

Archaeologiae Atticae libri tres. Three bookes of the Attick antiquities. Containing the description of the citties glory, government, division of the people, and townes within the Athenian territories, their religion, superstition, sacrifices, account of their yeare, as also a full relation of their judicatories / By Francis Rous.

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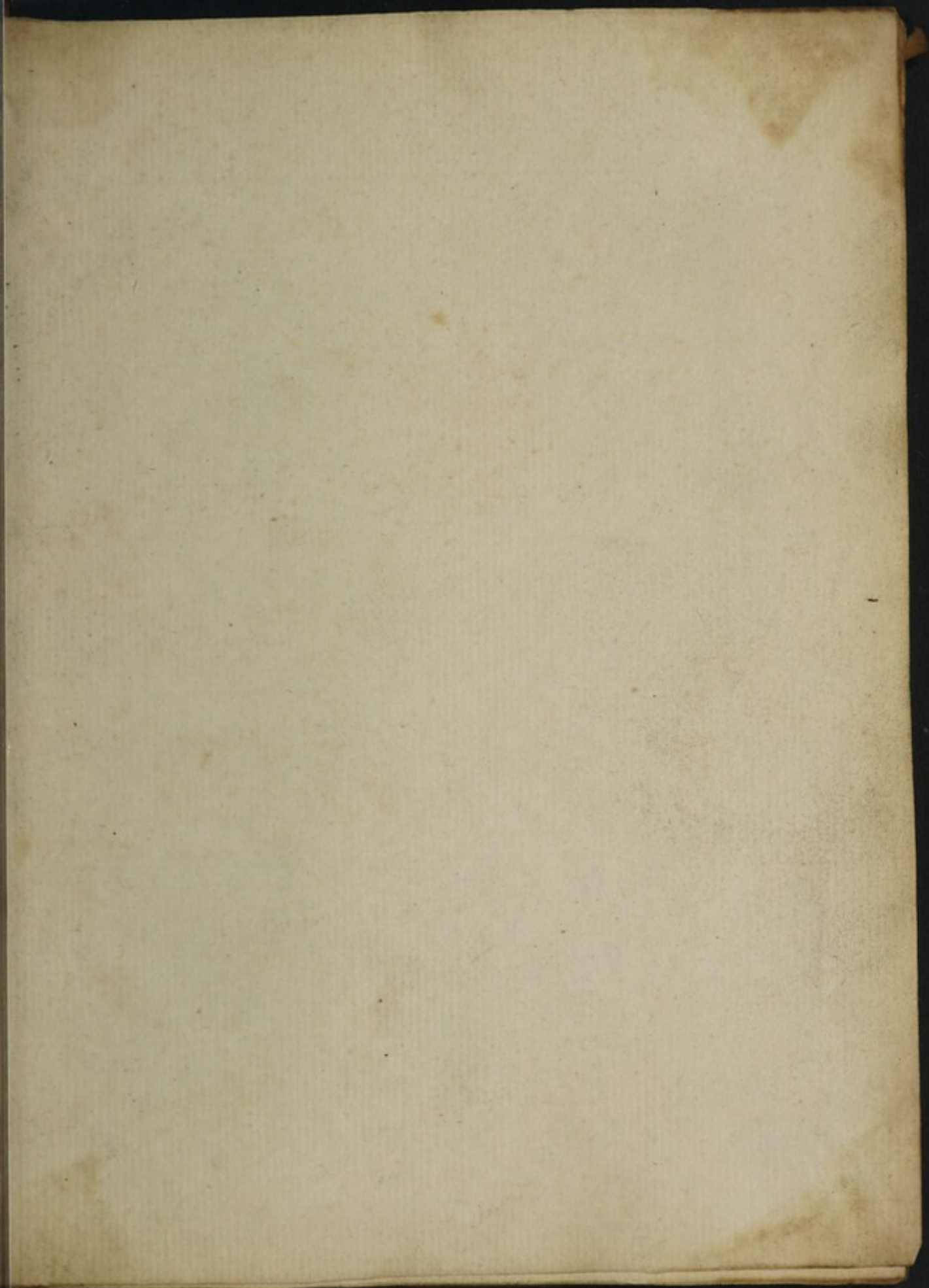


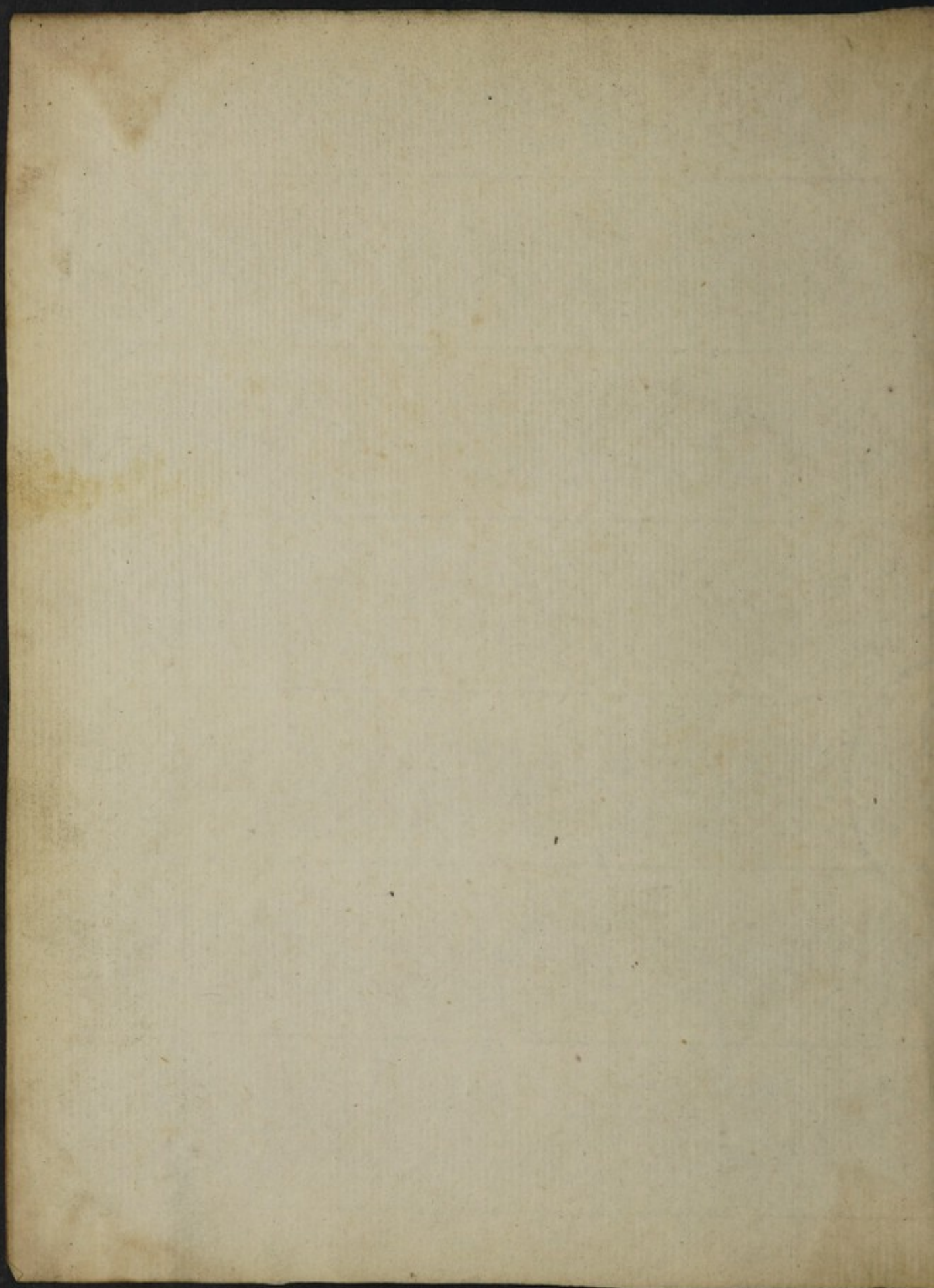
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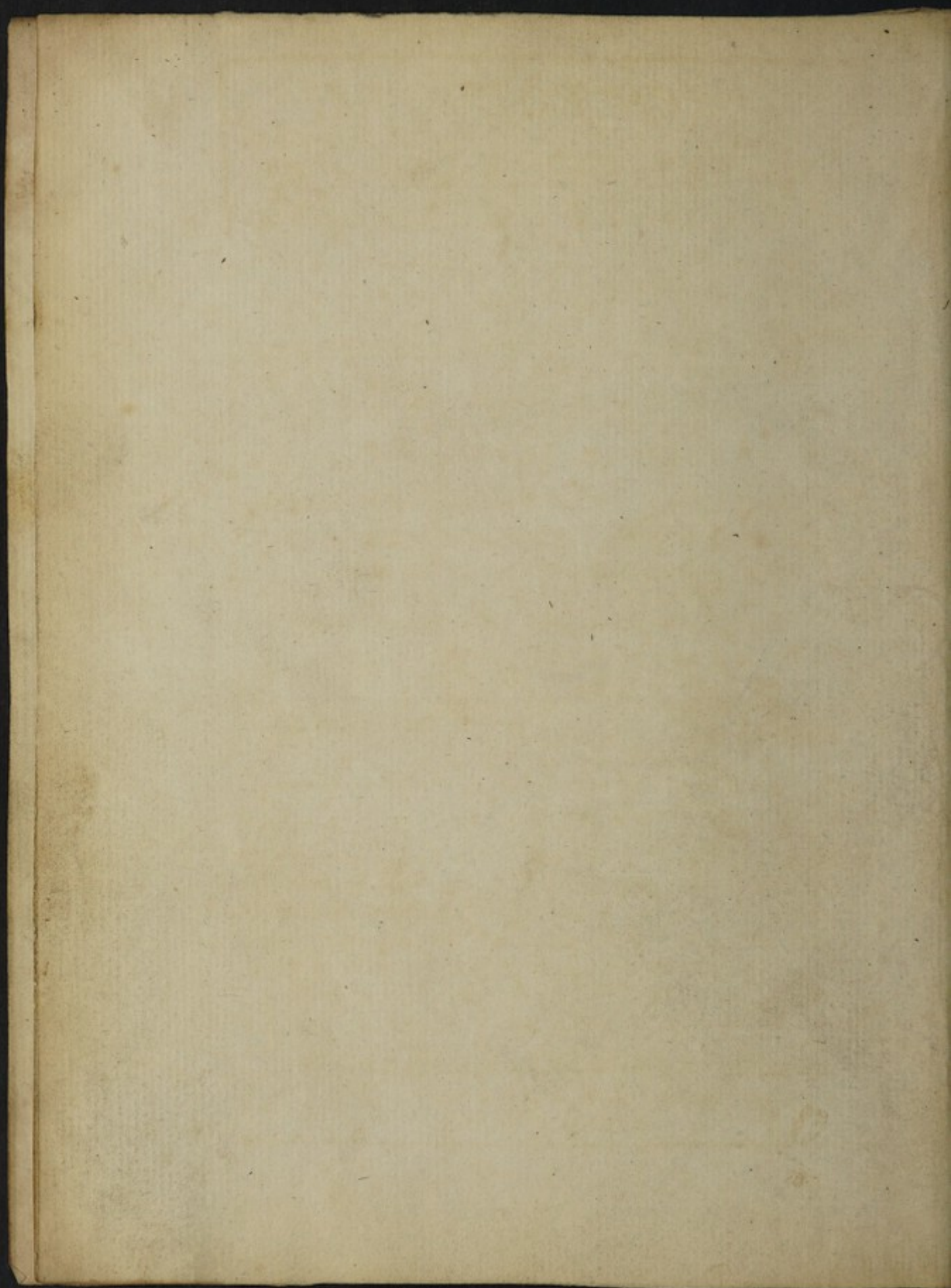
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ARCHÆOLOGJÆ
ATTICÆ
LIBRI TRES.

THREE BOOKES OF THE
ATTICK Antiquities.

CONTAINING

The description of the Citties glory, govern-
ment, division of the People, and Townes with-
in the *Athenian* Territories, their Religi-
on, Superstition, Sacrifices, account of
their Yeare, as also a full relation
of their Iudicatories.

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

ARISTIDES.

Προκαίληφθαι τὰς ἀκοὰς, ἐπερχόμεθα, μᾶλλον ἔχοντες ἔργον ὅ,τι συ-
λαξόμεθα ἢ ὅτῳ χησόμεθα, εὐρεῖν. When others have in
the same Argument preoccupied mens eares, they that
speak afterward of the same subject, have a greater trou-
ble to consider what they must passe by unsaid then what
to say.

OXFORD,

Printed by LEONARD LICHFIELD, for
EDWARD FORREST.
M. DC. XXXVII.

CONTRACTING

ARISTIDES

OKFOYD,



TO THE
 RIGHT VVORSHIPFULL
 ST NATHANIEL BRENT Knight,
Vicar Generall, and the most vigilant
 Warden of Merton College
 in OXFORD, *Health,*
&c.

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

THE EPISTLE

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

* Ausis literarum ignoscere Vegetius in Prolog.

* Cic. Epist.
* Patercol. in
line Lib. 1.

DEDICATORY.

eloquence, *Nazianzen* his strength, & others
 their flowing Oratory. That *ATHENS* which
 who had not seene is by * *Lysippus* accoun- * Apud Di-
 ted a block. Accept, *Honoured Sir*, these Re- cæarchum
 liques of that famous Vniversitie, though by Εἰ μὴ τὸ θεῖον
 me offered, as Devotion paid to Antiquitie, αὐτὰς Ἀ-
 by you well esteemed of, though among θωὰς, σίλη-
 most of these our daies accounted durt; χθ' εἶ.
 whose labour it is to seek new fashions, and
 like nought but what may be accounted no-
 velty. Resembling the brute, of which *Cice-*
ro. Ad id solum quod adest, quodq; præsens est se
accommodat, paulum admodum sentiens præteri-
tum, &c. never caring for what is past. But
 you weigh well the excellency of talking
 with those Champions of Learning, hun-
 dreds of yeares since gathered to their former
 dust. By whose pensils wee see drawne the
 liuely images of deceased Monarchs, the
 formes of government, and very liues of states.
 Out of which patternes, if you please to
 deeme the least part of this to haue beene ta-
 ken, it shall heap to my ioy that the follow-
 ing Tract will not seeme a spurious and de-
 generate

THE EPISTLE

generate offspring. Vpon presumption of which I feare not, as the Eagles doe their young, to expose my brood to the rayes of the open Sunne. Thus with continuall wishes for addition to your happinesse, I take leaue, From my Study in Merton College Iun. 9. 1637.

Your VVorships in all humility

to be commanded

F. R o v s.



To the Reader.

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

Yours

F. R.

Errata & inferenda.

PAge 5. line 5. read *mysteries*. p. 6. in Argum. read *Circum-*
tus. p. 11. in Marg. for or r. nor. p. 13. in Marg. k. l. m. p.
 16. l. 24. r. abject. p. 18. in Marg. r. in *Solone*. p. 22. l. 12. put
 the parenthesis after *Curialis* l. 23. r. *ωροσίκοντες*. p. 23. l. 26. r.
κ' τὰ κ' τὰ. p. 28. r. cap. 7. l. 17. r. *σημ.* p. 29. l. 18. r. *ωροσώτων*,
 p. 32. l. 1. after *ῥόμοι* put the parenthesis. p. 34. in marg. r. in the
hist. p. 39. l. 24. r. from. p. 40. l. 25. r. *ἀσχαλίον*. l. 32. *τε ξεν*. p. 41.
 l. 5. r. imminent. in marg. r. Frag. p. 46 l. 34. r. *Polycleti*. p. 47.
 l. 15. r. *πιδέναι*. p. 25. l. 14. r. crier. l. 20. r. *Muneris*. l. 29. read
 thus *מנחה* the Hebrew which avails as much as to offer, and
Missath an offering *Deu. 16 מנחה נדבה* *missath nidhbath* a
 free offering, taken it seemes of prayer and praise. *Weichelinus*
Est autem missa vocula Hebraica, quod nos Latine oblationem
aut munus vocamus, quod sponte propriis manibus defertur atq̃
expenditur in veros pietatis usus. p. 8. in Arg. r. *Satyrica fabula*.
 p. 95. l. 2. after *ῥόμοι*, which were noted by letters. Other
 faults your candid judgements may amend.



ARCHAEOLOGIAE ATTICÆ

LIB. I. CAP. I.

*Iavan, Ias, Iaones, Ionia, Αἰλίη. Αἰτία. Αἴη. Athena in attā,
Cecropia, Cranae, Atthis, Attica, Athena sub Cecrope.
Certamen Palladis & Neptuni, Plutarchi ea de re sententia,
alii sub Eretheo volunt nominari, Iustinus sub Amphictyone.
Salenos. Selines. Satina. Sethina.*

BY the sonnes of Noah ^a were the Iles of ^{a Gen. 10. 3.} the Gentiles divided in their lands, every one after his tongue; when by their audacious folly they would haue mounted vp to heaven, thinking to leaue a name to posterity, by building Castles in the ayre. From which attempt proceeded that which before they were jealous of, namely a scattering abroad vpon the face of the earth; hee hauing so spoken it, whose breath alone affords a faire winde: hoyst then they must their Sailes, and bidding adieu to the plaine in the land of *Shenar*, seeke out some new habitation. Travelers they were of yore, and yet still must iourney. Each one in as different a course, as of a diuers language. The sonnes of *Shem* their way, the sonnes of *Iaphet*, theirs. *Gomer* and *Magog*, and *Madai* and *Iavan*, with whom I purpose one furlong
A to

to keepe companie, leauing the rest on one side or other or
 behinde, looking only to my proposed scope. ^b *Ἀπὸ τῆς Ἰωνίας*
^c *Ἰωνία καὶ πάντες Ἕλληες γένοντο.* From *Iavan* came *Ionia* and all
 the Greekes. And in Scripture we haue *Iavan* put for Greece;
 in *Daniel* twice, ^e *And when I am gone forth, loe the Prince of*
^d *Grecia shall come.* And againe, ^d *Hee shall stirre vp all against*
the Realme of Grecia. Where although the old translation ren-
 ders it not *Iavan*, yet it is so found in the originall. Hee then
 comming into the country called afterwards *Attica*, left vn-
 to it his owne name, whence it was tearmed *Ionia* and *Ias*.
^e *ἢ καὶ Ἀττικὴ τὸ παλαιὸν Ἰωνία καὶ Ἰὰς ἐκαλεῖτο.* For *Attica* was anci-
 ently called *Ionia* and *Ias*. In which words wee still retaine
 some reliques of the radix, notwithstanding the small diffe-
 rence of the termination. But if wee please to view after
 what title the sonnes of *Iavan* were stiled *Iaones* wee shall
 come neerer home. *Strabo* in the aboue quoted place, *Ὁ δὲ ποι-*
ητὴς ὅταν φῇ--Ἐνθάδε Βοιωτοὶ καὶ Ἰάονες--πρὸς Ἀθηνάϊους λέγει. Homer
 when he saies, *There the Bæotians and Iaones* speaks of the
Athenians. The Scholiast of *Æschylus* on these words,
^f *Ἰάονων γὰρ οἶχετο πύρσαι δέλων*
^f *Ἰάονος δὲ πῖ Ἰάονος οἱ Ἀθηνάϊοι λέγουσι ἔκ πρὸ Ἰάονος βασιλῆος*
αὐτῶν. It is to be vnderstood, quoth hee, that the *Athenians* are
 tearmed *Iaones*; from one *Iaon* (hee meanes *Iavan*) that was
 their king. Neither is it strange that the *van* or *u* *φιλδν* is left
 out; for though it be not written, yet perswaded I am that it
 was as much pronounced, as other *au* Diphthongs were. For
 the antique Latines and the Greeks spake it as broad *a*, as if
 it had been *thesaros* not *thesauros*. *St. Walter Raleigh* is of opi-
 nion that *Asia* the lesse had people before Greece had any, and
 that *Iavan* did not fly from *Babylonia* into Greece, but took *Asia*
 the lesse in his passage, and from thence past over the neereſt way,
 leauing his owne name to some maritime province on that side
 as he did to that part so called. In which, although the authori-
 ty of so worthy and iudicious a man might move much, yet it
 shall be sufficient for me, onely to goe so farre, as antiquitie
 will

^b Ioseph. An-
 tiq. l. i. c. 7.
 p. 13.

^c Dan 10. 20.
^d Cap. 11. 2.

^e Strabo l. 9.
 p. 392.

^f In Persis
 p. 133.

^g Donat. in
 Ter. p. 130.

will beare me out. * *Thucydides* reports that it is manifest, ^a Lib. I. p. 2. that all Greece was not *βεβαίως ὀικουμένη*, firmly inhabited, but that there were continuall pilgrimages, or remouings of the inhabitants, forsaking their former places, being driuen out by a stronger and greater number. Wherefore when there was no safe traffique or commerce by sea or land, each manured his grounds for to haue provent, alone to serue for present necessity, desiring no more then from hand to mouth; it being vncertaine, how soone they might be compelled to get them thence. Whereupon they did more willingly change their seats; not taking grieuous that sharp charge, *vetores migrate coloni*. Be gone you ancient Boores. But the more fertill soyle had hard bickrings. *Thessalie*, *Boeotia*, and a great part of *Peloponnesus*, except *Arcadia*, was often invaded, and the old Lords expelled. *τῷ γὰρ Ἀττικῷ ἐν τῇ ὀπίσθῳ διατὸ ἀσπίδων ἀσαπίστον ἔσαν, ἀνδραποτίζοντες οἱ αὐτοὶ αὐτοὶ.* But Attica, by reason of the thinnesse or barrennesse of the ground, was alwaies inhabited by the same men (none it seemes being willing to leaue his better, for a worse) not affording fuell to contention. Out of which peace sprung vp so great a multitude, that Attica, even now swarming, and *ἐχέουσαν ἑσθλὰς, not able to containe and feed so many*, is constrained to send forth Colonies into *Ionia*, a region of Asia the lesse, which is reported by the Greekes to borrow denomination from *Ion* the sonne of *Xuthus*, or, as the Poets say, *Apollo* and *Crensa*, who in the words of *Euripides* is thought to be *ἑκτίστηρ Ἀσίδας ὁ χυδὸς*, the maker or founder ^c In *Ione*. T. 2. of Asia. The mother *Ionia* (for so I please to say) kept not p. 619. still her former name, For in processe of time shee owned *Actæa*; from *Actæon*, as ^d *Strabo* sayes, or from *Actæus*, according to ^e *Pausanias*, who was the first king thereof, by ^f *Tzetzes* on *Lycophron* called *Actæus*. But ^g *Dion Chrysostom* brings a more naturall reason then this, why it was *Actæa*, ^{*} *Actæa* signifies a shore, both in the Greeke and ^{*} *Latine* speech. Now because all of it within a little was washed with the sea, and ^h *ἀλιπυρὲς*, it might challenge vnto it selfe *Actæa*. ^b *Dion*

Thucid. V. a.

Strabo l. 10. p. 11.

Virg. *Æn.* 5. p. 214.

Strabo l. 9. p. 391.

In Ione. T. 2. p. 619.

Lib. 9. p. 397.

In Att. p. 2.

Pag. 23.

Orat. 6.

Virg. *Æn.* 5. p. 214.

Strabo l. 9. p. 391.

i Pag. 22.

k In Spicile-
giis.l Strabo &
Paul. locis
præd.a Varro apud
August. l. 18.
c. 9, de civit.
Dei.b In Them. p.
87. l. 23.

c Lib. 2.

ἡ δὲ καὶ τὴν ὀλίγη πᾶσαν αὐτὴν ὑπὸ τῆς θαλάττης ὄδου ἔχει, ἢ ἵερομα λα-
 βὼν, ὃς ἐκ τῆς πύλας ἔσται. Hence *Ἀττὶς* by the *Ænigmatical Poet* in
 his *Cassandra* is put for this country. *Tzetzes*. Because it is
 (*Ἀττὰ*) a cliffe, that is cast forth and lying in the sea. And
Athens her selfe by *Plantus* is said *Athena in Ἀττὰ*, pro *Athe-
 nis Atticis*, as *k Palmerius* hath noted. But this grew old after
 a season, and *Cecrops* having married the daughter of *Ἀττᾶς*
 glories in his *Cecropia* (and *Athens Cecropia*, and *Cecropis ci-
 vitas*, and after that *Cranæ* from *Cranæus* the king that suc-
 ceeded him) This *Cranæus* among other of his daughters had
 one *Ἀτθίς*, from whom also was derived *Ἀτθίς* and *Attica*,
 next *Posidonia* and *Minervia*, from *Neptune* and *Pallas*. In
 this region stood *Athens*, *Queene of Greece*, so called, from
 that victory which *Minerva* got over *Neptune*, when *Ce-
 crops* moved with a prodigie of a sudden shooting up of an
 Olive, and bubling forth of a salt spring in the *Acropolis*, con-
 sulted the Oracle of *Apollo*, who taught them that the one did
 signifie *Neptune*, the other *Minerva*, taking therefore the
 men into suffrages for *Neptune*, and the women for *Minerva*,
 who had most voices should carry it. The females being more
 the Goddesse bore away the bell. Lo here a witty Divell to
 bring in ἐμψυχοὺς θεοὺς, Gods of his owne making, to infold
 the superstitious in an ignorant zeale. However let vs leaue
 the shadow of poëtically fictions, and take the true draught out
 of *Mythologie*. *Plutarch* is of opinion that the ancient kings
 striving to draw away their subjects from seafaring negotiati-
 ons, and a desire to live by sayling, vnto tillage and manuring
 of ground, gaue occasion of the speech that *Neptune* and *Mi-
 nerva* did altercate about the citie. *Ἐκείνοι γὰρ*. &c. *Neptune* is
 put for the Sea and businesses thereof. *Minerva* for Arts and
 ingenuous kinde of life, nay saies *Ovid* in his Kalender. *Mille
 Dea est operum* shee is Goddesse of a thousand trades. Others
 say that the Citie was consecrated to her by *Amphictyon*, &
nomen civitati Athenas dedit. c *Iustine*. Others in the time of
Ereclithens, among which is *Herodotus*, will have this name
 giuen.

giuen. Which Author ^d *Marcianus Heracleota* doth follow, ^d ἐν αἰωνί-
¹ ὅτι ἐστὶν ὁ χρόνος ἐρεχθίδος ἡ πόλις ἡ γὰρ αὐτὴ ἐστὶν Ἀθῶναις τῶν παλαιῶν
² σημεῖων λαβεῖν. This was that *Erechtheus*, who in a time of
droughth over all the world except *Egypt*, brought corne to
Athens, and taught the *Eleusinian mysteriet*. Beholding this
Citie hath beene to *Egypt* for other kings; to wit, ^e *Cecrops*
and *Menestheus*, for his father *Petes* was an *Egyptian*. In ^e *Anstoph.*
the time of *Diodorus Siculus* and before him was it a recei- ^e sch. pag. 79.
ved opinion that *Athens* was peopled by the *Egyptians*, ^e Tzetx. in
Sais in that tongue answering to *Athene* in *Greece*, as *Tzetzes*
out of *Carax*. Nay that they should bee of the inhabitants of
Sais, they argue from this. Because that the *Saite* and *Athe-*
nians haue diuers customes alike. Witnesse *Diodorus Siculus*.
But it pleases not me. I coniecture that first it was called *A-*
thens, when the people began more seriously to addict them-
selues to civill goverment, and studie of good literature;
knowledge and art being ascribed to *Minerva*. Τὴ δὲ Ἀθῶναις
ὁμοίωσις αἰνιγματικὴ καὶ τῶν λέξεων. saies ^f *Aristotle*. Nay her ^f *Polit.* 1. 8. c. 9.
name being deriued from thence, ^g *thena* in the *Chaldy*
tongue signifying to *studie* or *learne*: from which come *thenaa*
and with an article *Hathenaa*, as ^g *Heinsius* the most learned. ^g In *Aristar.*
As for the conceit of *Goropius Becan*, from ana the number of ^g *Sac. Synt.* 1. c.
three which notes eternity, and so from *hat-het-ana. Athena.* ¹ p. 27.
Because wisdome doth containe eternity, let vs send it back
into *Germanie*. Loe now *Athens* named from learning, which
was once the ^h *shop of letters* and the *Muses*, whereof it is now ^h *Ifidor.*
deplorably destitute, hauing lost the glory of former *Athens*,
nay the name it selfe. For if wee belecue some they tell vs,
that now it is *salenos* or *Selines*. To whom I accord not. Be-
cause that I haue read *Selines* for *Megara* called *Nisea*, which
is not many miles from *Athens*. Furthermore in discourse
with a natiue of *Peloponnesus*, who liued many yeares in that
City, I had no other appellation from him then *Ateene*, which
others write *Satina* corrupted as *Portus* and *Moursius* truly
thinke for αἰς Ἀθῶνας. Nay ^a *Hugo Favolius* who was there ^a In *Hodæp.*
himselfe ^a *Byz* 1. 3.

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

*Vndiq; sic misera nobis spectantur Athena
Dedala quas Pallas sese coluisse negaret,
Quas, Neptune pater, nunquam tua maniadicas
Indigena Sethina vocant ---*

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

CAP. II.

*Athenarum situs. Ἀθ. πόλις. Ἀκρόπολις. Herbae lucentes, Mu-
rus, Pelasgicus & Cimonius, Propylæa. Circuitus veteris
urbis, & novæ. ἡ ἀγὼ & ἡ πόλις. Piræi brachia. Murus
Phalericus, Porta. Aex. Laus passim apud scriptores. Ce-
phissus Fluvius.*

^b In Panath.
p. 171. 172.

Greece, saies^b *Aristides*, is placed in the midst of the
whole earth, and in the midst of it stands *Attica*; the
navell whereof is *Athens*, by which all *Greece*, clo-
feted in the wombe of time, receaved nourishment, be-
fore an happy birth had brought her forth into the light. Shee
is seated upon a very high rocke, which habitations doe en-
compassse, as^c *Strabo*: on the top of which stands that renow-
ned fabricke even to this day, which *Cecrops* from himselfe
names^{*} *Cecropia*; of old Ἀθ. The City, by a kind of excel-
lence, in a bravado of their antiquity, concerning which they
were in perpetuall contention with the *Argivi*. Witnes
^d In Att. p. 13 ^e *Pausanias*. ^f *Terent*, *An in astu venit?* *Donat*. *Sic Atheni-
enses urbem suam vocabant, unde ipsi incolæ ἄσται vocantur.* So,
^e Eunuch. act.
5. sc. 6. faith he, the *Athenians* called their Citty, whence the Citi-
zens themselues are called *astoi*, after that they called it ἄ-
στει^f *Pausanias*. Which in his time was called Ἀκρόπολις or the
high City, although it be often interpreted *Ara* a castle,
which

^f Attic. p. 24.
l. 43.

which ever were sacred to *Minerva*, as *Aristides*. Who therefore is by *Catullus* in his *Argonauticks* named *Diva reinens in summis urbibus arces*. The Goddesse that keepes the

^g Orat. in Minerv. To. 1. p. 21.

Turrets of Cities. This only now remaines, the succour and shelter of the barbarous *Athenians*, being strongly furnished with men and armes, in which alone dwell *Ianizaries*, to the number of seaven hundred thousand, as *Christophoro Angelo* told me, and avouched it, I fearing least hee had mistaken the number. As for the forces thereof ^a *Hugo Favolius* shall thus instruct you,

^a Ho. 1. 2. Byz. l. 3.

*Arx tantum celebris hoc tempore montis eodem
Quæq; imposta iugo est, vastas prospectat in undas
Equoris, & circum dispersa mapalia, & omnes
Externo indigenas nòcno tutatur ab hoste,
Nobilis arx, toto qua non est altera Graio
Nota magis regno, validisq; instructior armis,
Ignivomoq; magis tormentorum impete tuta.*

A Castle only famous at this day,
Set on an hill, below which viewes the sea.
The scattered thatcht sheds, that stand it about,
The fort defends, and keeps invasion out,
And natives safe. A fort; none noted more.

In Greece, which hath a better warlike store,
Or it for fiery Canons goes before.
Vpon the toppe of this Turret stand the fashions of Halfe
Moones most rarely gilded, after the manner of the *Ismaelites*, who haue the Moone in no small honour, as my much honoured M^r *Selden* hath obserued. Of which Lunulets thus ^b *Favolius* speakes

^b Be Diis Syris Syn. 2. cap. 2. p. 288.

*Cuius inauratis longe nutilantia Lunis
Ardua cæli vagas feriunt fastigia nubes.*

Whose tops with gilded Moones aspiring high,
Doe knock the Clouds the pilgrims of the skie.

Neither may it passe obscurely which I haue taken up being
let fall from the mouth of an eye witnesse; namely that on the
side

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

^a Lib. 9. P.

397.

^b Nat. hist. l. 7

c. 56.

^c In Attic. p.

26. l. 34.

τὸ δὲ αὐτὸ καλεῖται τῆς πόλεως τὸ Πελαργικόν;
The other part of the *Acropolis* which was left naked, *Cimon* the sonne of *Miltiades* clothed. *Pausanias* in the fore quoted place. These walls admitted no gate but one, so rarely beautified with that costly *Propyleum* or porch, on which *Pericles*

^d Tul. Off. l. 2.

^e Val. Max.

lib. 3. c. 1.

88. q. 2.

is discommended by ^d *Demetrius Phalareus* for disbursing so great a summe of money. ^e For which hee was not finally troubled how hee might giue vp his accounts to the people; His Nephew *Alcibiades* therefore seeing him somewhat sad, and demanding the cause, to whom when his vnkle replied, that it was about giving his accounts, seeke rather, quoth he, how you may not giue them. By which counsell the *Athenians* were entangled with that neighbour warre against the *Lacedemonians*, in which they found not vacancy for an audit.

By

By the way it shall be fit to acquaint you with thus much, that it was not permitted to a dog to enter into the *Acropolis*, as ^f *Plutarch*, διὰ τὸ ἀκολάσει καὶ θυπιάσει it may be, for his heat in venerie and ill savour. Goats likewise, saies ^g *Varro*, came not thither, unlesse for a necessary sacrifice once, least they should hurt the *Olive* which is said first to haue sprung up there. The circuit of this *Acropolis* is said to bee threescore *stadia*. Now a *Stadium* is about some * six hundred and twentie five feet, eight of which make a mile, it being the custome of the ancient Greekes, so to measure the length or distance of grounds, or Cities, by the στάδια. The first City then is contained in seaven miles and an halfe. But to this were added more houses able to make a City of themselves. And so indeed were they distinguished by ἡ ἄνω & ἡ κατώ πόλις, The upper and the lower City. ^h *Plutarch*, καὶ κατὰ καὶ πρὸς θαλάσσης περιθέρτες, πρὸ ἄνω πόλιν διαφυλάττει. Note here moreover, in the reading of your Greeke Authors, that when you meet with τὸ ἄνω in the description of a country, you presently must conceaue the higher part, if it be τὸ κατώ, ^a *Thucydides*. ^a Lib. 1. p. 6. a ^{Εφερόν τε ἄλληλους τε καὶ τῶν ἄλλων ὅσοι ὄντες ἐν θαλάσσοι κατὰ ἕκην} And they prayed upon each other, and among the rest who were not addicted to the sea, yet lined below, understand neare the sea, *Schol.* κατὰ ἡτοι ἐγγὺς τῆς θαλάσσης. The τὸ ἄνω then, & τὸ κατώ knit together made but one ioynt corporation; both, as it were uniting *Piræum* unto themselves, tooke up, as ^b *Di-* ^b *Orat.* 6. *on Chrysostom* writes, two hundred *stadia*, which is about five and twentie miles. Vpon which place, *Morellus* produces a *Scholias*t testifying that the wals were μυλίων 15 ὅγδοις σάδιον ἑν, fifteene miles saue one furlong. Where I wonder that the learned man had not eftsoone perceived the number to haue beene corrupt, and written καὶ for 15, twentie five for fifteene. For so it ought to be. Neither is it strange that it had so large bounds. For consider that from *Piræum* to *Athens* were reckoned five miles, as you may see in ^c *Plinie*, From *Athens* ^c *Nat. hist.* 1. 2. to *Phalerum*, and so to the other side of *Piræum* foure miles ^c 85.

and a quarter. The utmost wall of which *Thucydides* speaks in his second book consisted of five miles a quarter and halfe. The girdle of *Piræum* and *Munychia* had seven miles and an halfe more. All which being put together make up but twentie two miles one quarter and one furlong. But *Dion Chrysostom* must be here understood; and it behoves us to conceiue that he spake not barely of the naked walls, for then it cannot

^d Loco citato hold; but I suppose some houses to haue beene without ^d *περὶ τῶν ἐκβολῶν*, as he saies, *τὴν ἀπὸ τοῦ οἴκου ἔχοντάς τε πάλαι καὶ νῦν πάντα*.

In which I appeale to more judicious heads. Neither can I silently passe by the opinion of *Iohn Meursius*, who reading in

^e In Arcad. p. 244. l. 37. ^e *Pausanias* these words *Ἀθῶναις μὲν δὴ τὰς μάλιστα εἰκοσὶ ἀφίσκηται τῆς πόλεως ὁ περὶ θάλασσαν θάλασσαν*, should presently

^f Att. Lect. l. 3. ^f obtrude to us, that *Pausanias* teaches, that the ^f wall called *Phalericus* is but twentie *stadia* or two mile and an halfe.

When indeed he meant nothing lesse. For speaking of salt springs, which he calls *θαλάσσης κύματα*, he seemes to involeue a reason drawne from the neerenesse of the sea. For when he writes of this brackish well, *Among the Athenians, the sea which comes up neere Phalerus is distant from the City but twentie stadia at the most*, quoth he. Where *Amasæus* hath thus strangely doted. *Athene à Phalero absunt stadia haud amplius xx.* And that this was the meaning of the Author, proues that which followes. He might haue likewise considered that *περὶ* with a Dative case signifies not onely *juxta* and *prope* as I haue translated it; but *supra* sometimes, which will now serue better. And *Meursius* indeed blames the

^a Lib. 31.

^b Lib. 3. Eleg.

39. p. 192.

^c In bello

Mith. p. 125.

l. 9.

^d *Pag.* 355. l.

10.

^e In *Pericle.* p.

115. l. 20.

number; but sees not into the words. Now it is not needlesse that the two walls, which joynes *Piræum* and *Athens* at so long a distance, be somewhat spoken of, seeing they are reckoned by ^a *Livie* among the *multa visenda*, Many things worthy of sight at *Athens*. These are the *μακρὰ τέχνη*, in ^b *Propertius*, --- *The sea brachia longa via.* ^c *Appian* of *Alexandria*, *μακρὰ τέχνη*, and ^d *Plutarch* in *Cimone*. One lying towards the North, of which ^e *Plutarch*. The other towards the South,

in height about forty Cubits, as ^f Appian testifies. These are called *διὰ μέσων τεύχεσσι* by ^g Dion Chrysostom, because Athens being at one end, and Piræum at the other, these were drawn forth betweene. And when writers speake of *Νέπον διὰ μέσων τεύχεσσι*, it may be conjectured that it is for distinction of that *Νέπον τεύχεσσι* in the Acropolis which Cimon built, ^h witnesse Pausanias. Aristophanes seemes to bring authoritie for an opinion that Themistocles built these. *In Equiribus.*

^fIn Mith. p. 124. l. ult. ^gOrat. 6.

^hIn Attic. p. 19. l. 8. ⁱP. 337.

Τὸν Περικλῆα προσέμαζεν.

Which his ^k Scholiast affirimes. Τὸν δὲ Περικλῆα Θημιστοκλῆς προσέμαζεν τῇ πόλει. For Themistocles added Piræum to the City. We read in ^l Probus that he was the only agent in walling the City, and that he so hastned the accomplishing, that they were faine to be as it were sacrilegious, and make use of materials formerly consecrated to the edifying of Temples, and Monuments of the dead. But ^m Plutarch gaine-saies this, and that he did onely πῶς πόλιν ἐξάγειν τὸ πνεῦμα, καὶ πῶς γὰρ πῶς δα- λείης, conjoyne the City and Piræum, and put the land to take acquaintance with the sea. It seemes somewhat forward before. How ever, so fennie was the ground it was founded upon, that the worke soone came to great reparation, which ⁿ Cimon the sonne of Miltiades undertooke. For with stones of an huge weight and lime he made the earth so firme that it could not giue. Nay he was so liberall, that he did out of his owne expences so great favours, to a people that some yeares after gratified him with exile. Neither did he only mend the breaches; but in after time ^o finished the whole worke, so that he may truly be said to be the founder of them. Let us now come to the Gates of the City. * Meursius hath observed tenne, but I feare they will scarce suffice to such a vast City. Take then these. Dipylon or Thriasia, the fairest of all, *velut in ore urbis posita*, placed as it were in the front of the City, sayes Livie, *maior aliquanto patentiorq; quam cetera est*, greater somewhat and wider then the rest. Hence I suppose named Dipylon as if it were as big as two gates. Περικλῆς, Πι-

^kP. 338. A. col. 2.

^lIn Them. p. 27.

^mIn Them. p. 87. l. 25.

ⁿPlut. in Cim. p. 355. l. 14.

^oPlut. p. 355. l. 12. unlessse

τὸ ὕπερ

may have re-

spect to Conon

who after the

victory at

Cnidus, erected these walls

as Pausan. in Atticis. p. 2. l. 14. I would

neither de-
ceave my selfe
or the Reader.
* Attic. Lect. initio.

p. Dec. 4. l. 1. p. 11. A.

raica Neere the Temple of *Chalcodon*. Here were buried
 some of those that died in fight with the *Amazons* in the time
 of *Theseus*. ⁹ *Plutarch*. *Ἰππάδης*. *Hippades*. where the bones
 of *Hyperides* the famous Orateur rest with his progenitours,
 who being racked under *Antipater*, chose rather to bite off his
 tongue, then to divulge the secrets of his country. ^a *Ἰεγῆ*. *Sa-*
cre. the sacred gate. We read of this in ^b *Theophrastus's* *Cha-*
*ra*cters but to my great admiration, that the Eagle-sighted *Ca-*
saubon had not espied a fault. For though it be true that there
 were such gates at *Athens* as *Ἰεγῆ*, yet is there any that ever
 read *ἤτις τὸς Ἰεγῆς πύλας ἐξενώχθαι νεκρῶς*, the dead to have been
 carried out to buriall through the Sacred gate? It makes not
 any thing that it was spoken to a stupid fellow, for they spake
 not as our vulgar doe, such as, *When Christmas comes out of*
Wales, write then *Ἡεῖας*. *Heia* are the gates at which they
 went forth with their corps at the solemnizations of their ob-
 sequies, the reason of which shall be spoken hereafter. ^c *De-*
mosthenes, *Ἀργίως πύλαι*. The gate of *Aegews*. It seemes to
 have beene in *Delphinium* where he dwelt; whence the *Her-*
mes or Image towards the East end of the Temple was called
^d *Ἑρμῆς ἐπ' Ἀργίως πύλαις*. The statue at the gates of *Aegews*.
^e *Μελίτιδης*. *Melittides*. Where lyes *Thucydides* the sonne of
Olorus that wrote the *Peloponnesian war*, who after his re-
 turne into his country from banishment, was treacherously
 murdered, his Sepulcher stands neere these gates. ^f *Pausani-*
as. *Κεραμικαί*. *Ceramica*. These are called by *Xenophon* *αἱ ἐν τῇ*
Κεραμικῇ πύλαι. The gates in *Ceramicus*, where many of the
Lacedemonians were buried, which died in the seditious war
 that *Thrasylbulus* made against the *Thirty Tyrants*. ^g *Xeno-*
phon. *Διοχάρους πύλαι*. The gates of *Diochares*. Of whom I
 have nought to speake. *Ἀχαρνναί πύλαι*. The *Acharnan gates*.
 I suppose they were called so from that Towne or Village
 neere, named *Acharnia*, to which it is probable it looked. For
 so did the ancients name their Gates from the Towne to
 which they were neere. The *Romans* their *porta Collatina*
 from

from *Collatia*, a Burge not farre off. And happily it is so here, as also in *Διομένη*. *Diomena*; for *Diomus* is a people of *Athens* not any great matter distant from the City. *Θρακία*. *Thracia*. These are all that ever I met with named: others there are obscurely pointed at by *Pausanias*, as that neere the Gallery which from its various draughts they call *Pacile*, where is the effigies of *Mercurie Agoreus* in brasse. And others about the beginning of his *Attica*, of which I had better hold my peace then speake as good as nothing. Thus haue wee found twelue gates; which being opened enter; sucke that sweet aire, whose excellent purity brought forth such acute wits,^a and prepared with a most happy bounty understanding iudgements for contemplation. Whence *Euripides* may well straine to this note, that *Venus* sitting neere, and adorning her selfe, sends forth continually *Cupids of learning*, *ἡ πατρὶς ἀρετὴς ξυνοργεῖ*. Well may he blesse that clime stiling it, *καλλιπρότατον αἰθέρα*, which hath beene the Mother of the *Muses* (by the leaue of *Mnemosyne*) or at least the Nurse to them, for there are they said to haue travelled with *Harmodia*; as if there were no such melodious concent, as in the Sciences. Let not *Theophrastus* asserit all *Greece* to lye under the same temperature and disposition of the heavens, when at this day it may be spoken, as once *Aristides* did of it. ^c No coast so truely void of all earthly dregs, and participating more of the celestially and defecated aire. Not unworthily hath *Sophocles* beene lavish in expressions. ^f *Famous*, ^g *The most renowned*, ^h *Happy*, ⁱ *Sacred Athens*. *Pindarus*. ^k *Wonderfull*. ^l *Much spoken of*. ^m *Neat*, &c. To the making up of her delight comes to all the river *Cephissus*, which is able to beare vessels of a good burthen, as I haue beene informed, but the *Turkes* fearing least it might be advantageous to an enemy that might invade them, haue cut it into many and sundry litle streames, damming vp with an innumerable quantity of stones the mouth of the river for a mile in length. Thinking they haue sufficiently prevented, which they did but suppose could happen.

