	<i>Sylla, perpetuus Dictator.</i>	221
<i>Sponsione & sacramento provocare,</i>		<i>Synkesis.</i>	64
<i>&c. Vid. Sacramento &c.</i>			
<i>Sponsiones, deposita pignora.</i>	91	T <i>litera Senatus Consultis sub-</i>	
<i>Sportula.</i>	125	<i>scripta quid.</i>	179
<i>Stativæ serie.</i>	133	<i>T. Græcis litera absolutionis, &</i>	
<i>Status in gladiatura quid.</i>	101	<i>quare.</i>	247
<i>Stesichorius iactus.</i>	115	<i>Tabellæ.</i>	137
<i>Stimulo fodere.</i>	194	<i>Tabellarius.</i>	137
<i>Stimulorum supplicium.</i>	196	<i>Tabernariæ.</i>	106
<i>Stipendium, Sependarii.</i>	268	<i>Tabule accepti & expensi.</i>	137
<i>Stipendio confecisse.</i>	254	<i>Tabule Ceratæ.</i>	137
<i>Stipendi fraudatio.</i>	271	<i>Tabule Publicæ.</i>	
<i>Stipes noxiales.</i>	200	<i>novæ.</i>	137
<i>Stipulari, testipulari.</i>	250	<i>Auctionariæ.</i>	
<i>Stola quid & vnde.</i>	150	<i>Tabulam figere.</i>	143
<i>Stuprum.</i>	157	<i>Tabularium quid & vnde.</i>	14
<i>Stylus quot significet.</i>	139	<i>Tæda quid.</i>	74
<i>Stylum invertere.</i>	138	<i>Talassio quid signif.</i>	74
<i>Subbasilicani apud Plautum qui.</i>	10	<i>Talio.</i>	207
<i>Sublucius pons.</i>	65	<i>Talus.</i>	113
<i>Subscriptores.</i>	236	<i>Tarentini ludi.</i>	95
<i>Subselia.</i>	10	<i>Tarpeia lex de multis.</i>	187

Index

<i>Tarpeia</i> rupes.	4	<i>Togati</i> pro Romanis dicti.	150
è <i>Tarpeia</i> rupe deiectio.	201	<i>Tormentum</i> quid & unde.	265
<i>Tarpeius</i> mons.	4	<i>Torquis</i> , donum mil tate.	275
<i>Tarsenses</i> qui.	26	<i>Trabea</i> .	154. 274
<i>Taurilia</i> .	97. 66	<i>Trabea</i> Auguralis.	155
<i>Tela</i> laetoria exercitoria.	120	Regia.	155
<i>Templum</i> .	20	Consecrata.	155
<i>Templum</i> Auguribus certa cœli re-		<i>Tragediæ</i> & <i>Comœdiæ</i> differentiæ	
gio.	50	quædam.	106
<i>Tergid</i> flores.	257	<i>Tres</i> sex, aut tres tessera.	116
<i>Tergiversari</i> .	239	<i>Tria</i> nomina.	33
<i>Tessera</i> quid.	112	<i>Triarii</i> .	238. 259
<i>Tessera</i> militaris, frumentaria,		ad <i>Triarios</i> ventum est.	259
maria, hosp. talis.	112	<i>Tribuni ærarij</i> .	178
<i>Tesseræ</i> hospitij confregit.	113	<i>Tribuni</i> mil tum.	175. 257
<i>Tesserarius</i> ludus.	112	<i>Tribuni</i> plebis.	178
<i>Testamentum</i> per æs & libram.	233	<i>Tribuni</i> Rutili, Rufuli.	176
<i>Testamentum</i> calatis comitijs	135, 233	<i>Tribuni</i> suffecti, Comitiati.	176
<i>Testamentum</i> per emancipationem		<i>Tribunus</i> Celerum.	169
familix.	233	<i>Tribus</i> gentium, & <i>tribus</i> .	25
<i>Testamentum</i> per nexum.	233	<i>Tribus</i> iurevocata.	141
<i>Testamentum</i> in procinctu.	233	<i>Tribus</i> locales, quot.	26. 147
<i>Testudo</i> quot significat.	262	<i>Tribus</i> Prærogativa.	140
<i>Testudo</i> militaris.	262	<i>Tribus</i> Rusticæ.	148
Ø. damnationis symbolum		apud <i>Tribus</i> Urbane.	148
<i>Grecos</i> .	247	<i>Tribunarij</i> .	268
<i>Theatrum</i> quid, & unde.	17	<i>Tributum</i> quid, & quotuplex.	168
<i>Thense</i> .	85	<i>Triclinium</i> unde dictum.	122
<i>Thracæ</i> , gladiatorum genus.	103	<i>Tridens</i> inter retiarios quid.	103
<i>Triunab</i> horum usus in supplicijs.		<i>Triens</i> quid.	234
<i>Tili</i> .	66	<i>Trigonalis</i> pila.	119
<i>Triulus</i> in supplicijs.	193	<i>Trinundinum</i> .	131
<i>Toga</i> unde dicta.	150	<i>Triunum</i> .	49. 51
<i>Toga</i> , alba, candida, pura.	152	<i>Tripudium</i> Solistimum.	52
<i>Toga</i> picta, purpurea, palmata.	154	<i>Triumphales</i> arcus.	274
<i>Toga</i> prætexta, purpurea.	154	<i>Triumphalis</i> vestis.	274
<i>Toga</i> pura quid.	151	<i>Triumphus</i> unde dictus.	274
<i>Toga</i> triumphalis.	154	<i>Triumphus</i> ab ovatione quomodo	
<i>Togam</i> virilem sumere.	152	differt.	273. 274
<i>Togata</i> mulier pro impudica.	150	<i>Triumphus</i> maior, minor.	273
<i>Togate</i> fabulæ.	110	<i>Triumphus</i> maiorem propriè signi-	
		ficat.	274
		<i>Triumviri</i>	