Meursius hath added two. *Ionice*, & *Scææ*. in *Attica*. which I never saw until I had written this place as God and man is my witnesse. I speake least any should think that I haue stolne out of him, because we meet *Atticis* p. 14. l. 11. *a* *Cassiod.* Var. l. 12. *b* *Medea* p. 460. 461. *c* *Med.* p. 459. *d* In *Præf.* ad *Charact.* *e* *Tom.* 1. p. 173. *f* *Aia.* p. 57. *g* *Oed.* Col. p. 258. *h* *Oed.* Col. p. 264. *i* *Aia.* p. 71. *k l m* p. 361.

CAP. III.

Ἀττικοί. Ἀδω εἰσι, *Mores, & Ingenia*. τὸ μὲν εἰς βραγὺν. *Quantum hodierni differant à veteribus; & qualem vitæ rationem modumq̃ habent.*

¹ εἰ βίη ἐλ-
λάσθαι.
p. 169.

THE Athenians by ¹ Dicaearchus are divided into two sorts, Ἀττικοί, *Atticos*, and Ἀδωαῖοι. Of which though there were no difference in latter times, yet certainly of old there was. Inſomuch as one of the punishments, which the Athenians are ſaid to inflict upon their women (for the appeaſing of Neptune, bringing in an inundation upon their fields to their great dammage, in anger conceived for loſſe of the Title of the City) was this, ^m That none ſhould after call them Ἀδωαῖαι, *Athenians*, but Ἀττικᾶς, *Atticas*. A revenge I ſuppoſe opprobrious enough. For thus writes my Author. Οἱ μὲν, πειρῶντες ἢ ληϊαῖς, ὑπελοῖ, συκοφαντοῦντες, ὡς περὶ τὰ ἑνικῶν βίῳν. *Curious bablers, Deceitfull, Calumniators, Observers of the lines of ſtrangers.* Πειρῶντες ταῖς λαλαῖς. A ſufficient witneſſe of this is ^a St Luke, that ſaies, they did regard nothing more then to heare and ſpeake noveltie. To which end they often met in Barbers ſhops, where all the newes, that was going in thoſe daies, was currant. Hence ſay we, *verba in conſtrinis promulcata*; and in Greeke ὅτι τοῖς κυρείοις λόγος, ^b *Aristophanes,*

^b In Plutop.
38.

καὶ τοὶ λόγοι γ' οὗ, ἢ ἢ Ἡγεκλεῖα, πολὺς
ἐπὶ τοῖσι κυρείοις καὶ δημόσιον
ὡς ἐξαπίνης αὐτῆς γελῶν ἢ πλέσθαι.

They that ſate in the Barbers ſhops did talke much that hee was ſuddenly growne rich. The Scholiaſt ſeemes to take the meaning as if the Comædian had quipped them for reſorting to Barbers, and neglecting Barber-Chirurgions of better credit. But I ſee no reaſon. They met in both to prattle. ^c *Ælian*

^c Var. hiſt. lib.
3. c. 7.

καὶ ἐξ ὁμοῦ ἐν ἰατρείοις, φοιτῶντες, καὶ ὡς ἀγορεύειν ἐν παντὶ ἔπαι-
δι.

Ἰλῶτας. Sitting in a Chirurgions shop, scandalous, and thir-
 stie to speake ill by all meanes. ὕπυλοι. men Italianated, who
 can smile, even when they cut your throat. Such as *Theophras-
 tus* hath in his Characters drawne out, who can be affable to
 their enemies, and disguise their hatred in commendation, <sup>d Cap 181.
ἐπιδίαι.</sup>
 while they privily lay their snares; that salute with mortall
 embracements; and elasp you in those armes, which they
 meane to embrew in your dearest blood. In summe, faire
 without, but rotten within, like a wound which is healed a-
 boue and seemes sound, but putrifies under the skin. And so
 much the word doth import. Συκοφαντίς. Given to false ac-
 cusations. The Scholiast of *Aristophanes* writes, that it be- ^{e In Plut. p. 5.}
 ing forbidden to carry figges out of *Athens*, and some never-
 thelesse the decree being absolute against it, presuming so to
 doe, they set rogues in the gates that did appeach them, (as
^{f Plutarch} likewise) Hence came this word to bee used for
 any crafty knaue that gets his living by promooting, <sup>f In Solone
p. 65.</sup>
 κοφαντίας ζῶν. One that meddles in every mans affayres, and ^{g Xenophon.}
 therefore ^h *Aristophanes* hath fitly brought one upon the <sup>i Enl. lib. 6.
p. 27 l. 20.
h Pluto. p. 90.
ap. 91. b.</sup>
 scene terming himselfe an *Overseer* both of private and pub-
 like matters. If then such a person had espied any tripping,
 and gotten him on the hip, hee would as sure haue fetched
 him over for his coyne, as any *Summoner* doth a person delin-
 quent towards the flesh, or any *Lawyer* a credulous client, and
 having well plumed him, afterwards giue him a dimissorie.
 Εκείνοι (Sycophantæ) οὐδ' ἄν παρ' ὧν χρήματα λαμβάνουσιν, ζῶντες.
Xenophon. Such were many in *Athens*, insomuch that *Aristotle* <sup>i Enl. lib. 6.
p. 27 l. 19.</sup>
 being asked what *Athens* was, answered, παῖδάη, All beauti-
 full, ἀλλ' ὅλην ἐπ' ὅκνην ἰσχυράκει σῦλον δ' ἐπὶ σῦνῳ, in a verse of <sup>a Ho-
mer</sup> in the description of *Alcinous* his garden, but peares grew
 ripe after peares, and figges after figges, meaning a continuall
 succession of Sycophants. This made *Hocrates* the Oratour to
 compare the City to a Curtezan, with whom few there were
 but would haue to doe, yet none dare take to wife; affirming
 it to be the best place to sojourne in, but the worst to inhabit:

By/

By reason of their Sycophants and trecheries of nimble tongued Oratours. Παρεμπρηται τῶν ξενικῶν βίων. I was once halfe in an opinion that these words were to haue beene put to the former thus, συκοφαντώδεις παρεμπρηται τῶν ξενικῶν βίων, And I thinke the sense will runne well, *Malitious observers of the lines of strangers.* The Athenians were φιλόξενοι and held hospitalitie sacred, and I doubt not but they had that Law, *That forrainers should receaue no wrong, ἵνα μὴ ἀδικῶν.* ^b Socrates in Xenophon. Now he discommends the Αττικοὶ as ready to trouble and vex strangers in law, duly marking and bearing an eye vnto them to take them at an advantage: As for the Athenienses they were μεγαλόψυχοι, ἀπλοὶ τοῖς ὅποις, φίλαι γνήσιοι φύλακες, *Braue spirited, single dealing, and faithfull friends.* But as the words were at length confounded, so did their manners degenerate, growing into ἀνωμαλίαν τῆς φύσεως, an *Irregularitie of nature.* as ^c Polybius. No μεγαλόψυχια afterwards, but haughtinesse of spirit, magnanimity now fallen. And when ^d Livy sayes *ex vetere fortuna nihil præter animos servare*, he meanes, they had nothing left but those proud spirits, which their ancient flourishing fortune had puffed up. No ἀπλότης, or simplicity, no ^e lambe-like innocency, or mildenesse; but as ^f Plutarch speakes, people rashly angry, soone pittifull, rather inclined sharply to take opinion, then quietly to be enformed. And ^g as they are ready to helpe base and obiect peasants, so friendly do they entertaine childish and ridiculous toys, reioycing in their owne praises, & nothing moved with scurrility, Fearefull and terrible even to their governors, humane towards their enemies. Not unfitly then ^h Valerius Maximus, *Quantam ergo reprehensionem merentur, &c.* How deserue they to bee blamed, who though they had iust lawes, yet had most wicked disposition, and chose rather to take their owne courses, then put in practise their statutes? As for their impudence, so great was it, that to expresse a countenance void of shame, the Comædian hath put Αττικὸν ἐλέπθω, *An Athenian looke,* in ⁱ Nubian Lib. 2. p. 47. *βίαις, φίλαις γνήσιοι φύλακες,* So accounted in the time of ^k Paterculus,

^b Απμνημ. c. p. 428.

^c Lib. 6.

^d Dec. 4. p. 7. l. i.

^e Aristoph. p. 694.

^f πολιτ. παρ. 387.

^g Lib 5. c. 3. p. 207.

^h Plig. 189. g. a Lib. 2. p. 47.

ⁱ Nubian Lib. 2. p. 47. *βίαις, φίλαις γνήσιοι φύλακες,* So accounted in the time of ^k Paterculus,

culus, that what was done in sincerity and faithfull trust, the Romans would say, it was performed *fide Attica* with an Athenian loyaltie. Feare and power might make them trusty, but how they brake their leagues, took part with other *Flanders* against confederates, and violated the lawes of armes, Historians are not dumb. As for their wrath it was æternus, ever mindfull, as ^b *Virgil. memor ira*. And the hatred they prosecuted the Barbarians withall was so unquenchable, that it burned against ^c all Barbarians for the *Persians* sake; & they forbade them their sacrifices as they used to doe murderers among them. Where you must note that all that were not *Græcians* were called of them *Barbarians*. But loe! How are they now become all Barbarous! whether or no people of *Africa* or some of the *Catelan* I cannot iustly tell. *Mahumeds* all, poore and miserable, living by rapine, or fishing, or tilling the earth, ^d *Favolius Duraq. coacti*

^b *Æneid. 1.*

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

^d *Hodæp. Byz. l. 3.*

*Pauperie assuerunt vitam tolerare rapina.
Aut passim infestant furto, raptog, propinqua
Æquora pirata, sed qua pars æquior, hamis
Fallit inescatos tereti sub arundine pisces.
Aut desolatas exercet vomere terras,
Semper inops, misera, infelix, rerum omnium egena.*

Opprest with need they doe their life sustaine
By rapine, and anoy the neighbour maine
With pillaging. Who are more iust and good
With angling doe the silly fish delude;
Or plough the grounds made desolate before,
Vnhappy, wretched, mis' rable, still poore.

CAP.

CAP. IV.

De populi divisione, *Eupatridæ*, *Γεωμόργι*, *Δημιουργοί*, *Πεντακονομί-
δουχοι*, *Πάρις*, *Ζεῦς*, *Θῆτες*. Quid Atheniensibus cum *E-
gyptiis* commune.

e so doth Di-
onysius, Hali-
carnassensis di-
vide them in-
to *Eupatridæ*,
& *ἀγροίκους*
lib. 2, n. 2.

a Pollux I. 8.
c. 9. p. 404.

b In Solone.

c Pag. 6 r. in
Solonean.

Here were at first but two kindes of people in Athens, two orders quibus inter gradus dignitatis fortunaq; aliquid interlucebat, in which there was difference of dignity & fortune: such as at this day are in France either Peeres or Peasants, or as in Venice Patricians and Plebeians. And although Pollux calls them *τρεῖς ὅροι*, three sorts, yet I make but two, because the *γεωμόργι* were not any way more gentile for blood, surpassing for riches, or happy for life. But because he hath so set them, take them thus, as he speakes. *ἡ τρεῖς ὅροι ἔστιν πάλαι. Εὐπατρίδαι, Γεωμόργι, Δημιουργοί. Εὐπατρίδαι, Eupatridæ*, were such as were descended from the loynes of those Heroes famous in the Greek history, whose families were ever renowned, and posterity propagated to many generations; such as *Praxiergida*, *Eteobutada*, *Alcæmonida*, *Cynida*, *Ceryces*. &c. whom we may tearme Nobles, or men of good birth. *Γεωμόργι, Geomori*, may not seeme unlike our Yeomen, who had lands of their owne, and sustained themselves with the fruit and commodity of these their possessions. *Δημιουργοί, Demiurgi*, were men of some handi-craft, Tradesmen, such as Tentmakers, Shoemakers Carpenters, Malons, and the like. But Solon made another division. For when the *Diacrii*, which were those that lived in the upper part of the Citie, *οἱ ἐν ἄκρῳ*, saies Diogenes Laertius; and the *Pediei* which likewise are *παρῆες*, such as lived in the middle of the Citie, or the plaine. And the *Paralii* who lived neere the sea, were at contention about government. The *Diacrii* leaning to a Democratie, as Plutarch writes, the *Pediei* to an Oligarchie, and the *Paralii* between both, and had chosen Solon to arbitrate and determine the matter

matter; he made these foure rankes. Πεντακοσιμεδιμνος, ἱππεύς, ζεύγίτας, Θήτας, *Pentacosimedimnos, Equites, Zeugitas, Thetas*. *Pentacosimedimni* were those who ἐν ἑνεσί οὐκ ἔχοντες, *dPlut. p. 65.* could make five hundred measures in wet, and drie commodities alike. What *Possardus* then brings out of *Varro* concerning *modium*, hath no place here, for he supposes that *Pentacosimedimnus* was he that had as much ground as fifty *Medimni* could suffice to sow, but here I will confute him with a wet finger. ἐν ὕδατι. For he seemes to sow upon the waters. This is he whom the *Elzevirii* printed at *Leyden Anno 1635* under the name of *Postellus* who was sometime a Professor of *Tongues in France*, and author of the Treatise *de Magistratibus Atheniensium*. *Equites* were such as were of abilitie to keep an horse, or had the quantitie of three hundred measures in dry, & as many in wet: called likewise ἱππία τελευτία, *Zeugita*, were such as could of wet and dry in all make but three hundred. Any of these three could beare office in the Commonwealth. A fourth rank which he called ἑθῆτας, *Thetas*, *a e Plutarch. lo-* name from servilitie, which had no power in the rule of the *co prædicto.* weale publique. But it had not beene amisse if I had shewne how the *Egyptians* had divided their people into three classes as the *Athenians* did, as I have spoken above. For the first degree or *Eupatridæ* addicted to learning and studie, who were had in greater honour, answer to the *Egyptian Priests*. Nay those great houses in *Athens* had Priesthood by succession, as *Eumolpide, Ceryces, Cynide*. For out of the stocke were chosen Priests hence ἱερὰ καὶ ἐκ ἡμῶν in *Demosthenes*. The *Geomori* who had lands assigned to them for the maintenance *g Pag. 741.* of the warre, are not dislike them in *Egypt* who hold possessions on these tearmes, namely to provide souldiers when need shall require to fight. The *Demiurgi* resemble those *Plebeians* who skilfull in some art, did set out their labour to daily hire: as *Diodorus Siculus* can testifie. *num, 164.*

CAP. V.

Tribus quatuor sub Cecrope mutata earum nomina. Augentur à Cliftbene: dua addita. Φεαρεία. Φεάτορες. Τετλής. Γένθ. Tribulum Κοινωνία Φυλεπικά δειπνα, φεατρικά.

IN Athens there were but foure Tribes under the rule of Cecrops. Cecropis, Autoethon, Actæa, Paralæa; which had other names put to them, Cranais, Atthis, Mesogæa, Diacris. I suppose from the parts of Attica, it lying partly neere the sea, thence Actæa, partly hilly, thence Diacris, partly Mediterrane, thence Mesogæa, the other name from the King that was then; whether the King would honour the Tribe so much, or the Tribe glory in the name of the King, I knowe not. It is probable that it was an honour to their governour, for as Cecrops gaue the first names, Cranais the second, each assuming a title to himselfe, Eriethonius called them after the name of Iupiter, Pallas, Neptune, Vulcan. Διός. Αθηνάϊς. Ποσειδωνός. Ηφαιστίδς. But when Ion came to rule they were named after his foure sonnes, Geleontes, Egicoreis, Argades, Hopletes, as ^a Herodotus and ^b Euripides. though Plutarch sayes that they were so called ^c ἀπὸ τῶν ἡμετέων, εἰς ἃ διμερήσθαι οἱ βίαι τὸ πρῶτον, from the courses of life which they first tooke. But Cliftbenes a man factious and wealthy is said by the Councell of ^d Apollo, Alcmaeon being Archon to make tenne of them, changing the ancient titles, and taking new from some Demigods or Heroes borne in that land all, except Ajax, whom though a stranger, he put to the rest, as a neighbour and companion. ^e Herodotus. These then were called ἐπώνυμοι; as you would say giving names; the word so signifies sometimes, as Minerva is said by Dion Chrysostom ἐπώνυμος Αθηνῶν, who gaue the name to Athens. To these were erected Satues nere the Councell place of the Senate. Their names are these as ^f In Att. p. 4. ^g Pausanias hath them. Hippothoon, Antiochus, Ajax Telamoning

^a In Terpsic. p. 137.

^b In Ione versus finem.

^c In Solon. p. 65.

^d Aristides T. 1. p. 336. A. T. 3. p. 352.

^e In Terpsic. p. 137.

^f In Att. p. 4.

^g Pausanias hath them. Hippothoon, Antiochus, Ajax Telamoning

nus, Leo, Erectheus that slew Immaradus the sonne of Eumolpus in the Eleusinian war, Ægeus, Oeneus, Acamas, Cecrops, Pandion. From these Ἰπποδοῦπις, Ἀντοχὺς, Αἰαντὶς, Λεοντὶς, Οἰνίς, Ἀγαμέμνις, Κεκροπίς, Πανδίωνις. To which they put two more, one called after Antigonus, the other after Demetrius his name, in gratuitie to them for the favours receaved; which in processe of time they changed into Attalis, and Ptolemais, as Stephanus writes, διὰ τὸ ἐπὶ τῶν βασιλέων εὐεργετηθέντες βασιλεύειν, having beene curteously entreated by the * Kings bearing that name.

Which being so, let us take heed that Livie deceave us not, who at the time, when Attalus did succour the Athenians against Philip, sayes they first thought of adding that Tribe to the tenne, in thanksgiving that the Rhodii rescued foure fighting ships of the Athenians taken by the Macedonians, and sent them home, ^a Tum primum mentio illata de tribu quam Attalida appellarent, ad decem veteres tribus addenda. Thus

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

have we seene that there were twelue Tribes in all, Let us look back to the first institution. I suppose they were first ordained for the better administration of civill goverment.

^b Eustathius writes that they were divided in imitation of the year, The foure Tribes according to the foure quarters; each Tribe into three Fraternities, which they call τριτλὺς or φρατρίαι answerable to the twelue Moneths, each φρατρία or τριτλὺς into thirtie οἴκον or kindreds equalising the daies. For so many only had the year of old. Witnesse the Riddle of ^c Cleobulus concerning the year,

^b In Il. b. pag. 181.

^c Laertius, p. 63. l. 1.

Εἷς πατήρ, παῖδες δ' δώδεκα· ἑξὶ δ' ἑκάστω
Παῖδες τεύκοντα, διὰ δὲ χεῖρας εἶδος ἔχουσι.

One Father had twelue Sonnes, and each sonne thirty daughters, and every daughter black and white, meaning daies and nights. Over these were governours φυλοβασιλεῖς, Kings of the Tribes, who sate upon controversies betweene party and party of their owne Tribes. Each Tertian also had his overseer called, Τριτάρχος the Ruler of the Trittys or Phratiria. The word may seeme to signifie a Societie, fellowship, or

company.

Company. It skills not whether you deriue it from *παρεια*, as *Eustath*, or *παρεια*, as *Suidas*, or *φρέαρ*, as others, which is a Well, because they drew water from the same well. For the place being scanty of Springs where *Athens* was founded, there being but one well-spring in *Athens*, they were con-

^dIn Solonep.
65. l. 33.

strained to use *φρέαρ* *πομπή*, digged wells, as ^d*Plutarch*. *φρέα-
ρες* are the men of that societie, called by *Tully*, *Curiales*, of the same Ward, speaking of *Cimon*, who gaue command that his servants should afford what they had if any *Lacides* should come into his Farme. In description of which thing *Plutarch* uses *δωμός*, which then wee are not to interpret (*Curialis*, For this is as much as *συγγενής* and *συμφυλῆτης*) but *popularis*. These at festivall daies in *Athens* met in a place

^a*Iliad*. B. pag.
181. & 111.
pag. 629.
^b*Lib.* 3. c. 4.

called *Phratrion*, as ^a*Eustathius* obserues, & ^b*Pollux* (where they brought their children to be engrossed in their books, as shall be hereafter spoken with the reasons thereof) *φρατρίζειν*, *Phratrizein* from hence comes which is *τὸ εἰς φρατρίαν* *ἑνω-
ναι*, to meet, for so *Eustathius* in another place *εἰς τὴν τὴν ἑνω-
ναι*. As for the *φύλη*, or kindreds wee must not think that they were of one blood, but from that neere conjunction which they had each with other being admitted into this societie. *ἑνὴν φύλην* (every *ἑνὴν* or kindred consisted of thirtie, whence they were named *τριακάδης*) & *πρωτόκοντος*, ἐκ τῆς πρωτοῦς ἑταίρας. Not of affinity so called, but for their Synod; which the Grammarians call *σύστημα κοινωνικόν*, a Communica-
tiue familiarity, *κοινωνία* being a participating in one thing, or having an equall share in the same priuiledges. Great was their care of each other; great was their mutuall loue; which that it might continue, *Solon* their Law-giver ordained cer-
taine feasts to be provided, wherein they should kindly en-

^b*Dipnosoph.*
1.5. p. 185. d.

tertaine each other. *δεῖπνα φυλετικά*, and *φρατρίκα*. ^b*Athenæus*. *Τῶν δὲ νῦν δεῖπνων προεόντες οἱ νομοδῆται τὰ τε φυλετικά δεῖπνα καὶ τὰ δημοτικά προεπέταξαν ἐπὶ τῷ τῷ Διόσκῳ καὶ τῷ φρατρίκα, &c.* Of feasts celebrated at this day the Law-makers haue appointed *Phyletica* for Tribes, *Demotica* for the people or popular,

Moreover

Moreover *Thiasos* for Colledges (as Philosophers for the death of their Grand Masters) and *Phratrica* for the same Ward. Hence ἐσιάζειν τὸν φιλῶν and ἐσιάζειν τὸν φράτρου. Of which in due time. The reason of this the *Dipsosophist* giues, saying that wine hath ἐλκυστικὸν ἢ πείρες φίλων, an attractiue and perswading force to procure loue, and friendship.

CAP. VI.

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

ALL Greece was inhabited καὶ κώμας, as *Thucydides* c Lib. I. speaks, by Villages before there were any Townes; from whence comes the word Comædie. ^d *At verò nondum coactis in urbem Atheniensibus, cum Apollini Nomio, id est, Pastorum vicinorumque præsidi Deo, constructis aris in honorem divinæ rei circum Atticæ vicis, villas, & compita festum carmen solenniter cantarent: orta est Comædia* καὶ τὸ καμαίνειν καὶ ἀδειν, quod est, commessatum ire cantantes. The Athenians being as yet not gathered into Corporations, when they sung sacred hymnes to *Apollo Nomios*, that is, the President of the shepherds and neighbours, about the villages, houses and crosse waies of *Attica*, alters being built in honour of the celebrity, sprung up a Comædie καὶ τὸ καμαίνειν καὶ ἀδειν from revelling and singing. Others will haue it derived from an ancient custome they had, when any were injured among them, for the party wronged to come to the street where the offender lived, and in the night time to cry aloud ὦ δεινὰ καὶ ἀδικεῖν, καὶ τὰ τὰ πειρῆται, δῶν ὄντων καὶ νόμων. Such a one doth wrong, and commits such and such outrages, although there bee Gods and Laws, by which, these abuses were reformed. But the *Anonymus* in a preface to *Aristophanes* saies καὶ κώμας καλεῖσθαι οὐκ ἔστιν Ἀθηναίων, ἀλλὰ δῆμος, that they were not called κώμας of villages by the Athenians, but δῆμος which they translate

^d Donat. in Pref. in Ter.

^a Thomas: Magister.

state Populos, better in my minde oppida or Townes. Cicero
 b. Lib. 7. Ep. 3 ad^b Atticum. Venio ad Piræa in qua magis reprehendendus
 sum, quod homo Romanus Piræa scripserim, non Piræum (sic
 enim omnes nostri locuti sunt) quàm quod M. addiderim. Non
 enim hoc ut oppido preposui, sed ut loco: & tamen Dionysius no-
 ster, qui est nobiscum, & Nicias Cous, non rebatur oppidum esse
 Piræa, sed de eo videro. Nostrium quidem si est peccatum, in eo
 est, quod non ut de oppido locutus sum, sed ut de loco: secutusq;
 sum non dico Cecilium, Mane ut ex portu in Piræum (malus
 enim auctor Latinitatis est) sed Terentium cuius fabella prop-
 ter elegantiam sermonis putabantur à Caio Lelio scribi. Heri
 aliquot adolescentuli coimus in Piræum, & idem, Mercator
 hoc addebat captam de Sunio. Quod si Sinus oppida volumus
 esse, tam est oppidum Sunium quàm Piræus. If so bee we will
 haue Sinus to bee Townes, Sunium as well as Piræus is a
 Towne. These were formerly kingdoms as^c Pausanias te-
 stifies. *Ἰνδραμαὶ δὲ δὴ μοι, ἥ ἐν τοῖς δῆμοις παλαιὰ πολλὰ, ὥς ἔ-
 πρε ἡ ἐρχομένη ἐκαστὸν τὸ Κέντρον*. Moreover I haue writ-
 ten, that some of the townes were governed by a King be-
 fore the raigne of Cecrops. And no marvell, for some of them
 farre surpassed other Cities, as Aristides affirmeth. These
 were most peculiar to the Athenians, anciently called *ναυκλά-
 ειαί*, as^e Aristoph. Schol. or *ναυκλείαι*, as^f Pollux, twelue belon-
 ging to every Tribe. But Clisthenes changed them into *δῆμοις*,
 as out of Aristotle the Schol. of Aristoph. The number of
 them is, as^g Eustathius out of Strabo, and^h Casaubon, an hun-
 dred seauentie foure. Some whereof having the same name
 are distinguished according to their situations *κατὰ μέρος* and
κατὰ ἐπερδεύ, as we may say the upper and the lower Wakefield,
 &c. All of them are divided into Greater and Lesser. The
ⁱ *μικροί* or lesse are these. Alimusii, Zoster, Prospaltii, Ana-
 gyrasii, Cephale, Prasieis, Lampreis, Phlyeis, Myrrinusii,
 Athmoneis, Acharna, Marathon, Brauron, Rhamnus. The
 rest were greater. Take them promiscuous according to their
 Tribes.

^c Atteicis p. 30
 l. 42.

^d In Panath.
 T. 1. p. 326.

^e Nub. pag.
 225. c.

^f L. 8. p. 430.

^g In Il. b. pag.
 215.

^h in Athenæ-
 um, l. 6. c. 9.

ⁱ Pausan. Att.
 pag. 30.

ΚΕΚΟΠΙΣ.

Αιζώνη. Δυδαλίδαι. Επικίδαι. Ξυπίτη. Πίδος. Συπαλητῆς.
 Τενεμεῖς. Αθμονον ἢ Αθμονία. Αλαῖ Αιζωνίδες. Φλύα. Εχονε.
Dadalida, Epietide, Xypete, Pithus, Sypalettus, Trinemis,
Athmonon or Athmonia. Ala Exonides. Phlya.

ΕΡΕΧΘΗΙΣ.

Αγχιλία ἢ Αγρύλη. Ευωνυμία ἢ Ευώνυμος. Θήμακος ἢ Θύμακος.
 Κυρσία. Λαμπρά. Καδύπερδεν. Λαμπρά ἢ ἑτέρωθεν ἢ παράλιος.
 Παμβωτίδαι. Περγασή. Συβείδαι. Φηγῆς. Αναγυρῆς. *Agraulis* or
Agryle. Eponymia or Eponymus. Themaci or Themacius. Ce-
phisia. The upper Lampra. The lower Lampra, in which Sigo-
niius erres calling one the maritima, the other the inferior,
 which to be one and the same I have shewen above. *Pambota-*
tada. Pergase. Sybrida, Phegus, Anagyrus.

Πανδορίς.

Αγυλή. Κυθαθινάιον. Κύθρον. Οἶα ἢ Οἶς. Παιανία καδύπερ-
 δεν. Παιανία ἑτέρωθεν. Πεγβάλινθος. Στειρία. Φηλαία. Μυρρίνεις.
Angele, Cydatheneum. Cytharum. Oa or Oeis. the upper Pa-
ania, the under Paania. Probalinthus, Stiria. Phegae. Myr-
rhinus.

Αγυή.

Αλαῖ Αραφηνίδες. Αραφώ. Βατό. Γαργητῆς. Διομεία. Ερεχθία. Ερί-
 κεια. Εχρία. Ικαρία ἢ Ικαριος. Κολυτῆς. Κυλαντίδαι. Πλωθία. Τι-
 θρας. Φηλαία. Φιλαιδαι. Χολλίδαι. *Ala Araphenides. Araphen.*
Bate. Gargettus. Dionea. Erecthia. Ericria. Echria. Icaria or
icarius. Ionida. Colyttus. Cydantida. Plothea. Tithras. Phe-
gae. Philade. Chollida.

Αχαμαντῆς.

Αγυῆς. Ερεσιδαι. Ερμῆς ἢ Ερμῶς. Ηφαίστιδαι. Θεικος. Ιτία. Κί-
 κωα. Σφηπίς. Χόλαργος Χόλαργος Χολαργία. Κεφαλή. Πέσπαλτα.
Agnus. Erisida. Hermus or Hermi. Hephestiada. Thoricus.
Itea. Cicyana. Sphettus. Cholargus Cholargi Cholargia. Ce-
phale. Prospalta.

Λεοντῆς.

Αἰδαλίδαι. Αἰδαλία. Αφίδνα. Διφάδης. Εκάλη. Ευπυρίδαι. Κητῶς.

D

Κρωπία.

Κρωπία Λακόνιον. Ὅσιον Κεραμ. Παιονίδαί. Πήληκες. Ποταμός.
 Σκαμβονίδαί. Σύνιον. Υβὰ Υβείδαι. Φρέαρροι. Μαργδών. Αλιμύς.
Ethalida Ethalia. Aphidna. Dirades. Hecale. Sypradae.
Cetti. Cropia. Leuconium. Oeum Ceramicum. Paonida. Pele-
ces. Potamus. Scambonida. Sunium. Hyba Hybada. Phrearri.
Marathon. Alimus.

Ἰπποδοονίς.

Αἰτωλία. Αμαξανία. Ανάκτεια. Αχέρδεις. Δεκέλεια. Ελαιδὲς Ε-
 λαιδὲς. Ἐλιδίς. Ερσιάδαι. Θυμοιλιάδαι. Κεειάδαι. Κορυδαλλός. Ὅσι-
 ον Δεκίλ. Οινόη Ελιδ. Σφενδάλη. *Azenia. Amamaxitea. Ana-*
caa. Acherdus. Decelia. Eleus. Eleusis. Eraada. Thy-
matada. Ceriade. Corydallus. Oeum Decelicum. Oeum ad
Eleutheras. Sphendale.

Ανποχίς.

Αιγλία ἢ Αιγίλος. Αλωπικὴ Αλωπικαί. Αμφιτροπή. Ανάφλυσος. Α-
 πύνη Απύωια. Βήσσα. Θοραί. Κεϊώα. Λόχοπύρα. Μελαινεῖς ἢ Μέλαι-
 ναι. Παλλινῆ. Πεντίλε. Σαμαχίδαί. Φάληρον. *Egilia or Egi-*
lus. Alopecce or Alopeca. Amphitrope. Anaphlystus. Atene or
Atenia. Bessa. Thora. Criôa. Leucopyra. Melaneis or Mela-
na. Pallene. Pentele. Semachida. Phalerum.

Αιαντίς.

Οινόη Μαργδ. Τίτακίδαι. Τεικίρυδος. Ραμνῆς. Oenoe at Ma-
 rathon. *Titacida. Tricorythus. Rhamnus.* Of this Tribe were
 some townes take away & put to other, *Aphydna, Persida, &c.*

Οινίς.

Βέτεια, Βελαίδαι. Επκηφισία. Θρία ἢ Θρίω. Ἰπποτομάδαι. Λακία,
 Λακιάδαι. Λεσιά. Μελίτη. Οη ἢ Ὀιη. Πεισιδοίδαι. Πιλέα. Φυλή.
 Αχαρνα. Τυρμίδαί. *Butca, Butada. Epicephisia. Thria or Thrio.*
Hippotomada. Lacia, Laciade. Lusfa. Melite. Oe or Ea. Pe-
rithada. Ptelea. Phyle. Acharna. Tyrmida.

Πολεμνίς.

Βερενικίδαι. Θυργονίδαί. *Beronicida. Thyrgonida.* Κομφύλη.
Conthyle.

Ατταλίσ.

Απολλωνίς. *Apollonienses.* These are all which authors
 make

make mention of according to their Tribes, others there are, which I know not how to distribute, none of the antients either directing or furnishing me. But these are they. *Agra. Anchestmus. Amphiae. Archilia. Astypalaea. Atalanta. Achradius. Belbina. Brauron. Brilessus. Enna. Echelida. Zoster. Thrion. Cale. Ceda. Cothocida. Coele. Cynosarges. Ceramicus* without the citty the same with *Academia. Laurium. Lenaeum. Limna. Munychia. Parnes. Pnyx. Patroclus* his ditch or trench. *Scirum. Sporgilus. Hydrusa. Hymettus. Hyfia. Phaura. Phormisii. Phrittij. Phoron. Chitone. Oropus.* To which are put the Ilands, called *Pharmacusa*, two in number, & *Psyttalia*. The Scholiast of ^a *Aristophanes* speaks as if *Io* were a *Demus*, but I say not with him. The greatest use wee have of these among authors, is in their forme of Law, matters of contracts, and the like, that there might be no fraud or deceite; that none either unjustly be taxed for any thing, or tax an other. Hence read wee such punctuall clauses in their writs. N. the son of N. dwelling at *Alopeca*, ἐκ Κοίλης, ἐκ Μελίτης. ἐκ Κεραμείων, of *Cale. of Melite. of Cerameis*. In these villages were Temples of the Gods. ^b *Livie. Templapagatim sacrata.* And againe. *Delubra sibi fuisse, quae quondam pagatim habitantes in parvis illis castellis viisq; consecrata, ne in unam quidem urbem contributi majores sui desertâ reliquerint.* So much witnesseth ^c *Pausanias*; who tels us that they worshipped some peculiar Deity, and yet neverthelesse did *ἀγείν ἐν πμῇ*, honour *Minerva*. Some of them had peculiar festivalls, as *Brauron* the solemnities *Brauronea*, to *Diana. Diomea* to *Iupiter Diomeus. Chitonea &c.*

^a In Ranis p.

235.

^b Dec. 4. l. x. p.

12. 13.

^c In Atticis p.

77. l. 40.

CAP. VIII.

Tyrannis. Ολιγαρχία. Δημοκρατία. Atheniensium status mutatio.
Ἰερδὺς Σωτήρων Μέγας. Δέξ.

In Ctesiphontem p. 4.

THE ancients had but three sorts of government, *Tyrannis, Democratia, Oligarchia*, as^a *Æschines*, which *Polybius* calls βασιλείαν, αἰσιοκρασίαν, δυναστείαν, where although the one names it a *Tyrannis* or *Tyranny*, the other βασιλεία the rule of a King, yet must we understand the same. For in old time all Kings were called Tyrants, as *Servius* on *Virgil* hath observed. A word taken up by the *Gracians* about the time of *Archilochus*, which neither *Homer*, nor *Hesiod* knew; and therefore are the Poets noted, as, ἴδον π. πεπονδότες, for calling the Kings, or βασιλεῖς before the *Troian* wars, Tyrants or Tyrannos. βασιλεία or a Kingdome, is where obeisance is free, yeelded rather out of a good advice, then for feare or might. Αἰσιοκρασία an Aristocratie, when most wise and just men are fitly chosen to sit at the Helme of the Weale publike. Δημοκρατία a Democratie, when the Lawes and customs of the Country in matters belonging both to Gods and men are truly observed, and that rules the rest, which shall be approved of by the greater part, τὸ δέξαι τοῖς πλείοσι saies *Polybius*; as that may be said at a banquet to please all, which doth relish well with the most. But the grave Historian hath observed changes in such government, as they use to be, inclining to the worst Monarchies being turned into Tyrannies; as when the people are led away by the perswasions of some pleasing^a popular man, and are as it were, willingly constrained to take the yoke that his usurping authority shall lay on them, a Tyrant indeed said, ^b*Vi consecutus*, who gets it by violence, ^c*Omnes autem & habentur & dicuntur Tyranni, qui potestate sunt perpetua in ea civitate, que libertate*

^a Aristot. l. Pol. l. 5. c. 4.

^b Probus in Miltiade.

^c Probus ibid. p. 17.

bertate usa est. But all are accounted and called Tyrants, who haue perpetuall authority in that Citie, which formerly hath enioyed liberty. The deprivation of which causing murmuring and rebellion, brings forth an *Aristocratie*, or government of the best men, such as are well brought up, and exercised in vertue. The end of an *Aristocratie* being, as ^d *Aristotle* d Pol. 1. 4. c. 9. hath it, *Vertue*, which of no long continuance doth soone degenerate, ^e *εἰς ὀλιγαρχίαν πρᾶξις καὶ φύσις*, naturally inclining to an *Oligarchie*, or rule of few. These few being chosen according to their riches. And because that many in a state cannot be wealthie, therefore the number of them cannot be great. These are great Lords and little Kings, whose power swaies all, and not the Lawes; who uniuersally favour those that are partially theirs, and oppresse them that would defend their libertie against them. All things being administred ^f *τοῖς* f *Æschines* in *ἑποῖς καὶ ἐπισκοπῶν*, by their presidents. Such dominion is taken away by the people set on a rage, and not bearing ^{τὸς} *καὶ* *πρὸς* *ἀδικίαν*, the iniuries of their rulers. Hence comes in a *Democratie*, which *Sophocles* calls *ὅππῃ πᾶσι πᾶσι δίδει λόγον*, the power of a multitude; whose end is freedome; when all can equally partake of the same priuiledges and immunities, who are true citizens: whence *Terence* stiles it *equam libertatem*; for which the *Greeke Oratours* haue properly used the word *πολιτεία*, as ^g *Vlpian* observeth. But the vulgar for the most part ^g In *Demost.* strangely insolent, prone to wrong, and ready to trespasse against the Lawes, bring in by a miserable proceeding, the worst kinde of government an *Ochlocratie*, the rule of Rascallitie. All these in their times did *Athens* feeble, for they were governed by Kings foure hundred eightie seaven yeares: the last of which was *Codrus*, who in a fight between the *Dorienses* and *Athenians* offered himselfe willingly to be slaine, it being foretold by the Oracle of *Apollo* that the *Dorienses* should be conquerours unlesse the *Athenian* King were killed; he therefore clothing himselfe *famulari veste ne posset agnoscī*, saies ^a *Cicero*, with a servants habit least he should bee ^a *Tusc. Q. I. 3.*

knowne, put himfelfe among the enemies, by one of which in
 a brawle he was murdered. After whom none enioyed the
 name of King, ^b *quod memoria nominis eius tributum est*, which
 was done in memory to his name. For after that, *Archontes* or
 Judges ruled; in the Title *ἄρχοντες*, *Archontes*, but in power
 Kings, whose authority was for tearme of life. These continu-
 ed three hundred and fifteene yeares. These being ended,
 it pleased the State to choose a man, whose office should con-
 tinue but tenne yeares; seaven succeeded each other,
 & made up the number of seaventie yeares; who, because
 they abused their power, were made but for one yeare,
 called therefore ^c *ἔμνυι Μαγιστρatus*, yearely Magistrates.
 These continued untill *Pisistratus*, for a fained feare of the
 seditious, begged a guard of the people for his safetie.
 For when the faction sprung up. Of which I haue spo-
 ken in the fourth Chapter, hee cutting himfelfe with la-
 shes, and the Mules which drew his Chariot, went into the
 place of meeting, *ἀγορὰν*, and beseeching the people to afford
 him some defence against their violence, who did (but did
 not) assault him, procured a company of chosen Citizens
 who armed with clubs, not weapons, possessed the Castle, and
 so Tyranny came in, which *Pisistratus* enjoyed ^d thirtie
 yeares, and decessed, leaving behind him two sonnes, *Hippar-
 chus*, and *Hippias*, whom *Heracides* calls *Theſſalus*. *Hippar-
 chus* was slaine by *Aristogiton*, after whose death the *Athe-
 nians* lived under a tyranny ^e foure yeares, from which they
 were delivered by the help of the *Lacedæmonians*, the of-
 spring of *Alcmaeon* corrupting the Oracle, to the end that
 whensoever they came for counsell he should wish them to
 free the *Athenians* of that servitude. The *Democratic* came
 in eight hundred fixtie eight yeares after *Cecrops*, established
 by *Solon*, who excluded the fift ranke of plebeitie from office
 or honour by a law, afterwards abrogated by *Aristides*. After
 this *Pericles* brought in an *Ochlocratie* by weakning the
 power of the *Areopagites*. Then after the overthrow in *Sici-
 ly*

^b Iustin. l. 2.

^c Iustin. l. 2.

^d Heracides
in Pol.

^e Herodotus
l. 5. p. 135.

ly the τετρακῆσσι or foure hundred took upon them state, deceaving the people, as ^e Aristotle and ^g Thucydides affirme. ^f Pol. l. c. 57. For perswading them that they should reconcile Tissaphernes ^g Lib. 8. and Alcibiades unto themselves by that meanes, and that the Persian Monarch would afford supply for the war, they most willingly condescended to this motion in the one and twentie yeare of the Peloponnesian warre. These Princes were called ^a πεντακισχίλιοι, τετρακῆσσι ὄντες, Five thousand, though ^a Plat in Al- not exceeding foure hundred. The reason is, because they ^{cyb. p. 148.} boasted that none should bee rewarded, but who bare armes; nor any admitted to publique power but five thousand, such as with person and estate could be beneficiall to the Republique. Their authority was granted by an ^b Act of the people, ^b Xen. Ell. 8. to which Theramenes was very forward, but after they were ^{274. l. 38.} inducted none more ready to drine out; whereupon they termed him κόδορον *Cothurnum*, from a kinde of start-up which did fit both feet. ^c Xen. p. 275. καὶ γὰρ ὁ Κόδορον ἀγρεύειν μὲν τοῖς ποσσὶν ἀμφοτέρωθεν δόκει. The word may sute with a Iack of both sides. These τετρακῆσσι were constrained for feare of ^d Alcibiades ^d Iustin l. 5. to resigne the right unto the people, and to goe into wilfull banishment. But when Lysander had overcome Athens (the ^e Lacedemonians ever affecting an Oligarchie, as the Atheni- ^e Arist. Pol. l. ans a Democratic) he ordained these thirtie to be chiefe. ^f Po- ^{5. c. 7.} lyarches, Critias, Melobius, Hippolochus, Euclides, Hiero, ^f Xen Ell. 8. ^{p. 270.} Mnesilochus, Chremo, Theramenes, Aresias, Diocles, Phadrias, Charileos, Anatius, Piso, Sophocles, Eratosthenes, Charicles, O- nomocles, Theognis, Æschines, Theogenes, Cleomedes, Erast- stratus, Phido, Dracontides, Eumathes, Aristoteles, Hippoma- chus, Mnesithides. These began at first to put to death the worst and most abhorred, saies ^g Salust, without triall of law; ^g In Catil. but afterwards the good and bad alike; ^h some for envie, ^h Consp. others for riches. These to make their partie firme chose a- ^h Xen. p. 272. bout three thousand to whom alone they permitted to haue weapons, disarming all the rest, to the end they might easily command their lives. But by their lawes (for they made some

i Xen. p. 275. some, stiled *ἡγεμόνες*, which were nullified by a decree, as we shall speake hereafter) none was to suffer *ἐν τοῖς κατὰ λόγους*, who was registred in the list of three thousand. So cruell
 k Dem. p. 467 were they, that the people fled into ^k *Phyle* a castle in the Athenian borders; and making an head, under the conduct of *Thrasybulus*, at last shook off this yoke, and remained free untill the death of *Alexander* even fourescore yeares, whom *Antipater* succeeded; who in battle at the Citie *Lamia* gaue the Athenians an overthrow; and gaue them quarters on these termes that they should submit to a few *Peeres*, whose revenues amounted to two thousand *Drachm'es* at least, the chief of who was *Demetrius Phalareus*; that they should likewise receaue a garrison into *Munychia* for the asswaging of riots and uproares. But foure yeares after, *Antipater* dying, the Citie fell into the power of *Cassander*, of whom they often stroue to acquit themselues. But in vaine. For he brought them to such an exigencie, that they were glad to come to composition. And indeed he dealt fairely with them, giving them their Citie, Territories, Tributes, and all other things, so that they would be confederates to him, that none, whose reuenues come not to tenne *mina* or pounds, should undergoe any function in the Common-weale; and hee should bee their overseer whom he would be pleased to nominate. The
 a Vide Laert. man appointed was *Demetrius Phalareus*, * who made the
 in vita, & Strabo Citie to shine in her full lustre, insomuch that they erected in
 bonem. honour of him three hundred Statues. He wrote a Treatise of the Athenian Republique, which had not time devoured, would haue given no small light to my poore endeavours. After he in trouble and vexation had spent foureteene yeares he was put out by *Demetrius* the sonne of *Antigonus* surnamed *Poliorcetes*, who restored the ancient customes to them againe. To him they ascribed such worship, as also to his father, that they changed the name of their Iudge from *Archon* into ^b *Σωτήριον ἱερῆα* The Priest of the Gods that saved them,
 d Pollux, l. 8. calling the yeare after his name, and adding * two Tribes to the

the Tenne, whence the Senate consisted of six hundred, but ^cIn Berenice, five before, as ^eStephanus, But when Cassander had overthrowne the sonne and father, such was the ingratitude and levitie of the Athenians, that they forbad Demetrius to approach nere their City. After this Lacharis plaid the Tyrant, and was expelled by Demetrius; whom they utterly cast off, assuming againe the title of Archon. Demetrius dying Antigonus Gonatas succeeded, who in the nineteenth yeare of his reigne put in presidarie souldiers to the Citie, which tenne yeares after he tooke out. The Macedonians still kept some of the Athenians forces in this space. Demetrius Antigoni Gon. F. & Antigonus Doson, out of whose hands ^dAratus the Sicyonian rescued the Citie, and made it stand by it selfe untill Philip, the last king of the Macedonian Monarchy except one, did somewhat shake it, as you may read in ^eLivie. But he was expelled by the Romans, who tooke the Athenians into league, with a maintaining of their ancient right. So they remained untill the warre betweene Mithridates and the Romans. For by feare they were driven to receaue ^fArchestratus, Mithridates his Generall, within their walls; against which Sylla laid siege, and captivated the City, whence proceeded ^gαἰετὸς σφαγή, a mercilesse slaughter, saies Appian, that the streets did runne with blood. But the Lawes were not much altered by this Conquerour; and therefore they lived in a neere resemblance of their former state; in favour with the Roman Emperours. Julius Caesar, Adrian, Antonius, Gallienus, in whose successours time, Claudius, the second of that name, this City was ransacked by the Gothes, who when they had heaped up innumerable companies of bookes to burne, were dehorted by this reason, ^athat the Greekes, spending their time in reading of them, might be made more unfit for war. Constantine the Great likewise had this City in high esteeme, taking to himselfe the Title of ^bΣταχυόρως Ἀδων, as ^cJulian saies, which in the words of Nicephorus Gregoras is ^cτὸ τῆς μεγάλης Δουκῆς (ὄνομα) the Grand Duke, whom simply afterwards

^dPlut. in vita.

^eDecad. 4. l. 1.

^fVide Appianum Alex. in Mithridatico, circa pag. 122. 123. &c. ^gPlut. in vita p. 335.

^aCedrenus Baptista Eg-
natus. Rom.
Prin. l. 1.

^bIn Oratione
Constantium
^cHist. Rom.
l. 7. p. 166.

Hist. Rom.
l. 7. p. 167.
e Nic. Greg.
lib. cit.

wards they called the ^d Duke of Athens, in that Historians time. Emperours haue taken them wiues citizens of this place; and the ^e daughters of their Dukes haue beene desired by that eminent ranke. And indeed no marvell. For they were potent. *Rainerius Acciajolus* is said to haue taken the Citie from the Spaniards that inhabit Arragon, *ἔχον δὲ τὴν καλὴν ἑσπερ* παῖτῳ δὲ ἱεσπερ; who having no issue male of his wife *Eubois* *ἡ Ναβάρρε* but an illegitimate named *Antonius*, by another woman, bequeathed by will *Boetia* and *Thebes* to him, but *Athens* to the ^{*} Venetians, from whom his sonne recovered it againe. *Nerius* succeeded him in the Dukedome who thrust out *Chalcocondylas* his father. After him came in *Antonius Nerius* brother to the former *Nerius*. Now about this time wee must knowe that *Mahomet* the sonne of *Amurat* the second got *Athens*, & whose beauty and building hee held in admiration; which when he had made his owne, he continued the Title. For another *Nerius* from those aboue named dying, leaving one sonne an infant, his mother in the childs Title exercised Tyranny. This woman loved a Venetian Noble man (sonne to *Petrus Palmerius*, to whose goverment the Citie *Nauplium* was committed, he is called by *Chalcocondylas Priamus*) who came thither for merchandize. Him by discourse and flattery shee intised into her loue, promising that shee would take him to her husband, and giue up the Princesdome of *Athens* unto him. But upon condition, that hee would divorce his owne wife. Whereupon the young man going to *Venice* slew his wife, swelling with ambition and thirstie of honour. Which being done, hee returnes to *Athens*, marries this woman, enioyes the goverment of the Citie; who being hated of the *Athenians*, and complained of at the Court, to avoid envy termed himselfe the *Childes Tutor*. And not long after taking the boy with him, went to the Court; where *Francus Acciajolus* waited, expecting to be promoted to the Dukedome. When the Emperour therefore understood the folly of the woman, he gaue the title to him. Who being enstalled, imprisoned

prisoned the woman at *Megara*, and afterwards (by means
not knowne to the * Author) slew her. This *Francus* in time ^{a Chalcocon.}
was taken away from men by *Zogan* governour of *Pe-* ^{p.300.}
loponnesus, *Mahomet* having intelligence that
the *Athenians* would haue delivered
the Citie to the Prince of *Bæo-*
tia. Hee was the
last Duke.

E 2

LIB.





LIBER SECVNDVS.

CAP. I.

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

^a Pag. 48.

^b In Tractu
ᾧ ἐπὶ Ἡρόδοτῳ.
κακὴν δειάαν.
p. 669.

^c Sch. Eurip.
in Alcest. pag.
661.
^d Ξωφ. 150p.
in Stel. 1.
^e Pag. 260.



Herodotus in ^aTerpsichore is of opinion that the Greekes derived their religion from the Egyptians. But ^bPlutarch doth stoutly deny it. And not without good testimonie may I affirme that it seemes to bee a falsitie. For Orpheus is thought to haue brought the mysteries of piety into Greece; who was himself a Thracian, from whom the word ^cθρησκεία is supposed to be drawne, which signifies devotion. Τὸ ἐν τῷ πρῶτῳ θεὸς ἐκάλεισαν θρησκείαν, ὡς Θρακίας ἕως τῆς εὐρέσεως, saies ^dNonnus. They called θρησκείαν, to worship God, &c. Appositely to which ^eAristophanes ἐν Βαλέχχοις.

Ορφῶς μὲν γὰρ τελετὰς θ' ἡμῖν κατέδειξε, φόβον τ' ἀπέχεσθαι. Orpheus shewed us sacrifices and to abstaine from slaughter. Neither is ^fEuripides disagreeing in Rheseo.

Μυστικῶν τε τῶν ἀπορρήτων θανάτων

Ἐδείξεν Ορφῶς--- Orpheus revealed the hidden mysteries. Herodotus names not the Gods, the worship of Whō the Greekes might borrow from the Egyptians; Twelue in number

^f P. 281.

number they were, quoth he, but these only are reckoned. *In-*
piter. Bacchus. Hercules. Apollo. Mars. Pan. Diana. Isis or g Paul. Attic.
p. 3. l. 18.
Ceres. Sais or Minerva. Latona. as I have gathered, which
all at once to have beene made knowne to the *Greekes*, and
that by the *Egyptians* is too hard a taske for me to proue.
The *Athenians* I am sure had twelve Gods in especiall ho-
nour, whose 8 pictures they had drawne out in a Gallery in
Ceramicus; and had an Altar erected, called *ἡ Βωμὸς τῶν δωδεῶν* h Plut. in Ni-
col. pag. 387.
on which a little before the *Sicilian* war, a man dis-
membred himselfe with a stone; which was accounted pro-
digious. By these twelve would they sweare in common dis-
course. *ἡ Μὲν τὸν δωδεκάθεον* The heathens thinking that they i Aristoph.
Equ. p. 300. A.
did honour those Gods, by whom they sware; as I have else-
where spoken. But they were not confined to so small a num-
ber as twelve. For how could it be, when they ran through
the seaven sorts of Idolatrie? First worshipping the Sunne, &
punishing with death the neglect thereof; as you may read in
Plutarch in the life of *Pericles*. Secondly, deifying the ef-
fects of God, as bread, &c. For *Clemens Alexandrinus* inter-
prets *Ἄνω*, *Ceres*, & *ἄνω*, corne or food. Thirdly the poeti-
call Gods, *Furies*, and revengers of wickednesse, as *Alastores*,
Palamæi. Fourthly, the Passions, as *Loue*, *Pittie*. *Injurie* like-
wise and *Impudence*, to whom *Epimenides* built an Altar at
Athens. Fifthly the accidents of growth and nourishment,
hence *Anxo*, and *Thallo* two deities, *αἰζάνην*, to increase, and
δαμνν to flourish; to which may be put *Clotho*, *Lachesis*, and
Atropos, the three fatall sisters, and *Εμμενν*, *Necessitie*, taken
sometime for death it selfe. 6^{ly}, the *Theogonie* or pedigree
of their Gods, able to make up the summe of which *Homer*
speakes. *Τεῖς γὰρ μύησι*, &c. Three thousand. Seaventhly an ig-
norance of the providence and bountie of God toward them,
fained *Hercules* the repeller of evill, and *Esculapius* the
God of Physick. And if this serue not, I can adde an eighth
way, namely hospitality and good entertainment of strange
Gods. *Ἀδωμνν δ' ἑστῆς πρὸς τὰ ἄλλα φιλοξενννς διατελνσι, ἕνα*

- ^a Pag. 471. *ἡ δὲ τῶν Θεῶν. saies* ^a *Strabo*. as the Athenians loue forraign
ners, so forraigne Gods. οὐ γὰρ μόνον τῶν ἀποβυτῶν ἀγαθῶν
^b In Panath. Θεῶν, &c. ^b *Aristides*. For they serue not only the most anci-
T. 1. p. 188. ent Deities, in a peculiar manner aboue all their followers,
^c Strab. p. 587 but haue assumed adventitious ones; such as ^c *Orthane*, *Conis-*
salus, and *Tychon*. So prone were they to conceaue superstiti-
^d Act. Apost. on, that when ^d *Paul* preached *Iesus* and the resurrection of the
c. 17. v. 18. dead; they forthwith deemed *Anastasin*, or resurrection to be
a God. And least they should omit any, they erected Altars
^e In Attic. p. 1 to the unknowne Gods, of which ^e *Pausanias*. Neither may
l. 35. we doubt of it, the scripture bearing witnesse. The cause of
this they say to be a fearefull vision appearing to *Philippides*,
sent Ambassador to the *Lacedaemonians* concerning aid against
^f Vide Eurip. the *Persians*, and complaining that he (^f *Pan*, from whom *πα-*
Sch. in Med. *νιδνα* *spectrum*) was neglected and other Gods worshipped;
p. 482. promising likewise his help, they therefore being victorious,
and fearing the like event, built a Temple, and Altar To THE
UNKNOWN GOD. Another opinion is, that a plague
being at *Athens* hot, and the people finding no help from the
Gods they implored, surmising some other power to haue
sent the disease, whereupon they set up this Altar, on which
was written ΘΕΟΙΣ Ἀσίας καὶ Εὐρώπης καὶ Λιβύης, Θεῷ Ἀγνώστῳ
καὶ ἑτέρῳ. TO THE GODS OF ASIA, EUROPE,
AND AFRICA, TO THE UNKNOWN AND
STRANGE GOD. As *Iustin Martyr* and *Oecumenius*.
^g Pag. 137. Much may be said of their Tutelar Gods, both for their Ci-
ties and houses, much of their *Heroes* or Demigods. We will
view them in order.

CAP. II.

Iupiter Βασιλ᾽ς. Νέμιος. Ἰκέπιος. Πολιῦχος. Βελαῖος. Φερίπειος.
 φίλιος. Ουέγυιος κατὰβάτης. Ἑρκίος. Ἀγροῖος. Ξένιος. *Mo-*
dis salis edendi, Tessera hospitalis seu Symbolum. Apollo
 ὑποῦπιος. πλεῖστος. Ἀλξίχακος. Θυραῖος. *Pæan, & eiusdem*
verbi origo. Mercurius Παλιγκάπλος. Βελέγιος. Στεφάιος. Περ-
 πύλαιος.

ABoue other of their Gods *Iupiter* was had in high e-
 steeme. And that commanded by the Oracle. For when
 the *Athenians* were bidden to dissolue their kingdomes, they
 were charged to make choice of *Iupiter*, ^a *οὐρανίου ὁ δὲ Δία* *aSch. Aristop.*
Βασιλέα. And so by ^b *Aristophanes* he is called *Ζεὺς Βασιλ᾽ς.* ^{p. 122.}
 Him they worshipped as *President of Law and Justice*, under ^b *In Nubibus*
 the name of *Iupiter* ^c *Nemius* (different from that of *Corinth* ^c *Dem. in*
 named Νέμειος) Him as *God of supplicants*, hence ^d *Ἰκέπιος,* Him ^{Mid. p. 251.}
 as *Protector of Cities*, hence *πολιῦχος.* Him as *Governour and* ^d *Vlpian in*
director of their counsells, hence *Βελαῖος.* Him as *chiefe of their* ^{Dem. p. 273.}
Societies, hence *φερίπειος*, and of their friendship too, hence *φί-* ^{Paul. p. 18. l.}
λιος; and of kindred likewise, hence *οὐέγυιος.* To him they a- ^{40. Who}
 scribed *Thunder*, hence *Ζεὺς Κατὰβάτης*, as much as comming ^{thinks Sylla}
 downe in thunder. To him they thankfully acknowledged ^{to bee eaten}
 their delivery from the *Persians*, wrought by *Themistocles*, ^{with lice by a}
 hence *ἐλκεδέεος.* Him they confessed the greatest of all, hence ^{iudgement,}
^e *ὑπατος.* Him the overseer of their buying and selling, hence ^{that slew Ari-}
^{*} *Ἀγροῖος.* To him stood an Altar sacred in the courts of their ^{tion suppli-}
houses, hence *Iupiter Hercæus*, seom ^{antly flying}
 were the watch and defender of the house. *Phavorinus.* ^{to the Temple}
Ερκίος ^{of Minerva.}
Διὸς βασιλῆος ἔξα πρὸ πύλων ἀνελὺν αἰθέρος ἔειδεν, ἐν ᾧ ἔδυσαν ^{e Aristoph. A.}
Διὶ ἐφύργον τῷ Ἑρκίῳ. There was also an Altar to him before the ^{vib. p. 626.}
 gates, of which ^f *Ovid.* -- *Ante ades stabat Iovis Hospitis ara,* ^{Plut. & Paul.}
 hence *Iupiter Xenius*, as if he were the *God of strangers and* ^{g Paulan.}
hospitality. So solempne were they in their entertainements, ^{h Aristoph.}
 that ^{p. 317.}
 that ^{h Metamorph}

i Eustath. in Il. 9. that they would not receave a stranger without great ceremonies, such as giving of the right hand each to other ⁱ πρώτοι-
 4 Pag. 27. But ^{ως} δηλωπκόν, a most certaine signe of fidelitie, and security; as
 Eustath saies also washing and cleansing with salt, or salt water, as ^k Tzet-
 that they did zes on *Lycophron*; whence it is called ἀγνίτης πάρος. Salt they
 set salt before highly esteemed of, ever upbraiding violated hospitality with
 any other meat to stran- ^l πῦ ἄλας, &c. where is the salt? And yet it may bee thought
 gers. to be laid of the communitie of the table ^m ἐδῶν ὅθ' ἡλέντων
 i Demosth. p. 241. μὴ χακρυγῆν τοῦ ὁμοῦ ἀπέζης καὶ συνεσίης, customes shewing that
 m Tzetzes in fellow commoners, and such as feed of the same table must
 Lycoph. p. 28. not iniure one another, to which the old saying may well a-
 n Cic. de A- agree, ⁿ multos modios salis simul edendos esse, ut amicitia munus
 micitia. Eu- expletum sit, Men must eat many bushels of salt together, be-
 stath saies fore they can be perfect friends; meaning that friendship is
 that it beto- not to be soone established. But I take salt, of the lustration,
 hens loue per- to which also they added fire, as you may see in ^o *Aristopha-*
 salt preserves nes. Neither was this all, for they sacrificed moreover, calling
 And as it is *Iupiter* to witnesse, and using these words in the time of sacri-
 made of many fice. ^p Εἰς Δία Ξένιον ἀμύρτειν, εἰ ἀπειορῶ ξένος. Let my trespassse
 lettings in of be against *Iupiter Xenius*, if I offend, contemne, or neglect stran-
 water, so they gers. And for the continuation of this even to their posterity
 who come fro they were wont to cut an huckle bone in two, the one partie
 divers places keeping one peece, the other party the other halfe, that when
 by hospitality are made one. occasion or necessitie should make either of them stand in
 In il. 2. p. 100. need of other, ^q ἐπαγούροι τὸ ἡμῶν ἀσραιάλιον, ἀναγεῖντο τὰς ξε-
 o In Acharn. νίας, bringing with them their halfe huckle bone they might re-
 P 414. vide new their hospitality. This they call σύμβολον *Symbolum* a to-
 Sch. ken, which sometimes they would send to their acquain-
 p Eustath in tance in others behalfe, as *Iason* in *Euripides* offers to *Medea*
 Il. 2. to doe. ^r Πέμπειν τὸ ξένους σύμβολ' ὅς τις δεχέσθαι σ' εἴ. And to send a
 q Eurip. Sch. *Symbolum* or token to strangers that shall courteously enter-
 P. 446. taine you. But of this enough, as also of *Iupiter*, whom cele-
 s As πολιδίς. *Symbolum* or token to strangers that shall courteously enter-
 Aristophan. taine you. But of this enough, as also of *Iupiter*, whom cele-
 ὁμῶς. brated in ^a other Epithites I knowe by the *Athenians*. *Apollo*
 Pausan. &c. was next in request to *Iupiter*, invocated in danger or sudden
 b Aristophan. events, hence ^b ἀποῖπαι, from *ἀποστρέφειν*, to turne away, as if
 m. p. 86. he

he should deliver them from eminent evill, for which reason
 he is called *Alexicacus*.^c *Apollinem aspellentem mala intelli-*
gas, quem Athenienses Αλεξικακον appellant. He was one of the
 first Gods they had, hence is he termed ^d *παλῆσος*, but ^e others
 thinke because he was the father of *Ion*.^f *Macrobius* is of o-
 pinion, because the *Sun* the same with *Apollo* is the Author
 of progenerating all things, *quod sol humoribus exsiccatis pro-*
generandis omnibus praeiuit causam. To him stood Altars in
 their streets, hence is he *ἀγυδῆς*, as if he were set over their
 waies & *Ἰλίου ἐνὶ δαίμονας, quae intra pomeria sunt, ἀγυδῆς*. This *A-*
gyeus was a sharp pillar. ^h *λίαν ὅς ἐστιν ὡς εἰς ὅξυ λήγαν*. Al-
 though the *Greekes*, as ⁱ *Macrobius* saies, did worship him as
Θυγαῖον, exitus & introitus potentem, one that kept the dores
 of their houses, yet I finde no monument of that Title in
Pausanias. Famous he was for the name of *Paan*, of which
 though I haue taken occasion to speake elsewhere, yet this is
 a most proper place. I will not trouble you with the triviall
 derivations of the *Greekes*, which you read in ^k *Athenaeus*.
 When the *Athenians* asked helpe of the Oracle at *Delphos*
 against the *Amazons*, in the daies of *Theseus*, The God bid
 them implore his succour in these words *ἰα Παιάν*.^l *Hanc vo-*
cem, id est ἰα Παιάν, confirmasse fertur Oraculum Delphicum A-
theniensibus, petentibus opem Dei adversus Amazonas, Theseo
regnante. Namq; inituros bellum iussit his ipsis verbis semetip-
sum auxiliatorem invocari, hortariq;. I doubt not but the
 words are changed somewhat, especially if wee consider the
 ancient *Io Paan*. *Paan*, saies the ^m *Scholiast* of *Aristophanes*
 is a song or hymne praying for the ceasing of a plague, or war,
 nay for the preventing of apparent hurt The originall of *Io*
ⁿ *Scaliger* hath already found, *Iao*, and *Io* being contracted by
 the *Greekes* for *Iehova*; *Paan* then comes from *הַבּוֹקֵן* to look,
 so that *Io Paan* is in force *Iehova Penob*. L O R D L O O K E
 U P O N u s, it being a craft of the Divell to come as neere as
 possibly he may to God, so to bereave him of his deare ho-
 nour, if he could. The remnants of these words the ^o *Symerons*

^c *Macrobius Sat.*

¹ *p. 253.*

^d *Aristoph.*

Nub. p. 203.

^e *Aristop. Sch.*

p. 611. g.

^f *Satur. 1. p.*

257.

^g *Macrobius*

Sat. 1. c. 9.

^h *Schol. Eurip.*

Phæ. p. 322.

ⁱ *Sat. 1. c. 9.*

^k *In fin. lib.*

14. Dip.

^l *Macrobius Sat.*

1. 1. c. 17. pag.

253.

^m *In Plut.*

pag. 68.

ⁿ *Græc. Trag.*

^o *Vide Sir*

Fr. Drake.

a people of the West Indies use, who in their fighting dance, and leap, and sing *Yó Pekó*, at this day. *Mercury* is hallowed by the name of *Παλιγχαῖος* or *Εμπελαῖος*, deemed to be the God whose favour could enrich Merchants and Tradesmen. He is the God of craft, so by consequence he that is cunning to cheat may soone grow rich, wherefore this God is termed *Ἐπειρίος*, Very profitable, from *εἶρι*, an augmenting word, and *δρῶ* to profit. Hee had a statue erected to him in the Market place called *Ἑρμῆς Ἀγοραῖος*. The entry of their houses was sacred to him, from which he is named *Προπύλαιος*, as likewise *Ἐσφραῖος* from *σφραῖν*, to turne, because he was set up behinde the dore to keep away theeves, that were wont to lurk thereabout, and then after ward commit their villanie. More of his names you may read in *Aristoph. Schol.*

^a Pag. 110.

CAP. III.

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

*S*aturne was worshipped by the *Athenians*, witnesse the feasts kept in honour to him called *Κεῖνια*; witnesse ^a *Tē*-ple which he had in *Athens*. Of his antiquitie I cannot much affirme any thing. He seemes to haue beene of old, as I conjecture out of *κεῖναι γῶμα*, *Saturnina anima*, put for dotage proverbially. *Vulcan* likewise had his honour there, and a Temple, of which ^e *Demosthenes*; where was one of the *Athenian* prisons; some controversies in law in it decided, as I gather out of *ἑ* *Demosthenes*. *Neptune* was an ancient Patron of this Citie, which he loved even to strife. He was feared for securitie in navigation, hence ^h *Ἀσφαλῆος*. ⁱ *Mars* also had his worship, and Temple, and *Hercules* too, who in a dreame appeared to *Sophocles*, revealing unto him the sacrifice of one who had stolen a golden cup out of his Temple: called therefore *Μινυλῆς* or *Index Hercules*, as ^k *Tully*. Neither

^a Paus. p. 16.
l. 32.

^e Aristop. πλ.
p. 61.

^f P. 536. n. 26

^g παρὰ τὸν
Ἀσπλ.

^h Aristop. p.
403.

ⁱ Paus. p. 7. l.
27.

^k De divinatione, l. 1.

Neither were they contented with such a quantitie, but canonized more daily, as the sonnes of *Tyndarus*, *Castor* and *Pollux*, naming them *ἄνακτες*.^k *ἄνακας* ὃς ἔχειν τὸν ὀπμιλεμῆ. *ἢ φυλάττοντας ὅπιν' κ' τὸν βασιλεῖς ἴσως ἄνακτας διὰ τὸ το καλεῖν.* For they who have a care & watch of any thing doe diligently observe it *ἄνακας* ἔχειν. For which Kings perhaps are called *ἄνακτες*, as keepers of their people. ^m The Scholiast of *Euripides* teaches us that *ἄναξ* properly signifieth a Saviour. So *Pan* is said to bee *Ἀναξ Κυλλήνης*, the Tutelar God of *Cyllene*. And *Apollo* in ⁿ *Homer*. *ἄναξ ἱερὸν ἀνέσσειν*. The word is simply put for God in ^o *Aristophanes*, *ἄναξ* *ἔν θεὸς Ἀνακλῆς* κ' *Σωτὴρ* *Καλλέμω*. To these may be put *Harmodius* and *Aristogiton*. *Lyceus*. *Theseus*. *Alon*. *Hesychus*. *Aristomachus* the Phyfitian. *Celeus* and *Metanira*. And many more (of whom see ^q *Meursius*) made of Men, as *Silanion* and *Parrhasius* that made the statue of ^r *Theseus*.

^l Plat. Thef. p. 11. l. 25.

^m In Hippol. p. 507.

ⁿ Iliad. a.

^o In Avib. pag. 578.

^p Eurip. Sch. p. 507.

^q In Athen. Att. l. 3. c. 1.

& 7.

^r Plat. in Tb. p. 2. l. 14.

CAP. IV.

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

M*inerva* the especiall deitie of the *Athenians*, had the Festivals called *Panathenaea*, of which you may fully read in ^f *Meursius*. Next to her *Ceres* and *Proserpina*, whose rites *longe maximis & occultissimis ceramoniis continentur*, ^a saies *Cicero*, were greatest and most hidden: therefore called *mysteria* from ^b *μυεῖν*, to hide; ^c death and a curse lying on him who should disclose those abominable secrets. See *Meursius* in his ^d *Elenfinia* of the initiation into these stews. They were of two sorts. ^e Greater to *Ceres*, lesse to *Proserpina*. *Bacchus* also the sonne of *Ceres* had his Temple allotted and a double tide holy to him. *Dionysia* ^f *parva* and ^g *Magna*. *Venus* had her honour, and sacrifice in which they offered to her ^h money the price of an whore. ⁱ *Eumenides* were first a-

^j In Panath.

^a In Verrem. §

^b Nonaus. ad

Naz. 500.

^c Vide Plut. in Alcib.

^d Cap. 7.

^e Aristop. Sch. p. 85.

^f Arist. p. 222.

^g Idem. p. 123.

^h Clem. Alex. p. 19.

ⁱ Vide Æsch.

in Eumen. &

Sch. Sophan

Oed. Col.

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

k In Theogonia.

l Pauf. p. 27. l. 3.

m In Eumen. p. 275.

n Aristop. p. 228.

o Loco citato.

ο κ' ὑναλπίσμενα δειπνα ἐπ' ἐχάρει πύρρως

ἔθυσαν ὅταν ἐδεγδς κοινὴν Θεῶν.

p In Oedipo. Col. p. 271.

q Æschylus loco præd.

r Vide Interp. Hor. in illud Diva trifor mis.

s Aristop. Sch. p. 63.

t Pag. 64.

u In Orat. mosthenes. p. 693. ll. 59.

* In Nubes p. 176.

x In Plut. 63.

Scholiast: ἐν γὰρ τῇ μυστικῇ μόναις Εἰννύσιν ἀπάρχον. By *Phocles* the manner of oblation is set downe. First having cleane hands and pure, the worshipper ought to draw out of a running fountaine water, and having filled three cups with water and honey (hence termed ἑνθαλία μελισματα) the mouthes and eares of which are to be covered with the wooll of a young sheep, turning himselfe towards the East, he powdered some of two of them, but the third wholly; then with both hands setting thrice nine branches of Olive on the place where he cast his χοῆς, hee uttered his conceived supplications. Other sacrifices they had as shall bee shortly spoken.

Hecate was worshipped by them in *trivitis*, where three waies met, supposed to bee the Moone in heaven, *Diana* on earth, and *Hecate* below. To her the richer sort every new Moone made a feast in the crosse waies, setting bread and other provision, which the poore greedily fed on, and were so ravenous after, that *Penia* in *Aristophanes* complains, that they snatcht it, before it could be laid downe. Reference to this hath ἑκαπῖα κατεδίειν, to eat the cates of *Hecate*, in *Demosthenes*, which he seemes to object, as a fordid or wicked thing, Indeed βαμολόχος, which signifies one that privily taketh away any of the sacrifices from the Altar, imports sometimes *impious*, βαμολόχος ἀσεβής. Schol. * *Aristoph.* And yet the same Scholiast tells us that the needy sustained themselves

by the sacrifices. * ἀπὸ τῶν ἱερῶν γὰρ οἱ πτωχοὶ ζῶσιν. *Innoes* rites were

were performed in great pomp with haire over their shoulders and downe the back, in a vesture that swept the ground, their armes bedecked with glorious bracelets, their paces so minced, that ^a *Ἡγήσιον βασιλεῖν*, *Innonium incedere*, is to goe stately. *Promethæus* was worshipped in a kinde of Torch-dance, or running with linkes or lamps, it may bee in memoriall of the fire, which superstitiously they beleevved him to haue stolne out of heaven. To say more of their Gods were needlesse either for you to read, or me to write. More they had, among whom *Pan* was of a latter making, introduced by ^b *Philippides*, and ^{*} *Σφραγίδης Νύμφαι*. *Sphragitides Nympha*, after the Persian overthrow.

^a Vide Schotum in Proverb. Isaacum Casaub. in Athen. l. 12. c. 5. p. 388.
^b Cl. Alex. p. 22.
^{*} Plur. Arist. p. 240. l. 30.

CAP. V.

Θεοὶ Ἀνδρήσιοι. Equai. Phacasiæ Diæ.

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

^c Vide Hesychium, & Dionysium Persevium in Themistium.

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

For which reason likewise the Greekes name them ^g *ἀγυαὶ*, without limbs. On the lower part of them were certaine verses engraven, containing the praises of some well deserving men

^d In Euterpe. p. 48.
^e In Atticis p. 22. l. 14.
^f Sat. 8. v. 52.
^g Vide Vlpian. in Dem. p. 332. & G. Langbaine in Notis ad Longinum. p. 145.

men; but the *Herma* on which they wrote the exploits of those that had merited, seeme to me to haue beene set up in that gallery, which from the number of these images was commonly knowne by *Ἑρμῶν Στῶν* the gallery of *Mercurials*.

At the consecration of these they used some ceremonies, and sacrificed a kinde of gruell, which was of no great preparation; Because they would not stand long about it. Hence *χύτραις ἱερείεσσι* may be said to sacrifice with that which costs but little.

h Pag. 693.

Aristophanes. *Χύτραισιν, ὥσπερ μεμφομένην Ἑρμίδιον;* *Schol.* *Ἑρμίδιον, ἀντὶ τῆς εὐτελείας.* in *Pace*. Now to the erecting

of their Images it will not be unseasonable to adde something of the forme of their Gods; whom they made standing with their hands upward, as if they were more willing to receaue then bestow any thing. To which *Aristophanes* alludes,

a Concion.
p. 747.

saying, -- *καὶ γὰρ Θεοί. Ἰνῶσι δ' ὑπὸ τῶν χειρῶν τε καὶ ἀσχημάτων.* *Οἳ γὰρ εὐχόμεθα δίδιναι τὰγα δᾶ.* *Ἔστηκαν ἐκλίνοντα πρὸς χεῖρας.* *οὐχ ὥς πῶσιν, ἀλλ' ὅπως πείψονται.* Even the Gods you shall knowe by their hands and statues. For when we pray them to giue us some good thing, they stand with their hands upward, as if they would send downe nothing, but rather take oblation.

To tel you likewise that these Idols were clothed, is no new doubtlesse to one meanelly versed in the Greeke antiquities.

To say that they weare shooes too, is probable, whence they are named *Dis Phacasiæ*, from *φακασίαι*, a kind of low shooes which the *Athenians* called *κονίπιδες*, from *κόνις*, dust, and *πῆξ*, the foot, because they were neare the ground. *διὰ τὸ πηλὰ ἔσθαι*

b Pæd. l. 2. c.
11. p. 152.

μοι δοκεῖν τῇ κόνει τὸ πόδι, saies *b Clemens Alexandrinus*. But more sure I am that they were pictured with them on their feet. *c Iuvenal.*

c Sat. 3. v. 217

*Hic aliquid præclarum Euphranoris & Polyclestæ
Phacasiæ vetera ornamenta decorum.*

CAP. VI.

De Superstitione Atheniensium, & vaticiniis.

Long since were the Athenians taxed by the Apostle for superstition, which though it properly signifies ^d a worshipping of the Gods too much, yet under it these follies are comprehended. Purification after fearefull dreames, in ^e Aristophanes *ὄνειρον ἀποκλύζειν*. In which sense some understand Persius. *Noctem flumine purgare*. Wearing of rings against witchcraft as a spell, called ^f *δακτυλὸς φαρμακίας*. ^g Spitting into their bosomes thrice at the sight of a mad man, or one troubled with an *Epilepsie*. Of which also *Theocritus*, *τεῖς εἰς ἐμὸν ἔπυσαν κόλπον*. I knowe not whether the custome of our fillic people haue reference to this foppery, who use to spit at the naming of the Divell. Certaine it is, that anciently they did spit in defiance, hence *πύειν* is put for *καταφρονεῖν* and *ὕβρις* λόγῳ τρέφει to contemne or set little by, as the ^h Scholiast of *Sophocles* on these words, *πύσαι ὥσεί δυσμύη*. Washing with water the head as often as hee shall goe into the streets *χρὶ κεφαλῆς λούειν*; ⁱ *Theophrastus*. Anointing of stones, divers it seemes from those heaps sacred to *Mercury*, termed *Ερμιακας*. This hath beene of old. Done indeed as a token of thankfulness by ^k *Iacob* in *Bethel*, where hee tooke the stone ^l *Gen. 28. 18.* that he put for his pillowes, and set it up, and powred oyle on the top of it, in his iourney to *Padan Aram*. Hennes crowning, the bold entrance of a black dog into their houses, Serpents seene *ἐν τῇ οἰκίᾳ*, saies *Theophrastus*, of which ^a *Terence*. *Introit in odes ater alienus canis*. *Anguis per impluvium decedit de regulis*. *Gallina cecinit*. Put to these a ^b *Cat* or *Weefel* (the word signifieth both) crossing his way, the Mouse eating his salt bag. Not unlike them now adaies, whose clothes the Rats or Mice shall chance to eat, deemed not long after like to liue by our ignorant, or that hee shall haue great ill betide him.

^d Donat. in Ter. p. 67.
^e Ranis p. 274. vide & Æsch. in Persis.

^f Aristop. Pl. p. 88. f.
^g Thoph. Ch. p. 49.

^h Antigonem.

ⁱ Charact.

^a In Phor. Ac. 4. Sc. 4.

^b καλῶν. Theoph.

him. Adde the avoiding of obsequies for feare of pollution. Antiquity was of opinion that sacred persons were defiled with the sight of the dead, as *Chemnitius* hath observed, and *Euripides* brings in *Diana* speaking that it is not lawfull for her to behold dying *Hippolytus*. Nay the standing upon a graue was a great religion; ἐπιβύωαι μνήματα. Furthermore observing of daies good & bad, of which *Hesiod*, ἀλλή μιν τε καὶ, ἀλλή ὅ μιν, that one is a stepdame, another a mother. *Amazement* at the Eclipse of the Sunne, as also the *Moone*; not knowing the reason, why shee did loose her light, at that time, when shee was in her full lustre. Buying of Medicines or enchanted stones for the quicker delivery in child-birth, in *Aristophanes*. ὠκυτόκαι ὠνητοῖα, ὠροσι. Of the vertue I speake nought. *Boemus* relates that in *Darien* in *America* the women eat an hearb when they are great with child which makes them to bring forth without paine. Ioine to this the sneezing over the right shoulder, or the right side, ἡ παρὰ τοὺς ἐκ δεξιῶν. Observation of *Δροσμηταίς*, or sudden stormes, as the *Sch.* of *Aristophanes* interprets it, snow, haile, or the like. *Cutting off* their haire, and sacrificing it to rivers, as *Cephissus*. Marking the flight of the owle, whence came the proverb, ἡ γλαῦξ δι' ἐπτατο, *The Owle hath fled*. And γλαῦξ ἰπτατο for good lucke, *The Owle* being a token of victory to the *Athenians*. ἡ ἡμισις τῆς γλαυκῆς νίκης σύμβολον τοῖς Ἀθηναίοις ἐνομίζετο. They ever accounting it so since the warre at *Salamis*, where the *Greekes* seeing an Owle tooke courage and beat the *Barbarians*. *Appendix Vaticana*. ἐν Σαλαμῖνι γὰρ πρώτης μεγέθους θαρρήσαντες Ἑλλῆνες ἐνίκησαν. Other madnesse of theirs was sleeping in the *Temple* of *Aesculapius*, who were ill at ease, supposing the deity to giue, or shew them a remedy, *for* which in gratulation they were wont to offer him a cock. If I mistake not. What shall I say of *putting him to death* who should cut downe an Oake or an Holme (so *Ilex* which in Greek is πευκίδιον may be taken, I thinke it an Holme) in the *Heron*; And punishing *Atarbes* capitally who being distra-

cted

c In Hip. p.
603. vide etiā
Eustath. in

Ια. α.

d ἐν ἑρμῇ καὶ
ἡμ.

e Plut. Pericle
p. 123. l. 35.

f Plut. Nicia.
p. 392. l. 21.

g Lib. 4. c. 11.

h Plut. Them
p. 85. l. 23.

i In Ach. p.
379. & p. 424

k Pauf. Att. p.
35. l. 31. vide

Eust. in Il. B.

l Aristop. Ve-
spil. p. 508.

m Zenobius.

n Aristop. pp.
44. 66. T. 438

o Petronius.

p Aelian.
p. 12. l. 5. c. 17.

Æted had slaine a sparrow sacred to *Æsculapius*? Thus farre
 haue we gone. Let us proceed to their vaticinations or pro-
 phecyings. *Æschylus* brings *Prometheus* on the stage, vaun-
 ting how first he taught men * *Ονειροκλειπὸν Οἰωνιστικὸν Ἡπατι- * Vide Sch.*
κόν Ουπκόν. All which were practised among the *Athenians*, pag. 32.
 as you may read in ^a *Xenophon*. *Ονειροκλειπὸν*, the interpretation ^a *Απομνη. α.*
of dreames, is a resolution of those doubts which we conceaue initio.
 of things offered to our fancie in sleepe, as that of *Hecuba*
 dreaming that she should bring forth a firebrand; and that of
Atossa before the fall of her sonne *Xerxes*, whom shee saw
 striving to yoke the *Barbarian* and *Greeke* woman, one of
 which overthrew him. This the ancients tearmed *ἐνύπνιον*
ἰδεῖν, *Æschylus*, ascribing much to the truth of them, suppo-
 sing them to be sent from a Deitie-- *κὶ γὰρ ἴ' ὄναρ ἐκ Διὸς ἔστιν.*
^b *Homer*. The skill in them is *ἐξ ὀνειρέτων ἂν χεὶρ παρ' ἡμέας*, ^b *Iliad. 1.*
κληθῆναι τε Διοκρίτας (γινώσκειν) to truly tell the event. Which ^c *Æschy. Pro-*
 was no small art, certaine bookes written of that subiect. ^c *P. 33.*
^d *κὶ εἰσὶν ἔργεφοὶ πνευ τεχναι ὀνειροκλειπαὶ* as *Artemidorus* his ^d *Eust. in Il. 2.*
Onirocritica. Οἰωνιστικὸν; Soothsaying by birds when such or ^e *P. 36.*
 such flie either before or behinde him, at the right or left
 hand, to shew what it doth prognosticate. *Æschylus*. *Γαμψο-*
νύχων τὲ πῆσιν ὀϊωνῶν σκαδρῶς Διόεισ' διπνέες δ' ἔξιοι εὖσιν, *Εὐώ-*
θυμοί τε, κὶ δαιταρὶ λῦπνα ἔχουσ' ἕκαστοι, κὶ πρὸς ἀλλήλους τίνες
ἔχθρα τὲ κὶ τέρψιν δακ' κὶ σωεδείαι. It was formerly stiled ^f *δι-*
ονειστική, ἅτε ἐκ διανοίας παρζομιμῶν ἀνθρώπων διήσει σημεῖων) ^f *Aristides. T.*
 which the minde doth suggest to the opinion. It is put for a- ^g *3. p. 25.*
 ny divination in Greek writers, but most properly *ὀνειροσκοπι-*
κόν, which *Telegonus* is related to haue found according to ^g *Nonnus*
Nonnus, but according to ^h *Plinie, Car*, whence it is called *Σωαγ. l. 5.*
Caria. Ἡπατικόν, looking into the Liver or entrals, like the ^a *οβ.*
 Latines *extispicium*, observing the colour of them, ^b *Nat. hist. l. 7*
ποικίλῳ εὐμορφίαν as likewise the foundnesse, hence taken as ^c *56.*
 a prodigie *λοβὸς ἐκ ἔχων καρδίῳ*, in ^k *Plutarch*, the extremitie ⁱ *Æsch. loco-*
 of the liver (like the outmost parts of the vine leafe, saies *Isi-* ^k *Pag. 357.*
dor) not to be scene, or rather that which they call the head, ^l *31.*

- Ovid, casumq; caput reperitur in extis.* Θυπκὸν, in marking the flame of the sacrifice burnt, ¹ φλογωπὰ σήματα, the Tragædian calls them, by which they could foretell events. More doubtlesse had they waies of witchcraft, as the other Greeks. Εὐόδον, as when one shall meet you carrying such or such things, then this shall befall you, *Æschylus* termes them ἐνοδὸς συμ-βόλος *Sch.* τὸ ἐξ ὑπαντήσεως. See *Scaliger* in *Tibullum*, on these words *Puer è triviis*. The Scholiast of ² *Aristophanes* on ξύμβολον ὄρνιν, They made, quoth hee, whom they met first as it were tokens of good hap. Whence it may be came up the salutation, which ^b *Sophocles* calls εὐφήμῃ σῶμα φερνῆσθαι, wishing luck, as χαῖρε among the Greeks, and the Latines ^c *Estobonnis avibus visus* &c. Σύμβολον is put likewise for sneezing, or the conjecturing at them. *Sternutamentum* being accounted a Deitie by the Romans, but sacred to ^d *Ceres*, as the Greeks, whence proceeded that Ζήστεις, which wee imitate in our God help you, as often as we see any man so purging his head. Which not to have proceeded from any deadly disease, is sufficiently evinced by *Casaubon* on *Athenæus*. Οἰχοσκοπιτικὸν, at the sight of a Mouse, Serpent, Cat, or the like in the house, or when the oyle cruse is dry, honey, wine, water is spent, to guesse at future things. Of this ^e *Xenocrates* wrote. Χειροσκοπιτικὸν, Palmistrie, when by the length of the hand, or lines of the table, they can judge of freeness in housekeeping, of marriage & posterity, of which ^f *Helenus* once left a monument. Πάμψικτον, gathered out of the shaking of the parts of the body as the shoulder, thigh, or right eye, in which kinde *Posidonius* was an author exposed to the world. Εγγασπιμυθία, as that wherein the *Witch of Endor* was experienced, out of the lower parts of whose belly the Divell spake. The first that practised this among the *Athenians* was *Eurycles*, hence they who are possessed with this spirit of prophceying are called Εὐρυκλεΐδ, *Euryclite*, as the ^g *Schol.* of *Aristoph.* who calls this art ^h Εὐρυκλέως μαντεία, the divining of *Eurycles*. Νεκρομαντεία, where after solemne sacrifices they were wont to call up the soules

¹ *Æsch.* loco.
citato.