rerum & verborum.

Triumviri agro dividundo.	226	Veritatem agere.	269
Triumviri Capitaless.	181.196	Vesites.	253
Triumviri Coloniae deducendae.	181	Venditio per aes & libram.	240
Triumviri conquirendi juvenes ido. aliud est		Venit reat aliud pugnare.	
ne os ad arma ferenda.	181		
Triumviri Epulonum.	66	Venus in tesseris quid?	114
Triumviri Mentarij.	181	Vesit armis pugnare.	253
Triumviri Monerales.	181	Vespe, & vespillones qui, & unde di-	
Triumviri nocturni.	181	ci? ego Domini.	179
Triumviri Reip. constituenda.	117	Vesper.	132
Triumviri valetudinis.	181	Vestales Virgines.	114
Troia.	110	Vestes Romanae.	150
Troianus ludus.	101	Veteranus.	256
Trophaeum unde?	274	Vexillationes unde, & quare?	260
Trossuli.	160	Vexillum unde?	260
Tullianum.	195	Vexillum Roseum }	
Tunica.	155	Caeruleum }	254
Tunica pallio proprior.	155	Vicesimarium aurum.	13
Tunica Laticlaviam.		Vicesimatio legionis.	273
Angusticlaviam.	155	Victima unde dicta?	68
Recta.		Victimam hostiare.	68
Tunica supplicij genus.	201	Victimarij.	70
Turpia.	257	Vigiliae.	132
Turres ambulatoriae.	262	Viminalis mons.	7
Tutela.	231	Vinivens Jupiter.	7
Testamentaria.		Vindicatio quotuplex?	249
Legitima.		Vindicias sumunto.	248
Dativa.	232	Vindicta liberare.	32
Fiduciaria.		Vinea quid?	262
Honoraria.		Virgis caedi.	207 272
Tutores honorarij.	232	Virgula censoria.	166
Tyro, Tyrocinium.	256	Viri-placa dea.	75
		Visceratio.	81
		Vitis centurionum.	146
V		Vltima cena.	125
Re tabulis inscripti quid sig.	135	Vltimum supplicium.	187
Vacationes.	213	Vmbilicus in libris quid?	140
Vadari reum.	245	Vmbra in convivij quid?	124
Vadimonium promittere.	245	Vacia quid?	234
Valla, Valli.	261	Vngula.	200
Vallus vitem decepit Prov.	262	Vnum pro omnibus.	2, 5. 246
Vbi tu Caius, ibi ego Caia.	73	Volumen unde dictum?	139
Velligal.	269		

Index

<i>Vota nuncupare.</i>	97	<i>Vsu.</i>	obpudib	
<i>Vota signare.</i>	97	<i>Vxor.</i>	confaricatione.	71
<i>Voti reus.</i>	98		coemptione.	
<i>Voti vel voto damnatus.</i>	98			
<i>Votivi ludi.</i>	97			
<i>Vovere ludos vel templa.</i>	97	<i>Εὐλεκερία</i>		271
<i>Ῥαῦπια quid.</i>	100			
<i>Vina.</i>	80			
<i>Ut tu Dominus, ita ego Domina.</i>	73	<i>Zona quid.</i>		136
	73	<i>Zonam perdere.</i>		136
<i>Vulturii pro talis.</i>	114	<i>Solvete.</i>		136
<i>Vxor vnde.</i>	74			

FINIS.

S. T. C. 11954



Moses and Aaron.
**CIVIL AND
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