^a In *Au.* p. 574

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

^d *Sch.* *Aristop.*
loco citato.

^e *Nonnus* in
Naz.

^f *Nonnus.*

^g In *Vesp.*
pag. 503.
^h *Id.* p. 502.

soules of the deceased, demanding of them what afterward
 should befall. As ⁱ *Wierus*. And no wonder, for they held ⁱ De Magis
 the spirits of their parents and kinred for Gods, *quibus sacri-* Inf. l. 2. c. 11.
ficabant (saies *Bodin*) & *ad quorum sepulchra comedebant, in* h Dæmono-
quos scriptura inquit, & comederunt sa- manie l. 2. c. 3
cificia mortuorum. To which they sacrificed; and at whole se-
 pulchers they fed, against whom the Scripture inveighing &
 detesting speaketh, *And they ate the oblations of the dead*. Of
 this ⁱ *Aristophanes* makes mention, & ^m *Homer* in his *Odysses*. In Avib. p
 This is that which most properly is called *γολέα* from *γολέω* m Lib. a.
 lamentation, by *Wierus* termed *diræ execrationes*, ^a for with a Nonn. in
 great mourning they invocated *κακοποιῆς δαίμονας*, wicked Naz.
 Gods for the accomplishment of their divelish designs. It
 may most fitly haue the name of *Nigra Magia*, ^b for so the b Vide Bodin.
 Wisards divide them into the black and white Magick. *μα-*
γεία, from whence the word Magick is derived seemes to
 haue beene found by the ^c *Medes & Persians*, whose Priests c Vide Non.
 were called *Magi*, great Philosophers as ^d *Laertius* is wit- d In Proem.
 nesse. This is supposed to be the good Magick. ^e *Επιλησις δὲ* e Nonnus.
δαίμονων ἀγαθοποιῶν, πρὸς ἀγαθὴν πνεύματος φαρμακεία, is a
 giving of *philtrum*, a medicine for the procurement of loue,
 or rather enraging of lust, by bewitching something and gi-
 ving it to be eaten; which to haue power over swine is cre-
 dibly reported. *κοσκινομαντεία* Tricks with a paire of sheeres
 and siue, of which *Theocritus*. ^f *Ἀξινομαντεία* To take coun- f Vide Odyf.
 cell of an hatchet, taking it & laying it on a peece of timber
 flat waies, which did the feat by turning round. Like to which
 is that naughty use of a key and Bible. *Ἀσεργυρομαντεία*, by the
 casting of the dice to aske the number of wiues, children,
 farmes, &c. which answered to the quantitie of the chance.
^g *Ἀλφειομαντεία & Ἀλδερμαντεία*, done by corne, h *Ἀειθερμαν-* g Vide Theoc.
τεία, by taking the letters of the name, as when two were to crit. in Phar.
 fight, and by the value of them to iudge the conquest, As they h Delrio Dis-
 said of *Hectors* being overcome by *Achilles*. *Ορνιθομαντεία*, qui. Mag. l. 4.
 making a circle they divided it into foure and twenty parts, c. 2. q. 5. sec. 7.

Wier. de Ma-
gis Inf. l. 2. c.
13.

a Vide Sch.
Arist. in Plut.
b Aristid. T. 3.
pag. 25.

c In Hippol.
p. 580.

d In Il. a. p. 36.

and on each part made a letter, and putting wheat upon the letters they brought in a Cock, and observing from from what letters he tooke up the graine, they at last ioyned them together, and so knew their successors, husbands, &c. Στοιχειομαντεία, opening a book of *Homer* and by the first verse that they lighted upon to divine, as that of the death of *Socrates*, who so foretold it, meeting with that verse of *Homer*, which speakes of the arrivall of *Achilles* within three dayes at *Thes-saly*.ⁱ Et quoniam poemata pro vaticiniis, &c. and because poems were accounted prophecies, as Poets prophets, they were most busie in them. Hence in publique causes had the Romans recourse to the *Sibylline Oracles*, & the private Grecians to the verses of *Homer*. And that *Sors* was put for the writing of Oracles, is manifest out of the words *Sortes Delphica*, for fore-telling or divination. ^a I know the thee Priest of *Apollo* being inspired with a kinde of holy fury spake to those who asked counsaile. Whence the word ^b μανικὴ at this time read for Soothsaying, was anciently called μανικὴ madness. And yet that their cunning men had a kinde of lottery, is as cleere as day, the ^c Scholiast of *Euripides* testifying; done it seemes in matters of questiō, so κλήρον δίδου may intimate as much as to undergoe triall. Predictions there were, ^d faith *Enstath*, out of signes and wonders, as also of the noise that leaves make when they are burned. To which some added αερομαντεία or divination by the ayre, quoting for it *Aristophanes* in *Nubibus*, which I now remember not.

CAP. VII.

De Templis & Asylis.

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

first originall of their Temples was the erecting of an edifice to the honour of the deceased. ^e νεὸς μὲν εὐφήμους ὀνομαζομένους, ^e Vide p. 22. τὰς δὲ θυομένους, ταῖσι καὶ τὰς νεὸς ὀπικαζομένους. Cecrops buried in the *Acropolis*, *Erichonius* in the Temple of *Minerva Polias*, the daughters of *Celeus* in *Eleusis*, &c. They were divided into two parts, the sacred and prophane, this called ^f ἐξω περιρραμείων, the other ἔσω. ^f Casaubon tells us that περιρραμείων was that holy water set at the dore of the Temple, with which every one that entered into the Temple besprinkled himselfe, or was besprinkled by those that sacrificed; of which in the next Chapter. But others haue written that it stood at the entrance of the *Adytum*, into which it was not lawfull for any but the Priests to come. The ^g Schol. of *Sophocles* thus describes the Church. Ναὸς, quoth hee, is the place where the Altar stands. Βωμὸς, the Altar on which they offered their oblations, Τέμενος, where they placed the Idol which they worshipped; in ancient time a rude table or stock, ^a σέβας ^a Protrepticus *Clemens Alexandrinus* calls it, as that of *Iuno Samia*, afterward made in the magistracie of *Procles* to be a statue. At first named, ^b ξόανα, διὰ τὸ ἀποξείδωαι τὴν ὕλην, from the shaving of it; ^b Idem. but when art began to bee so expert as to make it resemble a man, they termed it βρέτας, from βροτός *mortalis*, whose shape it bare. At the setting up thereof they used these ceremonies: That a woman neatly trimmed and deckt in a purple vesture, should bring on her head a pot of sodden pulse, as beanes, pease, and the like, which they sacrificed in thankfulness for their first food, ^c εὐχαριστήρια ἀπονέμοντες τῇ πρώτῃσι διαίτης. For ^c Schol. Arist. as much as I conceave out of *Pollux*, they prayed not where this was consecrated, or did divine honours, but in the *ἱερόν* or *ναὸς*, the body of the Church, framing, as may bee gathered, their gesture towards it. ^d Αὐτὰ δὲ ἀπερρομένη, ἀγάλματα, ξόανα, ἔδωκε θεῶν, &c. Furthermore belonging to their Temples there was a kinde of Vestry, in Greek *ἀρχεῖον* by some translated *summum templum*, as if it were at the upper end. This seemes to haue beene a Treasurie both for the Church, and

e Laertius in
vita. p. 122.
vide ad eum
locum Caf.

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

Templa vel arcano demens spoliaverat auro.

So reverently did they esteem of these houses of their Gods, that to doe those offices of nature, I meane venting of excrements too shamelesly seene among us, in the Church-yards, as I may call them, was an abomination; punished severely by *Pisistratus*. For when he had taken tribute of all that the *Attick* ground had brought forth, they so hated him for that taxation, as they made the *meisegsua* of the Temple of *Apollo Pythius* a lakes; which although forbidden never was redressed. And yet so secretly was it done, that he could apprehend none faue at last one stranger, whom hee caused to bee whipt, with this proclamation, **THAT BECAUSE HEE CONTEMNED THE EDICT HE SHOULD DIE.** Hence to a man that soundly smarted for his wickednesse, they were wont proverbially to say, *Hee had better have eased himselfe in the Pythæum*, or if there were more, in the plurall number. *κρείττον ἐν πυθῶνι ἢ ἐν τοῖς ἄλλοις ναοῖς*. Nay so honourable held they these Churches that to them they granted priviledge of *Sanctuary*, to which who should fly, might not from thence bee drawne out under a trespassse upon religion. Of this kinde was the Temple of *Minerva*, and *Theseus*, the Altars of the

a Vid. Rosin.

b Polyd. Virg.

in Eurip. they

are presented

setting neere

the Altar. T.

2. p. 472.

Eumenides, and *Mercy*, ^a whose image they would not have erected any where in their City, although in the midst thereof shee had a Groue. ^b The first *Asylum* among the Heathens is held to have beene in *Athens*, built by the *He-*
raclide.

CAP.

CAP. VIII.

De Sacerdotiis.

OF holy orders among them I conceive to have been divers sorts, Παράσιτοι, *Parasiti*, a word had in latter times in great division, exagitated almost in every Comœdie, put for a shark or smel-feast, *Edax Parasitus*. But held once in good esteeme. For when they had set aside such a parcell of land as they thought the revenewes thereof would suffice for the sacrifices of such and such Gods, they chose certaine men who should receave or gather the harvest. *Crates*, οἱ δὲ πλεῖστοι τῶν ἱερῶν οἱ τε ἐκλογῶν αἰρεμένοι. With the incomes of this were the charges of those publique sacrifices defraied. Hence προσόδια μέγала *Introitus magni*, great yearely substance, is used for great sacrifice in *Aristophanes*. Scholiast. ἔγω γ' ἔλεγον τὰς προσευχὰς τοῖς θεοῖς θυσίας. Κήρυκας. *Ceryces*, the same signifies a cride, but in sacred functions a Minister, who slew and offered the victim. *Anthenio* the Comœdian ascribes much honour to them, as if they had first taught men to seeth victuals, the flesh of sheep and oxen, while before they devoured each other raw. They take their name from *Ceryx* the sonne of *Mercury* and *Pandrosus*. But *Casaubon*, ἀπὸ τῆς κρήνης. *A* praestantiore parte numeris quod obibant, sic dicti. Idem namq; hostias mactabant, adolebantq; &c. They in the time of divine rites craved the silence of the people in these words, Εὐφημεῖτε. Σιγᾷ πάντες ἔστω λεώς. Be whist all yee people. Good words, for so εὐφημεῖν signifies, as well as to say nought, which *Horace* fitly interprets when he saies, Male ominatis Parcite verbis. When sacrifice was ended they dismissed the congregation with these words λαὸν ἀφέντες. To which custome he unfitly looked who derived the Masse from *Missæ est, ite*, a In lib. quem scripsit de Sacramento.

c Terent.

d Secun. Att. Dialecti. apud Athen. p. 235

e Avib. p. 581

f Apud Ath. l. 14. p. 661.

g Vide Salm. in Inscripti. Pollucem. l. 8. h In Athen. lib. 15. c. 23.

i Casaub. in Theophrast. p. 321.

a In lib. quem scripsit de Sacramento.

same

- b** Meursius E-
 leusin. in c. 13 same with ^b ἱεροφάνη, who intiated them who desired to bee
 admitted into the societie of the superstitiously zealous (who
 after they were entered, were not under a yeare compleat,
 permitted to see their Bable) ^c Schol. Naz. ἱεροφάνη ὅρα τὸ πᾶν
 ἱεργὸν ἀποφαίνειν. Hierophanta so called from ἀποφαίνειν τὸ ἱεργόν, o-
 pening the holy things. Εἰσὶ δὲ οἱ ἱερεῖς. ^d The learned Bi-
 shop, upon that place of *Nazianzen*, notes that *Moses* among
 the *Israelites* was an *Hierophanta*, shewing unto them what
 they were to do in those sacred busineses. Πυρροδοί, they who
 lighted the fire of the Altar, whose office made them safe in
 warre and danger. Hence of bloody fight we say ἡ πύρροδος,
Ne ignifer quidem, there escaped not he that served at the Al-
 tar. ἱεροποιοί. The Priests in the *Great Mysteries*, tenne in
 number. Νεωκόροι whom ^e *Nicander* calls ζῆλοχοι from ἐκείν
 τὸ καλῶς ποιεῖν, to bee decent, because they kept the Temples
 cleane, and swept them as *Ion* in ^g *Euripides* speaks. These
 were the ναοφύλακες, whose charge it was to preferue that
 which was found in the Church, and to see that repaired
 which went to ruine, saies ^h *Aristotle*. And yet we read that
 the *Parasiti* did sometime look to the mending of it. There
 being a law enacted that what they laid out should bee resto-
 red againe. ἱερεῖς in ⁱ *Aristophanes* likewise termed ὡροποιοί.
 These are the Priests ever waiting on the Gods, ^k whose prai-
 ers the ancient required at their sacrifices; out of which they
 had a fee, ^l the trotters and skinnies, as the ^m *Ceryces* the
 tongues. And indeed there was no necessity, For there being
 tables in their Temples, as *Casaubon* teaches us, whereon they
 might lay their oblations, (& perhaps sometimes depart) of
 which the Priest according to his stomack did share. Well
 known to ⁿ *Aristop.* who relates the like of the Priest of *Esc-*
culapius. It was requisite to this function that they who un-
 dertook it should be sound both winde and limb, they being
 asked ἐν ἀφελείῃ before their creation, whether they were
 whole in every member: which ceremonie to haue beene
 used among holy ofders of latter daies is well knowne, their
 neighbours

Neighbors wiues bearing record, sayes ^a *Christianus*, that ^a In Aristotle they haue not taken into their societies *quid mutilum*. There were moreover shee Priests as the *Βασιλισταί*, in *Demosthenes*, ^b *Antiq. l. 1. c. 3.* and the *καυπόροι* whom in all things ^b *Dionysius Halicarnas-* *seus* compared to the vestall Nunnes.

CAP. IX.

De Sacrificiis.

THE father of Philosophie is of opinion that Sacrifices first began after the ancients had ended their harvest. For when being free from care, they found time for mirth and iollitie. In which they offered their first fruits called ἀπαρχαί, from whence ἀπαρχήναι is read generally to doe any sacrifice. Neither doth ἀνεγείνα import lesse. For ἐστὶν signifies the bend, or great chest of the garnet, wherein they laid up the harvest threshed and winnowed; ἀνεγν, the first or beginning, as if when they began to treasure up their store, they first of all liberally paid some devotion to their Gods. The Attick oblations, even to *Draco*, were nothing else but the earths beneficence, but before *Solons* age, burnt offering; who willed in his lawes, that they should be ἐκλεκτα ἱερῶα, chosen and selected sacrifices. The rites performed in them were not different from those in the daies of *Homer*, but somewhat reformed. It behoved them that would take in hand these holy things to purifie themselves some certaine daies before, ἐπεὶ περὶ μὴν ἡμερῶν ἀειδμὸν, the number of them is not set downe. I take ἀγνῶσθαι here to abstaine from carnall delights, *Tibull. - Discite ab aris Quos tulit hesternæ gaudia nocte Venus*) To which purpose *Theano* being asked when it might be lawfull for a woman, from the company of a man to goe to sacrifice; answered, from her owne at any time, but a stranger never. Being thus prepared they came and stood round the Altar, having with them a basket in which was the knife hid (covered

H

with

f In pace. p. 695. with flower and salt, in *Aristophanes* ἄλα, in *Hom.* ἄλοχύ) with which they cut the throat of the *victim*. Then they purified the Altar going about it with the right hand towards these ἄλοχύ- it. *Aristophanes*. Περιῖθι τὸ βωμὸν ταχὺς ὅτι δ' ἔξιά. This *lustration* was made with meale & holy water sprinkled thereon. This water is called ἡ χέρνις in which they quenched a firebrand taken from the Altar; with which they bedewed the standers by, accounting it a kinde of clensing. (Hence *ἡ χέρνις* βλάπτειν was forbidden him whom they took for a polluted and forlorne rogue.) Then they cast some of the flower on them. And having thus expiated, they cried out *ἦ τις τῶδε;* Who is here, to which they made reply, Πολλοὶ καὶ ἀγαθοί. Many and good. Then they prayed. *Hom.* Ἐξείης ἔστησαν εὐδμυτον πρὸ βωμὸν. Χερσίφατο δ' ἔπειτα, καὶ ἄλοχύτας ἀνέλοντο, τοῖσιν δ' ἡρώς μετὰ δ' ἔπειτα χεῖρας ἀνίσχον. Among the latter they spake with a loud voice εὐχόμεθα, before they began. Let us pray. Supplications ended they drew the *victim* so as (if it were to the Gods above) the head might looke upwards, which *Hom.* αὐτὸ ἔρῃεν. *Eust.* εἰ γὰρ τοῖς ἀνω ἔθουσιν ἀναχθῇ τὸ ἱερὸν πρὸς ἄνω, ὥς εἰς τὸ ἡρόν. If it were to the *Heroes* or *Demi-gods*, with his throat downewards. Then they slew him & skinned him, & cutting out the ** huck* shin-bones and hanch, they covered them with fat, which is called *κρίον* (hence the Gods of the heathen are deciphered by ** Nazianzen*, κρίον χαίροντες, reioycing in the fat) to the ende that they might burne all out in a great flame. *ἢ ὡς δ' αὖτε* ἄλοκαυτωθῶσι καὶ μηρὸς λαμπρῶ καπαρὲς χθόνος πυρὶ. For the Grecians accounted it unluckie if it did not so consume, and thought that it was not *καθιέρημα*: upon the *μηρὸς* they cast small peeces of flesh cut from every part of the beast, beginning with the shoulder (which is in Greek *ὤμος*) hence this is called *ὠμοδείον*. The reason *Eustathius* gives, ὥς δοκεῖν καὶ τὸ πρῶτον, ὅλα ἔτι τὰ μίση τὰ ἱερὰ κατὰ τὸν νόμον, that they might seeme to consume all, which the *Athenians* did not, being commanded by law to carry some of the sacrifice home. By reason

reason of which iniunction, they did so straine curtesy of their Gods, that the illiberall or niggardly sort of people would sell that which was left, and so make gaine of their devotion. ^h T^g ^b Th. Charac. ^{περὶ Ανελευσίας.}
^{μὲν ἱερεῖς πλὴν οὐκ ἰδόντες τὰ χρεῖα ἀποδιδόναι} saies *Theophrastus*, ^{είας.}
Where ⁱ *Casaubon* notes. *Coxam fere offerebant, aut intestina,*
aut aliud non magna rei persape. They offered the hanch bone ⁱ Pag. 336.
or the entrals, or somewhat of no great worth. Where by
entrals you are to understand the spleene, the liver, and the
heart, which *Homer* calls *σπλάγχνα*, for though the word bee
taken for the bowels, yet it signifies the heart too, in which
sense we say *ἀσπλάγχυνος* ^{ἀνὴρ}, a pusillanimous man, & *ἐυσπλά-*
γχυνος a couragious, as the ^a Scholiast of *Sophocles* teaches us, & ^d In *Aiacem*
¹⁰, *σπλάγχνα ἐλέως* the bowels of compassion. These the anci- ^{Lorarium.}
ents did divide among them at sacrifice to feed on, and after-
wards cut out the rest to roste. For when they had finished their
devotions, they let the reynes loose to all manner of voluptu-
ousnesse, gluttony, and drunkenesse. For oft times they left
nothing of their sacrifice, especially when they offered to *Ve-*
sta, whence the proverb, *Εἰς αὐτὴν θύειν*, is to eat up all, like the
Roman *Lari sacrificare*. To say that publikely they begun to
Vesta were more then I could well proue; but that they did
so is plaine. In their houses they had Altars, and so I supposed
once ^{αφ' ἑστίας ἀρχιδαν} to be taken, but this was done in *Liba-*
minibus, in their drink offerings, as he on ^b *Aristophanes*. As ^b Vide p. 582,
for their meat offerings it was required that they should bee
^c sound and without blemish, whether it were an ox, sheep, ^c Vide Pollu-
goat, swine, calfe: to sacrifice they simply termed *εἶρδεν* which ^{cem. l. i.}
our Latines haue interpreted fitly, *Facere*. ^d *Virgil*, *cum faciam* ^d In *Bucolicis*
vitula. Whose poverty was so great that hee could not afford
a sheep, or the like, they thought the Gods would bee well
pleased if he offered *Molas*, which the Greekes call ^e *θύλα-* ^e *Casaub. in*
^{ματα} *meale*, which by the richer was mingled with oyle and ^{Theop. p. 237}
wine, as the ^f Scholiast of *Aristoph.* The more wealthie in- ^f Pag. 701. D
steed of this did cast frankincense on the Altars. For the sacri-
fices of *Pallas* the tithes were set a part, as ^g *Demosthenes*. In ^g Pag. 378.
their

schol. Arist.
p. 304.

their oblations the μάγειροι or cookes gaue the $\frac{1}{10}$ part to the Prytanes. So ἀδεκάτῳ κοιλίᾳ, put for ἰσία where the Gods cannot haue their allowance. Schol. Aristop. on ἀδεκάτῳ κοιλίᾳ. Ἐδὸς δ' ἔχον τὰς δεκάτας τῶν θυομένων τοῖς Πρυτάνεσιν ἐι μάγειροι δίδοναι. Σίον δ' ἐπιπρὶν ἀδεκάτῳ τὸν ἔχον τὰ ἰσία, &c.

CAP. X.

De Anno Attico.

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

* Negat Peti-
sus Miscel l. 8.
p. 192. Petav.
affirmat.
M. Selden,
in Appar. ad
Græco Epoch
Chro.

* id est, The
fifteenth day
De D. Tem.
T. 1. p. 4.

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

not

Not truly known; by ^d *Petitus* delivered to be of D: 347. eve- ^d Eclog. Chr.
ry Month 29 D: except one, which like our February had but ^{P. 225. Petav.}
28 D: Every two yeares one Moneth was inserted, once of ^{goes not so}
29 D: another time of 28 D: But because in two yeares this ^{home. Lib. de}
^{* magnus annus} surpassed the Moone 15. D: itaq; *Tetracterida* ^{doct. Temp.}
^{fecerunt}. This consisted of 1445 D: 723. & 722. make 1445. So ^{each of these}
many daies 254. foure times doubled hath, if you please to ^{two yeares se-}
adjoyne 29. Of this sort of calculation doth hee understand ^{verally taken}
^f *Geminus*. Τὰς μὲν τετρακονθήμερος ἦσαν, τὰ δ' ἐμβολίμους παρ ^{tens, ioyned}
ἐνιαυτῶν. That must be fully understood, quoth hee, for they did ^{annus mag-}
number the Moneths as if they were 30 D: when notwithstanding ^{nus.}
they had but 29. & *Petavins* is otherwise conceited, who ^{e Loco laud.}
takes the Scholiast of *Aristophanes* in that sense, as meaning ^{f Elem. Astro.}
29 D: full ones, when indeed exactly taken according to ^{c. 8. p. 36.}
^h *Geminus* you may account 29. ^g ^h ⁱ ^{Ulpian}, εἰκοσιεννέα ^{La Auctario}
καὶ ἡμῶν 29. ^h ⁱ ^{Ulpian}, εἰκοσιεννέα ^{Loco citato}
Moneth was supposed 29 D. ^k *Theon*. Μὴν α' καὶ λέγεται, τὸν ἀπὸ ^{i In Arg O-}
σωδὸς Σελήνης καὶ Ἡλίου χεῖρον ἐπὶ σωδόν, ὅς ἐστιν ἡμερῶν καὶ ^{rat, contra}
But that the fragments were left out, the words are plaine, ^{And. p. 380.}
Επὶ δ' ἥρ' ποικίλων σωδῶν ἡμέρας ἀλάει, τ' ἐκ τ' νυκτὶς καὶ ἡμέρας ^{k In Arati Di-}
χεῖρον. τέτταρ' δ' τῶ μὲν ἐχῶντο πρὸς πῶς ἥρ' ποικίλων ἡμερῶν. ^{osm. p. 74.}
He meanes a day
the space of a night and a day, for according to such Moneths ^{a Geminus p.}
did they administer their civill affaires. And now it is in re- ^{38. Whom I}
quest among many of the Greekes. But of this enough. Soone ^{follow. Not ig-}
was the *Tetracteris* found faultie; therefore was made a Ka- ^{norant that}
lander of eight yeares, in which doubling eight times the dif- ^{Meton was}
ference of the Sunne, to wit, 11 D: ^{the first that}
made up three Months, ^{made the Ci-}
inserted every third, fift, and eighth yeare. But the scruples ^{cle of 19.}
comming short in sixteene yeares 3 D: they intercalated ^{years. Hence}
three. And seeing still they could not make it even, ^a *Eucte-* ^{Μέτωνος ἐπι-}
mon and *Philippus* made an Almanack for nineteene yeares, ^{ωπὶς Me-}
which by *Callippus* was produced to 76. Moneths 940. of ^{tans yeare is}
them 28. ἐμβολίμοι, ἢ δ' ἅπαντες ἐμβολίμων ὁμοίως ἐχρήσαντο, ^{put for a long}
Geminus. This was the progresse of their reformation. ^{time provet-}

But we must look back againe and consider that they counted their yeare two waies. First of ^b C C C L X, as hath been already spoken, next C C C L I I I I, when they made the Moneths interchangeably πλήρεις καὶ κούραι, full and deficient, that is, one 29. the other 30 daies, yet both Lunary. For that is proved Achir. p. 412. c. even by the names of their daies. The first, wherein the Moon appeared new, called by a *Synalapha* or contraction of the words νεαυμία. The second δατέα. The eight διχομήνια, or halfe full: the full πανσέλιω. The last τεταχός, ἀπ' αὐτῆς τῆ συμβαίνοντι, because that in the daies of *Thales Milesius*, ^d who was the author of that terme, the Moneth had 30, and no more, but ended, whence I suppose αἰὲν ἄνευ τεταχόσε, signifie the dead, the period of whose life hath beene come to. Though *Diogenian* giues other reasons. And by the way we must not thinke, that they had no regard to the courle of the Sunne; ^f sed tamen ut annus fieret Solaris, &c. But nevertheless that the yeare might be correspondent to the Sun, they put five daies, called ἐπαγόμεναι epacted, to the last Month *Scirophorion*, for the supplying of the defect. And so the yeare had 365 D: which was the true and iust measure. But hee might haue added, sometimes 366, by reason of that ^g which *Geminus* acknowledges the Greeks to haue reckoned, although they accounted their Moneths but 30 D. This is that ^a In Διοσημ. annus implicitus, which ^a *Aratus* stiles μέλαν ἐνιαυτὸν. To this point the Greeke Authors, telling the yeares by seed time. ^b In Antigon. ^b *Sophocles*--Εἰλομένων Ἀετῶν ἔπος εἰς ἑτῶ. For the ancients, p. 213. saies ^c *Theon*, took the yeare three waies, either by the Sunne; ^c In Aratum p. 78. or seasons; as spring, summer, autumn, winter, ^d (*Sophocles*. Εξ ἧρ' εἰς Ἀρκτῶν ἐμπίλους χεῖρας χειμῶν δ' ἦδη--) or thirdly ^d In Oedipo Tyran. p. 183 by the Moone: whose irregularity *Solon* is reported by ^e *Plutarch* first to haue marked. Observing therefore that shee on the same day overtooke and surpassed the Sun, ^f καὶ αὐτῆς ἡμέρας καὶ καταλαμβάνεσαν καὶ παρερχομένη καὶ ἡλιον, he caused that to be ^g *Laert.* in vit. called ἡ παλαιὰ καὶ νέα the old and new, because that remnant, which was before the coniunction, hee thought belonging to the

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

^c Gem. p. 32.
^d Laertius in
vita.

^e Pollux l. 1.

^f Petit. Eccl.
Chro. p. 215.

^a In Διοσημ.
p. 78.

^b In Antigon.
p. 213.

^c In Aratum
p. 78.

^d In Oedipo
Tyran. p. 183

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

^f Plutarch.

^g Laert. in vit.

the precedent Moneth, and that remnant which was after the conjunction, appertaining to the subsequent. (These peeces ^k Aratus calls συνώντων Μηνῶν τεύχεα) in which matter hee is thought to haue had Homer in sight, who in his *Odysses* termes the thirtieth day, as Didymus expounds it, Τῷ μὲν φθί-
νῳ μῶν, τῷ δ' ἰσχυρῶ. Where wee may note that then they had no μεσὺν, but counted from one to twelue in the ordinal numbers, used by ^k Demosthenes in one Oration, ἐν δέκα-
τῇ and δωδεκάτῃ ἑκατομβαιῶνος. Then putting the lesser to the greater they said τεῖτῃ ὅτῃ δέκα, τρίτῃ ὅτῃ δέκα, the third above
ten, the fourth upon tenne, and so to twentie, * But when at the one and twentieth day they perceaved the wane of the
Moone to be great, and the light almost lost, they changed the order and used δέκατῃ φθίνοντος, ἐννάτῃ, &c. the tenth of the de-
crease, the ninth of the decrease, and so to the twentie nine, δε-
κάτῃ φθίνοντος, the second of the decrease, or from the end, going lower in number stil, as the splendor of the Moon was dimini-
shed, but the thirtieth they call'd ἐν ἡμέρᾳ for the cause aboue. Here likewise they take the reason why the Moneth ending
was φθίνων. Ἐπεὶ δὲ φθίνειν ὥσπερ καὶ φθίρειται δοκεῖ τὰ φθῆτα. Be-
cause the daies and Moones doe as it were die, according to that of Horace. Novaq; pergunt interire Luna. ^m Macrobius,
quid aliud nisi illum φθίνοντα dicit, cuius paulatim deficientis supputatio in nomen definit secuturi: ὁ ἰσχυρὸν illum, qui praece-
dit numerum successurus priori in defectum meanti. Ἰσχυρὸς
standing to supply the place of the departing Moneth; fixed and still waiting untill the Moone shall haue iournied to the
compleating and ending of the precedent time. Thus the last day of our liues is said to stand. Virgil, ⁿ Stat sua cuiq; dies, as
unto which we must passe through all the rest, and once ap-
proach. Thus squared they their times and state matters to the Moone. Hence read we μῶν καὶ πόλιν ἄγειν, to count the
Moneth as they doe, who manage politick busineses, or belong-
ing to government. In which course they made their yeare
of CCCCIIII daies, which divided into ten parts make ten
times

^b In Diosem.
p. 125.
ⁱ Odyss. ξ.
pag. 164.

^k Contra Ti-
mocratem. p.
446. n. 39.

* Vide Plu-
tarch. loco
nuper laudat.

^l Vlpian in
Dem. p. 210.
^m Macrobius
Sat. l. 1. c. 16.

ⁿ Aeneid. 10.
p. 330.

^a Argum. O. Dem. contra Androt. pag. 380. times 35, which space each ^a *στυγαία* ruled in its turne, the foure that abounded were called *ἀρχαιρίαι*, in which they chose Magistrates, being for that time destitute of them. The yeare thus disposed, the Moneths must of necessity be *πῆρες* & *κοῖλοι* *σανι* & *πλεν*, as ^b *Geminus*. *Οἱ δὲ πρὸς τὴν πολιτικὴν ἀγωνίαν ὁλοκλήρως λαμβανόμενοι μνησάμενοι χρόνοι εἰσὶν ἡμερῶν καὶ ὥστε τὸ δέμιον γίνεσθαι ἡμερῶν 13, ὅθεν διὰ ταύτων τὴν αἰτίαν δεκάδ' ὅλιν μὲν ἀλλὰ ἀγὼν πῆρες & κοῖλοι. διὰ τὴν τὴν Σελεύω δέμιον ἡμερῶν 13. If a Moneth haue 29 D: ¹, two haue 59. Because there fore the two halves might bee made one whole, they so ordered it that now it should bee 29 D. then 30 D. The *Athenians* counted their day from the setting of the sun on this day, untill the going downe of the next. In respect to which ^d *Nicander* may be thought to say of noone sleep, -- *ἀκρίως δ' ἔδειν*. To take rest at the beginning of the even. I knowe that the ancients wrought but six houres in the day. ^e *Martial*, *sexta quies lassis septima finis erit*. Which ^e *In 11. ad a* ^f *Eustath* affirms in his Commentary on *Homer*. And therefore *καὶ τὴν ἡμέραν* fore Z. H. Θ. I. were the notes of the 7. 8. 9. 10. houres, which ^g *Catallub* in *Athen. p. 93* ¹. ^h *Chronol.* *Eclog.* ⁱ *In 4^o num.* 24. p. 264. ioynd unake *ζῆν*, as if they should haue said to the Laborers, *Rest*. The beginning of the yeare was *8 Hecatombæon*, *Iuly*, the eight, sies ^h *Petitus*. They ever accounting that to be the first Moneth. In which order I haue found them set downe in a ⁱ Manuscript in our publique Library, only *Μαμακτήριον* is to be put aboue *Pyaneption*.*

Roman.	Macedon.	Hebrew.	Egypt.	Hellen.	Athenian.
Ιανουάριος.	Λιγόκερος.	Σάβαρ.	Τυβί.	Αυλινάιος.	Ἑκαπρυβαιών.
Φεβρουάριος.	Ὑδροχόος.	Ἀβάρ.	Μαχαίρ'.	Περίγειος.	Μεταγεινιών.
Μάρτιος.	Ιχθύες.	Μεσαύ.	Φαωμάθ.	Δύσπος.	Βονδρομιών.
Ἀπρίλιος.	Κεῖος.	Ιαβ.	Φαρμυθί.	Ξανθικός.	Πυανεψιών.
Μάϊος.	Ταύρος.	Ψεδοναύ.	Παών.	Αρτεμίσιος.	Μαιμακτηριών.
Ἰούνιος.	Δίδυμος.	Θαμνί.	Παυνί.	Δάσιος.	Ποπδεών.
Ἰούλιος.	Καρκίνος.	Αβ'.	Επρί.	Πάνικος.	Γαμηλιών.
Αυγύστης.	Λέων.	Βέλ.	Μεσενί.	Λῶος.	Ανδισιειών.

Σεπτεμβριος.	Παρθενος.	Θεοεί.	Θυσία.	Τορπαιος.	Ελαφβολιών.
Οκτωβριος.	Ζυγός.	Μερισά.	Φαωρί.	Υπερβελαιος.	Μενυχών.
Νοέμβριος.	Σιλοπίος.	Καλιβ.	Αθύνει.	Δίος.	Θαργηλιών.
Δεκέμβριος.	Τοξότης.	Τιβηθ.	Χοιράκ.	Απολλαι.	Σχιρροφειών.

In which table although *Hecatombæon* bee compared to the *Julian* Moneth *January*, yet it appeares not that *Hecatombæon* was ever foremoued out of his place, as ^a *Petitus* will haue it, *Epiphanius* contradicting, of which by and by. Indeed whe the Christians in honour of their Easter began the yeare in April, they called April *Hecatombæon*, as ^b he himselfe testifies. But that *Hecatombæon* was alwaies the first Moneth is not probable. For when the *Athenians* under the dominion of *Alexander* the Great's successors changed the head of the yeare from *Iuly* to the seaventh of *October* it is like that they began at *Mamæcteron* according to this ^c rule,

Μαμακτηριών.
Ποσειδεών.
Γαμηλιών.
Αθηναιών.
Ελαφβολιών.
Μενυχών.
Θαργηλιών.
Σχιρροφειών.
Εκατομβαιών.
Μεταγεινιών.
Βανδρομιών.
Πυανεμιών.

^a Ex MS. Biblioth. Bodleianæ in 8^o. n. 8.

^d Certaine it is that the same *Attick* Moneths are sometimes ^d *Vide Petav.* Lunary, and sometimes not, but of 30 D: or *Julian*. When ⁱⁿ *Epiphan.* they are Lunary they haue no sure feat, but are now at this ^{p. 138.} time, then at another. And this hath been the reason why the same Moneths haue not beene suted to the *Julian*, by writers.

e Pag. 21. *Ulpian* on *Demosthenes* parallels *Hecatombaon* to ^e *January*,
 f Pag. 163. & in the Oration for *Ctesiphon*, to *March*, and againe to ^f *A-*
 g In *Olynth*. 3 *pril*. & *March* he calles *Boedromion*, which also he interprets
 h Pag. 148. ^h *June*. *Elaphebolion* ⁱ *November*, ^k *September* (in the margin
 i Pag. 140. *February*) and ^l *December*. ^m *Thargelion*, *April*. *Munychion*
 k Pag. 167. *January*. *Scirophorion*, *March*. Which errors are cursorily no-
 l Pag. 120. ted by ⁿ *Petie* in part, to no great satisfaction. But when by
 m Pag. 167. the decree of *Augustus*, *Caesar* they were charged to conform
 n Eclog. Chr. their yeare to the *Julian*, they ^o thus numbred.
 o l. c. 6. p. 213
 p Vide *Petav.*
 in *Epiphan.*
 pag. 139.

Menses Attici. Menses Iuliani

Ελαφιβολιών.	<i>March.</i>
Μανυχών.	<i>April.</i>
Θαρήναιών.	<i>May.</i>
Σκιρροφοριών.	<i>June.</i>
Ἑκατομβαιών.	<i>July.</i>
Μεταγεινιών.	<i>August.</i>
Βοηδρομιών.	<i>September.</i>
Μαιμακτιών.	<i>October.</i>
Πυανεσιών.	<i>November.</i>
Ποσειδεών.	<i>December.</i>
Γαμηλιών.	<i>January.</i>
Ανδესιαιών.	<i>February.</i>

But of this, so much only. Wee must handle their *Lunatic*
 yeare because according to them were their feasts kept. From
 a *Aristoph.* p. whence sometimes they would count, as ^a *ποσῶτον χῆδον ἐκ Δι-*
 206. c. *ενυσίων*. So much and as long since the *Bacchanals*; speaking of
 the age of a girle. For a more compendious way of compre-
 hending their holy daies view this Almanack.

Hecatombaon. Iuly.

1. Πρώτη ἡμέρα. Πρυτανεία πρώτη.
2. Τεῖς.
3. Τετάρτη.
4. Πέμπτη.

- 5 ΕΚΤΗ. *Καὶ δοθέντος* *Θησίου* *εἰς Ἀθῶνας*. Kept in memory of
6 ΕΒΔΟΜΗ. the returne of *Theseus* out of *Greet*, after he had
7 * ΟΥΔΩΝ. slayne the *Minotaure*. *Plutarch*. The solemn- *In vita p. 12*
8 ΕΒΔΩΤΗ. tie *Ovid* seemes to describe: *Nullus Erechthidis* *Metamorp.*
9 ΔΕΥΑΤΗ. *fertur celebratio illo Illuxisse dies*, &c. the eight *l. 7. Fab. 23.*
day of every Month was sacred to him. He had *Vide illum di-*
also a festivall called *Theseia*, in honour of gathe- *ligenter. Nam*
ring together the disperfed people of *Attica*. *erit operæ*
10 *πρώτη μετ' ἑνὶ*. *pretium.*
11 ΔΩΔΕΚΑ. Κυρία Ἐκκλησία. *d Pag. 446.*
12 ΤΡΙΤΗ. Κρήνια. Of these, as also of the day, speaks *contra Timo-*
13 Τετάρτη. *d Demosthenes*. Then did the Masters wait on *cratem.*
14 Πρώτη. their servants, as in the Roman Saturnals. *e In Annalib.*
15 * ΕΚΤΗ. *L. Accius. Maxima pars Graium Saturno,* *vide Macrobi.*
16 ΕΒΔΩΜΗ. & maxime *Athena Conficiunt sacra, quæ* *Satur. l. 1. c. 7.*
17 ΟΥΔΩΝ. *Cronia esse iterantur ab illis, Cumq; diē celo-* *versus finem.*
18 ΕΒΔΩΤΗ. *brant, per agros, urbesq; fere omnes Exercent* ** Then were*
19 ΕΙΧΑΣ. *epulis lati, famulosq; procurant Quisq; suos.* *kept the*
20 ΔΕΥΑΤΗ Φθινόπωρος. Κυρία Ἐκκλησία. Hence was *Μετοίχια in*
21 ΕΒΔΩΤΗ. this Moneth called by the ancient *Atheni-* *memoriall of*
22 ΟΥΔΩΝ *ans, Κρήνια*; afterward *Hecatombæon*, from *their transmi-*
23 ΕΒΔΩΜΗ. *ἐχάπτεκα*, sacrifices to *Jupiter* or *Apollo*, as *gration. Plur.*
24 ΕΚΤΗ. some think with the bloud of an hundred *p. 8. l. 9. By*
25 Πρώτη. beasts: For so were they profuse in their fa- *some it is ter-*
26 Τετάρτη. crifices. *f Ovid. Taurorum sanguine centum;* *med ζωόχια*
27 * ΤΡΙΤΗ Παναθηναία. *g The Scholiast of Homer* *Aristop. pag.*
28 ΔΩΔΕΚΑ. sayes that *Hecatombe* may be used for five & *700. Plut. ini-*
29 * *Ενν χύεα* twenty beasts, whose feet make up the num- *tio Them.*
ber of an hundred, *ἀπὸ ἧς ἐχάπτεκάστων, ὃ ὅστιν ἐξ εἰκοπέντε*
ζώων.

* To *Minerva* the protectresse of their citie, as hath beene *In vita p. 8.*
before said, instituted by *Theseus*, as *Plutarch*. *χὶ παναθηναία* *l. 8.*

Δυσίαν ἐπὶ νόσῳ κοινῶς. At first they had the name Ἀθλῶναι, by *Erichonius*, or *Orpheus*. In the time of solemnization there were rare shews exhibited to the people, such as horse races, wrestling, dancing in armour, called πυρρῖκον, from *Pyrrhus* that invented it; Then carrying in procession the *Peplus*, or robe, in which was wrought the fight of the *Gyants*. All which you may read in *Meursius* at large, and *Aristophanes* his scholiast.

In Panathe-
nais.

h Pag. 140.

197. 180. 181

467. 580. 650

246.

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

Metagitnion. August.

From the sacrifices of *Apollo*, called Μεταγίτνιον.

1 Κυεῖα ἐκκλῆσια. γ.

2

3

4 Κυεῖα ἐκκλῆσια. δ.

5

6

7 Πρωταῖα δευτέρα.

8

9

10

11

12

13

14

15

16

17 Κυεῖα ἐκκλῆσια. ε.

18

19

20

21

- 22
23
24
25
26 Κυρία Ἐκκλησία. β.
27
28
29
30

* Boedromion September.

- 1
2 Νίκη ἐν Πλαταιαῖς. When Pausanias and Aristi-
3 des overthrew Mardonius, Xerxes his Generall neare
4 Platae, a citie of Boeotia, ^a Herodotus, ^b Justin.
5 Νίκη ἐν Μαραθῶνι Miltiades leader of the Attick
6 Κυρία Ἐκκλησία. γ. forces got the upper hand of
7 the Persians. In which battle
8 when Cynagirus pursued the
9 Κυρία Ἐκκλησία. δ. flying enemies to their ships,
10 he caught hold of one with his
11 * Χαριτήρια Ελευθερίας. right hand, which lost, he made
12 use of his left; that cut off, he in
13 token of his prowesse spared
14 not his teeth, to the eternizing of his name for valour
15 against his enemies.
16 * Αγυρμος Μυθήρια.
17 * In thankfulness for the delivery of Greece, at what
18 time Darius and his Fleet went homeward. ^b Aristi-
19 des describes the ioy at full, and the erecting of an Altar
20 to Iupiter that freed them.
21 * The greater in which they were made ^c ἐπόων, or
admitted to the sight of that they worshipped. The first
day was called ἀγυρμός, perhaps from the conflux of the

* From this
moneth came
the feastis Bo-
edromia, from
Theseus over-
throwing the
Amazons.
Plut. p. 9. or
Ion helping
the Athenians
against Eu-
molpus. Bon-
δρουμεν to aid
because in ne-
ce they they
made a cry.
Aristophan.
Bolan Isaac.
Lucian.
δὴν ἀλῆσαι.
Latini Quiri-
tari, hence
help came in.
a Calliop. p.
234. b. lib. 3.
b Tom. 1. pag.
257. see Plut.
in Aristid. p.
241.
c Sch. Aristop.
pag. 247.

Here I look on
Meursius for

brevities sake
but if you

please to read
severally, see

Aristoph. Sch.
p. 35. 98. 131

138. 455.
529. 647. 142

218. 227. 228
231. 233. 217

262. 264. 516
Aristid. T. 1.

p. 323. Clem.
Alex in Pro-

trep. p. 10.

22 * Κυρία ἑκκλησία. α.

23 warned them to goe to the sea. The third day they sa-

24 crificed a Barble, because it devoures the sea hare, an eni-

25 mie to man. The fourth, two Oxen drew a basket re-

26 presenting Proserpine gathering flowres, which wo-

27 men following cried χαῖρε Δήμητερ, Haile Ceres. The

28 fift they ranne with torches. Hence λαμπάδωρ ἡμέρα, and

29 λαμπάδωρ ἡμέρα. The sixt Bacchus was carried in pomp.

Hence is it termed τεύχε. The 7th day they exercised in feats

of activity & he that overcame had wheat give him. The 8th

was Epidauria from Esculapius his comming frō Epidaurus

to Athens to be initiated. In the ninth they filled two mea-

sures of corne, and setting one at East and the other at West,

they powred them out, one looking to heaven and crying ἦ,

the other to the ground, saying, πῦρ. Thus Meursius. That

day was πλεμωγή.

The second of this Moneth was left out ever, saies a Plu-

tarch, instead of which some are perswaded, the name onely

was omitted, as τεύχε for τεύχη, which was recompenced by

ἐνδεκάτη φθιγοντος, or ἰσαμεία, as in a defectiue Moneth δεκάτη

φθιγοντος, for the twentie. Of this iudgement is the ^b worthie

Petavius.

* Pyanepsion. October.

This moneth tooke denomination from the feasts Pyanep-

sia. For mingling the remainder of their food after their ari-

ving, they put it into one pot, and seething it, were Ioviall al-

together at the same.

1 Κυρία ἑκκλησία. β.

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6 After that *Theseus* had buried his father,
 7 Πυανέψια. he paid the vow made at *Delos*, to wit, if
 8 he returned safe from the death of the *Minotaurus*, hee
 9 would sacrifice unto him a pot of sodden beanes. Hence
 10 πυανέψια, as it were, κωαμέψια. For the antiques called
 11 Αιοδος εἰς τὰ θεσμοφóεια. [beanes πνάμους.
 12 Κυρία ἐκκλησία. γ.

13
 14 Θεσμοφóεια. ^c *Plantus* calls this festivall *vigilias* ^c In *Aulularia*
 15 *Cereris*, which the *Attick* Dames
 16 kept most sober and chaste, stroweing their beds with co-
 17 nyza for that purpose, it being an enimie to lust. They
 18 Πρυτανεία. δ. their liquor freely. The number
 19 of daies were three allotted, as
 20 some, or foure, as others. When *Castellanus* saies that
 21 *Ovid* makes them nine, is false; for that was the *Myste-*
 22 *ria*, as we aboue haue shewne. They were done in ho-
 23 nour to *Ceres*, that gaue lawes first, as shee is termed Δι-
 24 μίτης θεσμοφóρος. Of these you may read ^d *Aristophanes* ^d Pag. 611.
 and his Scholiast. 770. 782.

25 *Απαύξια. Kept this moneth. When the Parents 783. 819. 820
 26 brought their children to their Tribes, to be enrolled, I 829.
 27 suppose for feare of deceit in patrimonies. Then they
 28 Κυρία ἐκκλησία. α. made merry for foure daies.
 29 The first was Δορπία. The se-
 30 cond Ανάρρυς. The third Κυρεῶνς. The fourth, Επείδα.
 Καλκεία. In honour to *Minerva*. ^f *Maurusius* tea- ^f *Græcia* Fe-
 ches us that they were celebrated the ^f *ria*. l. i.
 17 of this moneth, but *Petitus* hath
 thus placed them.

Mamæsterion. November.

This moneth is to be placed before *Pyænepsion*, as I have above given notice, but in this Almanack I follow *Petitus*, who hath set it, though much against the opinion of other learned: as *M. Selden*, *Petavins* and others, whom I would haue you Reader to accept as for most approved.

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7	<i>Κυρία Εὐχέλνια.</i>	
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17	<i>Κυρία Εὐχέλνια.</i>	<i>Plutarch</i> in the life of <i>Aristides</i> , saies that the <i>Beotians</i> , nay and <i>Greekes</i> send yearely some to sacrifice to the memory of those that died at <i>Plataea</i> , and every five yeare they haue great pastimes, which hee sets downe the manner of.
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23	<i>Ποσειδώνια.</i>	This moneth is derived from <i>Iupiter Mamætes</i> : for I suppose they first found Gods, afterward festiyals to them. Not the moneths first, and then named the Gods from them.
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Posideon. December.

From Neptune, who is Posidon. For the first day of this moneth was sacred to him, as ^b Casaubon. Hence hee thinks it ^b In Theophr. Char. ult.

1 From the marriage made by Ceres, of which you may read in Theophr. 2 For we have looked and more you may read in Theophr. 3 That moneth wherein this people con-

4 Κυρία Ἐκκλησία. α. Dionysia τὰ καὶ ἀγῆς. Without the citie, It 5 Ἀλώα. seemes when they had gathered in vintage 6 and pressed their grapes. Ἀλὼν Torcular. Then were they 7 most jocund, as may appeare out of that. Like the voice of 8 them that tread the wine presse, and in ^c Oppian. ὀκλῶσα ^c Κωμῶ. 9 χαίρειν. On which words ^d Conradus Rittarus takes v. 127. 10 Ἀλωαὶν to be Ianuary. ^d Pagina. 11.

11 12 13 Κυρία Ἐκκλησία. β.

14 15 16 Ἀλῶα. A feast to Ceres. The day doubtfull. ^e Demosten. e Pag. 743

17 18 19 20 21 22 23 Κυρία Ἐκκλησία. γ.

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26 Κυεῖα ἐκκλησίᾳ. δ.

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29 Πρυτανείᾳ. ε.

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Gamelion. January.

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

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9 Κυεῖα ἐκκλησίᾳ. α.

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18 Κυεῖα ἐκκλησίᾳ. β.

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28 Κυρία ἐκκλησία. γ.

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Antheſterion. February.

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2 Κυρία ἐκκλησία. δ.

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5 Πρυτανεία. ζ.

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11 Ἀνθεστηρία. Kept in great mirth for three daies in of this year
the honour of *Bacchus*. The first *Πιδισία* may see Ari-
12 from *πίδος* the tubs, and *ῥίγειν*, to open, for at the broa- stroph. p. 293.
13 ching of their vessells they drunk stiffely. The second 417. 419.
14 *χοῶ* from *Chus*, a good capacious vessell. In this he that 422. 222.
15 *Κυρία ἐκκλησία. α.* could drink down the rest The day was
of his companions had a called *χῦς* see
16 golden crowne. The third *χῦς*, I suppose different likewise, but
17 from *χῦς*. From this Festivall the moneth is named. not in the
18 The twelfth of which *Dionysia* in *Limnis* were kept, sense spoken.
19 called *μεγάλα & ἀχαῖα*. The 13th were acted Comœ-
20 dies, begun the 3^d yeare of the 93 Olympiad, when a In Terent.
21 *Callias* was *Archon*. But after they were taught as a Do- p. 289.
22 nat and b *Vlrian* witnesse, and c *Aristophanes*, δτε πᾶσι θ p. 184.
23 *σωτῆρες ὅτι δὲ μὲν τὰ κινὰ δέμας βλέπειν*, saies one. c Pag. 143.

24 Κυρία ἐκκλησία. β.

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Elaphebolion. March.

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4 Κυρία ἐκκλησία. γ.

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7 Θυσία Ἀσκληπιάγ. Κυρία ἐκκλησία. δ.

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10 Πρυτανεία. η̄.

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c Contra
Cicaphont.

16 Διονύσια. τὰ καὶ ἀγν.

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20 Κυρία ἐκκλησία. α.

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29 Κυρία ἐκκλησία. β.

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

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Κυρία ἐκκλησία. γ.

Κυρία ἐκκλησία δ.

Μυνύχια. Πρυτανεία εἰσάτη.

Munychia were
observed to Dia-

na, who was so called, and had a Temple in Munychia,
by Athens. The moneth beares the name. In this
moneth were the causes of strangers iudged. ^a Arist. Sc.

^a Avib. p. 609.
^b Pag. 150.

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

174.
Ismen. Sc.
Isml. 1.

Κυρία ἐκκλησία. α.

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5 Κυρία ἑκκλησία β.

6 *Θαρδύλεια*. To *Apollo* and *Diana*; holding it to be their na-
 7 tivitie. On this day did they expiate for the sinnes of the
 8 people. For they were wont to nourish some base men,
 9 and of no account, at the publique charge whom in time
 10 of pestilence, or the like they sacrificed for the sinnes of

^a In Equites
 pag. 353.

^b In Ranis.

11 the citie, Two in number, saies the ^a Scholiast of *Ari-*
 12 *stophanes*, whence they were called *δουῖοι*: but more
 13 properly *καθάρματα* & *φαρμακοί*, ^b *Aristophanes*.

14

15 Κυρία ἑκκλησία γ.

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18 Κυρία ἑκκλησία δ.

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20 *Βενθίλεια*. To *Diana*, who by the *Thracians* is
 named *βένδης*.

21 *Παραθιώα μικρά*. Not much different from
 the greater. See *Mourfins*.

22 *Κατωτήρια*. *Πρυτανεία*. i.

23

24 *Πλειωτήρια*. *Petitus* places it on the 24 day, o-
 thers will haue it the 25. To *Miner-*

25 *va*, on which they take off the ornaments of her statue,
 26 and wash it I suppose, ^c *Plutarch*, ^d *Xenophon*.

^c Pag. 152.

^d *Επιμ. α.*

p. 259.

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Scirropharion.

Scirrophoria. June.

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Σκίρα. To Minerva, from σκίρα, a Canopie, under which her Priests did walke in pomp at that time: or from the statue of Minerva found in Scirus.

* Schol. Aristoph,

c Pag. 497.

Βεφονία. It was not lawfull anciently to kill an Oxe: wherefore when one had slaine that beast eating the meale provided for the sacrifice, hee slew him and fled, in memory of which this day was kept. Afterward they did mitigate the Law, and gaue licence to butcher an Oxe, so that hee was not for the plough. To which ^d Iuvenal may allude. *Vt vetulus bos*

725.

^d Satyr. 10. v. 268.

Κυρία ἐκκλησία. γ. *Quis domini cultris tenuet & miserabile collum Præbet, ab invito iam fastiditus aratro.*

Κυρία ἐκκλησία. δ.

Πρυτανεία. ἡ φυλὴ τεσσάρτη, &c.

Where Petrus makes the foure first Tribes to governe each his day, on those foure that abounded about the yeare, * Sigonius seemes to agree, and * Manfianus ap-

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

proues

* De Doct. proues it. Neither is it misliked by * Petavio. * Scaliger hath
 Temp. l. 2. c. 1. falsely taught us otherwise, who makes each Prytaneia to rule,
 * De emend. 36 daies, which none ever are to haue done, except the first
 Tem. lib. 1. foure.

CAP. XI.

De Tragœdiâ, Satyricâ, & Comœdiâ.

IT is taken for grant among the Ancients, that *Homer*, who
 lived ^a 977 yeares before Christ, was the first that taught
^a Vid. Can. Chro. ad Gr. Epoch. Mar. Arund. p. 97. ^b Hermog. de Eloq. Meth. p. 561. c. 33. Bu-
^b *πραγματικῶς λέγειν*, to speake in Tragœdie; comprehending great
 and weighty matters in few words and very concisely, being
 more large and using circumlocution in matters of lesse con-
 sequence, which *Hermogenes* acknowledges to bee the pro-
 perty of a Tragœdian. This foundation being laid, following
 ages still built (though rudely) a structure to small perfection.
 Nam post illius tale tantumq; documentum, &c. saies ^c Donar.
 For after that *Homer* by the *Iliads* had represented a Tragœ-
 die, by the *Odyssea* a Comœdie, most ingenious imitators took
 those Poems and set them in order, and divided them, which
 at that time were inconsideratly, & without iudgement writ-
 ten, impolishd, and in the first rudiments not so neat and trim,
 as in proesse of time they were made. For Poesie was a great
 while in her minoritie, and very rude, after the first publish-
 ing of plaies. For we see little or nothing of ^d *Susarion*, the first
 Comœdian, worth our time: some few verses only, & so few
 as may but witnesse such an Author. The originall of the
 word Comœdie is supposed to be taken from divers reasons:
 First, because in their revelling, kept in honour to *Bacchus*,
 they sung them, and so it may be derived from *κῶμος*, *commes-*
^e *satia*; ^e *κῶμος* *ἔστιν*, signifying *μὲν μέδουσ αἰχρῶς ἀδελν*, to sing basely
 at the cup. Secondly from *κῶμος*, sleep; because when any of
 the Attick husbandmen had been injured, it was the custome
 (as before hath been spoken) for the party abused, to come in
 the

the night season into the streets, and with a loud voice cry, such and such reioyce in wrong, and commit such outrages, though there be Gods and Lawes. And after that, proclaimed the parties name, who on the morrow was sought out by the husbandmen and much shamed; by which these wrongs were redressed. Thirdly from κῶμῳ, a street, because when the old Athenians would note a wicked mans life out to the world, meeting merrily in the streets and high waies, they laid open every mans life, and concealed not his name, ^f *In vicos & compita ex omnibus locis lati, alacresq; veniebant: ibiq; cum nominibus singulorum vitam publicabant.* These verses were first sung in the greene Meddowes, ^h about the beginning of the spring; When the husbandmen kept the festivals of *Bacchus* the God of Wine, to whom they sacrificed a Goat, because his biting is an enemy to the vine, the skin of which they took and sowed up close, filled with wine, and anointed it with oyle to make it slippery, and so hopped with one leg upon it, making themselves laughter at the falls they often took. This sport they call ἀσ κωλιάζεν from ἀσκις a skin and ἀλλεδαι, to leap, ⁱ *Aristophanes.* Ασκωλιάζ' ἐνταῦθα πρὸς τὴν ἀλ-
λειαν. ^k *Virgil* hath fitly set it out.

^f Donatus de Tra. & Com.
^g Idem ibid.
^h In Synopsi vitæ Aristop.
Th. Magister.

ⁱ Plut. p. 108.
^k Geor. 2. p. 71.

Non aliam ob culpam Baccho caper omnibus aris

Caditur, & veteres ineunt proscennia ludi:

Premiaq; lingentes Pagos & compita circum

Theſeida posuere: atq; inter pocula lati

Mollibus in pratis unctos saliere per utres.

^l Hsa. Tzetzes in Proleg. ad Poetas, interprets κῶμῳ, μέλισσα χορεία

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

^m In Epictet. p. 95.
ⁿ *Ælian.* Var. l. 2. c. 11.

that

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

*Ignotum tragica genus invenisse camena
Dicitur, & plaustris vexisse poemata Thespis.
Quæ canerent agerentq; peruncti facibus ora.*

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

I avouch that at the first the Poets acted alone their owne Fables; And to me it seemes a ground for to stand on, the Greek Authors by the word *ὑποκριτής*, intimating a Poet. *ὁ ὑποκριτής ὑποκριτής*, &c. The ancients, saies *Vlpian*, called the Poets *Hypocritas actors*, which we now terme *Tragedi*, such as *Euripides*, *Aristophanes*, &c. The place in which they sung their Poems, was a Scene upon a waine drawne in procession to the honour of their God *Bacchus*, as among the *Greekes* the custome was, saies the Scholiast of *Nazianzen*. Of the manner in those ancient times, *Plutarch* shall thus informe you.

Ἀμφοτέρῳ δὲ οἶνον καὶ κληματίαν, &c. A pot of wine and a vine twig, then one drawing a Goat, next another with a basket of figs, and last of all the *Phallus*. In which solemnitie the Poets in waines following the pomp, might without controule laugh, scorne, and deride any they met, saies *Dionysius Halicarnassensis*,

*Athen. l. 3.
p. 90.
p. Ad Marm.
Arund*

*Laert. in
Solone. p.
40.*

*In Horatii
Poeticen.*

*Schol. Arist.
p. 142.*

*In Demost.
p. 40.*

*Stel β pag.
107.*

*ἡ ἐπιφύλαξις
p. 343.*

*Antiq. Rom.
l. 7.*

same; or were wont, as the Schol. of Nazian. to rayle upon y^e Loco laud. each other. whence *πυμπάειν*, is as much as to convitiate impudently, (though in a good sense sometimes ^z to celebrate the pomp, or goe in procession in honour to the festivall) and ^a *πυμπεία*, a scandall or reproach, *ὕβρις, λοιδορία*. Whence likewise came the Greek proverb, ^b *ὡς ἐξ ἀμάξης λαβεῖν, tanquam ex plauastro loqui*, and ^c *ὡς ἐξ ἀμάξης ὑβρίζειν, tanquam ex plauastro convitiari*, to giue reines to the tongue, to be free in abuse. Which that they might doe the better without shame, or blushing, sometimes would they anoint their faces *amurca*, *olei face*, with the dregs of oyle, saies *Donat*, or of wine (for so I interpret *πύρα*) from which Poets by ^d *Aristophanes* are called *πυρροδαίμονες*. *Horace--Peruncti facibus ora*. Sometimes would they put on vizards, ^e which least they should hurt the head, were defended from the skinne with a wollen cap, named *πλίδιον*. A word elegantly used by ^f *Demosthenes*, in a Metaphor drawne from the liberty and impunitie of the persons that wore it. *οὐκ οἶμι δίκῳ δώπειν πλικέτων καὶ πύρετων ἀδικημάτων καὶ πλίδιον λαβὼν ἐπὶ τῷ κεφαλῷ*. Thinke not to escape scot-free for such villanie, though you get a *pileum* on your head. We may apply it in threatning to any slanderer, of whom we surely intend to be revenged. But I seeme to forget the Poet, while I speake of the stage, I will therefore returne to him. *Thespis*, as I said, was the first that invented Tragoedies; so called, as *Donat* tels, because (least there should be rewards wanting, by which good wits might be stirred up to write, and men encouraged to get them tunable voices *ad dulcedinem commendationis*) they gaue the Actors a Goat. *Caper namq; pro dono his dabatur. τέρψ* is a Goat, and *ῥή* a song. *Horace, Carmine qui Tragico vilem certavit ob hircum*. Before that time some say that *Epigenes* the Sicyonian made Tragoedies, but the most receaved opinion is this which *Horace* hath set downe of *Thespis*. Before him there was no art of poesie Tragical, but at their festivals, when they ascribed all their mirth and delight to their Gods, they did it especial-

^z Hermog. Meth. de Eloquentia, c. 2. p. 519.

^a Dem. pro Coron. p. 134

^b Schol. Arist. p. 142.

^c Vlpian. in loc. cit. Dem.

^d Nubibus p. 141.

^e Vlpian. in Dem p. 254.

^f De falsa Legatione.

ly to *Bacchus* (and so afterward, when Actors are called *Διο-
 8 Orat. πύριος πύριος*), and *πύριος* simply by *Demosthenes*, by *Donat*
eg. p. 242 *Artifices*. The word is used for Juglers, and such as *Hokus Po-*
h Charact. vi. *kus* in *Theophrastus*) they would feast, and afterward scoffe
Casaub. and deride each other, which grew afterward a part of their
solemnitie. They would moreover dance at rude Musick, and
from thence suppose they the *Chorus* to haue sprung up.
They would likewise cast forth *ἄποκατάσταλα*, as they terme
9 Georg. 2. them, in *Virgil's* language, *versus incomptos*, *10 Numeros innu-*
11 Casaub. de *meros eo tempore fundi solitos & sine arte*. For they had of old
Sat. Poet. l. 1. but two sorts of verses, *Heroicks*, in which they sung the
praise of Gods and Noble men, and from this in a short time,
with smale care grew a *Tragœdie*; the other sort was *Iam-*
12 Casaub. ib. *bicks* as toying and lascivious as the *Phallica*, but biting too, &
from hence came a *Comœdie*. At first small was the diffe-
rence betweene a *Tragœdie* and *Comœdie*, *13 constat sane, pri-*
mis temporibus ignoratum fuisse discrimen inter Tragœdiam &
Comœdiam, and the reason is, because even *Tragœdies* had
their wantonnesse and petulancie. At first they sung in ho-
nour to *Bacchus Dithyrambicks*, and afterwards neglecting
him they praised their Demi-gods, which when the people
saw they cryed downe, with *Οὐδὲν ὡς Διόνυσος*, whence
our proverbiall adverb is fitly used *ἀνεγασθόντως*, for nothing
to the purpose. But to giue content to the people, the *Satyres*
did *preludere*. But after that, when a *Tragœdie* tooke state
they excluded the *Satyres*, and were only for sad and serious
persons; by which mournfull poëms the people were wont
to be cast down, sympathizing with the person represented,
therefore to cheere them a *Chorus* of wanton *Satyres* were
brought in by *Thespis* as *14 Horace*.

*15 De arte
 Poet.*

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

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

persons are Satyrick and ridiculous, and for the easing of the
 mindes of the spectators, they would bring in Satyres for
 sports sake; and many of their Tragœdies had some mixture
 of Satyrick sport, saies ^a Casaubon. *Fuisse aliquando pluribus* ^{n P 129 de}
Tragicis Dramatis interjectas Satyricas fabulas. Of this I say ^{See Poeti.}
Theſpis was the first inventer, who likewise to ease the *Chœ-*
rus (^o for that acted only) brought one actor upon the stage, ^{q Inert. p. 210}
 to whom *Æschylus* added one, and *Sophocles* another, so the
 number was three, *Æschylus*'s is *ἀδελφωσις*, *Sophocles* his
σοφιστής, a word put for an obscure & base fellow in ^{p De- p 184.}
mosthenes, *Vlpian*, *ὡς ἀδελφωσις* τὸ καὶ σοφιστής, speaking of
Æschines, if I remember. *Tully* calls them Actors *secundarū*
& tertiarum partium. ^q *Ut in actoribus Græcis fieri videmus,* ^{q In divinat.}
sæpe illum qui secundarum & tertiarum partium, cum possit ali-
quanto clarius dicere, quam ipse primarum, multum summitte-
re, ut ille princeps quam maxime excellat. But let mee speake
 what I have to say of a Tragœdie. ^a None was permitted
 once to act *Æschylus*, *Euripides*, or *Sophocles* his Tragœdies, ^{a Plutarch. in}
 but they were to bee recited by the Scribe, that the Actors ^{vita X Rhet.}
 might (as I conceive) repeat them. *τὸν δὲ πῶτος γεγραμμένα*
ἀναμνήσκων τοῖς ἀποκειμένοις, ἐκ ἐστῆαι ὅ αὐτὸς ἀποκει-
νέσθαι. And to this purpose by a law of *Lycurgus* the Oratour
 were they commanded to be transcribed, and kept under cu-
 stodie ἐν κοινῷ. Yet the ^b Author of the life of *Æschylus* ^{b Iuxta finem}
 writes, that the people made a decree, that he should receive
 such a summe of gold, that would *διδάσκειν* the plaies of *Æs-*
chylus after his death. I put the word *διδάσκειν*, *docere.* Because
 Tragœdians as well as the Comœdians were said *εἰς διδασχὴν*
ὡν ἀεσθῆεν ἐργαζόμενοι, to labour in teaching the people. And
 for this end did the ancients lay out so much mony upon their
 Theaters. ^c *Sed immane quos quantosq; sumptus, in Theatra,* ^{c Heinſius}
in Comœdiarum ac Tragœdiarum representationem fecerit an- ^{Poleg ad A-}
tiquitas. Cum non mores tantum ab utriq; emendari, ac pru- ^{ristarchum}
dentiam conferri, sed & scripta antiquissima & formas Reipub- ^{Sacrum.}
lica, ac vitam magistratuum, cum summo spectatorum fructu,

in Comœdia examinari, factiões componi, ac gravissima subinde publico suppeditari crederent consilia. Not unfitly therefore did the Poet reply to the people that carped at him in the Theater. *I came hither to teach you, not to be taught by you.*

Hence of a Tragœdie or Comœdie the Greeke writers say,

^d *ἡδύχα*, *docetur fabula*, and *ἡδύτατον*, *docere*, as sometime ^d *ἡδύτατον*, as you may see in ^e *Athenæus*. The following Poets did not alwaies represent their owne Fables, but oft-times

their predecessors; so saies ^f *Quintilian*, the people permitted the works of *Æschylus* to bee dealt with, because in many

places his verses were not set in order. Hee brought great grace to the stage, and first taught *σκωπεῖαν*, the painting of the Scenes; which some thinke *Horace* to ayme at, when hee saies, *Modicis instravit pulpita cignis*. Which because it was perfected by *Sophocles*, is thought (nay spoken affirmatiuely by some) to haue beene invented by him. *Sophocles* indeed

did *πολλὰ καὶ ἄνεργον*, bring in many new things such as leaving out the action of the Poet (for before the Poet himselfe acted) by reason of the badnesse of his owne voice; hee found out white shooes, which the Actors and Dancers wore; he made the number of Dancers fiftene, before but twelue; hee fitted likewise his Tragœdies to the natures of the Actors, &c. but that he invented *σκωπεῖαν* I cannot finde. Somewhat like-

^g *T. Magister*. wife was added by *Euripides*; as to set out the Argument of the Fable in the beginning of the Tragœdie, as you may observe; leading the Auditor, as it were, by the hand to the last and principall point of that one action which hee would represent, which by the glory of our nation, ^h *Sr Philip Sidney*,

^h *In the defence of Poesie.*

is not past by, as frivolous, without noting. These three were the Princes of Tragick stile, who exhibited to the People e-

ⁱ *Heinsius* in *Proleg. ad Aristarchum* sacrum.

very yeare at some certaine solemnities their Poems, striving who should get the victory by the approbation of Iudges, chosen for that purpose, called ⁱ *Διοῦσιαχοὶ Κερταί*, and ^k *Κερταί*

^k *Æschines* cont. *Ctesiph.*

ταὶ ἐν Διοῦσιων; Tenne in number, think some, at first, gathering out of *Plutarch*, in the life of *Cimon*, authoritie for it. Be-

cause

cause when hee had brought the Reliques of *Thesens* out of *Scyrus*, *Aphepsion* the *Archon*, in gratulation to him, chose not the Iudges as soone as the Theater was filled, and spectators placed; but presently after *Cimon* entred the Theatre with nine more of his fellow Captaines, of each Tribe one, after accustomed sacrifice he swore them Iudges, who gaue the victory to *Sophocles*, but then young; for which *Eschylus* grieving went into *Sicilie*, where he died, and was buried neare ¹ *Gelas*. But out of this place we cannot proue that the number of these Critick Iudges was alwaies Tenne. This we acknowledge done in testimonie of high acceptation of *Cimons* service. And yet in iudgement upon Tragœdians, the number might be so great. For there seemes to bee a difference betweene the Iudges of Tragœdies and Comœdies. The number of Tragick Iudges, grant we haply to be such as we speak; the power incontrollable, as from whom there was no appeal to others. ^m *Cum neq; provocatio ab eis esset, neq; de quibus illi indicarent, magistratus ceteri sententiam pronunciarent.* The Comick Iudges were in number but five, from whence came the Greek proverb, ⁿ *πέντε κείνῳ ἐν γένεσι κείῳ. sub quinque* ⁿ *Indicibus lris est.* The ^o Scholiast of *Aristophanes* speakes somewhat uncertaine. Iudges, quoth he, passe censures upon the Comœdians, & they who had five voices were happy. Those were all. For if there had beene tenne of them too, it would haue made nothing to the Poets felicity to haue had equall voices. For the odde gaue a great stroake. Hence wishes the *Chorus* in the behalfe of the Poet ^o *Ἐνὶ κείῳ νικᾷ μόνον*, to bee Victor by one voice onely. Another difference is that, whereas the Tragick Iudges had free liberty of suffrages beyond the power of the people, the Comick had not: For whē *Aristophanes* taught his *Νεφέλαι*, they so much tooke the people, that they applauded the Poet, cried him up Conquerour, ^q *ἔχουσιν αὖτις τοῖς κείῳ ἀνὰ δεινὰ λειποράντων, ἀλλὰ μὴ ἄλλον γεῖναι*, saies *P. Elian*, and commanded the Iudges to write *Aristophanes* uppermost (as the fashion was, which ^q *Aristopha-*

^l Plat. *Cimons* ne p. 352. l. 39.

^m Heinsius loco laudato.

ⁿ Zenobius. ^o Ad Aves p. 562.

^p Var. H. l. 2. ^q Avib. p. 562.

nes

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

r Loco laud.

Οὐκ ἔστιν ἐν τῇ τοῖς πᾶσι νικᾷ τοῖς κελαῖς

f Raris p. 248

Καὶ τοῖς θαλαῖς πᾶσι-- Where the Scholiast interprets *ἐμυμῆ* truly as it is to be understood, *ἐχόμεναι*, to supplicate. And good reason. For if they pleased not the people in reciting, they were overwhelmed with stones. To which use * *Aristophanes* points, saying -- *ἐκ ἐβάλλετο*; nay sometime would they hiss them, which they terme *κλάζειν* and *σείττειν*, sometime stamp them out of the Theater, which they call *πρόσκο-*

r Lib. 6. c. 19.
p. 203.

u Æschines
contra Ctesiph.
p. 98.

πείν, by * *Pollux* interpreted *ἐδωλῖα ἢ πέρνας κατακρούειν*. Another difference is that * the Comick Iudges were punished if they iudged not right, the Tragick not so. And for these reasons haue some conjectured, nay positiuely written, that their Iudges were of two sorts, old and new, in which matter, if there be place for a coniecture, mine is, that they confounded both, making no oddes betweene the Critick Iudges of Tragœdies and Comœdies. But of this, Reader, you may determine as your Authors shall afford authority. Before Iudges, as I said, the Poets in emulation presented their labours, and they who in their opinion lost the day, were said * *ἐπὶπνῆεν*, by * *Casaubon* interpreted *non stare*. The time of exhibiting their Tragœdies, were the holy daies of *Bacchus* called *Dionysia* in *agris*, or *Lenæa*, in the moneth *Posideon*, on the *Antheſteria*, or *Dionysia* in *Limnis*, in the moneth *Antheſterion*, on *Dionysia* in *urbe* in the moneth *Elaphebolion*, to which I finde added the *Panathenæa* by *Thrasylus* in * *Laertius*, which some deny, yet the same write that when *Sophocles* exhibited but one, it was at this festivall. I say but one, because it was a custome among the Poets of ancient daies to entertaine their people with

* *Heintsius*
Prolegom.
x Sat. Poeti.

y *Platone*
pag. 120.

with more plaies then one. *Mos autem Tragicorum Græcorum fuit Athenis, ut modo singulas committerent fabulas, modo plures, faies* ^a *Casaubon*: Sometime in the same yeare three, ^γ *De Satyrica Poesi p. 31.* and then was it called *πρῶτος*; sometime foure, and then they stiled it *τετράλογος*, ^a *Tὰ δὲ τέτταρα Δράματα ἐκαλεῖτο ΤΕΤΡΑΛΟΓΙΑ.* Whereof, faies mine Author, the fourth was a Satyricall play, the three other now treating of the fortunes of one and the same man, as those of *Æschylus*, named therefore *Orestia*; to wit, *Ἀγαμέμνων. Χοηφόρος. Εὐακίδης.* Which are all extant; the fourth was *Proteus Satyricus*. At other times they were not of the same subiect, as that of *Enripides. Medea. Philoctetes. Diſtys.* The fourth was *Θεῖστος*, faies the Author of the argument to *Medea*. Where the interpreter seemes to me not to reach to the expression of the Greek word *Θεῖστος*, *Σάτυρος*; *Messores, Satyros*; he ought to haue rendred it thus, *Messores, Drama Satyricum*. For that the word beares this sense is sufficiently dilucidated by ^c *Casaubon*. That the greatest task of action lay on the *Chorus*, is as apparent as the Sun at noone. The number of them in Comœdies were twentie foure, and six *inga* (each *ingum* consisting of foure; but *σὶχαι* foure, each *σὶχαι* six men) in Tragœdies fifty, untill the time of *Æschylus* his *Eumenides*, the number of which so terrified the people, ^c that the children and younger sort fainted, & ^c *Author vitæ Æschyli.* the women suffered abortion; for which reason, faies *Pollux*, the number was lessened (which some deny) by law. They were by that Act brought to fiftene, five *inga*: I say *inga*, because they were divided into *σὶχαι*, and *ζυγά*. *Ζυγόν* was when the *Chorus* entred by three, & then it was called *καὶ ζυγὰ πέντε*, by file. *Σπὶχαι*, when they came on the stage in ranke five at a time; and this they terme *καὶ σὶχαι*. Sometime one of them entred alone, which they say *καθ' ἑνα*. Of interlocutors the ancients for the most part never had aboue three; but if a fourth spake, that they named *ἑταρομήσιμα*; and if the *Chorus* supplied the part of a fourth actor, it was stiled *μεγακλυσίον*. To speak of the severall verses of Tragœdies, is *actum agere*:

M

and

and I had rather speak of the action, then the art in composing and yet not much, only this of their motions, termed *προφαι* & *ἀντιστροφαι*. Στrophē, saies the Scholiast of *Pindar*, is a turning from the right hand to the left, in analogie to the motion of the universe τὸ παντὸς, from the East to the West; because *Homer* calls the East the right hand, the West the left: Contrary to the Hebrews, who terme the South *Jamin*, which signifies the right hand, and the North they counted the left. *Αντιστροφαι* was a turning from the West to the East, that is from the left hand to the right, as the Planets moue. Another posture they had in their *Epodes*, for (if it be so in Tragœdies, as in Lyrick Musick, which I beleue) to expresse the immobility of the earth they stood still. They used *Epodes* for the most part at the end of the Acts, when the players avoided the stage. Thus much of Tragœdies; the authors of which were highly of old esteemed of; insomuch as after the dismall discomfeite of the

d Plut. in fine
vicæ Niciæ.
e Plut. in vit.
x. Resp. Paul.
Atticis. p. 18.

f De arte Po-
etica.

Athenians in *Sicilie*, they were relieued, who could repeat somewhat of *Euripides*. Nay, by a law made by *Lycurgus*, & established in *Athens*, *Æschylus*, *Sophocles*, and *Euripides* had statues erected in brasie for the continuation of their memorie. After Tragœdies had proceeded to perfection, Comœdies were with great applause taught, as *Horace*,

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

* Grammat.
ἡ παλαιὰ ἐ-
σωντὴ διαφέ-
ρει.

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

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

^a *Hermog. Partiti. p. 76.*

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

But when *Alexander* of *Macedon* grew potent and a terror to *Greece*, the Poets fearing least any of their abusive wit might displease the great *Macedonian*, they changed the Argument of their plaies, and instead of abusing states & people, they fell upon ancient Poets, or some part of Historie not truly written, personating the Actors so as to bee most ridiculous: sometimes scoffing on the stage at meane men, and this they termed *Νέη Κωμῳδία*, the new Comædie. But afterward it was a peece of the *Athenian* policie to forbid that the people should be tossed on the stage, unless they would themselves, saies *Xenophon*; knowing that none were wont to be brought thither but the wealthier sort, *πένοντες*, *ῥυπαῖοι*, *δυνατοὶ*. Some are of opinion that no Player came on the stage untill thirtie or fortie; I dispute not the matter; sure I am that *Sophocles* taught his first Tragædie at twentie eight, in which doubtlesse himselfe came on the stage. It being among the *Athenians* no disgrace, as the *Romans* accounted it, to appeare there. ^d *Emilius Probus. In scenam verò prodire, & populo d* *Præfatione*
esse spectaculo nemini in eisdem gentibus (Græcis) fuisse turpi- *ad vitas. p. 2.*
tudini: quæ omnia apud nos partim infamia, partim humilia,
atq; ab honestate remota, ponuntur. The place where the people beheld these plaies and pastimes was in the market place, ^e where they nayled scaffolds to a black poplar tree. For in ^e *Meurs. Attic.*
ancient Lect. l. 4. c. ult.

ancient time they had no Theater of stone, onely of wood, which they call *ἰκία*.^f *Aristophan.*

^f *Theſmoph.*
p. 787.

-- *Ἀπὸ τοῦ ἰκίων*

ὑποβλέπουσ' ἡμᾶς--

^g *Casaub. in*
Theoph. p.
245.

^h *Zenobius.*

ⁱ *Cont. Leo-*
cha. p. 617. n.
50. 5 l.

^k *Olynth. I.*
p. 7.

^l *Lacon. apud*
Plut. Mor. p.
421.

^m *Lib. 6. line.*

These were built by some, who upon some consideration of money admitted any to a seat, named therefore *Θεατρῶναι*. Once it seemes places were not hired. But there grew great enormities and abuses. For striving to get places, there rose wrangling and brawles, and fights, wherefore the *Attick* Senate ordained that each place should be hired for two *oboli* (in the Consulship of *Diophantus*, a *Drachme*, say some, whence rose the Proverb,^h *Δραχμὴ χαλῶσα*; because at the establishing of it, there fell haile) This mony they called *θεωρικόν*, from *θεωρεῖν*: because with it they did *θεῖαν ἀπορροήν*, buy a seat to behold the shew exhibited. Now because the poore people had not to giue, & so were deprived of the spectacle, *Pericles* desiring to be popular, made a law that they should receiue out of the Cities revenues two *oboli* each man.ⁱ For the right of exacting which mony, they were to produce the authority of the *Lexiarchicall Rolles*, as appeares out of *Demosthenes*. For the distribution of this were certaine officers appointed, named *οἱ ἐνὶ θεωρικῶ*. But afterwards *Apollodorus* stroue that in warre and publike necessity, these summes might be employed in military affaires, but hee endeavoured in vaine; *Eubulus* in flattery to the people, enacting it capital for any that should attempt that which *Apollodorus* did; Which makes^k *Demosthenes* desist, willing, yet not daring to perswade to convert the money to the use of the Armie. But see the folly of them! For they spent as much on these sports as in obtaining the Masterie and liberty of Greece. And the end was miserable: for they became effeminate, and so put their necks under the *Macedonian* yoke.^m *Iustin* of the death of *Epaminondas*. *Siquidem amisso, quem emulari consueverant, in segnitie torporemq; resoluti, non ut olim in classem exercitusq; sed in dies festos, apparatusq; ludorum, redditus publicos*

publicos effundunt: & cum auctoribus nobilissimis, poetisq; the-
atra celebrant, frequentius scenam, quam castra visentes. Versi-
ficatores Oratoresq; meliores, quam duces laudantes. Tunc ve-
ctigal publicum, quo ante milites & remiges alebantur, cum ur-
bano populo dividi cœptum est. Quibus rebus effectum est, ut
inter otia Græcorum, sordidum & obscurum antea Macedonum
nomen emergeret, &c. Of the Theater I will say little, as al-
so of the stage: Only that the places in the Theater were not
promiscuous. For there was a distinction betweene the Se-
natours and younger sort. The Senators was named ⁿ βελδπ-ⁿ Aristoph. p.
χδν, among which it is probable the Iudges had the first place, 578.
as ^o Pollux. The seats for the youth were called Εφηβικόν. One ^o Lib. 4. c. 19.
part of the stage was *Orehestra*, in which was θυμέλη, either P. 202.
a Tribunal or an Altar. That upon all their stages there was
an Altar sacred to *Bacchus*, is apparant out of *Donat*: he saies
it stood on one side of the stage, before the doores, *Pollux*: who
names it Αλδς. There was moreover a Table called Ειλδς,
on which before the time of *Thespis* some body ascending in
the Poets place, did answere the *Chorus*. ^p *Plutarch* thinks ^p De Musica.
Θέατρ to be derived from Θεδς, because that before the buil- P. 441.
ding of Theaters the ancients embracing *Musick* only for in-
stitution of youth and praise of their Gods, sung the commen-
dation of good men, and honour of their Deities in Temples.



LIBER TERTIVS.

CAP. I.

*De Legumlatoribus Atticis. Νόμοι, ἄρχηροι καὶ ἑγχεροί.
Ἰνρι Qua. Περὶ ἐλάδου. De sanciendo Legis.*

a Lib. 2, p. 27



b Arist. Plut.
pap. 67.
c In Theseo
p. 8. l. 2.

d Problem.

Im 18. ap. κή.
fol. 189. b.

S^a Justin hath beene too forward in relating the mutation of the *Athenian* government, passing by the perpetuall and decennal Consuls, and naming only the yearely: so hath he erred in the originall of their Lawes; making *Solon* the father of them. But it seemes otherwise. For, as ^b Gerardus hath observed, *Theseus* gaue Lawes to the *Athenians*. And ^c Plutarch witnesseth, that when he congregated the *Attick* people, and constituted a *Democracie*, he reserved only to himselfe the government of war and custodie of the Lawes. Δημοκρατίαν (αρχείων) ἀπὸ μόνον ἀρχόντι πολέμῳ καὶ νόμων φύλακι χρηταμένην. Adde to this, that before the knowledge of letters & writing, it was a custome among the ancients to sing their Lawes, least they might forget them, used in the daies of ^d Aristotle by the *Agathyrsi*, a people neare to the *Scythians*. Whence afterwards the rules

rules of Musick, for the true keeping of time, singing, & playing, are supposed to bee called Νόμοι. Neither may it bee thought otherwise, because all the notes of the^e Lydian, Hypolydian, &c. Dorick, Hypodorick, &c. Phrygian, Hypophrygian, Ionick, &c. songs were distinguished by the Alphabet.

Yet^f Plutarch is of opinion, that they derived the word from those bounds, which the Musicians of old prescribed, for the tuning of voices or instruments, least they might be confounded; and therefore he calls it οὐκείαν τισιν. & Idem. Νόμοι

οὐκείαν τισιν, ἐπεὶ δὴ ἐκ ἐξέλιτο παρὰ βλάται καὶ δίκασον νόμοι σπουδῶν εἰς δὲ τὴν τῶν ποσειδων. The Greekes, saies^h Cicero, think the cause

of this word, *ius suum cuiq; tribuendo*, intimating *répense*, which signifies to distribute, because the Law giues every man his due. Thus see we, that there were Lawes of yore; let

ⁱ Justin say, *Nulla civitati leges tunc erant, quia libido regum pro legibus habebatur*; That the Citie was without Law, because the wills of Kings were Lawes. In succeeding ages, &

before Solon too, Draco gaue Lawes, living about the three hundred and ninth Olympiad. His Acts, saies¹ Ælian, were called Νόμοι. Ἐκαλέοντο δ' ἐκείνοι θεσμοί. Now θεσμοί, by

^m Vlpian is interpreted νόμος. ὁ δὲ θεσμός πῶς δὲ νομοθετεῖν. A Law giving in precept how to make a Law. And yet

^a Aristotle calls them νόμοι, giving them this commendation, that they are not worth remembrance, but for their great severity. Which gaue occasion to ^a Herodotus to say, that they

were not the Lawes of man, ἀλλὰ δεινόντες, in a double sense of the word, which is also put for a Dragon. And ^b Demades,

that they were not written with black, but blood. For he punished every peccadillo almost with death, those that were convicted of idlenesse, or stealing of pothearbs, alike the sacrilegious and man-slayers. Wherefore were they made of

none effect by Solon. For he abrogated all, except those which concerned murther, intituled * ΦΟΝΙΚΟΙ ΝΟΜΟΙ. Him

succeeded * Solon, a man so well tempered, and equall betwixt the Commons and the Peeres, that hee was beloved of

both

^e Vide Alypi-
um in Isagoge
Musica.

^f In libro de
Musica.

^g Loco citato
pag. 437.

^h De leg. lib.
1 fol. 16. b.

ⁱ Loco laudat.
Clem. Alex.

^k p. 226.
Varia hist.

^l 1. 8. c. 10.
Arg. orat.

^m con. Lepti.
Polit. 2. c. 10

ⁿ Arist. Rhet.
1. 2. c. 44.

^a Plut. in So-
lone. p. 63. l. 2

^b Demosth.
p. 70.

^{*} His lawes
continued 100

yeares. saies
Plutarch. in

strength. In
Solone p. 66.

^{or} afterward
by little and

little decayed.
Ælian. Var.

huc. l. 2. c. 22.
If any spake

against them,
he had corpo-

ra^l punish-
ment.

both, having still a care, least while hee should side with one, he might displease the other. Whom, for his uprightnesse,

^e Sat. 10. vers. 274.

^d Κατὰ Ἀνδρ. pag. 390.

^e Pag. 190.

^f In Timæo.

^g In Solone

p. 66. l. 31.

^h Lib. 22.

ⁱ Bibliotheca.

^j Bibliotheca.

^k Bibliotheca.

^l Bibliotheca.

^m Bibliotheca.

ⁿ Bibliotheca.

^o Bibliotheca.

^p Bibliotheca.

^q Bibliotheca.

^r Bibliotheca.

^s Bibliotheca.

^t Bibliotheca.

^u Bibliotheca.

^v Bibliotheca.

^w Bibliotheca.

^x Bibliotheca.

^y Bibliotheca.

^z Bibliotheca.

^{aa} Bibliotheca.

^{ab} Bibliotheca.

^{ac} Bibliotheca.

^{ad} Bibliotheca.

^{ae} Bibliotheca.

^{af} Bibliotheca.

^{ag} Bibliotheca.

^{ah} Bibliotheca.

^{ai} Bibliotheca.

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^{as} Bibliotheca.

^{at} Bibliotheca.

^{au} Bibliotheca.

^{av} Bibliotheca.

^{aw} Bibliotheca.

^{ax} Bibliotheca.

^{ay} Bibliotheca.

^{az} Bibliotheca.

^e Juvenal stiles *Iustum*, and for the care of the Republique, which ^d Demosthenes averres he had in all his Lawes, ^e Ari-

stophanes termes, φιλοδουον, a lover of the people. ^f Plato

brings him learning his Lawes from a Barbarian: And ^g Plu-

tarch tels us that he travelled afterwards into *Egypt*. But it

seemes by ^h Ammianus Marcellinus, that in the making of

his Lawes he had the approbation and iudgement of the *E-*

gyptian Priests. Et Solon adiutus sententiis *Egypti* Sacerdo-

tum, latis iusto moderamine legibus, Romano quoq, Iuri maxi-

mum addidit firmamentum. ⁱ Diodorus Siculus relates two

things brought from thence to the *Athenians* by him. First,

that all the *Egyptians* were compelled to bring to the go-

vernours of the countries their names written, and by what

meanes they sustained themselves; wherein if any were

found false, or that lived by uniuert gaines, hee fell into danger

of life. Secondly, it was a custome among them, that payment

should be made only with the goods of the debtor, and that

the body should not suffer. For they thought the estate alone

to be subiect to the creditor, the bodie addicted to the Cities

in which they lived. Neither was it fit that Souldiers, who

were to undergoe hazard for their country, should for usurie

be committed to prison, or the country bee in ieopardie for

the avarice of some one man. Which induced Solon to make

the first decree, as ^k Laertius and ^l Plutarch say, of freeing the

bodies; which, if there were not wherewithall to satisfie the

craving loaner, were compelled to serue. Hee therefore cut

off all use, ^a as some write, or else ^b lessened the burthen of it,

making it more moderate by his Law *σεισάχθεια*: so called

^k Initio vitæ Solonis.

^l In Solone p. 62. l. 8.

^a Plutarch. p. 62.

^b Androtio.

^c Loco laud.

^d Pag. 62. fif-

teene saies Po-

lyzetus Rho-

dus.

ving himsele first, ^e as Laertius, seaven talents; or, as ^d Plu-

tarch, five. But this seemes to haue beene done for the avoi-

ding of the aspersio cast upon him as accessarie to the iniu-

ries of some, who having an inkling of his intent, borrowed

much

tending to a mans disgrace. But this by the way. These Tables were kept in the *Acropolis*, translated afterwards to the *Prytaneum* by *Ephialtes*, where to the dayes of *Plutarch*, some reliques of them were to be seene. The *Autographon* or coppie written with his owne hand was not removed, but those that were transcribed by them. Because in matters of doubt and controversie they might haue recourse unto them.

^c In Solone
pag. 66.

^{*} Pollux. l. 8.
pag. 408.

^d Solone pag.
63. 37.

^e In Pausani-
am. p. 426.

^f In Eliacis
pag. 174.

^g Eodem lib.
pag. 165.

^{*} For the distinction of which, some think that *ἐκὰς πωθεν νόμος* is used in *Demosthenes* for that in the *Prytaneum*. Others for

the Law in the lower part of the table; but to mee it seemes improbable, for then the number of the table ought to bee cited; and indeed, one Table sometime could not containe a

Law. For we read in *Plutarch*, that the eighth Law was cut in the thirteenth Table. I am not averse from the guesse of

Petitus, who supposes the Oratour to meane the Law which afterward he quotes; not ignorant of the opinion of some, who think that it is to be understood of the under line. For

the Lawes being written *βυσσροφιδόν*, *converso sive retrogrado*

literarum ordine, saies *Silburgius*; which *Pausanias* ex-

plaines, *ὅτι τὰ λαίφα ἐκ δεξιῶν*, from the right hand to the left,

or more significantly, *Ἀπὸ τῆς πύλας τῆς ἐπὶ τῆς δεξιᾶς τῆς ἐπὶ τῶν*

τῶν δεξιῶν, ὡς ἐν δαίλει δρόμῳ. When the second verse be-

ginnes at the end of the former, as in the race which they call

Diavulus, or if I shall speak nearest to the word, as husbandme-

turne their Oxen when they plough, as for example.

ΕΚ ΔΙΟΣ ΑΡ
·ΥΘΖΗΥΧ
·ΟΜΕΖΑ

See those that haue written of divers
waies of writing.

They therefore take the lower, that is turned, *ἐκὰς πωθεν νόμος*.

After this manner were the Lawes written, and doubtlesse

there were some customes as strong as Lawes. For although

the *Lacedemonians* governed by tradition of custome. and the

Athenians by written statutes, as *Iosephus*, yet surely had

their customes great force, insomuch as *Aristophanes* uses

νόμος for *ἔδος* -- *Αἰχρὰ νόμῳ κεχθένοντα*. ^a *Scholastes*. *νόμων νόν*

ἰς πάντα τὰ γεγραμμένων φησὶν ἀλλὰ τὸ ἔδος. so did the *Greekes*

divide

^b Contra Ap-
pionem. Vide
Iustinianum.
Inst. l. 1. tit. 2.

ⁱ In Avibus
pag. 576.

^a Pag. 577.

^b Vide Iusti-
nianum.

divide their Lawes into ἐγγράφους καὶ ἀγράφους, written and unwritten. The unwritten, *sine scripto ius venit, quod usus approbavit*, vſe. The ^c Interpreter of *Sophocles* thus. Νόμος ἔστιν ἐγγράφῳ σωήθεια, σωήθεια δὲ ἀγράφῳ νόμος. A Law is a written custome, and a custome an unwritten Law. Besides these there were decrees, which they termed ψηφίσματα, *psophismata*, a word used by ^d *Cicero*, nothing different, ψηφισμάτων ἔδοξεν διαφέρειν οἱ νόμοι. ^e *Demosthenes*. who meanes in virtue and power. For they differ much. ^f A Law maintaines iustice once found, common for ever. A *Psophisma* followes the necessitie of the time, as it differs in events: it directs not warlike affaires, but is applied unto the occasion of armes, and as lawes can bee abrogated, so degrees changed. And here ought we to note, ^g that no decree is greater then a Law. Of decrees there were two sorts; ^h τὴν Βουλῆς ψηφίσματα, such as the Senate by it selfe established, which were but of twelue moneths continuance; to the confirming of which, the people were not convoked, or their consent required, termed ἰσχυροβουλίσματα, which *Demosthenes* proues to be ἐπίτεια, *Vlpian*. ἐπὶ ἐξουσίᾳ. Like to the edicts of the Roman Prætors which lasted but a yeare. ^k *Cicero*. *Qui plurimum tribuunt edicto, Prætoris edictum legem annuam esse dicunt*. In other decrees the opinion and good liking of the people was asked, for the giving of the authority unto them, which endured in force a longer time. ^l τὰ δὲ ὑπὸ τῆς δῆμῳ γινόμενα, καὶ πλείονα μὲν χρόνον. And therefore we may easily knowe a *probulemma* from a decree of the peoples confirming, by this observation. Ἐδοξε τῇ βουλῇ only, giues us to wit, that it is a *probulemma*. Ἐδοξε τῷ δήμῳ, in the beginning of a decree, shewes it to be ψηφίσμα παρὰ τὸν δῆμον κύριον λαμβανον. The Senate alwaies sate in consultation about that which was to be enacted, whether any damage might accrew to the State by it or no, the Law commanding that no decree should goe forth without deliberation. ^m ἀπεβέβητον ψηφίσμα μὴ εἰσέναι ἐν τῷ δήμῳ. Which done, the *Prytaneis* took certaine Tables and wrote on them

^c In *Aiacem* Locarium.

^d In *Orat. pro Flacco*.

^e *Cont. Lept.* p. 296.

^f *Aristides*. *Tom. 2.* p. 30.

^g *Demosthen* pag. 416.

^h *Demosth.* καὶ Ἀριστο-

κράτης. p. 417.

ⁱ *Vlp. in Dem* p. 418.

^k In *Verr. 1.*

^l *Vlpian loco* laudato.

^m *Vlp. in Arg. Orat. And.*

p. 181. Vide *Dem.* p. 182.

n. 10. vi. *Plur.* *Solone.* p. 63.

Such or such a day about such a time there should be an assembly to consult of these and these affaires; and this they called ^a *μεγέθυμα*. When then they were assembled, and the people purified, the decree was read; which if the people allowed of, stood; if not, decayed. It was forbidden that any should raze out a Decree of any Table. And hee was brought in question of life, who should presume in making a decree to pretend a fallacie. Now because future time might haply perceive some inconveniences to arise by oversight in their Lawgiuer, and that as abuses should happen, which in his daies were not discerned, so there would be a necessitie of making new statutes: It was ordained therefore that every yeare there should be *ἐπιχειρητονία νόμων*, which ^b *Ulpian* expounds *διὰσκεψις ὅ,τι δεῖ ποιεῖν περὶ τῶν νόμων*. A consideration of what ought to be done concerning the Lawes. ^c The manner was thus. Every eleaventh day of Iuly in the assembly after the Crier had made his prayers, as his fashion was, and shall anon be spoken of, the Lawes were read over in order. First those which concerned their Senate, next the weale publique, and thirdly the nine *Archons*, & afterwards the other Magistrates. Then was it demanded if there were Lawes enough for the Senate, and so for the Common-weale, &c. If any of the Lawes in force were to be abrogated, it was adiourned untill the last of the three daies of the three Cōvocations. On which the *Prytanes*, appointed for the revising and reciting of the Lawes, were to take the matter in hand. The *Proedri* chiefe of the Assembly, were to ^d acquaint them with it. Fiue men at the first meeting, were chosen out of all the *Athenians*, who should patronize the Law to be abolished; and according to the iudgement of the *Nomotheta*, chosen out of the Councell of fiue hundred, was the businesse carried, that the Lawes should be of none effect, or full strength. Whosoever would bring in a new Law, was to write in a Table, ^e *εἰς ἀδύκωμα*, *Demosthenes*, the forme thereof, and set it up at the Statutes of the *Heroes* before spoken of, ^f *οἰδεὶν ἢ ἐπὶ πρυμναῖς*, which

^a Sch in Naz.
542. a pag.
55. vid. Vlp. in
Dem. p. 240.

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

^d *χρηματίζων*
Demosthen.
Vlp. expounds
προβὰλλειν
so report.

^e Cont. Ti-
mocr. p. 446.
^f Demost.
p. 297.

which standing in a place conspicuous, that some certaine daies before the Sessions, any Citizen might read what was to be handled; and if any so pleased, he might at the proposall of the Law declare his minde either for, or against it, as at the preferring of a *Bill in our High Court of Parliament*, where it is not denied any *Burges*, or *Knight* of a shire, to speake his opinion *pro* or *con*, either with any whole Bill or some part thereof, or in opposition to it, or some one clause. Provided likewise, that hee, who attempted to enact a new Statute, should take care for the disanulling of the old, that might contradict it, otherwise hee came within the compasse of *ἄγνο- μίας γενοῖς*, a writ of *Transgression of the Lawes*: which was of two sorts. First, when time is not observed in writing the Law. *ἄγνο. τ. ἀεισιμύον γενοῖς*. Next when one is made that is adverse to a former. And if it so hapned, that any perswaded the people to make a Law that was not commodious to the weale-publique, hee might bee questioned within ^b a yeares space; ^c but if the time was expired, he could not. ^d Nay, they flew *Eudemus*, a *Cydiathenian*, for bringing in a Law they liked not; scarce different in that one example from the *Locri*, among whom, he that would propose a Law, should doe it, his neck adorned with a halter, that if his request pleased not, hee straight way powred out his soule under the hands of the hangman. Their Orators, which are called *δημαγωγοί*, because they lead the people with their Rhetorick and flattery, wrote Lawes and decrees, as we learne out of *Demosthenes*; and therefore are they deciphered by *Ἀθηναῖοι, οἱ λέγοντες* *ἡ πόλις* *καὶ τὰ ψηφίσματα καὶ τὰς ἀποφάσεις*.

^a Vlp. in Dem. p. 297.

^b Dem. Orat. Arg. con. Lep- tunem.

^c Dem. p. 419

^d Idem p. 468.

^e Gellius l. 3.

^f c. 13. If. Cal- listratus Athe- nis Orator fu- it, quos illi

δημαγωγούς appellat.

^g Livie Dec. 4.

of Athens. u-

bi Oratio plu-

rimum pollet,

favore multi-

tudinis alitur,

Vlpian.

δημαγωγός δὲ

δήμος ἀρχαῖος.

^h Pag. 468. u.

ⁱ 225.

^j Dipnos, l. 12.

CAP. II.

De Comitibus: *Κυρία ἢ Σύγκλητος Ἐκκλησία. &c.*

THE Assemblies were called by the *Prytaneis* foure times in five and thirtie dayes. ^f In the first they confir- med

^f Pollux. l. 8.

^g c. 9 Sect. 7.

^h pag. 398.

med the Magistrates in their offices, if all things were managed well by them, otherwise they put them out. They heard publique causes, looked into confiscate goods, and possessions left by inheritance. In the second, any one with leaue might freely speake of private and publique affaires. In the third they gaue audience to Ambassadors, who before ought to deliver their letters to the *Prytaneis*. In the fourth, they treated of holy things, such as belonged to their Gods and worship of them. The first meeting was the eleventh day of the *Prytanea*; the second the twentieth; the third the thirtieth; the fourth the three and thirtieth. I finde a difference betweene the ^g Scholiast of *Aristophanes* and *Vlpian* in the dayes on which they came together, one making the first day of the Moneth to be the day on which the first assembly was, the other the eleventh of the *Prytanea*, which seemes truest. And whereas they both write that every month there were three lawfull assemblies, to wit, on the first, tenth, thirtieth; or tenth, twentieth, thirtieth, we are not so to reckon them, but according to the *Prytanea*, it being the *Prytanes* charge to congregate the people. They seeme to haue been called *Κυρία Εκκλησίαι*, because in them they did *κυρεῖν ἡγεσίματα*, establish decrees, as the ^a Scholiast of *Aristophanes*. Other assemblies ^b there were which are termed *σύνκλητοι*, when war, or any sudden accident troubled the State, then the people were called together over and aboue those foure times in a *Prytanea*. They are styled *σύνκλητοι*, because the people of their own accord met on the other dayes; but when they would haue a Convocation some went about the Citie and called them. ^c There is likewise *κατεκκλησία*, when they were summoned out of the fields to goe to the Assembly. It seemes to me that the Crier in the streets on their lawfull assemblies gaue some token when they should hasten; and so much ^d *Aristophanes* witnesses, bringing in the women speaking that it is high time to be stirring, because the Crier--*Ἰὼ τερον καὶ οὐκ ἔστιν*, had cryed the second time. And indeed need was there of some warning

^g In Achar.

p. 371.

^b In Dem. p.

445.

^a In Acharn.

^b Vlp. & Sch.

Arist. loc. laud.

^c Poll. p. 405.

^d In concio.

nantib. p. 725

warning, & compulsion too; for so slow were they in coming to assemblies, that the *Logistæ* were faine to thong them to the meetings, as the Schol. of *Aristophanes* on these words, ^c Τὲς δ' ἱμῶντας ἐν Λεωρῶν. Sometimes they took a rope, and

dying it with red earth, they sent two slaves into the market place, who should one of the one side of the way, & the other of the opposite, pursue the people, and to whose chance it fell to be marked with the paint, paid a certaine peece of money. Hence in the ^f Comœdian -- Κἄνω καὶ κάτω τὸ χοιρίον φάγυσσι τὸ ^f Aristoph. A-
μμιλπομόρον. Vp and downe they shun the cord stained with ^{char. p. 371.}

Vermilion. And againe -- ἡ μίλθ' ὧ Ζεὺς φίλαται γέλων παρέ-
χεν ὡς προσέφρανον κίχλη. *Jupiter*, the red earth which flew a-
bout made laughter. & Sometimes would they take Hurdles, ^g Schol. Arist.
and barracado all the streets except those that led to the *Ec-* ^{loco laudato,}

clesia: Sometimes take away all their saleable wares which they brought into the market, least peoples intent on their traffique should absent themselves from the Assemblies. When they had met oft times the company would bee dismissed at some prodigious signe, as thunder, lightning, tempest, and the like, which they called ^h Διοσημεία. : i and earthquakes, or o-
ther occasions, deferring the Assemblies meeting untill the next day. When they were come together, and the Senate ready to sit, one man sacrificed; which rites were called ^a Φισ-
πεία, because they were done at the entry of the Councill.

^b *Vlpian.* πρὸς τὴν εἰσόδον τὸ βελῆς δὲ τὴν θυσίαν ποιέμενος. I will not iustly say that it was the purification made with a young pig, before the bench was sate; and yet I may presume to averre it; the Grammarian that interprets ^c *Aristophanes* witnessing that immediatly preceding the Sessions this custom was observed by one, whom they named *πρὸς τὴν εἰσόδον*, from *πρὸς τὴν εἰσόδον*, τὴν καθαρίαν, which signifies cleansing, because by that he purged the Assemblée, Theater, and congress of the people. After they were sate, ^d the Cryer did pray for the good of the people, ^e and cursed those who should offer to deceiue the Senate or people. After this, hee spake with a lowd

voice

^h Vide Arist. p. 379.

ⁱ Plut. p. 386. l. 7. & 384 l.

^a Fισ- 34. ^a Demosth.

^b Vide & Vlpian. p. 351.

^c In Concion p. 728. A.

^d Demosth. *Ἐξάμ.* 213

^e Id. p. 418.

voice, ^f *Tis ἀγορεύειν ἐβλεψεν*; Who will make a speech; where-
 upon one of the ^g Elders arose that gaue his verdict, it being
 not permitted to any to utter his opinion, before the reverend
 hoary head had spent his iudgement. Whence by ^h *Demosthe-*
^{nes} they are stiled *οἱ εἰωδότες*, those that were wont to orate.
 After they had finished their sayings, others had leaue to de-
 clare themselues. Neither must we omit the fashion they had
 to exclude all private men from their assemblies sometimes,
 when the Senate alone sate, or the *Areopagitick* Councell;
 sometimes to debarre all servants, strangers, and men depriv-
 ed of their liberties from their convents, which at other
 times they admitted, and then was it called ⁱ *ἀπὸ πᾶν ἀνδρῶν ἐκλήμα*
^{χὲν τὸ θεᾶν}, an open Theater to all commers. The place of
 meeting was called *Πύξ*, *Pyx*, ἐπὶ τῇ πεπληνᾷ δαὶ ἀνδρῶν ἐκ
 αὐτῇ, from the frequent concourse of people there. It stood on
 a rock, and therefore by *Aristophanes* is called *πέτρα*. 345. Sch.
ὁρῶντ' ὅσον. There was a stipend for them that came to As-
 semblies, as you may see in *Demosth. contra Timoc.* And *οὐκ*
βοιωτὶν οὐκ ὀνόμαλος. Because they might bee at leasure with-
 out damage. *Aristot. Pol. l. i. c. 13.* They assembled also in
Piræus. *Vlp. in Dem.*

^f Alcidas
 Aristoph. p.
 373. Diod.
 Sic. l. 15.
^g Demosth. p.
 29. Æschines
 contra Ctes.
 initio.
^h Philippic. 1.

ⁱ Plut. p. 552.
 L. 11. 17.

CAP. III. SECT. I.

De Tribunalibus Atticis, & primum de
Senatu Πεντάκοσιων.

VWhen the mutinie betweene the faction of *Mega-*
cles & *Cylo* disturbed the *Attick* common wealth,
Solon perswaded the people that those, whom for their auda-
 citie in drawing away the suppliants from the Altars they
 named *εἰσαγῆς*, should undergoe iudgement, there were cho-
 sen ^k three hundred men, *αἰεὶ σὺν δώμῳ*, according to their worth,
 to sit upon the case. But these were not a perpetuall iudicato-
 rie. For when the people murmured at the cutting off of the
 usurie

^k Plut. Solo-
 nes, p. 60. l. 13.

usurie money, then was the ¹ Grand Councell ordained; out of every Tribe, which were then but foure, an hundred chosen, who by their advice should direct the people in those things which were to be handled, least any thing should be inducted, or proposed to the Assembly, without due consideration. Who from their office in a Democracie, ^m Aristotle saies are more properly called *οὐβελοι*, but where the Rout rules, *βελή*. But when *Clisthenes*, who by *Plutarch* is termed *ἡ κατασκευαστὴς τῆς πόλεως*, had augmented the number of the Tribes from foure to tenne, eightie six yeares after *Solon's* Lawes were received, he made the number five hundred, taking fittie of every Tribe, which doubled ten times make up the summe. This Councell by *Aristotle* is described *ἡ μέγιστη κωμία πάντων*. The Mistresse of all the rest, and I am not of opinion that *ἡ ἀρχὴ βελή* in ^a *Plutarch*, is to bee understood of the *Areopagus*, as if that were about the Senate, but as instituted first by *Solon*, and so related by the Author. And yet I knowe ^b one writes, *Tam dignitate, fama, quam officio, secundum post Areopagitas locum obtinere*. To this Councell none was chosen under thirtie yeares of age, which time is stiled *βελόπικη ἡλικία* by ^c *Libanius*. And doubtlesse ^d *Plutarch* iustifies it speaking that *Demosthenes* wrote his Orations against *Androtio*, *Timocrates*, *Aristocrates*, *ἔπει τῇ πολιτείᾳ προσεληλυθώς*, when hee had not attained to the managing of state businesse, because he wanted two or three of thirty yeares. Agreeing to this is ^e *Juncus*, who saies that *Solon* admitted none very young, though very wise to Magistracy or Councell. Nay the ^f Scholiast of *Aristophanes* tels us that greene heads were not permitted to speak publikely. The Law prohibiting any to attempt it under fortie, or as some say (which is truest) thirtie, on these words,

Καὶ ὅπως παρδένῃ γὰρ ἔτ' ὡς, καὶ ἐξ ὧν πῶ μοι τέκεῖν.

Which to be otherwise understood by some, is not hidden from me. They were called likewise *ἡλικῶς*, as well as *Πεντακῆσοι*, and their Tribunall *ἡλικία*, from the word *ἡλικία*, which

^m Polit. I. 6. c. 8.

^a In Solone p. 63.

^b Postardus. false. for Pausanias calls it *μέγιστον*. in Att. p. 27. l. 15

^c In Arg. orat. con. Androt. ^d Vita Decem Rhet. p. 378.

^e Stobæus serm. 112.

^f In Nub. p. 157.

^g Vlp. in Demof. p. 445.

which signifies to throng together, because the people were frequent there. But the more probable reason is, ^h *ἐν τῷ ἡλιασπορίῳ* ^{τῷ} *τῷ* ^{τῷ} *ἡλιασπορίῳ* ^{ἐν} *ἐν* ^{τῷ} *τῷ* ^{τῷ} *ἡλιασπορίῳ*, because the place was open and exposed to the Sunne. And in respect of this ⁱ *Aristophanes* makes that cold conceit branded by *Didymus*, *Εἴλη κατ' ὄρεσπον, ἡλιασπορίῳ* ^{τῷ} *ἡλιασπορίῳ*, In the morning thou shalt *ἡλιασπορίῳ* in the sun shine. At their admission they had this oath given them. ^k *Ἐπισημαίνω κατὰ τὰ νόμιμα. &c.* I will give sentence according to the Lawes, and decrees of the people of Athens, and Councell of five hundred: I will not consent to bee a Tyrant, or bring in an Oligarchie: Neither shall my approbation be to any that will dissolve the Democracie of Athens by speech or decree. I will not cut off private use, or suffer a division of the Athenian lands or houses. I will not bring back exild men, or those that are condemned. I will not thrust out of the citie any innocent against the Lawes and Statutes of the Athenians and Senate of five hundred: neither by my selfe or suffer any other. I will not create a Magistrate, who hath not given an account of his former office, whether of the nine Archons, or agents for the holy things, or they, who at the same day are chosen with the nine Archons by lot, Ambassadors and assistants. Neither shall the same man beare the same office twice, or two in one yeare. I will not take gifts for iudgement, neither my selfe or other for me, or others with my privacy, by fraud or deceit. I am not younger then thirtie. I will heare both parties, the accuser & defendant alike. I will passe iudgement aright on the thing prosecuted. I sweare by Iupiter, Neptune, Ceres. * There is also another oath which they took; some clauses whereof, wee have left in record. To ratifie the Lawes of Solon. *Plutarch in Solone, pag. 62.* To give counsell for the best of the people. To advise according to the Lawes. I will not binde any Athenian who shall give three sureties of the same revennewes, unlesse for treason, or hee conspire the subversion of state popular, or buy custome, or be engaged, or gather publique money and not pay it. I will sit in that order which lot shall direct me to. I will not permit any unlesse banished.

Wlp. loc. laudato. vide & Aristoph. Sc. P. 436. i Pag. 486.

Dem. Orat. cent. Tim.

* If I transgress any of these, let me and my house perish, but if I faithfully keep them according to my oath, let vs be happy and prosperous.
Dem. p. 470.

ished, to be accused or imprisoned for what is past. This last was made after the driving out of the 30 Tyrants, when ^a *Thra-* *sybulus* gave them to oath *μη μνησικαχέειν*, not to remember ancient wrongs, which they call *ἀμνησία*. The authority of this Council was great, for it handled causes of war, tributes, making of Lawes, civill busineses and events, affaires of confederates, collections of money, performance of sacred rites, accounts of offices discharged, appointing keepers for prisoners, and *δοκιμασία* of Orphans, as *Xenophon*. ^c Resembling our Court of Parliament in *England*, by whose consent all Lawes are abrogated, new made, right and possessions of private men changed, formes of religion established, Subsidies, Tailles, Taxes, and impositions appointed, waights and measures altered, &c. As not unlike also the *Venetian Gran Consiglio*, or Senate, of which the *Contarene*. ^d *Tutta la cura del governo della Republica appartiene al Senato, &c.* The whole manner of the Common wealths government belongeth to the Senate. That which the Senate determineth is held for ratified and inviolable. By their authoritie and rule is peace confirmed & war denounced. The whole rents and receipts of the Commonwealth at their appointment collected and gathered in, and likewise laid out againe and defrayed, &c. In a word, I may say of these five hundred, as ^a *Budeus* of the Parliament of *France*: *Amplissimam eam curiam causarumq; omne genus disceptatricem instam ac legitimam esse*, that that Court is most ample, and iustly and equally decided all sorts of controversies whatsoever. ^b To their charge was committed the making of new ships, for which at the yeares end they were to be rewarded by the people. To this alludes ^c *Aristophanes*. *Ποδαπὸ τὸ νότος· ἔνθεν αἱ πειρήσεις καὶ αἱ. Ἐπὶ Μᾶν Ἡλιασά;*—
^d Without their consent could the people doe nought, as indeed they made not any thing *sanctum* against the peoples wills. Hence in ^e *Demosthenes*, *ὅτι βασιλὴν πείσονται τὸ δῆμον κυεῖν*. In testimonie of their preheminance are they termed ^f *κρείων ψήφου*, and *βόη ἀπὸ κρείων*. The Lords of sentence. In

^a Vide *Xenoph.* in *Ἑλλέν.*
^b Cic. *in* *Phil.* 1. *Velleium* *Paterculum* 1. 2. p. 84. *Arist.* *Sch.* in *πλ.* *Æschin.* *cont.* *Ctesiph.*
^c *Athen.* *Rep.* pag. 407.
^d See *Sir Th.* *Smith* in the *Common* *wealth* of *England*.
^e *As* *Eranchi-* *rio* *Anditimi* *hath* *transla-* *ted* *it.* *lib.* 3. *fol.* 34. B.

^a In *Pandect.* *Prio.* p. 298.
^b *Dem.* p. 385.
^c *Avib.* p. 546
^d *Sch.* *Arist.* p. 93.
^e *Pag.* 234.
^f *Demosth.* *πρὸς* *Ἀλο.*
^g *Idem* *πρὸς* *τὴν* *Μειδίον*

time of warre they would send Commissions to their Cap-
 taines, as they thought requisite. ^b Such as in the battaile be-
 tweene the *Lacedemonians* and their country men in *Tana-*
gra, where fearing least *Cimon* banished by *Ostracisme* should
 betray them to the *Laconians*, they sent to the Commanders
 not to entertaine him in the Armie. This honour was not
 during terme of life, but every yeare changed. *Apostolius*.
 ἡ μὲν τῶν πεντακοσίων καὶ ἑξῶν ἐνιαυτὸν κληρονομήειν.
 Which *Anonymus* in *Arg. Orat. contra Androt.* expresse by
 καὶ ἐνιαυτὸν διετέλλο. The manner of choosng them is this.
 The chiefe of every Tribe, on an appointed day before the
 beginning of the moneth *Hecatombæon*, brought the names
 of all their Tribe that were capable of this dignitie, and cast
 them written into a vessell, and into another they put an hun-
 dred white beanes, and all the rest blacke; Then drawing
 out a name and then a beane, to whose chance the white
 beane fell to be extracted with his name, was designed Sena-
 tor. This they did when they had but foure Tribes, and so
 foure hundred Senatours. But when they had ten Tribes,
 there could be but fiftie white beanes, to the making up of
 the tenth part of five hundred. This differs not from the ele-
 ction observed by the ^k *Venetians* upon the fourth day of De-
 cember, when the names of all the young men that haue not
 by lot obtained the right of citizens, nor passed twentie five
 yeares old, are put into a pot, and carried unto the Prince, and
 there the same set before the Councillors, with which there
 is another pot, wherein are round balls equall with the num-
 ber of the names written in the first, every one having his
 markes, the fift part of these bals is guilded with gold, the rest
 with silver. The Prince taketh out of the first pot the ball,
 which if it be of the golden sort, the young man whose name
 is drawne, is presently admitted to publique authority, they
 to whom the silver chance, loose it for that time, expecting it
 the ensuing yeare, unlesse in the meane space they accomplish
 twentie five, at which age all the young Noble men partake
 of.

^b Plur. in Ci-
 mone p. 356.
 l. 40.

ⁱ Verbo. Em-
 mius in De-
 script. Reip.
 Athen.

^k Contaren.
 h. 1. fol. 1. b.

of the Cities liberties. So every yeare the fift part of the yonkers is chosen to giue voice with the other Citizens. The use in choosing I deem the same, & shall untill I finde authentike writers cōtradiēt it. But the number, as augmented by *Clifthe-nes* according to their Tribes, so by his successors. For when they added two, the number was encreased 100, by reason of the Tribes *Antigonis & Demetrias* after named *Attalis* and *Ptolemais* in honour to the Kings of that name which were benefactours to the State; ^a ὅθεν καὶ τὰς βελῶν πεντακοσίων ἔσαν,

^b ἑξακοσίων ἐποίηται. ^b Out of these were their Iudges chosen;

but such as were aboute three score yeares old. For although juniors were admitted into this company, yet, none judged under that age. ^c εἰσὶν ἄλλοι μὲν εἰς τὰς ἐκκλησίας, καὶ ἐδίκασον δέ.

To these was any businesse referred, of which the Senate and people were in suspense what to determine. ^c *Aristoph*, *Εἰς*

^d ἢ βελὴ καὶ ὅ δὴ μὲν ὅταν κείναι μίαν παῖδα, ἀπορήσῃ ἑλπίς.

When the Councill and people are in doubt how to iudge a great matter, They

decree to deliver over the guilty to the Iudges. And no marvell. For the office of a Iudge is κείων κείναι, prerogative in

sentence, saies ^d *Aristotle*, that is, to state those Questions which the Law hath not decided. The order of their giving

sentence before the third year of the ninety second Olympiad I knowe not. Afterwards they sate by turne in their

own Tribes every one as his lot fell. For there being formerly ten Tribes in *Athens*, they chose out of each five men, and

to which one of them the chance happened, he sate Iudge. I cannot say that the manner of election was like that of the

^e *Syracusans* concerning the Priest of *Iupiter*, who taking the names of so many as were nominated, and casting them into a

pot, created him, whose name should first be drawne, of that sacred function. But of our owne must I speake. ^f When then

they were appointed, they met, every of them bringing with him a Table and a wand on which was written a letter that

did betoken some Iudicatorie, (For there being ten Tribunals

^a *Stephanus*

^b *ἑξ. πολ.*

^b *Arist. Schol.*

p. 37.

^c *In Vespil. p.*

471.

^d *Pol. l. 3. c. 13*

ἑξ. ὧν ὀνό-

μος ἀδυνατεῖ

δοεῖσιν.

^e *Cic. in Ver-*

rem. Act. 3.

^f *Aristophan.*

πλ. p. 30.

every one of them was noted with a red letter, A, B, Γ, Δ, Ε & C to κ. over the dore) time calling them to sit, they drew lots, and he to whom A. was taken out, fate in the Court noted with A. and B. with B, and so to K. This done, they shewed their lot to the *Præco* of the Iudicatorie, who gaue them their Wand & Table. This they did, least any should rashly attempt to sit, and pervert Iustice. I know not whether I may better call that rod of authority a wand or staffe: because that *ἡ βακτηρία καὶ ἡ ῥάβδος καὶ τειβώνιον ἢ τειώβολον*, was a proverb used in division of the Iudges.^h This staffe at the daies end they brought to the *Prytanes*, who gaue them their wages; But the ^a Scholiast teaches us otherwaies, saying that the *Demagôgi* paid them, it being manifest out of *Cleon's* words the Oratour, *ὡς ἔχοντες Ἡλιασπῶν, φερόμεν τειωβόλου, οὗς ἐγὼ βόσκω.* Iudges which I feed. Their pay was not alwaies the same, *ἐχ' ἱσάλο*,^b saies the Interpreter of *Aristophanes*. First they had *obolum*, which *Calistratus*, surnamed *Parnytes* was author of. Hence the proverb *ὀβολὸν ἔρς Παρνύτης*. Afterwards it was augmented by *Callicrates*, and from him grew the word *καὶ τὸ καμικρότης*, it may bee for a pretty summe of money. Nay it changed, for now I read of *ὀβολὸς Ἡλιασπῶν* one, and anon *τειώβολον* three, a ^c *Drachme* to two. And therefore may wee conclude that it was sometime more, sometimes lesse. Thus having spoken a little of their Iudges, I proceed to their cases of Law, in which I shall adde.

When any had received wrong in *Athens*, it was their custome to make their cases knowne to a Magistrate, whose office it was to report to the Iudicatory. And this they did by a Table in which was written, *ἡ κατηγορῶ τῷδε καὶ παρακαλεῖμαι τὸν Διὰ τῶ δεινῶ οἰς τὸ δικαστήριον.* I accuse H. B. and cite him to the Court by W. N. not unlike the *Romans* proceeding, who brought the name of the delinquent to the Magistrate before the accusation; to which *Plautus* alludes. *Ibo ego ad tres viros vestraque ibi nomina Faxo erunt.*— when this note was given up, the Magistrate asked the Plaintiffe, whether hee had witnesses

^g Suidas pro-
verb.

^h Sch. Aristop.

πα. 30.

^a In Equites,
pag. 301.

^b In Nubes
pag. 174.

^c Appendix
Vaticana.

^d Zenobius.

^e Sch. Aristop.
pag. 487.

^f Vlp. in Dem
P. 343.

^g Asinaria
Act. 1. p. 54.

witnesses and would prosecute the matter, who answering that he intended it, had thereupon authority to summon the Defendant to his appearance, and this hee did either by himselfe, or other, called therefore κλητήρ,^h for κλησις is ἡ ἐν τῇ δίκῃ εισαγωγή, a bringing into suit. κληθὲν δὲ εἰς δικαστήριον. The word signifies a witness also. For when they warned any to the Tribunal, they bad any that stood by to testifie that they had admonished them. κλητήρες δὲ οἱ κληόντες εἰς τὸ δικαστήριον i Sch. Arist. πάντας σημαίνει ὃ ἢ λέξις καὶ τὸ μάρτυρα. You may use κλητήρ for an apparator, Sergeant, Bailiffe or the like. Sometimes they would runne streight to the Court, as it were headlong, in ^k Demosthenes his phrase, sometimes the Suiter would forthwith draw the Defendant, if he were loath to come, as you may see out of ^l Aristophanes. Καθ' ἔλακον αὐτόν. But if the partie could put in two ἀξιόχρεως, sufficient bayle, he was dismissed. Hence in the ^m Comcedian. Αλλ' ἐγγυητὰς σοι κατατίσω δύο ἀξιόχρεως. I will procure thee a couple of able sureties. Sometimes they would appoint a day of appearance, that might be a weeke or more, after the *vocationem in ius*, at which time if the Defendant were not personally at the Judgment seat, he came within compasse of Ερήμης, a Writ of *Eremodicium*, refusall to come in and answer. Which was avoided by suing for a μὴ εἶσα in tenne daies after. For when the partie to defend was absent, hee was condemned *indictâ causâ*, to ^a Budans expounds ἐξ ἐρήμης καταδικαζόμεναι, by this therefore the case was renewed, and stood as at first, the sentence that before past, being made of no force; and for this was it termed μὴ εἶσα, ^b ὅτι πρῶτον δοκεῖται εἶναι καὶ κακυρῶσθαι, ὕστερον εἰς τὸ μὴ εἶναι περὶ αὐτοῦ, because in the beginning it seemed to carry some power, but at last was nothing. The businesse then made a new, the partie that was cast by an ἐρήμην, after that he had obtained a μὴ εἶσα, was ^c within two Moneths to set the Law on foot, which they terme ἀππλαχεῖν δίκην, or else the sentence given before was ratified. Whosoever should offer to call any man to the Court, unlesse upon good grounds, was liable

h Sch. Arist.

The 190.

i Sch. Arist.

p. 442.

κἀπὶ κεφαλῶν

εἰς τὸ δικαστήριον

But if εἰς τὸ δικαστήριον

p. 596. n. 17.

l In Vespis

pag. 487.

m Arist. Coni.

cio. p. 755.

a In Prioris

& Post. No.

ad P. ind.

b Vlp. in Dem.

p. 343.

c Pollux. l. 8.

p. 390.

d You have a
forme of this
in Demosth.
p. 628.
e Arist. Nub.
p. 134. v. Sch.
f Demost. p.
716. n. 7.

g Arist. Schol.
p. 170.

h V num con-
tra Stephan.
ἰδ. α.
p. 622. aliud
p. 624. 629.
i Sch. Arist.
Vesp. 505.
k In Vesp. p.
467. 505.
l In Vesp. p.
504.
m Sch. Arist.
239.
n Idemp. 195
o Demosth.
622. n. 33.
629. n. 80.
640. n. 22.
655. n. 65.
665. n. 66.
p Charact
αἰ. ἀπονοί.
p. 21.

liable to ἰδ. δολητέας δίκη, a writ of molestation for a false cause. Having thus far proceeded, the Impleader gave in a Libell, which held contents of his action, and the summe of the defendants answer. This the *Greekes* call ^d Αντιγραφῶν, *Antigraphen*. Though I knowe also that all cases in law were termed ^e ἀράγματα, καὶ νηγεσφαί. They tooke this course because the Defendant might knowe what to answer. And because it was ordinary in *Athens* for knaves to accuse out of envy, which is συκαφαντία, they made a ^f Law, that whosoever accused and had not the fift part of the voices, should be fined a thousand Drachmes. And he that could not prove his objections was also punished in the purse a certaine summe; & which if he paid not at the constituted time, was foure fold; & if his abilitie reached not so far, he suffered imprisonment. At the presenting of the *Antigraphē*, testimonies were also delivered, (formes of which you shall often meet with in ^h *Demosthenes*) & a copie of an oath, which the Suiter gave, in these words ἰ Τάληδ' ἡ κατηγορίῃς, that he would justly accuse. Τάληδ' ἡ ἀπολογία, that he would according to truth make his Apologie: and this they name ^k ἀντιμυσία. These writings were cast into a certaine coffer, forth comming as occasion should require; all which ^l *Aristophanes* in one verse comprehends. Αντιμυσίας καὶ περικλήσεις καὶ μυστέας συνεκόλλων. They ioyned or put together oaths, citations, and testimonies. I so interpret it against the Scholiasts minde, who will haue. περικλήσεις to be exhortations given to the Plaintiffe and Defendant to come to composition. But I know that ^m περικλήσεις, is κατηγορεῖν, εἰς δικαστήριον ἔλκειν, to accuse, *in ius rapere*, ⁿ and περικλήσεις, διὰ μυστρῶν ἀποχρήσεσθαι. The chest or coffer was called ἐχίνος, and of this are the words of the *Greek* Oratours to be understood ^o εἰς ἐχίνον βάλλειν. ^p *Theophrastus* of a mad man that would entangle himselfe in any thing, ἐχίνον ἐν πᾶσι περικλήσας, καὶ ὁρμαθὺς γεγραμμένον ἐν πᾶσι χερσίν. Having an *Echinus* in his lap, and a bundle of libels in his hands. *Pollux* makes a different exposition of this oath from that

that which other Grammarians doe, confounding, as is most probable, the *προμοσία* and *ἀντιμοσία* with *δωμοσία*. For *προμοσία* is that first oath which the Plaintife gave to prosecute, the party prosecuted to answer, which on the defendants side was called *ἀντιμοσία*, and generally on both. *Δωμοσία* was a Sacrament taken by both, the Impleader that he did

^a *πρόξενον δώκειν*, follow the delinquent in law: the defendant *ὡς ἐκ ἐπείξεν ἀποδόνειν*, to stand stilly to it that he did not trespass. And yet ^b *Vlpian* makes both these one. After this

were they that sued one another admitted to the Iudicatory, it being first demanded of the Suiter ^c whether he would

persequi, follow the suit, and had sufficient witness for evidence; in causes capitall it was asked if there were need of any, who could not then be present. This interrogation was

termed ^d *Ἀνάκρισις*. If then any thing was deficient the judgement was prorogued by an ^e *ἐπιμοσία*, or oath, which

the Plaintiff took, that for the present he could not performe it, but certainly would. ^f Perhaps for that time pretending

sicknesse, death of friends, or some urgent necessity, on which their fortunes might depend. When then all things

were ready, and at hand, they proceeded towards the Tribunal, the Judges first swearing ^g that they would give sen-

tence according to the Lawes, and in those things concerning which there were no Lawes, according to conscience and

equity (which the Greeks call *νόμῳ δικαιοσύνῃ*) ^h and of those things only concerning which they did debate. This

oath seemes to have been taken at the Altar, from whence they brought their little stones (of these by and by) with

which they gave sentence. ⁱ *Plutarch*. *ἤθρον ἐπὶ βαρὺ φέρον* ^j *παρὰ*. The oath is called *ἀμφοτερολογία*. Then went the Judges to

their seates, ^k neatly spread with mats, in Greeke *ἰσάδα* & *ἰσάδοι*, and all others being warned by the *Præco*, to goe

without the Bars, in this forme ^l *μετάσῃτε ἔξω*, they sate down. For we must know that the Athenian Iudicatories were en-

vironed in, as the Romans, with lettice I suppose, by them

^a Schol. Aristoph. Vesp.

^b In Demost.

^c Vide Vlpian in Dem.

^d PP. 347. 341.

^e Bud. in Annot. Rel. ad Pan. p. 341.

^f Vlpian in Demp. p. 226.

^g the Scho. of Aristoph.

^h Makes it the same with *ἐπιμοσία*.

ⁱ Pl. P. 75.

^j Vlpian in Demost. 341.

^k Pollux. l. 8. pag. 406.

^l Dem. pag. 628.

^m Pag. 122.

ⁿ Aristoph. Sch. p. 239.

^o Demosth.

^m Pollux, lib. 8. p. 407. called ^m καγγελῶν Cancellata, by the Greekes κυκλίαις.
ⁿ Pollux loco citato. though κυκλίαι more properly signify the doore of the δικαστηρίου, before which was ^o a rope of fifty feet length drawn, and publique servants set, that none might enter, but who had business. The partition I think was but weak, and therefore by Demosthenes called ἀδυνάμει κυκλίαι. Within which none was permitted to come but the Iudges. And therefore when ^a Demosthenes did long to hear Callistratus plead concerning Oropus, he over entreated his Pedagogue that he would bring him, where he might have the happiness to be an auditor. The Pedagogue therefore acquainted with the publique officers that opened the doores, τὰς ἀνέχοντας τὰ δικαστήρια δημοσίῳ, procured him a place where he might hear and not be seen, ἐν ᾗ καδύμηνος ἀδύλαος ἀκούσθαι. When then the Iudges had gone within the bars, least any should be wanting the Praeco cried ^b Εἰ τις δύνεισιν ἑλθεῖν, εἰσὶτω, if any Iudge be without the doore of the place of Iudgement, let him enter. ^c Because if any came after the case began to be pleaded, he could not have admission. Being then seated the Crier read the Inditement, ἔγκλημα, (a copy of some part of which you have in ^d Demosthenes. ΕΒΛΑΨΕ ΝΙΚΟΒΟΥΛΟΣ ΕΠΙΒΟΥΛΕΥΣΑΣ ΕΜΟΙ; &c.) in which according to the custom of the ^e old Egyptians, were given up to the court in writing all the reasons of accusation, the wrong received and the manner of it; with an estimation of the damage; The severall heads of which the Iudges wrote downe, least the Impleader and defendant should swerve from what they had in hand. Then stood up the Suiter in a pulpit on the left hand of the Tribunall, and spake an accusatory oration, made for the most part by some of the *Attick* Oratours: which use brought in by ^{*} Antiphon the Rhamnusian, ^f Clemens of Alexandria calls δικαστικὸς λόγος εἰς ἑκδοὺς γράφειν, ^g Cicero, scribere aliis causas, quibus in judiciis uterentur, such as *Lysias* is reported to have done for *Socrates*: Which least it should exceed in length, was limited to a certain time, by a vessell,

^b Aristoph. pag. 494.
^c Aristoph. Sch. Ibid.

^d Πρὸς Περικλέους p. 567.
^e Boemus De Costumi del. le Gent. lib. 1. cap. 5.

^{*} Arist. Rhet. 1. 1. c. 33.
^f Stromat. 1. pag. 226.
^g In Bruto.

in the bottome of which was a small hole for water to runne,
as sand doth in our houre-glasses, thence called κλέψυδρα, in-
to which was poured an equall measure of water; and least
there should be deceit, there was an officer made for that
purpose, named ^h ἐφύδωρ, ὁ παρεμφυλάτων τὴν ἰσότητα τῆς κλέψυ- ^b Pollux l. 8.
^{δρα}, filling alike for the Impleader and answerer. ⁱ When ^{p. 404.}
therefore the glasse was runne, it was not lawfull for them ⁱ Vlpian in
to speak farther, ^k nay for scantinesse of time they were com- ^{Dem. p. 356.}
pelled to passe by many things; and for that reason were they ^k Demosth.
chary of their water, bidding that it should be stopped at the ^{πρὸς Βοιωτ.}
reciting of Lawes, or the like, which *Demosthenes* intimates ^{p. 586.}
in- ^{Σὺ δὲ ὅτι λαβὴ τὸ ὕδωρ} as ^{ῥίνα ἐπιλαμβάνει} is to stop the nose
in ^l *Aristophanes*. ^m *Apuleius*. *Attu interea dum legit, a-*
quam sustine. Pancirollus. No si aqua interim effluxisset, am-
plius sibi dicendi probita foret facultas, least he might not
have leave to speak any more, if the water were spent. If any
would give way to another to speak while his glasse was run-
ning, he might; which *Demost.* testifies, ^{ὡς τὸ ἐμὸν ὕδωρ παλαίτω.}
But if he would not permit it, he had the *Prætor* cast it forth
^a ^{ἐξέειπε τὸ ὕδωρ.} *Vlpian*. *Τατέστιν ἐκβαλλε*, From which kind of ^a *Demosth.*
pleading it grew into a proverb ^b ^{πρὸς τὴν κλέψυδρα}, ^c *Cicero*, ^{ὕπερ φορμ.}
ad cleftsydrum, to speak by the houre or an allotted time. His ^b *Aristoph.*
speech being ended, he sat down. ^d The defendant then ^{pag 617.}
sitting all that while over against him, untill he had finished, ^c *Tulc. Qu.*
after addressed himselfe to his answer, which he made from ^{l. 2. in fine.}
the right hand of the Iudicatorie; where he had a pulpit, and ^d *Vlpian in*
station; For this reason saies ^e *Aristotle*, because they would ^{Dem. 226.}
make both parties equall, For the Suiter having the better ^e *Problem.*
part, they gave the upper hand to the defendant. Or because ^{ὡς δὲ διὰ τὴν}
^{ἢ ἐφύδωντες} or defendants, were for the most part in custody; ^{σύνωκον καὶ ἄ-}
If therefore the guard stood on the right hand, the defendant ^{δικίαν.}
stood there also. Thence then he pleaded for himselfe; in
which plea, he was only to wipe out those accusations which
his adversarie laid against him, ^f ^{μόνον κατηγορηθέντων λύσιν ποι-} ^f *Vlpian in*
^{εἶν}, And in that had the plaintiff a prerogative. For he might ^{Demosth. p.}
^{252.}

g Loco lau-
dato.

h Demosth.
219.

i Clemens
Aland. These
had certain
pettifoggers
under them,
that admini-
stered the
Laws and
formes of a-
ction. Cicero
apud Græcos
infimi homi-
nes mercedu-
lâ adducti mi-
nistros se
præbent in
judiciis Ora-
toribus iis, qui
apud illos
παραπλοκοί
vocantur.

k Corneliana
Vide at Atti-
cum. l. 1. c. 13.
l Vide Læ-
tium in vita
ejus.

object what he would; nay and as *Aristotle*, forecast all be-
fore he commenced his suit, and feigne to himselfe what he
pleased; The defendant, perhaps innocent, was at that instant
to clear himselfe, ^h either by witnesse, or probabilities, of
all doubts, whatsoever the plaintiff could cast in. Sometimes
the Plaintiff and Defendant would desire Advocates of the
Iudges, *Συνήγοροι*, hence ⁱ *ὅτι μὲν Συνήγοροι*, to plead for a
fee. In the time of their pleading, witnesses were called,
who came in, and gave their testimonies; and after they had
uttered what they had to say, they went to the Altar (as it
seemes to me, either in, or very nigh the Iudicatorie) and
swore. ^k *Cicero. Athenis aiunt cum quidam apud eos sanctè*
graviterq; vixisset, & testimonium dixisset publicè, & ut mos
Græcorum est, jurandi causa ad aras accederet, una voce omnes
Judices, ne is juraret, reclamasse. They report that in Athens
when a certain man (^l *Xenocrates*) who had lived Godly and
gravely among them, had given witnesse, and as the fashion
of the Greekes is, approached to the Altar to take oath, all
the Iudges with one voice cried that he should not. (They
would not, it seemes, have believe rather be bound with re-
ligion then truth) Fit to this is the answer of *Pericles* to a
friend of his desiring him *μαρτυρεῖν ἰδούς* to testify a lye,
which he was to avouch with an oath, I am your friend,
quoeth he, to the Altar, that is, as farre as conscience, religi-
on and honesty shall permit; hence *ἀρεῖ βωμὸς φίλος* ^q *ἔν) ὑσῆς*
ad aras, grew, I suppose to be a proverb. *Plut. Apophth. p.*
112. Whether in this ceremony they touched the Altar, I
cannot justly say; in delivering their testimonies they were
wont to touch the tips of the eare (for reason to me un-
known;) called *λοβοί* from *λαμβάνειν*, *Etymologicon*; (But I
rather may suppose it to be a Roman fashion, where the
Plaintif was wont to pluck his witnesse by the eare, for re-
membrance sake. *Horace lib. 1. Sat. 9. Licet attestari? ego ve-*
ro oppono auriculam— To which *Virgill* looked, saying *Cyn-*
thius aurem vellit & admonuit. Eclog. 6.) and at the end
thereof

thereof with all destruction to themselves and house if they dealt falsely. Which if they did, they were subject to a writ $\psi\delta\delta\mu\sigma\tau\epsilon\iota\omega\upsilon\upsilon$, of false witness, and he that suborned them $\epsilon\kappa\omicron\tau\epsilon\chi\upsilon\iota\omega\upsilon$. Sometimes the witness was not present at the doing of the wrong, but took it from others by hear-say, which the Greek Lawyers terme $\acute{\alpha}\kappa\omicron\upsilon$, as $\acute{\alpha}\kappa\omicron\upsilon$ $\tau\epsilon\lambda\epsilon\delta\omicron\tau\eta\kappa\omicron\tau\omega\upsilon$ in Demosth. when they take it from those that are dead, which went for pp. 619. 634. current, and was allowable: But to bring a testimony from the Mouth of one that was alive, and within the territories of Athens, it would not passe. As neither theirs who were discarded the liberties of the City, $\acute{\alpha}\pi\omega\iota$; or servants, or any man in his own cause. ^a The manner of witness was two-^a fold, either by personall appearance and testifying $\alpha\upsilon\tau\omicron\sigma\epsilon\sigma\omega\iota$ Demosth. $\pi\omega\varsigma$, and then he was called $\mu\acute{\alpha}\rho\tau\upsilon\varsigma$, in no case lyable to the ^{238.} Law, $\epsilon\upsilon\tau\epsilon\lambda\epsilon\chi\theta\epsilon\iota$: or else by writing, by which he offered himselfe to his questions or attachments in Law, against whom he witnessed; if he were not true; and this is $\mu\sigma\tau\upsilon\tau\iota\alpha$. Both parties being heard and the altercation ceased, the *Præco* cried, *To whom E. N. hath seemed to violate right*, (so they interpret $\acute{\alpha}\delta\epsilon\kappa\epsilon\iota\nu$, *jus violare*) *let him cast in the black stone, or hollow, to whom he seemeth not, the whole or white*. For we must know that anciently the Greekes gave their sentences with black and white pebles, called ^b $\chi\omicron\iota\varsigma\iota\nu\alpha\iota$ (which the French ^b Aristoph. 438. ^c Metamorph. 1. 15. F. i. semblably terme *Porcellaines*, $\chi\omicron\iota\varsigma$ \ominus *porcus*) ^c Ovid.

Mos erat antiquis, niveis atrisq; Lapillis,

His damnare reos, illis absolvere culpa.

The antique fashion was with white stones to absolve, with black to condemne the accused. Pertinent to which is the saying of Alcibiades, when he was called out of Sicilie to goe home and answere for his life, counting it foolish to goe thither, whence he never was like to escape; when one asked ^d $\epsilon\iota\ \sigma\iota\varsigma\ \delta\epsilon\iota\varsigma\ \tau\eta\ \pi\alpha\tau\epsilon\iota\delta\iota\ \tau\iota\omega\ \psi\epsilon\iota\ \sigma\epsilon\ \chi\epsilon\iota\sigma\iota\nu$; Wilt thou not trust thy country which begat thee to be thy Iudge? $\omicron\upsilon\delta\epsilon\ \tau\eta\ \mu\eta\tau\epsilon\iota$ ^d $\epsilon\iota\ \sigma\iota\varsigma\ \delta\epsilon\iota\varsigma\ \tau\eta\ \pi\alpha\tau\epsilon\iota\delta\iota\ \tau\iota\omega\ \psi\epsilon\iota\ \sigma\epsilon\ \chi\epsilon\iota\sigma\iota\nu$ ^d $\epsilon\iota\ \sigma\iota\varsigma\ \delta\epsilon\iota\varsigma\ \tau\eta\ \pi\alpha\tau\epsilon\iota\delta\iota\ \tau\iota\omega\ \psi\epsilon\iota\ \sigma\epsilon\ \chi\epsilon\iota\sigma\iota\nu$

th, quoth he, $\Delta\epsilon\delta\omicron\upsilon\kappa\epsilon\ \chi\delta\ \mu\eta\ \acute{\alpha}\gamma\gamma\omicron\upsilon\eta\sigma\alpha\tau\alpha\ \chi\epsilon\ \sigma\tau\alpha\lambda\epsilon\iota\sigma\alpha\ \tau\epsilon\ \acute{\alpha}\lambda\eta\theta\epsilon\iota\varsigma\ \tau\iota\omega\ \mu\epsilon\lambda\alpha\iota\tau\alpha\ \epsilon\mu\beta\acute{\alpha}\lambda\eta\ \alpha\upsilon\tau\eta\ \tau\epsilon\ \lambda\omicron\upsilon\kappa\eta\varsigma\ \acute{\alpha}\psi\tau\omicron\upsilon$. No not her, that brought

me forth. For I fear least thee being ignorant, and not conceiving the truth, mistake the black for the white stone. The black made *tristem sententiam*, and was so named; the sad sentence; the white *candidam* or acquitting. They used likewise black and white beanes; in respect of which *Pythagoras* is thought to have spoken as a riddle *κράμυς μὴ ἐσθίου*, not to eat beanes; by ^e *Nonnus* interpreted *μὴ περὶ δόνας τὸ δίκαιον διαφθορέως χεῖμασιν*, Not to undermine justice with bribes; or that men should get by the perverting of equity. I see no reason, but that I may think he meanes men ought not to be forward in getting places of Iudgement. For ^f *κράμυς* in *Aristophanes* is by the Scholiast expounded *δικστής*, and ^g *κράμυς* *τρώων* is used for a Iudge, which properly signifies an eater of beanes. But afterwards they had little pellets of brasie; The bloody ones of them were peirced through, therefore termed, ^h *τρίγυμναίαι*: the saving were whole, *ἄτρυποι*. Of these every one took, of each one, from the Altar, as I have said, ⁱ where laying their hands upon the *ψήφους*, or bals, they intimated by a transposition of them (as from the black to the white, and from the white to the black againe) that they would not for envy or by respects, but indifferently and truly judge. When then they were ready to passe sentence ^a the *Præco* carried about the *κάδον* or *κάδισκον*, a certain pitcher (for so ^b *Xenophon* calls it, *ὀδεῖαν*) having on the mouth of it a conveiance like a Tunnell, named *κημὸς*, but the top thereof was covered close, except a little hole for one pellet at a time to be put in, made for avoiding of deceit, I suppose, least one man might cast in more; and therefore were they to touch the *ψήφον*, only with the forefinger, middle, and thumb. ^c *Aristoph.* *Τὰς τρεῖς λαμβάνοντες δὲ δακτύλων, ἀγίστα*. But we must know that the black and white pellets were not promiscuously cast into one pot, but two; ^d The one which freed was made of brasie called *περίπερος*, whether because they first threw into it their voices, or because it may signify the better, I know not; The other that condemned, being wooden

^e In Naz.

Stelit. 17.

^f Pagina 290.

^g Lyfistrata.

p. 870.

^h Pollux. l. 8.

pag 407.

Vlpian. in

Dem. 470.

ⁱ Vlpian in

Dem. p. 162.

^a Aristoph.

485

^b Pag. 263.

^c Pag. 437.

vide Scholiast.

^d Aristoph.

Velpis 500.

woodden *ὑπερ*⊙. After the Crier had gone round with both, because some would keep their bals, and for favour not give their voice against a friend or great person, therefore he cried *τίς ἀψήφισθ*⊙; *ἀνισυΐσθ*, Who hath not cast in his ball? let him rise. So he rose and threw it in. Then they took them out and numbred them; and in matter of lands, mony or the like, whose vessell (for there were as many set as the number of the litigants came to) had most; got the upper hand. At the counting of them a Magistrate stood by with a rod, and laid it over those that were told, least they should mistake the one for the other or wittingly doe it. For so were they wont to doe; thence named *ἡφροκλέω*. Which *ε* *Tencer* objects to *Menelaus* about *Ajax*, when by his deceit the armour was given to *Ulysses*; and therefore he calls him *κλέπτῳ ἡφροποτόν*. Sch. *δύσιον κριτῶν*: not amisse *ἡφροκλέπτῳ*. *g* When the number was known, if the white or solid bals were more, they took their tables, which they had in their hands, and drew a short line, as a token of absolution; if the black or hollow were more, they drew a longer line, as condemning. Hence *ἡ δ' ὅσασιν πᾶσιν μακρόν*, may be used, for to condemn every body. The thing it selfe they termed *κ* *ἀλοκίζεσθ*, as *Aristophanes*. By this the one party being overthrown (as none ever was without the sentence of the Judges) his adversary wrote down what dammagages he should pay, which they terme *ἐπιγέγραπτον*. *m* *Plutarch*. *δέκα τάλαντα ἡμίσημα ἐκδόν*. *ἢ δὲ δικῶν ἐπιγεγράφειν*⊙. *n* For it was a use of old for those that went to Law to make agreements (I know not whether by oath, for they did sweare by three Gods *Ἰκέπων*, *Καδάρστον*, *Ἐξαικισθειον*, and put it into the *Echinus*, that they would stand to such and such conditions, before sentence, that he that was cast should undergoe somewhat; and afterwards *ἐπιγέγραπτον*, that is set down what losse of limbs or life, or meanes &c. For although they did *ο* *ἐν χειρὶ ζεῖσαι* give their estates as pledges to answer and meet at the Court; yet it may be that might be lesse or more then the fine. There was

e Aristoph.
Vespis.

f Schol. Naz.
in σκλ.
g Sophocles
Ajacc. p. 68.

b Schol. Arist.
438.

z Aristoph.
Vesp. loco.
cit.

k Pag. 491.
i Aristoph. p.
472.

m Ciois p^u?
P.454.

n Schol. Arist.
in 8A. pag.

o schol. Arist.
740.

in

- in causes capitall an other proceeding, like to that in the City
 of ^a Venice; where they gave two sentences. In the first they
^a Contaren. de Rep. Ven. lib 3. determined whether they should condemne or free; If in
 the first he was condemned, the manner of punishment was
 ordained in the second. But if in the first they found no cause
 of death, they bad the accused to fine himselfe, which ^b Xe-
^b Apolog. Socr. p. 265. nophon intimates by *ἑκομπῆν*, and if it were too little the Iud-
 ges doubtlesse made it more, as the Scholiast of Aristopha-
^c De Orat. 1. fol. 61. b. nes, if I forget not: The custome is set down by ^c Cicero,
 speaking of Socrates. *Ergo ille quoq; damnatus est &c.* And he
 too was condemned; nor only by the first suffrages, but also
 by those which by the appointment of the Lawes they were
 to give the second time. For in Athens the accused being
 found guilty, if the offence were not capitall, they weighed
 and considered the penalty. When the sentence was to be
 given by the Iudges, they asked the defendant, what he
 thought himselfe to have deserved to forfeit, &c. (In the Ve-
 netian Common-wealth this is not observed.) In tryall if
 there be more for the prisoners liberty, then against him, he is
 streight acquitted, but if more then halfe be in the pot of con-
^d Lærtius in Socrat p. 115. demnation he suffers. ^d Socrates at the first had two hundred
 eighty and one more against him, then on his side; and at the
 next eighty more were added to the former, so in all he had
 three hundred threescore and one condemnatory suffrages.
^e Pag. 436. But fewer might have done as much. For we read in ^e De-
 mosthenes of Cimon like to be punished with death. *Ἐὰν τρεῖς*
^f Pag. 430. *μὲν ψήφοι*, if three had not been wanting. And againe *ἑ* *τρεῖς*
^g Pag. 338. *ὃ μόνος ψήφος δὴ δέσγειν τὸ μὴ θανάτῳ πικρῶναι*. Nay one was suf-
 ficient, & Demosthenes. *Μιᾶ μόνον ἀλῶναι ψήφῳ*. But *Ulpian*
 on the place *ὥς μὲν δίδναι πικρίαν*, saies, that he was
^h Aristoph. p. 244. lightly punished. ^h If the voices were equall, then was the
 prisoner loosed; because sometimes he might be accused up-
 on suspicion; or of those things which he did not willingly
 commit, or perhaps was sued out of envy, and many other
ⁱ Probl. 7. 20. reasons given by ⁱ Aristotle: therefore did the Lawgiver
 leave

leauē some place for pittie and compassion. To which the Judges were often moved. And therefore would they plead the ^k deserts of their ancestors; their own lines formerly wel led. ^l Sometimes shewed they their wounds; and brought the venerable gray haire of their parents, but ^m mothers chiefly, to intercede in silence: Sometimes embracing their children in their armes, they held them up in the Judges view; or caused them to ^a come up into the *ἑστῆμα*, or pulpit, & supplicate with teares; which wrought so much upon the Judges, that ^b *Aristophanes* in a scoff presents one *ἑστῆμα* τῶν γυναικῶν, drowning his sentence in weeping. Then in compunction would the Judges speak to the prisoner, ^c *Κατάβα, κατάβα*, wishing him to goe downe from the *ἑστῆμα*, a token often of mercy; though now and then it proved otherwise. Nay it was a word of displeasure too, as when ^d *Plato* would haue beene Advocate for *Socrates*. *Νεώτατος ὦν, ὃ ἄνδρες Ἀθηναῖοι, ἢ ὅτι τὸ βῆμα ἀναβαίπων*, they thundred out, *καταβαίνων. ταῦτις κατέβητι*. Neither may I forget ^e *Amyntas* the brother of *Æschylus* the Tragædian, who, when the people would haue stoned his brother for some impietie brought on the stage, held up his elbow and arme without a hand, lost in the fight at *Salamis*: by which spectacle the Judges calling to minde the merits of *Amyntas*, dismissed the Poet. Neither may I omit what ^f *Xenophon* objects to them, that they cared not so much for iustice, as regarded what might conduce most to their owne profit, and be convenient: ^g And that they condemned innocents, and spared offenders that could speake well. Furthermore another fault of theirs was the prolonging of cases a whole yeare, saies ^h *Xenophon*, and ⁱ *Aristophanes*. *Ἀλλ' ἔχει νυνὶ τὰς ὑπερῆκοντίεις ἑισαγωγὰς, ἀλλ' εἰς αὐτὰς ἀναβεβλήμεθα*. Now we doe not handle suits of about three-score yeares, but we are put off untill the next day. *Τὰς ἐν τῷ ἑικοπν γὰρ ἐκδικάζομεν*. For wee come to triall within twenty yeares. This *Xenophon* imputes to the multitude of their imployments. As long as the case hung in suspense, the name of

^k Dem. p. 492.
^l Aristid. T. 3.
^m Dem. p. 493.
ⁿ Aristid. loco cit. παιδία ἀναβεβλήμεθα.
^a Aristop. pp. 469. 499.
^b Vesp. p. 499.
^c Sch. Ar. 500.
^d Laert. Socr. p. 115.
^e Ælian Var. hist. l. 5. c. 19.
^f Athen. Rep. 404.
^g Apol. Socr. initio.
^h Athen. Rep. 406.
ⁱ Ἑλλησις. 752. 753.
They are translated foolishly into latine.
εἰσαγωγὰς is what the Proctours in the Ciull Law usually mean by in proximum, in proximum.

Q

the

¶ Budæus in
Pand. No. Re-
lig. p. 31.
¶ Demost. in
Mid. 347.

in Cont. An-
dro. 388.

in Dem. p. 406

the accused was (as among the Romans, whence ^k *Rei pendu-
li*) exposed in a publique table to the view of all men; which
they terme *ἐκκείναι*. *Demosthenes*. ἵνα ἐκκείντο πρὸ τῆς Εἰωνύ-
μων. *Vlrian*. πρὸ τῆς εἰωνύμων καὶ πᾶσι βλέποντο. You see here the place
too, viz. at the Statues of the *Eponymi*. Before a man was con-
victed, all that they objected to him was but αἰτία, by ^m *De-
mosthenes* termed ψιλὸς λόγος, a bare report; but after prooffe
ἐλεγχος. ὅταν οἱς αὖ ἐπὶ τῆς καὶ τῶν ἄλλων οὐκ εἴξει. After iudge-
ment past, ⁿ ἀδίκημα. An inditement of sacrilege, theft,
murder, treason, is but αἰτία; the evidence and conviction
makes it ἐλεγχος, the sentence ἀδίκημα.

CAP. III. SECT. II.

De Areopago, & eius appellatione. Areopagita.

¶ When Tul-
lius had divi-
ded the Roman
field, he made
on high hills
& places for-
rified by na-
ture, refuges
for the hus-
bandmen and
called them

πάγους.

Dion. Hal 4.

Not as if it

signified a vil-

lage, but as it

was situated.

For Pagus

villa rustica

comes from πῶς.

p. 296. d Elect. p. 836.

¶ Paul. Attic. p. 31.

ON the hill, on which the *Acropolis* was built, stood the
Arcopagus, in the old translation of the Acts of the Apo-
stles rendered *Vicus Martius*, by our Englishmen, *Mars his
Street*, Falsly. For ^a πᾶς & beares not that signification, but
what ^b *Iustin Martyr* interprets, ὁ ὑψηλὸς τόπος, an eminent
place. Ἐν δὲ ὅχθῳ πρὶν τὴν ἐκκείνῃ τὸ δικαστήριον. For that Iudica-
tory was on a high rock. Therefore named by ^c *Aeschylus*, &
^d *Euripides*, Ἀρεὸς ὅχθος, by ^e *Ovid*, *Scopulus Mavortis*, and
^f *Ennius*, *Areopagitica petra*: so called, as fond Antiquitie
would haue it, & from the judgement of the twelve Gods
upon *Mars*, for killing *Halirrhothius* the sonne of *Neptune*.
But ^h *Iustin Martyr*, because he was there arraigned of advou-
tery, μοιχείας ἐκείσε δίκας ἔδωκεν. But alike true. It pleases mee
well to consider the superstition of the ancients, that conse-
crated high places to their deities, and erected the statues of
their Gods upon hills. As ⁱ *Parnes*, *Hymettus*, *Anchesmus*,

because built neere a well. Perot. ^b In Acta p. 136. ^c Eumenidib.
p. 296. ^d Elect. p. 836. ^e Metamorp. l. 6. fab. 2. ^f Vide Scalig. in coniect. ^g De-
most. p. 413. ^h Paus. p. 26. ⁱ Simeon Met. & Pachym. in vit. Dionys. Arcopag. ^h Loc citato.

whence

Whence *Iupiter Parnethius*, *Hymettius*, *Anchesmius*. And as in *Athens*, *Neptune* had a hill Ποσειδῶνος πῆγος, *Saturne* another Κεῖνος πῆγος, *Pan* another. Πανδῆς πῆγος, *Mercury* another, Ερμῆος πῆγος, to *Mars* his *Areopagus*. ^k *Æschylus* gives it a nomination from the *Amazons*, sacrificing to *Mars* there, when they came and fought against *Theseus*. Or if you will receive the opinion of others, it takes the name from the cases in it handled, of blood wilfully shed: so *Hesychius*, Ἀρεῖος φονικὸς, That when ^l *Invenal* calls it *Curiam Martis*, you may interpret it, *The Court of murder*, but willingly committed. This is termed by the ^m *Tragedian*, the most uncorrupt, sharp, reverend counsell, then which nothing is more constant (saies ⁿ *Tully*, comparing to it the Roman Senate) nothing more severe, as by ^o *Pseudo Dictys Cretensis* it is styled *Iudicium severissimum per omnem Græciam*. Then which none iudged better, more iust, or honest, saies ^p *Xenophon*. ^q *Plutarch* writes that this Court was ordained by *Solon*, and ^r *Cicero* received the like opinion; but that seemes to contradict it, which *Plutarch* presently brings, quoted in the thirteenth table, that they who had lost their liberties should be restored againe, unlesse they were condemned by the *Areopagites*, *Epheta*, *Prytanes*, *Basileis*, of murder, slaughter, tyranny, when that Law was enacted. And by and by, ^f *Τίνας δὲ ἦσαν οἱ ἐκ τοῦ Σόλωνος*, &c. Who were condemned in *Areopagus* before *Solons* time (if he first instituted the *Areopagites*.) ^t Others are of opinion, that *Solon* added the *Areopagites* to the *Epheta* (Iudges so called, because when formerly the *Basileus* made inquisition after murder unwillingly committed, *Draco* made it ἐφῆσιμον, that is, translated it to the *Epheta*, their number was but fittie one. And though they iudged in five Courts once, yet by little & little they became ridiculous.) ^u *Possardus* saies, he abolished their severity, and substituted the *Areopagites*. But ^a *Vrbo Emmius* more probably, that *Solon* was not the Author of this Senate, but brought it into a better forme, made it more strong and firme, and augmented the power of it. For *Draco* it seemes

^k *Eumenidib.*
P. 296.

^l *Satyr. 9. v.*

100.

^m *Æschylus*
pag. 297.

ⁿ *Ad Atticum.*

^l 1. ep. 11.

^o *De bello*

Tro. l. 6. p.

147.

^p *Απομνημ.*

p. 448.

^q *In Solone*

pag. 63.

^r *Offic. l. 1.*

^f *Loc. laudate*

^t *Pollux, l. 8.*

p. 407.

^u *De Athen.*

Mag. p. 446.

^a *De Rep. A-*

then. p. 20.

3 Vide Maxi-
 mum in Pro-
 log. ad S. Di-
 onys. opera &
 Niceph. lib. 2.
 in vita Dion.
 c Pachymer.
 d Isoc. in Are-
 opag. p. 133.
 e Loco supra
 laudato.
 f Atthid. l. 2.
 g Anonym. in
 Argu. Oratio.
 Andronia.
 * They were
 of those Ma-
 gistrates that
 were chosen
 by Lot, as the
 Archon, The-
 smothetæ,
 Basileus, Po-
 lemarchus, for
 which cause
 Pericles was
 not of that
 number, be-
 cause he neuer
 attained to
 these offices.
 Plut. in Peric.
 p. 113.
 h Anonymus
 loco laudat.
 i De statu Ita-
 liæ adversus
 Machiavel.

lessened the authoritie of it, deriving it to the *Epheta*; *Solon*
 restored that authority and made it greater. ^b To this compa-
 ny none were admitted, but wise, wealthie, and noble men;
^c famous for good life, and innocencie, τὸ δὲ πᾶσι ἀρετὴν ἔχουσιν,
 whom no man could iustly charge of misdemeanour. Nay,
 men, whose behaviour was intolerable, ^d ἐν τοῖς ἄλλοις παύ-
 ρασιν ἀνεκτὸ ὄντις, after they were chosen into the Colledge
 of the *Areopagites*, abhorring and blushing at their former
 dispositions, ^e ἀκνέοντες τῇ φύσει χρῆσθαι, changed their natures, &
 embraced vertue. The number of them is uncertaine. ^f *Nice-*
^g *phorus* makes them but nine; as *Maximus* too out of ^h *Philo-*
ⁱ *chorus*; *Pachymerius* fiftie and one. But what *Maximus* pro-
 duces after, is somewhat, that they consisted of fiftie and one,
 beside the Nobilitie most wise and rich. πλεὶς ἔξ Εὐπατριδῶν καὶ
 πλέτω καὶ λίω σώφεισι διακρίντων. By which words hee seemes
 to ayme at the nine *Archontes*, & who when they had gover-
 ned one yeare, and given an account of their offices, and had
 administred all things iustly, were chosen yearely into this so-
 cietie. For which election annuall, the number was doubtful.
 For some might die in that space; or all liue, and in the next
 yeare be encreased. *Volaterran* out of an old inscription in
Acropolis, that they were three hundred; ΤΩ ΛΑΜΠΡΟΤΑΤΩ,
 &c. To the most famous *Rufius Festus*, *Proconsul* of Greece &
Areopagite, the council of *Areopagus* consisting of three hun-
 dred; and the people of *Athens* setup this monument for a te-
 stimoniall of his good will and benevolence. But that might on-
 ly happen when this was erected. ^h They continued all their
 life time in this dignitie, and were never put out, ⁱ εἰ μὴ τι με-
 γάλως ἥνωσται, unlesse for some grand offence. ⁱ *Bozins* tells us
 (how true I wot not) that they were all Priests. *Atheniensis*
olim, &c. The *Athenians*, quoth he, did strive to challenge to
 themselves the prerogative of wisdom, and to them is it
 bent what the Apostle saies, *The Greekes seek after wisdom*.
 Neverthelesse their *Areopagus*, who had the power of all
 things consisted of Iudges that were Priests, and the High
 Priest

Priest of all that asked every of their sentences, took the suffrages. Their authoritie was unlimited. For ^k they were overseers of all, ^l Judges of wilfull murthers, wounds given out of pretended malice: which would make some, having a desire to drive a man out of *Athens*, goe to a Chirurgion and make an incision in their heads, that they might sue him who they hated, upon an action of battery, as ^m *Mantithens* against *Boeotus*. They sate upon incendiaries, and impositions, if the partie died that took their doles. * They saw that the Lawes should be put in execution, such as *Contaren* would have in *Venice* to be Guardians to their Statutes. ^c In a word all great delinquencies came under their censures. They inquired into the behaviours of men; and we read in ^d *Xenophon* that they sharply reprov'd a young man for his loose living. *Αναγλαστο- μίον αὐτὸν ἦν Ἀρειοπαγίτων, &c.* sayes the *Dipnosophist*. ^e *Valerius Maximus*. *Est & eiusdem urbis sanctissimum consilium* *Areopagus &c.* There is likewise in that Citie the most sacred Councell *Areopagus*, where they were wont most diligently to enquire, what every of the *Athenians* did, by what gain he maintained himselfe, and what his trade and actions were. That men, knowing and remembring that once they must giue an account of their liues, might embrace honestie. ^f The Greek author tells us that except in great cases of necessity they medled not with state affaires, but it seemes otherwise. For if any one say, quoth ^h *Tully*, that the *Attick* Republique can be well governed, without the councell of the *Areopagites*; he may as well say that the world may be governed without the providence of the Gods. When the *Medes* and *Persians* invaded *Greece*, by the advise of them was the war waged, wherein *Themistocles* purchased an everlasting memory of a victory. ^k And when their publique Treasurie was bare, they furnished each man with eight *Drachmes*, and stored the ships with Mariners. Which advise, when they had wonne the day, was a cause, saies ^l *Aristotle*, *ῥωτοῖσι πλοῖσι ποιῆσαι τὴν πόλιν, &c.* to giue strength and sinewes to the

^k Plutarc. Solon. p. 63.
^l Ælian. Var. l. 15. c. 15.
^m Dem. p. 406.
ⁿ Demost. in Orat. *ὅτι*
*Βοιωτὸν ἀντι-
θέτον*
^a Dem. p. 445
^b Pachymer.
^c In Sympo-
unlesse I am
extremely for-
getfull. It is
quoted like-
wise by Athe-
næus Dipnos-
t. 4. p. 167.
^e Lib. 2. c. 6.
^f Aristides
T. 1. p. 331.
^g Anon. Arg.
Orat. Androt.
^h De natura
Deorum. 2.
ⁱ Est enim
bellum gestū
consilio Sena-
tus. Cicero
Off. 1.
^k Plutarch. in
Themistocl.
pag 84 l. 3.
^l Polit. l. 5. c. 4

m *Hoccrates*

Reop. p. 132.

Commonwealth. ^m Under their sight were all the youth of *Athens*. For this reason especially, because that when they were reckoned among men, and were come to age, they needed more care to be had of them, then when they were children; not observed by our countrymen in sending their sonnes young to the *Innes of Court*) youth and heat of blood, unstaidnesse in iudgement, rashnesse in adventures, and pronenesse to vice, leading, or rather carrying headlong tender yeares to their owne destruction. To them appertained blasphemies against their Gods, violating of religion, and di-

n *Laert. lib. 2.*in *Aristippo.*

p. 154.

vulging mysteries, as when ⁿ *Euryclides* the *Hierophanta* in answer to the question of *Theodorus*, *Τίτες εἰσὶν οἱ ἀσεβῆντες καὶ τὰ μυστήρια;* who offended against the mysteries? *Οἱ τοῖς ἀμύητοις αὐτὰ ἐκφέροντες*, replied, such as open them to those who are not initiated. Therefore, quoth the Philosopher, art thou impious. For which crime, had not *Demetrius Phalerens* befrended him, the *Hierophanta* was in danger, *ἐς Ἄρεον ἀναχθῆναι πάλιν*, to haue beene brought before the Councell of *Arcopagus*. By vertue of which authority *S: Paul* was here

a *Symeon**Metaphrast.*

judged for teaching strange Gods (as they supposed.) ^a For although that the *Athenians* were under the *Romans*, yet their Lords made them *αὐτονομῆς*, *sui iuris*, and permitted the to keep their ancient customes. The manner of proceeding in this Court, was thus. After the felonie committed, the appellant brought his inditement to the *Basileus*, who giving the prisoner and his accuser audience once a moneth, at three severall times to debate the businesse, in the fourth moneth,

b *Pollux, l. 8.*c *Hermotim.*

p. 505.

d *Pollux, pag.*

405.

e *Vide Vlp.*in *Demost.*

pag 396.

brings in the accusation to the *Arcopagites*, ^b and putting off the crowne which he was wont to weare, sate down as iudge with the *Arcopagites* in the dark: for they iudged by night, saies ^c *Lucian*, that they might not regard the speaker, but what was spoken. It being there forbidden ^d *οὐκ ἐπιτρέσσεται καὶ δεικνύναι*, to moue to compassion, and use Proems, as in other Courts, wherein they craved the Iudges favour and attention, which by *Demosthenes* are termed ^e *μεγαλῶρες*. This ^f *Ari-*

stotle

Isotle calls ἔξω τῷ ἀγῶνι λέγειν, to speak beside the matter. Before the triall both parties sweare (which they style ὁρκωμοσίαν) The appealer standing upon the testes of a Goat, a Ram, and a Bull (usuall to the *Greeks*, as *Tyndareus* swore the Suiters of *Helena*, that they should revenge any wrong done to her and her predestinated husband, ^h ὅτι τὰ ἱππεύειν τομίῳν, and *Hercules* to the children of *Heleus* ὅτι τομίῳν χάρις) took oath, therefore named ὅρκος ὅτι τομίῳν; in which he maintained that he dealt iustly and rightly, and that he was ioyned in affinity to the flaine man; ^k which if he were not, hee could not prosecute, the Law forbidding. The reason why he stood ὅτι τομίῳν, I suppose is, because they are the instruments of generation, and in that oath, if he were not true, hee wished an extirpation of his house, himselfe, and his posterity. In which if he were periured, he was liable to no punishment, as among the Romans. ⁱ *Iurisjurandi contempta religio satis Deum ultorem habet*. For swearing is punished by a revenging God, but if any swore false by the life of the Prince, he fell under the *Julian Law*, *Lexa Maiestatis*. After this the prisoner swore; which among us will not be allowed. Then setting each of them upon ^a two silver stones, one of which was named λίθος ὀφθαλμοῦ, the stone of iniury; the other *Αγαστείας*, by *Adrian Iunius* thought *Ανεμίας* of innocence, not impudence. Then the appealer asked the prisoner three questions, which ^b *Æschylus* calls τεῖα πηχίσματα. First, whether hee were guilty or no, ^c εἰ κατέκτονας; to which he answered, ἔκτονα or ἐκ ἐκτονα, yea or nay: secondly, ὅπως κατέκτονας; for what reason he did the murther. Thirdly, τίς ἐβλάδιμα; who were the Abettours. Then arose there certaine Lawyers, ἐξηγηταί, who shewed whether the murther was committed ^d σὺν δίκῃ, in iustice. (^e For in *Athens* there were such Councillours, to whom in matters of difficultie they had resort) By σὺν δίκῃ, you must understand those causes, in which ^f *Draco* thought it lawfull to kill a man. As taking him committing uncleaneesse with wife, mother, sister, daughter, or concubin, or any whom he

^a Pollux loco laudato. Dem. cont. Aristocr. p. 413.

^b Pausanias Lacon. p. 103.

ⁱ Idem Meilaniacis. p. 126.

^k Demosth. p. 608 & 416.

^{These agreed,} saies Pollard.

^{about the punishment, according to the damage received.}

^{De A-} then. Mag. p.

^{449.}

^{Lib. 2. C. de} reb. cred.

^a Paus. Attic. p. 27.

^b Eumenid.

^c Ibidem.

^d Ibidem.

^e Ibidem.

^f Ibidem.

^{Æschylus p.}

^{293.}

^{Demost. vid.}

^{p. 647.}

^{Demost. p.}

^{312.}

Vid. Demost. he accounts among his children; the partie so offending might
 cont. Aristocr. be slaine in the manner by him, against whom he had trespassed. Likewise, in the defence of a mans goods, if the theefe
 were killed, impunity was granted. After this inquisition,
 they passed to sentence, which was given very privily as *In-
 vernal intimates, Ergo occulta teges, ut Curia Martis Athenis;*
 without speaking (is the *Tabellares sententia* of the Romans, in
 which they wrot C. if they condemned. A. if absolved. N. L.
 if the case were not manifest) hence *Αρειοπαγίτε* *σεφανώτερος*,
 for one that is close and silent; and *Αρειοπαγίτης*, for one that is
 graue, and who can hold his peace, and in whose countenance
 is *tristis severitas*. *ὅτι ἢ σκυθρωπῶν καὶ ὑποσημνῶν καὶ σιωπηλῶν.*
 Terentius. Whatsoever they concluded of, stood irrecoverable, ^h nei-
ἢ ἢ τέτων ther could there be any appeale to another Tribunall. And no
κέσσι, ἐκ ἐδ- marvail. For so upright was their sentence, ⁱ that none, either
δε πρὸς κει- Appellant or prisoner, could ever say, that hee was uniuistly
δέν π' ἔφασιν. condemned. Nay both parties, as well those that are cast, as
 Pachymerius. they that cast, are alike contented. ^k *ἢ τῶνδ' οἱ σέργασιν ὁμοίως*
 i Demost. con. *τοῖς κεκατηκόσιν.* After doome the prisoner was to suffer death.
 Aristocrat. p. 413. In which execution also the *Arcopagites* had a care least the
 i Aristides innocent should be punished with the guilty. ^l When there-
 Tom. i. p. 185 fore they had condemned a woman for poisoning another,
 i Ælian Var. they deferred the execution, because shee was great with
 hist. l. 5. c. 13. child, and straight way after her delivery put the mother to
 death. Which custome is by us also observed at our Assises.
^m It will not be amisse to relate one memorable thing done in
 the time of *Dolabella* Proconsul of *Asia*, who, when a dame of
Smyrna was brought before him, for killing her husband and
 sonne, who had deprived her of a hopefull youth, begot of her
 by a former husband, referred the audience of the matter to
 the *Arcopagites*; who commanded the woman and her accu-
 ser to appeare some hundred yeares after; that by such a bot-
 tome of time, scarce able to be unwinded, they might shew,
 that neither would condemne nor acquit the woman. One
 thing more ^a *Quintilian* tels us, that they condemned a boy
 f,

Vide Sylvium
 in Otar. pro
 Flacco.

Terentius.

ἢ ἢ τέτων

κέσσι, ἐκ ἐδ-

δε πρὸς κει-

δέν π' ἔφασιν.

Pachymerius.

i Demost. con.

Aristocrat. p.

413.

i Aristides

Tom. i. p. 185

i Ælian Var.

hist. l. 5. c. 13.

m

Valer. Max.

p. 322.

a

Lib. quinto.

for putting out the eyes of Quails. Because it was a signe of a minde, likely to proue most pernicious. Their power was shaken and somewhat pluckt downe by ^b Ephialtes, a fore enemy of *Oligarchicall* government, and more enclining to the people, who was secretly slain by ^c Aristodicus of Tanagra. They sate three daies every Moneth, *πέντε ἡμέρας*, *τεῖτα, δατέρα.*

^b Plutarch. Vit. p. 355. & Mor. 391
^c Plut. in Pericle p. 113.

CAP. III. SECT. III.

De Iudicio ἐν Παιλαδίᾳ.

AFTER the siege of Troy some of the Grecians came with *Diomedes*, ^d who kept the *Palladium*, to the coast of *Attica*, and arriving by night at *Phalerum*, supposing it to be an enemy country, went to make a prey. Where *Demopho* ignorant that they were Grecians came to aid and defend his own; and slew many of the *Argivi*; which they cast out unburied; whose bodies when no beast had toucht, (^e *οὐδὲν πρὸς ἑαυτὸν* saies *Pollux*, the interpreter, *nullus vivus*, I better think it no creature, either foule or beast) *Acamas* shewed that they were *Argivi* having the *Palladium*; Being warned then by the Oracle (who named them *Ἀγνώτας*, that is, ^f neither knowing nor known) they buried them; and in that place consecrated the *Palladium*; where they made also a judicatory, for murders unwillingly committed, and called it ^{*} *ἐν Παιλαδίᾳ*, *juxta Palladium*, as some. Here was *Demopho* first tryed, who returning from this battaile, killed with his horse, somewhat diverting, an *Athenian*; ^g For whose kinred some think he satisfied the Law, or generally for the *Argivi*. ^h If any had stricken a man or woman, and the party chanced to dye, he was judged in this Court. ⁱ In such cases the Law was very favourable; for the party offending was not punished with perpetuall exile, *ἀειφυγία*, as in wilfull felony; (kept by us in England once, called *Abjuration*,

^d Dictis Cre- tensis de bello Troiano l. 9. p. 14 P.
^e Libro octa- vo pag. 406.
^f Schol. Soph. in Oed. Tyr.
^{*} It is simply so called Pal- ladiū. *Ælian*, Var. l. 5. c. 15.
^g *Paulan. At- tic*, pag. 27.
^h *Demosth.* contra Neæ- rom. pag. 727. Vide 647.
ⁱ *Demosth.* pag. 329.

R

where

Demosthe-
nes, Midiana.
Eust. in Iliad.
I. Eδ ες πα-
λαιον λυδ, φο-
νδ δέντος π-
νός. &c.
m De Ponto
lib. 1. Eleg. 4
Eustath. But
Demosth.
εως αν αι δε-
σται πς π-
εν γινει τδ
πεπονδον
Vutill he ob-
tained remis-
sion from
some of the
kinred of the
slain.
a Demosth.
b Pastorum 2.
initio.

(where the guilty had his life upon oath, that he would never
returne) but he did ^k ἐξέσχεος, in a gentler terme. ¹ For it was
a custome of old, to give a certain summe of mony (the At-
tick Law *χρήματα ὀπίπια*, in wilfull, all was confiscate) to
the kinred of the slaine, that they might not depart their
country: but if they could not purchase an abroad they went
somewhere else. ^m Ovid. *Cade puer factâ Patroclus Opunta*
reliquit. Their discontinuance was but for one yeare, ⁿ *ἄλλως*
^o *ἔπρυεν δ' οὐδὲς ἔπλεον ὅς τα ποικλ' ἐνταυτῇ*. The money disbur-
fed on such occasions was properly called *πινὴ*, *quasi* φονὴ,
from φόνος murder, as if it were the price of bloud. And the
Scholiast of *Sophocles* tels us that *πινὴ* is spoken only ὀπίπια-
τοῦ *χρήματος* of payment of mony, but abusively of any pu-
nishment. ^a If the party wounded had forgiven the offender
before his death, or the allies of the man desperately hurt,
none could afterwards compell him to flee; otherwise he
fled. And in that flight he betook himselfe to some acquaint-
tance; by whom he was cleansed from the guilt with cer-
tain ceremonies of washing, which the Romans call *Februa*.
So was *Patroclus*, *Peleus*, *Medea*, *Alcmaon* purified.

^b Ovid.
Gracia principium moris fuit: illa nocentes

Impia lustratos ponere facta putat.

Actoridem Peleus, ipsam quoq; Pelea Phoci

Cade per Aemonias solvit Acastus aquas.

Veclam franatis per inane draconibus Aegus

Credulus immeritâ Phasida fovit ope;

Amphiaraiades Naupacteo Acheloo

Solve nefas dixit, solvit & ille nefas.

Ah nimium faciles, qui tristia crimina cadis

Flumine tolli posse putatis aqua.

c Κατ' Aer-
πορ. p. 414.
d Paulan. Co-
rinth. p. 74.
Καδ' ἔγας δ'
φασιν οφέ-
σω καδ' ἔγας
οὐς καδ' ἔγας
&c.

In this ceremony they did *δύσαι*, sacrifice, saies ^c *Demosthenes*,
(which custome likewise was observed by the ^d *Traxevians*
in the lustration of *Orestes* from the bloud of his mother,
which I gather by the feast which they presently celebrated
there

there, and yearly observed afterward. This manner was done with water, as you may read, taken out of the well *Hippocrene*, made by the foot of *Pegasus*; the sprinkling was with a littell bough of Lawrell, as I suppose, by the words following perswaded to it; which tell us, that when the *καθάριαι* were buried, there sprouted out of them a Bay tree) and after that *καθαίρειν, θύειν καὶ καθαρθέναι*. This as I said was in his flight. *καπὸν θ' ὅτι καὶ καθαίρειν νομίμως ποί.* The proceeding in this court, was first, *διωμοσία*, such as before I mentioned, an oath of each party, accuser and defendant: secondly *λόγος*, their speeches of both sides, thirdly *γνώσις δικαστική*, Iudgement. If the prisoner were found guilty, that is, unwillingly to have murdered, then had he a time appointed him, how long he should flee, as above said, untill he had made peace and gotten pardon from the Cousins of the deceased.

CAP. III. SECT. IV.

De Iudiciis ἐν Δελφίνῳ. Πρωτογενῶ. ἑρεατοῖ.

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

^e Plutarch.

pag. 4. l. 19.

^a Schol. Arist.

pag. 333.

* *Ælian*. Var.

l. 5. c. 15.

^b *Demosth.*

contra *Arist.*

pag. 410.

411.

^c *Lib.* 8^o pag.

406.

^d *Paulan*, Att.

p. 27.

soever had slain any body was compelled to flee the country, or staying dye, were the cause never so just. ^{Εν Πρυτανείῳ.} Here they sate on things inanimate. As if a stone, timber, iron, or such like, fall on a man, and kill him, if the party that flung this be not knowne, sentence was past on that thing

f Pollux loco citato.

g Contra Etc. hiph. p. 103.

which slew him; and the ^{ἑ φυλοβασιλῆς,} that were the Masters of this court, were to see this thing cast out of the Territories of Athens, to which ^{ἔσχατος} Eschines alludes. ^{Τὰ μὲν ξύλα καὶ τὰ λίθους, καὶ τὰ σίδηρον τὰ ἄφωνα, καὶ ἀγνώμονα ἔαν πνα ἐμπισόντα ἀποκτείνῃ ὑπερορίζουμι.} The first thing that here was judged was

an axe, where with the Priest, whom they call ^{Βερόνθ,} had slain an ox on the altar of *Jupiter Polieus* in the time of *Erechtheus*. ^{Εν φρεατῶι.} In that part of *Piræum* which is next

the Sea, is a place which they name ^{φρεατῶς,} from *Phreatus* an *Heros*, some think; not because it stood in a pit, whence

h Lib. octav. 406.

i Demosth. contra Aristocr. 415.

^{ἡ Pollux} names it ^{ἐν φρεατῶι.} Heere they were judged who having fled out of another country for unwillfull murther

^{ἡ μήπω τῶν ἐκβαλόντων αὐτὸν ἡδεσμένων,} they that drove him out not acquitting him, if in the space of his exile it happened that he wittingly slew another, he answered heere. The proceeding was in this sort. The Judges assembled in ^{φρεατῶι,} in

k Demosth. ib.

l Rodolphus Gualterus out of Pollux in

terprets it

Scalam terræ

injicientem,

putting down

a ladder; the

Greeke

ὑπερβάθου.

m Demosthe-

nes.

a Diæis cre-

tenfis de bello

Trajano l. 6.

p. 145.

a place seated on the Sea; ^{ἡ τὸ πονὶ δὴν γαλῆρον ἐπιδαλάττιον;} where the guilty drawing neare in a boat or bark, was to make

his apology, ^{ἡ γῆς ἐκ ἀπὸ τοῦ ποταμοῦ,} not coming to land or touch-

ing it, neither casting anchor^l or mooring his bark; and if he

were found guilty he underwent deserved punishment: if

he were not found guilty they cleared him of that fact, not

ditcharging him of the former, ^{ἡ τὴν καὶ δὴ προτέρω φόνον φε-}

^{γνώσκει.} I know not whether I may be of that opinion that

others are in this, that if he were cast in this tryall, he was

exposed to the cruell mercy of the wind and waves. These

last quoted words seeme to contradict it. The first that ever

answered here was *Tæceer*, proving himself to be innocent

of the death of *Ajax*; ^a whom treacherously circumvented

because he defended not, his father *Telamon* drove out of

Salamis.

Salamis, unto which that he might be restored he made appeal to this court. Which gives light to ^b *Aristotle* Ὅσα τοῖς ^b *Politicon* φάγουσι φόβον, ἐπὶ καὶ δόδω ἐπιφέρει. ὅς Αἰλώσει λέγει καὶ τὸ ἐν 4.c.17. φρεατοῖ διγασίειον. Indicatives concerning men flying for murther, that care for their bringing back again, such as in *Athens*, τὸ ἐν φρεατοῖ. When the party prosecuting will not admit of reconciliation.

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

De Tribunalibus reliquis. Παράβυσον. Τρίγωνον. Βατραχιῶν. Φοινικίῳ. Τὸ ἐπὶ Λύκῳ. Μηπύχῃ διγασίειον. Ἐν Ἀρδύτῳ. Διατητοῖ.

BESIDES these Courts of blood and causes criminall, there were for civill matters these, *Heliaa*, of which before for the excellency of it I treated. Παράβυσον. Of this name there were two, Παράβυσον μείζον καὶ μέσον, the greater and the middle. In this Court were handled matters saies *Petit* that exceeded not one drachme, to which ^c *Aristotle* might ^c *Polit.lib. 4.* be thought to look speaking of Indicatives, πρὶ ὧν μικρῶν ^{c.17.} σωμαλλαγμάτων, ὅσα διγασίμια &c. And this was the meaning of ^d *Pausanias*, Ἐπὶ ἐλαχίστοις σωματῶν εἰς αὐτὸ. Suing here ^d *Atticis.* pag. 27.l.13. for the least occasions. The *Vndecimviri* were Iudges of the Court, which made *Petit* to suppose that it was not to be reckoned among the *δύο διγασίμια*. It stood ^e ἐν ἀραγῇ πόλει, ^e *Pausanias* in an obscure place of the city; whence ἐν Παράβυσῳ, in ^f *Demosthenes*, is by *Ulpian* expounded, privily, by a *Metaphor* taken from the situation of this Iudicatory, or, Παπληρωμάτων ὧν ἐν τῇ οἰκοδομίᾳ ἐνδον, καὶ κρυφὰ τῷ φαινομένῳ, from goods secretly hidden. Ἐν Παράβυσῳ, ἀντὶ τῆς λάθρα. Τρίγωνον, from the forme of it, which seemes to have been triangular. Βατραχιῶν, and Φοινικίῳ, from the colours that were painted ^g *Aristoteles* ^g *Athen. Rép.* ^h *apud Arist.* ^h *Sch. pag. 3.* ἐπὶ τῇ σφαιρίτῳ ἢ εἰσόδῳ upon the post of the entry, answerable to which there was a staffe given to the Iudges; that they

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

^a Lib. οὐτανο p. 406. The place is extremely corrupted, as you may perceive by the false Greek. ^a πάλας ὃ σωθήσαν οἱ σωδὲ καὶ ζῶντες τὰ δικαστήρια (understand πρὸς ὃν or the like) at which they who bribed the Iudicatories met. *Zenobius* helps my conjecture ἐνθα οἱ δωροδοκῶντες καὶ συκοφαντοὶ καὶ δίκας γιγνώσκοντες συνετρέποντο. The ^b Scholiast of *Aristophanes* writes that this noble *Lycus* had a Temple near the Iudicatory, where the Iudges divided their mony for pay, three oboli, to each, a day. ^c Μυτίχῃ δικαστήριον. This was a great Iudicatory; so named from *Metichus* an artificer, which built it. Here, who had passed thirty yeares of his age and was well and nobly descended and owed nothing to the publique treasury, might be chosen Iudge. For of such they all consisted. ^d Ἐν Ἀρδύλλῳ. Some have falsely supposed that there was a Tribunall so called; neither did ^e *Meursius* think otherwise, when he translated these words of ^f *Pollux*, ἐν Ἀρδύλλῳ δικαστήριον, *apud tribunal Ardetum*. The fault crept in by the negligence of the transcriber; for the place is thus to be read, ἄμυνον ἐν Ἀρδύλλῳ δικαστήρια. The Iudicatories were wont to take oath or be sworn in *Ardettus*. *Ardettus* is a place near the river *Ilissus*, so named from *Ardettus* a Peere, who swore the people, being in sedition & mutinie, to love and amity. Whereafterwards, as is most probable, the Iudges took oath (I cannot justly say presently after their election) to give sentence according to the lawes; and concerning things to which no Lawes were enacted, in equity and justice, ^g by *Apollo Patrius*, *Ceres*, and *Iupiter Rex*. And this the Etymologist affirms, speaking of *Ardettus*, ἔν τῳ

^b *Zenobius*.

^a Lib. οὐτανο p. 406. The place is extremely corrupted, as you may perceive by the false Greek.

^b *Veip.* p. 457. ^c *Pollux* lib. 8.

^d *Athen. At.* l. 2. c. 12. p. 124. ^e Lib. 8. pag. 406.

^f Ἀπόλλων Πατριάρχης καὶ Διὸς Βασιλέως. ^g *Etym. mag.* p. 147.

το ἐν τῷ χωρίῳ ἀμυνον οἱ δικασταὶ τὸ δικαστικὸν ἔργον. The Judges
in this place took their oath touching the discharge of their
office. From whence among the Ancients such as would
presently sweare, were called ^h *Ardetti*, proverbially; as also ^h *Casaub.*
those who were perjurious and forsworne. ⁱ Καὶ Ἀρδῆτες τὰς Theoph.
ἐπιθήκας. Thus have we viewed the Athenian Iudicato- Char. p. 178.
ries, in number tenne. For Murther, *Areopagus*, *Palladium*, ⁱ Etym. Mag.
Delphinium, *Prytaneum*, and *Phreatrys*. For other matters, loco laudato,
Helia, *Trigonum*, *Parabystum* (not the *Medium* but *Majus*)
Metichi forum, & *ad Lycum*, where the *δικασταὶ* were
wont to sit, saies ^k *Possardus*; of whom; becaule ^l *Emmius* ^k De Mag.
numbers them among *Iudicia quatuor præcipua* the four chief Athen. p. 540
Courts, I will now speak. But of every Tribe were chosen l Descrip.
^m forty four men, ⁿ above threescore yeares old, who judged Reip. Ath. p.
in severall Tribes, as it fell to them by lot. And if any refu- 41.
sed to sit according to his lot, he was deprived of the privi- ^m Vlpian in
ledges of an *Athenian* Cittizen. ^o In former time there came Dem. p. 342.
no controversy into the Courts, which had not first past ⁿ Pollux l. 8.
through their hands (if it exceeded tenne drachmes. Al- p. 407.
though ^p *Vlpian* tels us that they determined of petty busi- ^o Pollux ib.
nesses) but that seemes to be, *τὰ ἐν ἱεῶσι*, holy matters, if ^p Demosthe-
^q *Pollux* be so to be read. For some things there were which nem loco ci-
came not under their jurisdiction. What ever the *δικασταὶ* tato.
^r *ἀνρωπὶ* judged, if the plaintiff and defendant, or either of
them liked not the award, they might referre it to the Se-
nate (as appears out of the ^q Argument of *Demosth. Orat.* ^q Pag 678.
contra Callippum, & ^r *Pollux*) at which removing of the suit ^r Lib. 3. p.
they were to cast their suffrages into a pot as they gave them, 407.
on what side soever, for the plaintiff by themselves, and for
the defendant by themselves. ^s When they were appointed ^s Vide Dem.
for the hearing of a case, they were to meet at the place for Midian. &c.
them ordained, there to expect both parties untill the even, ^t Vlpian in il-
at which time if neither, or but one was present, it was in lum. p. 344.
their power to fine them according to the Law. At the time
they entred the suit, and wrot the accusation, with the fine
which

which was required for dammages; they received as a fee from the plaintiff one drachme, which they called *δίδασιν*, as also another from the defendant, when they gave him his oath. This office was but annuall; And because they would pervert justice, (as *Demosthenes* is witnesse,* although they were not to judge before they had sworn) give sentence according to favour, envy, or for gaine, therefore ^z at the yeares end they made an account of their function upon the last day of *Thargelion*, on which it was lawfull for any to speak what he could object against them; and if any were faulty, they were *ἀπαισι*. Thus much of the *Διαίτηται* *Κληρωτοί*. There were other *Διαίτηται* likewise, such as our Civilians call *Arbitri compromissarii*: & we in english *Arbitrators*: whom two parties choose with a resolution to stand to their determination; whether in matter of debt, covenant, or other controversie soever. Such by the *Attick* law any might request, but with a necessity of abiding at their judgement. ^z For they could not appeal from them to any other court. To referre matters to their arbitrement, the Greekes terme *ἐπιτρέπειν δαίταν*. And it will not be superfluous here to relate the story of *Bunas* an *Athenian*, whom when the *Elei* and *Calydonii* had chosen arbitrator in a differency, after he had heard both parties, hee prolonged the sentence untill at last he died. Whence it grew to a proverb,^a *Βύνας δικάζει*, *Bunas judicat*, *Bunas judgeth*, of those that defer to passe sentence, and hold a case long in suspence.

CAP. IV.

De Nominibus Iudicialibus.

HAVING thus treated of the *Attick* Courts, it followes that I speak of their Tearmes of Law, Writs, and Accusations. These were of two sorts, private and publique. The publique were properly termed *κατηγορίαι*, saies ^b *Emmius*. Of

^t Pollux l. 8.
c. 10. p. 408.

^u Orat. in
Bæotum pro
dote.

^{*} Idem pag.
682 n. 41.

^x Vlpian loco
laudato. 342.

^y Petit Mis.
cel. l. 8. p. 211.

^z Vide legem
apud Dem. p.
344.

^a Zenobius.

^b Descrip.
Reip. Ath. p.
41.

κατηρεῶν there were divers sorts. Γεγραπὴν, φάσις, ἐνδείξις, ἀπαγωγὴ, ἀφίσησις, καὶ δραπεσίαι, εἰσαγγελία. Γεγραπὴν, saies ^c Vlpian, is ἐπὶ τῷ παρονέμῳ, of any trespassse against the Law, by which the Statutes of the Commonwealth are violated; and most properly, ^d quoth he, elsewhere, it signifies an accusation made according to the Law; or to come nearer, it is the same which in English we call a ^e Writ or Right, in Latine *Actio* or *Formula*, as in ^f Sueton, *Iniuriarum formulam intendere*, to serue a man with a Writ. ^g φάσις is a kinde of an Information made against any for abuses in the Mines, or Custome houses, for converting Tribute money to a mans owne use, or the like. Which offences were brought to the *Archon* in writing, with the names of the accuser and accused, and the fine which the parties convinced should undergoe, to bee paid to him to whom the wrong was offered. But if the Informer had not the fift part of the suffrages, hee was to lay downe the sixt part of the fine; which the ^d Orators call ἐπωτέλειαν, from ὁβολός, because it signifies the sixt part of a Drachme. At the end of the accusation, the informer was to subscribe the names of the witnesses that were present. In generall, all discoveries of private iniuries are called φάσεις, which in Latine you may name *delationes*. For which the Romans allotted the fourth part of the forfeit, whence they are stiled *Quadruplatores*; but among the *Athenians* not so, if ⁱ Pollux say right. καὶ τὸ μὲν πρῶτον ἐρίγνετο τῷ ἀδικουμένῳ, εἰ καὶ ἄλλοι ἐπὶ αὐτῶν φαίνεσθαι. The amercement fell to the person iniured, although another accused for him. If the fine were written down a thousand Drachmes, & the Accuser had not the fift part of the voices, he paid two hundred and one Drachme; if it exceeded a thousand, foure hundred and one. ^h ἐνδείξις is a Writ against those that owe to the Citie Treasurie, and yet goe about to beare office, saies ^k Vlpian, which by the *Attick* Law was utterly forbidden. The ^l Scholiast of *Aristophanes*, takes it for the accusing of any that did amisse in publique affaires; and the ^m Interpreter of *Demosthenes* in another place, ἐπὶ τῷ ἀπίμῳ

^c In Demost. pro Corona.

p. 159.

^d Orat. contra

Lept. p. 296.

^e Sir T. Smith

Com. Wealth

of Engl. l. 2. c.

10.

^f In Vitellio.

^g Pollux l. 8.

p. 387.

^h Demosthen.

cont. Caricl.

p. 699. n. 6.

cont. Everg. &

Mnesib. pag.

646. n. 90.

cont. Steph

↓ ΔΔ. A. p.

622. n. 9. con-

tra Onetora.

Εξουλ. β. p.

528. n. 19.

cont. Aphob.

β. p. 508. n. 97.

ⁱ Onomast. l.

8. c. 6. p. 387.

^k In Demost.

p. 391.

^l In Equit. p.

303.

^m Pag. 469.

ⁿ Onom. lib. 8. p. 388. for men disfranchised. But ⁿ Pollux teaches us that it is a declaration made to the *Archon* against one taken in the manner; which the *Greeks* terme ἐπαυτοφάρω, ^o Schol, Nazianz ἐπ' αὐτῇ κλοπῇ, Pollux expresses by ὁμολογεῖν ἀδικήματα, when the offence is confessed. Because men so apprehended were forced to condemne themselves; no further evidence required then from their owne mouthes. By which acknowledgment of their guiltinesse, without greater triall, they receiued their doome: P as among us when a prisoner arraigned, confesses his inditement to be true, no twelue men goe upon him: there resteth but the Iudges sentence of the paine of death. Whence grew our proverb, Confesse and be hanged. ^q Pollux ὁμολογεῖν ἀδικήματα, ἐκείσας, ἀλλὰ πτωχείας δεομένους. He that thus made his declaration, was to subscribe his name, that if he were false, he might be liable to the Writ, ἡ δὲ δὲ ἐνδείξεως. The declaration was against men who were not present. Απαγωγή, is a carrying of a man before the Magistrate, being taken in the fact, whom otherwise he was to accuse by declaration in his absence. By which a thousand Drachmes were endangered. In this ἀπαγωγή; they brought not all offenders to the same Magistrats, but according as they were made Iudges of such and such offences; ^r sometimes to the eleven, sometimes to the ^r *Thesmotheta*, sometimes to the *Archon*. Now if a man had found out any indebted to the publique Treasure, or bound for those places or countries, where it was not permitted for him to goe, or one who had committed murther, if by reason of weaknesse he durst not venture to apprehend the person, and ἀπαγεῖν, he would perhaps fetch the *Archon* to the house where such a party lay hid, which the *Attick* Lawyers terme ἀφηγείναι. Ανδραγάψιον, is when a fellow hath committed murther, and flies for succour to any; (^r as the Law suffered any to receiue him) if the kindred of the slaine or others had required the malefactor to be delivered to the, and the protector would not, it was lawfull to enter into his house, and carry away any three persons, as some translate it,

^p Sir T. Smith
 Commonw:
 of Engl. l. 2.
 c. 26. p. 281
^q Loco laud.

^r Vlp. in Dem.
 p. 389
^s Ite comp. 407

^t Dem. p. 416

or all saue three, ἀρεῖται, as others, who were to answer for the outrage done. But who so entred uniuſtly, was not to escape unpuniſhed. Εἰσαγγελία, ſaies * Vlpian, is an accusation concerning great and publique matters, ſuch as * else-where he ſpeakes of, to wit, the diſſolution of the *Democra-*cie; or if an Oratour had ſpoken what was not for the benefit of the weale publique, if any went to warres before they were ſent, or betrayed a Garrifon, army, or fleet. In other accusations, if the accuſer had not the fiſt part of the ſuffrages, he was fined a thouſand Drachmes, and loſt the priuiledges of a Citizen, in this he was uncontrollable. But in after time, be-
 cauſe men would accuſe preſently for none, or ſmall offences; therefore was there a Law enacted, that whoſoeuer accuſed by εἰσαγγελία, and had not the fiſt part of voices on his ſide, was fined a thouſand Drachmes, although he loſt not the priuiledges of a Citizen. This εἰσαγγελία contained no written crimes, but was only by bare word of mouth; and as the accusation was given, ſo was the defence made according to the Law called Εἰσαγγελική. The Senate was Iudge (Pollux ſaies that *Solon* made a thouſand to ſit on this, and *Phalereus* 1500. Where the interpreter erres. For πέντακόςιοι is 500 to them, as ἐν πέντε, in *Demosthenes*, and ſomewhat more) and whom they found delinquent, if in ſmall faults, they fined; but if the offence were heinous, they committed him to priſon. Thus much for publique actions; private were theſe that follow, more properly called δίκαι.

Αἰκίας δ. is an Action againſt a man, who when two ſhall ſcuſſle, giues the fiſt blow, which the 7 Greeks call ἀρεῖται πρὸς τὸν ἀδικῶν. * The matter was heard before the Iudges; and though the Law ordained not any ſet ſumme of money for dammages, yet it was permitted for the partie ſmitten to write down what he thought fitting. * The reaſon why theſe actions were ſo ſtrictly looked into, was leaſt any not able to defend himſelfe with his hands, ſhould ſeeke to revenge himſelfe with ſtones, or other hurtfull weapon.

u Idem cont.

Arist. p. 415.

* In Dem. p.

58.

x Eund. p. 453

y Dem. p. 410

v. de Vlp. ibid.

& Arg. Orat.

cont. Everg.

p. 637.

z Sch. Arist.

Cenc. p. 745.

a Dem. cont.

Con. p. 690.

^b Idem ibid.

^c Arg. Orat.
Dem. contra
Calliclem.

^d Dem. cont.
Callip. p. 680.
n. 20.

^e Dem. cont.
Tim. p. 659.
n. 25.

^f Sch. Arist.
137. E.

^g Cont. Phor.
p. 555. n. 7. 8.

^h Vide Cujacium, Observ.
1. 6. c. 15.

ⁱ This is reckoned among the *Laws* which were made for private men. Vlp in Dem. p. 481.

^k Vi. Casaub. in Theoph. p. 191. Char.

^l Polite. l. 2. c. 3
m Dem. p. 651
n. 13.

ⁿ Vlp. in Dem. p. 62. & 310.

^b Κακηγορίας δ. Somewhat neere our proviso of giving the lye, least by taunting and reproachfull words, men be provoked to blowes. Βλάβης δ. Is when any man receiveth damage and hurt in estate by another man. ^c As to turne water into his ground, by which it is anoyed; ^d To refuse to pay money where it is required, or to giue it to another. ^e To promise to beare witnesse in a suit, and then not be present, by which the case falls, & the like. Παρεγκαταθήκης δ. About pawnes, I suppose, which men that needed mony were wont to leaue with the usurers, ^f as cloathes, householdstuffe, &c. Or about money put to the Banck, which the exchangers did employ to the advantage of the owners, as I gather out of ^g *Demosthenes*. The word imports both. Αποπομπής δ. Of divorce. ^h For they were wont to put away their wiues, in former time, upon discontent or hope of greater portions; which divorce they called αποπομπή, & as *Lysias* αποπμψιν on the husbands side, and on the wiues απολψιν; for hee did as it were turne her away, she was said to forsake him. Κακώσεως δ. Of ill usage of parents, as not relieving them if they were poore. Of wiues against husbands, of Pupils against Tutors. κλοπής of theft, after what manner soever. Which if it were by day, was not capitall, but by night was deadly. Χρέως δ. Such as our Act of Parliament hath allotted for extortion, it being by ⁱ Law provided in *Athens* that none should take too much use, although once allowed by *Solon*, that any might make the best of his money: which he termes ^k εἰσιμὸν ἀργύριον. Of usury I shall speak more in Chap. of money. Συμβολαίων. δ. When men had bargained and would not stand to it. ^l *Aristotle*. διχῆ περὶ ἀλλήλους περὶ συμβολαίων. ^m *Συνθήκης* ἀδελφείας δ. When men broke the Articles which they made to each other, about dividing of inheritance betweene man and man, or between citie and citie, concerning free trading, as that of the *Carthaginians* with the *Romans*. *Arist. Pol.* 3. c. 6. or the like. ⁿ These συνθήκαι were usually confirmed by oath to each other. Διαδικασίας δ. ⁿ a contention

tion about bearing office, in which they seeke to haue a time appointed, when a man shall enter into it. For the discharge whereof they are to proue him fit. *Επιδικασίας* Δ. When parents died and left their daughters inheritrices, the kinred was wont to sue each other, to make it appeare who was nearestioyned in blood, that he might marry her. Hence a Virgin to whom an inheritance falls is called *ἐπιδίκως*, that is, *Contro- uersa*. *Μισθώσεως ὅικου* Δ. About letting of houses. (For *Herodotus* termes that *ἐκμισθῆναι*, which other Greek writers *μισθῶται*, it is as well to set to hire, as to take to rent, *ἀμισθῶν* and *ἐπομισθῶν*, to let out. Which they often did for want of mony, which that they might obtaine the quicker, they wrote over their dore as we use to doe, *This House is to be let*. Which custome *Menedemus* in *Terence* expresses -- *Inscripti ilico*, p *Heaut. Act. 1. Sc. 1.* *ÆDES MERCEDE*) This Writ was properly against Guardians of Orphans (not concerning men of yeares, such as immediatly is before spoken) who having taken the charge upon them of Tuition, were to imploy for the benefit of their Pupils what was left them: they therefore made knowne to the *Archon* that such a house was to be let, he then put it out upon some pledge for security. But if the house were let under the yearely rent it could bring in, or was suffered to remaine void of a Tenant, to the losse of the Pupill, then was it lawfull for any man to sue the Guardian in the *Archon's* court? upon a Writ of *Μισθώσεως ὅικου* *Επιδικασίας*. I haue observed it to haue been a custome among the Ancients, when they perceived themselues to draw neere to death, to call for some one, to whose care they would commit their children, and delivering them into their hands, beseech them to haue a tender eye over them, and to provide for them what should be most convenient: such as *Oedipus* in *Sophocles* entreats of *Theseus* q *Oedip. Col.* in the behalfe of his daughters. - *Ω φίλον κέρε. Δός μοι χεῖρας* p. 314. *σῆς πῖσιν ἀρχαίαν τέκνοισι, ἵμεις τε παῖδες τῷ δέ κ' κατὰ νύκτα μήποτε περιδῶμεν πάς δ' ἐκὼν, τελεῖν δ' ὅσ' αὖ μέλλης φρονῶν δ' ἑυφύε- r Ter. Andr. εἶν τ' αὐτὰς αἰεὶ.* Not unlike is that of the *Comædian* under *Act. 1. Sc. 5.*

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

Accessi: vos semota: nos soli: incipit:

Mi Pamphile, huius formam atq; ætatem vides:

Nec clam te est, quam illi nunc utraq; inutiles

Et ad pudicitiam, & ad tutandam rem fient.

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

Per tuam fidem, perq; huius solitudinem

Te obtestor ne abs te hanc segregeas, non deseras.

Si te in Germani fratris dilexi loco,

Sive hæc te solum semper fecit maximi,

Sen tibi morigera fuit in rebus omnibus.

Te isti virum do, amicum, tutorem, patrem:

Bona nostra hæc tibi committo, & tua mando fidei.

Hanc mihi IN MANVM DAT, mors continuo ipsam occu-
(pat.)

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

Plut. in vita eius.

Demosth. p. 724. n. 22.

Pag. 465.

Lib. 2. c. 1. p. 67.

(which the *Athenians* gaue not) but made them also slaues, which punishment they terme *Maximam capitis diminutionem*. *Σίτς*. If any man put away his wife hee was to restore her portion againe; if he refused he was ἐπ' ἐννε' ὀβολοῖς τοκοφορεῖν, that is, every moneth for one pound to pay nine *oboli* which the *Atticks* terme *ἐισόδειον περικὸς*, the renew of her dowrie. The Writ whereby he was sued was *Σίτς δίκη*, for the repayment. *ἑνοικία*, If any went to Law, as clayming Title to an house, he was first to serue him that dwelled in it with a Writ *ἐνοικία*, by which he demands his rent for the time the defendant had the house: if it were for any parcell of land, there was a Writ *καρπὺς* given out, for the provent and fruit thereof; afterwards (in both cases alike) they proceeded to an *ἑσ' αὖ δίκη*, in which they claymed right and title to the house or land. Although in all these trialls the defendant were cast, yet could he keep iustly either house or land: but if in a third triall, which they call *ἐξέλις*, he were overthrowne, he was compelled to relinquish his possession. This *ἐξέλις* also is a Writ against those that would cast an inhabitant out of his house, it being termed from *ἐξέλλειν*, to throw forth. ^a It is also a Writ of Execution against any overthrowne in the Court, and fined a thousand Drachmes, which at such a day he was to pay; and if he laid it not downe upon the nayle, there went forth a Writ *ἐξέλις*, to make enter upon the lands and possessions of him so cast. It is also a Right against any who wil not suffer him, who hath bought any thing of the publike, to reap the fruit thereof. Who either withholds any thing from the owner, or violently takes from any, &c. *Εἰς δατητὸς αἵρεσιν*. When two had beene partners in estates, and one of them would haue a diuidence made, if the other refused, hee might be constrained to it by the Writ. *Βεβαιώσεως*. Because the Market place among the Greeks was the fittest to cheat & cosen in, as ^b *Anacharsis* was wont to say, therefore the *Athe-* ^b *Apud Laer.* *nians* enacted that none should buy in the market place; (to ^{P 74.} which the *Scythian* wiseman pointed likewise, sayng, that they

e Pollux l. 8.
c. 6. p. 385.

d In Auson.
Lect. l. 2. c. 6.

e In Theoph.
Char. p. 312.

f Adversario-
rum l. 4. c. 13.

g Don. Quod
prius datur, ut

reliquum red-
datur, in Ter.

Heaur. A& 3.
Sc. 3.

h Vide Dasq.
in Basil. Sel.

i Sermone 42.
k Onomast. l.

8. c. 6. p. 384.
l Demost. p.

718. n. 29.
m Pand. Prio.

p. 100.
n Dem. p. 620

n. 78.
Here follow-

eth the termes

promiscuous,

private and

publique

which are pub-

lique and law-
full for any to
prosequute: see
Pollux, pag.
386.

they forbad to speake false, and yet did ἐν τῇ καπιλείῳ (d' *Scaliger* and *e* *Cassaubon* truly interpret it, *f* *Turnebus*, *Repræsentat à pecuniâ*: yet sometime gaue they earnest onely to make the thing sure, which the *Greeks* and *Latines* call ἑρραβών, from the *Hebrew* ערר. This seemes to me to haue been the hundreth part of the mony which was to bee paid for the thing bought, as *i* *Stobæus* out of *Theophrastus*. Where you may read likewise that it was the custome, when any thing was to bee sold, to bring a note thereof to the Magistrate some threescore daies before. *Εἰς ἐμμανὸν καλᾶσαν*, For the laying open of any thing, concerning which was a suit in law, by *k* *Pollux* his words I may coniecture, goods or money privily taken away. *Εξαίρεσις δίκη*. When any should offer to take another mans servant, and make him free against the will of the Master, which the *Greeks* terme *l* *μὴ δικαίως ἐλθούσαν ἀφελῆς*. *Αμφιγνήσις* is a suit about neereneſſe of blood, in matter of inheritance, when a man dies without issue of his own body. *Παρακαταβολή*, When a man went to proue that hee was to challenge the inheritance of right, as neere of blood; or upon some other conditions: from *παρακαταβάλλειν*; because he laid downe the tenth part of the inheritance, which if hee were cast in Law, hee was to pay, if the cause were private, saies *m* *Budæus*: but if publique, the fift. *n* *Διαμυστική*. When any shall protest that an inheritance doth hang in controverſie, and is *διδίκετο*, as a true heire being still aliue, of which thing chiefly treats the Oration of *Demosthenes* against *Leocrates*. *Επίσημις*. When any shall try to falsifie the *Διαμυστική*. *Ανιγερφή*. When men went to Law about kindred, as to proue themselves of such and such houses.

Ἀπρεσβασίς δ. All strangers in Athens were compelled by the Law to get them Patrons (as my most worthy Schoole-master the glory of his time *Mr Matthew Buxt* hath observed, whom for honours sake I name) or else they might be questioned, and if they were convicted their goods were sold and put into the Citty Treasury. *Ἀχαιεῖας* of ingratitude against those who shewed not themselves thankfull to those who had well deserved of them. *Ξενίας* the same with *ἁπερσυσίον*, when any will reckon himselfe among the number of Citizens who hath never been made free, by which he purchased imprisonment untill such time as there was a Court kept, and then he was sold. *Μαρτυρία* when a man is eye witnesse of a matter. *Εκμάρτυρία*, When an other witnesses from the report of him that saw it. *Ψευδομαρτυρίαν* false witnesse, which to prosecute in Law they terme *ἐπισκήψαδαι* *Ψευδομαρτυρίαν*. *Λειτουργία* when one was eyewitnes and promised to testify, yet would not appear at the appointed time; which they were wont to compell them to doe, which they call *κληΐδεν*, after which citation the party was to be at court, or forswear that he saw not the matter, or was not present; otherwise he was to pay a thousand *Drachmes*, in which summe to be fined the *Atticke* Lawyers give the appellation *ἐκκλητῆδαι*. *Δόρων γεφῆ*, When the Judges were corrupted with bribes. *Δερασμῶ* against those that did corrupt them. *Ἀργίας* of a man convinced of idleness, which once taken *Δράκο* punished the delinquent with losse of the Citty priviledges, *Solon* not unlesse he were thrice delinquent. *Λειποναυτίς*, When any of the marriners ran away from their ships. *Ἀναμαχίς*, When the Marriners that staid in the ships would not fight, if occasion required. *Ψευδεγγεφῆς* when any would falsely accuse, there was likewise against them a writ *ἐπιβελδῆσαι*. *Ψευδοκλητείας* Against those that unjustly cite to the Court. *Δωροξενίας* when any is accused of encroaching into the number of Cittizens, and gives gifts to escape free. *Παρονόμος* when

o In Epist. Dedic. suo Euchaitensi præfixa ad Richar. Cantuariensem Archiepiscopum.

any was accused of making a decree or Law contrary to former statutes. This accusation was called *ὑπωμοσία*; because the accuser swore that it was against the Lawes or unjust or inconvenient for the Common-wealth. *Δοκιμασία* was an examination of the Magistrates whether they were fit to govern or no. Whether the Orators were not given to Lust and incontinency, whether they had not spent their patrimonies or dealt unkindly with their parents or lead a life any other waies blameable, whereupon they were discarded the priviledges of the Citty and not suffered to plead or speak publikely. *Εὐδωία* An account of publique offices borne, laying out of mony and dispatching Ambassages, made to the Tenne *Logista* (for the breach of which went out a Writ *αλογίῃ λόγον δίδόναι* Rationem reddere) if concerning injuries given to the Iudges. *Πεσβολή* an accusation against those who are ill affected toward the Commonwealth, made by the decree of the people, and such as are welwillers to the state. *Πεσβολαί* likewise are accusations against men injurious *ἐξυβείσαντας*, and such as are delinquent against their festivalls, as the oration of *Demosthenes* against *Midias*. *Πεσομοσία*, An oath which the accuser took that he would justly accuse. *Ἀντομοσία*, The defendants oath that he had done no wrong. *Ἐξωμοσία*, an oath of Ambassadors or men chosen for state service, that by reason of sicknes they cannot give attendance. They may doe it by a proxie if they please. It is likewise the oath of one called to witness, wherein he swears that he knowes nothing of the businesse. *Ἀπομοσία* When others shall swear that pretended weaknesse was only a shift to put off the burthen of publique office which the state laid on them. *Υπωμοσία* an accusation of a Law or decree unprofitable, against the motioner, as above said. *Παρεγχεσθῆναι & παρεμαρτυρία* when a man shall object a case not to be entred rightly, that the writ ought to be such and such, and not as it is *ex. gr.* for a man that runnes away from the Army, which is *λεποσενής*, and I accuse him

p Lib. Arg. in
Medianam.

q Vlpian in
Dem. 226.

of

of leaving his ranck, to wit *λεηποταξίς*, or objection of the time past within which space the suit was to be commenced, or that it should be handled in such a Court and not in such, as wilfull murther in *Areopagus* not *Palladium*, by which evasion if the case fell it was termed *ἀγροπτο*. *Αν-πυρορῆ*, when he that is sued puts in a bill against the plaintiff in like manner. But if the defendant (I call *ἀνπυρορῆ* *ἀδωρον* so) were cast hee payed *ἐποβελίαν*. * *Μὴ ἔστα*, when a man is r Vlpian in summoned to answer before the Arbitri a controversy, if Dem. 343. he sweare that he is sick or pretends a journey from home, and appears not at the day appointed, he was cast in *ἐρήμη Ε-remodicio*, as if he scorned to come or were obstinate, hee ought within tenne daies to sue out *μὴ ἔστα*, wherein he re- proved the sentence and made it of no effect so as it came to its first state againe. But if he could not obtaine a *μὴ ἔστα*, having before sworn that he would stand to the award of the Iudges, their determination stood in full strength and power, and he was constrained to pay a thousand drachmes, as f Vl- (In Dem. p. 340. pian, which was the mulct appointed by the law, for the dis- charge whereof he put in good security. *ἀνπλαγχάνειν δι- κῶν*, When any was absent from the Court or heard not his name called by the Crier to answer thereunto he was fined, as conscious of *Eremodicio*, and if within the space of two Moneths he did not renew the suit (which is *ἀνπλαγχάνειν δι- κῶν*) he was sure to pay the fine. *ἐνεπιστήλιναι*, when any man wil challeng out of goods forfeited and publicquely sold somewhat as debt to him, or say that part belongs to him, the state would narrowly search into it, which thing they terme *ἐνεπίσκημα*. *Πρόκλησις* is a citing of one before the *Archon* in controversy about inheritance, or a virgin left inhericrix. Now if the plaintiff did not warne the defendant *ἡ ἐπιστὶς διασπύρον*, the suit died, and such actions are called *ἀπρόκλητοι δίκαι*. * *Πρόκλησις* is as letting a case fall or dissol- (Dem. p. 623. ving it upon some witness, oath, confession extorted by tor- ments, and the like. *Ἐφεσις* is an appeal from one court to

the other, as from the Senate to the people, and from the people to the Senate againe, or from their Iudicatories at home to some forrainers in another country. *Ἀπὸ τοῦ δήμου*

when there is no more fine laid upon a man then what his adversary did *ἐπιγράφειν*, write downe at the lower end of his inditement: of which custome somewhat hath before been spoken. *Βολίτε δίκην*, Against such as stole oxe dung out

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

of their neighbours lands; whence of those that are put in the court for triviall matters the proverb *ἢ βολίτε δίκην*. *Ἀσέβεια*, of impiety against their Gods, as Aristotle for his hymne

on *Hermias*, Tyrant of the *Atarnenses*, which he engraved on a statue at *Delphos*. For revealing mysteries, or imitating them as *Alcibiades*. Of which if a man were convicted he was put to death; as on the contrary the accuser if he got not the better. *Προδοσία*, of being false to the state, the punishment was death, and after that, that they should be cast out of the Territories of *Athens* unburied. *Ἄγεσθαι*, If any

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

owed to the Citty Treasury, and his name were registred, and before the discharge of the mony his name were blotted out, they sued him before the *Thesmotheta ἄγεσθαι*, but if his name were never entred he was prosecuted by an *ἐνδεξις*, *Μεταλλικὴ* proper only to such as dealt in the mines,

x Dem. con.
Pantæ. p.
568. n. 51. 52.

like to the Stanneries in the County of *Cornwall* my Country, and *Devon-shire* her sister. ** Lyable* to this Court were they who should thrust any man from his work, who should dig within another mans liberties, who should bring weapons thither, I suppose to take away Minerals by violence, who should kindle any fire in the Mines &c. Who should offer to take away the props that upheld the weight of the incumbent earth, which to doe was death, as *Plutarch* tels us.

y In vitis De-
cem. Rhet. p.
453.

There was likewise *ἄγεσθαι μετὰλλης* against the labourers in the Mines, who if they intended to begin a new work were to acquaint the overseers appointed for that end by the people, that the foure and twentieth part of the new coine might come to the publique Treasury. Now if any presumed

ined to work who had not made it known to the officers it was lawfull for any to accuse him ἀγέρει μεθ' αὐτοῦ. Ἀφορμῆς

Δ. About mony put out to the mony changers. ² For ἀφορμῆς ³ Argum. among the Atticks is the same that ἐνδίκη in the lawyers of Phorm. Orat. P. 554.

ἀφορμῆς for meanes, and sustenance ² πρεβολὴ εἰς τὸ ζῆν. Κα- ^a Sch. Eurip.

ταδικίας and καταδικαστῆρος have this difference, that ^b κατα- ^{Med. p. 368.}

δικίας is the Iudge that gives sentence, καταδικαστῆρος is he ^b Vlpian in ^{Med. p. 368.}

that put in the controversy, to be the meanes that the sen- ^c Idem in ^{Dem. p. 450.}

tence past against the defendant. ^c Ἀρεσις is when a man deeply indebted pretends that he is not able to discharge all and therefore desires the people that a part thereof might be remitted.

FINIS.

